

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Multispecies (Monkfish) Committee

I. STATUS

1. Meetings: The Monkfish Committee met on October 3 in Warwick, RI, and on October 24 in Peabody, MA. The Advisory Panel met on October 23 in Peabody.
2. Framework 4. The NEFMC approved final measures for Framework 4 at the November 2006 meeting, and the MAFMC did the same at its December meeting. NMFS published a proposed rule on March 20 for interim measures, stating that the agency would delay a decision on Framework 4 until the results of a stock assessment, scheduled for July, became available. That assessment was completed, and on September 21, the NMFS published the interim final rule and request for comments, with an effective date of October 22.
3. Framework 5. At the September meeting, the Council initiated a framework adjustment to implement revised management reference points based on the recommendations of the Northeast Data Poor Stocks Working Group, and to address other issues, including days-at-sea carryover allowances, landing restrictions under the 3-hour gillnet rule, monkfish incidental catch limits on vessels fishing with large mesh and not on a day-at-sea, and the requirement to hold a Letter of Authorization to fish for monkfish in the northern area. This is the final meeting on Framework 5, where the Council will identify measures to be submitted to NMFS. Since this is a joint plan, the Mid-Atlantic Council will take final action on Framework 5 at its December meeting. The target implementation date is May 1, 2008.
4. Impact of Multispecies Framework 42 VMS on Monkfish Vessels: At the October 3 Monkfish Committee meeting, several members of the public expressed concern about the impact of the VMS requirement on monkfish vessels that also have a Multispecies limited access permit. After consideration of those comments and thorough discussion, the Committee directed the staff to draft a letter to the Regional Administrator, to be reviewed by the Advisory Panel and Committee, and considered for approval by both Councils. The letter is included in this binder, and is scheduled for formal approval by the Council at this meeting. The Mid-Atlantic Council will consider approval at its December meeting.

II. COUNCIL ACTION

1. Final action on Framework 5
2. Review and approval of a letter to the Regional Administrator concerning the Vessel Monitoring Systems (VMS) impact on the monkfish fishery and requesting reinstatement of the days-at-sea call-in program

III. INFORMATION

1. Draft Framework 5 to the Monkfish FMP (*to be distributed at Council meeting*)
2. Draft Letter to the NMFS Regional Administrator re VMS requirements (*to be distributed at Council meeting*)
3. Correspondence



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: November 1, 2007
TO: New England Council members
FROM: Phil Haring
SUBJECT: **Framework 5 Decision Memo**

The Monkfish Committee recommends adoption of the following motion for preferred alternatives in Framework 5:

Motion on behalf of the Committee

To adopt, and recommend the MAFMC also adopt as preferred alternatives for Framework 5 to the Monkfish FMP the following:
Biological Reference Points (BRP) Alternative 1;
DAS Carryover Alternative 2;
Gillnet 3-hour rule Alternative 3;
Large-Mesh Incidental Catch Alternative 1 Option B; and,
LOA Alternative 1 for VMS vessels (no action for non-VMS vessels)

The following describes the range of alternatives under consideration, as well as the recommendations of the Advisory Panel and the PDT. Additional detail, rationale and impacts discussion can be found in the draft Framework 5 document. The document section for each alternative is provided for reference.

Biological Reference Points (BRP) Alternatives (Section 3.1) – Alternative 1 or Alternative 3 (no action).

The Committee, Advisory Panel (AP) and PDT recommend Alternative 1.

BRP Alternative 1 would adopt the biomass reference points recommended by the 2007 Northeast Data Poor Stocks Working Group Assessment, as shown in the following table:

	B₂₀₀₆ (mt)	B_{target} (mt)	B_{threshold} (mt)
NFMA	118,700	92,200	65,200
SFMA	135,500	122,500	96,400
B_{target} = average of total biomass 1980 – 2006			
B_{threshold} = lowest value of total biomass 1980 – 2006			

DAS Carryover Alternatives (Section 3.2) – Alternative 1 (6 DAS), Alternative 2 (4 DAS) or Alternative 3 (no action).

A majority of the AP supports Alternative 1 because in their view the elimination of the 3-hour loophole would reduce landings and the need to cut back further on the carryover DAS. One AP member supported no action. The PDT did not reach consensus on a recommendation. Most of the PDT members recommend Alternative 2, and a minority recommended Alternative 1. *The Committee recommends Alternative 1.*

Monkfish Gillnet 3-hour rule Alternatives (Section 3.3) –

Alternative 1 - prohibit landings on trips less than 3 hours;

Alternative 2 - allow landings on trips less than 3 hours, but not more than once per calendar day;

Alternative 3 - all gillnet monkfish trips less than 15 hours would be counted as 15 hours. Vessels returning to port under three hours without landings should contact enforcement prior to the close of the next business day to get their DAS corrected to time used;

Alternative 4 - no action.

All but one PDT members recommend Alternative 1, while one member supports Alternative 2. The Regional Administrator, in her October 22 letter to the Committee Chairman, commented that from an enforcement perspective, Alternative 2 is preferable, but noted it does not effectively address the purpose of the measure because vessels could still avoid the 15-hour charge. The RA recommended a variation that would eliminate the 3-hour exemption for VMS vessels and reducing it for non-VMS vessels. At the October 23rd meeting, the AP supported Alternative 1, and commented that if a vessel needs to return to port within three hours but with fish on board, the vessel should contact enforcement and be charged 15 hours. The AP also noted that since the practice of landing within three hours has been going on in some areas since the inception of the plan, the reduction in landings should be translated into a recalculation of DAS allocations and trip limits. *Considering these recommendations and other comments, the Committee revised the draft version of Alternative 3, which it is recommending to the Councils.*

Large Mesh Incidental Catch Alternatives (Section 3.4) – *Alternative 1, the lesser of a 5% of total weight of fish on board or a cap on monkfish landings of either 450 lbs. (Option A), or 50 lbs./day to a maximum of 150 lbs., (Option B), both in tail weight); or Alternative 2 (5% of total weight of fish on board).*

At the October 3 meeting, the Committee had defined Large-Mesh Incidental Catch Limit Alternative 1 as placing a 450 lb. tail weight limit on vessels fishing in the Southern New England Regulated Mesh Area, with large mesh and not on a monkfish, scallop or multispecies DAS. The PDT supported Alternative 1. The AP also supported Alternative 1 but expressed concern with size of the limit because it is equivalent to the limit for limited access monkfish vessels, and stated a preference for a lower limit consistent with the incidental limit in other fisheries, which is 50 lbs. per day to a maximum of 150 lbs.. *The Committee subsequently adopted the recommendation of the AP and revised Alternative 1 to include the lower cap.*

In preparing the Council meeting draft of the Framework 5 document, incorporating the Committee's recommendations, the staff realized that the recommended alternative raises another issue, that is, that the lower recommended limit of 50 lbs. creates an inconsistency between the MA RMA and the SNE RMA. This issue may not be problematic, since vessels fishing for fluke in the MA RMA are under restrictive fluke trip limits where the 5% rule would keep monkfish catches below the 450 lb. limit. Reportedly, those vessels also target other species on those trips, potentially increasing the "total amount of fish on board", but they are using small mesh, under which rule they are also limited to 50 lbs.. This is in contrast to vessels in the skate fishery which are fishing

exclusively with large mesh, but have no limit on the amount of skate they can land. In order to accommodate the possibility that further deliberation of this issue may result in a reconsideration of the Committee's recommendation, the staff included both caps, with the 450 lb. cap being Alternative 1, Option A, and the 50 lb. cap being Alternative 1 Option B.

Letter of Authorization (LOA) Alternatives (Section 3.5) – *Alternative 1 (eliminate the LOA requirement for vessels fishing with VMS in the NFMA, retain the LOA for non-VMS vessels), or Alternative 2 (no action, LOA required on all vessels fishing for monkfish in the NFMA).*

Most PDT members recommend Alternative 1, but have some reservations about potential effort shifts and the reliance on the VMS for area declaration. At least one member recommends Alternative 2 for the reasons the others have reservations in their support of Alternative 1. The AP supported LOA Alternative 1 for vessels with a VMS, but agreed that the LOA requirement be retained for vessels that are not using a VMS. Under LOA Alternative 1, the requirement to obtain a letter of authorization (LOA) to fish in the NFMA would be eliminated. This position is consistent with the suggestion of the Regional Administrator in an October 22 correspondence. *The Committee recommends Alternative 1 with the clarification recommended by the AP.*

Monkfish Fishery Management Plan
Framework Adjustment 5

Incorporating
Stock Assessment and Fishery Evaluation (SAFE) Report
for the 2006 Fishing Year
and the
Environmental Assessment and
Regulatory Impact Review

Prepared by
New England Fishery Management Council
and Mid-Atlantic Fishery Management Council

in consultation with
NOAA Fisheries Service

NEFMC DRAFT
[11/01/07]

TABLE OF ACRONYMS

A	Adult life stage
A13	Amendment 13 to the Multispecies FMP
ALWTRP	Atlantic Large Whale Take Reduction Plan
APA	Administrative Procedures Act
ASMFC	Atlantic States Marine Fisheries Commission
CA I	Closed Area I under the Multispecies FMP
CA II	Closed Area II under the Multispecies FMP
DAM	Dynamic Area Management
DAS	days-at-sea
DMF	Division of Marine Fisheries (Massachusetts)
DMR	Department of Marine Resources (Maine)
DSEIS	Draft Supplemental Environmental Impact Statement
E	Egg life stage
EA	Environmental Assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FMP	fishery management plan
FVTR	Fishing vessel trip report
FW	Framework
FW 13	Framework 13 to the Scallop FMP
FY	fishing year
GB	Georges Bank
GOM	Gulf of Maine
GRT	gross registered tons/tonnage
HAPC	habitat area of particular concern
HCA	Habitat Closed Area
HPTRP	Harbor Porpoise Take Reduction Plan
IFQ	individual fishing quota
IWC	International Whaling Commission
J	Juvenile life stage
LOA	letter of authorization
MA	Mid-Atlantic
MAFMC	Mid-Atlantic Fishery Management Council
MMC	Monkfish Monitoring Committee
MMPA	Marine Mammal Protection Act
MPA	marine protected area
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSMC	Multispecies Monitoring Committee
MSY	maximum sustainable yield
NAAA	Northwest Atlantic Analysis Area
NEFMC	New England Fishery Management Council

NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NERO	Northeast Regional Office
NFMA	Northern Fishery Management Area
NLCA	Nantucket Lightship Closed Area
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OY	optimum yield
PBR	Potential Biological Removal
PRA	Paperwork Reduction Act
PREE	Preliminary Regulatory Economic Evaluation
RFA	Regulatory Flexibility Act
RMA	Regulated Mesh Area
RPA	Reasonable and Prudent Alternatives
SAFE	Stock Assessment and Fishery Evaluation
SARC	Stock Assessment Review Committee
SAW	Stock Assessment Workshop
SBNMS	Stellwagen Bank National Marine Sanctuary
SEIS	Supplemental Environmental Impact Statement
SFA	Sustainable Fisheries Act
SFMA	Southern Fishery Management Area
SIA	Social Impact Assessment
SMAST	U. Mass. Dartmouth School of Marine Science and Technology
SNE	southern New England
SNE/MA	southern New England-Mid-Atlantic
SSB	spawning stock biomass
TAC	total allowable catch
TED	turtle excluder device
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VMS	vessel monitoring system
VPA	virtual population analysis
VTR	vessel trip report
YPR	yield per recruit

Table of Contents

1.0	Introduction.....	1
1.1	Executive Summary	1
1.2	Background.....	4
1.2.1	Actions under the Monkfish FMP.....	4
1.2.2	Monkfish Framework 3/Multispecies Framework 42.....	5
1.2.3	Monkfish Framework 4.....	6
1.2.4	Other actions affecting the monkfish fishery.....	7
2.0	Purpose and Need	11
2.1	Need to take action.....	11
2.2	Purpose of Action	11
3.0	Alternatives including no-action.....	12
3.1	Biological Reference Points (BRP) Alternatives.....	12
3.1.1	BRP Alternative 1	12
3.1.2	BRP Alternative 2 (no action).....	12
3.2	DAS Carryover Alternatives.....	12
3.2.1	DAS Carryover Alternative 1	13
3.2.2	DAS Carryover Alternative 2	14
3.2.3	DAS Carryover Alternative 3 – no action.....	14
3.3	Gillnet 3-hour Rule Alternatives.....	14
3.3.1	Gillnet 3-hour Rule Alternative 1	15
3.3.2	Gillnet 3-hour Rule Alternative 2	15
3.3.3	Gillnet 3-hour Rule Alternative 3	15
3.3.4	Gillnet 3-hour Rule Alternative 4 – no action	15
3.4	Large-mesh Incidental Limit Alternatives	15
3.4.1	Large-mesh Incidental Limit Alternative 1.....	16
3.4.2	Large-mesh Incidental Limit Alternative 2 – no action.....	16
3.5	Letter of Authorization (LOA) Alternatives	16
3.5.1	LOA Alternative 1	17
3.5.2	LOA Alternative 2 – no action.....	17
3.6	Description of all alternatives considered but rejected.....	17
4.0	Affected Environment (2006 SAFE Report)	17
4.1	Biological Environment.....	17
4.1.1	Monkfish stock status	17
4.1.2	Marine Mammals and Protected Species.....	24
4.1.3	Status of bycatch species	27
4.2	Physical Environment.....	28
4.2.1	Gulf of Maine.....	28
4.2.2	Georges Bank.....	29
4.2.3	Mid-Atlantic Bight.....	29
4.3	Habitat Requirements and Gear Effects Evaluation	32
4.3.1	Monkfish Habitat Requirements and Essential Fish Habitat	32
4.3.2	Effects of fishing gear on monkfish Essential Fish Habitat.....	37
4.4	Human Environment, Vessels, Ports and Communities	38
4.4.1	Vessels and Fishery Sectors.....	38
4.4.2	Ports and communities.....	51

5.0	Environmental Consequences of Proposed Action.....	59
5.1	Biological Impacts	59
5.1.1	Impact on monkfish and non-target species.....	59
5.1.2	Impact on Protected Species	62
5.2	Habitat Impacts	63
5.3	Economic Impacts of the Alternatives.....	64
5.3.1	Biological Reference Points (BRP) Alternatives.....	64
5.3.2	DAS Carryover Alternatives.....	65
5.3.3	Gillnet 3-hour Rule Alternatives.....	65
5.3.4	Large-mesh Incidental Limit Alternatives.....	67
5.3.5	Letter of Authorization (LOA) Alternatives.....	67
5.4	Social Impact Assessment for Measures under Consideration.....	68
5.4.1	Methods.....	68
5.4.2	Discussion of Social Impacts by Alternative.....	69
5.5	Cumulative Effects.....	69
5.5.1	Introduction.....	69
5.5.2	Past, Present, and Reasonably Foreseeable Future Actions.....	69
5.5.3	Cumulative Effects on the Monkfish Fishery (target species).....	69
5.5.4	Cumulative Effects on Non-target Species.....	69
5.5.5	Cumulative Effects on Protected Species.....	69
5.5.6	Cumulative Effects on Habitat.....	69
5.5.7	Cumulative Effects on Communities.....	69
5.5.8	Summary of Cumulative Effects.....	69
6.0	Consistency with Applicable Law	69
6.1	Magnuson-Stevens Act (MSA).....	70
6.1.1	National Standards	70
6.1.2	Required Provisions.....	70
6.1.3	EFH Assessment	70
6.2	National Environmental Policy Act (NEPA).....	70
6.2.1	Finding of No Significant Impact (FONSI Statement).....	70
6.3	Regulatory Impact Review and Initial Regulatory Flexibility Analysis (EO 12866 and IRFA) 70	
6.3.1	Determination of significance under E.O. 12866	70
6.3.2	Initial Regulatory Flexibility Analysis (IRFA).....	70
6.4	Endangered Species Act (ESA)	70
6.5	Marine Mammal Protection Act (MMPA)	70
6.6	Paperwork Reduction Act (PRA).....	70
6.7	Coastal Zone Management Act (CZMA)	70
6.8	Data Quality Act (DQA).....	70
6.9	Executive Order 13132 (Federalism).....	70
6.10	Executive Order 13158 (Marine Protected Areas).....	71
6.11	Administrative Procedure Act (APA).....	71
7.0	References.....	71
8.0	List of Preparers and Persons Consulted	74
	Appendix I Monkfish Assessment Summary for 2007 (.pdf document, separate attachment)	
	Appendix II Summaries of Monkfish Committee (Oct. 3 and Oct 24) and AP (Oct. 23) mtgs.	

Table of Figures

Figure 1 Monkfish management areas and three-digit statistical areas 3

Figure 2 - NFMA biomass index (2006 three-year running average) relative to annual rebuilding targets..... 20

Figure 3 - SFMA biomass index (2006 three-year running average) relative to annual rebuilding targets..... 20

Figure 4 Comparison of observed indices and reference points using original and recalculated survey index values for the Northern area 21

Figure 5 Comparison of observed indices and reference points using original and recalculated survey index values for the Southern area 21

Figure 6 NFMA Fall Survey Biomass and abundance indices 1963-2006..... 22

Figure 7 SFMA Fall Survey Biomass and abundance indices 1963-2006 23

Figure 8. Overlap of sediment types and fishery management areas in Monkfish FMP (Poppe *et al.* 1989a and b)..... 31

Figure 9 – EFH Designation for Juvenile Monkfish is highlighted in the shaded ten-minute squares..... 34

Figure 10 – EFH Designations for Adult Monkfish is highlighted in the shaded ten-minute squares..... 35

Figure 11 – EFH Designation for both Juvenile and Adult Monkfish combined is highlighted in the shaded ten-minute squares 36

Figure 12 – Monkfish landings by management area, FY 1999 – 2005..... 42

Figure 13 Calendar year monkfish landings and revenues, 1982-2005..... 43

Figure 14 – FY2005 NFMA (a) and SFMA (b) monkfish landings by gear and month 44

Figure 15 - NFMA (a) and SFMA (b) monkfish landings by gear, FY1999 – 2005..... 45

Figure 16 - DAS used by permit category, FY 2001 – 2005. 51

Table of Tables

Table 1 Biomass target and threshold reference points (BRP Alternative 1), and 2006 biomass estimates based on the DPWG assessment.	12
Table 2 Current biomass target and reference points (BRP Alternative 2, no action), and 2006 3-year running average of the NEFSC fall survey biomass indices.....	12
Table 3 2000 – 2006 NMFS autumn bottom trawl survey indices of monkfish abundance and biomass reference points (pre-recalculation).....	18
Table 4 2000 – 2006 NMFS autumn bottom trawl survey indices of monkfish abundance and biomass reference points after 2007 recalculation.....	18
Table 5 DPWG estimates of 2006 biomass and recommended biomass reference points	24
Table 6 Turtle Interactions in Gillnet Gear Targeting Monkfish, 2003-Sept 2005.	26
Table 7 – Number and Percent of monkfish limited access vessels also issued a limited access permit in other fisheries in 2005, by permit category.....	38
Table 8 – Monkfish open-access (Category E) permits issued each year since implementation of the FMP in 1999.....	39
Table 9 – Monkfish landings by area, gear and month for FY 2005 (converted to live weight)..	41
Table 10 – FY2005 monkfish landings from dealer reports, showing live weight and landed weights.	42
Table 11 – Fishing year landings (in landed weights) and revenues, 1995 – 2005	43
Table 12 – Monkfish landings by state (landed weight), FY 1995-2005	46
Table 13 – Monkfish landings as a percent of total landings by permit category, 1995-2005.....	47
Table 14 - Monkfish revenues as a percent of total revenues by permit category, 1995-2005. ...	47
Table 15 – Monkfish landings as a percent of total landings by vessel length category, 1995 - 2005.....	48
Table 16– Monkfish revenues as a percent of total revenues by vessel length category, 1995 – 2005.....	48
Table 17 – FY 1995-2004 Landings of monkfish and other species as a percent of total landings, on vessels with a monkfish permit in 2001 – 2005.....	49
Table 18 – FY 1995-2004 Revenues of monkfish and other species as a percent of total landings, on vessels with a monkfish permit in 2001-2005.	49
Table 19 – Monkfish DAS usage, FY 2005.....	50
Table 20 - Monkfish-only, Monkfish/Multispecies and Monkfish/Scallop DAS Usage by call-in vessels (vessels fishing in the SFMA), FY 2005.	50
Table 21 – Monkfish permits by port, FY 2002 – 2005.	54
Table 22 – Preliminary FY2005 monkfish landings by primary port (excluding Long Beach/Barnegat Light, NJ) and State, by gear.....	55
Table 23 – Monkfish landings and revenues for monkfish primary ports, FY 1995 – 2005, and principal port, FY 2005.....	56
Table 24 - Monkfish landings and revenues for monkfish secondary and other ports, FY 1995 – 2005, and principal port, FY 2005.	57
Table 25 - Monkfish Revenues, FY 1995-2005, as a Percentage of Total Revenues by Port.....	58
Table 26 Sum of monkfish landings on carryover DAS in 2006 by area.	60
Table 27 Information on monkfish gillnet trips less than three hours by area for 2006 and 2007 (though September).....	60

1.0 Introduction

1.1 Executive Summary

The monkfish fishery is jointly managed by the New England Fishery Management Council (NEFMC) and the Mid-Atlantic Fishery Management Council (MAFMC), with the NEFMC having the administrative lead. The fishery extends from Maine to North Carolina out to the continental margin. The Councils manage the fishery as two stocks, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through the Mid-Atlantic Bight to North Carolina (see Figure 1).

The Councils initiated a rebuilding plan for monkfish in 1999 with the adoption of the Monkfish FMP. The original FMP was modified and amended to include an annual measure of the status of the stocks and adjustment to management measures as needed to maintain a 10-year rebuilding schedule, principally with the implementation of Framework Adjustment 2 in 2003. Following several years of increases in the biomass index for both stocks, by the fall of 2006, the indices had returned to levels below the minimum biomass threshold and approximately 50% below their annual biomass index targets (i.e., both stocks were “overfished”). As a result, the Councils proposed, in Framework 4 to revise the management program so that the goals of the 10-year rebuilding program could be met within the 10-year rebuilding schedule, by 2009.

The National Marine Fisheries Service (NMFS) deferred implementing Framework 4 and called for a stock assessment for July 2007. The Northeast Data Poor Stocks Working Group (DPWG) completed and accepted the new assessment which recommended revising the biological reference points. Under the revised reference points, both monkfish stocks would be considered “rebuilt” and “overfishing is not occurring. The assessment report emphasizes, however, that in addition to the fact that this assessment was the first to use a new analytical model, there is a high degree of uncertainty in the analyses due to the dependence on assumptions about natural mortality, growth rates and other model inputs.

This framework adjustment, if adopted, would implement the revised reference points and ...[ADD for final document]

This document also contains the Stock Assessment and Fishery Evaluation (SAFE) Report for the 2006 fishing year.

The Environmental Assessment (EA) in this document presents the analysis of impacts of the adjustments to the monkfish fishery management measures proposed by the Councils and other alternatives considered, including taking no action.

[Draft text for final document]:In terms of compliance with other applicable laws, the proposed actions in this framework are consistent with the National Standards and other required provisions of the Sustainable Fisheries Act, and are deemed to be not significant under the National Environmental Policy Act and Executive Order 12866 (Regulatory Impact Review), based on the respective evaluation criteria. The proposed actions are consistent with the Marine

Mammal Protection Act, and do not alter existing protections for marine mammals inhabiting the management area of the monkfish fishery. The Councils have concluded that the proposed action is not likely to result in jeopardy to any Endangered Species Act (ESA) listed species under NOAA Fisheries Service jurisdiction, or alter or modify any critical habitat. The Councils are seeking concurrence from affected states that the proposed actions are consistent with the coastal zone management programs of coastal states from Maine to North Carolina, in compliance with the Coastal Zone Management Act. A complete discussion of the consistency of the proposed action with all applicable laws and executive orders is provided in Section 6.0

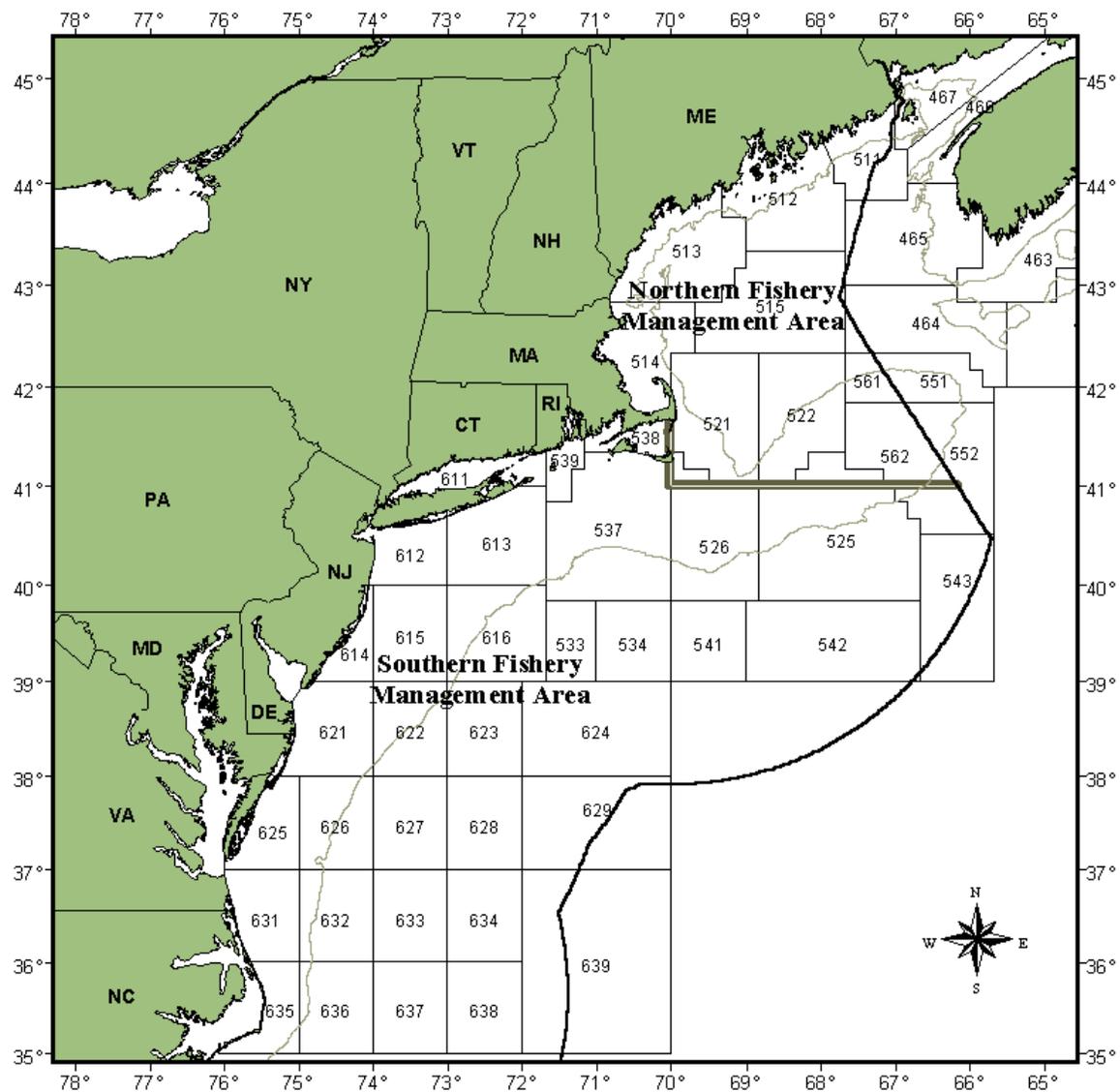


Figure 1 Monkfish management areas and three-digit statistical areas

1.2 Background

1.2.1 Actions under the Monkfish FMP

1.2.1.1 Framework 2 – annual adjustment procedure

Framework 2, which became effective on May 1, 2003 (68 FR 22325, April 28, 2003), implemented a target total allowable catch (TAC) setting method that is based upon the relationship between the 3-year running average of the National Marine Fisheries Service's (NOAA Fisheries) fall trawl survey biomass index (3-year average biomass index) and established annual biomass index targets (annual index target). The annual index targets are based on 10 equal increments between the 1999 biomass index (the start of the rebuilding program) and the biomass target (B_{target}), which is to be achieved by 2009 according the rebuilding plan established in the FMP. According to this target TAC setting method, annual target TACs are set based on the ratio of the observed biomass index to the annual index target applied to the monkfish landings for the previous fishing year.

Framework 2 also adopted a simulation method for calculating SFMA trip limits and DAS restrictions based on the target TAC and the observed monkfish catch by vessels fishing in that area. To estimate landings in the SFMA by permit categories AC and BD, the distribution of reported landings from fishing vessel trip reports (FVTR's) in the previous year in the SFMA is modified under a series of proposed daily landing limits. Total landings are recalculated based upon each new distribution. To estimate the landings under a given daily limit, all trips with a daily average below the simulated limit are assumed to have remained static, while all trips with a daily landings average greater than the simulated new limit have their average daily landings scaled down to the proposed limit. For example, to estimate the landings under a 700 lb. tail weight per DAS limit, all trips with a daily average for a given trip below 700 lbs. are assumed unchanged, while all trips with a daily average greater than 700 lbs. have that average scaled down to 700 lbs.

Framework 2 removed the original FMP provisions that would have resulted in default measures for Year 4 of the rebuilding program eliminating the directed fishery. The original FMP called for ending the directed monkfish fishery in Year 4 of the rebuilding plan, that is, no monkfish DAS would be allocated, and all vessels would be operating under an incidental catch limit. That provision was replaced in Framework 2 by measures that would allow for annual adjustment to DAS and trip limits in the SFMA, and continuation of the directed fishery with no trip limit while on a multispecies DAS in the NFMA. The framework replaced that provision with a set of rules stating that if the SFMA TAC needed to be reduced below 8,000 mt, the trip limits on directed monkfish trips would be fixed at 550 and 450 lbs. (tail weight) per monkfish DAS, and any further effort reductions would be taken from the DAS available to vessels for fishing in the SFMA.

The number of days at sea spent on a trip was calculated by subtracting the date sailed from the date landed on the FVTR and rounding any fractional days up to the next integer. In FY2004 the DAS allocation was 28 DAS plus any carryover. In this analysis, landings were assumed to be at

a constant rate per day. The landings at any DAS level for each vessel were calculated by either including all landings if the vessel used fewer days than the proposed DAS level, or reducing the landings by an amount proportionate to the days exceeding the DAS level. For example, if a vessel landed 1,000 in 30 days of fishing, the calculated landings for 15 days would be 500 pounds. The resulting range of estimated landings was fit with a loglinear function. This empirical function was then used to solve for the target DAS limit that would result in the desired target TAC.

1.2.1.2 Amendment 2 to the Monkfish FMP

The Councils adopted Amendment 2 to the Monkfish FMP in 2005 (*70 Federal Register* 21927, April 28, 2005). Amendment 2 contained a number of measures that the Councils developed to address essential fish habitat (EFH) and bycatch issues, as well as several issues raised during the public scoping process. Amendment 2 did not modify the stock rebuilding program adopted in Framework 2, nor did it modify the effort control program except for the effect of the Research DAS set-aside program. This program reduced each permitted vessel's DAS allocation by 0.7 DAS to create a pool of 500 DAS that can be used to help defray the costs of cooperative monkfish research projects. Therefore, the actual number of baseline DAS (unless modified by the annual adjustment procedure) is 39.3 DAS, rather than the 40 DAS established by the FMP.

Amendment 2 also created three new permit categories. Category F permits are issued in any year a vessel enrolls in the Offshore Fishery Program. Such vessels are allocated monkfish DAS based on the number of DAS available to limited access monkfish vessels fishing in the SFMA multiplied by the ratio of the applicable trip limit over 1,600 lb. (tail weight) per DAS. Category G and H permits are issued for vessels that qualified under Amendment 2 for a limited access permit allowing such vessels to fish only south of 38°20'. Categories G and H vessels are given the same trip limits and DAS as Category A and B vessels, respectively.

1.2.2 Monkfish Framework 3/Multispecies Framework 42

In response to updated multispecies stock assessment information, the NEFMC developed Framework 42 primarily to substantially reduce fishing mortality on several species in the multispecies rebuilding plan adopted through Multispecies Amendment 13, including modifications to the Multispecies B-regular DAS program (adopted as a pilot program in Amendment 13). One of the changes to the B-regular DAS program adopted in Framework 42 was the removal of the ability to use a monkfish DAS under the B-regular DAS Program, and the application of the monkfish incidental catch limit on Monkfish Permit Category C and D vessels fishing under this program, hence, the joint Multispecies Framework 42/Monkfish Framework 3. The purpose of this action was to reduce fishing effort on monkfish, and to prevent an increase in effort directed on monkfish as other multispecies fishing opportunities were being curtailed by prohibiting the targeting of monkfish under the B-regular DAS Program.

A second provision of Framework 42 that has an impact on some monkfish vessels is the requirement for vessels to use an electronic vessels monitoring system (VMS) when fishing on a multispecies DAS. Since monkfish Category C and D vessels that also have a multispecies limited access permit must use a multispecies DAS when fishing on a monkfish DAS, those vessels are required to use a VMS. This requirement affects how vessels can fish under the 3-hour rule, being addressed by this Framework action, because it reduces the amount of steaming

time that is counted against the DAS clock. There are other concerns with this VMS requirement that the Councils are considering addressing separate from this framework adjustment.

The NEFMC submitted Framework 42 on April 21, 2006. The NEFMC had announced in November 2005 that it would not be able to submit the framework in time for the measures to be implemented for the start of the fishing year on May 1, 2006. The National Marine Fisheries Service (NMFS), therefore, implemented the measures proposed in Framework 42 under the emergency action authority provided in the Magnuson-Stevens Act. In accordance with that authority, the emergency rules are effective for 180 days, renewable for an additional 180 days if warranted. Since Framework 42/3 was not implemented by then end of the initial 180-day period, NMFS announced on October 6, 2006 that the emergency rules would be extended for an additional period, or until Framework 42/3 is approved and implemented. On October 23, NMFS published the Final Rule implementing Framework 42/3 (71 *Federal Register* 62156) with an effectiveness date of November 22, 2006, superseding the emergency rules.

1.2.3 Monkfish Framework 4

The fishing year 2006 was Year 7 of the 10-year rebuilding plan implemented under the original FMP in 1999. The goal of the rebuilding plan was to achieve the biomass target reference points in 2009, as measured by the NEFSC autumn trawl survey, three year average biomass indices. Following several years of increases in the biomass indices for both stocks, the indices lagged behind the rebuilding schedule and in 2006 were both below the minimum biomass threshold and approximately 50% below their biomass index targets. As a result, the Councils revised the management program so that the goals of the 10-year rebuilding program can be met in 2009 with Framework 4, which they submitted to NMFS in February 2007.

In Framework 4, target total allowable catch levels (TACs) were set at 5,000 mt and 5,100 mt for the NFMA and SFMA, respectively. These TACs are the basis for calculating the monkfish trip limits and days-at-sea (DAS) allocations for vessels targeting monkfish. Framework 4 also established the requirement for vessels fishing in the NFMA on a multispecies DAS, and exceeding the monkfish incidental catch limit, to call in a monkfish DAS, which could be done by VMS any time prior to returning to port. Vessels in the SFMA were already required to call in a monkfish DAS when exceeding the incidental limit. Framework 4 also reduced the monkfish incidental limit in the NFMA from 400 lbs. per DAS (tail wt.) or 50% of the weight of fish on board, whichever is less, to 300 lbs. per DAS or 25% of the total weight of fish on board, whichever is less. The Councils had increased the incidental limit under Framework 2, when the northern stock appeared to be nearly rebuilt, but restored the original incidental limit because the stock status had returned to being overfished in 2006.

Framework 4 retained the 550 lbs. and 450 lbs. SFMA monkfish trip limit (tail wt. per DAS) for permit categories ACG and BDH, respectively. Vessels were allocated 31 monkfish DAS, but vessels were limited to an allowance of 23 DAS in the SFMA out of the total allocation. In the NFMA, trip limits were set at 1,250 lbs. and 470 lbs. (tail wt. per DAS) for permit category AC and BD, respectively. Framework 4 established that the DAS allocations will remain in effect through 2009 unless the target TAC is exceeded in an area during the 2007 fishing year. In that case, the proposed TAC overage backstop provision would take effect and could result in a recalculation of the trip limits and DAS allocations that are expected to keep landings below the

target TAC based on catch and effort data from the 2007 fishing year. The backstop provision would make no adjustment if the TAC overage was 10% or less, and would close the directed fishery in a management area if the overage exceeded 30%, resulting in zero DAS and the application of monkfish incidental limits to all vessels.

Other measures adopted under Framework 4 include a change in the northern boundary of the Category H fishery from 38°20'N Lat to 38°40'N Lat, and a change to the monkfish incidental limit on limited access scallop vessels fishing in the closed area access programs.

On April 27, 2007, NMFS published a temporary rule implementing interim measures, while deferring a decision on Framework 4 pending the results of a stock assessment scheduled for July (*72 Federal Register* 20952, April 27, 2007). The interim rule implemented the target TACs and most measures proposed in Framework 4, except the 23 DAS allowance for SFMA vessels (retaining the 12 DAS from the prior year), and prohibited the use of carryover DAS. The DPWG completed an assessment of monkfish which included estimates of absolute biomass and recommended revisions to existing biomass reference points from a survey index basis to an absolute biomass basis. Based on that assessment, both stocks are above the recommended biomass targets, and are, therefore, “rebuilt”. The assessment report also emphasized the uncertainty in the model and results, and contained a number cautionary statements.

As a result of the assessment, NMFS approved Framework 4 and published an interim final rule with an effectiveness date of October 22 (*72 Federal Register* 5392, September 21, 2007).

1.2.4 Other actions affecting the monkfish fishery

1.2.4.1 Other FMP actions

Both Multispecies and Sea Scallop fisheries have undergone a series of major actions since 1994 to reduce fishing effort and rebuild overfished stocks. Multispecies Amendment 13, and Frameworks 40A, 40B, and 41 produced in substantial reductions in overall multispecies effort, including effort on those multispecies vessels targeting monkfish. While some multispecies stocks, such as haddock, redfish and witch flounder have responded positively, other stocks, particularly cod and yellowtail flounder remain species of concern, in need of additional conservation restrictions.

The scallop resource has responded positively to management measures adopted over the past decade. In particular, Amendment 10 to the Scallop FMP introduced rotational area management and adopted several measures to minimize impacts of the fishery on EFH. Subsequent framework adjustments (Framework 16 implemented in November 2004 and Framework 18 implemented in June 2006) have modified the management program to improve administration, increase yield-per-recruit, promote safety and minimize bycatch, as well as set the rotational management program measures through the 2007 fishing year. In large part due to the success of the scallop FMP and the profitability of the fishery, scallop vessels that also have monkfish limited access permits (and would be required to use a scallop DAS to target monkfish) elect to use their allocated effort to target scallops rather than monkfish. As a result, a substantial portion of the allocated monkfish effort is not used. Cumulatively, these actions, in both multispecies and scallop fisheries have likely had a positive effect on reducing effort in the monkfish fishery.

The Council initiated Scallop Framework 19 early in 2007 and recently approved final measures in October 2007. Pending approval, this action will set specifications for the next two scallop fishing years and is expected to be implemented in March 2008. The action will close the Hudson Canyon area as a new rotational closure to protect small scallops that have settled in that area so they can be harvested at a later date to maximize yield. Overall open area DAS will be 35 for full-time vessels in 2008 and 42 in 2009, below allocated levels in recent years that have been just over 50 DAS. While scallop catch per unit of effort may be lower in the near future and overall allocations may be less, scallop prices are still above historic levels so effort is not expected to shift to directed monkfish effort. In addition, total bottom time and DAS used are expected to be lower under this action compared to recent years, having less impact on non-target species. Other measures are included such as a quarterly hard TAC for the general category fishery until the individual fishing quota can be implemented under Amendment 11. If Amendment 11 is approved, the total level of effort from the general category fishery will now be limited; it is no longer an open access fishery and total removals are limited under a hard-TAC during a transition to an IFQ program, which will limit total catch to 5% of the total projected scallop catch.

1.2.4.2 Actions to Minimize Interactions with Protected Species

Many of the factors that serve to mitigate the impacts of the monkfish fishery on protected species are currently being implemented in the Northeast Region under either the Atlantic Large Whale Take Reduction Plan (ALWTRP) or the Harbor Porpoise Take Reduction Plan (HPTRP). In addition, the Monkfish FMP has undergone repeated consultations pursuant to Section 7 of the Endangered Species Act (ESA), with the most recent Biological Opinion dated April 14, 2003. The conclusion in that Opinion states that the monkfish fishery is not likely to jeopardize the continued existence of Northern right whales, provided that the fishery is complying with the ALWTRP. A previous Biological Opinion for the Monkfish FMP, dated June 14, 2001, concluded that the continued implementation of the monkfish fishery was likely to jeopardize the continued existence of Northern right whales as a result of mortality from entanglements in gillnet gear. NMFS implemented a set of Reasonable and Prudent Alternatives (RPAs) to remedy the jeopardy finding. These RPAs were implemented as revisions to the ALWTRP. As described below, the regulatory measures of the ALWTRP and the HPTRP must be adhered to by any vessel fishing for monkfish with gillnet gear.

1.2.4.2.1 Harbor Porpoise Take Reduction Plan

NMFS published the rule implementing the Harbor Porpoise Take Reduction Plan on December 1, 1998. The HPTRP includes measures for gear modifications and area closures, based on area, time of year, and gillnet mesh size. In general, the Gulf of Maine component of the HPTRP includes time and area closures, some of which are complete closures; others are closures to gillnet fishing unless pingers (acoustic deterrent devices) are used in the prescribed manner. The Mid-Atlantic component includes time and area closures in which gillnet fishing is prohibited regardless of the gear specifications.

1.2.4.2.2 Atlantic Large Whale Take Reduction Plan

The ALWTRP contains a series of regulatory measures designed to reduce the likelihood of fishing gear entanglements of right, humpback, fin, and minke whales in the North Atlantic. The

main tools of the plan include a combination of broad gear modifications and time/area closures (which are being supplemented by progressive gear research), expanded disentanglement efforts, extensive outreach efforts in key areas, and an expanded right whale surveillance program to supplement the Mandatory Ship Reporting System.

Key regulatory changes implemented in 2002 included: 1) new gear modifications; 2) implementation of a Dynamic Area Management system (DAM) of short-term closures to protect unexpected concentrations of right whales in the Gulf of Maine; and 3) establishment of a Seasonal Area Management system (SAM) of additional gear modifications to protect known seasonal concentrations of right whales in the southern Gulf of Maine and Georges Bank.

On June 21, 2005, NMFS published a proposed rule (70 *Federal Register* 35894) for changes to the ALWTRP, and published a final rule on October 5 (72 *Federal Register* 57104). The new ALWTRP measures expand the gear mitigation measures by: (a) including additional trap/pot and net fisheries (*i.e.*, gillnet, driftnet) to those already regulated by the ALWTRP, (b) redefining the areas and seasons within which the measures would apply, (c) changing the buoy line requirements, (d) expanding and modifying the weak link requirements for trap/pot and net gear, and (e) requiring (within a specified timeframe) the use of sinking and/or neutrally buoyant groundline in place of floating line for all fisheries regulated by the ALWTRP on a year-round or seasonal basis.

1.2.4.2.3 Atlantic Trawl Gear Take Reduction Team

The first meeting of the Atlantic Trawl Gear Take Reduction Team (ATGTRT) was held in September 2006. The ATGTRT was convened by NMFS as part of a settlement agreement between the Center for Biological Diversity and NOAA Fisheries Service to address the incidental mortality and serious injury of long-finned pilot whales, short-finned pilot whales, common dolphins, and white-sided dolphins in several trawl gear fisheries operating in the Atlantic Ocean. Incidental takes of pilot whales, common dolphins and white-sided dolphins have occurred in fisheries operating under the Atlantic Mackerel, Squid, and Butterfish FMP, as well as in mid-water and bottom trawl fisheries in the Northeast.

The Western North Atlantic stocks of pilot whales, common dolphins, and white-sided dolphins were designated as non-strategic in the 2005 Marine Mammal Stock Assessment Report. Therefore, the charge to the ATGTRT is to develop a take reduction plan within 11 months that, once implemented, will achieve the long-term goal of the Marine Mammal Protection Act of reducing serious injury and mortality of affected stocks to a level approaching a zero mortality rate goal (ZMRG) (which is 10% of the Potential Biological Removal (PBR) of each stock).

1.2.4.2.4 Final Rule to minimize monkfish gillnet interaction with sea turtles

On December 3, 2002, the agency published a final rule (67 *Federal Register* 71895) establishing seasonally adjusted gear restrictions by closing portions of the mid-Atlantic EEZ waters to fishing with large-mesh (>8") to protect migrating sea turtles, following an interim final rule published March 21 that year. The basis of this rule was that sea turtles migrate northward as water temperatures warmed. At the time the interim and final rules were published, there was no evidence that the primary fishery involved – monkfish – was being prosecuted in state waters. In 2002, when most monkfish fishermen were not permitted under the FMP to fish

in the EEZ and the rest were faced with the sea turtle closures, the proportion of North Carolina monkfish landings from state waters increased five-fold to 92%, posing an unforeseen risk to migrating sea turtles since they were not protected in state waters. In response, NMFS published a final rule on April 26, 2006 (71 *Federal Register* 24776) that included modifications to the large-mesh gillnet restrictions. Specifically, the new final rule revises the gillnet restrictions to apply to stretched mesh that is 7 inches or greater and extends the prohibition on the use of such gear to North Carolina and Virginia state waters. Federal and state waters north of Chincoteague, VA remain unaffected by the large-mesh gillnet restrictions.

2.0 Purpose and Need

2.1 Need to take action

The primary reason the Council propose taking action at this time is to adopt the revisions to the biological reference points recommended by the DPWG to be consistent with the best scientific information available. Additionally, when conveying NMFS' approval of Framework 4 in an September 17, 2007 letter, the Regional Administrator expressed concerns with the DAS carryover provision in the FMP, and strongly recommended the Council revise that provision in the next monkfish action. The Council is also taking the opportunity of this regulatory action to address public comments regarding a perceived loophole with the rule that allows gillnet vessels that make trips of less than three hours to land monkfish, while those on trips greater than three hours are charged a minimum of 15 hours. Other public comments the Council is addressing include questions about the ongoing need for an NFMA Letter of Authorization in light of the VMS requirement on some vessels, and concerns about the incidental catch allowance on large-mesh vessels fishing in the SFMA and not on a monkfish, scallop or multispecies DAS.

2.2 Purpose of Action

The purpose of this action is to adopt revised biological reference points as recommended by the DPWG, to modify the DAS carryover provision and the gillnet 3-hour rule to better manage the fishery within the target TACs and associated trip limits and DAS allocations, to modify the incidental catch allowance on large-mesh vessels not fishing on a DAS, and to eliminate the LOA requirement on vessels fishing under the VMS in the NFMA.

3.0 Alternatives including no-action

The following describes the alternatives under consideration by the Councils, including taking no action.

3.1 Biological Reference Points (BRP) Alternatives

The Committee, Advisory Panel (AP) and PDT recommend Alternative 1.

3.1.1 BRP Alternative 1

Under this alternative, the biomass minimum threshold and target would be those recommended by the DPWG, as shown in the following Table 1.

	B₂₀₀₆ (mt)	B_{target} (mt)	B_{threshold} (mt)
NFMA	118,700	92,200	65,200
SFMA	135,500	122,500	96,400
B_{target} = average of total biomass 1980 – 2006			
B_{threshold} = lowest value of total biomass 1980 – 2006			

Table 1 Biomass target and threshold reference points (BRP Alternative 1), and 2006 biomass estimates based on the DPWG assessment.

3.1.2 BRP Alternative 2 (no action)

The current biomass targets are based on the median of the 3-year moving average of the NEFSC fall survey biomass indices during 1965-1981. The biomass threshold is equal to ½ the biomass target. The most recent values are shown in the following table.

	B₂₀₀₆ (kg/tow, 3-yr. ave)	B_{target} (kg/tow)	B_{threshold} (kg/tow)
NFMA	1.1	2.60	1.3
SFMA	0.87	1.84	0.92
B_{target} = median, 3-year moving average of the NEFSC fall survey biomass indices, 1965-1981			
B_{threshold} = ½ B _{target}			

Table 2 Current biomass target and reference points (BRP Alternative 2, no action), and 2006 3-year running average of the NEFSC fall survey biomass indices.

3.2 DAS Carryover Alternatives

Under the initial Monkfish FMP, which allocated 40 monkfish DAS, vessels were allowed to carryover 10 unused monkfish DAS, consistent with the carryover provisions of the Multispecies FMP, which at that time allocated 88 multispecies DAS to Fleet Category vessels. In Framework 4, the Councils considered modifying or eliminating the DAS carryover provision in the FMP, to reduce the potential dilution of the effort control program. The AP and the Monkfish Committee recommended taking no action (retaining the 10 carryover DAS), noting that as DAS are

reduced, the economic need for carryover DAS is more urgent. The PDT had recommended a reduction in carryover DAS to 4, which was modified by the Committee to 6 DAS under Alternative 1. The Committee also rejected the alternative that eliminated the carryover DAS, on the basis that the provision of some carryover DAS is intended to promote safety by providing a contingency for unforeseen events (weather, breakdowns) for vessels that have retained some DAS for use at the end of the fishing year.

The Councils recommended no action in Framework 4. On September 17, 2007, the Regional Administrator approved Framework 4, but strongly recommended that the Councils revise the monkfish DAS provision in the next monkfish action. The RA expressed concern about the ability to manage the fishery within the target TAC levels established in Framework 4, when vessels have a carryover allowance equal to 32% of the total annual DAS allocation, and 43% of the SFMA allowance.

While reviewing the Framework 4 document in preparation for the October 3 Monkfish Committee meeting the staff found a discrepancy in the language describing the proposed action, which required clarification. The text describing the DAS carryover provisions in Section 3.6 of Framework 4 states the following:

Carryover DAS are based on the higher allocated DAS in either area, not on the baseline of 40 DAS set in the original FMP. In other words, if the maximum DAS allocated in either area is 31, for example, and a vessel fishes 30 DAS total (counting DAS used in both areas) then a vessel would have one carryover DAS, not 10 DAS under Alternative 3 (40 baseline minus 30 used), or 6 under Alternative 1 (40 baseline minus 30 used to a maximum of 6).

The description of Alternative 3, the no action alternative, however, says:

...vessels would continue to be able to carryover up to 10 unused monkfish DAS, out of the baseline allocation of 40, regardless of the DAS allocated under the options being considered...

The proposed and final rules for Framework 4 are based on the first language, and, therefore, that would be the no action alternative in this framework. So that the Committees' intent can be clarified, staff included an alternative in the Committee's discussion document that would reflect the second paragraph. During the discussion, Committee members considered that this approach would be more liberal than the current language to which the RA expressed strong concerns, and would not likely be approved, regardless of the original intent, and did not approve carrying that alternative forward for consideration in this document.

A majority of the AP supports Alternative 1 because in their view the elimination of the 3-hour loophole would reduce landings and the need to cut back further on the carryover DAS. One AP member supported no action. The PDT did not reach consensus on a recommendation. Most of the PDT members recommend Alternative 2, and a minority recommended Alternative 1. The Committee recommends Alternative 1.

3.2.1 DAS Carryover Alternative 1

Under this alternative, vessels would be able to carryover up to **6** unused DAS based on the higher allocation of DAS in the two areas, currently 31 DAS (if a vessel fishes 30 DAS, it would only be able to carryover 1 DAS, not 6, as it would if the rule were based on a baseline of 40 DAS). The maximum carryover allowance under this alternative is 19% of the total annual allocation of monkfish DAS, and 26% of the DAS allowed in the SFMA. This alternative was also Alternative 1 in Framework 4, not adopted by the Councils.

3.2.2 DAS Carryover Alternative 2

Under this alternative, vessels would be able to carryover up to **4** unused DAS based on the higher allocation of DAS in the two areas, currently 31 DAS (if a vessel fishes 30 DAS, it would only be able to carryover 1 DAS, not 4, as it would if the rule were based on a baseline of 40 DAS). The maximum carryover allowance under this alternative is 13% of the total annual allocation of monkfish DAS, and 17% of the DAS allowed in the SFMA. This alternative was recommended by the PDT in Framework 4, but was not recommended by the Councils.

3.2.3 DAS Carryover Alternative 3 – no action

Under this alternative, vessels would continue to be able to carryover up to **10** unused monkfish DAS, based on the higher allocation of DAS in the two management areas, currently 31 (if a vessel fishes 30 DAS, it would only be able to carryover 1 DAS, not 10, as it would if the rule were based on a baseline of 40 DAS). The maximum carryover allowance under this alternative is 30% of the total annual allocation of monkfish DAS, and 43% of the DAS allowed in the SFMA.

3.3 Gillnet 3-hour Rule Alternatives

Monkfish gillnet vessels that run 3 hours or less on their DAS clock are only charged for time used, and if they go over 3 hours, they are charged 15 hours, or time used beyond 15 hours. Based on reports and public comment that when the monkfish are close enough to shore some gillnet vessels are making trips of less than three hours (to avoid the automatic 15-hour rule) and landing a day's worth of monkfish under the trip limit. In some cases, these vessels are reportedly landing multiple trips in one calendar day. This problem is exacerbated by the required use of VMS on Category C and D permits with a Multispecies permit, because the DAS clock does not start until the vessel crosses the demarcation line, rather than when the vessel leaves port. Some vessels allegedly steam considerable distances inshore of the demarcation line, and then cross the line in the immediate vicinity of their gear to minimize the DAS clocked by the VMS.

All but one PDT members recommend Alternative 1, while one member supports Alternative 2. The Regional Administrator, in her October 22 letter to the Committee Chairman, commented that from an enforcement perspective, Alternative 2 is preferable, but noted it does not effectively address the purpose of the measure because vessels could still avoid the 15-hour charge. The RA recommended a variation that would eliminate the 3-hour exemption for VMS vessels and reducing it for non-VMS vessels. At the October 23rd meeting, the AP supported Alternative 1, and commented that if a vessel needs to return to port within three hours but with fish on board, the vessel should contact enforcement and be charged 15 hours. The AP also noted that since the practice of landing within three hours has been going on in some areas since the inception of the plan, the reduction in landings should be translated into a recalculation of DAS

allocations and trip limits. Considering these recommendations and other comments, the Committee revised the draft version of Alternative 3, which it is recommending to the Councils.

3.3.1 Gillnet 3-hour Rule Alternative 1

Under this alternative, vessels that return to port within 3 hours of starting a trip would be prohibited from landing monkfish.

3.3.2 Gillnet 3-hour Rule Alternative 2

Under this alternative, vessels that return to port within 3 hours of starting a trip would be allowed to land monkfish (one DAS trip limit), but could only do so once per calendar day.

3.3.3 Gillnet 3-hour Rule Alternative 3

Under this alternative all gillnet monkfish trips less than 15 hours would be counted as 15 hours. Vessels returning to port under three hours without landings should contact enforcement prior to the close of the next business day to get their DAS corrected to time used.

3.3.4 Gillnet 3-hour Rule Alternative 4 – no action

Under this alternative, vessels that return to port within 3 hours of starting a trip would be allowed to land monkfish, and could make multiple 3-hour trips in any calendar day or 24-hour period.

3.4 Large-mesh Incidental Limit Alternatives

In the original FMP, vessels not on a monkfish, multispecies or scallop DAS, and fishing with mesh that complied with the area-based large mesh regulations, were provided with a 5% monkfish incidental catch limit. In the Mid-Atlantic RMA, the applicable large mesh rule was the summer flounder mesh size, while in all areas east of 72°30'W, “large mesh” referred to multispecies regulated mesh. In Amendment 2, the Councils adopted a 450 lb. cap on vessels fishing under the 5% incidental limit west of 72°30'W. The rationale for the cap was that this was the trip limit (on a per-DAS basis) applicable in some years to vessels in the directed monkfish fishery in the SFMA, and it would not be equitable to allow an incidental limit that is greater than the directed trip limit.

In response to reports that vessels fishing for bait skate in the SNE RMA, using mesh larger than the multispecies minimum size, are targeting monkfish under the 5% rule, the Council is considering modifying the rule to preserve the “incidental catch” aspect of this allowance but removing the incentive to target monkfish while not under a DAS. At the October 3 meeting, the Committee had defined Large-Mesh Incidental Catch Limit Alternative 1 as placing a 450 lb. tail weight limit on vessels fishing in the Southern New England Regulated Mesh Area, with large mesh and not on a monkfish, scallop or multispecies DAS. The PDT supported Alternative 1. The AP also supported Alternative 1 but expressed concern with size of the limit because it is equivalent to the limit for limited access monkfish vessels, and stated a preference for a lower limit consistent with the incidental limit in other fisheries, which is 50 lbs. per day to a maximum of 150 lbs.. The Committee subsequently adopted the recommendation of the AP and revised Alternative 1 to include the lower cap.

In preparing the Council meeting draft of this document, incorporating the Committee's recommendations, the staff realized that the recommended alternative raises another issue, that is, that the lower recommended limit of 50 lbs. creates an inconsistency between the MA RMA and the SNE RMA. This issue may not be problematic, since vessels fishing for fluke in the MA RMA are under restrictive fluke trip limits where the 5% rule would keep monkfish catches below the 450 lb. limit. Reportedly, those vessels also target other species on those trips, potentially increasing the "total amount of fish on board", but they are using small mesh, under which rule they are also limited to 50 lbs.. This is in contrast to vessels in the skate fishery which are fishing exclusively with large mesh, but have no limit on the amount of skate they can land. In order to accommodate the possibility that further deliberation of this issue may result in a reconsideration of the Committee's recommendation, the staff included both caps, with the 450 lb. cap being Alternative 1, Option A, and the 50 lb. cap being Alternative 1 Option B.

3.4.1 Large-mesh Incidental Limit Alternative 1

Under this alternative, vessels fishing with large mesh in the SNE Regulated Mesh Area as defined in the multispecies regulations, but not on a monkfish, scallop or multispecies DAS would be allowed to retain monkfish equal to 5% of the total weight of fish on board, but would have a cap on the total amount of monkfish, under one of the options below.

3.4.1.1 Large-Mesh Incidental Limit, Alternative 1 Option A

Under this alternative, vessels fishing with large mesh in the SNE Regulated Mesh Area as defined in the multispecies regulations, but not on a monkfish, scallop or multispecies DAS would be allowed to retain monkfish equal to 5% of the total weight of fish on board, not to exceed 450 pounds (tail weight).

3.4.1.2 Large-Mesh Incidental Limit, Alternative 1 Option B

Under this alternative, vessels fishing with large mesh in the SNE Regulated Mesh Area as defined in the multispecies regulations, but not on a monkfish, scallop or multispecies DAS would be allowed to retain monkfish equal to 5% of the total weight of fish on board, not to exceed 50 pounds (tail weight) per day, to a maximum of 150 lbs.. This is the recommendation of the Monkfish Committee and Advisory Panel.

3.4.2 Large-mesh Incidental Limit Alternative 2 – no action

Under this alternative, vessels fishing with large mesh in the SNE Regulated Mesh Area as defined in the multispecies regulations, but not on a monkfish, scallop or multispecies DAS would be allowed to retain monkfish equal to 5% of the total weight of fish on board, with no maximum limit.

3.5 Letter of Authorization (LOA) Alternatives

The revised VMS screens and IVR DAS call-in protocol enable vessels to declare the management area that they are fishing in when declaring a monkfish DAS. As a result, several industry members have proposed to the NMFS Regional Office that the LOA requirement is unnecessary and should be eliminated. The Councils are considering this proposal, and are seeking comment from affected enforcement and NMFS staff, in addition to public comment on this matter.

Most PDT members recommend Alternative 1, but have some reservations about potential efforts shifts and the reliance on the VMS for area declaration. At least one member recommends Alternative 2 for the reasons the others have reservations in their support of Alternative 1. The AP supported LOA Alternative 1 for vessels with a VMS, but agreed that the LOA requirement be retained for vessels that are not using a VMS. Under LOA Alternative 1, the requirement to obtain a letter of authorization (LOA) to fish in the NFMA would be eliminated. This position is consistent with the suggestion of the Regional Administrator in an October 22 correspondence. The Committee recommends Alternative 1 with the clarification recommended by the AP.

3.5.1 LOA Alternative 1

Under this alternative, the requirement to obtain a letter of authorization (LOA) to fish in the NFMA would be eliminated for vessels using a VMS, but would be retained for non-VMS vessels.

3.5.2 LOA Alternative 2 – no action

Under this alternative, vessels fishing in the NMFA must so declare for a period of at least 7 days, and obtain a Letter of Authorization, otherwise that vessel will be presumed to be fishing in the SFMA, under more restrictive trip limits and/or incidental catch limits.

3.6 Description of all alternatives considered but rejected

[This section to be completed for the final document]

4.0 Affected Environment (2006 SAFE Report)

A map showing the area covered by the monkfish FMP, including the NFMA and SFMA boundary and three-digit statistical areas is provided in Figure 1 for reference. The Council prepares annually a Stock Assessment and Fishery Evaluation (SAFE) Report that contains updated information on the resource status and human environment. Since this section of the document also contains the same information, it will serve as the SAFE Report for the 2006 fishing year. The 2006 fishing year is the most recent year for which complete information is available [Note: as of 11/1/07, the updated SAFE Report, Human Environment Section is not complete.]

4.1 Biological Environment

This section supplements and updates the biological environment described in the FSEIS for Amendment 2.

4.1.1 Monkfish stock status

4.1.1.1 Stock Assessment (SAW 40)

The Northeast Fisheries Science Center (NEFSC) held a monkfish stock assessment in the fall of 2004 (SAW 40). The data used in the 2004 assessment included NEFSC research survey data, data from the 2001 and 2004 Cooperative Monkfish Surveys, commercial fishery data from vessel trip reports, dealer landings records, and observer data. In summary, the Stock Assessment Review Committee concluded:

Based on existing reference points, the resource is not overfished in either stock management area (north or south). Fishing mortality rates (F) estimated from NEFSC and Cooperative survey data are currently not sufficiently reliable for evaluation of F with respect to the reference points.

With respect to recruitment, the report noted evidence of increased recruitment in the NFMA during the 1990s, particularly for the 1999 year class. Conversely, the SAW 40 report noted that in the SFMA, recruitment appears to have fluctuated without trend during the 1990s. However, there are some indications that the 2002 year class in the SFMA may be above average.

In regards to estimates of stock biomass, the SAW 40 report noted that the 3-year moving average (2001-2003) of the survey index was above $B_{\text{threshold}}$ in the NFMA and equivalent to $B_{\text{threshold}}$ in the SFMA. Due to the timing of data availability, the assessment was not able to use 2004 cooperative survey trawl efficiency analysis to calculate swept area biomass estimates. Assuming intermediate trawl efficiencies from the 2001 cooperative survey, however, and 2004 nominal tow distances, swept area biomass estimates for the NFMA from the 2004 cooperative survey were 25-percent less than the 2001 cooperative swept area biomass estimates for this survey, while swept area biomass estimates for the SFMA from the 2004 cooperative survey were 66-percent higher than the 2001 estimates.

4.1.1.2 2006 Fall Survey Results

The FMP currently uses the NMFS fall bottom trawl survey to determine monkfish stock status (biomass) relative to management reference points. To smooth out year-to-year variability in the survey, a three-year running average is used to evaluate the stock against the MSY proxy target, and minimum biomass reference points. In 2007, the NEFSC recalculated survey indices using a new algorithm with a higher degree of precision that accommodated the higher measurement precision obtained by the Fisheries Scientific Computing System (FSCS). As a result of the recalculation, the values of the Biomass threshold and targets were modified slightly. The previous and updated indices and reference point values are shown in Table 3 and Table 4, respectively. As shown in both tables, the northern and southern stock components are below the minimum biomass threshold, and are, therefore, overfished. This is a change of status from 2004 when both stocks were not overfished.

kg/tow	2000	2001	2002	2003	2004	2005	2006	3-yr. Ave.	Bthreshold	Btarget
NFMA	2.495	2.052	2.103	1.925	0.638	1.078	1.066	0.927	1.25	2.5
SFMA	0.477	0.708	1.253	0.828	0.742	0.765	0.807	0.771	0.93	1.86

Table 3 2000 – 2006 NMFS autumn bottom trawl survey indices of monkfish abundance and biomass reference points (pre-recalculation).

kg/tow	2000	2001	2002	2003	2004	2005	2006	3-yr. Ave.	Bthreshold	Btarget
NFMA	2.495	2.070	2.320	2.723	0.626	1.623	1.042	1.097	1.302	2.604
SFMA	0.477	0.712	1.315	0.827	0.969	0.804	0.834	0.869	0.924	1.848

Table 4 2000 – 2006 NMFS autumn bottom trawl survey indices of monkfish abundance and biomass reference points after 2007 recalculation.

Framework 2, adopted in 2003, established a method for evaluating on an annual basis the rebuilding progress of the fishery. That method compares the three-year running average of the biomass index to annual biomass targets which are ten equal increments between the 1999 observed value (at the start of the 10-year rebuilding program) and the 2009 target (Btarget). The relationship of the observed 3-year average to the annual target value is applied to the previous year's landings to set target TACs for the upcoming year. The annual targets and the 1999-2006 observed values (pre-recalculation) are shown in Figure 2 and Figure 3 for the NFMA and SFMA, respectively. The biomass indices remained below the minimum biomass threshold in 2006. While the values of the reference points and the observed indices changed slightly with the 2007 recalculation, the effect in terms of stock status is unchanged, as shown in Figure 4 and Figure 5. The fall survey time series biomass and abundance indices for northern and southern areas are shown in Figure 6 and Figure 7, respectively.

Monkfish Northern Stock Biomass Rebuilding

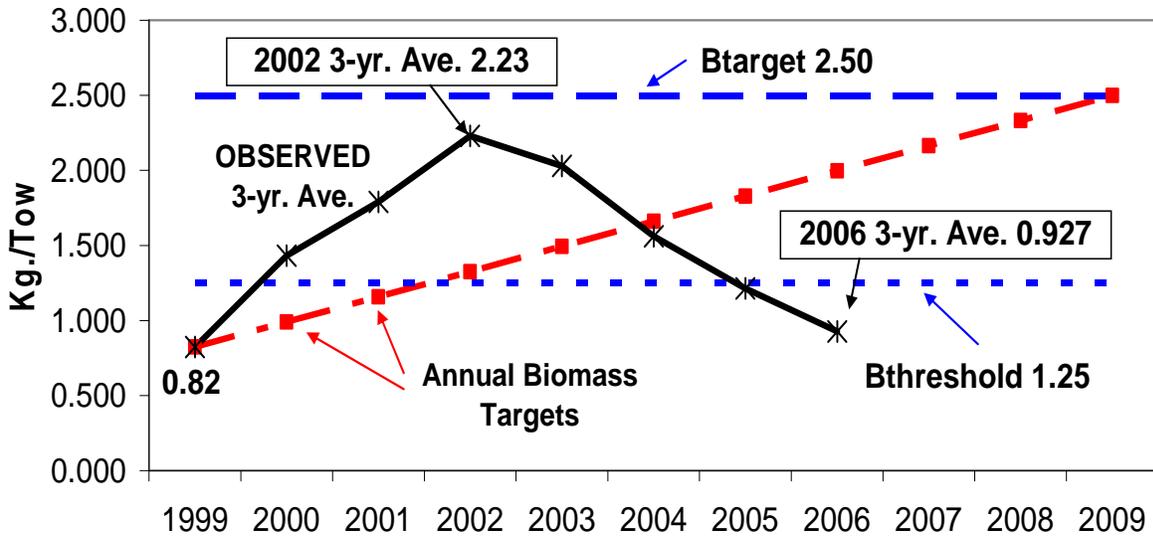


Figure 2 - NFMA biomass index (2006 three-year running average) relative to annual rebuilding targets.

Monkfish Southern Stock Biomass Rebuilding

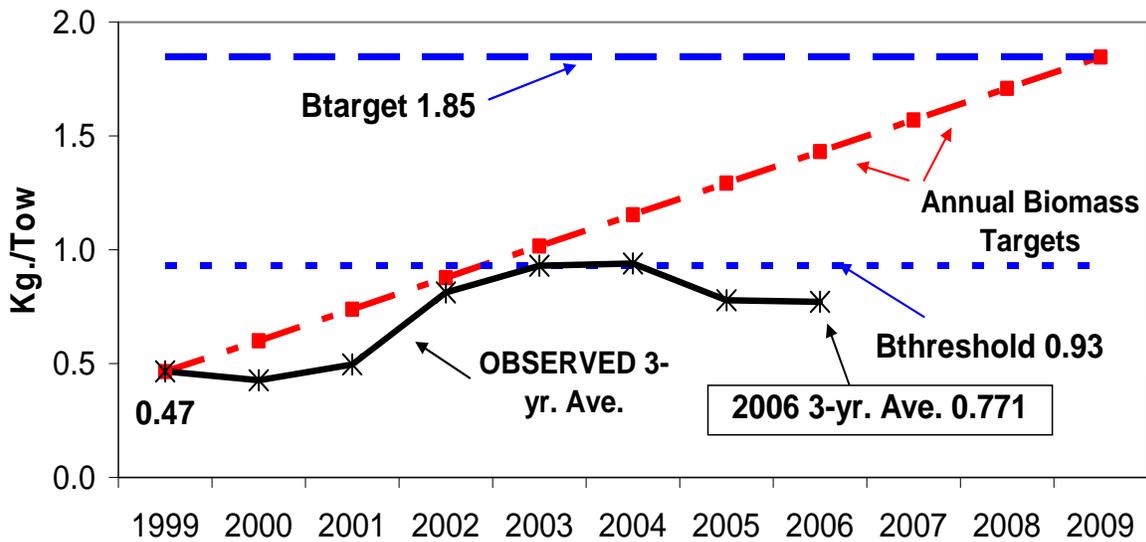


Figure 3 - SFMA biomass index (2006 three-year running average) relative to annual rebuilding targets.

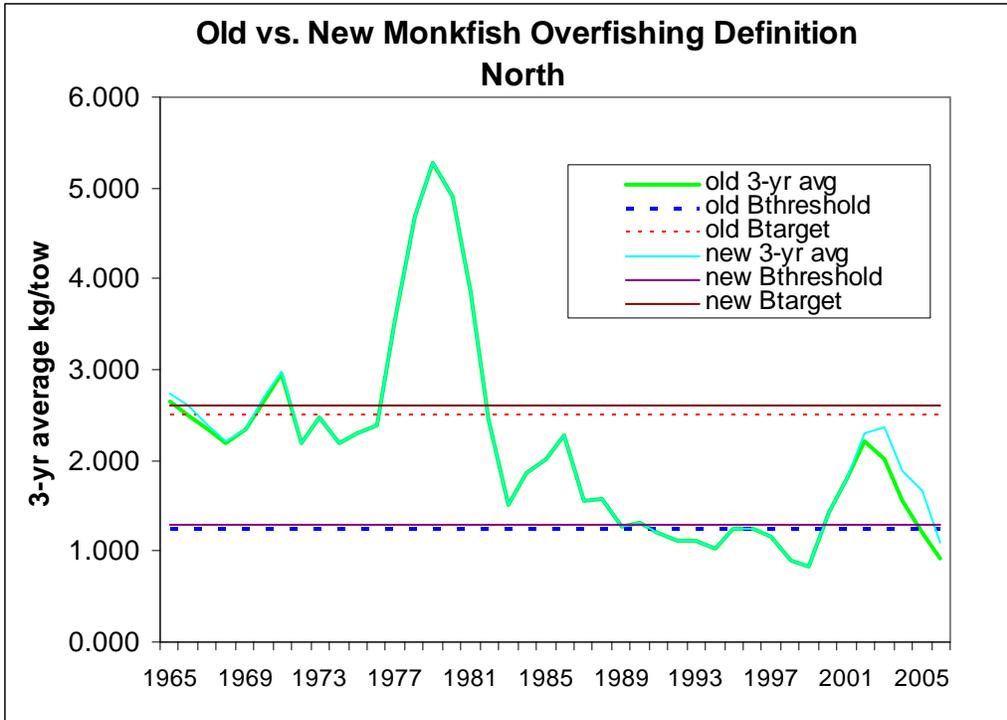


Figure 4 Comparison of observed indices and reference points using original and recalculated survey index values for the Northern area

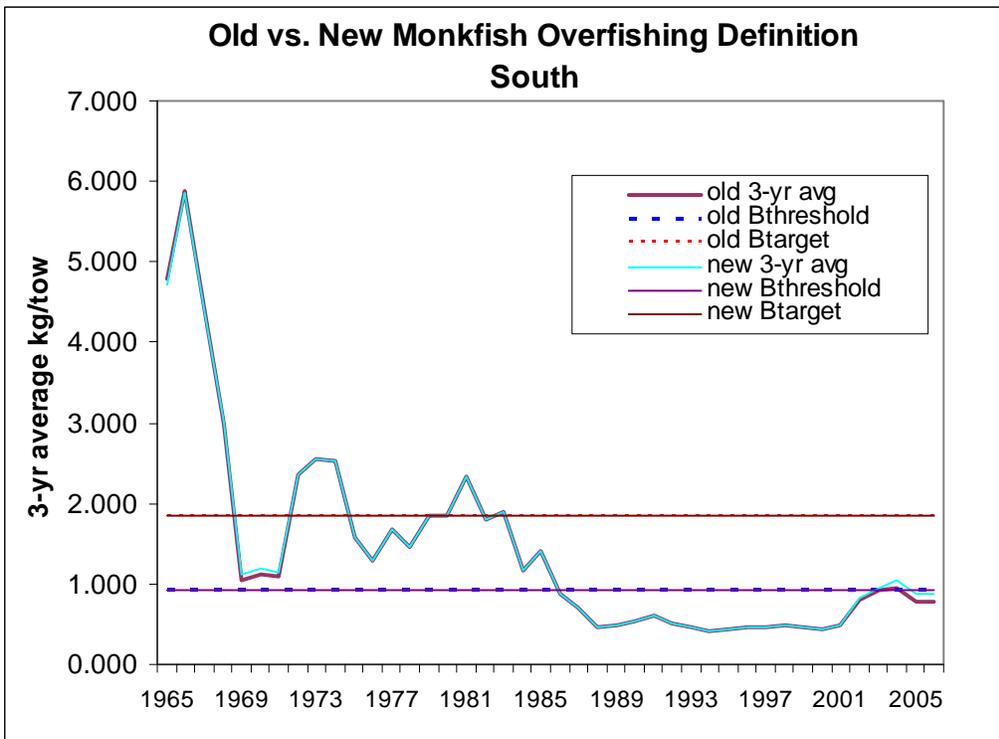


Figure 5 Comparison of observed indices and reference points using original and recalculated survey index values for the Southern area

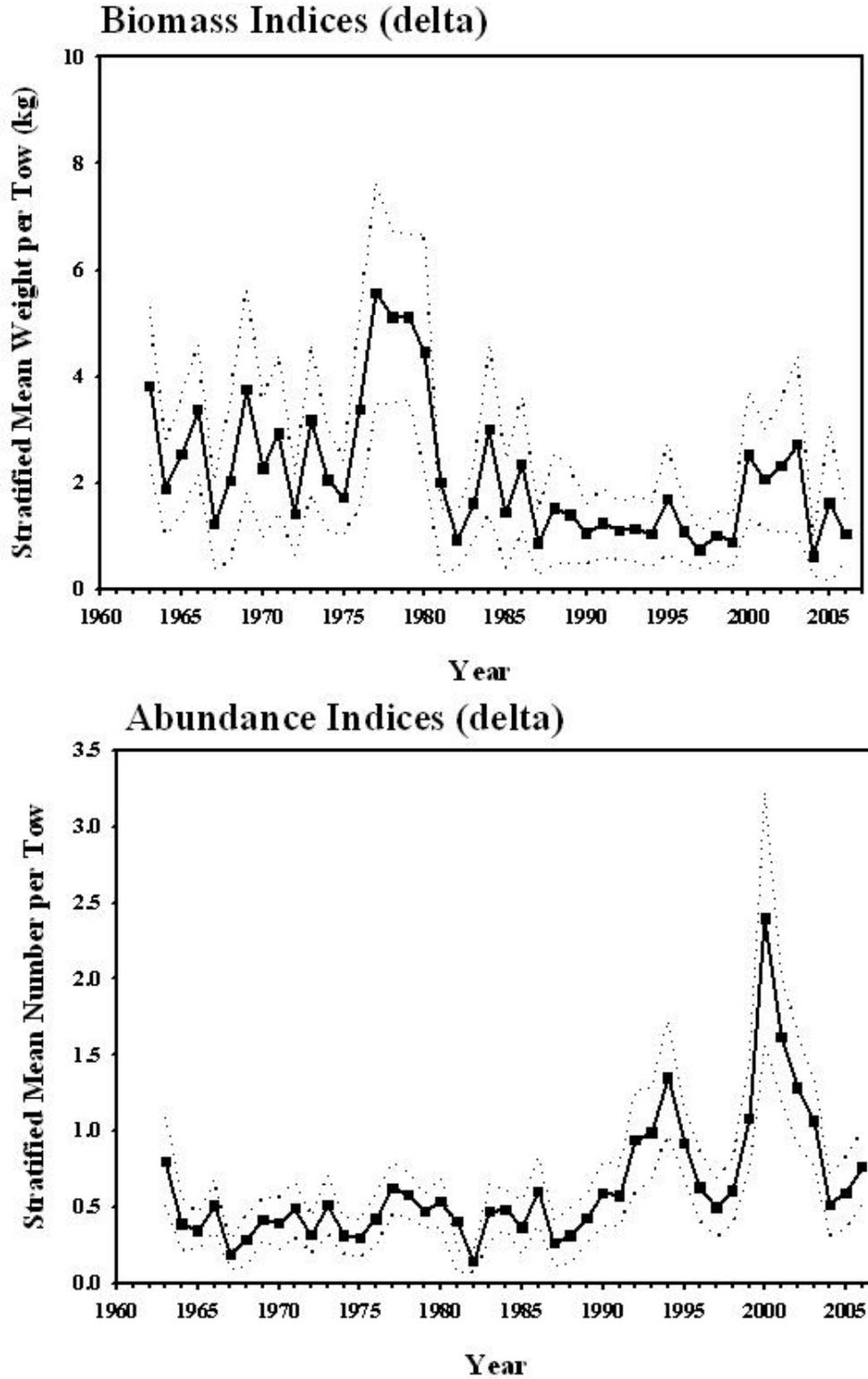


Figure 6 NFMA Fall Survey Biomass and abundance indices 1963-2006

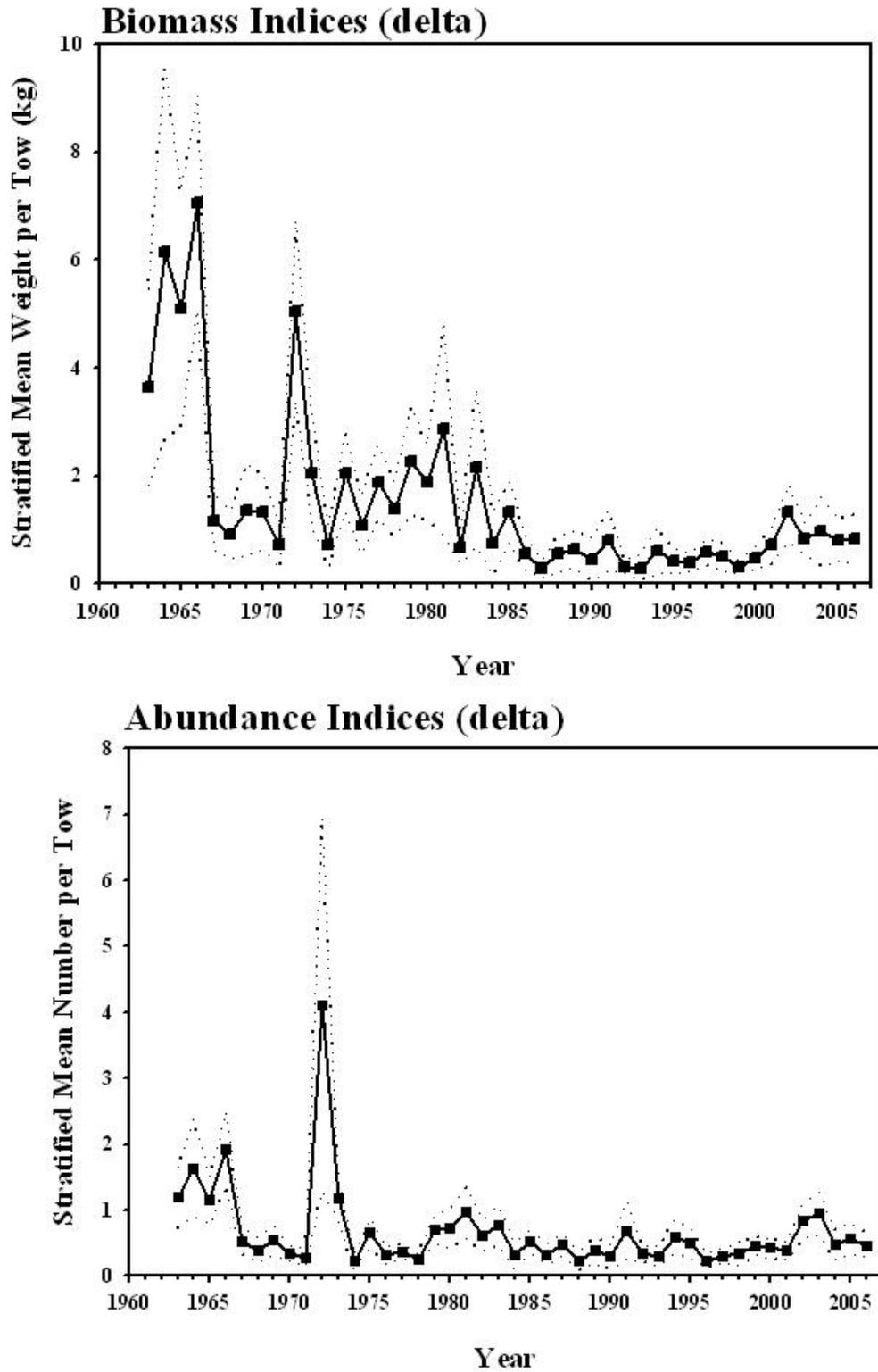


Figure 7 SFMA Fall Survey Biomass and abundance indices 1963-2006

4.1.1.3 Northeast Data Poor Stocks Working Group Assessment 2007

In July, 2007, the Northeast Data Poor Stocks Working Group (DPWG) completed an assessment of monkfish. The Summary Assessment Report is attached as Appendix I. The DPWG concluded that based on existing biomass reference points, the resource would be considered overfished in both northern and southern areas. The DPWG developed and recommended new reference points based on a revised yield-per-recruit analysis (using a revised value of natural mortality, M), and results of a length-tuned model that incorporates multiple survey indices and catch data. Based on these new reference points and estimates of current biomass, monkfish in both management areas are above the biomass target (i.e., are “rebuilt”), and overfishing is not occurring, Table 5.

	B_{2006} (mt)	B_{target} (mt)	$B_{threshold}$ (mt)
NFMA	118,700	92,200	65,200
SFMA	135,500	122,500	96,400
B_{target} = average of total biomass 1980 – 2006			
$B_{threshold}$ = lowest value of total biomass 1980 – 2006			

Table 5 DPWG estimates of 2006 biomass and recommended biomass reference points

The assessment report cautions, however, that while the development of a new analytic model is a significant advance, there is substantial uncertainty in the assessment, and the results need to be viewed with caution. Reservations stem from: (a) input uncertainties, including unknown or under-reported catch data, particularly early in the period, and incomplete understanding of key biological parameters such as age and growth, longevity, natural mortality and stock structure; (b) the shorter assessment time frame, starting in 1980 rather than 1963, as in prior assessments; and (c) the relatively recent development of the assessment model.

4.1.2 Marine Mammals and Protected Species

The following protected species are found in the environment utilized by the monkfish fishery. A number of them are listed under the Endangered Species Act of 1973 (ESA) as endangered or threatened, while others are identified as protected under the Marine Mammal Protection Act of 1972 (MMPA). Two right whale critical habitat designations are located in the area in which the monkfish fishery is prosecuted. The information provided here is summary of the full descriptions provided in the Amendment 2 FSEIS. Actions taken to minimize the interaction of the fishery with protected species are described in Section 1.2.4.2 of this document.

Cetaceans

Northern right whale (*Eubalaena glacialis*)
 Humpback whale (*Megaptera novaeangliae*)
 Fin whale (*Balaenoptera physalus*)
 Blue whale (*Balaenoptera musculus*)
 Sei whale (*Balaenoptera borealis*)
 Sperm whale (*Physeter macrocephalus*)
 Minke whale (*Balaenoptera acutorostrata*)
 Pilot whale (*Globicephala* spp.)

Status

Endangered
 Endangered
 Endangered
 Endangered
 Endangered
 Endangered
 Protected
 Protected

Spotted dolphin (<i>Stenella frontalis</i>)	Protected
Risso's dolphin (<i>Grampus griseus</i>)	Protected
White-sided dolphin (<i>Lagenorhynchus acutus</i>)	Protected
Common dolphin (<i>Delphinus delphis</i>)	Protected
Bottlenose dolphin: coastal stocks (<i>Tursiops truncatus</i>)	Protected
Harbor porpoise (<i>Phocoena phocoena</i>)	Protected

Seals

Harbor seal (<i>Phoca vitulina</i>)	Protected
Gray seal (<i>Halichoerus grypus</i>)	Protected
Harp seal (<i>Phoca groenlandica</i>)	Protected
Hooded seal (<i>Cystophora cristata</i>)	Protected

Sea Turtles

Leatherback sea turtle (<i>Dermochelys coriacea</i>)	Endangered
Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>)	Endangered
Green sea turtle (<i>Chelonia mydas</i>)	Endangered*
Loggerhead sea turtle (<i>Caretta caretta</i>)	Threatened

Fish

Shortnose sturgeon (<i>Acipenser brevirostrum</i>)	Endangered
Atlantic salmon (<i>Salmo salar</i>)	Endangered

Critical Habitat Designations

Right whale Cape Cod Bay
Great South Channel

**Green turtles in U.S. waters are listed as threatened except for the Florida breeding population which is listed as endangered.*

Although salmon belonging to the Gulf of Maine distinct population segment (DPS) of Atlantic salmon occur within the general geographical area covered by the Monkfish FMP, they are unlikely to occur in the area where the fishery is prosecuted given their numbers and distribution. Therefore, the DPS is not likely to be affected by the monkfish fishery. Similarly, there is no evidence to suggest that operation of the monkfish fishery has any adverse effects on the habitat features (e.g., copepod abundance) in the specific areas designated as right whale critical habitat. Therefore, operation of the monkfish fishery is not expected to have effects on critical habitat for right whales that has been designated for Cape Cod Bay and the Great South Channel.

It is expected that all of the remaining species identified have the potential to be affected by the operation of the monkfish fishery. However, given differences in abundance, distribution and migratory patterns, it is likely that effects will occur as well as the magnitude of effects when they do occur will vary amongst the species. Summary information is provided here that describes the general distribution of cetaceans, pinnipeds, and sea turtles within the management area for the Monkfish FMP as well as the known interactions of gear used in the monkfish fishery with these protected species. Additional background information on the range-wide

status of marine mammal and sea turtle species that occur in the area can be found in a number of published documents. These include sea turtle status reviews and biological reports (NMFS and USFWS 1995; Hirth 1997; USFWS 1997; Marine Turtle Expert Working Group (TEWG) 1998 & 2000), recovery plans for Endangered Species Act-listed sea turtles and marine mammals (NMFS 1991; NMFS and USFWS 1991a; NMFS and USFWS 1991b; NMFS and USFWS 1992; NMFS 1998; USFWS and NMFS 1992; NMFS 2005), the marine mammal stock assessment reports (*e.g.*, Waring *et al.* 2005), and other publications (*e.g.*, Clapham *et al.* 1999; Perry *et al.* 1999; Wynne and Schwartz 1999; Best *et al.* 2001; Perrin *et al.* 2002).

Sea Turtles

Loggerhead, leatherback, Kemp’s ridley, and green sea turtles occur seasonally in southern New England and Mid-Atlantic continental shelf waters north of Cape Hatteras. In general, turtles move up the coast from southern wintering areas as water temperatures warm in the spring (James *et al.* 2005; Morreale and Standora 2005; Braun-McNeill and Epperly 2004; Morreale and Standora 1998; Musick and Limpus 1997; Shoop and Kenney 1992; Keinath *et al.* 1987). The trend is reversed in the fall as water temperatures cool. By December, turtles have passed Cape Hatteras, returning to more southern waters for the winter (James *et al.* 2005; Morreale and Standora 2005; Braun-McNeill and Epperly 2004; Morreale and Standora 1998; Musick and Limpus 1997; Shoop and Kenney 1992; Keinath *et al.* 1987). Hard-shelled species are typically observed as far north as Cape Cod whereas the more cold-tolerant leatherbacks are observed in more northern Gulf of Maine waters in the summer and fall (Shoop and Kenney 1992; STSSN database).

Sea turtles are known to be captured in gillnet and trawl gear; gear types that are used in the monkfish fishery. The following table, Table 6, provides the most recent information on observed turtle interactions with the monkfish fishery for the period 2003 – Aug. 2006. The data has not been analyzed with respect to trends or impact of effort controls and/or sea turtle closures. Gillnet gear is the most prevalent gear used in the SFMA monkfish fishery.

Year	Month	Species	Statistical Area	Gear Type
2003	August	Unknown	537	Sink gillnet
2003	August	Unknown	537	Sink gillnet
2003	August	Unknown	537	Sink gillnet
2004	May	Loggerhead	621	Sink gillnet
2004	June	Loggerhead	612	Sink gillnet
2004	October	Leatherback	615	Sink gillnet
2004	November	Leatherback	613	Sink gillnet

Table 6 Turtle Interactions in Gillnet Gear Targeting Monkfish, 2003-Sept 2005.

Source: NEFSC Observer Data

Large Cetaceans (Baleen Whales and Sperm Whale)

The western North Atlantic baleen whale species (Northern right, humpback, fin, sei, and minke) follow a general annual pattern of migration from high latitude summer foraging grounds, including the Gulf and Maine and Georges Bank, and low latitude winter calving grounds (Perry *et al.* 1999; Kenney 2002). However, this is an oversimplification of species movements, and

the complete winter distribution of most species is unclear (Perry *et al.* 1999; Waring *et al.* 2005). Studies of some of the large baleen whales (right, humpback, and fin) have demonstrated the presence of each species in higher latitude waters even in the winter (Swingle *et al.* 1993; Wiley *et al.* 1995; Perry *et al.* 1999; Brown *et al.* 2002).

In comparison to the baleen whales, sperm whale distribution occurs more on the continental shelf edge, over the continental slope, and into mid-ocean regions (Waring *et al.* 2005). However, sperm whales distribution in U.S. EEZ waters also occurs in a distinct seasonal cycle (Waring *et al.* 2005). Typically, sperm whale distribution is concentrated east-northeast of Cape Hatteras in winter and shifts northward in spring when whales are found throughout the Mid-Atlantic Bight (Waring *et al.* 2005). Distribution extends further northward to areas north of Georges Bank and the Northeast Channel region in summer and then south of New England in fall, back to the Mid-Atlantic Bight (Waring *et al.* 1999).

Gillnet gear is known to pose a risk of entanglement causing injury and death to large cetaceans. Right whale, humpback whale, and minke whale entanglements in gillnet gear have been documented (Johnson *et al.* 2005; Waring *et al.* 2005). However, it is often not possible to attribute the gear to a specific fishery.

Small Cetaceans (Dolphins, Harbor Porpoise and Pilot Whale)

Numerous small cetacean species (dolphins, pilot whales, harbor porpoise) occur within the area from Cape Hatteras through the Gulf of Maine. Seasonal abundance and distribution of each species in Mid-Atlantic, Georges Bank, and/or Gulf of Maine waters varies with respect to life history characteristics. Some species primarily occupy continental shelf waters (e.g., white sided dolphins, harbor porpoise), while others are found primarily in continental shelf edge and slope waters (e.g., Risso's dolphin), and still others occupy all three habitats (e.g., common dolphin, spotted dolphins). Information on the western North Atlantic stocks of each species is summarized in Waring *et al.* (2005). Small cetaceans are known to be captured in gillnet and trawl gear (Waring *et al.* 2005).

Pinnipeds

Of the four species of seals expected to occur in the area, harbor seals have the most extensive distribution with sightings occurring as far south as 30° N (Katona *et al.* 1993). Grey seals are the second most common seal species in U.S. EEZ waters, occurring primarily in New England (Katona *et al.* 1993; Waring *et al.* 2005). Pupping colonies for both species are also present in New England, although the majority of pupping occurs in Canada. Harp and hooded seals are less commonly observed in U.S. EEZ waters. Both species form aggregations for pupping and breeding off of eastern Canada in the late winter/early spring, and then travel to more northern latitudes for molting and summer feeding (Waring *et al.* 2005). However, individuals of both species are also known to travel south into U.S. EEZ waters and sightings as well as strandings of each species have been recorded for both New England and Mid-Atlantic waters (Waring *et al.* 2005). All four species of seals are known to be captured in gillnet and/or trawl gear (Waring *et al.* 2005).

4.1.3 Status of bycatch species

Information about the absolute level of bycatch species in the directed monkfish fishery is not available, according to the EIS for Amendment 2. Nevertheless, Amendment 2 stated that winter skates and dogfish are the predominant species discarded in the NFMA monkfish fisheries, while winter and thorny skates, as well as dogfish are discarded in the SFMA. The status of these three species is summarized below:

- **Winter skate** –overfished, overfishing is not occurring
- **Thorny skate** – overfished, overfishing is not occurring,
- **Spiny dogfish** – no minimum biomass threshold adopted in the FMP but based on NMFS' recommended threshold, the stock would be considered not overfished and overfishing is not occurring.

4.2 Physical Environment

The following sections summarize the physical environment of the monkfish fishery. A full description of the physical environment is provided in Section 5.2 of the FSEIS prepared for Amendment 2 to the FMP. The NFMA comprises the Gulf of Maine and most of Georges Bank, while the SFMA extends from the southern edge of Georges Bank through the Mid-Atlantic Bight (see Figure 1). As noted in the following discussion, the NFMA has a diverse physical geography consisting of shoal areas on Georges Bank and numerous rocky banks and basins of the Gulf of Maine, reflecting the influence of glaciation and post-glacial rise of sea level. The SFMA is characterized by the predominantly sandy continental shelf, and 12 deep-water canyons along the edge of the shelf. Figure 8 shows the sediment types in the Northeast, overlaid with the monkfish management areas.

4.2.1 Gulf of Maine

The Gulf of Maine (GOM) is characterized by a system of deep basins, moraines and rocky protrusions with limited access to the open ocean. The GOM is topographically unlike any other part of the continental border along the U.S. Atlantic coast. The GOM's geologic features, when coupled with the vertical variation in water properties, result in a great diversity of habitat types. It contains twenty-one distinct basins separated by ridges, banks, and swells.

Bedrock is the predominant substrate along the western edge of the GOM north of Cape Cod in a narrow band out to a depth of about 60 m. Rocky areas become less common with increasing depth, but some rock outcrops poke through the mud covering the deeper sea floor. Mud is the second most common substrate on the inner continental shelf. Mud predominates in coastal valleys and basins that often abruptly border rocky substrates. Many of these basins extend without interruption into deeper water. Gravel, often mixed with shell, is common adjacent to bedrock outcrops and in fractures in the rock. Large expanses of gravel are not common, but do occur near reworked glacial moraines and in areas where the seabed has been scoured by bottom currents. Gravel is most abundant at depths of 20 - 40 m, except in eastern Maine where a gravel-covered plain exists to depths of at least 100 m. Bottom currents are stronger in eastern Maine where the mean tidal range exceeds 5 m. Sandy areas are relatively rare along the inner shelf of the western GOM, but are more common south of Casco Bay, especially offshore of sandy beaches.

An intense seasonal cycle of winter cooling and turnover, springtime freshwater runoff, and summer warming influences oceanographic and biologic processes in the GOM. The Gulf has a

general counterclockwise nontidal surface current that flows around its coastal margin that is primarily driven by fresh, cold Scotian Shelf water that enters over the Scotian Shelf and through the Northeast Channel, and freshwater river runoff, which is particularly important in the spring. GOM circulation and water properties can vary significantly from year to year. Notable episodic events include shelf-slope interactions such as the entrainment of shelf water by Gulf Stream rings and strong winds that can create currents as high as 1.1 m/s over Georges Bank. Warm core Gulf Stream rings can also influence upwelling and nutrient exchange on the Scotian shelf, and affect the water masses entering the GOM.

4.2.2 Georges Bank

Georges Bank is a shallow (3 - 150 m depth), elongate (161 km wide by 322 km long) extension of the continental shelf that is characterized by a steep slope on its northern edge and a broad, flat, gently sloping southern flank. The Great South Channel lies to the west. Bottom topography on eastern Georges Bank is characterized by linear ridges in the western shoal areas; a relatively smooth, gently dipping sea floor on the deeper, easternmost part; a highly energetic peak in the north with sand ridges up to 30 m high and extensive gravel pavement; and steeper and smoother topography incised by submarine canyons on the southeastern margin. The central region of the Bank is shallow, and the bottom is characterized by shoals and troughs, with sand dunes superimposed upon them. The area west of the Great South Channel, known as Nantucket Shoals, is similar in nature to the central region of the Bank. The Great South Channel separates the main part of Georges Bank from Nantucket Shoals. Sediments in this region include gravel pavement and mounds, some scattered boulders, sand with storm generated ripples, and scattered shell and mussel beds.

Oceanographic frontal systems separate water masses of the GOM and Georges Bank from oceanic waters south of the Bank. These water masses differ in temperature, salinity, nutrient concentration, and planktonic communities, which influence productivity and may influence fish abundance and distribution. Currents on Georges Bank include a weak, persistent clockwise gyre around the Bank, a strong semidiurnal tidal flow predominantly northwest and southeast, and very strong, intermittent storm induced currents, which all can occur simultaneously. Tidal currents over the shallow top of Georges Bank can be very strong, and keep the waters over the Bank well mixed vertically.

4.2.3 Mid-Atlantic Bight

The Mid-Atlantic Bight includes the shelf and slope waters from Georges Bank south to Cape Hatteras, and east to the Gulf Stream. In this region, the shelf slopes gently from shore out to between 100 and 200 km offshore where it transforms to the slope (100 - 200 m water depth) at the shelf break. In both the Mid-Atlantic and on Georges Bank, numerous canyons incise the slope, and some cut up onto the shelf itself. The primary morphological features of the shelf include shelf valleys and channels, shoal massifs, scarps, and sand ridges and swales. The sediment type covering most of the shelf in the Mid-Atlantic Bight is sand, with some relatively small, localized areas of sand-shell and sand-gravel. On the slope, silty sand, silt, and clay predominate.

Sediments are uniformly distributed over the shelf in this region. A sheet of sand and gravel varying in thickness from 0 - 10 m covers most of the shelf. The sands are mostly medium to

coarse grains, with finer sand in the Hudson Shelf Valley and on the outer shelf. Mud is rare over most of the shelf, but is common in the Hudson Shelf Valley. Occasionally relic estuarine mud deposits are re-exposed in the swales between sand ridges. Fine sediment content increases rapidly at the shelf break, which is sometimes called the “mud line,” and sediments are 70 - 100% fines on the slope.

The northern portion of the Mid-Atlantic Bight is sometimes referred to as southern New England. Most of this area was discussed under Georges Bank; however, one other formation of this region deserves note. The mud patch is located just southwest of Nantucket Shoals and southeast of Long Island and Rhode Island. Tidal currents in this area slow significantly, which allows silts and clays to settle out. The mud is mixed with sand, and is occasionally re-suspended by large storms. This habitat is an anomaly of the outer continental shelf.

Shelf and slope waters of the Mid-Atlantic Bight have a slow southwestward flow that is occasionally interrupted by warm core rings or meanders from the Gulf Stream. On average, shelf water moves parallel to bathymetry isobars at speeds of 5 - 10 cm/s at the surface and 2 cm/s or less at the bottom. Storm events can cause much more energetic variations in flow. Tidal currents on the inner shelf have a higher flow rate of 20 cm/s that increases to 100 cm/s near inlets.

Slope water tends to be warmer than shelf water because of its proximity to the Gulf Stream, and tends to be more saline. The abrupt gradient where these two water masses meet is called the shelf-slope front. The position of the front is highly variable, and can be influenced by many physical factors. Vertical structure of temperature and salinity within the front can develop complex patterns because of the interleaving of shelf and slope waters; e.g., cold shelf waters can protrude offshore, or warmer slope water can intrude up onto the shelf.

The seasonal effects of warming and cooling increase in shallower, nearshore waters. Stratification of the water column occurs over the shelf and the top layer of slope water during the spring-summer and is usually established by early June. Fall mixing results in homogenous shelf and upper slope waters by October in most years. A permanent thermocline exists in slope waters from 200 - 600 m deep where temperatures decrease at the rate of about 0.02°C per meter and remain relatively constant except for occasional incursions of Gulf stream eddies or meanders. A warm, mixed layer approximately 40 m thick resides above the permanent thermocline.

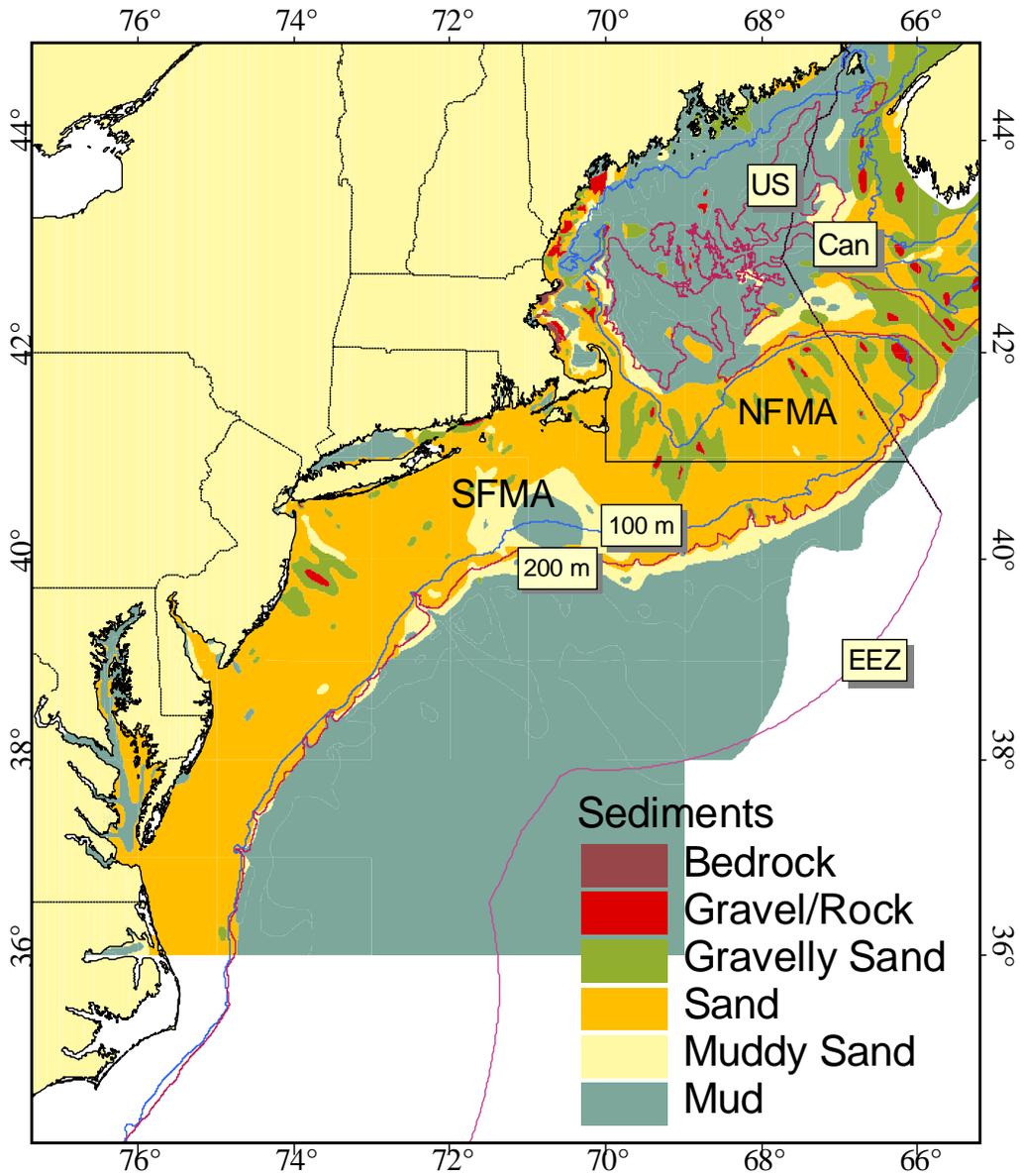


Figure 8. Overlap of sediment types and fishery management areas in Monkfish FMP (Poppe *et al.* 1989a and b).

4.3 Habitat Requirements and Gear Effects Evaluation

4.3.1 Monkfish Habitat Requirements and Essential Fish Habitat

Section 5.1 of the FSEIS to Amendment 2 described benthic habitats that exist within the range of the monkfish fishery biological characteristics of regional systems, and assemblages of fish and benthic organisms. It also included a description of canyon habitats on the edge of the continental shelf. The EFH text descriptions and map designations for the various life stages of monkfish were defined in the Habitat Omnibus Amendment (1998). The following paragraphs and maps, excerpted from the Habitat Omnibus Amendment, describe the environmental needs and natural distribution of Monkfish. For more information on Monkfish EFH refer the Habitat Omnibus Amendment (1998). Note that figures 4.1 and 4.2 (EFH for eggs and larvae) referenced in the following excerpt are not shown, and an additional figure is added, showing combined adult and juvenile monkfish EFH designations. Figure 9 shows the areas designated as EFH for juvenile monkfish (corresponding to Figure 4.3 in the excerpt), Figure 10 shows EFH designated for adult monkfish (Figure 4.4), and Figure 11 shows the combined areas designated as monkfish EFH.

*Essential Fish Habitat Description
Monkfish (*Lophius americanus*)*

In its Report to Congress: Status of the Fisheries of the United States (September 1997), NMFS determined monkfish is currently overfished. This determination is based on an assessment of stock size. Essential Fish Habitat for monkfish is described as those areas of the coastal and offshore waters (out to the offshore U.S. boundary of the exclusive economic zone) that are designated on Figures 4.1 - 4.4 and meet the following conditions:

Eggs: *Surface waters of the Gulf of Maine, Georges Bank, southern New England, and the middle Atlantic south to Cape Hatteras, North Carolina as depicted in Figure 4.1. Generally, the following conditions exist where monkfish egg veils are found: sea surface temperatures below 18° C and water depths from 15 - 1000 meters. Monkfish egg veils are most often observed during the months from March to September.*

Larvae: *Pelagic waters of the Gulf of Maine, Georges Bank, southern New England and the middle Atlantic south to Cape Hatteras, North Carolina as depicted in Figure 4.2. Generally, the following conditions exist where monkfish larvae are found: water temperatures 15° C and water depths from 25 - 1000 meters. Monkfish larvae are most often observed during the months from March to September.*

Juveniles: *Bottom habitats with substrates of a sand-shell mix, algae covered rocks, hard sand, pebbly gravel, or mud along the outer continental shelf in the middle Atlantic, the mid-shelf off southern New England, and all areas of the Gulf of Maine as depicted in Figure 4.3. Generally, the following conditions exist where monkfish juveniles are found: water temperatures below 13° C, depths from 25 - 200 meters, and a salinity range from 29.9 - 36.7‰.*

Adults: *Bottom habitats with substrates of a sand-shell mix, algae covered rocks, hard sand, pebbly gravel, or mud along the outer continental shelf in the middle Atlantic, the mid-shelf off southern New England, along the outer perimeter of Georges Bank and all areas of the Gulf of Maine as depicted in Figure 4.4. Generally, the following conditions exist where monkfish adults are found: water temperatures below 15° C, depths from 25 - 200 meters, and a salinity range from 29.9 - 36.7‰.*

Spawning Adults: *Bottom habitats with substrates of a sand-shell mix, algae covered rocks, hard sand, pebbly gravel, or mud along the outer continental shelf in the middle Atlantic, the mid-shelf off southern New England, along the outer perimeter of Georges Bank and all areas of the Gulf of Maine as depicted in Figure 4.4. Generally, the following conditions exist where spawning monkfish adults are found: water temperatures below 13° C, depths from 25 - 200 meters, and a salinity range from 29.9 - 36.7‰. Monkfish are observed spawning most often during the months from February to August.*

The Council acknowledges potential seasonal and spatial variability of the conditions generally associated with this species.

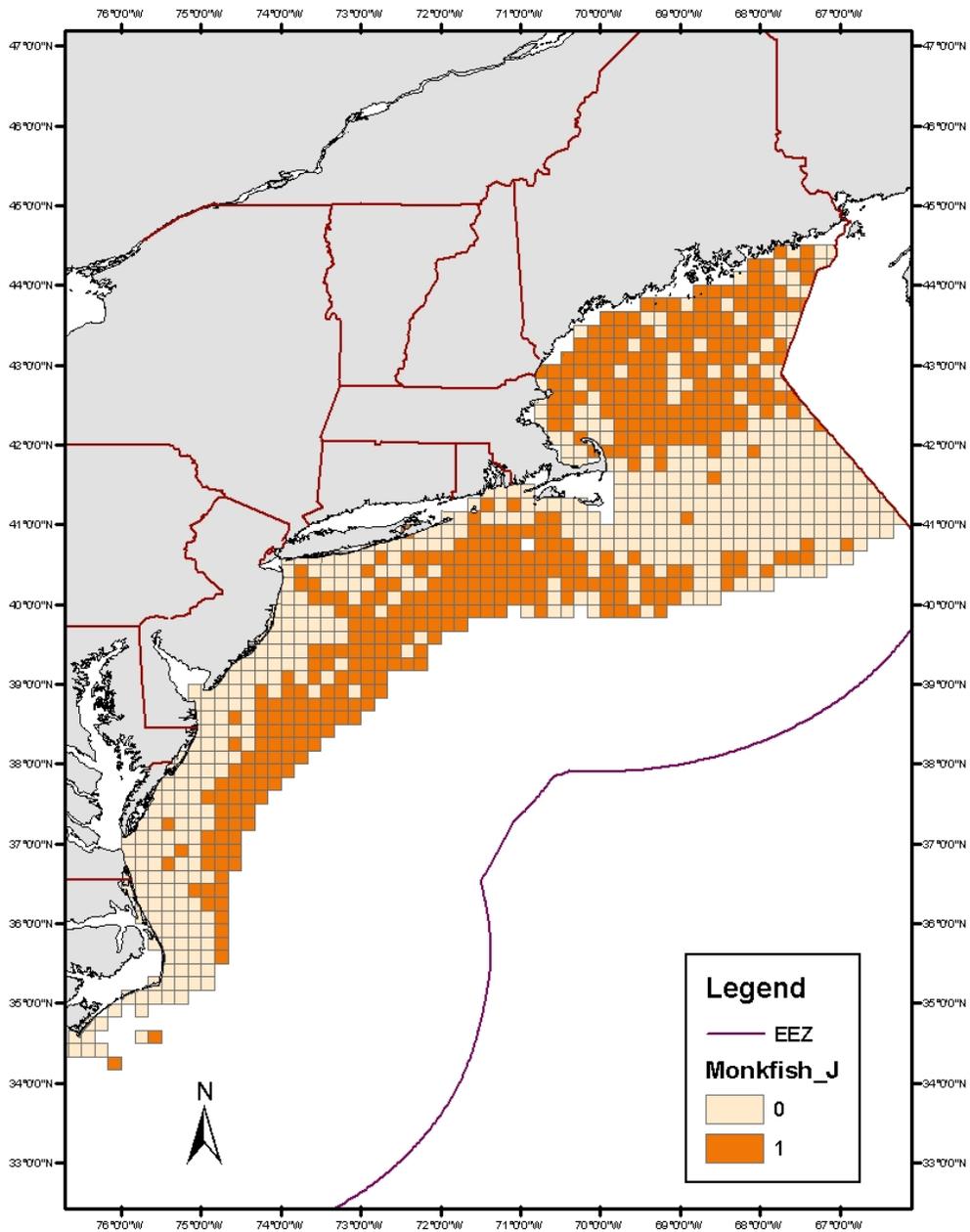


Figure 9 – EFH Designation for Juvenile Monkfish is highlighted in the shaded ten-minute squares

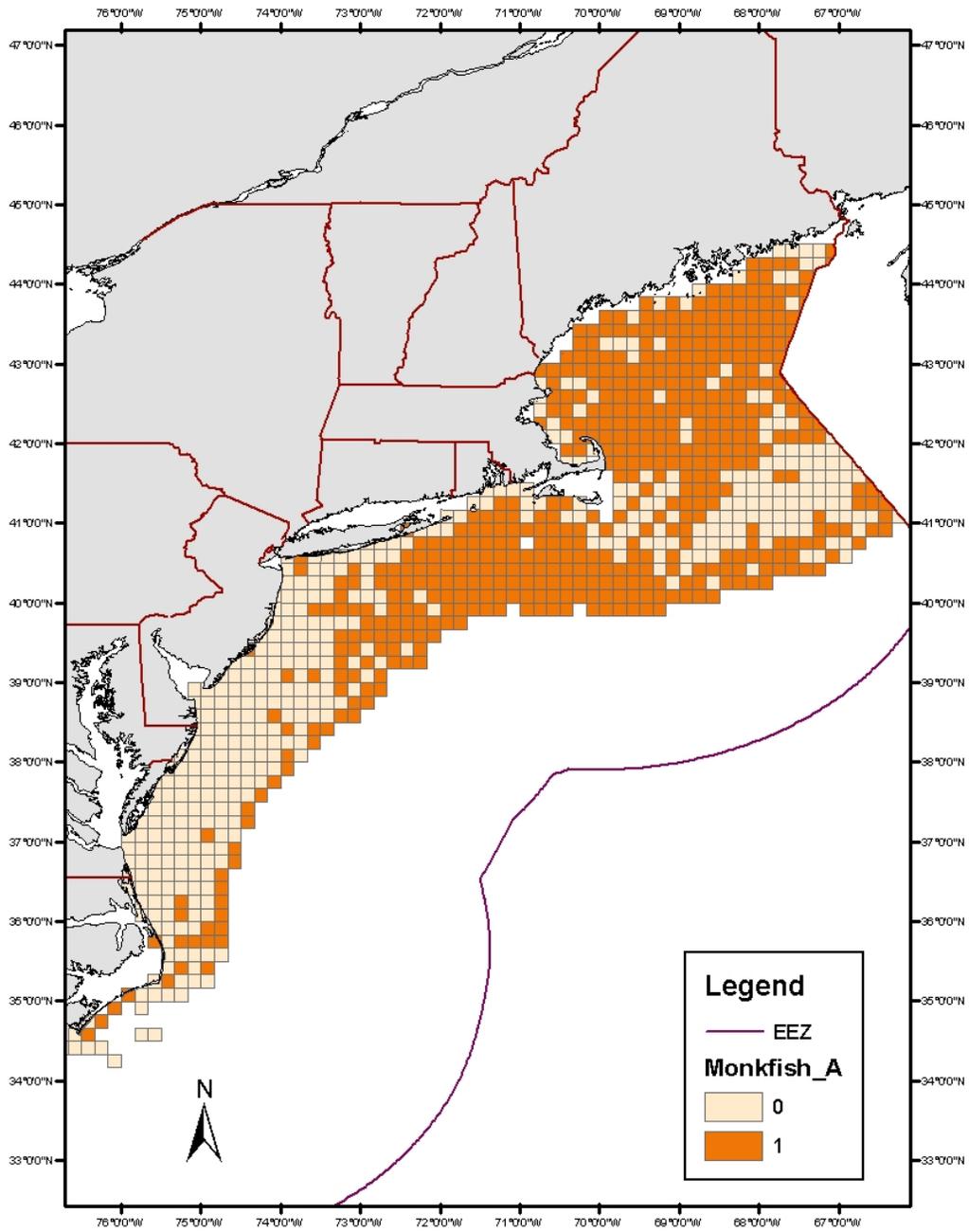


Figure 10 – EFH Designations for Adult Monkfish is highlighted in the shaded ten-minute squares

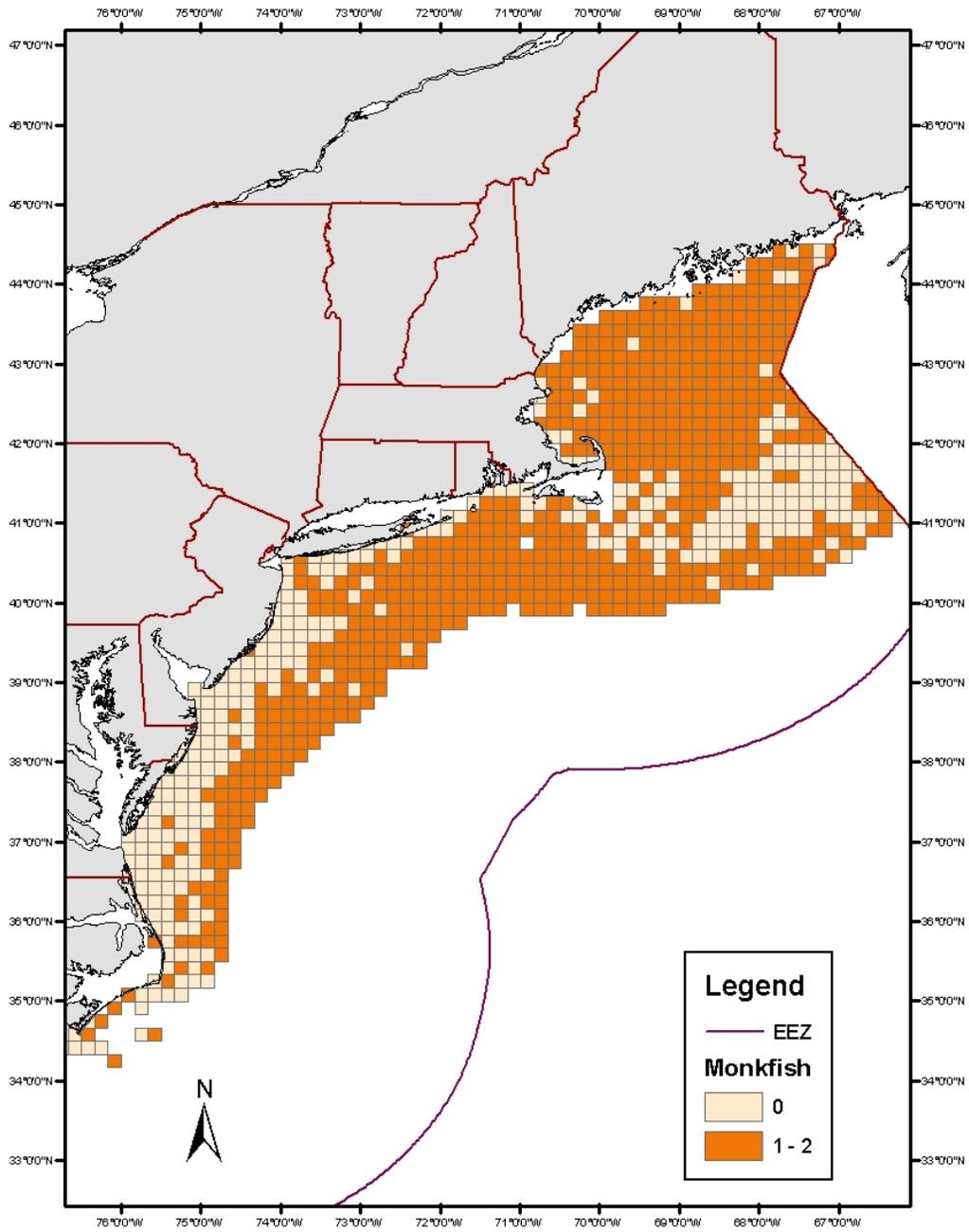


Figure 11 – EFH Designation for both Juvenile and Adult Monkfish combined is highlighted in the shaded ten-minute squares

4.3.2 Effects of fishing gear on monkfish Essential Fish Habitat

Section 5.4 of the FSEIS to Amendment 2 evaluated the potential adverse effects of gears used in the directed monkfish fishery on EFH for monkfish and other federally-managed species and the effects of fishing activities regulated under other federal FMPs on monkfish EFH. The evaluation considered the effects of each activity on each type of habitat found within EFH. The two gears used in the directed monkfish fishery are bottom trawls and bottom gill nets which are described in detail in Section 1.2.1 of Appendix 2 to Amendment 2 to the Monkfish FMP.

Generally, otter trawls are towed at speeds of 2-3 knots over the bottom and the trawl doors and footrope contact the benthic environment. Conversely, while sink gill nets are deployed on the ocean bottom, they are stationary or static, anchored at each end and left in place for varying periods of time.

Monkfish EFH has been determined to only be minimally vulnerable to bottom-tending mobile gear (bottom trawls and dredges) and bottom gillnets (see Appendix II of Amendment 2 FSEIS). Therefore, the effects of the monkfish fishery and other fisheries on monkfish EFH do not require any management action. However, the monkfish trawl fishery does have more than a minimal and temporary impact on EFH for a number of other demersal species in the region. Adverse impacts that were more than minimal and less than temporary in nature were identified for the following species and life stages, based on an evaluation of species life history and habitat requirements and the spatial distributions and impacts of bottom otter trawls in the region (Stevenson *et al.*, in press):

Species and life stages with EFH more than minimally vulnerable to otter trawl gear (42):
American plaice (Juvenile (J), Adult (A)), Atlantic cod (J, A), Atlantic halibut (J, A), haddock (J, A), pollock (A), ocean pout (E, J, A), red hake (J, A), redfish (J, A), white hake (J), silver hake (J), winter flounder (A), witch flounder (J, A), yellowtail flounder (J, A), black sea bass (J, A), scup (J), tilefish (J, A), barndoor skate (J, A), clearnose skate (J, A), little skate (J, A), rosette skate (J, A), smooth skate (J, A), thorny skate (J, A), and winter skate (J, A).

There are no species or life stages for which EFH is more than minimally vulnerable to bottom gill nets (Stevenson *et al.*, 2004).

In Amendment 13 to the Multispecies FMP and Amendment 10 to the Scallop FMP, the New England Council implemented a range of measures to minimize the impacts of bottom trawling in the Gulf of Maine, George's Bank and Southern New England. In addition to the significant reductions in days-at-sea and some gear modifications, in Amendment 13 the Council closed 2,811 square nautical miles to bottom-tending mobile fishing gear (known as Habitat Closed Areas). Because the monkfish fishery overlaps significantly with the groundfish fishery in the northern fishery management area and the habitat closed areas extend into the southern fishery management area, measures to protect habitat in Amendment 10 and Amendment 13 assist in minimizing the effect of fishing on EFH in the monkfish fishery.

The alternatives implemented in Amendment 2 focus on those areas (offshore/shelf slope/canyons) and gears modifications (trawl mesh) where the monkfish fishery operations do not overlap (spatially or gear use) with the groundfish or scallop fishery. The Councils closed Oceanographer and Lydonia Canyons deeper than 200 meters, a total closure of 116 square nautical miles, to vessels on a monkfish DAS to minimize the impacts of the directed monkfish fishery on deepwater canyon, hard bottom communities. These two canyon areas are outside the range of the multispecies and scallop fisheries, but could be areas in which, or adjacent to where deep-water monkfish fisheries occur.

4.4 Human Environment, Vessels, Ports and Communities

This section updates information provided in the annual SAFE Report for the Monkfish FMP, adding data for the 2005 fishing year. [To be updated]

4.4.1 Vessels and Fishery Sectors

The following sections show the distribution of effort and landings by permit category, area and gear type.

4.4.1.1 Permits

In 2005, there were 756 monkfish limited access vessels, of which 346 were Category C permits holding limited access permits in either a Multispecies (61%) or Scallop (47%) fisheries, and 348 were Category D permits, primarily (98%) holding limited access Multispecies permits (Table 7). Overall, 73% of monkfish limited access permit holders also hold multispecies limited access permits. Vessels in all four monkfish permit categories also hold limited access permits in a number of New England and Mid-Atlantic fisheries. In 2005 there were six new Category H limited access permits issued under the provision of Amendment 2 for vessels fishing off the North Carolina/Virginia coast.

MONKFISH PERMIT CATEGORY	NUMBER OF MONKFISH PERMITS	NUMBER OF MONKFISH VESSELS ALSO ISSUED A LIMITED ACCESS PERMIT FOR:									
		BLACK SEA BASS	SUMMER FLOUNDER	LOBSTER	MULTI-SPECIES	OCEAN QUAHOG	RED CRAB	SCALLOP	SCUP	SQUID/ MACKEREL/ BUTTERFISH	TILEFISH
A	14	7	2	7	0	0	0	0	5	1	1
B	42	20	6	19	2	0	0	0	13	0	3
C	346	129	259	285	211	0	0	163	145	111	1
D	348	121	200	315	342	0	0	19	152	104	4
H	6	1	0	0	0	0	0	0	0	0	0
TOTAL	756	278	467	626	555	0	0	182	315	216	9

MONKFISH PERMIT CATEGORY	NUMBER OF MONKFISH PERMITS	PERCENT OF MONKFISH VESSELS ALSO ISSUED A LIMITED ACCESS PERMIT FOR:									
		BLACK SEA BASS	SUMMER FLOUNDER	LOBSTER	MULTI-SPECIES	OCEAN QUAHOG	RED CRAB	SCALLOP	SCUP	SQUID/ MACKEREL/ BUTTERFISH	TILEFISH
A	14	50%	14%	50%	0%	0%	0%	0%	36%	7%	7%
B	42	48%	14%	45%	5%	0%	0%	0%	31%	0%	7%
C	346	37%	75%	82%	61%	0%	0%	47%	42%	32%	0%
D	348	35%	57%	91%	98%	0%	0%	5%	44%	30%	1%
H	6	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%
TOTAL	756	37%	62%	83%	73%	0%	0%	24%	42%	29%	1%

Table 7 – Number and Percent of monkfish limited access vessels also issued a limited access permit in other fisheries in 2005, by permit category

The FMP also provides an open-access permit (Category E) for vessels that did not qualify for a limited access permit so those vessels can land monkfish caught incidentally in other fisheries. Table 8 shows that the number of category E permits increased during the first few years of the

FMP but has remained relatively steady since 2001, although the number declined about 10% between 2005 and 2006.

Fishing Year	Number of permits
1999	1466
2000	1882
2001	1991
2002	2142
2003	2120
2004	2256
2005	2379
2006	2131
TOTAL	3577

Table 8 – Monkfish open-access (Category E) permits issued each year since implementation of the FMP in 1999.

The total is the number of unique Category E permits issued since inception of the plan.

4.4.1.2 Landings and Revenues

Table 9 shows monthly landings for FY 2004 by area and gear, as well as total monthly landings since FY 2000. Monkfish landings increased between FY 2002 and FY 2003, principally due to the increase trip limits in the SFMA but declined in FY2004 as trip limits and DAS allocations were reduced in that area. In FY2005 total landings increased by 1,295 mt, or about 7% due to an increase in SFMA landings as a result increased trip limits and DAS allocations, and in spite of a decline of 2,379 mt or 20% in NFMA landings from the previous year. For the first time since FY2000, SFMA landings exceeded those in the NFMA. In FY2002 and FY2004, nearly two-thirds of the total landings were from the NFMA, Figure 12, while in FY 2000, 2001 and 2003, the NFMA accounted for 60%, 57% and 54% of the total, respectively. In FY 1999, before the FMP measures took effect, the NFMA accounted for only 40% of the total.

Table 10 shows monthly landings by gear from the dealer reports for FY 2005, both as reported (landed weight) and converted to live weight. The lower landed weights reflect the fact that monkfish are landed as tails only, and as whole fish. The lower ratio of landed weight to live weight for otter trawls (0.38), compared to gillnets (0.80), is the result of a greater proportion of tails being landed by otter trawls, while gillnets land mostly whole fish.

Figure 13 shows the long-term trend in landings (live weight equivalent) and revenues based on a calendar year. For the four-year period prior to 2000, when the FMP took effect and the five-years since the FMP, landings averaged 58.7 and 50.4 million pounds, respectively, while revenues averaged \$37.0 and \$41.5 million. In 2004 and 2005, landings declined but in 2005 revenues actually increased to the fourth highest in the time series (since 1982). Whether the decline in landings is due to effort controls in monkfish and multispecies fisheries or to monkfish abundance, or both, is unknown, and possibly different for each management area. Table 11, which is based on fishing year, not calendar year as Figure 13, shows a similar trend in revenues, but actually shows a slight increase in landed weights in FY2005, reflecting a trend toward landing more whole fish rather than tails.

Figure 14 illustrates the seasonal pattern of monkfish landings in FY 2005, and the distinct difference between NFMA and SFMA fisheries, not only in terms of seasonality, but also in terms of the predominant gear. In the NFMA, trawl gear is the primary gear landing monkfish, and gillnet gear landings are a small proportion during the winter months. In the SFMA, on the other hand, gillnet gear accounts for the majority of monkfish landings, with a peak in the late spring/early summer months, and showing less of a winter effect. Figure 15 shows the annual distribution of landings by gear for each area since FY 1999. While the NFMA pattern is fairly consistent over that period in terms of the proportion landed by gear type, the proportion of landings accounted for by trawl vessels has declined in the SFMA, although it nearly doubled in FY2005 from the previous year.

	MAY - 2005	JUN - 2005	JUL - 2005	AUG - 2005	SEP - 2005	OCT - 2005	NOV - 2005	DEC - 2005	JAN - 2006	FEB - 2006	MAR - 2006	APR - 2006	MAY 05 - APR 06		2005*		2004*	
													Metric Tons	Percent of Area	May05-Apr06 as a % of Target	Target TAC	May04-Apr05 as a % of Target	Target TAC
NORTHERN	601	1,134	1,002	962	927	777	761	686	801	535	730	408	9,325	49%	71%	13,160	69%	16,968
OTTER TRAWL	507	808	530	507	621	541	533	514	761	499	707	371	6,897	36%	52%		49%	
GILLNET	92	324	464	442	291	226	220	171	40	36	23	32	2,361	12%	18%		20%	
HOOK	0	0	0	0	0	1	1	1	0	0	0	0	3	0%	0%		0%	
OTHER GEARS	1	2	8	13	15	10	7	1	0	0	0	6	64	0%	0%		0%	
SOUTHERN	1,470	1,952	860	525	420	326	856	728	678	606	576	901	9,897	51%	102%	9,673	92%	6,772
OTTER TRAWL	135	119	175	310	366	226	422	191	326	168	181	268	2,886	15%	30%		22%	
GILLNET	1,242	1,678	578	91	12	62	385	501	333	264	345	532	6,022	31%	62%		59%	
HOOK	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0%		0%	
OTHER GEARS	94	154	107	124	42	38	49	36	19	174	49	101	989	5%	10%		11%	
ALL AREAS	2,071	3,085	1,862	1,487	1,347	1,103	1,617	1,414	1,480	1,140	1,306	1,309	19,222	100%				
OTTER TRAWL	642	927	704	817	987	767	955	705	1,087	666	887	638	9,783	51%				
GILLNET	1,334	2,002	1,043	533	303	288	605	672	373	300	369	563	8,384	44%				
HOOK	0	0	0	0	0	1	1	1	0	0	0	0	3	0%				
OTHER GEARS	95	156	115	137	57	48	57	37	20	174	49	107	1,052	5%				
ALL AREAS																		
Fishing Year 2005	2,071	3,085	1,862	1,487	1,347	1,103	1,617	1,414	1,480	1,140	1,306	1,309	19,222					
Fishing Year 2004	1,806	1,979	1,581	1,380	1,304	1,243	1,803	1,681	1,264	1,173	1,235	1,478	17,927					
Fishing Year 2003	2,681	3,199	1,913	1,746	1,420	2,253	2,823	1,907	1,976	2,386	2,172	1,797	26,273					
Fishing Year 2002	1,574	2,093	1,489	1,382	1,524	1,643	1,937	2,203	2,015	1,762	2,631	1,553	21,807					
Fishing Year 2001	2,041	2,456	1,691	1,504	1,495	2,026	2,655	2,984	2,446	1,937	2,022	2,665	25,922					

1. The three digit statistical areas defined below are for statistical and management purposes and may not be consistent with stock area delineation used for biological assessment (see the attached statistical chart).

Monkfish Stock Areas: Northern: 464-465, 467, 511-515, 521-522, 561-562
Southern: 525-526, 533-534, 537-539, 541-543, 611-639

- 2. Landings in live weight.
- 3. Gear data are based on vessel trip reports.
- * Fishing Year is May 1 through April 30.

Table 9 – Monkfish landings by area, gear and month for FY 2005 (converted to live weight).

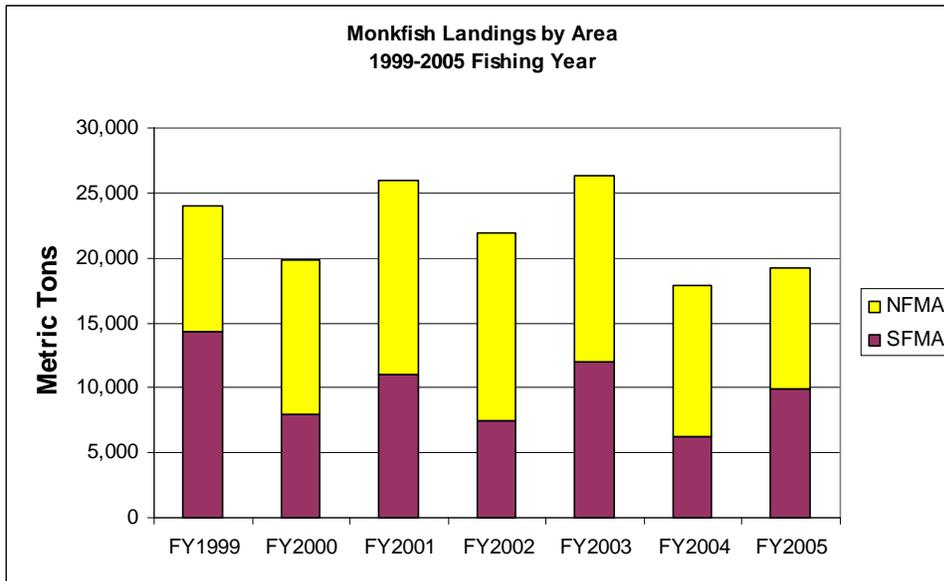


Figure 12 – Monkfish landings by management area, FY 1999 – 2005

Month	Otter Trawl	Scallop Dredge	Gillnet	Hook	Other	Total Pounds
May	1,304,815	132,950	2,338,375	106,823	509,950	4,392,913
June	1,786,455	154,876	3,649,132	104,270	661,121	6,355,854
July	1,172,497	133,307	2,017,737	118,067	416,055	3,857,663
August	1,366,520	151,495	1,047,933	137,752	378,749	3,082,449
September	1,890,639	95,962	539,625	96,007	264,662	2,886,895
October	1,520,087	59,225	472,721	16,619	301,522	2,370,174
November	1,833,984	77,539	1,105,883	8,153	438,150	3,463,709
December	1,414,420	32,324	1,217,065	9,577	346,935	3,020,321
January	1,666,149	43,416	1,047,500	8,179	368,567	3,133,811
February	1,499,977	28,815	520,568	8,206	386,908	2,444,474
March	1,728,404	41,481	655,517	3,330	415,957	2,844,689
April	1,088,603	70,316	1,097,546	2,650	503,362	2,762,477
TOTAL	18,272,550	1,021,706	15,709,602	619,633	4,991,938	40,615,429

Source: NMFS Statistics Office, dealer weighout database

* May include data from CT vessels without a 2005 Monkfish permit

LANDED WEIGHT for FY 2005

Month	Otter Trawl	Scallop Dredge	Gillnet	Hook	Other	Total Pounds
May	493,902	42,469	1,958,853	55,329	266,909	2,817,462
June	607,365	48,264	2,876,716	65,188	347,050	3,944,583
July	405,835	41,430	1,394,118	54,643	189,462	2,085,488
August	468,318	46,917	643,829	75,116	130,268	1,364,448
September	673,395	29,438	369,670	52,387	88,572	1,213,462
October	543,881	18,081	370,744	14,413	103,377	1,050,496
November	683,842	24,584	938,286	6,421	169,328	1,822,461
December	558,512	10,370	1,051,185	9,377	159,236	1,788,680
January	756,476	13,776	923,529	7,358	173,135	1,874,274
February	682,069	8,710	472,233	5,225	164,205	1,332,442
March	698,923	12,494	575,327	2,415	161,091	1,450,250
April	426,332	21,282	970,942	1,255	179,611	1,599,422
TOTAL	6,998,850	317,815	12,545,432	349,127	2,132,244	22,343,468

Table 10 – FY2005 monkfish landings from dealer reports, showing live weight and landed weights.

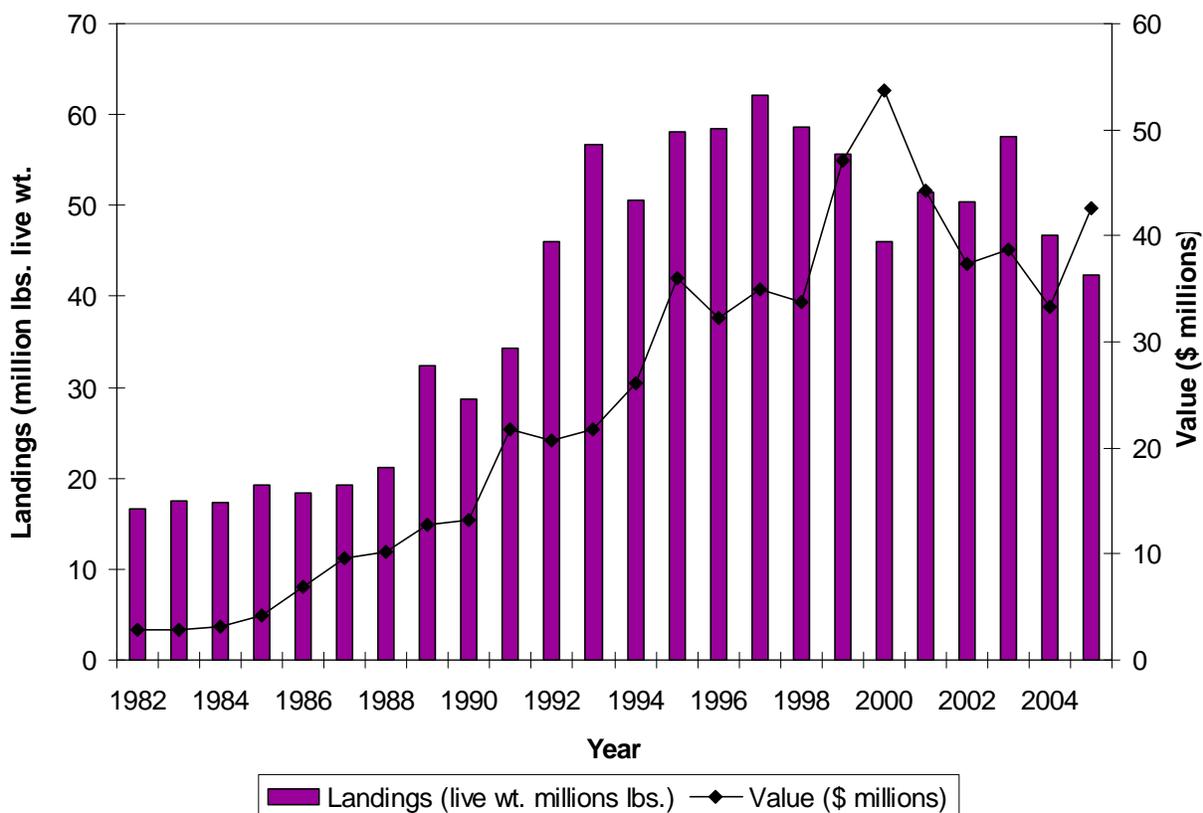


Figure 13 Calendar year monkfish landings and revenues, 1982-2005.

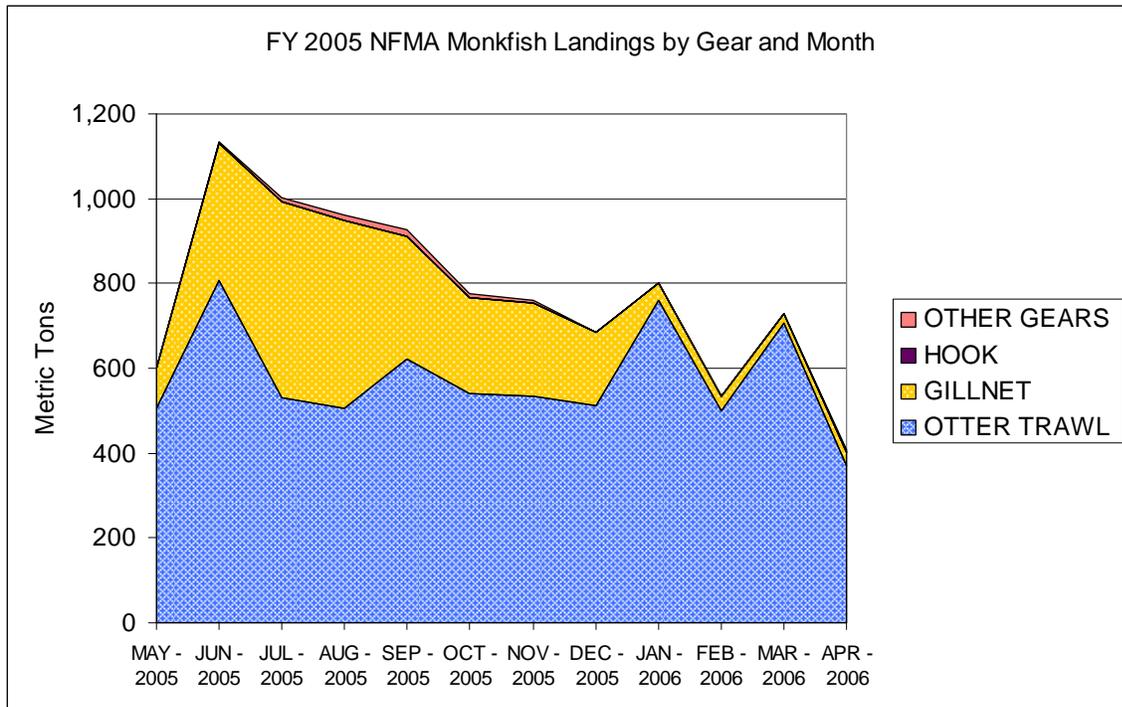
Fishing Year (May 1 - April 30)	Landings* (1,000 lbs. landed wt.)	Revenues* (\$1,000)
1995	18,415.6	\$24,758.8
1996	20,732.6	\$26,188.5
1997	21,774.3	\$30,127.0
1998	24,156.0	\$34,682.0
1999	26,077.2	\$48,713.7
2000	23,422.8	\$46,122.9
2001	30,519.6	\$42,353.5
2002	25,312.0	\$35,256.4
2003	29,344.8	\$37,506.7
2004	18,001.5	\$30,361.3
2005	22,343.5	\$41,143.7

* May include data from CT vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 11 – Fishing year landings (in landed weights) and revenues, 1995 – 2005

(a)



(b)

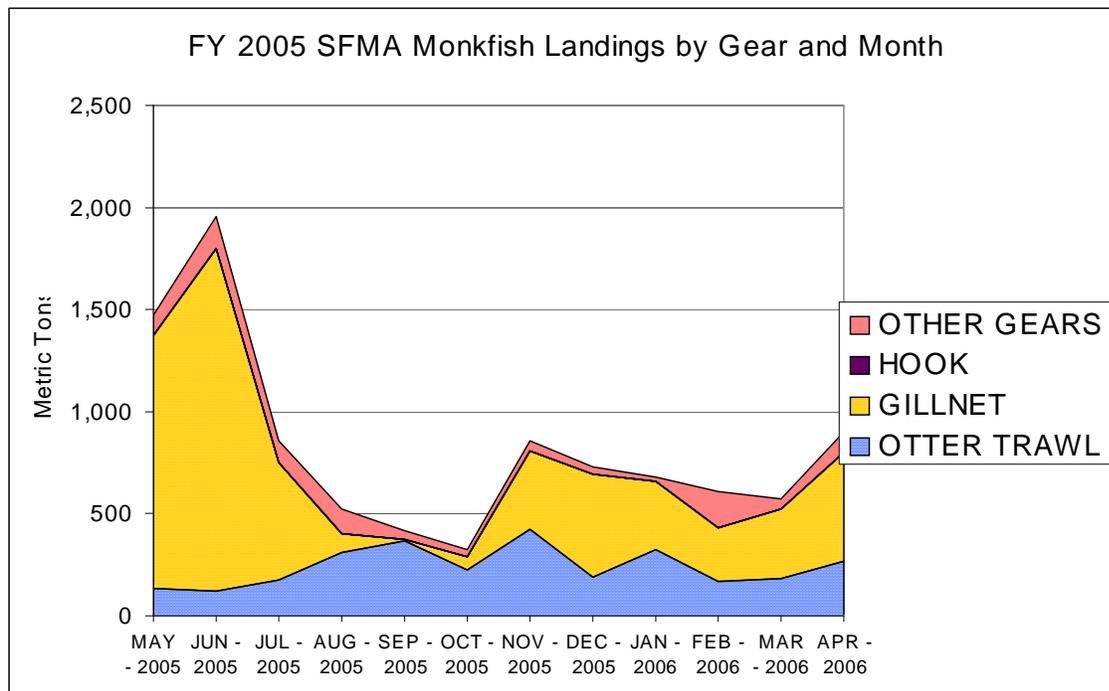
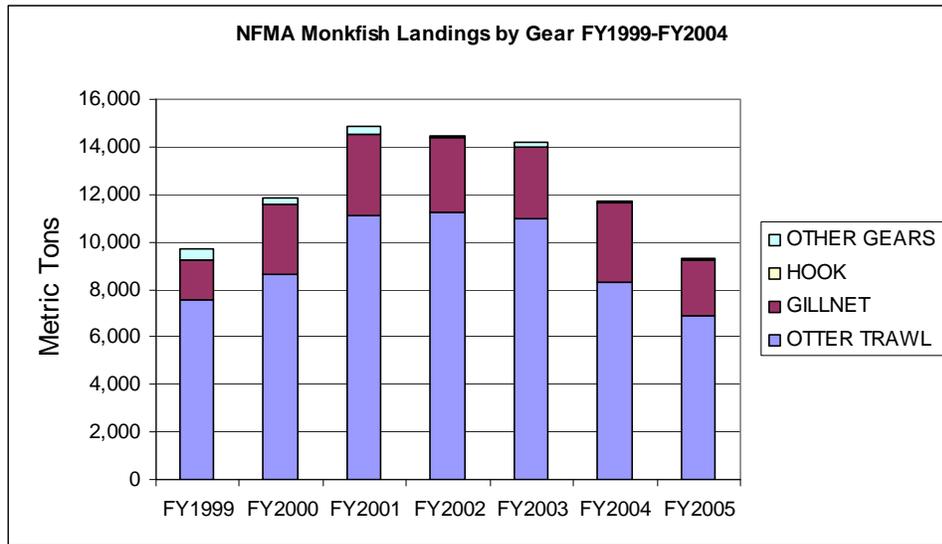


Figure 14 – FY2005 NFMA (a) and SFMA (b) monkfish landings by gear and month

(a)



(b)

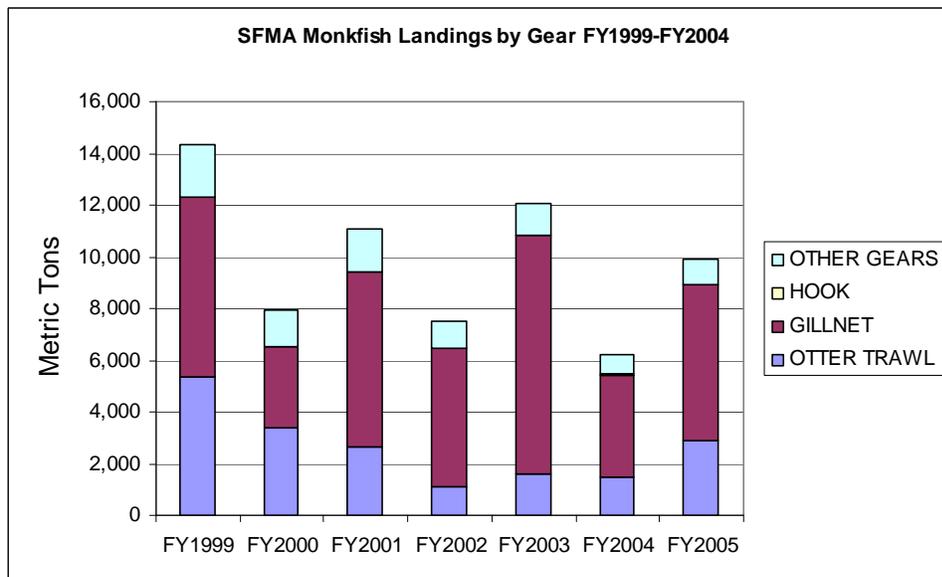


Figure 15 - NFMA (a) and SFMA (b) monkfish landings by gear, FY1999 – 2005

Massachusetts continues to account for the greatest proportion (nearly half) of all monkfish landings, followed by New Jersey, Rhode Island and Maine (Table 12).

STATE	Thousands of Pounds of Monkfish										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
CT*	1,029	733	592	574	557	603	787	455	585	373	352
MA	10,023	8,955	9,893	11,353	11,167	10,643	12,298	10,684	12,059	8,333	10,745
MD	178	524	382	322	341	107	158	38	119	55	139
ME	1,815	1,932	2,102	1,986	3,193	3,993	5,012	4,971	3,716	2,900	2,107
NC	0	431	445	395	432	166	167	112	187	47	85
NH	329	401	523	452	801	1,477	1,928	1,233	909	1,087	791
NJ	1,414	2,321	2,680	3,903	4,371	2,825	5,261	3,886	5,349	2,195	3,242
NY	248	513	654	775	573	435	707	694	1,047	541	1,058
RI	2,829	4,080	3,732	3,597	3,969	2,720	3,519	2,808	4,617	2,092	3,039
VA	550	841	773	799	671	455	683	431	758	379	785
TOTAL	18,416	20,733	21,774	24,156	26,077	23,423	30,520	25,312	29,345	18,002	22,343

Source: NMFS Statistics Office, dealer weighout database & permit database

* May include data from CT vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 12 – Monkfish landings by state (landed weight), FY 1995-2005

The following tables, Table 13 and Table 14 show monkfish landings and revenues as a percentage of total landings and revenues by permit categories for FY 1995 – 2005. For the years prior to 2001, the data is based on vessels that held a monkfish permit in 2001. For subsequent years, the data is based on vessels that held a permit in those years. Data for Connecticut is shown separately because there may have been landings by vessels that did not have a federal permit in 2001 – 2004 due to the way that state’s landings are reported to NMFS. In the first few years after implementation of the FMP, vessels with Category B and D permits showed an increased reliance on monkfish revenues, although this trend reversed somewhat in FY2004 as a result of lower monkfish landings, it returned to near-peak levels in FY2005. Category A vessels dependence on monkfish revenues peaked in FY1999, and has since returned to pre-FMP levels but also showing an increase in FY2005. Category C vessels, of which 48% also hold scallop limited access permits have seen their dependence on monkfish revenues decline steadily as revenues from scallops have increased in the past five years.

When monkfish landings and revenues are shown by vessel length category (Table 15 and Table 16), a decreased reliance on monkfish is evident for the larger size classes, while an increased reliance is evident for vessels in the 30-49 ft. and 50-69 ft. classes, with the 30-49 ft. vessels being the most reliant on monkfish throughout the period, while vessels in the 50-69 ft. class have relied less on monkfish revenues than in the first few years of the FMP. Overall, the reliance on monkfish revenues, determined as the percent of total revenues was relatively steady between FY2004 and FY2005.

Monkfish Permit Category	1,000 pounds, landed weight										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
A	453	817	563	1,093	1,277	845	1,152	1,072	1,375	727	1,117
% of Total A Landings	49.1%	54.1%	13.4%	10.0%	20.5%	6.5%	6.8%	4.6%	4.9%	14.1%	14.2%
B	322	583	479	992	1,474	1,050	2,084	1,594	1,932	916	1,838
% of Total B Landings	14.0%	18.2%	23.4%	24.1%	36.9%	30.2%	46.4%	40.1%	48.9%	28.7%	43.5%
C	11,504	12,322	12,364	12,144	11,876	10,583	12,708	10,359	11,021	6,832	8,420
% of Total C Landings	10.4%	9.3%	7.5%	8.2%	8.5%	6.9%	6.4%	7.9%	8.5%	5.4%	8.3%
D	4,094	5,020	6,139	7,509	8,982	8,905	11,974	10,388	12,944	8,041	9,239
% of Total D Landings	4.6%	5.3%	5.8%	6.7%	11.1%	9.7%	11.7%	9.9%	12.9%	8.0%	10.9%
H											235
% of Total H Landings											24.9%
E (Open Access)	1,014	1,257	1,637	1,845	1,911	1,459	1,816	1,452	1,489	1,112	1,169
% of Total E Landings	0.5%	0.6%	0.5%	0.6%	0.8%	0.6%	0.7%	0.6%	0.4%	0.3%	0.3%
CT	1,029	733	592	574	557	580	787	448	583	373	325
% of Total CT Landings	5.7%	4.0%	3.3%	3.5%	2.9%	3.3%	4.5%	2.9%	3.8%	2.4%	3.1%
TOTAL MONK LANDED	18,416	20,733	21,774	24,156	26,077	23,423	30,520	25,312	29,345	18,002	22,343

Source: NMFS Statistics Office, dealer weighout database

* May include data from CT vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 13 – Monkfish landings as a percent of total landings by permit category, 1995-2005.

Monkfish Permit Category	\$1,000, nominal (not discounted)										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
A	\$582	\$849	\$663	\$1,262	\$2,011	\$1,428	\$1,615	\$1,439	\$1,432	\$900	\$1,819
% of Total A Revenues	36.9%	41.4%	35.7%	51.2%	63.5%	46.6%	50.6%	42.5%	35.8%	38.1%	49.3%
B	\$391	\$583	\$552	\$1,183	\$2,528	\$1,699	\$2,828	\$2,099	\$1,998	\$1,094	\$2,519
% of Total B Revenues	24.6%	33.5%	38.7%	49.6%	62.2%	48.1%	60.3%	53.3%	54.2%	31.5%	51.5%
C	\$16,014	\$16,423	\$18,091	\$18,501	\$23,250	\$22,380	\$17,503	\$14,713	\$15,582	\$12,925	\$16,622
% of Total C Revenues	13.0%	12.0%	13.3%	14.0%	13.5%	11.5%	9.2%	7.4%	7.1%	5.0%	6.1%
D	\$4,736	\$5,649	\$7,514	\$10,076	\$16,043	\$16,620	\$16,836	\$14,434	\$15,723	\$13,043	\$17,059
% of Total D Revenues	8.2%	9.3%	11.2%	14.9%	20.4%	19.9%	20.2%	17.3%	18.4%	14.5%	17.5%
H											\$283
% of Total H Revenues											36.9%
E (Open Access)	\$1,263	\$1,452	\$2,270	\$2,642	\$3,471	\$2,848	\$2,504	\$1,970	\$2,000	\$1,851	\$2,344
% of Total E Revenues	1.1%	1.2%	1.7%	2.1%	2.4%	1.9%	1.6%	1.2%	1.0%	0.7%	0.8%
CT	\$1,772	\$1,233	\$1,036	\$1,018	\$1,410	\$1,148	\$1,067	\$603	\$772	\$548	\$497
% of Total CT Revenues	4.1%	2.5%	3.1%	3.0%	3.6%	3.8%	3.5%	2.2%	2.5%	1.7%	1.6%
TOTAL MONK REVENUE	\$24,759	\$26,188	\$30,127	\$34,682	\$48,714	\$46,123	\$42,354	\$35,256	\$37,507	\$30,361	\$41,144

Source: NMFS Statistics Office, dealer weighout database

* May include data from CT vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 14 - Monkfish revenues as a percent of total revenues by permit category, 1995-2005.

Vessel Length Category	1,000 pounds, landed weight										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
0-29 Feet	70	61	21	20	50	62	73	54	55	42	26
% of Total 0-29 Landings	11.7%	10.5%	3.1%	2.5%	6.9%	7.1%	6.8%	6.5%	8.5%	4.9%	2.0%
30-49 Feet	5,303	6,317	6,415	8,458	10,537	9,291	13,067	11,384	14,785	9,151	11,570
% of Total 30-49 Landings	8.7%	10.3%	10.7%	13.3%	18.5%	17.0%	24.0%	23.7%	28.3%	17.9%	22.9%
50-69 Feet	2,675	3,771	3,398	4,057	4,550	4,983	7,056	5,919	6,364	3,237	4,048
% of Total 50-69 Landings	3.5%	4.7%	3.2%	4.7%	5.5%	5.9%	8.7%	7.6%	8.4%	4.6%	6.6%
70-89 Feet	7,228	8,208	9,629	9,217	8,904	7,469	8,250	6,846	6,754	4,586	5,775
% of Total 70-89 Landings	4.0%	4.4%	3.6%	3.8%	4.0%	3.4%	3.5%	3.1%	2.9%	1.9%	2.9%
90+ Feet	2,109	1,643	1,718	1,830	1,480	1,038	1,285	661	805	613	600
% of Total 90+ Landings	2.1%	1.3%	1.2%	1.1%	1.2%	0.7%	0.6%	0.4%	0.3%	0.3%	0.2%
CT	1,029	733	592	574	557	580	787	448	583	373	325
% of Total CT Landings	5.7%	4.0%	3.3%	3.5%	2.9%	3.3%	4.5%	2.9%	3.8%	2.4%	3.1%
TOTAL MONK LANDED	18,416	20,733	21,774	24,156	26,077	23,423	30,520	25,312	29,345	18,002	22,343

Source: NMFS Statistics Office, dealer weighout database

* CT data may include landings from vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 15 – Monkfish landings as a percent of total landings by vessel length category, 1995 - 2005

Vessel Length Category	\$1,000, nominal (not discounted)										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
0-29 Feet	\$72	\$60	\$34	\$25	\$99	\$98	\$98	\$66	\$61	\$57	\$42
% of Total 0-29 Revenues	8.3%	8.3%	3.3%	2.4%	8.9%	9.4%	8.4%	6.3%	6.4%	5.3%	3.7%
30-49 Feet	\$5,657	\$6,474	\$7,049	\$9,933	\$16,887	\$16,199	\$18,410	\$15,353	\$15,824	\$11,972	\$18,441
% of Total 30-49 Revenues	13.1%	15.1%	15.4%	20.2%	29.3%	29.3%	31.0%	27.9%	28.1%	20.0%	21.4%
50-69 Feet	\$3,524	\$4,530	\$4,488	\$5,718	\$8,669	\$9,963	\$9,931	\$8,460	\$8,583	\$6,283	\$8,190
% of Total 50-69 Revenues	7.2%	8.4%	7.7%	10.3%	13.0%	13.6%	13.5%	11.3%	11.0%	7.4%	8.4%
70-89 Feet	\$10,548	\$11,509	\$14,712	\$14,957	\$18,420	\$16,034	\$11,161	\$9,894	\$11,040	\$10,153	\$12,735
% of Total 70-89 Revenues	7.1%	7.2%	8.6%	8.8%	8.7%	6.8%	4.8%	4.0%	3.9%	3.0%	3.3%
90+ Feet	\$3,186	\$2,383	\$2,808	\$3,031	\$3,228	\$2,682	\$1,687	\$880	\$1,227	\$1,349	\$1,239
% of Total 90+ Revenues	5.6%	3.8%	4.7%	5.4%	4.9%	3.8%	2.3%	1.2%	1.4%	1.2%	1.1%
CT	\$1,772	\$1,233	\$1,036	\$1,018	\$1,410	\$1,148	\$1,067	\$603	\$772	\$548	\$497
% of Total CT Revenues	4.1%	2.5%	3.1%	3.0%	3.6%	3.8%	3.5%	2.2%	2.5%	1.7%	1.6%
TOTAL MONK REVENUE	\$24,759	\$26,188	\$30,127	\$34,682	\$48,714	\$46,123	\$42,354	\$35,256	\$37,507	\$30,361	\$41,144

Source: NMFS Statistics Office, dealer weighout database

* CT data may include landings from vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 16– Monkfish revenues as a percent of total revenues by vessel length category, 1995 – 2005

When viewed in aggregate, vessels that hold a monkfish permit are not significantly reliant on monkfish, as monkfish has accounted for less than 10 percent of total landings and revenues during FY 1995-2005, Table 17 and Table 18. While prior to FY2004 the proportion of monkfish remained relatively constant (4-5% of landings, 7-11% of revenues), it declined as a result of the reduced monkfish landings and revenues under the management restrictions. The proportion of most other species remained relatively constant, although the proportion of scallop landings and revenues has increased significantly, reflecting improvements in the scallop fishery in recent years, and the proportion of multispecies landings has declined modestly since FY2002.

Species Category	1,000 pounds, landed weight										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Dogfish	33,914	32,392	23,902	34,127	22,942	6,742	4,129	3,632	2,285	1,582	2,190
Dogfish % of Total Landings	7.8%	6.8%	4.0%	5.9%	4.6%	1.3%	0.7%	0.7%	0.4%	0.3%	0.4%
Fluke	7,829	7,941	7,732	9,396	9,478	8,670	11,375	12,092	13,992	16,185	12,422
Fluke % of Total Landings	1.8%	1.7%	1.3%	1.6%	1.9%	1.7%	1.9%	2.3%	2.2%	2.6%	2.1%
Monkfish	18,416	20,733	21,774	24,156	26,077	23,423	30,520	25,312	29,345	18,002	22,343
Monkfish % of Total Landings	4.2%	4.3%	3.7%	4.2%	5.2%	4.5%	5.0%	4.8%	4.6%	2.9%	3.8%
Multispecies	47,365	53,830	62,951	67,977	68,654	88,095	102,515	83,362	81,269	75,521	63,006
Multispecies % of Total Landings	10.8%	11.3%	10.6%	11.7%	13.6%	16.8%	16.9%	16.0%	12.7%	12.3%	10.7%
Scallops	14,535	15,852	11,834	12,565	23,332	35,380	47,572	50,541	58,583	61,166	52,443
Scallops % of Total Landings	3.3%	3.3%	2.0%	2.2%	4.6%	6.8%	7.9%	9.7%	9.2%	10.0%	8.9%
Skates	9,134	17,503	16,740	18,756	18,061	17,643	17,987	16,849	20,890	15,179	15,401
Skates % of Total Landings	2.1%	3.7%	2.8%	3.2%	3.6%	3.4%	3.0%	3.2%	3.3%	2.5%	2.6%
Other	306,209	329,535	448,958	412,327	334,735	343,322	390,973	330,310	432,833	424,080	423,705
Other % of Total Landings	70.0%	69.0%	75.6%	71.2%	66.5%	65.6%	64.6%	63.3%	67.7%	69.3%	71.6%
TOTAL LBS. LANDED	437,402	477,786	593,890	579,303	503,280	523,275	605,071	522,098	639,197	611,715	591,511

Source: NMFS Statistics Office, dealer weighout database

* CT data may include landings from vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 17 – FY 1995-2004 Landings of monkfish and other species as a percent of total landings, on vessels with a monkfish permit in 2001 – 2005.

Species Category	\$1,000, nominal (not discounted)										
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Dogfish	\$6,610	\$6,003	\$3,555	\$5,876	\$4,072	\$1,798	\$1,110	\$870	\$537	\$446	\$572
Dogfish % of Total Revenues	1.9%	1.6%	1.0%	1.6%	0.9%	0.4%	0.2%	0.1%	0.1%	0.1%	0.1%
Fluke	\$13,961	\$13,243	\$14,061	\$14,418	\$16,148	\$13,663	\$14,305	\$16,649	\$20,899	\$23,728	\$20,809
Fluke % of Total Revenues	4.1%	3.6%	3.8%	3.9%	3.7%	2.9%	3.0%	3.5%	3.9%	3.7%	2.9%
Monkfish	\$24,759	\$26,188	\$30,127	\$34,682	\$48,714	\$46,123	\$42,354	\$35,256	\$37,507	\$30,361	\$41,144
Monkfish % of Total Revenues	7.3%	7.1%	8.2%	9.5%	11.0%	9.9%	9.0%	7.3%	7.0%	4.8%	5.8%
Multispecies	\$57,323	\$60,825	\$71,309	\$82,758	\$83,994	\$93,601	\$102,070	\$98,877	\$88,852	\$79,726	\$80,937
Multispecies % of Total Revenues	16.8%	16.5%	19.3%	22.6%	19.0%	20.1%	21.8%	20.5%	16.5%	12.6%	11.4%
Scallops	\$75,624	\$92,763	\$76,005	\$72,999	\$122,812	\$169,409	\$172,621	\$201,193	\$244,876	\$336,776	\$404,111
Scallops % of Total Revenues	22.2%	25.2%	20.6%	19.9%	27.8%	36.3%	36.8%	41.8%	45.5%	53.2%	57.1%
Skates	\$2,708	\$5,440	\$3,071	\$3,471	\$3,234	\$3,598	\$3,105	\$3,489	\$4,517	\$3,245	\$4,317
Skates % of Total Revenues	0.8%	1.5%	0.8%	0.9%	0.7%	0.8%	0.7%	0.7%	0.8%	0.5%	0.6%
Other	\$159,711	\$163,907	\$171,432	\$152,363	\$162,812	\$138,606	\$133,675	\$125,062	\$141,135	\$158,659	\$155,908
Other % of Total Revenues	46.9%	44.5%	46.4%	41.6%	36.9%	29.7%	28.5%	26.0%	26.2%	25.1%	22.0%
TOTAL REVENUE	\$340,696	\$368,369	\$369,559	\$366,568	\$441,785	\$466,797	\$469,240	\$481,396	\$538,324	\$632,943	\$707,798

Source: NMFS Statistics Office, dealer weighout database

* CT data may include landings from vessels without a 2001, 2002, 2003, 2004, or 2005 Monkfish permit

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 18 – FY 1995-2004 Revenues of monkfish and other species as a percent of total landings, on vessels with a monkfish permit in 2001-2005.

4.4.1.3 Days-at-sea (DAS)

Starting in Year 2 of the FMP (May, 2000 –April, 2001) limited access monkfish vessels (Categories A, B, C, and D) were allocated 40 monkfish DAS. By definition, Category A and B vessels do not qualify for limited access multispecies or scallop permits, and Category C and D vessels must use either a multispecies or scallop DAS while on a monkfish DAS. Beginning in FY2005 six vessels qualified for a permit Category H fishery under the provisions adopted in Amendment 2, for vessels fishing exclusively in the southernmost area of the fishery.

In the NFMA, there has been no monkfish trip limit when a limited access vessel is on either a combined (monkfish/multispecies or monkfish/scallop) DAS or a multispecies-only DAS, and, consequently, multispecies vessels in Categories C and D and fishing in the NMFA do not call-in monkfish DAS. Therefore, DAS usage, has been well below the total DAS allocated (Table 19), and primarily reflects monkfish fishing activity in the SFMA. In FY2004 call-in vessels (that is those fishing primarily in the SFMA) used only 35% of their allocated DAS (Table 20). In FY2005, the number of DAS used increased nearly 28%, from approximately 5,568 in FY2004 to 7,114 in FY2005 (Figure 16), and the percentage of allocated DAS used increased to 54%.

Permit Category	All Vessels		Call-In Vessels	
	DAS Allocated	DAS Used	DAS Allocated	DAS Used
A	694	432	594	432
B	2,069	894	1,549	894
C	17,087	2,509	4,365	2,509
D	17,185	3,174	6,490	3,174
H	240	104	200	104
TOTAL	37,275	7,114	13,198	7,114

Source: NMFS Days-at-Sea (DAS) database via onboard Vessel Monitoring Systems

Table 19 – Monkfish DAS usage, FY 2005

Permit Category	DAS Allocated	DAS Used				
		Monkfish	Monkfish/ Multispecies	Monkfish/ Scallop	Total	% Used
A	594	432	0	0	432	73%
B	1,549	894	0	0	894	58%
C	4,365	0	2,509	0	2,509	57%
D	6,490	0	3,174	0	3,174	49%
H	200		104		104	52%
TOTAL	13,198	1,326	5,788	0	7,114	54%

Source: NMFS Days-at-Sea (DAS) database via onboard Vessel Monitoring Systems (VMS)

Table 20 - Monkfish-only, Monkfish/Multispecies and Monkfish/Scallop DAS Usage by call-in vessels (vessels fishing in the SFMA), FY 2005.

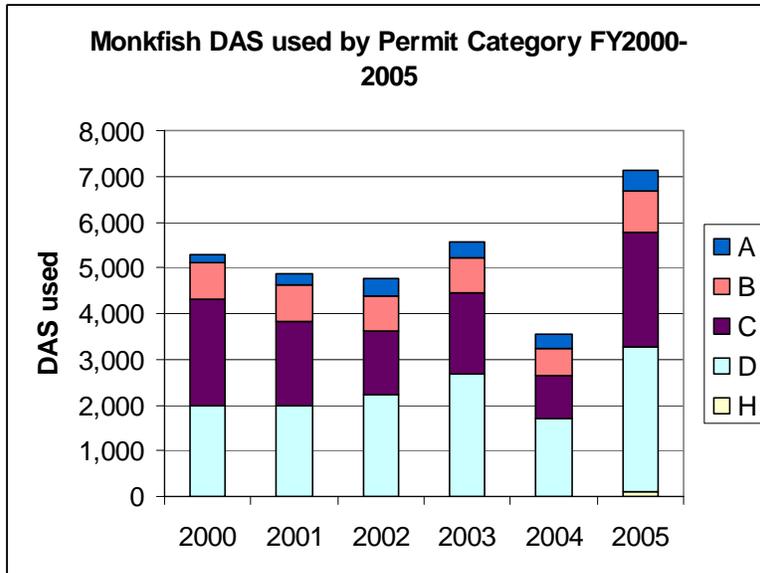


Figure 16 - DAS used by permit category, FY 2001 – 2005.

4.4.2 Ports and communities

This section updates information contained in the FSEIS for Amendment 2 and the SAFE for the 2003 fishing year. The Monkfish FMP references Amendments 5 and 7 to the Northeast Multispecies FMP and Amendment 4 to the Sea Scallop FMP for social and cultural information about monkfish ports, including port profiles. Because of the nature of the monkfish fishery, there is significant overlap between the vessels and communities involved with the monkfish fishery and those involved with the multispecies (groundfish) and scallop fisheries. Many of the same boats that target monkfish or catch them incidentally also target groundfish or scallops. Only about six percent of the limited access monkfish permit holders do not also hold limited access permits in either multispecies or scallops.

For the purposes of this SAFE Report, “primary monkfish ports” are defined as those averaging more than \$1,000,000 in monkfish revenues from 1994-1997 (based on the dealer weighout data presented in Table 45 of the Monkfish FMP). “Secondary monkfish ports” are defined as those averaging more than \$50,000 in monkfish revenues from 1994-1997 (based on the dealer weighout data presented in the Monkfish FMP).

Primary monkfish ports include:

- Portland, ME
- Boston, MA
- Gloucester, MA
- New Bedford, MA
- Long Beach/Barnegat Light, NJ, and
- Point Judith, RI.

Secondary monkfish ports include:

- Rockland, ME

- Port Clyde, ME
- South Bristol, ME
- Ocean City, MD
- Chatham, MA
- Provincetown, MA
- Scituate, MA
- Plymouth, MA
- Westport, MA
- Portsmouth, NH
- Point Pleasant, NJ
- Cape May, NJ
- Greenport, NY
- Montauk, NY
- Hampton Bay, NY
- Newport, RI
- Hampton, VA, and
- Newport News, VA.

Table 21 shows the distribution of monkfish permit holders by homeport and monkfish permit category for the six primary, 18 secondary, and “other” monkfish ports for FY2000 - 2005. Table 22 shows the VTR landings for five of the six major ports (as reported by NMFS in their regular “Northeast Preliminary Fisheries Statistics” Report, not including Long Beach/Barnegat Light, NJ) and states, broken down by management area from which landings were reported, as well as by gear type. Virtually all of the monkfish landed in Portland, Gloucester and Boston come from the NFMA, while about 60% of New Bedford’s landings and only 1 percent of Pt. Judith’s landings come from the NFMA in FY2005. Portland and Boston’s landings are almost totally from otter trawls, while otter trawls make up about 65% of New Bedford landings in FY2005. Gloucester and Pt. Judith landings are evenly split between trawls and gillnets, while New Hampshire, New York and New Jersey landings are predominately (>80%) caught by gillnet gear. This is similar to the distribution by gear for each port in the previous fishing year, except that in FY2003 New Bedford monkfish landings by scallop dredge (included in “other gear” in the table) were 18% of the port’s monkfish landings, while in FY2004 those declined to 12% and in FY2005 to 9%, while the proportion of trawl landings increased.

Port landings and revenue data based on May-April fishing year is presented in Table 23 and Table 24, for primary and secondary ports (as identified in the original FMP), respectively, for FY1995-FY2005. Data is based on the vessel’s homeport and, for FY2005, on the vessel’s principal port of landing as indicated on the permit application. While vessels homeported in New Bedford recorded the highest monkfish landings and revenues from 1995-1999, their share declined in more recent years, while the share of vessels homeported in Boston has increased. Of note is the observation that while Boston ranked the highest in monkfish revenues based on the vessels’ homeport, New Bedford, Portland and Gloucester were the highest based on principal port in FY2005, while Boston and Pt. Judith were the lowest of the six primary ports. Revenues from monkfish increased slightly in all primary ports from FY 2002 to FY 2003, with the exception of Boston where monkfish revenues declined about 11%. In FY2004, however, only

New Bedford and Gloucester showed modest revenue increases while Long Beach/Barnegat Light and Point Judith experienced declines of about 50%, reflecting the lower trip limits and DAS available in the SFMA. In FY2005, all primary ports with the exception of Portland saw increased monkfish revenues; Portland' monkfish revenues declined by 16%, or 392 mt. Monkfish landings and revenues are noticeably smaller for the secondary ports (Table 24), but monkfish revenues make up a greater proportion of total revenues for many of those ports (Table 25).

HOMEPORT		FY 2002 by Category					TOTAL	FY 2003 by Category					TOTAL	FY 2004 by Category					TOTAL	FY 2005 by Category					TOTAL	
		A	B	C	D	E		A	B	C	D	E		A	B	C	D	E		A	B	C	D	E		H
PRIMARY PORTS		4	17	194	158	403	776	5	17	203	160	396	781	4	15	206	161	398	784	5	16	202	164	404	X	791
Portland	ME	X	X	10	14	20	45	X	X	12	17	27	57	X	X	15	19	24	58	X	X	12	20	23	X	55
Boston	MA	X	X	43	43	126	215	X	X	39	40	116	198	X	X	39	29	100	169	X	X	36	29	81	X	147
Gloucester	MA	X	X	18	33	138	189	X	X	20	34	129	183	X	X	21	38	133	192	X	X	22	42	128	X	192
New Bedford	MA	X	X	94	35	68	197	X	X	102	33	68	203	X	X	102	44	77	223	X	X	102	43	101	X	248
Barnegate Light	NJ	X	14	11	17	15	59	X	14	10	20	19	65	X	15	11	17	23	68	X	15	12	14	28	X	71
Point Judith	RI	X	X	18	16	36	71	X	X	20	16	37	75	X	X	18	14	41	74	X	X	18	16	43	X	78
SECONDARY PORTS		3	8	59	74	388	532	5	10	61	77	396	549	4	11	64	82	451	612	X	14	66	81	484	X	647
Rockland	ME	X	X	X	X	4	5	X	X	X	X	3	4	X	X	X	X	6	7	X	X	X	X	5	X	6
Port Clyde	ME	X	X	5	3	5	13	X	X	5	4	5	14	X	X	5	5	5	15	X	X	6	4	4	X	14
South Bristol	ME	X	X	X	3	4	9	X	X	X	4	3	9	X	X	X	5	6	13	X	X	X	5	5	X	12
Ocean City	MD	X	X	X	X	14	14	X	X	X	X	16	16	X	X	X	X	18	18	X	X	X	X	19	X	19
Chatham	MA	X	X	X	12	69	81	X	X	X	14	71	85	X	X	X	15	64	79	X	X	X	15	60	X	77
Provincetown	MA	X	X	X	5	13	18	X	X	X	3	14	17	X	X	X	3	20	23	X	X	X	3	16	X	19
Scituate	MA	X	X	X	7	30	38	X	X	X	6	31	38	X	X	X	7	32	39	X	X	X	8	28	X	36
Plymouth	MA	X	X	X	X	18	22	X	X	X	3	17	23	X	X	X	3	24	31	X	X	3	X	21	X	28
Westport	MA	X	X	X	5	18	24	X	X	X	5	19	25	X	X	X	4	19	23	X	X	X	X	18	X	20
Portsmouth	NH	X	X	3	10	23	36	X	X	3	10	19	32	X	X	3	12	32	47	X	X	3	12	31	X	46
Point Pleasant	NJ	X	3	X	5	32	42	X	4	X	4	33	44	X	4	X	4	37	47	X	4	X	5	48	X	58
Cape May	NJ	X	X	18	5	59	84	X	X	20	6	66	94	X	X	23	6	75	106	X	X	26	7	105	X	139
Greenport	NY	X	X	X	X	6	7	X	X	X	X	7	8	X	X	X	X	7	8	X	X	X	X	7	X	8
Montauk	NY	X	X	4	7	65	77	X	X	4	8	65	79	X	3	5	8	74	90	X	4	5	8	73	X	90
Hampton Bay	NY	X	X	X	X	5	8	X	X	X	X	7	9	X	X	X	X	6	7	X	X	X	X	9	X	10
Newport	RI	X	X	5	7	12	25	X	X	7	8	8	24	X	X	7	8	13	29	X	X	7	8	16	X	32
Hampton	VA	X	X	5	X	3	8	X	X	3	X	3	7	X	X	4	X	X	7	X	X	X	X	4	X	6
Newport News	VA	X	X	11	X	8	21	X	X	11	X	9	21	X	X	11	X	11	23	X	X	11	X	15	X	27
OTHER PORTS		8	15	75	103	1,346	1,547	6	13	76	104	1,317	1,516	5	15	73	112	1,392	1,597	7	12	78	103	1,481	6	1,687
TOTAL		15	40	328	335	2,137	2,855	16	40	340	341	2,109	2,846	13	41	343	355	2,241	2,993	14	42	346	348	2,369	6	3,125

Source: NMFS Statistics Office, permit databases

Table 21 – Monkfish permits by port, FY 2002 – 2005.

Ports where there are fewer than three permits are marked “x” for confidentiality reasons.

PORT/ STATE	MAY 05 - APR 06	STOCK AREAS				GEAR TYPES							
		NORTHERN		SOUTHERN		OTTER TRAWL		GILLNET		HOOK		OTHER GEARS	
		Metric Tons	Percent	Metric Tons	Percent	Metric Tons	Percent						
Portland, ME	2,304	2,296	100%	7	0%	2,190	95%	113	5%	0	0%	0	0%
Gloucester, MA	2,450	2,270	93%	180	7%	1,256	51%	1,048	43%	0	0%	146	6%
Boston, MA	1,337	1,293	97%	43	3%	1,337	100%	0	0%	0	0%	0	0%
New Bedford, MA	5,100	2,027	40%	3,073	60%	3,338	65%	1,286	25%	0	0%	475	9%
Point Judith, RI	1,261	18	1%	1,243	99%	564	45%	675	54%	0	0%	22	2%
MAINE	2,643	2,630	99%	13	1%	2,459	93%	178	7%	0	0%	6	0%
NEW HAMPSHIRE	532	529	99%	3	1%	60	11%	472	89%	0	0%	0	0%
MASSACHUSETTS	10,126	6,094	60%	4,032	40%	6,120	60%	3,365	33%	3	0%	638	6%
RHODE ISLAND	2,189	62	3%	2,127	97%	681	31%	1,417	65%	0	0%	90	4%
CONNECTICUT	213	2	1%	211	99%	37	17%	152	71%	0	0%	24	11%
NEW YORK	801	2	0%	798	100%	116	14%	682	85%	0	0%	3	0%
NEW JERSEY	2,035	3	0%	2,033	100%	212	10%	1,612	79%	0	0%	211	10%
OTHER NORTHEAST	683	3	0%	680	100%	96	14%	507	74%	0	0%	80	12%
TOTAL	19,222	9,325	49%	9,897	51%	9,783	51%	8,384	44%	3	0%	1,052	5%

1. The three digit statistical areas defined below are for statistical and management purposes and may not be consistent with stock area delineation used for biological assessment (see the attached statistical chart).

Monkfish stock areas: Northern: 464-465, 467, 511-515, 521-522, 561-562
Southern: 525-526, 533-534, 537-539, 541-543, 611-639

- 2. Landings in live weight.
- 3. Gear data are based on vessel trip reports.

Table 22 – Preliminary FY2005 monkfish landings by primary port (excluding Long Beach/Barnegat Light, NJ) and State, by gear.

HOME PORT		MONKFISH LANDINGS AND REVENUES											Principal Port
		FY1995	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	FY2005
Portland, ME	1,000 Lbs.	1,446.2	1,604.8	1,691.7	1,472.8	2,542.9	2,995.8	1,487.6	1,498.2	1,436.1	990.0	890.5	1,913.6
	\$1,000	\$2,257.6	\$2,393.9	\$2,707.1	\$2,640.2	\$5,472.7	\$6,707.8	\$2,004.9	\$2,289.6	\$2,667.0	\$2,471.3	\$2,079.7	\$4,391.2
Boston, MA	1,000 Lbs.	822.8	674.0	917.6	781.9	1,267.6	960.9	4,964.1	4,777.8	4,291.2	2,829.7	3,363.7	1,654.1
	\$1,000	\$1,082.5	\$936.3	\$1,300.3	\$1,104.1	\$2,240.1	\$2,027.5	\$6,737.6	\$6,629.9	\$5,947.0	\$5,165.8	\$6,121.6	\$2,803.6
Gloucester, MA	1,000 Lbs.	1,675.6	1,154.1	844.3	941.6	1,700.9	2,364.8	2,090.8	2,055.4	1,961.8	1,353.3	1,765.8	2,312.5
	\$1,000	\$1,620.8	\$1,097.7	\$1,037.9	\$1,382.6	\$3,060.7	\$4,441.5	\$3,053.4	\$2,923.5	\$2,604.0	\$2,702.3	\$3,497.3	\$4,387.9
New Bedford, MA	1,000 Lbs.	5,983.8	5,789.6	7,345.5	8,537.1	7,026.5	5,515.4	3,452.8	2,319.5	2,584.6	2,003.9	2,364.8	2,993.1
	\$1,000	\$8,980.7	\$8,260.4	\$11,686.0	\$13,926.2	\$14,442.8	\$11,783.9	\$4,697.9	\$3,278.4	\$3,918.8	\$4,191.9	\$5,554.8	\$6,840.5
Long Beach/Barnegat Light, NJ	1,000 Lbs.	846.4	1,382.2	729.0	1,702.9	2,568.7	1,801.5	3,582.0	2,435.4	3,625.5	1,418.0	2,013.4	1,952.9
	\$1,000	\$1,210.6	\$1,531.5	\$977.7	\$2,099.9	\$4,430.7	\$3,049.4	\$4,807.6	\$3,227.3	\$3,870.5	\$1,797.6	\$2,849.5	\$2,750.4
Point Judith, RI	1,000 Lbs.	1,194.2	2,444.6	2,125.9	1,485.1	1,708.7	1,635.0	643.4	511.9	954.3	422.3	838.6	1,448.1
	\$1,000	\$1,645.1	\$3,366.8	\$3,248.1	\$2,175.5	\$3,275.3	\$3,423.8	\$1,008.6	\$779.4	\$1,381.3	\$672.8	\$1,821.2	\$2,923.0

Source: NMFS Statistics Office, dealer weighout & permits databases

Pounds are in landed weight

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 23 – Monkfish landings and revenues for monkfish primary ports, FY 1995 – 2005, and principal port, FY 2005.

HOME PORT		MONKFISH LANDINGS AND REVENUES											Principal Port
		FY1995	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	FY2005
Rockland, ME	1,000 Lbs.	47.7	42.5	37.1	56.3	53.9	74.0	8.3	3.8	3.1	7.3	0.9	34.3
	\$1,000	\$61.2	\$55.3	\$54.3	\$90.0	\$113.2	\$184.5	\$15.5	\$5.5	\$14.3	\$5.4	\$2.4	\$86.9
Port Clyde, ME	1,000 Lbs.	119.2	120.0	183.0	210.4	294.3	325.1	543.5	471.9	386.6	293.8	203.5	225.7
	\$1,000	\$148.5	\$152.7	\$260.9	\$328.4	\$581.8	\$749.5	\$748.4	\$676.8	\$679.8	\$645.7	\$505.2	\$563.6
South Bristol, ME	1,000 Lbs.	126.4	109.5	89.9	93.3	106.6	219.2	278.7	238.3	233.6	235.6	191.5	142.0
	\$1,000	\$162.9	\$145.1	\$131.2	\$146.5	\$217.4	\$494.5	\$410.1	\$342.7	\$431.7	\$539.2	\$470.6	\$353.9
Ocean City, MD	1,000 Lbs.	178.5	520.8	348.5	282.0	314.1	106.7	3.1	2.6	2.4	3.3	3.5	8.3
	\$1,000	\$241.0	\$450.5	\$310.3	\$254.1	\$347.4	\$154.4	\$4.6	\$4.2	\$3.9	\$5.5	\$7.0	\$15.6
Chatham, MA	1,000 Lbs.	126.3	97.5	117.2	231.6	212.7	475.3	613.4	944.1	1,317.9	649.3	1,194.3	1,233.4
	\$1,000	\$110.9	\$936.3	\$126.9	\$237.2	\$327.1	\$771.5	\$829.9	\$1,229.6	\$1,364.5	\$749.6	\$1,904.8	\$1,961.4
Provincetown, MA	1,000 Lbs.	83.3	38.8	24.4	85.6	79.9	35.1	25.9	19.8	38.0	39.2	21.1	22.1
	\$1,000	\$108.0	\$51.8	\$36.7	\$141.5	\$136.4	\$76.8	\$37.7	\$26.4	\$75.2	\$84.0	\$57.2	\$59.9
Scituate, MA	1,000 Lbs.	58.9	45.3	43.2	330.0	331.0	434.4	100.0	206.8	202.9	117.6	173.0	350.3
	\$1,000	\$67.9	\$53.0	\$50.3	\$391.6	\$561.5	\$745.7	\$147.7	\$266.4	\$216.1	\$186.3	\$324.0	\$599.8
Plymouth, MA	1,000 Lbs.	53.5	33.0	27.6	42.3	13.9	276.5	585.5	613.1	717.2	306.1	168.8	169.5
	\$1,000	\$61.6	\$37.6	\$25.5	\$55.8	\$24.3	\$508.0	\$826.2	\$795.9	\$704.8	\$403.5	\$311.4	\$313.3
Westport, MA	1,000 Lbs.	809.6	856.9	461.4	539.0	451.9	307.4	685.7	549.5	830.6	246.4	164.7	244.6
	\$1,000	\$764.5	\$768.5	\$387.6	\$543.3	\$691.2	\$568.3	\$1,022.6	\$739.3	\$799.1	\$248.5	\$273.2	\$386.9
Portsmouth, NH	1,000 Lbs.	370.7	387.9	519.9	474.7	845.3	1,253.7	1,098.7	671.8	562.9	439.4	434.0	749.1
	\$1,000	\$447.5	\$443.0	\$636.9	\$532.5	\$1,319.5	\$2,122.7	\$1,578.8	\$967.0	\$641.6	\$612.1	\$750.2	\$1,245.0
Point Pleasant, NJ	1,000 Lbs.	84.3	517.7	1,091.5	1,578.5	1,286.0	772.5	337.9	128.3	401.2	312.1	191.7	259.9
	\$1,000	\$111.4	\$565.8	\$1,096.5	\$1,884.9	\$2,320.0	\$1,208.2	\$441.5	\$164.4	\$395.6	\$401.9	\$286.0	\$392.3
Cape May, NJ	1,000 Lbs.	273.0	312.6	465.0	316.3	124.3	117.5	187.5	117.9	162.1	87.6	118.0	127.0
	\$1,000	\$370.1	\$389.2	\$571.7	\$398.2	\$255.7	\$266.2	\$248.2	\$134.7	\$206.3	\$131.6	\$213.3	\$224.6
Greenport, NY	1,000 Lbs.	26.1	48.9	62.9	41.9	12.1	3.6	6.9	19.8	7.8	13.6	22.1	22.2
	\$1,000	\$35.1	\$72.0	\$86.2	\$62.2	\$20.0	\$8.7	\$10.7	\$32.6	\$14.5	\$36.6	\$61.8	\$61.9
Montauk, NY	1,000 Lbs.	46.9	53.0	92.2	157.4	79.7	47.2	146.7	238.4	572.5	239.2	381.2	374.9
	\$1,000	\$62.3	\$74.2	\$135.9	\$246.9	\$170.1	\$122.2	\$237.5	\$358.4	\$694.4	\$370.4	\$626.2	\$610.7
Hampton Bays, NY	1,000 Lbs.	87.0	318.9	309.5	454.3	415.7	316.6	93.2	138.8	128.9	8.2	47.0	48.7
	\$1,000	\$120.5	\$516.1	\$589.6	\$733.0	\$661.6	\$562.6	\$134.4	\$191.2	\$134.8	\$11.8	\$72.1	\$76.1
Newport, RI	1,000 Lbs.	312.0	406.9	436.3	406.8	581.5	360.9	614.2	671.1	1,234.6	738.2	864.9	854.0
	\$1,000	\$388.0	\$505.4	\$558.1	\$584.3	\$1,229.4	\$808.1	\$848.2	\$917.9	\$1,507.4	\$1,018.9	\$1,559.5	\$1,540.3
Hampton, VA	1,000 Lbs.	256.2	336.0	113.4	134.9	42.2	35.8	20.7	3.6	4.7	7.4	11.0	29.4
	\$1,000	\$326.5	\$350.5	\$129.3	\$178.5	\$79.1	\$76.1	\$23.8	\$3.6	\$6.3	\$11.6	\$18.1	\$52.2
Newport News, VA	1,000 Lbs.	184.3	253.9	373.0	275.2	95.9	90.0	39.6	43.8	37.3	30.4	31.5	38.0
	\$1,000	\$221.1	\$285.0	\$454.0	\$333.1	\$140.4	\$106.5	\$42.9	\$50.9	\$43.3	\$41.4	\$49.0	\$58.8

Source: NMFS Statistics Office, dealer weighout database & permit database

Pounds are in landed weight

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

HOME PORT		MONKFISH LANDINGS AND REVENUES											Principal Port
		FY1995	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	FY2005
All Other Ports	1,000 Lbs.							8699.4	6182.4	7063.9	4836.3	6558.7	4810.9
	\$1,000							\$12,153	\$8,618	\$8,421	\$7,299	\$11,231	\$7,947
Summary of "Primary", "Secondary" and "Other" Ports							30,310	24,864	28,762	17,628	22,018	22,018	
							\$42,072	\$34,654	\$36,735	\$29,813	\$40,646	\$40,646	

Table 24 - Monkfish landings and revenues for monkfish secondary and other ports, FY 1995 – 2005, and principal port, FY 2005.

	HOME PORT	Number of Vessels	FY1995	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
1	Westport, MA	27	56.9%	69.0%	42.5%	40.8%	49.6%	51.2%	62.9%	37.4%	47.3%	28.9%	30.7%
2	Port Clyde, ME	21	10.6%	7.7%	13.7%	19.2%	37.6%	44.6%	36.5%	32.7%	36.1%	35.4%	13.6%
3	Plymouth, MA	24	6.0%	4.2%	6.3%	7.9%	7.5%	38.5%	29.8%	28.6%	4.6%	23.0%	9.2%
4	South Bristol, ME	3	7.1%	7.6%	7.5%	13.5%	22.6%	42.5%	32.4%	27.7%	35.6%	34.1%	35.9%
5	Portsmouth, NH	38	11.8%	12.5%	19.8%	19.4%	38.4%	39.9%	49.8%	37.8%	31.3%	28.4%	30.7%
6	Scituate, MA	35	5.9%	3.5%	3.2%	20.2%	30.5%	40.5%	34.5%	17.5%	30.7%	13.9%	10.5%
7	Boston, MA	32	13.1%	10.8%	14.0%	13.5%	27.4%	30.8%	20.6%	23.6%	23.3%	27.8%	30.2%
8	Portland, ME	120	12.5%	13.0%	13.9%	14.4%	23.5%	26.2%	22.2%	27.6%	26.3%	27.4%	23.1%
9	Rockland, ME	3	17.6%	22.4%	4.1%	9.0%	12.3%	14.3%	9.5%	2.8%	4.2%	0.3%	
10	Long Beach/Barnegat Light, NJ	4	17.7%	21.6%	14.8%	28.6%	39.1%	22.3%	34.2%	24.0%	25.1%	74.1%	88.0%
11	Gloucester, MA	271	10.2%	6.9%	5.2%	5.8%	13.2%	18.0%	15.8%	15.1%	12.9%	14.2%	13.2%
12	Point Judith, RI	155	6.6%	12.7%	9.1%	8.5%	10.6%	13.3%	11.2%	8.0%	8.5%	4.3%	8.7%
13	Newport, RI	75	6.2%	9.5%	10.1%	10.7%	23.6%	11.4%	13.3%	12.1%	18.0%	10.9%	6.4%
14	Chatham, MA	129	2.8%	22.4%	2.6%	4.9%	5.7%	11.2%	9.3%	19.9%	18.1%	10.8%	21.1%
15	Point Pleasant, NJ	120	2.0%	7.1%	10.6%	19.0%	19.1%	9.0%	13.8%	8.0%	7.1%	3.7%	4.7%
16	New Bedford, MA	513	13.4%	9.4%	14.0%	15.8%	11.5%	8.1%	5.9%	4.1%	4.5%	3.5%	3.9%
17	Hampton Bays, NY	53	2.5%	9.5%	8.1%	10.0%	10.1%	7.9%	9.7%	7.0%	6.4%	3.4%	11.8%
18	Ocean City, MD	59	7.3%	15.0%	12.3%	11.7%	15.3%	4.3%	4.8%	0.8%	2.2%	1.2%	2.7%
19	Provincetown, MA	45	9.0%	4.9%	2.5%	8.1%	6.7%	4.3%	0.9%	2.2%	4.3%	5.0%	2.5%
20	Montauk, NY	100	0.9%	1.4%	1.8%	3.3%	2.1%	1.6%	2.3%	3.4%	6.2%	3.4%	4.8%
21	Cape May, NJ	220	1.5%	1.8%	2.4%	1.9%	1.4%	1.2%	0.7%	0.5%	0.6%	0.3%	0.9%
22	Greenport, NY	5	1.7%	2.6%	2.9%	2.0%	1.3%	1.0%	1.1%	0.6%	0.2%	0.1%	0.5%
23	Hampton, VA	63	4.0%	5.1%	2.7%	2.9%	1.2%	0.8%	0.6%	0.2%	0.2%	0.3%	0.5%
24	Newport News, VA	74	1.8%	2.2%	3.9%	2.8%	0.9%	0.5%	0.2%	0.2%	0.2%	0.1%	0.1%

Source: NMFS Statistics Office, dealer weighout database & permit database

1995-2001 data based on vessels that were issued a monkfish permit during the 2001 fishing year. 2002-2005 fishing year data are based on vessels issued a monkfish permit during the 2002-2005 fishing years, respectively.

Table 25 - Monkfish Revenues, FY 1995-2005, as a Percentage of Total Revenues by Port

5.0 Environmental Consequences of Proposed Action

5.1 Biological Impacts

5.1.1 Impact on monkfish and non-target species

5.1.1.1 Biological impact of Biological Reference Point (BRP) Alternatives

The proposed change in biomass reference points does not have a direct biological impact on monkfish or non-target species because it does not, in and of itself, change fishing effort or behavior. Indirectly, however, the change in stock status under Alternative 1, to “rebuilt” from “overfished”, obviates the need for a restrictive rebuilding program, especially since, under the previous status, there were only three years remaining in the 10-year rebuilding program. The Councils are not, however, proposing any change in the allocated effort under the revised reference points in deference to the strongly stated cautionary statements contained in the assessment report and recommendations. Therefore, there is biological impact resulting from Alternative 1 when compared to the no-action alternative.

5.1.1.2 Biological impact of DAS Carryover Alternatives

The Councils are considering reducing the number of unused monkfish DAS that a vessel may carryover from the current level (no action alternative) of 10 DAS to 6 or 4 DAS. If a reduction in carryover DAS is adopted, the biological impact would be a reduction in potential fishing effort in the year in which those vessels use those carryover DAS. In developing these alternatives for Framework 4, the PDT agreed that the allowance of 10 DAS as a carryover could seriously undermine the rebuilding program, and recommended the more conservative value of 4 DAS. The PDT could not quantify the impact, especially because it depends on whether a vessel has carryover DAS to use from the previous year, and if, when and where that vessel uses those DAS. Qualitatively, the PDT noted that allowing fewer carryover DAS is more precautionary than taking no action.

The impact of a relatively large number of carryover DAS (as a percentage of the allocated baseline) anticipated by the PDT was actually observed in the 2006 fishing year, when SFMA landings exceeded the target TAC by 61%. Analysis of landings attributable to the use of carryover DAS is somewhat complicated by the way DAS are counted in the system. If a vessel has DAS to carryover from a previous year, those DAS are counted as being used first by the DAS tracking program, followed by base DAS. Thus, if catch rates are higher during the early part of the year, landings attributable to carryover DAS would be higher than landings attributable to base DAS, even if the number of DAS (base and carryover) were equal. Nevertheless, with that in mind, it is possible to estimate the landings that the DAS carryover accounted for by accumulating the landings until the total number of carryover DAS is used up on each vessel. These results are shown in Table 26. In the SFMA the landings attributable to carryover DAS accounted for approximately three quarters of the total TAC overage in 2006 (1,636 mt out of a total overage of 2,242 mt). Note that in 2006, vessels fishing in the NFMA were not required to use a monkfish DAS, and, therefore, the number of carryover DAS and associated landings is comparatively small.

	2006	
	SFMA	NFMA
Sum of monkfish DAS charged	1364	110
Sum of monkfish DAS charged matched with dealer weighout database	908	52
Live pounds of monkfish	3,606,324	367,853
Metric tons of monkfish	1,636	167

Table 26 Sum of monkfish landings on carryover DAS in 2006 by area.

This analysis suggests that a higher number of carryover DAS increases the risk that landings will exceed the target TAC. Furthermore, the additional effort represented by the carryover DAS would result in a greater impact on non-target species, particularly skates and dogfish.

5.1.1.3 Biological impact of 3-hour Gillnet Rule Alternatives

The PDT analyzed DAS and landings data by area for 2006 and 2007 (through September). Gillnet trips that recorded less than 3 hours were pulled from the DAS database. Those trips that could be matched with landings in the dealer weighout data were matched, while the landings for remainder were prorated based on the number of trips. The results are shown in Table 27.

	SFMA		NFMA	
	2006	2007*	2006	2007*
Vessels	89	33	15	12
Trips	426	526	30	16
Trips matched with weighout database	265	381	23	7
Live pounds of monkfish	642,592	937,360	58,699	11,128
Metric tons of monkfish	291	425	27	5
Mean no. of trips per vessel	4.7	15.9	2	1.3
Median no. of trips per vessel	1	3	1	1
Mode of trips per vessel	1	1	1	1
Maximum no. of trips per vessel	95	70	10	2
Minimum no. of trips per vessel	1	1	1	1

* - through September 30, 2007

Total number of day gillnet vessels recording trips in the DAS database	190	101	65	50
---	-----	-----	----	----

Table 27 Information on monkfish gillnet trips less than three hours by area for 2006 and 2007 (though September).

The highly skewed distribution of trips in these results suggests that while approximately half of the SFMA gillnet vessels have availed themselves of the opportunity to land monkfish and only be charged 3 hours (89 vessels out of 190 gillnet vessels with monkfish landings from the SFMA in 2006), relatively few vessels are doing so extensively and some are taking this to its extreme (up to 95 trips in 2006 and 70 trips through September 2007). There also appears to be an increasing trend in numbers of trips, and in average and total landings by vessels landing monkfish on trips less than 3 hours, with only about a third of the vessels having done so in the May-September 2007 period, but accounting for about 25% more trips and 46% more monkfish

landings. This increase could be attributed to one or both of two factors: vessels have learned that they can increase their annual landings for a restricted number of allocated DAS, and the imposition in 2007 of the VMS requirement for vessels that also have a multispecies limited access permit. For those vessels with a VMS, DAS counting no longer starts when the vessel calls in before leaving port, but when it crosses the demarcation line, meaning that less DAS time is needed to reach and haul the gear than in previous years. In 2006 in the SFMA trips under 3 hours accounted for approximately 5% of the total landings, while in 2007, through September, those trips accounted for approximately 15% of the estimated landings for the period (based on an unaudited SFMA landings estimate).

The trend is only discernable in the SFMA, primarily because in the NFMA in 2006, vessels were not required to use a monkfish DAS and did not have a trip limit while on a multispecies DAS. Framework 4, however, implemented both regulations for 2007.

In terms of the biological impact of the alternatives, Alternative 1, which prohibits landings on trips less than three hours, and Alternative 3, which would charge a gillnet vessel a minimum of 15 hours on any trip that landed monkfish are functionally equivalent, and both would have a positive impact compared to the no action alternative because they would increase the increments at which DAS are counted whenever monkfish landings occur. Alternative 2, would have a negative biological impact compared to the other alternatives, including no action, because allowing a vessel to land monkfish on trips less than three hours, charging only time used, and requiring that only one such landing occur per calendar day would mean that the gillnets would be soaking for a greatly extended period over the year. In the extreme, counting DAS in increments of 3 hours, instead of 15, would mean the gear is in the water for five times as long. This would result in increased incidental catch of non-target species, and likely result in increased discards of monkfish due to product quality as well as trip limit regulations.

5.1.1.4 Biological impact of Large-Mesh Incidental Catch Alternatives

Alternative 1 would cap the allowable landings of monkfish by vessels fishing with large mesh in the SNE RMA while not on a monkfish, scallop or multispecies DAS. This alternative also places a maximum cap of either 450 lbs. (Option A) or 50 lbs. tail weight, to a maximum of 150 lbs. (Option B), which is equal to the incidental limit on vessels fishing with small mesh in the SFMA. At this time, vessels comprising the affected group are those fishing under a Skate Bait Letter of Authorization. The no action alternative allows those vessels to retain up to 5% of the total weight of fish on board without a cap, and, therefore, if a vessel catches 9,000 lbs. of skate, it can retain more monkfish than a limited access (Category B or D) vessel fishing on a monkfish DAS. Since vessels targeting skate are not limited in the number of trips or the amount of skates they can land, there is a lack of control on the quantity of monkfish such vessels can land, which depends only on the total weight of fish on board. Furthermore, the more skate a vessel catches, the greater the incentive to target monkfish to maximize the landings and trip revenues. Therefore, the no action alternative could result in increased effort on both skates and monkfish, without control on the total quantity of either species being caught, compared with Alternative 1. Similarly, Alternative 1 Option A has a higher overall cap, and, thus, represents a greater incentive than Option B to target monkfish. According to public comment, the lower overall cap would not result in increased discards of monkfish caught incidental to skate fishing in the SFMA, although this has not been verified by observer data.

5.1.1.5 Biological Impacts of Letter of Authorization (LOA) Alternatives

The LOA requirement is an administrative rule designed to improve enforcement of the area based regulations, principally the trip and incidental catch limits. The alternative that would eliminate this requirement will not have a measurable effect on fishing effort, and, consequently, on either monkfish or non-target species.

5.1.2 Impact on Protected Species

NOAA Fisheries previously considered the effects of implementation of Framework 2 on Endangered Species Act (ESA)-listed cetaceans, sea turtles, shortnose sturgeon, and Atlantic salmon during Section 7 consultation on the fishery, which was completed on April 14, 2003. The Biological Opinion (Opinion) for that consultation concluded that the proposed action was not likely to result in jeopardy to any ESA-listed species inhabiting the management unit. A revised Incidental Take Statement was provided for the anticipated taking of loggerhead, leatherback, green, and Kemp's ridley sea turtles in the fishery. Reasonable and prudent measures to reduce the likelihood of takes were also provided to address the possible entanglement of sea turtles in the fishery.

5.1.2.1 Impacts of Biological Reference Point (BRP) Alternatives on Protected Species

The proposed change in biomass reference points does not have a direct biological impact on monkfish or non-target species because it does not, in and of itself, change fishing effort or behavior. As such, Alternative 1 will not likely have a direct impact on protected species when compared to the no action alternative.

5.1.2.2 Impacts of DAS Carryover Alternatives on Protected Species

Alternative 1 would allow 6 carryover DAS, Alternative 2 would allow 4, and Alternative 3, the no action alternative would allow up to 10. While it is not possible to quantify the impact of these alternatives on the total amount of fishing effort by monkfish vessels that may interact with protected species, because such impacts depend on the type of gear used, the time of year and area fished, it is reasonable to state that a higher number of carryover DAS translates to a correspondingly higher potential fishing effort. Since the no action alternative would provide the highest number of carryover DAS, the other alternatives would have a relatively positive effect on protected species because of the lower level of effort and, therefore, the chance of interaction.

5.1.2.3 Impacts of 3-hour Gillnet Rule Alternatives on Protected Species

As with the discussion of the impact of the DAS carryover alternatives on protected species, the impact of 3-hour gillnet rule cannot be quantified, but some qualitative conclusions are possible. Alternative 1 and Alternative 3 represent the most conservative alternatives, because for each trip on which a vessel lands monkfish, the vessel would be charged a minimum of 15 hours against its DAS allocation, and the DAS allocation would be used up at a faster rate. If vessels remove their gillnet gear from the water once the DAS allocation is used up, the risk of fishery interaction with protected species is reduced or eliminated. The no action alternative (Alternative 4) would allow gillnet vessels to keep their gear in the water for a longer duration than under the Alternative 1 because of the greater number of trips and hauls a vessel can make for a given allocation of DAS. Under Alternative 2, the impact on protected species could, in fact, be greater than under the no action alternative because by eliminating the ability of vessels to make for multiple hauls on a calendar day, the gear would be in the water for a longer duration.

5.1.2.4 Impacts of Large-Mesh Incidental Catch Alternatives on Protected Species

Alternative 1 would place a cap on the allowable landings of monkfish by vessels fishing with large mesh in the SNE Regulated Mesh Area but not on a monkfish, multispecies or scallop DAS. At this time, such vessels are principally trawl vessels fishing for bait skate. Since the cap is a limit on an incidentally caught species, it will not have a major impact on the amount or distribution of directed effort by vessels targeting skate, and will, therefore, not have an impact on protected species.

5.1.2.5 Impacts of Letter of Authorization (LOA) Alternatives on Protected Species

Alternative 1 would eliminate the requirement for vessels fishing for monkfish to obtain an LOA when fishing in the NFMA, as is currently required (under the no action alternative). Since Alternative 1 would be an administrative action, it will not change the amount or distribution of fishing effort, and would not have an impact on protected species.

5.2 Habitat Impacts

In general, the activity described by this proposed action, fishing for monkfish, occurs off the New England and Mid-Atlantic coasts within the U.S. EEZ. Thus, the range of this activity occurs across the designated EFH of all Council-managed species (see Amendment 11 to the Northeast Multispecies FMP for a list of species for which EFH was designated, the maps of the distribution of EFH, and descriptions of the characteristics that comprise the EFH). EFH designated for species managed under the Secretarial Highly Migratory Species FMPs are not affected by this action, nor is any EFH designated for species managed by the South Atlantic Council as all of the relevant species are pelagic and not directly affected by benthic habitat impacts.

The alternatives under consideration in this action will not increase monkfish effort in either management area. The overall effect of the fishery on EFH was discussed and mitigated for in Amendment 2, and in Multispecies Amendment 13, and the alternatives under consideration do not change those findings. The fishery must continue to respect the 2,811 square nautical miles of habitat closed areas established by the Multispecies Amendment 13 as well as the Oceanographer and Lydonia Canyon closures adopted in Monkfish Amendment 2. Monkfish fishing effort will continue to occur in areas that are already open to bottom tending mobile gears or by gears that have been determined to not adversely impact EFH in a manner that is more than minimal and less than temporary in nature. Therefore, the alternatives under consideration will not have an adverse impact on EFH.

Specifically, the alternatives under consideration that are not likely to affect monkfish fishing effort and commensurate impacts of the fishery on EFH include revision to the biological reference points, and the elimination of the Letter of Authorization requirement for vessels fishing for monkfish in the NFMA. The proposals to modify the 3-hour gillnet rule, resulting in a reduction in fishing effort, would only impact vessels using gillnets. There are no species or life stages for which EFH is more than minimally vulnerable to bottom gillnets (Stevenson, *et al.*, 2004). Proposals to reduce DAS carryover would have a modest impact on potential fishing effort by both trawls and gillnets, depending on the number of carryover DAS that would otherwise have been used by those vessels. Since these are DAS that had been allocated under Framework 2, the impact of any reduction in carryover DAS on EFH would not be significantly

different than the EFH impacts already discussed and analyzed in Framework 2. The alternative to place a cap on the incidental catch of monkfish by large-mesh vessels fishing in the SFMA and not on a monkfish, multispecies or scallop DAS is also not likely to have a significant impact on trawl effort, since the measure does not regulate the directed effort of those vessels, except to the extent that such vessels may target monkfish to catch the allowed incidental limit of 5% of total weight of fish on board under the no action alternative. These measures are described in detail in Section 3.0.

In summary, for the reasons stated above, the action proposed in this framework adjustment would not have an adverse impact on EFH for any federally managed species in the region. Because the EFH Final Rule (50 CFR 600.920 (e)(1-5)) states that “federal agencies are not required to provide NMFS with assessments regarding actions that they have determined would not adversely affect EFH”, no EFH Assessment is provided for this action.

5.3 Economic Impacts of the Alternatives

The proposed management changes include several measures that would impact vessels participating in the monkfish fishery, although the majority of the measures would affect subsets of the vessels. The following sections provide a qualitative discussion of the impacts for each measure. The short time available for consideration of the alternatives precludes a quantitative analysis at this time; however, the discussion highlights areas where quantitative assessment is feasible.

The overall framework for economic analysis is change in benefits and costs, and ultimately net national benefits. While an alternative may result in immediate costs to a particular group of vessels, this must be compared to the future benefits to the nation of a well-functioning plan. The anticipation is that should the plan achieve its objectives, future benefits would be at higher levels as a result of higher TACs. For several of the measures, an underlying concern is the potential for the implementation of backstop or accountability measures which would constrain the fishery for TAC overages. Currently the Framework 4 backstop is only based on 2007 overages, which would not be prevented by any measures proposed in this framework, since they wouldn't be in effect until 2008. Under the reauthorized Magnuson Steven Act, however, there is a requirement to implement accountability measures which could result in similar or other restrictions being applied for TAC overages. While the probability of exceeding the TAC under the various measures has not been provided and could not be quantitatively analyzed, this potential outcome should not be discounted from consideration. Should the backstop provisions be implemented, the cost to the fishery including vessels and the shore based industry could be substantial.

5.3.1 Biological Reference Points (BRP) Alternatives

A change in the biological reference point (BRP) would not, in itself, have an immediate economic impact, as this proposal does not include reference to changes in the TAC. However Alternative 1, which moves the fishery from overfished to rebuilt, implicitly includes potential additional future benefits for participating vessels after the expiration of current TAC measures or when those measures are changed. Without proposals for changes in the TAC for future years it is not possible to assess the level of potential economic benefit. Biological uncertainty from either BRP alternative would compound the uncertainty inherent in an economic impact analysis

of possible trajectories for the fishery; the more biological uncertainty within a BRP the greater the economic uncertainty.

Alternative 2, which would not change the BRP, would not result in additional economic impacts beyond those identified in earlier actions.

5.3.2 DAS Carryover Alternatives

The alternatives concerning carryover DAS would affect all vessels with monkfish DAS that would like to carry over DAS to the next fishing year. Carryover levels that are lower than that which vessels would like to carry over would decrease the opportunity to fish for those vessels. Vessels may carryover DAS for a number of reasons. Unexpected events such as weather and mechanical failure could result in unintended carryovers; this was the intent of the provision.

Vessels could also intentionally carryover days for economic reasons including expectations in the next fishing year of higher prices, larger trip limits or fewer DAS. A higher number of carryover DAS allows vessels greater flexibility and increased opportunities. This was not the intent of the provision, and it seems unlikely that a DAS model could account for this behavior. As a result, there is a risk that the TAC could be exceeded within a given year due to unaccounted for (strategic) economic behavior. Exceeding the TAC would result in a reduction in future benefits for the industry.

All three alternatives allow some carryover of DAS, and thus result in the risk of reducing future benefits to the fishery should a significant portion of the potential carryover DAS be utilized. This risk is reduced with fewer carryover days; thus the risk is lowest for Alternative 2 with up to 4 carryover DAS, followed by Alternative 1 with carryover of up to 6 DAS and highest for Alternative 3 which allows for carryover of 10 DAS.

When one considers the cost to the group of vessels that utilize carryover DAS, fewer carryover DAS reduce flexibility and economic opportunities. Consequently, Alternative 3 (no action) would have the least impact, followed by Alternative 1 with 6 DAS and Alternative 2 with only 4 carryover DAS would have the greatest impact. The degree by which lower DAS carryover levels impacts vessels depends on whether they actually intend to use the carryover days to generate additional revenues or whether they are unused because the vessel has no desire to expend time and resources on monkfish.

Of importance in determining the final direction of the impacts would be the degree to which carryover DAS are impacting the plan's ability to achieve its goals and the associated future benefits.

5.3.3 Gillnet 3-hour Rule Alternatives

In a fishery constrained by DAS and trip limits, profit maximizing vessels will attempt to decrease costs and/or increase trips within the DAS allowance. If a vessel can haul its gear within the 3-hour window and achieve its trip limit, it effectively reduces trip costs and increases annual revenues simultaneously. A vessel that must add steaming time to a trip in order to harvest gear within the 3-hour window would be achieving the same revenue results but with increased costs; presumably the increase in revenues exceed the increased costs. Consequently

the vessels using the 3-hour rule to increase annual landings are acting as economically rational agents. Any action that results in an increase in cost for these vessels, or decreases their revenue potential, will result in a negative economic impact to the affected vessels.

The intent of the rule was to allow vessels that experienced unexpected events (e.g. weather, mechanical difficulties) to return to port without undo penalty. Economically rational behavior by a few that does not follow this intent could undermine the plan, and reduce future benefits. The potential economic on these vessels should be weighed with the impact on the larger fishery of potentially exceeding the TAC and triggering backstop provisions or other accountability measures. The risk of this cost is increased by alternatives that allow vessels to significantly exceed total landings anticipated by the DAS/trip limit model.

5.3.3.1 Gillnet 3-hour Rule Alternative 1

Under this alternative, vessels that return to port within 3 hours of starting a trip would be prohibited from landing monkfish. For vessels that can harvest their gear within a 3-hour period this alternative would lower their revenue potential and thus profitability. If vessels that could harvest their gear in less than 3-hours were only required to take a 15-hour charge there would be no direct increase in costs, only a loss in revenues. If vessels were actually required to remain away from the dock for more than 3 hours this might slightly increase costs as well as lower revenue potential, although it is likely this would be very minor.

This alternative could also reduce the potential safety issues caused by a race to “beat the clock.” It would also lower the risk of exceeding the TAC compared to Alternative 4 (no action), and thus have a lower potential to reduce future benefits from the fishery.

5.3.3.2 Gillnet 3-hour Rule Alternative 2

Under this alternative, vessels that return to port within 3 hours of starting a trip would be allowed to land monkfish (one DAS trip limit), but could only do so once per calendar day. This alternative would maintain the overall profitability of the vessels currently harvesting within the 3-hour window as costs are not increased and total harvest would be maintained. Vessels that are landing multiple trip limits within a calendar day presumably are not harvesting all their gear within a 3-hour period. For these vessels a single longer trip may actually be lower cost than multiple 3-hour trips; however, revenues are decreased proportionately.

Alternative 2 has the potential to increase gear soak times for vessels that were utilizing multiple 3-hour trips within a day, and has a higher potential to induce vessels to “race the clock”, potentially creating a safety concern. Additionally, this alternative would reduce the risk of exceeding the TAC compared to Alternative 4 (no action), and thus has a lower cost in terms of a potential decrease in future benefits from the fishery.

5.3.3.3 Gillnet 3-hour Rule Alternative 3

Under this alternative, for all trips less than 15 hours, a gillnet vessel will be charged 15 hours. If a vessel returns to port in less than 3 hours with no landings, and contacts enforcement, it can request having its DAS adjusted to only be charged for time used. Alternative 3 is similar to Alternative 1, such that if a vessel wants to land monkfish they will be required to take at least a 15-hour charge to DAS. If a vessel needs to physically extend a trip to beyond 3 hours, this

could slightly increase costs to fishers that do not require more than 3 hours to harvest their gear. More importantly to the vessels involved, this measure would reduce the revenue potential for the vessels involved by decreasing total annual landings, since the number of potential trips could be reduced.

This alternative would also reduce the potential safety issues caused by a race to “beat the clock.” It would also lower the risk of exceeding the TAC compared to Alternative 4 (no action), and thus have a lower potential to reduce future benefits from the fishery (i.e. lower cost).

5.3.3.4 Gillnet 3-hour Rule Alternative 4 – no action

Under this alternative, vessels that return to port within 3 hours of starting a trip would be allowed to land monkfish, and could make multiple 3-hour trips in any calendar day or 24-hour period. Alternative 4 would not change profit potential for the vessels landing monkfish in less than 3-hours, and thus there is no economic impact. However, if the actions of these vessels results in TAC overages and the implementation of backstop or other potential accountability measures, all vessels utilizing limited access monkfish permits within the affected region would be negatively affected.

5.3.4 Large-mesh Incidental Limit Alternatives

Under this measure, Alternative 1 would implement a cap on the incidental landings of monkfish for large mesh trips within the SNE Regulated Mesh Area defined in the multispecies regulations. The cap under Option A would be 450 lbs. while under Option B it would be 50 pound per day cap, with a maximum of 150 pounds, both measured in tail weight. Alternative 2 would limit incidental landings to 5% (tail weight) of the total weight of fish on board without a maximum. For those vessels that currently exceed the cap, there would be a decrease in revenues. The degree to which this practice currently exists can be analyzed, as well as the potential impact on vessel revenues and potentially net revenues. However, the lack of a cap (Alternative 2) may increase the revenue potential of future fisheries, beyond those that currently exist. This aspect of the measure can not be analyzed. As with several other measures, the number of vessels that could be impacted by this measure is likely small, however, if the lack of a cap were to result in TAC overages and the implementation of backstop provisions the impact would be broadly felt within the fishery.

5.3.5 Letter of Authorization (LOA) Alternatives

Alternative 1 in this measure would remove the requirement to obtain a letter of authorization (LOA) to fish in the NFMA on vessels with a VMS (but still retain it on non-VMS vessels), while Alternative 2 would continue to require the LOA on all vessels. The direct economic impacts of Alternative 1 are likely small and relate to a reduction in administrative burden and a potential increase in flexibility for vessels that fish in both the NFMA and SFMA. The vessels that historically have fished in both areas can be identified, and it is a subset of the total limited access monkfish vessels. It is possible that the increased flexibility would encourage more vessels to fish in both areas; however it is not possible to model such behavior changes at this time.

Alternative 2 (no action) would not result in economic impacts beyond those that currently exist.

5.4 Social Impact Assessment for Measures under Consideration

The need to assess social impacts emanating from federally mandated fishing regulations stems from National Environmental Protection Agency (NEPA) and Sustainable Fisheries Act (SFA) mandate that the social impacts of management measures be evaluated. NEPA requires the evaluation of social and economic impacts in addition to the consideration of environmental impacts. National Standard 8 of the SFA demands that “Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities” (16 U.S.C. §1851(2)(8)). The analysis that follows provides a context for understanding possible social impacts resulting from the proposed measures in this framework.

Daily routines, safety, occupational opportunities, and community infrastructure are examples of social impacts that can be affected by changes in management measures. Modifications to daily routines can make long-term planning difficult. New gear requirements such as netting and some equipment must be ordered months in advance resulting in changes to daily routines when these modifications cannot be met in a time and cost efficient manner. Further the cost of making such changes may prove to be a burden for some vessel owners. Changes in management measures that limit access to fishing may increase the likelihood of safety risks. Increased risk can result when fishermen spend longer periods at sea in order to minimize steam time to and from fishing grounds, operate with fewer crew, and fish in poor weather conditions.

Occupational opportunities within the fishing industry in general appear to be largely on the decline with more people leaving the industry than entering it. Management measures that further reduce occupational opportunities may have profound social impacts on the future occupational viability of commercial fishing. The increasing challenge to maintain economically viable fishing operations has resulted in an increasing number of fishermen leaving the fishing industry in search of other occupational pursuits. The tight fit between the unique characteristics of commercial fishing and the personality profile of fishermen has meant that many fishermen transitioning out of the industry have not found similar job satisfaction in replacement career pursuits resulting in personal and familial stress (Pollnac and Poggie, 1988 and 2006).

Changes in management measures can affect the size, demographic characteristics, and social structure of communities. More specifically, port infrastructure may be affected by the gradual loss of shore-based services essential to a strong working waterfront. Impacts that decrease occupational opportunities in turn can affect fishing families and community infrastructure.

5.4.1 Methods

Qualitative and, where available, quantitative methods have been used to assess the relative impact of the proposed management measures outlined in this framework. Vessel trip records and dealer weighout data are used to develop baseline projections of FY 2006 revenues based on FY 2005 trips and FY 2005 prices but using FY 2006 regulations. Potential social impacts emanating from the proposed measures impacts are estimated as a percentage increase or decrease in monkfish revenue from current conditions. While some management measures, more than others, tend to engender certain types of social impacts it is not possible to predict with

accuracy precise social impacts particularly when there are multiple overlaying management measures such as in this proposed action. Therefore the discussion of social impacts for alternatives will indicate the likely directional impacts of specific measures e.g., positive, negative, or neutral.

An important note is that the following discussion focuses principally on the short-term effect of specific alternatives which, in the case of increased restrictions, may be negative compared to taking no action. On the other hand, where the no-action alternative results in a continuation of the decline in the monkfish resource, or prevents rebuilding to a higher level of sustainable catch over the long term, those short-term impacts may be outweighed by the long-term positive impacts of rebuilding the resource on which the fishery is based. This trade-off is difficult, if not impossible to quantify, however, given that long-term optimum yield, or maximum sustainable yield is unknown. Qualitatively, the stability and higher level of landings that is expected once the stocks are rebuilt will likely be positive for the individuals and communities affected by the monkfish FMP.

5.4.2 Discussion of Social Impacts by Alternative

[Not completed as of 11/1/07].

5.5 Cumulative Effects

[This section to be completed for the final submission document

5.5.1 Introduction

5.5.2 Past, Present, and Reasonably Foreseeable Future Actions

.

5.5.3 Cumulative Effects on the Monkfish Fishery (target species)

.

5.5.4 Cumulative Effects on Non-target Species

5.5.5 Cumulative Effects on Protected Species

5.5.6 Cumulative Effects on Habitat

5.5.7 Cumulative Effects on Communities

5.5.8 Summary of Cumulative Effects

6.0 Consistency with Applicable Law

6.1 Magnuson-Stevens Act (MSA)

[This section to be completed for the final submission document]

6.1.1 National Standards

6.1.2 Required Provisions

6.1.3 EFH Assessment

6.2 National Environmental Policy Act (NEPA)

This section evaluates the proposed action in the context of NEPA, for determining the significance of federal actions, in this case the setting of annual monkfish fishery specifications.

[This section to be completed for the final submission document]

6.2.1 Finding of No Significant Impact (FONSI Statement)

6.3 Regulatory Impact Review and Initial Regulatory Flexibility Analysis (EO 12866 and IRFA)

[This section to be completed for the final submission document]

6.3.1 Determination of significance under E.O. 12866

6.3.2 Initial Regulatory Flexibility Analysis (IRFA)

The following sections contain analyses of the effect of the proposed action on small entities in accordance with Section 603(b) of the Regulatory Flexibility Act.

6.4 Endangered Species Act (ESA)

6.5 Marine Mammal Protection Act (MMPA)

6.6 Paperwork Reduction Act (PRA)

6.7 Coastal Zone Management Act (CZMA)

.

6.8 Data Quality Act (DQA)

6.9 Executive Order 13132 (Federalism)

6.10 Executive Order 13158 (Marine Protected Areas)

6.11 Administrative Procedure Act (APA)

7.0 References

- Best, P.B., J. L. Bannister, R.L. Brownell, Jr., and G.P. Donovan (eds.). 2001. Right whales: worldwide status. *J. Cetacean Res. Manage.* (Special Issue) 2. 309pp.
- Braun-McNeill, J., and S.P. Epperly. 2004. Spatial and temporal distribution of sea turtles in the western North Atlantic and the U.S. Gulf of Mexico from Marine Recreational Fishery Statistics Survey (MRFSS). *Mar. Fish. Rev.* 64(4):50-56.
- Brown, M.W., O.C. Nichols, M.K. Marx, and J.N. Ciano. 2002. Surveillance of North Atlantic right whales in Cape Cod Bay and adjacent waters—2002. Final Report to the Division of Marine Fisheries, Commonwealth of Massachusetts. 29pp.
- Clapham, P.J., S.B. Young, and R.L. Brownell. 1999. Baleen whales: Conservation issues and the status of the most endangered populations. *Mammal Rev.* 29(1):35-60
- Hirth, H.F. 1997. Synopsis of the biological data of the green turtle, *Chelonia mydas* (Linnaeus 1758). USFWS Biological Report 97(1). 120pp.
- James, M.C., R.A. Myers, and C.A. Ottenmeyer. 2005a. Behaviour of leatherback sea turtles, *Dermochelys coriacea*, during the migratory cycle. *Proc. R. Soc. B*, 272: 1547-1555.
- Johnson, A., G. Salvador, J. Kenney, J. Robbins, S. Kraus, S. Landry, and P. Clapham. 2005. Fishing gear involved in entanglements of right and humpback whales. *Mar. Mamm. Sci.* 21(4): 635-645.
- Katona, S.K., V. Rough, and D.T. Richardson. 1993. A field guide to whales, porpoises, and seals from Cape Cod to Newfoundland. Smithsonian Institution Press, Washington, D.C. 316pp.
- Keinath, J.A., J.A. Musick, and R.A. Byles. 1987. Aspects of the biology of Virginias sea turtles: 1979-1986. *Virginia J. Sci.* 38(4): 329-336.
- Kenney, R.D. 2002. North Atlantic, North Pacific, and Southern hemisphere right whales. *In:* W.F.Perrin, B. Wursig, and J.G.M. Thewissen (eds.), *Encyclopedia of Marine Mammals*. Academic Press, CA. pp. 806-813.
- Morreale, S.J. and E.A. Standora. 1998. Early life stage ecology of sea turtles in northeastern U.S. waters. U.S. Dep. Commer. NOAA Tech. Mem. NMFS-SEFSC-413, 49 pp.
- Morreale, S.J. and E.A. Standora. 2005. Western North Atlantic waters: Crucial developmental habitat for Kemp's ridley and loggerhead sea turtles. *Chel. Conserv. Biol.* 4(4):872-882.
- Musick, J.A. and C.J. Limpus. 1997. Habitat utilization and migration in juvenile sea turtles. Pp. 137-164 *In:* Lutz, P.L., and J.A. Musick, eds., *The Biology of Sea Turtles*. CRC Press, New York. 432 pp.
- New England Fishery Management Council. 1998. The Omnibus Habitat Amendment. (Amendment 11 – Multispecies, Amendment 9 – Sea Scallops, Amendment 1 – Monkfish, Amendment 1 – Atlantic Salmon, and Components of proposed Atlantic Herring FMP).
- New England Fishery Management Council. 2003. Framework 2 to the Monkfish FMP.
- New England Fishery Management Council. 2004. Amendment 2 to the Monkfish FMP.
- NMFS. 1991. Final recovery plan for the humpback whale (*Megaptera novaeangliae*). Prepared by the Humpback Whale Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 105 pp.

- NMFS. 1998. Recovery Plan for the blue whale (*Balaenoptera musculus*). Prepared by R.R. Reeves, P.J. Clapham, R.L. Brownell, Jr., and G.K. Silber for the National Marine Fisheries Service, Silver Spring, MD. 42pp.
- NMFS. 2005. Recovery Plan for the North Atlantic right whale (*Eubalaena glacialis*). National Marine Fisheries Service, Silver Spring, MD. 137pp.
- NMFS and U.S. Fish and Wildlife Service (USFWS). 1991a. Recovery plan for U.S. population of loggerhead turtle. National Marine Fisheries Service, Washington, D.C. 64 pp.
- NMFS and USFWS. 1991b. Recovery plan for U.S. population of Atlantic green turtle. National Marine Fisheries Service, Washington, D.C. 58 pp.
- NMFS and USFWS. 1992. Recovery plan for leatherback turtles in the U.S. Caribbean, Atlantic, and Gulf of Mexico. National Marine Fisheries Service, Washington, D.C. 65 pp.
- NMFS and USFWS. 1995. Status reviews for sea turtles listed under the Endangered Species Act of 1973. National Marine Fisheries Service, Silver Spring, MD. 139 pp.
- NOAA/NMFS. Status of the Stocks Report for the Northeast Region – Q4 2005.
- Perry, S.L., D.P. DeMaster, and G.K. Silber. 1999. The great whales: History and status of six species listed as endangered under the U.S. Endangered Species Act of 1973. Mar. Fish. Rev. Special Edition. 61(1): 59-74.
- Pollnac, R.B. and J.J. Poggie (2006) Job Satisfaction in the Fishery in Two Southeast Alaskan Towns, special issue *Human Organization*, Research and Resource Management in North American Fisheries, Lisa L. Colburn ed., 65(3)329-339.
- Pollnac, R.B. and J.J. Poggie (1988) The Structure of Job Satisfaction among New England Fishermen and its Application to Fisheries Management Policy, *American Anthropologist*, 90:888-901.
- Shoop, C.R. and R.D. Kenney. 1992. Seasonal distributions and abundance of loggerhead and leatherback sea turtles in waters of the northeastern United States. Herpetol. Monogr. 6: 43-67.
- Stevenson, D.K., L.A. Chiarella, C.D. Stephan, R.N. Reid, G.E. McCarthy, M. Pentony. 2004. Characterization of Fishing Practices and the Marine Benthic Ecosystems of the Northeast U.S. Shelf, and an evaluation of the potential effects of fishing on essential fish habitat. NOAA Technical Memorandum 181. 165 p.
- Swingle, W.M., S.G. Barco, T.D. Pitchford, W.A. McLellan, and D.A. Pabst. 1993. Appearance of juvenile humpback whales feeding in the nearshore waters of Virginia. Mar. Mamm. Sci. 9: 309-315.
- Turtle Expert Working Group (TEWG). 1998. An assessment of the Kemp's ridley (*Lepidochelys kempii*) and loggerhead (*Caretta caretta*) sea turtle populations in the Western North Atlantic. NOAA Technical Memorandum NMFS-SEFSC-409. 96 pp.
- Turtle Expert Working Group (TEWG). 2000. Assessment update for the Kemp's ridley and loggerhead sea turtle populations in the western North Atlantic. U.S. Dep. Commer. NOAA Tech. Mem. NMFS-SEFSC-444, 115 pp.
- USFWS. 1997. Synopsis of the biological data on the green turtle, *Chelonia mydas* (Linnaeus 1758). Biological Report 97(1). U.S. Fish and Wildlife Service, Washington, D.C. 120 pp.
- USFWS and NMFS. 1992. Recovery plan for the Kemp's ridley sea turtle (*Lepidochelys kempii*). NMFS, St. Petersburg, Florida.
- Waring, G.T., D.L. Palka, P.J. Clapham, S. Swartz, M. Rossman, T. Cole, L.J. Hansen, K.D. Bisack, K. Mullin, R.S. Wells, D.K. Odell, and N.B. Barros. 1999. U.S. Atlantic and Gulf of

- Mexico marine mammal stock assessments - 1999. NOAA Technical Memorandum NMFS-NE-153.
- Waring, G.T., E. Josephson, C.P. Fairfield, and K. Maze-Foley, Editors. 2006. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments-2005. NOAA Tech. Memo. NMFS-NE-194, 352pp.
- Wiley, D.N., R.A. Asmutis, T.D. Pitchford, and D.P. Gannon. 1995. Stranding and mortality of humpback whales, *Megaptera novaengliae*, in the mid-Atlantic and southeast United States, 1985-1992. Fish. Bull., U.S. 93:196-205.
- Wynne, K. and M. Schwartz. 1999. Guide to marine mammals and turtles of the U.S. Atlantic and Gulf of Mexico. Rhode Island Sea Grant, Narragansett. 115pp.
- Waring, G.T., R.M. Pace, J.M. Quintal, C. P. Fairfield, K. Maze-Foley (eds). 2003. U.S. Atlantic and Gulf of Mexico marine mammal stock assessments - 2003 . NOAA Technical Memorandum NMFS-NE-182. 287 p.

8.0 List of Preparers and Persons Consulted

This document was prepared through the cooperative efforts of the Monkfish Plan Development Team members, and other members of the staffs of NMFS and the New England Fishery Management Council. Contributors include:

- Jennifer Anderson, NMFS NERO
- Mark Alexander, PDT, CT DMF
- Trish Cheney, PDT, ME DMR
- Lisa Colburn, NEFSC
- Steve Correia, PDT, MA DMF
- Patricia Fiorelli, NEFMC
- Phil Haring, PDT Chair, NEFMC
- Jay Hermsen, PDT, NMFS NERO
- Lynn Lankshear, NMFS NERO
- Gisele Magnusson, PDT, NEFSC
- Jean-Jacques Maguire, MMC
- Allison (Ferreira) McHale, PDT, NMFS NERO
- Anne Richards, PDT, NEFSC
- Stan Wang, NMFS NERO
- Kurt Wilhelm, NMFS NERO
- John Witzig, NMFS NERO

Primary point of contact to obtain copies of this Environmental Assessment:

Pat Kurkul, Northeast Regional Administrator, NOAA Fisheries,
1 Blackburn Dr., Gloucester, MA 01930.
Phone: (978) 281-9300

Monkfish Framework 4
APPENDIX I

**Monkfish Assessment Summary for 2007
(Report in .pdf format)**

Northeast Data Poor Stocks Working Group

August 2007



Monkfish Assessment Summary for 2007

by Northeast Data Poor Stocks Working Group

Recent Issues in This Series

- 06-21 *A Laboratory Guide to the Identification of Marine Fish Eggs Collected on the Northeast Coast of the United States, 1977-1994*, by PL Berrien and JD Sibunka. September 2006.
- 06-22 *The Analytic Component to the Standardized Bycatch Reporting Methodology Omnibus Amendment: Sampling Design, and Estimation of Precision and Accuracy*, by SE Wigley, PJ Rago, KA Sosebee, and DL Palka. September 2006.
- 06-23 *Tenth Flatfish Biology Conference, November 29-30, 2006, Water's Edge Resort, Westbrook, Connecticut*, by R Mercaldo-Allen (chair), A Calabrese, DJ Danila, MS Dixon, A Jearld, TA Munroe, DJ Pacileo, C Powell, SJ Sutherland, steering committee members. October 2006.
- 06-24 *Analysis of Virginia Fisheries Effort as a Component in the Development of a Fisheries Sampling Plan to Investigate the Causes of Sea Turtle Strandings*, by CM Legault and KD Bisack. October 2006.
- 06-25 *43rd Northeast Regional Stock Assessment Workshop (43rd SAW): 43rd SAW Assessment Report*. November 2006.
- 06-26 *Protection against Electric Shock in Laboratory Sea-Water Systems*, by JM Crossen, PS Galtsoff, and JA Gibson. November 2006.
- 06-27 *Accuracy and Precision Exercises Associated with 2005 TRAC Production Aging*, by SJ Sutherland, NJ Munroe, V Silva, SE Pregracke, and JM Burnett. November 2006.
- 06-28 *Precision Exercises Associated with SARC 42 Production Aging*, by SJ Sutherland, NJ Shepherd, and SE Pregracke. December 2006.
- 07-01 *Accuracy and Precision Exercises Associated with 2006 TRAC Production Aging*, by SJ Sutherland, NL Shepherd, SE Pregracke, and JM Burnett. January 2007.
- 07-02 *Methodologies of the NOAA National Marine Fisheries Service Aerial Survey Program for Right Whales (*Eubalaena glacialis*) in the Northeast U.S., 1998-2006*, by TVN Cole, P Gerior, and RL Merrick. January 2007.
- 07-03 *44th Northeast Regional Stock Assessment Workshop (44th SAW). 44th SAW Assessment Summary Report*. January 2007.
- 07-04 *Estimated Bycatch of Loggerhead Sea Turtles (*Caretta caretta*) in U.S. Mid-Atlantic Scallop Trawl Gear, 2004-2005, and in Sea Scallop Dredge Gear, 2005*, by KT Murray. February 2007.
- 07-05 *Mortality and Serious Injury Determinations for Baleen Whale Stocks Along the United States Eastern Seaboard and Adjacent Canadian Maritimes, 2001-2005*, by M Nelson, M Garron, RL Merrick, RM Pace III, and TVN Cole. February 2007.
- 07-06 *The 2005 Assessment of Acadian Redfish, *Sebastes fasciatus* Storer, in the Gulf of Maine/Georges Bank region*, by RK Mayo, JKT Brodziak, JM Burnett, ML Traver, and LA Col. April 2007.
- 07-07 *Evaluation of a Modified Scallop Dredge's Ability to Reduce the Likelihood of Damage to Loggerhead Sea Turtle Carcasses*, by HO Milliken, L Belskis, W DuPaul, J Gearhart, H Haas, J Mitchell, R Smolowitz, and W Teas. April 2007.
- 07-08 *Estimates of Cetacean and Pinniped Bycatch in the 2005 Northeast Sink Gillnet and Mid-Atlantic Coastal Gillnet Fisheries*, by D Belden. May 2007.
- 07-09 *The Analytic Component to the Standardized Bycatch Reporting Methodology Omnibus Amendment: Sampling Design, and Estimation of Precision and Accuracy (2nd Edition)*, by SE Wigley, PJ Rago, KA Sosebee, and DL Palka. May 2007.
- 07-10 *44th Northeast Regional Stock Assessment Workshop (44th SAW): 44th SAW assessment report*. May 2007.
- 07-11 *45th Northeast Regional Stock Assessment Workshop (45th SAW): 45th SAW Assessment Summary Report*. July 2007.
- 07-12 *Proposed Vessel Calibration Studies for NOAA Ship Henry B. Bigelow*, by NEFSC Vessel Calibration Working Group. August 2007.

Monkfish Assessment Summary for 2007

by Northeast Data Poor Stocks Working Group

National Marine Fisheries Serv, Woods Hole Lab, 166 Water St, Woods Hole MA 02543-1026

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Fisheries Science Center
Woods Hole, Massachusetts

August 2007

Northeast Fisheries Science Center Reference Documents

This series is a secondary scientific series designed to assure the long-term documentation and to enable the timely transmission of research results by Center and/or non-Center researchers, where such results bear upon the research mission of the Center (see the outside back cover for the mission statement). These documents receive internal scientific review, and most receive copy editing. The National Marine Fisheries Service does not endorse any proprietary material, process, or product mentioned in these documents.

All documents issued in this series since April 2001, and several documents issued prior to that date, have been copublished in both paper and electronic versions. To access the electronic version of a document in this series, go to <http://www.nefsc.noaa.gov/nefsc/publications/>. The electronic version is available in PDF format to permit printing of a paper copy directly from the Internet. If you do not have Internet access, or if a desired document is one of the pre-April 2001 documents available only in the paper version, you can obtain a paper copy by contacting the senior Center author of the desired document. Refer to the title page of the document for the senior Center author's name and mailing address. If there is no Center author, or if there is corporate (*i.e.*, non-individualized) authorship, then contact the Center's Woods Hole Laboratory Library (166 Water St., Woods Hole, MA 02543-1026).

This document's publication history is as follows: manuscript submitted for review August 10, 2007; manuscript accepted through technical review August 14, 2007; manuscript accepted through policy review August 14, 2007; and final copy submitted for publication August 14, 2007. This document may be cited as:

Northeast Data Poor Stocks Working Group. 2007. Monkfish assessment summary for 2007. US Dept Commer, *Northeast Fish Sci Cent Ref Doc.* 07-13; 12 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole MA 02543-1026.

Table of Contents

State of Stock	1
Projections	2
Catches	2
Stock Distribution and Identification	3
Data and Assessment	3
Biological Reference Points	4
Fishing Mortality	4
Recruitment	5
Stock Biomass	5
Special Comments	5
Sources of Information	6

Tables

Table 1. Catch and status table: monkfish	3
---	---

Figures

Figure 1. Trends in NEFSC fall survey biomass indices of monkfish relative to existing biomass overfishing definitions, in the northern and southern management regions	7
Figure 2. Trends in total biomass and fishing mortality rate, from the assessment model, along with new biological reference points for monkfish from the 2007 assessment	8
Figure 3. Recruitment indices for monkfish from winter, spring, summer, and autumn NEFSC surveys for the northern and southern management regions	9
Figure 4. Body length of monkfish over time in the NEFSC autumn bottom trawl survey	10
Figure 5. Projection of total biomass to 2009 based on the Statistical Catch-At-Length model in the northern and southern management regions	11
Figure 6. Monkfish commercial fishery landings, by management region and total, 1964-2006	11
Figure 7. Monkfish commercial fishery landings by major gear type, northern and southern management regions	12

Monkfish Assessment Summary for 2007

State of Stock

Based on existing biomass reference points in the Monkfish Fishery Management Plan, the resource would be considered overfished in both the northern and southern stock management areas (Figure 1). In the northern area, the most recent biomass index, based on the 2004-2006 NEFSC fall survey 3-yr average, is 1.1 kg per tow. This is lower than the current $B_{\text{threshold}}$ value for the northern management area (1.30 kg/tow), and also lower than B_{target} (2.60 kg/tow). In the southern area, the most recent biomass index, based on the 2004-2006 NEFSC fall survey 3-yr average, is 0.87 kg per tow. This is lower than the $B_{\text{threshold}}$ (0.92 kg/tow) and B_{target} (1.84 kg/tow) for the southern area.

New reference points were developed as part of the 2007 assessment, based on a revised yield-per-recruit analysis (using a revised value of M) and results of a length-tuned model that incorporates multiple survey indices and catch data. Based on these new reference points, monkfish in both management regions are not overfished and overfishing is not occurring (Figure 2). New estimates of $B_{\text{threshold}}$ are 65,200 mt of total biomass in the north and 96,400 mt of total biomass in the south. Estimates of B_{target} are 92,200 mt in the north and 122,500 mt in the south. Estimates of total biomass for 2006 are 118,700 mt in the north and 135,500 mt in the south, both of which are greater than their respective biomass targets. The existing overfishing threshold is based on F_{max} , and this was retained, although new values were estimated. The new, updated estimates of F_{max} are 0.31 per year in the north and 0.40 per year in the south. Estimates of current F (2006) are 0.09 per year in the north and 0.12 per year in the south, both of which are lower than their respective overfishing thresholds.

The development of a new analytic model (“SCALE”) for monkfish is a significant advance. However, the new assessment results are accompanied by substantial uncertainty, and therefore need to be viewed with caution. Reservations stem from: (a) input uncertainties (under-reported landings and unknown discards during the 1980s and incomplete understanding of key biological parameters such as age and growth, longevity, natural mortality and stock structure); (b) the shorter assessment time frame (1980-2006) than in previous assessments (1963-2006); and (c) the relatively recent development of the assessment model. Compared to the previous monkfish assessment approach, the new model integrates more types of information and incorporates temporal variation in fishery selectivity patterns. It was not possible to utilize all sources of information with the previous approach. (See “Special Comments” section below.)

As indicated by NEFSC survey recruit abundance indices for approximate ages 1 and 2 (inferred from lengths, Figure 3), the frequency of better than average recruitment events increased since the late 1980s in the northern area. Relatively strong year classes were

produced in 1993, 1999 and 2001. In the south, recruitment has varied without trend during 1963-2006; however, a relatively strong 2001 year class is apparent in the south (Figure 3).

The median size of monkfish in both regions declined as landings increased in the 1980s (Figure 4). Maximum sizes have also declined, from about 110 cm during the 1960s to 90 cm since the early 1990s in the north, and from about 100 cm in the 1960s to 75 cm since the 1990s in the south.

Projections

The SCALE (Statistical Catch-at-Length) assessment model was used to evaluate the impacts of TACs proposed in Framework 4 (5,000 mt in the north and 5,100 mt in the south), assuming long-term average recruitment. The results indicate that total biomass in both regions would continue to increase through 2009 and remain above B_{target} (Figure 5). These results did not incorporate any uncertainty associated with the stock size estimates for 2006. Further work is necessary to develop a complete forecasting approach.

Catches

Reported total landings (live weight) increased from an annual average of 2,500 mt in the 1970s to 8,700 mt in the 1980s, 23,000 mt in the 1990s, and 22,000 mt during 2000-2005. Total landings in 2006 declined to 14,500 mt, the lowest level since 1990, due to management regulations (Figure 6). Landings in the early part of the time series are thought to be under-reported. The accuracy of landings data has likely improved with mandatory reporting, which began in 1994. In the northern area, landings peaked in 2003 (15,000 mt), and have since declined to 6,700 mt in 2006. In the southern area, landings peaked in 1998 (19,300 mt), and declined to 7,800 mt in 2006.

During 1990-1999, 53% of USA monkfish landings were taken in otter trawls, 28% in sea scallop dredges, and 18% in gillnets. During 2000-2006, 53% of USA monkfish landings were taken in otter trawls, 7% in sea scallop dredges, 35% in gillnets, and 6% other gear. While trawl gear accounts for most of the landings in the northern area (75% during 2000-2006, Figure 7), gillnets now account for the majority of the landings in the southern area (54% during 2000-2006, Figure 7).

Estimated total discards of monkfish have ranged between 1,600 mt (1992) and 7,500 mt (2001) per year, with a long-term discard/kept ratio of 0.15 (1989-2006, north and south combined). Discard rates have been highest in the sea scallop dredge fisheries in the southern area, particularly since 2000, and lowest in the gillnet fisheries. Discard ratios and discard levels (mt) increased in the southern area after 2000 (overall discard/kept ratio for 2001-2006 =0.34).

Table 1. Catch and status table (weights in '000 mt): monkfish.

Year	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Max ¹	Min ¹	Mean ¹
USA Commercial landings													
Northern area	9.7	7.3	9.1	10.7	13.3	14.0	15.0	13.2	10.3	6.7	15.0	3.2	8.0
Southern area	18.5	19.3	16.1	10.1	10.0	8.9	11.1	8.0	8.8	7.8	19.3	3.7	9.4
Total	28.2	26.6	25.2	20.9	23.3	22.9	26.1	21.2	19.1	14.5	28.2	7.3	17.4
USA Commercial discards													
Northern area	1.3	0.9	0.8	1.0	2.9	1.4	1.3	0.9	0.9	0.5	2.9	0.4	1.1
Southern area	1.2	1.1	1.2	1.5	4.6	3.4	3.2	2.7	2.5	1.8	4.6	0.6	2.1
Total	2.5	2.0	2.0	2.5	7.5	4.8	4.5	3.6	3.4	2.3	7.5	1.6	3.2
Foreign landings ²	0.2	0.2	0.2	0.2	0.1	0.3	0.3	-	-	-	0.3	0.1	0.5
Total Catch	30.9	28.8	27.4	23.6	30.9	28.0	30.9	24.7	22.5	16.7	31.0	16.7	25.5
Northern area													
Biomass index ³	0.67	0.97	0.83	2.50	2.07	2.32	2.72	0.63	1.62	1.04	5.6	0.6	2.1
Southern area													
Biomass index ³	0.59	0.50	0.30	0.48	0.71	1.32	0.83	0.97	0.80	0.83	7.0	0.3	1.5
Northern area													
Total Biomass ⁴	65.3	69.1	78.3	88.3	97.9	103.0	108.3	110.1	112.9	118.7	65.2	127.3	92.2
Fishing Mortality rate (F) ⁴	0.32	0.20	0.20	0.22	0.30	0.30	0.32	0.23	0.16	0.09	0.43	0.05	0.19
Southern area													
Total Biomass ⁴	100.2	98.4	96.4	99.8	107.4	112.6	120.1	124.3	130.0	135.5	96.4	152.7	122.6
Fishing Mortality rate (F) ⁴	0.37	0.36	0.29	0.19	0.23	0.19	0.20	0.15	0.15	0.12	0.37	0.04	0.16

¹ Landings data based on 1980-2006 . Commercial fishery discard estimates not available before 1989; discard means from 1989-2006.
Biomass index time span is 1963-2006. Total biomass and F time span is 1980-2006.

² Foreign landings are for NAFO Areas 5 and 6. Foreign landings not available for 2004-2006.

³ NEFSC fall survey, stratified mean weight (kg) per tow.

⁴ Annual estimates from SCALE model ('000 mt for biomass).

Stock Distribution and Identification

The monkfish resource in US waters is distributed from the Gulf of Maine through Cape Hatteras, NC. Current management practice divides US waters into two regions north and south of Georges Bank to accommodate differences in fishery practices; however, there is no strong biological evidence (growth, maturity, and genetic information) of separate stocks.

Data and Assessment

Monkfish were last assessed at SAW-40 in November 2004. Data used in the current assessment include NEFSC research survey data, data from cooperative monkfish surveys conducted in 2001 and 2004, and commercial fishery data from (a) vessel trip reports, (b) dealer landings records, and (c) on-board fishery observers. The assessment assumed a natural

mortality rate (M) = 0.3; previous assessments used $M=0.2$. Fishing mortality rates were estimated from survey catch-per-tow-at-age from NEFSC research surveys, and using several length-based approaches (catch-survey analysis, statistical catch-at-length analysis (SCALE), length-based mortality, stage-based mortality). Although these methods were useful for exploratory data analysis, the only method deemed adequate for assessment was the SCALE model. The model could only be applied to the period from 1980 to the present, because the early (pre-1980) commercial catch data were too uncertain.

Biological Reference Points

Existing biological reference points (BRPs) for monkfish are from Framework 2 of the Fishery Management Plan for Monkfish (2003). For both management areas, the existing B_{target} was established as the median of the 3-year moving average of NEFSC fall survey biomass indices during 1965-1981. $F_{\text{threshold}}$ was set equal to F_{max} ($F=0.2$ per year). The Framework 2 overfishing definition did not include an F_{target} reference point.

New biomass reference points were developed as part of the new assessment, based on an updated age-based yield-per-recruit analysis, and results of the SCALE model, both of which assumed $M=0.3$ (previous assessments used $M=0.2$). The new B_{target} is the average of total biomass during the 1980 – 2006 period, estimated as 92,200 mt in the north and 122,500 mt in the south. The new $B_{\text{threshold}}$ is defined as the lowest value of total biomass in the assessment time series (1980 - 2006) from which the stock subsequently increased (termed “ B_{Loss} ”), estimated as 65,200 mt in the north and 96,400 mt in the south.

The existing overfishing threshold is based on F_{max} , and this was retained in the new assessment, although the value was updated. The revised estimates of F_{max} are 0.31 per year in the north and 0.40 per year in the south. The recommended F_{target} is F at 40% of maximum spawning potential ($F_{40\%}$), estimated to be 0.18 per year in the north and 0.31 per year in the south. $F_{40\%}$ was chosen to ensure some adequacy in spawning potential and because it has been used in managing other fisheries. The differences between areas in the $F_{40\%}$ estimates are due to different selectivity patterns of the predominant gears in the two regions (otter trawls in the north, large mesh gillnets in the south).

Monkfish is a data-poor species, and there are significant uncertainties associated with the assessment results. This should be considered when developing management measures.

Fishing Mortality

Previous assessment reviews (SAWs -31, -34 and -40) concluded that instantaneous fishing mortality rates (F) estimated from NEFSC research survey length frequency distributions were not sufficiently reliable to allow evaluation of current F with respect to reference points.

In the current assessment, fishing mortality in 2006, estimated using the SCALE assessment model (assuming $M=0.3$ per year), was $F=0.09$ per year in the north, and $F=0.12$ per year in the south. Fishing mortality has declined in both regions since 2003 (Figure 2).

Recruitment

Size-based indices of abundance indicate strong recruitment in the northern area in 1993, 1999 and 2001 (Figure 3). The strong recruitment in 1999 and 2001 led to rebuilding of stock biomass in the north. Recruitment has been stable in the south, with a strong year class produced in 2001 (Figure 3).

Stock Biomass

Total biomass in the northern region declined steadily from the early 1980s through the early 1990s, remained at a relatively low level during the 1990s, and then increased after 1999, reflecting strong recruitment and management efforts from 2000 onwards (Figure 2). Biomass in the north was estimated to be 118,700 mt in 2006. In the south, total biomass increased until the late 1980s and then declined during the 1990s. Since 2000, biomass has increased in the south, and was estimated to be 135,500 mt in 2006 (Figure 2).

Median body size of monkfish, in fall NEFSC bottom trawl surveys of the northern area, declined rapidly during the 1980s, but since 1990, has stabilized at a relatively small body size (20-40 cm recently, compared to 60-80 cm before 1982) (Figure 4). Maximum size has also declined, from approximately 100-120 cm to 80-100 cm. In the southern area, median size has been more variable, but shows a gradual decline over time (Figure 4), and maximum size has declined from around 100 cm before 1982 to 60-80 cm since 1990.

Special Comments

This assessment is uncertain for a number of reasons, including poor quality of some data and uncertainties in life history parameters. The assessment hinges critically on assumptions regarding growth, longevity, and natural mortality of monkfish, all of which are poorly known. In addition, commercial catches prior to 1993 are not well characterized. Model results are sensitive to the assumed value of natural mortality, revised in this assessment from 0.2 to 0.3 per year. This decision was based on the observed longevity of male and female fish in the resource; however, the actual lifespan of monkfish may be greater than that which has been thus far observed. Uncertainties in key life history parameters and historical catches are unlikely to be resolved in the short term.

In developing management alternatives, it should be recognized that monkfish is a “data-poor” species and this assessment has significant uncertainty. Landings on the order of 5,000 mt in

each management area (roughly the proposed TACs in FMP Framework Adjustment 4) are unlikely to result in a change in stock status, and should allow monkfish resources in both regions to increase.

The SCALE model used for assessment could only be applied to the period from 1980 to the present. Monkfish biomass indices in NEFSC surveys were approximately twice as high prior to 1980 than after this time. As such, the productivity of the resource may be higher than reflected in this assessment and thus, the possibility of attaining higher biomass levels in the future should not be discounted. Reconsideration of the newly proposed biomass reference points might thus be justified in the future.

Sources of Information

Chikarmane HM., Kuzirian AM, Kozlowksi R, Kuzirian M, Lee M, Lee T. 2000. Population genetic structure of the goosefish, *Lophius americanus*. Biol Bull. 199:227-228.

Northeast Fisheries Science Center (NEFSC). 1997. Report of the 23rd Northeast Regional Stock Assessment Workshop (23rd SAW). NEFSC Ref Doc. 97-05; 191 p.

NEFSC. 2000. Report of the 31st Northeast Regional Stock Assessment Workshop (31st SAW). NEFSC Ref Doc. 00-15; 400 p.

NEFSC. 2002. Report of the 34th Northeast Regional Stock Assessment Workshop (34th SAW): SARC Consensus Summary of Assessments. NEFSC Ref Doc. 02-06; 346 p.

NEFSC. 2005. 40th Northeast Regional Stock Assessment Workshop (40th SAW) Assessment Report. NEFSC Ref Doc. 05-04; 146 p.

Figure 1. Trends in NEFSC fall survey biomass indices (3-year moving average) of monkfish relative to existing biomass overfishing definitions, in the northern and southern management regions.

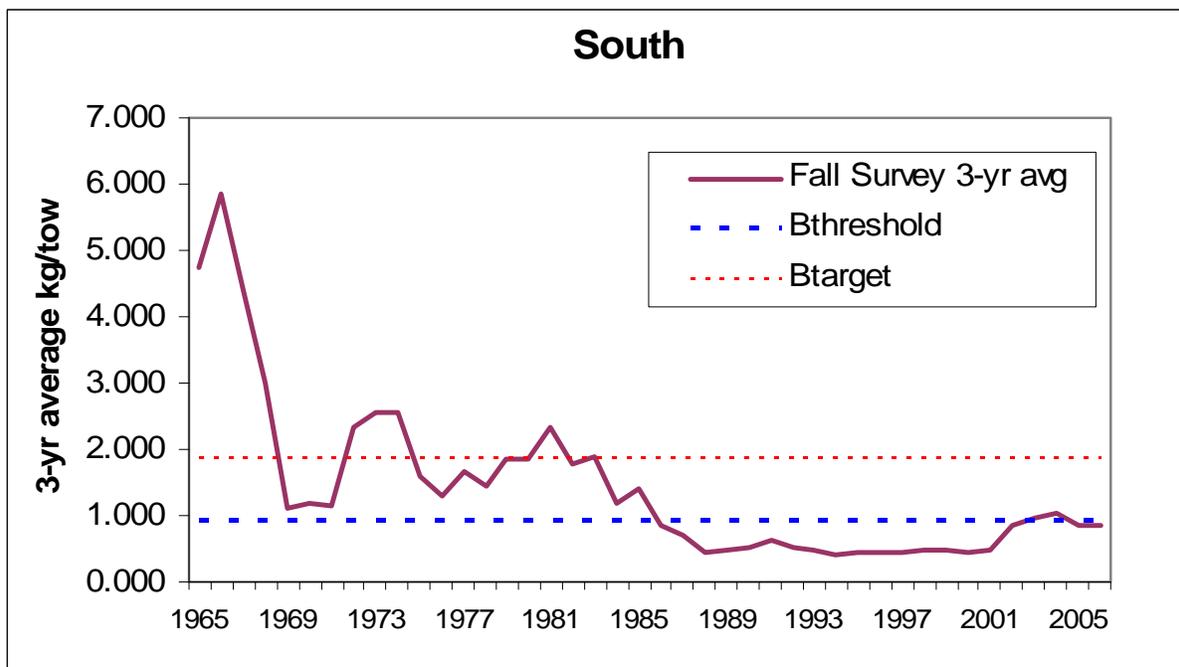
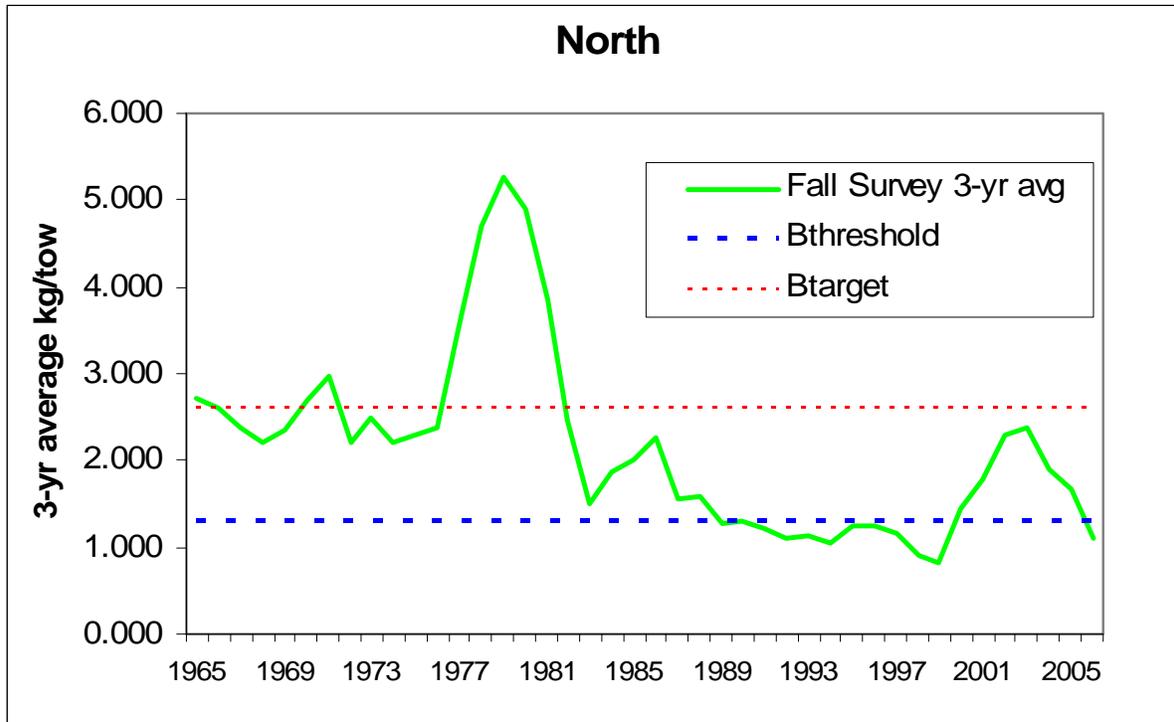


Figure 2. Trends in total biomass and fishing mortality rate (F), from the assessment model (SCALE), along with new (proposed) biological reference points for monkfish from the 2007 assessment. (A) northern management region, (B) southern management region.

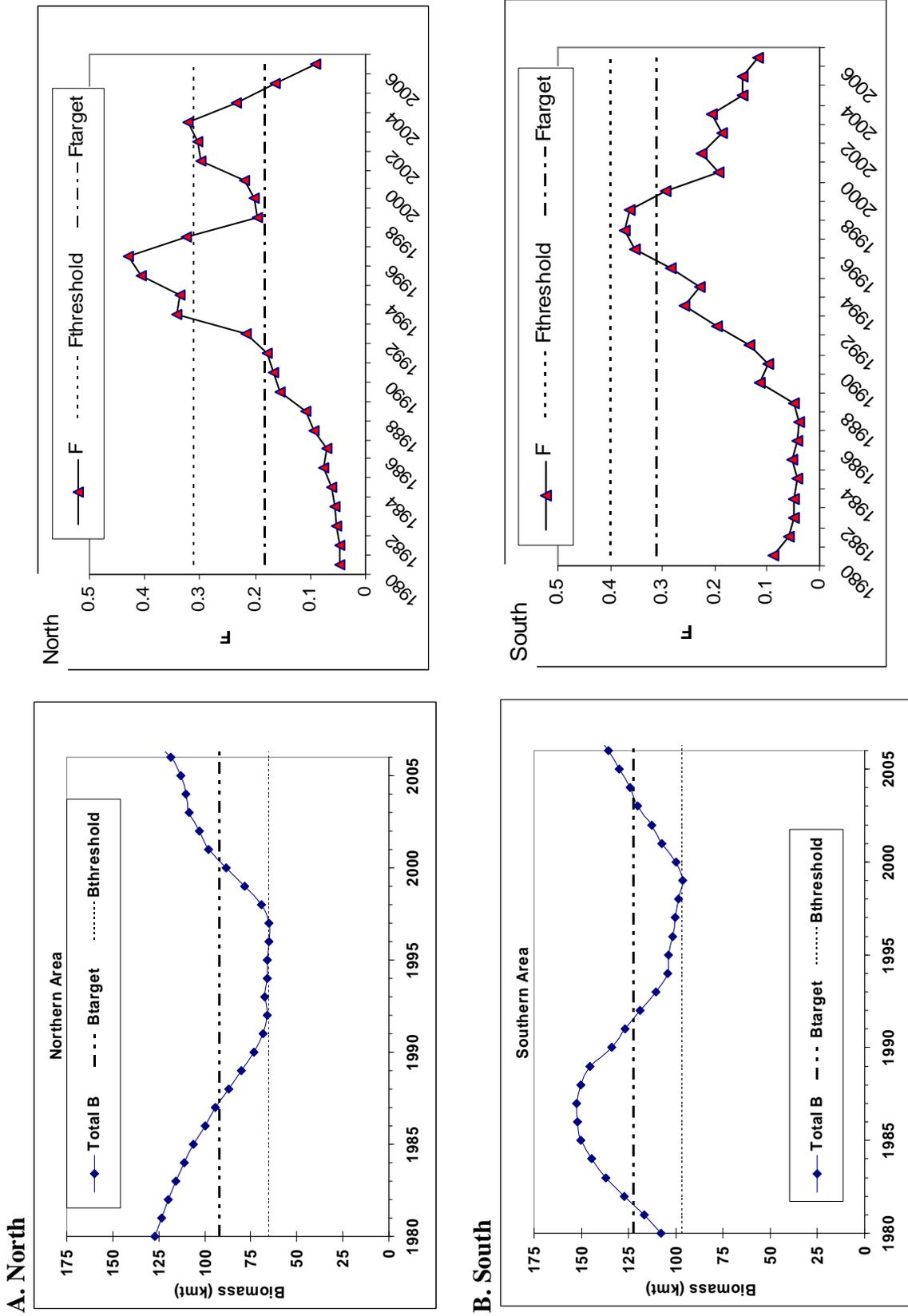


Figure 3. Recruitment indices (stratified mean number per tow) for monkfish from winter, spring, summer (shrimp, scallop), and autumn NEFSC surveys for the northern and southern management regions.

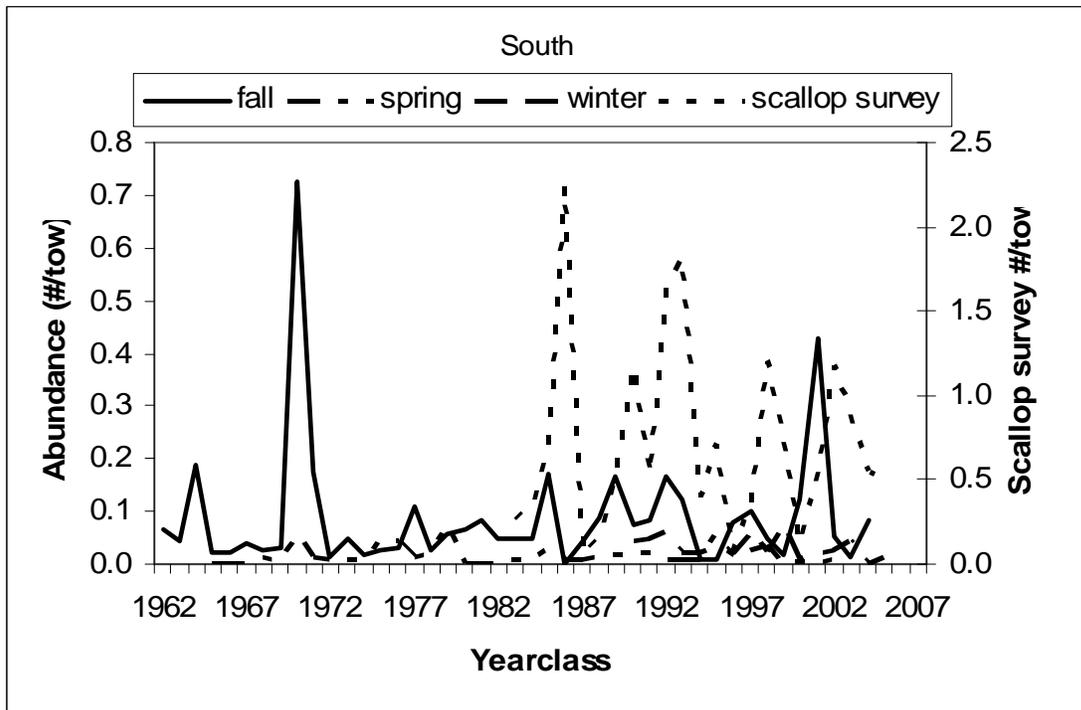
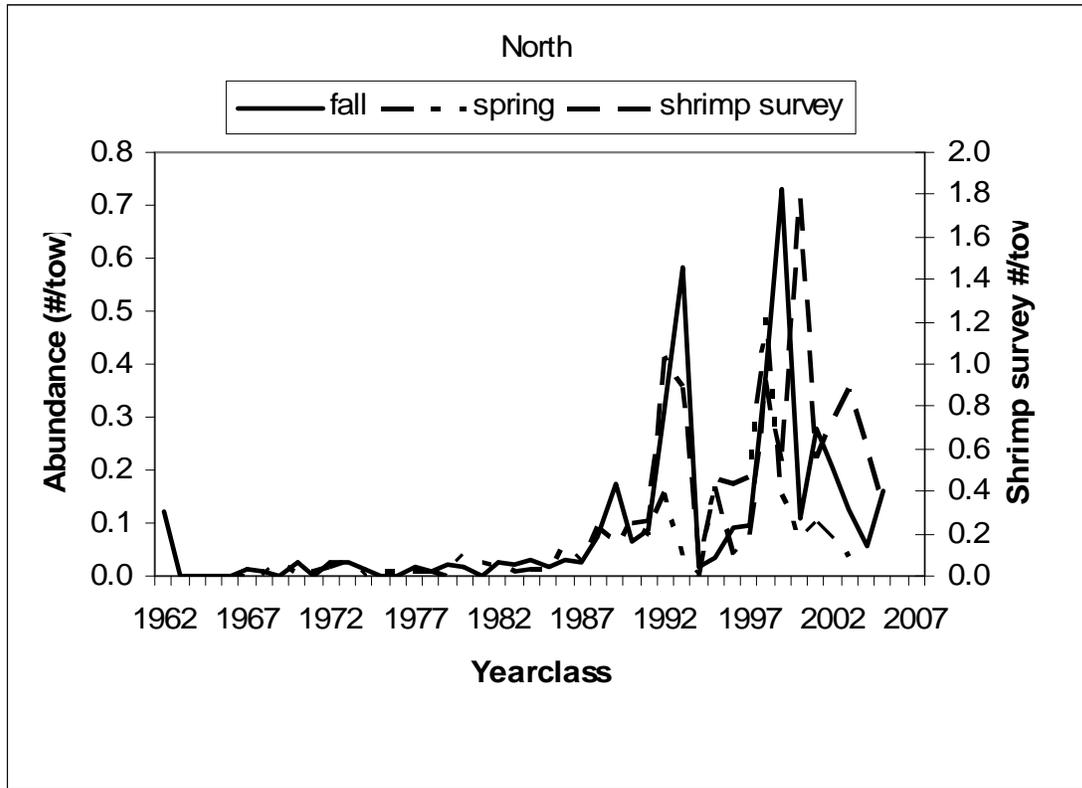
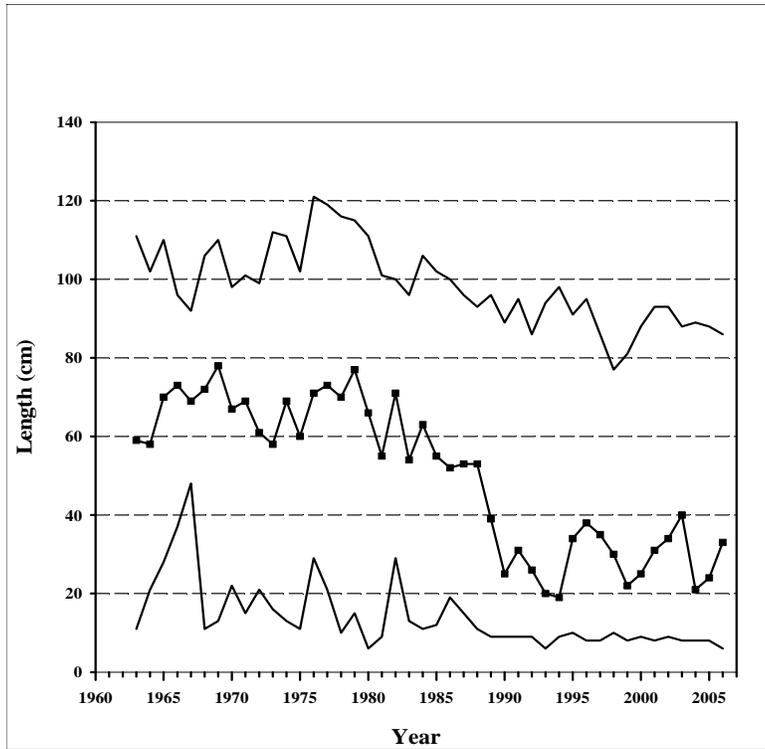


Figure 4. Body length of monkfish (minimum, median, maximum) over time in the NEFSC autumn bottom trawl survey. (A) northern management region and (B) southern management region.

A.



B.

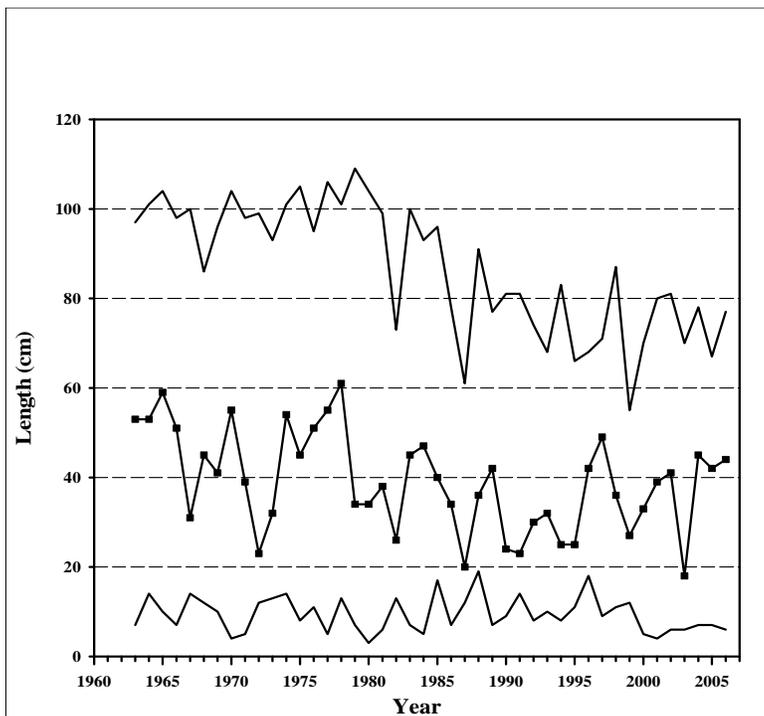


Figure 5. Projection of total biomass to 2009 based on the Statistical Catch-At-Length (SCALE) model in the northern and southern management regions.

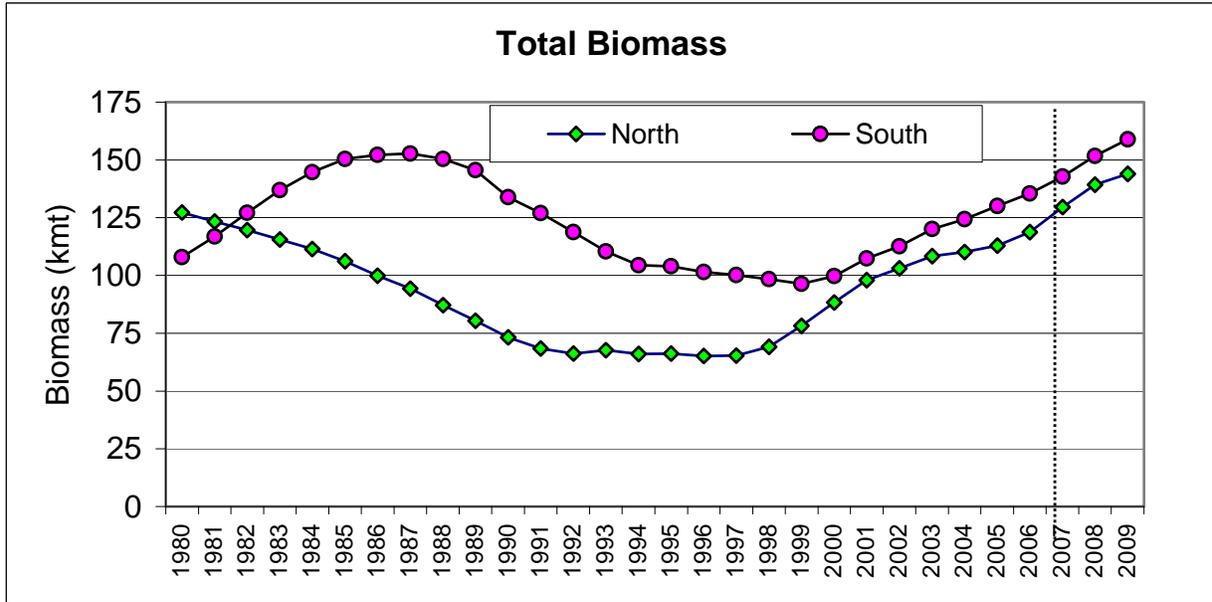


Figure 6. Monkfish commercial fishery landings, by management region and total, 1964-2006.

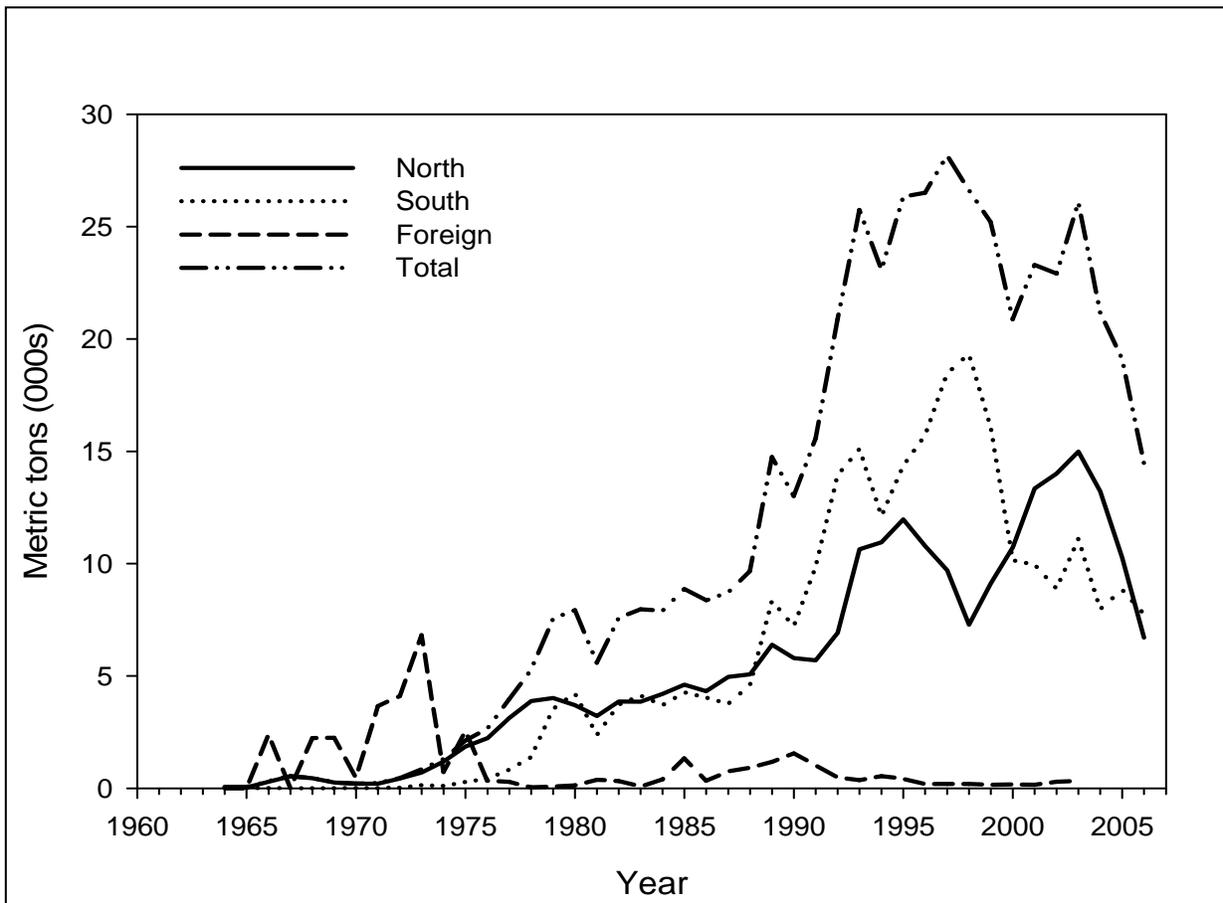
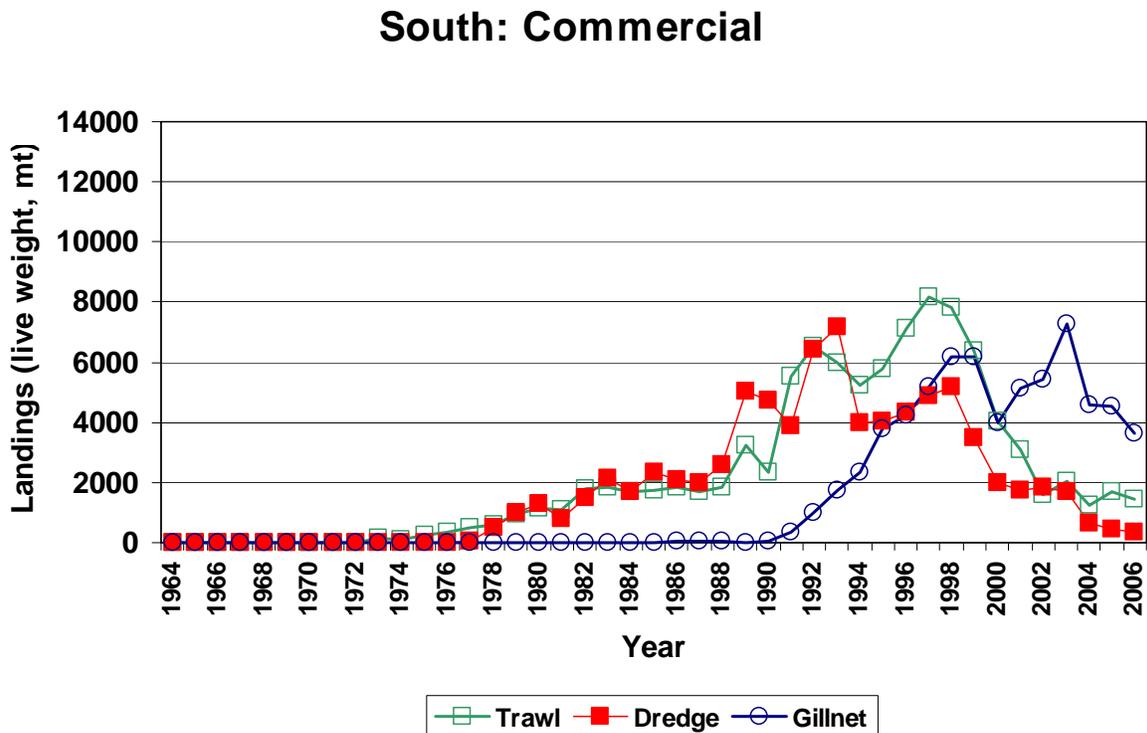
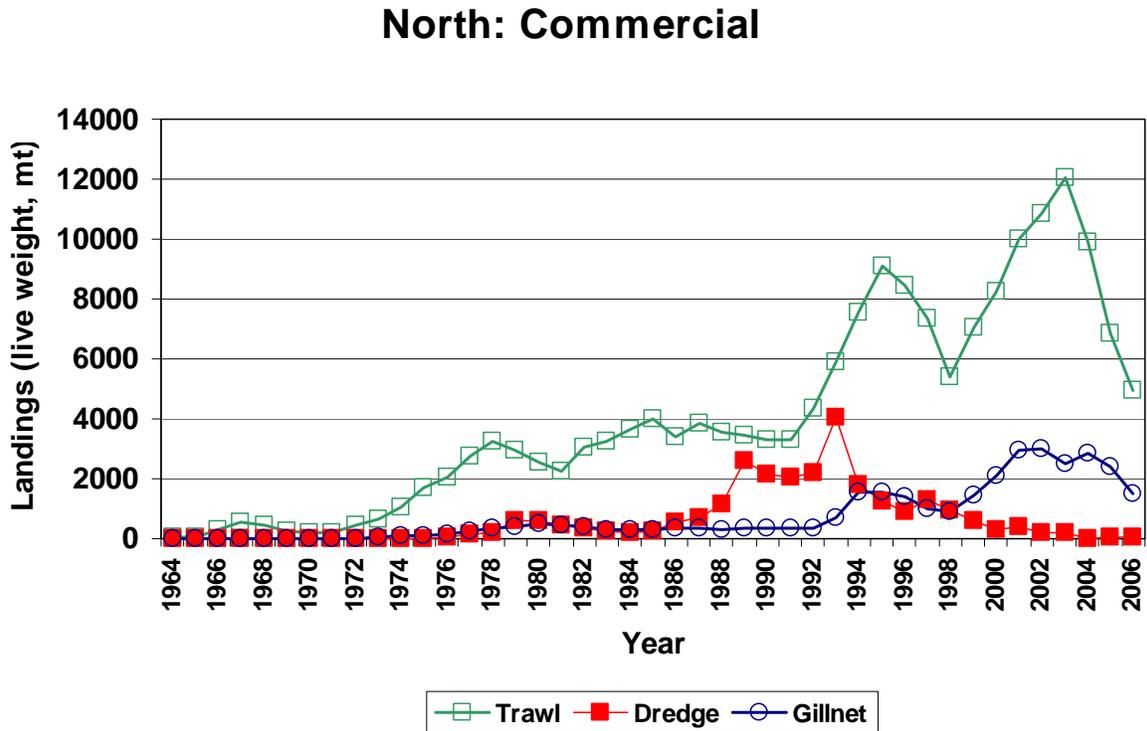


Figure 7. Monkfish commercial fishery landings by major gear type, northern and southern management regions.



**Procedures for Issuing Manuscripts
in the
*Northeast Fisheries Science Center Reference Document (CRD) Series***

Clearance

All manuscripts submitted for issuance as CRDs must have cleared the NEFSC's manuscript/abstract/webpage review process. If any author is not a federal employee, he/she will be required to sign an "NEFSC Release-of-Copyright Form." If your manuscript includes material from another work which has been copyrighted, then you will need to work with the NEFSC's Editorial Office to arrange for permission to use that material by securing release signatures on the "NEFSC Use-of-Copyrighted-Work Permission Form."

For more information, NEFSC authors should see the NEFSC's online publication policy manual, "Manuscript/abstract/webpage preparation, review, and dissemination: NEFSC author's guide to policy, process, and procedure," located in the Publications/Manuscript Review section of the NEFSC intranet page.

Organization

Manuscripts must have an abstract and table of contents, and (if applicable) lists of figures and tables. As much as possible, use traditional scientific manuscript organization for sections: "Introduction," "Study Area" and/or "Experimental Apparatus," "Methods," "Results," "Discussion," "Conclusions," "Acknowledgments," and "Literature/References Cited."

Style

The CRD series is obligated to conform with the style contained in the current edition of the United States Government Printing Office Style Manual. That style manual is silent on many aspects of scientific manuscripts. The CRD series relies more on the CSE Style Manual. Manuscripts should be prepared to conform with these style manuals.

The CRD series uses the American Fisheries Society's guides to names of fishes, mollusks, and decapod

crustaceans, the Society for Marine Mammalogy's guide to names of marine mammals, the Biosciences Information Service's guide to serial title abbreviations, and the ISO's (International Standardization Organization) guide to statistical terms.

For in-text citation, use the name-date system. A special effort should be made to ensure that all necessary bibliographic information is included in the list of cited works. Personal communications must include date, full name, and full mailing address of the contact.

Preparation

Once your document has cleared the review process, the Editorial Office will contact you with publication needs – for example, revised text (if necessary) and separate digital figures and tables if they are embedded in the document. Materials may be submitted to the Editorial Office as files on zip disks or CDs, email attachments, or intranet downloads. Text files should be in Microsoft Word, tables may be in Word or Excel, and graphics files may be in a variety of formats (JPG, GIF, Excel, PowerPoint, etc.).

Production and Distribution

The Editorial Office will perform a copy-edit of the document and may request further revisions. The Editorial Office will develop the inside and outside front covers, the inside and outside back covers, and the title and bibliographic control pages of the document.

Once both the PDF (print) and Web versions of the CRD are ready, the Editorial Office will contact you to review both versions and submit corrections or changes before the document is posted online.

A number of organizations and individuals in the Northeast Region will be notified by e-mail of the availability of the document online.

Research Communications Branch
Northeast Fisheries Science Center
National Marine Fisheries Service, NOAA
166 Water St.
Woods Hole, MA 02543-1026

**MEDIA
MAIL**

Publications and Reports of the Northeast Fisheries Science Center

The mission of NOAA's National Marine Fisheries Service (NMFS) is "stewardship of living marine resources for the benefit of the nation through their science-based conservation and management and promotion of the health of their environment." As the research arm of the NMFS's Northeast Region, the Northeast Fisheries Science Center (NEFSC) supports the NMFS mission by "conducting ecosystem-based research and assessments of living marine resources, with a focus on the Northeast Shelf, to promote the recovery and long-term sustainability of these resources and to generate social and economic opportunities and benefits from their use." Results of NEFSC research are largely reported in primary scientific media (*e.g.*, anonymously-peer-reviewed scientific journals). However, to assist itself in providing data, information, and advice to its constituents, the NEFSC occasionally releases its results in its own media. Currently, there are three such media:

NOAA Technical Memorandum NMFS-NE -- This series is issued irregularly. The series typically includes: data reports of long-term field or lab studies of important species or habitats; synthesis reports for important species or habitats; annual reports of overall assessment or monitoring programs; manuals describing program-wide surveying or experimental techniques; literature surveys of important species or habitat topics; proceedings and collected papers of scientific meetings; and indexed and/or annotated bibliographies. All issues receive internal scientific review and most issues receive technical and copy editing.

Northeast Fisheries Science Center Reference Document -- This series is issued irregularly. The series typically includes: data reports on field and lab studies; progress reports on experiments, monitoring, and assessments; background papers for, collected abstracts of, and/or summary reports of scientific meetings; and simple bibliographies. Issues receive internal scientific review and most issues receive copy editing.

Resource Survey Report (formerly *Fishermen's Report*) -- This information report is a regularly-issued, quick-turnaround report on the distribution and relative abundance of selected living marine resources as derived from each of the NEFSC's periodic research vessel surveys of the Northeast's continental shelf. This report undergoes internal review, but receives no technical or copy editing.

TO OBTAIN A COPY of a *NOAA Technical Memorandum NMFS-NE* or a *Northeast Fisheries Science Center Reference Document*, either contact the NEFSC Editorial Office (166 Water St., Woods Hole, MA 02543-1026; 508-495-2350) or consult the NEFSC webpage on "Reports and Publications" (<http://www.nefsc.noaa.gov/nefsc/publications/>). To access *Resource Survey Report*, consult the Ecosystem Surveys Branch webpage (<http://www.nefsc.noaa.gov/femad/ecosurvey/mainpage/>).

ANY USE OF TRADE OR BRAND NAMES IN ANY NEFSC PUBLICATION OR REPORT DOES NOT IMPLY ENDORSEMENT.

Monkfish Framework 4
APPENDIX II

**Monkfish Committee and Advisory Panel
Meeting Summaries**

New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee Meeting

Hilton Garden Inn, Warwick, RI

October 3, 2007

The primary purpose of the meeting was to identify alternatives for analysis and development in the Framework 5 document based on the issues identified by the New England Council to be addressed. Based on the Council's September 19 decisions, Framework 5 will address revised biological reference points, days-at-sea carryover allowances, landing restrictions under the 3-hour gillnet rule, monkfish incidental catch limits on vessels fishing with large mesh and not on a day-at-sea, and the requirement to hold a Letter of Authorization to fish for monkfish in the northern area.

The staff summarized the results and recommendations of the recent Northeast Data Poor Stocks Working Group (DPWG) assessment of monkfish. The assessment group recommended that the biomass reference points be revised from the current basis of using NEFSC fall biomass survey indices, to ones using absolute biomass estimates derived from a new length-based assessment model. If adopted, the status of both northern and southern stock components would change from "overfished" to "rebuilt". The assessment report strongly cautions, however, that this conclusion needs to be taken in the context of the uncertainties outlined in the report, particularly with respect to the newness of the assessment model, assumptions about natural mortality and growth rates, and the limitations of the data used in the assessment.

The staff then summarized the issues identified by the Council to be addressed in Framework 5, and presented a range of alternatives that could be considered by the Committee. Staff noted that it presented the list of alternatives as a way to start the discussion, and that Committee had the task of adding, removing, or modifying individual alternatives as appropriate. Staff also reminded the Committee of the short time available in which to analyze the alternatives and prepare a draft framework document for consideration by the Council at its November meeting, where final action is expected.

The Committee reviewed the Framework 4 approval letter issued by the Regional Administrator, in which the RA highlighted NMFS' concern with the current days-at-sea (DAS) carryover provision. One Committee member noted that the letter cites the Council's reason for not modifying the carryover provision in Framework 4, and asked if that situation still existed. The letter states that "*the Councils voted not to change the existing DAS carryover provision contained in the FMP due to concerns over NMFS' ability to provide the fishing industry with accurate DAS balance information.*" Agency staff at the meeting stated that the new DAS program has been running for about a year and the agency is working on a web-based system that would give vessel owners the ability to get current DAS accounting. That system is currently in testing.

Biological reference points

The staff provided the Committee with two alternatives for consideration, including the no-action alternative.

Biological Reference Points Alternative 1

Under this alternative, the biomass minimum threshold and target would be those recommended by the DPWG, as shown in the following table

	B₂₀₀₆ (mt)	B_{target} (mt)	B_{threshold} (mt)
NFMA	118,700	92,200	65,200
SFMA	135,500	122,500	96,400
B_{target} = average of total biomass 1980 – 2006			
B_{threshold} = lowest value of total biomass 1980 – 2006			

Biological Reference Points Alternative 2 (no action)

The current biomass targets are based on the median of the 3-year moving average of the NEFSC fall survey biomass indices during 1965-1981. The biomass threshold is equal to ½ the biomass target. The most recent values are shown in the following table.

	B₂₀₀₆ (kg/tow, 3-yr. ave)	B_{target} (kg/tow)	B_{threshold} (kg/tow)
NFMA	1.1	2.60	1.3
SFMA	0.87	1.84	0.92
B_{target} = median, 3-year moving average of the NEFSC fall survey biomass indices, 1965-1981			
B_{threshold} = ½ B _{target}			

Motion

To consider Biological Reference Points Alternative 1 in Framework 5 (Pierce/Stockwell, **motion passed unanimously**)

DAS Carryover

The staff provided a range of 5 alternatives for Committee consideration, as well as some discussion of their rationale, as follows:

Under the initial Monkfish FMP, which allocated 40 monkfish DAS, vessels were allowed to carryover 10 unused monkfish DAS, consistent with the carryover provisions of the Multispecies FMP, which at that time allocated 88 multispecies DAS to Fleet Category vessels. In Framework 4, the Councils considered modifying or eliminating the DAS carryover provision in the FMP, to reduce the potential dilution of the effort control program. The AP and the Monkfish Committee recommended Alternative 3, no action, noting that as DAS are reduced, the economic need for carryover DAS is more urgent. The PDT had recommended a reduction in carryover DAS to 4, which was modified by the Committee to 6 DAS under Alternative 1. The Councils recommended no action. For the current framework, the staff suggests considering the Framework 4 alternatives, as well as the PDT’s recommendation of 4 DAS.

While reviewing the Framework 4 document in preparation for this meeting the staff found a discrepancy in the language describing the proposed action, which should be clarified. The text describing the DAS carryover provisions in Section 3.6 of Framework 4 states the following:

Carryover DAS are based on the higher allocated DAS in either area, not on the baseline of 40 DAS set in the original FMP. In other words, if the maximum DAS allocated in either area is 31, for example, and a vessel fishes 30 DAS total (counting DAS used in both areas) then a vessel would have one carryover DAS, not 10 DAS under Alternative 3 (40 baseline minus 30 used), or 6 under Alternative 1 (40 baseline minus 30 used to a maximum of 6).

The description of Alternative 3, the no action alternative, however, says:

...vessels would continue to be able to carryover up to 10 unused monkfish DAS, out of the baseline allocation of 40, regardless of the DAS allocated under the options being considered...

The proposed and final rules for Framework 4 are based on the first language, and, therefore, that would be the no action alternative in this framework. So that the Councils' intent can be clarified, staff has included an alternative that would reflect the second paragraph. The Committee requested the staff research the Committee discussions on this subject during development of Framework 4 and circulate the material to the Committee.

DAS Carryover Alternative 1

Under this alternative, which was Alternative 1 in Framework 4, vessels would be able to carryover up to 6 unused DAS based on the higher allocation of DAS in the two areas, currently 31 DAS (if a vessel fishes 30 DAS, it would only be able to carryover 1 DAS, not 6, as it would if the rule were based on a baseline of 40 DAS). The maximum carryover allowance under this alternative is 19% of the total annual allocation of monkfish DAS, and 26% of the DAS allowed in the SFMA. This alternative restricts the number of unused monkfish DAS that could be carried over to the next fishing year. While this option would reduce fishing opportunities in the following fishing year, it would also reduce any dilution of the effort control program and the need for an adjustment under the backstop provision.

DAS Carryover Alternative 2 (rejected from further analysis in Framework 4)

Under this alternative, the provision enabling vessels to carryover unused monkfish DAS to the next year would be eliminated. A vessel could not carryover any unused DAS. A vessel that fished its 23 DAS in the SFMA, and no DAS in the NFMA (where the allocation is 31 DAS), would start the next year with 23 and 31 DAS in SFMA and NFMA, respectively. In preparing Framework 4, the Monkfish Committee voted to reject this alternative from consideration or further analysis. The Committee agreed that elimination of the carryover DAS would not be appropriate, given that the measure is intended to promote safety by providing a contingency for unforeseen events (weather, breakdowns) for vessels that have retained some DAS for use at the end of the fishing year.

DAS Carryover Alternative 3 – no action (adopted in Framework 4)

Under this alternative, vessels would continue to be able to carryover up to 10 unused monkfish DAS, based on the higher allocation of DAS in the two management areas, currently 31 (if a vessel fishes 30 DAS, it would only be able to carryover 1 DAS, not 10, as it would if the rule were based on a baseline of 40 DAS). The maximum carryover allowance under this alternative is 30% of the total annual allocation of monkfish DAS, and 43% of the DAS allowed in the SFMA.

DAS Carryover Alternative 4 (PDT's recommendation for Framework 4)

In developing Framework 4, the Monkfish PDT recommended reducing the carryover DAS allowance to 4 DAS, since 10 DAS represented a significant potential increase over the allocated DAS. The maximum carryover allowance under this alternative is 13% of the total annual allocation of monkfish DAS, and 17% of the DAS allowed in the SFMA.

DAS Carryover Alternative 5 (clarification of Council intent, regarding baseline allocation)

Under this alternative, vessels would continue to be able to carryover up to 10 unused monkfish DAS, regardless of the DAS allocated under current regulations (31 DAS, or some other number if modified). As noted in the discussion above, the staff included this alternative to get Councils' clarification of contradictory language in different sections of the Framework 4 document describing the proposed action and alternatives.

Motion

To consider DAS Carryover Alternatives 1, 3, 4 and 5 for analysis in Framework 5 (Stockwell/Pierce)

NMFS staff stated that the agency's view is that 10 DAS is too high relative to the allocation of DAS, and goes beyond the safety/breakdown contingency intent of the carryover provisions. The staff also noted that Alternative 5, which bases the carryover on the original 40 DAS baseline, rather than the 31 DAS under Framework 4, is even more liberal.

Motion to amend

To remove Alternative 5 from consideration (Pierce/Leary, **motion to amend passed unanimously**)

Main motion, as amended, passed unanimously

Revision to the 3-hour rule for monkfish gillnet vessels

Monkfish gillnet vessels that run 3 hours or less on their DAS clock are only charged for time used, and if they go over 3 hours, they are charged 15 hours, or time used beyond 15 hours. Staff has heard reports that when the monkfish are close enough to shore gillnet vessels are making trips of less than three hours (to avoid the automatic 15-hour rule) and landing a day's worth of monkfish under the trip limit. In some cases, these vessels are reportedly landing multiple trips in one calendar day. This problem is exacerbated by the required use of VMS on Category C and D permits with a Multispecies permit, because the DAS clock does not start until the vessel crosses the demarcation line, rather than when the vessel leaves port. Staff has learned that some vessels steam considerable distances inshore of the demarcation line, and then cross the line in the immediate vicinity of their gear.

The PDT is currently investigating these reports to determine the frequency and magnitude of this activity. The staff notes that the original intent of the 3-hour provision in the FMP was to provide a contingency for when bad weather or vessel problems force the vessel to return to port after starting a trip, not to enable vessels to land fish and avoid the 15-hour rule. Given the short time available for development of this framework document, staff recommends that the Committee identify alternatives that would address this problem, if it actually exists, and then base its final recommendation (at the next meeting) on the results of that analysis, or as a matter of policy.

Revision to the 3-hour rule Alternative 1

Under this alternative, vessels that return to port within 3 hours of starting a trip would be prohibited from landing monkfish.

Revision to the 3-hour rule Alternative 2

Under this alternative, vessels that return to port within 3 hours of starting a trip would be allowed to land monkfish, but could only do so once per calendar day, or in any 24 –hour period (to be specified by the Committee if retaining this alternative).

Revision to the 3-hour rule Alternative 3 (no action)

Under this alternative, vessels that return to port within 3 hours of starting a trip would be allowed to land monkfish, and could make multiple 3-hour trips in any calendar day or 24-hour period.

Motion

To include 3-hour rule Alternatives 1, 2 and 3 (Pierce/Nolan)

NMFS staff commented that under Alternative 2, the Committee should consider only allowing one landing per calendar day, regardless of the length of the trip. A member of the Committee suggested that another alternative would be to charge a gillnet vessel a minimum of 15 hours any time the vessel lands monkfish on a DAS. Another suggestion was to automatically charge a gillnet vessel 15 hours off the DAS allocation whenever it called in, and in those instances where there were no landings and the vessel was out for less than 3 hours, it could request a manual adjustment to only be charged for the time used.

Motion to amend

To add Alternative 4 that would say: for all trips less than 15 hours, a gillnet vessel will be charged 15 hours unless the trip is less than 3 hours and the vessel can prove that no fish were landed, in which case the vessel would only be charged for time used (Leary/Stockwell)

Staff suggested that this proposal requires a vessel owner to prove the negative (that no fish were landed), and that perhaps a solution would be for the agency to rely on VTR and dealer reports to determine if fish were landed. One Committee member suggested that a vessel contact enforcement prior to returning to port to verify that the vessel does not have landings, but other members viewed this as impractical and unreliable. The Committee suggested that enforcement agencies should provide some input on this issue before a final decision is made.

Two members of the industry, who also sit on the Monkfish Advisory Panel commented that the problem of landing fish under the 3-hour rule is a serious and growing problem that threatens to send landings over the target TAC, triggering the backstop adjustment in Framework 4. They noted that vessels are using this rule as a loophole, and not as originally intended, and that the required use of VMS only makes it easier for vessels to make such trips. One of the two also pointed out that allowing vessels to land fish under the 3-hour rule promotes at-sea transfers of fish, especially when the VMS is used, and that Alternative 4 would also promote cash sales so there is no landings record.

Motion to amend carries 3-2

Main motion perfected by friendly amendment

That the intent under Alternative 2 is to allow monkfish landings under the 3-hour rule, but only once per calendar day

Main motion as amended and perfected passed unanimously

Mid-Atlantic/Southern New England Monkfish incidental limit when not on a DAS while fishing with large mesh

In the original FMP, vessels not on a monkfish, multispecies or scallop DAS, and fishing with mesh that complied with the area-based large mesh regulations, were provided with a 5% monkfish incidental catch limit. In the Mid-Atlantic RMA, the applicable large mesh rule was the summer flounder mesh size, while in all areas east of 72°30'W, "large mesh" referred to multispecies regulated mesh. In Amendment 2, the Councils adopted a 450 lb. cap on vessels fishing under the 5% incidental limit west of 72°30'W. The rationale for the cap was that this was the trip limit (on a per-DAS basis) applicable in some years to vessels in the directed monkfish fishery in the SFMA, and it would not be equitable to allow an incidental limit that is greater than the directed trip limit.

In response to reports that vessels fishing for bait skate in the SNE RMA, using mesh larger than the multispecies minimum size, are targeting monkfish under the 5% rule, the Council now proposes modifying the rule to preserve the "incidental catch" aspect of this allowance. One alternative that would address this concern would be to extend the 450-lb. cap throughout the SNE RMA. The same rationale used for adopting such a cap in the MA RMA could be applied throughout the SNE RMA. The following alternatives are not limited to vessels operating under a Skate Bait Letter of Authorization, and would apply to all vessels fishing with regulated mesh or larger, and not fishing on a DAS.

SFMA Incidental Limit Alternative 1

Under this alternative, vessels fishing with large mesh in the SNE Regulated Mesh Area as defined in the multispecies regulations, but not on a monkfish, scallop or multispecies DAS would be allowed to retain monkfish equal to 5% of the total weight of fish on board, but not to exceed 450 pounds (tail weight).

The following shows the current regulation and modifications (shaded) that would accomplish this change.

3) *Vessels fishing with large mesh and not fishing under a DAS.*

(i) A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the GOM or GB RMAs, ~~or the SNE RMA east of the MA Exemption Area boundary~~ with mesh no smaller than specified at §§648.80(a)(3)(i), (a)(4)(i), and (b)(2)(i), respectively, while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

(ii) A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the SNE or MA RMAs west of the MA Exemption Area boundary with mesh no smaller than specified at §648.104(a)(1) while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, but not to exceed 450 lb (204 kg) tail weight or 1,494 lb (678 kg) whole weight of monkfish. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

(iii) A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the SNE RMA east of the MA Exemption Area boundary with mesh no smaller than specified at ~~§648.104(a)(1)~~ §648.80 (b)(2)(i), while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, but not to exceed 450 lb (204 kg) tail weight or 1,494 lb (678 kg) whole weight of monkfish. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

SFMA Incidental Limit Alternative 2 (no action)

Under this alternative, vessels fishing with large mesh in the SNE Regulated Mesh Area as defined in the multispecies regulations, but not on a monkfish, scallop or multispecies DAS would be allowed to retain monkfish equal to 5% of the total weight of fish on board, with no maximum limit.

Motion

To include SFMA Incidental Limit Alternative 1 in Framework 5 (Alternative 2 is the no-action alternative and is, therefore already included) (Pierce/Stockwell, **motion passed unanimously**)

Requirement to obtain a monkfish Letter of Authorization (LOA) to fish in the NFMA.

The revised VMS screens and IVR DAS call-in protocol enable vessels to declare the management area that they are fishing in when declaring a monkfish DAS. As a result, several industry members have proposed to the NMFS Regional Office that the LOA requirement is unnecessary and should be eliminated. While this seems like a reasonable request that would reduce the paperwork burden of the program, there are some issues to be resolved, namely the applicable monkfish incidental catch limit (which varies between north and south) on vessels fishing on a multispecies DAS but not a monkfish DAS, as well as the area-based trip limits while on a monkfish DAS.

LOA Alternative 1

Under this alternative, the requirement to obtain a letter of authorization (LOA) to fish in the NFMA would be eliminated.

LOA Alternative 2 (no action)

Under this alternative, vessels fishing in the NMFA must so declare for a period of at least 7 days, and obtain a Letter of Authorization, otherwise that vessel will be presumed to be fishing in the SFMA, under more restrictive trip limits and/or incidental catch limits.

Motion

To include LOA Alternative 1 in Framework 5 (Stockwell/Leary)

The maker of the motion stated that his intent in proposing this be included is to get comment and input from NMFS Enforcement as to the continued need for the LOA. One member of the Committee stated that he is not yet confident that the VMS program has reached sufficient capability to replace the LOA. NMFS staff noted that the VMS and IVR systems now include a question as to whether a vessel is fishing in the SFMA.

Motion passed, 4-0-1 (RO designee abstaining)

Other Issues

Having completed the necessary decisions for Framework 5 with time to spare in the meeting, the Committee agreed to discuss other issues raised by the public. The Monkfish Defense Fund distributed a list of issues it would like considered in Framework 5. This list raised two issues, in addition to the items already discussed by the Committee. One of the issues had already been removed from consideration in Framework 5 by the Council, namely the DAS frontloading and VMS requirement in the SFMA, and the idea of dynamic quota monitoring. The impact of the VMS requirement on vessels fishing in the southern area is sufficiently important, the MDF stated, that it warrants further discussion by the Committee. The dynamic quota management concept is also extremely important given the backstop provision in Framework 4, and the industry would like to explore ways to get near-real-time monitoring of the landings so it can take steps to avoid exceeding the TAC, especially since Framework 4 results in additional DAS available to SFMA fishermen for the remainder of this fishing year.

The Committee, staff and members of the public had an open discussion of the impact of the VMS requirement. Among the comments and observations are the following points:

- One biological impact that could affect whether the TAC is exceeded is that those vessels required to use a VMS do not have their DAS clock started until crossing the demarcation line. In some cases, this is as much as two hours steaming time from port. In other cases, vessels intentionally steam inside the demarcation line until they reach the shortest point to where they want to fish, or where the gear is deployed, before crossing the demarcation line and starting the trip clock. As a result, there is an accumulation of DAS that can be used to make additional trips, resulting in an increase in landings over what was expected when the DAS allocations were calculated. That calculation was made based on performance of vessels in prior years when the VMS was not used, and included steaming time. Thus, even if all other factors (DAS used, catch rates, number of nets

used, etc.) remained exactly as they were in the year prior that was used to allocate DAS and trip limits to achieve the TAC, the imposition of the VMS, and the subsequent non-counting of steaming time, means that the landings will exceed the expected landings, or target TAC.

- The VMS requirement takes away the ability of vessels to “frontload” their DAS clock. Frontloading enables a vessels to accumulate time before leaving port so it can land fish that it has caught in excess of the amount that would be allowed under the time away from port (without frontloading). This practice minimizes bycatch by enabling vessels to land overages that would otherwise occur. Without frontloading, gillnet vessels that reach their limit must either discard the overage or leave fish in the nets until the next trip, resulting in poor product quality and subsequent discards. Vessels tend to use frontloading during periods when the monkfish are migrating and catch rates are high, but they also risk not catching the allowed amount, if they have run up the clock and the catch rates are not as anticipated. Allowing vessels to land more of the fish they catch on each trip through the frontloading provision, rather than discarding, also improves the catch statistics and data that is used in the stock assessments. Furthermore, frontloading enables vessels to be more efficient and reduces fuel usage. Frontloading does not provide a loophole for exceeding the expected catch, since the DAS are allocated based on the expected catch, and all landings are accounted for against the DAS allocation.
- There is a safety issue in situations where a vessel exceeds its trip limit and does not want to discard the overage. Prior to the VMS requirement, vessels in that situation could steam around in a sheltered area before returning to port. With the VMS, those vessels must either discard, or steam around outside the demarcation line, in more open water and in closer proximity to shipping lanes.
- The VMS requirement on Multispecies vessels was implemented in Framework 42. While the Framework 42 environmental document does contain a discussion of the impact on DAS in general, it does not discuss the impact of the VMS requirement on the monkfish fishery as discussed above. Thus, the affected public were not made aware of this impact, and did not have the opportunity to comment on it.
- Since the VMS is only required on Category C and D vessels that also have a Multispecies permit, there is the matter of equity. Vessels with Category A and B permits are not required to have a VMS, and can continue to frontload the clock.
- A possible solution would be to request that the Regional Administrator authorize the use of the IVR call-in system as an alternative to the VMS for declaring the start of a trip. Federal regulations at §648.10(d) state: *The Regional Administrator may authorize or require, on a temporary basis, the use of the call-in system of notification specified in paragraph (c) of this section, instead of the use of the VMS. If use of the call-in system is authorized or required, the Regional Administrator shall notify affected permit holders through a letter, notification in the Federal Register, e-mail, or other appropriate means.* This authority enables the RO to reinstate the IVR call in system for those affected vessels in a timely way and may contribute to preventing a TAC overage for the reasons explained in the first bullet. The Council can then address this issue in the next available regulatory action since it is too late to consider this in Framework 5. Furthermore, if implemented in Framework 5, it would not take effect until the end of the current fishing year, which is the year on which the backstop provision is based.

Consensus

To request the staff to draft a letter to the Regional Administrator summarizing the points raised in the discussion of VMS impacts on the monkfish fishery, and request that the IVR call-in system be authorized for monkfish vessels to use to declare the start of a monkfish trip. The letter will be reviewed by the Committee at its next meeting, and presented to both Councils for review and approval before being transmitted to the Regional Administrator.

Dynamic quota management

As noted above, the Monkfish Defense Fund also raised their concerns about the ability to monitor landings in a timely way. This is of critical importance since Framework 4 contains a backstop provision that would adjust DAS in 2009 if the TAC is exceeded in 2007 by more than 10%, and would shut down the fishery in 2009 if the overage is greater than 30%. Landings data for May and June of 2007 indicate that almost 40% of the SFMA target TAC had already been landed, and with the implementation of Framework 4, vessels will have an additional 11 DAS allocated for the second half of the year. If the industry could monitor landings in near-real time, it could take steps to prevent exceeding the TAC.

Several commenters noted that the backstop provision was included when the stock status was overfished, and only three years remained in the rebuilding program. With the new assessment concluding that both stocks are overfished, they questioned the need for such an extreme consequence for TAC overages. They also stated that they recognized the need to account for overages, but alternatives could be developed. The assessment group also concluded that the biomass of both stocks would continue to increase at a relatively rapid rate if landings were kept at the level of the target TACs, suggesting that the impact of some TAC overage would not compromise the continued growth of the stocks.

In addressing this concern, Committee members and public commenters explored possible solutions. One point that was made was that since the greatest majority of monkfish landings passes through only a dozen or so dealers, it might be possible for an industry group to informally poll those dealers to get up-to-date estimates of total landings. Alternatively, NMFS could conduct such polling and make the data available to industry with the caveat that such information is unofficial and preliminary. NMFS staff pointed out, however, that dealer reports are not area-specific, and only when the VTR data is complete can landings be prorated to management areas.

One Committee member noted that some of the measures proposed in Framework 5, specifically prohibiting landings under the 3-hour clock, capping the incidental limit on large-mesh vessels not on a DAS, and possible reductions in the DAS carryover allowance would result in a reduction in effort before 2009, but not during 2007 (the year on which the backstop provision is based). This member suggested that some credit be given to those reductions before calculating any DAS reductions if the backstop provision is invoked.

Several members of the industry expressed deep concern over the potential shutdown of the fishery in 2009 under the circumstances described above. They stated that they are not seeking an increase in the TAC or in trip limits or DAS allocations, only to avoid a shutdown of the fishery that no longer seems necessary given the stock status. They all agreed that the stocks appear to be growing, and based on their own observations of monkfish in the past, there is

potential for further growth, especially as measured by the average size of fish in the catch. They are supportive of measures that will allow this growth trend to continue, but at the same time do not feel a shutdown of the fishery is warranted. They pointed out that one of the reasons for adopting a three-year TAC in Framework 4 was to provide some stability to the fishery and enable vessel owners to plan ahead (including ordering fishing gear which requires a significant lead time). The potential for a shutdown or significant reduction in DAS in 2009 is contrary to that purpose.

Monkfish Advisory Panel (MAP) Meeting Summary

October 23, 2007, Holiday Inn, Peabody, MA

Members present: Tim Froelich, Chris Hickman, Allyson Jordan, Stephen Lee, Dean Pesante, Ted Platz, Maggie Raymond

Council members present: Laurie Nolan, Jim Ruhle

In response to the briefing on the latest monkfish assessment, the MAP recommends:

That the Council ask the Science Center to define the specific elements used to describe the monkfish resource as “data poor”, (e.g. absence of specific data). Purpose is to be able to determine when the resource comes off the data poor status list.

The MAP discussed the specific measures within Framework 5 (in reverse order) and developed the following recommendations:

5.3.5 LOA – the MAP supports alternative 1 for vessels with VMS, provided they can continue to declare monkfish DAS while at sea. However, the LOA requirement should continue for non-VMS vessels.

5.3.4 Large Mesh Incidental Catch Limit – the MAP supports alternative 1, but concerned with 450 lb possession limit, because this is equivalent to the daily possession limit for limited access monkfish vessels. The MAP would prefer 50 lb incidental catch limit, as this is consistent with allowance for other fisheries.

5.2.3 Gillnet 3-hour rule – the MAP supports alternative 1, as this is consistent with the original intention of the FMP. Vessels that need to come to port in less than 3 hours with fish onboard, due to safety or mechanical problems, should contact Enforcement in order to get the minimum DAS charge of 15 hours.

However, recognizing that this practice has been carried out since the inception of the plan, and these landings are contributing to achievement of the TAC; removing this practice will reduce the landings and therefore the DAS allocations and trip limits should be adjusted.

Further, the MAP recommends that the Council request the Regional Administrator take emergency action to close the 3-hour window loophole, in order to prevent overfishing of the 2007 TAC. In addition, the MAP also recommends that the emergency action reduce the carryover DAS by 4 (leaving 6 carryovers) for the 2007-08 fishing year again to help prevent the overfishing the 2007 TAC.

3.2.1 DAS Carryover Alternative – majority of the MAP supports alternative 1 (6 carry-over DAS) because the MAP believes the elimination of the 3 hour window has the potential to significantly reduce landings; one advisor supports no action if the 3-hour landing window is eliminated (5.2.3)

3.1.1. Biomass Reference Points – MAP supports recommendation of the Committee

With respect to the draft letter to the RA regarding the VMS requirement – The MAP recommends removing the paragraph regarding safety – the decision to stay at sea is a personal one, not a cause of the regulations.

In addition, the MAP makes the following recommendation:

In SFMA, when on a monkfish DAS (with the mandatory large mesh requirement, 10” for gillnet and trawl) no landings of multispecies, vessel can be exempt from the VMS by obtaining a LOA for a minimum of 7 DAS. Category C& D vessels would still be required to use multispecies or scallop DAS.

The MAP recommends the following additional considerations be included in FW 5.

- 1) Eliminate or modify the backstop provision** – In light of the recent assessment, a closure of the fishery for a 30% TAC overage is unwarranted. The emergency action recommendations, if implemented quickly, should help decrease of likelihood of exceeding the TAC in 2007. MAP recommends that the council take action in FW5 to eliminate or modify the backstop provision, with the understanding that Amendment 4 will adopt additional accountability measures (ACLs and AMs).

- 2) Increase the TAC** – In light of the recent assessment, the MAP suggests that an increase in the TAC is warranted. The MAP is concerned that changes in the TAC or the management measures will not happen until 2011 (Amendment 4). The MAP suggests the committee include in FW5 an increase in the TAC of 20% with consequent adjustments to DAS and/or trip limits for the 2010 fishing year. One member of the MAP does not agree with this recommendation.

With respect to Amendment 4, the MAP recommends that the Council include an option to allow for the formation of Sectors in the monkfish FMP.

Respectfully submitted
Maggie Raymond

New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee Meeting

Holiday Inn, Peabody, MA

October 24, 2007

(Note: attachments to be included: draft letter reviewed by the Committee on 10/24, and AP meeting report)

The primary purpose of the meeting was to finalize recommendations to the Councils for measures to be submitted in Framework 5. The Committee also planned to review a draft letter to the NMFS Regional Administrator for approval by the two Councils. The letter expressed concerns about the impact of the VMS requirement adopted in Framework 42 of the Multispecies FMP on the monkfish fishery, and to recommend a revision to that rule. Based on comments and discussion at the October 3 meeting, the Committee had scheduled a discussion of the impact of the Framework 4 backstop provision in light of the recent stock assessment, and make a recommendation to the Councils to address this situation. The Committee also scheduled a closed session for the end of the meeting to review Advisory Panel applications and make a recommendation to the Executive Committee. The Committee had received a number of written comments requesting a consideration of the Framework 4 target TACs and associated management restrictions adopted in Framework 4, prior to the recent stock assessment and change in stock status. Based on the New England Council's September 19 decisions, supported in a subsequent motion at the Mid-Atlantic Council, Framework 5 will address revised biological reference points, days-at-sea carryover allowances, landing restrictions under the 3-hour gillnet rule, monkfish incidental catch limits on vessels fishing with large mesh and not on a day-at-sea, and the requirement to hold a Letter of Authorization to fish for monkfish in the northern area.

The day prior to this meeting, the Monkfish Advisory Panel (AP) met and made recommendations to the Committee on these measures, as well as on the other issues to be discussed. Among these recommendations, as discussed further below, the AP asked the Committee to recommend the Council request the Regional Administrator take emergency action to prevent overfishing of the 2007 TAC which would result in backstop measures being invoked in 2009, including a possible closure of the directed fishery, under the regulations adopted pursuant to Framework 4. The AP also requested that the Council ask the Northeast Fisheries Science Center to define the specific elements used to describe the monkfish resource as "data poor", in order to be able to determine when the resource comes off the data poor status list.

Letter of Authorization (LOA)

The AP supported LOA Alternative 1 for vessels with a VMS, but agreed that the LOA requirement be retained for vessels that are not using a VMS. Under LOA Alternative 1, the requirement to obtain a letter of authorization (LOA) to fish in the NFMA would be eliminated. This position is consistent with the suggestion of the Regional Administrator in an October 22 correspondence.

Motion

To recommend LOA Alternative 1 as the preferred alternative in Framework 5 for vessels using a VMS, but to retain the LOA for non-VMS vessels (Ruhle/Stockwell, **motion passed unanimously**)

Large-mesh incidental catch limits

At the October 3 meeting, the Committee had defined Large-Mesh Incidental Catch Limit Alternative 1 as placing a 450 lb. tail weight limit on vessels fishing in the Southern New England Regulated Mesh Area, with large mesh and not on a monkfish, scallop or multispecies DAS. Those vessels are currently under a monkfish incidental limit of 5% of the total weight of fish on board, which enables them to land more monkfish than vessels in the directed fishery on a monkfish DAS. The AP supported Alternative 1 but expressed concern with size of the limit because it is equivalent to the limit for limited access monkfish vessels, and stated a preference for a lower limit consistent with the incidental limit in other fisheries, which is 50 lbs. per day to a maximum of 150 lbs..

Motion

To recommend Large-Mesh Incidental Catch Limit Alternative 1, with a 50 lb./day tail weight and a maximum limit of 150 lbs. (Stockwell/Leary, **motion passed 3-0-1**)

Gillnet 3-hour rule

The Committee had identified three alternatives, plus no action for consideration to address problems identified in previous public comment with the gillnet 3-hour rule. Under this rule, monkfish gillnet vessels that run 3 hours or less on their DAS clock are only charged for time used, and if they go over 3 hours, they are charged 15 hours, or time used beyond 15 hours. Based on reports and public comment that when the monkfish are close enough to shore some gillnet vessels are making trips of less than three hours (to avoid the automatic 15-hour rule) and landing a day's worth of monkfish under the trip limit. In some cases, these vessels are reportedly landing multiple trips in one calendar day. This problem is exacerbated by the required use of VMS on Category C and D permits with a Multispecies permit, because the DAS clock does not start until the vessel crosses the demarcation line, rather than when the vessel leaves port. Some vessels allegedly steam considerable distances inshore of the demarcation line, and then cross the line in the immediate vicinity of their gear to minimize the DAS clocked by the VMS. The original intent of the 3-hour rule was to promote safety by not charging a vessel 15 hours out of its DAS allocation if the vessel needed to return to port due to mechanical or weather problems that occur after the start of the trip, but before the vessel starts fishing.

The three alternatives that the Committee identified are: 1) to prohibit landings on trips less than 3 hours; 2) to allow such landings but only once per calendar day; and, 3) to charge 15 hours for all trips less than 15 hours, unless the trip is less than 3 hours and the vessel can prove that no fish were landed, in which case the vessel would only be charged for time used. The AP supported Alternative 1, and commented that if a vessel needs to return to port within three hours but with fish on board, the vessel should contact enforcement and be charged 15 hours. The AP also noted that since the practice of landing within three hours has been going on in some areas since the inception of the plan, the reduction in landings should be translated into a recalculation of DAS allocations and trip limits. Furthermore, the AP recommended that Alternative 1 be implemented by emergency action as soon as possible to prevent exceeding the 2007 TAC and

causing a reduction in DAS or closure of the fishery in 2009 under the Framework 4 backstop provision. The Committee discussed the emergency action request later in the meeting.

The Regional Administrator, in her October 22 letter to the Committee Chairman, commented that from an enforcement perspective, Alternative 2 is preferable, but noted it does not effectively address the purpose of the measure because vessels could still avoid the 15-hour charge. The RA recommended a variation that would eliminate the 3-hour exemption for VMS vessels and reducing it for non-VMS vessels.

Motion

To recommend that all gillnet monkfish trips less than 15 hours would be counted as 15 hours and monkfish landings on trips under three hours would be prohibited. Vessels returning to port under three hours without landings should contact enforcement to get their DAS corrected, and there can only be one landing per calendar day (Leary/Ruhle)

Motion perfected by friendly amendment

To remove the prohibition on landing on trips under three hours

The rationale for the perfection is that a vessel is being charged 15 hours for the trip, and so landings could be allowed and would be accounted for against the DAS clock.

NMFS staff noted that the motion is inconsistent with the agency's comment letter, and also questioned why the motion proposes only one landing per calendar day, if the DAS clock is accumulating at a minimum of 15 hours per trip.

Motion perfected by friendly amendment

To remove the restriction on landing only once per calendar day

A member of the public suggested that multispecies trip gillnet vessels should not be charged a minimum of 15 hours because they must bring their gear to port, and they are not subject to the 3-hour rule.

Motion perfected by friendly amendment

To add that permit category C and D vessels that are declared into the Multispecies Trip Gillnet category would be exempt from this requirement

Motion perfected by friendly amendment

To add that the vessel seeking a correction to the DAS because it came in within three hours and had no landings must contact enforcement before the close of the next business day

NMFS staff commented on the perfection regarding trip gillnet vessels that all gillnet vessel on a monkfish DAS have the DAS counted at a minimum of 15 hours. They noted that the original Monkfish FMP contained both trip and day gillnet categories, but the proposed and final rule treated all monkfish gillnet vessels as day gillnet vessels. Other discussion on this included the recognition that a trip gillnet vessel would requires at least 15 hours to steam to the grounds, set, soak and haul the gear, and return to port, so the issue is moot. A Committee member pointed out

that with the at-sea declaration capability, the exemption for trip gillnet vessels is not needed, since they would not be declaring a monkfish DAS until their landings exceeded the incidental limit.

Motion perfected by friendly amendment

To remove the previous perfection exempting category C and D vessels from the requirements of the main motion

Main motion as perfected passed 4-0-1

To recommend that all gillnet monkfish trips less than 15 hours would be counted as 15 hours. Vessels returning to port under three hours without landings should contact enforcement prior to the close of the next business day to get their DAS corrected to time used.

DAS Carryover Alternatives

In communicating approval of Framework 4, the Regional Administrator strongly recommended that the Councils revise the DAS carryover provision in the FMP that allows vessels to carryover up to 10 unused DAS to the following year. The RA expressed concern about the ability to manage the fishery within the target TAC levels established in Framework 4, when vessels have a carryover allowance equal to 32% of the total DAS allocation (of 31 DAS), and 43% of the SFMA allowance of 23 DAS. The Committee identified two alternatives, in addition to the no action alternative, for consideration in Framework 5. The two alternatives of 6 DAS (Alternative 1) and 4 DAS (Alternative 2) are the same as those that were considered but not adopted in Framework 4. A majority of the AP supports Alternative 1 because in their view the elimination of the 3-hour loophole would reduce landings and the need to cut back further on the carryover DAS. One AP member supported no action.

Motion

To recommend the Councils adopt DAS Carryover Alternative 1 (6 DAS) in Framework 5 (Ruhle/Stockwell)

Comments on the motion included:

- The reduction in carryover DAS should have a sunset in light of the updated stock status
- Any sunset provision to the reduced carryover, or increase in carryover allowance should be considered when the TAC and DAS increases are discussed in a future action
- Since the argument for reducing carryover DAS is to minimize the risk to exceeding the TAC, if there were better real-time reporting of landings, it would be possible to restore any carryover DAS if the TAC is not being exceeded, which would provide additional opportunity and flexibility to the industry
- After 2007, there is no incentive to stay within the TAC because there are no additional backstop measures. NMFS is also concerned that the carryover DAS is being used as a loophole to allow additional effort, and not as the safety provision that it was initially designed to be
- The advisors initially recommended Alternative 2 (4 DAS) but after discussing the 3-hour rule alternatives, changed the recommendation to Alternative 1. Any

measure that risks exceeding the TAC is counter to the industry's desire to maintain stability in the fishery because of the risk of measures that might be taken to keep landings within the TAC

Motion passed 4-0-1

Biological Reference Points

The Committee is considering the recommendation of the Northeast Data Poor Stocks Working Group to modify the biomass reference points (threshold and target) based on the most recent assessment. The following table shows the recommended reference points and the 2006 estimated biomass:

	B₂₀₀₆ (mt)	B_{target} (mt)	B_{threshold} (mt)
NFMA	118,700	92,200	65,200
SFMA	135,500	122,500	96,400
B_{target} = average of total biomass 1980 – 2006			
B_{threshold} = lowest value of total biomass 1980 – 2006			

Motion

To recommend adoption of Biological Reference Points Alternative 1 (Stockwell/Ruhle, **motion passed unanimously**)

Review of Draft Letter on VMS

The Committee reviewed a draft letter to the Regional Administrator expressing concern about the impact of the Multispecies Framework 42 FMS requirement on the monkfish fishery, and recommending that it be modified. The review draft is attached. The AP reviewed the letter and recommended removing the paragraph citing safety impacts, noting that the decision to stay at sea is a personal one, not a requirement of the regulations. The AP also recommended that a vessel in the SFMA, when on a monkfish DAS (with the mandatory 10-inch mesh trawl or gillnet gear) and no landings of multispecies, be exempt from the VMS by obtaining a Letter of Authorization for a minimum of 7 days. Under that letter, permit category C and D vessels would still be required to use either a multispecies or scallop DAS in accordance with the regulations.

Motion

To recommend the Councils send the letter as drafted, but removing the paragraph pertaining to safety impacts (Ruhle/Stockwell)

Comment on the motion included the following:

- In the Multispecies FMP, under the IVR requirement, vessels are required to leave port within one hour of calling in, which eliminates the “frontloading” option. All monkfish C and D vessels, if they have multispecies DAS, and are required to use those DAS when on a monkfish DAS, must leave port within one hour, but if those vessels have no more multispecies DAS, they can still frontload their monkfish DAS under the IVR.

- Given the comments above, the action proposed in this letter won't provide much gain on the frontloading issue, and affected vessels will only gain the time it takes to steam from port to the demarcation line
- On the safety/discard issue, in multispecies, if you have catch that exceeds the amount allowed under a trip limit and have to return to port for safety reasons before the required time has elapsed to eliminate the overage condition, you can contact enforcement and they will address the situation, on a case-by-case basis. In some cases they only remove the overage and not issue a violation
- The letter seems to require the IVR, while the discussion at the October 3 meeting on this subject reflected a desire to have the IVR as an option to the VMS for those who want to frontload their DAS clock
- The letter states that with the VMS requirement, landings "will" exceed the target TAC, but it should say "may"

Motion perfected by friendly amendment

To change the sentence on the impact of the VMS on landings, from "will exceed" to "may exceed" the target TAC, and to change the last sentence of the first paragraph to say: "...accordingly by allowing a vessel that has exhausted its Multispecies DAS to use the IVR and removing the requirement to use the VMS for the remainder of the fishing year."

Motion as perfected passed 3-0-2

Advisory Panel Request for Emergency Action

As noted above, members of the AP are extremely concerned that the 2007 landings in the SFMA will exceed the target TAC and result in the backstop adjustment or closure of the fishery in 2009 under Framework 4. Given the recent change to stock status (from overfished to rebuilt), and the fact that the backstop was adopted before the recent assessment, members felt that such extreme backstop measures are no longer appropriate but they recognized that a change to the regulation in the near term is not likely, since it has not been proposed for Framework 5. Therefore, the AP recommended that the Council request the Regional Administrator take emergency action to prevent overfishing the 2007 TAC by closing the 3-hour gillnet rule loophole and reducing the carryover DAS to 6 for the remainder of the 2007 fishing year.

Motion

To recommend the Council request the Regional Administrator take emergency action to close the gillnet 3-hour rule loophole, consistent with the proposal being recommended for Framework 5, and to reduce the 10 carryover DAS to 6, as soon as possible to prevent overfishing the 2007 target TAC and invoking the 2009 backstop provision adopted in Framework 4 (Stockwell/Ruhle)

Comment on the motion:

- It usually takes several months for NMFS to respond to and implement an emergency action request, and in that time vessels will have used their carryover DAS, especially if they anticipate a reduction, and also considering that the DAS tracking system counts carryover DAS first.

- The industry is very concerned about the backstop provision, and is being proactive in seeking ways to slow down landings and prevent exceeding the TAC
- One member stated he could not support the emergency action request for two reasons: one, once the request is made, the Regional Administrator can take whatever action the agency deems is necessary to address the emergency, and, second, there are a number of northern boats that reserve their DAS to fish for monkfish in the SFMA at the end of the fishing year, and they will take the brunt of the emergency action implemented in several months
- The need to request emergency action would disappear if the Councils took action in Framework 5 to modify the backstop provision. The measures now under consideration in Framework 5 do not necessarily have to be implemented by the start of the fishing year, and, therefore, the consequences of a delay in submission to develop appropriate backstop provision changes would not be problematic

Motion to table

To take up consideration of this motion after the Committee addresses the backstop provision (Leary/Nolan, **motion to table passed unanimously**)

Motion

To recommend the Committee address the backstop provision in Framework 5 (Nolan/Leary)

Comment on the motion:

- The Council won't know until June 2008 if, and by how much the landings exceeded the TAC
- The Committee should proceed with sending its existing recommendations for Framework 5 to the Councils, while simultaneously requesting and seeking Council approval for adding measures to Framework 5, since the Councils have already scheduled final action at the upcoming meetings
- The Councils should not delay Framework 5, but rather should wait to see the extent of any overage, as well as to provide sufficient time to deliberate and develop appropriate backstop adjustment alternatives. Furthermore, delaying Framework 5 at this time undercuts the justification for taking emergency action.

Motion failed 2-3

Motion

To bring the tabled motion back for consideration (Ruhle/Stockwell, **motion passed 4-1**)

Motion to split the question

To consider the 3-hour rule and the carryover DAS adjustment separately in the request for emergency action (Stockwell/Nolan, **motion to split passed 3-2**)

Motion

To recommend the Council request the Regional Administrator take emergency action to close the gillnet 3-hour rule loophole, consistent with the proposal being recommended

for Framework 5, as soon as possible to prevent overfishing the 2007 target TAC and invoking the 2009 backstop provision adopted in Framework 4. (**motion passed 3-2**) (NOTE: the Committee is recommending for Framework 5 the following: *All gillnet monkfish trips are counted as a minimum of 15 hours. Vessels returning to port in less than 3 hours without landings will contact enforcement as soon as possible and prior to the close of the next business day to have their DAS use corrected*)

Motion

To recommend the Council request the Regional Administrator take emergency action to reduce the 10 carryover DAS to 6, as soon as possible to prevent overfishing the 2007 target TAC and invoking the 2009 backstop provision adopted in Framework 4 (**motion failed 1-4**)

The Chair of the AP also brought to the Committee attention the AP's recommendation that the Councils consider increasing the TACs in light of the recent stock assessment. The AP recommended, with one member objecting, that the Council include in Framework 5 an increase in the TACs of 20%, with appropriate adjustments to DAS and trip limits, for the fishing year starting May 2010. Committee members discussed that taking such a move should be done as a separate action, and that the New England Council should consider it in the context of its overall priorities.

Motion

To recommend that the Council reconsider the monkfish TACs in light of the recent stock assessment (Ruhle/Stockwell, **motion passed 4-0-1**)

The Chair adjourned the open meeting, and the Committee held a closed session to discuss Advisory Panel membership. It will communicate its recommendations to the Executive Committee for a final decision.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

#3

OCT 22 2007

John Pappalardo, Chair
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear John:

Thank you for your letter requesting guidance on the law enforcement aspects of several measures currently being considered by the Monkfish Oversight Committee and the Councils for inclusion in Framework Adjustment 5 to the Monkfish Fishery Management Plan (FMP). Staff from General Counsel-Northeast, General Counsel for Enforcement and Litigation, and the NOAA Office of Law Enforcement met with my staff to discuss the questions you raised in your letter. We note that there is currently no requirement for all limited access monkfish permit holders to obtain and utilize a vessel monitoring system (VMS) on their vessels, but that such a requirement would help mitigate most of the issues you raise in your letter. In the absence of such a requirement, the following options are provided for the Councils' consideration to adapt to the reality of partial VMS implementation in the monkfish fishery.

Gillnet 3-Hour Rule Alternatives

Regarding the issues related to the gillnet 3-hour rule alternatives, we note that from an enforcement perspective, alternatives 1 and 3 are functionally equivalent. Both alternatives would require that trips with monkfish landings be charged at least 15 hours of days-at-sea (DAS). Both alternatives would effectively prohibit landings on trips less than 3 hours, but both would also require the vessel to prove there were no landings on trips charged less than 3 hours of DAS. As suggested at the Committee meeting, the potential enforcement issues related to documenting the lack of landings to justify a trip of less than 3 hours are significant, and we urge the Committee to not proceed with either of these alternatives.

From an enforcement perspective, alternative 2 is preferable to the other alternatives. However, this alternative, as described, does not appear to effectively address the primary purpose of this measure because it would not prevent vessels from being able to avoid the 15-hour DAS charge for landing a trip limit's worth of monkfish on each fishing trip. Instead, we recommend a slight variation of these alternatives that we consider to meet the objectives set out by the Committee in a way that can be effectively enforced:



Eliminate the 3-hour exemption altogether for vessels using VMS and consider reducing the 3-hour exemption for non-VMS vessels. As noted by Council staff at the Committee meeting, vessels using VMS have a window of time between the time the vessel leaves port and when it crosses the VMS demarcation line within which they have the opportunity to decide whether they should return to port and thereby avoid the 15-hour rule. For these vessels, the 3-hour rule may now be superfluous. For non-VMS vessels, if the Committee remains concerned that these vessels may also be utilizing the 3-hour rule to avoid the 15-hour DAS charge for landing monkfish, we urge the Committee to consider a reduction in the window of time during which a vessel may return to port without being charged the full 15 hours of DAS.

Northern Fishery Management Area (NFMA) Letter of Authorization (LOA)

Regarding the requirement to obtain, and have on board the vessel, an LOA if fishing in the NFMA, we have considered the alternatives discussed by the Committee. We suggest that, from an enforcement perspective, eliminating the requirement for vessels with a VMS to obtain an LOA is a viable alternative. VMS vessels are required to declare a monkfish NFMA trip prior to leaving port if fishing on a monkfish DAS, and this declaration may substitute for the LOA. For VMS vessels fishing under the incidental catch limit (i.e., not on a monkfish DAS), although there is no area declaration required, enforcement officials have access to the vessel track and can ensure that no part of the fishing trip occurred in the SFMA if they are fishing under the less restrictive NFMA incidental catch limit. However, we advise the Committee and Councils to continue to require that non-VMS vessels obtain an LOA to fish in the NFMA, whether on a monkfish DAS or not.

I hope this provides the guidance you sought and that it proves useful to inform the Monkfish Committee and Councils during their upcoming deliberations on Framework 5. We thank you for the opportunity to provide input related to the enforcement of the issues currently under consideration by the Monkfish Committee. Please let me know if you have any further questions.

Sincerely,



Patricia A. Kurkul
Regional Administrator

cc: A. Cohen, NOAA OLE
P. Jensen, MAFMC
D. Furlong, MAFMC
P. Howard, NEFMC

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

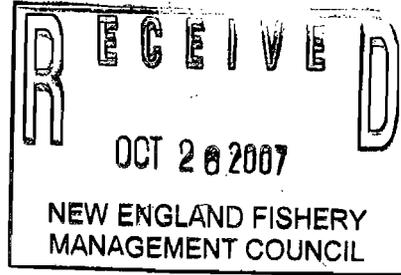
#4

W. Peter Jensen
Chairman

ROOM 2115 FEDERAL BUILDING
300 South New Street
Dover, Delaware 19904-6790
Tel 302-674-2331
Toll Free 877-446-2362
FAX 302-674-5399

Daniel T. Furlong
Executive Director

Dr. Gene Kray
Vice Chairman



October 23, 2007

Paul Howard, Executive Director
New England Fishery Council
50 Water Street, The Tannery - Mill 2
Newburyport, MA 01950

Dear Paul:

At the Mid-Atlantic Fishery Management Council's October meeting in New Bern, NC the Council passed the following motion regarding Monkfish:

- Move to support New England Council to develop Framework 5 to the Monkfish FMP.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel T. Furlong".

Daniel T. Furlong
Executive Director

- cc: Pete Jensen, MAFMC Chairman
John Pappalardo, NEFMC Chairman
Laurie Nolan, MAFMC, Monkfish Committee
James Ruhle, MAFMC, Monkfish Committee
Paul Scarlett, MAFMC, Monkfish Committee



#5

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

DRAFT 10/29/07

Ms. Pat Kurkul
Northeast Regional Administrator
NMFS/NOAA
One Blackburn Drive
Gloucester, MA 01930-2298

Dear Pat:

On behalf of both the New England and Mid-Atlantic Councils, I am writing to express the Councils' serious concerns about the impact on the monkfish fishery of the Vessel Monitoring System (VMS) requirement imposed by Multispecies Framework 42, and to seek your immediate action to remedy the situation. This matter raises biological, bycatch, economic, equity and public process issues, as outlined below. These points were identified during the Monkfish Committee discussions on October 3, by Committee members, staff and public. Since the measure has immediate and clear biological impacts, and since the backstop provision in Framework 4 is based on any overage of the TAC during the current fishing year, the need for immediate action is urgent. I hope you will be able to respond accordingly by allowing a vessel that has exhausted its Multispecies DAS to use the IVR and removing the requirement to use the VMS for the remainder of the fishing year.

These are the points raised at the Committee meeting:

- One biological impact that could affect whether the TAC is exceeded is that those vessels required to use a VMS do not have their DAS clock started until crossing the demarcation line. In some cases, this is as much as two hours steaming time from port. In other cases, vessels intentionally steam inside the demarcation line until they reach the shortest point to where they want to fish, or where the gear is deployed, before crossing the demarcation line and starting the trip clock. As a result, there is an accumulation of DAS that can be used to make additional trips, resulting in an increase in landings over what was expected when the DAS allocations were calculated. That calculation was made based on performance of vessels in prior years when the VMS was not used, and included steaming time. Thus, even if all other factors (DAS used, catch rates, number of nets used, etc.) remained exactly as they were in the year prior that was used to allocate DAS and trip limits to achieve the TAC, the imposition of the VMS, and the subsequent non-counting of steaming time, means that the landings may exceed the expected landings, or target TAC.
- The VMS requirement takes away the ability of vessels to "frontload" their DAS clock. Frontloading enables a vessels to accumulate time before leaving port so it can land fish that it has caught in excess of the amount that would be allowed under the time away from port (without frontloading). This practice minimizes bycatch by enabling vessels to land overages that would otherwise occur. Without frontloading, gillnet vessels that reach

their limit must either discard the overage or leave fish in the nets until the next trip, resulting in poor product quality and subsequent discards. Vessels tend to use frontloading during periods when the monkfish are migrating and catch rates are high, but they also risk not catching the allowed amount, if they have run up the clock and the catch rates are not as anticipated. Allowing vessels to land more of the fish they catch on each trip through the frontloading provision, rather than discarding, also improves the catch statistics and data that is used in the stock assessments. Furthermore, frontloading enables vessels to be more efficient and reduces fuel usage. Frontloading does not provide a loophole for exceeding the expected catch, since the DAS are allocated based on the expected catch, and all landings are accounted for against the DAS allocation.

- The VMS requirement on Multispecies vessels was implemented in Framework 42. While the Framework 42 environmental document does contain a discussion of the impact on DAS in general, it does not discuss the impact of the VMS requirement on the monkfish fishery as discussed above. Thus, affected public were not made aware of this impact, and did not have the opportunity to comment on it.
- Since the VMS is only required on Category C and D vessels that also have a Multispecies permit, there is the matter of equity. Vessels with Category A and B permits are not required to have a VMS, and can continue to frontload the clock.

The Monkfish Committee identified a possible solution to this situation, which is to request that the Regional Administrator authorize or require the use of the IVR call-in system instead of the VMS for declaring the start of a monkfish trip on a temporary basis until the Councils can make the change through the next appropriate regulatory action. The Committee recommends that this adjustment apply on Category C and D vessels that have exhausted their Multispecies DAS, and that it remove the requirement to use a VMS for the remainder of the fishing year. Federal regulations at §648.10(d) state: *The Regional Administrator may authorize or require, on a temporary basis, the use of the call-in system of notification specified in paragraph (c) of this section, instead of the use of the VMS. If use of the call-in system is authorized or required, the Regional Administrator shall notify affected permit holders through a letter, notification in the Federal Register, e-mail, or other appropriate means.* This authority enables you to reinstate the IVR call in system for those affected vessels in a timely way and may contribute to preventing a TAC overage for the reasons explained in the first bullet. The Council will address this issue in the next available regulatory action since it is too late to consider this in Framework 5. Furthermore, even if implemented in Framework 5, it would not take effect until the end of the current fishing year, which is the year on which the backstop provision is based, and, therefore, not all of the issues raised above would be adequately addressed.

Thank you for considering this request, and please do not hesitate to contact me if you have any questions or comments.

Sincerely,

John Pappalardo
Chairman



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: November 2, 2007
TO: New England Council members
FROM: Phil Haring
SUBJECT: **Framework 5 Clarification of Large-Mesh Incidental Catch Alternative**

This memo clarifies that the preferred alternative for the incidental catch limit that applies on vessels fishing with large mesh in the Southern New England Regulated Mesh Area (RMA) would cover the area **east of 72°30'W**, and not that portion of the SNE RMA between 72°30'W and 74°00'W. In Amendment 2, the Council reinstated the 5% incidental catch limit in that area, after the boundary of the SNE RMA was moved west in Multispecies Amendment 13. The Committee is not proposing to reverse that decision. Vessels fishing west of 72°30'W with large mesh as specified in the Summer Flounder FMP are principally targeting summer flounder under restrictive trip limits, which places an effective cap on the amount of monkfish they can land, unlike the vessels fishing for skate bait which have no trip limit. In addition, there is already a 450 lb. tail weight maximum which constrains other large-mesh non-DAS vessels, such as vessels fishing for skate bait in that area west of 72°30'W, as noted above. Vessels fishing east of that line do not have a cap on the total monkfish, as it depends on the total amount of fish on board, which is what the Committee is addressing with this proposed change. Many of the vessels fishing for summer flounder east and west of the line also target other small-mesh species on the same trip, but in those cases are restricted to the 50 lbs./day, 150 lbs. maximum monkfish incidental limit that applies on vessels fishing with small mesh. Please make a note of this correction when considering the preferred alternative in Framework 5.