

New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee Meeting
Best Western Wynnwood, Portsmouth, NH
August 31, 2011

Two Committee members (Odlin and Himchak) were absent.

The primary purpose of the meeting was to review the Plan Development Team's (PDT) and Advisory Panel's (AP) reports on the list of issues and problems with the fishery, and to develop a recommendation on Amendment 6 goals and objectives. The AP and Committee developed the list of issues earlier this year, but at the June 1 meeting, the Committee requested additional detail describing the problems. The agenda also included a closed session to review and recommend new advisors to the AP to fill some open seats.

The vice-chair briefed the Committee on discussions at the Mid-Atlantic Council (MAFMC) earlier in the month. The MAFMC is requesting additional representation on the Committee (there are currently three seats out of twelve). The MAFMC is also establishing its own *ad hoc* Monkfish Committee to address the specific concerns of mid-Atlantic area monkfish fishermen. These items will be formally submitted by the MAFMC chair to the NEFMC in a forthcoming letter.

The AP chair briefed the Committee on the AP meeting that was held to discuss the list issues and problems in the fishery. The report is contained in the July 19th AP meeting summary.

The staff presented the PDT report on two of the issues in the list, latent effort and restrictions on permit category H vessels, and explained that two other reports are still in development, looking at discards and processor supply issues. The list of issues/problems is as follows:

1. Latent effort
2. Lack of continuous supply to processors
3. Wasteful discards
4. Inefficient vessel operation
5. Lack of flexibility
6. Geographic restrictions for permit Category H vessels (vessels limited to fishing off the Virginia/North Carolina coast.)
7. Full utilization of catch targets, and
8. Protected species interactions.

Committee members discussed ranking the issues in order of their importance, but realized that many of the issues are interrelated. For example, discards (#3) and full utilization of catch targets (#7) are closely connected; resolution of the discards would help resolve the full utilization issue. Similarly, inefficient vessel operation (#4) could be addressed by increased flexibility in vessel operations (#5). Members also discussed and heard comment that the issues may have different

levels of importance in the two management areas, especially given that most of the groundfish sector activity is in the northern area.

Motion

The Amendment 6 goals and objectives be based on the monkfish list of issues as they relate to the northern and southern management areas
(Cunningham/Avila, **unanimous**)

Comments on the motion included:

- The MAFMC constituency may have comments on these issues that may require some changes to the list. The maker of the motion responded that the point of the motion is to move the process ahead, and once a complete problem statement is put together, the list may be modified.
- The PDT should express the problem statement in terms of northern and southern area issues, since they are likely to be different.

Motion

To task the PDT with summarizing the information from the work that has been done to date to characterize the significance and importance of each of the monkfish issues on the list for the northern and southern management areas. (Alexander/Cunningham, **unanimous**)

Comments on the motion included:

- In discussing the latent effort issue, the PDT should try to answer why vessels are not using all of their monkfish DAS, and why are some vessels not using any DAS
- Several members concurred that trip limits were at the root of many of the issues

Under other business, the Committee discussed the impact of the technical correction implemented with Amendment 5 that changed the conversion factors used to calculate the whole fish (headed and gutted) equivalent to the tail-weight based trip limits. The effect of this correction is that some vessels landing whole fish have seen a reduction in their trip limit. NMFS staff gave a brief presentation on this to explain the change and its overall impact. Council staff suggested that any change to the rules to mitigate the impact on affected vessels, such as a change in the trip limit, would have to be done through a regulatory action by the Council, either through Amendment 6 or a separate framework adjustment. The Committee consulted with NOAA General Counsel, and the preliminary opinion is in concurs with the staff suggestion. To get formal confirmation, the Committee adopted the following motion:

Motion

To request the Council send a letter to NMFS asking whether the impact of monkfish tail weight conversion calculation issue can be mitigated through a technical amendment.
(Cunningham/King, **unanimous**)

In response to comments both at this meeting and previously, that many vessel owners want to know how any catch share program would affect them individually before stating a position, the

Committee proposed to request that NMFS perform the calculations similar to what was done in Multispecies Amendment 16, but much earlier in the process.

Motion

Request the Council send a letter to NMFS requesting that they calculate permit PSC based on landings history for two time periods: North 1996-2008 and 1999-2008, South 1999-2008 and 2005-2008, to be sent to permit holders. (Cunningham/Preble) (Note: “PSC” refers to Potential Sector Contribution)

The maker of the motion explained the basis for the two time periods and why different ones were used for the two areas. The North 1996-2008 is intended to mirror the period used for sector allocation in Multispecies Amendment 16. The 1999-2008 period in both areas is to cover a decade under the Monkfish FMP, when all vessels came under mandatory reporting of monkfish landings. The South 2005-2008 is what was proposed in the strawman proposal developed by the AP when the Council was considering catch shares in Amendment 5. After Committee discussion, the maker agreed to perfect the motion so that the time periods would be the same in both areas, one longer period, and one shorter period. The shorter period would take into account the Magnuson-Stevens requirement to consider current participation in the fishery when developing limited access privilege programs.

Upon hearing comment that PSC is specific to sector management programs, and the Council has not yet narrowed the catch share alternatives to sectors, the maker of the motion perfected it to read:

Perfected motion:

Request the Council send a letter to NMFS requesting that they calculate *individual contribution factor (PSC, ITQ or other)* based on landings history for two time periods for each area: 1999-2008 and 2005-2008, to be sent to permit holders.

The AP chair noted that in Amendment 16, the letters were sent to individual permit holders, and that the Committee should request that NMFS also provide it with a summary report of the potential allocations.

Perfected motion:

Request the Council send a letter to NMFS requesting that they calculate individual contribution factor (PSC, ITQ or other) based on landings history for two time periods for each area: 1999-2008 and 2005-2008, to be sent to permit holders, *and that the agency also provide a summary report to the Council*

A member of the public commented that vessels qualified for an initial permit based on landings history. Vessels that have been involved in other fisheries, and have not targeted monkfish during the periods identified for the Amendment 6 qualification should not be penalized. He suggested that there also be an alternative based on initial permit qualification, categories A and C, or B and D.

Friendly amendment

Request the Council send a letter to NMFS requesting that they calculate individual contribution factor (PSC, ITQ or other) based on landings history for *three time periods*

for each area: *initial permit qualification period*, 1999-2008 and 2005-2008, to be sent to permit holders, and that the agency also provide a summary report to the Council.

The staff noted that the FMP did not take effect until November, 1999, and including 1999 in the qualification period would include landings by a number of vessels that landed monkfish that year but did not qualify for a permit when the plan took effect. The Committee also discussed that to take into account current participation, and the likelihood that Amendment 6 may not take effect for at least one or two years, the alternatives should be based on the most recent year available, 2010.

Perfected motion:

Request the Council send a letter to NMFS requesting that they calculate individual contribution factor (PSC, ITQ or other) based on landings history for three time periods for each area: *initial permit qualification period, 2000-2010 and 2005-2010*, to be sent to permit holders, and that the agency also provide a summary report to the Council.

A member of the Committee said that the motion should be clear that the information provided to permit holders should state individual contribution factors for each stock area. His suggestion was adopted by friendly amendment:

Friendly amendment:

Request the Council send a letter to NMFS requesting that they calculate individual contribution factor (PSC, ITQ or other) based on landings history for three time periods for each area: *initial permit qualification period, 2000-2010 and 2005-2010*, to be sent to permit holders, *and to identify the proportion of the landings by management area (NMA/SMA) used in the calculations for each vessel*, and that the agency also provide a summary report to the Council.

Perfected/amended motion passed unanimously.

Following the completion of regular business, the meeting adjourned and the Committee held a closed session to consider applications for open seats on the Advisory Panel. The Committee's recommendations will be transmitted to the Executive Committee for approval.