

Monkfish Amendment 5 Decision Table – 7/15/09 . Action items or new PDT comment are **SHADED**

Measure	Description/Alts.	Comment	No Action	Decision Status
MSY	$MSY = F_{\text{threshold}} \times B_{\text{target}}$	Nominal estimates of MSY (derived from $F_{\text{max}}$ and estimates of $B_{\text{target}}$ calculated as average of exploitable biomass (1980-2006) from the SCALE model) <b>N: 17,053 mt</b> <b>S: 25,487 mt</b> PDT report item 1	Not Defined	<b>OS recommended</b> <b>PDT recommended,</b> <b>SSC approved</b> <b>AP concurs</b>
OFL	$OFL = F_{\text{threshold}} \times B_{\text{current}}$	Derived from $F_{\text{max}}$ and estimates of exploitable biomass $B_{\text{current}(2006)}$ from the SCALE model. <b>N: 22,729 mt</b> <b>S: 28,263 mt,</b> PDT Report item 1	Not Defined – based on $F_{\text{threshold}}$ only	<b>OS recommended</b> <b>PDT recommended</b> <b>SSC approved</b> <b>AP concurs</b>
ABC	ABC (interim)= product of ave. expl. rate 1999-2006 (N) and 2000 – 2006 (S) and current (2006) exploitable biomass	Period during stable or rising biomass. Interim because not based on estimates of uncertainty in calculation of OFL. <b>N: 17,485 mt</b> <b>S:13,326 mt.</b> PDT Report item 2	Not Defined	<b>SSC recommendation</b> <b>OS recommended</b> <b>AP concurs</b>
ACL	$ACL = ABC$	No technical basis for setting $ACL < ABC$		<b>OS recommended</b> <b>PDT recommended</b> <b>SSC approved</b> <b>AP concurs</b>
OY	“MSY reduced by relevant economic, social and ecological factors” $OY < MSY$	Specification of OY has not been discussed by the Council Committee, or PDT.	<b>OY=TTAC</b>	<b>OS consensus to develop over the summer</b> <b>AP concurs</b>

Reactive AMs	Deduct ACL overage weight from ACT; adjust mgmt. measures in 2 <sup>nd</sup> year after overage year; if Councils do not take appropriate action, RA will use formulaic approach to adjust DAS and trip limits and implement by notice action.	PDT Report item 7. Complete description of proposal in 5/27/09 OS meeting summary.	Not Defined	<b>OS recommended AP concurs</b>
Proactive AM (ACT) North	1) 5,375 mt (current TAC plus discards) 2) 8,063 mt (50% increase in TAC plus discards) 3) 10,750 mt (100% increase in TAC plus discards)	Buffer of ABC = 70% (1), 54% (2), and 39% (3). <b>PDT: Since there is no reactive AM for the incidental fishery, proactive AM should be set so there is room for a shift in proportion of incidental catch due to changes in other fisheries.</b>	Not Defined, current TAC based on Landings	<b>OS recommended PDT provided options 1 &amp; 2, OS added 3 AP supports options 2 and 3</b>
Proactive AM (ACT) South	1) 6,579 mt (current TAC plus discards) 2) 9,211 mt (40% increase in TAC plus discards) 3) 11,469 mt (75% increase in TAC plus discards)	Buffer of ABC = 50% (1), 30% (2), and 13% (3) Under option 1, DAS and trip limits would need to be recalculated due to overage in 2007 and probably 2008. Under option 2, DAS and trip limits would remain at current levels despite increase in TAC. <b>PDT : see above</b>	Not Defined, current TAC based on Landings	<b>OS recommended PDT provided options 1 &amp; 2, OS added 3 AP supports options 2 and 3</b>
Specifications Period	No change proposed	Status quo. Should be integrated with assessment schedule so specs. are based on newest information.	3-yrs. With auto extension	<b>OS recommended AP concurs</b>

Specifications of DAS/trip limits	DEIS to provide range of DAS, trip limit combinations to achieve ACT alts.	Specification requires setting ACT. Method for analysis will be same as no action. Using updated catch landings and effort data. In process	Current method of setting DAS, trip limits options.	<b>Need OS – To be discussed over the summer. AP concurs</b>
Automatic DAS Adjustment for Overage (Previously: “Prior Notice Landing>trip limit”)	Allow vessels to exceed trip limit for one day, provided vessel reports via VMS or cell; vessel’s DAS account would be charged.	PDT Report item 10. PDT recommends 1-day overage, 3 accounting options: 2x15 hrs., 2x24 hrs.; 24 hrs. + 1 min.. PDT recommends name change due to existing “Prior Notice of Landings” programs in other fisheries.	Vessel must not return to port until sufficient time has elapsed, discard overage, or leave fish in nets	<b>OS recommended PDT options AP supports allowing excess of 1 day only; concurs with 3 counting options</b>
Allow C & D vessels to choose when to use GF DAS in conjunction with MF DAS.	If vessel’s MF DAS allocation > GF DAS, it can decide when to use MF only, or combination MF/GF DAS		When vessel calls in MF DAS, GF DAS are charged until used up, then MF only DAS used.	<b>OS recommended AP concurs</b>
RSA DAS carryover	Allow vessels to carryover RSA compensation DAS	Two options: allow carryover for one year, or for three months. PDT recommends 3 months. PDT Report item 14	RSA DAS not used in current year are lost	<b>OS recommended PDT options AP concurs</b>
Framework RSA adjustments	Include adjustments to RSA program in list of frameworkable actions		Adjustments to RSA must be done through amendment	<b>OS recommended AP concurs</b>
SMA trip gillnet incidental limit when on a GF but not a MF DAS	Set trip gillnet incidental limit when on a GF but not a MF DAS in the SMA the same as trawl vessels, 300 lbs. tail wt. per DAS	PDT recommends considered and rejected. See footnote #1.	50 lb. tail wt. per DAS	<b>OS recommended AP requested consideration</b>

NMA Incidental limit while on a GF, but not MF DAS	500 lbs. per day (tail wt.)	PDT recommends considered and rejected. See footnote #2.	Up to 25% (tail wt.) of total weight of fish on board, not to exceed 300 lbs., when on a GF but not a MF DAS; up to 5% (tail wt.) of total weight of fish on board when not on any DAS.	OS consensus (3/31) that PDT analyze range of trip limit and DAS options that considers the increased incidental catch limit. AP concurs
Scallop dredge incidental limit when on a scallop, but not a MF DAS	Option 1: 400 lbs. (tail wt.) per DAS Option 2: 500 lbs.	PDT recommends considered and rejected. See footnote #3.	300 lbs. (tail wt.) per DAS, or per day in Access Areas	<b>OS recommended</b>
DAS usage in GF sectors	GF vessels in GF sector do not have to use a GF DAS when on a MF DAS in NMA (Option 1), or in either area (Option 2)		Vessels must use a GF DAS when on a MF DAS. If vessel has more MF DAS than GF allocation, balance can be used as MF only, but must be in exempted fishery	<b>OS recommended AP recommends consideration for both mgmt areas OS agreed with AP</b>
Monkfish catch in GF Sectors (not on a GF or MF DAS)	Option 1: Remove 5% limit, replace with 500 lb. (tail wt.) per day Option 2: Vessels would fish under monkfish ACE in lieu of DAS, trip or incidental catch limits	PDT recommends considered and rejected, Replace with 300 lbs. tail wt per day or part of a day. See footnote #2.	5% (tail wt.) of total catch of fish on board	<b>OS recommended AP recommends catch share allocation</b>

MF vessels with GF permits joining GF Sectors	Cat. C&D vessels with GF permit may join GF Sectors for the purpose of using MF ACE in 2011 and beyond	PDT recommends considered and rejected.	No MF ACE would be allocated. Vessels would use MF DAS or fish under applicable incidental limit	<b>OS recommended</b>
All MF vessels joining GF sectors – Joint Amendment with NEMS	Designate Am. 5 as a joint amendment with NE Multispecies and allow LA MF vessels to join GF Sectors for the purpose of using MF ACE in 2011 and beyond	PDT recommends considered and rejected.	Vessels must hold a LA permit in the fishery to be able to join a sector	<b>OS recommended</b>
Mandatory VMS	All monkfish LA permitted vessels must have VMS. Could apply in one or both areas	OS needs to specify details of power down option; see footnote #4.	VMS not required, except on vessels holding scallop or GF permits	<b>OS recommended AP seeks rationale; supports power down option</b>
Monkfish heads	Allow vessels to land monkfish heads, provided there is an appropriate head-to-tail ratio		Landing of monkfish heads, unattached, is prohibited per NMFS Enforcement	<b>OS recommended AP requested consideration</b>
Different Mgmt. Strategy NMA/SMA	Council may adopt different mgmt. strategies in the two areas.	PDT recommends considered and rejected, see footnote #5.	DAS and trip limits apply in both areas	OS consensus (3/31) to advise Council that it is considering this. AP concurs
Monkfish Sectors		PDT recommends considered and rejected, see footnote #5.		OS Approved 3/31 AP supports OS refined 6/3
Monkfish ITQs		PDT recommends considered and rejected, see footnote #5.		OS Approved 3/31 AP supports OS refined 6/3

Footnotes:

- 1) SMA trip gillnet incidental limit, applicable on groundfish, but not monkfish DAS. PDT comment: remove from consideration at this time. There is a need for explicit justification why this proposal would only apply to trip gillnets, and not day gillnets. Also, the impact of the proposed action to increase the limit is highly uncertain since it is not possible to predict how fishing behavior will change, and whether the result will be that trips that would otherwise be on a MF DAS would now become GF only DAS with directed monkfish effort. The conversion of this monkfish catch from directed to incidental will increase the proportion of the ACT that needs to be set aside for incidental catch, reducing the allocation to the directed fishery. Incidental catch is not directly controlled by the FMP, other than the allowable landing limits. Analysis of the proposed action will require sufficient observer coverage to determine if it will simply convert discards to landings, or will represent an opportunity to increase monkfish catch. Observer coverage of this fishery may not be sufficient to make such a determination.
- 2) Incidental landing limit while on a GF but not a MF DAS, and vessels in GF sectors not on a GF DAS - Data on the incidental catch of monkfish by vessels on a groundfish, but not a monkfish DAS, strongly indicates that the current incidental limit (25% of total weight of fish on board, up to 300 lbs. tail wt. per DAS) is not constraining on vessels; therefore, the need to increase the incidental limit to minimize bycatch is not present. Increasing the incidental limit to 500 pounds, however, may present a profitable opportunity to direct on monkfish outside of the monkfish DAS fishery. If this occurs, the proportion of the fishery available to the directed fishery will be reduced. The effect of the proposed increase on behavior cannot be analyzed since nearly all trips are well below the current limit, and there is no means of predicting whether incidental catches will increase under a higher limit, unless effort patterns change and become directed on monkfish. The PDT also recommends that the incidental limit on groundfish vessels in sectors, and not on a MF or GF DAS be set consistent with the incidental limit for vessels on a GF, but not a MF DAS, at 300 lbs. tail wt. for each day or part of a day on the trip (no percentage threshold).
- 3) Incidental landing limit for scallop dredge vessels – Scallop dredge vessels are currently allowed to land 300 lbs. of tails per scallop DAS, or per day while in Access Area Fisheries while not on a scallop DAS. Observer data indicates that the vast majority of discards of monkfish is due to the size of fish caught, either too small for market or below the minimum legal size. Increasing the allowable landing limit will not reduce this component of bycatch, but may provide incentive for some vessels to target monkfish. Based on available landings data, it appears that most dredge vessels are maximizing their scallop effort while on scallop DAS and are not targeting monkfish under the current landing limit since the current limit does not appear to be constraining.
- 4) Power down provision of mandatory VMS – Existing power down options for other fisheries requiring VMS vary by FMP. The following regulatory test from Section 648.9 describes the power down exemption rules:

*(2) Power down exemption.*

(i) Any vessel required to transmit the vessel's location at all times, as required in paragraph (c)(1) of this section, is exempt from this requirement if it meets one or more of the following conditions and requirements:

(A) The vessel will be continuously out of the water for more than 72 consecutive hours, the vessel signs out of the VMS program by obtaining a valid letter of exemption pursuant to paragraph (c)(2)(ii) of this section, and the vessel complies with all conditions and requirements of said letter;

(B) For vessels fishing with a valid NE multispecies limited access permit, or a valid surfclam and ocean quahog permit specified at §648.4(a)(4), the vessel owner signs out of the VMS program for a minimum period of 30 consecutive days by obtaining a valid letter of exemption pursuant to paragraph (c)(2)(ii) of this section, the vessel does not engage in any fisheries until the VMS unit is turned back on, and the vessel complies with all conditions and requirements of said letter; or

(C) The vessel has been issued a limited access herring permit, and is in port, unless required by other permit requirements for other fisheries to transmit the vessel's location at all times. Such vessels must activate the VMS unit and enter the appropriate activity code prior to leaving port.

(D) The vessel has been issued a general scallop permit and is required to operate VMS as specified in §648.10(b)(1)(iv), is not in possession of any scallops onboard the vessel, is tied to a permanent dock or mooring, and the vessel operator has notified NMFS through VMS by transmitting the appropriate VMS power down code, that the VMS will be powered down, unless required by other permit requirements for other fisheries to transmit the vessel's location at all times. Such a vessel must repower the VMS prior to moving from the fixed dock or mooring. VMS codes and instructions are available from the Regional Administrator upon request.

*(ii) Letter of exemption.*

(A) *Application.* A vessel owner may apply for a letter of exemption from the VMS transmitting requirements specified in paragraph (c)(1) of this section for his/her vessel by sending a written request to the Regional Administrator and providing the following: The location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS signal will be turned off and turned on again); and, in the case of a vessel meeting the conditions of paragraph (c)(2)(i)(A) of this section, sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours. The letter of exemption must be on board the vessel at all times, and the vessel may not turn off the VMS signal until the letter of exemption has been received.

(B) *Issuance.* Upon receipt of an application, the Regional Administrator may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under paragraph (c)(2) of this section, and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's DAS. Upon written request, the Regional Administrator may change the time period for which the exemption is granted.

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- 5) Consideration of catch shares in the MF FMP – As stated in the PDT Report of 5/13/09, while many, if not all PDT members support in concept the use of catch share management, they do not feel there is adequate time to develop such programs in Amendment 5 while still meeting the primary obligations to implement ACLs and AMs, and to update specifications of DAS and trip limits, by 2011. While the Committee has approved the strawman proposal, there are numerous details that remain unresolved, and require both substantial analysis as well as iterative Committee deliberations as the PDT analyzes and reports on the details being developed. The following list of questions and issues raised by the PDT is not a comprehensive and complete list of current and potential items to be resolved by the Committee, but it exemplifies the scope of yet unfinished details. Some of these pertain to specifics described in the strawman proposal, while others are external to it, but are needed for such a proposal to be complete. These items will need to be addressed, whether or not the Committee concurs with the PDT’s recommendation to postpone development of catch share programs:
- a. NMFS NEPA staff recommends development of additional alternatives within the strawman for consideration in the EIS to meet the requirement for a “reasonable range” of alternatives. For example, there is only one qualification alternative for the NMA. For comparison, GF Amendment 16 had 5 options. The NEPA staff is not suggesting that there needs to be 5 options in this amendment, but there needs to be more than one. A second example is that there is only one set of items being proposed for “universal exemption”, and there may be others.
  - b. Qualification options – These are technically not “qualification” but “allocation baseline” alternatives. Vessels have already qualified for limited access permits under the original FMP. The qualification criteria were history based, and established two levels of permits. The use of original permit qualification criteria as the basis for an allocation system has many advantages: appeals have been completed; vessels in each of the two permit groups would be treated the same based on their original qualification history, eliminating the complications created by the fact that vessels have been differentially impacted by regulations under the FMP, the gillnet lawsuit, or regulations in other fisheries that impact each vessel’s monkfish catch; etc.
  - c. Calculation of vessel history – The proposals for allocation options using vessel history will require additional specificity, such as, how to deal with the differences between dealer reports and VTRs, attribution of monkfish stock area to dealer landings, use of RSA DAS in vessel history, external circumstances (e.g., major repairs) that may have affected a vessel’s ability to generate catch history during one of the baseline years, and differences between vessel owner records and dealer/VTR data entered in NMFS’ data bases.
  - d. Appeals of initial allocation- the strawman proposal discusses some general items that would be subject to appeal, but there are no alternatives outlining the detailed approaches to these items. The strawman does not also discuss the implementation schedule for individual vessels or the entire fishery while appeals are pending. Other fisheries in this

- e. Catch monitoring – the importance of robust, near-real-time catch monitoring under sectors and ITQs is widely acknowledged. For a fishery such as monkfish, with a substantial portion of the total catch being incidental to other fisheries, catch monitoring is potentially more complicated and costly. The proposal does not currently address catch monitoring. Alternatives will need to be developed and analyzed for their effectiveness and cost (to operators, the government, sectors) for inclusion in the EIS and public comment.
- f. Cost recovery – The proposal needs to include detailed descriptions of cost recovery alternatives. Costs of monitoring, administration and enforcement are likely to be substantial and alternative approaches to paying those costs need to be presented for public comment.
- g. Research Set Aside – vessels currently contribute 0.7 DAS of their allocation to create a pool of 500 DAS for funding monkfish cooperative research. Under an ITQ program, vessels would no longer be allocated monkfish DAS, and under a sector program, while vessels may still be allocated monkfish DAS (since vessels may choose to remain in the common pool), vessels in sectors would likely not be required to use DAS. Therefore, revisions to the RSA program will be required, and the Committee has not yet considered alternatives.