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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: March 23, 2009
TO: Monkfish Oversight Committee
FROM: Phil Haring
SUBJECT: Amendment 5 Scoping Comments

Attached are the scoping hearing summaries and written comments received to date. The audio versions of the hearings can be accessed on our FTP site if you wish to download and listen to them. I or one of the administrative staff can provide you with instructions on accessing it. Please keep in mind that this summary is only for introduction purposes, and readers should look to the meeting summaries and written comments for more complete details. Also, this memo only covers comments received to date, while the comment period extends to the date of the committee meeting, March 31st, and we usually receive several last-minute submissions.

Attendance at the hearings was 5, 7, 17 and approximately 50, although the latter figure is my estimate, and only 12 signed the attendance sheet of which only 7 made comments (the hearing was held at the Maine Fishermen's Forum). Most of the comments were directed at supporting or opposing incorporating sectors or ITQs as a new management approach, generally divided between northern and southern areas, respectively, although a number of individuals commented on the current management system and how it might be improved.

In the north, most monkfish vessels are also groundfish vessels and are anticipating either significantly reduced DAS or participating in groundfish sectors, which complicates the monkfish DAS usage requirements. This issue is especially acute for trawl vessels that do not have a monkfish exempted fishery in the north, and cannot use their monkfish DAS as monkfish-only DAS when their groundfish DAS run out. Commenters supported using vessel history as the basis for allocating ITQ or sector shares, and that the method be the same as that used in the groundfish fishery. One northern area commenter needed more details on ITQs before commenting definitively, but stated that allocations should either be based on the longest history, back to the monkfish permit qualification period, or only on the most recent year to capture active permits. Generally, however, this commenter supported retaining the current system with the added ability to lease monkfish DAS.

Commenters in the south, for the most part, supported the current system, with some recommended modifications, and anticipate that there will be incremental increases in the allocated DAS and/or trip limits. Southern area fishermen also commented that allocation systems that are based on history would be unfair because vessels fishing in the south have been under more restrictive measures (DAS and trip limits) since the plan began, while

vessels in the north only got a trip limit in 2007. Some opposition to allocation schemes based on history was also based on the concerns about how the scallop fleet would respond or would be handled as the allocation process evolves.

With regards to the possible modifications to the current plan, commenters made a number of suggestions. Most notable was the support for incorporating some sort of running clock that would enable vessels who exceed their daily trip limit to return to port and have the DAS clock run to account for the overage. The proposal that many southern area commenters supported included a cap of either a three-day limit or a two-day limit, with the latter getting more support. In other words, if the trip limit is 500 lbs., under the current system, a vessel would return to port and be charged a minimum of 15 hours. Under the two-day limit, the vessel could return to port with up to 1,000 lbs. and be charged 24 hours and one minute. Proponents argued that this system would greatly reduce discards, improve catch data, promote safety, enable fishermen to be more efficient (reducing fuel and other costs), and reduce the amount of time the gear is in the water over the course of the year (reducing marine mammal interactions).

Many commenters, particularly in the southern area also supported increasing the minimum mesh size to 12 inches, and the minimum fish size to 21 inches or larger from the current 10 inches (mesh) and 17 inches (fish total length). Several southern area commenters also supported a reduction in the number of allowable gillnets to 80, or 75 to be consistent with the groundfish rules.

Of those who commented specifically on the multi-year specifications, as opposed to annual setting, opinions were unanimous in supporting the current 3-year specifications approach.

If there is an increase in the target TAC, opinions were mixed as to whether the increase should be applied to DAS or trip limits, or both. One commenter noted that offshore vessels would benefit more from increased trip limits, while inshore vessels would benefit more from increased DAS. Others commented that their view would depend on whether a running clock were adopted. At least one commenter felt that the trip limit differential should better reflect the different permit qualification requirements.

A few individuals commented on issues related to the overlap with the Multispecies FMP. There was some objection expressed with the mandatory VMS requirement due to the costs and power requirements, even when a vessel has very few groundfish DAS and doesn't even use those DAS to target groundfish species. Some were concerned about the 2:1 counting of groundfish DAS and its differential impact on monkfish vessels, depending on the number of groundfish DAS each has. The example that was provided showed how two similar vessels with the same number of allocated monkfish DAS, but different numbers of allocated groundfish DAS would end up with different actual monkfish DAS because the one with fewer groundfish DAS would lose fewer monkfish DAS under the 2:1 counting. Also, since a vessel's groundfish DAS are counted first, in conjunction with the monkfish DAS, following which the vessel can fish as monkfish-only DAS, vessels in the southern area that might want to target a fall run of groundfish cannot do so because their groundfish DAS were used up at the start of the year in the dual-counting requirement.

One commenter reiterated a comment he had made previously to the Council with regards to cooperative research (RSA) compensation DAS. He and another commenter urged the Council to consider adopting a provision allowing vessels to carryover unused RSA DAS. Often, he noted, vessels do not have the opportunity to use the compensation DAS before the end of the fishing year because they are completing the actual research effort. Enabling vessels to reserve those compensation DAS for a time when they can be most profitable would make the cooperative research program more attractive. Both commenters also supported counting RSA DAS in any history-based allocation scheme.

Several individuals who made statements at the scoping hearings also submitted written comments, which are also attached to this memo. Any additional comments received will be distributed electronically to committee members prior to the meeting and/or handed out on the 31st.

New England Fishery Management Council

SUMMARY

Monkfish Amendment 5 Scoping Hearing
MA DMF Annisquam Lab, Gloucester, MA
February 23, 2009

Hearing Chair: Terry Stockwell

Staff: Phil Haring

Attendance: 5 public, 2 NMFS staff

One member of the public urged the Council to consider returning to the 40 days-at-sea (DAS) allocation and a higher trip limit. He said the trip limit should be increased first, until it reaches the prior limits (in the southern area) of 1,500 lbs. and 1,000 lbs. (tail weight) for category A & C, and B & D permits respectively. He also suggested revisiting the liver-to-tail ratio, as he has observed an increase in the size of livers over past years. Another commenter said that if the plan remains with DAS and trip limits, and the catch targets are increased, both DAS and trip limits should be increased simultaneously.

The other members of the public supported using ITQs as the management tool. They all supported using catch history as the basis for initial ITQ share allocation. One commenter suggested that the baseline period be the same as is being proposed in the groundfish plan for sector contribution shares (1996-2006). Another stated that whatever period is used, it should be prior to the period when the trip limits were adopted in the northern area. One suggested using past performance, relative to the DAS allocation and trip limit as the basis for initial ITQ allocations. In other words, if a vessel did not use all of its DAS allocation, or did not catch its limit on the monkfish DAS it used, then its initial allocation would be proportionally reduced in comparison to a vessel that relied more on monkfish, as evident by its use of the full allocation of DAS and landings at the limit.

One commenter stated that if a referendum is needed for an ITQ system, it should be held as soon as possible, so as not to delay the adoption of an ITQ system. Another of the ITQ supporters noted, however, that when monkfish prices are low, ITQs won't work as well because fishermen cannot justify purchasing quota shares.

Three commenters who supported ITQs also stated their opposition to sectors. They cited the costs associated with sectors as a concern.

The hearing started at 4 p.m. and adjourned at about 5:15.

New England Fishery Management Council

SUMMARY

Monkfish Amendment 5 Scoping Hearing

Hilton Garden Inn, Warwick, RI

February 24, 2009

Hearing Chair: Terry Stockwell

Staff: Phil Haring

Attendance: 7 public

The first commenter stated that while he was not opposed to quotas and sectors, we should consider working with the management program currently in place. He said under the current trip limits, however, vessels are either forced to discard fish at times when the catch exceeds the limit, or leave fish in the nets and return on another trip. He suggested that discards could be reduced by deducting days-at-sea (DAS) to account for any trip overages, and that the VMS could be used, as well as phones, to declare an overage before returning to port.

The second commenter submitted written comments and read them into the record (attached). In support of the previous commenter's suggestion, he noted that Rhode Island state enforcement already requires the use of the phone declaration for all fluke landings.

The third commenter supported the statements of the previous two. He felt that there is no reason to go to sectors or ITQs, nor to reallocate the fishery every few years. He supported the concept of a "running clock" to allow vessels to clear their nets when fishermen unexpectedly catch more than the limit. Otherwise, he noted, fishermen must make the difficult choice of either discarding the overage, staying out to run the clock, or to break the law. He suggested that rather than reducing the number of allowable gillnets to 80, as proposed by the previous commenter, that it be reduced to 75, consistent with the groundfish rule. He stated that the mesh-size rule should consider that the nets that come from the supplier do not always meet the minimum size, as ordered. He supported the previous commenter's suggestion to require 12-inch gillnets, but that the rule should state an 11.5-inch minimum.

This commenter supported the use of VMS for the purpose of a running clock. He said that the fines and penalties are now so high that it is an effective deterrent to violating the rules, which makes a running clock concept more feasible. He said that while some may get away with violating the rules for a while, they would eventually be caught and severely penalized, as has already occurred in Rhode Island.

He also said that setting specifications for 3 years, as opposed to annually, provided fishermen with some stability.

The next individual to comment, also a Rhode Island gillnetter, supported the previous comments. He expressed skepticism and concern about changing the overall strategy because of the risks that it would not be successful. He said the Council should be very careful about moving into sectors and/or ITQ when allocations are based on history. Vessels have been under

different restrictions depending on area, permit, and other factors, which makes their histories not comparable. He also believes that fishing under a quota system, vessels will race to land what they can, ruining the price, and then move on to something else.

He stated that the DAS allocations should be increased, and supported the 3-year specifications. He also asked that the upgrading restrictions be lifted as they are not applicable in the monkfish fishery, and without them vessels can become more efficient and safer. He stressed that the running clock is essential to prevent waste. He said that elimination of the 3-hour rule means that vessels lose 15 hours even if they cannot fish and return to port with no landings. There should be a provision to not charge the vessel any DAS if there are no landings.

He disagreed with the VMS requirement that the units be on all of the time because of the drain it puts on the batteries while the vessel is on a mooring in winter.

He agreed with the earlier commenter that the minimum gillnet mesh size be 12 inches, and that the minimum fish size (whole) be increased to 21 inches. He believes that vessels should not be allowed to catch fish that have not reached sexual maturity.

The next commenter also supported the other comments, except that he did not agree with the “triple limit” running clock idea proposed earlier. He felt that a double limit running clock would be sufficient. (In the written comment submitted earlier, there was a proposal to allow a vessel to land a maximum of three trip limit poundage, with DAS subtracted as 15 hours for no overage, 25 hours for up to two limits, “the double limit”, and 25 hours for up to three limits, the “triple limit”). He also stated that the current level of fines are an adequate deterrent to violating the landings restrictions.

He stated that all vessels should be owned by owner/operators, and that investor vessels should not be permitted.

He said that vessels cannot afford to join sectors and incur the additional expenses of paying someone to count their fish.

The following commenter first stated that the data uncertainties issue needs to be remedied. In particular, the industry and Council should continue to support cooperative research and improve catch monitoring. He believed that individual quota management will be an option in the future, but it should be voluntary. He asked whether it would even be possible in this amendment to develop an ITQ alternative given the timeline and the referendum requirement. He urged the Council to make that decision early in the process and inform the public whether it is a realistic and viable alternative, or not. He suggested that sector management could address many of the issues that fishermen have raised at this hearing.

He also supported the 3-year specifications rather than annual. He noted that fishermen need the stability and predictability.

He summarized his comments with three points: the Council needs to identify what’s feasible and what’s not feasible early in the process; if ITQs are deemed feasible, the Council needs to set

appropriate caps on ownership and prevent excessive consolidation; and, the Council should identify compatibility issues between the management of groundfish and monkfish fisheries, and keep those issues in mind as it develops the management measures so as not to create other problems down the road.

This last point prompted a previous commenter to return to the mike. He is concerned about the impact of the 2:1 counting in groundfish on his ability to use all of his monkfish DAS. He urged the Council to do whatever it can to correct that situation. Another fisherman followed and supported that comment, noting that another vessel in his port that has fewer groundfish days than he does, now has more monkfish DAS than he does, even though the two boats are otherwise similar, and fish in the same way.

Another commenter expressed concerns about the allocation process under sectors and ITQs. He felt that due to some vessels using various loopholes (such as, the 3-hour rule, or the 24-hour-one minute rule) the fishing histories of the vessels are distorted. Also differences in the rules between the two management areas makes vessel histories not comparable. On this point, another fisherman suggested that Southern New England fishermen would probably be more receptive to an equal-share allocation under sectors or ITQs, rather than one based on history.

The hearing started at 10 a.m. and adjourned at about 12:45 p.m..

Mid-Atlantic Fishery Management Council

SUMMARY

Monkfish Amendment 5 Scoping Hearing

Holiday Inn, Manahawkin, NJ

March 3, 2009

Hearing Chair: Pete Himchak

Staff: Jim Armstrong

Attendance: 17 public

Verbal Testimony: 11 persons

First commenter: Opposed to ITQs, IFQs and sectors, we should maintain the status quo management system except for some changes in how DAS are handled. Because the fishing is good now, a lot of boats have to drift at sea in order to use up their time. He cited safety at sea concerns on this during the fall fishery when the price is up for livers, but the weather can be bad. To solve this, he suggested that vessels be allowed to "fish for time". In this scenario, the level of the landings would determine how many DAS are charged (single trip = 15 hr, double trip = 24hr, and triple trip = 48 hr). He also supported a reduction in the maximum number of gillnets from 150 to 80. He supported "pre-landing" for vessels with VMS as a means to prevent cheating (exceeding allowed trip limits). He supported hard annual TACs and said that they were the only option in his opinion that would be compliant with the MSRA. He re-iterated his non-support for ITQs and sectors by stating that gillnetters would likely be disadvantaged compared to trawlers when landings histories are reviewed. This would be unfair because the gillnetters were constrained by lower trip limits. Also, vessels that had a history of abusing the 3 hour allowance or otherwise taking advantage of loopholes in the management scheme would be unfairly rewarded.

Second commenter: Expressed concern that, given the unstable history of this fishery and the good condition that it is currently in, that any new action may negatively affect the fishery. Supported fish for time approach.

Third commenter: Supported flexible multi-year TACs that would be adjusted up or down as new information becomes available (i.e., annual assessment update). Concerned about the effects of any action on ITQs and sectors relative to the historic importance of monkfish landings to the scallop fleet.

Fourth commenter: Expressed that if some sort of LAPP is established that it consider the following issues – that entry into the fishery be fair and equitable to existing participants in the fishery, that harvesting shares for existing participants and shore-based processors be considered, that nothing be done that would encourage greater participation in the fishery, that adequate safeguards be put in place to prevent individuals from gaining excessive control of the fishery, that realistic gear limits be put in place, that non-directed harvest is accounted for, and that the current balance between the northern and southern fishery be maintained.

Fifth commenter: Generally re-iterated the concerns of the third commenter in that he is concerned that the historic importance of the scallop fleet be adequately considered. Landings by the scallop fleet are down compared to historic levels due to shifts in where the fleet is fishing, areas where there are fewer monkfish.

Sixth commenter: Expressed concern that any movement to an ITQ system will unfairly disadvantage the southern fishery and benefit the northern fishery. He felt that the current system works well and doesn't see any need for change. He will also be submitting written comments.

Seventh commenter: Expressed support for the three year TACs in that it helps in planning. He hoped that the amendment might provide an opportunity to correct the unfairness that exists between C and D permit holders. He expressed similar concerns to the sixth commenter in terms of fairness between the north and south under an ITQ system given the absence of trip limits in the north historically. He hoped that under the new assessment that the fishery would be getting more DAS than currently.

Eighth commenter: His comments were similar to some of what the first commenter said in that he is concerned that under an ITQ system, past abusers of the system will be rewarded. He thinks that the current system is working adequately.

Ninth commenter: He is opposed to ITQs and sectors, and in support of "fish for time", he also supports the "pre-loading" idea as described by the first commenter.

Tenth commenter: He will be submitting written comments. He stated that he doesn't think any ITQ system could possibly be fair. He thought that a hard TAC would be the best solution for AMs.

Eleventh commenter: Does not oppose ITQs, IFQs or sectors, favors "fish for time". With regard to IFQs, he felt that all affected participants should be informed about how such a system would affect them before any action is taken to put it in place. He stated that for the general category permit, participants were not adequately informed before the system was established.

The hearing started at 7:05 pm and ended at approximately 8:10 pm.

New England Fishery Management Council

SUMMARY

Monkfish Amendment 5 Scoping Hearing

Samoset Resort, Rockland, ME

March 6, 2009

Hearing Chair: Terry Stockwell

Staff: Phil Haring

Attendance: Approx. 50

The first commenter supported retaining an ITQ alternative in the document, and also a sector management system. He supported the 3-year specifications.

The second commenter also supported ITQ and sector alternatives. She stated that it is important for the Council to consider catch share systems, and noted that such systems automatically set annual catch limits (ACLs) and hold fishermen accountable.

The third commenter supported 3-year specifications for business planning purposes and to maintain stability in the fishery. He supported sectors and ITQs contingent on there being 100% dockside monitoring. Even if ITQs don't get support, he said, he would like to see a sector alternative. He commented that since the two management areas have had different regulations and history, any allocation system should take into account the differences. He also believes that if history is used for allocations, it should be the longest period possible, perhaps what is used in groundfish (proposed 1996-2006). He said that if sectors are not adopted, the plan should allow for some sort of permit stacking.

He supports what other fishermen in the southern area have proposed for increasing the minimum mesh size to 12 inches and the minimum fish size to 21 inches. He also commented that, if the TAC is increased, small boats would prefer more DAS while larger boats would need a higher trip limit. Generally, he feels, higher landing limits will reduce discards and address other problems. He supports the concept of a running clock, to minimize discards and allow vessels to land what is in their nets, but that it should be seasonal and should be adopted along with 100% dockside monitoring. He also does not think vessels that have groundfish permits that are not landing any groundfish in the southern area be exempt from the VMS requirement.

He said the provision that a vessel with groundfish DAS that have to burn those DAS first while on a monkfish DAS means that in the fall, when there is a run of groundfish, he is forced to discard them because his groundfish DAS are used up.

Regarding research DAS, he said that a vessel should be able to carryover unused compensation DAS because they often do not have the opportunity to use them within the year, after completing the research. He said that RSA compensation DAS are often not worth what it costs under the current trip limits. He believes that research should be profitable, but not lucrative. He also thinks that RSA DAS should be counted in catch history used for allocation purposes, but he understand how some would view that as unfair.

The next commenter also supported the 3-year specifications. He said in the future he could support ITQs. He agrees with the suggestion that minimum mesh size be increased to 12 inches and the minimum fish size should be 21 – 23 inches. If the mesh size is increased to 12 inches, vessels in the southern area should be exempt from the yellowtail flounder closure since they would catch no groundfish. He also expressed concern that vessels landing tails can no longer land the heads, which have a value in the bait fishery, and it is wasteful.

On RSA DAS, he said that he has left some of his own DAS on the table and fulfilled his RSA obligations, and would support being able to carryover those DAS. He also supports counting RSA DAS in allocation based on history.

The next commenter supported sectors and using history for the allocation in the same way that the groundfish fishery does.

The next commenter also supported using vessel history in any allocation system, and that it should be the same as what is used in the multispecies fishery.

The next individual stated that he cannot comment on ITQs without knowing the details. He said the allocations should either be based on the longest history, back to the monkfish qualification period, or should be based only on the most recent year, to capture only active permits. He noted that monkfish seem to be coming back in the north as groundfish DAS are reduced. He said that for now he would like to see the management system remain as it is, but with the ability to lease monkfish DAS.

The hearing started at 1:10 and adjourned at 2 p.m..

UPDATED: 11 MAR 2009

COUNCIL ACTION: **Monkfish Amendment 5 - ACLs, AMs, Specifications for 2011, 2012 and 2013, IFQs**

STAFF PROJECT MANAGER: Phil Haring
TARGET COMPLETION DATE: Aug 2010
TARGET IMPLEMENTATION DATE: May 1, 2011

MILESTONES	DATES
1. Staff begins work on amendment	JAN 2009
2. Scoping meetings	MAR 2009
3. AP, Committee develop alternatives for Council consideration	APR-MAY 2009
4. MAFMC approves alternatives for analysis in DEIS	JUN 9 2009
5. NEFMC approves alternatives for analysis in DEIS	JUN 23 2009
6. PDT prepares Draft Amendment /DEIS	JUL- OCT 2009
7. NEFMC approves Draft Amendment/DEIS and selects preferred alternatives*	NOV 2009
8. Public hearings	JAN/FEB 2010
9. AP, Committee review public comment, analysis, recommends final measures	FEB-MAR 2010
10. MAFMC approves final amendment measures	APR 13 2010
11. NEFMC approves final amendment measures	APR 27 2010
12. Staff/PDT drafts Final EIS, RIR, IRFA, etc.	May 2010
13. NEFMC approves final document	June 2010
14. Staff submits draft final to RO	July 2010
15. Staff submits final amendment to NMFS, begin formal review	AUG 2010
16. Implementation	MAY 2011

* Note: This does not include the MAFMC Dec. 8 mtg. to approve the DEIS and preferred alternatives for public hearings.

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Monkfish Amendment 5 Scoping Comments

My name is Dean Pesante. I am the owner/operator of a commercial fishing vessel out of Point Judith, RI. I have fished in the directed monkfishery since 1991. Throughout this period of time, I have been involved in the management process, including being on the Monkfish Advisory Panel for 4 years. I have seen the fishery and the management undergo many changes throughout this period of time.

We have stabilized this fishery at a sustainable rate. Now is an excellent opportunity to better the fishery as a whole, including allowing for more flexibility within the fishery. The following are some things that could be changed.

- 1) Preventing waste – Not holding fishermen to daily trip limits will eliminate waste, minimize discards, and prevent gillnet fishermen from being forced to leave fish in nets.
- 2) Allowing fishermen to be more efficient – Allowing fishermen to make fewer trips to land the same amount of fish. This will allow fishermen to spend less time on the water, burn less fuel, leave fishing gear in the water for less time, eliminate avoidable wear and tear on the boat, crew, and gear, and reduce mammal interaction.
- 3) Safety - Not being forced to stay out to run clock in bad weather to cover the amount of fish on a boat. Or, stay out to finish a trip in bad weather after committing to a D.A.S. Also, this will stop fishermen from being pressured to go fishing in bad weather to get back to gillnets left with fish.
- 4) Gill net limits – Reduce gillnet limits from 150 to a more logical number of 80 nets. Less nets in the water means more fish per net. This will also mean less gear to purchase and maintain, create fewer mammal interactions, and less gear conflicts. We have had problems in the past when effort increased due to high trip limits. Or recently, more D.A.S. for fishermen with research D.A.S. This is more of a problem in the inshore fishery (but to 30 miles) where space is limited.
- 5) Size limits – increasing mesh size to 12” and fish size to 21” whole fish to allow spawning.

We could achieve these management measures with I.T.Q.'s or Sectors, but both methods would be very complicated and expensive. Different management plans in the north and south kept fishermen in the south very restricted while fishermen in the north

REC'D @ 2/23 Scoping Mts

had no trip limits. Three hour D.A.S. trip limits was a loophole exploited by many fishermen while others could or would not. Also vessels with research D.A.S. could complicate allocations. These are just a few of the complications that I.T.Q.'s and Sectors could present. I.T.Q.'s and Sectors would most likely benefit a few at the expense of the majority.

The same benefits and flexibility could be achieved much more simply and fairly by maintaining the current system, but, allowing fishermen to run the clock afterwards to cover the amount of fish landed, and D.A.S. would then be subtracted accordingly.

A maximum of three limits would be allowed per trip. A minimum of fifteen hours deducted for trips up to one limit, twenty-five hours up to two limits, and forty-nine hours up to three limits for gillnet vessels. These amounts reflect the current system.

Sincerely,



Dean Pesante
FV Oceana

Karen Roy

From: monkfish.five [monkfish.five@noaa.gov]
Sent: Wednesday, March 18, 2009 9:26 AM
To: Phil Haring
Subject: [Fwd: PUBLIC COMMENT ON FEDERAL REGISTER]

comment 2

----- Original Message -----

Subject: PUBLIC COMMENT ON FEDERAL REGISTER
Date: Fri, 20 Feb 2009 14:41:46 -0800 (PST)
From: jean public <jeanpublic@yahoo.com>
Reply-To: jeanpublic@yahoo.com
To: monkfish.five@noaa.gov, FOE@FOE.ORG, INFORMATION@SIERRACLUB.ORG

CUT DAS BY ONE HALF THE FORMER QUOTA. THIS IS THE AGENCY THAT HAS PRESIDED, FOR THE
THIS IS MYCOMMETN FOR THE PUBLIC RECORD.
B. SACHAU 15 ELM ST FLORHAM PARK NJ 07392

> Date: Friday, February 20, 2009, 3:12 PM
> [Federal Register: February 20, 2009 (Volume 74, Number 33)]
> [Notices]
> [Page 7880-7882]
> From the Federal Register Online via GPO Access
> [wais.access.gpo.gov]
> [DOCID:fr20fe09-52]

> -----

> DEPARTMENT OF COMMERCE
> National Oceanic and Atmospheric Administration
> RIN 0648-AX70
> Fisheries of the Northeastern United States; Monkfish
> Fishery;
> Scoping Process
> AGENCY: National Marine Fisheries Service (NMFS), National
> Oceanic and
> Atmospheric Administration (NOAA), Commerce.
> ACTION: Notice of intent to prepare an environmental impact
> statement
> (EIS) and notice of initiation of scoping process; request
> for
> comments.

> -----

> SUMMARY: The New England and Mid-Atlantic Fishery
> Management Councils
> (Councils) announce their intent to prepare an amendment

3/24/2009

> (Amendment 5)
> to the Fishery Management Plan (FMP) for Monkfish (*Lophius*
> *americanus*)
> and to prepare an EIS to analyze the impacts of any
> proposed management
> measures. In general, the goals of the amendment are to
> bring the FMP
> into compliance with the new requirements of the
> reauthorized Magnuson-
> Stevens Fishery Conservation and Management Act (Magnuson
> Stevens Act),
> specifically to establish annual catch limits (ACLs) and
> accountability
> measures (AMs), and to manage the fishery at long-term
> sustainable
> levels. The Councils are initiating a public process to
> determine the
> scope of alternatives to be addressed in the amendment and
> EIS. The
> purpose of this notification is to alert the interested
> public of the
> commencement of the scoping process and to provide for
> public
> participation in compliance with environmental
> documentation
> requirements.
>
> DATES: Written and electronic scoping comments must be
> received on or
> before 5 pm., local time, March 31, 2009.
>
> ADDRESSES: Written comments on Amendment 5 may be sent by
> any of the
> following methods:
> E-mail to the following address:
> monkfish.five@noaa.gov;
> Mail to Patricia A. Kurkul, Regional Administrator,
> NMFS,
> Northeast Regional Office, 55 Great Republic Drive,
> Gloucester, MA
> 01930. Mark the outside of the envelope ``Scoping Comments
> on Monkfish
> Amendment 5;'' or
> Fax to Patricia A. Kurkul, 978-281-9135.
> Requests for copies of the scoping document and other
> information
> should be directed to Paul J. Howard, Executive Director,
> New England
> Fishery Management Council, 50 Water Street, Mill 2,
> Newburyport, MA
> 01950, telephone 978-465-0492. The scoping document is
> accessible
> electronically via the Internet at <http://www.nefmc.org>.
>
> FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive
> Director,
> New England Fishery Management Council, 978-465-0492.
>
> SUPPLEMENTARY INFORMATION:
>
> Background
>
> The U.S. monkfish fishery is jointly managed by both
> Councils, with

3/24/2009

> the NEFMC having the administrative lead. The Councils
> manage monkfish
> under a two-area program (northern and southern), primarily
> due to
> differences in the characteristics of the fisheries in the
> two areas,
> and no conclusive evidence exists supporting the idea that
> there are
> two biological stocks. The Councils first adopted
> management

> [[Page 7881]]

> measures for the monkfish fishery in 1998, and the Monkfish
> FMP became
> effective on November 8, 1999. The Councils have modified
> the
> management program several times since the original FMP was
> adopted,
> most recently in 2007-2008 with the adoption of Framework
> Adjustments
> 4, 5, and 6.

> While a significant portion of the monkfish catch in
> both areas is
> incidental to other fishing activities, a directed fishery
> (i.e.,
> vessels fishing under monkfish days-at-sea (DAS)) also
> exists which
> targets monkfish. The Councils currently manage the
> directed fishery
> through a combination of DAS allocations and trip limits
> and have
> adopted incidental catch possession limits for all
> non-directed
> fisheries (i.e., vessels retaining the incidental catch of
> monkfish
> while not fishing under a DAS). The basis for setting
> effort controls
> on the directed fishery is a target total allowable catch
> (TTAC), from
> which the portion expected to be caught by the
> incidental-catch
> component of the fishery is subtracted before the directed
> fishery
> portion is calculated in order to minimize discards in the
> incidental
> catch fisheries.

> In Framework Adjustment 4, the Councils adopted a
> 3-year TTAC
> specification for fishing years 2007 through 2009, and
> included a
> provision that those TTACs would remain in effect beyond
> that time if
> new specifications had not yet been adopted. Based on the
> anticipated
> effectiveness date of Amendment 5 (2011), the current TTACs
> will remain
> in effect under that extension provision through the 2010
> fishing year
> (ending April 30, 2010). The TTACs are 5,000 mt and 5,100
> mt for
> northern and southern management areas, respectively. The
> current
> allocation of DAS and the directed fishery trip limits are

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> based on
 > those TTACs, after accounting for the anticipated catch in
 > incidental-
 > catch fisheries.
 > The reauthorized Magnuson-Stevens Act requires that
 > NMFS and the
 > Councils establish ACLs and AMs by the year 2011 for every
 > federally
 > managed fishery that is not subject to overfishing,
 > including monkfish.
 > NMFS has published guidelines for the Councils to use in
 > establishing
 > ACLs, AMs, and other reference points relevant to National
 > Standard 1,
 > to ``prevent overfishing while achieving on a continuing
 > basis, the
 > optimum yield from each fishery...'' (74 FR 3178,
 > January 16, 2009).
 > This amendment is necessary, therefore, to update the
 > Monkfish FMP to
 > bring it into compliance with the reauthorized
 > Magnuson-Stevens Act,
 > and to adopt new multi-year TTAC specifications in a manner
 > that is
 > consistent with the new requirements of the reauthorized
 > Magnuson-
 > Stevens Act.
 >
 > Measures Under Consideration
 >
 > The Councils will consider alternatives for setting
 > ACLs, AMs, and
 > other management reference points, in compliance with the
 > reauthorized
 > Magnuson-Stevens Act and under the guidelines for National
 > Standard 1.
 > Among the reference points the Councils will adopt is the
 > Acceptable
 > Biological Catch (ABC), which will be based on the
 > recommendation of
 > the NEFMC's Scientific and Statistical Committee (SSC).
 > The SSC will
 > consider scientific uncertainty in the specification of ABC
 > so that the
 > catch will not exceed the overfishing limit. In determining
 > the
 > appropriate AMs, the NEFMC will consider management
 > uncertainty such
 > that the AMs prevent the catch from exceeding the ACL, or
 > account for
 > any overage in the event catches do exceed the ACL. The
 > ACLs and AMs
 > will serve as the basis for the management program, whether
 > that is a
 > continuation of the current DAS and trip limits system, or
 > an
 > alternative approach, such as described below.
 > In addition to addressing the reauthorized
 > Magnuson-Stevens Act
 > requirements in Amendment 5, and in response to public
 > requests, the
 > Councils are considering revising the management program
 > from the
 > current DAS and trip limits, to one based on individual

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> transferrable
> quotas (ITQs) and/or one that allows for the formation of
> sectors in
> the monkfish fishery. While the Councils have stated that
> work on these
> two alternatives will commence only after development work
> on the other
> requirements is complete, it is accepting public comment
> during this
> scoping phase so that work on these alternatives can begin
> immediately
> upon completion of the primary components of the amendment.
> The reauthorized Magnuson-Stevens Act authorizes and
> provides a
> regulatory framework for Councils to establish Limited
> Access Privilege
> Programs (LAPPs), of which ITQs are one type. In addition
> to the
> requirements and standards for all LAPPs, the reauthorized
> Magnuson-
> Stevens Act requires the NEFMC specifically to hold a
> referendum and
> gain approval of more than two thirds of the voters for an
> ITQ program
> prior to submitting the plan to NMFS. The Councils would
> recommend who
> is eligible to participate in the referendum from among the
> potential
> pool that includes permit holders and crew members who
> derive a
> significant part of their total income from the fishery
> under the
> proposed program. If an ITQ system is adopted, the Councils
> would
> allocate individual proportions of the available catch to
> qualified
> participants who would then be allowed, under
> yet-unspecified terms and
> restrictions, to buy, sell, trade, or otherwise transfer
> their shares
> to other participants.
> With regards to sectors, the NEFMC has already adopted
> two sector
> management programs in the Northeast Multispecies FMP, and
> is
> considering adopting additional sectors in that fishery and
> in other
> FMPs under its authority. The NEFMC has also adopted a
> Sector Policy
> that establishes overall guidelines, requirements and
> restrictions that
> apply to all of the sector programs adopted under its
> individual FMPs.
> Under sector management programs, vessels may join together
> in an
> organized group, a ``sector,' ' to maximize the
> efficiency with which
> they harvest the available catch. Vessels electing to join
> a sector
> bring to the group a potential sector contribution which is
> an
> individual proportion of the total available catch for the
> sector
> species, and the vessels pool and redistribute their

> contribution in
 > the manner of their choosing, subject to NMFS'
 > approval. Under sector
 > management, vessels may be exempt from many, but not all of
 > the
 > restrictions and rules that apply to non-sector vessels.
 >
 > Scoping Process
 >
 > All persons affected by or otherwise interested in
 > monkfish fishery
 > management are invited to participate in determining the
 > scope and
 > significance of issues to be analyzed by submitting written
 > comments
 > (see ADDRESSES) or by attending one of the meetings where
 > scoping
 > comments will be taken. Scoping consists of identifying the
 > range of
 > actions, alternatives (including taking no action), and
 > impacts to be
 > considered in developing an amendment that addresses the
 > purposes and
 > goals discussed in this notice. Impacts may be direct,
 > indirect, or
 > cumulative. This scoping process will also identify and
 > eliminate from
 > detailed analysis issues that are not significant, as well
 > as
 > alternatives that do not achieve the goals of the FMP or
 > this
 > amendment.
 > After the scoping process is completed, the Councils
 > will identify
 > the range of alternatives to be considered and analyzed in
 > the
 > Amendment 5 document and EIS. Once a draft amendment
 > document,
 > including a Draft EIS, is completed, the Councils will hold
 > public
 > hearings to receive comments on the alternatives and the
 > analysis of
 > its impacts presented in the
 >
 > [[Page 7882]]
 >
 > Draft EIS. Following that public comment period, the
 > Councils will
 > identify their proposed action and complete a final
 > amendment document
 > that includes a Final EIS, as well as documentation and
 > analysis
 > required by all other applicable laws. The Councils will
 > then submit
 > the amendment to NMFS for review, approval and
 > implementation. To meet
 > the reauthorized Magnuson-Stevens Act mandated
 > implementation date of
 > 2011, the Councils intend to submit the final amendment
 > document in
 > mid-2010.
 >
 > Scoping Hearing Schedule
 >

> The Councils will discuss and take scoping comments at
> the
> following public meetings:
> 1. Monday, February 23, 2009, 4 p.m.; Annisquam River
> Marine
> Fisheries Station, 30 Emerson Avenue, Gloucester, MA 01930,
> telephone:
> 978-282-0308.
> 2. Tuesday, February 24, 2009, 10 a.m.; Hilton Garden
> Inn
> (Hillsborough Room), One Thurber Road, Warwick, RI 02886;
> telephone:
> 401-734-9600.
> 3. Tuesday, March 3, 2009, 7 p.m.; Holiday Inn, 151
> Route 72 East,
> Manahawkin, NJ 08050; telephone: 609-481-6100.
> 4. Friday, March 6, 2009, 1 p.m.; Maine Fishermen's
> Forum, Samoset
> Resort, 220 Warrenton Street, Rockport, ME 04856;
> telephone: 207-594-
> 2511.
>
> Special Accommodations
>
> The meetings are accessible to people with physical
> disabilities.
> Requests for sign language interpretation or other
> auxiliary aids
> should be directed to Paul J. Howard (see ADDRESSES) at
> least 5 days
> prior to this meeting date.
>
> Authority: 16 U.S.C. 1801 et seq.
>
> Dated: February 13, 2009.
> Emily H. Menashes,
> Acting Director, Office of Sustainable Fisheries, National
> Marine
> Fisheries Service.
> [FR Doc. E9-3701 Filed 2-19-09; 8:45 am]
>
> BILLING CODE 3510-22-S

Karen Roy

From: monkfish.five [monkfish.five@noaa.gov]
Sent: Wednesday, March 18, 2009 9:26 AM
To: Phil Haring
Subject: [Fwd: monk fish amendment 5 scoping comments]

comment 3

----- Original Message -----

Subject: monk fish amendment 5 scoping comments
Date: Fri, 27 Feb 2009 14:14:21 -0800 (PST)
From: Gary Libby <pcredale@yahoo.com>
Reply-To: pcredale@yahoo.com
To: monkfish.five@noaa.gov

I'm a commercial ground fisherman from Port Clyde Maine, and my concern is the access to monk fish in the northeastern gulf of Maine, It is one of the most relied on stocks for our area, and in these economic times the fishery needs to maximize all the opportunity it can. Also with the interim action by NMFS we are under the gun and we are also mandated by national standard one to catch OY, and we are also mandated by national standard eight to not adversely effect our community's and there are others that should be consisted such as standard ten which is safety at sea, but it all comes down to access and opportunity for fisherman if the resource is sustainable to support fishing, and if it is access should be granted if not, there should be a relief package to keep our fishing fleet intact.

Gary Libby concerned fisherman Port Clyde Maine
never stop fighting till the fight is done

3/24/2009

Karen Roy

From: monkfish.five [monkfish.five@noaa.gov]
Sent: Wednesday, March 18, 2009 9:26 AM
To: Phil Haring
Subject: [Fwd: Support ITQs]

comment 4

----- Original Message -----

Subject:Support ITQs

Date:Tue, 03 Mar 2009 07:02:14 -0500

From:Amanda Odlin <aodlin@maine.rr.com>

To:monkfish.five@noaa.gov

To Whom This May Concern,

We (Chris & Amanda Odlin), stakeholders in the Monkfish fishery, Support an ITQ approach to its management.

Sincerely,

Christopher & Amanda Odlin
207-885-1335
aodlin@maine.rr.com
F/V Lydia & Maya
F/V Bethany Jean

3/24/2009

Karen Roy

From: monkfish.five [monkfish.five@noaa.gov]
Sent: Wednesday, March 18, 2009 9:26 AM
To: Phil Haring
Subject: [Fwd: Public Comment on Monkfish]

comment 5

----- Original Message -----

Subject: Public Comment on Monkfish
Date: Mon, 09 Mar 2009 11:56:45 -0400
From: Amanda Odlin <aodlin@maine.rr.com>
To: monkfish.five@noaa.gov

To: NOAA/NMFS

We write to comment on Monkfish. As commercial fisheries stakeholders, we feel that it would be for the overall good to place ITQs for the monkfishery.

Sincerely,

Christopher & Amanda Odlin
F/V Lydia & Maya
F/V Bethany Jean
47 Dresser Rd., Scarborough, ME 04074
207-885-1335
207-885-5775 fax

3/24/2009

Karen Roy

From: monkfish.five [monkfish.five@noaa.gov]
Sent: Wednesday, March 18, 2009 9:26 AM
To: Phil Haring
Subject: [Fwd: Amendment 5]

comment 6

----- Original Message -----

Subject: Amendment 5
Date: Mon, 09 Mar 2009 15:13:47 -0400 (EDT)
From: Jlinc1000@aol.com
To: monkfish.five@noaa.gov

I am writing to support ITQ option in amendment 5. Most of the vessels that catch Monkfish in the Northern Management area catch them along with groundfish. It only makes sense to give us an ITQ on them also seeing how most of the vessels are going to be fishing under a quota in the sectors.

Thank You
Terry Alexander
F/V Jocka
F/V Rachel T
67 Grover Lane
Harpwell, Maine 04079

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Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

I am a gillnet fisherman and I am writing for the scoping document regarding Monkfish Amendment 5. I think we should go with multi year specifications over annual specifications with the reasoning that it takes a couple of years for the impacts to be realized on the fishery. We make regulations this year and next year we make more restrictive measures never giving the first a chance to work.

At this time I would like to see more days at sea fishing instead of a higher trip limit. More days means more fish for the fish buyers throughout the year and more opportunity for better fish prices. After we get back to the initial 40 DAS allocated in the beginning, which was not that much to start with, we could then go with a higher trip limit if need be. The system we have now is the one responsible for rebuilding the fishery. Due to the most recent scientific data and research, the monkfish have been rebuilt. This was because of a reduction of DAS. It obviously worked and now it is time to increase the allotted days at sea to the fisherman.

I am against ITQ or sectors at this time because we know what we have now and how it works. ITQ's were going to save the snapper and grouper fisheries in the south. But now I see they might be facing a five month shutdown next year. I am also against ITQ's because of the years we were going to use to qualify. For someone who fishes solely in the south with his days, we were only allowed 996 lbs whole weight some years and 1826 lbs. whole weight other years. Also in the north there was no difference between monkfish days and multispecies days which had A and B days. How is my history going to compete with someone who fishes in the north with no trip limit?

When the time comes I would like to see more days for someone who qualified with 50,000 lb tail weight vs. someone who qualified with 7,500 lbs. tail weight. I don't understand why someone who qualified with 6 1/2 times more fish only gets 100 lbs. more fish. I don't want to be able to requalify, however, it should be based upon what poundage that was sent in to qualify for the initial permit.

SEA Queen Carl J. Larkin
3/3/09

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
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RICHARD T LARocca
FV DOUBLE VISION
FV DOUBLE VISION
97 HEWITT BLVD
CENTER MORiches 01934
Richard T Larocca

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

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Bret Ketcham
Bret Ketcham
9 Ashtford Drive
Ridge N.Y.

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

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George Perry
160 Bear Dr
MASTIC BEACH 11951
N.Y.

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

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Christophy WMM 3/5/09
6 PORT ELIZABETH DR.
HAMPTON BAYS, NY 11946

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

I am a gillnet fisherman and I am writing for the scoping document regarding Monkfish Amendment 5. I think we should go with multi year specifications over annual specifications with the reasoning that it takes a couple of years for the impacts to be realized on the fishery. We make regulations this year and next year we make more restrictive measures never giving the first a chance to work.

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Brandon Tvedt
F/C - MISS Independence

Patricia Kurkul,
My name is Robert Buscher. I have been a commercial fisherman out of Pt. Judith R.I. for 25 years, I have been involved in the monkfish Gillnet Fishery for 11 yrs. Mr. Pesante's Plan makes the most sense of any proposal I have seen to date. I agree whole heartedly with this plan and would love to see it or something like it put into effect as soon as possible so we don't lose our home.

Thank you

Robert P
Buscher
& family

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

I am a gillnet fisherman and I am writing for the scoping document regarding Monkfish Amendment 5. I think we should go with multi year specifications over annual specifications with the reasoning that it takes a couple of years for the impacts to be realized on the fishery. We make regulations this year and next year we make more restrictive measures never giving the first a chance to work.

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Timothy Fiedler 3/3/09
F/c: Liberty