

#4

New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee Meeting
Holiday Inn, Mansfield, MA
March 31, 2009

DRAFT

Two committee members (Grout and Leary) were absent.

The purpose of the meeting was to begin development of Amendment 5 to the Monkfish Fishery Management Plan (FMP). The staff presented a report on the Plan Development Team's (PDT) recommendations and alternatives for setting Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Accountability Measures (AMs), and other management reference points to bring the FMP into compliance with the reauthorized Magnuson-Stevens Act (MSRA). The New England Fishery Management Council's Scientific and Statistical Committee (SSC) has reviewed that document and will report to the Council on April 7. The staff provided some informal comment on the SSC's discussion.

The Committee then proceeded to review the public scoping comments submitted to date. Since the formal scoping period included the day of this meeting, the chairman provided the public in attendance an opportunity to make additional comment on the record. Several commenters raised the two-area management issue, as it impacts how, and what alternatives might be developed, since previous comments from the two areas supported very different management strategies. They noted that the fisheries in the two areas are distinct, and that it may be appropriate to develop different management programs, although doing so will require particular attention to vessels whose history and effort patterns occur in both. They felt that it is especially important to know individual vessel history by area if one area is managed by ITQs or sectors, since that impacts how those permits might be valued in vessel sale transactions. In other words, a vessel from the south, with no history in the north would not have any potential sector contribution for someone interested in using that vessel in a northern area sector. Likewise, a vessel with no history in the north would not receive any initial allocation of northern area ITQ shares under a history-based allocation system.

As an initial step in the direction of developing two distinct management programs, one of which would be a history-based catch share program (ITQs or sectors) the Committee agreed that it would be helpful to know how many vessels fish exclusively in one area or the other, or fished in both. They also agreed that it would be helpful if vessel owners could access that information during the process of developing the management measures so they could determine how their specific permits might be affected by different alternatives. Committee members suggested that if all the catch data for each vessel were presented with a proxy ID number, then individual permit holders could contact NMFS to determine which proxy ID number corresponds to their vessels, thereby preserving

individual record confidentiality. The Committee took no action on this concept at this point in the meeting but revisited it later.

One commenter urged the Committee to make a discussion of ITQs and sectors a priority for this meeting, noting both the Council's vote during its priorities discussion last November, and the number of supporting comments during the scoping period. This commenter favors ITQs and has submitted an outline of an ITQ program for committee consideration. Another commenter urged the Committee to include sectors as an option for those vessels that wanted to form them, and that they should be developed in a way that would be compatible with current or proposed groundfish sectors, since there is such an overlap between monkfish and groundfish fisheries. He also urged the Committee to identify early in the process what alternatives are feasible in this amendment given the timetable and necessity of achieving compliance with MSRA mandates.

Several commenters then followed with concerns and questions about how ITQs and sectors would work, and the uncertainty associated with those relatively new and untested programs. They favored modifying the current management program, especially by increasing the number of DAS available. The staff noted that it would be presenting the Committee with a range of alternatives that would include increases in DAS only, increases in trip limits only, and one or options for increasing both, as was done in previous management actions.

Following the lunch break, the Committee began to develop the range of alternatives that it wants to consider in Amendment 5. The first element members addressed was the accountability measures (AMs). The PDT had recommended that the Committee consider using an Annual Catch Target (ACT) as a proactive accountability measure to prevent catch from approaching the Annual Catch Limit (ACL) which would trigger reactive accountability measures. Reactive measures are disruptive, and are often self-fulfilling because of behavior changes that occur in anticipation of the imposition of additional restrictions or closures.

The PDT had also outlined two approaches to setting the ACT, a top-down method and a bottom-up method. The former method requires specification of a buffer to account for management uncertainty which is applied to the ACL. The bottom-up approach requires specification of an acceptable, precautionary increase in the current target TAC. While the former approach would result in a resetting of the ACT if a new assessment results in a different specification of ABC ($ACL=ABC$ under the proposed structure), the bottom-up approach is independent of the specification of ABC and would not change if ABC is recalculated. What would change, however, under the bottom-up approach is the size of the buffer between ACT and ACL.

At the start of the discussion, one member proposed that the committee should not recommend the ACT approach, but rather use the ACL to account for management uncertainty (i.e., ACL would be set below ABC). He suggested that under output control systems (ITQs or sectors), accountability is built in, and, over time, the gap between ABC and ACL would close. Another member disagreed and suggested that if the plan adopts

two different management systems, the ACT would likely be necessary for the area that retains the current DAS and trip limits system. Furthermore, a buffer is needed to keep stability in the fishery and minimize the chances that the reactive AMs, closures, would be invoked.

Motion

That the Committee recommend to the Councils that we manage monkfish using the top-down ACT approach in both management areas. (Odlin/Avila)

The maker of the motion said that this approach would allow the plan to deal with management uncertainty in a more effective way, with the goal of reducing the gap between ACT and ACL.

Other comments on the motion:

- The Skate Committee, which is in a somewhat similar situation, picked a 25% buffer between ACL and ACT. As a reactive AM, if the ACL is exceeded, the buffer is automatically adjusted downward in the following year by the amount of the overage, in percentage terms.
- The bottom-up approach would provide more stability than the proposed top-down method as it would provide more stability and longer planning horizon, since it is not dependent on the outcome of the next stock assessment
- The buffer between ACT and ACL should be larger initially to prevent reactive AMs from taking effect and disrupting the fishery. Leaving some fish in the water to be harvested later is OK. The buffer can be adjusted in the future.
- Fishermen in the southern area are concerned about the TAC going up too fast, not only does it have an impact on the price and market, but it increases the chances that the TACs would have to be reduced again in the future
- A committee members sought to make a friendly amendment to include both approaches in the motion, but the maker did not accept
- In response to the comment about the impact of increased landings on price, if the price goes down, consumers benefit. This is a rebuilt fishery.

Motion failed 4-2

Motion

That the document contain both methods for calculating ACT as alternatives (Nolan/Munden, **motion passed unanimously**)

The Committee then discussed the specifications period, when ACT, DAS, trip limits and/or other measures would be adjusted.

Motion

To recommend that specifications be set for a 3-year period, with an automatic extension provision if regulatory action is not taken within that time. (Nolan/Munden)

Comments on the motion:

- This approach was widely supported in public scoping comments
- The 3-year period is a good approach, but not the extension provision because it creates an opportunity for other priorities to take precedence
- Having an extension provision would allow for flexibility to address the assessment schedule

Motion passed 5-1

The Committee then returned to the earlier discussion item on having different management systems in the two management areas.

Consensus

To advise the Council that the Committee is considering the possibility that there would be different management regimes in the two areas.

The Committee discussed the information that it would need from the PDT in order to proceed with developing separate management regimes, one based on the current system, and one based on allocation of catch shares, such as sectors or ITQs. Much of the concern among members and public commenters was with the impact such an approach would have on the ability to buy or sell vessels with history in only one area (and also on purchases that have already taken place), or how to deal with vessels that have a history in both areas and may want to continue fishing in that manner.

Consensus

To request the PDT provide information on landings and permits by vessels segmented by those that fished only in one or the other area, and those that fished in both areas. Later, as this concept is developed further, the Committee would like to have a complete vessel-by-vessel listing of landings by area using a proxy ID (to preserve confidentiality) over a long time period, 1999-2008.

The next item the Committee took up was on whether or not ITQs and/or sector management programs should be considered and developed in Amendment 5.

Motion

The Committee recommends that the catch share program proposal submitted by the Associated Fisheries of Maine in scoping comments be considered in Amendment 5 (Odlin/Avila)

Comment on the motion:

- In response to questions, the maker of the motion clarified that this could be adopted in one or both management areas
- If the Council concurs and the proposal is accepted as a basis for further development, the name would be changed (remove attribution to Associated Fisheries of Maine)

Motion passed 5-1

Motion

That the committee recommend that a sector proposal made by Associated Fisheries of Maine be considered for Amendment 5 (Odlin/Avila)

Comment on the motion:

- As with the previous motion, this could apply for one or both areas, and the name would be changed if the proposal is to be developed further

Motion passed unanimously

The next item that the Committee addressed was whether to have mandatory VMS on all monkfish vessels.

Motion

The Committee recommends the Council consider requiring VMS on all monkfish vessels (Odlin/Avila)

Comment on the motion:

- Several commenters who fish in the southern area opposed this idea, stating that VMS is a burden and is not needed because there are no closed areas where they fish.
- In response, a member of the Committee pointed out that there are gear separation areas in the southern area and VMS would enhance the enforceability and function of those measures. Another commenter noted that in the future there would likely be other closures such as to protect harbor porpoise.
- One commenter noted that the VMS would eliminate the flexibility for vessels to frontload the DAS clock with the consequence that small boats would be forced to stay outside of the demarcation line to account for their catch or to discard overages.
- Another commenter said that if this were adopted, there would have to be a new demarcation line so vessels don't have to stay three miles out, in the shipping lanes, while they run their DAS clock to account for the landings.
- In response to the previous comment, another commenter said that that is a problem with per-day trip limits that could be resolved with catch shares
- The maker of the motion stressed the need to have better accountability, especially with the ACL and AM mandates, which the VMS would provide, and that the Committee could address the power-down issue and other concerns as the measure is developed further

Motion to substitute

That the VMS requirement on monkfish vessels be considered by management area (Munden/Nolan, **motion to substitute passed 5-1, as the main motion it passed unanimously**)

The next item discussed by the Committee related to how monkfish vessels who also have groundfish permits and intend on joining groundfish sectors adopted under Multispecies Amendment 16 would be affected. Under those sector proposals, groundfish vessels would not be required to use groundfish DAS. The current monkfish regulations require, however, that a groundfish vessel fishing on a monkfish DAS also use up a groundfish DAS. Since sector vessels not fishing on a groundfish DAS are no longer obligated to fish in an exempted fishery, the problem facing trawl vessels in the northern management area where there are no monkfish trawl exempted fisheries no longer exists.

Motion

To recommend including a provision that groundfish vessels fishing in a groundfish sector will no longer have to use a groundfish DAS while on a monkfish DAS.
(Odlin/Avila, **motion passed unanimously**)

The last item discussed by the Committee pertained to modifications to the current management program.

Consensus

To direct the PDT to develop and analyze a range of DAS/trip limit options that increase DAS only, trip limits only, or both, and to include the option of increasing the incidental limit in the northern area from 300 lbs. per DAS (for vessels on a groundfish DAS, but not a monkfish DAS) to 500 lbs. per day. The analysis should consider the potential effect of increasing the minimum mesh size and minimum fish size as was proposed during scoping.

The meeting adjourned at 4:30 p.m..