



#5

New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

## **Monkfish Amendment 5**

*Additional Written Comments*

**March 27 - April 2, 2009**

**ASSOCIATED FISHERIES OF MAINE**

PO Box 287, South Berwick, ME 03908

207-384-4854

March 26, 2009

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

Dear Pat:

RE: Monkfish Amendment 5 scoping comments

Attached herewith please find a monkfish catch share allocation and ITQ referendum proposal developed by Associated Fisheries of Maine (AFM).

This letter also serves as a formal request that the New England Fishery Management Council consider adoption of a sector proposal by AFM in Amendment 5 for implementation in fishing year 2011.

Sincerely,

*M. Raymond*

Maggie Raymond

**Monkfish Catch Share Allocation**  
**And ITQ referendum Proposal**

**Objectives**

**Biological**

- Sustainable management of monkfish (accounting for open access (bycatch) and limited access fisheries).
- Minimize discarding (by eliminating trip limits in the directed fishery)

**Economic**

- Allow full utilization of monkfish resource (optimum yield)
- Allow consolidation so that vessels are economically viable
- Acknowledge investments of time and capital in the fishery

**Social**

- Maintain the existing structure of the fleet (pyramid structure of large-medium-small vessels; open access and limited access)
- Allow individuals to operate vessels under safe weather conditions
- Allow fleet consolidation so that:
  - Full-time vessels can provide full-time jobs to crewmembers
  - All vessels can secure enough income to operate safely (e.g. maintenance, safety equipment & training).

**Initial catch share allocation:**

The initial allocation between open access and limited access vessels will be as follows:

- **Open access share**

The cumulative stock specific landings<sup>1</sup> by category E vessels during the qualification period will be calculated. This value will be divided by the total stock specific landings of all permit holders during the qualification period to arrive at a percentage that will be designated as “open access share”.

- **Limited access share**

The remaining percentage of stock-specific landings during the qualification period, after calculating the open access share, will be designated as the “limited access share” in the form of an individual transferable quota (ITQ) or potential sector contribution (PSC).

**Qualification period:**

Fishing years 1999<sup>2</sup>-2008<sup>3</sup>

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<sup>1</sup> When calculating landings, landed weight will be converted to live weight. This is necessary so that landings of different products (dressed or whole) are evaluated on a consistent basis.

<sup>2</sup> 1999 is the initial year of the monkfish FMP, and the beginning of mandatory reporting for monkfish vessels (i.e. beyond reporting requirements in other fisheries).

<sup>3</sup> Intent is to capture the longest timeframe practicable.

**Limited access catch share converted to ITQ or PSC**

ITQs are defined as the fixed percentage of the limited access share of the total allowable catch (TAC) denominated in shares equal to 1 millionth of the total. At the beginning of the fishing year, each ITQ share generates annual catch entitlement (ACE) equal to 1 millionth of the limited access percentage of the total allowable catch.

In order to allocate an ITQ or PSC to limited access permits, the permit history for each permit must be calculated.

**Qualification and Allocation – Category A, B, C and D limited access permits**

- Stock specific landings history<sup>4</sup> of each limited access permit (A, B, C, and D) during the qualification period will be calculated. Landings history will be based on the information in the NMFS commercial dealer database and vessel trip reports (VTRs) for stock specific landings. For each permit, landings will be summed over the qualification period. This value will be divided by the total stock specific landings for all A, B, C and D permits during the qualification period to derive each permit's fixed percentage of the limited access share. The permit holder would then be allocated this percentage of the overall ITQ shares for the A,B,C and D permit categories.

**Qualification period**

Fishing years 1999-2008

**Qualification and Allocation – Category H limited access permits**

Stock specific landings history of each H permit during the qualification period will be calculated. Landings history will be based on the information in the NMFS commercial dealer database and VTRs. For each permit, stock-specific landings will be summed over the qualification period. This value will be divided the landings by all H permits during the qualification period to derive each permit's fixed percentage share of the limited access share. The permit holder would then be allocated this percentage of the overall ITQ shares for the H permit category.

**Qualification period**

Fishing years 2005-2008<sup>5</sup>

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<sup>4</sup> The allocation of ITQ shares based on historical landings is considered to be an equitable way to recognize both present and historical participants in the fishery, as required by the Magnuson-Stevens Act (section 303(b)(6)). Landings history has been used to establish initial quota allocation for ITQ programs in the U.S. and around the world and stakeholders perceive it as a fair measure of participation in the fishery.

<sup>5</sup> 2005 marks the implementation of the category-H permit. This permit is restricted to the portion of the SFMA south of 38° 40' N latitude, and will continue to be restricted to that area under an ITQ or sector program.

**Category F permits** – under an ITQ or sector system, the existing Category F (offshore, SFMA) permit will no longer be necessary.

**Appeals**

The items subject to appeal under the limited access catch share system would be initial eligibility for IFQ or PSC shares based on ownership of a category A, B, C, D or H permit, the accuracy of the amount of landings, and correct assignment of landings to the permit holder.

**Transferability (ITOs)**

- Permit holders can make permanent and temporary transfers of ITQ's (subject to approval by NMFS). Transfers are made on a stock-specific basis.
- Permanent transfers are in ITQ shares as defined above.
- No more than 20% of a permit's ITQ share, by stock area, may be permanently transferred outside of the permit's length/hp class.
- Within year transfers are carried out through buying and selling of ACE, which is expressed in live weights in terms of x pounds or x metric tons. ACE is valid for the current fishing year and cannot be carried forward except by the ITQ holder as described below.
- Transfers are not limited by gear type.
- Transfers between permit categories are limited only to those in category H.
- No more than 20% of a permit's ACE, by stock area, may be transferred outside of the permit's length/hp class.

**Quota Overage / Underage**

- In the event of an overage, a permit has 30 days to acquire additional ACE to quota balance. Overages will be paid back in pounds, on a pound per pound basis. If additional ACE is not secured, the permit's ACE will be reduced by an amount equivalent to the overage, in the subsequent fishing year.
- ITQ holders can 'carry forward' ACE into the following year up to 20% of the permit's ACE allocation for that year for each stock area.

## ITQ Referendum

### Voters

- Holders of A, B, C, D, and H limited access permits on record on the date the ballot is mailed to permit holders.
- Captains of A, B, C, D and H permitted vessels (non-owners) that certify employment<sup>6</sup> during the respective qualification periods (i.e. 1999-2008 for A, B, C, D vessels, and 2005-2008 for H vessels.).
- No double voting by owner-operators.

### Vote weighting process

#### **Option 1:**

Category A and C permit holders: 4 votes

Category B, D, and H permit holders: 2 votes

Captains: 1 vote

This vote weighting acknowledges that limited access permit holders qualified at differing levels<sup>7</sup> during the original qualification period, as well as acknowledging the differing financial interests of owners and hired captains.

#### **Option 2:**

Landings categories:

0-7500 lbs tailweight

7501-50,000 tailweight

50,001 + tailweight

The total landings between the period 1996-2008, associated with each permit, will be attributed to the appropriate category. The overall average pounds landed attributed to each category will be determined. That average number of pounds will be the base applied to the vote-weighting factor for each eligible voter whose landings fall within that category.

For example: If the average landings for vessels in the 0 – 7500 lb category, is 6000 lbs, each permit holder will receive 6000 x 1.0 votes. And qualifying captains would receive 6000 x 0.25 votes.

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<sup>6</sup> A notice that describes the referendum procedures and provides a 20-day period for submittal of detailed information for self-certification by captains, will be widely distributed to all monkfish permittees, including dealers, and to major fishing organizations, state fisheries directors, and others

<sup>7</sup> Category A and C permits qualified at 50,000 lbs; Category B, D and H permits qualified at 7500 lbs.

**Sector Provisions**

Sectors implemented under Amendment 5 will receive universal exemptions from the following provisions of the monkfish FMP.

- Days at Sea
- Trip/possession limits
- Gillnet permit declarations and net restrictions
- Any new input controls implemented in Amendment 5 (closures, gear restrictions, etc.)

**Additional background information:**

In 2006, there were 765 monkfish limited access vessels, of which 348 were Category C permits holding limited access permits in either a Multispecies (60%) or Scallop (47%) fisheries, and 357 were Category D permits, primarily (99%) holding limited access Multispecies permits (Table 7). Overall, 74% of monkfish limited access permit holders also hold multispecies limited access permits.

The number of category E permits increased rapidly during the first few years of the FMP but has remained relatively steady since 2004, averaging 2,315 permits.<sup>8</sup>

Numbers of permits

Category A 14

Category B 39

Category C 348

Category D 357

Category H 7

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<sup>8</sup> New England Fishery Management Council, Monkfish Framework Adjustment 5, February 13, 2008.

**Karen Roy**

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**From:** monkfish.five [monkfish.five@noaa.gov]  
**Sent:** Wednesday, March 25, 2009 5:07 PM  
**To:** Phil Haring  
**Subject:** [Fwd: Monkfish Amendment 5]

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

**Subject:** Monkfish Amendment 5  
**Date:** Sun, 22 Mar 2009 13:18:50 -0700 (PDT)  
**From:** chuck etzel <[chucketznel@yahoo.com](mailto:chucketznel@yahoo.com)>  
**Reply-To:** [chucketznel@yahoo.com](mailto:chucketznel@yahoo.com)  
**To:** [monkfish.five@noaa.gov](mailto:monkfish.five@noaa.gov)

To Whom It May Concern,

Charles Etzel  
99 Cedar Dr  
East Hampton, Ny  
11937

The multi year specification of TTAC has provides the stability that we needed in the monk fish fishery. I would like to see this management renewed for the post 2010 fishing year.

I would urge the council and NMFS to take a step back and watch the General Sea Scallop fishery with it new implementation of an ITQ system and the sector management in the Multispecies fishery.

A question to consider when commenting was "Should there be a precautionary cap of an increase in TAC?" My answer to that should be yes. I do not want to see sharp increases and decreases in monk fish quota from year to year.

I am not an advocate for a sector management system and feel an ITQ system may be right for the fishery in the future. Allocation shares should be issued to permit holders and recent catch history must reflect share allocation . However there is nothing wrong with the current DAS system that cannot be amended. I would like to see the day gill net 3 hour provision implemented again to allow for mechanical breakdowns and adverse weather conditions encountered early in the trip. NO fish landed on these short trips! Right now the way it is stated I am accrued 15 hours for any trip. It could be ten minutes into my trip and I have a breakdown.

Thank you for considering my comment.

Charles Etzel



**Karen Roy**

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**From:** monkfish.five [monkfish.five@noaa.gov]  
**Sent:** Wednesday, March 25, 2009 5:04 PM  
**To:** Phil Haring  
**Subject:** [Fwd: monkfish scoping comments]

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

**Subject:** monkfish scoping comments  
**Date:** Wed, 25 Mar 2009 02:36:35 -0700 (PDT)  
**From:** Ted Platz <theoplatz@yahoo.com>  
**To:** [monkfish.five@noaa.gov](mailto:monkfish.five@noaa.gov)

I am writing to make several proposals for the upcoming monkfish amendment.

1. Increase in the minimum legal mesh size to 12".
2. Increase the minimum legal whole fish size to 21" with a corresponding increase in the minimum legal tail size.
3. Institute a regulation requiring the use of twine of at least 30 gauge for monkfish gillnet gear.
4. Allow a provision for forming sectors in the monkfish fishery.
5. Higher trip limits with a corresponding drop in monkfish DAS will produce a cleaner fishery , while producing a higher profit margin per trip. This will also help vessels fishing further offshore to be more cost effective and more able to participate in the fishery. The higher DAS and lower landing limit formula is very prejudicial against this group.
6. Eliminate use of groundfish VMS line from application in the monkfish fishery through special VMS "monkfish only" designation.
7. Drop horsepower, tonnage, and length calculations for permit transfers in the monkfish fishery.
8. Consider the formula and requirements for an ITQ vote.
9. Create a provision for permit stacking to allow greater efficiency in the fleet.

Ted Platz  
Newport, R.I.

3/27/2009



ENVIRONMENTAL DEFENSE FUND

finding the ways that work

Patricia Kurkul, Regional Administrator, NMFS  
55 Great Republic Drive  
Gloucester, MA 01930

monkfish.five@noaa.gov

March 27, 2009

Dear Ms. Kurkul,

Thank you for the opportunity to comment on Amendment 5 to the Monkfish Fishery Management Plan. Environmental Defense Fund (EDF) is a national organization with over 500,000 members. We work with a number of industries, including fisheries, to find solutions that align economic and environmental goals.

***RE: Adoption of ITQs or sector management programs for the monkfish fishery***

The monkfish fishery is ripe for a transition to output-based management, specifically in the form of catch shares. EDF supports catch shares because they have the potential to create greater abundance for both the resource and the fishermen. Individual Transferable Quota (ITQ) and sector management are two types of catch shares that should be included and analyzed by the PDT and NEFMC in Amendment 5. Industry supports these approaches and advancing effective fishery management in the region.

***RE: Compliance with new Magnuson requirements for ACLs and AMs***

The three most important components of a catch share fishery are: 1) a scientifically set allowable catch limit, 2) quota allocated to individuals or sectors, and 3) a monitoring and enforcement system to ensure that each individual or sector stays within the catch limit. Therefore, catch shares inherently bring the fishery into compliance with the new Magnuson requirements to establish Annual Catch Limits (ACLs) and Accountability Measures (AMs).

***RE: Uncertainty in setting ACLs and AMs***

Monkfish is a data poor stock, so the Acceptable Biological Catch (ABC) should be set below the Overfishing Level (OFL) with a significant precautionary buffer to account for scientific uncertainty in the stock assessment. The ABC should be further adjusted to account for management uncertainty in setting the Annual Catch Limit (ACL). Input-based management, as currently used in the monkfish fishery, leads to significant uncertainty in the actual catch and will require a larger buffer. On the other hand, output-based management leads to significantly reduced uncertainty in tracking the actual catch. Therefore, under a catch share, the ACL can have a smaller buffer and fishermen will be able to fish for more of the ABC.

***RE: Monitoring***

A robust, real-time monitoring system is necessary for an effective catch share system to ensure accountability for fishing within allocated limits. Improved monitoring (dockside and at-sea) also leads to higher quality data with lower uncertainty. That means catch limits can be set with greater confidence, which increases the likelihood that stocks will grow. Better data also means that catch limits can be set with smaller buffers, which maximizes socio-economic benefits to the industry and fishing communities.

Thank you for your consideration of these comments.

Sincerely,

Julie Wormser  
New England Regional Director, Oceans Program  
[jwormser@edf.org](mailto:jwormser@edf.org)

## Karen Roy

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**Subject:** FW: [Fwd: Monkfish Amendment 5 Scoping Comments]

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

**Subject:** Monkfish Amendment 5 Scoping Comments

**Date:** Mon, 30 Mar 2009 10:02:26 -0400

**From:** Krista Walker <4walkers1@verizon.net>

**To:** monkfish.five@noaa.gov

Brief description of Monkfish practices in my area category H permit below 3830. There is a large mesh closure Feb. 15-March 15 (harbor purpose). This year the Delmarva Scallop bottom is open, which means NO fishing because of the likely hood of gear conflict. April 15 there is the Turtle line between 3756-3820 which limits the area in which I can fish. With these factors in mind, also the factor of competition from other boats which do not have the 33820 degree restriction, leads me to believe that if forced to change from DAS the IIQ system would be best for my practice of Monk fishing. Compared to the sectors, which would seem to be too complicated. My personal opinion would be that I wouldn't want to be responsible for the fishermen and what they do. Independent from others would give me flexibility to fish at my own pace. The ITQ system would allow me to catch my fish early.....what I mean is...say the push of fish occurs April 1- May 1, I would be able to take advantage of it by keeping my gear cleaned out, sell all I catch and be done prior to any threat of warm water. There are several advantages to this idea: Quality of product, by keeping gear clean means fresher fish, creating less waste. Gear would be removed from the ocean before turtles, sting rays & sharks show up. Fishermen have been doing a very good job of removing nets prior to the presence of these marine inhabitants, but would be able to do so even earlier by establishing an ITQ. Very simple--take full advantage of the time when fishing is the best-catch fish,remove gear from ocean,move on to something else. I feel that discards would be less because gear would stay cleaned out meaning no old fish. Days at Sea seem to be wasteful for several reasons:

Leaving fish in nets when they could be sold. Days At Sea put the fishermen and crew at risk because of the factor of commitment after calling in for a trip. Example: Weather to rough and have to go regardless, or loss a DAS.

A multi year information pool would be my pick for management because it gives the fishermen a chance to plan for the future, with the benefit of three year blocks a fisherman could utilize his gear, see into the future somewhat and adjust to changes.

It seems that keeping track of an individual ITQ would be similar to the DAS system in the way of --call in with catch amount you catch-enforced by reports and buyer information.

The problem of who gets allocation is probably the one thing that will be very difficult in my opinion. To treat everyone equal may not be fair at all. Example: ITQ limits go so low that you must purchase more from inactive fishermen. This would place less fortunate fishermen at a disadvantage because all fishermen may not be able to afford to buy quota. The fear of corporate fishing puts me in the mind of exactly what happened to the surf clam business. It turns into such a thing as a few get the fish and alot go unemployed. I feel that there should be a great deal of thought put in the allocation issue, from my perspective, holding a H permit which was just created a few years ago would have to be considered with any idea of catch history, meaning the years I wasn't allowed to catch fish because of the movement of the boundry line shouldn't be used because it may hold me to a disadvantage. My opinion of how things should be managed are probably very different from others holding different category permits. There are alot of restrictions that the H permit has that others do not, as mentioned before.Possibly through discussion at the next meeting some of these differences can be brought out.

David Christopher Walker  
Monkfish Advisory Panel, Chincoteague Island, Va.  
F/V Krista~Caleb 149830

PATRICIA KURKEL , REGIONAL ADMINISTRATOR  
NATIONAL MARINE FISHERIES SERVICE  
55 GREAT REPUBLIC DRIVE  
GLOUCESTER, MA 01930

MONKFISH AMENDMENT 5 SCOPING COMMENTS



My name is Eric Lundvall , I own the F/V Rayna & Kerstin fishing from the port of Barnegat Light , New Jersey. I am a participant in the directed monkfish fishery.

The development of ITQs , IFQs and Sectors SHOULD NOT be considered for monkfish. As I have seen most recently with the development of the general category scallop fishery IFQ program, IFQs re allocate permits and quota to a very select few who can afford to buy them. Scallop IFQ contribution factors (not even the actual IFQ) are now for sale for approximately \$10. Lb. The majority of the general category quota will be in the hands of the few people who speculated and purchased qualifying scallop history before scallop ammendment 11 went into effect or the wealthy who can now afford to buy it now, some of whom just plan on leasing the quota and not even fishing.

I feel the same scenerio will occur if the monk fishery goes to ITQs. When the notice of the Amendment 5 scoping hearings came out in February, I noticed a sudden rush of interest in purchasing monk permits and vessels with permits. Most who suddenly purchased another boat or permit already had one or two monk boats.

An uneven playing field amongst monk fishermen is another reason ITQs should not exist for monkfish. I am sure previous landings would be used for ITQ allocation. How could this be possibley fair? Some vessels with monk permits targeted other species while the monk fishery was re building. There was even the possibility of the directed monk fishery being shut down in 2009 if the prior years TAC was exceeded. Why should a monk permit holder be penalized for not targeting a rebuilding fishery? The southern area has been under strict trip and DAS limits, while the northern area has basically had no trip limit and could use ground fish DAS to target monk. Also , prior to this year the 3 hour rule has been abused by some fisherman and the different trip limits from year to year in the southern area, would benefit some larger vessels while hurt some smaller vessels( eg 6000 lb head on trip limit in 2003).

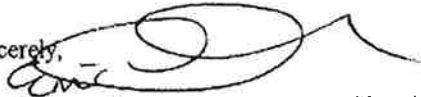
With the monk fishery at rebuilt levels in the southern area, why is there thoughts of fixing something that is not broken?

I belive our current monkfish DAS rules work , although the following measures should be considered: allow fish for time (charge DAS clock for the fish on board )

Maximum of 80 gillnets so the fish for time rule would work and not be abused  
Implement a hard TAC to be in compliance with new Magnuson requirements

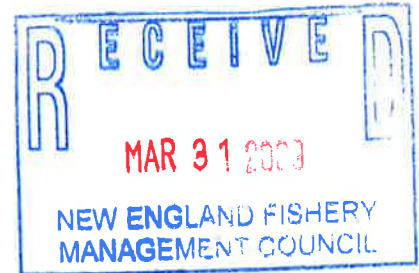
for ACLs an AMs

sincerely,

  
Eric L. Lunvall, owner F/V Rayna & Kerstin  
400 Wood Street  
LittleEgg Harbor , NJ 08087



Georges Bank Cod Fixed Gear Sector, Inc.  
 P.O. Box 2  
 North Chatham, MA  
 02650  
 Phone: 508-945-2432  
 Fax: 508-945-0307  
 Email: [eric@ccchfa.org](mailto:eric@ccchfa.org)



March 31, 2009

Patricia A. Kurkul, Regional Administrator  
 NMFS, Northeast Regional Office  
 55 Great Republic Drive  
 Gloucester, MA 01930

**RE: Fixed Gear Sector Comments on Monkfish Amendment 5 (RIN 0648-AX70)**

Dear Ms. Kurkul,

Thank you for the opportunity to provide comment on the Amendment 5 to the Monkfish Fishery Management Plan (FMP).

Amendment 5 is necessary to update the Monkfish FMP and bring it into compliance with the reauthorized Magnuson-Stevens Fishery Management and Conservation Act (Magnuson Act). It will achieve this by establishing and implementing Annual Catch Limits (ACLs) and Accountability Measures (AMs) by 2011. Furthermore, this Amendment will adopt multi-year target Total Allowable Catch (TAC) specifications.

The Georges Bank Cod Fixed Gear Sector (Fixed Gear Sector) represents a cooperative group of fishermen who are invested in forward-thinking solutions to today's fisheries problems. The Fixed Gear Sector promotes sound science, community-based decision making, and well-monitored hard TACs as important to a successful and viable fishing industry and resources. We'd like to use this opportunity to promote key components of a vision that we helped develop and is currently shared by much of the industry.

**Implementation Timeline**

Implementation of Amendment 5 requires an aggressive timeline for completion: alternatives will be chosen for analysis by June 2009, finalized in April 2010, and sent out for publication in June 2010. The Amendment will be implemented in May 2011, as required by the Magnuson Act. As such, it is important that the Councils quickly identify what can be achieved in this time period and what cannot, and collectively agree to address only what can be accomplished in this time period. We cannot afford to start down a path of management that will lead us to a delayed Amendment and possible secretarial interim action, as is the case in the groundfish management arena.

**Shift to Quota Management**

Sectors are the most appropriate and viable output-based management options presently available to the Councils and should be cultivated in this Amendment. Sectors provide communities of fishermen the opportunity to collectively manage an annual allocation of monkfish. They offer flexibility in determining how to access the quota, relief from





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inappropriate and ineffective regulations, and protection from those fishermen who continue to overfish. The Sector concept has worked well in the groundfish fishery (over half of the groundfish fishermen have initially signed into one of nineteen Sectors for 2010), and a similar template could be easily applied to the monkfish fishery. Allowing the formation of monkfish sectors, or allowing monkfish fishermen to participate in groundfish sectors, will allow monkfish fishermen to balance conservation goals with business objectives.

The monkfish fishery is primarily managed through days-at-sea (DAS) and trip limits. However, there is a growing body of fishermen that would like the opportunity to operate under a system of quotas. This option currently exists in the groundfish fishery – fishermen can remain in the Common Pool if they choose to operate with DAS and trip limits, or they can opt into Sectors if they would like to receive exemptions from DAS and trip limits and instead fish under a quota system. Similar flexibility should be available to those in the monkfish fishery: fishermen who prefer to operate under DAS and trip limits should have the option to continue to do so, as long as there's a hard TAC backstop to ensure that an input-controlled fishery does not contribute to overfishing. Fishermen who want to fish under a Sector system should have that option.

Individual Transferrable Quotas (ITQ), on the other hand, may present substantial problems at this time, including consolidation, quota/permit migration, and a loss of community vision/cohesion. Furthermore, an ITQ program to be developed in New England must undergo a referendum process that requires a supermajority vote of all participants – a timely and costly requirement. Given the inherent and unresolved issues with an ITQ program and the aggressive timeline as required by the Councils, it may be inappropriate to consider ITQs in A5 but rather in a subsequent Amendment.

Finally, given the similarities and overlap between the groundfish fishery and the monkfish fishery, there should be consideration of the former when developing a management plan for the latter. Specifically, Monkfish Amendment 5 and its components should be compatible, to the proper extent, with the groundfish Amendment 16.

### **Monitoring**

The priority of the Amendment is to implement ACLs and AMs. Implementing a Sector program, while important, should be viewed as a secondary objective. Implementing ACLs/AMs through Sectors should be considered. However, regardless of which management path is taken, a robust and transparent monitoring program is essential for achieving the success of ACLs/AMs and Sector TACs. There is a strong need for high quality, accurate data that allows managers and fishermen to track progress toward both ACLs and Sector TACs. Furthermore, increased monitoring will allow for reduced management uncertainty. This would promote ACTs being set closer to the ACL, which would allow fishermen to access more monkfish than they would if the “precautionary cushion” were larger.

### **Specifications**



Georges Bank Cod Fixed Gear Sector, Inc.  
P.O. Box 2  
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Amendment 5 allows for a change to the monkfish specifications process, and would implement a one- or a 3-year plan. One year specs allow for use of timely data, while 3 year specs allow for time to develop plan without reshuffling the deck annually. It is important to have both timely data and stability in the fishery, and to eliminate the “whipsaw” effect that this fishery has historically seen, with drastic annual changes in regulations. Optimally, this would occur with one-year specs.

#### **Data**

A lack of data will continue to hamper monkfish management. The Mid-Atlantic and New England Fishery Management Councils (Councils), the National Marine Fisheries Service (NMFS), and independent research organizations should continue to provide opportunity for additional research for use in management. A research set-aside (RSA), or other opportunity for cooperative research should be made available as part of the Amendment.

Amendment 5 allows the Councils to meet the mandates of the Magnuson Act by 2011. However, it also provides an opportunity to implement a management strategy that will have positive effects on the fish and the fishermen. Sector management is developing quickly in the groundfish fishery, and should be considered a viable tool for monkfish fishermen as well given its existing success and the timeline we’re working under. Robust monitoring and additional opportunity for cooperative research will provide managers with more timely and accurate data to use in better management decisions. This will build stability into the management system and allow fishermen to develop stable business plans for the fishermen in our communities.

The Fixed Gear Sector looks forward to working with you to develop a viable management plan, including Sectors and ACLs/AMs, to meet the mandate of the Magnuson Act by 2011.

Sincerely,

Eric Brazer Jr.  
Manager



CAPE COD COMMERCIAL HOOK FISHERMEN'S ASSOCIATION, Inc.  
210-E Orleans Road  
North Chatham, MA 02650  
508-945-2432 • 508-945-0981 (fax)  
www.cchfa.org • contact@cchfa.org



March 31, 2009

Patricia A. Kurkul, Regional Administrator  
NMFS, Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930

**RE: CCCHFA Comments on Monkfish Framework Adjustment 5 (RIN 0648-AX70)**

Dear Ms. Kurkul,

Thank you for the opportunity to provide comment on the Amendment 5 to the Monkfish Fishery Management Plan (FMP).

The Cape Cod Commercial Hook Fishermen's Association (CCCHFA) is committed to working with the National Marine Fisheries Service (NMFS) and other interested parties to ensure a viable future for our fish, our fishermen, and our fishing communities. CCCHFA continues to promote well-monitored, community allocations (Sectors) as a solution to the problems that plague our fisheries.

Amendment 5 to the Monkfish Fishery Management Plan (FMP) will implement Annual Catch Limits (ACLs) and Accountability Measures (AMs), as required by the law. CCCHFA urges the timely implementation of sound science-based ACLs and AMs, and a robust catch monitoring program (discards and landings) to ensure the ACLs are not exceeded.

The Amendment further provides an opportunity to revise the tools in the current FMP, if time allows. CCCHFA believes that Sectors would be an invaluable tool to implement in Amendment 5. Sectors offer the chance for a community of fishermen to voluntarily and collectively manage an annual allocation of fish. In exchange for operating at standards of accountability higher than in the Common Pool, including increased and robust monitoring and reporting, Sector members are afforded exemptions from ineffective and inefficient regulations. Fishing businesses are allowed to increase profitability while fishermen agree not to exceed their annual hard total allowable catch (TAC). Sectors will be commonplace in the groundfish plan by 2010, and given the overlap and similarities between the groundfish and monkfish fisheries, it only makes sense to allow monkfish fishermen the opportunity to participate in a well-monitored Sector program.

The Amendment 5 timeline is short – there is little time to address what's mandated (ACLs/AMs) and what's further preferred (Sectors, or other alternative management tools). It's important that the mandates of the law are met, and any additional time is spent developing a well-monitored, robust, Sector management program that aligns with the one being developed in the groundfish fishery. A delay in implementation is unacceptable to all, and could prove costly. CCCHFA urges the timely implementation of this Amendment.

Thank you very much for your consideration of these matters. We look forward to continuing to work with you on measures to improve conditions for groundfish and the fishermen who depend on these stocks.

Sincerely,

Susan Nickerson  
Executive Director

*Protecting a Resource, a Tradition, and a Way of Life*



**CHRIS EINSELEN**

---

75 Antioch Road  
High Bar Harbor  
Long Beach Township, NJ 08008

Fax (609) 361-1706  
c.einselen@comcast.net



March 23, 2009

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

Dear Ms. Kurkul,

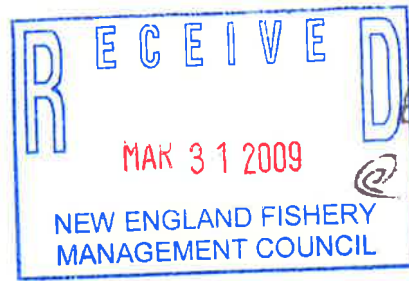
I am writing to respond to the structure of Amendment 5 to the Monkfish Management Plan. As a holder of two Monkfish permits I am not in favor of I.T.Q's. I have witnessed how the system has been abused by people and those same individuals would benefit under these terms because of their increased landings. For example, the three hour day.

Also, I.T.Q's would ultimately result in fewer boats fishing and fewer employees, which seems at odds with the national goals of increasing employment and establishing a stable economy.

The current system seems to work fine and a few adjustments could improve the overall efficiency. Thank you for your thoughtful consideration of this very important matter.

Sincerely, *Chris Einselen*

*Owner/Operator*  
*FIV ANTOINETTE (222036)*  
*FIV ANNE ELIZABETH (250853)*



**Patricia Kirkul, 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 no 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.

*Mark LaRocca*  
 11 Happy Acres Dr.  
 Shirley, N.Y. 11967



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

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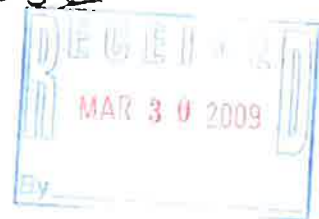
Edwin Chiofalo  
 F1U Hustler  
 16 BLAIR LANE  
 BROOKLYN NY 11719



ATT: PATRICIA KURKUL,  
MONKFISH Amendment 5  
SCOPING COMMENT

- NO ITQ's
- NO SECTORS
- Keep DAS WITH MODIFICATIONS
- IMPLEMENT HARD TAC
- ALLOW VESSELS TO BE CHARGED  
TIME FOR THE FISH ON BOARD  
IF THE VESSEL RETURNS EARLY,  
15 hrs — 24.1 hrs — 48.1 hrs

Tim Brindley  
F/V VIKING ROSE





ATT: PATRICIA KURKUL,  
MONKFISH Amendment 5  
SCOPING COMMENT

- NO ITQ's
- NO SECTORS
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Jim Brindley  
F/V SCOTT NATHAN  
F/V TNT





ATT: PATRICIA KURKUL,  
MONKFISH AMENDMENT 5  
SCOPING COMMENT

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F/V OSPREY  
MIKE TEVIS

Michael Tevis







ATT: PATRICIA KURKUL,  
MONKFISH AMENDMENT 5  
SCOPING COMMENT

- NO ITQ's
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15 hrs — 24.1 hrs — 48.1 hrs

Frank Myers





ATT: PATRICIA KURKUL,  
MONKFISH Amendment 5  
SCOPING COMMENT

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Carl Janson  
FU Pretty Lady







ATT: PATRICIA KURKUL,  
MONKFISH AMENDMENT 5  
SCOPING COMMENT

- NO ITQ's
- NO SECTORS
- Keep DAS WITH MODIFICATIONS
- IMPLEMENT HARD TAC
- ALLOW VESSELS TO BE CHARGED TIME FOR THE FISH ON BOARD IF THE VESSEL RETURNS EARLY, 15 hrs - 24.1 hrs - 48.1 hrs

PETER BENYA - F/V RESOLUTE

A handwritten signature in blue ink, appearing to be "Peter Benya".

**Karen Roy**

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**From:** monkfish.five [monkfish.five@noaa.gov]  
**Sent:** Thursday, April 02, 2009 8:16 AM  
**To:** Phil Haring  
**Subject:** [Fwd: monk amendment 5]



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

**Subject:** monk amendment 5  
**Date:** Mon, 30 Mar 2009 21:23:11 -0400  
**From:** Louise <[weeziem@comcast.net](mailto:weeziem@comcast.net)>  
**Reply-To:** Louise <[weeziem@comcast.net](mailto:weeziem@comcast.net)>  
**To:** [monkfish.five@noaa.gov](mailto:monkfish.five@noaa.gov)  
**CC:** Eric Brazer <[eric@ccchfa.org](mailto:eric@ccchfa.org)>

Dear Pat,

I am a gillnet fisherman, operating under the fixed gear sector here in Chatham, Ma. We have seen a very beneficial couple of years operating under a quota based system. Although the idea is good to get us to a quota system, we shouldn't run away from the system that got the fishery rebuilt. Initially, I see allocation problems with their being two management areas, where only one had a trip limit for years (unless we used just last years landings) we would give harvesters a more equitable distribution. We need to get to a system that is fair and equitable for all users. Groundfish boats in the gulf of maine catch a lot of monk as part of their fishery, and they will continue to do so. This should not be an issue. For those of us who work in the southern management area, we target monk directly with 12" mesh. This should be the minimum size, it allows smaller fish to escape which works better for us, because we don't want the small fish anyway, and its better for ecology. By letting the smaller fish reproduce more before being caught. There is lots to consider here and taking the time to get it right is important for everyone involved. I don't think that we can rush forward with Amendment 5, allocating itq's, with the time frame of a year and a half scheduled to get it completed. I would urge you to work with the system we have been under for the last few years; trip limits and DAS, hopefully increasing either as the resource rebuilds.

Regards,

Jan Margeson  
F/V Decisive  
F/V Great Pumpkin

**Karen Roy**

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**From:** monkfish.five [monkfish.five@noaa.gov]  
**Sent:** Thursday, April 02, 2009 8:18 AM  
**To:** Phil Haring  
**Subject:** [Fwd: "Monkfish Amendment 5 Scoping Comments"]



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

**Subject:** "Monkfish Amendment 5 Scoping Comments"  
**Date:** Tue, 31 Mar 2009 18:46:00 -0500  
**From:** Chris Rainone <[annicemarie@gmail.com](mailto:annicemarie@gmail.com)>  
**To:** [monkfish.five@noaa.gov](mailto:monkfish.five@noaa.gov)

Ms. P. Kurkul

On March 3rd, 2009 I attended the monkfish scoping meeting and once again left with more questions than answers. Questions like, what direction this fishery is heading and what an IFQ or Sector means for me as well as other monk fisherman who rely on this fishery. I had the pleasure of meeting you, Ms. Kurkul, a few years ago in Barnegat Light. We discussed what impact the proposed 12day fishery would have, especially for me who after working on deck for 9 years and had just purchased my own boat. Recent information implies that our Monkfish stocks are rebounding if not rebuilt and dare to give hope to this fisherman the possibility of some stabilization in the monk fishery. In short, I feel more confused on wether IFQ's or sectors will help or hurt me. Therefore I must vote no to IFQs and no to sectors. For the time being, until more information can be relayed to commercial fisherman, I think we should stay with a hard TAC with accountability measures. Additionally, I feel something needs to be done with latent permits because I do not want to see another scallop fiasco in this fishery with all the displaced boats.

Thank you for your concerned interest,

Christopher Rainone  
F/V Annice Marie  
Barnegat Light, NJ