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New England Fishery Management Council

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MEMORANDUM

DATE: October 14, 2011
TO: Monkfish Oversight Committee
FROM: Phil Haring
SUBJECT: **Amendment 6 Action Plan/timeline**

Yesterday, I met with staff at the Regional Office, including two from Sustainable Fisheries, two from NEPA, and NOAA General Counsel to develop a timeline for Amendment 6. These participants have extensive experience with development of Multispecies Amendment 16, and are cognizant of the time and resources required for various tasks in development of catch shares management. For Amendment 6, we identified several factors unique to the monkfish fishery that contribute to the timeline and should be noted:

- the fishery extends from Maine to North Carolina, and has geographically distinct characteristics, i.e., is not homogenous in character;
- the management process and decision making involves two Councils;
- the fishery is divided into two management areas with one-quarter to one-third of the vessels fishing in both areas on the same trip, seasonally, or year-to-year;
- there is a significant incidental catch component in the fishery. About half of the landings coming on trips not on a monkfish DAS, and this proportion may be greater if discards are included. One of the original FMP goals is to, “allow the traditional incidental catch of monkfish to occur”.

These considerations add to the complexity of analyses and management measures to adequately develop the amendment, and they create the potential for significantly divergent views on how the fishery should be managed. Resolution of such differences takes time.

The timeline we developed is attached below. You should note a couple of important considerations that will add to the time required to complete the amendment. First, if regulatory action is required to address Atlantic sturgeon bycatch, it will need to be done more immediately than the timeline for this amendment allows, and will likely add to the overall time Amendment 6 takes to complete. Second, if the Council requests that NMFS provide permit holders with early indication of potential allocation shares under various scenarios, the resources required to complete that task may detract from those available to work on the amendment. Furthermore, NMFS could only provide partial, incomplete information to permit holders at this stage in the process because of confidentiality rules. However, NMFS will have to do these analyses, with confidential information included, for each of the initial allocation alternatives prior to the PDT embarking on the socio-economic impacts analysis for the DEIS, since that information is critical

to conducting such an analysis. And third, the last stock assessment occurred in 2010, and, at this time, assessments are on a 3-year cycle. If the next assessment results in significant enough changes to stock status or other factors, the Councils may be required to take action which could further delay progress on Amendment 6. Such actions may include resetting ACLs, specifications or other appropriate measures.

Additionally, if one of the alternative management approaches being considered meets the definition of a LAPP, the referendum process, including development of voter eligibility criteria, publication of proposed and final referendum rules, and the actual voting will add significantly to the timeline. The referendum development process (other than developing voter eligibility criteria alternatives) begins after the DEIS public comment period, and after the Councils have approved final measures and the management program is ultimately and fully developed.

The following is a list of the categories of measures that will need to be addressed in Amendment 6. Under NEPA requirements, there needs to be a reasonable range of alternatives within these categories. These will be developed for individual management areas (i.e., North only or South only) or both.

Range of Alternatives for catch shares management:

Initial Allocation qualification – (history, equal or permit based, hybrid)

Specify ACT/ACL relationship

Accountability measures

Specify apportionment of ACT/ACL to:

state waters fisheries

permit category E incidental catch

scientific research – cooperative research set aside; uncontrolled scientific research catch, including surveys

Other

Cooperative Research program design

Catch monitoring

At sea

Dockside

Accumulation limits

Common Pool regulations (if sectors)

If current plan is retained in one management area, need specifications of DAS and trip limits, and other measures as needed

Trans-boundary fishing (North-South) regulations/controls, allocations, catch monitoring and apportionment

Gear restrictions, if needed

Trawl mesh size or other specifications

Gillnet mesh size or other specifications

Scallop dredge

Closed Areas, if needed

Referendum voting eligibility criteria, if needed

Draft Action Plan Monkfish Amendment 6

		Referendum	Comments
Approve Goals and Objectives	Nov. 2011		
Develop and approve range of alternatives	1-2 yrs.	+4-6 months – develop voter eligibility criteria	Pending no delay to address sturgeon ESA issues
Draft and approve DEIS	6 months - 1 year	+2 months	Requires calculation of individual shares prior to analysis of socio-economic impacts
Public hearings/review comment/approve final measures	3-4 months		May be extended 4-6 months to address comments, modify plan, revise DEIS if needed, second round of comments/hearings*
Draft and submit Amendment/FEIS	3-4 months	+1 year with concurrent development of FEIS; Includes proposed and final rule for referendum and voting	
NMFS review/approval/publish proposed rule	3-4 months		
NMFS review comments/publish final rule	2-3 months		
Effectiveness	1 month		
Total	2.5-4 years	4-5 years	*+4-6 months