

Monkfish FMP

Amendment 6

Draft

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(Incorporating MFOS 5/29/2013 meeting)

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1.0 Modifications to current DAS/Trip Limit system

1.1 Requirement for vessels with groundfish permits to also use a groundfish DAS when on a monkfish DAS

Rationale: Addresses public comment that a vessel must declare a groundfish DAS prior to leaving port to enable it to have the opportunity for at-sea declaration of a monkfish DAS. Without the ability for at-sea declaration of a monkfish DAS, all monkfish catch in excess of the incidental limit must be discarded. Alternatively, a vessel must obtain sufficient groundfish DAS (through initial allocation or leasing) to be able to start the trips on groundfish DAS to cover the contingency that it may need to declare a monkfish DAS during the trip.

1.1.1 No Action

Permit Category C and D vessels with Multispecies permit must use a groundfish DAS when declaring a monkfish DAS, including vessels in groundfish sectors. While vessels may declare a monkfish DAS at sea if the incidental limit is exceeded, there no such provision in the multispecies plan. Therefore, vessels must start the trip on a groundfish DAS to allow the use of the at-sea monkfish DAS declaration provision.

1.1.2 Eliminate the requirement

(Objectives 1,3,4,5 and 6)

1.1.2.1 All vessels

Any groundfish vessel (whether in a sector or common pool) would not be required to be on a groundfish DAS to be able to declare a monkfish DAS, however, such a vessel must either fish on a sector trip or in groundfish exempted fishery areas when on a monkfish-only DAS.

Discussion: A common pool vessel is charged groundfish DAS in 24-hour increments, but is charged monkfish DAS based on actual time fishing, or a minimum of 15-hours if fishing with gillnets. This means that such vessels use groundfish DAS faster than monkfish DAS. Current monkfish regulations allow a Category C, D, F, G, or H vessel to fish monkfish-only DAS (i.e., operate as a Category A or B monkfish permit) if its monkfish DAS allocation is greater than its groundfish DAS allocation and after having used all its groundfish DAS allocation. However, the regulations do not make any accommodation for differential counting of groundfish DAS, and as such, the combined regulations may prevent vessels from fully utilizing their allocated monkfish during a fishing year, or force them to lease additional groundfish DAS. This alternative would

ensure that monkfish vessels can fish their full monkfish DAS allocations based on the area fished.

Secondly, sector vessels that may want to declare a monkfish DAS under the at-sea declaration provision must currently start the trip on a groundfish DAS due to the requirement that groundfish DAS be used concurrently with monkfish DAS. If that vessel does not declare a monkfish DAS on the trip then those groundfish DAS are used unnecessarily, reducing future opportunity to fish for monkfish. This alternative would enable a sector vessel to declare a monkfish DAS when the incidental limit is exceeded. If this change results in a significant increase in monkfish DAS usage such that catch targets are exceeded, it may result in overall reductions in future DAS allocations when specifications are set.

1.1.2.1.1 Both management areas

Discussion: Because the current regulations require the use of groundfish DAS when monkfish DAS are used in any area, this option would eliminate this requirement in all areas.

1.1.2.1.2 Northern Management Area only

Discussion: Most of the directed groundfish fishery occurs within the NMA. This option would eliminate the requirement to use both a groundfish DAS concurrent with any monkfish DAS used in the NMA to maximize available fishing opportunities in both fisheries. Applying this provision to only monkfish DAS used in the NMA may reduce the need for or scale of any adjustments to monkfish measures to address the potential for this provision to increase monkfish DAS usage.

1.1.2.2 Sector vessels only

Sector vessels would not be required to declare a groundfish DAS to be able to declare a monkfish DAS when exceeding the monkfish incidental catch limit.

Discussion: This provision would eliminate the requirement that a sector vessel start the trip on a groundfish DAS to enable at-sea declaration of a monkfish DAS when the incidental limit is exceeded. Sector vessels are not subject to groundfish DAS requirements, and continuing to require sector vessels to use a groundfish DAS when operating on a monkfish DAS is unnecessary, complicates operations and may limit their ability to fully prosecute both fisheries.

1.1.3 Allow groundfish DAS to be declared at sea

(Objectives 1, 3, 4, 5 and 6)

Discussion: Similar to the existing monkfish at-sea DAS declaration provision, this would allow groundfish DAS to be declared at sea. This would enable monkfish vessels to declare a groundfish DAS after leaving port to enable them to land more monkfish than the incidental limit if caught, rather than discarding monkfish over the incidental limit. This would also increase flexibility of vessel operations by allowing vessels to fish in more than just the groundfish exempted fishery areas upon declaring a groundfish DAS at sea. This provision would require a joint action with the Multispecies FMP.

Option A: Allow all vessels to declare a groundfish DAS at sea when declaring a monkfish DAS.

Option B: Allow only groundfish sector vessels to declare a groundfish DAS when declaring a monkfish DAS at sea.

1.1.4 Increase monkfish-only DAS based on higher groundfish common pool DAS counting

(Objectives 3, 4, and 6)

This alternative would increase the allocation of monkfish DAS to offset the impact of groundfish DAS differential counting for common pool vessels. A vessel's monkfish allocation would be increased proportionate to the difference between groundfish DAS charged and monkfish DAS charged so that each vessel would be able to fully utilize its annual allocation of monkfish DAS to the extent possible. Any monkfish DAS allocated that exceed the groundfish DAS allocation would have to be fished as monkfish-only DAS, or the vessel would have to lease in additional groundfish DAS to continue fishing its monkfish DAS in combination with groundfish DAS.

Discussion: A common pool vessel is charged groundfish DAS in 24-hour increments, but is charged monkfish DAS based on actual time fishing, or a minimum of 15-hours if fishing with gillnets. This means that such vessels use groundfish DAS faster than monkfish DAS. Current monkfish regulations allow a Category C, D, F, G, or H vessel to fish monkfish-only DAS (i.e., operate as a Category A or B monkfish permit) if its monkfish DAS allocation is greater than its groundfish DAS allocation and after having used all its groundfish DAS allocation. However, the regulations do not make any accommodation for differential counting of groundfish DAS, and as such, the combined regulations may prevent vessels from fully utilizing their allocated monkfish during a fishing year, or force them to lease additional groundfish DAS.

This alternative would ensure that monkfish vessels can fish their full monkfish DAS allocations based on the area fished by increasing the number of monkfish-only DAS by the difference between the groundfish and monkfish DAS charged on a particular trip. Such vessels would still be required to use their monkfish-only DAS in exempted fishing areas.

1.2 Modify DAS/trip limit allocation for Category F (offshore) vessels

Rationale: Addresses public comment that current trip limits, combined with other factors such as fuel price, make offshore trips unprofitable.

1.2.1 No Action

Category F vessels may possess 1,600 pounds (tail weight) and their DAS usage is prorated, depending on what standard monkfish permit the vessel has been issued.

1.2.2 Increase the trip limit and adjust monkfish DAS allocations accordingly

(Objectives 1, 3, 4, and 9)

Under this alternative, the trip limit applicable to Category F vessels would be increased [to a level to be determined]. The number of DAS that would accrue for the trip would be based on the Category F trip limit divided by the SMA trip limit applicable to the vessel's primary permit category. For example, if the trip limit were 2,200 lbs. tail weight per DAS, and the vessel primary permit is Category A or C, the vessel would be charged 4 DAS (4x550). Vessels would have to have sufficient DAS to cover the trip landings.

Discussion: This provision would help to address concerns expressed by the public regarding the profitability of Offshore Area trips. In addition, by providing incentives for vessels to fish in the Offshore Area, this provision could also help reduce sturgeon mortality in the monkfish fishery since only one sturgeon interaction has been observed close to the Offshore Area since 2007.

1.3 Modify the method for allocating DAS to active vessels to address latent effort

Rationale: Addresses public comment that DAS allocated to inactive vessels presents a potential threat to constraining catch within the ACT, should vessels begin to utilize those DAS. Such reactivation of effort could result in future effort allocation reductions for vessels currently dependent on the fishery. These measures could also be used to address reactivation of monkfish effort if DAS leasing were adopted.

1.3.1 No Action

All limited access monkfish vessels would continue to be allocated monkfish DAS

1.3.2 Modify DAS allocations based on DAS usage

(Sub-goal 4, Objectives 3 and 4)

1.3.2.1 Fleet allocations by area based on minimum DAS usage threshold

All limited access monkfish permits that have used a minimum number of DAS (to be determined) in the previous year or another specified period would be allocated the same number of DAS as all other qualifying active vessels in that area. The allocations would be readjusted every three years, or when specifications are set, based on vessel participation.

Discussion: Permits that did not use more than the threshold DAS would not receive an automatic allocation, but could reenter the fishery under one of the provisions described below. The DAS allocated would be determined by the same methodology that is currently used in the specifications process, which utilizes only active DAS.

1.3.2.1.1 Calculation of minimum DAS threshold:

Option A: One day

Option B: 10 days

Option C: Other, including formulaic such as average

1.3.2.1.2 Qualification period for DAS use

Option A: One year prior to control date (FY2011)

Option B: Used the minimum in any one year during the 3 years prior to the control date (FY2009-2011)

Option C: Used the minimum in any one year during the 5 years prior to the control date (FY2007-2011).

Discussion: Prior to FY 2007, vessels fishing in the Northern Management Area did not have a monkfish trip limit while fishing on a groundfish or a monkfish DAS, and, therefore, did not call in monkfish DAS.

1.3.2.2 Fleet DAS allocations based on recent landings while on a monkfish DAS

[Discussed at the 8/8/12 OSAP mtg]

All limited access monkfish permits that have landed a minimum number of pounds of monkfish while on a monkfish DAS (to be determined) in the one of the

qualification periods described below would be allocated the same number of DAS as all other qualifying active vessels in that area. The allocations would be readjusted every three years, or when specifications are set, based on vessel participation.

Discussion: Permits that did not meet the qualifying landings threshold would not receive an automatic DAS allocation. If DAS leasing is adopted, then any limited access permit that wants to obtain monkfish DAS could do so through leasing. The DAS allocated would be determined by the same methodology that is currently used in the specifications process, which utilizes only active DAS.

1.3.2.2.1 Minimum landings threshold

[Options to be developed]

1.3.2.2.2 Qualification period for DAS use

[Options to be developed]

Discussion: Consideration must be given to the fact that prior to FY 2007, vessels fishing in the Northern Management Area did not have a monkfish trip limit while fishing on a monkfish or groundfish DAS, and, therefore, did not call in monkfish DAS. (for that period set a landings threshold while on a groundfish DAS?)

1.4 Modifications to Monkfish Possession Limits

1.4.1 Northern Area Monkfish Trip Limit on a Groundfish DAS

[Discussed at the 8/8/12 meeting]

1.4.1.1 No Action

Under current regulations, vessels on a monkfish DAS are subject to a trip limit, and when on a groundfish, but not a monkfish DAS they in the Northern Management Area have an incidental limit of 600 lbs. tail wt. per DAS (changed in FW8).

1.4.1.2 Eliminate the Trip Limit on a Groundfish DAS

This alternative would eliminate the monkfish trip limit when a vessel is on a groundfish DAS in the NMA, effectively eliminating the need to use a monkfish DAS.

Discussion: The decline in monkfish landings in the NMA in recent years is likely at least partially explained by the reduction the number of active vessels and overall fishing effort in the groundfish fishery. The reduction may also partially be attributable to the implementation of monkfish trip limits in 2007. While available landings and catch data do not show a significant number of trips being

constrained by the trip limits, there may be behavioral changes on the part of fishermen in response to the trip limits that has resulted in less targeting of monkfish. Another factor is the rise in fuel costs, which reduces the profitability of monkfish fishing under a trip limit. Eliminating the monkfish trip limit in the NMA is intended to increase monkfish landings to more fully utilize the ACT in the NMA. This could provide additional fishing revenue for groundfish vessels to help offset expected fishing revenue reductions associated with reduced groundfish quotas in NMA in the near future, and minimize the potential for effort to shift from the groundfish fishery in the NMA to the monkfish fishery in the SMA.

1.4.2 Incidental limit for sector vessels not on a groundfish or monkfish DAS

[Discussed at the 8/8/12 OSAP mtg]

1.4.2.1 No Action

The monkfish possession limit for vessels fishing in the Gulf of Maine and Georges Bank Regulated Mesh Areas (RMA) with regulated minimum mesh size specified in the groundfish plan while not on a monkfish, scallop or groundfish DAS is 5% of the total weight on board. In the SNE RMA, east of 72°30', the limit is 5% of the total weight of fish on board, up to 50 lbs. tail weight per day, with a maximum of 150 lbs. West of the line, the regulated mesh is that specified in the Summer Flounder FMP, and limit is 5% up to 450 lbs. tail weight.

The possession limit for all vessels fishing with mesh smaller than the regulated minimum size, such as those fishing under any sector exemptions, is 50 lbs. tail weight per day, to a maximum of 150 lbs..

1.4.2.2 Increase incidental limit for sector vessels not on a groundfish DAS

The incidental limit for sector vessels not on a groundfish or monkfish DAS would be 300 lbs. tail weight per day. [Does this apply regardless of mesh size?]

Discussion: Because sector vessels are exempt from the groundfish DAS requirements, sector vessels often do not fish under a groundfish DAS unless they are also targeting monkfish, and are subject to the incidental limits, as described in the no action alternative. These incidental limits may result in monkfish regulatory discards, as sector vessels cannot declare a monkfish DAS and retain monkfish in excess of the low incidental trip limits unless they had previously declared a groundfish DAS before leaving port.

Increasing the incidental limits for sector vessels could reduce regulatory discards, increase monkfish landings, and lead to a fuller utilization of the ACT, particularly in the NMA where most sector vessels operate. In addition, it could provide additional fishing revenue for sector vessels to help offset expected fishing revenue reductions associated with reduced groundfish quotas in NMA in the near

future, and minimize the potential for effort to shift from the groundfish fishery in the NMA to the monkfish fishery in the SMA.

It should be noted that sector vessels fishing with regulated mesh in the GOM or GB Regulated Mesh Areas, with an incidental limit of 5% of total weight of fish on board, and catching 6,000 lbs. of fish per day would be constrained by the proposed 300 lbs. per day incidental limit. The regulatory discard situation could also be mitigated by one of the other alternatives under consideration: allowing vessels to declare a groundfish DAS at-sea, or eliminating the requirement to use a groundfish DAS while on a monkfish DAS (that monkfish DAS can be declared at sea if the monkfish catch exceeds the incidental limit).

1.4.3 Incidental limit for fixed gear vessels operating on a groundfish DAS in the SMA

1.4.3.1 No Action

Vessels fishing on a groundfish DAS in the SMA with gear other than trawl gear are limited to 50 lbs., tail weight per DAS. Vessels using trawl gear exclusively on the trip are limited to 300 lbs., tail weight per DAS.

1.4.3.2 Increase incidental limit for fixed gear vessels on a groundfish DAS in the SMA

The incidental limit for vessels fishing with fixed gear on a groundfish DAS, but not a monkfish DAS would be increased to 300 lbs., tail weight per DAS.

Discussion: This measure is intended to make the monkfish incidental trip limit in the SMA consistent for all gear types. This would help increase monkfish landings and reduce monkfish discards when a vessel is targeting skates on a groundfish DAS, and lead to a higher utilization of the SMA ACT.

1.5 Southern Management Area at-sea Monkfish DAS declaration

[Discussed at the 8/8/12 meeting]

1.5.1 No Action

A provision that allows a vessel on a groundfish, but not a monkfish DAS, to declare a monkfish DAS at sea prior to returning to port in the event the vessel exceeds the monkfish incidental limit currently only applies in the NMA. Vessels in the SMA must start the trip on a monkfish DAS to be able to land more than the incidental limit.

1.5.2 Allow at-sea Monkfish DAS declaration in the SMA

(Objectives 1, 3, 4, 6 and 7)

[Discussed at the 8/8/12 meeting]

This alternative would allow vessels on a groundfish DAS in the SMA to declare a monkfish DAS at sea prior to returning to port in the event the vessel exceeds the monkfish incidental limit.

Discussion: Vessels fishing for skates in the SMA must be on a groundfish DAS to land more than the incidental limit of skates. In some cases, while fishing for skate, vessels catch more than the applicable monkfish incidental limit and must discard the overage. This provision would enable those vessel to land monkfish up to the applicable monkfish DAS trip limit by allowing those vessels to declare a monkfish DAS prior to returning to port. Adopting this provision will make the SMA fishery more consistent with the NMA fishery which already has the at-sea declaration provision.

1.6 Monkfish DAS Leasing

Rationale: Addresses public comment that the current DAS system limits efficiency in the utilization of vessels and crews, and raises other costs, such as insurance, dockage and gear, especially for multiple vessel owners. Although the use of monkfish and groundfish DAS is linked, current regulations only allow groundfish DAS to be leased, complicating interactions between the two FMPs and business planning for vessel owners.

1.6.1 No Action

The FMP does not currently allow leasing of monkfish DAS or stacking permits

1.6.2 DAS leasing by management area

1.6.2.1 Allow DAS leasing in the NMA only

1.6.2.2 Allow DAS leasing in the SMA only

1.6.2.3 Allow DAS leasing in both the NMA and SMA

[Need to establish how DAS are assigned to each area Text from section 1.7.4 below would be moved to 1.7.1.2 and 1.7.2.2 above with area specification language added.]

1.6.3 Allow monkfish DAS to be temporarily leased

(Sub-goal 4 and Objectives 1, 3, 4, 6)

Under this alternative vessels could temporarily lease monkfish DAS to another limited access monkfish permit holder. [New text based on 2003 GF leasing proposal] The history of leased DAS use would be attributed to the lessor vessel if the lessee vessel actually fished those DAS, and landings resulting from the leased DAS use would be attributed to the lessee vessel. In the case of multiple lessors, the leased DAS actually used would be attributed to the lessors based on the order in which such leases were

approved by NMFS. Leased monkfish DAS would be charged first to maximize a vessel's ability to carry-over unused allocated monkfish DAS into the next fishing year.

1.6.3.1 Eligibility to participate in monkfish DAS leasing

1.6.3.1.1 All limited access monkfish permits may participate, including those in confirmation of permit history (CPH)

1.6.3.1.2 Only limited access permits issued to a vessel may participate

1.6.3.1.3 Only "active" limited access permits may participate

"Active" permits are defined as those that have used at least X monkfish DAS during the a specified period (threshold number of DAS and qualification period need to be specified)

1.6.3.1.4 Only "active" monkfish DAS may be leased

"Active DAS" are defined as the average number of DAS used by limited access monkfish permits that have used monkfish DAS during the qualification period (to be specified).

Discussion: The definition of "active" DAS may complicate administration of this provision. The administration would not be difficult if the number of "active" DAS that may be leased is treated as a cap or fixed limitation on the number of monkfish DAS that may be leased by an individual permit. Additional programming is necessary to implement this, however, if the definition of "active" DAS is dynamic and could change year-to-year, or as part of the 3-year specifications process. Further, if the definition of "active" DAS requires NMFS to differentiate between "active" and allocated monkfish DAS, then the administration becomes even more difficult, as each DAS available to a vessel must be categorized and tracked separately.

1.6.3.1.5 Only owners of one (or another low threshold) limited access monkfish permit can participate in monkfish DAS leasing.

Discussion: Under this alternative, eligibility to participate in DAS leases would be would be restricted to entities that only own one permit(or some other low number of permits) to address the potential for one owner to acquire an excessive amount of available monkfish DAS and prevent other entities from participating, or expanding their participation, in the monkfish fishery. This provision would serve as a means to limit accumulation of fishing privileges in the monkfish fishery and attempt to preserve existing fleet structure, consistent with Sub-Goal 4 and Objective 8 for this action. This provision would require specific definition of "entity" (e.g., individual, partner, corporation or business). Defining "entities" could be difficult to do, based on existing data regarding vessel and permit

ownership, suggesting that there would be some degree of uncertainty of the effectiveness of any such restriction.

1.6.3.1.6 Only owners of multiple limited access monkfish permits may participate in monkfish DAS leasing

Discussion: Under this alternative, eligibility to participate in DAS leases would be restricted to entities that own more than one permit to reduce operational costs of fishing and increase economic efficiency for such entities. Contrary to the previous measure which addresses Sub-Goal 4 and Objective 8 (fleet composition and accumulation limits), this provision, in contrast, could facilitate the accumulation of fishing privileges in the monkfish fishery, and would be consistent with Sub-goal 2 and Objective 4 (increase efficiency). In implementing this provision, documentation of the current accumulation of fishing privileges within the monkfish fishery would occur. Because there are several entities that already own multiple monkfish limited access permits, this provision, at least initially, would preserve existing fleet structure. This provision would require specific definition of “entity” (e.g., individual, partner, corporation or business). Defining “entities” could be difficult to do based on existing data regarding vessel and permit ownership, suggesting that there would be some degree of uncertainty of the effectiveness of any such restriction.

1.6.3.2 Permit restrictions

1.6.3.2.1 Monkfish DAS may be leased between all monkfish permit categories

1.6.3.2.2 Monkfish DAS may only be leased to permits within the same permit category (A&C and B&D)

Under this alternative, which considers initial permit qualification standards, Categories A and C are considered equivalent, and Categories B and D are considered equivalent. For example, a monkfish Category A vessel can only lease monkfish DAS to a vessel issued a monkfish Category A or C permit.

Discussion: Restricting monkfish DAS leasing by permit categories would limit the potential adverse impacts to the monkfish resource caused by different permit categories leasing monkfish DAS to one another. For example, unless restricted, a limited access monkfish Category B permit with a monkfish trip limit of 600 lb. tail weight/DAS could lease monkfish DAS to a vessel issued a limited access monkfish Category A permit with a monkfish trip limit of 1,250 lb. tail weight/DAS.

1.6.3.3 Size/Horsepower Limitations

[Based on discussion at 8/8/12 OS mtg., not clear if all vessel size class restrictions are removed, or if they are retained with the addition of the 2003 GF DAS leasing proposal based on horsepower described below, or if that proposal should be modified to be based on vessel length classes]

1.6.3.3.1 No vessel size limitations on leasing DAS

1.6.3.3.2 Within vessel size (length) classes

Discussion: Because of concerns over how monkfish DAS leasing may change the character of the fishery, monkfish DAS leases between vessels of different sizes are limited to the vessel size classes. Size classes would need to be specified, but could reflect those used to evaluate economic impacts of Council actions (i.e., 0–29', 30–49', 50–69', 70–89', or >90' length overall (LOA)).

1.6.3.3.3 Use replacement upgrade restrictions (e.g., 10% LOA or 20% HP)

Discussion: Because of concerns over how monkfish DAS leasing may change the character of the fishery, monkfish DAS leases between vessels of different sizes are limited to the permit upgrade restrictions. This is consistent with the size restrictions in the groundfish DAS leasing program.

1.6.3.4 Linkage with Multispecies DAS Leasing Program

1.6.3.4.1 Multispecies and monkfish DAS leased can be leased together, as appropriate

1.6.3.4.2 Only monkfish DAS can be leased; multispecies DAS would have to be leased separately, as needed

1.6.3.5 Accumulation limits

Discussion: Limits on the number of monkfish DAS that can be accumulated by a single entity addresses concerns over the disruption of the current fleet distribution/composition. Consideration of whether such accumulation limits should include or exclude the original monkfish DAS allocation is an important consideration; the limit could apply to cumulative acquisition of monkfish DAS, or just those leased in from another permit. The application of this limit, if approved, could affect entities that own more than one monkfish permit.

1.6.3.5.1 Absolute limit

No single entity can acquire more than X monkfish DAS through the monkfish DAS leasing program inclusive/exclusive of the original allocation to the permit(s) owned by that entity.

1.6.3.5.2 Relative limit

No single entity can acquire more than X% of allocated monkfish DAS through the monkfish DAS leasing program inclusive/exclusive of the original allocation to the permit(s) owned by that entity

1.6.3.5.3 No Accumulation limits

Entities can accumulate unlimited monkfish DAS through the DAS leasing program. Entities under this and other elements of the leasing program will need to be defined (i.e., individual, business, partnership or corporation, or combination thereof), which will be a difficult task given existing data regarding vessel and permit ownership, as well as opportunities that may exist to circumvent any narrow definition.

1.6.3.6 Lease duration

1.6.3.6.1 1-year duration

1.6.3.6.2 Multi-year lease

Discussion: A multi-year lease could be complicated to administer, particularly due to potential yearly changes in monkfish DAS measures, permit ownership and distribution.

1.6.3.7 Area limitations

[Not sure this is needed with the 2/7/13 motion for NMA only or both, but it may be needed if leasing is allowed in both, but specific to each area]

Discussion: For most years under the FMP, SMA DAS allocations have been lower than those for the NMA. With leasing, there is the potential for unused NMA DAS to be leased to vessels fishing in the SMA, with the result that total DAS in the SMA could exceed sustainable levels. This provision needs further development to maintain conservation neutrality in each area. Currently, however, DAS are not allocated specifically to an area, and, therefore, no mechanism exists to identify DAS as area-specific.

1.6.3.7.1 No area limitations

DAS can be leased without restriction on leases between areas. In recent years, SMA DAS allocations have been lower than those for the NMA. With leasing, however, there is the potential for unused NMA DAS to be leased to vessels fishing in the SMA, with the result that total DAS in the SMA could exceed sustainable levels.

1.6.3.7.2 Area Restrictions apply to DAS leasing

DAS allocations will have to be specific to a management area, or vessels will have to declare which area they intend to use their DAS, and area-specific DAS can only be leased with that area.

1.6.3.8 Criteria for approval

1.6.3.8.1 Vessel Trip Report (VTR) submission is current

Discussion: Currently, the only criteria used to disapprove the lease of a groundfish DAS is whether the owner or operator of a permit has submitted VTRs on time. This was used as a means to increase compliance with existing reporting requirements.

1.6.3.8.2 Allow leases to address DAS overages

1.6.3.8.3 Other

Discussion: Another issue to consider is whether the lessor (vessel leasing out DAS) is participating in a groundfish sector or monkfish sector (if adopted as part of this action). Allowing sector vessels that don't need monkfish DAS to lease monkfish DAS to a non-sector vessel could result in total monkfish DAS usage or landings in a particular area to exceed sustainable levels.

1.6.3.9 Carry-over DAS

1.6.3.9.1 Can be leased

1.6.3.9.2 Cannot be leased

Discussion: To implement this provision, it is necessary to distinguish carry-over monkfish DAS from those allocated at the beginning of the year. This would complicate the administration of this provision. Alternatively, this provision could be implemented by capping the number of DAS that could be leased each year based on the yearly allocation of monkfish DAS which could not only maintain conservation objectives of the FMP, but also ease administration of the monkfish DAS leasing provision.

2.0 Research Set-Aside Program (RSA)

(would apply under any of the previous management programs)

Rationale: Addresses public comment that the current system (pooling DAS, and distributing them in competitive bids for funding research projects, no also including trip limit exemption provision) is cumbersome, unnecessary, and inhibits participation in RSA projects.

2.1 No Action

All limited access vessels contribute a portion of their DAS allocation (currently 0.7 DAS) to a pool of 500 DAS set aside to support RSA projects. The no action alternative also includes routine trip limit exemptions and RSA awards are expressed in both pounds of monkfish and DAS.

2.2 RSA Quota

A specific poundage would be set aside from the ACT and allocated to research projects on a competitive basis. Vessels would operate under DAS and trip limit exemptions, but would be required to declare when the vessel is on a research trip.

Option A: RSA quota based on a percentage of the ACT, equivalent to the percentage of DAS set aside (0.7 DAS set aside/40 DAS allocated)

Option B: A specific poundage would be set aside (to be determined).

3.0 Draft alternatives removed by the Committee (8/8/12)

3.1.1 Reserve pool of DAS for reactivation by vessels without DAS allocation

Discussion: This reserve pool of DAS could be applied to any option selected for calculating either a fleet or individual DAS allocation. It is intended to provide the opportunity for permits to reenter the directed monkfish fishery, or for vessels to increase their DAS allocation under the individual DAS allocation alternative. This provision may need to be revised to address the implications of monkfish DAS leasing, if adopted.

3.1.1.1 Size of pool

3.1.1.1.1 500 DAS (as with RSA set aside)

3.1.1.1.2 Percentage of total monkfish DAS allocated to qualifying vessels

3.1.1.2 Method for obtaining DAS from the pool

3.1.1.2.1 Lease or Purchase

An entity would lease or purchase additional monkfish DAS from NMFS, with funds to be used for cooperative research, or other fleet expenses that are not the responsibility of the federal government.

Discussion: The administrative burden, complexity, and legality of transferring funds from a NMFS-administered monkfish DAS lease/purchase program into other uses may render this option infeasible. Criteria would have to be established for selecting from multiple applicants when the total DAS requested exceeds the amount available such as through a competitive bidding process.

3.1.1.2.2 Lottery

Monkfish DAS would be distributed via a random drawing among the pool of vessels requesting DAS

3.1.1.2.3 Ordered Distribution

Monkfish DAS would be distributed by NMFS based on the order in which DAS requests were received

Discussion: A process would need to be established to determine who would receive DAS when the total DAS requested (such as on the first day requests are accepted) exceeds the total DAS available from the pool.

3.1.1.2.4 Establish fleet diversity standards for distributing pooled DAS

Discussion: Consistent with the objectives of this action, monkfish DAS could be distributed among permit categories, vessel size classes, ports, or other criteria to maintain the existing distribution of monkfish fishing effort.

3.1.1.3 Lot size for DAS distributed from the pool.

3.1.1.3.1 Full allocation

Vessels would receive a full allocation of DAS under one of the distribution methods discussed above

3.1.1.3.2 Incremental allocation

Vessels would receive an incremental lot of DAS over several years, provided they continue to actively participate in the monkfish fishery. For example, a participating vessel would receive 10 DAS the first year, 20 DAS the second year, and a full allocation the third year.

3.1.1.3.3 Allocation based on participation level

The Regional Administrator would distribute equal lots of DAS up to the full allocation amount based on the level of participation. For example, if there are 500 DAS in the pool and 20 vessels apply, then each would receive 25 DAS.

3.1.1.4 Redistribution of DAS from pool if not allocated by specific date.

Any DAS in the reserve pool that are not distributed to applicant vessels would be redistributed back to active vessels.

3.1.1.4.1 Date to be redistributed

Option A: Start of the fishing year (if allocation date is set before May 1)

Option B: July 1 (if allocation date is set on May 1)

Option C: Other (define)

3.1.1.4.2 Method of redistribution (to be developed).

Discussion: Measures need to be developed to determine how to distribute remaining reserve monkfish DAS to the directed fishery. Issues to consider include whether monkfish DAS are allocated to the entire fishery, or individual vessels, and how monkfish DAS leasing, if allowed, will affect the number of monkfish DAS used in a particular fishing year. Such a distribution must be conducted equitably.

3.2 Management Area Differential DAS Allocations

Discussion: This provision would address an administrative issue when there is a differential in DAS available for use in one area. For example, vessels currently have 40 DAS but may only use 28 in the SMA. This could simplify business planning and administration of monkfish DAS requirements.

3.2.1 No Action

DAS as used are counted against the allocation by area.

3.2.2 Equal Allocation of DAS to both areas, but prorate DAS used to account for any differential in area specifications

Discussion: Instead of setting a cap on the maximum DAS that could be used in either the NMA or SMA, this provision would prorate how DAS are counted when used if there is a differential in DAS available for use in one area. For example, vessels currently have 40 DAS but may only use 28 in the SMA. Under this proposal, DAS used in the SMA would be counted as 1.43 DAS (40/28). This could simplify administration of monkfish DAS measures, and may enable monkfish DAS measures to adapt to changes to stock status in different areas without additional action by the Councils.

3.3 Individual DAS allocations

3.3.1 Individual DAS allocations based on recent history of monkfish DAS usage

Each limited access monkfish permit that used a monkfish DAS during the qualification period would be assigned a percentage of the total DAS available in proportion to its share of the total DAS used during the qualification period. The allocations would be readjusted every three years, or when specifications are set, based on vessel participation.

Discussion: All limited access monkfish permits that have used monkfish DAS in the previous year or another specified period would be allocated DAS based upon their individual DAS usage. Permits that did not use DAS would not receive an automatic allocation, but could reenter the fishery under one of the provisions described below. Vessels that receive an individual allocation could also access the pool of DAS to increase their allocation up to a maximum limit (this access provision needs to be considered in the context of DAS leasing, should that be adopted). Since RSA DAS are not separately identified, vessels that participated in RSA projects would have a potentially higher DAS allocation compared to non-

participants, unless the proportion is calculated based on the maximum baseline allocation (either 40 or 31 DAS, during FY2007-2010)

3.3.2 Individual DAS allocations based on recent landings while on a monkfish DAS

Each limited access monkfish permit that used monkfish DAS during the qualification period would be assigned a percentage of the total available DAS in proportion to its share of the monkfish landings by all vessels while on monkfish DAS during the qualification period. For example, if 10 million pounds of monkfish were landed by all vessels while on a monkfish DAS, and a vessel landed 100,000 lbs. while on monkfish DAS, it would receive an allocation of 1% of the total DAS available to the entire limited access monkfish fishery.

Discussion: All limited access monkfish permits that have used monkfish DAS to land monkfish in the previous year or another specified period would be allocated monkfish DAS based upon their landings of monkfish during qualification years. Permits that did not land monkfish would not receive an automatic allocation, but could reenter the fishery under one of the provisions described below. This provision could be administratively burdensome based on the need to evaluate monkfish landings by individual permits, and the associated corrections to landings data that might be necessary. In addition, this provision may be controversial based on the variation in vessel activities that may influence monkfish landings during the qualification period. Since RSA DAS are not separately identified, vessels that participated in RSA projects would have a potentially higher DAS allocation compared to non-participants, due to the higher landings potential resulting from RSA activities.

3.4 Leasing program review and sunset provision

3.4.1 Automatic expiration unless renewed

The monkfish DAS leasing program would be reviewed as part of the specifications setting program and would automatically expire unless renewed or permanently continued during the specifications framework adjustment process.

3.4.2 Automatic extension unless modified/terminated

The DAS leasing program would be reviewed as part of the specifications setting program and would automatically continue unless modified or terminated during the specifications framework adjustment process.

3.5 Allow monkfish DAS to be permanently transferred

(Sub-goal 4 and Objectives 1, 3, 4, 6)

3.6 Monkfish sectors

Discussion: The development of monkfish sectors separate from existing groundfish sectors would be very similar to issues associated with integrating monkfish ACE into groundfish sectors. However, there are a few notable differences that further complicate the development of monkfish sectors independent from groundfish sectors. These include alternative means to distinguish monkfish-directed trips from incidental trips absent the declaration of a monkfish DAS; redundant administrative and monitoring requirements and associated costs with groundfish sectors; and complicated management structure, particularly if groundfish and monkfish sectors are organized and managed by different entities, among others. These issues need to be further explored by the Monkfish PDT

3.7 Requirement for vessels with groundfish permits to also use a groundfish DAS when on a monkfish DAS

3.7.1 Allow monkfish-only DAS (in excess of groundfish DAS allocations) to be used at any time

(Sub-goal 4 and Objectives 3, 4, and 6)

In cases where a vessel's monkfish DAS allocation exceeds its groundfish DAS allocation, the difference must be fished as a monkfish-only DAS. Under the current program, such vessels are required to use their combination DAS first, until the groundfish DAS allocation is used up, and then to fish their monkfish-only DAS. This proposal would allow those vessels to decide when to use their monkfish only DAS, and when to use their combination DAS.

Discussion: Current regulations allow a monkfish Category C, D, F, G, or H vessel to fish monkfish-only DAS (i.e., operate as a Category A or B monkfish permit) if its monkfish DAS allocation is greater than its groundfish DAS allocation. These monkfish-only DAS can only be used after the vessel has used

all of its monkfish DAS concurrently with its groundfish DAS. This measure would allow such monkfish-only DAS to be used at any time throughout the fishing year, consistent with the measures applicable to Category A and B vessels. This provision would increase flexibility and help maximize fishing opportunities in both fisheries. This provision particularly addresses public comment in the SMA that vessels must use their groundfish DAS to cover their monkfish DAS usage early in the season, but before their groundfish fishery starts (due to the seasonal availability of groundfish species in that areas).

3.8 Modify DAS/trip limit allocation for Category F (offshore) vessels

3.8.1 Eliminate the trip limit and prorate DAS based on pounds landed

(Objectives 1, 3, 4, and 9)

Under this alternative, Category F vessels could land monkfish without a trip limit and would have their DAS deducted based on the amount landed divided by the SMA trip limit applicable to the vessel's primary permit category. In other words, a Category A or C vessel would have trip landings divided by 550 lbs. tail weight to determine the amount of DAS to be deducted from the allocation. Vessels would have to have sufficient DAS to cover the trip landings.

Discussion: This provision would help to address concerns expressed by the public regarding the profitability of Offshore Area trips. In addition, by providing incentives for vessels to fish in the Offshore Area, this provision could also help reduce sturgeon mortality in the monkfish fishery since only one sturgeon interaction has been observed close to the Offshore Area since 2007.

3.9 Eliminate Permit Category H

Rationale: Addresses public comment that Category H vessels are constrained in their ability to use their full DAS allocation due to turtle closures, seasonal monkfish availability, and northern boundary at 38°40'.

3.9.1 No Action

Permit Category H vessels are restricted to fishing on a monkfish DAS south of 38°40'N Lat.

3.9.2 Eliminate Category H

(Sub-goal 4 and Objective 7)

Permit Category H vessels would be issued limited access monkfish Category B permits instead and allowed to fish in all areas applicable to such permits.

3.9.3 Retain Permit Category H but eliminate the boundary line

This would allow Category H permits to fish on a monkfish DAS north of 38°40’N Lat.

(Sub-goal 4 and Objective 7)

Discussion: Amendment 2 to the Monkfish FMP originally created the Category H permit to allow vessels fishing in southern waters that did not qualify for a limited access monkfish permit to continue to participate in the directed monkfish fishery. This measure has the same effect as that specified in Section 3.9.2, except that it would preserve the Category H permit and its qualification criteria for any future allocation system based on initial qualification. It would still allow such vessels to fish north of 38°40’N Lat. under the measures applicable to Category B permits.

3.9.4 Allow monkfish DAS to be temporarily leased

3.9.4.1.1 2003 GF leasing proposal – horsepower restrictions

[Should this be modified to be based on vessel lengths?] A vessel issued a limited access monkfish permit may lease monkfish DAS to another vessel issued a limited access monkfish permit regardless of vessel size or horsepower. To maintain conservation neutrality, an adjustment factor would be applied to monkfish DAS leased from a smaller horsepower class vessel to a larger horsepower class vessel. A larger horsepower vessel would only receive a fraction of the monkfish DAS leased from a smaller horsepower vessel, but that same vessel could lease the full amount of monkfish DAS to a smaller horsepower vessel (see table below). For example, if Vessel A, a 176-250 horsepower class vessel, leases 10 NE multispecies DAS to Vessel B, a vessel in the 325-400 horsepower class, Vessel B would receive 7.3 DAS (10 x 0.73). Using these same horsepower class vessels, if Vessel B leases 10 DAS to Vessel A, Vessel A would receive 10 DAS. All limited access monkfish permit holders would be classified according to the baseline horsepower associated with that permit as of [date to be determined – monkfish control date?].

		Lessor Vessel (seller vessel) Horsepower Class					
		0-175	176-250	251-324	325-400	401-650	651 +
Lessee Vessel (buyer vessel) Horse-power Class	0-175	1.00	1.00	1.00	1.00	1.00	1.00
	176-250	0.80	1.00	1.00	1.00	1.00	1.00
	251-324	0.70	0.88	1.00	1.00	1.00	1.00
	325-400	0.58	0.73	0.83	1.00	1.00	1.00

	401-650	0.49	0.61	0.70	0.84	1.00	1.00
	651 +	0.36	0.45	0.52	0.62	0.74	1.00

Monkfish Amendment 6 Goals and Objectives

The original FMP specified the following management objectives:

1. To end and prevent overfishing; rebuilding and maintaining a healthy spawning stock;
2. To optimize yield and maximize economic benefits to the various fishing sectors;
3. To prevent increased fishing on immature fish;
4. To allow the traditional incidental catch of monkfish to occur.

The goals and objectives for Amendment 6 are to supplement the basic FMP objectives. Specifically: **GOAL:** Maximize yield and efficiency, and simplify regulations in the monkfish fishery while minimizing any resulting disruption in relative fleet distribution and composition, preserving monkfish bycatch allowances necessary to prosecute other fisheries, and minimizing impacts on protected species.

Sub-goal 1. Maximize yield.

- Objective 1. Implement measures to reduce the ratio of discards to pounds landed.
- Objective 2. Implement measures to provide incentives to reduce discards of undersized monkfish.
- Objective 3. Implement measures to ensure the full utilization of the ACT.

Sub-goal 2. Maximize efficiency in the fishery.

- Objective 4. Implement measures that allow vessels to more efficiently, economically and opportunistically harvest monkfish.
- Objective 5. Implement measures that allow vessels to better utilize

monkfish bycatch on non-directed trips.

Sub-goal 3. Simplify regulations.

Objective 6. Implement measures that provide increased flexibility through better integration of Monkfish management measures with other FMPs.

Objective 7. Address existing geographic constraints on permit categories.

Sub-goal 4. Minimize disruption to current fleet distribution and composition and fishing community structure while allowing the fishery to evolve.

Objective 8. Implement measures that would result in accumulation limits if some sort of catch shares are implemented

Sub-goal 5. Maintain the monkfish bycatch allowances necessary to sustain the yield of other fisheries

Objective 9. Implement specifications/measures that quantify and allocate monkfish bycatch to other fisheries.

Sub-goal 6. Minimize the impacts on protected species.

Objective 10. Implement measures to reduce Atlantic sturgeon mortality in the monkfish fishery (if necessary).