

Monkfish Fishery Management Plan  
Amendment 5

Public Hearing Document

Prepared by  
New England Fishery Management Council  
and Mid-Atlantic Fishery Management Council

in consultation with  
NOAA National Marine Fisheries Service

**January 8, 2010**



## *The Public Comment Process*

Oral comments may be made at any of the scheduled public hearings listed below.

### *Hearing schedule:*

<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>Monday, February 8, 2010</b>	1:00 p.m.	Hampton Inn One Hampton Way, <b>Fairhaven, MA</b> 02719 Telephone: (508) 990-8500
<b>Tuesday, February 9, 2010</b>	1:00 p.m.	Annisquam River Marine Fisheries Station 30 Emerson Avenue, <b>Gloucester, MA</b> 01930 Telephone: (978) 282-0308
<b>Thursday, February 11, 2010</b>	8:00 a.m.	Hyatt Regency Chesapeake Bay Hotel 100 Heron Blvd at Route 50, <b>Cambridge, MD</b> 21613 Telephone: (410) 901-1234
<b>Wednesday, February 24, 2010</b>	1:30 p.m.	Holiday Inn Express East End 1707 Old Country Rd., <b>Riverhead, NY</b> 11901 Telephone: (631) 548-1000
<b>Thursday, February 25, 2010</b>	9:00 a.m.	Hilton Garden Inn 1885 Route 70, <b>Lakewood, NJ</b> 08701 Telephone: (732) 262-5232
<b>Friday, March 5, 2010</b>	9:00 a.m.	Samoset Resort (Maine Fishermen's Forum) 220 Warrenton Street, <b>Rockport, ME</b> 04856 Telephone: (207) 594-2511

## Submitting Written Comments:



**Comments must be received by 5:00 p.m. on March 5<sup>th</sup>, 2010.**

**Written comments by mail:**

Patricia Kurkul, Regional Administrator

National Marine Fisheries Service

Northeast Regional Office

55 Great Republic Drive

Gloucester, MA 01930

Subject line: "Monkfish Amendment 5 Public Hearing Comments"

**Written comments by fax:**

National Marine Fisheries Service

(978) 281-9135

Subject line: "Monkfish Amendment 5 Public Hearing Comments"

**Written comments by email:**

Send to [monkamendment5@noaa.gov](mailto:monkamendment5@noaa.gov)

Subject line: "Monkfish Amendment 5 Public Hearing Comments"



# *Introduction to the Monkfish Amendment 5 Public Hearing Document*

This document describes in summary form the alternatives and options proposed in Draft Amendment 5 to the Monkfish Fishery Management Plan (FMP). The complete Draft Amendment 5 document incorporating the Draft Environmental Assessment (EA) is available on the New England Fishery Management Council (NEFMC) website at [www.nefmc.org](http://www.nefmc.org). Paper copies are available on request by calling the NEFMC office at 978/465-0492.

The monkfish fishery is jointly managed by the NEFMC and the Mid-Atlantic Fishery Management Council (MAFMC), with the NEFMC having the administrative lead. The fishery extends from Maine to North Carolina out to the continental margin. The Councils manage the fishery as two stocks, with the Northern Fishery Management Area (NMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SMA) extending from the southern flank of Georges Bank through the Mid-Atlantic Bight to North Carolina (see Figure 1).

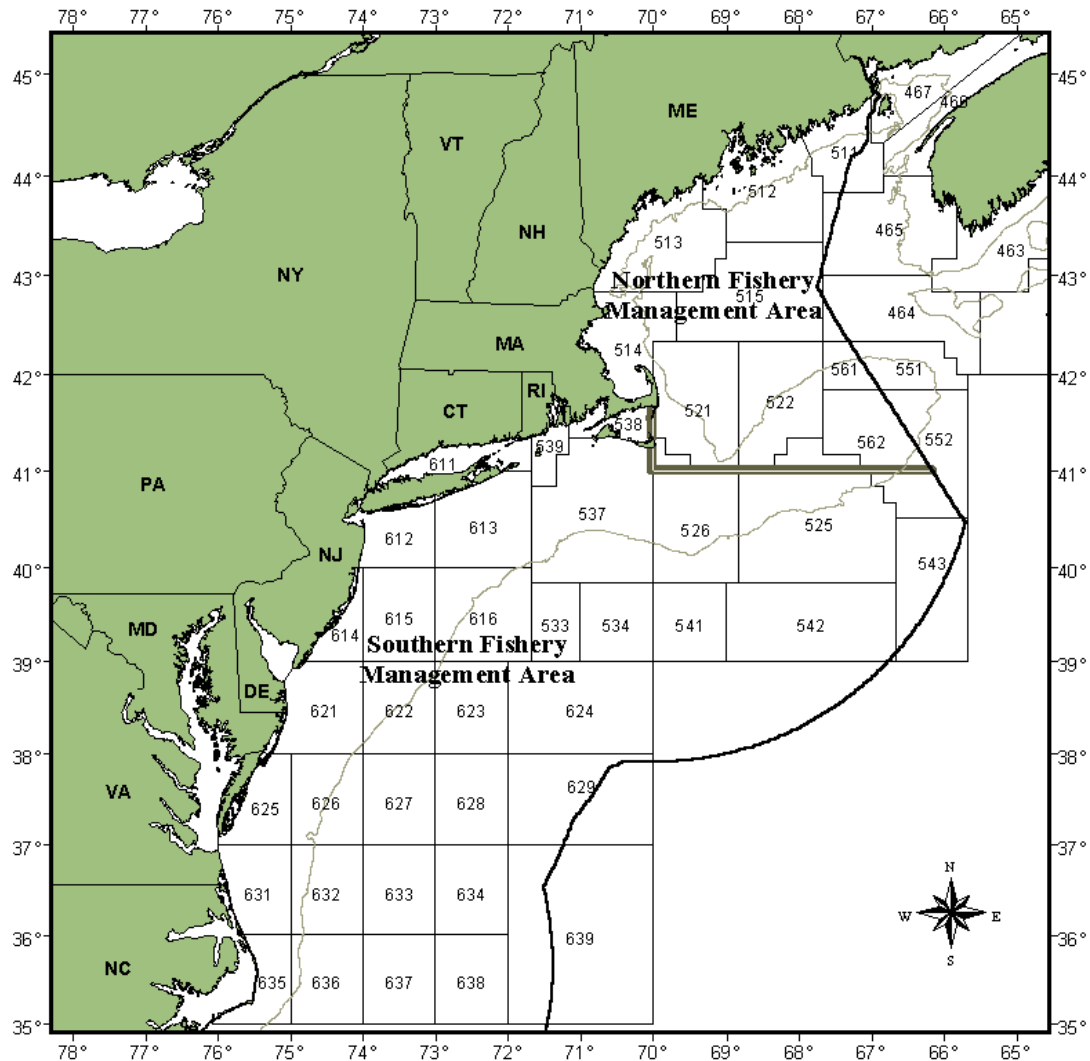
The Councils adopted the Monkfish FMP in 1999. For the first eight years under the FMP, the fishery was in a rebuilding plan since the stocks were considered overfished (below the biomass target). In 2007, the Northeast Data Poor Stocks Working Group (DPWG) completed a monkfish stock assessment and recommended revisions to the biomass reference points. The Councils adopted the new reference points in December 2007, which resulted in the revisions to the stock status in both areas. Based on the new assessment and reference points, overfishing was not occurring and the stocks were rebuilt (above the biomass target) in both areas. The assessment report, however, contained several cautionary statements, due to the fact that this was the first use of a new assessment model, and to uncertainty in the input data and overall knowledge of monkfish life history and population dynamics.

In 2007, the Councils proposed in Framework 4 to set catch targets (TTACs) at 5,000 mt and 5,100 mt for the NMA and SMA, respectively. The Councils requested the DPWG to evaluate the impact of applying those TTACs for the 2007-2009 fishing years. The DPWG concluded that under those catch targets, fishing mortality rates would remain below the threshold, and biomass would remain in an upward trend above the biomass target. Upon receiving the DPWG report, NMFS approved Framework 4 which included an automatic extension of the TTACs beyond FY2009 if the Councils did not adopt new targets.

Also in 2007, the Magnuson-Stevens Fishery Conservation and Management Act was reauthorized, and revised to include, among other things, the requirement that all FMPs establish Annual Catch Limits (ACLs) and measures to ensure accountability (AMs). For stocks not subject to overfishing, such as monkfish, the Act set a deadline of 2011 for the implementation of ACLs and AMs. In 2009, NMFS published revised National Standard 1 Guidelines which the Councils have used to develop ACLs and AMs for all FMPs.

The Councils are addressing two primary purposes with this amendment: to implement the MSRA mandated ACLs and AMs, and to set the specifications of DAS, trip limits and

other management measures to replace those adopted in Framework 4. The Councils are also proposing to make modifications to the FMP to improve the Research Set Aside (RSA) Program, to minimize bycatch resulting from trip limit overages, and to accommodate those vessels fishing in groundfish sectors who would no longer be required to use their allocated groundfish DAS.



**Figure 1 Monkfish fishery management areas and statistical areas.**

The Councils seek public comment on the alternatives under consideration. The Monkfish Oversight Committee and Industry Advisory Panel will review these comments and develop recommendations to the Councils on the measures to be submitted as final action for Amendment 5. The Councils will make their decisions in April, 2010 for submission to the National Marine Fisheries Service (NMFS). If approved by NMFS, Amendment 5 will take effect at the start of the 2011 fishing year.

## ***Purpose and Need for Amendment 5***

The primary need for this action is to bring the Monkfish FMP into compliance with the 2007 re-authorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSRA). The MSRA included several new requirements, foremost of which is that each fishery adopt annual catch limits (ACLs) to prevent overfishing, including measures to ensure accountability. Since the monkfish stocks are not subject to overfishing, the MSRA requires that the Monkfish FMP achieve compliance by 2011. Therefore, **the primary purpose of this amendment is to consider measures that will implement annual catch limits and accountability measures (AMs) to prevent overfishing.**

This action is also needed to fully comply with the revised NS1 Guidelines pertaining to the specification of reference point control rules and status determination criteria. On January 16, 2009, NMFS published amended guidelines for National Standard 1 (NS1) of the MSRA (74 *Federal Register* 3178) for setting ACLs and other management reference points, and clarifying the relationship among those reference points. Specifically, these reference points include the Overfishing Limit (OFL), Maximum Sustainable Yield (MSY), Optimum Yield (OY), and Allowable Biological Catch (ABC). In addition, the guidelines provide a framework for various AMs, including in-season AMs, AMs for when the ACL is exceeded, AMs based on multi-year average data, and AMs for State-Federal fisheries. A second purpose of this amendment is, therefore, **to define and adopt management reference points in accordance with the revised Guidelines.**

This action is needed because current specifications of target total allowable catch (TTAC), and associated management measures, such as days-at-sea (DAS) and trip limits adopted in Framework 4 for the 2007-2009 fishing years will expire on April 30, 2010. Framework 4 included a provision to continue these specifications in FY2010 and beyond if the Councils do not adopt new specifications prior to that time. However, the Councils' intent was that the extension only be a contingency provision in the event unforeseen circumstances prevented setting specifications at the end of the three-year period. The Councils began working on Amendment 5 in January 2009. Given the rebuilt status of the resource, it was unreasonable to simultaneously develop specifications separately for FY2010. As a result, the TTACs and associated management measures in place or FY2009 will remain in effect for one additional year until the Councils can complete Amendment 5. Since the Councils are proposing to use an Annual Catch Target (ACT) as an in-season, proactive AM, the ACT will serve the same function as the TTAC as being the basis for specifying management measures, after accounting for discards. The third purpose of this amendment, therefore, is **to adopt specifications for FY2011-2013 and beyond, if necessary. Revised specifications will include trip limits and DAS for the directed fishery, adjustments to the Research Set Aside (RSA) program, or other administrative or operational revisions to the existing management program.**

Table 1 is a summary of the needs for, and purposes of this action.

<b>Need</b>	<b>Purpose</b>	<b>Environmental Assessment Section Reference</b>
<b>MSRA Compliance</b>	<b>Implement ACLs and AMs to prevent overfishing</b>	<b>3.2</b>
<b>NS1 Guidelines Compliance</b>	<b>Adopt biological and management reference points and control rules consistent with updated NS1 Guidelines</b>	<b>3.1</b>
<b>Expiration of Specifications adopted in Framework 4</b>	<b>1 – Adopt updated catch targets on which to base management measures</b>	<b>3.2.2.3</b>
	<b>2 –Adopt appropriate DAS and trip limits for directed fishery, adjustment to administrative measures and other management measures in the current program.</b>	<b>3.3 - 3.6</b>

**Table 1 – Summary of purpose and need identified for Amendment 5**

### ***Alternatives under Consideration, including No Action***

The following tables describe the No Action alternatives (listed as Alternative 1 for each measure) and the changes under consideration. In some cases, there are two or more options within each action alternative, and the Councils seek public input on those individual options. For example, there are two Annual Catch Target (ACT) options for each management area. In addition, for each ACT option there is a range of associated days-at-sea and trip limit combinations.

The descriptions below are in summary form, and more detail and discussion is provided in the referenced sections of the Environmental Assessment.

### Biological and Management Reference Points – Section 3.1

Alternative 1 – No Action	Description.	Comment
<b>B<sub>target</sub></b>	Average of total biomass 1980 – 2006 <b>N: 92,200 mt</b> <b>S: 122,500 mt</b>	Proxy for B <sub>msy</sub> Rebuilt status determination criterion Current (2006) estimates: <b>N: 118,700 mt</b> <b>S: 135,500 mt</b>
<b>B<sub>threshold</sub></b>	Lowest value of total biomass 1980 – 2006 <b>N: 65,200 mt</b> <b>S: 96,400 mt</b>	Overfished status determination criterion
<b>F<sub>threshold</sub></b>	F <sub>max=</sub> <b>N: F = 0.31</b> <b>S: F = 0.40</b>	Proxy for F <sub>msy</sub> Overfishing status determination criterion Current (2006) estimates: <b>N: F = 0.09</b> <b>S: F = 0.12</b>
<b>Optimum Yield (OY)</b>	OY=target TAC, set annually Current TTAC: <b>N: 5,000 mt</b> <b>S: 5,100 mt</b>	Adopted in Framework 2

Alternative 2 – Proposed Reference Points	Description.	Comment
MSY	$MSY = F_{\text{threshold}} \times B_{\text{target}}$ <b>N: 17,053 mt</b> <b>S: 25,487 mt</b>	Nominal estimates of MSY (derived from $F_{\text{max}}$ and estimates of $B_{\text{target}}$ calculated as average of exploitable biomass (1980-2006) from the SCALE model)
OFL	$OFL = F_{\text{threshold}} \times B_{\text{current}}$ <b>N: 22,729 mt</b> <b>S: 28,263 mt</b>	Derived from $F_{\text{max}}$ and estimates of exploitable biomass $B_{\text{current}(2006)}$ from the SCALE model.
ABC	ABC (interim)= product of ave. expl. rate 1999-2006 (N) and 2000 – 2006 (S) and current (2006) exploitable biomass. <b>N: 17,485 mt</b> <b>S: 13,326 mt</b>	Period during stable or rising biomass. Interim because not based on estimates of uncertainty in calculation of OFL. SSC Recommendation
OY	OY=ACT	Maximizes yield while preventing overfishing in consideration of scientific and management uncertainty, thereby achieving social and economic benefits.

### Annual Catch Limits and Accountability Measures – Section 3.2

Alternative 1 – No Action	Comment
<b>No Annual Catch Limits (ACLs)</b>	Current FMP does not specify ACLs and AMs, and is, therefore, inconsistent with Magnuson-Stevens Reauthorization Act.
<b>No Accountability Measures (AMs)</b>	

Alternative 2 – Proposed ACLs and AMs	Description.	Comment
ACL	ACL=ABC	No technical basis for setting ACL<ABC
Reactive AMs	Deduct ACL overage weight from ACT; adjust mgmt. measures in 2 <sup>nd</sup> year after overage year; if Councils do not take appropriate action, RA will use formulaic approach to adjust DAS and trip limits and implement by notice action.	See Section 3.2.2.2 for complete description
Proactive AM (ACT) North	<b>Option 1: 8,063 mt</b> <b>Option 2: 10,750 mt</b>	Option 1 - 50% increase in TTAC plus discards Option 2: 100% increase in TTAC plus discards
Proactive AM (ACT) South	<b>Option 1: 9,211 mt</b> <b>Option 2: 11,469 mt</b>	Option 1 - 40% increase in TTAC plus discards Option 2 - 75% increase in TTAC plus discards

### Specification of Days-at-Sea and Trip Limits – Section 3.3.1

Alternative 1 – No Action				Comment Adopted in Framework 4 based on TTAC (5,000 mt NMA, 5,100 mt SMA), for FY2007-2009, with automatic extension until re-specified.
	DAS	Trip limit (tail wt. lbs./DAS)		
		Permit A & C	Permit B,D, &H	
NMA	31	1,250	470	
SMA	23	550	450	

### Alternative 2 NMA – DAS and Trip Limit Options under two ACT alternatives

TAC Increase (percent)	NMA TAC (mt)	Discards (mt)	TAL (mt)	NMA OPTION	AC trip limit (tail wt. per DAS)	BD trip limit (tail wt. per DAS)	DAS
50% (ACT Option 1)	8,063	563	7,500	1A	1250	700	31
				1B	1250	470	45
				1C	1250	600	40
100% (ACT Option 2)	10,750	750	10,000	2A	1250	950	31
				2B	1250	470	51
				2C	1250	800	40

### Alternative 2 SMA – DAS and Trip Limit Options under two ACT alternatives

TAC Increase (percent)	SMA TAC (mt)	Discards (mt)	TAL (mt)	SMA OPTION	AC trip limit (tail wt. per DAS)	BD trip limit (tail wt. per DAS)	DAS
40% (ACT Option 1)	9,211	2,071	7,140	1A	550	450	23
				1B	550	450	23
				1C	700	600	15
75% (ACT Option 2)	13,107	2,588	8,925	2A	700	600	23
				2B	550	450	28
				2C	700	600	23

### Automatic DAS Adjustment for Trip Limit Overage – Section 3.3.2.1

<b>Alternative 1 – No Action</b>	<b>Description.</b>
<b>No Adjustment</b>	Vessels exceeding their trip limit may not return to port until sufficient time has elapsed or discard the overage.

<b>Alternative 2 – Proposed Automatic adjustment</b>	<b>Description.</b>	<b>Comment</b>
	A vessel may exceed the applicable trip limit in the amount equivalent to one day’s trip limit, provided the vessel reports that it has an overage via VMS or cell phone prior to crossing the VMS demarcation line.	
<b>Option 1</b>	<b>30 hours</b> would be deducted from a vessel’s DAS account.	Based on the current rule that gillnet vessels are charged a minimum of 15 hours for a trip, times two.
<b>Option 2</b>	<b>48 hours</b> would be deducted from a vessel’s DAS account.	Based on 2 days at 24 hours.
<b>Option 3</b>	<b>24 hours + 1 minute</b> would be deducted from a vessel’s DAS account.	Based on the current rule that applies the trip limit to a day or any partial day, including one minute.

**Permit Category C & D Groundfish DAS Usage – Section 3.3.2.2**

<p><b>Alternative 1 – No Action</b></p>	<p><b>Description.</b></p>
<p><b>Required to use available GF DAS</b></p>	<p>Vessels holding a monkfish Category C or D permit and a multispecies permit are charged a multispecies Category A DAS for every monkfish DAS used. If the vessel’s allocation of multispecies Category A DAS is fewer than the monkfish DAS allocation, the vessel may fish the difference as a monkfish-only DAS but only after all multispecies Category A DAS have been used.</p>
<p><b>Alternative 2 – Proposed Action</b></p>	<p><b>Description.</b></p>
<p><b>Vessel chooses when to use GF DAS</b></p>	<p>vessels holding a limited access monkfish Category C or D permit and a limited access multispecies permit that have a higher monkfish DAS allocation than multispecies Category A DAS allocation could elect when to declare a combination multispecies/monkfish DAS. However, when the balance of monkfish DAS remaining equals the vessel's allocation of multispecies Category A DAS, the vessel will be automatically charged a multispecies Category A DAS for every monkfish DAS used.</p>

**Monkfish Vessels in Groundfish Sectors – Groundfish DAS Usage – Section 3.3.2.3**

<b>Alternative 1 – No Action</b>	<b>Description.</b>	<b>Comment</b>
<b>Required to use available GF DAS</b>	Vessels holding a monkfish Category C or D permit and a multispecies permit are charged a multispecies Category A DAS for every monkfish DAS used. If the vessel’s allocation of multispecies Category A DAS is fewer than the monkfish DAS allocation, the vessel may fish the difference as a monkfish-only DAS but only after all multispecies Category A DAS have been used.	A vessel enrolled in a multispecies (groundfish) sector is still allocated multispecies Category A DAS, but may not be required to use those days when fishing for groundfish under the rules of the individual sector. When a vessel enrolled in a sector exceeds the applicable incidental limit for monkfish, it must declare a monkfish DAS, and will be charged a multispecies Category A DAS for every monkfish DAS used. When fishing on a monkfish-only DAS, the sector member vessel is not required to fish in one of the monkfish exempted fisheries established under the Multispecies FMP, but is restricted to fishing only in areas where the sector has Annual Catch Entitlement (ACE) remaining, and any catch of multispecies would be charged against that ACE. If the sector has insufficient ACE remaining, or if the sector is closed because it has caught its ACE, then vessels would not be able to use their monkfish only DAS in an exempted fishery due to the potential for incidental catch of multispecies.
<b>Alternative 2 – Proposed Action</b>	<b>Description.</b>	<b>Comment</b>
<b>Eliminate GF DAS usage requirement</b>	A vessel enrolled in a groundfish sector that also has a monkfish Category C or D permit would not be required to use a multispecies Category A (groundfish) DAS in conjunction with its monkfish DAS.	See comment under no action alternative regarding exempted fishery applicability and impact of groundfish ACE

**Research Set-Aside (RSA) DAS Carryover– Section 3.4.1**

<b>Alternative 1 – No Action</b>	<b>Description.</b>
<b>No Carryover</b>	vessels that receive RSA DAS for research and/or compensation, from projects awarded RSA grants, must fish those DAS before the end of the fishing year. Unused RSA DAS may not be carried forward to the following fishing year.

<b>Alternative 2 – Proposed RSA DAS Carryover</b>	<b>Description.</b>	<b>Comment</b>
	A vessel that receives RSA DAS for research and/or compensation from projects awarded RSA grants may carryover any awarded but unused DAS	
<b>Option 1</b>	A project that has been awarded RSA DAS but has not used up those DAS before the end of the fishing year may carryover the unused portion of the DAS to the following year, but <b>must use those DAS in the first three months of the fishing year</b> , that is, by July 31. Carryover RSA DAS may not be accumulated for future years.	
<b>Option 2</b>	A project that has been awarded RSA DAS but has not used up those DAS before the end of the fishing year may carryover the unused portion of the DAS to the following year. Carryover RSA DAS may not be accumulated for future years.	NMFS has proposed implementing this option as a regulatory amendment to be effective for the 2010 fishing year.

### Allow Changes to RSA Program by Framework Adjustment – Section 3.4.2

<b>Alternative 1 – No Action</b>	<b>Description.</b>
	Currently any changes to the Monkfish Cooperative Research Set Aside Program must be done through a plan amendment.

<b>Alternative 2 – Proposed Action</b>	<b>Description.</b>
Allow Changes to RSA Program by Framework Adjustment	The Councils could consider and adopt changes to the RSA Program (e.g., increase or decrease RSA set-aside amount) through a framework adjustment to the FMP.

### Mandatory VMS – Section 3.5

<b>Alternative 1 – No Action</b>	<b>Description.</b>
<b>No Mandatory VMS</b>	The Monkfish FMP does not currently require limited access vessels to use a VMS. Permit Category C and D vessels are already required to use VMS by either the Scallop or Multispecies regulations, since, by definition, C and D permits are those limited access monkfish permits that also hold a limited access permit in either the Scallop or Multispecies fisheries.

<b>Alternative 2 – Mandatory VMS</b>	<b>Description.</b>	<b>Comment</b>
	Three options, based on area, requiring all limited access monkfish vessels to use a VMS unless exempted under the power-down provisions (see below)	If a vessel is already required to use a VMS under the regulations of other FMPs, then those regulations, including the applicable power-down provisions, supersede this requirement.
<b>Option 1</b>	All monkfish limited access vessels fishing in the <b>SMA</b> will be required to have an operational VMS when on a monkfish DAS.	
<b>Option 2</b>	All monkfish limited access vessels fishing in the <b>NMA</b> will be required to have an operational VMS when on a monkfish DAS.	
<b>Option 3</b>	All monkfish limited access vessels will be required to have an operational VMS when on a monkfish DAS.	

**Power down provision** of mandatory VMS – Existing power down options for other fisheries requiring VMS vary by FMP. The following regulatory text from CFR Section 648.9 describes the power down exemption rules. Councils are considering applying paragraphs A and D, and modified paragraph B (language change is highlighted) to monkfish FMP:

(2) *Power down exemption.*

(i) Any vessel required to transmit the vessel's location at all times, as required in paragraph (c)(1) of this section, is exempt from this requirement if it meets one or more of the following conditions and requirements:

(A) The vessel will be continuously out of the water for more than 72 consecutive hours, the vessel signs out of the VMS program by obtaining a valid letter of exemption pursuant to paragraph (c)(2)(ii) of this section, and the vessel complies with all conditions and requirements of said letter;

(B) For vessels fishing with a valid NE multispecies limited access permit, or a valid surfclam and ocean quahog permit specified at §648.4(a)(4), the vessel owner signs out of the VMS program for a minimum period of 30 consecutive days by obtaining a valid letter of exemption pursuant to paragraph (c)(2)(ii) of this section, the vessel does not engage in any fisheries until the VMS unit is turned back on, and the vessel complies with all conditions and requirements of said letter; or

(C) The vessel has been issued a limited access herring permit, and is in port, unless required by other permit requirements for other fisheries to transmit the vessel's location at all times. Such vessels must activate the VMS unit and enter the appropriate activity code prior to leaving port.

(D) The vessel has been issued a general scallop permit **or a monkfish limited access permit** and is required to operate VMS as specified in §648.10(b)(1)(iv), is not in possession of any scallops **or monkfish** onboard the vessel, is tied to a permanent dock or mooring, and the vessel operator has notified NMFS through VMS by transmitting the appropriate VMS power down code, that the VMS will be powered down, unless required by other permit requirements for other fisheries to transmit the vessel's location at all times. Such a vessel must repower the VMS prior to moving from the fixed dock or mooring. VMS codes and instructions are available from the Regional Administrator upon request;

(E) **For vessels fishing with a valid monkfish limited access permit, the vessel owner signs out of the VMS program for a minimum period of 30 consecutive days by obtaining a valid letter of exemption pursuant to paragraph (c)(2)(ii) of this section, the vessel does not engage in any fisheries where a VMS is required until the VMS unit is turned back on, and the vessel complies with all conditions and requirements of said letter.**

(ii) *Letter of exemption.*

(A) *Application.* A vessel owner may apply for a letter of exemption from the VMS transmitting requirements specified in paragraph (c)(1) of this section for his/her vessel by sending a written request to the Regional Administrator and providing the following: The location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS signal will be turned off and turned on again); and, in the case of a vessel meeting the conditions of paragraph (c)(2)(i)(A) of this section, sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours. The letter of exemption must be on board the vessel at all times, and the vessel may not turn off the VMS signal until the letter of exemption has been received.

(B) *Issuance.* Upon receipt of an application, the Regional Administrator may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under paragraph (c)(2) of this section, and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's DAS. Upon written request, the Regional Administrator may change the time period for which the exemption is granted.

### Allow Landing of Monkfish Heads – Section 3.6

<b>Alternative 1 – No Action</b>	<b>Description.</b>	
	Vessels are prohibited from landing monkfish heads unattached. Currently, vessels may only land whole fish or tails, as there is a tails-to-whole conversion factor in the FMP and implementing regulations.	
<b>Alternative 2 – Proposed Action</b>	<b>Description.</b>	<b>Comment</b>
Allow landing of monkfish heads	Vessels could land unattached monkfish heads provided the total weight of the heads does not exceed 2.32 times the total weight of tails on board.	Ratio derived from: A 3.32 pound fish would yield a 1 pound tail, with 2.32 pounds remaining. Current tail to whole fish conversion ratio is 1:3.32.

## ***Summary Discussion of Impacts of the Alternatives***

The following discussion summarizes the findings of the Environmental Assessment with respect to biological, habitat, economic and social impacts of the alternatives under consideration. Section 5.0 of the Environmental Assessment contains the complete analysis discussion.

### **ACLs and AMs**

The adoption of ACLs will not have a direct impact, but when taken in conjunction with the AMs will have a generally positive impact on the human environment. The setting of an ACL that considers scientific uncertainty will provide long term protection against overfishing. However, it is the establishment of proactive AMs, in the form of annual catch targets that account for management uncertainty, and reactive AMs to account for any overage of the ACL, that provide the substantive elements of the ACL reference point as the basis for management measures designed to control effort and prevent overfishing, and which have an impact on the environment. In other words, the ACL itself does not have an impact on the human environment, but the measures associated with the AMs do.

The ACTs are proactive AMs, intended to prevent catch from exceeding the ACL. In the short run, the lower ACT options (Option 1) provide greater protection to the monkfish stocks by reducing the likelihood that the ACL will be exceeded (and overfishing will occur), while, conversely, the higher ACT options (Option 2) will result in greater revenue potential and flexibility for fishing vessels, provided prices do not decrease as landings increase. The long term effect depends on whether the higher ACT levels are sufficient to prevent catch from exceeding the ACL, and averting the consequence that overfishing occurs and reactive AMs are invoked.

Projections of the impact of both NMA ACT options on monkfish indicate that biomass levels will decline during the 2011-2013 period, but will remain above the biomass target. Both SMA ACT options are projected to result in a slight decline in biomass with stabilization in 2013, also above the biomass target. These projections should be interpreted cautiously, as they are highly dependant on assumptions about recruitment, as well as stock status changes since 2006, the terminal data year of the last assessment. A new stock assessment is scheduled for June, 2010, which may result in a revision to the values associated with the ACL.

### **DAS and Trip Limit Specifications**

The specification of DAS and trip limits depends on the ACT option. The higher ACT options will result in a greater allocation of effort, which could have greater impact on non-target species (through incidental catch), protected species, and habitat. The primary non-target species to be affected are skates and dogfish. These potential impacts are somewhat mitigated by measures adopted to protect non-target species managed by other FMPs (particularly with the adoption of ACLs and AMs in those FMPs), by marine mammal and other protected species programs, and habitat protection measures (gear

restrictions and closures). In addition, especially in the NMA, restrictions on groundfish fishing effort in Multispecies Amendment 16 (either common pool DAS or sector quotas) are expected to provide sufficient protection for groundfish species that may be caught simultaneously while vessels are targeting monkfish.

While higher ACT options have potentially negative biological and habitat impacts, the higher effort allocation will result in marginally greater economic and social benefits, provided catch remains below the ACL and monkfish prices do not decline under the increased landings. The specifications options are based on increasing either DAS or trip limits, or both. Generally speaking, those options that increase DAS have a greater positive impact on vessel revenues than those that increase trip limits. This conclusion, however, is highly dependent on the assumptions of the trip limit model, including that decisions about where and how vessels will fish, compared to current patterns, as well as on the maintenance of current prices. This conclusion also does not incorporate the long-term consequence of reduced allocations in the event that landings under the DAS/trip limit allocations exceed the ACL and result in reduced effort in the future.

### **Other Measures under Consideration**

#### **Automatic DAS Adjustment for Trip Limit Overages**

The proposal to allow vessels to land up to a one-day overage of the trip limit will have a moderately positive impact on the human environment. Discards will likely decline, and vessels will be able to operate more efficiently when catch rates increase. Revenues per trip will increase without an increase in vessel costs. Of the three options under consideration, Option 3 (charge 24 hours and one minute for two day's trip limits) will have the most positive economic and social benefits, while at the same time is the least conservative biologically. Option 2, which charges 48 hours for two days overage is the most restrictive economically and the most conservative biologically.

#### **Category C and D Permit – Groundfish DAS Usage Requirement**

The proposal to allow vessels to choose when they use groundfish DAS in conjunction with their monkfish DAS does not change the overall effort allocation, and is, therefore, neutral with respect to impacts on monkfish, protected species and habitat. If vessels, however, are able to increase their catch of groundfish species because they can elect to use their combined DAS when groundfish are more available to them, then there is a potentially negative effect on groundfish, which is somewhat mitigated by the establishment of ACLs and AMs, and associated management restrictions in the groundfish fishery. Given the potential for increased revenues, and flexibility in fishing operations, this proposal likely has moderately positive social and economic impacts.

#### **Eliminate Groundfish DAS Usage Requirement for Sector Vessels**

If a vessel is enrolled in a groundfish sector, where groundfish DAS are no longer required, then maintaining that requirement for vessels on a permit category C and D vessels on a monkfish DAS is an unnecessary administrative burden. The proposal to remove this requirement, therefore, is likely neutral from a biological and habitat perspective, and moderately positive from a social point of view.

**Allow Carryover of RSA DAS**

This proposal would allow vessels that receive RSA DAS for research and/or compensation from projects that have been awarded Cooperative Research DAS to carryover any unused DAS to the following fishing year. While this has moderately positive social and economic impacts (vessels that cannot use their allocated RSA DAS before the end of the fishing year would no longer lose those days), it is neutral with respect to biological and habitat impacts, since overall effort allocations are not changed.

**Allow Changes to the RSA Program by Framework Adjustment**

This is an administrative change that does not have an impact on the human environment. Any changes to the program that are made through a framework adjustment would still be subject to environmental impact analysis in that process.

**Mandatory VMS**

Most limited access monkfish vessels are required to carry a VMS under the rules of the scallop or multispecies FMPs. Monkfish permit category A and B vessels are not currently required to use a VMS. While this is an administrative change, it may have moderately positive biological benefits if it results in enhanced enforcement capabilities, as well as improvements in the scientific understanding of monkfish distributions. Since the requirement will impose a cost on vessels, there is a potentially negative economic impact, which is somewhat offset by the power-down provisions (usage charges will be minimized). Furthermore, there are some positive social impacts, particularly with respect to safety/rescue, and that the VMS “levels the playing field” among fishermen, since it makes it more difficult to engage in some illicit behavior.

**Allow Landing of Monkfish Heads**

Allowing vessels to land monkfish heads in appropriate ratio to tails does not change the overall effort allocation, and is, therefore, neutral with respect to biological and habitat impacts. These heads, which would otherwise be discarded, will provide an additional revenue source to vessels, and reduces waste, thus, having positive social and economic impacts.