



**NEW ENGLAND FISHERY MANAGEMENT COUNCIL
SEEKS YOUR COMMENTS ON THE MANAGEMENT OF THE
MONKFISH FISHERY**

***Your comments
are invited***

The New England Fishery Management Council (Council) is initiating the development of Amendment 5 to the Monkfish Fishery Management Plan (FMP) under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA). The FMP is jointly managed with the Mid-Atlantic Fishery Management Council and the New England Council has the lead authority. In accordance with the National Environmental Policy Act (NEPA), the Council also intends to prepare an Environmental Impact Statement (EIS) that will analyze the impacts of this amendment on both the physical and human environment.

This document is to inform you of the Council's intent to gather information necessary for the preparation of the EIS and to invite your comment and input on the range of issues to be addressed in Amendment 5.

***Why is the
Council
proposing to
take action?***

The Council's primary reasons for initiating Amendment 5 are to bring the FMP into compliance with the new requirements of the MSRA and federal guidelines for National Standard 1 (to prevent overfishing and achieve optimum yield), and to **adopt multi-year catch targets to replace the current specifications** adopted in 2007 under Framework 4. The MSRA requires each FMP to **set annual catch limits (ACLs)** and **accountability measures (AMs)**, and that such measures be in place for all FMPs that are not subject to overfishing (which includes the Monkfish FMP) by 2011. The multi-year specification of target total allowable catch (TTAC) adopted in Framework 4 will expire in April 2010, although there is a provision to continue the same TTAC until a new one is implemented.

In response to public requests and changes already adopted or being considered in other FMPs, the Council is also considering, in Amendment 5, revising the current management strategy of monkfish incidental catch limits in non-directed fisheries, and days-at-sea (DAS) and trip limits in the directed fishery. Among the new strategies the Council may consider are **Individual Transferrable Quotas (ITQs)** and/or **sector management**.

The changes described above require the development of an amendment to the Monkfish FMP because they are not among the list of adjustments to the FMP that can be implemented by a framework action. The Councils will also prepare an EIS, rather than an Environmental Assessment, to fully consider and analyze an appropriate range of management alternatives and their impacts, because it expects that the impacts will be "significant" in the context of NEPA.

***What action is
the Council
considering?***

1) Compliance with new Magnuson requirements for ACLs and AMs

Section 302 (h)(6) of the MSRA states: (Each Council shall) *develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its Scientific and Statistical committee or the peer review process established.* Section 303 (a)(15) states: (Any FMP shall) *establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure*

accountability. On January 16, 2009 the National Marine Fisheries Service (NMFS) published final guidance on how Councils can comply with these new requirements, and these guidelines will be the basis for setting management and scientific reference points in Amendment 5.

Questions to consider when commenting on this issue:

- Considering scientific and management uncertainty, including uncertainty in the amount of discards, what would be safe degree of precaution in setting catch targets relative to the catch limits to ensure that the limits will not be reached?
- To prevent the catch, including discards, from reaching the limit or if the catch exceeds the limit, what types of accountability measures would be appropriate?

1) Setting of multi-year catch targets as the basis for defining management measures

In Framework 4 the Councils set 3-year TTACs, in response to widespread industry comment on the importance of maintaining stability in the management program so fishing businesses can make realistic business plans, make gear purchases and avert the annual roller coaster of fishing effort that occurred previously. While fishing year 2009 is the third year of that plan, Framework 4 also provided for an extension of the TTAC at current levels until revised by a future regulatory action. The specific level to be adopted in Amendment 5 has not yet been identified, and depends, in part, on the decisions regarding the new management reference points discussed above. Regardless of whether the Councils retain the current DAS/trip limit management program, or adopts sectors or ITQs, it will still need to establish the TTACs as a basis for the management measures and/or allocation programs.

Questions to consider when commenting on this issue:

- Are multi-year specifications still desired over annual TTACs?
- Should there be a precautionary cap on the amount of increase in the TTACs, considering the level of uncertainty in the scientific assessment and management of monkfish? If so, what should the maximum amount be, and why?

2) Adoption of ITQs or sector management programs for the monkfish fishery

ITQs and sector management provide an alternative approach to managing the fishery effort controls such as DAS and trip limits. Both approaches involve the Councils allocating a portion or all of the TTAC to individual vessels who can either use, buy or sell their individual allocation (ITQs), or combine their potential allocation share with other vessels in an organized group (sector) that decides how the sector allocation should be distributed among and used by its members. Based on the current ITQ and sector management programs that the Council has adopted or is considering in other New England fisheries, the benefits of such approaches include that vessels can be more efficient in their harvest strategies and are not overly burdened by regulations intended to control a larger, more diverse group of vessels. The issues with these approaches that have already been raised include the cost of monitoring the catch (including discards) on ITQ and sector vessels, the difficulties in establishing fair and acceptable allocation formulas, and controlling the concentration of ownership of allocation shares. In addition, the efficiency that is realized through such programs has an unknown effect on other fisheries as effort shifts occur.

Questions to consider when commenting on this issue:

- What other pros and cons do you see with these management approaches?
- How should catch, including discards, be monitored for ITQ or sector members?
- Who should be considered in defining participants in the allocation program (permit

- holders only, or crew, communities or other stakeholders)?
- What should be the basis for establishing allocation shares (catch history and/or some other consideration)?

The questions listed above for the three amendment components are only a starting point for your discussion. Please feel free to raise other questions related to these matters, in addition to providing your view on them. While the Council has stated that Amendment 5 will be limited to these three categories of actions, this scoping process is an opportunity for members of the public to voice their concerns about other aspects of the FMP. In some cases, those concerns might be addressed in the amendment without delaying the progress of the main components.

What is the amendment process?

The New England Council and its Monkfish Plan Development Team (PDT) have had preliminary discussions on the issues to be addressed in this amendment. The publication of this scoping document and an announcement in the *Federal Register* of the Council's intent to prepare this amendment is the first part of the formal process. Four scoping hearings will be held early in the amendment process to provide opportunity for input from the public (*see meeting dates and locations on the last page*). The scoping comments and analysis by the PDT will form the basis of recommendations of the Monkfish Oversight Committee and Industry Advisory Panel to the Council on the range of alternatives to be further developed and considered in the amendment and its EIS.

Once the Councils identify the range of alternatives for further consideration, the PDT will prepare a Draft EIS which will be reviewed by the Committee and Advisory Panel and taken to public hearings. The hearings are tentatively scheduled for January 2010. After reviewing public hearing comment, detailed analysis of the impacts of the alternatives and the recommendations of the Committee and Advisory Panel, the Councils will select final measures to be adopted in Amendment. The PDT will complete a Final EIS and amendment document containing sections required by other applicable laws, and the Council will submit the document to NMFS, targeted for the summer of 2010, with implementation by May 1, 2011.

Why should I comment?

This is the first and best opportunity for members of the public to raise issues and concerns for the Councils to consider during the development of this amendment. The Councils need your input both to identify management issues and develop alternatives that meet the Monkfish FMP objectives. Your comments early in the amendment development process will help us address your concerns more thoroughly.

How do I comment?

The Councils have scheduled four public scoping meetings for this amendment, see the schedule below. You may attend any of the scoping meetings to provide oral comments, or you may submit comments by email to monkfish.five@noaa.gov, or written comments by the end of the day on **March 31, 2009** to:

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
Fax: (978) 281-9135

Please note on your correspondence; "Monkfish Amendment 5 Scoping Comments."

Comments may also be accepted via fax at the above fax number.

If you wish to be on the mailing list for future meetings of the Monkfish Committee, please contact the Council office at 978-465-0492.

***Scoping
Meeting
Dates***

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| <u>Monday, February 23</u> | <i>Annisquam River Marine Fisheries Station 30 Emerson Avenue Gloucester, MA 01930 978/282-0308</i> | 4:00 p.m. |
| <u>Tuesday, February 24</u> | <i>Hilton Garden Inn One Thurber Road Warwick, RI 02886 401/734-9600</i> | 10:00 am |
| <u>Tuesday, March 3</u> | <i>Holiday Inn 151 Route 72 East Manahawkin, NJ 08050 609/481-6100</i> | 7:00 p.m. |
| <u>Friday, March 6</u> | <i>Samoset Resort (at Fishermen's Forum) 220 Warrenton Street Rockport, ME 04856 207/594-2511</i> | 1:00 p.m. |
