



New England
Fishery Management
Council



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

Framework Action to Reduce Sturgeon Bycatch in Dogfish and Monkfish Fisheries

Joint Action of the MAFMC and NEFMC

October 3, 2023



Monkfish



Spiny Dogfish

Meeting Outline, Objectives

Review:

- Background
- Outcomes from the MAFMC and NEFMC June meetings
- FMAT/PDT recommendations – 9/7
- Joint Dogfish/Monkfish Committee – 9/20 recommendations
- NEFMC Meeting outcomes – 9/28

Objectives:

- Approve range of alternatives for both fisheries
- Adopt Committee's research recommendations?

Action Timeline

- April – FMAT/PDT Meeting(s) (4/21) to begin development of range of alternatives, data needs
- May – AP and Committee Meetings to recommend range of alternatives
 - Joint meetings of the spiny dogfish and monkfish APs/Ctes
- June – Framework Meeting #1 for both Councils; MAFMC recommended including dogfish < 7” mesh; NEFMC approved range of monkfish alternatives
- September
 - Sept 7: PDT/FMAT discussed range of alternatives, use of data loggers as an enforcement tool for soak times
 - Sept 20: Joint Cte to discuss and narrow range of alternatives based on input from enforcement representatives and FMAT/PDT
- **Late Sept/Early Oct – NEFMC and MAFMC approve range of alternatives**
- Fall – Winter – Staff and PDT/FMAT analyze alternatives and impacts, develop final action document
- Winter – AP and Committee meetings to recommend preferred alternative(s)
- April 2024 – Final Action for both Councils
- 2024 – rulemaking/implementation

Overview

- 2021 Biological Opinion **still active** – Atlantic sturgeon bycatch must be reduced in Federal large mesh gillnet fisheries by 2024 ($\geq 7''$)
 - Resulted in Action Plan that recommended Council action and potential types of measures
- **Biological Opinion re-initiated September 13, 2023** and new consultation required
 - Reason: Sturgeon Incidental Take Statement (ITS) exceeded in the gillnet fisheries
 - Anticipated approach: Consult on the joint Council sturgeon bycatch framework action as part of the reinitiated consultation (action becomes the baseline for the new BiOp)
 - Currently working with GARFO -- share data and incorporate Council staff into the work

Hotspots: Sturgeon Bycatch

Figure 1. Atlantic sturgeon bycatch in the gillnet fishery within the Gulf of Maine and Southern New England statistical areas based on observer data from 2015-2020 and presented in the action plan. Circles indicate areas of sturgeon bycatch hotspots.

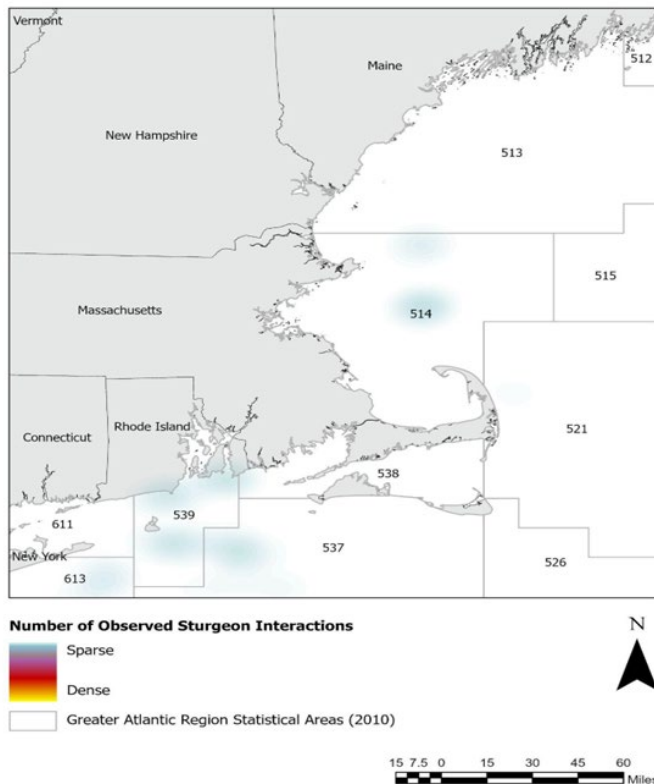
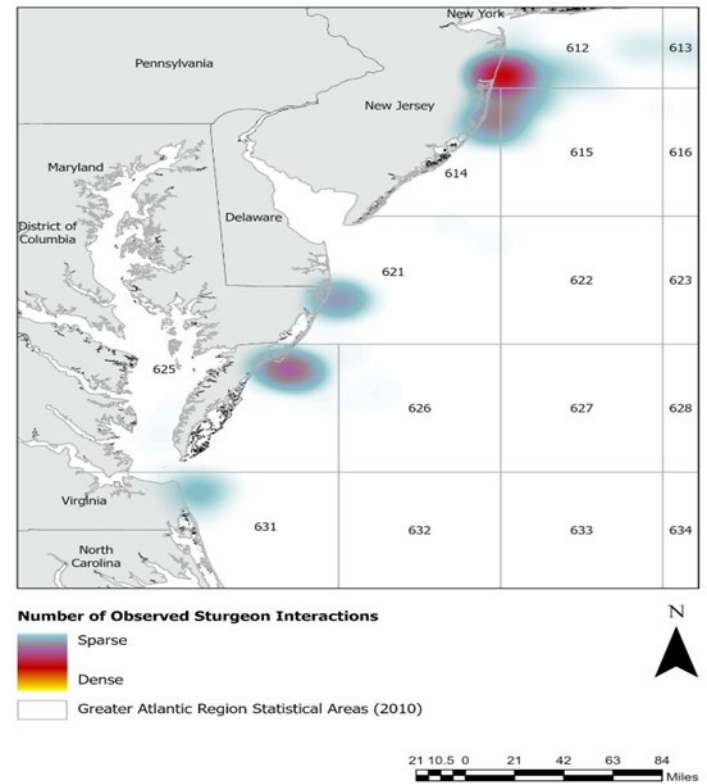


Figure 2. Atlantic sturgeon bycatch in the gillnet fishery from statistical areas off New Jersey to Virginia based on observer data from 2015-2020 and presented in the action plan. Circles indicate areas of sturgeon bycatch hotspots.



MAFMC, NEFMC June Meetings

- MAFMC June Meeting: GARFO announced that the incidental take statement was exceeded
 - Discussion mostly focused on the process of new BiOp initiation and progress of this action
- NEFMC met after MAFMC and approved range of monkfish alternatives with the understanding that these were still to be refined
- Both recommended the Joint Monkfish/Dogfish Committee meet with invited OLE and Coast Guard representatives to refine the range of alternatives
- Both agreed to include spiny dogfish < 7" mesh size after discussion related to the high sturgeon bycatch in the dogfish fishery and the BiOp defining large mesh as 7 inches or greater

Monkfish Range of Alternatives approved by NEFMC in June with caveat: to be refined

Restriction options to be applied to selected time and area options

1. Soak time restrictions: 48-hour and 72-hours max.
2. Gear restrictions: low profile gillnet: Only applicable to NJ hotspot
3. Closures

Area options (to encompass hotspots)

1. Statistical area groups
 - a. Southern New England: 539
 - b. NJ hotspot: 612, 614, and 615
2. 10-minute square for 1a and/or 1b hotspot (estimating 6-9 miles offshore)
3. Straight line for 1a and/or 1b hotspot (estimating 6-9 miles offshore)

Time options

1. Southern New England
 - a. May 1-31
 - b. June 1-30
 - c. For closures: 1, 2, 3, or 4 week periods within timeframes in 1a and 1b
2. NJ hotspot
 - a. December 1-31
 - b. May 1- 31
 - c. For closures: 1, 2, 3, or 4 week periods within timeframes in 2a and 2b
 - d. For low profile gear in NJ hotspot (e.g., not soak time restriction): year-round

Draft Dogfish Range of Alternatives after May Cte Meeting

Restriction options to be applied to selected time and area options

1. Soak time restrictions
 - a. No overnight soaks
 - b. 24-hour, 48-hour, 72-hour soak limits
2. Closures

Area options (to encompass hotspots)

1. Statistical area groups
 - a. NJ hotspot: 612, 614, and 615
 - b. DE/MD/VA hotspots: 621, 625, and 631
2. 10-minute square for 1a and/or 1b hotspot (estimating 6-9 miles offshore)
3. Straight line for 1a and/or 1b hotspot (estimating 6-9 miles offshore)

Time options

1. NJ hotspot
 - a. November 1 – December 31
 - b. April 1- 30
 - c. For closures: 1, 2, 3, or 4 week periods within timeframes in 1a and 1b
2. DE/MD/VA hotspots
 - a. December 1 – January 31
 - b. March 1-31
 - c. For closures: 1, 2, 3, or 4 week periods within timeframes in 2a and 2b

FMAT/PDT Discussion – 9/7

- Discussed any BiOp and action updates
 - Reasonable range of alternatives, broad enough to encompass different types of measures to reduce sturgeon bycatch, narrow enough to stick with timeline
- Review and refine range of alternatives
 - Discuss data loggers
 - Enforcement considerations
 - Hotspot areas
- Identify other data/info needs for analysis and development

Data Loggers for Enforcement of Soak Times

- Council/GARFO staff spoke with Carrie Upite and Ellen Keane on Aug. 22nd
- Technology has progressed since the 2015 Matzen, et al. paper, cited in the Sturgeon Action Plan
- NMFS had more funding to develop this tool, all effort is planned for implementation on trawl vessels (for possible sea turtle measures)
- Theoretically tech should also apply to gillnet gear, however no initial testing has occurred
 - Would need to figure out how to secure to gear, housing for logger, and how loggers handle longer soaks
 - Data collection frequency tradeoff with data quantity and storage issues
- Not viable to implement on this action timeline --> FMAT/PDT research recommendation

FMAT/PDT Discussion on Soak Times

- Soak time restrictions of 24, 48, and 72 hours (dogfish and monkfish alts)
 - Fishermen could reset net immediately after retrieval so may not decrease presence of nets in the water
 - May not be a reduction in sturgeon interactions as required for this action
 - Can be helpful in reducing sturgeon mortality
- No overnight soak option may reduce overall interactions along with bycatch mortality
 - More enforceable

FMAT/PDT Recommendations

- Narrow range of alternatives to be analyzed given the action timeline, while maintaining different types of measures

Recommend removal:

- Soak times greater than 24 hours for both fisheries – doesn't necessarily reduce interactions/bycatch, enforcement issues
- 10-minute square area approach – achieves same goal of small areas around hotspots as polygon with parallel lines to shore, may create shape with more than 4 sides, more complex
 - Polygon approach preferred for flexibility as hotspot maps are updated, can take into consideration shipping lanes, etc.
- Restriction/closure by entire statistical areas – broad areas well outside of hotspots, significant impacts to fishermen

Joint Monkfish Dogfish Committee Discussion: 9/20

- Discussion of gear restrictions and time/area closures:
 - Shifting effort to other areas
 - Unclear how sturgeon interactions would be reduced (especially short closures)
 - Unclear if low-profile gear is ready for large scale commercial use
 - When, and where measures would be applied – need to clarify alternatives before final action
 - Impacts to markets
 - Desire to have additional AP input on these measures before final action

Joint Monkfish Dogfish Committee Discussion

- Questions asked of GARFO:

- Which data were used to prompt reinitiation of BiOp?
- Specific guidance on magnitude of reduction in sturgeon interactions needed?
- Will this Council action be used for basis of new BiOp?

More specific discussion of measures:

Measure / tool	Joint Committee Input	Enforcement Input
Soak time restrictions (dogfish)	<ul style="list-style-type: none"> • Sunrise to sunset provision more substantial impact in winter • Impact varies by region • VMS likely needed for enforcing soak times greater than 24 hr • Want to avoid immediately resetting gear – does not mitigate bycatch overall • Concerned about flexibility and safety with limited time windows 	<ul style="list-style-type: none"> • Could consider sunrise to sunset provision or 6am to 6pm soak time limit → Not overly different options → Do not require VMS to enforce • Could be boarding officer-specific if folks doing best to comply with restriction

Joint Monkfish Dogfish Committee Discussion

Measure / tool	Joint Committee Input	Enforcement Input
Short closures	<ul style="list-style-type: none"> • Unclear how sturgeon interactions would be reduced • Need to evaluate finer scale data & sturgeon migration patterns/time • Concerned about shutting down fisheries • Need to consider timing of closures 	<ul style="list-style-type: none"> • Enforce any closures / gear requirements by hauling gear to confirm mesh size or via gear marking • Simpler closure polygon easier to enforce • Monitor the same way as other closures • Coast Guard only issues violations based on visual siting (e.g., not by VMS tracks)
VMS (not in previous range of alts)	<ul style="list-style-type: none"> • Would enforceability of alternatives change with VMS? • Could be used as incentive to access certain areas • Concern over cost • AIS as an alternative • Potential tool to make closed areas smaller and closures shorter • Dynamic closure every year • Want additional Council input 	<ul style="list-style-type: none"> • Would make enforcement easier (know vessel location & fishery declaration) • Could enable targeted boarding • Lack of VMS doesn't inhibit enforcement of no overnight soak time limits, closures, or gear-restricted areas

Joint Committee Consensus Statement – applicable to both monkfish and dogfish

Recommend the Councils narrow the range of alternatives to be analyzed given the action timeline, while maintaining different types of measures.

Recommend removal of:

- Soak time restrictions of 24 hours or greater → restrictions do not necessarily reduce interactions as required by this action, enforcement concerns.
- Restriction/closure by 10-minute square area approach – achieves the same goal of small polygons encompassing bycatch hotspots; may create shape with more than four sides; more complex; less flexible approach.
- Restriction / closure by entire statistical area approach – broad areas well outside of hotspots, likely to cause significant impacts to fishermen.

Also, FMAT/PDT
Recommendation

Joint Committee Motions – add VMS option

- Monkfish Motion (Farnham/Risi):** Add option to use VMS as an enforcement/management tool as part of the range of the monkfish alternatives
- *Rationale – Council should further discuss this option to require vessels to use VMS when fishing in hotspot areas when not closed*

Motion passed 9/0/1

- Dogfish Motion (Alexander/Bellavance):** Add option to use VMS as an enforcement/management tool as part of the range of the dogfish alternatives
- *Rationale – Council should further discuss this option to require vessels to use VMS when fishing in hotspot areas when not closed*

Motion passed 7/3/0

Monkfish Committee Consensus Statement

1. **Closures in Southern New England hotspot** (to encompass hotspot areas with a 1-mile buffer which is TBD*) – closures of 1, 2, 3, or 4 consecutive week periods within the following timeframes to encompass months with greatest sturgeon interactions:
 - a. May 1-31
 - b. June 1-30
2. **Closures and low-profile gear requirement in NJ hotspot** (to encompass hotspot areas with a 1-mile buffer which is TBD*) – closures in 1, 2, 3, or 4 consecutive week periods or requirement to use low profile gillnet gear within each of the following timeframes to encompass months with greatest sturgeon interactions:
 - a. December 1-31
 - b. May 1-31
 - c. Year-round requirement to use low profile gear, in addition to 2a and b options (does not apply for closures)
3. **VMS requirement for enforcement / management tool**

**determined based on straight lines parallel to shore for hotspots (~6-9 miles offshore)*

Dogfish Committee Consensus Statement

1. **Closures and soak time limits in NJ hotspot** (to encompass hotspot areas with a 1-mile buffer which is TBD*) – closures of 1, 2, 3, or 4 consecutive week periods or requirement to limit soak times (proposal of 8pm until dawn) within each of the following timeframes to encompass months with greatest sturgeon interactions:
 - a. November 1-December 31
 - b. April 1-30
2. **Closures and soak time limits in DE/MD/VA hotspot** (to encompass hotspot areas with a 1-mile buffer which is TBD*) – closures in 1, 2, 3, or 4 consecutive week periods or requirement to limit soak times (proposal of 8pm until dawn) within the following timeframes to encompass months with greatest sturgeon interactions:
 - a. December 1-January 31
 - b. March 1-31
3. **VMS requirement for enforcement / management tool**

**determined based on straight lines parallel to shore for hotspots (~6-9 miles offshore)*

Joint Committee Research Recommendations

Consensus Statement #4: Recommend that the Councils add the following research to their research priorities when next reviewed:

- Explore future use of data loggers as a tool to enforce gillnet soak times.
- Explore use of low-profile gillnet gear in the spiny dogfish fishery and in the Southern New England region for monkfish as a potential future management tool.

NEFMC Meeting 9/28

Discussion:

- Some members of dog/monk committee voiced they no longer support adding VMS to this action
 - Outside of the scope of action
 - Financial burden to fishermen
 - Unclear on the benefits to enforceability/conservation
- VMS was not recommended to be included in the dogfish or monkfish range of alternatives

NEFMC Motions

Mr. Gates moved and Mr. Alexander seconded: that the Council approve the Committee Consensus Statement #1:

That the Councils narrow the range of alternatives to be analyzed given the action timeline, while maintaining different types of measures. Recommend removal of:

- Soak time restrictions of 24 hours or greater for both fisheries given these restrictions do not necessarily reduce interactions/bycatch and there are enforcement concerns.
- Restriction/closure by 10-minute square area approach – achieves the same goal of small areas around hotspots as polygon with parallel lines to shore but may create shape with more than four sides and is more complex. The polygon approach is preferred for flexibility as hotspot maps are updated and can take into consideration shipping lanes, etc.
- Restriction/closure by entire statistical area approach – these are broad areas well outside of hotspots and likely to cause significant impacts to fishermen.

The Council agreed by consensus.

NEFMC Motions – Monkfish Alts

Mr. Gates moved and Mr. Hansen seconded: that the Council approve the range of alternatives for monkfish as discussed today and recommended by the FMAT/PDT, which include:

Restriction/closure options to be applied to selected time and area options

1. Gear restrictions: low profile gillnet as defined in draft alternatives document
 - a. Only applicable to NJ hotspot

2. Closures

Area options (to encompass hotspot areas with a 1-mile buffer which is TBD)

1. Straight lines parallel to shore for SNE and/or NJ hotspot (estimating 6-9 miles offshore)

Time options (to encompass months with greatest sturgeon interactions)

1. Southern New England hotspot

- a. May 1-31: closures of 1, 2, 3, consecutive week periods **or the entire month** within this timeframe
- b. June 1-30: closures of 1, 2, 3, consecutive week periods **or the entire month** within this timeframe

2. NJ hotspot

- a. December 1-31: gear restrictions throughout this timeframe or closures of 1, 2, 3, consecutive week periods **or the entire month** within this timeframe

- b. May 1- 31: gear restrictions throughout this timeframe or closures of 1, 2, 3, consecutive week **periods or the entire month** within this timeframe

- c. Year-round: would apply to gear restrictions only (in addition to 2a and 2b options)

Council agreed by consensus

NEFMC Motions – Dogfish Alts

Mr. Gates moved and Mr. Salerno seconded: that the Council approve the range of alternatives for spiny dogfish as discussed today which include:

Restriction/closure options to be applied to selected time and area options

1. Gear restrictions: soak time limits
 - a. No overnight soaks (proposal: 8pm until dawn)
2. Closures

Area options (to encompass hotspot areas with a 1-mile buffer which is TBD)

1. Straight lines parallel to shore for NJ and/or DE/MD/VA hotspots (estimating 6-9 miles offshore)

Time options (to encompass months with greatest sturgeon interactions)

1. NJ hotspot
 - a. November 1 – December 31: gear restrictions throughout this timeframe or closures of 1, 2, 3, 4 consecutive weeks **or entire timeframe**
 - b. April 1- 30: gear restrictions throughout this timeframe or closures of 1, 2, 3, consecutive week **or entire month within this timeframe**
2. DE/MD/VA hotspots
 - a. December 1 – January 31: gear restrictions throughout this timeframe or closures of 1, 2, 3, 4 consecutive week **or entire timeframe**
 - b. March 1-31: gear restrictions throughout this timeframe or closures of 1, 2, 3, consecutive week periods **or entire month within this timeframe**

Council agreed by consensus

NEFMC Motions

Mr. Gates moved and Mr. Salerno seconded: That the Council accept the Committee Consensus Statement #4:

That the Councils add the following research to their research priorities when next reviewed:

- Explore future use of data loggers as a tool to enforce gillnet soak times.
- Explore use of low-profile gillnet gear in the spiny dogfish fishery and in the Southern New England region for monkfish as a potential future management tool.

The Council agreed by consensus.

Today



Monkfish



Spiny Dogfish

- Today's Objectives
- Approve range of dogfish and monkfish alternatives to be included in action
- Endorse research recommendations?
- MAFMC Staff Recommendation:
- Approve the range of alternatives as approved by the NEFMC last week
 - Reasonable range of options as rec. by FMAT/PDT with enforcement input
 - Maintains the updated action timeline: final action needed in April 2024 – analysis needs to begin after range approval