

New England Fishery Management Council

SUMMARY

Monkfish Oversight Committee Meeting
Hilton Garden Inn, Warwick, RI
January 10, 2012

Committee members: Alexander (chair), King (vice chair); NEFMC: Avila, Dempsey, Libby (absent) Odlin (absent), Preble; MAFMC: Himchak (absent), Berg, Nolan (absent), Shafer.

Staff: Haring (NEFMC) and Armstrong (MAFMC)
Advisory Panel Chair: Raymond

The primary purpose of the meeting was to consider recommending that the Councils establish a control date pertaining to possible changes in the management of the monkfish fishery in Amendment 6, including but not limited to, accumulation limits and allocation of quota based on fishing history. The meeting was also convened so the Committee could start outlining the range of alternatives to meet the Amendment 6 goals and objectives that were adopted by the Councils at their last meetings.

The vice-chair requested an opportunity to brief the Committee on the activities of the MAFMC monkfish subcommittee. The subcommittee was formed to provide a way for MAFMC members to address the specific concerns of mid-Atlantic stakeholders, and to adequately represent their interests in the Oversight Committee process. The subcommittee met on December 13th and discussed the proposed goals and objectives, and also the possibility of developing a parallel management action to Amendment 6 that would address some of the immediate concerns, particularly the permit category H issue that had been raised previously.

Following the MAFMC subcommittee report, the Committee took up its first scheduled order of business, consideration of a control date, and considered the following motion:

Motion

The Committee recommends establishing a control date for Amendment 6
(Preble/Berg)

Several members of the public questioned the purpose of the control date. Committee members discussed how a control date is intended to protect the interest of people already invested or involved in the fishery from speculative activity in anticipation of some future regulatory action.

Motion perfected by friendly amendment

The Committee recommends that the Council request that NMFS publish in the *Federal Register* as soon as possible, a control date pertaining to management of the monkfish fishery that is applicable to, but not limited to, limits on the

accumulation of excessive control or ownership of fishing privileges, qualifying landings history, and referendum qualification.

Motion passed unanimously

Based on the apparent uncertainty about control dates in general, and this one in particular, one member suggested that staff put together a FAQ sheet to be distributed at the Council meetings where this motion will be considered.

The Committee then began the discussion of developing Amendment 6 alternatives to meet the approved goals and objectives. The Chair initially proposed working through the list of goals and objectives and identifying specific management measures that could address each one, recognizing that some measures may address several goals. As the discussion evolved, with members of the audience suggesting specific measures, it became apparent that this approach was not working as intended. Members of the audience, including several who are on the Advisory Panel, disagreed with each other as to what measures would work to achieve a particular goal. In this case, the first objective was to reduce discards, and the first proposal was to reduce the allowed number of gillnets, to which other fishermen objected. As a result of this situation, the Committee realized quickly that development of management measures might benefit from a more structured discussion involving stakeholders and designed to answer specific questions.

The Committee had significant discussion on the possibilities for increased outreach to get stakeholder input on the development of measures to address the goals and objectives. Among the approaches, the Committee discussed, but did not take action on organizing a stakeholder workshop. Additionally, the Committee agreed to increase the engagement of the advisors, particularly encouraging them to do informal outreach in their communities to gather the views of fishermen who may not attend meetings. In that regard, the Committee agreed to the following:

Consensus

To schedule the next meeting in conjunction with (i.e., consecutive days) the Advisory Panel, and to authorize Committee and Advisory Panel members to attend both meetings.

The Committee also agreed that the discussion of measures to achieve Amendment 6 goals and objectives could be structured around the basic management strategy options available: the current days-at-sea (DAS) system, a system that allows DAS leasing, a system that is based on the current groundfish sector approach, and an ITQ system.

Motion

Direct the PDT to begin development on the following management alternatives for each of the management areas:

- DAS allocation/leasing program
- Integration of monkfish into sector management
- Individual quota management

(Dempsey/Preble)

Some members of the Committee felt that the motion should explicitly include the strategy of making relatively minor changes to the current plan.

Motion perfected by friendly amendment

Direct the PDT to begin development on the following management alternatives for each of the management areas:

- Minor modifications to the existing DAS management system
- DAS allocation/leasing program
- Integration of monkfish into sector management
- Individual quota management

Motion passed unanimously

The rest of the meeting focused on how to structure the upcoming deliberations. One aspect is that measures need to be considered in the context of the individual management areas (Northern and Southern), as well as throughout the fishery. With regard to integrating monkfish management into groundfish sector management, the AP Chair noted that current sector rules specify that a vessel has to have a groundfish permit. Any change to accommodate monkfish vessels that do not have a groundfish permit would require regulatory action within the Multispecies FMP.

The Committee considered whether to prioritize the order in which these management approaches would be developed, but agreed that it would be more efficient to develop individual elements in parallel. Another approach the Committee considered, but did not adopt was to establish sub-committees to work on each approach. Generally, the members agreed to reconvene as soon as possible but allowing sufficient time for the PDT to compile the range of alternatives, at least a significant set of measures. Members also indicated that they are looking for specific measures, not just categories, and suggested that the catch shares measures that had been developed in Amendment 5 be included in the range of alternatives being compiled by the PDT. Following this discussion, the Committee agreed by consensus that it might be necessary for it to meet without the AP to review PDT work and provide additional PDT recommendations before the consecutive AP/OSC meeting agreed upon earlier in the meeting.

allow interested members of the public an additional opportunity to provide input. The comment period will close on July 12, 2012. If you have already submitted comments on the April 13, 2012, proposed rule, please do not resubmit them. We will fully consider all comments we receive when preparing a final determination on the proposed rule.

For more information about the proposed regulatory changes, please see the April 13, 2012, proposed rule, available on <http://www.regulations.gov> at Docket No. FWS-R9-MB-2011-0054 and on our Web site at: <http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>.

Public Comments

You may submit your comments and supporting materials by one of the methods listed in **ADDRESSES**. We request that you submit comments by only one method. We will not consider comments sent by email or fax, or written comments sent to an address other than the one listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request that we withhold this information from public review, but we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection at <http://www.regulations.gov>, or by appointment, during normal business hours, by contacting the person listed above under **FOR FURTHER INFORMATION CONTACT**.

Authority for Part 13: 16 U.S.C. 668a, 704, 712, 742j-1, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901-4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

Authority for Part 22: 16 U.S.C. 668-668d; 16 U.S.C. 703-712; 16 U.S.C. 1531-1544.

Dated: May 1, 2012.

Rachel Jacobson,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2012-11111 Filed 5-8-12; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120412409-2409-01]

RIN 0648-BB95

Control Date To Limit Excessive Accumulation of Control, Qualifying Landings History, and Referendum Eligibility in the Monkfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: At the request of the New England and Mid-Atlantic Fishery Management Councils (Councils), this notice announces a control date that may be applicable to, but not limited to, limits on the accumulation of excessive control or ownership of fishing privileges, qualifying landings history for an allocation-based management program, and referendum qualification, should one be required in the monkfish fishery. This notice is intended to promote awareness of possible rulemaking; provide notice to the public that any future accumulation of fishing privilege interests in the monkfish fishery may be affected, restricted, or even nullified; and to discourage speculative behavior in the market for fishing privileges while the Councils consider whether and how such limitations on accumulation of fishing privileges should be developed. Interested participants should locate and preserve records that substantiate and verify their ownership or control of monkfish permits and other fishing privileges, as well as monkfish landings history in Federal waters.

DATES: May 9, 2012, shall be known as the "control date" for the monkfish fishery and may be used as a reference date for future management measures related to the maintenance of a fishery with characteristics consistent with the Councils' objectives and applicable Federal laws. Written comments must be received on or before 5 p.m., local time, June 8, 2012.

ADDRESSES: You may submit comments on this document, identified by "NOAA-NMFS-2012-0080," by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal

www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter "NOAA-NMFS-2012-0080" in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line.

- **Mail:** Submit written comments to Daniel Morris, Acting Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Monkfish Accumulation Limits Control Date."

- **Fax** (978) 281-9135; Attn: Douglas Christel.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, phone: 978-281-9141, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION: The Monkfish FMP is jointly managed by the Councils. The Councils have managed the fishery since 1999 primarily through the allocation of days-at-sea (DAS) and establishment of trip limits for both the directed (DAS) and incidental fisheries. While scientific evidence for stock structure remains equivocal, the fishery has been managed as two stocks divided by a boundary that bisects Georges Bank. Since 2007, both stock components have been determined by stock assessments to be rebuilt (above their respective biomass targets) and not subject to overfishing.

On November 30, 2010, the Councils published a Notice of Intent to prepare an amendment (Amendment 6) to the FMP to consider modifications to the

management program that may include one of several catch shares management alternatives, including sectors or Limited Access Privilege Programs (LAPPs). Sectors are voluntary, self-selected groups of fishermen that are allocated a portion of the available catch. Sector management has already been adopted in the Northeast Multispecies FMP, and a substantial number of vessels that have limited access permits in the monkfish fishery also participate in groundfish sectors. LAPPs are a category of management approaches that provides a person or entity (for example, a community) the exclusive privilege to harvest a specific portion of a fishery's total allowable catch. LAPPs can include individual fishery quotas (IFQs) or community development quotas. Section 303A of the Magnuson-Stevens Act specified general requirements for LAPPs, including the requirement that such programs be approved in a referendum of eligible participants (as defined by the Councils) for New England fisheries.

The Councils are considering catch shares management in the monkfish fishery to address some operational considerations for vessels that participate in the monkfish fishery and also are members of groundfish sectors. NOAA's 2010 Catch Share Policy promotes catch shares management and encourages Councils to consider such programs, where appropriate, to achieve the conservation, social, and economic goals of sustainable fishery management.

Because some elements of catch share programs involve allocation of privileges based on historical performance in the fishery, including, in the case of LAPPs, eligibility to participate in the required referendum, on February 2 and February 16, 2012, the Councils requested that NMFS publish this ANPR announcing a control

date in the monkfish fishery, in part to discourage speculative activity, including, but not limited to, increasing landings history, accumulation of fishing permits, or participation in the fishery solely for the purpose of qualifying to vote in the referendum.

The date of publication of this notification, May 9, 2012, shall be known as the "control date" for the monkfish fishery and may be used as a reference date for future management measures in determining how to treat fishing privileges or landings history acquired before this date and those acquired after this date, depending on the Councils' determinations on limiting control and ownership of such privileges and landings. The establishment of a control date, however, does not obligate the Councils to use this control date or take any action, nor does it prevent the Councils from picking another control date or imposing limits on permits acquired prior to the control date.

Accordingly, this notification is intended to promote awareness that the Councils may be developing management measures to address these concerns, to provide notice to the public that any current or future accumulation of fishing privilege interests in the monkfish fishery may be affected, restricted, or even nullified, and discourage speculative behavior in the market for fishing privileges while the Councils consider whether and how such limitations on accumulation of fishing privileges should be developed. Any measures the Councils are considering may require changes to the Monkfish FMP. Such measures may be adopted in a future amendment to the FMP, which would include opportunity for further public participation and comment.

If the Councils decide to propose a LAPP for the monkfish fishery, this

control date may be used in determining eligibility for referendum voters. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) section 303A(c)(6)(D) requires that any IFQ program developed by the New England Fishery Management Council must be approved by a referendum. NMFS published guidelines for conducting a referendum on December 15, 2008 (73 FR 75968), that detailed the procedures for (1) determining procedures and voting eligibility requirements for IFQ program referenda, and (2) conducting such referenda in a fair and equitable manner. A referendum conducted on a proposed IFQ program in New England must be approved by more than 2/3 of those voting in the referendum among eligible permit holders and other eligible voters. Other eligible voters may include crew members who derive a significant portion of their income from the monkfish fishery.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their ownership or control of monkfish permits and other fishing privileges in the monkfish fishery, as well as monkfish landings in Federal waters. Fishing privileges include, but are not limited to, vessels, fishing permits, DAS, and any other type of catch share.

This notification and control date do not impose any legal obligations, requirements, or expectation.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 4, 2012.

Paul Doremus,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2012-11202 Filed 5-8-12; 8:45 am]

BILLING CODE 3510-22-P

- a. A detailed description of the methodology, process, timeline, and description of any public process mechanisms NMFS will use to formulate a so-called “batched biological opinion” specific to Atlantic sturgeon.
- b. A detailed explanation of the baseline population data being used to estimate the condition of each DPS, the rationale that will be used to determine whether jeopardy exists for each affected fishery, and how the incidental take statements will be calculated in relation to the DPS population condition for each affected fishery.
- c. “Draft biological opinion” on sturgeon following the precedent set with the Pacific Councils with a potential ESA listing involved North Pacific groundfish and Hawaiian swordfish fisheries.
- d. Time period allowing for adequate review of and public comment on this biological opinion.

The motion **carried** on a show of hands (13/3/1).

2. Mr. Odlin moved and Ms. McGee seconded:
that the Council charge the Executive Committee to work with NMFS in structuring a panel that would include industry, Service and Council representatives to work on the draft biological opinion to provide a response to the draft and possible measures that may be needed.

The motion **carried** on a show of hands (16/0/1).

HARBOR PORPOISE DISCUSSION

3. Mr. Goethel moved and Ms. Ramsden seconded:
that the Council send a letter to request the reconvening of the Take Reduction Team (TRT) in person immediately and to further request that the TRT come up with a list of alternatives that will satisfy the PBR in lieu of the consequence closures.

The motion **carried** on a show of hands (16/0/1).

MONKFISH

4. Mr. Odlin moved and Mr. Libby seconded:
to move Amendment 6 forward without consideration of an ITQ for the purpose of expediting the amendment.

The Chair **ruled the motion out of order** and requested it be revisited at the June Council meeting.

GROUND FISH - GOM Cod Planning

5. Mr. Stockwell moved on behalf of the committee:
recommend that the Council request a GOM cod benchmark assessment in 2012. That assessment should address the ten priority issues identified by the Massachusetts Fisheries Institute in its April 3, 2012 letter to Sam Rauch.

The motion **carried** on a show of hands (13/2/1).