



New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: March 23, 2011
TO: Monkfish Oversight Committee
FROM: Phil Haring
SUBJECT: **Amendment 6 Scoping Written Comments Summary**

We have received approximately 2,100 written comments during the Amendment 6 scoping process to date. Of these, 2045 were “boilerplate” emails in opposition to catch shares, citing concerns about consolidation, job losses, impacts on communities and small-scale fishing operations, and the privatization and commensurate loss of public control of a public resource. The remaining comments have been organized into three categories: comments supporting, comments opposed, and other or conditional comments. These are summarized below. These written comments mirror the sentiments, both in substance and proportionality, of oral comments at the scoping hearings.

Comments Supporting (approximately 7)

Most of the comments in support of catch shares cited vessel efficiency as a primary consideration, especially for offshore vessels and those involved in groundfish sectors. Other factors include the following:

- Mitigate discards associated with restrictive trip limits
- Acknowledge the time and capital investment in the monkfish fishery
- Promote safety
- Allow for full utilization of the resource (optimum yield)
- Enhanced catch information resulting from greater monitoring, in spite of increased monitoring costs, and
- Promote consolidation which results in efficient use of capital, and reduced impacts on habitat and protected species.

Comments opposed (approximately 28)

The majority of comments opposed to changing the management system to catch shares stated that the current system is working (“why fix it, if it isn’t broken”), and improvements can be made within that system to address any problems that are identified. Other comments, in approximate order of frequency are:

- Social and economic impacts, especially on small-scale operations and fishing communities

- Concerns about the effect of consolidation and ownership concentration by individuals or entities that are not vessel operators or owners
- Job losses and employment effects of consolidation
- Costs of purchasing quota
- Costs of monitoring
- Impact of increased costs on captain and crew income
- Concerns about initial allocation and the use of landings history data
- Questions about the effect of scientific uncertainty and the capability of the current scientific knowledge to support catch shares management
- The impact of choke species (esp. skates) on the ability to harvest available monkfish quotas, and
- Any catch share proposal should be subject to a broad referendum that includes crew.

Conditional or other comments (approximately 17)

The comments in this group include those from individuals or organizations who are either opposed to or supportive of some aspects of catch shares, and who offered ideas or opinions on specific elements or components. A group of monkfish dealers/processors supported those fishermen opposed to catch shares and suggested separate northern and southern management plans. They also proposed that, if the Councils proceed with catch shares, they should consider dealer/processor allocations and/or area or community based allocations.

Another organization, while opposed to catch shares management, offered a number of points that, in its opinion, the Councils need to consider if and when it develops a catch share program. This organization is concerned that any efficiency gains from such a system would come at the expense of small-scale fishermen. Their main points include the following:

- The program must be fair and equitable, and retain public control of the resource and return value to the public
- It must have limits on consolidation and transferability, and maintain a diverse fleet
- The Councils need to acknowledge that consolidation results in job losses, and that there will be significant community impacts
- The organization questions the safety promotion claims for a fishery that is not subject to a “race to fish”
- Catch shares do not ensure recovery or prevent collapse of a stock
- Catch shares promote high-grading and discards, which imposes higher monitoring costs
- All program costs should be borne by quota holders, and such costs could be recovered through quota auction or other fees, and
- Any catch share proposal should be subject to a broad referendum with full participation of small-scale fishermen; it should not be weighted by income or catch level, especially considering that a substantial part of the monkfish catch is incidental to other fishing, and

- The Councils need to state the likely impacts of catch shares on all current fishery participants and dependant communities, not just those who may benefit.

Other commenters provided the following thoughts and opinions:

- Some question the suitability of the NMFS landings database as a basis for any allocation system
- If landings are used as a basis for allocation, they should be from prior to the FMP due to the differential impact of regulations on various vessel groups
- Consideration should be given to the unique situation of the permit category H fishery, its history and geographic restrictions
- Several commenters opposed sectors but might support ITQs, depending on the details of any proposal, and
- Several commenters withheld support or opposition to catch shares until they could review specific proposals and determine the impact on their own operations or communities.

The summary above, is just that, and Committee members should review all the comments, since many, both for and against are quite detailed and substantive. Clearly, there is the full range of views and opinions, and many constructive ideas, that cannot be fully described in a bulletized summary.

Monkfish Advisory Panel
Meeting Summary
March 9, 2011

Advisors Present: Mike Johnson (NJ), Dan Mears (NJ), Rick Mears (NJ), Kevin Wark (NJ), Chris Walker(VA), Chris Hickman (NC), Tim Caldwell (ME), Tim Froelich (NY), Ted Platz (RI), Tom Dempsey (MA), Louis Julliard (MA), Maggie Raymond (ME)

Also present: Terry Stockwell and Howard King, Committee Chair and Vice-Chair, council member Mark Alexander, staff from both NE and Mid Atlantic Councils, staff from NMFS, and approximately 50 interested parties.

1) Issue of trip limit exemption in research set aside program:

Advisors reviewed written comments from public regarding the trip limit exemption allowed for vessels involved in compensation fishing, and complaints that this exemption causes concentration of effort in certain areas, as well as gear conflict problems.

NMFS analysis shows that research set aside compensation trips are occurring in 3 statistical areas.

Advisors who participate in the research set aside program explained that the trip limit exemption is critical to the financial feasibility of compensation fishing, and that concentration of effort is the result of limited number of vessels participating in program.

Without objection, the advisory panel recommends that the Council write to the director of the Cooperative Research Program to request an outreach program to increase participation in the research set aside program.

Motion: Dempsey/Platz

Move that the advisory panel recommends the Councils consider converting the DAS research set aside to a quota set aside

Motion carried 6-5

2) At the request of the Committee Chair, the Advisory Panel entered into a discussion of "problem areas" within the directed monkfish fishery.

Without objection, the advisory panel agreed that the following problems exist within the monkfish fishery:

- Latent effort
- Lack of continuous supply to processors
- Wasteful discards
- Inefficient vessel operation
- Lack of flexibility
- Geographic restriction for category H permits

3) The Advisory Panel entered into a discussion of the differences in the fishery between the two management areas

Motion: Dempsey/Wark

Move that the advisory panel recommends that the Councils consider developing distinct and separate management systems for the north and southern management areas
Motion carried unanimously

Motion: Platz/ Wark

Move that the advisory panel recommends that the Councils consider separating the FMP into two FMPs one for each of the two management areas.
Motion carried unanimously

Motion: Dempsey/Platz

Move that the advisors recommend that the Councils develop and consider a full range of alternatives for each management area to meet the management objectives as well as to address the problems identified by the advisory panel, including status quo, DAS leasing, extension of running clock, sector management and ITQs

Motion carried 6-5-1, with Chair voting to break a tie

4) The Advisory Panel discussed a need for information to more fully characterize the problems defined in 2 above

Without objection, the advisors requested the Committee Chair and Vice Chair task the staff with providing information about the extent of the problems defined by the advisory panel, e.g. how many permits are latent. The advisors request that as much information as possible, given time constraints, be provided to the Committee at the March 29th meeting.

More specifically the advisory panel recommends looking at time and geographic trends in latency by permit category and gear type, and the potential impacts to the directed fishery and to the resource should latent permits become active (i.e. what does it look like if 15%, 30% of those permits start fishing). The advisory panel is also interested in landings and pricing trends in this fishery as well as existing information on discards and data gaps re: wasted marketable fish resulting from trip limits.

March 26, 2011

Richard B. Robins, Jr.
Chairman, Mid-Atlantic Fisheries Management Council
800 North State Street, Suite 210
Dover, DE 19901-3910

Dear Chairman Robins:

As members of the Monkfish Advisory Panel who attended the last AP meeting, we thought it critical to bring to your and the full Mid-Atlantic Council's attention our collective evaluation of the decisions made at the meeting – primarily those concerning the imposition of catch shares in the fishery – and the manner in which those decisions were reached.

It appeared to us as if the various motions had been prepared beforehand and were very hard to follow, particularly in a Southern Fishery Management Area (SFMA) context. This was a definite departure from the AP meetings we have become used to, as was the announcement at the start of the meeting that the chairman of the New England Council had requested that votes be recorded for all motions. Up until now the Advisory Panel has operated on a strictly consensus basis. If consensus has not been reached on an issue, the issue has been passed over.

The vote that is most troubling to us was the one that recommended the examination for both management areas of a full range of options including catch shares and sectors. It was particularly troubling because the vote on it was tied and the tie was broken by the Chairperson, who is from Maine and is committed to catch shares and sectors.*

Another issue that is critical to the participants in the monkfish fishery in the SFMA is definite and continuing separation of all aspects of the Northern and Southern components of the fishery. Since the plan first went into effect, fishermen in the SFMA have had fewer DAS and lesser trip limits than those in the Northern area. Hence, we all have catch histories that are much smaller than those of our Northern colleagues who were allowed to fish for monkfish with far fewer encumbrances than we accepted. This has been and continues to be acceptable to us because it has been instrumental in maintaining the character and the stability of the fishery and has obviously contributed heavily to the better condition of our fishery. If, regardless of what form of management regime is adopted, catch histories and the attendant division of the harvest among the participants do not remain in the area in which they were earned, the Mid-Atlantic industry could lose a significant part of the monkfish harvest to the boats, the docks and the processors/exporters from up North.

We are sure that no one involved in monkfish management would wish to add us to the ranks of fishermen who were penalized for accepting reasonable conservation measures, but such a penalty could easily be an unintended consequence of future management actions.

This all reinforces our resolve to work with the Mid-Atlantic Council through its visioning process on a management program for the SFMA that is totally separate from that put in place in the North. That is the only way that we can foresee that will allow the Mid-Atlantic Council to optimize the fishery for the fishermen, the docks, the processors/exporters and the economy of the Mid-Atlantic states without being dragged inextricably into the New England groundfish sector morass that we have had nothing to do with.

On a related note, it has been brought to our attention that in 2010 the Cape Cod Commercial Hook Fishermen's Association received over half a million dollars from the Gordon and Betty Moore Foundation "to provide expertise and support to ensure appropriate and durable implementation of sectors for groundfish, expansion of catch shares into other bottom-dwelling fisheries, and regulations and design elements for sectors that address sustainable fishing communities" and that the Environmental Defense Fund received 2.2 million dollars from Moore to, among other things, implement "good catch shares for monkfish through an exemplary and inclusive design process." AP member Thomas Dempsey is employed by the CCCHFA and AP member Ted Platz is a consultant for Environmental Defense Fund, which has spent tens of millions of foundation dollars in its efforts to

force catch shares on U.S. fishermen. At the last AP meeting Ted and Tom were the most outspoken AP members promoting catch shares in the monkfish fishery. We feel that it is extremely important that these connections be made public. Without such disclosure, it is too easy to assume that they are speaking for or acting solely for themselves or for the fishermen they represent. Obviously, that may not be the case.

Thank you,
SFMA Monkfish advisors

Timothy Froelich

Chris Hickman

Michael Johnson

Dan Mears

cc MAFMC Staff, MAFMC Members, John Pappalardo

Rick Mears

Chris Walker

Kevin Wark

*From Ms. Raymond's statement on behalf of Associated Fisheries of Maine (AFM) on Monkfish Amendment 6 - *"However, the current management plan could be improved to address the economic needs of businesses and communities historically dependent on the resource, to promote efficiency, to align with groundfish management, to address the discard issues inherent in trip limit management, and to decrease impacts on habitat and protected species"* and *"AFM strongly supports allocations based on landings history only, as this best addresses the economic needs of those businesses and communities most dependent on the resource"* (emphasis added).

Armstrong, James L.

Subject: FW: MId Atlantic Monkfish A.P. letter
Attachments: Scan0013.pdf

From: Maggie Raymond <maggieraymond@comcast.net>
To: Rick Robins <yellowfin@mindspring.com>; John Pappalardo (John Pappalardo) <johnp@ccchfa.org>
Cc: Stockwell, Terry; hjgbking@verizon.net <hjgbking@verizon.net>
Sent: Mon Mar 28 15:13:29 2011
Subject: FW: MId Atlantic Monkfish A.P. letter

Dear Rick, John, Terry, Howard:

I am responding to the attached letter sent by members of the monkfish Advisory Panel from the SFMA.

First, I want to clarify that I did not say that the "Chair of the New England Council requested that votes be recorded". I did say that the Chair of the Committee, Terry Stockwell, made that request.

I am surprised to read that some members of the Advisory Panel describe one motion in particular as "troubling".

Here is the motion they partially reference:

Dempsey/Platz

Move that the advisors recommend that the Councils develop and consider a full range of alternatives for each management area to meet the management objectives as well as to address the problems identified by the advisory panel, including status quo, DAS leasing, extension of running clock, sector management and ITQs.

(The motion carried 6-5-1, with Chair voting to break the tie)

Two of the individuals who endorsed the letter (Mr.. Walker and Mr.. Hickman) voted in favor of this motion. Another, Mr.. Froelich, abstained on the vote. If any one of the three had voted "NO", the motion would not have passed, and my vote could not have changed that. Furthermore, while I do not personally support all aspects of the motion, I supported the motion in order to recommend the development of solutions to the problems that were identified and supported by the entire Advisory Panel. *

Moreover, Mr.. Walker submitted a written catch share proposal that he drafted on behalf of the category H permits, so I am am doubly surprised to see his endorsement of the letter.

Members of the Advisory Panel, including Mr.. Wark, asked my assurance that the Advisory Panel would be involved in the development of Amendment 6. I advised Mr.. Wark and others that it was my personal position that the advisors should be involved early and often, and said I was sure that the Chair and Vice Chair of the Committee felt the same. Both Terry and Howard were present and I believe they both nodded in concurrence. I had assumed that Mr.. Wark would want the Advisory Panel position to be considered by the Councils, even when it differed from his own.

I have Chaired the Monkfish Advisory Panel for several years. I have a record of advancing the Advisory Panel's position on issues, including their rationale, in a straight-forward an unambiguous way, even on occasions when I don't agree with a position taken. In those (albeit rare) cases, I generally request the opportunity to speak on my own behalf, after I provide the Advisory Panel position, and my requests have always been agreed to by the Committee Chair (and there have been several different Committee Chairs during my tenure as Chair of the Advisory Panel).

I am responding to the letter, because I believe that the comments in the letter directed at individual members of the Advisory Panel, including Mr.. Dempsey and Mr.. Platz, are both inflammatory and inappropriate. If individual members of the Advisory Panel are subject to personal attacks, the process, in my opinion, will be harmed.

Sincerely,
Maggie Raymond

*Problems identified by the Advisory Panel: latent effort, lack of continuous supply to processors, wasteful discards, inefficient vessel operation, lack of flexibility, geographic restriction on category H permits.

From: kevinwark@comcast.net [mailto:kevinwark@comcast.net]
Sent: Monday, March 28, 2011 8:22 AM
To: johnp@ccchfa.org
Cc: Gregory DiDomenico
Subject: MId Atlantic Monkfish A.P. letter

Hello John, I have sent you a letter that we would like you to distribute to your committee and council members .The Mid Atlantic fisherman I represent on the Panel feel strongly that catch shares is not a good fit for the independent small boat operators and I must agree . I have been an A.P. member since the inception of the panel and one of a hand full of fisherman that started the directed fishery for monkfish and we want our voices heard and not to be tied up with all the problems with sectors and Groundfish. I have been fishing for 30 years and involved in the management process on many levels so again I would respectfully ask you to distribute this letter. Regards Kevin Wark F/V Dana Christine