MEETING SUMMARY

Joint Monkfish and Dogfish Committee

Webinar

September 20, 2023, 10:00 am – 3:30 pm

The Monkfish and Dogfish Committee (Committee) met jointly on September 20, 2023, via webinar to discuss: 1) the draft alternatives developed by the Sturgeon Bycatch Fishery Management Action Team (FMAT)/Plan Development Team (PDT); 2) input from invited enforcement representatives; 3) any additional data or information needs to help inform the development of alternatives; and 4) Other business.

MEETING ATTENDANCE:

Dogfish Committee: Sonny Gwin (Chair), Chris Batsavage, *Dan Farnham, Skip Feller, Adam Nowalsky, Joseph Grist, John Clark, Nichola Meserve (Vice-Chair), Mark Alexander, Rick Bellavance, Dan Salerno

Monkfish Committee: Matt Gates (Interim Chair), Eric Hansen, Kelly Whitmore, Scott Olszewski, John Pappalardo, Pete Christopher, Peter Hughes (Vice-Chair), *Dan Farnham, Paul Risi

* Indicates membership on both Committees

Note: The Dogfish Committee Chair chaired this meeting.

Council Staff: Karson Cisneros (MAFMC), Jenny Couture (NEFMC), and Robin Frede (NEFMC)

In addition, Caleb Gilbert (Office of Law Enforcement), LT Hope Martinez (U.S. Coast Guard), Ellen Keane (NOAA Protected Resources Division) were invited attendees. Two other Council members including Council Chair Eric Reid attended along with members from the FMAT/PDT (James Boyle, Lynn Lankshear, Ashleigh McCord, and Spencer Talmage) and approximately three members of the public attended.

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: **(1)** Agenda; **(2)** Presentation, Council Staff; **(3)** Staff Memo regarding considerations for the range of alternatives for the sturgeon framework action; **(4)** Sturgeon Bycatch Fishery Management Action Team/Plan Development Team meeting summary, September 7, 2023; and **(6)** NMFS data loggers summary. Meeting materials are available on the MAFMC website here.

KEY OUTCOMES:

- The joint Monkfish and Dogfish Committee recommended that the Councils narrow the range of alternatives to be analyzed given the action timeline, while maintaining different types of measures as described in Consensus Statement #1 on page 5.
- The Monkfish Committee agreed with the FMAT/PDT recommended range of alternatives for the monkfish fishery with the addition of an alternative to use vessel monitoring system (VMS) as an enforcement/management tool for closed areas and/or gear restrictions.
    - See Motion #1 and Consensus Statement #2 on page 6 for range of alternatives
- The Dogfish Committee agreed with the FMAT/PDT recommended range of alternatives for the dogfish fishery with the addition of an alternative to use vessel monitoring system (VMS) as an enforcement/management tool for closed areas and/or gear restrictions.
    - See Motion #2 and Consensus Statement #3 on pages 6-7 for range of alternatives
- The joint Monkfish and Dogfish Committee provided two research recommendations to the Councils as described in Consensus Statement #4 on page 7.

OPENING REMARKS: INTRODUCTIONS, APPROVAL OF AGENDA

The Chair introduced the joint monkfish and spiny dogfish committee (committee), welcomed attendees, and reviewed the agenda. The Chair also reviewed the process and tentative timeline for this joint meeting given this is a joint action being developed by the New England and Mid-Atlantic Fishery Management Councils.

AGENDA ITEM #1-2: Joint Sturgeon Action, Council Staff (NEFMC and MAFMC)

Council staff briefed the joint Committee on updates to the action including delay in final action due to the pending re-initiation of the Biological Opinion. Staff also provided an overview of the draft initial alternatives developed by the FMAT/PDT and committee and FMAT/PDT recommendations for refinement into a reasonable range of alternatives for analysis. The FMAT/PDT recommendations included time-of-year and hotspot area restrictions for Southern New England (monkfish-only), New Jersey (monkfish and spiny dogfish), and Delaware, Maryland, Virginia (dogfish-only). FMAT/PDT recommended measures to be included within the range were the requirement of low-profile gillnet gear for the monkfish fishery (New Jersey area only) and soak time duration restrictions for the dogfish fishery as well as short time/area closures for each fishery. These measures are not mutually exclusive. Monthly trends in bycatch and soak time data were also provided for context. Staff provided initial feedback received in June from the Office of Law Enforcement (OLE) and the Coast Guard and an overview of the use of data loggers for enforcement purposes on soak time restrictions.

Questions and Comments on the Presentation:

After the presentation, the chair turned to enforcement representatives to see if they had initial comments or clarifications. The OLE representative in attendance added that OLE is supportive of the FMAT/PDT recommended range of alternatives from an enforcement perspective.

A committee member asked about the time series being used to analyze the data and how many observed trips are within the date range. Staff discussed that the previous Biological Opinion

(BiOp) used 2015-2020, so for the current action the FMAT/PDT discussed using 2015-2023 to update the dataset while maintaining consistency with the start date. In addition, using more years of observer data contributes to a more robust dataset. GARFO staff noted that the new BiOp was just reinitiated, and it is unknown at this time which years will be used for analysis. The committee member followed up that data should not be extrapolated where too few trips were observed.

One committee member asked about the potential for shifting effort and interactions to other areas due to smaller time/area closures. The committee discussed that this is a tradeoff of having smaller areas and effort has the potential to shift to right outside of any closed area. Measures by full statistical area were included in the original range of alternatives to address this issue, however there were concerns over the socioeconomic impacts of restrictions by statistical area when the interactions appear to be concentrated in smaller hotspot areas. In addition, if effort shifts to an area that is outside of the depth preferences of sturgeon, that shifting of effort would still mitigate sturgeon interaction.

A committee member also asked about further defining overnight soaks and how a sunset to sunrise provision would be enforced. For example, what happens if it becomes dark outside and a fisherman is still pulling the gear. The committee discussed other potential definitions of daytime soaks such as a 6 am to 6 pm provision that is more clearly defined. Another member added that in December and January, a sunrise to sunset provision soak time restriction would be a lot shorter than in spring/summer. Committee members noted that more Adivosry Panel (AP) feedback is needed and staff plan to hold an AP meeting before final action.

A committee member wondered whether shorter closures such as 1 week would have a conservation benefit to sturgeon, particularly given that sturgeon migration patterns may vary year to year. Council staff noted that they have not received data on a weekly scale yet and will need to analyze this in more detail during alternative analysis in the fall and winter. GARFO staff added that water temperature plays a large role in sturgeon movements and discussed that it will be important to look at multiple years to see if there is consistency over time.

Committee members asked for further clarification on any updated guidance from GARFO on a specific amount of bycatch reduction needed or if there are requirements on how to achieve the necessary reductions in both the monkfish and spiny dogfish fisheries. GARFO staff revisited the language from the reasonable and prudent measure (RPM) that informs this action, stating that measures should minimize impacts to Atlantic sturgeon to the extent practicable without significantly altering the fisheries. There is no specific percentage that must be achieved, however the goal of this Council action is to reduce overall bycatch, not bycatch mortality.

The Committee also asked GARFO which data were used to prompt the reinitiation of the new BiOp and whether this Council action will be used for the basis of the new BiOp. Council staff added that at this time it is unclear how exactly the analysis of alternatives will be used in the new BiOp but the goal is to have consistency in information for both this action and the new BiOp. GARFO staff responded that the new BiOp was triggered based on sturgeon takes through 2021, however the specifics of the analysis to be done for the new BiOp have not been determined yet.

Discussion:

Closed Areas

Committee members discussed that clarification on the wording in the parallel lines polygon approach to drawing the hotspot boundaries is needed. The alternative language from the May committee meeting mentions 6-9 miles offshore, but the Committee also emphasizes the need to encompass the hotspot, which may fall outside that range. They discussed that the hotspot areas will be drawn based on updated analyses since the maps from the action plan used sturgeon and gillnet interactions from 2015-2020. These area sizes are to be determined based on that updated data, where the polygon will encompass the hotspot area with the goal of a one-mile buffer around the hotspot (the buffer of which was added by the Joint Committee). They ultimately agreed with the FMAT/PDT and enforcement preference for this polygon method of drawing hotspot boundaries instead of the ten-minute square approach.

The Committee also noted that the timing options of any closed areas should consider the dates the fishery opens and be continuous back-to-back weeks for multi-week closure options to avoid patchy closures.

Low Profile Gear

The Committee discussed low profile gillnet gear and asked whether it was ready for widespread commercial use. Staff clarified that it is only an option for the NJ area for monkfish where the gear has been tested and shown to reduce sturgeon bycatch while still catching monkfish. The Committee felt that further AP input is needed to identify whether this measure is feasible; GARFO staff noted that it is good to have multiple types of measures within the range of alternatives, although it may not end up being the preferred alternative after further analysis and AP input.

Soak Times

The Committee discussed soak times and primarily focused the discussion on the no overnight soak time option (or a similar time restriction such as 6 am to 6 pm or dawn to 8 pm) for the dogfish fishery, because soak times 24 hours or longer would likely not reduce overall bycatch as nets could be pulled and immediately reset. They discussed that based on feedback from fishermen, soak time restrictions don't seem feasible for the Delaware, Maryland and Virginia areas, but could be a viable option for New Jersey. Overall, they decided to keep the soak time restriction option in the range of alternatives for both areas to maintain different types of measures beyond area closures. OLE added that a soak time restriction based on dawn to dusk or by a specific time frame would likely both be enforceable. A Committee member noted that they did not want to create a safety issue with soak time limits where fishermen are rushing to haul back their gear. The Committee discussed whether there would be flexibility in the interpretation of the end of the soak time if fishermen are doing their best to comply. Ultimately, the Committee decided that defining 'no overnight soaks' as no soaks from 8 pm to dawn allowed for a buffer after sunset and a clear ending time to haul back gear. They also discussed that a better start and end time may emerge from further analysis.

VMS Requirements

Committee members discussed that VMS is not required for these fisheries, however VMS could make soak time restrictions and area closures more enforceable. Staff noted that recently, a requirement for 100% VMS coverage for the monkfish fishery was considered by the NEFMC last year during Framework 13 development and was ultimately not recommended due to costs outweighing any potential benefits.

Some committee members felt that area closures and restrictions were not enforceable without VMS, and added that a VMS requirement would not need to apply to the entire fishery, but could be a tool to incentivize being able to fish in closure areas. Other Committee members voiced concerns over this, given that sturgeon interactions need to be reduced, so the areas would need to be closed to vessels with or without VMS. Others added that it may allow for more dynamic management and any closed areas could shift annually. Some Committee members added that it could be a monitoring/management tool to collect more information that may decrease the footprint of the hotspot areas in proceeding years or collect other data along with being an enforcement tool.

Committee members raised concerns over the cost of VMS and that it is not used commonly further south, particularly in the dogfish fishery. They discussed whether AIS could be used as a more affordable option to enforce closed/restricted areas. Multiple committee members said they would not support requiring VMS in the dogfish fishery, while some felt it should be included in the range of alternatives for both fisheries. Overall, the Committee felt VMS was an option that warranted more discussion and exploration by the Councils although they did not necessarily intend to make it a requirement for all vessels.

Enforcement representatives clarified that VMS is not required to enforce time/area closures. A Coast Guard representative added that vessel track history alone would not be used to issue a citation, there would need to be a visual confirmation of a violation. VMS is still helpful to identify the fishery declaration and vessel location. They added that for enforcing closed areas with or without the use of VMS, the Coast Guard uses routine patrols in aircraft and cutters and can do targeted boardings if there are known restrictions in the area. For AIS, there is no fishery declaration so it is hard to distinguish a fishing vessel participating in a specific fishery from other marine traffic so may not help with enforcement of a time/area closure for these fisheries.

Other Issues

Several Committee members voiced general concern for the impacts of any restriction to these fisheries. The dogfish fishery is experiencing quota reductions and has only one active processor, so limiting landings in any way could have large impacts. Committee members added that the market impacts of the alternatives will be important to know before final action.

APPLICABLE TO BOTH MONKFISH AND SPINY DOGFISH FISHERIES

After thorough discussion as described above, the committee agreed with the FMAT/PDT recommendations to refine the range of alternatives and recommended adding a VMS alternative to the range of both the dogfish and monkfish alternatives.

Consensus Statement #1: Recommend 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.

Monkfish Committee: Motion #1 (Farnham/Risi): Add option to use vessel monitoring system (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

Monkfish Committee: Consensus Statement #2: With the addition of adding an option for VMS, recommend that the Councils 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, or 4 consecutive week periods within this timeframe
    b. June 1-30: closures of 1, 2, 3, or 4 consecutive week periods within this timeframe
2. NJ hotspot
    a. December 1-31: gear restrictions throughout this timeframe or closures of 1, 2, 3, or 4 consecutive week periods within this timeframe
    b. May 1- 31: gear restrictions throughout this timeframe or closures of 1, 2, 3, or 4 consecutive week periods within this timeframe
    c. Year-round: would apply to gear restrictions only (in addition to 2a and 2b time options)

Spiny Dogfish Committee: Motion #2 (Alexander/Bellavance): Add option to use vessel monitoring system (VMS) as an enforcement/management tool as part of the spiny 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

Spiny Dogfish Committee: Consensus Statement #3: With the addition of adding an option for VMS, recommend that the Councils approve the range of alternatives for spiny dogfish 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: 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, or 4 consecutive week periods within this timeframe
    b. April 1- 30: gear restrictions throughout this timeframe or closures of 1, 2, 3, or 4 consecutive week periods within this timeframe
2. DE/MD/VA hotspots
    a. December 1 – January 31: gear restrictions throughout this timeframe or closures of 1, 2, 3, or 4 consecutive week periods within this timeframe
    b. March 1-31: gear restrictions throughout this timeframe or closures of 1, 2, 3, or 4 consecutive week periods within this timeframe

AGENDA ITEM #3: Additional data and information needs

The committee discussed additional information to consider for further development of this action. A committee member recommended the creation of maps of bycatch rates instead of number of takes to help illustrate interaction rates in these fisheries. They also recommended consideration of the different mesh sizes between the fisheries and whether this impacts what size sturgeon are being caught and the resulting overall sturgeon population impacts. Staff responded that both of these recommendations would be brought to the FMAT/PDT for further analysis.

Research recommendations

The Committee discussed that low-profile gillnet gear in expanded areas and fisheries and the use of data loggers are tools that need further research. These potential tools may be useful in the future to allow for more options to mitigate sturgeon bycatch in gillnet fisheries. Ultimately the Committee agreed with the FMAT/PDT's 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.

AGENDA ITEM #4: Other business

No other business was discussed.

The Committee meeting adjourned at approximately 3:00 p.m.