



Last Updated: September 4, 2008

Monkfish Fishery Summary of Regulations

INTRODUCTION

This summary is not a substitute for the regulations; rather it provides a broad overview of restrictions and requirements of NOAA's National Marine Fisheries Service (NMFS). You are strongly encouraged to read the regulations in conjunction with this information sheet to fully understand how this fishery is managed.

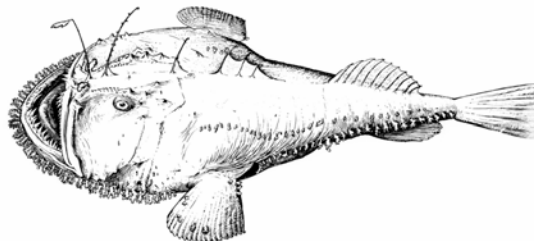
Individual states may set different regulations for the commercial monkfish fishery. In cases where state measures conflict with Federal regulations, fishery participants must adhere to the more restrictive state or Federal measure.

GENERAL INFORMATION

Since 1999, the monkfish fishery has been jointly managed under a Fishery Management Plan (FMP) developed by the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council. The adoption of the FMP signaled the start of management measures designed to rebuild the stocks in 10 years or less. The FMP has been modified through Amendments and Framework Adjustments in attempts to ensure that stocks will be rebuilt within that 10-year timeframe. At this stage, both stocks are considered rebuilt and overfishing is no longer occurring.

MANAGEMENT AREAS (50 CFR 648.91)

The monkfish fishery in the Exclusive Economic Zone (EEZ) north of the latitude of the North/South Carolina border is managed as two stocks with corresponding management areas. The boundary between the Northern Fishery Management Area (NFMA) and the Southern Fishery Management Area (SFMA) follows the 70° W longitude line from the south-facing shoreline of Cape Cod, MA, to 41° N latitude, then eastward to the U.S.-Canada maritime boundary (See map on page 2).



PERMITS (§ 648.92)

There are currently six categories of limited access monkfish permits (A, B, C, D, F, and H) in the Northeast (NE). Category A and B permits are for vessels that do not possess a NE multispecies or an Atlantic sea scallop limited access permit. Category C and D permits are for vessels that also possess either a NE multispecies or an Atlantic sea scallop limited access permit. Vessels issued a Category H permit may only use their monkfish days-at-sea (DAS) in the portion of the SFMA south of 38° 40' N latitude. Any vessel with a limited access monkfish permit may opt into the offshore fishery (Category F) for an entire fishing year (FY), which begins on May 1 and ends on April 30. See the appropriate section below for details about the offshore fishery.

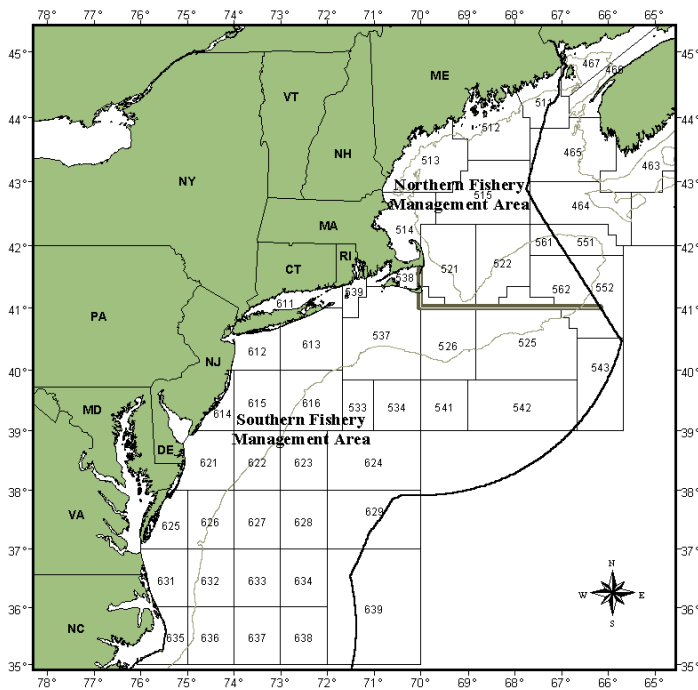
There is also an open access incidental catch permit (Category E). This permit can be obtained by anyone with a valid vessel operator's permit. To obtain an application for a permit, contact the NE Regional Office Permit Office at: www.nero.noaa.gov/permits/

MINIMUM FISH SIZE (§ 648.93)

The minimum size for monkfish harvested in either the SFMA or the NFMA is 17 inches total length or 11 inches tail length.

DAYS-AT-SEA (DAS) (§ 648.92)

For FY 2008, all vessels with a limited access monkfish permit have been allocated 31 monkfish DAS. However, vessels are restricted to using only 23 DAS in the SFMA. In addition, vessels may carry over up to 4 unused monkfish DAS from FY 2007. These carryover DAS can be used in either management area.



Monkfish Management Areas shown with three digit statistical areas

In order to possess more than the incidental possession limit, a vessel holding a limited access monkfish permit must be on a monkfish DAS. For specifics of the incidental catch limits for limited access permit holders not on a DAS, refer to the Monkfish Incidental Catch information sheet. Vessels may declare DAS usage through the NMFS Interactive Voice Response (IVR) phone system or, if required, through an approved Vessel Monitoring System (VMS).

Category C, D, F, or H permit holders that also possess a NE multispecies or scallop limited access permit are required to use either a NE multispecies DAS or scallop DAS whenever a monkfish DAS is used, regardless of where the vessel is fishing. There are several exceptions to this, as follows:

- Each Category C, D, F, or H permitted vessel that has a NE multispecies Category A DAS allocation that is less than its monkfish DAS allocation is given monkfish-only DAS in the amount equivalent to that vessel's annual monkfish allocation minus its annual allocation of NE multispecies

Category A DAS. These monkfish-only DAS can only be used once the vessel's allocation of NE multispecies Category A DAS has been fully exhausted. Additionally, the vessel is subject to the same restrictions applicable to limited access monkfish Category A and B vessels when under a monkfish-only DAS.

- Each Category C, D, F, or H permitted vessel that has "monkfish-only" DAS as described above, and that leases NE multispecies DAS from another vessel, must fish all its "monkfish-only" DAS in conjunction with its leased NE multispecies DAS to the extent that it has NE multispecies available.
- Each Category C, D, F, or H permitted vessel must forfeit a monkfish DAS for each NE multispecies DAS equal in number to the difference between the number of remaining NE multispecies DAS and the number of unused monkfish DAS at the time of the lease. For example, a vessel that is originally allocated 31 monkfish DAS and 40 NE multispecies Category A DAS would have no "monkfish-only" DAS as described above. If this vessel leases 10 of its NE multispecies DAS to another vessel, it would have a balance of 30 NE multispecies DAS and 31 monkfish DAS. Since the vessel must use a NE multispecies DAS with each monkfish DAS, the vessel must forfeit 1 of its monkfish DAS, leaving 30 NE multispecies DAS and 30 monkfish DAS.

Monkfish-only DAS must be fished in an exempted fishery. Please refer to the Large Mesh Fishery Exemptions information sheet for further details.

DAS ACCOUNTING (§ 648.92(a)(2)(v))

Monkfish DAS are charged on a real-time basis for all vessels fishing with trawl gear. However, a vessel fishing with gillnet gear under a monkfish DAS will be charged 15 hours of monkfish DAS for all trips less than or equal to 15 hours in duration. Such vessels will be charged monkfish DAS on a real-time basis for any gillnet trip that is longer than 15 hours in duration. On May 1, 2008, the provision that counted trips less than three hours in duration on a real-time basis was eliminated.

DAS REQUIREMENTS FOR THE NFMA (§ 648.91)

All federally permitted monkfish vessels not using VMS units and fishing for monkfish exclusively in the NFMA under the less restrictive measures of that area must first obtain a monkfish exemption certificate from NMFS. These vessels must also make the proper trip declaration through the IVR system. A vessel reporting through IVR that has not declared into the NFMA by obtaining the exemption certificate and making a trip declaration is presumed to have fished in the SFMA, and is subject to the more restrictive requirements of that area. This certificate is issued for a minimum of 7 days and may be obtained by calling the NMFS Northeast Region Permit Office at (978) 281-9370.

As of May 1, 2008, vessels using VMS are not required to obtain a monkfish exemption certificate because the VMS screens enable limited access monkfish vessels to declare the management area in which they are fishing when declaring a monkfish DAS.

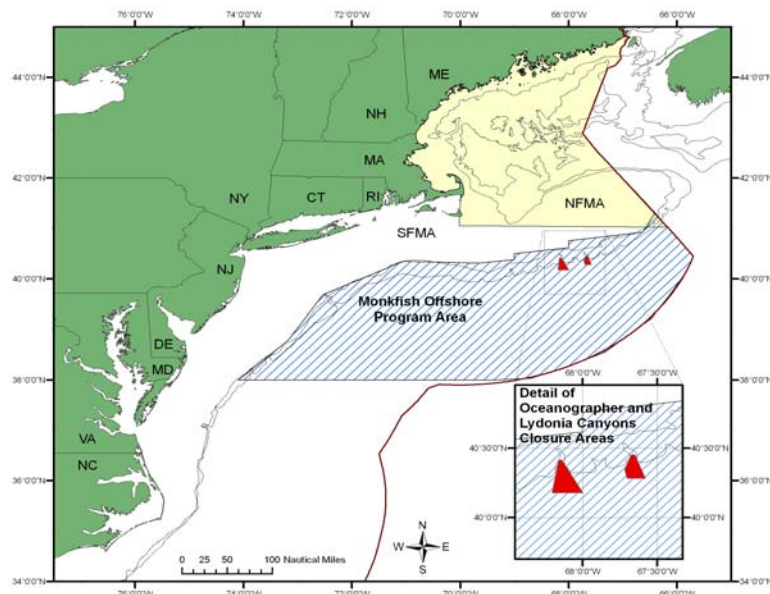
A vessel that has made the required declarations into the NFMA (i.e. exemption certificate or through VMS) may transit the SFMA, provided the vessel does not harvest or possess monkfish, or any other fish, from the SFMA, and the vessel's fishing gear is properly stowed and not available for immediate use, in accordance with the regulations.

Any vessel with a valid limited access NE multispecies DAS permit and a valid limited access monkfish permit that is fishing exclusively in the NFMA under a NE multispecies Category A DAS, may change the vessel's NE multispecies Category A DAS declaration to the corresponding monkfish DAS declaration during the course of a trip, as long as certain criteria are met (see [Attachment B of the September 21, 2007, permit holder letter](#)).

The intent of this measure is to allow flexibility for a NE multispecies DAS vessel to land the full NFMA monkfish trip limit if the incidental trip limit is exceeded during the course of its NE multispecies trip.

OFFSHORE FISHERY (§ 648.95)

Vessels that participate in the Offshore Fishery Program (Category F vessels) are allowed an increased possession limit (1,600 lb tail weight,



5,312 lb whole weight) in exchange for a prorated reduction in DAS. Prorated DAS for this permit category are calculated by dividing the standard trip limit for vessels fishing in the SFMA (see applicable category above) by the 1,600-lb (tail weight) possession limit, and then multiplying the ratio by the DAS available to vessels when fishing in the SFMA.

The Offshore Fishery Program Area (see map above) is bounded on the south by 38°00' N. lat., on the east by the edge of the EEZ and on the north and west by a line through the following points:

Point	N Lat.	W Long.
M10	41°18.6'	66°24.8'
M11	40°55.5'	66°38.0'
M12	40°45.5'	68°00.0'
M13	40°37.0'	68°00.0'
M14	40°30.0'	69°00.0'
M15	40°22.7'	69°00.0'
M16	40°18.7'	69°40.0'
M17	40°21.0'	71°03.0'
M18	39°41.0'	72°32.0'
M19	38°47.0'	73°11.0'
M20	38°04.0'	74°06.0'

A vessel participating in the offshore fishery is bound by the following restrictions:

- It may only use its monkfish DAS during the offshore season: October 1 through April 30 each fishing year.
- It may only fish for, possess, and land monkfish in or from the Offshore Fishery Program Area while on a monkfish DAS.
- It must have an operational VMS unit.
- While under a monkfish DAS and transiting to or from the Offshore Fishery Program Area, it must have all gear stowed and not available for immediate use.
- When not fishing on a monkfish DAS, a Category F vessel may fish under the applicable incidental catch limit restrictions (see the separate incidental catch limit information sheet for details).

GEAR RESTRICTIONS (§ 648.91)

- A vessel may not fish with dredges or have dredges on board while fishing under a monkfish DAS.

Trawl gear

- The minimum mesh size for any trawl net used under a monkfish DAS is 10-inch square or 12-inch diamond mesh throughout the codend for at least 45 continuous meshes forward of the terminus of the net. The minimum mesh size for the remainder of the trawl net is the regulated mesh size specified by the regulated mesh area being fished.
- **Exception: Vessels issued a Category C, D, or H permit and fishing with trawl gear under both a monkfish and NE multispecies DAS are subject to the minimum mesh size determined by the NE multispecies fishery.**
- The roller gear on any vessel on a monkfish DAS in the SFMA may not exceed 6 inches in diameter.

Gillnet gear

- The minimum mesh size for any gillnets used under a monkfish DAS is 10-inch diamond mesh.
- Category A or B vessels may not fish with, haul, possess, or deploy more than 160 gillnets at any time.
- Category C, D, F, and H vessels that possess a limited access NE multispecies permit and fish under a monkfish DAS may not fish with, haul, possess, or deploy more than 150 gillnets.

- Gillnets may not be longer than 300 ft.
- Gillnets must be tagged
- When fishing under a monkfish-only DAS, a vessel is not required to remove gillnet gear from the water upon returning to the dock and calling out of the DAS program.

CLOSURE AREAS (§ 648.97)

- Vessels on a monkfish DAS are prohibited from fishing in the Oceanographer and Lydonia Canyon closure areas, regardless of the type of gear used (see map on page 3).

Oceanographer Canyon Closed Area

Point	N. Lat.	W. Long.
(1) OC1	40°10'	68°12'
(2) OC2	40°24'	68°09'
(3) OC3	40°24'	68°08'
(4) OC4	40°10'	67°59'
(5) OC1	40°10'	68°12'

Lydonia Canyon Closed Area

Point	N. Lat.	W. Long.
(1) LC1	40°16'	67°34'
(2) LC2	40°16'	67°42'
(3) LC3	40°20'	67°43'
(4) LC4	40°27'	67°40'
(5) LC5	40° 27'	67°38'
(6) LC1	40°16'	67°34'

RESEARCH SET-ASIDE (RSA)

Each year, a pool of 500 monkfish DAS is set aside to distribute to vessels to participate in cooperative monkfish research activities. These DAS are awarded through the Monkfish RSA Program. Additional information about cooperative research may be found on the Sustainable Fisheries Division website: www.nero.noaa.gov/sfd/.

REPORTING REQUIREMENTS

The owner or operator of any vessel issued a monkfish limited access permit shall maintain on board the vessel and submit an accurate Federal fishing vessel trip report (VTR) for all fishing trips (regardless of species retained). These reports may be submitted electronically if authorized by the Regional Administrator. Instructions for completing the VTR can be found at: www.nero.noaa.gov/ro/fso/vtr.htm.

VTRs must be received by NMFS or postmarked within 15 days after the end of the reporting month. Copies of VTRs must be retained on board the vessel for 1 year after the date of the last entry on the log and otherwise retained for 3 years after the date of the last entry on the log. If no fishing activity took place during a fishing month, then a VTR must be submitted stating that no fishing trips were taken.

Any change in the permit information such as vessel name, vessel owner, address, etc., must be submitted in writing to the Regional Administrator within 15 days of the change, or the permit is void.

All federally permitted seafood dealers are required to report all purchase of fish to NMFS via computer, using one of the approved electronic means, unless otherwise directed by the Regional Administrator. For more information on dealer reporting, please call the dealer electronic reporting help desk at 978-281-9212 or contact your local NMFS Field Office: www.nero.noaa.gov/ro/fso/portoff.pdf.

SALE/PURCHASE REQUIREMENTS

Monkfish may be sold only to persons possessing a valid monkfish dealer permit. Monkfish must be purchased only from vessel owners possessing a valid monkfish vessel permit.

PERMIT RENEWAL

To be eligible for a limited access permit for monkfish, a vessel must have been issued a limited access permit in the previous year, or be replacing a vessel that was issued a limited

access permit for the previous year, and must have submitted all required VTRs for the previous year. All limited access permits must be issued on an annual basis by the last day of the fishing year for which the permit is required, unless a Confirmation of Permit History has been issued. Failure to renew a limited access permit in any fishing year bars the renewal of the permit in future years.

REPLACEMENT VESSELS

To be eligible for a limited access permit, the replacement vessel must meet the following criteria:

- The replacement vessel's horsepower may not exceed by more than 20 percent the horsepower of the vessel that was initially issued a limited access permit;
- The replacement vessel's length, gross registered tonnage, and net tonnage may not exceed by more than 10 percent the length, gross registered tonnage, and net tonnage of the vessel that was initially issued a limited access permit;
- The vessel's size (length, gross registered tonnage, and net tonnage) may be increased (upgraded) through replacement only once. If any one of these specifications is increased, any increase in the other two must be performed at the same time; and
- The vessel's horsepower may be increased (upgraded) through replacement only once.

Note: Size and horsepower increases can be done independently of one another.

DAS POSSESSION LIMITS (§ 648.94)

FY 2008 Monkfish Trip Limits while a Monkfish DAS

Permit Category	Area	Landing Limit (tail weight per DAS ¹)
A or C	NFMA	1,250 lb (4,150 lb whole weight)
B or D	NFMA	470 lb (1,560 lb whole weight)
A, C, or G	SFMA	550 lb (1,826 lb whole weight)
B, D, or H	SFMA	450 lb (1,494 lb whole weight)
F	Offshore Fishery Program Area	1,600 lb (5,312 lb whole weight) ²

¹ Or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 3.32 (tail weight x 3.32 = whole weight; or whole weight/ 3.32 = tail weight). NOTE: A vessel may possess or land monkfish livers up to 25% of the tail-weight of monkfish, or up to 10% of the whole weight of monkfish, per trip. If a vessel possesses or lands both monkfish tails and whole monkfish, the vessel may land up to 10% of the whole weight of monkfish per trip using the following weight ratio: $(0.10) \times [(\text{tail weight} \times 3.32) + (\text{whole fish} \times 1)]$.

² For category F vessels, DAS allocations will be prorated according to the method outlined on page 4.

Note: Vessels fishing under a NE multispecies DAS may have additional possession restrictions based on the fishery they are participating in (e.g., Regular B-DAS program, Hook-gear Haddock Special Access Program (SAP), or the US/Canada Management Areas). Please refer to the regulations for these or other programs you may be participating in for possible restrictions.

FY 2008 Incidental Monkfish Trip Limits while on a NE Multispecies DAS but not a Monkfish DAS

Permit Category	DAS Program	Area	Gear	Landing Limit (tail weight per DAS ¹)
C, D, E, F, or H	Multispecies	NFMA	All gear	Up to 25% (where all monkfish is converted to tail weight) of the total weight of fish on board, not to exceed 300 lb (996 lb whole weight) per DAS.
C, D, or F	Multispecies	SFMA	Trawl	300 lb (996 lb whole weight)
C, D, or F	Multispecies	SFMA	Non-trawl	50 lb (166 lb whole weight)
E or H	Multispecies	SFMA	All gear	50 lb (166 lb whole weight)

FY 2008 Incidental Monkfish Trip Limits while on a Scallop DAS or in the Sea Scallop Access Area Program

Permit Category	DAS Program	Area	Gear	Landing Limit (tail weight per DAS ¹)
C, D, E, F, or H	Sea Scallop Access Area	NFMA & SFMA	All gear	300 lb (996 lb whole weight) ²
C, D, E, F, or H	Scallop	NFMA & SFMA	All gear	300 lb (996 lb whole weight)

FY 2008 Incidental Monkfish Trip Limits for Vessels not under a DAS Program

Permit Category	DAS Program	Area(s) and Gear	Landing Limit (per trip unless stated otherwise)
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> The Gulf of Maine (GOM) or Georges Bank (GB) Regulated Mesh Areas (RMAs) <u>Gear:</u> Minimum mesh size or larger—See clarification on next page.	Up to 5% (where all monkfish is converted to tail weight ¹) of the total weight of fish on board.
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> SNE RMA east of the MA Exemption Area Boundary at 72° 30' W longitude <u>Gear:</u> Minimum mesh size or larger—See clarification on next page.	Up to 5% (where all monkfish is converted to tail weight ¹) of the total weight of fish on board, not to exceed 50 lb (166 lb whole weight) per day, up to 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H	No DAS and fishing under a skate bait Letter of Authorization	<u>Area:</u> SNE RMA <u>Gear:</u> Minimum mesh size or larger—See clarification on next page.	Up to 5% (where all monkfish is converted to tail weight ¹) of the total weight of fish on board, not to exceed 50 lb (166 lb whole weight) per day, up to 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> SNE RMA west of the MA Exemption Area boundary or MA RMA. <u>Gear:</u> Minimum mesh size or larger—See clarification on next page.	Up to 5% (where all monkfish is converted to tail weight ¹) of the total weight of fish on board, not to exceed 450 lb (1,494 lb whole weight).
A, B, C, D, E, F, or H	No DAS	<u>Areas:</u> NFMA or SFMA <u>Gear:</u> Mesh smaller than minimum—See clarification on next page.	50 lb (166 lb whole weight) per day ³ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H and NE Multispecies Small Vessel permit ⁵	No DAS ⁴	<u>Area:</u> NFMA or SFMA <u>Gear:</u> All gear	50 lb (166 lb whole weight) per day ³ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H	No DAS	<u>Area:</u> NMFA or SFMA <u>Gear:</u> Rod and reel or handlines only	50 lb (166 lb whole weight) per day ³ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H and a surf clam or ocean quahog permit	No DAS	<u>Area:</u> NFMA or SFMA <u>Gear:</u> Hydraulic clam dredge or mahogany quahog dredge	50 lb (166 lb whole weight) per day ³ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.
A, B, C, D, E, F, or H and a sea scallop permit	No DAS	<u>Area:</u> NFMA or SFMA <u>Gear:</u> Scallop dredge only (including scallop dredge exemption areas) ⁵	If in a scallop dredge exemption area, 50 lb (166 lb whole weight) per trip. Otherwise, 50 lb per day ³ , or partial day, not to exceed 150 lb (498 lb whole weight) per trip.

¹ Prorated combination of tail weight and whole weight is based on the conversion factor for tail weight to whole weight of 3.32 (tail weight x 3.32 = whole weight; or whole weight/ 3.32 = tail weight). NOTE: A vessel may possess or land monkfish livers up to 25% of the tail weight of monkfish, or up to 10% of the whole weight of monkfish, per trip. If a vessel possesses or lands both monkfish tails and whole monkfish, the vessel may land up to 10% of the whole weight of monkfish per trip using the following weight ratio: (0.10) x [(tail weight x 3.32) + (whole fish x 1)].

² For vessels with limited access sea scallop permits fishing in an established Sea Scallop Access Area, the monkfish possession limit is per day fished inside the access area (as determined by VMS), not including steaming time.

³ A day is the 24-hour period that begins when the vessel leaves port or, if the vessel has an operational VMS, when the vessel crosses the VMS demarcation line when leaving port and ends when the vessel returns to port or, if the vessel has an operational VMS, crosses the VMS demarcation line on its return to port.

⁴ These vessels are exempt from a NE multispecies DAS provided they meet the vessel size requirements applicable to the limited access NE multispecies small vessel permit category (vessels < 30 ft in length).

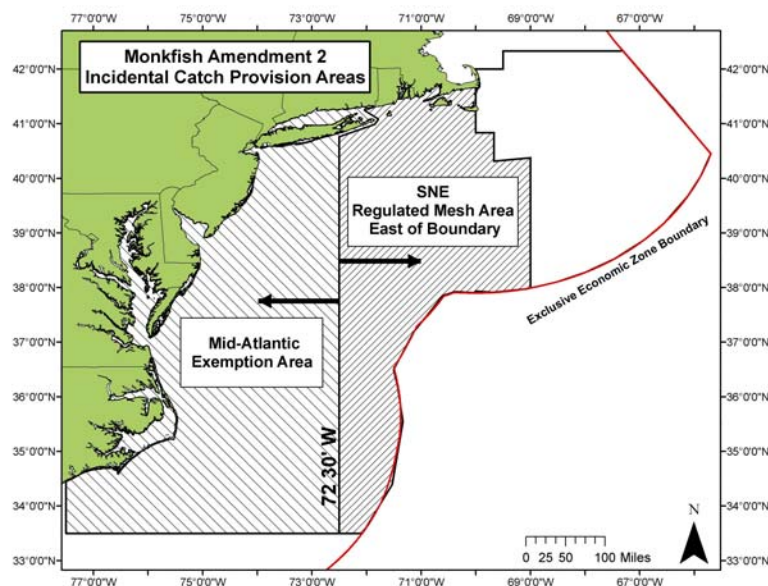
⁵ In order to possess monkfish in the scallop dredge exemption areas, small dredges must be used (combined width not to exceed 10.5 ft).

Clarification of Possession Limit and Mesh Size in the Southern New England (SNE) & Mid-Atlantic (MA) Exemption Areas

The table below indicates the incidental catch of monkfish for trawl vessels fishing on the east-side or west-side of the NE Multispecies MA Area boundary (see map to the right).

The monkfish incidental catch limit is based upon the mesh size of the smallest mesh fished during a trip. For example, if a vessel is fishing for squid using a 1-7/8" diamond mesh and for summer flounder using a 5.5" diamond mesh, on the same trip west of the boundary line, the vessel is subject to the more restrictive possession limit of 50 lb tail weight per day, up to 150 lb tail weight per trip.

Minimum mesh size is defined by the summer flounder regulations when fishing west of the MA Exemption Area boundary, but is defined by the NE multispecies regulations when fishing east of this boundary, in the SNE Regulated Mesh Area.



Side of Exemption Area boundary	Smallest Mesh Fished During the Trip	Landing Limit (per trip unless stated otherwise ¹)
West	5.5" diamond / 6" square, or larger, in body, extensions, and cod end	5% of total weight of fish aboard, up to 450 lb
West	Smaller than 5.5" diamond / 6" square in body, extensions, and cod end	50 lb per day, up to 150 lb per trip
East	6" diamond / 6.5" square in the body and extensions and 6.5" square or diamond in the cod end, or larger	In SNE RMA: 5% of total weight of fish aboard, not to exceed 50 lb per day, up to 150 lb per trip In GOM/GB RMAs: 5% of total weight of fish aboard
East	Smaller than 6" diamond / 6.5" square in the body and extensions and 6.5" square or diamond in the cod end	50 lb per day, up to 150 lb per trip

¹ Tail weight is converted to whole weight by multiplying by 3.32