

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL AGENDA
December 13-16, 2010
Hilton Virginia Beach Oceanfront Hotel
3001 Atlantic Avenue
Virginia Beach, VA 23451
Telephone 757-213-3000

MONDAY, DECEMBER 13

- 9:00 - 12:00** **River Herring and Shad Committee (Tab 1)**
(Augustine, deFur, King, Kray, Kurkul, McMurray, Miko, O'Shea, Schafer, Zeman)
- Review MSB Amendment 14 FMAT input on management integration issues
 - Next steps?
- 1:00 - 6:00** **Habitat-Ecosystem Workshop (Tab 2)**
- Implementing the President's National Ocean Policy - Jennifer Lukens
 - Policy / Management Panel (Montanio, Bigford, Colosi, Tsao, Catena, Wenzel, and Bohne)

TUESDAY, DECEMBER 14

- 8:00 - 12:00** **Habitat-Ecosystem Workshop (Tab 2-Continued)**
- NMFS Habitat Assessment Improvement Plan (HAIP) - Tom Noji
 - Science Panel (Cyr, Fogarty, Robertson, Noji, and Manderson)
- 12:00 - 1:00** **Lunch**
- 1:00 - 6:00** **Habitat-Ecosystem Workshop (Tab 2-Continued)**
- Mid-Atlantic Regional Council on the Oceans [MARCO] - Mike Snyder
 - Stakeholder Panel (Link, Hawkins, DiDomenico, Odell, Kellogg, and Laney)

WEDNESDAY, DECEMBER 15

- 8:30** **Council convenes jointly with Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board**
- 8:30 - 10:30** **Summer Flounder: 2011 Recreational Management Measures (Tab 3)**
- Review and discuss Monitoring Committee's recommendations on summer flounder management measures
 - Review and discuss Advisory Panel's recommendations on summer flounder management measures
 - Develop and approve management measures for 2011 summer flounder recreational fishery
- 10:30 - 12:30** **Scup: 2011 Recreational Management Measures (Tab 4)**
- Review and discuss Monitoring Committee's recommendations on scup management measures
 - Review and discuss Advisory Panel's recommendations on scup management measures
 - Develop and approve management measures for 2011 scup recreational fishery
- 12:30 - 1:30** **Lunch**

- 1:30 - 3:00** **Black Sea Bass: 2011 Recreational Management Measures (Tab 5)**
- Review and discuss Monitoring Committee's recommendations on black sea bass management measures
 - Review and discuss Advisory Panel's recommendations on black sea bass management measures
 - Develop and approve management measures for 2011 black sea bass recreational fishery
- 3:00 - 3:30** **Overview of the Ocean Observatories Initiative (OOI) - Jean McGovern, National Science Foundation OOI Program Director**
- 3:30 - 4:30** **Joint Spiny Dogfish Committee (Tab 6)**
(Munden, Blount, Augustine, Berg, Himchak, King, Luisi, Pate, Travelstead, Pappalardo, Wheatly)
- Finalize issues to be resolved in Amendment 3
- 4:30 - 5:30** **Monkfish Amendment 6 (Tab 7)**
- Scoping Hearing for Amendment 6 regarding catch shares

THURSDAY, DECEMBER 16

- 8:00 - 9:00** **Executive Committee (Tab 8)**
(Robins, Anderson, Augustine, Berg, Kray, Kurkul, McMurray, Munden, Pate, Travelstead)
- Visioning project update
 - Consider updating priorities to accommodate a bio-economic analysis of the scup allocations
 - Discussion of Council communications plan options
 - Update on AP Fishery Performance Report development
 - Review working group's recommendations for webinar compensation and travel policy to include in Council SOPPs
- 9:00** **Council Convenes**
- 9:00 - 9:30** **Briefing on Proposed Listing of Atlantic Sturgeon under ESA - NMFS Office of Protected Resources (Tab 9)**
- 9:30 - 1:30** **Business Session**
- Approval of June and October minutes
 - Actions from October Meeting

Dogfish Specifications

Move that the spiny dogfish quota be set at 20 million pounds with a 3,000 pound trip limit for the 2011/2012 fishing year only.
Munden for Committee (15/0/1)
Motion carries

Squid, Mackerel, Butterfish

I move that the Council adopt Alternative 1D as the mackerel limited access Tier system, including a 1,000 pound threshold for Tier 3.
Berg/Anderson (18/0/1)
Motion carries

I move that the Council adopt Alternative 2A, no action for Amendment 11 allocations.
Berg/Augustine (19/0/1)
Motion carries

I move that the Council adopt Alternative 3F for initial trip limits for mackerel limited access permits, including 20,000 pounds initially for open access (adjustable up to 20,000 pounds via specs). All trip limits are adjustable via specifications.
Berg/Augustine (19/0/1)
Motion carries

I move that the Council adopt Alternative 4B for administrative provisions, including specifying that federal dealer records would be the records necessary for tier qualification/verification.
Berg/Augustine (19/0/1)
Motion carries

I move that the Council adopt Alternative 4C, which will require T1/T2 vessel hold certifications and a 10% upgrade restriction. Vessels that are sealed by the Maine State Sealer of Weights and Measures will be deemed to meet this requirement.

Berg/Augustine (18/0/1)

Motion carries

I move that the Council adopt Alternative 4D, providing for some history retention/permit splitting for mackerel limited access qualification (landings and permit requirements also apply). Permit/history transfers would have to have been completed by April 3, 2009.

Berg/Augustine

Motion carries with 2 abstentions

I move that the Council adopt Alternative 4F (multiple vessels, one owner).

Berg/Augustine

Motion carries with 1 abstention

I move that the Council adopt Alternative 4G2 (weekly reporting for Tier 3 vessels), unless the permit holders are required to report this frequently or more frequently in another fishery.

Berg/Augustine

Motion carries with 1 abstention

Move that the Council adopt alternative 1H to include in the Tier 3 qualification criteria that any vessel with a Herring Limited access "A" or "B" permit would also qualify.

Tooley/

Motion withdrawn

Move to approve Amendment 11 for Secretarial submission.

Berg/Augustine

Motion carries by roll call vote with 1 abstention

Law Enforcement Committee

Move to nominate John Larson for the 2010 Fisheries Achievement Award.

McMurray for Committee

Approved by ballot

Executive Committee

Move to approve terms of reference for the SSC Ecosystem Sub-Committee, amending TOR #1 as follows: provide the Council with scientific advice to support and inform the development of the Council's ecosystem level goals, objectives and policies.

Robins for Committee

Approved by consent

Move to accept the 2011 priorities and projects.

Moved by consent.

Move the Council write a letter to MARCO to request representation on the appropriate working groups and management board.

Travelstead/Gilmore

Approved by consent

Business Session

Move to approve June 2010 and August 2010 minutes.

Approved by consent with changes.

Continuing and New Business

Move that the Council establish an ad-hoc Committee to evaluate; 1) jurisdictional legal issues affecting the Council's ability to take action under the Magnuson Stevens Act in light of the existing ASMFC management plan for River Herring and Shad; 2) most effective approaches for ASMFC, MAFMC, NEFMC and NOAA cooperation and coordination in the conservation of River Herring and Shad Complex and; 3) MAFMC options to afford River Herring and Shad Comprehensive EFH, rebuilding and bycatch protections under the Magnuson Stevens Act.

Zeman/McMurray

Move to table above motion.

Augustine/Berg

Motion to table ruled out of order by Chair

Motion to amend to strike #1 above.

Augustine/Berg

Moved by consent

Amended motion becomes main motion. Move that the Council establish an ad-hoc Committee to evaluate; 1) most effective approaches for ASMFC, MAFMC, NEFMC and NOAA cooperation and coordination in the conservation of River Herring and Shad Complex and; 2) MAFMC options to afford River Herring and Shad Comprehensive EFH, rebuilding and bycatch protections under the Magnuson Stevens Act.

Moved by consent.

Move to accept the modified 5-year research plan.
Anderson/Augustine
Approved by consent

Organizational Reports (Tab 10)

- NMFS NERO Regional Administrator
- NMFS NEFSC Director
- NOAA Office of General Counsel
- Federal Enforcement Officials (NMFS and USCG)
- ASMFC's Executive Director

Council Liaison Reports (Tab 11)

- New England Council Meeting of November 16-18, 2010
- South Atlantic Council Meeting of December 5-10, 2010

Executive Director's Report - Dr. Christopher Moore (Tab 12)

- Update on the Excessive Share project

Status of MAFMC FMPs - Mr. Seagraves (Tab 13)

Committee Reports (Tab 14)

- SSC
- Ad Hoc River Herring/Shad Committee
 - Review FMAT Document for SMB Amendment 14
- HMS
- Executive
- Joint Spiny Dogfish

Continuing and New Business

The above agenda items may not be taken in the order in which they appear and are subject to change as necessary. Other items may be added, but the Council cannot take action on such items even if the item requires emergency action without additional public notice. Non-emergency matters not contained in this agenda may come before the Council and / or its Committees for discussion, but these matters may not be the subject of formal Council or Committee action during this meeting. Council and Committee actions will be restricted to the issues specifically listed in this agenda. Any issues requiring emergency action under section 305(c) of the Magnuson-Stevens Act that arise after publication of the Federal Register Notice for this meeting may be acted upon provided that the public has been notified of the Council's intent to take final action to address the emergency. The meeting may be closed to discuss employment or other internal administrative matters.

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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Christopher M. Moore, Ph.D.
Executive Director

Lee G. Anderson
Vice Chairman

DATE: December 3, 2010

TO: River Herring/Shad Committee

FROM: Jason Didden 

SUBJECT: River Herring and Shad Committee Meeting - Monday Dec 13 9am-noon.

Following please find enclosed briefing materials for the Monday Dec 13 Committee Meeting. Council staff has had discussions with relevant Am14 FMAT members regarding an effort to develop a more detailed cost benefit analysis related to creating an FMP for river herring/shad. At this point the FMAT believes that it may not be the group best suited for such an analysis. While the Am14 FMAT has the technical skills for alternative development and analysis related to fishery interactions and general coordination issues, the issues involved with creating a new federal FMP are wider ranging. Council staff will continue to discuss the issue and provide additional input at the meeting.

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1. 11/16/2010 MSB AM 14 Kick-Off FMAT Meeting/Webinar Draft Summary

(Briefing document (#2) follows summary.)

FMAT members present (7 of 11):

Jason Didden (MAFMC)
Aja Peters-Mason (NMFS NERO)
Jen Anderson (NMFS NERO)
Dave Stevenson (NMFS NERO)
Joanne Pellegrino (NMFS)
Lisa Hendrickson (NMFS NEFSC)
Jon Deroba (NMFS NEFSC)

Other Participants/Listeners:

Kelly, Shawn (NOAA)
Duarte, Debra (NOAA)
Rago, Paul (NMFS NEFSC)
Miko, Dave (MAFMC - PA)
Zeman, Christopher (MAFMC - NJ)
Kray, Gene (MAFMC - PA)
Taylor, Kate (ASMFC)
DiDomenico, Greg (GSSA)
Gromen, Pam (NCMC)
Curti, Kiersten (URI)
Duval, Michelle (NC DENR)
Cevoli, Kristen (Pewtrusts)
Miller, Larry (US FWS)

Am 14 Alternative Points

The FMAT reviewed staff's summary of Am14's Goals and preliminary alternatives (included below). The FMAT concurred that the current list of "Potential Alternative Sets" (see below) appears to represent a good and reasonable range of alternatives to recommend to the SMB committee for further development and analysis. In regards to these alternatives, the FMAT raised several points to keep in mind as the alternatives are developed:

- Potential sampling improvements RE: sub-sampling within a trip (basket sampling) should be reviewed. B. Overholtz has done some work on this topic.
- Proceeding with mitigation alternatives without good catch estimates and/or information about the stock impacts related to any catches or reductions may make decision making very difficult. Need technical work on the catch estimates as well as on the alternatives.
- Even getting a solid catch history as a basis for a catch cap is difficult with the current data. Stratifying by area makes estimates even less precise (potentially to the degree that the calculated point estimate number is uninformative).
- The FMAT will have to be very clear about the limitations imposed by the lack of data in terms of predicting outcomes.
- The development of monitoring alternatives will need to take into account the different kinds of processing that occur in these fisheries (fresh vs RSW vs freezer boats).
- Complete reliance on port-side sampling, especially if there are fishery closure type consequences, could provide incentive for at-sea discarding/net slippage.

Management Integration Points

- If the Council decides not to pursue an FMP for RH/S include that option in Am14's considered but rejected section.

- RH/S Committee would like some input in terms of what typically triggers creation of an FMP? Often it is industry requests when they see stock population and/or capacity issues developing and when the Council has substantial control over the relevant activities. The FMAT will research and provide additional input.

- Given that federal fishing impacts on RH/S appear to be mostly limited to the Atl Herring and MSB fisheries, and given that incidental catch can be addressed already within those FMPs, it is unclear if the costs associated with a new federal FMP would be warranted (especially while incidental catch mitigation alternatives are being considered within those plans). The FMAT and/or Council staff will attempt to develop a cost-benefit summary of managing RH/S through existing FMPs vs a RH/S FMP.

- FMAT will research if there are other examples of FMPs that mirror the RH/S issue - potentially Salmon. Initial discussions with Pacific Council staff reveal a very complex and data intensive management system:

Over 60 salmon stocks are assessed with forecasts each year. The stocks are generally managed for escapement goals or ESA "do not jeopardize" levels of catch. Some stocks where Council-managed activities account for less than 5% of adult mortality are just tracked to confirm continued low interactions. With these stocks, Council actions focus on advocating measures to improve stock productivity, such as reduced interceptions in non-Council-managed fisheries, and improvements in spawning and rearing habitat, fish passage, flows, and other factors affecting overall stock survival.

Once the forecasts are used to determine acceptable harvest levels, then negotiations take place between states and tribes and within states to determine available harvest for ocean-intercept federal-waters fisheries. There are considerations made that while in-river/"inside" harvest of a weak-link stock allows harvest in one river, allocating relatively more to ocean-intercept harvest facilitates overall greater harvest of mixed stocks. The states appear to generally adopt measures that are complementary to Council decisions. Fin clips, wire coded tags, and rapid genetic screenings are used to identify which stocks ocean fisheries are impacting.

- Council staff is also examining North Pacific Council salmon activities. Staff has not yet contacted North Pacific Council staff but located two potentially relevant documents. The first, <http://www.fakr.noaa.gov/npfmc/fmp/salmon/SalmonFMPupdate1010.pdf>, deals with current ACL issues given directed salmon management has typically been left to Alaska, and the second, http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/ChinookBycatchEDR910.pdf, deals with Salmon bycatch issues in the Bering Sea Pollock Fishery. Once staff has reviewed these documents in greater detail staff will contact the relevant Council/NOAA personnel for additional information and forward relevant information to the committee.

- As appropriate, the FMAT and/or Council staff will aim to provide additional information as described above for the RH/S Committee meeting on Dec 13.

2. Am 14 Range of Alternatives - Staff DRAFT Discussion Paper
(FMAT meeting 2pm Nov 16)

I thought it would be useful to review the Am 14 goals first. After each I've flagged which Alternative Set(s) could address the particular goal.

MSB FMP Amendment 14 Goals:

A. Develop an effective monitoring program for the Mackerel and *Loligo* fisheries that is sensitive and robust to spatial and temporal variability in Alosine catch. **(Sets 1,2,3)**

B. Evaluate the bycatch and incidental catch of river herrings and shads in the mackerel and *Loligo* fisheries.

C. Evaluate if bycatch of river herrings and shads in the mackerel and *Loligo* fisheries has been minimized to the extent practicable (NS 9).

Note: B & C do not really lead to alternatives directly but will likely influence how alternatives might be considered for the Mackerel and *Loligo* fisheries. For example, if analysis showed that river herring incidental/bycatch was not substantial in the *Loligo* fishery, then the Committee/Council may choose to focus alternatives more on mackerel than *Loligo*, or vice-versa.

D. Consider alternatives to reduce bycatch of river herrings and shads in the mackerel and *Loligo* fisheries as appropriate per NS 9. **(Sets 4,5,6)**

E. Consider alternatives to limit/reduce total catch of river herrings and shads in the mackerel and *Loligo* fisheries given river herrings' and shads' apparent status and roles in the ecosystem. **(Sets 4,5,6)** depleted

F. Consider alternatives to align sea herring and mackerel reporting requirements where appropriate and consider other ways to integrate river herring/shad management.

Note: Regarding F, at the last meeting the Council passed the following motion: "Move that the Council establish an ad-hoc Committee to evaluate; 1) most effective approaches for ASMFC, MAFMC, NEFMC and NOAA cooperation and coordination in the conservation of River Herring and Shad Complex and; 2) MAFMC options to afford River Herring and Shad Comprehensive EFH, rebuilding and bycatch protections under the Magnuson Stevens Act." F will be discussed in more detail at the end of this document.

When the Council set the goals for Am14 staff also listed a variety of potential alternatives, mostly derived out of Herring Am5, and the Council tasked the FMAT with developing alternatives. That list follows. Based on what I've proposed for alternative sets later in this document, I've also noted which items from the list are included in an alternative. Ones that I've proposed not recommending ("OUT") seemed particularly problematic for some reason based on my observations of Herring Amendment 5.

List of Alternatives Flagged for Council as Possibilities:

Monitoring

- Weekly VTRs (IN)
- Weekly/Trip-by-trip IVR (OUT - IVR being phased out by NERO)
- VMS (IN)
- At-sea processor reporting (OUT- not occurring and already subject to dealer requirements)
- Pre-trip notification (for observers) (IN)
- Pre-landing notifications (IN)
- Vessel hold certification (OUT - Already in Am 11 for Tier 1-2)
- 3rd party landings verification (OUT - sampling more critical)
- No discarding requirements (OUT - impracticable/unenforceable)
- Video-based monitoring (OUT - maybe for research recommendation)
- Observer facilitation measures (slippage affidavits, haul notifications, bringing cod-ends aboard, etc) (IN)
- Slippage consequences (trip termination, caps, etc.) (OUT - impracticable/unenforceable/uninformative)
- Portside sampling % requirements (and funding mechanisms) (IN)
- At sea sampling % requirements (and funding mechanisms) (IN)

Discard reduction measures

- Incidental Mortality Caps (like butterfish) (IN)
- Static/Dynamic Time/Area/Gear/Permit closures & Move-Along Rules (IN)

Management Integration (discussed in more detail at end of document)

- Alignment of sea herring and MSB FMP requirements
- Management Integration (e.g. Anadromous FMP, merge sea herring and mackerel, joint committee meetings, etc.)
- Consider provisions related to NS1 guidance on forage fish
- Adding river herrings/shads as "Stocks in the Fishery" (ACLs/AMs) for the MSB FMP.

Potential Alternative Sets

An important question for all alternatives would be which segments of each fishery does each alternative apply to? Mackerel Tiers? *Loligo* Moratorium Permits? There is a decision tree on the following page to illustrate this...the idea is that different alternatives may be appropriate for different segments of the Mackerel and *Loligo* fisheries.

Alt Set 1 - Basic Monitoring - Vessels

- a) Weekly VTR reporting...
- b) Pre-trip notification (for observers)
- c) Pre-landing notifications
- d) Observer facilitation measures (slippage affidavits, haul notifications, bringing cod-ends aboard, etc.)

Alt Set 2 - Basic Monitoring - Dealers

- a) Daily dealer reporting

Alt Set 3 - Advanced Monitoring

- a) Port-side/dealer incidental catch sampling requirements (& funding mechanisms) (universal and/or area specific)
- b) At-sea observer requirements (& funding mechanisms) (universal and/or area specific)
- c) VMS

Note: Herring Amendment 5 analyses have suggested that near 100% coverage may be required to obtain 0.20-0.30 CVs.

Alt Set 4 - Mortality Caps

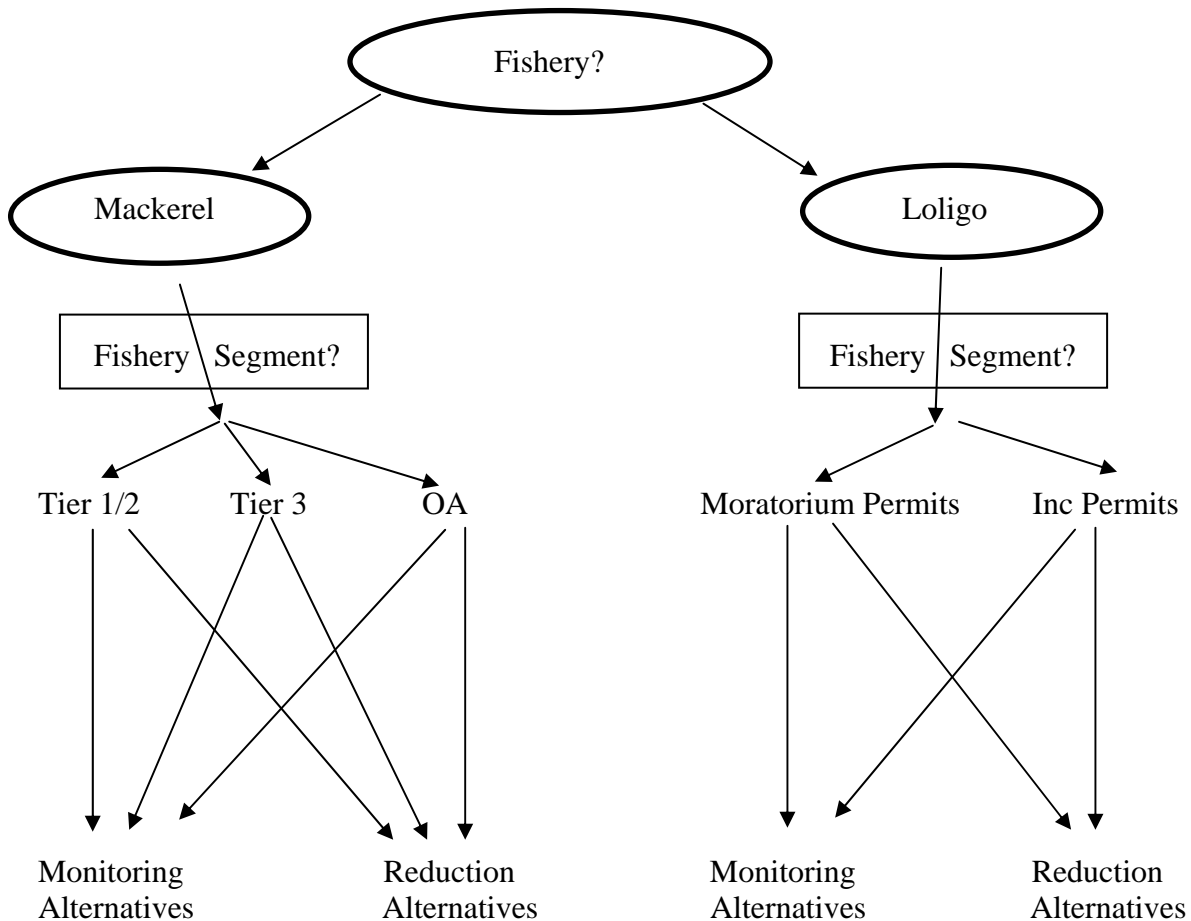
- a) Fishery closes when cap reached.
- b) GRA(s) activated when cap reached.
- c) Mesh requirement(s) activated when cap reached.

Alt Set 5 - Restricted Areas (Gear, Season, Catch, etc)

- a) Not triggered by cap and could exist with cap that closes fishery.
- b) Cap-triggered.

Alt Set 6 - Mesh requirements

- a) Not triggered by cap and could exist with cap that closes fishery.
- b) Cap-triggered.



Again, the point here is just that different alternatives may be more or less appropriate for different segments of each fishery...

Management Integration Issues

Am 14 Goal F: Consider alternatives to align sea herring and mackerel reporting requirements where appropriate and consider other ways to integrate river herring/shad management. At the last meeting the Council passed the following motion: "Move that the Council establish an ad-hoc Committee to evaluate; 1) most effective approaches for ASMFC, MAFMC, NEFMC and NOAA cooperation and coordination in the conservation of River Herring and Shad Complex and; 2) MAFMC options to afford River Herring and Shad Comprehensive EFH, rebuilding and bycatch protections under the Magnuson Stevens Act." Breaking down the above motion, it would appear that the new ad-hoc committee's charge is generally to examine the following issues:

1. Cooperation and coordination in the conservation of River Herring and Shad (RHS)

Cooperation and coordination among the relevant management entities has improved substantially over the last two years. Council, Commission, and NOAA staff keep each other regularly updated on what each management entity is addressing - there has been frequent staff-to-staff and higher level communication. Greater Council staff attendance at relevant ASMFC

meetings might be useful, and Council staff (NEFMC and MAFMC) is attending/presenting at the November Shad/River Herring Board meeting in Charleston, SC. There are also members of each Council on the other Council's relevant committee, and there are MAFMC and NEFMC members from the relevant committees on the ASMFC's Shad and River Herring Management Board. Does the FMAT have comments on ways to improve cooperation and/or communication?

2. MAFMC options to specify EFH for RHS

An FMP would be necessary for EFH designation. FWS does already consult on many relevant projects under various authorities, and staff is communicating with FWS staff who do shad and river herring work and NOAA staff who do in-river Atlantic salmon consultation work to determine to what degree NOAA EFH consultations would be useful or redundant. Aja and/or Dave will add to this during the call but preliminary communications suggest that while FWS is often consulted from a general fish and wildlife perspective on many projects involving federal permits (e.g. 404 permits), there may not be a person with river herring/ shad technical expertise doing the commenting - thus EFH designation would ensure recommendations are forwarded from someone with a technical river herring/shad habitat perspective.

3. MAFMC options to rebuild RHS

Creation of an FMP would allow the Council to regulate catch (directed and/or incidental) in federal waters. Possession could be theoretically prohibited, but discards in the mackerel or Atl. Herring fishery would have to be addressed either through indirect time/area/gear restrictions via a River Herring/Shad FMP or directly with bycatch caps via the mackerel/Atl Herring FMPs.

Since the historical fisheries take place in state waters and an ASMFC plan already exists, presumably a joint plan would be needed. It would be good to have additional discussion about how a MAFMC-spearheaded rebuilding effort could be operationalized.

4. MAFMC options to institute incidental catch protections

MAFMC can currently restrict its managed fisheries to control incidental catch. If river herring/shad were added as an FMP, it would still be the case that the Council could restrict its managed fisheries to control incidental catch but the Council could also potentially indirectly restrict other fisheries (e.g. Atl Herring) via time/area/gear restrictions.

October 6, 2010 Squid, Mackerel, Butterfish Committee Meeting
River Herring/Shad Science and Management Background
Summary: Draft Key Points from Each Session

The following summaries were created by Council Staff and the respective presenters. To avoid confusion, recall that "bycatch" generally refers to discards in terms of Magnuson-Stevens Act provisions and that "incidental catch" refers to both discarded and retained (i.e. total) catch of non-target species. These two terms are often used interchangeably and effort is made here to distinguish these terms.

Fishery Perspective: Jeff Reichle (Lunds) and Peter Moore (Norpel)

1. Issues with marketing of mixed products mean that the directed fisheries for Atlantic herring and mackerel want clean catches. Some fishermen targeting mackerel have been using larger cod end meshes to minimize Atlantic herring catch, which may also reduce river herring catches.
2. Substantial catches of river herrings/shads appear to be a rare event from industry's perspective, however federal and state records indicate there have historically been incidental catches of river herrings/shads in various small mesh fisheries.
3. Industry sees the need to minimize the catch of river herrings/shads, but given analyses to date, does not believe that major mackerel-related closures (area or quota) of the kind so far considered are warranted.
4. Area closures that are not sensitive to the dynamic nature of river herring/shad movement could push fishing effort into areas that create even higher incidental catch. Industry and SMAST-MA DMF are working to develop near "real-time" avoidance techniques to minimize both incidental catch and impacts on the directed fisheries.
5. Monitoring options need to take into account the operation of the fishery. Since river herring/shad avoidance strategies for directed Atlantic herring fishing will affect the mackerel fishery (and vice-versa), it is important that both Councils address the river herring/shad issue in a coordinated manner.

Coast-Wide Assessments and Incidental Catch Caps: Tom Miller (Univ MD)

1. Multitude of runs and mortality sources together with a shift in removals from in-river to oceanic means that consideration of coast-wide stock assessments for river herring/shad are warranted.
2. Coast-wide reference points could facilitate the creation of biologically-based incidental catch caps for various directed fisheries.
3. Methods are available to estimate coast-wide reference points.
4. Next steps of using such an approach for management applications would be to incorporate the paper's methods within a typical assessment/peer review process in order to ensure that the assumptions, data sources, etc involved in generating coast-wide reference points were appropriate.

River Herring/Shads Life History & Assessments Summary: Andy Kahnle (State of New York)

1. The degree of at-sea mixing of American shad stocks is uncertain but tagging recaptures suggest that fish captured in the lower DE Bay return to rivers from South Carolina to Canada.
2. River herring concentration appears to have shifted north from the 1960s to now.
3. Populations of Alosines appear to have declined and generally to be very low.
4. The currently available habitat from a dam/migration impediment perspective appears to have supported much larger populations and larger landings.
5. It is unknown if substantial bycatch is occurring but bycatch mortality appears to have very high potential to influence shad stocks compared to other mortality sources.

Current At-Sea Monitoring Programs: Amy Van Atten (NMFS Observer Program)

1. Observers undergo rigorous basic training and those on high-volume vessels must have additional “High Volume” training/certification.
2. Additional training has been added for river herring identification and observers are periodically tested on overall species identification.
3. The observer program has implemented a variety of additional QA/QC measures including interviews with Captains.
4. “Herring, NK” records exist in the database, but now if observers can not fully observe catch an estimated “Fish, NK” weight is recorded. Additional information is often available in observer notes regarding the circumstances of both such records, and analysts should clearly document how such records are utilized in any analysis.
5. If not individually weighted, extrapolations for species weights are made on a haul by haul basis and the calculations are recorded, reviewed, and available for additional QA/QC by Center/Council staff.

Current Portside Monitoring Programs and Bycatch Information: Matt Cieri (State of Maine)

1. Portside program is an efficient incidental catch investigation, but limited to retained catch.
2. 2005-2009 data from both at-sea and portside sampling suggest, by examining 95% confidence intervals, that discards by trips landing 2,000 pounds or more of Atlantic herring discarded somewhere between 0 and 2.6 million pounds of river herring in any given year - uncertainly is very high. Shad discards appeared lower but uncertainty is also very high.
3. Bottom trawl, midwater trawl, and purse seine all appear to have the potential for substantial incidental catch events.
4. Comparison of trips that had both at-sea and port-side sampling suggests that accuracy and/or precision is low for one, the other, or both sampling strategies.
5. Improved/increased monitoring should be a goal but very high coverage levels may be necessary to achieve precision levels that are “acceptable” to managers.

Incidental Catch Hotspot Analysis: Jamie Cournane (Univ NH/EDF)

1. Incidental catch is one river herring/shad mortality factor that has yet to be significantly mitigated.
2. The currently available data (fishing effort, observer, survey) suggests that time/area/gear closures around river herring hotspots may be effective for incidental catch reduction.
3. River herring hotspots were designated based on seasonal observer data (river herring bycatch events) and survey data (high survey catch and high percent occurrence of river herring).

NEFMC Update: Lori Steele (New England Fishery Management Council)

1. The NEFMC is currently working on a variety of monitoring and river herring incidental catch reduction measures that are likely to affect the mackerel fleet because of the natural overlap between the fleets.
2. Monitoring alternatives include measures to improve estimates for both bycatch and incidental catch of all species and associated funding mechanisms (including industry funding).
3. River herring incidental catch reduction measures include time/area/gear closures, catch caps, and move-along rules.
4. Final selection of measures is anticipated in late 2011.

ASMFC Update: Kate Taylor (Atlantic States Marine Fisheries Commission)

1. The Commission's goal is to promote in a coordinated coast-wide manner the protection of shad and river herring stocks. The commission is committed to working cooperatively with the councils and other agencies to adequately address incidental catch concerns.
2. Harvest (commercial and recreational) has been greatly restricted/reduced in state waters but populations levels appear to be remaining very low.
3. There was 'critical concern' about river herring/shad incidental catch in the foreign pelagic fisheries and current pelagic monitoring is generally low and/or imprecise.
4. Improvements to current monitoring of incidental catch are needed to determine effects on river herring/shad populations and to improve management.
5. ASMFC requested emergency DOC/NMFS action to monitor and/or protect river herring/shads but the request was denied partly because the Councils are in the process of addressing incidental catch issues.
6. States without approved sustainability plans will soon begin enacting river herring/shad harvest moratoriums.

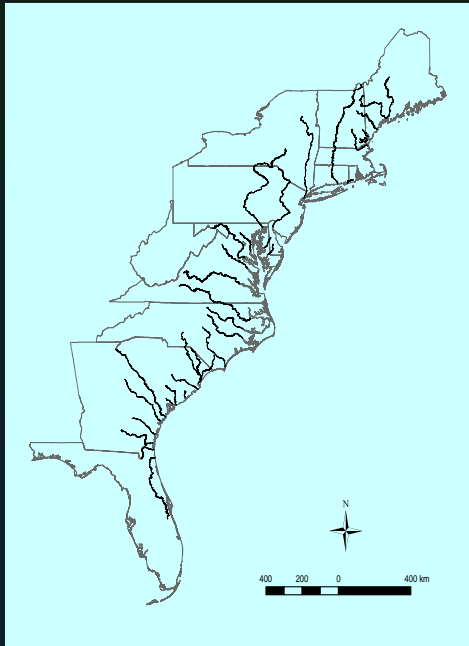
USFWS Update: Larry Miller (U.S. Fish and Wildlife Service - Mid-Atlantic)

1. The U.S. Fish and Wildlife Service cooperates with federal agencies, states, and localities to improve the quality and access to freshwater habitat for anadromous fish.
2. USFWS, NGO, State, and federal partner (excluding NOAA) investments in anadromous river herring/shad related east Coast projects averaged a minimum of \$16 million annually 2006-2010.
3. Fish passage projects such as lifts, ladders and dam removal have provided access to upstream spawning and rearing habitat for anadromous fish species, but these measures have not achieved the desired goal of restored stocks, and returns of adults continue to decline. The reasons for the declines are uncertain, however emigration and at sea survival are major areas of concern.

Alosine Life History & Assessment



Andrew W. Kahnle
Shad & River herring Stock Assessment Chair
Atlantic States Marine Fisheries Commission

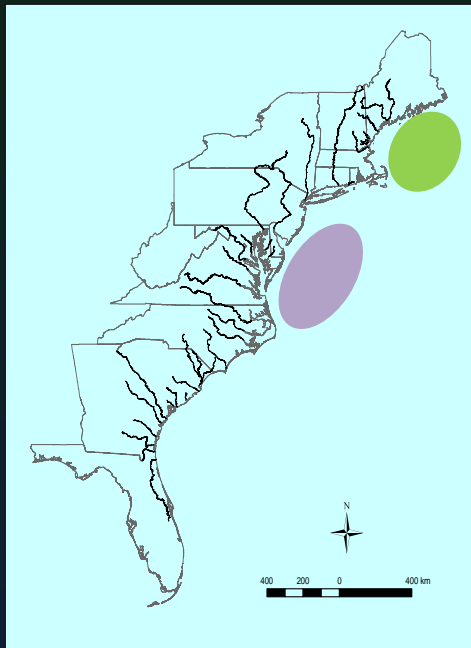


Distribution & Spawning

- **American shad**
 - FL to Newfoundland
 - Spawns in rivers
 - Most abundant in mid-Atlantic
- **Alewife**
 - NC to Newfoundland
 - Generally spawns in FW ponds & impoundments
- **Blueback herring**
 - FL to Nova Scotia
 - Flooded areas & pond in south; rivers in mid-Atlantic - north

Life History

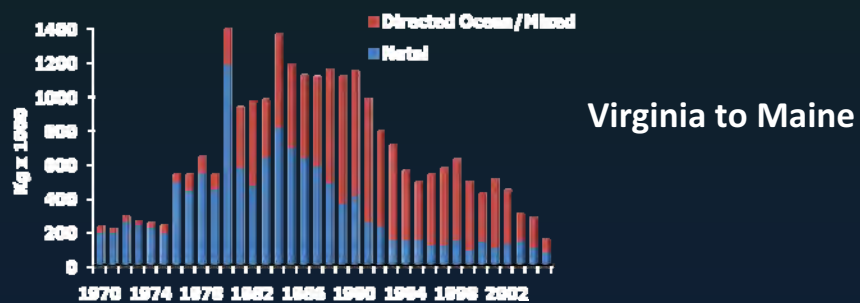
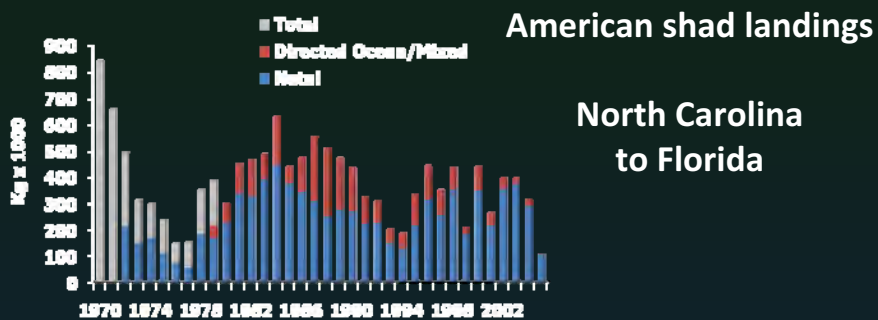
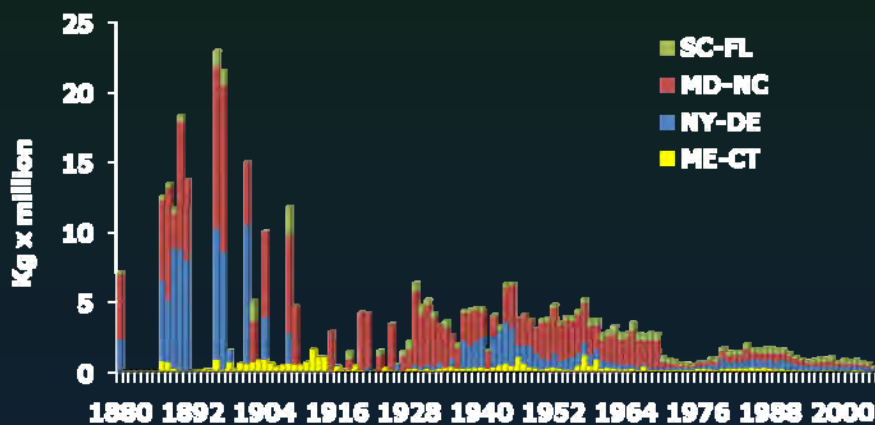
Characteristic	American shad	Alewife	Blueback herring
Anadromous	-Spawn in freshwater -Leave natal river at Age0; Marine life until mature		
Reproduction	-Iteroparous NC to CA -Semelparous FL to SC -Inverse relationship: fecundity & repeat spawning (Leggett&Carscadden)	Iteroparous throughout entire range: FL to CA	
Maximum age	Unknown; - Recent age estimates 13 in NY, 8 in GA	Unknown; - Recent age estimates 14 in CA, 8 in ME	



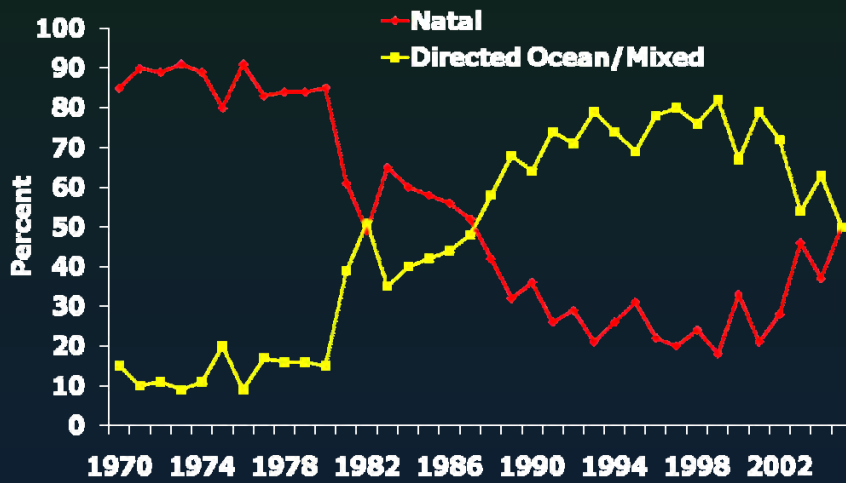
American Shad Migration

- Summer - early fall
 - Gulf of ME & Bay of Fundy
- Late Fall
 - Move south of Cape Cod
- Over-winter
 - Coastal NC-NJ
- Late winter- early spring
 - Spawning migrations
 - South to North
 - Begins mid–Nov to Dec in South
 - Ends July in Maine

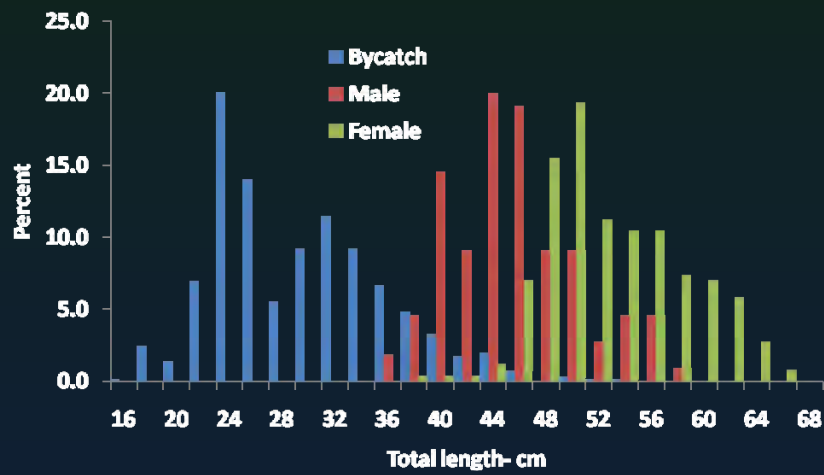
Commercial Harvest of American shad



A. Shad landings: Virginia to Maine



American Shad Biological characteristics Ocean bycatch* v. In-state* fishery harvest



* Bycatch: M. Cieri (Pers. Comm.) ; Hudson River commercial fishery adults

ASMFC 2007 A. Shad Stock Assessment

- **All stocks: abundance well below potential**
- **New England**
 - Recent passage declines
 - Stable juvenile production
 - Excessive & increasing mortality – CT River
- **Hudson & Delaware: declining adult abundance**
 - HR: excessive mortality rates, decreasing size & age, recruitment failure
 - DR: Stable juvenile production

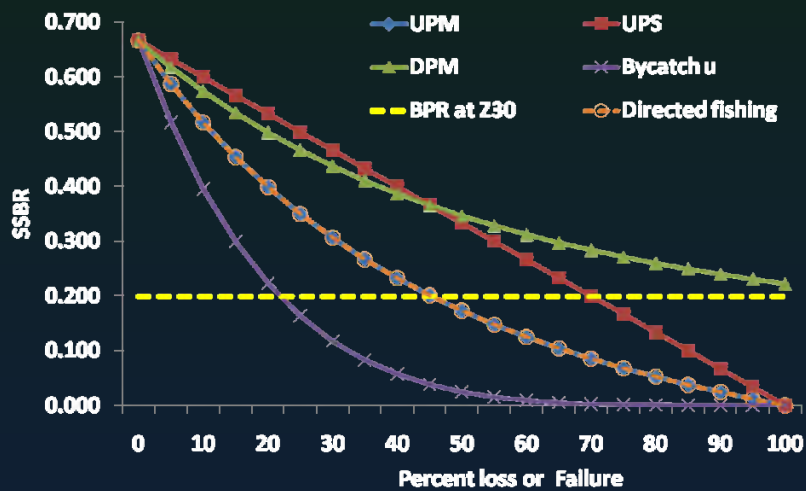
ASMFC 2007 A. Shad Stock Assessment Chesapeake Bay

- **MD**
 - Susquehanna - adults increased then decreased, high mortality
 - Smaller stocks maintained by stocking
 - JI increasing
- **Potomac**
 - JI & adult indices increasing, mortality declining
- **VA**
 - JI – low, fluctuating, no trend
 - Mortality high, but declining
 - James maintained by stocking

ASMFC 2007 A. Shad Stock Assessment Southern States

- NC
 - Historically low; CPUE stable or increasing
 - Mortality on target
- SC
 - Mixed abundance trends; historically low
- GA-FL
 - Depressed
 - Mixed abundance trends; historically low

New England American shad predicted SSBR Mortality Scenarios Modeled Separately*

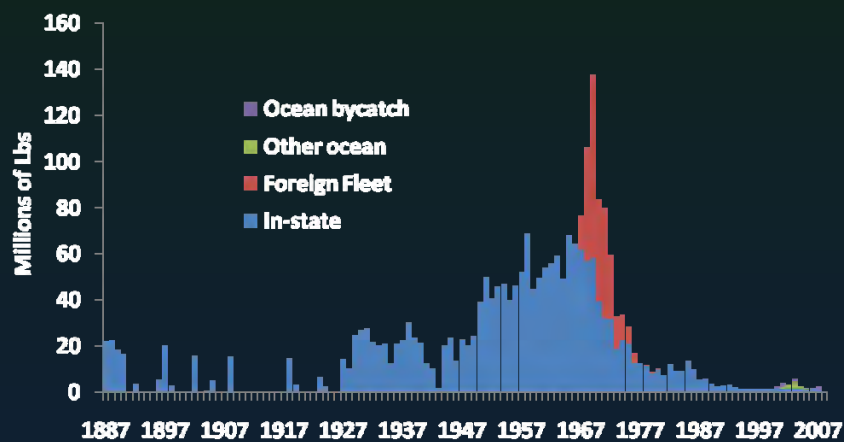


*Kahnle & Hattala, AFS 2010, in review

Assessment History – River Herring

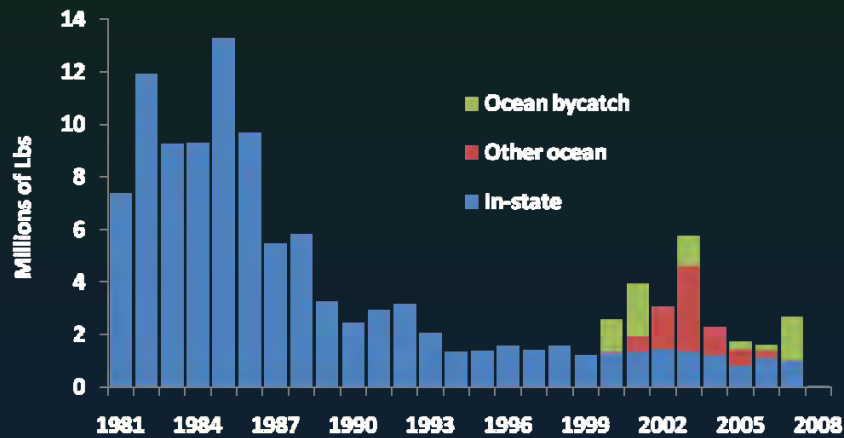
- ASMFC 1990
 - SR curves on 7 stocks
 - Set benchmark exploitation rates (u) at MSY and collapse for 13 stocks; Higher for blueback herring than for alewife
 - Observed exploitation rates in 15 stocks; Highest in north and south
 - 8 stocks overfished; most in decline
 - 7 stocks partially exploited, stable or declining

River herring Commercial Harvest



Bycatch: Harrington 2005 and Cieri 2008;
Other: Scup, Bk. Sea bass, mackerel fisheries

River herring Commercial Harvest



Bycatch: Harrington 2005 and Cieri 2008;
Other: Scup, Bk. Sea bass, mackerel fisheries

ASMFC River Herring Stock Status 2008

- FD-Commercial landings of river herring lowest in history
- FD-Commercial CPUE: 6 of 11 indices declined
- FI-Abundance
 - 7 of 14 NE rivers declined after 2000, no recovery
 - 5 of 14 declined after 2004, some recovery
 - Chowan NC, precipitous decline after 1985, no recovery

ASMFC River Herring Stock Status 2008

Fishery independent data

- **YOY seine indices: variable since 2000; trawl indices variable**
- **Adults (both sexes & species)**
 - Mean length declined by 13-45 mm TL in 4 of 5 rivers examined
 - Maximum age declined by 1-2 years in 3 of 4 rivers examined
 - Decline in mean length-at-age detected in 3 of 5 rivers examined
 - Length based Z : increasing trend over time

Hudson River Alosine Spawning Grounds



Management History

- 1880s U.S. Fish Commission
- 1941: ASMFC created
- 1985 ASMFC FMP for Shad & River herring
- 1999 ASMFC SRH-FMP Amendment 1-Shad
 - Closed directed ocean fishery for A. shad in 2005
- 2009 ASMFC SRH-FMP Amendment 2-River herring
 - Need to prove sustainable fishery
- 2010 ASMFC SRH-FMP Amendment 3-Shad
 - Increased monitoring including bycatch
 - Need to prove sustainable fishery



Atlantic States Marine Fisheries Commission

69th Annual Meeting Summary

Working towards healthy, self-sustaining populations of all Atlantic coast fish species or successful restoration well in progress by the year 2015

69th Annual Meeting
Charleston, South Carolina
November 7 -11, 2010

For more information, please
contact the identified individual,
Robert Beal, ISFMP, or
Tina Berger, Public Affairs

703/842-0740

Meeting Summaries, Press Releases and Motions

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announced it will contribute \$50,000 to continue the benthic horseshoe crab trawl survey. New members were added to several Horseshoe Crab Committees. For more information, please contact Toni Kerns, Senior Fishery Management Coordinator for Management, (703) 842-0740 or tkerns@asmfc.org.

Motions

Move to approve Annette Scherer to the DE Bay Ecosystem TC.

Motion made by Mr. Himchak and seconded by Mr. Augustine. Motion passes by consent.

Move to approve Donald Frieday (NJ) and Tim Dillingham (NJ) to the Shorebird Advisory Panel.

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion carries by consent.

Move to approve Robert Paterson to the Horseshoe Crab TC and PDT.

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion carries by consent.

SHAD & RIVER HERRING MANAGEMENT BOARD (November 8, 2010)

Meeting Summary

The Shad and River Herring Board (Board) discussed and clarified that any state or jurisdiction that wishes to retain river herring harvested in state waters must submit a Sustainable Fisheries Management Plan (SFMP) as required under Amendment 2 to the Shad and River Herring FMP. The Plans must be reviewed by the Technical Committee and approved by the Board. At the meeting the Board reviewed SFMPs submitted by Maine and New Hampshire. The Technical Committee (TC) recommended the Board consider approval of the Maine SFMP and requested additional analysis be conducted and included in the New Hampshire SFMP prior to Board approval. New Hampshire presented additional monitoring targets for inclusion in the SFMP for review and consideration by the Board. The Board approved the SFMP from Maine, based on the TC's recommendations, and also requested that the TC review the New Hampshire targets and develop recommendations for the Board's consideration at the ASMFC Winter Meeting in March 2011. States or jurisdictions without an approved plan in place will be required to close their commercial and recreational fisheries by January 1, 2012.

The Board received an update on federal waters shad and river herring bycatch management measures currently being developed through the New England Fishery Management Council's (NEFMC) Amendment 5 to the Atlantic Herring FMP and the Mid-Atlantic Fishery Management Council's (MAFMC) Amendment 14 to the Squid, Mackerel, and Butterfish FMP. The NEFMC Atlantic Herring Plan Development Team is considering a suite of options for inclusion in Amendment 5 in order to reduce shad and river herring bycatch, including the identification of bycatch hotspots and the development of bycatch caps. These options will be considered by the NEFMC in January. MAFMC Amendment 15 is currently being developed, with the goals focusing on the development of an effective monitoring program to evaluate bycatch, alternatives to reduce total catch of shad and river herring, and alignment of Atlantic herring and mackerel reporting requirements.

The Board approved a Virginia bycatch allowance proposal, which permits a limited amount of American shad to be harvested in the areas above the first bridge in the James, York and Rappahannock Rivers in the anchored gill net and staked gill net fisheries. American shad, as bycatch from other fisheries, has consistently been less than 300 fish annually. This is the sixth year the Board has approved this allowance.

For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (703) 842-0740 or ktaylor@asmfc.org.

Motions

Move that any state or jurisdiction that wishes to retain river herring harvested in state waters must submit a sustainable fisheries management plan for review by the TC and approval by the Board.

Motion made by Mr. Simpson and seconded by Mr. Fote. Motion passes (15 in favor).

Motion to approve the ME sustainable fisheries plan.

Motion made by Mr. Stockwell and seconded by Mr. Adler. Motion approved by consent.

Move to approve the NH River Herring Sustainable Fishing Plan with the addition of a fishery independent target that equates to 50% of the average river herring returns to fish ladders in the Great Bay Indicator Stock from 1990-2009 (70,369 fish). If the three year running average of annual river herring returns to fish ladders in the Great Bay Indicator Stock falls below this target, NH will take steps to prohibit the harvest river herring in state waters.

Motion made by Mr. Grout and seconded by Dr. Kray. Motion tabled.

Move to table until Spring 2011 Meeting (March).

Motion by made Mr. Augustine and seconded by Mr. Fote. Motion carries (16 in favor, 2 opposed).

Move that all jurisdictions be required to meet the regulatory provisions with regard to river herring & American shad if the species occurs in their waters and is subject to fisheries whether directed or non-directed.

Motion made by Mr. Miller and seconded by Mr. Augustine. Motion fails for lack of a majority (8 in favor, 8 opposed, 1 abstention, 1 null vote).

Move to approve VA's American shad bycatch request for 2011.

Motion made by Mr. Travelstead and seconded by Mr. Carpenter. Motion passes (17 in favor).

EXECUTIVE COMMITTEE (November 9, 2010)

Meeting Summary

The Executive Committee reviewed and accepted the FY10 Audit. It received an update on future Annual Meeting locations and reviewed the progress of the 2010 Action Plan. For more information, please contact Laura Leach, Director of Finance and Administration, at (703) 842-0740 or lleach@asmfc.org.

1 Introduction

Council staff has prepared this discussion paper on the North Pacific Fishery Management Council's (Council) *Fishery Management Plan for the Salmon Fisheries in the United States Exclusive Economic Zone (EEZ, 3-200 nmi.) off the Coast of Alaska* (Salmon FMP) in consultation with the National Marine Fisheries Service (NMFS) and the Alaska Department of Fish & Game (ADF&G). Though the Salmon FMP has been amended nine times, no comprehensive consideration of the management strategy, scope of coverage, or subsequent fisheries data has occurred since 1990.¹ In addition, State fisheries policies and Federal and international laws affecting Alaska salmon have since changed that are not reflected in the current Salmon FMP.² For example, the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the National Standard 1 guidelines (NS1) now require, in most instances, Annual Catch Limits (ACL) and accountability measures (AM) for target species managed under an FMP.³ Therefore, Council staff is preparing the Council to comprehensively review the Salmon FMP in order to consider various options for the direction the Council would like to take with respect to the role of its Salmon FMP.

This discussion on the current Salmon FMP is an amalgamation of extensive input from ADF&G, the State of Alaska Department of Law, NMFS Alaska Region, and NOAA General Counsel. This discussion paper focuses on the following areas:

1. Possible options for Council consideration of the future scope of the Salmon FMP: 1) maintain the existing geographic scope of the FMP; 2) repeal the FMP entirely; 3) maintain the FMP in the East Area EEZ only; or 4) modify the FMP to specifically exclude three historical net commercial salmon fishing areas in West Area EEZ from the FMP.⁴
2. Possible Federal legislation to amend the MSA to affirmatively authorize State regulation of Alaska salmon fishing in the EEZ in the absence of an FMP.⁵
3. Satisfying MSA and NS1 guidelines using the State's salmon management program in areas where the Salmon FMP applies.⁶
4. Exempting the stocks managed under an international fishery agreement from the ACL/AM requirements for Chinook salmon harvests under the Pacific Salmon Treaty (PST) in the East Area EEZ.⁷

¹ See *infra* **Table 1** of the amendments to the Salmon FMP.

² Specific examples include: the repeal of the International Convention for the High Seas Fisheries of the North Pacific Ocean/North Pacific Fisheries Act of 1954 (1992); the Sustainable Fisheries Act (SFA, 1996); the Sustainable Salmon Fisheries Policy for the State of Alaska (2001); and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA, 2006).

³ MSA § 303(a)(15).

⁴ The North Pacific EEZ is divided into two distinct management areas at Cape Suckling (143°53'36" W.), the East and West Areas.

⁵ MSA § 306(a)(3)(C).

⁶ Council staff requested the State provide input on how state salmon management meets an "alternative approach" (50 C.F.R. § 600.310(h)(3)) for satisfying the NS1 requirements of the MSA (July 31, 2010). The State provided its response (Aug. 31, 2010). **Attached.**

⁷ MSA § 303(note); 50 C.F.R. § 600.310(h)(2)(ii) applies to stocks or stock complexes managed under an international fishery agreement such as the Pacific Salmon Treaty (PST). These stocks or stock complexes,

5. Obtain regulatory clarification from NMFS that Alaska salmon fisheries will not be subject to the ACL/AM requirements of the MSA and the NS1 guidelines
6. Updating the Salmon FMP to meet the MSA required provisions in section 303(a) for an FMP.

The MSA is the primary domestic legislation governing management of the nation's marine fisheries.⁸ The MSA requires an FMP to be consistent with a number of provisions, including ten National Standards (NS), with which all FMPs must conform and which guide fishery management.⁹ In addition to the MSA, Federal fisheries management must be consistent with the requirements of other Federal laws; for example, the Endangered Species Act (ESA).¹⁰

1.1 Scope of the Salmon FMP

The fishery management unit of the Salmon FMP is comprised of all waters of the EEZ off the coast of Alaska and the salmon fisheries that occur there.¹¹ The original Salmon FMP (1979) established Federal authority over salmon fisheries in the EEZ but excluded that portion of the EEZ west of 175° E. long.¹² Amendment 3 (1990) extended the jurisdiction of the FMP to the area of the EEZ west of 175° E. long. and expressly deferred regulation of the sport fishery and the Southeast Alaska (SEAK) commercial troll salmon fishery to the State.¹³ Though the Council and NMFS are removed from routine management of salmon fisheries in the EEZ, the FMP asserts and reserves Federal authority and general NMFS and Council participation in and oversight of salmon management in the EEZ.

The FMP includes all five species of Pacific salmon in the EEZ:

1. Chinook salmon (king), *Oncorhynchus tshawytscha*;
2. Coho salmon (silver), *Oncorhynchus kisutch*;
3. Pink salmon (humpy), *Oncorhynchus gorbuscha*;
4. Sockeye salmon (red), *Oncorhynchus nerka*; and
5. Chum salmon (dog), *Oncorhynchus keta*.

The FMP establishes two management areas within its fishery management unit, the East Area and the West Area. The border between the two areas is at the longitude of Cape Suckling, at 143°53'36" W. Sport (or recreational) salmon fishing is allowed in both the East and West Areas. Regulations for salmon fisheries in the EEZ are promulgated by the State.¹⁴ The FMP addresses commercial salmon fisheries differently in the East and the West EEZ, as described below.

however, are required to have status determination criteria (SDC) and a maximum sustainable yield (MSY), which is addressed in the Salmon FMP through the Amendment 6. *See infra* **Table 1**.

⁸ 16 USC. § 1801 et seq.

⁹ MSA § 301(a)(1-10).

¹⁰ 16 USC. § 1531 et seq.

¹¹ Salmon FMP, Section 2.1.

¹² **Figure 1**.

¹³ **Figure 7**; Salmon FMP, Section 2.2. E.g., coho salmon runs in many parts of Alaska are important sport fisheries and have grown substantially in the last few decades. *See* 2009 SEAK/Yakutat Salmon Troll Fisheries AMR.

¹⁴ Salmon FMP, Section 2.2.

1.2 The East Area

The only commercial fishery currently managed in the East Area is the SEAK commercial salmon troll fishery. The SEAK commercial troll fishery in the EEZ is a mixed-stock, mixed-species fishery that primarily targets Chinook and coho salmon; with pink, chum, and sockeye taken incidentally. The FMP sets forth the Council's management goals and objectives for the salmon fisheries in the East Area, which accordingly focuses on the SEAK commercial troll fishery.¹⁵ The FMP defers management of the SEAK troll fishery to the State.¹⁶ **Figures 2 and 3.** Commercial salmon fishing with net gear is prohibited in the East Area.

1.3 The West Area

The West Area is the area of the EEZ off the coast of Alaska west of Cape Suckling. It includes the EEZ in the Bering, Chukchi, and Beaufort Seas, the Arctic Ocean, and North Pacific Ocean west of Cape Suckling. The FMP prohibits commercial salmon fishing in the West Area, except in three historical net areas. The FMP describes these areas in Section 2.2.2 and Appendix C of the Salmon FMP as the Cook Inlet, the Prince William Sound area, and the Alaska Peninsula area, referring to the Cook Inlet, Copper River, and False Pass (South Peninsula) fisheries that are delineated as described below. These three net fisheries are conservatively managed by the State, historically have no record of overfishing, and have not been deemed to require federal conservation and management.

The FMP is vague on the function of the FMP in these areas. Though the FMP broadly includes these three areas and the salmon and fisheries that occur there within the fishery management unit and states that management of these areas is left to the State under other Federal law, the FMP does not explicitly defer management of these salmon fisheries to the State.¹⁷ The FMP does not contain any management goals or objectives for these three areas or any provisions with which to manage salmon fishing. The FMP only refrains from extending the general fishing prohibition to those areas, where, as the FMP notes, fishing was authorized by other Federal law, specifically the International Convention for the High Seas Fisheries of the North Pacific Ocean (High Seas Convention) implemented by the North Pacific Fisheries Act of 1954 (1954 Act).¹⁸ On October 29, 1992, Congress repealed the 1954 Act and implemented the North Pacific Anadromous Stocks Act of 1992 (1992 Stocks Act).¹⁹ The 1992 Stocks Act implements the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (Conservation Convention), which replaced the High Seas Convention. However, the 1992 Stocks Act and the Conservation Convention do not specifically authorize State managed net fishing in these three areas as previously authorized under the 1954 Act. Therefore, the FMP's reference to "other Federal laws" may no longer be fully effective.

¹⁵ Salmon FMP, Section 4.2, including subsections.

¹⁶ The Southeast Alaska (SEAK) fishery includes waters in State Region 1 and Federal waters east of Cape Suckling. The State Districts where commercial salmon fishing is allowed in the EEZ are: 150, 152, 154, 156, 157, and 189. **Figures 2 and 3.**

¹⁷ Salmon FMP, Section 2.2.2.

¹⁸ Salmon FMP, Section 2.2.2.

¹⁹ The North Pacific Anadromous Stocks Act of 1992, Public Law 102-567, is codified at 16 USC. §§ 5001-5012.

1.3.1 Cook Inlet

Upper Cook Inlet – Central and Northern Districts

The historical net fishing area in the Cook Inlet EEZ includes waters within the State Central Cook Inlet District. The demarcation of the EEZ waters in the net fishing area is three miles seaward from 59°46'15" N. lat., running east to the opposite shore from Anchor Point, north of Homer, Alaska. The State statistical areas that contain Federal waters where commercial salmon fishing is allowed are: 245-80, 245-90, 244-60, and 244-70. **Figure 4.**

Lower Cook Inlet – Kamishak Bay, Southern, Barren Island, and Outer Districts

State regulations prohibit commercial salmon fishing in Federal waters in the Lower Cook Inlet.

1.3.2 Prince William Sound area

Copper River and Bering River Districts

The Prince William Sound historical net fishing area includes waters in the State Copper and Bering River Districts. The demarcation of the EEZ waters in the net fishing area is a line three miles seaward from Cape Suckling to the southernmost tip of Pinnacle Rock, to the tip of Hook Point on Hinchinbrook Island. The State statistical areas that contain Federal waters where commercial salmon fishing is allowed are: 212-15, 212-25, and 212-35. **Figure 5.**

1.3.3 Alaska Peninsula area

False Pass, Area M – Unimak and Southwestern Districts

The historical net fishing area in EEZ waters in the south Alaska Peninsula, the False Pass area, includes waters in the State Unimak and Southwestern Districts. The demarcation of the EEZ waters in the net fishing area is three miles seaward from a line between Cape Lutke, 54°26'45" N. lat., and the west side of Sanak Island, 162°53' W. long. The State statistical areas that contain Federal waters where commercial salmon fishing is allowed are: 285-40, 285-30, 285-20, 284-90, 284-75, and 284-70.

Figure 6.

1.4 State salmon management

On July 31, 2010, the Council requested that the State provide its staff with information on the State's salmon management program, specifically how the State's program could provide an "alternative approach" for satisfying the requirements of the MSA's NS1.²⁰ The State provided its response on August 31, 2010. **Attachment.**

The State has many decades of sustainable salmon management, utilizing escapement goals and inseason management decisions by local managers. Alaska salmon fisheries are conservatively managed by allowing fishing with specific gears, in specific areas, at specific times. Alaska salmon fisheries generally occur in areas terminal or near-terminal to natal spawning systems, where the fish are highly

²⁰ 50 C.F.R. § 600.310(h)(3). See *infra* Section 3.1, State Salmon Management as an Alternative Approach.

concentrated. Generally, run times are consistent and predictable from one year to the next; salmon run sizes, however, are highly variable.

Under State management, salmon fishery openings are set pre-season through regulations adopted by the Board or inseason through management authority that has been delegated to ADF&G. Salmon seasons are managed and adjusted inseason through emergency orders in response to escapement goal level and run size. State escapement enumeration programs are in place with direct or indicator stock escapement monitoring for most Chinook, sockeye, coho, and pink salmon, and for chum in the Arctic-Yukon-Kuskokwim region. Fishing is allowed to continue only if inseason assessment of run strength indicates a harvestable surplus; the level of fishing depends on the strength of the inseason run. Local area managers, under authority delegated by the Commissioner of ADF&G, open and close the fisheries in response to inseason assessments of the strength and timing of runs. Weak salmon runs do occur and are unavoidable. Inseason, emergency order management strives to avoid the main principle of overfishing threat: intense fishing activity during weak runs.

1.4.1 The Sustainable Salmon Fisheries Policy and Board of Fisheries

ADF&G manages salmon fisheries under management plans adopted by the Alaska Board of Fisheries (Board), which has the authority to allocate salmon available for harvest among user groups. Regulations for Alaska salmon are made by the Board, consistent with State laws, and with Federal laws and the PST where they apply. ADF&G reviews salmon escapement goals and stock status for each salmon management area on a three-year cycle, consistent with the Board's regulatory review cycle. Escapement goal and stock status reviews are prepared prior to Board review. The Board's sustainable salmon fisheries policy is an integral part of its tri-yearly review of State salmon fisheries.²¹ The policy contains five fundamental principles for sustainable salmon management, each with criteria used to evaluate salmon fisheries and to address conservation issues. The five fundamental principles of the policy are:

1. Wild salmon populations and their habitats must be protected to maintain resource productivity;
2. Fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning;
3. Effective salmon management systems should be established and applied to regulate human activities that affect salmon;
4. Public support and involvement for sustained use and protection of salmon resources must be maintained; and
5. In the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essential habitats must be managed conservatively.

The Sustainable Salmon Fisheries Policy requires that ADF&G describe the extent to which salmon fisheries and habitats conform to the policy's explicit principles and criteria. In response, the Board must review fishery management plans or draft new plans. If a concern with a particular salmon stock is identified in the course of this review, an action plan with measures that include needed research, habitat improvements, or new regulations, must be developed to address the concern. The Sustainable Salmon

²¹ 5 AAC 39.222.

Fisheries Policy is implemented by the Board and ADF&G in the course of the Board’s normal regulatory cycle.

1.5 Amendments to the Salmon FMP

The original Salmon FMP (1979) established Federal and Council authority over salmon fisheries in the EEZ, but excluded that portion west of 175° E. long. **Figure 1**. Amendment 3 to the FMP (1990) extended jurisdiction of the FMP to the entire West Area EEZ. **Figure 7**. Each amendment to the Salmon FMP is detailed below:

Table 1. Amendments to the Salmon FMP.

Amendment	Date	Title	Pertinent Function(s)	Final Rule
Original FMP, and Amendments 1 and 2	1979 - 1981	<i>FMP for the High Seas Salmon Fisheries off the Coast of Alaska East of 175 Degrees East Longitude</i>	<ul style="list-style-type: none"> Establishes Council and NMFS authority over the salmon fisheries in Federal waters from 3 to 200 miles seaward. Excluded waters west of 175°E. long. from FMP. 	See Figure 1 .
3	1990	<i>FMP for the Salmon Fisheries in the EEZ off the Coast of Alaska</i>	<ul style="list-style-type: none"> Extends jurisdiction of FMP to EEZ west of 175°E. long. Defers regulation of sport and commercial fisheries to state. Effectively removes Council and NMFS from routine management but expressly maintained Federal participation, oversight, and final authority. 	55 FR 47773
4		<i>Fourth Amendment of the Salmon FMP with the EA and Federal Assessment</i>	<ul style="list-style-type: none"> Provides a definition of overfishing (OFL), as required by NOAA regulations at 50 CFR 602. 	---
5 (superseded by 7)	1998	<i>Amendment Five to the Salmon FMP</i>	<ul style="list-style-type: none"> Implements EFH provisions contained in the MSA and 50 CFR 600.815. Describes and identifies EFH fish habitat for anadromous fish. Describes and identifies fishing and non-fishing threats to salmon EFH, research needs, habitat areas of particular concern, and EFH conservation and enhancement recommendations. 	65 FR 20216
6	2002	<i>Amendment Six to the Salmon FMP to Revise Definitions of Overfishing, MSY, and OY</i>	<ul style="list-style-type: none"> Updates the FMP with new definitions of overfishing in compliance with the MSA, consistent with the NS guidelines and State and Federal cooperative management, and based on the State’s salmon management and the PST. Implements an MSY control rule, fishing mortality rate (F), MFMT, MSST for Chinook and coho in SEAK troll fishery 	67 FR 1163
7 and 8	2006	<i>Amendments Seven and Eight to the Salmon FMP</i>	<ul style="list-style-type: none"> Amendment 7 supersedes Amendment 5 Updates descriptions of EFH and Habitat Areas of Particular Concern (HAPC) within the FMP²² Makes conservation and enhancement recommendations for EFH and HAPCs Identifies and authorizes protection measures for EFH and HAPCs 	71 FR 36694
9	2008	<i>Amendment Nine to the Salmon FMP</i>	<ul style="list-style-type: none"> Revises the boundaries of the Aleutian Islands Habitat Conservation Area (AIHCA) described in 	73 FR 9035

²² MSA sec. 303(a)(7) requires an FMP describe and identify EFH, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other measures to promote the conservation and enhancement of EFH. *See infra* **Table 2**.

			the FMP	
10	Under Secretarial Review	N/A	<ul style="list-style-type: none"> • "Permit Fees" • Combined Council FMP Amendments 101/92/36/14/10 	N/A

2 Options for the Scope of the Salmon FMP

The scope of the Salmon FMP directs how the requirements of the MSA and NS guidelines could be addressed; necessary updates to the FMP to meet these requirements, such as ACL/AMs, would be based on the FMP’s scope. The following are brief descriptions of possible options for the Council’s consideration for the future scope of its Salmon FMP that have been identified at this stage of the process: 1) maintain the existing geographic scope; 2) repeal the FMP in the EEZ off Alaska; 3) maintain the FMP in the East Area EEZ only; or 4) modify the FMP to specifically exclude the three historic commercial salmon net fishing areas in West Area EEZ. These possible options are generally discussed regarding how the option would function, and the identification and highlight of certain important aspects of each option.

2.1 Maintain the existing geographic scope of the FMP

Under this option, the Council would maintain the current “status quo” scope of the FMP as described in Section 1.1, Scope of the Salmon FMP, and the Council would analyze options to update the FMP as needed to meet MSA requirements and NS guidelines.²³ The State’s escapement goal-based salmon management program is managing salmon conservatively, as evidenced by relatively healthy salmon runs, which could in turn be support for continuing deferred management for sport fisheries and the SEAK troll fishery. Clarification, however, of management authority and objectives for commercial fisheries in the West Area would be necessary.

2.2 Repeal the FMP entirely

Under this option, the Council would withdraw the FMP in its entirety and would no longer assert management authority over Alaska salmon fisheries in the EEZ. The Council would need to consider whether continued Federal oversight is necessary for the conservation and management of the Alaska salmon fisheries. If not, the Council would need to provide the rationale that an FMP is no longer necessary for continued conservation and sustainable management of Alaska salmon. The Council has not been actively involved in salmon management for the last two decades, which could indicate that Federal oversight of salmon fisheries management in the EEZ is no longer needed. In evaluating this option, the Council also should consider that salmon harvested in the commercial salmon fisheries are taken predominantly within State waters. In addition, repeal could eliminate possible redundant management structures between the Federal and State salmon management programs.²⁴

This option is countered by other points, however, indicating that FMP coverage may still be necessary. Under the MSA, the State may not be able to regulate vessels not registered with the State that are fishing

²³ A “no action” option is different from this “status quo” option. Under a “no action” option, the Council would make no changes to the Salmon FMP—no updates for the requirements of the MSA or NS guidelines, no modifications to management approach, etc. As a result, the FMP would remain in its current state, which is not a viable option.

²⁴ See 50 C.F.R § 600.340, National Standard 7 (NS7), Costs and Benefits (directing for minimizing costs and avoid duplication). Further, NS7 supports the valid conclusion that not every fishery requires an FMP.

for salmon in the EEZ.²⁵ Further, the FMP serves important ESA and international treaty functions in the East Area.²⁶ If the Salmon FMP is repealed, the existing ESA Section 7 consultation for listed salmon stocks may no longer be applicable. International agreements, and the ability to provide comments on EFH, may also be factors in favor of keeping an FMP in place.

2.3 Maintain the FMP in the East Area EEZ only

Under this option, the scope of the FMP would be modified to maintain coverage in the East Area and remove the West Area EEZ from the FMP. Maintaining the FMP in the East Area would leave existing management structures in place, recognizing the application of the PST biological opinion and the associated incidental take permit. Removing the West area from the FMP would remove the FMP's prohibition on commercial salmon fishing in the West area. The Council could then consider whether to maintain the existing management approach and continue to defer management of the sport and SEAK troll fishery to the State. The Council would also need to update the FMP for the East Area to meet MSA requirements and NS guidelines, but Federal requirements would no longer apply to the West Area EEZ.

2.4 Modify the FMP to exclude the three historical fishing areas in the West Area

Under this option, the FMP would continue to extend management authority over salmon in the EEZ of the East Area and West Area, but the scope of the FMP would be modified to exclude from Federal management the three historical net areas identified in Section 1.3, The West Area. The Council would consider whether to continue to close commercial salmon fisheries in the West area EEZ and whether to continue to defer management of the SEAK troll fishery and sport fishery to the State. With this tailored approach, concerns with unregulated fishing vessels would be reduced because the opportunity for fishing without being detected and regulated would be limited. To remove these three areas from the FMP, the Council would need to provide a rationale for why federal conservation and management are not necessary in these three areas of EEZ waters, consistent with the MSA.

National Standard 3 provides guidelines on structuring appropriate management units for stocks and stock complexes. A fish stock, to the extent practicable, must be managed as a unit throughout its range, and interrelated stocks must be managed as a unit or in close coordination. Excluding the three net fisheries in the West Area from the scope of the FMP would allow the State to manage salmon stocks seamlessly throughout their range, rather than imposing dual management, as would happen if the FMP were retained in these areas. A management unit that is less than the range of the stock may be justified if: complementary management exists; or is planned for a separate geographic area or a distinct use of the stocks; or if the unmanaged portion of the resource is immaterial to proper management.

2.5 Issues with Repealing the Salmon FMP

In considering whether to repeal in part, in whole, or modify the scope of the FMP, the Council will need to determine whether continued Federal oversight is needed for salmon conservation and management. Without an FMP, there is a risk that vessels not registered with the State could harvest salmon in the EEZ without regulation. The assessment of risk is largely dependent on the modification being considered: the Council, NMFS, and the State would have to understand the risk associated with removing the Salmon

²⁵ MSA 306(a)(3)(C).

²⁶ An ESA Section 7 consultation was conducted in 2008 on the US adoption of the PST fishing regime, and applies to the salmon fisheries in the East Area, including the Council's decision to defer management of this fishery to the State. The biological opinion also includes an ESA Section 10 incidental take permit for these fisheries. The PST regime, biological opinion, and incidental take permit are anticipated to be in place until 2018.

FMP in the entire EEZ, the entire West Area, or only those areas where the historical net fisheries occur. Removing the FMP could create an economically attractive opportunity for unregulated fishing activity, such as an unregistered domestic fishing vessel capable of avoiding any contacts with the State. The primary concern is with the possible entry into the EEZ of a catcher processor or other processing platform that could support several partner catcher vessels. If this occurred, the primary recourse would likely be for NMFS to close salmon fishing in the EEZ through emergency rulemaking. It is important for the Council to consider and weigh these risks under the options for repeal.

2.6 Amending the MSA

If the FMP is repealed, the State's inability to act against unregistered vessels in the EEZ could be addressed by a change to the MSA. MSA § 306(a)(3)(C) allows the State of Alaska to regulate a fishing vessel that is not registered with the State and that is operating in a fishery in the EEZ off Alaska, if no FMP was in place on August 1, 1996 for the fishery in which the vessel is operating. In addition, the Secretary and the Council must find that Alaska has a legitimate interest in the conservation and management of the fishery.²⁷ The Salmon FMP was in place on August 1, 1996. Modification to §306(a)(3)(C) removing the phrase "on August 1, 1996" could provide the State with the authority to regulate non-state registered vessels commercially fishing for salmon in the EEZ, which would, in turn, reduce the concern regarding unregulated fishing if the FMP were withdrawn in whole or in part. While it is clear that the intent of Congress is to provide Alaska with the authority to regulate non-state registered vessels in the absence of an FMP and Secretarial and Council recognition of the State's legitimate interest in the fishery, the relevance of the August 1, 1996 date to this authority is not clear.

3 Updating the Salmon FMP

Staff have begun to discuss options for updating the Salmon FMP with the requirements of the MSA and NS guidelines and are also pursuing a discussion of options to alleviate the necessity of setting ACL/AMs for Alaska salmon, cognizant that the Salmon FMP would still need to be updated for other MSA requirements.²⁸ The options currently identified are: State salmon management as an "alternative approach" to meet the NS1 requirements of the MSA; use of the international fishery agreement exemption for Chinook salmon in the SEAK troll fishery subject to the PST; and regulatory clarification that Alaska salmon fisheries will not be subject to the ACL/AM requirements of the MSA and the NS1 guidelines. For the other MSA 303(a) required provisions, options would need to be developed to address the areas where the FMP should be amended.

3.1 State salmon management as an "alternative approach"

Compliance with the MSA requires the Council to establish mechanisms for specifying ACL/AMs to prevent overfishing while achieving optimum yield (OY).²⁹ The NS1 guidelines contemplate limited circumstances where the standard approaches to specification of reference points and management measures detailed in the guidelines may not be appropriate. Pacific salmon is cited in the guidelines

²⁷ This management issue is not limited to Alaska salmon—the MSA § 306(a)(3)(C) "August 1, 1996" date poses problems for any species that was part of an FMP on August 1, 1996 but has subsequently been removed.

²⁸ See MSA § 303(a).

²⁹ MSA § 303(a)(15) ("[E]stablish a mechanism for specifying [ACLs] in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability").

specifically as an example of stocks that may require an “alternative approach.”³⁰ Under this flexibility within the guidelines, the Council may propose an alternative approach for satisfying the requirements of NS1 other than those set forth in the guidelines. The guidelines require that the Council document its rationale for proposing an alternative approach in an FMP amendment and document its consistency with the MSA. To that end, Council staff requested ADF&G provide input on how State salmon management could be an alternative approach for meeting the MSA requirements.

In a July 31, 2010 letter, Council staff requested that ADF&G provide it with assistance in evaluating the State’s salmon management program by describing in detail how the State’s escapement goal- and abundance-based salmon management program could serve as an “alternative approach” and satisfy the requirements of the MSA. ADF&G provided a summary of the State’s salmon management program in response to the Council’s request, which is summarized below (August 31, 2010).³¹ **Attachment.** The State’s response describes how its salmon management program represents an alternative approach to prevent overfishing while achieving OY. If the Council and NMFS determine that the State’s management represents an alternative approach that satisfies the requirements of the MSA, then implementing ACLs through the Salmon FMP in the manner described within the NS1 guidelines would not be necessary.

3.1.1 The State’s evaluation

NMFS has promulgated implementing guidelines to facilitate compliance with NS1 objectives for fisheries managed under an FMP. The guidelines expressly consider possible alternative approaches for Pacific salmon. The alternative approach to meet the requirements of the MSA may be invoked for the management of Pacific salmon off Alaska, where the spawning potential for a stock is spread over a multi-year period. The State’s salmon management program is based on scientifically defensible escapement goals and inseason management measures to avoid overfishing. The State asserts that developing a quota-based management system based on preseason forecasts in order to implement ACLs could result in greater risks of overfishing and levels of un-harvested stocks which may prevent the achievement of OY on a continuing basis. According to the State’s response, specifying a catch quota based on pre-season abundance forecasts is not as appropriate as salmon management based on monitoring inseason of abundance and escapement. With the exceptions of the SEAK troll fishery and Area M June net fisheries, catch quota-based fishery management has not been used in State salmon fishery management.³²

ADF&G expressly states that its salmon management system has been and is a successful and appropriate system for meeting the requirements of the MSA and NS guidelines to prevent overfishing while achieving on a continuing basis the OY from each salmon fishery for the fishing industry. Further, inseason abundance-based management has been adopted by the Pacific Salmon Commission to manage

³⁰ 50 C.F.R. §600.310(h)(3), Flexibility in application of NS1 guidelines (“There are limited circumstances that may not fit the standard approaches to specification of reference points and management measures set forth in these guidelines. These include ... stocks with unusual life history characteristics (*e.g., Pacific salmon, where the spawning potential for a stock is spread over a multi-year period*). In these circumstances, Councils may propose alternative approaches for satisfying the NS1 requirements of the [MSA] other than those set forth in these guidelines. Councils must document their rationale for any alternative approaches for these limited circumstances in an FMP or FMP amendment, which will be reviewed for consistency with the [MSA]”) (emphasis added).

³¹ Also referenced in the State’s response are the State’s policies for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) and for Statewide Salmon Escapement Goals (5 AAC 39.223).

³² Catch quotas for Area M were discontinued in June, 2003; Treaty Chinook salmon are allocated through the PST.

and conserve shared salmon resources. ADF&G gives the following reasons in support of the more appropriate utilization of an alternative approach for the management of Alaska salmon fisheries:

1. Salmon are semelparous, reproducing once during their life cycle;³³
2. The harvestable surplus of salmon consists of new recruits and the catch is comprised of mature salmon;
3. The productivity of each year class cannot be improved by limiting the catch amount in subsequent years;
4. Foregone catch cannot be recaptured in subsequent years; and
5. Salmon abundance cannot be estimated effectively in advance.

Thus, the State concludes that its program of inseason abundance estimates using contemporaneous data, with appropriate monitoring for achievement of escapement goals, is the most effective way to lessen the risk of overfishing while achieving OY on a continuing basis.

3.2 The International Agreement exception and Chinook salmon

In recognition that applying ACL/AMs requirements to stocks covered by an international fishery agreement may unfairly impact the US component of these fisheries, the MSA provides an exception for those stocks.³⁴ The NS1 guidelines generally require that FMPs establish ACL/AMs for all stocks and stock complexes in the fishery, but recognize the statutory exception from the requirement for stocks or stock complexes that are managed under an international fisheries agreement in which the US participates. Under MSA § 3(24), an international fishery agreement is “any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the [US] is a party.”

The Pacific Salmon Treaty (PST, 1985) clearly meets the criteria related to international fishery agreements. The PST is a bilateral treaty between the US and Canada established an international management regime to address the conservation and harvest of salmon originating in one country that contribute to fisheries in the other. Terms and provisions of the PST are negotiated through the Pacific Salmon Commission (Commission).

Chinook salmon harvested in SEAK predominately originate from streams in the Pacific Salmon Treaty area, which stretches from central Oregon, northwest through Canada, to Cape Suckling. All Chinook harvested in the SEAK, other than certain production from Alaska hatchery facilities, are subject to catch limit provisions of the PST. An annual abundance-based harvest limit for Chinook in the SEAK is established through Commissions and the PST process. The permitted salmon harvest is allocated to fisheries and stakeholders in accordance with regulations adopted by the Alaska Board of Fisheries (Board).³⁵

³³ A species is considered semelparous if it reproduces a single time in its lifetime; iteroparous if it has many reproductive cycles over the course of its lifetime.

³⁴ MSA § 303(note); 50 C.F.R. § 600.310(h)(2)(ii).

³⁵ The Chinook winter troll fishery is managed so as not to exceed 45,000 fish under the PST. Any Treaty Chinook not harvested in the winter fishery are available for the spring and summer fisheries. *See* ADF&G Report to the NPFMC, June 2010. *See also* 5 AAC 29.080, the Board’s winter troll management plan.

3.3 Regulatory clarification of NS1 guidelines as pertaining to Alaska salmon fisheries

Staff have discussed whether a regulatory clarification of NS guidelines would be possible. Language in the reauthorized MSA requiring ACL/AMs was developed largely on the practices used in North Pacific groundfish fisheries for over three decades. While MSA § 303(a)(15) states that FMPs must establish mechanisms for specifying ACL/AMs in the FMP, implementing regulations, or annual specification at a level such that overfishing does not occur in the fishery, MSA § 302(h)(6) requires the Council to “develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its SSC or the [established] peer review process.” While the Council’s salmon FMP manages very limited aspects of the salmon fisheries, neither the Council nor NMFS actively manage salmon under the FMP and have questioned whether ACLs (or status determination criteria or OFLs, for that matter) must be developed for fisheries, like Alaska salmon, that are not actively managed under the FMP.

A straightforward solution to the ACL/AM (and potentially other NS1) requirements could be to request NOAA to issue clarifying guidelines through rulemaking and regulation which would: 1) specifically pertain to Alaska salmon fisheries; 2) fully recognize that the Council and NMFS do not actively manage salmon under the current FMP; and 3) acknowledge that the State's management program for these fisheries fully satisfies the intent of NS1. Such a revision would require a determination by NOAA that the current State salmon management program meets applicable MSA and NS1 requirements. Though a similar determination would be required to use the “alternative approach” clause of the existing guidelines (as is the suggested approach throughout this discussion), a direct regulatory determination, if adopted, could provide a clearer basis for establishing that the current State salmon management program meets National Standards. This regulatory approach would require a specific, direct request from the Council to NMFS leadership and presumes that the Council does not desire a greater role in salmon fisheries management (i.e., setting of ACL/AMs). While this approach could eliminate any need for the Council to amend the FMP relative to the ACL/AMs requirement, the Council would still need to amend the FMP to fulfill other federal requirements.

3.4 Specific FMP requirements

As discussed above, implementation of ACL/AMs and other MSA requirements hinge on the future scope and nature of the FMP. Specific measures for the Council to consider in updating the Salmon FMP would be developed once the Council provides direction on: 1) its preferred scope of the FMP; 2) whether to maintain the deferred management of the SEAK troll and sport fisheries; 3) whether to maintain the closure of the EEZ in the West Area; and 4) the FMP’s role in the three historical net areas in the West Area EEZ. Various requirements of the MSA and associated NS guidelines are addressed within the text of this discussion paper, in the footnotes to the text, and are generally summarized below in **Table 2**.

Table 2 is a list of items that MSA § 303(a) requires for an FMP, though it is not exhaustive; it is an effort to summarize in a very general way, in order to inform the Council of the breadth of issues that will need to be addressed in updating the FMP.³⁶ In general, an FMP must: include a description of the fishery and its potential yield; include a description of the economic consequences of the fishery’s conservation and management; adhere to data collection requirements; include conservation and management measures to

³⁶ Please note that **Table 2** is not legal guidance, is not intended as legal opinion, does not carry the weight of regulatory text, and is not specific to the management of Alaska salmon fisheries.

ensure sustainable harvest and prevent overfishing, and include the associated reference points; assess and minimize bycatch; protect the safety of human life at sea; and must fairly and equitably allocate the fishery resources among participants. The NS guidelines at 50 C.F.R. §§ 600 Subpart D provide guidance on how the MSA provisions should be addressed and implemented within an FMP, and should be closely considered when developing options for meeting the MSA requirements or determining which requirements are satisfied in the current FMP.³⁷

Table 2. Required contents and provisions of an FMP, generally.³⁸

MSA § 303(a)	FMP Requirement	MSA Specification(s)	Elements	Applicable to:³⁹
(1)	Conservation and management measures	Shall contain:	<ul style="list-style-type: none"> Necessary and appropriate measures; Any discretionary measures (described in §(b)); Consistent with NS, MSA, any international recs., and any other applicable law(s); To prevent overfishing, rebuild, and to restore fishery long-term health and stability; While achieving on continuing basis Optimum Yield (OY). 	US and foreign fishing vessels
(2)	Description of the fishery(ies) – and the potential yield	Shall contain a description of, but not limited to, and utilizing the best scientific information available at the time of preparation, the:	<ul style="list-style-type: none"> Number of vessels involved; Type and quantity of fishing gear used Species involved and location(s); Likely management cost; Actual and potential revenues; Any recreational interests; and Nature and extent of foreign fishing and Indian Treaty fishing rights, if any. 	Fishery(ies) covered under the FMP
(3)	Present and probable future condition of the fishery – MSY and OY	Assess and specify, and include a summary of the information used, the:	<ul style="list-style-type: none"> Maximum Sustainable Yield (MSY); and Optimum Yield (OY). 	Fishery(ies) covered under the FMP
(4)	Capacity and extent of Optimum Yield (OY)	Assess and specify, fairly and equitably and on an annual basis, the:	<ul style="list-style-type: none"> OY harvest by US vessels; Un-harvested OY available to foreign vessels; and US processors that will process the US OY harvest. Allocation of fishing privileges must be fair and equitable, reasonably calculated to promote conservation, 	US and foreign fishing vessels

³⁷ Please note that the current FMP reflects some new MSA requirements, such as OFLs for the East Area EEZ and Essential Fish Habitat (EFH) descriptions for Alaska salmon species.

³⁸ Please note that **Table 2** is intended for illustrative purposes only. It does not capture the nuances and details of subsequent implementation of the MSA FMP requirements.

³⁹ 50 C.F.R. § 600.325(b) (“An FMP may not discriminate among US citizens, nationals, resident aliens, or corporations on the basis of their state of residency. An FMP may not incorporate or rely on a state statute that discriminates against residents of another state”).

			and must avoid excessive shares.	
(5)	Pertinent data submitted to the Secretary of Commerce (Secretary)	Specify the pertinent data for commercial, recreational, charter, and processors for:	<ul style="list-style-type: none"> Type, quantity of gear used; Catch by species #s or weight; Fishing areas, time of fishing, and # of hauls, and necessary economic information; and the Estimated and actual processing capacity of US processors. 	Submitted to the Secretary
(6)	Temporary adjustments	Consider and provide, after consultation with USCS and fishery users, for:	<ul style="list-style-type: none"> Access to the fishery because of weather or other conditions affecting safe conduct; also Adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants. 	US vessels otherwise prevented from harvesting
(7)	Essential Fish Habitat (EFH)	Describe and identify, based on the [NS] guidelines, and minimize to the extent practicable the:	<ul style="list-style-type: none"> Adverse effects by fishing; and Other actions to encourage conservation and enhancement of EFH. 	Fish species or complexes covered under the FMP
(8)	Scientific data	Assess and specify the nature and extent of:	Data needed for effective implementation of the FMP, for an FMP submitted after 1/1/91 under 50 USC. § 1854(a) or prepared by the Secretary.	Fishery(ies) covered under the (qualifying) FMP
(9)	Fishery Impact Statement (FIS)	Assess, specify, and analyze the likely effects, if any, of:	<ul style="list-style-type: none"> The cumulative conservation, economic, and social impacts, of the conservation and management measures on; and Possible mitigation measures for; Also, participants' safety of human life at sea. 	Fishery(ies)' participants; fishing communities; and adjacent fisheries;
(10)	Condition of the fishery(ies) – determining whether stocks are overfished or whether overfishing is occurring	Specify and identify, using objective basis and measurable criteria:	<ul style="list-style-type: none"> Analysis of how criteria determined and stocks relationship to reproductive potential; or where The Secretary determined a stock is approaching overfished/ is overfished; Contain conservation and management measures to prevent/ end overfishing and rebuild. 	FMP-covered, overfished fishery(ies); and Permitted Council or Secretary FMPs covering US EEZ, salmon, or high seas vessels, or US first processors
(11)	Bycatch	Establish, assess, and include:	<ul style="list-style-type: none"> Standardized reporting methodology; Amount and type of bycatch occurring in the fishery(ies); Conservation and management (and monitoring) measures – to the extent practicable in the following priority: avoid where practicable, minimize bycatch, and minimize mortality of unavoidable bycatch. 	Fishery(ies) covered under the FMP
(12)	Fishing Mortality	Assess type and amount of fish:	<ul style="list-style-type: none"> Caught and released alive during recreational fishing; and Mortality, including conservation and 	Recreational fishing, under catch and

			management measures that, to the extent practicable; <ul style="list-style-type: none"> • Minimize mortality; and • Ensure extended survival. 	release management programs
(13)	Participating sectors within the fishery(ies)	Include a description of the sectors':	<ul style="list-style-type: none"> • Economic impact; and • Quantify trends in landings of managed fishery resource, to the extent practicable. 	Commercial, recreational, and charters
(14)	Rebuilding plans or other conservation and management measures, if necessary	Reduce the overall harvest, if necessary, and suitably allocate and take into consideration:	<ul style="list-style-type: none"> • The economic impact of harvest restrictions or recovery benefits; • Allocated reductions fairly and equitably among commercial recreational, and charter fishing sectors 	Participants in effected fishery(ies)
(15)	Preventing overfishing	Establish mechanism for specification of; And the exceptions	<ul style="list-style-type: none"> • Annual Catch Limits (ACL); • Accountability Measures (AM); and • Implementing regulations or annual specifications • Statutory Exceptions 	In the FMP, including a multiyear plan

4 Conclusions and Next Steps

With this background, suite of possible options, and additional considerations, the Council may wish to give further direction on whether and how to move forward with review and analysis of the current Salmon FMP. The following next steps are proposed for Council consideration:

1. Preparation of an analysis to inform the Council's evaluation of the Salmon FMP and its determination of the FMP's purpose and scope, and any necessary updates to the FMP.
2. Updating the FMP will necessitate further discussion, exchanges of information, and continued coordination with ADF&G and NMFS staff, as the Council considers possible options and additional considerations to update the FMP, as well as coordination with the Board of Fisheries.
3. The Council's preferred future scope and role of its Salmon FMP will affect the FMP updates and options for complying with ACL/AMs and other specific MSA and NS1 requirements.
4. Staff could develop a strategy for a thorough review of the Salmon FMP by generating:
 - i. An amalgamation of the 1990 FMP and all subsequent amendments;
 - ii. A complete matrix of the MSA 303(a), NS1 requirements, and the existing FMP provisions;
 - iii. A discussion on how and to what degree the Federal requirements are addressed in the current FMP and amendments; and
 - iv. Possible options for addressing specific MSA requirements.

A Council Meeting schedule outlining possible steps for further analysis of the FMP, including Alaska Board of Fisheries meetings for convenience, is provided below:

Numbers in boldface indicate the number of the Public Law that amended the following provision. Boldface comments marked with asterisks were inserted by the editors.

*Bracketed material with an asterisk is text that is added, or replaces underlined language, and will be effective on the date the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary enters into force for the United States. See P.L. 102-251

SEC. 2. FINDINGS, PURPOSES, AND POLICY

16 U.S.C. 1801

(a) **FINDINGS.**--The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

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(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

104-297

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

95-354

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

101-627

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

104-297

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

104-297

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(b) **PURPOSES.**--It is therefore declared to be the purposes of the Congress in this Act--

99-659, 101-627, 102-251

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources[, and fishery resources in the special areas]*;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

104-297

(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

101-627

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

95-354, 96-561, 104-297

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

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(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) **POLICY.**--It is further declared to be the policy of the Congress in this Act--

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act;

99-659, 101-627

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

101-627

(6) to foster and maintain the diversity of fisheries in the United States; and

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(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

SEC. 3. DEFINITIONS

16 U.S.C. 1802

As used in this Act, unless the context otherwise requires--

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

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(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

104-297

(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

104-297

(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

(1) TRAINING COURSE.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

- (A) fishery science and basic stock assessment methods;
- (B) fishery management techniques, data needs, and Council procedures;
- (C) social science and fishery economics;
- (D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;
- (E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;
- (F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);
- (G) public process for development of fishery management plans;
- (H) other topics suggested by the Council; and
- (I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

(2) MEMBER TRAINING.—The training course shall be available to both new and existing Council members, staff from the regional offices and regional science centers of the National Marine Fisheries Service, and may be made available to committee or advisory panel members as resources allow.

(3) REQUIRED TRAINING.—Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.

(I) COUNCIL COORDINATION COMMITTEE.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS

16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) **REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and
(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, ~~charter fishing, and fish processing~~ in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, ~~economic information necessary to meet the requirements of this Act~~, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

Deleted: and charter fishing

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and

specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

Deleted: describe the likely effects, if any, of the conservation and management measures on--

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(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors;

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(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

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(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

97-453, 99-659, 101-627, 102-251, 104-297

(b) **DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2)(A) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure--

(i) is based on the best scientific information available;

(ii) includes criteria to assess the conservation benefit of the closed area;

(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and

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proximity to time and area closures:

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

(A) present participation in the fishery;

(B) historical fishing practices in, and dependence on, the fishery;

(C) the economics of the fishery;

(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

(F) the fair and equitable distribution of access privileges in the fishery; and

(G) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research;

(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

Deleted: (6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account-- ¶

(A) present participation in the fishery, ¶
(B) historical fishing practices in, and dependence on, the fishery, ¶

(C) the economics of the fishery, ¶

(D) the capability of fishing vessels used in the fishery to engage in other fisheries, ¶

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and ¶

(F) any other relevant considerations; ¶
¶

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notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.

(5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this Act.

(6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.

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(b) FISH HABITAT.--

(1) (A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating of such identifications based on new scientific evidence or other relevant information.

(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

(D) The Secretary shall coordinate with and provide information to other Federal agencies to further the conservation and enhancement of essential fish habitat.

(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.

(3) Each Council--

(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

(4) (A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.

(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

97-453, 101-627, 104-297

(c) EMERGENCY ACTIONS AND INTERIM MEASURES.--

(1) If the Secretary finds that an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery, he may promulgate emergency⁴ regulations or interim measures necessary to address the emergency or overfishing, without regard to whether a fishery management plan exists for such fishery.

(2) If a Council finds that an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery--

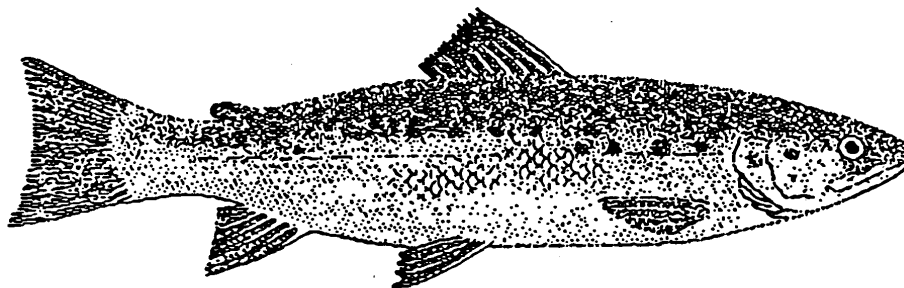
(A) the Secretary shall promulgate emergency⁴ regulations or interim measures under paragraph (1) to address the emergency or overfishing if the Council, by unanimous vote of the members who are voting members, requests the taking of such actions; and

(B) the Secretary may promulgate emergency⁴ regulations or interim measures under paragraph (1) to address the emergency or overfishing if the Council, by less than a unanimous vote, requests the taking of such action.

⁴ Section 110(b)(2) of Public Law 104-297 appears to insert "or overfishing" after "emergency" each place it appears in section 305(c)(1) and (2). The editors assume Congress did not intend to insert "or overfishing" between the words "emergency" and "regulations".

**Fishery Management Plan
for**

ATLANTIC SALMON



**Incorporating an
Environmental Assessment
and
Regulatory Impact Review /
Initial Regulatory Flexibility Analysis**

**Prepared by the
New England Fishery Management Council**

October 1987

COVER SHEET

RESPONSIBLE AGENCIES:

Assistant Administrator for Fisheries
National Oceanic and Atmospheric Adm.
U.S. Department of Commerce
Washington, DC 20235

New England Fishery Management Council
Suntaug Office Park
5 Broadway (Route 1)
Saugus, MA 01906

PROPOSED ACTIONS:

Adoption, approval, and implementation of the Fishery Management Plan for Atlantic salmon.

FOR FURTHER INFORMATION CONTACT:

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Saugus, MA 01906
(617) 231-0422

TYPE OF STATEMENT:

() Draft (X) Final

ABSTRACT:

The New England Fishery Management Council and the Assistant Administrator for Fisheries (NOAA) propose to adopt, approve and implement pursuant to the Magnuson Fishery Conservation and Management Act a Fishery Management Plan for Atlantic salmon.

This FMP is intended to establish explicit U.S. management authority over all Atlantic salmon (Salmo salar) of U.S. origin to complement State management programs in coastal and inland waters and Federal management authority over salmon on the high seas conferred as a signatory nation to the North Atlantic Salmon Conservation Organization (NASCO).

The FMP establishes a Federal management program which seeks to prevent the development of a fishery for Atlantic salmon in the EEZ through a prohibition on possession. By this action, the Federal government safeguards the very substantial investment embodied in the ongoing State/Federal stock restoration programs and strengthens its negotiating position with respect to U.S. proposals placed before NASCO.

This Environmental Assessment has been developed to address issues which arise as a consequence of establishment of a new management program for fishery resources not heretofore regulated under the authority of the Magnuson Act. The proposed management program will not have a negative impact on fishery resources, habitat, public health or safety, or endangered or threatened species.

DATE BY WHICH COMMENTS MUST BE RECEIVED: _____

PART 1. INTRODUCTION

The New England Fishery Management Council (Council) and the Assistant Administrator for Fisheries (NOAA) propose to adopt a Fishery Management Plan (FMP) for Atlantic Salmon (Salmo salar). The FMP is needed to address a deficiency in the US management program for its Atlantic salmon resource to facilitate accomplishment of the long-term goals of salmon management as embodied within the cooperative State/Federal stock restoration programs in the Northeast. The Council proposes to establish a management program for Atlantic salmon in the EEZ to complement existing State management programs in inland and coastal waters and to complement Federal management authority over salmon of domestic origin on the high seas (beyond 12 miles) conferred to the US as a signatory nation to the North Atlantic Salmon Conservation Organization (NASCO).

§ 1.1 The Jurisdictional Environment in Atlantic Salmon Management

Management of the US Atlantic salmon resource, and the stock restoration programs come under the purview of the fish and wildlife agencies of the New England states plus the US Fish and Wildlife Service as well as a number of other state, federal, and international organizations, and commissions.

The Atlantic Sea-Run Salmon Commission, established through legislative act by the State of Maine in 1947, is comprised of five members; the Maine Commissioner of Inland Fisheries and Wildlife (permanent chairman), the Maine Commissioner of Marine Resources, and three appointed citizens of the State of Maine appointed by the Governor. The Commission has the authority to promulgate rules and regulations pertaining to the taking of Atlantic salmon from waters of the State of Maine and to institute remedial action where adverse conditions have been shown to exist and such action has been shown to be required.

Cooperative Agreement between the US Fish & Wildlife Service and the State of Maine By an agreement, entered into May 9, 1962 and most recently renewed October 1, 1987, a program of salmon hatchery production and fish stocking was initiated for the purpose of furthering stock restoration of Atlantic salmon in the state of Maine. To assist in technical matters and marshal scientific expertise for addressing appropriate research, a Technical Advisory Committee was established as part of the current Cooperative Agreement.

Inter-agency agreement for the Merrimack River basin (Statement of Intent) In 1969, the states of Massachusetts and New Hampshire, the US Fish and Wildlife Service, and the National Marine Fisheries Service entered into a compact to support a fisheries program for the Merrimack River Basin. The US Forest Service was included in the agreement in 1982. The goal of that program, with respect to Atlantic salmon, is to restore the Atlantic salmon resource to a level of optimum utilization of the existing habitat in the Merrimack River Basin for public benefit.

Atlantic salmon restoration program for the Pawcatuck River, Rhode Island The Rhode Island Division of Fish & Wildlife has been conducting a research and development program in the Pawcatuck River Basin using hatchery-reared stock. This work was initiated in 1981 with the preparation of a strategic

plan for stock restoration in cooperation with the US Fish & Wildlife Service. There are no existing formal interagency agreements concerned with the program, although it is expected that an interstate compact with Connecticut will be required to address the entire scope of the Pawcatuck River Basin.

The Connecticut River Atlantic Salmon Commission. Efforts relating to the restoration of Atlantic salmon in the Connecticut River Basin were initiated in 1967, through enactment of Public Law 98-138. The US Congress consented to an interstate compact creating the Connecticut River Atlantic Salmon Commission, such compact being entered into by the States of Connecticut, Massachusetts, New Hampshire, and Vermont and pursuant to the laws of these respective states. In April 1985, the Connecticut River Atlantic Salmon Commission formally adopted a Statement of Practices and Procedures and promulgated regulations governing Atlantic salmon on the main stem of the Connecticut River. Atlantic salmon in the tributaries of the Connecticut River are governed by regulations of the state in which the tributaries occur.

The North Atlantic Salmon Conservation Organization (NASCO) The US joined with other North Atlantic nations in 1982 to form NASCO for the purpose of managing salmon through a cooperative program of conservation, restoration and enhancement of North Atlantic stocks. The principal means for achieving those goals under NASCO is through a system for controlling the exploitation by one member nation of salmon which originated within the territory of another member nation.

§ 1.2 Purpose and Need for Management

The Council embarked on the development of this FMP to address a deficiency existing within the United States management authority over its Atlantic salmon resource in the North Atlantic. The NASCO Convention of 1982 defines territorial seas as being the 0-12 mile zone contiguous to the coastline of the signatory nation (excepting the 0-40 mile zone for Greenland and a 0-200 mile zone in the case of the Faroe Islands). Contrastingly, the US recognizes only a 0-3 mile zone for its own territorial sea. By virtue of this disparity, the 3-12 mile zone off the US coastline is explicitly not under the management authority of NASCO nor is it under the explicit management authority of the coastal states of the US. Thus, all management programs for US-origin Atlantic salmon may be potentially compromised by unregulated exploitation of salmon resources within the zone. This deficiency in US management of Atlantic salmon poses a threat to the salmon restoration efforts in the New England and weakens the US position with regard to initiatives placed before NASCO and the US expectations for responsive salmon management under NASCO.

The US was instrumental in establishing NASCO for the purpose of controlling the exploitation of Atlantic salmon on the high seas. Under the terms of the NASCO Convention of 1982, salmon catches within the area of fisheries jurisdiction of a member nation of fish originating in the rivers of another member nation shall be minimized to promote the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic. However, the lack of management regulations for domestic stocks of Atlantic salmon while resident in the 3-12 mile zone potentially jeopardizes

the efforts of the State-Federal partnership to conserve and restore those stocks and may compromise the US position with regard to initiatives placed before NASCO.

The United States is interested in curtailing interception fisheries of US origin fish to the extent that such fisheries may compromise the success of the very substantial long-term commitment on the part of the States and the Federal government to restore the Atlantic salmon stocks in New England. The establishment of NASCO largely resulted from US concerns with respect to this issue and with the need for creating an appropriate international forum for addressing salmon management in the North Atlantic. Accordingly, to place its own house in order to facilitate the accomplishment of its stock restoration goals, the US deems it appropriate to establish an explicit management program for Atlantic salmon throughout the entire EEZ.

§ 1.3 Management Objective

The management objective for the Atlantic Salmon Fishery Management Plan shall be:

To complement restoration and management programs of the various Atlantic coastal states of the United States for Atlantic salmon (Salmo salar) and to complement the management and conservation program of the North Atlantic Salmon Conservation Organization (NASCO) and United States participation in NASCO.

§ 1.4 Management Unit

The management unit for the Atlantic Salmon FMP is intended to encompass the entire range of the species of US origin while recognizing the jurisdictional authority of signatory nations to NASCO. Accordingly, the management unit for this FMP is:

All anadromous salmonids of U.S. origin in the North Atlantic area throughout their migratory ranges except while they are found within any foreign nation's territorial sea or fishery conservation zone (or the equivalent), to the extent that such sea or zone is recognized by the United States.

PART 2. DESCRIPTION OF THE RESOURCE

§ 2.1 The Range and Abundance of the Stocks

§ 2.1.1 Original Condition In pre-colonial days, Atlantic salmon were known to be plentiful in many New England rivers. Early estimates place the number in excess of 300,000 fish entering at least 28 river systems (USFWS, 1984) (see Figure 2.1) to as many as 500,000 fish entering 34 rivers (Beland, 1984a).

By the early 1800s, the salmon resource had been severely reduced for a variety of reasons, all having to do with the activities of man. Early settlers utilized salmon for food and exported large quantities to Europe. As the areas around major watersheds became more urbanized, overfishing and deteriorating water quality vastly reduced salmon stocks in all natal New England rivers. Further development of the river basins during the Industrial Revolution created a profusion of dams which denied salmon access to spawning and nursery grounds. The decline was further complicated by lack of knowledge of the biology of Atlantic salmon. By 1865, salmon runs in southern New England had disappeared.

Early efforts to restore salmon to depleted rivers in southern New England, notably the Merrimack and Connecticut Rivers, met with only minimal success. By the 1890's, efforts were completely abandoned because of inadequate upstream fish passage facilities and the inability of states to regulate fishing.

§ 2.1.2 Present Condition Modern efforts to restore the Atlantic salmon resource date from 1947 when the Maine Atlantic Sea-Run Salmon Commission was established. In 1965, the United States Congress enacted the Anadromous Fish Conservation Act (P.L. 89-304) which expanded and accelerated efforts to restore Atlantic salmon. The Act enabled New England state fishery agencies to obtain Federal funding for restoration activities. In 1967, the Connecticut River Anadromous Fish Conservation Program became a cooperative Federal-State endeavor. Two years later (1969), a similar program was initiated for the Merrimack River.

Today, efforts to restore Atlantic salmon to the rivers of New England have grown into a highly coordinated initiative encompassing nine State and three Federal agencies as well as private sector groups. Atlantic salmon have gained a small foothold in several rivers. However, their long-term survival is not guaranteed.

Atlantic salmon now enter 16 river systems in New England. Salmon returning to the major river systems number less than 7,000 per year (USFWS, 1984). Of this total, about 1,000 are the direct result of wild smolt production and the remainder is from hatchery stock. Table 2.1 shows the annual returns of adult salmon to selected New England rivers for the years 1971-1986.

Seven rivers, all in the State of Maine, have relatively stable populations of Atlantic salmon. These are the Derrys, East Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot Rivers. At least six other rivers (also in the State of Maine) support minor populations of Atlantic

salmon (Beland, 1984a). These 13 rivers contain a minimum of 19,700 production units of salmon rearing habitat (Beland, 1984a). One production unit is a hundred-square-yard area of potential salmon nursery habitat. Average wild smolt production potential for these rivers was estimated at 2.0 per production unit with the exception of the Dennys and Pleasant Rivers which are estimated at 3.0 per production unit (Beland, 1984b). Total potential wild smolt production from these rivers is estimated to be about 50,400 per year. Wild smolt production is assumed not to have occurred as yet in the Connecticut, Merrimack, Pawcatuck, and Penobscot Rivers.

Runs of Atlantic salmon in New England rivers consist primarily of two sea-winter (2SW) maiden spawners. Data collected from fishway trapping studies and angler catch surveys in the State of Maine indicate that 2SW salmon make up 90% or more of the maiden spawners (Baum and Jordan, 1982; Beland et al, 1982; Fletcher et al, 1982). Grilse and three sea-winter adults make up less than 10% of the maiden spawners. In Maine salmon rivers, repeat spawners account for a small proportion of returning adults, rarely exceeding 10% of the total population (Beland, 1984b)

Seven New England Atlantic salmon rivers permit closely regulated recreational fishing (the Dennys, East Machias, Machias, Narraguagus, Penobscot, Union, and Sheepsfoot Rivers). Annual exploitation rates through angler harvest range between 10 and 25 percent of the run size. Table 2.2 shows the exploitation rate for all US salmon rivers and the Penobscot River for the years 1984-1986. There is no known directed commercial fishery for Atlantic salmon in the United States.

§ 2.1.3 Stock Restoration Programs Restoration efforts on most rivers are guided by formal plans having long-range objectives. Strategic Plans guide salmon programs for rivers in the state of Maine, the Merrimack River (Massachusetts/New Hampshire), the Pawcatuck River (Connecticut/Rhode Island), and the Connecticut River (Connecticut, Massachusetts, New Hampshire, Vermont). Also, the Maine Atlantic Sea-Run Salmon Commission has developed river management reports for all of its important salmon rivers.

Restoration activities may include various combinations of five basic techniques:

- 1) Research: Conduct varied research projects to gain additional information on the biology of salmon.
- 2) Cultural: The hatching, rearing, and stocking of juvenile and adult salmon.
- 3) Fish Passage: Provide salmon access to sections of a river upstream from obstructions and, where necessary, a safe means for downstream migrating adults and juveniles to by-pass hazards.
- 4) Habitat Enhancement: Habitat manipulation to enhance wild salmon production capability.
- 5) Conservation Measures: Regulations to control the commercial and recreational harvests of salmon in home waters and the high seas.

State/Federal Hatchery Operations There are currently 17 fish cultural facilities involved in the New England Atlantic salmon program (ten hatcheries, two kelt reconditioning facilities, three smolt release facilities, and two sea-run adult holding facilities). Six of the hatcheries, one of the

kelt reconditioning facilities, and one of the smolt release facilities are operated by the U.S. Fish and Wildlife Service. The remaining facilities belong to state fishery agencies.

The fish culture program has a projected capacity to produce 5.675 million fish annually with current facilities. Approximately 74% of the fish reared would be released as fry (4.2 million) and the remaining 1.45 million as smolts (USFWS, 1984; Boreman and Almeida, 1984; Anthony and Lange, 1984). The total projected run size of spawning adult fish which could be expected to result with fish culture facilities operating at maximum capacity has been variously estimated to range from 28,000-43,000 fish (Anthony and Lange, 1984) to a high of 54,000 (USFWS, 1984). The predicted annual egg requirements are in excess of 10 million. The projected allocations of hatchery-produced fish, when the facilities are at full production, are shown in Table 2.3.

Rivers presently having self-sustaining wild runs (e.g., Sheepscot, Ducktrap, Pleasant, Narraguagus, Machias, East Machias, and Dennys River) would not normally receive allocations of hatchery-produced juvenile salmon and therefore are not included in the projections.

Production numbers and allocations are highly variable from year-to-year due to natural production success, variations in egg supplies, and other fish cultural contingencies. More than 10.5 million hatchery-reared smolts were released in US rivers during the period 1962-1986. An additional 9.8 million fry and parr were also released into nursery areas of numerous New England rivers (Table 2.4). A complete description and history of these programs may be found in Baum (1984) and Baum and Meister (1984a). The reader is referred to Appendix D for a complete record of recent stocking data. Rivers receiving these allocations are shown in Figure 2.2.

Wild smolt production in the United States is presently estimated to be approximately 50,400 fish per year (Beland, 1984b). With current levels of hatchery output, significant increases in numbers of adult salmon returning to home waters should occur. With continuing progress on programs restoring access to new spawning areas, future production of wild smolts in US rivers is expected to increase considerably. The Maine Atlantic Sea-Run Salmon Commission's objectives include salmon management on 18 rivers and streams having an estimated 410,000 smolt production units. The combined production potential of those waters is 997,000 smolts annually (Beland, 1984b). The USFWS (1984) projects the future annual wild smolt production for southern New England rivers to be 223,900-273,700 for the Connecticut, 81,900-100,100 for the Merrimack, and 7,200-8,800 for the Pawcatuck.

Research Programs Effective conservation, restoration, and enhancement of US Atlantic salmon stocks require the establishment and maintenance of a scientific information base and a better understanding of the mechanisms whereby natural factors and human interventions affect these stocks. NASCO has developed a comprehensive research program which requires broad cooperation and coordination among the scientific agencies within the US.

In 1984 the Northeast Fisheries Center of NMFS initiated an Atlantic salmon research program with sponsored research on stock discrimination and an analysis of historical Carlin tag returns.

hydrocarbons, other organics, etc.) in terms of early life and adult fish survival, reproductive capacity, and genetic effects. Another focus of needed studies is the cumulative impact of all projects involving habitat modification on the total production of the salmon resource.

§ 3.5 Recommendations for Habitat Conservation and Restoration

The New England Fishery Management Council, under the authority of the Magnuson Fishery Conservation and Management Act, has the responsibility to prepare fishery management plans which address habitat requirements, describe potential threats to that habitat, and recommend measures to conserve and protect those habitats critical to the survival and continued optimal production of the species under management. The NMFS Habitat Conservation Policy establishes the basis for a partnership between NMFS and the Council to assess habitat issues specific to the resource being managed and allows the Council to make recommendations on habitat policy to all applicable Federal and State agencies. The following recommendations are made in light of this mandate.

1. All natural habitat for salmon stocks (as identified in restoration and management plans) should be preserved by encouraging management of conflicting uses to assure continued access by fish to essential habitat. High water quality standards should be maintained to protect migratory routes and spawning, rearing, and feeding areas. Spawning and nursery areas are essential to continued productivity of the salmon resource. Hydroelectric facilities on natal streams and rivers should incorporate facilities for continued and unimpeded access by spawning fish and salmon smolts. Sand and gravel extraction projects should be discouraged in spawning and nursery habitat.
2. Watersheds to natal river systems should be protected from significant adverse effects of domestic and industrial waste disposal. The selection of methods and sites for disposal of sewage sludge, contaminated dredged material, and other domestic and industrial waste should be based on a comprehensive scientific assessment of all options. Project proponents should be required to address the full range of impacts on salmon stocks, their habitat, food sources, and the value to recreational anglers of affected sites which may be associated with project implementation.
3. Alteration of wetlands and shallow water areas is discouraged. Coastal construction and dredging projects should employ best engineering and management practices (e.g. seasonal restrictions, dredging methods, disposal options, etc.). Such projects should be permitted only for water-dependent projects found to be in the public interest when no feasible alternatives are available. Project proponents should be required to address the full range of impacts on salmon stocks, their habitat, or food sources which may be associated with project implementation.
4. The best available technology should be utilized to control industrial wastewater discharges and in sewage treatment plants in areas important to the reproduction and survival of salmon. Dechlorination or effluent holding ponds should be used to reduce total residual chlorine to non-toxic levels in the mixing zones of sewage and power plants currently operating in salmon

migratory pathways and in spawning or nursery areas. The EPA's Water Quality Criteria Series should be used as guidelines for determining harmful concentration levels of toxic substances in wastewater discharges. Applications for Clean Water Act 301(h) waivers from secondary sewage treatment facilities should be reviewed on a case-by-case basis to prevent further degradation of water quality and additional accumulation of contaminants in areas important to salmon that frequent nearshore and riverine areas. Where possible, the siting of new sewage treatment facilities and power plants should be avoided in areas important to salmon.

5. Except in designated mixing zones, industrial and power generating facilities should not discharge thermal effluents that would raise ambient water temperatures to levels harmful to affected salmon stocks or their food supply. To minimize entrainment and impingement mortality, new facilities should not be located on important salmon restoration rivers, particularly in spawning or nursery areas. Power plants should avoid shut-down operations at times when significant induced mortality may result from reverse thermal shock. Potential dischargers should be required to address the expected impacts such projects will have on salmon habitat or food supply. Best management practices should be encouraged at existing facilities.

6. Important migratory pathways for salmon stocks should be protected from significant adverse impacts from offshore oil and gas and non-energy mineral exploration and development activities. Siting and regulation of these activities should be conducted with the view to prevent the disruption of normal migratory behavior of Atlantic salmon and to avoid injury or mortality, both as young fish on their first migration and as returning adults.

7. Dredge and fill permits issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act should require that project proponents address the full range of impacts on existing or projected salmon stocks, their habitat, or food sources which may be associated with project implementation. In the planning phase of proposed projects, sufficient lead time should be provided for concerned resource agencies to properly evaluate impacts on natural habitats which may be associated with project implementation.

8. The U.S. Soil Conservation Service, U.S. Forest Service, and other concerned Federal and State agencies should evaluate present agricultural and forestry practices to develop standards for best management practices to prevent further degradation of salmon habitat by non-point source pollution. All options including vegetated buffer strips should be considered in agricultural and forested areas adjacent to salmon spawning or nursery areas to minimize pesticide, herbicide, fertilizer, and sediment loads to those areas important for salmon survival.

9. Agencies involved in permits to alter aquatic or benthic habitat for any Atlantic salmon life stage should consider the economic value of the salmon resource. The Council reserves the right, mandated under the MFCMA, to comment on a proposed action and to receive a detailed written response addressing all concerns.

PART 4. DESCRIPTION OF THE FISHERY

§ 4.1 Domestic Commercial and Recreational Fishery

§ 4.1.1 History of Exploitation There are few data to document the history of Atlantic salmon exploitation in US waters. Information is most often anecdotal and speculative. The most complete accounts of historic salmon catches are from Maine, where self-sustaining salmon populations were once found in at least 34 rivers and streams along the coast (Beland, 1984a). As industrialization and urban development accelerated in the Northeast, salmon habitat was degraded, destroyed or made inaccessible through the construction of dams. By 1865, the salmon runs of southern New England had been eliminated and commercial fishing was profitable only in rivers of Maine from the Penobscot to the Canadian border (USFWS, 1984). Historic accounts of salmon fisheries for some of the major river systems will be discussed.

Penobscot River, ME: The Penobscot River once supported a productive commercial fishery for Atlantic salmon, accounting for most of the documented catches in the commercial fishery in Maine (Figure 4.1). It is reasonable to believe that the decline of the Penobscot fishery is representative of all other New England rivers (Beland, 1984a). Much of the harvest came from pound nets, of which there were nearly 200 in the estuary during 1872 (Stolte, 1981). The commercial fishery on the Penobscot River peaked in 1888 with a harvest of over 200,000 pounds (Beland, 1984a). Thereafter, the fishery declined rapidly. In 1948, the last year in which commercial salmon fishing was permitted, the catch in the Penobscot River was 40 fish. Inadequate fish passage was probably the major factor contributing to the demise of the Penobscot's salmon resource (Baum, 1983).

Prior to the 1880's the sport fishery for Atlantic salmon in New England was inconsequential. The first recorded recreational catch of salmon in New England was from the Bangor salmon pool in the Penobscot River in 1882. The recreational fishery developed rapidly and landings peaked in 1926 with a recorded catch of 354 salmon (Beland, 1984a). Historic angler catches for the Penobscot River by 10-year periods are presented in Table 4.1.

Sheepscoot River, ME: Although not well documented, available information indicates that Atlantic salmon were once an abundant resource in the Sheepscoot River. By the late 1800's, dams had obstructed upstream passage and salmon runs were severely depleted. Unpublished field notes from the 1870's state that nets and traps on the Sheepscoot River caught 12 or 15 salmon - "a much larger number than usual." This decline continued, and by the late 1940's, salmon were nonexistent in the Sheepscoot River (Meister, 1982).

Machias River, ME: Historic information on the Atlantic salmon fishery in the Machias River is also scarce. Unpublished field notes from the 1870's suggest that salmon were once abundant, reporting that dipnet fishermen caught up to 60 salmon per day. Most likely, these salmon were also subject to commercial harvest by weirs and gillnets operating at the mouth of the river (Fletcher et al, 1982).

No information is available on recreational fisheries for Atlantic salmon in the Machias River prior to early restoration efforts. Since the early 1950's, the river has supported an active sport fishery for Atlantic salmon.

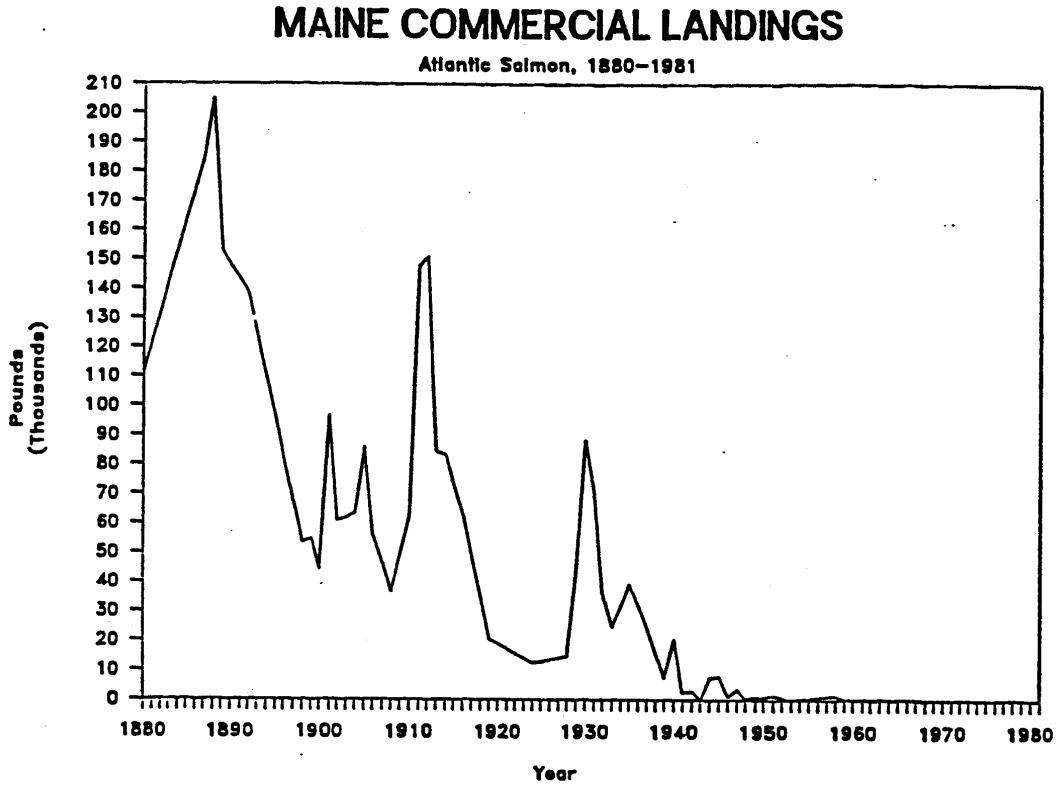


Figure 4.1 Maine commercial Atlantic salmon landings, 1880-1981

Source: Beland (1984a)

PART 5. FISHERY MANAGEMENT PROGRAM

§ 5.1 Identification and Analysis of Alternative Management Programs

§ 5.1.1 Option 1: The "No Action" Alternative This alternative action implies maintaining the status quo with respect to US management authority over Atlantic salmon of domestic origin. Thus, any Atlantic salmon of domestic origin which may exist within the 3-12 mile zone off the US coast and any fishery in that zone supported by such a resource would continue to be excluded from the specific management authority of the Federal government.

Although there are no regulations which specifically prohibit a directed commercial fishery for Atlantic salmon in the 3-12 mile zone off the US coast, there is no evidence that significant commercial catches, directed or incidental, occur within the zone which might constitute a threat to the continuing stock restoration efforts in New England. A preliminary evaluation of the magnitude of illegal catches of Atlantic salmon (ie., poaching) was unable to reach a definitive conclusion but it was felt that most poaching probably occurs within the river systems. The available by-catch statistics (which may include salmon actually taken by poachers) suggests catches of only about 2% of the Atlantic salmon which return to US waters after one or more winters at sea (Anon, 1986).

The States prohibit a directed commercial fishery for Atlantic salmon in the territorial sea complementing a similar prohibition on the high seas (beyond 12 miles from the US coastline) which is in effect under the auspices of NASCO. Recreational fisheries for Atlantic salmon are regulated by the States, utilizing fishing seasons, closed areas, minimum fish sizes, allowable gear, and bag limits (see Appendix B for a compendium of state regulations).

The apparent lack of a significant fishery for Atlantic salmon in near-shore waters of the US may be due to the current relative scarcity of salmon as compared to alternative marine species, coupled with the migratory habits of the fish which tend to limit their temporal availability to fishing activity in the near-shore marine environment. Atlantic salmon are transients in the 3-12 mile zone, first as postsmolts on their first migration to distant Arctic feeding grounds, and later as mature fish on spawning migrations to natal rivers. As indicated in Table 5.1, and depicted in Figure 5.1, returning mature fish on their spawning migrations begin to enter the natal rivers in late spring, quickly reaching their highest concentrations in the river systems within one to two months. Although all returning fish may begin to arrive in the coast-wide near-shore environment at about the same time, the evidence indicates that the major runs in the river systems occur earlier (later) in the more southerly (northerly) areas. For example, as shown in Figure 5.1, peak occurrence of Atlantic salmon in the Connecticut River is in late May whereas in excess of 80% of the run in the Penobscot River occurs during June and July. The Merrimack River may be intermediate, though the run resembles that of the Penobscot.

With continuation of the stock restoration programs which have been underway in 18 river systems in the Northeast, spawning runs of adult Atlantic salmon are expected to increase nearly eight-fold from the 1984 level of about 7,000 fish to nearly 54,000 fish over a 25-year planning horizon (USFWS, 1984).

Whereas, the current abundance of US stocks of Atlantic salmon may potentially stimulate only very speculative directed commercial fishing effort, arguably the projected increased populations, when concentrated spatially and temporally during spawning runs off the mouths of the natal rivers, may represent an attractive alternative during periods of scarcity of other species. Thus, the continued absence of explicit management authority in the 3-12 mile zone may potentially encourage the development of an interception fishery within the zone.

§ 5.1.2 Option 2: Establish Management Program Under Inter-State Compact This alternative would codify management authority for the US Atlantic salmon resource within the jurisdiction of the States as an interstate compact, possibly under the auspices of the Atlantic States Marine Fisheries Commission (ASMFC). This sort of arrangement between the states of Maine, New Hampshire, Massachusetts, and Rhode Island is currently being used for management of the Western Gulf of Maine sea herring resource. With such a vehicle, US Atlantic salmon in waters beyond the territorial sea could be made subject to state laws and regulations governing landings, while the Council's role would be to encourage regional cooperation and uniformity. This alternative would obviate the necessity for preparation of an FMP at this time while preserving that option for possible future Council action.

The major weakness of this option is that a prohibition on possession of Atlantic salmon in the 3-12 mile zone would probably exceed the authority of any regulation promulgated by the states. Thus, it is likely that the intent of an interstate compact could be circumvented through the landing of commercial catches of Atlantic salmon in states not made a party to the compact or through over-the-side sales to processors. Whereas this may not necessarily constitute a credible possibility at current levels of stock abundance (commercial ventures specifically targeting Atlantic salmon may not be economically feasible at the present time), any commercial catch of salmon may pose a threat to the restoration efforts. Moreover, any such fishing activity could be expected to be intensified in the future, provided that the restoration programs begin to achieve the desired results. Thus, the long-term goals of stock restoration could be seriously compromised.

Finally, this option could hardly be viewed as a credible management program to control the domestic harvest of salmon of US origin. Article 9 of the NASCO Charter states that in exercising their function to propose regulatory measures for control of salmon fisheries of one member nation on fish originating from another member nation, the three Commissions of NASCO shall take into account (among other factors): "the efforts of States of origin to implement and enforce measures for the conservation, restoration, enhancement and rational management of salmon stocks in their rivers and areas of fisheries jurisdiction". (for further information on the NASCO Treaty, see Appendix C) Therefore, the US must demonstrate its serious intent to curtail domestic harvests in furtherance of the stock restoration programs if it wishes favorable consideration of initiatives placed before NASCO addressing the interception fisheries.

§ 5.1.3 Option 3: Establish Federal Management Program (Preferred Alternative) Specifically, it is recommended that there shall not be a commercial fishery for Atlantic salmon, directed or incidental, in Federal waters (3-200 miles) and that the possession of Atlantic salmon from Federal

waters shall be prohibited. It is intended that the Federal management program for Atlantic salmon within the EEZ shall complement the management regime under NASCO and the management programs of the States.

The establishment of a Federal regulatory regime for Atlantic salmon in the waters contiguous to the territorial sea will support the States' management efforts and close an existing loop hole. All of the New England states (Maine through Connecticut) and New York prohibit directed fishing for sea run Atlantic salmon with net gear in inland waters and the territorial sea.

Massachusetts and New Hampshire have for a number of years managed a stocking program for coho salmon (*Oncorhynchus kisutch*) and other sea-run salmonids as a means of providing additional opportunities to recreational rod and reel fishermen in the rivers of both states. Most of the Massachusetts effort has been towards coho stocking in and near the North River. The sportfish catch in 1985 reached a confirmed catch of 632 coho salmon, nearly all of which were taken in the North River with a few taken in adjacent coastal waters (Personal communication, D.E. Pierce, 1986). These stocking programs affect only inland and near-coastal waters and are not expected to be impacted by management action in the area beyond 3 miles from shore.

The Atlantic salmon stock restoration programs in New England have begun to achieve significant increases in the number of fish returning to natal rivers to spawn. With continued success of these programs, however, the potential exists for the premature development of a commercial fishery, particularly during circumstances of reduced abundance of traditional commercial species of fish. This development, which has the potential to defeat the very substantial long-term investment embodied in the stock restoration programs, may be avoided through establishment of a management program in the US Exclusive Economic Zone (3-200 miles).

Currently, there is no directed commercial fishery for Atlantic salmon (although small by-catches have been recorded). With the prohibition under NASCO of a directed fishery on the high seas (beyond 12 miles), the only portion of the US Exclusive Economic Zone that a directed fishery is not explicitly prohibited is in the 3-12 mile area. The lack of significant historic commercial landings of Atlantic salmon indicates the absence of a significant legitimate historic interest in prosecuting a commercial fishery. Thus, the likelihood that the preferred alternative may impact any existing legitimate commercial fishing activity is remote.

The preferred alternative (Option 3) will have less than a \$100 million annual effect on the economy (\$100.1 million in estimated benefits are spread over a 50 year period). It will not lead to an increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographic regions because U.S. harvested Atlantic salmon is not commercially available at this time. Potential U.S. harvests of Atlantic salmon would be so small relative to other salmon supplies, that they would probably have no impact on salmon prices. This management measure is not expected to impose additional costs on Federal, state, or local government agencies or geographic regions.

Impacts of the FMP relative to the Regulatory Flexibility Act and the Paperwork Reduction Act of 1980:

The proposed action is not expected to have a significant effect on small entities in relation to the Regulatory Flexibility Act. There are no directed commercial fishing operations for Atlantic salmon and the annual incidental catch of Atlantic salmon by commercial fishermen is less than 300 pounds. The proposed measure is expected to have positive benefits of \$100.1 million for recreational fishermen and the recreational fishing industry.

There will be no new paperwork or record-keeping requirements under the proposed management plan.

§ 5.4 Consistency With National Standards, Other Management Programs, and Institutions

National Standards

1. Conservation and management measures shall prevent overfishing while achieving, on a continuous basis, the optimum yield from each fishery.

In view of the currently very limited population size of US salmon stocks, it is necessary to maintain strict conservation of adult salmon for broodstock to utilize 100% of available spawning habitat so as to meet the long-term objectives for stock restoration. As a consequence, MSY has been determined to be zero; optimum yield is also zero and overfishing is thereby avoided.

2. Conservation and management measures shall be based upon the best scientific information available.

The best and most recent scientific information available to the Council has been utilized in the preparation of this FMP. The management program does not require any new mechanisms for data collection or recordkeeping beyond that which is already in place as part of the regional data collection program.

3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The management unit of this FMP is the entire range of US stocks of Atlantic salmon except as they may be found within the jurisdiction of foreign nations, as recognized by the US.

4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

This FMP does not discriminate between residents of any state nor does it propose any allocations of fishing privileges.

5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of the fishery resources; except that no such measure shall have economic allocation as its sole purpose.

The proposed management program represents the most efficient utilization of the resource in light of the current very low size of the stocks. A uniform prohibition on directed or incidental catches of Atlantic salmon from the EEZ is needed to assure 100% utilization of the available spawning habitat for attainment of the stock restoration goals. No measures have been proposed which have economic allocation as their sole purpose.

6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The Council believes that wise use of the Atlantic salmon resource for the foreseeable future is embodied in the management program which complements the State/Federal restoration program and conservation and management of North Atlantic salmon under NASCO. Therefore, this FMP takes into account variations and contingencies to the extent that such are addressed by these other bodies.

7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

This FMP does not propose any measures which are inconsistent with state regulations or which conflict with US interests before NASCO. The purpose of the management program is to complement, without duplication, the management programs of the states and of the North Atlantic Salmon Conservation Organization.

Other Fishery Management Plans

Fisheries in the area covered by this plan which are currently under regulation by other FMPs include Northeast Multi-Species, Squid/Mackerel/Butterfish, American Lobster, Surf Clam/Ocean Quahog, and Atlantic Sea Scallops. In addition, the Secretary of Commerce has established Preliminary Management Plans (PMP) for red and silver hake and for finfish caught incidental to the trawl fisheries of the NW Atlantic. Fishermen operating in any of these other fisheries may be subject to the provisions of this plan to the extent that their activities may result in capture of Atlantic salmon.

PART 8. RESPONSE TO PUBLIC COMMENTS

All comments on the draft Atlantic Salmon FMP received from the public have been favorable. In particular, there has been unanimous support for Option 3, to establish a Federal management program for Atlantic salmon (the preferred alternative). The specific comments received at the public hearing held on September 24, 1987 at the Ramada Hotel in East Boston were as follows:

Mr. Lester Smith stated that, as a member of the New England Fishery Management Council and as a representative of the National Coalition for Marine Conservation and the National Wildlife Federation, he supported the draft FMP and, in particular, Option 3 (the Preferred Alternative).

Mr. Robert Jones stated for the record that the FMP, with Option 3, has the support of the State of Connecticut and of the Connecticut River Atlantic Salmon Commission.

Mr. Steven Parry stated that the U.S. Fish and Wildlife Service supports Option 3. He noted that the Plan serves to unite management efforts by the States and the USFWS as well as the Federal involvement in NASCO. He recommended that the New England Fishery Management Council adopt the FMP.

Mr. Charles Thoits stated that the New Hampshire Department of Fish and Game supports the Plan and Option 3.

Mr. Arthur Neill, from the Northeast Fisheries Center, stated that the National Marine Fisheries Service supports the FMP and Option 3.

In addition to the oral comments received at the public hearing, written comments received include letters from the following:

Mr. Richard A. Buck, Chairman of Restoration of Atlantic Salmon in America, Inc. and one of the U.S. Commissioners to NASCO has expressed approval of the draft FMP.

Mr. Henry Lyman, of the Atlantic Salmon Federation and member of the U.S. Section to NASCO, and Mr. William D. Hubbard, Executive Committee Chairman of Friends of the Merrimack and member of the U.S. Section to NASCO, both express support for the FMP and urge adoption of Option 3.

Mr. David F. Egan, President of the Connecticut River Salmon Association and member of the U.S. Section to NASCO, has advised that the Association fully supports Option 3 of the FMP.

Mr. Howard N. Larsen, Regional Director of the U.S. Fish and Wildlife Service and a member of the U.S. Section to NASCO, indicates that the USFWS supports the draft FMP and the preferred alternative to establish Federal management authority over U.S. Atlantic salmon in the EEZ (Option 3).

Copies of written comments received are attached to this document.

Salt Water SPORTSMAN

NEW ENGLAND FISHERY...
SEP 25 1987
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186 Lincoln Street, Boston, MA 02111 (617) 426-4074

September 22, 1987.

Mr. Douglas G. Marshall, Executive Director
 New England Fishery Management Council
 Suntaug Office Park
 5 Broadway (Route 1)
 Saugus, MA 01906

Dear Doug:

For the record, in my capacity as a Director and Executive Committee member of the Atlantic Salmon Federation, this letter is to support strongly the draft Fishery Management Plan for Atlantic Salmon as prepared by the New England Fishery Management Council. The draft is a good job well done.

Unfortunately I am unable to attend the public hearing on the draft, but my presence really is not needed since I have been following this project since its inception as you know.

If you have not done so already, I would appreciate it if you would send a copy of the draft and summary to:

Dr. Wilfred M. Carter, Executive Director
 Atlantic Salmon Federation
 P.O. Box 429
 St. Andrews, N.B.
 Canada E0G 2X0

Thanks, and all the best.

Cordially,

Henry Lyman
 Publisher Emeritus

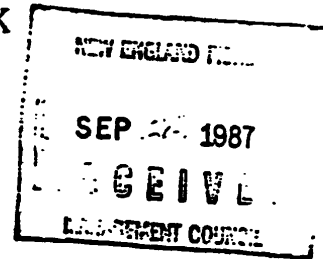
HL/ck

October 1987

FRIENDS OF THE MERRIMACK

Post Office Box 236
Hooksett, New Hampshire 03106

September 22, 1987

Mr. Douglas G. Marshall, Exec. Director
N.E. Fishery Management Council
5 Broadway, Suntaug Office Park
Saugus, Mass., 01906

Re: Atlantic Salmon fishery Management Plan

Dear Mr. Marshall:

We welcome this opportunity to comment on the Atlantic Salmon Fishery Management Plan (FMP). We are responding to your recent solicitation of comments from Merrimack Atlantic Salmon Association; one of our affiliates. Please correct your mailing list to show the latter's address as P.O. Box 236, Hooksett, N.H., 03106.

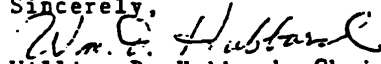
Friends Of The Merrimack is a coalition of environmental and sportsmens organizations and individuals from the Merrimack Valley in Massachusetts and New Hampshire. One of our foremost goals is support for the ongoing cooperative federal-state effort to restore Atlantic salmon to the Merrimack river system.

On behalf of our affiliates, we wish to urge adoption of Option 3 of the plans now under review and assessment. That is establishment of a Federal Management Program for Atlantic salmon stocks occurring and traversing the waters from 3-12 miles off the continental United States. It is imperative that a management plan (FMP) be established for those waters not now under the jurisdiction of either the coastal states (within the 3 mile limit or by NASCO on the high seas (beyond 12 miles)).

The coastal states are engaged, in cooperation with the federal government in an imaginative and popular restoration of Atlantic salmon to New England's rivers. NASCO, in its brief life as a high seas Atlantic salmon conservation treaty organization, has made great strides in conserving salmon stocks in both eastern and western Atlantic waters. It is inexcusable that the United States and the coastal states should continue to ignore the potential for exploitation of these stocks while in the waters 3-12 miles from our coastline. Not only will a continuance of the status quo peril the salmon in those waters; it will inevitably lead to a delay in successful restoration within our coastal rivers.

We thank you for this opportunity to comment on the FMP and again urge adoption and implementation of the Federal Management Program.

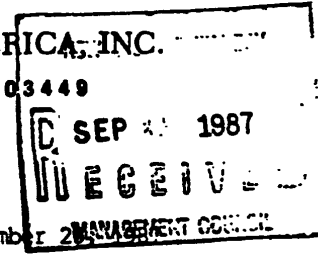
Sincerely,


William D. Hubbard, Chairman
Executive Committee
Take Pride In The Merrimack

RESTORATION OF ATLANTIC SALMON IN AMERICA, INC.

BOX 164, HANCOCK, NEW HAMPSHIRE 03449

TELEPHONE: 603-563-8051



September 24, 1987

BOARD OF DIRECTORS
RICHARD A. BUCK, Chairman
MARSHALL FIELD, Treasurer
R. ALLEN KEYWORTH
ERNEST W. MACK
ROYALL VICTOR

Mr. Douglas G. Marshall, Executive Director
New England Fishery Management Council
Suntaug Office Park
5 Broadway (Route 1)
Saugus, Massachusetts 01906

Dear Mr. Marshall:

COORDINATING COMMITTEE
PAUL O. BOFINGER
ROBERT A. BRYAN
DAVID CLARKE
WALTER L. DICKSON
DAVID P. EGAN
DAVID GOULET
GUY LEE GRANT
ROBERT L. HERBST
THOMAS P. PERC
LOU ROSS
MARTIN M. SELDON
JANE P. SMITH
PATRICK W. WILLS

Our organization is writing to inform the New England Fishery Management Council of its approval of the draft Atlantic Salmon Fishery Management Plan, the draft Environmental Assessment and draft Regulatory Impact Review.

We also approve of the regulations to implement the Fishery Management Plan.

Sincerely,

Richard A. Buck

Richard A. Buck
Chairman

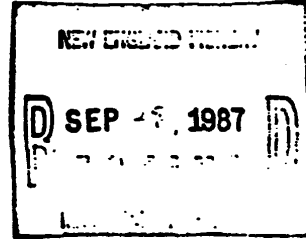
SPECIAL PROJECTS
CHARLES E. FERREE JR.
Director

lgk

SPECIAL ADVISERS
CONRAD CHAPMAN
JACK W. HANKS
ANTHONY NETBOY
NATHANIEL P. REED
PETER V. STON
PETER THOMPSON
TED W. WAYS

The Connecticut River
Salmon Association

September 25, 1987




Mr. Douglas G. Marshall
Executive Director
New England Fishery Management Council
Suntaug Office Park
5 Broadway
Saugus, MA 01906

Dear Mr. Marshall:

Please be advised that The Connecticut River Salmon Association fully supports the creation of a federal management program (option 3) within the three to twelve mile zone of U.S. coastal waters.

Very truly yours,

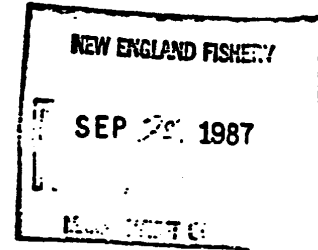

David F. Egan
Attorney at Law
President

DFE/c



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ONE GATEWAY CENTER, SUITE 700
NEWTON CORNER, MASSACHUSETTS 02158



SEP 24 1987

Mr. Douglas C. Marshall, Executive Director
New England Fishery Management Council
Suntaug Office Park
5 Broadway (Route 1)
Saugus, Massachusetts 01906

Dear Doug:

The U.S. Fish and Wildlife Service supports the New England Fishery Management Council's Draft Atlantic Salmon Fishery Management Plan (FMP) and its preferred alternative to establish a Federal management program for U.S. Atlantic salmon in the Exclusive Economic Zone (EEZ).

This plan promotes the conservation and enhancement of Atlantic salmon between three and twelve miles off shore, thereby uniting the management efforts of the States and Federal government, under the North Atlantic Salmon Conservation Organization (NASCO). Joint Atlantic salmon restoration efforts between the States and Fish and Wildlife Service are planned or currently underway in 14 river systems in New England.

The draft plan specifically prohibits any commercial fishing for Atlantic salmon, directed or incidental, and any possession from Federal waters (3-12 miles). Such a restriction will not impact commercial or recreational fishing since no directed commercial operations for Atlantic salmon are known to exist and State prohibitions already exist on recreational catches in coastal waters. These restrictions will support the Atlantic salmon restoration program because all salmon returning to their natal rivers are needed to begin using all available spawning habitat.

Sincerely yours,

Regional Director



Habitat-Ecosystem Workshop
Mid-Atlantic Fishery Management Council
Virginia Beach, VA
December 13-14, 2010



Goal: Identify projects and opportunities for the Mid-Atlantic Fishery Management Council (MAFMC) to utilize the latest habitat and ecosystem science, policy, and management to provide healthy Mid-Atlantic fisheries. Establish and strengthen partnerships to extend these benefits to other mid-Atlantic activities with shared interests, beginning with NOAA, other federal and state agencies, environmental and industry NGOs, and constituents.

Objective: Coastal and marine resources and the habitats that support them are important to many groups in the mid-Atlantic region for a variety of reasons. The Council plans to use its specific role in the fishery management process to forge broader discussions about coastal and marine ecosystems, current and projected human activities, and the full array of resource management approaches and tools available to improve habitat and ecosystem health in the mid-Atlantic. The Council wishes to use its role in fishery management to engage in broader discussions related to new policy (the President's National Ocean Policy), broader perspectives (ecosystem approaches based on regional priorities), new tools (coastal and marine spatial planning, integrated ecosystem assessments), and new partnerships (related to ocean energy, offshore aquaculture, or others). The workshop will use these discussions to identify projects and advance our collective efforts to enhance, protect, and restore habitat and ecosystems.

Organizers: The MAFMC has worked with the NMFS Northeast Region, NMFS Office of Habitat Conservation, and NMFS Office of Science and Technology to plan this workshop.

Participants: MAFMC, Atlantic States Marine Fisheries Commission, New England and South Atlantic Fishery Management Councils, states, regional governance bodies (governors' regional association, MARCO), fishing industry, environmental groups, NOAA, and the public.

Format: This one and a half day event will feature more than 20 presentations grouped by panels to generate discussion. Each panel is designed to identify the roles of individual attendees, beginning with introductory talks followed by technical presentations and discussion.

Outcome: The primary outcome of this workshop will be to identify proposed projects and actions to incorporate habitat science, ecosystem-based fishery management, coastal and marine spatial planning, and related efforts into fishery science to provide healthy fisheries. The broad agenda and diverse attendance will benefit others with parallel objectives. Each presentation will be summarized in a workshop report to be published as a NOAA Technical Memo. Each speaker will be encouraged to identify what they see as the next steps in developing possible proposals and projects with Council involvement. Also, each panel discussion will identify next steps for short- and long-term accomplishments. Finally, this interactive workshop will serve to stimulate other regional discussions related to Council involvement in issues related to mid-Atlantic marine ecosystems.

RSVP: Due to room seating constraints, **please RSVP** if you plan to attend this workshop: Jan Saunders (302) 526-5251 or jsaunders@mafmc.org.

Habitat-Ecosystem Workshop Agenda
Mid-Atlantic Fishery Management Council
Virginia Beach, VA
December 13-14, 2010

Monday, December 13, 2010

- 1:00 pm Welcome and Introductory remarks – **Gene Kray** (Chair, Mid-Atlantic Fisheries Management Council/Ecosystem and Ocean Planning Committee)
- 1:05 pm **Jennifer Lukens** and/or **Jessica Kondel** – (NOAA Coastal and Marine Spatial Planning Program) *Implementing the President's National Ocean Policy*
- 1:35 pm *Policy/Management Panel*
- Pat Montanio** (Director, NOAA/NMFS Office of Habitat Conservation) *Connecting opportunities in the mid-Atlantic*
Tom Bigford (Chief, NOAA/NMFS/Office of Habitat Conservation/Habitat Protection Division) *This mid-Atlantic effort in a national perspective*
Pete Colosi (Assistant Regional Administrator, NOAA/NMFS/Northeast Regional Office/Habitat Conservation Division) – *Habitat priorities and opportunities from a NMFS regional program*
Fan Tsao (Deep Coral Program Specialist, NOAA/NMFS/Office of Habitat Conservation/Habitat Protection Division) *Deep-sea corals and sponges as species of special concern*
- 3:10 pm Break
- 3:30 pm *Policy/Management Panel – cont.*
John Catena (Northeast Regional Supervisor, NOAA/NMFS/Office of Habitat Conservation/Restoration Center) *Habitat restoration interests in the mid-Atlantic*
Lauren Wenzel (National MPA System Coordinator, NOAA/NOS/Marine Protected Areas Center) *Supporting habitat and ecosystem priorities through the National System of MPAs*
Reed Bohne (North Atlantic Regional Manager, NOAA/NOS Office of National Marine Sanctuaries) *Considering mid-Atlantic sites for sanctuary nomination*
Elaine Vaudreuil (Manager, NOAA/NOS/Office of Ocean and Coastal Resource Management, Coastal and Estuarine Land Conservation Program) *Connecting state coastal land conservation priorities with fishery habitat conservation priorities*
- 5:15 pm *Policy/Management Panel – Discussion with Council* – **Joe Nohner** (NOAA/NMFS Office of Science & Technology/Assessment and Management Division) and **Tom Hoff** (Mid-Atlantic Fishery Management Council), rapporteurs
- 6:00 pm Adjourn

Tuesday, December 14, 2010

- 8:00 am NMFS Habitat Assessment Improvement Plan (HAIP) – **Tom Noji** (Director, NOAA/NMFS NEFSC Sandy Hook Lab, NJ)
- 8:45 am *Science Panel*
Ned Cyr (Director, NOAA/NMFS/Office of Science & Technology) *NMFS science in support of new management initiatives: perspectives from headquarters*
Mike Fogarty (NOAA/NMFS/NEFSC/Ecosystem Division) *Spatial considerations for ecosystem-based management on the northeast continental shelf*
Peyton Robertson (Director, NOAA/NMFS/Office of Habitat Conservation/Chesapeake Bay Office) *Strengthening science to improve habitat protection and restoration in Chesapeake Bay*
- 10:00 am Break
- 10:20 am *Science Panel – cont.*
Tom Noji (NOAA/NMFS NEFSC/Sandy Hook Lab) *Habitat science to support mid-Atlantic fisheries management*
John Manderson (NMFS NEFSC/Sandy Hook Lab) *What makes some parts of the ocean sticky to fish? Applications of IOOS to habitat science and regional scale ecosystem management*
- 11:10 am *Science Panel – Discussion with Council* – **Dave Packer** (NOAA/NMFS NEFSC Sandy Hook Lab) and **Tom Hoff** (Mid-Atlantic Fishery Management Council), rapporteurs
- 12:00 pm Lunch
- 1:00 pm **Mike Snyder** (New York Department of State) *Perspectives from the Mid-Atlantic Regional Council on the Oceans (MARCO)*
- 1:30 pm *Stakeholder panel*
Jason Link (NOAA/NMFS NEFSC; Member, Mid-Atlantic Fishery Management Council/Science and Statistical Committee) *Start by doing what's necessary; then do what's possible; and suddenly you are doing the impossible (Francis of Assisi)*
Monty Hawkins (Charter Boat Captain) *Discovering reef: Possibilities of accelerated and permanent reef-fish restoration*
Greg Di Domenico (Executive Director, Garden State Seafood Association) *Regulatory requirements that exceed our knowledge of the ocean environment and the impact on the public*
Jay Odell (The Nature Conservancy/Mid-Atlantic Regional Program) *Preparation meets opportunity for mid-Atlantic habitat conservation*
Wilson Laney and **Patrick Campfield** (representing Habitat Committee, Atlantic States Marine Fisheries Commission) *Atlantic States Marine Fisheries Commission ecosystem habitat programs and collaboration opportunities*
- 3:10 pm Break

Tuesday, December 14, 2010, cont.

3:30 pm *Stakeholder panel – cont.*

Chris Kellogg (Deputy Director, New England Fishery Management Council) *NEFMC progress and plans to address essential fish habitat protection requirements and ecosystem-based fishery management*

Wilson Laney (DOI/Fish and Wildlife Service, South Atlantic Fisheries Coordination Office) *South Atlantic Fishery Management Council ecosystem habitat programs and collaboration opportunities*

4:10 pm *Stakeholder Panel – Discussion with Council – **Jim Armstrong** and **Tom Hoff** (Mid-Atlantic Fishery Management Council) – rapporteurs*

5:00 pm Wrap-up discussion – **John Boreman** (Chair, Mid-Atlantic Fishery Management Council/Science and Statistical Committee), **Dave Wallace** (Wallace & Associates), and **Rick Robins** (Chair, Mid-Atlantic Fishery Management Council)

5:45 pm Adjourn

Workshop Steering Committee:

Tom Hoff	Mid-Atlantic Fishery Management Council Staff
Gene Kray	Mid-Atlantic Fishery Management Council Member
Pete Colosi	NOAA/NMFS Northeast Regional Office
Tom Bigford	NOAA/NMFS HQ Habitat Conservation Office
Kirsten Larsen	NOAA/NMFS HQ Science and Technology Office
Joe Nohner	NOAA/NMFS HQ Science and Technology Office

Saunders, Jan

From: Dr. Larry Robinson <Announcement@noaa.gov>
Sent: Wednesday, November 24, 2010 2:22 PM
Subject: Message from the Assistant Secretary — NOAA Coastal and Marine Spatial Planning Program and Regional Leads



Message from the Assistant Secretary CONSERVATION & MANAGEMENT

November 24, 2010

Announcing NOAA Coastal and Marine Spatial Planning Program and Regional Leads

On behalf of the NOAA Ocean and Coastal Council (NOC-C), I would like to announce the selection of the following detail assignments for NOAA's new Coastal and Marine Spatial Planning (CMSP) Program.

Acting Program Director: **Jennifer Lukens**
Acting Senior Scientist: **Dr. Charles Wahle**
Acting Regional Coordinator: **Jessica Kondel**

We welcome Jennifer, Charlie and Jessica as they stand up NOAA's CMSP Program. They will help to ensure NOAA's continued leadership role in CMSP by coordinating agency-wide implementation of the CMSP Framework. The NOAA-wide CMSP Program will be housed in the National Ocean Service and will receive high level policy guidance and strategic direction from the NOC-C. Designed over the past year by a NOAA team and approved by the NOC-C, the new CMSP Program embodies an agency-wide collaboration that reflects the cross-cutting nature of CMSP itself. While formal establishment of the CMSP Program will not take place until FY2011 appropriations are realized, the acting CMSP team will work collectively to help build the critical foundation needed now.

I would also like to announce the selection of the following individuals to serve as NOAA Regional Coastal and Marine Spatial Planning (CMSP) Leads. These individuals will represent NOAA on the nine CMSP Regional Planning Bodies described in the Interagency Ocean Policy Task Force Final Recommendations and will participate in NOAA's new CMSP Program.

Alaska/Arctic Region: **Doug Demaster**
Great Lakes Region: **Jennifer Day**
Gulf of Mexico Region: **Buck Sutter**
Northeast Region: **Betsy Nicholson**
Pacific Islands Region: **Michael Tosatto**
Mid-Atlantic Region: **Thomas Bigford**
Southeast Region: **Virginia Fay**
Caribbean Region: **Billy Causey**
West Coast Region: **Crescent Moegling**

To ensure an integrated NOAA approach to our CMSP implementation, these Regional CMSP Leads will coordinate closely with their Regional Collaboration Teams so that we may best utilize the expertise of NOAA staff throughout the regions.

NOAA's successful leadership in comprehensive CMSP will require an unprecedented level of integration and cooperation across Line and Program Offices, coordination with other members of the federal family and effective engagement of our external partners. Please join me in thanking these individuals for making this commitment. I would also like to thank the NOAA Regional Collaboration Teams for working to provide nominations to the NOC-C Executive Committee for review and consideration.

Background

On July 19, 2010, President Obama adopted the first National Ocean Policy for the United States and the Final Recommendations of the Interagency Ocean Policy Task Force. Implemented by Executive Order 13547, this historic policy directive establishes nine national goals that, together, ensure that America's oceans remain healthy, productive and secure for this and future generations. Central to this endeavor is a shift from single-sector/single-species management toward comprehensive CMSP. CMSP provides an objective, science-based, and transparent way for society to determine how specific areas of the ocean are to be used and conserved on a region scale. CMSP transcends traditional sectors, jurisdictions, geographies and constituencies by taking a holistic approach to comprehensive planning and management.

NOAA's Role in CMSP

Being both regional and comprehensive in scope, CMSP represents a new way of doing business in our oceans. NOAA's broad mandates and capabilities will make a significant contribution to the successful implementation of the national CMSP Framework. NOAA will: provide technical and policy leadership among the federal agencies through the new NOC; implement a variety of existing spatial management and science programs; develop and apply state-of-the-art data, tools and strategies for creating and implementing regional CMS plans; and, collaborate with states, regional ocean governance organizations and other partners to craft comprehensive regional CMS plans throughout U.S. Great Lakes, oceans and coastal waters.

Dr. Larry Robinson
Assistant Secretary for Conservation & Management & Deputy Administrator

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This message was generated for the Assistant Secretary for Conservation and Management & Deputy Administrator
by the NOAA Information Technology Center/Financial and Administrative Computing Division

Habitat-Ecosystem Workshop

Presenters , Panelists, Participants ... in order of appearance as listed on the Workshop Agenda

Dr. **Gene Kray** has been on the MAFMC for eight years and has chaired the Ecosystems Committee (Now the Ecosystems and Ocean Planning Committee for much of that time). He is a retired teacher and Educational Administrator retiring from West Chester University, PA in 1995. He has been a recreational fisherman for sixty five years.

Jessica Kondel has worked for NOAA for over 10 years in various positions in California and the DC area, including serving as a NOAA Corps officer, Advisor to the Deputy Under Secretary for NOAA and Fisheries Management Specialist. Currently, Jessica is the Acting Regional Coordinator for NOAA's Coastal and Marine Spatial Planning (CMSP) Program and is responsible for assisting with the NOAA-wide implementation of the CMSP Framework. In her role as Regional Coordinator, she is responsible for coordinating NOAA's regional engagement with regional planning bodies and other partners to develop and ultimately implement Coastal and Marine Spatial plans.

A long term NOAA employee focused on environmental policy, **Pat Montanio** is currently the Director of the Office of Habitat Conservation in NOAA's National Marine Fisheries Service. She oversees the conservation, protection, and restoration of oceanic, coastal, estuarine, and riverine habitats vital to our nation's marine fisheries and coastal economies. Programs include Community Based Restoration, Open Rivers, Essential Fish Habitat, Deep Sea Coral, Wetlands Protection, Coral Conservation, and NOAA Chesapeake Bay Office. Previously, Pat held management positions in NOAA's Office of Response and Restoration and Office of Protected Resources. She holds a BS (Zoology) from the University of Maryland.

Thomas E. Bigford is Chief of the Habitat Protection Division in NOAA Fisheries Service headquarters in Silver Spring, Maryland. He directs marine, estuarine, and riverine programs to: manage the essential fish habitat program; assure fish passage for diadromous species at hydropower and water diversion projects; develop policy for traditional and alternative energy issues; implement wetland policies; streamline permitting and licensing reviews; coordinate policy and science associated with human activities affecting living marine resources; and manage the agency's coral program. He has 34 years of experience in research, management, and program direction including 3 years with EPA and 28 years with NOAA (19 years with NOAA headquarters and NOAA Fisheries Service headquarters, and 9 years with NOAA regional offices). He holds leadership positions with The Coastal Society and the American Fisheries Society. He has a B.Sc. in Fishery Biology from Michigan State University, a M.Sc. in Zoology/Marine Biology from the University of Rhode Island, and a Masters in Marine Affairs from the University of Rhode Island.

John Catena is the Northeast Regional Supervisor for the National Oceanic and Atmospheric Administration's (NOAA) Restoration Center based in Gloucester, MA. He is responsible for managing NOAA's habitat restoration programs throughout the Northeastern U.S. from Maine to Virginia and a

staff of 15 professional, technical staff. John has been involved in managing, planning, and overseeing habitat restoration projects for over 15 years. He specifically has experience in the conceptual design, planning, and monitoring of tidal wetland, shellfish, riverine, and anadromous fish restoration projects including fish passage and dam removal projects. John received his B.S. in Marine Science from the University of South Carolina in 1984 and an M.A. in Marine Affairs from the University of Rhode Island in 1987.

Lauren Wenzel has worked for the National Marine Protected Areas Center for seven years, and serves as the Coordinator for the National System of Marine Protected Areas. Prior to joining NOAA, she worked on Chesapeake Bay restoration issues for the Maryland Department of Natural Resources. She has a B.A. from Oberlin College and an M.S. in Natural Resources Policy and Management from the University of Michigan.

Reed Bohne is the Regional Director for the Northeast and Great Lakes region of NOAA's Office of National Marine Sanctuaries. He has worked for the sanctuary program for 25 years and prior to his current appointment was Superintendent of the Gray's Reef National Marine Sanctuary in Georgia. He received his BS from the College of William and Mary and MS from the University of Michigan.

Elaine Vaudreuil manages the Coastal and Estuarine Land Conservation Program with NOAA's Office of Ocean and Coastal Resource Management, and led the development of NOAA's guidelines for this program in 2002. For the past twelve years, she has also represented the Coastal Zone Management Program and National Estuarine Research Reserves in NOAA's strategic planning and budget formulation processes and other policy development under the Coastal Zone Management Act. Elaine received a Master of Regional Planning from the University of North Carolina at Chapel Hill, specializing in land use planning and coastal management, and a Bachelor's in urban and environmental planning from the University of Virginia.

John Nohner

Thomas Hoff, Senior Ecologist, has worked for the MAFMC for nearly 30 years. He has been responsible for or worked on each of the Council's FMPs and has been the lead for habitat and ecosystem efforts. Prior to working for the Council he spent 6 years with two environmental consulting firms working on the Hudson River. He has a BS (Zoology) and MS (Ecology) from Pennsylvania State University and his Ph.D. is from the University of Delaware in Marine Studies.

Tom Noji. After completing his B.A. in the USA, Dr. Noji conducted his graduate studies in Germany and received his Ph.D. in biological oceanography at the University of Kiel in 1987. Engaged as an oceanographic researcher at the University of Kiel in Germany and at the Institute of Marine Research in Bergen, Norway until 2001, he then moved back to the USA to work with the National Oceanic and Atmospheric Administration. For the last nine years he has been the Director of NOAA's James J. Howard Marine Sciences Laboratory in Sandy Hook, NJ, and the Chief of the Ecosystems Processes Division of the Northeast Fisheries Science Center. Dr. Noji serves on several international, national and regional advisory committees and has held graduate courses at Rutgers University on marine ecosystems research. His personal research has focused on oceanic plankton ecology; harmful algae blooms;

benthic-pelagic coupling; oceanic carbon pumps; marine biogeochemical cycles; marine contaminant transport; essential fish habitat; habitat mapping and classification; and effects of broad-scale hydrographic changes on ecosystem processes.

Ned Cyr is the Director of the NOAA Fisheries Office of Science and Technology. Dr. Cyr joined NOAA in 1992. He has served as an International Affairs Specialist with NOAA's Office of International Interests, a Fisheries Biologist with the NOAA Fisheries Office of Protected Resources, Head of the Ocean Science and Living Resources Program of the Intergovernmental Oceanographic Commission of UNESCO and Chief of the Marine Ecosystems Division in the Office of Science and Technology. His interests include fisheries oceanography, the effects of climate change on marine ecosystems, ecosystem approaches to fisheries management, the design and implementation of large-scale marine ecological observing systems, and international ocean science. Dr. Cyr was the Technical Secretary for the Living Marine Resources Panel of the Global Ocean Observing System, and coordinator of the NMFS Ecosystem Principles Advisory Panel. He received his Ph.D. in Marine Science from the University of South Carolina 1991 and his B.S. from the University of Notre Dame in 1985.

Michael Fogarty is the chief of the Ecosystem Assessment Program at the Northeast Fisheries Science Center in Woods Hole, MA where he has worked for 30 years. He received Masters and Ph.D. degrees from the University of Rhode Island. He has served on numerous national and international committees including the Global Ocean Observing System Steering Committee, the U.S. Global Ocean Ecosystem Dynamics Program Scientific Steering Committee (Chair 1997-2002), the Comparative Analysis of Marine Ecosystem Organization Scientific Board and the Scientific and Statistical Committees of the Mid-Atlantic (past) and New England (current) Fishery Management Councils.

Peyton Robertson. Peyton has been with NOAA for the past 18 years, working on nonpoint source pollution, monitoring needs, coastal management and ocean policy. In August 2007, he became the Director of the NOAA Chesapeake Bay Office (NCBO) in Annapolis, working to bring all of NOAA's capabilities to bear on the ecosystem management challenges of the Bay. NCBO provides state-of-the-art science, technical assistance and funding, and outreach and education to advance the restoration of the Chesapeake Bay ecosystem, increasing citizen stewardship throughout the watershed. Peyton has a BA in Environmental Science and a Masters in Urban and Environmental Planning from the University of Virginia.

John Manderson

Dave Packer

Mike Snyder

Jason Link has been a research fishery biologist for the NMFS Northeast Fisheries Science for almost 15 years. He has led the Food Web Dynamics Program for many of those years and has recently helped to form and transitioned to the Ecosystem Assessment Program. Prior to that he has worked on Gulf of Mexico and Laurentian Great Lakes fishery ecosystems. He is an adjunct professor at multiple regional universities and serves on and chairs several national and international working groups, review panels,

and committees dealing with fisheries ecosystem issues. He received his BS from CMU and his PhD from MTU.

Capt. Monty Hawkins is owner/operator of the party boat Morning Star, Ocean City, MD. He has 30 years of party boat fishing experience in the mid-Atlantic and is self-educated. Capt. Monty believes rebuilding the region's reef fisheries is not possible until the role of seafloor habitat, especially its holding capacity and importance to fishery production, is understood and incorporated into management. He is the author of a weekly Fish Report and has written extensively to the management community:

3/07 - Locations of Mid-Atlantic Bight Nearshore Corals and Associated Reef Communities.

12/05 – Suggestions for Revising Maryland's Tautog Management Plan: Biological Overview, Recreational Fishery, Commercial Fishery, Conflicts Caused by Current Regulation and Management Options.

11/05 - Suggested Species for Inclusion in Maryland's Coastal Regulations.

4/04 - A video, "Common Mid-Atlantic Seafloor Habitats."

3/04 - Maryland Artificial Reef Construction Overview: Estimation of Usage; Suggestions for Resolution of Conflicts; Research and Engineering Project Strategies.

1/01 - On the Recent Improvements of Live Bottom Habitats in the DelMarVa Region of the Mid-Atlantic Bight.

5/01 - A video, "Essential Fish Habitat in the Mid-Atlantic."

Greg DiDomenico

Jay Odell is the director of The Nature Conservancy's Mid-Atlantic Marine Program. He works with partners to advance efforts to restore and conserve living marine resources, seeking solutions that work for people and nature. Before his work with the Conservancy, Jay spent 13 years with the Washington State Department of Fish and Wildlife helping to lead stock assessments, harvest management, and intergovernmental relations with treaty tribes. Jay received a BS (biology) from Evergreen State College in 1986 and a MS (Wildlife and Fisheries Conservation) from the University of Massachusetts at Amherst in 2003.

Wilson Laney

Christopher Kellogg has worked for the NEFMC for nearly 30 years. He has been responsible for FMPs for groundfish, scallops, herring and lobster. Currently he is the NEFMC's Deputy Director and supervises its technical staff. Before joining the NEFMC staff, he worked as a resource economist with the Massachusetts Division of Marine Fisheries. He has an MA (Economics) from the University of Delaware and an MS (Finance) from Brandeis University.

James Armstrong has worked for the MAFMC for eight years. He is staff lead on the bluefish, spiny dogfish, and monkfish FMPs, is also a GIS analyst and manages the Council's website. Prior to working for the Council he worked for four years as a stock assessment scientist for the North Carolina Division of Marine Fisheries. He has a BS in Marine Biology from the University of North Carolina at Wilmington and an MS in Fisheries and Wildlife Science from North Carolina State University.

John Boreman is former director of the NMFS Northeast Fisheries Science Center and the NMFS Office of Science and Technology. Since retiring from the federal government in 2008 he has been a member of the faculty in the Department of Biology at North Carolina State University and an executive management consultant for natural resource agencies and organizations. He is also serving as 1st Vice President of the American Fisheries Society. He received his BS from the SUNY College of Environmental Science and Forestry, and has MS and PhD degrees from Cornell.

David H. Wallace is the proprietor of Wallace & Associates (W&A) a firm that has been dealing with fisheries issues for the last 30 years. David Wallace's experience prior to forming his current company includes the position of Chief Operating Officer of a large vertically integrated fishing and seafood processing company as well as owner and operator of specialized seafood harvesting and processing operations. Mr. Wallace is a current member of the Marine Fisheries Federal Advisory Committee, the Marine Protected Area Federal Advisory Committee, he is currently the Chair of the New England Fishery Management Council's Habitat, Ecosystem and Marine Protected Areas Advisory Panel and a member of that council's Skate Advisory Panel. David Wallace currently serves on the Mid Atlantic Fishery Management Council's Surfclam and Ocean Quahog Advisory Panel and has for many years. He also served on the council's Habitat Advisory Committee until it was disbanded. He is a member of the American Fisheries Society, the Society of Naval Architects and Marine Engineers.

Rick Robins was appointed to the MAFMC in 2007 and has served as Chairman since 2008. He has served as an Associate Commissioner with the Virginia Marine Resources Commission since 2004 and chairs the Commission's Crab Management Advisory Committee. He is an avid recreational angler and owns a shellfish processing business on Virginia's Eastern Shore. He received a BA in Economics and History from Washington and Lee University and an MBA from the University of North Carolina at Chapel Hill.

Science, Service, Stewardship



National Perspectives on Habitat-Ecosystem Approaches

Tom Bigford
NOAA/NMFS Office of Habitat Conservation
Habitat Protection Division
December 13, 2010

**NOAA
FISHERIES
SERVICE**



Outline

- **National opportunities and drivers**
- **Stepping beyond traditional fishery management; connecting to other ecosystem users**
- **Shared roles and responsibilities**
- **Mid Atlantic experiences as a national model**
- **After Virginia Beach . . .**



Opportunities and Drivers

- **MSA authorities**
- **National Ocean Policy**
 - Focus on ecosystems, spatial planning, and integration
 - Expand scientific understanding
 - Emphasis on stewardship
- **Societal expectations**
- **Personal commitment and obligations**
- **Timing**



Moving Well Beyond Traditional Approaches

- **Shift from conventional sector management**
- **Expand geographic perspective**
- **Involve existing and potential sectors**
- **Trust partners to lead on portions of regional ecosystem management**
- **Rally existing resources while pursuing reinforcements**
- **Retain flexibility to apply new tools, engage new partners, etc.**

**NOAA
FISHERIES
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Moving Beyond Traditional Partnerships

- **Healthier approach to resource management**
- **Beyond fishery management**
- **Stronger connections with states**
- **Involving other industries and ecosystem services**



This Experience as a National Model

- **MAFMC leadership is exemplary**
- **Other regions are addressing subsets of these issues but rarely are traditional users leading the way**
- **Opportunity to test:**
 - **Habitat and ecosystem research plans**
 - **Assessment tools**
 - **Habitat classification systems**
 - **CMSP**
- **Opportunity to lead**



What's Next?

- **Expand to include other issues, partners, challenges**
- **Engrain in agency thinking**
- **Share with other Councils, NOP regions, regional governing bodies**

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Thank you!

Questions?

Tom Bigford

Thomas.Bigford@noaa.gov



301-713-4300 ext.131



NOAA Habitat Program

Conserving Habitat for the Future



 **Presentation** 

- Overview of National Marine Sanctuary Program
- Canyon/Seamounts proposal
- Sanctuary review process
- Coordination with MAFMC

National Marine Sanctuaries • America's Ocean Treasures



What Are National Marine Sanctuaries?



“Areas of the marine environment with special conservation, recreational, ecological, historical, cultural, archaeological, or esthetic qualities...”

National Marine Sanctuary Act (sec. 301)





Sanctuary Management Plans



- Resource protection
- Research and monitoring
- Education and outreach

National Marine Sanctuaries • America's Ocean Treasures



Resource Protection



- Protecting areas of national significance
- Ensuring the availability of resources over the long-term.
- Interpretive enforcement of laws and regulations.



National Marine Sanctuaries • America's Ocean Treasures



Education



- Connecting the public to oceans and Great Lakes
- Using technology to take people beneath waves
- Interpretive centers



National Marine Sanctuaries • America's Ocean Treasures



Research and Monitoring



- Using science to guide management
- Documenting baseline conditions
- Exploring and mapping ecosystems (e.g., deep sea coral habitats)



National Marine Sanctuaries • America's Ocean Treasures



Sanctuary Advisory Councils



- Continually involving the public in management priorities and planning.
- Members represent diverse interests (tourism, fishing, government, conservation, etc.)
- Over 230 members, 160 alternates.



National Marine Sanctuaries • America's Ocean Treasures



Canyons/Seamounts Proposal



National Marine Sanctuaries • America's Ocean Treasures



Canyon/Seamount Interest



- January 2010 request by Auster et al
- Mid-Atlantic Governors Agreement on Ocean Conservation
- NGO interest



Sanctuary Review Process



- NOAA Administrator directive
- Preliminary Canyon/Seamount workshop
- Evaluation to consider as Sanctuary active candidate for possible designation
- Initiate NEPA process



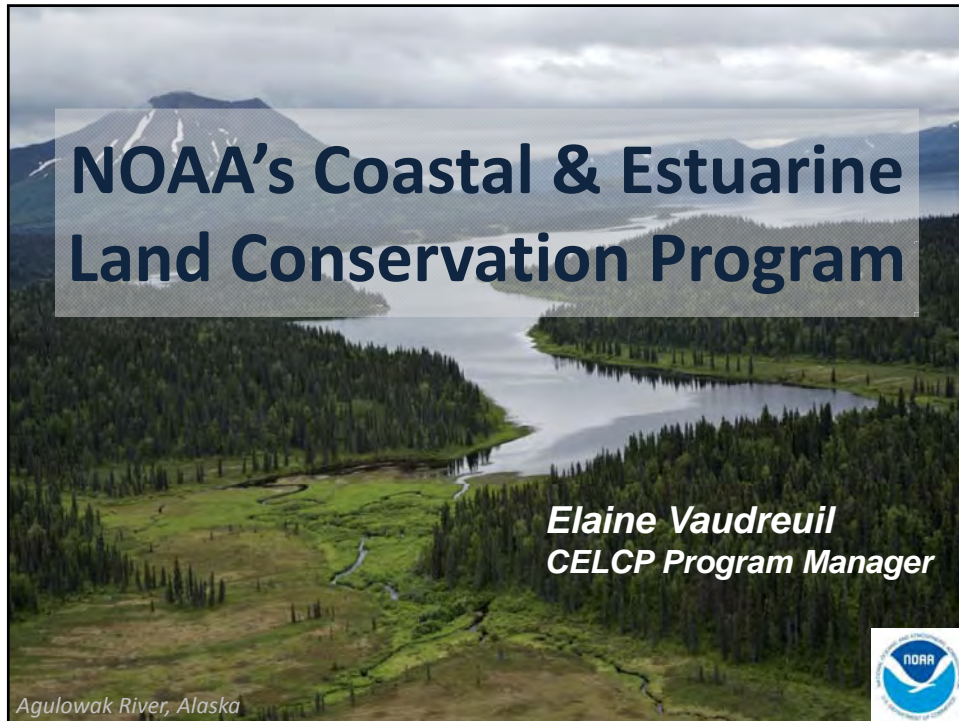
Collaboration



- NOAA and MAFMC collaborate throughout the process
- Assess benefits for healthy fisheries and habitat protection and restoration
- Use latest habitat and ecosystem science to strengthen conservation and protection through Magnuson and Sanctuaries Act
- Integrate efforts with CMSP and regional priorities

National Marine Sanctuaries • America's Ocean Treasures





Overview

- **Brief History of CELCP**
- **Purpose of the program and types of projects**
- **How to get involved with the program**
- **Key considerations for participating**



A Brief History of CELCP

- ✓ Established 2002
- ✓ Transitioned to competitive in FY07
- ✓ Re-authorized in 2009



Delaware Bay, New Jersey

Purpose of CELCP

Protect lands with significant **ecological, conservation, recreational, historic,** and **aesthetic** values...

or

...Lands that are threatened by conversion



Maryland Eastern Shore

Purpose of CELCP

Priority for lands that:

- ✓ Can be effectively managed and protected
- ✓ Have significant ecological value
- ✓ Are under imminent threat – **new!**
- ✓ Mitigate coastal population growth - **new!**



Maryland Eastern Shore

Types of CELCP Projects

- ✓ Tidal and freshwater wetlands
- ✓ Dunes or barrier islands
- ✓ Large, forested coastal tracts
- ✓ Vegetated shoreline buffers



Agulowak River, Alaska

Types of CELCP Projects

- ✓ Habitats suitable for restoration
- ✓ Waterfront parks / open space
- ✓ Access for non-motorized watercraft



Houghton Falls, Wisconsin

Success Across the Country

- ✓ More than \$200M for land conservation
- ✓ Over 50,000 acres
- ✓ 28 states and territories

...and our numbers continue to grow!

How CELCP Works

1. Projects identified through state CELCP planning process
2. State competition identifies projects to forward (up to 3)
3. National competition



Getting Started with CELCP

- ✓ Get in touch with your state's CELCP lead
- ✓ Review the state's CELCP plan
- ✓ Become familiar with the program's guidelines
- ✓ Read the latest FFO



Status of Mid-Atlantic CELCP Plans

Approved:

- ✓ New York
- ✓ North Carolina
- ✓ Pennsylvania

Draft:

- ✓ Delaware
- ✓ Maryland
- ✓ New Jersey
- ✓ Virginia



North Carolina's CELCP Priorities



NC's conservation gaps/primary project areas

Include:

- ✓ Contribution to an Ecological Network
- ✓ Supports goals of state or regional conservation plan
- ✓ Riparian buffers
- ✓ Natural heritage areas
- ✓ Important wildlife areas



Jenner Headlands, California

Requirements for Participation

- ✓ Fee acquisition or conservation easement
- ✓ Applicants must be public agencies
- ✓ 50:50 non-Federal match



Jenner Headlands, California

Requirements for Participation

- ✓ Willing seller, willing buyer
- ✓ Publicly-owned by state or local entity
- ✓ Protection in perpetuity
- ✓ Managed for conservation

CELCP Timeline (...in a Typical Year...)

- Call for proposals – **Dec 2010**
- Proposals due to NOAA – **April 2011**
- Project rankings announced – **Sept 2011**
- Final project selection – **Feb 2012**
- Final grant app's due to NOAA – **March 2012**
- Grants awarded – **July-Oct 2012**

Opportunities to Work Together

- ✓ Work with state CELCP leads to include key habitats in state CELCP plans
- ✓ Coordinate regionally with state and land trusts, e.g. Chesapeake Treasured Landscape Initiative
- ✓ Partner on, or lend support for, key projects

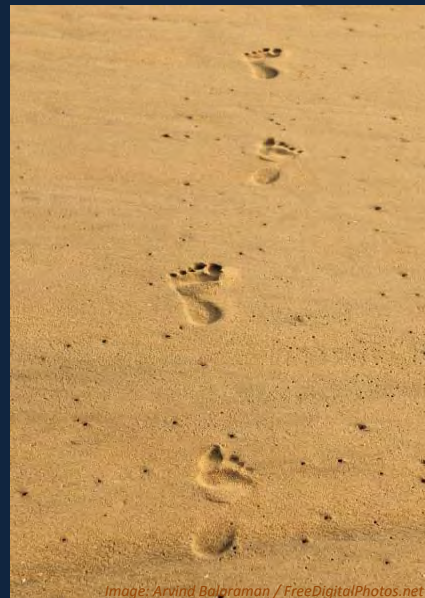


Image: Arvind Balaraman / FreeDigitalPhotos.net

For More Information

❖ **Visit NOAA's CELCP website:**

coastalmanagement.noaa.gov/land/welcome.html

... and find links to:

- *CELCP guidelines*
- *a list of State/Territorial CELCP Leads*
- *links to State/Territorial CELCP Plans*
- *Information on funding opportunities*

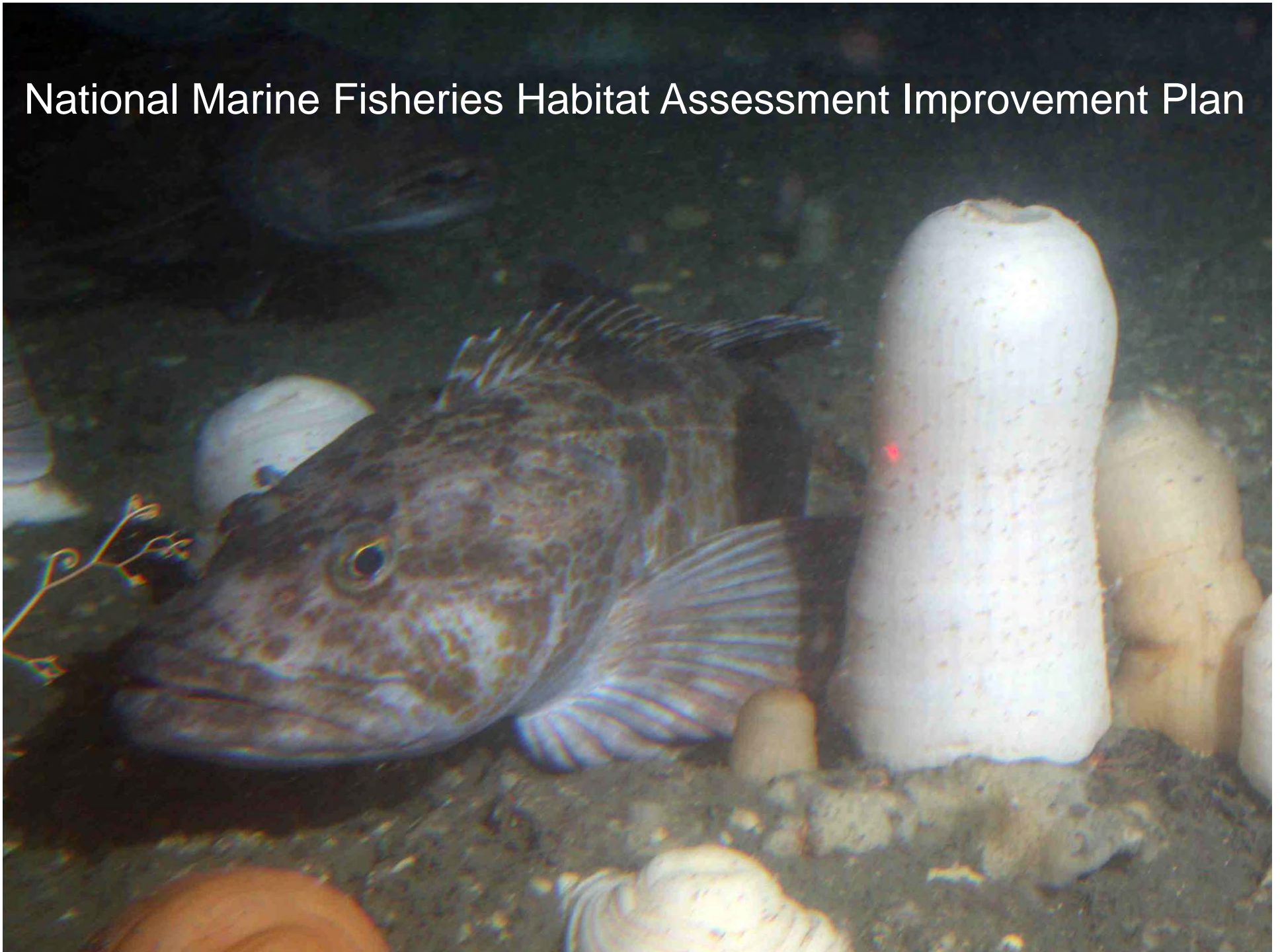
❖ **Or, contact me:**

Elaine Vaudreuil

(301) 563-7103

Elaine.Vaudreuil@noaa.gov

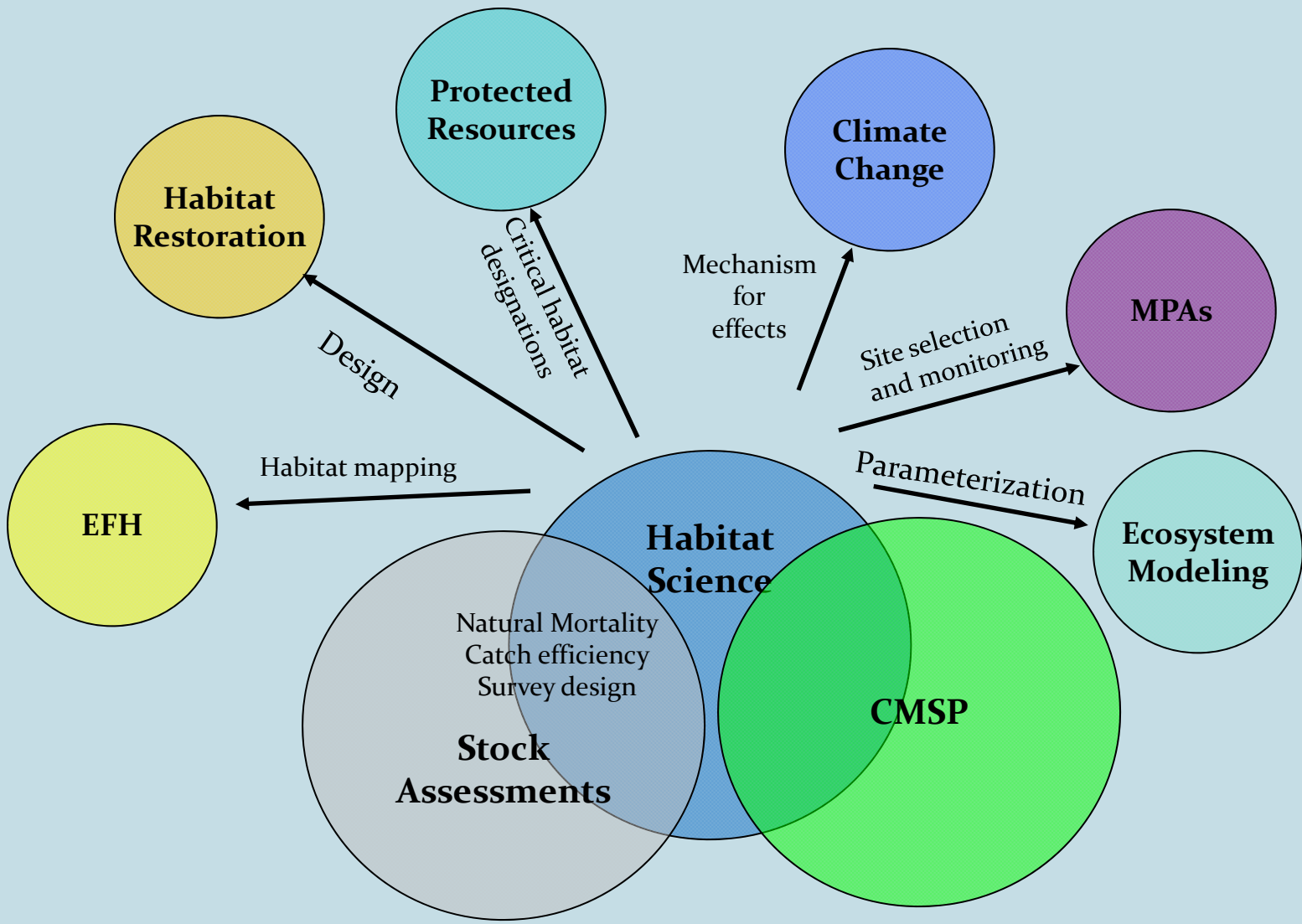
National Marine Fisheries Habitat Assessment Improvement Plan



HAIP team and time line

- Mary Yoklavich, SWFSC (chair)
- Michael Parke, PIFSC
- Frank Parrish, PIFSC
- Correigh Greene, NWFSC
- Waldo Wakefield, NWFSC
- Bob Stone, AFSC
- Tom Minello, SEFSC
- Tom Noji, NEFSC
- Kristan Blackhart, F/ST
- Steve Brown, F/ST
- Steve Giordano, F/HC
- Katherine Smith, F/HC
- April 2008: decision to create a HAIP
- June –July 2008: HAIP formed, first meeting
- Sept-Dec 2008: Questionnaires to inform the HAIP; Analysis
- Jan –Mar 2009: Drafting the HAIP; 3 Briefings to leadership and staff
- Jan 2009: Draft 1
- Feb 2009: Draft 2
- Mar 2009: Draft 3
- April 2009: Team Review and final edits
- ~June 2009: Begin Review Process

Why Habitat?

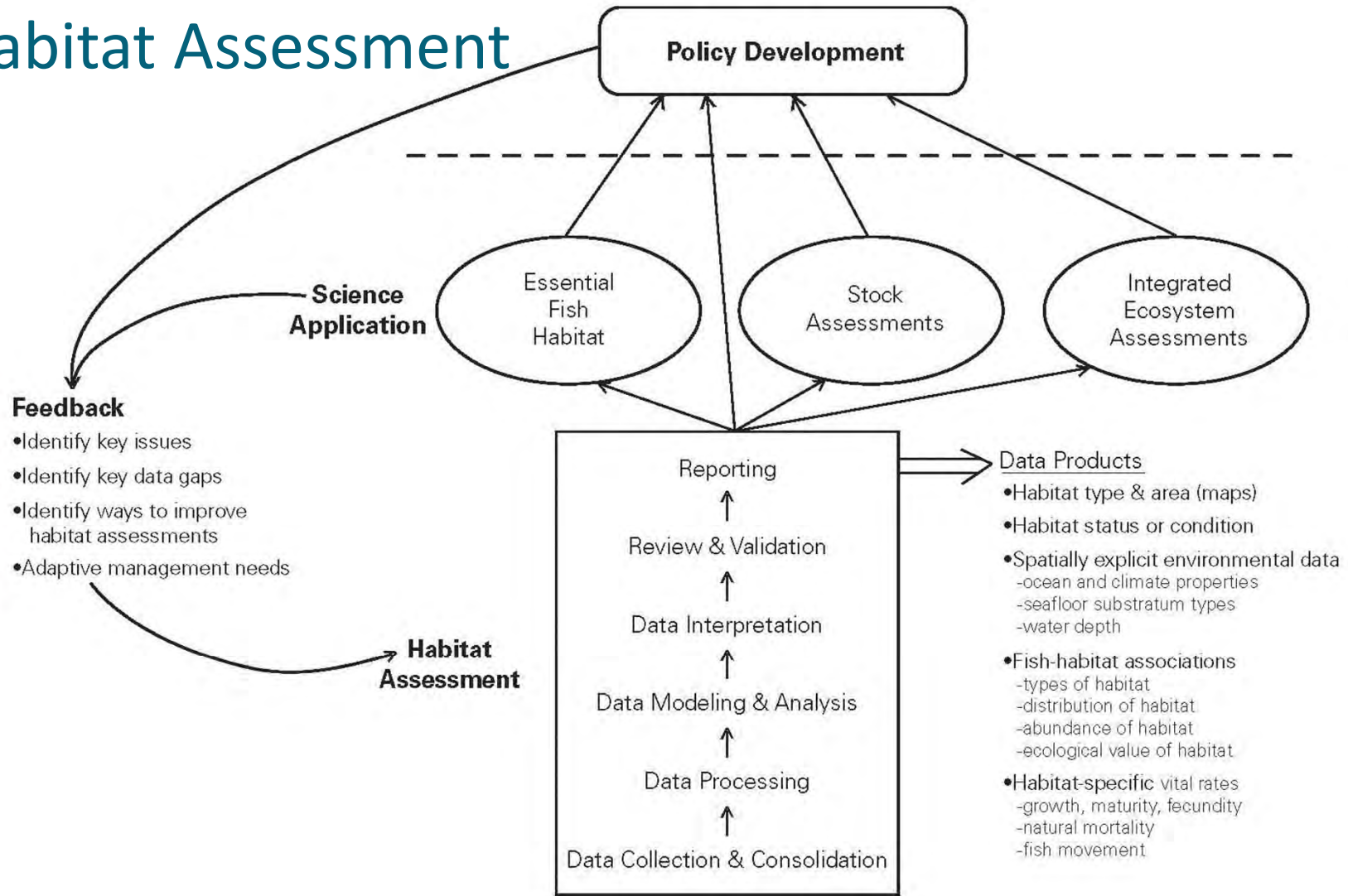


Content of the HAIP

Introduction and background information

- Need for habitat science
- What is a habitat assessment
- How will habitat assessments inform management
 - Stock Assessment
 - Essential Fish Habitat
 - Integrated Ecosystem Assessments
 - Coastal and Marine Spatial Planning

Development, Application, and Improvement to a Habitat Assessment



Habitat Assessment



Synthesis

Level	Integration of habitat data	Frequency of habitat assessment
1	-Maps	-Baseline assessment complete
2	-Maps used in stock & habitat assessments	-Periodic assessments conducted
3	-Spatial data used within a GIS framework	-Standardized monitoring in place
4	-Spatial analysis with ecosystem considerations	



Data

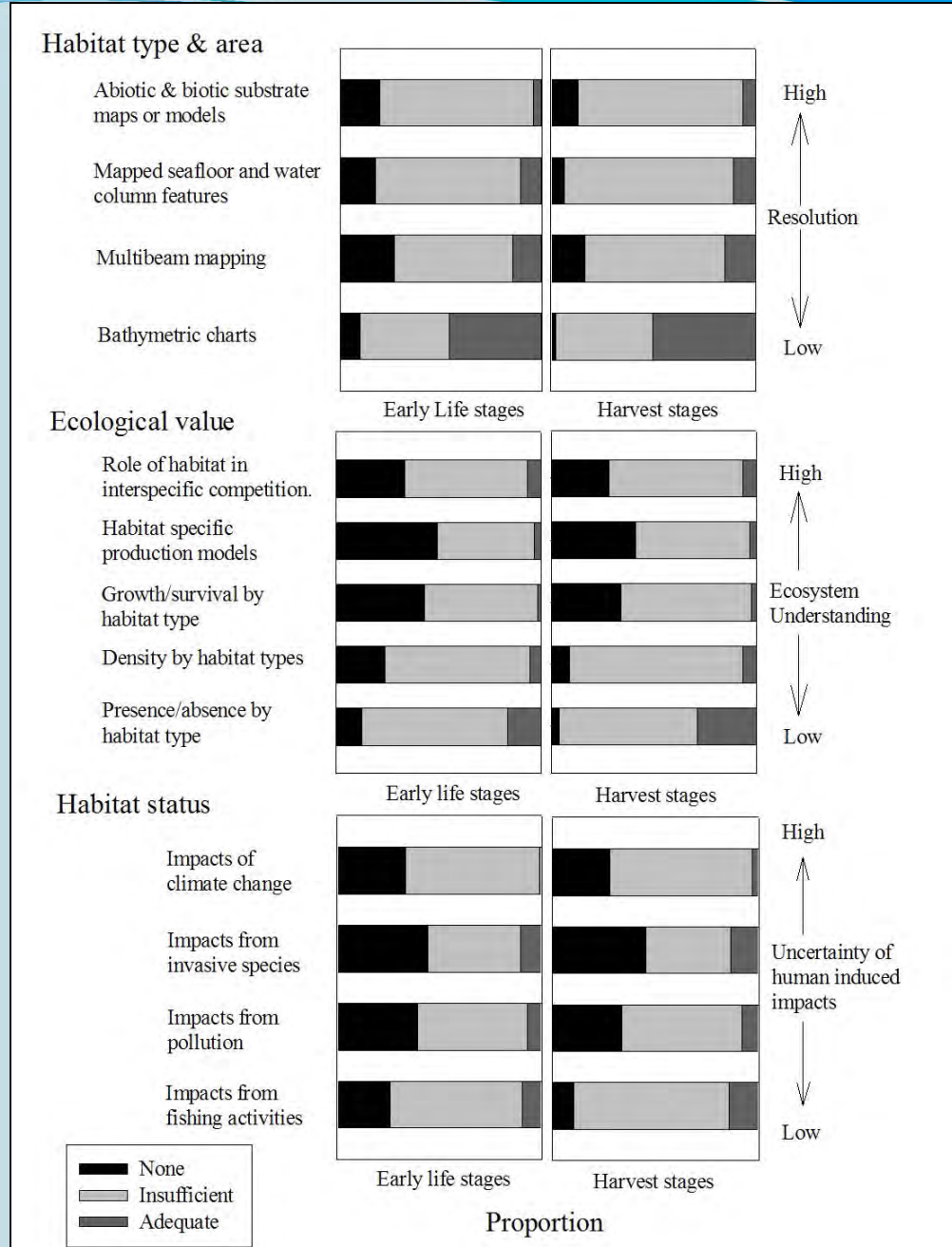
Level	Habitat type & area	Ecological value	Status or condition
1	-Bathymetric charts	-Presence / absence	-Impact of fishing activities
2	-Multi-beam mapping	-Density	-Impact of pollution
3	-Seafloor & water column	-Growth / survival	-Impact of invasive species
4	-Abiotic & biotic substrate	-Production	-Impacts of climate change
5		-Inter-specific competition	

Content of the HAIP, continued

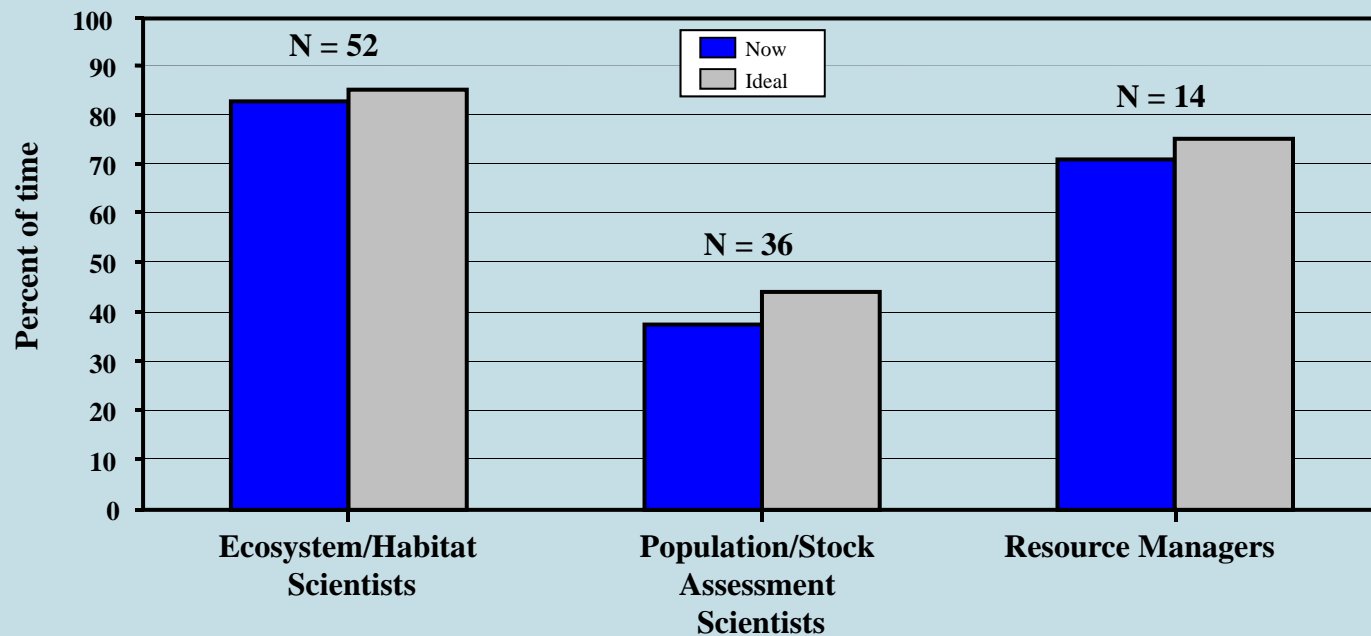
Current capability for habitat assessments, including:

- Adequacy of input data, data integration, and frequency of assessments
- Adequacy of technology and infrastructure
- Communication of habitat assessment results
- Data distribution (e.g., OOSs)
- Publications (e.g., OLO Habitat)
- Need for a National Habitat Assessment Workshop
- Staffing issues

Adequacy of Habitat Data



Time and Habitat-related Tasks



The total percent of time currently and ideally spent on all habitat-related tasks by the three disciplines surveyed. Data are the average for all respondents in each discipline.



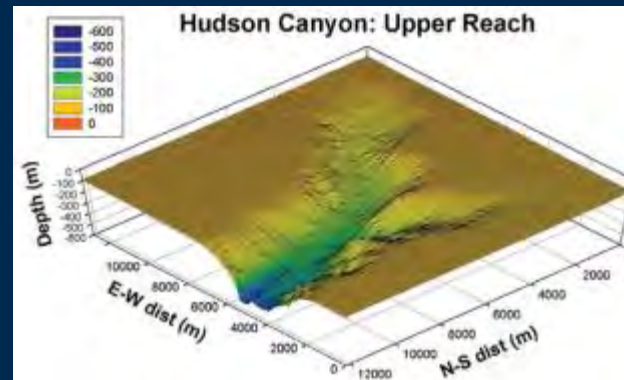
Programmatic Needs of Science Center Managers





NMFS Science in Support of New Management Initiatives: Perspectives from Headquarters

Ned Cyr, Ph.D.
Director, Office of Science and Technology
National Marine Fisheries Service



**NOAA
FISHERIES
SERVICE**



NMFS Science Supports Emerging Management Initiatives

- National Ocean Policy Priority Objectives
- Ecosystem Services
- Ecosystem-Based Management
- Stock Assessments
- Habitat Assessments
- Climate Change Science
- Integrated Ecosystem Assessments
- Coastal and Marine Spatial Planning



Ocean Policy Task Force

National Priority Objectives

1. ***Ecosystem Based Management***
2. ***Coastal and Marine Spatial Planning***
3. Inform Decisions and Improve Understanding
4. Coordinate and Support
5. ***Resiliency and Adaptation to Climate Change and Ocean Acidification***
6. Regional Ecosystem Protection and Restoration
7. Water Quality and Sustainable Practices on Land
8. Changing Conditions in the Arctic
9. Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure





Ecosystem Services

NOAA's *science and management* are expanding beyond stock assessments and single-species management...

Ecosystem Services appears 30 times in the OPTF Recommendations.

Millennium Ecosystem Assessment: “the benefits people receive from ecosystems...”

- *Provisioning*: food, fiber, fuel...
- *Regulating*: climate, water purification, flood control...
- *Cultural*: recreation, religion, artistic, scientific...
- *Supporting*: necessary for other ecosystem services, e.g., nutrient cycling, primary production, biodiversity...



Ecosystem Based Management

National Ocean Policy Priority Objective:

Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, coastal, and the Great Lakes resources.





Ecosystem Based Management

EBM is a framework for managing of our resources:

- ***Integrated approaches*** to study and manage the resources of an entire ecosystem.
- ***Cumulative impacts*** from various sources and the balance of conflicting uses.
- ***Ecosystem approach*** to manage aquatic resources, including fisheries
- ***Multiple factors*** such as pollution, coastal development, harvest pressure, predator/prey and other ecological interactions, and watershed management.



Ecosystem Based Management

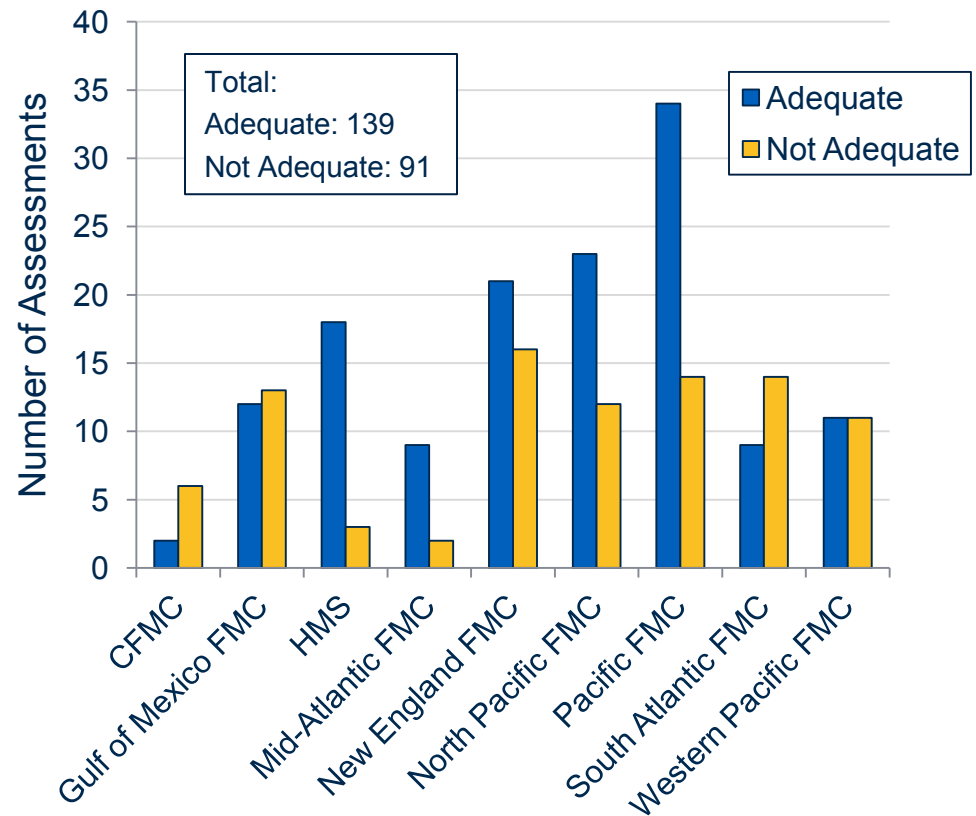
EBM will help to:

- restore fish populations
- control invasive species
- support healthy coastal and Great Lakes communities and ecosystems
- restore sensitive species and habitats
- protect human health
- rationally allow for emerging uses of the ocean, including new energy production



Stock Assessment Science for Managers

- Stock assessments provide the basis for fisheries management decisions
- Need for more stock assessments, reduced uncertainty, and for stock assessments that incorporate ecosystem dynamics, habitat, and changing baselines



An "adequate" assessment is defined as one that is SAIP Assessment level of 3 or above

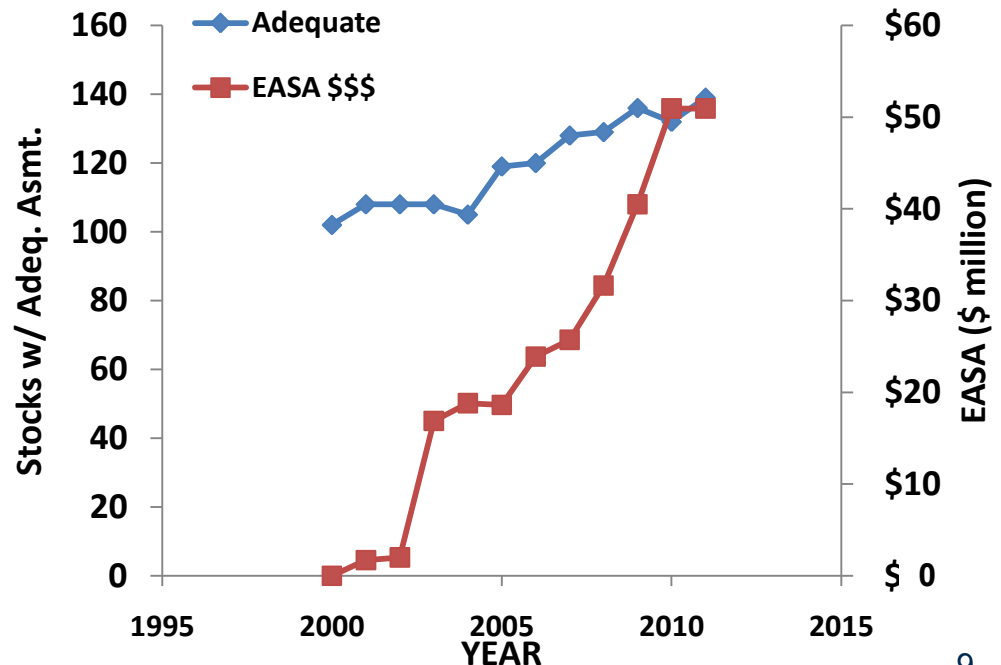


Stock Assessment Improvement Plan (2001)

Focus on NMFS' Stock Assessment Mandates

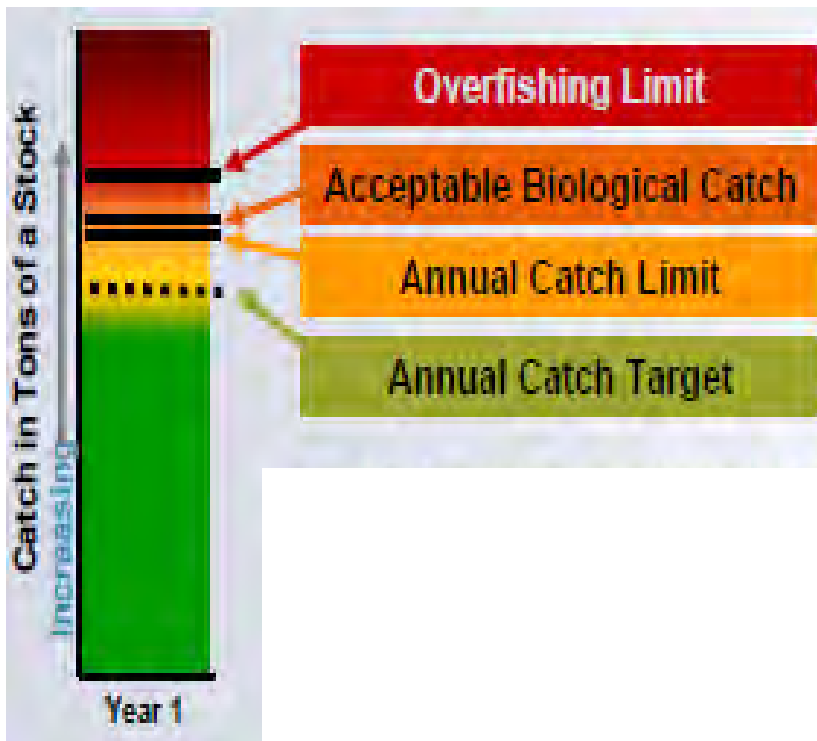
- Evaluated Needs
- Determined Resource Requirements
- Provided Specific Recommendations

- EASA budget line \$51M
- Supports new staff, surveys, days at sea, additional stock assessments
- Supports NMFS R&D
 - Advanced Sampling Tech
 - FATE
 - Stock assessment
 - Habitat assessment





Stock Assessments and ACL's



- Fishery-independent surveys provide standardized data
- Advanced tech surveys can sample untrawlable habitat
- SSC October 2010 workshop on setting ACL's based on stock assessments
- Reduced uncertainty in the assessment enables ABC and ACL to be closer to the OFL



Improved Stock Assessments

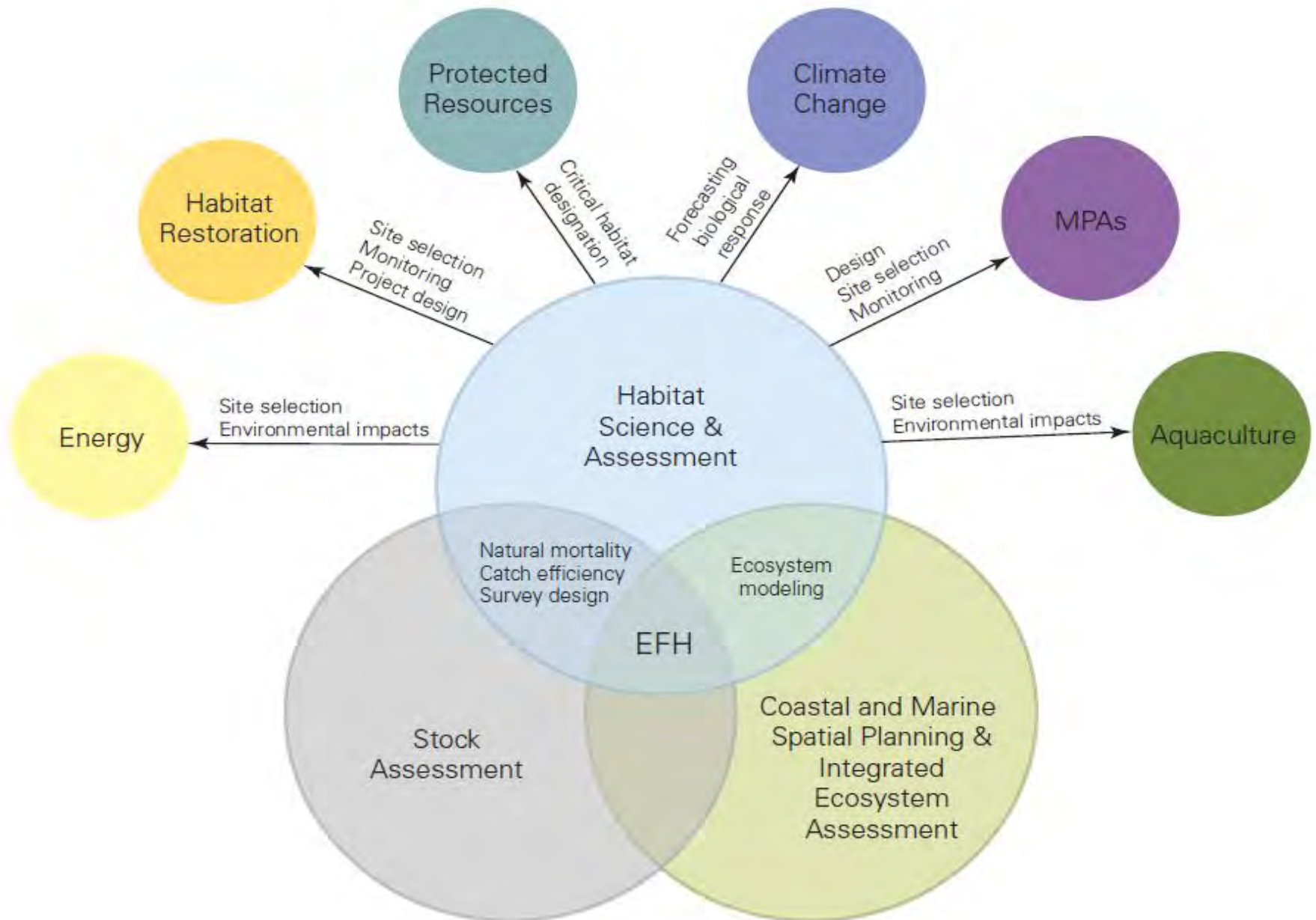
Tier 3 - Next generation stock assessments

- (a) assess all federally-managed species or species groups at a minimum level of 3, and all core species at a level of 4 or 5
- (b) explicitly incorporate ecosystem considerations
- (c) Include information on available habitat and its relationship with reproduction, population dynamics, and fisheries production



High resolution optical and acoustic surveys of Atlantic sea scallops and benthic habitat may data for provide habitat-specific population models and assessments

Habitat Science Connects to Other Efforts





Habitat Assessment Improvement Plan (2010)

Goals

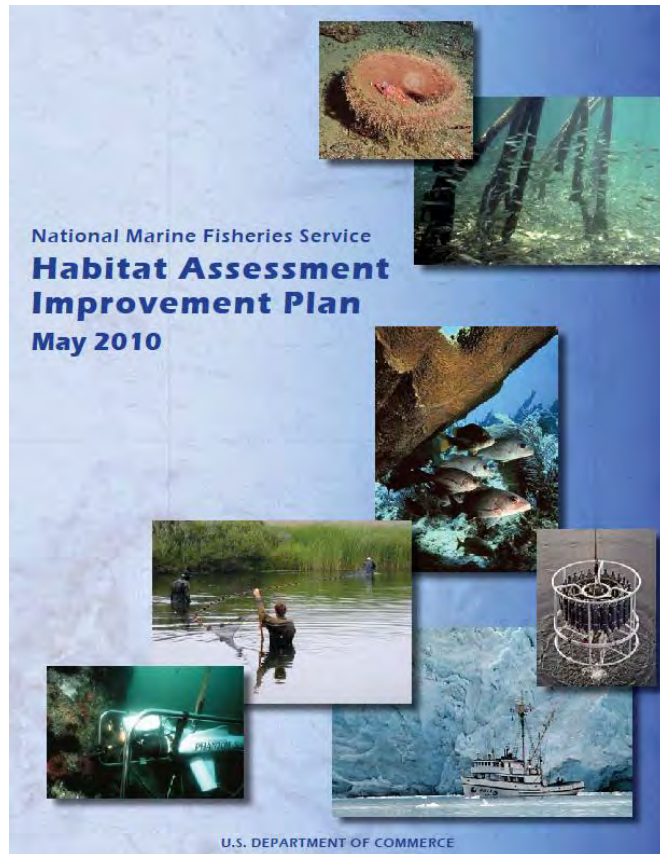
—Better Meet MSA Mandates

- Improve EFH ID & impact assessments
- Reduce uncertainty in stock assessments
- Factor habitat availability and trends into stock assessments

—Contribute to assessments of ecosystem services

—Inform studies of climate change impacts

—Support EBM, IEAs, CMSP





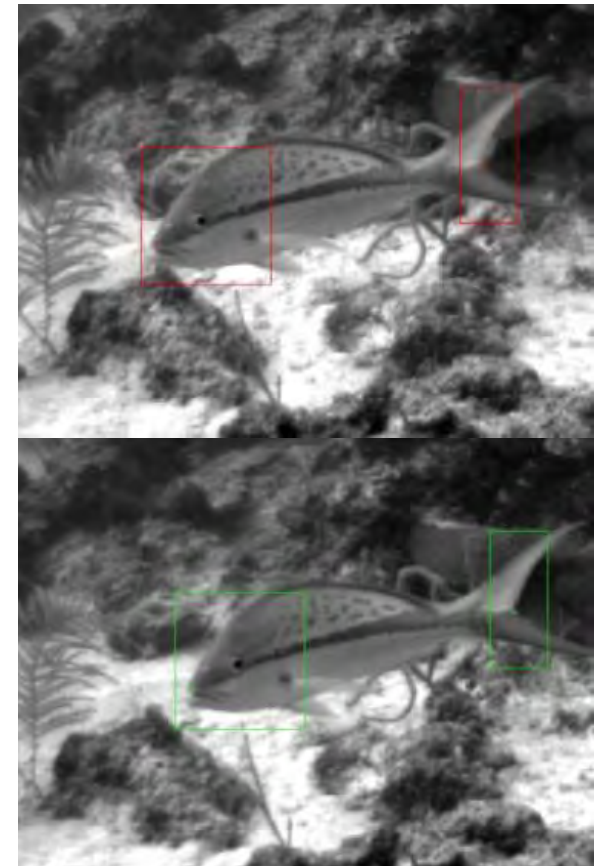
Habitat Science Goals

*Short
Term*



- Fund pilot habitat assessment projects
- Identify better use of existing funds
- Hold biennial National Habitat Assessment Workshop
- Generate prioritized lists of habitat assessment needs
- Improved habitat assessments
 - Additional species and areas
 - Increase collection of environmental/habitat data during existing resource surveys
- Produce stock assessments that utilize habitat science

*Long
Term*



Automated image processing photos courtesy of the Advanced Technology Working Group



Habitat/stock assessment projects funded for FY10

Relating population abundance of groundfish species to habitats using predictive models and broad-scale seafloor maps. *Mary Yoklavich (SWFSC)*

Incorporating sediment and hydrography data in assessments for tilefish and lobster. *John Quinlan, John Walter (SEFSC), and Yong Chen (University of Maine)*

Habitat modeling of Atlantic blue marlin with SEAPODYM and satellite tags. *Michael Schirripa, Eric Prince (SEFSC), Patrick Lehodey (CNRS), and Jiangang Luo (RSMAS)*



National Climate Service: Objectives and Capabilities

Objectives

- Improved understanding of the changing climate system
- Integrated assessments of current and future states of the climate
- Mitigation and adaptation choices supported by climate science
- A climate-literate public that understands vulnerabilities to a changing climate and makes informed decisions

Capabilities

- Observing Systems, Data Stewardship, and Climate Monitoring
- Understanding and Modeling
- Integrated Service Development and Decision Support



Impacts and Implications of Climate Change For Living Marine Resources

CLIMATE CHANGE

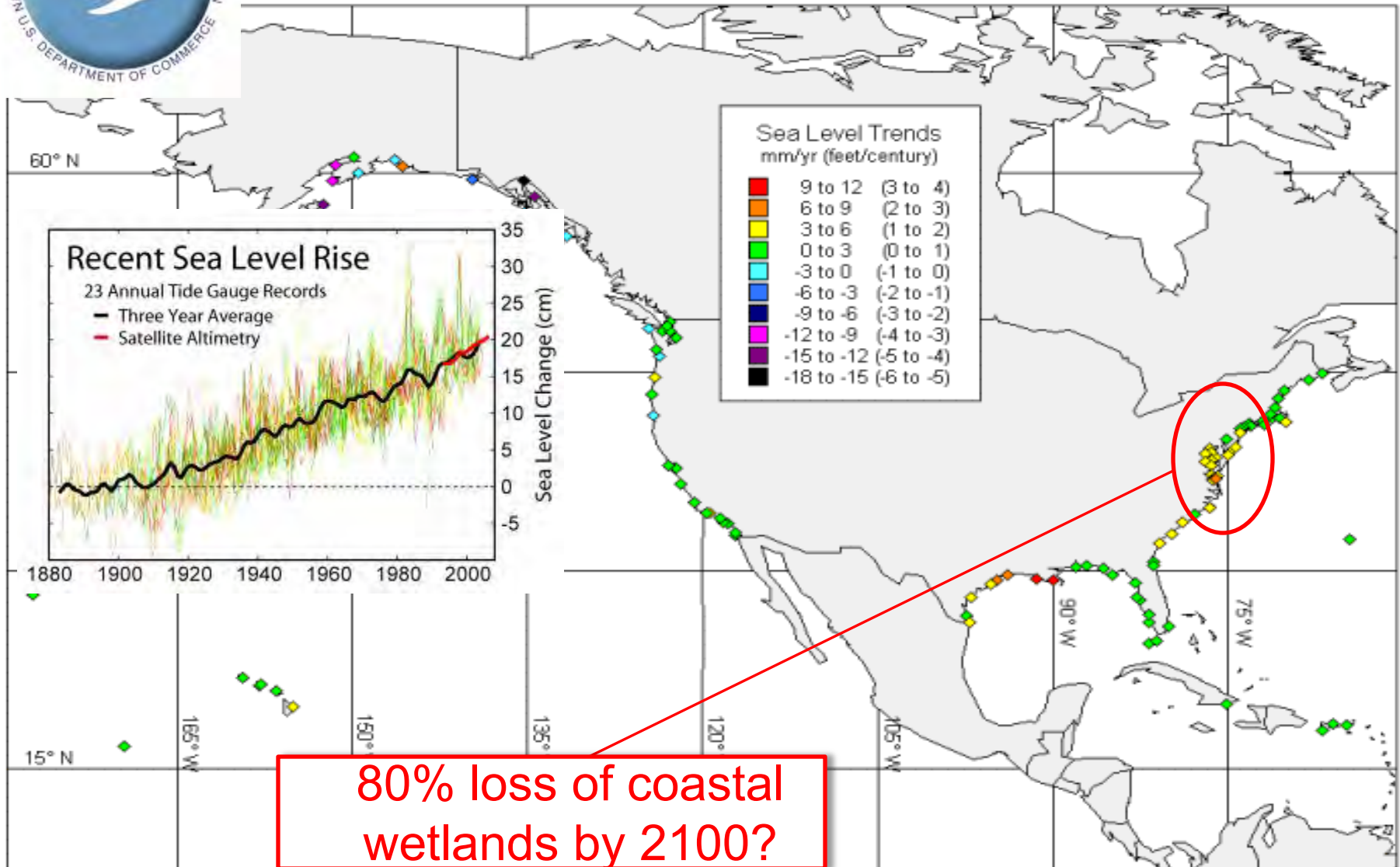
- Ocean warming
- Loss of sea ice
- Ocean acidification
- Freshwater supply & resource management
- Sea level rise
- Attribution of climate signals impacting ecosystems: long term change vs. natural variability

IMPLICATIONS

- Changes in fish habitats
- Changes in fish stocks
- Changes in fishery allocations, effort
- Impacts on communities and economies
- Increased threats to vulnerable species
- Changes in protected species, habitats
- Increased invasive species threats



Trends in Sea Level Rise & Resource Impacts





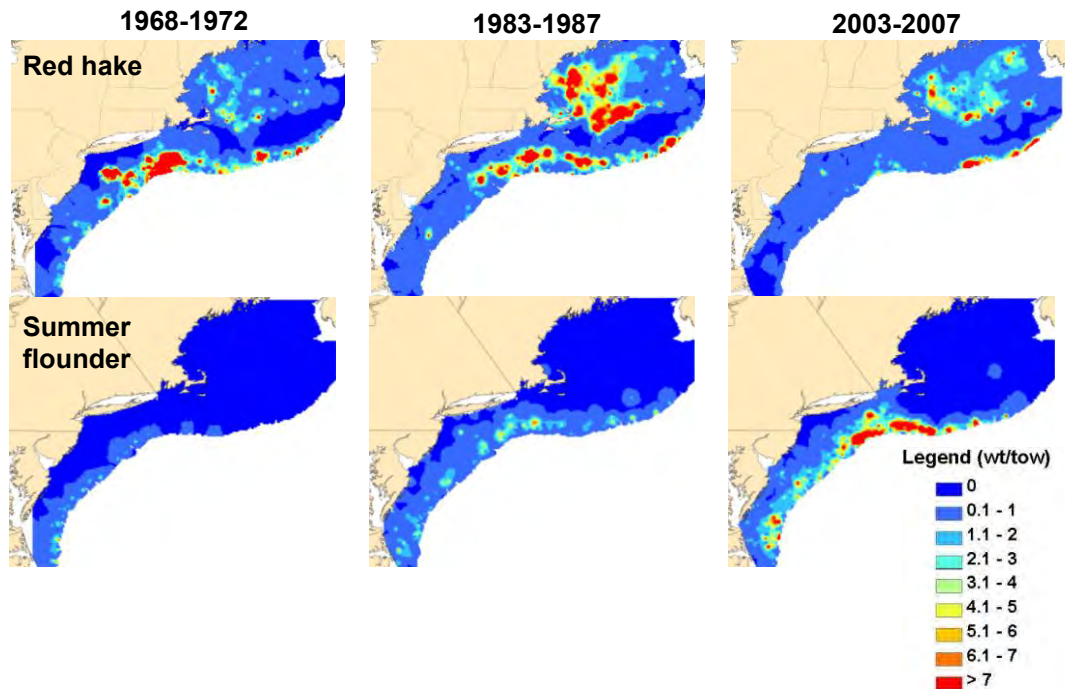
Understanding Climate Impacts on Living Marine Resources

FATE (Fisheries and the Environment)

Increase understanding and forecasts of ecosystem dynamics to improve stock and marine ecosystem assessments.

Provided key information for managers since 2003.

Shifts in spatial distribution of Northeast US fish

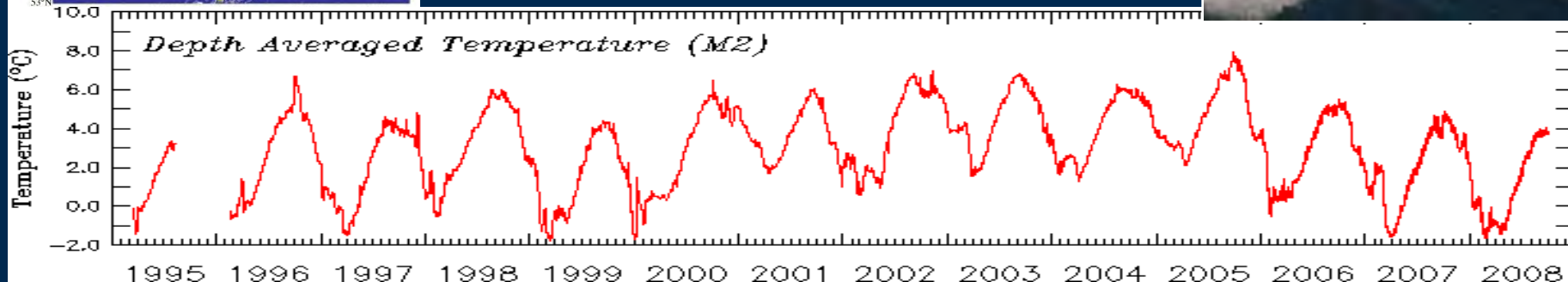
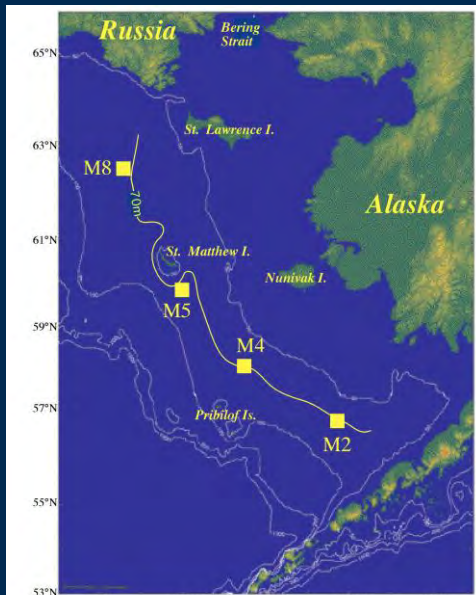


Regional Observation Systems: SE Bering Sea



NOAA's North Pacific Climate Regimes and Ecosystem Productivity Program (NPCREP)

- ❖ The only long-term biophysical moorings in the Arctic.
- ❖ Primary source of climate and ecosystem information and synthesis for wide-range of decision-makers
- ❖ Key NOAA Climate and Ecosystem Program





Integrated Ecosystem Assessments

“A synthesis and quantitative analysis of information on relevant physical, chemical, ecological and human processes *in relation to specified ecosystem management objectives*”.

A framework for organizing and synthesizing science to inform multi-scale, multi-sector EBM

IEA's are a mechanism to analyze, assess, and evaluate science and data as an input to develop and monitor effective Coastal and Marine Spatial Plans.

Objective: to provide evaluation of management strategies and advice, through:

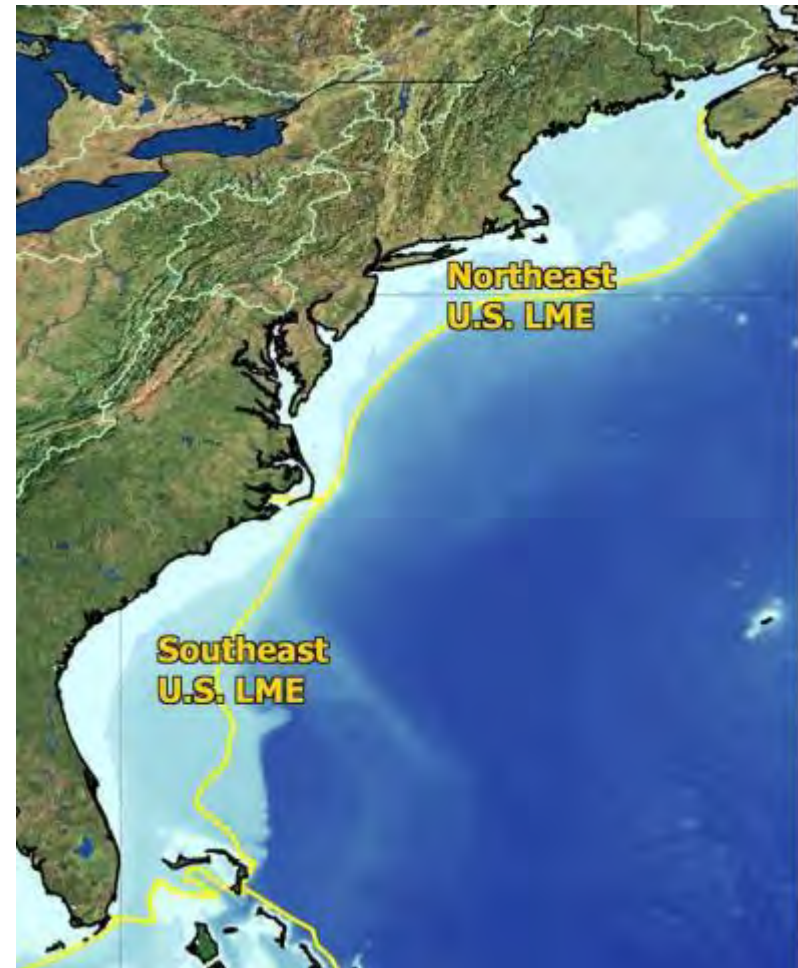
- comprehensive integration of diverse ecosystem information and best-available science
- incorporating economic and social science data
- Evaluating benefits and risks to social and ecological sectors posed by management actions
- continuous performance evaluation and review



Northeast Shelf IEA: Proposed FY11 Focus & Draft Deliverables

- Conduct regionwide Stakeholder Scoping Sessions with Sea Grant
- Develop Climate Module Models and data streams with GFDL and ESRL
- Develop Indicator-Based Ecosystem Reference Points
- Update 2009 Ecosystem Status Report
- Conduct Peer Review of NEFSC Ecosystem Models
- Conduct preliminary Management Strategy Evaluations using ATLANTIS
- Develop Risk Analysis framework for NEFSC IEA structures

Contact Jason Link (Jason.Link@noaa.gov) or Mike Fogarty (Michael.Fogarty@noaa.gov) for more info





CMSP: Balancing Ocean Uses

CMSP is a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.

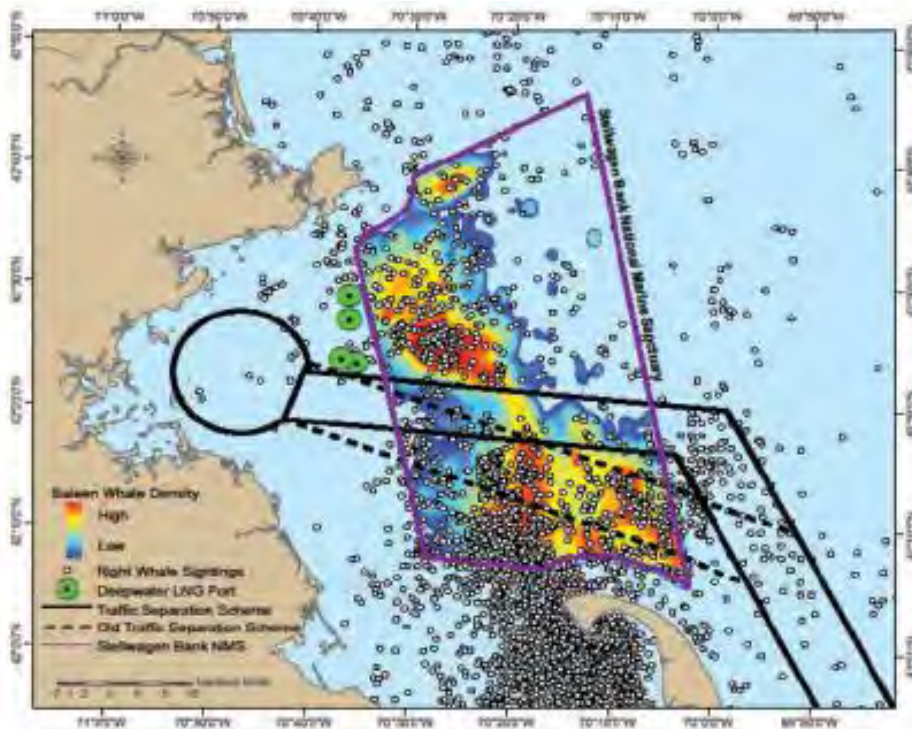
CMSP identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.

CMSP will use the National Information Management System (NIMS) to coordinate the exchange of marine spatial data

NMFS Office of Science and Technology will support CMSP through the provision of historic and up-to-date spatial data for the NIMS



CMSP - An Example



NOAA, USCG, other agencies and stakeholders reconfigured the Boston Traffic Separation Scheme

- Reduced baleen whale collision risk 81%
- Reduced northern right whale mortality 58%
- Increased transit time 9-22 minutes



Next Steps: Science Initiatives Supported by NMFS Office of Science and Technology

Annual RFPs

- Advanced Sampling Technology \$1.2M
- Fisheries And The Environment \$800K
- Stock Assessment \$530K
- Habitat Assessment \$214K
- Sea Turtles \$500K
- CAMEO \$2M
- Ocean Acidification \$1.5M

Fellowships with Sea Grant

- Population Dynamics \$427.5K
- Socio-econ

Workshops

- NHAW/NSAW

Days-At-Sea short falls

- Near \$10M in FY11

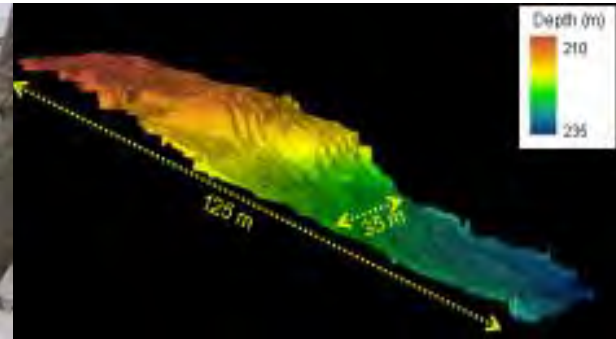




NMFS ST provides a suite of science products...

- Stock Assessments
- Habitat Assessments
- Climate Change Science
- Integrated Ecosystem Assessments

...to support the **EBM** objectives of the National Ocean Policy



Spatial Considerations for Ecosystem-Based Fishery
Management on the Northeast Continental Shelf

Michael J. Fogarty, Robert Gamble, Sean Lucey,
Kimberly Hyde, and Charles Keith,

Northeast Fisheries Science Center
National Marine Fisheries Service
National Oceanic and Atmospheric Administration

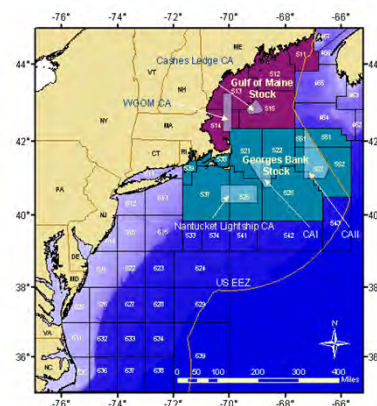
U.S. Commission on Ocean Policy

“U.S. ocean and coastal resources should be managed to reflect the relationships among all ecosystem components, including human and nonhuman species and the environments in which they live. Applying this principle will require defining relevant geographic management areas based on ecosystem, rather than political boundaries.”

An ecosystem approach to management is geographically specified, adaptive, takes account of ecosystem knowledge and uncertainties, considers multiple external influences, and strives to balance diverse societal objectives. Implementation will need to be incremental and collaborative.

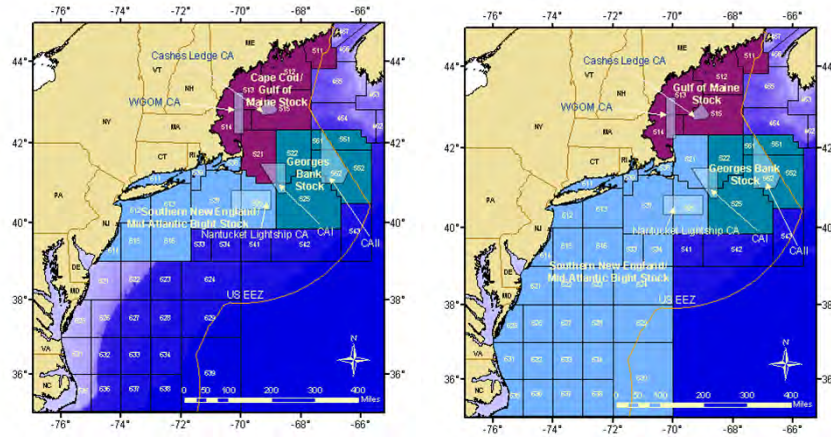
NOAA (2005)

Current Situation: Single Stock Units



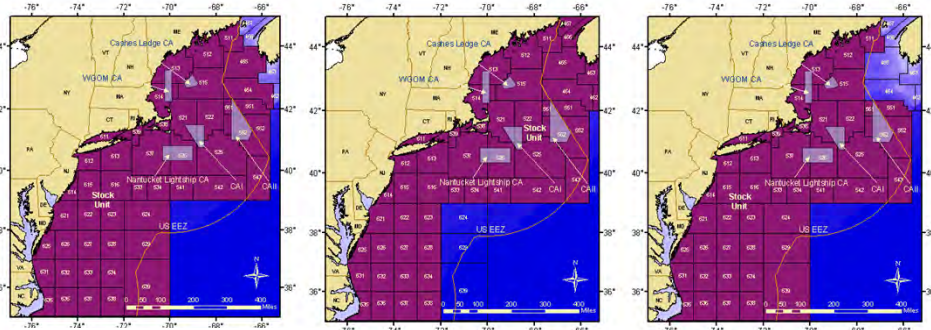
Atlantic Cod & Haddock

Current Situation: Single Stock Units



Yellowtail Flounder Atlantic Cod & Haddock Winter Flounder

Current Situation: Single Stock Units



Atlantic Herring

Spiny Dogfish

Witch Flounder

Starting Point for Defining Spatial Management Units

Specify Ecological Subsystems Based On:

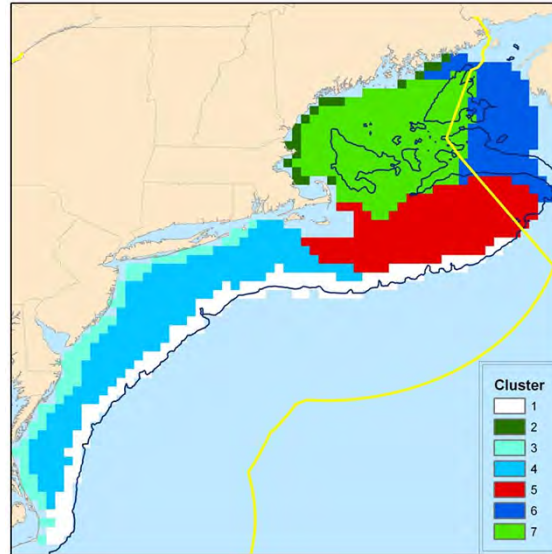
Detailed Bathymetry
Surficial Sediments
Mean Sea Surface Temperature (Satellite)
Annual Temperature Gradient (Satellite)
Annual Temperature Span (Satellite)
Temperature (Spring & Fall; Surface & Bottom)
Primary Production (Satellite)
Chlorophyll a (Satellite)
Chlorophyll a gradient (Satellite)
Salinity (Spring & Fall; Surface & Bottom)

Starting Point for Defining Spatial Management Units

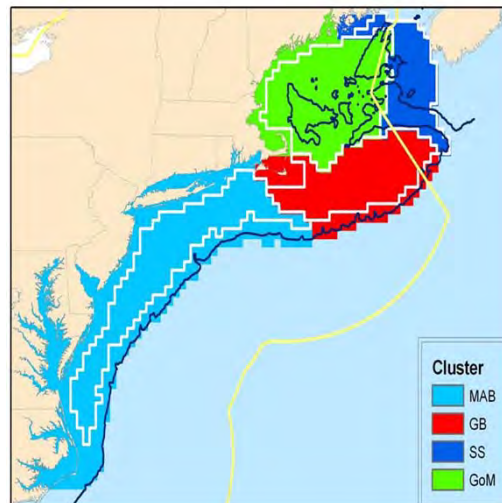
Analysis:

- Spatial Principal Components Analysis to Reduce Dimensionality
- First Four PCs Selected (Eigenvalues greater than 1.0; >75% of Variance Explained)
- K-Means Cluster Analysis on EOFs

Ecological Subareas of the NES LME

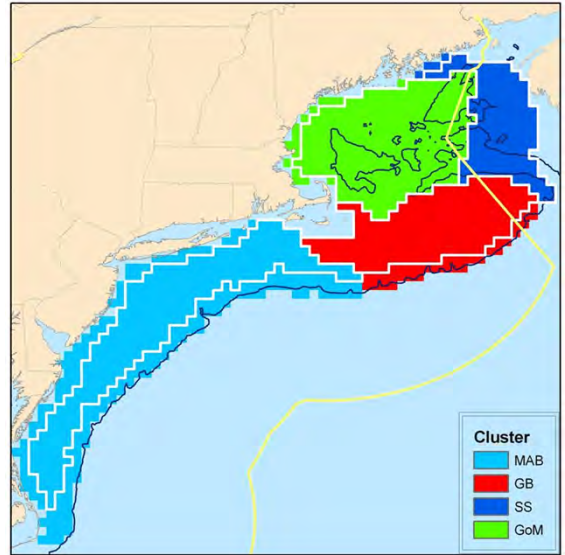


Spatial Management Units: Consolidation Options

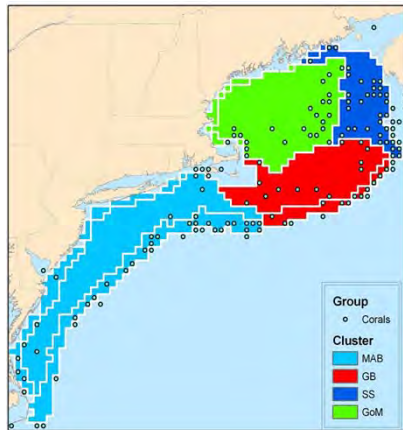


Nested structure to include special considerations for coastal/estuarine and continental slope regions embedded within adjacent shelf units

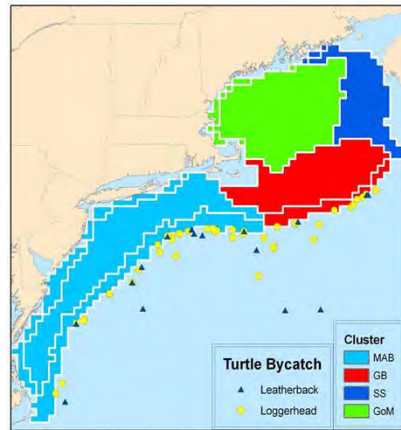
Potential Ecological Management Units Absorb Deepwater and Nearshore Units in Adjacent Shelf Areas



Spatial Management Units: Protecting Vulnerable Species

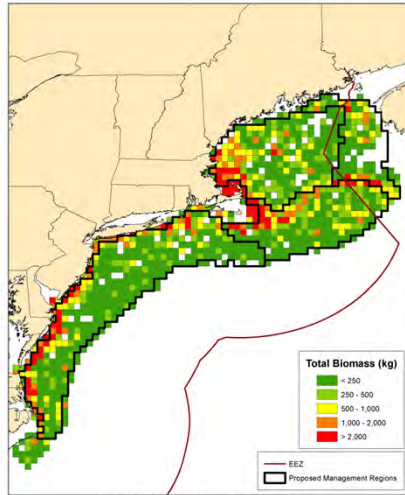


Cold-Water Corals

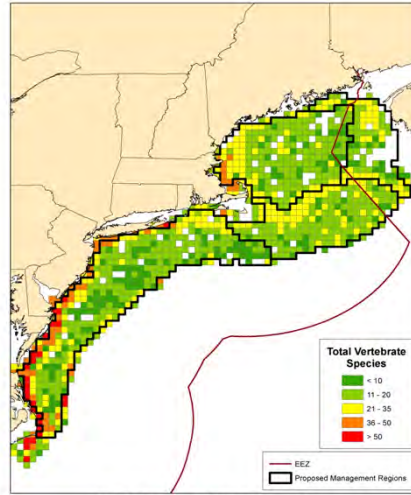


Sea Turtle Incidental Catch

Patterns of Biomass and Richness: Fish Species

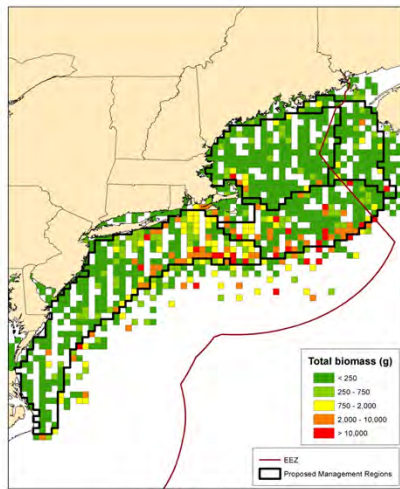


NEFSC Autumn Bottom Trawl Survey
(1998-2007)

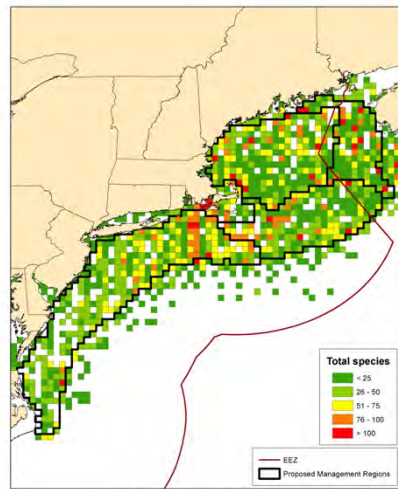


NEFSC Autumn Bottom Trawl Survey
(1998-2007)

Patterns of Biomass and Richness: Benthic Species

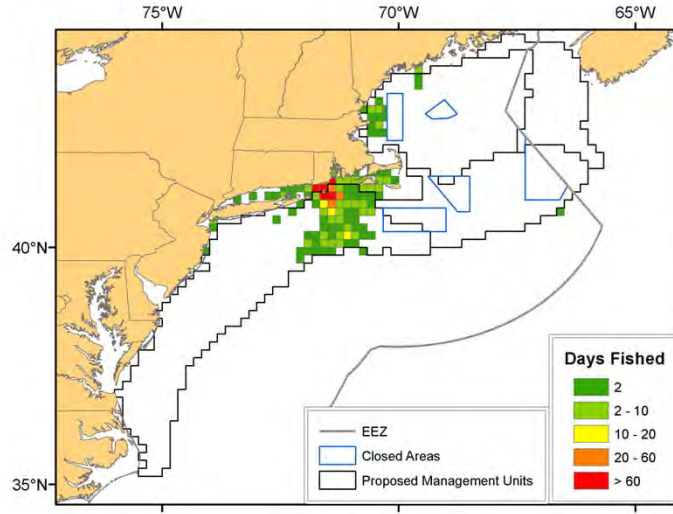


NEFSC Benthic Survey
(1956-1965)



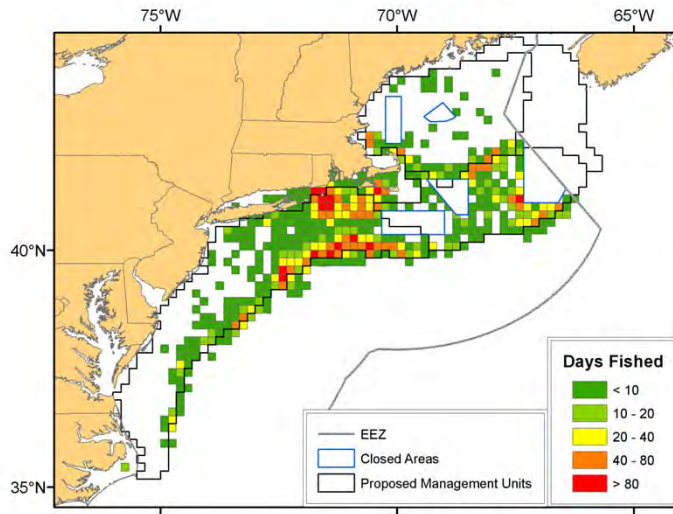
NEFSC Benthic Survey
(1956-1965)

Distribution of Otter Trawl Fishing Effort by Vessel Size and Home Port



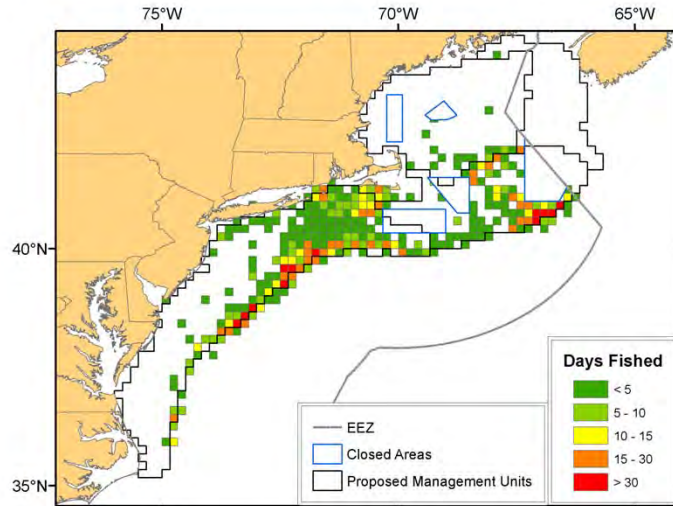
Point Judith, RI
Tonnage Class 2 - Otter Trawl Gear

Distribution of Otter Trawl Fishing Effort by Vessel Size and Home Port



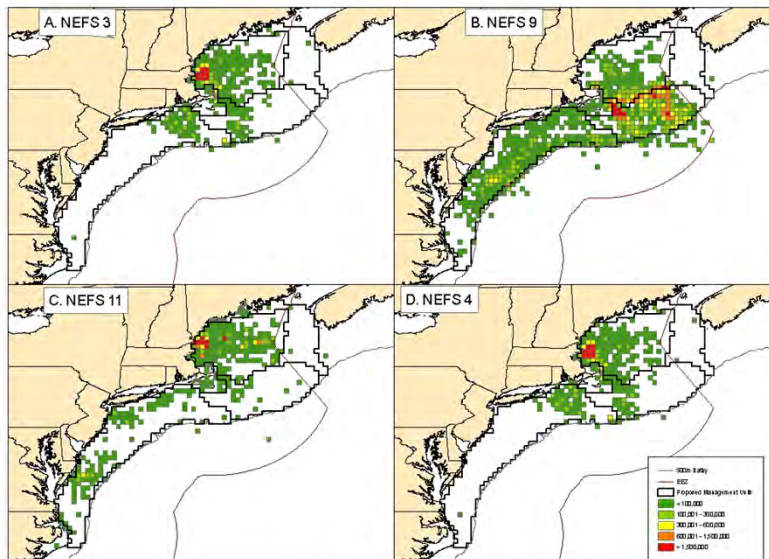
Point Judith, RI
Tonnage Class 3 - Otter Trawl Gear

Distribution of Otter Trawl Fishing Effort by Vessel Size and Home Port



Point Judith, RI
Tonnage Class 4 - Otter Trawl Gear

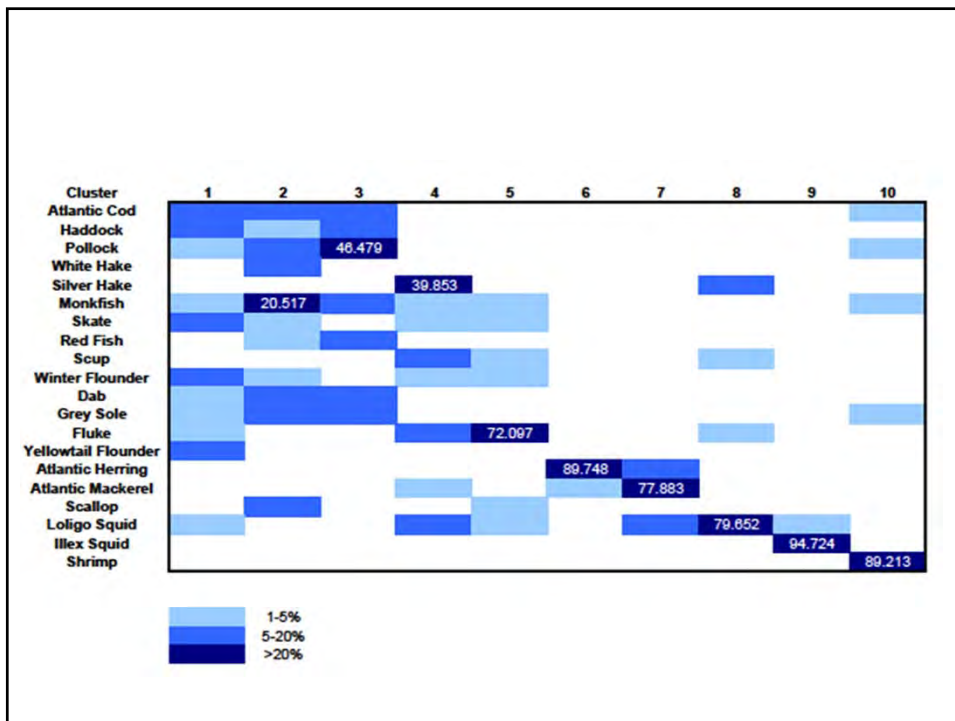
Sector Fishing Locations



Catch by Sector

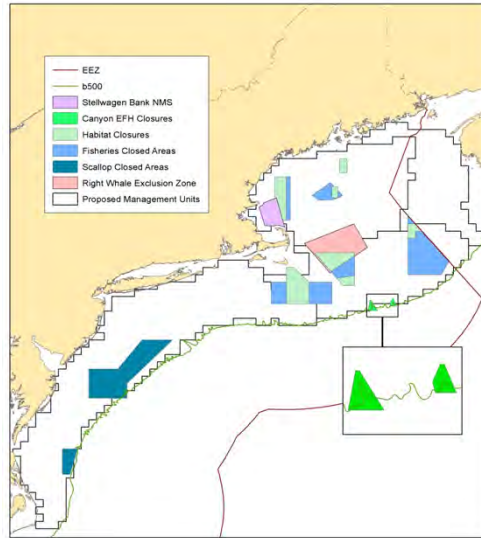
Defining Operational Fisheries

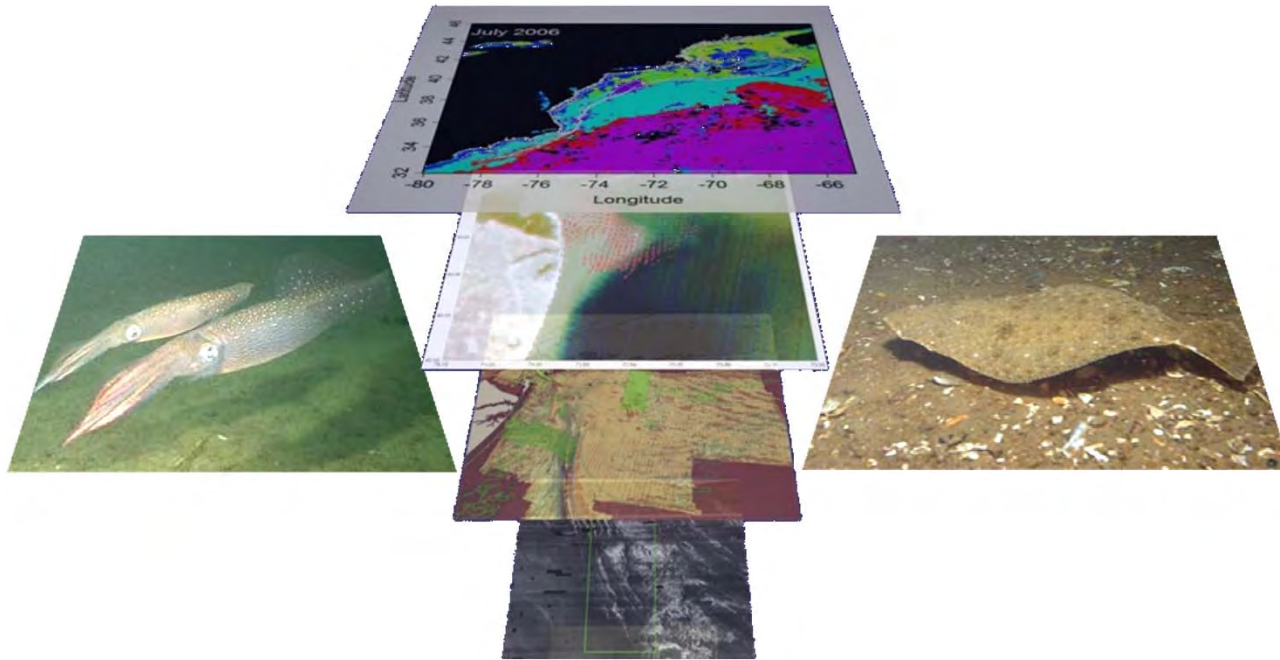
- Determine the number of clusters for each gear type based on species composition in space and time
- Identify the species that constitute distinct fisheries
- Map the fisheries in relation to proposed management areas



Nested Spatial Considerations

Existing Large-Scale Management Areas





What makes some parts of the ocean sticky to fish? Ocean Observing for marine habitat science & ecosystem management.

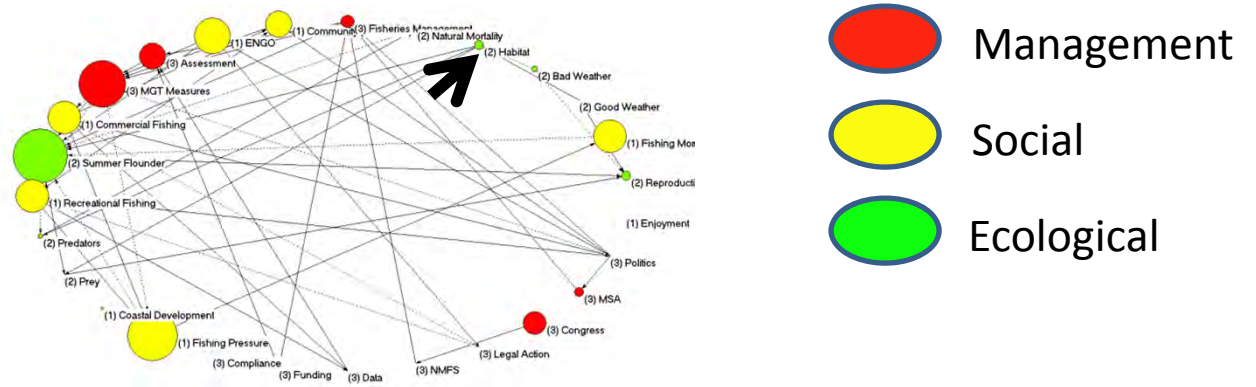
John P. Manderson (NEFSC) & Josh Kohut (Rutgers IMCS)



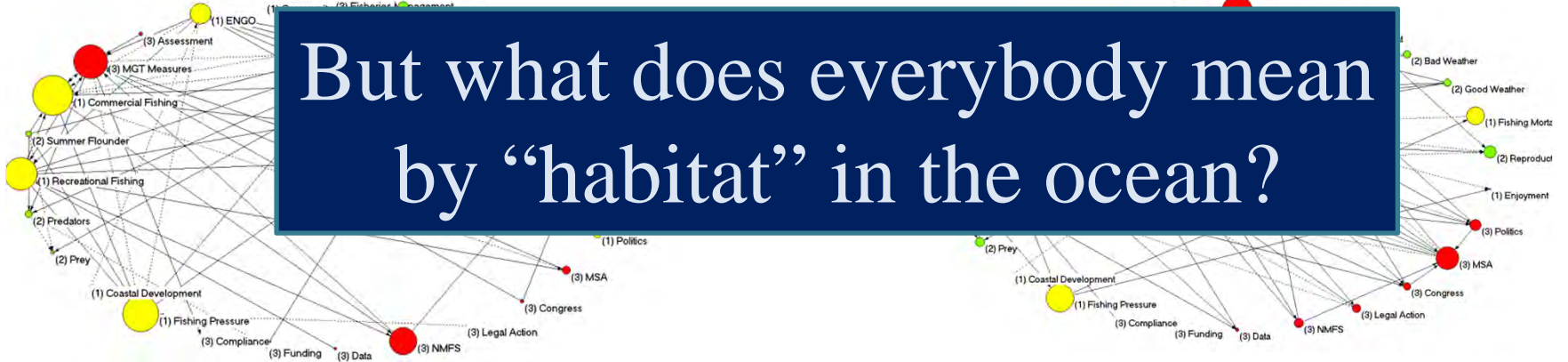
Cognitive Models of Fishery Systems:

How important is habitat?

Scientists

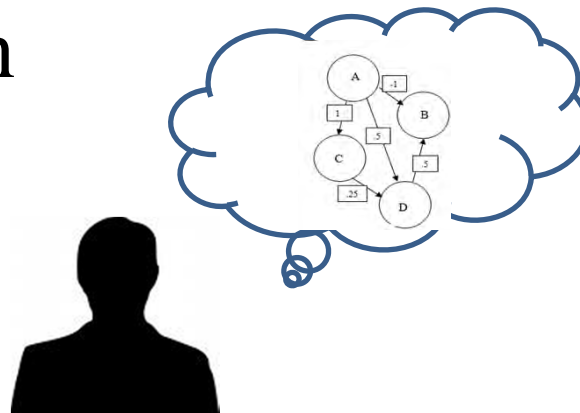


But what does everybody mean by “habitat” in the ocean?



Fisherman

Managers

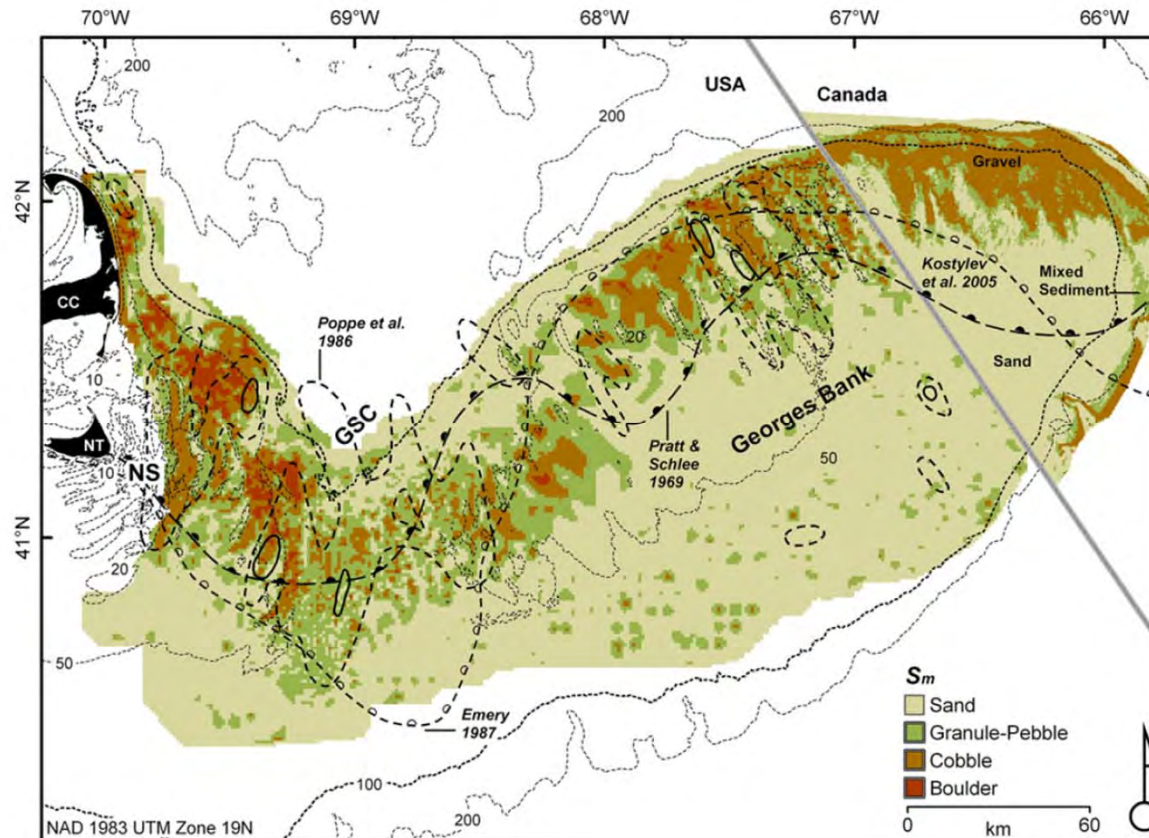


From Gray, S. et al. (in review)

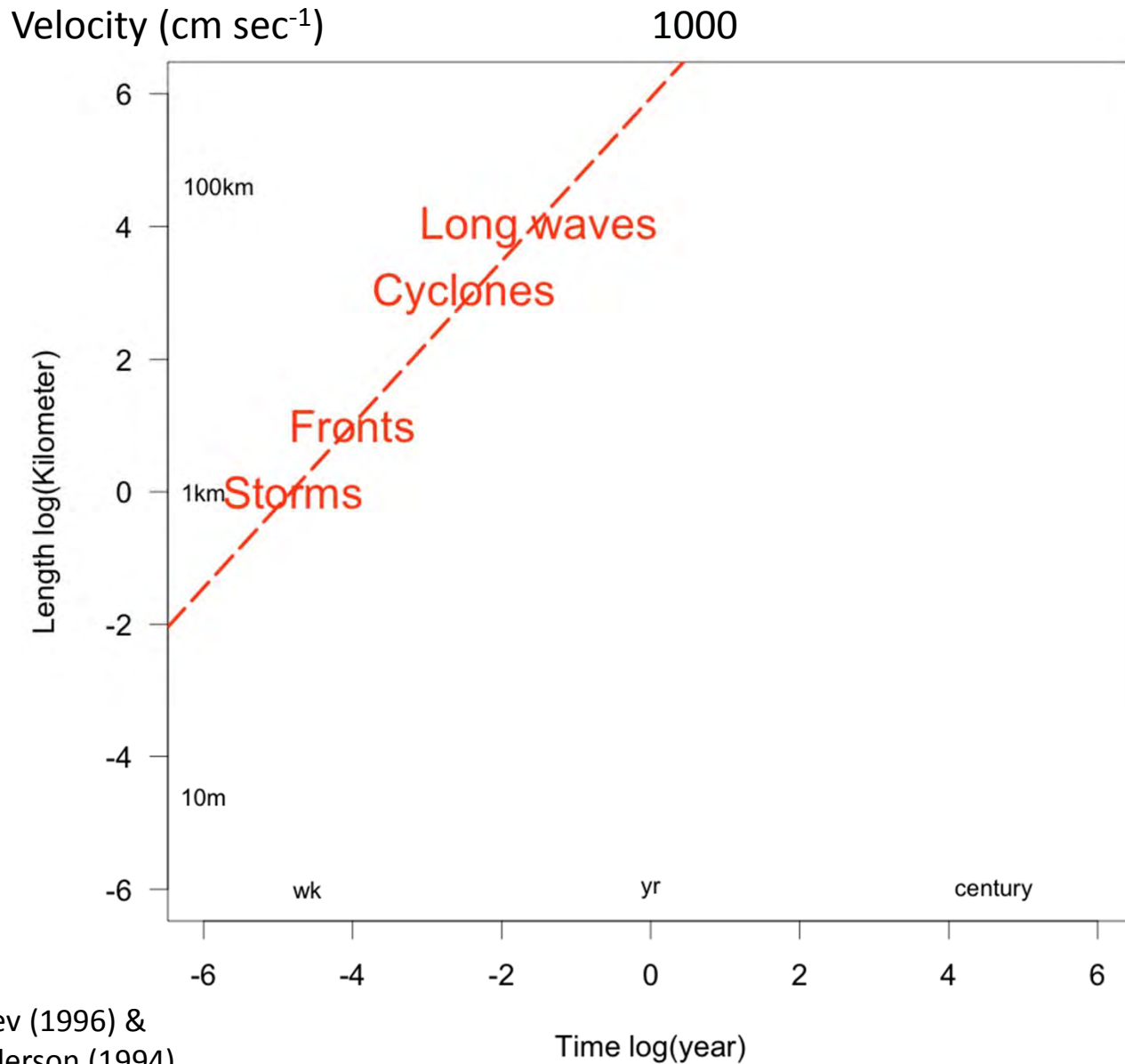
Marine habitats

Things you can map that stay “put”

- Focus on stable (~“slow”) bottom features
- Patch habitat model
 - Terrestrial Analogues

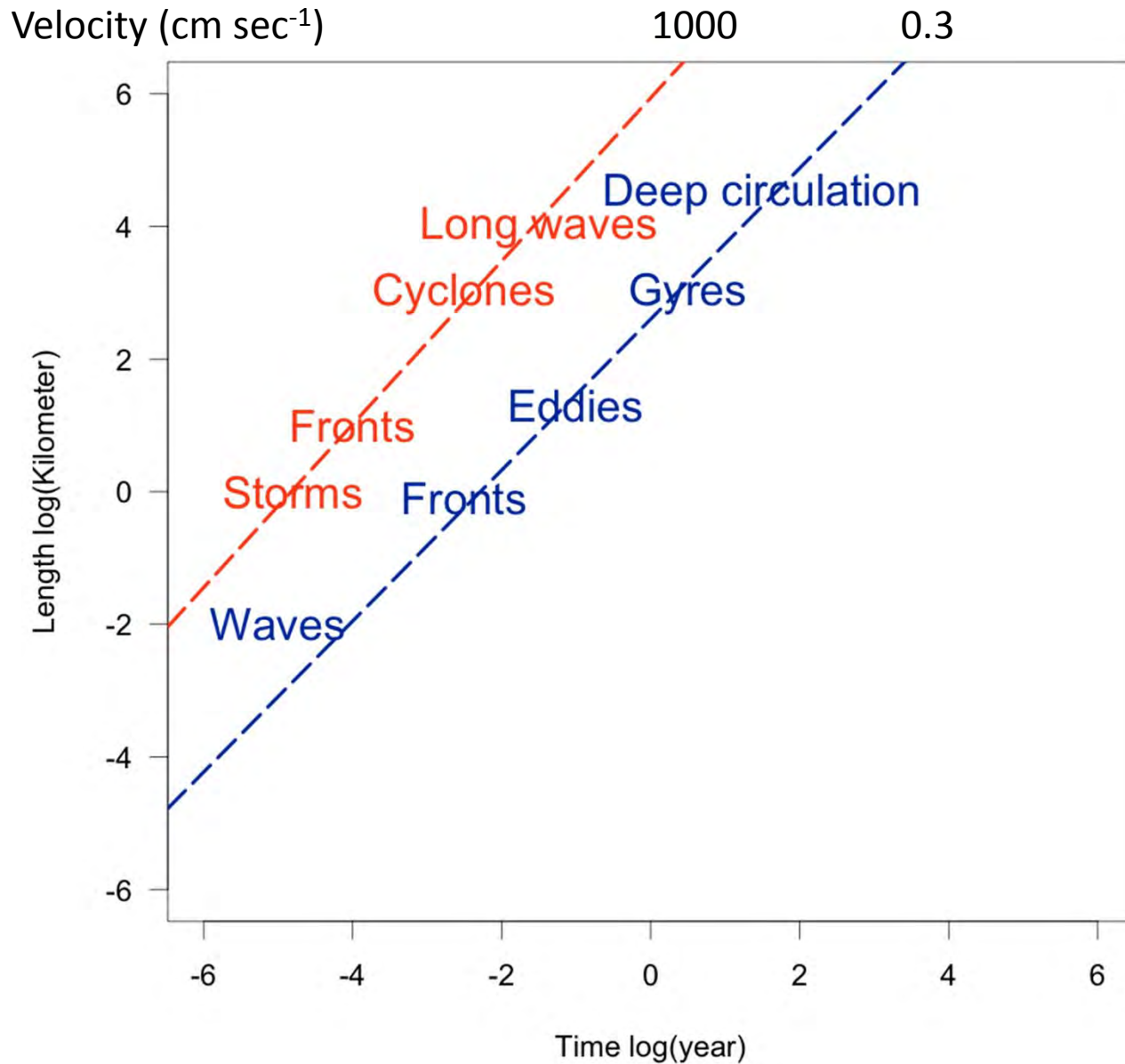


Length-time scales of atmospheric & ocean features

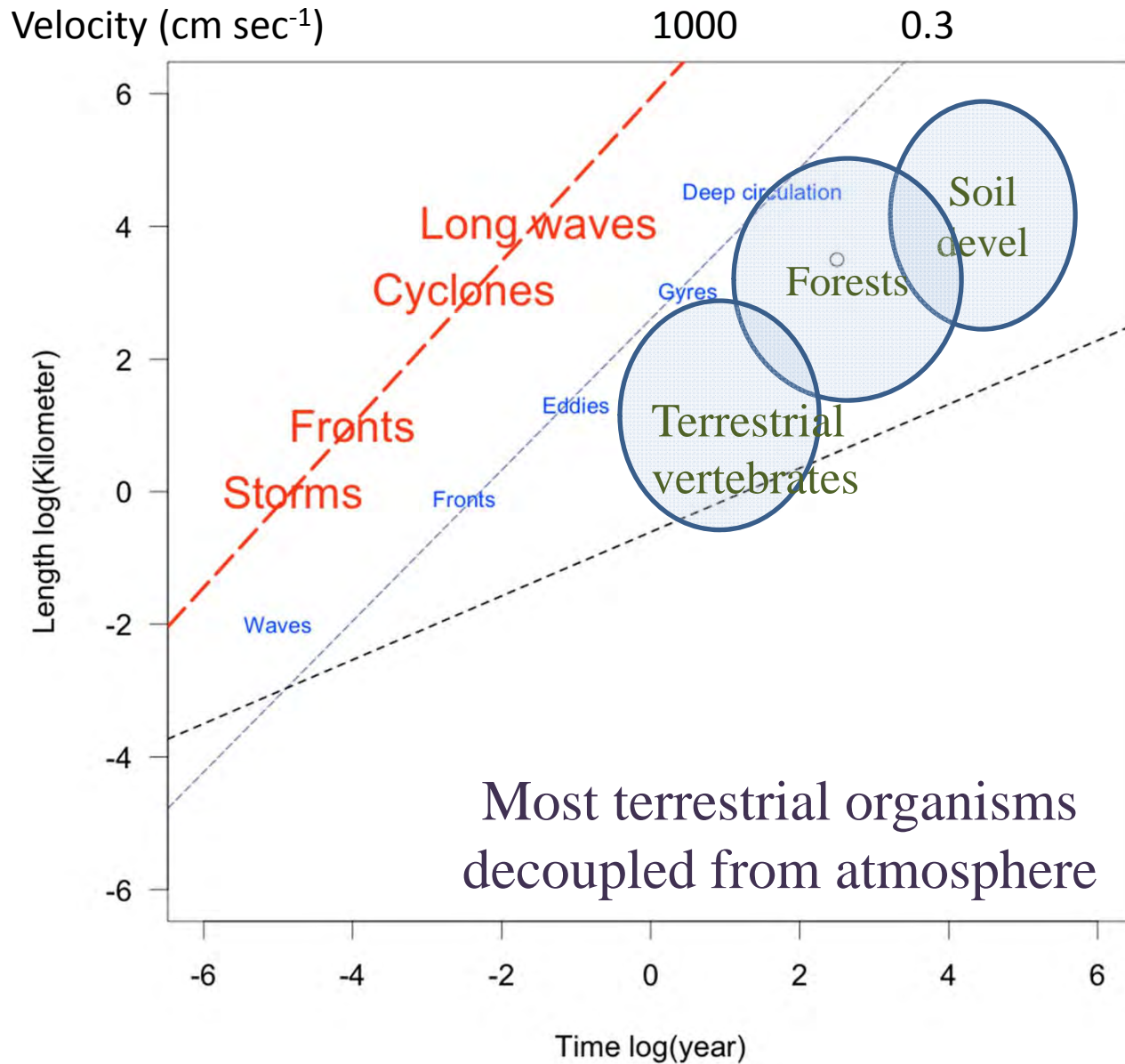


From Mamayev (1996) &
Steele & Henderson (1994)

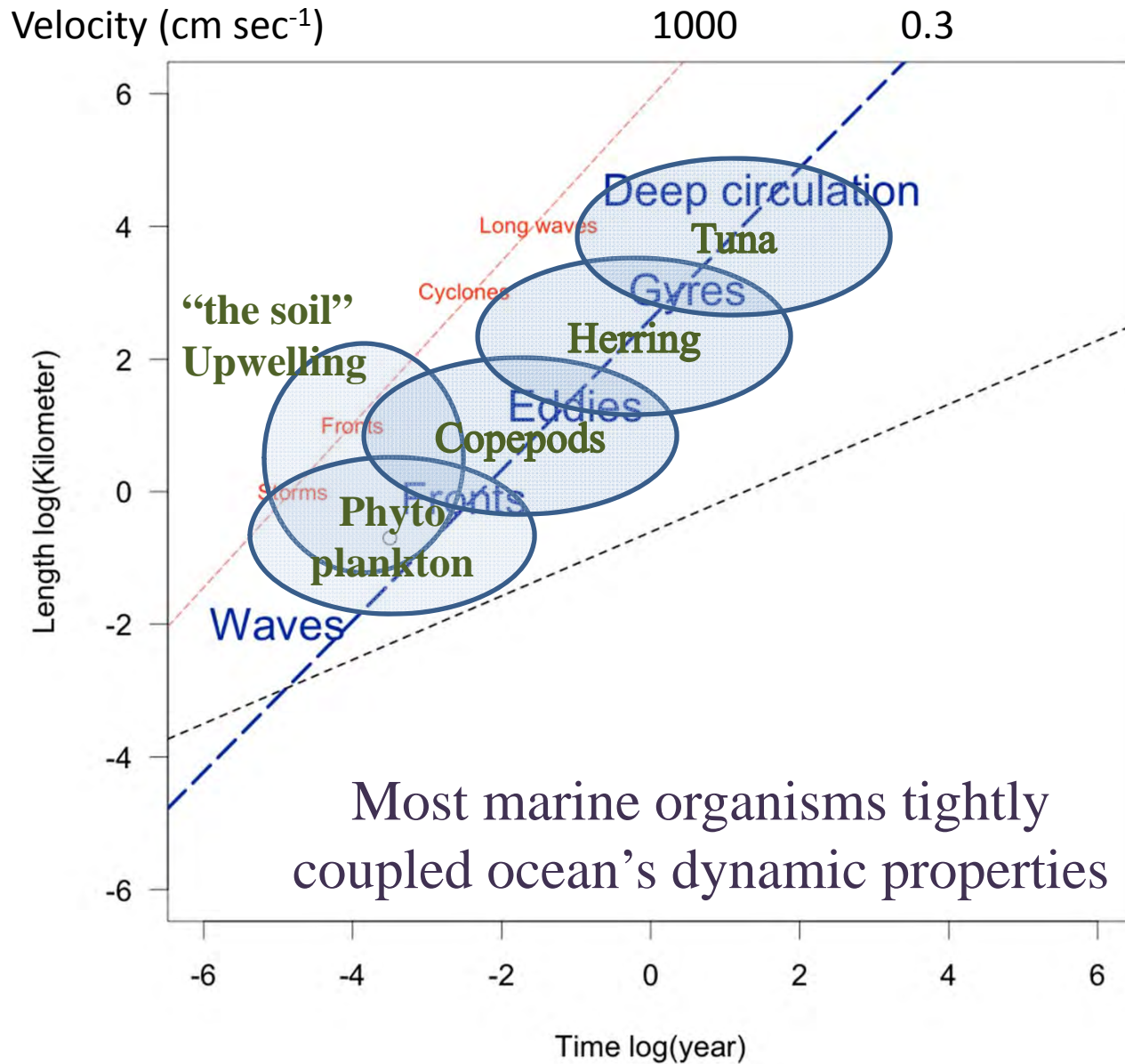
Length-time scales of atmospheric & ocean features



Length-time scales of atmospheric & ocean features



Length-time scales of atmospheric & ocean features

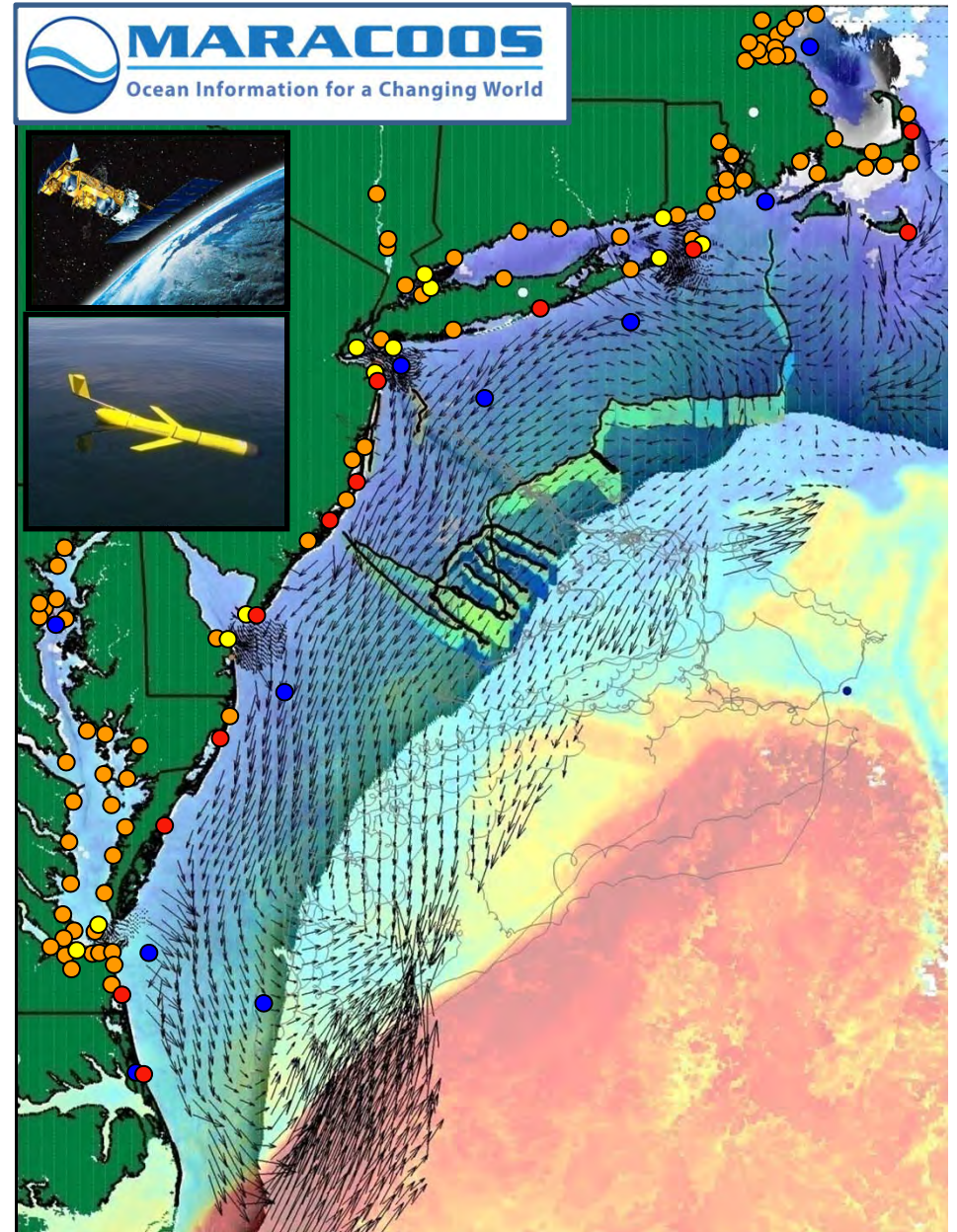


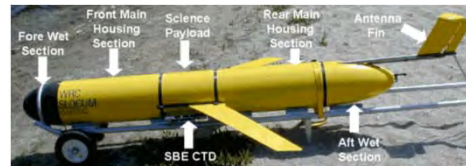
Ocean Observing Systems

Measure properties at space-time scales required to understand the physics of the fluid

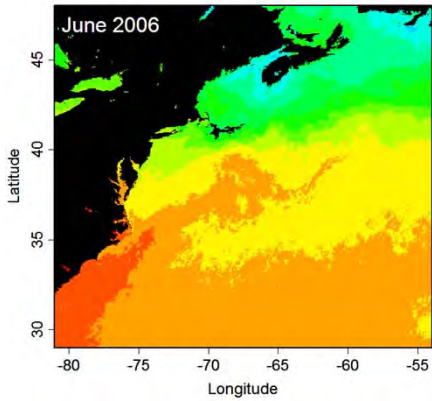
Fish can't overcome physics

- Biological & physical scales coupled
- Behavior, physiology & life history tightly coupled to dynamic properties of the fluid

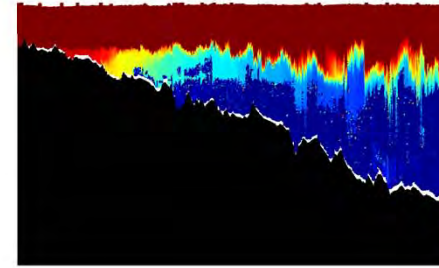
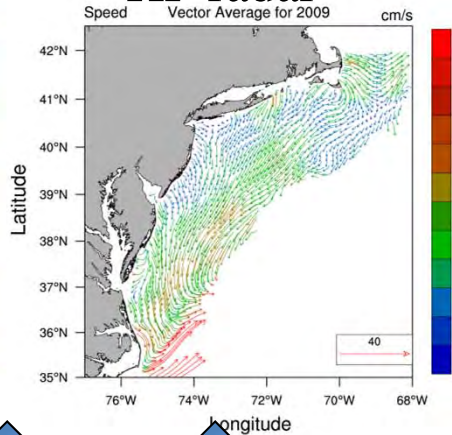




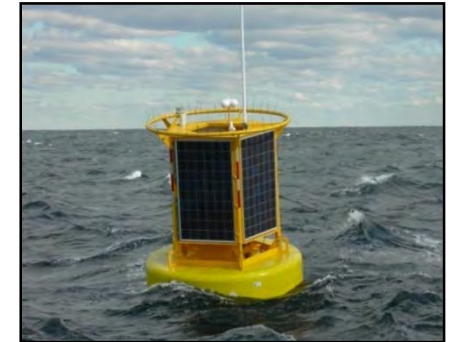
Data: Satellites



HF radar

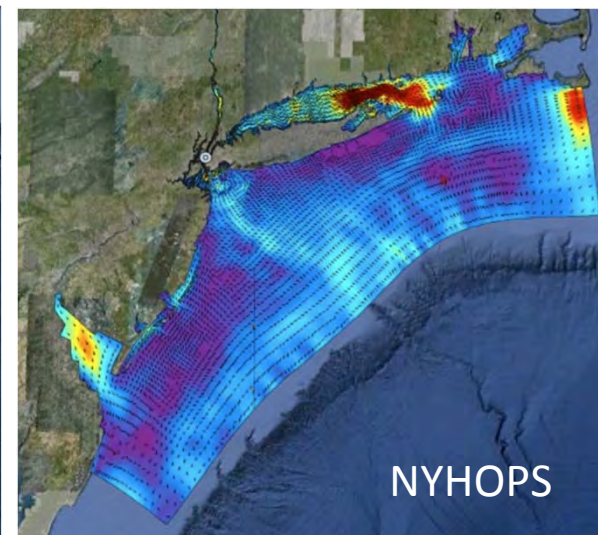
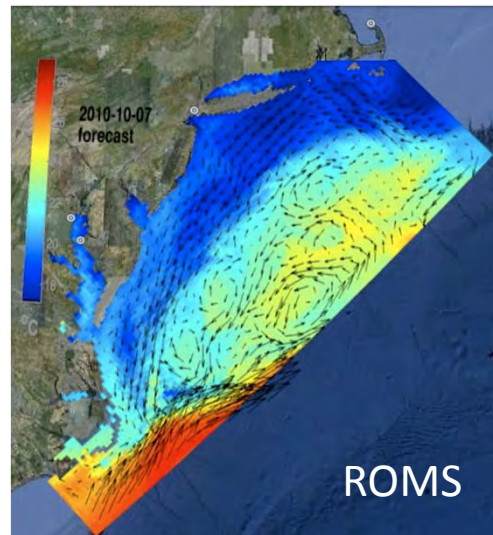


Buoys



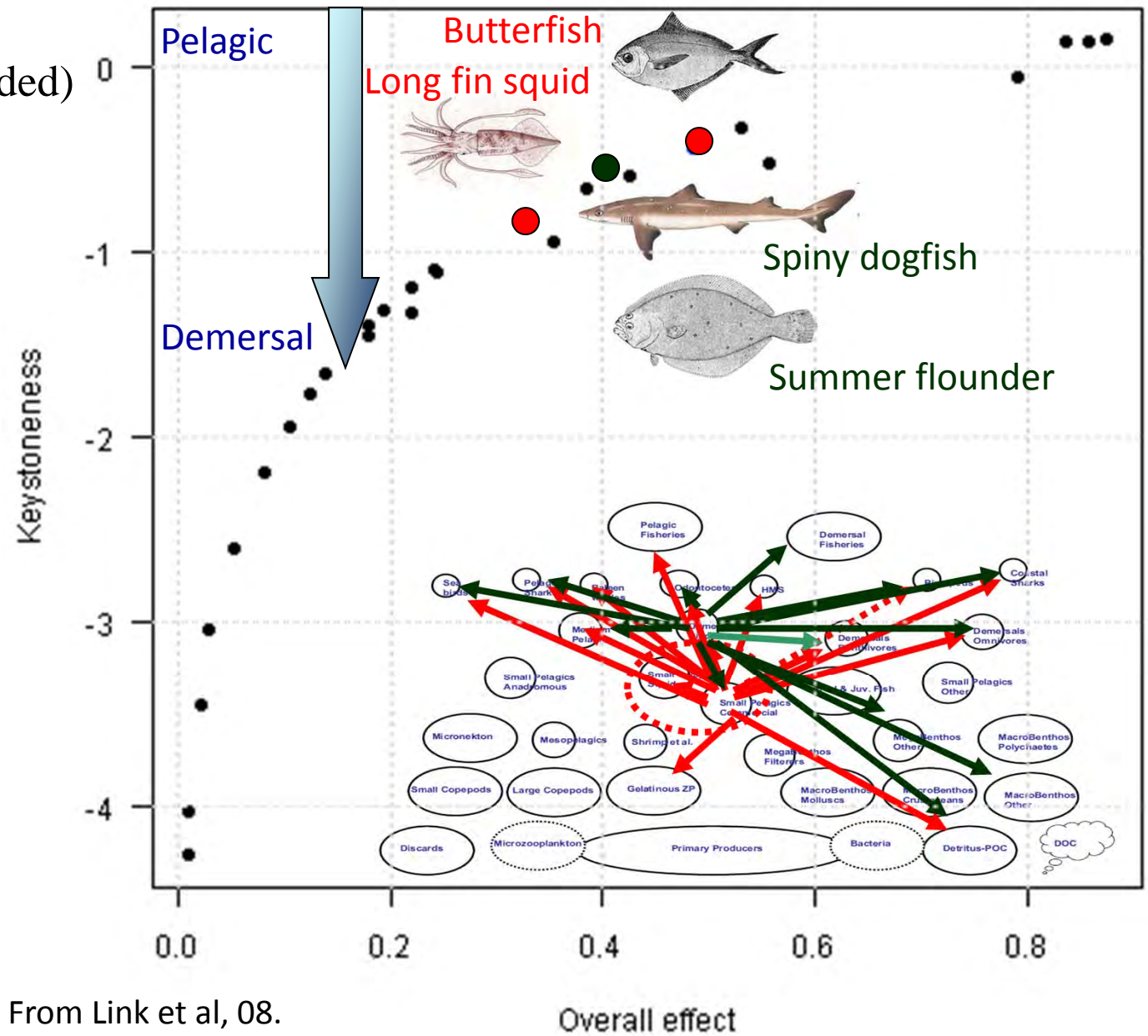
Ensemble of Assimilation Models

RU ROMS
 Stevens NYHOPS
 UMASS HOPS
 UCONN STPS

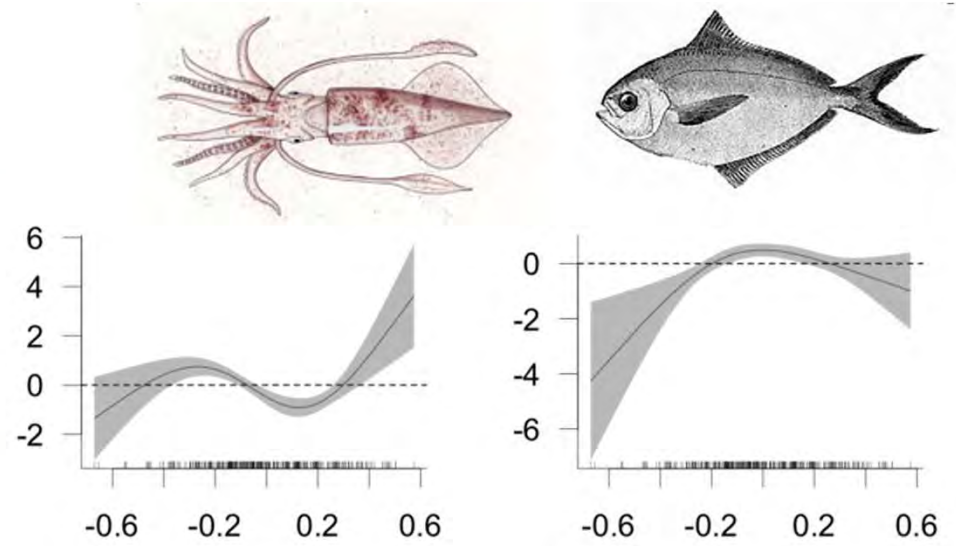
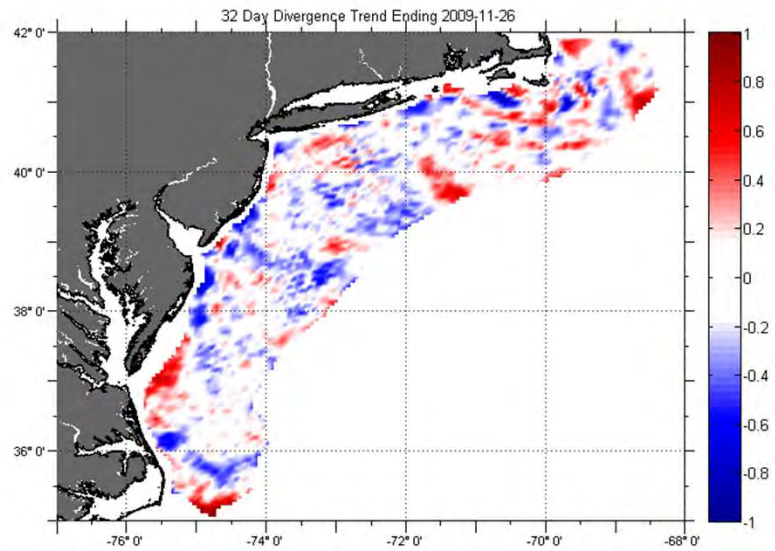


Retrospective Analysis:
Regional scale statistical
habitat models
(NOAA FATE funded)

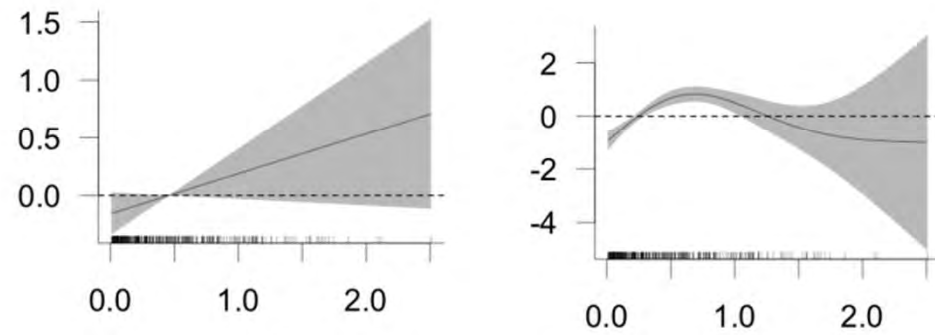
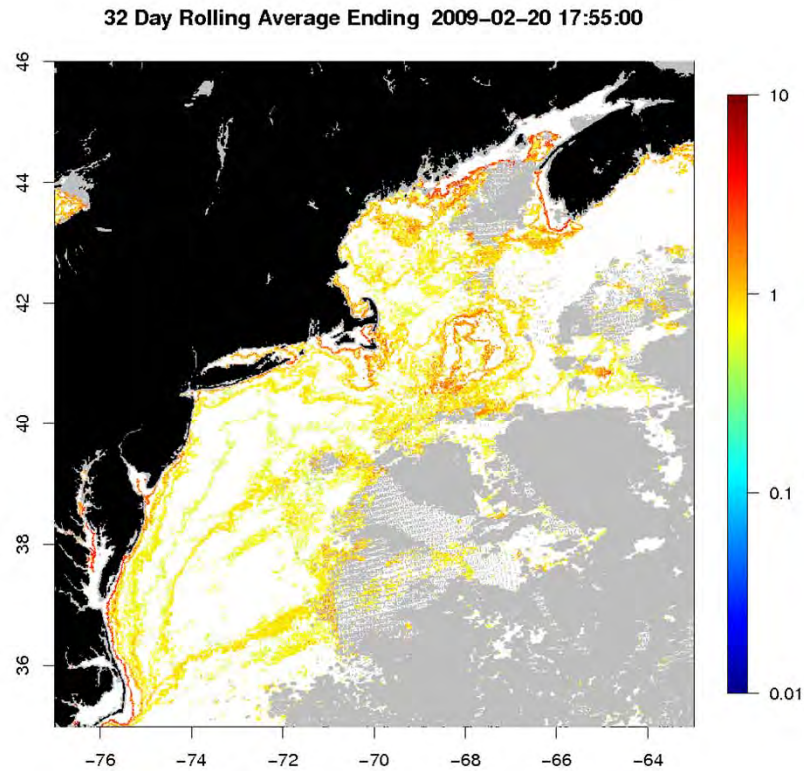
Mid-Atlantic Bight ecosystem model (EMAX)



From Link et al, 08.



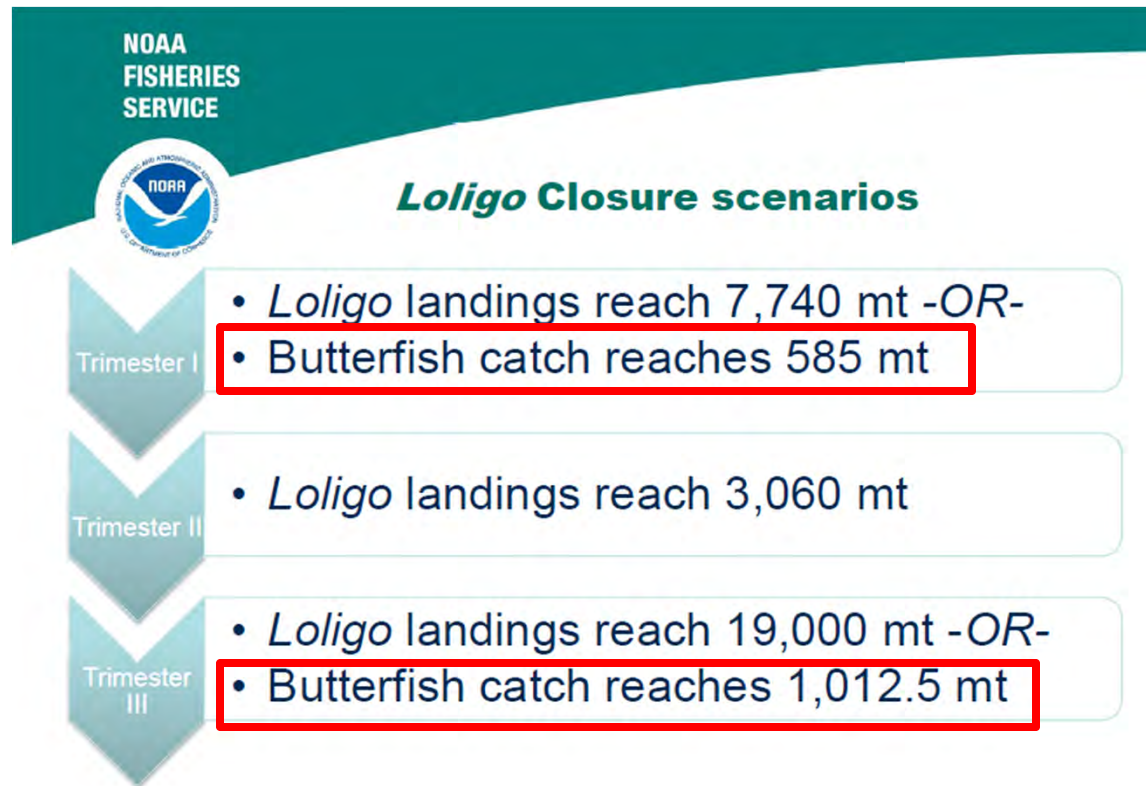
HF radar divergence
Upwelling/Downwelling



Frontal Index from satellites

An Application

Butterfish Mortality Cap for the Squid Fishery



Integrated Butterfish Bycatch Reduction Model

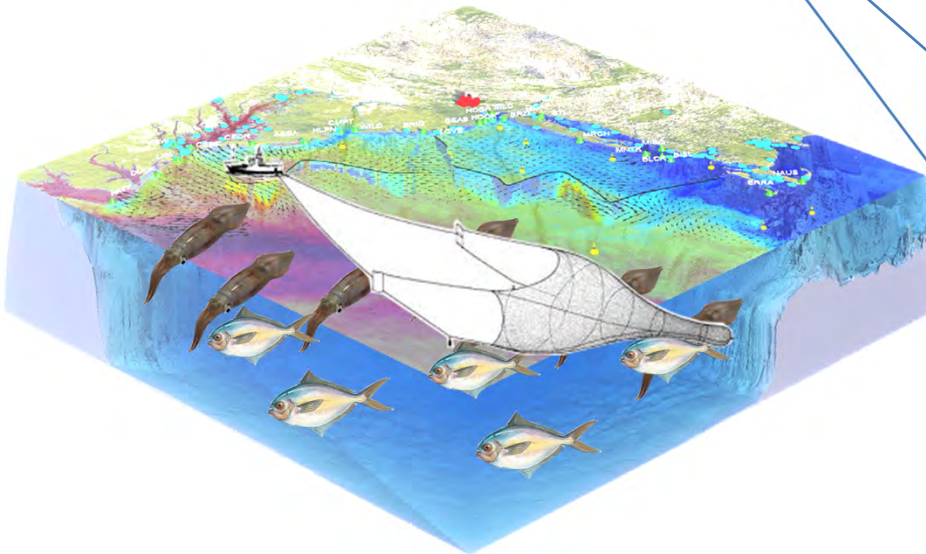
Risk maps of catching too many butterfish

Fishermen decision models

Surveys/Interviews

Habitat Model

- model with fisherman
- add vertical dimension



Combined data layers

Social Data (Fishing Behavior)

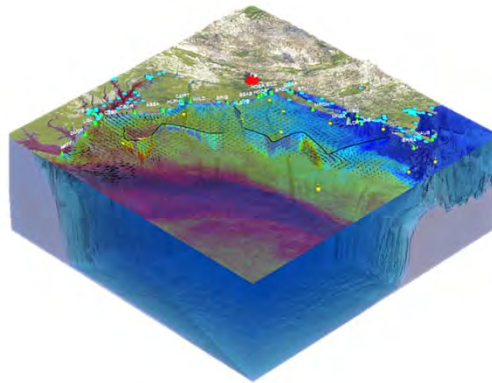
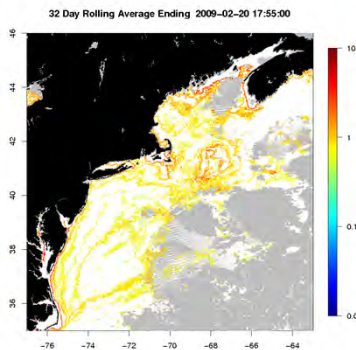
Biological Data (Abundance)

Physical Data (Water Column)

Experimental approach to butterflyfish bycatch reduction in the North Atlantic squid fishery

Ecosystem science & management has to be collaborative

Science interdisciplinary, fisherman ecologists too,
& build cooperative frameworks



Fishery Scientists/Ecologists

John Manderson
(NMFS)
Olaf Jenson (Rutgers)
Laura Palamara (Rutgers)
Talia Young (Rutgers)

Physical and Biological Oceanographers

Josh Kohut (Rutgers)
Matt Oliver (University
of Delaware)

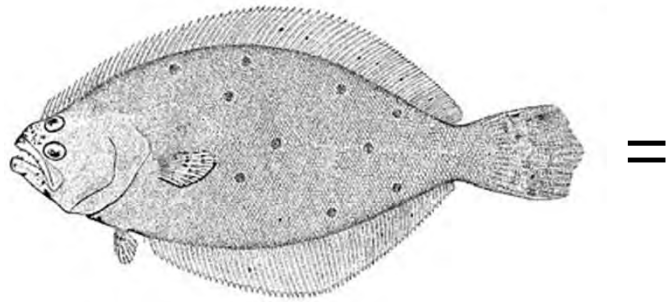
Industry and Outreach

Greg DiDomenico
(GSSA)
Eleanor A. Bochenek
(Rutgers)

Social Scientist/Policy

Steven Gray (Rutgers)
Fisheries Management
Jason Didden (MAFMC)

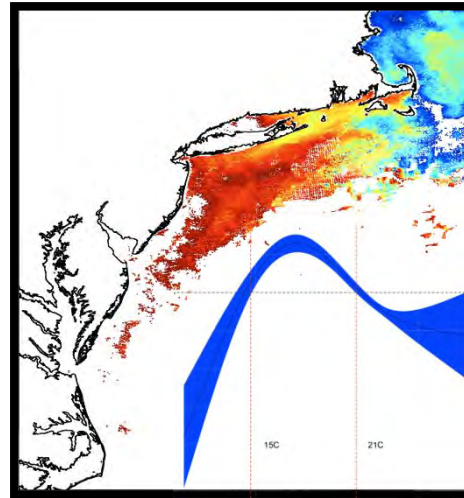
Adult summer flounder habitat
Autumn (NEFSC trawls)
offshore migration & spawning



Biomass

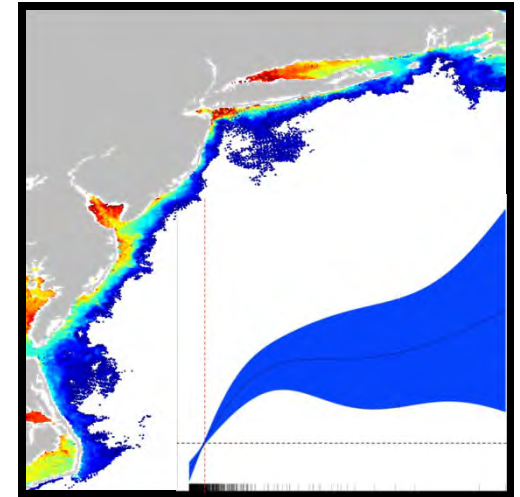
=

SST



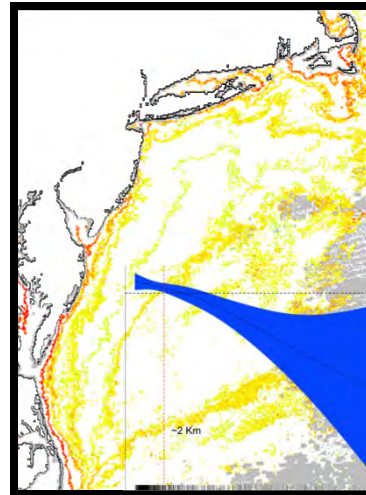
Chlorophyll

+



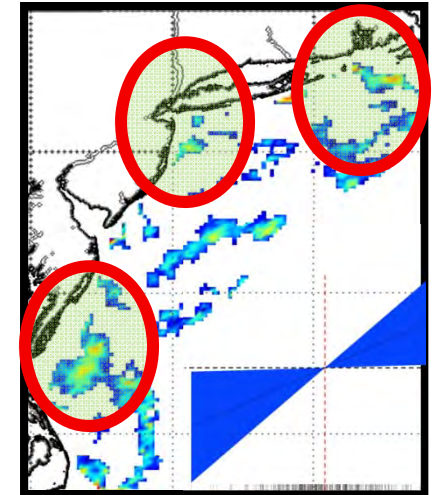
Proximity to fronts

+

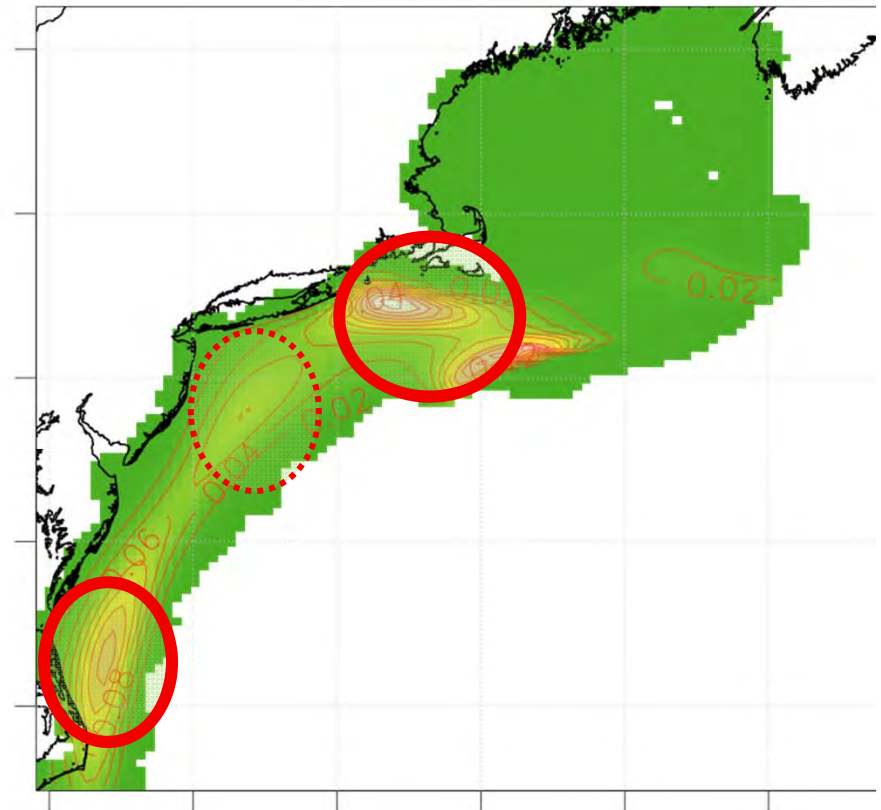
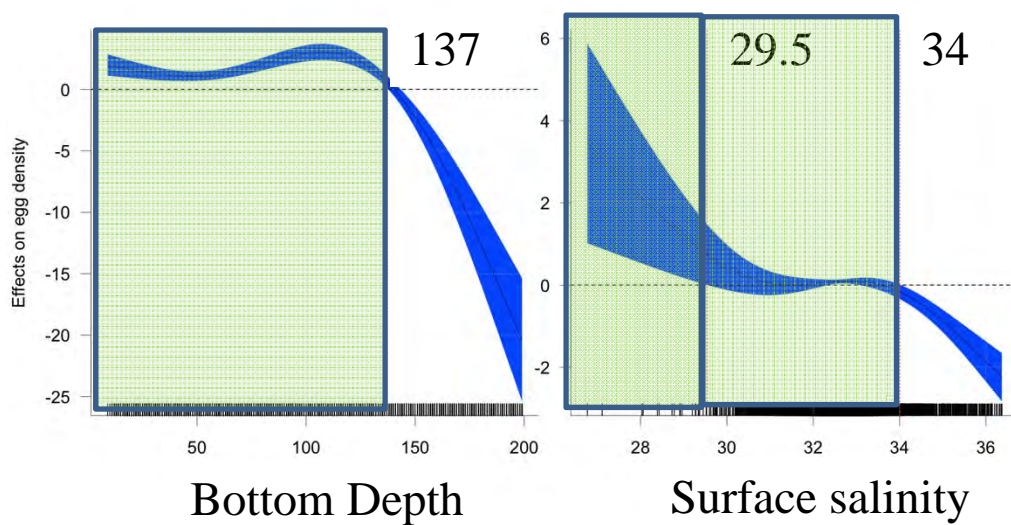
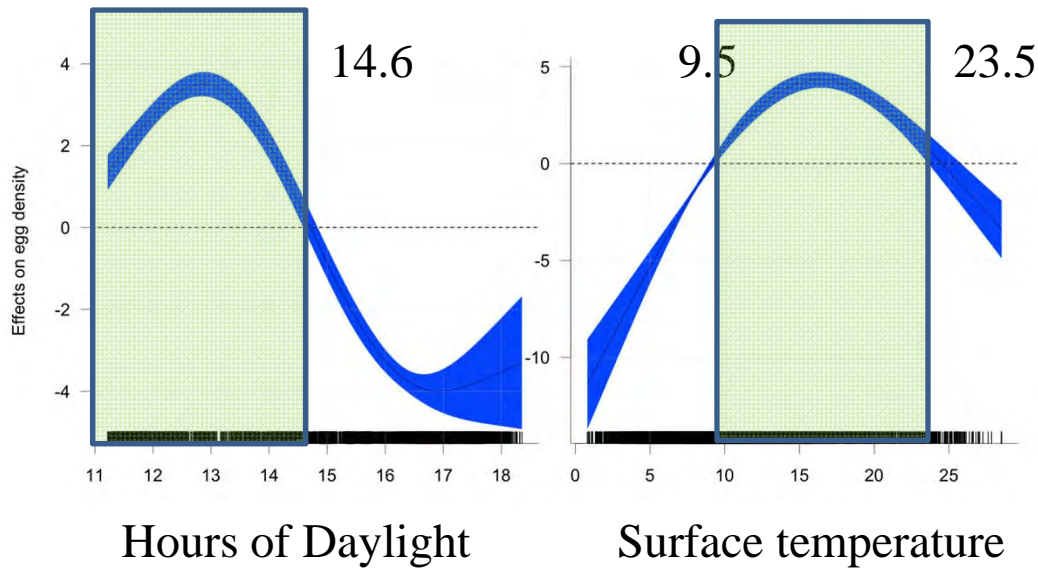


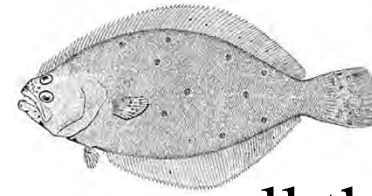
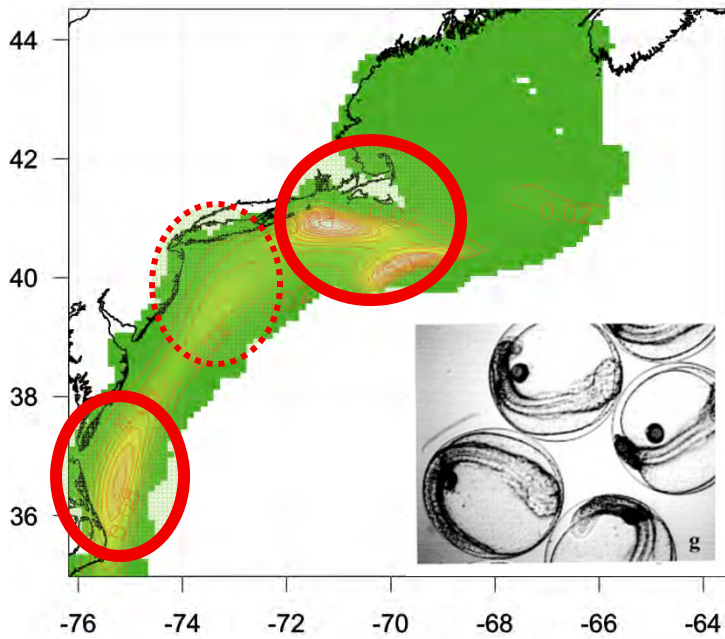
Current divergence

+



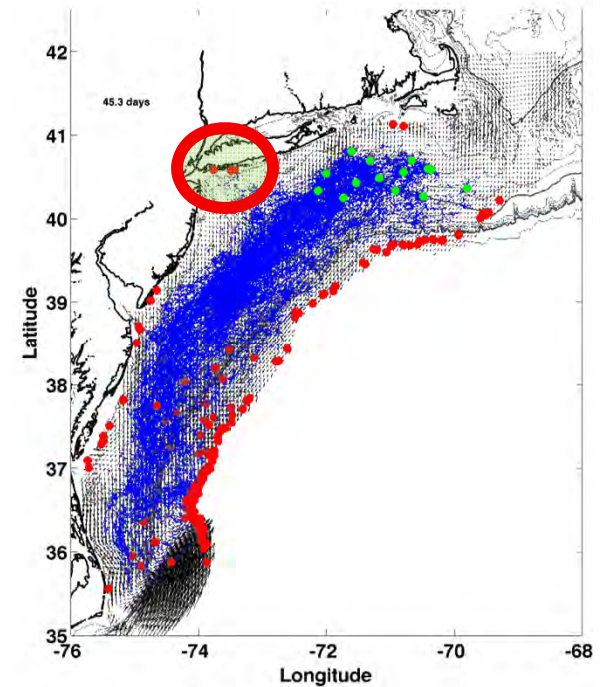
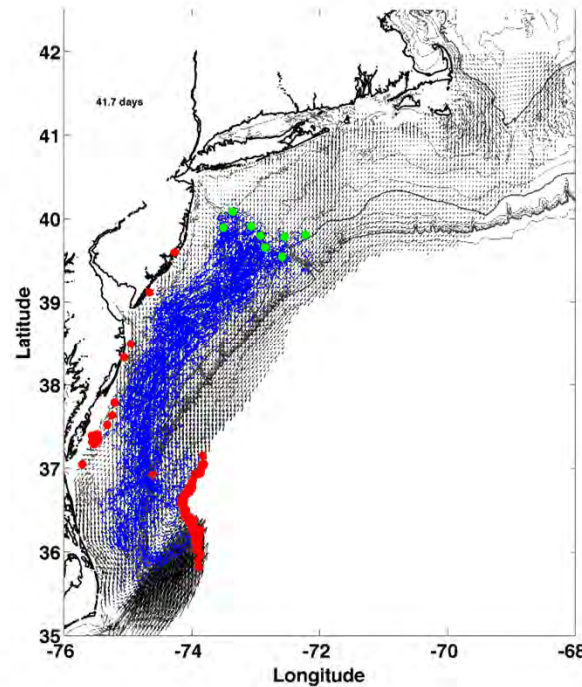
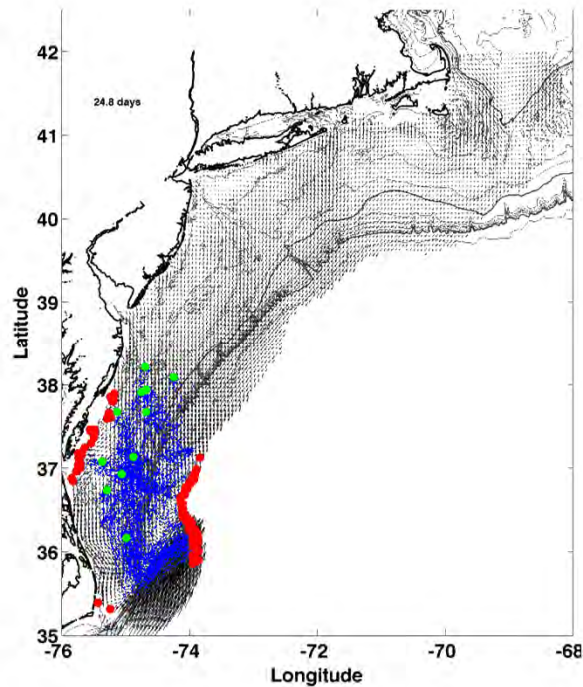
Summer flounder egg habitat (egg duration <~72hrs)
MARMAP 1977-1987 (Peak- late Sept-Oct)



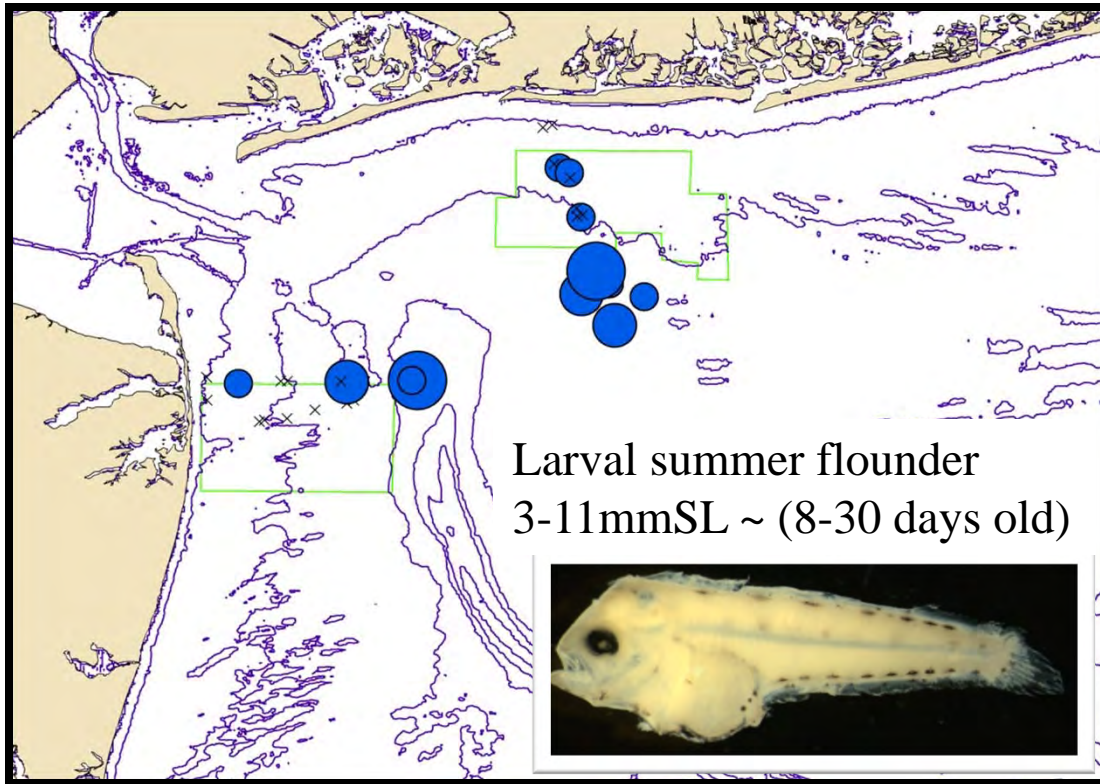


“Now where are all those kids
I left by the side of the road?”

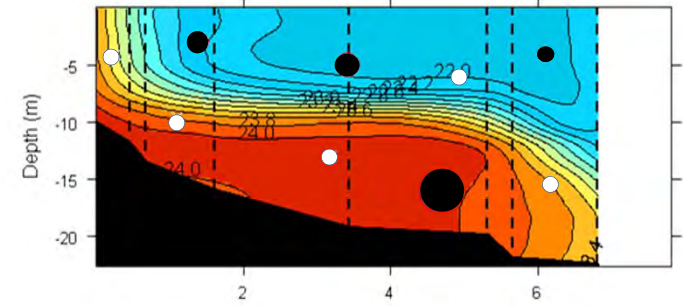
CODAR drifter tracks September 2009
The nullest of null transport “models”
particles at surface with no behavior



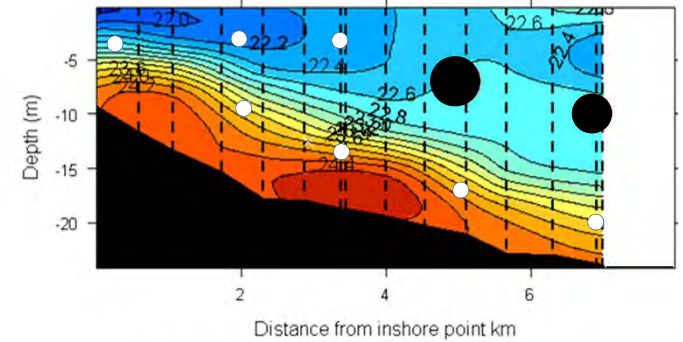
Fall 2009 ECOS IOOS informed plankton surveys



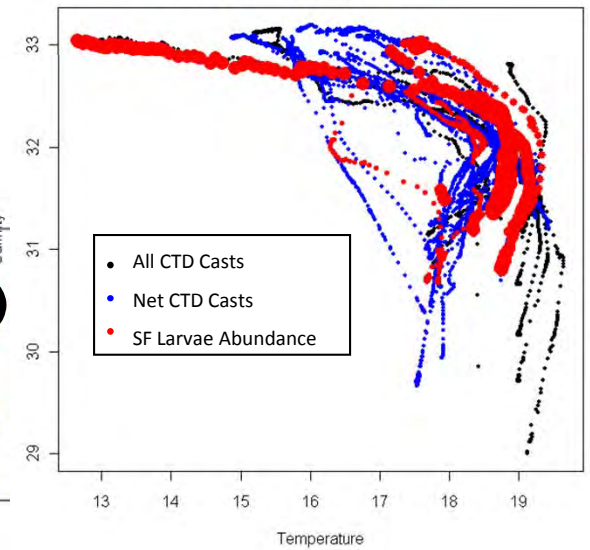
Sept 30



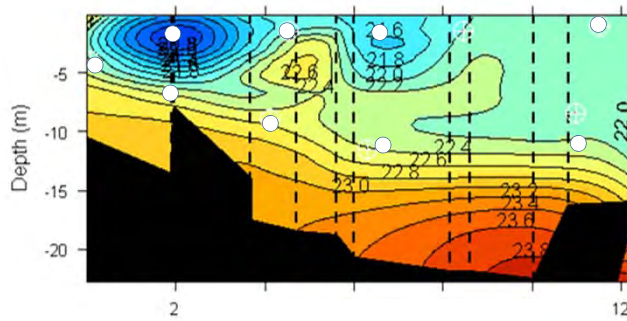
Oct 2



Distance from inshore point km

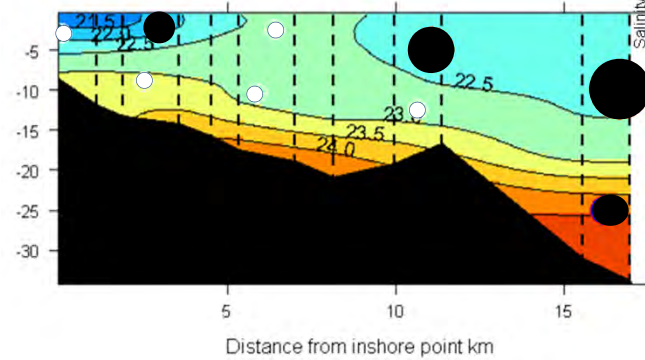


Sept 29



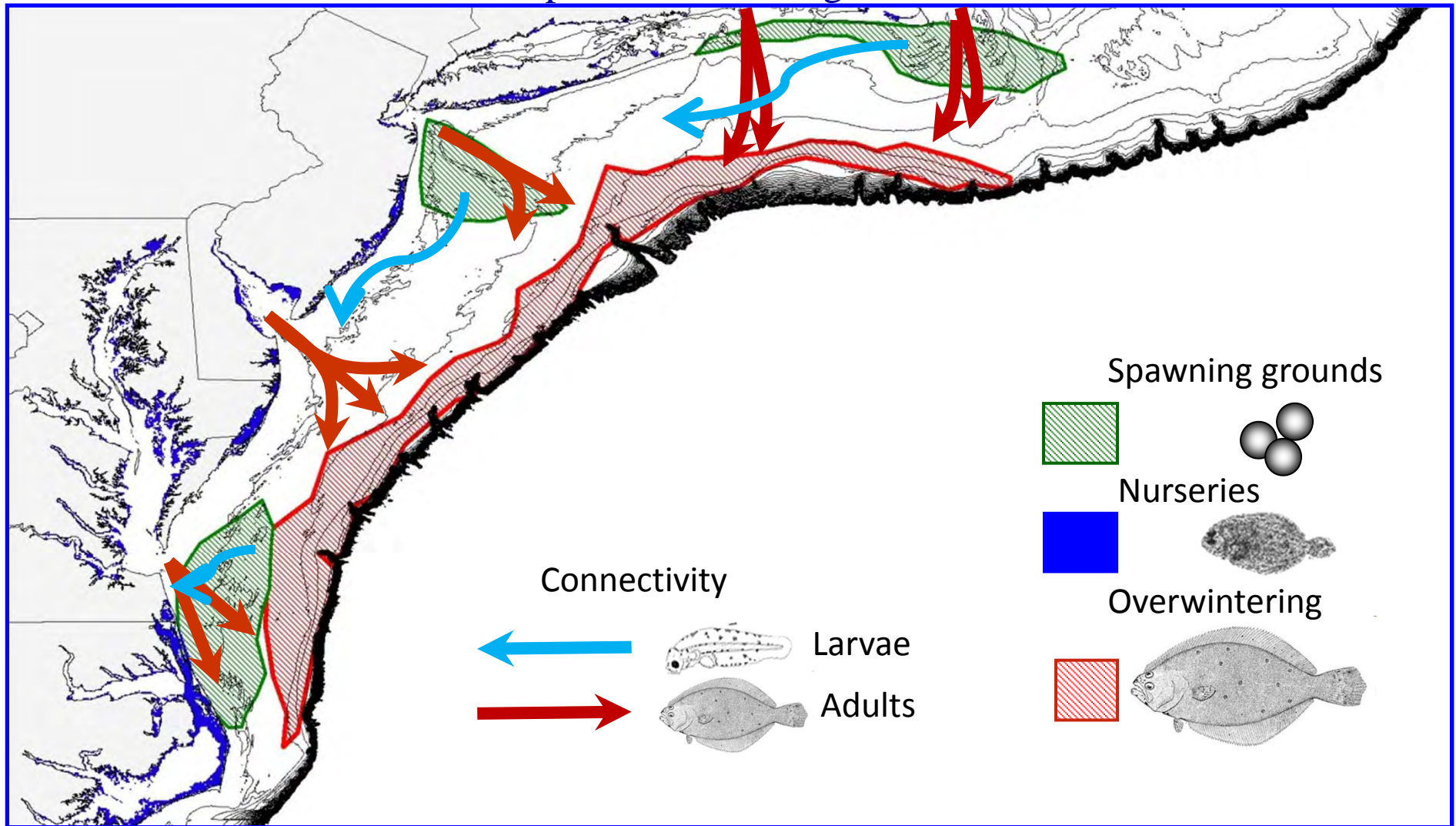
Strong upwelling

Oct 1



Distance from inshore point km

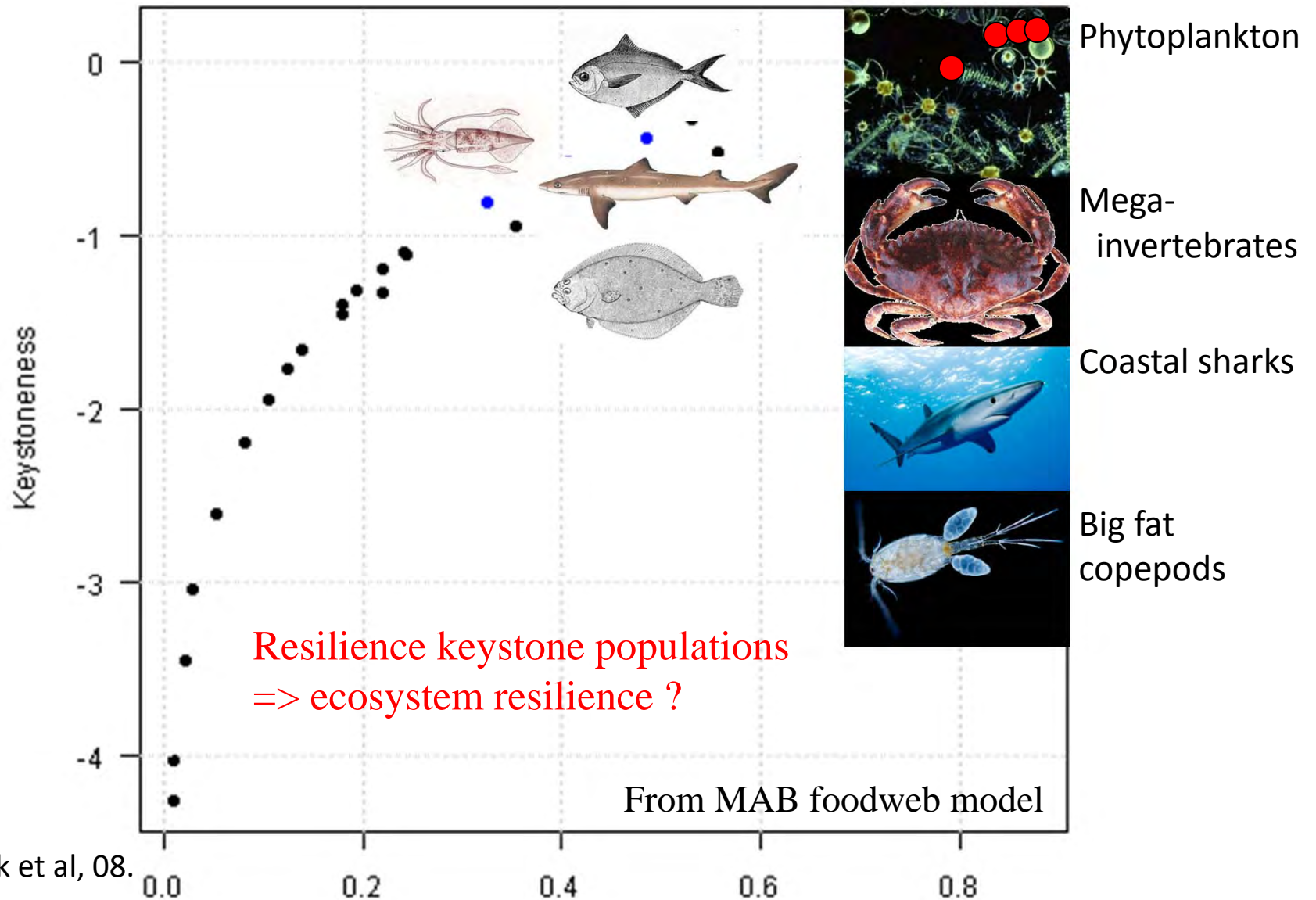
Template for regional scale model coupling ontogenic habitats space based management



Simulate effects of climate/fishing/habitat gain or loss

Focus of IOOS informed habitat science in support of ecosystem management

Option 1: Target keystone species

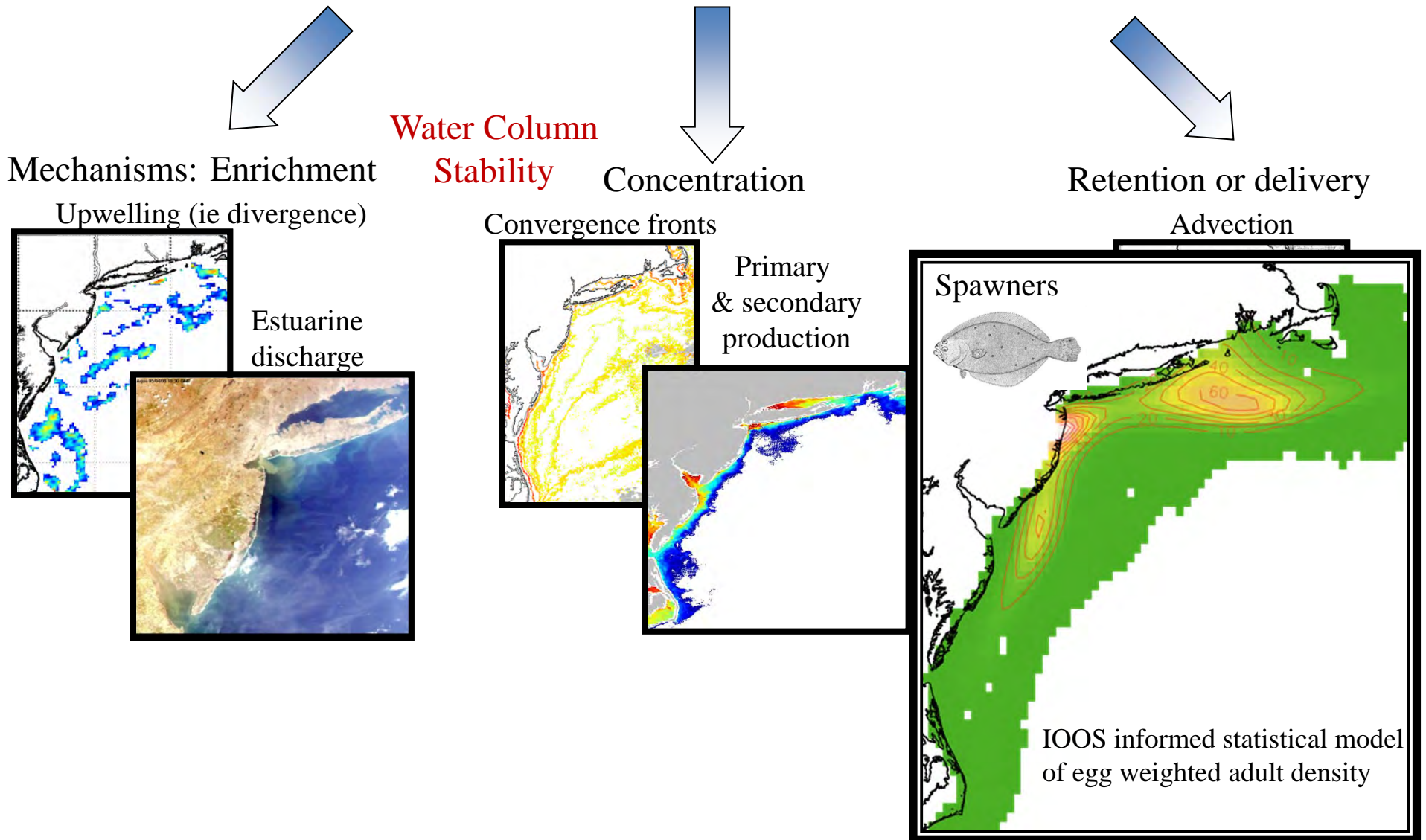


From Link et al, 08.

and/or

“Keystone habitats” supporting many species: focus on process

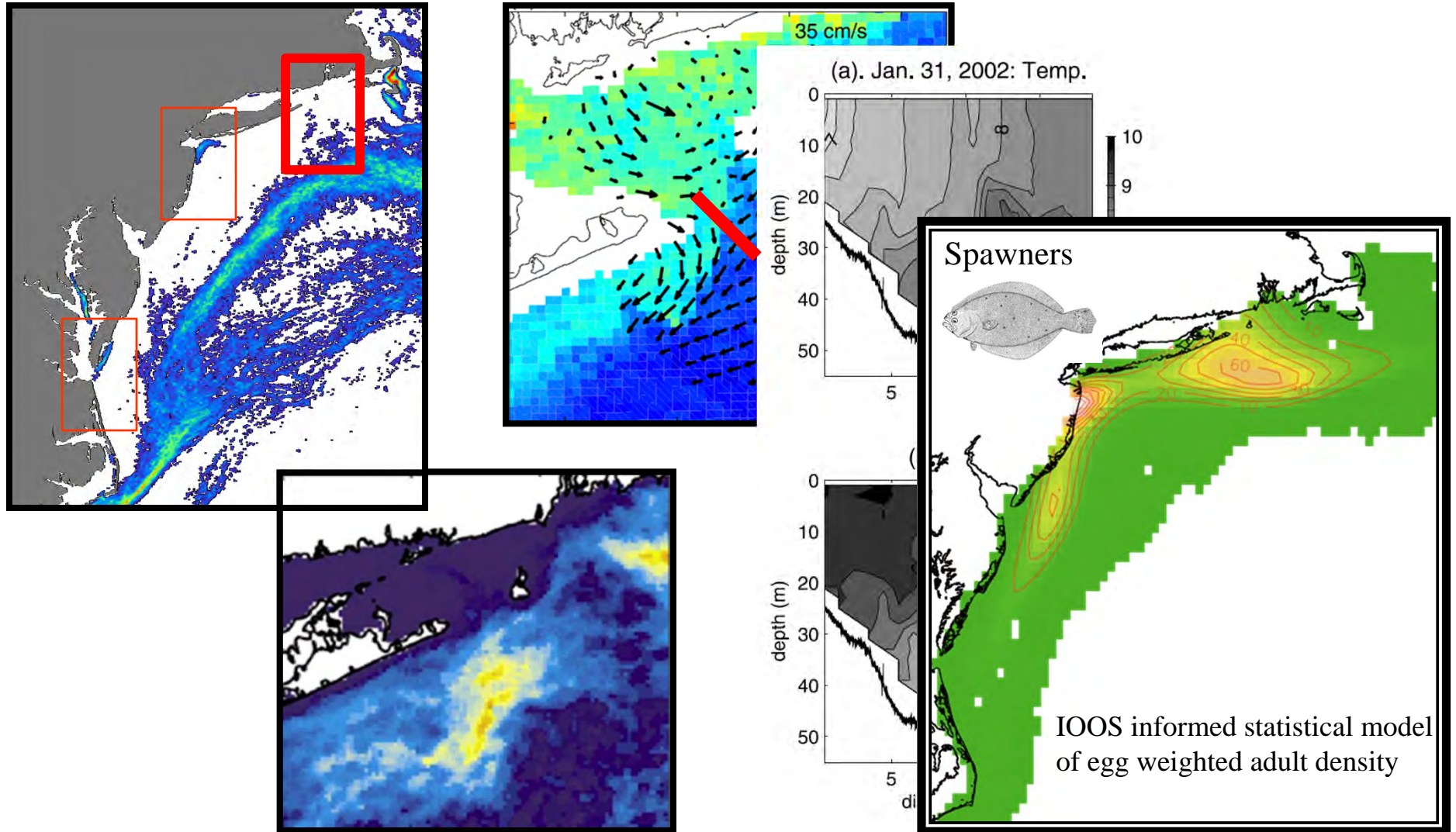
Ocean triads (Bakun, 1996)



Seascape view: Habitats places where critical resources, often from remote sources, “converge” at critical periods of time.

Dave Ullman (FRONT)

October SST fronts (*concentration*) *Enrichment & advection*



4 key points

- 1) Since the ocean is “slow” marine organisms are much more strongly coupled to the properties and dynamics of the fluid ocean than terrestrial animals are to the atmospheric fluid. Terrestrial animals have decoupled from the faster, more variable atmosphere.
As a result terrestrial analogues do not work very well in a marine context
- 2) Integrated ocean observation systems (IOOS) measure and model the dynamics and properties of the oceans fluid at scales required to understand ocean physics.
Since marine animals are tightly coupled to the properties and dynamics of the fluid, IOOS describes critical habitat specific processes and properties
- 3) Because “habitats” in the ocean are actually nodes where critical resources from sometimes remote sources “converge”- connectivities & fluxes of materials between sources need to be considered in spatial management
- 4) Two approaches for integrating IOOS informed regional scale habitat science & modelling into ecosystem management
 - 1) focus on the spatial management of habitats for keystone species that promote the population resilience
Assumption: Resilience of keystone populations should be translated across a level of organization to promote ecosystem resilience
 - 2) Identify “keystone” habitats defined by processes supporting many important species. This approach might be a necessary with climate change

Acknowledgments



- NEFSC: Beth Phelan, Jeff Pessutti, Linda Stehlik, John Rosendale, Tom Noji, Jon Hare, Maureen Taylor, Sean Lucy
- ACADEMICS: Josh Kohut, Matt Oliver, Laura Palamara, Steven Gray, Donglai Gong, Scott Glenn, John Goff, & Rutgers COOL

PERSPECTIVES FROM THE MID-ATLANTIC REGIONAL COUNCIL ON THE OCEAN (MARCO)

Gregory Capobianco

New York State Department of State

Regional Ocean Partnerships



Regional and State Ocean Leadership

Due to the physical and ecological characteristics of oceans, coasts, and watersheds, marine resources are difficult to delineate along traditional geopolitical borders, which confirms the need for regional cooperation in the protection and management of the oceans. The current patchwork of federal, state, and local ocean policies is inherently incapable of effectively and coherently addressing such complex challenges as ocean dead zones, overfishing, habitat loss, and the impacts of and possible adaptations to climate change along our densely populated coasts. It also constrains our ability to explore and take advantage of promising new opportunities such as ocean-based forms of alternative energy production, environmentally and economically sustainable offshore aquaculture, and marine bioprospecting. Regional collaborations among states can facilitate effective management across jurisdictional boundaries and are necessary for implementing ecosystem-based management and the presence of such entities encourages region-specific science and management. Moreover, multi-state and other regional governance mechanisms can strengthen the voice of local stakeholders in communicating their needs to the federal government. States have been forging ahead, working to incorporate new alliances; these efforts should be further supported by coordination with federal agencies.

Guiding Principles for Effective Regional Collaboration

Regional ocean governance mechanisms can facilitate more coordinated and collaborative approaches to realizing opportunities and addressing concerns in the region. By developing compatible and coordinated plans and processes, governments at all levels can work together to develop regional goals and priorities, improve responses to regional needs, and develop and disseminate regionally significant research and information. Efforts to enhance regional and state ocean governance initiatives should observe the following principles:

- **Regional Research and Information.** Decision makers at all levels, but particularly at the local level, need accurate and timely information about ocean and coastal ecosystems, including how human activities impact those ecosystems.
- **Regional Ecosystem Assessments.** Assessments of the natural, cultural, social, and economic attributes in a region would help guide management decisions and improve the process mandated under the National Environmental Policy Act by providing a single science-based regional assessment that can be the basis for individual environmental impact statements.
- **Enhance Regional Governance Capacity by Improving Federal Coordination in Regions.** Our governmental institutions need to be recalibrated to enable government at all levels to work together more effectively at the regional level. One step toward improved regional coordination is for federal agencies to identify opportunities and further coordinate existing programs and activities to assist and support more effective response to regional priorities.

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202-354-6444 tel / 202-354-6441 fax / www.jointoceancommission.org

WEST COAST GOVERNORS' AGREEMENT on OCEAN HEALTH
CALIFORNIA OREGON WASHINGTON



GULF OF MEXICO ALLIANCE



A History of Collaboration



Chesapeake Bay Program
A Watershed Partnership



MARCO Background

MARCO has been driven by the States in the Mid-Atlantic : In **March of 2009**, the Governors of New York, New Jersey, Delaware, Maryland and Virginia notified the Council on Environmental Quality of:

“ . . .an effort to develop an interstate agreement on ocean and coastal management in the Mid-Atlantic region. . . We have directed our staffs to develop a formal agreement which will commit us to addressing priority ocean issues within the region, such as energy development, climate change, water quality, and habitat protection.”

Letter to Nancy Sutley (Chair, CEQ)

MARCO Background



Mid-Atlantic Governors' Agreement on Ocean Conservation

A Rising Tide of New Challenges

The ocean waters of the Mid-Atlantic, stretching from New York to Virginia, provide a wealth of economic and environmental services to local communities, States, and the nation. At the same time, the people of the Mid-Atlantic region are a significant force that influences our ocean and coastal environment. We change the coastline and watershed through our buildings and development, we harvest the ocean's resources through increasingly efficient means, and we rely on offshore waters to support diverse activities such as maritime commerce and recreation. As the intensity of these human influences has increased, they have at times led to significant threats to the health of our ecosystems.

Now our ocean and coastal resources face a new generation of challenges, and these challenges are only growing in their urgency. Volatile energy prices, a pressing need to embrace alternative energy development, and a

In **June of 2009**, the *Mid-Atlantic Governors' Agreement on Ocean Conservation* was released at the Mid-Atlantic Governors Summit

MARCO Background

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- Selected foundational principles:
 - The Mid-Atlantic States desire to promote a regional agenda at the national level.
 - Each state within the Mid-Atlantic region has an equal stake in a successful outcome
 - The States are principal management agents of the coast and ocean and desire a strong State leadership role. . . We also recognize that many federal programs have jurisdiction within or beyond State waters. The meaningful engagement of federal, business, academic, and non-governmental entities is necessary to form a comprehensive approach.
 - Coordination is essential to successful management at the regional level. . . Coordination with existing interstate initiatives will ensure that this partnership retains its focus on priority issues. Rather than promoting the creation of new programs or offices, we will strive to leverage existing resources and personnel to collaborate on shared actions.

From the Mid-Atlantic Governors' Agreement on Ocean Conservation

Priority: Habitat Protection

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- **Goal:** Ensure the key ocean habitats of the Mid-Atlantic are protected from the principal activities that threaten their sensitive and unique features, biological populations, and ecological processes.



Priority: Offshore Renewable Energy

8

- **Goal:** Promote sustainable development of offshore renewable energy resources by addressing regulatory barriers and regional issues regarding the potential impacts of development.



Wind Power Classification				
Wind Power Class	Resource Potential	Wind Power Density at 50 m W/m ²	Wind Speed ^a at 50 m m/s	Wind Speed ^a at 50 m mph
3	Fair	300 - 400	6.4 - 7.0	14.3 - 15.7
4	Good	400 - 500	7.0 - 7.5	15.7 - 16.8
5	Excellent	500 - 600	7.5 - 8.0	16.8 - 17.9
6	Outstanding	600 - 800	8.0 - 8.8	17.9 - 19.7
7	Superb	800 - 1600	8.8 - 11.1	19.7 - 24.8

^a Wind speeds are based on a Weibull k value of 2.0



Additional Priorities: Climate Change and Water Quality

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- **Goal:** Prepare the region for the impacts of climate change, primarily sea level rise impacts on regional infrastructure, coastal habitat and shoreline management.
- **Goal:** Protect human and environmental health and increase the ocean-related economic value of the region's coastal waters by maintaining and improving the region's water quality.



MARCO Accomplishments

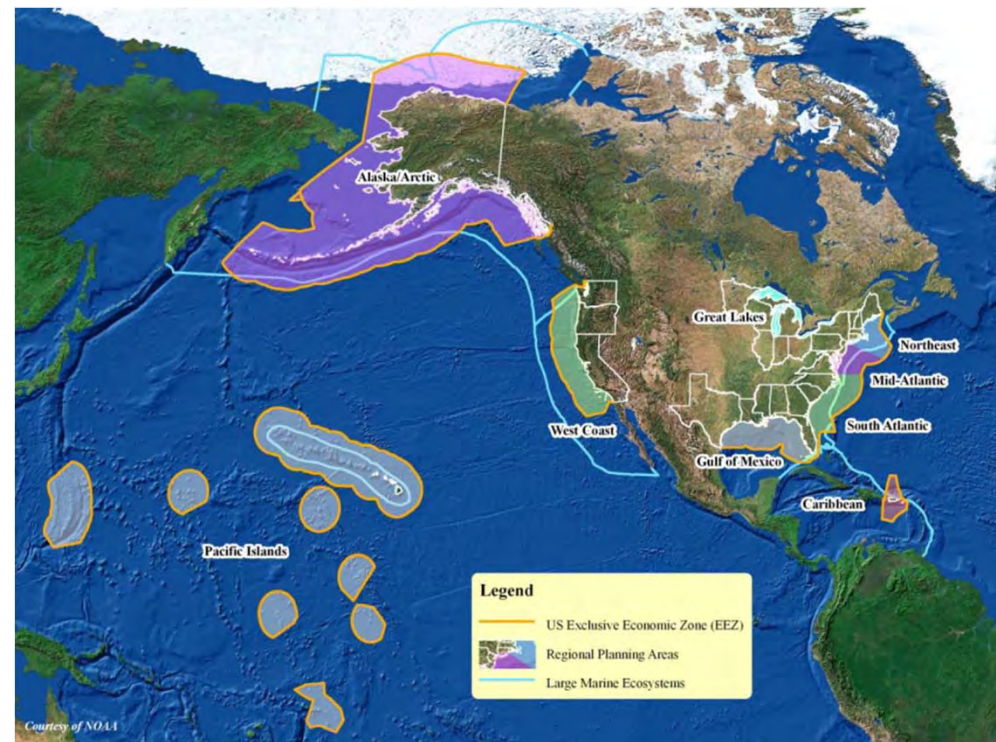
10

- Governor's Agreement and Mid-Atlantic Governors' Ocean Summit (June 2009)
 - ▣ Key state leaders discussed actions that could be undertaken to advance the four shared priorities
- Stakeholder Summit (December 2009)
 - ▣ First formal opportunity for Mid-Atlantic stakeholders, as well as Federal agency representatives, to discuss the regional priorities and activities
 - ▣ Built a broader constituency and began securing commitments

MARCO Current Activities

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- Getting work groups for Priority Actions up and running
- Addressing the National Ocean Council recommendations (e.g., CMSP)



From the *“Interim Framework for Effective Coastal and Marine Spatial Planning”*

MARCO Current Activities

12



- Regional Data Portal: includes map data layers grouped into five broad categories:
 - Administrative (e.g. official boundaries)
 - Biological (e.g. sea-floor habitats)
 - Geophysical (e.g. water depth, sediments)
 - Human Uses (e.g. fishing, shipping)
 - Decision Support (e.g. overlays of various uses and natural features).

Opportunities for Collaboration

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- Exchange of data and information
- Canyon protection: building toward comprehensive protection
- CMSP: coordination on objectives and development of a shared path forward
 - ▣ Regional Planning Body creation

Questions?

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Gregory Capobianco, Director
New York Ocean and Great Lakes Program
NYS Department of State
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Preparation meets Opportunity for Mid-Atlantic Habitat Conservation

MAFMC Habitat/Ecosystem Workshop
December 14, 2010
Jay Odell





Overview



- ② New policy for habitat/ecosystem conservation
NAM ERA
- ② New data to inform habitat/ecosystem conservation
- ② New habitat/ecosystem conservation decision support tool
- ② Next steps: Progress through Partnerships



Advances in policy development

- ② Essential Fish Habitat Omnibus Amendment
- ② New National Ocean Policy and Framework for Coastal and Marine Spatial Planning
- ② MAFMC leadership proactively advancing habitat/ecosystem conservation for healthy fisheries
- ② Other federal agency initiatives including NOAA's coldwater coral conservation, sanctuaries and MPA center projects
- ② Challenge: maximizing efficiency and minimizing confusion through coherent communications and practical cross-project integration



Advances in data development

- ② Northwest Atlantic Marine Ecoregional Assessment
 - <http://www.nature.org/wherework/northamerica/states/easternusmarine>
- ② Northeast Fisheries Science Center: multiple ongoing and new data collection and analysis initiatives
- ② Ocean Observing System data: MACOORA & MARCOOS increased focus on ecosystem features
- ② Wind energy siting surveys: New Jersey and elsewhere
- ② Challenge: appropriate integration of multiple data streams; filling the highest priority gaps first



New decision support tools

- ② MARCO Mapping and Planning Portal
- ② Multipurpose Marine Cadastre and multiple other online data sources
- ② NEFSC ecosystem and food web models; SASI
- ② MarineMap consortium vision and blueprint for next generation decision support tools for multi-objective marine planning
- ② Tools for valuing Natural Infrastructure – under development
- ② Challenges: Creating tools that non-Scientists understand and trust; Decision making based on imperfect data



The way forward: Partnerships

- ② MARCO is off to a great start in providing a new context for collaborative work between state and federal agencies, MAFMC and diverse ocean resource stakeholders
- ② Collaborative research opportunities for academia, agencies, fishermen and NGOs – great foundation but we can do more
- ② Wind energy development activity on the near horizon may precede regional CMSP and provides opportunity for partnerships to test CMSP principles
- ② Challenges: Funding, building trust and breaking down barriers to effective communication



*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

***Atlantic States Marine Fisheries Commission
Ecosystem and Habitat Programs and Collaboration
Opportunities***

Wilson Laney and Patrick Campfield
December 14, 2010
Presented to Mid-Atlantic Fishery Management Council
Virginia Beach, Virginia



ASMFC Habitat Program

- Website: <http://www.asmfc.org/>
- Click on “About us”
 - Click on “habitat conservation”
 - Click on: Contacts (for committee membership); Documents; Habitat Types; and Meeting Summaries





Outline

- ASMFC Habitat Program
- ASMFC Ecosystem Based Management
- Opportunities for Collaboration
- Questions



Habitat Program History (Stephan et al. 1999)

- Formal ASMFC actions beginning 1980
- 1980-1990, resolutions to address concerns
- 1981, 1985 striped bass and river herring plans first to significantly address habitat
- 1989 Habitat Policy (Resolution 89-VI)
- 1992 Initial Statement of Policies and Activities
- 1999 Habitat Program Strategic and Management Plan



Resolution 89-IV

- NOW THEREFORE BE IT RESOLVED THAT:
- ASMFC recognizes the need for a cooperative effort to address critical habitat issues effecting the health of marine resources, and
- ASMFC supports the efforts of the MAFMC to implement and refine an acceptable and effective model habitat policy and intends to participate in a cooperative effort to share the document with other Councils for discussion and eventual consolidation into a single, unified Council habitat document (adopted by ASMFC, October 2-5, 1989)



HC Program Structure

- Habitat Committee: historically (first appointed by ASMFC Chair 1991) commissioners plus some agency and Council representatives
- Current membership: state (15) and federal agency (COE, EPA, FWS, NOS, NMFS) representatives, NGO representation (EDF, TNC), total of 24 members
- ASMFC Artificial Reef Committee (reports to HC)
- ASMFC staff Habitat Coordinator (currently vacant; Science Director serving in interim)
- Committee reports to ISFMP Policy Board



Habitat Program Mission

- Current Habitat Program Five-Year Strategic and Management Plan, 2009-2013 (on web site)
- Mission: To work through the Commission, in cooperation with appropriate agencies and organizations, to enhance and cooperatively manage vital fish habitat for conservation, restoration, and protection, and to support the cooperative management of Commission managed species.



Habitat Program Vision

- The long-term vision of the ASMFC Habitat Program is working together toward: *Protected, revitalized habitat for all Atlantic coastal fish species or successful habitat restoration well in progress by 2015.*



Current Goals

- Effectively protect, restore, and enhance Atlantic coastal fish habitat through fisheries management programs and partnerships, such as the Atlantic Coastal Fish Habitat Partnership (ACFHP)
- Identify important habitat areas for Commission-managed species
- Build and support partnerships with fishery and non-fishery management agencies, researchers, and habitat stakeholders to leverage regulatory, political, and financial resources



Goals, continued

- Educate ASMFC Commissioners, stakeholders, and the general public about the importance of protecting, restoring, and enhancing habitat to achieve successful fisheries management
- Implement performance metrics to focus efforts and monitor progress of the Habitat Program
- Engage local governments in habitat protection, restoration, and enhancement programs
- Promote development of effective fish passage approaches and projects through state and federal collaboration



Accomplishment Highlights

- Established and support Atlantic Coastal Fish Habitat Partnership (first two projects funded 2010)
- Coordinate artificial reef activities (Artificial Reef Committee)
- Submerged Aquatic Vegetation Policy
- Habitat sections of ASMFC FMPs
- Staff serve on SAFMC Habitat and Environmental Protection Advisory Panel, and Chesapeake Bay Habitat Suitability Quantitative Ecosystem Team
- Habitat Souce Documents (part of ASMFC Habitat Management Series publications, on web site)



Accomplishment Highlights

- Produce and distribute quarterly Habitat Hotline Atlantic newsletter
- Numerous workshops hosted
- Other educational materials produced (on web site)
- Established Fish Passage Working Group, hosted workshop (April 2008), implementing workshop recommendations



ASMFC Ecosystem Approach

- Policy Board task to Management and Science Committee
 - Develop a proposal for incorporating ecosystem considerations into the Commission's interstate fisheries management process
 - MSC lead an EBFM Team
 - Multispecies Technical Committee
 - Habitat Committee
 - Assessment Science Committee
 - Subset of Commissioners
 - Coordinate with Councils on ecosystem approaches



Past Ecosystem Work

- Multispecies Workshop (2002)
- Multispecies Implementation Plan (2004)
- Multispecies Model (MSVPA)
 - 4 species model peer reviewed (2005)
 - menhaden, striped bass, weakfish, bluefish
 - Results used as mortality inputs to Menhaden Assessment (2010)
- Habitat Program
 - FMP habitat sections
 - Habitat Management Series publications (eg, Diadromous Fish Habitat)
- Atlantic Coastal Fish Habitat Partnership (ACFHP)
 - Coast wide habitat conservation plan and restoration projects



Workshop Overview

- EBFM Approaches of the Councils and Others
 - NEFMC SSC Approach to EBFM *Mike Fogarty, NEFSC*
 - SAFMC Fisheries Ecosystem Plan *Myra Brouwer, SAFMC*
 - Chesapeake Bay EBFM *Peyton Robertson, NCBO*

- EBFM Exercises
 - Prioritize ASMFC plan tasks related to EBFM

- ASMFC Draft EBFM Strategy presentation and discussion
 - Overview of Draft Strategy
 - Goals and Objectives
 - American Shad Example of EBFM Framework



Workshop Objectives

- Consider external approaches to ecosystem based fisheries management

- Identify ASMFC ecosystem priorities, determine next steps

- Review and modify Draft EBFM Strategy



EBFM Strategy

Objective 1- Identify steps to incrementally transition the interstate FMPs to incorporate ecosystem considerations.

Objective 2 – Modify existing assessment and management process to consider ecosystem effects on stock and fishery dynamics; also consider fishery effects on ecosystems.

Objective 3 – Establish realistic expectations for incorporation of ecosystem principles based on available data, resources, and analytical tools



Collaboration Opportunities

- Strengthen communication between Council and Commission habitat program staff and committees
- Hold joint meetings and workshops
- Identify projects for funding by ACFHP, SARP and other National Fish Habitat Partnerships
- Develop joint habitat educational materials
- Collaborate on Essential Fish Habitat designations
- Develop and adopt common habitat policies (i.e., Resolution 89-IV, revisit and update)
- Partner to build on existing efforts to develop a coast-wide fish habitat GIS
- Many others



Questions??



Summer Flounder Monitoring Committee Meeting Summary
2011 Recreational Specifications
November 18, 2010
Baltimore, MD

Convened: 8:39 a.m.

Committee Members: Steve Doctor, Tom Baum, Paul Caruso, Chris Batsavage, Rob O'Reilly, Greg Wojcik, Mike Ruccio, Christina Grahn, Dr. Mark Terceiro, Jason McNamee, and Rich Wong.

Staff: Jessica Coakley (Chair, MAFMC) and Toni Kerns (ASMFC)

Others: Rick Bellevance, Adam Nowalsky, and Joe Huckemeyer.

Staff presented the recommendations from the staff memo dated, November 5, 2010. The group discussed minor modifications to be made to tables in the document and requested that the calculation for the directed trips be better defined in the footnote in text. The group agreed that the intensity of intercept sampling and collection of lengths (type A fish) to develop frequency tables, needs to be increased. While the stock has been growing, there have been relative fewer relative samples collected. The intensity of the sampling needs to be increased.

There was agreement with the departure from the regression predicted mean for 2011 in lieu of the observed 2011 mean weight described in the staff memo, but the group noted that the mean weight may not level off or deflect downwards. The group will revisit the mean weights again next year, and could consider revisit the methodology if warranted. There was discussion of specifying the precautionary default, and it was noted the NMFS does have some insight before final rule about what state specific measures may be, and if needed, there could be some adjustments relative to precautionary default if the staff proposed measure are not more restrictive than state proposed measures. The question was asked if the precautionary default has been used; yes, it was applied to NY once. Another question was posed that if conservation equivalency is going to be applied again, and given the lack of data, should the coastwide measure be eliminated and merely a precautionary default established? The Committee discussed the fact that it has been many years since a reliable baseline has been developed; therefore, there is limited information on which to derive coastwide, it is time consuming for staff to develop options for the coastwide measures, and it has not been applied.

Several Committee members expressed concern about the staff proposed coastwide option, and how dropping the minimum size limit for those Northern states would increase landings significantly - the fall fishery can be very significant. Some members have concerns about the staff proposed measure and whether it will actually constrain the landings to the 2011 limit. The group discussed the merits of regional conservation equivalency, and how there may not be a continuum along the coast for grouping states into consecutive regions. It was discussed that if each state had open season and better discard information with which to characterize the catch length frequency, each state could establish baselines if each state could keep a common season. The group also discussed the fact this may be the last year prior to the ACL/AM Amendment being

implemented and accountability measures will be put into place for the recreational fisheries.

The group discussed the possibility of using 2011 to develop a new coastwide baseline, given accountability may not yet be in place, and it would require an ad hoc approach to setting the measures with an open season. There may be some reasons next year is a good reason to develop baseline, but other reasons it is not (i.e., not recovered). Projections suggest that by next year update, we may be rebuilt. There are implications to "throwing caution to the wind" and moving quickly for the purposes of achieving a common baseline. The group determined they were essentially boxed in. Previous year discussions by the Committee included describing the merits of coastwide measures versus conservation equivalency. This year, from a technical basis there really is not the information to consider coastwide measures. Regional conservation equivalency may still be an option for discussion by the Council and Board.

Consensus: The Summer Flounder Monitoring Committee is unable to reliably forecast whether the coastwide measures of an 18.5 inch-TL minimum fish size, 2-fish possession limit, and open season from May 1 to September 30, will constrain landings to the 2011 recreational harvest limit. The committee indicated that they currently lack the data to reliably make a projection of what the coastwide measures should be. The way to collect the data would be to invoke a coastwide measure with a season open all year such that a baseline from which to calculate the coastwide measure could be derived. The coastwide measure is proposed by staff in an ad hoc manner. The most reliable way to derive that baseline would be to employ this ad hoc approach and then review the data in the subsequent year to determine performance.

For the precautionary default measure, the Summer Flounder Monitoring Committee determined that the measures proposed by staff, a 20 inch-TL minimum fish size, 2-fish possession limit, and open season from May 1 to September 30, should be sufficiently restrictive to prevent a state from not implementing measures as required under conservation equivalency for 2011.

Summer Flounder Advisors Meeting Summary
2011 Recreational Specifications
November 18, 2010
Baltimore, MD

Convened: 1pm

Committee Members: Rick Bellevance (ASMFC-SFSCBSB), Adam Nowalsky (MAFMC-SFSCBSB), Joe Huckemeyer (ASMFC-SFSC), Fred Fellar (ASMFC-SF), Victor Bunting (ASMFC-BSB), James Tietje (ASMFC-BSB), Robert Busby (ASMFC-SF), Michael Fedosh (ASMFC-SF), Fred Feller (ASMFC-SFBSB), Bob Gowar (ASMFC-SF), Bob Meimbresse (ASMFC-SF), and Bill Shillingford (ASMFC-SF)

Staff: Jessica Coakley (MAFMC) and Toni Kerns (ASMFC)

Staff presented the recommendations from the staff memo dated, November 12, 2010. The advisors felt that state-by-state measures may make management palatable for all states. They felt an 18.5 inch fish size may be very restrictive for the southern states as a coastwide approach. They don't agree with the staff recommendation for coastwide measures because of the difficulty with getting states to agree to common measures. They felt there may be the same situation with black sea bass where more Northern states have more opportunity to catch large fish. Every state was under target, and 94 percent of the fish were released. The advisors were strongly opposed to the coastwide management for summer flounder, especially since the measures would be reductions for many states. For Northern states, coastwide measures may cause potential to overharvest. The group felt that conservation equivalency offers the flexibility to craft measures that suit the needs of the fisheries in each state. The group also raised the issue of the commercial fishery and the commercial fish size of 14 inches. The commercial fishery is targeting the size fish that are below or at the state minimum sizes (i.e., 2008 and 2009 large year classes), so those year classes may not translate into more recreational fish available. Commercial fisheries fish for summer flounder in the canyons and drag, and while catching large numbers of summer flounder, they discard black sea bass and vice versa. Therefore, those commercial fisheries have an effect on what will be available to recreational anglers. Fleet mobility is another issue. The issue of circle hooks was raised, and advisors felt circle hook implementation has been effective in the marlin fishery, and large numbers of marlin were caught in Ocean City, MD this year. There needs to be more thought put into hook use and catch and release mortality. Again, advisors recommend the mandatory use of circle/English wide-gap hooks for this recreational fishery. They noted that even if it is not enforceable, if a large number of anglers use the hooks it will be an improvement.

Consensus: The Summer Flounder Advisory Panel recommended state-by-state conservation equivalency because it offers flexibility for each state to craft measures that best suit the needs of their state's fisheries. They recommend that the Council and Board find ways to obtain more intercepts and collect data that will be sufficient to support the management process (i.e., enable the effects of management measures to be evaluated).

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: November 5, 2010

TO: Summer Flounder Monitoring Committee

FROM: Jessica Coakley

SUBJECT: Summer Flounder Recreational Management Measures for 2011

The Summer Flounder Monitoring Committee and the Science and Statistical Committee (SSC) met in July 2010 to review the most recent catch and assessment information on summer flounder and make recommendations to the Council and Commission on the total allowable landings (TAL) for 2011. The Council recommended and Commission approved a TAL of 29.48 million lb for 2011. The proposed rule has not yet filed; however, I do not expect the TAL in the NMFS proposed rule will be different than the recommendations of the Council and Commission given that 29.48 million lb is consistent with the current rebuilding program and the recommendations of the SSC.

Based on the allocation formula and subtracting the amount dedicated to the Research Set-Aside Program, the recreational harvest limit recommended by the Council and Commission would be 11.44 million lb. The Committee must decide on the possession, size, and seasonal limits that will most likely achieve the recreational harvest limit in 2011. The following is a review of recreational catch and landings data for the summer flounder fishery. Also, detailed analyses of MRFSS intercept and catch data are included to help in the Committee's deliberations.

Recreational Catch and Landings

Recreational catch and landings of summer flounder have fluctuated since 1981. Recreational catches peaked in 1983 at 32.06 million fish and then decreased to 2.68 million fish in 1989, the lowest value in the time series (Table 1). Catches increased significantly since that low value to 25.24 million fish in 2009. Recreational landings peaked at 27.97 million lb in 1983 and then decreased to a time series low of 3.16 million lb in 1989. Landings were estimated at 6.30 million lb in 2009. Since Amendment 2 to the FMP (which defined overfishing) was implemented in 1993, recreational catch and landings patterns have varied.

The 2010 MRFSS data are incomplete and preliminary. To date, only the first four waves of catch and landings data are available (Table 2). The Monitoring Committee does an early review of the MRFSS data because the Council and Commission agreed that recommendations should be made late in the current year (i.e., 2010) to give the states enough time to enact changes in their regulations for the upcoming year (i.e., 2011).

Based on 2010 data for waves 1-4 (January through August) catch estimates are 22.94 million fish, which is slightly lower than the 2009 catch estimates of 24.56 million fish (Table 2). The number of landed fish in these four waves decreased from 1.86 to 1.42 million fish between 2009 and 2010. Landings by weight decreased from 6.18 million lb to 4.78 million lb between 2009 and 2010 for these four waves. The mean weight of a landed fish in 2010 was 3.35 lb per fish. In the first four waves of 2010, recreational landings by number decreased in all states except Rhode Island, Virginia, and North Carolina, when compared to the 2009 landings estimates for the same period (Table 3).

Preliminary wave data for 2010 can be used to project catch and landings for the entire year. By assuming the same proportion of catch and landings by state and wave in 2010 as in 2009, projected catch estimates for 2010 would be 23.58 million fish and projected landings would be 4.89 million lb (Table 1). Because prior year proportions are used in the projections, for states with more restrictive seasons in 2010, landings will likely be overestimated, and for those with less restrictive measures landings will likely be underestimated. In 2010, North Carolina and Virginia maintained the same season, New Jersey shifted the season slightly, and all other states implemented more liberal seasons. Therefore, coastwide projected landings and catch for 2010 may underestimate the actual 2010 landings and catch, when 2010 waves 1-6 data become available.

Past Harvest Limits and Management Measures

Recreational harvest limits and management measures have varied since the FMP was first implemented from a high of 11.98 million lb in 2005 to a low of 6.22 million lb in 2008 (Table 4). Over the time period from 1993-2001, coastwide possession limits ranged from 3-10 fish with size limits ranging from 14.0-15.5 inches. In 2002, conservation equivalency was implemented and has been used as the preferred management system since then. In 2009, the state-specific possession limits ranged from 1-8 fish with size limits ranging from 14.0-21.0 inches, with assorted seasons (Table 5). In 2010, the state-specific possession limits ranged from 2-8 fish with size limits ranging from 14.0-19.5 inches, with assorted seasons (Table 6). The non-preferred and precautionary default measures that were adopted in 2010 (as required for implementation of conservation equivalency) included 2 fish with a minimum size of 19.5 inch TL and an open season from May 1 to September 30, and 2 fish with a 21.5 inch TL minimum fish size and an open season from May 1 to September 30, respectively. Based on projected landings for 2010, no states will exceed their state-specific 2010 targets (Table 7).

Intercept Data and Regulatory Compliance

Angler catches and landings in 2010 may be explained by regulatory effects. Analysis of coastwide intercept data indicates that about 90 percent of the trips landed 2 or fewer fish in 2010 based on data

through wave 4 (Table 8). This compares to 90 percent of the trips landing 4 or fewer fish in 1992, the year before the fishery was regulated with possession limits.

Landings have been constrained by the various minimum size limits that are in effect for 2010 based on an analysis of length frequencies (Table 9). However, compliance has been less than 100 percent as there were fish measured less than the size limit many of the states. The percent of measured fish less than the specific size limit varies by state and landings may also have been affected by seasonal restrictions in 2010.

2011 Methodology

The Monitoring Committee must consider and recommend whether coastwide measures or conservation equivalency (state-by-state or regional) are appropriate for 2011 (Table 10). Specifically, this group must recommend measures that will ensure the recreational harvest limit of 11.44 million lb will not be exceeded in 2011. Based on projected 2010 landings of 4.89 million lb, a coastwide reduction in landings to achieve the 2011 recreational harvest limit would not be required. The projected 2011 landings are about 57 percent under the proposed 2011 recreational harvest limit. As previously mentioned, these projections are sensitive to prior year landings proportions.

The methodology detailed in Framework 2 (Addendum III) to the Summer Flounder, Scup and Black Sea Bass FMP and Framework 6 to the FMP (Addendum XVII) could be used to develop state-specific or regional regulations to meet the state-specific or region-specific targets (Table 11). Based on projected 2010 landings developed from 2010 preliminary MRFSS wave 1-4 data and prior year proportions, additional constraints would not be required if conservation equivalency were implemented under the proposed 2011 recreational harvest limit of 11.44 million lb. If state-by-state or regional conservation equivalency is adopted, ASMFC staff will update the projections in Table 11 using preliminary wave 1-5 data prior to the development of management measure proposals. The Monitoring Committee must also make recommendations for a non-preferred coastwide alternative and a precautionary default under conservation equivalency.

Given the increasing trend in the mean weight of summer flounder being landed, the regression to calculate a predicted mean weight for 2011 was updated. The regression is based on 1993 to 2010 MRFSS wave 1-4 and predicts a 2011 mean weight of 3.51 lb per fish, slightly higher than the 2010 observed mean of 3.35 lb (Figure 1). Because the 2009 and 2010 observed mean weights do not appear to be increasing, likely in response to the liberalization of management measures in some states, the observed 2010 mean fish weight of 3.35 lb was used to convert the harvest limit in weight to numbers of fish. In addition to the information provided above, additional consideration should be given to past trends in fishing effort and fishery performance relative to the recreational harvest limits. Table 12 provides an overview of coastwide recreational fishery performance and provides estimates of the number of summer flounder trips from MRFSS where summer flounder was reported as the primary target.

Fish Availability and Fishing Trips

The summer flounder stock is under a rebuilding plan; therefore overall spawning stock biomass (SSB) is expected to increase in 2011. Year-class effects in terms of fish availability can influence the expected impacts of management measures. For the recreational fishery season months of June through August, summer flounder in the 18.5-19.0 inch-TL range are likely to be a mix of age 3 and 4 fish which would be comprised mainly of fish from the 2007 (age 4) and 2008 (age 3) year classes. While the 2007 year class was below average at about 30 million age 0 fish, the 2008 year class of 49 million fish was above the long-term average of about 42 million fish. The 2009 year class was 82 million fish. Although the retrospective pattern of recruitment overestimation should be noted, the 2009 year class may remain above average. Relatively speaking, the "availability" to the fishery of fish in that size range may be average to above average in 2011, depending on the influence of the 2008 year class, increasing the prospects for an unexpected harvest limit overage if the recreational fishery minimum size is set at 18.5-19.0 inch-TL. The increase in 2010 landings in North Carolina (Table 3) may be a result of this 2008 year class (age 2 in 2010). The 2009 year class will be age 2 in 2011, and probably in the 15.0-1.06 inch-TL range early in the recreational fishery season and in the 16.0-17.0 inch-TL range late in the season. If the recreational fishery minimum size is set at 18.5-19.0 inch-TL, it is reasonable to expect significant discards of fish from the large 2009 year class in the recreational fishery in 2011. These fish will likely be retained in the commercial trawl and rod-and-reel fisheries, given the 14.0 inch-TL minimum size regulation.

An examination of summer flounder directed trips to total trips suggests that summer flounder continues to be a substantial component of the total number of angler trips, ranging from about 14-21 percent of total trips taken from 1991-2009 (Table 12). Predicting the number of trips that might be taken in 2011 is more complicated. Recreational fishing demand models are used to forecast the demand for fishing trips as well as to determine the value that anglers place on the various factors that affect their behavior. The models attempt to predict how changes in fishing site characteristics (travel costs, catch rates, available species, water quality, etc.), fishery management policies (possession limits, size restrictions, closed seasons), and angler characteristics (age, gender, race, income, etc.) affect the demand for angler fishing trips. Unfortunately, due to data constraints, the characteristics contained in the models are usually rather narrowly defined which limits the predictive capability of the models. This makes evaluation of changes in angler behavior difficult and complex. Changes in angler behavior may result in a breakdown in the assumptions associated with specific sets of regulations and their anticipated results.

Basis for Staff Recommendations for 2011

Coastwide Measures or Conservation Equivalency

I recommend summer flounder be managed in 2011 using coastwide management measures (i.e., identical minimum fish size, possession limits, and seasons, for 2011; to be implemented in state and federal waters) crafted to ensure recreational harvest limits in 2011 are not exceeded. This recommendation is driven solely by data considerations.

The level of precision of annual harvest estimates from MRFSS data depend on the survey sample sizes, the frequency of sampled angler trips that caught the species, and the variability of numbers caught among those trips. Harvest estimates are always progressively less precise at lower levels of stratification; annual estimates are more precise than bimonthly estimates, coastal estimates are more precise than regional estimates, and regional estimates are more precise than state estimates. Coastwide measures would provide greater precision in the harvest estimates and MRFSS intercept data (i.e., fish measured, catches per angler trip, etc.) which is used to evaluate the effects of specific regulations (i.e., fish size, possession limit, season). The improvement in precision would occur in the second year of implementation (i.e., 2012), as state-specific data were used in the analysis of coastwide measures for the upcoming fishing year (i.e., 2011). Coastwide measures would need to be in place for several years in order to evaluate the effectiveness of those measures. In addition, coastwide measures create the opportunity to create a new base year(s) to characterize landings distributions at present [as opposed to relying on 1998 base year]. Coastwide measures would have distributive effects along the coast and will impact Northern states differently than Southern states. Managers will need to weigh these considerations when forming their recommendations.

If coastwide measures are not implemented, then as a back-up, I recommend regional conservation equivalency for the reasons discussed above (i.e., better precision in estimates and intercept data). Under regional conservation equivalency, states should develop plans that include a combination of size, possession, and seasonal limits to achieve the percent reductions detailed in Table 11.

Coastwide Measures and Precautionary Default

Coastwide measures would be comprised of an identical minimum fish size, possession limit, and season, for 2011, to be implemented by all states and in federal waters. If conservation equivalency is implemented, then a non-preferred coastwide measure and a precautionary default measure must be identified. The Commission would require adoption of the precautionary default measures by any state that either does not submit a summer flounder management proposal to the Commission's Summer Flounder Technical Committee, or that submits measures that are determined not to achieve the required level of reduction for that state.

For 2011, there is no baseline recreational data from which to calculate state-specific reduction tables (i.e., size/possession tables) and state-specific seasonal tables to derive coastwide measures (i.e., fish size, possession limit, and season) that would achieve the proposed 2011 recreational harvest limit. Because each state has different regulations, state-specific data must be used to predict landings by state under a common set of coastwide management measures to identify coastwide options each year. Reduction tables are not reliable for the calculation of liberalizations because they are based on landed, measured fish. Sample sizes for measured discarded fish by state, which are predominately collected in the party/charter mode, are not adequate to develop tables to liberalize minimum size and possession limits. In addition, there is difficulty predicting how state-specific fishing effort and landings will change if seasons are extended into time periods which were previously closed. In addition, reviewing the recreational landings and coastwide measures in place prior to 2001 (i.e., pre-conservation

equivalency) are not analogous given the extreme differences in stock condition.

The recreational landings underage in 2010 coupled with a substantial increase in recreational harvest limit in 2011 present significant challenges to developing common coastwide measures given the data available. Therefore, I propose a stepwise approach to developing a coastwide measure (or non-preferred coastwide measure), given the potential for increased fish available to anglers in 2011 and the lack of information. With no analytical basis and based merely on expert judgment, I propose an 18.5 inch TL minimum size, 2 fish possession limit, and coastwide season from May 1 to September 30, 2011, as a coastwide measure. This constitutes a 1.0 inch decrease in minimum size from the non-preferred coastwide measure that was presented in 2010. Even with the proposed increase in harvest limit in 2011, it is still possible that with increased fish availability in 2011, the recreational harvest limit could be exceeded under these coastwide measures. The Monitoring Committee should advise the Council and Board about the risk of exceeding the harvest limit under these measures based on expert judgment.

The precautionary default measures are defined as the set of measures that would achieve at least the highest percent reduction for any state on a coastwide basis. It is intended to be an unappealing measure for a state to implement. No state is required to reduce their landings in 2011. I cannot anticipate what the combinations of state-specific minimum sizes, possession limits, and seasons will look like after the conservation equivalent measures are finalized in spring 2011. Therefore, I propose a default measure that is clearly more restrictive than any individual state measure that may be implemented in 2011: 20.0 inch TL minimum size, 2 fish possession limit, and coastwide season from May 1 to September 30, 2011.

Staff Recommendations in Summary

- 1) Coastwide management for the 2011 fishing year comprised of an 18.5 inch TL minimum size, 2 fish possession limit, and coastwide open season from May 1 to September 30, 2011.
- 2) If conservation equivalency for 2011, then:
 - Non-preferred coastwide measure comprised of an 18.5 inch TL minimum size, 2 fish possession limit, and coastwide open season from May 1 to September 30, 2011.
 - Precautionary default measure comprised of a 20.0 inch TL minimum size, 2 fish possession limit, and coastwide open season from May 1 to September 30, 2011.

Table 1. Summer flounder recreational catch and landings by year, Maine through North Carolina, 1981-2010. The number of fish released is presented as a proportion of the total catch (% Rel).

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	% Released
1981	13,579	9,567	10,081	30%
1982	23,562	15,473	18,233	34%
1983	32,062	20,996	27,969	35%
1984	29,785	17,475	18,765	41%
1985	13,526	11,066	12,490	18%
1986	25,292	11,621	17,861	54%
1987	21,023	7,865	12,167	63%
1988	17,171	9,960	14,624	42%
1989	2,677	1,717	3,158	36%
1990	9,101	3,794	5,134	58%
1991	16,075	6,068	7,960	62%
1992	11,910	5,002	7,148	58%
1993	22,904	6,494	8,831	72%
1994	17,725	6,703	9,328	62%
1995	16,308	3,326	5,421	80%
1996	18,994	6,997	9,820	63%
1997	20,027	7,167	11,866	64%
1998	22,086	6,979	12,477	68%
1999	21,378	4,107	8,366	81%
2000	25,384	7,801	16,468	69%
2001	28,187	5,294	11,637	81%
2002	16,674	3,262	8,008	80%
2003	20,532	4,559	11,638	78%
2004	20,840	4,557	10,871	78%
2005	26,840	4,036	10,580	85%
2006	22,128	4,138	11,549	81%
2007	23,178	3,394	9,858	85%
2008	24,499	2,295	7,902	91%
2009	25,240	1,910	6,296	92%
2010^a	23,583	1,473	4,890	94%

^a Projected using proportion from 2010 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

Table 2. Summer flounder recreational catch and landings for waves 1-4, Maine through North Carolina, 1981-2010.

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	Mean Weight (lb)
1981	11,774	8,071	8,899	1.10
1982	20,108	12,599	15,289	1.21
1983	26,979	17,128	22,523	1.31
1984	26,355	14,614	15,245	1.04
1985	10,626	8,535	9,691	1.14
1986	21,321	8,885	13,274	1.49
1987	18,749	6,656	10,393	1.56
1988	13,906	7,918	11,728	1.48
1989	2,120	1,465	2,715	1.85
1990	7,277	3,025	4,125	1.36
1991	13,977	5,186	6,796	1.31
1992	9,830	3,992	5,688	1.42
1993	17,636	4,750	6,553	1.38
1994	15,052	5,499	7,603	1.38
1995	14,315	2,765	4,629	1.67
1996	17,206	6,175	8,685	1.41
1997	14,466	4,657	7,636	1.64
1998	19,015	5,944	10,568	1.78
1999	19,113	3,629	7,441	2.05
2000	22,131	6,867	14,148	2.06
2001	25,661	4,810	10,651	2.21
2002	14,442	2,842	7,008	2.47
2003	18,177	4,123	10,615	2.57
2004	18,777	4,165	9,914	2.38
2005	23,637	3,671	9,691	2.64
2006	21,114	3,890	10,948	2.81
2007	20,910	3,152	9,279	2.94
2008	23,213	2,221	7,695	3.46
2009	24,564	1,862	6,179	3.32
2010	22,939	1,424	4,775	3.35

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010.

Table 3. Summer flounder recreational landings ('000 fish) by state, waves 1-4, 2000-2010.

State	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
ME	-	-	-	-	-	-	-	-	-	-	-
NH	<1	-	-	<1	-	-	2	-	1	-	-
MA	343	141	139	150	268	194	182	76	150	48	45
RI	762	264	168	198	276	168	260	229	205	50	87
CT	307	151	88	135	201	194	102	107	116	62	40
NY	1,583	661	659	1,447	935	1,094	795	691	565	264	250
NJ	2,585	1,958	888	1,597	1,748	1,276	1,489	1,277	845	1,001	591
DE	297	125	100	91	115	79	101	108	31	81	67
MD	219	129	47	39	58	63	52	84	66	88	26
VA	456	1,186	621	429	431	525	787	440	212	224	255
NC	315	196	133	36	132	78	122	142	29	43	64

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010.

Table 4. Summary of Federal management measures for the summer flounder recreational fishery, 1993-2010.

Measure	1993	1994	1995	1996	1997	1998	1999	2000	2001
Harvest Limit (m lb)	8.38	10.67	7.76	7.41	7.41	7.41	7.41	7.41	7.16
Landings (m lb)	8.83	9.33	5.42	9.82	11.87	12.48	8.37	16.47	11.64
Possession Limit	6	8	6/8	10	8	8	8	8	3
Size Limit (TL in)	14	14	14	14	14.5	15	15	15.5	15.5
Open Season	5/15 - 9/30	4/15 - 10/15	1/1 - 12/31	1/1 - 12/31	1/1 - 12/31	1/1 - 12/31	5/29 - 9/11	5/10 - 10/2	4/15 - 10/15
Measure	2002	2003	2004	2005	2006	2007	2008	2009	2010
Harvest Limit (m lb)	9.72	9.28	11.21	11.98	9.29	6.68	6.22	7.16	8.59
Landings (m lb)	8.01	11.64	10.87	10.58	11.55	9.86	7.90	6.30	4.89 ^a
Possession Limit	b	b	b	b	b	b	b	b	b
Size Limit (TL in)	b	b	b	b	b	b	b	b	b
Open Season	b	b	b	b	b	b	b	b	b

^aProjected using proportion from 2009 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010). ^bState-specific conservation equivalency measures.

Table 5. Summer flounder recreational management measures by state, 2009.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	18.5	5 fish	July 1 – Aug. 13
Rhode Island	21.0	6 fish	June 17 – Dec. 31
Connecticut	19.5	3 fish	June 15 – Aug. 19
New York	21.0	2 fish	May 15 - June 15 and July 3-Aug. 17
New Jersey	18.0	6 fish	May 23 – Sept. 4
Delaware	18.5	4 fish	All Year
Maryland: Atlantic & Coastal Bays Chesapeake Bay	18.0 16.5	3 fish 1 fish	April 15 - Sept. 13
Potomac River Fisheries Commission	16.5	1 fish	April 15-Sept. 13
Virginia	19.0	5 fish	All year
North Carolina	15.0 in all waters except the following: 14.0 in Pamlico Sound ^A , Albemarle Sound ^B , and Browns Inlet South ^C (lat/log are listed below)	8 fish	All Year

- A. **PAMLICO SOUND** - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point on Point of Marsh in Carteret County at 35° 04.6166'N – 76° 27.8000'W, then running northeasterly to a point at Bluff Point in Hyde County at 35° 19.7000'N – 76° 09.8500'W. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the boundary north of which flounder must be at least 14 inches total length.
- B. **ALBEMARLE SOUND** - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point 35° 57.3950'N – 76° 00.8166'W on Long Shoal Point; running easterly to a point 35° 56.7316'N – 75° 59.3000' W near Marker “S” in Alligator River; running northeasterly along the Intracoastal Waterway to a point 36° 09.3033'N - 75° 53.4916'W near Marker “171” at the mouth of North River; running northwesterly to a point 36° 09.9093'N – 75° 54.6601'W on Camden Point.
- C. **BROWNS INLET-SOUTH** – No person may possess flounder less than 14 inches total length in internal and Atlantic Ocean fishing waters for recreational purposes west and south of a line beginning at a point 34° 37.0000'N – 77° 15.000'W; running southeasterly to a point 34° 32.0000'N – 77° 10.0000'W.

Table 6. Summer flounder recreational management measures by state, 2010.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	18.5	5 fish	May 22-Sept. 6
Rhode Island	19.5	6 fish	May 1-Dec. 31
Connecticut	19.5	3 fish	May 15-Aug. 25
New York	21.0	2 fish	May 15-Sept. 6
New Jersey	18.0	6 fish	May 29-Sept. 6
Delaware	18.5	4 fish	Jan. 1-Oct. 13
Maryland	19.0	3 fish	April 17-Nov. 22
PRFC	18.5	4 fish	All year
Virginia	18.5	4 fish	All year
North Carolina	15.0 in all waters except the following: 14.0 in Pamlico Sound ^A , Albemarle Sound ^B , and Browns Inlet South ^C (lat/log are listed below)	8 fish	All Year

- A. **PAMLICO SOUND** - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point on Point of Marsh in Carteret County at 35° 04.6166'N – 76° 27.8000'W, then running northeasterly to a point at Bluff Point in Hyde County at 35° 19.7000'N – 76° 09.8500'W. In Core and Clubfoot creeks, the Highway 101 Bridge constitutes the boundary north of which flounder must be at least 14 inches total length.
- B. **ALBEMARLE SOUND** - No person may possess flounder less than 14 inches total length taken from internal waters for recreational purposes west of a line beginning at a point 35° 57.3950'N – 76° 00.8166'W on Long Shoal Point; running easterly to a point 35° 56.7316'N – 75° 59.3000' W near Marker “5” in Alligator River; running northeasterly along the Intracoastal Waterway to a point 36° 09.3033'N - 75° 53.4916'W near Marker “171” at the mouth of North River; running northwesterly to a point 36° 09.9093'N – 75° 54.6601'W on Camden Point.
- C. **BROWNS INLET-SOUTH** – No person may possess flounder less than 14 inches total length in internal and Atlantic Ocean fishing waters for recreational purposes west and south of a line beginning at a point 34° 37.0000'N – 77° 15.000'W; running southeasterly to a point 34° 32.0000'N – 77° 10.0000'W.

Table 7. Projected summer flounder recreational landings (in '000 of fish) relative to targets, by state for 2010.

State	2010 Target	2010 Landings^{a,b}	Overage (+%)/ Underage (-%) Relative to 2010 Target
MA	140	46	-67
RI	144	87	-40
CT	95	40	-57
NY	449	250	-44
NJ	997	597	-40
DE	80	76	-5
MD	75	27	-64
VA	426	264	-38
NC	143	86	-40

^a Projected using proportion from 2009 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

^b Because prior year proportions are used, for states with more restrictive seasons in 2010, landings will be overestimated, and for those with less restrictive measures landings will be underestimated.

Table 8. The percent of successful anglers landing 1 to 10 summer flounder (MRFSS Type A fish) per trip, waves 1-4, 2010.

C-Per-Trip	Frequency	Percent	Cumulative Frequency	Cumulative Percent
1	497	73.52	516	76.33
2	113	16.72	629	93.05
3	26	3.85	655	96.89
4	9	1.33	664	98.22
5	6	0.89	670	99.11
6	3	0.44	673	99.56
8	2	0.30	675	99.85
10	1	0.15	676	100.00

Table 9. The percent of measured summer flounder (MRFSS Type A fish) less than 15 inch TL (1999), 15.5 inch TL (2000), and state specific size limits (2001 through 2010). The number in parentheses is sample size (N).

State	1999		2000		2001			2002			2003		
	% Below Size Limit	Number Measured	% Below Size Limit	Number Measured	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit
ME	-	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	0	(1)	-	-	-	-	-	-	-	-	-
MA	25	(24)	23.3	(43)	3.9	(26)	16.5	20.8	(53)	16.5	15.6	(45)	16.5
RI	11.9	(160)	18.1	(282)	14.8	(196)	17.5	11.8	(228)	18.0	8.4	(250)	17.5
CT	15.5	(258)	2.9	(379)	3.1	(129)	17.5	5.8	(69)	17.0	7.8	(179)	17.0
NY	5.9	(272)	5.5	(325)	5.8	(274)	17.0	6.9	(246)	17.0	6.2	(482)	17.0
NJ	4.1	(635)	9.8	(705)	14.7	(1169)	16.0	6.1	(540)	16.5	6.4	(934)	16.5
DE	19	(216)	5.2	(249)	9.2	(325)	17.5	7.5	(267)	17.5	10.9	(266)	17.5
MD	3.8	(263)	9.1	(243)	4.0	(101)	17.0	5.2	(77)	17.0	5.0	(20)	17.0
VA	0.5	(183)	4.4	(386)	3.9	(1094)	15.5	24.6	(884)	17.5	14.6	(513)	17.5
NC	59.4	(544)	56.0	(703)	66.6	(915)	15.5	75.7	(474)	15.5	57.5	(73)	15.0
Coast	18.9	(2555)	17.1	(3316)	17.2	(4229)	15.5	-	(2838)	-	13.2	(2763)	17.0

State	2004			2005			2006			2007		
	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit
ME	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	-	-	-	-	-	(1)	-	-	-	-
MA	6.7	(30)	16.5	15.2	(46)	17.0	9.8	(102)	17.5	16.9	(71)	17.5
RI	7.0	(503)	17.5	6.2	(401)	17.5	8.8	(352)	17.5	10.0	(389)	19.0
CT	5.8	(174)	17.0	2.8	(104)	17.5	10.1	(69)	18.0	1.5	(66)	18.0
NY	3.4	(381)	17.0	4.8	(581)	17.5	13.6	(403)	18.0	13.3	(330)	19.5
NJ	2.5	(756)	16.5	2.8	(645)	16.5	6.7	(421)	16.5	6.8	(542)	17.0
DE	12.4	(193)	17.5	9.8	(367)	17.5	8.5	(224)	17.0	6.6	(244)	18.0
MD	9.1	(55)	16.0	1.9	(104)	15.5/ 15.0 ^a	0.0	(51)	15.5/ 15.0 ^a	8.1	(37)	15.5/ 15.0 ^a
VA	8.1	(334)	17.0	7.1	(294)	16.5	5.0	(300)	16.5	6.9	(476)	18.5
NC	1.6	(186)	14.0	5.4	(205)	14.0	3.7	(243)	14.0	2.9	(238)	14.0/ 14.5 ^b
Coast	15.0	(2612)	17.0	15.4	(2747)	17.0	19.3	(2166)	17.0	22.2	(2393)	18.0

^a For Maryland, Atlantic/Coastal Bay and Chesapeake Bay; respectively; % below given in table is below lowest size limit given.

^b For North Carolina, Internal waters and External waters, respectively; % below given in table is below lowest size limit given.

Table 9 Continued. The percent of measured summer flounder (MRFSS Type A fish) less than 15 inch TL (1999), 15.5 inch TL (2000), and state specific size limits (2001 through 2010). The number in parentheses is sample size (N).

State	2008			2009			2010 ^c		
	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit
ME	-	-	-	-	-	-	-	-	-
NH	-	(5)	-	-	-	-	-	-	-
MA	4.2	(48)	17.5	36.4	(11)	18.5	25.8	(31)	18.5
RI	14.2	(542)	20.0	12.2	(98)	21.0	1.4	(70)	19.5
CT	7.1	(28)	19.5	7.1	(14)	19.5	3.6	(28)	19.5
NY	8.8	(250)	20.5	5.5	(127)	21.0	23.4	(124)	21.0
NJ	14.7	(307)	18.0	9.0	(370)	18.0	4.9	(246)	18.0
DE	12.9	(93)	19.5	10.6	(433)	18.5	8.4	(202)	18.5
MD	2.7	(75)	17.5/ 15.0 ^a	3.0	(66)	18.0/ 16.5 ^a	1.9	(52)	19.0
VA	7.4	(271)	19.0	8.8	(194)	19.0	11.3	(124)	18.5
NC	3.3	(91)	14.0/ 15.5 ^b	1.0	(166)	14.0/ 15.0 ^b	1.0	(160)	14.0/ 15.0 ^b
Coast	10.4	(1710)	18.0	13.9	(1479)	18.0	18.1	(1037)	18.0

^a For Maryland, Atlantic/Coastal Bay and Chesapeake Bay; respectively; % below given in table is below lowest size limit given.

^b For North Carolina, Internal waters and External waters, respectively; % below given in table is below lowest size limit given.

^c Only includes wave 1-4 MRFSS data

Table 10. Procedures for establishing summer flounder recreational management measures.

August	
Council/Commissions's Board recommend recreational harvest limit.	
October	
MRFSS data available for current year through wave 4.	
November	
Monitoring Committee meeting to develop recommendations to Council: Overall % reduction required. Use of coastwide measures or state conservation equivalency. **Precautionary default measures. **Coastwide measures.	
December	
Council/Board meeting to make recommendation to NMFS State Conservation Equivalency or Coastwide measures.	
<i>State Conservation Equivalency Measures</i>	<i>Coastwide Measures</i>
Late December	Early January
Commission staff summarizes and distributes <u>state-specific and multi-state conservation equivalency</u> guidelines to states.	Council staff submits recreational measure package to NMFS. Package includes: -Overall % reduction required. -Coastwide measures.
Early January	February 15
Council staff submits recreational measure package to NMFS. Package includes: - Overall % reduction required. - Recommendation to implement conservation equivalency and precautionary default measures (Preferred Alternative). -Coastwide measures (Non-preferred Alternative). States submit conservation equivalency proposals to ASMFC.	NMFS publishes proposed rule for recreational measures announcing the overall % reduction required and Coastwide measures.
January 15	April
ASMFC distributes <u>state-specific or multi-state conservation equivalency proposals</u> to Technical Committee.	NMFS publishes final rule announcing overall % reduction required and Coastwide measures. **Precautionary default measures - measures to achieve at least the % required reduction in each state, e.g., one fish possession limit and 15.5 inch bag limit would have achieved at least a 41% reduction in landings for each state in 1999. **Coastwide measures - measure to achieve % reduction coastwide.
Late January	
ASMFC Technical Committee meeting: -Evaluation of proposals. -ASMFC staff summarizes Technical Committee recommendations and distributes to Board.	
February	
Board meeting to approve/disapprove proposals and submits to NMFS within two weeks, but no later than end of February.	
March 1 (on or around)	
NMFS publishes proposed rule for recreational measures announcing the overall % reduction required, <u>state-specific or multi-state conservation equivalency</u> measures and precautionary default measures (as the preferred alternative), and coastwide measures as the non-preferred alternative.	
March 15	
During comment period, Board submits comment to inform whether conservation equivalency proposals are approved.	
April	
NMFS publishes final rule announcing overall % reduction required and one of the following scenarios: - <u>State-specific or multi-state conservation equivalency</u> measures with precautionary default measures, or -Coastwide measures.	

Table 11. Summer flounder landings (number in thousands) by state for 1998, the 2010 projected landings (number in thousands), and the 2011 target (number in thousands) under the Council-preferred and NMFS proposed recreational harvest limit of 11.44 million lb. The percent reduction necessary to achieve the 2011 recreational harvest limit relative to 2010 landings is also presented.

State	1998	2011 Target ^a	2010 ^{bc}	% Reduction
MA	383	187	46	0
RI	395	193	87	0
CT	261	128	40	0
NY	1,230	602	250	0
NJ	2,728	1335	597	0
DE	219	107	76	0
MD	206	101	27	0
VA	1,165	570	264	0
NC	391	191	86	0

^aBased on a 51.1% reduction in 1998 landings and mean weight of 3.35 lb per fish.

^bProjected using proportion from 2009 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

^cBecause prior year proportions are used, for states with more restrictive seasons in 2010, landings will be overestimated, and for those with less restrictive measures landings will be underestimated. If state-by-state or regional conservation equivalency is adopted, ASMFC staff will update the projections using MRFSS 2010 wave 1-5 data.

Table 12. Number of summer flounder recreational fishing trips, harvest limit, landings, and fishery performance from Maine through North Carolina, 1991 to 2011.

Year	Number of Fishing Trips ^a	Percentage of Directed Trips relative to Total Trips ^{a,b}	Recreational Harvest Limit (million lb)	Recreational Landings of Summer Flounder (million lb) ^d	Percentage Overage (+)/ Underage(-)
1991	4,536,651	17.1	None	7.96	-
1992	3,820,071	17.1	None	7.15	-
1993	4,671,638	17.8	8.38	8.83	+5
1994	5,769,037	20.8	10.67	9.33	-13
1995	4,683,754	17.2	7.76	5.42	-30
1996	4,885,179	17.9	7.41	9.82	+33
1997	5,595,636	18.8	7.41	11.87	+60
1998	5,268,926	20.5	7.41	12.48	+68
1999	4,219,909	16.8	7.41	8.37	+13
2000	5,802,215	16.7	7.41	16.47	+122
2001	6,130,383	16.6	7.16	11.64	+63
2002	4,564,011	14.8	9.72	8.01	-18
2003	5,624,387	16.0	9.28 ^c	11.64	+25
2004	5,129,166	14.9	11.21 ^c	10.87	-3
2005	5,560,041	15.1	11.98 ^c	10.58	-12
2006	5,447,976	14.2	9.29 ^c	11.55	+24
2007	5,789,397	14.7	6.68 ^c	9.86	+48
2008	5,427,175	17.3	6.21 ^c	7.90	+27
2009	4,818,196	15.9	7.16 ^c	6.30	-12
2010	NA	NA	8.59 ^c	NA	NA
2011	NA	NA	11.44 ^{c,e}	NA	NA

^aEstimated number of recreational fishing trips (expanded) using MRFSS data where the primary target species was summer flounder, Maine through North Carolina. Source: Scott Steinback, NMFS/NER/NEFSC.

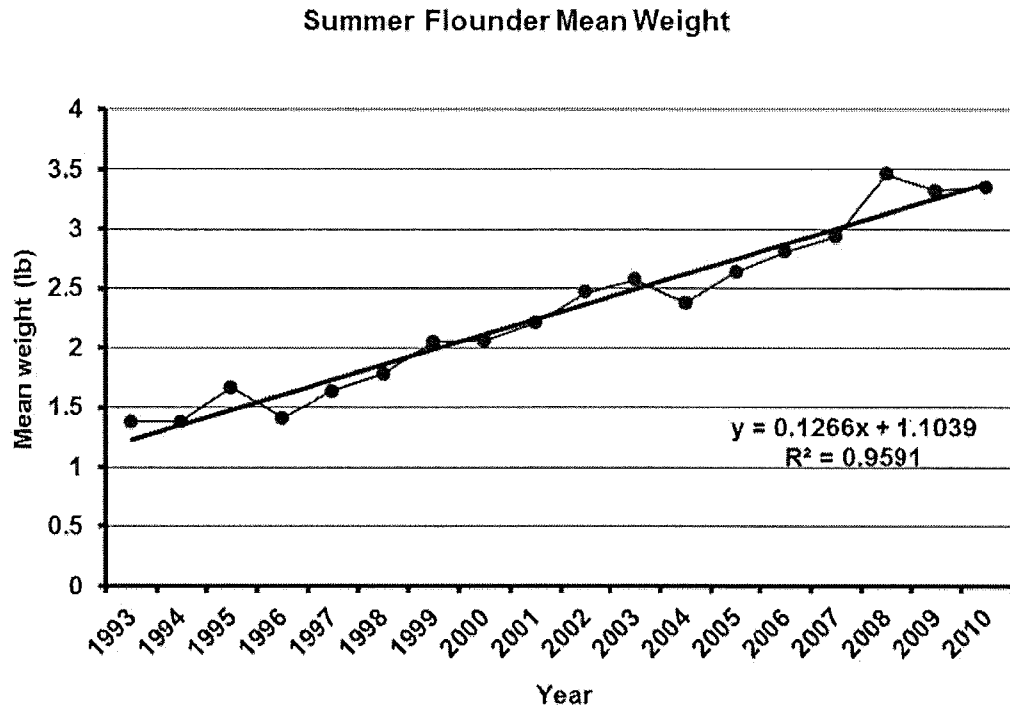
^bSource of total trips for all species combined: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 20, 2010.

^cAdjusted for research set-aside.

^dSource: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010.

^eRecreational harvest limit - Council-recommended for 2011. NA = Data not available.

Figure 1. Predicted mean weight of a landed summer flounder, based on MRFSS wave 1-4, 1993 to 2010. Mean weight predicted for 2011 is 3.51 lb per fish.



Coakley, Jessica

From: Joe OHara <[REDACTED]>
Sent: Tuesday, November 09, 2010 2:21 PM
To: Coakley, Jessica; Kerns, Toni
Cc: Moore, Christopher; O'Connell, Tom
Subject: Industry Advisory Panel 11/18/2010

I will not attend the subject meeting. I bowl that day and it is my birthday. I will be 81. Does MAFMC have a mandatory retirement age for advisors?

The last sentence on page 2 of your memo should read "successful" trips. This is one of the flaws of MRFSS. They only interview successful anglers that caught fish. You can not compute a valid catch per unit of effort if you exclude anglers that got skunked.

I think the 3.35 pounds mean weight should provide a good cushion for the unknowns. All of the states will reduce their size limits. Our mean length and weight was 20 inches and 3 pounds under a 19 inch size limit.

I fail to see how regional conservation equivalency will improve MRFSS. There is still the same number of dead fish. In our region, Virginia's priority is a long fall season while Maryland can not afford closure during the tourist season. I strongly support state conservation equivalency.

Maryland's 2010 landings will exceed the 27,000 fish projection. We are fishing 2 months more than 2009. We increased the size limit so that we could have a longer season. The head boats needed a species to target during the sea bass pause. There were only a few intercepts during September and October. On November 1, 2007, 7 summer flounder were caught on the Route 50 bridge. The Morningstar caught 1 on November 8, 2007. These are the only summer flounder intercepts during wave 6 in the last ten years. After MRFSS did their thing, the 7 shore caught fish ended up 14,270 landings. All but 1 shore intercept, in the last ten years, occurred in Worcester county. We have 19,100 residents. All of them must have been freezing their butts off catching those 14,270 fish on the Route 50 bridge in November and December. I bring this up because I have no idea what our 2010 landings will be. It could be repeat of 2007. NMFS have a lot of smart people. I wish they would understand that adjustments are necessary when a species is not evenly distributed in the area being surveyed. I don't think MRIP will be much of an improvement.

Recreational landings are projected to be 43 percent below quota. A friend, that I fish with, did not catch a keeper all year. He fishes a couple times a week so he went zero for twenty four trips. One neighbor's boat caught 5 and another caught 4. Anglers would like to keep a fish now and then. We need more creative management measures. Last year I recommended that Maryland be selected to test new management measures. We have an operational summer flounder log system. Our quota is only 2.95 percent, so if a test fails, it will not harm the stock. I would start with a 14 inch size limit, 2 fish possession limit and a season from April 1 to September 30. At the end of the season, Maryland's summer flounder log data would be reviewed. A 14 inch size limit is a good baseline. The log data would dictate changes. Does anyone think the current approach is working? We need to research alternatives to get back to a normal recreational fishery.

Scup Monitoring Committee Meeting Summary
2011 Recreational Specifications
November 18, 2010
Baltimore, MD

Convened: 10:11 a.m.

Committee Members: Steve Doctor, Tom Baum, Paul Caruso, Chris Batsavage, Rob O'Reilly, Greg Wojcik, Mike Ruccio, Christina Grahm, Dr. Mark Terceiro, Jason McNamee, and Rich Wong.

Staff: Jessica Coakley (Chair, MAFMC) and Toni Kerns (ASMFC)

Others: Rick Bellevance, Adam Nowalsky, Jim Tiejje, Victor Bunting, Joe Huckemeyer, and Bob Gowar.

Staff presented the recommendations from the staff memo dated, November 12, 2010. In addition to the option proposed by staff, it was suggested that the season might be moved a bit to cover summer into fall (i.e., July 1-October 15); although this would not address the MA spring fishery. There was discussion about what season might be appropriate. The adjustment to the minimum size provides for about an 11 percent reduction. It was highlighted that going up in the minimum size may disproportionately affect shore based anglers. The question was asked as to whether it was possible to determine the total landings during the bonus season as an extreme. Because the waves don't align with the bonus periods, this isn't possible.

Consensus: The Scup Monitoring Committee agrees that the measures proposed by staff would constrain landings to the recreational harvest limit for 2011. State regulations could to be developed under regional conservation equivalency which must achieve the required reduction. However, Federal measures should not be developed until the states measures have been developed, such that it can be ensured the federal measures will ensure the same reduction is achieved.

The group also noted some other issues for consideration:

- Minimum fish size - compliance is not well reflected in data, but likely an underestimate.
- Possession limits - few anglers catch more than 10 fish across all modes; low possession limits are an issue for the for-hire (i.e., party/charter) mode.
- Seasons - given the variability of the fisheries, difficult to derive a single season which fits all states. Seasons may be effective for addressing effort depending on how constraining they are.
- Effort - not effectively being constrained; also shifts in effort in response to angler behavior and management measures in other fisheries (i.e., availability of other targets)
- Availability - effects angler success rates and has influence on landings.

There are three approaches the Summer Flounder, Scup, and Black Sea Bass Board could use to address the New Jersey Landings: A) Add NJ into the Northern region (i.e., retain 3% for Southern region), B) Use a coastwide approach - make the southern states deminimus (DE-NC), and C) Status quo and New Jersey takes the required reduction.

Scup Advisors Meeting Summary
2011 Recreational Specifications
November 18, 2010
Baltimore, MD

Convened: 2:30pm

Committee Members: Rick Bellevance (ASMFC-SFSCBSB), Adam Nowalsky (MAFMC-SFSCBSB), Joe Huckemeyer (ASMFC-SFSC), Fred Fellar (ASMFC-SF), Victor Bunting (ASMFC-BSB), James Tietje (ASMFC-BSB), Robert Busby (ASMFC-SF), Michael Fedosh (ASMFC-SF), Fred Feller (ASMFC-SFBSB), Bob Gowar (ASMFC-SF), Bob Meimbresse (ASMFC-SF), and Bill Shillingford (ASMFC-SF)

Staff: Jessica Coakley (MAFMC) and Toni Kerns (ASMFC)

Staff presented the recommendations from the staff memo dated, November 12, 2010. Fishermen need more flexibility for the for-hire industry and for other fishing modes such as shore-based. The staff recommendation was based on what the numbers would produce, but the anglers need the flexibility. The advisors noted that there was a large gap between what the SSC recommended as and ABC and what the Council and Board recommended as a TAC/TAL. Advisors felt the TAC/TAL was disappointing. The recreational fishery has exceeded the harvest limit in 10 of 12 years and advisors felt this was because the stock is large. The group thought the amendment process needs to be revisited because the current process is not working.

Consensus: The Scup Advisory Panel believes that after another year of seeing high availability of the stock, this validates the stock assessment (i.e., stock at all time high) and this suggests that the precautionary quota implemented for 2011 is set too far below MSY. The Scup advisors support continuation of the regional conservation equivalency for the states. The advisors recommend status quo measures (i.e., state and federal measures that are identical to those implemented 2010), on the basis that they expect those measures will constrain the landings in 2011 to the recreational harvest limit proposed for 2011. The liberalization of the summer flounder regulations is one factor that may result in reduced effort (i.e., shifts in directed effort) for this fishery.

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Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: November 12, 2010

TO: Scup Monitoring Committee

FROM: Jessica Coakley

SUBJECT: Scup Recreational Management Measures for 2011

The Scup Monitoring Committee and the Science and Statistical Committee (SSC) met in July 2010 to review the most recent stock assessment information on scup and develop recommendations to the Council and Commission on the recreational harvest limit for 2011. The Council recommended and the Commission adopted a TAL of 20.0 million lb for 2011. The proposed rule has not yet filed. I do not expect the NMFS proposed rule will be different than the Council and Commission recommendations given that 20.0 million lb is consistent with the recommendations of the SSC and the Monitoring Committee and addresses scientific concerns about rapid increases in quota to meet the revised maximum sustainable yield.

Based on the allocation formula and subtracting the amount dedicated to the Research Set-Aside Program, the recreational harvest limit recommended by the Council would be 4.27 million lb. The Committee must decide on the possession, size, and seasonal limits that will most likely achieve the recreational harvest limit in 2011. The following is a review of recreational catch and landings data for the scup fishery. Also, detailed analyses of MRFSS intercept and catch data are included to help in the Committee's deliberations.

Recreational Catch and Landings

Recreational catch and landings of scup have fluctuated since 1981. Recreational catch peaked in 1986 at 30.87 million fish and then declined to 2.67 million fish in 1998, the lowest value in the times series (Table 1). Recreational landings peaked at 11.61 million lb in 1986 and then trended downward to a low of 0.88 million lb in 1998. In 2009, catch and landings were to 7.82 million fish and 2.94 million lb, respectively.

The 2010 MRFSS data are incomplete and preliminary. To date, only the first four waves of catch and

landings data are available (Table 2). The Monitoring Committee does an early review of the MRFSS data because the Council and Commission agreed that recommendations would have to be made late in the preceding year (i.e., 2010) to give the states enough time to enact changes in their regulations for the upcoming year (i.e., 2011). Based on data for waves 1-4 (January through August), catch estimates in 2010 were 6.89 million fish (Table 2). Landings by weight for the first four waves of 2010 are 3.87 million lb and the mean weight of landed fish is approximately 1.2 pound per fish. By state, recreational landings for waves 1-4 increased in all states except Massachusetts and Delaware 2009 to 2010 (Table 3).

Preliminary wave data for 2010 can be used to project catch and landings for the entire year. Assuming the same proportion of catch and landings by wave in 2010 as in 2009, projected catch estimates for 2010 would be 10.46 million fish and projected landings would be 5.13 million lb and 4.80 million fish (Table 1). These projections are sensitive to the proportion of landings by wave, by state. Because prior year proportions are used in the projections, for states with more restrictive seasons in 2010, landings will likely be overestimated, and for those with less restrictive measures landings will likely be underestimated. New Jersey projected catch and landings are particularly sensitive to the use of prior year proportions.

Past Harvest Limits and Management Measures

Recreational harvest limits and management measures have varied since the FMP was first implemented. Beginning in 1997, recreational harvest limits were established to achieve the target exploitation rates. Since 1997, the recreational harvest limit has varied from a low of 1.24 million lb annually in 1999 and 2000, to a high of 4.01 million lb in 2003 (Table 4). In 2010, the recreational harvest limit for scup was 3.01 million lb. In 2010, the Council adopted Federal management measures that included a 10 fish possession limit, a 10.5 inch TL size limit, and an open season from July 6 through September 26. In 2009, the Commission adopted a regional approach for regulations in state waters, which results in relatively consistent regulations for the states from Massachusetts to New York (Table 5). Based on projected estimates, the combination of state management measures in place for Massachusetts to New York in 2010 (Table 6) will result in landings that are 34% over the regional target (Table 7).

Intercept Data and Regulatory Compliance

Landing frequencies for the first four waves of 2010 indicate about 90 percent of the trips had 27 or fewer fish per trip with about 50 percent of the trips landing fewer than 3 scup per trip (Table 8). Analysis of length frequencies indicate that landings were constrained by the size limits implemented in the states from Massachusetts to New Jersey, although a pattern of increased non-compliance is evident as size limits have become more restrictive (Table 9).

2011 Federal Management Measures

Based on the projected landing estimate for 2010 of 5.13 million lb, landings would have to be reduced to achieve the proposed harvest limit of 3.01 million lb for 2010. However, the 2010 New Jersey

projected landings are likely high given the sensitivity of the projections to the wave of peak landings (i.e., wave 4 versus wave 5) for that state. With increased abundance of scup, it is however possible the same magnitude of landings in wave 4, could be repeated in wave 5. Therefore, a more realistic projection for New Jersey would be produced by doubling the wave 4 landings of 198,057 lb to provide a revised 2010 New Jersey projection of 396,114 lb, and a revised coastwide estimate of 4.82 million lb. Based on this revised projection, a 12 percent reduction in 2010 landings by weight would be required to achieve the 2011 recreational harvest limit.

Changes in the possession and size limits or season could be modified to achieve the desired harvest level in 2011 (Tables 10 and 11); however, given the complex regulations implemented in 2010, the reduction table and seasonal data provided should be interpreted with caution.

It is apparent the state management measures in place for Massachusetts to North Carolina in 2010 in conjunction with Federal measures did not constrain landings to the 2010 harvest limit (Tables 6 and 7). It should be noted that the measures in place in 2007-2009 resulted in substantial overages (Table 12). An examination of scup landings (in weight) by area indicates that in 2009, approximately 2.0 percent of the scup landings occurred in the EEZ (> 3 miles); although the data by area is self-reported from intercepts and has associated caveats. Despite those caveats, this suggests the majority of scup landings are occurring in state-waters.

The state and Federal regulation disconnect for scup has complicated the regulations for fishermen, particularly those holding Federal party/charter permits and those who fish in Federal waters. The application of a Northern scup region in state waters (from MA-NY) with minimum sizes and possession limits that vary by mode and season has made evaluating the impacts of recreational scup regulations untenable, and has not demonstrated any improvement in fishery performance relative to the recreational harvest limit (Tables 7 and 12). The application of variable minimum sizes and possession limits by mode within states is concerning because the level of precision of the MRFSS data needed to evaluate the impacts of specific regulations are progressively less precise at lower levels of stratification, including stratification by mode. In addition, by using 2010 data to evaluate 2011 measures, it is assumed that effort and availability will be the same in 2011 as in 2010. Predicting the number of trips that might be taken in 2011 is more complicated. Recreational fishing demand models are used to forecast the demand for fishing trips as well as to determine the value that anglers place on the various factors that affect their behavior. The models attempt to predict how changes in fishing site characteristics (travel costs, catch rates, available species, water quality, etc.), fishery management policies (possession limits, size restrictions, closed seasons), and angler characteristics (age, gender, race, income, etc.) affect the demand for angler fishing trips. Unfortunately, due to data constraints, the characteristics contained in the models are usually rather narrowly defined which limits the predictive capability of the models. This makes evaluation of changes in angler behavior difficult and complex. Changes in angler behavior may result in a breakdown in the assumptions associated with specific sets of regulations and their anticipated results.

Staff Recommendations for 2011

Given Federal fishery landings only constitute about 2 percent of total landings in weight, elimination of

the entire Federal fishing season would result in a 2 percent reduction in landings for the coast. Any meaningful reduction in landings must be the result of adjustments to the state waters regulations. Given the situation under which required reductions in landings for scup must be made, there are limited options.

For the first option, the Federal season for scup could be reduced by 12 percent. This would disproportionately penalize those recreational fishermen who fish in the EEZ and those persons who hold Federal party/charter permits, given Federal scup measures were reduced in 2010 while state measures were held status quo (i.e., no reduction taken). As already stated, catch and landings in Federal waters only constitute a few percent of the total; therefore, adjusting the Federal measures only would have little effect. For this approach to be effective, states would need to develop state-water measures for 2011 that reduce landings and achieve the 12 percent reduction. The combination of state-water measures from 2007-2009 have not performed well in terms of constraining landings to the harvest limits. The technical proposal for state regulations should consider the performance of the fishery under these regulations, the limitations of the data available to evaluate these measures, and all the other uncertainties inherent in the assumptions of effort and availability being the same in 2011 as in 2010.

Alternatively, the Council and Commission could consider one set of common regulations composed of a minimum fish size, season, and possession limit to be implemented in Federal waters and state-waters for the Northern region (Massachusetts to New York only) that are expected to constrain landings to the coastwide recreational harvest limit in 2011. This option could potentially prevent disproportionately penalizing those recreational fishermen who fish in the EEZ and those persons who hold Federal party/charter permits and achieve a meaningful reduction in landings coastwide.

To achieve a common set of measures for Federal waters, which match the Northern region state-waters measures, the minimum fish size would 11 inch TL (i.e., +0.5 inch TL increase; Table 11, 11 percent reduction) the possession limit would be maintained at 10 fish, and the open season be adjusted to May 24 through September 26. The elimination of the mode split and "bonus season" provides additional certainty that the recreational harvest limit will not be exceeded. It is difficult to predict how landings in Federal waters would be impacted by these measures; however, any landings increases due to the seasonal adjustment should be offset by the adjustments to possession limits and minimum fish sizes and, as stated above, Federal waters landings represent a small component of total landings.

In recent years, New Jersey landings of scup have increased. This Monitoring Committee has debated whether New Jersey should be included as a part of the Northern scup region for several years. I recommend the Monitoring Committee consider New Jersey once again and provide advice to the Council and Commission. The Monitoring Committee will need to recommend measures that ensure the recreational harvest limit in 2011 will not be exceeded for the fifth year in a row. This committee should also consider the limitations of the data available to evaluate these measures and all the other uncertainties inherent in the assumptions of effort and availability being the same in 2011 as in 2010.

Recommendations in Summary

I recommend one common set of regulations for both Federal waters and the states of Massachusetts, Rhode Island, Connecticut, and New York which are specified as 11 inch TL minimum fish size, 10 fish possession limit, and season from May 24 through September 26. These identical measures would be applied to all modes.

Table 1. Scup recreational catch and landings by year, 1981-2010. The number of fish released is presented as a proportion of the total catch (% Rel).

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	% Released
1981	10,376	9,084	5,812	12%
1982	7,181	6,454	5,205	10%
1983	10,155	8,837	6,252	13%
1984	7,775	6,057	2,416	22%
1985	13,861	10,810	6,093	22%
1986	30,872	24,823	11,605	20%
1987	12,377	9,916	6,197	20%
1988	7,539	6,062	4,267	20%
1989	11,394	9,176	5,557	19%
1990	10,172	8,043	4,140	21%
1991	16,852	13,279	8,087	21%
1992	10,077	7,764	4,412	23%
1993	7,076	5,663	3,197	20%
1994	5,650	4,270	2,628	24%
1995	3,767	2,419	1,344	36%
1996	4,676	2,972	2,156	36%
1997	3,070	1,916	1,198	38%
1998	2,670	1,211	875	55%
1999	4,636	3,251	1,886	30%
2000	11,284	7,244	5,443	36%
2001	9,925	5,099	4,262	49%
2002	7,580	3,647	3,624	52%
2003	14,661	9,452	8,484	36%
2004	9,315	4,698	4,239	50%
2005	6,133	2,392	2,542	61%
2006	8,501	2,801	2,954	67%
2007	8,436	3,592	3,648	57%
2008	11,140	3,674	4,044	67%
2009	7,817	2,771	2,940	65%
2010 ^a	10,455	4,803	5,126	54%

^a Projected using proportion from 2009 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

Table 2. Scup recreational catch and landings for waves 1-4, 1981-2010.

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	Mean Weight (lb)
1981	5,710	4,604	2,523	0.55
1982	5,303	4,908	4,166	0.85
1983	5,603	4,754	3,327	0.70
1984	6,726	5,230	1,780	0.34
1985	5,478	4,435	3,092	0.70
1986	16,849	13,941	5,911	0.42
1987	9,192	7,403	4,779	0.65
1988	4,273	3,351	2,246	0.67
1989	6,332	5,214	3,406	0.65
1990	6,312	4,999	2,341	0.47
1991	10,224	8,087	4,768	0.59
1992	5,505	4,286	2,507	0.58
1993	3,979	3,228	1,660	0.51
1994	2,622	2,078	1,186	0.57
1995	1,334	869	500	0.58
1996	2,611	1,560	1,164	0.75
1997	1,704	1,069	773	0.72
1998	1,710	766	588	0.77
1999	2,523	1,750	963	0.55
2000	5,728	3,991	2,991	0.75
2001	6,281	3,118	2,422	0.78
2002	4,024	1,787	1,562	0.87
2003	8,998	5,960	5,667	0.95
2004	5,403	2,840	2,383	0.84
2005	3,083	1,419	1,559	1.10
2006	4,651	1,647	1,650	1.00
2007	4,120	2,046	2,059	1.01
2008	6,670	2,283	2,416	1.06
2009	5,914	2,158	2,353	1.09
2010	6,892	3,306	3,873	1.17

Table 3. Scup recreational landings (number '000) by state, waves 1-4, 1999-2010.

State	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
ME	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	-	-	-	-	-	-	-	-	-	-
MA	605	984	700	713	1,379	1,114	362	269	684	467	737	730
RI	465	703	710	302	572	619	252	300	255	393	108	253
CT	138	912	700	320	572	130	449	306	262	415	194	576
NY	540	1,383	852	429	3,395	915	347	597	824	955	1,055	1,501
NJ	0	9	154	21	40	61	7	163	14	30	62	240
DE	<1	0	<1	<1	<1	0	<1	<1	<1	<1	<1	0
MD	<1	0	0	<1	0	0	0	0	<1	<1	0	0
VA	0	0	0	1	1	0	0	0	<1	3	0	3
NC	0	<1	2	<1	<1	<1	2	11	5	21	<1	3

Table 4. Summary of Federal management measures for the scup recreational fishery, 1997-2010.

Measure	1997	1998	1999	2000	2001	2002	2003	2004
Harvest Limit (m lb)	1.95	1.55	1.24	1.24	1.76	2.71	4.01	3.99
Landings (m lb)	1.20	0.88	1.89	5.44	4.26	3.62	8.48	4.24
Possession Limit	-	-	-	-	50	20	50	50
Size Limit (in TL)^b	7	7	7	-	9	10	10	10
Open Season	1/1 - 12/31	1/1 - 12/31	1/1 - 12/31	1/1 - 12/31	8/15 - 10/31	7/1 - 10/2	1/1-2/28 and 7/1-11/30	1/1-2/28 and

Measure	2005	2006	2007	2008	2009	2010
Harvest Limit (m lb)	3.96	3.99	2.74	1.83	2.59	3.01
Landings (m lb)	2.54	2.95	3.65	4.04	2.94	5.13 ^a
Possession Limit	50	50	50	15	15	10
Size Limit (in TL)^b	10	10	10	10.5	10.5	10.5
Open Season	1/1-2/28 and 9/18-11/30	1/1-2/28 and 9/18-11/30	1/1-2/28 and 9/18-11/30	1/1-2/28 and 10/1-10/31	1/1-2/28 and 10/1-10/31	7/6 - 9/26

^a Projected using proportion from 2009 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

Table 5. Scup recreational management measures by state, 2009.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts (party/charter)	11	45 fish from May 15 to June 28; 10 fish from June 29 to September 17	May 15- Sept. 17
Massachusetts (private angler)	10.5	10 fish; private vessels with two or more persons aboard are prohibited from possessing more than 20 scup per day	May 24-Sept. 26
Rhode Island (party/charter)	11	10 fish June 12 to August 31; 45 fish September 1 to October 15	June 12-Oct. 15
Rhode Island (private angler)	10.5	10 fish	May 24-Sept. 26
Connecticut (party/charter)	11	10 fish June 12 to August 31; 45 fish September 1 to October 15	June 12-Oct. 15
Connecticut (private angler)	10.5	10 fish	May 24-Sept. 26
New York (party/charter)	11	10 fish June 12 to August 31; 45 fish September 1 to October 15	June 12-Oct. 15
New York (private angler)	10.5	10 fish	May 24-Sept. 26
New Jersey	9	50 fish	Jan 1 - Feb 28 and July 1 - Dec. 31
Delaware	8	50 fish	All Year
Maryland	8	50 fish	All Year
Virginia	8	50 fish	All Year
North Carolina	8	50 fish	All Year

Table 6. Scup recreational management measures by state, 2010.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts (party/charter)	11	40 fish from May 15 to June 18; 10 fish from June 19 to Sept. 17	May 15- Sept. 17
Massachusetts (private angler)	10.5	10 fish; private vessels with five or more persons aboard are prohibited from possessing more than 50 scup per day	May 24-Sept. 26
Rhode Island (party/charter)	11	10 fish June 8 to Sept. 6; 40 fish Sept. 7 to Oct. 11	June 8-Oct. 11
Rhode Island (private angler)	10.5	10 fish	May 24-Sept. 26
Connecticut (party/charter)	11	10 fish June 8 to Sept. 6; 40 fish Sept. 7 to Oct. 11	June 8-Oct. 11
Connecticut (private angler)	10.5	10 fish	May 24-Sept. 26
New York (party/charter)	11	10 fish June 8 to Sept. 6; 40 fish Sept. 7 to Oct. 11	June 8-Oct. 11
New York (private angler)	10.5	10 fish	May 24-Sept. 26
New Jersey	9	50 fish	Jan. 1-Feb. 28 and July 1 – Dec. 31
Delaware	8	50 fish	All Year
Maryland	8	50 fish	All Year
Virginia	8	50 fish	All Year
North Carolina	8	50 fish	All Year

Table 7. Projected recreational scup landings (in number of fish) relative to Commission targets, for 2010, by state.

State	2010 Target	2010 Landings ^a	Percent Overage (%)
MA	2,729,665 ^b	765,295	34%
RI		401,775	
CT		679,999	
NY		1,864,725	
NJ	^c	1,076,429 ^d	N/A
DE	^c	0	N/A
MD	^c	0	N/A
VA	^c	3,638	N/A
NC	^c	10,917	N/A
Total		4,802,778	

^a Projected using proportion from 2009 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

^b States of MA, RI, CT, and NY formed a multi-state region and pooled landings, targets, and implemented similar regulations

^c State does not have specific target

^d New Jersey projection should be reevaluated once wave 5 becomes available. Dominant wave shifts between 4 and 5 annually; therefore, projections tend to be extremely unstable. See discussion in staff recommendation text.

Table 8. The percent of successful anglers landing 1 to 51 scup (MRFSS Type A fish) per trip, waves 1-4, 2010.

C per T	Frequency	Percent	Cumulative Frequency	Cumulative Percent
0	1	0.40	1	0.40
1	70	28.23	71	28.63
2	40	16.13	111	44.76
3	26	10.48	137	55.24
4	19	7.66	156	62.90
5	13	5.24	169	68.15
6	16	6.45	185	74.60
7	7	2.82	192	77.42
8	4	1.61	196	79.03
9	4	1.61	200	80.65
10	3	1.21	203	81.85
11	3	1.21	206	83.06
12	2	0.81	208	83.87
13	2	0.81	210	84.68
14	2	0.81	212	85.48
15	2	0.81	214	86.29
16	1	0.40	215	86.69
17	1	0.40	216	87.10
18	1	0.40	217	87.50
21	3	1.21	220	88.71
23	1	0.40	221	89.11
25	1	0.40	222	89.52
27	2	0.81	224	90.32
28	1	0.40	225	90.73
31	3	1.21	228	91.94
32	1	0.40	229	92.34
35	1	0.40	230	92.74
37	1	0.40	231	93.15
38	3	1.21	234	94.35
40	8	3.23	242	97.58
41	1	0.40	243	97.98
42	1	0.40	244	98.39
46	1	0.40	245	98.79
49	1	0.40	246	99.19
51	2	0.81	248	100.00

Table 9. The percent of measured scup (MRFSS Type A fish) relative to state specific and coastal size limits from 2002 through 2010. The number in parentheses is sample size.

State	2002			2003			2004					
	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit			
ME	-	-	-	-	-	-	-	-	-			
NH	-	-	-	-	-	-	-	-	-			
MA	0.8	(279)	9.0	1.0	(715)	9.0	2.1	(579)	10.0			
RI	9.0	(435)	10.0	2.2	(313)	10.0	5.4	(138)	10.5			
CT	1.3	(152)	10.0	1.1	(362)	10.0	12.3	(96)	10.5			
NY	7.5	(94)	10.0	0	(969)	10.0	0	(220)	11.0			
NJ	4.6	(44)	10.0	6.9	(29)	10.0	20.0	(5)	10.0			
DE	0	(1)	8.0	33.3	(6)	8.0	0	(0)	8.0			
MD	0	(1)	8.0	0	(0)	8.0	0	(0)	8.0			
VA	0	(0)	8.0	0	(3)	8.0	0	(0)	8.0			
NC	0	(0)	8.0	0	(0)	8.0	0	(3)	8.0			
Coast	6.1	(1006)	10.0	7.0	(2397)	10.0	6.44	(1041)	10.0			
State	2005			2006			2007 ^a			2008 ^a		
	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit
ME	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	-	-	-	-	-	-	-	-	-	-
MA	32.4	(657)	10.5	41.5	(719)	10.5	28.2	(974)	10.5	19.9	(1184)	10.5
RI	32.0	(442)	10.5	34.2	(743)	10.5	50.8	(63)	10.5	20.8	(265)	10.5
CT	18.8	(80)	10.5	32.6	(141)	10.5	13.6	(22)	10.5	13.6	(118)	10.5
NY	11.4	(562)	10.5	42.2	(294)	10.5	17.7	(141)	10.5	25.4	(418)	10.5
NJ	11.1	(27)	9	33.9	(192)	9	5.0	(20)	9	19.2	(151)	9
DE	25.0	(4)	8	66.7	(3)	8	0	(5)	8	0.1	(15)	8
MD	0	(0)	8	10.0	(10)	8	0	(2)	8	0	(6)	8
VA	0	(2)	8	0	(0)	8	0	(0)	8	60.0	(5)	8
NC	56.2	(73)	8	18.6	(113)	8	37.8	(37)	8	5.7	(53)	8
Coast	15.4	(1847)	10.0	27.3	(2215)	10.0	19.1	(1264)	10.0	12.0	(2215)	10.0
State	2009 ^a			2010 ^{a,b}			2011					
	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit	% Below Size Limit	Number Measured	Size Limit			
ME	-	-	-	-	-	-	NA	NA	NA			
NH	-	-	-	-	-	-	NA	NA	NA			
MA	21.4	(1093)	10.5	8.8	(731)	10.5	NA	NA	NA			
RI	2.8	(496)	10.5	6.2	(80)	10.5	NA	NA	NA			
CT	12.2	(115)	10.5	16.9	(142)	10.5	NA	NA	NA			
NY	7.6	(369)	10.5	12.4	(364)	10.5	NA	NA	NA			
NJ	6.3	(142)	9	0	(2)	9	NA	NA	NA			
DE	25.0	(4)	8	0	(0)	8	NA	NA	NA			
MD	0	(0)	8	0	(0)	8	NA	NA	NA			
VA	66.7	(3)	8	100.0	(1)	8	NA	NA	NA			
NC	44.1	(34)	8	21.9	(32)	8	NA	NA	NA			
Coast	7.8	(2257)	10.0	11.6	(1352)	10.5	NA	NA	NA			

^a For MA, RI, CT, and NY, minimum size varied from 10.5 – 11.0 inch TL by mode and season.

^b 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010).

Table 10. The effect of various size and possession limits on 2010 scup recreational landings. The tables contain the proportional reduction in number of scup landed assuming regulations are 100% effective. Note: Reduction is calculated as the difference between the values associated with the current regulations and those being evaluated.

Bag	10.5	11	11.5	12.0	12.5	13.0	13.5	14	14.5
1	0.8232	0.8558	0.8936	0.9154	0.9427	0.9570	0.9681	0.9769	0.9777
2	0.7170	0.7844	0.8351	0.8737	0.9116	0.9327	0.9465	0.9660	0.9673
3	0.6414	0.7320	0.7929	0.8465	0.8933	0.9170	0.9334	0.9554	0.9591
4	0.5884	0.6928	0.7583	0.8276	0.8778	0.9044	0.9210	0.9454	0.9515
5	0.5622	0.6675	0.7394	0.8150	0.8664	0.8954	0.9122	0.9389	0.9474
6	0.5419	0.6501	0.7279	0.8050	0.8595	0.8910	0.9079	0.9348	0.9433
7	0.5282	0.6372	0.7211	0.7996	0.8568	0.8907	0.9076	0.9347	0.9433
8	0.5152	0.6252	0.7147	0.7944	0.8543	0.8905	0.9073	0.9346	0.9433
9	0.5049	0.6180	0.7108	0.7916	0.8519	0.8902	0.9071	0.9346	0.9433
10	0.4968	0.6131	0.7070	0.7888	0.8494	0.8899	0.9068	0.9346	0.9433
15	0.4757	0.6042	0.7025	0.7870	0.8482	0.8891	0.9066	0.9346	0.9433
20	0.4663	0.6000	0.7006	0.7864	0.8477	0.8890	0.9066	0.9346	0.9433
25	0.4602	0.5973	0.6997	0.7864	0.8477	0.8890	0.9066	0.9346	0.9433
30	0.4565	0.5963	0.6997	0.7864	0.8477	0.8890	0.9066	0.9346	0.9433
35	0.4538	0.5962	0.6997	0.7864	0.8477	0.8890	0.9066	0.9346	0.9433
40	0.4529	0.5962	0.6997	0.7864	0.8477	0.8890	0.9066	0.9346	0.9433
45	0.4528	0.5962	0.6997	0.7864	0.8477	0.8890	0.9066	0.9346	0.9433

Table 11. a) Average percent of scup landed (in number) by wave, based on 1996-2000 MRFSS landings data and b) projected reduction in scup landings (in number) associated with closing one day per wave, based on 1996-2000 MRFSS landings data.

a.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
MA	0.0	0.0	37.4	31.5	31.1	0.0
RI	0.0	0.0	4.9	48.1	45.7	1.3
CT	0.0	0.0	8.2	49.6	42.2	0.0
NY	0.0	0.0	22.0	27.7	48.8	1.5
NJ	0.0	0.3	0.0	3.0	78.6	18.1
DE	0.0	0.0	0.0	9.0	89.9	1.1
MD	0.0	0.0	0.0	46.2	0.0	53.8
VA	0.0	0.0	0.0	0.0	87.8	12.2
NC	0.0	3.3	40.9	31.3	24.5	0.0
Coast	0.0	0.4	12.6	27.4	49.8	9.8

b.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
MA	0.0	0.0	0.61	0.51	0.51	0.0
RI	0.0	0.0	0.08	0.78	0.75	0.02
CT	0.0	0.0	0.13	0.80	0.69	0.00
NY	0.0	0.0	0.36	0.45	0.80	0.02
NJ	0.0	0.01	0.0	0.05	1.29	0.30
DE	0.0	0.0	0.0	0.15	1.47	0.02
MD	0.0	0.0	0.0	0.74	0.0	0.88
VA	0.0	0.0	0.0	0.0	1.44	0.20
NC	0.0	0.05	0.67	0.50	0.40	0.0
Coast	0.0	0.01	0.21	0.44	0.82	0.16

Table 12. Number of scup recreational fishing trips, harvest limit, landings, and fishery performance from Maine through North Carolina, 1991 to 2011.

Year	Number of Fishing Trips ^a	Percentage of Directed Trips relative to Total Trips ^{a,b}	Recreational Harvest Limit (million lb)	Recreational Landings of Scup (million lb) ^b	Percentage Overage (+)/ Underage (-)
1991	793,593	3.0	None	8.09	NA
1992	499,780	2.2	None	4.41	NA
1993	499,703	1.9	None	3.20	NA
1994	435,625	1.6	None	2.63	NA
1995	242,956	0.9	None	1.34	NA
1996	241,322	0.9	None	2.16	NA
1997	198,754	0.7	1.95	1.20	-38
1998	213,842	0.8	1.55	0.88	-43
1999	231,596	0.9	1.24	1.89	+52
2000	485,039	1.4	1.24	5.44	+339
2001	484,604	1.3	1.77	4.26	+141
2002	481,716	1.6	2.71 ^c	3.62	+34
2003	971,770	2.8	4.01 ^c	8.48	+111
2004	567,518	1.6	4.01 ^c	4.24	+6
2005	478,810	1.3	3.96 ^c	2.54	-36
2006	466,977	1.2	4.15 ^c	2.95	-29
2007	740,037	1.5	2.74 ^c	3.65	+33
2008	729,197	2.0	1.83 ^c	4.04	+121
2009	536,072	1.8	2.59 ^c	2.94	+14
2010	NA	NA	3.01 ^c	NA	NA
2011	NA	NA	4.27 ^{c,d}	NA	NA

^aEstimated number of recreational fishing trips (expanded) using MRFSS data where the primary target species was scup, Maine through North Carolina. Source: Scott Steinback, NMFS/NER/NEFSC.

^b Source of total trips for all species: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 20, 2010

^cAdjusted for research set-aside.

^d Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 19, 2010

^eRecreational harvest limit - Council-recommended for 2011. NA = Data not available.

Black Sea Bass Monitoring Committee Meeting Summary
2011 Recreational Specifications
November 18, 2010
Baltimore, MD

Convened: 11:20 a.m.

Committee Members: Steve Doctor, Tom Baum, Paul Caruso, Chris Batsavage, Rob O'Reilly, Greg Wojcik, Mike Ruccio, Christina Grahn, Dr. Mark Terceiro, Jason McNamee, and Rich Wong.

Staff: Jessica Coakley (Chair, MAFMC) and Toni Kerns (ASMFC)

Others: Rick Bellevance, Adam Nowalksy, Jim Tiejje, Victor Bunting, Joe Huckemeyer, and Bob Gowar.

Staff presented the recommendations from the staff memo dated, November 12, 2010. The Committee discussed the projection approach and issues related to recouplement, the value of days within waves, and data issues. It was asked if there had been a review of the performance of previous projections relative to landings and regulations. In 2009, the projected landings were lower than actual, in large part due to the emergency closure. The group discussed the need for the process to consider wave 5, particularly given it is a substantial wave for black sea bass (less important for species like summer flounder). The required reduction, based on the projection, would essentially eliminate the directed black sea bass fishery as it is currently prosecuted. Yesterday, the Technical Committee discussed some data concerns and is looking into components of the estimates for certain states. Some states though the estimates were too low such as MD, while there was some discussion as to the magnitude of the Northern landings and the fact that there are many large fish being landings in the Northern states, and estimates may reflect that. Minimum fish size increases may be problematic, particularly for shore based fishing. Black sea bass life history was discussed, and while there may be biological problems with the way the fish are managed, the data not available to make the determination. For other species with similar life history, it suggests the life history may require different strategies.

In response to the MD-DNR letter from the Fisheries service: The Committee is investigating aspects of the 2010 estimates with S&T staff. VTR data are used at the end of the year to reconcile the For-Hire Survey effort when final estimates for the year are derived; not for the preliminary estimates because the VTR data are not available. Data are not sufficient for the derivation of state-specific measures (i.e., data limited from a sample size basis).

Consensus: The Black Sea Bass Monitoring Committee concluded that based on the information available, the projected landings and staff proposed options are consistent with the required reduction. These measures would substantially restrict the recreational black sea bass fishery. In fact, some combinations of measures could effectively eliminate the targeted black sea bass fishery as it is currently prosecuted. The Council and Board should wait until wave 5 data are available before final measures are recommended. The precision of the current estimates is insufficient to make precise estimates of catch and reliable projections.

A minority report was filed by Steve Doctor (MD-DNR) and is as follows:

Given,

- The black sea bass stock is recovered,**
- The 2011 harvest limit (1.78 m lbs) is similar to the 2010 harvest limit (1.83 m lbs),**
- The 2010 regulations were made in good faith to restrict the recreational harvest to a similar recreational harvest limit,**
- The precision of the 2010 harvest estimate is unusually poor,**
- Individual state harvest estimates are unusually unreasonable this year,**
- The 2011 harvest limit is within the confidence limits of the 2010 estimated harvest,**
- Implementing the council recommended measures would put an undue hardship on the fishery participants and more than likely put some of them out of business in the attendance of a recovered fishery stock,**

I recommend that the 2011 recreational harvest restrictions remain status quo for 2011.

Black Sea Bass Advisors Meeting Summary
2011 Recreational Specifications
November 18, 2010
Baltimore, MD

Convened: 3:45pm

Committee Members: Rick Bellevance (ASMFC-SFSCBSB), Adam Nowalsky (MAFMC-SFSCBSB), Joe Huckemeyer (ASMFC-SFSC), Fred Fellar (ASMFC-SF), Victor Bunting (ASMFC-BSB), James Tietje (ASMFC-BSB), Robert Busby (ASMFC-SF), Michael Fedosh (ASMFC-SF), Fred Feller (ASMFC-SFBSB), Bob Gowar (ASMFC-SF), Bob Meimbresse (ASMFC-SF), and Bill Shillingford (ASMFC-SF)

Staff: Jessica Coakley (MAFMC) and Toni Kerns (ASMFC)

The advisors noted that there are more keeper fish and more fish available in 2010. In the Northern states, more of the people who were successful were intercepted and may have been more willing to talk to MRFSS interviewers. An increase in the Northern area may be real, but may be exacerbated because of the successful trips. There also may have been shifts in the fishery, depending on the seasons for other species such as summer flounder. Depending on measures there may be more opportunity to target summer flounder in 2011 which may reduce effort on black sea bass. Advisors think the TALs are too low. It is a recovered stock and this fact has not been taken into consideration when setting measures. There is frustration that the advisors are not convened in June/July prior to quota setting process. The advisors noted that reducing the bag limit is a retroactive shutdown in the fishery, especially when possession limits go to single digits. If the possession limits were dropped to single digits it wouldn't allow for for-hire trips to entice anglers to fish on open season days. They felt it is better to maintain the possession limit and adjust seasons and minimum size as alternatives. Seasons should be adjusted in increments so all the regions have the opportunity to fish. Wave 1 continues to be an issue; need to develop approaches to account for the wave 1 data. Advisors suggested that continuous seasons during peak landings may be setting things up to exceed limits; perhaps spring and fall seasons should be considered. Advisors noted they could deal with a smaller possession limit in summer months, but not necessary in the spring and fall. Advisors did not think fair regulations could be developed for all the states given the reduction and the TAL. There is a need to consider state-by-state measures to develop flexibility for each state to meet their fisheries participant needs and are responsive to difference in stock structure (i.e., stocklets) along the coast.

Consensus: The Black Sea Bass Advisory panel recommended status quo measures for fishing year 2011. The advisory panel agrees with the point made in the minority opinion provided by the member of the Monitoring Committee. The advisors don't agree with the present level of TAL implemented for this fishery and believe it is low given the observed stock abundance. Advisor input needs to be integrated early in the quota setting process. It is recommended that the Council and Board initiate the process to establish state-by-state or regional conservation equivalency for the black sea bass recreational fishery.

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Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: November 12, 2010

TO: Black Sea Bass Monitoring Committee

FROM: Jessica Coakley

SUBJECT: Black Sea Bass Recreational Management Measures for 2011

The Black Sea Bass Monitoring Committee and the Science and Statistical Committee (SSC) met in July 2010 to review the most recent stock assessment information on black sea bass and make recommendations to the Council and Commission on the overall TAL and the recreational harvest limit for 2011. The Council recommended and the Commission adopted a TAL of 3.60 million lb for 2011. The proposed rule has not yet filed. I do not expect the NMFS proposed rule will be different than the recommendations of the Council and Commission, given that 3.60 million lb is consistent with the recommendations of the SSC.

Based on the allocation formula and subtracting the amount dedicated to the Research Set-Aside Program, the recreational harvest limit recommended by the Council and Commission in 2011 would be 1.78 million lb. The Committee must decide on the possession, size, and seasonal limits that will most likely achieve the recreational harvest limit in 2011. The following is a review of recreational catch and landings data for the black sea bass fishery. Also, detailed analyses of MRFSS intercept and catch data are included to help in the Committee's deliberations.

Recreational Catch and Landings

Recreational catch and landings of black sea bass have fluctuated since 1981. Recreational catches peaked in 1986 at 28.95 million fish and then fluctuated between 5.05 and 14.06 million fish from 1987 to 1999 (Table 1). Catches increased significantly in 2000 to 16.93 million fish and then dropped to 6.94 million fish in 2005, and were 9.09 million fish in 2009. Recreational landings peaked at 12.39 million lb in 1986 and then fluctuated between 1.15 and 6.21 million lb from 1987 to 2008. Landings were estimated at 2.32 million lb in 2009.

The 2010 MRFSS data are incomplete and preliminary. To date, only the first four waves of catch and landings data are available (Table 2). The Monitoring Committee does an early review of the MRFSS data because the Council and Commission agreed that recommendations would have to be made late in the current year (i.e., 2010) to give the states enough time to enact changes in their regulations for the upcoming year (i.e., 2011). Based on preliminary data for waves 1-4 (January through August), catch estimates in 2010 were 5.56 million fish and the number of landed fish was 1.23 million fish in 2010. Landings by weight for the first four waves of 2010 were 1.86 million lb and the mean weight of landed fish in 2010 was 1.51 lb. The highest black sea bass landings in 2010 waves 1-4 occurred in Massachusetts, New York, and New Jersey (Table 3).

Preliminary wave data for 2010 can be used to project catch and landings for the entire year. Projections are typically conducted using the prior year proportions by wave and the current year waves 1-4; however, given the recreational closure in late 2009/early 2010, the average proportion from 2006-2008 was used. Regulations for 2006-2008 were identical, with a season open all year. Assuming the same proportion of catch and landings by wave in 2006-2008, projected catch estimates for 2010 would be 7.36 million fish and projected landings would be 3.12 million lb (Table 1).

Past Harvest Limits and Management Measures

The Council and the Commission have recommended various recreational harvest limits and other management measures since the FMP was first implemented. Harvest limits in Federal waters were 3.15 million lb from 1998-2001, increased to a high of 4.13 million lb in 2005, and the limit was 1.83 million lbs in 2010 (Table 4). All states, with the exception of Massachusetts, adopted the Federal regulations of 25 fish, 12.5 inches TL minimum fish size, and an open season from May 22 to October 11 and November 1 to December 31 in 2010 (Table 5). Massachusetts opted for a more restrictive 20 fish possession limit, and adopted all other Federal regulations in 2010. Projected recreational landings for 2010 are approximately 70 percent above 2010 harvest limit.

Intercept Data and Regulatory Compliance

Landing frequencies for the first four waves of 2010 indicate that about 90 percent of the trips landed 6 or fewer fish per trip, with 50 percent of the successful trips landing between 1 and 2 black sea bass (Table 6). Compliance with the minimum fish size has been less than 100 percent. The coastwide percentage of fish less than the size limit was 14.4 in 2010 (Table 7).

2011 Federal Management Measures

Projected estimates for 2010 indicate that landings will be above the 2011 recreational harvest limit. Changes in the possession and size limits or season could be modified to achieve the desired harvest level in 2011 (Tables 8 and 9). Based on the projected landing estimate for 2010 of 3.12 million lb, landings would have to be reduced by 43 percent to achieve the Council preferred and NMFS proposed harvest limit of 1.78 million lb for 2011.

There is uncertainty with the analyses used to evaluate the potential effects of specific sets of coastwide measures (i.e., minimum size, possession limits, and seasons) and the associated predicted landings. In addition, by using the 2010 data to evaluate 2011 measures, it is assumed that effort and availability will be the same in 2011 as in 2010. Table 10 suggests the proportion of directed black sea bass trips relative to total trips has varied between 0.4 and 1.2 percent, from 1991-2009. Predicting the number of trips that might be taken in 2011 is more complicated. Recreational fishing demand models are used to forecast the demand for fishing trips as well as to determine the value that anglers place on the various factors that affect their behavior. The models attempt to predict how changes in fishing site characteristics (travel costs, catch rates, available species, water quality, etc.), fishery management policies (possession limits, size restrictions, closed seasons), and angler characteristics (age, gender, race, income, etc.) affect the demand for angler fishing trips. Unfortunately, due to data constraints, the characteristics contained in the models are usually rather narrowly defined which limits the predictive capability of the models. This makes evaluation of changes in angler behavior difficult and complex. Changes in angler behavior may result in a breakdown in the assumptions associated with specific sets of regulations and their anticipated results. Shift in effort in response to closed seasons is difficult to predict (i.e., effort recoupment).

As such, managers should rely on the tools which are considered to be most effective. Last year, this Committee described seasons as one of the more effective tools to constrain landings to the recreational harvest limits; particularly during high effort/landing time periods. In the past, this Committee has discussed the complex life history strategies utilized by black sea bass which may make it sensitive to fishery disturbance during spawning. This Committee has also discussed setting a ceiling on minimum size recommendations such that adjustments must be made through possession limits and seasons. I compiled the following options for Federal regulations which meet the 43 percent reduction:

- 1) **maintain the current minimum fish size and adjust the possession limit and season;** regulations would include a 12.5 inch TL minimum fish size, 2 fish possession limit (-23 fish), and an open season from June 1 through July 31 and November 1 through December 31; $[0.2622+0.2410-0.0632] = \text{total reduction}^* = 44.0 \text{ percent}$
- 2) **maintain the current minimum fish size adjust the possession limit and season;** regulations would include a 12.5 inch TL minimum fish size, 5 fish possession limit (-20 fish), and an open season from July 1 through September 18 and November 1 through December 31; $[0.3864+0.0787-0.304] = \text{total reduction}^* = 43.5 \text{ percent}$
- 3) **adjust the minimum fish size and possession limit, maintain season;** regulations would include a 13.0 inch TL minimum fish size (+ 0.5 inch TL), 1 fish possession limit (-24 fish), and an open season from May 22 through October 11 and November 1 through December 31; $[0.7294-0.2457] = \text{reduction}^* = 48.4 \text{ percent}$

* Note the reductions associated with the minimum fish size and possession limit combinations (X) are not directly summed with the reductions associated with seasonal adjustments (Y). There is an interactive effect evaluated as $X+Y-XY$.

Staff Recommendation for Federal Waters in 2011

The Monitoring Committee must recommend recreational management measures for 2011. I recommend seasonal adjustments and possession limit reductions be used to achieve the required reduction as opposed to increasing the minimum fish size.

Table 1. Black sea bass recreational catch and landings by year, Maine to Cape Hatteras, NC, 1981 to 2010. The number of fish released is presented as a proportion of the total catch (% Rel).

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	% Released
1981	3,681	1,886	1,232	48.8
1982	11,386	10,045	9,894	11.8
1983	7,561	4,537	4,079	40.0
1984	3,428	1,780	1,447	48.1
1985	6,047	3,388	2,097	44.0
1986	28,946	21,742	12,392	24.9
1987	5,052	2,883	1,924	42.9
1988	8,186	3,088	2,869	62.3
1989	6,427	4,239	3,289	34.0
1990	9,135	3,881	2,761	57.5
1991	10,829	5,269	4,186	51.3
1992	7,722	3,592	2,706	53.5
1993	9,023	6,007	4,842	33.4
1994	7,166	3,430	2,948	52.1
1995	14,059	6,747	6,207	52.0
1996	8,143	3,624	3,993	55.5
1997	10,646	4,739	4,268	55.5
1998	5,146	1,148	1,152	77.7
1999	7,400	1,378	1,664	81.4
2000	16,927	3,629	3,988	78.6
2001	13,869	2,841	3,421	79.5
2002	14,703	3,351	4,349	77.2
2003	12,128	3,251	3,289	73.2
2004	7,301	1,640	1,672	77.5
2005	6,935	1,248	1,889	82.0
2006	8,134	1,479	1,989	81.8
2007	10,078	1,745	2,250	82.7
2008	10,888	1,099	1,561	89.9
2009	9,090	1,599	2,320	82.4
2010 ^a	7,363	1,991	3,121	73.0

^a Projected using proportion from 2006-2008 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 18, 2010).

Table 2. Black sea bass recreational catch and landings for waves 1-4, 1998-2010.

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	Mean Weight
1998	3,631	870	930	1.07
1999	4,150	779	911	1.17
2000	11,514	2,087	2,377	1.14
2001	9,303	1,979	2,324	1.17
2002	9,096	2,452	3,385	1.38
2003	6,645	1,829	1,957	1.07
2004	3,930	1,008	1,017	1.01
2005	4,581	1,057	1,570	1.49
2006	4,862	1,027	1,401	1.36
2007	5,927	1,432	1,922	1.34
2008	6,625	665	975	1.47
2009	7,293	1,369	2,006	1.47
2010	5,564	1,232	1,861	1.51

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 18, 2010. Note: All of NC, both North and South of Hatteras.

Table 3. Black sea bass recreational landings (number '000) by state, waves 1-4, 1997-2010.

State	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
ME	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	-	<1	3	-	-	-	-	-	-	-	-	-
MA	8	3	12	36	42	172	91	61	98	43	70	111	258	446
RI	9	6	10	35	67	32	34	27	45	18	16	25	19	113
CT	1	3	<1	15	7	2	1	11	<1	4	1	27	-	14
NY	41	6	65	241	79	153	131	56	129	176	218	138	319	256
NJ	1,309	215	204	1,153	1,342	1,258	941	439	436	417	898	210	523	251
DE	49	36	31	117	103	461	230	50	50	89	59	20	47	17
MD	228	262	15	171	94	234	168	141	52	65	45	29	21	4
VA	135	226	362	265	103	83	118	34	42	102	34	46	95	8
NC*	12	18	51	5	11	14	24	3	7	13	14	11	5	8

*North of Cape Hatteras

Table 4. Summary of management measures for the black sea bass recreational fishery, 1996-2010.

<u>Measure</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Harvest Limit (m lb)	-	-	3.15	3.15	3.15	3.15	3.43
Landings (m lb)	4.0	4.3	1.2	1.7	4.0	3.4	4.3
Possession Limit	-	-	- ^a	- ^a	- ^a	25	25
Size Limit (TL inches)	9	9	10	10	10	11	11.5
Open Season	1/1 - 12/31	1/1- 12/31	1/1-7/30 and 8/16-12/31	1/1- 12/31	1/1- 12/31	1/1-2/28 and 5/10-12/31	1/1-12/31

<u>Measure</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Harvest Limit (m lb)	3.43	4.01	4.13	3.99	2.47	2.11	1.14	1.83
Landings (m lb)	3.3	1.67	1.89	1.99	2.25	1.56	2.32	3.12 ^b
Possession Limit	25	25	25	25	25	25	25	25
Size Limit (TL inches)	12	12	12	12	12	12	12.5	12.5
Open Season	1/1-9/1 and 9/16-11/30	1/1-9/7 and 9/22-11/30	1/1- 12/31	1/1- 12/31	1/1- 12/31	1/1- 12/31	1/1- 12/31	5/22-10/11 and 11/1-12/31

^a There was no Federal possession limit but some states implemented a 20 fish possession limit in these years

^b Projected using proportion from 2006-2008 MRFSS data and 2010 MRFSS wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 18, 2010).

Table 5. Black sea bass recreational management measures by state, 2009 and 2010.

a) 2009 measures by state

State	Minimum Size (inches)	Possession Limit	Open Season (closed in October)
Massachusetts	12	20	All Year
Rhode Island	12	25	All Year
Connecticut	12	25	All Year
New York	12	25	All Year
New Jersey	12	25	All Year
Delaware	12	25	All Year
Maryland	12	25	All Year
PRFC	12	25	All Year
Virginia	12	25	All Year
North Carolina (North of Cape Hatteras)	12	25	All Year

a) 2010 measures by state

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	12.5	20	May 22 - Oct. 11 and Nov. 1 - Dec. 31
Rhode Island	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
Connecticut	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
New York	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
New Jersey	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
Delaware	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
Maryland	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
PRFC	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
Virginia	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31
North Carolina (North of Cape Hatteras)	12.5	25	May 22 - Oct. 11 and Nov. 1 - Dec. 31

Table 6. The percent of successful anglers landing 1 to 40 black sea bass (MRFSS Type A fish) per trip, waves 1-4, 2010.

c-per-trip	Frequency	Percent	Cumulative Frequency	Cumulative Percent
1	313	41.90	326	43.64
2	154	20.62	480	64.26
3	81	10.84	561	75.10
4	52	6.96	613	82.06
5	33	4.42	646	86.48
6	36	4.82	682	91.30
7	11	1.47	693	92.77
8	16	2.14	709	94.91
9	12	1.61	721	96.52
10	3	0.40	724	96.92
11	7	0.94	731	97.86
12	4	0.54	735	98.39
14	1	0.13	736	98.53
15	4	0.54	740	99.06
17	1	0.13	741	99.20
18	1	0.13	742	99.33
22	2	0.27	744	99.60
24	1	0.13	745	99.73
25	1	0.13	746	99.87
40	1	0.13	747	100.00

Table 7. Percent of measured black sea bass (MRFSS Type A fish) less than 10 inches TL (1998-1999), 11 inches (2000-2001), 11.5 inches (2002), 12 inches (2003-2008), and 12.5 inches (2009-2010) by state and year.

State	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
ME	-	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	0	7.1	-	-	-	-	-	-	-	-	-
MA	0	-	44.4	0	0	4.6	1.7	2.5	5.8	10.7	6.1	6.1	4.5
RI	15.6	2.9	17.4	2.7	9.8	1.8	2.3	1.3	2.9	8.1	1.0	17.7	1.8
CT	0	0	0	0	9.1	9.1	12.5	0	0	0	100.0	100.0	28.6
NY	0	37.9	42.2	4.4	4.8	11.3	4.8	9.7	18.4	17.8	9.4	27.8	10.6
NJ	8.4	3.1	47.0	2.5	2.6	2.7	0.3	0.9	6.8	3.4	13.0	7.2	11.7
DE	8.5	4.8	26.1	9.8	13.8	9.4	11.2	17.1	8.4	2.1	26.0	22.5	15.6
MD	10.0	3.0	37.2	6.4	1.8	3.5	2.2	10.1	6.3	6.5	9.5	18.7	9.5
VA	18.9	15.3	9.3	6.3	8.0	9.8	11.2	33.1	24.2	10.1	30.7	37.3	-
NC ^a	33.5	17.4	31.7	22.5	12.1	46.0	59.0	62.4	56.6	44.4	3.7	25.3	23.4
Coast	18.4	13.1	25.6	8.2	9.0	8.1	17.5	25.3	19.2	14.4	10.9	17.1	14.4

^aAll of NC, both North and South of Hatteras.

Table 8. a) Average percent of black sea bass landed (in number) by wave, 2006 to 2008, based on MRFSS landings data and b) projected reduction in black sea bass landings (in number) associated with closing one day per wave, based on 2006 to 2008 MRFSS landings data.

a.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
MA	0.0000	0.0000	28.1811	23.0679	48.7510	0.0000
RI	0.0000	0.0089	4.8779	32.6440	56.1700	6.2992
CT	0.0000	0.0000	8.0453	81.4640	1.0744	9.4164
NY	0.0000	0.0000	24.7302	39.0254	29.5265	6.7179
NJ	0.0000	0.3806	55.4295	14.9938	27.1842	2.0119
DE	0.0000	3.3517	47.8969	22.2969	24.2147	2.2398
MD	0.0000	0.6348	56.9196	15.1858	20.7386	6.5212
VA	0.0000	5.9458	51.8987	18.1779	15.3821	8.5955
NC	7.7935	10.9996	30.9160	26.0337	6.8825	17.3746
Coast	0.5841	1.5038	42.9023	22.5721	27.8707	4.5671

b.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
MA	0.0000	0.0000	0.4620	0.3721	0.7992	0.0000
RI	0.0000	0.0001	0.0800	0.5265	0.9208	0.1033
CT	0.0000	0.0000	0.1319	1.3139	0.0176	0.1544
NY	0.0000	0.0000	0.4054	0.6294	0.4840	0.1101
NJ	0.0000	0.0062	0.9087	0.2418	0.4456	0.0330
DE	0.0000	0.0549	0.7852	0.3596	0.3970	0.0367
MD	0.0000	0.0104	0.9331	0.2449	0.3400	0.1069
VA	0.0000	0.0975	0.8508	0.2932	0.2522	0.1409
NC	0.1321	0.1803	0.5068	0.4199	0.1128	0.2848
Coast	0.0099	0.0247	0.7033	0.3641	0.4569	0.0749

Table 9. The effect of various size and possession limits on 2010 black sea bass recreational landings. The table contains the proportional reduction in number of black sea bass landed assuming the regulations were 100% effective. Note: Reduction is calculated as the difference between the values associated with the current regulations and those being evaluated.

Size (TL)				
Bag	12.5	13	13.5	14
1	0.6573	0.7294	0.7716	0.8011
2	0.4863	0.5868	0.6657	0.7132
3	0.4044	0.5291	0.6250	0.6929
4	0.3503	0.4948	0.5985	0.6778
5	0.3244	0.4774	0.5850	0.6664
6	0.3069	0.4634	0.5739	0.6573
7	0.2918	0.4522	0.5638	0.6492
8	0.2793	0.4463	0.5592	0.6465
9	0.2722	0.4420	0.5551	0.6446
10	0.2673	0.4387	0.5535	0.6435
11	0.2626	0.4362	0.5522	0.6424
12	0.2588	0.4350	0.5511	0.6414
13	0.2554	0.4339	0.5499	0.6405
14	0.2525	0.4329	0.5490	0.6396
15	0.2510	0.4320	0.5481	0.6386
20	0.2483	0.4319	0.5481	0.6386
25	0.2457	0.4319	0.5481	0.6386

Table 10. Number of coastwide black sea bass recreational fishing trips, recreational harvest limit, recreational landings, and fishery performance from 1991 to 2011.

Year	Number of Fishing Trips ^a	Percentage of Directed Trips relative to Total Trips ^b	Recreational Harvest Limit (million lb)	Recreational Landings of BSB (million lb) ^b	Percentage Overage (+%)/ Underage (-%)
1991	288,691	1.1	None	4.32	None
1992	263,957	1.2	None	2.91	None
1993	299,404	1.1	None	4.99	None
1994	253,888	0.9	None	3.05	None
1995	313,537	1.2	None	6.34	None
1996	231,090	0.8	None	4.13	None
1997	310,898	1.0	None	4.40	None
1998	137,734	0.5	3.15	1.29	-59
1999	136,452	0.5	3.15	1.70	-46
2000	255,789	0.7	3.15	4.12	+31
2001	293,191	0.8	3.15	3.60	+14
2002	283,537	0.9	3.43 ^c	4.44	+29
2003	285,861	0.8	3.43 ^c	3.45	+1
2004	186,038	0.5	4.01 ^c	1.95	-51
2005	163,418	0.4	4.13 ^c	2.10	-49
2006	251,945	0.7	3.99 ^c	2.11	-47
2007	430,581	1.0	2.47 ^c	2.41	-2
2008	273,227	0.7	2.11 ^c	1.56	-25
2009	351,484	1.2	1.14 ^c	2.32	+103
2010	NA	NA	1.83 ^c	NA	NA
2011	NA	NA	1.78 ^{c,d}	NA	NA

^aEstimated number of recreational fishing trips (expanded) using MRFSS data where the primary target species was black sea bass, Maine through North Carolina. Source: Scott Steinback, NMFS/NER/NEFSC.

^bSource of total trips for all species combined: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 20, 2010

^cAdjusted for research set-aside.

^dRecreational harvest limit - Council-recommended for 2011. NA = Data not available



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

INFORMATIONAL MEMORANDUM

TO: MAFMC Monitoring Committee

FROM: Maryland Fisheries Service

CC: Steve Doctor

DATE: November 16, 2010

SUBJECT: Black Sea Bass Management

Introduction

Last year, in addition to a revision (increase) in the recommended 2010 TAL by the SSC, there was also a delay in the final management decision. However, a 44% reduction in harvest was necessary for 2010. To meet that reduction the Mid-Atlantic states significantly reduced the season dates.

Based on harvest estimates and projections for 2010 of 3.12 million lbs coastwide, and a 2011 harvest limit of 1.78 million lbs, there must be a 43% coastwide harvest reduction in 2011. The Council has provided landings estimates and projections as well as recommendations on how to reach the necessary reduction.

We have reviewed the information provided, and we have concerns about the information used to make the recommended reductions. Additionally, we also have some suggestions for how to proceed.

Data Concerns

1. The biggest data concern is a big picture issue; Mid-Atlantic states had to make a 44% reduction to the 2010 fishery. The 2010 harvest limit was 1.83 million lbs. Next year's harvest limit is 1.78 million lbs, and we have to make a 43% reduction in the fishery. Based on the MRFSS landings estimates, cutting the season by 5 ½ months had no effect on the harvest. These estimates indicate RI and MA harvests went up significantly in 2010.
*Why would fisheries in those states increase so significantly despite the substantial seasonal reductions?
2. One of the biggest concerns in terms of managing a recreational fishery that has a large percentage occurring offshore is that vessel trip reports (VTRs) are not added to the harvest estimate until April of the following year. This makes in-season management difficult, as well as use of in-season data for future management limited. Included in the MAFMC's memo to the monitoring committee are projections for 2010, which result in the anticipation of an

overage. These calculations of the projections are not well documented; for example, *it is not clear which portion of the projection is for Wave 5 and 6 non-VTR data, and which portion is a VTR projection for the whole year.* Because the calculations are not clear, it is difficult to determine how over or under the projection might be. However, last year's projections were an overage of the final 2009 landings.

*Please break out 2010 projections more clearly. The following is an example of what a detailed projection might look like, using just MD's estimates and landings history:

	Landings Estimate (#fish)
Current estimate (Wave 2-4)	3,590
VTR estimate (current estimate Wave 2-4)* 200%	7,180
Avg 2006-2008 Final Wave 5-6 estimate	17,377
2010 Projection	28,147

Analysis of preliminary estimates through Wave 4 vs final estimates released the following year indicates that MD's preliminary estimates are approximately 200% below the final estimate due to the addition of VTR data in April the following year. Coastwide, this difference between preliminary estimates and final estimates was only 5% for 2009. Additionally, estimates of Wave 5-6 landings in 2006-2008 would be higher than currently expected due to an increase in the size limit in 2009. 2009 estimates were not used because of the fishery closure in the EEZ October, 2009.

3. *The data used to recommend a significantly reduced creel limit, Table 6, is data from just one year's worth of observations* – 747 trips over the year on the entire coast, over a 6 month period – 3 Waves. In order to capture a more appropriate picture of a typical year, more than one year's worth of data should be included, and should cover more than the time period from March – Aug; the fall is a significant black sea bass fishery in the Mid-Atlantic. *Please look at data from Waves 2-6 (there are no Wave 1 data) for at least five years, 2004-2008. Also, for-hire modes are likely to have higher daily creels, so it may be important to look at the impact to the for-hire fisheries if you look at data only collected through for-hire samples.
4. MAFMC's memo presents a table with the percentage of measured black sea bass that were under the size limit for the given year; that table indicates that *size may be the most effective method of reducing harvest.* However, due to the life history of black sea bass, this may also have the most negative impact on the local population. This impact may be mitigated if measures were not coastwide, but were managed on a smaller scale and limited to fisheries where harvest has significantly increased in recent years. While conservation equivalency may not be appropriate for black sea bass at this time, recent landings estimates (Table 3.) do indicate two different response to recent management changes.

Management Concerns

1. *Research indicates a high degree of site fidelity among black sea bass stocks* (Moser and Shepherd 2009). According to the literature, the population of black sea bass in Maryland, are not experiencing the same fishing pressure as the population of black sea bass in Massachusetts. *This would indicate that state-by-state management measures, conservation*

equivalency, would be appropriate. Recent landings estimates (Table 3.) and fishery data (Table 7) indicate that management changes have had limited effect on more northern states and have had a more significant effect on more southern states. Significant management changes have been made in the last two years, and landings have not gone down coastwide, while they may have gone down in individual states. This should be an indication that one size does not fit all in management of black sea bass along the coast. While we do have a data poor stock and MRFSS is designed to be appropriate on a larger scale, based on the life-history of black sea bass and the response (or lack-there-of) to management changes, there should be serious consideration given to more regional management measures.

2. In the materials for the July 2009 Monitoring Committee meeting, there was a figure of the projected SSB under different levels of F. *What is the F that results from the 2010 projected landings? Where is it relative to the target, and how does it impact projected SSB?

Based on the last stock assessment, the data poor workgroup determined that black sea bass were not overfished and overfishing is not occurring. The overfishing limit, OFL, would be 7.64 million pounds. If no reductions were taken, we would still be approximately 50% below the overfishing limit, including the RSA.

Literature Cited:

Moser, J., and G. R. Shepherd. 2009. Seasonal Distribution and Movement of Black Sea Bass (*Centropristis striata*) in the Northwest Atlantic as Determined from a Mark-Recapture Experiment. J. Northw. Atl. Fish. Sci., 40: 17–28. doi:10.2960/J.v40.m638

Coakley, Jessica

Subject: FW: 2011 Sea bass regulations!!!

-----Original Message-----

From: Fay, Kirk [mailto:kirk.fay@hawaii.gov]

Sent: Wednesday, November 17, 2010 4:17 PM

To: Info1

Subject: 2011 Sea bass regulations!!!

How does a decrease of 100,00lbs from last years quota give us(recreational fisherman) these horrible 2011 regulations?

Following the SSC's ABC recommendation and advice from the MC, both the Commission and Council adopted a 3.6 million pound TAL for 2011 black sea bass fishery, this is 100,000 pounds less than 2010. As with scup, the Commission took a precautionary approach in setting the black sea bass TAL due to concerns regarding scientific uncertainty in the assessment model. These include the sensitivity and reliability of the model, the uncertainty inherent in assessing a species with an unusual life history (some females change sex to become males), the presence of a retrospective pattern which tends to overestimate stock size, and the adequacy of fishery-independent surveys in sampling this species.

1) maintain the current minimum fish size and adjust the possession limit and season; regulations would include a 12.5 inch TL minimum fish size, 2 fish possession limit (-23 fish), and an open season from June 1 through July 31 and November 1 through December 31; $[0.2622+0.2410-0.0632] = \text{total reduction}^* = 44.0 \text{ percent}$

2) maintain the current minimum fish size adjust the possession limit and season; regulations would include a 12.5 inch TL minimum fish size, 5 fish possession limit (-20 fish), and an open season from July 1 through September 18 and November 1 through December 31; $[0.3864+0.0787-0.304] = \text{total reduction}^* = 43.5 \text{ percent}$

3) adjust the minimum fish size and possession limit, maintain season; regulations would include a 13.0 inch TL minimum fish size (+ 0.5 inch TL), 1 fish possession limit (-24 fish), and an open season from May 22 through October 11 and November 1 through December 31; $[0.7294-0.2457] = \text{reduction}^* = 48.4 \text{ percent}$

Coakley, Jessica

From: TKerns@asmfc.org
Sent: Thursday, November 18, 2010 3:50 PM
To: Coakley, Jessica
Subject: Fw: black sea bass advisory panel

Jess..Below is a comment from one of the BSB Advisors.

TK

><(((°>.....><(((°>.....><(((°>.....><(((°>

Toni Kerns
Atlantic States Marine Fisheries Commission
Senior FMP Coordinator for Management
1050 N. Highland St, Suite 200A-N
Arlington, VA 22201
phone:703-842-0740
fax: 703-842-0741
tkerns@asmfc.org

ASMFC HAS MOVED! PLEASE NOTE THE NEW PHONE NUMBER AND ADDRESS

----- Forwarded by Toni Kerns/ASMFC on 11/18/2010 03:49 PM -----

[REDACTED]

11/18/2010 03:17 PM

To tkerns@asmfc.org

cc

Subject black sea bass advisory panel

Toni,

I could not make it in time to attend today's black sea bass advisory panel meeting but I do want to comment regarding the proposed stock reduction goals.

I urge the commission to strive to regionalize harvest calculations for black sea bass. Given the strong site fidelity of these fish and their very strong association with structured habitat, the number of fish is very closely associated with amount of habitat. It makes little sense to treat the entire coast as one fishery. Different regions have differing amounts and quality of habitat and catches in one area, for example, that has an abundance of high quality habitat (and therefore, more fish), should not be extrapolated to areas that have low quality habitat (and therefore, fewer fish available for harvest).

Fishers along Maryland's coast are very concerned that black sea bass harvest estimates are driven strongly by high catches in Massachusetts which has much high quality habitat. In the case of Maryland, a region that includes Delaware and Virginia would make more sense than including these states with states such as New Jersey and Massachusetts where habitat is much more abundant and of much better quality.

Sorry for not attending, I hope my comments will be considered.

Roman Jesien, PhD
Maryland Coastal Bays Program

Joint Spiny Dogfish Committee Meeting

December 15, 2010

Final Determination of Issues to be addressed in Amendment 3

The following briefly summarizes the current suite of issues being contemplated for inclusion in Amendment 3.

1) Research-Set-Aside (RSA) provision

Currently there is no option for allocating a portion of the spiny dogfish quota for research. The addition of an RSA provision to the FMP would allow the total quota to be reduced by a small percentage (the Council is currently recommending a limit of 3%) so that research can be conducted that would require the retention of spiny dogfish. Under the RSA program, an approved research project would not be limited by closure of the fishery since a specific portion of the overall quota has been allocated to that project.

2) Commercial Quota Allocation Alternatives

Currently, the commercial quota for spiny dogfish is split into two periods in the fishing year. Period 1 (May 1 – Oct 31) is allocated 57.9% of the quota and Period 2 (Nov 1 – Apr 30) is allocated 42.1% of the quota. Recently, the Atlantic States Marine Fisheries Commission (Commission) moved from periodic allocation of the quota to regional allocation. Since fish harvested in Federal waters are inevitably brought through state waters to be landed, the different allocation schemes present potential problems where state waters could be closed to the possession of dogfish while Federal waters are still open. The reverse of this is also possible and probably more likely - Federal waters are closed, but state waters are still open. In order to remedy this disconnect in the two FMPs, the Council is considering alternative allocation schemes for the Federal quota.

3) Specifying the spiny dogfish quota and/or trip limits by sex

The status of the spiny dogfish stock and fishing mortality rate are both measured in terms of reproductively mature female spiny dogfish. This is because the historic directed fishery of the 1990s depleted this component of the stock. The overall M:F sex ratio is currently estimated to be 4:1, but may be as high as 7:1 in offshore waters. This is considered unbalanced when compared to the 2:1 M:F sex ratio that existed in the 1980s. Additionally,

the relative overabundance of male dogfish may be constraining the survival rate for dogfish pups. The Council is considering modifications to the FMP that would allow for sex-specific annual specification of spiny dogfish quota and/or trip limits. There has been perennial interest by some stakeholders in developing a fishery for male spiny dogfish, however, modification of the FMP would be necessary to allow this to occur.

4) Limited Access Spiny Dogfish Permit

Federal spiny dogfish permits are currently available to all vessels. The Council is considering modifying the Federal permit to make it a limited access permit. It is possible that an incidental catch permit would also be established that would be open access.

5) Recreational Spiny Dogfish Fishery

To the extent that recreationally caught spiny dogfish are retained, that component of the overall fishery is not acknowledged in the FMP. Recreational removals (landings + discards) of spiny dogfish comprised 7% of total removals in 2007. The Council is considering adding the recreational fishery to the FMP.

6) Essential Fish Habitat Designations

Amendment 3 will include revisions to EFH designations and the fishing impact analysis that were originally done in the 1999 FMP. It will also include any new information on non-fishing-related activities that may adversely impact spiny dogfish EFH, any appropriate habitat conservation and enhancement recommendations, revisions to the descriptions of prey species and their habitats, and a list of research and information needs. It could also identify Habitat Areas of Particular Concern for spiny dogfish, if appropriate.

7) Rollover of Annual Management Measures

Annual management measures are specified for each spiny dogfish fishing year (May 1 through April 30). If there is a delay in the development of annual management measures for spiny dogfish, the FMP does not currently specify that measures, such as the commercial quota, would continue in effect from one fishing year to the next. The Council is considering modifying the FMP to allow measures to remain in effect at the start of any fishing year if new management measures have not yet been specified for that year.

DRAFT TIMELINE

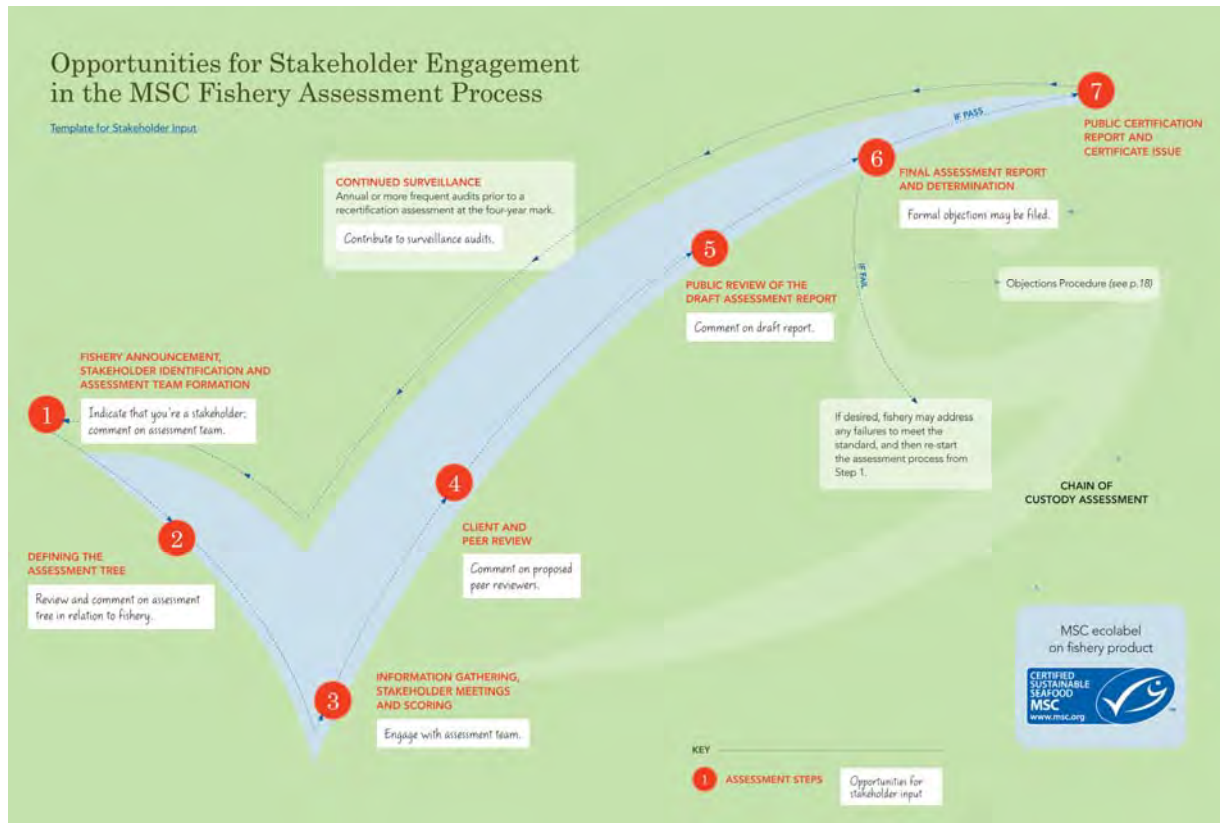
TARGET IMPLEMENTATION DATE: May 1, 2012

MILESTONES	DATES
1. Staff begins work on background material for amendment document (description of habitat, etc.)	Continuing
2. Joint Committee/AP Meeting to identify issues	Done
3. Committee reports to Council and Council initiates development of Amendment	Done
4. NERO prepares NEPA determination memo (EA vs. EIS)	Done
5. NOI is published assuming NERO determines EIS is needed	Done
6. Scoping	Done
7. Joint Committee/AP review scoping comments	Jun 2010
8. Joint Committee finalizes issues to be addressed	Dec 2010
9. Joint Committee develops alternatives	Jan – Mar 2011
10. Council approves alternatives for analysis in DEIS	Apr 2011
11. Staff/FMAT analysis of alternatives for Council consideration	Apr-June 2011
12. Council approves Draft Amendment/DEIS, selects preferred alternatives	June 2011
13. DEIS submitted to RO	July 2011
14. NOA is published	Aug 2011
15. Public hearings	Aug-Sep 2011
16. Joint Committee reviews public comment, analysis, recommends final measures	Oct 2011
17. Council approves final amendment measures	Dec 2011
18. Staff/FMAT drafts Final EIS, RIR, IRFA, etc.	Jan 2012
19. Council approves final document	Feb 2012
20. Staff submits final EIS to RO	Mar 2012
21. Effective	May 1, 2012

Assessment Stage* Clicking on the section numbers will bring you to the appropriate section for providing input to the respective assessment stage. It is only necessary to complete those sections corresponding to stages where you wish to comment.

	Fishery announcement and stakeholder identification—go to section 1 <i>Opportunity to indicate that you are a stakeholder and identify other stakeholders</i>
	Assessment team formation—go to section 2 <i>Opportunity to comment on the assessment team</i>
	Defining the assessment tree—go to section 3 <i>Opportunity to review and comment on the assessment tree in relation to the fishery</i>
	Information gathering and stakeholder meetings—go to section 4 <i>Opportunity to engage with and provide information to the certifier</i>
	Client and peer review—go to section 2 <i>Opportunity to comment on proposed peer reviewers</i>
	Public review of the draft assessment report—go to section 5 <i>Opportunity to review and comment on the draft report, including the scoring of the fishery</i>
	Announcement of surveillance visit—go to section 6 <i>Opportunity to provide information to the certifier</i>

* Note, to register an objection following the publication of the Final Report and Determination, please see www.msc.org/get-certified/fisheries/assessment/objections



New England and Mid-Atlantic Fishery Management Councils

Monkfish Catch Shares Scoping Document *DRAFT 10/29/10*

Purpose of this Document:

The purpose of this document is to inform the public of the New England and Mid-Atlantic Fishery Management Councils' (Councils) intent to consider catch shares management in the monkfish fishery, and to elicit early comment from stakeholders. The document will define and explain the different types of catch share programs, the elements and requirements of a catch share program, and various alternative approaches for public consideration. The Councils strongly encourage the public to voice their opinions, comments and concerns on catch share management generally, and on specific elements or programs, in order to assist the Councils in the development of alternatives for formal consideration. The public is also invited to ask questions that the Councils may answer in the course of plan development.

Why are the Councils considering Catch Shares?

Members of both Councils consider catch share management as a way to improve the economic performance of a fishery, by increasing flexibility, maintaining total catch within set limits, and reducing the regulatory burden on vessel operators. Furthermore, nearly 3/4ths of the monkfish limited-access permit holders also hold permits in the Northeast Multispecies Fishery, where a catch share program (sectors) has already been implemented. Some of those permit holders have requested that the NEFMC consider catch shares in the monkfish fishery to coordinate the management and improve performance of both fisheries.

NOAA's National Catch Share Policy supports the Councils efforts to explore catch shares management approaches in several fisheries, including the monkfish fishery.

The NOAA Policy says:

To achieve long-term ecological and economic sustainability of the Nation's fishery resources and fishing communities, NOAA encourages the consideration and adoption of catch shares wherever appropriate in fishery management and ecosystem plans and amendments and will support the design, implementation, and monitoring of catch share programs.

What is a "Catch Share"?

NOAA defines a "Catch Share" as a generic term for a fishery management program that allocates a specific portion of a total fishery catch to individuals, communities, or cooperatives (including sectors).

In general, quota shares can be allocated to an **individual or group** and can be **area-based or catch based**.

The term “Catch Share” includes **Limited Access Privilege (LAP) Program**, a statutory term used in the language of Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006 (MSRA 2006). Here, the term is used to describe a “federally issued permit to harvest a unit of fish expressed as a portion of the total allowable catch that may be held by a group or by an individual.” LAP permits may not be issued for more than 10 years with a formal detailed review occurring 5 years after implementation and every 7 years thereafter as written in the statute. The Act also maintains that a LAP does not confer any compensation if it is revoked or limited at any time.

Most importantly, catch shares are not a property right but rather a harvesting privilege.

Types of Catch Share Programs

Individual Allocation Systems:

Individual Fishing Quota (IFQ), Individual Transferable Quota (ITQ), and Individual Vessel Quota (IVQ):

Quota shares are allocated to individuals, businesses, or vessels and may or may not be transferable.

Examples: Alaska Halibut and Sablefish IFQ, Mid-Atlantic/New England surfclam and ocean quahog ITQ, and British Columbia Groundfish IVQ.

Group Allocation Systems:

Community Quota or Community Development Quota (CDQ): Quota shares are allocated to a specific community where at least a portion of the revenue from shares is fed back into the community.

Examples include: Community License Banks and Community Fishing Associations.

Harvest cooperatives (including Sectors): Quota shares are allocated to formally organized groups of fishermen or entities. The allocation is then apportioned or sub-allocated amongst members according to detailed governing documents. The fishery must be able to establish and sustain these quota-holding entities.

Other:

Area-based fishing rights: A system where an area or specific geographic location is allocated to an individual or group or individuals. Examples include Baja Mexico Spiny Lobster and Chilean shellfish.

Non-vessel Allocations: A quota share is allocated to a company, such as a processor or dealer, who is responsible for management of quota; quota may or may not be transferable between enterprises. This system has been used in Canada.

Regional Fishing Association (RFA): Voluntary participants hold quota shares yet do not all necessarily reside in same community but in the same region. They may include commercial fishermen, recreational fishermen, processors, fishery supported businesses, or fishing community members. These participants cannot receive initial allocation and must develop a RFA operations plan and by-laws as well as abide by other Council developed criteria laid out by MSRA 2006.

Referendum Provision:

Under MSRA 2006, the NEFMC is subject to a referendum provision prior to the approval and implementation of any Individual Fishing Quota (IFQ) system. This provision does not include a sector allocation program. The IFQ program must be fully developed prior to the referendum, and must receive a 2/3 majority vote by eligible permit holders and other fishery participants.

To initiate a referendum, the chairman of the Council must send a letter requesting a referendum initiation to the Secretary. The letter must include recommendations by the Council on voter eligibility and vote weighing. Included in these recommendations is determination of a qualifying period for establishing participation in the fishery and setting a minimum income percentage for crew members affected by the proposed IFQ. NMFS is ultimately responsible for verifying whether additional participants meet eligibility criteria.

If an IFQ program does not receive adequate votes for approval, it may be revised and resubmitted.

General Allocation Approaches

There are several steps involved in determining an appropriate allocation scheme. In the US, the regional fisheries management councils have largely presided over these processes in addition to involvement by fisheries managers and industry. In some international cases an independent third party has been convened and charged with developing allocation formulas as well as facilitation of the initial allocation process.

Eligibility

Prior to the development of an allocation formula, the Council must define the terms of eligibility. These requirements can be determined using a combination of variables. Federal law requires consideration of nine separate eligibility criteria when determining eligible recipients of harvest share allocations, including: current and historical participation and harvest, investment in or dependency on the fishery, small vessel owner/operators, fishing communities, captains, and crew.

Initial Allocation

The MSRA specifies general guidance on initial allocation through “consideration of the basic cultural and social framework of the fishery” by encouraging policies that sustain participation of

small owner-operator vessels and fishing communities as well as addressing concerns regarding consolidation.

Ongoing Allocation Issues

Other specifications include measures to:

- Assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-aside harvesting privileges.
- Ensure that LAP holders do not acquire excessive share of the total LAP program (as determined by the Council) by establishing maximum share caps or other established limitations.
- Authorize limited access harvest privileges to persons who substantially participate in the fishery.

Once eligibility requirements are determined, allocation formulas can begin to take shape. Options include:

- **Historical participation**: Historical landings have been the most common criteria for determining allocation. This process involves deciding on a particular time period to calculate a participant's landings as a proportion of the total landings by the other eligible participants, or, in the case of the monkfish fishery, could be the initial permit qualification period (2/28/1991-2/27/1995)
- **Level of Investment**: This criterion can be based on indicators such as vessel length, size, or combined value of other capital investments. This option is important for new entrants or where landings data are unreliable or do not exist.
- **Equal allocations**: Shares are divided equally amongst all eligible participants. This process is relatively simple and works best in situations where the participant pool is fairly homogenous.
- **A combination** of variables such as historical landings, vessel size, and gear type.

Potential Challenges and Questions:

- Issues pertaining to equity and the redistribution of wealth
- Will shares be auctioned or granted?
- Will there be a transition period?
- Should there be different qualifying periods for different regions?
- What kind of appeals process will be used to handle issues involving allocation?
- What will the program duration be? Under MSRA 2006 a LAP may not be issued for more than ten years. A renewal process is required prior to the end of this ten year period.
- How might past regulations affect historical landings values and ultimately access to allocation for participants in the fishery?

Additional Issues and Considerations:

- Adaptive management quota set asides: Allow for flexibility and future growth of the fishery sometimes referred to as "share holdbacks." Example: The Pacific Groundfish Trawl Individual

Fishing Quota Program for fishing year 2011, includes an Adaptive Management Trust, that retains 10% of shares with the objective to promote public trust purposes, including assisting skippers and crew in acquiring shares.

- Ownership caps: A maximum limit placed on individual harvesters defined as a proportion of the total commercial quota for a fishery. Mechanisms for verification of compliance should be included in the ownership cap rules.
- The development of transparent and real-time trading platforms, either publicly or privately run, that allow shareholders a space to connect and trade.
 - Examples: New Zealand Quota Management System uses a privately run program, FishServe to manage trading. In the Gulf of Mexico Snapper-Grouper IFQ, NMFS keeps records of, monitors, and approves all trades.
- “Use it or lose it” provision: This rule encourages commercial quota to be harvested each year, disabling participants from not harvesting their shares.
- “Carry Forward” provisions: This option enables participants to carry forward all or a portion of un-harvested allocation into the next fishing year.
- Quota transfer mechanisms should specify whether such transfers are leased (for one or more years) or sold. For transfers that extend beyond one year, those transfers should be expressed as a percentage of the total quota, rather than as a specific poundage, since quota shares will vary as the total fleet quota is adjusted in response to stock status or other considerations.

Ongoing Program Elements

A catch share program needs certain elements to be successful, most important of which is to track catch (both landings and discards) at vessel level in near real time.

Reporting:

Reporting mechanisms already exist that can be used to provide the necessary data to track quota usage. A group allocation system requires an additional reporting mechanism to track quota use at the group level.

- **Logbooks:** A paper or electronic log of catch location, catch composition, trip duration, discards, and gears used; reliability of data relies on motivations of vessel skippers that fill them out.
- **Dealer Reports:** Weekly reports provided by the dealer that records the vessel, landings location, species, and amount off-loaded; timeliness and data accuracy are largely dependent on the dealer.
- **Group Reports:** Weekly reports provided by the group (such as a sector) that tracks landings, discards, stock area, and any quota trading.

Monitoring:

Monitoring is the process of verifying the reports listed above. Various monitoring systems combine to assure the accuracy of the data being reported from different sources. The nature and level of monitoring depends on the specific characteristics of the fishery.

- **Vessel Monitoring Systems:** A system that uses satellite signals to record a vessels location, speed, and direction in a NOAA central database. Provides independent and timely data but does not account for catch, effort, and discard data.
- **Dockside Monitoring:** An independent verification of dealer reports; requires the coordination of buyer, vessel skipper, monitors, hails, and off-loads.
- **At-sea observers:** Independent trained observers that record data pertaining to fishing activity which may include fish locations, catch and discard estimates, compliance with fishing regulations, biological data and samples from catch.
- **Electronic Monitoring:** The use of cameras, GPS, or video units to monitor adherence to fisheries regulations such as gear restrictions, closed areas, and discards; used as an alternative to, or in combination with at-sea observers.

Quota Trading Mechanisms:

A catch share system that allows the trading of quota among participants would benefit from a clear, transparent, and efficient mechanism quota transactions.

Enforcement:

The design of a catch share system must include clear provisions for any new enforcement implications it creates, including the interaction between catch monitoring, quota transfers and enforcement.

Questions for your consideration:

- 1) If you support moving to a catch share management system, what are your goals and objectives? What do you see as the benefits and potential costs to both you and to the fishery as a whole? If you are a vessel owner or operator, what specific problems do you think a catch share system would resolve in your operations?
- 2) If you do not support moving to a catch share management system, why not? What are your specific concerns?
- 3) How should the cost of various program elements (catch monitoring, quota transfer mechanisms, program management and enforcement, etc.) be covered? The MSRA places a 3% cap on cost recovery for IFQ programs, but this does not apply to non-LAP programs, such as sectors.
- 4) How do you think the initial allocation should be made? Recent landings history (e.g., 2003-2007)? Permit category? Equal shares? Hybrid formula?
- 5) Do you think there should be a cap on accumulation of quota by shareholders? How could it be monitored and enforced?
- 6) What questions do you have that the Councils should answer in the course of developing a catch share management system for the monkfish fishery?

Commenting:

Public input may be submitted at one of the scoping hearings to be held throughout the region early in the plan development process, or by mail, fax or email to:

- E-mail address: *monkfisha6@noaa.gov*;
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope “Scoping Comments on Monkfish Amendment 6;”
- Fax to Patricia A. Kurkul, 978–281–9135.

NMFS will immediately forward all comments to the Councils upon receipt.

[ADD Hearing schedule]

Key References:

National Marine Fisheries Service (NMFS), “What Is a Catch Share?” (2009), www.nmfs.noaa.gov/sfa/domes_fish/catchshare.

Bonzon, K., McIlwain, K., Strauss, C.K. and Van Leuvan, T. (2010). *Catch Share Design Manual: A Guide for Managers and Fishermen*. Environmental Defense Fund.

Ecotrust Canada and Ecotrust, “A Cautionary Tale About ITQs in B.C. Fisheries,” Vancouver, B.C., Canada (2009), <http://ecotrust.ca/fisheries/cautionarytale>.

L. G. Anderson and M. C. Holliday (eds.), *The Design and Use of Limited Access Privilege Programs*, NOAA Technical Memorandum NMFS-F/SPO-86, November 2007.

The Pew Environment Group (2009), *Design Matters: Making Catch Shares Work*. The Pew Charitable Trusts.

Acknowledgement:

The Councils would like to thank the staff of the Gulf of Maine Research Institute (GMRI), and particularly Michelle Loquine, for their substantial assistance in the preparation of this document.

Strategic Planning/Visioning Roadmap Statement of Work

Overview

Strategic planning results in clear definitions of an organization's:

1. Vision - What you want to become/achieve...e.g. "Healthy fisheries and resilient fishing communities..."
2. Mission - What you do - why you exist...e.g. "Make sound decisions based on the best available science and stakeholder input..."
3. Values - Qualities considered key to internal and external behavior...e.g. "Integrity, credibility, stewardship, innovativeness..."
4. Strategies - General approaches to accomplish mission and achieve vision
5. Action Plans - Goal/Objective setting and daily to annual work plans
6. Evaluation Methodology - Going forward, how to measure results

Scope of Work

Council staff recommends that an expert in strategic planning be used to develop a plan for a successful strategic planning process, or a "roadmap." Accordingly, this Statement of Work is for a contractor/consultant to provide the Council with a roadmap to develop a 5- year strategic plan to guide the Council's annual work plan and activities. Specifically, the desired product would detail the series of steps, outreach tools, and budget needed for the Council to successfully develop a meaningful strategic plan. It is anticipated that specific steps would be executed by Council staff and/or contractors.

The strategic plan would incorporate extensive and meaningful stakeholder input. Specifically, their vision of how marine resources in the Mid-Atlantic should be managed would be a critical component of the plan. As such, a portion of the roadmap would identify the process and methods required to successfully engage diverse Council stakeholders to provide input. Engagement during the actual planning process would occur throughout the Council's primary management range (North Carolina to New York) but could include additional outreach north and south of this area as necessary.

Location of Work

Most of the document preparation and interaction between the contractor and staff would occur virtually (online, email, telephone). The Consultant would likely meet with staff and Council leadership (in Dover, DE) and with the Visioning Committee (likely in Baltimore, MD).

Schedule

A consultant would be secured in early 2011. The deadline for developing the roadmap would be March 2011.

Special Requirements

The Roadmap would identify specific outreach products, communication tools (e.g., surveys), and meetings (locations and frequency) to capture extensive and meaningful public input. The roadmap would also have to account for an engagement effort that would target a broad representation of stakeholders.

It is important to note that OMB approval of any survey(s) would be required. NOAA possesses expertise in facilitation of OMB approval but the process can still be lengthy and the roadmap should allow sufficient time for survey development, OMB review, and execution.

Staff Support

Council staff would work with the consultant to help design the roadmap and determine where staff or contractors would be utilized to implement the development process.

Qualifications and Evaluation Criteria

The consultant should demonstrate substantial experience both in development of strategic plans as well as in general outreach and engagement. Previous work with strategic planning for agencies involved in natural resource management would be desirable. The project will be awarded to the individual or firm that has the qualifications and experience to develop a high-quality and effective document.

Deliverables/ Schedule of Payments

March 1, 2011: A roadmap to Successful Execution of a Strategic Planning Process Based on Stakeholder Vision. Full payment will be on delivery of the document minus any deposit.

Primary Points of Contact

Chris Moore / Jason Didden
Mid-Atlantic Fishery Management Council - Suite 201
800 N. State St
Dover, DE 19901
tel. (302) 674-2331

Strategic Planning/Visioning Draft Timeline

The timeline below is designed to summarize potential steps that may have to take place to get a strategic plan in place by January 1, 2013. The timeline is aggressive and will require a substantial resource commitment.

Phase 1 - Finalize Project Organization Structure and Participation:

1. Formally announce project with a scoping FR Notice and press release. (Mar11)
2. Finalize Working Group - Staff + Technical Advisers (J. Didden, AC Carpenter, C. Demarest, D. Kauffman, B McCay, ??) + consultant (??) (Mar11) for core workgroup - securing additional staff/contract support would take longer.
3. Advisory Panel - Needs to be created. Subset of existing AP Panels? Request additional participation through FR Notice? (Mar11)

Phase 2 - Situational Analysis

1. Kick-off workshop with Committee, Working Group, and Advisory Panel. (Apr11)
 - Plan how to engage stakeholders on what is working/not working/where to go
 - Identify stratifications for surveys and other engagement opportunities
 - Identify questions to be addressed by engagement.
2. Hold meeting in conjunction with Council meeting to solicit comments on final engagement plan. (Jun11)
3. Design & execute surveys, public meetings, focus groups, comment periods (Jun11-Feb12)
4. Analyze and summarize data for Council to use in strategic planning process (Mar12)

Phase 3 - Strategy Formulation

1. Facilitated workshop for Council members (Apr12)
 - Evaluate stakeholder input, identify policy gaps, threats, opportunities
 - Develop vision/optimal policy goals
 - Formulate strategies to achieve vision.
 - Identify criteria to measure progress
2. Develop Strawman Strategic Plan (Jun12)
3. Circulate strawman plan for Councilmember comments and revise (Jun12)
4. Provide public comment period on revised strawman (July12)
5. Analyze and summarize comments for Council (Aug12)
6. Finalize Strategic Plan at Council meeting (Oct12)

Phase 4 - Implementation

1. Develop initial annual work/action plan that is responsive to strategic plan/vision. (Nov12)

Phase 5 - Evaluation

1. Develop framework to annually evaluate success. (Dec12)
2. Develop process for adjusting annual work/action plan based on evaluation. (Dec12)

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman

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Christopher M. Moore, Ph.D.
Executive Director

November 5, 2010

Mr. Robert H. Boyles, Jr., Chairman
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 22201

Dear Robert,

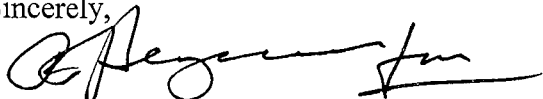
The Mid-Atlantic Council is beginning a Visioning Project to develop a stakeholder-informed vision for the Council's managed fisheries that will be used to develop a strategic plan to help guide the Council's management programs. The project will use an array of outreach methods to engage stakeholders and completion will likely take about 2-3 years.

Vince O'Shea is on the Visioning Project Committee and A.C. Carpenter has been invited to serve in an advisory role. Vince and A.C. will undoubtedly help us address many of the ASMFC/State issues as the project develops. However, at our 10/6/2010 Visioning Project Committee meeting, the Committee agreed to "request input from the Commission on suggestions for additional representation, especially chairs of boards with joint plans." This additional representation would be advisory in nature and would help ensure that ASMFC/State concerns are fully integrated into the Visioning Project.

I appreciate the close relationship that the Council enjoys with the ASMFC and I hope that you will consider joining with us in this important initiative. If you are interested, please let me know who you would like to add as ASMFC representatives to our advisory group. I will be in Charleston for ASMFC week and we can discuss the initiative there if you have any questions or you can call me anytime.

Thank you for your consideration.

Sincerely,



Richard B. Robins, Jr.
Chairman
Mid-Atlantic Fishery Management Council

cc: Chris Moore, Lee Anderson, Vince O'Shea, Jason Didden

**SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD
(November 10, 2010)**

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Board met jointly with the Mid-Atlantic Fishery Management Council's Demersal Committee. Both groups reviewed the current scup allocation and discussed possible alternatives for both the commercial/recreational allocation split and the allocation split for the three commercial periods. The Board and Council initiated an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic/social/biological reason to support a modification to the current allocation scheme. The Board reviewed an update of estimated recreational landings through wave 4. Summer flounder estimates are below the target. Scup estimates have exceeded the target and black sea bass estimates are very close to the target, with the rest of the year still open. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (703) 842-0740 or tkerns@asmfc.org.

Motions

Main Motion:

Move to initiate an amendment to consider adjusting the allocation of fishing privileges for scup between the winter and summer commercial periods and between the commercial and recreational fisheries.

Motion made by Mr. Simpson and seconded by Mr. Gibson for ASMFC. Motion substituted. Same motion made by Dr. Kray and seconded by Mr. King for the Demersal Committee. Motion substituted.

Motion to Substitute:

Move to substitute: initiate an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic-social-biological reason to support a modification to the current allocation scheme.

Motion made by Mr. Pate and seconded by Mr. Augustine for the Demersal Committee. Motion carries (8 in favor, 1 opposed).

Same motion to substitute. Motion by made Mr. Augustine and seconded by Mr. Munden for the ASMFC. Motion carries.

Main Motion as Substituted:

Move to initiate an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economicsocial-biological reason to support a modification to the current allocation scheme.

Motion carries for the ASMFC.

Motion carries for the Demersal Committee (10 in favor, 0 opposed).

**MAFMC SSC Social and Economic Subgroup
AP Performance Report Meeting 1
November 2, 2010
Summary Notes**

The call was opened by S&E Subcommittee Chair Bonnie McCay at 10:00 a.m. S&E Subcommittee members participating on the call included Mark Holliday, Doug Lipton and David Tomberlin. Staff participation included Rich Seagraves and Jason Didden and Council members participating included Rick Robins and Lee Anderson.

The purpose of the call was to discuss the Council proposal to develop Industry Advisor Annual Performance Reports to advise the SSC during ABC deliberations about primarily non-biological factors which affected catch in any given year. This issue first arose during the recent SSC ABC specification for the Illex fishery.

Mark Holliday noted that it is the responsibility of the NEFSC to provide technical information (including social and economic data and analyses) to the SSC.

Bonnie McCay noted that AP engagement in the specifications setting process currently occurs after the SSC has made its ABC recommendation. One approach would be to take the fishery description data currently prepared for the EA by staff and have the AP review and comment on the fishery description.

Mark Holliday agreed that while it would be useful to have the AP incorporated more effectively in the decision making process, he is concerned about the process. The AP report would presumably come from a 7 or 8 member advisory panel - what assurance do we have that the product truly is representative of the entire industry or accurately reflects what is going on the fishery?

Bonnie McCay noted that personnel from the Center's Economics and Social Science branch should be involved in this process.

Doug Lipton agreed that it is important to receive social and economic data analogous to biological stock assessment information, but he was not sure what he or other members of the SSC would do with the AP report.

Rick Robins noted that the idea was to provide the SSC with an "on the water perspective" from industry during SSC deliberations as opposed to a technical product from the NEFSC. The two products are distinctly different. The AP report would improve integration of the AP into the process and provide the SSC with the industry perspective of how the fishery got to be where it is today.

Mark Holliday reiterated his concerns about how representative the AP Report would be of the fishery overall. The danger is that the SSC might modify its ABC decision based

the myopic perspective of a select few AP members. We need to identify what products we want from the AP and ensure that they represent the fishery in total.

Rick Robins noted that we need to create a record of industry input that the SSC could reference during ABC deliberations. We need to look at the information that staff is currently providing in the fishery descriptions and explore ways that the AP can be involved. One approach would be to have the APs examine the fishery descriptions and have their comments/input incorporated into the process. The expectation would be to have a product developed in conjunction with the science center to be reviewed by the AP. However, this may not produce what the Council wants in terms of a performance report.

Bonnie McCay noted that it was important to develop some elements of the history of the fishery.

Mark Holliday noted that the NEFSC is currently conducting social science cooperative research projects and perhaps this would be an opportunity to use the APs to gather data and record their perspective. He was tasked with contacting the Social Science branch at the NEFSC to determine what information they are routinely collecting and the time frame of availability of that information. Some of this involves data collection and in some cases analysis of the data would be required. Careful consideration has to be given to the cost of data collection and analysis versus the additional value added provided.

Bonnie McCay suggested that one approach would be to ask the AP to respond to a series of questions about the factors that would explain landings patterns in a given year. The goal is to gain the insight of the AP/industry. This could be done in a group format to determine why changes are occurring in a given fishery/year. One advantage is that this is not an overwhelming task and is achievable but it is not a strictly scientific modeling based approach. One important descriptor to look at is simply port of landing.

David Tomberlin raised the general question about how the information collected would be used, if at all, by the SSC when making an ABC determination. It is hard to know in advance what specific factors might be operating in any given year.

Rick Robins asked if we could use NEFSC economic data to validate the metrics identified by the AP that influenced catch? Mark Holliday responded that in some cases what would be required would simply be data while in other cases analysis would be required. Using actual data is defensible, AP "perspective" may not be.

The S&E Subcommittee agreed that an approach to AP Performance Report development based on AP review of a staff/NEFSC fishery description looks promising. How accurately the AP perspective presented to the SSC represents the actual fishery overall remains an issue. The S&E Subgroup will reconvene and continue discussion on this topic after Mark Holliday reports back on the information and analyses that are currently/or could be made available from the NEFSC.

Social Sciences Branch Data

The following provides a summary of the existing data sources available to the NEFSC Social Sciences Branch and the new data collection efforts that have already been initiated. For existing data sources, we include the name of the data set as well as bullets that summarize the types of data that are included.

Existing Data Sources

Commercial Dealer Data

- Quantity and value landed by species and species market category
- Vessel identifier
- Dealer name and location

Commercial (and for-hire) Vessel Logbook

- Quantity kept and discarded by species
- Gear used
- Trip start/end date/time
- Area fished
- Vessel identifier
- Port landed and dealer name

Fishing Permit Information

- Fishing permits held
- Vessel characteristics (age, length, tonnage, horsepower, etc)
- Owner contact information
- Home port, principal port

Observer Data

- Quantity kept and discarded by species (at individual haul level)
- Gear used
- Trip start/end date/time
- Areas fished
- Vessel identifier
- Port landed and dealer name
- Vessel operating costs (fuel, oil, ice, supplies....)
- Non-fish interactions
- Extensive haul-level gear information

Fixed Cost Data

- Three years (2006, 2007, 2008) of fishing vessel fixed cost information. Annual expenditures on: insurance, maintenance, crew payments, etc...
- This survey is being revised: see below

County Business Patterns Data from the Census

- Employment and wage information for marine related businesses (limited by confidentiality restrictions)

Processed Products (voluntary survey of fish processors)

- Quantity and value by product type – by geographic location (region, state or community) if confidentiality allows

Trade Data

- Imports and exports by species and U.S. Customs District

IMPLAN Data

- Purchases and sales of goods and services for all U.S. businesses (400 business sectors). Landings information is used to enhance fishing component.

Recreational Fishing Data

- Economic add-on (every 3 to 4 years) to MRFSS survey: Angler demographic information, trip expenditures, boat and equipment expenditures

Community Profiles For Northeast US Fisheries

- Profiles of 176 communities were completed and posted on the NEFSC website. Profiles include detailed information on the presence and level of fishing activity in each community as well as social and cultural aspects that connect the community to the sea. Common topics to all profiles are: "People and Places," "Infrastructure," "Involvement in Northeast Fisheries," and "Future." Available census data for the profiled communities includes:
 - Total population
 - % male and female
 - Median age
 - % 21 or older
 - % 62 or older
 - Population structure by sex

- % white, % black or African American, % Asian, % Native American, % Pacific Islander or Hawaiian, % Other
- % Hispanic, % non-Hispanic
- % various ancestries claimed
- % born in the state where the community is located, % born in another state, % born outside the U.S., % US citizens
- % 5 or older where only English is spoken in the home
- % who speak English “very well”
- % 25 or older who are high school graduates or higher, have a bachelor’s degree or higher,
- % 25 or older who did not reach 9th grade, attended some high school but did not graduate, completed high school, had some college with no degree, received an associate degree, earned their bachelor’s degree, received a graduate or professional degree
- % of those 16 and over who are employed, unemployed, in the Armed Forces, not in the labor force
- % and # of jobs in the census grouping which includes agriculture, forestry, fishing and hunting, and mining
- % and # of self-employed workers
- % accounted for by each of the top primary industries
- Median household income
- Median per capita income
- For full-time year round workers, % more per year that males made than females
- Average family size
- % of families in poverty
- Number of housing units
- % of housing units which are occupied
- % occupied units that are rental housing
- % of vacant units that are used for seasonal, recreational, or occasional use
- % of housing units which are detached one unit homes
- % detached homes with 2-9 rooms
- % housing units built before 1940
- % housing units accounted for by mobile homes, RVs, vans
- Median home price
- Educational levels by % completing a different degree.

New Data Collection Efforts

Fisheries Performance Measures Owner and Crew Dataset

The Social Sciences Branch is in the process of implementing a systematic plan to evaluate the social, economic and cultural impact of fisheries performance in our region. Although this plan covers all fisheries, we have been careful to include some sector-specific questions because of the immediate concerns over impacts to the groundfish fishery. More general questions applicable to catch shares more broadly and to other management strategies are also included, along with a variety of important indicators basic indicators of fishery performance. These indicators have been developed as part of a new Social and Economic Fishery Performance Measures Plan on which SSB

has been working for the past 2 years. There are five categories of Performance Measures, each of which has a set of associated indicators. The categories are: Financial Viability, Distributional Outcomes (Equity), Governance, Stewardship of Marine Resources and Well-Being.

We are currently working with Eastern Research Group to design two longitudinal surveys that will get us data we do not currently have for constructing many of the performance indicators. We will survey both vessel owners and crew members. The survey instruments are being finalized and the sampling/survey methodology design is underway. These surveys require PRA clearance which can take 6 months or longer to obtain. We don't expect implementation to occur until summer 2011.

Data to be collected include:

- Employment demographics
- Average crew earnings by day
- Changes in crew duties/payment arrangements
- Opportunities for new entrants
- Ability to purchase quota
- Perception of degree of influence, levels of attendance at meetings, sector management plans, participation in leadership
- Perceptions of transparency/legitimacy of governance systems
- Perception of changes in level of conflict
- Perception of adaptability/flexibility
- Perception of changes in level of compliance
- Perception of changes in the level of bycatch, discards, highgrading
- Conservation ethic
- Job satisfaction/well being
- Social networks
- Perception of changes in safety

Ethnographic Data on Groundfish Crew

Knowing that PRA clearance will delay survey implementation, we provided a grant to GMRI to perform a rapid assessment of sector management impacts on crew. Impacts to crew were identified as a critical topic in our performance measure outreach. A sample of approximately 100 groundfish crew members from nine ports is being interviewed to get a sense of how they are being impacted.

Baseline of Indicators on Social Capital

An earlier grant to GMRI resulted in a survey of levels of trust and social relationships (collectively known as social capital) in the groundfish fishery. The data from that survey is currently being analyzed. This link provides a preliminary summary of the results:

<http://www.nefsc.noaa.gov/publications/crd/crd1012/> The survey will be replicated next year to capture changing trends in social capital.

Fisheries Performance Indicators (using existing datasets)

Some of our performance indicators are currently being developed by using our existing datasets. These include an index of groundfish prices, a variety of revenue indicators, employment opportunity trends, landings distributions, and information about active vs. idle vessels. Other indicators being considered that use existing data but require further development and peer review before being released include a cost index, an index of share prices, a productivity index, and a vessel consolidation index.

Fixed Cost Survey

The fixed cost survey implemented from 2006 - 2008 is being revised to address low response rates. Prior surveys were actually a census. A stratified sampling approach is now being designed to reduce reporting burden and alternative methods of contact are under consideration to increase response rates.

Oral Histories

We have two contracts with the University of Rhode Island for baseline surveys and oral histories to assess well-being among fishermen and some family members. The first survey covered New England and is about to conclude. The second survey covers the Mid-Atlantic and will begin in spring 2011.



Contact: Teri Frady (Northeast)
508-495-2239
Kim Amendola (Southeast)
727-551-5707

FOR IMMEDIATE RELEASE
October 5, 2010

NOAA Proposes Five Atlantic Sturgeon Populations for Listing as Endangered or Threatened

NOAA's Fisheries Service has proposed that five populations of Atlantic sturgeon along the U.S. East Coast receive protection under the federal Endangered Species Act. The Gulf of Maine population is proposed for listing as threatened, and endangered status is proposed for the Chesapeake Bay, New York Bight, Carolina, and South Atlantic populations.

Species listed as endangered receive the full protection of the Endangered Species Act, including a prohibition against "take," defined to include harassing, harming, pursuing, wounding, killing, trapping, capturing, or collecting. Similar prohibitions usually extend to threatened species. An endangered listing offers protections designed to prevent extinction. For threatened populations, protections are focused on preventing a species from becoming endangered.

A formal status review was completed for the Atlantic sturgeon in 2007 by a team of biologists from NOAA, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service. The review found that unintended catch of Atlantic sturgeon in fisheries, vessel strikes, poor water quality, dams, lack of regulatory mechanisms for protecting the fish, and dredging were the most significant threats to the fish.

Atlantic sturgeon are large, slow-growing, late-maturing, long-lived, estuary-dependent fish that live the majority of their lives in salt water, but hatch and spawn in freshwater. Historically, their range included major estuary and river systems from Labrador to Florida. Atlantic sturgeon populations are currently documented in 35 U.S. rivers and spawning is believed to occur in 20 of these. Because the marine range of an individual sturgeon can be very broad regardless of where it originated, threats along the East Coast can affect fish from any of these populations.

Historical catch records indicate that these fish were once abundant, supporting important colonial fisheries. In the late 19th century, demand grew for sturgeon caviar and the first major U.S. commercial fishery for them developed. This lasted from about 1870 until the 1950s with landings peaking in 1890. The commercial fishery collapsed in 1901 when landings were about 10 percent of the peak. Landings by fisheries targeting sturgeon declined to even less in subsequent years, persisting until a moratorium on landings was established in 1998. It is currently illegal to fish for, catch or keep Atlantic sturgeon from U.S. waters.

NOAA's Fisheries Service is accepting comments on the proposed listing through January 4, 2011. NOAA's Fisheries Service is seeking comment particularly on abundance and distribution, viability, threats, and efforts being made to protect Atlantic sturgeon belonging to these populations. You may submit comments by any one of the following methods. The agency also plans to hold public hearings.

To submit comments on the Gulf of Maine, Chesapeake Bay and New York Bight proposed listing, identified by the XRIN 0648-XJ00, use any of the following methods:

--more--

- Submit comments online via the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments;
- Fax comments to the attention of Lynn Lankshear at 978-281-9394;
- Mail or hand deliver written comments to the Assistant Regional Administrator, Protected Resources Division, NMFS, Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930.

To submit comments on the Carolina and South Atlantic proposed listings, identified by the XRIN 0648-XN50, use any of the following methods:

- Submit comments online via the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments;
- Fax comments to 727-824-5309;
- Mail or hand deliver written comments to the Assistant Regional Administrator for Protected Resources, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us on Facebook at <http://www.facebook.com/usnoaagov>.



Atlantic States Marine Fisheries Commission

69th Annual Meeting Summary

Working towards healthy, self-sustaining populations of all Atlantic coast fish species or successful restoration well in progress by the year 2015

69th Annual Meeting
Charleston, South Carolina
November 7 -11, 2010

For more information, please
contact the identified individual,
Robert Beal, ISFMP, or
Tina Berger, Public Affairs

703/842-0740

Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (November 8, 2010)

Press Release

ASMFC Atlantic Herring Section Approves Addendum II & Sets 2011 Area 1A TAC Seasonal Distribution

Charleston, SC – The Commission’s Atlantic Herring Section has approved Addendum II to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Sea Herring. The Addendum modifies the process to set specifications and the definitions (and associated acronyms) used by the Commission in setting Atlantic herring specifications. It also establishes quota overage accountability measures. These changes were made in order to complement the New England Fishery Management Council’s Amendment 4 and will not affect the overall management scheme which allocates a total quota to Areas 1A, 1B, 2, and 3.

The Section agreed to distribute the 2011 Area 1A (inshore Gulf of Maine) total allowable catch (TAC) seasonally with 72.8% available from June – September and 27.2% allocated from October through December. The fishery will close when 95% of a seasonal period’s quota has been harvested and underages from the June – September period may be rolled into the October – December period.

The Section also initiated the development of Draft Addendum IV that would allow small mesh bottom trawls and small purse seine vessels additional landing days on ‘days out’ of the fishery. The draft addendum is intended to allow smaller day-boats an equal amount of fishing days as larger vessels that can hold fish for several days and will include an analysis of the potential impacts of the proposed action to river herring stocks. The draft addendum will be available for Section review and possible approval January. If approved, it will be released for public comment in the winter, with final Section approval slated for March.

For more information, please contact Christopher Vonderweidt, FMP Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

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PR10-25

Meeting Summary

In addition to approving Addendum II and setting the 2010 quota allocation, the Section agreed to send two letters. The first letter will be to the National Marine Fisheries Service in support of the Amendment 4 proposed rule. The other letter will be to the New England Fishery Management Council (NEFMC) asking it to determine if the haddock bycatch cap can be increased and if the boundaries that apply to the cap can be modified to prevent a closure of the Gulf of Maine herring fishery.

The Section also reviewed the most recent version of the NEFMC Amendment 5 Discussion Document that contains measures to establish a catch monitoring program, address river herring bycatch, establish criteria for mid-water trawl vessel access to groundfish closed areas, and address interactions with the Atlantic mackerel fishery. Time permitting, the Council may also

consider developing measures to protect spawning fish in Amendment 5. As part of this discussion, the Section agreed to have its Technical Committee work with the NEFMC Plan Development Team (PDT) to help develop a comprehensive monitoring program. The Section also passed a motion requesting that the ACCSP Coordinating Council fund the ME DMR shoreside monitoring program that collects valuable catch composition data.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

Motions

Move to approve Addendum II as modified at the May 10, 2010 Section meeting.

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion passes (7 in favor, 0 opposed).

Move to send comment on behalf of the ASMFC Herring Section in support of the Amendment 4 proposed rule.

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion carries (6 in favor and 1 abstention).

Move to allocate the 2011 Area 1A TAC seasonally with 72.8% available from June – September and 27.2% allocated from October through December. The fishery will close when 95% of a seasonal period’s quota has been harvested and underages from the June – September period may be rolled into the October – December period.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (7 in favor, 0 opposed).

Move to initiate Addendum IV to Amendment 2 to the Atlantic Herring FMP to allow small vessels (small mesh bottom trawl and small purse seine) an additional landing day(s) per week.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (7 in favor, 0 opposed).

Move to recommend that the ACCSP Coordinating Council allocate funds for continuation of the shoreside herring sampling program.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (7 in favor, 0 opposed).

Move the Section, in the interest of our continuing partnership with the NEFMC on management of Atlantic sea herring and our shared concerns about bycatch in the herring fishery, request the Council determine: (1) if the percentage of the haddock TAC for the sea herring fishery haddock bycatch cap can be increased in response to a recent increase in observer coverage and (2) whether the boundaries of the area(s) to which the bycatch cap applies can be modified to prevent a closure of the Gulf of Maine fishery when the cap is reached.

Motion made by Dr. Pierce and seconded by Mr. Stockwell. Motion carries (6 in favor, 1 opposed).

ATLANTIC MENHADEN MANAGEMENT BOARD (November 8, 2010)

Meeting Summary

The Atlantic Menhaden Management Board reviewed two reports by the Technical Committee (TC). An error was found in the code for the 2009 Atlantic Menhaden Stock Assessment. The mid-point (instead of the beginning of the year) numbers at age were inadvertently used for computing the predicted landings in the Atlantic menhaden model. The effect of this on the model is to apply an additional half-year of total mortality to the population. The model was re-run with the corrected code, resulting in a change of stock status. The new stock status is the stock is not overfished but overfishing is occurring. The TC will review the changes in the assessment and correct the assessment report for the Commission's March Meeting. The TC and Multispecies TC also reported to the Board on progress made in developing alternative reference points. Both groups will continue work and have updated reports for the Board at the March meeting. Depending on the progress made by both TCs, the Board could consider the initiation of an addendum to address reference points in the spring or summer. Duncan Barnes was approved as a member of the Menhaden Advisory Panel. For more information, please contact Toni Kerns, Senior Fishery Management Coordinator for Management, (703) 842-0740 or tkerns@asmfc.org.

Motions

Move that the Menhaden TC provide guidance to the Board on the use of the MSTC alternative reference points and modeling options for the March Board meeting.

Motion made by Mr. Simpson and seconded by Mr. Grout. Motion carries.

Move to allow the TC to complete its work on the reference point alternatives and report to the Board at the August meeting, at which point an addendum could be initiated.

Motion made by Mr. Travelstead and seconded by Mr. Augustine. Motion tabled.

Move to table until the March meeting following the Technical Committee report.

Motion made by Mr. Goldsborough, and seconded by Dr. Geiger. Motion carries (13 in favor, 4 opposed).

Move to nominate Duncan Barnes to the AP.

Motion made by Mr. P. White and seconded by Mr. Adler. Motion carries.

HORSESHOE CRAB MANAGEMENT BOARD (November 8, 2010)

Meeting Summary

The Delaware Bay Ecosystem Technical Committee will be meeting over the winter to continue developing allocation strategies using the ARM framework. The Board discussed funding for the benthic horseshoe crab trawl survey. The data collected from this survey supports the model that produces abundance estimates for the horseshoe crab population. Under current budget constraints, Commission partners, US Fish and Wildlife Service and NOAA, do not have funding to support the survey. National Fish and Wildlife Foundation has come forward with potential short-term matching funds to support the survey. At the meeting the biomedical community

announced it will contribute \$50,000 to continue the benthic horseshoe crab trawl survey. New members were added to several Horseshoe Crab Committees. For more information, please contact Toni Kerns, Senior Fishery Management Coordinator for Management, (703) 842-0740 or tkerns@asmfc.org.

Motions

Move to approve Annette Scherer to the DE Bay Ecosystem TC.

Motion made by Mr. Himchak and seconded by Mr. Augustine. Motion passes by consent.

Move to approve Donald Frieday (NJ) and Tim Dillingham (NJ) to the Shorebird Advisory Panel.

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion carries by consent.

Move to approve Robert Paterson to the Horseshoe Crab TC and PDT.

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion carries by consent.

SHAD & RIVER HERRING MANAGEMENT BOARD (November 8, 2010)

Meeting Summary

The Shad and River Herring Board (Board) discussed and clarified that any state or jurisdiction that wishes to retain river herring harvested in state waters must submit a Sustainable Fisheries Management Plan (SFMP) as required under Amendment 2 to the Shad and River Herring FMP. The Plans must be reviewed by the Technical Committee and approved by the Board. At the meeting the Board reviewed SFMPs submitted by Maine and New Hampshire. The Technical Committee (TC) recommended the Board consider approval of the Maine SFMP and requested additional analysis be conducted and included in the New Hampshire SFMP prior to Board approval. New Hampshire presented additional monitoring targets for inclusion in the SFMP for review and consideration by the Board. The Board approved the SFMP from Maine, based on the TC's recommendations, and also requested that the TC review the New Hampshire targets and develop recommendations for the Board's consideration at the ASMFC Winter Meeting in March 2011. States or jurisdictions without an approved plan in place will be required to close their commercial and recreational fisheries by January 1, 2012.

The Board received an update on federal waters shad and river herring bycatch management measures currently being developed through the New England Fishery Management Council's (NEFMC) Amendment 5 to the Atlantic Herring FMP and the Mid-Atlantic Fishery Management Council's (MAFMC) Amendment 14 to the Squid, Mackerel, and Butterfish FMP. The NEFMC Atlantic Herring Plan Development Team is considering a suite of options for inclusion in Amendment 5 in order to reduce shad and river herring bycatch, including the identification of bycatch hotspots and the development of bycatch caps. These options will be considered by the NEFMC in January. MAFMC Amendment 15 is currently being developed, with the goals focusing on the development of an effective monitoring program to evaluate bycatch, alternatives to reduce total catch of shad and river herring, and alignment of Atlantic herring and mackerel reporting requirements.

The Board approved a Virginia bycatch allowance proposal, which permits a limited amount of American shad to be harvested in the areas above the first bridge in the James, York and Rappahannock Rivers in the anchored gill net and staked gill net fisheries. American shad, as bycatch from other fisheries, has consistently been less than 300 fish annually. This is the sixth year the Board has approved this allowance.

For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (703) 842-0740 or ktaylor@asmfc.org.

Motions

Move that any state or jurisdiction that wishes to retain river herring harvested in state waters must submit a sustainable fisheries management plan for review by the TC and approval by the Board.

Motion made by Mr. Simpson and seconded by Mr. Fote. Motion passes (15 in favor).

Motion to approve the ME sustainable fisheries plan.

Motion made by Mr. Stockwell and seconded by Mr. Adler. Motion approved by consent.

Move to approve the NH River Herring Sustainable Fishing Plan with the addition of a fishery independent target that equates to 50% of the average river herring returns to fish ladders in the Great Bay Indicator Stock from 1990-2009 (70,369 fish). If the three year running average of annual river herring returns to fish ladders in the Great Bay Indicator Stock falls below this target, NH will take steps to prohibit the harvest river herring in state waters.

Motion made by Mr. Grout and seconded by Dr. Kray. Motion tabled.

Move to table until Spring 2011 Meeting (March).

Motion by made Mr. Augustine and seconded by Mr. Fote. Motion carries (16 in favor, 2 opposed).

Move that all jurisdictions be required to meet the regulatory provisions with regard to river herring & American shad if the species occurs in their waters and is subject to fisheries whether directed or non-directed.

Motion made by Mr. Miller and seconded by Mr. Augustine. Motion fails for lack of a majority (8 in favor, 8 opposed, 1 abstention, 1 null vote).

Move to approve VA's American shad bycatch request for 2011.

Motion made by Mr. Travelstead and seconded by Mr. Carpenter. Motion passes (17 in favor).

EXECUTIVE COMMITTEE (November 9, 2010)

Meeting Summary

The Executive Committee reviewed and accepted the FY10 Audit. It received an update on future Annual Meeting locations and reviewed the progress of the 2010 Action Plan. For more information, please contact Laura Leach, Director of Finance and Administration, at (703) 842-0740 or lleach@asmfc.org.

Motions

On behalf of the Administrative Oversight Committee move acceptance of the FY10 Audit.
Motion passed unanimously.

MANAGEMENT & SCIENCE COMMITTEE (November 9, 2010)

Meeting Summary

The Management and Science Committee (MSC) met to address a number of issues. MSC discussed efforts to develop a strategy for Ecosystem-based Fisheries Management (EBFM). It reviewed outcomes from the EBFM workshop held during the Commission's 2010 Summer Meeting and provided input for the EBFM Team on developing incremental steps towards developing a draft strategy towards EBFM. MSC also continued discussion on how to incorporate forage fish into the Commission's process. MSC recommends including forage species estimates in individual FMPs, as well as including a term of reference to collect and evaluate forage data during benchmark stock assessments. The Committee discussed the workload created by tasks from management boards to technical committees. MSC recommends that staff and MSC keep track of this workload and TC membership overlap, as well as keeping species management boards and the Policy Board apprised.

MSC discussed state issues with marine fish stock enhancement. It requested that staff compile state regulations on stocking and combine these with ASMFC's sturgeon stocking guidelines as a reference for state use. The Committee discussed the issue of live imports in markets. In addition, MSC received a report from the Assessment Science Committee (ASC). Both groups discussed ways to improve efficiency of peer reviews, and recommended that the American eel stock assessment undergo an integrated peer review, which would include the participation of one or more peer reviewers throughout the assessment process. MSC also supported the ASC plan for formalizing ASMFC stock assessment training program. Finally, MSC received a report on the NEAMAP Nearshore Trawl Survey.

For more information, please contact Melissa Paine, Scientific Committee Coordinator, at (703) 842-0740 or mpaine@asmfc.org.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (November 9, 2010)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to discuss a number of action items. The meeting began with the confirmation of two new members to the Steering Committee. This was followed with an update on funding activities related to the Partnership, including grants that had been applied for in the past year, the status of the National Fish Habitat Conservation Act, and the status of the FY10 ACFHP funded projects. Following these updates, the Steering Committee discussed future funding opportunities, and solicited volunteers to look into these opportunities. The Steering Committee was presented a summary of project applications received for FY11 FWS-NFHAP funding and approved their rankings.

The group heard updates on the strategic and implementation planning progress, and determined next steps. The Steering Committee reviewed the ACFHP draft science and data needs list and tasked its Science and Data Working Group with items to address in the upcoming year. The group also shared ideas on how best to interact with the Reservoir Fish Habitat Partnership and Puerto Rico, and gathered volunteers to further develop and refine the ideas generated from these discussions. Lastly, the Steering Committee agreed to create a Melissa Laser award and formed a small group to further develop this idea.

For more information, please contact Emily Greene, ACFHP Coordinator, at (703) 842-0740 or egreene@asmfc.org.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (November 9, 2010)

Press Release

ASMFC Striped Bass Board Approves Addendum II *Coastal Commercial Quotas Remain Unchanged Juvenile Abundance Index Management Trigger Improved*

Charleston, SC – The Commission’s Atlantic Striped Bass Management Board approved Addendum II to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum revises the definition of juvenile recruitment failure based on a recommendation from the Striped Bass Technical Committee. The Management Board approved status quo management for the coastal commercial quotas, which were being considered for an increase as part of the Addendum.

“After lengthy deliberation, the sense of the Board was that recent fishery trends do not warrant an increase in fishing mortality, commercial or recreational, at this time,” said Board Chair, Jack Travelstead. “The Board also accelerated the assessment schedule, requesting an update assessment in 2011 prior to the next benchmark assessment in 2013 to more closely track changes in the fishery and the resource.”

The proposal to increase the coastal commercial quota by a percentage selected by the Management Board was intended to bring more parity between the commercial and recreational fishery sectors. Although Amendment 6 established management programs for both fisheries based on the same target fishing mortality rate, the coastal commercial fisheries are controlled by quotas whereas the coastal recreational fisheries are managed through possession and size limits. As a result, the recreational harvest has increased with expanding striped bass population levels, and now accounts for approximately 70% of total harvest. The Management Board opted to maintain the existing coastal commercial quotas for several reasons, including a 66% decline in estimated recreational catch from 2006 to 2009; a 25% decline in estimated striped bass abundance from 2004 to 2008; and several years of below-average production of fish from the Chesapeake Bay. The 2011 assessment update will help to indicate whether these trends are short- or long-term, and if corrective action is necessary to maintain the spawning stock biomass above the target level.

Juvenile abundance indices are an important component of the striped bass monitoring program. Under the management plan, six states are required to conduct juvenile sampling surveys, and the resulting indices of abundance are analyzed for recruitment failure. "Recruitment" is the appearance of young-of-the-year fish in the nursery areas. When recruitment failure occurs in a given year, there may be reduced abundance and availability of fish from that year class when surviving fish become available to the fisheries. Management action is prompted when recruitment failure occurs for three consecutive years in any of the surveyed areas.

The revision results in a fixed value to determine recruitment failure in each surveyed area rather than a value that changes from year to year. Additionally, the data points used in the calculation have been standardized, which will result in a more conservative evaluation of recruitment failure in several surveys. Under the revised definition (as with the original definition), three consecutive years of recruitment failure has not occurred in any area, and no management action has been triggered based on the juvenile abundance indices.

Copies of the Addendum will be available on the Commission website (www.asmfc.org) under Breaking News. For more information, please contact Robert Beal, ISFMP Director, at (703) 842-0740 or rbeal@asmfc.org.

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PR10-27

Motions

Move to accept the 2010 FMP Review as presented.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries without objection.

Move to approve option one, status quo, for issue one.

Motion made by Mr. Stockwell and seconded by Rep. Abbott. Motion substituted.

Move to substitute the motion to approve Option 2, increase coastal commercial quotas by 30 percent, for Issue 1.

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion fails (Roll Call Vote: In favor – RI, NY, DE, PRFC, VA, NC; Opposed – ME, NH, MA, CT, NJ, PA, MD, USFWS, NMFS).

Move to approve Option 1, status quo, for Issue 1.

Motion made by Mr. Stockwell and seconded by Rep. Abbott. Motion substituted.

Because the striped bass SSB is still well above the target and threshold and in recognition of the fact that commercial allocations have not been increased since 2003 and notwithstanding the concerns over recent declines in SSB and Maryland JAI values, I move to substitute to increase the coastal commercial allocation by 10% above current levels, which will sunset after one year unless extended by the Board after the 2011 turn of the crank assessment.

Motion made by Mr. Miller and seconded by Dr. Duval. Motion fails (Roll Call Vote: In favor – RI, NY, DE, PRFC, VA, NC; Opposed – ME, NH, MA, CT, NJ, PA, MD, USFWS, NMFS).

Move to approve Option 1, status quo, for Issue 1.

Motion made by Mr. Stockwell and seconded by Rep. Abbott. Motion carries (Roll Call Vote: In favor – ME, NH, MA, CT, NJ, PA, MD, VA, USFWS, NMFS; Opposed - RI, NY, DE, NC; Abstain - PRFC).

Move to accept Option 2 (for Issue 2).

Motion made by Mr. Augustine and seconded by Mr. Carpenter. Motion carries without objection.

Motion to approve Addendum II as modified today.

Motion made by Mr. Fote and seconded by Mr. Grout. Motion carries without objection.

LAW ENFORCEMENT COMMITTEE (November 9 & 10, 2010)

Meeting Summary

The Law Enforcement Committee met to discuss a number of issues. Captain Stephen Adams opened the meeting, with all member states, the USCG, NOAA Office of Law Enforcement and General Counsel in attendance.

Florida will now have the additional monitoring capability it previously requested. This four-year project that started with changing the Magnuson-Stevens Act to allow law enforcement access to VMS data has been fully implemented.

New Hampshire catch shares enforcement is ongoing with funds given to law enforcement to monitor dockside landings. Initially, this appears to be a high cost for monitoring a few boats.

Enforcement of the sportfish registry has resulted in great compliance with no significant law enforcement issues. Once all states have a fish license incorporating the registry information, the sportfish registry should be of minimal concern.

Shoreside fishing for several species, such as tautog and black sea bass, was discussed and it was recognized that significant illegal activities are continuing to occur with undersize and over the limit catches. There is low public support from many shoreside fishermen for fisheries management plans. Officers have observed high compliance when performing routine uniformed checks, but as much as 90% non-compliance when law enforcement uses covert operations and stake-outs to observe fishers. Many shoreside fishers know the regulations but use a wide variety of concealment methods to hide their catch.

Illegal fishing for striped bass in the EEZ continues to be problematic and a refocus of efforts will occur this fall and winter. Recently, a NOAA issued a \$35,000 NOVA for a violation of striped bass fishing off the Virginia Coast.

NOAA gave an update and overview of recent changes to their agency. Joint Enforcement Agreements were reviewed and discussed.

Major Brett Norton gave a marine technology presentation on new equipment for marine use. This information will be shared with other agencies that use computer and data equipment in marine environments. Officers also examined and performed sea trials on Zodiac's brand of law enforcement vessels.

For more information, please contact Mike Howard, LEC Consultant, at mhoward@asmfc.org.

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD **(November 10, 2010)**

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Board met jointly with the Mid-Atlantic Fishery Management Council's Demersal Committee. Both groups reviewed the current scup allocation and discussed possible alternatives for both the commercial/recreational allocation split and the allocation split for the three commercial periods. The Board and Council initiated an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic/social/biological reason to support a modification to the current allocation scheme. The Board reviewed an update of estimated recreational landings through wave 4. Summer flounder estimates are below the target. Scup estimates have exceeded the target and black sea bass estimates are very close to the target, with the rest of the year still open. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (703) 842-0740 or tkerns@asmfc.org.

Motions

Main Motion:

Move to initiate an amendment to consider adjusting the allocation of fishing privileges for scup between the winter and summer commercial periods and between the commercial and recreational fisheries.

Motion made by Mr. Simpson and seconded by Mr. Gibson for ASMFC. Motion substituted. Same motion made by Dr. Kray and seconded by Mr. King for the Demersal Committee. Motion substituted.

Motion to Substitute:

Move to substitute: initiate an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic-social-biological reason to support a modification to the current allocation scheme.

Motion made by Mr. Pate and seconded by Mr. Augustine for the Demersal Committee. Motion carries (8 in favor, 1 opposed).

Same motion to substitute. Motion by made Mr. Augustine and seconded by Mr. Munden for the ASMFC. Motion carries.

Main Motion as Substituted:

Move to initiate an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic-social-biological reason to support a modification to the current allocation scheme.

Motion carries for the ASMFC.

Motion carries for the Demersal Committee (10 in favor, 0 opposed).

**ATLANTIC COASTAL FISH HABITAT PARTNERSHIP ANNUAL MEETING
(November 10, 2010)**

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) met for its first annual meeting. The ACFHP Chair provided an overview of ACFHP activities, which was followed by case study presentations on the FY10 ACFHP funded projects: *Alewife Brook/Scoy Pond and Staudinger's Pond Alewife Access and Habitat Enhancement* and *Goose Creek Dam Eel Passage Restoration* projects, made by representatives of the New York Department of Environmental Conservation and the South Carolina Department of Natural Resources, respectively. Next, the group heard a keynote address from the Coastal Conservation League, on the state of the South Carolina Coast. This presentation was followed by presentations and panel discussion on Landscape Conservation and Climate Change Activities, with the panel consisting of individuals representing the North Atlantic Landscape Conservation Cooperative, the DOI Climate Science Centers, and the Atlantic Coast Joint Venture. The group also received an update on the National Fish Habitat Action Plan activities, including but not limited to, the National Fish Habitat Action Plan Assessment and the 2010 report on *The Status of Fish Habitats in the US* by a staff member to the National Fish Habitat Board. Following presentations and questions, the group had a thoughtful discussion regarding ACFHP's role in leveraging project funding for its partners, which was followed by updates from partners regarding their agency or individual priority work items during the upcoming two years.

For more information, please contact Emily Greene, ACFHP Coordinator, at (703) 842-0740 or egreene@asmfc.org.

ISFMP POLICY BOARD (November 10 & 11, 2010)

Meeting Summary

The Interstate Fisheries Management Program Policy Board (Policy Board) met to address a number of issues that impact the Commission and its interstate fisheries management process.

The first issue addressed by the Policy Board was a follow-up presentation and discussion on progress toward rebuilding stocks managed by the Commission. The Board discussed this issue at its past meeting and requested that staff develop a list of specific suggestions that can improve the status of stocks that need to be rebuilt or have an unknown status. The Board had a productive discussion and asked staff to explore a suite of options that will provide coastwide oversight for the management of species that are overfishing or are experiencing overfishing.

These options will be presented to the Policy Board at the Commission's next meeting in March, 2011

The Policy Board was presented with a summary of the Research Set Aside (RSA) program. The RSA program was developed through the New England and Mid-Atlantic Councils and is administered through NMFS. The program is designed to use a small percentage (up to 3%) of a species quota to support fisheries research. This issue is of interest to the Commission because a number of RSA species have joint or complementary management with the Councils.

The Policy Board discussed the proposed listing of Atlantic sturgeon under the Endangered Species Act. The Board agreed to a list of topics that will be included in a comment letter to NMFS. This letter will be drafted by staff and circulated to the states for comment and consideration as state-specific comments are being developed.

An update on the Cooperative Tagging Cruise was presented to the Policy Board. NMFS is operating on a Continuing Resolution and is trying to identify funds to support this research effort. NMFS is considering providing the funding for the cruise to the Commission and have the Commission use this funding for high priority fishery research.

The Assessment Science Committee (ASC) presented a summary of its September 30 and October 1, 2010 meeting. The Committee reviewed the workload of state and federal assessment biologists relative to Commission assessment priorities. The Policy Board approved the schedule for benchmark and stock assessment updates. ASC recommended a series of stock assessment training opportunities for 2011. The training will consist of two intermediate level courses and, if resources are available, a third course for advanced level training on AD model builder programming.

The Law Enforcement Committee, the Management and Science Committee, Habitat Committee and the Atlantic Coastal Fish Habitat Partnership reported on the discussion and action items from their meetings that were held earlier in the week. These meetings are summarized separately in this document.

The Fish Passage Working Group presented a summary of its meeting that was held on September 29, 2010. The Working Group presented a summary of the progress on the seven tasks that were developed by the Policy Board. The Board approved the recommended passage efficiency policy.

At the request of the Atlantic Menhaden Management Board, the Policy Board discussed the importance of the research and assessment activities that are currently conducted at the NMFS Lab in Beaufort, NC. There is a concern that with the principal menhaden scientists close to retirement, this species will receive a lower priority in NMFS. The Policy Board requested that the Commission leadership contact NMFS and convey the importance of the continuation of this work.

The Policy Board was updated on actions taken by the Shad and River Herring Board to clarify what states/jurisdictions will need to submit sustainable fishery management plans to request

approval of continuing bycatch and directed river herring fisheries. The Policy Board concurred with the approach approved by the Shad & River Herring Board.

The final issue discussed by the Policy Board was the scheduling of the benchmark assessments and peer reviews for American eel, river herring, and tautog. Based on concerns over workload of the assessment scientists and the need for timely information on these three stocks, the Policy Board agreed that the tautog assessment would be changed to an update rather than a benchmark assessment. This update will be completed in late 2011. The benchmark and peer reviews for eel and river herring will remain as scheduled for completion in fall 2011 and spring 2012, respectively.

For more information, please contact Robert Beal, ISFMP Director, at (703) 842-0740 or rbeal@asmfc.org.

Motions

Move to approve the 2011 stock assessment schedule.

Motion made by Mr. Lapointe. Motion carries.

Move to approve the 2011 stock assessment course schedule.

Motion made by Mr. Augustine and seconded by Mr. P. White. Motion carries.

Move to incorporate forage fish into the Commission process.

Motion made by Mr. Goldsborough and seconded by Mr. Augustine. Motion carries.

Motion to make the American eel stock assessment an integrated peer review in 2011 pending availability of funding.

Motion made by Mr. Lapointe and seconded by Mr. Augustine. Motion carries.

Move to provide fish passage for ASMFC-managed species that is safe (non-injurious), timely (without undue delay), and effective.

Motion made by Mr. Lapointe and seconded by Mr. Augustine. Motion carries.

CAPTAIN DAVID H. HART AWARD (November 10, 2010)

Press Release

John E. Frampton Receives Captain David H. Hart Award

Charleston, SC – The Atlantic States Marine Fisheries Commission presented John Frampton, Director of the South Carolina Department of Natural Resources, the David H. Hart Award, its highest annual award, at the Commission's 69th Annual Meeting in Charleston, South Carolina.

The Commission instituted the "Captain David H. Hart Award" in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The award is named for one of the Commission's longest serving members, who dedicated himself to the advancement and protection of marine fishery resources.



From left: Vince O'Shea, Michael McShane, Robert Boyles Jr., John Frampton, Caroline Rhodes and Malcolm Rhodes

Throughout his long and distinguished career in natural resource management, Mr. Frampton has been an advocate and practitioner for building strong personal and professional relationships within the natural resource community. His actions reflect his fundamental belief that such relationships lead to cooperation among state and federal natural resource management agencies and conservation and industry stakeholders, resulting in more effective conservation and management. This spirit of

cooperation is one of the founding principles of the Atlantic States Marine Fisheries Commission.

For over three decades, Mr. Frampton has been a tireless champion for legislation and funding benefiting state natural resource management activities, securing millions of dollars for the states to restore and sustainably manage their fish and wildlife resources. In his own state, he secured significant state funds to acquire tens of thousands of acres of land for conservation easements and habitat restoration. He was a guiding force in the development of the National Fish Habitat Initiative, directly benefiting Atlantic coastal states through the significant funding awarded to the Atlantic Coastal Fish Habitat Partnership (ACFHP). This coastwide collaborative partnership strives to accelerate the conservation of habitat for Atlantic coastal, estuarine-dependent, and diadromous fish, and has great potential to restore Atlantic waterways and enhance productivity of many marine fisheries.

Mr. Frampton is a dedicated natural resource manager who has worked tirelessly and effectively for the greater good of fish and wildlife management and conservation along the Atlantic coast and throughout the entire nation. His efforts to elevate the importance of natural resource management have greatly benefitted Atlantic states and have contributed to the betterment of the marine fisheries of the Atlantic coast.

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PR10-27

BUSINESS SESSION (November 10 & 11, 2010)

Meeting Summary

The Atlantic States Marine Fisheries Commission conducted a Business Session to take action on a number of issues. The Resolutions Committee presented a resolution recognizing South Carolina as the host state of the Commission's 69th Annual Meeting.

The Commission approved the 2011 Action Plan. The Commission elected Robert Boyles (South Carolina) as its Chair and Paul Diodati (Massachusetts) as its Vice-Chair.

AMERICAN LOBSTER MANAGEMENT BOARD (November 10, 2010)

Meeting Summary

The American Lobster Board reviewed a summary of the three Center for Independent Experts peer reviews of the Lobster Technical Committee's (TC) report on Recruitment Failure in the Southern New England Stock. Copies of the reports will be made available on the ASMFC website on the lobster page. The three reports agreed that increases in sea temperatures and increased prevalence of shell disease indicate natural mortality likely increased, the SNE stock is "in a poor state," and that a moratorium or severe reductions (75%) in fishing mortality are needed immediately to maximize chances of rebuilding the stock. One of the overall conclusions was that the TC report could be used for management of the SNE stock. The Board also reviewed a report by the TC evaluating the impacts on Southern New England (SNE) landings by using a variety of management options. The TC recommended that the Board use a combination of a quota and season closure (June through September) to achieve a 75% reduction in exploitation. The incorporation of a limited closed season in concert with a quota would provide maximum biological benefit during molt, egg extrusion, and high environmental stress periods. The TC emphasized that there is tremendous uncertainty in the effectiveness of any measure to reduce exploitation short of direct controls on landings. The report provided the Board with advice on each measure relative to previous experience in other fisheries, information currently available to the TC from the SNE stock, and a biologically driven approach to provide the maximum benefit to the resource. The Board tasked the Plan Development Team to develop a draft addendum for consideration at the March meeting to include two options: a suite of measures to achieve a 50% reduction in exploitation and a suite of measures to achieve a 75% reduction in exploitation.

For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (703) 842-0740 or tkerns@asmfc.org.

Motions

Move to accept the peer review reports.

Motion made by Mr. P. White and seconded by Mr. Augustine. Motion carries.

Move that a PDT develop a draft addendum for consideration at the next meeting to include two options: a suite of measures to achieve a 50% reduction in exploitation, and a suite of measures to achieve a 75% reduction in exploitation.

Motion made by Mr. Lapointe and seconded by Mr. Augustine. Motion carries unanimously.

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (November 11, 2010)

Press Release

**ASMFC Sets Spiny Dogfish 2011/2012 Fishing Year
Quota at 20 Million Pounds**

Charleston, SC – The Commission’s Spiny Dogfish and Coastal Sharks Management Board (Board) approved a 20 million pound quota with a maximum possession limit of 3,000 pounds for the 2011/2012 fishing season (May 1 – April 30). As specified under Addendum II, the quota will be allocated with 58% to states from Maine through Connecticut, 26% to New York through Virginia, and 16% to North Carolina.

Prior to setting the spiny dogfish quota, the Board approved new reference points based on information from the latest stock assessment. They include a target biomass of 351.23 million pounds (159,288 mt), a threshold biomass of 175.62 million pounds (79,644 mt), and a fishing mortality target and threshold of 0.207 and 0.325 respectively.

The 20 million pound quota was set to achieve a level of fishing mortality (F) equal to 75% of the target F and is consistent with recommendations of the Spiny Dogfish Technical Committee. The Technical Committee recommended reducing the target F by 25% to minimize any future drop in biomass. The quota is also consistent with the level recommended by the Mid-Atlantic Fishery Management Council for federal waters at its October meeting.

The latest stock assessment information indicates that spiny dogfish are not overfished and overfishing is not occurring. The biomass in 2010 is estimated to be 361.77 million pounds, which is slightly above the target biomass of 351.23 million pounds and is the second year in a row that biomass has exceeded the target. In addition, F was estimated to be $F = 0.113$ in 2009 which is well below the target (0.207) and threshold (0.325) rates and achieved the F rate as designed. While spiny dogfish have rebuilt, the stock is expected to decrease below the target biomass around 2014 because of record low recruitment from 1997 – 2003. The magnitude of this drop increases with fishing mortality and is projected to occur even if fishing mortality is zero.

The Board also initiated the development of an addendum to explore state-by-state allocation options for the southern management region (NY – NC). With the start of the season scheduled for May 1, the Board will consider approval of the draft addendum for public comment via email correspondence/conference call, with the intent to release it for public comment and state hearings in the winter and final approval at the Commission’s March meeting. A press release will announce the availability of the Draft Addendum for public comment and the state hearing schedule once the hearing details have been finalized.

The Board also approved a 33 fish possession limit for sharks in the large coastal sharks (LCS) species group (silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks) for 2011. The Coastal Sharks Technical Committee recommended continuing the 33 fish LCS possession limit in 2011 since it worked

reasonably well in distributing the quota in 2010 and is consistent with proposed federal shark specifications.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or <cvonderweidt@asmfc.org>.

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PR10-28

Meeting Summary

The Board reviewed options that will go into MAFMC Spiny Dogfish Amendment 3. Draft Amendment 3 is currently being drafted by MAFMC staff and will include research set-asides, alternative allocation of the commercial quota, sex specific management measures, the recreational fishery, limited access, essential fish habitat designation and carryover of management measures into subsequent years. Upon review, the Board agreed that the range of alternatives in the draft will allow for consistent and complementary dogfish management between state and federal waters.

The meeting concluded with a discussion regarding recreational anglers targeting prohibited and research-only species from shore. The discussion was a continuation of the August 3rd meeting where the Board reviewed a letter from NMFS Highly Migratory Species Division asking for new management measures to address the problem. The Board tasked the Law Enforcement Committee (LEC) to review and comment on the request. LEC highlighted that outreach and education is the best way to prevent anglers from targeting species that are prohibited and commented that language could be amended to prevent “attempting to catch” or “take” but cautioned that it is very difficult to enforce such a regulation. Following the recommendations of the LEC, the Board agreed to pursue outreach and education at the state level as necessary.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

Motions

Move to accept the reference point update for management use.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries.

Move that the 2011/2012 daily trip limit remain at 3,000 pounds and that the TAL/quota for 2011/2012 be 20 million pounds.

Motion made by Mr. Augustine and seconded by Mr. Himchak. Motion carries (13 for, 1 opposed, 0 null, 2 abstention).

Move to direct staff to prepare Draft Addendum III to the Spiny Dogfish FMP with the following management options:

- **New Jersey Proposed Allocation options A, B, C, and D; and Maryland Proposed Allocation options E, F and G**
- **Include Quota Transfers Options**

- **Include Quota Rollover Options**
- **Include Payback of Transferred Quota**
- **Include a Three-Year Southern Region State Share Re-evaluation**
- **Include an option that removes the trip limit requirements**

Motion made by Dr. Daniel and seconded by Mr. Augustine. Motion carries unanimously.

Move to set a 33-fish possession limit for large coastal sharks in 2011.

Motion made by Mr. Augustine and seconded by Dr. Rhodes. Motion carries (13 for, 1 abstention).

Move to formally recommend to NMFS the July 15 opening date for large coastal sharks.

Motion made by Dr. Daniel and seconded by Mr. Adler. Motion carries.

HABITAT COMMITTEE (November 11, 2010)

Meeting Summary

The Habitat Committee reviewed progress on Habitat Program tasks in the ASMFC 2010 Action Plan, and assigned work to committee members for tasks in the 2011 Action Plan. The Committee considered changes to the draft Atlantic sturgeon habitat section of the FMP. The section will be reviewed next by the Sturgeon Technical Committee before moving forward with approval and inclusion in the FMP. The Committee received updates on activities of the Atlantic Coastal Fish Habitat Partnership, the South Atlantic Alliance, and the regional Landscape Conservation Cooperatives. Updates on wind energy development were also provided by committee members with new activity in their states. Presentations were given from FWS, NOAA, and Florida FWCC staff on the latest developments of the Deepwater Horizon event, with follow-up discussion on disaster preparedness plans among state and federal agencies in the Atlantic. Kent Smith was nominated as the new Vice-Chair to the Committee. Work will continue on several tasks to the Committee via conference calls in the coming months. The next Habitat Committee meeting will take place in May 2011.

For more information, please contact Patrick Campfield, Science Director, at (703) 842-0740 or pcampfield@asmfc.org.

TAUTOG MANAGEMENT BOARD (November 11, 2010)

Meeting Summary

The Tautog Management Board (Board) convened to review Draft Addendum VI and consider approving a nomination to the Plan Development Team (PDT) and Technical Committee (TC).

Draft Addendum VI proposes measures to address the illegal harvest of live tautog and prevent increases in fishing mortality (F) prior to completion of the 2012 stock assessment. The Board approved the draft for public comment and states will hold hearings beginning in late January 2011. Proposed measures include a prohibition of live fish for non-commercial anglers, state harvest reductions, a reduction in target F rate, and recommendations to NMFS for federal

waters. The Board will also seek comment on tagging of live fish, tautog permits, and an increase in fine structure during the public comment period. The draft for public comment will be released in late January 2011.

Following the Addendum VI discussion, the Board unanimously approved the nomination of Robert “Chip” Patterson to serve as the economist on the PDT and TC. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

Motions

Main Motion:

Move to only include issue 5 option C in draft Addendum VI.

Motion made by Dr. Pierce and seconded by Mr. Simpson. Motion substituted.

Motion to Substitute:

Move to substitute to include all the options in draft Addendum VI for public comment.

Motion made by Mr. Travelstead and seconded by Mr. O’Connell. Motion carries (3 opposed, 7 in favor).

Main Motion as Substituted:

Move to include all the options in draft Addendum VI for public comment.

Motion made by Mr. Travelstead and seconded by Mr. O’Connell. Motion carries (7 in favor, 3 opposed, 0 null, 0 abstentions).

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD **(November 11, 2010)**

Meeting Summary

The Management Board met to review the Atlantic croaker assessment trigger results, Atlantic Croaker Draft Addendum I, state compliance with the Atlantic croaker and red drum management programs, and progress on the development of the Draft Omnibus Amendment.

The Technical Committee’s 2010 review of the Atlantic croaker assessment triggers did not prompt an assessment sooner than the next benchmark. Neither the commercial nor recreational landings in 2009 declined to less than 70 percent the average occurring in 2007 and 2008. The additional biological data reviewed for the triggers also did not cause the Technical Committee to recommend any action.

The Management Board approved Atlantic Croaker Draft Addendum I to Amendment 1 for public comment. The draft addendum proposes to eliminate the mid- and South Atlantic management regions from the management area, revise the biological reference points, and allow the Management Board to make future revisions to the reference points via Board action, when certain conditions are met. The first two issues are proposed for revision based on inconsistencies between Amendment 1 and the 2010 Atlantic Croaker Stock Assessment. A public comment period will be held this winter, yet it is unlikely that states will hold public

hearings on the draft addendum because of the largely administrative nature of the proposed changes.

All states in the management areas were found to be in compliance with the Atlantic croaker and red drum management programs in 2009. The Management Board approved the 2010 Fishery Management Plan Reviews for Atlantic croaker and red drum, including *de minimis* requests from several states.

The schedule for the Draft Omnibus Amendment for Spanish mackerel, spot, and spotted seatrout has been delayed several months. The amendment proposes to update the three species' management plans with compliance measures and Commission standards and procedures, and also align state and federal management for Spanish mackerel. Without further delays, the Plan Development Team expects to have a draft amendment for Board review in March 2011.

Motions

Move to send Draft Addendum I out for public comment.

Motion made by Mr. Woodward and seconded by Dr. Rhodes. Motion carries.

Move to accept the 2010 Croaker FMP Review and *de minimis* requests.

Motion made by Mr. Boyles and seconded by Mr. Woodward. Motion carries.

Move to accept the 2010 Red Drum FMP Review and *de minimis* requests.

Motion made by Dr. Rhodes and seconded by Ms. McCawley. Motion carries.



Council Report

An update published by the New England Fishery Management Council – November 2010

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on November 16-18 in Brewster, MA.

At its most recent meeting, the Council addressed issues related to approving management priorities for 2011, sea scallops, monkfish, groundfish, skates and spiny dogfish.

Management Priorities for 2011 Approved

At its late fall meeting last week, the New England Fishery Management Council agreed to address the following management actions next year.

Committee	Action
Groundfish	<ol style="list-style-type: none"> 1. <u>Prepare Framework Adjustment 46</u> – fishery specifications (OFLs/ABCs/ACLs) for 20 stocks for 2012-2014; address outstanding AMs for ocean pout, windowpane flounder, and halibut, consider eliminating Georges Bank access areas and the yellowtail flounder 10% cap, consider allocating 100% of scallop fishery’s estimated yellowtail flounder catch to scallop vessels; address dockside monitoring in FW 46 or 47. 2. <u>Prepare Framework 47</u> to address a haddock catch cap in the herring fishery. 3. <u>Prepare amendment</u> to address state permit bank issues. (NMFS will take the lead). 4. <u>Prepare amendment</u> to consider fleet diversity and accumulation caps. 5. <u>Conduct a “lessons learned” review/workshop</u> with sector representatives based on the first year of sector operations.
Monkfish	<ol style="list-style-type: none"> 1. <u>Complete Framework Adjustment 7</u> – specs for 2011-2013. 2. <u>Prepare Monkfish Amendment 6</u> for catch shares (sectors and IFQs).
Whiting and Skates	<ol style="list-style-type: none"> 1. <u>Prepare Skate Framework Adjustment 1</u> for Jan. 2011 (final vote to change skate trip limit to maximize length of the 2011 fishery). 2. <u>Prepare a whiting amendment</u> to set ACLs, AMs and specifications (2012-2014). [Whiting Data Poor Workshop scheduled for Dec. 2010.] 3. <u>Prepare skate specifications</u> for 2012-2013.
Scallops	<ol style="list-style-type: none"> 1. <u>Prepare Framework Adjustment 23</u> to address a requirement for turtle excluder dredges, review/revise the yellowtail flounder AM in Amendment 15 and possibly adjust the LAGC NGOM program to address state/fed fisheries issues. 2. <u>Prepare Amendment 16</u> to develop IFQs following completion of FW 23.
Habitat	<ol style="list-style-type: none"> 1. <u>Complete Omnibus Habitat Amendment.</u> 2. Conduct EBFM Planning.
Herring	<ol style="list-style-type: none"> 1. <u>Continue Amendment 5</u> to include monitoring, mackerel and river herring bycatch, criteria for access to closed areas, and protection of spawning aggregations. Herring A5 takes priority over Groundfish Framework 47.
Research Steering	<ol style="list-style-type: none"> 1. <u>Continue to steer research</u> to support NEFMC plans.
SSC	<ol style="list-style-type: none"> 1. <u>Support SSC activities</u> such as recommending ABCs and addressing other elements of Council FMPs.
Enforcement/Safety	<ol style="list-style-type: none"> 1. <u>Review management actions</u> and provide comments on safety and enforceability.
Catch Shares Workshop	<ol style="list-style-type: none"> 1. <u>Conduct a workshop to formulate a strategy and blueprint for catch share programs</u> in New England fisheries focusing on community impacts, and incl. goals, objectives, issues of concern and recommendations for each program type; also CFAs and private/state permit banks.

Sea Scallops

Framework 22 Finalized, Specs Set for Fishing Years 2011 and 2012

The Council reviewed and approved Framework Adjustment 22 to the Scallop FMP based on very important input from its industry advisors and the Scallop Plan Development Team (PDT). While the number of scallop fishing days will be less than the 2010 allocations (38 days-at-sea), projected catch for 2011 and 2012 is similar to current levels of about 55 million pounds. Vessels are expected to catch more pounds per day-at-sea in open areas due to high biomass levels, and total revenues are expected to be similar to what they have been in recent years, about \$400 million dollars annually.

Effort in open areas was set at the maximum level allowed under the hybrid overfishing definition revised and approved in Amendment 15 in September. When effort is set at the overfishing threshold of $F = 0.38$ in open areas, the days-at-sea allocation per vessel comes out to be 32 days in 2011 and 34 days in 2012.

In addition, more catch will be allocated to the general category fishery than in 2010 based on modifications approved in Amendment 15 that recognize there is little management uncertainty in the IFQ managed fishery. The general category fishery will be allocated about 3.2 and 3.4 million pounds in 2011 and 2012 respectively, or about 500,000 pounds more than the general category fishery was allocated in 2010.

As important as the allocations themselves, the Council approved an innovative fishing strategy that was developed by its PDT and fully supported by its Scallop Advisory Panel. The “split fleet trip alternative” is intended to promote as much access into scallop rotational areas as possible. In the past, trips have been scheduled to fish in open “access areas” when projected biomass is estimated to support a full 18,000 pound trip for all full-time vessels. In some cases, however, projected biomass in an area was actually higher than a full trip allocation, but not sufficient to support another full trip allocation.

Rather than adjust the possession limit, the Scallop PDT developed an alternative that would allocate an additional access area trip to half the fleet in one area, and the other half of the fleet a trip in a different area. Trips would be allocated on a completely random basis, and vessels would be permitted to trade trips. This strategy is expected to optimize yield and reduce impacts on the environment. Further, as a result of reduced fishing time, impacts on essential fish habitat (EFH), protected resources, and bycatch are expected to be positive.

The Council also recommended a restriction on the number of access area trips that can be fished in the Mid-Atlantic as a measure to reduce impacts on sea turtles. Each vessel is limited to one trip in Mid-Atlantic access areas between June 15 and October 31. One caveat was added to this measure to reduce impacts on vessels that fish in this area. If a vessel trades two of their trips on Georges Bank for two additional trips in the Mid-Atlantic, the vessel with additional Mid-Atlantic trips would be permitted to fish up to two trips during that same time period. This alternative is expected to shift a considerable amount of effort, about 7% or over 700 days, from the season when turtles are more likely to be present in the Mid-Atlantic (June 15 – October 31). By limiting limit effort in this manner, the measure is expected to have beneficial effects on sea turtles, but not more than minor impacts on the scallop fishery.

Framework Adjustment 22 also includes a hard total allowable catch (TAC) for the Northern Gulf of Maine Limited Access General Category fishery (NGOM/LAGC) as well as a target TAC for LAGC vessels with an incidental permit (40 pounds per trip). The Council recommended that the hard TAC for the NGOM remain at 70,000 pounds and the incidental catch target TAC also remain at 50,000 pounds.

The Council also considered whether the 2011 and 2012 yellowtail flounder bycatch allocations to the scallop fishery should be adjusted based on updated estimates of expected catch by the scallop fleet. Ultimately, it decided not to adjust the allocations downward, but agreed to re-evaluate future allocations in Framework 46 to the Groundfish Plan.

Monkfish

Framework 7 Preferred Alternative Moves Forward

The Council identified a preferred alternative for consideration in Framework Adjustment 7 to the joint NEFMC/MAFMC Monkfish Plan. The action will include alternatives for adjusting the Annual Catch Limit (ACT) and specify the associated days-at-sea and trip limits for the Northern Management Area for the 2011-2013 fishing years.

As background, the NEFMC's Scientific and Statistical Committee, after reviewing the recent stock assessment, recommended a modification to the Acceptable Biological Catch which is lower than the ACT proposed for the Northern Area in Amendment 5 (currently under review by National Marine Fisheries Service). The preferred alternative would lower the ACT to 6,567 metric tons, or 86.5% of the revised ABC, and allocate 40 days-at-sea with trip limits of 1,250 pounds and 600 pounds (tail weight per day-at-sea, for permit categories A/C and B/D, respectively). The Council plans to finalize Framework Adjustment 7 at its January 25-27, 2011 meeting in Portsmouth, NH.

The NEFMC also reviewed a draft scoping document for Amendment 6 which is intended to facilitate public input on the Council's intent to consider adopting a catch share management program for the monkfish fishery. Programs currently being discussed include sectors and ITQs, but other catch allocation approaches also may be considered.

Groundfish

Framework 45 Measures Finalized

The Council approved a wide range of groundfish management measures in November, from eliminating the dockside monitoring requirement for sector boats to protecting whale cod off the New Hampshire coast. A brief summary of the decisions are listed below. Both the Council and the National Marine Fisheries Service anticipate that Framework 45 will be implemented on May 1, 2011.

The longest discussions centered on removing the requirement for the industry to fund at-sea monitoring in fishing year 2012 (this is a one-year delay only), which was approved. The Council did agree it was necessary to continue the trip-end hail requirement, and modified the dockside monitoring provisions to specify that the National Marine Fisheries Service provide as much funding as possible for up to 100 percent dockside monitoring through 2012 with a target of 100 percent if funds are available, and prioritize coverage for trips that do not have an observer.

Further on this issue, the Council approved a motion to reflect their agreement that dockside *monitoring* will no longer be considered a *reporting* requirement. This change will allow sectors to request an exemption for trips that fish west of 72-30 W with monkfish gear.

Several technical measures were adopted at the meeting, among them new pollock biomass targets and fishing mortality limits. These changes were based on the results of a recently updated stock assessment that concluded the pollock stock is not subject to overfishing and is not overfished. Accordingly, the stock is no longer subject to the formal rebuilding program adopted through Amendment 16.

The Council also adopted a new rebuilding strategy for Georges Bank yellowtail flounder that proposes rebuilding by 2016 with a 50 percent probability of success, as well as a revised ACL based on this change. The framework corrects a previous error in the white hake ACL. It also will include the ACLs for Georges Bank cod, haddock and yellowtail flounder to reflect the Council's action on the allocations forwarded by the Transboundary Management Guidance Committee for stocks harvested in the U.S./Canada Management Area and approved by the Council in September.

Several new sectors were approved last week --- state permit bank sectors for Maine, New Hampshire, Rhode Island, and Massachusetts, and Sustainable Harvest Sector 3. The Council did not approve two sectors that submitted requests last spring because they did not submit operations plans for next year. Through this framework adjustment the Council also exempted Handgear A and B, and Small Vessel Exemption permits, from dockside monitoring requirements. Members also voted to:

- Adopted a measure to redistribute the Potential Sector Contribution attached to cancelled permits and changed the date for sector roster submission from September 1 to December 1.
- Removed the General Category scallop fishery spawning closures in the Great South Channel.
- Approved a closure to protect spawning cod in the Whaleback Area off NH; the closure will apply to recreational and commercial vessels, although both will be allowed to fish in the area with pelagic gear.
- Modified trip limits for Handgear A vessels; the trip limit will remain at 300 pounds per trip and one trip per day until the common pool trip limit for days-at-sea vessels is reduced below 300 pounds. Handgear A and B trip limit changes for cod will be stock specific (currently there is only one limit for both cod stock areas). Handgear A vessels also will be subject to the same Gulf of Maine rolling closures as sector vessels, and both Handgear A and B vessels will be allowed to fish in the Georges Bank seasonal closure.

In other decisions outside of the Framework 45 discussion, the Council will ask the National Marine Fisheries Service to allow sectors two weeks after their final Annual Catch Entitlement (ACE) reconciliation to make ACE transfers if needed to balance catches and allocations. The Council will also send a letter asking sectors to identify dealers that are not submitting report to the agency in a timely manner.

Skates

Framework Initiated to Address Industry Concerns Over the Wing Possession Limit

Responding to a Council request, its Skate Plan Development Team (PDT) reported at last week's meeting that at this time data are insufficient to estimate and predict the 2010 skate discard rate, a measure which would have enabled the Council to modify the total allowable landings of skates in the 2010 fishing year.

According to the PDT, although data from observed trips are available to compare discard to landings ratios for groundfish sector vessels, the wide variation in the data precluded a determination of whether total skate discards had declined under groundfish sector management. Previously unavailable discard estimates for 2009 would enable only an 8 metric ton (about 17,000 pounds) increase in total skate landings.

The National Marine Fisheries Service also reported that the Council's Emergency Action request to raise the skate wing possession limit so that industry can harvest optimum yield would not be prudent.

The history of the situation began when the skate wing possession limit was reduced from 20,000 pounds to 5,000 pounds on June 16 with the implementation of Amendment 3 to the Skate Plan. Later, the limit was further reduced to 500 pounds because the fishery had landed 79 percent of the annual limit and was on a pace to far exceed the allowable quota for the 2010 fishing year. Since that time, landings of skate wings have averaged 190,000 pounds per week and the fishery is expected to reach the landings limit by early March 2011. The fishing year, which began on May 1, 2010, is scheduled to end on April 31, 2010.

Industry testified that the skate wing possession limit reduction to 500 pounds has had devastating impacts on fishermen and shore-side processors, threatening market share and the long term ability for the U.S. to market skate wings overseas.

As a consequence, the Council initiated Framework Adjustment 1 to re-assess its April decision for the 2010-2011 fishing years. The action was based on industry concerns and recommendations to modify the skate wing possession limit for the 2011 so that the fishery does not close early next year. The framework adjustment will be developed using existing analyses with approval expected at the January 2011 Council meeting and possible implementation next May.

Spiny Dogfish

Quota and Trip Limits Approved for 2011-2012 Fishing Year

Agreeing with the Mid-Atlantic Fishery Management Council action on spiny dogfish in October, the NEFMC approved the identical specifications --- a quota of 20 million pounds with a 3,000 pound trip limit for the 2011/2012 fishing year only.

Enforcement

After considering Enforcement Committee recommendations concerning standard fixed-gear marking the EEZ, the Council agreed to correspond with the Atlantic States Marine Fisheries Commission and the National Marine Fisheries Service regarding fishermen's current concerns about gear marking and gear conflicts. The agency will be asked to remind fishermen about the rules already in place that address these issues.

Materials on the Web

Meeting materials related to the above issues and PowerPoint presentations that accompanied the briefings provided to the Council in November are located on the Council's website www.nefmc.org. Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting – January 25-27, 2011
Sheraton Harborside Hotel in Portsmouth, NH**

2011 - MAFMC ANNUAL WORK PLAN / SCHEDULE OF ACTIVITIES

(As of November 24, 2010)

January

1	New Year's Day
10	Sector Separation Workshop, Tampa, FL
17	Martin Luther King Day
25-27	NEFMC Council Meeting - Portsmouth, NH

February

TBD	Initial Scup Fishery Allocation FMAT Meeting, Boston, MA
8-10	MAFMC Council Meeting - New Bern, NC <ul style="list-style-type: none"> • RSA Workshop to receive Programmatic Review Report and comments • Receive SAW and 51st SARC Reports on <i>Loligo</i>
21	President's Day (observed)

March

3-5	Maine Fishermen's Forum, Rockport, ME
7-11	SAFMC Council Meeting, St. Simons Island, GA
20-22	Boston Seafood Show, Boston Convention Center
21-24	ASMFC Winter Meeting, Alexandria, VA

April

TBD	Excessive Shares Workshop, Woods Hole, MA
12-14	MAFMC Council Meeting - Annapolis, MD <ul style="list-style-type: none"> • Approve alternatives for analysis in Spiny Dogfish Amendment 3
TBD	Scup Fishery Allocation FMAT Meeting, Boston, MA
TBD	Deep Sea Coral Steering Committee
24	Easter
26-28	NEFMC Council Meeting - Mystic, CT

May

3-5	Council Coordination Committee Meeting, Charleston, SC
8	Mother's Day
24-25	SSC Meeting - ABC Recommendations for Squid, Mackerel, Butterfish and Surfclam/Ocean Quahog
30	Memorial Day

June

13-17	SAFMC Council Meeting, Key West, FL
14-16	MAFMC Council Meeting - Port Jefferson, NY <ul style="list-style-type: none">• Adopt Squid, Mackerel, Butterfish Specifications for 2012• Adopt Surfclam/Ocean Quahog Specifications for 2012-2013• Provide RSA award recommendations for 2012• Update on Scup Fishery Allocation Analyses• Approve Draft EIS, select preferred alternatives for Spiny Dogfish Amendment 3
19	Father's Day
21-23	NEFMC Council Meeting - Portland, ME
22-23	Commercial Marine Expo, Norfolk, VA

July

4	Independence Day (observed)
26-27	SSC review for August Commercial Specification Cycle for summer flounder, scup, black sea bass, and bluefish, Philadelphia, PA
28	Monitoring Committee Meetings for August Commercial Specification Cycle for summer flounder, scup, black sea bass, and bluefish, Philadelphia, PA

August

1-4	ASMFC Summer Meeting - Alexandria, VA
16-18	MAFMC Council Meeting - Wilmington, DE <ul style="list-style-type: none">• Swearing in of New and Reappointed Council members• Election of Officers• Adopt Summer Flounder, Scup, Black Sea Bass Specifications for 2012• Adopt Bluefish Specifications for 2012• Approve RSA Priorities List for 2012 (and beyond if warranted)• Approve MSB Am14 DEIS (with preferred alternatives if appropriate)• Review DEIS and select preferred alternatives for Amd 15 to Surfclam/Ocean Quahog FMP

September

5	Labor Day
12-16	SAFMC Council Meeting, Charleston, SC
19-23	NAFO Meeting (TBD)
20-21	SSC Meeting - Review for October Specification Cycle for Spiny Dogfish
27-29	NEFMC Council Meeting, Danvers, MA

October

1	Harbor Day at the Docks, West Ocean City, MD
2	Coast Day, Lewes, DE
5-7	National SSC Meeting, Williamsburg, VA
10	Columbus Day
11-13	MAFMC Council Meeting - Galloway, NJ <ul style="list-style-type: none">• Adopt Dogfish Specifications for 2012 (and beyond)• Approve SSC's multi-year research priority recommendations• Review and adopt DEIS and PHD for Amd 15 to Surfclam/Ocean Quahog FMP
TBD	Squid, Mackerel, Butterfish Amendment 14 Public Hearings

November

7-10	ASMFC 70 th Annual Meeting - Boston, MA
11	Veterans Day
15-17	NEFMC Council Meeting - Newport, RI
17	Monitoring Committee and Industry Advisors Meetings for Summer Flounder, Scup, Black Sea Bass Recreational Specifications
24	Thanksgiving

December

5-9	SAFMC Council Meeting, Raleigh, NC
13-15	MAFMC Council Meeting - Williamsburg, VA <ul style="list-style-type: none">• Adopt Summer Flounder, Scup, Black Sea Bass recreational specs for 2012
25	Christmas Day

Likely FMP Amendments/Frameworks for 2011:

- * Amendment 15 to Surfclam/Ocean Quahog FMP
- * Amendment 3 to Spiny Dogfish FMP
- * Amendment 14 to Squid, Mackerel, Butterfish FMP

FMPs with Outstanding SFA Disapprovals Requiring Corrective Action:

- * Amendment 1 to Bluefish FMP - EFH gear impacts, port descriptions, *de minimus* status

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman

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Christopher M. Moore, Ph.D.
Executive Director

2011 Council Priorities and Projects

Mackerel, Squids, and Butterfish - Amendment 11 (final action taken 10/13/10)

Mackerel, Squids, and Butterfish - Amendment 14 (Alosine bycatch, etc.) high priority

Surfclam and Ocean Quahogs - Amendment 15 (Excessive shares, cost recovery, etc.), in progress, technical review of excessive shares ongoing

Spiny Dogfish - Amendment 3 (Committee will meet in December following ASMFC annual meeting)

Monkfish - Amendment 6 (informational meetings will begin fall of 2010)

Review of RSA program (ongoing)

AP performance Report (in development, in consultation with SSC)

Visioning Project (in progress, next step is scope of work, estimated two-year time horizon)

Ecosystem Based FMP project (Ecosystem subcommittee of SSC to receive TORs)

MARCO (Council will request representation on the appropriate working groups and management board)

Communications (Outreach and Education) (C. Moore will update Council with range of options at the December meeting--pending)

Summer Flounder, Scup, and Black Sea Bass - Amendment 17 (on hold) (scup allocation issue pending further discussion with ASMFC and Council)

Bluefish - Amendment 4 (EFH update, etc.) (EFH update will be pulled and added to spec in 2011)

Fishery Management Plan (FMP)	Primary Plan Coordinator	Assistant Plan Coordinator
Atlantic Mackerel, Squid, Butterfish	Jason Didden	Rich Seagraves
Bluefish	Jim Armstrong	Jessica Coakley
Spiny Dogfish	Jim Armstrong	Tom Hoff
Summer Flounder, Scup and Black Sea Bass	Jessica Coakley	José Montañez
Surfclams & Ocean Quahogs	Tom Hoff	José Montañez
Tilefish	José Montañez	Clay Heaton

Committees / Projects	Primary	Assistant
Habitat / Ecosystems	Tom Hoff	Jim Armstrong
Protected Resources	Rich Seagraves	TBD
SSC	Rich Seagraves	TBD
Law Enforcement	José Montañez	TBD
Data Management / IT Support	Clay Heaton	Armstrong / Didden
MRIP	Jason Didden	Jessica Coakley
ACCSP	Jessica Coakley	Jason Didden
RSA	Rich Seagraves	Heaton / Collins
Visioning	Jason Didden	TBD
AP Performance Report	Rich Seagraves	TBD

Other FMPs	MAFMC Contact
Herring ¹	Jason Didden
Monkfish ¹	Jim Armstrong
Northeast Multispecies (Groundfish) ¹	Tom Hoff
Sea Scallop ¹	Tom Hoff
Whiting ¹	Jason Didden
Dolphin/Wahoo ²	José Montañez
Snapper / Grouper ²	José Montañez
Coastal Migratory ²	José Montañez
Highly Migratory Species ³	Tom Hoff

¹ NEFMC lead

² SAFMC lead

³ NMFS lead

EFH Training Agenda

Background

What is EFH/HAPC?

- SFA/Final Rule definitions

- How is EFH designated in NE region?

- Purpose of maps and text descriptions

- Review requirements/guidance

- HAPCs: criteria for designation

- Purpose of EFH: not just to minimize fishing impacts

What do law/regulations require Councils to do?

When is mitigation (from fishing impacts) required?

What are Councils required to include in FMPs?

NEPA requirements

Evaluating fishery impacts

When/how often is an analysis done?

How to do one – HQ guidance and source material

Use results to develop management alternatives

Example

Practicability analysis

Elements of a good analysis – example

Evaluating impacts of specific management actions

Impacts of resource management measures on EFH

Impacts of habitat mgmt measures on other VECs

Example – problems encountered during NERO reviews

EFH Assessments

When is one needed/not needed?

How to do one – guidance

Example

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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Christopher M. Moore, Ph.D.
Executive Director

November 8, 2010

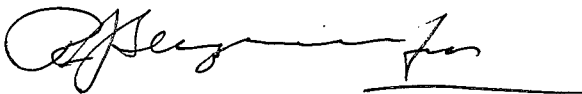
Dr. Nancy Thompson
Director, NEFSC
166 Water Street
Woods Hole, MA 02543

Dear Nancy,

As I mentioned at the NRCC meeting, we plan to begin the review and update of EFH for summer flounder, scup, and black sea bass in 2011. It would be helpful if the Center could provide us with the summer flounder and scup essential fish habitat source documents so that we can begin the review. The black sea bass background document was last updated in 2007.

Please do not hesitate to contact me or Tom if you have any questions. Thanks for your consideration.

Sincerely,



Christopher M. Moore Ph.D.
Executive Director

cc: Coakley and Hoff

NRCC Observer Funding Working Group Report

Revised October 26, 2010

Contributors

Jim Armstrong (Mid-Atlantic Fisheries Management Council)

Bob Beal (Atlantic States Marine Fisheries Commission)

Ryan Silva (National Marine Fisheries Service, Northeast Regional Office)

Lori Steele (New England Fisheries Management Council)

Amy VanAtten (National Marine Fisheries Service, Northeast Fisheries Science Center)

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I. Introduction

The Northeast Region has insufficient funds to meet all of its catch and bycatch monitoring needs. It is expected these needs will continue to increase and diversify, and that adequate appropriations will not be available to fully meet ongoing needs. In response to this issue, the Northeast Regional Coordinating Council (NRCC) established a working group comprised of a representative from each of the NRCC member organizations to evaluate funding methods that could potentially be used to supplement catch data collection programs in the Northeast Region. The findings of this group are summarized in this report.

Due to the diversity of catch data collection programs in the Northeast Region, the scope of this report is constrained to catch sampling efforts that are designed to quantify commercial catch, including shore-based sampling, at-sea catch sampling, at-sea observer data collection, and electronic monitoring. It does not include biological sampling that is conducted strictly for stock assessment purposes, recreational catch data collection, or activities focused on non-commercial fishing activities. This report does not assess all potential funding mechanisms, but focuses on those that the group deemed to have the greatest potential utility in this Region. It does not attempt to evaluate critical considerations when developing a catch monitoring program, such as data quality and observer safety needs. This report does not include a robust analysis specific to any given fishery management plan or fishing mode as defined by the Standardized Bycatch Reporting Methodology (SBRM), although there are some basic evaluations made to illustrate the potential use and or limitations of a given funding mechanism.

Consistent funding for ongoing catch data collection programs was identified as a critical need for any observer program. Observer programs are extremely operationally complex. Contractual agreements for service providers may take months to be approved and put in place. In addition, field coordination, observer training, and debriefings are very dynamic, and data processing programs are complex and labor intensive. Without consistent funding, classroom or building leases would not be constant, and the quality of training and hands on tools would be compromised. Without stable funding, observers would not have steady employment, and would not be able to maintain their full-time job as an observer. The industry suffers when experienced observers are lost and when new, inexperienced observers must be brought in. Editors, debriefers, and data entry staff also require a considerable amount of time and training to become efficient. With interruptions in funding, these positions would also be lost and then re-trained.

II. Federal Funding Models

Observer programs can be funded fully or partially by the Federal Government. The Government may hire at-sea observers directly as personnel (i.e., observers as NMFS staff), or submit payment to an observer service provider. Typically, observer program administrative and analytical costs are handled through appropriations, while at-sea observer funds may come directly from appropriations or another source, such as the fishing industry.

Funds for Federal models are dependent on congressional appropriations. Although appropriations are clearly not an alternative funding mechanism, the working group agreed that a review of Federal models

could potentially improve the efficacy of designated appropriations. The primary recipient of appropriations in the Northeast Region is the Northeast Fisheries Science Center's Northeast Fishery Observer Program (NEFOP). Appropriations are either directed to general program support, earmarked for the Northeast multispecies fishery, or are available on a competitive basis.

The basic challenge regarding Federal funding models is insufficient appropriations to implement or support the diverse data collection needs in the Region. In addition, the restrictive nature of funds earmarked for a specific fishery further inhibits the ability to optimize the use of available funds to address management and scientific needs. Although there are some funds available on a competitive basis, such as those awarded through the National Seabird Program, the limited nature and uncertainty surrounding those funds is not considered further in this report.

The group identified the following steps that could assist programs reliant on appropriations, to more effectively meet catch monitoring program needs:

1. Increase appropriations;
2. Reduce restrictions on how appropriations may be used; and
3. Refine program efficiencies and maximize cost/benefit ratios.

Although substantially increasing appropriations would clearly help achieve catch monitoring needs, the basic premise for establishing this group was that this is unlikely to happen. The 2nd and 3rd steps were identified as ways that could allow NEFOP to more effectively utilize available appropriations.

Reducing restrictions on appropriations would allow NEFOP to optimize the utility of such funds. Implementation of the SBRM Amendment formalized and brought greater transparency to the process for allocating observer sea days to designated fisheries. As part of the allocation process a prioritization "performance standard" is developed that identifies the number of sea days needed to achieve a 30% CV. This is an important step and particularly germane to the focus of this report. Ideally, funding would be available to achieve the 30% standard for all fleets, species, and regions. As envisioned by the SBRM Amendment, however, funding is often limited such that only a subset of sea days is available for a number of fleets. The Mid-Atlantic region typically falls short of needed sea days. As stated in the NRCC's 2010 Response to Comments:

"...the shortfall in the Mid-Atlantic region has been an on-going issue since the beginning of the sea sampling program in the late 1980's. Constraints associated with Congressional/Headquarters funding restrict its use to a particular region. These restrictions limit re-distribution of sea days between the Mid-Atlantic and New England regions. The concerns expressed in the comments are directly related to a lack of funding. Any revisions of funding are policy matters beyond the scope of the Agency. Unrestricted funds would support of all FMPs under the SBRM Omnibus Amendment. The roles and responsibilities of NRCC agencies to identify funding sources or admissible changes in funding allocations are important policy considerations."

In 2009, the performance standard corresponded to a total of 15,125 sea days while funding was available to achieve 6,161 sea days. In 2010, aggregate funding was greatly improved such that

compared to a 14,147 sea days standard, there was funding available for 13,950 days. The bulk of the increase, however, was dedicated to compliance monitoring for New England groundfish fleets (longline, otter trawl, and gillnet). Compared to the SBRM standard of 4,230 days, these fleets were allocated 9,000 days (Attachment A). The purpose of SBRM is to provide a precision basis for optimizing sea day allocation for bycatch estimation. Compliance monitoring of sector operations clearly falls outside of the SBRM design and purpose. Nevertheless from a bycatch estimation perspective it is interesting to note that the level of coverage for the trawl and gillnet groundfish fleets resulted in estimated CVs of 3.5% and 5.6%, respectively, compared to a CV for the small mesh Mid-Atlantic SMB fleet of 34.7%. Increased funds for groundfish sector compliance monitoring is not expected to increase the accuracy of bycatch estimation except, incidentally, in the groundfish fleets.

Improving program efficiency through a programmatic review could identify ways to optimize the utility of appropriations. An area that could create inefficiencies is specialized data collection programs, which may not maximize the opportunity to collect useful data. A programmatic review could also identify methods to improve general program cost-effectiveness.

III. Industry Funding Models

All industry-funded observer programs currently have some form of cost-sharing structure with the Government, whereby the Government assumes administrative and analytical costs, and the industry pays for data collection costs. Existing industry-funded programs include the North Pacific Groundfish Observer Program (NPGOP), At-Sea Hake Observer Program (A-SHOP), and Atlantic Sea Scallop Observer Program. Currently under NPGOP and A-SHOP, vessel owners submit payments directly to the observer provider for rendered services. The North Pacific Fishery Management Council is currently proposing to restructure the NPGOP and replace the existing observer service delivery model, in which industry contracts directly with observer providers. Under the restructured program, NMFS would contract directly with observer providers and determine when and where observers are deployed. Vessels and processors under the restructured observer program would pay either a fee based on a percentage of ex-vessel revenue (not to exceed 2%), or a daily observer fee, to fund the program. Under the Atlantic Sea Scallop Observer Program, vessel owners submit payments directly to the provider, but are compensated with additional fishing opportunities to offset the cost of carrying the observer. In this report, industry-funded models are separated into two groups: (1) Indirect payment models, and (2) compensatory models.

A. General industry-funded program challenges

Industry-funded programs are not appropriate for all fisheries or groups of stakeholders. Low profit-margin fisheries may not be able to remain viable with the additional cost of paying for catch data collection. Factors such as fishing capacity and available fishing allocations will create variability in how able various elements of a fishery or group of stakeholders are to pay for catch data collection.

Industry-funded programs are often created in response to an explicit catch data collection program, such as yellowtail flounder bycatch in the scallop fishery. Such programs do not optimize data collection opportunity, and therefore may not be the most cost-effective data collection method.

Due to the cost-sharing structure, new industry-funded programs create a financial burden on NMFS. Although industry pays for at-sea data collection costs, there are substantial administrative and analytical expenses that must be covered by NMFS. As a result, NMFS may not have resources to adequately support new industry-funded programs.

B. Indirect Models

Under indirect models, the observer service provider or NMFS is paid through the transfer of funds from an account established exclusively for covering data collection costs. This account, which is comprised of funds that are generated from a group of common stakeholders, such as a fishery, fishery sector, or regional fishery management organization, would be managed by NMFS or a third party that is under the direction of NMFS or the stakeholder group. These funds are derived from a common source, such as the following:

- Sector fees or permit fees;
- landings tax; or
- set-aside auction proceeds.

Sector fees and permit fees: Under this model, all sector members or permit holders must submit a fee to participate in the fishery, which would be used to cover data collection costs.

Landings tax: Under this model, a percentage or fixed amount of a vessel's landings revenue is reserved to pay for data collection costs. This "tax" would apply to all vessels with a Federal Northeast permit, or could be limited to certain fisheries (e.g., by taxing landings of specific species). Additional factors affecting the tax could include permit category and vessel capacity.

Observer set-aside auction proceeds: Under this model, permit holders within a fishery would be allowed to bid on or purchase set-aside quota or days-at-sea (DAS). Quota recipients could be allowed to exceed effort controls by the amount of quota they received. Quota recipients could be authorized to exceed possession limits or harvest quota during quota closures, similar to the Mid-Atlantic Research Set-Aside program.

Indirect model challenges

The two primary challenges to implementing models that involve the collection of fees by the Government are: (1) Low profit-margin fisheries that may not be able to bear increased overhead; and (2) fee collection restrictions resulting from the Miscellaneous Receipts Act.

An economic assessment strategy would need to be developed to determine whether a given fishery or other group of common stakeholders could assume the cost of catch data collection. The scope of this report is limited to funding models applicable to the Northeast, and does not include such an assessment.

The Miscellaneous Receipts Act prevents Executive Branch agencies from bypassing the Congressional appropriations process by augmenting their budgets through other means. The following exceptions

that apply to the Northeast Region allow the collection of fees: Limited Access Privilege Program (LAPP) cost recovery fees, the Fisheries Conservation and Management Fund (FCMF) (Attachment A), and permit fees.

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), cost recovery fees cannot exceed 3% of the value of fish landed under a LAPP, and may only be used to cover incremental administrative costs established by the LAPP, and not existing program needs. However, if a LAPP establishes new at-sea observer requirements, cost recovery fees could be used towards these costs.

Section 208 of the Magnuson-Stevens Reauthorization Act stipulates that the Secretary of Commerce shall establish and maintain the FCMF. Available funds would be disbursed by the Secretary for the purpose of addressing objectives defined under this provision, one of which includes improvements to harvest data collections. Potential sources for this fund include quota set-asides, appropriations, or other public, private, or non-profit organizations. Consequently, this new fund may allow NMFS to collect funds under a quota set-aside, or from one of the other listed resources, for the purposes of improving or implementing catch data collection programs. Further consideration is needed to determine the utility, if any, of this fund with respect to generating funds. Limiting factors of the FCMF include its general applicability to observer funding models, and the provision that no region shall receive less than 5% of the fund in each allocation period.

Permit fees may only be collected to offset the administrative cost of the permit program, and therefore, have no current utility with respect to augmenting data collection costs.

There are several challenges associated with set-aside programs. Foremost, the set-aside resource must have sufficient value. There are substantial vessel costs and uncertainties associated with harvesting set-aside quota. The costs of administering a set-aside program and harvesting fish under the set-aside may preclude the ability to generate a significant amount of funds. Additionally, there must be effort controls that constrain the fishery, thereby providing access to an otherwise restricted resource. Constraints include possession limits, quota closures, and vessel effort allocations. If such constraints do not exist, there is no incentive for vessel owners to bid on set-aside quota (or DAS). Even if constraints exist, access to set aside quota must generate sufficient proceeds to cover the cost of harvesting the set-aside quota and the data collection costs.

Another primary challenge of set-asides is the uncertainty associated with many effort constraints, particularly quota closures. There is a financial risk of purchasing set-aside quota because if effort constraints do not occur, vessel owners may not regain the cost of purchasing set-aside quota.

Potential indirect model solutions

Currently, the ability to collect fees in support of catch data collection is very limited in the Northeast Region. However, there are a few applications that warrant further consideration.

Easing fee collection restrictions would be the most direct way to allow for the implementation of a robust indirect model. There are two apparent ways that NMFS could collect fees to support data

collection programs: (1) Revise the FCMF, or (2) support a specific provision within MSA that would allow for the collection of funds to be used in support of catch data collection programs. To have any utility, the FCMF would need to be revised, either through an amendment to MSA or possibly through a policy directive. To have utility, the requirement that at least 5% of the fund needs to be distributed to each region each year would need to be changed, and it would need to be established that funds could be used to fund catch data collection programs. Until these issues are resolved, the FCMF has little applicability in the Northeast Region. A longer term, but more direct solution, would be to create the authority through an amendment to MSA for the Northeast Region to collect funds for the purpose of implementing catch data collection programs. This provision already exists under the North Pacific Fishery Observer Fund, at §313(d) of MSA (Attachment B). Although this provision is specific to the North Pacific Council and the Alaska Region, a similar model could be developed for the Mid-Atlantic and New England Fishery Management Councils and the Northeast Region.

A Memorandum of Agreement (MOA) between NMFS and a state, and potentially an academic institution or other organization, has been used as a means for an organization to pay NMFS to execute a catch data collection program. An MOA between the Maine Department of Marine Resources (DMR) and NEFSC was signed April 22, 2010, in which DMR paid NEFSC to collect and process catch data from vessels participating in a small-mesh fishery. The MOA established a vehicle by which DMR could take advantage of the robust program infrastructure and expertise of NEFOP for their catch data collection program needs. It would be beneficial to establish what entities NMFS may enter into an MOA with.

Although the utility of LAPP cost recovery fees are relatively limited, such fees could be used to implement LAPP catch monitoring programs.

Grants and/or no cost-contracts could potentially be used to operate a set-aside auction. Under this scenario, NMFS would establish operational criteria of the auction and then solicit contract applications. The successful applicant would then conduct a set-aside auction, retain an administrative fee, and deposit the remaining funds in an escrow-like account, to be accessed conditionally by an observer service provider for rendered data collection services. It has not been determined whether such a scenario is legal.

A potentially simple solution to fee collection challenges would be to have industry collect fees independent of a government program. A group of stakeholders would anticipate the common cost of catch data collection and submit a fee as determined by the group. The funds would be collected and managed by the group. The government would simply identify the level of observer coverage that would be required. This approach would provide industry with the greatest flexibility in determining the most appropriate way to derive funds for catch data collection.

The surfclam/ocean quahog fishery provides an example of a voluntary, industry-funded data collection mechanism. By agreement, clam processors pay a "tax" of either \$0.03 (surfclams) or \$0.01 (ocean quahogs) per bushel to the National Fisheries Institute (NFI). The collected funds are then distributed via NFI's Clam Subcommittee to various research projects to meet data collection needs. Prioritized data needs are communicated to the NFI subcommittee by the Northeast Fisheries Science Center's

Invertebrate Subcommittee. Typically, the projects involve offshore sampling and provide spatial abundance data to be incorporated into stock assessments. Research projects supported by this industry "tax" have been conducted through Rutgers University and the Virginia Institute of Marine Sciences.

Conceivably, any coalition of processors, boat owners, or other industry groups could establish a data collection funding agreement. However, successful establishment of these partnerships is challenged by the degree to which they serve a common interest. As successful as the clam program has been, each year a small number of clam processors do not contribute to the funding pool. As the focus of data collection become less complimentary of fishery operations (i.e., observer coverage in fisheries with known bycatch problems), voluntary funding is likely to become more difficult. A mandatory tax, such as that implemented through FMPs for West Coast fisheries would likely provide a more dependable revenue source for observer coverage.

Moreover, while the surfclam/ocean quahog fishery has seen some success using this approach in partnership with the NFI, other fisheries in the Northeast Region may face additional challenges due to fleet dynamics and organization/structure within the fishing industry. Fisheries that utilize systems that exist independent of the government usually include fishing fleets that are well-organized, and well-established; in some cases, the industry already has an infrastructure through which fees can be collected and operations can be managed in a more "bottom up" manner. In other cases, incentives for the industry to organize or form partnerships for data collection are provided within the management framework. Some fisheries that utilize industry-funded catch monitoring/observer coverage do so through a network of harvesting cooperatives that facilitate the collection and management of resources. The cooperatives may exist for a variety of reasons, and the industry may already work with an independent company to collect, review, and disseminate catch data to the fleet for some sort of catch management and/or bycatch avoidance program. For the most part, this infrastructure is currently lacking in the Northeast Region, so collecting fees through an independent mechanism may prove to be more challenging and/or less efficient, at least until such infrastructure can be established.

C. Compensatory models

Under direct-payment models, often referred to as "pay-as-you-go", the vessel owner is responsible for paying the observer service provider, or NMFS and assumes the data collection cost burden. The vessel owner may account for that cost as part of the business overhead, or may take the costs out of that particular trip's share, thereby affecting the captain's and crew's payment for the trip. Vessel owners that are required to directly pay an observer service provider or NMFS for all or part of the data collection cost may be compensated for this expense. A vessel owner may receive either reduced fees and/or set-aside compensation for carrying an observer.

Reduced fees: A vessel owner is compensated for carrying an observer by reducing or eliminating fees or landing taxes. Such waivers are based on the vessel owner's overall observer costs, the number of observed trips, or simply whether the vessel incurred any observer costs that year. Due to the complexity of such a model, this approach is likely to be less effective and more burdensome than other industry-funded models, and is not considered further in this paper.

Set-aside compensation: A vessel owner is compensated for carrying an observer by authorizing the observed vessel to exceed effort controls, as in the Atlantic Sea Scallop Observer Program. Such vessels may be authorized to fish longer than normally allowed, during closed seasons, or to retain catch they otherwise could not, whether retained as target or non-target catch. Revenue generated from this additional effort would provide compensation to offset the vessel owner's observer expenses.

Compensatory model challenges

There are several challenges associated with such set-aside programs. Foremost, the set-aside resource must have sufficient value to provide adequate compensation. Additionally, there must be effort controls that constrain the fishery, thereby providing access to an otherwise restricted resource. Constraints include possession limits, quota closures, and DAS allocations. Even if effort constraints exist, access to set-aside quota must generate sufficient proceeds to cover the cost of harvesting the set-aside quota and the data collection costs. Another challenge is the uncertainty associated with many effort constraints, particularly fishery closures. If a set-aside is reliant on a closure to generate value, and closures do not occur, or are limited in scope, the set-aside will not compensate vessel owners for data collection costs.

There is also the challenge of correlating compensation with the data collection costs, and ensuring set-aside quota is available for the entire fishing year, without leaving set-aside quota unharvested.

Some of the challenges identified above have recently become clear when trying to design a set-aside program to partially fund a catch monitoring program in the Atlantic herring fishery. A catch monitoring set-aside was considered but rejected by the New England Fishery Management Council during the development Amendment 5 to the Atlantic Herring FMP (still in progress). The herring fishery is a high-volume fishery, with a relatively low total value. Not all of the herring quotas are fully utilized. Set-asides have potential to be utilized only in management areas where the quota is fully utilized and the area closes. A catch monitoring set-aside, therefore, would be limited to only the management areas that close regularly, and could vary in amount from year to year, depending on the total quota and the percentage selected for the set-aside. Overall, it was determined that funds generated from a catch monitoring set-aside would be limited and uncertain, and may not be significant.

Compensatory model solutions

There is no clear solution to the challenges of a compensatory set-aside program. If a fishery has sufficient effort constraints and the resource has sufficient value a set-aside program may adequately compensate vessel owners for the cost of observer data collection. A thorough review on a case-by-case basis would be needed to determine the applicability of this approach to any given fishery.

IV. Third-Party Funding Models

An observer program may also be funded by a third party, such as a state management agency, environmental advocacy organization, international development agency, or international management

authority. Under such a scenario, the third party would pay for the collection of catch data, and possibly other program expenses, such as administrative and analytical costs.

Observer programs are very expensive to operate and consistent funding is critical. Consequently, the group feels it is unlikely that a non-government third party would be willing and able to implement a catch data collection program. It is possible that such a third party would contribute funds to help pay for a data collection program, and perhaps pay in-kind funds for observed trips. Because it is unlikely that a non-government entity would be willing and able to pay for a data collection program, and because there are many challenges that would result if such an entity did, the group did not feel it was necessary at this time to explore this model further. The remaining focus of this section is on third party bodies.

Given that there are a number of restrictions on the Federal Government's ability to collect fees from industry, it has been suggested that states may be in a position to collect fees from the industry to fund at-sea observers or port-side monitors. The states along the Atlantic Coast have a range of legal authorities relative to the collection of fees from the fishermen. The states were surveyed and had a number of themes that were consistent along the coast:

- States are experiencing large budget deficits, and revenue generated by the states is difficult to set aside long term for specific projects.
- Legislative action is often required to establish new fees collected from the industry.
- Legislative action is often time consuming and uncertain. Other options may be faster.
- New fees on industry may be politically difficult, given the number of "new" regulations being placed on the industry.
- State responses were tentative until a specific proposal was developed for consideration.
- Individual programs will likely vary by state, and will be difficult for industry to understand.
- Multi-state or regional programs may be a better approach, given the transient nature of vessels involved in many fisheries.

The collection of fees by individual states may result in a patchwork of observer funding programs. Any program involving the states will need to develop a standardized approach for collecting fees from fishermen that have permits in multiple states. In addition, it is important that catch data collection programs be coordinated as much as possible to maximize utility and reduce redundant or unnecessary expenses.

Due to the complications that states will likely have with collecting fees, another potential option would be for a third party, such as the ASMFC, to collect fees to support fishery monitoring. A program that used a third party to collect fees would have to be established through either state or Federal regulation. The third party would need to establish an MOA with NMFS as described above in order to pay NMFS for observer coverage.

V. Conclusion

This report responds to the request by the NRCC in 2008 that a working group be established to review funding methods that could potentially be used to supplement catch data collection programs in the Northeast Region. As noted in the introduction, this report does not include a robust analysis specific to any given fishery management plan or fishing mode as defined by the SBRM. Since the initial tasking, there have been several catch data collection program needs that have developed in the Region. The logical next steps would include how funding mechanisms identified in this report could potentially be applied to address these needs as well as other existing or developing needs.

Following is a synopsis of several potential ways to procure additional funds for catch data collection programs. There are also many challenges associated with all of these funding sources. This summary evaluates potential funding sources that are currently available, and sources that would require some change in regulation and/or policy to implement. This section only evaluates those mechanisms deemed by the working group to have the greatest potential utility.

The following models are currently available for implementation:

- Set-aside;
- State MOA; and
- LAPP cost recovery.

Although compensatory set-aside programs could be implemented currently, further consideration would need to be given to implementing an observer set-aside auction, as discussed in that section. Due to the limited ability of states to procure funds for catch data collection programs, it is unlikely state MOAs will be a comprehensive approach to procuring additional funds. However, MOAs are an important tool and the use of which could be expanded. As previously noted, LAPP cost recovery fees have limited utility, but should be considered in the development of LAPPs.

The following models could be implemented in the near-term, but would require substantive policy adjustments or program assessment:

- Appropriation flexibility;
- Cost effectiveness review; and
- FCMF flexibility.

Maximizing appropriation flexibility in the near term by removing fishery-specific restrictions could improve program efficiency. Additionally, performing a programmatic cost effectiveness review of catch data collection programs could also identify ways to improve program efficiency.

If the challenges cited for the FCMF are addressed it could be an effective tool for NMFS to collect funds from industry or other parties. Otherwise, MSA would need to be amended to resolve those challenges. Additionally, amending MSA to create a fund comparable to that of Fishery Observer Fund at §313(d) for the Northeast Region would be a relatively straight forward and effective step to improve the ability to procure catch data collection program funds.

VI. Attachments

- A. Proposed 2010 Observer Sea Day Allocation
- B. Fisheries Conservation and Management Fund
- C. North Pacific Fishery Observer Fund

**American Sportfishing Association · Center for Coastal Conservation
Coastal Conservation Association · Environmental Defense Fund
International Game Fish Association · National Marine Manufacturers Association
Natural Resources Defense Council · Ocean Conservancy · Oceana
Pew Environment Group · The Billfish Foundation
Theodore Roosevelt Conservation Partnership**

October 22, 2009

Dr. Jane Lubchenco
Under Secretary of Commerce for Oceans and Atmosphere
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW
Room 6217
Washington, DC 20230

Dear Dr. Lubchenco:

As the Administration works on its FY 2011 budget, we would like to bring to your attention the need to improve the collection and analysis of marine recreational fishing data. According to the National Oceanic and Atmospheric Administration (NOAA), marine recreational fishing contributes some 80 billion dollars annually to the U.S. economy. The single most important element in generating this revenue is not the actual catching of fish, but the revenue from the fishing experience — expenditures related to travel, food, lodging, purchase of gear, and boat rental. In short, much of the value of recreational fishing comes from the broader experience of “going fishing” rather than the actual catching of fish.

Recent news articles have pointed out that federal recreational fishing quotas have been exceeded and leave the impression that recreational fishermen are at fault. As a general matter, individual recreational fishermen are not to blame for this result. The average recreational fisherman lives within the bag, season and size limits set by the federal government. Moreover, many are committed to fisheries conservation and are members of our organizations.

Recently NOAA announced an emphasis on recreational fisheries and acknowledged the importance of its contribution to the nation’s economy. While there were many positive and welcome features in the new initiative, the current data collection improvement program does not adequately emphasize the importance of providing timely data necessary to implement the new requirements of the revised Magnuson-Stevens Fishery Conservation and Management Act (MSA). Many councils are beginning to put these requirements in place. The result on the water is likely to be shortened seasons, reduced bag limits and increased size limits. If these quotas are exceeded, the seasons and bag limits will likely be reduced further and the size limits increased. One way to avoid this never-ending spiral of further restrictions is to put in place a data collection system that makes the timely collection and analysis of recreational catch data a priority so that managers are able to take action before quotas are exceeded.

Recently representatives of NMFS gave representatives of the undersigned organizations a presentation on the proposed Marine Recreational Information Program’s (MRIP) ability to improve data collection and analysis for recreational fishing. While MRIP seeks to address the

shortcomings identified in the 2005 National Research Council report, as presently focused it fails to address the central management emphasis in the MSA revisions of 2006. Those amendments require an end to overfishing by a time certain through the establishment of annual catch limits for individual sectors and the development of enforceable accountability measures. Recreational fishermen are to be held accountable for these annual catch limits, and although the new MRIP will produce better estimates of recreational catch, the data will often arrive too late for managers to prevent quotas from being exceeded.

The existing data collection system is the best scientific information available and therefore legally sufficient, but recreational fishermen deserve better than that. NOAA needs to redouble its efforts to enhance timeliness as a goal for the MRIP process. We strongly urge NOAA to develop and fund a data collection system adequate to provide the timely and accurate catch data necessary to properly manage this sector in compliance with the Magnuson-Stevens Act. This would be one key step in the overall improvement in management of recreational fishing designed to keep fishermen on the water and ensuring abundant fish populations. We ask that such a system be included in the President's FY 2011 budget, and look forward to working with you in pursuit of this critical objective.

Sincerely,

Mike Nussman
President and CEO
American Sportfishing Association

Sarah Chasis
Director, Ocean Initiative
Natural Resources Defense Council

Jeff Angers
President
Center for Coastal Conservation

Chris Dorsett
Director, Fish Conservation and Management
Ocean Conservancy

Patrick Murray
Executive Vice President
Coastal Conservation Association

Michael F. Hirshfield, Ph.D.
Senior Vice President, North America, and
Chief Scientist
Oceana

Diane Regas
Associate Vice President for Oceans
Environmental Defense Fund

Lee Crockett
Director, Federal Fisheries Policy
Pew Environment Group

Rob Kramer
President
International Game Fish Association

Ellen Peel
President
The Billfish Foundation

Thomas J. Dammrich
President
National Marine Manufacturers Association

George Cooper
President and CEO
Theodore Roosevelt Conservation Partnership

Fish Collaborative Guidelines and Background

5/12/2010

Mission

To better enable participating groups to make measurable collaborative progress toward healthier and more sustainable marine fishery resources.

Background

The Fish Collaborative (FC) is an ad hoc on-going effort that seeks solutions to marine conservation challenges of common interest to its participants. The FC provides a forum to discuss issues of importance and find common ground.

The founding participants are five leading marine recreational fishing organizations and five leading marine environmental organizations:

- American Sportfishing Association
- Billfish Foundation
- Center for Coastal Conservation
- Coastal Conservation Association
- International Game Fish Association

- Environmental Defense Fund
- National Resource Defense Council
- Ocean Conservancy
- Oceana
- Pew Environment Group

The Theodore Roosevelt Conservation Partnership (TRCP) and Randy Repass, Founder and Chairman of West Marine, have been coordinating these meetings and will continue to do so.

This collaborative effort has helped “clear the air” and led to a better understanding of goals and motivations of the participants. Discussions have been open, frank and productive. The FC has also led to directly collaborative efforts including joint sign letters to key officials and the development of ideas and input that have been jointly submitted to policymakers.

Results to Date

- In October 2009, this group put together, and all participants signed, a letter to Dr. Lubchenco asking NOAA to fund better and more timely collection of marine recreational fishing data, a critical issue to appropriate management of several fisheries. Dr. Lubchenco noted in her remarks to an ASA summit in late October the high level of significance NOAA puts to proposals jointly put forward by recreational fishing and marine environmental communities.

- In March 2010, a 17-page set of ideas was submitted by the FC groups to NMFS on potential administrative solutions to problems associated with closure deadlines in the Magnusen Stevens Act. Representatives of all the FC groups met with NMFS Director Eric Schwaab and senior NOAA staff to discuss the ideas and talks on this continue.
- Substantive discussions between the two communities on bluefin tuna started in August resulting in 57,000 comments submitted to NOAA in August. Discussions on bluefin are also leading to several of the FC groups registering as stakeholders in a Marine Stewardship Council assessment for certification of the longline fishery in the Gulf of Mexico fishing for yellowfin tuna and swordfish.
- Substantive discussions on Catch Shares have been and continue to take place. The groups of collaborative developed a very important letter on Catch Shares and fisheries allocation that was submitted to NOAA in April 2010. At a NOAA hosted recreational fishing summit later in April, Dr. Lubchenco referenced key recommendations made in the letter.
- A letter signed by all FC participants regarding Salmon was sent to officials of California.
- The group in separate communications recommended that Ellen Peel of the Billfish Foundation be appointed as an ICAT commissioner. She was appointed.

Meetings

Participants from the participating groups of the FC plan to meet together as needed, currently quarterly, to update each other on key issues, to identify additional issues of common interest, to set up working groups to address issues, and to report work group results.

Overall Guidance of the Fish Collaborative

Overall guidance/direction for the FC will be provided by a steering committee consisting of two representatives from the recreational groups and two from the marine environmental groups. Randy Repass and a TRCP representative will also serve on this steering committee. The steering committee will meet by phone between FC meetings. The steering committee will consider matters including meeting agendas and overall direction of the FC. The steering committee will also work directly with the TRCP to develop annual plans, goals and funding proposals necessary to carry out facilitation of the FC's efforts. Agreement will be by consensus, not Robert's Rules.



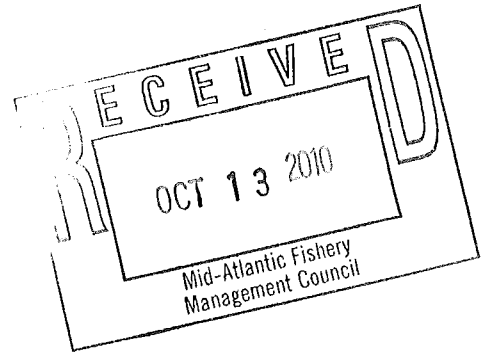
Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

2203 N. Lois Avenue, Suite 1100
Tampa, Florida 33607 USA
Phone: 813.348.1630 • Toll free: 888.833.1844 • Fax: 813.348.1711
www.gulfcouncil.org

October 8, 2010

Christopher M. Moore, PhD
Executive Director
Mid Atlantic Fishery Management Council
800 N. State Street
Suite 201
Dover, DE 19901



Dear Dr. Moore: *Chris*

The Gulf of Mexico Fishery Management Council is hosting a workshop on sector separation. The workshop will serve as a platform to exchange information and discuss issues relative to sector separation including: the legal framework for making allocation decisions; constituent perceptions; and potential benefits and challenges of dividing the recreational sector into two sectors - a for-hire sector and a private recreational sector. A formal agenda is currently under development and will be available in the coming days.

It is anticipated that information gleaned from the workshop will provide insight into the concept of sector separation as a management strategy and could prove invaluable to fishery managers, scientists, and stakeholders alike.

Please join us for this important workshop November 8 – 10, 2010, at the Crowne Plaza in Tampa, Florida.

Sincerely,

Steve Bortone, PhD
Executive Director
Gulf of Mexico Fishery Management Council

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman

800 North State Street, Suite 201
Dover, Delaware 19901-3910

Tel: 302-674-2331
Toll Free: 877-446-2362
FAX: 302-674-5399
www.mafmc.org

Christopher M. Moore, Ph.D.
Executive Director

November 16, 2010

Ms. Laura McKay
Program Manager
Virginia Coastal Zone Management Program
629 East Main Street
Richmond, VA 23219

Dear Laura:

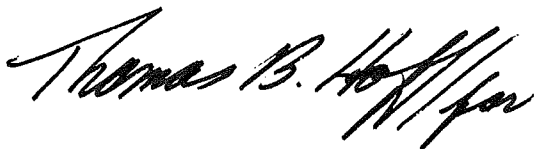
The Mid-Atlantic Fishery Management Council (Council) is responsible for management of fisheries in federal waters off the mid-Atlantic coast. Its membership includes representation from the states of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. At its most recent meeting, the Council passed a motion to request formal representation on the Mid-Atlantic Regional Council on the Ocean (MARCO) Management Board and its working groups, as appropriate.

As such, please consider this letter a formal request from the Council to seek representation on the MARCO Management Board. Given the existing statutory authority of the Council over living marine resources in federal waters and the many common interests the Council shares with MARCO including the identification and protection of fish habitat, water quality, and coastal marine spatial planning, we believe it would be mutually beneficial to both the Council and MARCO for the Council to have a formal role through representation on the Management Board of MARCO. We also believe it is essential for the Council to be effectively engaged in the eventual development of the regional ocean plan for the Mid-Atlantic region under the President's National Ocean Policy, and we look forward to working with MARCO and, ultimately, with the Regional Planning Body to contribute to the development of the plan.

In addition to representation on the Management Board, the Council also seeks representation on the appropriate MARCO Action Teams through participation of Council technical staff. Given that our staff has technical expertise in the area of fish habitat, we would like to request membership on the Habitat and Coastal Marine Spatial Planning Action Teams. Our staff will bring a wealth of knowledge and experience relative to the identification of essential fish habitat and fisheries issues related to both teams.

The Council has been successfully managing the fishery resources of the Mid-Atlantic region for 35 years. That experience should prove to be beneficial to both of our organizations as MARCO moves forward with the coordination of conservation and management of coastal and ocean resources in the Mid-Atlantic region. Thank you for your consideration of this request and the Council looks forward to working with MARCO on the many issues of ocean governance shared by our respective organizations. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Thomas B. Hoff". The signature is written in a cursive style with a large, sweeping initial 'T' and a long, horizontal stroke at the end.

Richard B. Robins, Jr.
Chairman, Mid-Atlantic Fishery Management Council

cc: Stafford, Ehinger, Cooksey, Schultz, Kurkul, Anderson, Moore, Kray, Hoff

**Independent Experts to provide
Advice on Setting of an Excessive Share Limit in the
Surfclam/Ocean Quahog ITQ Fishery
Webinar
October 22, 2010**

Agenda

I. Introduction

- | | |
|--|-------------|
| A. Welcome: John Walden, NEFSC | 11:00-11:05 |
| B. Dr. Lee Anderson (MAFMC Council Vice-Chair) | 11:05-11:10 |
| C. Panel Introductions: Dr. Glenn Mitchell (Compass-Lexecon) | 11:10-11:15 |
| D. Housekeeping/Ground Rules: John Walden | 11:15-11:20 |

II. Regulatory Process, “How did we get here?” Dr. Tom Hoff 11:20-11:30

III. Regional Office Perspective (RO Rep) 11:30-11:50

IV. Terms of Reference: John Walden 11:50-12:00

V. Industry Perspective 12:00-12:30

VI. Initial Comments from Review Panel 12:30-1:00

VII. Break 1:00-1:15

VIII. Review Panel Discussion 1:15-3:00

IX. Public Comments 3:00-3:30

Please note: This is meant to be a technical working group meeting. We will not be discussing Policy implications of the work that is performed by this panel.

Terms of Reference:

1. Using the rule prescribed under the "U.S. Department of Justice Horizontal Merger Guidelines" or another accepted rule if appropriate for determining market power, describe a process or rule that will allow for a theoretically sound procedure to specify the maximum possible allowable percentage share of quota ownership that will prevent an entity from obtaining market power. This can include market power (monopoly/oligopoly) in the final product market, the input market (monopsony/oligopsony) for the fishery resource, or the quota share market. If market power already exists in any of these markets, describe a process or rule that will allow for a theoretically sound procedure to prevent market power from increasing.
2. Develop an application of the rule developed under Number 1 to the Surfclam/Ocean Quahog fishery.
3. If the rule cannot be applied because of incomplete data, provide suggestions of how to apply the rule in the best way possible that is consistent with the theoretical underpinnings of the rule. Also identify data necessary to apply the rule.

List of Background Materials to be reviewed by the Consultants:

Anderson, L.G. 2008. The control of market power in ITQ fisheries. *Marine Resource Economics* 23:25-35. (33 pages).

Adelaja, A., J. Menzo and B. McCay. 1998. Market Power, Industrial Organization and Tradeable Quotas. *Review of Industrial Organization* 13:589-601. (12 pages).

U.S. Department of Justice Horizontal Merger Guidelines. (34 pages).

Applying the Merger Guidelines to Commercial Fishing. Department of Commerce Power Point Presentation to NOAA. (33 pages).

Mid-Atlantic Council Surfclam and Ocean Quahog Quota setting document. (Approximately 80 pages, first 20 are most important).

Perry, M. K. 1978. Vertical Integration: The Monopsony Case. *The American Economic Review* 68 (4): 561-570. (9 pages).

MSFCMA language regarding excessive shares. (3-4 pages).

Sharing the Fish - Appendix G "Individual Fishing Quotas Case Studies," *Surf Clam and Ocean Quahog (SCOQ) ITQ Case Study*; pages 280-297. (18 pages).

Sharing the Fish - Chapter 3 "U.S. & Foreign Experience: Lessons Learned," *Surf Clam/Ocean Quahog (SCOQ) Fishery*; pages 59-66. (8 pages).

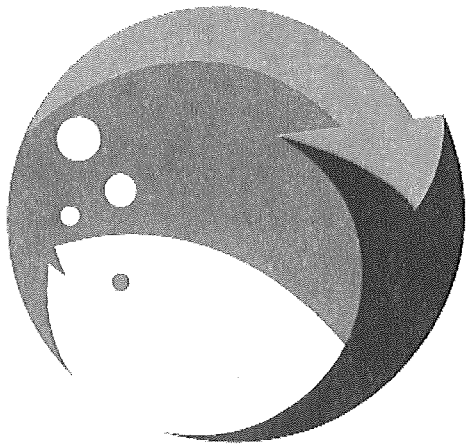
McCay, B. & Brandt, S. (2001). Changes in fleet capacity and ownership of harvesting rights in the United States surf clam and ocean quahog fishery. In R. Shotton (Ed.), *Case studies on the effects of transferable fishing rights on fleet capacity and concentration of quota ownership* (pp. 44-60). FAO Fisheries Technical Paper No. 412. Rome, Italy: Food and Agricultural Organization of the United Nations.
<http://www.fao.org/DOCREP/005/Y2498E/y2498e05.htm>. (22 pages).

NOAA TM NMFS-F/SPO-86. The Design and Use of Limited Access Privilege Programs, Lee G. Anderson and Mark C. Holliday (editors), 186 p. (Specifically, Section F of Part 2 "Excessive Shares" pages 50-60 and Appendix 2 "Excessive Shares Details" pages 118-123). (17 pages).

August 12, 2009 report prepared for the Mid-Atlantic Council FMAT by the Northeast Fisheries Science Center (28 pages).

Trade information, e.g., clam imports into the U.S.A.

"The Surfclam ITQ Management: An Evaluation." In *Our Living Oceans, The Economic Status of U.S. Fisheries*. 1996. pp 125-128

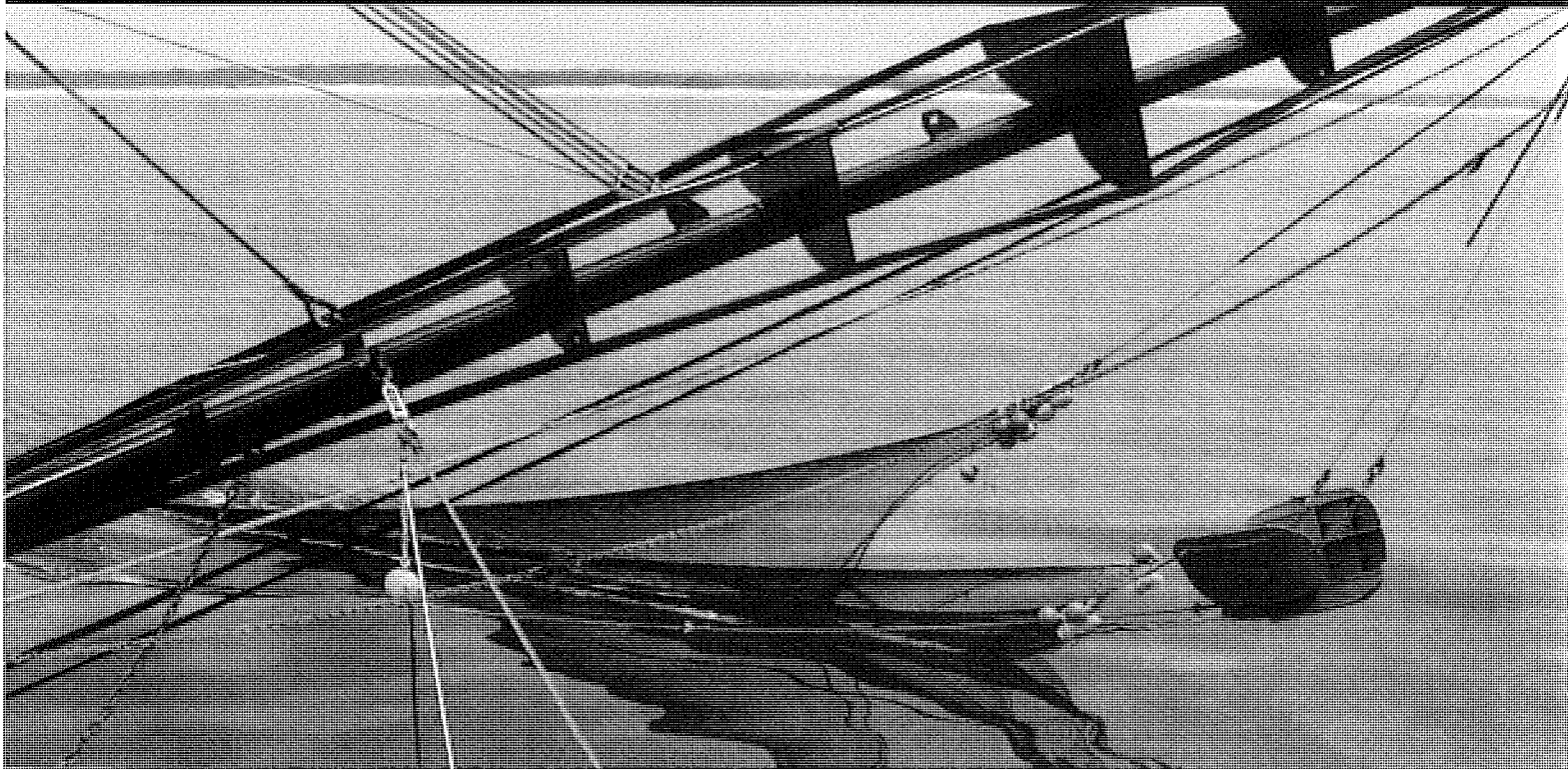


ENERGY use in FISHERIES:

Improving Efficiency and Technological
Innovations from a Global Perspective

Program

November 14 – 17, 2010 | Seattle Sheraton Hotel | Seattle, WA



www.energyfish.nmfs.noaa.gov

WELCOME TO THE ENERGY USE IN FISHERIES SYMPOSIUM!

Welcome to beautiful Seattle, Washington and the first Energy Use in Fisheries Symposium! The members of the Steering Committee and I have worked hard to put together an exciting, educational, and, we hope, an inspirational program for you.

Many of you know that seafood producers around the world are faced with volatile fuel prices as they attempt to harvest, process, and grow seafood. At the same time, our marine environment is threatened by climate change and ocean acidification resulting from ever increasing greenhouse gas emissions.

We designed this symposium as a forum to address both the direct and indirect effects of energy costs related to fisheries production. As you might suspect, by becoming more energy efficient, seafood producers can increase their profits, demonstrate their commitment to the environment, and help reduce greenhouse gas emissions.

Over the next three days, you will be able to participate in a number of sessions that include over 90 presentations by individuals from all over the world. These sessions will include presentations related to fishery management strategies, alternate gear and vessel designs, alternate fuels, vessel operation and maintenance strategies, and metrics to measure energy efficiency in seafood production.

Our goal is to have these presentations stimulate discussions that not only identify unique and innovative solutions but also start a global dialogue that will continue well into the future. I look forward to interacting with you over the next several days and hope that you enjoy your visit to Seattle. Thanks for your support and participation!

Christopher M. Moore, Ph.D.
Steering Committee Chair

ACKNOWLEDGEMENTS

I would like to thank all of our sponsors, especially the National Sea Grant program and NOAA Fisheries Service, for their financial support. I would also like to thank Jacky Haskell and the members of the steering committee for their help in symposium organization. In addition, this symposium could not have happened without the expert planning assistance of the staff from the Pacific States Marine Fisheries Commission, especially Sharon Perkins. Finally, I would like to thank Steve McMurray for his hard work, patience, and tireless commitment to this symposium without which this symposium would not have happened.

Constraints and Opportunities for Energy Savings in Capture Fisheries in Mexico.

Miguel A. Cisneros
Instituto Nacional de Pesca. Mexico.
Centro Regional de Investigaciones Pesqueras. Guaymas, Sonora.

Overview of Mexican fisheries

Opportunities and challenges to implement policies oriented to reduce global warming emissions in Mexican fisheries can be better understood given a brief account of current status. As in global fisheries worldwide, Mexican fisheries are at their maximum capacity in terms of yield. Mexican aquaculture fisheries average 1.53 million metric tons (t) over the past six years; whereas aquaculture production is experiencing a 5% per year increase, fisheries are fluctuating around 1.2 million t, with a slight decreasing trend due to overfishing of several stocks.

A suite of policies and actions have been devised to account for the aforementioned situation, oriented mainly to find ways to increase value of harvests. This implies, of course, minimizing operation costs –and environmental impacts as well-, developing technological improvements, and struggling to find alternative economic activities (e.g. mariculture), which has proven particularly challenging due to various reasons, including reluctance of fishers in general to change. In spite of these challenges, fisheries management in Mexico has moved forward in several aspects which will be mentioned later. An explicit policy geared towards regionalizing fishing is now in place, aiming at reducing interference among fishing communities; this policy can in fact help reduce fuel consumption deterring fishers from wandering afar from their home places. Another recent policy provides for reduction of bycatch, which also can result in energy savings.

It is worth mentioning at the onset that Mexico's most important and challenging fishery in terms of management and energy consumption is the shrimp fishery. If technological improvements and specific policies are to be implemented to reduce energy consumption, this fishery will certainly be most relevant. Over 1,100 industrial trawlers and close to 80,000 artisanal fishing launchers (pangas) comprise the universe of the shrimp fishing fleet in Mexico. The annual fishery yield is overall stable, with two stocks being overfished, one (blue shrimp) in the Mexican central Pacific and one in the Gulf of Mexico (white shrimp). The main concerns are excessive operation costs due mainly to diesel and gasoline powered engines, bycatch, and competition ("race for the fish") between and within the industrial and artisanal sectors. Ongoing efforts include technological developments in trawl fishing systems, and catch shares, a management scheme new to Mexican fisheries. The latter being implemented in artisanal shrimp fisheries off central Sinaloa (Mexican central Pacific).

A general framework

Worldwide, the challenge of reducing fuel consumption in capture fisheries has been faced in a three-fold manner: developing and/or improving fishing gear technologies, implementing changes in fishing vessels (motors, propulsion), and implementing fisheries management schemes. The FAO Code of Conduct for Responsible Fishing Chapter 8.6 elicits actions for optimal utilization of fishing boats. Section 8.6.1 mentions that "States should promote... norms and guidelines... efficient use of energy ... harvest and post-harvest...", and 8.6.2 "States should promote technology development and transfer ... optimal use of energy ..."

Current actions in Mexico

A number of lines of action can be identified in Mexican fisheries management which implicitly or explicitly can result in reduction of greenhouse emissions. To reduce transportation effort of fishing boats from ports to distant grounds, a regionalization policy is underway. This policy relies on a specific management instrument, the concession, which assigns territories to fishing cooperatives or firms. This instrument is not new in Mexico, but its use is increasing steadily over time.

Clearly, a policy which not only results in reduced emissions but also increases sustainability is a program to buy-out industrial shrimp trawlers. In place since 2005, it has resulted in reduction and destruction of 300 fishing boats since

2005. A shrimp trawler burns 1.5 metric tons of diesel fuel per day and the fishing season lasts six months, each boat working an average of 20 days per month. This would mean a reduction of grossly 54,000 tons of diesel consumed under this policy.

A policy undertaken in Mexico is the substitution of artisanal outboard motors. The conventional two-stroke outboard engines are being replaced by more fuel-efficient four-stroke engines. In addition, four-stroke motors do not need to burn oil. During the fishing season the daily average gasoline consumption of two-stroke engine is 100 liters and 2 liters of oil. A total of 8,500 motors have been replaced since 2008. In the artisanal shrimp fisheries, four-stroke motors consume approximately 50% less gasoline than two-stroke motors; the average shrimp panga fishes for six weeks. Thus, this program alone accounts for a reduction of 19,125 metric tons of gasoline and 765 tons of oil spent in fishing activities.

Another strategic line of action in Mexico deals with shrimp trawl technological developments. Fish technologists and engineers in Mexico have been experimenting and developing improvements in shrimp trawl nets, which include: Short tunnel in trawl nets to reduce weight; increased mesh size to reduce resistance; double footrope to reduce bycatch; hydrodynamic, lighter trawl doors to reduce sea bed drag and resistance; knotless mesh to reduce resistance. It is worth emphasizing that improvement in gear selectivity result in reduced by-catch, therefore unnecessary/unwanted weight of hauls, which in turn saves energy consumption. Diesel represents up to 60% of operation costs of an average industrial shrimp trawler. Experimental trials have demonstrated that improvements in trawl system generated a 15 % reduction in diesel consumption, which translates in a gain in net profits of up to 30%.

A challenge for outboard motor substitution can be identified because in Mexico there is no Norm or Standard that regulates emissions of pollutants for outboard motors. Providers of so called "ecological" outboard engines have requested the Secretariats of Environment and Energy to determine indicators comparable to those in USA (EPA and CARB, California Air Resource Board). This is an ongoing process which should be resolved over the next couple years.

Traditional fishing and energy savings

Energy consumption can be reduced using traditional or local fishing gear and technologies. Artisanal fishers in Mexico are noted for their capabilities to devise ways of reducing operation costs. For example, a Huave group in Oaxaca (southern Mexican Pacific) uses sails and wind to as propulsion, and kites (papalotes) to deploy their nets. Another example is Sinaloan shrimp fishers who developed the SURIPERA to use wind and tides for propulsion. The SURIPERA is a modified cast-net used for shrimp fishing in coastal lagoons; high intra and inter-specific selectivity (large shrimp, almost zero bycatch). During periods of relaxed wind, the sail is deployed under the water surface so that tides can be used for propulsion. Because pangas with SURIPERA use engines mostly to move among fishing sites and back to port and not for propulsion during fishing, gasoline consumption is thus reduced to only 20% as compared to other pangas fishing with trawl nets.

Concluding remarks

Introducing permanent, efficient policies oriented to generate significant reductions in energy consumption in Mexican fisheries need to take into account general resistance to changes. The fact that many fisheries are actually not making steady revenues could be viewed both as an opportunity or a threat to change. It has been proven a difficult task to implement changes when most firms are not used to invest in technological developments, that is most firms and cooperatives are accustomed to receive support from local or federal government. The fact that regulations to enforce and promote energy savings in fisheries are nonexistent needs special attention. Some opportunities can be identified which may serve as stepping stones. The Special Program for Climate Change published in August 2009 mentions Mexico's commitment to reduce greenhouse gases emissions to 50% in 2050. Nevertheless, it does not include specific considerations for fisheries. Furthermore, a General Law for Climate Change initiative submitted to Congress last March also needs to incorporate considerations for fisheries. One key aspect which will very soon spark discussions is the revision of fuel subsidies under way. Most (70%) Mexican fisheries are stable and 15% stocks are overfished, whereas aquaculture is growing steadily. This should be seen as a window of opportunity to introduce structural changes in fisheries management and fish technologies if sustainability is to be achieved.

Energy Use in Fisheries Symposium : Action Items Identified by Participants

Priorities for Collective Response

- Introduce performance audits (energy efficiency, profitability, and socio-economic indicators) for fishery management plans
- Profitability audits
- Better coordination among government agencies
- Regulatory response to the energy marketplace to incentivize progressively vessel design and operation principles toward least carbon designs
- Hold another meeting in Asia
- Contact COFI delegations to advance/prioritize energy efficiency initiative
- Disseminate results of symposium; bring discussion to developing countries
- Energy-efficiency 'label' for seafood products
- Support a U. S. energy policy that addresses ocean acidification
- Participate in launching aggressive and multi-phased program to communicate with industry
- Foster applied research and development on harvesting technology
- More active engagement of government with industry to improve sustainability
- Incentivize competition for reducing energy to increase profits
- More information on energy use that relates to small vessels
- Address overcapacity
- Better use discards
- Develop a carbon tax on carbon emissions
- Examine ways to increase productivity with methods at hand; engage young minds and consider autonomous underwater vehicles
- Focus on commitments we (in the room) can make

Priorities for Individual Response

- Explore opportunities for tax credits/government research support for innovative energy-related research
- Critically evaluate available tools and explore more energy-efficient options; i.e. “smart sizing”
- Share existing datasets, resources and information
- Lead ocean acidification charge through least-carbon initiatives
- Make commitment to introduce performance audits (energy efficiency, profitability, and socio-economic indicators) for fishery management plans
- Don't let the conversation die; include energy issues as topic of discussion; find a way to maintain symposium website
- Leverage resources (i.e. money); create fellowship/grant/scholarship opportunities to sponsor related research
- Reduce our carbon footprint
- Improve communication

<http://energyefficientfisheries.ning.com/>



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Region
55 Great Republic Drive
Gloucester, MA 01930-2276
www.nero.noaa.gov



Small Entity Compliance Guide for Management Measures Related to the Butterfish Mortality Cap for the *Loligo* Fishery November 23, 2010

This letter is a reminder of upcoming changes that will affect the *Loligo* fishery as a result of Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan. These changes were previously noted in the small entity compliance guide sent on March 10, 2010.

Butterfish Mortality Cap

Amendment 10 instituted a butterfish mortality cap, effective on **January 1, 2011**, that will require the closure of the directed *Loligo* fishery if the butterfish mortality cap is attained. The butterfish mortality cap, equal to 75 percent of the butterfish ABC, will account for all butterfish discards and landings caught on trips that land over 2,500 lb (1.13 mt) of *Loligo*. A full description of the butterfish mortality cap methodology is available at www.nero.noaa.gov. The remaining 25 percent of the butterfish acceptable biological catch (ABC) will be allocated for butterfish catch in other fisheries, including trips landing less than 2,500 lb of *Loligo*.

The butterfish ABC, and the resulting butterfish mortality cap, is established for each fishing year through the specifications process. A proposed rule for the 2011 MSB Specifications and Management Measures was published on November 17, 2010, with a comment period ending December 17, 2010. The proposed 2011 butterfish ABC is 1,500 mt (3,306,934 lb), and is the same as the butterfish ABC for the 2010 fishing year. The butterfish mortality cap will go into effect on January 1, 2011, using the 2010 butterfish ABC, which will be replaced by the 2011 butterfish ABC once 2011 MSB Specifications are finalized. All butterfish catch on trips that land over 2,500 lb *Loligo* after January 1, 2011, will be counted against the butterfish mortality cap.

The butterfish mortality cap is allocated by trimester: Trimester I – 65 percent; Trimester II – 3.3 percent; Trimester III – 31.7 percent. The directed *Loligo* fishery will close if 80 percent of the Trimester I butterfish mortality cap is projected to be harvested, and/or if 90 percent of the total cap is projected to be harvested in Trimester III. The mortality cap will still be tracked during Trimester II, but the catch and the mortality cap will be applied to Trimester III, along with overages and underages from Trimester I.

Pre-trip Notification Requirement

To facilitate the placement of NMFS observers on *Loligo* fishing trips, Amendment 10 establishes a 72-hour trip notification requirement, also effective on **January 1, 2011**. In order

for a federally permitted *Loligo* vessel to possess 2,500 lb or more of *Loligo*, a vessel representative must notify NMFS to request an observer at least 72 hours prior to embarking on a fishing trip. State only permitted *Loligo* vessels fishing in State waters do not need to notify prior to fishing.

There are 3 methods available for notifying the Northeast Fisheries Observer Program:

- 1) **ONLINE via the Pre-Trip Notification System (preferred method):** The Pre-Trip Notification System (PTNS) is accessible at <https://fish.nefsc.noaa.gov/PTNS/>. Vessels should log in using the same username (permit number) and password (PIN) as they use for Fish-On-Line. If you do not have access please contact NMFS immediately at (978) 281-9133 or by email at fso.data.requests@noaa.gov.
- 2) **EMAIL:** Please submit trip notification by email NEFSC.PTNS@noaa.gov.
- 3) **TELEPHONE:** Please call 508-495-2309 (M-F 7:00am-6:00pm) or the emergency cell phone number after hours 508-681-9104.

If utilizing the email or telephone method of notification please relay the following information clearly:

- Vessel name
- Permit number
- Hull number
- Vessel operator
- Vessel contact phone number
- Email addresses at which to receive selection notices and waivers
- Trip type (indicate day trip for trips less than 48 hours in length, or indicate multi-day trip for trips greater than 48 hours in length)
- Planned sail date
- Planned sail time
- Port sailing from and estimated trip length

If a vessel representative does not make the required trip notification to NMFS, the vessel is prohibited from possessing or landing more than 2,500 lb of *Loligo*. If a vessel is selected to carry an observer, the vessel must carry an observer or is prohibited from landing more than 2,500 lb *Loligo*. If a trip is cancelled, a vessel representative must notify NMFS of the cancelled trip, even if the vessel is not selected to carry an observer. If a vessel representative cancels a trip after its vessel was selected to carry an observer, that vessel will be assigned an observer on the next trip.

IMPORTANT REMINDER ABOUT SAFETY REQUIREMENTS

As of May 1, 2006, all vessels required to carry an observer must meet United States Coast Guard safety requirements and display a current Commercial Fishing Vessel Safety Examination Decal (Decal). Vessels that do not have a current safety Decal are deemed unsafe for purposes of carrying an observer. Vessels that are required to carry an observer, but are inadequate or unsafe for purposes of carrying an observer, are prohibited from fishing without observer coverage (50

CFR 600.746(f)). Enforcement action may result when a vessel that is required to take an observer does not meet the safety requirements and embarks on a fishing trip without the observer.

Additional Information

The information provided with this letter is not a substitute for the complete regulations. All Federal permit holders and federally permitted dealers are encouraged to obtain a copy of the complete, official regulations by phoning NMFS at 978-281-9315 or by visiting our website (address provided above). A copy of Amendment 10, including the Final Supplemental Environmental Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Analysis, is also available on our website or from the Council (302-674-2331). If you have questions about Amendment 10 regulations, please phone 978-281-9315.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons falling under the requirements of 50 CFR 648.7(b). All data submitted will be handled as confidential material in accordance with NOAA Administrative Orders. Public reporting burden for the phone call to declare a Loligo fishing trip is estimated to average 2 minutes per call per trip, and public burden for the phone call to cancel a Loligo trip is estimated to average 1 minute. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, 55 Great Republic Drive, Gloucester, MA 01930.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB# 0648-0601 EXP 12/31/2012

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region

2011 Butterfish Mortality Cap for the *Loligo* Fishery

October 2010

This document summarizes the 2011 methodology for the butterfish mortality cap on the *Loligo* fishery that was implemented through Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP). The butterfish mortality cap is one of several measures implemented through Amendment 10 to reduce fishing mortality on butterfish and other finfish in the *Loligo* fishery. This methodology was developed by a working group composed of staff from the Northeast Regional Office (NERO), the Northeast Fisheries Science Center (NEFSC), and the Mid-Atlantic Fishery Management Council (MAFMC). *With the exception of a minor adjustment to the transition method (page 5), this methodology is unchanged from that presented by NERO staff at the October 2010 MAFMC meeting.*

Background

The butterfish mortality cap is intended to limit butterfish catch (landings and discards) on trips that land greater than or equal to 2,500 lbs of *Loligo*, and is equal to 75% of the butterfish acceptable biological catch (ABC). The Council recommended a 2011 butterfish ABC of 1,500 mt, which corresponds to a butterfish mortality cap of 1,125 mt (75% of 1,500 mt). The butterfish mortality cap will be allocated by trimester: Trimester I – 65%; Trimester II – 3.3%; Trimester III – 31.7%. The remaining 25% of the butterfish ABC will account for butterfish catch in other fisheries, including trips landing less than 2,500 lbs of *Loligo*.

Table 1 summarizes the landings allocations for the *Loligo* and butterfish fisheries, and the butterfish mortality cap allocations for the *Loligo* fishery, based on the proposed 2011 MSB specifications. The NERO Fisheries Statistics Office (FSO) staff will monitor the following allocations on a weekly basis:

- 1) *Loligo* landings (on all trips that land *Loligo*) against the *Loligo* trimester closure thresholds;
- 2) Extrapolated butterfish catch on trips that land greater than or equal to 2,500 lbs of *Loligo* against the butterfish mortality cap thresholds during Trimesters I and III; and
- 3) Butterfish landings on all trips that land butterfish (specified as domestic annual harvest (DAH)) against the annual butterfish closure threshold.

Table 1. Proposed *Loligo* and butterfish landings and butterfish mortality cap allocations (mt) for 2011.

		Trimester I (Jan-Apr)	Trimester II (May-Aug)	Trimester III (Sep-Dec)
<i>Loligo</i> Quota 20,000 mt total	Allocation	8,600	3,400 ¹	8,000
	Closure Threshold Directed <i>Loligo</i> Fishery	7,740 (90%*8,600)	3,060 (90%*3,400)	19,000 (95%*20,000)
Butterfish Cap ² 1,125 mt total	Allocation	731.25	37.13	356.62
	Closure Threshold Directed <i>Loligo</i> Fishery	585 (80%*731.25)	None	1,012.5 (90%*1,125)
Butterfish Quota ³ 500 mt total	Allocation (annual; DAH)	500		
	Closure Threshold Directed Butterfish Fishery	400 (80%*500)		

¹ This allocation may be increased if there is substantial under-harvest in Trimester I.

² Extrapolated butterfish catch on trips that land greater than or equal to 2,500 lbs of *Loligo*; observer data.

³ Butterfish landings; dealer data.

The mortality cap program results in a new range of potential closure scenarios for the *Loligo* fishery. The directed *Loligo* fishery will close if the butterflyfish mortality cap is harvested during Trimesters I and III. Overages and underages from the Trimester I butterflyfish catch cap will apply to Trimester III. The butterflyfish cap will be tracked during Trimester II, but catch overages or underages will be applied to Trimester III.

Thus, for *Loligo*:

- During Trimester I, the directed *Loligo* fishery (landings \geq 2,500 lbs/trip) is closed if:
 - *Loligo* landings are projected to reach 7,740 mt -OR-
 - Extrapolated butterflyfish catch reaches 585 mt
- During Trimester II, the directed *Loligo* fishery (landings \geq 2,500 lbs/trip) is closed if:
 - *Loligo* landings are projected to reach 3,060 mt (unless this allocation is increased due to under harvest in Trimester I)
- During Trimester III, the directed *Loligo* fishery (landings \geq 2,500 lbs/trip) is closed if:
 - *Loligo* landings are projected to reach 19,000 mt (annual threshold) -OR-
 - Extrapolated butterflyfish catch reaches 1,012.5 mt (annual threshold)

The tracking of the butterflyfish catch against the butterflyfish mortality cap (based on observed trips) and the butterflyfish quota (DAH, based on dealer reports) will occur simultaneously. During the year, the directed butterflyfish fishery is closed if butterflyfish landings are projected to reach 400 mt. If the closure occurs prior to October 1st, the incidental possession limit is 250 lb/trip; if the closure occurs after October 1st, the incidental possession limit is 600 lb/trip.

Data

In order to monitor the butterflyfish mortality cap, FSO staff will rely on a number of sources of data. The data sources used to monitor the mortality cap during the 2011 fishing year are summarized below, with particular attention to the timeframe over which the data becomes available for catch cap monitoring purposes.

Northeast Fisheries Observer Program Data. The Northeast Fishery Observer Program (NEFOP) collects and processes data and biological samples obtained during commercial fishing trips. Butterflyfish catch estimates from observed fishing trips that land 2,500 lbs or more of *Loligo* will be used to extrapolate total butterflyfish catch for all trips that land 2,500 lbs or more of *Loligo*. Preliminary (partially audited) observer data is available to FSO for catch cap monitoring purposes within 7 days of the end of the observed fishing trip. Fully audited data is available within 10 - 14 days of the end of an observed trip.

Federal Dealer Data. Federally permitted *Loligo* dealers are required to submit reports that document, among other things, the weight of each species purchased from vessels during a given reporting week by midnight of the first Tuesday following the end of a reporting week. Reports are submitted through the Standard Atlantic Fisheries Information System (SAFIS), and are available to FSO upon submission. Federal dealers are able to purchase *Loligo* and butterflyfish from both federally permitted vessels and non-federally permitted vessels. Thus, information on all trips where 2,500 lbs or more of *Loligo* is sold to federally permitted dealers should be available within 10 days of landing for mortality cap monitoring, regardless of whether the vessel holds a federal *Loligo*/butterfish permit.

Vessel Trip Report (VTR) Data. Federally permitted vessels are required to submit fishing vessel trip reports (VTRs) detailing the weights of each species kept and discarded. VTRs will be used to verify dealer data submissions, or as a substitute for dealer data in the cases where dealer reports are unavailable. Currently, MSB permit holders are only required to submit VTRs on a monthly basis (within 15 days after the end of the reporting month). However, the Northeast Multispecies FMP recently changed reporting frequency such October 29, 2010 version

that multispecies permit holders are required to submit VTRs on a weekly basis (first Tuesday following the Sunday to Saturday reporting week). For the 2010 permit year, 92% of *Loligo*/butterfish permit holders (limited access and incidental) also hold active multispecies permits, thus a majority of vessels landing *Loligo* and butterfish are expected to submit VTRs on a weekly basis.

Additional data. A small percentage of trips that land 2,500 lbs or more of *Loligo* are taken by non-federally permitted vessels. From 2007 to 2009, between 2 and 6 percent of *Loligo* landings were taken by non-federally permitted vessels landing 2,500 lbs or more of *Loligo*. Though these landings and any associated butterfish catch may be difficult to monitor, they are likely not significant enough to change the estimate of butterfish catch rates. Most states with active *Loligo* and butterfish dealers submit trip-level dealer information to SAFIS throughout the fishing year. However, submissions of state dealer data do not happen as quickly as federal dealer data submissions, and trip-level data is not always available.

Observer coverage

The Northeast Fisheries Science Center (NEFSC) allocates observer sea days to monitor bycatch in commercial fisheries along the Atlantic coast, from Maine to North Carolina through the Standardized Bycatch Reporting Methodology (SBRM) process. Because of limitations in funding, observer sea days are allocated to fleet sectors with similar characteristics (*e.g.* gear type, region) rather than to fisheries defined by target species. The *Loligo* fishery is primarily prosecuted using small-mesh otter trawls, and thus, observer sea days are actually allocated quarterly to small-mesh otter trawls (< 5.5 inch codend mesh) by region (*i.e.*, Mid-Atlantic versus New England ports).

An example of the use of fishing effort (days absent) to apportion the SBRM allocation of observer sea days for small mesh otter trawl trips, during Q1 of 2011, into “*Loligo* trips” versus “all other small-mesh trips” is presented below. For this exercise, *Loligo* trips are defined using the regulatory definition as trips with *Loligo* landings greater than or equal to 2,500 lbs. The *Loligo* fishery has been subject to trimester-based quota management since 2007, and therefore, data for 2007-2009 were used in the analysis. The temporal disconnect between the Trimester I data used in the analysis and the SBRM sea-day allocations occurs because the latter are computed on a quarterly basis for an annual period that runs from April to March and are currently not available beyond Q1 of 2011.

Table 2. Number of trips (ntrips) and days absent (da) during Trimester I, 2007-2009, by region, for Federally-permitted otter trawl (OT) vessels using small mesh codends (<5.5 inches).

Year	New England		Mid-Atlantic		Combined regions	
	ntrips	da	ntrips	da	ntrips	da
2007	255	1758	66	378	321	2136
2008	171	1213	78	429	249	1642
2009	133	893	91	575	224	1468
average	186	1,288	78	461	265	1,749

Year	New England		Mid-Atlantic		Combined regions	
	ntrips	da	ntrips	da	ntrips	da
2007	240	552	452	1297	692	1,849
2008	254	767	390	1212	644	1,979
2009	283	624	397	1233	680	1,857
average	259	648	413	1,247	672	1,895

Based on the data shown in Table 2, sea-days were apportioned, by region, into “*Loligo* trips” versus “all other small mesh trips” for Q1 of 2011 (Table 3). Sampling rates (i.e., observer coverage rates in terms of days at sea) of 15.8% in New England and 11.7% in the Mid-Atlantic region are anticipated to be observed (Table 3). However, the sampling rates are forecasted estimates that are conditional on patterns in fishing effort during 2011 that a similar to those for 2007-2009, and thus, are subject to change. For example, if more vessels declare into the fishery than during 2007-2009, then the sampling rates will decline. The sampling rate could be held constant if the allocation of observer sea days to the “other small mesh fisheries” is reduced, but this would be difficult in real-time.

Table 3. Example apportionment of the SBRM small mesh (<5.5 inch codend mesh) otter trawl sea day allocation for Q1, 2011 into *Loligo* sea days versus all other small mesh sea days.

Small mesh fishery type	New England	Mid-Atlantic	Total
Total, small mesh fisheries	305	200	505
<i>Loligo</i> fishery	203	54	257
All other small mesh fisheries	102	146	248
Sampling rate	15.8%	11.7%	
New England = vessels departing from ports located in ME, NH, MA and RI Mid-Atlantic = vessels departing from all other ports			

To facilitate the placement of observers on *Loligo* trips, Amendment 10 also established a trip notification requirement, which requires that vessels notify NMFS at least 72 hours prior to embarking on a fishing trip in order to possess 2,500 lbs or more of *Loligo*. The trip notification requirement will become effective on January 1, 2011, at which point NEFOP will assign observers to *Loligo* vessels following the trip notification based on availability.

Butterfish catch estimation

Catch estimation. Total butterfish catch will be estimated by using data from observed *Loligo* trips to extrapolate to unobserved *Loligo* trips. The rate of butterfish bycatch will be estimated as the ratio of observed butterfish catch (landings and discards) to the kept catch of all species on observed trips that land greater than or equal to 2,500 lbs of *Loligo*. Total butterfish catch (in weight) will be derived by multiplying the estimated catch rate by total kept pounds of all species on all trips that land greater than or equal to 2,500 lbs of *Loligo*.

The formula for estimating total butterfish catch for a given trimester is:

$$\frac{\text{Observed butterfish catch}}{\text{Observed kept catch (all species)}} \times \text{Kept catch (all species, all Loligo trips)}$$

$$= \text{Total estimated butterfish caught}$$

Many vessels with *Loligo* landings over 2,500 lbs target a range of species, thus in order to account for butterfish encounters for these trips, the estimator is a ratio of butterfish catch to total weight of all species on observed trips that land greater than or equal to 2,500 lbs of *Loligo*. Using all species retained as the denominator reduces bias in the ratio estimator, and is consistent with a peer-reviewed methodology that has been implemented to estimate discards in other fisheries.

The butterfish catch rate will be the year-to-date sum of all observed butterfish catches divided by the year-to-date sum of the observed kept weight of all species on trips that land greater than or equal to 2,500 lbs of *Loligo*. The catch rate will change as more data from observed trips becomes available throughout the year. The catch rate will be multiplied by the cumulative dealer-reported landings of all species on the relevant 2,500 lb *Loligo* trips (observed and unobserved) to estimate total butterfish catch by all trips landing 2,500 lbs or more of *Loligo*. It is important to note that the estimate of butterfish catch will change from week to week; the butterfish catch estimate may be lower or higher than the previous week as the estimated butterfish catch rate changes.

A transition method will be applied at the beginning of the year when there are not enough observed trips (i.e., fewer than five trips) to reliably estimate the butterfish catch rate. In estimating the butterfish catch rate, the transition method starts with historical butterfish catch data, which will be updated as in-season catch data becomes available. For Trimester I, FSO will use the annual⁴ butterfish catch rate from the previous year as the assumed catch rate. For example, for Trimester I of the 2012 fishing year, the annual 2011 butterfish catch rate will be used as the assumed catch rate, with a transition to the in-season rate as data from observed trips 1 to 4 becomes available. After the transition to in-season data is complete, the remainder of Trimester I, and Trimesters II and III, will use the cumulative catch rate that is calculated using in-season data.

⁴ At the October 2010 MAFMC meeting, the Butterfish Mortality Working Group proposed using the Trimester III catch rate as the assumed rate for the subsequent Trimester I during the transition period (i.e., the catch rate from 2010 Trimester III would be used as the assumed rate for 2011 Trimester I). After public comment at the October meeting, subsequent analysis showed that using the annual rate for the entire previous year as the assumed rate for the transition period was preferable to using the Trimester III rate.

The formula for the transition rate is:

$$\left(\frac{0.7}{\text{Trip Count}}\right) * \text{Assumed Rate} + \left(1 - \left(\frac{0.7}{\text{Trip Count}}\right)\right) * \text{In_Season Rate}$$

In this formula, trip count is 1 to 4. This transition rate is currently being used to estimate discard rates for the Northeast multispecies fishery.

Annual Review

Amendment 10 states that the SSC will annually review the performance of the butterfish mortality cap program during the specifications process, and that their review should include, among other things, 1) the CV of the butterfish bycatch estimate; 2) the estimate of butterfish fishing mortality; and 3) the status and trends of the butterfish stock. Because the specification setting process is underway well before the end of the fishing year, the SSC will likely only have data from 2011 Trimester I when setting specifications for 2012. Thus, full analysis of the year-round operation of the mortality cap program cannot occur until the 2011 fishing year ends, and will occur in 2012 during the 2013 specification setting process.

The following items warrant re-examination in developing specifications for the 2012 and 2013 fishing years:

- Is the catch rate estimator (observed butterfish catch over observed kept all on) adequate and precise?
- Does setting the butterfish mortality cap equal to 75% of the butterfish ABC appropriately account for bycatch of butterfish in other fisheries?
- Are any strata appropriate to aid observer sea-day allocation, or to modify the butterfish catch rate estimator, in order to refine butterfish catch estimation?
- Should transition to in-season data occur differently (i.e., should something other than the annual catch rate estimator from the previous fishing year be used)?
- Can state observer program data be incorporated into data used to estimate butterfish catch estimates?



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
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Small Entity Compliance Guide for Atlantic Herring Fishery

Effective 1200 hrs local time, **November 8, 2010**, vessels issued Federal permits for Atlantic herring may not fish for, catch, possess, or land more than 2,000 pounds of Atlantic herring, per trip or calendar day, in or from Area 1A through 2400 hours, December 31, 2010. Vessels may transit Area 1A with more than 2,000 lb of herring on board, provided such herring were not caught in Area 1A, and provided all fishing gear is stowed and not available for immediate use, as required by 50 CFR 648.23(b). This catch limit restriction will cease at 0001 hours, January 1, 2011, at which time the Area 1A total allowable catch (TAC) for the 2011 Atlantic herring fishery will become available.

The regulations at 50 CFR 648.201 require NOAA's National Marine Fisheries Service (NMFS) to take this action in Area 1A in the Exclusive Economic Zone when the harvest of Atlantic herring is projected to reach 95 percent of the TAC allocated to that area. NMFS has determined, based on best available data, that 95 percent of the 26,546 mt Area 1A TAC is projected to be harvested.

Federally permitted dealers are also advised that effective 1200 hours local time, November 8, 2010, they may not purchase Atlantic herring from federally permitted Atlantic herring vessels that harvest more than 2,000 lb (907.2 kg) of Atlantic herring from Area 1A through 2400 hrs local time, December 31, 2010.

This small entity compliance guide is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region and complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.



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Small Entity Compliance Guide for Atlantic Herring Fishery Temporary Removal of 2,000-lb Trip Limit

Effective 0001 hours November 15, through 0001 hours November 17, 2010, the 2,000-lb herring trip limit for the Atlantic herring fishery in Management Area 1A will be removed.

Most recent catch data indicate the quota threshold of 25,219 mt in Area 1A has not been fully attained. Therefore, federally permitted herring vessels will be allowed to fish for, possess, or land herring in excess of 2,000 lb, consistent with their Atlantic herring vessel permit categories, from 0001 hours November 15, 2010, through 0001 hours November 17, 2010.

Please note that vessels may not fish for, possess, or land over 2,000 lb of herring before 0001 hours November 15, 2010.

After 0001 hours November 17, 2010, vessels may not fish for, catch, possess, or land more than 2,000 lb of Atlantic herring, per trip or calendar day, in or from Area 1A, through 2400 hours, December 31, 2010. Vessels may transit Area 1A with more than 2,000 lb of herring on board, provided such herring were not caught in Area 1A, and provided all fishing gear is stowed and not available for immediate use, as required by 50 CFR 648.23(b).

Dealers issued Federal dealer permits for Atlantic herring are also advised that they may purchase over 2,000 lb of Atlantic herring harvested in Management Area 1A from federally permitted vessels from 0001 hours, November 15, 2010, through 0001 hours, November 17, 2010. Effective November 17, 2010, dealers may not purchase herring from federally permitted Atlantic herring vessels that harvest more than 2,000 lb (907.2 kg) of Atlantic herring from Area 1A, through 2400 hrs local time, December 31, 2010.

You may also receive permit holder letters, including closure notices, by e-mail by clicking on "Permit Holder Letters" on our website at <http://www.nero.nmfs.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.

This small entity compliance guide is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region and complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

2010 Federal Spiny Dogfish Fishery Reopens for Period II (November 1 through April 30)

Dear Spiny Dogfish Permit Holder:

NOAA's National Marine Fisheries Service (NOAA Fisheries Service) reminds you that the 2010 spiny dogfish fishery will reopen for Period II on November 1, 2010, with a possession limit of 3,000 lb per trip. NOAA's Fisheries Service will close the Period II fishery when the Federal quota of 15 million pounds is projected to be fully harvested for the 2010 fishing year (FY).

Please note that although the spiny dogfish fishery is reopening coastwide under the Federal management plan, vessels must still comply with more restrictive state regulations under the Interstate management plan. On August 25, 2010, the northern states (Maine through Connecticut) closed their spiny dogfish fisheries in state waters and landings are prohibited in these states until May 1, 2011. Please contact your local state fisheries office for more information on current state regulations.

For more information on spiny dogfish regulations call the Sustainable Fisheries Division at (978) 281-9315 and refer to the spiny dogfish information sheet at <http://www.nero.noaa.gov/nero/regs/infodocs/SpinyDogFactSheet.pdf>

You may also receive permit holder letters, including closure notices, by e-mail by clicking on "Permit Holder Letters" on our website at <http://www.nero.noaa.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.

Sincerely,

Patricia A. Kurkul
Regional Administrator

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.



specifications are identical to the status quo alternative.

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA), which was previously approved by OMB under OMB Control Number 0648-0601. The public reporting burden for the phone call to declare a *Loligo* fishing trip is estimated to average 2 min per call per trip. Public burden for the phone call to cancel a *Loligo* trip is estimated to average 1 min. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and by e-mail to OIRA_Submission@omb.eop.gov, or fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: November 12, 2010.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.21, paragraph (f)(2) is revised to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(f) * * *

(2) Any underages of commercial period quota for Trimester I that are greater than 25 percent of the Trimester I quota will be reallocated to Trimesters II and III of the same year. The reallocation of quota from Trimester I to Trimester II is limited, such that the Trimester II quota may only be increased by 50 percent; the remaining portion of the underage will be reallocated to Trimester III. Any underages of commercial period quota for Trimester I that are less than 25 percent of the Trimester I quota will be applied to Trimester III of the same year.

Any overages of commercial quota for Trimesters I and II will be subtracted from Trimester III of the same year.

* * * * *

3. In § 648.22, paragraph (a)(2)(i) is revised to read as follows:

§ 648.22 Closure of the fishery.

(a) * * *

(2) * * *

(i) If the Regional Administrator determines that the Trimester I closure threshold has been underharvested by 25 percent or more, then the amount of the underharvest shall be reallocated to Trimesters II and III, as specified at § 648.21(f)(2), through notice in the **Federal Register**.

* * * * *

4. Section 648.26 as amended at 75 FR 11450, March 11, 2010, effective January 1, 2011, and is further amended by revising paragraphs (a) and (d) to read as follows:

§ 648.26 Observer requirements for the Loligo fishery.

(a) A vessel issued a *Loligo* and butterfish moratorium permit, as specified at § 648.4(a)(5)(i), must, for the purposes of observer deployment, have a representative provide notice to NMFS of the vessel name, vessel permit number, contact name for coordination of observer deployment, telephone number or email address for contact; and the date, time, port of departure, and approximate trip duration, at least 72 hr, but no more than 10 days prior to beginning any fishing trip, unless it complies with the possession restrictions in paragraph (c) of this section.

* * * * *

(d) If a vessel issued a *Loligo* and butterfish moratorium permit, as specified at § 648.4(a)(5)(i), intends to possess, harvest, or land 2,500 lb (1.13 mt) or more of *Loligo* per trip or per calendar day, has a representative notify NMFS of an upcoming trip, is selected by NMFS to carry an observer, and then cancels that trip, then the representative is required to provide notice to NMFS of the vessel name, vessel permit number, contact name for coordination of observer deployment, and telephone number or email for contact, and the intended date, time, and port of departure for the cancelled trip prior to the planned departure time. In addition, if a trip selected for observer coverage is canceled, then that vessel is required to carry an observer, provided an observer is available, on its next trip.

[FR Doc. 2010-29002 Filed 11-16-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 101029427-0427-01]

RIN 0648-XY82

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; 2011 Research Set-Aside Projects

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

ACTION: Proposed specifications; request for comments.

SUMMARY: NMFS proposes specifications for the 2011 summer flounder, scup, and black sea bass fisheries and provides notice of three projects that may be requesting Exempted Fishing Permits (EFPs) as part of the Mid-Atlantic Fishery Management Council's (Council) Research Set-Aside (RSA) program. The implementing regulations for the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) require NMFS to publish specifications for the upcoming fishing year for each of these species and to provide an opportunity for public comment. Furthermore, regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, require a notice to be published to provide interested parties the opportunity to comment on applications for EFPs. The intent of this action is to establish 2011 specifications for the summer flounder, scup, and black sea bass fisheries, and to provide notice of EFP requests, in accordance with the FMP and Magnuson-Stevens Act.

DATES: Comments must be received on or before December 2, 2010.

ADDRESSES: You may submit comments, identified by RIN 0648-XY82, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- **Fax:** (978) 281-9135.
- **Mail and Hand Delivery:** Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on 2011 Summer Flounder,

Scup, and Black Sea Bass Specifications.”

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may 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). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the specifications document, including the Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA) and other supporting documents for the specifications are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the Internet at <http://www.nero.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Michael Ruccio, Fishery Policy Analyst, (978) 281-9104.

SUPPLEMENTARY INFORMATION:

Background

The summer flounder, scup, and black sea bass fisheries are managed cooperatively by the Council and the Atlantic States Marine Fisheries Commission (Commission). The management units specified in the FMP include summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the U.S./Canada border, and scup (*Stenotomus chrysops*) and black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35°E13.3' N. lat. (the latitude of Cape Hatteras Lighthouse, Buxton, North Carolina) northward to the U.S./Canada border. Implementing regulations for these fisheries are found at 50 CFR part 648, subpart A (General Provisions), subpart G (summer flounder), subpart H (scup), and subpart I (black sea bass).

Specifications, as referred to in this proposed rule, are the combined suite of catch levels established for one or more fishing years. These catch levels include the commercial fishery quota,

recreational harvest limit, and RSA. The specification process also allows for modification of a select number of management measures such as minimum size for commercially caught fish and minimum trawl net mesh sizes. The Council's process for establishing specifications relies on provisions within the FMP and its implementing regulations as well as requirements established by the Magnuson-Stevens Act. Specifically, section 302(g)(1)(B) of the Magnuson-Stevens Act states that a Scientific and Statistical Committee (SSC) for each Regional Fishery Management Council shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, maximum sustainable yield (MSY), and achieving rebuilding targets. The ABC is a level of catch that accounts for the scientific uncertainty in the estimate of that stock's defined overfishing level. The Council's SSC met on July 28 and 29, 2010, to recommend ABCs for the 2011 summer flounder, scup, and black sea bass specifications.

The FMP's implementing regulations require the involvement of a monitoring committee in the specification process for each species. Since the Magnuson-Stevens Act requirements for the SSC to recommend ABC became effective, the monitoring committees' role has largely been to recommend any reduction in catch limits from the SSC-recommended ABCs to offset management uncertainty, and to recommend other management measures (e.g., mesh requirements, minimum commercial fish sizes, gear restrictions, possession restrictions, and area restrictions) needed for the efficient management of these three species' fisheries. The Summer Flounder Monitoring Committee, Scup Monitoring Committee, and Black Sea Bass Monitoring Committee met on July 30, 2010, to discuss specification-related recommendations for the 2011 fisheries.

Following the above meetings, the Council and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) considered the recommendations of the SSC and the three monitoring committees' and public comments, and made their specification recommendations. The Council and Board made their recommendations at a meeting held August 18, 2010. While the Board action on specifications was finalized at the August meeting, the Council's recommendations must be reviewed by NMFS to assure that they comply with the FMP and applicable law. NMFS also must conduct notice-and-comment

rulemaking to propose and implement the final specifications.

The FMP also contains formulas to divide the specification catch limits into commercial and recreational fishery allocations, state-by-state quotas, and quota periods, depending on the species in question. The FMP allocation provisions cannot be modified through the specification process. Rather, the Council would be required to develop and recommend allocation changes by amending the FMP. This proposed rule outlines the application of the existing allocation provisions for each species and provides the resulting allocations, by state and sector, as appropriate, for each species.

The involvement of the SSC in the specifications process and the evolving role of the monitoring committees has substantially modified the manner in which specifications are developed and considered by the Council. There is increased discussion and documentation regarding each species' stock status, scientific uncertainty associated with the stock and/or stock assessment, the risk of overfishing, management issues, and the derivation of each group's respective recommendation to the Council. In previous years' specification process, NMFS often provided extensive summarization of these issues in the proposed specification rule; however, doing so duplicates the extensive record established by the Council process. As such, only a nominal overview of each step of the specification process is provided in this proposed rule. Persons seeking more detailed information on the Council-related aspects of the specifications process, including the issues considered by the SSC and monitoring committees, are encouraged to obtain documents on these subjects, which are available from the Council or by consulting the Council's EA/IRFA (see **ADDRESSES** section). NMFS has participated in and relied on the documentation from the updated stock assessment proceedings, SSC and monitoring committee meetings and recommendations, and Council meeting in completing this proposed rule.

Explanation of RSA

Background: In 2001, regulations were implemented under Framework Adjustment 1 to the FMP to allow up to 3 percent of the Total Allowable Landings (TAL) for each species to be set aside each year in support of scientific research. For the 2011 fishing year, NMFS published a **Federal Register** notice soliciting research proposals based upon research priorities

identified by the Council (75 FR 3092, January 19, 2010).

NMFS intends to conditionally approve three research projects for the harvest of the portion of the set-aside quota that has been recommended by the Council and the Commission. In anticipation of receiving applications for EFPs to conduct this research and harvest set-aside quota, the Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the activities authorized under the EFPs would be consistent with the goals and objectives of the FMP. However, further review and consultation may be necessary before a final determination is made to issue any EFP.

For informational purposes, these proposed specifications include a statement indicating the amount of quota that has been preliminarily set aside for research purposes (a percentage of the TAL for each fishery, not to exceed 3 percent, as recommended by the Council and Board), and a brief description of the likely 2011 Mid-Atlantic RSA projects, including exemptions that will likely be required to conduct the proposed research. The RSA amounts may be adjusted, following consultation with RSA applicants, in the final rule establishing the 2011 specifications for the summer flounder, scup, black sea bass, *Loligo* squid, butterfish, and Atlantic bluefish fisheries. If the total amount of RSA is not awarded, NMFS will publish a document in the **Federal Register** to restore the unused amount to the applicable TAL.

For 2011, the conditionally approved projects may collectively be awarded the following amounts of RSA: 884,400 lb (401 mt) of summer flounder; 600,000 lb (272 mt) of scup; 108,000 lb (49 mt) of black sea bass; 727,527 lb (330 mt) of *Loligo* squid; 818,790 lb (371 mt) of bluefish; and 33,069 lb (15 mt) of butterfish. The harvest of RSA quota would occur January 1–December 31, 2011, by vessels conducting compensation fishing. Vessels harvesting research quota in support of approved research projects would be issued EFPs authorizing them to exceed Federal possession limits and to fish during Federal quota closures. These exemptions are necessary to facilitate compensation fishing and to allow project investigators to recover research expenses, as well as to adequately compensate fishing industry participants harvesting research quota. Vessels harvesting research quota would operate under all other regulations that

govern the fishery, unless specifically exempted in a separate EFP.

2011 RSA Proposal Summaries:

Project number 1 would conduct a fishery-independent scup and black sea bass survey that would utilize unvented fish pots fished on hard bottom areas in southern New England waters to characterize the size composition of the scup and black sea bass populations. Survey activities would be conducted June 15–October 15, 2011, at 15 hard bottom study sites. Up to two vessels would conduct the research survey. Sampling would occur off the coasts of Rhode Island and southern Massachusetts, with the furthest west site off of Block Island near Southwest Shoals. To achieve the research objectives, the principal investigators would require exemptions from gear requirements (excluding marine mammal avoidance and/or release devices) in order to sample small scup and black sea bass, and from minimum fish sizes and possession limits for data collection purposes.

Project number 2 would conduct a near-shore trawl survey between Aquinnah, Massachusetts, and Cape Hatteras, North Carolina, including both Block Island and Rhode Island Sounds. Two survey cruises would occur (spring and fall) with stratified random sampling of approximately 150 stations in depths between 18–120 feet (8–37 m). The function of the survey would be to provide stock assessment data for summer flounder, scup, black sea bass, *Loligo* squid, butterfish, bluefish, several species managed by the Commission such as weakfish and Atlantic croaker, and unmanaged forage species. The research aspects of the trawl survey would be conducted by one scientific research vessel, which could operate under a Letter of Acknowledgment (LOA), as established by experimental fishing regulations found at 50 CFR 600.745.

Project number 3 would conduct a black sea bass mark-recapture study using commercial pot and hook-and-line fishing gear to monitor changes in the size at age and sex distribution of black sea bass at three sites off New Jersey during the spawning season (May through August). Sampling would be conducted on the following three artificial reef sites off southern New Jersey: Ocean City; Wildwood; and Cape May reefs. Vessels conducting research trips would tag black sea bass with conventional and acoustic tags, and clustered hydrophones would be placed in the study area for 2.5 months. Subsequent research trips would conduct fishing with commercial pots and hook and line gear to re-capture

tagged fish, and to monitor the movement of fish with the acoustic tags. One commercial pot vessel and several party boats would conduct the research. Vessels conducting research activities would require exemption from commercial and recreational black sea bass quota closures to ensure the ability to sample during such closures, and exemption from black sea bass minimum fish size and possession limits for the purpose of collecting scientific data.

Summer Flounder

The summer flounder stock is currently under a rebuilding program, and rebuilding must be complete by January 1, 2013. The stock assessment update utilized to derive specification recommendations indicates that summer flounder were not overfished and that overfishing did not occur in 2009, the most recent year of available data. Furthermore, stock projections in the assessment update indicate that the rebuilding objective is likely to be attained ahead of schedule.

Based on this information, the SSC recommended to the Council that the 2011 ABC for summer flounder be set no higher than 33.95 million lb (15,399 mt). This results in a Total Allowable Catch (TAC; combined landings and discards) established at the ABC level (i.e., 33.95 million lb, 15,399 mt). Estimated commercial and recreational discards of 4.47 million lb (2,028 mt) are removed from the TAC to produce a 2011 TAL of 29.48 million lb (13,372 mt). This TAL is projected to have a 50-percent probability of achieving the $F_{TARGET} = F_{40\text{ percent}} = 0.255$ in 2011, and is projected to have a 98-percent probability of preventing overfishing of the stock (i.e., preventing an F higher than $F_{THRESHOLD} = F_{35\text{ percent}} = 0.310$). The Summer Flounder Monitoring Committee concurred with the SSC's ABC recommendation, and did not recommend any additional changes to either the TAC or to the 2011 summer flounder management measures that may be modified through the specification process.

The Council and Board considered the SSC and Summer Flounder Monitoring Committee recommendations before concurring with ABC/TAC and TAL of 29.48 million lb (13,372 mt) that results after removal of estimated discards. Fishing under this TAC/TAL level in 2011 is not expected to compromise summer flounder stock rebuilding, nor will fishing at this level present a high likelihood of overfishing the stock. The proposed TAL would be a 33.2-percent increase from the 2009 TAL of 22.13

million lb (10,038 mt). All other management measures were recommended by the Council to remain status quo.

The summer flounder regulations at 50 CFR 648.100 (a) state that the Council shall recommend, and NMFS shall implement, measures (including the TAL) necessary to achieve, with at least a 50-percent probability of success, a fishing mortality rate that produces the maximum yield per recruit (F_{MAX}). Framework Adjustment 7 to the FMP (Framework 7) was implemented on October 1, 2007 (72 FR 55704), to allow the best available scientific information be adopted without delay by the Council for use in managing summer flounder. The updated SDWG assessment recommended $F_{MSY} = F_{35}$ percent as the best available fishing mortality rate estimate to produce the optimum yield per recruit and this assessment is now the threshold value for determining whether overfishing is occurring on summer flounder,

replacing F_{MAX} . A 2000 Federal Court Order (*Natural Resources Defense Council v. Daley*, Civil No. 1:99 CV 00221 (JLG)) also requires the annual summer flounder TAL to have at least a 50-percent probability of success. As previously stated, the Council and Board's recommended TAL of 29.48 million lb (13,372 mt) has a 98-percent probability of constraining fishing mortality below the overfishing threshold, and a 50-percent probability of achieving the assessment-recommended management target. NMFS therefore proposes to implement a TAL of 29.48 million lb (13,372 mt) for 2011, consistent with the Council's and Board's recommendation.

Based on the allocation scheme contained in the FMP, the TAL is divided 60 percent to the commercial fishery and 40 percent to the recreational fishery. This division results in an initial commercial quota of 17.69 million lb (8,024 mt), and a recreational harvest limit of 11.79

million lb (5,349 mt); however, the FMP also specifies that up to 3 percent of the TAL may be set aside for research activities before the remaining TAL is allocated to the commercial and recreational sectors. The Council and Board agreed to set aside up to 3 percent of the TAL, or 884,400 lb (401 mt). After deducting 3 percent of the 2011 TAL as RSA, the resulting sector allocations would be a commercial quota of 17.2 million lb (7,782 mt) and a recreational harvest limit of 11.4 million lb (5,188 mt).

Table 1 presents the proposed allocations by state with and without the commercial portion of the RSA deduction. These state quota allocations are preliminary and are subject to reductions if there are overages of states quotas carried over from a previous fishing year. Any commercial quota adjustments to account for overages will be included in the final rule implementing the 2011 specifications.

TABLE 1—2011 PROPOSED INITIAL SUMMER FLOUNDER STATE COMMERCIAL QUOTAS

State	Percent share	Initial commercial quota		Commercial quota less RSA ¹	
		lb	kg ²	lb	kg ²
ME	0.04756	8,412	3,816	8,160	3,701
NH	0.00046	81	37	79	36
MA	6.82046	1,206,403	547,224	1,170,211	530,808
RI	15.68298	2,774,006	1,258,289	2,690,785	1,220,540
CT	2.25708	399,232	181,092	387,255	175,659
NY	7.64699	1,352,600	613,539	1,312,022	595,133
NJ	16.72499	2,958,316	1,341,892	2,869,567	1,301,635
DE	0.01779	3,147	1,427	3,052	1,385
MD	2.03910	360,676	163,603	349,856	158,695
VA	21.31676	3,770,509	1,710,303	3,657,393	1,658,994
NC	27.44584	4,854,620	2,202,056	4,708,982	2,135,994
Total ³	100.00001	17,688,002	8,023,278	17,157,362	7,782,579

¹ Preliminary Research Set-Aside amount is 884,400 lb (401 mt).

² Kilograms are as converted from pounds and do not sum to the converted total due to rounding.

³ Rounding of quotas results in totals exceeding 100 percent.

The Commission is maintaining in place the voluntary measures to reduce regulatory discards that occur as a result of landing limits established by the states. The Commission established a system whereby a percent of each state's quota would be voluntarily set aside each year to enable vessels to land an incidental catch allowance after the directed fishery has been closed. The intent of the incidental catch set-aside is to reduce discards by allowing fishermen to land summer flounder caught incidentally in other fisheries during the year, while also ensuring that the state's overall quota is not exceeded. These Commission set-asides are not included in these proposed specifications because these measures are not authorized by the Federal FMP

and NMFS does not have authority to implement them.

Scup

The scup stock is not subject to a rebuilding plan at this time. The updated scup stock assessment indicates that the stock was not overfished nor subject to overfishing in 2009, the most recent year of complete data available in the assessment update.

The SSC recommended an ABC for scup based on 75 percent of F_{MSY} ($F = 0.133$), resulting in an ABC/TAC of 51.7 million lb (23,451 mt). The SSC also conveyed concern about rapid increases in catches to achieve the MSY value for the scup stock. The cautionary statement to not increase catches to the full MSY quickly was originally issued by the peer review panel that reviewed

a 2009 Data Poor Stocks Working Group assessment of the scup stock.

The Scup Monitoring Committee proposed a range of TACs derived from the ABC recommendation. The range spanned from the landings associated with the MSY value for the scup stock of 35.1 million lb (15,921 mt) to the status quo TAC of 17.09 million lb (7,752 mt). The Scup Monitoring Committee also shared the concerns of the SSC and the assessment peer review panel that had cautioned against rapidly increasing scup catches to meet the MSY value of 35.1 million lb (15,921 mt).

The Council adopted a TAC for scup of 24.1 million lb (10,932 mt) as their recommendation for 2011. In turn, NMFS is proposing this TAC as the 2011 catch level for scup. This TAC

level would provide for a 20.0 million lb TAL (9,072 mt), and would be divided into the commercial and recreational allocations as outlined in the scup regulations. The FMP specifies that the established TAC be allocated 78 percent to the commercial sector and 22 percent to the recreational sector. The commercial TAC, discards, and TAL (i.e., final commercial quota, after reduced for any RSA) are then allocated on a percentage basis to three quota periods, as specified in the FMP: Winter I (January–April)—45.11 percent; Summer (May–October)—38.95 percent;

and Winter II (November–December)—15.94 percent.

The proposed TAL would be subdivided into an initial commercial quota of 15.6 million lb (7,076 mt) and a recreational harvest limit of 4.4 million lb (1,996 mt). The Council voted to set up to 3 percent of the TAL or 600,000 lb (272 mt), aside for 2011 RSA. If it is, the commercial quota would be reduced to 15.1 million lb (6,864 mt), with a recreational harvest limit of 4.3 million lb (1,936 mt).

The proposed 2011 specifications would maintain the status quo base

scup possession limits, i.e., 30,000 lb (13,608 kg) per trip for Winter I, to be reduced to 1,000 lb (454 kg) per trip when 80 percent of the quota is projected to be reached, and 2,000 lb (907 kg) per trip for Winter II.

Table 2 presents the 2011 commercial allocation recommended by the Council, with and without the preliminary RSA deduction. These 2010 allocations are preliminary and may be adjusted in the final rule implementing these specifications due to previously unaccounted for overages, based on the procedures for calculating overages.

TABLE 2—2011 PROPOSED INITIAL TAC, INITIAL COMMERCIAL SCUP QUOTA, AND POSSESSION LIMITS

Period	Percent	TAC in lb (mt)	Discards in lb (mt)	Initial commercial quota in lb (mt)	Commercial quota less RSA in lb (mt)	Possession limits in lb (kg)
Winter I	45.11	8,479,778 (3,846)	1,442,618 (654)	7,037,160 (3,192)	6,826,045 (3,096)	130,000 (13,608)
Summer	38.95	7,321,821 (3,321)	1,245,621 (565)	6,076,200 (2,756)	5,893,914 (2,673)	n/a
Winter II	15.94	2,996,401 (1,359)	509,761 (231)	2,486,640 (1,128)	2,412,041 (1,094)	2,000 (907)
Total ²	100.00	18,798,000 (8,527)	3,198,000 (1,451)	15,600,000 (7,076)	15,132,000 (6,864)	n/a

¹ The Winter I landing limit would drop to 1,000 lb (454 kg) upon attainment of 80 percent of the seasonal allocation.

² Totals subject to rounding error.

n/a—Not applicable.

The final rule to implement Framework 3 to the FMP (68 FR 62250, November 3, 2003) implemented a process, for years in which the full Winter I commercial scup quota is not

harvested, to allow unused quota from the Winter I period to be rolled over to the quota for the Winter II period. As shown in Table 3, the proposed specifications would maintain the status

quo Winter II possession limit-to-rollover amount ratios (i.e., 1,500 lb (0.68 mt) per 500,000 lb (227 mt) of unused Winter I period quota).

TABLE 3—POTENTIAL INCREASE IN WINTER II POSSESSION LIMITS BASED ON THE AMOUNT OF UNHARVESTED SCUP ROLLED OVER FROM WINTER I TO WINTER II PERIOD

Initial Winter II possession limit		Rollover from Winter I to Winter II		Increase in initial Winter II possession limit		Final Winter II possession limit after rollover from Winter I to Winter II	
lb	kg	lb	mt	lb	kg	lb	kg
2,000	907	0–499,999	0–227	0	0	2,000	907
2,000	907	500,000–999,999	227–454	1,500	680	3,500	1,588
2,000	907	1,000,000–1,499,999	454–680	3,000	1,361	5,000	2,268
2,000	907	1,500,000–1,999,999	680–907	4,500	2,041	6,500	2,948
2,000	907	2,000,000–2,500,000	907–1,134	6,000	2,722	8,000	3,629

Black Sea Bass

Black sea bass are not subject to a stock rebuilding program. The updated stock assessment indicates that black sea bass were not overfished and overfishing did not occur in 2009.

The SSC recommended that ABC for black sea bass remain at the status quo level of 4.5 million lb (2,041 mt) for 2011. The SSC stated that there remains a high degree of uncertainty

surrounding the overfishing limit estimate for the black sea bass stock, as well as considerable uncertainties about the black sea bass stock structure, life history, and retrospective patterns within the stock assessment.

The Black Sea Bass Monitoring Committee concurred with the ABC recommendation, and recommended a TAC of 4.5 million lb (2,041 mt) to the Council.

The Council and Board considered the SSC and Black Sea Bass Monitoring Committee recommendations at their August meeting. The Council and Board concurred with the ABC/TAC recommendation of 4.5 million lb (2,041 mt) for 2011. After estimated commercial fishery and recreational landings are removed from the ABC/TAC, the TAL for black sea bass would be 3.6 million lb (1,633 mt).

NMFS is proposing a 2011 TAC of 4.5 million lb (2,041 mt) and TAL of 3.6 million lb (1,633 mt) for the 2011 black sea bass fisheries, consistent with the recommendations of the Council and Board. The FMP specifies that the TAL is to be allocated 49 percent to the commercial sector and 51 percent to the recreational sector; therefore, the initial TAL would be allocated 1.76 million lb (798 mt) to the commercial sector as a commercial quota and 1.84 million lb (835 mt) to the recreational sector as a recreational harvest limit. The Council and Board voted to set aside up to 3 percent of the TAL, or 108,000 lb (49 mt), as RSA. This would adjust the commercial quota to 1.7 million lb (776 mt) and the recreational harvest limit to 1.8 million lb (808 mt). Only the ABC/TAC is the same as last year, the overall TAL being proposed for 2011 (3.6 million lb (1,633 mt)) is 100,000 lb (45 mt) less than the status quo because the updated discard estimate is higher for 2011 than for 2010.

Summary of NMFS' Proposed 2011 Summer Flounder, Scup, and Black Sea Bass Specifications

Summer Flounder: TAL of 29.48 million lb (13,372 mt); RSA of 884,400 lb (401 mt); commercial quota of 17,157,360 lb (7,782 mt); and a recreational harvest limit of 11,438,240 lb (5,188 mt).

Scup: 20.0 million lb TAL (9,072 mt); RSA of 600,000 lb (272 mt); commercial quota to 15,132,000 lb (6,864 mt); and a recreational harvest limit of 4,268,000 lb (1,936 mt).

Black Sea Bass: TAL of 3,600,000 lb (1,633 mt); RSA of 108,000 lb (49 mt); commercial quota 1,711,080 lb (776 mt); and recreational harvest limit of 1,780,920 (808 mt).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

An IRFA was prepared by the Council, as required by section 603 of the Regulatory Flexibility Act (RFA), to examine the impacts of these proposed specifications on small business entities, if adopted. A description of the specifications, why they are being considered, and the legal basis for proposing and implementing

specifications for the summer flounder, scup, and black sea bass fisheries are contained in the preamble to this proposed rule. A copy of the detailed RFA analysis is available from NMFS or the Council (see **ADDRESSES**). The Council's analysis made use of quantitative approaches when possible. Where quantitative data on revenues or other business-related metrics that would provide insight to potential impacts were not available to inform the analyses, qualitative analyses were conducted. A summary of the 2011 specifications RFA analysis follows.

Small businesses operating in commercial and recreational (i.e., party and charter vessel operations) fisheries have been defined by the Small Business Administration as firms with gross revenues of up to \$4.0 and \$6.5 million, respectively. The categories of small entities likely to be affected by this action include commercial and charter/party vessel owners holding an active Federal permit for summer flounder, scup, or black sea bass, as well as owners of vessels that fish for any of these species in state waters. All federally permitted vessels fall into the definition of small businesses; thus, there would be no disproportionate impacts between large and small entities as a result of the proposed rule.

The Council estimates that the proposed 2011 specifications could affect 2,206 vessels that held a Federal summer flounder, scup, and/or black sea bass permit in 2009 (the most recent year of complete permit data). However, the more immediate impact of this rule will likely be realized by the 810 vessels that actively participated in these fisheries (i.e., landed these species) in 2009.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action. In addition, NMFS is not aware of any relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule.

If the Council took no action regarding the 2011 specifications, several indefinite measures would remain in effect until otherwise changed; however, many components of the 2010 specifications expire on December 31, 2010. These include TALs for all three species and TAC for scup. There are no roll-over provisions for the 2010 quotas if the 2011 specifications are not made effective, and so, without specified quotas, NMFS would have no mechanism to close fisheries if management limits were exceeded. This would give rise to a situation in which the goals and objectives of the FMP, its implementing regulations, and the

Magnuson-Stevens Act would all be violated. Therefore, the no action alternative is not considered to be a reasonable alternative to the preferred action of developing and implementing 2011 specifications and, as such, it was excluded from detailed analysis in the Council's EA/RFA analyses.

The Council analyzed three sets of combined TAL alternatives for the 2010 summer flounder, scup, and black sea bass fisheries. Of these, one alternative, labeled Alternative 2 for each species, contained the most restrictive TAL options (i.e., lowest total landing levels—summer flounder, 22.13 million lb (10,038 mt); scup, 14.11 million lb (6,400 mt); black sea bass, 2.30 million lb (1,043 mt)). While the Alternative 2 measures would achieve the objectives of the proposed action for each of three species, they have the highest potential adverse economic impacts on small entities in the form of potential foregone fishing opportunities. Alternative 2 was not preferred by the Council because the other alternatives considered are expected have lower adverse impacts on small entities while achieving the stated objectives of rebuilding the summer flounder stock and sustaining the scup and black sea bass stocks, consistent with the FMP and Magnuson-Stevens Act. Accordingly, Alternative 2 was excluded from this analysis.

The Council analyzed two sets of TAL alternatives for the three species that would accomplish the stated objectives of the proposed action, and that would minimize the adverse economic impacts of the proposed rule on small entities. Alternative 1 (Council's preferred) would implement the following TALs in 2011: Summer Flounder, 29.48 million lb (13,372 mt); scup, 20.0 million lb (9,072 mt); and black sea bass, 3.6 million lb (1,633 mt). Alternative 3 (least restrictive/highest quota levels) would implement the following TALs in 2011: Summer flounder, 35.05 million lb (15,898 mt); scup, 28.96 million lb (13,136 mt); and black sea bass, 4.35 million lb (1,973 mt).

Commercial Fishery Impacts

To analyze the potential impacts of the proposed alternatives, the Council examined the total revenue earned by an individual vessel in 2009 (as a proxy for 2010), and compared the potential revenue in 2011 given the changes in fishing opportunity available through changes in harvest levels from 2010 to 2011. While there are caveats to such an approach—for example a vessel may hold multiple permits and supplement losses of opportunity in one fishery with another comparable species; or ex-vessel prices may change from levels utilized

in the analysis—the approach taken provides a rational basis for explaining the potential financial impact to participating vessels. It is important to note that actual impacts to individual vessels will likely differ as a product of the many variables that cannot be easily accounted for in the Council's analyses.

Under Alternative 1 (Council's preferred), assuming the increase in total ex-vessel gross revenues associated with the increased commercial quota for summer flounder is equally distributed among the 673 vessels that landed summer flounder in 2009, the potential average revenue could increase by \$12,036 per vessel. For scup, the expected revenue across the 398 vessels that landed scup in 2009 could increase by an average of \$8,492 per vessel. Revenues are projected to decrease by \$304 across the 460 vessels that landed black sea bass in 2009, due to the slight commercial quota decrease under Alternative 1. The Council's analysis indicated that this decrease in black sea bass would comprise less than 5 percent of these vessels' expected revenue.

Under Alternative 3 (least restrictive TALs), analysis indicates that the 2011 commercial quotas could increase revenues per vessel as follows: Summer flounder, \$21,085; scup, \$21,432; and black sea bass, \$1,826. The potential average increase in revenue per vessel for the combined suite of summer flounder, scup, and black sea bass landed by 810 vessels in 2009 was estimated to be \$29,086 per vessel.

Recreational Fishery Impacts

While the specifications proposed would establish a 2011 recreational harvest limit for summer flounder, scup, and black sea bass, the management measure details for recreational fisheries will be decided by the Council in December 2010, followed by NMFS rulemaking in the first quarter of 2011. A comprehensive analysis of the impacts associated with the recommended recreational management measures will be provided to NMFS from the Council to support these activities.

The Council also examined the potential impact on the demand for recreational for-hire party/charter vessel trips resulting from Alternatives 1 and 3. While impacts are also likely to occur for individual private recreational fishery participants and fishing-related businesses such as bait and tackle shops, these are neither regulated small-business entities under NMFS' jurisdiction, nor is there participation cost or other economic metric data available to assess potential impact on such groups. The Council's analysis indicates that demand for for-hire trips and general saltwater recreational angler participation has trended upward slightly over the past decade. The Council's analysis also indicated that it was not possible to reasonably predict behavioral or demand changes in response to the recreational harvest limits proposed under any of the three alternatives. However, under Alternatives 1 and 3, it is not expected that, based on current recreational

landings data, 2011 management measures (*i.e.*, minimum fishing size, possession limits, and fishing seasons) would need to be made more constraining, except for potential restrictions under the Alternative 1 black sea bass recreational harvest limit. As previously stated, the Council will undertake additional recreational management measures development and analysis in December 2010.

Summary

The Council selected Alternative 1 (preferred) over Alternative 3 (least restrictive) stating that, while Alternative 3 measures would provide higher economic benefits than the preferred measures of Alternative 1, the Alternative 3 measures were expected to result in long-term negative impacts for the summer flounder, scup, and black sea bass stocks, and were inconsistent with the advice provided to the Council from the SSC and its monitoring committees. NMFS agrees with the Council's IRFA analysis and rationale for recommending the TALs in Alternative 1. As such, NMFS is proposing to implement the Alternative 1 TALs for 2011: Summer flounder, 35.05 million lb (15,898 mt); scup, 28.96 million lb (13,136 mt); and black sea bass, 4.35 million lb (1,973 mt).

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

Dated: November 12, 2010.

Eric C. Schwaab,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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BILLING CODE 3510-22-P

concerning this proposed rule. We encourage the public's involvement in this matter and therefore have scheduled a public hearing to be held in Honolulu, Oahu, Hawaii. This public hearing will be held on January 20, 2011, at the McCoy Pavilion at the Ala Moana Park, 1201 Ala Moana Blvd, Honolulu, HI 96814 from 6:30 to 9 p.m. NMFS will consider requests for additional public hearings that are made in writing and received (see **ADDRESSES**) by January 31, 2011. If additional public hearings are requested and will be held, details regarding location(s), date(s), and time(s) will be published in a forthcoming **Federal Register** notice.

References

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT**).

Classification

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation v. Andrus*, 657 F. 2d 829 (6th Cir. 1981), we have concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (See NOAA Administrative Order 216–6).

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866. This proposed rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13132, Federalism

In accordance with E.O. 13132, we determined that this proposed rule does not have significant Federalism effects and that a Federalism assessment is not required. In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, this proposed rule will be given to the relevant state agencies in each state in which the species is

believed to occur, and those states will be invited to comment on this proposal. We have conferred with the state of Hawaii in the course of assessing the status of the Hawaiian insular false killer DPS, and considered, among other things, Federal, state, and local conservation measures. As we proceed, we intend to continue engaging in informal and formal contacts with the state, and other affected local or regional entities, giving careful consideration to all written and oral comments received.

List of Subjects in 50 CFR Part 224

Endangered marine and anadromous species.

Dated: November 10, 2010.

Eric C. Schwaab,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 224 is proposed to be amended as follows:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

§ 224.101 [Amended]

2. In § 224.101, amend paragraph (b) by adding, “False killer whale (*Pseudorca crassidens*), Hawaiian insular distinct population segment” in alphabetical order.

[FR Doc. 2010–28843 Filed 11–16–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 100804323–0544–01]

RIN 0648–BA03

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS proposes 2011 specifications and management measures for Atlantic mackerel, squid, and butterfish (MSB). This action proposes to modify the measure that

transfers *Loligo* squid (*Loligo*) quota underages from Trimester I to Trimesters II and III by limiting the Trimester II quota increase to no more than 50 percent. This action also proposes to revise the 72-hr pre-trip observer notification requirement for the *Loligo* fishery to accommodate vessels departing for multiple day trips in a week. These proposed specifications and management measures promote the utilization and conservation of the MSB resource.

DATES: Public comments must be received no later than 5 p.m., eastern standard time, on December 17, 2010.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.noaa.gov>.

You may submit comments, identified by 0648–BA03, by any one of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov>;

Fax: (978) 281–9135, Attn: Aja Peters-Mason;

Mail to NMFS, Northeast Regional Office, 55 Great Republic Dr, Gloucester, MA 01930. Mark the outside of the envelope “Comments on 2011 MSB Specifications.”

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may 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). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed

rule may be submitted to NMFS, Northeast Regional Office and by e-mail to *OIRA_Submission@omb.eop.gov*, or fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Aja Peters-Mason, Fishery Policy Analyst, 978-281-9195, fax 978-281-9135.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the MSB Fishery Management Plan (FMP) appear at 50 CFR part 648, subpart B. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. The regulations at §§ 648.21 and 600.516(c) require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually publish a proposed rule specifying the amounts of the initial optimum yield (IOY), allowable biological catch (ABC), domestic annual harvest (DAH), and domestic annual processing (DAP), as well as, where applicable, the amounts for total allowable level of foreign fishing (TALFF) and joint venture processing (JVP) for the affected species managed under the FMP. In addition, these regulations allow specifications to be specified for up to 3 years, subject to annual review. The regulations at § 648.21 also specify that IOY for *Illex* and *Loligo* squid is equal to the combination of research quota (RQ) and DAH, with no TALFF specified for squid. For butterfish, the regulations specify that a butterfish bycatch TALFF will be specified only if TALFF is specified for mackerel.

At its June 8-10, 2010, meeting in New York, NY, the Council

recommended MSB specifications for the 2011 fishing year. The Council considered the recommendations made by its Monitoring Committee and Scientific and Statistical Committee (SSC). The SSC recommends ABC. SSC advice accounts for scientific uncertainty regarding stock status and biological reference points in recommending the ABC, and the Council relies on that ABC recommendation to set other specifications. In addition to 2011 specifications for each of the MSB species, the Council recommended a modification in the provision that transfers Trimester I quota underages to Trimesters II and III for the *Loligo* fishery. The Council submitted these recommendations, along with the required analyses, for agency review on July 19, 2010, with final submission on September 23, 2010.

Research Quota

The Mid-Atlantic Research Set-Aside (RSA) Program allows research projects to be funded through the sale of fish that has been set aside from the total annual quota. The RQ may vary between 0 and 3 percent of the overall quota for each species. The Council has recommended that 3 percent of the 2011 *Illex* squid (*Illex*), butterfish, and Atlantic mackerel (mackerel) IOY be set aside to fund projects selected under the 2011 Mid-Atlantic RSA Program. For *Loligo*, only 330 mt (1.65 percent) is proposed to be available for RSA, to reduce impacts on butterfish from RSA *Loligo* fishing.

NMFS solicited research proposals under the 2011 Mid-Atlantic RSA Program through the **Federal Register**

(75 FR 3092, January 19, 2010). The deadline for submission was March 22, 2010. The project selection and award process for the 2011 Mid-Atlantic RSA Program has not concluded and, therefore, the research quota awards are not known at this time. When the selection process has been concluded, projects requesting RQ will be forwarded to the NOAA Grants Office for award. If any portion of the RQ is not awarded, NMFS will return any un-awarded RQ to the commercial fishery either through the final 2011 MSB specification rulemaking process or through the publication of a separate notice in the **Federal Register** notifying the public of a quota adjustment.

Vessels harvesting RQ in support of approved research projects would be issued exempted fishing permits (EFP) authorizing them to exceed Federal possession limits and to fish during Federal quota closures. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that interested parties be provided an opportunity to comment on all proposed EFPs. These exemptions are necessary to allow project investigators to recover research expenses, as well as adequately compensate fishing industry participants harvesting RQ. Vessels harvesting RQ would operate within all other regulations that govern the commercial fishery, unless otherwise exempted through a separate EFP.

2011 Proposed Specifications and Management Measures

TABLE 1—PROPOSED SPECIFICATIONS, IN METRIC TONS (MT), FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR 2011 FISHING YEAR

Specifications	<i>Loligo</i>	<i>Illex</i>	Mackerel	Butterfish
Max OY	32,000	Unknown	Unknown	Unknown
ABC	24,000	24,000	47,395	1,500
IOY	20,000	23,328	46,779	500
DAH	20,000	23,328	146,779	500
DAP	20,000	23,328	31,779	500
JVP	N/A	N/A	0	0
TALFF	N/A	N/A	0	0

¹ Includes a 15,000-mt catch of Atlantic mackerel by the recreational fishery.

Atlantic Mackerel

The status of the mackerel stock was assessed by the Transboundary Resources Assessment Committee (TRAC) in March 2010. Though the 2010 TRAC Status Report indicated reduced productivity in the stock and a lack of older fish in both the survey and catch data, the status of the mackerel stock is unknown, because biomass

reference points could not be determined. According to the FMP, mackerel ABC must be calculated using the formula $U.S. ABC = T - C$, where C is the estimated catch of mackerel in Canadian waters for the upcoming fishing year, and T is the yield associated with a fishing mortality rate that is equal to the target fishing mortality rate (F). Due to uncertainty in

the assessment, the TRAC recommended that total annual catches not exceed the average total landings (80,000 mt) over the last 3 years (2006-2008) until new information is available. Since there is no calculation of yield at target F available from the most recent assessment, the Council's SSC recommended specifying the stock-wide ABC for 2011 at 80,000 mt,

consistent with the TRAC recommendation.

Expected Canadian catch (32,605 mt) was derived by examining the relationship between U.S. landings in one year for the years 1994–2008 and the Canadian landings in the next year (1995–2009); the two landings series were found to be strongly correlated (correlation coefficient = 0.86). During this time series, Canadian landings in one year were on average 1.71 times higher than U.S. landings the previous year; the relationship can thus be used as a scaling factor for determining expected Canadian catch. Analysis revealed that multiplying U.S. catch in one year by 3.218 (95th percentile of scaling factors 1994–2009) would have underestimated Canadian catch in the following year in only 1 out of 15 of those “year pairs.” The 95th percentile scaling factor was applied to 2010 U.S. mackerel catch (10,000 mt prior to July 1) to derive expected Canadian catch for 2011 (32,180 mt); this was increased to 32,605 mt to account for Canadian mackerel discards. Subtracting the expected 2011 Canadian catch of 32,605 mt from the stock-wide ABC of 80,000 mt yields a proposed 2011 U.S. ABC of 47,395 mt.

The Magnuson-Stevens Act provides that the specification of TALFF, if any, shall be that portion of the optimum yield (OY) of a fishery that will not be harvested by vessels of the United States. TALFF would allow foreign vessels to harvest U.S. fish and sell their product on the world market, in direct competition with the U.S. industry efforts to expand exports. While a surplus existed between ABC and DAH for many years, that surplus has disappeared due to downward adjustments of the specifications in recent years. Based on analysis and a review of the state of the world mackerel market and possible increases in U.S. production levels, the Council concluded that specifying an IOY resulting in zero TALFF will yield positive social and economic benefits to both U.S. harvesters and processors, and to the Nation. For these reasons, consistent with the Council’s recommendation, NMFS proposes to specify IOY at a level that can be fully harvested by the domestic fleet, thereby precluding the specification of a TALFF, in order to support the U.S. mackerel industry. NMFS concurs that it is reasonable to assume that in 2011 the commercial fishery has the ability to harvest 46,779 mt of mackerel.

The 2010 TRAC assessment also estimated U.S. mackerel discards from 1989–2008. For the most recent 5 years for which complete data are available

(2004–2008), total discards accounted for 1.3 percent of total catch. In order to account for discards, the Council recommended, and NMFS is proposing, specifying the mackerel IOY and DAH at 46,779 m (ABC minus 1.3 percent for discards). The DAH includes commercial harvest plus the 15,000 mt available for the recreational fishery.

NMFS proposes to maintain JVP at zero (the most recent allocation was 5,000 mt of JVP in 2004), consistent with the Council’s recommendation. In the past, the Council recommended a JVP greater than zero because it believed U.S. processors lacked the ability to process the total amount of mackerel that U.S. harvesters could land. However, for the past 7 years, the Council has recommended zero JVP because U.S. shoreside processing capacity for mackerel has expanded. The Council concluded that processing capacity was no longer a limiting factor relative to domestic production of mackerel, even at the higher DAP of 100,000 mt; this is even more true with the proposed DAP of 31,779 mt.

Atlantic Squids

Loligo

Because *Loligo* is a sub-annual species (*i.e.*, has a lifespan of less than 1 year), the stock is solely dependent on sufficient recruitment year to year to prevent stock collapse. Based on advice provided in November 2001 by the most recent *Loligo* stock assessment review committee meeting (SARC 34), the FMP uses fishing mortality rate (F) proxies that are fixed values based on average fishing mortality rates achieved during a time period when the stock biomass was fairly resilient (1987–2000). The use of a proxy is necessary because it is currently not possible to accurately predict *Loligo* stock biomass, because recruitment, which occurs throughout the year, is highly variable inter-annually and influenced by changing environmental conditions. To determine if overfishing is occurring, the $F_{\text{Threshold}}$ proxy is the 75th percentile of fishing mortality rates during 1987–2000. The F_{Target} proxy used to determine OY is the average F during the same period.

Using these proxies, the SSC recommended a *Loligo* Max OY of 32,000 mt, and recommended that 75 percent of that value, 24,000 mt, be used for an ABC. SARC 34 also recommended that the Council limit total landings and discards to 20,000 mt. Therefore, the Council proposed that IOY, DAH, and DAP be set at 20,000 mt.

NMFS concurs with the Council’s recommendation; therefore, this action proposes a 2011 *Loligo* Max OY of

32,000 mt, an ABC of 24,000 mt, and an IOY, DAH, and DAP of 20,000 mt. The FMP does not authorize the specification of JVP and TALFF for the *Loligo* fishery because of the domestic industry’s capacity to harvest and process the OY for this fishery.

Distribution of the *Loligo* DAH

The proposed 2011 *Loligo* DAH would be allocated into trimesters, according to percentages specified in the FMP, as follows:

TABLE 2—PROPOSED TRIMESTER ALLOCATION OF LOLIGO QUOTA IN 2011

Trimester	Percent	Metric tons
I (Jan–Apr)	43	8,600
II (May–Aug)	17	3,400
III (Sep–Dec)	40	8,000
Total	100	20,000

This action proposes to adjust how Trimester I underages would be distributed among the remaining Trimesters. Currently, Trimester I *Loligo* underages greater than 25 percent of the Trimester I quota are distributed evenly between Trimesters II and III. The Council expressed concern that the butterfly mortality cap on the *Loligo* fishery, established in 2010 by MSB Amendment 10 (75 FR 11441, March 11, 2010), could result in a substantial Trimester I underage if the *Loligo* fishery is closed because the Trimester I butterfly catch cap is reached. Under current management, this could result in a large roll-over of *Loligo* quota to Trimester II, when the butterfly catch cap cannot close the fishery. To avoid this situation, the Council recommended, and NMFS is proposing, that the roll-over of quota from Trimester I to Trimester II should be no more than 50 percent of the Trimester II allocation. This proposed adjustment will continue to prevent an underharvest of the annual quota by distributing the quota across the remaining trimesters, while reducing management uncertainty related to the implementation of the butterfly mortality cap for the *Loligo* fishery.

Adjustment to the *Loligo* Pre-trip Trip Notification Requirement

The rule proposes to change the 72-hr pre-trip observer notification requirement established through Amendment 10 for vessels issued a *Loligo* and butterfly moratorium permit. Starting January 1, 2011, such vessels intending to land more than 2,500 lb of *Loligo* will be required to

notify the NMFS Northeast Fishery Observer Program (NEFOP) at least 72 hr prior to departing on a trip. A large number of the *Loligo* vessels embark on multiple trips that last less than 24 hr during a single week. In order to reduce the burden of this requirement for these vessels, this action proposes to streamline the requirement such that vessels must notify NEFOP at least 72 hr, but not more than 10 days before embarking on a *Loligo* trip.

Illex Squid

The *Illex* stock was most recently assessed at SARC 42 in late 2005. While it was not possible to evaluate current stock status because there are no reliable current estimates of stock biomass or F, qualitative analyses determined that overfishing had not likely been occurring. The SSC recommended an ABC of 24,000 mt based on observations that catches in this range, and up to 26,000 mt, have not caused any apparent harm to the stock. The Council recommended that the IOY be reduced to 23,328 mt to account for discards (2.8 percent of catch) based on the discard estimate ratios from the last assessment.

Consistent with the Council's recommendation, NMFS proposes to specify the *Illex* ABC as 24,000 mt, and to specify IOY, DAH, and DAP as 23,328 mt. The FMP does not authorize the specification of JVP and TALFF for the *Illex* fishery because of the domestic fishing industry's capacity to harvest and to process the IOY from this fishery.

Butterfish

The status of the butterfish stock was most recently assessed at SARC 49 in February 2010. The estimates of butterfish fishing mortality and total biomass resulting from SARC 49 are highly uncertain, and the final assessment report states that it would be inappropriate to compare the previous status determination criteria from SARC 38 in 2004 with the current assessment estimates of spawning stock biomass and fishing mortality, because measures of population abundance in the current assessment are scaled much higher than those in the previous assessment.

The current status of the butterfish stock is unknown, because biomass reference points could not be determined in the SARC 49 assessment. Though the butterfish population appears to be declining over time, fishing mortality does not seem to be the major cause. Butterfish have a high natural mortality rate, and the current estimated F ($F = 0.02$) is well below all candidate overfishing threshold reference points. The assessment report noted that predation is likely an

important component of the butterfish natural mortality rate (currently assumed to be 0.8), but also noted that estimates of consumption of butterfish by predators appear to be very low. In short, the underlying causes for population decline are unknown.

Given the uncertainty in the assessment, the SSC recommended a status quo ABC of 1,500 mt. Assuming that butterfish discards equal twice the level of landings, the amount of butterfish discards associated with 500 mt of landings is approximately 1,000 mt.

Therefore, the proposed specifications would set the ABC at 1,500 mt, and the IOY, DAH, and DAP at 500 mt. Additionally, consistent with MSB regulations, the Council recommended, and NMFS is proposing, zero TALFF for butterfish in 2010 because zero TALFF is proposed for mackerel.

Amendment 10 created a butterfish mortality cap for the *Loligo* fishery which will go into effect on January 1, 2011. If the butterfish mortality cap is harvested during Trimester I (January–April) or Trimester III (September–December), the directed *Loligo* fishery will close for the remainder of that trimester. The mortality cap is equal to 75 percent of the butterfish ABC (1,125 mt).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Mackerel, Squid, and Butterfish FMP, other provision of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows. A copy of this analysis is available from the Council or NMFS (see **ADDRESSES**) or via the Internet at <http://www.nero.noaa.gov>.

Statement of Objective and Need

This action proposes 2011 specifications and management measures for mackerel, squid, and butterfish, proposes to modify accounting procedures for underages of Trimester I quotas in the *Loligo* fishery, and proposes to adjust the 72-hr pre-trip observer notification requirement for *Loligo* vessels. A complete description

of the reasons why this action is being considered, and the objectives of and legal basis for this action, are contained in the preamble to this proposed rule and are not repeated here.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

Based on permit data for 2010, the numbers of potential fishing vessels in the 2011 fisheries are as follows: 360 *Loligo*/butterfish moratorium permits, 76 *Illex* moratorium permits, 2,156 mackerel permits, 1,844 incidental squid/butterfish permits, and 1,844 MSB party/charter permits. There are no large entities participating in this fishery, as defined in section 601 of the RFA. Therefore, there are no disproportionate economic impacts on small entities. Many vessels participate in more than one of these fisheries; therefore, permit numbers are not additive.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This proposed rule contains a change to an information collection previously approved by the Office of Management and Budget (OMB) under OMB Control Number 0648–0601: Atlantic Mackerel, Squid, and Butterfish Amendment 10 Data Collection. This action proposes to require that vessels intending to embark on *Loligo* trips notify NEFOP at least 72 hr, but no more than 10 days before their intended departure dates. The adjustment will also allow vessels to submit an email address for contact. A change request has been submitted to OMB for approval. This action does not duplicate, overlap, or conflict with any other Federal rules.

Minimizing Significant Economic Impacts on Small Entities

Proposed Actions

The mackerel IOY proposed in this action (46,779 mt, with 15,000 mt allocated to recreational catch) represents a reduction from status quo (115,000 mt). Despite the reduction, the proposed IOY is above recent U.S. landings; mackerel landings for 2007–2009 averaged 23,310 mt. Thus, the reduction does not pose a constraint to vessels relative to the landings in recent years. Accordingly, no reductions in revenues for the mackerel fishery are expected as a result of this proposed action.

The *Loligo* IOY (20,000 mt) represents a slight increase from the status quo (19,000 mt). *Loligo* landings for 2007–2009 averaged 11,019 mt. This provides

an opportunity to increase landings, though if recent trends continue, there may be no increase in landings despite the increase in the allocation. No reductions in revenues for the *Loligo* fishery are expected as a result of this proposed action.

The *Illex* IOY (23,328 mt) proposed in this action represents a slight decrease compared to status quo (24,000 mt). Though annual *Illex* landings have been increasing over the past 3 years (9,002 mt for 2007, 15,900 mt for 2008, and 18,419 mt for 2009), the landings were lower than the level proposed. Thus, implementation of this proposed action should not result in a reduction in revenue or a constraint on expansion of the fishery in 2011.

The butterfish IOY proposed in this action (500 mt) represents status quo, as compared to 2010, and represents only a minimal constraint to vessels relative to the landings in recent years. Due to market conditions, there has not been a directed butterfish fishery in recent years; therefore, recent landings have been low. Given the lack of a directed butterfish fishery and low butterfish landings, the proposed action is not expected to reduce revenues in this fishery more than minimally.

As discussed in the Final Regulatory Flexibility Analysis (FRFA) for MSB Amendment 10, the butterfish mortality cap has a potential for economic impact on fishery participants. The *Loligo* fishery will close during Trimesters I and III, if the butterfish mortality cap is reached. If the *Loligo* fishery is closed in response to butterfish catch before the entire *Loligo* quota is harvested, then a loss in revenue is possible. The potential for *Loligo* revenue loss is dependent upon the size of the butterfish mortality cap, which is based on the level of butterfish abundance. As the butterfish stock rebuilds, the mortality cap will increase, and the potential for lost *Loligo* revenue should decrease. When the butterfish stock rebuilds, a directed butterfish fishery could resume, provided discards are kept low, and would have economic benefits for fishery participants.

The accounting methods for *Loligo* trimester underages proposed in this action would distribute any substantial underage in Trimester I (greater than 25 percent of the Trimester I quota) between Trimester II and III, but would limit the transfer of quota such that the Trimester II quota could increase by 50 percent, at most. The proposed adjustment may provide some economic benefit to the fishery during Trimesters II and III because it will allow access to underutilized Trimester I quota later in the fishing year.

The proposed change to the pre-trip observer notification requirement, which would allow vessels to notify at least 72 hr, but no more than 10 days prior to fishing trips, is an administrative measure to facilitate the placement of observers aboard the *Loligo* fleet, and is intended to reduce the burden of the notification requirement for vessels that depart on multiple trips in a short period by allowing for advance notification. The economic burden on fishery participants associated with this measure is expected to be minimal.

Alternatives to the Proposed Rule

The Council analysis evaluated two alternatives to the proposed action for mackerel. Based on recent harvest levels, neither of the ABC and IOY alternatives would represent a constraint on vessels in this fishery. The first alternative (status quo; least restrictive), which would have set the ABC at 156,000 mt, and IOY at 115,000 mt, was not selected because the ABC would have exceeded the SSC's recommendation.

As in the proposed action (intermediately restrictive), the second alternative (most restrictive) started from the SSC recommended stockwide ABC of 80,000 mt, but instead subtracted an estimated 41,556 mt for Canadian landings. This would have resulted in a U.S. ABC of 38,444 mt, and an IOY and DAH of 37,944 mt (U.S. ABC minus 1.3 percent for discards). For this alternative, expected Canadian catch (41,556 mt) was derived by examining the relationship between Canadian landings in one year (e.g., 1994) and the Canadian landings 2 years later (e.g., 1996); this analysis was chosen so that 2009 Canadian landings could be used to determine expected Canadian landings for 2011. The years examined included 1962–2009. Though the two landings series were found to be strongly correlated (correlation coefficient = 0.71), this method of deriving expected Canadian catch (and the resulting specifications alternative) was not selected over the proposed alternative. The landings series compared in the method used to derive 2011 Canadian catch in the proposed alternative (U.S. landings in one year and Canadian landings in the next year) were found to have a stronger correlation (correlation coefficient = 0.86) than the landings series compared in this alternative. Thus, using the Canadian catch derivation method in the proposed alternative provides a more reliable estimate of 2011 Canadian catch.

There were two alternatives to the proposed action evaluated for *Loligo*. Both alternatives set the Max OY at 32,000 mt, the same level as the proposed action. The first alternative (status quo) would have set the ABC and IOY at 19,000 mt; this alternative was not chosen, because it was not consistent with the ABC recommended by the SSC. The second alternative (least restrictive) would have set the ABC at the level recommended by the SSC (24,000 mt), but would have set the IOY at 22,560 mt (ABC reduced by 6 percent to account for discards). This alternative was not adopted by the Council because two sources of uncertainty, namely the uncertainty regarding the discard estimate and the management uncertainty regarding the operation of the *Loligo* fishery in 2011, given the impending implementation of the butterfish mortality cap, warranted setting the IOY at the more precautionary level specified in the proposed action (intermediately restrictive).

The alternatives also differed in how Trimester I underages and overages would be applied to the *Loligo* quotas in the following Trimesters. The first alternative (status quo) would maintain the current measure to distribute an underage in Trimester I greater than 25 percent of the Trimester I quota evenly between Trimesters II and III. The current measure was not considered to be sufficient to address management uncertainty related to the implementation of the butterfish mortality cap in 2011.

Two non-selected alternatives were considered for *Illex*; both would have set the ABC at 24,000 mt. The first alternative would have set IOY, DAH, and DAP at 24,000 mt (status quo; least restrictive) rather than 23,328 mt specified in the proposed action (intermediately restrictive). This alternative was not selected because the higher specifications were inconsistent with the results of the most recent stock assessment. The second alternative (most restrictive) would have set IOY, DAH, and DAP at 22,656 mt (ABC reduced by 5.6 percent, based on double the discard ratio estimate). The Council considered this alternative unnecessarily restrictive.

One non-selected alternative was considered for butterfish that would maintain the status quo, which only differs from the proposed alternative in that it would have set Max OY at 12,175 mt. The proposed alternative would remove the specification of Max OY, because it is no longer supported by available science. All other

specifications are identical to the status quo alternative.

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA), which was previously approved by OMB under OMB Control Number 0648-0601. The public reporting burden for the phone call to declare a *Loligo* fishing trip is estimated to average 2 min per call per trip. Public burden for the phone call to cancel a *Loligo* trip is estimated to average 1 min. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and by e-mail to OIRA_Submission@omb.eop.gov, or fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: November 12, 2010.

Eric C. Schwaab, Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.21, paragraph (f)(2) is revised to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(f) * * *

(2) Any underages of commercial period quota for Trimester I that are greater than 25 percent of the Trimester I quota will be reallocated to Trimesters II and III of the same year. The reallocation of quota from Trimester I to Trimester II is limited, such that the Trimester II quota may only be increased by 50 percent; the remaining portion of the underage will be reallocated to Trimester III. Any underages of commercial period quota for Trimester I that are less than 25 percent of the Trimester I quota will be applied to Trimester III of the same year.

Any overages of commercial quota for Trimesters I and II will be subtracted from Trimester III of the same year.

* * * * *

3. In § 648.22, paragraph (a)(2)(i) is revised to read as follows:

§ 648.22 Closure of the fishery.

(a) * * *

(2) * * *

(i) If the Regional Administrator determines that the Trimester I closure threshold has been underharvested by 25 percent or more, then the amount of the underharvest shall be reallocated to Trimesters II and III, as specified at § 648.21(f)(2), through notice in the Federal Register.

* * * * *

4. Section 648.26 as amended at 75 FR 11450, March 11, 2010, effective January 1, 2011, and is further amended by revising paragraphs (a) and (d) to read as follows:

§ 648.26 Observer requirements for the Loligo fishery.

(a) A vessel issued a Loligo and butterfish moratorium permit, as specified at § 648.4(a)(5)(i), must, for the purposes of observer deployment, have a representative provide notice to NMFS of the vessel name, vessel permit number, contact name for coordination of observer deployment, telephone number or email address for contact; and the date, time, port of departure, and approximate trip duration, at least 72 hr, but no more than 10 days prior to beginning any fishing trip, unless it complies with the possession restrictions in paragraph (c) of this section.

* * * * *

(d) If a vessel issued a Loligo and butterfish moratorium permit, as specified at § 648.4(a)(5)(i), intends to possess, harvest, or land 2,500 lb (1.13 mt) or more of Loligo per trip or per calendar day, has a representative notify NMFS of an upcoming trip, is selected by NMFS to carry an observer, and then cancels that trip, then the representative is required to provide notice to NMFS of the vessel name, vessel permit number, contact name for coordination of observer deployment, and telephone number or email for contact, and the intended date, time, and port of departure for the cancelled trip prior to the planned departure time. In addition, if a trip selected for observer coverage is canceled, then that vessel is required to carry an observer, provided an observer is available, on its next trip.

[FR Doc. 2010-29002 Filed 11-16-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 101029427-0427-01]

RIN 0648-XY82

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; 2011 Research Set-Aside Projects

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

ACTION: Proposed specifications; request for comments.

SUMMARY: NMFS proposes specifications for the 2011 summer flounder, scup, and black sea bass fisheries and provides notice of three projects that may be requesting Exempted Fishing Permits (EFPs) as part of the Mid-Atlantic Fishery Management Council's (Council) Research Set-Aside (RSA) program. The implementing regulations for the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) require NMFS to publish specifications for the upcoming fishing year for each of these species and to provide an opportunity for public comment. Furthermore, regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 et seq., require a notice to be published to provide interested parties the opportunity to comment on applications for EFPs. The intent of this action is to establish 2011 specifications for the summer flounder, scup, and black sea bass fisheries, and to provide notice of EFP requests, in accordance with the FMP and Magnuson-Stevens Act.

DATES: Comments must be received on or before December 2, 2010.

ADDRESSES: You may submit comments, identified by RIN 0648-XY82, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal http://www.regulations.gov.
• Fax: (978) 281-9135.
• Mail and Hand Delivery: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on 2011 Summer Flounder,



NOAA NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

UNITED STATES DEPARTMENT OF COMMERCE

NOAA Sets \$15 Fee for the National Saltwater Angler Registry

Fishermen in Hawaii, New Jersey, Puerto Rico, U.S.V.I. must register or renew in 2011

November 30, 2010

NOAA announced today that the fee for registering with the National Saltwater Angler Registry will be \$15 as of January 1. The change affects anglers, spear fishers and for-hire fishing vessels in Hawaii, New Jersey, Puerto Rico and U.S.V.I., although some anglers are exempt.

Fishermen in other coastal states are exempted from the federal requirement when they comply with state saltwater license or registration regulations. Twenty-two of the nation's 24 coastal states have saltwater angler registries or licenses and have been exempted from the federal requirement because they are providing registry information to the National Saltwater Angler Registry.

The National Saltwater Angler Registry helps NOAA to gauge the health of marine fisheries. Congress created the registry, a national directory of anglers, through the Magnuson-Stevens Reauthorization Act of 2006 to improve surveys of fishermen used to assess the health of fish stocks and the economic contributions of anglers. Through effective regulations based on data collected through the registry, NOAA helps to preserve recreational fishing for the anglers, fishing businesses, coastal communities and millions of Americans whose lives and livelihoods are connected to saltwater fishing.

The law authorized NOAA's Fisheries Service to charge a fee for the annual registration beginning in 2011. Unless fishermen meet one of the exemptions specified in the law, they are required to register if they are fishing in federal waters, or are targeting – or might catch – anadromous fish. These are species like salmon, striped bass, shad and river herring that live in saltwater but spawn in fresh water. In addition, non-exempt anglers who registered in 2010 and are still required to do so have one year from their initial registration date to renew.

Fishermen are also exempt from registering if they are under 16; only fish on federally permitted charter, party or guide boats; hold a Highly Migratory Species Angling permit; or are fishing commercially under a valid license. Fishermen who hold a valid fishing license from an exempted state are automatically entered into the registry, and do not need to take further action. Finally, people fishing in an exempted state who are not required to have a saltwater fishing license in that state – as is sometimes the case with seniors or active duty military – are not required to register.

Persons who meet the definition of "indigenous person" in the final rule for the registry program are required to register, but will not be required to pay the registration fee if they affirm during the registration process that they qualify and acknowledge that submission of a false statement is a violation of the Magnuson-Stevens Act. Information on who qualifies as an indigenous person will be posted on the registration website at <http://www.CountMyFish.noaa.gov>.

The National Saltwater Angler Registry is part of a major initiative to improve how NOAA's Fisheries Service gathers, analyzes and reports recreational fishing data. The goal of the Marine Recreational Information Program, or MRIP, is to ensure that the data scientists, managers, stock assessors and others need to effectively conserve our nation's ocean resources is available, accessible, held to the most exacting scientific standards, and broadly trusted by our partners and stakeholders in the fishing community and others. For more information or to register, visit <http://www.CountMyFish.noaa.gov> or call toll-free 1-888-MRIP-411.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us on Facebook at <http://www.facebook.com/usnoaagov>.

Scheduling Worksheet for Stock Assessments.

date: 11/13/10 (-a)

Basis for entries in Table: Fall 2010 NRCC meeting

SARC 48, June 2009		SARC 49, Nov 30 - Dec 3 2009 (11/30-12/3)	
1	Ocean quahog		Atlantic surfclam
2	Tilefish		Butterfish
3	Weakfish		
4			
5	(Updates: Bluefish, BlkSeaBass, Scup, SMB, Fluke, Dog)		(TRAC - Mackerel - Data - Oct 22-23 '09)
6	(Vessel Calibration, Aug)		
7	(TRAC - EGBK Cod - Data - Jan)		
8	(TRAC - EGBK Cod - Modeling - April)		
9	(TRAC - (EGBK Cod, EGBK Hadd, GB YT), Herring - June)		
10	(TRAC - Dogfish - Data - April '09)		
11	(Wolffish Status Review - Jun '09)		

SARC 50, June 1-4, 2010		SARC 51, Dec. 2010 (11/29-12/3)	
1	Sea scallop		Loligo
2	Monkfish		Silver hake: 2 stocks
3	Pollock		Red hake: 2 stocks
4			Offshore hake
5			
6	(TRAC - Dogfish - Benchmark - Jan 25-29 '10)		
7	(TRAC - Mackerel - Benchmark - Mar 1-5 '10)		
8	(TRAC - EGB cod, EGB haddock, GB YT - Jul 19-23 '10)		
9	(Updates: Bluefish, BlkSeaBass, Scup, Fluke, Dog)		

SARC 52, June 6-10, 2011		SARC 53, Dec. 2011	
1	Winter flounder: Gulf of Maine		Black sea bass
2	Winter flounder: GBK		GOM Cod
3	Winter flounder: SNE		
4			
5			
6	(Multisp. Grndfsh catch&surv analy - for biennial ACLs)		
7	(TRAC - EGB cod, EGB haddock, GB YT)		
8	(Updates: Bluefish, BlkSeaBass, Scup, Fluke, Dog- [Spring-Fall])		

SARC 54, June 2012		SARC 55, Dec. 2012	
1	SNE YT flounder		Atlantic surfclam
2	Herring		GB Cod
3			<i>Windowpane flounder -N</i>
4			<i>Windowpane flounder -S</i>
5			
6			
7	(TRAC - EGB cod, EGB haddock, GB YT)		

SARC 56, June 2013		SARC 57, Dec. 2013	
1	Striped bass		<i>Illex</i>
2	Tilefish		<i>Bluefish</i>
3			<i>N. shrimp</i>
4			
5			
6	(Multisp. Groundfish catch and survey analyses - for biennial ACLs)		
7	(TRAC - EGB cod, EGB haddock, GB YT)		

Key:

Italics = under consideration, but not officially scheduled.

"()" = not in the SARC process.

Cells filled with gray = work completed.

~/sarc/boilerplate/Schedule-worksheet-assessments(date).xls 11-13-2010a.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

NMFS Announces a Closure of the Commercial Non-Sandbar Large Coastal Shark Fishery in the Atlantic Region

The National Marine Fisheries Service (NMFS) projects that the landings for the commercial non-sandbar large coastal shark (LCS) fishery in the Atlantic region exceed 80 percent of the available quota. As required by NMFS regulations, 50 CFR 6.35.28(b)(2), NMFS is closing the commercial non-sandbar LCS fishery in the Atlantic region as of 11:30 p.m. local time December 5, 2010. From the effective date and time of the closure until and if NMFS announces, via a notice in the Federal Register, that additional quota is available and the season is reopened, the fishery for that specific quota is closed, even across fishing years.

On January 5, 2010 (75 FR 250), NMFS announced that the non-sandbar LCS fishery for the Atlantic region for the 2010 fishing year would open on July 15 and the non-sandbar LCS quota would be 169.7 metric tons (mt) dressed weight (dw) (374,121 lb dw). Dealer reports through October 31, 2010, indicate that 142 mt dw or 83.6 percent of the available quota for non-sandbar LCS Atlantic fishery has been landed. Dealer reports received to date indicate that 13.1 percent of the quota was landed from the opening of the fishery on July 15, 2010, through July 31, 2010; 31.9 percent of the quota was landed in August; 22.9 percent of the quota was landed in September; and 15.7 percent of the quota was landed in October. The fishery has reached 83.6 percent of the quota, which exceeds the 80 percent limit specified in the regulations. Accordingly, NMFS is closing the commercial non-sandbar large coastal shark fishery in the Atlantic region.

As such, as of December 5, 2010, all commercial non-sandbar LCS fisheries in all regions and fisheries will be closed. All of the pelagic shark fisheries remain open.

During the closure, fishing vessels issued an Atlantic Shark LAP pursuant to §635.4 may not possess or sell a non-sandbar LCS in the Atlantic region. A shark dealer, issued a permit pursuant to § 635.4, may not purchase or receive non-sandbar LCS from a vessel issued an Atlantic Shark LAP, except that a permitted shark dealer or processor may possess sharks that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Additionally, a shark dealer issued a federal permit, pursuant to § 635.4, may in accordance with state regulations, purchase or receive a non-sandbar LCS if the shark was harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and had not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

This notice is a courtesy to the HMS fishery participants to help keep you informed about your fishery. For further information on this landings update or the closure, contact Karyl Brewster-Geisz or Guý DuBeck at 301-713-2347. The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms>.

DEC 01 2010

Emily Menashes

Emily Menashes
Acting Director, Office of Sustainable Fisheries

Date

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Atlantic Swordfish Landings Update: Commercial and Recreational 2010 Fishing Year

The table below provides preliminary landings estimates and remaining quotas as of September 30, 2010, in pounds (lb) and metric tons (mt) dressed weight (dw) for the Atlantic swordfish fisheries for the 2010 fishing year. Landings are estimated using commercial dealer reports and reports by anglers in the HMS Non-Tournament Recreational Swordfish and Billfish Landings Database and the Recreational Billfish Survey. Please note that these estimates are subject to late reporting and do not include discards. As specified in § 635.27(c)(i)(B), all recreational landings are counted against the incidental quota. On September 21, 2010, NMFS published a final rule (75 FR 57407) to adjust the 2010 baseline quota for 2009 underharvests. The table below provides both the baseline and adjusted 2010 quotas.

	Baseline Quota	Adjusted Quota		Landings	Percent of Baseline Quota Taken	Percent of Adjusted Quota Taken
	mt dw	mt dw		mt dw (lb dw)		
NORTH ATLANTIC SWORDFISH						
Directed Fishery First Season (Jan 1, 2010 – June 30, 2010)	1,094.8	1,829.2	Commercial Landings	730.9 (1,611,442)	66.8%	40.0%
Directed Fishery Second Season (July 1, 2010 - Dec 31, 2010)	1,094.8	1,829.2	Commercial Landings	297.5 (655,837)	27.2%	16.3%
Incidental Fishery (annual quota)	300	300	Commercial Landings	10.6 (23,377)	6.8%	6.8%
			Recreational Landings	9.8 (21,715)		
Total	2,937.6*	4406.4*		1048.9 (2,312,371)	35.7%	23.8%
SOUTH ATLANTIC SWORDFISH						
Directed Fishery (annual quota)	75.2	75.2	Commercial Landings	0.2 (400)	0.3%	0.3%

*Includes 448.1 mt dw allocated to the reserve; 150.4 mt dw North Atlantic swordfish quota may be caught between 5 degrees North latitude and 5 degrees South latitude

This notice is a courtesy to Atlantic swordfish fishery interests to keep you informed about your fishery. Official notice of federal fishery actions is made through filing such notice with the Office of the Federal Register. To view catch statistics from previous months, please visit http://www.nmfs.noaa.gov/sfa/hms/hmsdocument_files/SWORDFISH.htm#Landings or contact Steve Durkee at (202) 670-6637.


For Emily Menashes

Acting Director, Office of Sustainable Fisheries

11/4/10
Date

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UNITED STATES DEPARTMENT OF COMMERCE
Office of the Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

Fabio Hazin, Chair
International Commission for the Conservation
of Atlantic Tunas
Corazon de Maria, 8
6 Planta
28002 Madrid, Spain

October 15, 2010

Dear Mr. Chairman:

Thank you for your letter expressing the concern of the Commission regarding delays in submitting to the ICCAT Secretariat some validated documents associated with the bluefin tuna catch documentation (BCD) program. Specifically, the Compliance Committee noted last year that the 2009 U.S. BCD report indicated the United States had validated 181 bluefin tuna re-export certificates (BFTRCs) during the period 1 July 2008 through 30 June 2009 although copies of these documents had not always been provided to the ICCAT Secretariat.

Upon receiving the ICCAT letter of concern, we re-examined the documents associated with our 2009 BCD report and discovered that, in actuality, we had validated only 53 BFTRCs. The higher number noted by the Compliance Committee resulted from counting supporting records associated with each BFTRC (i.e., BCDs) separately. Please find enclosed a revised 2009 U.S. BCD report, together with copies of the 53 validated BFTRCs, as well as supporting BCDs. For ease of reference, we are also including spreadsheets that provide a cross reference to the document copies.

Of the 53 BFTRCs, the majority (37) related to the re-export of tagged bluefin tuna with a total weight of about 15.5 tons. The remaining 16 documents related to untagged product with a total associated weight of less than 1 ton. The combined total of U.S. bluefin tuna exports and re-exports was just over 163 tons during the 2008-09 reporting period.

We have also enclosed copies of re-export certificates and related documents for tagged bluefin tuna for the period 1 July 2009 through 30 June 2010, as well as the relevant spreadsheet. These documents have not been provided to the Secretariat previously given our understanding that the relevant provisions of recommendation 09-11 did not apply to tagged fish. Regardless, in the spirit of transparency and cooperation, we are prepared to provide all of these documents to ICCAT.



As you may know, the United States has regulations in place that require exporters to submit relevant BCD program documents directly to the Secretariat within the specified period. Further, we know the universe of U.S. exporters dealing in ICCAT species as they must obtain an International Trade Permit from the National Marine Fisheries Service. To ensure proper implementation of reporting requirements, we have engaged in outreach to U.S. exporters to ensure they understand and are meeting their obligations. Moreover, a back-up system has been established and implemented within the National Marine Fisheries Service to ensure relevant program documents are submitted to the Secretariat in a timely manner.

The United States is committed to meeting its ICCAT reporting responsibilities. We believe the steps taken to date will address the issue that led to the 2009 Commission decision to send the United States a letter of concern. We will continue to monitor the situation and are prepared to take additional actions as necessary.

In closing, the United States would like to thank the Commission for bringing this issue to its attention, and we would be pleased to discuss this matter as needed during the Compliance Committee meeting in November.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Smith III', with a long horizontal flourish extending to the right.

Russell F. Smith III
U.S. Commissioner to ICCAT

Enclosures



COMMERCIAL LANDINGS OF BLUEFIN TUNA

As of October 31, 2010

Weekly Quota Report

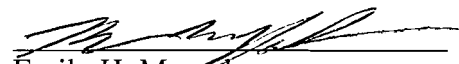
Atlantic Bluefin Tuna Landing Data between 01/01/2010 and 10/31/2010.

Category	Sub Category	Current Year 2010				Previous Year 2009		
		Count of Fish	Avg Weight (lb)	Gross Weight (mt)	Quota Final (mt)	Count of Fish	Avg Weight (lb)	Gross Weight (mt)
General		2753	377.4	471.2	538.9	1293	484.6	284.2
	Handline	22	268.5	2.7		1	276.0	.1
	Harpoon	87	261.1	10.3		175	310.9	24.7
	Rod and Reel	2,644	382.1	458.2		1,117	512.0	259.4
Harpoon		156	258.5	18.3	44.6	311	293.4	41.4
Longline		339	488.8	75.1	100.0	533	482.7	116.7
	North	170	434.8	33.5	55.0	334	421.3	63.8
	South	169	543.1	41.6	45.0	199	585.7	52.9
Trap					1.1			
Purse Seine					212.8			
	Giant							
	Large Medium							
Reserve					70.3			
Total:		3,248	383.2	564.6	1,067.7	2,137	456.3	442.3

NOTE

- This report SHOULD NOT be considered useful for real time catch monitoring purposes. It only includes landings reported to NMFS to date.
- These numbers are considered preliminary and are subject to change.

This notice is a courtesy to Atlantic tuna fisheries interests to keep you informed about your fishery. Official notice of Federal fishery actions is made through filing such notice with the Office of the Federal Register. To view catch statistics from previous months, please visit http://www.nmfs.noaa.gov/sfa/hms/hmsdocument_files/Tuna.htm or contact Brad McHale at (978) 281-9260.

For 
 Emily H. Menashes
 Acting Director, Office of Sustainable Fisheries
 Printed on Recycled Paper

11/8/10
 Date





Atlantic Shark Commercial Fishery Update

Below are the preliminary landings estimates in metric tons (mt) and pounds (lb) dressed weight (dw) for the Atlantic Shark commercial fisheries from **January 1, 2010, through October 31, 2010**. Most of these preliminary landings estimates include landing reports received through October 31, 2010; shark research fishery estimates include landing reports received through November 16, 2010. The landings presented below are total landings reported through the Pelagic Dealer Compliance (PDC), and the Accumulated Landings System (ALS). Landings within the shark research fishery were determined from trip tickets provided to the National Marine Fisheries Service (NMFS) by scientific observers. The estimates include landings by state-only permitted vessels, federally permitted vessels, and the 2010 shark research fishery participants. Due to the privacy regulations of North Carolina (NC), NMFS is unable to remove all instances where NC dealers report in both the PDC and ALS. As a result, some NC landings may be inflated.

Species Group	Region	Season Opening Dates	2010 Quota	Estimated Landings	% of Quota
Non-Sandbar Large Coastal Sharks	Gulf of Mexico	February 4 ¹ (Closed: Mar 17)	390.5 mt dw (860,896 lb dw)	429.1 mt dw (946,052 lb dw)	109.9%
	Atlantic	July 15	169.7 mt dw (374,121 lb dw)	142 mt dw (312,952 lb dw)	83.6%
Shark Research Fishery Quota (Non-Sandbar LCS)	No regional quotas	January 5 ² (Closed: Oct 12)	37.5 mt dw (82,673 lb dw)	33.3 mt dw (73,471 lb dw)	88.9%
Shark Research Fishery Quota (Sandbar only)		January 5	87.9 mt dw (193,784 lb dw)	Inside SRF 53.4 mt dw (117,756 lb dw) Outside SRF ⁵ 0.4 mt dw (843 lb dw)	61.2%
Non-Blacknose Small Coastal Sharks	No regional quotas	June 1 ³ (Closed: Nov 2)	221.6 mt dw (488,539 lb dw)	128.7 mt dw (283,821 lb dw)	58.1%
Blacknose Sharks			19.9 mt dw (43,872 lb dw)	14.5 mt dw (31,981 lb dw)	73%
Blue Sharks	No regional quotas	January 5	273 mt dw (601,856 lb dw)	3.5 mt dw (7,700 lb dw)	1.3%
Porbeagle Sharks		January 5 ⁴ (Closed: Sept 4)	1.5 mt dw (3,307 lb dw)	1.6 mt dw (3,576 lb dw)	108.1%
Pelagic Sharks Other Than Porbeagle or Blue		January 5	488 mt dw (1,075,856 lb dw)	116.5 mt dw (256,800 lb dw)	23.9%

¹ Fishery closed at 11:30 p.m. local time on March 17, 2010 (75 FR 12700).

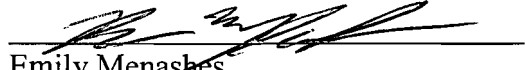
² Fishery closed at 11:30 p.m. local time on October 12, 2010 (75 FR 62690).

³ Fishery closed at 11:30 p.m. local time on November 2, 2010 (75 FR 67251).

⁴ Fishery closed at 11:30 p.m. local time on September 4, 2010 (75 FR 53871).

⁵ These landings are from state landings, unverified landings and/or unclassified sharks.

This notice is a courtesy to the HMS fishery participants to help keep you informed about your fishery. For further information on this landings update or the closure, contact Karyl Brewster-Geisz or Guý DuBeck at 301-713-2347. The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms>.


Emily Menashes
Acting Director, Office of Sustainable Fisheries

11/22/10
Date

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910


NMFS Requests Nominations for the Atlantic HMS SEDAR Pool

The National Marine Fisheries Service (NMFS) is soliciting nominations for the Advisory Panel (AP) for Atlantic Highly Migratory Species (HMS) Southeast Data, Assessment, and Review (SEDAR) Workshops. This AP is also called the "SEDAR Pool." Individuals in the SEDAR Pool may participate in the various data, assessment, and review workshops associated with the SEDAR process. At this time, Atlantic sharks are the only HMS assessed via SEDAR workshops. If selected, members of the SEDAR Pool would review the scientific information, including data and models, used in stock assessments and advise NMFS about the conservation and management of Atlantic sharks.

Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations will be considered for membership on the SEDAR Pool. Nominations are invited from all individuals and constituent groups for a 3-year appointment commencing in 2011 until 2014. Nomination packages should include:

1. The name, address, phone, and email of the applicant or nominee;
2. A description of his/her interest or expertise in Atlantic shark stock assessments or the fishery;
3. A statement of background and/or qualifications; and
4. A written commitment that the applicant or nominee shall participate actively and in good faith in the tasks of the SEDAR Pool.

You may submit nominations and request the SEDAR Pool Statement of Organization, Practices, and Procedures by any of the following methods via email (SEDAR.pool@noaa.gov); mail (Karyl Brewster-Geisz Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910); or fax: 301-713-1917. Nominations must be received by December 30, 2010. Additional information on SEDAR and the SEDAR guidelines can be found at <http://www.sefsc.noaa.gov/sedar/>. The SEDAR Pool Statement of Organization, Practices, and Procedures can also be found on <http://www.nmfs.noaa.gov/sfa/hms>. This notice is a courtesy to Atlantic HMS fisheries interests to keep you informed about your fishery. Official notice of Federal fishery actions is made through filing such notice with the Office of the Federal Register. For further information, contact Karyl Brewster-Geisz at (301) 713-2347.


Emily Menashes
Acting Director, Office of Sustainable Fisheries

NOV 30 2010
Date

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apps.nmfs.noaa.gov/, and then selecting File No. 15677 from the list of available applications.

These documents are available upon written request or by appointment in the following offices:

- Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376; and
- Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824-5312; fax (727) 824-5309.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division.

- By e-mail to NMFS.Pr1Comments@noaa.gov (include the File No. in the subject line)

- By facsimile to (301) 713-0376, or
- At the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead or Colette Cairns, (301) 713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The applicant's goal is to assess presence, abundance, and distribution of shortnose sturgeon within South Carolina rivers (Savannah, Edisto, Cooper, Santee Rivers, Santee-Cooper Lakes, and Winyah Bay system). During 2011-2016, up to 134 shortnose sturgeon in all South Carolina rivers would be captured using gill nets, trammel nets and trawls. Annually, shortnose sturgeon would be taken in good condition and measured, weighed, sampled for genetic tissue analysis, and PIT tagged. Additionally, selected adults and juveniles would be captured, anesthetized, and implanted with an internal sonic transmitter. In addition, shortnose sturgeon sex would be determined from a sample of fish annually by either laparoscopy or tubular biopsy. Blood from known sexes would be collected and processed determining the level of endocrine disrupters in the environment. Manual tracking and passive detections of

telemetered fish at fixed receiver stations would be used to provide information about movements and habitat use. Recaptures of tagged fish may also be used for estimating abundance if appropriate.

Dated: November 23, 2010.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010-30173 Filed 11-29-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA059

Atlantic Highly Migratory Species; Advisory Panel

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

ACTION: Notice.

SUMMARY: NMFS solicits nominations for the Advisory Panel (AP) for Atlantic Highly Migratory Species (HMS) Southeast Data, Assessment, and Review (SEDAR) Workshops (this AP is also called the "SEDAR Pool"). The SEDAR Pool is comprised of a group of individuals whom may be selected to review data and advise NMFS regarding the scientific information, including but not limited to data and models, used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Nominations are being sought for a three-year appointment (2011-2014). Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations will be considered for membership on the SEDAR Pool.

DATES: Nominations must be received on or before December 30, 2010.

ADDRESSES: You may submit nominations and request the SEDAR Pool Statement of Organization, Practices, and Procedures by any of the following methods:

- *E-mail:* SEDAR.pool@noaa.gov.
- *Mail:* Karyl Brewster-Geisz, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Include on the envelope the following identifier: "SEDAR Pool Nomination."
- *Fax:* 301-713-1917.

Additional information on SEDAR and the SEDAR guidelines can be found at <http://www.sefsc.noaa.gov/sedar/>.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz, (301) 713-2347 ext. 111.

SUPPLEMENTARY INFORMATION:

Introduction

Section 302(g)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, states that each Council shall establish such advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. For the purposes of this section, NMFS considers the Council provision to be applicable to the HMS Management Division as well. As such, NMFS has established the SEDAR Pool under this section. The SEDAR Pool currently consists of 28 individuals who can be selected to review data and advise NMFS regarding the scientific information, including but not limited to data and models, used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. While the SEDAR Pool was created specifically for Atlantic oceanic sharks, it may be expanded to include other HMS, as needed.

The primary purpose of the individuals in the SEDAR Pool is to review, at SEDAR workshops, the scientific information, including but not limited to data and models, used in stock assessments that are used to advise NMFS, as a delegate to the Secretary of Commerce (Secretary), about the conservation and management of the Atlantic HMS, specifically but not limited to, Atlantic sharks. Individuals in the SEDAR Pool, if selected, may participate in the various data, assessment, and review workshops during the SEDAR process of any HMS stock assessment. In order to ensure that the peer review is unbiased, individuals who participated in a data and/or assessment workshop for a particular stock assessment will not be allowed to serve as reviewers for the same stock assessment. However, these individuals may be asked to attend the review workshop to answer specific questions from the reviewers concerning the data and/or assessment workshops. Members of the SEDAR Pool may serve as members of other APs concurrent with, or following, their service on the SEDAR Pool.

Procedures and Guidelines

A. Participants

The SEDAR Pool is comprised of individuals representing the commercial and recreational fishing communities for Atlantic HMS, the environmental community active in the conservation and management of Atlantic HMS, and the academic community that have relevant expertise either with sharks or shark-like species and/or stock assessment methodologies for marine fish species. Members of the SEDAR Pool must have demonstrated experience in the fisheries, related industries, research, teaching, writing, conservation, or management of marine organisms. The distribution of representation among the interested parties is not defined or limited.

Additional members of the SEDAR Pool may also include representatives from each of the five Atlantic Regional Fishery Management Councils, each of the 18 constituent states, both the U.S. Virgin Islands and Puerto Rico, and each of the constituent interstate commissions: The Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

If NMFS requires additional members to ensure a diverse pool of individuals to draw from for data or assessment workshops, NMFS may request individuals to become members of the SEDAR Pool outside of the annual nomination period.

Panel members serve at the discretion of the Secretary. Not all members will attend each SEDAR workshop. Rather, NMFS will invite certain members to participate at specific stock assessment workshops dependent on their ability to participate, discuss, and recommend scientific decisions regarding the species being assessed. If an invited SEDAR Pool member is unable to attend the workshop, the member may send a designee who may represent them and participate in the activities of the workshop. In order to ensure the designee meets the requirements of participating in the data and/or assessment workshop, the designee must receive written approval of the Deputy Director of the Office of Sustainable Fisheries at least six weeks in advance of the beginning of the relevant data and/or assessment workshop. Written notification must include the name, address, telephone, e-mail, and position of the individual designated. A designee may not name another designee.

NMFS is not obligated to fulfill any requests (e.g., requests for an assessment of a certain species) that may be made

by the SEDAR Pool or its individual members. Members of the SEDAR Pool who are invited to attend stock assessment workshops will not be compensated for their services but may be reimbursed for their travel-related expenses to attend such workshops.

B. Nomination Procedures for Appointments to the SEDAR Pool

Member tenure will be for three years. Nominations are sought for terms beginning February 2011 and expiring January 2014. Nomination packages should include:

1. The name, address, phone number, and e-mail of the applicant or nominee;
2. A description of his/her interest in Atlantic shark stock assessments or the Atlantic shark fishery;
3. A statement of background and/or qualifications; and
4. A written commitment that the applicant or nominee shall participate actively and in good faith in the tasks of the SEDAR Pool, as requested.

C. Meeting Schedule

Individual members of the SEDAR Pool meet to participate in stock assessments at the discretion of the Office of Sustainable Fisheries, NMFS. Stock assessment timing, frequency, and relevant species will vary depending on the needs determined by NMFS and SEDAR staff. Meetings and meeting logistics will be determined according to the SEDAR Guidelines. All meetings are open for observation by the public.

Dated: November 24, 2010.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010-30176 Filed 11-29-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-BA50

Fisheries of the Northeastern United States; Monkfish Fishery; Scoping Process

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

ACTION: Notice; intent to prepare an environmental impact statement (EIS) and scoping meetings; request for comments.

SUMMARY: The New England Fishery Management Council (NEFMC) announces its intent to prepare an

amendment (Amendment 6) to the Fishery Management Plan (FMP) for monkfish (*Lophius americanus*) and an EIS to analyze the impacts of any proposed management measures. The purpose of Amendment 6 is to consider one or more catch share management approaches for the monkfish fishery, including, but not limited to, Individual Fishery Quotas (IFQs), sectors, and/or community quotas. The NEFMC is initiating a public process to determine the scope of issues and range of alternatives to be addressed in Amendment 6 and its EIS. The purpose of this notification is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: Written and electronic scoping comments must be received on or before 5 p.m., local time, February 15, 2011.

ADDRESSES: Written comments on Amendment 6 may be sent by any of the following methods:

- E-mail to the following address: monkfisha6@noaa.gov;
- Mail to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Scoping Comments on Monkfish Amendment 6;" or
- Fax to Patricia A. Kurkul, 978-281-9135.

Requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone 978-465-0492. The scoping document is accessible electronically via the Internet at <http://www.nefmc.org>.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, 978-465-0492.

SUPPLEMENTARY INFORMATION:

Background

The U.S. monkfish fishery is jointly managed by the New England and Mid-Atlantic Councils, with the NEFMC having the administrative lead. The Councils manage monkfish under a two-area program (northern and southern), primarily due to differences in the characteristics of the fisheries in the two areas, although no conclusive evidence exists supporting the idea that there are two biological stocks. The Monkfish FMP became effective on November 8, 1999. The Councils have modified the



NMFS ANNOUNCES PROTECTED SPECIES RELEASE, DISENTANGLEMENT, AND IDENTIFICATION WORKSHOPS TO BE HELD IN JANUARY, FEBRUARY, AND MARCH OF 2011

Shark and swordfish limited access permit holders and applicants for permit transfers who fish with longline or gillnet gear, must submit a copy of their Protected Species Release, Disentanglement, and Identification Workshop certificate in order to renew or transfer either a shark limited access and/or a swordfish limited access permit (71 FR 58057; October 2, 2006). Vessel operators are required to possess on board the vessel valid workshop certificates for both the vessel owner and operator at all times.

IMPORTANT NOTE - Workshop certificates that were initially issued in 2008 may be expiring. Vessel owners whose certificates are expiring must attend a workshop and obtain a new certificate prior to permit renewal. Vessel operators must possess valid workshop certificates on board for both the vessel owner and operator.

WHO MUST ATTEND

Vessel owners and operators using longline or gillnet gear and holding, or applying for, one or more of the following permits:

- Shark Directed Limited Access Permit;
- Shark Incidental Limited Access Permit;
- Swordfish Directed Limited Access Permit; and/or
- Swordfish Incidental Limited Access Permit

PURPOSE OF WORKSHOPS

- To educate longline and gillnet fishermen on the required techniques for safe handling and release of entangled and/or hooked protected species such as sea turtles, marine mammals, and smalltooth sawfish
- To improve identification of protected species and improve reporting
- To generate a better understanding of the requirements for participating in these fisheries
- To provide participants with the skills needed to reduce the mortality of protected species

SCHEDULE

The following table lists the workshops that are scheduled to occur in January, February, and March of 2011. All workshops will begin promptly at **9:00 a.m.** and will conclude at approximately **5:00 p.m.**

Date	Location	Address	City	State	Zip Code
January 2011					
1/11/2011	Holiday Inn	88 Spring Street	Portland	ME	04101
1/13/2011	Holiday Inn	151 Route 72 East	Manahawkin	NJ	08050
1/24/2011	Holiday Inn	137 Automall Circle	Daytona Beach	FL	32124
February 2011					
2/16/2011	Holiday Inn	99701 Overseas Highway	Key Largo	FL	33037

Date	Location	Address	City	State	Zip Code
2/23/2011	Princess Royale Oceanfront Hotel	9100 Coastal Highway	Ocean City	MD	21842
March 2011					
3/16/2011	The Tremont House	2300 Ships Mechanic Row	Galveston	TX	77550
3/23/2011	Holiday Inn Select	3535 Ulmerton Road	Clearwater	FL	33762

WHAT TO BRING

To ensure that the workshop certificate is linked to the correct permit, please bring the following items to the workshop:

Individual Vessel Owner:

- Proof of identification,
- A copy of the applicable permit(s), and
- A copy of the vessel registration or documentation.

Representative of a Business or Co-Owned Vessel:

- Proof that the individual is an agent (partial owner) of the business,
- A copy of the applicable permit(s), and
- Proof of identification.

Vessel Operator:

- Proof of identification.

FOR MORE INFORMATION

To pre-register for a scheduled workshop, please contact Angler Conservation Education at (386) 682-0158.

For further information regarding workshop requirements please visit the following webpage: <http://www.nmfs.noaa.gov/sfa/hms/workshops> or contact Rick Pearson at (727) 824-5399.

DEC 01 2010

Emily Menashes
 Emily Menashes
 Acting Director, Office of Sustainable Fisheries

 Date

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 -- An electronic newsletter informing you of the latest HMS-related actions --
<http://www.nmfs.noaa.gov/sfa/hms/newslist/>



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

NMFS ANNOUNCES ATLANTIC SHARK IDENTIFICATION WORKSHOPS TO BE HELD IN JANUARY, FEBRUARY, AND MARCH OF 2011

An Atlantic shark dealer may not receive, purchase, trade, or barter for Atlantic sharks unless a valid Atlantic Shark Identification Workshop dealer certificate is on the premises of each business location listed under the shark dealer permit where sharks are first received (71 FR 58057; October 2, 2006). Trucks or other conveyances of a dealer's place of business which are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate (73 FR 38153; July 3, 2008). Additionally, Atlantic shark dealers may not renew a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate has been submitted with the permit renewal application (71 FR 58057; October 2, 2006). As such, **Atlantic shark dealers who have not already attended a workshop and received a valid NMFS certificate, or whose certificate is expiring prior to the next permit renewal, must attend one of the free workshops in order to receive shark products or renew their Atlantic shark dealer permit.** The Atlantic Shark Identification Workshops being held in January, February, and March of 2011 are listed below.

Who Must Attend

- All new applicants for Atlantic shark dealer permits;
- All federally-permitted Atlantic shark dealers or a proxy from each business location that receives sharks (unless they have already attended a workshop and possess a valid certificate);

Proxies: Currently permitted shark dealers may send someone else (*i.e.* a proxy) to a shark identification workshop instead of attending themselves. If a dealer opts to send a proxy, then a proxy from each place of business which first receives sharks under the dealer's permit must attend the workshop. A proxy must be:

- A person who is currently employed by a place of business authorized to receive sharks under the dealer's permit;
- A primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and,
- Involved in filling out dealer reports.

Purpose of Workshops

- To train Federal Atlantic shark dealer permit holders or their proxies to properly identify shark carcasses
- To reduce the number of unknown and improperly identified sharks reported in the dealer reporting form
- To increase the accuracy of species-specific dealer reported information
- To generate a better understanding of the regulatory requirements for Atlantic shark dealers
- To improve quota monitoring and data used for shark stock assessments

Schedule

The following table lists the workshops that are scheduled to occur in January, February, and March of 2011.

Date	Location	Address	City	State	Zip Code
January 2011					
1/6/2011 (Noon – 4:00 p.m.)	Leisure Square – TUFF Room	3705 16 th Street	Vero Beach	FL	32960
February 2011					
2/3/2011 (Noon – 4:00 p.m.)	La Quinta Inn (at Norfolk Airport)	1387 N. Military Highway	Norfolk	VA	23502
March 2011					
3/10/2011 (Noon – 4:00 p.m.)	La Quinta Inn West	10446 I-37 Access Road B	Corpus Christi	TX	78410

WHAT TO BRING

To ensure that the workshop certificate is linked to the correct permit, please bring the following items to the workshop:

Individual Dealer Permit Holder:

- Proof of identification, and
- A copy of the applicable permit(s).

Representative of a Partnership, Corporation, or other entity:

- Proof that the individual is an agent (partial owner) of the business,
- A copy of the applicable permit(s), and
- Proof of identification.

Dealer Proxies:

- Documentation from the shark dealer acknowledging that the proxy is attending the workshop on behalf of the Atlantic shark dealer and for a specific business location,
- A copy of the applicable permit, and
- Proof of identification.

FOR MORE INFORMATION

To pre-register for a scheduled workshop, please contact Eric Sander at esander@peoplepc.com or by phone at (386) 852-8588. Pre-registration is highly recommended but is not required.

For further information regarding workshop requirements please visit the following webpage: <http://www.nmfs.noaa.gov/sfa/hms/workshops> or contact Rick Pearson at (727) 824-5399.

DEC 01 2010

Emily Menashes

Emily Menashes
Acting Director, Office of Sustainable Fisheries

Date

SIGN UP FOR ATLANTIC HMS NEWS

-- An electronic newsletter informing you of the latest HMS-related actions --

<http://www.nmfs.noaa.gov/sfa/hms/newslist/>

Pacific harbor seals may be temporarily impacted by pile driving noise. However, these animals are expected to avoid the area, thereby reducing exposure and impacts. In addition, although the sill project is expected to take 11 to 15 weeks to complete, the installation of end-bearing piles and sheet pile would only occur for approximately 20 days. Further, the Union Pacific Railroad bridge that is located in the vicinity of the project site has approximately 15–20 trains passing over it each day and harbor seals haul-out on the mud flats located on either side of the bridge. During a previous project at this site involving pile driving, harbor seals were observed to be present during construction and reportedly entered and exited the area without any visible signs of stress or undue harassment (MACTEC Engineering and Consulting 2003). Therefore, animals are likely tolerant or habituated to anthropogenic disturbance, including pile driving. Finally, breeding and pupping occur outside of the proposed work window; therefore, no disruption to reproductive behavior is anticipated. There is no anticipated effect on annual rates of recruitment or survival of the affected harbor seal population.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS determined that the Parsons Slough sill project will result in the incidental take of small numbers of marine mammals, by Level B harassment only, and that the total taking from the Parsons Slough project will have a negligible impact on the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Endangered Species Act (ESA)

No ESA-listed species under NMFS' jurisdiction are expected to be affected by these activities. Therefore, NMFS has determined that a section 7 consultation for issuance of the proposed IHA under the ESA is not required. The NOAA Restoration Center, Southwest Region, completed a formal consultation with the USFWS because the project is within the range of the southern sea otter, which is listed as threatened under the ESA. On October 6, 2010, the U.S. Fish and Wildlife Service issued a Biological Opinion and Incidental Take Statement to the NOAA Restoration

Center, Southwest Regional pursuant to Section 7 of the ESA. The Biological Opinion concluded that impacts from the NOAA Restoration Center, Southwest Region's project would not jeopardize the continued existence of ESA-listed southern sea otters.

National Environmental Policy Act (NEPA)

Pursuant to NEPA, the general impacts associated with the design and construction phases of the proposed action are described in the Community-Based Restoration Program (CRP) Programmatic Environmental Assessment (PEA) and the Supplemental Programmatic Environmental Assessment (SPEA), which were prepared by the NOAA Restoration Center, Southwest Region. The NOAA Restoration Center, Southwest Region, completed a Targeted Supplemental Environmental Assessment (TSEA) to include all project-specific impacts not described in the CRP PEA/SPEA. NMFS considered the TSEA to be adequate and adopted it on November 22, 2010. On November 23, 2010, NMFS issued a Finding of No Significant Impact on the TSEA.

Authorization

As a result of these determinations, NMFS has issued an IHA to the NOAA Restoration Center, Southwest Region, for the take of marine mammals incidental to the Parsons Slough project, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: November 23, 2010.

P. Michael Payne,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010-30235 Filed 11-30-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XAO61

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and

Identification Workshops will be held in January, February, and March of 2011. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2011.

DATES: The Atlantic Shark Identification Workshops will be held January 6, February 3, and March 10, 2011.

The Protected Species Safe Handling, Release, and Identification Workshops will be held January 11, January 13, January 24, February 16, February 23, March 16, and March 23, 2011.

See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Vero Beach, FL; Norfolk, VA; and Corpus Christi, TX.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Portland, ME; Manahawkin, NJ; Daytona Beach, FL; Key Largo, FL; Ocean City, MD; Galveston, TX; and Clearwater, FL.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson by phone: (727) 824-5399, or by fax: (727) 824-5398.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: <http://www.nmfs.noaa.gov/sfa/hms/workshops/>.

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit which first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Approximately 52 free Atlantic

Shark Identification Workshops have been conducted since January 2007.

Currently permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location which first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances which are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

Workshop Dates, Times, and Locations

1. January 6, 2011, 12 p.m.–4 p.m., Leisure Square—TUFF Room, 3705 16th Street, Vero Beach, FL 32960.

2. February 3, 2011, 12 p.m.–4 p.m., La Quinta Inn (at Norfolk Airport), 1387 North Military Highway, Norfolk, VA 23502.

3. March 10, 2011, 12 p.m.–4 p.m., La Quinta Inn West, 10446 I-37 Access Road B, Corpus Christi, TX 78410.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at esander@peoplepc.com or at (386) 852-8588.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Protected Species Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited-access and swordfish limited-access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for 3 years. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited-access permits. Additionally, new shark and swordfish limited-access permit applicants who intend to fish with longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued. Approximately 100 free Protected Species Safe Handling, Release, and Identification Workshops have been conducted since 2006.

In addition to certifying vessel owners, at least one operator on board vessels issued a limited-access swordfish or shark permit that uses longline or gillnet gear is required to attend a Protected Species Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited-access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. The certificate(s) are valid for 3 years. As such, vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a

vessel with swordfish and shark limited-access permits that uses with longline or gillnet gear.

Workshop Dates, Times, and Locations

1. January 11, 2011, 9 a.m.–5 p.m., Holiday Inn, 88 Spring Street, Portland, ME 04101.

2. January 13, 2011, 9 a.m.–5 p.m., Holiday Inn, 151 Route 72 East, Manahawkin, NJ 08050.

3. January 24, 2011, 9 a.m.–5 p.m., Holiday Inn, 137 AutoMall Circle, Daytona Beach, FL 32124.

4. February 16, 2011, 9 a.m.–5 p.m., Holiday Inn, 99701 Overseas Highway, Key Largo, FL 33037.

5. February 23, 2011, 9 a.m.–5 p.m., Princess Royale Oceanfront Hotel, 9100 Coastal Highway, Ocean City, MD 21842.

6. March 16, 2011, 9 a.m.–5 p.m., The Tremont House, 2300 Ships Mechanic Row, Galveston, TX 77550.

7. March 23, 2011, 9 a.m.–5 p.m., Holiday Inn Select, 3535 Ulmerton Road, Clearwater, FL 33762.

Registration

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (386) 682-0158.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.
- Representatives of a business owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.
- Vessel operators must bring proof of identification.

Workshop Objectives

The Protected Species Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. In an effort to improve reporting, the proper identification of protected species will also be taught at these workshops. Additionally,

individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species, which may prevent additional regulations on these fisheries in the future.

Dated: November 26, 2010.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010-30238 Filed 11-30-10; 8:45 am]

BILLING CODE 3510-22-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meeting Notice

The National Civilian Community Corps Advisory Board gives notice of the following meeting:

DATE AND TIME: Tuesday, December 7, 2010, 2 p.m.–3 p.m.

PLACE: Conference room #8312, 8th floor, Corporation for National and Community Service Headquarters, 1201 New York Avenue, NW., Washington, DC 20525.

STATUS: Open.

MATTERS TO BE CONSIDERED:

- I. Meeting Convenes
- II. Approval of Minutes
- III. Director's Report
- IV. Committee Reports:
 - Projects and Partnership Committee
 - Member Services Committee
 - Policy and Operations Committee
- V. Public Comment

Accommodations: Anyone who needs an interpreter or other accommodation should notify the Corporation's contact person by 5 p.m. Friday, December 3, 2010.

CONTACT PERSON FOR MORE INFORMATION:

Erma Hodge, NCCC, Corporation for National and Community Service, 9th Floor, Room 9802B, 1201 New York Avenue, NW., Washington, DC 20525. Phone (202) 606-6696. Fax (202) 606-3459. TDD: (202) 606-3472. E-mail: ehodge@cns.gov.

Dated: November 26, 2010.

Thomas L. Bryant,

Acting General Counsel.

[FR Doc. 2010-30287 Filed 11-29-10; 4:15 pm]

BILLING CODE 6050--\$-P

DEPARTMENT OF EDUCATION

The Fund for the Improvement of Postsecondary Education (FIPSE) National Board

AGENCY: Department of Education.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming open meeting of the National Board (Board) of the Fund for the Improvement of Postsecondary Education. The notice also describes the functions of the Board. Notice of this meeting is required by Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend. This notice is published less than 15 days prior to the date of the meeting due to unexpected delays in finalizing arrangements for the meeting.

DATES: Monday, December 13, 2010.

Time: 9 a.m.–3:30 p.m. Eastern Standard Time.

ADDRESSES: Capital Hilton, Pan American Room, 1001 16th Street, NW., Washington, DC 20036, Telephone: (202) 393-1000.

FOR FURTHER INFORMATION CONTACT: Erin M. McDermott, U.S. Department of Education, 1990 K Street, NW., Washington, DC 20006-8544; telephone: (202) 502-7607; email: erin.mcdermott@ed.gov.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established in Title VII, Part B, section 742 of the Higher Education Act of 1965, as amended (20 U.S.C. 1138a). The Board is authorized to advise the Director of the Fund and the Assistant Secretary for Postsecondary Education on (1) priorities for the improvement of postsecondary education, including recommendations for the improvement of postsecondary education and for the evaluation, dissemination, and adaptation of demonstrated improvements in postsecondary educational practice; and (2) the operation of the Fund, including advice on planning documents, guidelines, and procedures for grant competitions prepared by the Fund.

On Monday, December 13, 2010, from 9 a.m. to 3:30 p.m., Eastern Standard Time, the Board will meet in open session. The proposed agenda for the meeting will include discussion of the Fund's programs and special initiatives. Presentations will be made on behalf of projects administered by the Fund.

The meeting is accessible to individuals with disabilities.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1-800-877-8339, Monday through Friday between the hours of 8 a.m. and 8 p.m., Eastern Standard Time.

Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistance listening devices, or materials in alternative format) should notify Erin McDermott at (202) 502-7607, no later than December 8, 2010. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Members of the public are encouraged to submit written comments by submitting comments to the attention of Erin M. McDermott, 1990 K Street, NW., Room 6142, Washington, DC 20006-8544 or by e-mail at erin.mcdermott@ed.gov.

Records are kept of all Board proceedings and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, 6th Floor, 1990 K Street NW., Washington, DC 20006-8544 from the hours of 8 a.m. to 4:30 p.m., Eastern Standard Time. (EST) from Monday through Friday.

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Eduardo M. Ochoa,

Assistant Secretary for Postsecondary Education.

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Notes to Editors:

Shark Advocates International (SAI) is a project of The Ocean Foundation established to provide leadership in advancing sound policies for sharks and rays through collaboration with a variety of organizations and decision makers. Based on nearly 20 years of shark conservation achievement, SAI uses its expertise to secure science-based limits on shark fishing and trade, protection for endangered species, and stronger bans on finning.

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. The Convention entered into force in 1969. ICCAT currently reports 48 Contracting Parties (including the European Union).

There are no multi-national fishing quotas for sharks.

Finning is the wasteful practice of slicing off a shark's fins and discarding the body at sea. ICCAT adopted the world's first international finning ban in 2004, but the measure has loopholes that stem from weaknesses in the EU finning ban.

The IUCN (International Union for Conservation of Nature) classifies scalloped and great hammerhead sharks as Globally Endangered. Smooth hammerheads, porbeagles, shortfin makos, common thresher, bigeye thresher, and oceanic whitetip sharks are categorized as Globally Vulnerable. Species included in the Vulnerable, Endangered, and Critically Endangered IUCN categories are considered by IUCN to be Threatened with extinction. More information at: <http://www.iucn.org/?3362/Third-of-open-ocean-sharks-threatened-with-extinction> . IUCN classifies one-third of oceanic sharks and rays as Threatened.

Proposals to list oceanic whitetip, porbeagle, and hammerhead sharks under the Convention on International Trade in Endangered Species (CITES) were defeated at the Conference of the CITES Parties in March 2010, primarily due to opposition from Japan and China.

Norway and Iceland took reservations on the ICCAT oceanic whitetip protection because it conflicts with their national bans on discarding dead fish. Russia also announced a reservation on the oceanic whitetip prohibition. Norway reiterated its reservation during final discussions on the hammerhead measure.