

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
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Lee G. Anderson
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Daniel T. Furlong
Executive Director

March 3, 2010

Dr. Nancy Thompson
Science Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

Dear Dr. Thompson,

Thank you for sending Dr. Paul Rago to the Mid-Atlantic Fishery Management Council's recent meeting in Cambridge, Maryland where he briefed the Council on the Standardized Bycatch Reporting Methodology (SBRM) Sea Day Analysis and Prioritization for 2010. Included in Dr. Rago's presentation was the projected number of sea days to be sampled in the Northeast Fisheries Observer Program (NEFOP) for the period April 2010 to March 2011. Based on the information presented, the Council is concerned that the proposed sea sampling intensity for the fisheries prosecuted in the Mid-Atlantic region will likely not be sufficient to obtain an acceptable coefficient of variation for bycatch in most of these fisheries. The lack of adequate coverage of Mid-Atlantic fisheries in general will limit the ability of the Council to manage bycatch in these fisheries and meet its statutory mandates under National Standard 9.

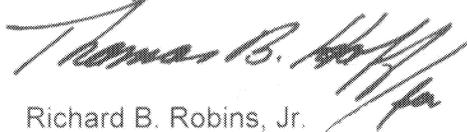
The Council is particularly concerned that the proposed sampling intensity in the small-mesh trawl fisheries in the Southern New England and Mid-Atlantic regions may not be sufficient to obtain an acceptable coefficient of variation for butterfish bycatch in the directed *Loligo* fishery, and requests that the prioritization of allocated observer coverage for the directed *Loligo* fishery be reallocated as appropriate. Amendment 10 to the Atlantic Mackerel, Squid and Butterfish FMP includes a stock rebuilding plan for butterfish based largely on the implementation of a butterfish mortality cap program for the directed *Loligo* fishery. Under the proposed mortality cap program, a portion of the ABC specified for butterfish will be allocated to the directed *Loligo* fishery. The amount of butterfish taken in the *Loligo* fishery will be monitored via the NEFOP and once the allocated portion of butterfish ABC is projected to be taken in the *Loligo* fishery, the directed *Loligo* fishery will be closed. For this system to be successful (from both a biological and economic perspective) estimates of butterfish mortality in the *Loligo* fishery must be made with an acceptable level of precision (i.e., CVs on the order of 30 %). Analysis contained in Amendment 10 indicated that at least 60-90 directed *Loligo* trips would have to be sampled by the NEFOP in order to achieve an appropriate annual level of precision. This would require approximately 210-315 sea days of sampling (assuming 3.5 days per trip). The 2010 SBRM prioritization report indicated that a total of 846 sampling days are allocated for all small-mesh trawl fisheries in the New England and Mid-Atlantic regions for the period April 2010 to March 2011. Since this level of sampling effort is distributed across all small-mesh trawl fisheries in these two regions, it is unclear if this level of sampling will provide adequate coverage of the *Loligo* fishery to operate the butterfish mortality cap program with adequate statistical precision. In addition, Table 5 of the report indicates that the prioritized coverage of the New England and Mid-Atlantic small mesh fisheries for these fisheries represent only 33% and 8%, respectively, of the preferred alternative level of coverage for each fishery (i.e., the level required to achieve an acceptable level of precision relative to composite bycatch in these fisheries).

Given this situation, the Council requests that NEFOP sampling of small-mesh trawl fisheries in the Northeast Region be conducted at a level that results in acceptable levels of precision about the estimates of butterfish bycatch in the *Loligo* fishery. Successful implementation of the butterfish mortality cap program proposed in Amendment 10 depends largely on adequate observer coverage of the *Loligo* fishery. As such, the Council has identified the issue of adequate coverage of this fishery within the NEFOP as one of its highest priorities and requests that you allocate the necessary sea days of sampling to achieve a 30% CV (or better) for estimates of butterfish bycatch in the *Loligo* fishery.

In addition, in a 24 June 2009 letter to the Hon. Gary Locke (attached), the Council requested that observer coverage of New England and Mid-Atlantic fisheries be conducted at a level that provides adequate estimates of river herring bycatch in these fisheries. The proposed levels of coverage for the upcoming year appear non-responsive to this request as well.

Your positive action on our request to increase levels of observer coverage in the small mesh otter trawl fisheries in the New England and Mid-Atlantic areas in general, and the *Loligo* fishery specifically, will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B. Robins, Jr.", with a stylized flourish at the end.

Richard B. Robins, Jr.
Chairman

cc: L. Anderson, P. Kurkul, E. Berg

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Daniel T. Furlong
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Lee G. Anderson
Vice Chairman

June 24, 2009

The Honorable Gary Locke
U.S. Secretary of Commerce
United States Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Mr. Secretary:

The Mid-Atlantic Fishery Management Council requests immediate action to increase observer coverage to monitor river herring (alewife and blueback herring) in the Mid-Atlantic's small-mesh trawl fisheries. This request closely follows and supports the Atlantic States Marine Fisheries Commission's (ASMFC) emergency request for increased monitoring measures to determine river herring bycatch in small-mesh fisheries dated May 27, 2009.

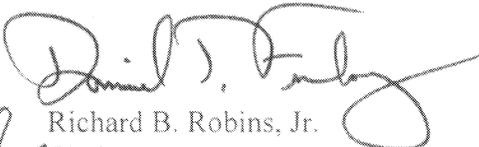
The ASMFC has documented a precipitous decline in river herring stocks in the region and the issue of river herring bycatch in small-mesh trawl fisheries garnered significant attention at our recent Council meeting in New York City. The following truncated motion was passed at that meeting:

"Move to write a letter to the Department of Commerce requesting increased observer coverage to monitor river herring bycatch in small mesh fisheries. Refer river herring issue to Squid, Mackerel, and Butterfish Committee along with *Loligo* control date issue for development in possible future Amendment . . ."

The Council appreciates the Northeast Fisheries Science Center's additional allocation of observer days for small-mesh trawl fisheries per our February 27, 2009 request related to the observer coverage needs of our pending butterfly bycatch cap program for the *Loligo* fishery. However, even with these additional sea days, the Council will be unable to achieve robust estimates of river herring bycatch in the small-mesh trawl fisheries. Given the expressed concerns about the stock status of river herring (see attached April 14 letter from John V. O'Shea on behalf the Atlantic States Marine Fisheries Commission and the attached June 17 Petition for Emergency Action), the proposed increase in observer funding in the President's FY 2010 budget request, and the low proportion of observer funds that are currently spent on Mid-Atlantic fisheries, I am requesting that sufficient numbers of observer days be allocated to the small-mesh trawl fisheries such that acceptably precise ($CV < .30$) estimates of river herring bycatch in all individual small-mesh trawl fisheries (e.g. Atlantic mackerel) can be calculated.

Your positive action on our request will provide the Council with the necessary bycatch data to develop and implement conservation measures necessary to minimize bycatch interactions in our managed fisheries, consistent with National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements of NMFS' federal rule implementing a Standardized Bycatch Reporting Methodology which became effective on February 27, 2008.

Sincerely,



Richard B. Robins, Jr.
Chairman

cc: Lee Anderson, Vice-Chairman, MAFMC
Jim Balsiger, Assistant Administrator for Fisheries, NMFS
Pat Kurkul, Regional Administrator, NMFS
Nancy Thompson, Director, Northeast Fisheries Science Center
John V. O'Shea, Executive Director, ASMFC
Paul Diodati, Chairman, ASMFC Shad and River Herring Management Board
John Pappalardo, Chairman, New England Fishery Management Council

Attachments: Letter from John V. O'Shea
Emergency Petition