

9.0 ATLANTIC SALMON FISHERY MANAGEMENT PLAN PROVISIONS

9.1 OVERFISHING DEFINITION FOR ATLANTIC SALMON

There is no overfishing definition in the Fishery Management Plan for Atlantic Salmon. Given the management measures that are included in the plan, the fishing mortality rate threshold (and therefore target) is zero, or as close as possible when taking into account discard mortality. There are no biomass thresholds, but there is a rebuilding target. The intention of the rebuilding effort discussed in the FMP was to increase the abundance of Atlantic salmon by 54,000 individuals and the Council expected this increase to occur within 25 years following plan implementation.

Evaluation: Although there is no formal overfishing definition and maximum sustainable yield (MSY) has not been estimated, the management strategy appears to be consistent with the Sustainable Fisheries Act and National Standard 1 Guidelines. Population biomass is probably well below $\frac{1}{2} B_{MSY}$ (appropriate for a highly resilient stock) and B_{limit} (the biomass that can be rebuilt in 10 years or less). The carrying capacity of the Atlantic salmon stock should be re-established to determine whether 54,000 fish is a reasonable proxy for B_{MSY} . The current estimate of abundance for native Atlantic salmon in U.S. waters is 200 fish.

9.2 AQUACULTURE FRAMEWORK ADJUSTMENT PROCESS FOR ATLANTIC SALMON FMP

9.2.1 Background

In August, 1997 the Council voted to amend all NEFMC fishery management plans (FMPs) to include a framework adjustment process that would facilitate the timely approval of aquaculture projects that would otherwise require a full plan amendment. Since the concept of approving aquaculture projects through frameworks is a new addition to the list of “frameworkable” measures already listed in several Council FMPs, the public must be given an opportunity to comment on this proposal. For the sake of efficiency, consideration of an aquaculture framework adjustment process has been added to the FMP amendments now being developed to bring all NEFMC plans into compliance with the Sustainable Fisheries Act.

Assigning a new purpose to measures that are part of a framework adjustment process requires adoption of a plan objective that is consistent with the framework action. For example, in the Multispecies FMP, the Council adopted a plan objective to reduce harbor porpoise bycatch in order to establish gillnet time/area closures through framework adjustments. Consequently, the following objective will be added to each FMP:

To facilitate the siting of biologically and environmentally sound aquaculture operations in the EEZ, given that some projects cannot occur in federal waters without modification to one or more NEFMC fishery management plans.

9.2.2 Process

The framework adjustment process that already exists in the Groundfish and Scallop FMPs allows the Council to modify specified plan measures more quickly than by preparing a full plan amendment. In those plans, the proposed modification is announced in advance of at least two Council meetings and public comments are taken at each of those meetings prior to a final Council vote on the issue.

Additionally, a document containing the measure(s) proposed, other alternatives under consideration and the biological and economic impacts of the measures is made available at least

a week before the meeting at which the final vote is scheduled. If an action is approved, the Council forwards its recommendation to the National Marine Fisheries Service Regional Administrator (RA). If the RA concurs with the framework adjustment, he has the discretion to publish it either as proposed or final regulations in the *Federal Register*.

In the existing framework process, there are other factors which are weighed during consideration of an adjustment. They include: a) whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule, and whether regulations have to be in place for an entire harvest/fishing season; b) whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures; c) whether there is an immediate need to protect the resource; and d) whether there will be a continuing evaluation of management measures adopted following their implementation as a final rule.

For aquaculture projects in the EEZ, the Council's recommendations on adjustments or additions to management measures must come from one or more of the following categories: minimum fish sizes, gear restrictions, minimum mesh sizes, possession limits, tagging requirements, monitoring requirements, reporting requirements, permit restrictions, area closures, establishment of special management areas or zones and any other management measures currently included in the FMP.

9.2.3 Rationale

The Council proposes the use of the above-described process to make necessary adjustments to Council FMPs which apply to EEZ-based aquaculture projects. The intent is to make changes to FMPs in a timely manner. During this process, the Council will address issues within its purview, including user group conflicts and fishery habitat-related issues, but will not pre-empt the role of the permitting agencies, the Army Corps of Engineers and the Environmental Protection Agency.