

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Multispecies (Groundfish) Committee

I. STATUS

- A. Meetings: The Groundfish Plan Development Team met October 2, 2007 and October 22, 2007. A meeting summary is attached for the first meeting. The Multispecies (Groundfish) Oversight Committee met October 16, 2007. Meeting summaries are attached.
- B. Amendment 16: The Amendment 16 scoping period ended December 31, 2006. Scoping hearings were held in Maine, New Hampshire, Massachusetts, Rhode Island, and New York. The Committee and Council reviewed scoping comments at the February 2007 and June 2007 Council meetings. The Gulf of Maine Research Institute and the Massachusetts Marine Fisheries Institute hosted meetings to help proponents of alternative management systems develop detailed proposals. In June 2007 the Council decided that Amendment 16 will modify the effort control system in order to continue stock rebuilding, and will modify existing sectors and adopt new sectors. The Committee focused on resolving the policy issues necessary to facilitate adoption of seventeen additional sectors and modifications to two existing sectors until the September Council meeting. At that meeting, the Council directed the Committee to work on other measures and postpone further sector development until that work was completed. The Committee Chair will report on all Amendment 16 progress to date.
- C. SAP and Category B DAS Gear Standards: In response to a Council request, NMFS has issued a proposed rule to establish standards that must be met before additional gear can be authorized for the Eastern US/CA Haddock SAP and the Category B DAS program (trawl gear only).
- D. GARM III: The first of four GARM III meetings was held the week of October 29. This meeting focused on data inputs (catches, surveys, tagging studies, and environmental factors).

II. COUNCIL ACTION

- A. Review and approval of Committee recommendations for effort control development for Amendment 16.
- B. Reconsideration of a tabled Council motion on a process for developing sectors.
- C. Review of the proposed timeline for Amendment 16 development.
- D. Review and approval of Committee recommendations for access to the Eastern US/CA area for FY 08. FY 2008.

III. INFORMATION

1. Multispecies (Groundfish) Committee Meeting Summary, August 1, 2007
2. Multispecies (Groundfish) Oversight Committee meeting summary, September 5, 2007
3. Multispecies (Groundfish) Committee meeting summary, October 16, 2007
4. PDT conference call summary, June 28, 2007
5. PDT meeting summary, July 25, 2007
6. PDT conference call summary, August 21, 2007
7. PDT meeting summary, October 2, 2007
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**New England Fishery Management Council
Multispecies (Groundfish) Oversight Committee**

Meeting Summary

August 1, 2007

The Multispecies (Groundfish) Oversight Committee met in Peabody, MA to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan. The Committee also received a report on the 2007 Transboundary Assessment Committee (TRAC) assessments of eastern Georges Bank cod and haddock, and Georges Bank yellowtail flounder. Committee members present were Mr. Rip Cunningham (Chair), Mr. Mike Leary (Vice-Chair), Mr. Dave Preble, Ms. Sally McGee, Mr. Tom Hill, Ms. Susan Murphy, Mr. Jim Odlin, Mr. Rodney Avila, Mr. Jim Ruhle, and Mr. Terry Stockwell. Staff members supporting the meeting were Mr. Tom Nies (NEFMC), Mr. Tom Warren and Mr. Doug Christel (NERO), and Mr. Gene Martin (NOAA GC).

The meeting focused on sector management issues. The key document used to guide the discussion was a memorandum from the Groundfish Plan Development Team (PDT) dated July 27, 2007.

Sector Management Issues

Council staff provided an overview of the process used by the PDT to identify and prioritize sector management issues that should be addressed in order to implement sectors that applied for consideration. The PDT report discusses the issues in order of priority as viewed by the PDT; the Committee discussion followed the same order.

Sector Baseline Period

Council staff reviewed the PDT's discussion of the sector baseline period. Staff noted the PDT found it difficult to separate the baseline period (the years used to determine vessel history) with the method used to calculate history (e.g. landings history alone or in combination with other factors). As a result the PDT report discusses both issues. Staff noted that in some respects it was not accurate to characterize this discussion as an allocation discussion, since technically it was calculation of history for permits that does not become an allocation until the permit joins a sector, but the PDT often used this term to simplify the discussion. After a few brief questions on the report, the following motion was offered.

Motion: The Committee recommends that we consider two baseline periods for analysis and consideration - FY 1996 through FY 2001 and FY 1996 through FY 2006 – using landings history data. (Mr. Odlin/Mr. Hill)

Two Committee members spoke against using landings history data alone to determine the history for each permit. They argued that because of regulatory restrictions and poor stock status, some fishermen did not have access to the resource and could not acquire history during the proposed time periods. They also argued that this approach rewarded fishermen who (legally) targeted weak stocks under the adopted regulatory regime. Other Committee members spoke in support of the motion. One noted that with the evidence that the resource is fully used by current participants it seems inappropriate to assign history to vessels that were not targeting the fish. Another argued that including other factors could lead to allocating stocks to fishermen who had no history and no interest in targeting those stocks; this would lead to a need for adjustments between sectors and could cause considerable chaos in the fishery. Public comment included:

- Mr. Vito Giacalone: Northeast Seafood Coalition (NESC). The Committee should consider that if there is an interest in promoting sector enrollment that can only be achieved if every permit is valuable to a sector. This is a way to encourage vessel with permits to stay in groundfish and not move into other fisheries, creating a problem with displaced effort. Using landings history alone will disenfranchise many permits that will not be valuable to a sector. Vessel owners that have multiple permits will take the permit with catch history into the sector and may either use the other permits in the common pool or sell these permits. These permits will either target groundfish in the common pool or increase effort in other fisheries. The Committee also needs to address the discrepancy between the allocation of DAS and the allocation of quota that was pointed out by the PDT. Considering other factors helps to mitigate this problem. More vessels will have a value to sectors and may join sectors. We represent twelve sector requests and every one of them is concerned about only using catch history for this decision.
- Mr. Chris Brown: Rhode Island Commercial Fishermen’s Association. If you use the periods proposed, you are using the period when the ocean was the sickest it has been in our memory in order to allocate future access. As stocks rebuild, you will be encouraging massive amounts of discards as sectors without landings history during this period encounter rebuilt stocks. This year is a perfect example – I caught cod in southern New England in amounts I have not seen in decades. We have to preserve communities that we have left. Using only landings history will not accomplish that. We should also include some type of capacity criterion. We need to remember that we should be planning for when the oceans are healthy.
- Ms. Maggie Raymond: Associated Fishermen of Maine and the Sustainable Harvesting Sector. The sector policy seems to say shares will be allocated based on percentages of the annual catch entitlement. If the Committee decides to use something other than landings history, I hope they will lay out what they are trying to achieve by doing so. Otherwise we won’t know if our approach addresses the problem or not. The most important thing- sectors need to know what the possibilities are. We have to begin work on our operating plans and EA’s for the 2009 fishing year and we cannot do that without knowing how history will be calculated. I hope you consider as few options as possible.
- Mr. Peter Taylor: Cape Cod Commercial Hook Fisherman’s Association. We support this motion and hope it goes forward as it stands.
- Mr. Frank Mirarchi: Commercial fisherman from Scituate, MA. I disagree with the motion on the floor. Fishermen in the southwestern Gulf of Maine have done many things to keep their businesses going in the face of seven month of rolling closures, 30 pound cod caps, etc. A simple landings based allocation is disadvantageous to those who diversified into other types of fishing. In addition we have seen changes in distribution for a whole host of reasons: fishing pressure, climate change, etc. I recommend inclusion of some type of capacity units in the formula, and as long a time period as possible.
- Mr. Glen Libby: Midcoast Fishermen’s Association. I urge you to go with the longer time period. Some of our members bought permits with DAS but little landings history. They may not be as interested in sectors if the calculation does not include a period when those permits acquired history.
- Mr. Ed Barrett: President, Massachusetts Bay Groundfishermen. I represent forty boats. We do not support this motion for the same reasons as Frank Mirarchi. We think you should use a longer time period.

Motion to amend: to insert after “landings history data”: “and DAS utilization”. And to only consider one time period (FY 96-2006). (Mr. Ruhle/Mr. Avila)

Mr. Ruhle said this motion was an attempt to address the concern that only landings history was being considered while reducing complexity by considering only one timeline. This motion gives used DAS a value, and recognizes that some fishermen may have done the right thing for the resource but the wrong thing for their own pockets. How to weight each factor would need to be determined.

Several Committee members opposed considering only one option and questioned whether that would be consistent with NEPA requirements. Ms. Murphy opposed the motion because it would result in only one alternative. A Committee member cautioned that these types of decisions typically take months to resolve and it was not clear this discussion was a careful consideration of the complex issues that needed to be addressed. Another member spoke in favor of considering capacity in some form, but was uncertain whether this motion addressed this.

A motion **passed** to move the question (6-3). The motion to amend **failed** on a show of hands (2-7). The main motion **carried** on a show of hands (6-3).

The Committee next discussed whether an option should be considered that incorporated capacity into the history calculation. Committee members were provided a strawman proposal that used vessel characteristics and DAS allocations as an element of the history calculation. A Committee member supported this concept as well as consideration of different weighting factors for the elements that were considered.

Motion: That we request the PDT to evaluate the strawman history calculation submitted in a memo dated July 30, 2007 by Vito Giacalone in step 1 and 2. Weight catch history and capacity units at different levels to show how different weights impact allocations. (Mr. Hill/Mr. Ruhle)

This motion was offered to address the concern that as many boats as possible be eligible for opportunity based programs. If adopted, this approach would facilitate an industry driven rationalization of the capacity in the fishery. Some Committee members opposed the motion on the grounds it was a reallocation of the fishery. Public comment included:

- Mr. Vito Giacalone: To be clear, this is not a Northeast Seafood Coalition proposal. It is an attempt to incorporate capacity into the history calculation. There may be other approaches that the PDT can suggest. This is not a reallocation – the fishery has not yet been allocated, except for one stock allocated to the two existing sectors. Besides – the only way there won't be an allocation is if DAS are used.
- Ms. Maggie Raymond: The Committee should clearly identify the reason for using other factors in the calculation. If you want to compare this approach to the landings only approach, don't you need two time frames? For the sliding scale of weights – is it possible that landings history would be less than 50 percent? (Mr. Hill replied he did not envision landings history being less than 50 percent).
- Ms. Jackie Odell: NESC. This proposal should go forward to address the problem of redirection of effort into other fisheries, to improve the analysis for common pool and sector vessels, and to encourage sector enrollment so that consolidation can continue.
- Mr. Ted Platz:: Gillnetter, Rhode Island. I am opposed to the proposed weighting system because it is biased towards large boats. A better way to do this would be to use DAS used or allocated.
- Mr. Glen Delaney: Just as general comment on the process. I don't see why the Committee should be afraid of looking at this. I think from a NEPA standpoint we should be

looking at alternatives. Without this option, all the Committee is looking at are two different time periods. That does not seem to be a sufficient range of alternatives.

- Mr. Frank Mirarchi: I support the motion. Considering capacity could help mitigate impacts across broad sectors of the fleet. It is worthy to do the analysis.
- Mr. Phil Ruhle: There are problems with the catch history in the database. I reported a problem at the June Council meeting that another fisherman had that has not been resolved. I have since discovered my own catch history for herring is off by hundreds of thousands of pounds. I've seen the numbers the dealer reported and the numbers in the database as reported back to me are way out of whack. How do these numbers get changed? Everyone in this industry should contact NMFS and get their catch history.
- Mr. Dan Holland: GMRI. There is an issue in terms of a secondary allocation method on how the history will be turned into stock specific allocations. There is a possibility that some sectors may get an allocation of stocks they do not need. There are also problems that there is no way to balance quota between the sector and common pool vessels. There are ways to mitigate these problems – perhaps by allocating the capacity units by stock area based on landings history.

Mr. Warren noted that NMFS is concerned about the direction this discussion was headed. Allocating to the fishery as a whole is a fundamental change to the fishery. A simple allocation scheme would be better.

Motion to substitute: The Committee offers to the Council and the PDT for analysis and consideration for the baseline for sectors, utilizing the criteria of FY 1996-2001, and FY 96-FY 2006, weighting and utilizing 50 percent landings data and 50 percent Category A DAS used and also analyzing 75 percent landings data and 25 percent Category A DAS used. (Mr. Odlin/Mr. Stockwell)

This motion would give the Committee and the Council four options to examine. By using used DAS, there may be a smoothing effect on the many changes that affected landings history. Vessels that avoided weaker stocks, while using DAS, would not be penalized for these decisions. A suggestion to change “used DAS” to “allocated DAS” was not accepted as a friendly amendment.

The motion to substitute **carried** on a show of hands (7-1-1). The vote on the motion **carried** on a show of hands (8-1). The Committee clarified that the landings history calculation would be performed in the same manner as has been done for existing sectors. The DAS calculation should be performed in the same manner as the landings history: cumulative DAS used by a permit over the time period divided by cumulative DAS used.

A Committee member commented that he did not feel the Committee was spending enough time on this issue. Decisions on the baseline will have long-term implications that should be carefully considered and discussed by the full Council since these decisions will impact Amendment 17. Sectors will make decisions based on the baselines, and once there are a large numbers of sectors operating, future changes will be resisted. Another Council member disagreed and noted that the Council had clearly stated that Amendment 17 would address allocation issues; he said that in his view the baseline decisions did not commit the Council to using this same method of allocation in the future. Another member suggested the Council make it clear to the public that the form of sectors adopted by Amendment 16 may be revised in the future.

Allowances for Other Fisheries

Staff reviewed the PDT discussion on establishing allowances or set-asides for other fisheries, noting that this issue would likely be important both for sectors and for setting annual catch limits. Preliminary stocks were identified for a set-aside for the recreational fishery. Issues concerning set-asides for the commercial fishery also explained. Staff noted that additional PDT work would be required for this issue.

The Committee discussed the limits on groundfish catch under the exempted fishery regulations, and whether this would help limit the number of set-asides that needed to be developed.

Motion: Have the PDT do an analysis of all exempted fisheries in existence to see if they continue to meet the 5% bycatch standard. (Mr. Odlin/Mr. Stockwell)

The motion carried on a show of hands (8-0).

Trading Between Sectors

Staff summarized the PDT discussion of trading of fish between sectors. For clarity, the Committee adopted the PDT recommendation that “trading shares” meant trading the percentage allocation of a sector on a long-term basis, while “trading Annual Catch Entitlements (ACE)” meant a trade within a fishing year of a certain amount of pounds.

Motion: The Committee recommend transfers of ACE between sectors during the fishing year and up to two weeks after the end of the fishing year be allowed and that sectors with catches of stocks that exceed their ACE allocation be required to cease operations in that stock area until they can acquire ACE of that stock to balance the catch. (Mr. Preble/Ms. McGee)

The Committee discussed whether sectors should be required to cease fishing immediately if their ACE is exceeded, noting that the PDT recommended that small overages be allowed. Staff explained the PDT’s recommendation was based on similar provisions contained in other programs, which allow for some flexibility to balance ACE after exceeding an allocation in order to account for uncertainty in fishing practices. Staff noted the PDT thought the provision could be designed in such a way to prevent exceeding the overall sector allocation. While some Committee members supported this approach, others felt it would merely encourage all sectors to exceed their ACE by a small amount each year, leading to overfishing. The maker of the motion made it clear that he intended the motion to mean that sectors are not allowed to exceed their allocation. He said he expects sector managers to carefully monitor their catches and if necessary acquire ACE to make sure they do not catch more than authorized. This motion does not change existing provisions that penalize a section in the following year if they exceed their total ACE (including any ACE acquired through trading). The Committee discussion also made it clear that by not passing a motion on trading sector shares, they were rejecting this as an alternative. Ms. Murphy noted that DAS lease requests must be submitted by March 1, and asked that the Committee consider a similar deadline for trading of ACE. Mr. Warren seconded her recommendation, noting that it would be difficult to issue ACE for the subsequent year if quota balancing was still ongoing. Public comment included:

- Ms. Raymond: I support the motion. The ability to trade ACE is what will make these sectors effective.
- Mr. Dan Holland: GMRI. Most systems that are quota based allow retrospective trading. If you don’t include this provision you are increasing the incentives for illegal discards.
- Mr. Vito Giacalone: NESF. We support the concept of allowing trading of ACE between sectors. We will have some implementation questions that will need to be addressed.

The motion **carried** on a show of hands (4-2-2).

Sector Monitoring

Staff reviewed the PDT recommendations on monitoring of sectors. The Committee discussed current practices by the existing sectors but did not take any other action.

Impacts of Sectors on Designing Effort Controls

Staff summarized the PDT discussion on the impacts of a substantial number of sectors on designing effort controls. In brief, since the actual sector participants are not known, the PDT will have great difficulty designing and evaluating effort controls for common pool vessels. The PDT offered two possible solutions, but one probably cannot be implemented and the other only addresses the problem in part. The Committee acknowledged the problem but did not take any further action.

Should Sectors Need a Hard TAC for All Stocks Caught?

Staff noted that initially the PDT believed this issue would be easily resolved, since a Council motion suggested this decision had already been made. The PDT, however, identified several situations that suggest this may not work for all stocks. For example, some stocks do not have a TAC calculated (e.g. GOM winter flounder, halibut), some sectors may not have any landing history for stocks that are occasionally caught, some TACs may be so small that each sector's share is difficult to monitor. While some of the problems identified by the PDT might be addressed by allowing transfers of ACE, others may not be. The Committee discussed whether there were alternatives to address these types of situations, such as a prohibition on retention or small trip limits.

Motion: For the PDT to consider whether a sector should be required to have a hard TAC on all groundfish stocks and report to the Committee at the September Committee meeting. (Mr. Stockwell/Mr. Preble)

The Committee recognized the PDT already considered this issue; this motion was merely direction for the PDT to further identify the concerns and provide additional advice on how to address the issues.

The motion carried on a show of hands (8-0).

Entry and Exit to Sectors

Staff noted the PDT did not discuss whether measures need to be developed to make sure that sector overages cannot be evaded by disbanding or departing the sector. The PDT first wanted to discuss with NERO whether NMFS felt sufficient controls were already in place to address this problem. Mr. Martin noted that the regulations provide clear penalties for violating sector provisions, and that both the sector and the sector participants are subject to those penalties. Committee members also noted that perhaps this should be addressed within the sector – that is, as part of the contract between sector members. While staff cautioned that it was not clear that all the implications had been thought through, Mr. Martin felt this issue was addressed by current regulations.

Sectors and the US/CA Area TACs

Staff summarized the PDT discussion: because TACs are not currently specific to area for GB cod, haddock, and yellowtail flounder, it is possible for sectors and common pool vessels to fish in ways that limit each other's opportunities in the Eastern US/CA Area. A suggestion offered by

the PDT is to make area-specific allocations for these species. A member of the public spoke in favor of this approach.

Motion: To continue to develop the PDT's recommendation for allocating area-specific TACs in the US/CA area to sector and common pool vessels. (Mr. Stockwell/Mr. Ruhle)

The motion carried on a show of hands (8-0).

TRAC Report

NEFSC biologists provided summaries of the recent TRAC assessments for eastern GB cod and haddock, and GB yellowtail flounder. These assessments are summarized in stock status reports that were provided to the Committee. At the end of the report the following motion was offered:

Motion: The Committee asks the Council to recommend to the Regional Administrator that the Eastern Georges Bank area not open in FY 2008 until August 1. (Mr. Odlin/Mr. Avila)

The reason for this motion is that in each of the last three years cod catches in the area in early summer have been high, leading to closure of the area and reduced opportunities to catch haddock. Delaying the opening should reduce cod catches and discards, as cod disperse over the summer. Public comment included:

- Mr. Peter Taylor: CCCHFA. We oppose this motion. We fish in this area in May and June, targeting haddock. After that we cannot successfully target haddock in the area. All of our opportunities will be gone if you approve this.

Motion to amend: The Committee asks the Council to recommend that the Eastern Georges Bank area not open in FY 2008 until August 1 for trawl gear. (Mr. Leary/Ms. McGee)

This amendment will allow longline gear to fish during this period, but will prohibit trawl gear from entering until August 1. It will preserve access for longline gear while reducing cod catches by trawl gear. The Committee asked the PDT to provide information on cod catches by all gears in this area during these months.

The motion to amend **carried** on a show of hands (4-3-2, Chair voted in favor). When voted as the main motion, it **carried** on a show of hands (4-3-2, Chair voted in favor).

The meeting adjourned at 5 pm. The next meeting of the Committee will be on September 5, 2007 at the same location.

#2

**New England Fishery Management Council
Multispecies (Groundfish) Oversight Committee**

Meeting Summary
September 5, 2007

The Multispecies (Groundfish) Oversight Committee met in Peabody, Massachusetts to continue development of Amendment 16. The discussions focused on sector management issues. The Committee did not discuss effort controls, as was planned, due to a lack of time. Committee members present were Mr. Rip Cunningham (Chair), Mr. Mike Leary (Vice-chair), Mr. Jim Odlin, Mr. Terry Stockwell, Mr. Rodney Avila, Mr. David Preble, Mr. Tom Hill, Ms. Sally McGee, and Ms. Sue Murphy. The Committee was supported by staff Mr. Tom Nies (NEFMC), Mr. Tom Warren (NMFS/NERO), Dr. John Witzig (NMFS/NERO), Ms. Amy VanAtten (NEFSC), and Mr. Gene Martin (NOAA GC). Much of the Committee discussion was based on a Groundfish PDT conference call report dated August 28, 2007; the Committee also referred to a PDT meeting report dated July 27, 2007.

At the beginning of the meeting, Mr. Odlin reported that the Executive Committee discussed the Regional Administrator's concern that the Committee was spending too much time on sector issues and not enough on measures to continue rebuilding.

Sector Policy Issues

Sector Baselines

Council staff reviewed the PDT's advice on how used DAS could be incorporated into permit history calculations. The PDT asked for guidance on which suggested method should be used. A Committee member offered that using used DAS was a non-starter. He said it was just a proxy for catch and would lead the Council to using history based on a period when stocks were in their worst shape. A method should be used which takes into account vessel capacity.

Motion: To recommend that percent quota shares allocated to each permit for the purposes of forming sectors be determined one-half by catch history over a 1996-2006 baseline and one-half by vessel capacity using vessel replacement baselines on record for each permit multiplied by the number of allocated A DAS using the formula:

$$((10L+HP)(\text{allocated "A" DAS})=\text{capacity baseline})$$
 (Mr. Preble/Ms. McGee)

Mr. Odlin opposed the motion because it would give fish to people who never caught them. Ms. Murphy opposed the motion for three reasons: it was a reallocation of the fishery, a similar suggestion was discussed but not approved at the August 1, 2007 Committee meeting, and the Regional Administrator was concerned over the amount of time the Committee was spending on sector development. Mr. Hill pointed out the Committee had not decided what it was trying to accomplish, which made it difficult for the PDT to evaluate which proposals had merit. He also questioned whether the discussion was changing from one about sectors to one about allocating the entire fishery.

Motion: To substitute Alternative 3 as described by the PDT in its conference call report (page 7) as the method for combining landings history and used DAS. (Mr. Odlin/Ms. Murphy)

This alternative uses DAS to affect the history of a permit for only those stocks that the permit has landed. The rationale for the motion is that this approach would help smooth the disruptions

caused by changes in regulations, etc. The Committee debated the motion. Some were concerned that while this approach might make sense for stocks that were fully utilized, it did not make sense to award under-utilized stocks to a small group of fishermen who had demonstrated the inability to harvest the entire stock. Some Committee members were concerned about the lack of access that limited some fishermen in recent years. Public comment included:

- Ms. Maggie Raymond: Associated Fishermen of Maine, Sustainable Harvest Sector. The number of options cannot be endless. We don't have the capacity in the fishery now to catch some stocks. It is a problem to give fish to people who never will have the intent or ability to catch it.
- Mr. Chris Brown: Pt Judith, RI fisherman. I can't believe I just heard that there is a lack of capacity in the groundfish fishery. Lots of boats are waiting for the opportunity to catch haddock. We can't hand it to people who have not been able to get the job done. There are so many issues that were not even discussed – to suggest we have had a full discussion is insane. It will take years to do a complete analysis, to do the proper audits that are necessary, to make sure people have not falsified a large number of landings. The common pool people will be completely fleeced of landings – and full of DAS. People left in that pool are going to die. We need a capacity related allocation in the mobile gear fishery – horsepower equals production. If we have an overcapacity problem – and regulatory discard - we have to allocate to some extent based on capacity. It is only logical. If we allocate only fish that you caught – sounds effective enough unless there is a massive stock shift. Recent tagging study shows 50 percent of SNE/MA yellowtail flounder is transient. I oppose the motion to substitute.
- Mr. Vito Giacalone: Northeast Seafood Coalition (NESC). We opposed the motion to substitute. I am confused why we are only looking at catch history. Everything is being discussed in the context of IFQs. This subject is easier to discuss if you remember we are talking about sectors. The original motion helps to insulate the common pool from stripping away the entire quota. If we are trying to promote sector enrollment, something that gives every permit holder value in the fishery is important. Look at how the industry values permits, past buyout values – the value of permits is judged by capacity.
- Mr. Carl Bouchard: F/V Stormy Weather. Does anyone believe that what we decide here will not carry over into the entire fleet when we eventually do ITQs? What you decide is what is going to go for the rest of time. I oppose the motion to substitute. We were on the right track with the original motion, but I don't fully agree with that either. We have been operating on a DAS basis now. We have invested heavily into that currency. We have been forced to borrow money to keep our business going – to say that those permits are now no good by basing the allocation on history alone is ludicrous. Every permit with DAS – should get points based on where it fishes – one point for each DAS. Anything less than 75 percent credit for DAS should not be acceptable. Give 25 percent to history, the rest to DAS.

The motion to substitute **carried** on a show of hands (4-3-1). The main motion, as substituted, **carried** on a show of hands (7-1).

Motion: To recommend that percent quota shares allocated to each permit for the purposes of forming sectors be determined one-half by catch history over a FY 1996- FY 2006 baseline and one-half by vessel capacity using vessel replacement baselines on record for each permit multiplied by the number of allocated "A" DAS using the formula: $((10L+HP)(\text{allocated "A" DAS})=\text{capacity baseline})$. (Mr. Preble/Mr. Hill)

This motion was offered to provide an additional history calculation alternative. Public comment included:

- Mr. Glenn Libby: Port Clyde. Whatever we do here – we should be looking towards the future and what we want the fishery to look like. There are huge areas where no one is fishing. You must do the best job possible so something left for our children.
- Mr. Chris Brown: This should be stated somewhere: this is not an attempt to permanently allocate; this is in response to the required midterm correction. There was discussion at the last committee meeting that allocation secured through a short process would in all likelihood flow through. I think it important that in one of these motions that this is not our intent – permanent allocation is not our intent. This motion will encourage that GB vessels will be catching cod off Rhode Island five years from now and I will be tied to the dock. I will be missed when it comes to cod because I did not catch them in the right years.
- Mr. Vito Giacalone: One point – referenced rather frequently at the last meeting. People act as if we have already allocated based on history and any alternatives are a reallocation. All we have allocated so far is DAS. We support this motion to look at this alternative.
- Mr. Frank Gable: On behalf of the Pier 6 sector, we support this for analysis purposes.

In response to several questions, the maker of the motion clarified that vessel replacement baselines would be used for the calculation, and the capacity factor would only influence allocation of stocks in the area fished by a permit. Mr. Hill commented that the Committee was confusing the discussion of alternatives for sector measures with a longer-term discussion about allocating the fishery, and expressed concern that this short-term response might inadvertently become permanent.

The motion carried on a show of hands (5-2-1).

Staff summarized the seven history alternatives for the Committee: based on landings history alone for two different time periods (FY 1996-2001 and FY 1996-2006), combining landings history and used DAS at two different weights (50 percent landings/50 percent used DAS, and 75 percent landings/25 percent used DAS) and two different time periods (FY 1996-2001 and FY 1996-2006), and combining landings history and capacity at equal weights and one time period (FY 1996-FY 2006).

Exit/Entry

The Committee next discussed whether to address the concern that current regulations do not provide a mechanism to deduct an Annual Catch Entitlement (ACE) overage should a sector disband or enough members leave so that there isn't sufficient ACE to cover an overage. Suggestions offered by the PDT were discussed but in general were found wanting – either because they only delayed the problem, raised questions about whether they could be enforced, or were felt inadequate. A motion to require vessels to remain in a sector until an overage was paid back was withdrawn after Mr. Martin raised concerns over its constitutionality. A second motion to have the penalty follow a permit was also withdrawn.

Motion: Remand issue of overage penalties following permits back to the PDT to work with NOAA GC to develop something along the lines of item d (PDT conference call report – overage penalty follows a permit). The issue should be dealt with by each individual operations plan. (Mr. Odlin/Mr. Stockwell)

Mr. Martin said this type of approach would be more enforceable if it was included as an element of the sector operations plan and all members agreed to it by signing the sector contract – in essence, it would be similar to a contract’s “liquidated damages” clause. It would also help if the requirement to address this in an operations plan were included in the management plan and the regulations. A friendly amendment was offered by Ms. McGee: “if sector disbands it must resolve any overages through transfer of ACE before its members can fish in subsequent fishing years” – but was not accepted by the maker of the motion.

The motion carried on a show of hands (8-0).

The Committee next addressed the PDT concern that it was not specifically stated in the management plan how an ACE overage would be paid back – is the payback charged in the form of pounds or as a percent of the ACE allocated to a sector? The Committee reviewed the PDT discussion and concluded that for ease of administration any overages would be paid back in terms of pounds on a pound-per-pound basis.

Motion: For clarification, sector overages of ACE will be paid back in pounds, on a pound per pound basis. (Mr. Odlin/Mr. Preble)

The motion **carried** on a show of hands (8-0).

Simplifying Sector Applications/Administration

The Committee reviewed PDT and NMFS recommendations to allow multi-year operations plans, and to require sector operations plans be delivered by December 1. Allowing multi-year operations plans may reduce the administrative burden on NMFS and sectors, while requiring an earlier submission will make it more likely the submissions can be reviewed in time for fishing to begin at the start of the fishing year. Ms. Murphy noted that sectors still had the option to submit an annual operations plan if they desired, and that the Environmental Assessment accompanying a two-year plan would have to address the impacts for both years. Mr. Glenn Libby spoke in support of the motion.

Motion: To allow for operations plans to cover a two-year period and to require operations plans to be submitted by December 1. (Mr. Odlin/Mr. Avila)

The motion **carried** on a show of hands (8-0).

Reporting/Monitoring

Council staff reiterated PDT recommendations for monitoring of sector catches that had not been acted on by the Committee (summarized in the PDT report dated July 27, 2007). Ms. Murphy said that NMFS preferred weekly reporting by sector managers, as opposed to the PDT recommendation for real-time reporting. She also said that for discards, NMFS preferred to take the discard rate “off the top” of a sector’s ACE. If a sector did not want to accept that rate, they would have to demonstrate a different rate was appropriate, perhaps through the use of industry-funded observers. Council staff raised several concerns over the suggestion to take discard rates “off the top”: would this be done for different time periods, what would be done for stocks without discard rates, what would be the source for the rates, how would it be applied to sector’s that use more than one gear (since rates differ by gear), how does the fact sectors operate very differently from the common pool, etc. Staff suggested that a standard for the precision of discard estimates could be set, and sectors could be held responsible for meeting it.

Motion: (1) Discards will be counted at the previous assumed discard rate, calculated as often as is practicable, by gear and that rate will be deducted off the top of the ACE unless and if a sector can come up with an adequate monitoring system that can satisfy NMFS that discards will be adequately monitored and accounted for at the sector's expense. (2) Each sector will report catches (landings and discards) to NMFS weekly. (Mr. Odlin/Mr. Stockwell)

This motion adopted the NMFS recommendation for taking discards "off the top" and weekly reporting. Public comment included:

- Ms. Maggie Raymond: Discards are often caused by trip limits, yet longer trips have fewer discards. Is there some way to factor that in as well?
- Mr. Frank Mirarchi: Commercial fisherman, Scituate, MA. The "assumed discard rate" is not where we want to be. It becomes a powerful disincentive to do any better. I do not oppose third party observers, but we should be able to shop for value and not be limited to one source.
- Mr. David Borden: Massachusetts DMF. Is it the number of dead discards or total discards? (dead discards was the reply).

The Committee discussed the motion at length. They questioned whether discard rates could be calculated for gear/size classes – staff cautioned that may not be possible. In response to staff concerns about how gear-specific discard rates would be applied to an ACE, Ms. Murphy suggested that discards could be added to the landings of each trip based on gear. Staff noted that this did not seem to be the approach described by the motion. The Committee also wrestled with how this impacts trading of ACE. As the Committee began to get bogged down in considering technical issues, Council staff suggested that the PDT be asked to address these issues.

The motion carried on a show of hands (8-0).

Motion: The Committee recommends that sector applicants must demonstrate the ability to accurately attribute landings to a specific statistical area or prohibit trips in more than one stock area. (Ms. Mcgee/Mr. Preble)

This motion was in response to a PDT suggestion. Accurate assignment of catch to stock areas is critical for monitoring sector performance. Public comment included:

- Ms. Maggie Raymond: What is it exactly the Committee wants sectors to do? We already report landings by statistical area on VTRs. A lot of these issues that are raised also apply to the common pool. Everyone has to accurately report and monitor everything. Common pool needs same scrutiny as sectors. Majority of our boats are fishing in more than one stock area per trip.
- Mr. Frank Gable; Pier 6 sector. I am not sure if this motion means we must demonstrate this prior to forming a sector. Accurately attributing landings comes from NERO.
- Mr. Vito Giacalone: Generally we understand this concept and makes sense. Right now the common pool agrees to the most restrictive regulations when fishing in multiple areas. If trip limits are removed by sectors - there will be a heightened need for where the fish come from. There has to be a better way to attribute catch from a vessel.

Ms. Murphy said NMFS was still considering these issues and preferred a consistent solution across all sectors. Mr. Odlin spoke against requiring vessels to stay in one stock area. Council staff noted that many vessels that fish in more than one statistical area do not correctly complete VTRs and only report one area, and the incentives for a sector member to misreport catch

location could be large if the sector has a small ACE from one stock area that could shut operations down if exceeded, and a larger ACE for the same species from another area.

Motion to amend: To delete “or prohibit trips in more than one stock area.” (Mr. Odlin/Mr. Preble)

The motion to amend carried on a show of hands (5-2-1).

Motion as amended: The Committee recommends that sector applicants must demonstrate the ability to accurately attribute landings to a specific statistical area. (Ms. Mcgee/Mr. Preble)

The main motion carried on a show of hands (7-0-1).

The Committee briefly discussed the issue of observer coverage, but did not take any action.

Council Sector Policy Issues

The Committee next reviewed a number of issues related to the recently adopted Council sector policy. First, the Committee discussed what sector elements needed to be defined in the management plan and regulations. As an example, regulations define the gear, stocks allocated, and general operating area for the two existing sectors, while other provisions are typically negotiated with NMFS in the annual operation plan. Are there elements that the Committee believes must be defined?

Ms. Murphy said that gear should be one such element that is defined. Mr. Warren relayed enforcement concerns that sectors should have specific geographic operating areas - otherwise there could be many sectors fishing under different rules in many areas. He suggested that the absence of such information could impact the approvability of a sector. Some Committee members expressed concern by this comment. Staff noted that it appeared there was a need for a dialogue between the Council and law enforcement on enforcement expectations – it could be that the Council did not expect NMFS to enforce every sector requirement, but to focus on accurate catch reporting. Ms. Murphy commented that they were relaying the concerns of enforcement that if everyone fished everywhere there would be a complex set of rules.

Staff raised the issue of the Council policy that says “each sector is responsible for ensuring that their eligibility criteria are implemented in a fair and uniform manner.” Some were interpreting this to mean a sector must admit anyone who desires to be a member and that meets the eligibility criteria. This would seem to be in conflict with the concept that sectors are voluntary and self-selecting. It also implies that sectors – essentially a business contract between permit holders – can be forced to do business with entities that they may be reluctant to do so. Several Committee members felt that sector membership must be left to sector members. Since sector members are responsible for the performance of other sector members, they felt it was a non-starter to require a sector to accept a member against the will of current members. Staff also noted that during Amendment 13 the Council did not act on the suggestion to explicitly require sectors to accept all qualifying applicants.

Motion: To recommend that the Council strike the following sentence for the sector policy document: “Each sector is responsible for ensuring that their eligibility criteria are implemented in a fair and uniform manner.” (Mr. Preble/Mr. Avila)

Mr. Preble said this motion would clarify the intent of the Council was not to say who would be in a sector. Mr. Martin said that under current regulations, all vessels eligible to participate are allowed in if they have documented landings. Council staff asked if this raised the constitutional question mentioned in an earlier discussion: can someone be forced to do business with another? Public comment included:

- Mr. Glenn Libby: Compare sectors to a fish cooperative: applicants are voted in or out by current members. It is a business decision. It is not attractive to say sectors have to take whoever comes along.
- Mr. Vito Giacalone: We are deeply concerned about common pool. If someone is blackballed from joining a sector, you are in essence forcing those to do business with each other.
- Mr. Frank Mirarchi: I would like to add an additional point to this discussion. Sectors are not only a group of people affiliated to catch fish – but they share a common vision on marketing. Sectors need people with common vision to merge together.

The motion carried on a show of hands (7-0-1).

Motion: In formation of a sector, sector participants can select who may participate in the sector. (Mr. Odlin/Mr. Avila)

The motion carried on a show of hands (7-0-1).

The Committee next discussed whether sectors should be capped at 20 percent of the TAC for each stock.

Motion: The Committee recommends that the Council consider not having a 20 percent cap by stock on groundfish sectors. (Mr. Odlin/Mr. Leary)

The maker of the motion said that the cap could be a problem for some sectors that are forming, Staff reported that NMFS has published technical guidance on the issue of maximum shares; Ms. Murphy asked that the PDT discuss this issue, particularly with respect to possible social and community impacts. Public comment included:

- Ms. Maggie Raymond: Current regulations allow a sector allocation to exceed 20 percent of a stock with Council action. Our sector will be above that limit for some stocks. If the cap is not changed, we will have to split into two sectors. We urge you to eliminate the cap.
- Mr. Chris Brown: The TAC for some stocks will be small. If you keep the cap, some sectors will not have enough fish to absorb the costs of administration and monitoring.

The Motion carried on a show of hands (6-0-2).

Motion carries 6-0-2.

Participation in more than one sector in different fisheries

The Committee discussed the Council sector policy that says “Furthermore, a vessel cannot be in more than one sector in different FMPs in the same year.” Council staff interprets this to mean if a vessel wants to be in sectors in two different fisheries, the membership of the sector must be the same in both fisheries. A Committee member felt this would inhibit the formation of sectors. Staff noted this could be an issue in the case of fisheries with significant catch overlap (monkfish

and multispecies as an example) – how are allocations determined and how are catches assigned against those allocations? For other fisheries without overlap (multispecies and red crab as an example) it may not be an issue. Committee members noted that while there may be instances where the restriction is necessary, it may not need to apply to every combination of fisheries.

Motion: Recommend that the Council strike this sentence from the sector policy: “Furthermore, a vessel cannot be in more than one sector in different FMPs in the same year.” (Mr. Preble/Mr. Leary)

Ms. Murphy and Mr. Martin commented that this might undermine the concept that vessels stop fishing when a TAC/ACE is reached. Two members of the public spoke in favor of the flexibility the motion would provide. The motion carried on a show of hands (7-0-1).

Carry-forward of TACs

Staff advised that the Committee had been asked to consider allowing a sector to carry-forward unused TAC into a following year. Several ITQ programs have similar provisions. Staff expressed concern that it may prove difficult to incorporate such a concept in the context of mortality targets and annual catch limits.

Motion: That a sector can carry up to 10 percent of its ACE forward into the next fishing year if it doesn't use it. (Mr. Odlin/Mr. Avila)

Several Committee members supported having the PDT examine the issue, while one Committee member opposed it. Three members of the public supported the motion. The Chair clarified that the intent of the motion is to have the PDT examine this issue. The motion **carried** on a show of hands (6-1-1).

Specific Sector Provisions

The Committee reviewed specific provisions of sectors that have been submitted. In most instances this discussion was intended to facilitate Committee understanding of the submissions and no action was taken.

- Paper reporting: Several sectors asked to be exempt from paper reporting. Mr. John Witzig (NMFS NERO) said that absent additional resources the NMFS statistics office cannot accept electronic reports. When they are able to do so, they would expect to have an overlap when both paper and electronic reporting is required until they are certain electronic reports are reliable. Staff suggested that the current prohibition against sector exemptions from reporting requirements be revised to allow electronic submission when NMFS is able to accept the information. The Committee did not object to this suggestion.
- Several sectors asked to be exempt from annual closures. While some Committee members argued that mortality closures are not necessary for a sector limited by a hard TAC, others suggested re-examining the closure before eliminating them. Staff noted that the thinking about the benefits of closures has changed over time, and that allowing fishing in a closed area might complicate the use of closed areas as an effort control for the common pool vessels. The Committee suggested staff consult with the PDT on this issue.
- Several sectors asked for changes in the way catch is credited to a sector. The Committee asked for, but did not receive, a clarification on the intent of this measure. They assumed it was to establish catch history in case a future allocation scheme is implemented. Ms. Murphy said that if something like this was adopted, NMFS would apply it to all sectors.

- Several sectors asked to be exempt from monkfish DAS requirements. Since these cannot be granted by the groundfish plan, staff offered a possible way to fish for monkfish with minimal impact on groundfish DAS: use groundfish DAS in combination with monkfish DAS only on trips that are landing more than the incidental catch limit of monkfish. Other solutions will have to be pursued in changes to the monkfish plan. The Committee may consider asking the monkfish committee to look into this issue.
- Several sectors asked for an exemption from all habitat closures that are not Level III closures. Council staff pointed out that this appeared to be an error. Access to Level I closures is prohibited to all gear, access to Level II closures is prohibited to all bottom-tending gear. It does not make sense for a sector to request these exemptions.
- Several sectors asked for a de minimis allocation in those instances where sector history does not result in an allocation below a small level. Committee members expressed concern, and noted that this may be addressed as the Committee resolves whether hard TACs are needed for every stock or not.
- Delayed operations plan approval. NMFS noted that sectors have been allowed to operate under the previous year's rules prior to operations plan approval.
- One sector asked for an allocation exceeding 20 percent of the white hake TAC. An earlier Committee motion might address this issue, and some Committee members preferred to wait until those issues are addressed by the PDT.

Motion: To recommend to the Council that the Sustainable Harvest Sector be allocated greater than 20 percent of the white hake TAC. (Mr. Stockwell/Mr. Odlin)

The motion failed on a show of hands (3-4-1).

- One sector has asked to be exempt from the qualification criteria, to receive an allocation of one million pounds of cod, haddock, and pollock, and to be allowed to have members who have open access permits join the sector. The Committee did not discuss these exemptions.

A member of the public asked if sectors can include vessels with multispecies "C" DAS permits – those without any Category "A" DAS. Ms. Murphy said she thought that was allowed, but Mr. Warren was uncertain. Ms. Murphy noted that the regulations for the GB Cod Hook Sector limited participation to those vessels with documented landings of GB cod during a specific period.

A Committee member suggested that sectors should be approved on a first-come, first-served basis. Sectors submitted in February should receive priority over those submitted in April. The Chair said that might be an issue the Council should have a policy on.

Mr. Vito Giacalone said that several sectors were operating under the assumption that sectors would be able to receive exemptions from seasonal and rolling closures. Clarification was needed on this issue. He also asked that the Council or NMFS prepare guidance on what is needed for a complete sector proposal. The Chair acknowledged the request.

Future Work

The Committee reviewed an overview of pending Amendment 16 issues prepared by staff. The Chair asked staff to prepare a timeline for addressing those issues.

#3

New England Fishery Management Council Multispecies (Groundfish) Oversight Committee

Meeting Summary
October 16, 2007

The Multispecies (Groundfish) Oversight Committee (Committee) met in Peabody, MA to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). The Committee developed recommendations on effort controls that should be considered, discussed midwater trawl vessel access to closed areas, received a PDT report on calculating available catch, and reviewed a schedule for future Committee activities. Unrelated to Amendment 16, they also developed a recommendation for management measures for the Eastern U.S./Canada area for FY 2008. The Committee also met in closed session to consider Groundfish and Recreational Advisory Panel membership. Committee members present were Mr. Rip Cunningham (Chair), Mr. Mike Leary (Vice-Chair), Mr. David Preble, Mr. Tom Hill, Ms. Sue Murphy, Mr. Terry Stockwell, Ms. Sally McGee, Mr. Rodney Avila, and Mr. Jim Odlin. They were supported by staff Mr. Tom Nies and Ms. Lori Steele (NEFMC), Mr. Doug Christel and Mr. Tom Warren (NERO), and Mr. Gene Martin (NOAA GC).

Principal documents used by the Committee in their discussions included a Groundfish Plan Development Team (PDT) report dated October 10, 2007 and Attachment 3 from a Groundfish PDT report dated August 21, 2007.

The Chair began the meeting by acknowledging that while the Committee has made progress on Amendment 16 and sector policy development, the full Council was concerned over whether enough progress was made. He advised the Committee that as development continues he will press the Committee to narrow alternatives and remain focused. To this end he will move along debates that become repetitious. He will also tighten the process for public comment, restricting comments to when a main motion is ready for a vote and advising that comments should be brief and directly address the motion.

Effort Controls for DAS Management

The Committee took up the review of a list of effort controls identified for consideration at the May Committee meeting. This list was reviewed by the PDT at its August 27, 2007 meeting and each measure was evaluated as to whether the PDT thought it was a mortality control and whether it could be analyzed. This information was in Attachment 3 provided to the Committee. Staff reviewed for the Committee the recommendations of the Groundfish Advisory Panel on this issue.

Motion: Move to recommend to the council that only these modifications will be used to adjust the DAS system in Amendment 16:

- Count DAS as a minimum of 24 hours
- Consider adjustments in differential DAS program
- Trip limit triggers on stocks with trip limits

(Ms. McGee/Mr. Preble)

The maker explained this motion would limit measure development to those measures identified by the PDT as mortality controls, that could be analyzed, and that had received considerable debate in years past. Committee members asked several questions: how does this apply to gillnet vessels? Why not consider adjustments to DAS? Ms. McGee said that she was trying to make

clear that the Council is trying to get away from the DAS system and felt that including DAS adjustments would cloud that message.

Motion to amend: To include adjustments to the Category A, B and C DAS split as a tool for adjustments to the DAS program. (Mr. Odlin/Ms. Murphy)

The motion to amend **carried** on a show of hands (6-2).

Motion as amended: Move to recommend to the Council that only these modifications will be used to adjust the DAS system in Amendment 16:

- Count DAS as a minimum of 24 hours
- Consider adjustments in differential DAS program
- Trip limit triggers on stocks with trip limits
- Adjustments to Category A, B and C DAS split as a tool for adjustments to the DAS program.

The amended motion **carried** on a show of hands (8-0).

Motion: To recommend to the council that hard TACs be established for all groundfish species. Once 95 percent of a TAC has been achieved, all fishing effort on a groundfish day-at-sea (DAS) in that stock area that directs on that species will cease for the remainder of that fishing year. Once 100 percent of the TAC is achieved, any fishing activity on a groundfish DAS that directly or indirectly impacts that stock will cease for the remainder of the fishing year. (Ms. McGee/Mr. Preble)

Ms. McGee said this motion would comply with new M-S Act requirements to establish catch limits and accountability measures. It would apply to all common pool vessels as a backstop to the DAS system. Committee members discussed this motion at length. There were questions about several phrases. Ms. Murphy expressed concern over the term “directed fishing,” noting this was a difficult concept to interpret and enforce. Mr. Leary questioned whether this meant recreational, monkfish, scallop fishing would cease when a TAC was caught. Staff questioned how single-stock species would be treated: would catching the redfish TAC end all groundfish fishing in all areas? Mr. Odlin spoke against the motion, noting that NMFS guidance on ACLs and AMs was not published and there was no requirement to have these measures in place by 2009. In addition, he argued that this approach would create a derby/Olympic fishery, would create safety hazards, would damage access to markets, and would repeat mistakes made in the early 1980’s. Public comment included:

- John Williamson, Ocean Conservancy: This is an essential element to support effort controls. In-season controls are necessary, because delaying correction until the following year allows overages to get out of hand. This is a very important vote. There are many differences between today’s fishery and the fishery of the early 1980’s – limited entry, DAS limits, etc. – so it is not at all clear that the failure of the TAC system attempted then means a TAC system will fail now.
- Peter Shelley: Conservation Law Foundation supports this motion. The debate over the effectiveness of effort controls has been going on for decades. The results have been short of what the law requires.
- Vito Giacalone: Northeast Seafood Coalition. The threat of hard TACs is what prompted allocation discussions and got the industry serious about sectors. We have to have a way to allocate to prevent derby and safety issues.

- Maggie Raymond: Associated Fisheries of Maine. We oppose this motion. I recently returned from a NAFO meeting - it is clear cod is in trouble everywhere, regardless of management system. Mortality on our stocks has never been lower thanks to the DAS system. Discards will be huge under this approach. Mortality has never been lower thanks to the DAS system. I don't think the agency can monitor all of these TACs.
- Chuck Casella: Not sure amended motion addresses all issues. There has to be a way to make sure the commercial fishery does not close out the recreational fishery.

Motion as perfected: To recommend to the council that hard TACs be established for all groundfish species. Once 100 percent of the TAC is achieved, any fishing activity on a groundfish DAS will cease for the remainder of the fishing year. (Ms. McGee/Mr. Preble)

Mr. Odlin suggested delaying this approach until Amendment 17 when ITQS can be used to implement hard TACs if that is what the Council wants. Mr. Hill agreed; while generally supportive of hard TACs, he is not convinced they can be successfully implemented before the allocation issues are resolved. Both expressed concern over the damage this approach would do to markets. In response to a question from a Committee member, Mr. Martin replied that while NMFS guidance on M-S Act requirements is still being developed, the current law does not require hard TACs. Ms. McGee took note of all the comments and argued that the Committee needed to face these issues squarely. While the motion may have faults, she said it is important to attempt to develop a system that works. Rather than continue the debate, she suggested the way to move forward was to review work done for Amendment 13 on hard TACs and see if that can be adapted to meet ACL/AM requirements. Ms. McGee noted that clearly hard TACs were one way to meet these requirements – it was not yet clear if they are the only way. She further perfected the motion to read:

Motion perfected to read: To recommend the Council consider as an alternative for complying with ACL/AM requirements a hard TAC backstop based on Amendment 13 hard TAC options. (Ms. McGee/Mr. Preble)

Ms. Murphy supported the motion, noting that the Council needs to develop ACLs/AMs. The motion **carried** on a show of hands (5-4; Chair voted in favor of the motion to break tie).

Motion: To recommend we analyze and look at reducing or eliminating the conservation tax on DAS transfers. Permit transfers that take place before the implementation of this provision will receive a refund of their conservation tax. (Mr. Odlin/Mr. Avila)

Mr. Odlin said this motion is to encourage consolidation in the fishery. If this measure is passed, it will simplify the administration of the fishery, reducing costs for both the industry and NMFS. Mr. Odlin declined to include several program elements suggested by another Council member. Ms. Murphy noted that rules frequently changed and permit holders rarely were compensated for decisions made under earlier rules – she expressed concern over the rebate of the conservation tax that was proposed. She also expressed concern that this provision may not be conservation neutral. This latter concern was seconded by Ms. McGee. Public comment included support for the motion from Mr. Giacalone and Dr. Davie Pierce (Mass. DMF).

The motion **carried** on a show of hands (5-1-2).

The Chair reminded Committee members and the public that these motions were narrowing the options that will be considered in Amendment 16. Measures not supported today would not be

recommended for future development, unless previously accepted by the Council (for example, the provision allowing vessels to possess both a limited access scallop and groundfish permit).

Motion: That the Committee recommends that the PDT develop a process for an allocation of TAC between the recreational and commercial user groups and report back to the Committee at a future meeting based on the percent catch in each group as determined by GARM III. (Mr. Preble/Mr. Hill)

Mr. Preble acknowledged that uncertainty over MRFSS data meant there was not a good way to allocate between the user groups. The motion considers private anglers and the party/charter fleet to be elements of the recreational allocation. He explained that what he has in mind is to use the average percent over the time period of catch used in the assessments.

Mr. Hill expressed concern in turning this over to the PDT, noting that many of the issues are policy questions. Looking only at catch does not take into account differences in regulations (such as different minimum sizes, less efficient gear, etc.). Staff noted that the NEFSC would examine data at a meeting in early November, but it was likely that the major source of data will still be MRFSS. Mr. Nies suggested that the PDT provide background information for the Committee to have this debate at a future meeting. The motion was perfected:

Motion as perfected: That the Committee recommends that the PDT develop a process for an allocation of TAC between the recreational and commercial user groups and report back to the Committee at a future meeting. (Mr. Preble/Mr. Hill)

Public comment included:

- Dave Simpson: Connecticut DEP. A similar motion failed at the September Council meeting. Nothing has changed. MRFSS data is basically useless and an alternative will not be in place until 2009 or later. It is a mistake to adopt a system based on one reporting system and implement it with another. We need to define goals and objectives for the recreational fishery first.
- Vito Giacalone: As we adopt ACLs and AMs, the PDT will need some guidance on what to allow for the recreational fishery. We may want them to consider different time periods so this matches the period used for sector history.

The motion, as perfected, **carried** on a show of hands (6-2).

The Chair next discussed the issue of midwater trawl access to groundfish closed areas. He noted that NMFS had received a petition for emergency action to ban these vessels from the areas, and that the Council had received correspondence on arguing both for and against such an action. Committee members noted that the PDT was already reviewing exempted fisheries, but also noted there is limited data available that documents catches of groundfish in midwater trawls.

Public comment included:

- Roger Fleming: Earthjustice. We represent two fishing groups that filed the petition. We have asked NMFS to take action to exclude midwater trawls from groundfish closed areas. Many stocks are severely depleted, and contrary to the premise that allowed trawlers into the areas in 1998, we know they do in fact catch groundfish. Action by the Council would take two years before it could be implemented. (*The Chair asked Mr. Fleming what action the Committee should take*). There are serious questions about the

quality of the data received from the fishery. When bycatch caps were put in place, there was a clear assumption that 20 percent of trips would be observed. Coverage is far less. There are concerns about the sampling protocols themselves. We don't have accountability in those areas.

- Dave Ellenton: General Manager of Cape Seafoods in Gloucester. Not only are these vessels monitored with observers, there is considerable dockside monitoring of landings. They do not detect groundfish in the catch. These observations should be documented – we never see any data on the inspections that did not detect groundfish.
- Steve Wiener: CHOIR. I think that the one thing we would ask this Committee to insist upon: the level of observer coverage that was recommended at the outset. We can debate all day about the levels of bycatch, but we need more data. These are the only boats towing nets in closed areas. We should have an option for proper and adequate observer coverage when fishing in closed areas.
- Peter Moore: American Pelagic Association. We support what Steve just asked for – the problem is, the resources are just not there. We should examine all exempted fisheries that are having an impact on groundfish rebuilding. Don't forge the extensive dockside monitoring program.

The Chair suggested the Committee recommend the Council send a letter to NMFS to examine the herring observer program, report on the number of trips and why there are fewer than originally proposed, and to evaluate the protocols for the observers. A reply could be delivered to the Council for the February Council meeting. Ms. Steele advised the Committee that some changes to the protocols might take Council action – such as by describing specific net handling techniques. There was no objection to the Chair's suggestion.

Motion: That the Committee recommends that the Council consider in its priority setting for 2008 an industry funded observer program for the herring fishery in order to reach 20 percent coverage desired by the Council.

(Ms. McGee/Mr. Preble)

Mr. Martin suggested that given recent submission of the SBRM, it might be better to refer to those standards rather than an arbitrary coverage level. The motion was perfected.

Motion as perfected: That the Committee recommends that the Council consider in its priority setting for 2008 an industry funded observer program for the herring fishery in order to reach an appropriate level of observer coverage as determined by the SBRM.

(Ms. McGee/Mr. Preble)

Mr. Leary opposed the proposed requirement for an industry funded program. Public comment included:

- Peter Moore: I am troubled because the Committee is not willing to look at existing data. Industry funding is not possible.
- Gib Brogan: Oceana. This could be adopted through a framework action under the SBRM provisions.
- Maggie Raymond: My organization has a long history of concern over groundfish bycatch. We would not have a problem with increased observer coverage, but requiring industry funding is just not reasonable.
- Peter Baker: Herring alliance. We support this motion. Let's put some of these questions to bed. Only way to figure it out is to have observers on boats, prohibit dumping of nets.

These boats have less observer coverage than hook vessels in an approved SAP – it makes no sense.

- Jeff Kaelin: F/ V Providian and F/V AJ. We are totally opposed to industry funding of observer coverage. We would like to see a matrix of the effects of all fisheries on groundfish.

The motion **failed** on a show of hands (2-4-2).

The Committee next considered whether to provide further guidance to the PDT on the design of effort controls. For example, should differential DAS counting and the 24-hour clock be considered independent alternatives? Are their trip limits that are “too low?” After considerable discussion, the Committee recognized that this type of guidance would be useful, but it is difficult to make these choices without specific examples in mind. The Committee recognized that there will be a need for close coordination between the PDT and the Committee.

Mr. Nies also briefed the Committee on the effort control discussion in the PDT report. The PDT will explore an alternative to the Closed Area Model for evaluating effort controls, and remains concerned that it may not be possible to develop a DSEIS with a range of possible mortality reductions.

Available Catch

Council staff briefed the Committee on the PDT’s discussion on determining available catch, as reported in the PDT report dated October 10, 2007. The report notes that with the requirement to implement ACLs, and the possibility that hard TACs may be used for a substantial part of the fishery if sectors are adopted, it may be necessary to exercise additional care when calculating the available catch. The PDT report describes elements of biological risk, and explains the differences between projection bootstrap uncertainty and retrospective pattern uncertainty. Because retrospective uncertainty can exceed that of the bootstrap analysis, the PDT recommended that retrospective patterns should be explicitly considered when setting the available catch. The NEFSC is investigating techniques for making this adjustment. The PDT report also emphasizes that these two elements may not account for all uncertainty in the assessments, and gave several past examples to illustrate this point.

With respect to management risk, the PDT reports that it is uncertain what comprises management uncertainty, or how to evaluate it. The ultimate measure of management success (in a biological sense) is achieving fishing mortality targets. Clearly there are some management elements that may increase the risk of exceeding mortality targets: poor reporting, open access, complex systems that cannot be administered or enforced – but how to weigh these risks is unclear. Some argue that the history of staying within catch limits can serve as an indicator of management success. The PDT noted that preliminary catch estimates suggest that only six of fifty-two TTACs have been exceeded since the adoption of Amendment 13, and only one TTAC appears to have been exceeded since 2005, the first full year of the new measures. Yet fishing mortality is too high for several stocks, including several where the TTAC was not exceeded. Suggestions to merely set lower TTACs, while they may address the biological concern, don’t acknowledge the risk of not achieving other management goals.

Another issue that has been ignored in the past, but may be more important in the future, is the difference between the assessment calendar year and the fishing year. The PDT report describes this problem in detail, identifies some possible solutions, and notes that this may be a problem between 2008 and 2009 because of declining TACs between. Addressing these issues may require close coordination with Canada for cross-boundary stocks.

Amendment 16 Timeline/Meeting Topics

The Committee reviewed a draft timeline for future Amendment 13 development. They also considered a plan for future meeting topics. Some Committee members expressed concern over the development of ACLs/AMs, noting that the guidance was not yet developed and the legal requirement was to implement these provisions by 2010. Other Committee members acknowledged these concerns, but argued that it was unrealistic to expect that the Council would be able to complete a second amendment after submission of Amendment 16 and before 2010. There has also been mention at a recent NRCC meeting that the Council just needed to develop the "process" for ACLs/AMs in Amendment 16, but the Committee was uncertain what this means. The Committee agreed to have the Chair present the timeline and meeting plan to the Council with a few changes. These were:

- Move the development of ACLs and AMs to the third meeting
- Continue to develop sector policy issues at the second meeting.

The Committee also agreed that the Chair should brief the full Council on the details of sector development at the November Council meeting.

Motion: The Committee should present its work done to date on sector policy to the full Council at the November meeting.
(Mr. Odlin/Mr. Stockwell)

The motion **carried** on a show of hands (8-0).

Eastern US/CA Area Management Measures

As directed by the Council, the Committee revisited its recommendation that the Eastern US/CA area not open for trawl gear until August 1, 2008, in order to reduce cod bycatch in the early summer. This should allow the area to remain open for more of the year, increasing the amount of haddock that can be taken before the cod TAC is exceeded. The Council expressed concern about the allocation impacts of this earlier recommendation.

Motion: The Committee recommends that the Council ask NMFS to postpone opening the Eastern US/CA area to all gear types until August 1.
(Mr. Odlin/Mr. Preble)

Mr. Odlin noted that in 2007 the area closed after about 45 days. By moving the starting date, cod will disperse and bycatch will be less. Weather in August and September does not seem to be a concern as average wind speeds remain low.

Motion to substitute: The haddock separator trawl should be required in the Eastern US/CA area from May – December for vessels using trawl gear. (Mr. Leary/Ms. McGee)

Mr. Leary noted that in previous years the cod TAC has been caught by trawl vessels. Some vessels reportedly targeted skates in the area and discarded large amounts of cod. Requiring the separator trawl will reduce cod discards, while leaving the area open to other gear. He opposes closing the area to gear that has not caused the problem. Mr. Odlin opposed the motion, pointing out it would result in losses of monkfish, lobster, etc., and the motion did not address gillnet fishing. While there is a low trip limit for cod, sectors could request an exemption from trip limits. Public comment included:

- Eric Brazer: GB Fixed gear sector, and CCCHFA. We fully support allowing approved gear types into this area before August 1. We do not support shutting the area to everyone prior to August 1.
- Maggie Raymond: AFM. We do not support substitute motion. The separator trawl is an inefficient gear because of the mesh size for harvesting haddock. No one has been going there when this gear is required. We support the main motion.

Mr. Odlin opposed the motion as an allocation of the entire cod quota for the area to gear types that did not fish in the area.

The motion to substitute resulted in a tie vote and **failed** on a show of hands (3-3-2).

Motion: The Committee recommends that the Council ask NMFS to postpone opening eastern US/CA are to all gear types until August 1.

The original motion **carried** on a show of hands (5-3).

The Committee met in closed session to discuss AP appointments.



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

#4

MEMORANDUM

DATE: July 2, 2007
TO: Multispecies (Groundfish) Oversight Committee
FROM: Groundfish Plan Development Team
SUBJECT: PDT Conference Call, June 28, 2007

1. The PDT conducted a conference call to discuss support for the Committee's August meeting. The Committee meeting will focus on sector issues at this meeting. During this call, the PDT identified and prioritized issues that need to be resolved in Amendment 16. The PDT will provide further advice on these issues after a PDT meeting tentatively planned for July. Call participants were Tom Nies (Chair, NEFMC), Tom Warren, Mark Grant, Sarah Thompson, and Stan Wang (NERO), Steve Correia (Mass. DMF), Kohl Kanwit (Maine DMR), Eric Thunberg and Paul Nitschke (NEFSC), Dan Holland (GMIR), and Paul Parker (Groundfish AP). Listening in to the call were Cindy Smith (GMRI), Maggie Raymond, and Chris Kellogg (NEFMC).

2. This summary documents the issues identified by the PDT, provides very brief summaries of some of the issues raised, and identifies the PDT Member who will prepare additional discussion points for the PDT meeting. The report of that meeting will contain PDT recommendations as appropriate.

3. It may be helpful to clearly define terms when discussing sectors. The practice used in this memo is to use the term "share" to refer to the sector's percentage of the available catch, determined by the baseline period adopted and sector membership. "Annual catch entitlement" (ACE) refers to the amount (weight) of fish that the sector is authorized to catch in any specific fishing year. ACE is equal to the share times the available catch, less any penalties due to overages.

4. The PDT will also review the Council's sector policy and determine which elements should be adopted in Amendment 16 (some of these issues are discussed below).

High Priority

5. *What fixed baseline period should be used for allocating to sectors? Should factors other than landing history be considered when allocating?* The PDT noted there may be identifiable bounds on the years, such as FY 1996 through FY 2006, since that may be the limits of data available for implementation May 1, 2009. (Tom Nies/Paul Parker)

6. *How will discards be monitored, reported, and considered when evaluating sector performance?* Council policy is that discards will count against the sector's TAC, but monitoring needs to be addressed. Options might include applying a fishery-wide discard rate to all sectors,

determining a sector specific discard rate, establishing a standard on discard estimation that must be met by sectors. (Paul Parker)

7. *Should sectors be allowed to trade shares? Should sectors be allowed to trade ACE?*

Generally, the PDT notes this issue may have implications on the status of sectors that can only be addressed by NOAA GC. An argument against trading shares is that these shares are determined by the landing history of vessels in the sector – trading share in essence takes away the landing history of a vessel (or vessels) and gives it to another sector. Allowing trading of ACEs allows for quota balancing within a year and may promote better use of available yield. Whether sector caps apply to trading needs to be addressed. (Dan Holland)

8. *How will allowances be made for other fisheries (recreational, scallop dredge, etc.)?* Fisheries of concern must be addressed, as well as how to account for their catch. This is also an issue for ACLs/AMs. (Eric Thunberg/Kohl Kanwit)

9. *How do sectors affect the ability to develop and analyze effort-based measures for common pool vessels?* Current analytic tools require an understanding of who will be subject to effort controls, but some sector proposals are not specific on sector membership. (Eric Thunberg/Tom Nies)

Medium Priority

10. *Should sectors need a hard TAC for all groundfish stocks?* There may be ways to address stocks that are rarely caught, or caught in small amounts, to reduce burden of monitoring small TACs and reduce likelihood a small catch of a rarely caught stock will close down a sector. (Eric Thunberg)

11. *Should a permit holder be prohibited from leaving a sector and should an entire sector be prohibited from dissolving if the sector exceeds its allocation?* More broadly, the issue is whether mechanisms exist, or need to be created, to prevent a sector or its members from evading penalties by dissolving or leaving the sector. There may be regulatory or private sector ways to address this concern. (Tom Warren)

12. *Can the sector application and review process be simplified?* NERO is already discussing this issue and may bring ideas forward at a later date. (Tom Warren)

13. *How is landings history treated within a sector?* Some vessels in a sector may not fish, yet the share they bring to the sector contributes to the sector share. (Dan Holland)

14. *How should the US/CA area be treated – should the sector allocation specifically include a portion of US/CA TACs?* Present allocations do not limit a sector's share of GB cod, haddock, or yellowtail flounder based on area. It is possible for the sector and common pool vessels to affect each other's access to the US/CA area. (Tom Nies/Paul Parker)

15. *What is the meaning of the Council's policy that says "a vessel cannot be in more than one sector in different FMPs in the same year?"* As an example, how does this affect sectors that may want to fish for groundfish and monkfish (assuming sectors are authorized under the monkfish FMP).

Low Priority

15. The PDT recommends the Committee adopt the sector definition as stated in the Council's sector policy (definition 2).

16. *Should the cap on sector shares be modified?* While there may be reasons to modify the cap, the PDT does not view this as a high priority compared to other pending issues. It may be worthwhile, however, to better define the rationale for the existing cap or any cap adopted in the future.

17. *Should there be a minimum size for sectors?* Given the administrative burden of forming sectors, the PDT does not believe it likely that very small sectors will form. Practically, any sector smaller than three firms cannot have its share or performance published because of confidentiality restrictions.

18. *Should sectors be "affinity based" – that is, have something in common – gear, homeport, etc.?* The PDT does not believe this is desirable or necessary, and conflicts with the underlying concept of self-selecting sectors. In a related issue, the PDT discussed issues related to sector operating areas: are there reasons to encourage or prefer sectors that operate in only one area? This latter issue will be explored by the PDT (Eric Thunberg/Tom Nies/Tom Warren).

19. Can multi-year authorizations be implemented? There may be NEPA and APA issues associated with the concept of changing the requirement for an annual submission of an operations plan. (Tom Warren)

Pending

19. *How will ACLs/AMs be applied to sectors?* Further development of this concept depends on NMFS guidance.

20. *Are sectors subject to LAPP cost recovery?* This question must first be addressed by NOAA GC. If so, how will costs be calculated and assessed?

#5



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50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: July 27, 2007
TO: Multispecies (Groundfish) Oversight Committee
FROM: Groundfish Plan Development Team
SUBJECT: **Groundfish PDT Meeting, July 25, 2007**

1. The PDT met in Mansfield, MA to consider issues related to sector management that were identified in an earlier conference call (see PDT memo dated July 2, 2007). PDT members present were Tom Nies (NEFMC), Steve Correia (Mass. DMF), Kohl Kanwit (Maine DMR), Eric Thunberg (NEFSC), Jennifer Anderson (NERO), Paul Parker (Groundfish AP Chair) and Dan Holland (GMRI). While not a PDT member, Susan Murphy (NERO) attended and answered several questions on NMFS policy and procedures. Multispecies Committee Chair Rip Cunningham and member Sally McGee also attended.

2. The PDT advice is provided in the form of discussion papers attached to this memo. They are attached in order of discussion, which reflects the PDT's prioritization of the issues. Not all issues identified during the earlier conference call were addressed because several key PDT members were unable to attend the meeting. The pending issues are:

- Departure of permit holders from sectors
- Simplifying the sector review process
- Multi-year authorizations

3. Two issues proved more complex than originally thought and additional work will be necessary. These are:

- Are hard TACs needed for all stocks caught by a sector?
- How will groundfish catches in other fisheries be accounted for?

Sector Allocation Baseline

Issue: The Council Sector Policy requires that each FMP identify a single, fixed and permanent baseline for the purpose of sector allocation, but acknowledges that there may be reasons for exceptions to this requirement (e.g. in some fisheries it may make sense to have a different baseline period for different areas).

Discussion:

(1) Amendment 13 sector provisions do not comport with this policy. Amendment 13 adopted a fixed baseline of fishing years 1996 through 2001 for allocating GB cod, and a sliding baseline (“the most recent five year period”) for other stocks. The baseline for GB cod changed to the sliding baseline for any sector that begins fishing in FY 2007 or later. At a minimum, Amendment 16 must consider adopting a fixed baseline period for determining sector allocations in order to be consistent with the Council’s sector policy and a recent Council groundfish motion. While the amendment could consider whether multiple fixed baselines are appropriate for this fishery, this would vastly complicate the baseline decision. It is not clear what rationale could be offered to justify multiple baselines in this fishery, it is possible permit holders would argue for a different baseline for each stock, the calculation of stock-specific allocations for each permit would be complicated by different ownership of the permits in the different periods. There are easier ways to address concerns that a specific time period may not be appropriate for one stock due to unusual resource or regulatory conditions (for example, use a longer baseline period to smooth fluctuations, use factors in addition to landings history as a basis for allocation).

(2) On the surface this is a simple, if contentious, problem: determine alternatives for a fixed baseline that will be used when calculating sector allocations based on landings history. Recent changes to the M-S Act may complicate this discussion. While it is uncertain whether sectors are subject to the requirements for Limited Access Privilege Programs (LAPP), the recently revised M-S Act adopted requirements for allocations in a LAPP system, summarized below (section 303A(C)(5)). The law also requires that an auction be considered for initial allocations. As noted in the subsequent paragraph, whether or not the Council is required to consider these factors, the Council may want to consider these factors.

The Council or Secretary shall:

(a) establish procedures for a fair and equitable initial allocation, including consideration of current and historical harvests, employment in the harvesting and processing sectors, investments and dependence on the fishery, current and historical participation of communities;

(b) consider the basic cultural and social framework of the fishery, especially through the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, and procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors;;

(c) include measures to assist, when necessary and appropriate, entry-level and small vessel owner operators, captains, crew, and fishing communities through set-asides of harvesting allocations;

(d) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access

privilege holder is permitted to hold, acquire, or use, and establishing other limitations as necessary to prevent an inequitable concentration of limited access privileges, and authorize limited access privileges to harvest fish to be held, acquired, used by, or issued to persons who substantially participate in the fishery.

(3) The allocations for the two existing sectors are based on landings history. Whether or not LAPP requirements apply, the Committee may want to consider whether other factors should be incorporated into the allocation formula. It is possible to develop a formula that weights landings history and other factors (e.g. DAS allocations, revenues, vessel size, permit existence). If the Committee wants to consider factors other than landings history, the Committee should first identify what the objectives are for using other factors – what concerns are the other factors meant to address?

Incorporating factors other than landings history into an allocation formula will complicate the calculation of sector quota shares. The portion of the stock that will be distributed in this way needs to be identified. At the end of the day, the formula has to return stock-specific shares. There are at least two ways to distribute the portion of the TAC that is assigned based on these other factors:

(a) Convert the factor directly into a stock-specific share. This will result in all vessels receiving a history for all stocks. Some vessels will have history for stocks that they cannot use. If trading is allowed, the resulting sector allocations can be redistributed to sectors that actually want to use the shares. This may be easier to discuss and debate than the other approaches suggested.

(b) Use the factor to scale that portion of the history that is based on landings history. In this method, the factor only influences that portion of the TAC received based on history, and as a result vessels/sectors would not receive history for a stock that they did not have a history of using. This approach may be less transparent and more difficult to develop.

Other possible mechanisms (such as converting the factor into a currency that is then used to auction off the portion of the allocation that is not based on landings history) may be too complex to consider in this action.

(4) There are logical bounds on possible baseline time periods. The current two-tier reporting system was implemented March 1, 1994 (just before the start of FY 1994). Part of the justification for this system was that data in the earlier system was incomplete, so it would seem illogical to choose a starting point prior to this date. NERO has advised that the latest year of data that can be used to determine shares for sectors that will begin fishing in FY 2009 is data from FY 2006. The logical outside bounds of the baseline period would thus be FY 1994 through FY 2006.

There are other issues to consider.

- Ideally, the baseline period should be a period when all vessels had equal access to stocks. A more realistic goal would be to use a period when management measures were consistent and landings history reflected adaptation to those measures. Unfortunately, it is impossible to identify a multi-year period with unchanging measures. Major changes in effort controls occurred in 1994 (DAS system for individual DAS vessels, year-round closures on

GB), 1996 (DAS extended to nearly all vessels), 1998-2001 (inshore closures in the GOM, gear changes, possession limit changes), 2002 (DAS reductions and changes in closures as a result of the FW 33 court order), 2004 (Amendment 13), and 2006 (emergency action and FW 42).

- NMFS published a control date on September 10, 1999, for the groundfish fishery. “This notification establishes September 10, 1999, as the control date for potential use in determining historical or traditional participation in the Northeast multispecies and Atlantic sea scallop fisheries.” This control date has not been used for the groundfish fishery and it would be difficult to justify its use now.
- Amendment 13 DAS allocations were based on landings history and DAS use for FY 1996 through 2001.
- DAS leasing was implemented in FY 2004. The treatment of landings history and DAS history in the leasing program is a mechanism to inadvertently increase effort in the fishery. Under the regulations in effect, the landings history accumulated by a vessel using leased DAS accrues to the vessel/permit catching the fish, while the DAS use history accrues to the permit that owns the DAS. A vessel that leased DAS during this period can take the catch history into the sector while the DAS remain outside the sector. In effect, one fishing trip generates two types of history (DAS and landings) that are on two different vessels/permits. If the permit with the catch history joins a sector while the permits that own the DAS remain outside the sector, the amount of catch allocated to the sector is not proportional to the DAS joining the sector (removed from the common pool). In the extreme, a vessel owner with multiple permits could take the vessel with landings history into the sector and sell the other permits into the common pool. This increases the amount of effort available to the fishery and the effect is not much different than increasing the number of permits in the fishery. As a result, measures for the common pool may have to be more stringent to account for increased effort (such as with more stringent effort controls or a hard TAC backstop). While more stringent management measures address the mortality implications of increased effort in the common pool, the economic and social consequences remain. These issues may support choosing a baseline period that is as long as possible but does not include leasing.
- Special access programs and the Category B (regular) DAS program were adopted subsequent to Amendment 13. The opportunity to participate in these programs was not evenly distributed. For example, only Georges Bank Cod Hook Sector vessels were allowed to participate in the CAI Hook Gear Haddock SAP in its first year; only trawl vessels are allowed to participate in the US/CA Haddock SAP; Category B (regular) DAS opportunities were limited in the Gulf of Maine.
- FW 41 includes the following statement for the CAI Hook Gear Haddock SAP: “It is the intent of the Council that none of the catch in this SAP will be considered part of a vessel’s catch history with respect to any future allocation of the overall haddock TAC.” If the Council complies with this statement of intent, including a qualification period that extends into FY 2004 will complicate calculation of haddock landings history.
- The experience of the two existing sectors is that there are more errors with the data in earlier years. It is possible that extending the baseline period before FY 1996 will complicate implementation because of lower quality data.

Recommendation:

(1) Given the information presented, two alternatives are offered for consideration for a baseline period (the No Action alternative must also be considered and is shown for reference). The number of alternatives that are considered should be limited, particularly if factors other than landings history are used as the basis for the allocation: the PDT suggests that if other factors are

considered, only one alternative to No Action should go forward. The calculation should be performed for all permits, including those that do not enter a sector.

(a) FY 1996 through FY 2001

- Advantages:
 - Same period used for Amendment 13 DAS allocations and first two sectors
 - Avoids possible data quality problems
 - DAS available to most vessels was less restrictive than after court order and Amendment 13
 - Reduces complications caused by DAS leasing, SAPs
- Disadvantages
 - By time of implementation, period will be almost eight years old and will not reflect current fishing activity
 - Does not take into account industry adaptations under Amendment 13
 - Does not include a period when some stocks (GB haddock, redfish, GOM cod) were more abundant than in mid-1990's

(b) FY 1996 through FY 2006

- Advantages
 - Includes more recent fishing activity
 - Includes period of improved conditions for some stocks
 - Takes into account recent adaptations under Amendment 13
 - Reduces possible data quality problems
- Disadvantages
 - Includes period with leasing and SAPs/Cat B program, which introduces complications
 - Different than period used for initial sectors and Amendment 13 DAS allocations – another reallocation of fishing privileges
 - More restrictive DAS regime since 2002

(c) No Action: For all sectors that begin operation after FY 2007, the most recent five years of landings history. (NMFS interprets the end of the five year period to be the fishing year that ends two years prior to implementation – FY 2006 for sectors that begin May 1, 2009).

(d) The PDT also briefly discussed issues associated with other periods that may be suggested:

- 2004-2006: Short period, does not reflect “historical” fishing activity, exacerbates problems caused by leasing and SAPs.
- 2002-2003: This may not be representative of fishing activity because of disruption caused by uncertainty over FW 33 court order.

(2) The Committee should consider mechanisms that prevent increase of effort in the fishery as a result of DAS leasing. Possibilities to explore include:

- (a) If the baseline period includes the years when DAS leasing was authorized, for vessels that leased DAS to vessels joining a sector, reduce the vessel's DAS baseline

based on the number of DAS leased to vessels joining sectors. In this manner the allocation of landings entering the sector will be more consistent with the DAS remaining in the common pool.

(b) If the baseline period includes the years when DAS leasing was authorized, for vessel's entering a sector, adjust landings history based on the number of DAS leased that generated that history. For example, if a vessel accumulated history and half the DAS for that history were leased, reduce landings history by half. A modification would be to apply this reduction based on the number of DAS the permit holder brings into the sector: if enough permits are brought in to remove from the common pool the number of DAS leased that generated the history, the landings history wouldn't be reduced.

(c) Truncate the baseline period to exclude the years DAS leasing was authorized (exclude FY 2004 and beyond). For example, if a long period is desired, use FY 1996 through FY 2003.

How will groundfish catch in other fisheries be accounted for?

Issue

How will allowances be made (calculated) for other fisheries that catch groundfish – recreational, scallop dredge, fluke fishery, state waters, etc.?

Discussion

(1) The groundfish plan currently has set-asides or allowances for closed area access programs in the scallop fishery as well as a bycatch allowance in the herring fishery. However, other fisheries in which groundfish are not the target also encounter groundfish that may require a set-aside.

(2) Current regulations already contain provisions that require fisheries to demonstrate that they can operate with less than 5% bycatch of regulated groundfish. Given these regulations it may not be necessary to develop additional set-asides for each non-groundfish fishery. However, the amount of bycatch of groundfish by species/stock in these fisheries would need to be estimated and deducted from the overall TAC for purposes of assigning ACE to sectors. Bycatch amounts would also need to be monitored in order to make periodic adjustments to set-asides.

(3) At this time, the yellowtail founder TAC used in the scallop closed area access programs and the haddock bycatch limit for the herring fishery would shut these fisheries down when the TAC is reached. If additional bycatch set-asides are developed will these also be used to shut down non-groundfish fisheries? If not, then set-aside must be estimated and deducted from the sector and common pool TAC which effectively makes the targeted groundfish fishery the residual claimant to groundfish.

(4) Monitoring of bycatch in other fisheries would be required to make annual adjustments to the set-aside. General classes of fisheries that may require a set-aside were identified which included recreational, commercial EEZ, and state waters fisheries.

(5) Recreational - Potential recreational stocks that may require a set-aside were evaluated using VTR data for calendar years 1996-2006. Annual kept catch by stock are reported in Table 1. Harvest of different groundfish stocks varies widely with some stocks representing a potentially meaningful contribution to fishing mortality while others are infrequently taken in the party/charter fishery. Additional analysis is necessary to evaluate MRFSS estimates of recreational harvest particularly that of the private boat and shore mode.

(6) Preliminary Recommendation – The Committee may consider developing a set-aside for GOM cod, GB cod, GOM haddock, pollock, and possibly SNE/MA winter flounder. All other species should be considered de minimus and not assigned a specific allowance. However, party/charter catches of these stocks should be monitored to identify changes in de minimus status.

(7) EEZ Commercial – Setting a bycatch allowance of groundfish in other fisheries may be accomplished by either setting a single allowance for each groundfish stock to account for bycatch in all non-groundfish fisheries or by attempting to set a bycatch allowance for each separate fishery. A third possibility may be some combination of the two where specific allowances are assigned to high profile or clearly delineated activities. Assigning a bycatch allowance for all fisheries is likely to be complicated and difficult to monitor whereas assigning a single bycatch allowance for all non-groundfish fisheries may be simpler to estimate and

monitor. This approach would also recognize that some non-groundfish fisheries have low groundfish bycatch rates making the cost of setting and monitoring bycatch allowances for every fishery unnecessarily high relative to the benefit of doing so. This approach would also likely to result in less inter-annual variability in setting of bycatch allowances since it would not require an adjustment as bycatch rates in individual fisheries may be more variable than bycatch rates for all fisheries combined.

(8) Strictly for purpose of illustration, the PDT examined observer data for calendar year 2002 to 2006 to create preliminary estimates of catch per landed pound for each of the 10 regulated mesh groundfish species. A data set that included all trips where the targeted species was something other than groundfish and a series of data sets were created based on stated targeting of specific non-groundfish species. The latter included fluke, scallops, scup, black sea bass, herring, mackerel, squids, shrimp, lobster, skates, monkfish, and whiting. These data sets included trips in which these species was a target species on at least one haul.

(9) For the pooled unspecified non-groundfish target data set the number of observed trips ranged from 679 observed trips in 2002 to 2490 trips in 2005. Note that the increased trips were probably a reflection of the total level of observer coverage particularly in 2004 and 2005 and not to a major shift in targeting behavior. As noted above, the calculated bycatch rates were relatively stable even as catches of a given groundfish stock and landings of all non-groundfish species changed from year to year. Contrast this result with that of catch rates that were calculated based on fisheries identified by targeting. Calculated bycatch rates for individual targeted non-groundfish species varied considerably across target species and across years even within target species. These results serve to illustrate the potential difficulty associated with trying to assign bycatch allowances on a fishery-by-fishery basis. Note, however, that the procedures used for demonstration purposes would not be used for purposes of calculating a bycatch set-aside.

Potential issues include:

- What time period should be used to make initial estimate of allowances and what time period would be used to make adjustments?
- What is a fishery? Single species like herring and scallops are less problematic but fluke is part of a mixed-trawl fishery. To what component of the fluke fishery would a TAC set-aside apply if a fluke bycatch allowance were to be selected?
- How to assign an allowance if the assessment from which the TAC derives does not include recreational harvest?
- Does the PDT want to make a recommendation to define de minimis status for making bycatch allowances where de minimis would mean that no allowance (i.e. absence of an allowance not zero) would be assigned?
- How to expand observed bycatch rates to total catch for purposes of estimating the allowance?
- What to do about state waters fisheries?

Table 1. Summary of Annual Groundfish Kept by Party/Charter Trips (1996 to 2006)

Species/Stock	Calendar Year Party/Charter Kept Catch (numbers)										
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
GOM COD	204,994	181,251	342,022	241,018	304,618	535,863	263,638	196,503	188,401	151,213	93,667
GB COD	1,025,819	801,868	1,032,515	762,352	740,075	1,442,981	860,715	337,283	227,002	98,214	87,567
GOM WINTER	477	174	1,074	134	192	272	199	345	759	145	2,335
GB WINTER	3	0	0	137	8,898	80	380	167	201	34	46
SNE/MA WINTER	15,274	37,025	11,832	8,545	6,403	7,568	5,642	7,128	12,337	3,305	2,034
GOM HADDOCK	9,273	19,076	24,903	21,850	35,620	43,006	59,215	55,370	107,857	116,251	118,553
GB HADDOCK	2,012	1,675	1,334	1,459	695	933	9,079	2,440	5,114	2,995	834
CC/GOM											
YELLOWTAIL	2	32	164	1	757	3	281	0	372	0	3
GB YELLOWTAIL	0	0	0	0	0	0	0	0	2,465	0	0
SNE/MA											
YELLOWTAIL	11,355	477	32	76	192	560	189	21	85	67	0
WINDOWPANE N	0	1	3	4	2	0	1	0	0	0	1
WINDOWPANE S	986	149	489	339	86	105	22	22	32	538	6
POLLOCK	52,348	101,162	83,852	77,192	66,010	137,870	81,183	97,346	101,429	67,031	86,604
WHITE HAKE	1,684	4,667	2,345	1,430	1,459	1,734	3,481	1,730	1,612	1,521	551
AMERICAN PLAICE	411	1,020	638	559	84	52	3,369	48	636	92	41
ACADIAN REDFISH	3,543	3,040	3,647	3,850	2,340	2,565	3,100	3,947	4,602	4,007	6,402

Should sectors be allowed to trade shares? Should sectors be allowed to trade ACE?

Issue:

Generally, the PDT notes this issue may have implications on the status of sectors that can only be addressed by NOAA GC. An argument against trading shares is that these shares are determined by the landing history of vessels in the sector – trading share in essence takes away the landing history of a vessel (or vessels) and gives it to another sector. Allowing trading of ACE allows for quota balancing within a year and may promote better use of available yield. Whether sector caps apply to trading needs to be addressed.

Note: “Share” means the percentage of the TAC attributed to a permit or allocated to a sector. Annual Catch Entitlement (ACE) is used to refer the amount of catch that can be taken by a sector or permit in any given year, calculated by multiplying the share by the available catch (less any penalties and/or set asides).

Discussion:

(1) The primary reason to allow trading between sectors of either sector quota shares or ACE is to mitigate imbalances between the share/ACE portfolios of the sectors and their desired or actual catches. This may be particularly important for stocks for which a sector may have only a small allocation (e.g. GOM or SNE windowpane flounder or SNE yellowtail) and may be constrained from utilizing the ACE for their primary target species due to incidental catch of these other species. If other sectors have surplus ACE, the ability to purchase additional ACE for these species if they become constraints would alleviate this problem and would likely increase the ability of sectors to utilize a greater percentage of their allocations of their primary target species.

(2) More substantial trades of ACE might be desirable in response to shifts in the distribution of primary target species. For example if cod stocks begin to expand into or shift to areas where they have been less prevalent, it may be beneficial for sectors in the area where cod has moved to purchase ACE from sectors in other areas. The gains may be sufficient to increase the profits to both sectors. If the species shifts are long-term, a shift in permits between sectors may make sense, but trades of ACE will be useful in the interim.

(3) The need for larger trades of shares or ACE between sectors will presumably be greater to the extent that allocations depart from recent catch histories. This will be more likely if the allocation baseline includes earlier years. It may be even more of an issue if a percentage of the allocation is based on factors other than catch history (e.g. vessel capacity based on DAS and vessel characteristics). It is a separate issue how those allocations might be done. However, if for example, the sector got shares of all fish stocks in proportion to their shares of overall capacity, then they would likely receive a substantial amount of ACE they were unable to use (e.g. a Port Clyde sector would be allocated ACE for Southern New England stocks), and substantial trading between sectors would be required to allow full utilization of ACE.

(4) Allowing trading of sector shares (outside of the movement of permits with their full share portfolio intact) would create substantial complications to sector management. Under current rules sectors can effectively trade shares on an annual basis through the movement of vessels between sectors although this is problematic (see next paragraph). Assuming a fixed baseline for allocation, the entire set of shares of catch history associated with a particular vessel would move with that vessel causing a reduction in the allocation to the old sector and an equal addition to the

new one. To allow the sector to trade specific amounts of shares of particular stocks as opposed to the entire basket of allocation associated with a permit would have to allow fragmentation of the catch history from a particular permit... It is probably not the intent of the Council to do this and would increase the likelihood of triggering an ITQ referendum as well. It would also require a fairly complex registry to track the shares associated with particular vessels and sectors.

(5) It may however be useful to design rules that make it simpler for vessels to move between sectors. Currently the permit owner must declare into a sector several months in advance of the fishing year. With fixed baselines, it may be possible to allow these declarations to be closer to the beginning of the fishing year and to allow a permit declared into one sector to declare its intention to switch into another at the beginning of the next fishing year. However, it may still be necessary for vessels to declare into a sector well before the beginning of the fishing year if the sector is required to submit a NEPA analysis on the final operations plan which NMFS is required to review prior to the start of fishing.

(6) Allowing sectors to trade ACE during the fishing year is much less problematic than trading of shares and provides most of the benefits of share trading. Sectors would receive allocations of ACE at the beginning of year in proportion to the catch histories of their members relative to total catches. As is true currently, sectors would be responsible for keeping the total catch of their members within those ACE limits. A registry would need to be created that tracked the ACE allocations of each Sector. If sectors wanted to trade a portion of those ACE allocations they would jointly inform the keeper of the registry (presumably someone at the NMFS regional office) and submit a form recording the trade with signatures of both sector managers. Sector managers would then need to ensure their sector's overall catches remained within the revised ACE allocations reflecting the trade. To account for unexpected catches of stocks for which the sectors have only small allocations, it might be useful to allow sectors to make ACE trades retrospectively up to the end of the fishing year or even for a period of a few weeks after the end of the fishing year. This could allow a clearinghouse at the end of the year to allow sectors with small overages to trade with others with excess ACE. To avoid this leading to substantial overages, limits should probably be set on how much a sector's catch can exceed its ACE allocation before it has to stop operation. These might be in terms of absolute (poundage) and/or as a percentage of the sectors ACE allocation. Alternatively, sectors might have to shut down immediately once they have any overage at all until they can acquire more ACE. The problem of small unexpected catches of species for which the sector has no catch history could also be mitigated by providing all sectors with "de-minimis" allocations. This would probably be unnecessary though if the allocation method is not based solely on catch history.

(7) If ACE trading between sectors is allowed, each sector will have to designate an individual (presumably the sector manager) who is authorized to trade ACE for the sector. The sector operations plans would need to spell out internal procedures for decision on whether and what ACE to trade.

(8) Language in the Magnuson reauthorization (Section 303A(c)(5)(D)) appears to require the Council to set limits on the share of ACE that any LAPP holder could control or use during a fishing year as well as the long-term shares of stocks controlled by an individual.

“(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

- “(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and
- “(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges;

If sectors were considered individuals legally, this might apply to sectors. However, it is not clear that this is the case. If limits are set either for individuals or sectors, the limits could be the same for both shares and ACE. This would mean a sector that already had the maximum share of a stock would not be able to purchase more ACE than they were allocated at the beginning of the year.

Recommendations of share and ACE trading between sectors:

- (1) The Council should seek assurance from NFMS that allowing trading of ACE between sectors will not result in Sectors being considered ITQs requiring a referendum.
- (2) Transfers of ACE between sectors during the fishing year and up to 2 weeks after the end of the fishing year should be allowed
- (3) Sectors should be required to cease operation in all areas where a given species stock exists once the Sector’s catch of that species stock exceeds its ACE allocation by more than X% or once the overage is more than X% of the overall TAC. Overages of up to X% of the sector’s initial ACE allocation or X% of the TAC that are not addressed through a transfer of ACE from another sector within 2 weeks of the end of the fishing year will be deducted from the ACE allocation of the sector the next year. The intent of this provision is to prevent sectors (as a group) from catching more than the total sector allocation, while allowing some ability to exchange ACE to account for unintended overages. The design of this provision will need to be coordinated with the following recommendation to prevent the possibility that the overall sector TAC will be exceeded.
- (4) Once the aggregate catch of a species for all sectors is close to the aggregate allocation of ACE to sectors for that species (e.g. 95% of all ACE used), retrospective quota balancing will not be allowed (that is, acquiring additional ACE after a sector catches more than its allocated ACE). Sectors with catches of that species that exceed their ACE allocation should be required to cease operation in that stock area until they can acquire ACE for that species to balance their catch.
- (5) The Committee should consider whether it is necessary or useful to set limits (as a percent of the TAC) of how much ACE one individual can utilize within a fishing year, but, exemptions should be provided for individuals with shares that exceeded these limits at the time the regulations are enacted. These limits should apply to individuals’ within Sectors but not to overall shares or ACE held or used by sectors.
- (6) The Committee should discuss whether limits should be set on how much ACE a sector can utilize or hold during a fishing year. The PDT is not recommending for or against limits – only that the Council should discuss this issue.
- (7) Sectors should not be allowed to transfer quota shares (e.g. long-term shares of TACs) since the sector does not have a long term right to those shares (as they are based on its members permits and members can leave sectors). Transfers of shares between sectors will be possible only through movement of permits between sector and the complete portfolio of shares associated with that vessel. However, a process should be set up to facilitate movement of permits between sectors on an annual basis.

Sector Monitoring

Issue:

With 17 new applications on the table, the NEFMC must develop accurate and standardized monitoring and accountability measures for Sector management. How will a network of Sectors accurately monitor landings and discards in a timely and transparent manner?

Discussion:

(1) New England appears to be moving from an input system to an output system. Output management systems require much more certainty regarding landings and discards in order to function. Furthermore, incentives to discard in quota managed systems are heightened, especially as individuals or groups approach their annual catch entitlement (ACE). It is clear that verification or catch reporting and additional monitoring measures are needed to ensure full compliance. Under sector management, landings, information is required in both a timely and transparent manner. The current system is not designed to monitor sector specific discard rates. Given the recent submission of numerous Sector proposals for approval by the New England Fishery Management Council (Council), it is advisable that Sector monitoring be standardized or at least of consistent quality across sectors.

(2) Accurate and precise monitoring of each sectors' catch (not just landings) is essential but currently unavailable. Presently, federal fisheries observers are only present on less than 10% of trips that are taken to catch groundfish. The observer program addresses a number of priorities besides discard monitoring and these priorities change over time as does the coverage rates of specific fleet sectors. These low and variable observer coverage rates are unlikely to provide accurate estimates for 18 total sectors. There is a need for an observer program or component of it that is dedicated to sector monitoring. It may be useful to have a completely separate program as the objectives of the current observer program and a sector observer program may be quite different. It is likely that an effective monitoring program can be designed with a combination of human observers, electronic monitoring, and industry cooperation. Design of the monitoring program and control of its cost will be facilitated if sectors require their members to retain all groundfish (i.e. no discarding).

(3) Current Sectors rely on the Sector Manager to monitor the amount of fish caught. This is done through a sector specific and tailored program of electronic vessel trip reporting, electronic dealer reporting, video monitoring, electronic federal observer reporting, and an internal Sector observer program. However, as Sectors continue to develop and increase in New England, a standardized monitoring program should be developed. Considerations include:

- Cost of a robust program
- Burden of cost
- Role of technology
- Role of human observers
- Balance between technology and human observers
- Designated ports of landing with third-party verification
- Designated dealers allowed to accept sector catch
- Requirements to hail before landing
- Private Sector monitoring companies as alternative to the current NMFS program
- Mandatory establishment and use of baseline discard data
- Recognition of differences between fishing gear and scale of operation

(4) Monitoring programs could be provided by a third party contracted by the Sectors themselves, and funded through fees or taxes levied against the members. Federal and/or private assistance should be sought but not relied upon. NMFS should set performance standards for monitoring and reporting programs, but allow some flexibility in how they are achieved and allow for provision of these services by a third party contracted by the sectors.

(5) The need for intensive monitoring (particularly of discards of legal size fish) relates to the relative strength of incentives individuals have to discard or misreport catch. Policies that provide a means to land catch for which an individual or a sector does not have adequate ACE to balance without large financial penalties could substantially reduce these incentives. For example, ability of sectors to purchase ACE from other sectors would do this. Ability to land but surrender catch without it counting against ACE would also do this, but could lead to catches exceeding TACs. Another option would be to hold back a pool of ACE which individuals/sectors can access at a fixed charge low enough to remove incentives to discard or misreport but high enough to remove incentives to target species for which the individual and sector have insufficient ACE. This latter option could be done by sectors internally by sectors as a group assuming ACE trading is allowed.

Suggested components of a monitoring and reporting system:

1. Landings

- Third-party (weighmaster) observation of offloaded fish for verifying landings data
- Sector Managers must have a protocol developed for monitoring ports in which Sector vessels land, and vessels must declare an off-loading location before landing
- Real-time (24 hour) electronic dealer reporting
- Accurate attribution of landings to specific stock areas.
Without complete observer coverage it may be necessary to prohibit trips in more than one area.

2. Discards

- Accounted for with additional human observers via the Federal At-Sea Observer Program
- Accounted for with additional human observers via a Sector Observer Program (potentially provided by a third party to all sectors)
- Monitored through the use of video imagery
- Electronic Vessel Trip Reporting (EVTR) provides real-time data

3. Timeliness and Transparency

- Data must be available in real-time, in order to allow for the most-informed management and monitoring decisions
- A publically -accessible website with weekly updates (landings, discards, observer coverage rates, etc) would be optimal

Recommendations

- NMFS should set performance standards for monitoring and reporting programs, but allow some flexibility in how they are achieved and allow for provision of these services by a third party contracted by the sectors.

- It may be useful to set up a separate observer program dedicated to sector monitoring. This could be a private company with observers contracted for directly by sectors. NMFS would provide oversight.

What is the impact of sectors on designing measures for common pool vessels

Issue: Sector applicants are not required to identify sector participants until their operations plan is submitted in advance of the fishing year. Sector members can also choose to exit the sector in subsequent years. This may make it difficult to design and evaluate effort controls for common pool vessels.

Discussion:

(1) The Groundfish PDT uses the Closed Area Model (CAM) to evaluate the biological and economic impacts of DAS, closed areas, and trip limits. The key data inputs to the model include average CPUE by gear and vessel size for each month-block combination and the allocated DAS available to each individual vessel. For the model results to be reliable, DAS allocations and the composition of vessels should be similar to the composition of the fleet that will be subject to the effort controls adopted. This was not a concern when nearly all vessels were subject to effort controls. Even the GB Cod Hook Sector and Fixed Gear Sector were limited by DAS for catches of stocks other than GB cod. This will be more of a concern with the increased number of vessels that may join sectors.

(2) When applying the CAM, the composition of the fleet to be subject to DAS controls matters in two respects. First, DAS allocations affect regulatory design, because DAS, as a management tool, is influenced by the existence of latent effort. Even though Amendment 13 made significant strides in reducing latent effort, it did not eliminate it. The existence of latent effort meant that the DAS components of FW42 were more restrictive than would have been necessary if there were no latent effort. If the majority of vessels with latent DAS join a sector, then the DAS controls for the common pool will be more effective which could dampen the need for any across-the-board DAS reductions, if necessary, and would reduce the need to include ancillary measures such as trip limits and/or area closures. By contrast, if much of the latent effort does not choose to join a sector then the DAS controls will be less effective, meaning across-the-board DAS reductions would need to be larger and/or other ancillary measures will have to be more restrictive. Second, the fleet composition matters since total catch is affected by DAS and CPUE. The effect of the former has already been noted. The effect of the latter depends on whether the DAS pool is more or less productive than vessels that choose to join a sector. If, for example, the common DAS pool is comprised of mostly small vessels DAS measures would be more effective since the average CPUE for small vessels is less than that of larger vessels. That is, a DAS reduction, if necessary, would likely be lower than if the fleet is comprised of predominately larger vessels.

(3) For the reasons noted below the PDT does not know the vessels (permits) that will actually join a sector. While Amendment 13 says that sector proposals must include a list of all participants and a signed contract indicating their agreement to participate in the sector, this requirement has not been applied to the initial application to the Council. This will make it difficult to determine what effort controls will be needed on implementation because the number, type, and area fished of the common pool vessels will be unknown. Second, the vessels that are in the sector one year may not be the same vessels that are in the sector the following year because permits are allowed to freely move between sectors and the common pool. This weakens the assumption that measures that work the first year will in fact meet mortality objectives the second year. If there is extensive movement between sectors and the common pool on an annual basis, it may be necessary to revisit common pool effort controls each year.

An example illustrates this problem. Assume that all offshore trawl vessels join a sector in year one and effort controls are designed on this basis. As a result, there may be less need for trip limit on offshore stocks. If a number of these vessels leave sectors in year two, common pool fishing on offshore stocks would probably increase and there is less certainty that the measures will continue to meet mortality objectives. Indeed a reevaluation of the DAS measures would probably be necessary.

(4) An additional complicating factor is that it is possible all sectors considered may not be approved, or may not choose to operate.

(5) The potential problems described will likely depend on what ACL and AM's will apply to the DAS pool. If, as has been the case in the past, the DAS pool will be subject only to a target TAC with adjustments to be made in the following fishing year then keeping track of entry and exit from the DAS pool may be important as will annual adjustments to DAS. If the ACL for the DAS pool is a hard TAC backstop then the effect of entry and exit into the DAS pool may be less of a concern with respect to achieving biological (mortality) objectives.

Recommendations:

(1) Development of DAS measures for the common pool will be facilitated if a binding declaration into a sector is made early. Given the need to develop alternatives for a June DSEIS such a declaration would probably need to be made by March, 2008. The PDT recognizes this recommendation is problematic:

(a) There isn't a mechanism to incorporate this recommendation into the regulations and it is unlikely NMFS would be willing to implement this requirement as internal NMFS policy.

(b) Vessel owners may be unwilling to make a binding commitment to a sector more than a year in advance of implementation, particularly since stock status, reference points, and common pool management measures will be unknown. In addition, there may still be unresolved questions on the interpretation of recent changes to the M-S Act (applicability of LAPP provisions to sectors, cost recovery, etc.).

(2) Adopt a hard TAC backstop for common pool vessels, while designing effort controls to reduce the likelihood the hard TAC backstop will be binding. While this addresses concerns that the effort controls will be incorrectly designed and will not achieve mortality objectives, it does not resolve the difficulty in designing measures for an unknown group of vessels and in accurately predicting the economic, habitat, and social impacts of the amendment. It may also lead to a derby between vessels in the common pool, particularly if the management measures are not correctly designed.

How is landings history treated within a sector?

Issue: Some vessels in a sector may not fish, yet the share they bring to the sector contributes to the sector share.

Discussion:

(1) One of the key advantages of sectors may be to allow sectors to consolidate fishing on a subset of their members' vessels to reduce fixed costs and improve efficiency. Sectors may also allow some vessels to specialize (e.g., focus on harvesting underutilized stocks) while other vessels pursue other stocks. However, individuals may be reluctant to do this if the catch history is accumulated by the vessels that actually land the catch.

(2) Fixing the baseline for sector allocations partially mitigates this problem as long as sectors are the only means by which individuals can utilize catch history to generate catch opportunities. Relative to the current rolling baseline for sector allocation, the fixed baseline creates more security for individuals who effectively make their ACE available to other member of the sector thereby facilitating consolidation within the sector and reduction of fixed costs. It also allows for the possibility of sectors creating permit banks that generate ACE for sector members without those permits being devalued over time through. There is, however, still a lack of security since there is no guarantee that more recent catch or effort history will not be used in some future allocative actions (e.g. if ITQs or the point system is implemented in Amendment 17 with allocations based on years later than those used for sector allocation.). This concern might be alleviated by setting a control date for catch and effort history years that can be used in future allocative actions (e.g. they would not be based on years later than the control date which would presumably be either the current date or a past date). A control date would increase the level of security, but control dates can be rescinded by a future Council.

(3) Another option would be to specify by regulation that, for vessels enrolled in sectors, their catch (or other historical allocation factors such as effort or capacity) as a percentage of the total commercial catch (or other history based allocation factors) would be assumed to remain fixed while they were enrolled in the sector (e.g., if the share of the GOM cod TAC their permit contributed to a sector's allocation were 1% of the total their history for the purpose of future allocations would be recorded as 1% of total commercial catch for the years they were in the sector). This would protect individual in sectors whose catch was less (as a percent of total commercial catch) than it was in the baseline period. It would also means that Sector's and individuals' in sectors that do not catch their full ACE will not see their future allocation share reduced. However, it would also protect non-sector vessels from the possibility that sector vessels could accumulate greater catch histories (in percentage terms) because of regulatory advantages such as removal of effort controls that allow them to catch a higher percentage of their ACE allocations.

(4) An alternative would be to allow sectors to specify in sector contracts how the catch history of the sector as a whole would be distributed amongst its member permits. This, however, would create a good bit of additional complexity for the Regional Office and would not protect either the sector or the common pool vessels from redistributions resulting from either sector or non-sector vessels having an advantage in building catch history.

Recommendation on Treatment of Catch History:

Declare in regulations, that, for the purpose of future allocative regulatory actions, the catch history individual vessels participating in sectors, will be assumed to have been equal (as a percentage of each TAC for which sector allocations were made) to the share of those TACs those vessels contributed to the sector allocation during the period they were enrolled in the sector. The same would be true for other allocation factors such as measures of effort or capacity.

Should a sector be required to have a hard TAC for all groundfish stocks?

Issue

Should sectors need a hard TAC for all groundfish stocks? Are there exceptions that can be dealt with in another way?

Discussion

(1) The Council motion is consistent with a hard TAC for all groundfish stocks. In general the prospect of changing membership further makes this a desirable requirement as does the likelihood that stocks of concern will change over time. One might expect sectors wanting to diversify by being able to fish in multiple stock areas. That is, the Council needs to anticipate the likelihood that unlike present sectors, new proposals or for that matter future sectors will be more diversified. At issue is how to deal with situations where a given sector receives only a small allocation or no allocation at all of a particular species or stock. The PDT identified at least three situations that may need to be addressed.

- Will a sector be allowed to operate in an area with zero qualifying share of a species/stock? This situation might arise either because members did not catch, or caught but did not land, any of a given species/stock in the baseline period.
- What happens in situations of zero baseline share for single stock species whose range does not extend to all stock areas (Acadian redfish, for example).
- Are there de minimus stocks (Atlantic Halibut, for example) for which few vessels have any landings at all that may need to be dealt with differently?

(2) At this time the PDT does not know the potential magnitude of the problem of low or zero shares for any given species. The problem will be reduced the longer the qualification period, and the larger the number of vessels included in a sector. That is, one would expect a more diversified portfolio of sector shares with more vessels and one would expect history to be more diversified the longer the qualification period.

Recommended Alternatives

- Sector shares for stocks like Atlantic halibut and ocean pout as well as others that may become part of the groundfish plan (wolfish and cusk) should not be required. This means that the Council's original motion to require allocations for all groundfish stocks may need to be revisited. This would also require development of specific management measures for these species.
- De minimis allocation – any sector could be awarded a de minimus allocation
 - What level to allocate? A fixed quantity or scaled to sector size?
 - Creating allocation would require a deduction from allocation to other sectors and the common pool.
- Quota balancing through transfer from another sector
 - Theoretically possible but who “owns” sector quota? Will the sector manager have the authority to sell off part of a sector's portfolio? Sector operational plans may need to specify whether transferring of quota will be allowed and what person is authorized to enter into an agreement with another sector to effect the transfer.

Sectors and US/CA Area TACs

Issue: Sector allocations for GB cod, haddock, and yellowtail flounder do not include an allocation of part of the US/CA TAC for Eastern GB cod and haddock, and GB yellowtail flounder. This makes it possible for sectors and common pool vessels to affect each other's access to the US/CA area.

Discussion:

(1) The two existing sectors received a TAC for GB cod, but this did not guarantee them a share of the TAC for Eastern GB cod in the US/CA area. The sectors lost access to the Eastern Area when the area was closed when the cod TAC was approached.

(2) Amendment 16 may adopt additional sectors, and will almost certainly require that sectors be limited by a hard TAC for GB cod, haddock, and yellowtail flounder. The possibility exists that the sectors might be unable to harvest their share of these resources because of regulatory changes implemented to prevent the fishery from exceeding US/CA TACs. It is also possible that the opposite could occur: sectors might catch their shares rapidly enough that regulations for common pool vessels are changed in order to keep total catches below the TAC. For example, the total sector shares may be large enough that the sectors could catch enough in the Eastern Area to close that area to common pool vessels.

(3) The lack of US/CA area specific TACs could encourage a race to fish between sector and common pool vessels. This weakens one of the advantages of sectors – that they have more responsibility for their own access to the fishery without impacting the common pool vessels.

Recommendations: The PDT identified one way to address this problem.

(1) Provide a specific allocation to each sector for US/CA stocks (Eastern GB cod and haddock, and GB yellowtail flounder) and for the portion of GB cod and haddock that can be caught outside the Eastern US/CA area. Measures for common pool vessels would be implemented based on the common pool's progress in catching the total US/CA TAC less the portion allocated to sectors. Initial allocation of US/CA area shares would have to be addressed. This could be based on history (consistent with other stock allocations).

Advantages:

(1) Isolates the impacts of each group's behavior in the US/CA area from the other group.

Disadvantages:

(1) Adds additional stocks to quota monitoring for sectors.

(2) Each sector's catch of GB cod, haddock, and yellowtail flounder would be area specific, providing an additional constraint on sector operations.



#6

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: August 28, 2007
TO: Multispecies (Groundfish) Oversight Committee
FROM: Groundfish Plan Development Team (PDT)
SUBJECT: **PDT Conference Call, August 21, 2007**

1. The PDT held a conference call on August 21, 2007. The PDT discussed several issues related to sectors and effort control measures being considered by the Committee. Members participating in the call were Tom Nies (NEFMC), Tom Warren and Doug Christel (NERO), Paul Nitschke (NEFSC), Kohl Kanwit (Maine DMR), Dan Holland (GMRI), and Paul Parker (Advisory Panel Chair). Three members of the public listened to the call – Maggie Raymond, Vito Giacalone, and Jackie Odell

Sector Policy Issues

Exit from Sectors

2. The question was raised by the Council whether current regulations are sufficient to hold sectors accountable for exceeding the sector’s TAC if members depart the sector or if the sector disbands. A related issue is whether individual permits should be held accountable for a sector’s overage if they choose to depart the sector the following year.

3. Existing regulations do provide for deducting a TAC overage by a sector from the subsequent year’s TAC. NOAA General Counsel advised that the regulations may not be sufficient to address the situation where either a sector completely disbands, or enough vessels depart the sector that there is insufficient TAC to address an overage. While this could be viewed as an issue between a sector and its members – and thus amenable to a solution adopted by each sector through an operations plan or sector contract – there may be value in a regulatory solution since this is a potential issue for all sectors. The PDT identified four possible solutions:

- a. Require a long-term commitment to the sector (e.g. five years). In addition to helping to address the concern about overages, this may yield additional benefits to sector management. It will increase the commitment of individual permits to the sector.

- b. Require an intermediate term commitment, such as a rolling two-year commitment. This would make sure permits stay with the sector until an overage is paid back, while avoiding the lack of flexibility of a long-term commitment.
- c. Require a permit to remain with its original sector until an overage is paid back. Under this approach, it may be desirable to set a tolerance so that a small overage does not restrict permit movement.
- d. Devise an overage penalty that follows a permit whether the permit remains within the sector, changes to a new sector, or leaves the sector for the common pool. The concept is that a vessel incurs a responsibility for a sector's performance and does not evade that responsibility by leaving the sector. As an example, if a sector loses 10 percent of its allocation due to an overage, any vessel leaving the sector also loses 10 percent of its fishing opportunities. Such an adjustment could be applied to DAS if the vessel returns to the common pool, or to the allocation of a sector if the vessel join a different sector. This could be complicated to administer.

4. The PDT noted that current regulations do not explicitly state whether the penalty assessed for an overage is calculated in terms of pounds or in terms of the share of the sector's allocation. It may be advisable for the Committee and the Council to clarify that issue. The advantages and disadvantages of each approach are summarized below. In a situation of declining TAC, the use of percentage may advantage a sector with a relatively large overharvest. Using percentage to deduct the overharvest, the overall TAC needs to be lower before sector will face a situation where they have insufficient TAC to cover their overharvest. Using percentages, there will always be sufficient TAC to make deductions for overharvest. A combined approach would deduct whichever method gives the largest deduction.

Comparison of Methods of Deducting Overharvests

Metric Tons	Percentage
Simple, direct	More complex, indirect
Amount of deduction relates directly to the amount of overharvest, without regard to overall TAC size and does not take into account change in stock size	Amount of deduction relative to overall TAC size, and takes into account change in stock size
If TAC declines the following year, the deduction is more (mt) , leaving relatively more fish available for harvest rebuilding biomass	If TAC declines the following year, the deduction is less (mt), leaving relatively less fish available for rebuilding biomass.
If TAC increases the following year, the deduction is less (mt), leaving relatively less fish available for rebuilding biomass	If TAC increases the following year, the deduction is more (mt), leaving relatively more fish available rebuilding biomass

Illustration of Deductions by Weight and by Percent under 3 Scenarios

TAC Scenario	Year 1	Year 2					
		Overall TAC Same		Overall TAC Decline		Overall TAC Increase	
Deduction Method		By Weight	By Percent	By Weight	By Percent	By Weight	By Percent
(A) Overall TAC	100 mt	100 mt		80 mt		120 mt	
Initial Allocation	25 % 25 mt	25 % 25 mt	25 % 25 mt	25 % 20 mt	25 % 20 mt	25 % 30 mt	25 % 30 mt
Deduction	-	10 mt	10 % of 100 mt = 10 mt	10 mt	10 % of 80 mt = 8 mt	10 mt	10 % of 120 mt = 12 mt
(B) Net Allocation	25 mt	15 mt	15 mt	10 mt	12 mt	20 mt	18 mt
Catch	35 mt	-	-	-			
Overharvest	10 mt (10% of 100 mt)	-	-	-			
(A) - (B) Total TAC minus sector allocation	75 mt	85 mt	85 mt	70 mt	68 mt	100 mt	102 mt

Illustration of Overharvest by 3 Sectors, with a Declining TAC

TAC Scenario	Year 1			Year 2			
(A) Overall TAC	100 mt			56 mt			
	Sector 1	Sector 2	Sector 3	Sector 1	Sector 2	Sector 3	
Initial Allocation	25 % 25 mt	25 % 25 mt	25 % 25 mt	25 % 14 mt	25 % 14 mt	25 % 14 mt	
Deduction				Wt 20 mt	% 20 % of 56 mt = 11.2 mt	Same	same
				Insufficient TAC	Small TAC		
Total Deduction				By Weight: 60 mt Deductions from Sectors larger than overall TAC	By Percentage: 60 % of TAC		
(B) Net Allocation	25 mt	25 mt	25 mt	zero	2.8 mt		
Catch	45 mt	45 mt	45 mt				
Overharvest	20 mt (20 % of 100 mt)	20 mt (20 % of 100 mt)	20 mt (20 % of 100 mt)				
Total Overharvest	60 mt 60 %						

Simplifying sector submissions/multi-year authorizations

5. The PDT reviewed NERO internal policy that guides sector submissions. NERO is considering a regulatory change that would remove the requirement for a proposed rule prior to approval of the sector operations plan. The approach would be similar to the EFP review process and would still provide an opportunity for Council and public comment. This change does not require Council action.

6. The Council may want to consider allowing submission of a multi-year Operations Plan if membership and operating rules do not change. This would lessen the administrative burden for both sectors and the government. If sector membership changes substantially, or the operating rules change, the sector would have to submit a new operations plan.

7. NERO recommends that the deadline for submitting operations plans and supporting documents be moved to December 1 in order to facilitate review. This requires a change to the management plan.

Hard TAC for all stocks

8. Further work on this issue included a review of the number of vessels that sold six species (Table 1). Five of the species were selected because landings are relatively low, while cod is included in the table to contrast these species with a valuable, widely distributed species. Note that these data may include vessels that caught regulated groundfish in state waters (legally) without a groundfish permit. Three of the species (pout, windowpane, and halibut) have relatively few vessels with a landings record in the dealer data. Indeed, in recent years it appears that the number of vessels selling pout was less than ten percent of the number of vessels selling cod.

Table 2 summarizes recent landings for five of these stocks. Pout landings have been less than 100 mt since 1996, yet GARM II includes information that pout discards may have exceeded landings by an order of magnitude. This species may illustrate the worst case: few boats with history, but apparent widespread discarding. Sectors that are unable to attract permits with pout history may have fishing opportunities limited by pout, a fish with limited market value. In the case of halibut, there seem to be a number of vessels landing the fish but total landings are small. The two windowpane stocks also had low landings in recent years but substantial discards – landings alone may not accurately reflect catch history.

Table 1 – Number of permits selling six species in each calendar year (NMFS dealer data)

CALENDAR YEAR	POUT	WINDOWPANE	HALIBUT	CUSK	WOLFFISH	COD
1996	157	391	192	518	718	1139
1997	124	396	192	485	696	1129
1998	143	372	229	522	720	1177
1999	130	341	252	463	634	1089
2000	91	339	174	470	654	1099
2001	72	264	176	478	619	1185
2002	68	217	208	437	582	1106
2003	62	214	218	447	546	999
2004	45	229	200	413	478	857

Table 2 – Landings of five stocks, 1996-2004, metric tons (GARM II, NEFSC Status of Stocks)

Year	Pout	Windowpane, N	Windowpane, S	Halibut	Cusk	Wolffish
1996	51	700	200	25	1031	363
1997	33	418	107	28	1152	309
1998	17	396	123	17	1180	296
1999	18	46	116	20	691	257
2000	19	142	126	17	689	200
2001	18	45	128	22	941	250
2002	12	12	85	20	826	155
2003	23	17	47	31	745	129
2004	5.4	25	44	25	632	119

9. These data highlight the problem with requiring sectors to have a hard TAC for every stock caught. For pout – a widely distributed species caught by many different gear types – it could be argued that if a hard TAC is to be used, basing the allocation on landings history may not be appropriate since discards account for most of the catch (discards cannot be estimated for individual vessels). If a TAC is not allocated to all stocks it may be difficult to design effective mortality controls as a replacement.

10. Another issue is that there are stocks for which a TAC cannot be calculated (GOM winter flounder, halibut). The stocks for which this is a concern may change after GARM III. It may be necessary to specify an arbitrary catch level to distribute the catch of such stocks to sectors.

11. The PDT will explore ways to address these issues. Some ideas that have been identified include:

- Do not specify a hard TAC for some stocks, but monitor landings and provide regulatory authority to implement a TAC quickly if necessary. The process might be similar to the one used to adopt Eastern US/CA Haddock gear standards (a Council recommendation followed by NMFS implementation, consistent with the APA).
- Require a hard TAC for all stocks unless a specific sector can demonstrate a method to avoid the stock. This might include gear requirements, time or areas of fishing, or other practices.
- This may be less of an issue if permit history calculations include factors other than landings history, and if ACE can be traded between sectors.

Groundfish Catches in Other Fisheries

12. The Committee directed the PDT to examine groundfish catches in exempted fisheries and report at the September 5 Committee meeting. Kohl Kanwit, Tom Nies, Doug Christel, Tom Warren, and Paul Nitschke will coordinate on this analysis but it will not be completed by the Committee meeting.

Sector Baseline Calculations

13. The Committee developed an alternative to include used DAS in the permit history calculation. The PDT identified three alternatives to incorporate this information into the calculation. The descriptions of the calculations are in attachment (1). The three alternatives have different effects. The Committee should choose which one of these alternatives they wish to include in the Amendment.

Alternative 1: For the time period selected, the DAS used by a permit are divided by the DAS used overall. This provides a factor for each permit that is combined with landings history based on the weighting factor. The result is used to allocate a portion of every stock to every permit.

Example: A vessel used DAS in the GOM and landed only GOM cod. It receives history for all stocks in all stock areas.

Alternative 2: For the time period selected, the DAS used by a permit in a stock are divided by the DAS used overall in that stock area. This provides a factor for each permit that is combined with landings history based on the weighting factor. The result is used to allocate a portion of the stocks in the area permit fished by the permit. For species with multiple stocks, a permit only gets allocated a share of the stocks in the area fished (even if the vessel does not

have any landings of that stock). For species with a single stock, the results are identical to Alternative 1.

Example: A vessel used DAS in the GOM and landed only GOM cod. It receives history for all GOM stocks (GOM winter flounder, GOM haddock, GOM cod, CC/GOM yellowtail) as well as single-stock species (redfish, plaice, pollock, etc.). It does not receive history for GB cod, GB winter, etc.

Alternative 3: For the time period selected, the DAS used by a permit are divided by the DAS used overall. This provides a factor for each permit that is combined with landings history based on the weighting factor, but only for those stocks caught by the permit. The result is used to allocate a portion of the stocks that the permit caught. The permit does not get history for stocks it did not catch.

Example: A vessel used DAS in the GOM and landed only GOM cod. It receives history for GOM cod but no other stock.

14. An exploratory analysis was performed to illustrate the impacts of these alternatives (attachment 2). To summarize the results, all three alternatives are possible to calculate and are internally consistent (that is, shares sum to 100 per cent). When compared to determining history based on landings alone, all three alternatives shift history from efficient vessels to less efficient vessels. This happens at every level of total catch: as an example, a vessel that has a relatively high ratio of cod landed to DAS used will lose history to a vessel with a lower ratio of cod caught to DAS used, with little regard to total cod landed. The more heavily DAS are weighted, the more catch is shifted.

This preliminary analysis does not explore the impacts of this approach across different stocks. For example, boats that lose cod history may gain history for other stocks. It is also likely that the shift in history will be more pronounced for those stocks landed by relatively few vessels but caught in areas where many vessels fish (e.g. redfish).

15. It is not clear if this result is consistent with the Committee's intent for this history computation. For the three different alternatives to incorporating DAS, Alternative 3 is less consistent with the Committee's stated intent that incorporating used DAS is meant in part to account for vessels that used DAS but avoided unhealthy stocks. This is because in Alternative 3 the used DAS only affect history for stocks that the permit landed.

16. Incorporating used DAS into the history calculation may affect limited access permits in categories that do not use DAS (handgear A, small vessel limited access).

Effort Controls

17. The PDT reviewed the effort measures identified by the Committee. The PDT qualitatively evaluated whether each measure was a mortality control and could be analyzed. This evaluation does not supersede the PDT's caution that effort control measures will be difficult to design and analyze since the pool of vessels subject to those measures is uncertain. The PDT's summary is in attachment (3).

Other Business

18. The PDT tentatively planned to meet in September. Topics will include setting of TACs or ACLs. The NERO Statistics Office also asked to meet with the PDT to describe in-season catch monitoring.

Combining Used DAS and Landings for Permit History

I. Landings history

- A. Determine stock-specific landings for each permit for each fishing year. (This will allow us to combine different fishing years should the Council change the periods they want to consider).
- B. For a given period, add up the total stock specific landings and each permit's stock-specific landings.
- C. To determine each permit's share based on landings history, divide the permit's stock specific landings for the period by the total stock-specific landings for the period. The result will be a percentage share for each permit.

II. DAS Used History

Alternative 1: Used DAS without regard to stock-specific landings history

- A. Divide each permit's used DAS by the total used DAS for that time period to get a share.

Alternative 2: Estimate the DAS used in each stock area.

- A. For each permit, match the DAS used on a trip to the statistical areas fished on that trip. For each permit, calculate days absent in each statistical area from the VTR. Use this result to apportion the DAS used from the DAS database to the statistical areas fished by the permit.
- B. For each stock area (that is, combination of statistical areas), sum the DAS calculated for each permit. Divide the number of DAS each permit used by the total used for that stock area to get a DAS factor.

Alternative 3: Used DAS applied only to stocks caught by a permit

- A. Determine stock-specific landings for each permit.
- B. Determine DAS used for each permit. Do not calculate DAS by area – just get the total DAS used from the DAS database.
- C. For each stock, calculate the total DAS used for that stock. Only count the DAS used by a permit for which that permit had landings.
- D. Divide the DAS used by each permit by the total DAS used, for each stock.

III. Combining landings and DAS elements

A. If Alternative 1 is used for the DAS factor, the DAS factor is combined with the landings factor for all stocks. Each factor is weighted as suggested by the Committee.

B. If Alternative 2 is used for the DAS factor, the DAS factor is combined with the landings factor for stocks that are in the areas fished by the permit, whether or not the permit had a history of landing that stock. Each factor is weighted as suggested by the Committee.

C. If Alternative 3 is used for the DAS factor, the DAS factor is combined with the landings factor for stocks that the permit has a history of landing. It is 0 for other stocks. Each factor is weighted as suggested by the Committee.

Preliminary Assessment of Including DAS Factors In Species/Stock Shares for Sector Allocation

The Groundfish Committee voted to include a factor to adjust history-based landings shares by used DAS. The Committee voted to consider two alternative that would weight used DAS and historical landings; one in which weights would be 50%/50% and another than would weight landings history by 75% and DAS history by 25%. The Committee did not decide how DAS history for any given species/stock would be calculated. The PDT developed three DAS history alternatives where the landings history share would be calculated as recommended by the Committee. Alternative 1 would result in a stock share for all vessels that used a DAS regardless of whether any given vessel landed the species or even fished within the stock area. In this manner every qualifying vessel would receive a share of every species/stock. Alternative 2 would result in a stock share for any vessel that actually fished in a stock area regardless of whether the vessel would qualify for a landings history share or not. Alternative 3 would result in a stock share only for vessels that had a landings history share greater than zero by adjusting the landings history share by the DAS factor. An assessment of these three alternatives was conducted to determine the following:

1. Does each alternative result in a stock share that when summed across permit holders is equal to one?
2. How many vessels would receive an allocation under each alternative?
3. Are there any notable implications of including a DAS factor?

Data – To address these questions a simplified data set was constructed. These simplifications were:

- Qualifying vessels from permit year 2006 – most recent complete fishing year
- Used CY2001 – reduced number of data sets that had to be merged and represented the peak landings year over any of the qualifying years.
- Used Call-in data for 2001 – later years complicated by different DAS data-bases
- Used only VTR – assignment to stock area required use of VTR anyway so simplified by using reported pounds from VTR rather than attempt to prorate dealer data
- For Alternative 1, prorated call-in data to statistical areas using proportions from VTR – matching call-in to VTR records problematic due to a variety of problems such as missing dates in VTR, mismatches due to running clock or front-loading.

A total of 1,390 limited access permits that are currently regulated under DAS for permit year 2006. Consideration needs to be given to whether limited access vessels with a Category C or HA (limited access hand gear-only) permit. A landings share could be calculated for either permit category but neither has any DAS history through the call-in system. The 1,390 permit holders were reduced to a total of 761 vessels that called in a DAS during 2001, and for which logbook data existed where one or more pounds of regulated groundfish were landed.

Findings:

Question 1 – All three alternatives required a number of different share calculations in addition to the final stock share, all of which had to sum to one. In all cases the adding up requirement

was met. That is, each of the three DAS factor alternatives would result in total stock shares that sum to one. This means that the sum of sector ACE and DAS pool ACE would not exceed the TAC.

Question 2 – Although stock shares were calculated for all permit holders and 17 stocks for the 10 regulated mesh groundfish species, results herein focus only on GOM Cod for purposes of illustration. Under Alternative 1 all 761 vessels included in the analysis would receive a stock share for GOM Cod. A total of 415 vessels fished in the GOM stock area during CY2001. All of these vessels would receive a stock share of GOM Cod under Alternative 2. Of the 761 vessels only 401 actually reported landing GOM cod during CY2001. Each of these vessels would receive a stock share for GOM Cod under Alternative 3.

Question 3 – To identify any notable effects of including a DAS factor in the determination of a stock share the landings share was used as a benchmark. That is, the landings history share was subtracted from the stock share (i.e. the result of weighting the DAS history share and the landings share). In this manner a negative value indicates that the stock share was less than the landings history. Effectively, this represents a shifting of landings history. Conversely, a positive value indicates that the stock share is higher than the landings share and the DAS factor represents a gain in landings share.

There is a systematic relationship between this calculated difference and the catch rate. That is, vessels with a high CPUE end up transferring landings history to less productive vessels. This is evident in Figures 1, 2, and 3 for Alternatives 1, 2, and 3, respectively.

Notes:

- In each case the transfer of landings history is halved using the 75% weight for landings. In general, the transfer of landings history would approach zero as the weight applied to landings history approaches 100%.
- In each case, there is a point where the landings history share and stock share are equal or nearly so. This point occurs at higher CPUE as the number of permit holders without any landings history goes down.
- For GOM Cod there is relatively little difference between Alternative 1 and Alternative 2 because nearly everyone that fished in the GOM stock area caught some cod. The difference between these two alternatives would be more pronounced for stocks that fewer vessels fishing in the GOM actually land.

The rationale for adding a DAS share is to account for differences in access that different vessels may have had to certain stocks due to regulatory controls as well as vessels that may have chosen to avoid stocks of concern. In either case, vessels may be said to have differential abilities to build history for any given stock.

The PDT will have difficulty assessing whether or not this objective has been met since existing data are not adequate to trace these effects to any particular DAS adjustment factor. For example, the relationship between CPUE on trips that landed GOM cod and total cod landings is plotted in Figure 4. While there appears to be a positive correlation between the two there are also a number of cases of high CPUE but low total landings of GOM cod. Vessels in this circumstance may well have had their opportunity to build history in GOM cod compromised yet they end up having to surrender landings share just like other productive vessels with much

higher total landings history. This is illustrated in Table 1. That is, the fact that about 10% of landings history is transferred from vessels with more than 25,000 pounds of GOM cod landings to vessels with much lower levels of landings may be consistent with the Committee's objective. At the same time, however, small quantities of landings history gets transferred away from vessels with low landings and small amounts of landings history wind up getting transferred to vessels with comparatively high landings of GOM cod. The lesson here is that the DAS factor as developed thus far by the PDT may not be entirely consistent with Committee intent. Moreover, available may not be adequate to evaluate the extent to which Committee intent is being met.

Table 1. Summary of Cumulative Landings History Transfers By GOM Cod Landings Category for Alternative 1 for the 50/50 Landings History/DAS History Weights

	Categories of GOM Cod Landings in Pounds (CY2001)					
	<= 5000	5000+ to 10000	10000+ to 15000	15000+ to 20000	20000+ to 25000	25000+
Landings History Gain	5.98%	4.64%	1.89%	0.83%	0.11%	0.21%
Landings History Loss	-0.31%	-0.55%	-0.49%	-0.72%	-1.30%	-10.28%

Scatter Plot of Difference Between Alternative 1 GOM Cod Share Minus Landings Share (Y-axis) and CPU Calculated as Landings per DAS (X-axis)

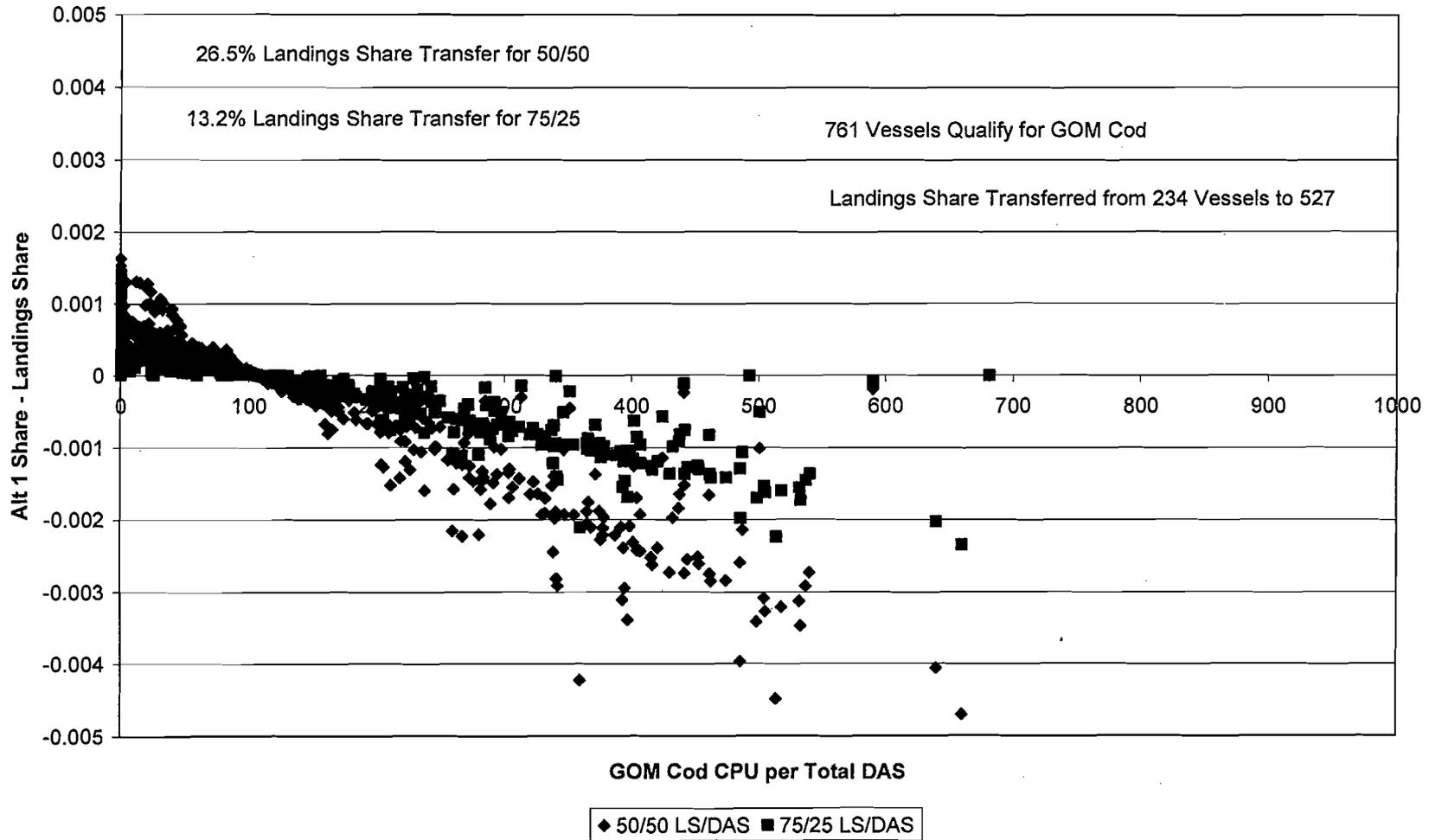


Figure 2. Scatter Plot of Difference Between Alternative 2 GOM Cod Share Minus Landings Share (Y-axis) and CPU Calculated as Landings per DA in GOM (X-axis)

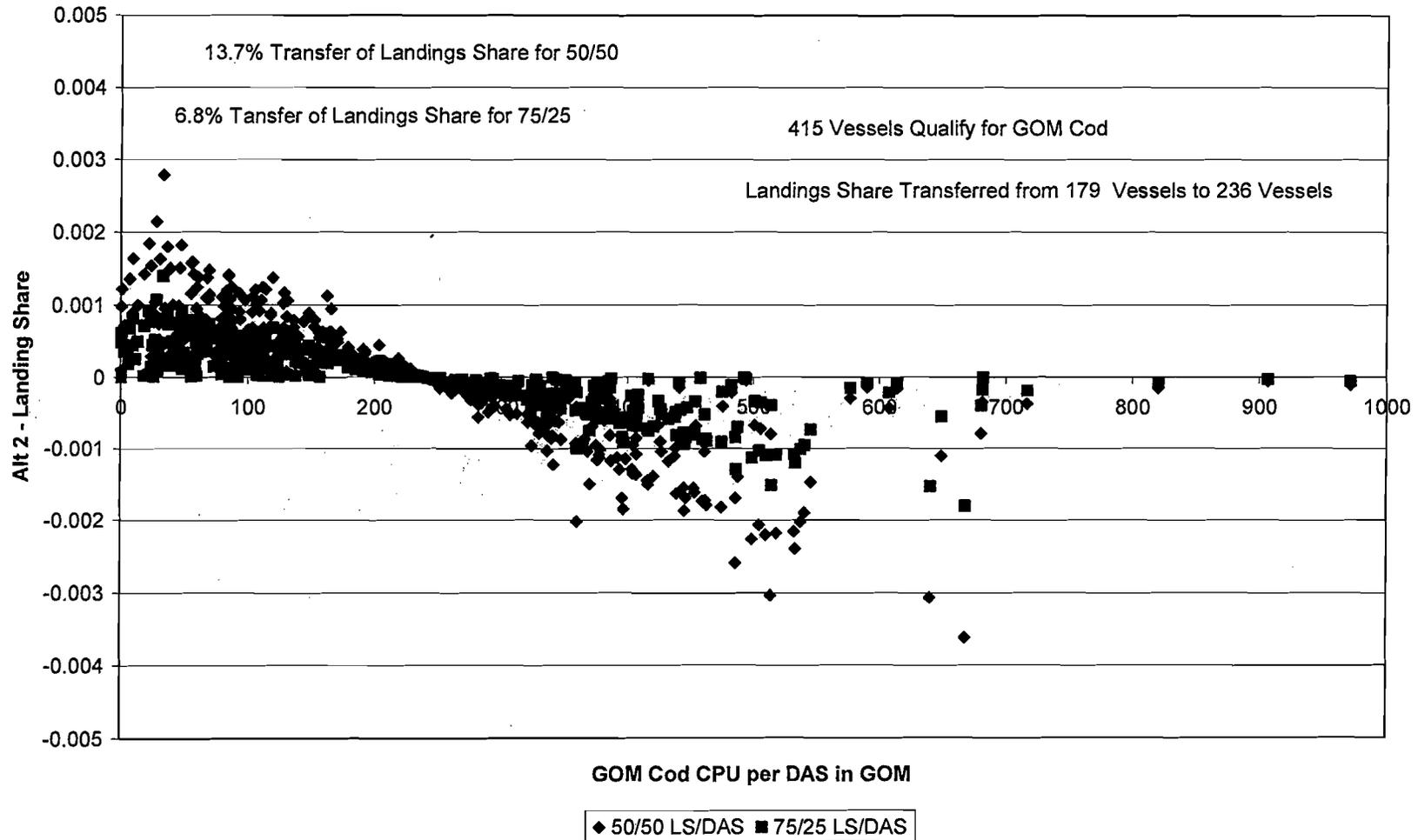


Figure 3. Scatter Plot of Difference Between Alternative 3 GOM Cod Share Minus Landings Share (Y-axis) and CPU Calculated as Landings per DA that Landed GOM Cod (X-axis)

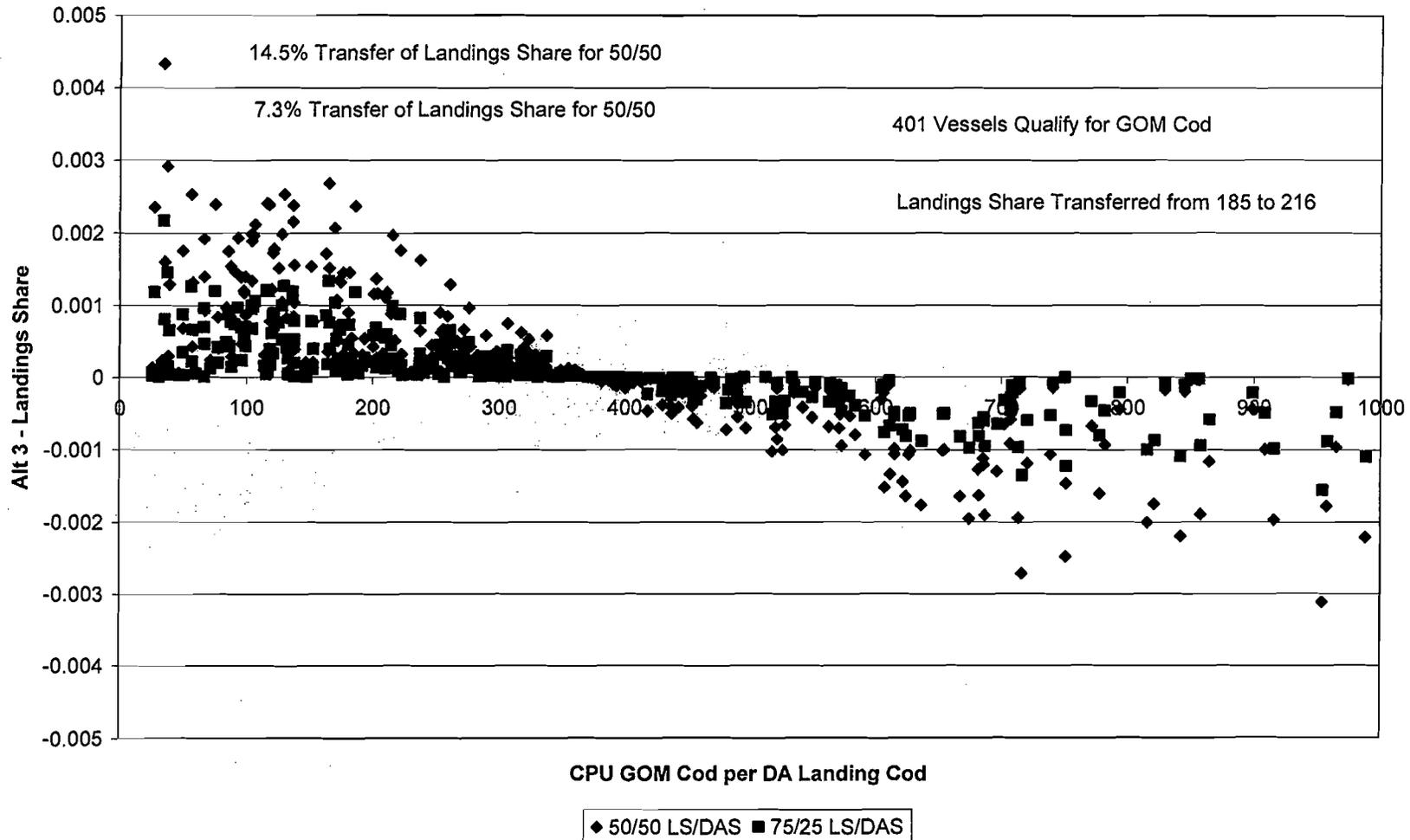
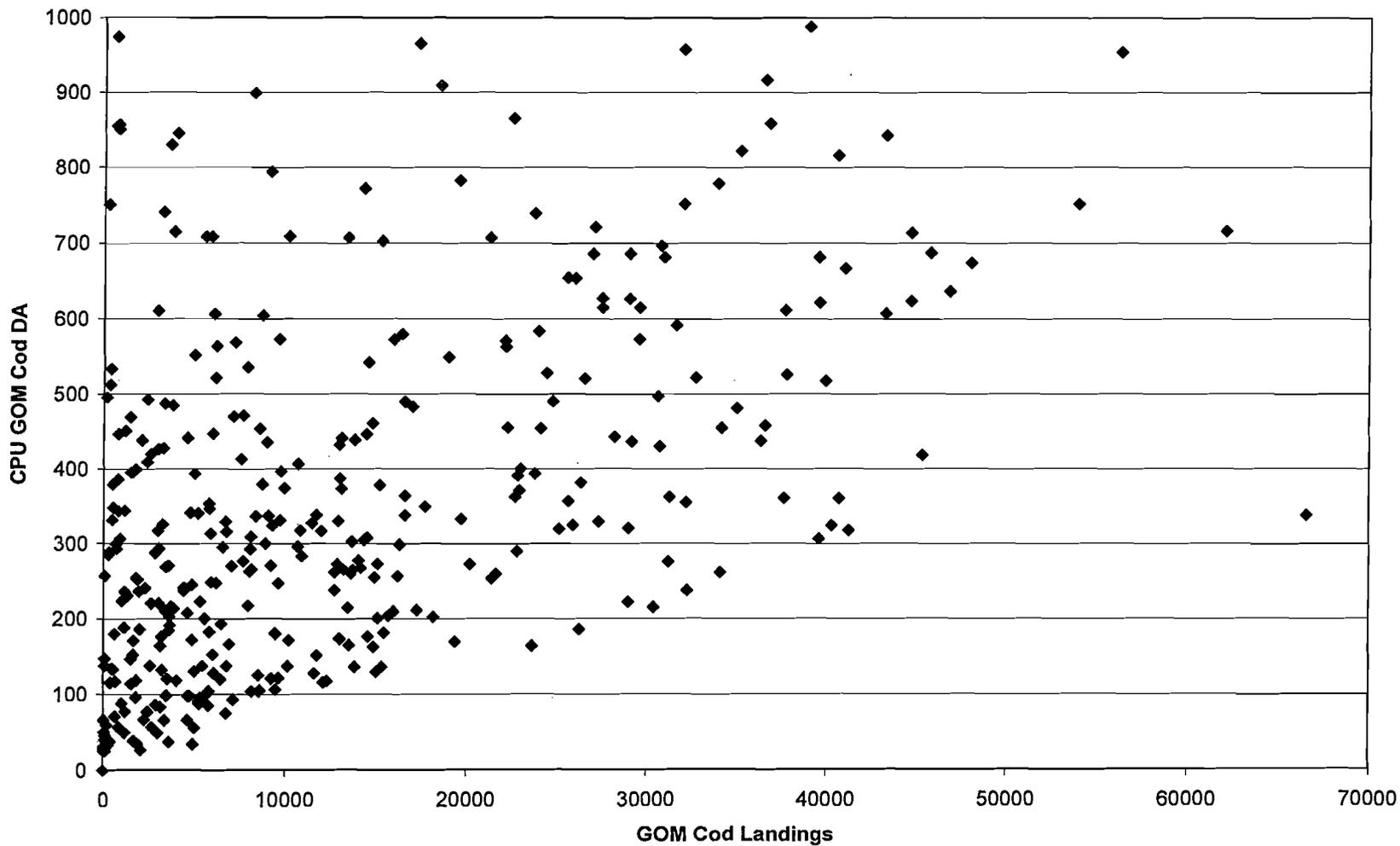


Figure 4. Scatter Plot of Total GOM Cod Landings (X-axis) and CPUE on Trips that Landed GOM Cod (Y-axis)



Attachment (3)

Table 3 – PDT review of effort measures under consideration

Measure	Mortality Control?	Analyze?	Comments
Count DAS as a minimum of 24 hours	Yes	Yes	
Remove 20-day spawning block requirement	No	No	Minor measure, no longer effective, has outlived utility
Require use of diamond mesh codend in CAII YTF SAP	No	Yes	May reduce discards if SAP is opened in future; uncertain if that will affect mortality
Allow use of 6 inch square mesh with separator trawl in the US/CA area	No	Yes	May increase haddock mortality, impacts on other stocks difficult to evaluate. Actual impacts of mesh changes often don't match theoretical impacts. Is this meant for cod end or separator panel?
Reduce/eliminate the conservation tax on DAS transfers	No	Maybe	May result in increased mortality, as analysis showed DAS leasing (without tax) was not conservation neutral. But – transfer program rarely used, so it may not be different than under current leasing program.
Provide more flexibility in the length/horsepower restrictions in the DAS leasing and transfer programs	No	Yes	Not designed as an effort control measure and not used to control mortality. Would be designed to adjust DAS leased based on relative fishing power and if correctly designed should have little impact on mortality.
Remove the tonnage restriction on replacement vessels	No	Yes	Cannot be implemented effectively through Multispecies FMP since restriction would remain in other FMPs.
Consider 6 inch mesh for gillnets	No	Yes	Effects on mortality uncertain. Difficult to analyze - actual impacts of mesh changes often don't match theoretical impacts.
Consider 17 inch GB haddock minimum size	No	Yes	Not a direct mortality control.
Reduce 72 hour observer notification requirement	No	No	Authority exists for NMFS to make change if deemed appropriate.
Consider adjustments in differential das program (areas and rates)	Yes	Yes	
Reconsideration of cod cap proposal	Maybe	Yes	Previous analyses equivocal on mortality impacts. May need revision to include other stocks.
Adjustments in DAS allocations	Yes	Yes	
Running clock	Maybe	Yes	Might affect trip behavior, reducing discards.
Trip limit triggers on stocks with trip limits	Maybe	Maybe	Difficult to incorporate into CAM for multiple stocks
Re-examine rolling/seasonal closures	Yes	Yes	Difficult and time consuming to analyze. Some work done by PDT in 2005, and by other researchers since then.

Measure	Mortality Control?	Analyze?	Comments
Reexamine exempted fisheries	No	Yes	Work in progress
Consider reducing minimum size of GOM haddock	Yes	Yes	Might increase GOM haddock mortality – but not a direct mortality control. Impacts on other species uncertain.
Allow GC scallop vessels fishing in the RMA to retain the same monkfish as allowed by general category permits in other areas vessels	No	Yes	No impact on groundfish.

#7



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: October 10, 2007
To: Multispecies (Groundfish) Oversight Committee
FROM: Groundfish Plan Development Team (PDT)
SUBJECT: PDT meeting, October 2, 2007

1. The PDT met in Newburyport, MA to discuss Amendment 16. The discussion focused on two issues: determining available catch and crafting effort controls. Overall, few conclusions or firm recommendations were developed and with only a few exceptions this report documents PDT activities rather than provides specific advice to the Committee. Areas for additional PDT work were identified and the PDT will pursue those issues at future meetings. PDT members present were Tom Nies (NEFMC), Tom Warren and Doug Christel (NMFS NERO), Kohl Kanwit (Maine DMR), Steve Correia (Massachusetts DMF), Dan Holland (GMRI), and Eric Thunberg and Paul Nitschke (NMFS NEFSC).

Available Catch

2. Groundfish management since 1996 has used target TACs (TTACs) as indicators of how well the management plan was working. Given recent changes to the Magnuson-Stevens Act that establish requirements for annual catch limits (ACLs) and accountability measures (AMs), and the possibility that if the Council pursues sectors a larger portion of the fishery will be controlled by hard TACs, the process of establishing the available catch needs to be carefully considered. Since the guidelines for interpreting ACLs have not been developed, the PDT discussion focused on identifying the issues associated with calculating the available catch. Following the model that appears to be taking shape within NMFS (based on a recent conference on M-S implementation issues), the PDT divided its discussion into a discussion of biological/assessment risk and management risk. We also discussed other issues associated with these calculations, such as catch in other fisheries.

Biological/Assessment Risk

3. Many (but not all) groundfish stocks are assessed with age-based assessment models. There is uncertainty around the estimates of biomass and fishing mortality produced by

these models. A projection model uses the assessment results to forecast future biomass and landings if a fishing mortality rate is assumed. Projection uncertainty can be thought of as the cumulative effect of input data, assumptions, etc. The model itself may also be uncertain - that is it may not capture the biological dynamics of the stock. Some of these uncertainties are estimated and are described in following paragraphs.

4. Bootstrap confidence intervals are a measure of the uncertainty of a specific model configuration. All sources of error are typically not accounted for in the bootstrapping. As a result, bootstrap confidence intervals are usually an underestimate of the total model uncertainty. For example the VPA assumes no error in the catch at age. Bootstrapping can be done by randomly resampling the standardized survey residuals from the final model run for the prediction of new bootstrap survey indices. The model is now rerun with the new bootstrap survey indices. Typically the model is rerun 1000 times to produce a nonparametric distribution around the final model results. Confidence intervals can be calculated from this distribution. The bootstrap error shows the precision around the final model estimates *with the assumption that the model is an appropriate depiction of the species dynamics*. These bootstrap confidence intervals are what have been used to establish the risk associated with rebuilding programs, and to determine TTACs. For example, the GB yellowtail flounder rebuilding program is designed so that there is only a 25 percent probability of not achieving the target biomass by the end of the rebuilding period based on bootstrap results; TTACs have been established at the median catch expected to result from a target fishing mortality rate. Often the Committee and Council's discussion of risk focuses on these percentages.

5. Within-model retrospective analysis¹ looks at the influence of removing the last year of data on the model results. This is done for a user-specified number of years into the past. Retrospective analysis is usually done for the last five years in the model. The retrospective analysis can show either random variation around the final model estimates for biomass, fishing mortality and recruitment or a bias in these estimates (either overestimation or underestimation). In the groundfish assessments often a consistent overestimation in biomass and an underestimate in fishing mortality at the end of the time series can be observed. Figure 1 shows Gulf of Maine winter flounder as an example of a retrospective pattern from GARM II. A persistent bias in the estimates which occurs from omitting the last year of data in the model suggests an inconsistency within the data structure with the assumed understanding of the species population dynamics. For example misspecification of natural mortality, possible unaccounted changes in survey catchability (qs) and/or changes in reported catch over time can all produce a retrospective bias. What causes the retrospective bias in a model is usually not known. One way to calculate an approximation of the overestimate or underestimate in biomass can be calculated from the retrospective analysis and used to adjusted population numbers at the beginning of the projections. Adjusting the starting population numbers in the projection will help account for the observed bias regardless of what is causing the bias. This is not yet an widely accepted practice for treating retrospective patterns. A further complication is that in the retrospective pattern can be different in successive assessments – for example a severe retrospective pattern can improve within three to four

¹ Retrospective errors are not a new phenomenon. Additional information on retrospective patterns can be found in the MSMC Report 2000, Appendix VI, GARM I (2002), and GARM II (2004). In 2005 the TMGC considered the retrospective pattern in the GB yellowtail flounder assessment when recommending the 2006 TAC.

years and it is possible for the bias to reverse over a longer time scale from one of under-estimating mortality in one assessment and over-estimating mortality in a successive assessment.

6. The precision around a specific model configuration and making an adjustment for retrospective bias are different concerns. One is concerned with the variation around an estimate and the other is accounting for a systemic bias in the estimates. Often the uncertainty from bootstrap estimates is relatively minor compared to the observed retrospective bias. In some assessments and projections, it is possible for entire bootstrap distributions in a year without accounting for the retrospective pattern to not overlap with the bootstrap distributions after adjusting for the retrospective pattern. Figure 2 compares spawning stock biomass, fishing mortality and the resulting TACs for summer flounder as an illustration of the difference in estimates with and without a retrospective adjustment. For each parameter, estimates are shown for the 50% and 75 % probability distribution both without a retrospective adjustment and with an adjustment (a 28% reduction in abundance at the beginning of the projection). The difference in spawning stock biomass at the beginning of the projection (2007) is reflective of the retrospective adjustment and the difference at the end of the projection is due to the probability of reaching the biomass target in 2012.

7. Figure 3 summarizes the within-model retrospective bias observed in GARM II VPA stock assessments. The patterns were large and over-estimated biomass for some stocks (SNE/MA yellowtail flounder, CC/GOM yellowtail flounder, witch flounder, GOM winter flounder). ***The PDT strongly recommends that when determining available catch, the direction and magnitude of any within-model retrospective pattern should be explicitly considered.*** The best way to adjust projections for the existence of a retrospective pattern is a difficult technical issue that is being investigated by the NEFSC. A working group meeting is reportedly planned for early December 2007 and the PDT is hopeful that advice will be developed as a result.

8. Another type of retrospective pattern is referred to as the historic retrospective pattern. This is essentially an examination of how well past assessments estimated stock status, or how well they predicted the catch that would return a desired fishing mortality rate. This type of pattern can be caused by changes in the data, assessment model, or assessment model formulation. They can be difficult to evaluate and the cause may not be easily identified. Table 1 gives an example specifically chosen to illustrate this problem. The GB yellowtail flounder assessment has done a poor job of characterizing the risk associated with different catch levels. While this may be explained by a retrospective pattern in 2003 and 2004, that does not explain the situation in 2005 when the major change model did not have a retrospective pattern. Another example is the 1998 assessment of GB cod, which estimated 1997 fishing mortality at 0.26 with inconsistent fishing mortality trends in the retrospective analysis; GARM II now estimates 1997 fishing mortality as 0.96. These comparisons are shown to emphasize that not all uncertainty is captured by the bootstrap analysis and the retrospective analysis.

9. The PDT is assuming that while fishing mortality targets may change as a result of GARM III, the structure of rebuilding programs (the final year and the probability of success) will remain as defined by Amendment 13. Once the retrospective pattern is considered, the question that still remains is what is the appropriate bootstrap confidence

interval to select for management advice (in this case, calculating available catch). This decision can have a significant effect on available catch – see Table 2 for a comparison of catches at different probabilities for several stocks based on FW 42 projections. While this is a policy decision, the PDT discussed whether there is technical advice that can be provided to better inform this choice by the Council. This choice involves the balancing of various tradeoffs such as the risk of overfishing or failing to meet a rebuilding target, sacrifices in yield, and socio-economic impacts. The Committee could select a blanket policy for all stocks, or could tailor the decision for individual stocks. If the latter, factors that might be considered include current stock status, age structure of the stock, or uncertainty in the projection output. The PDT intends to pursue this discussion further and hopes to provide advice in the future, but does not have a recommendation at this time.

10 An additional complicating factor is the difference between the assessment (calendar) year and the fishing year. TACs are technically calculated for a calendar year, but are implemented for a fishing year. If TACs are increasing, sliding the TAC forward to the fishing year is conservative and means fishing year yield is being unnecessarily reduced. If TACs are declining, this same approach introduces additional risk as the catch in a calendar year may be more than produced by the target fishing mortality. These differences have been ignored in the past when setting TTACs, and are ignored when setting US/CA TACs. Attachment (1) describes the issue in more detail, gives several examples using A13 projected TACs, and examines two alternatives to ignoring the issue. This analysis suggests that a simple pro-ration of successive TACs may be the best approach. In terms of the total TAC in any given year, the adjustments have relatively minor impacts unless TACs change dramatically. Other alternatives – such as changing the fishing year or the assessment year – are not considered practical.

While Amendment 16 can affect the determination for future year TACs, it does not address the problem for FY 2008 and 2009. Some TTACs are scheduled to decline substantially from FY 2008 to FY 2009 because of planned reductions in fishing mortality. For example, the TTAC for CC/GOM yellowtail flounder is currently estimated to decline from 1406 mt in FY 2008 to 608 mt in FY 2009. If the TTAC is caught in both fishing years, and the catch is evenly distributed, the catch in calendar year 2009 could be 42 percent higher than that expected from the target fishing mortality rate. While these differences smooth out over longer periods (e.g. under the same assumptions, the catch in 2010 will be lower than that expected from the target fishing mortality rate), the perceived requirement to meet mortality targets annually may mean this needs to be addressed.

Management Risk

11. Workshops on ACLs have raised the concept that determining available catch should consider “management risk.” The PDT is unclear exactly what this term means or how to evaluate it. The measure of success of a management program is whether mortality targets are achieved, but it is difficult to separate the impact of management and assessment risk when evaluating failures to achieve targets.

12. One way to evaluate management risk might be to look at the record of staying within TTACs. The PDT compared recent estimates of calendar year catches to TTACs². Since 1996, 81 TTACs were established by the Council for the groundfish plan. On 23 occasions those TTACs were exceeded (28%). Since the adoption of Amendment 13, 52 TTACs have been implemented and 6 were exceeded (11.5%). Since 2005 - the first full calendar year that Amendment 13 was implemented -- only one TTAC appears to have been exceeded. While this could be interpreted as illustrating little biological risk with the management program, the fact remains that fishing mortality was too high for seven stocks in 2004 and the TTAC was only exceeded for five of those stocks. Fishing mortality remains too high for GB yellowtail flounder in 2005 and 2006 even though the hard TAC for that stock was not exceeded in either year. Whether other mortality rates were exceeded in 2005 and 2006 won't be determined until GARM III.

13. There are some factors that might be viewed as increasing the risk that a management plan will not achieve its goals. For example, poor catch reporting or discard monitoring programs, complex management measures, insufficient enforcement, unrestricted (open) access permits – these reduce the amount of control over catch. But they also introduce errors that increase uncertainty in assessments.

Other Adjustments

14. The catch available to the groundfish fleet, or sectors, will need to be adjusted for other fisheries. One group of fisheries that may need to be considered is the exempted fisheries, which the Committee asked the PDT to examine for groundfish bycatch. The PDT reviewed preliminary summaries of observer information for the following exempted fisheries: Small Mesh Northern Shrimp, Cultivator Shoal Whiting, GOM Scallop Dredge, Monkfish gillnet, dogfish gillnet, and other whiting trips. Based on the preliminary review, more detail will be developed for the shrimp, whiting, dogfish, and monkfish exemptions. The PDT will also review data on the herring and mackerel mid-water trawl fisheries, but notes that previous reviews have not documented large groundfish bycatch in these fisheries.

15. Other fisheries that will need to be considered are the scallop dredge fishery, recreational fisheries, and state waters fisheries.

Designing Effort Controls

16. The PDT discussed how effort controls can be designed and evaluated given the fact that reference points, stock status, and participants are all unknown. It is not even known if additional sectors will be considered.

17. With respect to participants, the PDT will test the Closed Area Model (CAM) to evaluate whether the pool of vessels in the model affects results as is expected. Development of alternatives will assume that all participants are subject to effort controls

² Calendar year catches were used since that is the time period for estimating fishing mortality and TACs. PDT estimates of catch in 2005 and 2006 are preliminary. TACs set as part of the FW 33 lawsuit are not included in the analysis since they were set by NMFS and management measures were not adopted by the Council.

(with the exception of existing sectors), but the uncertainty around those results will depend on the test results.

18. New reference points will be provided to the PDT in May, 2008. Until that point, measure development will assume the reference points are unchanged. Since the reference points might change and influence what needs to be accomplished, there may be last-minute modifications to measures just prior to the June 2008 vote on the DSEIS.

19. The PDT is concerned that uncertainty over current stock status will make it difficult to develop meaningful measures for the draft document taken to public hearing. The Council's idea to create "hi/low/mid" mortality reduction alternatives could prove unworkable. What is more, it is unlikely every stock will need the same mortality change, so this approach may not capture the range of measures and impacts that are finally adopted once stock status is known. The PDT will pursue several approaches in an attempt to reduce this uncertainty.

a. Catch in 2005 and 2006 will be estimated and used in a projection model based on GARM II results to estimate 2005 and 2006 fishing mortality and stock size. The PDT will attempt to consider retrospective patterns in the projection model to reduce the likelihood the results are optimistic. This information will be used to identify areas of concern and help guide measure development.

b. The PDT assumes that the assessment model meeting in February 2008 may generate estimates of 2005 and 2006 stock status. If this information were provided to the PDT, it might produce estimates with less uncertainty than the estimates developed by projecting forward from GARM II. The NEFSC has been reluctant to allow the PDT to use this information. PDT members will attempt to revisit this issue with the NEFSC.

c. It may be possible to use the CAM in advance to determine how various measure changes affect various stocks. This might provide enough information to speed measure development once the reference points are known. (It may also provide information that could prove useful for designing future accountability measures).

20. The PDT will explore alternatives to the CAM for developing effort controls.

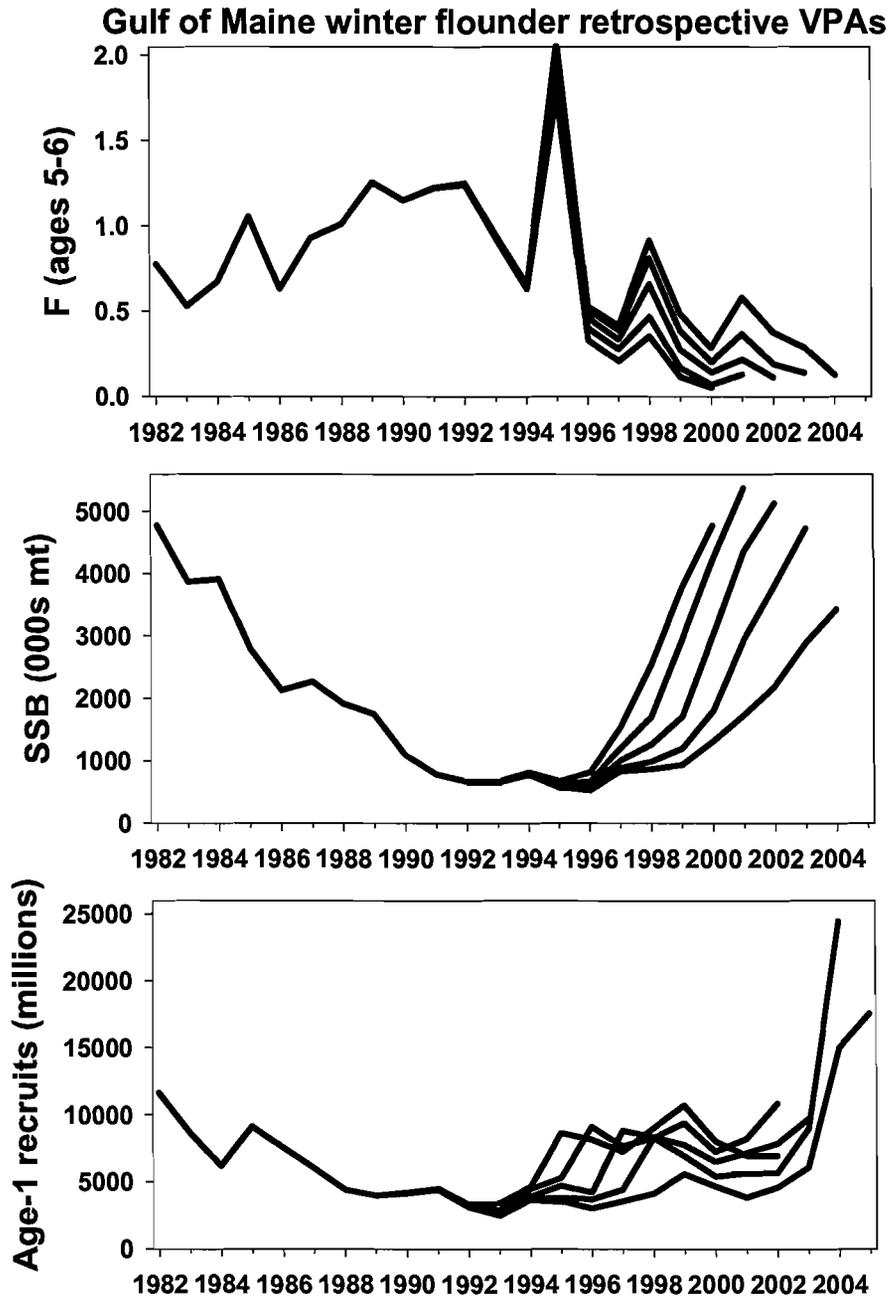


Figure 1. Gulf of Maine winter flounder retrospective analysis from GARM II.

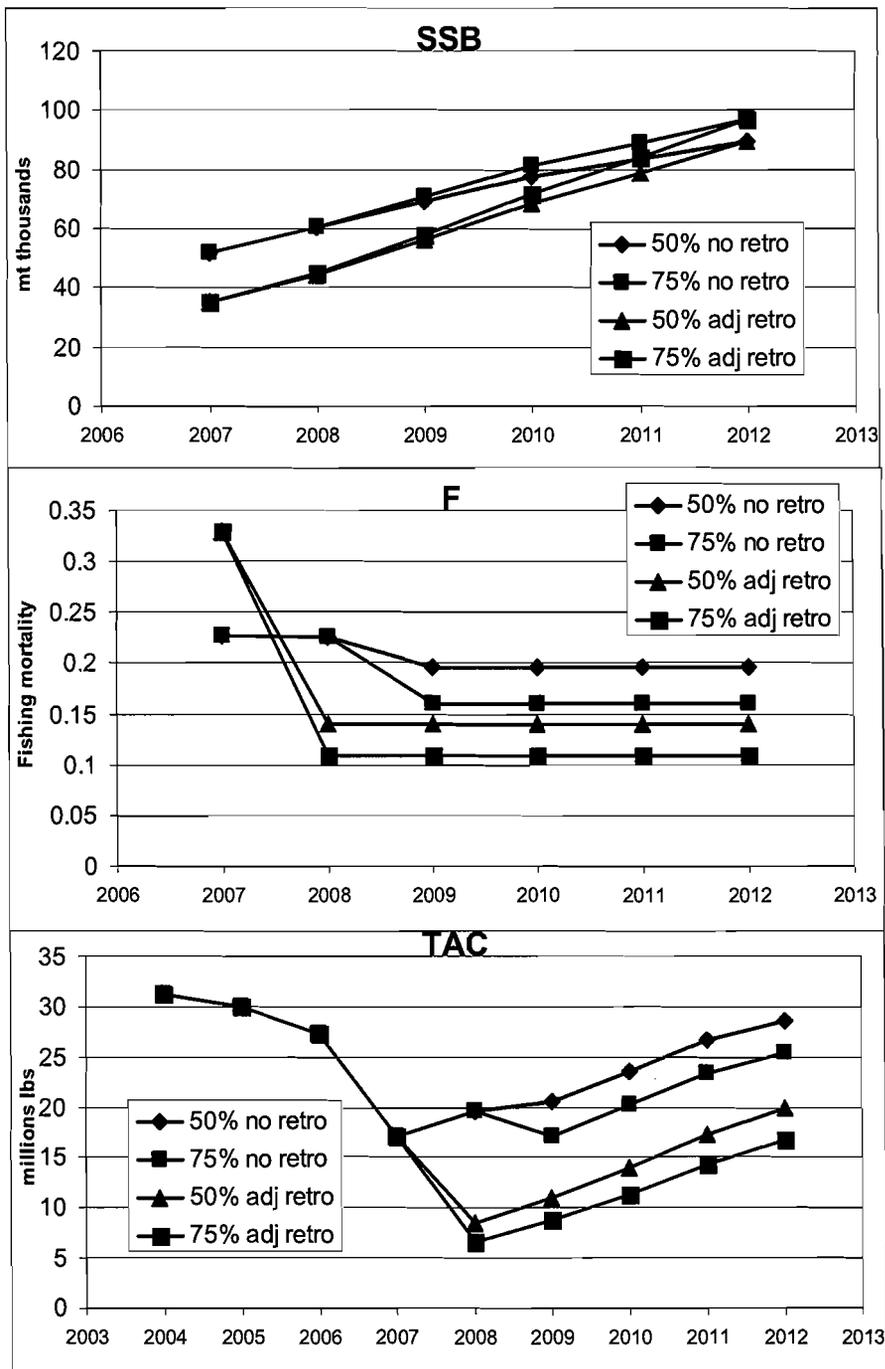
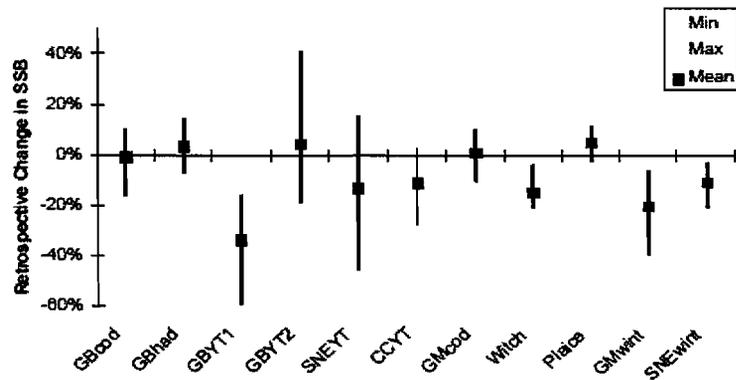
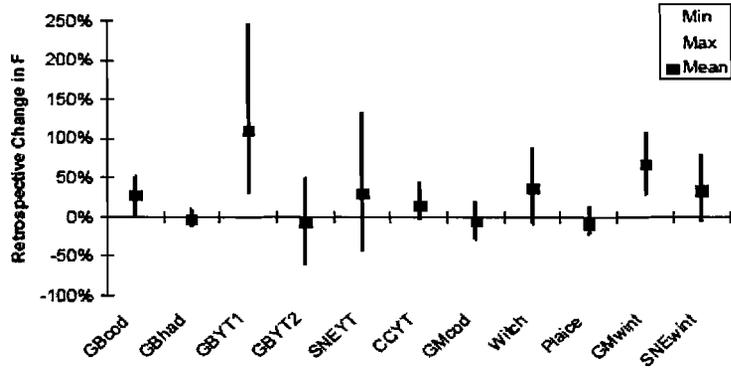


Figure 2. A comparison of spawning stock biomass, fishing mortality, and TACs from projections that have a 50% and 75% probability of reaching the Bmsy target in 2012. Projections which made a retrospective adjustment are also shown. A 28% reduction in stock size was calculated from the retrospective pattern and used to reduce the stock size at the beginning of the projection. Note an assumed TAC assumption was used in 2008 for the non-adjusted projections and a constant F from 2008-2012 was assumed for the retrospective adjusted projection.

Figure 3.5. Arithmetic average, minimum and maximum of one year retrospective change in terminal year estimates of fully recruited fishing mortality (F), spawning stock biomass (SSB), and recruitment (R) over the past five years for each of the age based assessments.



3-11

Figure 3. Plot taken from GARM II report comparing the retrospective bias for groundfish VPA stocks.

Table 1 – Performance of TRAC GB YTF risk analysis

TRAC	Catch Year	TRAC Analysis/Recommendation		TMGC Decision		Actual Catch/Compared to Risk Analysis	Actual F Result
		Amount	Rationale	Amount	Rationale		
2003	2004		No confidence in projections; status quo catch may be appropriate	7,900 mt	Neutral risk of exceeding Fref, biomass stable; recent catches between 6,100-7,800 mt	7,275 mt (No risk analysis)	Exceeded Fref (7.5X)
2004	2005	4,000 mt	Deterministic; other models give higher catch but less than 2004 quota	6,000 mt	Moving towards Fref	4,150 mt (No risk analysis)	Exceeded Fref (4.5 X)
2005	2006	(1) 4,200 (2) 2,100 (3) 3,000 - 3,500	Neutral risk of exceeding F ref (1- base case; 2 – major change) (3) Low risk of not achieving 20% biomass increase	3,000 mt	Base case TAC adjusted for retrospective pattern, result is similar to major change TAC (projections redone at TMGC)	2,200 mt/ (1) Less than 10% risk of exceeding Fref (2) Neutral risk of exceeding Fref	Exceeded Fref (3.5X)

Table 2 – Comparison of median, 75%, and 90% catch level for seven stocks (FW 42 projections, unpublished)

Stock	Median/50%		75%	90%	
	Catch	Catch	Change from Median	Catch	Change from Median
GB Cod	9,822	8,467	-13%	7,296	-25.7%
GOM Cod	10,020	8,076	-19.4%	6,671	-33.4%
SNE/MA Winter	3,016	2,730	-9.5%	2,506	-17%
CC/GOM YTF	1,078	997	-7.5%	934	-13%
Plaice	4,104	3,818	-6.9%	3,641	-11%
Witch	5,075	4,546	-10%	4,126	-18.7%
SNE/MA YTF	213	182	-14.5%	159	-25%

Attachment 1. **Converting Calendar Year TACs into Fishing Year TACs**

The mismatch between the assessment models used to project catch and the fishing year means that calendar year TACs from a projection will need to be converted into an appropriate fishing year TAC. The PDT noted that a precise estimate of a FY TAC could end up being quite complex and questioned whether the gains from greater precision would be worth the cost since it would introduce additional uncertainties. Instead, the PDT decided to investigate a simpler approach. In this analysis two alternatives were tested; proration based on landings and proration based on months. In both cases the underlying proration was based on the fact that any given fishing year consists of the last 8 months of the current calendar year as well as the first four months of the following calendar year.

Landings-Based Proration

Proration based on landings would take into account the time period over which the stock is subject to fishing mortality. That is, the harvestable stock size at the beginning of the fishing year is what remains after removals from the first four months of the same calendar year have passed. As long as the proportion of fishing effort is reasonably stable during the first four months of each calendar year then the proportion of landings from January to April would serve as a proxy to convert a calendar year TAC to a fishing year. Note that the focus is on the January to April period since the proportion applied to the rest of the fishing year would be determined by simply subtracting Jan-Apr proportion from one. That is, the fishing year TAC would be determined by the Jan-Apr landings proportion multiplied by the projected TAC in calendar year $t+1$, plus one minus the Jan-Apr proportion multiplied by the projected TAC in calendar year t .

For exploratory purposes the Jan-Apr landings proportion was estimated for each stock using VTR data for calendar years 2002 through 2005 (see Table 1). For many stocks the proportion of landings from Jan to Apr does not appear to be stable. This finding is likely due to substantial changes in management regulations over these years that may have changed fishing patterns. Additional changes wrought by Framework 42 may also be expected to alter fishing patterns as would any changes in management approach under Amendment 16. For this reason, proration based on landings may not be advisable unless temporal fishing patterns are expected to become more stable.

Table 1. Proportion of Total Landings From January to April by Stock and Calendar Year (VTR)

Stock	Calendar Year			
	2002	2003	2004	2005
GOM Cod	31%	28%	24%	23%
GB Cod	53%	48%	56%	48%
GOM Winter	18%	31%	35%	23%
GB Winter	13%	9%	12%	4%
SNE/MA Winter	48%	26%	30%	21%
Witch	39%	27%	32%	36%
CC/GOM Yellowtail	16%	38%	43%	35%
GB Yellowtail	56%	42%	20%	20%
SNEMA Yellowtail	67%	63%	49%	31%
American Plaice	36%	24%	27%	30%
Southern Windowpane	77%	47%	63%	48%
Northern Windowpane	24%	22%	56%	62%
GB Haddock	41%	47%	39%	38%
GOM Haddock	59%	42%	46%	42%
White Hake	36%	28%	32%	34%
Pollock	44%	34%	33%	32%
Redfish	56%	32%	32%	41%

Month Based Proration

This method would be based on a simple proration equal to the proportion of months where two different calendar years overlap a single fishing year. That is the fishing year consists of two-thirds of the current calendar year and one-third of the following calendar year. For example, the FY2009 TAC would be calculated by multiplying the CY2009 TAC by 0.66 plus 0.37 times the CY2010 TAC. To illustrate this simple approach the Amendment 13 median projections were used (Table 2). Note that these are illustrative only. FW 42 changed the 2008 and 2009 TACs for several stocks but did not calculate the entire TAC stream so that the data cannot be used for the time period shown.

Calendar year TACs were then calculated for each stock (Table 3). For most stocks the resulting fishing year TACs were higher than the corresponding calendar year TAC while the fishing year TACs for others (witch flounder and GOM winter flounder in particular) were lower. However, except for 2014 these differences were relatively modest averaging about 2% of the calendar year TAC.

Table 2. Median Calendar Year Amendment 13 Projections by Stock (1,000 MT)

Calendar Year	American Plaice	Southern New England/Mid-Atlantic Yellowtail Flounder	Georges Bank Cod	Georges Bank Yellowtail Flounder	Southern New England Winter Flounder	Acadian Redfish	Witch Flounder	Georges Bank Haddock	Gulf of Maine Cod	Gulf of Maine Winter Flounder	Cape Cod /Gulf of Maine Yellowtail Flounder
2008	3.69	8.34	7.96	12.00	5.84	1.94	6.82	41.22	10.02	1.82	1.84
2009	3.41	6.50	9.37	11.30	4.91	1.99	6.08	40.94	10.65	1.74	1.31
2010	3.72	7.56	11.13	11.60	5.75	2.04	5.43	42.96	11.88	1.70	1.43
2011	3.90	8.39	13.05	11.81	6.50	2.08	4.91	44.71	12.86	1.67	1.53
2012	4.03	9.00	15.14	11.94	7.19	2.12	4.54	45.83	13.68	1.64	1.24
2013	4.13	9.48	17.23	12.05	7.82	2.16	4.27	46.57	14.32	1.63	1.32
2014	4.20	9.80	19.33	12.11	8.37	2.19	4.09	47.08	14.80	1.62	1.37
2015	4.86	14.78	21.46	13.11	11.83	2.22	3.97	51.01	16.50	1.61	0.99

Table 3. Median Fishing Year TACs by Stock Calculated as $0.66 \cdot \text{Cyt} + 0.37 \cdot \text{Cyt}+1$

Fishing Year	American Plaice	Southern New England/Mid-Atlantic Yellowtail Flounder	Georges Bank Cod	Georges Bank Yellowtail Flounder	Southern New England Winter Flounder	Acadian Redfish	Witch Flounder	Georges Bank Haddock	Gulf of Maine Cod	Gulf of Maine Winter Flounder	Cape Cod /Gulf of Maine Yellowtail Flounder
2008	3.58	7.70	8.41	11.73	5.51	1.95	6.55	41.00	10.20	1.79	1.66
2009	3.50	6.83	9.94	11.37	5.18	2.00	5.84	41.50	11.03	1.72	1.35
2010	3.77	7.81	11.74	11.64	5.99	2.05	5.24	43.42	12.17	1.68	1.46
2011	3.93	8.57	13.71	11.82	6.72	2.09	4.77	44.95	13.09	1.65	1.43
2012	4.05	9.14	15.80	11.94	7.38	2.13	4.43	45.94	13.85	1.63	1.26
2013	4.14	9.56	17.88	12.03	7.98	2.16	4.20	46.60	14.44	1.62	1.33
2014	4.41	11.45	19.99	12.41	9.51	2.20	4.04	48.26	15.33	1.61	1.24

Table 4. FY TAC minus CY TAC (1,000 MT)

Fishing Year - Calendar Year	American Plaice	Southern New England/Mid-Atlantic Yellowtail Flounder	Georges Bank Cod	Georges Bank Yellowtail Flounder	Southern New England Winter Flounder	Acadian Redfish	Witch Flounder	Georges Bank Haddock	Gulf of Maine Cod	Gulf of Maine Winter Flounder	Cape Cod /Gulf of Maine Yellowtail Flounder
2008	-0.11	-0.65	0.45	-0.27	-0.33	0.01	-0.27	-0.22	0.18	-0.03	-0.19
2009	0.09	0.34	0.57	0.07	0.27	0.01	-0.24	0.56	0.38	-0.02	0.04
2010	0.05	0.26	0.61	0.03	0.24	0.01	-0.19	0.46	0.29	-0.02	0.03
2011	0.03	0.18	0.67	0.01	0.21	0.01	-0.14	0.24	0.24	-0.01	-0.10
2012	0.02	0.14	0.66	0.00	0.19	0.01	-0.10	0.11	0.17	-0.01	0.02
2013	0.01	0.08	0.66	-0.01	0.16	0.00	-0.07	0.03	0.12	-0.01	0.02
2014	0.21	1.65	0.66	0.30	1.14	0.00	-0.05	1.18	0.53	-0.01	-0.13
2008	-3%	-8%	6%	-2%	-6%	1%	-4%	-1%	2%	-2%	-10%
2009	3%	5%	6%	1%	5%	1%	-4%	1%	4%	-1%	3%
2010	1%	3%	5%	0%	4%	0%	-3%	1%	2%	-1%	2%
2011	1%	2%	5%	0%	3%	0%	-3%	1%	2%	-1%	-7%
2012	1%	2%	4%	0%	3%	0%	-2%	0%	1%	-1%	2%
2013	0%	1%	4%	0%	2%	0%	-2%	0%	1%	-1%	1%
2014	5%	17%	3%	2%	14%	0%	-1%	3%	4%	0%	-10%

#8

Multispecies (Groundfish) Oversight Committee
Amendment 16 Development
Tentative Future Meeting Topics
October 23, 2007

Meeting 1 (November/early December)

Recreational/commercial allocation
Recreational measures
Research set-aside

Meeting 2 December/Early January

Resolve outstanding sector policy issues
Review draft effort control alternatives

Meeting 3 Late January

ACLs: how to set, how to divide, how to monitor
ACL/AM alternatives
Identify AMs (hard TAC, etc.)
Refine effort control alternatives

Meeting 4 March

Review management measures text

Meeting 5 May

Review changes caused by reference point review
Identify preferred alternative

Meeting 6 August/September

Review public hearing comments
Review GARM results
Select recommended alternative for Council consideration

Amendment 16 Planning

New England Fishery
Management Council
November 6, 2007

What is the schedule?

- November/December 2006: Scoping
- 2007: Alternative/document development
- June/July 2008: Public hearings
- August/October 2008: GARM/Council decision
- May 1, 2009: Implementation

06	2007				2008				2009	
4	1	2	3	4	1	2	3	4	1	2

Meeting 1 *November/early December*
Recreational/commercial allocation
Recreational measures
Research set-aside

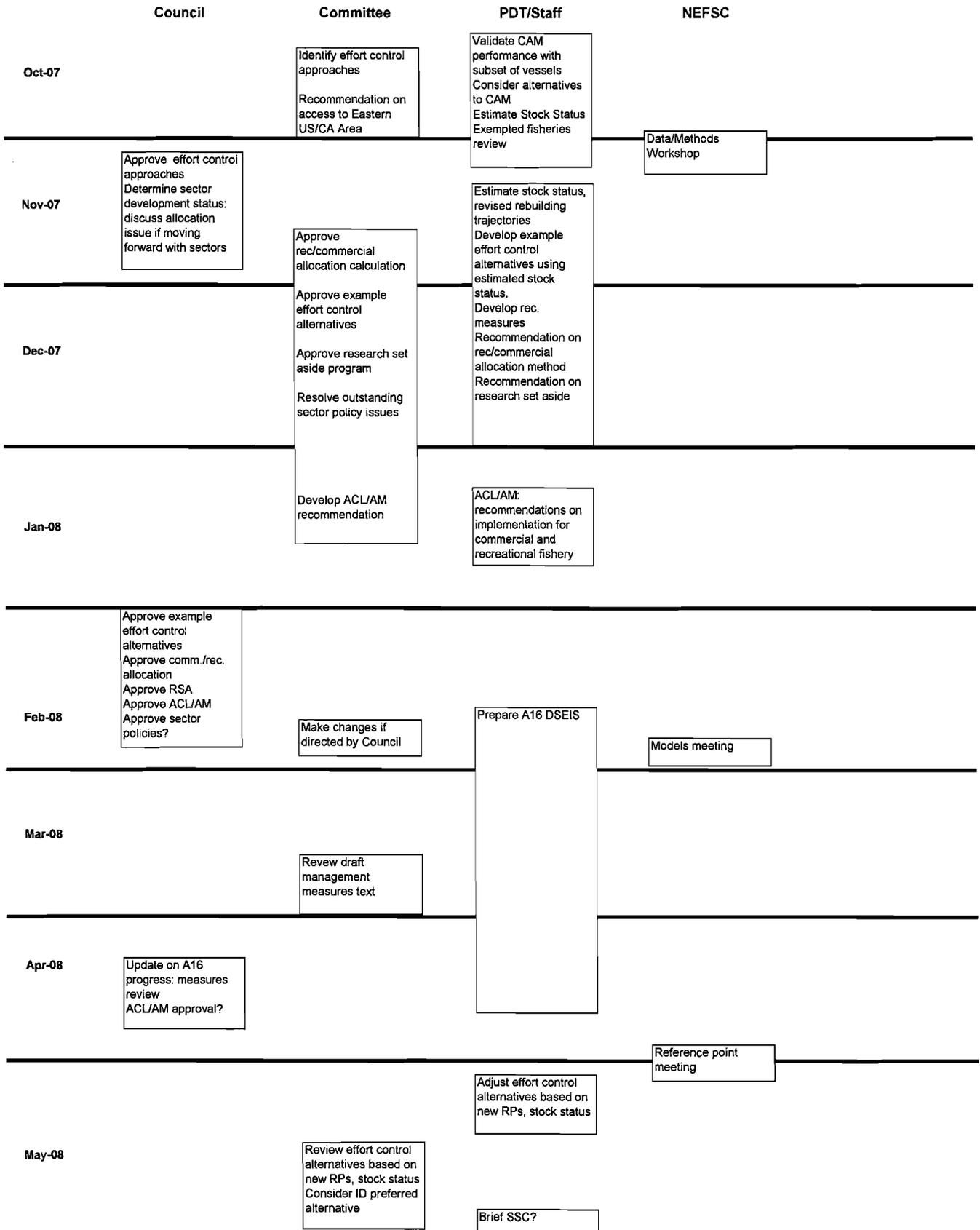
Meeting 2 *December/Early January*
Resolve outstanding sector policy issues
Review draft effort control alternatives

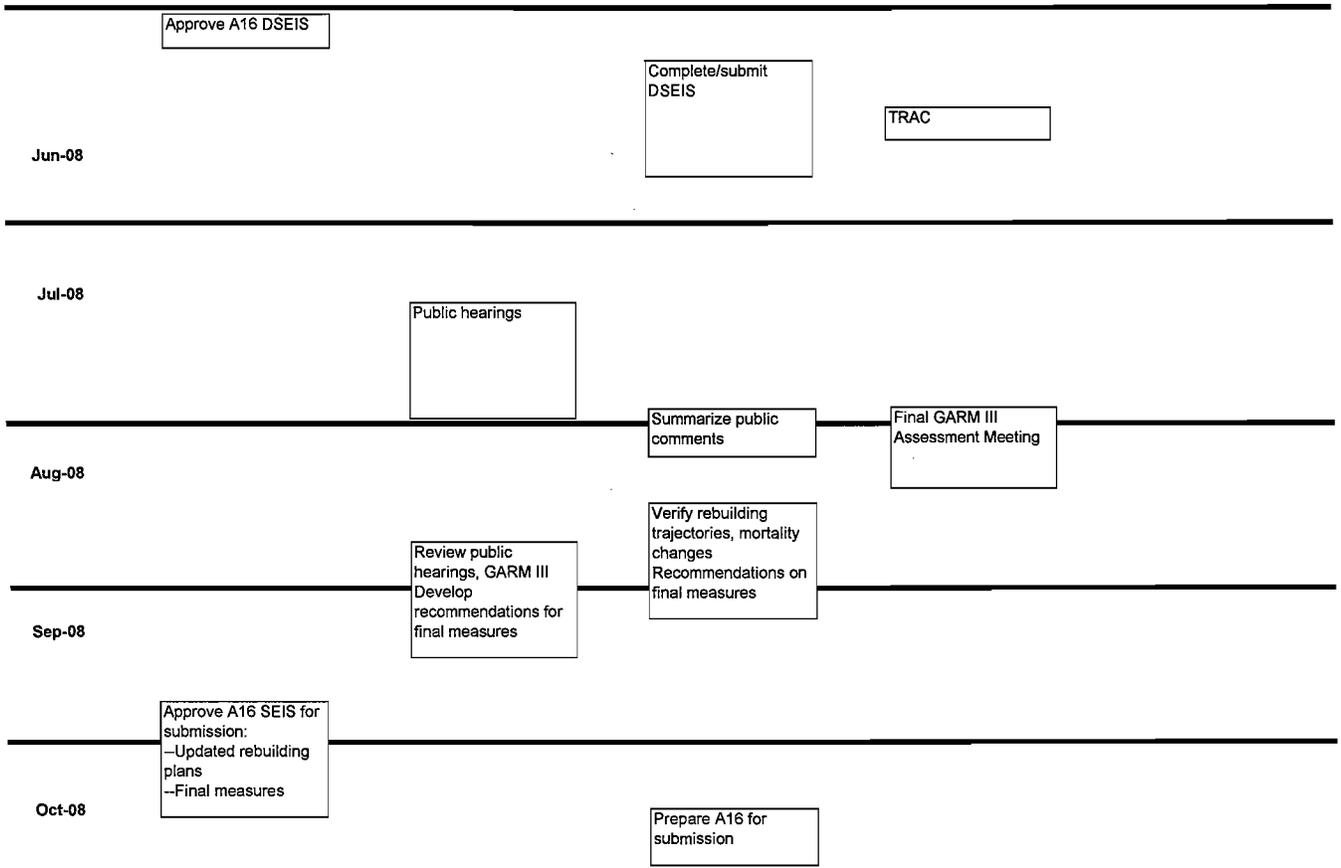
Meeting 3 *Late January*
ACLs: how to set, how to divide, how to monitor
ACL/AM alternatives
Identify AMs (hard TAC, etc.)
Refine effort control alternatives

Meeting 4 *March*
Review management measures text

Meeting 5 *May*
Review changes caused by reference point
review
Identify preferred alternative

Meeting 6 *August/September*
Review public hearing comments
Review GARM results
Select recommended alternative for Council
consideration





**Eastern US/Canada Area
2007 Weekly Cod Catch**

Report run on: October 18, 2007
 For data reported through: October 17, 2007
 Quota Period: 2007
 Quota Period Dates: 5/1/07 to 4/30/08

#9a

Week End Date	Declared US/Canada Program (1)					Declared B DAS Program (2) (Includes flipped and unflipped trips)					Declared Eastern Area Haddock SAP (3)				
	Kept		Discard		Catch	Kept		Discard		Catch	Kept		Discard		Catch
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)
5/1-9/6	214,085	103,635	477,552	317,720	691,638	3,420	10	0	3,430	3,420	0	0	0	0	0
9/13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9/20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9/27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	214,085	103,635	477,552	317,720	691,638	3,420	10	0	3,430	3,420	0	0	0	0	0

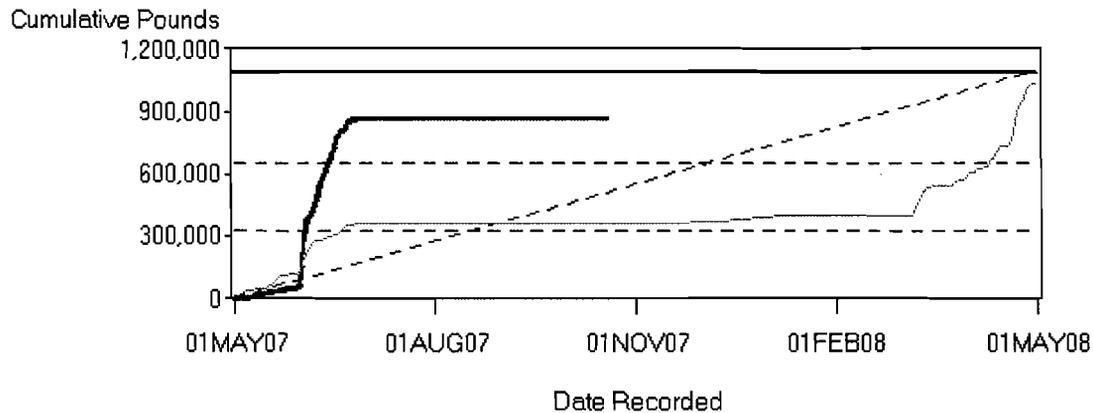
Week End Date	Declared US/Canada and Haddock SAP (4)					Total Eastern US/Canada Area (1) + (2) + (3) + (4)									
	Kept		Discard		Catch	Kept		Discard		Catch		Cumulative Catch		Cumulative Catch	
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	Rep.	Est.	Rep.	Est.	Rep.	Est.
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	% of Quota
5/1-9/6	0	0	0	0	0	217,505	103,645	477,552	321,150	695,058	321,150	695,058	29.5	63.8	
9/13	0	0	0	0	0	0	0	0	0	0	321,150	695,058	29.5	63.8	
9/20	0	0	0	0	0	0	0	0	0	0	321,150	695,058	29.5	63.8	
9/27	0	0	0	0	0	0	0	0	0	0	321,150	695,058	29.5	63.8	
10/4	0	0	0	0	0	0	0	0	0	0	321,150	695,058	29.5	63.8	
10/11	0	0	0	0	0	0	0	0	0	0	321,150	695,058	29.5	63.8	
10/18	0	0	0	0	0	0	0	0	0	0	321,150	695,058	29.5	63.8	
Total	0	0	0	0	0	217,505	103,645	477,552	321,150	695,058					

Estimated Landings Equivalent to Dealers' Reports	Total Eastern US/Canada Area							
	Cumulative Kept		Cumulative Discard		Cumulative Catch		Cumulative Catch	
	Reported	Estimated	Reported	Estimated	Reported	Estimated	Reported	Estimated
	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Percent of Quota (1,089,084 lbs.)	Percent of Quota (1,089,084 lbs.)
Live Weight = Hail Weight*1.24	269,707	128,520	592,164	398,227	861,872	36.6	79.1	

Based on FY2006 data, the ratio of dealer reported cod landings to Vessel Monitoring System (VMS) reported cod kept equals 1.24.

US/Canada Program

Eastern Area Cod Monitoring



- Estimated Catch (79.1% (861,872 lbs.) of quota, dealer equivalent live weight = hail weight*1.24)
- Cod Quota (1,089,084 lbs.)
- Cod 60% Trigger
- Cod 30% Trigger
- Quota Rationing Trajectory is at 510,228 lbs., 46.8% of the quota this year to date.
- Prior Year's Estimated Catch was 363,056 lbs., 44.0% of prior year's quota at this time last year.

Notice

The 2007 Quota Period began on May 1, 2007, therefore this report does not contain any landings reported prior to May 1, 2007.

Management actions for the U.S./Canada Management Area, under the authority of the Regional Administrator (such as closures and possession limits) are based upon Vessel Monitoring System (VMS) reports and other available information.



**National
Oceanic and
Atmospheric
Administration**

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**Eastern US/Canada Area
2007 Weekly Haddock Catch**

Report run on:
For data reported through:
Quota Period:
Quota Period Dates:

October 18, 2007
October 17, 2007
2007
5/1/07 to 4/30/08

#96

Week End Date	Declared US/Canada Program (1)					Declared B DAS Program (2) (Includes flipped and unflipped trips)					Declared Eastern Area Haddock SAP (3)				
	Kept		Discard		Catch	Kept		Discard		Catch	Kept		Discard		Catch
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)
5/1-9/6	513,008	229,178	540,945	742,186	1,053,953	7,850	420	0	8,270	7,850	0	0	0	0	0
9/13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9/20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9/27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	513,008	229,178	540,945	742,186	1,053,953	7,850	420	0	8,270	7,850	0	0	0	0	0

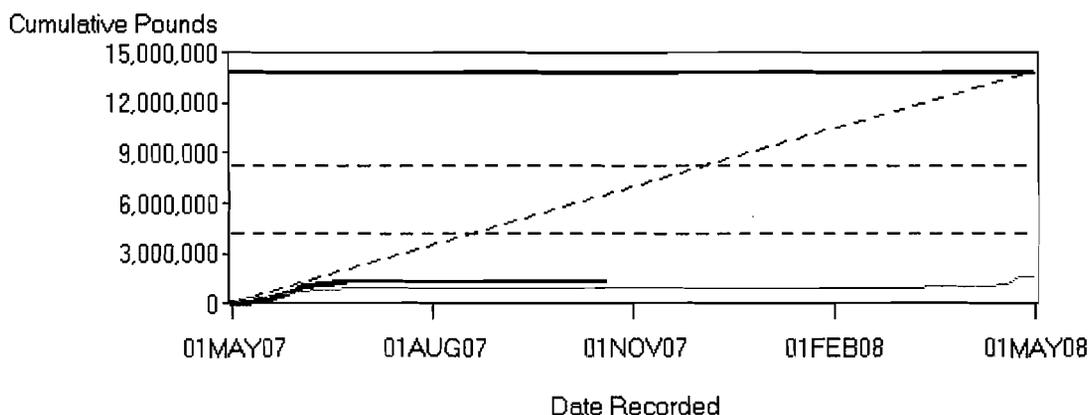
Week End Date	Declared US/Canada and Haddock SAP (4)					Total Eastern US/Canada Area (1) + (2) + (3) + (4)									
	Kept		Discard		Catch	Kept		Discard		Catch	Cumulative Catch		Cumulative Catch		
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	% of Quota	% of Quota
5/1-9/6	0	0	0	0	0	520,858	229,598	540,945	750,456	1,061,803	750,456	1,061,803	5.4	7.7	
9/13	0	0	0	0	0	0	0	0	0	0	750,456	1,061,803	5.4	7.7	
9/20	0	0	0	0	0	0	0	0	0	0	750,456	1,061,803	5.4	7.7	
9/27	0	0	0	0	0	0	0	0	0	0	750,456	1,061,803	5.4	7.7	
10/4	0	0	0	0	0	0	0	0	0	0	750,456	1,061,803	5.4	7.7	
10/11	0	0	0	0	0	0	0	0	0	0	750,456	1,061,803	5.4	7.7	
10/18	0	0	0	0	0	0	0	0	0	0	750,456	1,061,803	5.4	7.7	
Total	0	0	0	0	0	520,858	229,598	540,945	750,456	1,061,803					

Estimated Landings Equivalent to Dealers' Reports	Total Eastern US/Canada Area							
	Cumulative Kept		Cumulative Discard		Cumulative Catch		Cumulative Catch	
	Reported	Estimated	Reported	Estimated	Reported	Estimated	Reported	Estimated
	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Percent of Quota (13,822,986 lbs.)	Percent of Quota (13,822,986 lbs.)
Live Weight = Hail Weight*1.23	640,655	282,406	665,362	923,061	1,306,018	6.7	9.4	

Based on FY2006 data, the ratio of dealer reported haddock landings to Vessel Monitoring System (VMS) reported haddock kept equals 1.23.

US/Canada Program

Eastern Area Haddock Monitoring



- Estimated Catch (9.45% (1,306,018 lbs.) of quota, dealer equivalent live weight = hail weight*1.23)
- Haddock Quota (13,822,986 lbs.)
- Haddock 60% Trigger
- Haddock 30% Trigger
- Quota Rationing Trajectory is at 6,475,974 lbs., 46.8% of the quota this year to date.
- Prior Year's Estimated Catch was 932,766 lbs., 5.70% of prior year's quota at this time last year.

Notice

The 2007 Quota Period began on May 1, 2007, therefore this report does not contain any landings reported prior to May 1, 2007.

Management actions for the U.S./Canada Management Area, under the authority of the Regional Administrator (such as closures and possession limits) are based upon Vessel Monitoring System (VMS) reports and other available information.



**National
Oceanic and
Atmospheric
Administration**

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**US/Canada Management Area
2007 Weekly Yellowtail Catch**

Report run on:
For data reported through:
Quota Period Dates:

October 18, 2007
October 17, 2007
5/1/07 to 4/30/08

9c

Week End Date	Declared US/Canada Program Eastern Area (1)					Declared B DAS Program Eastern Area (2)*					Declared Eastern Area Haddock SAP (3)				
	Kept	Discard		Catch		Kept	Discard		Catch		Kept	Discard		Catch	
		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.
	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs
5/1-9/20	135,612	5,809	45,223	141,421	180,835	10	0	0	10	10	0	0	0	0	0
9/27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10/18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	135,612	5,809	45,223	141,421	180,835	10	0	0	10	10	0	0	0	0	0

Week End Date	Declared US/Canada Program Western Area (4)					Declared B DAS Program Western Area (5)					Declared US/Canada and Haddock SAP (6)				
	Kept	Discard		Catch		Kept	Discard		Catch		Kept	Discard		Catch	
		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.
	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs
5/1-9/20	321,217	15,828	163,046	337,045	484,263	15,153	578	6,076	15,731	21,229	0	0	0	0	0
9/27	9,298	473	9,555	9,771	18,853	0	0	0	0	0	0	0	0	0	0
10/4	11,267	1,375	6,905	12,642	18,172	0	0	0	0	0	0	0	0	0	0
10/11	8,976	3,243	6,023	12,219	14,999	0	0	0	0	0	0	0	0	0	0
10/18	6,177	603	4,035	6,780	10,212	0	0	0	0	0	0	0	0	0	0
Total	356,935	21,522	189,564	378,457	546,499	15,153	578	6,076	15,731	21,229	0	0	0	0	0

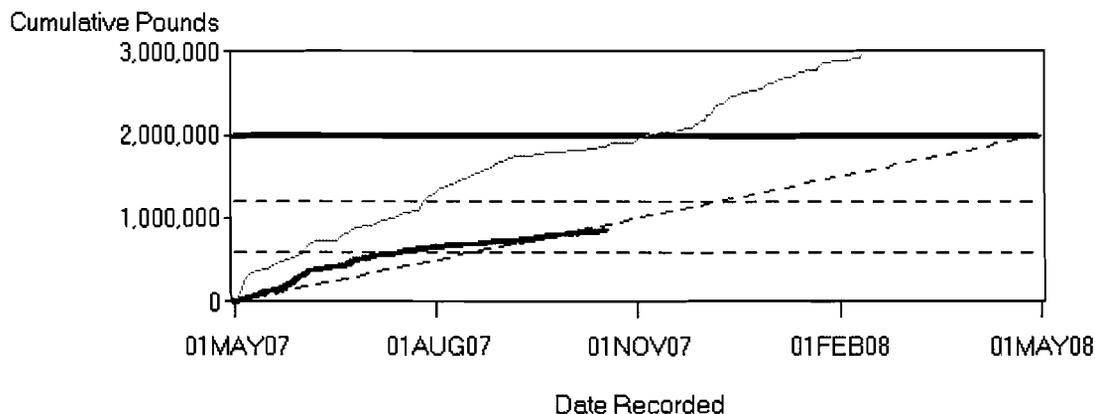
Week End Date	Declared Scallop Access Area (7)					Total US/Canada Area (1) + (2) + (3) + (4) + (5) + (6) + (7)								
	Kept	Discard		Catch		Kept	Discard		Catch		Cumulative Catch		Cumulative Catch	
		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	Rep.	Est.	Rep.	Est.
	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	% Quota	% Quota
5/1-9/20	435	7,186	49,299	7,621	49,734	472,427	29,401	263,644	501,828	736,071	501,828	736,071	25.3	37.1
9/27	0	85	199	85	199	9,298	558	9,754	9,856	19,052	511,684	755,124	25.8	38.1
10/4	0	46	318	46	318	11,267	1,421	7,223	12,688	18,490	524,372	773,614	26.4	39.0
10/11	0	83	773	83	773	8,976	3,326	6,796	12,302	15,772	536,674	789,386	27.0	39.8
10/18	0	49	323	49	323	6,177	652	4,358	6,829	10,535	543,503	799,921	27.4	40.3
Total	435	7,449	50,912	7,884	51,347	508,145	35,358	291,775	543,503	799,921				

Estimated Landings Equivalent to Dealers' Reports	Total US/Canada Area						
	Cumulative Kept	Cumulative Discard		Cumulative Catch		Cumulative Catch	
		Reported	Estimated	Reported	Estimated	Reported	Estimated
		Lbs (Dealer Wt.)	Lbs (Dealer Wt.)	Lbs (Dealer Wt.)	Lbs (Dealer Wt.)	% of Quota (1,984,161 lbs.)	% of Quota (1,984,161 lbs.)
Dealer Weight = VMS Hail Weight*D/V Ratio	543,715	37,382	309,133	581,098	852,848	29.3	43.0

D/V Ratio - estimated ratios of dealer weight to VMS-reported hail weight based on FY2006 data. Multispecies yellowtail - 1.07, limited access scallop - 1.01, general category scallop - 1.00

US/Canada Program

US/Canada Area Yellowtail Monitoring



- Estimated Catch (43.0% (852,848 lbs.) of quota, dealer equivalent weight=hail weight*D/V Ratio)
- Yellowtail Quota (1,984,161 lbs.)
- Yellowtail 60% Trigger
- Yellowtail 30% Trigger
- Quota Rationing Trajectory is at 924,130 lbs., 46.6% of the quota this year to date.
- Prior Year's Estimated Catch was 1,863,315 lbs., 40.8% of prior year's quota at this time last year.

Notice

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**National
Oceanic and
Atmospheric
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#10

Available Catch Issues

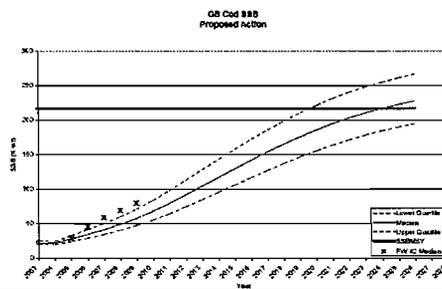
New England Fishery
Management Council
November 6, 2007

Overview

- Review calculation of TTACs
- Determining Available Catch
 - Biological risk
 - Management risk
 - Other considerations

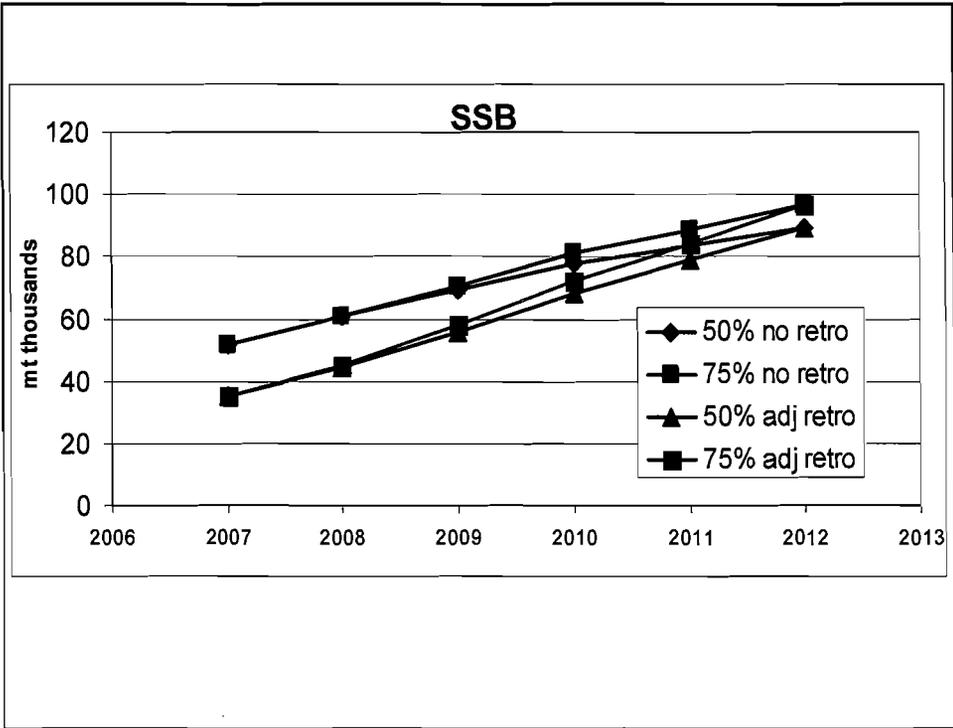
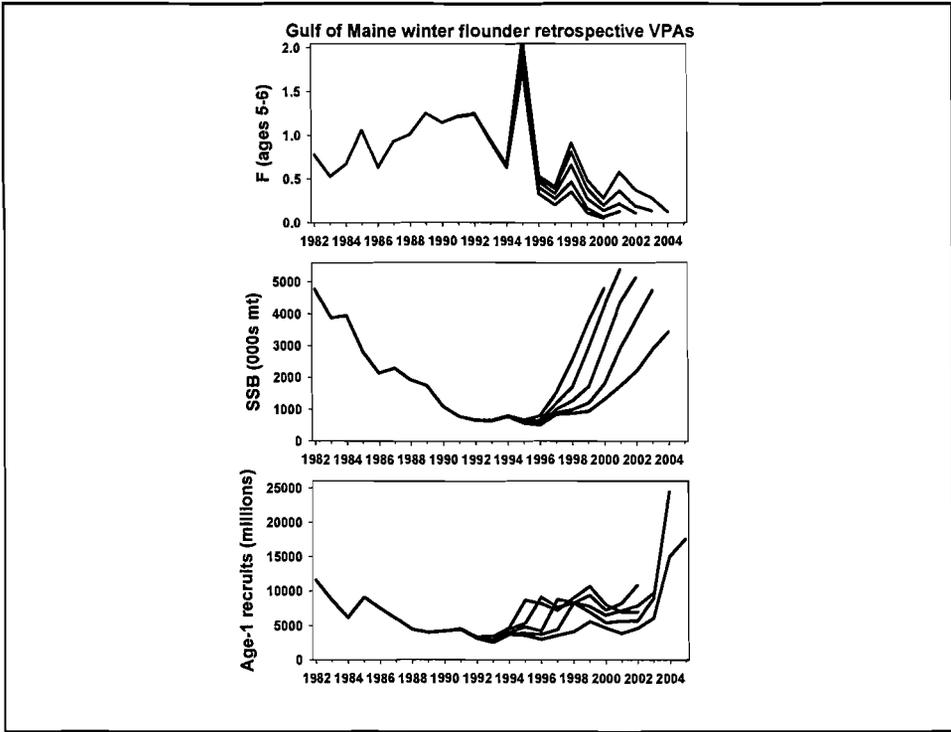
Projection/bootstrap Uncertainty

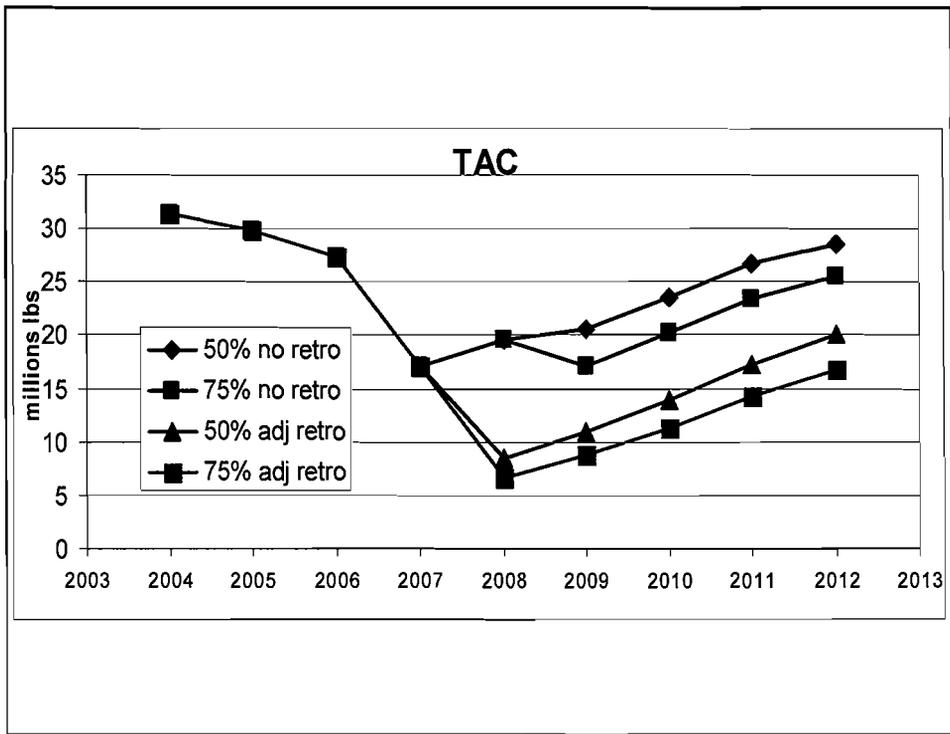
- Projection uncertainty
 - Uncertainty over starting point, recruitment, etc.
 - “median probability of achieving target
 - Assumes model is correct



Retrospective Pattern

- Inconsistency in data structure with assumed population dynamics
- Causes often unknown
- Direction, magnitude can change over time
- Often is larger than bootstrap confidence intervals

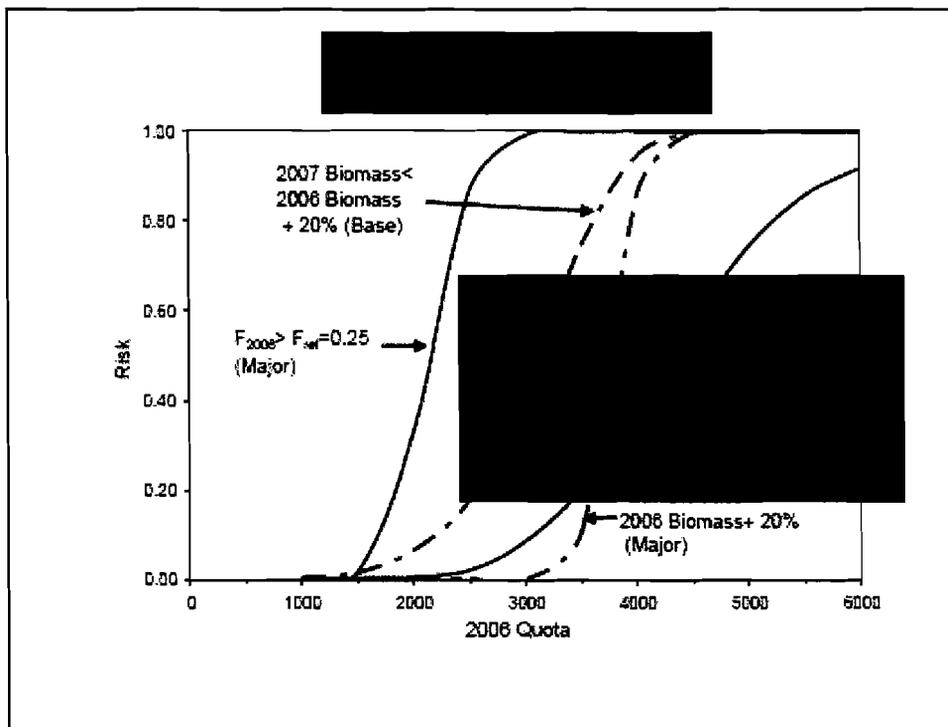




Retrospective pattern should be explicitly considered when determining available catch

Historic Retrospective Pattern

- Can be additional source of uncertainty: how well does assessment perform?
- Not reflected in previous estimates of uncertainty.



Management Risk

- What is it?
 - Poor reporting, open access, regulations that cannot be administered/enforced
- How is it evaluated?
 - Example: 88.5% of TTACs met since A13; only one exceeded since 2005
 - Fishing mortality still too high on several stocks, including several where TTAC was not exceeded

Other Issues

- Assessment year/calendar year differences
- Adjusting available catch for other fisheries
- Determining available catch when TAC isn't calculated

#11

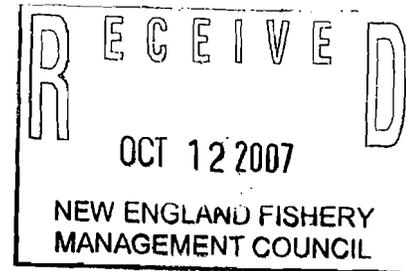
Correspondence

Example of letters received to date
33 received before the October 16th GF mtg. and
forwarded to committee as requested.
45 Received after the committee meeting.

October 1, 2007

Rip Cunningham, Chair
Multispecies Committee
50 Water Street, Mill 2
Newburyport, MA 01950

Paul J. Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Re: Atlantic Herring Fishery

Dear Mr. Cunningham and Captain Howard:

It is my understanding that the Multispecies Committee will review requests to eliminate the herring midwater trawl fishery from groundfish closed areas at its meeting on October 16, 2007. As a commercial fisherman, I am writing to urge the Committee and Council to not add any alternatives to any actions that would further limit fishing opportunities for this fleet.

The Atlantic herring trawl fishery is not impacting rebuilding of groundfish stocks in the region. While there are some people who are critical of the fishery, these criticisms are not supported by the facts. The Council has regularly reviewed bycatch information and the data continue to be consistent in showing overall that there is very low multispecies bycatch in the herring fishery. Midwater trawls are used effectively in many parts of the world and in fact are often chosen for their ability to minimize bycatch in some fisheries (i.e. North Pacific Pollock fishery).

Additionally, I have read comments to the Council that express concerns of anecdotal reports of haddock bycatch from Georges Bank this summer in the herring fishery that are not backed up by observed instances. Anecdotal information is very difficult to quantify. But, as there were NO landings of herring this summer from Georges Bank, these reports appear to be sheer fabrication.

The Council is undertaking a tremendous task in Amendment 16 to the Multispecies plan and should be considering ways to reduce, not increase, the number of alternatives being analyzed under this action. Consideration of repetitive requests from stakeholders who are not happy with the outcome of actions recently considered by the Council is not good process or in the best interests of all fishermen in the region.

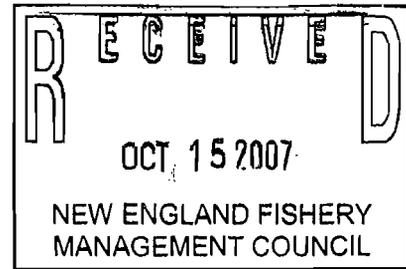
The right thing to do is to continue with the development of Amendment 16, including the review of all exempted fisheries.

Sincerely,

FV Freedom
no address

MEMORANDUM

TO: Groundfish Committee
FROM: David Pierce, Ph.D., Deputy Director
DATE: October 12, 2007
RE: CONSOLIDATION PROPOSAL



A return to consideration of permit consolidation should be part of any effort to revise our DAS Management Program. I and others witnessing how the DAS Leasing Program is both subtly and dramatically changing the groundfish management landscape have concluded it's critical for the Council to reconsider the importance of consolidation and how we can facilitate its happening..

Therefore, I request the Committee consider the following proposal as an important improvement in groundfish management and a necessary step to stop or at least slow down trends that foreshadow potentially alarming increases in fishing mortality not only in groundfish but in other fisheries as well.

Proposal:

- (1) Allow owners of two or more groundfish vessels to accumulate DAS on one vessel without the burden of paying a conservation tax on the transfer.
- (2) Transfers should be within the capacity baseline of the vessels (length, horsepower, and tonnage) to maintain the current character of the fleet, and not increase fishing effort.
- (3) This program should be implemented within the confines of current regulations, such that the DAS are lumped on one vessel, and the vessel remaining in the fishery retains one of each limited and open access permits owned by either vessel. Consistent with the current regulations, duplicate permits must be retired at the time the DAS are transferred.
- (4) Amendment 16 should limit the opportunity to participate in the program to a 1-3 month window.

Rationale:

Currently, any groundfish vessel can lease DAS from another vessel within its vessel upgrade requirements without paying a conservation tax on the lease. However, owners of multiple vessels must pay a 20% transfer tax if they want to permanently consolidate DAS on one vessel.

This dual standard has essentially set up an unintentional barrier to the consolidation of the groundfish industry and imposes significant administrative burdens and costs on NMFS that could be *re-programmed to more effectively monitor the fishery*. This situation further encourages a continuation of overcapitalization in the groundfish industry.

Under current rules owners of multiple vessels simply lease their DAS from one vessel to another vessel within their fleet. They avoid paying a tax on the transfer. In some cases, they move their groundfish permit onto a skiff or dory. In other instances they maintain two vessels capable of fishing for groundfish and other species.

It is also well known that some of these vessels lease their DAS to another vessel and then redirect the vessel with no groundfish DAS onto other species. It is well documented that a number of these non-groundfish fisheries have significant by-catches of groundfish. This results in an increase in effort in non-groundfish fisheries thus increasing discards of groundfish. It is logical to assume that discarding of groundfish in these fisheries will increase as groundfish and non-groundfish stocks rebuild.

This situation also imposes a number of administrative burdens on NMFS that take a toll on its budget and manpower, e.g., VMS tracking/staffing, increased administrative/monitoring costs, increased enforcement costs, and diluted observer coverage. Reducing the number of vessels with groundfish permits should lessen these management costs and burdens on the agency and further allow the agency to re-program any cost saving into enhanced management such as increased observer coverage in the remaining fleet.

This proposal would further eliminate duplicate permits thereby lessening the chance of a redirection of effort into non-groundfish fisheries and further reducing discards of groundfish when these vessels target species such as summer flounder, scup, sea bass, lobster, and others. The purpose of limiting the transfer period to a 1-3 months period is to reduce the administrative burden on NMFS.

Summary of benefits (including biological):

- Less discarding in directed and non-directed groundfish fisheries;
- More efficient use of NMFS staff (e.g., fewer vessels to manage);
- Administrative savings to be re-programmed by NMFS into key monitoring and management activities. Result: (1) improvements in program administration; more effective management actions; better enforcement; increased observer coverage; enhanced management of the groundfish resource; and improvements in the biological status of the stocks, and (2) observers spending less time arranging trips, traveling to different ports, etc, and more time at sea collecting data on catch composition, size distribution, and discards information to improve accuracy of stock assessments;
- Reduction in non-directed groundfish permits directly translating into less groundfish discards in those fisheries and enhanced observer coverage and better discard estimates;
- Improved economic efficiency of the fleet will have numerous biological benefits to the groundfish stocks; e.g., fisherman will be less likely to engage in various types undesirable behavior such as discarding, high grading, under-reporting of catch, mis-reporting of catch, etc. Most of this behavior occurs as a direct result of fishermen attempting to maximize their economic opportunities.

Hypothetical example: A vessel owner with three vessels who leases DAS to one vessel still has two other vessels on which to pay the cost of insurance, dockage, state permits, maintenance, etc. These costs typically average about 15% of the value of a vessel depending on the age, size, and condition of the vessel. The typical vessel that is valued at \$350,000, therefore, spends approximately \$52,000 on these types of expenses. Therefore, in this example a fisherman would spend in excess of \$100,000 to maintain the other two vessels. Another

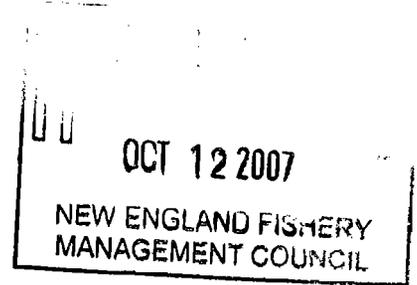
way to look at this issue is that this same fisherman has to harvest in excess of an additional \$1,000,000 of marine products to pay these expenses, based on a gross profit margin of 10%. Reducing the costs to the industry clearly will reduce the tendency for marginal vessels to flaunt the laws and will help develop a more professional group of industry participants.

Our proposal is timely since the Committee likely will spend the next few meetings addressing the Council instruction to revise and repair the current DAS Program in anticipation of the adjustments required for continued rebuilding.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 NORTHEAST REGION
 One Blackburn Drive
 Gloucester, MA 01930-2298

OCT 10 2007



Paul J. Howard
 Executive Director
 New England Fishery Management Council
 50 Water Street
 Newburyport, MA 01950

Dear Paul:

This letter is to inform you of our interpretation of the current regulations at § 648.85(b)(7)(iii) pertaining to the two participation periods specified for the Closed Area I Hook Gear Haddock Special Access Program (CA I SAP). Recently, the Northeast Regional Office received several inquiries from industry members regarding this SAP. The question posed was: Can a vessel currently enrolled in the Georges Bank (GB) Cod Fixed Gear Sector fish in the CA I SAP during the time period designated for “non-sector” vessels? As explained below, a vessel enrolled in the GB Cod Fixed Gear Sector may not fish in the CA I SAP during the time period designated for “non-sector” vessels, but may fish only during the CA I SAP time period designated for Sector vessels.

The GB Cod Hook Sector provisions were implemented through Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP) on May 1, 2004. The CA I SAP was implemented through Framework Adjustment 40A (FW 40A) to the FMP on November 19, 2004. This framework proposed one season with requirements for vessels in the Hook Sector, and a second season for vessels not in the Hook Sector. That is, two sets of rules were developed in order to allow “two groups of possible participants.” As indicated in the FW 40A introductory text (page 39), the principal differences between the two divergent sets of requirements result from the fact that one group of participants would rely on a “hard TAC” to control fishing effort on GB cod, and the second group of participants would rely on days-at-sea (DAS). NMFS disapproved the FW 40A management measures proposed for non-sector vessels because there were insufficient controls on GB cod mortality and insufficient analysis of the impact of non-sector vessels on GB cod.

Framework Adjustment 41 (FW 41), implemented on October 14, 2005, revised the CA I SAP in order to allow a separate season for participation by non-sector vessels. FW 41 maintained the distinction between provisions that applied to the sector vessels, and those that applied to non-sector vessels. The FW 41 document stated that “The SAP season will be divided into a period for sector vessels and a period for non-sector vessels” in order to control possible derby effects of the SAP. However, at that time there were no other changes made to the CA I SAP.



cc: TN, CBK (10/12)

On November 22, 2006, the GB Cod Fixed Gear Sector was implemented through FW 42 to the FMP. Under § 648.2, the definition of "Sector" reads as follows: "Sector, with respect to the NE multispecies fishery, means a group of vessels that have voluntarily signed a contract and agree to certain fishing restrictions, and that have been allocated a portion of the TAC of a species, or an allocation of DAS." Based on the definition of sector, and the evolution of measures implementing the CA I SAP, NMFS interprets the regulations such that a vessel currently enrolled in the GB Cod Fixed Gear Sector may not fish in the CA I SAP during the time period designated for "non-sector" vessels. Thus, vessels that are members of the GB Cod Fixed Gear Sector or the GB Cod Hook Gear Sector must fish during the CA I SAP time period designated for Sector vessels. In our opinion, there is no ambiguity or flexibility in the current regulations with respect to the identification of which vessels may fish in which period.

With respect to the subordinate question of whether or not the current regulations reflect the Council intent, we believe that the record supports the conclusion that the Council intended to designate access according to whether a vessel is a member of a sector (generic) or not, in contrast to an interpretation that the designation was based upon whether a vessel is a member of the GB Cod Hook Sector (specifically) or not. The FW 41 document (page 31) states: "The SAP season will be divided into a period for sector vessels and period for non-sector vessels". Although the FW 41 and FW 40A document use the terms "sector" and "GB Cod Hook Sector" interchangeably, this reflects the fact that the only sector in existence at the time that these documents were written was the GB Cod Hook Sector.

As the FMP evolves and the Council considers the creation of new sectors in the future, it may want to consider changes to the current CA I SAP measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized and cursive.

Patricia A. Kurkul
Regional Administrator



Northwest Atlantic Marine Alliance
200 Main Street, Suite A
Saco, ME 04072
tel: 207-284-5374
fax: 207-285-1355
www.namamet.org

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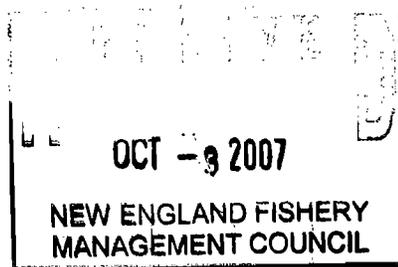
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The Nature Conservancy

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September 30, 2007

Paul Howard, Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950



Dear Captain Howard,

I am writing on behalf of all the people who participated in the Area Management Coalition.

We remain utterly discouraged at the chain of events that have taken place over the past couple months. We would like to point out a number of important areas where we feel the process failed or is failing the public participants.

We feel strongly that our submission of an alternative for area management was held to a higher standard than previous amendment submissions. By agreeing to operate under a hard TAC in the inshore waters and by addressing effort, fishing mortality, data collection and governance we believe we met the standards set forth in the scoping document. Unfortunately, we believe that in mid course, you, as managers, kept raising the bar on us and making it virtually impossible to meet the timelines and the requirements. One example is real time data collection and management. While it was used to point out a weakness in our plan, it is clearly plain to see that NMFS can't do the job either. So why the double standard? Having been able to move forward, we would have certainly found a data collection and monitoring alternative to present.

While the law states that a conflict of interest only exists when a representative to the fishery management council has 10% or more ownership of a fishery, we believe that the lingering perception of conflict of interest is rampant within the New England Council. Let's start with the multi-species committee. No less than four of the members of the committee have vested interest in the current system. On multiple occasions we were told by members that they wouldn't vote for our alternative because they had bought and or leased Days at Sea or limited access permits. How can we believe we'll get a fair judgment of our proposal when a near majority of the committee is financially vested in status quo?

We'd also like to call attention to the inherent conflict of interest and blatant personal interests as it relates to matters with similar features that exist within our proposal. For example: One manager suggested that area management for the northern stock of monkfish might be acceptable. Representatives from the State of Maine Department of Marine Resources fought to get area management for the northern scallop stock and general permit category holders. And don't forget all the SAP programs on Georges Bank and now the lowering of the haddock minimum size. Area management seems appropriate when it meets these users' standards but not when we suggested it be used as an alternative management process.

u: Council (10/11), TN

Another example took place at the last multi-species committee meeting where a council member was making a case to include a formula that used capacity and A days at sea in the allocation process. During the discussion, another council member leaned onto the table and asked something close to the following- "let me see if I got this right, I have good catch history and under this proposal a guy with a bigger boat or more horsepower will get more allocation and that allocation will likely come from guys like me- I just can't vote for that." This self interest can not be tolerated. The council representation's challenge is to manage the fishery for the good of the nation not an individual's wallet.

We also want to point out that the current motion to move forward with A16 as a Days at Sea tweaking is fraught with problems. One problem is there is no alternative to judge the days at sea adjustment against. The perception that Days at Sea tweaking will be easier is ridiculous. The recommended Days at Sea cuts per A13 are set but we do not have the GARM report to make a final judgment as to how much of a cut is really needed. What if it is more? What if it is 33%? Does the days at sea tweaking still look favorable?

All we heard during the months we worked on creating alternative management plans was there was no money, no time and not enough staff. Recently, we witnessed a similar escapade with the sectors being shot down due to similar rhetoric. Are any of us really under the impression that a simple days at sea tweaking is going to be all we have to deal with in A16? If sectors are the new poster child for New England, could someone please explain to us how you plan to monitor 19 new sectors? We barely can get accurate days at sea accounting. How can we possibly move forward with sectors as a long term management tool when participants only must declare in to a sector for one year? How do we deal long term with a sector that exceeds its TAC and has its participants quit? What are the rules going to be if a sector requests to exceed the random 20% cap on a single species? Will it be 21%? Will it be their actual catch? Or can it be 100%? It seems to us there are very significant and complicated questions to answer here before we move forward and that these complicated questions far exceed the questions asked of us promoting area management.

We urge you to add permit banking to the considerations within Amendment 16. Permit banking is a growing concept and while some believe it is currently allowed, we believe that details within the concept must be addressed. We believe that permit banking should allow the splitting of catch, quota, days at sea or whatever currency gets established, between participants. We believe that legally established entities such as non-profits should be encouraged to develop working rules and principles by which these banks will operate. This concept has the potential to be a very useful tool but we fear that unless there is full debate and full disclosure it may turn into something that we all will be very unhappy with.

We appreciate your time in reading this lengthy letter. We urge you to take the issues we raise seriously and set a course for resolving them.

Respectfully,



Craig A. Pendleton
Coordinating Director



Town of West Tisbury
Board of Selectmen
West Tisbury, MA 02575

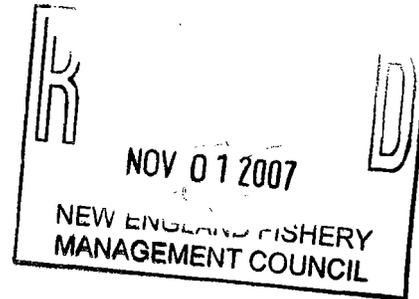
#12

November 1, 2007

To: New England Fisheries Management Council

From: Board of Selectmen
Town of West Tisbury *G.H.*

Attn: Chairman John Pappalardo
Exec. Dir. Capt. Paul Howard
Regional Admin. Patricia Kurkul



The Board of Selectmen continue their support for the small community based fishery of Martha's Vineyard and urge the Fishery Council to continue the development and inclusion of sectors, under Amendment 16, to the groundfish plan.

Please include this correspondence with our prior submission in the official record of the meetings. Please also make our testimony and documentary available to interested parties, especially members of the press, governmental agencies, veteran's affairs agencies and the offices of our elected congressional representatives. Delays in release of public testimonies to the Council are harmful to the interests of the Vineyard and Tribal fishing community.

Please continue to consider the sustainable fisheries initiative and the serious issues it will help to resolve. A restoration effort will protect small fishing communities and insure an opportunity to rebuild the great capital asset that is the New England Fishery.

Thank you for your attentions to this effort.

From: prnichaudjr@comcast.net
Sent: Thursday, November 01, 2007 9:41 PM
To: Woneta M. Cloutier
Subject: Groundfish Council Meeting November 6 & 7

Please put this forth for public comment at the November 6 & 7 Groundfish Council Meeting
November 1, 2007

Dear John Pappalardo and Council Members:

I have recently received the councils meeting agenda for November 6th and 7th in regard to the multi species ground fish discussion; for recommendations for ground fish controls and revisions to the days at sea program.

One of my greatest concerns in the recommendations put forward is the counting of days at sea as a minimum of 24 hours. The Provincetown fishing fleet is comprised of small in shore day trip boats. Over the years many of the regulations that have been put forward have serious consequences on our day boat fleet. Western gulf of Maine closure, rolling closures, 30 pound, 400 pound, 800 pound cod limits, and differential days at sea this, over the years has bankrupt many of our vessels leaving us with fewer than a dozen.

While I understand the goal has been to rebuild the ground fish stocks, I believe the burden has been put primarily on the day boat fleet, that is unable to bypass the rolling closures, differential days at sea or spend several days off shore. As a trip boat fishing 8 to 10 days, what would the consequences of a minimum of 24 hours per DAS be? Little to none from my point of view.

Counting days at sea as a minimum of 24 hours impacts a small boat that must return to the dock for shelter, when the wind picks up or at the end of a traditional 14 hour day. I do not feel as though the inshore day boat has been responsible for the amount of pressure that has been put on the stocks. I believe the larger offshore fleet should take more responsibility and management controls that would curtail their effort.

Sincerely,
Phillip Michaud Jr.
Fishing Vessel Susan C III
Provincetown, MA