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#4

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John Pappalardo
Chair, Interspecies Committee
New England Fishery Management Council
50 water Street, Mill #2
Newburyport, MA 01950

Gene Kray
Chairman, ACL/AM Committee
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 S. New Street
Dover, DE 19904

Re: New England and Mid-Atlantic Council development of Annual Catch Limits and Accountability Measures - first steps toward full implementation

Dear Mr. Pappalardo and Mr. Kray,

For too long, fisheries managers across the country have focused their management efforts on target species of individual fisheries but often ignored other sources of fishing mortality from other fisheries. This approach fails to recognize the considerable data on catch and bycatch in the regions' fisheries and should not be continued.

The recently completed National Standard 1 (NS1) Final Rule is clear that the authority to classify stocks in a fishery lies with the Councils,[1] but once those stocks are identified as part of a fishery, it is the responsibility of the Council to manage the interactions between fisheries and stocks.

As your respective Councils begin their efforts to consider holistic approaches to Annual Catch Limits (ACLs) and Accountability Measures (AMs) for their fisheries, Oceana would like to propose an initial course of action for the Councils that will ensure that they fully comply with the requirements of the amended Magnuson-Stevens Act to end overfishing, reduce bycatch, and enact meaningful limits on fishing mortality.

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[1] Magnuson-Stevens Act section 303(a)(2) requires that an FMP contain, among other things, a description of the species of fish involved in the fishery. The relevant Council determines which specific target stocks and/or non-target stocks to include in a fishery. NS1 Final Rule section 2(d)

The development of ACL/AM management in your fisheries presents the Councils with the opportunity to formally recognize the effects of non-target mortality on the Councils' management efforts and to develop tools to effectively manage these mortality sources.
A simple first step to move from current management to fully accountable management involves an analysis of the interactions that exist between all of the fisheries of the Northeast Region. This proactive step will allow for more effective rebuilding and management, increase target catches, and increase certainty in management decisions.

Oceana would like to propose a simple approach to this analysis for your consideration in your upcoming meetings:

Develop a matrix of fisheries interactions - The core of this approach to ACL/AM management is a matrix-based analytical tool which can be used by fishery managers to assess the interactions between stocks of fish and FMPs. The simple matrix is populated with stocks along the left margin and all of the applicable fisheries of a region along the top. Possible stocks include all stocks that may interact with a fishery including Council, state, and NMFS-managed stocks regardless of known interactions with a particular fishery. There is no distinction in the Magnuson-Stevens Act or the NS1 guidelines to classify bycatch according to the management responsibility or the magnitude of bycatch and therefore, within reason, the matrix should include a very broad list of stocks.

As a first step, Oceana suggests that the Councils complete this exercise for the stocks under Council management and then commit to expand this effort in the near future to include other stocks such as Atlantic States Marine Fisheries Commission stocks, Highly Migratory Species, and unmanaged species to fully comply with the requirements of the Magnuson-Stevens Act to reduce bycatch regardless of management authority.

A sample empty matrix:

	FMP 1	FMP 2	FMP 3
Council-managed Stocks			

A completed matrix for the Northeast region following this approach is attached for your consideration.

Populating the matrix- Once the matrix of possible interactions has been completed, the Councils, in coordination with one another, the Northeast Fisheries Science Center, and the Northeast Regional Office, should populate the cells with either: a null value (Ø) where no known interaction exists between a fishery and a given stock, or with one of the two categories of 'stocks in the fishery' as defined by the NS1 Final Rule: Target Stocks (TS), or Non-Target stocks that are either retained or not retained (NT).[2] Additionally, when the Mid-Atlantic Fishery Management Council considers stocks that overlap with the fisheries of the South Atlantic region, the Council should consult with the South Atlantic Fishery Management Council in a similar way.

It will be a science and policy decision by the Councils to establish the threshold at which bycatch of a stock will qualify it as part of another fishery. The Councils should consider establishing this threshold at both a percentage of the affected Fishery Management Plan (i.e., yellowtail flounder represents X% of the scallop catch) or as a percentage of the affected stock (i.e., the scallop fishery catches X% of the yellowtail catch). Oceana believes that the stock-specific approach is more scientifically sound and more applicable to the overall ACL management approach that is required by the Magnuson-Stevens Reauthorization Act.

Oceana urges the Councils to consider and fully analyze the cumulative effects of small amounts of non-target mortality on the management of target stocks in its decision making. If a range of fisheries catch small percentages of the Allowable Biological Catch (ABC), this may have significant effects on the management of the stock as a whole.

The roster of those interactions which are classified as target (T) or non-target (NT) will serve as an accurate list of stocks that are, as the NS1 Final Rule terms them, 'in the fishery' for each Fishery Management Plan. The Councils should then build on this analysis and use an omnibus action to amend their Fishery Management Plans to reflect the stocks that are truly 'in the fishery'- a full list of stocks that are officially 'in' each fishery.

Example of completed matrix of fishery-stock interactions:

	FMP 1	FMP 2	FMP 3
Stocks ↓	TARGET	NT	NT
	NT	TARGET	NT
	NT	Ø	TARGET
	NT	NT	TARGET
	NT	Ø	TARGET
	Ø	NT	NT
	NT	Ø	Ø
	Ø	NT	NT
	Ø	NT	NT
	Ø	Ø	Ø
	NT	NT	NT
	NT	Ø	NT
	Ø	NT	NT
	Ø	NT	NT
	NT	NT	Ø

This exercise is a necessary precursor to fully accountable fisheries in the Northeast Region and should be a priority of the New England Council Interspecies Committee and the Mid-Atlantic Council ACL/AM committee in the coming year. Without completing this task, full and honest implementation of the requirements of the Magnuson-Stevens Reauthorization Act will not be possible.

We believe that this plan of action will place the NE New England and Mid-Atlantic Councils ahead of their counterparts across the country and well on the path to full compliance with the law. Oceana looks forward to the Councils' development of these actions in the Councils in the near future.

Thank you for considering these comments,

Gib Brogan

Buffy Baumann

		Fishery Management Plan												
		NEFMC							MAFMC					
		NE Multispecies	Scallops	Herring	Monkfish	Small Mesh Multispecies	Red Crab	Skates	SM B	Bluefish	Dogfish	Fluke, BSB, Scup	Surfclam/ Ocean Quahog	Tilefish
Stock	Georges Bank Cod													
	GB Haddock													
	Georges Bank YT													
	SNE/MA YT													
	CC/GOM YT													
	Gulf of Maine Cod													
	Witch Flounder													
	GOM/GB/Plaice													
	GOM Winter													
	SNE/MA Winter													
	GB Winter													
	GB/GOM White Hake													
	Pollock													
	Redfish													
	Ocean Pout													
	N. Windowpane													
	S. Windowpane													
	GOM Haddock													
	Halibut													
	Scallop													
	Herring													
	Monkfish													
	Red Hake													
	Silver Hake (Whiting)													
	Winter Skate													
	Barndoor Skate													
	Thorny skate													
	Smooth skate													
	little skate													
	clearnose skate													
	rosette skate													
	Red Crab													
	Atlantic Mackerel													
	Butterfish													
	Ilex													
	Loligo													
	Bluefish													
	Spiny dogfish													
	Scup													
	Black Sea Bass													
	Summer Flounder													
	Tilefish													
	Surf Clam													
	Ocean Quahog													