

***Omnibus
ACL/AM
Public Hearings***



May 2010

Timeline

- **4 hearings would occur in May**

- **May 3, ASMFC meeting, 7pm**

- **May 10, VMRC, 7pm**

- **May 12, NYSDEC, 7pm**

- **May 18, Stockton College, NJ**



- **Comments summarized and brought back to Council in June**

- **Amendment will be prepared for Council to review and submit in August**

Public Hearing Document

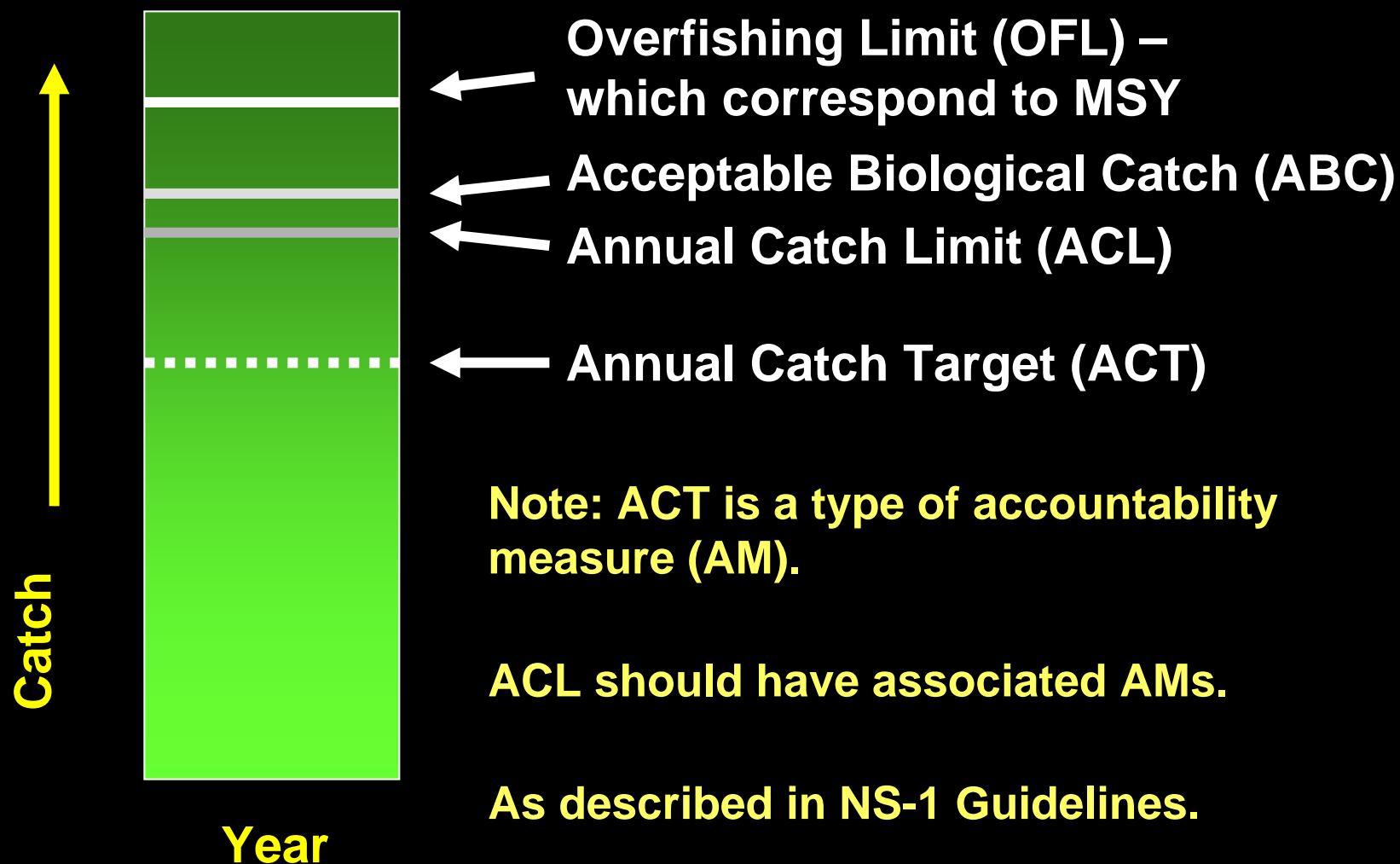
- **Overview of MSA and NS-1 Guidelines**
- **Review alternatives under consideration**
- **Section 1.0 ABC Framework**
- **Section 2.0 Council Risk Policy**
- **Section 3.0 ACLs/AMs**
- **Section 4.0 Review**
- **section 5.0 Modification**



**Present as modules, with questions after each.
Bear in mind, will be restructured for final EA.**

New Terms and Requirements

Definition Framework: $OFL \geq ABC \geq ACL$



New Terms Refer to "Catch"

■ **Definition of "Catch":**

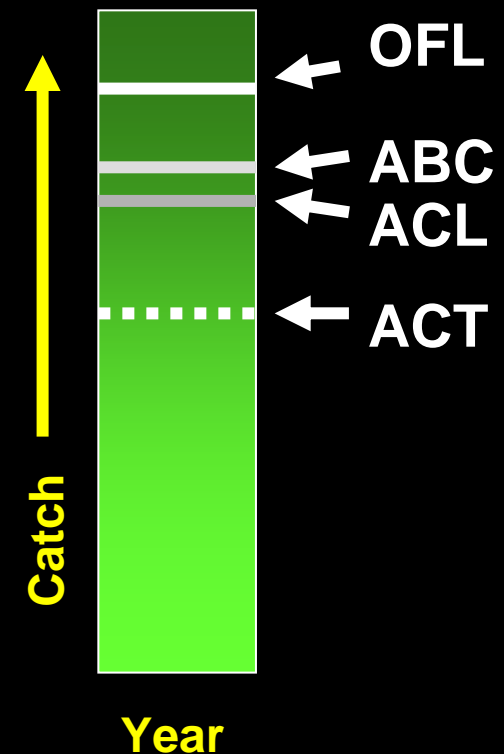
■ **Total quantity of fish measured in weight (or numbers) taken in commercial, recreational, subsistence, tribal, and other fisheries.**

■ **Includes fish that are retained for any purpose, as well as mortality of fish that are discarded.**

Bottom line: ABC, ACL, or ACT should be expressed in terms of catch (both landings and dead discards).

Types of AMs

- **ACT** is a type of “proactive” AM
- **Proactive AMs** - prevent the ACL from being exceeded in the current year
- **Reactive AMs** – mitigate and/or ensure the ACL is not exceeded again (in the next year)



Catch Framework Considerations

- **Primary objective in overall catch framework: **prevent overfishing and achieve OY****
- **Probability of overfishing should not exceed 50 percent and should be a lower value (risk policy and ABC)**
- **If catch exceeds ACL more than 1 in 4 years, then system of ACLs/AMs should be revisited**
 - **Intended as an Adaptive process!!!!**

ACLs

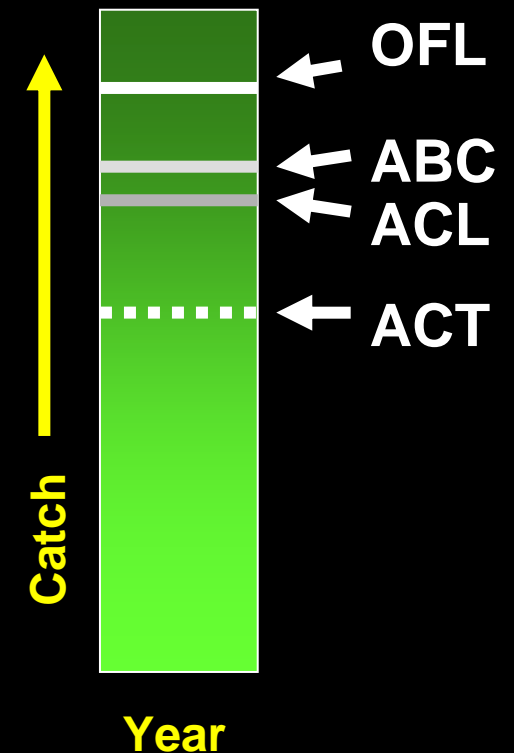
Two overarching approaches:

- **ACL = ABC**

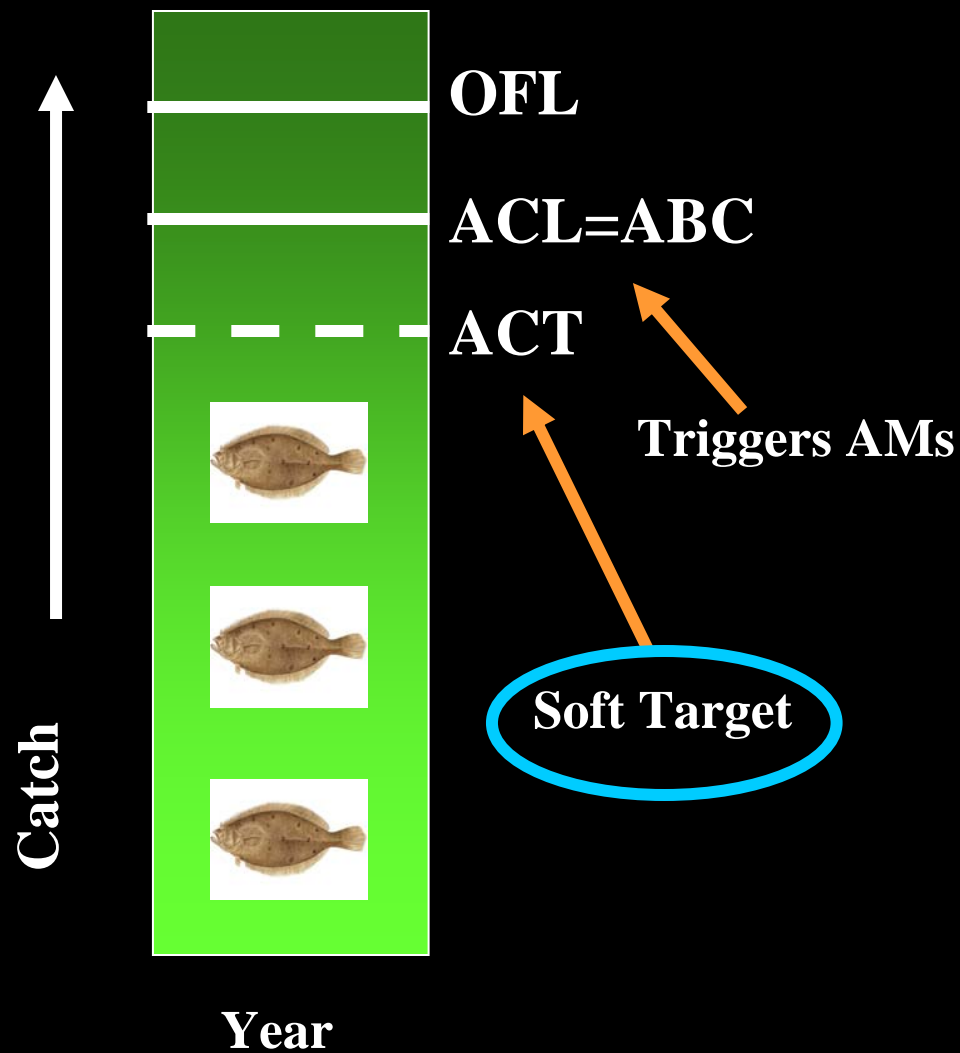
- need to use AM such as ACT as soft target

- **ACL < ABC**

- may still use ACT if desired



ACLs: General Council Preferred Approach

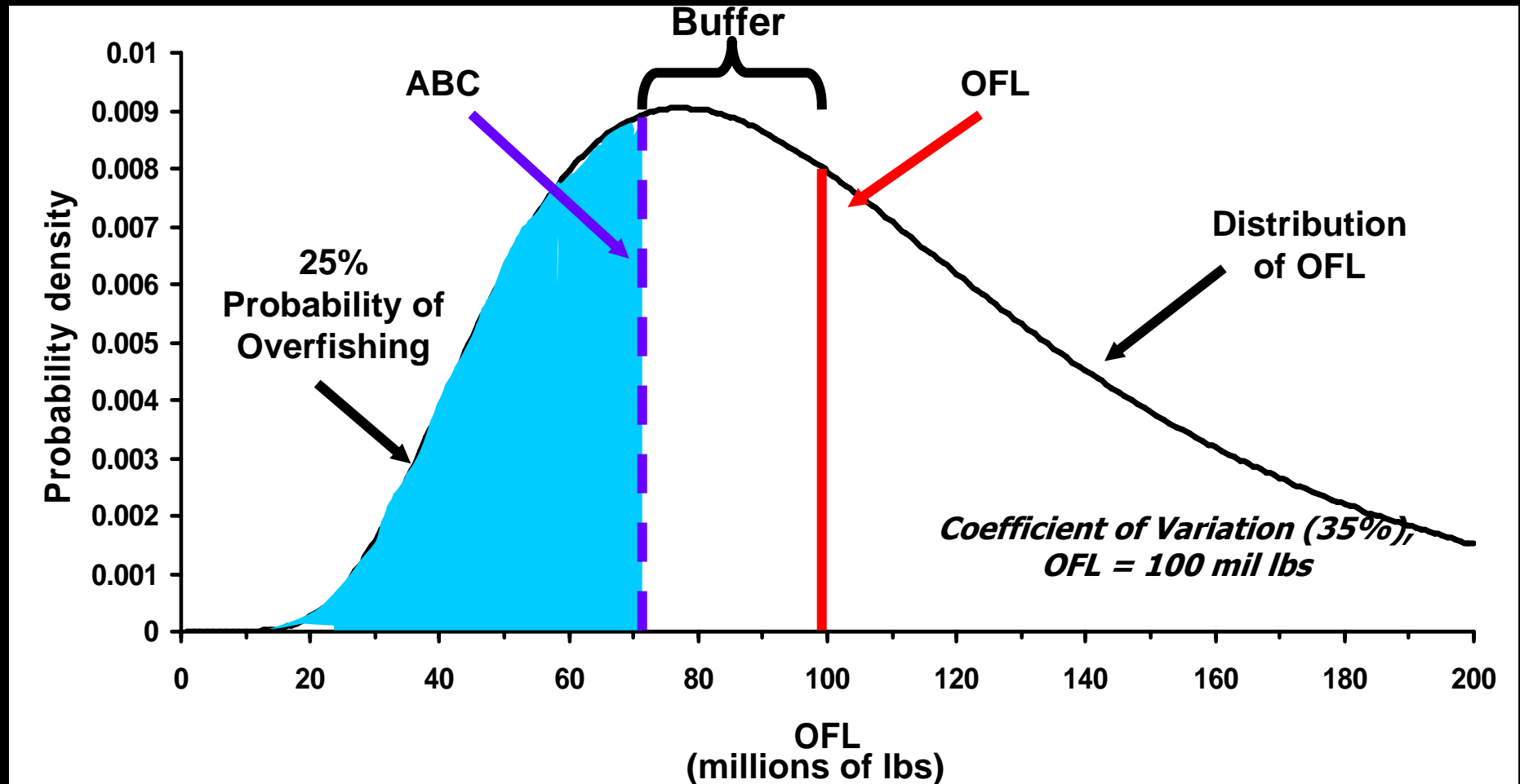


ABC Framework (page 13)

- **SSC lead on development**
- **Four levels (tiered-based approach) – process to describe how ABC will be specified**
- **Specific criteria for each level**
- **SSC determines to which level a stock belongs (Levels 1-4), to be provided with ABC recommendation**

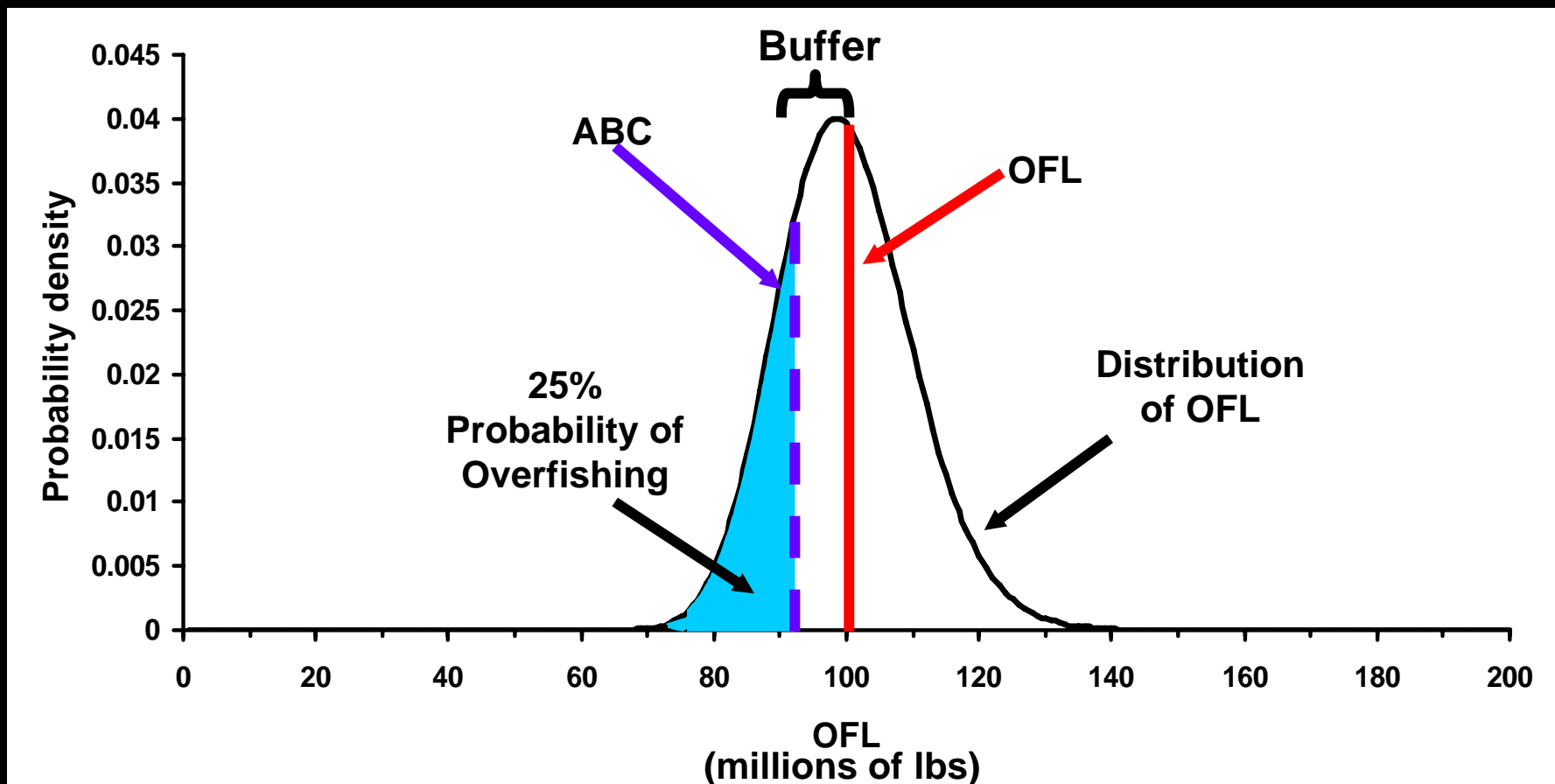
ABC Framework

- Top three levels utilize an explicit combination of an overfishing limit (OFL) dist. and probability of overfishing
- 25% prob. of overfishing @ ABC = 71 million lbs



ABC Framework

- Width and shape of distribution affects what ABC is associated with a specific probability of overfishing.
- 25% prob. of overfishing @ ABC = 92 million lb



Setting ABC

- In top three tiers, specifying ABC is combination of:
 - **Characterizing scientific uncertainty using an OFL distribution**
 - **Council risk policy = probability of overfishing**
- **These are not two separate adjustments, but two variables combined to determine ABC!**

Setting ABC

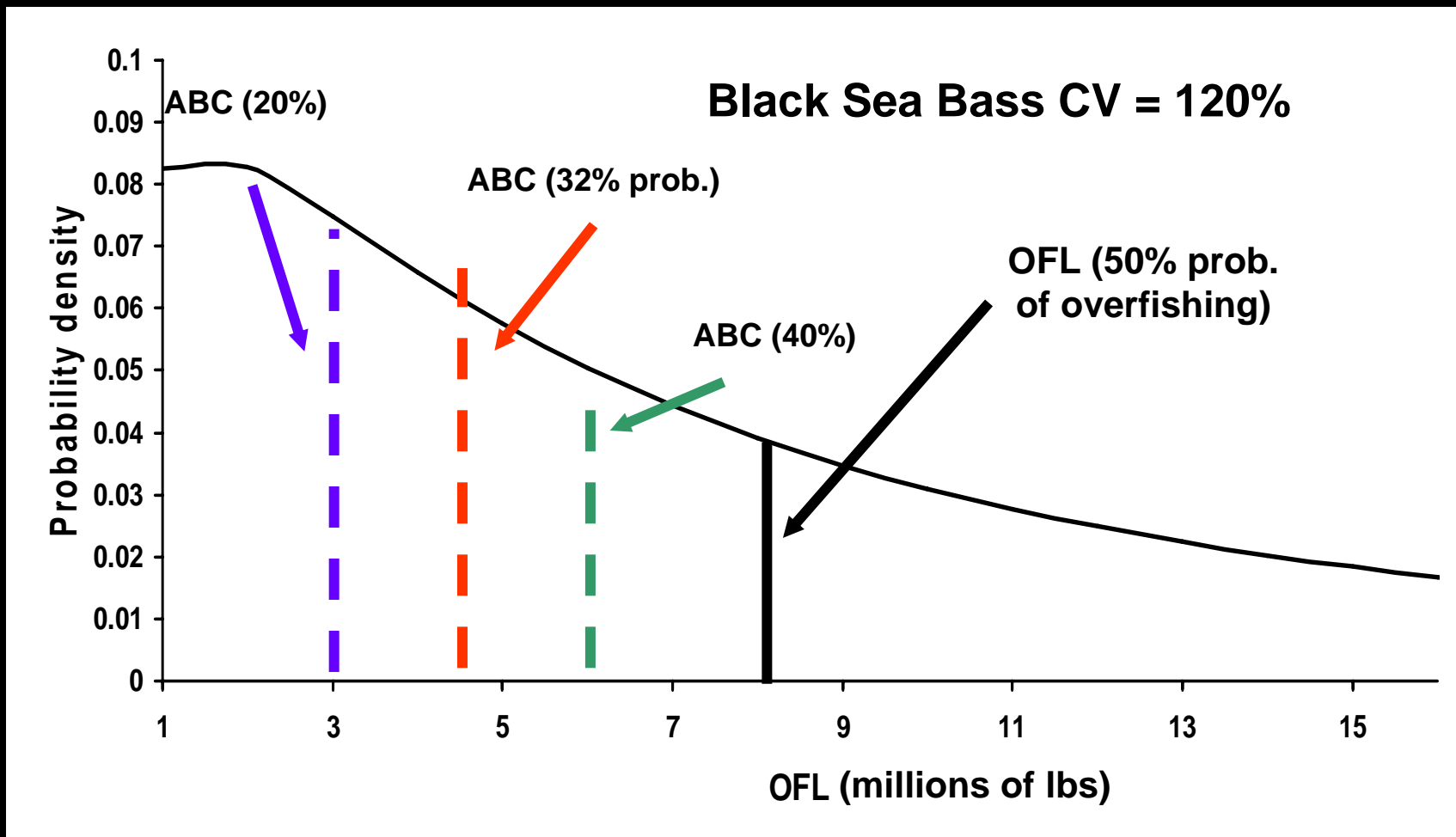
- In lowest tiers, other methods would need to be applied
 - may include ABC control rules based on survey indices, catch, etc.



If an OFL distribution was produced (hypothetical) for a level 1, 2, or 3 stock, then the ABC depends on both OFL distribution shape and the Council tolerance for overfishing.

Is it 20%, with an ABC = 3 million lbs? 32%? 40%?

Need both pieces of information to calculate the ABC.



Summary of Levels

Level	OFL Distribution	Mid Stocks Assessments in Each
1	Produced by stock assessment model and used as is (perfecto!); all relevant sources of uncertainty characterized.	None: TBD by SSC
2	Comes from stock assessment model, but with some adjustments made by assessment workgroup; some relevant sources of uncertainty missing	Some Mid-Atlantic Stocks may be a 2 or 3: TBD by SSC
3	Produced by SSC based on best information available; substantial gaps in information about stock	
4	Not available; substantial gaps in information about stock	Poorly assessed stocks, rejected assessment stock, etc. will fall here: TBD by SSC

2010 Black Sea Bass and the SSC

- **Likely to be classed as a Level 4 although Framework not used by SSC yet**
 - **Key features in biology, fishery, data missing from stock assessment**
 - **Stock status and BRPs estimated but unreliable**
 - **Trend is reliable but estimates of B and F are not**
 - **Large retrospective patterns, uncertainty may not be considered**
- **SSC relied on other sources of information along with the data limited assessment**
- **Recommended ABC of 4.5 million lbs**

Risk Policy (page 16)

- Risk policy is part of the ABC development process
- Risk options express Council tolerance for overfishing
- **Overfishing Limit (OFL)** distribution and **probability of overfishing** combine directly to determine the **ABC** (for upper 3 assessment levels); may be applied differently for Level 4
- Council chose to approach with formal, overarching policy for all stocks

Risk Policy

- **50% probability of overfishing = OFL (i.e. center of distribution)**
- **This means at 50%, half the time you would be below OFL; half the time above the overfishing limit**
- **An ABC with a 25% percent probability of overfishing means that catch level is 75% successful at preventing overfishing**

Elements in options

Clearly an interplay between ABC framework and risk policy.

- **Constant probability – no elements**
- **Stock Status**
- **Assessment Level**
- **Stock History**
- **Life History**

Expressed as continuous or categorical options

General Provisions

- **For stocks under rebuilding plans, the upper limit on the probability of exceeding the rebuilding F would be 50 percent unless modified to a lesser value through a rebuilding plan amendment.**



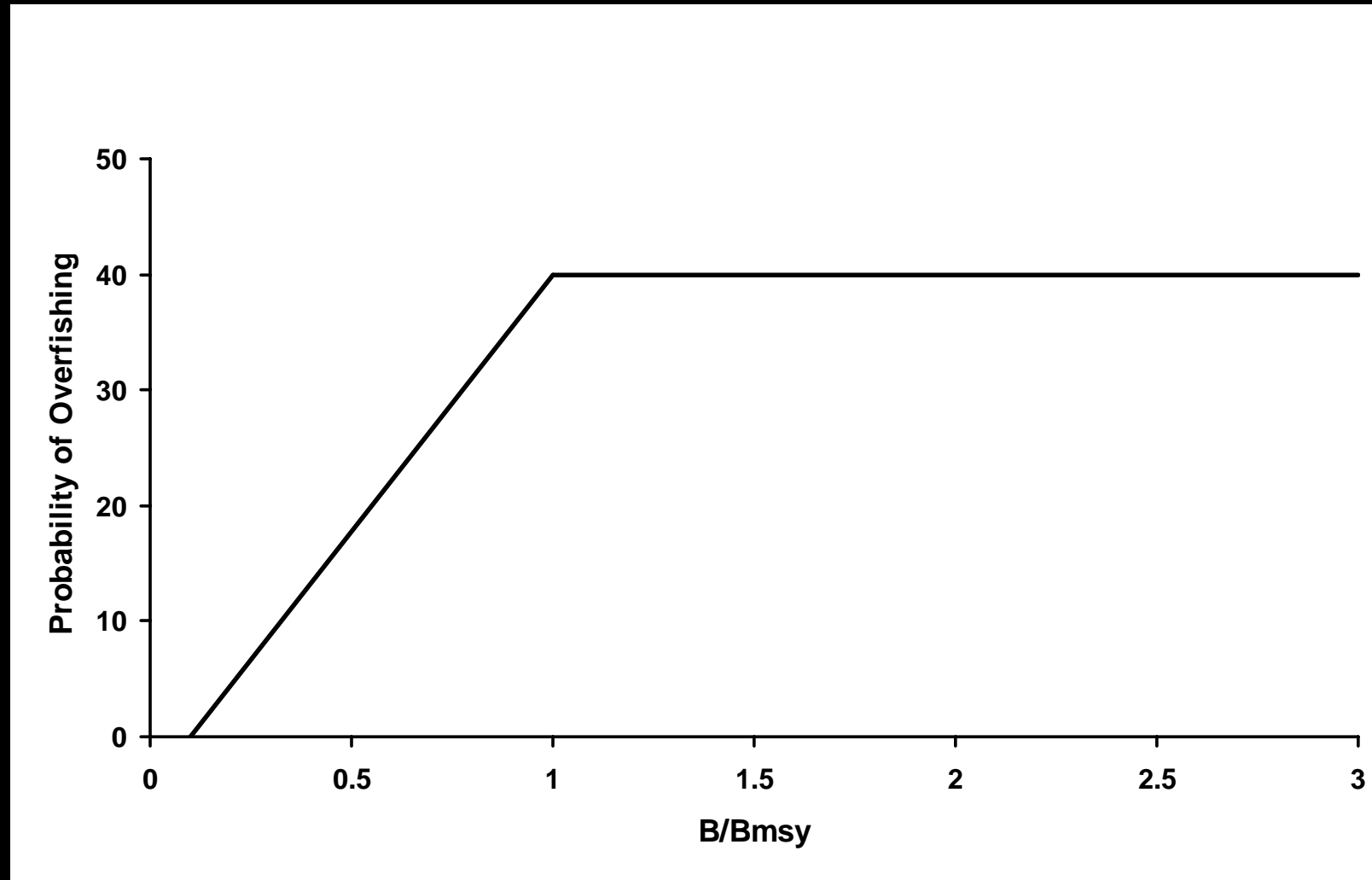
General Provisions

- **If no overfishing definition is available for a stock (i.e. No F_{MSY} or F_{MSY} proxy; can't determine if overfishing is or is not occurring) then an upper limit (cap) on allowable increases in catch levels will be established. Catch levels may not be increased until an appropriate F_{MSY} or F_{MSY} proxy has been identified.**
- **Backstop against no overfishing definition from SARC and no OFL proxy provided by SSC**

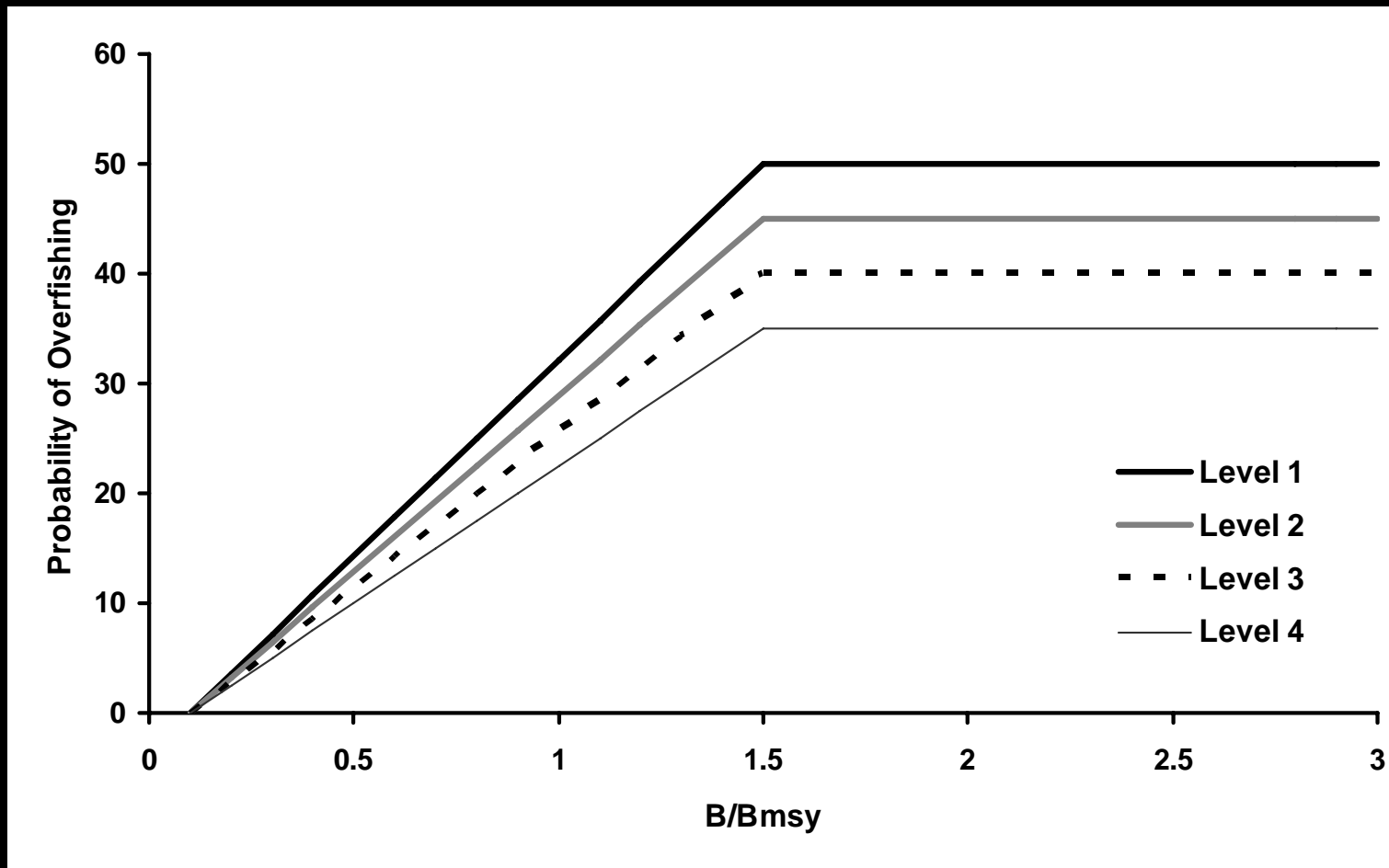
Constant Probability

Alternative 2B: 25 Percent - Under this alternative, the probability of overfishing will be 25 percent under all circumstances (i.e. irrespective of stock condition, rebuilding status, life history, etc.).

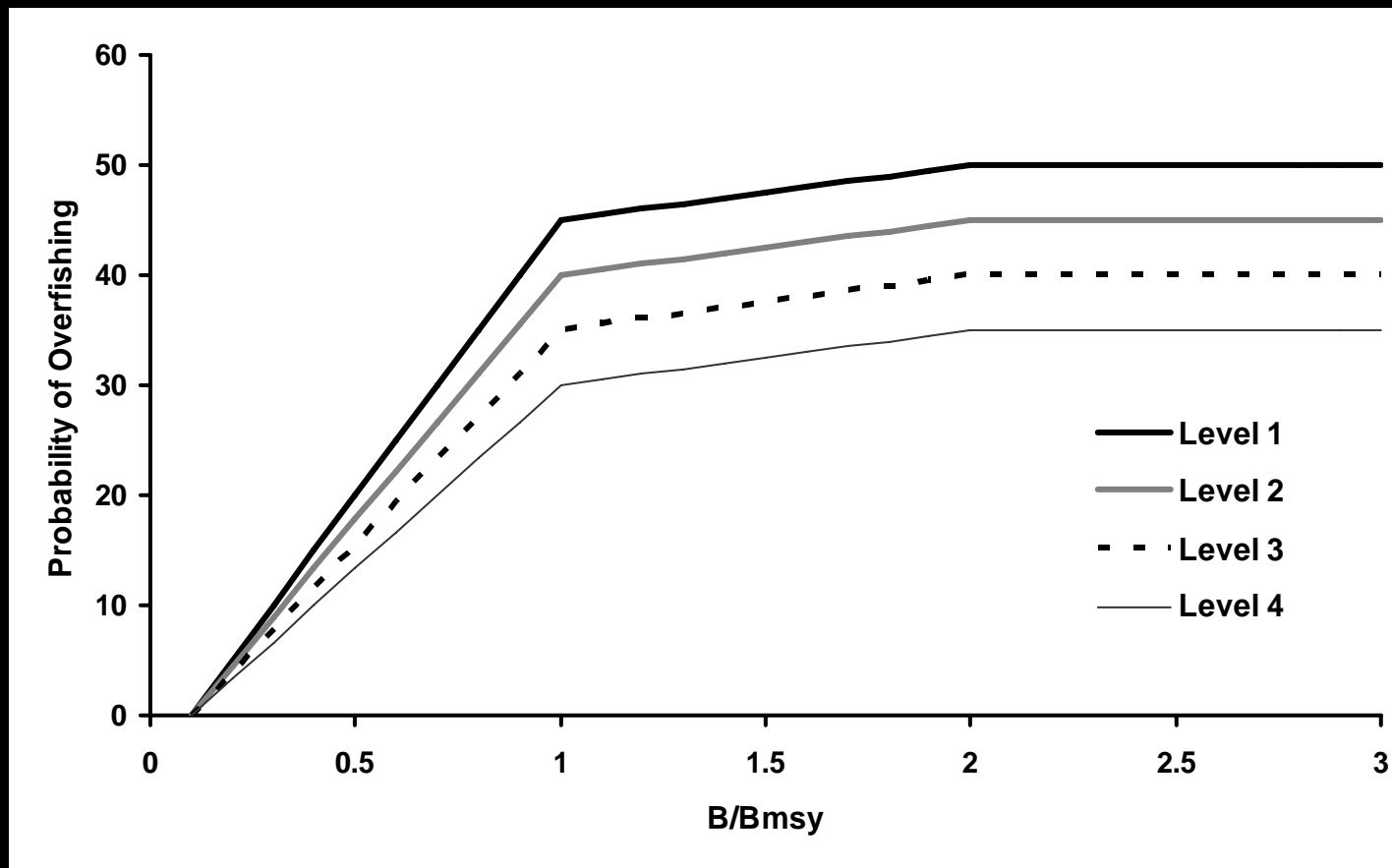
Alternative 2C: Stock Status, Replenishment Threshold, with Inflection at $B/BMSY = 1.0$



Alternative 2D: Stock Status/Assessment Level Offset, Replenishment Threshold, with Inflection at $B/BMSY = 1.5$



Alternative 2E: Stock Status/Assessment Level Offset, Replenishment Threshold, with 2 Inflection Points at $B/BMSY = 1.0$ and $B/BMSY = 2.0$



Alternative 2F: Categorical, with range from 10 - 50 percent

Upper Limit on the Probability of Overfishing				
Assessment Level	Stock History (Previously Overfished?)			
	<i>Has Never Been Overfished</i>		<i>Has Been Overfished</i>	
	<i>Life History Pattern</i>		<i>Life History Pattern</i>	
	Typical	Atypical	Typical	Atypical
1	50	45	45	40
2	40	35	35	30
3	30	25	25	20
4	20	15	15	10

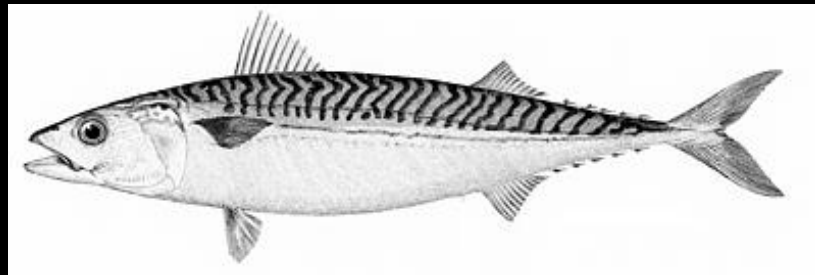
ACL/AM
Frameworks by Species



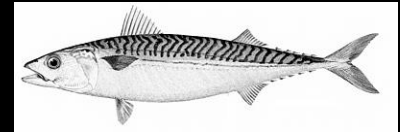
Page 20

Atlantic Mackerel ACL Structure

- **Turn to Flowchart on Page 26**
- **ACL = Domestic ABC**
- **ACL evaluation – single year**
- **ACT by sector**

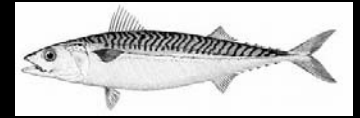


Atlantic Mackerel AMs



- **Already in the FMP**, commercial fishery closure (DAH) and trip limit adjustments
- **Proactive use of ACTs:** management uncertainty recom. (i.e. ACT control rule) comes from Mon. Ctte.
- **Reactive:** If the ACL is exceeded, commercial (DAH) and/or recreational landings (RHL) overage deduction by sector responsible; address landings component of catch

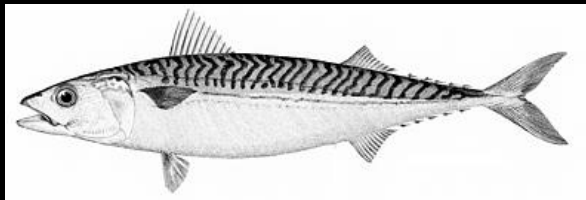
Atlantic Mackerel AMs



- **Rec. inseason measures are proactive, but lumped with rest of recreational discussion (for discussion purposes)**
- **General inseason closure authority**
- **Other inseason measures: considered but rejected**
 - **no data to evaluate measure relative to rec. fishery performance**

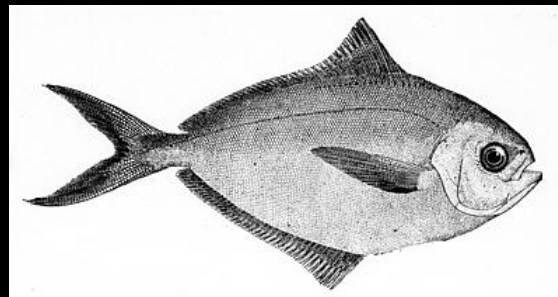
Atlantic Mackerel AMs

- **Accountability for other catch components?**
 - **discards and unlikely event RSA?**
- **Sector-specific ACT adjustment for remaining catch components (other than landings)**
- **All catch components of ACL addressed with reactive AMs**

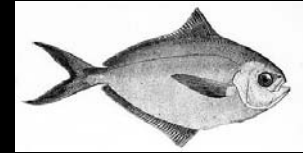


Butterfish ACL Structure

- **Turn to Flowchart on Page 31**
- **ACL = ABC**
- **ACL evaluation – single year**
- **ACT**



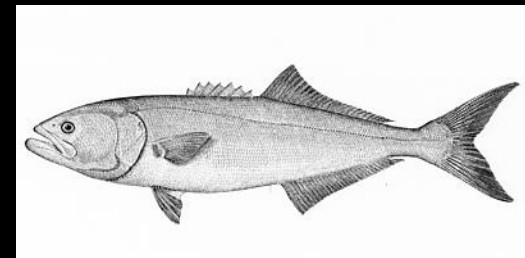
Butterfish AMs



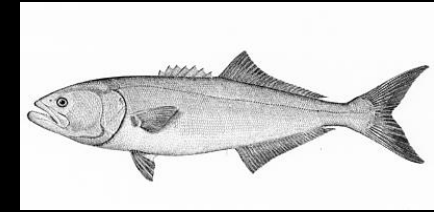
-
- **Already in the FMP**, commercial fishery closure (DAH) w/ incidental limits
 - **Proactive use of ACT**: Management uncertainty recommendation comes from Mon. Ctte.
 - **Fishery level accountability**: if ACL is exceeded (by any catch components), then ACL would be adjusted subsequent year

Bluefish ACL Structure

- **Turn to Flowchart on Page 36**
- **ACL = ABC**
- **ACL evaluation – single year only; 3 year average considered but rejected... complicated by transfer**
- **Sector-specific ACTs**



Bluefish AMs



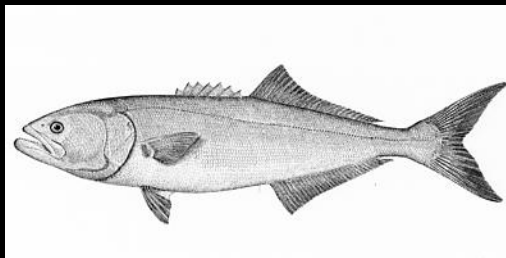
- **Already in the FMP:**
 - commercial landings overage deduction
 - commercial fishery closure authority (state and/or EEZ)
 - transfer

- **Proactive use of ACTs: Sector-specific ACTs; management uncertainty recom. (ACT control rule) by Mon. Ctte.**

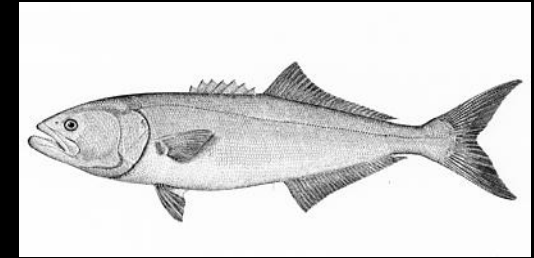
- **Mgmt. Uncertainty addressed as one step for both sectors due to transfer (performance not decoupled)**

Bluefish AMs

- **Reactive accountability for recreational fishery**
 - **If the ACL is exceeded and no transfer, then the landings in excess of RHL would be deducted**
 - **If the ACL is exceeded and a transfer occurred, then the Council is considering several options**

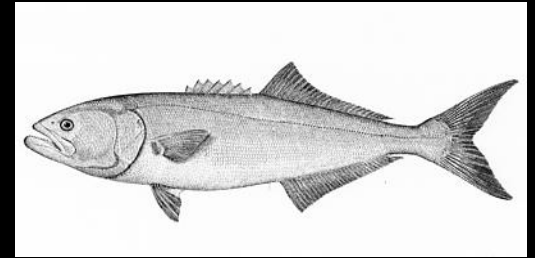


Bluefish AMs



- **Sub-option A: The recreational fishery would be responsible for the overage incurred.**
- **Sub-option B: Then accountability for the recreational overage would occur at the fishery level and the ACL would be reduced.**
- **Sub-option C: Then accountability for the recreational overage would occur at the fishery level; the ACL would be reduced and the subsequent year transfer would be reduced by the overage amount.**

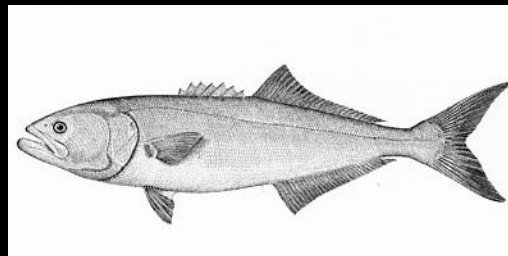
Bluefish AMs



- **Rec. inseason measures are proactive, but lumped with rest of recreational discussion (for discussion purposes)**
- **General inseason closure authority**
- **Other inseason measures: considered but rejected**
 - **no data to evaluate measure relative to rec. fishery performance**

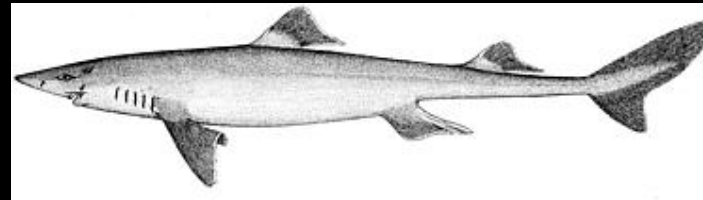
Bluefish AMs

- **Accountability for other catch components?**
 - **discards and unlikely event RSA?**
- **Accountability for those other catch components would occur at the fishery level and the ACL would be reduced.**

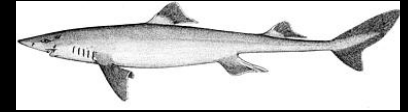


Spiny Dogfish ACL Structure

- ACL = domestic ABC
- ACL evaluation – single year
- ACT



Spiny Dogfish AMs



- **Already in the FMP:**
 - trip limit adjustments
 - commercial fishery closure authority (semi-annual)

- **Proactive use of ACTs:** management uncertainty recom. (i.e. ACT control rule) comes from Mon. Ctte.

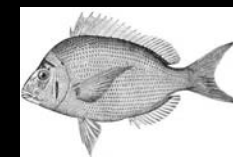
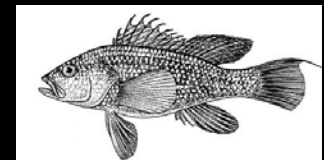
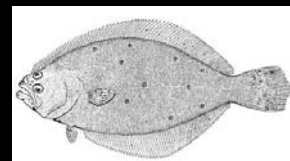
- Inseason proactive measures; considered but rejected

- If ACL is exceeded, then ACL adjusted the next year

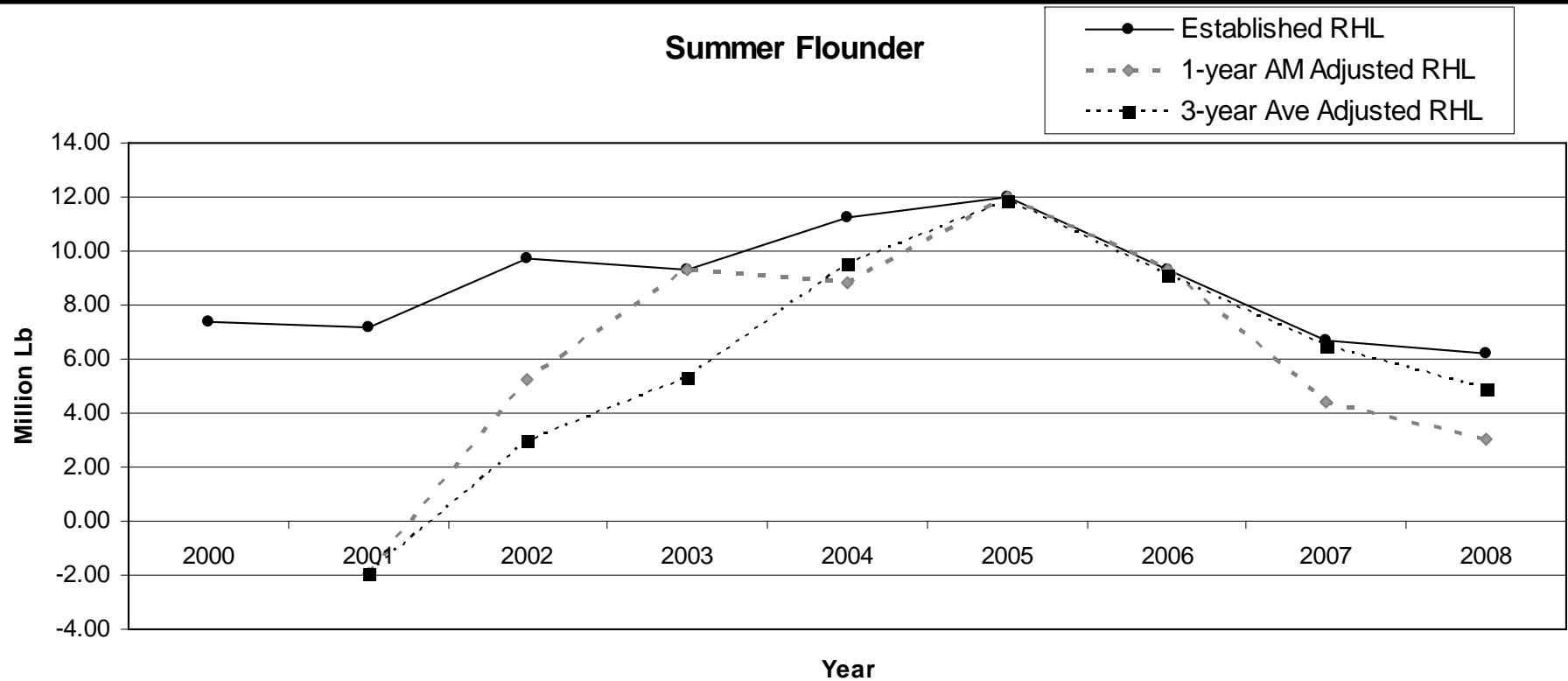
Summer Flounder, Scup, and Black Sea Bass ACL Structure

- Turn to Flowchart on Page 46, 52, and 58
- $\Sigma\text{ACL (comm. ACL and rec. ACL)} = \text{ABC}$
- ACL evaluation – single year only comm; 3 year average versus 1 year considered

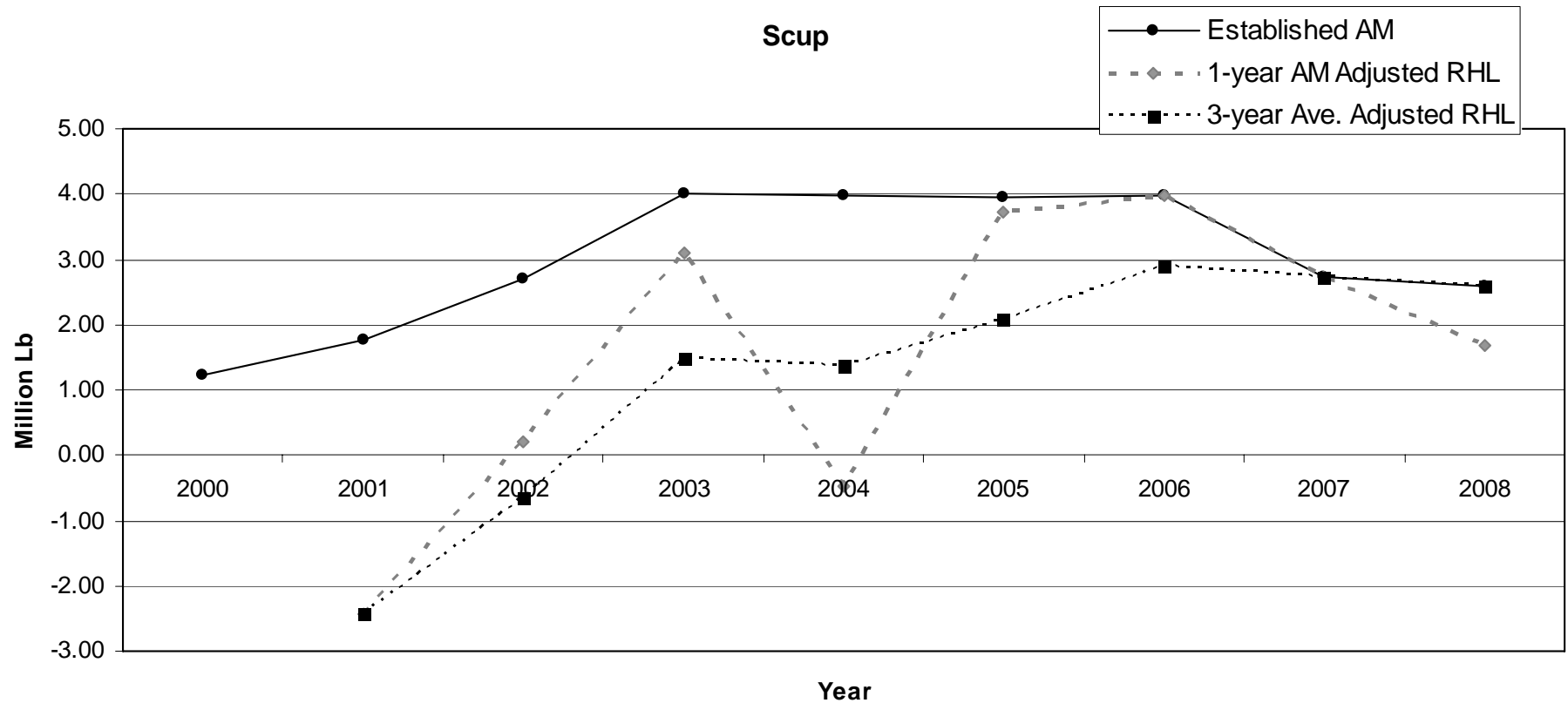
- Sector-specific ACTs



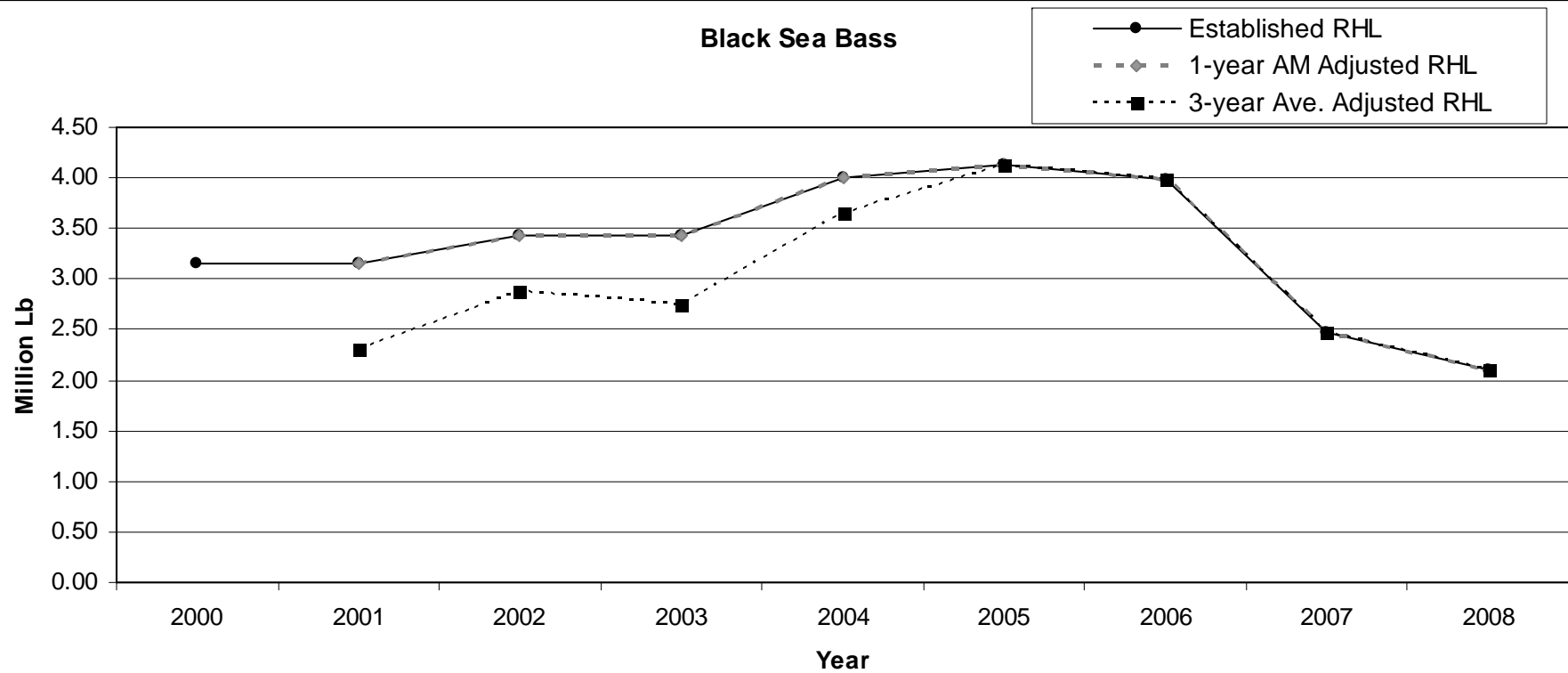
Summer Flounder 1 versus 3 Year Avg.



Scup 1 versus 3 Year Avg.

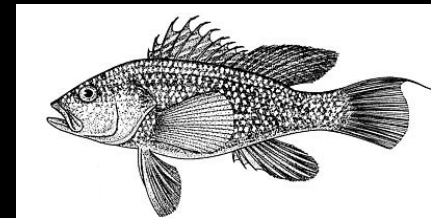
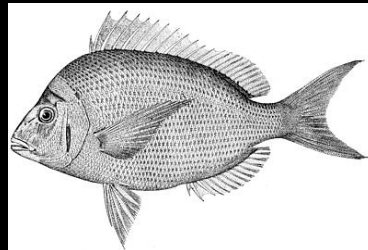
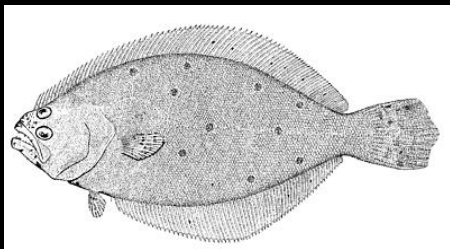


Black Sea Bass 1 versus 3 Year Avg.



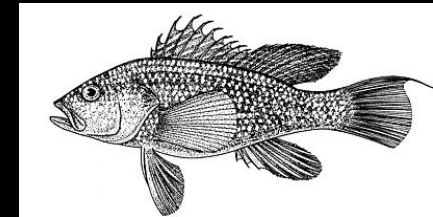
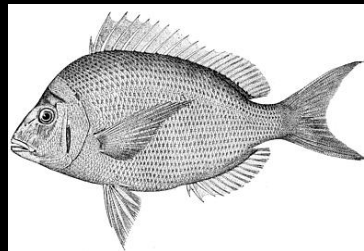
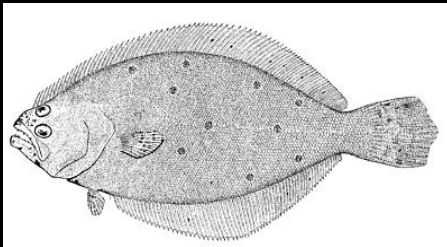
SFSCBSB AMs

- **Already in the FMP:**
 - commercial landings overage deductions
 - commercial fishery closure authority
- **Proactive use of ACTs:** Sector-specific ACTs; management uncertainty recom. (ACT control rule) by Mon. Ctte.



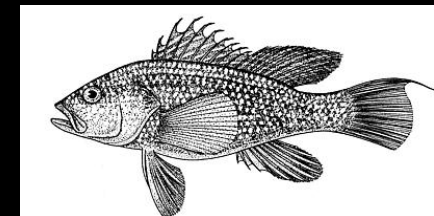
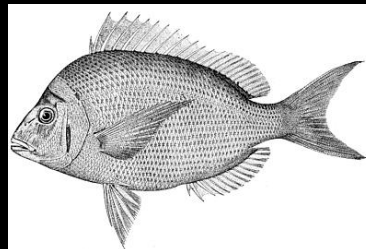
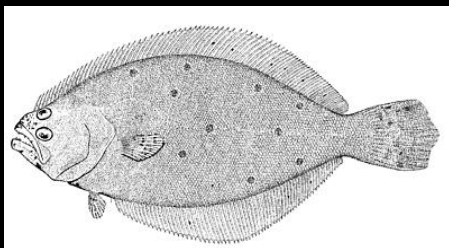
SFSCBSB AMs

- **Reactive accountability for recreational fishery**
 - **If the rec ACL is exceeded by rec. landings and the recreational fishery is responsible, then amount deducted from rec. RHL the next year**



SFSCBSB AMs

- **Proactive accountability for recreational fishery**
 - **General inseason closure authority**
 - **Inseason closure trigger points**
 - **Summer flounder – wave 3, 50% of RHL**
 - **Scup – wave 3, 15% of RHL**
 - **Black sea bass – wave 3, 40% of RHL**



Summer Flounder Inseason Adj.

Year	RHL (Million lb)	Landings (Million lb) through Wave 3 (Jan-June)	Percent of RHL Landed through Wave 3	Landings (Million lb) through Wave 4 (Jan-Aug)	Percent of RHL Landed through Wave 4	Final Annual Landings (Million lb)	Percent of Annual RHL Landed
2000	7.41	5.17	70%	14.15	191%	16.47	222%
2001	7.16	5.24	73%	10.67	149%	11.64	163%
2002	9.72	3.33	34%	7.03	72%	8.01	82%
2003	9.28	4.54	49%	10.64	115%	11.64	125%
2004	11.21	4.49	40%	9.99	89%	10.87	97%
2005	11.98	3.88	32%	9.77	82%	10.58	88%
2006	9.29	3.87	42%	11.05	119%	11.55	124%
2007	6.68	3.96	59%	9.28	139%	9.86	148%
2008	6.22	2.03	33%	7.72	124%	7.90	127%

Data Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division (January 06, 2010).

Scup Inseason Adj.

Year	RHL (Million lb)	Landings (Million lb) through Wave 3 (Jan-June)	Percent of RHL Landed through Wave 3	Landings (Million lb) through Wave 4 (Jan- Aug)	Percent of RHL Landed through Wave 4	Final Annual Landings (Million lb)	Percent of Annual RHL Landed
2000	1.24	1.21	98%	2.99	241%	5.44	439%
2001	1.76	0.62	35%	2.42	138%	4.26	242%
2002	2.71	0.43	16%	1.56	58%	3.62	134%
2003	4.01	1.83	46%	5.67	141%	8.48	212%
2004	3.99	0.69	17%	2.38	60%	4.24	106%
2005	3.96	0.02	1%	1.56	39%	2.54	64%
2006	3.99	0.15	4%	1.65	41%	2.95	74%
2007	2.74	0.81	29%	2.06	75%	3.65	133%
2008	2.59	0.66	25%	2.42	93%	4.04	156%

Data Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division (January 06, 2010).

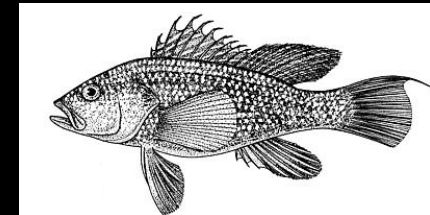
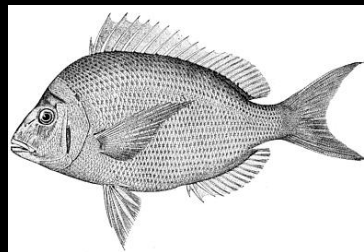
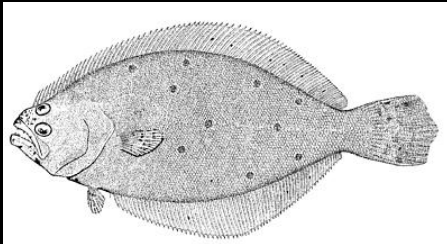
Black Sea Bass Inseason Adj.

Year	RHL (Million lb)	Landings (Million lb) through Wave 3 (Jan-June)	Percent of RHL Landed through Wave 3	Landings (Million lb) through Wave 4 (Jan- Aug)	Percent of RHL Landed through Wave 4	Final Annual Landings (Million lb)	Percent of Annual RHL Landed
2000	3.15	1.62	51%	2.38	75%	3.99	127%
2001	3.15	1.21	38%	2.32	74%	3.42	109%
2002	3.43	2.41	70%	3.39	99%	4.35	127%
2003	3.43	1.29	38%	1.96	57%	3.29	96%
2004	4.01	0.63	16%	1.02	25%	1.67	42%
2005	4.13	0.77	19%	1.57	38%	1.89	46%
2006	3.99	1.04	26%	1.40	35%	1.99	50%
2007	2.47	1.23	50%	1.92	78%	2.25	91%
2008	2.11	0.56	26%	0.97	46%	1.56	74%

Data Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division (January 06, 2010).

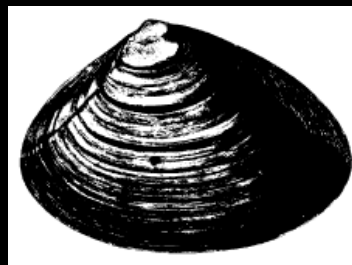
SFSCBSB AMs

- **Accountability for other catch components?**
 - **discards and unlikely event RSA?**
- **Accountability for those other catch components would occur at the sector-specific ACL and that ACL would be reduced the next year.**



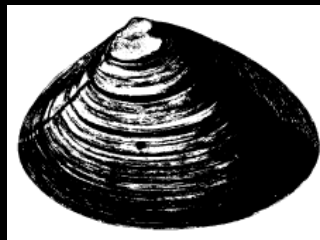
Atlantic Surfclam ACL Structure

- **Turn to Flowchart on Page 62**
- **ACL = ABC**
- **ACL evaluation – single year**



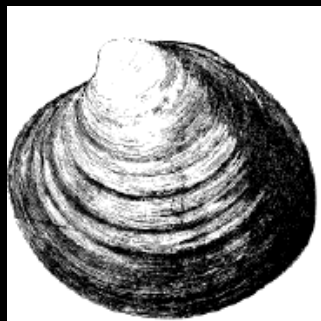
Atlantic Surfclam AMs

- **Proactive use of TAL:** Management uncertainty recommendation comes through staff quota paper
- **Reactive ITQ accountability:** if ACL is exceeded, the ITQ permit would be adjusted in next year



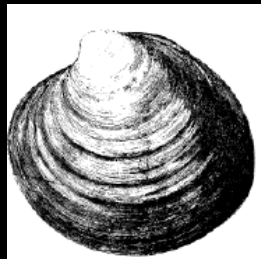
Ocean Quahog ACL Structure

- **Turn to Flowchart on Page 65**
- **ACL = ABC**
- **ACL evaluation – single year**



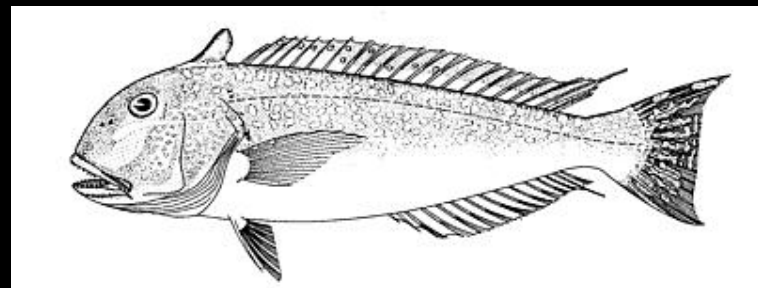
Ocean Quahog AMs

- **Proactive use of TAL:** Management uncertainty recommendation comes through staff quota paper
- **Reactive ITQ accountability for Non-Maine:** if ACL is exceeded, the ITQ permit would be adjusted in next year
- **Reactive Maine Fishery:** if ACL is exceeded, then Maine allocation adjusted the next year



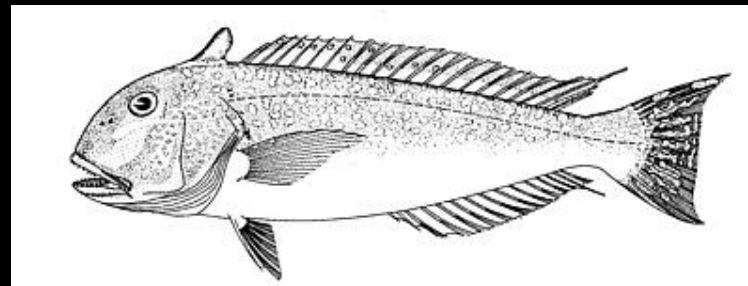
Tilefish ACL Structure

- **Turn to Flowchart on Page 69**
- **ACL = ABC**
- **ACL evaluation – single year**
- **Use of ACT**



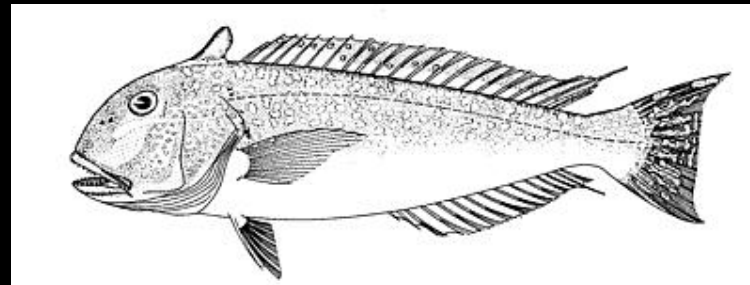
Tilefish AMs

- **Already in the FMP:**
 - trip limit adjustment if incidental fishery exceeds 5% allocation
- **Proactive use of ACTs:** Sector-specific ACTs; management uncertainty recom. (ACT control rule) by Mon. Ctte.

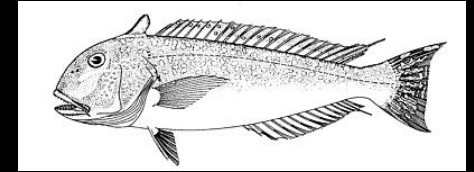


Tilefish AMs

- **Proactive inseason trip limit adjustment:**
 - Analyses being conducted to be reviewed by Council in June
- **Proactive inseason closure authority**



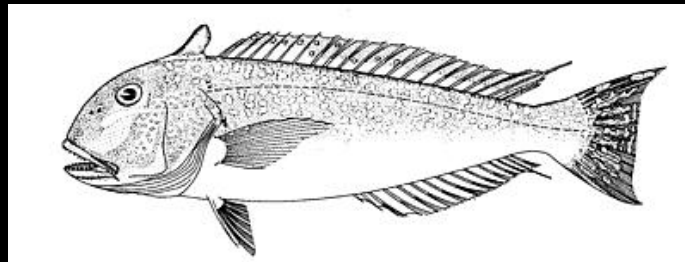
Tilefish AMs



- **Reactive: ITQ permit level accountability.**
- **If ACL exceeded by incidental fishery then accountability would occur by one of the options below: (***)Analyses in the works(***)**
 - **Sub-option A – The amount by which the ACL was exceeded by the incidental fishery would be used to reduce the allocation the subsequent year.**
 - **Sub-option B – “.....” would be taken from the ITQ fishery allocation to increase the incidental fishery allocation the subsequent year.**
 - **Sub-option C – Current FMP provisions which allow for trip limit adjustment in the subsequent year would be applied.**

Tilefish AMs

- **Accountability for other catch components?**
 - **discards and unlikely event RSA?**
- **Accountability for those other catch components would occur at the fishery level ACL and that ACL would be reduced the next year.**



Final Thoughts

- **Will the landings limits be substantially different when implemented?**
- **Difficult to predict**
- **Council has already applied control rules, set ABCs, and/or adjusted for OY**
 - **Atlantic mackerel, butterfish squids**
 - **Summer flounder, scup, black sea bass**
 - **Atlantic surfclam, Ocean quahog**