

AMENDMENT 12
TO THE
ATLANTIC SURFCLAM AND OCEAN QUAHOG FISHERY MANAGEMENT PLAN
(Includes Draft Environmental Assessment and Draft Regulatory Impact Review)

October 1998

Mid-Atlantic Fishery Management Council
in cooperation with
the National Marine Fisheries Service,
and
the New England Fishery Management Council

Draft adopted by MAFMC: 19 August 1998
Final adopted by MAFMC: 6 October 1998
Final approved by NOAA:

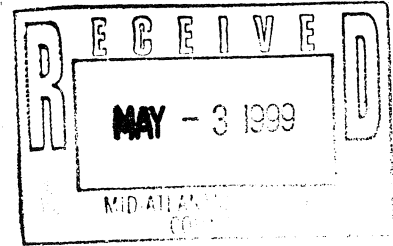


A publication of the Mid-Atlantic Fishery Management Council pursuant to NOAA Award No. #NA87FC0002



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

APR 28 1999



James Gilford, Chairman
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 South New Street
Dover, DE 19904-2331

Dear Jim;

This letter is to inform you that the National Marine Fisheries Service (NMFS) has partially approved portions of Amendment 12 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP), Amendment 8 to the Atlantic Mackerel, Squids and Butterfish FMP, and Amendment 12 to the Atlantic Surfclam and Ocean Quahog FMP (collectively referred to as the SFA amendments). The portions disapproved based on the national standards and other applicable law, and the reasons for disapproval, are as follows:

- **Scup Rebuilding Schedule**

NMFS disapproves the *finding* presented by the Council that the management measures in place to rebuild the scup fishery are adequate under Sustainable Fisheries Act (SFA) guidelines. Given the general decline of this fishery and the risk prone fishing mortality rate target selected as a F_{MSY} proxy, the rebuilding plan is unacceptably risk-prone. The 27th Stock Assessment Workshop (SAW-27) had suggested a more conservative $F_{0.1} = 0.15$ as a proxy, versus the specified F_{MAX} , currently 0.26. Although the fishing mortality rate portion of the overfishing definition (OFD) is - by itself - conceptually sound, the combination of the less conservative choice of F by the Council and the risk prone rebuilding program warrants disapproval.

The Northeast Fisheries Science Center (Center) certified conditionally this OFD, reaffirming the SAW-27 recommendation that $F_{0.1}$ should be used as a F_{MSY} proxy. The Center noted that greater caution was necessary in setting a fishing mortality threshold for scup. This caution is necessary to accommodate the greater uncertainty in the assessment of scup compared to other species where F_{MAX} has been acceptable. The uncertainty arises especially in the limited discard estimates (pattern of catch-at-age). An alternative way to build in caution is through the



rebuilding program. Thus, to address this deficiency, the Council must adopt a precautionary approach when setting specifications to account for lack of information on discards. Given that F_{MAX} is risk prone for this fishery, the rebuilding must be correspondingly risk averse. The biomass threshold proxy of the maximum value of the Northeast Fisheries Science Center (Center) Spring survey spawning stock biomass (SSB) index, the 1977-79 three year moving average of 2.77 kilograms (kg) per tow, is in accordance with advice from SAW-27 for SFA reference points, and complies with the 50 CFR Part 600 guidelines.

- **Scup Bycatch Provision**

NMFS disapproves the bycatch provision for scup as inconsistent with national standard 9. Measures in the current FMP do not reduce adequately bycatch or minimize bycatch mortality. SAW-27 advised reducing F "substantially and immediately" and noted that reducing discards (especially in small mesh fisheries) would have the most impact in that regard. NMFS acknowledges that data with respect to identifying primary discard sources sufficient to implement management measures are limited. Still, it is envisioned that the Council would take the precautionary approach to develop measures to reduce discards as a result of this disapproval.

I support action begun on addressing this issue in the April 27, 1999, workshop held by the Council's Comprehensive Management Committee. This Committee is charged with investigating alternatives to address scup discard, such as gear modification and season/area closures. I encourage this Committee's rapid development of management measures to reduce bycatch in the small mesh fishery.

- **Surfclam Overfishing Definition**

NMFS disapproves the surfclam OFD as inconsistent with national standard 2 (best available science). The amendment specified a B_{MSY} proxy equal to the 1997 biomass for the Northern New Jersey (NNJ) portion of the stock. The Center did not certify that the surfclam OFD complies with the 50 CFR Part 600 guidelines.

With respect to fishing mortality targets, no attempt is made to calculate a global fishing mortality rate that just removes the annual surplus production, F_{p0} . With respect to a biomass threshold, the proposed parameter is based on NNJ biomass and production, and does not take into account the biomass or surplus production in other geographical regions. The NNJ area accounts for only 27 percent of current total annual production. Some level of productivity could be sustained in other resource