

**Council Meeting ACL/AM Workshop**  
**Summary of Recommendations**

**July 14, 2009**

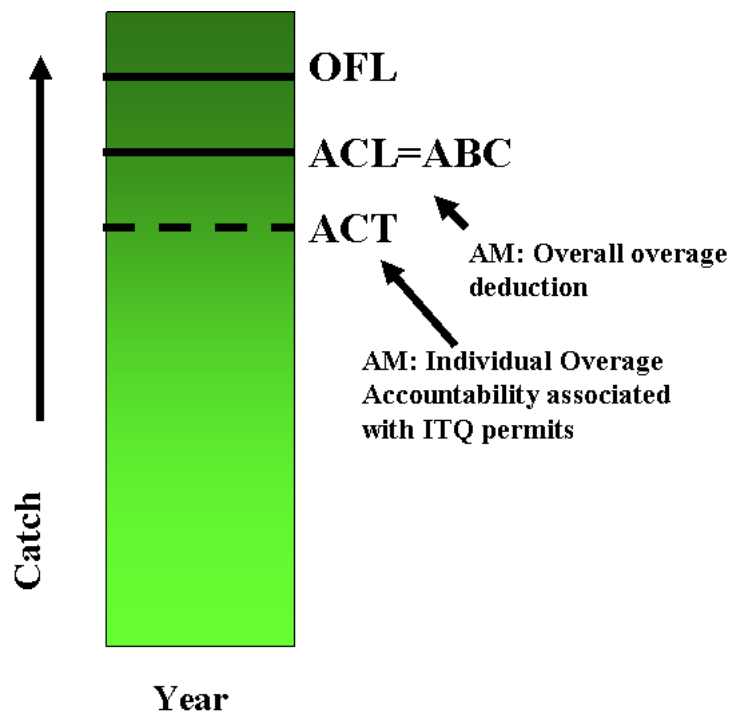
(Prepared by staff on 7/22/09)

The following recommendations will be used to guide the Omnibus Amendment ACL/AM Fishery Management Action Team (FMAT) in the development of options for the Council to consider.

**Surfclam Committee:**

Recommended that options for the ACL framework be developed such that  $ACL=ABC$ , and an ACT be utilized to specify an Optimum yield (which includes 12% incidental mortality rate).

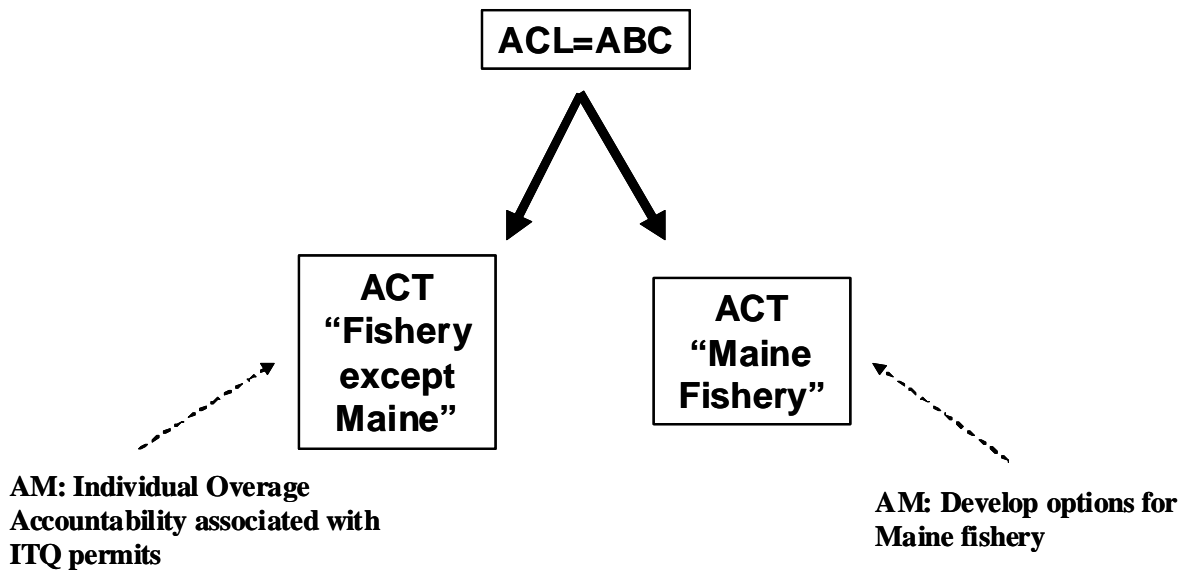
- Management uncertainty was determined to be very low to nil due to fishery management system based on ITQs with cage tags, and data collected through dealer logbook reporting.
- Options for accountability measures should be developed at the level of ACT, with individual accountability (overage deduction) associated with the ITQ permits.
- In addition, option for overall accountability (overage deductions) at the fishery-level should be developed.



## Ocean Quahog Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level), and ACTs be utilized with one for the “Fishery excluding Maine”, and one for the “Maine Fishery”. For the “Fishery excluding Maine”, the ACT would be used to specify an Optimum yield (which includes 5% incidental mortality rate).

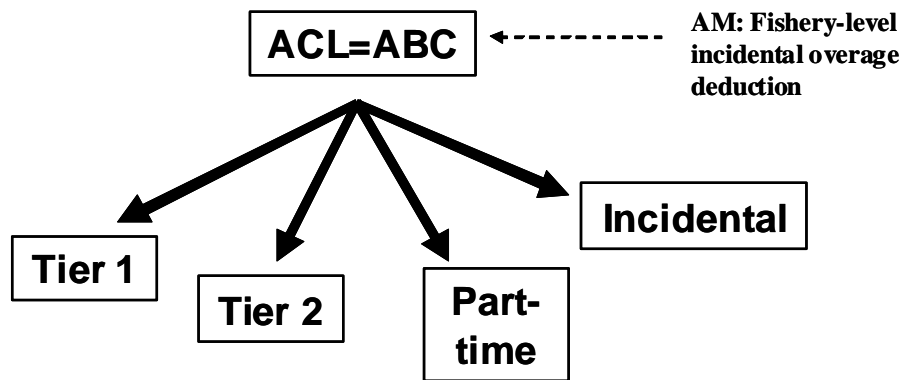
- Management uncertainty was determined to be very low to nil due to fishery management system based on ITQs with cage tags, and data collected through dealer logbook reporting.
- Options for accountability measures should be developed at the level of ACT for the “Fishery excluding Maine” with individual accountability (overage deduction) associated with the ITQ permits.
- Options for accountability measures should be developed for the “Maine Fishery”.



**Tilefish Committee:**

Recommended that options for the ACL framework be developed such that  $ACL=ABC$ . The allocation process includes four separate groups at present: full-time tier 1, full-time tier 2, and part-time (limited access permit categories) and incidental (5% allocation with trip limits). Tier 1, Tier 2, and Part-time all have proactive AMs (inseason closures) and reactive (overage deductions) that are currently utilized. The incidental category has reactive measures (trip adjustment limits) currently in place.

- Management uncertainty was determined to be very low and discards are considered insignificant.
- Additional options for accountability measures should be developed at the overall fishery-level ACL (incidental overage deduction).

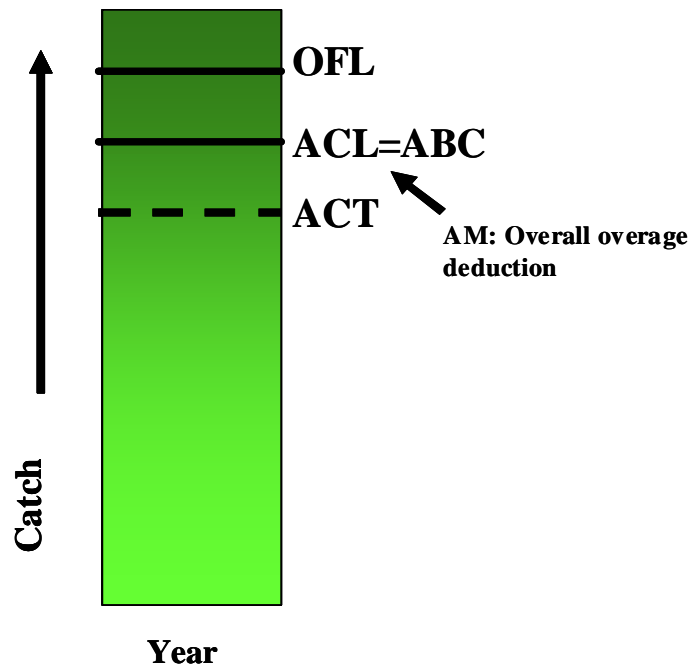


**AM: Proactive and reactive already exist for Tier 1, Tier 2, Part-time; Incidental has reactive trip limit adjustments**

**Dogfish Committee:**

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level), and an ACT be utilized to address management uncertainty.

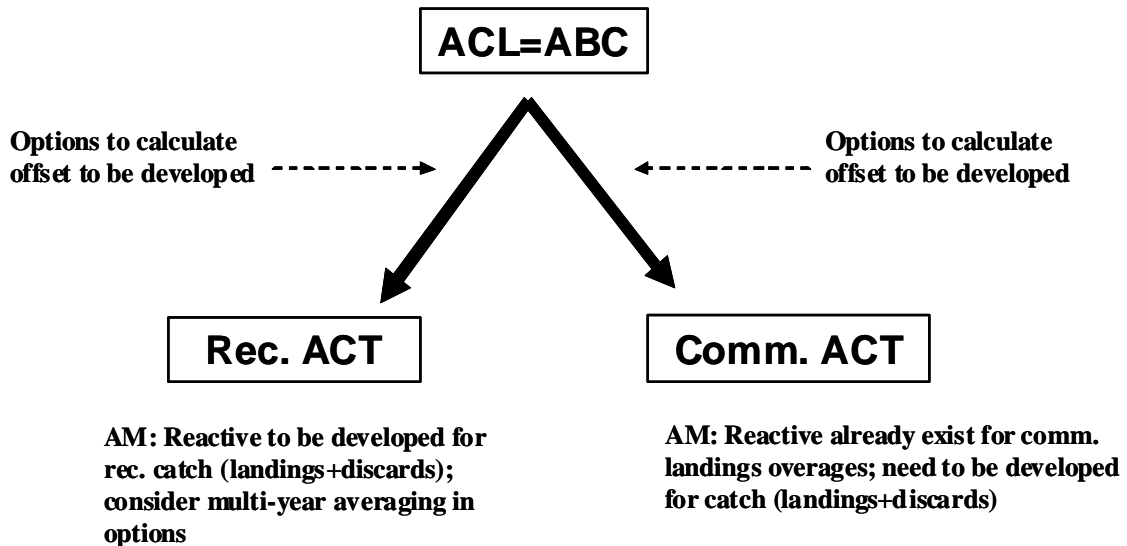
- Sources of management uncertainty were identified include discards estimation, the recreational fishery, and fishery performance was confounded by misalignment between state and federal measures in the commercial fishery.
- Options for reactive accountability measures (overage deduction) should be developed at the fishery level.
- In addition, options for specifying the ACT should be developed.



## Summer Flounder Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level). Management uncertainty will be accounted for in each sector by utilizing sector-ACTs (one ACT for the commercial fishery and one for the recreational fishery).

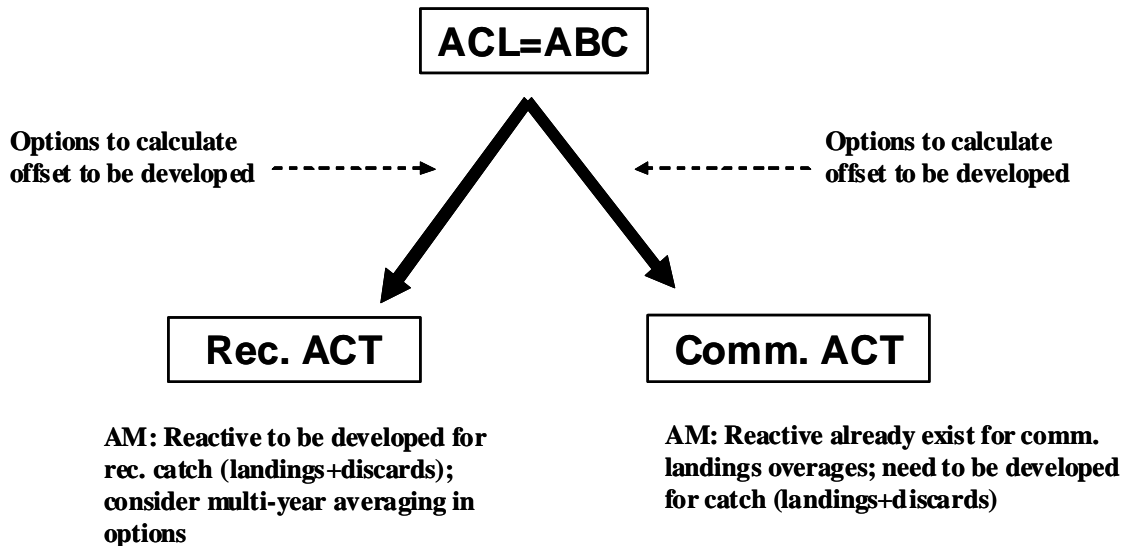
- Management uncertainty was considered by examining the performance of the fisheries (recreational and commercial). Options will be developed to calculate the offset between  $ACL=ABC$  and ACT by sector.
- Additional options for accountability measures will be developed at the sector-level. Options for multi-year averaging in the AM will be developed for the recreational sector.



## Scup Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level). Management uncertainty will be accounted for in each sector by utilizing sector-ACTs (one ACT for the commercial fishery and one for the recreational fishery).

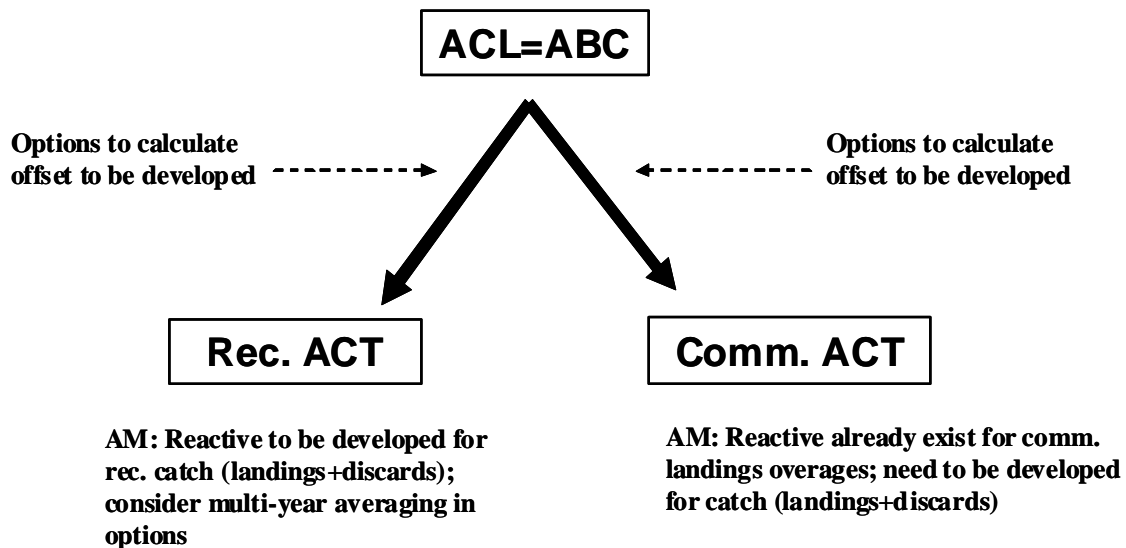
- Management uncertainty was considered by examining the performance of the fisheries (recreational and commercial). Options will be developed to calculate the offset between  $ACL=ABC$  and ACT by sector.
- Additional options for accountability measures will be developed at the sector-level. Options for multi-year averaging in the AM will be developed for the recreational sector.



## Black Sea Bass Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level). Management uncertainty will be accounted for in each sector by utilizing sector-ACTs (one ACT for the commercial fishery and one for the recreational fishery).

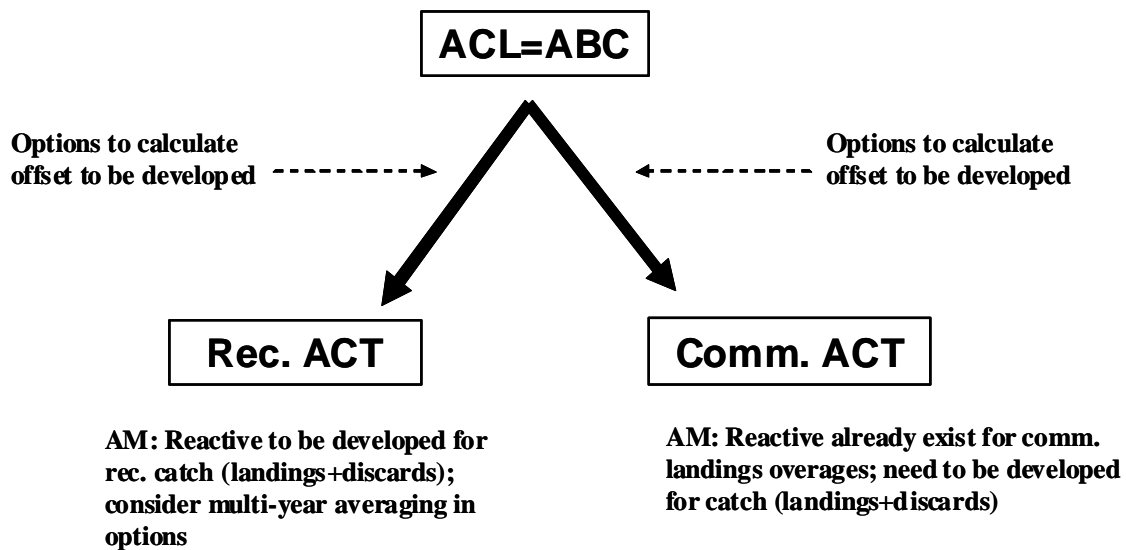
- Management uncertainty was considered by examining the performance of the fisheries (recreational and commercial). Options will be developed to calculate the offset between  $ACL=ABC$  and ACT by sector.
- Additional options for accountability measures will be developed at the sector-level. Options for multi-year averaging in the AM will be developed for the recreational sector.



## Bluefish Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level). Management uncertainty will be accounted for in each sector by utilizing sector-ACTs (one ACT for the commercial fishery and one for the recreational fishery).

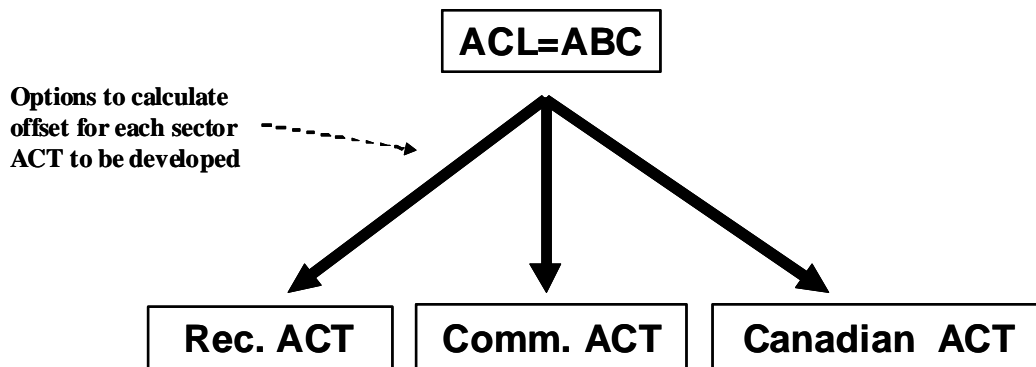
- Management uncertainty was considered by examining the performance of the fisheries (recreational and commercial). Options will be developed to calculate the offset between  $ACL=ABC$  and ACT by sector.
- Options for reactive accountability measures (overage deduction) will be developed at the fishery-level because of the issues relating to the quota transfers between sectors.
- Proactive and reactive AMs exist in the commercial sector (implemented by state).



## Atlantic Mackerel Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level). Management uncertainty will be accounted for in each sector by utilizing sector-ACTs (one ACT for the commercial fishery, recreational fishery, and other catches (Canadian)).

- Options will be developed to calculate the offset between  $ACL=ABC$  and ACT by sector.
- Options for accountability measures will be developed such that overage deductions are linked to the sector responsible for the overage of the ACL. Options for adjustments (if the ACL is exceeded) to trigger points in the plan will be developed for the various sectors.

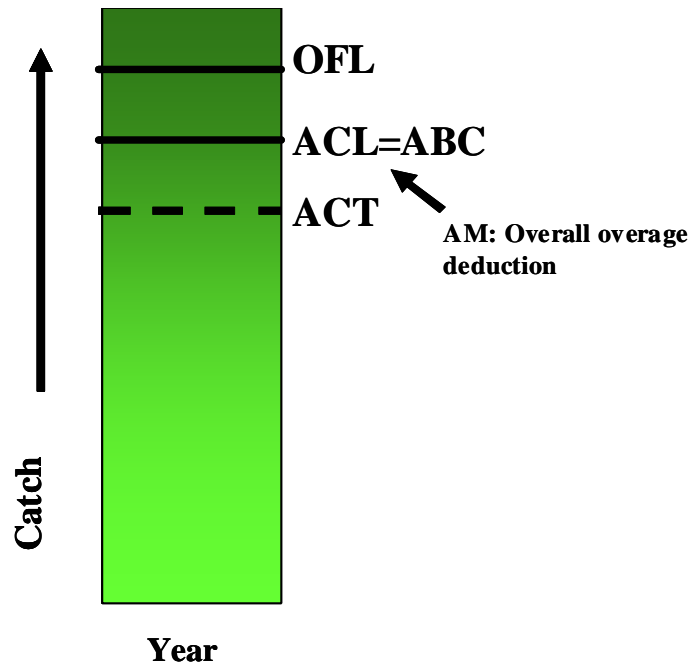


**AM: Reactive already exist for comm. sector; need to be developed such that sector that causes fishery-level ACL to be exceeded will payback; options to adjust trigger points to be considered**

### Butterfish Committee:

Recommended that options for the ACL framework be developed such that  $ACL=ABC$  (at the overall fishery-level).

- Management uncertainty was considered and uncertainty about discards was highlighted as a major issue. Options will be developed to calculate the offset between  $ACL=ABC$  and ACT. Options should also be developed that consider sub-ACTs to address the discard components of the catch.
- Options for accountability measures (reactive and proactive) will be developed at the fishery-level and may include overage deductions as well as adjustments to other trigger points in the current management plan.



### Monkfish Committee:

Reviewed the measures under consideration for ACL and AM by the New-England Fishery Management Council (NEFMC). Preliminary options included  $ACL=ABC$ , and utilizing an ACT. Considerations were also being given to addressing measures in the Northern and Southern management areas separately.

**Action Plan (as of 7/22/09)**  
**To Develop an “Omnibus” Document to Address**  
**National Standard 1 Requirements:**  
**Acceptable Biological Catch (ABCs), Annual Catch Limits (ACL), Accountability**  
**Measures (AM), and if needed Annual Catch Targets (ACT)**

**Council:** Mid-Atlantic

**ACL/AM Committee Membership:** Gene Kray (Chair), Rick Cole, Jim Gilmore, Howard King, Larry Simms, and Dennis Spitsbergen (staffed by Jessica Coakley)

**Council Leadership:** Rick Robins, Lee Anderson

**Others:** Vince O’Shea (ASMFC), Patricia Kurkul (NMFS-NERO)

**Additional expertise sought:**

<b>Fishery Management Action Team (FMAT)</b>		
<b>Agency</b>	<b>Role</b>	<b>Person</b>
MAFMC	FMAT Chair	Jessica Coakley
MAFMC	Other Staff Technical Support	All other MAFMC technical staff play a supplemental role
ASMFC	Commission Support for Cooperatively Managed Species	Toni Kerns
NMFS NERO	General Counsel	Joel MacDonald
NMFS NERO	Sustainable Fisheries – NERO liason	Michael Ruccio
NMFS NERO	Habitat	Assigned by Ruccio as needed for document development
NMFS NERO	Protected Resources	
NMFS NERO	NEPA	
NMFS NERO	Fisheries Statistics (FSO)	
NMFS NEFSC	Stock Assessment/Technical	Steven Cadrin
NMFS NEFSC	Socioeconomics	None available

<b>Science and Statistical Committee (SSC)</b> <b>“Scientific Uncertainty Advisory Committee”</b>	
<b>Role</b>	<b>Person</b>
Provide Scientific and Technical Advice to the FMAT	Robert Latour
	Thomas Miller
	<del>Michael Prager</del> Resigned from SSC – to be replaced
	Michael Wilberg

**Title of Action:** ACL/AM Committee preference is Option 1: Omnibus

Sample Document Title	Pro and Cons of approach	Implementation Deadline (2010 or 2011)
"Omnibus"	Only 1 document to "move through system"; benefits in terms of maintaining consistency across plans	2011 (no overfishing stocks in 2008)

**Problem Statement/Objective of Action:** The Council is developing a document that will address the new National Standard 1 requirements of annual catch limits and accountability measures for all species managed under the MAFMC (*with the exception of Illex and Loligo squid*).

**Fisheries that apply:** All MAFMC species (except annual life cycle species (i.e. *Loligo* and *Illex squid*))

Plan Species*	Commercial Component	Recreational Component	ASMFC (State) Cooperative Management
Summer flounder	yes	yes	yes
Scup	yes	yes	yes
Black sea bass	yes	yes	yes
Tilefish	yes	Not actively managed	no
Surfclams	yes	no	no
Ocean quahogs	yes	no	no
Atlantic mackerel	yes	Allocation, but no active measures	no
Butterfish	yes	no	no
Bluefish	yes	yes	yes
Dogfish	yes	Not actively managed	yes

\* NEFMC has lead on Monkfish

**Types of Measures Expected to be Considered:** At this time, the Council is considering a wide range of management options. Final guidance published on January 16, 2009. These could include, but are not limited to:

- Development of control rules to specify annual ABC and ACL, as well as associated AMs; ACLs could be developed for the overall fishery, or could be sector specific ACLs
- Development of control rules to specify Annual Catch Targets (ACTs) if needed

**Type of NEPA Analysis Expected:** Scoping conducted for EIS; TBD if EA or EIS is needed

Acronym	NEPA Analysis	Requirements
EA	Environmental Assessment	NEPA applies, no scoping required, public hearings required
EIS	Environmental Impact Statement	NEPA applies, scoping required, public hearings required

**Applicable laws/issues:**

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Possibly; level of consultation, if necessary, depends upon the actions taken
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Possibly; depends upon effects of the action on the resources of coastal states in the management unit
Endangered Species Act	Possibly; level of consultation, if necessary, depends upon the actions taken
Marine Mammal Protection Act	Possibly; level of consultation, if necessary, depends upon the actions taken
E.O. 12866 (Regulatory Planning and Review)	Possibly; depends upon whether there are implementing regulations
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13132 (Federalism)	Possibly; legal review will confirm
Essential Fish Habitat	Possibly; level of consultation, if necessary, depends upon the actions taken
Information Quality Act	Yes

**Other issues:** Those species with state/federal management components may complicate ACL/AM development; In addition, the lack of timely data for the recreational fishery many make ACL/AM development more difficult than for the commercial sector; other issues TBD

**Timing Issues:** The target implementation date for these measures is January 1, 2010 for species with overfishing occurring and January 1, 2011 for all other species. For 2008, no stocks are overfishing; however, scup F was unknown. New assessment indicates scup is above  $B_{MSY}$  and not overfishing.

**Timeline for development/review/implementation:**

<b>2011 Track</b>	
<b>Action</b>	<b>Timeline, based on current Council meeting schedule</b>
First ACL/AM Committee Meeting	December 9, 2008
Develop Description of the Alternatives (may include additional meetings of the Committee and/or FMAT as needed) and scope	January - July 2009 (approx. 6 months)
<b>MAFMC Meeting (Council Review Alternatives); if applicable in conjunction with ASMFC Board for cooperatively managed species</b>	<b>August 2009</b>
Document Development: CE, EA, or EIS (may include additional meetings of the Committee and/or FMAT as needed)	September 2009 - March 2010 (approx. 6 months)
MAFMC Meeting (Adopt public hearing draft)	April 2010
ASMFC Meeting if applicable for joint species (Adopt public hearing draft)	April 2010
Public Hearings and Summarization of Comments (need at least 21 days of FR notice and 30 days comment period with hearings)	May-July 2010
MAFMC Meeting (Approve/adopt amendment)	August 2010
ASMFC Meeting if applicable for joint species (Approve/adopt amendment)	August 2010
Final Rule Effective	January 1, 2011