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New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: September 20, 2010
TO: Council
FROM: Paul J. Howard, Executive Director
SUBJECT: Summary of September 14, 2010

The Executive Committee met on September 14, 2010 in Mansfield, MA. Messrs. Pappalardo, Cunningham, Odlin and Stockwell and Ms. Kurkul participated in the meeting. Dr. Pierce earlier indicated his schedule prevented him from attending the meeting. Messrs. Howard, Kellogg and Ms. Roy from the Council staff attended the meeting and staff members, Ms. Fiorelli, Mrs. Boelke and Messrs. Nies, Haring and Applegate participated via conference call. The committee discussed the following agenda items.

1. Discuss a process for SSC member nominations: Mr. Howard reported that the three year terms of the current SSC members expire in 2010 and requested guidance on the process for soliciting nominations for the upcoming term. The staff has asked the current SSC members about their interest in continuing to serve another term. There will be two seats available for the upcoming year, in addition to any changes made by the Executive Committee. The committee directed the staff to draft a memo to Council members requesting their input on SSC nominations and also to the SSC. Nominations should be made by the November Council meeting and the term for new appointments should begin January 1, 2011.

2. Review new draft correspondence policy, including a discussion of public testimony: The committee discussed developing a procedure for Council correspondence. Mr. Howard noted that although other Councils do not have written policies for outside correspondence, they use the signature of either the Chair or the Executive Director only. The Committee recommended that the Council consider adding this procedure to Council policies at the September meeting. **See Encl (1).**

The Committee also discussed how to handle requests for video testimony at Council and committee meetings. Several members expressed concern that chairs will have little control over video presentations once they begin. Others expressed similar concerns about very long testimony that could otherwise be provided in writing instead of read verbatim at a Council meeting. Executive Committee members noted that the Council has allowed video presentations in the past and that flexibility is needed to permit them when appropriate. No policy was recommended for video testimony at this Executive Committee meeting, although the staff has accommodated NAMA's request by providing members with a link to its video.

3. Discuss ASMFC dogfish plan and potential allocation of dogfish caught in federal waters to individual states from North Carolina to Maine: The committee discussed development of an addendum to their plan to allocate dogfish caught in federal waters by vessels with federal permits, to individual states from NC to ME. Mr. Howard expressed concerns about states establishing landing limits on federally landed fish. Mr. Stockwell also expressed concerns and mentioned that ASMFC may be backing away from this action. Any proposed Council response will be delayed until after the ASMFC's November meeting, pending decisions made at that time. NMFS mentioned concerns about monitoring state by state landings, as they now monitor landings as a seasonal quota.

4. Discuss U.S./CA Agreement Issues: The committee discussed proposed U.S./CA agreement legislation which could enhance negotiations between the two countries. The timing of the TRAC was also discussed as was the timing of TMGC and SSC annual meetings. The TMGC will discuss at their next meeting the option of scheduling the TRAC every other year instead of annually as is currently done. The Committee also discussed pursuing the idea of trading quota with the Canadians. The Executive Committee will ask the Council to direct the Groundfish Committee and its advisory panel to examine trading and make a recommendation to the Council. The Committee recommends that trading quota be looked at prior to the spring 2011 TMGC meeting.

5. Discuss timelines and management actions, including clarifying management actions concerning scallop vessel access to CA II and Groundfish FW 45 and Scallop FW 22 interactions: Timelines were reviewed. **See Encl (2).** The Committee also examined the issues and potential measures to be included in Groundfish FW 45 and Scallop FW 22. The Executive Committee felt that there was no room to add other measures to these actions without delaying implementation.

Mr. Stockwell spoke about the herring timeline and stated that the Herring Committee's work is not fully completed. At the September Council meeting the Executive Committee will recommend that the Council identify deficiencies in Amendment 5, along with issues that are not sufficiently developed for public comment at this time. The Executive Committee also will recommend that the Council use the September meeting to eliminate any items from further development and ask the Council to provide direction to the Herring Committee.

6. Discuss the NPFMC letter to Eric Schwaab: The Committee discussed the NPFMC's request for monitoring program funding. **See Encl (3).**

7. Discuss the Scallop RSA: Mr. Howard discussed issues associated with the timing and funding of Scallop RSA projects. Mrs. Boelke spoke about RSA timeline delays which are apparently related to the administrative reviews conducted by NOAA. These delays are the cause of much frustration. The Executive Committee does not have a good understanding about why delays are happening, but did note that the administration of the RSA programs is the responsibility of the NEFSC. The Executive Committee tasked Mr. Howard with drafting a letter to the NEFSC expressing our concerns. **See Encl (4).**

8. Discuss implications of recent monkfish assessment in regard to ABC and ACL setting management actions: Mr. Howard discussed the need for the Council to initiate a framework to address the new monkfish stock assessment. This issue is on the September Council meeting agenda. Since we are receiving the new assessment in September, the final framework meeting should occur at the January 2011 Council meeting. Mr. Stockwell announced that he is working with staff on a monkfish catch shares outreach strawman and is planning on scheduling scoping hearings to discuss catch shares up and down the East Coast.

9. Discuss new skate trip limits and scheduling the next skate management action: Mr. Howard spoke about the reduction in skate possession limits from 20,000 lbs. to 5,000 lbs. and the recent action to set a 500 lb. wing possession limit. Though skates are not on the September Council meeting agenda, the Council has received correspondence about the possession limit. In the event the Skate Plan is brought up by the Council or public during open public comment period, staff was tasked to prepare a summary of the skate data and analyses, including discards by fishery, and next planned management actions. **See Encl (5).**

10. Discuss suspension of Joint Groundfish/Scallop Cte including MAFMC membership issues: Mr. Cunningham stated that the joint committee is going to recommend to the Council that their group be suspended. Mr. Cunningham also mentioned that the advisory panel requested, and the Joint Committee will recommend, moving forward at the individual species committee level and that the Joint Groundfish/Scallop Advisory Panel remain as a body. The Council Chairman will be reconstituting the committees shortly after the September elections and any changes to committee names/assignments will be made at that time after input from the Council.

11. Discuss the SASI model: Mr. Howard stated that the SSC did not conduct a peer review of the SASI model due to time constraints; nevertheless, they did provide valuable comments. Mr. Pappalardo suggested that we use our SSC or a subset of the SSC to conduct a SASI model peer review in the future. Staff will coordinate with the NEFSC, Council and SSC to schedule this peer review.

12. Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Task Force: Mr. Howard stated that there are currently three BOEMRE task forces (MA/RI/ME) primarily dealing with energy and data collection and that he is receiving calls from state representatives suggesting the Council become a member of each task force. He added that the Council does not have the resources to do so, and that the NMFS Regional Office participates. Mr. Howard was disappointed that NROC is not coordinating these activities following the newly signed Presidential Executive Order about ocean planning. Ms. Kurkul suggested we are better off getting involved with NROC than individual BOEMRE task forces.

13. Groundfish accountability measures: Ms. Kurkul stated that AMs need to be part of the groundfish plan as discussed in NOAA's letter to the Council approving Amendment 16. The Executive Committee stated that an action (framework or amendment) needs to be implemented before May of 2012 to address this issue.

DRAFT Correspondence from the Council

The Council must correspond frequently with the public, NMFS and other agencies, as well as a myriad of organizations and institutions. All of these circumstances constitute formal contact by the Council in various formats, including emails, but generally in letter form.

In particular, the Council comments on various issues, both regional and national, often makes requests for information and submits or provides documents in response to requests. Only the Council Chairman and the Executive Director are authorized to sign such communications or correspondence. The Executive Director should be consulted for guidance if you are unclear about the correct approach with respect to any communications from the Council.

ENCLOSURE (1)

NEFMC TIMELINES
Revised September 15, 2010

- 1. Scallops**
 - a. Framework 21 (completed)
 - b. Amendment 15
 - c. Framework 22
- 2. Multispecies (Groundfish)**
 - a. Amendment 16 (completed)
 - b. Framework 44 (completed)
 - c. Framework 45
- 3. Herring**
 - a. 2010 – 2012 Specifications (completed)
 - b. Amendment 4 (completed)
 - c. Amendment 5
- 4. Small Mesh Multispecies Amendment 19 (Whiting, Red Hake, Offshore Hake)**
- 5. Habitat Omnibus Amendment**
- 6. Monkfish**
 - a. Amendment 5
 - b. Framework
- 7. Skates**
 - a. Amendment 3 (completed)
 - b. Annual report (completed)
- 8. Red Crab**
 - a. 2010 Specifications (completed)
 - b. Amendment 3
- 9. Groundfish/Scallops Joint Action**

ENCLOSURE (2)

TIMELINE # 1

COUNCIL ACTION: Scallop Amendment 15

STAFF PROJECT MANAGER: Deirdre Boelke
 TARGET COMPLETION DATE: August 1, 2010
 TARGET IMPLEMENTATION DATE: March 1, 2011

MILESTONES	ORIGINAL TIMELINE	COMPLETED / REVISED
1. Council approves Amendment alternatives for analysis in DSEIS	FEB/APR 2009	✓
2. Scallop PDT prepares Draft Amendment /DSEIS	FEB – JUN 2009	✓
3. Council approves Draft Amendment/DSEIS and selects preferred alternatives	SEP 2009	✓
4. Staff submits DEIS	OCT-NOV 2009	✓
5. Public hearings	FEB 2010	✓
6. Council approves final Amendment measures	JUN 2010	SEPT 2010
7. Staff submits final Amendment to NMFS	AUG 1, 2010	OCT/NOV 2010
8. Implementation	MAR 2011	JUN 2011

COUNCIL ACTION: Scallop Framework 21 - 2010 scallop specifications, adjustments to observer program & measures to comply with turtle biological opinion

TARGET COMPLETION DATE: Nov 2009
 TARGET IMPLEMENTATION DATE: March 1, 2010

MILESTONES	DATES	COMPLETED / REVISED
1. Council initiates framework	APR 2009	✓
2. Staff begins work on framework	MAY 2009	✓
3. Council approves framework	NOV 2009	✓
4. Council reconsiders framework		
5. Staff submits framework to NMFS	JAN 2010	✓
6. Implementation	MAR 2010	✓

COUNCIL ACTION: Scallop Framework 22 – 2011-2012 scallop specifications & measures to comply with turtle biological opinion

TARGET COMPLETION DATE: DEC 2010

TARGET IMPLEMENTATION DATE: MAY 2011

MILESTONES	DATES	COMPLETED / REVISED
1. Staff begins work on framework	JUN 2010	✓
2. Council initiates framework	JUN 2010	✓
3. Council approves framework	NOV 2010	
4. Staff submits framework to NMFS	DEC 2010	
5. Implementation	JUN 2011	

TIMELINE # 2

COUNCIL ACTION: Multispecies Amendment 16

STAFF PROJECT MANAGER: Tom Nies

TARGET COMPLETION DATE: July 2009

TARGET IMPLEMENTATION DATE: May 1, 2010

MILESTONES	PLANNED	COMPLETED / REVISED
1. Council approves Amendment 16 DEIS	FEB 2009	✓
2. Groundfish PDT prepares Draft Amendment /DSEIS	FEB–MAR 2009	✓
3. Public hearings	MAY 2009	✓
4. Council approves final Amendment 16 measures	JUN 2009	✓
5. Staff submits final Amendment 16 to NMFS	SEP 2009	OCT 2009
6. Implementation	MAY 2010	✓

COUNCIL ACTION: Framework 44 - 2010-2011 Groundfish Specifications & measures to address common pool management issues for GOM Cod and Pollock

TARGET COMPLETION DATE: Dec 2009

TARGET IMPLEMENTATION DATE: May 1, 2010

MILESTONES	PLANNED	COMPLETED / REVISED
1. Staff begins work on specifications/framework	AUG 2009	✓
2. Council approves specifications/ framework	NOV 2009	✓
3. Staff submits specifications package to NMFS	JAN 2010	FEB 2010
4. Implementation	MAY 2010	✓

COUNCIL ACTION: Framework 45 – GB YTF rebuilding strategy; new sector request; GC scallop YTF exemption; etc.

TARGET COMPLETION DATE: Dec 2010

TARGET IMPLEMENTATION DATE: Jun 2010

MILESTONES	PLANNED	COMPLETED / REVISED
1. Staff begins work on specifications/framework	APR 2010	✓
2. Council initiates framework adjustment	JUN 2010	✓
3. Council approves specifications/ framework	NOV 2010	
4. Staff submits specifications package to NMFS	DEC 2010	
5. Implementation	MAY 2011	

UPDATED: 15 SEP 2010

TIMELINE # 3

PROJECT MANAGER: Lori L. Steele

PROJECT TITLE: **2010-2012 Specifications**

OBJECTIVE: **Specifications for 2010-2012 fishing years using new stock assessment**

MILESTONES	PLANNED	COMPLETED / REVISED
1. TRAC Stock Assessment for Atlantic Herring	JUNE 2009	✓
2. Herring PDT works with SSC to develop recommendations re. ABC and address scientific uncertainty	JULY-SEPT 2009	✓
3. SSC reviews stock assessment results, PDT recommendations, and provides recommendations for ABC, etc. for 2010-2012 fishing years	AUGUST- SEPT 2009	✓
4. Committee, Advisory Panel, and PDT review stock assessment results and begin to draft options for ACLs and 2010-2012 fishery specifications	AUGUST- SEPT 2009	✓
5. Council reviews SSC recommendations (ABC), discusses fishery specifications (ACLs)	SEPT 2009	NOV 2009
6. Committee, Advisory Panel, and PDT work on options for ACLs; Committee (and ASMFC) develops recommendations for final 2010-2012 specifications	OCT-NOV 2009	✓
7. Council selects final 2010-2012 fishery specifications, approves research recommendations for 2011-2012	NOV 2009	✓
8. Staff submits specifications for 2010-2012 fishing years	DEC 2009	FEB 2010
9. Implementation of 2010-2012 specifications	MAY 2010	JUL 2010

PROJECT TITLE: **Herring Amendment 4**

OBJECTIVE: **Address MSRA requirements including ACL/AM provisions**

MILESTONES	PLANNED	COMPLETED
1. Committee, Advisory Panel, and PDT review stock assessment results and begin to draft options for ACLs	AUGUST- SEPT 2009	✓
2. Council addresses any outstanding issues re. Amendment 4 (ACLs/AMs)	SEPT 2009	✓
3. Committee, Advisory Panel, and PDT work on options for ACLs;	OCT-NOV 2009	✓
4. Council finalizes Amendment 4 (with ACLs/AMs)	JAN 2010	✓
5. Staff submits Amendment 4	FEB 2009	✓
6. Implementation	AUG 2010	NOV 2010

UPDATED: 15 SEP 2010

PROJECT TITLE: Herring Amendment 5

OBJECTIVE: Include all other elements originally in Amendment 4 but which could not be included because of time constraints

- Catch monitoring program for the herring fishery
- Measures to address river herring bycatch
- Measures to establish criteria for access to groundfish closed areas by midwater trawl vessels
- Measures to address interactions with the Atlantic mackerel fishery and bycatch concerns

MILESTONES	PLANNED	COMPLETED / REVISED
1. Herring Committee, PDT, and Advisory Panel continue development of alternatives for Amendment 5	JAN – MAY 2010	✓
2. Council approves Amendment 5 alternatives for analysis in DSEIS	JUN 2010	SEP 2010
3. Council approves Draft Amendment 5/DSEIS and public hearing document and selects preferred alternatives	SEP 2010	JAN 2011
4. Herring Amendment 5 Public Hearings	OCT/NOV 2010	FEB 2011
5. Council reviews public and advisor comments and O/S recommendations; approves final Amendment 5 measures	JAN 2011	JUN 2011
6. Staff submits Amendment 5	FEB 2011	JUL 2011
7. Amendment 5 Implementation	JUL/AUG 2011	FEB 2012

UPDATED: 15 JAN 2010

TIMELINE # 4

COUNCIL ACTION: Whiting (Small Mesh Multispecies) Amendment 19

OBJECTIVE: ACLs, AMs, Specifications for 2011, 2012 and 2013 (NO LIMITED ACCESS & NO DEIS)

STAFF PROJECT MANAGER: Andrew Applegate

TARGET COMPLETION DATE: OCT 2011

TARGET IMPLEMENTATION DATE: MAY 1, 2012

MILESTONES	PLANNED	COMPLETED / REVISED
1. Council receives results of whiting assessment	JAN 2011	
2. SSC recommends ABC	JAN-FEB 2011	
3. Council approves alternatives for analysis	APR 2011	
4. PDT prepares Draft Amendment	APR/MAY 2011	
5. Council approves Draft Amendment and selects preferred alternatives	JUN 2011	
6. Public hearings	AUG 2010	
7. Council approves final amendment measures	SEP 2011	
8. Staff submits final amendment to NMFS	OCT 2011	
9. Implementation	MAY 2012	

TIMELINE # 5

PROJECT MANAGER: Michelle Bachman

PROJECT TITLE: **Omnibus Habitat Amendment 2, Phases I & II** Designate EFH for all managed species, HAPCs as necessary, and minimize the adverse effects of fishing on EFH to the extent practicable in a consistent manner across all FMPs

MILESTONES	PLANNED	COMPLETED / REVISED
1. Council approves Phase I DEIS	JUN 2007	✓
2. Council approves Great South Channel Juvenile Cod HAPC	SEP 2007	✓
3. Council approves COMPLETED Canyon-area HAPCs	NOV 2007	✓
4. PDT develops vulnerability assessment, spatial model and gear effects model (SASI model)	DEC 2007 – FEB 2009	✓
5. SSC review of analysis tool (SASI model)	MAR 2009	✓
6. Committee and Council receive SSC review results	APR 2009	✓
7. PDT continues development of analysis tool (SASI model)	APR– OCT 2009	✓
8. Committee, AP and interested parties model review	OCT 2009	✓
9. Committee approves analysis tool for review by SSC	OCT2009	✓
10. SSC review of COMPLETED analysis tool (SASI model)	DEC 2009	✓
11. Council receives final SSC review results	JAN 2010	✓
12. Committee develops alternatives to minimize, to the extent practicable, adverse effects of fishing on EFH	OCT 2009 – JAN 2010	JUN-SEP 2010
13. PDT analyzes fishing impacts minimization alternatives	APR – JUN	JUN-SEP 2010
14. Advisory Panel reviews fishing impacts minimization alternatives	JULY, 2010	OCT 2010
15. Committee finalizes fishing impacts minimization alternatives for Council approval	JULY, 2010	OCT 2010
16. Council approves range of alternatives for analysis	APR 2010	NOV 2010
17. PDT finalizes analysis of alternatives		SEP-NOV 2010
18. Approves fishing impacts minimization alternatives, Omnibus 2 DEIS; public hearing document; select preferred alternatives	SEP 2010	NOV 2010
19. Staff submits Omnibus 2 EIS (combining EFH designation and impacts minimization alternatives)	OCT, 2010	DEC 2010-JAN 2011
20. NMFS publishes NOA, starts public hearings (45-day DSEIS comment period)	DEC 2010	FEB-MAR 2011
21. Public hearings, Omnibus 2 EIS	DEC 2010 – JAN 2011	MAR 2011
22. Council approves Omnibus 2 EIS	APR 2011	APR or JUN 2011
23. Staff submits Omnibus 2 FEIS	MAY 2011	
24. Implementation	SEP 2011	FEB 2012

UPDATED: 15 SEP 2010

TIMELINE # 6

COUNCIL ACTION: Monkfish Amendment 5

OBJECTIVE: ACLs, AMs, Specifications for 2011, 2012 and 2013

STAFF PROJECT MANAGER: Phil Haring

TARGET COMPLETION DATE: Aug 2010

TARGET IMPLEMENTATION DATE: May 1, 2011

MILESTONES	PLANNED	COMPLETED / REVISED
1. Staff begins work on amendment	JAN 2009	✓
2. Scoping meetings	MAR 2009	✓
3. AP, Committee develop alternatives for Council consideration	APR-MAY 2009	✓
4. Council approves alternatives for analysis in Draft Amendment	JUN 2009	✓
5. PDT prepares Draft Amendment	JUL– OCT 2009	✓
6. Council approves Draft Amendment/EA and selects preferred alternatives	NOV 2009	✓
7. Public hearings	JAN/FEB 2010	✓
8. AP, Committee review public comment, analysis, recommends final measures	FEB-MAR 2010	✓
9. Council approves final amendment measures	APR 2010	✓
10. Staff/PDT drafts Final EIS, RIR, IRFA, etc.	May 2010	✓
11. Council approves final document and draft regulations	JUN 2010	✓
12. Staff submits final amendment to NMFS, begin formal review	AUG 2010	SEP 2010
13. Implementation	MAY 2011	

COUNCIL ACTION: Monkfish Framework Adjustment 7

OBJECTIVE: Adjust specifications for Northern Monkfish Management Area for 2011, 2012 and 2013

STAFF PROJECT MANAGER: Phil Haring

TARGET COMPLETION DATE: FEB 2011

TARGET IMPLEMENTATION DATE: MAY 1, 2011

MILESTONES	PLANNED	COMPLETED / REVISED
1. Staff begins work on framework	SEP 2010	✓
2. Council initiates framework	SEP 2010	
3. Second framework meeting	NOV 2010	
4. Council approves framework	JAN 2011	
5. Staff submits final documents	FEB 2011	
6. Implementation	MAY 2011	

UPDATED: 15 SEP 2010

TIMELINE # 7

PROJECT MANAGER: Andrew Applegate

PROJECT TITLE: **Skate Amendment 3** - address overfishing of thorny & winter skates; ACLs & AMs for 2010 & 2011

TARGET COMPLETION DATE: May 2009

TARGET IMPLEMENTATION DATE: December 2009

MILESTONES	DATES	COMPLETED / REVISED
9. Council begins amendment	JAN 2007	✓
10. Scoping meetings	MAY 2007	✓
11. Council approves Amendment 3 alternatives for analysis in DSEIS;	JUN/SEP 2008	✓
12. Skate PDT prepares Draft Amendment 3 DEIS	JUL-SEP 2008	✓
13. Council approves Draft Amendment /DEIS	SEP 2008	✓
14. Public Hearings	OCT 2008	✓
15. Council approves final Amendment 3 measures	APR 2009	✓
16. Staff submits Amendment 3 documents	MAY 2009	✓
17. Staff / SSC update ABC		✓
18. Staff resubmits Amendment 3 documents		✓
19. SSC revises skate ABC		✓
20. Council approves revised ABC		✓
21. Staff submits final Amendment	MAY 2009	✓
22. Implementation	DEC 2009	✓

PROJECT MANAGER: Andrew Applegate

PROJECT TITLE: **Skate Annual Report**

TARGET COMPLETION DATE: June 2010

TARGET IMPLEMENTATION DATE: NA

MILESTONES	DATES	COMPLETED / REVISED
1. Council prepares report	MAY-JUN 2010	✓
2. Council receives report	JUN 2010	✓

TIMELINE # 8

COUNCIL ACTION: **Red Crab** Specifications for 2010

STAFF PROJECT MANAGER: Chris Kellogg

TARGET COMPLETION DATE: October 2009

TARGET IMPLEMENTATION DATE: March 1, 2010

The Council will complete specifications for 2010 following emergency action taken be NMFS to implement 2009 specifications.

MILESTONES	PLANNED	COMPLETED / REVISED
1. Work begins on specifications	JUL 2009	✓
2. SSC reports ABC recommendation to Council	SEP 2009	✓
3. Council approves specifications	NOV 2009	✓
4. Staff submits specifications to NMFS	JAN 2009	✓
5. Implementation	MAR 2010	✓

COUNCIL ACTION: **Red Crab Amendment 3** - ACLs, AMs, Specifications for 2011– 2012

STAFF PROJECT MANAGER: Chris Kellogg

TARGET COMPLETION DATE: October 2010

TARGET IMPLEMENTATION DATE: March 1, 2011

An EIS is not anticipated for this amendment since it will implement ACLs and AMs based on an ABC that already will have been established in the 2009 and 2010 specifications.

MILESTONES	PLANNED	COMPLETED / REVISED
1. SSC recommends ABC/ABC control rule	SEP 2009	✓
2. PDT begins work on amendment	OCT 2009	✓
3. Council approves alternatives for analysis	NOV 2009	✓
4. SSC recommends revised interim ABC		✓
5. Preparation of Draft Amendment	DEC–JAN 2010	✓
6. Council approves ABC including discards		✓
7. Public hearings	MAR 2010	✓
8. Council approves final amendment measures	APR 2010	SEP 2010
9. Staff submits final amendment to NMFS	JUN 2010	OCT 2010
10. Implementation	MAR 2011	

North Pacific Fishery Management Council

Eric A. Olson, Chairman
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June 30, 2010

Eric Schwab, Assistant Administrator for Fisheries
NOAA
1315 East-West Hwy
SSMC3, Rm 14636
Silver Spring, MD 20910

Dear Mr. Schwab:

We are writing to request the agency's help in order for the North Pacific Fishery Management Council (Council) and the NMFS Alaska Region to successfully restructure the North Pacific Groundfish Observer Program. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) has mandated management actions to minimize bycatch and waste, place limits on allowable annual catch, and has provided requirements associated with establishing limited access privilege programs (i.e., catch share programs) to limit fishing effort or access to fisheries. The implementation of these management objectives and others require timely, reliable, and scientifically valid information, as well as effective fisheries monitoring. The primary mechanism for collecting these data and monitoring our fisheries is through the deployment of trained fisheries observers. In the North Pacific, observers provide catch and bycatch information for quota monitoring and management of groundfish and prohibited species, biological data and samples for use in stock assessment analyses, information to document and reduce fishery interactions with protected marine resources, and information and samples used in marine ecosystem research.

The Federal groundfish observer program in Alaska is the oldest and largest observer program in the Nation and the only one whose direct costs of deploying observers are entirely funded by industry.¹ NMFS began placing observers on foreign fishing vessels operating off the northwest and Alaskan coasts in 1973, creating the North Pacific Foreign Fisheries Observer Program. The program greatly expanded in 1976 with the passage of the MSA, which mandated observer coverage on foreign-flagged vessels and processors operating in the U.S. By the late 1970s, American fishermen began entering the North Pacific groundfish fisheries that were previously pursued by foreign vessels, first as joint-ventures with foreign processing ships and later through the development of a domestic processing industry. By 1991, all foreign operations and joint-venture processing operations off Alaska were ended.

The North Pacific Fishery Management Council recognized the continued need for observers in the North Pacific groundfish fisheries to monitor catch and bycatch as the industry shifted from foreign to domestic vessels. In 1989, the Council developed the current domestic observer program and established observer coverage requirements for vessels and processors, which largely remain in place today. With the exception of vessels <60' length overall, all Federal commercial groundfish fisheries off Alaska are subject to observer coverage requirements and pay observer companies directly for observers to meet

¹The only other fisheries with industry funding of observers are the offshore component of the West Coast Pacific hake fishery and the Atlantic scallop fishery. However, over 90 percent of the industry funding for observer programs is attributed to the North Pacific groundfish fisheries (Source: NMFS, 2009. National Observer Program Annual Report 2008, U.S. Department of Commerce, NOAA, NMFS, Silver Spring, MD.)

ENCLOSURE (3)

regulated levels of coverage. These regulations generally establish observer coverage levels for vessels based on vessel length, and for processors based on monthly processing volume. Specific, higher coverage requirements have been adopted for vessels and processors operating in catch share programs such as the American Fisheries Act (AFA) Bering Sea pollock fishery, the Community Development Quota (CDQ) Program in the Bering Sea and Aleutian Islands (BSAI), the BSAI Amendment 80 flatfish and Pacific cod fisheries, and the Rockfish Pilot Program in the Gulf of Alaska. The vessels and processors participating in these programs must carry either one or two observers at all times, depending upon the vessel and the program. The vast majority of observer deployment days in the North Pacific are on vessels and in processors operating under catch share programs in the BSAI.

Under the current program, NMFS provides operational oversight, certification training, definition of observer sampling duties and methods, debriefing of observers, and management of the data. While the costs associated with managing the program are paid for by the Federal government, the vessel and plant owners pay for the entire cost of observers (on a daily basis) through contracts with private observer companies. In 2008, NMFS paid approximately \$5.4 million toward the costs of operating the North Pacific Groundfish Observer Program.² Industry paid approximately \$14.4 million, or 73 percent of the total cost.³ This funded more than 39,000 observer days in 2008, more than half the observer days across the U.S.

This approach has provided the Council and NMFS with the tools to successfully manage the Nation's largest groundfish fisheries for more than 20 years. However, despite what is considered a very successful record of management in the North Pacific due in part to data gathered by observers, NMFS and the Council are currently working toward restructuring the Observer Program such that NMFS would contract directly with observer companies and deploy observers according to a scientifically valid sample design. The design of the new program would serve to reduce sources of bias that jeopardize the statistical reliability of catch and bycatch data, which can occur under a program in which NMFS does not control when and where observers are deployed in fisheries that are not required to carry an observer 100 percent of their fishing days. In addition, the new program would include the commercial halibut sector and the <60' groundfish sector, neither of which are subject to observer requirements under the existing program. The new program is proposed to be supported by an industry fee based on the ex-vessel value of the landings, and/or a daily fee based on actual observer costs, as authorized under Section 313 of the MSA. This action is important to improve the North Pacific observer data for NOAA and the Council, and it would address a longstanding recommendation of the Department of Commerce Inspector General. The Council needs NOAA's help in moving this action forward.

The Council reviewed an initial review draft analysis of the proposed action at its June 2010 meeting, and upon review, approved a motion to request Federal funds from NOAA for start-up funding to implement a restructured observer program in the North Pacific, as well as an annual appropriation of up to 50 percent of the cost of placing observers in any catch share program fisheries. The Council's June 2010 motion in entirety is included as Attachment 1.

The Council is aware that the majority of other regional observer programs are funded through appropriations from Congress, and that more than \$33 million in Federal funding was provided across all regions in 2008. As stated previously, the North Pacific groundfish observer program typically receives just over \$5 million in Federal funds to cover agency expenses associated with training, debriefing, and supporting observers in the field, as well as costs associated with data quality control, management, and

² NMFS, 2009. National Observer Program Annual Report 2008, U.S. Department of Commerce, NOAA, NMFS, Silver Spring, MD, 32 pp.

³ Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Amendment 86 to the BSAI FMP and Amendment 76 to the GOA FMP: Restructuring the program for observer procurement and deployment in the North Pacific, June 2010. NPFMC, NMFS, p. 77.

analysis. The North Pacific groundfish industry pays the remaining \$13 million to \$15 million to cover the actual costs of deploying observers, including travel, accommodations, and insurance. In total, Federal funds typically represent about 25% - 30% of the total program costs.

For comparison purposes, the North Pacific costs can be compared to the costs of other observer programs in the U.S. that are Federally funded. For example, the Northwest Region observer program that monitors groundfish vessels fishing off the coast of Washington, Oregon, and California received about \$5.2 million in funding in 2008, with an additional \$390k in industry funding (i.e., 93% Federally funded). A total of 4,596 sea days was observed.⁴ The Northeast Observer Program received a total of approximately \$11.8 million in program funding in 2008, with an additional \$2.3 million paid by the fishing industry to observe the Atlantic sea scallop fishery (i.e., 84% Federally funded). Over 13,000 sea days were observed in total.⁵ The remaining regional observer programs are 100% Federally funded.

The Council is aware that NOAA is proposing \$54 million in catch share funding for FY 2011, a significant portion of which will fund observer programs in fisheries managed under catch share programs other than the North Pacific. As the majority of our fisheries are managed under catch share programs, the examples highlight a disparity in Federal funding to the various regions of NMFS in support of Observer Programs in general, and catch share programs specifically. It is unclear why the North Pacific industry bears the burden of paying for observer coverage, while other NMFS regions are heavily, and in some cases completely, subsidized by the Federal government.

Upon review of the proposed action to restructure the existing North Pacific observer program for the groundfish and halibut fisheries, the Council was provided with the associated start-up costs and annual costs estimated for the alternatives under consideration. The total annual cost of a restructured observer program, which includes both the groundfish and halibut fisheries, is estimated to range from \$19.4 million - \$22.7 million, depending upon the alternative. In addition to the catch share programs currently subject to observer requirements outlined previously, vessels and processors participating in the halibut and sablefish catch share program would also be part of the new program.

Estimated costs of a restructured observer program in the North Pacific

Summary of costs	Alternative 1 (status quo)	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Start-up costs generated through industry fees	n/a	\$2.3	\$2.2	\$17.7	\$17.7
# of years to generate start-up funding through industry fees	n/a	0.3	0.5	3.6	9.9
Total annual estimated cost in millions ¹ (based on # of observer days in 2008)	\$14.4 m	\$19.4	\$19.8	\$22.7	\$19.5
# of annual observer days funded	39,300	50,600	50,400	50,400	43,300

Source: Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Amendment 86 to the BSAI FMP and Amendment 76 to the GOA FMP, June 2010. NPFMC, NMFS.

¹These estimates are based on the cost of the direct deployment of an observer, including travel, accommodations, and insurance, which is the portion of the cost incurred by industry in the North Pacific. They do not include the expenses typically incurred by NMFS to provide operational oversight, observer training, definition of observer sampling duties and methods, debriefing of observers, and management of the data.

Note: The estimates under Alternatives 2- 5 are based on the estimated average daily observer deployment cost of \$450/day for those sectors included under a contracted model, in which NMFS contracts directly with observer companies, and \$366/day for those sectors that remain under the regulated model, in which industry contracts directly with observer companies.

⁴NMFS, 2009. National Observer Program Annual Report 2008, U.S. Department of Commerce, NOAA, NMFS, Silver Spring, MD, p. 12.

⁵NMFS, 2009. National Observer Program Annual Report 2008, U.S. Department of Commerce, NOAA, NMFS, Silver Spring, MD, p. 16.

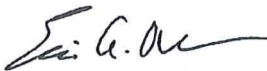
Under all of the alternatives, NMFS would enter into direct contracts with observer companies to varying extents. Thus, start-up funds would need to be available to NMFS to move from the existing program structure to the new, contracted model, as NMFS cannot assign contractual task orders without having funds available. The table above indicates that start-up costs range from \$2.2 million to \$17.7 million, depending upon the alternative selected. Lacking Federal start-up funds, NMFS would need to collect sufficient fees from industry in addition to existing observer expenses in a given year or years, in order to build up the funds necessary to issue task orders in the first year of a new program. The table provides an example of start-up and annual costs, the number of years it would take to generate sufficient start-up funds, and the number of observer days that could be funded under the construct of the alternatives.

Given that the management of the nation's fisheries is substantially dependent upon the deployment of at-sea observers to collect reliable information about catch and bycatch, and that movement toward a new observer program in the North Pacific would require funding beyond existing observer expenses prior to implementation, the Council strongly encourages NOAA to provide start-up funding to ensure a rapid transition to a restructured program. This would represent one-time funding to initiate the transition from the status quo to a restructured observer program.

The Council also requests that NOAA provide for an ongoing annual appropriation of up to 50 percent of the cost of placing observers in any catch share program fisheries. This action would help to resolve the current inconsistencies in catch share funding within NMFS. We would like to achieve a more equitable balance between NMFS and industry funding applied across the NMFS regions.

Please consider these requests in your future budget formulations, specifically in FY 2012 for purposes of the start-up funding request, as the Council continues to support moving forward with efforts to improve the North Pacific observer program to better meet evolving data and management needs. The Council is scheduled to take final action at its October meeting in Anchorage, Alaska, on this critically important restructuring program, and it would be helpful to understand whether NOAA intends to include our proposed funding in its future budget formulation. Please contact me, or our Executive Director, Mr. Chris Oliver, if you have any questions in this regard.

Sincerely,



Eric Olson
Chairman,
North Pacific Fishery Management Council

cc: Dr. Jane Lubchenco
Dr. Jim Balsiger
Dr. Douglas DeMaster
Mr. Martin Loefflad
Ms. Sue Salveson
Ms. Lisa Lindeman

Mr. Arne Fuglvog
Mr. Bob King
Mr. Dave Whaley



New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

September 15, 2010

Dr. Nancy Thompson
Science Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

Dear Nancy:

This letter is related to the administration of the Scallop Research Set-Aside program (RSA). Concerns have been raised about the timing and administration of this program at recent public meetings. The New England Council's Executive Committee met this week and directed this letter be sent so the NEFMC can better understand what the potential constraints on the program may be.

As you know the Scallop RSA program is an integral reason why scallop area rotation and the FMP overall is so successful and effective. Dozens of projects have been funded over the years that have provided outstanding results that have directly improved management decisions about scallop biology and abundance, bycatch, EFH, and other topics. Despite all the successes, there are issues with the program.

The Council has been aware of these issues for several years, and that is why Amendment 15 to the Scallop FMP included measures designed to make the program more effective. Some of the measures under consideration could help with particular aspects of the program, but the major issues with the current program actually seem to be administrative and staff resource related – issues that cannot be addressed through a Council action.

Making awards in a timely fashion has always been a challenge for the program because of the multiple steps needed to award a federal grant. We recognize that there are numerous stages of review and legal approval that need to take place and getting that all done quickly is virtually impossible. For the last two years the Agency decided to send out announcements for funding earlier than usual to hopefully provide more time for review and approval of projects. Everyone hoped this would give more time for review and fix most of the timing issues – but it has not. Awards have been made later for the last two years than ever before, and the Council is concerned that the effectiveness of the program is being jeopardized.

ENCLOSURE (4)

Below is a summary of what seemed to occur this year. Staff has filled in dates that we are aware of, but I request that you provide any outstanding dates or correct any that are not accurate. If the RSA timeline is more transparent the Council will have a better understanding of what the constraints are and potentially help identify where major stumbling blocks are so that improvements can hopefully be made.

2010 RSA Timeline

- 2010 RSA announcement – July 16, 2009
- Deadline for Applications – August 31, 2009
- Review of proposals – *3 months or so?*
- Management Review Meeting – December 10, 2009
- Selection of projects - *April 2010?*
- Negotiations with selected projects - *May 2010?*
- Negotiated final budgets due to NMFS – mid-May 2010
- Final packages arrive at NOAA grants – mid-July 2010
- Official awards made – *mid-August 2010?*
- Process for any specific LOAs required– ?
- February 29, 2011 - deadline when all RSA compensation fishing must take place

While the timeline is not complete, it is clear that certain milestones are taking substantial amounts of time and the Council would like to know more about why that is happening. For example, it seems that the time between the Management Review meeting (December 2009) and the final selection of projects (April 2010) was four months. In addition, there seems to be a two month period between when final budgets were due to NMFS from researchers and when projects were sent to NOAA grants (mid-May 2010 to mid-July 2010). What are the primary reasons for these extended time periods? Are there any feasible ways to reduce them?

I also wanted to make a point about the 2011 Scallop RSA timeline. The 2011 RSA Funding Announcement was published on July 16, 2010 with a deadline of August 30, 2010. The Council supports having early announcements to provide for more review time, but in this case the 2011 announcement came out before 2010 final awards were made. This situation is difficult for researchers to apply for grants when the status of current grants is still unknown. Furthermore, it may be beneficial to make the deadline slightly later in the future, September sometime, so researchers can benefit from early PDT discussions about what likely management scenarios are for the future years (i.e. which access areas should be surveyed based on updated biomass projections).

Part of this situation could be that the RSA Program is not fully aware of the deadlines and management constraints placed on these awards. Typically, the PDT sets a deadline of August 1 for all scallop biomass survey results. Research takes place in the late spring or early summer and results must be available for the PDT by August 1. This provides several weeks for the PDT to combine all the surveys, review the results, and present ABC recommendations to the SSC by late August. This timing is critical so that there is time to develop management scenarios and analyses for the framework action in September and October before final action in November. If survey data are not available before August 1 the “up-to-date” biomass surveys the Council has come to depend on may no longer be feasible under the current system.

In addition, it is critical that awards are made earlier in the year because there are other constraints on the vessels that participate in research in terms of when and where they can harvest compensation fishing. The most obvious example is the 2 month seasonal closure in the ETA and Delmarva to protect sea turtles. No compensation fishing can occur during September and October when the area is closed – so if awards are not made well before these closures vessels have to wait until November and only have until the end of February to complete their fishing. Winter months are not ideal for fishing because scallop meat weights are less and weather conditions are less favorable.

In summary, the results of Scallop RSA projects are essential for “real-time” management of rotational areas; research has to be conducted well before the Council needs the results (August 1); and there are other management constraints the RSA review team should be aware of in terms of when compensation fishing can actually take place. Please explain the current RSA timeline and let us know if there are specific resource constraints and/or conflicting priorities that may be hampering the effectiveness of the Scallop RSA program. The Council is aware that the timely administration of the Scallop RSA program is a great challenge. I look forward to working with you to address these issues because this program is critical for the continued success of the scallop management program and fishery.

Sincerely,

A handwritten signature in cursive script that reads "Paul".

Paul J. Howard
Executive Director



New England Fishery Management Council

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MEMORANDUM

DATE: September 13, 2010
TO: Council
FROM: Paul Howard
SUBJECT: Skate accountability measure triggered

As a component of Final Amendment 3 to the Skate FMP, the Council approved an in-season accountability measure (AM) to prevent vessels from targeting skates for the wing market (i.e. large, primarily winter skates) when skate wing landings reached 80% of the approved total allowable landings (TAL). The AM triggers a reduction in the skate wing possession limit from 5,000 lbs. of wings to 500 lbs. of wings (1,135 lbs. whole). At the end of August, the NMFS determined that this landings threshold had been reached and reduced the skate wing possession limit to 500 lbs. effective September 3, 2010 until May 1, 2011.

- During the debate on how the Council should respond to the early closure of the skate wing fishery, the Council should consider the following points:
- The Council approved Final Amendment 3 in November 2009 with a 6,269 mt skate wing TAL (52% less than CY 2009 wing landings) and a 1,900 lbs. skate wing possession limit. The document was submitted and NMFS published a proposed rule in January 2010 for implementation on May 1, 2010. NMFS delayed implementation of the amendment measures to allow for late changes in the ABC and a higher skate wing possession limit. The final rule became effective on July 16, 2010, with landings from the entire fishing year to apply to the increased 2010 ABC.
- Assessments, ACL specifications, and TAL monitoring are all calculated in whole weight, estimated to be 2.27 times higher than the landings of wings. No conversion is necessary for skate bait landings which are landed whole.

- The amendment includes a two-year specification process, chosen in part because such a schedule would allow for the analysis of a year's data under the previous cycle's management specifications to estimate the effects of recent management. As presently scheduled, by June 2011, the Skate PDT will prepare a SAFE Report using data through 2010, with specification recommendations for the 2012 and 2013 fishing years. If the deadline is moved up, it will be impossible to estimate discards or quantify the effects of sector management in 2010.
- The SSC approved the skate complex Acceptable Biological Catch (ABC) and a 75% buffer for scientific and management uncertainty in September 2009. The 30,463 mt ABC and associated TALs (Table 1) in the final amendment document submission were based on 2005-2007 survey values, 2005-2007 discards estimates, and a peer reviewed assessment from the Data Poor Assessment Workshop conducted in December 2008. Survey data for 2008 was available at the September 2009 SSC meeting when it approved the ABC, but the application of the 2008 survey data to the Skate ABC specification had not been peer-reviewed and was rejected by the SSC.
- Following the submission of the final amendment in November 2009, the SSC agenda allowed for an update review of the skate ABC calculations using the 2008 survey data collected on the RV Albatross. The data were examined and analyzed in considerable detail by the PDT, because the 2008 winter skate biomass index seemed anomalously high (increasing from 3.71 to 9.50 kg/tow). The PDT determined that most of the biomass increase had been derived from medium and large fish, potentially from a migratory event similar to one seen in the early 1980s. In February 2010, the SSC approved an increase in the skate ABC from 30,643 mt to 41,080 mt for the 2010-2011 specification (Table 2).
- Data from the 2009 survey collected aboard the RV Bigelow were available during the SSC review and ABC update, but new calibration coefficients had not yet been applied in an assessment context. When comparing the 2008 Albatross to the 2009 Bigelow winter skate catch at size¹, it seemed apparent that the relative catchability of winter skate between the two surveys varied by size. Length based skate calibration coefficients were not as of then developed and have not been peer-reviewed in an assessment.
- At its June 2010 meeting, the Council approved the increase of the ABC and an increase in the skate wing TAL from 6,269 to 9,209 mt (29% less than CY 2009 landings of 13,021 mt), using an updated discard estimate for 2007-2009 (Table 2). Discards are estimated and assumed to apply to the 2010 and 2011 fishing years. Actual results may vary and would be addressed by the post-season accountability measures.
- Discard mortality is estimated to comprise 54% of the total catch and was estimated to be 22,526 mt, most of it from vessels using otter trawl (estimates are made by gear, not fishery). The Council assumed that the estimated discard rate for 2007-2009

¹ This analysis was really conducted to evaluate the permanence of the unexpectedly high amounts of medium and large winter skates first observed in the 2008 survey data.

would apply to the 2010 and 2011 fishing years, and it represents a 29% reduction from the 22,526 mt discard estimate for 2009 (Table 3).

- The PDT had also re-estimated the effect of a wide range of potential possession limits using 2009 fishery data (updated from 2007 in the final amendment document). This analysis accounted for additional discards that would be expected from a skate wing possession limit and determined that a 3,100 lbs. limit would allow the fishery to continue through the entire fishing year. However, the objective of the skate wing possession limit was equivocal with respect to keeping catch below the ABC, so other limits could also meet that objective rather than simply keeping the landings below the TAL. The PDT therefore provided the relative pros and cons of various skate wing possession limits from 2,600 to 5,000 lbs., one of which was that the higher limits would promote an earlier fishery closure and higher amounts of skates being discarded. Industry, of course, advocated the adoption of the 5,000 lbs. skate wing possession limit, because lower amounts would make it more difficult to supply markets.
- The Council approved the increase in the skate wing and skate bait TALs for the 2010 and 2011 fishing years, with an increase in the skate wing possession limit from 1,900 to 5,000 lbs. of skate wings. NMFS made these adjustments in the final rule, relying on the updated survey indices from 2006-2008 and updated discard estimates for 2007-2009, coupled with the PDT's new analysis of the skate wing possession limit using 2009 fishery data.
- The Amendment 3 EIS qualitatively evaluated the potential cumulative effect of sector management of Amendment 16, which suggested that the disassociation of Multispecies DAS from groundfish allocations could liberate DAS to be used by sector vessels to target skates. More importantly, the annual monitoring report prepared by the Skate PDT in June 2010 elaborates this qualitative evaluation as written below. It is unlikely that much quantitative analysis can be done at this time until the sector data become available for analysis and the effects through at least the calendar year can be measured. These data typically become available in February or March.

Quoted from the 2010 Skate Annual Monitoring report:

“Among other things, Amendment 16 decreases the allocation of Category A DAS by 50% and allows greater participation in groundfish sectors, a program where vessel associations may fish for groundfish while being exempt from specific multispecies regulations, most often DAS limits. About half of the vessels with limited access multispecies permits have enrolled in one of the sectors. This disassociation with DAS management and potential transfer of groundfish effort among sector vessels could increase the availability of Category A DAS to fish for skates. The table below shows that most of the skate landings were made by vessels operating on a Category A DAS, but it is unclear how much of those landings were from trips targeting skates as opposed to trips targeting groundfish. In any case, a greater fraction of those Category A DAS might be used by sector vessels to target

skates, rather than groundfish. This potential has so far failed to materialize through May 27, 2010.

This potential increase in skate (and also monkfish and whiting) fishing by sector enrolled vessels may be offset by three other actions (see Section 7.7.7 of Amendment 16 for more detail). First, it is thought that sector vessels targeting groundfish will do so more efficiently and therefore potentially have less skate bycatch. This outcome and how it affects the various species of skates will of course depend on where and when fishing occurs under the new sector rules. A second factor is that Amendment 16 includes a 50% reduction in Category A DAS allocations for vessels enrolled in the common pool, governed by DAS restrictions. There were 286 active multispecies vessels that in January 2010 were not sector-enrolled and would be subject to the DAS restrictions, compared with 453 active vessels (and 359 inactive) sector vessels. It is unknown how many of the 359 inactive sector vessels fished for skates in 2009. A third factor is that Skate FMP Amendment 3 prohibits the use of Multispecies Category B DAS to target skates, although for reasons that are not as valid as they once were. This measure could reduce skate landings, particularly compared to the spike in landings observed in 2007.”

- Skate wing landings for sector and common pool vessels using trawls and gillnets increased year-over-year (fishing year) by 52 and 79 percent, respectively, before Amendment 3 implementation comparing 2010 to 2009 (Table 4). Regulated groundfish landings decreased by 16 percent for sector vessels and increased by 6% for common pool vessels during the same period before Amendment 3 implementation.
- After Amendment 3 implementation (until September 10) and under the 5,000 lb. skate wing possession limit, skate wing landings increased by 7% for sector vessels and decreased 7% for non-sector vessels (Table 5). Regulated groundfish landings decreased by 43 and 32 percent for sector and common pool vessels during the same period since Amendment 3 implementation.
- The skate wing landings of sector and common pool vessels increased considerably year over year before the implementation of Amendment 3. The increase seems to have more to do with derby style behavior and/or possible increases in commercial skate catch, rather than sector management. Note also that skate bait landings for common pool vessels nearly doubled in this period, too, while skate bait landings by sector vessels declined.
- The year over year skate landings after the Amendment 3 implementation date (July 3) did not decrease year over year, even with the lower 5,000 skate wing possession limit. This could be due to increases in the use of DAS to target skates (although monkfish landings which also require DAS use declined year-over-year) and/or increases in skate catches by the commercial fishery.
- Staff is currently working on hake analyses (for the assessment and the SAFE Report) and preparing to develop an amendment implementing ACLs and AMs in the spring of 2011. NMFS staff on the Skate PDT is also tasked to the hake assessment for the

next few months. Resources diverted to skate issues could detract from the planned hake amendment or other Council priorities.

- The annual value of hake landings was \$9.0 million in 2009. The value of the skate wing fishery landings in 2009 was \$7.0 million. Implementation of ACLs for all managed stocks is required by May 1, 2011.

Table 1. Revised (final rule) skate specifications for 2010 and 2011 fishing years.

ABC	41,080 mt	Wing fishery possession limit	5,000 lbs. skate wings (11,350 lbs. whole weight)
ACT (75% of ABC)	30,810 mt	Wing fishery TAL trigger	80% of wing fishery TAL
TAL (assuming 53.7% discard rate)	14,772 mt	Bait fishery possession limit with a Letter of Authorization	20,000 lbs. whole weight
State waters catch	924 mt	Bait fishery TAL trigger	90% of bait fishery TAL
Wing fishery TAL	9,209 mt	Bait fishery quotas	
Bait fishery TAL	4,639 mt	May 1 – Jul 31	1,429 mt
		Aug 1 – Oct 31	1,721 mt
		Nov 1 – Apr 30	1,489 mt + any remaining from periods 1 & 2

Table 2. Comparison of Amendment 3 specifications to 2009 landings and discards.

Allocation	Source	Amendment 3	Final rule	2009	Change from 2009
ABC	OFL	30,643	41,080	NA	
ACT	Uncertainty	22,982	30,810	NA	
Discards ²	Mortality	12,866	16,038		
TAL	Limit	10,116	14,772	22,526	-29%
Landings	State waters	689	924	6,097 ³	
Landings	Wing	6,269	9,209	9,647	-29% ⁴
Landings	Bait	3,158	4,639	2,373	-9% ⁴

Table 3. Discard estimates (mt) by gear type. Source data from 2010 Annual Monitoring Report for skates.

Year	Line trawl	Otter trawl	Scallop dredge	Shrimp trawl	Sink gillnet	Grand Total
2008	89	11,574	5,121	1	1,012	17,796
2009	247	20,143	1,533	1	603	22,526

² Estimated discard rate for 2007-2009 assumed to apply to 2010-2011 allocations.

³ Includes Federal vessels fishing in state waters that would be counted against the Federal TAL. Wings: 3,374 mt; Bait 2,733 mt for all vessels in state waters.

⁴ Includes state waters

Table 4. Landings by fleet and market category for vessels fishing with trawls and gillnets, comparing the period May 1, 2009 to July 15, 2009 to the period May 1, 2010 to July 15, 2010 (the day before Amendment 3 implementation).

Year	Market group	Data	Fleet assignment			Total
			Sector	Inactive	Common Pool	
2009	1. Skate Wings	Landings, whole lbs.	3,583,606	94,021	2,180,492	5,858,119
		Value.	\$468,758	\$15,564	\$280,812	\$765,134
	2. Skate Bait	Landings, whole lbs.	1,429,253	46,304	863,784	2,339,341
		Value.	\$119,827	\$3,709	\$90,907	\$214,443
	3. Monkfish	Landings, whole lbs.	1,844,441	47,341	2,863,015	4,754,797
		Value.	\$1,647,650	\$40,218	\$2,755,085	\$4,442,953
	4. Small mesh groundfish	Landings, whole lbs.	1,803,311	288,859	1,167,391	3,259,561
		Value.	\$717,687	\$110,989	\$478,710	\$1,307,386
	5. Other species	Landings, whole lbs.	5,426,022	685,574	25,714,033	31,825,629
		Value.	\$3,958,307	\$477,811	\$11,964,118	\$16,400,236
	6. Regulated groundfish	Landings, whole lbs.	11,284,055	720,679	897,305	12,902,039
		Value.	\$10,530,364	\$782,570	\$1,008,539	\$12,321,473
Total		Landings, whole lbs.	25,370,688	1,882,778	33,686,020	60,939,486
		Value.	\$17,442,593	\$1,430,861	\$16,578,171	\$35,451,625
2010	1. Skate Wings	Landings, whole lbs.	5,464,928	17,077	3,913,184	9,395,189
		Value.	\$746,083	\$2,679	\$562,407	\$1,311,169
	2. Skate Bait	Landings, whole lbs.	1,291,809	41,771	1,672,854	3,006,434
		Value.	\$163,561	\$5,462	\$194,060	\$363,083
	3. Monkfish	Landings, whole lbs.	1,398,682	5,754	2,157,166	3,561,602
		Value.	\$1,483,563	\$5,822	\$2,568,897	\$4,058,282
	4. Small mesh groundfish	Landings, whole lbs.	2,823,558	228,850	711,677	3,764,085
		Value.	\$1,610,855	\$118,275	\$370,496	\$2,099,626
	5. Other species	Landings, whole lbs.	4,752,355	413,311	25,787,341	30,953,007
		Value.	\$4,175,163	\$268,443	\$13,919,429	\$18,363,035
	6. Regulated groundfish	Landings, whole lbs.	9,515,436	112,372	954,198	10,582,006
		Value.	\$12,007,390	\$123,973	\$1,356,964	\$13,488,327
Total		Landings, whole lbs.	25,246,768	819,135	35,196,420	61,262,323
		Value.	\$20,186,615	\$524,654	\$18,972,253	\$39,683,522
YOY change	1. Skate Wings	Landings, whole lbs.	52%	-82%	79%	60%
		Value.	59%	-83%	100%	71%
	2. Skate Bait	Landings, whole lbs.	-10%	-10%	94%	29%
		Value.	36%	47%	113%	69%
	3. Monkfish	Landings, whole lbs.	-24%	-88%	-25%	-25%
		Value.	-10%	-86%	-7%	-9%
	4. Small mesh groundfish	Landings, whole lbs.	57%	-21%	-39%	15%
		Value.	124%	7%	-23%	61%
	5. Other species	Landings, whole lbs.	-12%	-40%	0%	-3%
		Value.	5%	-44%	16%	12%
	6. Regulated groundfish	Landings, whole lbs.	-16%	-84%	6%	-18%
		Value.	14%	-84%	35%	9%
Total		Landings, whole lbs.	0%	-56%	4%	1%
		Value.	16%	-63%	14%	12%

Table 5. Landings by fleet and market category for vessels fishing with trawls and gillnets, comparing the period July 16, 2009 to September 10, 2009 to the period July 16, 2010 (Amendment 3 implementation) to September 10, 2010.

Year	Market group	Data	Fleet assignment			Total
			Sector	Inactive	Common Pool	
2009	1. Skate Wings	Landings, whole lbs.	3,536,843	55,138	210,525	3,802,506
		Value.	\$561,846	\$10,746	\$29,873	\$602,465
	2. Skate Bait	Landings, whole lbs.	1,575,991		787,624	2,363,615
		Value.	\$132,704		\$85,955	\$218,659
	3. Monkfish	Landings, whole lbs.	784,718	17,415	277,027	1,079,160
		Value.	\$773,221	\$17,019	\$283,123	\$1,073,363
	4. Small mesh groundfish	Landings, whole lbs.	1,863,182	120,961	383,005	2,367,148
		Value.	\$639,381	\$47,930	\$170,325	\$857,636
	5. Other species	Landings, whole lbs.	7,572,010	1,453,906	27,737,272	36,763,188
		Value.	\$3,844,441	\$588,143	\$12,155,357	\$16,587,941
	6. Regulated groundfish	Landings, whole lbs.	9,360,178	605,466	545,771	10,511,415
		Value.	\$8,670,678	\$644,297	\$534,844	\$9,849,819
	Total	Landings, whole lbs.	24,692,922	2,252,886	29,941,224	56,867,032
		Value.	\$14,622,271	\$1,308,135	\$13,259,477	\$29,189,883
2010	1. Skate Wings	Landings, whole lbs.	3,784,960	223	195,876	3,981,059
		Value.	\$699,895	\$60	\$30,540	\$730,495
	2. Skate Bait	Landings, whole lbs.	896,090		924,239	1,820,329
		Value.	\$93,712		\$107,084	\$200,796
	3. Monkfish	Landings, whole lbs.	761,839	2,677	145,910	910,426
		Value.	\$835,700	\$3,019	\$137,252	\$975,971
	4. Small mesh groundfish	Landings, whole lbs.	2,831,245	46,980	351,214	3,229,439
		Value.	\$1,600,134	\$26,011	\$182,005	\$1,808,150
	5. Other species	Landings, whole lbs.	3,910,875	1,107,519	20,752,249	25,770,643
		Value.	\$2,411,184	\$352,481	\$12,773,814	\$15,537,479
	6. Regulated groundfish	Landings, whole lbs.	5,288,572	97,914	369,011	5,755,497
		Value.	\$6,717,202	\$115,684	\$557,187	\$7,390,073
	Total	Landings, whole lbs.	17,473,581	1,255,313	22,738,499	41,467,393
		Value.	\$12,357,827	\$497,255	\$13,787,882	\$26,642,964
YOY change	1. Skate Wings	Landings, whole lbs.	7%	-100%	-7%	5%
		Value.	25%	-99%	2%	21%
	2. Skate Bait	Landings, whole lbs.	-43%		17%	-23%
		Value.	-29%		25%	-8%
	3. Monkfish	Landings, whole lbs.	-3%	-85%	-47%	-16%
		Value.	8%	-82%	-52%	-9%
	4. Small mesh groundfish	Landings, whole lbs.	52%	-61%	-8%	36%
		Value.	150%	-46%	7%	111%
	5. Other species	Landings, whole lbs.	-48%	-24%	-25%	-30%
		Value.	-37%	-40%	5%	-6%
	6. Regulated groundfish	Landings, whole lbs.	-43%	-84%	-32%	-45%
		Value.	-23%	-82%	4%	-25%
	Total	Landings, whole lbs.	-29%	-44%	-24%	-27%
		Value.	-15%	-62%	4%	-9%