

NORTHEAST SEAFOOD COALITION

June 17, 2005

TO: Frank Blount
Chairman,
New England Fishery Management Council

From: Jackie Odell,
Executive Director

RE: June 2005 Meeting

The Northeast Seafood Coalition (NSC) greatly appreciates the opportunity to provide input to the Council with respect to the following three issues:

- (1) The need to ensure that post-Amendment 13 data is used in the Biennial Review to evaluate the effectiveness of Amendment 13 management measures in achieving the fishing mortality rate targets for each stock set forth in Amendment 13.
- (2) The Groundfish Committee recommendation for an analysis of modifications to certain rolling closures for protecting spawning GOM cod, consistent with Amendment 13 fishing mortality rate objectives.
- (3) The Groundfish Committee recommendation to reduce both the minimum fish size of haddock and the minimum cod end mesh-size in certain haddock fisheries.

(1) Use of Amendment 13 Data in Biennial Review

- A fundamental purpose of the biennial review is to evaluate the effectiveness of Amendment 13 management measures in achieving the fishing mortality rate targets for each stock set forth in Amendment 13.
- However, the 2005 Groundfish Assessment Update is likely to produce estimates of fishing mortality rates that are higher than those actually achieved by the Amendment 13 management measures.
- This is because the terms of reference for the 2005 Groundfish Assessment Update are based on the use of calendar year data and so the Update will include a combination of fishing mortality data from both before and after the Amendment 13 management measures were implemented (May 1, 2004). Prior to implementation of Amendment 13, fishing mortality rates were intentionally designed to be higher under the Interim Rule to implement Judge Kessler's Order.

- Consequently, it will be impossible for the Council to use such a calendar year analysis to properly evaluate if and how to modify the current Amendment 13 management measures as necessary to achieve the Amendment 13 fishing mortality rate targets.
- To reiterate, one of the most important questions facing the Council in its biennial review is: **Are the Amendment 13 management measures effective in achieving their fishing mortality rate objectives?** This question cannot be properly answered if the analyses are substantially based on fishing mortality rate data that preceded Amendment 13 implementation.
- **NSC urges the Council to specifically request the Groundfish PDT to conduct an analysis that is based on the Groundfish Assessment Update results but that also provides the true fishing mortality rates achieved by the Amendment 13 management measures.**
- NSC greatly appreciates that the Groundfish PDT has clearly recognized the need to address this issue in their recent Memorandum to the Council dated June 6, 2005, on the subject of “Preliminary Landing Statistics”.
- This PDT Memorandum also correctly points out that these preliminary landing statistics alone are not the only factors that influence the calculation of fishing mortality rates for these stocks. Other important parameters yet to be measured including age composition, fishery selectivity, and trends in relative abundance, among others, will be central to the final calculation of fishing mortality rates. Therefore, the Council should be cautious in their consideration of these preliminary landing statistics since the final 2005 Groundfish Assessment Update may show significantly different results with respect to the actual fishing mortality rates achieved.
- With this in mind, NSC strongly urges the Council to preserve its future flexibility by keeping as many management options on the table as possible until the final results of both the 2005 Groundfish Stock Assessment and a PDT analysis of the actual post-Amendment 13 fishing mortality rates are known.

2) Rolling Closures Analysis

- At its May 2005 meeting, the Groundfish Committee recommended without dissention that the Council reconsider making a request for an analysis of modifications to certain rolling closures to be performed as part of the 2005 biennial review. NSC strongly supports this analysis.
 - The analysis is to be based on the 2005 updated stock assessments.
 - The analysis is limited to only those rolling closures that exceed one month.
 - The purpose is to determine if modifications can be made to limit such closures to only those times and areas that are necessary to protect GOM cod spawning aggregations, and that can be implemented in a way that is consistent with the fishing mortality rate objectives of Amendment 13.

- The Council will have ample opportunity to review the results of this analysis and to consider modifications to the rolling closures, if any, that can be made without violating the fishing mortality rate objectives of Amendment 13.
- The Groundfish Committee's recommendation for this analysis is in direct response to the substantial input received during the Council's safety hearings this Spring which confirmed that the cumulative effect of the rolling closures and subsequent Amendment 13 measures have led to a derby fishery that presents an unacceptable safety hazard to a large number of vessels.
- A post-Amendment 13 review is in order. The current rolling closures and analyses substantially predate Amendment 13 (1998). Stock characteristics, fishery dynamics and management measures have all changed substantially since.
- Concern has been expressed that this analysis will take too much time away from other Council priorities.
 - This analysis relates directly to severe safety concerns affecting a relatively large number of fishery participants as well as the need of many small vessels for reasonable and equitable access to the resource. Given the large number of affected participants, and the serious safety and access/equity issues at stake, this should be considered a high priority to be included in the biennial review.
 - Note: these safety concerns were not brought to the Council's attention until April/May 2005--well after the Council first considered/rejected this analysis in February 2005.
- Concern has also been raised that adoption by the Council of modifications to the rolling closures may necessitate changes in other management measures in order to achieve Amendment 13 mortality objectives.
 - The Groundfish Committee's recommendation is clearly sensitive to the need for any modifications to management measures, including the rolling closures, to be consistent with the relevant objectives of Amendment 13 including the fishing mortality rate targets.
 - Again, this is just an analysis. The Council will have the opportunity to fully consider the results and what, if any, modifications to the rolling closures may be justified.

(3) Haddock Bycatch & Utilization

- NSC strongly supports the need for flexibility in managing directed haddock fisheries in order to achieve the optimum yield. NSC also recognizes the significant dilemma presented by the potential for large bycatch and waste of undersized and juvenile haddock in these fisheries.

- However, NSC is very concerned with the potential for the Groundfish Committee's recommendations to reduce both the minimum fish size and the mesh size in certain fisheries to cause several unintended consequences including:
 - The proposed mesh size reduction is likely to increase, not reduce the catch of small haddock.
 - Negative implications of high small-fish mortality for long-term recruitment (recruitment overfishing) and yield-per-recruit. This industry needs to maximize and sustain the benefits of the large haddock year classes for as long as possible.
 - Negative implications of mesh size reduction on the Amendment 13 fishing mortality rate objectives for other stocks, and associated discards/waste problems.
 - Potential for the development of a directed fishery on small haddock.
 - Potential for exacerbating the price depressing effects and marketing challenges of what are already expected to be very large haddock landings.
 - Difficulties for vessel owners to hold a crew faced with large volume/low value labor intensive operations associated with large catches of small haddock.
 - Processors face high costs and low value associated with labor intensive filleting of small haddock.

- Given these concerns, NSC questions if there is a more effective way to achieve the objectives of optimizing the utilization of this incredibly important resource while minimizing small haddock bycatch, waste and some of these other potential unintended consequences.

- As an alternative to the Groundfish Committee recommendations to reduce the minimum fish size and mesh size, NSC suggests that the Council establish a process for—
 - 1) closely monitoring the catch of small haddock in haddock fisheries as the large year classes progressively recruit to the fishery, and

 - 2) providing the Regional Administrator with explicit authority to respond rapidly by establishing a percentage of haddock catch tolerance for 17" to 19" haddock in haddock fisheries if and when catches of such small fish become excessive.

- NSC suggests this approach will improve the optimum utilization of this resource by reducing discards and preventing the undesirable development of a directed fishery on small haddock.