

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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

Dear Dr. Thompson:

Thank you for allowing Paul Rago to attend the Mid-Atlantic Fishery Management Council's recent meeting in Galloway, New Jersey where he briefed the Council on the Standardized Bycatch Reporting Methodology (SBRM) Annual Discard Report and Consultation/Prioritization Process for 2009, including the projected number of sea days to be sampled in the Northeast Fisheries Observer Program (NEFOP) for the period April 2009 to March 2010. Based on the information presented, the Council is concerned that the proposed sea sampling intensity for the fisheries prosecuted in the Mid-Atlantic region will not be sufficient to obtain an acceptable coefficient of variation for bycatch in most of these fisheries. For example, no sea days are currently scheduled for lobster pots or large-mesh or small-mesh gill net fisheries in the Mid-Atlantic region, while others are prioritized for levels of coverage substantially higher than prescribed by the updated omnibus amendment preferred alternative (e.g. NE Large-mesh trawl). The lack of adequate coverage of Mid-Atlantic fisheries in the NEFOP will limit the ability of the Council to manage bycatch in these fisheries and meet its legislative mandates under National Standard 9.

The Council is particularly concerned that the proposed sampling intensity in the small-mesh trawl fisheries in the Southern New England and Mid-Atlantic regions may not be sufficient to obtain an acceptable coefficient of variation for butterfish bycatch in the directed *Loligo* fishery, and requests that the prioritization of allocated observer coverage for the directed *Loligo* fishery be reconsidered and strengthened as appropriate. The Council recently submitted Amendment 10 to the Secretary of Commerce which includes a stock rebuilding plan for butterfish that recommends the implementation of a butterfish mortality cap program for the directed *Loligo* fishery. Under the proposed mortality cap program, a portion of the ABC specified for butterfish will be allocated to the directed *Loligo* fishery. The amount of butterfish taken in the *Loligo* fishery will be monitored via the NEFOP and once the allocated portion of butterfish ABC is projected to be taken in the *Loligo* fishery, the directed *Loligo* fishery will be closed. For this system to be successful (from both a biological and economic perspective) estimates of butterfish mortality in the *Loligo* fishery must be made with an acceptable level of precision (i.e., CVs on the order of 30%). Analysis contained in Amendment 10 indicated that 60-90 directed *Loligo* trips would have to be sampled by the NEFOP in order to achieve an appropriate level of precision. This would require approximately 210-315 sea days of sampling (assuming 3.5 days per trip). The 2009 SBRM prioritization report indicated that a total of 354 sampling days are allocated for all small-mesh trawl fisheries in the New England and Mid-Atlantic regions for the period April

2009 to March 2010. Since this level of sampling effort is distributed across all small-mesh trawl fisheries in these two regions, it is unclear if this level of sampling will provide adequate coverage of the *Loligo* fishery to operate the butterflyfish mortality cap program with adequate statistical precision.

Given this uncertainty, the Council requests that NEFOP sampling of small-mesh trawl fisheries in the northeast region be conducted at a level that results in acceptable levels of precision about the estimates of butterflyfish bycatch in the *Loligo* fishery. Rebuilding the butterflyfish stock in a manner that minimizes the economic impact on the *Loligo* fishery depends to a large degree on the successful implementation of the butterflyfish mortality cap program proposed in Amendment 10. As such, the Council has identified the issue of adequate coverage of the *Loligo* fishery within the NEFOP as one of its highest priorities and requests that you allocate the necessary sea days of sampling to achieve a 30% CV for estimates of butterflyfish bycatch in the *Loligo* fishery. Your positive action on this request will be appreciated.

Sincerely,

Richard B. Robins, Jr.
Chairman

cc: L. Anderson, P. Kurkul