



March 9, 2011

Paul Rago, Ph.D.
Chief, Population Dynamics Branch
National Marine Fisheries Service, Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543

Re: 2011 SBRM Sea Day Analysis and Prioritization Report (RIN 0648-XA208)

Dear Dr. Rago,

I am writing on behalf of the Pew Environment Group to offer comments on the allocation and prioritization of at-sea observer coverage for April 2011 through March 2012, as proposed by the Northeast Fisheries Science Center (NEFSC) Science and Research Director and Northeast Regional Administrator in the Standardized Bycatch Reporting Methodology (Methodology) 2011 Sea Day Analysis and Prioritization Report.

We are particularly concerned with proposed cuts in observer sea-days for Midwater Trawl (paired and single, abbreviated collectively herein as MWT) for 2011, relative to both projected and realized coverage in 2010. The 2011 Prioritization Report proposes 392 total observer sea days for MWT¹, compared to the 595 approved for 2010², and the 863 ultimately observed in 2010.³

Reductions from current levels in monitoring of the MWT fleet are inappropriate in light of serious ongoing bycatch concerns associated with this gear and the continued revelation of new problems as coverage has increased in recent years. For instance, increased coverage of MWT vessels fishing in Georges Bank Closed Area II in fall 2010 has revealed that MWT vessels severely exceeded the allowable threshold for Groundfish bycatch in a closed area, with the entire dataset of observed trips collectively exceeding the 1% threshold by more than double.⁴ In addition, because observers collect high-resolution spatial data on catch and bycatch, managers now know that all of this closed area bycatch occurred in a sensitive, high-level habitat closure known as the Habitat Area of Particular Concern.

It is also important to keep coverage on MWT vessels high because this gear has a high potential for rare but significant bycatch events, sometimes referred to as “episodic” bycatch. Independent analyses have found that minimum observer coverage levels of 50%, and probably more, are advisable for gears like MWT which are prone to rare but significant bycatch events.⁵ In addition, widespread concern over bycatch and other potential problems associated with this fleet has resulted in broadly supported, ongoing efforts to overhaul the monitoring program and protocols for this gear, and to implement new bycatch

¹ Northeast Fisheries Science Center SBRM 2011 Sea Day Analysis and Prioritization Report

² Northeast Fisheries Science Center SBRM 2010 Sea Day Analysis and Prioritization Report and personal communication from Paul Rago on 3/7/2011

³ Summarized at-sea observer coverage data provided by Northeast Observer Program on 3/7/2011

⁴ Summarized at-sea observer data provided by Northeast Observer Program on 12/22/2010

⁵ Babcock, E.A., E.K. Pikitch, and C.G. Hudson. 2003. “How much observer coverage is enough to adequately estimate bycatch?”

http://www.oceana.org/fileadmin/oceana/uploads/dirty_fishing/BabcockPikitchGray2003FinalReport.pdf

reduction strategies through Amendment 5 to the Herring Fishery Management Plan. Maintaining high levels of observer coverage over the next 1-2 years as Amendment 5 is finalized is very important because it will provide critical data to inform conservation policy decisions and the analysis of management alternatives in Amendment 5.

It appears that a primary driver of the reductions in proposed MWT coverage is a relative increase in coverage of purse seine gear, which is projected to increase from the 50 sea days projected for 2010⁶, beyond the 91 sea days observed in 2010⁷, to the 155 sea days proposed for 2011. This represents a nearly 500% increase for this gear relative to the precision-based performance standard in the Methodology, which is based on recent observed bycatch and recommends that 2011 coverage of only 32 days is sufficient for this gear type.⁸ The report does not clearly articulate the reason for the increase in purse seine coverage. However, NEFSC personnel have indicated that the increase is an attempt to meet a longstanding but non-binding target of 20% coverage in the herring fishery, which is not actually mandated for any specific gear or gears and in practice is often not met for various gears including purse seine and MWT, and that this is in turn being driven by ongoing concerns about bycatch of anadromous river herrings.⁹

However, purse seine gear has not been identified as a gear of particular concern with regard to river herring bycatch, unlike MWT gear which has been found to be a major concern. A recent New England Fishery Management Council Herring Plan Development Team (PDT) report on river herring bycatch stated that “Overall, the highest bycatch was for single and paired mid-water trawl gears.”¹⁰ Also, a recent report submitted to the NEFMC estimated total at-sea catch of river herrings between 2000 and 2008 at approximately 15.5 million pounds for MWT versus approximately 24,000 pounds for purse seines during the same period.¹¹ This report demonstrated that river herring Catch per Unit Effort (pounds per set/tow) for MWT gear was 10-100 times higher than for other gears including purse seines.¹²

Finally, purse seine gear has not been demonstrated to have problematic interactions with any of the other species of concern, such as haddock and other groundfish, that have been identified as monitoring priorities in the herring fishery and which have justifiably driven recent increases in MWT observer coverage. In fact, the Herring Fishery Management Plan currently recognizes fundamental differences between purse seine gear and MWT gear in terms of bycatch and concludes that purse seine gear catches less overall bycatch, fewer species, and that purse seine bycatch is more likely to be released alive.¹³ It also concludes that purse seine gear is of less concern with regards to protected marine mammals.¹⁴

We would also like to point out that at-sea observer coverage of Small Mesh Bottom Trawl (SMBT) remains inappropriately low including as proposed under the 2011 Prioritization Report. River herring bycatch is a concern for this gear, and coverage should be increased for SMBT in both New England and the Mid-Atlantic.

⁶ Northeast Fisheries Science Center SBRM 2010 Sea Day Analysis and Prioritization Report

⁷ Summarized at-sea observer coverage data provided by Northeast Observer Program on 3/7/2011

⁸ Northeast Fisheries Science Center SBRM 2011 Sea Day Analysis and Prioritization Report

⁹ Paul Rago, personal communications on 3/2/2011 and 3/7/2011

¹⁰ Cournane et al. “Developing River Herring Catch Cap Options in the Directed Atlantic Herring Fishery” December 2010

¹¹ Lessard and Bryan, “At-sea distribution and fishing impact on river herring and shad in the NW Atlantic” January 2011

¹² Ibid

¹³ NEFMC 2006, Amendment 1 to the Herring FMP, Final EIS, Section 6.5

¹⁴ Ibid

In addition, the Prioritization Report (page 15) implies that Large Mesh Bottom Trawl (LMBT) is a significant driver of river herring problems. It is not and this example illustrates the inadequateness of the Methodology with regards to river herring. First of all, as the report states, river herring are not fully included in the Methodology because they are not a federally-managed species group. This in itself is problematic, as all bycatch species, especially imperiled species like river herring, should be fully considered in observer coverage allocation decisions. Second, while the report goes on to state certain coverage implications “if river herring were included” as a species group, these are fundamentally undercut by the fact that the vast majority of river herring catch in federal fisheries is kept and landed (i.e. incidental catch) as opposed to discarded. Incidental catch is ignored in the precision-based performance standard of the Methodology, which considers only discards.

This is in fact almost certainly the underlying cause of the mistaken identification of LMBT as a problematic gear for river herring bycatch. While LMBT may contribute to river herring discards, this contribution is small compared to other gears/fleets in the Methodology analysis. In fact, a recent analysis concluded that total river herring discards by LMBT vessels for a one year period (July 2007 to June 2008) were just over 4,000 pounds and pointed out that the gear came extremely close to being filtered out as an insignificant contributor to total river herring discards.¹⁵ It is also unlikely that total LMBT river herring catch is significantly higher than the estimated discards for that gear. The same NMFS report goes on to point out that “Generally, the mid-water trawl fleets are retaining river herring, while the otter trawl fleets are not.”¹⁶ Furthermore, and most importantly, these and all other discards are an insignificant fraction of total river herring catch in federal fisheries, which are estimated at 3-5 million pounds per year for 2007 and 2008, most of which was kept.¹⁷

In conclusion, we urge NMFS to maintain observer coverage in the MWT fishery at no less than current levels. MWT vessels are the largest vessels in the entire northeast U.S. fisheries, with the most powerful gear and a long history of significant bycatch problems. We support increased coverage across all fisheries, including the purse seine and SMBT fleets, but not at the expense of greatly reduced coverage in the MWT fishery.

Sincerely,



Tom Rudolph
Policy and Research Manager, Forage Fish Conservation Initiative
Pew Environment Group

Cc: Dr. Nancy Thompson, NEFSC Director
Dr. Jim Weinberg, NEFSC
Pat Kurkul, Regional Administrator, NMFS
Tom Warren, NMFS NERO
Chris Kellog, Deputy Director, NEFMC

¹⁵ Wigley SE, Blaylock J, Rago PJ. 2009. River Herring Discard Estimation, Precision and Sample Size Analysis. US Dept Commerce, Northeast Fish Sci Cent Ref Doc. 09-20; 15 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://www.nefsc.noaa.gov/nefsc/publications>

¹⁶ Ibid

¹⁷ Lessard and Bryan, “At-sea distribution and fishing impact on river herring and shad in the NW Atlantic” January 2011