



# Unmanaged Forage Omnibus Amendment



Council Meeting  
August 8, 2016

# Meeting Objective

- Consider comments received during public hearings
- Consider EOP AP, EOP Committee, and staff recommendations
- Select preferred alternatives



# Outline

- Review goal and need for amendment
- Species to be included in amendment
- Alternatives for species other than chub mackerel
- Alternatives for chub mackerel
- Alternatives for new fisheries/expansion of existing fisheries
- Administrative alternatives
- Other topics



Copepod (Paul Jones)

# Goal

Rough silverside (CT Thomas)



To prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

# Need for Amendment

This action is needed to protect the structure and function of marine ecosystems in the Mid-Atlantic from the potential threat of unregulated, unsustainable levels of commercial harvest of unmanaged forage species and to advance an ecosystem approach to fisheries management in the Mid-Atlantic.

# Taxa Under Consideration

- **Anchovies** (engraulidae)
- **Argentines** (argentinidae)
- **Greeneyes** (chlorophthalmidae)
- **Halfbeaks** (hemiramphidae)
- **Herrings, sardines** (clupeidae)
- **Lanternfish** (myctophidae)
- **Pearlsides** (sternoptychidae)
- **Sand lances** (ammodytidae)
- **Silversides** (atherinopsidae)
- **Cusk eels** (order Ophidiiformes)
- **Chub mackerel** (*Scomber colias*)
- **Bullet mackerel/bullet tuna** (*Auxis rochei*)
- **Frigate mackerel/frigate tuna** (*Auxis thazard*)
- **False albacore/little tunny** (*Euthynnus alletteratus*)
- **Atlantic saury** (*Scomberesox saurus*)
- **Pelagic molluscs** (squids, octopods)
- **Copepods, Krill, Amphipods & other species < 1 inch as adults**

# Public Comments

Do not remove any species

- 16,239\* individuals
- 6 organizations



# SSC Definition (abbreviated)

- Low to mid-trophic level
- Small to moderate in size throughout lifespan
- Subject to extensive predation throughout lifespan
- Comprises a considerable portion of the diet of other predators throughout its lifespan
- Important conduit of energy from low to higher trophic levels

# False Albacore - Public

## 61 public comments

- **Do not include** – 3 organizations (including GARFO)
  - Do not meet SSC definition
- **Include** – 48 individuals & 10 organizations
  - Important recreational species
  - Perceived potential for commercial fishery



# Public Comments

“False albacore are indeed prey for an array of predators, most notably sharks, billfish, tunas, and in some cases bluefish. There have been rumors for years of large-scale fisheries targeting them for cat food. Their schooling behavior and poor eating qualities make them particularly vulnerable to such large-scale fisheries. And they are very important to the recreational fishing industry.”

- Recreational fisherman at NY public hearing

# Other Species (public)

- **Frigate mackerel** and **bullet mackerel**
  - Include: 4 individuals, 4 organizations
  - Exclude: 3 organizations (including GARFO)
- Include **Atlantic bonito**
  - 4 individuals, 1 organization
  - Not currently on the list
- For all 3 – similar pro & con arguments as for false albacore



Atlantic bonito (floridagofishing.com)

# GARFO Comments

Bullet mackerel, frigate mackerel, and false albacore “have several characteristics that disqualify them from the SSC's forage definition, most notably their large size and high trophic level. Therefore, I recommend that the Council remove these three species from the list of unmanaged forage fish for inclusion as EC species in this action.”

- John Bullard, GARFO Administrator

# AP Recommendations

## AP roughly split between

### ■ **Remove false albacore**

- Doesn't meet SSC definition of forage
- Rumors of large-scale harvest are just rumors
  - Existing directed fishery can continue at 1500 or 1700 pounds per trip (i.e. not large-scale)

### ■ **Retain false albacore**

- Strong public support
- "Fall through the cracks" if not included
- Challenges of documenting HMS diets (e.g. not caught in trawl surveys, regurgitate when hooked)

# Committee – List of Taxa

- SSC definition – non-binding guidelines
- Sufficient justification to include bullet & frigate mackerel
  - Dr. John Graves letter –bullet & frigate mackerel are dominant prey in billfish stomachs based on:
    - 25+ years of personal experience sampling Mid-Atlantic fishing tournaments
    - Observations of others familiar with fishing tournaments
    - Genetic analysis



Bullet mackerel (A. Lopez)

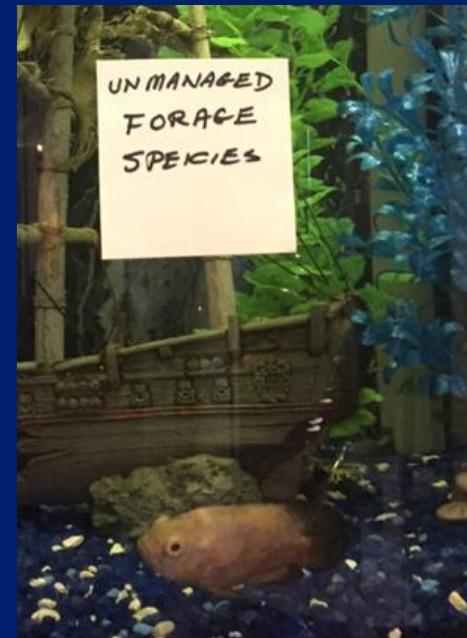
# Committee – False Albacore

- Even split between those who supported and those who opposed including false albacore
  - Including them would diminish credibility of amendment
  - “Back door attempt” to protect recreational fisheries
  - Strong public support for including
  - Important recreational fishery
  - Including will minimally impact existing commercial fisheries (if at all)
- Consider separate action when setting 2017 priorities



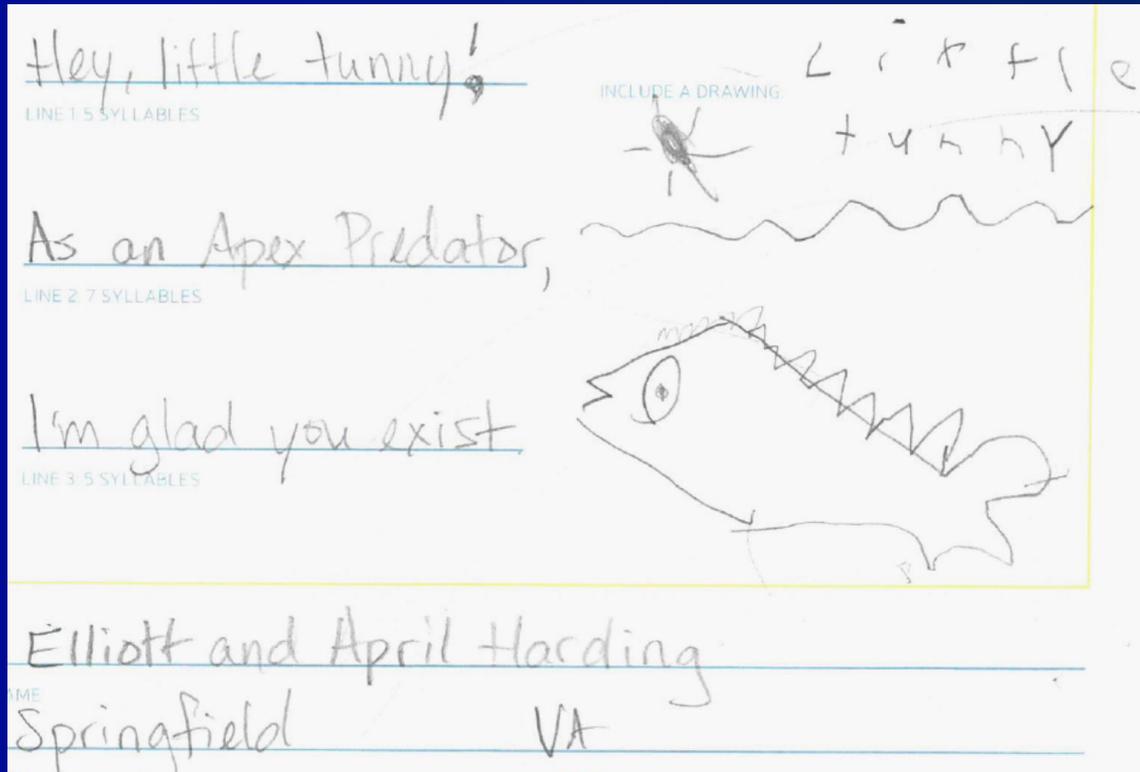
# Staff Recommendations

- Do not include false albacore or sharptail shortfin squid in the amendment
- Consider new action for false albacore when setting 2017 priorities



# Decision Point

## Modify the list of taxa?



# Management Measures

1: No action

2: Alternatives for species other than chub mackerel

3: Alternatives for chub mackerel

4: New fisheries and expansion of existing fisheries

5: Administrative alternatives

# 1: No Action

- Public: supported by 1 individual and 1 organization
- Not recommended by AP, Committee, or staff



## 2: Species other than Chub Mackerel

**2A:** Designate as ECs and **prohibit possession**

**2B:** Designate as ECs and implement an **incidental possession limit**

**2Bi:** 1,500 pounds *per EC species*

**2Bii:** 1,700 pounds *of all EC species combined*

# Ecosystem Components

## ECs Should:

- Be non-target species
- Not be subject to overfishing, not be overfished or approaching overfished
- Not be likely to become subject to overfishing or overfished in the absence of conservation and management measures
- Not generally be retained for sale or personal use



Spanish sardine (baltlanta.lt)

# Alt 2. Public Comments

- 2A: Prohibit possession
  - 8 individuals
- 2B: Allow an incidental possession limit
  - 21,008\* individuals, 22 organizations



# 2B: Incidental Limit (Public)

## ■ Limit per species

- 2 organizations supported 2Bi (1500 lb/species)
- 1 individual requested 1700 lb/species

## ■ Limit for all ECs combined

- 16,198\* individuals supported but did not recommend # of pounds
- 4,767\* individuals and 16 orgs supported 2Bii (1700 lb for all ECs)
- 6 individuals, 1 org. supported combination of 2Bi and 2Bii (1500/species & 1700 total)

# AP Comments – Alt. 2

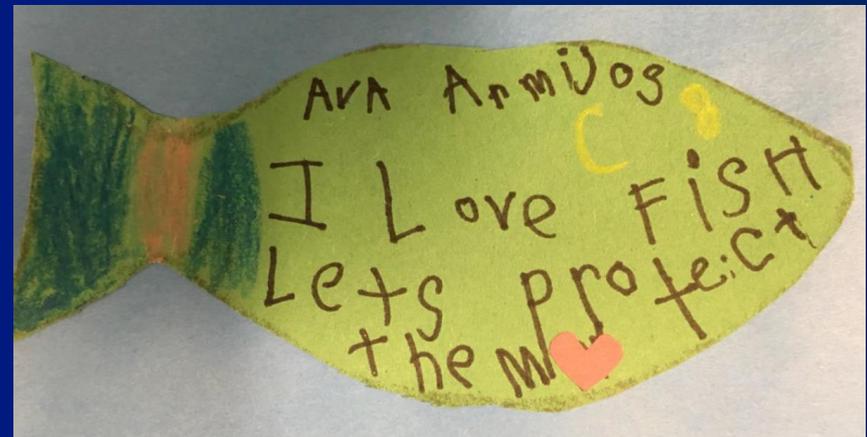
- **Most in favor or 1700 lb combined**
  - 99<sup>th</sup> percentile of reported landings
  - A reasonable definition of “directing”
  - Accommodates some existing directed fisheries
  - Won’t require ID to species level
- **A few in favor of 1500 or 1700 per species**
  - Enforcement concerns won’t materialize; unlikely to catch close to 1500 or 1700 lb of more than one species at a time

# Committee & Staff

Preferred alternative for taxa other than chub mackerel:

**Designate as ECs and implement an incidental possession limit of 1700 pounds for all EC species combined**

(alternative 2Bii)



# Decision Point

Preferred alternative(s) for species other than chub mackerel



Bay anchovy (VIMS)

# Alt. 3: Chub Mackerel

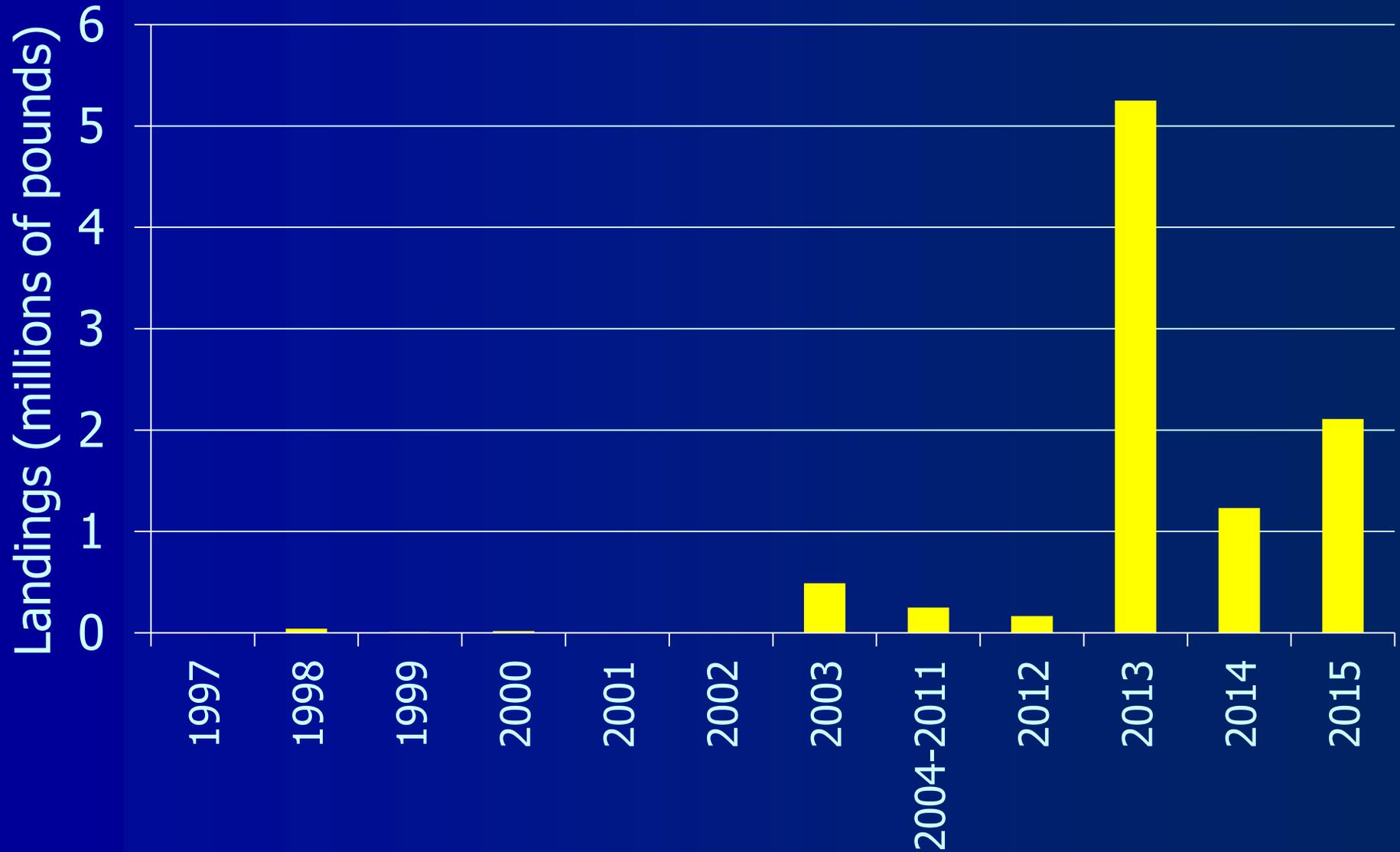
**3A:** EC

**3B:** Stock in fishery

**3C:** Neither EC nor stock in fishery



# Chub Mackerel Landings



# Recent Landings

“The reason there were high landings [in 2013] is because there was absolutely no *Illex* around that summer. It saved that season. It helped the next season. And 2015, that bar would be a lot higher but I was broke down...When I went after it hard in 2013, the size of the schools in the spots where I caught them were enormous. I wasn't retaining a third of what was there...There's only a few boats that are equipped to do it. They are a very fast fish. You have to have horsepower to catch them. ...Most commercial fishing vessels just aren't going to be able to catch them in any amount to make it worth it. Basically, if you look at the *Illex* fleet in the past six years, that's the fleet that's going to be targeting chub mackerel.”

- Commercial fisherman at NJ public hearing

# Alt. 3: Chub Mackerel

- 3Ai, 3Bi, 3Ci – prohibit possession after an annual landings limit is met
- 3Aii, 3Bii, 3Cii – incidental possession limit enforced after an annual landings limit is met

## Landings limit alternatives

- **900,127 lb** (avg. 2006-2015)
- **1.75 million lb** (avg. 2011-2015)
- **2.86 million lb** (avg. 2013-2015)
- **5.25 million lb** (2013)

## Possession limit

- **10,000 lb** (avg. landings/trip, 1996-2015)
- **40,000 lb** (Council member recommendation)

# Landings/Possession Limits

- Landings in New England & Mid-Atlantic would count towards landings limits
- Possession limits would be enforced in Mid-Atlantic after landings limit is met
- 96% of chub mackerel reported on VTRs from Jan 2010 – mid-June 2016 were caught in Mid-Atlantic



# Designation - Public

## ■ 3A: EC

- 8 individuals, 7 organizations

## ■ 3B: Stock in fishery

- 16,240\* individuals, 48\* orgs
- "Initiate full federal management now"

## ■ 3C: Neither

- 1 individual, 3 organizations

# 3A, 3C as Temporary Measures (Public)

- 34\* individuals requested that landings/possession limits be implemented temporarily while stock in the fishery analyses are completed
- “Our long term desire is to see chub mackerel as a stock in the fishery...However, if a stock in the fishery designation slows approval too long we support as an interim the EC designation in the short term.” – VSSA

# Landings Limits - Public

- **900,127 pounds** (2006-2015 average)
  - 16,207\* individuals, 53\* orgs
- **1.75 million pounds** (2011-2015 average)
  - 30\* individuals, 2 orgs
- **2.86 million pounds** (2013-2015 average)
  - 1 individual
- **5.25 million pounds** (historical high, 2013)
  - 1 individual, 3 orgs

# Possession Limits - Public

- **0 pounds**
  - 8 individuals, 45\* orgs
- **10,000 pounds** (avg. landings/trip 1996-2015)
  - 3 individuals, 3 orgs
- **40,000 pounds** (Council member recommendation)
  - 1 individual, 3 orgs
- 31 individuals supported incidental limit but did not recommend # of pounds

# Designation - AP

- All in favor of stock in fishery as long-term solution
- Several in favor of interim measures until ABCs, etc. are available
- Take ecosystem considerations into account when developing ABC & OY recommendations



# AP - Landings/Possession Limits

## AP split between extremes

### ■ Landings limits

- 900,127 pounds/year
- 5.25 million pounds/year

### ■ Possession limits

- 0 pounds
  - 10,000 pounds
  - 40,000 pounds
- All in agreement that possession limits should come into effect when 90% of landings limit is met



# Committee – Chub Mackerel

- Pursue a **stock in the fishery designation** and use **interim management measures** to restrict landings while requirements for a stock in the fishery (e.g. ABCs) are developed
- No agreement on interim landings and/or possession limits
- Landings limits of 2.86 and 4 million pounds discussed

# Staff Recommendations

- Implement an annual landings limit of 2.86 million pounds through the Forage Amendment (using neither EC nor stock in fishery designation; i.e. alternative 3C)
- Consider initiating a new amendment to add chub mackerel to the MSB FMP as a stock in the fishery

# Decisions Points

Preferred alternative(s) for  
chub mackerel



Alessandro Ducci

# 4: New Fisheries/Expansion of Existing Fisheries

**4A:** No action

**4B:** No new or expanded fisheries for ECs

**4C:** Require EFP prior to development of new or expansion of existing fisheries

**4Ci:** *Status quo* EFP application process

**4Cii:** New policy for Council review of EFP applications prior to submission to GARFO

**4D:** Consideration of stock in fishery

# Alts 4A, 4B - Public

- **4A: No action**

- No comments in support

- **4B: No new or expanded fisheries for ECs**

- 4 individuals, 1 organization



Striped cusk-eel (D. Flesher)

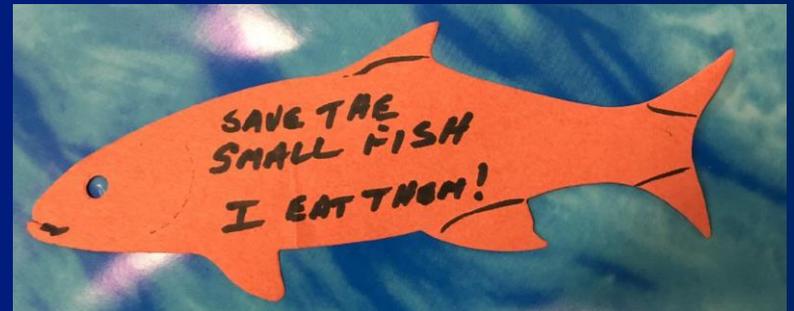
# 4C: Require EFPs - Public

- Supported by 38\* individuals, 51\* organizations
  - 36 and 50 of whom, respectively, supported 4Cii: Council review of EFPs
- 2 orgs said Council would be better served to review data collected through EFP, rather than reviewing EFP application
- 1 org requested that the Council further develop/clarify next steps after EFP is used

# 4D: Consider Stock in Fishery

(Public)

- Combination of 4C and 4D – require EFP and consider for stock in fishery prior to allowing new/expanded fisheries
  - 16,207\* individuals, 47\* organizations



# AP Comments

- Process for new fisheries shouldn't be so cumbersome as to prevent new fisheries
- Council review of EFP applications not necessary, will be time-consuming for all involved
- Council review of EFPs is an important part of amendment
- Getting Council input/approval can help ensure individuals only invest time & resources into worthwhile EFPs

# AP Comments

- Some in support of Council review of EFP & consideration of stock in fishery (4Cii & 4D)
- EFP allows new fisheries over short-term, stock in fishery required for long-term
- Pacific Council language: “Shared EC Species could continue to be taken incidentally and landed or discarded... **No long-term directed EEZ fisheries would be possible for these species without some future FMP amendment to specify the targeted species as an FMU species** and to meet Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirements for FMU species, which include: developing harvest specifications, identifying essential fish habitat (EFH) for the species, and providing gear specifications for the fishery.”

# Committee Recommendations

- **Recommend 4Cii as a preferred alternative** (require EFP; new process for Council review of EFP applications)
- **Modify 4D** to say “**consider a stock in the fishery designation and/or use of discretionary management measures** prior to allowing any new fisheries or expansion of existing fisheries”
- No agreement on whether 4D should be a preferred alternative

# Staff Recommendations

- No recommendations
- Any of the approved alternatives, except 4B, would meet the goal of the amendment

# Decision Points

- Preferred alternative(s) for new fisheries/expansion of existing fisheries



Ballyhoo (D. Stewart)



Bay anchovy (VIMS)

# 5: Administrative Alternatives

**5A:** List of authorized fisheries and gear types

**5B:** Require GARFO permit for possession of ECs

**5C:** Monitoring/reporting

**5D:** Management unit

**5E:** Frameworkable items

# 5A: List of Fisheries and Gears

- To pursue a fishery or use a gear not on this list, individuals must first notify the Council of their intent in writing
- Council may take action to regulate proposed new activity



Horned lanternfish (F. Costa)

# 50 CFR 600.725

Fishery	Authorized gear type
16. Coastal Gillnet Fishery (Non-FMP)	Gillnet
27. Commercial Fishery (Non-FMP)	Trawl, pot, trap, gillnet, pound net, dredge, seine, handline, longline, hook and line, rod and reel, spear.



Striated argentine (NOAA)

# 5A: List of Fisheries and Gears

- Alt. 5A supported by 33\* individuals, 5 organizations
- Not supported by most AP members, Committee, or staff

# 5B: Require GARFO Permit

Would require commercial vessels to obtain a GARFO permit to possess any species designated as ECs in this amendment

- Federal permits generally required to fish for, possess, or land managed species
- Federal permits typically require that landings be sold to a federally-permitted dealer
- Could require creation of new permit for those who catch ECs but don't have other GARFO permits

# 5B: Require GARFO Permit

- **Public** - Supported by 16,240\* individuals, 50\* orgs
- **AP** - Request for clarification that will not require new permit for those who already have a GARFO permit
- **Committee**
  - Recommend as a preferred alternative
  - Should not require new permit for those who already have a GARFO permit; should not apply to vessels fishing only in state waters

# 5C: Monitoring/reporting

## 5Ci: Council notification of EC landings

- Receive updates on catch/landings of EC species on a regular basis

## 5Cii: Reporting of EC landings

- Add species codes for all ECs to SAFIS, VTRs, and other required reporting mechanisms for commercial vessels

# 5Ci: Updates on Landings

- **Public:** supported by 33\* individuals, 52\* organizations
- **AP:** Council should receive updates on all unmanaged species, not just ECs
- **Committee:** Generally supportive

# 5Cii: Reporting (species codes)

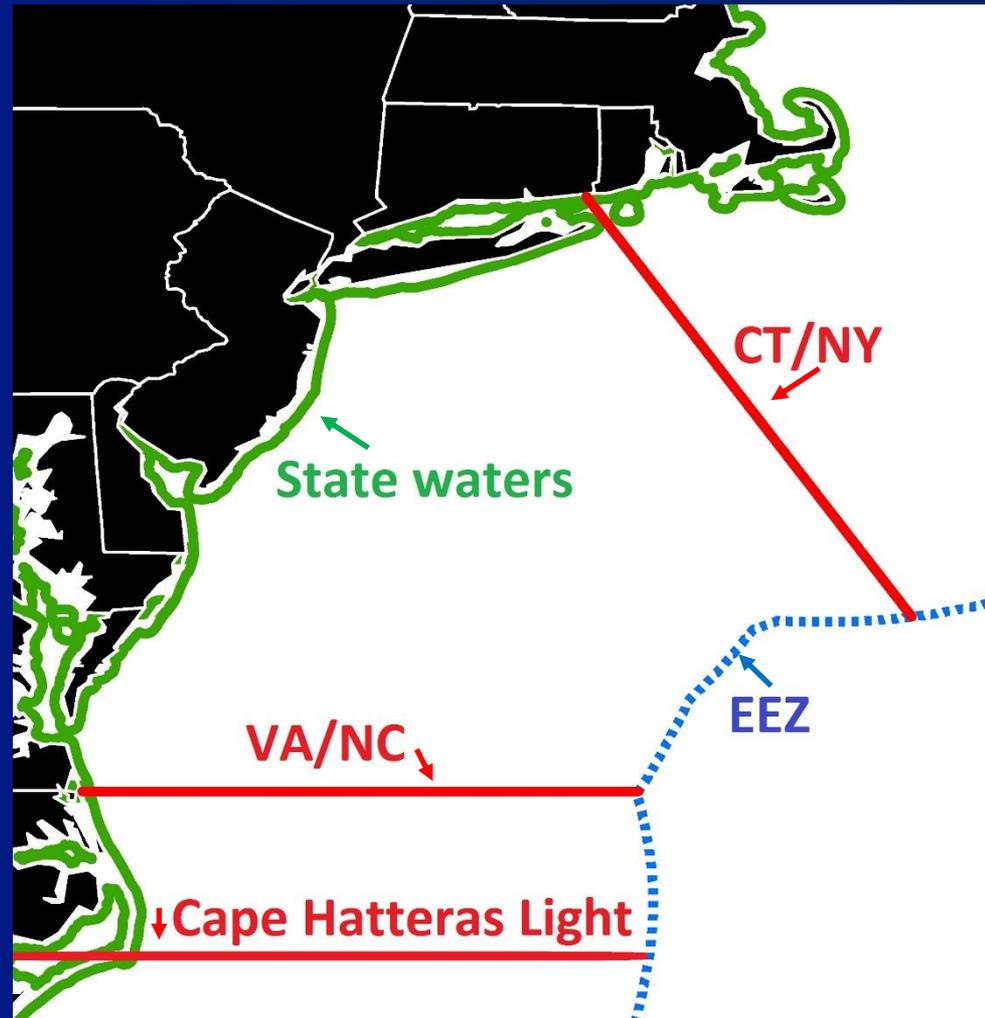
- **Public:** supported by 35\* individuals, 50\* organizations
- **Committee:** Generally supportive, but some concerns
  - Aggregate landings limit but species-level reporting requirements
    - Enforcement issue?
    - Recommend grace period
  - Considerably increase list of codes for VTRs

# 5D: Management Unit

## Southern boundary

**5Di:** VA/NC boundary, extended seaward

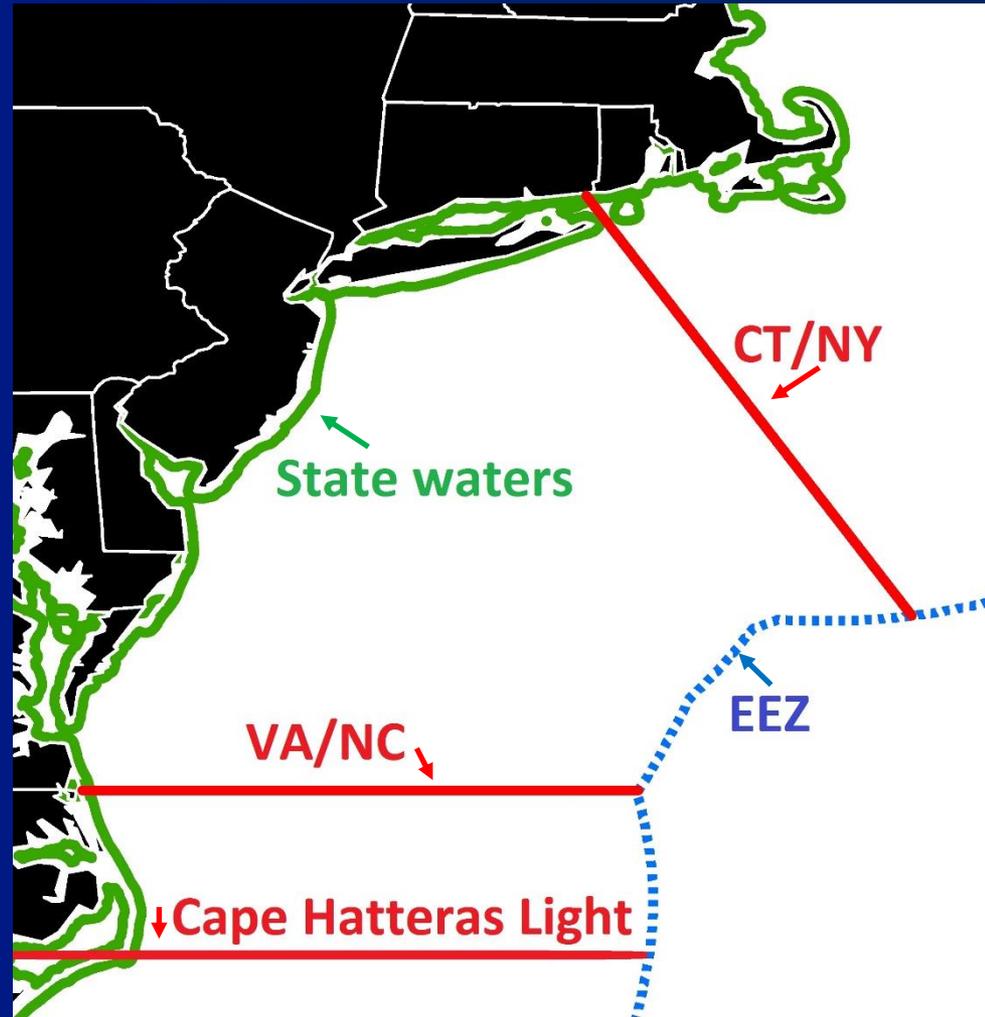
**5Dii:** Cape Hatteras, NC



# 5D: Management Unit

All in favor of 5Dii  
(Cape Hatteras as southern boundary)

- **Public** - 44\* individuals, 52\* organizations
- **AP**
- **Committee**
- **Staff**



# 5E: Frameworkable items

- 5Ei: List of ECs
- 5Eii: Possession & landings limits
- 5Eiii: Spatial & seasonal closures
- 5Eiv: Recreational fishing regulations

# 5E: Frameworkable items

(Public)

- 3 individuals, 3 orgs supported entire list
- 1 organization against entire list
- **5Ei: List of ECs**
  - 6 organizations in support
  - 1 individual, 4 orgs support only for additions
- **5Eii: Possession & landings limits**
  - 4 individuals, 45\* organizations against
  - 1 organization supported only for decreases

# 5E: Frameworkable items

(Public)

- 5Eiii: Spatial & seasonal closures
  - 3 organizations for, 3 organizations against
- 5Eiv: Recreational fishing regulations
  - 3 individuals against



# AP - Spatial/Seasonal Closures

- Split among AP members for and against listing as frameworkable
- Chub mackerel fishery seems to occur in small areas during the summer; spatial and temporal overlap with recreational HMS fisheries
- Spatial/seasonal closures would prevent chub mackerel fishery from existing

# AP – Framework List

## Several AP members in favor of listing nothing as frameworkable

- Amendment ensures detailed analysis, greater public involvement
- If an issue arises, can implement voluntary measures in meanwhile (e.g. spatial and seasonal closures), emergency action if necessary
- Won't necessarily preclude frameworks

# Committee - Frameworks

No committee members strongly opposed to AP recommendation that nothing be listed as frameworkable

# Staff Recommendations

- List of taxa, possession and landings limits should be frameworkable (alts 5Ei and 5Eii)
- Spatial and seasonal closures and recreational fishing regulations should not be listed as frameworkable (alts 5Eiii and 5Eiv)

# Decision Points

Preferred administrative alternative(s), if any



White marlin (Peter Allinson)

# Other Issues

## ■ Transit provisions

- E.g. Seafreeze vessels have harvested some species on the list in Gulf of Mexico, landed in Rhode Island

## ■ Outreach

- Public comment requesting creation of laminated fish ID guide sent to all GARFO-permitted vessels and dealers

## ■ Clarification on which alternatives will apply to which vessels

- E.g. possession limits only apply in Mid-Atlantic, don't apply to GARFO-permitted vessels in New England
- Enforcement concerns

# All Decision Points

- Modify list of taxa?
- Preferred alternative(s) for species other than chub mackerel
- Preferred alternative(s) for chub mackerel
- Preferred alternative(s) for new fisheries/expansion of existing fisheries
- Preferred administrative alternative(s)