



## New England Fishery Management Council

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E.F. "Terry" Stockwell, *Chairman* | Thomas A. Nies, *Executive Director*

### MEMORANDUM

**DATE:** June 10, 2015  
**TO:** Council Members  
**FROM:** Tom Nies, Executive Director  
**SUBJECT:** **At-Sea Monitoring Emergency Action Request**

At its June 16-18, 2015 meeting, the New England Fishery Management Council will consider a request for emergency action to suspend the At-Sea Monitoring (ASM) program for the groundfish fishery.

NMFS' Policy Guidelines for the Use of Emergency Rules (1997)<sup>1</sup> state that an emergency action may be justified in situations that result from recent, unforeseen events in a fishery under one or more of the following situations:

1. To prevent overfishing or other serious damage to the fishery resource or habitat;
2. To prevent significant direct economic loss or preserve a significant economic opportunity that otherwise might be foregone;
3. To prevent significant community impacts or conflicts between user groups; or
4. To prevent significant adverse effects to the health of participants in a fishery or to the consumers of seafood products.

The specific issue of industry paying for ASM is not new or unforeseen and has been a point of Council and NMFS discussion and debate for several years during development and since implementation of Amendment 16 (A16). NMFS denied several Council requests, to delay industry funding of ASM.

However the Groundfish Committee argued earlier this month that circumstances are different now and warrant emergency action by NMFS. The groundfish fishing industry and Committee members raised serious concerns at the Groundfish Committee meeting on June 4 as to whether the fishery could remain viable, in terms of profitability, should the industry pay for ASM costs in FY 2015 and beyond. The Committee recognized several major issues that greatly impact the fishery and fall under the second and third situations for when an Emergency Rule could be used. The Committee argued that these situations were unforeseen upon the implementation of Amendment 16 (which established the ASM program). These situations include the continued declines in annual catch limits (ACLs) for many stocks, emergency action for Gulf of Maine cod

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<sup>1</sup> A more complete summary of NMFS' Guidelines for Emergency Rulemaking is located here:  
[http://www.nmfs.noaa.gov/sfa/CMS\\_DEV/Councils/Training2013/C2\\_policy\\_emergency\\_rules.pdf](http://www.nmfs.noaa.gov/sfa/CMS_DEV/Councils/Training2013/C2_policy_emergency_rules.pdf).

in FY 2014, need for flexibility for the fleet to avoid stocks with prohibitively low ACLs to continue prosecuting the groundfish fishery, and the prolonged groundfish fishery economic disaster.

Additional background information about the ASM situation is provided under the Groundfish Tab.