



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

Draft

Ms. Karen Abrams  
SSMC3-OSF-SF3  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Spring, MD 20910

**RE: Standardized Bycatch Reporting Methodology, 81 Federal Register 9413**

Dear Ms. Abrams:

Thank-you for the opportunity to comment on the Proposed Rule for the Standardized Bycatch Reporting Methodology (SBRM). In general, the Council supports the development of this rule. Establishing SBRM requirements and delineating the elements of an SBRM will help the Councils comply with the requirements established section 303(a)(11) of the Magnuson-Stevens Fishery Conservation and Management Act. The Council would like to offer a few or comments for your consideration.

The clarification that the SBRM consists of the data collection and reporting programs and is distinct from the methods used to assess bycatch and the measures to minimize bycatch is a welcome improvement and should be retained in the final rule. This guidance will make it easier to develop comprehensive programs that are adequate for multiple fisheries. The regulation may need to be modified, however, to indicate that a Council can include other elements (such as the analytic approach used to assess bycatch) should it choose to do so. The background section of the proposed rule states that "...neither this rule nor the statute precludes discussion of those estimation methods in an FMP", but this language is not included in the rule itself.

Proposed section 600.1610(a)(2)(i) states that when reviewing an SBRM, the Council should consider the conservation and management objectives regarding bycatch in the fishery. We suggest making it clear that this does not establish a requirement that each FMP identify specific bycatch objectives beyond those required by the statute in section 303(a)(11). While a Council may on occasion identify specific bycatch objectives for a management action or fishery management plan (FM)), whether to do so or not should be at the discretion of the Council.

This same section repeatedly refers to a "fishery." In the Greater Atlantic Region, the current SBRM is designed around "fishing modes", which in some cases may not meet the statute's definition of a "fishery." The Council recommends that it be made clear that this approach meets the requirements of the statute.

Please consider our comments as you prepare the final rule. Please contact me if you have any questions.

