



# Council Report

*An update published by the New England Fishery Management Council – May 2012*

**The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. The Council's 18 members met most recently on April 24-26, 2012 in Mystic, CT.**

At its April meeting, the Council addressed issues related to protected species, groundfish, a report by the Scientific and Statistical Committee, scallops, habitat, small mesh fisheries, monkfish and dogfish.

- Additionally, a number of presentations were received on the following topics and are available on the Council's website, [www.nefmc.org](http://www.nefmc.org):
- Overviews of the potential implications of the April 6, 2012 Atlantic sturgeon ESA listing on NEFMC fishery management plans and recent changes to the Harbor Porpoise Take Reduction Plan;
- A summary of the assessment and data updates for 13 Northeast groundfish stocks through 2010;
- Northeast Fisheries Science Center plans for future Atlantic sea scallop surveys, including details about the testing and use of the towed underwater camera "HabCam"; and
- An overview of the Scientific and Statistical Committee's most recent meeting.

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## Protected Species

**Sturgeon and Harbor Porpoise** The Council received briefings from NOAA/NMFS about the Endangered Species Act listing of Atlantic sturgeon and the implementation of harbor porpoise consequence closures, in accordance with the Harbor Porpoise Take Reduction Plan.

Members were advised by NOAA/NMFS that Biological Opinions for fisheries interacting with sturgeon will be completed this summer. The BiOps will include a determination on whether measures are necessary to reduce sturgeon takes in NEFMC and other fisheries, and will recommend alternatives to mitigate takes.

In response, the Council passed two motions concerning the Atlantic sturgeon issue. The first asked for detailed information concerning the data and analyses used for agency decision-making, as well as a description of the process used to determine whether and/or which NEFMC management plans may jeopardize the continued existence of the species.

The Council also asked its Scientific and Statistical Committee to review the basis for the

ESA listing. The plan is to coordinate these efforts with the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Council.

The second motion directed the NEFMC's Executive Committee to work with NOAA/NMFS to form a panel that would provide a response to the draft Biological Opinion.

Following a presentation about agency actions taken as a result of increased takes of harbor porpoise in New England fisheries, the Council also passed a motion to request that NOAA/NMFS reconvene the Harbor Porpoise Take Reduction Team as soon as possible to identify alternatives that will reduce takes in lieu of the announced consequence closures.

## Groundfish

**Gulf of Maine Cod** The Council requested that NOAA/NMFS organize a Gulf of Maine cod benchmark stock assessment in November 2012. The assessment should address 10 issues raised in a Massachusetts Fisheries Institute letter to NOAA dated April 3, 2012 (posted on the

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Council's website under the groundfish discussion documents for the April 2012 meeting). Stock structure issues will probably not be addressed during this assessment because of the time necessary to complete the associated work prior to November.

**Sector Management Action** The Council's Groundfish Committee made several sector-related recommendations that were approved for consideration in a future management action. They included goals for a monitoring program, a list of funding mechanisms, a quota set-aside to help defray monitoring costs and a proposed list of monitoring cost elements that would be the responsibility of industry. Members also voted to consider an option for dockside monitoring funded by dealers, and another to eliminate mandatory dockside monitoring altogether. Additionally, they approved a motion to request 100 percent federal funding of at-sea monitoring in 2013.

#### **Other Important Groundfish Issues**

- The Groundfish Committee and Scallop Committee will develop a joint action to consider modifying the dates that scallopers are allowed into the Georges Bank access areas.
- As recommended by its Enforcement Committee, the Council agreed to request that NOAA/NMFS remove the trawl gear stowage requirements for vessels on groundfish fishing trips. The Council's Enforcement Committee may also consider whether similar changes are appropriate for other FMPs.
- The Council clarified that the roller gear/rockhopper restriction adopted in Framework Adjustment 27 to the Groundfish Plan should apply only to groundfish fishing trips and is not intended to apply to shrimp trips.

**Georges Bank yellowtail flounder** Serious concerns were raised by fishing industry members about the very low yellowtail flounder annual catch limit (ACL) that became effective at the start of the new fishing year earlier this week.

The revised limit for 2012 was included in

Framework Adjustment 47 to the Groundfish Plan over the course of two Council meetings last fall. Nonetheless, because it is much lower than the ACL allocated for the 2011 fishing year and is associated with numbers of potentially negative impacts to fishermen, the Council has asked NOAA/NMFS to convene a Georges Bank Yellowtail Flounder Working Group to address the issue. The approach is expected to be similar to that used for Gulf of Maine cod earlier this year.

#### **Scientific and Statistical Committee**

**March 28, 2012 Meeting Report** SSC chair Dr. Chris Legault reported on the committee's review of the paper *An Investigation of Differences Amongst SCAA [Statistical Catch at Age] and ASAP [Age Structured Assessment Program] Assessment (including Reference Point) Estimates for Gulf of Maine Cod* (January 2012) by Doug S. Butterworth and Rebecca A. Rademeyer.

The Council had previously asked the SSC to provide advice on the applicability of this work for revising management reference points as well as the approach used to assess the Gulf of Maine cod stock during the late 2011 Stock Assessment Workshop/Stock Assessment Review Committee meetings. The following issues were requested for inclusion in the review based on a number of issues identified in the Butterworth/Rademeyer paper: a) Pope vs. Baranov dynamics; b) estimation of the starting numbers-at-age vector; c) the selection of the starting year for the assessment; d) allowance for additional variance in fitting to the time series of abundance indices; e) fitting abundances indices expressed in terms of mass or of numbers; f) the form of the term for catch-at-age proportions in the log-likelihood; g) domed vs. flat selectivity-at-age for the NEFSC surveys; and h) estimation of a stock-recruitment curve.

The SSC identified the starting year, stock recruitment, and to a lesser extent selectivity, as having significant implications. Accordingly, committee members focused their discussion on these issues.

The committee did not indicate a preference for a specific starting year for the GOM cod

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assessment but recommended that historical productivity be evaluated using statistical decision criteria. They also agreed that consideration should be given to the trade-offs between information and any associated uncertainty and to historical conditions in the fishery.

The committee also recommended that stock-recruitment relationships and alternative modeling approaches be explored further using the same considerations accorded to the previously discussed issues and to “first principles”. In other words, the following questions should be answered: 1) Is there evidence for a stock-recruitment relationship; 2) What is its most likely form; and 3) What factors should be considered and approaches employed in estimation?

### **Sea Scallops**

**Research Priorities Approved** The Council approved research priorities in April that will apply to announcements for 2013 and 2014 scallop research set-aside funds. Awards for 2012 projects have already been made so that work can proceed during upcoming research season.

Following an NEFSC presentation about HabCam the Council passed the following motion involving the SSC: 1) *Review the sea scallop HabCam survey technology and methods to determine if the HabCam is appropriate at this time for performing annual sea scallop surveys;* (2) *Review how HabCam results will be integrated into sea scallop assessments for determining biomass and fishing mortality;* and (3) *Determine the impacts on assessments of reduced survey coverage from current dredge and SMAST video surveys.*

### **Habitat**

**Coral Protections Approved for Analysis** The Council approved a range of alternatives for analysis in Omnibus EFH Amendment 2 designed to promote the conservation of deep-sea corals while minimizing impacts to current fishing activities. These alternatives represent the Council’s first use of the coral-related discretionary provisions in the 2007 reauthorization of the Magnuson-Stevens Act.

The alternatives include a single, large ‘broad scale’ management area, encompassing the submarine canyons and inter-canyon slope areas out to the EEZ boundary. Options being considered for the landward boundary of this area include the 300 meter, 400 meter, and 500 meter depth contours, which are expected to be beyond the depths fished by most participants in Northeast region’s fisheries.

In addition, a range of “discrete” coral protection zones are proposed for the shallower parts of individual canyons, the seamounts, and two locations in the Gulf of Maine. These discrete areas are known either to harbor various species of deep-sea corals, or are expected to contain corals based on habitat characteristics of the areas. In each of the potential coral zones, certain fishing activities would be prohibited, but exploratory fishing would be allowed under specified conditions.

The Council also discussed ongoing coordination efforts with the Mid-Atlantic Council on this issue. At their respective April meetings, each council committed to developing a memorandum of understanding that should help both organizations develop a coordinated coral management strategy for the region. Such coordination is critical, because fisheries managed by each group overlap and occur throughout the shelf/slope region that runs from Heezen Canyon to Norfolk Canyon.

### **Small Mesh Multispecies**

**One More Hearing for Amendment 19** The Council approved final alternatives for inclusion in Amendment 19 to the Northeast Multispecies Plan. The amendment would set allowable catch levels and establish accountability measures to regulate the small mesh multispecies fishery that use trawls to target red, silver, and offshore hakes.

Included are ACLs for northern red hake (590,000 pounds), northern silver hake (27.6 million pounds), southern red hake (6.8 million pounds), and southern whiting (71.2 million pounds of silver and offshore hake). Incidental possession limits for red hake (400 pounds) and

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silver hake (2,000 pounds) would apply when landings exceed 90 percent of the annual total allowable landings.

A year round 5,000 pound red hake possession limit and an accountability measure that reduces the incidental possession limit would be triggered when catches exceed the ACLs. ACLs are set to prevent overfishing and additionally account for scientific and management uncertainty.

Importantly, the Council delayed submission of the amendment to NOAA/NMFS for final approval to allow time to consider raising the year around southern whiting possession limit from 30,000 to 40,000 pounds.

Many offshore trips that target silver hake have become unprofitable because of high fuel prices. Fishermen believe that an increase in the possession limit is needed since recent catches are well below the annual catch limits proposed by Amendment 19. Along with the high fuel prices, the existing possession limit could prevent the fishery from achieving the ACLs. The southern whiting catch in 2010 was 15.7 million pounds.

The final amendment will be revised to include this new alternative and the Council will schedule a public hearing, before a final vote at the June Council meeting.

## **Monkfish**

**Amendment 6 to be Pared Down?** The Council discussed progress on Amendment 6 to the Monkfish Plan, which includes, among other elements, consideration of a catch shares management system, possibly either a sector approach similar to that used in the groundfish fishery or individually transferable quotas.

Under the requirements of the Magnuson-Stevens Act, an ITQ alternative, if designated as the preferred alternative, would be subject to a referendum prior to being submitted to the Secretary of Commerce for approval. This process could extend the timeline for implementation by at least a year and perhaps further if the initial referendum failed and the program required modification.

Several Council members also suggested that eliminating the ITQ alternative would reduce the time and resources needed to complete the remaining elements of Amendment 6. To that end, the Council will consider this issue at its June meeting, and is recommending that the Mid-Atlantic Council do likewise given that monkfish is jointly managed by the two councils.

## **Dogfish**

**Amendment 3 Moves Forward** The Council adopted a range of alternatives for further consideration in Amendment 3 to the Spiny Dogfish Plan. The MAFMC, which leads the development of dogfish management actions, has scheduled completion of a draft Environmental Impact Statement by the June 2012 meetings of the two councils.

Alternatives include establishment of a research quota set-side program, updates to the essential fish habitat definitions, the rollover of specifications into a subsequent fishing year until new specifications are adopted through rulemaking and a revision to the coast-wide quota allocation system. Implementation is currently planned for May 1, 2013.

## **Additional Enforcement Actions**

The Council agreed that the upcoming June and September Enforcement Committee meetings should be used as a forum to develop NEMFC input to NOAA's next enforcement priority setting exercise. The Enforcement Committee also sent comments to the appropriate oversight committees concerning proposed Herring Amendment 5 management measures and the coral protection alternatives currently under development.

## **Materials on the Web**

Documents related to the April meeting agenda and presentations that accompanied any reports are located at [www.nefmc.org](http://www.nefmc.org). Audio files of the full meeting discussions as well as the meeting motions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting**  
June 19-21, 2012 at the Holiday Inn by the Bay in Portland, ME