



Council Report

An update published by the New England Fishery Management Council – February 2008

The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. The Council met most recently on February 12-14 in Portsmouth, NH.

At its February meeting the Council addressed management issues related to scallops, habitat, groundfish, sectors, skates and cooperative research.

Sea Scallops

Amendment 15: Scoping Issues Identified

The NEFMC finalized a scoping document for Amendment 15 to the Sea Scallop Fishery Management Plan (FMP), modifying several items that had been forwarded by the Scallop Committee following its January 25th meeting. Public scoping hearings are planned for April 2008 and will be held in ports from Maine to Virginia. Development of specific alternatives for the amendment will begin late this spring and continue through the summer. The following list was approved by the Council.

1. Set Annual Catch Limits and Accountability Measures as required by the reauthorized Magnuson-Stevens Fishery Conservation and Management Act
2. Reduce capacity in the limited access scallop fishery
3. Consider a revision to the overfishing definition
4. Consider specific modifications to alternatives recently approved by the Council under Amendment 11 (an action to control capacity in the general category fishery), subject to National Marine Fisheries Service approval of amendment 11; those under discussion are:
 - a rollover allowance of general category IFQ permit holders
 - allocations of general category IFQ by area
 - alternative methods for calculating future hard TAC for the Northern Gulf of Maine Management Area
 - applications for individual general category sectors
5. Address EFH closed areas under the Scallop FMP if there is a delay in the development of Phase II of the Council's EFH Omnibus Amendment
6. Consider alternatives to improve the current Scallop Research Set-Aside Program
7. Consider moving the start of the scallop fishing year to May 1

Habitat

HAPCs Modified, Coral Protection Initiated

The Council amended Essential Fish Habitat (EFH) for adult white hake based on a review of new information. EFH for this species is now designated down to 850 meters in the off-shelf area (seaward of the continental slope from Georges Bank and the Mid-Atlantic), from a previous deep-water designation of 2,250 meters. As a result of the change, substantial portions of areas proposed for designation as Habitat Areas of Particular Concern (HAPC) in the northern and Mid-Atlantic canyons became "non-conforming," in the sense that they contained areas not designated as EFH for any species (an area must first be designated EFH for some species/life stage to subsequently be designated an HAPC).

To address this discrepancy, the Council modified the seaward boundaries of eight canyon-area HAPCs to follow the maximum depth contour for other species designated as EFH. In this case, the deepest off-shelf EFH is designated at 1,500 meters.

The Council also agreed to include an assessment of fishing impacts on deep sea corals and recommendations for minimizing such impacts as a part of Phase II of the Omnibus EFH Amendment. Signaling its intent to utilize its increased authority with regard to deep sea coral protection as the reauthorized Magnuson-Stevens Fishery Conservation and Management Act provides, the Council agreed to the review independent of the EFH and HAPC provisions. Interested parties are encouraged to comment on this important initiative at future Habitat Committee and Council meetings.

Groundfish

Amendment 16: Work on ACLs, Sector Development Continues

The Council took the following actions concerning Amendment 16 to the Northeast Multispecies Fishery Management Plan at the Portsmouth, NH meeting.

Annual Catch Limits (ACLs): ACLs were discussed at length and a structure was adopted for setting and implementing this requirement in Amendment 16. Further committee work will be needed to define the details.

Amendment 16: The Council reviewed and approved a number of alternatives that will be developed and analyzed for Amendment 16. Although not exhaustive, key decisions or changes involved:

a. Sectors: Work continued to develop sector policies. The Council adopted an additional alternative for calculating permit history/potential sector contributions: each permit's share is based on 50 percent based on landings history, and 50 percent based on allocated baseline category A days-at-sea. The Council also removed rolling closures from the list of proposed "universal exemptions" --- those that are automatic and do not need to be requested by the sector. Exemptions from the rolling closures can still be requested by individual sectors.

The Council also added several requirements for sector reports and operations plans and proposed requiring sectors to develop adequate monitoring systems. The amendment will propose that for potential sector contribution alternatives that intend to use permit characteristics, January 29, 2004 will be the date used to determine permit characteristics.

b. Research Set-Aside: the Council voted not to include a research set-aside program in Amendment 16 due to a lack of time to develop the details.

c. Eastern U.S./Canada Haddock Special Access Program: a timeframe extension will be included as an alternative.

d. Closed Area I Hook Gear Haddock Special Access Program: an expanded season and area will be considered.

In other groundfish-related business the Council addressed the following issues:

- ❖ **Emergency Action Request:** The Council rejected a request to recommend an expansion of the Closed Area I Hook Gear Haddock Special Access Program (time and area) through emergency action.

- ❖ Approved Gear: The Council agreed to recommend to the Regional Administrator that the Haddock “Eliminator Trawl” be authorized for use in the Eastern U.S./Canada Haddock Special Access Program and the Category B days-at-sea program.
- ❖ A recent NMFS permit holder letter reiterated the requirement that all fillets be landed skin-on (including for recreational/party/charter vessels): A discussion ensued about whether this was the original intent of the Council. The requirement was included for all vessels in the Amendment 5 implementing regulations published March 1, 1994. The staff will research this issue and report back to the Council.
- ❖ A request that the PDT publish the so-called “total capacity units”: This was made to enable permit holders to calculate their own capacity shares. The information has been posted on the Groundfish page located on the Council’s website --- www.nefmc.org.
- ❖ Lastly, the Council tasked its Enforcement Committee to revisit the running clock issue to determine if enforcement concerns are still valid under considerably revised fishing regulations.

Sectors

Council Policy Revised

As part of a review of policies ranging from enforcement to public participation at Council meetings, the Council spent time at the New Hampshire meeting clarifying its Sector Policy.

To its definition of “sector”, which requires participants to hold a limited access permit, the Council added the phrase “...in the fishery management plan through which the sector is being formed...” Some had interpreted the original language as allowing any limited access permit holder to participate in any sector regardless of whether the permit was in the fishery under which the sector was formed.

Because of questions raised in the issues paper drafted by the staff regarding reconsideration of multiple sector enrollment, the Council also agreed to reconstitute its Sector Committee to facilitate further discussion and development of recommendations on this and possibly other outstanding sector questions.

In the meantime, the Council voted to strike the language from the sector policy that states: “furthermore, a vessel cannot be in more than one sector in different FMPs in the same year”. The Council also considered and approved a recommendation adopted by the Groundfish Committee to remove the statement from the Sector Policy that states: “each sector is responsible for ensuring that their eligibility criteria are implemented in a fair and uniform manner.” Council members commented that the language could be interpreted as requiring a sector to allow any applicant who meets the qualification criteria of the sector to join, and was inconsistent with the “voluntary” nature of sector membership. They stated concerns that in some cases, such a requirement could result in a sector incurring liability for the illegal activities of another member.

Skates

Amendment 3: Progress and Schedule Update

The Council received a report on the status of Amendment 3 to the Skate Fishery Management Plan, an action intended to rebuild overfished stocks of thorny and winter skates, two of the six skate species managed by the Council’s Plan. The Skate Plan Development Team has recommended a rebuilding

schedule of 22 years for thorny skates and 10 years for winter skates based on their biological characteristics.

The Council's Scientific and Statistical Committee (SSC) recently reviewed PDT analyses which evaluated catch limits and mortality targets in terms of rebuilding thorny and winter skates. The SSC did not recommend use of that particular work to develop management measures because it demonstrated a very weak relationship between reductions in catch levels and stock rebuilding. The Skate PDT will prepare alternative analyses that will be reviewed by the SSC in April.

The schedule of activities for skate management includes preparation and Council approval of a draft amendment/Environmental Impact Statement in September or October, followed by public hearings in November 2008.

Cooperative Research

Research Priorities Approved

Following a review of Research Steering Committee comments on two cooperative research project final reports, *Testing of low profile, low cod bycatch gillnets: Phases I and II* by Michael Pol, MA Division of Marine Fisheries and *Survival of sub-legal cod in the Northwest Atlantic longline fishery*; J. Pappalardo, T. Rudolph, M. Sanderson (Cape Cod Commercial Hook Fisherman's Association); H. Milliken (Northeast Fisheries Science Center) and M. Farrington (New England Aquarium), the RSC forwarded its recommendations for 2008 research priorities to the Northeast Fisheries Science Center for consideration. Adding minor modifications, the Council approved the following:

1. Develop methodologies (species selective gear, management strategies or programs) that separate haddock from all other species in the Eastern U.S./Canada Area as defined in Amendment 13 to the Northeast Multispecies Fisheries Management Plan.
2. Develop methodologies (species selective gear, management strategies or programs) that reduce the capture of dogfish and skates (in particular winter and thorny skates) in fisheries where these species are taken as bycatch.
3. Develop and implement a data collection/monitoring program, in accordance with Atlantic Coastal Cooperative Statistics Program standards, that would promote accurate fine-scale spatial accounting of all catch components in the multispecies fishery (to include landings and discards).

Materials on the Web

Meeting materials related to the above issues and other agenda items may be found on the Council's website www.nefmc.org. Presentations not discussed in this report, as well as materials related to decision-making are included. Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting – April 15-17, 2008
Providence Biltmore Hotel, Providence, RI**