



Council Report

An update published by the New England Fishery Management Council – June 2009

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on June 22-25 in Portland, ME.

At its June meeting, the Council addressed issues related to groundfish, monkfish, herring, and fisheries habitat, and also received a report from its Scientific and Statistical Committee.

Groundfish

Council Approves Catch Share Program for Groundfish in Amendment 16

In a watershed decision last week, the New England Council approved an amendment to its Groundfish Fishery Management Plan (FMP) that gives fishermen the opportunity to participate in a catch share-based program that will allow more flexibility for fishing businesses while promoting greater accountability as fish stock rebuild.

Seventeen new groundfish “sectors” were authorized, and modifications were made to the two existing sectors. Permitted vessels that do not enter a sector will be compelled to operate under effort control measures that are similar to those in place now, but include several important changes. Days-at-sea will be counted in 24 hour increments, Category A days-at-sea will be reduced by 50 percent from the allocations provided in Framework Adjustment 42, the differential days-at-sea counting areas will be eliminated and trip limits will be increased for a number of stocks.

The Council also adopted extensive revisions to policies that will govern sectors. In addition to clarifying administrative requirements (such as how sectors are formed, what reports are needed, and enforcement provisions), the Council determined how the potential sector contribution (PSC or permit catch history) for each permit is calculated. For almost all stocks, PSC will be based on landings history alone during fishing years 1996-2006. The Georges Bank cod PSC will not change for permits already committed to the two sectors established in Amendment 13. (Those PSCs were based on landings history for fishing years 1996-2001).

Sectors also will be allowed to transfer their annual catch entitlement, or ACE, the sum of the shares of the permits that join a sector. Sector members will be granted universal exemptions from some but not all of the rolling closures in the inshore Gulf of Maine.

Dockside and at-sea monitoring requirements were also established. The levels of dockside monitoring will be set at 50 percent of the trips in fishing year 2010 and will decline to 20 percent of the trips in future years. Less than 100 percent at-sea monitoring is proposed with details to be developed by the sectors and the National Marine Fisheries Service, including the agency’s Northeast Fisheries Science Center.

Annual catch limits (ACLs) also were adopted at the June meeting. Included in this decision was the adoption of the Science and Statistical Committee's (SSC) recommendations for modifying groundfish control rules. Actual ACLs will be approved this fall, based on SSC advice developed in August.

Accountability measures (AMs) were adopted for the commercial fishery. For non-sector vessels, the differential days-at-sea option will be used in fishing years 2010 -2011, but will be replaced by the hard Total Allowable Catch (TAC) option in 2012. Sector vessel AMs will consist of hard TACs for each groundfish species. AMs were adopted for the recreational fishery. The NMFS Regional Office will consult with the Council when they are selected. This was Option 3 for those familiar with the draft amendment or public hearing documents.

Allocations of Gulf of Maine cod and Gulf of Maine haddock were assigned to the commercial and recreational components of the groundfish fishery and will be based on fishing years 2001-2006. The prohibition on the retention of GOM cod will be extended to April 15 for recreational fishermen, although this may be modified following a review of the measure by the Groundfish Plan Development Team. The requirement was approved based on the expected impact of the SSC's advice for ABC control rules, which almost doubles the mortality reduction needed for GOM cod. Fillets from legal-sized fish can be landed with skin-off (a small amount of skin is kept on for species identification purposes) and the limit on hooks is removed.

Atlantic wolffish was added to the management unit, along with a rule for no retention. The minimum size for haddock was reduced to 18 inches for both commercial and recreational vessels, while the minimum size for halibut was increased to 41 inches.

None of the decisions described above will change the current groundfish management program until Amendment 16 is reviewed, approved, and implemented by NMFS. The Council expects to submit the document later this summer. A proposed rule will be published in fall or winter and a final rule will be published in time for implementation on May 1, 2010.

Monkfish

Amendment 5 Alternatives to be Analyzed in a DEIS

The Council approved the range of alternatives recommended by the Monkfish Oversight Committee and its Advisory Panel for purposes of conducting analyses in the Draft Environmental Impact Statement (DEIS) for Amendment 5 to the Monkfish FMP.

The amendment will include biological and management reference points to bring the FMP into compliance with the Magnuson-Steven Reauthorization Act and NMFS' National Standards Guidelines. These reference points include Maximum Sustainable Yield, the Overfishing Limit, Optimum Yield, and Acceptable Biological Catch, as well as Annual Catch Limits (ACLs) and measures to ensure accountability (AMs).

The Council is considering both proactive AMs to prevent the catch from exceeding the ACL, as well as reactive AMs, in the event catch does exceed the ACL. The proactive AMs are annual catch targets (ACTs) set below the ACL to account for management uncertainty, and will be the basis for the specification of management measures. Under the current system, those measures include incidental and directed fishery trip limits, as well as days-at-sea for the directed fishery. The DEIS will include a range of trip limits and days-at-sea measures designed to achieve the different ACT options.

The Council also approved a range of alternatives that would apply to monkfish vessels enrolled in sectors under the Multispecies FMP, such as days-at-sea use requirements and incidental catch limits for vessels not on a day-at-sea trip. Besides the specification of management measures under the current program, the Council approved consideration of two catch share programs, monkfish sectors and individually transferrable quotas (ITQs).

The Council is scheduled to approve the DEIS at its November meeting and hold public hearings in early 2010. It will approve final measures in April 2010 so they can be implemented by May 2011, the start of the fishing year.

Herring

Amendment 4 Reorganized

After considering the range of alternatives under development in Amendment 4 to the Atlantic Herring FMP, the Council agreed to split the action into two amendments to ensure the legal deadline for complying with provisions for annual catch limits and accountability measures will be met. The ACL/AM component of the plan will move forward as Amendment 4, with final action scheduled for the November 2009 Council meeting. Final action on the 2010-2012 herring fishery specifications will also take place at the November meeting.

Amendment 5 will address all other elements of (the former) Amendment 4, including a catch monitoring program for the herring fishery, measures to address river herring bycatch, criteria for midwater trawl access to the groundfish closed areas, and measures to address interactions with the mackerel fishery.

Because of the importance of a catch monitoring program for tracking ACLs and generating better information about bycatch, the Council formally committed to continuing work on this issue through a series of Herring Committee meetings over the next several months, while continuing to develop the 2010-2012 specifications. Because of increasing concern about the status of river herring, and in light of the recent Atlantic States Marine Fisheries Commission request for Emergency Action to monitor river herring bycatch, the Council also agreed to request that the Secretary of Commerce initiate a program to collect additional information about bycatch in all small mesh fisheries throughout the range of river herring and shad.

Interspecies

FMP Consolidation Under Discussion

The Council directed its Interspecies Committee, one on which all species committee chairs participate, to draft a proposal to combine and/or consolidate, to the extent possible, all current FMPs, although a timeframe was not specified.

Habitat

Proactive Involvement in Offshore Energy Development Approved/SASI Model Reviewed

- The Council approved a letter that will be sent to offshore energy project proponents informing them of the Council's desire to consult on such projects, given the possible impacts on both essential fish habitat and fishing operations.

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- The Habitat Plan Development Team Chair summarized the Swept Area Seabed Impact model, which is in the late stages of development and will be used in Omnibus Essential Fish Habitat Amendment 2 to evaluate the adverse impacts of fishing on essential fish habitat.
 - Additionally, the Council approved a motion to task the Habitat/MPA/Ecosystems Committee with developing an ecosystem based fishery management plan as soon as it is practicable.

Scientific and Statistical Committee

Groundfish, Monkfish and Herring Issues Reviewed

Following its May, 2009 meeting, the Scientific and Statistical Committee (SSC) reviewed its advice on the topics below. Copies of the committee's June reports can be found at <http://www.nefmc.org/calendar/index.html>. Click on documents 12, 13 or 14.

- Groundfish – Report includes the SSC's review of the formal rebuilding strategies for stocks that have been determined to be overfished (witch flounder, Georges Bank winter flounder, pollock, Atlantic wolffish and northern windowpane flounder) and further guidance to the Groundfish Plan Development Team on setting ABCs.
- Monkfish – Report addresses final SSC recommendations for monkfish ABC and other management reference points to be included in Amendment 5 to the Monkfish Fishery Management Plan.
- Herring – Report provides comments on the process proposed by the Herring Plan Development Team for specifying ABC and for setting ACLs and AMs by management area, with consideration accorded to the importance of herring as a forage species.

Materials on the Web

Meeting materials and presentations related to the above issues and other agenda items are located on the Council's website www.nefmc.org. Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting – September 22-24, 2009
Radisson Hotel, Plymouth, MA**