



Council Report

An update published by the New England Fishery Management Council – July 2011

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on June 21-23, 2011 in Portland, ME.

At its late June meeting, the Council addressed issues related to skate, groundfish, monkfish and sea scallop management, and received a number of reports and presentations. These included an NMFS briefing and request for comments concerning revisions to National Standard 10 --- safety at sea --- and an overview of the U.S. Navy's operational and training activities in the Northwest Atlantic. NMFS also presented the Council with a report on issues related to scientific research, including the disposition and sale of catch on scientific research trips, accounting for the catch on such trips, and the impact of that catch on the stock assessment process; and the Northeast Fisheries Science Center summarized its *Interim Report on the Performance of the Northeast Multispecies Fishery* (May 2010–January 2011). The Council also addressed the NMFS-commissioned report on the fisheries management process in the Northeast.

Northeast Skate Complex

Increased TAL put in the 2012-2013 Draft Specs, Emergency Action Requested

Acting on advice from its Skate Committee, Advisors and Plan Development Team, the Council approved alternatives for Annual Catch Limit specifications to be analyzed and included in a package that it plans to approve this September. The new specifications would apply to the 2012-2013 fishing years based on an Allowable Biological Catch (ABC) recommendation provided by the NEFMC's Scientific and Statistical Committee (SSC).

Using new survey and commercial catch data, the SSC recommended a 23% increase in the Acceptable Biological Catch (ABC) to 50,425 metric tons. Two factors that led to the change were significant increases in little and winter skate biomass, and new research indicating that the discard survival of both species was higher than had been assumed.

The improved understanding of discard skate survival spells good news for the fishing industry and enabled the Council to approve a 69% increase in Total Allowable Landings (TAL) to 23,365 metric tons, after adjusting for a

3% allowance for anticipated skate landings from state waters.

The Council also agreed to include previously unaccounted for skate landings in the skate bait fishery. These landings have been and are reported by fishermen as sales to other vessels for bait, and had not been channeled through an authorized shore side dealer.

In the meantime, the Council was presented with biological information that compelled it to ask the NMFS Regional Administrator to approve the new limits this year through Emergency Action. Emergency Action taken by the agency could take effect much more quickly than any change made through the federal rulemaking process that binds the Council.

The Council agreed to two approaches for setting the wing fishery possession limits, again using new data from the 2010 and 2011 skate fisheries. Both would extend the wing fishery in time by setting limits at a level that would be unlikely to trigger the very small incidental skate wing limit.

In one approach, wing possession limits would be identified such that the 100% wing TAL would be taken by the fishery, reaching the TAL trigger late enough in the fishing year to avoid curtailing the directed fishery. The Council agreed that the new specifications could increase the current 85% trigger point up to 90%.

In the second approach, the Council agreed to consider a more conservative alternative to setting the wing possession limits. These would be calculated to achieve 85% of the wing TAL, in case the wing fishery lands more than expected by the analysis.

Since the focus of the specifications is setting the wing possession limits so that the fishery does not shut down mid-season, the Council decided not to consider increasing the incidental skate possession limit from 500 pounds to 1,250 pounds.

On the other hand, since the TAL will increase by 69%, the Council did agree to consider increasing the skate bait fishery possession limit from 20,000 to 25,000 pounds. The main purpose of the skate bait fishery possession limit is to discourage derby-style fishing in a fishery regulated by three seasonal quotas.

The Council declined to increase the skate possession limit for vessels using gillnets on a Multispecies Category B day-at-sea (DAS), even though it was originally lowered to protect winter skates which have since rebounded. And although Category B DAS have been reserved for fishing on "healthy" stocks, lifting the skate possession limit could invite considerably more fishing effort.

Council members also voted to postpone lifting the prohibition on keeping barndoor skate. Although once overfished, barndoors are still in a rebuilding program and have not achieved the target biomass that would move it into a "no longer overfished" condition.

During the skate discussion the Council took note that in 2010 state waters landings increased

to over 12% of the total skate landings. Although this may be an event related to the federal fishing regulations in effect at the time, the Council decided to alert the New England states about the problem, and asked them to set skate limits that are more consistent with the federal rules.

Finally, the Council also decided to consider developing new strategies for managing skates. These might be regional to protect depleted stocks while allowing more fishing on others and would be considered in the next appropriate management action.

Groundfish

Amendment 17 Approved

The Council voted to approve Amendment 17 to the Northeast Multispecies Fishery Management Plan (FMP). The action is intended to facilitate more effective operations of state-operated groundfish fishing permit banks in New England. State-controlled permit banks, at least for now, have been established in ME, NH, MA and RI and are funded by the National Oceanic and Atmospheric Administration (NOAA). They will be used by the states to preserve fishing opportunities for small, owner-operated fishing operations in New England fishing communities that might otherwise struggle with the transition to the groundfish sector catch-share program.

Once approved by NMFS, acting on behalf of the Secretary of Commerce, the action will enhance the Council's partnership with the states by exempting their permit banks from many of the rules that "sector-operated" or privately held permit banks must comply with, while still requiring some level of oversight and coordination with federal fisheries policy-makers.

Concerns were raised that states could obtain fishing vessel permits from individuals looking for economic relief, and that these actions could affect the market for groundfish permits. The state-operated permit banks, however, are currently restricted by Memoranda of

Agreement that are required by NOAA, but also would be asked to annually report to the Council about all funding sources, including those outside of NOAA. Additionally, the Council agreed to require details about the consistency of state-operated permit bank activities with the goals and objectives of the NEFMC's Groundfish FMP.

Framework 47 Development Continues

Additional measures were approved at this meeting for inclusion in Draft Framework 47 to the Groundfish Plan, an action that will address fishery specifications for 2012-2014. As part of its work on accountability measures for several groundfish stocks, the Council approved an option to allocate Southern New England/Mid-Atlantic winter flounder to the groundfish fishery. Currently the region is subject to a zero possession limit. Other options approved for further consideration in Framework 47 included the elimination of the 10% cap on yellowtail flounder caught in the Georges Bank access areas. Development of the framework will occur over the summer with final Council approval scheduled for the November 2011 Council meeting.

Accumulation Limits Amendment Moves Ahead

The Council also received a report on an early June workshop it hosted on the topics of accumulation limits and fleet diversity for the multispecies fishery. Based on ideas that were identified at the workshop, the Council agreed to move forward to address these issues in an amendment to the Groundfish FMP. The Groundfish Committee will prepare a scoping document, the first step in developing any FMP amendment.

Monkfish

Amendment 6 White Paper Presented

Council staff presented a white paper prepared by the Monkfish Plan Development Team. The paper outlined issues and considerations that could affect the management regimes for the northern and southern areas of the monkfish fishery if the management plan was divided into two separate plans by region.

The paper had been requested by the Monkfish Committee after it considered comments from the public about potentially adopting catch shares management as part of Amendment 6 to the Monkfish FMP.

After reviewing the paper, the Council unanimously agreed to continue to manage the monkfish fishery under a single FMP, although that decision does not preclude the development of different management strategies in the two areas. The Monkfish Committee will develop Amendment 6 goals and objectives as its next step in the process.

Sea Scallop and Habitat Updates

The Council received an update from Scallop Committee Chairman David Pierce on the range of alternatives, listed below, that may be included Framework 23 to the Sea Scallop FMP.

- 1.) Require turtle deflector dredges in areas of the Mid-Atlantic during specified periods.
- 2.) Refine the yellowtail flounder accountability measure that was approved in Amendment 15 to the Scallop FMP; changes would involve possible modification to the current accountability measure closure schedule and possible inclusion of limited access general category (LAGC) vessels.
- 3.) Modify the LAGC Northern Gulf of Maine sea scallop program to allow Northern Gulf of Maine and/or LAGC IFQ vessels to fish exclusively in state waters on a trip-by-trip basis without deducting the scallop catch from those trips from either the federal Northern Gulf of Maine hard total allowable catch or the individual quotas on LAGC vessels.
- 4.) Modify VMS regulations to allow limited access vessels to declare into the fishery inshore of the demarcation line rather than from port to address safety concerns.

Final action is scheduled at the September Council meeting followed by a March 1 implementation date.

The Council also received an update from the Habitat Committee and staff on the Essential Fish Habitat (EFH) Omnibus Amendment. The committee is currently developing options to minimize adverse effects of fishing on EFH. These options will be combined with others developed by the Groundfish Committee that relate to the multispecies closed areas and packaged into alternatives for analysis in a Draft Environmental Impact Statement. The Habitat Committee also is developing options to minimize adverse effects of fishing on deep-sea corals.

Management Review

Recommendations Move Forward

At the June meeting the Council announced its response to a report requested by Council Chairman John Pappalardo and commissioned by NOAA's National Marine Fisheries Service Director, Eric Schwaab.

Released last April, the report *Review of the New England Fishery Management Process* detailed needed improvements to New England Council operations, as well as those of NOAA's National Marine Fisheries Service (NMFS) regional office in Gloucester, MA and the Northeast Fisheries Science Center in Woods Hole, MA and the interactions between each organization.

The report included a number of overarching recommendations: eliminating redundancies across the entire system that constitutes fisheries management in New England; promoting a shared sense of accountability among the three organizations; defining clear and objective criteria for determining the success of management decisions; and the development of a shared vision and strategy to guide the process

Council Executive Director Paul Howard, NMFS Regional Administrator Pat Kurkul and Frank Almeida, the Acting Director of the Science Center each discussed a fully coordinated and committed action plan that is already underway.

Many areas and issues detailed in the report will be tackled jointly by the Regional Office, Science Center and Council. Those that the Council will take the lead on include:

- Improving communication and collaboration with stakeholders
- Redesigning Council and other meetings to facilitate this outcome
- Creating a regional vision and strategic plan that will incorporate collaboration with all stakeholders and set a future direction for the fishery, and
- Designing a cost-effective performance management system to track the progress of decisions, captures lessons learned and incorporates best practices.

The Council and public will receive a comprehensive plan concerning the recommendations in the management process report at its September 27-29, 2011 meeting in Danvers, MA.

Materials on the Web

More June Council Meeting Information

Materials related to the above issues and PowerPoint presentations that accompanied the briefings presented to the Council in June are located at 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

September 27-29, 2011
Crowne Plaza Hotel, Danvers, MA,