



Council Report

An update published by the New England Fishery Management Council – October 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 October 7-9, 2008 in Mystic, CT.

At its October meeting the Council addressed management issues related to sea scallops, Atlantic herring, spiny dogfish and groundfish.

Sea Scallops

Amendment 15: Update on Scoping Comments

Data from three scallop surveys were available to the Scallop Plan Development Team (PDT) to update this year's biomass estimates for the Elephant Trunk and Delmarva scallop access areas in the Mid-Atlantic. Results from the federal scallop dredge survey, the SMAST video survey and a commercial dredge survey conducted by the Virginia Institute of Marine Sciences were combined and demonstrated that biomass was lower than anticipated in both areas, but not low enough to warrant a reduction in trips for 2009.

In the future, if biomass estimates are lower than the defined thresholds outlined in the Scallop Fishery Management Plan (FMP), the Council has provided the National Marine Fisheries Service with the authority to reduce the number of access area trips available for the Elephant Trunk and Delmarva areas.

The Council also focused some discussion on the appropriate scope of Amendment 15 to the Scallop FMP, ultimately agreeing to strike some and reexamine other alternatives. Because of timing considerations associated with the need to comply with new Magnuson-Stevens Act requirements to implement annual catch limits in 2011, members voted to remove an alternative that would allow unlimited stacking of limited access permits.

Members also recommended that the Scallop Committee seriously consider the impacts of further developing an IFQ alternative as well as another that would convert open area days-at-sea into trips with possession limits in areas outside of access areas. Developing and analyzing these two specific alternatives will require more time and it is still unknown what requirements will be involved with developing new IFQ programs such as who gets to vote in a referendum and when that is supposed to occur in the process.

The Scallop Committee will discuss whether these alternatives should remain in Amendment 15 and is scheduled to report back to the Council in February, if not beforehand, when the full range of alternatives will be approved for analysis in a Draft Environmental Impact Statement.

Lastly, the Council reviewed a request by the Scallop Committee to send a letter to the Northeast Fisheries Science Center that relates to concerns about how the yellowtail flounder incidental catch TAC is observed and monitored in the scallop access areas on Georges Bank. The Council agreed to the request which also raises issues related observer program protocols, recent improvements to the bycatch

monitoring program and an explanation of how observer data is processed and expanded to the full fishery as well as an analysis of observer effects on fishing behavior and the impact of outliers on the final yellowtail flounder bycatch estimate.

Groundfish

Groundfish Management Philosophy Adopted/Amendment 16 Work Continues

The Council reviewed progress to date on Amendment 16 and responded to a number of requests from its Groundfish Advisory Panel. In the process, members voted on an overall philosophy with respect to present and future groundfish management: "It is the intent of the NEFMC to manage groundfish based on the best available science and move towards an output-based management system beginning with Amendment 16 and to be further developed in Amendment 17." The Council concluded that current measures being considered in Amendment 16 (additional sectors and options for the non-sector vessels) are consistent with this guiding principle.

In response to other suggestions and questions from the Advisory Panel, the Council voted on the following Amendment 16 issues: NEFMC members:

- Approved a motion to include an option in Amendment 16 that, if implemented, will allow permits in the Confirmation of Permit History category (CPH) to participate in sectors or lease days-at-sea without being reactivated (i.e. put on a skiff or other vessel). If approved by the Council and implemented by NMFS, this would become effective in May, 2010.
- Rejected a motion that proposed an option that would remove the cap on the number of days-at-sea that can be leased.
- Directed the Groundfish Committee to continue to develop an alternative that addresses concerns over the current regulatory language that makes sectors jointly liable for any violation of any federal regulation by sector vessels, rather than just for sector specific regulations. This will be addressed at the next committee meeting.

Because key NMFS personnel are working on an agency interim action for the groundfish fishery that should be implemented May 1, 2009, the Council did not finalize measures that will be included in Amendment 16 at this meeting. That is now expected to occur at the November Council meeting. A Draft Environmental Impact Statement should be approved at the February Council meeting, public hearings will likely take place in April or early May 2009 and the final Council vote should occur at the June 2009 Council meeting. Implementation is still expected to occur in May, 2010. The NMFS Regional Administrator was optimistic that the interim action for fishing year 2009 will be published as a proposed rule before the end of calendar year 2008.

U.S./Canada TACS Approved

The Council approved the Transboundary Management Guidance Committee's (TMGC) recommendations for TACs for the U.S./Canada Area in fishing year 2009. The recommendations will be forwarded to NMFS for implementation. The full TMGC report is available at http://www.mar.dfo-mpo.gc.ca/science/tmgc/publications/GD2008_1_E.pdf.

The recommendations are:

Eastern Georges Bank Cod	1,700 mt (527 mt U.S./1,173 mt Canada)
Eastern Georges Bank Haddock	30,000 mt (11,100 mt U.S./18,900 mt Canada)
Georges Bank Yellowtail Flounder	2,100 mt (1,617 mt U.S./483 mt Canada)

NMFS Receives A Petition to List Atlantic Wolffish

The Council also received a brief update on a request received by the Secretary of Commerce to list Atlantic wolffish as a threatened or endangered species. The request was received October 1 and requires a final response from NMFS within one year. The Council noted that the NEFSC is conducting a Data Poor Stocks Working Group meeting this fall and that wolffish is one of the species being addressed. As noted in the scoping document for Amendment 16, the Council may consider adding wolffish to its Groundfish FMP if this assessment meeting is able to develop status determination criteria (overfishing definitions) for this stock. The workshop schedule can be found at <http://www.nefsc.noaa.gov/nefsc/saw/>.

Herring

Amendment 4 Measures Refined Following Scoping Hearings

The Council approved the Herring Committee's recommendations to carry over the same research priorities used for herring research in the two previous fishing years to fishing year 2010.

Council members moved on to tackle approval of management measures to be further considered in Amendment 4 to Herring Plan. The action, likely to take effect in early 2011, will focus on effective means of catch monitoring and reporting in the herring fishery and include annual catch limits and accountability measures. In addition, the Council also added consideration of measures to protect Southern New England (including Cape Cod) and Mid-Atlantic runs of river herring.

The Council also voted to eliminate any further consideration of quota allocations from Amendment 4. This will exclude sectors, limited access privilege programs and other forms of allocations to groups or individuals.

Specific management measures that did receive approval for further development in Amendment 4 include: a catch monitoring program for the herring fishery (monitoring and reporting requirements for herring vessels and processors, observer coverage and at-sea monitoring, shoreside monitoring and sampling, vessel monitoring system (VMS) requirements, industry-funded observer programs, applications for electronic monitoring, and/or other measures suggested during the scoping process), and management measures to address herring bycatch concerns in the Atlantic mackerel fishery.

As a follow up to the Council meeting, the New England Council has solicited ideas and recommendations from all stakeholders that could contribute to the development of a comprehensive catch monitoring program for the Atlantic herring fishery. Following the receipt of proposals, the Council's Herring Committee, Advisory Panel and Plan Development Team will work to consider the recommendations or ideas for possible inclusion in the Amendment 4. The notice is posted on the Council's website - www.nefmc.org.

Spiny Dogfish

Change to the Spiny Dogfish FMP Receives Initial Approval from the NEFMC

The New England Council approved initial action on Framework 2 to the Spiny Dogfish FMP, a single-element framework adjustment intended to improve the timeliness and efficiency of incorporating the best available scientific information available into the annual specification process for this stock. More specifically, the proposals would broaden the descriptions of stock status determination criteria contained within the Spiny Dogfish FMP to allow for greater flexibility in those definitions while maintaining objective and measurable status determination criteria for identifying when the stock is overfished.

Second, the Councils would identify acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and provide updated information, new or revised stock status determination criteria may be incorporated by the Councils directly into the annual management measures for each species.

The New England Council is expected to take final action on Framework 2 is at it November 18-20, 2008, meeting in Danvers, MA.

ICCAT

At its October meeting, the New England Fishery Management Council adopted several motions in support of the National Marine Fisheries Service's efforts to improve the management of Atlantic bluefin tuna:

- That science be followed in setting ICCAT member quotas in 2009;
- That ICCAT remove the carryover of under-harvest of Atlantic bluefin tuna and require an immediate (next season) payback of overages; and
- That the Eastern Atlantic bluefin tuna fishery be suspended until mandatory compliance measures are instituted by ICCAT nations.

Management of tunas within U.S. waters is governed by the Atlantic Tunas Convention Act of 1975 (ATCA) and administered by the HMS Division of NOAA Fisheries. ATCA requires the establishment of an Advisory Committee that includes representation by the New England, Mid-Atlantic, South Atlantic, Caribbean and Gulf Fishery Management Councils. Of the 30 species managed by ICCAT, both swordfish and bluefin tuna have supported important fisheries in New England (up to \$32 million in ex-vessel revenues for the latter, plus a substantial recreational component), while yellowfin tuna has supported a much smaller but locally significant fishery.

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>.

**Upcoming Council Meeting
November 18-20 2008, Danvers, MA**