

NEW ENGLAND FISHERY MANAGEMENT COUNCIL SEEKS YOUR COMMENTS ON CONSERVATION AND MANAGEMENT OF THE MULTISPECIES AND SEA SCALLOP FISHERIES

Your comments are invited

The New England Fishery Management Council (Council) proposes to draft regulations to manage and conserve the multispecies and sea scallop fisheries under the authority of Section 302 of the Magnuson-Stevens Act. These rules are intended to facilitate the exchange of groundfish between the two fisheries. When finalized, the rules will become part of an amendment to the Council's Northeast Multispecies and Atlantic Sea Scallop Fishery Management Plans. In addition, the Council may prepare an Environmental Impact Statement (EIS) as described in the National Environmental Policy Act to accompany the proposed amendment.

This document is to inform you of the Council's intent to gather information necessary for the preparation of the EIS and ask for your suggestions and information on the range of issues that should be addressed.

What is the process?

The publication of this document and an announcement in the Federal Register of our intent to consider new measures for the multispecies and sea scallop fisheries is the first part of the formal amendment process. After information is gathered and the potential effects of a proposed action and some alternatives are analyzed by the Council staff, a Draft EIS may be published and sent out for public review and comment. At that point you will have a more complete specific proposal and analyses on which to comment. Following a review of comments on the Draft EIS, the Council will specify the measures it will submit to the National Marine Fisheries Service as the plan amendment.

Why is the Council proposing to take action?

What actions have already been taken?

The NE multispecies fishery targets cod, haddock, white hake, pollock, Acadian redfish, yellowtail flounder, winter flounder, witch flounder, American plaice, windowpane flounder, Atlantic halibut, ocean pout, and Atlantic wolffish. These species are managed as 20 individual stocks. The Council has managed these species as a unit under the NE Multispecies FMP since 1985. Many of these stocks are overfished and/or overfishing is occurring. As a result, strict regulations have been adopted to control catch and promote stock rebuilding. Management measures include limited and open-access permit categories, limits on fishing time through days-at-sea (DAS) allocations, gear requirements, closed areas, retention limits, and sector allocation. These measures have been adopted through a series of amendments and adjustments to the original FMP. The most recent amendment (Amendment 16, to be implemented on May 1, 2010)

expands the use of sectors to manage the fishery. Sectors are voluntary, self-selected groups of fishermen that are allocated a portion of the available catch. Amendment 16 also implements Annual Catch Limits (ACLs); exceeding these limits triggers additional management actions called Accountability Measures (AMs).

The Atlantic Sea Scallop fishery targets Atlantic sea scallops; the fishery has been managed under the Atlantic Sea Scallop FMP since 1982. Atlantic sea scallops are not overfished and are not subject to overfishing. The fishery is managed through a combination of limited access permits, limits on fishing time through DAS allocations, rotational opening of access areas, and individual fishing quotas (IFQs). These measures have been adopted through a series of amendments and adjustments to the original FMP.

Why are additional measures being considered?

Amendment 16 to the NE Multispecies FMP will implement ACLs and AMs for stocks managed by the FMP. Because scallop fishing vessels catch yellowtail flounder, the amendment implements an ACL for the scallop fishery for two stocks: Georges Bank (GB) yellowtail flounder and Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder. Scallop fishery AMs for these ACLs are being developed in Amendment 15 to the Atlantic Sea Scallop FMP; implementation is planned for fishing year 2011.

The amount of GB and SNE/MA yellowtail flounder allocated to the scallop fishery ACL is determined in the biennial specification process adopted by NE Multispecies Amendment 16. Because these two stocks are in rebuilding programs, the ACLs are restrictive for both the groundfish and scallop fisheries. In the most recent specification process (Framework Adjustment 44 to the Northeast Multispecies FMP), for fishing years 2011 and 2012 the scallop fishery was allocated 90 percent of the yellowtail flounder it is expected to harvest. As a result, the fishery is expected to sacrifice scallop yield if vessel operators are unable to reduce incidental catches of yellowtail flounder.

Because of the potential magnitude of the lost scallop yield (\$35 million), the Council is considering mechanisms that will facilitate the exchange of groundfish between the two fisheries. This will allow yellowtail flounder to be transferred to the fishery where it will achieve the most net economic benefit. It may also create incentives for scallop fishing vessel operators to reduce yellowtail flounder catches in order to reduce their operating costs. While at present the only two stocks for which transfers are being considered are GB and SNE/MA yellowtail flounder, the mechanisms may be drafted so that other stocks can be exchanged in the future should it be necessary.

What issues may be addressed in this amendment?

The Council may consider several types of management measures to facilitate the exchange of groundfish between the multispecies and sea scallop fisheries, including, but not limited to:

- No action; no additional measures would be adopted to facilitate the transfer of groundfish stocks between the two fisheries.
- Scallop incidental catch sectors would that would be allowed to acquire groundfish from NE multispecies sectors.
- Other catch share systems, such as individual quota systems, that would allow scallop fishing vessels to acquire groundfish from NE multispecies sectors.

What is the amendment process?

The Council will hold a scoping period to provide the public an opportunity to identify issues and alternatives. After gathering information during this scoping period, the Council will select a range of alternatives to be considered and analyzed in a draft environmental impact statement (DEIS). The Council's Joint Groundfish/Scallop Oversight Committee and Groundfish/Scallop Advisory Panel will develop those alternatives. Once the DEIS is prepared, the Council will hold public hearings, tentatively scheduled for 2011. After receiving public comment, the Council will choose a proposed action to submit to the Secretary of Commerce for implementation. If no delays are encountered, the Council expects to select the proposed action in September 2011 and new regulations will be implemented in 2012.

Why should I comment?

This is the first and best opportunity for members of the public to raise issues and concerns for the Council to consider during development of this amendment. The Council needs your input both to identify management issues and develop alternatives. Your comments early in this process will help us address your concerns more thoroughly.

What should my comments address?

Management measures proposed by the Council must comply with all applicable laws. In particular, they must meet the ten National Standards for fishery management plans specified in the Magnuson-Stevens Act. The Council is particularly seeking comment on:

- Types of systems that will facilitate the transfer of groundfish between the multispecies and scallop fisheries
 - Whether there should be caps on the amount of groundfish that can be transferred, or the amount that can be acquired by an individual scallop vessel or scallop sector
 - Additional reporting and record keeping requirements that may be necessary
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***How do I
comment?***

The Council is scheduling public scoping meetings for this amendment (see location and dates of meetings below). You may attend any of these scoping meetings to provide oral comments, or you may submit comments by email to XXXXXXXX. Written comments will also be accepted through 5:00 p.m. EST on XXXXXX. Comments should be submitted to:

{Insert NMFS Address}

Please not on your correspondence: “{Fill In}.” Comments may be sent by email, mail, or fax.

If you wish to be on the mailing list for future meetings of the Joint Groundfish/Scallop Committee, please contact the Council office at the above address and phone number.
