



Council Report

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

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on September 26-29, 2011 in Danvers, MA.

At its September meeting, the Council addressed issues related to sea scallop, Atlantic herring, groundfish, skate and monkfish management. It also addressed the Touchstone Report prepared by Mr. Preston Pate and the SRA Consulting Group concerning their *Review of the New England Fishery Management Process*.

Additionally, a number of reports and presentations were received. These included a report from the Council's Scientific and Statistical Committee on Acceptable Biological Catch for species in the groundfish stock complex and for the whiting and hake stocks regulated under the Northeast Multispecies Fishery Management Plan; a summary of the June 2011 Stock Assessment Workshop/Stock Assessment Review Committee meetings on the winter flounder stocks; a briefing by the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) concerning two proposals under consideration in the New England region; a presentation by Marcus Hartley on his report *At-Sea and Dockside Monitoring Programs in the Northeast*; and an update to the Northeast Fisheries Science Center's report titled *Report for Fishing Year 2010 on the Performance of the Groundfish Fishery*.

Sea Scallops

Framework 23 Approved

The Council took final action on Framework Adjustment 23 to the Scallop FMP. The most significant new rule is the requirement for a turtle deflector dredge for all limited access (LA) scallop dredge vessels and all limited access general category (LAGC) vessels with a dredge greater than 10 feet 6 inches.

The new gear was designed and evaluated by industry members and academic partners for several years and is expected to substantially reduce the mortality of sea turtles that interact with the scallop dredge fishery. The effective date is one year after the framework is implemented in all waters in the Mid-Atlantic west of 71°W, between May 1 and October 31.

The framework also included modifications to the Northern Gulf of Maine scallop management program. Vessels holding a federal permit to fish for scallops in the area may now also fish in state waters on a trip by trip basis without those catches counting against the total allowable catch for the federal

area. Fishermen, however, must declare their state-only trips. The measure was adopted to make the federal Northern Gulf of Maine scallop management program more consistent with state management programs.

A modification also was made to improve fleet operations and safety for vessels that travel large distances to the scallop fishing grounds. This provision will modify how all LA and LAGC vessels declare into the scallop fishery by allowing boats to begin their trips just west of the VMS demarcation line, rather than from port.

Finally, this action also includes a change to the seasonal closure schedule for yellowtail flounder accountability measures that are triggered if the scallop fishery exceeds its allocation of that species. The framework would adjust the closures to better reflect monthly yellowtail bycatch rates so they are more effective at reducing bycatch in the fishery and minimizing impacts on the scallop industry compared to the current closure schedule.

Specific measures were contemplated to revise the yellowtail accountability measures for the LAGC fishery, but no action was taken. The Council learned at the meeting that high estimates of bycatch rates for that fishery were driven by observed trips using trawl gear, rather than scallop dredge gear. Accordingly, the Council decided to take more time to potentially develop gear specific accountability measures and passed a motion to address this issue in a more holistic way in 2012.

Atlantic Herring

Amendment 5 Moves to Public Hearing Phase

After a lengthy development period during which various sectors of the industry thoroughly debated the issues to be addressed in draft Amendment 5 to the Atlantic Herring Fishery Management Plan, the Council approved a range of new measures and an associated environmental impact statement on September 29. The draft document, which contains detailed alternatives, will be discussed at public hearings in order to receive comments from a wide range of stakeholders. Although not yet scheduled, the amendment timetable calls for the hearings to be scheduled in early January.

The amendment proposals cover fishery management plan adjustments, including trip notification requirements, reporting requirements for dealers and measures for carriers and at-sea transfers. Other measures address the important and controversial issues of monitoring catches of herring at sea, river herring bycatch in the fishery and herring mid-water trawl access to the groundfish closed areas.

Groundfish

Priorities for 2012, Amendment 18, and Framework 47 and the Sector Workshop Move Forward

As part of the Council's discussion about management priorities for 2012, its members identified a number of groundfish items. Those listed below, as well as issues to be addressed

by other fishery management plans, will be voted on at the Council's November meeting.

- Continue Amendment 18 to consider fleet diversity and accumulation caps;
- Coordinate action on the Habitat Omnibus Amendment to include possible modifications to the groundfish closed areas;
- Prepare a framework to adjust sector rules based on lessons learned from the sector workshop, including consideration of cost-effective and comprehensive catch monitoring in the sector program;
- Consider modifying a percent of the Annual Catch Entitlement than can be carried over to the following fishing year;
- Address why optimum yield is not being caught in the fishery and identify changes needed to come closer; and
- Specifications for stocks with updated assessments completed this winter.

Amendment 18 The Council approved a scoping document for an action on accumulation limits and fleet diversity. That scoping process will begin in the next month or two.

Sector Review Workshop The Council heard an update about the workshop to review the first year of sector operations. The workshop will be held on October 25 and 26 in Portland, ME.

Framework 47 The Council included three alternative measures to modify the rebuilding strategy for Georges Bank yellowtail flounder. These were No Action, 75% of MSY, and Maximum F/10% average growth.

Transboundary Management Guidance Committee (TMGC) The TMGC met in Portland, ME on September 7 and 8. The Council approved that group's recommended

quotas for Eastern Georges Bank cod and Eastern Georges Bank haddock (675 and 16,000 mt, respectively). It rejected the recommendation for the Georges Bank yellowtail flounder quota of 900 mt. Instead, members requested that the TMGC revisit the yellowtail flounder quota and consider increasing it to no more than 1,150 mt. The TMGC will attempt to re-negotiate the quota so that both the U.S. and Canada's positions are aligned.

At-Sea Monitoring The Council voted to initiate a groundfish framework action to address issues regarding the continued implementation and funding of cost-effective and comprehensive catch monitoring in the sector program. These measures would be part of the framework to adjust sector rules that is being considered for management priorities in 2012, given that this was the earliest possible opportunity to address the issues.

Skates

Catches Increased for Next Two Years

The Council approved the final skate complex specifications for the 2012-2013 fishing years at its September meeting. From an industry perspective, the big news was a 23% increase in the skate annual catch limit, which includes estimated discards, and a 69% increase in the total allowable landings (TAL). The TAL increase is higher than the annual catch limit increase because new research has shown that little and winter skate discard mortality was less than had been previously estimated. Accordingly, discards comprised a lower proportion of total catch.

The specifications also will raise the skate bait fishery possession limit from 20,000 to 25,000 pounds to allow the fishery to benefit from the higher TAL. The skate wing fishery possession limits were reduced from 2,600 pounds to 2,300 pounds of wings from May to August and from 4,100 to 3,600 pounds of wings during September to April.

That decision was based on a substantial rise in the daily skate wing landings during 2011 over

those observed during 2010. The fishing industry supported the lower limit to keep the skate wing fishery open throughout the year, allowing them to continue producing a steady supply of skate products and retain the necessary processing and shipping capabilities, as well as their international markets.

Analysis for the specifications document showed that the changes in fishing effort from higher TALs were likely to have little impact on barndoor, smooth, and thorny skates, species that are either rebuilding or are of concern due to low biomass.

Smooth and thorny skate are found mostly in the Gulf of Maine and barndoor skate in deeper water, areas where the fishery does not target little skate for the bait market and winter skate for the wing market.

The new specifications would become effective on May 1, 2012, following secretarial review of the proposed specifications.

Whiting

Management Alternatives Approved

The Council approved management alternatives to be included and analyzed in a draft Amendment 19 document to regulate the small mesh multispecies fishery. Red hake, silver hake (often known as whiting) and offshore hake are caught by vessels in this fishery.

The new alternatives include setting annual catch limits and accountability measures to comply with Magnuson-Stevens Act requirements. Final measures would become effective on May 1, 2012.

Acting on the recommendations of its Scientific and Statistical Committee, the Council set the red hake catch limits at the 40th percentile of the overfishing threshold or about 600,000 pounds in the northern stock area and 6.8 million pounds in the southern stock area.

The Council set the silver hake catch limits at the 25th percentile of the overfishing threshold or 27.6 million pounds in the northern stock

area and 71.2 million pounds in the southern stock area. The southern stock area catch limit includes a 4% allowance for catches of offshore hake, which are often mixed with silver hake.

After accounting for discards and landings in state waters, the total allowable landings (TALs) would be allocated by species, stock area, quarter, and/or management area depending on the alternatives chosen after analysis and public hearings. The northern stock area includes the Gulf of Maine and the northern portion of Georges Bank, while the southern stock area includes the southern portion of Georges Bank, plus waters off Southern New England and the Mid-Atlantic regions.

Accountability measure alternatives include a triggered incidental possession limit when landings reach 90% of the TALs and post-season adjustments for overages. Alternatives for additional monitoring requirements were included in the draft amendment. And because the catch limits are more restrictive for red hake than for silver hake, the Council also voted to include alternatives to set red hake possession limits, like those that already exist for silver hake.

The Council is expected to vote on a draft amendment at its November 15-17 meeting and conduct public hearings in early January. Final alternatives will be approved in late January, following the hearings.

No stocks of hake are overfished and overfishing is not occurring, according to the latest stock assessments.

Monkfish

Review of Goals and Objectives Scheduled for November

The Council considered a recommendation to send a letter to NMFS' Regional Administrator asking whether the impact of monkfish tail weight conversion calculation issue can be mitigated through a technical amendment. NMFS corrected the tail weight conversion to whole (head-on, gutted) fish as a technical amendment when the agency approved

Amendment 5 earlier this year. This correction had the effect of reducing the daily trip limit on those vessels that land whole fish (rather than tails).

During Council deliberations, the Regional Administrator advised that since any mitigation action would result in a change to the trip limits and/or days-at-sea specifications for some vessels, the Council would have to develop the appropriate measures in a regulatory action, either a framework adjustment or plan amendment. Therefore, the Council remanded the issue to the Committee for further discussion.

In the context of the development of Amendment 6 to the Monkfish FMP, in which the Council is considering catch shares management, the Council considered a Committee recommendation to request that NMFS calculate individual contribution factors (i.e., potential individual allocations) based on vessels' landings history for three time periods, and distribute those results to permit holders.

The purpose of this request was to provide permit holders an early indication of what their individual allocations might be so that stakeholders can make informed comment as the Council develops catch share management alternatives. The three suggested time periods, however, would not necessarily be those on which the potential management alternatives to be considered in Amendment 6 are based.

During the discussion of this motion, that the task would require substantial staff resources for a product that may not ultimately be applied to a management action, and, therefore, the request was premature and could mislead stakeholders if the actual alternatives being considered in Amendment 6 are substantively different.

In response, the Council agreed to postpone a vote on this issue until the November meeting, at which time the Monkfish Committee will bring forward a recommendation for Amendment 6 goals and objectives.

Touchstone Management Review

Recommendations Presented

Although the response to the Touchstone Report is a shared effort among the leadership of the Council, NOAA's Regional Office in Gloucester, and its Science Center in Woods Hole, MA, the Council first discussed those issues on which it is taking the lead. Discussions were held on improving communications and collaboration with the industry, developing a shared vision and strategy to guide the overall management process and the initiation of a cost-effective performance management system to track the progress of decisions, capture lessons learned and incorporate best practices.

NMFS Regional Administrator Pat Kurkul and Frank Almeida, the Acting Director of the Science Center each discussed the elements of the report they are leading. These included: improvements to their data management systems; better collaboration with their partners on science and collaborative research, new methods of communicating with the public and ways to streamline and improve the collaboration among all three entities.

The Council will further address these and additional issues at its November Council meeting. Specifically, the vision and strategic plan, including the adoption of an ecosystem based approach to fisheries management, will be further discussed and finalized.

The materials associated with this discussion are posted on the Council's website under What's New.

Council Officers Elected for 2011-2012

Cunningham and Odlin Elected to Chair and Vice Chair Positions

The New England Fishery Management Council elected its Chairman, Vice Chairman and Executive Committee to guide the Council over the next year. Former Vice Chairman Rip Cunningham was elected Chairman, and Maine fisherman Jim Odlin will serve as Vice Chairman.

Mr. Cunningham is a former editor and publisher of *Saltwater Sportsman* magazine and a long-time freelance conservation writer. He has served as Groundfish Committee Chairman for the last five years and is an active sport fisherman. He was appointed to the Council in 2004.

Executive Committee membership includes Sally McGee, New England Program Director for the Nature Conservancy, Terry Stockwell, Director of External Affairs with the Maine Department of Marine Resources, and Doug Grout, Chief of the Marine Division at the New Hampshire Fish & Game Department.

Materials on the Web

More September Council Meeting Information

Materials related to the above issues and PowerPoint presentations that accompanied the briefings presented to the Council 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

November 15-17, 2011
Marriott Hotel, Newport, RI