

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Groundfish Committee

I. STATUS

- A. Meetings: The Groundfish Oversight Committee met December 17, 2008 and January 29, 2009. The Groundfish Plan Development Team met December 5, 2008. Reports are attached for the two meetings in December; the Chair will provide the report of the January meeting to the Council.
- B. Amendment 16: The Amendment 16 scoping period ended December 31, 2006. Scoping hearings were held in Maine, New Hampshire, Massachusetts, Rhode Island, and New York. The Committee and Council reviewed scoping comments at the February 2007 and June 2007 Council meetings. The Gulf of Maine Research Institute and the Massachusetts Marine Fisheries Institute hosted meetings to help proponents of alternative management systems develop detailed proposals. In June 2007 the Council decided that Amendment 16 will modify the effort control system to in order to continue stock rebuilding, and will modify existing sectors and adopt new sectors. The Committee focused on resolving the policy issues necessary to facilitated adoption of seventeen additional sectors and modifications to two existing sectors until the September Council meeting. At that meeting, the Council directed the Committee to work on other measures and postpone further sector development until that work was completed. In November, the Council directed the Committee to resume working on sector policies for inclusion in Amendment 16. At the January, 2008 Council meeting, the Council discussed sector policies and selected four alternatives for calculating the potential sector contribution for each permit. The full range of alternatives for this amendment were originally approved by the Council at the February, 2008 Council meeting. After that meeting the Committee and Council continued to develop the management measures and have since added additional measures. In June 2008 the Council was scheduled to approve the DEIS for public hearings to be held in the summer, but this was delayed when it appeared from preliminary assessment information that the management measures were targeting mortality reductions on the wrong stocks.

At the September Council meeting, the Council received the report of the Groundfish Assessment Review Meeting (GARM III). The Groundfish Oversight Committee planned to meet September 26, 2008 to develop effort control alternatives based on that report. The plan was for the Council to approve those measures in October for development into a DEIS, with the goal of approving the DEIS at the November Council meeting. Unfortunately, during the PDT conference call on September 11, 2008, it was learned that critical PDT members were unable to work on Amendment 16 alternatives because they were busy working on a groundfish interim action being developed by NMFS. As a result, the Committee did not have effort control alternatives for review at that meeting. The PDT resumed development of effort controls in mid-October and presented several alternatives to the Committee at the end of the month. This were reviewed by the Committee, modifications made, and revised alternatives presented to the Council in November. The Council approved the measures for development in November, and authorized the Committee to continue to develop the measures as necessary. The Committee and PDT continued their work over the next two months.

The Committee reviewed the Draft Amendment 16 and accompanying DEIS at its January meeting and will provide recommendations to the Council for preferred alternatives.

- C. Interim Action: On January 16, 2009, 79 *FR* 2959 published a rule proposing interim groundfish regulations for FY 2010. The Council will consider providing comments on the rule.
- D. FW 42 lawsuit: On January 26, 2009, the U.S. District Court in Massachusetts issued an order in the case of Commonwealth of Massachusetts and State of New Hampshire v. Carlos M. Gutierrez, Secretary of Commerce. The court order said “The court temporarily suspends Framework 42 pending serious consideration and analysis of the Mixed-Stock Exception by Defendant.” The Council expects to NERO will explain the implications of this ruling.

II. COUNCIL ACTION

- A. Approval of the Amendment 16 DEIS.

III. INFORMATION

1. Draft Amendment 16 management measures
2. Groundfish Committee meeting summary, December 17, 2008
3. December 5, 2008 PDT report dated December 14, 2008
4. Draft Amendment 16 dated January 28, 2009 (CD only)
5. Staff memo dated January 22, 2009 (SNE drop chain requirement)
6. Draft Atlantic Wolffish EFH language
7. 74 *FR* 2959; Interim Action Proposed Rule
8. U.S. District Court of Massachusetts Memorandum and Order dated January 26, 2009
9. January 31, 2007 (NOAA) and October 25, 2006 (NEFMC) letters related to mixed stock exception
10. US/CA Resources Sharing Understanding catch reports
11. Correspondence