

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

SEEKS YOUR COMMENTS

ON CONSERVATION AND MANAGEMENT OF THE MULTISPECIES FISHERY

The New England Fishery Management Council (Council) proposes to draft regulations to manage and conserve the multispecies fishery under the authority of Section 302 of the Magnuson-Stevens Act. These rules are intended to reduce the likelihood that groundfish permit holders will control excessive shares of the resource and that over-consolidation will occur within the fleet. When finalized, the rules will become part of an amendment to the Council's Northeast Multispecies Fishery Management Plan. In addition, the Council may prepare an Environmental Impact Statement (EIS) as described in the National Environmental Policy Act to accompany the proposed amendment.

The Council identified two objectives for this amendment:

***Your
comments are
invited***

1. To consider the establishment of accumulation caps for the groundfish fishery; and
2. To consider issues associated with fleet diversity in the multispecies fishery.

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. This document includes the significant issues identified to be addressed by the amendment but does not precisely represent the range of issues or alternatives that will be in the amendment. This document is a starting point to inform the public and begin the scoping process. Scoping is defined as "An early and open process for determining the scope of issues to be addressed and identifying the significant issues related to a proposed action." The purpose of the scoping process is to determine the scope or range of issues surrounding the proposed action.

***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 fishery is the first part of the formal amendment process. After information is gathered and the potential effects of a proposed action and 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.

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, 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).

At the request of the Council, NMFS published a control date of **March 7, 2011**. The control date is intended to alert the fishing industry and the public that any present or future accumulation of fishing privileges may be limited or may not be allowed after or prior to the published control date. It also is intended to discourage speculative behavior in the market for fishing privileges while the New England Fishery Management Council considers whether and how such limitations on accumulation of fishing privileges should be developed. However in establishing this date, the Council is not obligated to take any further action. No limits or restrictions have been imposed on the groundfish fishery by establishing this control date. However, fishermen are encouraged to preserve any documents relating to their ownership or control of fishing privileges in the event that the Council does decide to take a future action.

Why is the Council proposing to take action?

Why are additional measures being considered?

Amendment 16 to the NE Multispecies FMP expanded the use of sector management for stocks managed by the FMP, and also implemented ACLs and AMs for the fishery. In the most recent specification process (Framework Adjustment 44 to the Northeast Multispecies FMP), catch limits for many multispecies stocks were set at very low levels, and these restrictions are anticipated to remain for the near future. There is concern that the low catch limits, in conjunction with expanded sector management, will lead to excessive consolidation and lack of diversity in the groundfish fleet. Likewise, there is concern regarding consolidation and diversity in the groundfish fleet as stocks rebuild and ABCs increase. Some background information on changes in number of active vessels and ownership is included at the end of this document.

Because of concerns related to maintaining the diverse makeup of the fleet, as well as an interest in keeping active and thriving fishing ports throughout New England, the Council is considering measures that will impose limits on the amount of allocations that individuals or groups of individuals may control. The Council may also create other incentives for maintaining diversity and fishery infrastructure.

***What issues
may be
addressed in
this
amendment?***

The Council may consider several types of management, including, but not limited to:

- No action; no additional measures would be adopted;
- Establishing individual accumulation caps, or sector accumulation caps, on a stock-specific or fishery-wide level;
- Establishing usage caps for vessels fishing on a multispecies permit;
- Other measures to promote diversity within the fleet;
- Establishing performance indicators relating to the two objectives identified for the amendment (in addition to or instead of caps); and
- Establishing fleet diversity and accumulation limit measures fleet-wide or separately for inshore and offshore fleets.

This action will consider measures that require changes to the multispecies plan. Measures will probably be adopted in a future action.

***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 Groundfish Oversight Committee and Groundfish 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 mid-2013 and new regulations will be implemented in 2014.

***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:

- Matters related to the development of accumulation limits and fleet diversity.
 - Additional reporting and record keeping requirements that may be necessary.
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The Council may be scheduling public scoping meetings for this amendment. You may also attend any of the Groundfish Advisory Panel, Groundfish Committee, or Council 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 XXXXX, 2011. Comments should be submitted to:

{Insert NMFS Address }

Please note on your correspondence: “{Fill In}.” Comments may be sent by email, mail, or fax.

***How do I
comment?***

If you wish to be on the mailing list for future meetings of the Groundfish Committee, please contact the Council office at:

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Groundfish Fleet Composition Fact Sheet

The following tables are included to provide context for the scoping information by describing changes in the groundfish fleet.

Table 1 - Number of multispecies vessels active in the groundfish fishery by home port state

State	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Change (1996-2009)
ME	188	179	158	140	153	163	121	120	103	99	99	84	77	75	-60%
NH	75	65	74	70	90	90	77	67	61	53	45	46	46	46	-39%
MA	716	655	639	638	652	687	648	604	525	454	393	363	324	317	-56%
RI	122	124	132	138	126	137	97	91	90	93	90	90	86	76	-38%
CT	3	3	6	2	17	17	3	7	4	4	7	8	13	11	+267%
NY	123	135	134	128	123	116	116	113	95	76	91	84	80	70	-43%
NJ	86	80	80	94	84	58	39	53	41	45	53	47	40	19	-78%
VA	15	21	24	26	18	9	8	7	4	2	0	4	3	4	-73%
NC	13	16	20	17	18	27	20	20	14	15	7	9	8	9	-31%
DE	4	4	3	5	4	2	2	2	3	5	5	4	5	3	-25%
MD	3	4	6	5	8	7	7	5	7	4	4	2	4	4	+33%
FL	2	1	1	2	3	0	2	2	0	0	0	0	0	0	-100%
Other	4	2	1	0	0	1	3	2	2	0	1	0	0	1	-75%
Total	1354	1289	1278	1265	1296	1314	1138	1086	944	846	786	734	684	635	-53%

The number of vessels active in the multispecies fishery has declined in all states since 1996, with the exception of Connecticut and Maryland. The overall decrease averaged 53 percent. Massachusetts, Maine, New Jersey, Virginia, and Florida all had declines in numbers of active vessels that were larger than the average. The state with the largest percent decrease was Florida, which had two active vessels in 1996 and none in 2009. The next largest was New Jersey, which had 86 active vessels in 1996 and 19 in 2009.

Table 2 - Active Limited Access Permits by Homeport State – Only permit categories Individual DAS, Fleet DAS, Hook Gear, Large Mesh DAS (A, B, D, F, G)

State	2001	2002	2003	2004	2005	2006	2007	2008	2009
ME	113	109	108	94	93	92	73	60	59
NH	60	54	51	47	45	39	37	36	35
MA	567	508	483	426	382	327	293	277	256
RI	84	79	81	77	72	70	66	60	48
CT	4	3	5	3	2	4	6	9	7
NY	102	88	83	64	56	65	55	48	41
NJ	36	28	31	30	27	32	28	30	11
Other	34	27	20	16	13	9	8	10	10
Total	1000	896	862	757	690	638	566	530	467

This table shows changes in the number of permits for the five permit categories that land the majority of groundfish. Overall, the declines in the number of active fishing vessels in these permit categories are slightly less than the declines seen when including all permits.

Table 3 - Distribution of 2010 PSC based on individuals with an ownership interest (preliminary data)

	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB YT Fl	SNE/MA YT Fl	CCGOM YT Fl	Plaice	Witch Fl	GB Winter	GOM Winter	Redfish	White Hake	Pollock
Top 3*	20.47	12.17	25.86	16.50	17.85	10.91	15.01	18.62	18.01	36.13	13.29	19.77	19.69	14.76
Top 25*	52.58	38.97	59.82	67.91	55.30	41.92	43.29	54.66	48.71	74.62	45.09	75.34	70.22	57.12
Value at 90 %ile*	0.23	0.31	0.22	0.19	0.18	0.34	0.35	0.20	0.23	0.09	0.27	0.10	0.16	0.20

* Data for 1,317 permits accounting for at least 96 percent of the PSC for each stock. 933 individuals

The preliminary data in the table above shows the percentage of PSC allocated to individual people (or corporations in which they have an ownership interest) in 2010. The columns represent the percentage of the PSC of the top three individuals combined, the top 25 individuals combined, and the value at the ninetieth percentile of PSC holders, respectively. The latter number signifies the percentage of PSC held by the individual in the ninetieth percentile of ownership; that is, ninety percent of permit holders have less PSC than that number, while ten percent have more. The most concentrated stock is GB winter flounder, for which three individuals control 36% of the total PSC. The least concentrated are GOM cod and SNE/MA yellowtail flounder, for which the top three individuals control 12% and 11%, respectively.

More information is available from the NEFMC office and on our website at <http://www.nefmc.org/nemulti/index.html>.