



Council Report

An update published by the New England Fishery Management Council – November 2010

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on November 16-18 in Brewster, MA.

At its most recent meeting, the Council addressed issues related to approving management priorities for 2011, sea scallops, monkfish, groundfish, skates and spiny dogfish.

Management Priorities for 2011 Approved

At its late fall meeting last week, the New England Fishery Management Council agreed to address the following management actions next year.

Committee	Action
Groundfish	<ol style="list-style-type: none"> 1. <u>Prepare Framework Adjustment 46</u> – fishery specifications (OFLs/ABCs/ACLs) for 20 stocks for 2012-2014; address outstanding AMs for ocean pout, windowpane flounder, and halibut, consider eliminating Georges Bank access areas and the yellowtail flounder 10% cap, consider allocating 100% of scallop fishery’s estimated yellowtail flounder catch to scallop vessels; address dockside monitoring in FW 46 or 47. 2. <u>Prepare Framework 47</u> to address a haddock catch cap in the herring fishery. 3. <u>Prepare amendment</u> to address state permit bank issues. (NMFS will take the lead). 4. <u>Prepare amendment</u> to consider fleet diversity and accumulation caps. 5. <u>Conduct a “lessons learned” review/workshop</u> with sector representatives based on the first year of sector operations.
Monkfish	<ol style="list-style-type: none"> 1. <u>Complete Framework Adjustment 7</u> – specs for 2011-2013. 2. <u>Prepare Monkfish Amendment 6</u> for catch shares (sectors and IFQs).
Whiting and Skates	<ol style="list-style-type: none"> 1. <u>Prepare Skate Framework Adjustment 1</u> for Jan. 2011 (final vote to change skate trip limit to maximize length of the 2011 fishery). 2. <u>Prepare a whiting amendment</u> to set ACLs, AMs and specifications (2012-2014). [Whiting Data Poor Workshop scheduled for Dec. 2010.] 3. <u>Prepare skate specifications</u> for 2012-2013.
Scallops	<ol style="list-style-type: none"> 1. <u>Prepare Framework Adjustment 23</u> to address a requirement for turtle excluder dredges, review/revise the yellowtail flounder AM in Amendment 15 and possibly adjust the LAGC NGOM program to address state/fed fisheries issues. 2. <u>Prepare Amendment 16</u> to develop IFQs following completion of FW 23.
Habitat	<ol style="list-style-type: none"> 1. <u>Complete Omnibus Habitat Amendment.</u> 2. Conduct EBFM Planning.
Herring	<ol style="list-style-type: none"> 1. <u>Continue Amendment 5</u> to include monitoring, mackerel and river herring bycatch, criteria for access to closed areas, and protection of spawning aggregations. Herring A5 takes priority over Groundfish Framework 47.
Research Steering	<ol style="list-style-type: none"> 1. <u>Continue to steer research</u> to support NEFMC plans.
SSC	<ol style="list-style-type: none"> 1. <u>Support SSC activities</u> such as recommending ABCs and addressing other elements of Council FMPs.
Enforcement/Safety	<ol style="list-style-type: none"> 1. <u>Review management actions</u> and provide comments on safety and enforceability.
Catch Shares Workshop	<ol style="list-style-type: none"> 1. <u>Conduct a workshop to formulate a strategy and blueprint for catch share programs</u> in New England fisheries focusing on community impacts, and incl. goals, objectives, issues of concern and recommendations for each program type; also CFAs and private/state permit banks.

Sea Scallops

Framework 22 Finalized, Specs Set for Fishing Years 2011 and 2012

The Council reviewed and approved Framework Adjustment 22 to the Scallop FMP based on very important input from its industry advisors and the Scallop Plan Development Team (PDT). While the number of scallop fishing days will be less than the 2010 allocations (38 days-at-sea), projected catch for 2011 and 2012 is similar to current levels of about 55 million pounds. Vessels are expected to catch more pounds per day-at-sea in open areas due to high biomass levels, and total revenues are expected to be similar to what they have been in recent years, about \$400 million dollars annually.

Effort in open areas was set at the maximum level allowed under the hybrid overfishing definition revised and approved in Amendment 15 in September. When effort is set at the overfishing threshold of $F = 0.38$ in open areas, the days-at-sea allocation per vessel comes out to be 32 days in 2011 and 34 days in 2012.

In addition, more catch will be allocated to the general category fishery than in 2010 based on modifications approved in Amendment 15 that recognize there is little management uncertainty in the IFQ managed fishery. The general category fishery will be allocated about 3.2 and 3.4 million pounds in 2011 and 2012 respectively, or about 500,000 pounds more than the general category fishery was allocated in 2010.

As important as the allocations themselves, the Council approved an innovative fishing strategy that was developed by its PDT and fully supported by its Scallop Advisory Panel. The "split fleet trip alternative" is intended to promote as much access into scallop rotational areas as possible. In the past, trips have been scheduled to fish in open "access areas" when projected biomass is estimated to support a full 18,000 pound trip for all full-time vessels. In some cases, however, projected biomass in an area was actually higher than a full trip allocation, but not sufficient to support another full trip allocation.

Rather than adjust the possession limit, the Scallop PDT developed an alternative that would allocate an additional access area trip to half the fleet in one area, and the other half of the fleet a trip in a different area. Trips would be allocated on a completely random basis, and vessels would be permitted to trade trips. This strategy is expected to optimize yield and reduce impacts on the environment. Further, as a result of reduced fishing time, impacts on essential fish habitat (EFH), protected resources, and bycatch are expected to be positive.

The Council also recommended a restriction on the number of access area trips that can be fished in the Mid-Atlantic as a measure to reduce impacts on sea turtles. Each vessel is limited to one trip in Mid-Atlantic access areas between June 15 and October 31. One caveat was added to this measure to reduce impacts on vessels that fish in this area. If a vessel trades two of their trips on Georges Bank for two additional trips in the Mid-Atlantic, the vessel with additional Mid-Atlantic trips would be permitted to fish up to two trips during that same time period. This alternative is expected to shift a considerable amount of effort, about 7% or over 700 days, from the season when turtles are more likely to be present in the Mid-Atlantic (June 15 - October 31). By limiting limit effort in this manner, the measure is expected to have beneficial effects on sea turtles, but not more than minor impacts on the scallop fishery.

Framework Adjustment 22 also includes a hard total allowable catch (TAC) for the Northern Gulf of Maine Limited Access General Category fishery (NGOM/LAGC) as well as a target TAC for LAGC vessels with an incidental permit (40 pounds per trip). The Council recommended that the hard TAC for the NGOM remain at 70,000 pounds and the incidental catch target TAC also remain at 50,000 pounds.

The Council also considered whether the 2011 and 2012 yellowtail flounder bycatch allocations to the scallop fishery should be adjusted based on updated estimates of expected catch by the scallop fleet. Ultimately, it decided not to adjust the allocations downward, but agreed to re-evaluate future allocations in Framework 46 to the Groundfish Plan.

Monkfish

Framework 7 Preferred Alternative Moves Forward

The Council identified a preferred alternative for consideration in Framework Adjustment 7 to the joint NEFMC/MAFMC Monkfish Plan. The action will include alternatives for adjusting the Annual Catch Limit (ACT) and specify the associated days-at-sea and trip limits for the Northern Management Area for the 2011-2013 fishing years.

As background, the NEFMC's Scientific and Statistical Committee, after reviewing the recent stock assessment, recommended a modification to the Acceptable Biological Catch which is lower than the ACT proposed for the Northern Area in Amendment 5 (currently under review by National Marine Fisheries Service). The preferred alternative would lower the ACT to 6,567 metric tons, or 86.5% of the revised ABC, and allocate 40 days-at-sea with trip limits of 1,250 pounds and 600 pounds (tail weight per day-at-sea, for permit categories A/C and B/D, respectively). The Council plans to finalize Framework Adjustment 7 at its January 25-27, 2011 meeting in Portsmouth, NH.

The NEFMC also reviewed a draft scoping document for Amendment 6 which is intended to facilitate public input on the Council's intent to consider adopting a catch share management program for the monkfish fishery. Programs currently being discussed include sectors and ITQs, but other catch allocation approaches also may be considered.

Groundfish

Framework 45 Measures Finalized

The Council approved a wide range of groundfish management measures in November, from eliminating the dockside monitoring requirement for sector boats to protecting whale cod off the New Hampshire coast. A brief summary of the decisions are listed below. Both the Council and the National Marine Fisheries Service anticipate that Framework 45 will be implemented on May 1, 2011.

The longest discussions centered on removing the requirement for the industry to fund at-sea monitoring in fishing year 2012 (this is a one-year delay only), which was approved. The Council did agree it was necessary to continue the trip-end hail requirement, and modified the dockside monitoring provisions to specify that the National Marine Fisheries Service provide as much funding as possible for up to 100 percent dockside monitoring through 2012 with a target of 100 percent if funds are available, and prioritize coverage for trips that do not have an observer.

Further on this issue, the Council approved a motion to reflect their agreement that dockside *monitoring* will no longer be considered a *reporting* requirement. This change will allow sectors to request an exemption for trips that fish west of 72-30 W with monkfish gear.

Several technical measures were adopted at the meeting, among them new pollock biomass targets and fishing mortality limits. These changes were based on the results of a recently updated stock assessment that concluded the pollock stock is not subject to overfishing and is not overfished. Accordingly, the stock is no longer subject to the formal rebuilding program adopted through Amendment 16.

The Council also adopted a new rebuilding strategy for Georges Bank yellowtail flounder that proposes rebuilding by 2016 with a 50 percent probability of success, as well as a revised ACL based on this change. The framework corrects a previous error in the white hake ACL. It also will include the ACLs for Georges Bank cod, haddock and yellowtail flounder to reflect the Council's action on the allocations forwarded by the Transboundary Management Guidance Committee for stocks harvested in the U.S./Canada Management Area and approved by the Council in September.

Several new sectors were approved last week --- state permit bank sectors for Maine, New Hampshire, Rhode Island, and Massachusetts, and Sustainable Harvest Sector 3. The Council did not approve two sectors that submitted requests last spring because they did not submit operations plans for next year. Through this framework adjustment the Council also exempted Handgear A and B, and Small Vessel Exemption permits, from dockside monitoring requirements. Members also voted to:

- Adopted a measure to redistribute the Potential Sector Contribution attached to cancelled permits and changed the date for sector roster submission from September 1 to December 1.
- Removed the General Category scallop fishery spawning closures in the Great South Channel.
- Approved a closure to protect spawning cod in the Whaleback Area off NH; the closure will apply to recreational and commercial vessels, although both will be allowed to fish in the area with pelagic gear.
- Modified trip limits for Handgear A vessels; the trip limit will remain at 300 pounds per trip and one trip per day until the common pool trip limit for days-at-sea vessels is reduced below 300 pounds. Handgear A and B trip limit changes for cod will be stock specific (currently there is only one limit for both cod stock areas). Handgear A vessels also will be subject to the same Gulf of Maine rolling closures as sector vessels, and both Handgear A and B vessels will be allowed to fish in the Georges Bank seasonal closure.

In other decisions outside of the Framework 45 discussion, the Council will ask the National Marine Fisheries Service to allow sectors two weeks after their final Annual Catch Entitlement (ACE) reconciliation to make ACE transfers if needed to balance catches and allocations. The Council will also send a letter asking sectors to identify dealers that are not submitting report to the agency in a timely manner.

Skates

Framework Initiated to Address Industry Concerns Over the Wing Possession Limit

Responding to a Council request, its Skate Plan Development Team (PDT) reported at last week's meeting that at this time data are insufficient to estimate and predict the 2010 skate discard rate, a measure which would have enabled the Council to modify the total allowable landings of skates in the 2010 fishing year.

According to the PDT, although data from observed trips are available to compare discard to landings ratios for groundfish sector vessels, the wide variation in the data precluded a determination of whether total skate discards had declined under groundfish sector management. Previously unavailable discard estimates for 2009 would enable only an 8 metric ton (about 17,000 pounds) increase in total skate landings.

The National Marine Fisheries Service also reported that the Council's Emergency Action request to raise the skate wing possession limit so that industry can harvest optimum yield would not be prudent.

The history of the situation began when the skate wing possession limit was reduced from 20,000 pounds to 5,000 pounds on June 16 with the implementation of Amendment 3 to the Skate Plan. Later, the limit was further reduced to 500 pounds because the fishery had landed 79 percent of the annual limit and was on a pace to far exceed the allowable quota for the 2010 fishing year. Since that time, landings of skate wings have averaged 190,000 pounds per week and the fishery is expected to reach the landings limit by early March 2011. The fishing year, which began on May 1, 2010, is scheduled to end on April 31, 2010.

Industry testified that the skate wing possession limit reduction to 500 pounds has had devastating impacts on fishermen and shore-side processors, threatening market share and the long term ability for the U.S. to market skate wings overseas.

As a consequence, the Council initiated Framework Adjustment 1 to re-assess its April decision for the 2010-2011 fishing years. The action was based on industry concerns and recommendations to modify the skate wing possession limit for the 2011 so that the fishery does not close early next year. The framework adjustment will be developed using existing analyses with approval expected at the January 2011 Council meeting and possible implementation next May.

Spiny Dogfish

Quota and Trip Limits Approved for 2011-2012 Fishing Year

Agreeing with the Mid-Atlantic Fishery Management Council action on spiny dogfish in October, the NEFMC approved the identical specifications --- a quota of 20 million pounds with a 3,000 pound trip limit for the 2011/2012 fishing year only.

Enforcement

After considering Enforcement Committee recommendations concerning standard fixed-gear marking the EEZ, the Council agreed to correspond with the Atlantic States Marine Fisheries Commission and the National Marine Fisheries Service regarding fishermen's current concerns about gear marking and gear conflicts. The agency will be asked to remind fishermen about the rules already in place that address these issues.

Materials on the Web

Meeting materials related to the above issues and PowerPoint presentations that accompanied the briefings provided to the Council in November are located on the Council's website www.nefmc.org. Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting – January 25-27, 2011
Sheraton Harborside Hotel in Portsmouth, NH**