



Council Report

An update published by the New England Fishery Management Council – November 2009

The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. The Council met most recently on November 17-19, 2009 in Newport, RI. Click on www.nefmc.org for meeting materials and motions.

At its November meeting, the Council received a report from its SSC concerning final herring ABC advice, addressed management priorities for next year and made decisions related to fishery management plan measures for Atlantic herring, sea scallops, groundfish, monkfish, red crab and dogfish.

Council Management Priorities

2010-2011 Actions Approved

At its late fall meeting last week, the New England Fishery Management Council approved initiation of the following management actions for the upcoming year.

Groundfish/Scallops	<ul style="list-style-type: none"> ▪ Prepare joint Amendment for groundfish sectors to transfer yellowtail flounder ACE. ▪ Prepare Amend. or Framework to reconsider 7-yr yellowtail flounder rebuilding schedule.
ACLs/AMs/Specs	<ul style="list-style-type: none"> ▪ Cont. to Prepare amendments to set ACLs, AMs and spec packages (2011-2013) for monkfish, whiting and red crab. Prepare Monkfish Amend. 6 for catch shares (sectors and IFQs) after Sep 2010.
Scallops/Groundfish	<ul style="list-style-type: none"> ▪ Continue Amendment 15 to set ACLs, AMs, capacity reduction, DAS leasing, transfers for limited access fleet, new overfishing definition, open area trips. ▪ Prepare Framework 22 for 2011 and 2012 measures including yellowtail flounder allocation and bycatch reduction measures. ▪ Prepare joint Amendment to form Scallop yellowtail bycatch sectors or other catch share mechanisms to allow yellowtail ACE transfer.
Habitat	<ul style="list-style-type: none"> ▪ Continue Omnibus Habitat Amendment. ▪ Conduct EBFM Planning.
Herring	<ul style="list-style-type: none"> ▪ Continue Amendment 4 to set ACLs, AMs ▪ Prepare Amendment 5 to include monitoring, mackerel, bycatch, criteria for access to closed areas, and protection of spawning aggregations.
Interspecies (Committee will include MAFMC leadership as members)	<ul style="list-style-type: none"> ▪ Develop goals and objectives, issues and recommendations for catch shares and Community Fishing Associations in those FMPs which are determined to be most appropriate. ▪ Develop goals and objectives, issues and recommendations to improve monitoring in all FMPs. ▪ Develop goals and objectives, issues and recommendations to consolidate FMPs. Also, examine joint plans with the MAFMC and ASMFC that are complementary. ▪ Interspecies Committee will meet jointly with AP chairs and vice chairs; explore break out sessions among committee members, APs, and public to brainstorm and better address first three items above.

Herring

Specifications Approved for 2010-2012

Citing concerns about the long-term sustainability of the herring resource, the Council took a conservative approach in setting catches of sea herring in the Gulf of Maine and Georges Bank for the next three years. By a near unanimous vote, the Council reduced the overall level of the allowable herring catch, otherwise called the acceptable biological catch or ABC, from 165,000 metric tons, in place during the last three years, to 106,000 metric tons. The ABC value adopted by the Council was within the range recommended by the NEFMC's Scientific and Statistical Committee.

The catch also was allocated by harvest area, as listed below. The levels of inshore catches did not change from those recommended by the Council's Herring Committee last week. To be precautionary, however, members voted to put the extra 16,000 metric tons approved by the Council in Area 3, an offshore area from which the total allowable catch has not been taken historically.

2010-2012 Total Allowable Catch (metric tons)

Area 1A – 26,546

Area 1B – 4,362

Area 2 – 22,146

Area 3 – 22,146, plus 16,000

Total – 91,200

Management uncertainty (to account for Canadian catch) – 14,800

Acceptable Biological Catch – 106,000

Sea Scallops

Framework Adjustment 21 Approved

The Council approved final action on Framework Adjustment 21 to the Scallop Fishery Management Plan. The package will set management measures for fishing year 2010. If approved by the National Marine Fisheries Service (NMFS), the new rules will employ a conservative catch cap, or overall fishing target, of $F=0.20$, or about 16 percent of the commercially-sized scallops available to the fishery. The cap represents a reduction from previous levels to ensure that the scallop resource is fished sustainably.

The allocations for 2010 will include four access area trips: two in Elephant Trunk, one in Delmarva, and one in Nantucket Lightship. Open area days-at-sea allocations will be 29 for full-time limited access vessels, 40 percent of that for part-time vessels and 8.33 percent for occasional permits.

Limited access general category (LAGC) vessels will be allocated a fleet-wide number of trips in each access area equivalent to 5 percent of the projected catch for each area. The ITQ program approved in Amendment 11 will likely be in place before March 1, so qualifying vessels will receive an individual allocation of scallop catch. If the ITQ program is not implemented before March 1, the general category fishery will remain under a quarterly hard-TAC equivalent to 10 percent of the total projected scallop catch. The Council included a provision to allow LAGC IFQ permit holders to lease portions of their annual allocation throughout the year in order to increase flexibility and effectiveness of the IFQ program. Framework 21 also includes a provision to limit the amount of observer compensation general category vessels can receive on observed trips in access areas to the equivalent of one day compensation regardless of trip length.

Framework 21 also includes measures to comply with the recent finding prepared by the National Marine Fisheries Service that requires limited scallop fishing in areas and during the time of year when sea turtle distribution overlaps with scallop fishing activities. To reduce the risk of interactions, the Council selected a September-October closure of the Delmarva Access Area, as well as a restriction on the number of access area trips that can be taken in either the Delmarva or the Elephant Trunk Access Areas between June 15 and August 31. The outcome, with only two of the three available access area trips allowed in the Mid Atlantic areas during the period in which turtles are likely to be present, is expected to result in a shift of a portion of the projected fishing activities to other areas and/or times of year when turtles are less likely to be encountered.

The Council also discussed the allocation of several yellowtail flounder stocks as sub-components to the scallop fishery under Groundfish Framework 44. In 2010, the scallop fishery will be allocated 100 percent of the projected Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder ABC needed for the scallop fishery, or approximately 110 and 111 metric tons, respectively. That allocation will be reduced in 2011 and 2012 to an amount equivalent to 90 percent as a way to increase the incentive to avoid yellowtail flounder as a bycatch in the scallop fishery. If the overall yellowtail flounder annual catch limit is exceeded for either stock because the scallop fishery exceeded their sub-component allocation, the Council plans to consider measures in Amendment 15 for 2011 or beyond to adjust for any overages from 2010.

Framework 44 also requires that all limited access scallop vessels be required to land all legal-sized yellowtail as an additional measure to reduce bycatch and improve data collection. Finally, the Council decided not to allocate a specific sub-component allocation of Cape Cod/Gulf of Maine yellowtail flounder stock to the scallop fishery at this time since projected catch is relatively low for this stock. That bycatch will be accounted for along with the other sub-component fisheries.

Groundfish

Groundfish Total Allowable Catches (TACs) Finalized in Framework 44

The Council approved Framework Adjustment 44 to the Northeast Multispecies FMP. The action adopts specifications for fishing year 2010–2012. These specifications include the overfishing limits (OFLs), acceptable biological catches (ABCs), and annual catch limits (ACLs), as well as the incidental catch TACs for the Category B days-at-sea program and Special Access Programs. The Council staff will post a table on the NEFMC web page with the final values as well as distribute the list to sector contacts. Values will not be final until the action is approved by the National Marine Fisheries Service (NMFS) and published in the *Federal Register*. Some specs for 2011 and beyond may be revisited in the summer of 2010. The Council expects to receive a pollock assessment, Georges Bank yellowtail flounder will be assessed again in June, and the scallop area management program may affect the yellowtail allocations.

Framework 44 also modifies common pool measures that will be effective May 1, 2010 (if approved). The Gulf of Maine cod trip limit will be 800 pounds per day-at-sea to a maximum of 4,000 pounds per trip. This change automatically returns the hand gear A and B permits to 300 pounds and 75 pounds of cod, respectively. A pollock trip limit of 1,000 pounds per day-at-sea

and 10,000 pounds per trip will be adopted. The Regional Administrator will be authorized to modify trip limits or days-at-sea counting to reduce the likelihood that the annual catch limit of any stock is exceeded, or to facilitate harvest up to the limit. Please note the Council considered but did not adopt two-for-one differential days-at-sea counting in the inshore Gulf of Maine. The Council's goal is to have new measures in place on May 1, 2010.

The Council also voted to initiate an action to consider modifying the Georges Bank yellowtail flounder rebuilding strategy. It is unclear at present whether this will be an amendment or a framework adjustment. The expectation is this will not be completed in time to change the Georges Bank yellowtail flounder annual catch limit for fishing year 2010.

As part of the specs process, the Council also allocated Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder to the scallop fishery as described under "Sea Scallops" above.

Other issues of interest included a Council recommendation to NMFS that the eastern U.S./Canada areas not open to trawl gear until August 1, 2010. A similar rule was in place during the last two years. Members also voted to endorse sector requests for an exemption from the May rolling closure in Block 138.

Monkfish

Amendment 5 to Move Forward to Public Hearings

The Council unanimously approved the draft amendment document comprising alternatives and the environmental assessment for Amendment 5 to the Monkfish FMP for public hearing purposes. Amendment 5 contains monkfish annual catch limits and accountability measures, as well as alternatives that would specify trip limits and days-at-sea for the directed monkfish fishery for fishing years 2011-2013. Public hearings will be scheduled for January-March 2010, and the Council will select final measures at its April meeting.

Red Crab

2010 Specifications Approved

The Council approved specifications for the red crab fishery for fishing year 2010, and amount that does not change the current target Total Allowable Catch of 1,615 metric tons adopted by NMFS as part of their emergency action earlier this year. The target translates into 582 days-at-sea for red crab fleet.

Spiny Dogfish

Dogfish Recommendations Approved

The Council approved two recommendations for the Spiny Dogfish specifications for 2010. It recommended an ABC based on $F = 0.20$ and it accepted the Dogfish Monitoring Committee's recommendation to maintain a status quo trip limit equal to 3,000 pounds per trip.

Materials on the Web

Meeting materials and presentations related to the above issues and other agenda items are located on the Council's website www.nefmc.org. Audio files of the full meeting discussions are posted at www.nefmc.org/actions/new_actions.html.