



Council Report

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

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on September 28-30, in Newport, RI.

At its September meeting, the Council addressed issues related to sea scallops, groundfish, monkfish, skates and red crab.

Sea Scallops

Amendment 15 Finalized

After nearly three years of development, the New England Council approved only some elements of Amendment 15 to its Scallop Plan in a final vote taken last week. Under consideration were measures to comply with annual catch limits, measures to address excess capacity in the limited access scallop fishery and several other more general issues. After substantial testimony from the public and individual Council members, the majority of members voted down alternatives that would have allowed limited access scallop vessels to voluntarily stack two permits on one vessel. Similarly, the Council voted down alternatives that would have allowed voluntary leasing of scallop days-at-sea and/or access area trips.

While the measures included numerous restrictions to prevent excess consolidation and limit potential increases in catch from stacking and/or leasing, the Council ultimately decided that the potential negative impacts on vessels that do not stack or lease outweighed the cost savings, efficiency gains, and conservation of non-fishery resources expected from stacking and leasing.

The primary concerns about leasing and stacking voiced by the public and Council members alike included potential loss of jobs on the waterfront that would have trickle-down impacts on other fisheries and communities, potential impacts on future fishing opportunities for vessels that do not stack or lease, potential impacts on other fisheries if scallop vessels redirect effort after leasing out scallop effort, and unintended consequences of additional consolidation in the scallop fishery.

The Council did approve an overall strategy for compliance with new annual catch limit (ACL) requirements, including a specific process recommended by the Scientific and Statistical Committee for setting the scallop acceptable biological catch. The new method would divide annual catch between the limited access and general category fisheries with separate buffers for management uncertainty and accountability measures.

The Council also approved an accountability measure for a sub-ACL of yellowtail flounder that has been allocated to the scallop fishery through the Groundfish Plan. The measure includes a seasonal closure of areas with high bycatch rates if the scallop fishery exceeds their sub-ACL allocation of yellowtail. The area would be closed for a specified period of time to limited access scallop vessels only. The Council decided that general category vessels would be exempt from these accountability measures.

A new a “hybrid” overfishing definition also was adopted. It includes the same method currently used

for setting the overfishing threshold, but modifies how the overfishing target is set. Rather than averaging fishing mortality spatially as is currently done, the new definition will better calculate yield from scallops that are available to the fishery and help to prevent overfishing of scallops that have not reached their growth potential in the open areas. In addition, the Council updated reference points for the current overfishing definition based on results of the recent scallop stock assessment (SAW/SARC 50).

Additional measures that will move forward in the amendment package related to the general category fishery including: an increase in the possession limit from 400 pounds to 600 pounds; an increase in the maximum quota a vessel can harvest from 2 percent to 2.5 percent of the total limited access general category quota; and a provision to allow a limited access general category vessel to permanently transfer their quota but retain their permit. Other measures will modify the essential fish habitat (EFH) areas closed to the scallop fishery to be consistent with EFH areas implemented under Amendment 13 to the Groundfish Plan and will improve the current research set-aside program.

Finally, the Council voted against changing the start of the scallop fishing year to May 1 from March 1. Instead, to address management delays that occur because of timing issues related to using updated resource surveys, the Council modified the specification process so that a third year would be recommended in each biennial framework until superseded by the next specification package.

The approved Amendment 15 measures will likely be implemented next June, following a review by the National Marine Fisheries Service.

Groundfish

U.S./Canada TACs Adopted/Framework 45 Final Vote Expected in November

The Council approved recommendations from the Transboundary Management Guidance Committee for U.S./CA Area Total Allowable Catches for 2011. The approved quotas address cod, haddock and yellowtail flounder in the area: 1) cod – 1,050 mt (U.S. share, 200 mt, Canadian share, 850 mt); 2) haddock – 22,000 mt (U.S. share 9,460 mt, Canadian share 12,540 mt); and 3) yellowtail flounder – 1,900 mt (U.S. share 1,045 mt, Canadian share 855 mt).

The Council also reviewed measures being considered as part of Framework Adjustment 45 to its Groundfish Plan. The draft measures are now posted on the Northeast Multispecies section of the NEFMC website, www.nefmc.org, to reflect the decisions and corrections that were added at last week's meeting. Issues that will be included in the final framework document are listed below. A final vote is scheduled to occur at the November 16-18 Council meeting in Brewster, MA. Approved measures are expected to be in place on May 1, 2010.

1. Revised biomass and mortality targets and annual catch levels for pollock as a result of the new assessment conducted during SAW/SARC 50.
2. Alternative Georges Bank yellowtail flounder rebuilding strategies; another option was added so there are now four combinations of ending date/probability of success (plus No Action): 2016/50 percent, 2016/60 percent, 2016/75 percent, and 2019/60 percent.
3. Several additional sectors, including four lease-only sectors operated by the states of Maine, New Hampshire, Massachusetts, and Rhode Island.
4. Revisions to Handgear A trip limits and reporting requirements.
5. Changes to the commercial fishery monitoring requirements, including the possible elimination of dockside monitoring and changes to the language on funding of at-sea monitoring.
6. Removal of the current spring closures designed to protect spawning yellowtail flounder for the general category scallop fishery.

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7. Adoption of measures to protect spawning cod in the Whaleback Area off New Hampshire in April/May/June. These measures are likely to include the closure of an area to recreational and commercial fishing.
 8. Possible adjustments to the amount of yellowtail flounder allocated to the scallop fishery once details of the scallop management program in Framework Adjustment 22 are finalized.

During the Framework 45 discussion, the Council addressed NOAA-sponsored, state-operated permit banks and considered adding measures to the action to facilitate their operations as entities distinct from sectors. Based on legal advice that they could not be included in a framework adjustment, the Council initiated a single-issue amendment to consider the measures. The timeline for this amendment has not yet been developed, but rapid action is planned.

A draft white paper on accumulation limits prepared by the Groundfish Plan Development Team was presented to the Council during the September meeting. Following discussion and public testimony Council members agreed to consider accumulation limits in the next appropriate groundfish action. The draft paper is posted on the Council's website.

The Council also received a report from its Science and Statistical Committee with recommended pollock and Georges Bank yellowtail flounder ABCs. These too will be included in Framework 45.

Atlantic Herring

Amendment 5 to be Considered Further in January 2011

The Council agreed last week to better focus the development of Amendment 5 on the issues of greatest concern to fishermen and the public --- an effective monitoring program for the herring fleet and the protection of river herring populations that are taken as bycatch in the fishery. In doing so, Council members significantly reduced the range of options under consideration and clarified its intent concerning Herring Committee work over the next four months.

A number of measures were eliminated altogether or modified, including costly and/or impractical methods of tracking the herring catch and other species taken in the fishery. The Council retained several proposals that would identify river herring "hotspots" and measures to avoid those fish. The Council also directed the committee to develop an option that would place "catch caps" on river herring bycatch taken in the Atlantic herring fishery and consider measures to protect Atlantic herring when they aggregate in New England waters to spawn.

Monkfish

Framework 7 Initiated

A new monkfish action will move ahead this fall. To be consistent with the revised ABC values provided by its Scientific and Statistical Committee at the September meeting, the Council will adopt new biomass reference points and revise the Northern Fishery Management Area annual catch target and associated management measures. The first meeting to consider these measures will be held in November, with the final meeting scheduled for January, 2011.

Skates

Emergency Action Requested

The Council asked the National Marine Fisheries Service to take emergency action to increase the skate wing possession limit if it appears that the fishery will be unable to land 100 percent of the skate total

allowable landings by April 30, 2011 (end of the current fishing year) while the 500 pound possession limit remains in effect.

The Council also directed its Skate Plan Development Team to estimate and forecast skate discards for 2010 using recently collected groundfish sector data. Based on that information, the plan team would provide recommendations on whether total skate discards have declined enough to allow an overall increase in skate landings. The fishing industry believes skate discards have declined because groundfish sector vessels now use modified gear to target specific groundfish species and avoid skates.

Red Crab

Amendment 3 Approved

After one year of development, the Council approved Amendment 3 to the Red Crab. The amendment will implement annual catch limits and accountability measures, replace fishing effort controls on days-at-sea with a hard quota and set quota and other management targets for 2011- 2013. Other management measures that the Council has proposed in the amendment are the elimination of trip limits and restrictions that prevent red crab vessels from landing lobsters on the same fishing trip.

Materials on the Web

Meeting materials related to the above issues and PowerPoint presentations that accompanied the briefings provided to the Council in September 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 – November 16-18, 2010, Brewster, MA