



# Council Report

*An update published by the New England Fishery Management Council – November 2011*

**The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. Its 18 members met most recently on November 15-17, 2011 in Newport, RI.**

At its November meeting, the Council set management priorities for 2012 and addressed issues related to groundfish, herring, monkfish, spiny dogfish and scallop management. It also discussed actions related to the Touchstone Report, *Review of the New England Fishery Management Process*, prepared by Mr. Preston Pate and the SRA Consulting Group.

Additionally, a number of presentations were received on the following topics:

- A report from the U.S. Coast Guard on the implementation of the Coast Guard Authorization Act
- An overview of the Northeast Regional Ocean Council's (NROC) most recent activities
- A Northeast Fisheries Science Center report about standard bycatch reporting methodology and recommendations for observer allocations for next year
- A briefing from the Science Center about the transition to a new stock assessment process for the New England and Mid-Atlantic regions, and
- A summary, for scoping purposes, of a new amendment to the Atlantic Highly Migratory Species Fishery Management Plan that will address issues relevant to managing sandbar, dusky, blacknose and scalloped hammerhead sharks.

## **Groundfish**

### **Priorities Approved, Framework 47 Gets a Green Light**

The New England Fishery Management Council, meeting for the last time in 2011, discussed and approved its list of management priorities for 2012. Not surprisingly, the priorities to address groundfish issues were discussed at length and remain controversial among a number of fishermen and their representatives who attended the Newport meeting, as well as several Council members.

Their concerns centered on a Council vote approving the placement of Amendment 18 to the Northeast Multispecies (Groundfish) Fishery Management Plan at the bottom of a list of five groundfish issues to be addressed in 2012. However, it is the Council's intention to move forward with scoping for Amendment 18.

Despite that decision, a related motion also was approved, this one in a 9-yes, 6-no, 1-abstention vote: consistent with 1.) "NOAA's catch share

policy to 'support the design, implementation, and monitoring of catch share programs' to ensure these programs have the highest likelihood of success; and 2.) NOAA Fisheries' commitment to work with the Council to address the problem of individual permit holders acquiring excessive control of fishing privileges (Amendment 16 final rule), the Council requests that the agency provide leadership, technical assistance, and funding to reduce administrative and organizational impediments in the development of Amendment 18 dealing with fleet diversity and consolidation issues."

As currently planned, Amendment 18 will address the issues described above and will be the subject of scoping hearings to be convened in late January or February. The request for NOAA assistance will be forwarded to the agency.

The other approved groundfish management priorities covered the following issues:

- Coordinated action on the Habitat Omnibus Amendment to include possible modifications to the groundfish closed areas;
- A framework adjustment to modify sector rules based on the lessons learned from the October 2011 Sector Workshop, including a determination about why optimum yield is not being achieved and the development of measures to potentially accomplish that result, and possible changes to the ten percent quota rollover provision as well as a number of other sector issues;
- A framework adjustment to respond to new assessment information for nine of the stocks in the groundfish complex; and
- The development of options to move unused ACE, or annual catch entitlements, between the scallop and groundfish fleets, and between commercial and recreational fleets.

Far less controversial was final approval of Framework Adjustment 47 to the Groundfish Plan. If NOAA Fisheries also gives its approval to the proposed measures, the specifications (annual catch limits, etc.) for several groundfish stocks will be updated and changes to some elements of annual catch limit and accountability measure administration will occur.

The Council also agreed to change the Southern New England/Mid-Atlantic winter flounder “No Action” alternative, which currently states that landings from that stock would continue to be prohibited. Instead, the measure was specifically adopted as a proactive accountability measure.

The Council decided that specific Gulf of Maine cod catch limits would not be determined until after the new stock assessment is completed this

December. The framework document, however, will be completed by the Council staff and submitted to NOAA over the next six to eight weeks, followed by a proposed rule will be published early next spring. Implementation of Framework 47 is planned on May 1, 2012.

Other Council actions taken at the November meeting affected the recreational groundfish fishery in the Northeast. Because that fishery exceeded its catch limit for the Gulf of Maine haddock stock in fishing year 2010, NOAA Fisheries will select and implement an accountability measure, in accordance with Amendment 16 to the Groundfish Plan.

At the meeting, the Council’s recreational advisory panel (RAP) and several fishermen weighed in on measures the Council might consider in developing its recommendations to NOAA. Of the three possible options that could serve as recreational accountability measures, the Council agreed the agency should first consider a bag limit, followed by a minimum fish size and a last, a closed season. If approved, the agency will publish a regulatory change within several months.

The Council’s recommendation differed from the RAP’s advice. Many felt that increasing the minimum haddock size would lead to dead discards with no reduction in fishing mortality, a sentiment that was reflected in the Council vote to lead with a minimum fish size. That motion failed with 6 yes’s, 8 no’s and 3 abstentions.

In an action separate from Framework 47, the Council also asked NOAA to take emergency action to address recent comments from fishermen that Gulf of Maine winter flounder catch rates have increased and the low quota for the stock is constraining fishing for other stocks in the groundfish complex. The request asked for an increase in fishing year 2011 to the Gulf of Maine winter flounder catch limits based on the results of the June 2011 assessment of that stock.

Background on the decision may be helpful here. Back in 2008, the winter flounder stock assessment was not accepted. Accordingly, catches for 2010 and 2011 were cautiously limited to 75 percent of the average catch for the three year period 2006 through 2008.

In 2011, an assessment of the Gulf of Maine winter flounder stock was accepted and showed that catches could be increased from the low levels adopted for 2010 and 2011.

The Council encourages stakeholders to avoid jumping to conclusions based on its recommendation to NOAA. There is no guarantee there will be an increase until the agency announces a change.

### **Additional Priorities Approved**

In addition to the groundfish priorities identified earlier, the following actions also were approved by the Council as priority activities for 2012.

**Monkfish** Continue to develop Amendment 6 to consider catch shares (sectors and IFQs) in the fishery.

**Sea Scallops** Prepare Framework Adjustment 24 to set specifications for 2013 and 2014 and develop placeholder allocations for 2015 that will be updated in a subsequent framework. Other measures that could be added would:

- 1.) Modify the Georges Bank access area opening dates, currently June 15 (this would require a joint action with the Groundfish Committee);
- 2.) Change the sub-annual catch limit of yellowtail flounder (potentially divide the sub-ACL between limited access and limited access general category vessels and develop accountability measures for the limited access general category trawl fishery); and
- 3.) Allow limited access general category IFQ leasing mid-year.

As a separate item for scallops, the Council will likely conduct a performance review of the limited access general category IFQ program to date.

**Herring** 1.) Continue work on Amendment 5 which includes catch monitoring requirements, river herring bycatch mitigation measures and criteria for access to the groundfish closed areas; and 2.) Prepare a specifications package (annual catch limits, etc.), for 2013-2015 based on a new Atlantic herring assessment scheduled for June 2012.

**Ecosystem Based Management** Begin Phase I of an Ecosystem Based Fisheries Management Plan to encompass all fisheries regulated by the NEFMC's fishery management plans. During the year-long first phase, establish goals and objectives and ecosystem production units for the Gulf of Maine, Georges Bank and Southern New England.

**Standardized Bycatch Reporting Methodology (SBRM) Amendment** In response to an Oceana lawsuit, prepare a new SBRM Amendment with NOAA Fisheries in the lead, which will address shortcomings in the standardized system for counting and reporting the amount of bycatch, or catch that is discarded overboard by fishermen, in east coast commercial fisheries.

**Whiting** 1.) Continue the Whiting Amendment to set annual catch limits, accountability measures and specifications for 2012-2014; and 2.) Prepare an amendment for limited entry in the whiting fishery.

### **Herring**

#### **River Herring Catch Cap Option Included in Amendment 5**

The Council considered a request from the Mid-Atlantic Council to include an option for river herring catch caps in Amendment 5 to the Herring FMP. The rationale was to promote consistency among the range of alternatives considered by the New England Council in

Amendment 5 and the Mid-Atlantic Council's amendment to the Squid/Mackerel/Butterfish FMP.

The expanded option would establish a mechanism to implement catch caps in the herring fishery once a river herring stock assessment is completed. If adopted in Amendment 5, the New England Council could establish catch caps either through a framework adjustment or the herring specifications process.

Both the Mid-Atlantic and New England Council amendments are scheduled for implementation by January 1, 2013. Public hearings will take place in February or March 2012. The final selection of management measures is scheduled for the April 2012 Council meeting.

### **Monkfish**

**Amendment 6 Goals and Objectives Approved**  
The Council approved goals and objectives for Amendment 6 to the Monkfish Fishery Management Plan based on the recommendation of its Monkfish Oversight Committee.

The primary goal of Amendment 6 is to "maximize yield and efficiency and simplify regulations in the monkfish fishery while minimizing any resulting disruption in relative fleet distribution and composition, preserving monkfish bycatch allowances necessary to prosecute other fisheries, and minimizing impacts on protected species."

The Council tasked the committee with developing a range of management alternatives to address the objectives in Amendment 6, and to develop measures specific to each management area in recognition of the differences between the northern and southern monkfish fisheries.

The Council also reconsidered but withdrew a motion that it had postponed from its September 2011 meeting. The motion would

have requested the Regional Office calculate the potential individual contribution factor, or the allocation percentage for three time periods, and distribute that preliminary information to permit holders for the purpose of informing their decisions concerning possible catch shares management.

### **Spiny Dogfish**

#### **Alternative Specifications Approved**

In setting the annual catch limit and specifications for the spiny dogfish fishery, the New England Council took into account recent action taken by the Mid-Atlantic Council in October, and similar measures approved more recently by the Atlantic States Marine Fisheries Commission (ASMFC).

As background, the MAFMC approved the spiny dogfish annual catch limit for 2012 at 44,868,000 pounds, the annual catch target at 44,737,000 pounds, total allowable landings at 35,740,000 pounds, and the commercial quota at 35,694,000 pounds with a 4,000 pound trip limit.

Departing from the Mid-Atlantic's numbers, the ASMFC approved a coastwide commercial quota of 30 million pounds and a trip limit of 3,000 pounds. The lower numbers were viewed as more likely to provide greater stability over the next several years, along with a lower trip limit that would allow for a longer fishing season and forestall in-year fishery closures.

The New England Council voted to retain the MAFMC's commercial quota and the trip limit adopted by the ASMFC. As the lead Council for the Spiny Dogfish FMP, the MAFMC will submit these three sets of alternatives as the specifications package to NOAA. The agency will have the final word on which scenario will be implemented for the 2012 fishing year.

### **Sea Scallops**

#### **Council "Deems" Scallop Regs**

In September the Council approved Framework Adjustment 23 to the Scallop FMP which

included measures to require the use of a turtle deflector dredge, modifications to the yellowtail flounder accountability measures for the limited access scallop fishery, adjustments to the Northern Gulf of Maine management program, and changes to the Vessel Monitoring System rules that relate to how a vessel declares into the scallop fishery.

At this meeting the Council reviewed the draft regulations that are intended to implement this action. The Council “deemed” the draft regulations as consistent with the Framework 23 text and the Council’s intent, with one minor clarification to an element of the turtle deflector dredge requirements.

Specifically, the Council requested that NMFS revise the regulations so that a vessel can safely “flare” its dredge. To flare a dredge means the scallop dredge is moved by a line from alongside the vessel into a position to be set, so that it does not get twisted or fish upside down.

NOAA Fisheries is currently reviewing Framework 23. A proposed rule is expected in several months.

### **Whiting**

#### **Management Update Provided**

The Whiting Oversight Committee notified the Council that Draft Amendment 19 to the Northeast Multispecies FMP, to regulate small mesh multispecies fisheries, will be presented to the Council at its January 2012 meeting for preliminary approval. Following this step, the Council will schedule public hearings and consider that input prior to making final decisions on any management options.

### **Touchstone Management Review**

#### **Further Recommendations Presented**

Although institutional responses to the Touchstone Report have been presented at previous Council meetings, efforts to make overall improvements to the management system are ongoing on the part of the Council,

NOAA’s Regional Office in Gloucester, and its Science Center in Woods Hole, MA.

At the November meeting, the Council approved a draft “vision statement” and strategy to guide the overall management process. It will announce a formal comment period and hold hearings on the subject to engage the public in the near future.

NMFS Regional Administrator Pat Kurkul provided an overview of a draft Operating Agreement under discussion among NOAA Fisheries Service Northeast Regional Office, the Northeast Fisheries Science Center, and NOAA General Counsel. Work also will continue on this front until all parties come to agreement.

### **Materials on the Web**

#### **More November Council Meeting Information**

Materials related to the above issues and PowerPoint presentations that accompanied the reports received by the Council are located at [www.nefmc.org](http://www.nefmc.org).

Audio files of the full meeting discussions as well as the meeting motions are posted at <http://www.nefmc.org/actions/index.html>.

### **Next Council Meeting**

**January 31-February 2, 2012**

**Sheraton Harborside Hotel, Portsmouth, NH**