

**NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL**

**NEXT MEETING
NOVEMBER 13-15
NEWPORT, RI**

The Council Report summarizes major actions supported at the meeting or highlights items of interest to stakeholders.

The Council voted on issues related to sea scallops, groundfish, herring and small mesh multispecies management.

It also addressed U.S./CA transboundary stocks, fisheries habitat and enforcement matters as they relate to the development of fishery management plans.

The SSC provided its acceptable biological catch (ABC) recommendations for a number of groundfish stocks, Atlantic herring, and scallops at this meeting.

All discussion documents, audio files, presentations and meeting motions can be found at nefmc.org/actions/new_actions

Inside this issue:

Habitat	2
Groundfish	2
U.S./Canada and GB Yellowtail	3
Sm. Mesh Species	3
Herring	4
Enforcement	4
Dogfish	4



Council Report

October 2012

NEFMC Requests Action to Protect Small Scallops

The Council agreed to request that emergency action be taken by the National Marine Fisheries Service (NMFS) to close the Elephant Trunk Access Area as soon as possible to protect the high level of scallop recruitment that is now occurring there. "The term "fishery recruits" describes the group of animals that will grow in one year to a size at which they become vulnerable to the fishery.

Several factors contributed to the Council's decision-making: 1.) the recruitment event was only recently documented by surveys in the area; 2.) if it is the second highest on record, as both scientists and industry members believe, protecting small scallops now could contribute millions of pounds to future harvests; and 3.) the area is currently open to scallop days at-sea fishing when smaller animals could be crushed by fishing gear and handling.

The Council also initiated Framework Adjustment 25, a scallop action that would be in place for one year only to set specifications, or the fishery allocations, according to fleet type (limited access, IFQ, northern Gulf of Maine area, etc.), and in the access areas as well as days-at-sea in the open areas.

Among several reasons for the single year timeframe is that multiple scallop surveys now feed into the specification-setting process each year ensuring that allocations will come as close to optimal levels as possible and also account for year-to-year variations in abundance.

The Scallop Advisory Panel is scheduled to meet next on Nov. 7, 2012 at the Four Points Sheraton Hotel in Revere, MA. The Scallop Committee will meet on the following day at the same location.



The New England Council met most recently on September 25-27, 2012 in Plymouth, MA

Management Priorities List Expands, For Now

Related to the above discussion about the scallop framework adjustment is the development of alternatives that would focus on the creation of new scallop access areas in existing habitat closures on Georges Bank, if they are modified or eliminated in Omnibus EFH Amendment 2.

As stated by the Council, this consideration would be based on survey information and would follow the existing protocols for the creation of new rotational access areas and associated allocations. A process and work on any alternatives will not begin until summer.

The Council also agreed to add an action on skates to the priorities list that would focus on a limited access skate fishery.

A final vote on the addition of the above issues and which other priorities may be on the 2013 list will take place at the November 13-15 meeting.



Soft coral on the edge of Hendrickson Canyon taken from the FSV Henry B. Bigelow using Tow-Cam. Credit: Nizinski et al, NOAA/NMFS/NEFSC/WHOI

Habitat Omnibus Amendment Fast-Tracked

The Council agreed to move the deep-sea coral alternatives in Omnibus Amendment 2 into a separate action and supported a Memorandum of Understanding among the New England, Mid-Atlantic and South Atlantic Councils. The MOU provides a framework for collaboration around deep-sea coral management issues.

The Council also expressed a strong desire to complete the Habitat Omnibus Amendment as soon as possible and directed staff to schedule a one-

day Council meeting, or add a day to the January 2013 Council meeting, to develop and finalize area management alternatives that address habitat and groundfish objectives.

The goal is to approve area management alternatives as soon as possible and schedule public hearings.

Habitat Meeting Schedule

Joint Habitat Advisory Panel and Plan Development Team Meeting
October 10, 2012
9:30 a.m.
Ashworth by the Sea
Hampton, NH

Habitat Committee Meeting
December 4, 2012
Location TBD, but in the New Hampshire area

Check the Council website for details.

Major decisions about the scallop and groundfish fisheries will be made by the Council in November.

Mitigation Measures Added to Groundfish Framework 48

Mitigation measures to offset the projected low catches of several important groundfish stocks were presented and approved for analysis at this meeting.

These included smaller minimum sizes to reduce discards and seasonal openings for three areas formerly closed year-round to groundfish fishing.

If approved at the November Council meeting, sectors could request exemptions with the following restrictions:

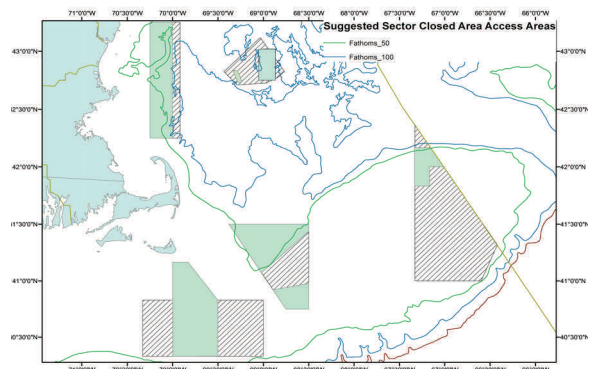
- Access would be limited to areas not defined as habitat closed areas (green shaded areas in the map below), or that have not been identified as potential habitat management areas in the proposed Habitat Omnibus Amendment;
- Access to Closed Area I and II on Georges Bank would be available from May 1 through February 15; and
- Access to the Western Gulf of Maine Closed Area would be limited to periods not subject to the rolling closures that are now applicable to sectors.

Important to both groundfish and lobster fishermen alike was the approval of an additional motion that asks NMFS, during its review process to consider the potential for gear conflicts, shifts in fishing effort out of the closed areas and impacts on protected species and lobsters.



Groundfish boats in Plymouth harbor.

Correction: The Council vote on whether to consider allowing sectors to apply for exemptions that could give them access to the year-round groundfish closed areas was reported incorrectly in previous Council publications. On September 27 the Council approved the above-described action to open specified groundfish areas in a 16/1 show of hands with no abstentions. It was previously reported as a unanimous vote.



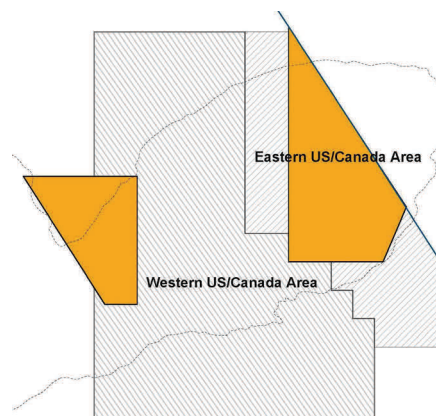
U.S./Canada TACs to be Analyzed

The Council approved a motion asking the U.S. representatives to the U.S./Canada Steering Committee to negotiate a one-time request to trade an amount of Georges Bank haddock from the 2013 U.S. share in return for an amount of Georges Bank yellowtail flounder from the Canadian's 2013 share.

Further consideration of any details and final approval of this action will take place at the NEFMC's November meeting.

The Council also approved the 2013 quotas for stocks governed by the U.S./Canada Resource Sharing Understanding for analysis in Framework Adjustment 48 to the Groundfish Plan: 1.) Eastern Georges Bank cod – 600 metric tons or mt (U.S. share 96 mt, Canadian share 504 mt), 2.) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt), 3.) Georges Bank yellowtail

flounder - 500 mt (U.S. share 215 mt, Canadian share 285 mt). The Scientific and Statistical Committee recommendation of an Acceptable Biological Catch of 1,150 mt for a yellowtail bycatch only fishery also would be included in the Framework 48 analysis.



U.S./Canada Management Areas (hatched).

More About Yellowtail and Other Framework 48 Business

During the Framework Adjustment 48 discussion, the Council voted to include an option that would set the scallop fishery's Georges Bank yellowtail flounder sub-ACL (a portion of the overall yellowtail annual catch limit) at a level between 8% and 16%.

It also directed the Groundfish Plan Development Team to develop alternatives to the existing sector discard strata for Georges Bank yellowtail by

stratifying discards by statistical area or groups of areas. The goal is to obtain greater accuracy overall when calculating discard rates for this stock.

Council members also voted to include in Framework 48 an option for Handgear A and B permits that would exclude this category from trimester accountability measures for some stocks if the fishery as a whole experienced an overage. Of particular concern were the

very low amounts of white hake taken in the handgear fishery.

Members also approved a last groundfish-related motion requesting that NMFS incorporate the recommendations developed at the recent Atlantic Cod Discard Mortality Workshop when tracking sector Annual Catch Entitlements for both cod stocks, and also apply them to all gear types in 2013.

The Groundfish Committee will meet next on October 11, 2012 at the Ashworth by the Sea in Hampton, NH.

Small Mesh Multispecies Control Rule Approved

The Council approved a control date for the small mesh multispecies fishery last week. The action was taken to reduce the incentive for fishermen to ramp up fishing activity and build history while the Council considers an amendment which could restrict access to the fishery.

The control date notice also is intended to make fishermen aware that they should locate and preserve records that verify ownership of small mesh

multispecies permits and landings to substantiate their historic participation in the fishery. Fishing history has been used previously by the New England Council to establish limited access criteria and/or future catch shares.

Silver hake and red hake photos courtesy of NOAA's Northeast Fisheries Science Center, Woods Hole, MA



**The Herring
Plan
Development
Team will meet
on October 18,
2012 at the
Holiday Inn,
Mansfield, MA.**

Herring Measures Considered for the Specs Package

A number of measures moved forward as part of the draft 2013-2015 herring specifications package. These include:

1. A value for Acceptable Biological Catch and an ABC control rule based on a constant catch strategy; and
2. As part of management uncertainty, a deduction of 6,200 metric tons for Canadian catch (the New Brunswick weir fishery) based on a 3-year average catch (2009-2011, rounded to the nearest hundred metric ton), as the preferred alterna-

tive in the action.

3. Adjustments to accountability measures —

- a) A proactive accountability measure to close the directed fishery in a given management area when the catch is projected to reach 92% of the area annual catch limits under two conditions:
 - the stock is overfished or overfishing is occurring and;
 - the sub-ACL for a man-

agement area has been exceeded in either of the preceding two years.

4. If overfishing is not occurring and the stock is rebuilt (spawning stock biomass exceeds the target), the accountability measure (a pound for pound payback) will not be triggered until the sub-ACL is exceeded by 5% or more. Measures in the specs package will not be final until the Council approves them at its November meeting.

Enforcement Committee Recommendations Adopted

The Council approved recommendations for submission to NOAA as part of the agency's review of enforcement priorities for 2013.

The NEFMC also agreed to an action that follows on its April 2013 meeting.

At that time the Council approved a motion requesting that NMFS remove specified trawl gear stowage requirements from the Groundfish Fishery Management Plan.

As background, the initial rec-

ommendation for this action was attributed to the Enforcement Committee in the April *Council Report* in error.

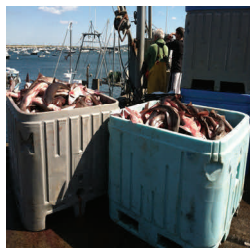
The approved motion was brought forward by the Groundfish Committee and subsequently approved by the Council in a 16/1 vote with one abstention.

During the Enforcement agenda item last week, the Council expanded on its April decision by supporting Modifications of the same re-

quirements in other fishery management plans in the Northeast.

The NEFMC agreed to notify the Mid-Atlantic Council of its action.

Concerning NOAA's request for comments on information reporting, the Council recommended that IVR requirements be converted to VMS reporting and that less information be required to report "no fishing activity."



Dogfish landed at the Plymouth, MA dock.

Dogfish Amendment 3 Approved by NE Council

The Council approved final measures to be adopted in Amendment 3 to the Spiny Dogfish Plan. Included were: allocations of up to 3% of the commercial quota to fund cooperative research through a research set-aside program; updates to the essential fish habitat definitions; the previous fishing year's management measures, including the quota,

until they are replaced via rule-making; and elimination of the seasonal allocation of the commercial quota.

The Mid-Atlantic Council is expected to approve final measures in the joint plan at its October 16th to 18th meeting in Long Branch, NJ.

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The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

- ◆ **The Council develops rules for both large and small-scale commercial and recreational fisheries that operate between three and 200 miles off the region's coastline.**
- ◆ **Major ports include Portland, ME, Gloucester and New Bedford, MA and Point Judith, RI.**
- ◆ **Its management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.**

Council Officers Elected for 2012-2013

The New England Fishery Management Council named its current Chairman to again serve in that position through September 2013. By acclamation the Council approved a second term for Chairman Rip Cunningham and elected Terry Stockwell as Vice Chairman.

Mr. Cunningham is a former editor and publisher of *Salt-water Sportsman* magazine and a long-time freelance conservation writer. He is currently serving his third three-year term on the Council.

Vice Chairman Stockwell represents the state of

Maine and holds the position of Director of External Affairs with the Maine Department of Marine Resources.

The Council's 18 voting members also elected three new Executive Committee members, in addition to the Vice Chair position.

They include Mr. Frank Blount, owner and president of the Frances Fleet, a RI-based deep-sea charter fishing and whale watching operation; Mr. Tom Dempsey, Policy Director of the Cape Cod Commercial Hook Fishermen's Association; and Mr. David Preble, a for-

mer Narragansett, RI commercial fisherman, charter boat captain and author.

The Executive Committee oversees the Council budget, appoints advisory panel members and addresses other administrative matters relating to Council operations.

The fall meeting was also the first for newly-appointed Council members Vincent Balzano of Saco, ME, Matt McKenzie of Mystic, CT, John Quinn of Dartmouth, MA and Terry Alexander of Harpswell, ME.