

NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL



Council Report

September/October 2015

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest to interested parties.

At its September 29-Oct 1, 2015 meeting in Plymouth, MA, the Council:

- ◆ Approved Amendment 18 to the Groundfish Plan
- ◆ Refined elements of Framework 55 (annual groundfish specs)
- ◆ Approved the 2016-2018 Atlantic herring specifications
- ◆ Selected preferred alternatives for Scallop Amendment 19 and reviewed information related to Framework 27
- ◆ Modified the red hake specifications
- ◆ Initiated frameworks for the Skate Complex FMP and Habitat Amendment

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Council Officers Elected

As is the custom every September, the NEMFC elects its officers and Executive Committee members. Last year's Chairman, Terry Stockwell, and Vice Chair, Dr. John Quinn, were named by acclamation to again serve in their respective positions, marking the third consecutive year this team will lead the Council.

Mr. Stockwell, is the Director of External Affairs at the Maine Department of Marine Resources and Dr. Quinn is an attorney and former Massachusetts legislator who is currently the Director of Public Interest Law Programs and External Partnerships at the University of Massachusetts School of Law - Dartmouth.

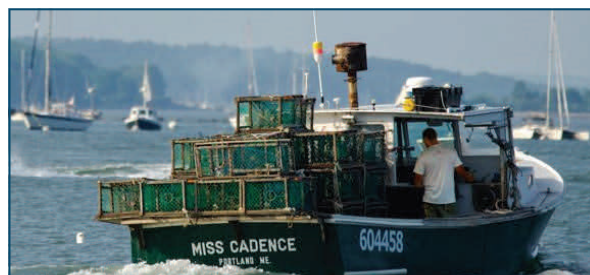
Three members were also elected to the NEFMC's Executive Committee, which oversees the Council budget, appoints advisory panel members and addresses other administrative matters relating to Council operations.

Two of the three will serve again, NH Fish and Game Department Chief Doug Grout and former NH fisherman Peter Kendall. Mr. Kendall is serving his second term on the NEFMC. New to the Executive Committee this year is Dr. Michael Sissenwine who was a 2013 Council appointee. Dr. Sissenwine was a member of the NEFMC's Scientific and Statistical Committee, and formerly served as NOAA Fisheries Chief Science Advisor following several years as the Science Director at the NEFSC.



L to R - Executive Director Tom Nies, Chairman Terry Stockwell, Vice Chairman John Quinn, and NOAA General Counsel Mitch Macdonald

The Plymouth meeting was the first for newly-appointed Council member Eric Reid who hails from North Kingstown, RI.



**Next Council Meeting
December 1-3
Portland, ME**

Upcoming Meetings

EBFM Committee
Nov 10, 9 am
Fairfield Inn
New Bedford, MA

Groundfish AP
Nov 12, 9:30 am
Holiday Inn
Portland, ME

RAP
Nov 17, 9 am
DoubleTree
Hilton, Danvers,
MA

Groundfish Cttee
Nov 18, 9 am
Radisson Airport
Warwick, RI

Scallop Public Hearings for Amendment 19

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**Via Webinar**  
November 16  
6 - 8 pm  
Details TBA  
and  
Wed, Nov 18  
Radisson Airport  
Hotel,  
Warwick, RI  
6 - 8 pm

## Groundfish

### NEFMC approves Amendment 18

Following identification of its preferred alternatives in April and six public hearings held in August, the NEFMC finalized its recommendations for Amendment 18 to the Northeast Multispecies Fishery Management Plan. If NOAA Fisheries concurs with the Council's decisions, agency implementation is expected to occur in spring 2016.

Measures focus on limiting the holdings of individuals, permit banks and other "entities" and would constrain an individual's potential sector contribution, or PSC, in addition to creating permit caps. (PSC is the proportion of the total landings of a particular groundfish stock (live pounds) associated with each limited access permit's history and other detailed information.)

The specifics voted on at the meeting are as follows:

- **Accumulation Limits** The Council approved a groundfish accumulation limit (ACL) for the PSC that may be held to an average of no more than 15.5 percent across allocated stocks. A permit holder could retain one permit with PSC in excess of this limit, and would need to indicate to the Fisheries Service annually which permit(s) would be rendered unusable (so that useable holdings are within the limit). No additional permits could be retained. The unusable permits could not be contributed to a sector or the common pool. This cap would be enforced at the beginning of the fishing year following the year in which the limit is reached.  
  
The amendment also would create a cap on the limited access Northeast multispecies permits that may be held to no more than 5 percent and could be adjusted in the future due to a permit buyout/buyback program.
- **Handgear A (HA) Permits** Amendment 18 would remove the March 1-20 closure for common pool HA vessels, remove the standard fish tote requirement, and allow sectors to annually request HA vessels fishing in a sector be exempt from use of the Interactive Voice Response (IVR) Call-In System. Additionally, the Council approved a measure that would allow establishment of a Handgear A permit sub-ACL through a future framework adjustment.
- **Data Confidentiality** The amendment would not adjust what fishery data are considered confidential, specifically the price of ACE transferred within a sector or leased between sectors.
- **Inshore/Offshore Gulf of Maine** Rather than select preferred alternatives, the Council was interested in further developing the concepts in this section in a future action. These include establishing an inshore/offshore boundary within the Gulf of Maine, splitting the Gulf of Maine cod ACL into and inshore and offshore sub-ACLs, adjusting gear restriction boundaries, and creating declaration time periods for inshore and offshore areas. Current regulations already allow for each of these concepts to be developed through a framework adjustment.
- **Redfish Exemption Area** There would be no area established in the FMP in which vessels could fish with a smaller mesh net than the standard mesh size, targeting redfish. Rather, periodic sector exemption requests could continue to be made for this exemption.

#### Note to non-fishing people

*ACE or Annual Catch Entitlement is a term used in the Council's Groundfish Plan. It is the share of the annual catch limit (ACL) for each Northeast groundfish stock that is allocated to an individual sector.*

## Groundfish - continued

### Work on 2016-2018 specs underway

The Council approved refinements to the ongoing work on Framework Adjustment 55 to the Groundfish Plan. The framework will include specifications for all groundfish stocks for fishing years 2016-2018, as well as for the three U.S./Canada stocks for fishing year 2016, and revisions to the at-sea monitoring (ASM) program in the groundfish fishery. Final Council approval will occur at the December 1-3 meeting in Portland, ME.

Meanwhile, members approved the Transboundary Management Guidance Committee's recommended TACs for the U.S./Canada stocks.

- Georges Bank yellowtail flounder – 354 mt
- Eastern George's Bank haddock – 37,000 mt for 2016 and a target TAC of 50,000 for 2017
- Eastern Georges Bank cod – 625 mt

The alternatives below also were added to the framework at this meeting:

*For enforcement purposes*, modify the definition of the haddock separator trawl so that the separator panel is made of mesh that contrasts with the color of the net sections it separates;

*To allow new sectors*, give NOAA Fisheries the authority to approve operations plans and allocate ACE to new sectors without a previous Council action to implement the sector. Consultation with the Council should occur prior to NOAA approval of the new sector;

*To facilitate quota transfers*, create a mechanism that would allow sectors to transfer E. Georges Bank cod to the W. Georges Bank cod fishery (i.e. mirror the current ability to transfer E. Georges Bank haddock to the W. Georges Bank haddock fishery; and

*For the recreational cod fishery*, remove the zero possession limit of Gulf of Maine cod for the recreational fishery (now part of the current Gulf of Maine cod protection measures); this would allow the Fisheries Service to use its existing authority to adjust recreational measures for Gulf of Maine cod and determine on an annual basis if a zero possession limit is still appropriate.

### ASM measures modified

Because of time constraints, lack of detail on some concepts, or if they are found to be insufficient to address the NEFMC's concerns about the at-sea monitoring (ASM) program, the Council authorized its Groundfish Committee to move some of the ASM alternatives to the "considered but rejected" category in the draft Environmental Assessment that will be available at the December Council meeting.

The list below outlines the ASM measures approved for further consideration, and in order of Council priority:

1. Remove the ASM requirement for extra-large mesh gillnet trips
2. Develop performance criteria indicating when it's necessary for stocks to meet a CV standard
3. Develop sector-specific coverage requirements\*\*
4. Set the CV standard as a target\*\*
5. Develop sector-specific monitoring buffers or discard rates\*\*

\*\*These measures will likely not be developed in Framework 55 if changes to the groundfish monitoring program are to be implemented by May 1, 2016. NOAA Fisheries could develop #3 under its existing authority; and #4 and #5 may require additional time and might be more suitable in an amendment, depending on the specifics of the alternatives.

**CVs or Coefficients of Variation:** CVs provide a convenient way to compare the relative uncertainty of two estimates (lower is better), but they must be interpreted carefully. Assuming a normal distribution, *doubling* the CV produces the approximate 95% confidence interval.

For example, a CV of 30% for a bycatch estimate means that if the data could be re-sampled or re-collected, the resulting new estimate would be within  $\pm 60\%$  of the original estimate 95% of the time (the other 5% of the time the new estimate would be more than 60% different).

## Atlantic Herring

### **NEFMC Approves 2016-2018 specifications, with caps on catches for river herring and shad**

The development and approval of the 2016-2018 Atlantic herring fishery specifications package was a multi-step process that involved the Council, its Scientific and Statistical Committee (SSC) and the Herring Plan Development Team (PDT), with oversight from the NEFMC's Herring Committee and input from the Herring Advisory Panel.

The following were approved at last month's Council meeting, based on the SSC's recommendations for an overfishing limit and an acceptable biological catch, or ABC.

| Specifications                | No Action Alternative (2015 Specifications) | Alternative 2                                      | Final NEFMC Alternative Alternative 3              |
|-------------------------------|---------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| <b>OFL</b>                    | 114,000                                     | 2016 – 138,000<br>2017 – 117,000<br>2018 – 111,000 | 2016 – 138,000<br>2017 – 117,000<br>2018 – 111,000 |
| <b>ABC</b>                    | 114,000                                     | 111,000                                            | 111,000                                            |
| <b>Management Uncertainty</b> | 6,200<br>(3 year avg. 2009-2011)            | 3,000<br>(3 year avg. 2012-2014)                   | 6,200 (Value in 2015)                              |
| <b>ACL/OY</b>                 | 107,800                                     | 108,000                                            | 104,800 <sup>1</sup>                               |
| <b>DAH</b>                    | 107,800                                     | 108,000                                            | 104,800                                            |
| <b>DAP</b>                    | 103,800                                     | 104,000                                            | 100,800                                            |
| <b>USAP</b>                   | 0                                           | 0                                                  | 0                                                  |
| <b>BT</b>                     | 4,000                                       | 4,000                                              | 4,000                                              |
| <b>IA Sub-ACL</b>             | 31,200                                      | 31,212                                             | 30,300                                             |
| <b>IB Sub-ACL</b>             | 4,600                                       | 4,644                                              | 4,500                                              |
| <b>2 Sub-ACL</b>              | 30,000                                      | 30,024                                             | 29,100                                             |
| <b>3 Sub-ACL</b>              | 42,000                                      | 42,120                                             | 40,900                                             |
| <b>RSA</b>                    | 3%                                          | 3%                                                 | 3%                                                 |
| <b>FGSA</b>                   | 295                                         | 295                                                | 295                                                |

<sup>1</sup>**Option for Alternative 3** – If, by considering landings through **October 1**, NMFS determines that less than 4,000 mt has been caught in the New Brunswick weir fishery, it will allocate an additional 1,000 mt to the Area IA sub-ACL to be made available to the directed herring fishery as soon as possible, through the remainder of the fishing year (until the accountability measure is triggered). mt = metric tons

The difference between the Atlantic herring ABC and the stock-wide annual catch limit (ACL) equates to what the Council specifies as management uncertainty. The management uncertainty specification further ensures the Atlantic herring catch will not exceed the ABC in a given year by buffering against uncertainty related to the management system. The deduction for management uncertainty occurs based on the SSC's recommendation for an ABC (111,000 mt) to derive a stock-wide ACL, which represents the U.S. Atlantic herring optimum yield (OY) for 2016-2018.

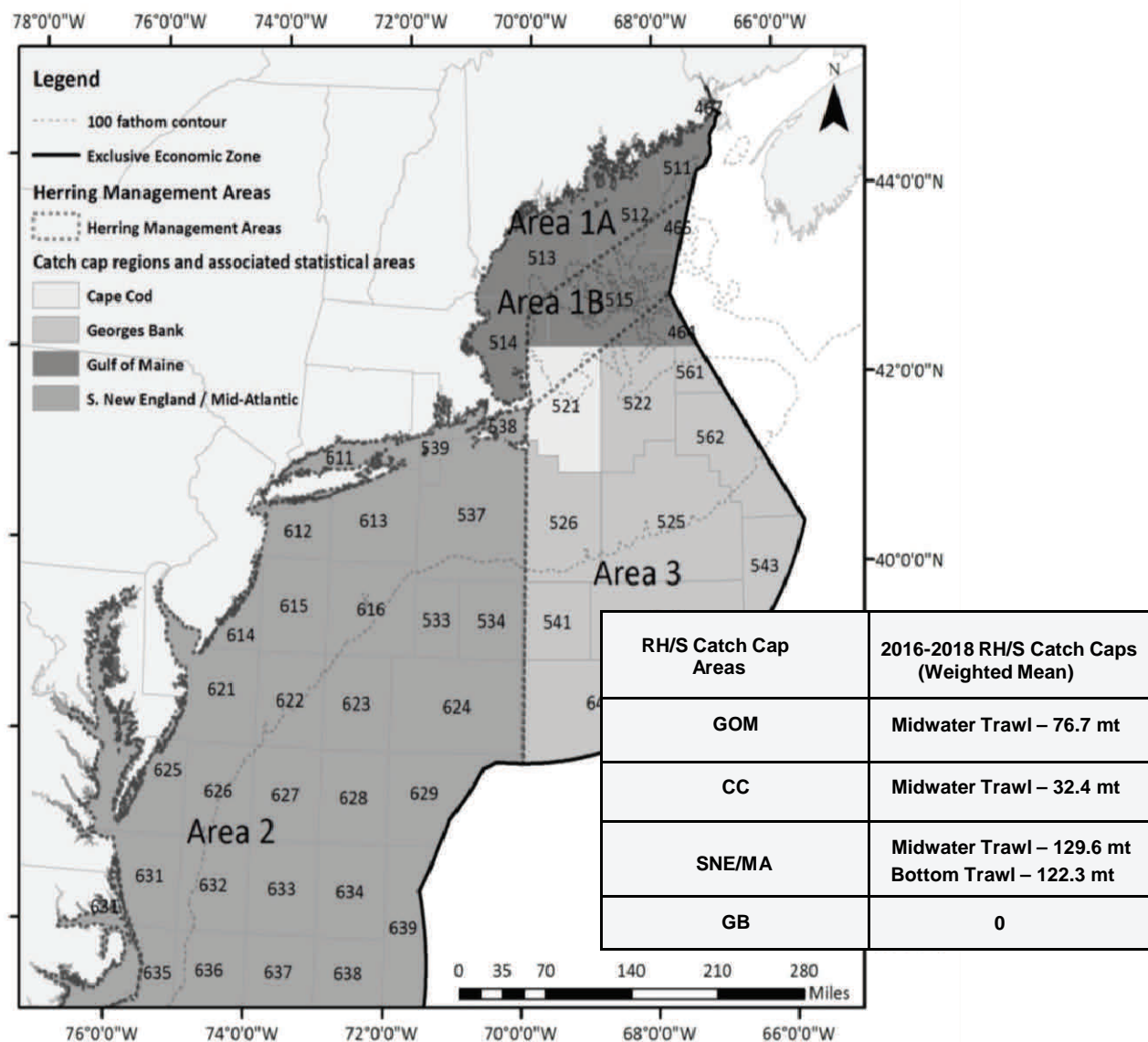
During the specifications process, the Council considered a range of deductions for management uncertainty based on three possible factors: a.) the Canadian catch of Atlantic herring in the New Brunswick weir fishery; b.) uncertainty in estimates of state waters Atlantic herring catch; and c.) uncertainty around Atlantic herring discard estimates.

**Herring specifications—continued**

The Council also adopted river herring and shad catch caps for 2016-2018 based on catch estimates for these species from 2008 through 2014, using the Herring PDT’s revised and updated data. The final alternative selected incorporated catch estimates from the most recent two years, extending the time series to seven years, using the weighted mean values.

The weighted mean represents the arithmetic average of the total river herring and shad catch per year (by area and gear type for each of the seven years in the time series), weighted by the number of sampled trips in the particular stratum being evaluated.

The catch caps apply to midwater trawl vessels in the Gulf of Maine and Cape Cod Catch Cap Areas, and to both midwater trawl and small mesh bottom trawl vessels in the southern New England/Mid-Atlantic Catch Cap Area on all trips landing more than 6,600 pounds of Atlantic herring. No catch caps were adopted for the Georges Bank Catch Cap Area.





## Omnibus IFM Amendment

Faced with problems associated with proposals presented in the draft Omnibus Industry-Funded Monitoring (IFM) Amendment --- and the initial plan was that the NEFMC would have identified its preferred alternatives at this meeting and move on to public hearings --- Council members instead firmly agreed it was appropriate to rethink the direction of the IFM Amendment during their September discussions.

NOAA Fisheries has taken the lead in developing the action, with joint oversight provided by both the New England and Mid-Atlantic Fishery Management Councils. The NEFMC's Observer Policy and Herring Committees have been the focal point for public participation, in addition to the MAFMC's meetings.

For those who might be unaware, the IFM amendment has been envisioned as a vehicle to:

- Implement IFM programs *with available* federal funding, thereby promoting cost-sharing;
- Allow both the New England and Mid-Atlantic Councils, and NOAA Fisheries to prioritize available federal funding among FMPs;
- Establish monitoring coverage targets for the Atlantic herring and Atlantic mackerel fisheries; and
- Apply approved alternatives to all NEFMC and MAFMC and FMPs.

NEFMC members expressed serious concerns about the affordability of various monitoring provisions and the structure of cost-sharing with the agency, the critical need to address broad policy issues, and even the time constraints on development of the action given other Council priorities.

While specifics have been remanded back to the Observer Policy Committee, to include a review of work completed to date, further development will continue at future committee meetings.

A motion also was approved that would allow the development of monitoring set-aside options for individual fishery management plans, that could be included in the amendment. The intent of the motion is to establish a process that would allow monitoring set-asides for individual FMPs to move forward as framework adjustments, rather than plan amendments, with the process be provided for in the IFM Amendment.



## Sea Scallops

### **Amendment 19 moves ahead**

Amendment 19 to the Scallop Fishery Management Plan got a boost at the September meeting when NEFMC members unanimously approved the Scallop Committee's recommendations for preferred alternatives. The action is intended to better align the annual fishery specification-setting with the beginning of the scallop fishing year by implementing a separate specification process and also shifting the start of the fishing year, now proposed for April 1.

The specifications process would contain allocations that could be set for up to two years with a third year as a default, but the Council could also adjust allocations more frequently. As with the current framework adjustment process used to set specifications in the scallop fishery, NOAA Fisheries would have the authority to approve, disapprove or partially approve the specifications.

If approved, the first fishing year after implementation of the action would be 13 months long (from March 1 of year one through March 31 of year 2) with the new start date of April 1. Fishery allocations and limits would be prorated slightly to account for this shift to a month later in the year.

The impetus for Amendment 19 has long been discussed, based on a number of anticipated outcomes, among them the need to: 1.) reduce potential economic and biological consequences from late implementation of specifications, such as complex in-season changes in fishery allocations, confusion and uncertainty for the fleet, as well as potentially negative impacts on the resource and fishery if effort shifts into areas or seasons that are

## Amendment 19 - continued

less desirable as a result of delayed measures; and 2.) reduce or eliminate the overall administrative burden associated with late implementation.

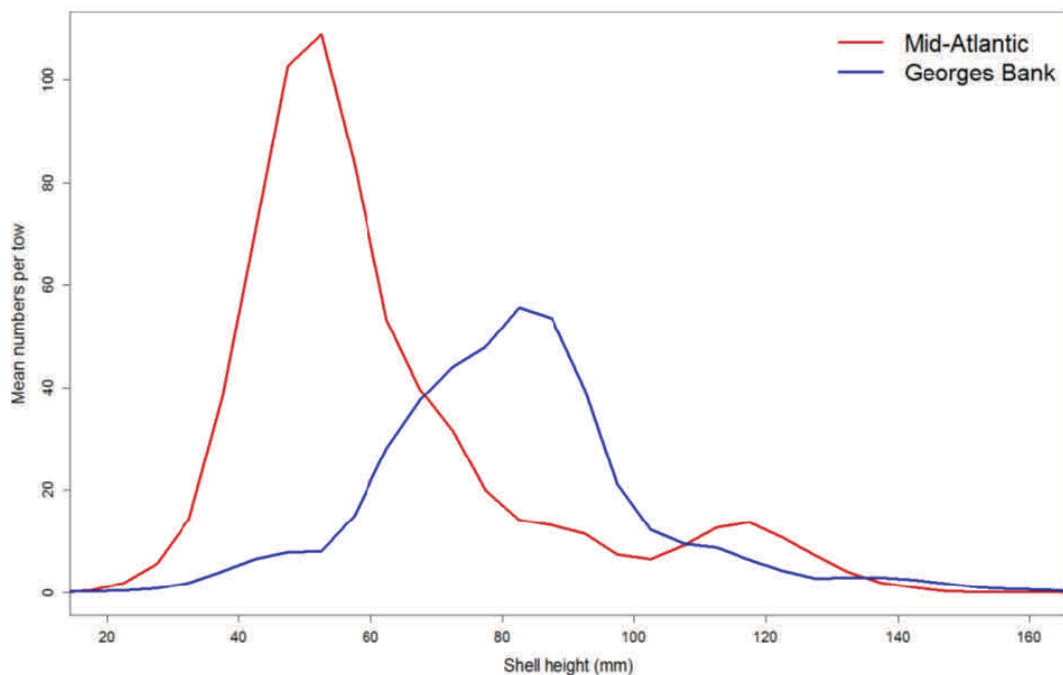
### **Good news in Framework 27, small scallops everywhere... plus increased harvest levels**

The Council was briefed on the 2015 scallop survey results and the Plan Development Team's initial projections for 2016 and 2017 catches, now being considered in Framework 27.

As reported at the meeting, the very successful survey season produced data from four separate surveys (NEFSC, SMAST, VIMS, and the Habcam Group), all indicating the total sea scallop biomass has increased since 2014. Since most of the biomass comes from juvenile scallops found on Georges Bank and in the Mid-Atlantic that are not yet ready for harvest, the Scallop Committee will be developing several different measures in the framework to protect them.

Overall, the initial projections for fishing year 2016 include increased catches above 45 million pounds compared to the 2015 projections of 38 million pounds. Allocations are expected to include modest increases in days-at-sea and the same level of effort in access areas, about 51,000 pounds per full-time limited access vessel. Limited Access General Category IFQ allocations are also expected to increase compared to 2015 levels.

The Council is scheduled to take final action on Framework 27 at the December meeting, setting fishery specifications for fishing year 2016 and default measures for fishing year 2017, as well as finalizing Amendment 19.



#### 2015 Scallop Dredge Survey Shell Heights

The largest amount of small scallops, from the 2013 year-class, are in the Mid-Atlantic region. The Georges Bank boom occurred in 2012 and those scallops are about 80 millimeters. The fishery generally targets animals larger than 100 millimeters, allowing the smaller animals to escape.

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 commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC 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.

## Small Mesh Multispecies

### *Interim changes to the 2016-2017 specifications approved*

The NEFMC received a summary of the Small Mesh Multispecies Annual Monitoring Report which included an overview of the most recent red hake stock assessment update and recommendations for adjusting the fishery specifications for 2016-2017.

As background, in 2013 the northern red hake stock in the Gulf of Maine was experiencing overfishing. The 2014 update indicated that biomass had increased, catches were stable, and overfishing was not occurring. Meanwhile, the biomass for red hake on southern Georges Bank and in the Mid-Atlantic had declined. In response to the biomass changes, the Council authorized its staff to modify the 2016-21017 specifications and submit them to NOAA Fisheries, pending final review and approval by the Council's Scientific and Statistical Committee (SSC).

The following will be proposed to the Fisheries Service if approved by the SSC. In the Gulf of Maine and northern Georges Bank, the annual catch limit would increase by 73% to 471 metric tons (mt). This would allow more landings and revenue and prevent excessive discarding while not causing overfishing. In the southern area, the annual catch limit would decline by 46% to 1,631 mt. The latter action is needed to prevent overfishing if catches increase from the 1,201 metric tons of red hake that were caught in 2014.

### *Amendment 22 scoping document moves forward*

The Council reviewed and approved a draft scoping document for Groundfish Amendment 22, a small mesh multispecies action that would include alternatives for limited access qualifying and non-qualifying vessels. Public scoping hearings will be announced soon.

## Frameworks Initiated in September

### *Northeast Skate Complex*

The Council initiated a framework to set specifications for the Northeast Skate Complex for fishing years 2016 and 2017. The action may also contain additional measures that could minimize the potential impacts of possibly reduced TALs for the wing and bait fisheries, pending discussions at the Joint Skate Advisory Panel/Skate Committee meeting this week. The Council will take final action at the December meeting.

### *Habitat*

Based on a near unanimous motion, the Council approved the development of a framework that would identify areas in the Great South Channel and Georges Shoal Habitat Management Areas that could potentially be suitable for hydraulic dredge gear exemption. In providing direction to the Habitat Committee and Plan Development Team the Council identified the need to achieve optimum yield for the surf clam and ocean quahog fisheries, but also minimize adverse fishing effects on habitat to the extent practicable. The action also must be consistent with the underlying objectives of Omnibus Habitat Amendment 2.

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