

NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL

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

At its April 19-21 meeting in Mystic CT, the Council approved actions related to the development of its fishery management plans.

The issues involved:

- ◆ Development of a Deep Sea Coral Amendment
- ◆ Atlantic Herring Amendment 8
- ◆ The Industry-Funded Monitoring Amendment
- ◆ Sea Scallops and the NGOM Area
- ◆ EBFM
- ◆ Spiny Dogfish
- ◆ At-Sea Monitoring
- ◆ Small Mesh Multispecies

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Council Report

April/May 2016

Habitat

Work on Coral Amendment Continues As development of the NEFMC's Deep-Sea Coral Amendment moves ahead, the Council received an update on the Habitat Committee's work to date on the action. Several motions forwarded by the committee were approved for the purpose of conducting in-depth analyses based on new information provided by researchers over the past several years.

These included revised and new coral zone boundaries for a number of canyons south of Georges Bank and for locations in the Gulf of Maine, as well as a provision that would allow modifications to the coral management areas in the future through framework adjustments.

Significantly, Council members approved by a unanimous vote the following statement that will guide work on the amendment as the draft is refined over the next 6-7 months prior to public hearings.

"The Council is utilizing its discretionary authority under Section 303(b) in the MSA to identify and implement measures that reduce, to the extent practicable, impacts of fishing gear on deep sea corals in New England.

This amendment contains alternatives that aim to identify and protect concentrations of corals in select areas and restrict the expansion of fishing effort into areas where corals are likely to be present.

Deep sea corals are fragile, slow-growing organisms that play an important role in the marine ecosystem and are vulnerable to various types of disturbance of the seafloor. At the same time, the importance and value of commercial fisheries that operate in or near areas of deep sea coral habitat is recognized by the Council. As such, measures in this amendment will be considered in light of their benefit to corals."



**Next Council
Meeting
June 21-23, 2016
Portland, ME**

How much haddock is allocated to the Atlantic herring midwater trawl fishery?

The herring fishery is allocated one percent of the haddock total acceptable biological catch for each of the two stocks located off the New England coast (Gulf of Maine and Georges Bank) each year.

What happens when the catch cap is reached?

When the catch cap for a particular haddock stock has been caught, it triggers an accountability measure. All herring vessels fishing with midwater trawl gear are prohibited from fishing for, possessing, or landing more than 2,000 pounds of herring from the particular haddock accountability measure area (Gulf of Maine or Georges Bank) for the remainder of the multispecies fishing year (May 1 – April 30). Also, the overage deduction is subtracted from the TAC during the following fishing year.

Atlantic Herring

Amendment 8 Takes Shape In discussing Amendment 8 to the Atlantic herring fishery management plan, the Council addressed two issues related to the development of management measures:

- ◆ The NEFMC will host a May 16-17 herring workshop in Portland, ME, during which participants will share their ideas about developing catch strategies that will more explicitly account for the role of Atlantic herring in the ecosystem; staff will share the workshop outcomes at the June Council meeting in Portland, ME.
- ◆ It approved the problem statement below that will guide the development of management measures to address concerns about localized depletion; Herring Committee work on this issue will be reviewed again at the September 2016 Council meeting.

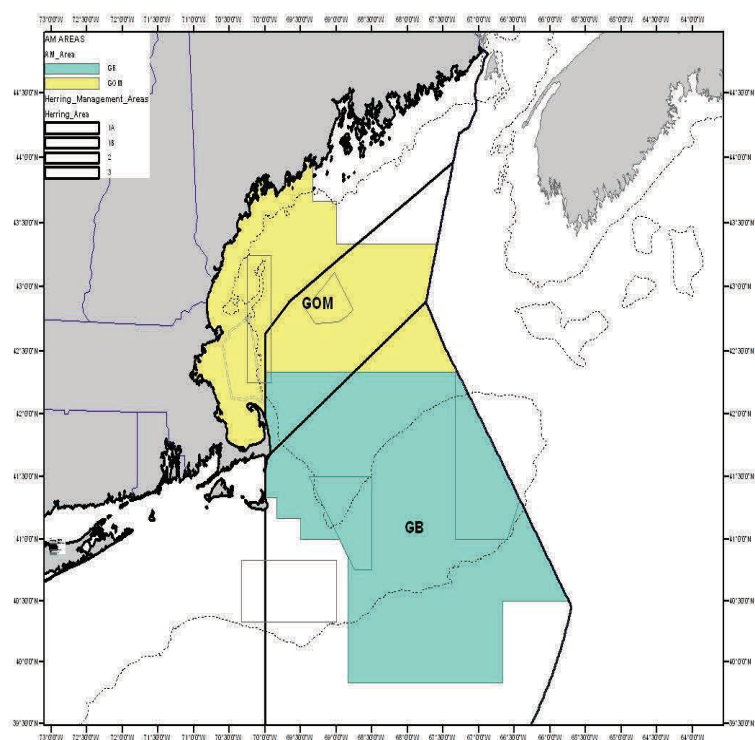
“Scoping comments for Amendment 8 identified concerns with concentrated, intense commercial fishing of Atlantic herring in specific areas and at certain times that may cause detrimental socioeconomic impacts on other user groups (commercial, recreational, ecotourism) who depend upon adequate local availability of Atlantic herring to support business and recreational interests both at sea and on shore.

The Council intends to further explore these concerns through examination of the best available science on localized depletion, the spatial nature of the fisheries, reported conflicts among users of the resources and the concerns of the herring fishery and other stakeholders.”

As a final matter of business under the herring agenda item, the Council initiated a framework adjustment to the FMP in which it will consider revising the Georges Bank haddock catch cap and associated accountability measures (AMs), and their implementation.

The issue becomes complicated when looking at the details. Haddock, particularly on Georges Bank, is a robust stock. This is also the case with the Atlantic herring resource --- it is not overfished, overfishing is not occurring, and catches have remained steady, between 70 and 95,000 metric tons, since 2010.

Continued on page 3



Atlantic Herring - *continued*

Because of interactions between the two stocks, the mid-water trawl fleet is faced with a potential out-sized problem if the AM is triggered again. The fleet was not allowed to fish in a large portion of Herring Areas 3 and 1B because the six-month long Georges Bank AM was triggered in October 2015 (see aqua-colored areas on the map, p. 2). The result has been a six-month long closure that was just lifted on May 1, 2016. A repeat of the same situation would likely produce substantial negative impacts on the herring fleet, the majority of which are mid-water trawlers.

In seeking a remedy, the Council initiated the frame-

work with the following goal:

To incentivize the midwater trawl fleet to minimize the incidental catch of haddock in the herring fishery while providing the opportunity to fully harvest the sub-ACL of herring for herring management Areas 3 and 1B.

In June, the Council will review the Herring Committee's progress on developing measures, with final action planned later this year and implementation during fishing year 2017. Depending on the specific measures included, the action will likely involve the Groundfish Committee and its PDT.

Industry-Funded Monitoring

IFM Herring Fishery Alternatives Receive Further Attention The Council refined the herring fishery monitoring alternatives now under consideration in the Industry-Funded Monitoring (IFM) Amendment. The NEFMC plans to select preferred alternatives and to review and approve the draft Environmental Assessment associated with this action at its June meeting in Portland, ME.

Approved motions in April addressed: A.) slippage restrictions and consequence measures on trips selected for monitoring (exceptions would be allowed for safety, mechanical failure, or excessive amounts of dogfish in the net); and B.) slippage reporting requirements (affidavit or VMS) on herring trips selected for at-sea monitoring and electronic monitoring/portside sampling coverage.

The Council also approved two types of approaches that would apply to the percent monitoring target levels. A "combined" approach for the at-sea monitoring alternatives would allow coverage through the Standard Bycatch Reporting Methodology, or SBRM, to count towards the overall selected coverage target level. The second, an "additive" approach for the electronic monitoring/portside sampling alternatives would mean that the selected coverage target level would not include the SBRM coverage.

Proposed refinements were made to catch and biological sampling protocols for at-sea monitors who would collect information on any retained catch (kept and incidental) and discarded catch, to better meet the objectives identified for the herring coverage target alternatives. In addition, at-sea monitors would collect information on fish lengths, but not on marine mammals, sea birds, and sea turtles. Finally, more training was recommended for monitors of high-volume fisheries, as well as analyses on impacts related to ports not currently available for portside sampling.

How Does SBRM Relate to IFM? In June 2015, NOAA Fisheries, implemented a revised SBRM amendment that was developed in coordination with the New England and Mid-Atlantic Councils. The action implemented 1.) a new prioritization process for the allocation of observers if agency funding is insufficient to achieve target observer coverage levels; 2.) bycatch reporting and monitoring mechanisms; 3.) analytical techniques and allocation of at-sea fisheries observers; 4.) a precision-based performance standard for discard estimates; 5.) a review and reporting process; 6.) framework adjustment and annual specifications provisions; and 7.) provisions for industry-funded observers and observer set-aside programs.

The Omnibus IFM Amendment proposes to establish a standardized administrative structure that could apply to any new industry-funded monitoring programs. Currently, provisions include monitoring coverage targets for the herring and mackerel fisheries, which are under development as described above. Industry funding would be used in conjunction with, not instead of, federal funding to pay for *additional* monitoring to meet FMP-specific monitoring coverage targets that would be determined by each Council.

Sea Scallops

Resolution to NGOM Area Issues Sought At the request of the Council's Scallop Committee, the Council staff provided a summary concerns that scallop fishing has increased in the southern part of the Northern Gulf of Maine (NGOM) Area since the fishing year began this March.

Two major issues were identified:

- An increase in limited access general category (LAGC) fishing effort in southern portion of NGOM Area, exacerbating the potential that the total allowable catch, or TAC, would be reached well before winter and close the fishery before many of the LAGC NGOM permitted vessels participate in the federal fishery.
- An increase in limited access (LA) vessel effort in the same area within the NGOM. Both the LAGC IFQ and NGOM vessels are concerned that limited access fishing activity in the NGOM Area may not be sustainable considering the amount of resource in that area. Another sticking point is that limited access vessel landings do not count toward the 70,000 NGOM TAC and LA vessels are not subject to the 200 pound possession limit. However, LA vessels operate under days-at-sea limits.

The NGOM Area management program was implemented in 2008 through Amendment 11 to the Scallop Fishery Management Plan. The program was developed with separate measures and qualification criteria to preserve a fishery that formerly existed in the area and would hopefully return in the future.

The abundance of scallops in the area has fluctuated widely over the years, and although resource distribution was "patchy," it supported profitable if sporadic fishing. That situation was generally temporary as the heavily fishery beds became rapidly depleted.

Scallop Advisory Panel Meeting

Tuesday
June 7
9:30 a.m.

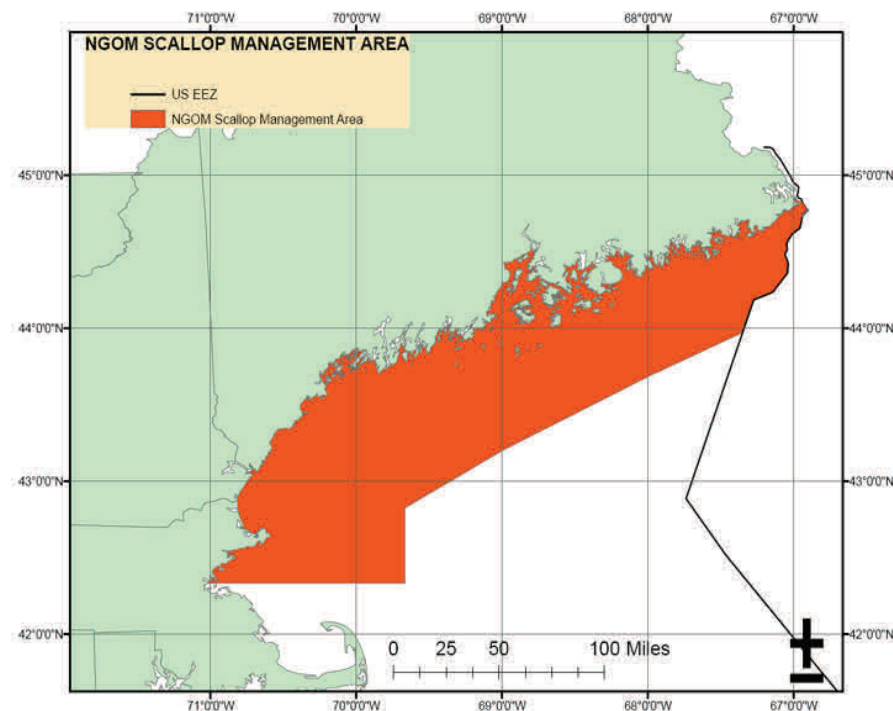
Hilton Garden Inn
Logan Airport
Boston, MA

Tentative Topics
2017 Management
Priorities
Research Priorities
Scallop Wkshop
Review
Five-Year IFQ
Report

Scallop Committee Meeting

Wednesday
June 8
9:30 a.m.

Location and
tentative topics
same as above.



Sea Scallops - *continued*

The NGOM Area management measures established fishing controls appropriate for the scale of the fishery while protecting the resource from overharvest if and when scallops were present in the area. Measures were developed to recognize the unique characteristics of the fishery, while allowing (largely Maine) scallop fishermen to qualify for the program that might not have been able to do so under the Scallop IFQ program for general category boats.

Based on the information provided as well as fishermen's testimony, the Council responded with two approved motions as a start to address the above concerns.

It approved development of a measure that would prohibit limited access vessels from possessing 50 or more bushels of in-shell scallop product when inside the vessel monitoring system (VMS) demarcation line

when fishing north of 42 degrees 20 minutes. This would mirror the regulations for limited access boats south of the line. The measure original was put in place to accommodate shore-side processing for several live scallop markets. As discussed at the meeting, the markets for in-shell scallop landings no longer exist.

The Council also, by a unanimous vote, approved modifications to the management of the NGOM Area as a potential priority for 2017 with the intent of having remedies in place by the beginning of the scallop fishing year in 2018. The Scallop Committee will discuss and make recommendations for priorities later this year. As a start, issues that could be addressed might include a change to the opening date of the NGOM Area, gear restrictions, scallop possession limits, and effort controls throughout the area for all permit types fishing.

Ecosystem-Based Fisheries Management

Development of Prototype Moving Ahead The Council received an update from its EBFM Committee and Plan Development Team on their efforts to develop an example Fishery Ecosystem Plan (eFEP). Since late 2015, the PDT has inventoried and categorized the various types of ecosystem models that have been applied to New England waters, developed a goals and objectives strawman, and developed a rough outline of an eFEP. Other eFEP sections that provide more detail are still under development.

The committee reported that it had refined the goals and objectives for this action and directed the PDT to focus on the development of an operating model for a management strategy evaluation. This exercise is intended to help describe the framework for setting eFEP catch advice by functional groups of similar species, as well as identify models to be used to analyze strategic outcomes and tactical catch advice.

Because of the number of ecosystem models available for Georges Bank, the eFEP will initially focus on this area. A report on the topic is tentatively scheduled for the September Council meeting.

The Council is developing its eFEP as a prototype to engage the public in evaluating goals and objectives and defining various management strategies to be tested and verified. If effective, the Council would prepare a Fishery Ecosystem Plan or may apply parts of the eFEP to existing management plans.

Spiny Dogfish

Spiny Dogfish Request for Increased Possession Limit Approved The Council voted to request that NMFS increase the federal spiny dogfish possession limit to 6,000 pounds --- up from the current 5,000 pound limit --- for fishing years 2016-2018.

Agreeing with the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission, the NEFMC approved the change, based on the condition of the stock, which is at 106 percent of its biomass target, and the fact that the fishery is currently underutilizing its quota by a substantial amount. Other considerations included a reduction in regulatory discards, and adoption of a conservative approach toward catch increases that could cause a change in stock status and, accordingly, disrupt markets.

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.

Groundfish

Work on Monitoring Continues The Council received an update from its Groundfish Committee on progress to date on its 2016 management priorities, in particular revisions to the at-sea monitoring program, windowpane flounder management measures, and the process to develop recreational management measures.

Discussion on monitoring, however, was the focus of the groundfish discussion. For purposes of digging deeper into the entire monitoring program to make improvements, as the Council's Groundfish Plan Development Team has been asked to do, the NEFMC asked NOAA Fisheries for detailed information on compliance with groundfish catch reporting.

Through formal motions, the NEFMC requested that the Fisheries Service provide baseline information on compliance relative to harvester and dealer reporting, given this information may not be accessible to the Groundfish PDT.

As it proceeds with work on improvements to the monitoring program, the Council made clear it places importance on information that would best inform where and how accuracy and precision in groundfish catch reporting can be achieved.

Such a program is not just dependent on system design, but on the actual performance of the current harvester/dealer verification system. For example, Council members indicated their interest in understanding such issues as the frequency of the reconciliation between harvester and dealer reports (VTR and SAFIS), measures that verify and improve the accuracy of VTR locations, and the enforcement of and compliance with reporting requirements.

Small Mesh Multispecies

Amendment 22 Future Unclear In reviewing progress to date on Amendment 22 to the Northeast Multispecies FMP, an action that would limit vessel access to the small-mesh multispecies (whiting and red hake) fishery, Council staff summarized the landings history of the small-mesh multispecies fleet for a five-year period (2008-2012) as part of an effort to evaluate potential limited access qualification alternatives and other information.

During the ensuing Council discussion, members focused on questions about criteria that would differentiate qualifying and non-qualifying vessels, qualification criteria equivalency for the northern and southern management areas, and the need for further analysis of fleet history based on trip landing thresholds, among other matters.

While further PDT work will proceed, the Council discussed whether to continue to work on Amendment 22 based on the information provided. Members' primary concerns were about whether the action justifies further work on limited access given its stated purpose and need, and if the fishery is even performing anywhere near capacity now. No decision was made to discontinue development of the amendment in April, but the topic will be on the Council's June agenda. Additionally, the Whiting Committee will meet on June 20 in Portland, the day before the Council meets on June 21-23.

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