



Council Report

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

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on April 26-28, 2011 in Mystic, CT.

At its late April meeting, the Council addressed issues related to scallops, herring, monkfish, groundfish and management area coordination. The NEFMC also received a number of reports and presentations, including a briefing by NMFS Director Eric Schwaab which summarized the agency's management review of fisheries in the Northeast, with a focus on relationships among the NEFMC, the NMFS Northeast Regional Office and Northeast Fisheries Science Center (NEFSC).

Other presentations addressed a range of important issues: a summary of the Department of the Interior's "Smart from the Start" offshore wind initiative; ecosystem-based fisheries management; NEFSC recommendations for observer sea-day allocations for 2011-2012; and several Scientific and Statistical Committee (SSC) - related reports: one about the peer review of the Swept Area Seabed Impact model, and another on approved methods that will be used to develop ABC recommendations for the skate complex and the five hake stocks harvested under the small mesh multispecies program rules.

Sea Scallops

Council Requests Emergency Action

Recent developments in the arena of sea scallop management may potentially disrupt the course of the Council's successful area rotation program. As a remedy and at the urging of scallop industry leaders, the Council passed a motion at the April meeting requesting that the National Marine Fisheries Service (NMFS) take emergency action to prevent 2011 Nantucket Lightship closed area trips.

The primary rationale for the request was two-fold --- to reduce the risk that the limited access scallop sub-annual catch limit and Southern New England/Mid-Atlantic yellowtail flounder sub-annual catch limit would be exceeded --- potentially avoiding onerous accountability measures.

A complicated history brought the industry and managers to this point. First, there was a delay in the implementation of Framework 22 to the Scallop Plan which will specify annual catch limits and area openings and closings for the 2011-2012 fishing years.

The delay was the result of Council and staff work on Scallop Amendment 15, a complementary action to Framework 22 in that it will establish the process or mechanism for setting the annual catch limits and accountability measures.

The problem that follows from the Framework 22 implementation delay, which will likely occur in June or July this year versus March 1, is that the Nantucket Lightship Area was not scheduled to be open to scallop fishing in 2011.

The Council maintained that a several month delay beyond March 1 was anticipated but the fleet impacts were not. Nor was it anticipated that the delay had the potential to trigger fishing at a level that could cause the limited access vessel sub-annual catch limit to be exceeded.

Information provided by scallop industry members at the meeting brought the situation into focus. Scallop vessels have an incentive to

fish in the area using their “rollover” allocations from 2010. Furthermore, scallop meat prices have consistently remained above \$10 per pound for the last several months.

Other speakers added that while the industry overall knows there are longer-term risks and costs associated with fishing in Nantucket Lightship Area this year, not fishing there could be a very difficult and costly decision. It was pointed out that a vessel could bring in \$180,000 for a trip less than a week long.

In addition, the new estimates of the 2010 yellowtail flounder bycatch in Southern New England and Mid-Atlantic regions suggest that the bycatch of that species is higher than expected in open areas. As a consequence, there is a greater risk of exceeding both the 2011 and 2012 sub-annual catch limits if action is not taken to prevent trips in the Nantucket Lightship Area in 2011.

Herring

Haddock Catch Cap Increase Approved

The Council took final action on Framework Adjustment 46 to the Groundfish Plan, an action that addresses potentially negative impacts facing Atlantic herring vessels if the current haddock catch cap is reached. Fishery participants and processors had been working with the Council to increase the cap and avoid a fishery closure once their limit of haddock is reached.

Placing the issue on a fast track in November, the Council increased the amount of haddock that the herring fleet may catch from 0.2 percent to 1 percent of the total ABC for both the Gulf of Maine and the Georges Bank stocks of haddock. In addition, accountability measures would close the herring fishery in the appropriate stock areas should either the Gulf of Maine or Georges Bank haddock catch cap be reached.

Under the new rules, which must be finalized by NMFS on behalf of the Secretary of Commerce, the Council expects herring fishing

to continue without interruption throughout 2011. In addition to its importance in providing food in a variety of markets and bait for the lobster and recreational fisheries, the herring industry provides valuable employment opportunities in economically hard-hit coastal communities.

The approved measures also are responsive to the expressed concerns of commercial and recreational fishermen as well as environmental organizations who, while recognizing that haddock is an abundant species, opposed the idea of wasting what could add up to large amounts of the fish if encountered by herring fleet.

The Council believes its action addresses the needs of the herring industry and coastal communities as well as its responsibilities to manage fish stocks sustainably by providing opportunities to harvest the resource while managing and minimizing bycatch.

Amendment 5 Revisited

The Council revisited a measure proposed in Amendment 5 to the Herring Plan that would require federally-permitted herring dealers to accurately weigh all fish. Members agreed that they intend the measure to function as a general requirement so that herring dealers will provide an accurate, verifiable weight of fish purchased.

Members also agreed to eliminate the exemption clause associated with this measure. Before the vote, a dealer who could demonstrate that it was infeasible to weigh the fish could seek an exemption from the Council. The revised measure will move forward in Amendment 5 as a requirement to apply to all federally-permitted herring dealers.

The Council is scheduled to review and approve the Amendment 5 Draft Environmental Impact Statement and select preferred alternatives at its September 2011 meeting.

Monkfish

Amendment 6 Scoping Comments Reviewed

The Council reviewed the public comments on Amendment 6 to the Monkfish Plan, in which some form of catch shares management for the monkfish fishery is being considered. Since scoping comments were largely divided between northern (supporting) and southern management areas (opposing), the Council tasked the staff to prepare a white paper outlining the issues associated with separating monkfish management into two different programs or fishery management plans.

The Monkfish Committee will consider the paper and make its recommendations to the Council at the June meeting, where next steps for the amendment will be decided.

Groundfish

NOAA-Funded State-Operated Permit Bank Amendment Moving Forward

Following approval to move ahead with development of a draft state permit bank amendment at its January meeting, the Council provided time for an overview and an opportunity for public comments on Amendment 17 at its April meeting. The intent of the action is to revise a number of administrative requirements so that state permit banks can operate in an efficient manner.

While no public comments were made at the Mystic meeting, the official comment period ends May 18 (see the Council website, www.nefmc.org, and click on Northeast Multispecies for details about providing comments). A Council vote is expected at the June Council meeting.

Accumulation Limits

In lieu of approving a Groundfish Committee recommendation to delay further work on an accumulation limits/fleet diversity amendment until later this year, the Council approved a motion to establish an ad hoc Groundfish Accumulation Limits Committee and tasked it

to provide a range of options for Council consideration.

The new committee will include members of the current Groundfish Committee, its Advisory Panel and Plan Development Team (PDT), and members of the SSC who will participate in a facilitated meeting on the issues.

Sector Review Workshop

The Council considered advice about holding a meeting to review the first year of sector operations. It directed the Executive Committee to schedule a Council meeting, likely sometime after August, but as soon as practicable, to receive reports from sector managers.

Quota Trading through the TMGC Process?

As part of an established process, the Transboundary Management Guidance Committee (TMGC) agrees on catches of three shared stocks between the U.S. and Canada. Once a total catch is agreed upon, each country's share is determined through a formula based largely on resource distribution.

The TMGC has expressed some interest in modifying the "Understanding" to allow quota trading between the two countries. The Council reviewed a motion that proposed to pursue this idea, but ultimately rejected it.

Council members stated they thought the benefits of trading were uncertain and the time necessary to develop this idea would be better spent on other groundfish issues.

Southern New England Cod Catches

Reports received by the Groundfish Committee about increased recreational cod catches in southern New England in late winter and early spring prompted agreement by Council members to address the issue during its annual priority-setting discussion. There also were some reports that state agencies may address the issue, especially since the Council's discussion won't occur until November.

Management Area Coordination

While not specifically a groundfish decision, the Council discussed coordinating the Essential Fish Habitat (EFH) Amendment review and possible modification of habitat measures (including habitat closed areas) with management areas used in other fishery management plans (primarily the groundfish closed areas). The Council staff presented a paper describing four alternative processes for reconciling the area management issues. In response, the Council decided to expand Phase II of the EFH amendment to consider modifications to the groundfish closed areas. This will extend the current timeline for the EFH amendment into the future. Work on the groundfish closed areas is not expected to begin until late 2011 or early 2012 due to the current workload of the Groundfish Committee and its PDT.

Materials on the Web**More Information About the April Meeting**

Materials related to the above issues and PowerPoint presentations that accompanied the briefings presented to the Council in April are located on the Council's website 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

June 21-23, 2011

Holiday Inn by the Bay, Portland, ME