



Council Report

An update published by the New England Fishery Management Council – June 2012

The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. The Council's 18 members met most recently on June 19-21, 2012 in Portland, ME.

At its June meeting, the Council addressed issues related to Atlantic herring, groundfish, small mesh multispecies, monkfish and habitat.

A number of presentations were received on the following topics and are available on the Council's website, www.nefmc.org:

- An update on a new amendment to address Standard Bycatch Reporting Methodology in NEFMC fishery management plans (Doug Potts, NERO);
- An overview of the Northeast Fisheries Science Center's new social science data collection efforts (Dr. Tammy Murphy, NEFSC);
- A review of issues and work completed to date concerning the "state of the science" as it relates to climate change and its impact on fisheries in the Northeast (Dr. Jon Hare, NEFSC); and
- A summary of issues and a solicitation for comments as part of the scoping phase of the Amendment 7 (bluefin tuna management) to the Consolidated Highly Migratory Species FMP; (Tom Warren, NERO).

Atlantic Herring

Amendment 5 Measures Receive Final Council Approval After five years of development, including both fierce opposition and support from a wide range of stakeholders, the Council came together to approve a comprehensive monitoring program for the Atlantic herring fishery that includes 100% observer coverage on the full-time fleet of 46 vessels. The Council excluded smaller vessels that catch only small amounts of herring, choosing instead to focus on those boats that land about 97% of the herring quota.

While the Atlantic herring resource is healthy and is classified as "not overfished," concerns over bycatch in the fishery were enough to sway a clear majority of Council members of the need to better monitor the high volume fishery beyond the mandatory vessel and dealer reporting and the levels of observer coverage that currently exist.

If the National Marine Fisheries Service (NMFS), the agency that acts on behalf of the Secretary of Commerce and provides final approval of federal fishery rules, approves the Council's actions, most of the new measures will be in place by early 2013.

The herring package also includes measures that support the avoidance of river herring species that can co-occur with Atlantic herring and are incidentally taken as bycatch. The two-phase avoidance approach included in the action is based on a pilot program developed in cooperation with the fishing industry, represented by the Sustainable Fisheries Coalition, working in partnership with Massachusetts Division of Marine Fisheries and UMASS Dartmouth School of Marine Science and Technology. Bycatch limits or caps for river herring were approved for consideration in a subsequent herring action.

Amendment 5 Details The following section is a summary of the herring management measures approved by the Council last week. For more complete information, please consult the Herring Amendment 5 documents on the Council's website – www.nefmc.org.

- ❖ ***New definitions*** For “transfer at-sea” and “offload.”
- ❖ ***General provisions and measures that address carrier vessels*** Expand possession limits to apply to all vessels working cooperatively in a fishing operation, eliminate the VMS “power-down” provision for limited access herring vessels, and establish a new permit for herring carriers that sell fish. Prior to each fishing trip, carrier vessels could use a VMS declaration or maintain the current minimum seven-day enrollment period.
- ❖ ***Observer coverage*** 100% at-sea observer coverage on Category A and B vessels supported by funding from a combination of federal and industry funds and including the use of state service providers, if available. The status quo observer program would prevail, for up to a year following implementation of Herring Amendment 5 while a federal/industry program is developed. The maximum target contribution by herring vessels is estimated at \$325/day.
- ❖ ***Waivers?*** A waiver from the requirement for an at-sea observer would be allowed if the observer cannot be provided within 24 hours of the vessel's notification of its prospective trip. A waiver will not be granted if the trip is to include tows in areas and at times associated with measures to avoid or protect river herring.
- ❖ ***Trip notification*** Pre-trip notification (PTNS) required for all limited access herring vessels and Category D vessels fishing in 1A, 1B and 3; also all carrier vessels must notify the observer program prior to any trip where the operator may harvest, possess, or land Atlantic herring, and include a gear declaration. A pre-landing notification requirement would also apply to all vessels.
- ❖ ***Dealer reporting*** All dealers would be required to accurately weigh all fish and document how the composition of a mixed catch is estimated for every landings submission.
- ❖ ***Limited access mackerel permit holders*** A 20,000 pound possession limit in Areas 2/3 for vessels that also possess a federal limited access mackerel permit (applies to all three tiers); the possession limit could be adjusted in the future through the specifications process.
- ❖ ***Requirements to improve catch sampling by observers***
 - **A Safe Sampling Station** - Or a safe sampling station adjacent to the fish deck. This could include a safety harness (if footing is compromised and grating systems are high above the deck), a safe method to obtain samples, and storage space for baskets and sampling gear.
 - **Requirements for “Reasonable Assistance”** - Could include but would not be limited to obtaining samples and sorted discards. *“Reasonable assistance” could be defined as measuring decks, codends, and holding bins; collecting bycatch when requested by the observers; and/or collecting and carrying baskets of fish when requested by the observers.*
 - **Providing Notice** - To observers when pumping begins, when to allow catch sampling and when pumping is about to end.

- **Requirements for Trips with Multiple Vessels** - Observers must be on vessels taking on fish wherever/whenever possible and on herring trips involving more than one vessel.
 - **Communication on Pair Trawl Vessels** - Additional communication required between the boats if fish are being pumped to both vessels.
 - **Visual Access to the Net/Codend** - Vessel operators must assist NMFS-certified observers in obtaining visual access to the codend (or purse seine bunt) and any of its contents after pumping has ended, and before the pump is removed. On trawl vessels, the codend and any remaining contents should be brought on board after pumping. If this is impossible, the vessel operator would be required to work with the observer to see the codend and its contents as clearly as possible.
- ❖ **Net slippage measures** For limited access vessels, trip termination after ten slippage events; to apply to each gear type --- midwater trawl (single and paired), purse seine, and bottom trawl (with an added exception for slippage because of spiny dogfish). Language will be modified to reflect requirements for all gear types and for vessels that do not pump fish.
- ❖ **River herring bycatch** A two-phase avoidance program developed in cooperation with the fishing industry, represented by the Sustainable Fisheries Coalition (SFC) working in partnership with Massachusetts Division of Marine Fisheries and UMASS Dartmouth School of Marine Science and Technology. If successful, the ongoing project would evolve into a long-term avoidance strategy with elements to be specified in a framework adjustment to the Herring Fishery Management Plan.

- ❖ **Midwater trawl access to the groundfish closed areas** 100% observer coverage on midwater trawl (single and paired) vessels on all trips where fishing may occur in the groundfish year-round closed areas. Vessels would be required to indicate their intention to fish in the groundfish year-round closed areas when scheduling a NMFS-approved observer through the pre-trip notification system. Midwater trawl vessels would be prohibited from fishing in the groundfish year-round closed areas without a NMFS-approved observer on board.

Groundfish

YTF Remedies Proposed The Council developed a temporary remedy for the groundfish fisheries that are subject to a low quota of Georges Bank yellowtail flounder during the 2012 fishing year. After receiving an updated estimate of the amount of yellowtail the sea scallop fishery is projected to catch over the same period --- their bycatch of this species is projected to be lower than previously anticipated --- the Council approved the following steps:

- It requested that NMFS take action to reduce the scallop fishery sub-annual catch limit of Georges Bank yellowtail flounder to 156.9 metric tons or about 346,185 pounds, and in turn increase the groundfish fishery yellowtail sub-annual catch limit to 368.3 metric tons, or about 811,440 pounds.
- In addition, the Council asked NMFS to take emergency action that would keep the trigger for the scallop fishery accountability measures for yellowtail flounder at the original catch level of 307.5 metric tons, or close to 674, 730 pounds. The Council stipulated this request and would apply only to 2012.
- Any additional unused Georges Bank yellowtail flounder would be transferred to the groundfish fleet by January 15, as outlined in the existing regulations and based on actual scallop fleet yellowtail catch data from fishing year 2012.

To provide further relief to the groundfish fishery the Council also: a.) requested that NMFS open the Special Access Programs for haddock in Closed Area II on May 1 rather than August 1; and b.) tasked the members of the Transboundary Management Guidance Committee, in coordination with the National Marine Fisheries Service Regional Office, to examine the advantages and disadvantages of re-addressing the U.S./Canada Resource Sharing Understanding.

Framework Adjustment 48 The “sector” framework adjustment currently being developed by the Council’s Groundfish Oversight Committee was combined with an action to set catch levels for the groundfish complex for fishing years 2013-2014. These and possibly additional actions will now be consolidated and addressed in Framework Adjustment 48 to the Northeast Multispecies Fisheries Management Plan. The Council is expected to approve the action at its November meeting. Draft measures of the text will be posted on the web page and updated frequently as the framework takes shape over the course of the summer.

As part of this framework and related to the yellowtail problem described above, the Council added a draft measure that would define a location within the Georges Bank yellowtail flounder stock area where sector vessels could continue to fish if their sector’s annual catch entitlement, or ACE, for that species was caught.

Other draft framework options were approved: a windowpane flounder sub-annual catch limit for the scallop fishery; consideration of the “mixed stock exception” described in the *National Standard 1 Guidelines* for this stock, and the inclusion of two options for allocating Georges Bank yellowtail flounder to the scallop fishery.

Council members also agreed to advise the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission that it will consider Southern New England/Mid-Atlantic windowpane flounder sub-annual catch limits

for the fluke and scup fisheries. Modifications to the timing for Southern New England/Mid-Atlantic accountability measures for non-allocated stocks also could be included.

The Council voted to send several letters to NMFS and/or the Northeast Fisheries Science Center to: clarify its intent about electronic monitoring; request a discussion of the discard mortality assumptions for halibut and wolfish; ask for full funding of groundfish monitoring costs in fishing year 2013; and request advice from NMFS about whether it is possible to authorize up to a 50% carryover of the Gulf of Maine cod sector annual catch limit through fishing year 2013.

Lastly, Council discussions indicated that progress on Amendment 18, to consider accumulation caps and issues related to fleet diversity, will likely be delayed given the groundfish issues outlined above. This sentiment was expressed following a summary of comments received during the Amendment 18 scoping period and presented at the meeting. All the materials provided to the Council are available on the NEFMC website under Northeast Multispecies.

Small Mesh Multispecies

Final Amendment 19 Moves Forward As part of Amendment 19 to the Northeast Multispecies Plan, the Council approved a measure to increase the southern whiting possession limit from 30,000 pounds to 40,000 pounds for vessels using trawl fishing gear with 3-inch or larger mesh. The new limit would apply year-round throughout the Mid-Atlantic and Southern New England Exemption Areas.

Inshore fishermen and fishermen that target silver hake in the Gulf of Maine expressed concerns that higher southern whiting landings could negatively affect their fish prices. The Council decided that these effects would be short-term and transient, while the existing possession limit combined with higher fuel and operating costs was an impediment to achieving optimum yield.

In addition, the Council voted to submit the final amendment for review and approval by NMFS.

The final amendment management measures are discussed more fully in the April 2012 *Council Report*. The provisions voted on by the Council would become effective in late 2012 after review and approval by the Secretary of Commerce.

The Council also directed the Whiting Oversight Committee to develop a scoping document and consider whether a new control date was warranted to consider new limited access rules for the whiting fishery. The Whiting Committee will schedule a meeting and the Council would vote on a new control date at the September 2012 Council meeting.

Monkfish

ITQ Alternative Stays Put The Council considered but did not adopt a motion deferred from its April meeting that proposed to remove Individually Transferrable Quotas (ITQs) from consideration in Amendment 6 to the Monkfish Plan.

The purpose of the motion was to enable the Council to proceed more expeditiously with the development of the other elements of the amendment, including modifications to the current days-at-sea system and incorporation of sectors into the management program.

As part of its decision-making process, Council members considered comments, including those from the Mid-Atlantic Council, that many stakeholders might prefer ITQs over sectors in a shift to allocation-based management, and that further input from advisors and other members of the public should be considered before rejecting the ITQ option.

Habitat

EFH Amendment on a Fast Track The Council discussed Omnibus EFH Amendment 2, which includes, in addition to updated EFH designations, alternatives to protect deep-sea corals from fishing impacts, and a range of alternatives still under development that address removing or modifying some of the current EFH closed areas, and/or removing or modifying the groundfish closed areas. After discussion, it recommended putting the amendment on a fast track, with the objective of providing fishery access to areas that are currently closed and contain high concentrations of scallops and haddock.

On a related but separate topic, the Council agreed to publish and seek public comment on a notice indicating that they are considering removing the coral alternatives from EFH Amendment 2 and placing them in a separate action.

Materials on the Web

Documents related to the June 2012 agenda and presentations that accompanied any reports are located at www.nefmc.org. Audio files of the discussions as well as the meeting motions are posted under *Council Actions* which is located on the NEFMC's homepage.

Next Council Meeting
September 25-27, 2012 at the Radisson
Hotel in Plymouth, MA