



Council Report

An update published by the New England Fishery Management Council – April 2008

The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. The Council met most recently on April 15-17, 2008 in Providence, RI.

At its April meeting the Council addressed management issues related to groundfish, including sectors, as well as herring, skates, monkfish, enforcement and sea scallops.

Groundfish

Implementation of Sectors Delayed, Other Amendment 16 Elements Move Forward

The most significant action taken at the April Council meeting with respect to groundfish management and the development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP) involved a delay in the implementation of additional sectors from May 2009 to May 1, 2010. This action was taken in recognition of the fact that the National Marine Fisheries Service (NMFS) Regional Administrator has maintained that sectors could not be implemented by 2009 because of administrative challenges associated with an expanded and more complex sector management program.

Added to this issue was the timing problem created when the National Marine Fisheries Service (NMFS) announced that permit holders had to commit to sectors by June 1, 2008. Apparent to all parties was the lack of information available to fishermen to make such business decisions. Amendment 16 final decisions with appropriate analyses are not yet available to the public, permit holders will not know their potential sector contribution (permit history) until August 1, reporting requirements and associated costs are still unknown and the actual mortality objectives of the amendment will not be known until September.

The delay in implementation will allow NMFS to publish a more realistic date for industry to commit to sector participation, although no official change has been made to the current deadline. This delay, however, does not change the Council's overall development of a groundfish sector program along with the associated policy issues. Nor will additional sectors be considered in Amendment 16, but that decision does not preclude the consideration of more sectors at a future date.

The Council received an initial report on work funded by the Gulf of Maine Research Institute which examined the methods and tools available for monitoring catches of sector and non-sector vessels. The report identified several options for improving the current monitoring system and is available under "Council Meeting Materials" at www.nefmc.org. A final report is scheduled to be delivered to the Council in June.

During the development of this phase of the amendment, the Council considered a lengthy series of Groundfish Committee motions that addressed a wide range of issues related to sector policies, annual catch limits (ACLs) and recreational measures. They are now included in the Amendment 16 draft management measures document available on the NEFMC website under "Northeast Multispecies". They also can be found in the March 27, 2008 Groundfish Committee meeting summary posted on the same page.

The Council differed from the Groundfish Committee's recommendations in a number of instances as described below.

The Council modified the language concerning accountability measures for ACL sub-components that exceed five percent of the ACL. Members voted instead to be non-specific about an AM for sub-components in areas outside of the Council's jurisdiction, for example state waters.

The Committee developed a recommendation for daily reporting of kept and discarded catch by vessels fishing in multiple broad reporting areas (defined in the draft management measure document). The Council approved the proposal, but at the request of NMFS, removed the requirement for vessels to report discards daily.

The Council also referred the matter of developing accountability measures based on effort controls back to the Groundfish Plan Development Team (PDT), with the guidance that the AMs should be formulaic (automatic, without requiring Council deliberation and action) and asked that both in-season and following year actions be considered.

The Council considered, but did not pass, a motion that would have removed the current limit on the number of days-at-sea that can be leased through a groundfish permit.

A motion also was offered to develop an Individual Transferable Annual Catch Entitlement program for inclusion in Amendment 16 and implementation in 2010. The motion was ruled out of order by the Council Chairman based on its similarity to an Individual Transferable Quota program, a management strategy the Council has already decided would not be included in Amendment 16. An additional motion asking NMFS for a regulatory change or emergency action that would allow vessels to transit from one port to another after offloading partial catch without using a days-at-sea also failed.

In a presentation that is available on the Council website, NMFS staff provided an overview of the issues related to using available landings data as the basis for allocation and suggested how those issues could be taken into account by managers. The agency made clear this presentation should not be interpreted as a statement on groundfish sector development.

Herring

Amendment 4 Scoping Document Approved

The Council approved a scoping document for Amendment 4 to the Atlantic Herring FMP. The primary issues to be addressed in Amendment 4 include a catch monitoring program for the herring fishery, measures to bring the FMP into compliance with the Magnuson-Stevens Reauthorization Act (including annual catch limits and accountability measures) and a process for sector allocations or other form of Limited Access Privilege Program.

The Council also agreed to solicit scoping comments regarding measures to address concerns about potential herring bycatch in the Atlantic mackerel fishery. Further, acknowledging the importance of the health of the herring resource, including its as a forage species, the Council highlighted its management concerns on this issue by modifying the amendment objectives to read:

1. To implement measures to improve the long-term monitoring of catch (landings and bycatch) in the herring fishery;

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2. To implement Annual Catch Limits (ACLs) and Accountability Measures (AMs) consistent with the Magnuson-Stevens Reauthorization Act (MSRA);
 3. To implement other management measures as necessary to ensure compliance with the new provisions of the MSRA;
 4. To develop a sector allocation process or other Limited Access Privilege Program (LAPP) for the Atlantic herring fishery; and
 5. In the context of Objectives 1-4 (above), to consider the health of the herring resource and the important role of herring as a forage and a predator fish throughout its range.

The Amendment 4 scoping document is now available on the Council's website - www.nefmc.org. The scoping process, including formal hearings, will continue through June 30, 2008. A presentation by Dr. Bill Overholtz of the Northeast Fisheries Science Center, *An Ecosystem Approach to the Assessment of the Gulf of Maine/Georges Bank Herring Complex*, is scheduled for the first day of the next Council meeting, June 3, 2008 in Portland, ME.

Skates

Amendment 3: SSC Catch Limit Recommendations Approved

The Council approved its Scientific and Statistical Committee's recommendations for setting aggregate skate catch limits in Amendment 3 to the Skate FMP --- an interim catch limit equal to the 22-year median catch/biomass ratio applied to the survey biomass index, assuming 50% of discarded skates do not survive.

The SSC was only able to offer interim advice for a catch limit framework because National Standard 1 Guidelines for ACLs and AMs have not been issued, in particular for establishing catch limits in data poor situations. In lieu of that guidance, the Council considered the SSC's recommendation as a catch limit framework to prevent overfishing and potentially rebuild winter and thorny skates.

Skate stocks are considered to be a data poor because the species composition of the catch is highly uncertain and because it is unclear to what degree the actual biomass trends are driven by the catches particularly for those stocks that have distributions that extend far beyond U.S. waters.

The Council also approved a catch target and total allowable landings (TAL) which are based on 80% of the catch limit and sets aside a portion of the catch target to account for discards using the 2004-2006 rate. The catch limit using this formulation would be 67.4 million pounds, the catch target would be 50.5 million pounds, and the TAL would be 27 million pounds. These values would be adjusted annually when new survey data becomes available. The catch limit and TAL compares with an estimated 2007 total catch of 71.8 million pounds and reported landings of 41.6 million pounds.

The Council also streamlined Amendment 3 to focus only on conservation measures to rebuild overfished winter and thorny skates. Removed from further consideration in the amendment were measures for a winter skate possession limit, a maximum size limit for female skates during spawning seasons, a larger minimum mesh size limit, a new skate research set aside program, and a new skate sector policy.

These measures were either thought to be unenforceable, ineffective, or would require too much additional development to meet management deadlines. The Council added a new measure to require skate landings to be in whole form to aid in dockside identification of skate species. Most skate landings are reported as unclassified species which complicates monitoring and assessment.

Monkfish

Framework Adjustment 6 Approved

The Council voted 14-1-1 to submit Framework Adjustment 6 to the Monkfish Fishery Management Plan to NMFS for implementation, adopting the single action item (Alternative 1) under consideration. The vote followed the recommendations of the Mid-Atlantic Council, the Monkfish Oversight Committee and the Monkfish Plan Development Team.

Alternative 1, if approved by NMFS, would remove the “backstop” provision adopted in Framework 4. The backstop provision would have adjusted and potentially closed the directed monkfish fishery in 2009 if the landings in fishing year 2007 exceeded the monkfish target total allowable catch (TTAC).

Based on estimated landings to date, the backstop would not likely take effect in the Northern Fishery Management Area, but would probably result in a closure of the directed monkfish fishery in the 2009 in the Southern Fishery Management Area. In light of recently updated stock status information indicating monkfish stocks are rebuilt and overfishing is not occurring, the Council determined the TTAC backstop provision is no longer necessary

The analysis of the impact of a 30 percent TTAC overage in each year from 2007 to 2009 suggests that monkfish stocks would continue to grow, albeit at a slightly lower rate, even if the backstop provision is not invoked. Furthermore, Framework 5 to the Monkfish FMP is now in effect and contains measures that will reduce the likelihood of TTAC overages during the 2008 fishing year and beyond. If approved by NMFS, Framework 6 would take effect before May 1, 2009, the beginning of the next fishing year.

Enforcement

Running Clock Recommendation Moves to the Groundfish Committee

The Council requested that the Groundfish Committee consider a measure for inclusion in Amendment 16 that would allow vessels that have exceeded a single day’s trip limit of cod to land the extra catch provided they notify enforcement through an electronic Vessel Monitoring System (VMS) declaration. The revised rule proposes that vessels could land an overage that totals no more than their allotment for one additional day of catch and would be charged the additional day-at-sea to account for the overage. Currently vessels must remain at sea for an additional day to land an overage, a situation that potentially creates safety risks. This measure would not be implemented until after the next change in VMS software, anticipated to occur in June 2008.

Scallops

New Scallop Survey Advisory Panel Holds First Meeting

The newly constituted Sea Scallop Advisory Panel gave a report on its initial meeting which focused on the committee’s new terms of reference --- greater emphasis on the annual scallop resource survey.

One of the accomplishments of the previous panel was to develop and test an improved survey dredge. The new Panel agreed that the survey dredge should be deployed for the 2008 survey commencing in July on the RV Hugh Sharp, a University of Delaware vessel.

The Panel recommended maintaining the status quo towing speed and scope (the amount of towing

wire used as a function of depth), but towing in a direction to minimize changes in depth during the tow. Calibration with the old dredge will be done through a combination of shadow surveys with commercial vessels, re-occupying 2007 sample locations in closed areas and comparisons with a towed video sled.

The Panel also discussed continued evaluation of new video and acoustic-based technology and potential integration into the survey protocol. Panel members recommended that expansion of state and other surveys into areas not surveyed or under-sampled regions would help augment the NMFS annual survey, particularly for areas managed by catch limits.

Materials on the Web

Meeting materials related to the above issues and other agenda items may be found on the Council's website www.nefmc.org. Presentations not discussed in this report, as well as materials related to decision-making are included. Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting – June 3-5, 2008
Holiday Inn by the Bay, Portland, ME**