



# Council Report

*An update published by the New England Fishery Management Council – February 5, 2010*

The Council Report summarizes major issues voted on or discussed at each regularly scheduled NEFMC meeting. The Council met most recently on January 26-28 in Portsmouth, NH.

At its January meeting, the Council addressed issues related to sea scallops, groundfish, herring, red crab, fish habitat, and Council priorities, and also received a report from its Scientific and Statistical Committee.

## Sea Scallops

### **Council adopts alternative measures for Framework 21**

The New England Fishery Management Council reversed its November 2009 decision about rules governing the amount of sea scallops that will be harvested during the upcoming fishing year. During an orderly presentation of testimony, scallopers and their representatives, as well as elected officials from New Bedford and area communities, expressed concerns about the prospects of limited fishing during the present economic recession versus the long-term benefits that are expected to accrue to the scallop industry, but only over time after 2010.

The revised action was approved in a 10-5 vote, with two members abstaining. In accordance with parliamentary procedure, the Council Chairman did not vote. The change will give the east coast scallopers 38 “open area” days-at-sea --- in place of the 29 days approved in November --- along with the four “access area” trips that were also included in the November action. The access areas are located on Georges Bank and in the Mid-Atlantic and open and close on a rotational basis as scallops reach harvestable sizes.

In statements about their rationale for either maintaining or changing their November decision, a majority of Council members agreed that the risk of overfishing, while somewhat higher with the choice approved last week, was still acceptable, particularly after factoring in the immediate economic costs described by the scallop industry. Many Council members pointed out that both options were considered scientifically supportable by the Scallop Plan Development Team, a group that provides technical advice to the Council on management actions, and were consistent with the Acceptable Biological Catch set by the NEFMC Scientific and Statistical Committee. The last scallop stock assessment was conducted three years ago and a new assessment is scheduled for this June.

## Groundfish

### **Yellowtail flounder allocation to scallopers increased**

As a result of this most recent scallop decision, the Council modified the amount of Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder that will be allocated to the scallop fishery. As a basis for the allocation, the Council will use the same percentages adopted in Framework Adjustment 44 to the Northeast Multispecies Fishery Management Plan: 100 percent of the yellowtail flounder that is projected to be caught by scallop vessels in 2010, and 90 percent of the expected catch for 2011 through 2012.

Because scallop fishing activity will now increase under Framework Adjustment 21, the amount of yellowtail flounder allocated to the scallop fishery will also increase, and the amount allocated to the groundfish fishery will decrease (changes are less than 100,000 pounds for each stock in any single year). In order to accommodate this change, the Council has communicated the following to the NMFS Regional Administrator.

**With the change in scallop management, the weight of yellowtail flounder that results from these percentages is different than proposed in Framework 44. The following table reflects the revised allocations (in metric tons) to the scallop fishery for FY 2010 – 2012. For FY 2010, this is an “other subcomponent” while for FY 2011 and FY 2012 these are expected to be the Annual Catch Limits (ACLs).**

	FY 2010	FY 2011	FY 2012
GB yellowtail flounder	146	201	307
SNE/MA yellowtail flounder	135	82	127

**These changes also affect the groundfish fishery ACLs for these stocks. The following table shows the new ACLs that result.**

	FY 2010	FY 2011	FY 2012
GB yellowtail flounder	964	795	823
SNE/MA yellowtail flounder	310	524	759

In addition to addressing the above scallop-related business, the Council received a Groundfish Plan Development Team report on alternative Georges Bank yellowtail flounder rebuilding strategies, but did not take any action last week. Members will revisit the issue at the April Council meeting.

## **Herring**

### **Amendment 4 final measures approved for consideration by the Secretary**

The Council also selected final measures for inclusion in Amendment 4 to the Atlantic Herring FMP last week. The amendment will implement a process for establishing annual catch limits and accountability measures (ACLs and AMs), although actual numbers will be plugged in during the next three-year specifications setting process. At that point, the Overfishing Level (OFL) and an associated Acceptable Biological Catch (ABC) will be determined by the Scientific and Statistical Committee (SSC), working with the Herring Plan Development Team. Any buffers for management uncertainty and the ACLs for the herring management areas will be determined by the Council during the specs process.

Additionally, the Council voted to include an interim ABC control rule in Amendment 4 for 2010-2012 based on the SSC advice. ABC will be set based on average catches from 2006-2008. The amendment will implement two accountability measures in addition to the existing AM that closes the fishery when 95 percent of the TAC (same as the ACL) is projected to be reached. These include an overage deduction and a haddock catch cap AM that will close the fishery if the catch cap is reached. Amendment 4 is scheduled to be submitted to NMFS, acting for the Secretary of Commerce, no later than April 1, 2010, and will become effective in time for the start of the 2011 fishing year (January 1, 2011).

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## **Red Crab**

### **Alternatives approved for public hearings**

The Council approved the range of management alternatives for inclusion in Red Crab Amendment 3, as proposed by the Red Crab Plan Development Team in cooperation with the Red Crab Advisory Panel. The amendment will implement ACLs and AMs as well as other measures to meet Magnuson-Stevens Act requirements. The action also will include specifications for 2011 through 2013 and measures to improve the management of the red crab fishery. The measures under consideration include a hard TAC, the elimination of trip limits and landings of female crabs versus males only.

## **Scientific and Statistical Committee**

### **Results of SASI Model Presented**

The Scientific and Statistical Committee (SSC) reported on its review of the Habitat Plan Development Team's Swept Area Seabed Impact (SASI) model. Comment included the consensus remarks on the model's potential use as a basis for crafting and analyzing alternatives to minimize to the extent practicable the adverse effects of fishing on Essential Fish Habitat. The SSC Chairman, Dr. Steve Cadrin, also identified a number of SSC process-related issues for Council consideration, including the addition of two new members, and reviewed the issues that, to date, will be addressed by the committee in 2010.

## **Habitat**

### **Comments on marine spatial planning endorsed**

In addition to going over more details of the SSC's SASI review, which is in the late stages of development and will be used in Omnibus Essential Fish Habitat Amendment 2, the Habitat Committee presented and received approval to submit comments on President Obama's Interagency Ocean Policy Task Force Report *Interim Framework for Effective Coastal and Marine Spatial Planning*. The Council endorsed some aspects of the Interagency Ocean Policy Task Force's interim framework, but had substantial concerns in other areas.

## **Council Management Priorities**

### **Items revised in response to industry need for fish transferability**

Members supported a joint scallop/groundfish action that would allow the transfer of yellowtail flounder between the two fisheries. They also directed the Interspecies Committee to address the issue of sector annual catch share entitlements as they relate to the social and economic objectives of Council fishery management plans, the Council's sector management policy and NOAA's national policy on catch share management as well as National Standard 4 (NS4). NS4 states, "Conservation and management measures shall not discriminate between residents of different states; any allocation of privileges must be fair and equitable." The revised priorities list is posted on the Council's website under 'What's New'.

## **Materials on the Web**

Meeting materials related to the above issues and powerpoint presentations that accompanied the briefings provided to the Council in January are located on the Council's website [www.nefmc.org](http://www.nefmc.org). Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Next Council Meeting – April 27-29, 2010 - Hilton Hotel, Mystic, CT**