



Council Report

An update published by the New England Fishery Management Council – November 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 November 18-20, 2008 in Danvers, MA.

At its November meeting the Council addressed management issues related to skates, groundfish, sea scallops, spiny dogfish, Council work priorities for 2009 and cooperative research.

Skates

Skate Amendment Delayed Until New Information Considered

The Council postponed final action on Amendment 3 to the Northeast Skate Complex Fishery Management Plan (FMP) following recommendations from the National Marine Fisheries Service (NMFS) to delay a final vote until new assessment data is factored into the amendment analyses. The new data could change the Amendment 3 catch limits that will serve as the principle mechanism for rebuilding overfished smooth, thorny, and winter skates as well as the proposed possession limits.

Other obstacles were identified when the NMFS Regional Administrator expressed concern about the catch monitoring programs proposed in the amendment, questioning whether the addition of a new data collection program was feasible. The agency intends to propose an alternative to monitor skate landings and discards.

Following these discussions the Council charged its Skate Plan Development Team (PDT) with incorporating the new data into the Amendment 3 analyses and providing advice at the February 2009 Council meeting. The Council may take final action at that time or a subsequent Council meeting, depending on the PDT's advice and results.

Groundfish

Amendment 16 Management Measures Approved for Analyses in DEIS

Nearly all of the Council's November discussion on groundfish focused on the selection of measures for further development in Amendment 16. Those approved will be analyzed for inclusion in a draft amendment. The draft is scheduled to be voted on at the February Council meeting, followed by a comment period and series of public hearings in April or May. The Council will review the public's comments and choose final management measures in June. Pending approval by NMFS, acting on behalf of the Secretary of Commerce, plan implementation is expected the following year.

The measures approved at the Council meeting included the following:

- A formal rebuilding strategy option for witch flounder, Georges Bank winter flounder, and northern windowpane flounder that attempts to rebuild these stocks by 2017. Whether a formal strategy is needed for pollock will depend on the results of the 2008 fall trawl survey. Council members also asked for an analysis of northern windowpane flounder discards.

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- Options for three effort control strategies for non-sector vessels. Some changes were made to the options suggested by the Groundfish PDT. While all of the options use different effort control tools, they can be viewed generally as a differential days-at-sea (DAS) option, a 24-hour clock option and a restricted gear option.
 - Options for recreational measures for Gulf of Maine cod and Gulf of Maine haddock. The Council also added an option to reduce the haddock minimum size caught by recreational fishermen to 18 inches, approved removing the limit on number of hooks per line for the recreational sector, and added a modified skin-on fillet option (requiring fillets to be landed with two square inches of skin-on).
 - Two options to attempt to clarify the joint and several liability of sectors. The options are substantially different.
 - An increase in the minimum size of halibut to 41 inches to match the length at maturity for females, and an option to remove the Southern New England/Mid-Atlantic winter flounder Special Access Program.

The Council also authorized the Groundfish Committee and its PDT to decide on final language for other measures over the next few months. Additional work is needed on accountability measures (AMs) for both commercial and recreational vessels, modifications to the Category B DAS program to better target Georges Bank haddock, the details for gear requirements for small mesh fisheries in Southern New England/Mid-Atlantic to protect winter and yellowtail flounder and the requirements for sector monitoring programs. The Groundfish Committee is working to schedule two meetings before the February Council meeting to address these issues.

In other groundfish-related matters the Council asked NMFS to prepare a budget and implementation plan to administer, enforce and monitor sectors as well as other output-based management programs. It also discussed haddock bycatch in the herring fishery, particularly when herring fishing occurs inside the groundfish closed areas. The Council approved a motion that asks the agency to evaluate whether requirements for midwater trawl vessel access to the closed areas are being met. If findings indicate the criteria are not met, the Council recommended that access be prohibited.

During its discussion of work priorities for 2009, the Council approved continued development of Amendment 16 and setting annual catch limits (ACLs) for groundfish in 2010. The Council also agreed to add other priorities to a larger list of upcoming actions, including criteria for midwater trawler access to the groundfish closed areas as part of the herring management priorities, and the development of ITQ and sector alternatives to Amendment 4 to the Monkfish FMP.

The Council's complete list of work priorities for the next two years is posted on the NEFMC website - www.nefmc.org, under *What's New*.

Scallop Incidental Catch of Yellowtail Flounder

White Paper Presented to Council

In response to a Council request, staff presented a white paper addressing the issue of yellowtail flounder catch limits on scallop vessels fishing in the groundfish closed area access program. In 2006 and 2008, not all scallop vessels were able to take their allocated trips into the closed areas because the yellowtail flounder catch limit was reached and the fishery closed. Although those vessels were given "compensation days" to fish in the open areas, the catch rates were sufficiently lower to a point where fishermen were unable to recoup foregone revenues. The issue was formally raised in September by an industry group who also proposed three conceptual approaches to resolving the problem. The staff

paper reviewed those alternatives, proposed several others and outlined the major issues associated with each approach.

In analyzing the specific problem of the yellowtail flounder catch limits impeding the attainment of optimum yield in the scallop fishery, the staff noted that similar situations will arise as the Council adopts ACLs and measures to ensure accountability in the groundfish and other fishery management plans. Accountability measures could result in fishery-wide restrictions that prevent achieving optimum yield from target species.

While the staff paper provided an overview of the questions and issues associated with the potential management approaches offered in the industry letter, in addition to those suggested by the staff, the Council recognized the broad scope of the problem. Agreeing the issues need to be addressed consistently and comprehensively, the Council voted to reconstitute its Interspecies Committee, one in which the chairs of each of the individual species committees participate to address issues of common interest. The committee has not yet formally been convened, but will likely begin meeting early in 2009.

Sea Scallops

Approaches Recommended to Protect Sea Turtles/Amendment 15 Work Prioritized

In responding to the most recent NMFS Biological Opinion (BiOp) which outlined measures to reduce the impacts of sea turtles takes in the scallop fishery, the Council proposed a modified approach to the problem during its November meeting. The NMFS option in the BiOp calls for limited scallop fishing activities in the Mid-Atlantic during warmer months of the year when turtles are most likely to be present. Shifting scallop effort from those months, according to Council documents, would remove nearly 20 percent of the total scallop landings to other less productive areas and/or seasons, potentially resulting in an increase in scallop fishing mortality.

In proposing its alternative, the Council recommended the agency adopt a more flexible approach when developing measures for the BiOp. More specific alternatives will be developed and included as part of a larger management action, Framework 21, scheduled for implementation in 2010.

In continuing work on Amendment 15 to the Scallop FMP, the Council reduced the range of options under consideration. It removed an IFQ program alternative for the limited access vessels from further consideration and retained a measure that would expand the rotational area program so that open area DAS would be replaced with a certain number of trips. It was recognized that one of the desired outcomes of the program could be an increase in scallop catch-per-unit-of-effort and potential decreases in the adverse impacts on sea turtles and habitat.

The Council also approved priorities to guide the development of Amendment 15 during 2009. These are, in the following order: ACLs and AMs, followed by a specs package in fishing year 2010 and finally all other measures.

Spiny Dogfish

Change to the Spiny Dogfish FMP Approved, Quota Increased

The Council approved Framework 2 to the Joint Spiny Dogfish FMP, an action that, proposes to redefine the stock status determination criteria (biological reference points) for the species. The Mid-Atlantic Council is expected to take final action on Framework 2 at its December 9-11 meeting in Montauk, NY.

More dramatic was the approval of a 200 percent increase in the federal quota for spiny dogfish. The New England Council approved the increase in the dogfish quota from four million pounds to 12 million pounds. The change in rules was based on updated scientific advice that the dogfish stock is neither overfished nor is overfishing occurring. Given this is the first year that information used to indicate the health of the stock has suggested it is rebuilt, the NEFMC followed the advice of a committee of technical advisors to be precautionary and approved the quota increase for the 2009 fishing year only. Vessel trip limits were set at 3,000 pounds for the same period which will begin next May. As with Framework 2, the Mid-Atlantic Council also will vote on these measures in December.

Research Steering

Advice Provided on Cooperative Research Projects

The Council's Research Steering Committee (RSC) discussed its role in the development of Council research priorities for 2009-2011 and reported on its management review of two cooperative research final reports conducted at its October 30, 2008 meeting:

- *Pilot Gillnet Survey of the Cashes Ledge Closed Area*; PIs - Kevin Kelly, ME DMR and Capt. Matthew Thompson, Monhegan Island, ME; funded by the Northeast Consortium
- *Effects of Codend Mesh Size on Multispecies Yield and Spawning Stock Biomass in the Western Georges Bank Trawl Fishery*; PIs - Joseph DeAlteris and David Chosid, URI; funded by NMFS's Saltonstall-Kennedy Program

As outlined in the Council's Research Review Policy, the objective of the RSC's management review of final reports is to provide feedback to the Council, its oversight committees and Plan Development Teams on the applicability and use of project results in management decision-making. The RSC agreed to forward both project reports on to the Council's Groundfish Committee and its Plan Development Team for their use as appropriate. Details of the RSC's reviews can be found in the October meeting summary posted with other Research Steering documents, under the November 18-20 Council Meeting materials.

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 other materials related to decision-making are included. Audio files of the full meeting discussions are posted at <http://www.nefmc.org/actions/index.html>.

**Upcoming Council Meeting
February 9-11, 2009 in Portsmouth, NH**