



# Council Report

*An update published by the New England Fishery Management Council – September 2009*

The Council Report summarizes major issues voted on or discussed at each regularly scheduled meeting of the NEFMC. The Council met most recently on September 22-24, 2009 in Plymouth, MA. Click on [www.nefmc.org](http://www.nefmc.org) for meeting materials and motions.

At its September meeting, the Council elected officers for the next year and addressed management issues related to monkfish, whiting, sea scallops and groundfish, and also received a report from its SSC.

## Council Elections

### **2009-2010 Officers Elected**

At its fall meeting in Plymouth, MA last week the New England Fishery Management Council named, by acclamation, both Chairman John Pappalardo and Vice Chairman Rip Cunningham to again serve in those positions. The Council's 18 voting members also elected three Executive Committee members: Mr. Terry Stockwell, who holds the position of Director of External Affairs with the Maine Department of Marine Resources; Mr. Jim Odlin, a Portland, ME fisherman and Dr. David Pierce, Deputy Director of the MA Division of Marine Fisheries. The Executive Committee oversees the Council budget, appoints advisory panel members and addresses other administrative matters relating to Council operations. The fall meeting was the first for newly-appointed Council member Glen Libby of Tenants Harbor, ME, chairman of the Midcoast Fishermen's Association and president of the Midcoast Fishermen's Cooperative.

## Monkfish

### **Amendment 5 to Focus on ACLs/AMs**

On the recommendation of the Monkfish Oversight Committee, the Council voted unanimously to narrow the scope of issues to be addressed in Amendment 5 to the Monkfish Fishery Management Plan. The Council deferred any further development of catch share management alternatives (ITQ's or sectors) to the next monkfish management action. Instead, it will focus efforts on completion of monkfish annual catch limits and accountability measures, now required elements of all fishery management plans as called for in the reauthorized Magnuson-Stevens Act. Amendment 5 also will include both days-at-sea and trip limits associated with the new catch targets based on updated stock information.

The Council is scheduled to vote on the draft Amendment 5 document at its November 17-19 meeting for purposes of seeking public comments and holding hearings. The target date for submission of the final amendment to the National Marine Fisheries Service is June, 2010.

## Whiting

### **Work Advances on a Small Mesh Groundfish Amendment**

For the first time in a number of years the Council will undertake an amendment to address small

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mesh groundfish (whiting). The following list of issues will be addressed in order of priority:

- 1) Annual catch limits and accountability measures;
- 2) A three-year specification process to begin in 2011;
- 3) Improved reporting and VMS requirements for vessels targeting whiting;
- 4) Bycatch of whiting in all fisheries and finfish bycatch in the directed whiting fishery;
- 5) Limited access; and
- 6) Catch shares

The Plan Development Team is updating the whiting assessment and developing ABC recommendations for review and approval by the Council's Scientific and Statistical Committee. Development of limited access and catch share programs were delegated to the Whiting Advisory Panel.

The small mesh component of the Multispecies Fishery Management Plan regulates an open access fishery using small mesh to target three species, collectively known as "whiting". These species are silver hake (*Merluccius bilinearis*), red hake (*Urophycis chuss*), and offshore hake (*Merluccius albidus*). Vessels may only target whiting using small (usually 3-inch) mesh trawls in exempted fisheries that are specified to keep regulated large mesh groundfish catch under 5 percent of the total catch. Annual landings are estimated at 15 million pounds and are valued between \$30 and \$35 million. The majority of landings occur in NY, RI, MA, CT, and NJ.

### **Sea Scallops**

#### **Amendment 15 Moves Forward with Permit Stacking and Leasing**

After working out the details concerning a number of scallop management measures, the Council approved further development of Amendment 15 to the Scallop Fishery Management Plan. As with other Council actions currently underway, Amendment 15 is intended to address the new requirements of the reauthorized Magnuson-Stevens Act --- that fishery management plans must use annual catch limits to prevent overfishing and include measures to ensure accountability. Additionally, it will include measures to address excess harvesting capacity in the largest segment of the scallop fleet while providing vessels with more flexibility to efficiently harvest the scallop resource.

Other changes under consideration could modify the general category fleet management program and change to the start date of the fishing year. Amendment 15 also contains alternatives that would make the scallop and groundfish essential fish habitat closed areas consistent with each other. By a close vote the Council supported a Scallop Committee recommendation that identified both permit stacking and leasing as preferred measures to address the excess capacity and efficiency issues.

#### **Scallop Survey Advisory Panel (SSAP) Forwards Recommendations**

The Council received a progress report on the recent Scallop Survey Advisory Panel meeting, during which its members reviewed the survey research conducted in 2009, as well as research planned for 2010. The panel made several recommendations concerning its future activities: development of terms of reference for a peer review of scallop survey methods to occur as part of the June 2010 benchmark scallop assessment; development of a report on SSAP activities;

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suggested scallop survey platforms to possibly replace the contracted R/V Sharp; and the identification of scallop additional survey research needs, including expansion of supplemental scallop surveys, bycatch monitoring, invasive species monitoring and scallop predation and mortality effects.

## **Groundfish**

### **U.S./Canada TACs Approved**

Northeast Fisheries Science Center scientists provided summaries of the 2009 U.S./Canada assessments for Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder. The status reports for these stocks are available at <http://www.mar.dfo-mpo.gc.ca/science/TRAC/tsr.html>.

Following receipt of that information, the Council accepted the recommendations of the Transboundary Management Guidance Committee (TMGC), a group of Canadian fishery officials, Council members, and NMFS staff, for the 2010 total allowable catches in the U.S. Canada Area: Eastern Georges Bank cod (1,350 mt total; U.S. 338 mt) and Eastern Georges Bank haddock (29,600 mt total; U.S. 11,988 mt).

The TMGC could not reach agreement on total allowable catches (TACs) of Georges Bank yellowtail flounder. As a result, the Council adopted a TAC of 1,500 mt total, with the assumption that Canada will harvest 300 mt, giving the U.S. a TAC of 1,200 mt. These TACs will be submitted to NMFS. Assuming agency approval, they will become effective on May 1, 2010.

### **Annual Catch Limit Approach Approved**

The Groundfish Plan Development Team presented its preliminary determination for fishing year 2010-2012 annual catch limits. To address management uncertainty, the Plan Team presented a process in which a default reduction from the acceptable biological catches (ABCs) recommended by the Scientific and Statistical Committee would be applied. The next step would be to determine if a deviation is warranted --- that is, an adjustment that is larger or smaller than the default. With some modifications, the Council agreed with the Team's proposed method to deduct 3% from the overall limits set by the Scientific and Statistical Committee in cases where fishing rules have a greater likelihood of success, and 7% when results are less certain.

The Council also discussed the allocation of yellowtail flounder to the scallop fishery, and directed the Scallop and Groundfish Plan Teams to bring information forward describing the impacts of these allocations on each fishery. The Groundfish Team will next prepare a specification package for Council approval in November. The "specs package" will contain the actual amounts of fish that can be taken for each groundfish stock managed through the Northeast Multispecies Fishery Management Plan, as well as specific accountability measures if those amounts are exceeded.

### **Outstanding Amendment 16 Issues Addressed**

The Council considered a letter from the Regional Administrator reporting industry concerns that common pool management measures for cod and pollock were insufficient to control mortality on these stocks. The concern raised was that many vessels could catch more of these stocks in the

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common pool than would be the case if they elected to join sectors. Accordingly, a dramatically expanded common pool could lead to rapidly exceeding the ACLs.

The Council decided to include in the specifications package modifications to trip limits and differential days-at-sea (possibly for other stocks besides cod and pollock), and to authorize the Regional Administrator to adjust these measures in-season if necessary to prevent the annual catch limits from being exceeded. These options will be presented to the Council for approval in November. Also, the Council and NMFS will prepare a letter to permit holders describing options for permit holders that may not have committed to sectors by September 1 based on the Amendment 16 rules. The completion of Amendment 16 is expected to occur in October.

### **Scientific and Statistical Committee**

#### **Groundfish, Scallop, Herring and Red Crab ABCs Presented**

As reported by Scientific and Statistical Committee member Dr. Patrick Sullivan, the committee met on August 10-11 and again on September 16 to finalize groundfish, scallop, herring and red crab acceptable biological catches. Copies of the SSC's memos to the Council can be found at [http://www.nefmc.org/tech/new\\_ssc.html](http://www.nefmc.org/tech/new_ssc.html). The Council asked the SSC to revisit its herring ABC advice concerning the size of the buffer between the overfishing level and the acceptable biological catch.

The SSC also approved a correction and update to the aggregate skate acceptable biological catch. The correction and update raise the ABC from 23,826 mt to 30,643 mt, a 29% increase. The corrected ABC and total allowable landings will be revised in the final amendment, which the Council anticipates submitting to NOAA Fisheries next week.

#### **Materials on the Web**

Meeting materials and presentations related to the above issues and other agenda items are located on the Council's website [www.nefmc.org](http://www.nefmc.org). Audio files of the full meeting discussions are posted at [www.nefmc.org/actions/new\\_actions.html](http://www.nefmc.org/actions/new_actions.html).

**Next Council Meeting – November 17-19 2009  
Hyatt Regency Goat Island, Newport, RI**