



New England Fishery Management Council

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Council Discusses Whiting, Enforcement, Dogfish, Herring, Ecosystem Management, and More at December Meeting

The New England Fishery Management Council covered numerous issues during its December 4-6 meeting in Newport, RI. In addition to taking final action on [Scallop Framework 30](#), [Groundfish Framework 58](#), and the [Clam Dredge Framework](#), the Council discussed a slate of other topics. Here are a few highlights.

WHITING: The Council took final action on Whiting Amendment 22, which was developed to consider limited access options for the small-mesh multispecies fishery. After reviewing all public comment and available analyses and considering a recommendation from its Whiting Committee, the Council selected the alternative called “status quo/no action.” As such, the whiting/small-mesh multispecies fishery will remain an open access fishery and no changes will be made to existing regulatory measures. More information, including summaries of public hearing comments, is available at [December 3 Committee Meeting](#) and [December 4, 2018 Council Meeting Materials](#).



At left, LT. Gregory DeYoung and PO. Luis Perez of the First Coast Guard District conducted a demonstration for Council members on use of the OMEGA Mesh Gauge® versus the weight-and-spade now used to measure nets. – NEFMC photos

ENFORCEMENT: The Council adopted several consensus statements drafted by its Enforcement Committee. One of these pertained to use of the OMEGA Mesh Gauge® to measure fishing nets. The Coast Guard extensively tested the OMEGA gauge and concluded that it has notable benefits over the weight-and-spade tools currently being used to measure webbing. Coast Guard representatives provided a demonstration for Council members comparing the OMEGA gauge versus the weight-and-spade. The Council recommended that NOAA, under existing authority, adopt the OMEGA gauge to measure mesh size once the Enforcement Section of NOAA General Counsel determines that all legal requirements have been met.



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ENFORCEMENT CONTINUED: The Council also endorsed the Enforcement Committee’s recommendation to continue the Codend Compliance Assistance Program (CAP) for another year in order to collect additional data to verify mesh size changes over time. The program was launched in September 2017. Learn more about it at [Codend CAP Underway](#). Reidar’s Manufacturing Inc. in New Bedford was the first participating dealer to join the Codend CAP. Since then, Levin Marine Supply Co. in Fairhaven, MA also has joined, and other dealers are considering the prospect. The Council debated other enforcement-related subjects as well. More information is available at [Enforcement Presentations and Documents](#).

SPINY DOGFISH: The Council approved 2019-2021 fishing year specifications for spiny dogfish. The Mid-Atlantic Council approved the same specifications during its October meeting. The fishery is jointly managed by the two Councils with the Mid-Atlantic Council having the administrative lead. The new three-year specifications now will be submitted to the National Marine Fisheries Service (NMFS/NOAA Fisheries) for review and implementation. Both Councils supported retaining the 6,000-pound federal trip limit in the specifications package.

Back during its September meeting, the New England Council cast two votes related to trip limits and recommended that the Mid-Atlantic Council:

- (1) Increase the trip limit to 8,000 pounds in the specifications package for 2019-2021; and
- (2) Develop an action to address trip limits that included consideration of removing the federal limit completely.

At its own October meeting, the Mid-Atlantic Council opted to retain the current 6,000-pound trip limit. However, it also voted to pursue a subsequent action “as soon as possible” to review trip limits in general for spiny dogfish, potentially as a Council priority. This action would include consideration of removing the federal limit.

The New England Council voted at its December 4-6, 2018 meeting in Newport, RI to reinforce its September position and again ask the Mid-Atlantic Council to make a spiny dogfish trip limit action a 2019 priority. The Mid-Atlantic Council was meeting December 10-13, 2018 in Annapolis, MD.

2019-2021 Spiny Dogfish Specifications Approved By the Mid-Atlantic and New England Fishery Management Councils for Submission to NMFS

Specifications	Basis	2019 (pounds)	2019 (mt)	2020 (pounds)	2020 (mt)	2021 (pounds)	2021 (mt)
OFL (from SSC)	Projected Catch at Fmsy	0	0	na	na	na	na
ABC (from SSC)	Council Risk Policy	28,470,497	12,914	31,142,499	14,126	35,368,761	16,043
Canadian Landings	= 2017 estimate	108,027	49	108,027	49	108,027	49
Domestic ABC	= ABC – Canadian Landings	28,362,470	12,865	31,034,473	14,077	35,260,734	15,994
ACL	= Domestic ABC	28,362,470	12,865	31,034,473	14,077	35,260,734	15,994
Mgmt Uncert Buffer	Ave pct overage since 2011	0	0	0	0	0	0
ACT	= ACL - mgmt uncert buffer	28,362,470	12,865	31,034,473	14,077	35,260,734	15,994
U.S. Discards	=3 year average 15-16-17	7,661,064	3,475	7,661,064	3,475	7,661,064	3,475
TAL	ACT – Discards	20,701,406	9,390	23,373,409	10,602	27,599,671	12,519
U.S. Rec Landings	= 2017 estimate	178,574	81	178,574	81	178,574	81
Comm Quota	TAL – Rec Landings	20,522,832	9,309	23,194,835	10,521	27,421,096	12,438

The specifications in the table above were recommended to the Councils by the Mid-Atlantic Council’s Scientific and Statistical Committee, the Spiny Dogfish Monitoring Committee (SDMC), and the Joint Spiny Dogfish Committee, which is made up of members from both the Mid-Atlantic and New England Councils. – MAFMC graphic

Spiny Dogfish Documents Used During the New England Council’s December Meeting Can Be Found at [Spiny Dogfish](#)



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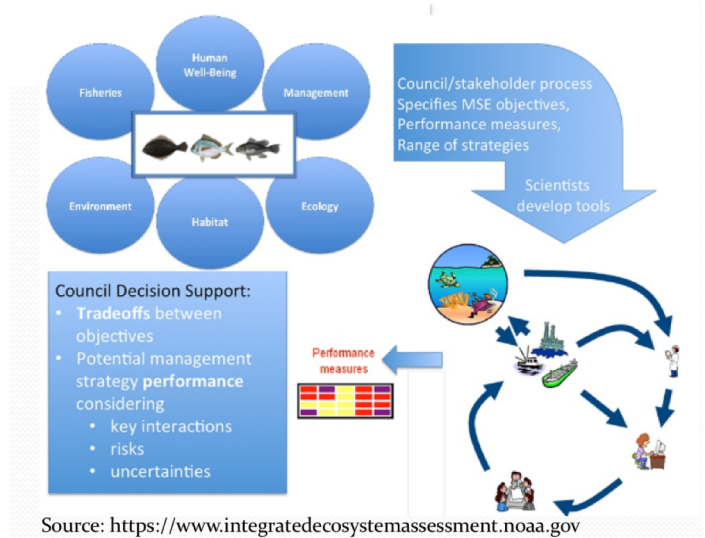
ECOSYSTEM-BASED FISHERY MANAGEMENT (EBFM): At this December meeting, the Council agreed to ramp up its work on Ecosystem-Based Fishery Management (EBFM). The Council began exploring EBFM in 2014 as an alternative to single-species management and decided that, as a first step, it would pursue developing an example Fishery Ecosystem Plan (eFEP) for Georges Bank that would be used to solicit and focus public input. The example could lead to the development of a new fishery ecosystem plan or contribute to a set of ecosystem policies and initiatives that would apply across or in lieu of multiple fishery management plans.

EBFM MANAGEMENT STRATEGY EVALUATION (MSE): The Council intends to use MSE to engage fishermen and other stakeholders in helping to identify objectives, performance metrics, and other fundamental aspects related to implementing EBFM. Several types of simulation models – or so-called “operating models” – will be used to estimate the potential effectiveness of a wide range of management strategies to determine which ones produce the best outcomes relative to the objectives and performance metrics. A “worked example” of some of these models was independently reviewed in May, and the Council received a [presentation](#) on the results of the peer review at its September meeting. A copy of the summary report is available [here](#).

The Council agreed to have an extensive discussion about where it is heading with EBFM during its January 29-31, 2018 meeting in Portsmouth, NH. There, the Council will receive a report from the EBFM Plan Development Team (PDT) covering, among other issues related to the Georges Bank eFEP:

- Potential approaches for developing advice for setting catch limits for stock complexes using multispecies and single species assessments, survey data, and other sources of information about stock biomass;
- Potential management options and issues for addressing an overfished stock that is part of a stock complex; and
- Potential spatial management strategies, related issues, and types of ecosystem research to conserve habitat, spawning, and protected species in an ecosystem plan.

The Council intends to discuss in detail whether to begin pivoting toward MSE in the near future or instead to focus all of its attention on completing the Georges Bank example Fishery Ecosystem Plan before initiating the MSE process.



Management Strategy Evaluation (MSE) brings together all stakeholders to work collectively on defining objectives and strategies for a particular action. The New England Council used MSE to develop a new acceptable biological catch (ABC) control rule for the Atlantic herring fishery and now is considering using MSE to help define how it should proceed with Ecosystem-Based Fishery Management. – NOAA Fisheries graphic

Additional information on the Council's Ecosystem-Based Fishery Management work is available on the [EBFM Webpage](#)



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ATLANTIC HERRING: Back in September, the Council asked NMFS to develop an in-season adjustment to set 2019 catch limits for the Atlantic herring fishery, recognizing that NMFS would be able to act more quickly to reduce the probability of overfishing in light of sobering news from a recent stock assessment. The Council asked NMFS to consider several factors when setting 2019 specifications, including that the agency use the new acceptable biological catch (ABC) control rule that the Council adopted in Amendment 8 to the Atlantic Herring Fishery Management Plan. Details about the control rule and the Council’s request are outlined in [Council Approves Amendment 8 With New ABC Control Rule, Buffer Zone; Asks NMFS to Set 2019 Specs](#).

NMFS followed up on the Council’s vote and published a [proposed rule](#) on November 30, 2018 containing three alternatives for 2019 specifications: no action; the Council-recommended approach; and the NMFS-proposed alternative. The Council-recommended approach utilizes the Amendment 8 ABC control rule while the NMFS-proposed alternative does not. NMFS expressed concern about using a control rule that had not been finalized in regulation yet. Instead, the agency proposes to set the ABC equal to the overfishing limit (OFL), whereas the Council’s approach reduces the ABC as called for under the new control rule. The Council’s Scientific and Statistical Committee used the new control rule and recommended an ABC of 21,266 metric tons (mt) in 2019 (see blue highlights in table below). All other specifications, including area-by-area catch limits, flow down from the ABC.

2019 Atlantic Herring Specifications: Proposed Rule Alternatives

Specification	No Action Alternative (mt)	Council-Recommended Alternative (mt)	NMFS-Proposed Alternative (mt)***
Overfishing Limit	111,000	30,668	30,668
Acceptable Biological Catch	111,000	21,266	30,668
Management Uncertainty	6,200*	6,200*	6,200*
Annual Catch Limit/Optimum Yield	49,900	15,065	24,468
Domestic Annual Harvest	104,800	15,065	24,468
Border Transfer	4,000	0	0
Domestic Annual Processing	100,800	15,065	24,468
U.S. At-Sea Processing	0	0	0
Area 1A Sub-ACL	27,743 (55.6%)	4,354 (28.9%)	7,071 (28.9%)
Area 1B Sub-ACL	2,639 (5.3%)	647 (4.3%)	1,052 (4.3%)
Area 2 Sub-ACL	8,200 (16.4%)	4,188 (27.8%)	6,802 (27.8%)
Area 3 Sub-ACL	11,318 (22.7%)	5,876 (39.0%)	9,543 (39.0%)
Fixed Gear Set-Aside	295	39	63
Research Set-Aside	3,144**	3% (452)	3% (734)
* If New Brunswick weir fishery catch through October 1 is less than 4,000 mt, then 1,000 mt will be subtracted from the management uncertainty buffer and added to the ACL and Area 1A Sub-ACL.			
** RSA is 3% of original 2016-2018 sub-ACLs.			
*** NOTE: The NMFS proposed rule has 30,688 mt as the OFL/ABC for 2019. That value was taken from an SSC memo that had a typo. The correct value used in the projections is 30,668 (not 30,688). It was corrected at the December Council meeting and is reflected above, making the final NMFS proposed catch limits here vary slightly from the ones published in the proposed rule.			

The Council expressed serious concern over the NMFS-proposed alternative, noting that, while catch limits for fishermen would be higher in 2019 than under the Council’s approach, the economic impacts of both alternatives are severe. Meanwhile, the NMFS alternative poses a much higher risk of overfishing in 2019 and does not account for scientific uncertainty in the new assessment as does the Council’s approach.



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ATLANTIC HERRING CONTINUED: It also may result in an even lower ABC in 2020, which would impose further economic hardships on the industry. For these and many other reasons, the Council voted to reiterate its support for the original rationale it provided in September when it first asked NMFS to develop an in-season adjustment to set 2019 specifications. This rationale included using the Amendment 8 ABC control rule, which is biomass based. When biomass declines, the allowed amount of fishing mortality – and, in turn, catch limits – also is reduced. The Council emphasized that this approach lowers the probability of overfishing and helps the stock to rebuild more quickly.

The Council is working on a herring specification package for fishing years 2020 and 2021 and may revisit OFL and ABC specifications depending on the outcome of the 2019 decision. Also, the Council will consider the results of a new assessment for herring in 2020, which may impact 2021 specifications.

NOTE: As part of the 2019 proposed rule, NMFS also is soliciting public comment on Herring Research Set-Aside (RSA) Program awards for 2019–2021 and the issuance of Exempted Fishing Permits for projects. The Herring RSA Program annually allocates up to 3% of each management area sub-annual catch limit (sub-ACL) to support compensation fishing that funds herring-related research consistent with RSA priorities identified by the Council. Herring RSA proposals for 2019 are currently under review. Selections are expected soon, and RSA compensation fishing may be allowed as early as January 2019. Read the [proposed rule](#) for details.

Additional Documents and a Presentation are Available at [Herring Discussion - NEFMC December 4-6, 2018 Meeting](#)

The comment deadline on the 2019 proposed rule is December 31, 2018. Details about how to comment are described in the [Federal Register Notice](#)

STANDARDIZED BYCATCH REPORTING METHODOLOGY (SBRM): The Council received a report on the Three-Year Review of the region's SBRM program. The review was conducted by the New England and Mid-Atlantic Fishery Management Councils in conjunction with NOAA Fisheries for SBRM years 2015, 2016, and 2017. The program is used to determine observer coverage rates for fisheries in the Greater Atlantic Region. In short, the Three-Year Review concluded the following.

- SBRM represents one of the most comprehensive programs for planning and executing observer monitoring coverage.
- No aspect of the SBRM was inconsistent or deficient with the national guidelines.
- Since the implementation of the 2015 SBRM Omnibus Amendment, the first 3 years of the program illustrate its utility for monitoring discards given real-world limitations. And,
- The SBRM process contains a formulaic approach to allocate seadays among fleets to stay within the available funds while achieving the precision standard for the most (and most important) species groups/fleet combinations.

For more information visit [Standardized Bycatch Reporting Methodology Three-Year Review](#).
