



# Council Report

May 2014

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest to stakeholders.

At its April 24-26, 2014 meeting in Mystic, CT, the Council:

- Further developed Northeast Multi-species FMP (Groundfish) Amendment 18 and Framework Adjustment 52;
- Approved Framework Adjustment 4 to the Atlantic Herring FMP;
- and
- Approved the Standard Bycatch Reporting Amendment

**Next Council Meeting**  
**June 17-19, 2014**  
**Holiday Inn**  
**by the Bay**  
**Portland, ME**

## Groundfish Actions Move Ahead

The April Council meeting proved to be a pivotal one as two ongoing groundfish actions were refined and expanded, based on the direction provided by the NEFMC's 18 voting members.

**Amendment 18** The Groundfish Committee will work on the outstanding issues to be further addressed in Amendment 18 on June 9, in Warwick, RI. The Council is expected to approve the range of alternatives for inclusion in the Draft Environmental Impact Statement associated with this action at its June 17-19 Council meeting in Portland, ME.

**Framework Adjustment 52** Final action on Framework 52 is scheduled for the June Council meeting. Revisions to the current AMs might be in place mid-season in fishing year 2014.

### *Amendment 18: the Details*

**Accumulation Limits** Discussion at the April meeting focused on revising the accumulation limit alternatives, refining measures that would apply to Handgear A permit holders, and examining issues associated with fishing effort in the inshore Gulf of Maine.

On accumulation limits, the Council added an alternative concerning limits on holdings of stock-specific PSC. The new alternative states that a person or entity may not hold more than 15.5% of aggregate PSC allocated to permits.

The initial language called for individual human persons and permit banks to be assigned no more than the maximum percent of stock-specific PSC that was held by an individual human person or permit bank as of the control date for Amendment 18 (April 7, 2011).

The Council added an option to another alternative that provides more flexibility. PSC holders, human persons who are at an individual stock cap, may acquire PSC up to the cap on other stocks provided that any PSC acquired over the cap is redistributed to the fleet in the manner described in Framework Adjustment 45.

*Potential Sector Contributions = the proportion of the total landings of a particular groundfish stock (in live pounds) associated with an individual permit identifier over a specific time period.*

**Taking action on other Amendment 18 issues, the NEMFC:** Agreed to treat permit banks the same as any other permit holders in terms of accumulation limits, and thus decided to not consider defining nonprofit permit banks in this action;

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**ACE, or Annual catch entitlement** with respect to the Northeast multispecies fishery, means the share of the annual catch limit (ACL) for each NE multispecies stock that is allocated to an individual sector or state-operated permit bank based upon the cumulative fishing history attached to each permit participating in that sector or held by a state-operated permit bank in a given year.

#### ***New FW Initiated***

The Council passed a motion to initiate another framework to further allocate the windowpane flounder ACL to other components of the fishery, and develop AMs for them.

- Modified an alternative that would create a sub-ACL for Hangear A permits. The new options approved would promote flexibility, specify how discards would be calculated, establish proactive accountability measures, and set triggers for reactive accountability measures;
- Directed the Groundfish Committee to work on measures (without establishing trip limits) that would address concentrations of effort in the inshore Gulf of Maine, as well as impacts on Gulf of Maine cod and other depleted stocks;
- Agreed that no action would be taken to establish baseline criteria for ACE leasing or to create quota set-asides; and
- Voted to request that NOAA Fisheries in the Greater Atlantic Region post and archive annual PSC values to a public website, and that leasing data would not be considered confidential through Amendment 18.

#### ***Framework 52: AMs for Windowpane Stocks Developed***

The Council initiated Framework Adjustment 52 in February to revise the accountability measures (AMs) for the commercial groundfish fishery that catches southern and northern windowpane flounder. The current AMs were triggered for fishing year 2014 because the overall annual catch limits (ACLs) were exceeded in fishing year 2012 for both windowpane stocks.

Following up at the April meeting, the Council provided more explicit guidance to the Groundfish Committee and its Plan Development Team as they continue to develop several alternatives for analysis.

Briefly, the measures in place now call for the implementation of the AM for either stock of windowpane if the total ACL (the combined sub-ACLs for each stock of windowpane) is exceeded by more than the management uncertainty buffer (approximately 5%).

In the case of southern windowpane flounder the AMs are gear modification areas that require the use of approved selective trawl gear in defined areas to minimize the catch of flatfish.

The areas are stock-specific, depending on which windowpane stock has the overage. The sizes of the restricted areas are also based on the amount of the overage. In both cases, only the smaller of the two AM areas is implemented if the ACL overage is less than 20%, and the large AM areas triggered if the ACL overage is more than 20%.

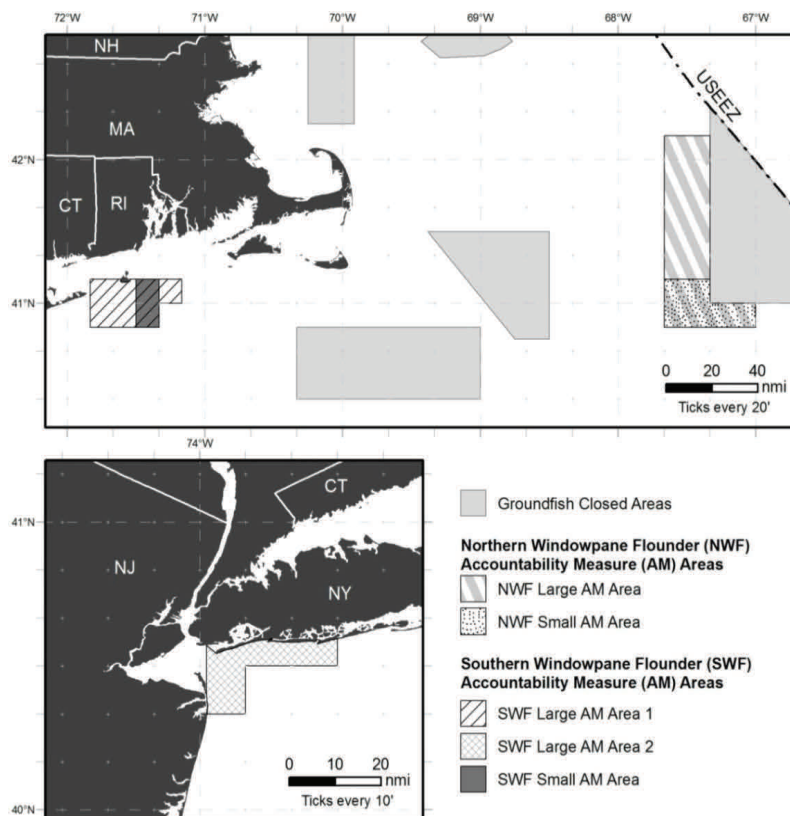
While other aspects of the current AMs would remain the same, the Groundfish Committee is working on two options to revise the trigger for these measures. The first incorporates stock status/biomass. If the total ACL is exceeded and the large AM area is triggered, the appropriate body (Plan Development Team or NOAA Fisheries) would determine whether the following criteria are met: 1) the stock is rebuilt or on its rebuilding trajectory, and 2) the biological consequences of the overage are small, or

### More About Framework 52

negligible. If the designated body determines that all of the above criteria are met based on updated information, then only the small AM Area would be implemented. The PDT is currently working to further develop this criteria and it is subject to change.

The second option would account for fishery performance over a 2 year period, when an AM has been triggered for fishing year 3. In other words, if a subsequent overage does not occur in year 2 and covers the overage that occurred in year 1, the AM would potentially be scaled back in year 3. This acknowledges the possibility that although an overage occurs in year 1, a subsequent overage may not occur in year 2. It also would provide a greater incentive for vessels to voluntarily reduce their windowpane catch to avoid the AM in year 3.

A third alternative would apply only to the northern windowpane flounder stock. In this case, the AM area would be replaced with statistical area 522. The duration would be linked to the amount of the



overage. The AM would be in place for May-August for an overage greater between 5% and 20%, and from May-December for an overage greater than 20%.

## SBRM Omnibus Amendment Approved by NEFMC

Following a review by its ad hoc Standard Bycatch Reporting Methodology (SBRM) Committee, the full Council approved the SBRM Amendment with the exception of several motions that addressed technical issues. Prepared by staff at NOAA Fisheries Greater Atlantic Regional Fisheries Office, the action was an effort to determine whether the methods and processes previously used to estimate fisheries discards needed to be modified and/or supplemented.

Based on public comments from a range of stakeholders and the input of both the Mid-Atlantic and New England Councils, the new action will establish standards of precision for bycatch estimation for all Northeast Region fisheries, and serve to document the SBRM established for all fisheries managed through the two Councils.

The Mid-Atlantic Council approved the amendment as presented with the same preferred alternatives as were selected when the amendment was initially developed in 2006, similarly adding several modifications to the draft.

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The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.

### **Herring Framework 4 Approved**

The issue of accounting for all catch harvested by the majority of the larger Atlantic herring limited access vessels got a boost when the Council adopted requirements to better ensure accurate and verified catch weights in that fishery. The NEFMC adopted measures that would require that fish holds on the limited access boats be empty before leaving the dock on any trip when declared into the Atlantic herring fishery.

If approved by NOAA Fisheries, the program, outlined in Framework Adjustment 4 to the Atlantic Herring FMP, also calls for third party catch verification at the first point of landing on limited access vessel trips carrying a NMFS-approved observer.

To promote accuracy, these same boats would be required to certify the capacity of their fish holds and mark the tank at regular intervals to facilitate third-party catch verification. Each vessel also would need to possess a customized measuring stick onboard to estimate the total weight of fish in the hold at the first point of landing. This would be done by a NOAA Fisheries-approved observer according to the protocol outlined in the Framework.

As a disincentive for vessels in the directed herring fishery to slip catch, a 15-nautical mile "move along" measure (to relocate to another area) was adopted. The move-along rule would apply to slippage due to safety issues, mechanical failures, and encounters with dog-fish schools.

*Net slippage, according to the Atlantic Herring FMP, is defined as catch that is discarded prior to being observed, sorted, sampled, and/or brought on board the fishing vessel.*



Atlantic herring photo courtesy of the NOAA Fisheries/NEFSC.