



# Council Report

April/May 2015

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

At its April meeting in Mystic, CT, the Council:

- ◆ Identified preferred alternatives in Groundfish Amendment 18
- ◆ Discussed the costs of NOAA's at-sea monitoring program
- ◆ Approved several changes to the alternatives proposed in Framework 9 to the Monkfish FMP
- ◆ Made decisions on the alternatives proposed in Omnibus Habitat Amendment 2, with others to be considered in June
- ◆ Adopted an approach to tackle EBFM

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**Next Council Meeting**  
**June 16-18, 2015**  
**Newport, RI**

## Groundfish

### *Amendment 18 moves on to public hearings*

Now that it has identified its preferred alternatives among the provisions in the Draft Environmental Impact Statement for Amendment 18 to the Groundfish Plan, the Council will schedule public hearings for late July and August. An announcement with the details will be widely distributed to encourage public input.

Amendment 18 focuses on accumulation limits and fleet diversity by including measures concerning Potential Sector Contributions (PSC) and permit caps, Handgear A permits, data confidentiality, formalizing redfish fishing opportunities, and the delineation of inshore and offshore fishing areas in the Gulf of Maine.

The following section describes the categories of management measures in the amendment and the **preferred alternatives** identified by the Council within those categories. The choices supported in April do not bind the NEFMC's 18 voting members in September when final decisions are to be approved. Here's how it went last month.

- **Accumulation limits** – Create two types of accumulation limits --- on individuals and entities: 1) On the Potential Sector Contribution that may be held in aggregate to no more than 15.5% of the aggregated stocks in total, and 2) on the Northeast multispecies permits that may be held to no more than 5%. The PSC cap selected (Alternative 6) would be the least constraining on fishing businesses, but does limit holdings.
- **Handgear A Permits** - Create a sub-annual catch limit for Handgear A (HA) permits, remove the March 1-20 closure for common pool HA vessels, remove the standard fish tote requirement for Handgear A vessels, and allow sectors to annually request that HA vessels fishing in the sector be exempt from the requirement to use a vessel monitoring system, but instead be allowed to use an Interactive Voice Response (IVR) Call-In System. IVR is already used in the groundfish fishery and is a less expensive data reporting alternative than VMS.
- **Data Confidentiality** - Do not adjust current fishery data confidentiality practices and protocols, specifically the price of annual catch entitlement (ACE) transferred within a sector or leased between sectors. The Council felt it is unnecessary to make changes to data that are currently considered confidential and had concerns about the legality of releasing price information.
- **Inshore/Offshore Gulf of Maine (GOM)** - Do not consider the establishment of an inshore/offshore boundary within the GOM and associated measures. The Council considers this type of measure unnecessary, given the current restrictions on the groundfish fishery in the area at this time.
- **Redfish Exemption Area** - Define an area where sector vessels could fish with a smaller net mesh (5.5 inches) than the standard size to target redfish. This would allow groundfish sector vessels to target redfish without applying for an annual sector exemption, thereby streamlining the process to access this resource.

**Notes on the NOAA/Council Industry-Funded Monitoring Amendment**

Additional portside sampling and electronic monitoring options now will be included in the joint NOAA/NEFMC/MAFMC draft industry-funded monitoring omnibus amendment, based on unanimous Council approval at the Council's April meeting. A follow-up motion specified that the herring and mackerel midwater trawl fleets will be the focus of the new options.

The amendment is currently under development to address industry-funded monitoring across all federally managed fisheries in the Northeast. Final action on the amendment is scheduled for this December.

## **New Groundfish Framework Discussed**

### ***Details to be provided at next Council meeting***

Concerning the costs associated with the operations of the current NOAA Fisheries at-sea monitoring program, the Council requested that the agency provide an estimate of the cost/revenue ratio of monitoring groundfish sectors in 2015.

NOAA leadership comments sparked the reaction when they discussed the very real possibility that sectors could become responsible for covering the cost of some aspects of the at-sea monitoring program as early as late summer 2015 --- when federal funding that has to date covered the cost of this program is likely to run out.

The at-sea monitoring requirement, initially detailed in Amendment 16 to the NEFMC's Groundfish Plan, mandates the program to help determine, among other things, compliance with annual catch limits (or ACLs).

Industry representatives and many Council members are currently concerned that the cost of the program may compromise the ability of the groundfish fishery to operate. This sentiment was reflected in the unanimous vote by the Council to initiate a framework adjustment, if necessary, based on the NOAA report.

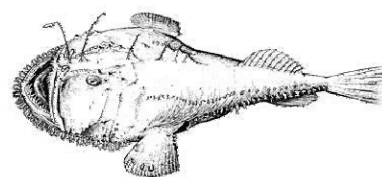
The details about how a framework might be developed and what issues will be addressed is currently a matter of discussion between NOAA Fisheries and the Council. The issue will be included on the June 16-19 Council meeting agenda, so stay tuned for further developments.

## **Monkfish**

### ***Framework 9 to be finalized in June***

While work on draft Framework 9 to the Monkfish Plan continues at the committee level, the Council approved changes to several of the alternatives under consideration to streamline development of this action. The Council is scheduled to approve the framework at its June meeting.

At the request of the Monkfish Committee, Council members eliminated options that focused on when and where a Northeast multispecies day-at-sea could be declared in order to increase operational flexibility outside of the current monkfish exempted fisheries. The two options that were considered and rejected addressed both the Northern and Southern Fishery Management Areas as defined in the plan, while those that remain in the framework focus only on the Northern Area --- a change that was supported by fishermen from both regions.



A measure to increase monkfish-only days-at-sea based on a higher groundfish common pool days-at-sea counting was also considered unnecessary at this time and will not receive further consideration in Framework 9.

And finally, the Council approved, for further analysis by the Plan Development Team, a measure that could allow limited access monkfish vessels, when fishing on a monkfish-only or monkfish/Northeast multispecies day-at-sea, to retain legal size monkfish and dogfish using 5-7 inch mesh in stand-up gillnets.

## Omnibus Habitat Amendment Approved

### *Remaining issues to be decided in June*

The Council made final decisions, referred to at the meeting as final preferred alternatives, on most sections of the amendment at its meeting in Mystic, CT. Once all elements of the action — proposed area designations and those identified as vulnerable and requiring protection from the impacts of fishing — receive Council approval they will be forwarded to NOAA Fisheries for agency approval and implementation. NOAA is always the final decision maker on any measures moved forward by the Council.

To better understand the Council's intent in developing the Habitat Amendment, it may be helpful to review an introductory paragraph in the draft amendment document that helps explain what types of areas are being considered and why.

- \* Essential Fish Habitat and Habitat Area of Particular Concern designations are based on species-specific distributions and life-history information, and are used primarily for analytical approaches in impact analyses and agency consultations.
- \* Spatial management areas, on the other hand, contain habitats of importance to multiple species, are vulnerable to impacts from fishing, and as such, could be subject to gear restrictions for conservation purposes on the basis of gear type.
- \* Three types of spatial management areas are being proposed in the Habitat Amendment, year-round *habitat management areas* and *dedicated habitat research areas*, both discussed below; and groundfish seasonal spawning areas. The latter will be discussed at the June Council meeting.

An additional Georges Bank Habitat Management Area alternative, discussed at the April meeting but not previously analyzed, will also be considered in June, along with the groundfish spawning areas. The April decisions are depicted on the map on page 4. Again, they are subject to final approval by NOAA Fisheries.

### **Essential Fish Habitat (EFH) Designations**

EFH designations were specified for all managed species and life stages, including a small number of specific modifications discussed at the meeting. By definition, fishing restrictions are not associated with these areas.

### **Habitat Areas of Particular Concern**

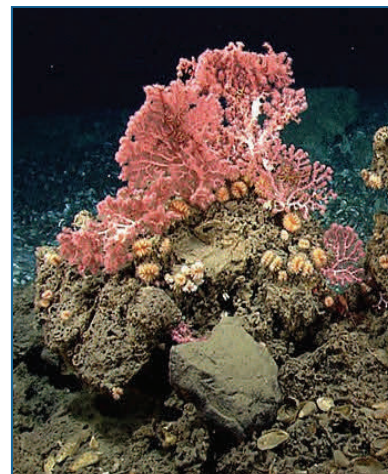
The approved HAPC designations involve six nearshore/continental shelf areas, two seamounts, and eleven submarine canyons or groups of canyons. These areas are not subject to gear or other restrictions, but are singled out because they encompass important and sensitive habitats that should receive careful consideration for conservation purposes.

### **Habitat Management Areas (HMAs)**

*Approved for the Eastern Gulf of Maine* - The area defined as the Small Eastern Maine HMA would include a complete restriction on use of mobile bottom-tending gears.

*Approved for the Central Gulf of Maine* - Gear restrictions for the Cashes Ledge, Jeffreys Bank, and Fippennies Ledge HMAs as mapped in the draft amendment. The Cashes and Jeffreys Bank areas were modified from their previous configurations to focus more closely on shallow, hard bottom habitats. Each would prohibit the use of mobile bottom-tending gears.

The Cashes Ledge Closure Area would be maintained as is. Specifically, it would continue to be off limits year-round to all fishing activity except for the following: (a) charter and party vessels with a letter of authorization; and (b) vessels fishing with "exempted gears" that catch only small amounts of groundfish: spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dip nets, stop nets, pound nets, pots and traps, surfclam/quahog dredge gear, pelagic hook and line, pelagic longline, single pelagic gillnets, and shrimp trawls.

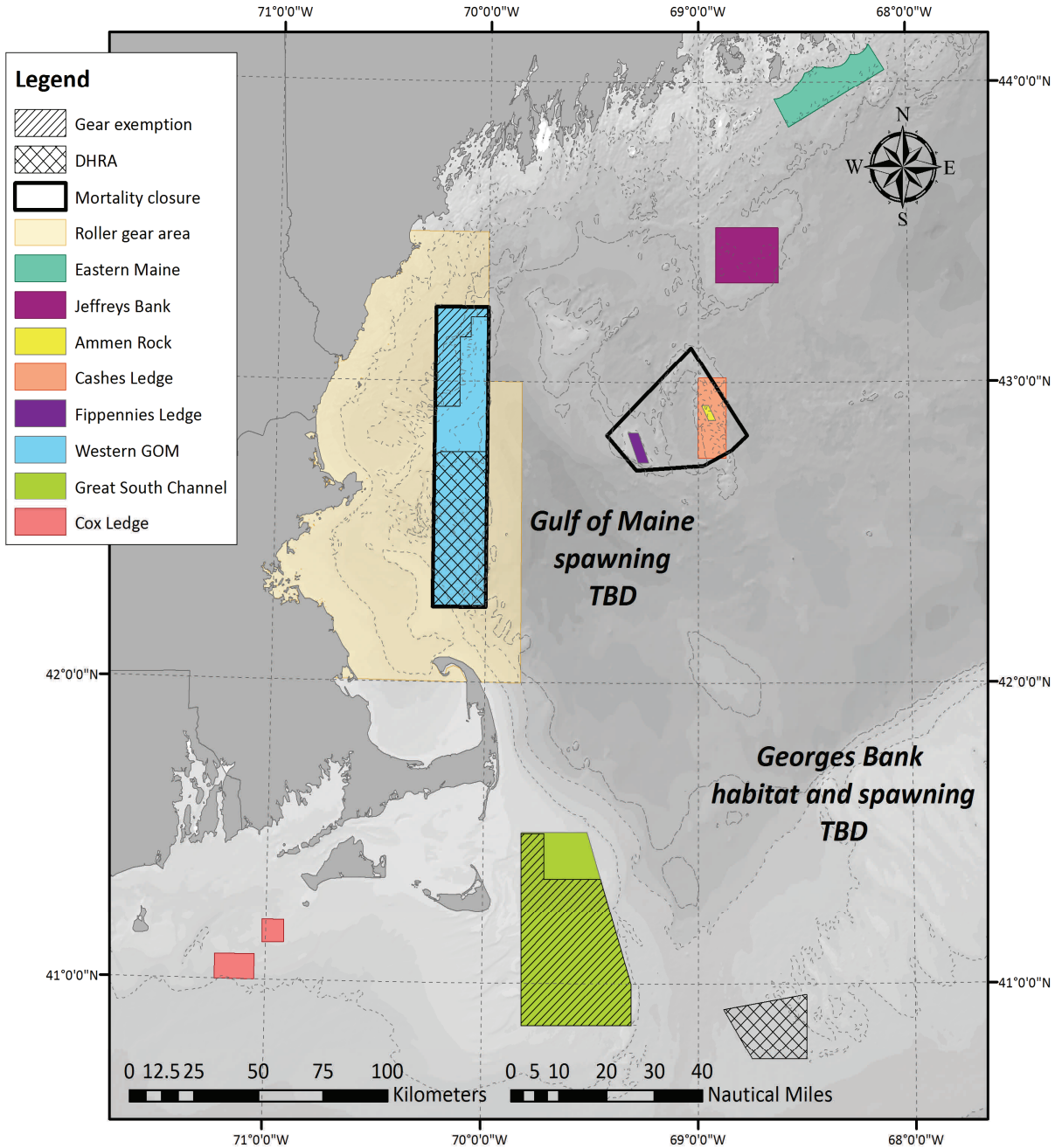


*Photo courtesy of the NOAA Office of Ocean Exploration*

*Continued on page 5 -*

## Omnibus Essential Fish Habitat Amendment 2: Final Alternatives as of April 2015 New England Fishery Management Council meeting

- Gear exemption areas hatched. In western Gulf of Maine, shrimp trawls exempt. In Great South Channel, clam dredges exempt.
- Dedicated Habitat Research Areas are cross-hatched. Stellwagen DHRA (north), Georges Bank DHRA (south)
- Mortality closures outlined in black. Current gear restrictions.
- Largest shaded area is the roller gear restricted area.
- Other shaded/colored areas are mobile bottom-tending gear closures, with gear exemptions as noted above. Cox Ledge closed to clam dredges, and trawls cannot use ground cables.
- Ammen Rock closed to all gears except lobster traps.
- Spawning areas (GB and GOM) and GB habitat areas have not been decided on yet.



In accordance with the current groundfish regulations, mid-water trawl gear, and also vessels that are transiting the area with gear that is properly stowed, would be allowed in the Cashes Ledge Closure Area.

*For the Western Gulf of Maine* - The scenario adopted took into account the existing habitat and groundfish closures in the Western Gulf of Maine. The habitat closure would be maintained as-is, while the groundfish closure would have its eastern boundary shifted 5 minutes of longitude to match the habitat closure boundary.

*Ammen Rock, an underwater peak that lies just below the surface of the water on Cashes Ledge, would be closed to all fishing gears except lobster traps. The lobster fishery is not managed by the NEFMC.*

Within the habitat/groundfish area, current fishing restrictions would be maintained. The exception is an exemption for shrimp trawls from the mobile bottom-tending gear restrictions in the northwestern corner of the area, located in the deep waters west of Jeffreys Ledge. In addition, the Council would continue to limit trawl roller gear to 12 inches in diameter in the existing inshore roller gear area.

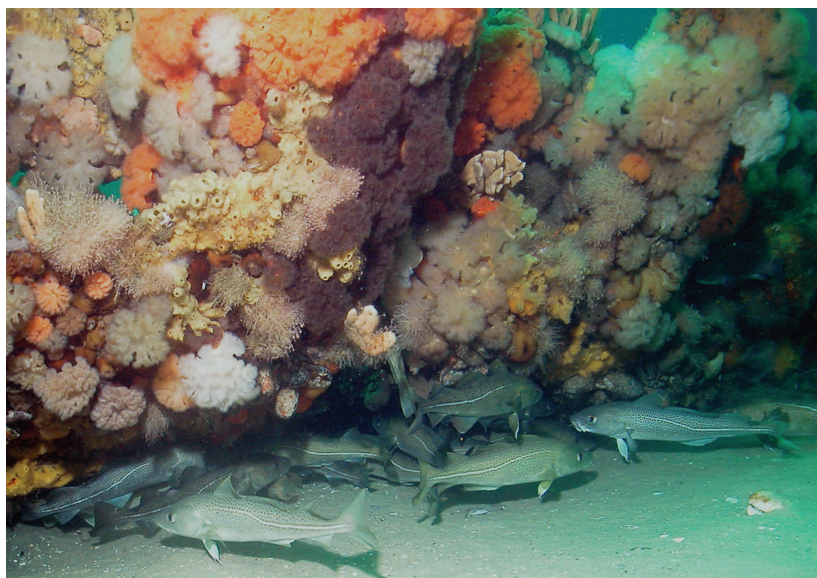
*For the Great South Channel* - A new HMA was adopted with a complete restriction on the use of mobile bottom-tending gears in the northeast corner, and a restriction on the use of mobile bottom-tending gears with an exemption for hydraulic clam dredges throughout the remainder of the area. The dredge exemption would sunset one year after the implementation of the Habitat Amendment. This window of time would provide an opportunity for a more refined clam dredge exemption area or areas to be developed.

The Council also took action in southern New England to create a new HMA near Cox Ledge. Trawls in this area would not be allowed to use ground cables and hydraulic clam dredges will be prohibited.

#### **Dedicated Habitat Research Areas (DHRAs)**

The Stellwagen DHRA in the Gulf of Maine, developed to facilitate fisheries research, was approved although a “no fishing” reference area component was not approved. If the research area is not used for scientific investigations within three years, a sunset provision would apply.

The DHRA would be closed to mobile bottom-tending gear, demersal longlines, and sink gillnets, while recreational vessels, midwater gear and other pelagic gear would be allowed. All of these fishing restrictions are currently in place as a result of the existing Western Gulf of Maine habitat and groundfish closures, which overlap the proposed DHRA.



*Photo courtesy of Matthew Lawrence, SBNMS - SBNMS file photo*

The same three-year sunset provision that is in the Stellwagen DHRA would apply to an approved Georges Bank DHRA. Again, the area would be closed to mobile bottom-tending gear types. This area is currently closed to these gears as a habitat closure (Closed Area I South).

The Council further recommended that NOAA Fisheries allow habitat studies to be conducted within the HMAs using commercial fishing vessels as research platforms, but contingent on the approval of an exempted fishing permit. The intent is to evaluate the effectiveness of the closed areas.

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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.

## **Ecosystem-Based Fisheries Management**

### ***Pilot program approach adopted***

The Council adopted an official approach that will be used to address ecosystem-based fisheries management very soon. The initiative, led by the NEFMC's EBFM Committee and its Plan Development Team, calls for the development of a prototype or pilot fisheries ecosystem plan (FEP) that could be tested and verified, and also be used as a tool to engage with and seek comments from the public during the pilot period.

The FEP would be used as a platform to assess, among other important elements, predator-prey relationships, trends in species groups, and climate change impacts, in the context of a specific ecosystem production unit, or management area that has not yet been identified.

## **NEFMC Website**

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