

NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL



Council Report

December 2015

The Council Report summarizes major actions approved at NEFMC meetings and highlights items of interest.

At its Dec 1-3 meeting in Portland, ME, the Council approved a number of important actions for the upcoming fishing years, pending NOAA Fisheries approval. They included:

- ◆ The 2016 - 2017 scallop specifications (Framework 27) and Amendment 19 to the Scallop Plan
- ◆ Framework 3 to the Northeast Skate Complex Plan
- ◆ Spiny Dogfish specifications for 2016-2018
- ◆ Framework 55 to the Groundfish Plan

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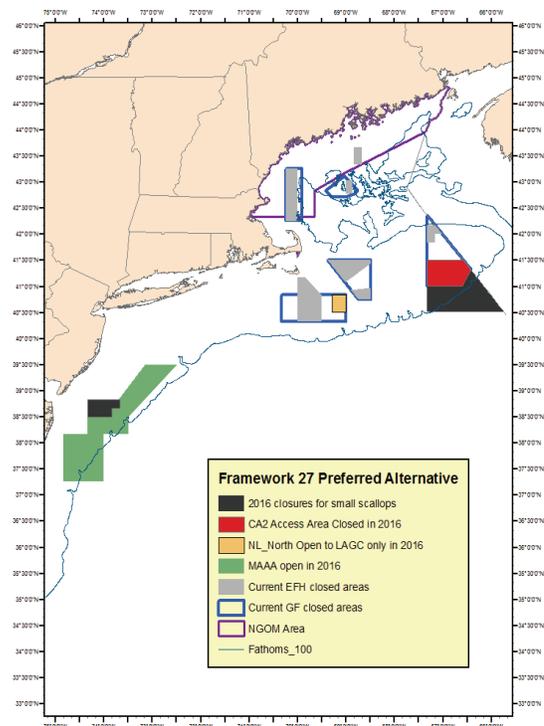
Sea Scallops Specs Set for 2016 - 2017

Framework Adjustment 27 At its early December meeting, the New England Council finalized its recommendations for Framework 27 to the Atlantic Sea Scallop FMP. The action contains catch specifications for the 2016 and 2017 (default) fishing years.

Fishermen will receive allocations that are projected to result in landings of about 47 million pounds of scallops in 2016. Forty million pounds are allocated to the scallop limited access fleet. Of the remainder, about 4.5 million pounds are allocated to the limited access general category (LAGC) fishery which numbers about 100 active vessels, and about 800,000 pounds are reserved for the observer set-aside program.

Several other specifications are the same as fishing year 2015 — 1.25 million pounds for the research set-aside program, 70,000 pounds for vessels with Northern Gulf of Maine LAGC permits, and 50,000 pounds for vessels with incidental LAGC permits.

Compared to 2015, the approximately 340 active limited access vessels will be allocated slightly more days-at-sea (DAS) in open areas this year and the same level of effort in the Mid-Atlantic Access Area (Delmarva, Hudson Canyon and Elephant Trunk Areas are combined in this action). *Scallop Framework 27 continued, page 2.*



**Next Council
Meeting
January 26-28, 2016
Portsmouth, NH**

Default Measures -

Are provided each year so that specs will be in place at the start of the fishing year without delay, and until they are replaced by the 2017 specs.

The overall limited access general category fleet IFQ will roll-over from 2016 to 2017, and the limited access fishery will be allocated a reduced allocation until final measures are adopted through a subsequent action.



Photos courtesy NOAA Fisheries and NOAA Ocean Explorer

Scallop Framework 27 — continued

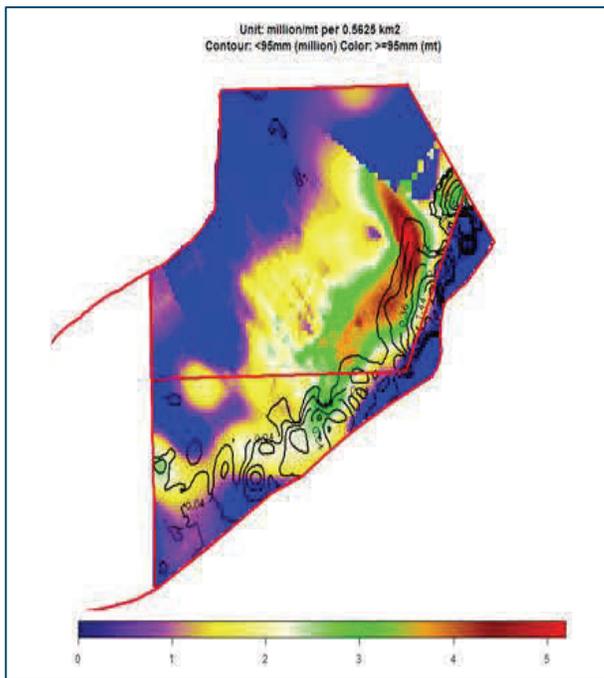
The proposed allocations for limited access vessels, as approved by the Council, will be 34.55 open area days-at-sea (as opposed to 31 DAS in 2015) for full-time vessels and 51,000 pounds in the Mid-Atlantic Access Area. Part-time vessels will receive 13.82 days-at-sea and 20,400 pounds in the Mid-Atlantic Access Area.

After much discussion, the New England Council also would allow a portion of the total LAGC allocation to be taken from the northern part of the Nantucket Lightship Access Area. The maximum removal from this relatively small area is proposed at 300,000 pounds, or about 7% of the LAGC total allocation. The proposed action also prohibits any scallop vessel from undertaking research set-aside compensation trips in the Lightship Area. The LAGC fleet's total allocation from the Mid-Atlantic Access Area is

1.2 million pounds. Both areas would be closed to these vessels once the fleet-wide LAGC quota is reached.

The action was taken in order to allow the relatively small LAGC vessels from northern ports to also have some opportunity to harvest scallops from areas with higher catch rates. Open areas currently have lower catch rates and it is not practical for all LAGC vessels to fish in the Mid-Atlantic Access Area.

With the exception of the limited area in the northern part of Nantucket Lightship, all the access areas on Georges Bank will remain closed to the scallop fishery in 2016 — the Nantucket Lightship Area and Closed Areas I and II. While total biomass is up, most of the increase comes from juvenile scallops found on Georges



Estimate of biomass from 2015 Habcam survey near CAII (color represents biomass larger than 95mm and contours indicate concentrations of smaller scallops, less than 95mm).

Bank and in the Mid-Atlantic. Therefore, the Council's proposed action will include a new closure south of Closed Area II and will also maintain two closures east of Nantucket Lightship and within Elephant Trunk to protect the small animals that have been observed in those areas for the last two years.

Scallop Amendment 19 The Council also took final action on Amendment 19 to the Scallop FMP, approving a specification setting process that would enable the Council to develop fishery allocations outside of the framework process. Its members further recommended changing the start of the fishing year from March 1 to April 1.

Both Framework 27 and Amendment 19 will be submitted to NOAA Fisheries who will publish a proposed and final rule for each action.

Skate Framework 3 Approved

The NEFMC took final action on Framework Adjustment 3 to the Northeast Skate Complex FMP. The action set specifications for fishing years 2016 and 2017, maintained current bait and wing possession limits, and established new seasonal total allowable landings (TALs) for the wing fishery, consistent with the current seasonal structure used for the wing possession limits.

The Council adopted, by a unanimous vote, the SSC's recommended acceptable biological catch, or ABC, of 31,081 MT for 2016 and 2017, and revised specifications for the skate complex based on the control rule established in Amendment 3 to the FMP:

- An annual catch target (ACT) of 23,311 MT
- A TAL 12,872 MT in federal waters
- A wing TAL of 8,560 MT, and
- A bait TAL of 4,312 MT with status quo possession limits and seasonal TAL structure

New Wing Fishery Measures For the first season, from May 1 through August 31, the fishery would be allocated a percentage of the annual wing TAL based on the three-year moving average for landings over the most recent three fishing years, representing 57% or 4,872 MT in 2016 and 2017.

The seasonal skate wing possession limit for May 1 to August 31 would remain at 2,600 lbs. Once 85% of the allocated TAL is reached between May 1 and August 17, the 500 pound incidental possession limit would be implemented.

Between August 18 and August 31, the Regional Administrator would use discretion as to whether or not the 500 pound incidental possession limit should be implemented. Any unused portion of the TAL would be rolled over into the latter part of the fishing year.

The second season would be allocated the remainder of the annual TAL (representing 43% or 3,681 MT in 2016 and 2017) for September 1 to April 30. The seasonal skate wing possession limit for this period would remain at 4,100 lbs. Once 85% of the allocated TAL is reached, the Regional Administrator would have the discretion to implement the incidental possession limit if the fishery is projected to exceed the TAL.

Once prepared for submission, NOAA Fisheries will review Skate Framework 3 and provide final approval of the above measures, if that is their determination.

Thorny Skate As reviewed by NOAA Fisheries staff at the Council's Portland meeting, thorny skate is a NOAA Fisheries Species of Concern. It is also the topic of a petition to be listed as a threatened or endangered species under the ESA. The agency has determined the petition is warranted and has now, or soon will, undertake a status review. If approved for listing, the Council could be compelled to consider management measures beyond the continuing prohibition on the possession of the species.

Spiny Dogfish Specifications Set

The New England Council approved the 2016-2018 spiny dogfish specifications at its early December meeting, followed by matching action at the Mid-Atlantic Council's meeting last week. Given the decrease in dogfish biomass, the specifications have been similarly affected. In 2015 the annual catch limit (ACL) was 62.270 million pounds. This recent round of specifications calls for at least a 10 million pound drop in the ACL.

| Specifications | Basis | 2016 (pounds) | 2016 (MT) | 2017 (pounds) | 2017 (MT) | 2018 (pounds) | 2018 (MT) |
|-------------------|------------------------|------------------|--------------|------------------|--------------|------------------|--------------|
| New ABCs | Council Risk Policy | 52,066,572 | 23,617 | 50,805,528 | 23,045 | 49,901,633 | 22,635 |
| ACL | = Domestic ABC | 51,923,272 | 23,552 | 50,662,228 | 22,980 | 49,758,333 | 22,570 |
| ACT | = ACL - Mg Uncertainty | 51,923,272 | 23,552 | 50,662,228 | 22,980 | 49,758,333 | 22,570 |
| TAL | ACT - Discards | 40,429,105 | 18,338 | 39,168,060 | 17,766 | 38,264,165 | 17,356 |
| U.S. Rec Landings | = 2014 Estimate | 68,343 | 31 | 68,343 | 31 | 68,343 | 31 |
| Comm. Quota | TAL - Rec Landings | 40,360,761 | 18,307 | 39,099,717 | 17,735 | 38,195,822 | 17,325 |

Groundfish Framework 55 Approved

Framework 55 to the Northeast Multispecies FMP was approved and will be submitted to NOAA Fisheries for agency review and approval prior to the May 1 start of the 2016 fishing year.

The largest, and yet least complicated portion of the framework was the approval of the Scientific and Statistical Committee's recommendations for overfishing levels and associated acceptable biological catches (ABCs) for 19 of the 20 groundfish stocks managed through the Council's Groundfish FMP.

Approval of the witch flounder ABC proved much more problematic for the majority of Council members who voted to recommend a preliminary ABC of 394 metric tons (MT) and requested that the SSC develop an additional alternative for the 2016 ABC without being constrained by 75% Fmsy.

The rationale for this request was driven by the fact witch flounder is caught throughout the EEZ from Maine to the Mid-Atlantic. The stock is caught not only by federal groundfish vessels but also by vessels fishing in state waters and in other fisheries. Exceeding the low witch flounder ACL could trigger an accountability measure that could close the groundfish fishery in all areas.

The Council stated it would accept the temporary risk level associated with an ABC up to the OFL for fishing year 2016. For purposes of expediting Framework 55, the action will include a range for the witch flounder ABC of 394 to 513 MT. Should the SSC develop an additional alternative, the Council will consider it at its January 2016 meeting.

Annual catch limits (ACLs) are based on the ABCs and are allocated to the various fishery components. Of the commercial groundfish ACLs, nine of the stocks had higher ACL's than in the previous year, some with substantial gains, including both Georges Bank and Gulf of Maine haddock, Gulf of Maine winter flounder and pollock. Eleven stocks had a decrease, notably the Georges Bank cod and a number of flounder stocks. *Framework 55 continued on p. 5.*

| Stock | 2014 Commercial Groundfish Catch (MT) | Commercial Groundfish Sub-ACLs (MT) | | |
|------------------------|---------------------------------------|-------------------------------------|-------------------|----------|
| | | Fishing Year 2015 | Fishing Year 2016 | % Change |
| GB Cod | 1386 | 1787 | 608 | -66% |
| GOM Cod | 663 | 207 | 280 | 36% |
| GB Haddock | 5449 | 21759 | 51667 | 137% |
| GOM Haddock | 325 | 958 | 2416 | 152% |
| GB Yellowtail Flounder | 62 | 195 | 211 | 9% |
| SNE/MA Yellowtail | 400 | 557 | 189 | -66% |
| CC/GOM Yellowtail | 250 | 458 | 341 | -26% |
| American Plaice | 1301 | 1408 | 1183 | -16% |
| Witch Flounder | 515 | 610 | 277 | -55% |
| GB Winter Flounder | 1149 | 1891 | 590 | -69% |
| GOM Winter Flounder | 124 | 392 | 639 | 63% |
| SNE/MA Winter Flounder | 546 | 1306 | 585 | -55% |
| Redfish | 4687 | 11034 | 9526 | -14% |
| White Hake | 1749 | 4343 | 3459 | -20% |
| Pollock | 4016 | 13720 | 17817 | 30% |
| N. Windowpane | 158 | 98 | 66 | -33% |
| S. Windowpane | 96 | 102 | 104 | 2% |
| Ocean Pout | 33 | 195 | 137 | -30% |
| Atlantic Halibut | 48 | 64 | 91 | 43% |
| Atlantic Wolffish | 14 | 62 | 72 | 17% |

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.

Merry Christmas and Happy New Year to All!

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Groundfish Framework 55 — continued

The Council also recommended recreational management measures for the 2016 fishing year. If approved by NOAA Fisheries, the Gulf of Maine haddock measures would include a bag limit of 15 fish, with all seasons open (except in Wave 2, March and April, in which only April 15-30 would be open), and a 17-inch minimize size. The Gulf of Maine cod measures would allow anglers to retain one cod of at least 24 inches from August 1 through September 30.

| Stock | FY 2015 | FY 2016 | % Change |
|-------------|---------|---------|----------|
| GOM cod | 121 MT | 157 MT | +30% |
| GOM haddock | 372 MT | 926 MT | +149% |

As part of Framework 55, the Council approved several measures that are intended to streamline the At-Sea Monitoring (ASM) program for groundfish sectors. Currently, NOAA Fisheries calculates the total observer coverage rate needed for the next fishing year, based on the most recent fishing year with complete information. For example, 2014 information is used to set the rate for fishing year 2016.

The Council also clarified how it would like NOAA to determine the total coverage rate by approving several motions on this topic. The NEFMC's recommended approach would use more data --- multiple years of information on discards and past fishery performance --- to determine a total coverage rate rather than data from a single fishing year. The Council also recommended that ASM coverage requirements be removed for certain sector trips with low groundfish catches.

Finally, the Council recommended inclusion of an additional groundfish sector, provisions to allow sectors to move Georges Bank cod quota from the eastern management area to the western management area, and modified the definition of a haddock separator trawl so the separator panel is easily identifiable to enforcement personnel.

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