

# **New England Fishery Management Council**

## **Process**

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# **What is the Council's Job? Magnuson-Stevens Act Mandate**

**To conserve and manage fisheries for the  
greatest benefit of the Nation by relying  
on the best available scientific  
information as well as the input and  
participation of fishing communities  
and the public**



# Council Policy

The New England Fishery Management Council recognizes that allocation is an integral part of its management responsibilities, and that measures which have allocative effects should be open and transparent. The Council will develop conservation measures and controls that have a high level of certainty that insures they will prevent overfishing, end overfishing and rebuild stocks.

The Council also recognizes that we manage fishermen, not fish, and that allocation measures and controls must have a high level of certainty that insures our conservation requirements are met in a fair and equitable manner. As stewards of New England's valuable fishery resources, we will be judged by both the biological health of our fisheries and by how fair and equitable we are in our allocation decisions.

# Ten National Standards

Conservation and management measures shall:

- (1) Prevent overfishing while achieving optimum yield.
- (2) Be based upon the best scientific information available.
- (3) Manage individual stocks as a unit throughout their range, to the extent practicable; interrelated stocks shall be managed as a unit or in close coordination.
- (4) Not discriminate between residents of different states; any allocation of privileges must be fair and equitable.
- (5) Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose.
- (6) Take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches.
- (7) Minimize costs and avoid duplications, where practicable.
- (8) Take into account the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, such communities (consistent with conservation requirements).
- (9) Minimize bycatch or mortality from bycatch.
- (10) Promote safety of human life at sea.

# Council Products

Documents submitted to Secretary of Commerce  
(via NMFS)

## ➤ Fishery Management Plans

- New fisheries or stocks to be managed
- Separately defined fishery with unique characteristics
- Overfishing definitions

## ➤ FMP Amendments

- Major management issues: limited access (LAPPs), quota management (ACLs), new gear restrictions or closed areas, individual fishery quotas (IFQs), changes in type of overfishing definition
- NEPA considerations, usually EIS as the major document – draft/final
- Two to three years for development

# Council Products

- **Framework Adjustments to FMPs**
  - Council may initiate a framework adjustment at any time, subject to other priorities
  - Plan modifications of existing measures
    - (FWs, usually EA (shorter? not really...))
    - Changes to gear characteristics, possession limit adjustments, DAS allocations, modifications to closed areas or seasons
  - At least two Council meetings for development (3-12 months)
  - No formal public hearings on draft documents
  - But requires proposed rule and regulatory comment period

# Council Products

## ➤ Specifications

- At regular intervals defined by the FMP
- Minor plan modifications (FWs, usually EA (shorter? not really...))
  - DAS allocations, set ACLs, possession limit modifications
- Usually associated with a SAFE Report describing the fishery trends and characteristics
- At least one Council meeting for approval
  - (3-12 months)
- No formal public hearings on draft documents
- But requires proposed rule and regulatory comment period

# Current Management Plans

## 9 Major FMPs and Corresponding Committees

- **Multispecies (Groundfish and Whiting)**
- **Herring**
- **Red Crab**
- **Sea Scallop**
- **Skate**
- **Monkfish (Joint with MAFMC)**
- **Dogfish (Joint with MAFMC)**
- **Atlantic Salmon (mostly inactive)**
- **Habitat**

# When are Measures Developed?

When a Need for Action is identified  
(by science, industry, court, public)

- Council identifies management priorities and upcoming actions for each calendar year (Nov)
- Develops specific action (FMP, amendment, framework); work completed by appropriate species committee
- Staff develops timeline for management action
- Staff works with committee, AP, and PDT to develop/analyze management alternatives
- Council takes action as necessary (approves alternatives, makes decisions)

# Roles

- **Council (18 voting members)**
  - Provides overall policy direction
  - May rework alternatives; provides final approval for all management actions and documents
  
- **Committees (Groundfish, Scallop, etc.)**
  - Relatively narrow focus
  - Develop management measures, using input from the Advisory Panel and Plan Development Team
  - Oversees PDT work
  
- **Advisory Panels (up to 15 members on each)**
  - Provide input on suitability of mgt. measures
  
- **Plan Development Teams**
  - Prepare SAFE Reports and other technical documents
  - Provide technical support to Committee
  - Analyze measures and prepare FMPs

# **New Role Science & Statistical Committee (SSC)**

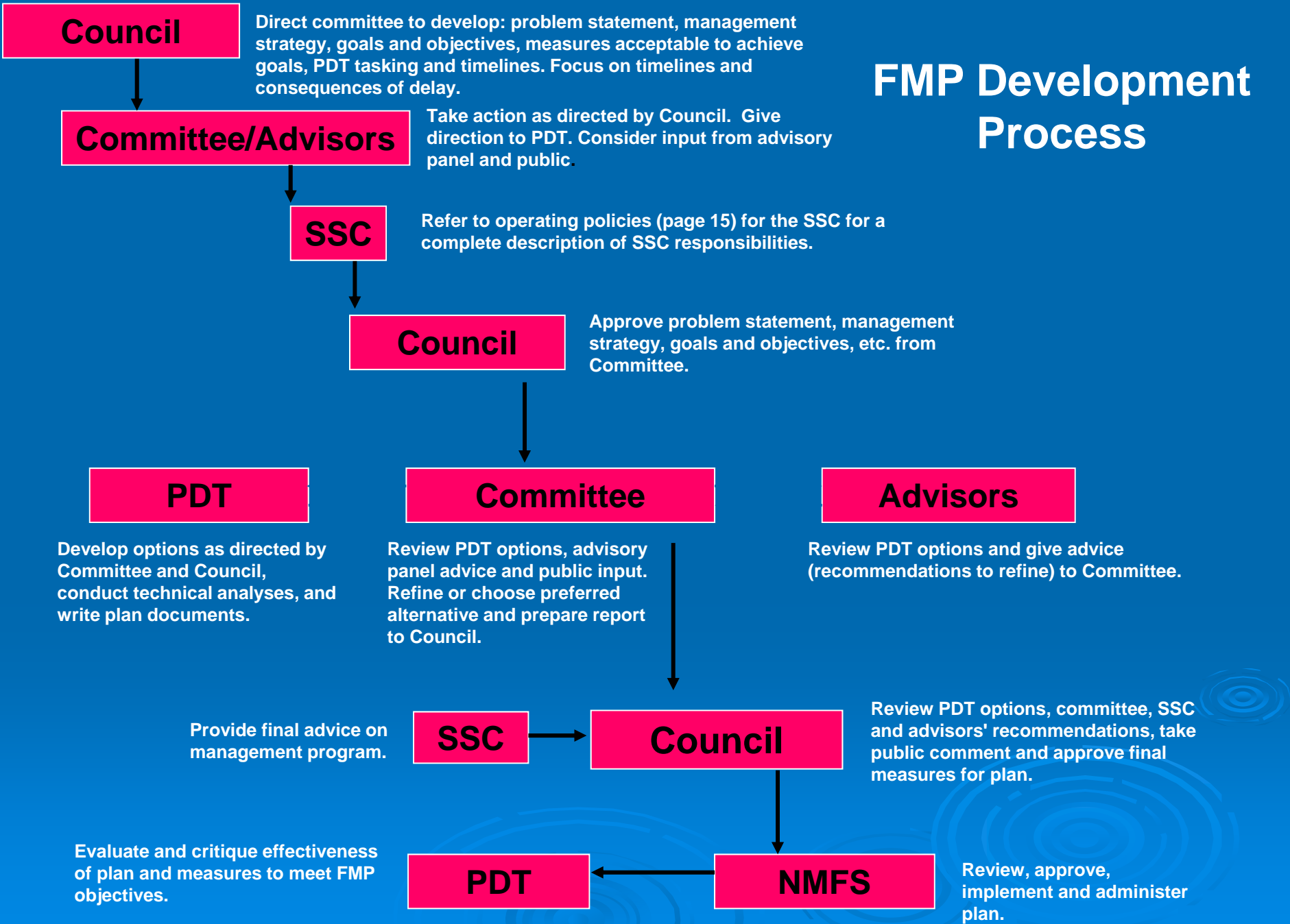
**MSRA requires that each SSC provide its respective Council with ongoing scientific advice for fishery management decisions; this includes**

- **Setting acceptable biological catch, accounting for the productivity of the resource and scientific uncertainty**
  - **preventing overfishing, (establishing) maximum sustainable yield, and achieving rebuilding targets**
- **Providing oversight and review of reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and**
- **Developing recommendations on sustainability of fishing practices.**

# More SSC

Under new MSRA mandates each Council is required to develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its Scientific and Statistical Committee (or the applicable regional peer review process).

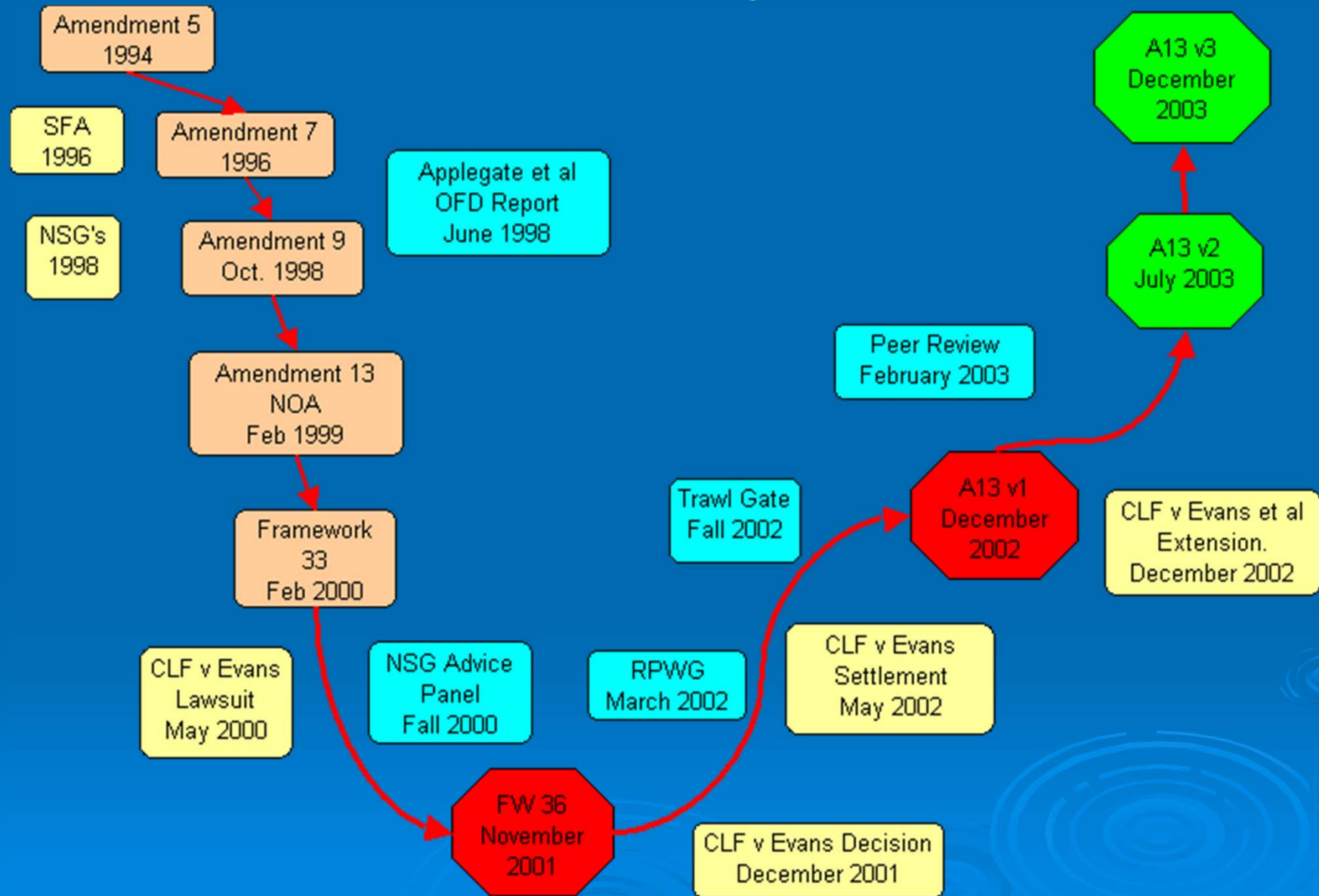
# FMP Development Process



# Council Staff Responsibilities

- Council staffers serves as PDT Chairs
- Coordinate all aspects of FMP development, conduct and also receive analyses from other PDT members and staff (min. 1 yr.)
- Incorporate Habitat and PR Analyses
- Writes Cumulative Effects and Environmental Impact Analyses
- Present draft to Committees/Council; make changes following Council approval
- Submit action to NMFS on behalf of Council

# Amendment 13 Process



# Products of public participation

- Limited access and DAS management to limit effort 1994-1998
- Year round groundfish closed areas to protect spawning activity from fishing
- Various gear restrictions to improve selectivity
- Scallop area rotation and special access programs 1998 through 2004
- Protection of Essential Fish Habitat 2004
- Split groundfish DAS management 2006
- General category scallop management via ITQ 2007
- Groundfish sector management
- Quota management / ITQ 20??

# Results

- Rebuilt or nearly rebuilt species
  - scallops, monkfish, herring, redfish, haddock
- Rebuilding
  - Cod – up 36%
  - Haddock – up 500%
  - Scallops – up 500%
  - Georges Bank yellowtail flounder – up 200%
  - 4 of 18 groundfish stocks have not increased biomass

## Council Priorities for 2010

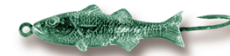
- **Groundfish FMP** - Amendment 16 completed - includes a process to establish annual catch limits and accountability measures (ACLs and AMs) and specifications for 2010 and 2011; focus in 2010 will be on developing a joint scallop/groundfish action that would allow the transfer of yellowtail flounder between the two fisheries.
- **Herring FMP** – Amendment 4 finalized for submission to NMFS; includes process only for ACLs and AMs; new action for 2010 (Amendment 5) will address catch monitoring, criteria for access to closed areas and protection of spawning aggregations
- **Scallop FMP** – Amendment 15 - cont; action to include ACLs and AMs, a revision to the overfishing definition and development of mechanism for DAS leasing and transferability

## Council Priorities for 2010 (cont.)

- **Monkfish FMP** – Following completion of Amend. 5 (includes ACLs, AMs), Amendment 6 will include consideration of monkfish sectors and ITQs
- **Red Crab FMP** – Complete Amend. 3 which includes ACLs and AMs and specs for 2011-2013
- **Habitat Omnibus Amendment 2** – Complete Phase 2, which includes a gear effects evaluation and a determination of adverse impacts on EFH; complete DSEIS, hold hearings, etc.
- **Interspecies (Committee)** – Consider FMP consolidation, look at joint plans to ensure consistency; examine sector annual catch share entitlements for consistency with social and economic objectives of Council FMPs and its sector management policy, and NOAA's policy on catch shares, as well as National Standard 4.

# Now It's Your Turn

- Questions on the Council process?
- What's next? How to participate in the Council process.



New England  
Fishery Management Council