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Draft Framework Adjustment 47

September 15, 2011

New England Fishery Management Council

*These measures are still under development and may be modified
prior to the November 2011 Council meeting.*

1.0 Contents

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2.0 Introduction and Background

2.1 Background

The primary statute governing the management of fishery resources in the Exclusive Economic Zone (EEZ) of the United States is the Magnuson-Stevens Fishery Conservation and Management Act (M-S Act). In brief, the purposes of the M-S Act are:

- (1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States;
- (2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species;
- (3) to promote domestic and recreational fishing under sound conservation and management principles;
- (4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;
- (5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revisions of such plans under circumstances which enable public participation and which take into account the social and economic needs of the States.

In New England, the New England Fishery Management Council (NEFMC) is charged with developing management plans that meet the requirements of the M-S Act.

The Northeast Multispecies Fishery Management Plan (FMP) specifies the management measures for thirteen groundfish species (cod, haddock, yellowtail flounder, pollock, plaice, witch flounder, white hake, windowpane flounder, Atlantic halibut, winter flounder, yellowtail flounder, ocean pout, and Atlantic wolffish) off the New England and Mid-Atlantic coasts. Some of these species are sub-divided into individual stocks that are attributed to different geographic areas. Commercial and recreational fishermen harvest these species. The FMP has been updated through a series of amendments and framework adjustments.

Amendment 16, which became effective on May 1, 2010, was the most recent amendment to adopt a broad suite of management measures in order to achieve the fishing mortality targets necessary to rebuild overfished stocks and meet other requirements of the M-S Act. In 2011, the NEFMC also approved Amendment 17, which allowed for NOAA-sponsored state-operated permit banks to function within the structure of Amendment 16. Amendment 16 greatly expanded the sector management program and adopted a process for setting Annual Catch Limits that requires catch levels to be set in biennial specifications packages. Several lawsuits are challenging various provisions of Amendment 16, including the amendment's provisions related to sectors and some of the accountability measures.

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Three framework adjustments have updated the measures in Amendment 16. The first, published as Framework 44, became effective on May 1, 2010 concurrently with Amendment 16. It adopted the required specifications for regulated northeast multispecies stocks for fishing years 2010-2012, as well as stocks managed by the U.S./Canada Resource Sharing Agreement. It was also used to incorporate the best available information in adjusting effort control measures adopted in Amendment 16. Framework 45 became effective on May 1, 2011. It built upon revisions made to the sector program in Amendment 16 and Framework 44, set specifications required under the U.S./Canada Resource Sharing Agreement, and incorporated an updated stock assessment for pollock. Finally, Framework 46 is expected to be implemented in late 2011 and will adjust the amount of haddock that is allocated to the midwater trawl herring fishery.

This framework is primarily intended to set specifications for FY 2012-2014 as required by Amendment 16, including those developed under the U.S./Canada Resource Sharing Agreement and incorporating updated stock assessments. It will also build upon revisions made to the fishery administration program in Amendment 16 and Frameworks 44 through 46.

2.2 Purpose and Need for the Action

The Northeast Multispecies FMP requires that the NMFS Regional Administrator, after consultation with the Council, determine the specifications for the groundfish fishery. The FMP requires the Council and the Regional Administrator to review the best available information regarding the status of the resource and fishery and develop appropriate fishery specifications. Previous amendments to the FMP established processes to evaluate fishing mortality and rebuilding progress. If necessary as a result of these evaluations, periodic framework adjustments were planned to facilitate any changes to the management program that may prove necessary in order to comply with the rebuilding programs and to provide an opportunity to adjust other management measures as necessary.

In 2011, the International Fisheries Agreement Clarification Act was modified so that for stocks subject to the U.S./Canada Resource Sharing Understanding, it is possible to exceed the catch levels otherwise required under the Northeast Multispecies Fishery Management Plan if certain conditions are met (described in Section XXX). This change in the law, in addition to scientific reviews of rebuilding process, is another source of need to consider the adjustment of management measures.

Additionally, several elements of Amendment 16 have been updated in recent frameworks in order to allow the fishery to operate more effectively and to ensure that overfishing does not occur. This framework similarly proposes several modifications of that nature.

These specifications and adjustments to Amendment 16, listed in the following table, are intended to meet the goal and many of the objectives of the Northeast Multispecies FMP, as modified in Amendment 16.

To better demonstrate the link between the purpose and need for this action, the following table summarizes the need for the action and corresponding purposes.

| <i>Need for Framework 47</i> | <i>Corresponding Purpose For Framework 47</i> |
|---|---|
| Set specifications for ACLs in Fishing Years 2012-2014 consistent with best available science, the ABC control rules adopted in Amendment 16 to the Northeast Multispecies FMP, the International Fisheries Agreement Clarification Act, and the most recent relevant law | <ul style="list-style-type: none"> • Revisions to status determination criteria, including updated winter flounder assessments • Revision of rebuilding strategy for GB yellowtail flounder • Measures to adopt ACLs, including relevant sub-ACLs and incidental catch TACs • Measures to adopt TACs for U.S./Canada area |
| Modify management measures in order to ensure that overfishing does not occur consistent with the status of stocks, the National Standard guidelines, and the requirements of the MSA of 2006 | <ul style="list-style-type: none"> • Modification of management measures for SNE/MA winter flounder • Modification of restrictions on the catch of yellowtail flounder in Georges Bank access areas • Modification of accountability measures for certain stocks |

2.3 Brief History of the Northeast Multispecies Management Plan

Groundfish stocks were managed under the M-S Act beginning with the adoption of a groundfish plan for cod, haddock, and yellowtail flounder in 1977. This plan relied on hard quotas (total allowable catches, or TACs), and proved unworkable. The quota system was rejected in 1982 with the adoption of the Interim Groundfish Plan, which relied on minimum fish sizes and codend mesh regulations for the Gulf of Maine and Georges Bank to control fishing mortality. The interim plan was replaced by the Northeast Multispecies FMP in 1986, which established biological targets in terms of maximum spawning potential and continued to rely on gear restrictions and minimum mesh size to control fishing mortality. Amendment 5 was a major revision to the FMP. Adopted in 1994, it implemented reductions in time fished (days-at-sea, or DAS) for some fleet sectors and adopted year-round closures to control mortality. A more detailed discussion of the history of the management plan up to 1994 can be found in Amendment 5 (NEFMC 1994). Amendment 7 (NEFMC 1996), adopted in 1996, expanded the DAS program and accelerated the reduction in DAS first adopted in Amendment 5. After the implementation of Amendment 7, there were a series of amendments and smaller changes (framework adjustments) that are detailed in Amendment 13 (NEFMC 2003). Amendment 13 was developed over a four-year period to meet the M-S Act requirement to adopt rebuilding programs for stocks that are overfished and to end overfishing. Amendment 13 also brought the FMP into compliance with other provisions of the M-S Act. Subsequent to the implementation of Amendment 13, FW 40A provided opportunities to target healthy stocks, FW 40B improved the effectiveness of the effort control program, and FW 41 expanded the vessels eligible to participate in a Special Access Program (SAP) that targets GB haddock. FW 42 included measures to implement the biennial adjustment to the FMP as well as a Georges Bank yellowtail rebuilding strategy, several changes to the Category B (regular) DAS Program and two Special Access Programs, an extension of the DAS leasing program, and introduced the differential DAS system. FW 43 adopted haddock catch caps for the herring fishery and was implemented August 15, 2006. Amendment 16 was

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adopted in 2009 and provided major changes in the realm of groundfish management. Notably, it greatly expanded the sector program and implemented Annual Catch Limits in compliance with 2006 revisions to the M-S Act. The amendment also included a host of mortality reduction measures for “common pool” (i.e. non-sector) vessels and the recreational component of the fishery. Framework 44 was also adopted in 2009, and it set specifications for FY 2010 – 2012 and incorporated the best available information in adjusting effort control measures adopted in Amendment 16. Framework 45 was approved by the Council in 2010 and adopts further modifications to the sector program and fishery specifications; it was implemented May 1, 2011. Two more revisions to the FMP have been approved by the NEFMC and are expected to be implemented in late 2011: Framework 46, which revised the allocation of haddock to be caught by the herring fishery and Amendment 17, which authorizes the function of NOAA-sponsored state-operated permit banks. A more detailed description of the history of the FMP is included in Amendment 16, and each of these actions can be found on the internet at <http://www.nefmc.org>.

2.4 National Environmental Policy Act (NEPA)

NEPA provides a structure for identifying and evaluating the full spectrum of environmental issues associated with Federal actions, and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. This document is a combined framework adjustment to a fishery management plan and an environmental assessment (EA). An EA provides an analysis of a Proposed Action, the alternatives to that action that were considered, and the impacts of the action and the alternatives. An EA is prepared rather than an Environmental Impact Statement (EIS) when the environmental impacts are not expected to be significant. The required NEPA elements for an EA are discussed in Section XXX. The evaluation that this action will not have significant impacts is in Section XXX, and the required Finding of No Significant Impact (FONSI) statement is included at the end of that section.

3.0 Alternatives under Consideration

3.1 Updates to Status Determination Criteria, Formal Rebuilding Programs, and Annual Catch Limits

3.1.1 Revised Status Determination Criteria for Winter Flounders

Option 1: No Action

If no action is adopted, there will be no revisions to status determination criteria for the Georges Bank, Gulf of Maine, or Southern New England/Mid-Atlantic winter flounder stocks. The following criteria, as implemented in Amendment 16, would apply:

Table 1 – No Action status determination criteria for winter flounder stocks

| Stock | Biomass Target (SSB _{MSY} or proxy) | Minimum Biomass Threshold | Maximum Fishing Mortality Threshold (F _{MSY} or proxy) |
|-------------------------------|---|---------------------------|--|
| Gulf of Maine Winter Flounder | SSBMSY: SSB/R (40%MSP) | ½ Btarget | F40%MSP |
| GB Winter Flounder | SSBMSY: SSB/R (40%MSP) | ½ Btarget | F40%MSP |
| SNE/MA Winter Flounder | SSBMSY: SSB/R (40%MSP) | ½ Btarget | F40%MSP |

Numerical estimates of SDCs are in Table 2.

Table 2 – No Action numerical estimates of SDCs for winter flounder stocks

| Stock | Model | Bmsy or proxy (mt) | Fmsy or proxy | MSY (mt) |
|------------------------|-------|--------------------|---------------|----------|
| GB Winter Flounder | VPA | 16,000 | 0.26 | 3,500 |
| GOM Winter Flounder | VPA | 3,792 | 0.28 | 917 |
| SNE/MA Winter Flounder | VPA | 38,761 | 0.25 | 9,742 |

Option 2: Revised Status Determination Criteria for Georges Bank, Gulf of Maine, and Southern New England/Mid-Atlantic Winter Flounder Stocks

The M-S Act requires that every fishery management plan specify “objective and measurable criteria for identifying when the fishery to which the plan applies is overfished.” Guidance on this requirement identifies two elements that must be specified: a maximum fishing mortality threshold (or reasonable proxy) and a minimum stock size threshold. The M-S Act also requires that FMPs specify the maximum sustainable yield and optimum yield for the fishery. Amendment 16 adopted status determination criteria for regulated groundfish stocks as determined by the GARM III (NEFSC 2008) and, in the case of Atlantic wolffish, the DPWG (2009). Framework 45 updated status determination criteria for Atlantic pollock to reflect the results of an additional assessment conducted in 2010.

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The NEFSC conducted new assessments for the three New England winter flounder stocks in 2011. These assessments adopted a new model and recommended revised status determination criteria for each stock (NEFSC 2011). This action adopts the revised status determination criteria for these stocks. The review panel recommended the criteria and numerical values in Table 3 and Table 4.

Table 3 – Option 1 status determination criteria for winter flounder stocks

| Stock | Biomass Target (SSB _{MSY} or proxy) | Minimum Biomass Threshold | Maximum Fishing Mortality Threshold (F _{MSY} or proxy) |
|-------------------------------|---|----------------------------------|--|
| Gulf of Maine Winter Flounder | Undefined | Undefined | F40%MSP |
| GB Winter Flounder | SSB _{MSY} | $\frac{1}{2}$ SSB _{MSY} | F _{MSY} |
| SNE/MA Winter Flounder | SSB _{MSY} | $\frac{1}{2}$ SSB _{MSY} | F _{MSY} |

Numerical estimates of SDCs are in Table 4.

Table 4 – Option 2 numerical estimates of SDCs for winter flounder stocks

| Stock | Model | Bmsy or proxy (mt) | Fmsy or proxy | MSY (mt) |
|------------------------|------------|--------------------|---------------|-----------|
| | Swept Area | | | |
| GB Winter Flounder | Biomass | 10,100 | 0.42 | 3,700 |
| GOM Winter Flounder | VPA | Undefined | 0.31 | Undefined |
| SNE/MA Winter Flounder | ASAP/SCAA | 43,661 | 0.290 | 11,728 |

3.1.2 Revised GB Yellowtail Flounder Rebuilding Strategy

Option 1: No Action

The current rebuilding strategy for Georges Bank yellowtail flounder, adopted in FW 45, uses a fishing mortality target that is calculated to rebuild the stock by 2016 with a 50 percent probability of success.

Option 2: Revised Rebuilding Target for Georges Bank Yellowtail Flounder

To be completed

Rationale: In 2011, the International Fisheries Agreement Clarification Act was modified so that for stocks subject to the U.S./Canada Resource Sharing Understanding, it is possible to “exceed the catch levels otherwise required under the Northeast Multispecies Fishery Management Plan if--

- (A) overfishing is ended immediately;
- (B) the fishing mortality level ensures rebuilding within a time period for rebuilding specified taking into account the Understanding pursuant to paragraphs (1) and (2) of this subsection; and
- (C) such catch levels are consistent with that Understanding.”

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In light of the changed law, the stock is exempted from the ten-year requirement for rebuilding, as long as it is rebuilt as quickly as possible and overfishing is ended immediately, taking into account communities and other factors including the purpose and intent of the Understanding itself.

3.1.3 U.S./Canada Resource Sharing Understanding TACs

Option 1: No Action

If no action is taken on specifications, the recommendations of the TMGC would also not be implemented and there would be no TAC for GB cod, haddock, or yellowtail flounder in the U.S./Canada area for FY 2012. Vessels would still be constrained by the other regulations of the FMP, including days-at-sea (DAS), sector regulations, and closed areas.

Option 2: U.S./Canada TACs

To be completed

3.1.4 Annual Catch Limit Specifications

Option 1: No Action

If the No Action options is selected, the specifications for FY 2012 would remain as adopted by FW 44 and FW 45, and there would not be any ABCs s defined for FY 2013 and 2014 (with the exception of pollock). The F Y 2012 ABCs would be as specified in **Table 5**.

Table 5 – No Action/Option 1 Northeast Multispecies OFLs, ABCs, ACLs, and other ACL sub-components for FY 2012 (metric tons, live weight). Values are rounded to the nearest metric ton.

(1) Grayed out values may be adjusted as a result of future recommendations of the TMGC. Values shown for GB haddock and cod are estimates...

| Stock | Year | OFL | U.S. ABC | State Waters Sub-component | Other Sub-Components | Scallops (1) | Groundfish Sub-ACL | Comm Groundfish Sub-ACL | Rec Groundfish Sub-ACL | Preliminary Sectors Sub-ACL | Preliminary Non_Sector Groundfish Sub-ACL | MWT Sub-ACL | Total ACL |
|---------------------------------------|------|--------|----------|----------------------------|----------------------|--------------|--------------------|-------------------------|------------------------|-----------------------------|---|-------------|-----------|
| GB Cod ⁽¹⁾ | 2012 | 8,090 | 5,364 | 54 | 215 | 0 | 4,841 | 0 | 4,841 | 0 | 4,647 | 194 | 5,109 |
| GOM Cod | 2012 | 11,742 | 9,018 | 598 | 299 | 0 | 4,828 | 2,826 | 4,472 | 356 | 0 | 0 | 8,551 |
| GB Haddock ⁽¹⁾ | 2012 | 2012 | 8,090 | 5,364 | 54 | 215 | 0 | 4,841 | 0 | 4,647 | 194 | 0 | 0 |
| GOM Haddock | 2012 | 1,296 | 1,013 | 7 | 29 | 0 | 661 | 259 | 630 | 31 | 2 | 0 | 959 |
| GB Yellowtail Flounder ⁽¹⁾ | 2012 | 4,335 | 1,222 | 0 | 51.2 | 307.5 | 686.3 | 0.0 | 665.7 | 20.6 | 0.0 | 0.0 | 1045.0 |
| SNE/MA Yellowtail Flounder | 2012 | 3,166 | 1,003 | 10 | 40 | 126 | 760 | 0 | 552 | 208 | 0 | 0 | 936 |
| CC/GOM Yellowtail Flounder | 2012 | 1,508 | 1,159 | 12 | 46 | 0 | 1,046 | 0 | 976 | 70 | 0 | 0 | 1,104 |
| Plaice | 2012 | 4,727 | 3,632 | 36 | 145 | 0 | 3,278 | 3,067 | 211 | 0 | 0 | 0 | 3,459 |

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| Stock | Year | OFL | U.S. ABC | State Waters Sub-component | Other Sub-Components | Scallops (1) | Groundfish Sub-ACL | Comm Groundfish Sub-ACL | Rec Groundfish Sub-ACL | Preliminary Sectors Sub-ACL | Preliminary Non-Sector Groundfish Sub-ACL | MWT Sub-ACL | Total ACL |
|------------------------|------|--------|----------|----------------------------|----------------------|--------------|--------------------|-------------------------|------------------------|-----------------------------|---|-------------|-----------|
| Witch Flounder | 2012 | 2,141 | 1,639 | 16 | 66 | 0 | 1,479 | | | 1,406 | 73 | 0 | 1,561 |
| GB Winter Flounder | 2012 | 3,297 | 2,543 | 0 | 127 | 0 | 2,295 | | | 2,227 | 68 | 0 | 2,422 |
| GOM Winter Flounder | 2012 | 685 | 238 | 60 | 12 | 0 | 158 | | | 132 | 26 | 0 | 230 |
| SNE/MA Winter Flounder | 2012 | 2,830 | 1,198 | 96 | 60 | 0 | 969 | | | 0 | 969 | 0 | 1,125 |
| Redfish | 2012 | 12,036 | 9,224 | 92 | 369 | 0 | 8,325 | | | 8,041 | 284 | 0 | 8,786 |
| White Hake | 2012 | 5,306 | 3,638 | 36 | 146 | 0 | 3,283 | | | 3,128 | 156 | 0 | 3,465 |
| Pollock | 2014 | 20,554 | 16,000 | 760 | 1,400 | 0 | 13,148 | | | 12,622 | 526 | 0 | 15,308 |
| N. Windowpane Flounder | 2012 | 19,887 | 15,400 | 754 | 1,370 | 0 | 12,612 | | | 12,108 | 504 | 0 | 14,736 |
| | 2013 | 20,060 | 15,600 | 756 | 1,380 | 0 | 12,791 | | | 12,279 | 512 | 0 | 14,927 |
| | 2014 | 20,554 | 16,000 | 760 | 1,400 | 0 | 13,148 | | | 12,622 | 526 | 0 | 15,308 |

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| Stock | Year | OFL | U.S. ABC | State Waters Sub-component | Other Sub-Components | Scallops (1) | Groundfish Sub-ACL | Comm Groundfish Sub-ACL | Rec Groundfish Sub-ACL | Preliminary Sectors Sub-ACL | Preliminary Non-Sector Groundfish Sub-ACL | MWT Sub-ACL | Total ACL |
|-------------------------|------|-----|----------|----------------------------|----------------------|--------------|--------------------|-------------------------|------------------------|-----------------------------|---|-------------|-----------|
| S. Window-pane Flounder | 2012 | 317 | 237 | 2 | 69 | 0 | 154 | | | 0 | 154 | 0 | 225 |
| Ocean Pout | 2012 | 361 | 271 | 3 | 11 | 0 | 239 | | | 0 | 239 | 0 | 253 |
| Atlantic Halibut | 2012 | 143 | 85 | 43 | 4 | 0 | 36 | | | 0 | 36 | 0 | 83 |
| Atlantic Wolffish | 2012 | 92 | 83 | 1 | 3 | 0 | 73 | | | 0 | 73 | 0 | 77 |

Option 2: Revised Annual Catch Limit Specifications

If Option 2 were selected, the specifications for FY 2012 through FY 2014 would be as specified in **Table 6**. This option defines FY 2012 specifications for twelve stocks that were last assessed at GARM III as the values previously established in FW 44 and FW 45. This is because the Council's SSC recommended against using the results of five to seven year projections to define OFLs and ABCs. No specifications are made for FY 2013 and F Y 2014 for these stocks. Updated assessments will be completed in early 2012 and a future action will use those results for setting the FY 2013 – FY 2014 values. The updated assessments may also lead to changes in the FY 2012 values.

For other stocks that are assessed with an index-based assessment, or that have had an assessment recently completed, specifications are defined for the period FY 2012 – 2014.

A benchmark assessment for GOM cod is planned for December 2011. The results will not be available in time for them to be included in this framework. In order to allow the results to be adopted as quickly as possible, the framework considers and analyzes a range of values that are expected to encompass the likely assessment result. The framework also includes the FY 2012 value that was included in FW 44. After the assessment results are completed, the Council's SSC will use the new results to recommend OFLs and ABCs for FY 2012 – 2014, the Council will consider the recommendations at a Council meeting, and the revised values may be included in the proposed and final rule.

Table 6 – Option 2 Northeast Multispecies OFLs, ABCs, ACLs, and other ACL sub-components for FY 2012 – FY 2014 (metric tons, live weight). Values are rounded to the nearest metric ton. **PRELIMINARY VALUES SHOWN USING FW 44 ACL ADJUSTMENTS, 2011 TMGC RECOMMENDATIONS, AND 2011 SECTOR ROSTERS. THESE VALUES MAY BE ADJUSTED PRIOR TO THE NOVEMBER 2011 COUNCIL MEETING.**

(1) Grayed out values may be adjusted as a result of future recommendations of the TMGC.

| Stock | Year | OFL | U.S. ABC | State Waters Sub-component | Other Sub-Components | Scallops | Groundfish Sub-ACL | Comm Groundfish Sub-ACL | Rec Groundfish Sub-ACL | Preliminary Sectors Sub-ACL | Preliminary Non_Sector Groundfish Sub-ACL | MWT Sub-ACL | Total ACL |
|---------------------------------------|------|--------|----------|----------------------------|----------------------|----------|--------------------|-------------------------|------------------------|-----------------------------|---|-------------|-----------|
| GB Cod ⁽¹⁾ | 2012 | 7,311 | 5,103 | 51 | 204 | 0 | 4,605 | 0 | 0 | 4,372 | 233 | 0 | 4,861 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |
| GOM Cod | 2012 | 11,742 | 9,018 | 598 | 299 | 0 | 4,828 | 4,828 | 2,826 | 4,472 | 356 | 0 | 8,551 |
| | Low | 7,000 | 5,000 | 332 | 166 | 0 | 2,677 | 2,677 | 1,567 | 2,479 | 198 | 0 | 4,741 |
| | High | 14,000 | 12,000 | 796 | 398 | 0 | 6,424 | 6,424 | 3,761 | 5,950 | 474 | 0 | 11,379 |
| GB Haddock ⁽¹⁾ | 2012 | 54,150 | 30,726 | 307 | 1,229 | 0 | 27,438 | 0 | 0 | 26,674 | 765 | 286 | 29,260 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |
| GOM Haddock | 2012 | 1,296 | 1,013 | 7 | 29 | 0 | 653 | 653 | 259 | 622 | 31 | 9 | 958 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |
| GB Yellowtail Flounder ⁽¹⁾ | 2012 | 1,691 | 691 | 0 | 12.7 | 307 | 120.8 | 0 | 0 | 308 | 21 | 0 | 441.0 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |
| SNE/MA Yellowtail Flounder | 2012 | 3,166 | 1,003 | 10 | 40 | 126 | 760 | 0 | 0 | 552 | 208 | 0 | 936 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |
| CC/GOM Yellowtail Flounder | 2012 | 1,508 | 1,159 | 12 | 46 | 0 | 1,046 | 0 | 0 | 976 | 70 | 0 | 1,104 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |
| Plaice | 2012 | 4,727 | 3,632 | 36 | 145 | 0 | 3,278 | 0 | 0 | 3,067 | 211 | 0 | 3,459 |
| | 2013 | | | | | | | | | | | | |
| | 2014 | | | | | | | | | | | | |

| Stock | Year | OFL | U.S. ABC | State Waters Sub-component | Other Sub-Components | Scallops | Groundfish Sub-ACL | Comm Groundfish Sub-ACL | Rec Groundfish Sub-ACL | Preliminary Sectors Sub-ACL | Preliminary Non_Sector Groundfish Sub-ACL | MWT Sub-ACL | Total ACL |
|-------------------------|------|--------|----------|----------------------------|----------------------|----------|--------------------|-------------------------|------------------------|-----------------------------|---|-------------|-----------|
| Witch Flounder | 2012 | 2,141 | 1,639 | 16 | 66 | 0 | 1,479 | 0 | 0 | 1,406 | 73 | 0 | 1,561 |
| | 2013 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GB Winter Flounder | 2012 | 4,839 | 3,753 | 0 | 188 | 0 | 3,387 | 0 | 0 | 3,287 | 100 | 0 | 3,575 |
| | 2013 | 4,819 | 3,750 | 0 | 188 | 0 | 3,384 | 0 | 0 | 3,284 | 100 | 0 | 3,572 |
| | 2014 | 4,626 | 3,598 | 0 | 180 | 0 | 3,247 | 0 | 0 | 3,151 | 96 | 0 | 3,427 |
| GOM Winter Flounder | 2012 | 1,458 | 1,078 | 272 | 54 | 0 | 715 | 0 | 0 | 597 | 118 | 0 | 1,040 |
| | 2013 | 1,458 | 1,078 | 272 | 54 | 0 | 715 | 0 | 0 | 597 | 118 | 0 | 1,040 |
| | 2014 | 1,458 | 1,078 | 272 | 54 | 0 | 715 | 0 | 0 | 597 | 118 | 0 | 1,040 |
| SNE/MA Winter Flounder | 2012 | 2,336 | 626 | 53 | 31 | 0 | 504 | 0 | 0 | 0 | 504 | 0 | 588 |
| | 2013 | 2,637 | 697 | 56 | 35 | 0 | 564 | 0 | 0 | 0 | 564 | 0 | 655 |
| | 2014 | 3,471 | 912 | 73 | 46 | 0 | 738 | 0 | 0 | 0 | 738 | 0 | 856 |
| Redfish | 2012 | 12,036 | 9,224 | 92 | 369 | 0 | 8,325 | 0 | 0 | 8,041 | 284 | 0 | 8,786 |
| | 2013 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| White Hake | 2012 | 5,306 | 3,638 | 36 | 146 | 0 | 3,283 | 0 | 0 | 3,128 | 156 | 0 | 3,465 |
| | 2013 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pollock | 2012 | 19,887 | 15,400 | 754 | 1,370 | 0 | 12,612 | 0 | 0 | 12,108 | 504 | 0 | 14,736 |
| | 2013 | 20,060 | 15,600 | 756 | 1,380 | 0 | 12,791 | 0 | 0 | 12,279 | 512 | 0 | 14,927 |
| | 2014 | 20,554 | 16,000 | 760 | 1,400 | 0 | 13,148 | 0 | 0 | 12,622 | 526 | 0 | 15,308 |
| N. Window-pane Flounder | 2012 | 230 | 173 | 2 | 50 | 0 | 113 | 0 | 0 | 0 | 113 | 0 | 165 |
| | 2013 | 230 | 173 | 2 | 50 | 0 | 113 | 0 | 0 | 0 | 113 | 0 | 165 |
| | 2014 | 230 | 173 | 2 | 50 | 0 | 113 | 0 | 0 | 0 | 113 | 0 | 165 |

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| Stock | Year | OFL | U.S. ABC | State Waters Sub-component | Other Sub-Components | Scallops | Groundfish Sub-ACL | Comm Groundfish Sub-ACL | Rec Groundfish Sub-ACL | Preliminary Sectors Sub-ACL | Preliminary Non-Sector Groundfish Sub-ACL | MWT Sub-ACL | Total ACL |
|-------------------------|------|-----|----------|----------------------------|----------------------|----------|--------------------|-------------------------|------------------------|-----------------------------|---|-------------|-----------|
| S. Window-pane Flounder | 2012 | 515 | 386 | 4 | 112 | 0 | 251 | 0 | 0 | 0 | 251 | 0 | 367 |
| | 2013 | 515 | 386 | 4 | 112 | 0 | 251 | 0 | 0 | 0 | 251 | 0 | 367 |
| | 2014 | 515 | 386 | 4 | 112 | 0 | 251 | 0 | 0 | 0 | 251 | 0 | 367 |
| Ocean Pout | 2012 | 342 | 256 | 3 | 10 | 0 | 226 | 0 | 0 | 0 | 226 | 0 | 239 |
| | 2013 | 342 | 256 | 3 | 10 | 0 | 226 | 0 | 0 | 0 | 226 | 0 | 239 |
| | 2014 | 342 | 256 | 3 | 10 | 0 | 226 | 0 | 0 | 0 | 226 | 0 | 239 |
| Atlantic Halibut | 2012 | 143 | 85 | 43 | 4 | 0 | 36 | 0 | 0 | 0 | 36 | 0 | 83 |
| | 2013 | 143 | 85 | 43 | 4 | 0 | 36 | 0 | 0 | 0 | 36 | 0 | 83 |
| | 2014 | 143 | 85 | 43 | 4 | 0 | 36 | 0 | 0 | 0 | 36 | 0 | 83 |
| Atlantic Wolffish | 2012 | 92 | 83 | 1 | 3 | 0 | 73 | 0 | 0 | 0 | 73 | 0 | 77 |
| | 2013 | 92 | 83 | 1 | 3 | 0 | 73 | 0 | 0 | 0 | 73 | 0 | 77 |
| | 2014 | 92 | 83 | 1 | 3 | 0 | 73 | 0 | 0 | 0 | 73 | 0 | 77 |

3.2 Commercial and Recreational Fishery Measures

3.2.1 Management Measures for SNE/MA Winter Flounder

Option 1: No Action

Landing SNE/MA winter flounder would continue to be prohibited for all commercial and recreational vessels. This stock would not be allocated to sectors.

Option 2: Allocate SNE/MA winter flounder to the fishery

Although Amendment 16 did not allocate the SNE/MA winter flounder stock to sectors, it stipulated that this could "...be considered and adopted in the biennial specification or framework process in the event a future allocation can be made available. If an allocation of SNE/MA winter flounder is made, it will be made in the same manner as for other multispecies stocks" (NEFMC 2010).

This measure would create the allocation of SNE/MA winter flounder to sectors in the same manner as the allocation is calculated for other multispecies stocks. This entails using permit history from FY 1996-2006 to calculate a PSC for each vessel in the fishery. All sector provisions would apply to fishing for SNE/MA winter flounder. For example, if a sector did not have ACE for SNE/MA winter flounder, it would not be allowed to fish in the SNE/MA winter flounder stock area unless its operations plan specified how such activity could occur without catching the stock.

Both sector and common pool groundfish vessels would be allowed to land SNE/MA winter flounder. This measure would also result in a specific sub-ACL for the common pool which, if necessary, may be subject to a trip limit as established by the Regional Administrator and if caught would trigger AMs for the common pool as described by Amendment 16. Beginning with FY 2012, as described in Amendment 16, the common pool ACL for this stock would be distributed over three trimesters. If a trimester ACL would be exceeded, then common pool vessels would be subject to stock-specific area closures as implemented by Amendment 16.

An allocation would not be made between the commercial and recreational fisheries, as it was determined in Amendment 16 that federal waters catch for this stock was less than five percent of removals.

Recreational vessels would not be allowed to land SNE/MA winter flounder.

The June 2011 Council motion was silent on whether recreational vessels would be allowed to land SNE/MA winter flounder.

Draft
September 15, 2011

Rationale: This measure would allow fishermen to modify their behavior to control catches and would provide sampling information on a stock with very poor data. It is also not considered to be likely to increase targeting of the stock since the ACL is so low.

3.2.2 Scallop Catch of Yellowtail Flounder in GB Access Areas – Modification of Restrictions

Option 1: No Action

The scallop fishery is subject to a maximum catch of yellowtail flounder in GB access areas (Closed Area 1, Closed Area 2, and the Nantucket Lightship Area). These TACs are equivalent to 10% of the total GB yellowtail flounder TAC (CA1 and CA2) and 10% of the total SNE/MA YT ACL (NL). This TAC has been in place since the scallop fishery was granted access into GF mortality closed areas in 1999.

Option 2: Eliminate cap on yellowtail flounder caught in the GB access areas

This alternative would remove the 10% cap on yellowtail flounder that can be caught in the scallop fishery access areas. The scallop fishery would still be subject to its sub-ACL of yellowtail flounder as specified in section 3.1.4, but there would not be any limits on how much of the sub-ACL could be caught in a Georges Bank access area.

Rationale: The scallop fishery is now subject to ACLs since the implementation of Amendment 15 to the Scallop FMP in 2011, and a total amount of GB yellowtail flounder that can be caught by the scallop fishery was allocated in Framework 45 to the Northeast Multispecies FMP. Because the ACLs limit the overall amount of scallops and yellowtail that can be caught, restricting the amount that can be caught in the access areas is seen to be a redundant rule that is no longer necessary to meet mortality objectives.

3.2.3 Accountability Measures

Option 1: No Action

If the No Action option is selected the AMs for Atlantic halibut, ocean pout, windowpane flounder, and Atlantic wolffish would remain as adopted by Amendment 16. These measures provide that if total catches (by all sources) exceed the ACL, fishing activity by common pool vessels is constrained. *(to be completed)*

Option 2: Revised Accountability Measures for Atlantic Halibut, Ocean Pout, Windowpane Flounder, and Atlantic Wolffish

(To be completed)

