



New England Fishery Management Council

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MEMORANDUM

DATE: September 14, 2012
TO: Groundfish Oversight Committee
FROM: Groundfish Plan Development Team
SUBJECT: **Framework 48 Development**

1. The PDT met in New Bedford, MA on September 11, 2012 to continue work on FW 48. The PDT discussion focused on increased access to groundfish closed areas and at-sea monitoring issues. PDT participants included Tom Nies and Fiona Hogan (NEFMC), Dan Cales, Tim Cardiasmenos, Michael Ruccio, and Melissa Hooper (NMFS NERO), Chad Demarest, Paul Nitschke, and Evan Bing-Sawyer (NMFS NEFSC), Steve Correia (MA DMF), Sally Roman (UMASS Dartmouth), and Sally Sherman (ME DMR). Sarah Heil (NMFS NERO), Susan Wigley (NMFS NEFSC), and Michelle Bachmann (NEMFC) participated in parts of the discussion via conference call. Jessica Joyce and Dr. Jenny Sun (GMRI), and Libby Etrie also attended the meeting.

Closed Area Access

2. The PDT discussed the following motion passed by the Groundfish Oversight Committee at its August 2, 2012 meeting:

“Motion: the Committee requests the Council include in this framework the following options in FW 48:

1. Open the Nantucket Light Ship closed area year round.
2. Open closed Area I from May 1 – February 15 for the use of selective fishing gear.
3. Open Closed Area II south of 41-50N from May 1 through February 15 for the use of selective fishing gear.

4. Open the Western Gulf of Maine Closed Area, except for the area within the WGOM closed area referred to as “Jeffreys Ledge” on page 5 of the Habitat PDT memo dated August 15, 2011.
5. Open the Cashes Ledge Closed Area year round except for the areas around Ammen Rock identified as Habitat Area, consistent with the Habitat PDT recommendation #4 on page 3 of the Habitat PDT memo dated August 15, 2011.
6. Items 4 and 5 are to consider recent changes that may have been made by the Habitat Committee.”

3. Subsequent to the meeting, Council, NOAA GC, and NERO staff discussed the steps necessary to implement this motion. The advice of NERO and NOAA GC is that implementing the Committee motion would require an amendment and an EIS. This is due to the scope of the proposed changes and the fact that a NOI has already announced the intent to prepare an EIS in support of the Omnibus Habitat amendment consideration of modifications to closed areas. Because of the time necessary to complete an amendment and EIS it is not possible that the action could be implemented in time for much benefit to FY 2013. At best the action might be implemented in December 2013 (Table 1). Diverting resources to this action would likely delay progress on the Omnibus Habitat amendment.

Table 1 - Draft timeline for completing an amendment and EIS to modify access to groundfish closed areas. This timeline does not allow for any delays or complications.

Timeline	Meeting Schedule	Environmental Impact Statement (EIS) Track Option 1 – Council Action
Sept 2012	Council Meeting	Motion to Initiate EIS and NOI
October 2012		NOI/Scoping (30 days)
October-December 2013		Ad-hoc Group Development DEIS Development
January 2013	Council Meeting	Council Discuss/Select Alternatives
February 2013		DEIS Development and Analyses
Late March 2013	Council Meeting	Council submits DEIS to NMFS NERO Review/NEFSC
Late March 2013		NOA for DEIS-- (45 days)
Late-April 2013		DEIS Public Hearings, Comments
May 2013		FEIS Development
June 2013	Council Meeting	Council Recommends Final Measures, Adopts FEIS
June/July 2013		Initial Draft FEIS submitted to NMFS
July 2013		Final submission of FEIS to NMFS
August 2013		NOA for Amendment (60 days)
Late August 2013		NOA for FEIS (30 day cooling off) Proposed Rule (45 days)
November 2013		ROD clearance/Final Rule/Amendment Approval
December 2013		Implementation

4. The PDT discussed an alternative approach that might provide some of the benefits of the Committee motion without the need to complete an amendment and EIS. The main concern with the Committee motion is that it modifies access to habitat closure areas, but there are some parts of the year-round closed areas that are not habitat areas. At present, sectors are not allowed to request an exemption from year round closed areas. If FW 48 considered a change that would allow sectors to request an exemption from the part of year-round closed areas that are not habitat areas, then sectors could request an exemption in their Operations Plans¹. The sector ops plan NEPA document (typically prepared by NERO) would be used to analyze the impacts. This path might prove a faster way to gain some access to the closed areas. This approach would not provide access to these areas for common pool vessels.

5. Based on discussions with NERO and NOAA GC, the sector NEPA document could probably be an EA. Care would have to be taken to keep the scope of the action limited to avoid the need for an EIS, which would delay access until later in the fishing year. One issue that has not yet been fully explored is whether increased access would trigger a need for additional analyses of the impacts on Protected Species. This could conceivably elevate the NEPA requirement to an EIS, or lead to the need for a revised biological opinion, which may delay access until after the start of the fishing year. NERO staff will be prepared to discuss this issue at the September Committee meeting.

6. For the Committee's consideration, the PDT has prepared draft management measure text that would implement this suggested alternative (see enclosure (1)). The text attempts to adhere to the language of the Committee motion as much as possible. Key points to note are:

- a) Sectors would only be allowed to request access to the areas and at the times defined in the Committee motion. There would not be increased access for common pool vessels.
- b) Gear requirements would be as specified by the Committee motion. For example, as discussed by the Committee, sink gillnets would not be allowed access.
- c) The Omnibus Habitat Amendment is considering a Habitat Management Area on Fippennies Ledge. The suggested text would not allow sectors to fish in this area until the Omnibus Amendment decision is final on what measures if any, would apply to this area.
- d) The suggested text clarifies that this does not allow sectors to request access to the parts of the WGOM Closed Area that overlap GOM rolling closures that are applicable to sectors.

¹ NERO would have to allow sectors an opportunity to modify their Operations Plans, which were submitted on September 1, 2012. NERO has indicated this would be possible.

Scallop Access Area Timing

7. Scallop FW 24 will be a joint groundfish scallop action that considers revising the dates for access to the GB access areas (NLCA, CAI, and CAII). A full report and PDT recommendation on this issue will be provided at a future date. The PDT reviewed results of an ongoing experiment that samples scallop and other species catches in CAI and CAII using commercial scallop dredges. The PDT is concerned that the sampling was conducted in such a way that it is not possible to draw conclusions on the catches of yellowtail flounder within the entire access areas. The data for CAI are limited and the PDT does not believe it is adequate to draw conclusions on yellowtail bycatch rates in CAI as a result. The data for CAII are more broadly distributed and conclusions for most of that area are possible. Generally, the catch of yellowtail flounder per tow is higher in CAII in the months of August, September, and October than during the rest of the year.

8. The PDT will investigate the possible impacts of a change in access dates on groundfish spawning activity and on bycatch of other groundfish species (most importantly, winter flounder and windowpane flounder) before presenting a final recommendation. YTF spawning activity on GB is documented to occur in late spring/early summer; what is less well documented are the locations of spawning, spawning behavior, and whether fishing activity such as scallop dredging interferes with spawning. The fact that CAII YTF catch rates per tow are lower in May and June may indicate that YTF are not aggregating for spawning in that area, but this needs further review.

9. If the access area periods are changed, whether it will lead to reduced catches of yellowtail flounder or other groundfish species does not only depend on the changes in catch rates. It will depend on whether effort is shifted out of high catch rate months, and it will depend on whether total scallop catches increase.

GB Yellowtail Flounder Operating Area

10. At the June 2012 Council meeting, the Council passed the following motion:

“that the Council look into redrawing the Georges Bank Yellowtail flounder area in the sector framework.”

The concept behind this motion was that since there are areas within the GB YTF stock area where little YTF is caught, there should be a mechanism that allows sectors to fish in that area without being charged for YTF discards generated in other areas, or to fish in that area

after catching most, or all, of the sector's GB YTF ACE. It was clarified at the Council meeting that this was not an attempt to redraw the GB YTF stock area.

11. This issue is not without complications, which are described in detail in enclosure (2). They are briefly summarized below:

- a) Discard rates are based on the entire stock area. If a separate area is created, discard rates will need to be stratified differently, which could be problematic depending on the design of the area. If an area of low discard rates is removed from the stock area, discard rates in the remaining area will likely increase.
- b) AMs. Allowing fishing to continue after 100% of ACE is caught will undermine the effectiveness of the AM system.
- c) US/CA Understanding: Similar to the AM issue, allowing sectors to fish after the GB YTF ACE is caught could undermine compliance with the provisions of the US/CA Understanding.
- d) Precedent: This change could be viewed as a precedent for similar issues with other stocks, which could vastly complicate the sector program if granted.
- e) Sector exemptions: Many sector exemptions are partially justified by the requirement to end fishing when ACE is caught. If fishing is allowed to continue, this justification is weakened.

12. PDT members noted that sectors already have the ability to modify behavior in order to reduce the impacts of low GB YTF ACE. Sectors vessels can agree to fish in areas with low catch rates, and can agree to use gear that reduces YTF catches. If a regulatory solution is selected, sectors will lose much of their flexibility to adapt as necessary over the course of the fishing year. The PDT believes it would be better to allow sectors to address these issues through their operations. An alternative might be to stratify discard estimates by statistical area, as mentioned earlier. But it should be recognized that if this is done, the discard rates in some areas will increase if the area with low catch rates is removed from the calculation.

No Possession of GB YTF in FY 2013

13. One of the measures the Committee is considering would prohibit possession of GB YTF in FY 2013 and would not allocate this stock to sectors in that year. If this measure is adopted, it creates an issue with respect to AMs should there be an overage of the GB YTF ACL in FY 2012. The Council requested NMFS exempt scallop vessels from the GB YTF AM in FY 2012 using the rationale that any overage can be accounted for by reducing the quota in 2013 as per the US/CA Understanding, which would reduce allocations to sectors and the common pool; a response is still pending. But if the stock is not allocated in FY 2013, and possession is prohibited, then there would not be any impact of reducing quota. As a result, there would not be an effective reactive AM in FY 2013 for overages in FY 2012. Some provision would need to be made for an AM if this measure is adopted. As an example,

the Eastern US/CA area could be closed to groundfish fishing for all or part of the year if the ACL is exceeded in FY 2012 (though this would undermine proposals to open parts of closed areas)..

14. If there is no possession in FY 2013, there may be little incentive to avoid catching and discarding YTF. Given the expected low ACL there is a possibility that catches may rapidly exceed the ACL and the U.S. TAC. It appears the regulations implementing the US/CA Understanding would allow NERO to take in-season action if necessary to prevent overfishing. If the Committee concurs, this will be clarified in the measure text.

At-Sea Monitoring Issues

Sector Trips Not Landing Groundfish

15. In January the Committee directed the PDT to consider changes to the ASM deployment to increase cost efficiency and ASM coverage for those trips most likely to land a substantial amount of groundfish. Presumably the opposite is also desired: reduce coverage on trips with little likelihood of catching groundfish. One possible example occurs on trips that are defined as sector trips because of the overlap between the groundfish, monkfish, skate, and dogfish plans, but that catch only small amounts of groundfish.

16. The PDT examined landed distribution of groundfish by mesh size for trawl and sink gillnet gear. The analyses were performed by sub-trip. These data suggest that there are extra-large mesh sink gillnet sub-trips that do not land much groundfish (if any). For vessels taking day trips this conclusion seems to be borne out. However, other data show that in the case of multi-day trips by vessels using extra-large mesh sink gillnets, groundfish is a significant proportion of landings. So there must be other behaviors that determine whether groundfish is caught on these trips – gear is not the sole determinant.

17. The PDT asked NERO to take a closer look at the data to see if it is possible to identify the characteristics that lead to the different groundfish landing rates. This investigation will include determining if there is a seasonal component, an area component (at the broad reporting area level), as well as evaluating how often vessels use multiple gears on a trip.

18. Should it be possible to identify the type of trips that could have a different coverage rate, it should be understood that implementation would probably require additional discard strata. In addition, once a vessel operator declared the type of trip that was planned (for example, a single-day extra-large mesh gillnet trip), he could not deviate from that declaration or the discard estimates could be affected. At the same time, removing observed trips with little groundfish catch from a stratum will increase discard rates for those vessels still in the stratum. It may be necessary to create additional strata so that discard estimates are not biased.

Proportional Monitoring of Discards

19. Dr. Jenny Sun, GMRI, presented a draft paper to the PDT on a concept referred to as proportional monitoring of discards. This was a revision of a paper presented to the PDT earlier this summer, and addressed some of the suggestions made by the PDT at that earlier meeting. The underlying question is relatively straightforward: can ASM funds be used more effectively if observer coverage is weighted towards those trips that discard more groundfish per seaday?

20. Dr. Sun's new analyses examined observer coverage rates based on trips, seadays, landings, and discards. Data was categorized based on trip length (24 hours or less, and over 24 hours), vessel size, and gear. The data were not examined by stock – only total catches were used. In most cases, within a trip length, size, and gear category, the coverage rates based on trips and sea days are similar. Coverage rates based on groundfish landings or discards often differ from coverage rates based on trip or seaday.

21. Within each category, the pounds of groundfish discarded per seaday can be calculated. Generally, more discards are generated with trawls, more are generated on multi-day trips, and more are generated on larger vessels. A simulation study shows that more of the discards can be observed if observer coverage is weighted by these amounts.

22. A number of questions were posed by the PDT.

- The analyses were performed using total discards. For some stocks, the distribution of discards by category does not match the distribution of overall discards. As an example, multi-day trips account for 75 percent to total discards but only 25 percent of GOM cod discards. What would the effect on discard estimation at the stock level if coverage was weighted by total discards? Would the results look different if performed at the stock level?
- What would be the effect of a revised weighting scheme on the precision of discard estimates?
- Would this approach increase the number of strata that are sample? For example, if trip length became a factor, wouldn't this double the number of strata, increasing observer costs?
- Would a weighting approach increase the number of strata that do not meet the number of trips necessary to apply an in-season rate?
- How would this be incorporated into the PTNS system? A suggestion was made that PTNS could be used only to select NEFOP trips. Trips that are not selected for NEFOP would be turned over to the provider, who would apply the appropriate criteria to assign ASM to those trips. The PDT emphasized that any selection would

need to be random, and there must be some assurances that this is the case if the data are to be used. This might require additional supervision of the providers by NERO.

- How does this factor into precision? Is precision the more important factor, rather than the amount of discards observed?
- What would be the mechanism for adopting such an approach? Would it be expected that the sectors would administer the selection?
- If this approach is adopted, would it prevent ASM data from being combined with NEFOP data for assessment purposes?
- Would weighting ASM by discards shift coverage away from ports or fishing areas?
- Often the vessels with the highest total discards have the lowest discard rates (the high discards are driven by large kept catch amounts). Does this approach penalize these vessels?

23. The PDT will further discuss this approach at future meetings. They asked Dr. Sun to examine the issue for a few stocks to see if that changes the results, and to remove the day/multi-day trip criteria.

Monitoring Effects/Standard for Observer Coverage

24. The PDT received an update on efforts to determine if vessels behave differently on observed and unobserved trips. These analyses show that there are small but statistically significant differences between observed and unobserved trips for many of the examined metrics. For example, vessels keep more total catch, more groundfish, and make longer trips when observers are not on board. The problem is using this information on metrics that can be monitored on observed and unobserved trips to draw conclusions about discards that occur on unobserved trips. This is the most difficult part of trying to craft a standard for observer coverage. If monitoring effects introduce a bias into discard estimates, the impact tends to dwarf the effect of different CV levels. So it becomes critical to try to know what may be unknowable – the true discards on unobserved trips.

25. The PDT wrestled with this issue at length. While a resolution was not reached, the PDT is aware that time is running out to develop an alternative if ASM standards are to be revised in FW 48. Several ideas will be explored:

- The ability of vessels to fish differently on unobserved trips is not limitless. Is it possible to determine what the opportunity costs of discarding fish on unobserved trips may be in order to characterize the limits on any monitoring effect?
- Can we identify the level of observer coverage needed to detect if there are changes in monitoring effects? For example, to show that there are large changes in the metrics examined over time? Increased differences between observed and unobserved trips might be used to infer the need to increase observer coverage.

26. During the course of the discussion, several questions for the Committee came up concerning the goals of at-sea monitoring.

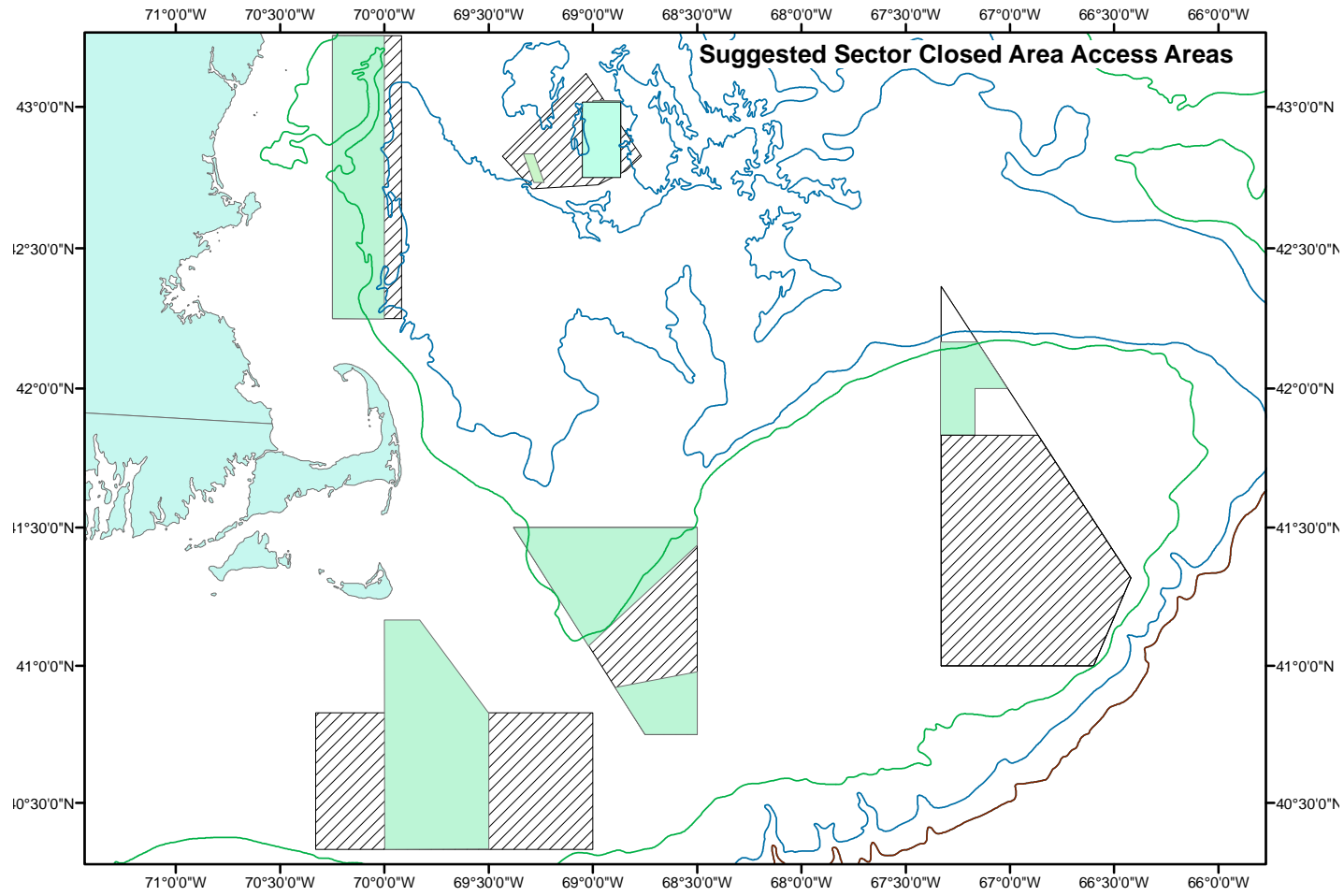
- Should small amounts of ACE be subject to the same monitoring standards as larger amounts? As an example, are we as interested in accurate and precise estimates for a sector that has very little ACE as we are for a sector that has a large ACE? Is the Committee interested in accurate or precise estimates for a gear that has very little ACE? These two things might not result in the same coverage rates for individual sectors.
- Is the goal of sector monitoring to make sure that sectors do not exceed their ACE, or to make sure that catch estimates are accurate and precise? The first phrase would suggest that if only a small amount of ACE is being caught there may not be as great a need for accuracy and precision. But the second phrase would suggest that effort should still be expended in these cases in order to have accurate catch information for assessments.
- If the Committee supports focusing observer coverage on vessels that generate the most discards, it should also consider that this may shift the burden of observer coverage from some groups of vessels to others and give guidance on equity issues involved with that. Is there a limit on how low observer coverage could be in a stratum, or how high a stratum or other subgroup's CV may go?

Enclosure (1)
Suggested Sector Closed Area Access Measure Text:

Sectors can request an exemption from the prohibition on fishing in year round closed areas consistent with the following limitations:

- Access will only be granted for the parts of areas that are not defined as habitat closed areas, or that have not been identified as potential habitat management areas as part of the development of the Omnibus Habitat Amendment. Access to CAII would only be considered for the area south of 41-50N. See the attached Figure 1 for the areas where access will be allowed.
- Access to Closed Area I and Closed Area II will only be granted for the period May 1 through February 15;
- Access to Closed Area I and Closed Area II will only be granted to commercial groundfish fishing vessels using gears approved under the provisions of 50 CFR 648.85 (a)(3)(iii), 50 CFR 648.85 (b)(6)(iv)(J)(2)(i) or (ii), , longlines, or handlines;
- Access to the WGOM Closed Area will only be granted during periods not subject to rolling closures that are applicable to sectors.

Figure 1 – Suggested sector closed area access areas (cross hatched areas only)



Enclosure (2)

Revising the GB yellowtail “stock area” closure for sectors

Currently sector vessels are required to stop fishing in a stock area if their sector has harvested the entire ACE for that stock until such time as the sector is able to acquire more ACE for that stock (Section 4.2.3.4 of Amendment 16 FEIS). These “stock areas” are defined in the regulations and are consistent with the stock area defined for each stock in its assessment. Consequently, these closures are broad areas that can prevent a sector from targeting more abundant stocks if they trigger a stock area closure due to fully harvesting a more limiting stock. For example, if a sector has a more limited allocation of GB yellowtail flounder they would have to stop fishing on Georges Bank once they have caught their full GB yellowtail ACE, even if they had unused ACE remaining for GB cod or haddock. There are no exceptions to this rule for any areas or gear types while on a sector trip.

At their June 2012 meeting, the New England Fishery Management Council passed a motion to consider in Framework 48 redrawing the “stock area” that closes to sector vessels when their GB yellowtail ACE is caught. Currently this area encompasses the entire GB yellowtail stock area, including the entire U.S./Canada Management Area. Presumably, the Council’s intent was only to change the “stock area” defined for the purpose of closing an area to sectors when their full allocation is caught and not the stock area as defined in the assessment or for the purpose of calculating vessel PSCs and sector ACEs. This document attempts to highlight some of the implementation issues that might arise from modifying the GB yellowtail stock area closure to exclude some portion of the GB yellowtail stock area.

Discard Rates

Both landings and discards are applied to sector ACEs. Each sector has a discard rate that is calculated from observed trips and applied to each unobserved fishing trip to determine the total discards for each stock. Discard rates are calculated for each “strata” or combination of sector, stock, and gear type. Thus, if a portion of the GB yellowtail stock area were identified where sector vessels could fish and have little or no catch of yellowtail flounder and excluded from the closure, any sector vessels fishing in this area after the rest of the stock area was closed would still be charged yellowtail discards based on the cumulative discard rate for trips in the entire GB yellowtail stock area throughout the fishing year. In addition, sector vessels would still be required to land any legal-sized yellowtail that is caught. Landings and discards would still be applied to the sector’s ACE and the overall GB yellowtail ACL/TAC. In this way, a sector could end up with an overage that would need to be deducted from their allocation in the following year. The sector may be able to lease additional ACE to cover the overage before the end of the year, but presumably if any ACE were available the sector would already have leased the available quota and this measure would be unnecessary.

One way to address the discard rate issue would be to create separate discard rate strata for the excluded area. This means that only observed trips in the excluded area throughout the year go into the inseason discard rate for the excluded area. So if sector vessels are successful at avoiding yellowtail in the excluded area throughout the year, the discard rate would reflect that and they may be able to reduce or avoid the discards charged altogether. However, establishing new strata has several drawbacks:

- The GB yellowtail stock area and, thus, the discard rates are based on whole stat areas. Creating a new area in some portion of the stock area would require bisecting some of

the statistical areas. Determining which strata applies to observed and unobserved trips would require using latitude/longitude data, rather than stat areas, which is incomplete and inconsistent especially over small areas. Observer data could be used to verify point locations on observed trips. VMS might be able to be used to verify area fished on unobserved trips, but calculating area fished from VMS can be time consuming and may affect the timeliness of discard data.

- Increasing strata could also require an increase in observer coverage to get sufficient number of trips to meet the 30% CV.
- Bisecting stat areas may remove some observed trips that have lower yellowtail discards from the existing discard rates, resulting in higher discard rates in “old” GB yellowtail strata.

100% observer/ASM coverage on trips into the excluded area could be required rather than using discard rates. However, this would increase costs that might not be offset by continued access to Georges Bank. In addition, 100% coverage of trips with low yellowtail bycatch could bias discard rates, which are cumulative and retroactively applied to fishing trips back to the start of the fishing year, because it is not representative of sector fishing before the closure. Thus, separate strata may still be needed with 100% coverage.

Accountability Measures

The requirement for sector vessels to stop fishing when an ACE is fully harvested was identified in Amendment 16 as part of the “AM system” developed for the sector portion of the groundfish fishery. Stock area closures are an in-season AM, along with reporting and monitoring requirements and ACE trading to cover overages, coupled with reactive overage reductions in the following fishing year. Because, by definition, this measure would not kick in until after a sector has harvested 100% of its GB yellowtail ACE, allowing sector vessels to continue fishing in a stock area and accrue discards (maybe landings too) after their ACE is caught undermines the effectiveness of this measure to prevent sectors from exceeding their ACE. Thus, if modified, the remaining measures would have to be evaluated to determine if they would still be an effective AM system. A sector may be able to lease-in allocation to cover any overage, but at low ACL levels little ACE is likely to be available. And as noted earlier, presumably if any ACE were available the sector would already have leased it and this measure would be unnecessary. The pound-for-pound payback for an overage is intended to provide a sector an additional incentive to carefully monitor its catch and obey the in-season AMs. But, if a sector is utilizing this exemption and has no expectation that it will be able to lease additional quota to cover an overage, the sector is theoretically fishing against its following-year’s allocation. Thus, this measure increases the risk of an overage.

US/Canada Area Management

The RA retains the authority as part of the US/CA area regulations to close the Eastern US/CA Area to any sector that is projected to have caught 100% of its GB yellowtail allocation. However, as the GB yellowtail TAC applies to the entire US/CA area, this measure is not sufficient to prevent the catch of GB yellowtail flounder once the TAC is caught and prevent an overage. Amendment 16 and subsequent sector exemptions relieved inseason effort controls for sector vessels (e.g. trip limits, gear restrictions) based on the premise that sectors are subject to a hard TAC and have to stop fishing when an ACE is reached. Removing this restriction allows a sector to risk catching beyond its allocation, potentially undermining the Council’s ability to effectively manage effort in the US/Canada area to reach but not exceed the GB yellowtail TAC.

Establishing a Precedent

This measure addresses only the stock area closure for GB yellowtail, but sectors are allocated 13 other stocks, some of which may also have low ACLs be restrictive in 2013 and beyond. Other components of the groundfish fishery and other fisheries are subject to similar area closures when a TAC is harvested (e.g., common pool trimester TACs, herring midwater trawl haddock sub-ACLs, scallop yellowtail AMs). If sectors are exempt from portions of the stock area closures for GB yellowtail, this could establish a precedent for other stocks caught by sectors, or for other components of the groundfish and other fisheries. The Council may need to consider how this situation differs from other area closures and be clear about why it is an exception.

Sector Exemption Requests

The fact that sectors fish under a hard TAC and are required to stop fishing when they fully harvest it, has been the basis for the approval of many sector exemption requests through sector operations plans. The rationale has been that because sectors are subject to an ACE, certain seasonal or area or gear restrictions are redundant and unnecessary. In addition, having a cap on total sector effort, the cumulative sector sub-ACLs, has been the rationale for a total cap on the expected impacts that might result from certain sector exemptions. If sectors are not required to stop fishing when they reach their ACE, analysis supporting sector exemptions may need to be revisited.