September 14, 2012

Framework Adjustment 48
To the Northeast Multispecies FMP
Draft Management Measures

These measures are under development and will be modified
Septemner 14, 2012

Prepared by the
New England Fishery Management Council
In consultation with the
Mid-Atlantic Fishery Management Council
National Marine Fisheries Service

Initial Framework Meeting:
Final Framework Meeting:
Date Submitted:

2.0 Contents

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3.0 Introduction and Background

3.1 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.

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 was implemented in September 14, 2011 and modified the provisions that restrict mid-water trawl catches of haddock.

This framework is primarily intended to.

3.2 Purpose and Need for the Action

Under the Northeast Multispecies FMP the NMFS Regional Administrator, in consultation with the Council, is required to determine the specifications for the groundfish fishery. The best available science is reviewed to determine the status of the resource and fishery. These data, in conjunction with the ABC control rules adopted in Amendment 16, are used to set appropriate specifications for the stocks. Previous actions have established evaluation protocols and rebuilding plans for stocks; these are revised with the updated science. Periodic frameworks are used to adjust strategies in response to the evaluations that adjust rebuilding plans and overfishing.

This framework adds to elements of Amendment 16 to prevent overfishing and ensure continued collection of fisheries data. Similar modifications to amendment 16 have been made in recent frameworks. This framework would also modify measures from Amendment 16 regarding industry funded at-sea monitoring, and would evaluate various measures that may minimize economic impacts on the fleet caused by reductions in short-term allocations. These measures are intended to be short-term and specific to the groundfish plan that includes modifications to the minimum fish size requirements and access to the year round closed areas.

These specifications and adjustments to Amendment 16, listed in the following table, are intended to meet the goals 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.

Need for Framework 48	*Corresponding Purpose for Framework 48*
Set specifications for ACLs in Fishing Years 2013-2015 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	• Revisions to status determination criteria, including updated yellowtail flounder assessments • 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	• Modification of restrictions on the catch of Georges Bank yellowtail flounder • Modification of accountability measures for certain stocks, including halibut • Modification of measures for the recreational fishery
• Modification of observer coverage levels to improve documentation and reduce costs Modify management measures regulating the at sea monitoring program to be in compliance with Amendment 16	• Modify management measures regulating the at sea monitoring program in compliance with Amendment 16 • Modification of expenses industry is required to cover • Modification of management measures for dockside monitoring
Modify management measures to mitigate negative economic impacts for the fleet from projected low allocations	• Allow sectors to request exemptions from year round closure system for groundfish vessels • Modification of management measures for minimum fish size requirements

3.3 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 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. Framework 46 revised the allocation of haddock to be caught by the herring fishery and was implemented in August 2011. Amendment 17, which authorizes the function of NOAA-sponsored state-operated permit bank, was implemented on April 23, 2012. Framework 47, implemented on May 1, 2012, revised common pool management measures, modified the Ruhle trawl definition and clarified regulations for carter/party and recreational groundfish vessels fishing in groundfish closed areas. An appeal of the lawsuit filed by the Cities of Gloucester and New Bedford and several East Coast fishing industry members against Amendment 16 is being heard by the U.S. Court of Appeals for the First Circuit in Boston in September, 2012. 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.

3.4 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.

4.0 Alternatives Under Consideration

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

4.1.1 Revised Status Determination Critiera for GOM cod, GB cod, SNE/MA yellowtail flounder, and White Hake

4.1.1.1 Option 1: No Action

If no action is adopted, there will be no revisions to status determination criteria for the Georges Bank and Gulf of Maine cod stocks, the Southern New England/Mid-Atlantic yellowtail flounder stock, or white hake. Please note that this option could be selected for all of these stocks, or only some of these stocks. The following criteria would apply:

Table 1 – No Action status determination criteria

Stock	Biomass Target (SSB_{MSY} or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F_{MSY} or proxy)
Gulf of Maine Cod	SSB_{MSY}: SSB/R (40% MSP)	½ Btarget	F40%MSP
Georges Bank Cod	SSB_{MSY}: SSB/R (40% MSP)	½ Btarget	F40%MSP
SNE/MA Yellowatil Flounder	SSB_{MSY}: SSB/R (40% MSP)	½ Btarget	F40%MSP
White Hake	SSB_{MSY}: SSB/R (40% MSP)	½ Btarget	F40%MSP

Table 2 – No action numerical estimates of SDCs

Stock	Model	Bmsy or proxy (mt)	F_{MSY} or proxy	MSY (mt)
Gulf of Maine Cod	ASAP	61,218	0,20	10,392
Georges Bank Cod	VPA	148,084	0.25	31,159
SNE/MA Yellowatil Flounder	VPA	27,400	0.25	6,100
White Hake	SCAA	56,254	0.13	5,800

4.1.1.2 Option 2: Revised Status Determination Critiera for GOM cod, GB cod, SNE/MA yellowtail flounder, and White Hake

The M-S Act requires that every fishery management plan specify "objective and measureable 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). Framework 45 updated status determination criteria for Atlantic pollock to reflect the results of an additional assessment conducted in 2010.

The NEFSC conducted new assessment for the GOM cod, GB cod, and SNE/MA yellowtail flounder stock in 2012. An assessment for white hake will be conducted in 2013. 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.

This option considers a range of values since the assessments will not be completed until after the Council vote on this action

Table 3 – Option 2

Stock	Biomass Target (SSB_{MSY} or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F_{MSY} or proxy)
Gulf of Maine Cod	SSB_{MSY} or a proxy for SSBMSY	½ Btarget	F_{MSY} or a proxy for FMSY
Georges Bank Cod	SSB_{MSY} or a proxy for SSBMSY	½ Btarget	F_{MSY} or a proxy for FMSY
SNE/MA Yellowatil Flounder	SSB_{MSY}: SSB/R (40% MSP)	½ Btarget	F40%MSP
White Hake	SSB_{MSY} or a proxy for SSBMSY	½ Btarget	F_{MSY} or a proxy for FMSY

Table 4 – Option

Stock	Model	Bmsy or proxy (mt)	F_{MSY} or proxy	MSY (mt)
Gulf of Maine Cod	ASAP			
Georges Bank Cod	VPA			
SNE/MA Yellowatil Flounder	ASAP			
White Hake	SCAA			

Rationale:

4.1.2 SNE/MA Windowpane Flounder Sub-ACLs

More than one alternative to No Action/Option 1 can be adopted from this section.

4.1.2.1 Option 1: No Action

If this option is adopted, there will not be any additional sub-ACLs adopted for SNE/MA windowpane flounder. Only the multispecies fishery will have a sub-ACL for this stock and the AMs for the multispecies fishery must be sufficient to account for overages of the overall ACL.

Rationale: This option would not distribute the ACL for SNE/MA windowpane flounder to other fisheries. This would simplify accounting, but would mean that the groundfish fishery would be responsible for any overages of the ACL.

4.1.2.2 Option 2: Scallop Fishery SNE/MA Windowpane Flounder Sub-ACL

If this option is adopted, a sub-ACL of SNE/MA windowpane flounder will be allocated to the scallop fishery. The sub-ACL will be based the 90th percentile of the scallop fishery catches (as a percent of the total) for the period calendar year 2001 through 2010. This change reduces the amount allowed for other sub-components.

The GARM III and 2012 Assessment Update for SNE/MA windowpane flounder only included catches from limited access scallop dredges and trawls. This value is 32 percent (rounded up from 31.9 pct of catches as shown in Table 5). Prior to 2004, there was limited observer coverage of General Category scallop dredge and trawl trips. From 2004 to 2011, the average General Category catch of this stock was 22 mt. In order to determine the scallop fishery sub-ACL, 22 mt was added to each year 2001-2010 and the scallop fishery share computed. The combined tota is 36 percent.

Comment [TAN1]: August 2, 2012 Commmittee meeting identified that Gen Cat catches should be checked for impact on scallop fishery sub-ACL. New values not yet reviewed by Committee

Specific scallop fishery AMs for this sub-ACL would be adopted in a future scallop management action during 2013. The AMs will be implemented in time to be effective in 2014. If there is an overage in the scallop fishery sub-ACL that is allocated in 2013, any overage of the 2013 sub-ACL will be subject to the AMs that are adopted. Consistent with a policy adopted in FW 47 for other stocks, any scallop fishery AMs for this sub-ACL will only be triggered if the overall ACL is exceeded and the scallop fishery sub-ACL is exceeded.

The Scallop FMP will develop AMs for this sub-ACL.

Table 5 – Limited access scallop fishery dicards of SNE/MAB windowpane flounder, 2001-2010. Landings were less than 1 metric ton in all years.

Calendar Year	Catch	Limited Access Scallop Dredge/Trawl Discards	Limited Access Scallop Fishery Catches as Percent of Total	General Category (Trawl/Dredge) Scallop Fishery Catch Assumption	Total Scallop Fishery Catch As Percent of Total
2001	184	7	3.8%	22	14.1%
2002	339	50	14.7%	22	19.9%
2003	522	73	14.0%	22	17.5%
2004	400	44	11.0%	22	15.6%
2005	330	103	31.2%	22	35.5%
2006	431	63	14.6%	22	18.8%

2007	349	41	11.7%	22	17.0%
2008	321	53	16.5%	22	21.9%
2009	463	55	11.9%	22	15.9%
2010	490	187	38.2%	22	40.8%
		Average, 2001-2010	16.8%		21.7%
		90th percentile, 2001-2010	31.9%		36.0%

Rationale: The scallop fishery catches of this stock are large enough that the effectiveness of the AM system could be undermined if those catches are not constrained and subject to an AM. This measure would create a sub-ACL, based on recent scalliop fishery catches. Because of the lack of General Category observer coverage from 2001 to 2003, an assumption is used to estimate those catches based on catches since 2004. AMs for the scallop fishery will be adoprted in a future action and will be applicable to any overage that occurs in 2013.

4.1.3 Scallop Fishery Sub-ACL for Georges Bank GB Yellowtail Flounder

4.1.3.1 Option 1: No Action

If this option is adopted, there will not be any changes to how the scallop fishery sub-ACL for GB yellowtail flounder is determined. The amount will be determined when groundfish specifications are set and will consider such information as is available and appropriate.

Rationale: Allocations of GB yetllowtail flounder to the scallop fishery would be made each time the scallop management program is established in a framework action. No specific policy would be adopted on the amount that is allocated to each fishery, which would lalow the most flexibility in considering the management of each fishery when setting the allocations.

4.1.3.2 Option 2: Scallop Fishery Sub-ACL for GB Yellowtail Flounder Specified as 90 percent of the Estimated Catch

If this option is adopted, on an annual basis, the Scallop and Groundfish Plan Development Teams will estimate the amount of GB yellowtail flounder that the scallop fishery is expected to catch in the following year while harvesting the available scallop yield. This estimate will be provided to the Council at the *September* Council meeting. The allocation of GB yellowtail flounder to the scallop fishery will be changed procedures that are consistent with the APA without the need for a Council vote. Should the Council wish to revise this allocation, a change must be adopted through a specification change or other management action.

Rationale: This measure would adopt a standard approach for the amount of GB yellowtail flounder that is allocated to the scallop fishery. As new data is collected on bycatch rates and scallop and GB yellowtail flounder stock size, this measure would create a process to adjust the allocation so the best estimate is used without requiring a specific Council action.

4.1.3.3 Option 3: Scallop Fishery Sub-ACL for GB Yellowtail Flounder Specified Based on Catch History

If this option is adopted, the scallop fishery sub-ACL for GB yellowtail flopunder will be specified as a percentage of the U.S. ABC based on recent catch history. Recent catch history is shown in Table 6. The percentage would be 8 percent, based on the scallop fishery catches of this stock as a percentage of total U.S. catches for the ten calendar year period 2007-2011, rounded up to the nearest percent.

Rationale: This measure would adopt an allocation based on recent catch history. This simplifies determination of the GB yellowtail flounder allocation for this fishery. It also gives the scallop fishery a fixed percetnaget for an allocation. This will facilitate that fishery developing ways to avoid yellowtai lflounder while maximizing its catch of scallops.

Table 6 – Scallop dredge discards of GB yellowtail flounder, 1997-2011. Based on TRAC 2012 assessment of GB yellowtail flounder.

Calendar Year	Landings (metric tons)	Discards (metric tons)	Catch (metric tons)	Scallop Discards (metric tons)	Scallop Landings (metric tons)	Scallop Discards As Pct of Catch
2002	2,476	53	2,529	29	0.2	1.2%
2003	3,236	410	3,646	293	0.1	8.0%
2004	5,837	460	6,297	81	3.0	1.3%
2005	3,161	414	3,575	186	8.1	5.4%
2006	1,196	384	1,580	251	2.6	16.1%
2007	1,058	493	1,551	120	1.5	7.8%
2008	937	409	1,346	128	0.3	9.5%
2009	959	759	1,718	170	1.9	10.0%
2010	654	289	943	8	0.2	0.9%
2011	904	192	1,096	104	8.6	10.3%
				Average, 2002 - 2011		7.1%
				Average, 2007-2011		7.7%

4.1.4 U.S./Canada Resource Sharing Understanding TACs

4.1.4.1 Option 1: No Action

If no action is taken on specifications, the recommendations of the TMGC would not be implemented and there would be no TAC for EGB cod, haddock, or GB yellowtail flounder in the U.S./Canada area for FY 2013. Vessels would still be constrained by the other regulations of the FMP, including days-at-sea (DAS), sector regulations, and closed areas.

4.1.4.2 Option 2: U.S./Canada TACs - TBD

This alternative would specify TACs for the U.S./Canada Management Area for FY 2013 as indicated in Table 7 below. These TACs would be in effect for the entire fishing year, unless NMFS determines that FY 2012 catch of GB cod, haddock, or yellowtail flounder from the U.S./Canada Management Area exceeded the pertinent 2012 TAC. If the TAC in a particular fishing year is exceeded, the Understanding and the regulations require that the TAC for the subsequent fishing year is reduced by the amount of the overage. In order to minimize any disruption to the fishing industry, NMFS would attempt to make any necessary TAC adjustment in the first quarter of the fishing year.

Table 7 - Proposed FY 2012 U.S./Canada TACs (mt) and Percentage Shares

TAC	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
Total Shared TAC			
U.S. TAC			
Canada TAC			

A comparison of the proposed FY 2012 U.S. TACs and the FY 2011 U.S. TACs is shown in Table 8. Changes to the U.S. TACs reflect changes to the percentage shares, stock status, and the TMGC recommendations.

Table 8 - Comparison of the Proposed FY 2012 U.S. TACs and the FY 2011 U.S. TACs (mt)

Stock	U.S. TAC		Percent Change
	FY 2012	FY 2011	
Eastern GB cod			
Eastern GB haddock			
GB yellowtail			

Rationale: The U.S. and Canada coordinate management of three stocks that overlap the boundary between the two countries on Georges Bank. Agreement on the amount to be caught is reached each year by the Transboundary Management Guidance Committee (TMGC). This measure would adopt the recommendations of the TMGC. It makes sure that catches are consistent with the most recent assessments of those stocks.

4.1.1 Annual Catch Limit Specifications

4.1.1.1 Option 1: No Action

If the No Action option is selected, the specifications for FY 2013-FY 2014 would remain as adopted by FW 47. For many stocks there would not be any specifications for these years. The FY 2013- FY 2014 ABCs would be as specified in **Error! Reference source not found.**

Table 9 – 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 preliminary estimates subject to change.

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	Prelim-inary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ ACL	Total ACL
GB Cod(1)	2013												
	2014												
	2015												
GOM Cod	2013												
	2014												
	2015												
GB Haddock(1)	2013												
	2014												
	2015												
GOM Haddock	2013												
	2014												
	2015												
GB Yellowtail Flounder(1)	2013												
	2014												
	2015												
SNE/MA Yellowtail Flounder	2013												
	2014												
	2015												

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	Prelim-inary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ ACL	Total ACL
CC/GOM Yellowtail Flounder	2013												
	2014												
	2015												
Plaice	2013												
	2014												
	2015												
Witch Flounder	2013												
	2014												
	2015												
GB Winter Flounder	2013	4,819	3,750	0	188	0	3,384		0	3,361	23	0	3,572
	2014	4,626	3,598	0	180	0	3,247		0	3,225	22	0	3,427
	2015												
GOM Winter Flounder	2013	1,458	1,078	272	54	0	715		0	679	36	0	1,040
	2014	1,458	1,078	272	54	0	715		0	679	36	0	1,040
	2015												
SNE/MA Winter Flounder	2013	2,637	697	195	139	0	337		0	0	337	0	672
	2014	3,471	912	255	182	0	441		0	0	441	0	879
	2015												
Redfish	2013	12,036	9,224	92	369	0	8,325		0	8,285	40	0	8,786
	2014												
	2015												

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	Prelim-inary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ ACL	Total ACL
White Hake	2013												
	2014												
	2015												
Pollock	2012	19,887	15,400	754	1,370	0	12,612		0	12,518	94	0	14,736
	2013	20,060	15,600	756	1,380	0	12,791		0	12,695	95	0	14,927
	2014	20,554	16,000	760	1,400	0	13,148		0	13,050	98	0	15,308
N. Window-pane Flounder	2013												
	2014												
	2015												
S. Window-pane Flounder	2013												
	2014												
	2015												
Ocean Pout	2013												
	2014												
	2015												
Atlantic Halibut	2013												
	2014												
	2015												
Atlantic Wolffish	2013												
	2014												
	2015												

Table 10 – Option 1 preliminary incidental catch TACs for Special Management Programs (metric tons, live weight). These values may change as a result of changes in sector membership.

	Cat B (regular) DAS Program			CAI Hook Gear Haddock SAP			EUS/CA Haddock SAP		
Stock	**2013**	**2014**	**2015**	**2013**	**2014**	**2015**	**2013**	**2014**	**2015**
GB cod									
GOM cod									
GB Yellowtail									
CC/GOM yellowtail									
SNE/MA Yellowtail									
Plaice									
Witch Flounder									
White Hake									
SNE/MA Winter Flounder									
GB Winter Flounder									
Pollock									

Table 11 – Proposed CAI Hook Gear Haddock SAP TACs, FY 2013-2014

Year	Exploitable Biomass (thousand mt)	WGB Exploitable Biomass	B(year)/B2004	TAC (mt, live weight)
2013- 2014				

4.1.1.2 Option 2: Revised Annual Catch Limit Specifications

If Option 2 were selected, the specifications for FY 2013 through FY 2015 would be as specified in Table 12.

Rationale: This measure would adopt new specifications for groundfish stocks that are consistent with the most recent assessment information.

Table 12 – Option 2 Northeast Multispecies OFLs, ABCs, ACLs, and other ACL sub-components for FY 2013 – FY 2015 (metric tons, live weight). All ACL values are preliminary and may change after FY 2012 catches are evaluated. Values are rounded to the nearest metric ton. Specifications for other stocks await SSC recommendations. Sector shares based on 2012 PSCs.

(1) Grayed out values will be adjusted as a result of future recommendations of the TMGC.
(2) Assumes scallop sub-ACL of 100 mt as a proxy until estimated catch is available
(3) Assumes scallop sub-ACL is 8 pct

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	Prelim-inary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ ACL	Total ACL
GB Cod[1]	2013												
	2014												
	2015												
GOM Cod	2013		750	50	25	0		402	235	394	8	0	711
	2013		4,000	265	133	0		2,141	1,254	2,101	41	0	3,793
	2014		0	0	0	0		0	0	0	0	0	0
GB Haddock[1]	2013	46,185	29,335	293	1,173	0	26,196		0	26,124	72	273	27,936
	2014	46,268	35,699	357	1,428	0	31,879		0	31,792	87	332	33,996
	2015	56,293	43,606	436	1,744	0	38,940		0	38,833	107	406	41,526
GOM Haddock	2013	371	290	4	6	0		187	74	186	1	3	274
	2014	443	290	4	6	0		187	74	186	1	3	274
	2015	592	290	4	6	0		187	74	186	1	3	274
GB Yellowtail Flounder[1][2]	2013		215	0	8.6	97.0	103.2		0	102.0	1	0	208.8
	2014		215	0	8.6	97.0	103.2		0.0	102.0	1.2	0.0	208.8
	2015												
GB Yellowtail Flounder(3)	2013		215	0	8.6	16.7	189.4		0	181.4	2.1	0.0	214.7
	2014		215	0	8.6	16.7	189.4		0.0	181.4	2.1	0.0	214.7
	2015												
SNE/MA Yellowtail Flounder	2013	1,021	700	7	28	140	479		0	382	97	0	653
	2014	1,042	700	7	28	140	479		0	382	97	0	653
	2015	1,056	700	7	28	140	479		0	382	97	0	653

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	Prelim-inary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ ACL	Total ACL
CC/GOM Yellowtail Flounder	2013	713	548	16	11	0	495		0	483	12	0	522
	2014	936	548	16	11	0	495		0	483	12	0	522
	2015	1,194	548	16	11	0	495		0	483	12	0	522
Plaice	2013	2,035	1,557	16	62	0	1,405		0	1,382	23	0	1,483
	2014	1,981	1,515	15	61	0	1,367		0	1,344	23	0	1,443
	2015	2,021	1,544	15	62	0	1,393		0	1,370	23	0	1,471
Witch Flounder	2013	1,196	783	23	31	0	692		0	681	11	0	747
	2014	1,512	783	23	31	0	692		0	681	11	0	747
	2015	1,846	783	23	31	0	692		0	681	11	0	747
GB Winter Flounder	2013	4,839	3,750	0	188	0	3,384		0	3,365	20	0	3,572
	2014	4,819	3,598	0	180	0	3,247		0	3,228	19	0	3,427
	2015	4,626	0	0	0	0	0		0	0	0	0	0
GOM Winter Flounder	2013	1,458	1,078	272	54	0	715		0	690	24	0	1,040
	2014	1,458	1,078	272	54	0	715		0	690	24	0	1,040
	2015	1,458	0	0	0	0	0		0	0	0	0	0
SNE/MA Winter Flounder	2013	2,336	697	195	139	0	337		0	0	337	0	672
	2014	2,637	912	255	182	0	441		0	0	441	0	879
	2015	3,471	0	0	0	0	0		0	0	0	0	0
Redfish	2013	15,468	10,995	110	440	0	9,923		0	9,883	40	0	10,473
	2014	16,130	11,465	115	459	0	10,347		0	10,305	42	0	10,920
	2015	16,845	11,974	120	479	0	10,807		0	10,763	44	0	11,405

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	Prelim-inary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ ACL	Total ACL
White Hake	2013	5,306	3,638	73	109	0	3,283		0	3,257	26	0	3,465
	2014												
	2015												
Pollock	2013	20,060	15,600	756	1,380	0	12,791		0	12,695	95	0	14,927
	2014	20,554	16,000	760	1,400	0	13,148		0	13,050	98	0	15,308
	2015												
N. Window-pane Flounder	2013	202	151	2	29	0	112		0	0	112	0	143
	2014	202	151	2	29	0	112		0	0	112	0	143
	2015	202	151	2	29	0	112		0	0	112	0	143
S. Window-pane Flounder	2013	730	548	55	384	0	102		0	0	102	0	540
	2014	730	548	55	384	0	102		0	0	102	0	540
	2015	730	548	55	384	0	102		0	0	102	0	540
S. Window-pane Flounder Scallop Sub-ACL	2013	730	548	55	186	183	102		0	0	102	0	527
	2014	730	548	55	186	183	102		0	0	102	0	527
	2015	730	548	55	186	183	102		0	0	102	0	527
Ocean Pout	2013	313	235	2	21	0	197		0	0	197	0	220
	2014	313	235	2	21	0	197		0	0	197	0	220
	2015	313	235	2	21	0	197		0	0	197	0	220
Atlantic Halibut	2013	164	99	50	5	0	42		0	0	42	0	97
	2014	180	109	55	5	0	47		0	0	47	0	107
	2015	198	119	60	6	0	51		0	0	51	0	116
Atlantic Wolffish	2013	94	70	1	3	0	62		0	0	62	0	65
	2014	94	70	1	3	0	62		0	0	62	0	65
	2015	94	70	1	3	0	62		0	0	62	0	65

Table 13 – Option 2 preliminary incidental catch TACs for Special Management Programs (metric tons, live weight). These values may change as a result of changes in sector membership.

	Cat B (regular) DAS Program			CAI Hook Gear Haddock SAP			EUS/CA Haddock SAP		
Stock	**2013**	**2014**	**2015**	**2013**	**2014**	**2015**	**2013**	**2014**	**2015**
GB cod									
GOM cod									
GB Yellowtail									
CC/GOM yellowtail									
SNE/MA Yellowtail									
Plaice									
Witch Flounder									
White Hake									
SNE/MA Winter Flounder									
GB Winter Flounder									
Pollock									

Table 14 – Proposed CAI Hook Gear Haddock SAP TACs, FY 2010- 2012

Year	Exploitable Biomass (thousand mt)	WGB Exploitable Biomass	B(year)/B2004	TAC (mt, live weight)
2013				
2014				
2015				

4.2 Commercial and Recreational Fishery Measures

4.2.1 Management Measures for the Recreational Fishery

This section consideres changing recreational fishery management measures as necessary to control catches of GOM cod and GOM haddock.

4.2.1.1 Option 1: No Action

TBD

4.2.1.2 Option 2: Revised Measures

TBD

4.2.2 Groundfish Monitoring Program Revisions

4.2.2.1 Option 1: No Action

TBD

4.2.2.2 Option 2: Monitoring Program Goals and Objectives

The goals of the groundfish monitoring program are as follows:

Goal 1: Improve documentation of catch

Objectives:

- Determine total catch and effort, for each sector and common pool, of target or regulated species
- Achieve coverage level sufficient to minimize effects of potential monitoring bias while maintaining as much flexibility as possible to enhance fleet viability
-

Goal 2: Reduce cost of monitoring

Objectives:

- Streamline data management and eliminate redundancy
- Explore options for cost-sharing and deferment of cost to industry
- Recognize opportunity costs of insufficient monitoring

Goal 3: Incentivize reducing discards

Objectives:

- Determine discard rate by smallest possible strata while maintaining cost-effectiveness
- Collect information by gear type to accurately calculate discard rates

Goal 4: Provide additional data streams for stock assessments

Objectives:

- Reduce management and/or biological uncertainty
- Perform biological sampling if it may be used to enhance accuracy of mortality or recruitment calculations

Goal 5: Enhance safety of monitoring program

Goal 6: Perform periodic review of monitoring program for effectiveness

4.2.2.3 Option 3: ASM Coverage Levels

Tentative measure – TBD

4.2.2.4 Option 4: Industry At- Sea Montoring Cost Responsibility

If adopted, this option would make the following distinctions between those aspects of the groundfish monitoring program which the fishing industry could be required to support (partially or entirely) and those programmatic costs that will continue to be funded (permanently and entirely) by the National Marine Fisheries Service. Specifically, the industry shall only ever be responsible for contributing to the funding for direct at-sea monitor (ASM) costs: specifically the daily salary of the at-sea monitor.

Costs of the ASM and monitoring program shall continue to be supported entirely by NMFS. These program elements and activities would include, but are not exclusive to:

- Briefing, debriefing, training and certification costs (salary and non-salary)
- Sampling design development
- Data storage, management and security
- Data quality assurance and control
- Administrative costs
- Maintenance of monitoring equipment
- ASM recruitment, benefits, insurance and taxes
- Logistical costs associated with ASM deployment
- ASM travel and lodging

4.2.2.5 Dockside Monitoring Requirements

4.2.2.5.1 Option 1: No Action

If this option is adopted, dockside monitoring in FY 2013 woul return to the levels specified and Amendment 16, as modified by Framework 45. At least 20 percent of trips in each sector and 20 percent of common pool trips would be monitored by dockside monitors. Coverage would focus on trips that do not have an observer or at-sea monitor.

Rationale: Dockside monitors verify that landings of groundfish are recorded and reported accurately. The coverage level is designed to reduce costs while providing information needed to have confidence that catches are being reported accurately. By focusing on trips that do not have an observer or at-sea monitor, more benefits are received from the funds available since there is not duplicate coverage of trips.

4.2.2.5.2 Option 2: Elimination of Dockside Monitoring Requirement

If adopted, this option would eliminate all dockside monitoring requirements beginning in FY 2013. There would n ot be any dockside monitoring requirements in the groundfish fishery unless adopted in a future action.

Rationale: Dockside monitoring increases the operating costs of sectors. Landings information is already provided through the dealer reporting sytem. As long as unreported landings do not occur, the dealer reports can be used to monitor sector landings and there is little advantage to having dockside monitors verify these reports. By eliminating the program, sector operating costs are reduced and redundant accounting is avoided.

4.2.3 Commercial Fishery Minimum Size Restrictions

4.2.3.1 Option 1: No Action

If no action is adopted, there will be no revision to the regulations regarding landings of the allocated regulated groundfish currently managed. The following minimum fish size regulations would apply unless changed in this or a future action.

Table 1 – No Action Minimum Fish Sizes (TL) for Commercial Vessels

Species	Size (inches)
Cod	22 (55.9 cm)
Haddock	18 (45.7 cm)
Pollock	19 (48.3 cm)
Witch Flounder (gray sole)	14 (35.6 cm)
Yellowtail Flounder	13 (33.0 cm)
American Plaice (dab)	14 (35.6 cm)
Atlantic Halibut	41 (104.1 cm)
Winter Flounder (blackback)	12 (30.5 cm)
Redfish	9 (22.9 cm)

Rationale: Since implementation in 1986, the Northeast Multispecies FMP has used minimum size limits in conjunction with gear requirements to reduce catches of sub-adult fish. When adopted the purpose of this measure was to provide opportunities for fish to spawn before harvest, as well as to reduce the incentive to use illegal mesh to increase catches.

4.2.3.2 Option 2: Changes to Minimum Size Limits

If this option is adopted minimum size limits for many groundfish sepcies would be modified as shown below. Vessesl fishing within sectors would be required to land all allocated groundfish that meets the minimum size requirements.

It should be noted that these changes would be made to reduce regulatory discards, not to facilitate targeting of smaller fish. As a result, while sectors would not be prohibited from requesting exemptions from minimum mesh requirements, the expectation is that before such a request would be approved a sector would have to demonstrate conclusively that the exemption will not lead to increased targeting of juvenile groundfish. For example, an exemption request to allow use of square mesh less than 6.5 inches to target GB haddock, or smaller mesh to target redfish, might be approved under certain cirumstances becaseu these meshes might not increase catches of small fish. But a request to use a smaller diamond mesh to target haddock might not be approved because, depending on mesh size, it might be expected to increase catches of sub-legal fish.

Comment [TAN2]: This language attemtps to get at concerns raised by the Committee, and notes that the Committee has not chosen to alter/remove minimjm mesh requirements.

Species	Minimum Size
Cod	19 in. (48.3 cm)
Haddock	16 in (40.6 cm)
Pollock	14 in. (35.6 cm)
Witch Flounder (gray sole)	11 in. (27.9 cm)
Yellowtail Flounder	12 in (30.5 cm)
American Plaice (dab)	6 in. (15.2 cm)
Atlantic Halibut	41 (104.1 cm)
Winter Flounder (blackback)	8 in. (20.3 cm)
Redfish	7 in. (17.8 cm)

Rationale: The minimum size limits proposed in this option are based on an analysis of the size of discarded fish in trawl gear in recent years. The minimum sizes shown would be expected to reduce almost all discards due to minium size restrictions under the gear requirements in place in 2009-2011. It should be noted that these changes are being made to reduce regulatory discards, not to facilitate targeting of smaller fish.

4.2.3.3 Option 3: Full Retention

If this action is adopted all allocated currently regulated groundfish of all sizes, including cod, haddock, white hake, pollock, Acadian redfish, yellowtail flounder, Georges Bank and Gulf of

Maine winter flounder, witch flounder, and American plaice, must be retained by sector vessels, i.e. no discarding of non-prohibited fish. Discarding of non-allocated groundfish species, including those that require no-retention as part of a rebuilding program will continue. Allocated regulated groundfish that are physically damaged, e.g. by predation, must be retained. This action would not alter regulated mesh areas or restrictions on gear and methods of fishing. This measure wouold not change possession requirements for other species that are regulated by other Fishery Management Plans.

It should be noted that this change would be made to reduce regulatory discards, not to facilitate targeting of smaller fish. As a result, while sectors would not be prohibited from requesting exemptions from minimum mesh requirements, the expectation is that before such a request would be approved a sector would have to demonstrate conclusively that the exemption will not lead to increased targeting of juvenile groundfish. For example, an exemption request to allow use of square mesh less than 6.5 inches to target GB haddock, or smaller mesh to target redfish, might be approved under certain cirumstances becaseu these meshes might not increase catches of small fish. But a request to use a smaller diamond mesh to target haddock might not be approved because, depending on mesh size, it might be expected to increase catches of sub-legal fish.

Comment [TAN3]: This language attemtps to get at concerns raised by the Committee, and notes that the Committee has not chosen to alter/remove minimum mesh requirements.

Rationale: Full retention may help reduce monitoring costs by facilitating the adoption of electronic monitoring, as there would be less of a need to estimate the weight of groundfish discards. The amount of data collected by at-sea monitors required for total discard estimation and composition would also be reduced. Discarding is considered to be a wasteful practice. A portion of discarded fish is thrown back dead resulting in economic loss to fishermen and the needless loss of fish to the population.

4.2.4 GB Yellowtail Flounder Management Measures

Any of these options could be adopted. Options 2, and 3 could both be adopted at the same time, since Option 2 is only for FY 2013 and Option 3 does not have a time limit. If Option 3 is adopted by itself there would be no changes to the GB yellowtail flounder possession limits.

4.2.4.1 Option 1: No Action

If adopted there would not be any changes to possession limits for GB yellowtail flounder. Vessels fishing within groundfish sectors would not have any possession restrictions for GB yellowtail flounder and would be required to land all legal-sized fish. Secors would be allocated GB yellowtail flounder and would be subject to all sector provisions related to allocated stocks. Common pool vessels would have restrictions as announced by the Regional Administrator and consistent with 50 CFR 648XXX and the APA. Limited access scallop fishing vessels would continue to be required to land all legal-size yellowtail flounder. General Category scallop vessels would continue to be prohibited from retaining yellowtail flounder.

Rationale: This No Action option would not make any changes to existing measures that address GB yellowtail flounder. It would allow sector and common pool vessels to land the stock, subject to sector allocations and common pool regulations, so that revenues can accrue from the catch. The sector system provides fishermen considerable flexibility to to adapt to the constraints of low allcoations and this option would allow them to use that flexibility to their advantage.

4.2.4.2 Option 2: Prohibition on Possession of GB Yellowtail Flounder

If adopted, landing of GB yellowtail flounder by all commercial fishing vessels would be prohibited in FY 2013. In addition, in FY 2013 GB yellowtail flounder would not be specifically allocated to groundfish sectors. Since the stock would not be allocated to sector vessels, the primary AM for this stock in FY 2013 would be the requirement that FY 2013 overages of the U.S./Canada quota would be deducted from the FY 2013 quota, consistent with the provisions of the U.S/Canada Resource Sharing Understanding. AMs for the scallop fishery would also apply.

In subsequent years possession restrictions would revert to the current provisions as described in the No Action option.

Rationale: The FY 2013 quota for this stock is expected to be insufficient to allow sector vessels to puruse other species on GB. This option would remove the requirement that sectors have sufficient GB yellowtail flounder ACE before they can fish on GB. It is similar to the paproach used for SNE/MA winter flounder, but unlike the provision for that stock it is a temporary, one year measure.

4.2.4.3 Option 3: GB Yellowtail Flounder Sector Fishing Area

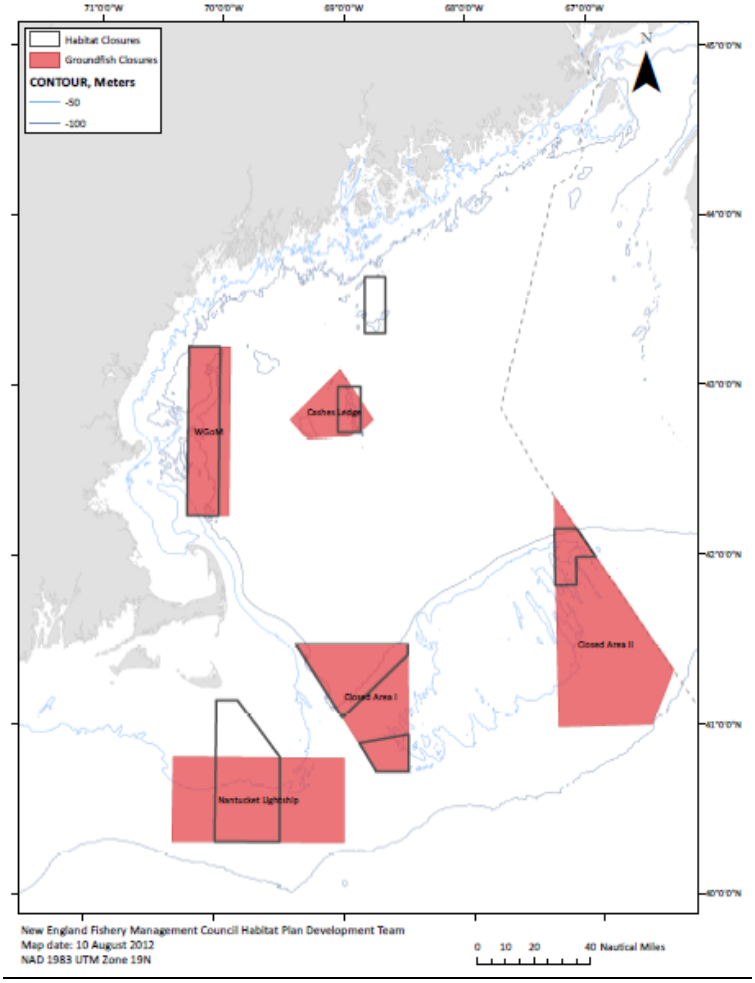
TBD. This is a placeholder for a measure that would allow fishing in part of the GB YTF stock area even if there is low ACE available.

4.2.5 Modifications to Year-Round Groundfish Closed Areas

4.2.5.1 Option 1: No Action

If adopted, there would be no changes to the closure areas used in the Northeast Multsiepcies FMP. The closure areas would remain as defined in the regulations. This includes closures adopted for a range of groundfish management reasons, such as reducing fishing mortality, protecting spawning fish, and to minimize to the extent practicable the adverse effects of fishing on EFH. The existing closures that would not be changed are shown in Figure 1.

Figure 1 – No Action groundfish and habitat closed areas



4.2.5.2 Option 2: Modified Access to Year-Round Groundfish Closed Areas

If adopted, this measure would modify access to areas that are currently identified as Northeast Multispecies closure areas, and would modify the boundaries of some of those areas. The changes that are being proposed are summarized below.

Cashes Ledge Closure Area

The boundaries of the area currently defined as the Cashes Ledge closure would be modified. The area currently defined as the Cashes Ledge Habitat Closure would be removed. The closure area would be redefined as the Ammen Rock closure with the boundaries shown in Figure 2. All commercial fishing vessels using gear capable of catching groundfish are prohibited from fishing in the area. Only fishing with exempted gear (that is, gear deemed not capable of catching groundfish as defined by 50 CFR 648.2) is allowed in the area. Recreational fishing is allowed in the area.

Western Gulf of Maine Closure

The boundaries of the area currently defined as the Western Gulf of Maine Closure would be redefined. The modified area is shown in Figure 2. All commercial fishing vessels using gear capable of catching groundfish are prohibited from fishing in the area. Only fishing with exempted gear (that is, gear deemed not capable of catching groundfish as defined by 50 CFR 648.2) is allowed in the area. Recreational fishing is allowed in the area. The Western Gulf of Maine habitat closure area boundaries would be modified to match this area.

Nantucket Lightship Closed Area

The Nantucket Lightship Closed Area would be eliminated. The boundaries of the Nantucket Lightship Habitat Closure would be revised as shown on Figure 2.

Closed Area I

Groundfish fishing vessel access to CAI would be revised. Commercial groundfish fishing vessels (both sector and common pool) would be allowed into CAI from May 1 through February 15 when using appropriate gear. During this period mobile bottom tending groundfish gear would be allowed into the areas identified as the CAI Habiata Closure.

Trawl vessels would not be allowed into the area defined as the CAI Hook Gear Haddock SAP area during the period the SAP is open (Octoebr 1 - December 31).

Gear allowed into the area includes:

Trawl gear: Ruhle trawl, separator trawl, mini-Ruhle trawl, rope trawl, or other gear authorized consistent with 50 CFR 648XXX.
Sink gillnet: Not allowed
Longline: Allowed

Comment [TAN4]: This text attempts to implelment a Committee motion. See September11, 2012 PDT report for an alternative that will be considered by the Committee.

Comment [TAN5]: Committee was not clear on this.

Comment [TAN6]: Committee was not clear on this.

Comment [TAN7]: Committee motion was silent on this issue, need clarification. May need to just elimiante the SAP completely.

Handgear: Allowed
Recreatianal fishing: Not allowed

Closed Area II

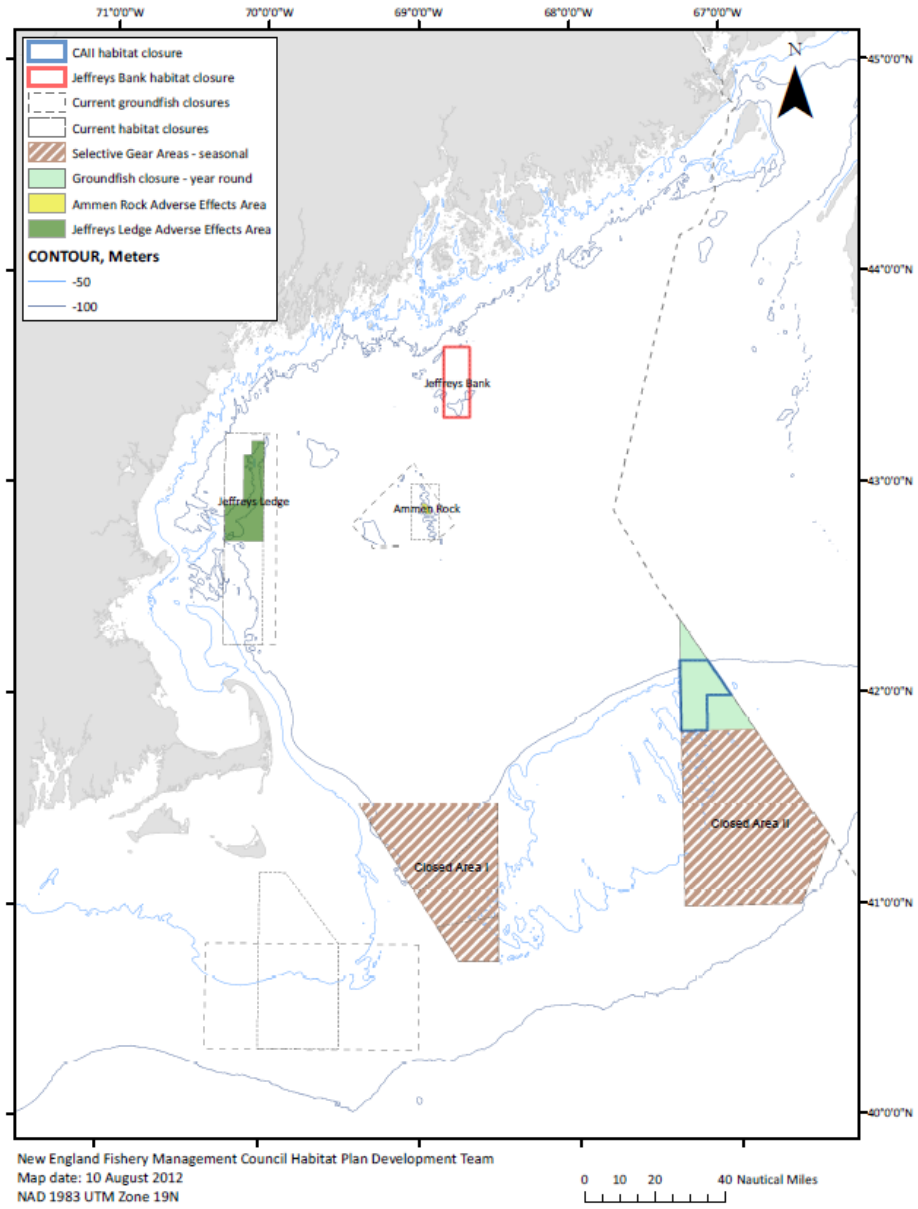
Groundfish fishing vessel access to CAII would be revised. Commercial groundfish fishing vessels (both sector and common pool) would be allowed into CAI from May 1 through February 15 when using appropriate gear. Vessels would only be allowed into the area shown in Figure 2 and described below.

Gear allowed into the area includes:

Trawl gear: Ruhle trawl, separator trawl, mini-Ruhle trawl, rope trawl, or other gear authorized consistent with 50 CFR 648XXX.
Sink gillent: Not allowed
Longline: Allowed
Handgear: Allowed

Area: That portion of CAII that lies south of 41-50 N.

Figure 2 – Option 2, revised groundfish closed areas and modified access areas



4.2.6 Commercial Fishery Accountability Measures

4.2.6.1 Option 1: No Action

TBD

4.2.6.2 Option 2: Change to AM Timing for Stocks Not Allocated To Sectors

If adopted, should reliable information be available that an ACL for a stock that has not been allocated to sectors has been exceeded during a fishing year, the respective AM for that stock would be implemented at the start of the next fishing year. The stocks that this measure would apply to as of 2012 are ocean pout, both windowpane flounder stocks, Atlantic wolffish, Atlantic halibut, and SNE/MA winter flounder; this list could change if the stocks that are allocated to sectors are changed. Subsequent to implementation of an AM, should updated catch information indicate that the ACL was not exceeded, the the AM will be rescinded consistent with the APA.

AMs would not be implemented in the middle of a fishing year. If the information on an overage in fishing year 1 is not available until after the start fishing year 2, then the AM would be implemented at the start of fishing year 3.

If this action is implemented on or before May 1, 2013, and an ACL of a non-allocated stock is exceeded in FY 2012, then the AM will be implemented on May 1, 2013.

Rationale: This measure would modify the timing of AMs for non-allocated stocks so that when reliable information is available that indicates the ACL has been exceeded, the AMs can be implemented more quickly in order to reduce the risk of overfishing in consecutive years. At the same time, since fishing businesses need to plan their operations for each year, the measure makes it clear that the AMs will only be implemented at the start of a fishing year.

4.2.6.3 Option 3: Area – Based Accountability Measures for Atlantic Halibut, Atlantic Wolffish, and SNE/MA Winter Flounder

Atlantic halibut

The groundfish fishery AM for Atlantic halibut would be implemented if the total ACL (as opposed to the groundfish sub-ACL) is projected to be exceeded by an amount that exceeds the management uncertainty buffer. Should a sub-ACL be allocated to other fisheries and AMs developed for those fisheries, the AMs for either (or both) fisheries will be implemented only if the total ACL for the stock is exceeded. If only one fishery exceeds its sub-ACL the AM will be implemented only for that fishery. Note that for this stock a specific area-based measure becomes effective only if catches exceed the ACL by more than the allowance for management uncertainty. In effect, the area-based measures are effective if the ABC is exceeded.

If the AM is implemented trawl vessels would be required to use approved selective trawl gear that reduces the catch of flounders and retention of Atlantic halibut would be prohibited. Approved gears include the separator trawl, Ruhle trawl, mini-Ruhle trawl, rope trawl, and other gear authorized by the Council in a management action or approved for use consistent with the process defined in 50 CFR 648.85 (b)(6).

If the AM is implemented, sink gillnet and longline vessels would not be allowed to fish in the AM areas described below. Should selective gear be developed that reduces catches of these species then fishing would be allowed in these areas as long as the gear is used. Such gear must be approved through the process used to authorize selective trawl gear before it is authorized for use.

Areas: The areas would be implemented for ACL overages that exceed the management uncertainty buffer. The areas are designed to account for an ACL overage of up to 20 percent. Should an overage exceed 20 percent of the ACL, the AM will be implemented and then this measure will be reviewed in a future action.

The applicable areas where trawl gear restrictions would apply are shown in Figure 3.

The areas where sink gillnet and longline fishing would be prohibited (or if selective gear is developed, where use of the gear would be required) are also shown in Figure 3.

Trawl Gear Halibut AM Area

42-00N 69-20W
42-00N 68-20W
41-30N 68-20W
41-30N 69-20W

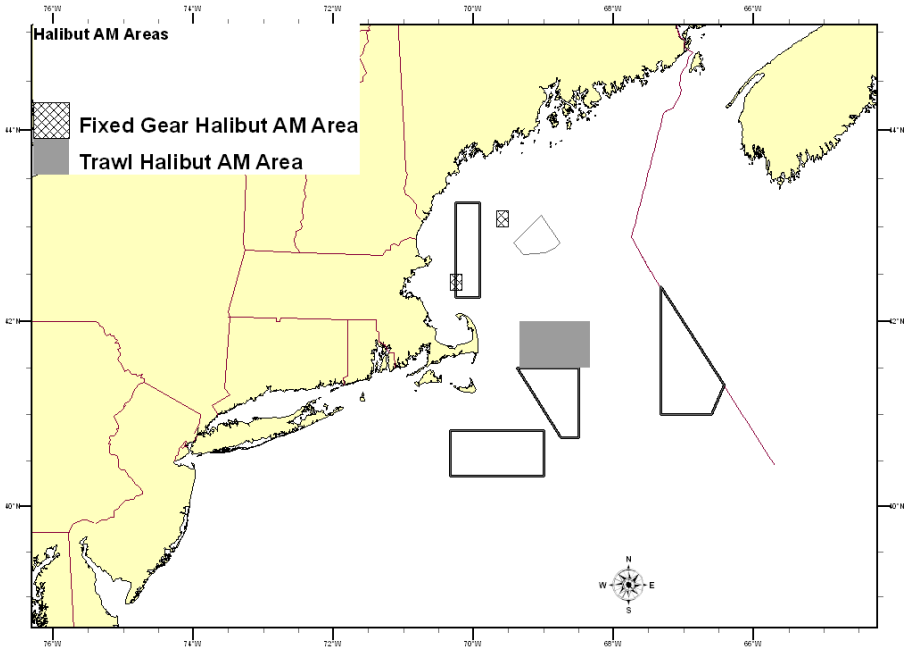
Fixed Gear Halibut AM areas

41-40N 69-40W
41-40N 69-30W
41-30N 69-30W
41-30N 69-40W

And

43-10N 69-40W
43-10N 69-30W
43-00N 69-30W
43-00N 69-40W

Figure 3 – Proposed AM areas for fixed gear and trawl vessels for halibut.



Atlantic Wolffish

The groundfish fishery AM for Atlantic wolffish would be implemented if the total ACL (as opposed to the groundfish sub-ACL) is projected to be exceeded by an amount that exceeds the management uncertainty buffer. Should a sub-ACL be allocated to other fisheries and AMs developed for those fisheries, the AMs for either (or both) fisheries will be implemented only if the total ACL for the stock is exceeded. If only one fishery exceeds its sub-ACL the AM will be implemented only for that fishery. Note that for this stock a specific area-based measure becomes effective only if catches exceed the ACL by more than the allowance for management uncertainty. In effect, the area-based measures are effective if the ABC is exceeded.

If the AM is implemented trawl vessels would be required to use approved selective trawl gear that reduces the catch of demersal species. Approved gears include the separator trawl, Ruhle trawl, mini-Ruhle trawl, rope trawl, and other gear authorized by the Council in a management action or approved for use consistent with the process defined in 50 CFR 648.85 (b)(6).

If the AM is implemented, sink gillnet and longline vessels would not be allowed to fish in the AM areas described below. Should selective gear be developed that reduces catches of these species then fishing would be allowed in these areas as long as the gear is used. Such gear must

be approved through the process used to authorize selective trawl gear before it is authorized for use.

The AM measures would be in effect from May through December, and in April. The measures would not be in effect from January through March because the habits of wolffish make it less susceptible to fishing at that time.

Areas: The areas are designed to account for an AM overage of up to 20 percent. The areas would be implemented for ACL overages that exceed the management uncertainty buffer. Should an overage exceed 20 percent of the ACL, the AM will be implemented and then this measure will be reviewed in a future action.

The applicable areas where trawl gear restrictions would apply are shown in Figure 4.

The areas where sink gillnet and longline fishing would be prohibited (or if selective gear is developed, where use of the gear would be required) are shown in Figure 4.

Trawl Wolffish AM Area

42-30N 70-30W
42-30N 70-15W
42-15N 70-15W
42-15N 70-10W
42-10N 70-10W
42-10N 70-20W
42-20N 70-20W
42-20N 70-30W

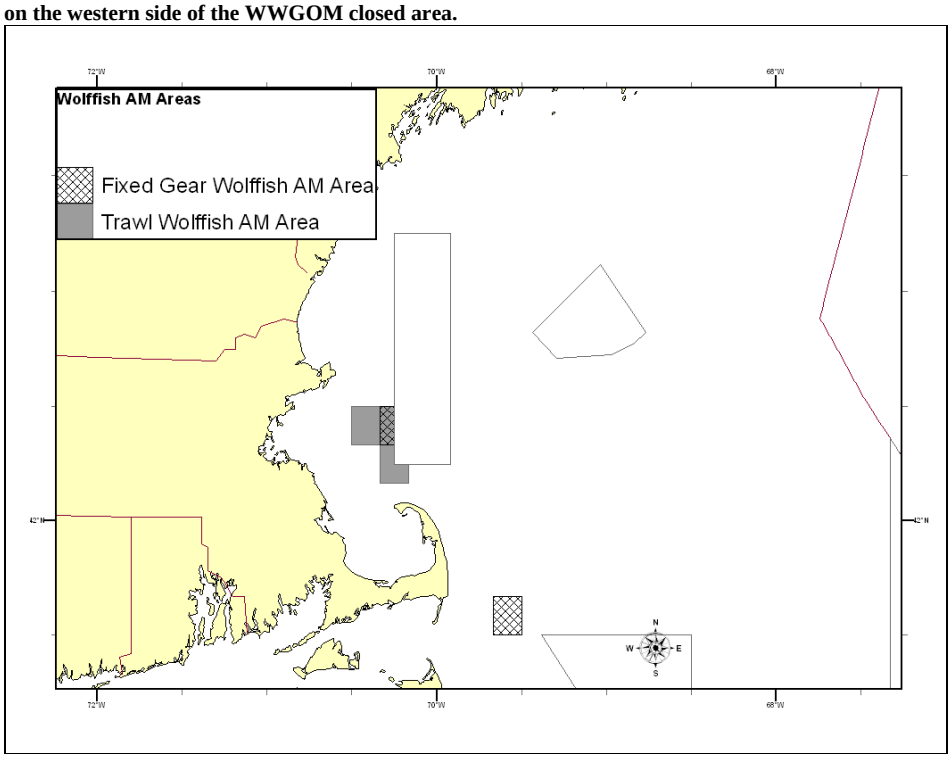
Fixed Gear Wolffish AM Area

41-40N 69-40W
41-40N 69-30W
41-30N 69-30W
41-30N 69-40W

And

42-30N 70-20W
42-30N 70-15W
42-20N 70-15W
42-20N 70-20W

Figure 4 – Proposed AM areas for fixed gear and trawl gear for wolffish. Note the AM areas overlap on the western side of the WWGOM closed area.



SNE/MA Winter Flounder

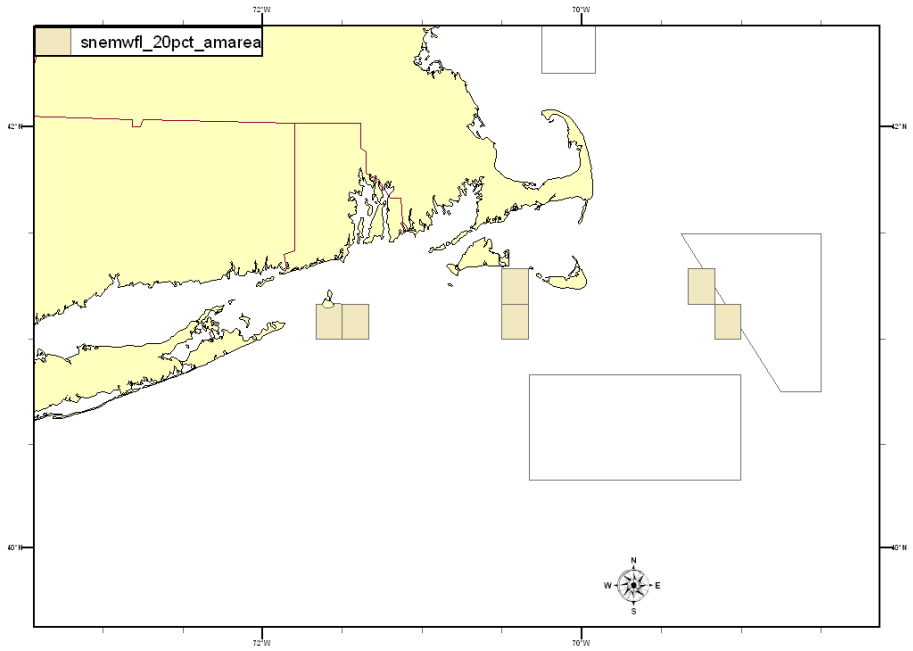
The groundfish fishery AM for SNE/MA winter flounder would be implemented if the total ACL (as opposed to the groundfish sub-ACL) is projected to be exceeded by an amount that exceeds the management uncertainty buffer. Should a sub-ACL be allocated to other fisheries and AMs developed for those fisheries, the AMs for either (or both) fisheries will be implemented only if the total ACL for the stock is exceeded. If only one fishery exceeds its sub-ACL the AM will be implemented only for that fishery. Note that for both stocks, a specific area-based measure becomes effective only if catches exceed the ACL by more than the allowance for management uncertainty. In effect, the area-based measures are effective if the ABC is exceeded.

If the AM is implemented trawl vessels would be required to use approved selective trawl gear that reduces the catch of demersal species. Approved gears include the separator trawl, Ruhle trawl, mini-Ruhle trawl, rope trawl, and other gear authorized by the Council in a management action or approved for use consistent with the process defined in 50 CFR 648.85 (b)(6). There would be no restrictions on longline or gillnet gear.

Areas: The applicable areas where gear restrictions would apply are shown in Figure 5. The areas are designed to account for an AM overage of up to 20 percent. The areas would be implemented for ACL overages that exceed the management uncertainty buffer. Should an overage exceed 20 percent of the ACL , the AM will be implemented and then this measure will be reviewed in a future action.

(Coordinates to be added here)

Figure 5 – Proposed SNE/MA winter flounder AM areas



4.2.7 Trawl Gear Stowage Requirements

4.2.7.1 Option 1 – No Action

If adopted, trawl vessel would be required to stow their gear in the specified way when trasnittignclosed areas.

Rationale: These requirements facilitate enformcent of prohibioits on fishing within closed areas.

4.2.7.2 Option 2 – Removal of Trawl Gear Stowage Requirements

If adopted, this measure would remove the requirement that trawl vessels transitting closed areas stow their gear in manner described by the Regional Administrator. This measure would remiove this requirement for groundfish vessels but does nto modify the requirement imposed by other fisheries.

Rationale: The trawl gear stowage requirements are difficult to define in a manner that appkies to all fishign vessels. In addition, with the adoption of VMS on al lgroundfish fishign vessels, there is less need for mesures that aer intended to make it easier to enforce the transittignrestrictions. Because this requirement has outlived its usefulness it is being removed from the FMP.

5.0 Alternatives Considered and Rejected

5.1.1.1 Option 5: At –Sea Monitoring Funding Mechanisms

If this option is adopted, each sector (including the common pool) that incurs monitoring costs will be provided ACE to help defray the costs of sector monitoring programs (i.e. lease only sectors and state permit banks will not be provided additional ACE to defray monitoring costs). The program will target providing sufficient ACE to cover 100 percent of the direct costs of monitoring as defined in section 4.2.2.4. The additional ACE will be provided from one of two sources:

Sub-Option A: A percentage of the sub-ACL for commercial groundfish vessels
Sub-Option B: A percentage of the difference between the ACL and the ABC for commercial groundfish vessels.

{Need to specify how percentage is determined}

Once the amount of each stock available is determined, it will be distributed to the sectors and common pool in one of the following ways.

Sub Option C: The additional monitoring ACE will be distributed in proportion to each group's ACE. As an example, if a sector received 5 percent of the overall ACE for stock A, it will receive 5 percent of the amount available to defray monitoring costs.

Sub-Option D: The additional monitoring ACE will be distributed in proportion to the distribution of monitoring costs in the previous fishing year. As an example, if a sector incurred 5 percent of the total monitoring costs in the previous fishing year, the sector would receive 5 percent of the amount available to defray monitoring costs.

Sub-Option E: The monitoring cost per pound caught in the previous fishing year will be calculated for each sector (including the common pool). The sectors will be ranked in order of cost per pound with the lowest ranked sector at 1. Each sector (or the common pool) will receive a share for the available ACE calculated as:

Share = Sector Rank/(Sum of all ranks)

Sub-Option F: *TBD. An option designed to incentivize reducing discard; TBD.*

The ACE provided by the sectors will be leased to defray the monitoring costs of the sector. The ACE can be leased within the sector, or can be leased to another sector. Each sector can determine lease prices in any manner chosen by the sector.

In the sector's annual report, a full accounting will be made of all leases of the funding ACE. This report will include the amounts (pounds) of each stock leased, the revenues obtained from that

lease, whether the lease was internal or external to the sector, and if an external lease the receiving sector will be identified.

5.1.2

5.1.2.1 Option 3: Scallop Fishery Sub-ACL for GB Yellowtail Flounder Specified Based on Catch History

If this option is adopted, the scallop fishery sub-ACL for GB yellowtail flopunder will be specified as a percentage of the U.S. ABC based on recent catch history. Recent catc history is shown in Table 6. There are two sub-options under consideration:

> Sub-option A: The percentage would be 7.1 percent, based on the scallop fishery catches of this stock as a percentage of total U.S. catches for the five calendar year period 2002-2011.

5.1.3