

September 21, 2012

Framework Adjustment 48
To the Northeast Multispecies FMP
Draft Management Measures

*These measures are under development and will be modified
September 21, 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:

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.

<i>Need for Framework 48</i>	<i>Corresponding Purpose for Framework 48</i>
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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 Framework Adjustment 48

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.

4.3 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.

Alternatives Under Consideration
Option 2: Revised Annual Catch Limit Specifications

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. CORRECTED 9/18/2012.

(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	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ACL	Total ACL
GB Cod ⁽¹⁾	2013		171	2	7	0	154		0	152	3	0	163
	2014		3,496	35	140	0	3,155		0	3,099	56	0	3,330
	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												
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	341	5	7	0		220	87	218	2	3	323
	2015	592	435	6	9	0		280	111	279	2	4	412
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	183.5		0	181.4	2.1	0.0	208.8
	2014		215	0	8.6	16.7	183.5		0.0	181.4	2.1	0.0	208.8
	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

Alternatives Under Consideration
Option 2: Revised Annual Catch Limit Specifications

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Groundfish Sub-ACL	Comm Groundfish Sub-ACL	Rec Groundfish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub-ACL	Total ACL
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	4,819	3,750	0	188	0	3,384		0	3,365	20	0	3,572
	2014	4,626	3,598	0	180	0	3,247		0	3,228	19	0	3,427
	2015												
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												
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	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

Alternatives Under Consideration
Option 2: Revised Annual Catch Limit Specifications

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Groundfish Sub-ACL	Comm Groundfish Sub-ACL	Rec Groundfish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub-ACL	Total ACL
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

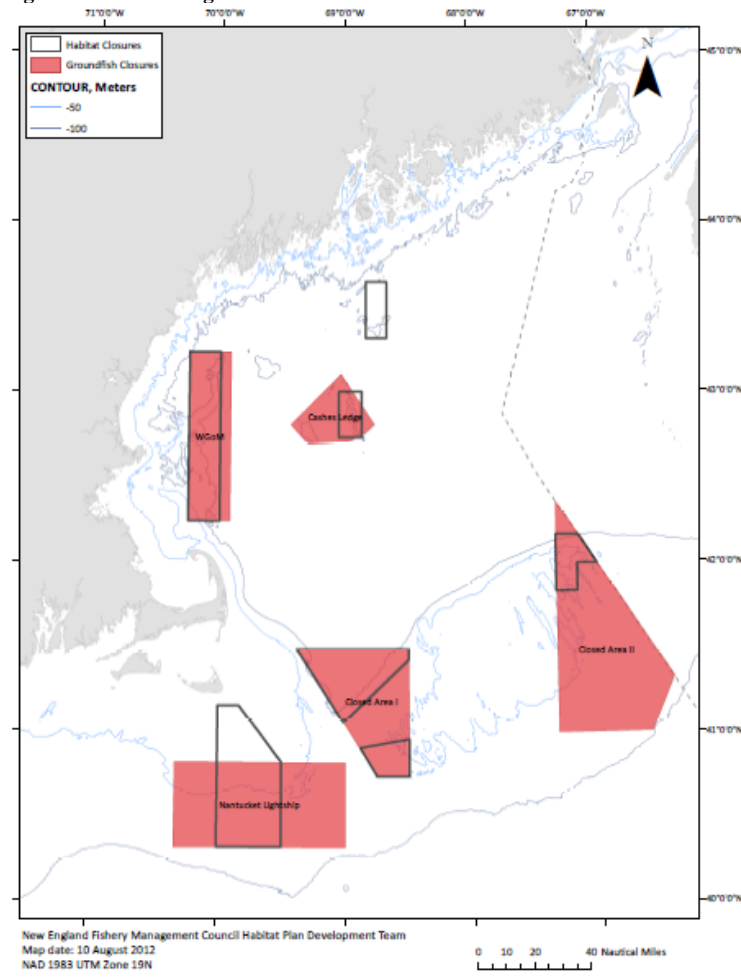
4.4.5 Sector Management Provisions – Allowed Exemption Requests

In previous actions, restrictions on sector exemptions were described in a section titled “Interaction with Common Pool Vessels.” This revised description is adopted for increased clarity.

Option 1: No Action

If adopted, there would be no changes to the restrictions on the types of exemptions that sectors can request. Specifically, sectors would not be permitted to request an exemption from year round closed areas. The current year round closed areas are shown in Figure 1.

Figure 1 – No Action groundfish and habitat closed areas



Option 2: Exemption from Year-Round Mortality Closures

If adopted, this measure would modify sector management provisions. Specifically, sectors would be allowed to 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. See Figure 2 for the areas that would be available for a sector exemption if this measure is implemented.
- Access to Closed Area I and Closed Area II will only be granted for the period May 1 through February 15;
- Access to the WGOM Closed Area will only be granted during periods not subject to rolling closures that are applicable to sectors.

An area on Fipennies Ledge has been identified as a potential habitat management area, and access would not be authorized for this area until the Omnibus Habitat amendment is completed. Any access restrictions would be specified in that action. The coordinates for this area are:

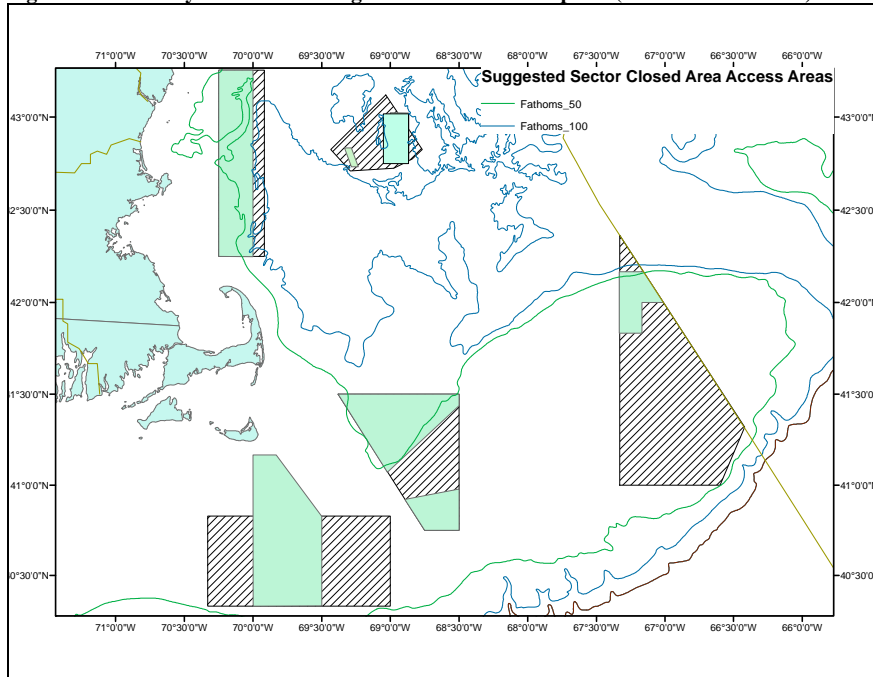
Fipennies Ledge Habitat Management Area (under consideration)

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<u>1</u>	<u>42° 50.0'</u>	<u>-69° 17.0'</u>
<u>2</u>	<u>42° 44.0'</u>	<u>-69° 14.0'</u>
<u>3</u>	<u>42° 44.0'</u>	<u>-69° 18.0'</u>
<u>4</u>	<u>42° 50.0'</u>	<u>-69° 21.0'</u>

Rationale: This measure would allow sectors to obtain greater access to portions of the year-round closed areas. Access to habitat closed areas would not be allowed in order to minimize, to the extent practicable, the adverse effects of fishing on EFH. The increased access will facilitate access to groundfish stocks such as GB haddock, pollock, and redfish, in order that more of the ACLs of those stocks can be harvested. It is also possible that other non-groundfish stocks may be caught on groundfish fishing trips into the areas. These catches will help mitigate the expected low FY 2013 ACLs for several stocks.

It is possible that a future action may modify the year-round closed areas, and may identify different habitat management areas. If that is the case, that action will address, if necessary, any modifications to this measure.

Figure 2 – Mortality closure areas eligible for a sector exemption (cross-hatched areas)



4.4.6 Commercial Fishery Accountability Measures

Option 1: No Action

TBD

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 AM will be rescinded consistent with the APA.