

DECISION DOCUMENT

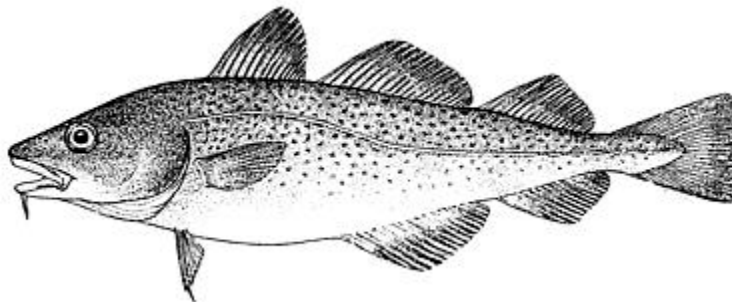
for

Framework Adjustment 51

to the

Northeast Multispecies

Fishery Management Plan (FMP)



**New England Fishery Management Council Meeting
December 17, 2013**

The following decision tables in this document appear in the same order as the sections in the Draft Framework 51 document; page numbers are provided for reference.

Section 4.1.1 – Gulf of Maine Cod Rebuilding Strategy
(p. 22)

Groundfish Committee Motions:

- The Committee recommends that for Section 4.1.1, the Council selects Option 2, Sub-Option B and Option 3, Sub-Option B; and for Section 4.1.2, Option 2, Sub-Option C and Option 3, Sub-Option B as its Preferred Alternatives.

Alternatives/Options Under Consideration	Description *Three Alternatives (more than one can be selected, see below)
Option 1	No Action
Option 2	Revised Rebuilding Strategy for Gulf of Maine Cod <ul style="list-style-type: none"> • Sub-Option A: Rebuild the stock in 8 years with a 50% (median) probability of success by 2022 • Sub-Option B: Rebuild the stock in 10 years with a 50% (median) probability of success by 2024
Option 3 (must be selected with a sub-option under Option 2)	Rebuilding plan review analysis for Gulf of Maine Cod <ul style="list-style-type: none"> • Sub-Option A: No Action. • Sub-Option B: Rebuilding plan review analysis for Gulf of Maine cod
Decisions/Questions to Consider	
<ul style="list-style-type: none"> • Option 3 outlines the administrative steps that would be taken to review the Gulf of Maine cod rebuilding plan, should the specified conditions be met, in order to investigate why rebuilding has not occurred as expected. These types of analyses would likely already be completed under the current biennial review process, and not necessarily only when the above conditions are met. However, the administrative steps are not explicitly identified in the current biennial review process. 	
Groundfish Committee Recommendations	
<ul style="list-style-type: none"> • 	
Groundfish AP Comments/Recommendations	
<ul style="list-style-type: none"> • The GAP recommends Sub-Option B. • GAP Statement: After embarking upon a 10-year rebuilding program for many GF stocks, the GAP has serious reservations and concerns that a larger review and discussion - surrounding the reasons why certain stocks did not rebuild within the parameters established through policy - is not occurring. The GAP recommends a review should take place before the Council adopts new rebuilding programs. Embarking upon the same path, which has proven not to work, is not responsible. 	
Recreational Advisory Panel Comments/Recommendations	
<ul style="list-style-type: none"> • 	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> • Both rebuilding options assume no changes to the FY 2014-2015 ABC (1,550 mt) that was previously recommended by the SSC, and adopted by FW 50. • The M-ramp projection assumes a change in M back to 0.2. The SARC 55 Panel concluded that if M is currently 0.4 then it seemed more reasonable to assume that in the short-term M would remain at 0.4 rather than reduce to 0.2. However, a change back to 0.2 is required to rebuild the stock. It is not known when M will change back to 0.2 in the future for the M-ramp formulation so interpretation and development of rebuilding plans using the M-ramp model is more difficult. • For informational purposes if F=0, it would take 6 years to rebuild Gulf of Maine cod. • The Groundfish PDT has expressed concerns about the use of projections to develop long-term rebuilding plans, especially for the out-years. • Biological impacts: p. 140 • Habitat impacts: p. 169-1 • Endangered and other protected species impacts: p. 170 • Economic impacts: p. 176-1 • Social impacts: p. 177 	

Section 4.1.2 – American Plaice Rebuilding Strategy

(p. 23)

Groundfish Committee Motions:

- The Committee recommends that for Section 4.1.1, the Council selects Option 2, Sub-Option B and Option 3, Sub-Option B; and for Section 4.1.2, Option 2, Sub-Option C and Option 3, Sub-Option B as its Preferred Alternatives.

Alternatives/Options Under Consideration	Description *Three Alternatives (more than one can be selected, see below)
Option 1	No Action
Option 2	Revised Rebuilding Strategy for American Plaice <ul style="list-style-type: none"> Sub-Option A: Rebuild the stock in 7 years with a 50% (median) probability of success by 2021 Sub-Option B: Rebuild the stock in 8 years with a 50% (median) probability of success by 2022 Sub-Option C: Rebuild the stock in 10 years with a 50% (median) probability of success by 2024
Option 3 (must be selected with a sub-option under Option 2)	Rebuilding plan review analysis for American plaice <ul style="list-style-type: none"> Sub-Option A: No Action. Sub-Option B: Rebuilding plan review analysis for American plaice
Decisions/Questions to Consider	
<ul style="list-style-type: none"> Option 3 outlines the administrative steps that would be taken to review the American plaice rebuilding plan, should the specified conditions be met, in order to investigate why rebuilding has not occurred as expected. These types of analyses would likely already be completed under the current biennial review process, and not necessarily only when the above conditions are met. However, the administrative steps are not explicitly identified in the current biennial review process. 	
Groundfish Committee Recommendations	
<ul style="list-style-type: none"> 	
Groundfish AP Comments/Recommendations	
<ul style="list-style-type: none"> The GAP recommends Sub-Option C. GAP Statement: After embarking upon a 10-year rebuilding program for many GF stocks, the GAP has serious reservations and concerns that a larger review and discussion - surrounding the reasons why certain stocks did not rebuild within the parameters established through policy - is not occurring. The GAP recommends a review should take place before the Council adopts new rebuilding programs. Embarking upon the same path, which has proven not to work, is not responsible. 	
Recreational Advisory Panel Comments/Recommendations	
<ul style="list-style-type: none"> 	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> All three rebuilding options assume no changes to the FY 2014-2015 ABCs that were previously recommended by the SSC, and adopted by FW 50. For informational purposes if F=0, it would take 4 years to rebuild American plaice. The Groundfish PDT has expressed concerns about the use of projections to develop long-term rebuilding plans, especially for the out-years. Biological impacts: p. 147 Habitat impacts: p. 169-2 Endangered and other protected species impacts: p. 171 Economic impacts: p. 176-4 Social impacts: p. 178 	

Section 4.1.3 – Annual Catch Limits (p. 25)

Groundfish Committee Motions:

- The Committee recommends that for Section 4.1.3, the Council selects Option 2 as its Preferred Alternative.

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action option
Option 2	Revised annual catch limit specifications
Additional Decisions/Questions to Consider	
•	
Groundfish Committee Recommendations	
•	
Groundfish AP Recommendation	
<ul style="list-style-type: none"> The GAP recommends that the Committee support the ABCs for white hake as set by the SSC for 2014-2016. The GAP was concerned that the TMGC recommendation of a Georges Bank yellowtail flounder quota of 400 mt is too low. 	
Recreational Advisory Panel Comments/Recommendations	
•	
Other Important Considerations	
<ul style="list-style-type: none"> White hake was assessed in February 2013 at SARC 56 using a statistical catch-at-age model (ASAP). White hake is not overfished and overfishing is not occurring. SSB was at 83% of the SSB_{MSY} proxy, but SSB is projected to be at SSB_{MSY} in 2013. The recent assessment indicates that recruitment seem to be very stable, as long as catches do not fluctuate. SSC concluded GB yellowtail flounder OFL is unknown. The Scallop PDT projections for FW 25 scenarios all are above 2014 sub-ACLs (see Scallop PDT memo to GF PDT). Biological impacts: p. 153 Habitat impacts: p. 169-3 Endangered and other protected species impacts: p. 171 Economic impacts: p. 176-7 Social impacts: p. 180 	

Section 4.2.1 – Small-Mesh Fishery Accountability Measures (p. 35)

Groundfish Committee Motions:

- The Committee recommends that for Section 4.2.1, the Council selects Option 2, Sub-Option B2 as its Preferred Alternative.

Alternatives/Options Under Consideration	Description *Three Alternatives
Option 1	No Action
Option 2	Accountability measure for the small-mesh fishery GB yellowtail flounder sub-ACL <ul style="list-style-type: none"> • Sub-Option A: If the sub-ACL is zero or not specified, then the GB yellowtail flounder stock area would close to fishing with small-mesh gear • Sub-Option B: • Sub-Option B1: If the total ACL and sub-ACL was exceeded, approved selective gears would be required to fish with small-mesh gear in the GB yellowtail flounder stock area • Sub-Option B2: If the sub-ACL was exceeded, approved selective gears would be required to fish with small-mesh gear in the GB yellowtail flounder stock area
Decisions/Questions to Consider	
•	
Groundfish Committee Recommendations	
•	
Groundfish AP Comments/Recommendations	
•	
Recreational Advisory Panel Comments/Recommendations	
•	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> • Because of the timing of availability of data for this fishery, the AM would be implemented in the fishing year following the notification of the overage. • From the September 9, 2013 memo from NEFMC Whiting and Mid-Atlantic Fishery Management Council (MAFMC) Squid Advisory Panels (APs) to the Groundfish Oversight Committee: In response to the requirement to develop Georges Bank yellowtail flounder AM alternatives for the small-mesh fishery in Framework Adjustment 51, the advisors recommend consideration of the following alternatives: <ul style="list-style-type: none"> ○ A gear-based AM that would require the year round use of certified bycatch avoidance nets ○ As a backstop AM, a time-area closure that prohibits small-mesh fishing in seasons and areas with the highest yellowtail flounder bycatch rates. ○ An alternative that would trigger AMs only if the total ACL AND the sub-ACL is exceeded ○ An alternative that would give higher priority to AMs using a pound for pound payback when new assessments indicate that higher ACLs can accommodate prior overages. • Biological impacts: p. 159 • Habitat impacts: p. 169-4 • Endangered and other protected species impacts: p. 172 • Economic impacts: p. 176-14 • Social impacts: p. 181 	

Section 4.2.2 – Small-Mesh Fishery Measures

(p. 36)

Groundfish Committee Motions:

- The Committee recommends that for Section 4.2.2, The Council select Option 2 as its Preferred Alternative.

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Call-in requirement for small-mesh fisheries
Decisions/Questions to Consider	
<ul style="list-style-type: none"> • Option 2 does not have a measurable benefit. 	
Groundfish Committee Recommendations	
<ul style="list-style-type: none"> • At its December 9th meeting, the Committee discussed the above issue to consider: <ul style="list-style-type: none"> ○ Due to concerns about the GB yellowtail founder stock, the Committee expressed interest in knowing when small-mesh fisheries would be operating in the GB yellowtail flounder stock area since the fishery is open-access. ○ The Committee was also concerned as to whether or not observer deployment on small-mesh fishery trips is random. 	
Groundfish AP Comments/Recommendations	
<ul style="list-style-type: none"> • No recommendations. 	
Recreational Advisory Panel Comments/Recommendations	
<ul style="list-style-type: none"> • 	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> • The call-in requirement would be in the GB yellowtail flounder stock area. • Currently, the long-fin squid fishery (on trips landing more than 2,500 lbs) is required to use the Pre-Trip Notification System (PTNS). Beginning in January 2014, the mackerel fishery (through Amendment 14 to the Squid, Mackerel, and Butterfish Fishery Management Plan) would also be required to make a 48-hr pre-trip notification for all trips landing more than 20,000 lbs of mackerel). In addition once Amendment 5 to the Atlantic herring FMP is implemented, A5 would require all limited access herring vessels (as well as Category D vessels fishing with mid-water trawl gear in Areas 1A, 1B, and/or 3), mackerel vessels that obtain the new Area 2/3 permit for 20,000 pounds of herring, and all herring carrier vessels to notify the Northeast Fisheries Observer Program (NEFOP) through a pre-trip notification system prior to any trip where the operator may harvest, possess, or land Atlantic herring. These vessels also must declare that they are participating in the herring fishery through VMS by entering the code "HER" and a gear code prior to leaving port. • The whiting fishery time may have logistical constraints on the time needed for pre-trip notification. • The PDT expressed concern that the current alternative may not be linked to any measurable benefit since requiring vessels to make a pre-trip notification would not necessarily increase observer coverage for the fleet. • Biological impacts: p. 161 • Habitat impacts: p. 169-5 • Endangered and other protected species impacts: p. 173 • Economic impacts: p. 176-15 • Social impacts: p. 183 	

Section 4.2.3 – Management Measures for US/CA TACs

(p. 36)

Groundfish Committee Motions:

- The Committee recommends the Council select as its Preferred Alternatives for Section 4.2.3:
 - Option 2, with the addition that this authority only exist for trades made by or before the end of the 2014 fishing year,
 - Option 5, Sub-Option B.
- To consider Section 4.2.3, Options 3 and 4 in Groundfish Amendment 18.

Alternatives/Options Under Consideration	Description *Five Alternatives (more than one can be selected)
Option 1	No Action
Option 2	Regional Administrator (RA) authority for revised in-season adjustment for US/CA TACs consistent with the current ABC distribution
Option 3	RA authority for revised in-season adjustment for US/CA TACs consistent with the sector sub-ACL distribution
Option 4	RA authority for revised in-season adjustment for US/CA TACs trades only with components of the fishery trading away
Option 5	Distribution of US TACs for Eastern/Western Georges Bank haddock <ul style="list-style-type: none"> • Sub-Option A: RA would be allowed to adjust the portion of the U.S. TAC for Eastern GB haddock that is available in the Eastern U.S./Canada Area, to the extent possible at the start of the fishing year • Sub-Option B: A sector, or state-operated permit bank, may convert its Eastern GB haddock ACE to Western GB haddock ACE at any time during the fishing year, and up to 2 weeks into the following fishing year
Decisions/Questions to Consider	
<ul style="list-style-type: none"> • Should Options 3 and 4 be considered in A18 instead of FW 51? 	
Groundfish Committee Recommendations	
<ul style="list-style-type: none"> • 	
Groundfish AP Comments/Recommendations	
GAP Statement: Quota trading is working very well with our sector quota trading system. A similar process should be set up with Canada that allows sectors to initiate the trades. The GAP supports: <ul style="list-style-type: none"> • Giving the RA authority to make trans-boundary quota trades either with or only with the entities that will be trading their quota. (Option 4) • Whichever entities (e.g., MRI, groundfish sector) provide the quota for trans-boundary trading should benefit from the quota given in trade from Canada.(Option 4) • A mechanism needs to be created to allow trading allocation between the groundfish and scallop fisheries. The GAP discussed if the distribution of eastern and western quota for Georges Bank haddock and cod was of concern this year.	
Recreational Advisory Panel Comments/Recommendations	
<ul style="list-style-type: none"> • 	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> • Currently, a trade in quota between the US and Canada is not being considered, but this may change in the future. • Biological impacts: p. 161 • Habitat impacts: p. 169-5 • Endangered and other protected species impacts: p. 173 • Economic impacts: p. 176-16 • Social impacts: p. 183 	

Section 4.2.4 – Georges Bank Yellowtail Flounder Management Measures

(p. 39)

Groundfish Committee Motions:

- The Committee recommends that for Section 4.2.4, the Council selects Option 2 as its Preferred Alternative, unless NMFS develops a discard tool to address this issue through the sectors.

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Revised discard strata for GB yellowtail flounder
Decisions/Questions to Consider	
•	
Groundfish Committee Recommendations	
<ul style="list-style-type: none"> The Committee expressed concerns that sectors still need a discard tool and that such an approach might be better than revising the discard strata for GB yellowtail flounder. 	
Groundfish AP Comments/Recommendations	
<ul style="list-style-type: none"> The GAP recommends to the GF OSC: to revisit the stratification of assumed discards for GB yellowtail flounder. 	
Recreational Advisory Panel Comments/Recommendations	
•	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> The GF PDT revisited the discard strata for Georges Bank yellowtail flounder. This measure was considered in Framework Adjustment 48 (FW 48), but was disapproved by NMFS due to industry opposition that the measure would not provide them with any measurable benefits. The PDT reviewed public comments received on this measure in FW 48, along with NMFS' rationale for disapproval, and has been unable to alter the measure to address the concerns raised during FW 48 rule-making. Therefore, the measure that appears in FW 51 is identical to the one proposed in FW 48. The PDT has not completed a new analysis on this alternative since FW 48. The PDT noted potential implications of this alternative that would result from creating finer scale stratification. This measure could potentially result in higher observer coverage rates (within 522 or the other areas), increase the discard rate of GB yellowtail flounder in other areas as a result of removing "clean trips" from 522 (which could have unintended consequences for sectors fishing in those areas), and increase the uncertainty around the discard estimate unless the rates were statistically significantly different from each other. Biological impacts: p. 164 Habitat impacts: p. 169-7 Endangered and other protected species impacts: p. 175 Economic impacts: p. 176-17 Social impacts: p. 185 	

**Section 4.2.5 – Prohibition of Possession of Yellowtail Flounder by the
Limited Access Scallop Fishery
(p. 41)**

Groundfish Committee Motions:

- The Committee recommends that for Section 4.2.5, the Council selects Option 1 (No Action) as its Preferred Alternative.

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Prohibition on possession of yellowtail flounder by the limited access scallop fishery
Decisions/Questions to Consider	
•	
Groundfish Committee Recommendations	
•	
Groundfish AP Comments/Recommendations	
•	
Recreational Advisory Panel Comments/Recommendations	
•	
Other Important Considerations/DEIS References	
<ul style="list-style-type: none"> • The Scallop PDT memo suggest that 1) compliance in the limited access fishery has been low thus expected beneficial impacts are limited (reduced yellowtail bycatch and improved data; 2) relatively small number of LA vessels currently landing YTF, thus economic impacts of Option 2 are minimal; 3) if some limited access vessels are targeting yellowtail flounder increased yellowtail flounder catch could have negative impacts on the scallop fishery if AMs are triggered. (See Scallop PDT to GF PDT memo). • Biological impacts: p. 167 • Habitat impacts: p. 169-7 • Endangered and other protected species impacts: p. 175 • Economic impacts: p. 176-17 • Social impacts: p. 186 	