

November 9, 2012

Framework Adjustment 48  
To the Northeast Multispecies FMP  
Draft Management Measures

*These measures are under development and will be modified  
November 9, 2012*

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

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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.

<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"> <li>• Revisions to status determination criteria, including updated yellowtail flounder assessments</li> <li>• Measures to adopt ACLs, including relevant sub-ACLs and incidental catch TACs</li> <li>• Measures to adopt TACs for U.S./Canada area</li> </ul>
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"> <li>• Modification of restrictions on the catch of Georges Bank yellowtail flounder</li> <li>• Modification of accountability measures for certain stocks, including halibut</li> <li>• Modification of measures for the recreational fishery</li> </ul>
<ul style="list-style-type: none"> <li>• Modification of observer coverage levels to improve documentation and reduce costs</li> </ul> Modify management measures regulating the at sea monitoring program to be in compliance with Amendment 16	<ul style="list-style-type: none"> <li>• Modify management measures regulating the at sea monitoring program in compliance with Amendment 16</li> <li>• Modification of expenses industry is required to cover</li> <li>• Modification of management measures for dockside monitoring</li> </ul>
Modify management measures to mitigate negative economic impacts for the fleet from projected low allocations	<ul style="list-style-type: none"> <li>• Allow sectors to request exemptions from year round closure system for groundfish vessels</li> <li>• Modification of management measures for minimum fish size requirements</li> </ul>

### **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.



## 4.0 Alternatives Under Consideration

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

#### 4.1.1 Revised Status Determination Criteria 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 <sub>MSY</sub> or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F <sub>MSY</sub> or proxy)
Gulf of Maine Cod	SSB <sub>MSY</sub> : SSB/R (40% MSP)	½ Btarget	F40%MSP
Georges Bank Cod	SSB <sub>MSY</sub> : SSB/R (40% MSP)	½ Btarget	F40%MSP
SNE/MA Yellowtail Flounder	SSB <sub>MSY</sub> : SSB/R (40% MSP)	½ Btarget	F40%MSP
White Hake	SSB <sub>MSY</sub> : SSB/R (40% MSP)	½ Btarget	F40%MSP

**Table 2 – No action numerical estimates of SDCs**

Stock	Model	Bmsy or proxy (mt)	F <sub>MSY</sub> 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 Yellowtail 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 Criteria 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 <sub>MSY</sub> or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F <sub>MSY</sub> or proxy)
Gulf of Maine Cod	SSB <sub>MSY</sub> or a proxy for SSB <sub>MSY</sub>	½ B <sub>target</sub>	F <sub>MSY</sub> or a proxy for F <sub>MSY</sub>
Georges Bank Cod	SSB <sub>MSY</sub> or a proxy for SSB <sub>MSY</sub>	½ B <sub>target</sub>	F <sub>MSY</sub> or a proxy for F <sub>MSY</sub>
SNE/MA Yellowtail Flounder	SSB <sub>MSY</sub> : SSB/R (40% MSP)	½ B <sub>target</sub>	F40%MSP
White Hake	SSB <sub>MSY</sub> or a proxy for SSB <sub>MSY</sub>	½ B <sub>target</sub>	F <sub>MSY</sub> or a proxy for F <sub>MSY</sub>

**Table 4 – Option**

Stock	Model	B <sub>msy</sub> or proxy (mt)	F <sub>MSY</sub> or proxy	MSY (mt)
Gulf of Maine Cod	ASAP	TBD	TBD	TBD
Georges Bank Cod	VPA	TBD	TBD	TBD
SNE/MA Yellowtail Flounder	ASAP	<u>2,995</u>	<u>0.316 (fully recruited ages 4-5)</u>	<u>773</u>
White Hake	SCAA	TBD	TBD	TBD

*Rationale:* This option would update the status determination criteria for these stocks to reflect the best available scientific information. This will provide the most appropriate mortality and biomass targets as the basis for management.

#### 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 90<sup>th</sup> 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 total is 36 percent.

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 the scallop fishery, 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, or the scallop fishery catch is 150 percent or more of the sub-ACL.

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

**Table 5 – Limited access scallop fishery discards 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%

Alternatives Under Consideration

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

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 scallop 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 adopted in a future action and will be applicable to any overage that occurs in 2013.

#### 4.1.2.3 Option 3: Other Sub-Components Sub-ACL

The portion of this stock allocated to other sub-components in federal waters will be treated as a sub-ACL and will be renamed "other fisheries sub-ACL."

*Rationale:* This is an administrative measure which makes it possible to adopt an AM that applies to catches by other fisheries. That AM is proposed in section 4.2.6.4.

### 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 yellowtail 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 allow 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 Based on 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. The sub-ABC of GB yellowtail flounder would be 90 percent of this estimate, and the sub-ACL would be specified by adjusting this sub-ABC for management uncertainty. These values would be provided to the Council at the September Council meeting. The allocation of GB yellowtail flounder to the scallop fishery would be changed using 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 flounder would be specified as a fixed percentage of the U.S. ABC based on recent catch history. The Council would select a percentage for this action that would apply to all future allocations. This percentage would be applied to the U.S. ABC to get a sub-ABC, and the this value would be adjusted for management uncertainty to get the scallop fishery sub-ACL. Recent catch history is shown in Table 6. The percentage would be selected from a range of 8-16 percent and once defined by FW 48 this percentage would be used unless changed in a future action.

*Groundfish Committee Preferred  
Alternative (16%)*

*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 percentage for an allocation. This will facilitate that fishery developing ways to avoid yellowtail flounder 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 Small-Mesh Fisheries Sub-ACL for GB Yellowtail Flounder**

**Comment [TAN1]:** New Committee option; text not yet reviewed by Committee or Council.

**4.1.4.1 Option 1: No Action**

*If this option is adopted, there would not be a specific sub-ACL for GB yellowtail flounder for small-mesh bottom trawl fisheries. Catches of this stock by vessels using this gear would be counted as part of the “other sub-components” category.*

**4.1.4.2 Option 2: Small-Mesh Fisheries Sub-ACL for GB Yellowtail Flounder**

*If this option is adopted, there would be a specific sub-ACL for GB yellowtail flounder for small-mesh bottom trawl fisheries. Catches of this stock by vessels using this gear would be no longer counted as part of the “other sub-components” category. AMs would be developed by the relevant FMPs.*

*For the purposes of this sub-ACL, small-mesh bottom trawl fisheries are defined as those vessels that use a bottom otter trawl with a cod-end mesh size of less than 5 inches. Typical target species for vessels using this gear on GB are whiting and squid.*

*The sub-ACL would be based on a percentage of the U.S. ABC for this stock. This percentage would be applied to the ABC to get a sub-ABC, and then the sub-ABC would be adjusted to account for management uncertainty in order to get the sub-ACL. The percentage will be based on recent catch history, shown below in Table 7. Because of limited observer coverage prior to 2004, the period 2004-2011 will be used as the basis for the catch history.*

**Table 7 – Recent small-mesh fisheries catches of GB yellowtail flounder**

Year	U.S. Landings	U.S. Discards	U.S. Catch	Small-Mesh Discards	Small-Mesh Discards as Percent of U.S. Catch
2004	5837	460	6297	55	0.01
2005	3161	414	3575	52	0.01
2006	1196	384	1580	26	0.02
2007	1058	493	1551	110	0.07
2008	937	409	1346	26	0.02
2009	959	759	1718	24	0.01
2010	654	289	943	30	0.03
2011	904	192	1096	33	0.03
			mean		0.03
			median		0.02
			90th ptile		0.04

*Rationale: While small-mesh fishery catches of GB yellowtail flounder have generally been less than 100 mt in recent years, with declining ABCs for this stock they are an increasing percentage of the total U.S. catch. Adoption of a sub-ACL will enable control of those catches through the use of an AM.*

~~4.1.5 U.S./Canada Resource Sharing Understanding TACs~~

**Comment [TAN2]:** Document has been restructured to incorporate this section into the ABC/ACL section.

~~4.1.5.1 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.~~

~~Rationale: This option would not adopt the recommendations of the TMGC for US/CA stocks.~~

~~4.1.5.2 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 8 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 8 – Proposed FY 2012 U.S./Canada TACs (mt) and Percentage Shares**

<b>TAC</b>	<b>Eastern GB Cod</b>	<b>Eastern GB Haddock</b>	<b>GB Yellowtail Flounder</b>
Total Shared TAC	600 mt	10,400 mt	500/1150 mt
U.S. TAC	96 mt	3,952 mt	215 / 495
Canada TAC	504 mt	6,448 mt	285/656

A comparison of the proposed FY 2012 U.S. TACs and the FY 2011 U.S. TACs is shown in Table 9. Changes to the U.S. TACs reflect changes to the percentage shares, stock status, and the TMGC recommendations.

**Table 9 – Comparison of the Proposed FY 2012 U.S. TACs and the FY 2011 U.S. TACs (mt)**

<b>Stock</b>	<b>U.S. TAC</b>		<b>Percent Change</b>
	<b>FY 2013</b>	<b>FY 2012</b>	
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.



#### 4.1.6 Annual Catch Limit Specifications

##### 4.1.6.1 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 Table 10.

If this option is selected, there would be no specific allocations made for the US/CA Resource Sharing Understanding quotas for FY 2013. These quotas are specified annually.

If this option is selected, there would be no specific allocations to the scallop fishery. While these allocations are typically made for a multi-year period, none have been specified beyond FY 2012.

*Rationale:*

**Table 10 – 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	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub_ACL	Total ACL
GB Cod <sup>(1)</sup>	2013												
	2014												
	2015												
GOM Cod	2013												
	2014												
	2015												
GB Haddock <sup>(1)</sup>	2013												
	2014												
	2015												
GOM Haddock	2013												
	2014												
	2015												
GB Yellowtail Flounder <sup>(1)</sup>	2013												
	2014												
	2015												
SNE/MA Yellowtail Flounder	2013												
	2014												
	2015												

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

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<b>Stock</b>	<b>Year</b>	<b>OFL</b>	<b>U.S. ABC</b>	<b>State Waters Sub-component</b>	<b>Other Sub-Components</b>	<b>Scallops</b>	<b>Groundfish Sub-ACL</b>	<b>Comm Groundfish Sub-ACL</b>	<b>Rec Groundfish Sub-ACL</b>	<b>Preliminary Sectors Sub-ACL</b>	<b>Preliminary Non_Sector Groundfish Sub-ACL</b>	<b>MWT Sub_ACL</b>	<b>Total ACL</b>
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 11 – 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.**

Stock	Cat B (regular) DAS Program			CAI Hook Gear Haddock SAP			EUS/CA Haddock SAP		
	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 12 – 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				

#### 4.1.6.2 Option 2: Revised Annual Catch Limit Specifications

If Option 2 is selected, the specifications for FY 2013 through FY 2015 would be as specified in Table 17.

The specifications in Table 17 reflect two other decisions that influence the values in the table. The first is the specification of quotas for EGB cod, EGB haddock, and GB yellowtail flounder for the U.S./Canada Resource Sharing area. The second is the identification of sub-ACLs for the scallop fishery for three stocks: GB yellowtail flounder, SNE/MA yellowtail flounder, and SNE/MAB windowpane flounder.

Benchmark assessments are being completed for GB cod and GOM cod. Because the results of these assessments will not be available until January 2013, the Council is considering a range of ABCs for these two stocks for FY 2013. Table 17 reflects the range and shows a high and low value. When the assessment is completed, the Council's SSC will recommend ABCs for these two stocks, the Council will select an ABC, and NMFS will implement the ABC for FY 2013 through procedures consistent with the APA.

##### U.S./Canada TACs

This alternative would specify TACs for the U.S./Canada Management Area for FY 2013 as indicated in Table 13 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.

Two alternatives are being considered for GB yellowtail flounder. The TMGC recommended a 500 mt total quota for 2013. The Council asked to see an analysis of an 1150 mt quota as well. This second value is based on an SSC decision that this could be a backstop ABC if measures are adopted to allow only a bycatch fishery.

A comparison of the proposed FY 2012 U.S. TACs and the FY 2011 U.S. TACs is shown in Table 14. Changes to the U.S. TACs reflect changes to the percentage shares, stock status, and the TMGC recommendations.

Table 13 - Proposed FY 2013 U.S./Canada TACs (mt) and Country Shares

TAC	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
Total Shared TAC	600 mt	10,400 mt	500/1150 mt
U.S. TAC	96 mt	3,952 mt	215 / 495
Canada TAC	504 mt	6,448 mt	285/656

**Table 14 - Comparison of the Proposed FY 2012 U.S. TACs and the FY 2012 U.S. TACs (mt)**

Stock	U.S. TAC		Percent Change
	FY 2013	FY 2012	
Eastern GB cod	96 mt	162 mt	-41%
Eastern GB haddock	3,952 mt	6,880	-43%
GB yellowtail	215 mt	564 mt	-62%
	495 mt		-12%

*Scallop Fishery Sub-ACLs*

This option would specify scallop fishery sub-ACLs for GB yellowtail flounder, SNE/MA yellowtail flounder, and possibly SNE/MAB windowpane flounder.

Sub-ACLs for the two yellowtail flounder stocks were adopted in Amendment 16. This action considers three alternatives for specifying how the sub-ACL for GB yellowtail flounder is calculated (see section 4.1.3). The possible values based on the alternatives are shown below. The two most likely alternatives that will be selected are Alternatives 2 and 4. For those alternatives that are based on the expected scallop fishery catch of yellowtail flounder, the amount that would be allocated depends on both the scallop management alternative selected and the overall GB yellowtail flounder ABC. These values are shown in Table 15. The values shown are for the sub-ABC, which is then reduced for management uncertainty.

For SNE/MA yellowtail flounder, the Council will select an allocation for the scallop fishery. For reference, the expected catches for the various scallop management alternatives are shown in Table 16. In FY 2010 – FY 2012, the sub-ACL for this stock was based on 90 percent of the estimated scallop fishery catch, but the Council is not bound by this decision. The 90 percent value is shown for illustration only.

For SNE/MA windowpane flounder this action may establish a scallop fishery sub-ACL (see section 4.1.2). If this sub-ACL is adopted, the scallop fishery would be allocated 36 percent of the ABC. These values are shown in Table 17.

*Rationale:* This measure would adopt new specifications for groundfish stocks that are consistent with the most recent assessment information. For most stocks, only one alternative to No Action is shown. This is because these catches represent the best scientific information, as determined by the Council’s Science and Statistical Committee, and the M-S Act requires that catches not be set higher than these levels.

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

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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.

The specification of sub-ACLs for the scallop fishery will help ensure that bycatches of GB and SNE/MA yellowtail flounder, and SNE/MA windowpane flounder, are controlled and do not lead to overfishing.



**Table 15 – Estimated scallop fishery catch of GB yellowtail flounder, 90 percent of that estimate, and 8 and 16 percent of the GB yellowtail flounder ABC. Italicized values exceed the U.S. share under an ABC of 500 mt; greyed out values exceed the U.S. share with an ABC of 1,150 mt. Note scallop sub-ABCs are reduced to account for management uncertainty.**

	Scallop FW 24 Management Alternative									
	No Action		Alt1		Alt2		Alt3		Alt4	
	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014
<i>Expected scallop fishery catch of GB yellowtail flounder</i>										
LOW	105	165	77	70	64	109	70	90	35	52
MEDIUM	222	318	175	202	134	210	145	173	73	97
HIGH	400	556	319	385	240	364	260	299	129	166
<i>(Section 4.1.3.2) Scallop Sub-ABC at 90 percent of expected scallop fishery catch of GB yellowtail flounder</i>										
LOW	94.5	148.5	69.3	63	57.6	98.1	63	81	31.5	46.8
MEDIUM	199.8	286.2	157.5	181.8	120.6	189	130.5	155.7	65.7	87.3
HIGH	360	500.4	287.1	346.5	216	327.6	234	269.1	116.1	149.4
<i>(Section 4.1.3.3) Scallop Sub-ABC at a Fixed Percentage Allocation of GB YTF ABC</i>										
8 percent	17.2									
16 percent	34.4									

**Table 16 – Estimated scallop fishery catch of SNE/MA yellowtail flounder and scallop fishery sub-ABC. Note these sub-ABCs are reduced to account for management uncertainty.**

	Scallop FW 24 Management Alternative														
	No Action			Alt 1			Alt 2			Alt 3			Alt 4		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
	<i>Estimated scallop fishery catches of SNE/MA yellowtail flounder</i>														
<b>Low</b>	34	35	40	23	33	30	27	33	31	23	33	32	27	33	30
<b>Medium</b>	39	39	45	28	38	35	33	38	36	28	38	37	32	39	36
<b>High</b>	43	43	49	34	43	41	38	43	41	34	43	42	38	44	41
	<i>Scallop Sub-ABC at 90 percent of estimated catches shown above</i>														
<b>Low</b>	30.6	31.5	36.0	20.7	29.7	27.0	24.3	29.7	27.9	20.7	29.7	28.8	24.3	29.7	27.0
<b>Medium</b>	35.1	35.1	40.5	25.2	34.2	31.5	29.7	34.2	32.4	25.2	34.2	33.3	28.8	35.1	32.4
<b>High</b>	38.7	38.7	44.1	30.6	38.7	36.9	34.2	38.7	36.9	30.6	38.7	37.8	34.2	39.6	36.9

**Table 17 – 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. Sector shares based on 2012 PSCs. UPDATED 11/01/2012.**

- (1) Grayed out values will be adjusted as a result of future recommendations of the TMGC.  
 (2) Assumes scallop sub-ABC of 119 mt at both ABC values: the average of 90 percent of medium scallop fishery catch estimates  
 (3) Assumes scallop sub-ABC is 8 pct for both ABC values. 16 percent would be double, if selected, and groundfish sub-ACL would be reduced.

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 <sup>(1)</sup>	2013		171	2	7	0	154		0	152	3	0	163
	2013		3,496	35	140	0	3,155		0	3,099	56	0	3,330
	2014												
GOM Cod	2013		750	50	25	0		402	235	394	8	0	711
	2013		4,000	265	133	0		2,141.5	1,254	2,100.9	40.6	0	3,793
	2014												
GB Haddock <sup>(1)</sup>	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	440	341	5	7	0		220	87	218	2	3	323
	2015	561	435	6	9	0		280	111	279	2	4	412
GB Yellowtail Flounder <sup>(1)</sup> <sup>(2)</sup>	2013		215	0	38.7	115.4	55.6		0	54.9	0.6	0	209.7
	2013		495	0	89.0	115.4	277.9		0.0	274.7	3.2	0.0	482.3
	2014												
GB Yellowtail Flounder <sup>(3)</sup>	2013		215	0	38.7	16.7	154.3		0	152.6	1.8	0.0	209.7
	2013		495	0	89.0	38.4	355.0		0.0	350.9	4.1	0.0	482.3
	2014		0	0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0
SNE/MA Yellowtail Flounder	2013	1,021	700	7	28	30	601		0	480	121	0	666
	2014	1,042	700	7	28	30	601		0	480	121	0	666
	2015	1,056	700	7	28	30	601		0	480	121	0	666

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Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Groundfish Sub-ACL	Comm Groundfish Sub-ACL	Rec Groundfish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub-ACL	Total ACL
CC/GOM Yellowtail Flounder	2013	713	548	33	11	0	479		0	467	12	0	523
	2014	936	548	33	11	0	479		0	467	12	0	523
	2015	1,194	548	33	11	0	479		0	467	12	0	523
Plaice	2013	2,035	1,557	31	31	0	1,420		0	1,396	24	0	1,482
	2014	1,981	1,515	30	30	0	1,382		0	1,359	23	0	1,442
	2015	2,021	1,544	31	31	0	1,408		0	1,385	24	0	1,470
Witch Flounder	2013	1,196	783	23	117	0	610		0	601	9	0	751
	2014	1,512	783	23	117	0	610		0	601	9	0	751
	2015	1,846	783	23	117	0	610		0	601	9	0	751
GB Winter Flounder	2013	4,819	3,750	0	113	0	3,456		0	3,436	20	0	3,568
	2014	4,626	3,598	0	108	0	3,316		0	3,296	19	0	3,423
	2015												
GOM Winter Flounder	2013	1,458	1,078	272	54	0	714.7		0	690.3	24.4	0	1,040
	2014	1,458	1,078	272	54	0	714.7		0	690.3	24.4	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	220	0	10,132		0	10,091	41	0	10,462
	2014	16,130	11,465	115	229	0	10,565		0	10,522	43	0	10,909
	2015	16,845	11,974	120	239	0	11,034		0	10,989	45	0	11,393

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Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Groundfish Sub-ACL	Comm Groundfish Sub-ACL	Rec Groundfish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Groundfish Sub-ACL	MWT Sub-ACL	Total ACL
White Hake	2013	5,306	3,638	36	73	0	3,352		0	3,326	27	0	3,462
	2014		0	0	0	0	0		0	0	0	0	0
	2015		0	0	0	0	0		0	0	0	0	0
Pollock	2013	20,060	15,600	936	1,092	0	12,893		0	12,810	84	0	14,921
	2014	20,554	16,000	960	1,120	0	13,224		0	13,138	86	0	15,304
	2015												
N. Window-pane Flounder	2013	202	151	2	44	0	98		0	0	98	0	144
	2014	202	151	2	44	0	98		0	0	98	0	144
	2015	202	151	2	44	0	98		0	0	98	0	144
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	40	5	0	52		0	0	52	0	96
	2014	180	109	44	5	0	57		0	0	57	0	106
	2015	198	119	48	6	0	62		0	0	62	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 18 – 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.**

Stock	Cat B (regular) DAS Program			CAI Hook Gear Haddock SAP			EUS/CA Haddock SAP		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
GB cod	0.0/0.6			0.0/0.2			0.0/0.4		
GOM cod	0.1/0.4								
GB Yellowtail	0.0						0.0		
CC/GOM yellowtail	0.1	0.1	0.1						
SNE/MA Yellowtail	1.2	1.2	1.2						
Plaice	1.2	1.2	1.2						
Witch Flounder	0.5	0.5	0.5						
White Hake	0.5								
SNE/MA Winter Flounder	0.4	0.4							
GB Winter Flounder	0.2	0.2					0.2	0.2	

**Table 19 – 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 considers changing recreational fishery management measures as necessary to control catches of GOM cod and GOM haddock.

#### 4.2.1.1 Option 1: No Action

If this option is adopted, there would be no changes to the administration of the AMs for the recreational fishery. The AM would only be a reactive AM, with changes to measures only allowed after a sub-ACL has been exceeded.

Under this option, if it is determined that the recreational fishery exceeded its sub-ACL for a stock, NMFS consults with the Council and then implemented appropriate measures to prevent the sub-ACL from being exceeded.

Rationale: The need to change recreational measures can only be verified after catches are known and are compared to the ACLs. This option would continue the current practice of making measures more restrictive only if the recreational sub-ACL is exceeded.

#### 4.2.1.2 Option 2: Revised Accountability Measure for the Recreational Fishery

If this option is adopted, the AM for the recreational fishery would be modified pursuant to the Council's authority to amend AMs through framework actions. The existing AM only allows changes to recreational measures if an ACL is exceeded, and is solely a reactive AM. This measure would modify the AM so that proactive changes to measures can be implemented if necessary. Rather than wait until the recreational fishery exceeds a sub-ACL, the Regional Administrator would be allowed to adjust recreational measures so that the recreational fishery will achieve, but will not exceed, the specific sub-ACLs that are allocated to the fishery. To the extent possible, changes to recreational measures that result from anticipated changes in sub-ACLs will be made before the start of the fishing year. Any changes will be adopted through procedures consistent with the APA.

Prior to changing recreational measures, the NMFS would consult with the Council and would advise the Council what measures are under consideration. Time permitting, the Council would provide the recreational Advisory Panel an opportunity to discuss the proposals in a public meeting. Should the Council provide recommended measures to the NMFS, the agency would explain any deviations from those recommendations when measures are adopted.

When selecting measures, NMFS would consider the following guidance:

- If additional effort controls are necessary to reduce cod catches, consideration should be given, in order, to increase minimum size limits, adjust seasons and change bag limits.
- If additional effort controls are necessary to reduce haddock catches, consideration should be given, in order, to increase minimum size limits and change bag limits, and adjust seasons.

If this measure is adopted, any adjustments to recreational measures that are necessary for FY 2013 would be announced as soon as possible (should this measure be approved) and the management measures would be implemented on or about the start of FY. Development recreational measures for FY 2013 – including the consultations with the Council and Recreational Advisory Panel – would occur prior to approval and implementation of FW 48. The requirement for NMFS to consider the Council’s recommendations for FY 2013 recreational measures would be contingent on approval of this measure.

*Rationale:* Under the current AMs, there is no mechanism to adjust recreational measures if the expectation is that the recreational fishery will exceed or not achieve a future ACL. This increases the risk that overfishing will occur (if catches are expected to exceed the ACL), and reduces the ability to achieve OY for this fishery (if catches are expected to be less than the ACL). This measure proposes to revise the AM so that it can be used in a reactive manner. The required consultations with the Council are intended to provide increased opportunity for public comment, and to provide more opportunity for states to coordinate their measures with NMFS. The guidance on measures that NMFS should consider, and the priority order, is not intended to restrict the agency’s discretion in choosing measures. In FY 2013, the timing of the implementation of this action means that any changes to measures may not be formally announced until the start of the fishing year.

#### 4.2.2 Groundfish Monitoring Program Revisions

##### 4.2.2.1 Option 1: No Action

TBD – will reflect elements of current monitoring program that may be changed through this action.

##### 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:

Framework Adjustment 48  
November 9, 2012 Draft



- 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**

Rationale: This option would expand on the goals and objectives for the monitoring program. More specific goals and objectives will help in the design and evaluation of monitoring programs.

#### 4.2.2.3 Option 3: ASM Coverage Levels

Adequate coverage (combined NEFOP, ASM and EM) is required to meet the need for both the precision and accuracy of discard estimates.

##### 4.2.2.3.1 Sub-Option A: Clarification of CV Standard

For observer or at-sea monitor coverage, minimum coverage levels must meet the coefficient of variation in the Standardized Bycatch Reporting Methodology. The CV standard must be met at the level specified below:

Sub-Option A1: For allocated groundfish stocks caught by sectors, the CV standard must be met for each stock at the overall stock level.

Sub-Option A2: For allocated groundfish stocks caught by sectors, the CV standard must be met for each stock and each sector.

The minimum coverage level based on CV is only appropriate for sector monitoring purposes if there is no evidence that behavior on observed and unobserved trips is different. If there is evidence that behavior is different, then a higher coverage level may be required to ensure the accuracy of discard estimates. The required levels of coverage will be set by NMFS based on information provided by the Northeast Fisheries Science Center (NEFSC) and may consider factors other than the SBRM CV standard when determining appropriate levels. Any electronic monitoring equipment or systems used to provide at-sea monitoring will be subject to the approval of NMFS through review and approval of the sector operations plan. Less than 100% electronic monitoring and at-sea observation will be required.

Rationale: While Amendment 16 specified that, at a minimum, ASM coverage must be sufficient to meet the CV standard specified by the SBRM, it was not clear on what level of stratification should be used for the standard. This measure would clarify that issue. Sub-Option A1 would require that the standard be met at the overall stock level (i.e. GOM cod caught by all sectors). Sub-Option B would require that the standard be met at each stock and each sector level (i.e. GOM cod caught by each specific sector). Sub-Option A2 would lead to higher coverage levels than Sub-Option A. Neither option would require that the CV standard be met for each stratum within a sector.

#### **4.2.2.3.2 Sub-Option B: Removal of Requirement for Industry-Funded At-Sea Monitoring for FY 2013**

This option would maintain at-sea monitoring coverage of sector trips at the level that NMFS can fund during FY 2013. Under this option, sectors would not be required to implement an industry-funded at-sea monitoring program in FY 2013. Instead, NMFS will provide as much funding as possible for at-sea monitoring of sector trips in FY 2013. Absent further action, industry will be responsible for the portion of these costs not funded by NMFS in FY 2014.

Rationale: Amendment 16 mandated that the industry will fund at-sea and dockside monitoring costs beginning in FY 2012. To date, NMFS has had sufficient funding to provide an at-sea monitoring program to fulfill this requirement for sectors annually since FY 2010. Absent continued funding for the NMFS at-sea monitoring program in FY 2013, sectors would be responsible for implementing industry-funded at-sea monitoring programs to monitor their fishing activities beginning May 1, 2013. The Council is concerned that imposing these costs on the industry in FY 2013 will reduce profitability and result in making the sector system an economic failure. This action delays by one year industry responsibility for those costs. A sunset date has been included so that the Council may further modify this requirement in the future as more information becomes available on the appropriate monitoring levels, costs of those programs, and implementation of electronic monitoring systems.

4.2.2.3.3 Sub-Option C: Lower coverage rates for sector trips on a Monkfish DAS in the SNE Broad Stock Area using ELM gillnet gear

Under this option, upon an annual determination by NMFS of sector ASM coverage rates, NMFS would specify some lower coverage rate for sector trips under a monkfish DAS declaration in the SNE Broad Stock Area using ELM gillnet gear. The monkfish regulations currently require any vessel fishing on a monkfish DAS using gillnet gear to use a minimum of 10" mesh gillnets. PTNS would have to be revised to allow a vessel to indicate a trip under a monkfish DAS (this is currently not a field in the form). PTNS trip selection would also have to be revised to add a tier in which the determination is made based upon a vessel's PTNS declaration that the vessel will be taking an ELM gillnet trip on a monkfish DAS in the SNE Broad Stock Area and would be pulled aside for a different selection probability than all other sector trips. Sector vessels using this measure would still be required to land all groundfish of legal size on all sector trips. A vessel declaring a trip on a monkfish DAS through PTNS would be prohibited from changing its declaration for that trip. To facilitate the use of fishery-dependent data from these trips in stock assessments, NMFS would develop a method for identifying these trips in all appropriate fishery-dependent datasets.

- Sub-Option C(1): NMFS determines some coverage rate for these trips annually. The coverage rates of all other sector trips must still at a minimum meet the performance standard required of sector monitoring adopted by FW 48 (see Section 4.2.2.3). (May want to stipulate that this should be implemented only if it results in lower coverage rates for the SNE ELM gillnet trips).
- Sub-Option C(2): Trips in this pool are subject to NEFOP coverage only, no additional ASM coverage is required. The performance standard adopted by FW 48 for sector monitoring must still be met at a minimum (see Section 4.2.2.3).

*Rationale:* There is a limited amount of money available to pay for ASM. This measure would reduce the use of ASM funds on trips that catch little groundfish, thereby helping to focus ASM resources on those trips that catch groundfish.

#### 4.2.2.4 Option 4: Industry At - Sea Monitoring 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

*Rationale:* This option clarifies the ASM expenses that would be the responsibility of industry and those that would be the responsibility of the government. The industry would be responsible for funding only the direct costs associated with the observer's presence on the vessel. Other costs are related to the programmatic costs of ASM and will remain the responsibility of the government. This measure will help make enforcement costs borne by the industry more manageable.

#### 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 would 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 not 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 system. 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.

#### 4.2.2.5.3 Option 3: 100 percent Dockside Monitoring Requirement

This option would only be adopted if full retention (see section 4.2.3.3) of regulated groundfish would also be adopted for sector vessels. This option would require that all sector groundfish trips be subject to dockside monitoring.

Rationale: Full retention may lead to changes in the sizes of fish that are landed. This dockside monitoring requirement will enable more accurate evaluation of such changes so that they are detected as rapidly as possible.

### 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 species would be modified as shown below. Vessels fishing within sectors would be required to land all allocated groundfish that meets the minimum size requirements. Common pool vessels would also be subject to this minimum sizes, but because trip limits may apply to common pool vessels they are not required to land all legal-sized fish.

It should be noted that these changes would be made to reduce regulatory discards and to allow many fish to reach spawning age before being caught, 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 explain how and exemption to mesh regulations would be unlikely to 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 circumstances because 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.

Species	Minimum Size
Cod	<u>19 in. (48.3 cm)</u>
Haddock	<u>16 in (40.6 cm)</u>
Pollock	<u>19 in. (48.3 cm)</u>
Witch Flounder (gray sole)	<u>13 in. (33 cm)</u>
Yellowtail Flounder	<u>12 in (30.5 cm)</u>
American Plaice (dab)	<u>12 in. (30.5 cm)</u>
Atlantic Halibut	<u>41 in. (104.1 cm)</u>
Winter Flounder (blackback)	<u>12 in. (30.5 cm)</u>
Redfish	<u>7 in. (17.8 cm)</u>

*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 and the length at 50 percent maturity. The minimum sizes shown would be expected to reduce many discards due to minimum 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 would 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 explain why such an exemption would 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 circumstances because these meshes might not increase catches of

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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.

*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. Sectors 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 adapt to the constraints of low allocations and this option would allow them to use that flexibility to their advantage.

##### 4.2.4.2 Option 3: Revised Discard Strata for GB Yellowtail Flounder

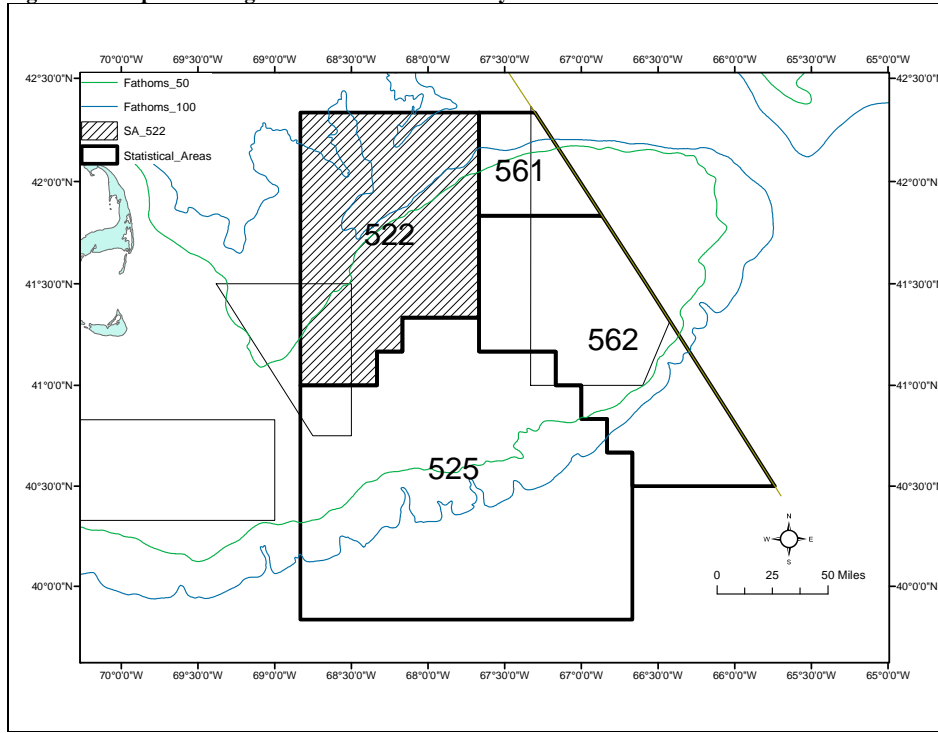
This option would modify the stratification used for estimating discards of GB yellowtail flounder for in-season quota monitoring. It would not change the stratification used in assessments. If adopted, yellowtail flounder discards on groundfish trips would be calculated for two different areas: statistical area 522 and all other GB yellowtail flounder statistical areas. The areas are shown in Figure 1.

This approach would be used for all groundfish gear. It would not change the stratification method for other groundfish stocks. Yellowtail flounder is primarily caught by trawl gear. If the Regional Administrator determines that this additional stratification is not needed for other, non-trawl gears, then the stratification method can be modified to exclude those gears using procedures consistent with the APA.

*Rationale:* Yellowtail flounder are primarily caught in the shallower waters of GB. SA 522 includes a large area of deeper water where groundfish vessels target haddock and other species. Catch rates of yellowtail flounder are lower in this area than in the other statistical areas. By treating this as a different discard stratum for yellowtail flounder, the discard rate of GB yellowtail flounder that is applied to unobserved trips will more accurately reflect what occurs in this area, and will not be influenced by fishing activity in the other areas. This should allow more fishing in this area without exceeding allocations of GB yellowtail flounder. This is primarily an issue for trawl vessels, and the Regional Administrator can choose not to apply this approach to other gears if deemed unnecessary.



**Figure 1 – Proposed change in discard strata for GB yellowtail flounder**



**4.2.4.3 Option 3: Small-Mesh Fishery Bottom Trawl Gear Requirements**

**Comment [TAN3]:** New Committee option, text not reviewed by Committee or Council.

*This option would adopt gear requirements for bottom trawl vessels that are on non-groundfish trips (i.e., not fishing on a groundfish DAS and/or not fishing on a sector trip). Any vessel using a bottom trawl with a cod-end mesh size of less than five inches in statistical areas 522, 525, 561, or 562 would be required to use a trawl designed to minimize catches of flounders (see Figure 1). Approved trawls include the raised footrope trawl, separator trawl, Ruhle trawl, and rope trawl. Additional gear could be added to this list by the Regional Administrator using the process outlined in 50 CFR XXXXX.*

*Rationale: Small-mesh bottom trawl vessels fishing on GB catch and discard GB yellowtail flounder and other flatfish. This measure would reduce the catches of these species, helping to address the bycatch reduction requirements of the M-S Act. It would also make more fish available for other fisheries that land these species.*

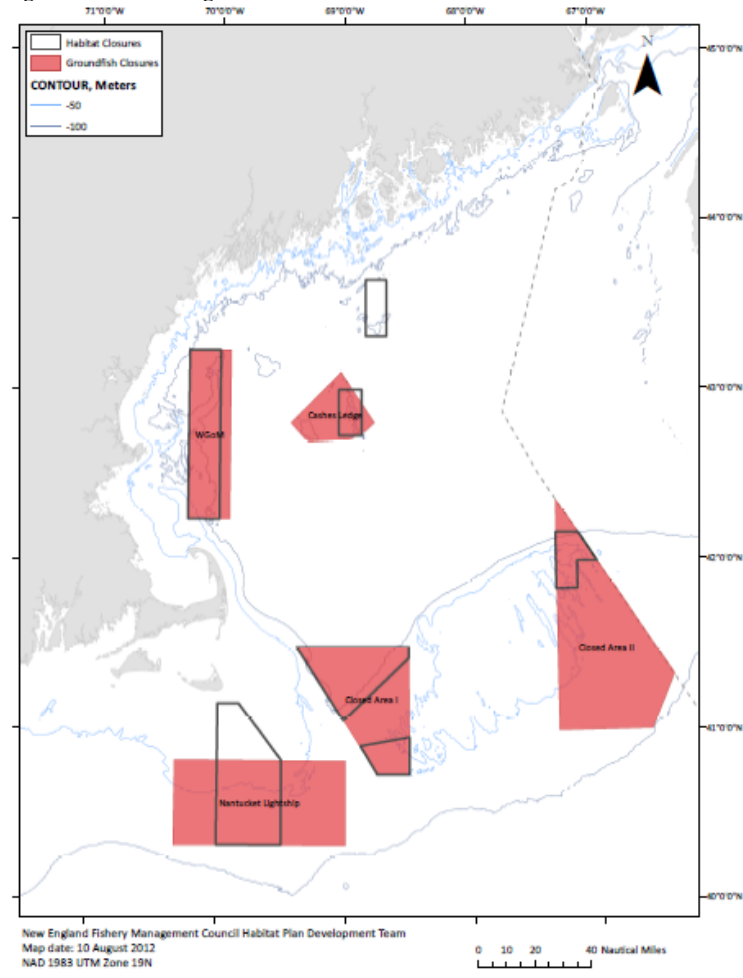
#### 4.2.5 Sector Management Provisions – Allowed Exemption Requests

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.

##### 4.2.5.1 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 2.

Figure 2 – No Action groundfish and habitat closed areas



Rationale: While adopted primarily to assist in the control of groundfish fishing mortality, closed areas address a number of management issues. This measure would continue to limit access to closed areas with only a few exceptions that are adopted as special access programs.

#### 4.2.5.2 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 3 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 not be allowed when the area eligible for access is subject to rolling closures that are applicable to sectors. Only one such closure currently overlaps the part of the area in Figure 3 that is eligible for access by sector vessels; the overlap is shown in Figure 4.

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)

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

When considering sector requests for access to the closed area, the NMFS should include, inter alia, consideration of the potential for gear conflicts, shifts in fishing effort out of the closed areas, and impacts on protected species and lobsters.

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

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the areas. These catches will also 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 3 – Mortality closure areas eligible for a sector exemption (cross-hatched areas)**

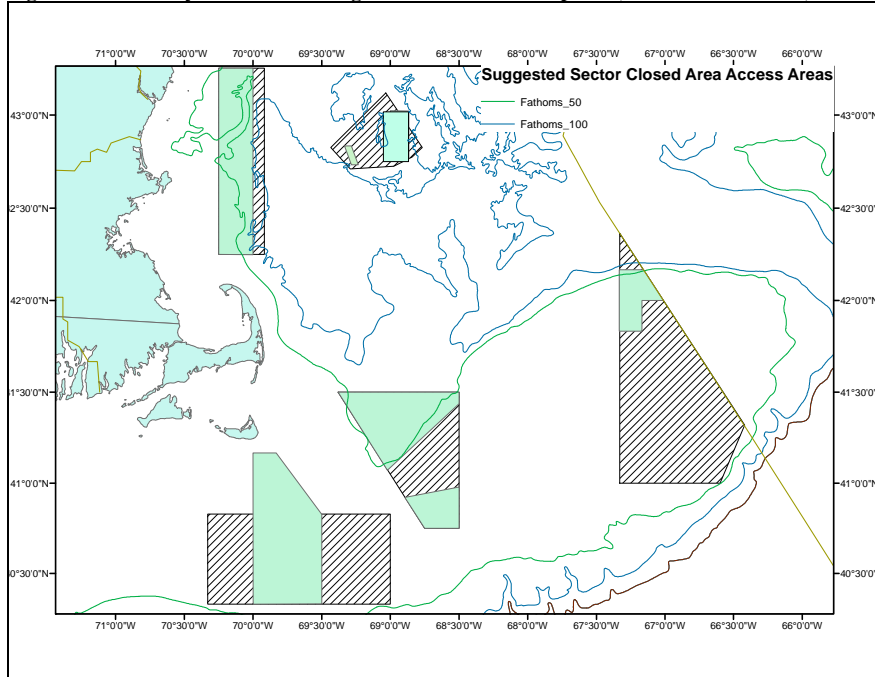
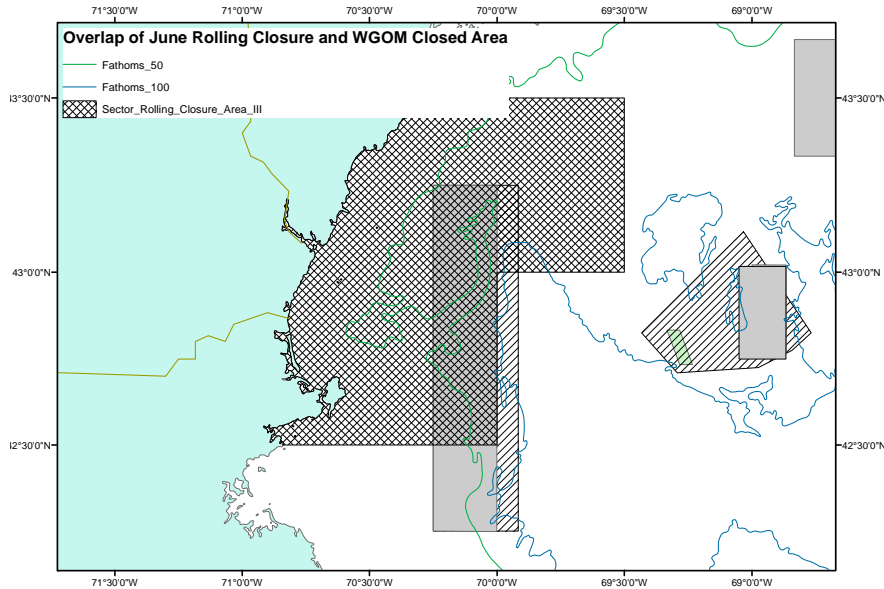


Figure 4 – Overlap of May sector rolling closure and WGOM closed area



#### 4.2.6 Commercial Fishery Accountability Measures

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

##### 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 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 5.

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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 5.

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

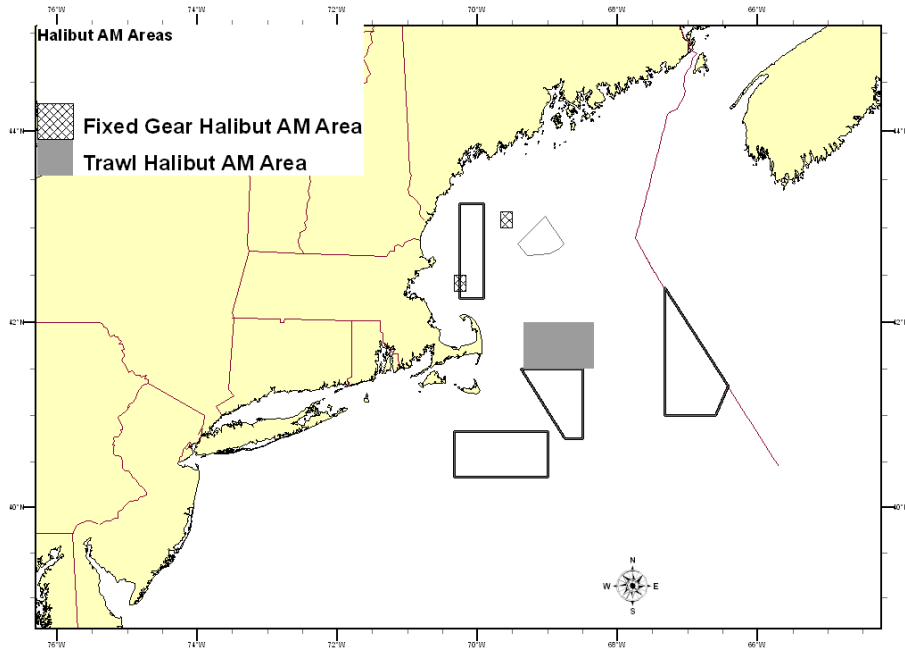
41-40N 69-40W  
41-40N 69-30W  
41-30N 69-30W  
41-30N 69-40W

And

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



Figure 5 – 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 6.

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 6.

#### 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

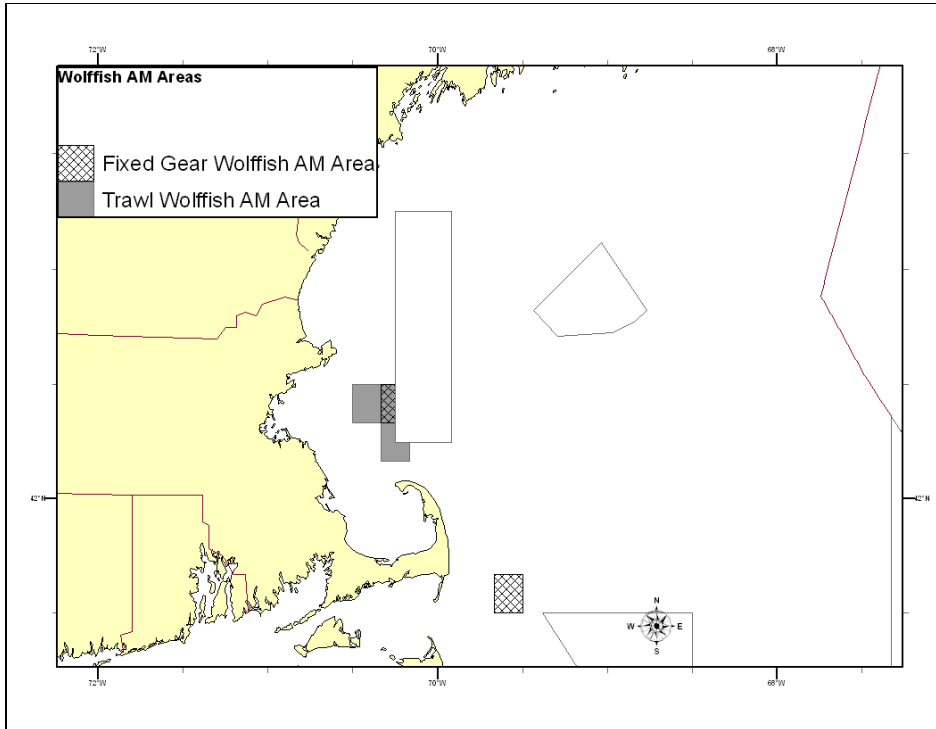
#### Fixed Gear Wolffish AM Area

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 6 – 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

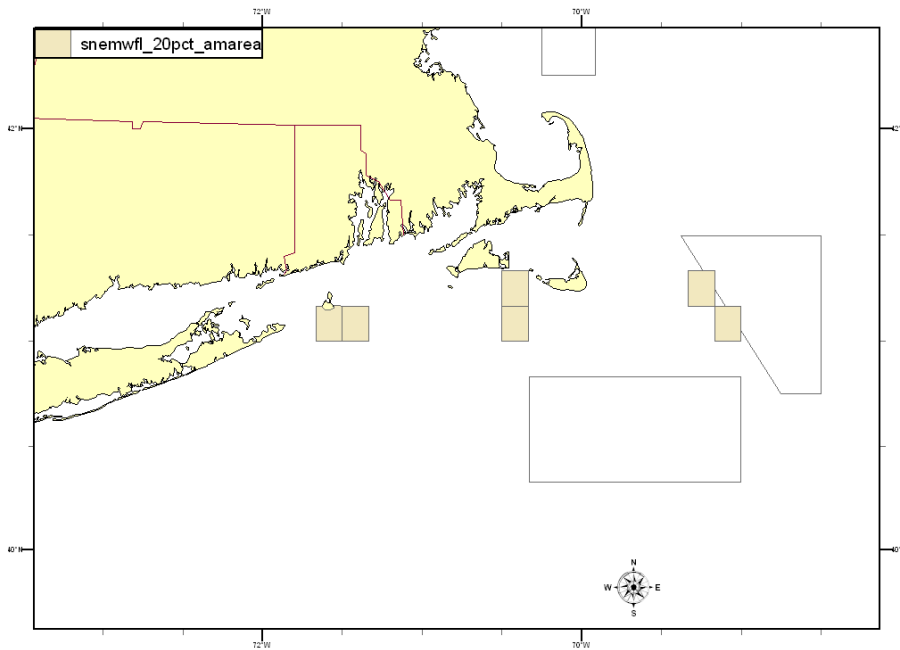
The groundfish fishery AM for SNE/MA winter flounder would be implemented if the total ACL (as opposed to the groundfish sub-ACL) is projected to be exceeded by an amount that exceeds the management uncertainty buffer. Should a sub-ACL be allocated to other fisheries and AMs developed for those fisheries, 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 7. 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 7 – Proposed SNE/MA winter flounder AM areas**



#### 4.2.6.4 Option 4: Modifications to the Accountability Measures for SNE/MAB Windowpane Flounder

The existing AM for SNE/MAB would be modified to apply to two components of the SNE/MAB windowpane flounder ACL. The area-based AM would apply to both the groundfish sub-ACL and the other –sub-components portion of the ACL. If the groundfish portion of the sub-ACL is exceeded, and the overall ACL for this stock is exceeded by an amount that exceeds the management uncertainty buffer, then the AM would be applied to groundfish fishing vessels. If the overall ACL is exceeded by an amount that exceeds the management uncertainty buffer and

the other sub-components portion of the ACL is exceeded, then the AM would apply to all trawl vessels using cod ends with a mesh size of 5 inches or larger (except the groundfish fishery unless that sub-ACL is also exceeded).

It is expected that this measure would only be adopted if the modification to the SNE/MAB ACL proposed in section 4.1.2.3 is adopted.

Rationale: Groundfish fishing vessels account for only a portion of the catch of SNE/MAB windowpane flounder. As a result, the current AM for this stock may not be adequate to prevent overfishing. Another large portion is harvested by trawl vessels in other fisheries that use mesh size larger than 5 inches. By extending this AM to apply to those stocks (in concert with defining the other sub-components portion as a sub-ACL), there is a greater likelihood that the AM will successfully control catches and help prevent overfishing.

#### 4.2.6.5 Option 5 : Revised HA and HB Permit Accountability Measures

Amendment 16 specified that hook gear would be subject to trimester TAC provisions for cod, haddock, white hake, and pollock. If this measure is adopted, vessels fishing in the common pool with HA or HB permits and using either handgear or tub trawls would not be subject to the trimester TAC provisions for the following additional species:

##### White hake

The Regional Administrator is authorized to exempt HA and HB permits fishing in the common pool from the trimester TAC provisions if catches of a species or stock by these vessels are less than 1 percent of the common pool catch of that species or stock. This determination would be made prior to the start of the fishing year through procedures consistent with the APA. Any such determination would remain in effect until modified.

Rationale: The trimester TAC AMs adopted for common pool vessels in Amendment 16 were designed to apply only to those gears that caught specific stocks. This measure narrows the stocks for which the handgear permit categories will be subject to the trimester TAC based on recent catches. It makes no sense to restrict handgear fishing activity if an AM is triggered for a stock that is rarely caught by these vessels.

#### 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 transiting closed areas.

*Rationale:* These requirements facilitate enforcing prohibitions 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 transiting closed areas stow their gear in manner described by the Regional Administrator. This measure would remove this requirement for groundfish trawl fishing trips but does not modify any requirements imposed by other fisheries.

*Rationale:* The trawl gear stowage requirements are difficult to define in a manner that applies to all fishing vessels. In addition, with the adoption of VMS on all groundfish fishing vessels, there is less need for measures that are intended to make it easier to enforce the transiting restrictions. Because this requirement has outlived its usefulness it is being removed from the FMP.

## 5.0 Alternatives Considered and Rejected

### 5.1.1 At-Sea Monitoring Funding Mechanisms

The Council considered an option that would have provided additional ACE to sectors and the common pool in order to defray part of the costs of ASM. The options proposed that each sector (including the common pool) that incurs monitoring costs would be provided ACE to help defray the costs of sector monitoring programs (i.e. lease only sectors and state permit banks would 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 would 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.

Once the amount of each stock available is determined, it would 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:

$$\text{Share} = \text{Sector Rank} / (\text{Sum of all ranks})$$

This option was not pursued because it would need to be adopted by an amendment since it changes the way sector allocations are determined.

### 5.1.2 ASM Coverage Level Sufficient to Detect Monitoring Effects

It is difficult to evaluate the overall accuracy of discard estimates because it hinges on what is occurring on unobserved trips. Appropriate sampling techniques can minimize the errors of the estimates as long as the sampled trips are representative of the fishery as a whole. If there are monitoring effects – either due to non-random trip selection or changes in behavior when observers are on board – then the discard estimates may be biased.

Analyses of several metrics that can be measured on both observed and unobserved trips suggest that fishermen behave differently on unobserved trips than they do on observed trips. In the data analyzed to date, the differences are relatively small at the median (mean?). This does not, unfortunately, give any indication on whether discard rates are different on unobserved trips.

Since it is not possible to determine the amount of bias in discard rates on unobserved trips, the level of observer coverage is based on the amount of coverage needed to detect monitoring effects in metrics that can be measured on both observed and unobserved trips. This value would be determined by NMFs and communicated to sectors using procedures consistent with the APA. Sectors would incorporate this coverage level into their sector operations plans.

This option was not pursued because the Council could not identify the appropriate level of observer coverage necessary to detect monitoring effects.

#### 5.1.3 Scallop Fishery Sub-ACL for GB Yellowtail Flounder Specified Based on Catch History

This option considered establishing the scallop fishery sub-ACL for GB yellowtail flounder based on recent catch history. This option considered using the period 2002-2011, and was not pursued because the results were similar to other options that are being considered. Recent catch history is shown in Table 6. The percentage would have been 7.1 percent..

#### 5.1.4 Modified Access to Year-Round Groundfish Closed Areas

This measure considered modifying 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 were considered are summarized below. This option was not pursued because it cannot be adopted in a framework action, and would need to be supported by an EIS.

##### **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 8. 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 8. 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 8.

### **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 Habitat 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 (October 1 - December 31).

Gear allowed into the area includes:

- Trawl gear: Ruhle trawl, separator trawl, mini-Ruhle trawl, rope trawl, or other gear authorized.
- Sink gillnet: Not allowed
- Longline: Allowed
- Handgear: Allowed
- Recreational fishing: Not allowed

### **Closed Area II**

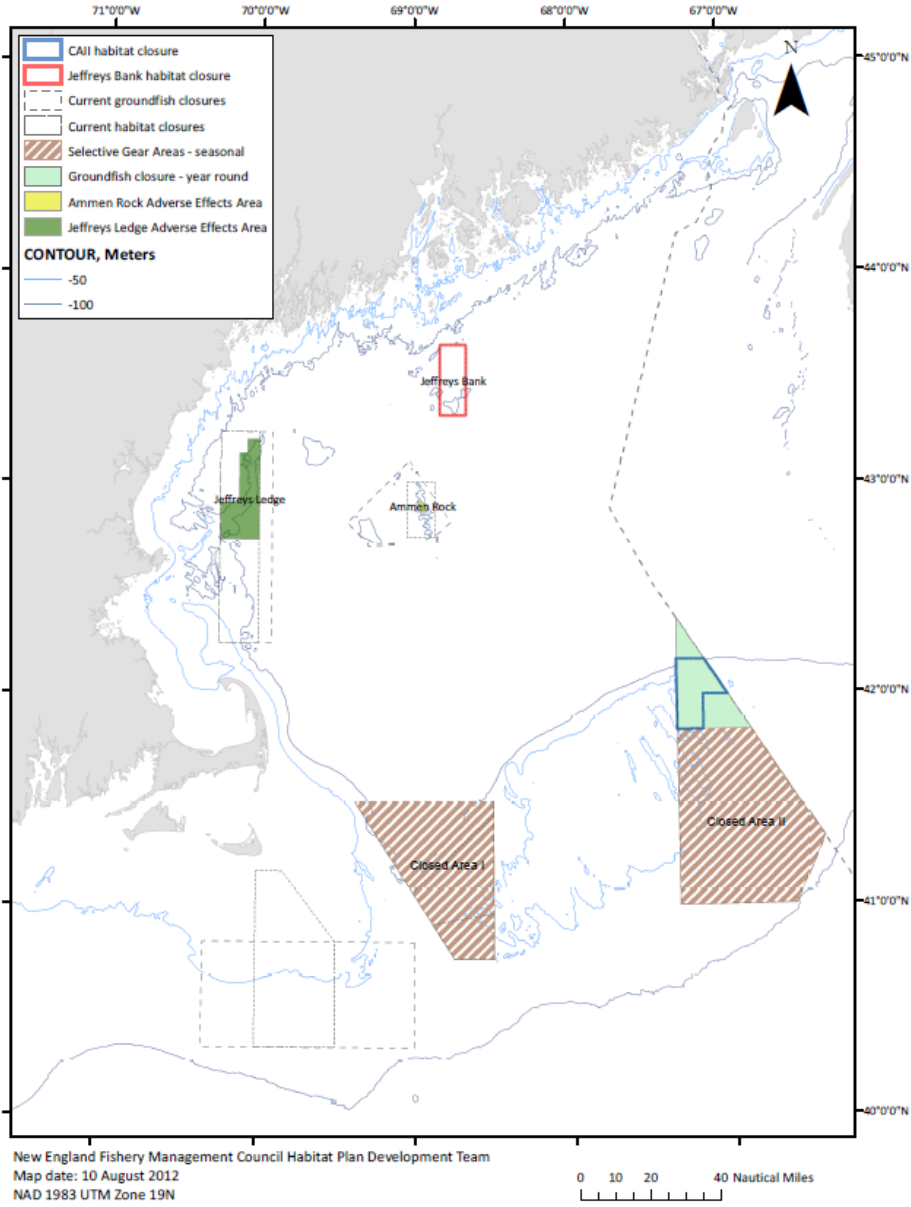
Groundfish fishing vessel access to CAII would be revised. Commercial groundfish fishing vessels (both sector and common pool) would be allowed into CAI from May 1 through February 15 when using appropriate gear. Vessels would only be allowed into the area shown in Figure 8 and described below.

Gear allowed into the area includes:

- Trawl gear: Ruhle trawl, separator trawl, mini-Ruhle trawl, rope trawl, or other gear authorized
- Sink gillnet: Not allowed
- Longline: Allowed
- Handgear: Allowed

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

Figure 8 – Considered and rejected revised groundfish closed areas and modified access areas



### 5.1.5 GB Yellowtail Flounder Sector Fishing Area

The Council considered defining an area that would allow fishing by sector vessels on GB even if the sector had caught its GB yellowtail flounder ACE. This measure was not pursued because of complications with implementing the measure. The Council instead considered an option that modified how GB yellowtail flounder discards are estimated for quota monitoring purposes.

### 5.1.6 Prohibition on Possession of GB Yellowtail Flounder

Because of expected low quotas for GB yellowtail flounder, the Council considered prohibiting the landing of GB yellowtail flounder by all commercial fishing vessels (including scallop fishing vessels) 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.

This option was not pursued because of concerns over discarding this stock, the effect on sectors with allocations of yellowtail flounder, and concerns that it would reduce accountability for catches of this stock.