

Framework Adjustment 45
Draft Management Measures
September 16, 2010

Measures underlined and *in italics* are new.

1.0 Proposed Action

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

1.1.1 Revised Status Determination Criteria

Option 1: No Action

If no action is adopted, there will be no revisions to status determination criteria for pollock. The following criteria, as implemented in Amendment 16, would apply:

Table 1 – No Action status determination criteria

Species	Model	Bmsy or proxy (mt)	Fmsy or proxy
Pollock	External	½ Btarget	Rel F at replacement

Numerical estimates of SDCs are in Table 2.

Table 2 – No Action numerical estimates of status determination criteria from GARM III assessment meetings and the Data Poor Working Group

Species	Stock	Model	Bmsy or proxy (mt)	Fmsy or proxy	MSY (mt)
Pollock	GB/GOM	AIM	2.00 kg/tow	5.66 c/i	11,320

Option 2: Revised Status Determination Criteria for Pollock

The M-S Act requires that every fishery management plan specify “objective and measurable 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) and, in the case of Atlantic wolffish, the DPWG (2009).

Due to concerns about the GARM III assessment for pollock, the NEFSC conducted a new assessment in 2010. The assessment adopted a new model and recommended revised

status determination criteria. Thus, this action would adopt revised status determination criteria for this stock.

The updated assessment concluded the pollock stock is not subject to overfishing and is not overfished. As a result, the stock is no longer subject to the formal rebuilding program adopted by Amendment 16.

Table 3 - Proposed action status determination criteria

Stock	Biomass Target (SSB_{MSY} or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F_{MSY} or proxy)
Pollock	SSB _{MSY} : SSB/R (40%MSP)	½ Btarget	F40%MSP

Table 4 – Proposed numerical estimates of revised status determination criteria

Species	Model	Bmsy or proxy (mt)	Fmsy or proxy	MSY (mt)
Pollock	ASAP	<u>91,000</u>	<u>0.41</u>	<u>16,200</u>

1.1.2 Revised GB Yellowtail Flounder Rebuilding Mortality Targets

Option 1: No Action

If the No Action alternative is adopted, the rebuilding strategy for GB yellow tail flounder will use a fishing mortality target that is calculated to rebuild the stock by 2014 with a 75 percent probability of success.

Option 1: Revised Rebuilding Target for Georges Bank Yellowtail Flounder

The Council is considering a revision to the rebuilding strategy for GB yellowtail flounder. There are three sub-options under consideration:

- Sub-option A: Use a fishing mortality target that is calculated to rebuild the stock by 2016 with a 50 percent probability of success
- Sub-Option B: Use a fishing mortality target that is calculated to rebuild the stock by 2016 with a 60 percent probability of success
- Sub-Option C: Use a fishing mortality target that is calculated to rebuild the stock by 2017 with a 75 percent probability of success

1.1.3 Annual Catch Limit Specifications

Option 1: No Action

If this option is selected, the OFLs/ABCs/ACLs will not be modified and will remain as specified in FW 44. Table 5 lists these values for the stocks of interest in this action.

Table 5 – Option 1; No Action Alternative. OFLs, ABCs, ACLs, and other ACL sub-components for FY 2011 – FY 2012 (metric tons, live weight). Values are rounded to the nearest metric ton. Sector and common pool shares are based on FY 2010 shares will be updated when final FY 2011 sector rosters are known. Greyed cells may change as a result of future TMGC recommendations.

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops (1)	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 ⁽²⁾	2010	6,272	3,800	38	152	0	3,430			3,256	174	0	3,620
	2011	7,311	5,616	56	225	0	5,068			4,812	257	0	5,349
	2012	8,090	6,214	62	249	0	5,608			5,324	284	0	5,919
GB Haddock ⁽²⁾	2010	80,007	44,903	449	1,796	0	40,440			39,313	1,127	84	42,768
	2011	59,948	46,784	468	1,871	0	42,134			40,959	1,174	87	44,560
	2012	51,150	39,846	398	1,594	0	35,885			34,885	1,000	74	37,952
GB Yellowtail Flounder ⁽²⁾	2010	5,148	1,200	0	60	146	964		0	902	63	0	1,170
	2011	6,083	1,081	0	54	201	795		0	744	52	0	1,050
	2012	7,094	1,226	0	61	307	823		0	769	53	0	1,191
White Hake	2010	4,130	2,832	28	113	0	2,556			2,435	121	0	2,697
	2011	4,805	3,295	33	132	0	2,974			2,833	141	0	3,138
	2012	5,306	3,638	36	146	0	3,283			3,128	156	0	3,465
Pollock	2010	5,085	3,293	200	200	0	2,748			2,630	118	0	3,148
	2011	5,085	3,293	200	200	0	2,748			2,630	118	0	3,148
	2012	5,085	3,293	200	200	0	2,748			2,630	118	0	3,148

Option 2: Revised Annual Catch Limit Specifications for Modified Stocks

Consistent with the process established by Amendment 16, and the ABC control rules adopted by that action, this action proposes the Acceptable Biological Catch (ABC) and Annual Catch Limits (ACLs) pollock as modified in sections 1.1.1 for FY 2011 – FY 2014. It also proposes a revised ACL for GB yellowtail flounder for FY 2011 – FY 2012 due to the change in the rebuilding strategy as discussed in 1.1.2. It also corrects an error in the white hake ACL published in the *Federal Register* for FY 2011, and lists the ACLs for GB cod, GB haddock, and GB yellowtail flounder that reflect the Council’s action on the recommendations from the TMGC. These ACLs will be the basis for determining whether Accountability Measures (AMs) are triggered as described in Amendment 16. As a result of the adoption of these ACLs, the incidental catch TACs that are applicable to the Category B (regular) DAS Program and certain Special Access Programs are also defined.

The ABCs and ACLs proposed are shown in Table 5. This table includes the Overfishing Limits (OFLs) for each stock. The ABCs are those recommended by the Science and Statistical Committee (SSC). The incidental catch TACs for the same period are shown in Table 6. The general approach for calculating these values begins with the ABCs set by the SSC. The ABC is distributed among the various components of the fishery as described in Amendment 16 and its (update Appendix). Each ABC is then adjusted for management uncertainty, where appropriate, using the adjustments approved by the Council.

Since the Council is considering three alternative rebuilding strategies for GB yellowtail flounder, Table 5 shows the OFLs and ABCs for all three strategies. These calculations assume the Council adopts the TMGC recommendations for GB yellowtail flounder and then reduces U.S. catches to remain below the ABC. Note that for Sub-Option C the total ABC is less than the Canadian share of the TMGC recommendation and as a result there is no GB yellowtail flounder for U.S. fishermen (unless the recommendation is renegotiated).

The FY 2012 ACLs for GB yellowtail flounder may be modified as a result of future decisions of the Transboundary Management Guidance Committee (TMGC). Allocation of these stocks under the terms of the U.S./Canada Resource Sharing Understanding will affect the amount available for U.S. fishermen.

As noted in Amendment 16, it is expected that the ABCs and ACLs for FY 2012 – FY 2014 will be calculated and adopted before the FY 2012 ACL for white hake in this action is used. The FY 2012 values here are specified in case there is a future delay in updating the ACLs.

Pollock ACLs are not expected to be revisited until 2013.

ACLs below are preliminary

Table 6 – Option 2. OFLs, ABCs, ACLs, and other ACL sub-components for FY 2011 – FY 2012 (metric tons, live weight). Values are rounded to the nearest metric ton. Sector and common pool shares are based on FY 2010 shares will be updated when final FY 2011 sector rosters are known. Greyed cells may change as a result of future TMGC recommendations.

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallop Sub-ACL	Ground fish 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	2011	7,311	4,766	48	191	0	4,301		0	4,129	172	0	4,540
	2012	8,090	5,364	54	215	0	4,841		0	4,647	194	0	5,109
GB Haddock	2011	59,948	34,244	342	1,370	0	30,840		0	30,223	617	64	32,616
	2012	51,150	29,016	290	1,161	0	26,132		0	25,609	523	54	27,637
GB Yellowtail Flounder (A)	2011	3,495	1,133	0	57	201	843		0	818	25	0	1,101
	2012	4,335	1,367	0	68	307	952		0	924	29	0	1,328
GB Yellowtail Flounder (B)	2011	3,495	631	0	32	201	381		0	369	11	0	613
	2012	4,011	844	0	42	307	470		0	456	14	0	820
GB Yellowtail Flounder (C)	2011	3,495	0	0	0	0	0		0	0	0	0	0
	2012	4,208	0	0	0	0	0		0	0	0	0	0
White Hake	2011	4,805	3,295	33	132	0	2,974			2,833	141	0	3,138
	2012	5,306	3,638	36	146	0	3,283			3,128	156	0	3,465
Pollock	2011	21,853	16,914	769	1,446	0	13,964		0	13,406	559	0	16,179
	2012	19,887	15,393	754	1,370	0	12,606		0	12,102	504	0	14,730
	2013	20,060	15,554	756	1,378	0	12,750		0	12,240	510	0	14,883
	2014	20,554	15,970	760	1,399	0	13,121		0	12,596	525	0	15,279

(1) Grayed out values may be adjusted as a result of future recommendations of the TMGC. Values shown for GB haddock and cod in 2011 and 2012 are maximum possible and do not include any Canadian catch.

Table 7 – Preliminary incidental catch TACs for Special Management Programs (metric tons, live weight). These values may change as a result of changes in sector membership. (Note: values for GB yellowtail flounder to be added after Council selects rebuilding strategy)

Stock	Cat B (regular) DAS Program		CAI Hook Gear Haddock SAP		EUS/CA Haddock SAP	
	2011	2012	2011	2012	2011	2012
GB Yellowtail						
Pollock	5.6	5.0	1.8	1.6	3.8	3.4

1.1.4 U.S./Canada Resource Sharing Understanding TACs

Option 1: No Action

If no action is taken on specifications, the recommendations of the TMGC will also not be implemented and there will be no TAC for GB cod, haddock, or yellowtail flounder in the U.S./Canada area for FY 2011. Vessels would still be constrained by the other regulations of the FMP, including days-at-sea (DAS), sector regulations, and closed areas.

Option 2: U.S./Canada TACs

This alternative specifies hard TACs for the U.S./Canada Management Area for FY 2011 (May 1, 2011 – April 30, 2012) as indicated in Table 7 below. These TACs would be in effect for the remainder of the fishing year, unless NMFS determines that the catch of GB cod, haddock, or yellowtail flounder from the U.S./Canada Management Area in FY 2010 exceeded the pertinent 2010 TAC. The Understanding and the regulations require that if a TAC is exceeded in a particular fishing year, then the TAC for the subsequent fishing year is reduced by the amount of the overage (TAC adjustment). In order to minimize any disruption of the fishing industry, NMFS would attempt to make any necessary TAC adjustments in the first quarter of the fishing year.

Table 8 - Proposed FY 2010 U.S./Canada TACs (mt) and Percentage Shares

	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
Total Shared TAC	1,050	22,000	1,900
U.S. TAC	200	9,640	1,045
Canada TAC	850	12,540	855

The size of the Proposed 2010 TACs relative to the 2009 TACs is shown in Table 8.

Table 9 - Comparison of Proposed FY 2011 U.S./Canada TACs with FY 2010 TACs

Stock	FY 2010 (mt)	FY 2011 (mt)	Percent Change
Eastern GB cod	338	200	-41%
Eastern GB haddock	11,988	9,640	-20%
GB yellowtail	1,200	1,045	-13%

More information on the calculation of the percentage shares may be accessed through the TMGC web site at the following address:

<http://www.mar.dfo-mpo.gc.ca/science/tmgc/background/share.pdf>.

1.2 Implementation of Additional Sectors

Option 1: No Action

If No Action is adopted, the list of operating sectors will be limited to the nineteen that were authorized by Amendment 16. These include the Georges Bank Cod Hook Sector, Fixed Gear Sector, Sustainable Harvest Sector, Port Clyde Community Groundfish Sector, Tri-State Sector, and Northeast Fishery Sectors I-XIII.

Option 2: Implement New Sectors for FY 2011

The following list summarizes the new sector applications, and request for modifications to existing sectors, that were received for inclusion in Framework 45. Sectors that wish to begin operating in a given fishing year are required to submit proposals and operations plans one year prior to the beginning of that fishing year. The following sectors, if approved, will therefore commence operations on May 1, 2011.

State of Maine Permit Banking Sector (MPBS)

Summary: The MPBS will operate as a lease-only sector with no active fishing vessels in FY 2011.

State of Rhode Island Permit Bank

Summary: This sector intends to operate as a lease-only sector, whose sole function would be to hold permits for the purpose of leasing out ACE. Rhode Island may join with other states in the formation and operation of this sector, depending on further evaluation of the benefits of a common sector for multiple permit banks.

Northeast Fisheries Sector XIV

Summary: This sector is designed to be comprised of inactive members. Its primary intent is to transfer ACE to and from other sectors. The sector will be comprised of active membership in the future if such action is deemed necessary.

Sustainable Harvest Sector II

Summary: This would be a sector comprised of active groundfish vessels, similar to the existing Sustainable Harvest Sector.

Sustainable Harvest Sector III

Summary: This sector would likely be comprised of members who choose to lease their groundfish allocation to other sectors. However, the ability to switch this sector to an active sector as well is requested.

1.3 General category scallop dredge exemption for yellowtail flounder

Option 1: No Action

If no action is selected, there will be no exemption for General Category scallop vessels and the spawning closures described above will remain in effect.

Option 2: Exemption from Yellowtail Flounder Spawning Closure

Under this alternative, vessels issued a General Category scallop permit will be exempt from the Great South Channel SNE/GB yellowtail flounder peak spawning closure, which occurs between April 1 and June 30 and is defined by the straight lines connecting the following points in the order stated below:

<i>Point</i>	<i>N. Lat.</i>	<i>W. Long.</i>
YTA 1	41° 20'	70° 00'
YTA 2	41° 20'	69° 50'
YTA 3	41° 10'	69° 50'
YTA 4	41° 10'	69° 30'
YTA 5	41° 00'	69° 30'
YTA 6	41° 00'	68° 57.58'
YTA 7	40° 50'	68° 49.20'
YTA 8	40° 50'	69° 29.46'
YTA 9	41° 10'	69° 50'
YTA 10	41° 10'	70° 00'
YTA 11	Intersection of south-facing coastline of Nantucket, MA	70° 00'

The exemption will also apply to the Great South Channel CC/GOM yellowtail flounder peak spawning closure, which occurs between June 1 and June 30 and is defined by the straight lines connecting the following points in the order stated below:

<i>Point</i>	<i>N. Lat.</i>	<i>W. Long.</i>
YTB 1	41° 33.05'	70° 00'
YTB 2	41° 20'	70° 00'
YTB 3	41° 20'	69° 50'
YTB 4	41° 10'	69° 50'
YTB 5	41° 10'	69° 30'
YTB 6	41° 00'	69° 30'
YTB 7	41° 00'	68° 57.58'

YTB 8	41° 30'	69° 23'
YTB 9	41° 30'	69° 10'
YTB 10	42° 06'	69° 40'
YTB 11	41° 35'	69° 40'
YTB 12	41° 35'	70° 00'

Rationale: When the spawning closures were adopted, there were no hard limits to the amount of scallops that could be harvested in the area. Now that the General Category scallop fishery is operating under Individual Transferable Quotas, the main justification for the closure is moot. Furthermore, there is little solid evidence that scallop dredging interferes with yellowtail spawning.

1.4 Monitoring Requirements for Handgear A and Handgear B Permitted Vessels and Small Vessel Exemption Vessels

Option 1: No Action

Under this option there is no change exception to the requirements for dockside monitoring that were adopted in Amendment 16. Vessels using a Handgear A permit in sectors are already required to comply with dockside monitoring requirements; vessels using such a permit in the common pool would be required to comply with the monitoring requirements beginning in 2012.

Option 2: Dockside monitoring exemption for Handgear A and Handgear B Permits and Small Vessel Exemption permits

Vessels fishing under a Handgear A and Handgear B permit, *or a Small Vessel Exemption permit*, are exempted from the dockside monitoring requirements adopted by Amendment 16 when fishing in the common pool.

Rationale: These permit categories land small quantities of groundfish and the expense of the monitoring requirements would make them uneconomical.

1.5 Monitoring Requirements for Commercial Groundfish Fishing Vessels

Option 1: No Action

Under this option there are no changes to the monitoring requirements for commercial groundfish fishing vessels that were adopted in Amendment 16.

Option 2: Removal of Dockside Monitoring Requirements

There is no requirement for dockside monitoring of catches by commercial groundfish fishing vessels.

Rationale: Dockside monitoring was adopted by Amendment 16 to verify the accuracy of landings by commercial fishing vessels. The requirement was imposed immediately for vessels fishing in sectors and in FY 2012 for common pool vessels. Because this measure did not replace dealer reporting or VTRs, it did not produce a new data stream that assists the assessment and management of the fishery. Eliminating the requirement will reduce monitoring costs, avoid duplication of effort, and will not reduce the availability of landings information.

Option 3: Removal of Requirement for Industry Funding of Monitoring for FY 2012
There is no requirement for the industry to fund the costs of adequate at-sea and dockside monitoring of catches in FY 2012. Absent further action, industry will be responsible for the portion of these costs not funded by NMFS in FY 2013.

Rationale: Amendment 16 mandates that the industry will fund at-sea and dockside monitoring costs beginning in FY 2012. The Council is concerned that imposing these costs on the industry at that date will reduce profitability and result in making the sector system an economic failure. This action delays by one year industry responsibility for those costs. 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.

1.6 Gulf of Maine Cod Spawning Protection Area

Option 1: No Action

There are no changes to management measures as implemented under Amendment 16. Recreational vessels are allowed to fish in GOM rolling closure areas and sector vessels are allowed to fish in the modified rolling closures.

Option 2: GOM cod Spawning Protection Measures

An area is proposed for the GOM in order to protect spawning aggregations of GOM cod. The area is intended provide protection to spawning cod by limiting fishing at times and areas when catch rates are high, by reducing targeting of large repeat spawners, and by preventing fishing from interfering with spawning activity.

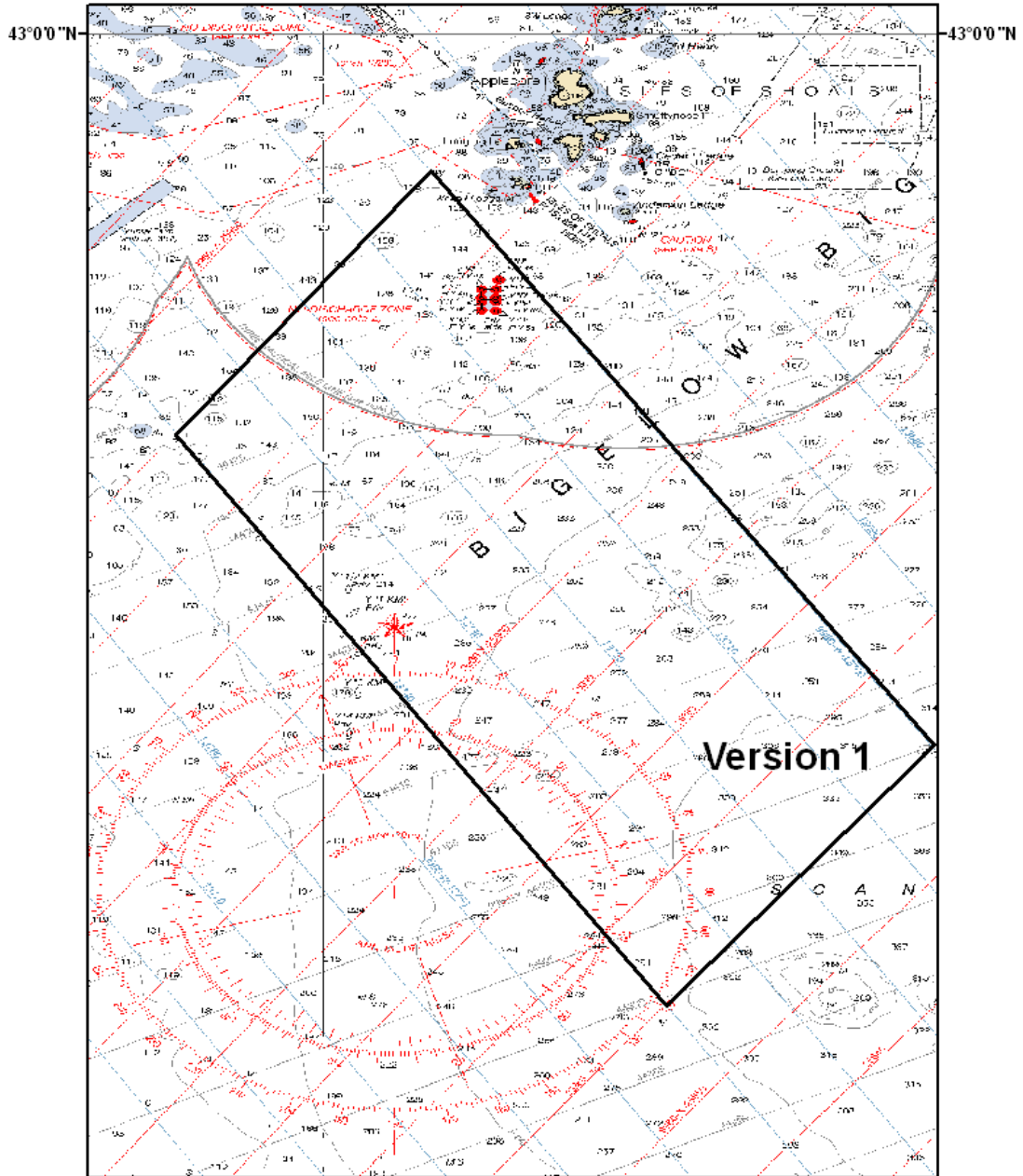
The proposed closure area is defined by the following coordinates and illustrated in Figure 1.

42-50.95 N 70-32.22 W
42-47.65 N 70-35.64 W
42-54.91 N 70-41.88 W
42-58.27 N 70-38.64 W

Provisions that apply to the area are:

- All commercial fishing vessels using gear capable of catching groundfish are prohibited from fishing in the area from June 1 through June 30. Only fishing with exempted gear is allowed in the area.
- Recreational fishing vessels (including party-charter vessels) are subject to the following restrictions:
 - Sub-Option A: Recreational vessels are prohibited from fishing in the area from April through June.
 - Sub-Option B: Recreational vessels are prohibited from possessing cod in the area from April through June.
- A fishing vessel (commercial or recreational) may transit the area as long as gear is properly stowed in accordance with regulations promulgated by the Regional Administrator.

Figure 1 – Proposed GOM cod spawning protection area



1.7 State Operated Permit Banks

Option 1: No Action

No changes are made to the FMP to facilitate the operation of state operated permit banks. If states own groundfish permits, they must enroll them in a sector in order to use them to acquire ACE for the sector. If not enrolled in a sector, the DAS may be leased to vessels fishing in the common pool.

Option 2: Authorization for State Operated Permit Banks

A state-operated permit bank sponsored by NOAA shall be considered a Sector for the exclusive purpose of transferring ACE to qualifying Sectors. Such permit banks will be allocated ACE for a fishing year based on the PSCs of permits owned by the permit bank that are declared as ACE permits for that fishing year. All or a portion of a permit bank's ACE for any NE multispecies stock may be transferred to a qualifying Sector at any time during the fishing year. Permit banks may only act as the transferor in an ACE transfer.

Rationale: Funding has been provided to several states to acquire groundfish permits in order to use the Potential Sector Contribution (PSC) attached to those permits to mitigate adverse effects of sector management. This measure makes it easier for state-operated permit banks to transfer that PSC to existing sectors without requiring the states to either form a sector or enroll the permits in an existing sector. This exempts these permit banks from sector requirements on owners, reporting and record-keeping requirements, etc.

1.8 Handgear A Trip Limits

Option 1: No Action

No changes will be made to the regulations for the trip limits for Handgear A vessels. These vessels will continue to be limited to a trip limit of 300 lbs./trip for cod. This amount adjusts proportionally to any changes to the GOM cod trip limit for limited access vessels as described in 50 CFR 648.82(b)(6)

Option 2: Revised Handgear A Trip Limits

The trip limit for vessels fishing for cod using a Handgear A permit will be 300 lbs./trip at the start of the fishing year. Handgear A vessels fishing for GOM cod will not have the trip limit changed proportional to the GOM cod trip limit for common pool limited access vessels. For vessels fishing for GOM cod, the trip limit will change to 0 pounds per trip for the remainder of the fishing year when Handgear A permits have caught (kept and discarded) an amount of GOM cod that is equal to the groundfish GOM cod commercial ACL multiplied by the total GOM cod PSC for Handgear A permits.

For Handgear A vessels fishing for GB cod, there is no change to the trip limit adjustment that is proportional to the GOM cod trip limit adjustment made for common pool limited access vessels.

Rationale: Limited temporal opportunities for targeting GOM cod make it difficult for Handgear A vessels to have a viable, profitable fishery when trip limits are low. This problem is exacerbated by the in-season adjustments to the commercial GOM cod trip limit that were made possible by FW 44. In effect, the possibility of an in-season reduction means the Handgear A permit holders are in a derby with other commercial fishermen to target cod before the GOM cod trip limits change. Because of their small size and gear, they are unable to effectively compete in this derby. This measure provides an opportunity for Handgear A permits to access GOM cod but prevents their catch from being uncontrolled by adjusting the trip limit when their catch reaches a specific level that is adjusted consistent with changes in stock conditions.

2.0 Alternatives Considered and Rejected

2.1 GOM Cod Spawning Protection Area

The Council considered three alternatives to the proposed area but did not select them for further analysis.

Figure 2 – Rejected candidate areas for the GOM cod spawning protection area

