

## NEW ENGLAND FISHERY MANAGEMENT COUNCIL

### Groundfish Committee

#### I. STATUS

- A. Meetings: The Groundfish Oversight Committee met May 13, 2008; a meeting summary is attached. The Committee also met June 2, 2008 and the Chair will provide a report of that meeting. The Groundfish Plan Development Team met April 7, 2008, and held conference calls on May 6 and May 15, 2008. Reports are attached for the first two PDT discussions. The Recreational Advisory Panel met May 20, 2006, and the Groundfish Advisory Panel met May 27, 2008; meeting summaries will be distributed.
- B. Amendment 16: The Amendment 16 scoping period ended December 31, 2006. Scoping hearings were held in Maine, New Hampshire, Massachusetts, Rhode Island, and New York. The Committee and Council reviewed scoping comments at the February 2007 and June 2007 Council meetings. The Gulf of Maine Research Institute and the Massachusetts Marine Fisheries Institute hosted meetings to help proponents of alternative management systems develop detailed proposals. In June 2007 the Council decided that Amendment 16 will modify the effort control system to in order to continue stock rebuilding, and will modify existing sectors and adopt new sectors. The Committee focused on resolving the policy issues necessary to facilitated adoption of seventeen additional sectors and modifications to two existing sectors until the September Council meeting. At that meeting, the Council directed the Committee to work on other measures and postpone further sector development until that work was completed. In November, the Council directed the Committee to resume working on sector policies for inclusion in Amendment 16. At the January, 2008 Council meeting, the Council discussed sector policies and selected four alternatives for calculating the potential sector contribution for each permit. The full range of alternatives for this amendment were approved by the Council at the February, 2008 Council meeting. Since that meeting the Committee and Council have continued to develop the management measures approved for inclusion in February, and have added additional measures. At this meeting the Council will approve measures for public hearings that will be held this summer. It is unlikely that a completed draft amendment and DEIS will be available for Council review at this meeting, as the Committee plans to further develop measures at its June 2, 2008 meeting. Additional materials will be distributed at the Council meeting.
- C. The NEFSC will provide a briefing on the GARM III reference Point Working Group meeting. Preliminary estimates of reference points are enclosed.
- D. The Council will receive a second report on monitoring sector catches from a contractor hired by the Gulf of Maine Research Institute.

#### II. COUNCIL ACTION

- A. Review and approval of draft Amendment 16 measures for public hearings.

#### III. INFORMATION

1. Draft Amendment 16 management measures
2. Groundfish Committee meeting summary, May 13, 2008
3. PDT meeting summary, April 7, 2008
4. PDT conference call summary, May 6, 2008
5. NEFSC letter dated May 12, 2008 – preliminary biological reference points
6. US/CA Resources Sharing Understanding catch reports
7. Correspondence



NEW ENGLAND FISHERY MANAGEMENT COUNCIL

**Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP)**

**Draft Management Measures**

**May 23, 2008**

**Shaded text needs review or is still under development**

*This document is still under development. The PDT is refining several of the alternatives and will report to the Groundfish Committee before the Council meeting. The Groundfish Committee will discuss several measures at its June 2, 2008 meeting and changes should be expected.*

Draft

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## **1.0 No Action Alternative**

The NEPA requires that the No Action alternative be included. Because of the complexity of groundfish management, this section will describe in general terms the existing management program. This provides the public and reviewers an overview to place the proposed changes in context. Subsequent sections will specifically identify the elements of the No Action alternative as an option so that the choices considered by the Council are explicit.

[Insert general description of No Action Alternative here]

## **2.0 Updates to Status Determination Criteria and Formal Rebuilding Programs**

### **2.1 Revised status determination criteria**

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 13 adopted status determination criteria for regulated groundfish stocks. It also provided that these criteria would be reviewed in 2008. This amendment will adopt new status determination criteria if determined appropriate to do so. This information is not yet available but preliminary information is included in this draft amendment.

#### **2.1.1 Option 1 – No Action**

Under this option, the status determination criteria adopted by Amendment 13 would not be changed. Amendment 13 established that there are two elements to these criteria. First, the criteria are specified as a parameter that describes a quantity. Second, the current numerical estimate of that parameter is determined. Changes in the parameter – such as using an index –based proxy rather than an estimate of  $SSB_{MSY}$  for the minimum biomass threshold – requires a management action by the Council. Changes in the numerical estimate do not normally require a management action with the exception of change that may result from the 2008 review of stock status.

The parameters that were adopted by Amendment 13 are listed in Table 1. The numerical estimates of these parameters that were adopted by Amendment 13 are listed in Table 2.

**Table 1 – Amendment 13 status determination criteria**

<b>Stock</b>	<b>Biomass Target</b>	<b>Minimum Biomass Threshold</b>	<b>Maximum Fishing Mortality Threshold</b>	<b>Fishing Mortality Target</b>
GOM Cod	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
GB Cod	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
GB Haddock	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
GOM Haddock	B <sub>MSY</sub> Proxy/Fall Trawl Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index	75% of F <sub>MSY</sub>
GB Yellowtail Flounder	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
Cape Cod/GOM Yellowtail Flounder	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
SNE/MA yellowtail flounder	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
American Plaice	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
Witch Flounder	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
Gulf of Maine Winter Flounder	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
GB Winter Flounder	B <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub> <sup>(1)</sup>	75% of F <sub>MSY</sub>
SNE/MA Winter Flounder	SSB <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub>	75% of F <sub>MSY</sub>
Acadian Redfish	SSB <sub>MSY</sub>	½ Btarget	F <sub>50%</sub> proxy for F <sub>MSY</sub>	75% of F <sub>MSY</sub>
White Hake	B <sub>MSY</sub> Proxy/Fall Survey Index (> 60 cm fish)	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index (> 60 cm fish)	75% of F <sub>MSY</sub>
Pollock	B <sub>MSY</sub> Proxy/ Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/ Relative Exploitation Index	75% of F <sub>MSY</sub>
Windowpane Flounder (North)	B <sub>MSY</sub> Proxy/Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index	75% of F <sub>MSY</sub>
Windowpane Flounder (South)	B <sub>MSY</sub> Proxy/Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index	75% of F <sub>MSY</sub>
Ocean Pout	B <sub>MSY</sub> Proxy/Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index	75% of F <sub>MSY</sub>
Atlantic Halibut	B <sub>MSY</sub>	½ Btarget	F <sub>MSY</sub> <sup>(1)</sup>	75% of F <sub>MSY</sub>

Table 2 – Amendment 13 numerical estimates of status determination criteria. (XXXCHECK NOTES)

1. Total biomass, metric tons
2. Unit is total stock biomass for fish  $\geq$  60 cm., mt
3. Unit is biomass weighted F
4. Survey based equivalents developed by GARM 2002

SPECIES	STOCK	NUMERICAL ESTIMATE OF STATUS DETERMINATION CRITERIA				
		B <sub>TARGET</sub> (metric tons)	B <sub>THRESHOLD</sub> (metric tons)	F <sub>MSY</sub> (Maximum fishing mortality)	F <sub>target</sub> (at biomass target)	MSY (metric tons)
COD	GB	216,800	108,400	0.18	0.14	35,200
	GOM	82,800	41,400	0.23	0.17	16,600
HADDOCK	GB	250,300	125,150	0.26	.20	52,900
	GOM	22.17 kg/tow	11.09 kg/tow	0.23C/l	0.17 C/l	5,100
YELLOWTAIL FLOUNDER	GB	58,800	29,400	0.25	0.19	12,900
	SNE/MA	69,500	34,750	0.26	0.20	14,200
	CC/GOM	12,600	6,300	0.17	0.13	2,300
AMERICAN PLAICE		28,600	14,300	0.17	0.13	4,900
WITCH FLOUNDER		25,240	12,620	0.23	0.17	4,375
WINTER FLOUNDER	GB	9,400(1)	4,700	0.32	0.24	3,000
	GOM	4,100	2,050	0.43	0.32	1,500
	SNE/MA	30,100	15,050	0.32	0.24	10,600
REDFISH		236,700	118,350	0.04	0.03	8,200
WHITE HAKE <sup>2</sup>		14,700(2) 7.70 kg/tow	7,350 3.35 kg/tow	0.29 0.55 C/l	0.22 0.41 C/l	4,200
POLLOCK		3.0 kg/tow	1.5 kg/tow	5.88 C/l	4.41 C/l	17,600
WINDOWPANE FLOUNDER	North	0.94 kg/tow	0.47 kg/tow	1.11 C/l	0.83	1,000
	South	0.92 kg/tow	0.46 kg/tow	0.31 C/l	0.23 C/l	900
OCEAN POUT		4.9 kg/tow	2.95 kg/tow	0.31 C/l	0.23 C/l	1,500
ATLANTIC HALIBUT		5,400(1)	2,700	0.06	0.4	300

### 2.1.2 Option 2 – Revised Status Determination Criteria

In 2008, the Northeast Fisheries Science Center (NEFSC) will conduct assessments of all nineteen regulated groundfish stocks. The results of those assessments will include either verification of the existing status determination criteria or suggestions for revisions to those status determination criteria. While these status determination criteria will not be final until September 2008, a biological reference point meeting was held in May 2008 and provided information on possible changes to the status determination criteria. This information includes the possible assessment models that will be used for each stock, as well as a range for the status determination criteria. **Note that the numerical estimates provided in Table 4 are preliminary and changes should be expected at the final assessment meeting in August, 2008.** This option does not revise the types of changes that require Council action, as described in Amendment 13. It also does not change the definition of optimum yield.

Note that in this option a fishing mortality target is not specified. Section 3.3.2 describes the process for setting Annual Catch Limits. In effect, the fishing mortality target is the mortality that results from the defined ACL.

**Table 3 – Possible status determination criteria parameters based on April 2008 GARM III biological reference point meeting**

<b>Stock</b>	<b>Biomass Target</b>	<b>Minimum Biomass Threshold</b>	<b>Maximum Fishing Mortality Threshold</b>
GOM Cod	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
GB Cod	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
GB Haddock	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
GOM Haddock	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
GB Yellowtail Flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
Cape Cod/GOM Yellowtail Flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
SNE/MA yellowtail flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
American Plaice	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
Witch Flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
Gulf of Maine Winter Flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
GB Winter Flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
SNE/MA Winter Flounder	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
Acadian Redfish	SSB <sub>MSY</sub>	½ Btarget	F <sub>50%</sub> proxy for F <sub>MSY</sub>
White Hake	SSB <sub>MSY</sub>	½ Btarget	F40% proxy for F <sub>MSY</sub>
Pollock	B <sub>MSY</sub> Proxy/ Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/ Relative Exploitation Index
Windowpane Flounder (North)	B <sub>MSY</sub> Proxy/Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index
Windowpane Flounder (South)	B <sub>MSY</sub> Proxy/Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index
Ocean Pout	B <sub>MSY</sub> Proxy/Fall Survey Index	½ Btarget	F <sub>MSY</sub> Proxy/Relative Exploitation Index
Atlantic Halibut	SSB <sub>MSY</sub>	½ Btarget	F0.1

Table 4 – Preliminary numerical estimates for status determination criteria based on GARM III biological reference point meeting

SPECIES	STOCK	Numerical Estimates of Status Determination Criteria			
		B <sub>TARGET</sub> (metric tons)	B <sub>THRESHOLD</sub> (metric tons)	F <sub>MSY</sub> (Maximum fishing mortality)	MSY (metric tons)
COD	GB	143,343	71,672	0.25	30,220
	GOM	71,150	35,575	0.23	14,936
HADDOCK	GB	164,300	82,150	0.34	35,000
	GOM	5,995	2,998	0.454	1,360
	GB	46,000	23,000	0.254	10,000
YELLOWTAIL	SNE/MA	27,600	13,800	0.264	6,300
FLOUNDER	CC/GOM	8,310	4,155	0.238	1,820
AMERICAN PLAICE		18,988	9,494	0.204	4,497
WITCH FLOUNDER		10,863	5,432	0.22	2,195
	GB	15,500	7,750	0.25	3,400
WINTER FLOUNDER	GOM	3,557	1,779	0.27	854
FLOUNDER	SNE/MA	37,608	18,804	0.26	9,658
REDFISH		239,309	119,655	0.0387	8,951
WHITE HAKE <sup>2</sup>		56,500	28,250	0.205	7,000
POLLOCK		2.00 kg/tow	1.00 kg/tow	5.758 c/i	11,516
WINDOWPANE FLOUNDER	North	1.14 kg/tow	0.57 kg/tow	0.62 c/i	700
	South	0.33 kg/tow	0.165 kg/tow	1.53 c/i	500
OCEAN POUT		4.94 kg/tow	2.47 kg/tow	0.76 c/i	3,754
ATLANTIC HALIBUT		70,000	35,000	0.04	2,800

## **2.2 Revised mortality targets for formal rebuilding programs**

Amendment 13 adopted formal rebuilding programs for overfished groundfish stocks. The amendment also called for an evaluation of rebuilding progress and an adjustment in mortality targets to achieve rebuilding, if necessary. This information will be developed after the status determination criteria are evaluated and current stock status is determined. Mortality targets will be adjusted as necessary to meet the rebuilding dates and probability of success adopted by Amendment 13 and Framework 42. This section assumes that there will not be any changes in the rebuilding time period or probability of success used to determine the target fishing mortality rates.

If a stock is determined to have reached the biomass target by the 2008 assessments, the completion of the formal rebuilding program will be noted in this section.

### **2.2.1 Option 1 – No Action**

Under this option, the rebuilding fishing mortality rates adopted by Amendment 13 and Framework 42 (GB yellowtail flounder) would continue to guide management actions. These fishing mortality rates are considered as a package and not on a stock by stock basis – that is, all rebuilding fishing mortality targets must not change for this option to be selected.

There were three rebuilding strategies adopted by Amendment 13. First, for stocks that were not determined to be overfished, formal rebuild programs were not adopted and the goal was to prevent overfishing while achieving optimum yield. Second, the adaptive strategy strove to reduce fishing mortality to  $F_{MSY}$  through 2008, and then to the mortality necessary to rebuild the stock by the end of the rebuilding period. The adaptive strategy was adopted for GOM cod, GOM haddock, GB haddock, redfish, SNE/MA winter flounder, windowpane flounder (south), and ocean pout. Third, a phased reduction rebuilding strategy sought to reduce fishing mortality in a series of steps over time. This strategy was adopted for GB cod, American plaice, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, and white hake. Subsequent to Amendment 13, FW 42 adopted an adaptive rebuilding strategy for GB yellowtail flounder. The rebuilding fishing mortality rates that resulted from these approaches are shown in Table 5.

**Table 5 – Rebuilding fishing mortality rates as adopted by Amendment 13 and FW 42.**

Boldfaced italics identify phased reduction strategies; other rebuilding programs use the adaptive strategy. FW 42 illustrated two trajectories for GB yellowtail flounder based on two candidate assessment formulations. The second row for this stock reflects the Major Change assessment model that has been used for management advice.

SPECIES	STOCK	Rebuilt Year / Probability of Success	Fishing mortality rates for adopted rebuilding programs									
			2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<i>Cod</i>	<i>GB</i>	2026/50%	<i>0.21</i>	<i>0.21</i>	<i>0.21</i>	<i>0.21</i>	<i>0.21</i>	<i>0.21</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>
		<i>(add ten years)</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>	<i>0.18</i>
<b>Haddock</b>	GOM	2014/50%	0.23	0.23	0.23	0.23	0.23	0.23	0.21	0.21	0.21	0.21
	GB	2014/50%	0.26	0.26	0.26	0.26	0.26	0.24	0.24	0.24	0.24	0.24
<i>Yellowtail Flounder</i>	GOM	2014/50%	0.23	0.23	0.23	0.23	0.23	0.22	0.22	0.22	0.22	0.22
	GB	2014/75%	NA	NA	0.25	0.25	0.25	0.16	0.16	0.16	0.16	0.16
			NA	NA	0.25	0.25	0.25	0.135	0.135	0.135	0.135	0.135
	<i>SNE/MA</i>	2014/50%	<i>0.37</i>	<i>0.37</i>	<i>0.26</i>	<i>0.26</i>	<i>0.26</i>	<i>0.17</i>	<i>0.17</i>	<i>0.17</i>	<i>0.17</i>	<i>0.17</i>
	<i>CC/GOM</i>	2023/50%	<i>0.26</i>	<i>0.26</i>	<i>0.26</i>	<i>0.26</i>	<i>0.26</i>	<i>0.17</i>	<i>0.17</i>	<i>0.17</i>	<i>0.13</i>	<i>0.13</i>
		<i>(add ten years)</i>	<i>0.13</i>	<i>0.09</i>								
<i>American Plaice</i>		2014/50%	<i>0.23</i>	<i>0.23</i>	<i>0.17</i>	<i>0.17</i>	<i>0.17</i>	<i>0.15</i>	<i>0.15</i>	<i>0.15</i>	<i>0.15</i>	<i>0.15</i>
<b>Witch Flounder</b>			No formal rebuilding program required (see overfishing discussion)									
<b>Winter Flounder</b>	GB		No formal rebuilding program required									
	GOM		No formal rebuilding program required									
	<i>SNE/MA</i>	2014/50%	0.32	0.32	0.32	0.32	0.32	0.23	0.23	0.23	0.23	0.23
<b>Redfish</b>		2051/50%	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
<i>White Hake</i>		2014/50%	<i>1.03</i>	<i>1.03</i>	<i>1.03</i>	<i>1.03</i>	<i>1.03</i>	<i>0.23</i>	<i>0.23</i>	<i>0.23</i>	<i>0.23</i>	<i>0.23</i>
<b>Pollock</b>			No formal rebuilding program required									
<b>Windowpane Flounder</b>	North	2014/50%	No formal rebuilding program required									
	South	2014/50%	0.98	0.98	0.98	0.98	0.98	0.49	0.49	0.49	0.49	0.49
<b>Ocean Pout<sup>(1)</sup></b>		2014/50%	0.03	0.03	0.03	0.03	0.03	0.01	0.01	0.01	0.01	0.01
<b>Atlantic Halibut</b>		UNK	Insufficient information to calculate rebuilding mortality									

### 2.2.2 Option 2 – Revised rebuilding mortality targets

After the assessments of all regulated groundfish stocks are completed in August 2008, an evaluation will be made as to whether adjustments to the rebuilding fishing mortality targets are necessary. Should they be necessary, they will be calculated based on estimates of stock status in 2008, revisions to status determination criteria (if any), and the rebuilding timelines and probabilities of success adopted by Amendment 13 and FW 42. These revised rebuilding targets cannot be calculated at the present time; they may be higher or lower than present rebuilding mortality rates.

### 2.2.3 Additional formal rebuilding programs

If any additional stocks are determined to be overfished by the assessments that will be conducted in 2008, formal rebuilding programs will be incorporated into this amendment.

## 3.0 Fishery Program Administration

### 3.1 Sector administration provisions

The management measures proposed in this section relate to the process for establishing sector allocations in the multispecies fishery. This section is intended to **update Section 3.4.16.1** of the final Amendment 13 SEIS (Sector Allocation). **All of the sector policy changes proposed in this section will be implemented at the beginning of fishing year 2010 (May 1, 2010).**

A sector allocation system would apportion part or all of groundfish fishery resources (denominated in terms of catch) to various industry sectors. While vessels might be assigned to sectors based on factors such as gear used, permit category, vessel size, homeport, area fished, etc., this measure allows vessels to form sectors of their own choosing. Such self-selected sectors might be based on common fishing practices, vessel characteristics, community organization, or marketing arrangements, but this would not be required. Since self-selection of sector membership would not necessarily be based on any common vessel or gear characteristics this alternative offers a great deal of flexibility in the formation of sectors. A group of permit holders would simply agree to form a sector and submit a binding plan for management of that sector's allocation of catch or effort. Allocations to each sector may be based on catch (hard TACs) or effort (DAS) with target TACs specified for each sector. Vessels within the sector would be allowed to pool harvesting resources and consolidate operations in fewer vessels if they desired. One of the major benefits of self selecting sectors is that they provide incentives to self-govern, therefore, reducing the need for Council-mandated measures. They also provide a mechanism for capacity reduction through consolidation.

When evaluating the alternatives described below for the sector allocation process and the determination of sector contributions, the Council will consider the following goals:

- Address bycatch issues;
- Simplify management;
- Give industry greater control over their own fate;
- Provide a mechanism for economics to shape the fleet rather than regulations (while working to achieve fishing and biomass targets); and
- Prevent excessive consolidation that would eliminate the day boat fishery.

**The alternatives for modifying and expanding the current sector allocation program for the multispecies fishery are described in the subsections below.** Where appropriate, the no action alternative is identified relative to each issue for which changes or additions are being considered.

### **3.1.1 Sector Definition/Formation of a Sector**

A sector means a group of persons holding limited access vessel permits who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and which has been granted a TAC(s) in order to achieve objectives consistent with applicable FMP goals and objectives. In the formation of a sector, sector participants can select who may participate. Only vessels with a limited access multispecies permit are eligible to join a sector. This means that confirmation of permit history (CPH) permits must be activated in order to be associated with a sector (this is consistent with the Groundfish DAS Leasing Program).

Participation in a self-selecting sector will be voluntary. Vessels that did not decide to join would remain in a *common pool* which will fish under the constraints imposed by the Council. Individuals that wished to form a sector and receive an allocation of catch or effort will be required to submit a proposal for formation of a sector and a legally-binding plan of operations which would require approval from the Regional Administrator (see below). These will be agreed upon and signed by all members of the sector.

The motivation to form or join a sector could be for several reasons: a desire of its members to consolidate operations in fewer vessels (reducing the cost of operations and possibly facilitating the profitable exit of some individual vessel owners from the fishery); assurance that the members of the sector would not face reductions of catch or effort as a result of the actions of vessels outside the sector (e.g., if the other vessels exceed their target TACs), and, potentially, freedom from restrictive regulations not needed to meet conservation objectives if the sector is constrained by a hard TAC (e.g., trip limits and potentially some time-area restrictions).

### **3.1.2 Preparation of a Sector Formation Proposal and Operations Plan**

#### **3.1.2.1 Option 1 - No Action**

If the No Action Alternative is selected, then requirements for the formation proposal and operations plan submitted by a self-selecting sector remain the same and must have, *at a minimum*, the following components:

- A list of all participants and a contract signed by all participants indicating their agreement to abide by the operations plan accompanying the proposal.
- With the implementation of Amendment 13, a sector's operations plan must detail the following:
  - A list of all vessels that would be part of the sector including an indication for each vessel of whether it would continue to fish;
  - The original distribution of catch history, TACs, or DAS within the sector;
  - A detailed plan for consolidation of TACs or DAS, if any is desired, including a detailing of the quantity and duration of any redistribution of TAC or DAS within the sector;
  - A plan and analysis to show how the sector will avoid exceeding their allocated TACs (or target TACs if the allocation is in terms of DAS). This plan should include provisions for monitoring and enforcement of the sector regulations, including documentation of both landings and discards;

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- Rules for entry and exit to the sector (see more on this in next section) including procedures for removing or disciplining members of the sector who do not abide by its rules. Rules for entry and exit must also define how catch or DAS history that is developed by vessels participating in a sector is assigned to each vessel;
- Procedure for notifying NMFS if a member is expelled from the sector for violation of sector regulations.

### 3.1.2.2 Option 2 - Additional Requirements

**Under this option, a sector's operation plan must also include (in addition to the requirements specified in Amendment 13):**

- Detailed information about overage penalties or other actions to be taken if the sector exceeds its ACE;
- Detailed information about the sector's *independent third-party weighmaster system* that is satisfactory to NMFS for monitoring landings and utilization of ACE;
- Detailed information about a monitoring program for discards, should the sector desire to include discards in its ACE and account for them at the sector's expense (see additional discussion of monitoring discards in Section XXX).
- A list of all Federal and State permits held by vessels participating in the sector;
- A list of specific ports where members will land fish; specific exceptions should be noted (e.g., safety, weather) and allowed, provided there is reasonable notification of a deviation from the listed ports; this requirement is in addition to the requirement for detailed information about the sector's independent third-party weighmaster system.
- TAC thresholds and details regarding the sector's plans for notifying NMFS once the specified TAC threshold has been reached.
- ~~Identify potential redirection of effort as a result of sector operations, and if necessary propose limitations to eliminate adverse effects of any redirection of effort. (Part of Council sector policy statement).~~

An appropriate NEPA document assessing the impacts of forming the sector must be prepared. This will be written by the sector applicants, and submitted to NMFS through the Council. The contracts drawn up for the whiting and pollock cooperatives on the West Coast and Alaska might serve as a guide for determining the form and content of these plans.

The sector operations plan must be reviewed and approval given before the sector can operate. A sector must submit its *preliminary operations plan* to the Council no less than one year prior to the date that it wants to begin operations. *Final operations plans* may cover a two-year period and must be submitted to NMFS no later than September 1 prior to the fishing year in which the sector will operate. NMFS may consult with the Council and will solicit public comment on the operations plan consistent with the Administrative Procedure Act (APA). Upon review of the public comments, the Regional Administrator may approve or disapprove sector operations, through a final determination consistent with the APA.

**Rationale:** Option 1 merely restates the sector submission requirements that were included in Amendment 13 as written in the regulations. Option 2 expands on the submission requirements to require that sectors provide the Council additional details on reporting and monitoring and participation in other fisheries so that the Council can better evaluate the impacts of the sector.

### 3.1.3 Movement between Sectors

No changes are proposed to this element of the sector allocation process. Each sector will set its own rules on movement into and out of the sector.

Rationale: By not mandating the commitment time to a sector and allowing the sectors to set their own rules, the sector might be more successful in the long-term. This success will be realized, while working within their allocation (hard TAC), the group will be largely self-regulating. A code of conduct for all sectors should be developed by the Council or by industry with Council approval.

### 3.1.4 Allocation of Resources

#### 3.1.4.1 General

Sectors will be allocated a hard TAC of all regulated groundfish stocks with the exception of halibut, ocean pout, and windowpane flounder. The provisions in this amendment eliminate the 20% cap on TAC shares that was established in Amendment 13. There will be no limit on the share of a stock's TAC that can be allocated to a sector.

The share of the annual TAC for a stock that is allocated to a sector will be calculated based on the history attached to each permit that joins the sector in a given year. This share may be adjusted due to penalties for exceeding the TAC in earlier years, or due to other violations of the management plan. When a sector's share of a stock is multiplied by the available catch, the result is the amount (weight) that can be harvested (landings and discards) that year. This amount (adjusted if necessary due to prior overages or penalties) will be referred to as the sector's *Annual Catch Entitlement, or ACE*.

As discussed above, a sector's operations plan must show how the sector plans to avoid exceeding its ACE and must identify overage penalties and actions to be taken should the ACE be exceeded. In cases where a sector exceeds its ACE, overages will be paid back in pounds, on a pound per pound basis.

NMFS will withhold 20 percent of each ACE at the beginning of the fishing year for a period of forty-five days. This is to allow for time to process any end-of-year transfers of ACE and to determine whether any reductions in ACE are necessary due to overage in the previous year.

Rationale: This changes the sector provisions of Amendment 13 and clarifies how resources are allocated to a sector. Sectors can no longer request an allocation of groundfish DAS based on the DAS allocated to permits that join the sector. In addition, sectors fishing for groundfish must have an allocation of *all regulated groundfish stocks except halibut, ocean pout, and windowpane flounder*. This eliminates the situation where sectors could request allocations of selected regulated groundfish stocks and modify effort controls to facilitate targeting of other stocks.

TACs will not be allocated to sectors for Atlantic halibut, ocean pout, northern windowpane flounder, and southern windowpane flounder because these stocks have small TACs, and vessels have limited landings history. Allocating these stocks to sectors would complicate monitoring of sector operations and would require a different scheme for determining each permit's potential sector contribution. Rather than complicate sector administration, sectors will be limited to restrictions designed to discourage targeting of these stocks. For example, the catch of halibut is limited to one fish per trip (similar measures may be needed for the three other stocks).

### 3.1.4.2 Sector Overages

To be clear, in the subsequent discussion the term “sector overage” means exceeding a TAC in year one after any ACE transfers have occurred with the result that sector will receive a deduction of ACE in year two.

- In the first situation, a vessel (or small number of vessels) leaves the sector but the remaining vessels have enough ACE to cover the overage deduction. The PDT recommends that any impacts on departing members be specified and addressed by the sector operations plan and sector contract rather than by regulation. This provides the most flexibility and can be done through indemnification provisions and other legal constructs. Existing sectors have already incorporated provisions that address this situation (such as limiting fishing activity by the vessel if it leaves the sector the year after the overage). It also simplifies administration for NMFS.
- In the second, a sector disbands completely and no sector exists to cover the overage deduction, or there is insufficient ACE in year two to cover the year one overage. In this case, in order to account for the overharvested fish, individual permit holders are held responsible for reducing their catch the appropriate amount in the subsequent fishing year (rather than the sector, since it no longer exists). The deduction follows the individual permits. If an individual permit joins another sector, the overage penalty follows that permit into the other sector. Each permit is responsible for part of the overage penalty, calculated as simply the overage penalty divided by the number of vessels. If a permit does not join a sector the permit receives a DAS penalty. Two suggested ways to calculate this penalty are (one will be selected by the Council):
  - Option 1 - Each permit receives a percentage reduction in DAS equal to the maximum percentage overage of the sector. Example; the sector goes 5% over on stock A and 10% on stock B. each permit receives a 10% DAS reduction; *or*
  - Option 2 - Each permit receives a flat DAS deduction based on the number of pounds of overage by the sector, divided by the number of vessels in the sector. Example: A sector of ten permits goes 10,000 pounds over on stock A and 20,000 pounds over on stock B. Each permit is responsible for 3,000 pounds of overage. If the penalty is 1 DAS for every 1,000 pounds each permit is penalized three DAS.

Rationale: If a sector exceeds its ACE in any given year, its allocation in the subsequent year is reduced to account for the overage. This section specifies how exit of vessels from the sector affects the overage provision.

### 3.1.4.3 U.S./Canada Area

#### 3.1.4.3.1 Option 1 - No Action

Under the no action option, separate allocations will not be made for each portion of a stock that is caught both inside and outside the US/Canada Area.

#### 3.1.4.3.2 Option 2 - Separate Allocations

For stocks that are managed under the terms of the US/CA Resource Management Understanding, sectors will be provided a specific ACE for those stocks that have a TAC that is specific to the Eastern US/CA area. At present, this applies to GB cod and GB haddock, but this measure is intended to apply to other stocks if an area-specific TAC is defined. If a TAC is defined for the Eastern US/CA area by the understanding, and that stock is caught both inside this area and outside this area, a separate allocation of ACE will be made for each portion of the stock. These allocations are not interchangeable; they can only be

taken from the appropriate area. The allocation of ACE will be the same percentage as the sector's overall allocation for these stocks: if a sector receives ten percent of the GB haddock, then it will receive ten percent of the Eastern GB haddock.

**Rationale:** This measure ensures that common-pool and sector fishing vessels fishing in the Eastern US/CA area do not adversely impact each other. It prevents one group from catching the entire TAC in the area, closing it to the other group. This measure will initially apply only to Eastern GB cod and Eastern GB haddock, but is written so that it can be applied to other stocks in the future if necessary. As currently there is only one TAC for GB yellowtail flounder, this provision does not apply to that stock, which does not have a specific TAC for the Eastern US/CA area. Should the Eastern US/CA area be closed to limit catches of GB yellowtail flounder by common pool vessels, sectors could request an exemption from that closure as long as they have ACE remaining for the stocks in that area.

#### **3.1.4.4 Sector Baseline Calculations/Potential Sector Contributions**

In order to allocate a share of the available catch to a sector, the potential sector contribution (PSC) (commonly referred to as permit history) for each permit must be calculated. The present method for calculating PSC/history was developed in Amendment 13 and is described in the No Action Alternative. There are five alternatives under consideration to change the way history is calculated for each permit. Unless changed by a future action, once a permit's PSC is calculated in accordance with the selected PSC option, that PSC is permanent. *The Council cautions that regardless which method is used to determine permit history in this management action, the Council may choose a different method for calculating permit history in the future.*

Note that catch history would be allocated to the sector as a whole and not necessarily to individual vessels within the sector. The self-selecting sector would then have to develop its own set of rules to distribute the sector's allocation among its membership. Allocation of TACs must be consistent with the measures adopted for the remainder of the fishery. If measures designed for the rest of the fishery will reduce mortality of a species well below its target, it may be inappropriate to base the TAC for a sector on the target fishing mortality.

Closed Area 1 Hook Gear Haddock SAP landings can be used to determine potential sector contributions in all of the alternatives described below.

##### **3.1.4.4.1 No Action Alternative (Status Quo/Amendment 13)**

Allocation of resources will be based on the accumulated catch histories *over the previous five years* for which data are available for each member of the self-selected sector, as described in Amendment 13. For example, for sectors beginning operations in FY 2009, the baseline period would be FY 2002 – FY 2006. Each permit's landings for the time period are divided by the total landings of the stock to determine each permit's share.

##### **3.1.4.4.2 Option 1 - Landings History Only FY 1996 – FY 2006**

Under this alternative, permit history will be based on the landings history of each permit during the time period FY 1996 – FY 2006. Landings history will be based on the information in the NMFS commercial dealer database. For each permit, the landings for each stock will be summed over the time period. This value will be divided by the total landings by permits eligible to join sectors (as of April 30, 2008) during the same period. This includes limited access permits (including Handgear A permits) and limited access permits that are in the confirmation of permit history category. The result will be the share of each stock for each permit. Discards will not be counted when calculating permit history, even though both discards and landings are counted against a sector's ACE.

**Rationale:** This option is based on the concept that vessel landing history reflects current participation in the fishery. An eleven year period is used to mitigate regulatory changes and their impacts on individual vessels. A date is specified for calculating history (the end of FY 2007) so that the calculation is only done once and the resulting shares become fixed. This date was selected as it is the last day that a vessel can renew its permit for FY 2007.

#### **3.1.4.4.3 Option 2 - 50% Landings History and 50% Vessel Baseline Capacity for Landed Stocks FY 1996 – FY 2006**

Under this alternative, landings history for each permit/stock will be calculated in the same manner described above for Alternative 1. Vessel baseline capacity will be calculated using the following formula:

$$(10L + HP) \times (\text{allocated "A" DAS}) = \text{baseline capacity}$$

The portion allocated based on capacity applies *only* to stocks landed by the permit. The length and horsepower characteristics of the capacity portion in the formula above will be fixed as of January 29, 2004, which is consistent with the baseline established by NMFS for the Groundfish DAS Leasing Program.

The landings history share and the baseline capacity share for each permit will be averaged to obtain a value for each stock. Under this alternative, each permit will receive history only for groundfish stocks that it landed between FY 1996 and FY 2006.

**Rationale:** This option incorporates characteristics of the permit (vessel) that are believed to contribute to fishing power and thus the value of the permit. By incorporating factors other than landings history alone to determine the potential sector contribution for the permit, this option takes into account that some permits may not have targeted groundfish during the time period but may still have the ability to do so. This part of the formula only applies to stocks caught by the permit. Note that the inclusion of other factors only contributes to the calculation for those permits that have an allocation of Category A DAS. This formula effectively halves the landings history for any permit that does not have Category A DAS allocated.

#### **3.1.4.4.4 Option 3 - 50% Landings History and 50% Vessel Baseline Capacity for All Stocks FY 1996 – FY 2006**

Under this alternative, landings history for each permit/stock will be calculated in the same manner described above for Alternative 1. Vessel baseline capacity will be calculated using the following formula:

$$(10L + HP) \times (\text{allocated "A" DAS}) = \text{baseline capacity}$$

The portion allocated based on capacity applies to *all* stocks for which ACE will be allocated. The length and horsepower characteristics of the capacity portion in the formula above will be fixed as of January 29, 2004, which is consistent with the baseline established by NMFS for the Groundfish DAS Leasing Program.

The landings history share and the baseline capacity share for each permit will be averaged to obtain a value for each stock. This alternative is different from Alternative 2 in that every permit will receive an allocation of every applicable groundfish stock.

**Rationale:** As with Option 2, this option incorporates permit characteristics into the potential sector contribution calculation. Unlike Option 2, this component applies to all stocks, not just those caught by the permit during the time period. This change means that every permit will be assigned a potential sector contribution for every stock. This recognizes that under the DAS system any permit has the potential to fish in any area and catch any stock.

#### **3.1.4.4.5 Option 4 - 50% Landings History and 50% A DAS for All Stocks FY 1996 – FY 2006**

Under this alternative, landings history for each permit/stock will be calculated in the same manner described above for Alternative 1. Vessel baseline capacity will be represented by allocated “A” DAS for *all* stocks for which ACE will be allocated.

The landings history share and the A DAS share for each permit will be averaged to obtain a value for each stock.

Rationale: As with Option 2, this option incorporates permit characteristics into the potential sector contribution calculation. Unlike Option 2 or Option 3, only the Category A DAS allocated to the permit are considered. This option recognizes that length and horsepower may not have a strong impact on catches by vessels using fixed gear. Similar to Option 3, the capacity component in this option applies to all stocks, not just those caught by the permit during the time period. This change means that every permit will be assigned a potential sector contribution for every stock. This recognizes that under the DAS system any permit has the potential to fish in any area and catch any stock.

#### **3.1.4.4.6 Option 5 – Existing Sector Allocations**

For the GB Cod Hook Gear Sectors and the Fixed Gear Sector, the allocation of GB cod will be done as adopted by Amendment 13. That is, the sector share will be calculated based on landings of GB cod during the period FY 1996-FY 2001, divided by the total landings of GB cod during that period. This calculation will only apply to those permits that committed to the sector as of ~~members of the sector as of April 30,~~ March 1, 2008. For any other past or future member of these sectors, the sector share will be calculated as adopted by this action. For all other stocks, the potential sector contribution will be calculated as adopted by this action.

If this option is not selected, the potential sector contribution for members of these sectors will be calculated as adopted by this action.

Rationale: This option recognizes that vessels that are members of the two existing sectors made investment decisions based on the qualification criteria adopted by Amendment 13. To change the allocation method might disadvantage those vessels. This provision only applies to members of the two sectors in FY 2007. A fixed pool of vessels has to be identified for this provision or else each time a vessel enters or exits one of these sectors, the potential sector contribution for all permits must be recalculated.

### **3.1.5 Transfer of Annual Catch Entitlements (ACE)**

#### **3.1.5.1 Option 1 - No Action**

If this option is selected, transfer of ACE between sectors will not be authorized.

#### **3.1.5.2 Option 2 - Provisions for Transferring ACE**

A sector can carry up to 10 percent of unused ACE forward into the next fishing year.

There are no restrictions on the nature of the transfer of ACE between sectors. The exchange of ACE between two sectors is viewed as a private business arrangement. Sectors can seek compensation (monetary or otherwise) when transferring ACE to another sector. Sectors are not obligated to transfer unused ACE to a sector that needs additional ACE.

In addition, all or a portion of a sector's ACE of any stock can be transferred to another sector. This exchange can occur at any time during the fishing year and up to two weeks into the following fishing year. The transfer does not become effective until it is approved by NMFS.

During the fishing year, a sector should project when its ACE will be exceeded and should cease fishing operations prior to exceeding it. If the sector's ACE is exceeded, the sector must cease operations in that stock area until it can acquire additional ACE through a transfer to balance the catch, and the sector also must comply with other overage penalties that may be applicable. A sector can resume fishing in the stock area if it acquires more ACE.

These provisions do not provide for the permanent transfer of sector shares. The only method for transferring sector shares is by moving permits between sectors, and this can only be accomplished prior to the beginning of the fishing year.

Proposed ACE transfers will be referred to NMFS. The transfer is not considered authorized until NMFS notifies both sectors. The NMFS review of a transfer request will be based on general issues such as whether both sectors are complying with reporting or other administrative requirements. The responsibility for ensuring that sufficient ACE is available to cover the transfer is the responsibility of the sector manager. NMFS approval of a transfer does not absolve the sector from managing its ACE.

Transfers of previous year's ACE after the end of the fishing year will allow sectors to balance accidental overages if other sectors hold unused ACE at the end of the year and are willing to transfer that ACE to the sector with an overage. Should a sector be unable to acquire ACE from another sector to balance an overage, the overage will be deducted from the next year's ACE allocation, and the sector may be subject to other penalties. Since ACE transfers may take place after fishing has commenced and it will not be clear whether sectors are able to balance overages by acquiring ACE until all transfers have been processed, 20% of each sector's ACE allocation for each stock will be held in reserve by NMFS until 45 days after the beginning of the fishing year to ensure that sectors will have sufficient ACE to balance overages from the previous year.

Rationale: Allowing transfer of ACE provides flexibility for sectors to adjust their allocations to account for unusual circumstances or to take advantage of other opportunities. For example, there may be instances where a sector does not have an allocation for a stock that has an unusual distribution due to oceanographic conditions – without allowing ACE transfer, the sector may be forced to discard this stock and may have to cease fishing because of the discards. Allowing the exchanges to continue for a brief period after the end of the fishing year provides a limited opportunity for a sector to quota balance in the instances that the ACE was inadvertently exceeded. This provision is not intended to allow sectors to exceed their ACE.

### **3.1.6 Mortality/Conservation Controls**

Sectors are required to ensure that ACEs are not exceeded during the fishing year. Sectors should project when its ACE will be exceeded and should cease fishing operations prior to exceeding it. If the sector's ACE is exceeded, the sector must cease operations in that stock area until it can acquire additional ACE through a transfer to balance the catch, and the sector also must comply with other overage penalties that may be applicable.

It will be necessary to establish appropriate restrictions on catch or effort for each sector to ensure that they do not exceed their ACE (through landings or discards). Hard annual TACs by species will be allocated to the sector as a whole. The sector will be required to submit an Operations Plan for approval by the Regional Administrator. The Operations Plan should detail the allocation of ACE within the group, how the catch of the sector would be monitored, and a plan for operation or cease of operations once the ACEs of one or

more species are taken. TAC thresholds and details regarding the sector's plans for notifying NMFS once the specified TAC threshold has been reached also must be part of the operations plan. The plan must provide assurance that the sector would not exceed the ACEs allocated to it (either through landings or discards). See Section 3.1.2 for specific requirements of the sector Operations Plan.

The ACE allocated to sectors applies all catches of those stocks by sector vessels, whether caught during directed groundfish fishing trips or on other trips. For example, groundfish caught while targeting skates or monkfish applies to the sector's groundfish TAC. If the sector does not have ACE available, then its vessels cannot participate in these fisheries. There are two exceptions. Since an ACL sub-component for yellowtail flounder is determined for scallop vessels, yellowtail flounder caught by a sector vessel fishing in the General Category scallop fishery, or by a vessel with a combination groundfish permit that is fishing in the scallop dredge fishery, applies to the ACL sub-component and not the sector's ACE.

*This paragraph needs to be reviewed by the Council; it reflects a Committee recommendation.*

Sector vessels are prohibited from landing ocean pout and windowpane flounder. Catches of ocean pout and windowpane flounder cannot be landed, which will discourage sectors from targeting these stocks.

### 3.1.7 Interaction of Sector with Common Pool Vessels

As noted above, sectors will be assigned an ACE (share of total TAC) based on landings history or a combination of landings history and vessel capacity. While it is appropriate for changes in stock condition to affect the amount of fish that the share represents, sectors should not suffer if other sectors, or common pool vessels, exceed TACs and create a need for mortality reductions.

If a sector does not exceed its ACE in a given fishing year, but other sectors or common pool vessels exceed the remaining TAC, the sector's quota [in absolute (not share) terms] in the following years will not be reduced. This does not permanently change the sector's percentage of the total TAC, however. In the extreme case, the total resources available may be less than a sector's absolute quota. In this instance, the sector's share will be temporarily increased by the percentage that other sectors exceeded their quota. As stock conditions improve, the sector will keep this temporary increase in share until its annual quota is the same as it was prior to the stock decline. The sector's permanent share will then revert to its original share.

If a sector exceeds its ACE, the sector's quota will be reduced in the following year and the sector may be subject to enforcement action. If the sector exceeds its ACE repeatedly, the sector's share can be permanently reduced as a penalty or the sector's authorization to operate withdrawn.

If declining stock conditions result in a need to reduce fishing mortality, and all sectors and common pool vessels have operated within TAC limits, a sector's share will not be changed, but the amount this share represents may be due to reduced overall TACs. If stock conditions improve, and a sector stays within its quota while other sectors do not, the sector will receive a temporary increase in share equal to the amount that other sectors exceeded their quota.

**Some multispecies management measures that apply to common pool vessels will also apply to any vessel in a sector, and these measures are listed below.** Other groundfish measures that are not included in the list below may be altered through a sector's operations plan. In its operations plan, a sector should specify any additional multispecies management measures that should not apply to the sector. Exemptions and/or modifications to other management measures must be approved by NMFS.

The following list may be modified through a framework adjustment. Sectors *cannot* request exemption from the management measures included in this list. Current measures that will apply to both sector and common pool vessels include:

- Year round closed areas

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- Permitting restrictions (vessel upgrades, etc.)
- Gear restrictions designed to minimize habitat impacts (roller gear restrictions, etc.)
- Reporting requirements (not including DAS reporting requirements)

Similarly, all sectors will be universally exempt from some multispecies management measures. A sector must request changes or exemptions to other multispecies management measures in its operations plan, as appropriate.

The following list of sector exemptions may be modified in the future through a framework adjustment. **With the implementation of this amendment, all sectors will be exempt from:**

- Trip limits on stocks for which a sector receives an allocation (all stocks except halibut, ocean pout, and windowpane flounder);
- Seasonal closed areas (note that this does not include the Gulf of Maine “rolling” closures; at present the only seasonal closure is in May, on Georges Bank); and
- Groundfish DAS restrictions.

These universal exemptions only apply to groundfish fishing regulations. They do not apply to requirements implemented by other management plans. For example, certain categories of monkfish permits must use a groundfish DAS when using a monkfish DAS. That requirement continues until or unless the monkfish FMP changes it. If vessel with a monkfish Category C or D permit is in a groundfish sector and wants to use a monkfish DAS and land the monkfish trip limit associated with using a monkfish DAS, then it must use a groundfish DAS while that is required by the monkfish FMP. The same vessel can instead not use either a groundfish or monkfish DAS and be limited to the monkfish trip limit for vessels not fishing on a monkfish DAS.

Rational: This section clarifies the exemptions that apply to all sectors, minimizing the administrative burden for sectors since they do not have to request these exemptions, and for NMFS since the agency will not have to evaluate the universal exemptions.

### **3.1.8 Sector Participation in Special Management Programs**

Sector participation in existing special management programs is described below. If additional program are adopted, specific provisions for sector participation will be defined. In all cases, sector vessels cannot participate in a special management program unless the sector has an allocation for the stocks caught in this SAP in order to participate.

#### **3.1.8.1 Eastern U.S. Canada Haddock SAP**

For a sector exempt from DAS, the only benefit to this SAP is that it allows fishing in the far northern tip of CAII. Assuming the Council adopts the Committee’s recommendation to have specific TACs for the eastern US/CA stocks, the following provisions apply for sector participation:

- (1) Sector vessel participating in the SAP must follow reporting requirements.
- (2) All catch applies against the sector’s allocated TACs for each stock, including those specific to the Eastern U.S./Canada area, but not against any incidental catch TACs.
- (3) Sectors can fish in the corner of CAII (within SAP boundaries) during the season of the SAP.
- (4) There are no specific gear requirements for sectors. Since the sectors will have hard TACs on most species, gear requirements designed to maximize catch of the target species may not be necessary. Presumably sectors will adjust their operation to maximize their benefits from their available TACs.

Rationale: Because this SAP allows access to only a small part of CAII, and sectors are expected to have a hard TAC on their catches of cod and haddock in the Eastern U.S./Canada area, there is little need to restrict sector participation in this SAP to specific gears.

### **3.1.8.2 Closed Area II Yellowtail Flounder SAP**

This SAP has a limit on the catch per trip of target species, limit on the total number of trips, limits on the number of trips that can be taken each month, gear requirements, and a cod catch limit.

- (1) Sectors are subject to reporting requirements, limits on the number and frequency of trips, and the catch limit for target species.
- (2) Sectors are not subject to the cod or haddock trip limit.
- (3) Sectors are subject to the gear requirement. This SAP is designed to target flounder and it would not be appropriate to allow sectors to use gear designed to target other species in this SAP. The PDT recognizes this may seem inconsistent with the advice for the Eastern U.S./Canada SAP, but note that unlike in that SAP, the access area is much larger and the sector's catch of the target species (GB YTF) is not limited by a specific sector Eastern U.S./Canada area TAC.

Rationale: Unlike the Eastern U.S./Canada Haddock SAP, the CAII yellowtail flounder SAP provides access to a large area in CAII. Non-sector vessels are limited in the number of trips they can take each month, in the gear that can be used, and the amount of the target species that can be landed each trip. If sector vessels are not subject to the same provisions, they would have an unfair advantage in this SAP.

### **3.1.8.3 Closed Area I Hook Gear Haddock SAP**

This SAP provides an opportunity to target GB haddock within CAI. The SAP already has provisions that describe requirements for sectors and additional provisions are not proposed (but see section 3.7 for possible SAP changes).

### **3.1.9 Sector Annual Reports**

The annual report is intended to provide information necessary to evaluate the biological, economic, and social impacts of sectors and their fishing operations. As such, information must be provided that described the catch and characteristics of the sector.

Approved sectors must submit an annual year-end report to NMFS and the Council, within 60 days of the end of the fishing year that summarizes the fishing activities of its members, including harvest levels of all species by sector vessels (landings *and* discards by gear type), enforcement actions, and other relevant information required to evaluate the performance of the sector. The annual report must report the number of sector vessels that fished for regulated groundfish and the permit numbers of those vessels (except when this would violate protection of confidentiality), the number of vessels that fished for other species, the method used to estimate discards, the landing ports used by sector vessels while landing regulated groundfish, and any other information requested by the Regional Administrator.

Rationale: This measure clarifies the information that should be reported in annual reports so that sectors can be evaluated.

### **3.1.10 Monitoring and Enforcement**

It will be the responsibility of each sector to enforce any provisions adopted through procedures established in the operations plan and agreed to through the sector contract. Ultimately, a sector may desire to expel a

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member due to repeated violations of sector provisions. Once a vessel enters into a sector, it cannot fish during that fishing year under the regulations that apply to the common pool. In other words, if a vessel is expelled from a sector, it cannot participate in the groundfish fishery during the remainder of that fishing year.

For the purposes of enforcement, a sector is a legal entity that can be subject to NMFS enforcement action for violations of the regulations pertaining to sectors. Vessels operating within a sector are responsible for judgments against the sector.

Sector operations plans will specify how a sector will monitor its landings to assure that sector landings do not exceed the sector allocation. At the end of the fishing year, NMFS will evaluate landings using IVR, VMS, and any other available information to determine whether a sector has exceeded any of its allocations based on the list of participating vessels submitted in the operations plan.

The next two paragraphs describe the requirements necessary for monitoring both landings and discards. These sections add additional requirements to those currently in place (such as weighmasters/dockside monitors for all landings, improved discard monitoring systems, etc.). The range of alternative considered by the Council includes the current system (No Action) as well as the system proposed below.

In conjunction with NMFS, the Council will develop the standards for reporting and monitoring systems that must be met by sectors. Once these standards are developed, they will be reviewed and implemented by NMFS consistent with the APA. In the absence of published standards, the process for using an assumed discard rate described above will be used to account for discards in the catch. The Council anticipates developing the standards and NMFS approval and implementation prior to FY 2010.

### 3.1.10.1 Monitoring and Enforcement of Landings

Sector operations plans must provide detailed information about how landings in the fishery will be monitored, reported, and enforced within the sector.

- Sectors are required to land *all* legal-sized fish from stocks managed by the FMP that are specifically allocated to the sector.
- Sectors must demonstrate the ability to accurately attribute landings to a specific statistical area.
- Sectors are required to report all landings and discards by sector vessels to NMFS on a weekly basis.
- Sectors are required to develop and implement an independent third-party weighmaster/~~dockside monitoring~~ system that is satisfactory to NMFS for monitoring landings and utilization of ACE. The details of the weighmaster/~~dockside monitoring~~ system must be provided in the sector's operations plan.
- The sector operations plan also must include a list of specific ports where members will land fish; specific exceptions should be noted (e.g., safety, weather) and allowed, provided there is reasonable notification of a deviation from the listed ports.

*The enforcement committee recommends the term "dockside monitoring program."*

**Rationale:** The only fishing mortality control for sectors is the hard TAC that, if caught, results in the sector vessels not being allowed to fish. Effective management of sectors requires that catch be accurately known. This is important not only for managers but also so that each sector is confident that all sectors are being held to the same standards. The provisions in this section are designed to ensure that landings are accurately monitored. The weighmaster/~~dockside monitoring~~ system provides an independent verification of landed weights.

### 3.1.10.2 Monitoring and Enforcement of Discards

Sector operations plans must provide detailed information about how discards in the fishery will be monitored, reported, and enforced within the sector.

- Discards will not be counted when determining the sector's ACE but will be counted against the ACE during the fishing year.
- Discards will be counted at the previous assumed discard rate, calculated as often as is practicable, by gear, and that amount will be deducted off the top of the ACE. The calculated discard rate will be used to add a discard estimate to each landing by sector vessel so that total catch can be determined for each trip. A sector must develop an adequate monitoring system and demonstrate to NMFS that discards can be accurately monitored and counted as part of the ACE, at the sector's expense. Details about such a monitoring system must be provided in the sector's operations plan. This system will enable the sector to deduct annual discards from the ACE instead of using assumed discard rates.
- Discard rates used before sectors develop adequate monitoring systems will be determined in one of two ways:
  - Option 1: The discard rate used will be based on the most recent assessment for the stock
  - Option 2: A sector-specific discard rate would be calculated based on observer data from the previous year
- Sectors are required to report all landings and discards by sector vessels to NMFS on a weekly basis.

Rationale: The only fishing mortality control for sectors is the hard TAC that, if caught, results in the sector vessels not being allowed to fish. Effective management of sectors requires that catch be accurately known. This is important not only for managers but also so that each sector is confident that all sectors are being held to the same standards. A portion of catch could be comprised of discards. A two-step approach is being taken to monitor discards. First, initially an estimated discard rate will be developed that will be used to inflate sector landings to total catch. This approach is required because there is only limited experience with what discard rates will be for vessels operating in sectors.

## 3.2 Possession of a limited access multispecies permit and a limited access scallop permit by the same vessel

### 3.2.1 Option 1 - No Action

At present, only those limited access scallop permit holders that qualified for a combination vessel limited access multispecies permit are permitted to hold a limited access scallop permit and a limited access multispecies permit at the same time. Under the No Action option, this restriction will continue. Vessels with a limited access scallop permit will not be allowed to obtain a limited access multispecies permit, and vessels with a trawl limited access scallop permit that choose to modify their permit to a dredge limited access scallop permit must surrender any limited access multispecies permit that is held.

Rationale: This option continues the restriction adopted in Amendment 5 when the limited access permit system was created for the multispecies FMP.

### **3.2.2 Option 2 – Removal of restriction**

A vessel may possess a limited access multispecies permit and a limited access scallop permit at the same time, even if the scallop dredge vessel did not qualify for a limited access multispecies vessel combination permit. This change allows a limited access scallop vessel to acquire a limited access multispecies permit, and also allows vessels that possess a limited access scallop trawl permit and a limited access multispecies permit to change the scallop trawl permit to a scallop dredge permit (if consistent with all provisions of the Atlantic Sea Scallop FMP) without surrendering the limited access multispecies permit.

Most limited access scallop permit holders that do not hold a limited access multispecies combination permit also hold an open access scallop Northeast multispecies possession limit permit. This open access permit allows the vessel to land a limited amount of Northeast multispecies caught while fishing for scallops. Should such a scallop vessel acquire a limited access multispecies permit, the multispecies landings history from the open access permit does not transfer to the acquired limited access permit. As long as only limited access multispecies permits are eligible for membership in sectors, and potential sector contributions in the multispecies fishery are based wholly or in part on landings history, only multispecies landings history acquired while using a limited access multispecies permit is considered when calculating potential sector share contributions.

Rationale: Fishing vessels represent a substantial capital investment. In both the scallop and multispecies fisheries, conservation controls limit the efficient use of these resources. If the current restriction that prevents a vessel owner from having a limited access groundfish permit and a limited access scallop permit on the same vessel is lifted, vessel owner's will be able to increase the return on their investments by participating in both fisheries. This will also provide vessel owner increased flexibility to conduct fishing operations in a profitable way, moving between the two fisheries as opportunities develop.

### **3.3 Annual Catch Limits**

While this action will specify the process for Annual Catch Limits (ACLs), they will be implemented as required by the M-S Act (FY 2010 or 2011 based on whether a stock is subject to overfishing or not).

#### **3.3.1 Option 1 – No Action**

If this option is selected, a process for implementing Annual Catch Limits (ACLs) will not be adopted in this action.

#### **3.3.2 Option 2 – Annual Catch Limits**

Revisions to the M-S Act in 2006 require that fishery management councils “develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process...” This option implements that requirement for the Northeast Multispecies FMP. This section was prepared in the absence of guidance from the NMFS on the implementation of this requirement. Revisions may be considered after that guidance is published.

There are several steps that must be specified to set ACLs. In some cases, the M-S Act requires certain steps to be performed by specific entities (generally either the Council or the Science and Statistical Committee (SSC)). These requirements will be discussed in more detail later in this section.

- Appropriate fishing mortality references must be identified.
- Current stock size must be estimated.

- Available catches must be estimated for the appropriate fishing mortality references at current, or projected, stock sizes, taking into account biological and management uncertainty and risk.
- For some data-poor stocks, available catch may have to be determined without benefit of fishing mortality estimates or targets, or stock size estimates.
- Available catch will need to be allocated to different components of the fishery (sectors/common pool vessels, commercial/recreational), or to other fisheries (Scallop dredge, midwater trawl, etc.).
- Council decisions will need to be reviewed, discussed, and published.

This section will describe the process for all of these steps.

### 3.3.2.1 Definitions

The following definitions define terms used in this section. Table 6 summarizes this information.

**OFL:** Overfishing level. The catch that results from applying the fishing mortality rate that defines overfishing to a current or projected estimate of stock size. This is usually  $F_{MSY}$  or its proxy. Catches that exceed this amount would be expected to result in overfishing.

**ABC:** Allowable biological catch. The maximum catch that is recommended for harvest, consistent with meeting the biological objectives of the management plan. ABC can never exceed the OFL. ABC will be based on  $F_{control\ rule}$  for stocks that are not in a rebuilding program, and will be based on the rebuilding fishing mortality ( $F_{reb}$ ) rate for stocks that are in a rebuilding program. The determination of ABC will consider biological uncertainty.

**ACL:** Annual catch limit. The catch level selected such that the risk of exceeding the ABC is consistent with the management program. ACL can be equal to but can never exceed the ABC. ACL should be set lower than the ABC when necessary due to uncertainty over the effectiveness of management measures. The ACL serves as the level of catch that determines whether accountability measures (AMs) are implemented.

**Table 6 – Overview of definitions used in ACL process**

Acronym	Definition	Considerations
OFL	Catch at $F_{MSY}$	Point estimates of $F_{MSY}$ , stock size
ABC	Catch at $F_{control\ rule}$ or $F_{rebuild}$	Biological uncertainty over current stock size, estimate of $F$ , or other parameters (growth, recruitment, etc.)
ACL	$\leq ABC$	Uncertainty from other sources, evaluation of risk to achieving management goals if ABC is exceeded

### 3.3.2.2 Administrative process for setting multispecies ACLs

This section delineates the administrative steps for setting ACLs for multispecies stocks. The ACL process will become an element of the existing periodic adjustment process. The biennial adjustment process requires the PDT to prepare a SAFE report every year. Every two years, the PDT evaluates whether management measures need to be revised in order to meet mortality objectives. The PDT is required to submit suggested measures to the Council by September 1 if revisions are necessary. The Council will then consider adjustments over the course of two Council meetings. The first meeting, in September, will be the

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first framework meeting for any revisions. The second framework meeting will take place in either October or November.

The PDT will develop recommendations for Allowable Biological Catch (ABC) for each multispecies stock based on the definitions in Table 6. These recommendations form the basis for setting ACLs. The PDT recommendations will include the following elements:

- OFL estimates for the next three fishing years, based on the point estimates of  $F_{MSY}$  (or its proxy) and the point estimate of future stock size. While it is expected that OFLs will be determined every two years, the PDT will recommend them for three years in case of a delay of updates.
- As part of the biennial adjustment process, the PDT should evaluate whether rebuilding is proceeding as planned and whether adjustments are necessary to fishing mortality targets in order to maintain rebuilding trajectories.
- ABC recommendations for the next three fishing years, based on either  $F_{control\ rule}$  (stocks not in a rebuilding program) or  $F_{reb}$  (stocks in a rebuilding program). The PDT recommendation should report the catch that results from the point estimates of the target fishing mortality rate and projected stock size. If the PDT recommends reducing the ABC from this amount, the recommendation should include an explicit discussion of the biological uncertainties that are taken into account in developing the recommendation. For some stocks, information may not be available to estimate fishing mortality or stock size; the PDT will develop a recommendation for those stocks using any available data. While it is expected that ABCs will be determined every two years, the PDT will recommend them for three years in case of a delay in implementation.
- An evaluation whether the ABC's have been exceeded in earlier years.
- A summary indicating whether ACLs have been exceeded in recent years.
- A recommendation for setting ACLs for the next three years. The PDT will describe the uncertainties and risks considered when developing these recommendations. While it is expected that ACLs will be determined every two years, the PDT will recommend them for three years in case of a delay in implementation.

The PDT recommendations for setting ABCs will be provided to the SSC prior to the September Council meeting. Guided by terms of reference prepared by the Council the SSC will review the PDT recommendations and will either approve those recommendations or will provide an alternative recommendation. In either case, the SSC will explicitly describe the elements of biological uncertainty that were considered in developing its recommendation. If requested by the Council, the SSC may comment on the uncertainty and risk that should be considered by the Council when setting ACLs and whether the PDT has identified those elements sufficiently for Council consideration. If the SSC recommends an ABC that differs from the PDT recommendation, the PDT will revise its ACL recommendations using the new ABCs.

This process will be modified for those stocks or management units that are subject to the U.S./Canada Resource Sharing Understanding. Assessments of these stocks or management units that are prepared by the Trans-boundary Resource Assessment Committee (TRAC), a peer-review process as envisioned by the MFS Act. For these stocks, the Trans-boundary Management Guidance Committee (TMGC) develops recommended catch levels on an annual basis. These are essentially ACLs as they take into account various types of uncertainty and risk but they cannot be characterized as ABCs. As a result the recommendations will be reviewed by the SSC to verify that they are consistent with the SSC recommendations for ABCs.

*It is not clear if this step is necessary for all TMGC recommendations, or just for GB yellowtail flounder.*

The Council will consider the ABC recommendations of the SSC and the ACL recommendations of the PDT (and TMGC) and will make a decision on those recommendations prior to December 1. If the Council questions the SSC recommendation, it can ask for a more detailed explanation from the SSC, but the

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Council must establish ACLs that are equal to or lower than the ABC recommended by the SSC. When setting ACLs, the Council will consider the advice of the SSC and the PDT and will provide the rationale used for setting the ACLs.

Once the Council has approved ACLs, they will be submitted to NMFS ~~prior to December 15~~ for approval and implementation. ACLs can be implemented in several ways. If the Council is submitting a management action as part of the periodic adjustment process, the ACLs can be included in that document. Alternatively, the ACLs can be submitted as part of a specification package supported by the appropriate NEPA document. It should be noted that in many instances ACLs merely reflect the catch associated with the mortality targets determined by the management plan and therefore the impacts are consistent with those evaluated when the mortality targets were adopted. For this reason, in those instances that an ACL is not revised, it is anticipated that there will not be a need for a new supporting NEPA document.

After receipt of the Council decision for ACLs – either as part of a new management action or as part of a specification package – NMFS will review the Council’s decision and if consistent with applicable law will implement the ACL consistent with the Administrative Procedures Act (APA).

### 3.3.2.3 ACL Sub-Components

Once an overall ACL is determined, the Council may divide the ACL into sub-components. These sub-components will facilitate management of the catch of a stock so that if catches are excessive measures can be designed for the portions of the fishery that are responsible for the excessive catch. In this context the term “sub-component” is used in two senses: first, to indicate that the overall may be divided into smaller portions that are attributed to specific fisheries, and second to refer to those smaller portions that are not considered ACLs and are not subject to AMs.

There are two broad divisions that will be considered. The overall available catch is considered an ACL. It may be divided into sub-ACLs for specific fisheries or other sub-components. In the case of the sub-ACLs, AMs are required for these divisions. Second, part of the available catch may be divided into sub-components that are not referred to as sub-ACLs and are not subject to the requirement that AMs be specified. In some instances – for example, state waters fisheries – these sub-components are outside the Council’s jurisdiction but must still be considered when developing management plans. It is important to note that the controls on the portion of the fishery that is subject to AMs must be sufficient to prevent overfishing on the stock as a whole. The sub-components that are identified, and whether they are ACLs or not, and appropriate AMs, can be revised through the framework adjustment process.

For those sub-components that are not ACLs, there are broad categories. First, small amounts of regulated groundfish are caught in a variety of fisheries. Where individually these elements are too small to reliably monitor, they are aggregated into an “Other non-specified” category. Second, some fisheries are specifically identified, such as the scallop fishery or fisheries in state waters. For the category described as “other non-specified”, catches will be monitored and if the catch rises above five percent accountability measures will be developed to prevent the overall ACL from being exceeded.

The proposed sub-components that will be adopted at the implementation of this amendment are shown in Table 9. ~~In the case of trans-boundary stocks, this table is based on the catch available to U.S. fishermen~~ Where possible, the percentage of the sub-component that will be allocated to specific fisheries is shown. For some stocks, this value cannot be determined because they will be determined by the analyses in GARM III.

For the scallop dredge fishery, the specific value is not specified because this will be determined as part of the biennial adjustment process. Catches of regulated groundfish in the scallop fisheries depend on a wide range of factors: scallop and groundfish abundance, the scallop rotational management program, etc. These

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factors are variable and cannot be predicted in this action. The amount of yellowtail flounder allowed for the scallop dredge fishery will, at a minimum, be consistent with the incidental catch amounts for the Closed Area access programs (ten percent of the GB yellowtail flounder and SNE/MA yellowtail flounder ACL when CAI, CAI, or the NLCA access programs are in effect).

**Table 7 –ACLs and sub-components for groundfish stocks. Recreational values will be determined after GARM III assessments, which will also determine the amount available for commercial groundfish. Scallop values to be determined during biennial adjustment process and other values for those stocks will be adjusted accordingly.**

Stock	ACL					
	ACLs/Controlled by AM			Other Sub-Components		
	Commercial Groundfish	Rec Gfish	Herring MWT	Other Non-Specified	Scallop	State Waters
GB Cod	95% - X	X		5.0%		
GB Haddock	94.8%		0.2%	5.0%		
GB YTF	95.0% - X			5.0%	X	
SNE/MA YTF	95.0% - X			5.0%	X	
CC/GOM YTF	95.0% - X			5.0%	X	
GOM Cod	63.0%	22.0%		5.0%		10.0%
Witch	95.0%			5.0%		
Plaice	95.0%			5.0%		
GOM WFL	77.0%	18.0%		5.0%		
SNE/MA WFL	71.0%	24.0%		5.0%		
GB WFL	95.0%			5.0%		
White Hake	95.0%			5.0%		
Pollock	95% - X	X		5.0%		
Redfish	95.0%			5.0%		
Pout	95.0%			5.0%		
GOM/GB Windowpane	70.0%			30.0%		
SNE/MA Windowpane	70.0%			30.0%		
GOM Haddock	94.8% - X	X	0.2%	5.0%		
Halibut	95.0%			5.0%		

### **3.4 Allocation of Groundfish to the Commercial and Recreational Groundfish Fisheries**

#### **3.4.1 Option 1 – No Action**

At present, there is no allocation of groundfish made between the recreational groundfish fishery (private boat/party/charter) and the commercial groundfish fishery. If this No Action option is adopted, this situation will continue.

#### **3.4.2 Option 2 – Commercial and recreational groundfish allocation for certain stocks**

For stocks identified in Table 8, the Annual Catch Limit (ACL) will be defined separately for the recreational and commercial (U.S.) components of the groundfish fishery. The proportion allocated to these fisheries will be determined using the time periods shown in the table based on the data that is used in GARM III assessments. When possible, the shares will be determined by using the numbers of fish in the years caught (as used by the assessment: harvested, landed, or discarded) by each component. The shares determined in this manner will be applied to the ACL to determine the weight of catch available for each component. If the number of fish caught by each component is not available, the shares will be calculated based on weight. The proportion for each year will be calculated, and then the average proportion over the time period will be the share for each component of the fishery. The proportions will be reviewed consistent with the periodic assessment cycle, and if determined necessary, changes can be implemented through a framework action. Any changes that are adopted will not affect the implementation of accountability measures based on proportions that were in effect at the time of the catches.

For GOM haddock and pollock, if the recreational harvest is included in the assessment in 2008, recreational and commercial proportions will be determined and applied to future ACLs.

Two different time periods are reflected in the table. For GOM cod, the proportions for each fishery are relatively constant regardless of the time period used. The 1996 -2006 time period was selected in part because of this fact, but also because this is the period being considered for determining the potential sector contribution for each commercial limited access permit. For the two winter flounder stocks, the proportion harvested by the recreational fishery has substantially declined in recent years, possibly as a result of low stock sizes. For that reason, a longer period is used to reflect periods of higher abundance.

As noted, the actual percentages will be determined based on data used in GARM III assessments that will be completed in August, 2008. Preliminary estimates of these values are shown in Table 8. These percentages may change once the assessments are completed.

**Table 8 – Proposed time periods for calculating the recreational and commercial share of the groundfish ACL and preliminary estimate of recreational allocation that results**

<b>Stock</b>	<b>Years</b>	<b>Preliminary Estimate</b>
GOM Cod	1996 - 2006	25.9%
GB Cod	1996 - 2006	6.9%
GOM Haddock	1996 - 2006	16.8%
Pollock	1996 - 2006	6.1%
GOM Winter Flounder	1982 - 2006	17.8%
SNE/MA Winter Flounder	1982-2006	21.0%

**Rationale:** By allocating certain groundfish stocks to the commercial and recreational components of the fishery, the design of management measures can be tailored to the components that are responsible should mortality targets be exceeded. Different time periods are used for different stocks. A longer period is used for winter flounder stocks in recognition that recent recreational catches are low due to depressed stock conditions and recreational catches were much higher in the past than in recent years. This is also why these values will be periodically examined as stocks rebuild. For GOM cod, GB cod, and pollock, the recreational harvest has been more consistent over time and the selection of different time periods does not result in large changes in the allocations. The proposed periods for these stocks are the same period being considered for determining the PSC for commercial permits.

### 3.4.3 Option 3 – ~~Commercial and recreational allocation for certain stocks – winter flounder modification~~

{TO BE COMPLETED.}

## 3.5 Changes to the DAS Transfer and DAS Leasing Programs

### 3.5.1 Option 1 – No Action

If this option is selected, there will not be any changes made to the conservation tax charged by the DAS leasing program or the DAS transfer program. DAS will be leased without any conservation tax, while a twenty percent conservation tax will be charged for using the DAS transfer program.

### 3.5.2 Option 2 - DAS Transfer Program Conservation Tax

The Council will consider changing or eliminating the conservation tax on DAS transfers, currently set at 20 percent. If a change is made, transfers that have taken place before the change will be treated in one of two ways:

Option A: No adjustment will be made for permits previously charged the conservation tax.

Option B: Permits that have been previously charged a conservation tax will have their tax refunded (consistent with the revised tax).

**Rationale:** There has been limited use of the DAS transfer program. Modifying or eliminating the conservation tax may encourage use

### **3.5.3 Option 3 - DAS Leasing Program Conservation Tax**

The Council will consider setting a tax on DAS leasing that is equivalent to the tax adopted for the DAS transfer program.

Rationale: Since the DAS can be acquired through the leasing program without a conservation tax, this program may inhibit consolidation in the fishery. In addition, the program may not be conservation neutral and may be increasing fishing mortality on some stocks. If the conservation tax on the leasing program and the DAS transfer program are the same, it may encourage vessel owners to consolidate permits, and if a tax is adopted it may reduce mortality impacts of the leasing program.

### **3.5.4 Option 4 - DAS Transfer Program Conservation Tax Exemption Window**

An owner of multiple groundfish permits will be allowed to consolidate the DAS and catch history of those permits onto a single vessel while exempt from the DAS conservation tax. The period when such transfers will be exempt from the DAS transfer program conservation tax will be limited to a specific time period, after which any use of the DAS transfer program will be subject to the DAS transfer tax that is in effect. The time period considered for this exemption window is between three months and one fishing year.

Rationale: This measure will encourage owners of multiple limited access groundfish permits to consolidate their permits on one vessel. The limited period when such transfers are not subject to the conservation tax will encourage permit holders to make this decision. Permit holders will have reduced costs since they will no longer have to maintain vessels (skiffs) to hold additional permits, will not have to renew those permits annually, and will not have to file VTRs for those permits. To the extent that vessels take advantage of this opportunity, this will reduce the administrative burden on NMFS of processing DAS leases among vessels with the same owner. It will also reduce the risk that some of those permits may be reactivated in the future, either in the groundfish fishery or other fisheries.

## **3.6 Reporting Requirements**

This measure proposed to add additional requirements for limited access groundfish vessels to facilitate the monitoring of Annual Catch Limits (ACLs) and sectors. The measures in this section, if adopted, apply to all limited access groundfish vessels, whether fishing in the common pool or as a member of a sector. They are in addition to any specific requirements applicable to either common pool or sector vessels that are adopted in other sections.

### **3.6.1 Option 1 – No Action**

Under the No Action option, no additional reporting requirements are adopted that are not specified in other sections.

### **3.6.2 Option 2 – Area-specific reporting requirements**

The implementation of ACLs and the possible implementation of additional sectors places increased importance on timely reporting of catch (kept and discarded) information. The current reporting system relies on submission of paper VTRs to identify area fished. There are delays in receiving and processing these VTRs that make them unusable for timely monitoring of either sector catch or ACLs, which are stock specific. In order to improve the timeliness of reporting, additional requirements will be adopted. Note that these requirements do not replace the existing requirements for dealer and vessel reporting. Amendment 13 included language that authorized the future use of electronic reporting systems as a replacement for the VTR. This option does not preclude that possibility in the future, but does not replace VTRs with this proposal. This option also does not replace reporting requirements for special management programs or

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fishing in the U.S./Canada area. To the extent possible, NMFS will develop procedures for these new requirements that reduce unnecessary duplication.

Four broad reporting areas will be established (see Figure 1). These areas were determined so that all groundfish catch in the area can be allocated to the appropriate stock. All limited access groundfish vessels required to use VMS will be required to make a declaration via VMS at the beginning of a trip on whether they intend to fish in one broad reporting area or multiple reporting areas. This declaration must be made prior to departing on every groundfish fishing trip. If a vessel operator reports that he is only going to fish in one area, the vessel cannot fish in multiple reporting areas on that trip, but can fish in multiple areas on subsequent trips. Vessels that notify NMFS they intend to fish in multiple areas will be required to submit a daily report to NMFS that reports kept groundfish catch by broad reporting area (other reporting periods may be authorized by NMFS). There is no restriction on the number of areas that can be fished on such trips, or on the number of times a vessel can enter or exit any area, as long as accurate daily catch reports are submitted by VMS.

In order to link this information on area fished and catch to dealer data, each limited access groundfish vessel operator (whether fishing in one or multiple broad reporting areas) will be required to report a VTR serial number for the trip via VMS at a time specified by NMFS. The vessel operator must also provide this VTR serial number to the dealer or dealers purchasing the fish from that trip, as well as to the observer if the trip is observed. The dealer will include this serial number when reporting purchases to NMFS. NMFS will provide directions for reporting this serial number for those vessels that fish in multiple statistical areas or use multiple gears on the same trip (vessels are required to submit a new VTR page for each statistical area fished or gear used).

Rationale: The rationale is included in the description of the measure.

## GOM Area/Reporting Area 1

Point	Latitude	Longitude
G1	( <sup>1</sup> )	( <sup>1</sup> )
G2	43° 58' N.	67° 22' W.
G3	42° 53.1' N.	67° 44.4' W.
G4	42° 31' N.	67° 28.1' W.
CII3	42° 22' N.	67° 20' W.
G6	42° 20' N.	67° 20' W.
G10	42° 20' N.	70° 00' W.
G9	42° 00' N.	( <sup>2</sup> )

<sup>1</sup>The intersection of the shoreline and the U.S.-Canada Maritime Boundary.

<sup>2</sup>The intersection of the Cape Cod, MA, coastline and 42°00' N. lat.

## Inshore GB Area/Reporting Area 2

Point	Latitude	Longitude
G9	42° 00' N.	( <sup>1</sup> )
G10	42° 20' N.	70° 00' W.
IGB1	42° 20' N.	68° 50' W.
IGB2	41° 00' N.	68° 50' W.
IGB3	41° 00' N.	69° 30' W.
IGB4	41° 10' N.	69° 30' W.
IGB5	41° 10' N.	69° 50' W.
IGB6	41° 20' N.	69° 50' W.
IGB7	41° 20' N.	70° 00' W.
G12	( <sup>2</sup> )	70° 00' W.

<sup>1</sup>The intersection of the Cape Cod, MA, coastline and 42°00' N. lat.

<sup>2</sup>South facing shoreline of Cape Cod.

## Offshore GB Area/Reporting Area 3

Point	Latitude	Longitude
IGB1	42° 20' N.	68° 50' W.
CII3	42° 22' N.	67° 20' W.
SNE1	40° 24' N.	65° 43' W.
SNE2	( <sup>1</sup> )	69° 00' W.
SNE3	39° 50' N.	69° 00' W.
SNE4	39° 50' N.	68° 50' W.
IGB2	41° 00' N.	68° 50' W.
IGB1	42° 20' N.	68° 50' W.

<sup>1</sup>The U.S.-Canada Maritime Boundary as it intersects with the EEZ.

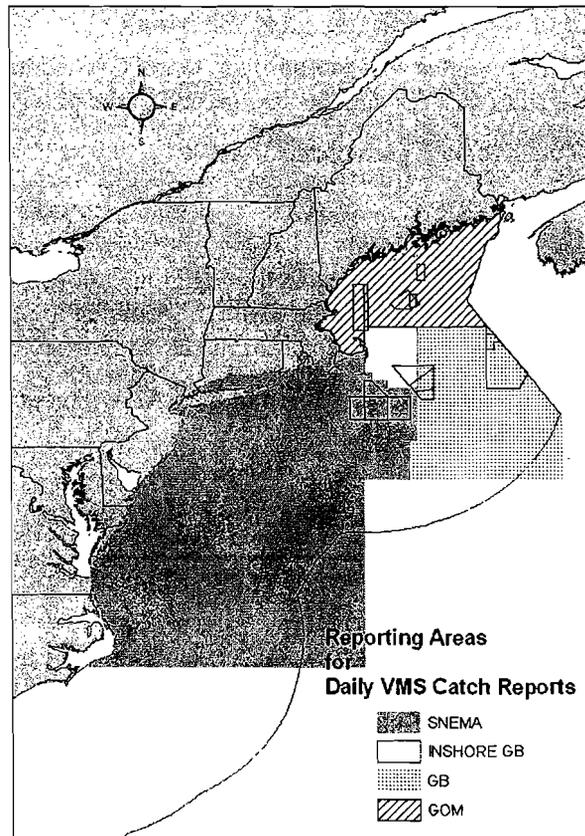
SNE/MA Area/Reporting Area 4

Point	Latitude	Longitude
G12	( <sup>1</sup> )	70° 00' W.
IGB7	41° 20' N.	70° 00' W.
IGB6	41° 20' N.	69° 50' W.
IGB5	41° 10' N.	69° 50' W.
IGB4	41° 10' N.	69° 30' W.
IGB3	41° 00' N.	69° 30' W.
IGB2	41° 00' N.	68° 50' W.
SNE4	39° 50' N.	68° 50' W.
SNE3	39° 50' N.	69° 00' W.
SNE2	( <sup>2</sup> )	69° 00' W.

<sup>1</sup>South facing shoreline of Cape Cod.

<sup>2</sup>The U.S.-Canada Maritime Boundary as it intersects with the EEZ.

Figure 1 – Proposed reporting areas



**3.6.3 Option 3 – Accounting for discards for non-sector vessels**

The requirement to monitor ACLs means that catch (landings and discards) must be estimated. Measures to monitor discards by sector vessels are described in section 3.1.10.2. For non-sector vessels in the

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commercial fishery, a discard rate, by gear, will be determined and applied to the landings for each trip. The discard rate will be determined in one of two ways:

~~Option 1: The discard rate used will be based on the most recent assessment for the stock.~~

~~Option 2: A discard rate will be calculated based on observer data from the previous year on trips by vessels that are not in sectors.~~

Rationale: ACLs are based on total catch (landings and discards) for most stocks. Discards need to be accounted for in order to determine whether ACLs have been caught and AMs need to be implemented. This option uses a discard rate to inflate landings to provide an estimate of total catch that can be updated on a weekly basis (the frequency of submission for dealer reports). This provides a timely estimate of in-season catches that can be used to monitor ACLs. In-season monitoring estimates will be compared to catch estimates determined by the assessments to verify that this practice is not mis-estimating discards.

### 3.7 Special Access Programs

#### 3.7.1 Closed Area I Hook Gear Haddock SAP Revisions

The CAI Hook Gear Haddock SAP provides an opportunity to target GB haddock within the boundaries of CAI. Changes are being considered to the area and the season, and to the provisions adopted to mitigate competition between sector and common pool participants.

##### 3.7.1.1 Option 1 – No Action

If this option is selected there will not be any changes to the SAP regulations. The area of the SAP will continue to be as shown in Figure 2. The season for the SAP will continue to be October 1 to December 31. The season will continue to be split in half, with one half of the season for sector vessels and the other half for common pool vessels. The TAC for GB haddock caught in the SAP will continue to be divided equally between sector and common pool vessels.

##### 3.7.1.2 Option 2 – Closed Area I Hook Gear Haddock SAP Revisions

If selected, this Option will revise the season, area, and other provisions of the CAI Hook Gear Haddock SAP.

Season: The SAP would be extended to nine months, May 1 through January 31. Fishing would be allowed in the SAP during the May seasonal closure on GB. Sector and non-sector vessels can fish at any time during the SAP season – the current division of the season into sector and non-sector participation periods would be eliminated.

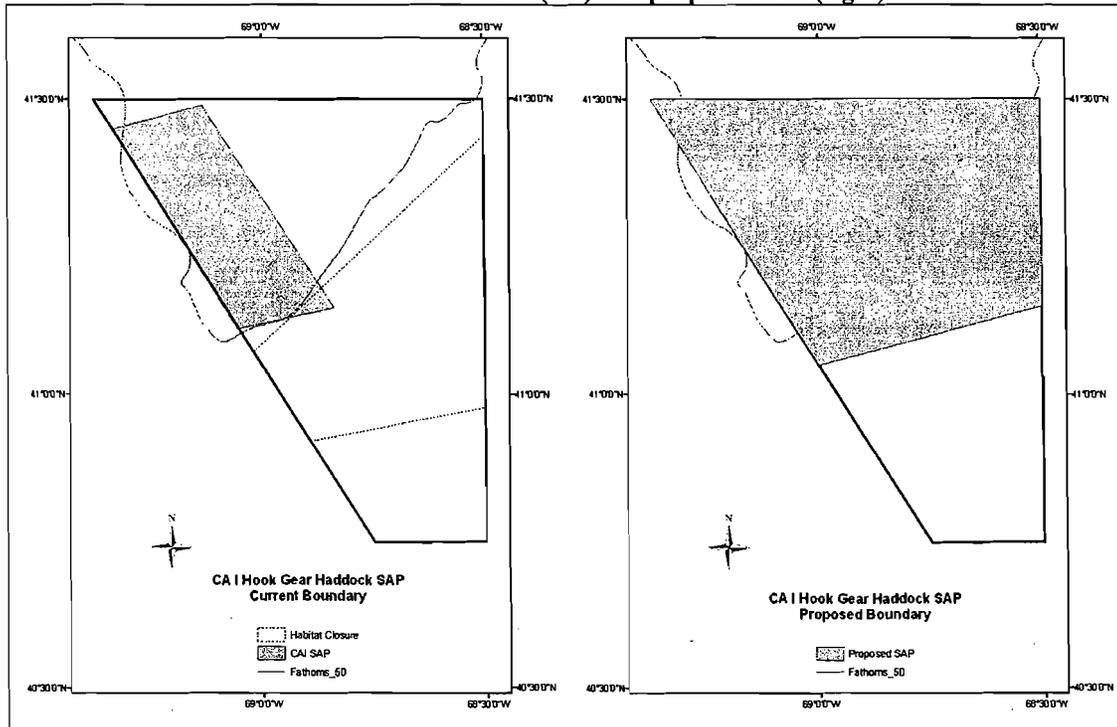
Area: The area of the SAP would be expanded to include the northern portion of CAI, as shown in Figure 2. The coordinates for the revised SAP area would be:

41-09 N	68-30 W
41-30 N	68-30 W
41-30 N	69-23 W
41-04 N	69-01.75 W

TAC: The SAP TAC for GB haddock would not longer be split between sector and non-sector vessels.

Rationale: SAP participants have not harvested the available catch. The extension of the season and area is intended to provide more opportunities to harvest haddock in this SAP. The extended season and area make it unlikely that the conflicts between sector and non-sector participants will be an issue.

**Figure 2 – Current CAI Hook Gear Haddock SAP area (left) and proposed area (right)**



### 3.7.2 Eastern U.S./Canada Haddock SAP

This SAP provides an opportunity to target GB haddock in the Eastern U.S./Canada area, including a small portion of CAII.

#### 3.7.2.1 Option 1 - No Action

The SAP is scheduled to terminate on December 31, 2008. If the No Action alternative is selected, the SAP will not be re-opened.

#### 3.7.2.2 Option 2 – Reauthorization of the Eastern U.S./Canada Haddock SAP

This option reauthorizes the SAP and continues it indefinitely unless changed by a future Council action, or unless closed for the season by the Regional Administrator consistent with the Administrative Procedures Act and SAP regulations. All provisions of the SAP remain and are not changed.

### **3.7.3 Closed Area II Yellowtail Flounder SAP**

#### **3.7.3.1 Option 1— No modifications**

If this option is selected, the CAII yellowtail flounder SAP will not be modified to provide an opportunity to target GB haddock within the SAP area.

#### **3.7.3.2 Option 2— Closed Area II SAP Modification**

This option modifies the existing CAII yellowtail flounder SAP to provide an opportunity to target GB haddock in the SAP area even when the SAP is not opened to allow targeting of GB yellowtail flounder. The SAP provisions are modified as follows:

- When the SAP is opened to allow targeting of GB yellowtail flounder, the current SAP provisions apply. These include gear requirements, limits on the number of trips, limits on the number of trips a vessel can make each month, season, limits on the yellowtail flounder catch per trip, and possession limits for cod. With this action, the eliminator trawl is authorized for this SAP when it is open to target yellowtail flounder.
- When the SAP is not open to allow targeting of GB yellowtail flounder (either because there is insufficient GB yellowtail flounder TAC to open the SAP at all, or the SAP was opened but the number of trips allowed has been reached), the SAP may be opened to target GB haddock subject to the provisions in this section.

Haddock Season: The haddock season is July 1 through January 31.

Opening Criteria: This SAP can be opened for targeting haddock only if the Eastern GB haddock TAC has not been caught. All catches in this SAP will be applied against the Eastern GB haddock SAP. If sectors receive an allocation of Eastern GB haddock, only catches of haddock by non-sector vessels will be applied to this TAC. If sectors receive ACE for Eastern GB haddock (see section 3.1.4.3.2), they can fish in this SAP as long as they have ACE remaining for the stocks caught in this SAP, even if the SAP is closed to non-sector vessels.

Trip Limits: There are no haddock trip limits unless trip limits are implemented for the entire GB haddock resource. Trip limits for other species are the same as those in effect when using gear subject to the gear performance standards.

No discard provision and DAS flips: A vessel fishing in this SAP cannot discard legal-sized regulated NE multispecies, Atlantic halibut, or ocean pout, unless required to do so by regulations implementing sectors. If a vessel exceeds an applicable trip limit, it must flip to a Category A DAS and must exit the SAP.

Gear requirements: At times when the SAP is open to target GB yellowtail flounder, vessels must use the gear authorized for that SAP (flounder net, haddock separator trawl, and eliminator trawl). When open only to target haddock, the flounder net is not authorized and vessels must use a haddock separator trawl, eliminator trawl, five-point trawl, or hook gear.

Rationale: Catches of GB haddock have been well below target catches in recent years, and the U.S. Eastern GB haddock TAC has never been harvested. During the CAII Yellowtail Flounder SAP opening in 2004, about one million pounds of haddock were landed on 319 trips into the SAP area while targeting flounder. This proposed change uses gear requirements to avoid catching yellowtail flounder when the SAP is not open to that gear.

### **3.8 Haddock Minimum Size**

The minimum size for haddock (both GOM and GB) is changed to 18 inches.

### **3.9 Periodic Adjustment Process**

The periodic adjustment process is modified as follows:

Measures implemented in this action can be adjusted via framework actions consistent with the periodic adjustment process. These additional measures include, but are not limited to:

- Changes to the ACL and AM process or implementation
- Modifications to sector administration policies
- Reporting requirements

Membership of the Groundfish Plan Development Team (PDT) is revised to be consistent with Council policy that all members should be technical personnel. The Chair of the Groundfish Advisory Panel, and one other interested person, will no longer be appointed to the PDT.

## **4.0 Measures to Meet Mortality Objectives**

### **4.1 Introduction**

The development of measures to meet mortality objectives has been hampered because of the lack of information on current stock status, including status determination criteria (fishing mortality thresholds and biomass targets). The uncertainty over current stock status and status determination criteria will not be resolved until stock assessments are completed in August 2008. As a result, it is not clear what the measures should be designed to accomplish. This is less of a problem for describing proposed sectors (section 4.4), since they will be limited by a hard TAC, but it remains a problem when describing the impacts of those sectors. It is a substantial problem for determining appropriate effort controls for commercial fishing vessels that are not in sectors and for recreational vessels (including private boat fishermen, and party/charter operators). This cascades into a problem with designing accountability measures as well (section 4.5), since the AMs may be based on the same tools used to control mortality.

Because assumptions have to be made to move forward, the measures in sections 4.2 and 4.3 are evaluated by comparing them to the mortality changes called for by the rebuilding programs in Amendment 13 (see Table XXX). It is uncertain whether these reductions will be sufficient to achieve rebuilding or if smaller changes may be acceptable. Arguments can be made that the Amendment 13 reductions are unlikely to be sufficient and larger reductions are needed. These arguments highlight that 2004 fishing mortality rates exceeded rebuilding targets for several stocks and as a result FW 42 adopted additional measures to reduce mortality. Since mortality was higher than required, it may be reasonable to expect that rebuilding progress is lagging and larger reductions than predicted by Amendment 13 may be necessary. At the same time, a counter-argument notes that catches in 2005 and 2006 have been well below target levels for almost all stocks. This can be interpreted as an indication that fishing mortality rates should be lower than the targets, leading to more rapid rebuilding progress. If this is the case, then the mortality reductions called for by Amendment 13 may be larger than necessary.

Neither of these two arguments is likely to be completely correct. It is more likely that for some stocks the Amendment 13 reductions may not be large enough, while for others they may be too large. Effort control development depends on the reductions needed for specific stocks. While the options shown below can be considered illustrative of the type of measures that may be adopted in the final document, it is not likely that

any of these options will be adopted without changes. They illustrate a range of measures that could be adopted to achieve a range of mortality objectives.

## **4.2 Effort Control Options**

In all of these options, measures in existence in FY 2008 continue unless changed by this action. All of the options, including No Action, a change in the Category A/Category B DAS split (effectively a reduction in Category A DAS).

### **4.2.1 No Action**

If adopted, the effort controls adopted by Amendment 13 and subsequent frameworks would continue unchanged. These measures include a change in the Category A and Category B DAS split (45/55, or an 18 percent reduction in allocated Category A DAS) that is scheduled to occur in FY 2009 unless certain conditions are met: overfishing is not occurring on any stock and additional fishing mortality reductions are not needed to rebuild any stock.

*The Groundfish Oversight Committee is developing four broad alternatives for this section. The PDT is continuing to evaluate direction provided by the Committee and may suggest other changes to these measures. The Committee will continue this work at a meeting on June 2, 2008, and will present results to the Council. As of May 22, 2008, the language shown here describes the broad shape of the alternatives but not the specific details. This language is included to acquaint the Council and the public with the alternatives being developed, but the actual language and measures are likely to be modified by the Committee before the Council meeting.*

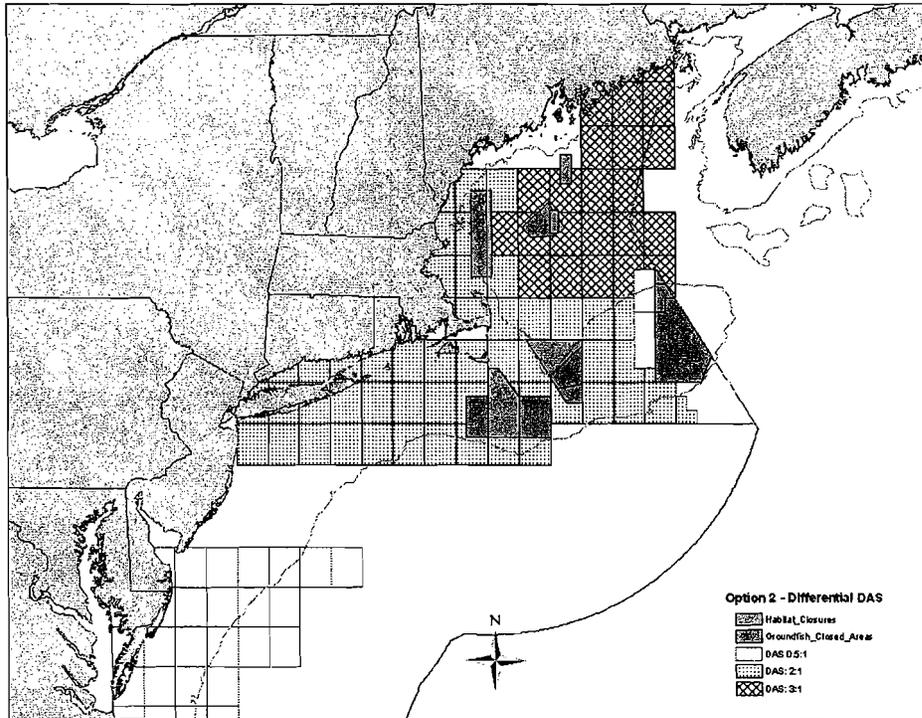
### **4.2.2 Option 1 – DAS reduction**

This option uses a 70 percent reduction in allocated Category A DAS to achieve the mortality reductions called for by Amendment 13 (these may or may not be the reductions required for this amendment). As a result of this action, the Category A/Category B DAS split would be 16.5%/83.5%. Most other current measures remain, including differential DAS counting areas, all rolling and seasonal closed areas and gear requirements. Trip limit adjustments are being developed.

### **4.2.3 Option 2 – Differential DAS and DAS Reduction**

This option combines a reduction of 35 percent in Category A and additional differential DAS areas (see Figure 3). The DAS reduction results in a Category A/Category B DAS split of 35.75%/64.25%. Most other current measures remain, including differential DAS counting areas, all rolling and seasonal closed areas and gear requirements. Trip limit adjustments are being developed.

Figure 3 – Option 2, differential DAS counting areas



#### 4.2.4 Option 3 – 24 hour clock, Restricted Gear Areas, and GOM Offshore Closure

This option eliminates differential DAS counting areas, reduces Category A DAS by 55 percent, and counts all DAS in 24-hour increments (i.e. 6 hours is counted as one DAS, 25 hours is counted as two DAS, etc.). The category A/Category B DAS split that results is 24.75%/75.25%. Most other current measures remain, including seasonal and rolling closures and gear requirements. Trip limit modifications are being developed.

A key feature of this option is a year round closure to groundfish fishing in the offshore Gulf of Maine and the addition of two areas where only specific gear can be used while fishing on a groundfish DAS. In the gear areas, gear may be restricted to those gears that do not catch yellowtail flounder and winter flounder. Gears being considered include:

**Trawl Gear:** Haddock separator trawl, eliminator trawl, five-point trawl, raised-footrope trawl, rope trawl. The haddock separator trawl, eliminator trawl, and raised footrope trawl are described in the regulations.

**Rope trawl:** The design includes a four-panel structure to increase headline height and large mesh in the front part of the trawl. The separator panel is made from a series of parallel ropes of different lengths. The panel is one-third from the fishing line in the vertical plane. There is a large escape opening in the bottom of the trawl.

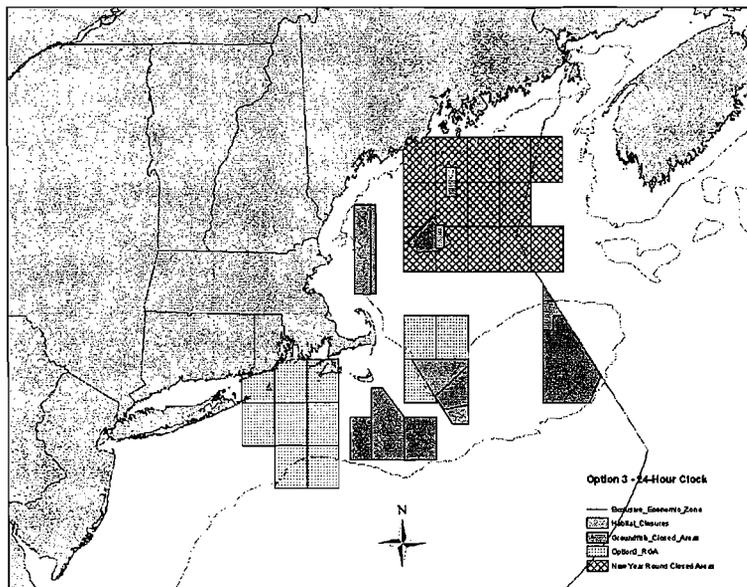
**Five-point trawl:** A modified three-bridle, four-panel box trawl based on a sweepless raised footrope trawl design that separates fish by exploiting differences between the behaviors of cod and haddock. The net flies over cod while retaining haddock, which generally move upward as the trawl approaches. Specifically, the net only contacts the bottom with 5 “drop chains” along the footrope.

**Sink gillnets:** No tiedown nets allowed unless using mesh over eight inches

Longline/tub trawls

Handgear

Figure 4 – Option 3, 24-hour clock, restricted gear areas, offshore GOM closed area



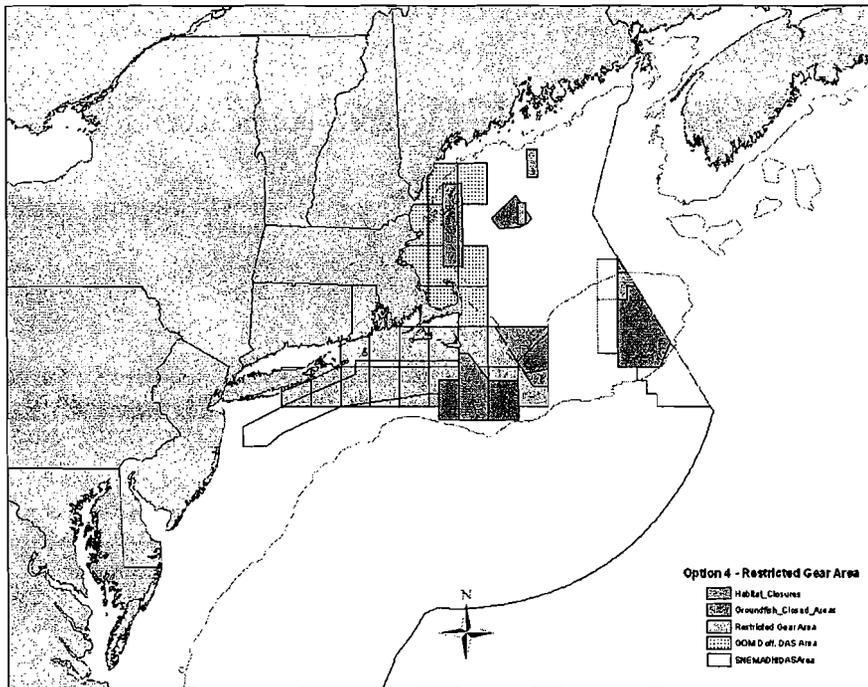
**4.2.5 Option 4 – DAS Reduction and restricted gear areas**

This option reduces Category A DAS by 18 percent, as in the no Action alternative. This results in a Category A/Category B DAS split of 55/45. Most other current measures remain, including seasonal and rolling closures and gear requirements. Trip limit modifications are being developed.

A key feature of this option is the addition of areas where only specific gear can be used while fishing on a groundfish DAS. In the gear areas, gear may be restricted to those gears that do not catch yellowtail flounder and winter flounder. Gears being considered include:

- Trawl Gear: Haddock separator trawl, eliminator trawl, five point trawl, raised footrope trawl, rope trawl
- Sink gillnets: No tiedown nets allowed unless using mesh over eight inches
- Longline/tub trawls
- Handgear

Figure 5 – Option 4, restricted gear area



### 4.3 Recreational Management Measures

Recreational measures will be designed consistent with the allocations adopted in section 3.4 and any necessary adjustments in fishing mortality.

### 4.4 Implementation of Additional Sectors/Modifications to Existing Sectors

The following list summarizes the new sector applications, and request for modifications to existing sectors, that were received for inclusion in Amendment 16. The Council has determined that if approved new sectors will begin operating in FY 2010, not FY 2009. This is to allow more time for sector organizers and NMFS to prepare for their implementation.

When submitted, most applications were based on the existing sector regulations that were adopted by Amendment 13. Since several Council policies may revise those regulations, some of the applications may be modified. This list does not include all exemptions requested by the sectors, but just those that are not consistent with existing, or proposed, sector policies that would need a Council decision. As an example, some sectors have asked to be allowed to trade ACE. Since this is being considered as a policy for all groundfish sectors, that request is not listed in this section. Some sectors asked to be exempt from year-round closed areas – since that is not consistent with existing or proposed sector policies, that request is listed. Almost all sectors asked for allocations of specific groundfish stocks, but the Council sector policy will require these sectors to receive an allocation of all stocks caught. Most sectors submitted documents to the Council incorporating the proposed sector policies.

Should the Council not adopt the proposed policies (such as trading of ACE, universal exemptions, etc.), the final amendment may need to be modified to reflect individual sector requests. Presumably a sector could still request an exemption from NMFS without Council action unless it is specifically prohibited.

Several sectors have asked for allocations of stocks not managed by this FMP. Since these requests cannot be granted until other FMPs adopt sectors, they are not addressed here and are not listed.

#### 4.4.1 Modifications to the Georges Bank Cod Hook Sector

The existing sector is proposed to be modified as follows:

- The sector would receive an allocation of all regulated groundfish stocks that are allocated to sectors (i.e. not just GB cod).
- Fishing would be allowed in all stock areas.
- The sector asks for exemptions from the following regulations. These are not authorized by existing or proposed sector provisions:
  - Paper VTRs
  - Annual closures
  - Treatment of catch history
  - Sector will be credited with catching 20 percent of TAC regardless of actual percentage of TAC achieved (*this provision was in the proposal submitted; the sector has informally said it will remove this request*).
  - Catch histories will remain constant within the sector.
  - The sector will be exempt from compensating NMFS for administrative burden (*this may not be germane since sectors do not appear to be subject to cost-recovery provisions*).

#### 4.4.2 Modifications to the Fixed Gear Sector

The existing sector is proposed to be modified as follows:

- The sector would receive an allocation of all regulated groundfish stocks that are allocated to sectors (i.e. not just GB cod).
- Fishing would be allowed in all stock areas.
- The sector asks for exemptions from the following regulations. These are not authorized by existing or proposed sector provisions:
  - Paper VTRs
  - Annual closures
  - Treatment of catch history
  - Sector will be credited with catching 20 percent of TAC regardless of actual percentage of TAC achieved (*this provision was in the proposal submitted; the sector has informally said it will remove this request*).
  - Catch histories will remain constant within the sector.
  - The sector will be exempt from compensating NMFS for administrative burden (*this may not be germane since sectors do not appear to be subject to cost-recovery provisions*).

#### 4.4.3 Sustainable Harvest Sector

This sector would be established in collaboration with the Portland Fish Exchange. This sector may consist of more than 60 vessels. The sector members intend to fish in all management areas (GOM, GB, SNE/MA) and with all allowed gear. The sector is requesting that its allocation of white hake be allowed to exceed 20 percent. While current regulations allow a sector to request an exemption from this cap on sector share, the Council is considering removing this limit for all stocks.

All exemptions requested by the sector are consistent with existing or proposed sector policies, with one exception. The sector has indicated it will request an exemption from the 12 inch roller gear area. This may require Council action, as section 3.1.7 prohibits sectors from requesting an exemption from gear requirements adopted to minimize, to the extent practicable, the adverse effects of fishing on essential fish habitat.

#### 4.4.4 Port Clyde Community Groundfish Sector

The Port Clyde Draggermen's Co-Op and the Midcoast Fishermen's Association propose a community-based sector, with membership of more than ten vessels expected. The sector initially requested allocations for GOM stocks, suggesting that the intended operating area is statistical areas 511, 512, 513, 514 and 515, but . Members will primarily use trawl gear but will be allowed to use other legal gear (gillnets and longlines). All exemptions requested are consistent with existing or proposed sector policies.

**Primary hauling ports anticipated:** Port Clyde, ME, Cape Porpoise/Saco, ME, Cundy's Harbor, ME, Portland, ME, Monhegan, ME, Boothbay Harbor, ME, and Phippsburg, ME

**Primary unloading ports anticipated:** Port Clyde, ME, Cape Porpoise/Saco, ME, Cundy's Harbor, ME, Portland, ME, Monhegan, ME, Boothbay Harbor, ME, and Phippsburg, ME  
(Other hauling or unloading ports may be specified in the operations plan.)

**Primary gear:** Any gear allowed by regulations

**Potential secondary gear:** Any gear allowed by regulations

**Primary fishing areas:** Gulf of Maine

**Potential other fishing areas:** Georges Bank, Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### 4.4.5 New Bedford Deep Water Trawl Sector

This sector will be formed of vessels that fish primarily on Georges Bank or in Southern New England. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hauling ports anticipated:** New Bedford, MA.

**Primary unloading ports anticipated:** New Bedford, MA  
(Other hauling or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Georges Bank, Southern New England

**Potential other fishing areas:** Gulf of Maine

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### 4.4.6 New Bedford and Southern New England Fixed Gear Sector

This sector will be formed of vessels that fish primarily, fishing primarily on Georges Bank and in Southern New England. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hauling ports anticipated:** New Bedford, MA.

**Primary unloading ports anticipated:** New Bedford, MA  
(Other hauling or unloading ports may be specified in the operations plan.)

**Primary gear:** gillnet, bottom longline

**Potential secondary gear:** otter trawl

**Primary fishing areas:** Georges Bank, Southern New England

**Potential other fishing areas:** Gulf of Maine

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.7 New Bedford Channel Trawl Sector**

This sector will be formed of vessels that fish primarily on Georges Bank and in Southern New England. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** New Bedford, MA.

**Primary unloading ports anticipated:** New Bedford, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Georges Bank, Southern New England

**Potential other fishing areas:** Gulf of Maine

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.8 New Hampshire and Southern Maine Fixed Gear Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Portsmouth, NH, Seabrook, NH, and Portland, ME

**Primary unloading ports anticipated:** Portsmouth, NH, Seabrook, NH, and Portland, ME

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** gillnet, bottom longline

**Potential secondary gear:** otter trawl

**Primary fishing areas:** Gulf of Maine,

**Potential other fishing areas:** Georges Bank, Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.9 New Hampshire and Southern Maine Trawl Gulf of Maine Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Portsmouth, NH, Seabrook, NH, and Portland, ME

**Primary unloading ports anticipated:** Portsmouth, NH, Seabrook, NH, and Portland, ME

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Gulf of Maine,

**Potential other fishing areas:** Georges Bank, Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.10 Gloucester Trawl/Western Gulf of Maine Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Gloucester, MA.

**Primary unloading ports anticipated:** Gloucester, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Gulf of Maine,

**Potential other fishing areas:** Georges Bank, Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.11 Gloucester Fixed Gear Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Gloucester, MA

**Primary unloading ports anticipated:** Gloucester, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** gillnet, bottom longline

**Potential secondary gear:** otter trawl

**Primary fishing areas:** Gulf of Maine,

**Potential other fishing areas:** Georges Bank, Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.12 Gloucester/Boston Trawl Gulf of Maine and Georges Bank Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine and Georges Bank. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Gloucester and Boston, MA.

**Primary unloading ports anticipated:** Gloucester and Boston, MA.

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Gulf of Maine, Georges Bank

**Potential other fishing areas:** Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.13 South Shore Trawl Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Green Harbor, MA, Scituate, MA, Plymouth, MA, and Sandwich, MA  
**Primary unloading ports anticipated:** Green Harbor, MA, Scituate, MA, Plymouth, MA, and Sandwich, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Gulf of Maine, Georges Bank

**Potential other fishing areas:** Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.14 South Shore Fixed gear Sector**

This sector will be formed of vessels that fish primarily in the Gulf of Maine. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Green Harbor, MA, Scituate, MA, Plymouth, MA, and Sandwich, MA

**Primary unloading ports anticipated:** Green Harbor, MA, Scituate, MA, Plymouth, MA, and Sandwich, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** gillnet, bottom longline

**Potential secondary gear:** otter trawl

**Primary fishing areas:** Gulf of Maine, Georges Bank

**Potential other fishing areas:** Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.15 Point Judith and Southern New England Offshore Trawl Sector**

This sector will be formed of vessels that fish primarily on Georges Bank and in Southern New England. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Point Judith, RI, Stonington, CT, and New Bedford, MA

**Primary unloading ports anticipated:** Point Judith, RI, Stonington, CT, and New Bedford, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Georges Bank, Southern New England

**Potential other fishing areas:** Gulf of Maine

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### **4.4.16 Point Judith and Southern New England Trawl Sector**

This sector will be formed of vessels that fish primarily in Southern New England. Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Point Judith, RI, Stonington, CT, and New Bedford, MA

**Primary unloading ports anticipated:** Point Judith, RI, Stonington, CT, and New Bedford, MA

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Georges Bank, Southern New England

**Potential other fishing areas:** Gulf of Maine

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### 4.4.17 Tri-State Sector

Working with the Cape Cod Commercial Hook Sector, this sector will be formed to operate in all management areas using all legal gear (trawl, gillnet, hook). In addition to exemptions that are consistent with current or proposed policies, the sector asks for exemptions from the following regulations. These are not authorized by existing or proposed sector provisions:

- Paper VTRs
- Annual closures
- Treatment of catch history.
- Sector will be credited with catching 20 percent of TAC regardless of actual percentage of TAC achieved (*this provision was in the proposal submitted; the sector has informally said it will remove this request*).
- Catch histories will remain constant within the sector.
- The sector will be exempt from compensating NMFS for administrative burden (*this may not be germane since sectors do not appear to be subject to cost-recovery provisions*).

#### 4.4.18 Pier 6 Initiative

This sector will be formed of up vessels that fish primarily in the Gulf of Maine and Georges Bank.

Requested exemptions are consistent with existing or proposed sector policies.

**Primary hailing ports anticipated:** Boston, MA.

**Primary unloading ports anticipated:** Boston, MA.

(Other hailing or unloading ports may be specified in the operations plan.)

**Primary gear:** otter trawl

**Potential secondary gear:** gillnet, bottom longline

**Primary fishing areas:** Gulf of Maine, Georges Bank

**Potential other fishing areas:** Southern New England

**Estimated sector ACE share:** 0-20% (but may exceed 20% subject to elimination of the 20% cap)

**Stocks:** All regulated groundfish stocks (except Atlantic halibut, ocean pout, windowpane flounder) as proposed by Amendment 16

#### 4.4.19 Martha's Vineyard Sector

A sector is proposed based in Martha's Vineyard. An initial application suggested this group was interested in using regulatory discards to stock a cod hatchery on the island. Cod would then be released in designated areas protected by closures in an attempt to increase cod stocks near the island. At a subsequent meeting, the proponent asked to be exempt from the permit history

Draft

qualification criteria, to receive an allocation of one million pounds of cod, haddock, and pollock, and to be allowed to have members who have open access permits join the sector.

## **4.5 Accountability Measures**

While this action will specify the process for accountability measures, they will be implemented as required by the M-S Act (FY 2010 or 2011).

### **4.5.1 Commercial Groundfish Common Pool Accountability Measures**

#### **4.5.1.1 Common Pool Vessels Accountability Measure Alternative 1 – "Hard" Total Allowable Catch (TAC)**

This alternative proposes a "hard" TAC backstop for common pool vessels in the commercial groundfish fishery as the accountability measure to ensure that overfishing does not occur. Under this measure, most commercial groundfish fishing by common pool vessels ceases in a stock area when it is projected that the TAC of a stock will be caught. This accountability measure does not apply to recreational groundfish fishing, commercial groundfish fishing within sectors, or incidental catches of groundfish in other fisheries (e.g. yellowtail flounder in the scallop dredge fishery).

The Council directed the Groundfish Committee to incorporate measures in this alternative that would avoid Olympic fishing and hard shutdowns.

##### **4.5.1.1.1 Affected Stocks**

TACs will be determined for all stocks in the multispecies FMP. TACs will be specified and monitored for the commercial fishery. If enough information is available, TACs for a species will be based on total commercial removals: commercial landings and discards. This requires sufficient information to adequately estimate and monitor discards. While for some stocks such information is already available and is included in stock assessments, for other stocks it is not. When discards cannot be accurately estimated, then the TAC is specified for and based on landings.

There will be a separate TAC for each of the stocks managed under the multispecies plan. Each TAC will be determined based on stock status and will be calculated according to the periodic adjustment schedule adopted in Amendment 13 (i.e. every two years).

##### **4.5.1.1.2 Target (Trimester) TACs**

For each stock, the total annual TAC will be apportioned to trimesters based on recent landings patterns. Each trimester will be four months in duration. The trimesters will be divided as follows:

- 1<sup>st</sup> trimester: May 1-August 31
- 2<sup>nd</sup> trimester: September 1-December 31
- 3<sup>rd</sup> trimester: January 1-April 30

The target TACs, or percentages of total TAC allocated to each trimester, are shown in Table 9. At implementation, the initial calculations will be based on the period FY 2002-2006, the most recent period with data complete as of the date of the draft of Amendment 16. Subsequent calculations will use the most recent five year periods available when the calculations are performed. For other stocks, the distribution of landings has been heavily influenced by management measures and the distribution shown in the table

represents a preferred distribution of landings. The initial apportionment of stock to trimester is shown in Table 9.

**Table 9 – Initial apportionment of common pool TAC to trimesters**

Stock	Trimester 1	Trimester 2	Trimester3
GOM Cod	27%	36%	37%
GB Cod	25%	37%	38%
GOM Haddock	27%	26%	47%
GB Haddock	27%	33%	40%
CC/GOM Yellowtail	35%	35%	30%
GB Yellowtail	19%	30%	52%
SNE/MA Yellowtail	21%	37%	42%
GOM Winter	37%	38%	25%
GB Winter	8%	24%	69%
SNE/MA Winter	36%	50%	14%
Witch Flounder	27%	31%	42%
Plaice	24%	36%	40%
Pollock	28%	35%	37%
Redfish	25%	31%	44%
White Hake	38%	31%	31%
N. Windowpane			
S. Windowpane			
Ocean Pout			
Halibut			

#### 4.5.1.1.3 Setting the TAC and TAC Adjustment

The TACs will be reviewed on a biennial basis as part of the periodic adjustment process adopted by Amendment 13. TACs will be determined and set for each of the next two years. The TAC set each year will either be altered from the previous year's TAC based on a review process or renewed unchanged. If the Council does not recommend a change to a TAC, there is no requirement for submission of a Council document or a new NEPA document.

For the purposes of determining this TAC, the basic process is outlined as:

- The Annual Catch Limit (ACL) for the stock is determined.
- The catch available to the groundfish fishery is determined by subtracting the catch for other fisheries from the ACL and the amount reserved for a research set-aside.
- The catch available to the commercial and recreational groundfish fishery is determined based on the percentage of each stock allocated to each.
- The catch available to common pool vessels is determined by subtracting the catch available to the commercial groundfish sectors.

#### 4.5.1.1.4 Measures to ensure the TACs are not exceeded

#### 4.5.1.1.4.1 Stock Area Closures

In any trimester, when it is projected that ninety percent of the TAC for a stock will be caught, NMFS will close the area where the stock is caught to all groundfish fishing using gear capable of catching that species (see below for an exception to this requirement). Gear used to catch other species will still be allowed to fish in the area. As an example, if an area is closed to stop the catch of yellowtail flounder, groundfish fishing by common pool vessels using hook gear may still be allowed in the area since they catch little yellowtail flounder. The area closed will be based on the area that accounted for ninety percent of the reported (VTR) landings in prior years. Areas that will be closed for each stock are shown in Table 10. These areas are based on statistical areas where ninety percent of the catch was taken in recent years. The Regional Administrator is authorized to expand or narrow the areas closed based on additional information. For example, some stocks are found in a narrow depth range and it may be possible to use this information to limit the area that must be closed. Other stocks may expand their range as they rebuild, and larger areas may be needed to prevent exceeding the TAC.

Catching ninety percent of a TAC of northern windowpane flounder, southern windowpane flounder, ocean pout, or Atlantic halibut will not result in closing a stock area to groundfish fishing. When sixty percent of the TAC for these stocks is projected to be caught, the Regional Administrator will have the authority to specify a trip limit that is calculated to prevent the TAC from being exceeded prior to the end of the fishing year.

If a trimester TAC is not caught in the first or second trimester, the uncaught portion will be carried forward into the next trimester. Uncaught portions in the third trimester will not be carried over into the following fishing year.

If the TAC for the first two trimesters is exceeded, the overage will be deducted from the TAC for the third trimester. If the TAC for the year is exceeded, an amount equal to the overage will be deducted from the TAC for common pool vessels in the following year.

Rationale: Most regulated groundfish are caught by commercial vessels targeting groundfish. This measure is designed to ensure that TACs are not exceeded. By closing stock areas to groundfish fishing before the groundfish TAC is achieved, it reduces the likelihood the groundfish TAC will be exceeded. Note that an adjustment is made when setting the TAC to account for catches in other fisheries.

A different approach is used for four stocks with small landings. Windowpane flounders, ocean pout, and Atlantic halibut are typically incidental catches in the groundfish fishery – they are rarely targeted. In order to avoid closing the groundfish fishery because catches of these minor stocks approach a TAC, the Regional Administrator is given the ability to establish trip limits to further discourage any possible targeting of these stocks if necessary to reduce the likelihood the TAC will be exceeded.

Table 10 – Gears prohibited in specific areas when a TAC is caught.

SPECIES	STOCK	Area/Gear Prohibited When TAC is Caught	
		Statistical Areas	Gear
Cod	GB	521,522,525,526,561	Trawl, gillnet, longline/hook
	GOM	513,514,515	Trawl, gillnet, longline/hook
Haddock	GB	521,522,561	Trawl, gillnet, longline/hook
	GOM	512,513,514,515	Trawl, gillnet, longline/hook
Yellowtail Flounder	GB	522,525,561,562 (all)	Trawl, gillnet
	SNE/MA	537,539,612,613	Trawl, gillnet
	CC/GOM	514,521	Trawl, gillnet
American Plaice		512,513,514,515,521,522	Trawl
Witch Flounder		512,513,514,515,521,522	Trawl
Winter Flounder	GB	521,522,562	Trawl
	GOM	514	Trawl, gillnet
	SNE/MA	521,526,537,539,612,613	Trawl
Redfish		513,514,515,521,522,561	Trawl
White Hake		511,512,513,514,515,521,522,525,561,613,616	Trawl, gillnet, longline/hook
Pollock		513,514,515,521,522,561	Gillnet, trawl, longline/hook

**Rationale:** Some stock areas cover broad areas, even though the species may not be caught throughout the area. By limiting closures to areas where most of the stock is caught, the stock is protected while allowing opportunities to fish for other stocks. For example, the GB cod stock area stretches from Georges Bank to New Jersey, but very little cod is caught west of 70W. Other species are caught in narrow depth bands within a stock area. Similarly, there is no reason to restrict gear that does not catch a particular species from an area when the TAC is caught. This may also encourage development of more selective fishing techniques so that fishing can continue when the TAC for one species is caught.

#### 4.5.1.1.4.2 White Hake Possession Limit

If this AM is chosen, the white hake possession limit will be reduced to 500 lbs./DAS with a maximum of 2,000 lbs./trip.

**Rationale:** White hake is widely distributed (see Table 10). Because the TAC is expected to be small while white hake is rebuilt, there is a concern that approaching this TAC could result in a closure of the entire fishery. The reduced possession limit is intended to discourage targeting white hake in order to reduce the likelihood of an area-wide shutdown.

#### 4.5.1.1.5 Catch Monitoring

- All offloads of all regulated groundfish must be verified by an independent, third-party weighmaster that meets standards established by the NMFS. Funding of this program is the responsibility of the industry.
- When monitoring progress towards the TAC during the fishing year, NMFS will consider both landings and discards. If near real-time observer information is available, it will be used to provide an in-season estimate of discards. If this information is not available, a discard estimate will be developed using the proportion of catch discarded according to the most recent assessment or PDT calculation.

#### 4.5.1.2 Common Pool Vessels Accountability Measure Alternative 2 – Differential DAS/DAS Adjustment (Not yet approved by Council)

In March, NMFS will estimate total catches based on ten months of catch data (catch data through February). Using this information, NMFS will adjust DAS counting for the following fishing year based on whether ACLs are exceeded or not. If an ACL for any stock is exceeded, NMFS will calculate the differential DAS rate change needed to prevent the ACL from being exceeded the following year. If this calculation results in similar changes needed in all areas, NMFS will revise the Category A/Category B DAS split to account for the change.

If in a given area catches of all stocks are at least ten percent less than the groundfish ACL, NMFS will apply differential DAS to reduce the rate DAS are counted in order to allow harvests in a subsequent year to attain the ACL. If similar changes are needed in all areas, NMFS will revise the Category A/Category B DAS split rather than apply area specific differential DAS changes.

The basis for these changes will be the areas shown in Table 11 and the differential DAS factor changes are shown in Table 12. These changes will be published by NMFS consistent with the APA prior to the start of the subsequent fishing year. The first such change will be effective in FY 2011, based on the implementation of ACLs in FY 2010.

**Table 11 – Stocks and areas for differential DAS AM adjustment**

Area	Stocks	Areas Included (depends on final measures)
Inshore GOM	GOM Cod GOM Haddock CC/GOM yellowtail GOM winter flounder GOM/GB windowpane flounder	114-116,123-125,132,133,138-140
Offshore GOM	White Hake Pollock Redfish Witch Plaice Halibut	98,99,112,113,118-122, 126-131,134-137,141-143,148-150,154,155
Offshore GB	GB cod GB haddock GB yellowtail (see note) GB winter flounder	75-79, 92-97,108-111
SNE/MA	SNE/MA winter flounder SNE/MA yellowtail flounder SNE/MAB windowpane flounder	64-73, 80-90,100-106

Table 12 – Differential DAS AM factor (*to be developed*)

Percent of ACL Caught	Differential DAS Factor
0.5	
0.6	
0.7	
0.8	
0.9	No Change
1.0	No Change
1.1	
1.2	
1.3	
1.4	
1.5	
1.6	
1.7	
1.8	
1.9	
2.0	

#### 4.5.2 Recreational Fishery Accountability Measures

TBD based on specific recreational measures.

#### 4.5.3 Multispecies Sector Accountability Measures

The sector administration provisions defined in section 3.1 incorporate measures designed to ensure that each sector – and as a result, sectors as a whole - do not contribute to overfishing. To summarize those elements:

- The catch allocated to each sector is based on the Annual Catch Limit established by the Council (section 3.3). The ACL takes into account biological and management uncertainty to reduce the risk of overfishing.
- Sectors are required to stop groundfish fishing when they are projected to have caught their allocation for any groundfish stock.
- Reporting requirements are implemented to ensure monitoring of sector catches is timely and accurate. These requirements include:
  - Weekly catch reporting to NMFS.
  - Identification of specific landing ports.
  - Notice to NMFS when catches approach a defined threshold.
- Sectors are provided opportunities to “balance” catches with their allocation through the trading of annual catch entitlements between sectors.
- If a sector exceeds its allocation in a given year, and cannot balance its catch and allocation through the trading of annual catch entitlements, then its allocation in the following year is reduced by the overage (see section 3.1).

#### 4.6 Alternatives Considered and Rejected

#### **4.6.1 Research Set-Aside Program**

A research set-aside program will be established for the groundfish fishery. The purpose of this program is to provide a portion of the available catch that can be used for research, including cooperative research, without requiring participating vessels to use days-at-sea or sector allocations to account for the mortality that results from the research. It is not intended that this set-aside will be sufficient to fund cooperative research programs. This program is not intended to preclude research that is conducted using days-at-sea or sector allocations to account for mortality.

For each regulated groundfish stock, one percent of the available catch will be set aside for conducting research. This set-aside will be available to any research associated with the groundfish fishery: it can be used for research projects related to the commercial and recreational groundfish fisheries, or other fisheries that have an incidental catch of groundfish. The process used to award the set-aside is as follows:

- (1) NMFS will publish a Request for Proposals (RFP) in the Federal Register, consistent with procedures and requirements established by the NOAA Grants Office, to solicit proposals for the upcoming fishing year, based on research priorities identified by the Council.
- (2) NMFS will convene a review panel including the Council's Research Steering Committee, as well as technical experts, to review proposals submitted in response to the RFP.
  - (i) Each panel member will recommend which research proposals should be authorized to utilize research quota, based on the selection criteria described in the RFP.
  - (ii) The NEFSC Director and the NOAA Grants Office will consider each panel member's recommendation, provide final approval of the projects and the Regional Administrator may, when appropriate, exempt selected vessel(s) from regulations specified in each of the respective FMPs through written notification to the project proponent.
- (3) The grant awards approved under the RFPs will be for the upcoming fishing year. Multi-year awards are possible. Proposals to conduct research that would end after the fishing year, will be eligible for consideration..
- (4) Research projects will be conducted in accordance with provisions approved and provided in an Exempted Fishing Permit (EFP) issued by the Regional Administrator.
- (5) If a proposal is disapproved by the NEFSC Director or the NOAA Grants Office, or if the Regional Administrator determines that the allocated research quota cannot be utilized by a project, the Regional Administrator shall reallocate the unallocated or unused amount of research quota to the respective commercial and recreational fisheries by publication of a notice in the Federal Register in compliance with the Administrative Procedure Act, provided:
  - (i) The reallocation of the unallocated or unused amount of research quota is in accord with National Standard 1, and can be available for harvest before the end of the fishing year for which the research quota is specified; and
  - (ii) Any reallocation of unallocated or unused research quota shall be consistent with the proportional division of quota between the commercial and recreational fisheries in the relevant FMP and allocated to the remaining quota periods for the fishing year proportionally.
- (6) Vessels participating in approved research projects may be exempted from certain management measures by the Regional Administrator, provided that one of the following analyses of the impacts associated with the exemptions is provided:
  - (i) The analysis of the impacts of the requested exemptions is included as part of the annual quota specification packages submitted by the Council; or
  - (ii) For proposals that require exemptions that extend beyond the scope of the analysis provided by the Council, applicants may be required to provide additional analysis of impacts of the exemptions before issuance of an EFP will be considered.

**New England Fishery Management Council**  
**Groundfish Oversight Committee**  
**Meeting Summary**  
May 13, 2008

#2

The Groundfish Oversight Committee (Committee) met in Peabody, MA to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). The Committee discussed the development of annual catch limits, sector policy issues, effort control development, accountability measures for effort controls, recreational measure alternatives, and other business topics including PDT membership, haddock discards, and monitoring programs. Committee members present were Mr. Rip Cunningham (Chair), Mr. Terry Stockwell (Vice-Chair), Mr. Frank Blount, Mr. Mike Leary, Ms. Sue Murphy, Mr. James Odlin, Dr. David Pierce, and Mr. Dave Preble. They were supported by staff members Mr. Tom Nies and Ms. Anne Hawkins (NEFMC), Mr. Doug Christel and Mr. Tom Warren (NMFS NERO), and Mr. Gene Martin (NOAA General Counsel).

Discussions were guided by PDT meeting reports dated April 7 and May 6, 2008, and a PDT summary of potential sector contribution impacts. Also discussed were draft Amendment 16 measures, including sector measures.

#### **GARM Update**

Council staff provided a brief overview for the Committee on the status of the GARM process. The assessment models are still not approved, so stock status is unknown, although there is some limited info on 2006 stocks. Preliminary new reference points are available, although they are not finalized and may change in August. The implications for the management program are unknown. A full briefing is planned for the June Council meeting.

#### **Council Chairs Meeting Update**

The Chair reported to the Committee that the proposed rule on ACLs/AMs is currently held up at the OMB. The final rules are not likely to be available until August or September. The delay in guidance does not create slack in the need to develop regulations for A16. There will be a presentation at the June Council describing general guidelines, but not specific ones. The Council Chairs also heard about changes to NEPA which are in the final stage. Those should not have substantial impacts on the way the New England Council has historically written NEPA documents.

#### **Effort Control Alternatives**

The PDT Chair presented the Team's work on effort control development to meet the large mortality reductions called for by A13. Three alternatives that meet the requirements were presented. Each alternative surpasses the reductions necessary on other stocks in order to meet them on windowpane flounder and white hake. It may not be extremely productive to fine-tune the mechanisms to make a mortality reduction when the actual reduction needed is still unknown.

A Committee member asked why, if hake, yellowtail flounder, and winter flounder are problems, the solution would not be trip limits? Fishermen adjust their tows and fishing sites to avoid species with low trip limits. Staff advised that the PDT could not find any data that supports this claim for white hake, while some observer data does suggest trip limits may be more effective for the two flounders.

**Motion:** The PDT should examine 500 lb trip limits to 0 lbs trip limits for white hake, SNEMA yellowtail flounder and SNEMA winter flounder. (Mr. Odlin/Mr. Stockwell)

The motion was intended to be examined as an additive measure with other effort control methods. A Committee member mentioned that the Council has been criticized for heavy discards and asked how this measure would be different. The maker of the motion stated that the yellowtail flounder discard occurred during a directed fishery, and that when the possession limit is zero, you bring discards down compared to what they were when you had a directed fishery. He did not see a risk with this method, since the fishery would be shut down according to ACLs and AMs anyway if TAC were exceeded. He felt it was necessary to start thinking about optimum yield.

Council staff pointed out that the Closed Area Model cannot predict how fishermen will react on a trip-by-trip basis. It is an economic model that says people will go where they can make the most profit. A Committee member stated that instead of discarded hake, cod and yellowtail flounder would be discarded due to a shift in effort. The maker of the motion responded that that argument was counterintuitive, since closing the area would also cause effort to shift. Another member stated that she did not see how the risk associated with this alternative would be less than the others on the table. The risk with this would be discards, and the Council has been trying over the years to get people away from low trip limits.

Public comment included:

- Vito Giacalone: Northeast Seafood Coalition. Is the baseline for determining exploitation changes needed for A16 the last year of mortality we had in preparing for F42, or could the projection model be used to put the new catches in which were substantially lower than the TACS? If new catches were put into model, could we come up with estimated stock statuses and different change in exploitation needed than before F42 started? With CAM not designed to estimate selective fishing, shutting down the fishery is the only option. Moving to output-based fishery. Industry knows they can avoid stocks they have low allocations of. B Regular program, before it was gutted, had a lot of days at low trip limits. That shows how successful fishermen can be at being selective, and should be looked at as a database to support this option.
- Gary Libby: Port Clyde. I do not like any of the things you have come up with. In Port Clyde, we talked about doing gear research with square panel meshes. There will be mortality of white hake regardless. You would have less economic hardship when you get to allocating the reduction in days and catch limit if you take gear research into account.

A Committee member asked to what extent the PDT can compare discard rates among alternatives, and the PDT Chair responded that he was unsure although in some cases there are histories of trip limits and increase in discards. Another member lamented that there was nothing in the document to mitigate any of the measures.

The motion **carried** on a show of hands (8-1).

**Motion as perfected:** In light of the very large and excessive reductions in exploitation and very large unnecessarily lost yield expected to result from PDT-offered Scenarios 1-3 effort control alternatives estimated to provide for Amendment 13 fishing mortality reductions, the Committee recommends the Council adopt the default 18% DAS reduction and task the PDT to determine areas and times where and when gear restrictions should be required in an attempt to achieve targeted reductions in exploitation for WFL (SNEMA), WIND (SOUTH), and YT (CCGOM, GBANK, and SNEMA) [Refer Table 1]. Required gear will include the raised footrope trawl (large-mesh), haddock separator trawl and the eliminator trawl, 5-pt trawl, and a minimum mesh size for tiedown gillnets in these areas. Since (1) the Amendment 13 77% reduction in white hake fishing mortality scheduled for 2009 appears to be the principal driver for decisions to unnecessarily sacrifice optimum yield for many stocks, (2) GARM III results will not be available until September, (3) and NOAA Fisheries might adopt National Standard 1 guidelines recognizing the need for flexibility in dealing with stock assemblages/complexes, the mortality reduction witnessed for white hake through the default DAS reduction will suffice for 2009. (Dr. Pierce/Mr. Stockwell)

The Committee Chair expressed concern about adding options at such a late point in the process. The maker of the motion responded that it was necessary to create a defensible strategy with some merit, and that if it could not be adopted in time, then so be it. He stated that it was unfair to the public to have a meaningless document presented to them. Ms. Murphy stated that this motion would probably not pass muster with NMFS, as the Council is charged with meeting all of the mortality requirements of the FMP. Another Committee member suggested changing the text to more adequately reflect legal requirements.

**Motion to amend:** To strike the words “in an attempt” and to change the word “targeted” to “necessary” reductions. (Ms. McGee/Mr. Preble)

A Committee member cited the mixed stock exception in the National Standard 1 guideline and argued that white hake should be taken out of the mix. He hoped that NMFS could accommodate the situation the Committee now faces.

The motion to amend **carried** on a show of hands (6-2).

**Motion as amended:** In light of the very large and excessive reductions in exploitation and very large unnecessarily lost yield expected to result from PDT-offered Scenarios 1-3 effort control alternatives estimated to provide for Amendment 13 fishing mortality reductions, the Committee recommends the Council adopt the default 18% DAS reduction and task the PDT to determine areas and times where and when gear restrictions should be required to achieve necessary reductions in exploitation for WFL (SNEMA), WIND (SOUTH), and YT (CCGOM, GBANK, and SNEMA) [Refer Table 1]. Required gear will include the raised footrope trawl (large-mesh), haddock separator trawl and the eliminator trawl, 5-pt trawl, and a minimum mesh size for tiedown gillnets in these areas. Since (1) the Amendment 13 77% reduction in white hake fishing mortality scheduled for 2009 appears to be the principal driver for decisions to unnecessarily sacrifice optimum yield for many stocks, (2) GARM III results will not be available until September, (3) and NOAA Fisheries might adopt National Standard 1 guidelines recognizing the need for flexibility in dealing with stock assemblages/complexes, the mortality reduction witnessed for white hake through the default DAS reduction will suffice for 2009.

Public comment included:

- Mike Russo. I have been attending meetings since before Amendment 5. I do not scare easily, but the alternatives on the table will mean the end of my business. I am in the Cape Cod fixed gear sector, but it does not matter. Choose Dr. Pierce's option or whatever it takes.
- Gary Libby: Port Clyde. This motion is better than the rest. The three options from the PDT will put everyone out of business and destroy the infrastructure. I urge you to consider this – otherwise we do not meet OY and get in trouble with NMFS anyway
- Angelo Ciocca: Nova Seafood and groundfish boat owner. There is only one groundfish person on the panel – his views that you can avoid fish on the bottom need to be valued. They do not catch hake in surveys because they are not capable of it, so that should be taken into consideration. This fishery continues not to work. Drastic changes need to be made. Pat Kurkul is unfairly asking you to make an uninformed decision or else, and yet NMFS has not given you the info you need yet to make an informed decision. Making this decision without information does not work in the real world. What if Mr. Odlin's and Dr. Pierce's motions were married together – an 18% reduction and trip limits of 0-500 lbs – could that work? If you pick one of three that are on the table, I would hope you vote for a complete shutdown, since that is effectively what you are doing. Don't make people continue to suffer.
- Bill Gerencer: Portland ME. I have been in the industry for 28 years, and was AP member. I kind of support this motion because it is better than shutting down the industry. Mr. Odlin was right about hake – you actually have to target it to catch it. If you can target something, you can stay away from it. Is anyone tired of working on obsolete data? We continually make a mockery of National Standard 2. If you were running a corporation like this, Sarbanes-Oxley would get you all in a lot of trouble. The Council is being asked to preside at its own execution. Put some sense back into this – there is enough biomass that there is no need to shut the fishery down. Do not pull the switch to execute yourself.
- Vito Giacalone: Northeast Seafood Coalition. I basically support the concept. Any time tools are available in a document, they become available for whatever mix and match occurs in the end including a Secretarial action. I support putting in the gear references.
- Eric Brazer: GB Cod Fixed Gear Sector. I would like someone to include hook gear as an approved gear type. It is very selective, and would be a benefit to include it in this list.
- Maggie Raymond: Associated Fisheries of Maine. I am speaking in support of this motion, and the comments Vito made about the gear requirements being the last step after you look at the trip limits and 18% reduction in DAS. The required trawl gear would not catch monkfish, pollock, etc., so you would be back where you were at lost yield on those species. Look at a 24-hour clock as an option before you go to these gear restrictions.

The motion **carried** on a show of hands (7-1).

The PDT Chair stated that he could not say how long this would take to analyze. It would likely take several weeks to come up with an alternative, and another few to write it up and analyze the impacts. Some of this work has been done, and the timeline may or may not have the opportunity for a special Council meeting in June. He was confused because the Committee comments had been negative on the PDT recommendations, so was not clear those should be developed further.

**Motion:** To delete Alternative 2 that refers to Figure 2. (Dr. Pierce/Mr. Odlin)

The motion was **withdrawn** without objection.

**Motion:** To recommend to the Council that Blocks 67, 68, 84, 85, 86, 97, 98, 101, 102, 103, 112, and 113 in Option 3 be restricted gear areas instead, and that the haddock separator trawl, eliminator trawl, 5 point trawl, and stand up gillnets, monkfish gillnets, raised footrope trawl, and hook gear be used in those areas. (Mr. Odlin/Mr. Preble)

Mr. Martin showed concern that the process may be delayed beyond desirable time frames if measures were adopted that were not reasonably considered by the public for input. Ms. Murphy asked the maker of the motion whether his intent was to meet all the objectives for all of the stocks in this alternative, and he replied that his intent was to change the areas from closures to restricted gear areas, and to use a gear that is known not to catch flounder. Ms. Murphy asked whether there would be additional restrictions for white hake, and the maker responded that only changing certain blocks to restricted gear areas. The white hake closure would still be in place, as well as the 250 pound trip limit.

- Eric Brazer: GB Cod Fixed Gear Sector. Are you intending to allow hook gear in these areas? It should be allowed.

**Motion to substitute:** To eliminate from consideration Option 3, Figure 3. (Mr. Preble/Mr. Stockwell)

A Committee member stated that he did not like any of these options, but if this option were to be eliminated, only a 70% reduction and other undesirable alternatives would remain.

Public comment included:

- Maggie Raymond: Associated Fisheries of Maine. Alternative 3 is the worst option on the table. I don't know how to fix it. One attractive thing about it is the 24-hour clock, and it's the only alternative that has that in there. Let's not eliminate the 24-hour clock from consideration in at least one of these options as a helpful way to get where we need to go.
- Gary Libby: Port Clyde. I'm in favor of eliminating the option because if that part of the GOM is closed down, Port Clyde and Downeast Maine are shut out of the groundfish fishery. If you do gear restrictions, I'd like to at least see that included, but I favor elimination of #3 because that would put us out of business
- Drew Minkiewicz: Fisheries Survival Fund. Closures have effects on other fisheries such as the scallop fishery. Consider that when you look at these measures. You would also close scallop grounds and how will that effect effort in the scallop fishery? You could allow effort for the scallop fishery, but still, other measures don't affect other fisheries as much as these closures do.

The motion to substitute **carried** on a show of hands (4-3-1).

**Motion as perfected:** To eliminate from consideration Option 3, Figure 3.

The motion as perfected **failed** on a show of hands (3-4-1).

The original motion was **reconsidered** without objection.

**Motion:** To recommend to the Council that Blocks 67, 68, 84, 85, 86, 97, 98, 101, 102, 103, 112, and 113 in Option 3 be restricted gear areas instead, and that the haddock separator

trawl, eliminator trawl, 5 point trawl, and stand up gillnets, monkfish gillnets, raised footrope trawl, and hook gear be used in those areas. (Mr. Odlin/Mr. Preble)

The maker of the motion clarified that these gears were for use on a groundfish DAS and would not affect scallop dredges or non-groundfish fisheries.

Public comment included:

- Gary Libby: Port Clyde. Do this to keep the fishery, otherwise we will not have one.

**Motion to amend:** The blocks proposed to remain closed in the GOM would be restricted gear areas as well. (Mr. Stockwell/Mr. Preble)

Committee members commented that it was not clear what gear could exclude white hake in this area. The motion to amend **failed** on a show of hands (3-4-1).

**Motion:** To recommend to the Council that Blocks 67, 68, 84, 85, 86, 97, 98, 101, 102, 103, 112, and 113 in Option 3 be restricted gear areas instead, and that the haddock separator trawl, eliminator trawl, 5 point trawl, and stand up gillnets, monkfish gillnets, raised footrope trawl, and hook gear be used in those areas.

The motion **carried** on a show of hands (6-2).

**Motion:** To recommend to the Council that, since eastern GB is under a hard TAC on yellowtail, cod and haddock, the area for Figure 2/Option 2 be a 1:1 ratio of DAS counting. (Mr. Odlin/Mr. Stockwell)

**Motion to substitute:** To remove from list of options the management strategy described in Figure 2. (Dr. Pierce/Mr. Odlin)

One Committee member stated that the fewer options were available, the more likely the Council would be passing the buck to NMFS. Despite frustrations with the options, it would be better to work through some of the specifics than to scrap them. One Committee member opposed the motion outright because it would prevent fishing in Downeast Maine. Another thought the motion was necessary to give a fuller range of alternatives. Ms. Murphy stated that the Council voted for the Committee to develop several different options, including one with differential DAS, one with trip limits, and one with DAS reduction at the February Council meeting. She felt it was necessary to leave some of those options on the table.

The motion to substitute **failed** on a show of hands (1-6-1).

One Committee member expressed frustration with the lack of clarity of the Committee's intent. He did not want ask the public to comment when it was unclear where the decisions would be within a broad range.

**Motion:** To recommend to the Council that, since eastern GB is under a hard TAC on yellowtail, cod and haddock, the area for Figure 2/Option 2 be a 1:1 ratio of DAS counting.

The motion **carried** unanimously on a show of hands (8-0).

**Motion as perfected:** Blocks 80, 81, 82, 97, 98 and 99 not be counted as 3:1 in option 2 and that they be considered gear restricted areas and use the same gear requirements we have in the previous option. (Mr. Odlin/Mr. Leary)

Ms. Murphy stated that, from an implementation point of view, it would be easier to administer if vessels were required to declare into one area for a trip. It would be much simpler to declare that other area for the trip.

**Motion to substitute:** Blocks 98, 99, 112, 113, and 114 be managed under 2:1 DAS counting. (Dr. Pierce/Mr. Blount)

The maker of the motion stated that this would allow for a continuous flow of 2:1 counting, and makes up for a huge 35% reduction of A DAS.

Public comment included:

- Maggie Raymond: Associated Fisheries of Maine. I hope someone reconsiders the decision not to lift the cap on DAS leasing. I don't know how people will survive on 10 or 15 days and have a leasing cap on top of that.

The motion to substitute **carried** on a show of hands (6-1-1).

**Motion as perfected:** To recommend to the Council that Blocks 97, 98, 99, 112, 113, and 114 be managed under 2:1 DAS counting.

The motion as perfected **carried** on a show of hands (6-1-1).

**Motion:** To remove from the list of options the option described in Figure 1. (Dr. Pierce/No second).

Some Committee members asked the PDT to work on the analysis of each alternative as much as possible and to report back to the Committee with updates on whether Amendment 13 targets were being met. The PDT Chair responded that he would like some direction from the Committee before the PDT gets too far down a road that may or may not be what the Committee desires.

### **Accountability Measures for Effort Controls**

The PDT Chair gave a summary of the PDT report on effort controls. He highlighted some weaknesses with the PDT recommendation, including the possibility of a derby fishery and the fact that it does not consider DAS. A Committee member expressed concern about the inability to monitor in-season estimates during the year in a timely way. He was worried that in-season AMs would encourage discarding and effort shift to other areas. Also, he thought that it was unjust to fishermen to constantly have the threat that the fishery could shut down during the year.

**Motion:** To recommend to the Council that there be no in-season accountability measures. (Dr. Pierce/Mr. Odlin)

Ms. Murphy stated that without in-season accountability measures there might be a greater risk of exceeding the ACT, and therefore a larger buffer between the ACL and ACT might be necessary to account for this uncertainty. Another Committee member did not believe that in-season

adjustments were required by any law. He highlighted the fact that the potentially resulting olympic fisheries would be unsafe, and that safety is one of the Council's mandates.

Public comment included:

- Drew Minkiewicz: Fisheries Survival Fund. Magnuson has no requirement for an Annual Catch Target. It may be in a rule that is being looked at by the OMB, but that hasn't entered into public comment and should not be used as a basis for a decision now. It would only be a proposed rule. That you would have to lower ACL because you do not have in-season AMs is absurd. Magnuson does not say that. The original Magnuson act had a payback provision that you would have to pay an overage back with cuts the next year. If Ms. Murphy is commenting on something that's internal to NMFS, then it's internal to NMFS and shouldn't be used for decision making right now. You're only bound by the law that exists – you need to set an ACL, and you need something for accountability. You can do that however you want.

The motion **carried** on a show of hands (4-2-1).

Ms. Murphy stated that there is a concern about projecting in March for an effective date of May 1<sup>st</sup>. This action could be substantive. It is not clear whether the APA requirements including a 30-day comment period could be waived and, if not, projections would have to occur in December, which would be less accurate. If implementation could not occur by May 1, some vessels may use all of their DAS prior to implementation at a later time. The document currently states that the data used would be collected on a weekly basis.

**Motion:** To recommend that the Council adopt the annual AM adjustment language described in the May 12 PDT memo paragraphs E, F, and G. The first such adjustment would be made for FY 2011. (Dr. Pierce/Mr. Preble)

Public comment included:

- Dan Caless: NMFS NERO. It is so difficult to make an accurate forecast a year in advance. There are so many factors making it to difficult to be able to decide how DAS will change in the fishery. The scheme will result in us being off on a lot of these stocks.

The motion **failed** on a show of hands (2-4-1).

The PDT Chair made clear that none of the AMs developed by the PDT were adopted, and stated that the PDT had not received any direction from the Committee on this topic.

**Motion reconsidered:** To recommend that the Council adopt the annual AM adjustment language described in the May 12 PDT memo paragraphs E, F, and G. The first such adjustment would be made for FY 2011. (Mr. Stockwell/Mr. Leary)

**Motion to amend:** to change the dates in letter E and estimate catch through December, based on seven months of catch data. (Mr. Leary/Mr. Stockwell)

The motion to amend **carried** on a show of hands (4-2-1).

**Motion:** To recommend that the Council adopt the annual AM adjustment language described in the May 12 PDT memo paragraphs E, F, and G, but to estimate catches through

December (seven months of catch data). The first such adjustment would be made for FY 2011. Adjustments will be made in accordance with PDT guidance approved by the Council.

Public comment included:

- Maggie Raymond: Associated Fisheries of Maine. Does it make sense to build in some consultative process with the Council before NMFS takes the action they're going to take?
- Drew Minkiewicz: Fisheries Survival Fund. If you went with an adjustment that wasn't formulaic, it would be beyond the scope of what NMFS is allowed to do under Magnuson. The Council cannot just cede their authority to NMFS. At some point the Council has to deem their management measures satisfactory.
- Gary Libby: Port Clyde. I understand that when you're doing this you have a hard TAC back stop. You have to stay within the adjustments, so you don't have any options other than to do it this way. I don't see the point of the meetings either – if you go over, you stop fishing, and that's it.

Mr. Martin responded that nothing in the Magnuson act prohibits a discretionary adjustment. He also said that if the document justifies the need to go straight to a final rule that this could help with waiving APA requirements. A Committee member stated that he would vote against the measure since it would be impossible to know what would happen at the end of the year after only 7 months.

**Motion to amend:** Catches through February will be considered for the adjustment. (Dr. Pierce /Mr. Odlin)

The motion to amend **carried** unanimously on a show of hands (7-0).

**Motion:** To recommend that the Council adopt the annual AM adjustment language described in the May 12 PDT memo paragraphs E, F, and G, but to estimate catches through February (ten months of catch data). The first such adjustment would be made for FY 2011. Adjustments will be made in accordance with PDT guidance approved by the Council.

The motion **carried** unanimously on a show of hands (7-0).

### **Recreational Measure Alternatives**

A staff member gave an overview of the information from the GARM meeting relevant to recreational measures. One member stated that regardless of what the Council decides for allocation measures, recreationally catch will not rise. If the recreational fishermen are given too high an allocation, it will artificially constrain the commercial catch. The Mid-Atlantic Council deals with this issue by assigning a proportion to recreational catch. Another member expressed his concern with the low quality of the MRFSS data and underscored the importance of taking uncertainty into account. Staff pointed out that the measure includes a periodic review of proportions over time, and recognized that there may be changes in the future.

**Motion:** To recommend to the Council that, for GB cod, the 1996-2006 average is used for setting the recreational/commercial proportions. (Mr. Preble/Mr. Leary)

One Committee member was concerned about the chosen time period because the MRFSS data does not capture GB cod, and the situation seems to have gotten worse. He would rather use a

longer period of time for the average. Another member responded that perhaps the ratio could be changed in the future when GB cod reestablished itself throughout its range. The maker of the motion indicated that he was not wedded to the time frame, but that it made sense because that range was being used for the commercial allocation for sectors, and that using ten years every time the number was updated would be more effective. Another member stated that he was comfortable with the time range as long as the dates were consistent across all species.

The motion **carried** on a show of hands (4-2-1).

**Motion:** To recommend to the Council to use the 1996-2006 time period for both pollock and GOM haddock for setting the recreational commercial proportions (Mr. Preble/Mr. Stockwell)

A Committee member noted that the recreational catch in recent years has been higher than the earlier percentages.

The motion **carried** on a show of hands (4-1-2).

### **Annual Catch Limit Development**

Council staff stated that the administrative process should be done every two years in line with the biennial adjustment process. The PDT will develop recommendations for ABC. Ms. Murphy expressed concern that the draft suggests if an ACL is not revised, there will not be a need for a new NEPA document. The PDT chair stated that the PDT's analysis is not based on any specific catch level, but on achieving a fishing mortality rate – if the catch level is consistent with that mortality rate, perhaps a ne NEPA analysis is unnecessary.

Public comment included:

- Gary Libby: Port Clyde. For stocks like pollock where there isn't a sharing understanding with Canada, how do you decide what percentage of the resource gets allocated to Canada and what percentage to the U.S.? Do you use the most recent catch or the average?
- Maggie Raymond: Associated Fisheries of Maine. The table prompted a question. When does the Committee develop AMs for the recreational ACL?
- Drew Minkiewicz: Fisheries Survival Fund. I asked at a previous meeting whether there should be a sub-allocation for yellowtail and winter flounder for the scallop fishery. How will AMs be made for those sub-allocations?

Staff responded that there is no presently no plan to develop AMs for the sub-allocations.

### **Sector Policy Issues**

Staff raised the issue of how catches of groundfish by sectors should be treated, if taken while fishing in other fisheries. For example, should catches of yellowtail flounder in the General Category scallop dredge fishery apply against a sector's ACE? Ms. Murphy expressed that allocations are currently set by how much groundfish is caught by each sector, so counting all groundfish caught, regardless of fishery, against the sector's ACE seemed to make sense..

Public comment included:

- Drew Minkiewicz: Fisheries Survival Fund. Something else to consider is to build a firewall between vessels that are not participating at all in the groundfish fishery and those that are. So you could have scallop vessels catching yellowtail flounder on non-specific DAS and still have the benefit of sectors on the other side.

The Committee discussed the issue, and directed staff to modify the document so that catches of groundfish would not apply against a sector's ACE if there is an identified sub-component –as is the case for the scallop dredge fishery.

The Committee chair asked if any members would like to choose a preferred alternative for determining potential sector contributions. One member replied that choosing an alternative would not save the industry any work because they would have to figure out their allocation and analyze all 3 or 4 alternatives anyway. The Committee did not select a preferred alternative.

Staff pointed out that it was unclear what would happen to existing sectors when other sector policy decisions were decided, and stressed that it was important to formalize the intent of the Council.

**Motion:** To recommend to the Council that all Amendment 16 sector policy revisions will be implemented in FY 2010. (Mr. Odlin/Mr. Preble)

Public comment included:

- Eric Brazer: GB Cod Fixed Gear Sector. The Council did not specifically identify at the last meeting how existing sectors are affected with the delay of other sectors. There is a good opportunity to give the rules a test run under the existing sectors. I understand the agency is lacking resources but we want it to happen if the agency is able.

The motion **carried** unanimously on a show of hands (7-0).

The PDT Chair gave a summary of the PDT report on sector discards and asked whether NMFS could apply a rate by trip. Ms. Murphy responded that they can do an average discard rate adequately by having vessels report gear when they leave the dock. However, the agency has been hearing that such a method may compromise data and would have to be reported correctly. The agency would like to keep the process simple and more enforceable. A Committee member stated that it should not be difficult to add a discard rate to a trip, since it would be an automatic calculation, and the person in the sector would have to keep track of it. He questioned whether it was fair that, if the assessment rate were used, some percentage of that would be regulatory discards and that would lead to overestimating the actual discards. Another option would be to use the assumed rate, which he felt was the incentive for sectors to get discard rates documented and determined at a high enough level to get more fish.

**Motion:** To recommend to the Council that the assumed discard rate will be from the latest assessment, by gear type, and the discard will be added to the landings for each trip to track the sector's catch of ACE. (Mr. Odlin/Mr. Leary)

**Motion:** That this motion be postponed until the June meeting. (Dr. Pierce/Mr. Stockwell)

The PDT Chair stated that he was unsure whether the work on this could be completed before the June meeting.

The motion to table **failed** on a show of hands (3-4).

Public comment included:

- Mike Russo. The assumed discard rates are a great motivator to get the sectors' plans together. They had approximately 30% observer coverage. NMFS hasn't told them what they need to get that data approved. What coverage is needed?
- Maggie Raymond: Associated Fisheries of Maine. We need to have a discussion about criteria for evaluating sector monitoring before this discussion. I understand the argument that this motivates people to come up with a better monitoring program, but is there a way to improve on what Mr. Nies said for improved data for sector members? Our sector members don't discard cod. We don't use square mesh when we fish for flounder, so we're not taking the assumed discard rate for people who fish irresponsibly and catch baby flounders. What do we have to do to prove we don't discard? What will the monitoring program look like? I can document that through the observer data for every trip on my boat.
- Gary Libby: I have a problem with the assumed discard rate for the same reasons Maggie mentioned. They don't discard, and they fish in another stock area where they don't get yellowtail. It doesn't seem quite right to get an assumed discard when they're not discarding. It should be matched up with stock areas or observer coverage.
- Vito Giacalone: Northeast Seafood Coalition. The motion is sensible at this point. I don't know how to get into individual vessel data to prove that. One of the incentives why people want sectors is to eliminate discards so they don't have to waste any. This seems simple as an incentive to improve monitoring programs, and is fair across the board.
- Gib Brogan: Oceana. I have a fundamental problem with the assumed discard rate – I think it will lead to inaccurate information. It should be expanded to look at what the best practices are.
- Mike Russo: People are here to make this work – they are not pushing up against the limit and then discarding. As long as trading is still allowed, people will work it out.

**Motion to amend:** To include an additional option: using available observer data, observed trips would be used to calculate a sector specific discard rate. (Dr. Pierce/Mr. Odlin)

The motion to amend **carried** on a show of hands (6-0-1).

**Motion:** To recommend to the Council that the assumed discard rate will be from the latest assessment, by gear type, and the discard will be added to the landings for each trip to track the sector's catch of ACE. To include an additional option: using available observer data, observed trips would be used to calculate a sector-specific discard rate.

The motion **carried** unanimously on a show of hands (7-0).

Council staff stated that there is no guidance on monitoring systems. Ms. Murphy responded that it would be helpful to have the criteria up front. It is difficult for the agency to develop those monitoring programs. Staff personnel discussed incorporating a process in the document to develop and implement monitoring standards in the future, with the default being the use of an assumed discard rate. Mr. Martin cautioned that this approach may not be possible but could be considered.

**Motion:** To recommend to the Council that sectors be prohibited from landing pout or windowpane flounder. (Mr. Leary/Mr. Odlin)

Council staff expressed concern about the impact of this motion on discards.

The motion **carried** on a show of hands (6-1).

Council staff asked the Committee to clarify the method for tracking discards for non-sector vessels.

**Motion:** To recommend to the Council that discards by non-sector vessels are accounted for in the same manner used for sector vessels when tracking ACLs. (Mr. Leary/Mr. Stockwell)

Public comment included:

- Vito Giacalone: Northeast Seafood Coalition. Does each common pool vessel have its own discard rate?
- Gib Brogan: Ocean. We oppose this – expand the range of alternatives for monitoring ACLs. The assumed discard rate does not improve management over time, so you have the same rut and no incentive to improve discarding as the season goes along. Look at the Cadillac option in the future. Make this document to move things forward.

Staff replied that each component might have its own discard rate, not each vessel.

The motion **carried** unanimously on a show of hands (7-0).

## **Other Business**

### *Transfer Tax Time Period*

Ms. Murphy stated that she was not sure if the Committee wanted to go back and pick a specific time period for the transfer tax. The Committee did not revisit the issue.

### *PDT Membership*

**Motion:** To recommend that the Council revise the groundfish PDT membership into compliance with the Council policy limiting membership to technical personnel. (Dr. Pierce/Mr. Stockwell)

Public comment included:

- Maggie Raymond: Associated Fisheries of Maine. The Council policy is wrong. No public comment was taken.
- Vito Giacalone: Northeast Seafood Coalition. I support what Maggie said, and believe the PDT would benefit from public comment.

The motion **carried** on a show of hands (6-1).

A Committee member stated that he had heard from industry that they would like an opportunity to provide comment at PDT meetings. He felt that there were quite a few occasions on which the PDT would benefit from such input and guidance.

**Motion:** To recommend to the Council to have the PDT provide opportunities for industry comments during their meetings. (Dr. Pierce/Mr. Odlin)

The PDT Chair described that there are very limited opportunities for public comment at PDT meetings, although whether or not to allow such comment is at the Chair's discretion as is consistent with Council policy.

The motion **failed** on a show of hands, with the Chair casting the tie-breaking vote (3-4).

#### *Haddock Discards*

A Committee member wanted a plan to minimize increasing discards of haddock.

**Motion:** To recommend to the Council to have an option in the document to permanently have an 18 inch minimum size for haddock. (Mr. Odlin/Mr. Leary)

A staff member expressed concern about impacts of this measure on GOM haddock. One Committee member thought that he should side with the NEFSC and that the majority of haddock should be around 19 inches or so. Another thought that this issue should be resolved with scientific study and that it should go out for public comment.

The motion **carried** on a show of hands (3-2-2).

#### *Georges Bank Haddock*

A Committee member expressed a desire to implement a measure to achieve optimum yield on GB haddock.

**Motion:** To recommend to the Council to allow vessels to fish in the yellowtail SAP area on eastern GB with haddock separator trawls, eliminator trawls, five point trawls, and hooks to catch haddock. (Mr. Odlin/Mr. Leary)

Ms. Murphy stated that this is the Closed Area II yellowtail flounder SAP, and that she would have to look at the issue with her staff.

The motion **carried** on a show of hands (5-0-2).

#### *Monitoring Program*

Ms. Murphy revisited the issue of monitoring programs which were adopted at the previous Council meeting. She stated the position of NMFS that if vessels are to be allowed to fish in multiple areas, monitoring would be easier if vessels declared one area per day so that enforcement could know which area they were supposed to be in.

**Motion:** To recommend to the Council that vessels fishing in multiple areas per trip declare into only one area per day. (Ms. Murphy/Dr. Pierce)

A Committee member opposed the motion because he felt that it would put fishermen "in a box" and cause many of the same problems as the other proposed monitoring requirements that the Council had rejected.

Public comment included:

- Maggie Raymond: Associated Fisheries of Maine. I oppose the motion. It imposes significant safety considerations. I hope you oppose this.
- Vito Giacalone: Northeast Seafood Coalition. I also oppose this.

The motion **failed** on a show of hands (2-5-0).

Ms. Murphy also brought up the topic of weighmasters and standard practices for sector monitoring. She wanted to know if the standard would apply to both sectors and non-sectors. Staff asked if the VMS Enforcement Committee was working on standards for weighmasters, and a Committee member responded that there is no more funding for VMS Enforcement Meetings.

Public comment included:

- Eric Brazer: GB Cod Fixed Gear Sector. Instead of the April 30<sup>th</sup> deadline, use the sector rosters based on the March 1<sup>st</sup> deadline for implementation.

#### *Potential Sector Contribution Calculation*

**Motion:** To recommend to the Council to use March 1, 2008 as the date for determining the vessels that the Option 5 PSC allocations provides. (Mr. Leary/Mr. Odlin)

Ms. Murphy asked if this was an inconsistency with the proposed measure. Mr. Martin asked what this rule would do, and staff responded that it only changes the permits that will use Option 5 for determining PSC. NERO staff pointed out that it would be inconsistent if the vessels do not join one of the two existing sectors.

Public comment included:

- Mike Russo. What if a vessel opted out after March 1<sup>st</sup> for a different sector?

Staff responded that the potential sector contribution would stay with the permit, and clarified that cod would be allocated under the old rules, and other species under these new rules.

The motion **carried** on a show of hands (3-0-4).

The meeting adjourned at 7:00 P.M.





## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
 John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

### MEMORANDUM

**DATE:** April 20, 2008  
**TO:** Groundfish Oversight Committee  
**FROM:** Groundfish Plan Development Team (PDT)  
**SUBJECT:** PDT Meeting, April 7, 2008

1. The PDT met in Mansfield, MA to continue work on Amendment 16. The PDT reviewed effort control development, accountability measures, potential sector contribution calculations, adjusting ACE for discards, and issues related to setting ABCs and ACLs. This report reflects discussions at the meeting and work performed after the meeting. Present were Tom Nies and Anne Hawkins (NEFMC), Tom Warren and Doug Christel (NMFS NERO), John Walden, Eric Thunberg, and Paul Nitschke (NMFS NEFSC), Steve Correia (Mass. DMF), Dan Holland (GMRI), Kohl Kanwit (Maine DMR), and Paul Parker (Groundfish AP Chair).

#### **Effort Control Development**

2. The PDT continues to develop effort control alternative that meet the morality reductions identified in Amendment 13. As noted in earlier reports, it is not known if these are the reductions that will be needed in this action, since current stock status is not yet known and reference points may be revised. Development of the effort controls is complicated by the large mortality reductions in 2009 for several stocks that were identified in Amendment 13. Most notably, the reductions for white hake and southern windowpane flounder are problematic, but the large reductions called needed for several other stocks also difficult to attain. Measures necessary to achieve the reductions for these stocks will sacrifice considerable yield from other stocks.

As suggested by the Committee, the PDT examined observer data to see if it supports using a very low trip limit for white hake. White hake was caught in the majority of observed trawl tows in SA 512 and 515, suggesting it is not likely that it can be easily avoided in these areas. It was caught less often in other GOM statistical areas (Table 2). There are fewer observed gillnet hauls in the offshore areas from which to draw conclusions (Table 3). Similar analyses of the catch of CC/GOM yellowtail flounder in SA 521 indicate this stock is caught on about 20-60% of observed tows during CY 2002-CY 2007, with at least half the observed tows not catching any yellowtail flounder. This suggests a low trip limit might not result in an unacceptable increase in discards in this area. The PDT identified three options that achieve Amendment 13 mortality

reductions (see Figure 1 through Figure 4, and Table 1). One option is based on a large DAS reduction, the second is based on differential DAS, and the third is based on a 24-hour clock with no differential DAS. These three approaches capture the primary ways to adjust the effort control system and illustrate the severity of the measures that may be necessary should stocks require large mortality reductions. These options go far beyond the reductions needed for several stocks. While it may be possible to fine tune measures to increase yield (such as by raising trip limits on some stocks), the PDT would prefer to make such changes after the actual mortality objectives are known, and with guidance from the Committee on the changes preferred. The PDT is also concerned that the large regulatory changes embedded in these options make it difficult to predict the responses to the proposed measures.

4. The impact of sector formation on effort controls remains unanswered. The PDT will attempt to model how sector participation might affect the Closed Area Model (CAM) results to determine if they are robust to different participation levels.

#### *Accountability Measures (AM)*

5. The PDT reviewed the Committee's AM for effort controls. While NMFS guidance for AMs has not been published, the PDT is concerned that the Committee's suggestion does not seem to adopt an automatic response to exceeding an ACL. The process for analyzing and adopting changes to trip limits, differential DAS counting, or allocated Category A DAS is not defined and as currently adopted seems similar to the existing framework process. Unlike the PDT's proposal, preplanned responses will not be identified and analyzed in the amendment document, but will be developed after data becomes available. The PDT believes that this may require a proposed and final rule, as well as a supporting NEPA document, for every change. It is also not clear if the Committee and Council will review every change, which could lead to additional implementation delays.

6. Further development of the PDT's suggested approach to effort control AMs will be postponed until additional information is available on the effort control packages.

#### **Potential Sector Contributions (Permit History)**

7. The PDT discussed the PSC option to continue using the original Amendment 13 GB PSC formula for determining GB cod for the two existing sectors. The Committee motion was silent on who this should apply to: current participants in the sector, future participants, or past participants? If the Committee and the Council plan to have sector shares for all eligible permits calculated only once, it is important that this particular measure apply only to a defined pool of participants and that the shares be calculated as of the same date used for other permits. If this is not done, and the pool of vessels for which this criteria applies is allowed to change over time, then each change will require a recalculation of the shares for all permit holders. This is because the denominator used to determine the PSC for vessels not in the existing sectors will change as vessels move in and out of the sector.

8. Assuming the pool of candidate vessels is identified and remains fixed, this provision can be incorporated into the PSC calculations relatively easily. The total PSC is calculated for the permits to which this provision applies is subtracted from 1 to get the total share available to other permits. Each other permit's PSC is then calculated and multiplied by the total share available to the other permits.

9. A similar approach can be used to adjust permit shares if a number of permits exit the fishery. As an example, if half the permit shares exit the fishery, the PSC of each remaining permit is doubled. The result will be the same as if the full calculation is redone for every permit.

### **Adjusting Sector ACE for Discards**

10. One proposed Amendment 16 measure says that an “assumed discard rate” will be used to take discards “off the top” of ACE that is given to a sector. The PDT discussed the details of how this process might work. First, some general factors that affect discard rates were identified. The PDT notes that some of these factors – for example, trip limits – may not cause discards within sectors, making sector discard rates different than those for vessels not in sectors. These differences will not be known when sectors are first implemented, so they cannot be taken into account for the initial discard rates. Second, sources were examined that already have discard rates calculated. The two main sources are the assessment documents and the annual bycatch report; some of the strengths and weaknesses of each are shown in Table 4. Third, the process was discussed. The PDT notes that there are two overarching issues with respect to the process: how will the rates be calculated (or what reference will be used), and how will they be applied.

11. With respect to how rates will be determined, the PDT suggests two options. Presumably these discard rates will be based on prior information – a process has not been described to adjust them in-season – and for sectors the rates that will be used could be published with other sector measures, consistent with the APA.

a. Using available observer data, observed trips on each sector’s members could be used to calculate a sector-specific discard rate. It is not clear that observe coverage is broad enough to calculate these rates with a sufficient level of precision that they can be used as is proposed here. Presumably the desired standard should be at least the same as used in the SBRM (a CV of 30 percent). The PDT will investigate whether coverage is sufficient to use this approach using the preliminary list of sector members. Presumably these rates will be gear specific.

b. A broad, overall discard rate from the most recent assessment could be used. This would not be gear or time specific.

12. With respect to implementation, the PDT noted that to date the Council has said that the discard rate will be taken “off the top.” This language and accompanying discussions suggest the intent is that discards will be deducted before ACE is allocated to a sector, so that only landings need to be monitored. The PDT cautions that while this may seem like a simple approach, it creates a number of potential problems. Since discards are gear specific, some sectors will have to identify how they intend to apportion their ACE to different gears. It also complicates trading of ACE, as the amount traded would have to be adjusted for different gear specific discard rates. If a sector implements a monitoring system in-season, it would necessitate an adjustment to the ACE to account for differences in discard rates. An alternative approach would be to adjust the landings on each individual trip by the discard rate based on the gear used for that trip. This would require that NMFS be able to identify gear and sector trips for every vessels, and then adjust the ACE tracking accordingly.

13. It should be recalled that this “off the top” approach should be a short-term measure for accounting for sector discards. The Council is proposing that all sectors will be required to implement a monitoring plan that will provide accurate discard estimates. The details of how these plans will be implemented are not clear. Is there a deadline for when these programs must be developed – does it have to be year one of a sector’s operations? Can they be implemented mid-year? If the sector submits a plan that is not acceptable, will NMFS disapprove the sector operations plan, or will there be a grace period to allow the sector to gain approval for its monitoring system? What if a vessel has an observer on a trip – will the information from that observer be used for that trip? These issues should be addressed.

14. While as proposed this measure is specific to sectors, the Committee has not addressed how discards will be estimated or monitored when tracking ACLs for non-sector vessels. A similar approach to that proposed for sectors might work – that is, either the ACL is reduced by a discard rate in advance, or landings are inflated by a discard rate after each trip. The two sources of the discard rate could also be the same: either based on observed trips by non-sector vessels, or the most recent assessment.

### **Annual Catch Limit Issues**

15. The PDT confirmed that state waters catch of windowpane flounder is not large, as reported earlier, and there isn’t a reason to identify a windowpane flounder state waters sub-component when setting ACLs.

16. An issue was identified that relates to ACL sub-components and the interaction with sectors. The question is whether all regulated groundfish catch by a sector vessel counts against the sector’s ACE, even if taken on a non-groundfish trip. As an example, consider a sector vessel that chooses to fish in the scallop dredge fishery (either the General Category fishery or the limited access fishery) and has a bycatch of yellowtail flounder. Does that yellowtail count against the sector’s ACE or the scallop dredge yellowtail sub-component? If it counts against both, it is being double-counted. If it does not count against the sector’s ACE, a potential loophole is created that allows the sector vessels to catch more yellowtail than allocated under the sector rules. If it counts against the scallop dredge yellowtail sub-component, should any PSC be reduced by the amount of yellowtail caught with a dredge? If the vessel is a General Category vessel, can the vessel’s sector request an exemption from the groundfish exempted fishery regulations that prohibit retention of yellowtail on these trips? Moreover, if the sector does not have any yellowtail ACE remaining, is it prohibited from participating in a fishery that catches yellowtail flounder (even in small amounts)? Similar issues occur with the monkfish fishery, though it seems more clear in that instance that groundfish should count against the ACE since in recent years and in some areas the fisheries overlap considerably and permit holders were not prohibited from landing both species.

17. The process of determining PSCs only considers permits eligible for sector membership, which does not include commercial open access permits. To make all the numbers add up, an adjustment has to be made to the commercial groundfish ACL before it is allocated to sector and non-sector limited access permits. This number is likely to be small compared to total commercial groundfish catches for most stocks, and so does not need to be a separate ACL with separate AMs.

### **Determining ABC**

18. The PDT continues to flesh out the elements of uncertainty that should be considered when setting ABC. The intent is that when complete, this will be described in some type of guidance document rather than regulations or the amendment document. This will facilitate future changes and adjustments. The PDT suggests that this document be developed with the SSC this summer, prior to the final approval for Amendment 16.

**Figure 2 – DAS reduction effort control alternative that meets Amendment 13 mortality reductions**

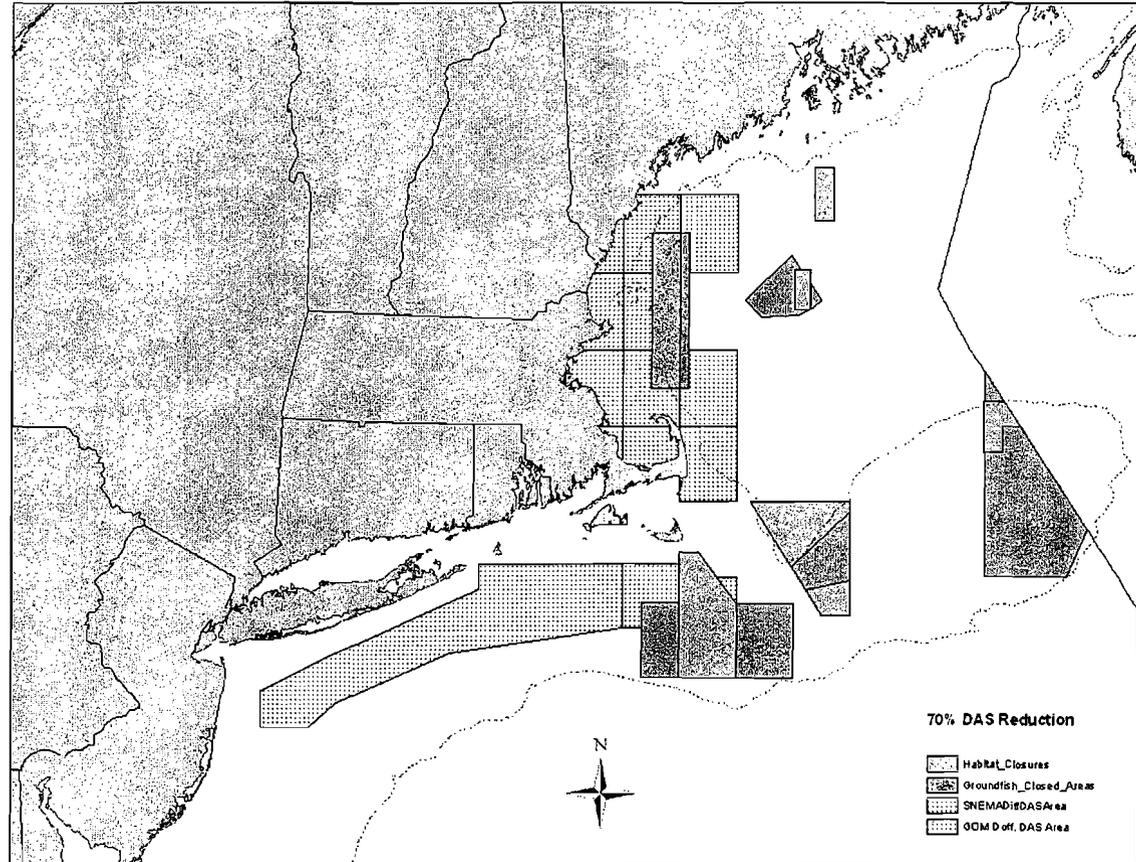
Days at Sea Reduction:70%

Trip limits:

- GM Cod - 800/Day
- GB Cod - 800/Day
- GM YT - 250/Day
- SNE YT - 250/Day
- GB YT - 10,000/trip
- GB Winter - 800/Day
- White Hake - 500/Day

Default 2:1 Differential Days at Sea Areas

Current year-round and seasonal/rolling closures

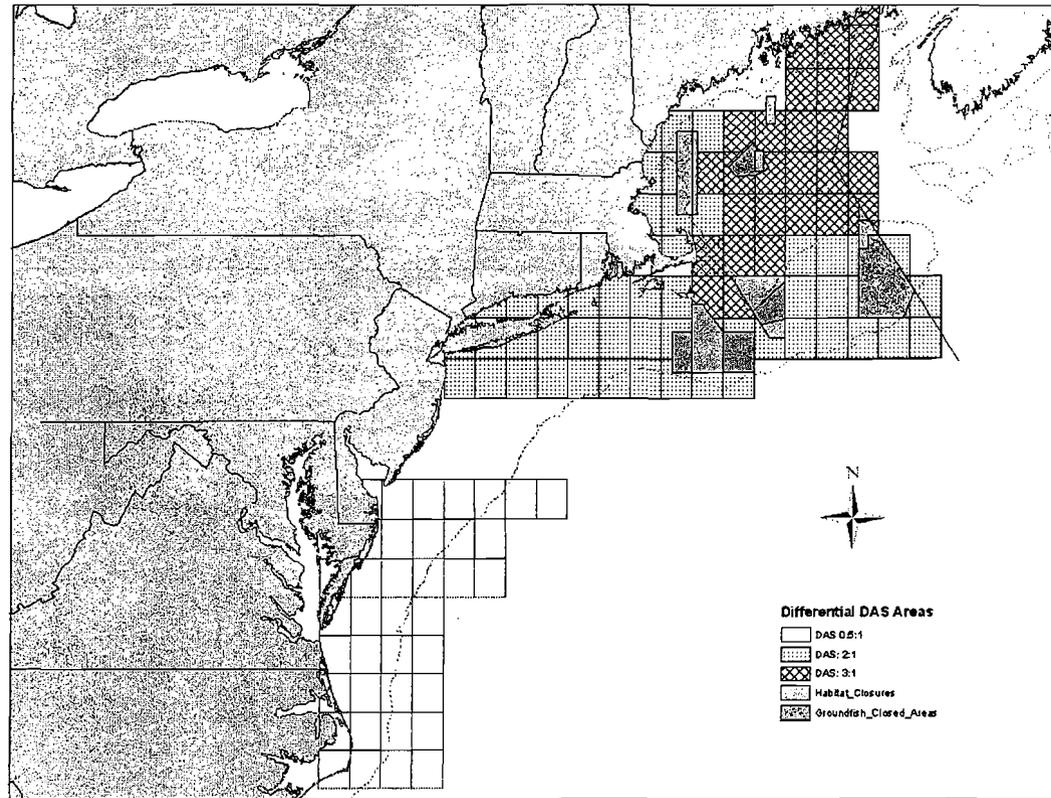


**Figure 3 – Differential DAS effort control option that achieves all A13 mortality reductions.**

DAS Reductions: 35%  
No changes to closed areas

Possession Limits:  
GOM cod: 1,000/DAS  
GB cod: 1,000/DAS  
CC/GOM YTF: 250/DAS  
SNE/MA YTF: 250/DAS  
GB YTF: 1,000/DAS  
GB Winter: 1,000/DAS  
White Hake: 500/DAS

Diff. DAS Areas:  
3:1: 98,99,112,113,118-122, 126-131,134-137,141-143,148-150,154,155  
2:1: 64-73, 75-80,81-90,92-97,100-106,108-111, 114-116,123-125,132,133,138-140  
0.5:1: 1-38



**Figure 4 – 24-hour clock effort control alternative that achieves all A13 mortality reductions**

DAS reduction: 55%

No differential DAS

Additional year round closures:

126-130

134-137

141-145

97-98

112-113

67,68,84-86, 101-103

Trip limits:

GOM Cod: 800/DAS

GB Cod: 1,000/DAS

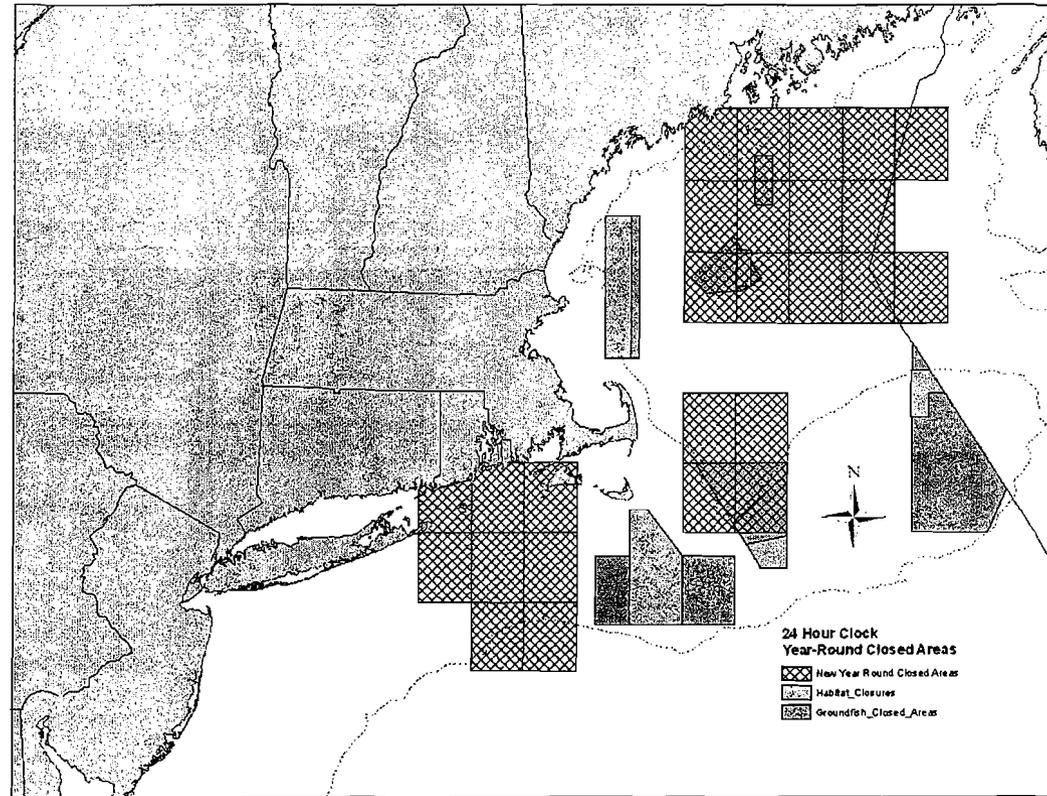
CC/GOM YTF:250/DAS

SNE/MA YTF – 250/DAS

GB YTF: 10,000 per trip

GB Winter Flounder: 800/DAS

White Hake: 250/DAS



**Table 1 – Expected reduction in exploitation for four effort control alternatives compared to necessary reduction estimated by Amendment 13**

<b>Stock</b>	<b>Area</b>	<b>Targeted Reduction (exploitation)</b>	<b>No-Action (default 18% DAS reduction)</b>	<b>Scen. 1 70% DAS Reduction</b>	<b>Scen. 2 Diff. DAS</b>	<b>Scen. 3 24-hr clock</b>
COD	GBANK	-13	-15%	-65%	-73%	-68%
COD	GM	-8	-15%	-60%	-37%	-47%
HAD	GBANK		-14%	-61%	-72%	-67%
HAD	GM	-4	-15%	-63%	-57%	-57%
WFL	GBANK		-17%	-71%	-68%	-54%
WFL	GM		-18%	-69%	-22%	-31%
WFL	SNEMA	-28	-13%	-58%	-50%	-75%
PL	ALL		-13%	-54%	-71%	-74%
WITCH	ALL		-15%	-63%	-66%	-64%
WHK	ALL	-77	-15%	-64%	-77%	-77%
WIND	NORTH		-16%	-70%	-62%	-48%
WIND	SOUTH	-50	-13%	-60%	-54%	-60%
YTF	CCGOM	-32	-15%	-63%	-38%	-40%
YTF	GBANK	-43	-16%	-69%	-47%	-49%
YTF	SNEMA	-32	-12%	-56%	-41%	-63%
POL	ALL		-14%	-62%	-63%	-61%
RED	ALL		-14%	-62%	-77%	-75%

**Table 2 – White Hake catch on observed trawl tows**

Statistical Area		CY 2002	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007
SA 512	Percent of Tows Catching White Hake	100% (n=18)	92% (n=156)	92% (n=106)	100% (n=146)	80% (n=5)	95% (n=85)
	Median Catch (lbs./tow)	570	150	81	201	52	72
SA 513	Percent of Tows Catching White Hake	45% (n=151)	69% (n=182)	32% (n=189)	50% (n=312)	46% (n=112)	70% (n=165)
	Median Catch (lbs./tow)	0	28	0	0	0	36
SA 514	Percent of Tows Catching White Hake	19% (n=526)	22% (n=713)	16% (n=951)	13% (n=1,497)	25% (n=576)	33% (n=609)
	Median Catch (lbs./tow)	0	0	0	0	0	0
SA 515	Percent of Tows Catching White Hake	72% (n=109)	88% (n=393)	83% (n=337)	88% (n=729)	89% (n=287)	85% (n=593)
	Median Catch (lbs./tow)	134	168	98	122	150	100

**Table 3 – White catch on observed gillnet hauls**

Statistical Area		CY 2003	CY 2004	CY 2005	CY 2006	CY 2007
515	Percent of Hauls Catching White Hake	100% (n=10)	82% (n=84)	78% (n=51)	90% (n=10)	75% (n=20)
	Median	417	134	123	106	11

**Table 4 – Considerations when using discard rates to adjust ACE**

**I. Some factors affecting discard rates**

**A. Regulations**

Trip limits  
Minimum size  
Prohibitions on landing (i.e. no permit, season)

**B. Economics**

No market  
Low price, or better price for specific sizes  
No interest – higher value catch more important (e.g. scallops and yellowtail)  
Dogfish, seal, hagfish, etc. (ruin value of catch through damage)

**C. Gear**

**D. Season**

**II. Information Available**

**A. Assessments**

Typically at least a year old; used to be updated about every three years  
Discard rates may be based on (species discards/all species total kept), which cannot be directly applied to stock-specific ACE  
Usually determined by gear, not fishery  
Peer reviewed and published  
Depending on data availability, may not be by quarter/season, may not address all gear  
Usually does not break down discards by reason  
Will probably provide uncertainty estimate in the future

**B. Annual bycatch review**

So far, only one year – CY 2005 – published three years after the year (early 2008)  
Discards determined by fishing mode, not fishery  
Discard rates may be based on (species discards/all species total kept)  
Published as tech memo  
Does not report discards by season or stock  
Does not report reason  
May not match discard estimates from assessments due to different estimation techniques  
Provides uncertainty estimate

**C. Observer Reports**

Usually about a three – four month delay before entered into database and available for general use (some data provided in advance for certain programs)  
Limited information on type of trip: observer program codes reported for SAPs, US/CA area, etc., but not necessarily for all trips (training trips as an example) (no sector specific codes)  
Data only – no information directly provided on discard rates  
Will recent M-S Act changes wrt observer data confidentiality cause problems?





#4

New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

**MEMORANDUM**

**DATE:** May 8, 2008  
**TO:** Groundfish Oversight Committee  
**FROM:** Groundfish Plan Development Team  
**SUBJECT:** PDT Conference Call, May 6, 2008

1. The Groundfish PDT held a conference call to discuss effort control accountability measures, accounting for discards for sectors, and several other Amendment 16 issues. Participants were Tom Nies and Anne Hawkins (NEFMC), Tom Warren, Doug Christel, and Jennifer Anderson (NMFS NERO), John Walden (NEFSC), Steve Correia (Mass DMF), and Kohl Kanwit (Maine DMR).

**Accountability Measures**

The Council directed the PDT to develop examples of in-season and post-season AMs that would be implemented in a formulaic manner.

*In-Season*

2. Possible in-season accountability measures (AMs), listed in order of preference and effectiveness as evaluated by the PDT, include:

*Differential DAS*

- Area-specific, not stock specific – provides limited ability to target a specific stock, depending on how that stock is distributed
- “Bubble” problem – effort may shift into other areas
- Can be supported by VMS if area are pre-defined and programmed into VMS
- Could get complicated if several stocks approach ACLs
- Might promote derby to use DAS before DAS rates are increased
- Allows DAS rates to be decreased to achieve ACLs (positive feedback potential)

*Closures*

- Area-specific; provides limited ability to target specific stocks
- Enforcement concerns with multiple, changing areas closed (VMS programming issue?)

- Could get complicated if several stocks approach ACLs
- Might promote derby to use DAS before closures adopted

#### *Trip Limits*

- Admin burden unless formulaic (“if X% caught trip limit goes to y”)
- Will increase discards for some (if not all) stocks if triggered, but might work on a few stocks (YTF, WFL are possibilities)
- Price effects might counteract intent to deter targeting
- Targets specific stocks/species
- Makes trips less efficient – concern with increased fuel prices
- Allows trip limits to be increased to achieve ACLs (positive feedback potential)

#### *Limits on DAS Use*

- Does not target specific stocks, but might be made area specific (admin issues likely)
- Effectively an in-season DAS cut
- Could get complicated if several stocks approach ACLs
- Might promote derby to use DAS before limits adopted
- Might require withholding DAS at the beginning of the year to implement effectively and avoid inequity caused by vessels using all their DAS before the adjustment is made

#### *Limits on Number of Landings/Trips*

- Doesn’t target specific stock unless area-specific
- Hard to match impact on day and multi-day trips
- Could get complicated if several stocks approach ACLs

#### *Landings Tax*

- Tax (monetary or DAS) for landing stocks approaching an ACL
- Monitoring systems not in place to support this approach
- May create incentive to discard

3. The PDT concluded that differential DAS adjustments were the most promising of these alternatives, and developed an example (see attached). Ideally, the proposal should be based on existing areas to simplify administration. Further work will be needed to refine this proposal, and will depend in large measure on the effort control alternative that is adopted.

4. Any in-season adjustment carries the risk that it will encourage derby-behavior and lead to triggering of the AM.

#### *Post-Season AMs*

5. The same AMs that could be used in-season could be implemented in the subsequent year. Another possibility would be a change in the A/B DAS split. The PDT recommends using differential DAS as this provides more ability to target specific areas than is possible with an overall DAS reduction. This approach also provides a way to adjust measures should catches fall below ACLs. Should a similar adjustment be needed in all areas, a change to the Category A/Category B DAS split could be easier to implement.

6. The Committee should consider adopting both in-season and post-season AMs to work in concert with each other. Over time, the post-season AMs, if implemented correctly, might reduce the need for in-season adjustments.

**Assumed/estimated Discard Rates for Sectors**

7. The PDT reviewed the number of observed trips in recent years for sector members to determine if there was enough data to apply sector-specific discard rates. The review was inconclusive. For some stocks and sectors, there were clearly not enough observed trips, but for others the information was not definitive (in part because specific sector membership for NESC sectors is not yet known). The PDT will continue to investigate this issue.



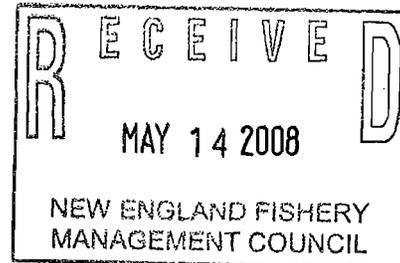


**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 Northeast Fisheries Science Center  
 166 Water Street  
 Woods Hole, MA 02543-1026

#5

May 12, 2008

Mr. Paul Howard, Executive Director  
 New England Fishery Management Council  
 50 Water Street, Mill 2  
 Newburyport, MA 01950  
 phoward@nefmc.org



Dear Paul:

The peer reviewed GARM-III Biological Reference Point (BRP) meeting was completed recently. As we agreed, the NEFSC is providing tables with current (Table 1) and provisional (Table 2) BRP estimates for each of the GARM stocks. The provisional values, based on the BRP meeting, are being provided to the NEFMC for planning purposes related to groundfish management. As we have said previously, the provisional BRP estimates (Table 2) are expected to change in August 2008 at the final GARM-III meeting, when the values are recomputed using additional data and refinements are made to some of the models.

Sincerely,

Nancy B. Thompson, Ph.D.  
 Science and Research Director

cc: P. Logan  
 F. Serchuk  
 J. Weinberg  
 P. Rago  
 T. Nies (NEFMC)  
 C. Kellogg (NEFMC)  
 P. Kurkul (NERO)



W: TN, UBR (5/19)

**Table 1.**

			<u>Current Values</u>			
Code	Species	Stock	Model	Bmsy proxy	Fthreshold Fmsy	MSY
A.	Cod	GB	VPA	216,800	0.18	35,200
F.		GOM	VPA	82,800	0.23	16,600
B.	Haddock	GB	VPA	250,300	0.26	52,900
R.		GOM	AIM	22.17 kg/tow	0.23c/i	5,100
C.	Yel	GB	VPA	58,800	0.25	12,900
D.		SNE/MAB	VPA	69,500	0.26	14,200
E.		CC/GOM	VPA	12,600	0.17	2,300
H.	Plaice		VPA	28,600	0.17	4,900
G.	Witch		VPA	25,240	0.23	4,375
K.	Winter Flounder	GB	ASPIC	9,400	0.32	3,000
I.		GOM	VPA	4,100	0.43	1,500
J.		SNE/MAB	VPA	30,100	0.32	10,600
N.	Redfish		RED	236,700	0.04	8,200
L.	White Hake		AIM	14,700	0.29	4,200
M.	Pollock		AIM	3 kg/tow	5.88 c/i	17,600
P.	Windowpane	GOM/GB	AIM	0.94 kg/tow	1.11 c/i	1,000
Q.		SNE/MAB	AIM	0.92 kg/tow	0.98 c/i	900
O.	Ocean Pout		AIM	4.9 kg/tow	0.31 c/i	1,500
S.	Halibut		None	5,400	0.06	300

		<u>Documentation for Current Values</u>				
Species	Stock	Model	Data used	S_R Model	Bmsy	Fmsy
Cod	GB	VPA	1978-2000	Parametric	BH SSBmsy	BH Fmsy
	GOM	VPA	1982-2000	Parametric	BH SSBmsy	BH Fmsy
Haddock	GB	VPA	1931-2000	Non-parametric	SSB/R (F40%r F 40% MSP	
	GOM	AIM	1963-2000	Equilibrium point	Fall RV msy (5 Rel F at Rep	
Yel	GB	VPA	1973-2000	Non-parametric	SSB/R (F40%r F 40% MSP	
	SNE/MAB	VPA	1973-2000	Non-parametric	SSB/R (F40%r F 40% MSP	
	CC/GOM	VPA	1985-2002	Non-parametric	SSB/R (F40%r F 40% MSP	
Plaice		VPA	1980-2000	Non-parametric	SSB/R (F40%r F 40% MSP	
Witch		VPA	1982-2002	Non-parametric	SSB/R (F40%r F 40% MSP	
Winter Flounder	GB	ASPIC	1963-2000	NA	SP Bmsy	SP Fmsy
	GOM	VPA	1982-2002	Parametric	BH SSBmsy	BH Fmsy
	SNE/MAB	VPA	1982-1998	Parametric	BH SSBmsy	BH Fmsy
Redfish		RED	1952-1999	Non-parametric	SSB/R (F40%r F 50% MSP	
White Hake		ASPIC & AIM	1964-2000	Equilibrium point	SP Bmsy	Rel F at Rep
Pollock		AIM	1963-2000	Equilibrium point	Fall RV	Rel F at Rep
Windowpane	GOM/GB	AIM	1963-2000	Equilibrium point	Fall RV	Rel F
	SNE/MAB	AIM	1963-2000	Equilibrium point	Fall RV	Rel F at Rep
Ocean Pout		AIM	1968-2000	Equilibrium point	Spring RV	Rel F at Rep
Halibut		None	1893-1997	NA	External: MSY/Proxy F 0.1 MSY (300t)	

Table 2.

## New "Provisional" Values from GARM-III BRP Meeting (May 12, 2008) (These Estimates are not final.)

Code	Species	Stock	Model	Bmsy proxy	Fthreshold Fmsy	MSY
A.	Cod	GB	VPA	143,343	0.25	30,220
F.		GOM	VPA	71,150	0.23	14,936
B.	Haddock	GB	VPA	164,300	0.34	35,000
R.		GOM	VPA	5,995	0.454	1,360
C.	Yel	GB	VPA	46,000	0.254	10,000
D.		SNE/MAB	VPA	27,600	0.264	6,300
E.		CC/GOM	VPA	8,310	0.238	1,820
H.	Plaice		VPA (2005)	18,988	0.204	4,497
G.	Witch		VPA	10,863	0.22	2,195
K.	Winter Flounder	GB	VPA	15,500	0.25	3,400
I.		GOM	VPA	3,557	0.27	854
J.		SNE/MAB	VPA	37,608	0.26	9,658
N.	Redfish		ASAP	239,309	0.0387	8,951
L.	White Hake		ASAP	56,500	0.205	7,000
M.	Pollock		AIM	2.00 kg/tow	5.758 c/i	11,516
P.	Windowpane	GOM/GB	AIM	1.14 kg/tow	0.62 c/i	700
Q.		SNE/MAB	AIM	0.33 kg/tow	1.53 c/i	500
O.	Ocean Pout		AIM (1998)	4.94 kg/tow	0.76 c/i	3,754
S.	Halibut		Surplus Production	70,000	0.04	2,800

Documentation for GARM-III Provisional Values (May 12, 2008)							
Species	Stock	Model	Data used	S_R Model	Bmsy	Fmsy	Notes
Cod	GB	VPA	1978-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSB >50kt
	GOM	VPA	1982-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from full TS
Haddock	GB	VPA	1931-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSB >75kt (excluding two large year-classes)
	GOM	VPA	1977-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSB >3kt, excl large 62 YC, inc hindcasts b/c
Yel	GB	VPA	1973-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSB > 5kt, inc hindcasts back to 63
	SNE/MAB	VPA	1973-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSB > 5kt, no hindcasts
	CC/GOM	VPA	1985-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from full TS and hindcast values
Plaice		VPA (2005)	1980-2004	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from full TS; only survey weight updated
Witch		VPA	1982-2002	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from full TS
Winter Flounder	GB	VPA	1982-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from full TS
	GOM	VPA	1982-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from full TS
	SNE/MAB	VPA	1982-2006	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSB > 6000t
Redfish		ASAP	1913-2006	Non-parametric	SSB/R (50%SPR)	F50% SPR	R from 1969-2006
White Hake		ASAP	1963-2005	Non-parametric	SSB/R (40%SPR)	F40% SPR	R from SSBs >=10kt over 1963-2005
Pollock		AIM	1963-2007	Visual interpretation	External	Rel F at replacement	
Windowpane	GOM/GB	AIM	1975-2007	Visual interpretation	External	Rel F at replacement	
	SNE/MAB	AIM	1975-2007	Visual interpretation	External	Rel F at replacement	
Ocean Pout		AIM (1998)	1963-2007	Visual interpretation	External	Rel F at replacement	Updated with discard information
Halibut		Surplus production	1800-2006	Parametric	Internal	F0.1	



**Eastern US/Canada Area  
2008 Weekly Haddock Catch**

Report run on:  
For data reported through:  
Quota Period:  
Quota Period Dates:

May 15, 2008  
May 14, 2008  
2008  
5/1/08 to 4/30/09

#6

Week End Date	Declared US/Canada Program (1)					Declared B DAS Program (2) (Includes flipped and unflipped trips)					Declared Eastern Area Haddock SAP (3)					
	Kept		Discard		Catch	Kept		Discard		Catch	Kept		Discard		Catch	
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)
5/1	1,800	100	0	1,900	1,800	0	0	0	0	0	0	0	0	0	0	0
5/8	9,300	435	0	9,735	9,300	0	0	0	0	0	0	0	0	0	0	0
5/15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	11,100	535	0	11,635	11,100	0	0	0	0	0	0	0	0	0	0	0

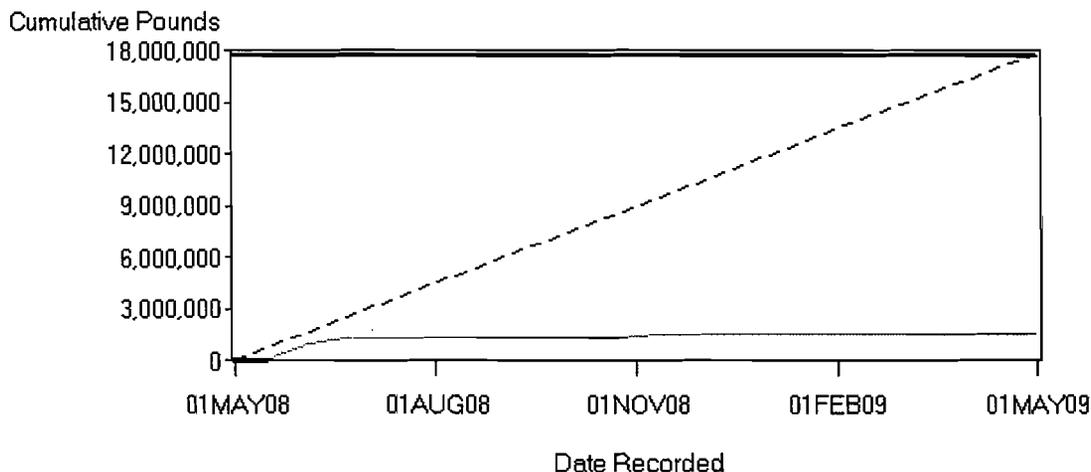
Week End Date	Declared US/Canada and Haddock SAP (4)					Total Eastern US/Canada Area (1) + (2) + (3) + (4)								
	Kept		Discard		Catch	Kept		Discard		Catch	Cumulative Catch		Cumulative Catch	
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	% of Quota
5/1	0	0	0	0	0	1,800	100	0	1,900	1,800	1,900	1,800	0.0	0
5/8	0	0	0	0	0	9,300	435	0	9,735	9,300	11,635	11,100	0.1	.1
5/15	0	0	0	0	0	0	0	0	0	0	11,635	11,100	0.1	.1
Total	0	0	0	0	0	11,100	535	0	11,635	11,100				

Estimated Landings Equivalent to Dealers' Reports	Total Eastern US/Canada Area							
	Cumulative Kept		Cumulative Discard		Cumulative Catch		Cumulative Catch	
	Reported	Estimated	Reported	Estimated	Reported	Estimated	Reported	Estimated
	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Percent of Quota (17,747,215 lbs.)	Percent of Quota (17,747,215 lbs.)
Live Weight = Hail Weight*1.23	13,653	658	0	14,311	13,653	0.1	.1	

Based on FY2006 data, the ratio of dealer reported haddock landings to Vessel Monitoring System (VMS) reported haddock kept equals 1.23.

## US/Canada Program

### Eastern Area Haddock Monitoring



- Estimated Catch (.077% (13,653 lbs.) of quota. dealer equivalent live weight = hail weight\*1.23)
- Haddock Quota (17,747,215 lbs.)
- Quota Rationing Trajectory is at 729,338 lbs., 4.11% of the quota this year to date.
- Prior Year's Estimated Catch was 140,440 lbs., 1.00% of prior year's quota at this time last year.

### Notice

The 2008 Quota Period began on May 1, 2008, therefore this report does not contain any landings reported prior to May 1, 2008.

Management actions for the U.S./Canada Management Area, under the authority of the Regional Administrator (such as closures and possession limits) are based upon Vessel Monitoring System (VMS) reports and other available information.



**National  
Oceanic and  
Atmospheric  
Administration**

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**Eastern US/Canada Area  
2008 Weekly Cod Catch**

Report run on:  
For data reported through:  
Quota Period:  
Quota Period Dates:

May 15, 2008  
May 14, 2008  
2008 Q1  
5/1/08 to 7/31/08

Week End Date	Declared US/Canada Program (1)					Declared B DAS Program (2) (Includes flipped and unflipped trips)					Declared Eastern Area Haddock SAP (3)					
	Kept		Discard		Catch	Kept		Discard		Catch	Kept		Discard		Catch	
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)
5/1	300	4	0	304	300	0	0	0	0	0	0	0	0	0	0	0
5/8	4,500	112	0	4,612	4,500	0	0	0	0	0	0	0	0	0	0	0
5/15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	4,800	116	0	4,916	4,800	0	0	0	0	0	0	0	0	0	0	0

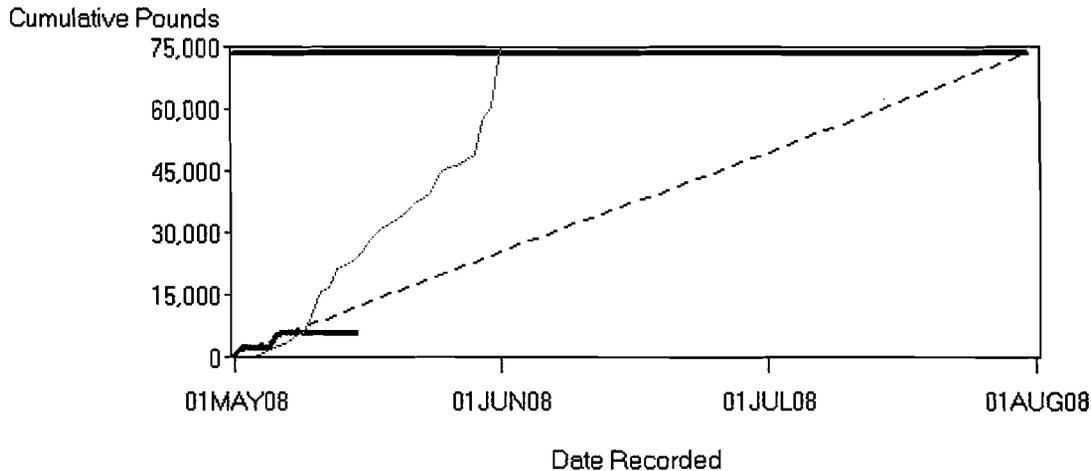
Week End Date	Declared US/Canada and Haddock SAP (4)					Total Eastern US/Canada Area (1) + (2) + (3) + (4)									
	Kept		Discard		Catch	Kept		Discard		Catch	Cumulative Catch		Cumulative Catch		
	Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	Rep.	Est.	Rep.	Est.		
	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	Lbs (Hail Wt.)	% of Quota	% of Quota
5/1	0	0	0	0	0	300	4	0	304	300	304	300	0.4	.4	
5/8	0	0	0	0	0	4,500	112	0	4,612	4,500	4,916	4,800	6.7	6.5	
5/15	0	0	0	0	0	0	0	0	0	0	4,916	4,800	6.7	6.5	
Total	0	0	0	0	0	4,800	116	0	4,916	4,800					

Estimated Landings Equivalent to Dealers' Reports	Total Eastern US/Canada Area							
	Cumulative Kept		Cumulative Discard		Cumulative Catch		Cumulative Catch	
	Reported	Estimated	Reported	Estimated	Reported	Estimated	Reported	Estimated
	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Lbs (Live Wt.)	Percent of Quota (73,634 lbs.)	Percent of Quota (73,634 lbs.)
Live Weight = Hail Weight*1.24	5,952	144	0	6,096	5,952	8.3	8.1	

Based on FY2006 data, the ratio of dealer reported cod landings to Vessel Monitoring System (VMS) reported cod kept equals 1.24.

## US/Canada Program

### Eastern Area Cod Monitoring



- Estimated Catch (8.08% (5,952 lbs.) of quota, dealer equivalent live weight = hail weight\*1.24)
- Cod Quota (73,634 lbs.)
- Quota Rationing Trajectory is at 12,006 lbs., 16.3% of the quota this year to date.
- Prior Year's Estimated Catch was 23,639 lbs., 2.20% of prior year's quota at this time last year.

### Notice

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**National  
Oceanic and  
Atmospheric  
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**US/Canada Management Area  
2008 Weekly Yellowtail Catch**

Report run on:  
For data reported through:  
Quota Period Dates:

May 15, 2008  
May 14, 2008  
5/1/08 to 4/30/09

Week End Date	Declared US/Canada Program Eastern Area (1)					Declared B DAS Program Eastern Area (2)*					Declared Eastern Area Haddock SAP (3)				
	Kept	Discard		Catch		Kept	Discard		Catch		Kept	Discard		Catch	
		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.
	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs
5/1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5/8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5/15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Week End Date	Declared US/Canada Program Western Area (4)					Declared B DAS Program Western Area (5)					Declared US/Canada and Haddock SAP (6)				
	Kept	Discard		Catch		Kept	Discard		Catch		Kept	Discard		Catch	
		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.
	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs
5/1	15,080	683	4,805	15,763	19,885	0	0	0	0	0	0	0	0	0	0
5/8	91,805	14,005	32,140	105,810	123,945	0	0	0	0	0	0	0	0	0	0
5/15	7,086	4,229	2,092	11,315	9,178	0	0	0	0	0	0	0	0	0	0
Total	113,971	18,917	39,037	132,888	153,008	0	0	0	0	0	0	0	0	0	0

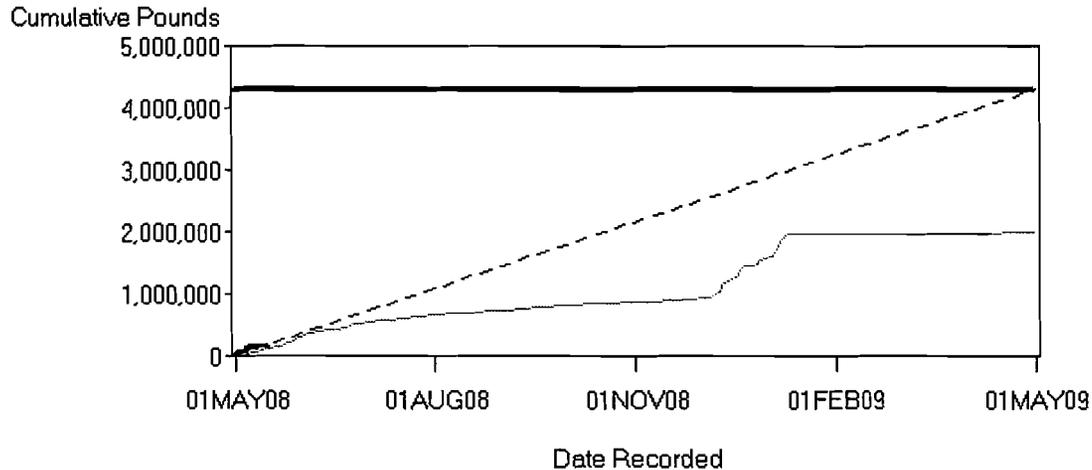
Week End Date	Declared Scallop Access Area (7)					Total US/Canada Area (1) + (2) + (3) + (4) + (5) + (6) + (7)									
	Kept	Discard		Catch		Kept	Discard		Catch		Cumulative Catch		Cumulative Catch		
		Rep.	Est.	Rep.	Est.		Rep.	Est.	Rep.	Est.	Rep.	Est.	Rep.	Est.	
	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	Lbs	% Quota	% Quota
5/1	0	0	0	0	0	15,080	683	4,805	15,763	19,885	15,763	19,885		.4	.5
5/8	0	0	0	0	0	91,805	14,005	32,140	105,810	123,945	121,573	143,830		2.8	3.3
5/15	0	0	0	0	0	7,086	4,229	2,092	11,315	9,178	132,888	153,008		3.1	3.6
Total	0	0	0	0	0	113,971	18,917	39,037	132,888	153,008					

Estimated Landings Equivalent to Dealers' Reports	Total US/Canada Area						
	Cumulative Kept	Cumulative Discard		Cumulative Catch		Cumulative Catch	
		Reported	Estimated	Reported	Estimated	Reported	Estimated
		Lbs (Dealer Wt.)	Lbs (Dealer Wt.)	Lbs (Dealer Wt.)	Lbs (Dealer Wt.)	% of Quota (4,299,015 lbs.)	% of Quota (4,299,015 lbs.)
Dealer Weight = VMS Hail Weight*D/V Ratio	121,949	20,241	41,770	142,190	163,719	3.3	3.8

D/V Ratio - estimated ratios of dealer weight to VMS-reported hail weight based on FY2006 data. Multispecies yellowtail - 1.07, limited access scallop - 1.01, general category scallop - 1.00

## US/Canada Program

### US/Canada Area Yellowtail Monitoring



- Estimated Catch (3.81% (163,719 lbs.) of quota, dealer equivalent weight=hail weight\*D/V Ratio)
- Yellowtail Quota (4,299,015 lbs.)
- Quota Rationing Trajectory is at 176,672 lbs., 4.11% of the quota this year to date.
- Prior Year's Estimated Catch was 119,550 lbs., 6.00% of prior year's quota at this time last year.

### Notice

The 2008 Quota Period began on May 1, 2008, therefore this report does not contain any landings reported prior to May 1, 2008.

Management actions for the U.S./Canada Management Area, under the authority of the Regional Administrator (such as closures and possession limits) are based upon Vessel Monitoring System (VMS) reports and other available information.



**National  
Oceanic and  
Atmospheric  
Administration**

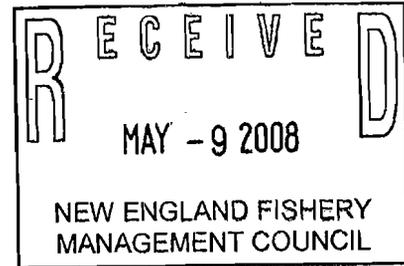
These data are the best available to NOAA's National Marine Fisheries Service (NMFS) when this report was compiled. Data for this report may be supplied to NOAA Fisheries Service (NMFS) from the following sources: (1) vessels via Vessel Monitoring System; (2) NOAA Fisheries Service Observer Program, through audited observer reports submitted by the Northeast Fisheries Science Center. Data in this report are for landings made through May 14, 2008 and may be preliminary. Differences with data from previous reports are due to corrections made to the database and updates to observer data.



**STATE OF MAINE**  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 State House Station  
Augusta, Maine 04333-0002

#7

*Millicent M. MacFarland*  
Clerk of the House



May 7, 2008

Executive Director Paul Howard  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Executive Director Howard:

I transmit herewith an original signed copy of H.P. 1688, JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2008 NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO CONSIDER ALTERNATIVE ACTIONS TO ENSURE A HEALTHY SUSTAINABLE GROUND FISHERY FOR NEW ENGLAND.

Sincerely,

A handwritten signature in cursive script that reads 'Millicent M. MacFarland'.

Millicent M. MacFarland  
Clerk of the House

Enclosure

MMM/arb



# State of Maine

In the Year of Our Lord Two Thousand and Eight

## JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2008 NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO CONSIDER ALTERNATIVE ACTIONS TO ENSURE A HEALTHY SUSTAINABLE GROUND FISHERY FOR NEW ENGLAND

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the delegates to the 2008 New England Fishery Management Council as follows:

WHEREAS, New England has the oldest and richest fishing heritage in the Nation, and it can be said that one of the reasons that New England and the United States itself were founded was the rich fishing grounds off our shores and their abundant populations of cod and other groundfish; and

WHEREAS, the historical abundance of cod in the Gulf of Maine is legendary and is a foundation of Maine's culture and communities; and

WHEREAS, in the last half century, the groundfish stock within the Gulf of Maine has suffered a sad depletion and has not rebounded as it has in other regions, which threatens the economy of Maine's historic fishing communities and inflicts economic hardship on Maine's remaining groundfishing families today; and

WHEREAS, as an indicator of this decline, in the 10 years from 1996 to 2006 the State's active federal fishery permits have declined from 165 to 91, a 45% decline; and

WHEREAS, except for a few businesses left in Portland and Port Clyde that are barely surviving, the State of Maine has lost the shoreside firms that support the groundfish, including ice suppliers, fish buyers and processors, fishing gear shops, bait suppliers, boat repair businesses and trucking firms, and the accompanying added value; and

WHEREAS, the loss of fish and the loss of fishing livelihoods and shoreside business have occurred under the current approach to management, which limits the days fishermen may go to sea, known as "Days at Sea"; and

WHEREAS, "Days at Sea" alone has not, in the judgment of your Memorialists, achieved the primary goal of fisheries management: to ensure the long-term regeneration of an abundance of groundfish in the Gulf of Maine and in the New England region and to thus rebuild the equitable redistribution of our fishery resource among fishing communities and economies; and

WHEREAS, the New England Fishery Management Council requested public proposals for alternative systems of management for the New England fishery to provide for a more sustainable, renewable and equitable distribution of our historic fishery resource; and

WHEREAS, we must take every action possible to bring back the abundance of groundfish to the whole Gulf of Maine, to contribute to the rebuilding of groundfish throughout the New England region and to benefit coastal communities; and

WHEREAS, the region's fishing grounds do possess the ability to recover to historic levels of productivity, and it is necessary to preserve Maine fishermen's opportunities to continue to fish when groundfish stocks are recovered; and

WHEREAS, many Maine communities have lost much of their access to the groundfish industry, and the ongoing erosion of federal groundfish permits and "Days at Sea" have severely restricted the ability of Maine permit holders to fish at all; so few days remaining, as a practical matter, rendering the permits useless and restricting the rights of Maine citizens to fish; and

WHEREAS, community-based initiatives including establishing sectors, permit banking and area management hold a great future hope for recovery of the resource, recognizing as they do the ecological differences between ocean regions and species and emphasizing alignment of economic, ecological and sustainable harvesting interests to ensure a long-term recovery of the fishing business in New England; and

WHEREAS, we cannot sit by and permit our heritage to be lost on our watch and our communities removed from their connection with the sea; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the New England Fishery Management Council commit to establishment of an equitable future distribution and allocation of permits to all qualified Maine fishermen when stocks rebound, to ensure that the benefit of rebuilt groundfish stocks accrued to all Maine fishermen; and be it further

~~RESOLVED~~: That We, your Memorialists, request that the allocation process support not only individual permitted fishermen, but also traditional fishing communities and nonprofit community efforts intended to sustain our fisheries and the fishing way of life; and be it further

~~RESOLVED~~: That We, your Memorialists, request that the delegates from the State of Maine to the 2008 New England Fisheries Management Council support and actively work for an equitable allocation of future permits to qualified Maine fishermen when stocks rebound, to share the benefit with all Maine fishermen; to ensure that the allocation process benefits both individuals and communities; and to advocate for effective groundfish management through community-based initiatives including establishing sectors, permit banking and area management to benefit all who in days to come shall "go down to the sea in ships, and do business upon the great waters"; and be it further

~~RESOLVED~~: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to John Pappalardo, Chairman of the New England Fishery Management Council, Rip Cunningham, Chairman of the Multispecies (Groundfish) Committee, Paul Howard, Executive Director of the New England Fishery Management Council, Pat Kurkul, Regional Director of the National Marine Fisheries Service and to each member of the New England Fishery Management Council and each Member of the Maine Congressional Delegation.

House of Representatives  
Read and Adopted  
April 18, 2008  
Sent up for Concurrence  
Ordered Sent Forthwith

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk of the House

In Senate Chamber  
Under Suspension of the Rules  
Read and Adopted  
April 18, 2008  
In Concurrence

*Joy J. O'Brien*  
JOY J. O'BRIEN  
Secretary of the Senate

H.P. 1688

ATTEST: *Glenn Cummings*  
GLENN CUMMINGS  
Speaker of the House of Representatives

ATTEST: *Beth Edmonds*  
BETH EDMONDS  
President of the Senate

Sponsored By:  
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Rep. Wesley E. Richardson of Warren  
Sen. Dana L. Dow of Lincoln  
Sen. Lois A. Snowe-Mello of Androscoggin



In Testimony whereof, I have caused the seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this twenty-fifth day of April, in the year two thousand and eight.

*Matthew Dunlap*  
MATTHEW DUNLAP  
Secretary of State

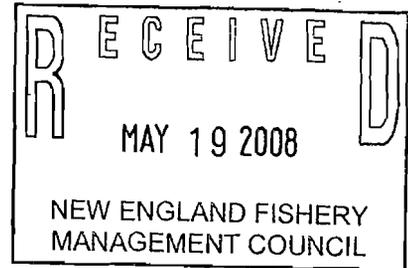
## Correspondence



# United States Senate

WASHINGTON, DC 20510

May 16, 2008



Dr. James Balsiger  
Acting Assistant Administrator for Fisheries  
NOAA National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Dr. Balsiger:

As you are aware, the New England Fishery Management Council (Council) is currently deliberating Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP), which would include framework adjustments for fishing year 2009. When NMFS approved Amendment 13 to the FMP in 2004, it established a process, described below, by which the 2009 adjustments would be based on the results of a peer-reviewed 2008 stock assessment. It has come to our attention, however, that NMFS will be unable to provide these accurate and up-to-date stock assessment data in time to craft appropriate adjustments for fishing year 2009. Considering that these rules will have significant impacts on fishing effort and revenue, NMFS is compelled to delay development of these rules until the 2008 benchmark assessment is completed and made available for consideration by the Council and the public. We urge NMFS to adjust the timeline for developing Amendment 16 to allow for appropriate review and consideration of the 2008 benchmark assessment.

In its Final Rule, published April 27, 2004 entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 13"<sup>1</sup>, NMFS requires a review of the fishery "for the purposes of determining the need for a framework action for the 2009 fishing year."<sup>2</sup> The rule goes on, in no uncertain terms, to specify that the key data to determine the need for such an adjustment is a new benchmark assessment:

For the 2008 review, a benchmark assessment, peer-reviewed by independent scientists, will be completed for each of the regulated multispecies stocks.... The interim biomass targets specified in Amendment 13 will be examined during this assessment to evaluate the efficacy of the rebuilding program. *Based on findings from the benchmark assessment*, a determination will be made as to whether the Amendment 13 biomass targets are still considered valid, given the response of the

<sup>1</sup> "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 13," Federal Register, Vol. 69, No. 81 (April 27, 2004), pp. 22906-22988.

<sup>2</sup> *Ibid.*, p. 22986.

cc: fn - 5/19/08

stocks to the management measures in Amendment 13 that were expected to result in certain stock levels by 2008.<sup>3</sup>

This assessment is currently under review by the Northeast Regional Stock Assessment Workshop (SAW), but it will not be completed until August 2008. Meanwhile, the current schedule for development of Amendment 16 to the FMP—which would include any framework adjustment for fishing year 2009—requires drafting an environmental impact statement for public review by June 2008, at least two months *before* the benchmark assessment is available. On May 12, 2008, NMFS received a provisional set of Biological Reference Points developed by the SAW, but these data are only estimates, and are expected to change prior to issuance of the final 2008 benchmark assessment. As such, they provide insufficient bases for any management decisions.

Clearly the schedule for development of Amendment 16 violates the terms of Amendment 13 by failing to base any adjustment on the findings of a 2008 peer-reviewed benchmark assessment. The Council relied on the results of the 2005 assessment to make adjustments to the FMP in the form of Framework 42, which brought about sharp cuts to fishermen's DAS and other effort reductions. Additional DAS cuts of 18% are already mandated by Amendment 13 to go into effect on May 1, 2009. If the Council continues with its expressed intent to make adjustments for fishing year 2009 using the same data that has resulted in this series of cuts, it will effectively place the industry in a state of double jeopardy, imposing effort reductions twice based on the same data without providing any credit to the industry for benefits that may have accrued under the previous adjustment. The fishermen must not be forced to bear the cost of the agency's inability to complete a timely benchmark assessment as required by its own rules.

In its deliberations on Amendment 16, the Council is making critical decisions about the future of the FMP, and thus the future of the groundfish industry in New England—a fishery that has already been decimated by reductions in DAS. Regulatory mandates have reduced Maine's groundfish fleet to less than half the number of vessels that were fishing in 1994, and shoreside jobs in fish processing and wholesaling have declined by over forty percent in that same time period. Between 2000 and 2005, the number of active limited access vessels in Massachusetts with groundfish income fell by 30 percent, and the enactment of Framework 42 in 2006 led to an 18 percent revenue loss for Massachusetts groundfish vessels. The Council is now considering slashing fishermen's DAS by as much as an additional *seventy percent*, based insufficient, outdated data. Such action would run counter not only to National Standards One and Eight of the Magnuson Stevens Fishery Conservation and Management Act (MSA)<sup>4</sup>, but also to the letter and spirit of Amendment 13.

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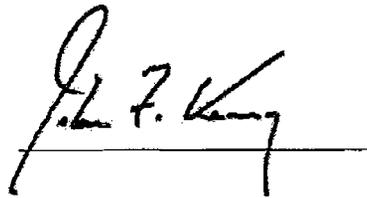
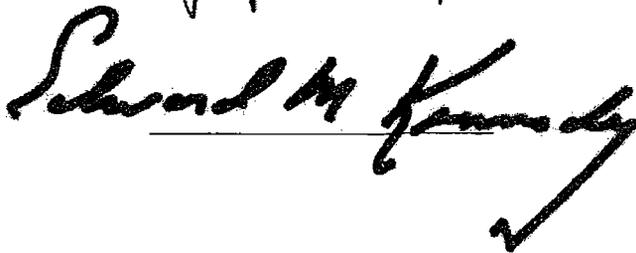
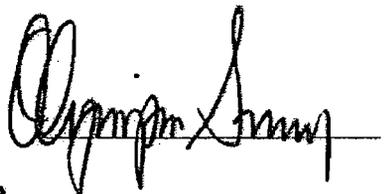
<sup>3</sup> *Ibid.*, p. 22986. (Emphasis added.)

<sup>4</sup> 16 U.S.C. 1851 § 301(a)(1) and (8).

Furthermore, section 302(i)(6) of the MSA requires that the Council considers new information, "interested parties shall have a reasonable opportunity to respond... before the Council takes final action on conservation and management measures."<sup>5</sup> Under the Council's current schedule, a final decision on Amendment 16 will be made at a meeting the first week of October. This same meeting will be the first opportunity the public will have to be formally briefed on the contents of the 2008 benchmark assessment and will come only a matter of weeks after the assessment's release. We fail to see how NMFS can consider this a "reasonable opportunity" for public response.

As such, we urge you to develop a revised implementation schedule for Amendment 16 and any subsequent framework adjustments to the FMP that would allow the information contained in the 2008 benchmark assessment to be published and made available for adequate public consideration and participation. The MSA requires NMFS to maintain a delicate balance between protecting our fish stocks and sustaining our fishing communities—a balance that cannot be achieved by basing further regulations on out-dated stock assessments. To practice sound management, NMFS must value scientific data over adherence to an arbitrary timeline. Delaying action on Amendment 16 until public response to the benchmark assessment can be incorporated into the Council's decision is not only required under the law, it is the only sensible way to ensure that NMFS can meet the MSA's joint mandates for sustaining fish stocks and fishing communities.

Sincerely,



cc: John Pappalardo, Chair, New England Fishery Management Council

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<sup>5</sup> 16 U.S.C. 1851 § 302(i)(6).

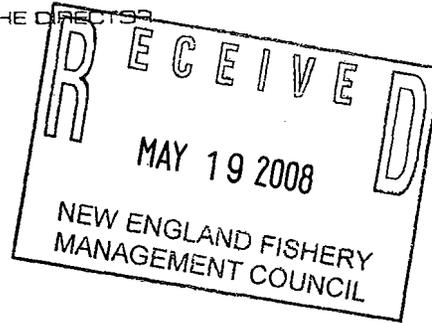




UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 1315 East-West Highway  
 Silver Spring, Maryland 20910

THE DIRECTOR

MAY 16 2008



Ms. Maggie Raymond  
 Associated Fisheries of Maine  
 P.O. Box 287  
 South Berwick, Maine 03908

Dear Ms. Raymond:

Thank you for your letter regarding the timeline for development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP).

As you know, the timeline for the development and implementation of Amendment 16 is based on several factors, including current regulations that require benchmark stock assessments in 2008 and the implementation of any measures necessary to maintain the rebuilding programs by the start of the 2009 fishing year on May 1, 2009. With the support of the New England Fishery Management Council, the benchmark assessments were scheduled for August 2008 to allow for the inclusion of catch data from the 2007 fishing year (which ended on April 30, 2008). In addition, an environmental impact statement (EIS) is being developed for this action—a time-consuming process that can take up to a year. Therefore, in order to meet the regulatory deadline to implement Amendment 16 by May 1, 2009, the draft EIS must be developed and public hearings scheduled before the August 2008 benchmark assessments.

Among your main concerns are that (1) the Council must have sufficient time to incorporate the results of the benchmark assessments into Amendment 16 and (2) the public must have sufficient opportunity to effectively comment on the results of the benchmark assessments and measures being considered under Amendment 16. The Council and the public are aware of the scale of anticipated mortality reductions resulting from the phased rebuilding programs adopted for some stocks under Amendment 13 in 2004. In addition, NOAA's National Marine Fisheries Service (NMFS) has repeatedly advised the Council to develop draft measures that anticipate the range of potential results from the benchmark assessments so that such measures could be quickly modified once the results of the benchmark assessments are known. Although the adoption of the Amendment 16 draft EIS and the associated public hearings will occur before the benchmark assessments are completed, there is still opportunity for the public to comment on the EIS, the Amendment 16 measures, and assessment results at the September and October 2008 Council meetings, as well as during the public comment period for the amendment and the proposed rule. Further, although the draft EIS only broadly reflects the measures ultimately to be adopted by the Council, the document will provide the public with an updated assessment of the status of the fishery, measures being considered under Amendment 16, and the impacts of the proposed measures based on the best information available.

The final EIS will include the results of the benchmark assessments and will revise draft measures to ensure that Amendment 16 meets the biological and social objectives of the FMP, consistent with

THE ASSISTANT ADMINISTRATOR  
 FOR FISHERIES

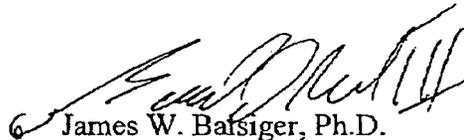


applicable law. Moreover, the public will have an opportunity to comment on the final EIS once the document is adopted by the Council.

The fishery has not fully harvested many of the target total allowable catch amounts in recent years. Due to the nature of the groundfish fishery and the need to reduce fishing mortality on some but not all groundfish stocks, recent Council actions have acknowledged that yield for some stocks may be sacrificed to prevent overfishing and rebuild overfished stocks. As with recent actions, Amendment 16 includes additional mitigation measures to help address this concern, such as new and revised sectors that would enable participating vessels to more efficiently harvest target species, and an expansion of the existing Closed Area I Hook Gear Haddock Special Access Program.

I appreciate your continued interest in the management of the groundfish fishery. NMFS will continue to work with the Council to ensure that the public is provided sufficient opportunity to comment on the Amendment 16 EIS and proposed measures, and that the action is developed in a timely manner.

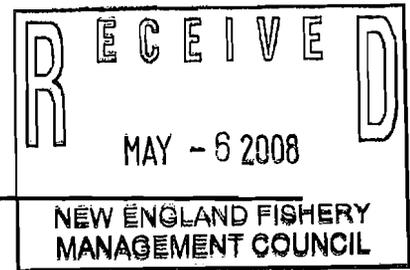
Sincerely,



James W. Balsiger, Ph.D.

Acting Assistant Administrator  
for Fisheries

*Sustainable Harvest Sector*  
C/o Terry Alexander, President  
67 Grover Lane  
Harpswell, ME 04079



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### Summary

A group of New England multispecies permit holders requests that the New England Fishery Management Council implement under the regulations establish in Amendment 16 the *Sustainable Harvest Sector* (herein referred to as the *Sector*). The proposed *Sector* will achieve the following objectives with a sector approach to fisheries management:

1. Contribute to ending overfishing and rebuilding New England groundfish resources.
2. Increase potential to realize optimum yield of groundfish resource.
3. Reduce regulatory discard of catch that can exceed trip limits.
4. Promote safer fishing practices.
5. Generate economic stability for fishing vessels and fishing communities.
6. Implement Stakeholder co-management in New England that can tailor management to local needs and strengthen stewardship.
7. Meet, for this group of permit holders, the requirements of the 2007 Magnuson-Stevens Act reauthorization calling for "accountability measures"

### Need

The New England groundfish fishery is managed by through a complex system of regulations that include limitations on the number of days fished (days-at-sea; DAS), differential DAS counting areas, year-round and seasonal area closures, trip limits, minimum fish sizes, and gear restrictions.

Many regulations, while intended to focus on specific species are "broad brush" in implementation. For example, reduced DAS allocations and closure of vast productive fishing areas to in order to reduce fishing mortality on one or two species has resulted in a sacrifice of yield of species that do not require reductions in fishing mortality. Trip limits have corrupted the original intent of the DAS system and can result in unintended waste. Near shore closures and differential DAS areas are unnecessarily large in size, and pose safety risks for fishermen who travel beyond their vessel capacity to avoid these areas.

Experienced and capable fishermen are challenged by the complexity of existing groundfish regulations, and their commitment to compliance raises anxiety about unintentional and costly errors. In addition, there is a limit to just how adept responsible fishermen can be at avoiding high concentrations of fish and avoiding discard of catch that exceeds trip limits. Reductions in fishing opportunities (DAS) are driving the economics of fishing operations and income/debt structure of all vessel sizes below the break-even point. Fishing by nature is a dangerous profession, but NE groundfish families and communities are today experiencing unprecedented levels of apprehension induced by certain fishing restrictions.

## **The Solution: Sustainable Harvest Sector Management**

Fishermen may be able to reduce complexity, discards, and safety risks by forming a self-management group, or sector, and agreeing to live within specific catch levels.

A group of fishing vessel owners from ports in Gloucester, Boston, and New Bedford Massachusetts as well as Kittery, Portland and Cundy's Harbor, Maine, Newport, Rhode Island and Portsmouth, NH have agreed to join together, to be known as the *Sustainable Harvest Sector*, to pool catch histories, and to self-manage so as to achieve specific conservation and economic objectives

- 1) Contribute to ending overfishing and rebuilding NE groundfish resources
- 2) Increase potential to realize optimum yield of groundfish resource
- 3) Reduce regulatory discard of catch that can exceed trip limits.
- 4) Promote safer fishing practices.
- 5) Generate economic stability for fishing vessels and fishing communities.
- 6) Implement Stakeholder co-management in New England that can tailor management to local needs and strengthen stewardship

### ***Ending overfishing and rebuilding the NE groundfish resources***

The *Sector* will contribute to ending overfishing and rebuilding NE groundfish by establishing hard total allowable catch limits (TACs) on 15 groundfish stocks: Gulf of Maine cod, Georges Bank cod, Gulf of Maine winter flounder, Georges Bank winter flounder, Southern New England/Mid Atlantic Winter Flounder, Cape Cod/Gulf of Maine yellowtail, Georges Bank yellowtail, Southern New England yellowtail, Gulf of Maine haddock, Georges Bank haddock, witch flounder, American plaice, Pollock, Redfish and white hake.

Hard TAC management has had a history of abject failure in the New England groundfish fishery, principally because of wasteful discards stimulated by derby style openings/closings of the fishery and trip limits, and because of significant monitoring and enforcement difficulties. These hazards to the health of the groundfish resource, while always inherent with hard TAC systems, may be minimized by restricting membership of the sector to individuals committed to sustainable fishing practices, and by allowing the sharing of allocations between sector members.

### ***Increase potential to realize optimum yield of groundfish resource***

Existing regulations, and in particular trip limits, seasonal and rolling closures, and differential DAS areas, designed to focus on fishing mortality reductions for specific species, have the unintended consequence of reducing the fleet's ability to achieve optimum yield on species where reductions in fishing mortality are not necessary. In the past four fishing years, landings have lagged significantly behind TACs for a number of species. Sector management will allow members of the *Sector* to manage the hard TACs in a manner that increases the opportunity to achieve optimum yield on species where fishing mortality does not need to be reduced.

### ***Reduce regulatory discard of catch that can exceed trip limits***

The *Sector* will reduce discards in two ways: by eliminating trip limits and by sharing allocations between members. The possession limits (daily and trip) that are designed to protect certain species can result in regulatory discards when individual vessels exceed the catch limits. The

*Sector* will allow members to retain 100% of legal sized catch of species that would otherwise be subject to discard when a trip limit is exceeded, and then provide opportunities for members to share allocations.

***Promote safer fishing practices***

Daily possession limits of certain species have been imposed on the fishery as a way to balance the trip limit allocations between vessels that make single day trips and those that make multi day trips. To facilitate enforcement, mandatory offloading provisions have also been imposed for species with daily trip limits.

Often, a vessel operator needs to come into port to avoid bad weather, and some ports do not have offloading facilities. In those cases, the vessel operator must balance the safety risk with the trip limit compliance need. Exemption from trip limit restrictions will eliminate the need to make such decisions.

Many vessel operators are currently traveling beyond the Gulf of Maine rolling closures and differential DAS areas to avoid these restrictions. For some, the distance may be beyond the capacity of the vessel, especially in times of bad weather. Elimination of these restrictions will allow vessels to operate in a safer manner. The *Sector* vessels will be restricted to a hard TAC for the species that trip limits, rolling closures, and differential DAS are otherwise designed to protect, and can, therefore, still achieve the conservation objectives of those measures.

***Generate economic stability for fishing vessels and fishing communities***

The *Sector* will generate economic stability and increased efficiency for individuals and for fishing communities. *Sector* members will be able to fish at times and in places that are most appropriate to the vessel capacity, and will be able to manage the hard TACs in a way that avoids waste of the resource. The *Sector* will continue to maintain local ties to their fishing communities and generate economic activity in the ports they now support (principally New Bedford, Boston, Gloucester, Portland, Newport and Portsmouth), while using a common entity to tally and report landings.

***Summary of operations plan for 2009-2010 fishing year***

The *Sector* requests an allocation for 15 groundfish stocks for which the members qualify under Amendment 13 rules Gulf of Maine cod, Georges Bank cod, Gulf of Maine winter flounder, Georges Bank winter flounder, Southern New England/Mid Atlantic winter flounder, Cape Cod/Gulf of Maine yellowtail, Georges Bank yellowtail, Southern New England/Mid Atlantic yellowtail, Gulf of Maine haddock, Georges Bank haddock, witch flounder, American plaice, Pollock, redfish and white hake. While agreeing to live within the constraints of the hard TAC for the above species, the *Sector* will seek exemption from:

- DAS
- Differential DAS
- Any new or expanded differential DAS areas imposed by Amendment 16
- Rolling closures

*Sustainable Harvest Sector*  
C/o Terry Alexander, President  
67 Grover Lane  
Harpwell, ME 04079

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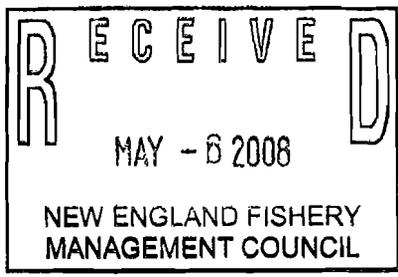
- 20-day spawning block requirement
- gillnet block requirements
- seasonal closure (May) on Georges Bank
- any new seasonal or year-round closures imposed by Amendment 16
- 12" roller gear area
- gillnet net limitations
- hook gear limitations
- 20% cap on sector shares

Additionally, the *Sector* will request ability to:

- use 6" codends in separator trawls
- seasonal and limited use of 6" gillnets to target haddock
- fish in eastern US/CA area year-round, provided *Sector* has appropriate available ACE

The *Sector* will land, and tally against the hard TAC allocation all legal sized fish. The *Sector* will continue to operate under the regulations imposed by the monkfish, skate and dogfish fishery management plans.

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



May 1, 2008

Dear Captain Howard:

This is the **Port Clyde Community Groundfish Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector operations have not yet been finalized. Therefore, the Sector reserves its right to modify its structure and operations to address any future changes resulting from the Amendment 16 (Am. 16) deliberations.

The Sector will submit a comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

**Summary**

The Port Clyde Community Groundfish Sector (PC Sector) has submitted a proposal and a roster for implementation in 2009. While they would prefer to begin operations in 2009, they recognize the associated difficulties and respect the Council's recent vote to delay implementation until May 2010. The Port Clyde Sector currently consists of 32 limited access multispecies permit holders all of whom fish in the Gulf of Maine. The actual number of members and their primary fishing area may change by the final deadline for withdrawal and depending on whether additional members are allowed to join the Port Clyde Sector.

**Administration**

At present, Cindy Smith at the Gulf of Maine Research Institute (GMRI) is providing technical assistance to the Port Clyde Sector and is the contact that NMFS is using for catch history purposes and as sector policies are developed. She is not the Sector Manager. The sector will be administered by a Board of Directors, whose direction will be guided by the votes of its membership. The Board of Directors will develop the job description and hire a Sector Manager before the Sector begins operations.

*cc: Council, TN (5/1)*

### **Allocation Among Members**

Sector members will be allocated a portion of the Total Allowable Catch (TAC) for each stock allocated to the Sector as a whole. A small percentage of the sector's allocation for each stock will be set aside as a "reserve". It will require a positive vote of a *supermajority* of the membership to release that reserve. As of May 1, 2008 members of the Port Clyde sector are intending to allocate to each permit a percentage of the sector's total allocation based on the portion they contributed to the sector. This may change at a later date, depending on final policies as determined in Amendment 16. the allocation of ACE among sector members will be fully explained in the final Operations Agreement.

### **Sector Manager**

The Sector Manager, once hired, will be the primary point of contact between the Agency and the sector. At a minimum, the sector manager will monitor each permit's catch relative to its allocation. The sector manager will report regularly, (at whatever interval is required by regulation, and possibly more frequently) on the sector's catch relative to its allocation. The sector manager will use all data sources available, possibly including but not limited to observer data, dealer data, Vessel Trip Report (VTR) data, Vessel Monitoring System (VMS) data, and the data from a third party monitoring company or service that will be developed, according to NMFS guidelines.

The Sector Manager will submit for review, and edit as required, the critical sector documents as required in Amendment 16, potentially including the Operations Agreement and Environmental Assessment on an annual basis.

### **Description of Vessels and Gear in the Port Clyde Sector**

Of the 32 permits who signed into the Port Clyde Sector by March 1, 2008, six are on skiffs and 26 are on active vessels. Roughly half of the active vessels are draggers and half are gillnetters. All the vessels are less than 51 feet in length, and have less than 600 horsepower. If additional members are allowed to join the PC sector, they may have different vessel characteristics and gear. The PC sector is not limited to vessels under 55 feet and members are allowed to use any gear that complies with federal regulations. Some of the draggers in the Port Clyde sector are experimenting with lighter gear as a means to reduce bycatch, discards and decrease their impact on the ocean bottom.

### **Participation in Other Fisheries**

Most of the members of the PC sector participate in various (ME) state water fisheries including but not limited to shrimp, lobster and scallop. They currently are not active in other federal fisheries, although as mentioned below monkfish is an important source of revenues.

### **Ports**

Fourteen of the vessels in the PC Sector fish from Port Clyde, seven fish from the Cape Porpoise / Saco area, and seven fish from Cundy's Harbor (Harpwell) or Portland and one each from Monhegan, Boothbay Harbor and Phippsburg. They all sell their groundfish through the Portland Fish Exchange in Portland Maine, though it may travel there in the fish hold of the vessel that caught it or via truck. Sector members are not limited to only selling their fish at the

Portland auction. If additional people are allowed to join the sector then they may have members landing and/or selling their fish in other ports.

### **Primary Fishing Area**

The primary fishing area for the PC Sector is the Gulf of Maine.

### **Secondary Fishing Area**

The PC sector reserves the right to fish in any portion of Georges Bank or Southern New England, depending on sector member preference and new management information.

### **Sector Quota Share for Each Allocated Stock**

The anticipated quota share of each stock allocated to the PC sector cannot be estimated at this time due to lack of information from the Agency. However, with the current membership, one could guess that this group of small-vessel, nearshore fishermen will have catch history that is significantly less than 20% of the any particular multispecies stock. However, it is conceivable that if new members join the PC sector this guess may be inaccurate.

### **Sector Requests**

The Port Clyde Sector requests an allocation of the regulated groundfish species as determined by the final allocation alternative that is described in Amendment 16. They acknowledge that certain multispecies species will not be allocated to their sector and they understand that will likely be constrained by existing regulations for Atlantic halibut, windowpane flounder and ocean pout.

### **Monkfish**

*Recognizing that monkfish are not regulated under the multispecies plan, this paragraph is included as a reminder of the overall concern:* Sector members are very concerned, that they cannot get an allocation of monkfish. Monkfish is a critical revenue producer for many multispecies vessels, and the fishermen of the Port Clyde sector hope 1) that the TTACs for monkfish will be increased based on the findings that they are no longer overfished, and 2) that whomever is in the sector with the appropriate monkfish permit category will be allocated multispecies DAS *solely* for the purpose of satisfying monkfish plan requirements and that they be allowed to continue to harvest monkfish according to the current monkfish plan.

### **Universal Exemptions**

The Port Clyde sector requests that they be exempted from the multispecies regulations that are designated as universal exemptions in Am 16, including but not limited to

1. DAS
2. Current differential DAS counting areas
3. Any new or expanded differential DAS counting areas
4. Trip and on-board possession limits
5. The seasonal closure on GB (May), and
6. The limit on the 20% cap on sector shares

### **Additional Exemptions**

In addition, the PC sector may request exemption from the following multispecies regulations

1. Rolling closures
2. The 20 day spawning block requirement
3. Gillnet block requirements
4. Any new seasonal closures
5. Limit on number of gillnets

### **Transfer of Annual Catch Entitlement (ACE)**

The Port Clyde sector requests that PC sector members be allowed to transfer ACE among themselves according to the terms of their final Operations Plan and that intra-sector transfers do not require notification of NMFS. Furthermore, the PC sector requests that they, as a sector, be allowed to buy, sell or trade ACE from other sectors in exchange for keeping NMFS fully informed of such actions.

### **Allocation of Stocks to Sectors**

The PC sector would prefer if allocation to sectors be conducted in the most fair and equitable manner possible. They believe that the allocation of ACE to sectors should be based on **catch history from 1996 – 2006**, once any necessary appeals have been addressed.

### **Sector Operations**

The PC sector will operate under a Hard TAC for all species for which they receive an allocation. If the allocation for any stock is achieved then all sector members will cease fishing in that stock area for the remainder of the fishing year, unless or until the sector acquires additional ACE of that stock from another sector.

If a qualified permit holder joins the sector he is committing to fishing under the terms of the PC sector for the entire fishing year. As a sector member he shall have a responsibility to participate in sector decision-making and to abide by all sector and federal fishing rules.

The Sector's Final Operating Plan will be developed in detail by the membership, and will be submitted to the Agency for review, approval and rulemaking.

### **Monitoring and Retention**

The PC sector will comply with all monitoring and retention requirements as determined by Am. 16, and is expected to communicate with their sector manager on a daily basis when they are fishing. The Sector Manager will track the catch, discards and landings for every sector trip relative to the sector's allocation and will report to NMFS as required.

*The following is a process that is currently under consideration by the sector members but they reserve the right to develop an alternative approach which will be described in detail in their final Operations Plan.* As a means to prevent exceeding their sector's allocation, the PC sector anticipates setting aside a percentage of the sector's allocation of each stock as a reserve, creating an artificially low TAC. As the total sector catch approaches the lower TAC, the sector membership will be required to vote on whether to continue to fish on the remaining reserve and/or direct the sector manager to acquire additional ACE.

Regardless of the lower TAC and the percentage set aside as a reserve, the Sector Manager will notify NMFS and increase the reporting frequency when the sector has caught 90% of their allocation of any stock.

### **Infractions and Joint and Several Liabilities**

The sector membership will develop a detailed infractions investigation process and penalty schedule that will be described in their final Operations Plan.

Sector members are very concerned with the existing requirement for joint and several liabilities as required in section 648.87( ). They strongly urge the Council and the Service to allow sectors to develop and describe their enforcement measures with appropriate guidance from the Council's Enforcement Committee as an alternative to the existing clause.

### **Sector Benefits**

#### **End Overfishing**

Implementation of a PC Sector will contribute to ending overfishing of multispecies stocks in Gulf of Maine by allocating pounds of each stock and implementing a Hard TAC backstop. Members will be required to stop fishing in the stock area of any species for which the allocation has been met until the sector acquires additional quota. This could easily mean that the entire Gulf of Maine area could be closed to sector vessels, depending on which species has lowest allocation to the sector.

Reauthorization of the Magnuson Stevens Act (MSA) requires catches of all federally managed species to be constrained to below Annual Catch Limits (ACLs) starting in 2010. It is expected that whatever management regime NMFS implements under this reauthorization will steer all Federal fishery management plans to incorporate TAC management in some form. The Sector's voluntary acceptance of Hard TACs is consistent with this future direction of fishery management and should assist fishery managers in moving toward the goal of constraining catches to ACLs.

#### **Minimize Bycatch**

The PC Sector will reduce bycatch by allocating fish to the sector for the year for which they will develop their own fishing plan (pending NMFS approval). Allocation of fish with a Hard TAC as a backstop will allow sector members more time to fish because they will not be subject to DAS and trip limits, so they can fish more selectively. Additionally, sector management because it is a Hard TAC system requires the development a more real time monitoring system to track catch, so the sector will know right away if they need to stay away from a particular species.

Under DAS the fleet is forced to fish on whatever stocks they find in the shortest time possible, be it high or low quality, due to time constraints under the DAS clock. Freedom from DAS will result in fishermen being able to fish again, allowing more selective fishing practices that will have a positive impact on the resource.

The daily trip limits that are designed to protect certain species in the Gulf of Maine often result in regulatory discards (bycatch) of some species, when individual vessels exceed the daily catch

limit. Sector vessels will be able to retain 100% of their catch of legal-sized regulated multispecies thereby dramatically decreasing the volume of discards.

The increased monitoring and reporting, coupled with an allocation that will not be impacted by those outside the sector, and their accountability to their fellow members will promote stewardship and force fishermen to fish in a very responsible and conservation minded way.

Currently, members of the Port Clyde Sector do most of their fishing from April until November when the weather allows for safe fishing practices. With the new Sector in place, it is expected that the fishermen from this area may choose a certain time to target each species based on their professional knowledge of seasonal abundance that will maximize their businesses' profitability.

### **Maximize Economic Benefit**

The PC Sector will generate economic stability and increased efficiency. Currently, PC sector members predominantly fish from April to November. During this long season, there are typically peak periods during which catch rates exceed the daily limits. Under the current management plan (last revised by framework 42), the excess fish is discarded. Under the proposed Sector, each boat will know how much fish they can land in a year. Each fisherman can make his own decisions about how to catch that amount of fish. It is expected that many PC Sector members will opt to target fish during short discreet seasons when catch per unit effort is maximized. Some vessel owners may opt to harvest cooperatively with other vessels in order to further minimize overhead. In short, the PC Sector will facilitate an efficient harvest of the resource that will maximize profitability and minimize collateral environmental impacts.

### **Tailor Regulations to Local Social Needs**

The PC Sector will tailor their Operations Plan to meet their local needs. Local fishermen are most knowledgeable about how to work together and develop a Final Operations Plan that will meet their goals and objectives. Around the world, there is an increasing amount of attention being placed on the merits of community-based fisheries management due to the social, economic and environmental benefits that are being generated.

The PC Sector is a group of fishermen that have worked together on the water for years, and they share a common vision for the future of their fleet. By securing a Sector allocation (quota) from NMFS, the PC Sector expects to create a more local management authority with the right to deliberate and implement local fishery management plans. Community based fisheries management is a long-term investment in building a connection between our ocean resources and the local individuals that harvest them. If that connection is carefully crafted, it will generate tangible local social, economic and environmental benefits.

### **Conserve Fish Stocks**

For the fishery as a whole, sectors are expected to conserve stocks because it is expected that they will require a Hard TAC backstop. The critical component of this accountability measure will be the new real-time monitoring system that sector vessels will use, thus enabling better data for stock assessments and a quick correction if the objectives of the rebuilding plan are not being met.

Sectors members, because they will have an allocation of fish, will have a direct stake in and control over the conservation of the resource. Furthermore if sectors are allowed to carry some portion of their allocation into the next fishing year, members will have a much greater opportunity and incentive to be better stewards of the resource.

### **Conserve Habitat**

Implementation of the PC Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and will be able to be more selective and efficient in where, when, how and how much they fish, they expect to increase their catch rates (Catch per unit effort or CPUE). Increased CPUE, combined with a hard TAC backstop could result in less overall fishing time, and therefore less impact on habitat. As mentioned above, members of the PC sector are already testing lighter gear on several draggers and are already working on improving fish habitat

### **Decrease Interactions on Protected Species**

The PC sector may have less impact on marine mammals, sea turtles and other protected species because sector members will be operating more efficiently. It is expected that fishing as part of a sector will lead to reduced interactions with protected species and achieve a higher level of protected species conservation than the current management system. For example, by being able to fish more efficiently (but not constrained by DAS), gillnet vessels may have less gear in the water, or it may be in the water for a shorter period of time.

### **Amendment versus Operations Plan**

It is expected that Amendment 16 will describe the policies (regulations) to be followed by all multispecies sectors, including such requirements as accepting a Hard TAC on almost all groundfish species, and not exceeding their allocation without substantial penalty. However, sector management has significant benefits if the sectors can have the flexibility to develop their detailed plans for themselves, with appropriate oversight from the Agency and as provided by the federal rule making process. With that in mind, the members of the PC sector urge the Council to carefully consider the overarching sector policies while including the necessary flexibility.

### **Proposed to be described in Amendment 16 as rules for all multispecies sectors**

- The allocation formula for allocating pounds of each regulated multispecies stock to sectors (but specifically not for halibut, windowpane flounder and ocean pout)
- A Hard TAC backstop on all regulated multispecies stocks allocated to sectors
- The requirement to have a Sector Manager
- A sector may be allocated more than 20% of the total allocation of any stock
- Any portion of the ACE of any stock shall be transferable between sectors
- Exemptions from specific multispecies regulations applicable to all sectors (universal)
- Specific multispecies regulations for which exemptions MAY be considered and granted
- Guidelines for sector documents that will be required annually
- Requirement for monitoring and reporting beyond what has been done before Am 16
- Requirement for description of compliance (infractions and enforcement) procedures
- Sectors may carry forward a portion of their allocation to the next fishing year

- Sectors will have up to 45 days after the end of a fishing year to balance their catch with their allocation

**To be described in the Final Operations Plan**

- How the ACE allocated to the sector will be allocated to the individual sector members
- A complete description of the sector by number, size and gear of member vessels
- A complete description of the sector's monitoring and reporting plan
- A complete description of the sector's process to ensure compliance including penalty schedule
- Specific multispecies regulations for which the sector requests exemption

If you have any questions or concerns about the contents of this letter, please feel free to contact me.

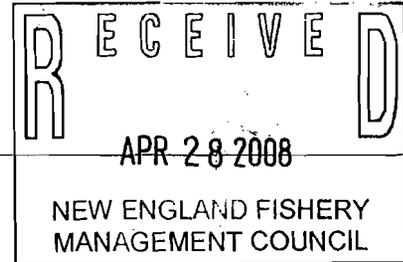
Sincerely,

Cindy Smith  
Northern Sector Coordinator  
Gulf of Maine Research Institute

3

Joan O'Leary

**From:** Paul Howard  
**Sent:** Monday, April 28, 2008 8:52 AM  
**To:** Tom Nies; Joan O'Leary  
**Cc:** Karen Roy; Pat Fiorelli  
**Subject:** FW: Point Judith Sectors



**From:** pckutah7@aol.com [mailto:pckutah7@aol.com]  
**Sent:** Monday, April 14, 2008 5:11 PM  
**To:** Paul Howard  
**Subject:** Point Judith Sectors

Dear Council:

I am writing to you today to respectfully ask the council to take a few of our concerns in Pt. Judith into consideration as we move towards amendment 16 and sectors. It has become increasingly apparent that only a few vessels will benefit from the formation of sectors here, at the expense of the many.

While I fully realize the daunting task the council has in front of them, and the fine work they have done in the past, the implementation of sectors here would be devastating. I have yet to meet more than the original few advocates in our port who believe sectors are the long term solution to what lies ahead. There are several vessels here that were purchased in the last several years, including mine, that still carry the large mortgages that already render the operation marginal. These vessels were for sale because they were not profitable operations for their previous owners, and as a result have missing, incorrect, or nonexistent catch histories. Yet we all paid the full market value for the aging hulls and fleet DAS. To have a history based allocation here would be grossly unfair and immediately put several of us out of business, There are several vessels here in this position.

The sector program in Pt. Judith would benefit only a select few: The small vessels that need very little fish to survive, and history-rich older vessels that are, frankly, looking for a way out anyway. That history will skyrocket in value as it is sold off, maintaining and/or renewing pressure on the resource as well. A graceful exit from the fishing industry should not destroy the remaining participants. I submit this is exactly what a history-driven allocation process would do.

Being in a sector without any history will be no different than being in a general pool without any TAC. After spending a career building catch histories for other companies, I don't see how penalizing us for starting our own businesses can be remotely considered fair. An allocation process must be made fair and equitable for all participants at the outset.

Thank you the Council's concern on this matter.

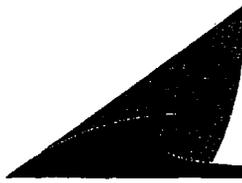
Patrick C Knapp  
F/V conor and Michael  
(401-569-4828)

Get the [MapQuest Toolbar](#), Maps, Traffic, Directions & More!

4/28/2008 cc: fu, etc. - 4/28/08, Council

3



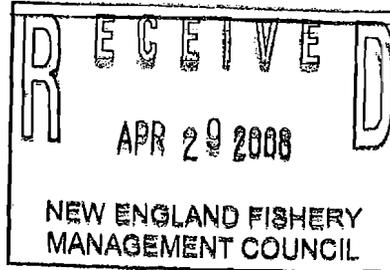


# RHODE ISLAND

MARINE TRADES ASSOCIATION

April 27, 2008

New England Fishery Management Council  
50 Water Street  
Newburyport, MA 01950



Groundfish Oversight Committee:

The development of Amendment 16, particularly the determination of permitted vessels' allocations of quota is based primarily on historical landings; this obviously is favoring the largest vessels and placing hardships on smaller vessels with low landing and/or C DAS.

These smaller vessels who for the past several years have fished on other species, maintained their vessels, and submitted landings reports, may now become the most viable harvesters of the groundfish resource. With the high cost of fuel and apparent continued limited TACs of most groundfish species, these smaller vessels may be the only economically sound method to harvest groundfish.

Efforts to eliminate these vessels with no or limited allocated quotas would result in a collapse of not only these vessels, but the markets for these fish and the dealers who maintain the distribution and availability of these species. Larger vessels, requiring large amounts of fuel and insufficient quotas to support their investments, will be forced out of the fishery leaving the smaller vessels the only economically viable harvesters.

I strongly urge the Oversight Committee to consider adopting measures that will allow equitable quotas which will insure a fleet of permitted vessels that will make economic sense and allow the harvest of groundfish in a prudent manner; a diverse fleet in terms of size, gear types and geographic areas will go a long way in achieving a sustainable fishery.

Sincerely,

Al Conti

Fisheries Chairman  
RI Marine Trades Association

410 Gooseberry Rd Wakefield, RI 02879

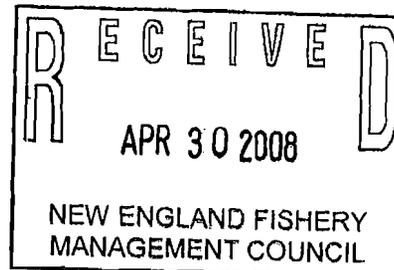
W:TN (4/30)



# Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### **c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

## 2) Description of Sector:

a) **The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)**

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 55' – 95'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) **The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)**

1) **Anticipated primary hailing port(s):** Gloucester, MA; Boston, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Gloucester, MA; Boston, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Gulf of Maine, Georges Bank

# Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:**  
Southern New England

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

## **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

## **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

## **c) Compliance with Sector Allocation:**

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## **d) Infractions:**

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## **5) Sector Benefits:**

### **a) Community:**

The port of Gloucester is our nation's oldest and longest operating commercial fishing port and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The port of Boston shares a similar history and community. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within the

## Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

Gloucester and Boston fishing communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## Gloucester / Boston Trawl Gulf of Maine and Georges Bank Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

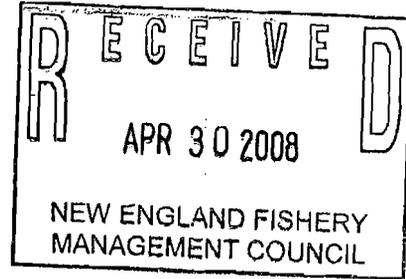
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# Gloucester Fixed Gear Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **Gloucester Fixed Gear Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** Gloucester Fixed Gear Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### **c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# Gloucester Fixed Gear Sector

## 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 30 - 55'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Gloucester, MA

(note: Additional ports may be added in the operations plan based on final Sector roster.)

2) **Anticipated primary unloading port(s):** Gloucester, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** gillnet, bottom longline

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** otter trawl

5) **Anticipated primary fishing area(s):** Gulf of Maine

## Gloucester Fixed Gear Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster: Georges Bank, Southern New England**

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# Gloucester Fixed Gear Sector

## **c) Compliance with Sector Allocation:**

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## **d) Infractions:**

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## **5) Sector Benefits:**

### **a) Community:**

The port of Gloucester is our nation's oldest and longest operating commercial fishing port and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of this community. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small

## Gloucester Fixed Gear Sector

businesses within the Gloucester fishing community, and will substantially enhance the long term sustainability of this fishing community.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# Gloucester Fixed Gear Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## Gloucester Fixed Gear Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

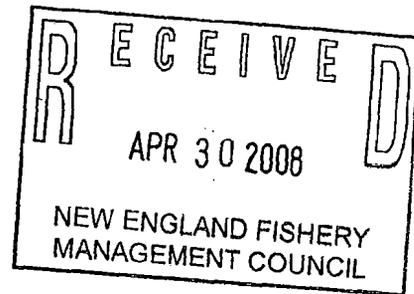
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# Gloucester Trawl Western Gulf of Maine Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **Gloucester Trawl Western Gulf of Maine Sector's** application for authorization under Amendment 16 to operate in fishing year 2010

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** Gloucester Trawl Western Gulf of Maine Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

**c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# Gloucester Trawl Western Gulf of Maine Sector

## 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 36'-79'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Gloucester, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Gloucester, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Gulf of Maine

# Gloucester Trawl Western Gulf of Maine Sector

6) **Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:** Georges Bank; Southern New England

7) **Estimated Sector quota share for each allocated Multispecies stock:** 0 - 20%

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

## 3) Sector Requests:

a) **Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

b) **All universal exemptions set forth in A16.**

c) **Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

d) **Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

## 4) Sector Operations (to be set forth in the Operations Plan):

a) **Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

b) **Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# Gloucester Trawl Western Gulf of Maine Sector

## c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The port of Gloucester is our nation's oldest and longest operating commercial fishing port and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of this community. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small

## Gloucester Trawl Western Gulf of Maine Sector

businesses within the Gloucester fishing community, and will substantially enhance the long term sustainability of this fishing community.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# Gloucester Trawl Western Gulf of Maine Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## Gloucester Trawl Western Gulf of Maine Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

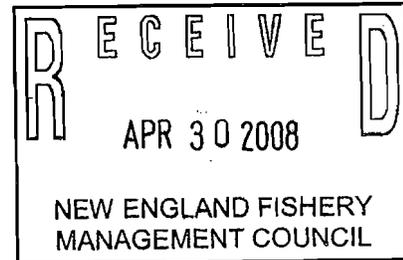
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# New Bedford and Southern New England Fixed Gear Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **New Bedford and Southern New England Fixed Gear Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** New Bedford and Southern New England Fixed Gear Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

**c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# New Bedford and Southern New England Fixed Gear Sector

## 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 36' – 79'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** gillnet, bottom longline

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** otter trawl

5) **Anticipated primary fishing area(s):** Georges Bank, Southern New England

## New Bedford and Southern New England Fixed Gear Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster: Gulf of Maine**

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# New Bedford and Southern New England Fixed Gear Sector

## **c) Compliance with Sector Allocation:**

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
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- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## **d) Infractions:**

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## **5) Sector Benefits:**

### **a) Community:**

The port of New Bedford is one of our nation's oldest and longest operating commercial fishing ports and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of this community. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small

## New Bedford and Southern New England Fixed Gear Sector

businesses within the New Bedford fishing community, and will substantially enhance the long term sustainability of this fishing community.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

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# New Bedford and Southern New England Fixed Gear Sector

## **c) Stock Conservation:**

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Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

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In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

# New Bedford and Southern New England Fixed Gear Sector

## e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

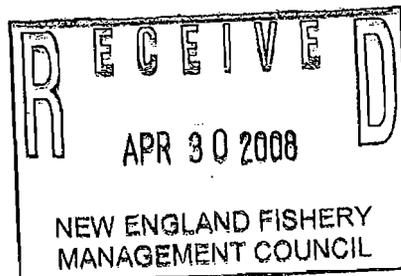
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# New Bedford Channel Trawl Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **New Bedford Channel Trawl Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** New Bedford Channel Trawl Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### **c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# New Bedford Channel Trawl Sector

## 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 55' – 95'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Georges Bank, Southern New England

## New Bedford Channel Trawl Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster: Gulf of Maine**

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# New Bedford Channel Trawl Sector

## **c) Compliance with Sector Allocation:**

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## **d) Infractions:**

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## **5) Sector Benefits:**

### **a) Community:**

The port of New Bedford is one of our nation's oldest and longest operating commercial fishing ports and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of this community. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small

## New Bedford Channel Trawl Sector

businesses within the New Bedford fishing community, and will substantially enhance the long term sustainability of this fishing community.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

## New Bedford Channel Trawl Sector

### **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

### **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## New Bedford Channel Trawl Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

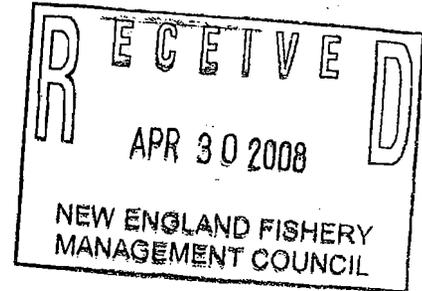
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# New Bedford Deep Water Trawl Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **New Bedford Deep Water Trawl Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

a) **Name:** New Bedford Deep Water Trawl Sector

b) **Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### c) **Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# New Bedford Deep Water Trawl Sector

## 2) Description of Sector:

a) **The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)**

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 55' – 95'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) **The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)**

1) **Anticipated primary hailing port(s):** New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Georges Bank, Southern New England

## New Bedford Deep Water Trawl Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster: Gulf of Maine**

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# New Bedford Deep Water Trawl Sector

## c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The port of New Bedford is one of our nation's oldest and longest operating commercial fishing ports and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of this community. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small

# New Bedford Deep Water Trawl Sector

businesses within the New Bedford fishing community, and will substantially enhance the long term sustainability of this fishing community.

## **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# New Bedford Deep Water Trawl Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## New Bedford Deep Water Trawl Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

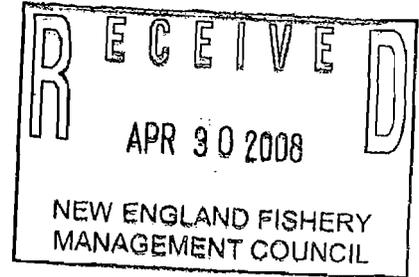
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# New Hampshire and Southern Maine Fixed Gear Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **New Hampshire and Southern Maine Fixed Gear Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## **1) Sector Identity: (to be set forth in A16)**

**a) Name:** New Hampshire and Southern Maine Fixed Gear Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

**c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# New Hampshire and Southern Maine Fixed Gear Sector

## 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 30' - 55'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Portsmouth, NH; Seabrook, NH; Portland, ME

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Portsmouth, NH; Seabrook, NH; Portland, ME

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** gillnet, bottom longline

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** otter trawl

5) **Anticipated primary fishing area(s):** Gulf of Maine

## New Hampshire and Southern Maine Fixed Gear Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:** Georges Bank, Southern New England

**7) Estimated Sector quota share for each allocated Multispecies stock:** 0 - 20%

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### 3) Sector Requests:

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### 4) Sector Operations (to be set forth in the Operations Plan):

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# New Hampshire and Southern Maine Fixed Gear Sector

## c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
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- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The ports of Portsmouth, NH, Seabrook, NH and Portland, ME are among our nation's oldest and longest operating commercial fishing ports and sustain diverse but well defined communities of families and small fishing and shoreside support businesses that are both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within these fishing

## New Hampshire and Southern Maine Fixed Gear Sector

communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

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Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# New Hampshire and Southern Maine Fixed Gear Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

# New Hampshire and Southern Maine Fixed Gear Sector

## e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

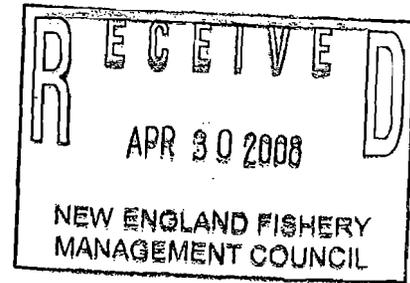
*Jackie Odell*

Jackie Odell,  
Executive Director  
Northeast Seafood Coalition

# Pier 6 Initiative

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the Pier 6 Initiative application for authorization under Amendment 16 to operate as a sector in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

- a) Name:** Pier 6 Initiative
- b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992
- c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

## Pier 6 Initiative

### 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 55' – 95'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Boston, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Boston, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Gulf of Maine, Georges Bank

## Pier 6 Initiative

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:**  
Southern New England

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### 3) Sector Requests:

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### 4) Sector Operations (to be set forth in the Operations Plan):

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

## Pier 6 Initiative

### c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

### d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The port of Boston is one of our nation's oldest and longest operating commercial fishing ports and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of this community. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small

## Pier 6 Initiative

businesses within the Boston fishing community, and will substantially enhance the long term sustainability of this fishing community.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

## Pier 6 Initiative

### **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

### **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## Pier 6 Initiative

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

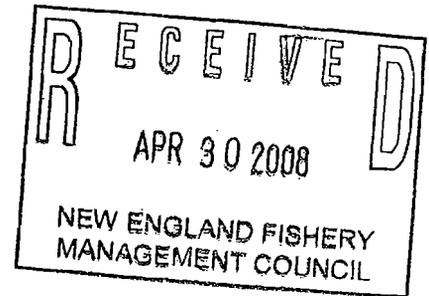
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



# New Hampshire and Southern Maine Trawl Gulf of Maine Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **New Hampshire and Southern Maine Trawl Gulf of Maine Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## **1) Sector Identity: (to be set forth in A16)**

**a) Name:** New Hampshire and Southern Maine Trawl Gulf of Maine Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### **c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# New Hampshire and Southern Maine Trawl Gulf of Maine Sector

## 2) Description of Sector:

a) **The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)**

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 36' - 55'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) **The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)**

1) **Anticipated primary hailing port(s):** Portsmouth, NH; Seabrook, NH; Portland, ME

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Portsmouth, NH; Seabrook, NH; Portland, ME

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Gulf of Maine

## New Hampshire and Southern Maine Trawl Gulf of Maine Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:** Georges Bank, Southern New England

**7) Estimated Sector quota share for each allocated Multispecies stock:** 0 - 20%

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### 3) Sector Requests:

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### 4) Sector Operations (to be set forth in the Operations Plan):

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# New Hampshire and Southern Maine Trawl Gulf of Maine Sector

## c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The ports of Portsmouth, NH, Seabrook, NH and Portland, ME are among our nation's oldest and longest operating commercial fishing ports and sustain diverse but well defined communities of families and small fishing and shoreside support businesses that are both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within these fishing

## New Hampshire and Southern Maine Trawl Gulf of Maine Sector

communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# New Hampshire and Southern Maine Trawl Gulf of Maine Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## New Hampshire and Southern Maine Trawl Gulf of Maine Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

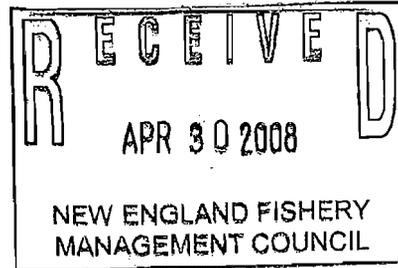
*Jackie Odell*

Jackie Odell,  
Executive Director  
Northeast Seafood Coalition

# Point Judith and Southern New England Offshore Trawl Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **Point Judith and Southern New England Offshore Trawl Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** Point Judith and Southern New England Offshore Trawl Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### **c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# Point Judith and Southern New England Offshore Trawl Sector

## 2) Description of Sector:

**a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)**

**1) Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

**2) Anticipated size range of vessels actively fishing in the Sector:** 55' – 95'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

**3) Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

**b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)**

**1) Anticipated primary hailing port(s):** Point Judith, RI, Stonington, CT, New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

**2) Anticipated primary unloading port(s):** Point Judith, RI, Stonington, CT, New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

**3) Primary Fishing gear:** otter trawl

**4) Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

**5) Anticipated primary fishing area(s):** Georges Bank, Southern New England

# Point Judith and Southern New England Offshore Trawl Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster: Gulf of Maine**

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# Point Judith and Southern New England Offshore Trawl Sector

## c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The port of Point Judith is one of our nation's oldest and longest operating commercial fishing ports and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The ports of Stonington and New Bedford share a similar history and community. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within the Point Judith, Stonington and New Bedford fishing

## Point Judith and Southern New England Offshore Trawl Sector

communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

# Point Judith and Southern New England Offshore Trawl Sector

## **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

## **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## Point Judith and Southern New England Offshore Trawl Sector

### **e) Protected Species Conservation:**

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

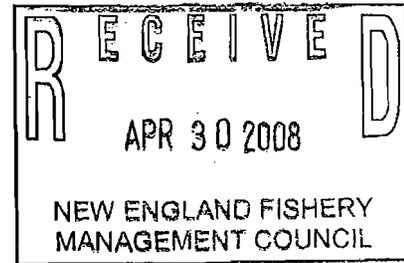
*Jackie Odell*

Jackie Odell,  
Executive Director  
Northeast Seafood Coalition

# Point Judith and Southern New England Trawl Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **Point Judith and Southern New England Trawl Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

**a) Name:** Point Judith and Southern New England Trawl Sector

**b) Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### **c) Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

# Point Judith and Southern New England Trawl Sector

## 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 36' – 79'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Point Judith, RI; Stonington, CT; New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Point Judith, RI; Stonington, CT; New Bedford, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Southern New England, Georges Bank

## Point Judith and Southern New England Trawl Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:** Gulf of Maine

**7) Estimated Sector quota share for each allocated Multispecies stock:** 0 - 20%

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### 3) Sector Requests:

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### 4) Sector Operations (to be set forth in the Operations Plan):

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

# Point Judith and Southern New England Trawl Sector

## c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

## d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The port of Point Judith is one of our nation's oldest and longest operating commercial fishing ports and sustains a diverse but well defined community of families and small fishing and shoreside support businesses that is both heavily dependent on and defined by the groundfish fishery. The ports of Stonington and New Bedford share a similar history and community. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within the Point Judith, Stonington and New Bedford fishing

## Point Judith and Southern New England Trawl Sector

communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

## Point Judith and Southern New England Trawl Sector

### **c) Stock Conservation:**

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

### **d) Habitat Conservation:**

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## Point Judith and Southern New England Trawl Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

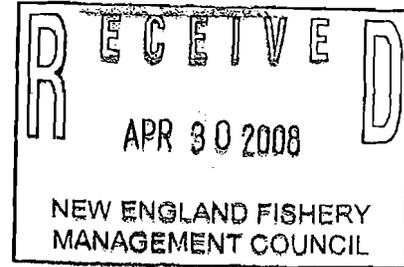
*Jackie Odell*

Jackie Odell,  
Executive Director  
Northeast Seafood Coalition

# South Shore Fixed Gear Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

This shall serve as the **South Shore Fixed Gear Sector's** application for authorization under Amendment 16 to operate in fishing year 2010.

The intent of this proposal is to reflect the most recent sector policy modifications being considered by the Council. However, many Amendment 16 policy decisions essential to sector development and operations have not yet been finalized. Therefore, this Sector must reserve its right to modify its structure and operations to capture any or all future changes resulting from the Amendment 16 deliberations. The Sector intends to submit a more comprehensive and detailed Operations Plan to the Council and NMFS once Amendment 16 has been finalized.

Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

a) **Name:** South Shore Fixed Gear Sector

b) **Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

c) **Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

## South Shore Fixed Gear Sector

### 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 30' - 55'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Green Harbor, MA; Scituate, MA; Plymouth, MA; Sandwich, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Green Harbor, MA; Scituate, MA; Plymouth, MA; Sandwich, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** gillnet, bottom longline

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** otter trawl

5) **Anticipated primary fishing area(s):** Gulf of Maine, Georges Bank

## South Shore Fixed Gear Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:**  
Southern New England

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

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# South Shore Fixed Gear Sector

## c) Compliance with Sector Allocation:

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## 5) Sector Benefits:

### a) Community:

The ports of Green Harbor, Scituate, Plymouth and Sandwich MA are among our nation's oldest and longest operating commercial fishing ports and sustain diverse but well defined communities of families and small fishing and shoreside support businesses that are both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within these fishing

## South Shore Fixed Gear Sector

communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

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## South Shore Fixed Gear Sector

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In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## South Shore Fixed Gear Sector

### e) Protected Species Conservation:

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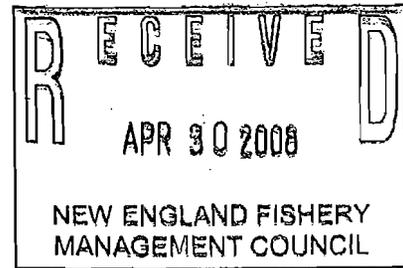
*Jackie Odell*

Jackie Odell,  
Executive Director  
Northeast Seafood Coalition

# South Shore Trawl Sector

April 30, 2008

Paul Howard  
Executive Director  
New England Fisheries Management Council  
50 Water St., Mill #2  
Newburyport, MA 01950



Dear Captain Howard:

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Please note that sections marked "to be set forth in A16" are intended to be intrinsic to the Sector and that sections marked "to be set forth in the Operations Plan" are elements that may be changed through modifications to the Operations Plan.

## 1) Sector Identity: (to be set forth in A16)

- a) **Name:** South Shore Trawl Sector
- b) **Representative:** Jackie Odell  
Northeast Seafood Coalition  
4 Parker St.  
Gloucester, MA 01930  
978-283-9992

### c) **Administration:**

This Sector is established and will be operated in collaboration with the Northeast Seafood Coalition which will provide operational and administrative services and support to this and other sectors in order to achieve a high level of efficiency and effectiveness through economies of scale and inter-sector organization.

## South Shore Trawl Sector

### 2) Description of Sector:

a) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in the Operations Plan)

1) **Estimated number of vessels actively fishing in the Sector:** up to approximately 60 vessels

(Note: The minimum number will be consistent with policy set forth in A16. The total number of permits enrolled in the Sector will be greater than the number of vessels actively fishing in the Sector.)

2) **Anticipated size range of vessels actively fishing in the Sector:** 36'-60'

(Note: The size range of vessels whose permits are enrolled in the Sector may be smaller or larger than the size range of the vessels actively fishing in the Sector.)

3) **Other potential non-multispecies stock interactions currently subject to DAS management:** monkfish, skates, dogfish

b) The following characteristics of this Sector are estimated and/or anticipated for operations in fishing year 2010. (to be set forth in A16)

1) **Anticipated primary hailing port(s):** Green Harbor, MA; Scituate, MA; Plymouth, MA; Sandwich, MA

(note: Additional ports may be added in the operations plan based on final Sector roster)

2) **Anticipated primary unloading port(s):** Green Harbor, MA; Scituate, MA; Plymouth, MA; Sandwich, MA

(note: Additional ports may be added in the operations plan based on final Sector roster. In the course of any fishing year, additional unloading ports may be used infrequently as a result of emergencies, weather and other unforeseen circumstances.)

3) **Primary Fishing gear:** otter trawl

4) **Potential secondary fishing gear as needed based on any future management changes and SAPs, and based on the final Sector roster:** gillnet, bottom longline

5) **Anticipated primary fishing area(s):** Gulf of Maine, Georges Bank

## South Shore Trawl Sector

**6) Potential secondary fishing areas as needed based on any future management changes and SAPs, and based on the final Sector roster:**  
Southern New England

**7) Estimated Sector quota share for each allocated Multispecies stock: 0 - 20%**

(Note: the maximum quota share may exceed 20% subject to final approval of Amendment 16 policy to eliminate the 20% cap in Amendment 13.)

### **3) Sector Requests:**

**a) Stock Allocations (to be set forth in A16):**

- All regulated groundfish stocks (except Atlantic halibut, ocean pout, northern windowpane flounder, southern windowpane flounder). To be allocated according to the allocation formula set forth in A16.

**b) All universal exemptions set forth in A16.**

**c) Additional exemptions include but are not limited to (to be set forth in the Operations Plan):**

- Rolling Closures
- 120 day block-out for gillnet fishery
- 20 day spawning block

**d) Annual Catch Entitlement (ACE) Trading:**

- **Between Sectors:** Yes (as set forth in A16)
- **Within Sectors:** Yes (details to be set forth in the Operations Plan)

### **4) Sector Operations (to be set forth in the Operations Plan):**

**a) Monitoring:** At a minimum, the Sector will apply a monitoring system to be set forth in its operations plan that is consistent with and satisfies the requirements for all sectors set forth in section 3.1.10 of Amendment 16. The goal is to achieve a comprehensive catch data collection and reporting system that is highly effective in supporting a sector/output control management system and associated scientific stock assessments.

**b) Retention:** The Sector will retain all legal-sized fish from stocks managed by the NE Multispecies FMP that are specifically allocated to the Sector.

## South Shore Trawl Sector

### c) Compliance with Sector Allocation:

- When the ACE of any stock held by the Sector is fully utilized, all members of the Sector will cease fishing in the applicable stock areas. Members of the Sector may resume fishing if and when additional ACE for such stock is obtained by the Sector consistent with A16.
- The Sector will enforce allocations based on its internal monitoring and control system that will be reconciled with third-party monitoring entity information to ensure that the Sector ACE will not be exceeded for any stock.
- The Sector Manager will ensure that the Sector will comply with all A16 monitoring and reporting requirements including frequent reporting to NMFS.
- The Sector will enhance and increase the frequency of monitoring and reporting to NMFS as the ACE for each stock is approached in order to prevent overages. At a minimum, the Sector will report to NMFS whenever the Sector has utilized 80% of the ACE of any stock, when the Sector has utilized 90% of the ACE of any stock, and when the Sector has fully utilized the ACE of any stock.
- As a further measure to ensure that overages do not occur, the Sector intends to employ an internal mechanism to withhold a percentage of the ACE of each stock at the beginning of each fishing year which can be released to Sector members as the Sector's ACE is reached.
- The Sector will have authority to impose penalties on Sector members for non-compliance as defined by the Sector's operations plan and agreements.

### d) Infractions:

- The Sector will establish and operate an internal infractions system including a specific penalty schedule to ensure compliance with this Sector's and Amendment 16 requirements, the details of which will be fully described in the Operations Plan.

## 5) Sector Benefits:

### a) Community:

The ports of Green Harbor, Scituate, Plymouth and Sandwich MA are among our nation's oldest and longest operating commercial fishing ports and sustain diverse but well defined communities of families and small fishing and shoreside support businesses that are both heavily dependent on and defined by the groundfish fishery. The current regulatory and economic environment severely threatens the sustainability of these communities. The implementation and operation of this Sector will substantially improve the regulatory and economic environment for Sector participants and many other small businesses within these fishing

## South Shore Trawl Sector

communities, and will substantially enhance the long term sustainability of these fishing communities.

### **b) Efficiency:**

The current input-control management system for groundfish utilizes units of effort to predict catch. The diversity and spatial and temporal dynamics of the Gulf of Maine, Georges Bank and Southern New England fish stocks and ecosystems, as well as the diversity of fishing operations throughout the region, have made it exceedingly difficult to predict with sufficient precision the catch of each of the 19 regulated groundfish stocks. Other input controls, such as trip limits, inherently impose inefficiencies on stock utilization.

Perhaps the most pronounced consequence is that the annual harvest of the fishery as a whole consistently falls far below the Optimum Yield (OY). A very large portion of the potential benefits to the nation, the region, fishing communities and individual fishermen are lost due to the inefficiency of this system in achieving OY for this fishery. The social and economic structure of fishing communities cannot be sustained under this system.

The operation of this Sector as part of a catch-based (output-control) management system will enable Sector participants to substantially improve the efficiency in achieving Optimum Yield for each stock. In particular, the ability to trade Annual Catch Entitlements (ACE) between Sectors and between individual Sector members will redistribute access to the resource to where it is needed resulting in much greater utilization of the Optimum Yield.

Sector operations also provide the opportunity for Sector members to collectively optimize the efficient and safe utilization of Sector allocations by managing which Sector members operate where, when and how (ie. more selective fishing). Further, the requested exemptions from stock-specific trip limits will substantially reduce wasteful discards (bycatch) and vastly improve the efficiency in the utilization of those stocks.

In the face of rapidly escalating fuel prices that cannot be offset by ex-vessel fish prices, the efficiencies gained through the operation of this Sector will be essential for the Sector participants and their fishing communities to survive.

Finally, an additional consequence of the inability of the current system to predict catch with sufficient precision is that the Total Allowable Catch (TAC) for some stocks has been exceeded in some years. Unfortunately, this result is not usually known until well after the fishing year has ended. This is highly inefficient from a resource management perspective. The Sector's comprehensive monitoring and operations plans will improve the efficiency of fishery management by enabling Sector managers to prevent ACE allocations from being exceeded during the fishing year.

## South Shore Trawl Sector

### c) Stock Conservation:

The conservation of NE multispecies stocks will be substantially improved by the implementation and operation of this Sector. A comprehensive at-sea and dockside catch monitoring program, in concert with the internal monitoring and enforcement elements of the Sector operations plan outlined above, will achieve the new level of accountability needed to ensure that the Sector's ACE is not exceeded.

Improved at-sea monitoring and the elimination of wasteful trip limits will substantially reduce and better account for bycatch (discards) which will, in turn, prevent overfishing, support rebuilding, and improve the accuracy of stock assessments.

For the fishery as a whole, the operation of this Sector as part of a catch-based management system will provide for the effective use of hard TACs as an effective Accountability Measure to ensure that Annual Catch Limits are not exceeded, overfishing is prevented, and the objectives of each stock rebuilding plan are achieved. Further, fishery scientists and managers will be provided with more real-time, in-season catch data that will substantially improve stock assessments and in-season management responses.

Finally, Sectors provide its members, both individually and collectively, with a more direct stake in and control over the conservation of the resource. Therefore, the operation of this Sector provides its members with a much greater opportunity and incentive to provide effective stewardship over their fishery.

### d) Habitat Conservation:

Implementation of this Sector may reduce habitat impacts. Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase catch rates (CPUE), it is possible that overall fishing time and associated habitat impacts will be reduced. The increased efficiency achieved by fishing during times and in areas of higher CPUE will require less fixed gear and less tow time for mobile gear Sectors.

Exemptions from seasonal and rolling closures will not affect where fishing occurs as much as it will affect when it occurs. The same Habitat Areas of Particular Concern that are closed to fishing will remain in effect as under the current system.

In practice, intensive fishing activity is sometimes concentrated in areas just outside of seasonal/rolling closures and so the operation of this Sector under the requested exemptions may provide for fishing activity to be more dispersed in time and space. This may reduce localized habitat impacts.

## South Shore Trawl Sector

### e) Protected Species Conservation:

Because Sector members will operate under a specific allocation and are thus able to be more selective and efficient in where, when, how and how much they fish and increase their catch rates (CPUE), it may be possible for Sectors to both avoid and reduce interactions with protected species and achieve a higher level of protected species conservation than under the current management system.

Several factors associated with implementation of the Sector should contribute to a positive impact on marine mammal interactions. The increased efficiency of fishing during times and in areas of higher CPUE will require less fixed gear to achieve the desired catch. By removing the use of Days at Sea, day gillnet vessels no longer have to be concerned about not setting enough gear for fear of not catching enough fish to make the loss of the DAS worthwhile.

Respectfully submitted,

*Jackie Odell*

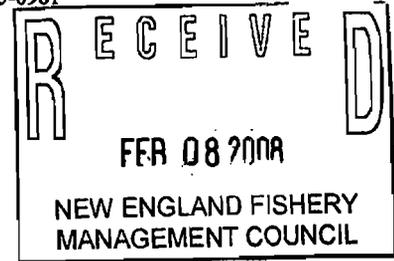
Jackie Odell,  
Executive Director  
Northeast Seafood Coalition



CAPE COD  
COMMERCIAL HOOK FISHERMEN'S ASSOCIATION, Inc.  
210 Orleans Road  
North Chatham, Ma 02650 • 508-945-2432 Fax: 508-945-0981  
E-mail: [contact@ccchfa.org](mailto:contact@ccchfa.org)  
Web: [www.ccchfa.org](http://www.ccchfa.org)

February 8, 2008

John Pappalardo, Chairman  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



**RE: CCCHFA Position on Sector Allocation**

Dear Mr. Pappalardo,

The New England Fishery Management Council (Council) is considering options for allocating total allowable catches (TACs) to Multispecies Sectors in Amendment 16. The Cape Cod Commercial Hook Fishermen's Association (CCCHFA), as the pioneer of Sectors in New England, has strong opinions on the allocation plan.

- **CCCHFA fully supports Sector allocations based only on landings history during FYs 1996-2006.**
  - Allocating TACs based on anything other than landings history redistributes fish from those who caught it to those who have not. Fishermen should not give up substantial portions of their targeted species (in our case, cod) for small allocations of species they do not catch (Southern New England yellowtail flounder).
  - A diversified portfolio would not be in the best interest of specialized fishermen if they have to give up a large portion of their primary resources to do so. Sectors should only be allocated what their members landed, and should be asking for nothing more.
- **CCCHFA urges the Council to formally reinforce the already agreed-upon GB cod TAC baseline (based solely upon landings history from FYs 1996 to 2001) for the two existing Sectors, regardless of which allocation alternative is preferred.**
  - Once a TAC is allocated, it should be permanent. This vision is shared by the Council, who determined that Sector allocations should be built upon "fixed and permanent baselines."
  - A "reshuffling" of TACs with every Amendment or Framework prevents fishermen from generating informed business plans, and creates instability and dissent in the fishery.
  - Current Sectors should be treated presently the same way that pending Sectors expect to be treated in the future.

I appreciate the opportunity to comment on this matter.

Sincerely,

Paul Parker, Executive Director  
CCCHFA



*Ja.*

## **Additional Correspondence**

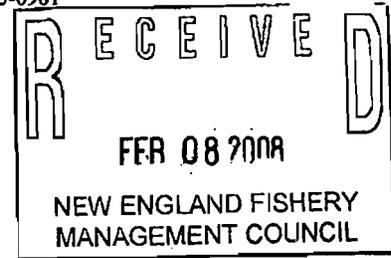




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February 8, 2008

John Pappalardo, Chairman  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



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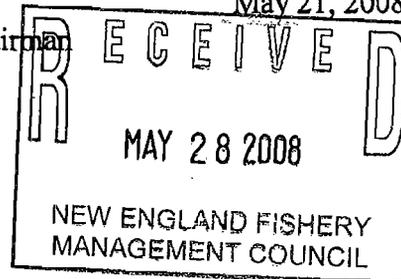
I appreciate the opportunity to comment on this matter.

Sincerely,

Paul Parker, Executive Director  
CCCHFA

John Pappalardo  
 New England Fishery Management Council Chairman  
 50 Water Street, Mill 2  
 Newburyport, MA 01950

May 21, 2008



Dear John,

At the June meeting, the Council will have to choose a preferred alternative for sector allocation. Amendment 13 allowed sectors to be approved, and clearly said that allocations will be based on history. Amendment 13 said nothing about giving vessels with larger baselines (length and horsepower) or those with more days at sea more fish just because they were big or bought permits with no history. What has changed since then?

Sector allocations should be based on history and only on history. This is how Amendment 13 said it would be. Obviously, there will be fishermen that will not get very large quotas on some species. Amendment 16 will let fishermen trade and lease quota, which will solve this problem. Also, quota can already be traded within a sector – Amendment 16 will not change that.

Why would a fisherman want to give up half of his main quota to get back little scraps of others? He wouldn't.

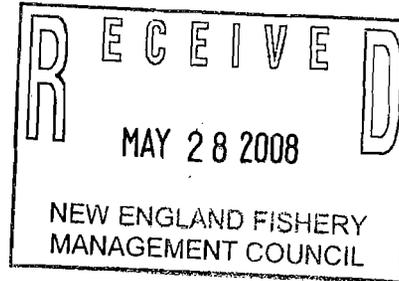
Allocations should be based only on history, as Amendment 13 required. Please choose this way of allocating fish to sectors. Also, the Hook Sector and the Fixed Gear Sector have invested in a GB cod baseline based on 100% history for 1996 and 2001. Specifically, the Hook Sector has invested in this baseline for many years, and the Fixed Gear Sector too. Please do not reshuffle the deck – maintain our GB cod baseline as 100% history from 1996-2001, as Amendment 13 determined and Framework 42 reinforced.

Thank you very much.

*Pat W. Taylor*  
*F/V Sealthound*  
 242520

cc: TN (5/24)

John Pappalardo  
NEFMC Chairman  
May 26 2008



Mr. Pappalardo,

All I hear about these days is doom and gloom – days at sea cuts, consolidation, year-round closed areas, differential counting at 4 to 1, and more. I rarely hear about any spots of light on the horizon. However, they exist and they should be promoted in dire times like this.

Special Access Programs are one of these examples. Specifically, the Closed Area One Hook Gear Haddock SAP. The program exists now, but it is severely limited. However, we have the opportunity to make this program more palatable to more fishermen. It is important that we maximize this program and continue to promote responsible fishing.

I strongly encourage you and your Council to support the option to increase this SAP's area and season. Further, I strongly encourage you and your Council to eliminate the separation of Common Pool and Sector vessels and quota. It is the most responsible and sensible direction to move in.

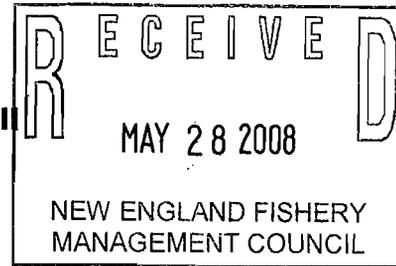
Regards,

John L Tuttle

F/V CUOA

# 233175

**May 23, 2008  
John Pappalardo  
New England Fishery Management Council  
50 Water Street  
Newburyport, Massachusetts  
01950**



**Dear John:**

**The Council is facing a very important crossroads – how to allocate all of New England's groundfish stocks for the future. It is clear that this is not an easy task, but it needs to be done and done right.**

**Amendment 13 determined that allocations should be based on 100% history. Also, Amendment 13 determined that the existing Sector's quota of georges bank cod is based on landings from 1996 to 2001. I don't understand why these would be changed now. Are we setting a precedent for changing allocation alternatives with every Amendment? What happened to "fixed and permanent"?**

**Changing the baseline for existing sectors will destroy the investments that we have made for years. Allocating by anything other than 100% catch history takes substantial amounts of fish (50%) away from those who caught them and gives them to people who will most likely have to purchase more quota or simply become a quota broker.**

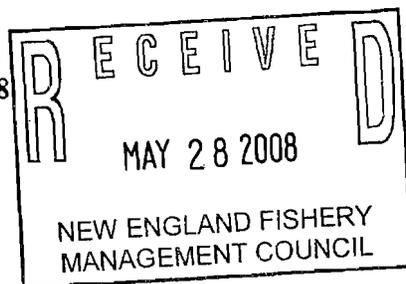
**I highly recommend that the Council allocate quotas based on 100% history and let the fishermen trade and lease quota among themselves. Also, I highly recommend that the Council uphold the Council's own previous decision to allocate cod to the existing Sectors based on 100% history from 1996-2001.**

**Thank you.  
Sincerely,**

*John S Tuttle*  
F/V CUDA  
# 233175

John Pappalardo  
Chairman of NEFMC  
50 Water Street, Mill 2  
Newburyport, MA 01950

May 21, 2008



Dear John –

I am writing because I am very concerned that the Council has not decided how to allocate stocks to sectors. I am a member of the Fixed Gear Sector, and we can only operate now on an allocation of Georges Bank Cod. This allocation is completely based on our catch history. That is, what we caught is what we get. I very much oppose any allocation plan that doesn't rely 100 percent on catch history. Anything less than this takes fish away from fishermen. This is not the way to go. It sets a bad precedent, and punishes people who actually fished. Also, by giving more fish to bigger boats or those with bigger engines, you are punishing the smaller boats by taking fish away from them. Please do not select an allocation plan that relies on any 50/50 split. I urge you to choose the allocation plan that is based on 100 percent catch history.

Also, the Fixed Gear Sector and the Hook Sector have a cod quota based 100% on cod we landed between 1996 and 2001. The Council is considering allowing the existing Sectors to keep our baseline years for GB cod to be the years that we have now. People talk about investing in days-at-sea; what about the Sector members who have invested in a cod baseline between 1996 and 2001? I urge you to maintain the existing Sectors investments in the 100% history 1996-2001 baseline for GB cod.

Sincerely,

JOHN OUR F/V MISS FITZ 23210F

cc: TN(5/29)



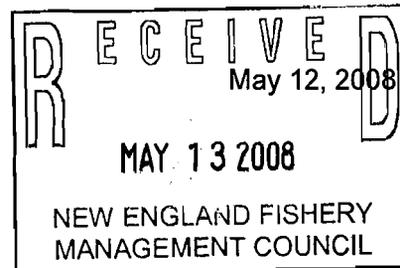
**OCEANA**

Protecting the  
World's Oceans

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Washington, DC 20036 USA

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oceana.org

Rip Cunningham  
Chairman, Multispecies Committee  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



**Re: Monitoring Options for Annual Catch Limits in the Multispecies Fishery**

Dear Mr. Cunningham,

As the Multispecies committee meets to consider further development of amendment 16 to the Multispecies Fishery Management Plan and its Annual Catch Limits (ACL's) and Accountability Measures (AMs), Oceana would like the committee to consider the following comments and take action to fully develop a range of alternatives to implement the requirements of the new Magnuson-Stevens Reauthorization Act (MSRA).

Particularly concerning to Oceana is the current set of alternatives to monitor the ACL program for the Multispecies fishery. As currently drafted, amendment 16 will monitor catch by a combination of shoreside monitoring of landings and, if available real-time estimates of discards provided by at-sea observation or use of an estimate of discards borrowed from a recent stock assessment of Plan Development Team calculation (Alternative 4.5.1.1.5).

This limited range of options is unacceptable and illegal under the requirements of the MSRA, which clearly requires limits on catch (commonly defined as landings *plus* discards). Using an assumed discard rate based on flawed and imprecise discard estimates (the fundamental reason for the completion of a Standardized Bycatch Reporting Methodology) will continue the trend of mismanagement of this fishery using uncertain information.

To fully comply with the MSRA and NEPA the Council should develop a full range of alternatives to monitor ACL's. In addition to the status quo and the proposed monitoring options the Council should develop, as part of amendment 16, a monitoring program which incorporates a combination of the best monitoring methods for the fishery including shoreside, electronic, and at-sea monitoring to account for all catch with acceptable levels of precision and accuracy. Tasking the Plan Development Team to create and model this methodology is a crucial element of the Annual Catch Limits/AM program for this fishery and a natural extension of the SBRM modeling that was conducted in recent years.

The Environmental Impact Statement for the amendment will be incomplete without a statistically valid monitoring option being explored in the full range of alternatives.

Thank you,

Gib Brogan  
Campaign Projects Manager  
Wayland, MA

rec'd @ May 13<sup>th</sup> BF Ctr. Mtg.

John Pappalardo, Chairman  
 New England Fishery Management Council  
 50 Water Street, Mill 2  
 Newburyport, MA 01950



Dear John –

According to the Federal Register Volume 69, No. 81 (§648.87) "Sector Allocation:"

(2) (b) (iii) Allocation of catch or effort shall be based upon documented accumulated catch histories of the harvested stock(s) for each vessel electing to fish in a Sector...

In the years 2004 and 2007, NMFS approved the formation of two Sectors using catch history as the basis for allocation. With proposals for 17 new Sectors being considered for implementation in Amendment 16, it would seem logical to assume that allocation would be determined by catch history.

The large increase in the purchases of multispecies permits for DAS use over the last few years brings three new formulas for determining allocation. Two of these formulas include a capacity portion which includes vessel size and horse power and therefore, greatly favors larger vessel permits and permits these vessel owners purchased for DAS use with little history. For example, a permit with vessel length of 75 feet, 600 horsepower and 50 DAS and an allocation of .01% GB cod would have a gain of 914% of their history. Ex: 100% catch history of 1787 pounds of GB cod would calculate to 18,121 pounds under Alternative 2 and 15,600 pounds under Alternative 3. Alternatives 2 and 3 are a desperate attempt to take allocation from active full time fishermen and scatter it amongst latent permits and permits purchased for DAS use with little history. I'm certain that there are numerous fishermen who believed allocation would be based on catch history and paid a premium price for permits with good catch history. Hopefully, the NEFMC will have the good sense not to reward non active permits and permits with little history, but will allocate 100% catch history to the vessels and permit owners which have invested so heavily with their participation and commitment in the fishing industry.

On the other side of the coin are the smaller fishing vessels that range from 50 feet and under. I suppose that with all the gillnetter's and hook fishermen combined, we could have come up with another "C" formula. We could call this the 50% history and 50% Conservation oriented gear use formula. Of course this formula would be more beneficial to hook and gillnet fishermen, but the point here is, that because ones vessel is larger or has more horsepower, or ones gear is more conservation friendly, there should not be a benefit to separate user groups. 100% catch history takes into account all vessels participation in all the fisheries.

How does Alternatives 2 and 3 effect smaller vessels? A vessel with length of 44 feet, 400 H.P. and 50 DAS and an allocation of 1% GB cod history, would have a 100% catch history of 178,661 pounds. Through Alternative 2, this allocation would be reduced to

WJ TN (5/29)

100,050 pounds resulting in a loss of 78,611 pounds of cod or a 44% loss of allocation. The effect that Alternative 2 would have on the GB Fixed Gear Sector would be devastating. This Sector's GB cod allocation is approximately 2,300,000 pounds. With an average 30% reduction from Alternative 2, this would reduce the Sector's allocation by approximately 700,000 pounds of cod. If you divided this among 12 captains, this would average out to an approximate loss of 60,000 pounds each. Times an average of \$2.00/lb, this would result in a loss of \$120,000 to each vessels gross income. With a gross income average between \$250,000 and \$300,000 per vessel, minus sector fees, possible buyback fees, crew pay, fuel, gear, additional DAS costs and numerous other costs, at least 75% of the Sector's members will be forced out. If the upcoming GARM report reduces the cod TAC by any significant number, Alternative 2 or 3 will have destroyed the Sector.

The GB Fixed Gear Sector's primary targeted species is cod. In Alternatives 2 and 3, up to 700,000 pounds of the Sector's cod will be redistributed to approximately 1,000 permits. The Sector's members are barely making ends meet now, as I'm sure is the same situation of many vessels throughout New England. For the Sector to attempt to purchase any significant amount of cod quota from hundreds of permits would be hopeless, never mind the costs in addition to the aforementioned ones. Any fishing port that primarily targets one species, needs their total catch history in order to survive. It is how we've all survived up to this point. It is the only way we will survive in the future.

The NEFMC needs to clarify whether allocation can be leased or transferred from small vessel permits to larger vessel permits. By allowing the sale or leasing of allocation to any size vessel, this would greatly jeopardize the probability for survival of fishing communities with smaller size vessels (50 feet and under). It is essential that smaller vessels have the availability to purchase or lease allocated history from like size vessels. Vessels over 60 feet should not be allowed to lease or purchase permits from vessels 50 feet and under for DAS usage or allocation to be used on vessels over 60 feet. This would be enormously beneficial to preserve the character and uniqueness of small fishing communities and their fleets.

Thank you for your consideration,



Stuart Tolley  
F/V Dawn T  
President, GB Fixed Gear Sector  
Chatham, MA

**New England Fishery Management Council**  
**Recreational Advisory Panel**  
**Meeting Summary**  
**May 20, 2008**

#9

The Recreational Advisory Panel (RAP) met in Peabody, MA to provide recommendations for Amendment 16 to the Northeast Multispecies Fishery Management Plan (FM). Members present were Mr. Barry Gibson (Chair), Mr. Bud Brown (Vice-Chair), Mr. Ed Nowak, Mr. Tom DePersia, Mr. Mike Sosik, Mr. Chuck Casella, Mr. George Costello, Mr. Jonathan Sterritt, and Mr. Don Swanson. Groundfish Oversight Committee members Mr. Rip Cunningham and Mr. Frank Blount were also present. The meeting was staffed by Tom Nies (NEFMC) and Eric Thunberg (NEFSC). The RAP developed recommendations for recreational management measures and the allocation of groundfish to the commercial and recreational components of the fishery.

Council staff gave an overview of the Amendment 16 timeline, development of measures, and Annual Catch Limit/Accountability measure requirements. Included in this presentation was a summary of the Groundfish Committee recommendations for determining the allocation of six stocks to the commercial and recreational components of the fishery, as well as preliminary estimates of the percentage share for recreational fishermen based on these periods. Council staff also pointed out that because the Mr. Thunberg gave an overview of recent recreational participation and catches. Some important points from this presentation were:

- Recreational GOM cod catches declined in CY 2007, about 56% from recent years. Private boat mode catches increased between CY 2006 and CY 2007, but party/charter did not.
- Measures of recreational effort (anglers/passenger trips) declined 48% compared to the CY 2004/2005 average.
- Sampling has declined for private trips, so that the size distribution of catches cannot be determined. Sampling has increased on party/charter trips. Available size information suggests the catch is shifting to larger fish.
- Because of the data, it is difficult to fine-tune recreational measures to precise changes in fishing mortality. Seasonal changes in measures might help address this problem.

Over the course of the meeting RAP members repeatedly questioned why mortality reductions identified in Amendment 13 were being used to design management measures when recent declines in recreational catch of GOM cod appeared to exceed the reductions targeted in Framework 42. Some RAP members argued that it was of little use to develop measure without knowing the necessary changes in mortality. Staff explained that in order to meet the timelines required, a draft document and EIS needed to be taken to public hearing this summer, before assessment results were known – as a result, assumptions needed to be made on the changes in mortality that would be necessary in order to develop measures. These assumptions would be corrected as necessary after the stock assessments were completed. Ultimately the RAP completed the tasks assigned, but expressed serious reservations about the process being used for development of the amendment.

RAP discussions tended to address two issues: specific measures for GOM haddock and GOM cod, and the allocation shares for the recreational and commercial components of the fishery. This report summarizes the discussions for these two topics, rather than in the order discussed at the RAP meeting.

### **Recreational/Commercial Allocation**

The RAP reviewed the landings history-based allocations suggested by the Groundfish Committee and the time periods proposed. RAP members expressed concern over the time periods recommended by the Committee. They noted that there have been considerable changes in the fishery in recent years that are not reflected in the allocations when longer time periods are used, as well as other reasons for considering different time periods. Some RAP members argued that the recreational fishery should not be limited to a small percentage based on catches during periods when stocks were depressed; one member argued that the recreational fishery should not be limited to an allocation. Recognizing that the Committee's proposed allocation has not been approved by the Council, the RAP decided to review the proposed allocations and suggest alternatives to those presented by the Committee. Public comment on this issue included:

- Mr. Frank Blount supported commenting on the allocations. He noted that catch or landings history did not need to be the only way to determine allocations. Some Councils have considered other factors, such as economic factors, when determining allocations. He also expressed concern that once a value was established, it would not be changed in the future even if the measure called for a periodic review. Mr. Blount noted that this issue could influence the reductions needed in this amendment. For example, even though the needed mortality reduction might be small, if the recreational component needed to reduce its share at the same time, the combined reduction could be large.

After discussion, the Committee agreed to the following consensus statement:

**Consensus:** The RAP recommends the commercial/rec allocation for GOM haddock be based on the time period of 2001-2006 (vice 96-06).

The RAP identified the following reasons for suggesting this change:

- The time period better reflects the proportions currently caught by the two components of the fishery.
- Recreational catches of haddock were constrained by a bag limit even after commercial trip limits were raised (or removed). After bag limits were relaxed, the recreational catch increased.
- Recreational measures actually raised the haddock minimum size at a time when commercial measures were being relaxed.
- Recreational effort has shifted to haddock in the Gulf of Maine due to the increased minimum size for cod.
- If recreational discards were included in the catch calculations, the recreational share would increase.
- Commercial buyouts reduced effort for the commercial fishery. Some of the benefits of those buyouts should accrue to the public at large, via the recreational fishery.

**Motion:** The RAP recommends the commercial/rec allocation for GOM cod be based on the time period 2001-2006. (Mr. Casella/Mr. DePersia)

Many of the reasons suggested for GOM haddock apply to this recommendation as well: it better reflects current activity and increases in minimum size have affected recreational catches. RAP members noted that there were other years that could be selected that would give higher percentages to the recreational fishery. In addition, it appears the MRFSS percentage of error is

better in more recent years – the estimates are more accurate. **The motion carried on a show of hands (8-0).**

**Motion:** That the RAP recommends the commercial/recreational allocation of GOM winter flounder should be split 50/50. (Mr. Brown/Mr. Nowak)

The maker of the motion noted that recreational winter flounder catches declined as the stock declined, and in earlier years was nearly an even split. It seems inappropriate to constrain the recreational fishery to a smaller percentage based on a time period when the stock was depressed. **The motion carried on a show of hands (8-0).**

**Motion:** The RAP recommends that for the commercial/recreational allocation of pollock, the years used should be 2001-2006. (Mr. Brown/DePersia)

In addition to the reasons mentioned earlier, the RAP suggests this period for consistency with GOM cod and haddock. **The motion carried on a show of hands (7-0-1).**

## **Recreational Measures**

### *GOM haddock*

The RAP noted that the mortality reduction for GOM haddock called for by Amendment 13 was small. While they recognized that this could change, members felt that a small change in measures would be sufficient to achieve the targeted 4 percent reduction. They expressed a desire to have an idea what sort of reduction would result from various changes; Mr. Thunberg said that could be prepared. The Chair suggested that the RAP should consider the possibility that for some stocks it might be better to make different suggestions for the private and party/charter components, since they have different concerns.

The RAP discussed several options for GOM haddock. It was noted that a closed season for haddock would leave nothing to fish for if it overlapped the closer for cod. While some members supported an increased minimum size, others supported a bag limit. The Chair noted that these differences appeared to be aligned with the private boat or party/charter components, and again suggested that different measures could be adopted for the different components. Several members poke in opposition to this approach. Public comment included:

- Mr. Kevin Twombly opposed a closed season and a ten-fish haddock bag limit. He pointed out that twenty haddock fillets would hardly fill a small bag.
- Mr. Mike Flaherty opposed a closed season but felt it should not be taken off the table. He said a reasonable trip limit might be acceptable.
- Mr. Blount commented that as distasteful as they may be, closed seasons work. He pointed to the fluke experience, where reduced bag limits and increased sizes have proven to be a problem.

**Motion:** If necessary to reduce recreational mortality on GOM haddock, to increase minimum size by ½ inch. (Mr. DePersia/Mr. Sosik)

**The motion carried on a show of hands (5-1-2).** Staff cautioned that the data might not allow for estimating the impacts of size changes of less than an inch.

The RAP next considered prioritizing preferences in case mortality can increase on GOM haddock. They considered supporting a reduced minimum size, with several members speaking in opposition to this suggestion.

**Motion:** If recreational restrictions on GOM haddock can be relaxed, reduce minimum size to 18 inches (Mr. Casella/Mr. DePersia)

The motion carried on a show of hands (5-4).

**Motion:** The RAP opposes seasonal adjustments to reduce GOM haddock mortality (if reductions are needed). (Mr. Sterritt/Mr. Brown)

Mr. Sterritt said it would be helpful to make a clear statement of RPA preferences against seasonal closures. **The motion carried on a show if hands (5-3).**

#### *GOM Cod*

The RAP discussed measures for GOM cod. Once again there were differences of opinion on the best way to reduce mortality: size increases, bag limits, or seasons. It was noted that inshore fishermen do not seem to be catching the larger fish that are offshore. There was also a suggestion of a seasonal bag limit adjustment.

**Motion:** The RAP recommends if a reduction in recreational fishing mortality is needed for GOM cod, begin with April/May/June bag limit of 10 fish per person and then adjust for remainder of the fishing year. (Mr. Casella/Mr. Brown)

Members expressed a number of concerns over this motion. For party/charter operators, a lower bag limit in October and November would severely impact late-season charters. Party/charter operators need to market the dream of catching a lot of fish, and bag limits work against that approach. Other members expressed a concern that it was too open-ended – the reduced bag limit did not have a lower bound. **The motion failed on a show of hands (1-6-1).**

**Motion:** At present time we stay at status quo regulations for GOM cod. (Mr. Swanson/)

The maker of this motion argued that there was no evidence any reduction at all was needed. **The motion failed for a lack of a second.**

**Motion:** Change the bag limit for GOM cod by one fish (10 to 9 fish). (Swanson/no second)

This motion was opposed by party/charter operators who believe reducing the ten fish bag limit turns away customers. Additional discussion by the RAP highlighted concerns over these possible changes. Party/charter fishermen did not support an extended closed season or a bag limit reduction; other members were not in favor of increased minimum sizes. Mr. Cunningham

suggested to the RAP that in spite of differences, it would be best to provide a suggestion or the Committee would act without the RAP's input.

**Motion:** If necessary to reduce GOM cod recreational fishing mortality, increase the minimum size by one-half inch. (Mr. DePersia/Mr. Costello)

A friendly amendment was accepted:

**Motion:** If necessary to reduce GOM cod recreational fishing mortality, use a half inch size increase on the party/charter component and on the private boat and shore/angler extend the closed season, split equally on either end of the closed season.

Mr. Sterritt opposed the motion as modified, speaking against any closed season. **The motion failed on a show of hands (3-4).**

**Motion:** If necessary to reduce GOM cod recreational fishing mortality, increase the minimum size by one-half inch. (Mr. DePersia/Mr. Brown)

**The motion carried on a show of hands (5-3).**

**Motion:** The RAP opposes seasonal adjustments to reduce GOM cod mortality (if reductions are needed). (Mr. Sterritt/Mr. Swanson)

**The motion carried on a show of hands (6-1-1).**

The RAP next considered their preferences if mortality can be increased on GOM cod.

**Motion:** If recreational harvest of GOM cod can increase, consider changing regulations in order as follows:

- Extend season (in order, March, November)
- Reduce minimum fish size
- Extend season (December)
- Increase bag limit

(Mr. DePersia/Mr. Sterritt)

**The motion carried on a show of hands (8-0).**

Members of the RAP wish to emphasize the professional nature of the discussions and the ability of different recreational interests (private boat, party/charter) to reach agreement on management issues. The RAP members asked the Chair to request an additional RAP meeting after the GARM assessments before the October Council meeting so the RAP can develop recommendations for management measures once the assessments are completed.



**Paul J. Diodati**  
*Director*

## *Commonwealth of Massachusetts*

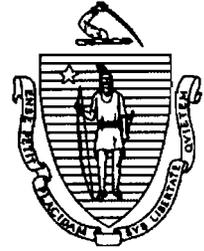
### **Division of Marine Fisheries**

251 Causeway Street, Suite 400

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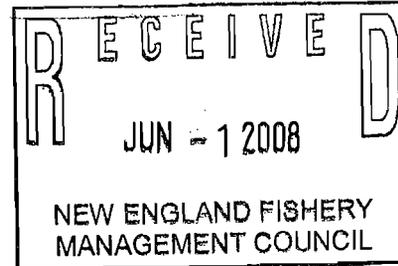
**Deval Patrick**  
*Governor*

**Ian A. Bowles**  
*Secretary*

**Mary B. Griffin**  
*Commissioner*

May 30, 2008

Dr. James Balsiger  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910



Re: Request for Delay in Implementation of Multispecies Groundfish Amendment 16

Dear Dr. Balsiger:

We request your support to delay by six months the May 1, 2009 implementation date of Amendment 16 to the Northeast Multispecies Fisheries Management Plan (FMP). This delay will ensure the best scientific information (i.e., up-dated biological targets and revised status of the 19 stocks in the FMP expected in September) is used as the basis for the FMP. Without this delay, the fishing industry in Massachusetts and Maine, indeed New England's fishing industry, will endure further unjustified stress and hardship.

Complicating matters for NOAA Fisheries and the New England Fishery Management Council, development of Amendment 16 has been behind-schedule due to incompleteness of work related to the Groundfish Assessment and Review Meeting (GARM). The Council's Groundfish Plan Development Team (PDT) recently advised the Council that the GARM-related meeting held in February did not fulfill all its terms of reference. For many stocks, specific assessment models were not identified and will not be finalized until August.

Consequently, the PDT has indicated the Draft Amendment 16 and its Environmental Impact Statement will not include updated estimates of stock status, estimates of rebuilding goals and targets, or estimates of the mortality changes necessary to meet rebuilding goals. As so many affected parties and those involved in the management process have noted, it's next to impossible to develop Amendment 16 in a fair, credible and accountable approach without the proper scientific underpinnings such as necessary mortality reductions.

Without a delay, we conclude the Council will have a June/July public hearing document of little to no use for the public because the range of proposed actions necessarily will be so broad that meaningful public comment will be impossible. Our view is shared by Senators Kennedy, Kerry, Snow, and Collins who detailed their concerns and made a similar request in May 16 correspondence with you.

Concern about effort control and mortality has led to use of Amendment 13 default measures in the development of Amendment 16, however considering how far below optimum yields and target TACs recent catches appear to have fallen for most stocks, we believe precautionary thinking without the benefit of up-to-date science presupposes a great deal. It is insensitive to socioeconomic impact on the fishing industry and sidesteps Congressional intent to conserve and rebuild without wiping away fisheries vital for harvesting optimum yields benefiting the nation. With the best available science (2008, not circa 2004 information about stock status and socioeconomic impacts) and well-thought-out and critiqued guidelines, Amendment 16 will be far more defensible at public hearings than it otherwise will be.

A justified delay of about six months will give the Council more opportunity to finish the Amendment. Alternatives to be brought to hearings will be much more narrowly focused and responsive to the best science. Of great importance, the fishing industry will have an explanation of what is being proposed, and public comments will be useful and constructive. We urge postponement of June/July public hearings until after the GARM is completed; Council managers can apply that scientific advice; and NOAA Fisheries will have time to determine its implications for biological targets and rebuilding.

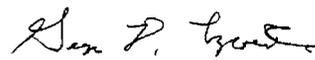
Additionally, a six-month delay will give NOAA Fisheries needed time to determine how it will revise National Standard One Guidelines in response to the 2006 Magnuson-Stevens Reauthorization Act. It has been about one year since NOAA Fisheries "scoped" this issue, but proposed guidelines are still not ready for public hearings, and these guidelines are relevant to Amendment 16. The setting of acceptable catch limits and determining accountability measures required by the Act are not simple matters, and how NOAA Fisheries will interpret Congressional intent is very important for Amendment 16 development and adoption.

We look forward to discussing this requested approach with NOAA Fisheries and the Council at the earliest opportunity. Thank you for your time and consideration.

Sincerely,



Paul J. Diodati  
Director  
MA Division of Marine Fisheries,



George Lapointe  
Commissioner  
ME Department of Marine Resources

Cc: Senator Kennedy  
Senator Kerry  
Senator Snowe  
Senator Collins  
Governor John E. Baldacci  
Governor Deval Patrick  
Paul Howard, NEFMC  
John Pappalardo, NEFMC  
Pat Kurkul, NOAA Fisheries - NERO  
David Cash & Bill White, MA EEA  
Commissioner Griffin, MA DFG



MIDCOAST FISHERMEN'S ASSOCIATION

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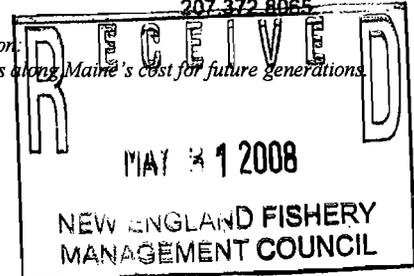
*The mission of the Midcoast Fishermen's Association:  
Identifies and fosters ways to restore our groundfish fishery and sustain fishing communities along Maine's coast for future generations.*

May 30, 2008

John W. Pappalardo  
NEFMC Chairman

&

Rip Cunningham  
Groundfish Oversight Committee Chair  
New England Fishery Management Council  
50 Water St. Mill #2  
Newburyport, MA 01950



Re: Gulf of Maine Mutlispecies Special Access Program (SAP)

Dear John and Rip:

Please accept this letter as submission for a Gulf of Maine Mutlispecies Special Access Program (SAP). This Special Access Program is designed to provide New England fishermen access to a large area within the GOM that has been proposed by the NEFMC Groundfish PDT (May 13, 2008 document page 13 Figure 3) as a year round closure, primarily to achieve expected mortality reductions for white hake. The proposed SAP is intended to provide access to groundfish species present in the GOM for which target TACs were not achieved in FY 2007.

We feel that this closure will eliminate the remaining near-shore fishing fleet in Maine through attrition. We cannot afford to loose what is left of our access to all resources only to preserve a single resource. We do not feel it is conservational or sustainable for the remaining Gulf of Maine open areas to be inundated by the residual fleet. A more holistic approach would encompass all areas, recognizing the uniqueness of these individual areas while evenly distributing the fishing effort. This proposed strategy suggests that if we stop fishing in the area where the stock of concern is more abundant then we have achieved good management even though that same stock is depleted in other areas, this will create even more localized depletion in the open areas.

Our proposed program meets the SAPs outlined in Amendment 13, including: 1) targeting species for which the previous years' TAC was not achieved, 2) not changing measures designed to minimize adverse impacts of fishing on EFH, 3) hard TACs (catch limits) on species of concern, 4) a defined area, 5) measures to reduce discards, and 6) explicit monitoring and VMS reporting requirements for accountability, and 7) identification of stakeholders fishing in this proposed area through trip declaration per VMS. We recognize that measures in this proposal may need to be adjusted to meet mortality objectives and/or to address legitimate concerns from members of New England groundfishing communities.

This proposal additionally address the following issues with regards to National Standards: achieving optimum yield and the adverse economic impact of favoring one state or community over another. The

proposed large year-round closure (figure 3) in eastern Maine will certainly have more impact in eastern Maine than elsewhere.

Out of respect for those of us that remain in the groundfish community, those of us who have time and again offered alternatives, our practical experience and our expertise we ask you to please consider this SAP as an alternative to a permanent closure.

Sincerely,

Glen Libby  
Chairman  
Midcoast Fishermen's Association

**This Proposal is additionally supported by:**

Craig A. Pendleton, F/V Ocean Spray  
Proctor Wells, F/V Tenacious  
Island Institute, 2008 NOAA Excellence Award for Coastal and Ocean Resource Management

## **Gulf of Maine Mutlispecies Special Access Program (SAP)**

This Special Access Program is designed to provide New England fishermen access to a large area within the GOM that has been proposed by the NEFMC Groundfish PDT (May 13, 2008 document page 13 Figure 3) as a year round closure, primarily to achieve expected mortality reductions for white hake. The proposed SAP is intended to provide access to groundfish species present in the GOM for which target TACs were not achieved in FY 2007.

The proposed program meets the SAPs outlined in Amendment 13, including: 1) targeting species for which the previous years' TAC was not achieved, 2) not changing measures designed to minimize adverse impacts of fishing on EFH, 3) hard TACs (catch limits) on species of concern, 4) a defined area, 5) measures to reduce discards, and 6) explicit monitoring and VMS reporting requirements for accountability, and 7) identification of stakeholders fishing in this proposed area through trip declaration per VMS. We recognize that measures in this proposal may need to be adjusted to meet mortality objectives and/or to address legitimate concerns from members of New England groundfishing communities.

**SAP Area:** Option 1: 30 minute squares 126-130, 134-137, 141-145 (consistent with PDT option 3), Option 2: Statistical Areas 512 and 515, Option 3: SA 511, 512, and 515.

**Access:** Seasonal closure Dec. to March (or April), controlled access for remainder of year.

**Allocation:** A portion of the annual TAC for white hake, cod and other appropriate species will be allocated to the area covered by the SAP, based on the 50% trawl survey/50% catch history formula developed by the PDT for area-specific allocations.

**Mortality Controls:** Hard TACs on white hake, cod, and other species of concern will be utilized to ensure catch from the area is consistent with the rebuilding program.

**Trip limits:** 60% of the allocation of White Hake outside the SAP and 40% inside the SAP upon determination of the stock assessment. Trip limits for all other species shall remain the same as proposed in Alternative 3 unless PDT analysis determines that higher trip limits can be accommodated to reduce regulatory discards while still achieving mortality limits.

**Reporting:** Vessels wishing to fish in the SAP must declare in by VMS prior to entering the area. Vessels fishing in the SAP must also report their catch and discards to NMFS daily by VMS.

**Dedicated Trips:** Vessels may only enter the SAP on a dedicated trip to the area. Fishing inside and outside of the SAP area on the same trip is prohibited.

**In-season Adjustments:** TACs will be monitored closely and in-season adjustments will be made to trip limits and/or other measures when 75% and 90% of the TACs on stocks of concern are reached. The SAP will close when the first TAC is reached.**Gear Area:** Future access as a gear area as hake eliminating gear is developed and approved.

**Monitoring and Observer Coverage:** Will be consistent with existing SAP's and as new or increased monitoring efforts and/or programs are brought online they will be implemented into this SAP.

**DAS Reduction:** Consistent reduction in DAS both in and outside of the SAP as determined necessary to meet the GARM.

**DAS Clock:** All vessels fishing both in and outside the SAP will be subject to a modified DAS clock: Any trip lasting longer than 3 hours will count as a minimum of 16 (or 18) hours to discourage landing multiple daily trip limits while only using 24 hours on the DAS clock.





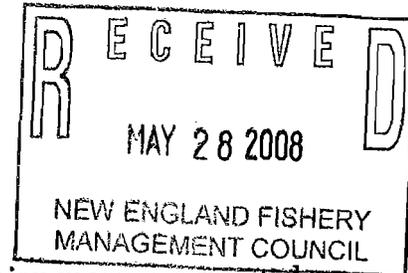
CAPE COD COMMERCIAL HOOK FISHERMEN'S ASSOCIATION, Inc.  
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 North Chatham, MA 02650  
 508-945-2432 • 508-945-0981 (fax)  
 www.ccchfa.org • contact@ccchfa.org

John Pappalardo, Chairman  
 New England Fishery Management Council  
 50 Water Street, Mill 2  
 Newburyport, MA 01950

May 28, 2008

**RE: Operation of Sectors in the 2009 fishing year**

Dear John, *John*



The New England groundfish fishery is facing the most draconian measures ever to be considered in this region. Between vast swaths of permanent closed areas, a 300 percent increase in some differential days-at-sea (DAS) counting rates, and up to an "off-the-top" 70 percent gouge in DAS, fishermen are desperately treading roiled waters in the hopes that fully-functioning Sectors will be implemented in 2010.

I urge you, and the New England Fishery Management Council (Council), to allow the existing Sectors to operate under the approved Amendment 16 Sector policies in 2009. Further, any proposed Sector that is willing to adhere to the mandates of Amendment 16 should also be afforded this opportunity. By doing so, you will be preserving the viability of the existing Sectors, supporting proposed Sectors willing to move forward, encouraging on-the-ground development of monitoring infrastructure, and using real-world experiences to "beta test" the Sector management infrastructure that must be in place for 19 Sectors to commence Successfully in 2010.

### **Problem Statement**

The Georges Bank Cod Hook Sector (Hook Sector) and Georges Bank Cod Fixed Gear Sectors (Fixed Gear Sector) must confront the same drastic restrictions as the Common Pool fleet in 2009. However, several existing circumstances will amplify the effect of these regulations on Sector members, more so than their Common Pool counterparts.

Notably, the inability to lease DAS from outside each Sector, the inability to operate under more than a single quota, and the inability to trade our single quota between Sectors will crush our small, dayboat fleet. Our fixed pool of DAS will be slashed, and we will have no opportunity to mitigate this by leasing from the greater Common Pool. The existing Sectors' annual catch entitlement (ACE) of Georges Bank (GB) cod will be reduced, but opportunities to pursue other stocks under a hard total allowable catch (TAC) do not exist. Not having the ability to trade GB cod quota between existing Sectors may leave one Sector with stranded capital while the other is prematurely concluded. Without the Amendment 16 policy changes and relief from DAS leasing parameters, fishermen who were once rewarded for their proactive movement will now be more-adversely affected than their Common Pool counterparts.

### **Proposed Action**

*Protecting a Resource, a Tradition, and a Way of Life*

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The existing Sectors submitted draft Operations Plans and Environmental Assessments to the National Marine Fisheries Service (NMFS) on April 30, 2008. These documents offered preliminary analysis on the approved Sector policies to be implemented with Amendment 16. They included requests and justification for:

- Allocations of all regulated groundfish stocks except Atlantic halibut, windowpane flounder, and ocean pout;
- Trading of ACEs between Sectors on an annual basis;
- Full retention of all catch;
- Allocations of U.S./Canada Area stocks based on the Sector's overall allocation for these stocks;
- Operation in all stock areas;
- An independent third-party monitoring program to verify landings and accurately quantify discards (and to use this data to comply with NMFS reporting requirements)
- Exemptions from DAS controls (including DAS leasing requirements); trip limits; rolling, seasonal, and mortality closures; non-spawning blocks; and hook and gillnet limits (number and size/mesh)

### **Expected Results**

#### **1. Preserve the Viability of Existing Sectors**

Existing Sectors presently operate on a hybrid system that includes both a hard TAC and DAS. The 2009 fishing year will bring with it both a cut in the GB cod TAC and severe reductions in DAS. Without the ability to access DAS from outside the Sector, the opportunity to pursue other stocks under a hard TAC, or the capacity to trade such quota, the existing Sectors will be hamstrung to the point inoperability.

#### **2. Encourage Development of Monitoring Infrastructure**

Sectors, and other forms of quota-based management, are only as effective as the ability to monitor catch (landings and discards) in a transparent manner. Both the Council and NMFS have determined that a NMFS-approved independent, third-party catch monitoring program is an essential component of a successful Sector. However, the infrastructure does not presently exist in New England to accommodate this. The Cape Cod Commercial Hook Fishermen's Association (CCCHFA) proposes to develop such a monitoring program, and to certify this program with NMFS. The existing Sectors propose to operate under such a program, which will produce the data necessary for the Sector's reporting requirements. Engaging in such a drastic transition will necessitate much collaboration, review, and troubleshooting; the existing Sectors will spend the 2009 fishing year working with NMFS to verify and solidify this program so that it will be fully operational for 19 total Sectors in 2010.

#### **3. Progressive Collaboration with NMFS**

The New England groundfish fishery currently operates under a spider web of input controls. Amendment 16 will transition the region from this regime to one of output controls, including hard TACs and Sectors. However, NMFS has indicated repeatedly that they do not have the resources to manage 19 Sectors, each with up to 16 separate allocations, for a total of 304 individual ACEs, in 2009. CCCHFA proposes to collaborate with NMFS to operate the two existing Sectors using the infrastructure NMFS is developing to monitor a network of Sectors. The two existing Sectors are small in number, use fixed gear only, primarily target codfish,

and have Managers that have developed a working relationship with various offices at NMFS. These qualifications make the existing Sectors qualified candidates to "beta test" the Sector management infrastructure that must be in place for 19 Sectors to commence successfully in 2010.

The existing Sectors, and those of the most proactive proposed Sectors, have the ability to provide assistance to NMFS through the troubled times that lay ahead. Undergoing a complete regime-shift will undoubtedly take time and effort from all interested parties. Collaboration with the existing Sectors and willing proposed Sectors provides the region with a better chance of a successful fleet of full-blown Sectors, complete with accurate monitoring and reporting, commencing in 2010. I urge the Council to provide NMFS and the existing Sectors, and those proposed Sectors willing to move forward, this opportunity to so.

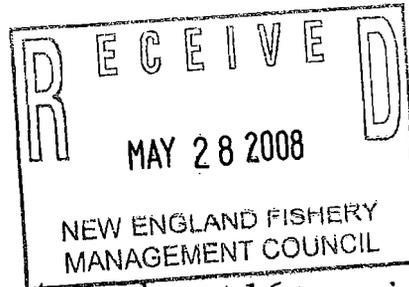
Thank you for your attention to this matter.

Sincerely,



Eric Brazer  
Policy Analyst, CCCHFA  
Manager, Hook and Fixed Gear Sectors





John;

Please support the Option in Amendment 16 to revise the CIA Hook Gear Haddock Special Access Program. The revisions include:

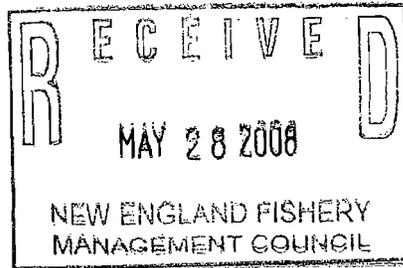
- extending the season from 3 to 9 months (May 1 – January 31)
- allowing fishing in the SAP during the May seasonal closure
- eliminating the division (fishing time and quota) between Common Pool and Sector vessels
- enlarging the area

This SAP is a very important component to many fishermen's business plan. The importance of this program is going to increase substantially as we face severe restrictions coming in Amendment 16. We need this chance to mitigate these impacts while simultaneously participating in (and promoting!) a responsible program with high observer coverage rates, high levels of reporting, and the use of low-impact hook gear.

Again, please support this revision in Amendment 16, and provide something positive for fishermen to participate in.

Most sincerely;

Bob St. Pierre  
F/V Rug Rats  
Yarmouth, MA



Chairman John Pappalardo  
New England Fishery Management Council  
50 Water Street  
Mill #2  
Newburyport, MA 01950

Dear John -

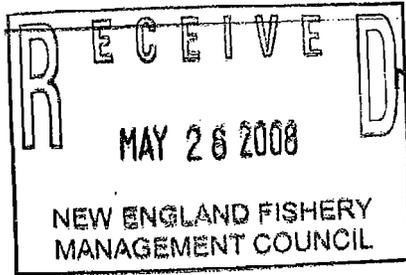
The expansion of Closed Area I Haddock SAP is one of the few opportunities for all fishermen, Common Pool and Sectors, to mitigate the impacts of the impending cuts in Amendment 16.

The Council should fully support the expansion of this program, in both in its area and in the time that fishermen can access this area. Haddock is a healthy resource, and fishermen can go catch haddock in this SAP without catching very many cod. Between the selectivity of hook gear, the increased reporting requirements, and the much higher rates of observer coverage, the Council should be whole-heartedly encouraging this type of fishing.

It is essential that the Council expand this SAP to provide all fishermen the opportunity to fish responsibly for a healthy resource.

Thank you for your attention to this matter.

*Gregory J. Connors*  
Gregory J. Connors  
F/u SYNERGISTIC  
F/u CONSTANCE SEA



Chairman John Pappalardo  
New England Fishery Management Council  
50 Water Street  
Mill #2  
Newburyport, MA 01950

Dear John -

The expansion of Closed Area I Haddock SAP is one of the few opportunities for all fishermen, Common Pool and Sectors, to mitigate the impacts of the impending cuts in Amendment 16.

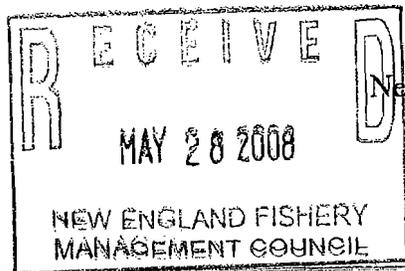
The Council should fully support the expansion of this program, in both in its area and in the time that fishermen can access this area. Haddock is a healthy resource, and fishermen can go catch haddock in this SAP without catching very many cod. Between the selectivity of hook gear, the increased reporting requirements, and the much higher rates of observer coverage, the Council should be whole-heartedly encouraging this type of fishing.

It is essential that the Council expand this SAP to provide all fishermen the opportunity to fish responsibly for a healthy resource.

Thank you for your attention to this matter.

A handwritten signature in cursive script that reads "Stuart Lolley".

President - G.B. Fixed Gear Sector  
FLU DAWN T



Chairman John Pappalardo  
 New England Fishery Management Council  
 50 Water Street  
 Mill #2  
 Newburyport, MA 01950

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The expansion of Closed Area I Haddock SAP is one of the few opportunities for all fishermen, Common Pool and Sectors, to mitigate the impacts of the impending cuts in Amendment 16.

The Council should fully support the expansion of this program, in both in its area and in the time that fishermen can access this area. Haddock is a healthy resource, and fishermen can go catch haddock in this SAP without catching very many cod. Between the selectivity of hook gear, the increased reporting requirements, and the much higher rates of observer coverage, the Council should be whole-heartedly encouraging this type of fishing.

It is essential that the Council expand this SAP to provide all fishermen the opportunity to fish responsibly for a healthy resource.

Thank you for your attention to this matter.

*Greg Walinski*  
 Greg Walinski  
 F/V Alicia Anne

## New England Fishery Management Council Groundfish Advisory Panel

#10

Meeting Summary  
May 27, 2008

The Advisory Panel (AP) met to review Amendment 16 development and provide advice for the development of management measures. AP members present were Mr. Paul Parker (Chair), Mr. Bill Gerencer, Mr. John Williamson, Mr. Carl Bouchard, Mr. Jan Margeson, Ms. Jackie Odell, Mr. Rich Canastra, and Mr. David Marciano. Mr. Rip Cunningham, Groundfish Committee Chair, also participated in the meeting which was supported by Mr. Tom Nies, Council staff.

Council staff provided a brief overview of the amendment development process, annual catch limit and accountability measure requirements, and the Groundfish Assessment Review Meetings (GARM III). A general comment of the AP, repeated at several points during the day's discussion, was the concern that amendment development was proceeding before the assessments were completed. There were frequent complaints that the "best available scientific advice" is simply inadequate and does not provide the timely information required to manage the fishery. The AP is disturbed that there is little evidence that this shortfall is being addressed.

### Sector Administration Issues

#### *Potential Sector Contributions/Permit History*

The AP reviewed the PSC options proposed for Amendment 16. The panel did not attempt to recommend a preferred alternative due to differing opinions. AP members recognized that it would be difficult to determine a "fair" option since each individual would have a different idea of what constitutes an equitable allocation. To facilitate public review of the draft amendment, they made several suggestions:

- A clear rationale should be provided for each PSC option.
- The different impacts/distribution of ACE between the options should be clearly described.

#### *Transfer of Annual Catch Entitlements (ACE)*

The AP reviewed provisions for transferring ACE and carry-over of a limited amount of unused ACE into the next fishing year. **The AP supports both options and believes they are essential for effective sector development.**

#### *Limits on Consolidation*

The Chair noted that there are no limits on consolidation of sector ACE – sectors can freely trade ACE (as proposed by the Council) without regard to vessel size. He asked AP members if they felt this was an issue. Several AP members commented that they fully expected sectors to lead to consolidation of the fishery. The AP agreed that the issue should be discussed by the Council, but did not have a recommendation.

#### *Sector Exemptions*

The AP discussed the proposed universal exemptions and whether the current restriction against fishing in year-round closed areas would apply if additional closed areas are adopted. Most AP members supported allowing sectors to fish in any new year-round closed areas adopted by Amendment 16. The argument for allowing fishing in these areas is that the mortality control for sectors is a hard TAC, not closures. One member suggested that this should not be a universal

exemption, but should be justified in an operations plan and reviewed by NMFS. **After further discussion, the AP recommended that sectors should not be required to adhere to any additional mortality controls adopted by Amendment 16, such as year round or seasonal closed areas, gear requirements and differential DAS.** One member dissented and argued that these exemptions should be considered on a case-by-case basis.

The AP next discussed the Gulf of Maine rolling closures. A concern was expressed that without any guidance provided by the Council, NMFS would not know how to evaluate requests for exemptions from these closures. AP members expressed concern that getting these exemptions would prove difficult since it is often argued the closures are designed to protect spawning fish, in spite of little evidence in the implementing documents to support that claim. Some AP members commented that while they supported some access to these areas, there were some areas and times when no one should fish because of spawning activity. These members were more willing to support access to rolling closures if these more precise locations/periods could be identified and protected.

The AP developed a recommendation that sectors wishing to fish in a rolling closure should have to limit their catch to 1/12 of the ACE allocated in any given month. This would prevent sectors from catching their entire ACE during a closure, reducing effort on fish during these periods.

Page: 2

The intent was to offer this limit on catch (as well as description in the sector ops plan on how that limitation would be monitored by the sector) as a minimum requirement for requesting an exemption from the rolling closures. Sectors would be free to offer other “concessions”. In addition, if the committee/council feels there are other minimum requirements, those should be stated so that NMFS has some criteria by which to evaluate an exemption request. In addition to preventing sectors from catching entire ACE during a rolling closure, and “minimizing” effort on fish during these periods, this concession seeks to minimize the impact on the common pool vessels excluded from the rolling closures. There was not unanimous support for this recommendation.

### *Monitoring*

AP members commented that many of the details for monitoring still need to be developed. With respect to the weighmaster proposal, they emphasized that this is more accurately termed a dockside monitoring program, as it is developing that catches will probably not be actually weighed. They also noted that the Council was attempting to develop these programs with little advice from NMFS on what standards needed to be met. The AP agreed on several specific recommendations:

- The Council should ask NMFS for what they recommend will be needed to monitor sectors.
- Sector vessels should be required to hail weight and landing port prior to landing to facilitate monitoring and enforcement.
- The public hearing document should solicit comments on monitoring programs.

### *Joint Liability*

The AP noted that there is considerable concern in the industry with the way joint and several liability is being interpreted by NMFS. Sector proponents have been told that any violation by a sector vessel – such as a closed area violation – could lead to penalties against all sector members. This does not seem consistent with Amendment 13, which says that “For the purposes of enforcement, a sector is a legal entity that can be subject to NMFS enforcement action

for violations of the regulations pertaining to sectors.” AP members noted that there is a difference between sector provisions – such as accurate reporting, or staying under an ACE – and individual violations – such as a closed area entry. **The AP recommends that this distinction be clarified: sectors will be jointly liable ONLY for the following violations of sector policy: ACE overages, discarding legal size fish, and misreporting of catch/landings/discards.** Some examples of violations that would not trigger joint liability would be closed area violations or net mesh violations.

#### **Recreational/Commercial Allocation**

The AP reviewed the proposed commercial/recreational allocation and recent recommendations by the Recreational Advisory Panel (RAP) for changes to that allocation. An AP member noted that in the case of GOM haddock, the recent recreational catches came at times when the commercial fishery didn’t have access to the fish due to closures. The panel did not discuss the specific numbers to any great extent, noting that the RAP proposal increased the recreational share in most instances. In general, the AP supported longer baselines rather than focusing on the most recent periods. They also questioned whether the RAP had address AMs - what will be the reaction if their share is exceeded? How will recreational catches be monitored? The AP is concerned that these two issues do not appear to have been addressed by the Committee or the RAP. There is a need to make it clear that if there is a commercial/recreational allocation the tools need to be in place to monitor the catches of the recreational sector commensurate with the commercial sector, and to ensure accountability. The AP recommended that the public hearing document solicit ideas on how the recreational allocation will be monitored and maintained within the bounds of its allocation.

#### **Timeline**

Mr. Cunningham asked the AP to comment on a possible timeline proposed for the remainder of the summer. The revised schedule would delay public hearings until late September and would insert at least one Council meeting in September to discuss GARM results. The objective of this proposal is to avoid holding public hearings until measures can be developed that are based on the stock assessments. **The AP supported the revised timeline, but some members suggested the final vote should be in November and not October.** The timeline should include an additional AP and RAP meeting after the GARM results are available, before measures are finalized.

**The AP also agreed that it is important that the Council continue to develop Amendment 16, vote on draft measures in June, and a final vote later this year. The AP does not support the Council avoiding action.**

#### **Effort Controls**

The AP reviewed PDT effort control options that were rejected by the Committee and returned for further development. None of the proposed options earned AP support, and the panel does not believe that if any of the options survive there will be an industry left to harvest the fish. There was some discussion whether a hard TAC for the non-sector vessels, and measures designed to pace the fishery, might be a better approach, but this was not supported by all AP members. AP members were critical of designing measures for weak stocks (such as white hake) that as a result sacrificed considerable yield from the fishery.

One AP member suggested using a twenty-four hour clock, with trip limited for each stock determined by dividing the TTAC by an estimate of days that would be used in the stock areas. This approach could be augmented with a running clock. A key element is that every DAS is charged in twenty-four hour increments. This approach is different than those in the past when a

full day's trip limit was earned for each part of a day fished. An AP member expressed concern about low trip limits, noting that they have proven disastrous in the past (such as when GOM cod was at 30 pounds/DAS). **After further discussion, the AP agreed to recommend (with one dissent) that the Committee explore this option.**

The AP asked if the Groundfish Oversight Committee had reviewed the running clock as directed by the Council. **The AP recommends the Committee consider reinstating the running clock for any stock with a trip limit.** The AP's recommendation is that vessel's land any amount of fish up to ten-days of a trip limit, and then be charged the appropriate DAS. The vessel could not depart on another trip until the DAS area accounted for. The AP noted the Enforcement Committee discussed allowing only a second day's trip limit.

#### **DAS Leasing and DAS Conservation Tax**

**The AP supports a one-year window to allow DAS transfers without application of the conservation tax.** At the end of that period, transfers should be allowed, but with the tax applied. The AP believes removing the tax for a specific time period will encourage transfers, and will benefit other fisheries as duplicate permits expire upon a transfer.

The AP discussed imposing a tax on DAS leasing. While an AP member supported having the same tax for leasing and transfers, another AP member argued that this only hurt small vessel operators who did not own multiple permits. The panel did not reach a consensus on this issue.

#### **Other Issues**

Noting that the proposed effort controls are expected to sacrifice yield from many stocks, the AP discussed modifying the Category B (regular) DAS program to increase yield. AP members suggested that this would encourage selective fishing. One AP member noted that this would be a change for this program, which was designed to allow fishing on healthy stocks – what was being proposed seemed to suggest using the B DAS program to target stocks that were in rebuilding programs. After further discussion, most AP members agreed that the B DAS program might be modified in ways to allow wider use, increased retention of some stocks, while not using the program for targeted fisheries on unhealthy stocks.

A member of the public reminded the AP that the proposed measures include several designed to increase targeting of GB haddock: expansion of the Closed Area I Haddock SAP, modifications to the Closed Area II SAP to enable targeting haddock, reauthorization of the Eastern U.S./Canada Area Haddock SAP, and making permanent the 18 inch minimum size for GB haddock. **The AP supports approval of these measures.**

AP members expressed frustration that it has been over a year since they were asked to meet and provide recommendations for Amendment 16.

## **Other Business**

Portland Fish Exchange asked that vessels be allowed to land in multiple ports. Their letter is attached. This situation applies to Martha's Vineyard and Nantucket vessels, as well, which must stop at home and then unload in New Bedford. Although enforcement issues are involved, this is largely a management issues because DAS are measured from trip departure to landing. Giving a free DAS may be a conservation issue.

*The committee received a request from Portland Fish Exchange to allow fishing vessels to unload in multiple ports. As this is outside the scope of the VMS/Enforcement Committee, the consensus of the committee is that the request be forwarded to Council for consideration, perhaps through the Groundfish committee. This may become a de facto increase in DAS, because every boat will go to the nearest dealer that's selling something, and then steam to where they wanted to offload in the first place. The council should charge them for that time, for instance, by stitching the DAS.*

There was concern about the original intent of the Council with respect to all fillets being landed skin-on, which was discussed at the February 2008 Council meeting. Without the skin-on, it will *not* be possible to differentiate between fish species.

There was also a recommendation from an advisor to require the use of totes, say one tote equals 120 pounds, because estimating weights is difficult.

Again, the definition of 'in port' and subject of a recent Letter to Permit Holders was discussed (see beginning of Sectors, page 2). A port may be defined by a dock, a mooring, or a physical highlight like a breakwater. A committee member requested that a Letter to Permit Holders include a chart of all ports, to determine when a vessel is 'in harbor', rather than calling the port agent, in the interest of time.





New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

**MEMORANDUM**

**DATE:** May 30, 2008  
**TO:** Groundfish Oversight Committee  
**FROM:** Groundfish PDT  
**SUBJECT:** **Amendment 16 Effort Control Development**

1. The PDT attempted to respond to Committee direction for further development of A16 effort controls. Alternatives developed are attached. A lack of time prevented the PDT from completing some of the analyses requested by the Committee.

**Effort Control Alternatives**

2. Revised effort control alternatives are shown in attachment 1, with the estimated changes in exploitation from the Closed Area Model (CAM) following the alternative descriptions (Table 2). The Committee should consider the following comments when considering these results.

a. Options 1 and 3 remove most trip limits and still appear to exceed the reductions needed for several stocks. The PDT believes this result may need to be examined in more detail. Some PDT members are concerned that with rising costs, there is a risk that vessels may concentrate on inshore stocks. Others have more confidence that the large effort reductions are sufficient to control mortality in the absence of trip limits. The PDT is discussing ways to further examine these results but has not completed that work.

b. Options 3 and 4 include restricted gear areas. The CAM is not designed to model the impacts of these areas. This creates uncertainty over the impacts shown – in particular, for those stocks caught in the areas (SNE/MA yellowtail flounder, SNE/MA winter flounder, CC/GOM yellowtail flounder). These CAM runs assumed the gear was perfectly effective and eliminated all catches of these stocks while not affecting catches of other stocks, an improbable result. It is also unlikely that the proposed gears will be perfectly effective when used in the commercial fishery (that is, as effective as in experiments). This creates additional uncertainty over these results.

c. As nearly as could be determined, at least three of the gears suggested for the restricted gear areas have not been supported by a written report that has been subject to peer review (five-point trawl, raised footrope trawl, tie-down gillnets with large mesh). The PDT added one gear (the rope trawl) to the list that has had an experiment reviewed by the Research Steering Committee. Unless reports and reviews of these gears can be located, the PDT recommends against their use in these options. See Attachment 2: Table 3 for a summary.

d. The Committee may want to consider whether gear performance standards (limits on catches of skates, monkfish, lobsters, etc.) should apply in the restricted gear areas. The existing standards might need to be modified if gear designed to target monkfish is allowed in the areas.

e. Options 1 and 4 do not achieve all mortality reductions called for by Amendment 13. Option 3 appears to meet these reductions if gear requirements are perfectly effective. All of the options appear to exceed the Amendment 13 reductions for some stocks.

f. As measures are currently written, sector members would be prohibited from the additional year-round closed areas in Option 3.

3. The PDT ran the closed area model (CAM) with a 0 pound/DAS trip limit for white hake, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, and SNE/MA winter flounder. Other measures in this iteration were based on the No Action alternative. By comparing the results of this run to the No Action alternative, the impacts of a 0 pound/DAS trip limit can be inferred. The results suggest that mortality objectives would be met for the two SNE/MA stocks, but not for white hake or CC/GOM yellowtail flounder. For white hake, the model suggests relatively small additional reductions in mortality if possession is prohibited. The PDT cautions that when low trip limits have been adopted in the past, discard rates increased. A lack of time prevented these results from being incorporated into the other options.

**Table 1 – CAM results for No Action alternative and No Action alternative with possession of four stocks prohibited**

Stock	AREA	No Action		
		Target Reduction	18% DAS reduction	No-Action Zero Trip for WHAK, SNE/MA YTF, SNE/MA WFL, CCGOM YTF
COD	GBANK	-13	-15%	-13%
COD	GM	-8	-15%	-16%
HAD	GBANK		-14%	-11%
HAD	GM	-4	-15%	-18%
WFL	GBANK		-17%	-11%
WFL	GM		-18%	-17%
WFL	SNEMA	-28	-13%	-34%
PL	ALL		-13%	-14%
WITCH	ALL		-15%	-17%
WHK	ALL	-77	-15%	<b>-22%</b>
WIND	NORTH		-16%	-11%
WIND	SOUTH	-50	-13%	-37%
YT	CCGOM	-32	-15%	<b>-15%</b>
YT	GBANK	-43	-16%	-10%
YT	SNEMA	-32	-12%	-35%
POL	ALL		-14%	-16%
RED	ALL		-14%	-17%

4. The PDT developed example recreational measures that approximately meet the needed reductions for GOM cod and GOM haddock. These were developed while considering the recreational Advisory Panel (RAP) advice, but are not entirely consistent with the panel's recommendations. The RAP suggested half-inch increases in minimum size for these stocks. The PDT cannot analyze minimum size changes of less than half an inch. In the case of GOM cod, it does not seem likely that an increase of a half-inch will be sufficient to achieve a 13 percent reduction. For GOM haddock, the results are less clear since changing the minimum to 20 inches for only part of the year appears to meet the 4 percent reduction for GOM haddock,

5. With respect to an effort-control accountability measure (AM), the Committee directed the PDT to revise the concept of adjusting DAS counting to implementation for a subsequent year (as opposed to an in-season adjustment). A revised adjustment table is attached, but additional work is needed. The table is based on the concept that a desired change in mortality can be accomplished through an equivalent change in DAS. This assumed relationship is supported by CAM results, though the CAM does not demonstrate a precise linear proportion as shown here. Where the example is weak is that a change in mortality is not directly proportional to an equivalent change in catch, and a change in catch may not be directly proportional to an equivalent change in DAS. An additional complication is that not achieving an ACL in year 1 may have an impact on the effectiveness of the year two ACL. How to address these issues will need to be further explored. Some possibilities include:

- a. Use the estimate of catch to estimate fishing mortality. Base the DAS adjustment on the change in fishing mortality needed to prevent overfishing.
- b. When setting ACLs for later years, explicitly consider the risk that ACLs in early years may be exceeded.
- c. Base the DAS adjustment on catch, but calculate the factor with consideration that mortality and catch are not directly proportional.

## **Attachment 1 – Effort Control Options**

### **Option 1 – DAS reduction**

This option uses a 70 percent reduction in allocated Category A DAS to achieve the mortality reductions called for by Amendment 13 (these may or may not be the reductions required for this amendment). As a result of this action, the Category A/Category B DAS split would be 16.5%/83.5%. Most other current measures remain, including differential DAS counting areas, all rolling and seasonal closed areas and gear requirements. Trip limits would be:

CC/GOM yellowtail flounder 250 lbs/day

SNE/MA yellowtail flounder 250 lbs/day

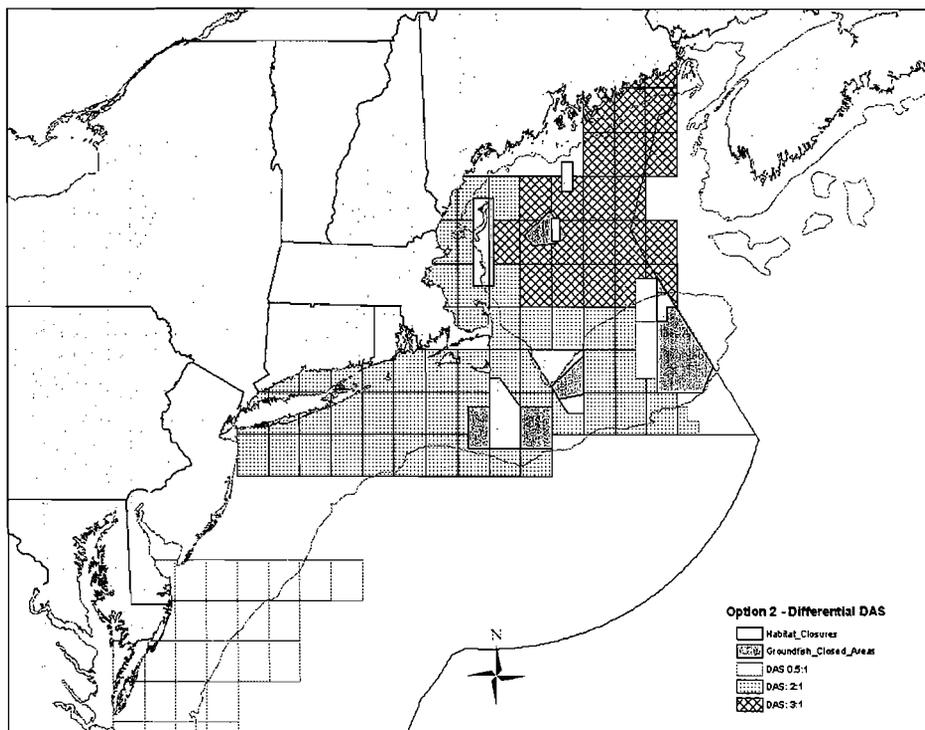
White Hake 100 lbs/day

## Option 2 – Differential DAS and DAS Reduction

This option combines a reduction of 35 percent in Category A and additional differential DAS areas (see Figure 3). The DAS reduction results in a Category A/Category B DAS split of 35.75%/64.25%. Most other current measures remain, including differential DAS counting areas, all rolling and seasonal closed areas and gear requirements. Trip limits would be:

GOM Cod - 1000/day  
GB Cod - 1000/day  
CC/GOM YT -250/Day  
SNE YT -250/Day  
GB Winter -1,000/ Day  
W. Hake -500/Day

Figure 3 – Option 2, differential DAS counting areas



### **Option 3 – 24 hour clock, Restricted Gear Areas, and GOM Offshore Closure**

This option eliminates differential DAS counting areas, reduces Category A DAS by 55 percent, and counts all DAS in 24-hour increments (i.e. 6 hours is counted as one DAS, 25 hours is counted as two DAS, etc.). The category A/Category B DAS split that results is 24.75%/75.25%. Most other current measures remain, including seasonal and rolling closures and gear requirements. Trip limits would be:

CC/GOM YT - 250/ Day  
SNE YT -250/Day  
White Hake -250/Day

A key feature of this option is a year round closure to groundfish fishing (other fishing activities allowe) in the offshore Gulf of Maine and the addition of two areas where only specific gear can be used while fishing on a groundfish DAS. In the gear areas, gear may be restricted to those gears that do not catch yellowtail flounder and winter flounder. Gears being considered include:

**Trawl Gear:** Haddock separator trawl, eliminator trawl, five-point trawl, raised-footrope trawl, rope trawl. The haddock separator trawl, eliminator trawl, and raised footrope trawl are described in the regulations.

*Rope trawl:* The design includes a four-panel structure to increase headline height and large mesh in the front part of the trawl. The separator panel is made from a series of parallel ropes of different lengths. The panel is one-third from the fishing line in the vertical plane. There is a large escape opening in the bottom of the trawl.

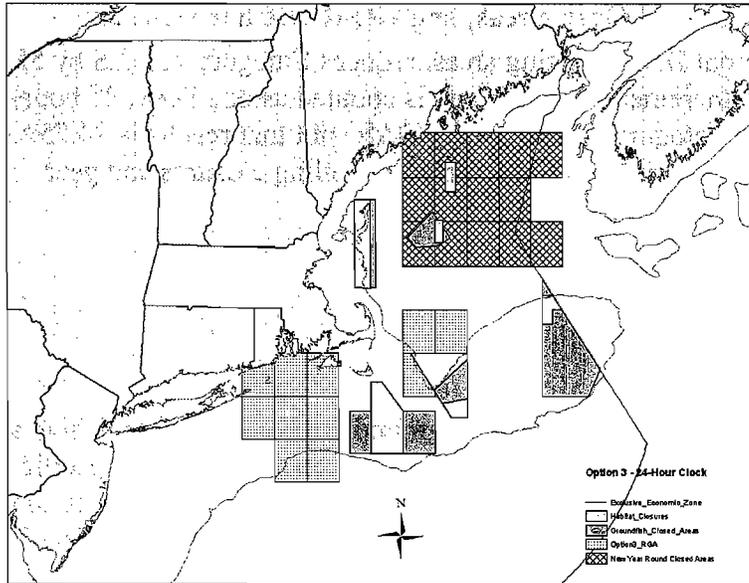
*Five-point trawl:* A modified three-bridle, four-panel box trawl based on a sweepless raised footrope trawl design that separates fish by exploiting differences between the behaviors of cod and haddock. The net flies over cod while retaining haddock, which generally move upward as the trawl approaches. Specifically, the net only contacts the bottom with 5 “drop chains” along the footrope.

**Sink gillnets:** No tiedown nets allowed unless using mesh over eight inches

**Longline/tub trawls**

**Handgear**

Figure 4 – Option 3, 24-hour clock, restricted gear areas, offshore GOM closed area



#### Option 4 – DAS Reduction and restricted gear areas

This option reduces Category A DAS by 18 percent, as in the no Action alternative. This results in a Category A/Category B DAS split of 55/45. Most other current measures remain, including seasonal and rolling closures, differential DAS, and gear requirements. Trip limits would be:

- GM Cod -800/Day
- GB Cod -1000/Day
- CC/GOM YT -250/Day
- SNE YT -250/Day
- GB YT -10,000/Trip
- GB Winter -800/Day
- White hake -1000/Day

A key feature of this option is the addition of areas where only specific gear can be used while fishing on a groundfish DAS. In the gear areas, gear may be restricted to those gears that do not catch yellowtail flounder and winter flounder. Gears being considered include:

- Trawl Gear: Haddock separator trawl, eliminator trawl, five point trawl, raised footrope trawl, rope trawl
- Sink gillnets: No tiedown nets allowed unless using mesh over eight inches
- Longline/tub trawls
- Handgear

Figure 5 – Option 4, restricted gear area

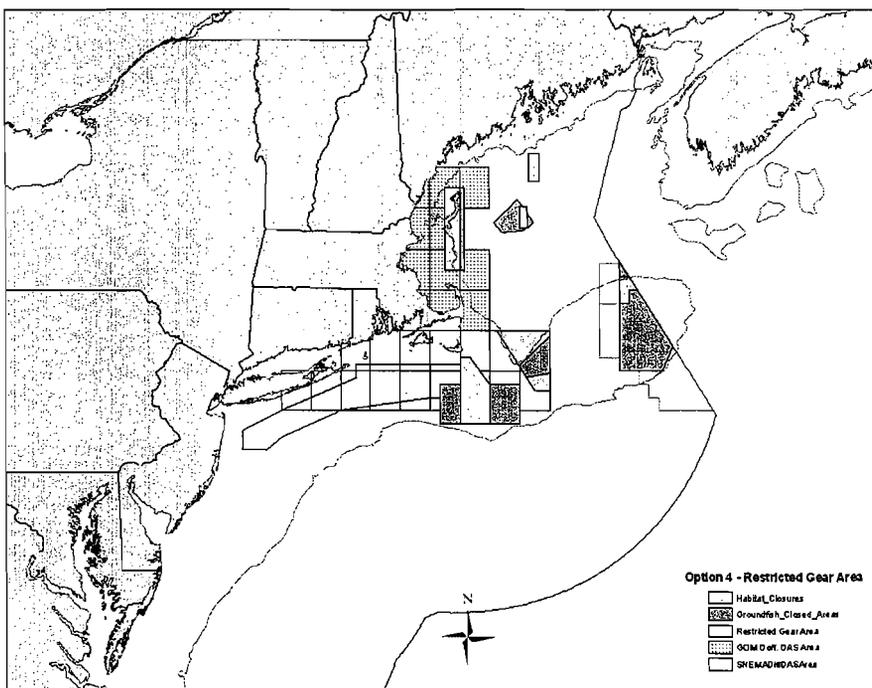


Table 2 – CAM results

Stock	AREA	No Action	Option 1	Option 2	Option 3	Option 4	
		Target Reduction	18% DAS reduction	70 % DAS reduction	Diff. DAS	24 Hour Clock	18% DAS reduction plus Gear Areas
COD	GBANK	-13	-15%	-63%	-66%	-68%	-16%
COD	GM	-8	-15%	-54%	-38%	-34%	-14%
HAD	GBANK		-14%	-60%	-65%	-68%	-15%
HAD	GM	-4	-15%	-62%	-58%	-53%	-14%
WFL	GBANK		-17%	-70%	-68%	-54%	-18%
WFL	GM		-18%	-65%	-25%	-19%	-16%
WFL	SNEMA	-28	-13%	-58%	-44%	-75%	-81%
PL	ALL		-13%	-52%	-70%	-74%	-12%
WITCH	ALL		-15%	-63%	-64%	-64%	-20%
WHK	ALL	-77	-15%	<b>-66%</b>	-76%	-78%	<b>-14%</b>
WIND	NORTH		-16%	-68%	-63%	-48%	-26%
WIND	SOUTH	-50	-13%	-61%	-55%	-60%	<b>-45%</b>
YT	CCGOM	-32	-15%	-59%	-32%	-31%	-47%
YT	GBANK	-43	-16%	-67%	-49%	-48%	<b>-17%</b>
YT	SNEMA	-32	-12%	-57%	-42%	-63%	-76%
POL	ALL		-14%	-62%	-62%	-61%	-14%
RED	ALL		-14%	-61%	-75%	-76%	-13%

**Attachment 2: Table 3 – Summary of gears proposed for restricted gear areas**

Species	Separator Trawl	Eliminator Trawl	Five-Point Trawl	Raised Footrope Trawl	Tie-Down Gillnets	Rope Trawl
Number of Reports/Experiments/Publications	5 (2 foreign, 3 U.S.)	1	1	?	None	1
Peer reviewed?	Yes	Yes	No	NA	NA	Yes
RSC Comments	(1) One experiment had design problems, serious report flaws (2) Second report was useful, thorough. Information provided “would add to the body of work on separator trawl as well as provide ancillary information that could be useful in management decision-making.”	Report well done and organized; experiment successfully demonstrated a net design that allowed the harvest of haddock while reducing cod catches as well as the catch of other stocks of concern.	None	None	None	Report well-done; some concerns over skewed and variable data
Metric Presented	Expected Reduction	Experimental Catch/Control Catch	Experimental Catch/Control Catch			
Cod	60% - 80%	0.19	0.42			
Haddock		1.14 (NS)	0.02			
Pollock	Small	1.62 (NS)				
White Hake	Large	0.08				
Witch Flounder	Large	0.07	0.05			
Plaice	Large	0.01	0.00			
Winter Flounder	97%	0.06	0.00			
Yellowtail Flounder	Large	0.10	0.01			
Windowpane Flounder		0.05	0.02			
Redfish						
Halibut						
Monkfish	99%	0.05	0.01			
Lobsters		0.12	0.02			
Skates	99%	0.01				

Notes:

1. Studies do not report results in the same manner, making it difficult to compare between gears.
2. The five different separator trawl studies were not in the same areas, and did not report results for the same species. One experiment criticized by RSC for poor experimental design, another report may not have been reviewed by RSC.
3. Five-point trawl and raised footrope trawl experiments have never been subject to any peer review, as far as can be determined.
4. Raised footrope trawl experimental fishery did not conduct paired tows to determine effectiveness of the net. Reportedly there was a specific experiment, but unable to find documentation.

### Attachment 3 - Effort Control AM - Annual Adjustment

E. In March, NMFS will estimate total catches based on ten months of catch data. Using this information, NMFS will adjust DAS counting for the following fishing year based on whether ACLs are exceeded or not. If an ACL for a stock is exceeded, NMFS calculate the differential DAS rate change needed to prevent the ACL from being exceeded the following year. If this calculation results in similar changes needed in all areas, NMFS will revise the Category A/Category B DAS split to account for the change.

F. If in a given area catches of all stocks are at least ten percent less than the groundfish ACL, NMFS will apply differential DAS to reduce the rate DAS are counted in order to allow harvests in a subsequent year to attain the ACL. If similar changes are needed in all areas, NMFS will revise the Category A/Category B DAS split rather than apply area specific differential DAS changes. This does not change the ACL.

G. These changes will be published by NMFS consistent with the APA prior to the start of the subsequent fishing year.

H. The following table will be used as the basis for adjustments to DAS. The factors are applied to any existing differential DAS counting rates.

<b>Percent of ACL</b>	<b>DAS Adjustment Factor</b>
0.60	0.6
0.70	0.7
0.80	0.8
0.90	No Change
1.00	No Change
1.10	1.1
1.20	1.2
1.30	1.3
1.40	1.4
1.50	1.5
1.60	1.6
1.70	1.7
1.80	1.8
1.90	1.9
2.00	2
2.10	2.1
2.20	2.2
2.30	2.3
2.40	2.4



## Recreational Measures

GOM Cod: Increase minimum size to 25 inches. This achieves the 13 percent reduction only if no discard mortality is assumed.

GOM haddock: Increase minimum size to 20 inches. This exceeds the of 4 percent reduction under a discard mortality assumption of 0 to 50%; could make this change seasonal (19 inches through July, 20 inches until end of year) or adopt a half-inch increase, which we cannot evaluate due to the way the data is collected.



Draft  
June 3, 2008

#12

**New England Fishery Management Council  
Groundfish Oversight Committee**

Motions  
June 2, 2008

1. Motion: Include in all four effort control options an option that includes 0 possession limit for CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, and SNE/MA winter flounder.

*(Mr. Odlin/Mr. Ruhle)*

Motion **carries**, 6-3-0

2. Motion: That sectors not be required to adhere to additional mortality controls adopted by Amendment 16, such as year round and seasonal closed areas, gear requirements, and differential DAS counting.

*(Mr. Odlin/Mr. Stockwell)*

Motion **carries**, 8-1-0

3. Motion: Recommend that the Council reinstate the running clock for any stock with a trip limit.

*(Mr. Stockwell/Mr. Leary)*

3a. Motion to amend: Recommend that the Council institute a running clock for up to a limit of ten days, for any stock with a trip limit.

*(Mr. Odlin/Mr. Stockwell)*

Motion to amend **fails**, 4-5-0

3b. Motion to amend: The Council initiate a running clock for up to one day, implemented the same way as the GB running clock is implemented right now.

*(Mr. Odlin/Mr. Leary)*

The motion to amend was **withdrawn**.

3c. Motion as perfected: Recommend that the Council initiate the running clock for any stock with a trip limit.

*(Mr. Stockwell/Mr. Leary)*

Perfected motion **fails**, 3-5-0

4. Motion: That sectors will be jointly liable only for the following violations of sector policy: ACE overages, discarding of legal fish, and misreporting of catch (landings or discards).

*(Mr. Odlin/Mr. Leary)*

Motion **carries**, 6-1-1

5. Motion: That the PDT analyze the recommendations of the RAP on allocation from their meeting on May 20, 2008. *(Mr. Stockwell/Mr. Leary)*

5a. Motion to amend: That the commercial/recreational allocation be based on FY 2001-2006 for GOM cod, GOM haddock, and pollock.

*(Mr. Blount/Dr. Pierce)*

Without objection, this was accepted as a friendly amendment.

5b. Motion with friendly amendment: That the PDT analyze the recommendations of the RAP on allocation from their meeting on May 20, 2008, and that the document include as an option that the commercial/recreational allocation be based on FY 2001-2006 for GOM cod, GOM haddock, and pollock.

*(Mr. Stockwell/Mr. Leary)*

Motion **carries**, 7-0-1

Draft  
June 3, 2008

6. Motion: That for the recreational measures, if mortality has to be decreased that size limits will be adjusted, followed by changes in bag limits, followed by changes in the season. If mortality can be increased, the reverse order will be used. *(Mr. Blount/Mr. Preble)*  
Motion **carries**, 8-0-0

7. Motion: To include an option that the Council does not adopt a recreational/commercial allocation for GB cod in Amendment 16.  
*(Mr. Blount/Mr. Preble)*  
Motion **carries**, 7-0-1

8. Motion: Recreational fishery accountability measures will be Council adjustments to minimum sizes, bag limits, and/or seasons set for the following year to account for previous year's overages of recreational fishery ACLs, using a three year running average of MRFSS data (or its replacement system).  
*(Dr. Pierce/Mr. Odlin)*  
Motion **carries**, 7-0-1

9. Motion: Recommend that current sector members be allowed to lease any multispecies DAS within the length/horsepower baseline requirements.  
*(Mr. Preble/Mr. Stockwell)*  
Motion **carries**, 6-1-1

10. Motion: The Committee forward as effort control Option 5 an option using a 24 hour clock, with trip limit for each stock determined by dividing the ACL by an estimate of the DAS that would be used in each stock area.  
*(Mr. Stockwell/Mr. Odlin)*  
Motion **carries**, 5-2-1