

FRAMEWORK ADJUSTMENT 20
to the
NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

**To achieve plan objectives in 1997
and implement other measures**

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

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FRAMEWORK ADJUSTMENT #20 NORTHEAST MULTISPECIES FMP

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1.0 INTRODUCTION

1.1 Executive Summary

The New England Fishery Management Council (Council) proposes actions to continue the rebuilding program established in 1996 by Amendment 7 to the Northeast Multispecies Fishery Management Plan. While there are some signs that the stocks are rebuilding, additional restrictions are needed to achieve the plan's exploitation rate objectives. The Council is also proposing several measures to improve the effectiveness of the plan and to mitigate some of its impacts. The proposals are as follows:

- **Cod trip limit/exemption program:** a trip limit for cod of 1,000 pounds for each of the first four days and 1,500 pounds for each day of the trip after four days, with an exception (no limit) for vessels declaring that they will fish exclusively south of 42°00' for a minimum of 30 days;
- **Haddock trip limit/target TAC reduction:** a trip limit for haddock beginning on September 1, 1997, of 1,000 for each day or part of a day up to a maximum of 10,000 pounds which will revert to the 1,000-pound possession limit when the NMFS Regional Administrator projects 1,150 tons (2.54 million pounds) of haddock will be landed, based on a 75-percent threshold limit of a reduced target TAC of 1,400 tons;
- **Gillnet fishery management adjustments:** establishment of two vessel categories:
 - Trip Gillnet: vessels must bring their gear to port; no limit on numbers of nets; days-at-sea (DAS) counted as hours away from port (no change from current system);
 - Day Gillnet: each trip counted as a minimum of 15 hours from the vessel's allocation; vessels must declare 120 days out of groundfishing in blocks of at least seven days, including 21 days during June through September; a limit of 160 flatfish nets or 80 stand-up nets (for roundfish), nets to be not more than 50-fathoms long; multispecies nets will be tagged for monitoring and enforcement;
- **Exempted fisheries:**
 - Mussel dredge fishery in southern New England: year-round with a 8-foot dredge; allowed to retain mussels and urchins;
 - Large-mesh fishery for monkfish and skates south of 40°10': trawls with 8-inch or larger codend mesh, and gillnets with 10-inch or larger mesh may fish for monkfish and skates year-round;
 - Northern Shrimp fishery exemption adjustments: vessels in this exempted fishery will no longer be allowed to possess monkfish, but may land silver hake (whiting) up to the amount of shrimp landed (increased from two standard totes);
 - Large-mesh gillnet fishery in Southern New England: indefinite extension of a one-time (1996) exemption, modified to be year-round, to allow possession of both monkfish and skates (added), and to allow 10-inch mesh (reduced from 12-inch minimum);

- Gulf of Maine/Georges Bank gillnet exempted fisheries: indefinite extension of two one-time (1996) exemptions for monkfish (10-inch mesh, July 1 through September 14) and dogfish (6.5-inch mesh, July 1 through August 31); established seasons remain in effect.

After careful consideration of all the regulations, circumstances and events that collectively determine fishing effort and protection or enhancement of the multispecies fishery complex, the Council feels that these proposed measures will achieve the plan objectives in 1997. The Council recognizes the difficulty with precisely measuring the individual contribution of measures and, more importantly, their synergy with other measures in the plan and external factors. The Council feels that these additional measures continue to move the plan strongly toward Amendment 7 goals while providing some economic relief to help maintain a viable industry during this effort reduction period.

The synergistic relationship is important to the overall success of the plan. For example, increasing the number of exempted fisheries provides alternatives for vessels to seek opportunity outside of the groundfish fishery, reducing groundfish effort while providing income. Likewise, increasing the haddock trip limit, and providing a cod trip-limit exemption for vessels fishing on Georges Bank will result in a more even distribution of groundfish effort across the stock complex. These measures should reverse a recent pattern of effort displacement into the Gulf of Maine inshore areas that resulted from initial phases of the effort reduction program under Amendments 5, 6 and 7.

The measures already contained in the plan which remain in effect include:

- area closures: year-round on Georges Bank, Southern New England and the Great South Channel, and seasonal in the Gulf of Maine, including , as well as closures to fixed gear to protect marine mammals;
- six-inch mesh;
- maximum five-percent bycatch standard on non-DAS regulated fisheries; and
- scheduled DAS reductions for 1997 to 88 DAS for Fleet category vessels and to 50 percent of historical baseline levels for Individual category vessels.

The Council expects additional contributions to the rebuilding plan to come from factors external to the Council process. These include:

- the vessel buyback program and general attrition of vessels out of the industry;
- improved enforcement: the signing of cooperative agreements between states and the federal government, the Coast Guard's new strategy of analysis and targeted enforcement operations ("pulse-ops"), and the indications that the industry is more willing and active in the area of self--policing than in the past;
- stock enhancement efforts by the State of Maine that include proposed spawning area closures and an expanding program of juvenile cod releases; and
- harbor porpoise and right whale protection measures.

The Council will continually monitor the landings, effort and enforcement data as it becomes available. If and when problem areas are identified, it may make mid-year adjustments under the framework process. The Council has also indicated that it intends to review and improve the annual plan monitoring and adjustment procedure established by Amendment 7 of which this action is the initial product.

The Council submits these proposals to the National Marine Fisheries Service under the framework rulemaking procedure established in Amendment 7, and recommends that NMFS publish them as a final rule to be effective on May 1, the start of the 1997 fishing year.

1.2 Background

The Council submitted Amendment 7 to the Northeast Multispecies Fishery Management Plan on February 2, 1996 and the rules became effective on July 1. The purpose of Amendment 7 is to rebuild depleted stocks of cod, haddock and yellowtail flounder to minimum acceptable levels by reducing fishing effort. The plan objective is to be achieved through a number of management measures, primarily controls on days-at-sea (DAS), area closures and gear controls.

Amendment 7 set fishing mortality goals for cod, haddock and yellowtail flounder stocks, and established a process for monitoring the plan and making adjustments to insure the goals are met. A key element of the process is the Multispecies Monitoring Committee (MSMC) which has the responsibility for evaluating the plan every year and recommending management measures for the following year. The MSMC is also charged with calculating a target total allowable catch level (TAC) based on its assessment of the stocks and the plan's fishing mortality goals.

Amendment 7 built on several preceding regulatory actions as the basis for the stock-rebuilding strategy. These earlier actions are:

- Amendment 5: established a permit moratorium and a DAS effort reduction plan to stop overfishing on principal groundfish stocks over a five-to-seven-year period, and increased the minimum mesh size.;
- Amendment 6: a secretarial amendment contained measures specifically designed to protect haddock, such as the 500-pound possession limit;
- Framework 9: implemented measures taken under emergency action to halt the decline in stocks of cod, haddock and yellowtail flounder, including the year-round closure of approximately 6,600 square miles of fishing grounds and the elimination of small-mesh fisheries whose bycatch of regulated groundfish species exceeded minimum acceptable levels.

The main elements of Amendment 7 are that it:

- accelerated the DAS reductions, reaching a 50-percent level in 1997
- eliminated exemptions for gillnet, hook and under-45-foot vessels, and
- extended the fishery exemption requirement to all fisheries not under a DAS program, not just small mesh fisheries as was the case under Framework 9.

Immediately following implementation of the amendment, the Council began work on parts of the plan which it felt required adjustment, particularly:

- the gillnet effort reduction program
- the haddock possession limit
- modification of Amendment 7 Gulf of Maine area closures, and
- proration of DAS to account for the July 1 start date for the 1996 fishing year.

The last two items on the list are already in effect under framework adjustments submitted by the Council in 1996, while the first two are included in the present action.

The Council also began consideration of several exempted fishery proposals for which the National Marine Fisheries Service (NMFS) did not have sufficient bycatch information. Those exemption proposals are included in this package, one for mussel dredges, two for large-mesh gillnets in Southern New England, and extension of two gillnet exemptions in the Gulf of Maine which were in effect for 1996 only.

The Vessel Capacity Reduction Program (VCRP) completed its first phase in 1996 with the elimination of 11 vessels and permits, and is in the process of reviewing applications for up to \$23 million in bids which could eliminate 76 additional vessels (based on the current list of candidates). Vessels in line to be removed from the fishery include many of the largest and historically most productive in the fleet. The Council considered the effect of the VCRP in developing this framework.

Over the past several years, concurrent with the Council's effort reduction activities, fixed-gear vessels have faced an ominous and uncertain future from regulatory action to protect marine mammals. Take Reduction Teams established under the Marine Mammal Protection Act have met and formulated proposals for reducing the bycatch of harbor porpoise, right whales and other large whales through a variety of measures, particularly seasonal area closures and/or gear modifications. The Council has recognized that mammal-protection measures may have an impact on the fishing effort of fixed-gear fisheries, particularly sink gillnet fisheries, but has been unable to precisely quantify the effects of specific measures. Where possible, the Council has considered the effect of existing and proposed marine-mammal protection measures in developing this framework, and it will continue to monitor their effect as those measures take effect.

1.2.1 Multispecies Monitoring Committee Report

The Council established the MSMC to review available information, set target total allowable catch levels (TACs), and develop options to achieve the plan objectives. The MSMC met on September 12, October 16, November 12, 13 and 25, 1996, and presented its report to the Council on December 11 (Appendix II).

The MSMC projected the status of cod, haddock and yellowtail flounder stocks through the end of the 1996 fishing year and calculated the reductions in DAS that would be required to meet fishing mortality objectives in 1997 under various strategies (for five stocks on average, for three Georges Bank stocks on average, and for all five stocks individually). The MSMC calculated the required reductions based on the DAS utilization rates of vessels in the DAS program in 1995-1996. The MSMC report also contained area closure options for achieving the plan objectives under the already-scheduled DAS reductions, and for eliminating overfishing on Gulf of Maine cod under an average DAS reduction strategy.

The MSMC report did not project the effect of measures already under consideration or proposed such as:

- modifications to the gillnet effort-reduction plan
- the May closure of Jeffreys Ledge, and
- mammal-protection measures.

The MSMC also did not take into account the potential effects of the vessel buyback program or the attrition of active vessels (through vessel losses or sale outside the fishery) in projecting the required effort levels for the 1997 fishing year.

1.2.2 Gillnet effort reduction plan

In 1992-1993, when the Council was developing the DAS program for Amendment 5, it was also, and for the first time, addressing the bycatch of harbor porpoise in the sink gillnet fishery. Two main areas of uncertainty about the gillnet fishery existed at that time:

- 1) what was a useful way to measure gillnet effort, and what was the level of effort?
and
- 2) what would be the impact of regulations to protect harbor porpoise in terms of groundfish effort reduction?

In Amendment 5, the Council dealt with this uncertainty by exempting gillnet effort from the DAS reduction program with the explicit understanding that when the harbor porpoise protection measures were in place and could be evaluated, it would make any necessary adjustments to reduce gillnet vessels' effort consistent with the reductions imposed on other fleet components.

The restrictive goals of Amendment 7 caused the Council to eliminate the gillnet vessels' exemption from the DAS program. The question of how to measure gillnet effort remained, however, and when the Council submitted Amendment 7, it proposed that gillnet effort be measured by soak time (the time the groundfish nets are in the water). NMFS disapproved the Council's proposal based on comments that such a plan would be unenforceable. Consequently, DAS for gillnet vessels under Amendment 7 are counted the same way as for all other vessels, namely as time away from port.

The Council immediately recognized the problem with trying to control gillnet fishing effort by regulating a vessel's time away from port since the gear remains in the water fishing regardless of whether the vessel is at sea or in port. If a vessel was away from port for twelve hours, as many day-boat gillnetters are, each allocated DAS would represent two fishing days. An allocation of 88 DAS, which is intended to represent a 50-percent effort reduction, would allow for 176 trips. The implication is that gillnet vessels had an effort baseline of 352 day trips (2 X 176). The Council recognized that this is an unrealistic baseline for the majority of gillnet vessels which are part-time and weather-constrained. The Council was also concerned that vessels could increase their soak time between trips, further diluting the effectiveness of the DAS program.

The Council directed the Groundfish Committee to improve the effectiveness of the gillnet DAS program. The Groundfish Committee established a Gillnet Subcommittee which met several times in 1995-1996 and which developed the proposed plan. The improvements to the effort-reduction impact of the proposed gillnet plan are considered in evaluating the overall impact of this framework adjustment for the 1997 fishing year.

1.3 Framework process

The framework process requires the Council to consider the adjustment over the span of at least two Council meetings, during which time the public is invited to comment on the proposal and associated analyses. The Council formally initiated this framework adjustment at its meeting on December 12, 1996 at which time it also voted to bundle several other frameworks that had been initiated earlier into this one package. These other frameworks initiated on November 7 are as follows:

Gillnet effort control adjustments
Protection of the 1992 year class of winter flounder

Mussel dredge exemption
Modification to shrimp fishery exemption, and
10-inch mesh gillnet exemption.

The Council held a special one-day meeting on January 16, 1997 to finalize the measures to be contained in this framework document. The final meeting took place on January 29-30. The Council recommends that the Secretary of Commerce publish the adjustment as a final rule on the basis of justification provided in Section 2.2.

2.0 PURPOSE AND NEED

2.1 Need for adjustment

The need for the proposed adjustments is primarily the status of the effort-reduction program relative to the rebuilding goals set in Amendment 7. The MSMC report (Appendix II) contains an assessment of the plan's effectiveness. Summary points in that report are as follows:

- spawning stock biomass (SSB) for Georges Bank and Gulf of Maine cod continued to decline through 1995 from previous record-low 1993 levels but is projected to increase slightly in 1996 and 1997
- SSB for Georges Bank haddock approximately doubled between 1994 and 1996 due to the combined effects of maturation and reduced mortality on the 1992 year class
- SSB of both Georges Bank and Southern New England yellowtail flounder is projected to increase in 1996 but the estimates of recruitment on which that assessment is based are very uncertain
- fishing mortality rates on four of the five principal stocks (excluding Gulf of Maine cod) have declined since 1993 although rates on Georges Bank cod and yellowtail flounder remain well above Amendment 7 goals
- fishing mortality on Gulf of Maine cod has not declined and requires a reduction of 74 percent to reach Amendment 7 goals.

The need for the proposed exemptions (mussel dredge and large-mesh gillnet) and for raising the haddock possession limit is to provide some economic relief for vessels impacted by the groundfish protection measures, while not compromising the conservation goals.

2.2 Publication as a final rule

The Council recommends that NMFS publish the proposed adjustment as a final rule and has considered the following factors as specified in 50 CFR 648.90 (b):

- timing of the rule
- opportunity for public comment
- need for immediate resource protection, and
- the continuing evaluation of the plan.

2.2.1 Timing of the rule

The timing of the rule does not depend on the availability of time-critical data, and the Council did not consider data availability in its decision to recommend publishing the adjustments as a final rule. The Council established the implementation schedule for this framework in Amendment 7 after consideration of the time it needed to review and respond to the MSMC report and the time NMFS needed to review the document and implement the rule.

The timing of the rule is relevant to the start date of the fishing year when DAS allotments are set, May 1.

2.2.2 Opportunity for public comment

The schedule of meetings in which publicized discussion of alternatives to any of the proposed measures took place is as follows:

DATE	MEETING	LOCATION
1996		
2/27-28	Council	Danvers, MA
4/11	Groundfish OS	Peabody, MA
4/17-18	Council	Danvers, MA
6/5-6	Council	Danvers, MA
6/11	Groundfish OS	Portland, ME
7/9	Groundfish OS	Peabody, MA
7/17-18	Council	Peabody, MA
8/13	Groundfish OS	Peabody, MA
8/21-22	Council	Danvers, MA
8/27	Groundfish OS	Woods Hole, MA
9/9	Council	Peabody, MA
10/2-3	Council	Danvers, MA
10/28	Groundfish OS	Peabody, MA
11/6-7	Council	Portland, ME Initial meeting for some framework measures
11/20	Groundfish OS	Peabody, MA
12/11-12	Council	Peabody, MA Initial meeting for Framework 20
12/17	Groundfish OS	Woods Hole, MA
1997		
1/7	Groundfish OS	Peabody, MA
1/16	Council	Danvers, MA
1/29-30	Council	Danvers, MA Final meeting for Framework 20

The mailing lists for meeting notices contain approximately 900 and 1,900 interested parties for Groundfish Committee and Council meetings , respectively. Agendas and meeting summaries for the above meetings are available from the Council office.

2.2.3 Need for immediate resource protection

The need for immediate resource protection is summarized in Section 2.1, above, and in greater detail in the MSMC Report (Appendix II), as well as in the Purpose and Need section of Amendment 7.

2.2.4 Continuing evaluation

Amendment 7 established the MSMC and a formal process for annually reviewing the rebuilding program (see section 1.2.1). The proposed action is the result of the first evaluation which took place in the Fall, 1996. The MSMC review will be supplemented by formal assessments of cod, haddock and yellowtail flounder stocks conducted by the Stock Assessment Workshop which the Steering Committee has scheduled for 1997. The Groundfish Committee has indicated that it wants the Council to review the MSMC/framework process to determine what improvements could be made for future plan evaluations.

3.0 PROPOSED ACTION AND ALTERNATIVES

This section contains a description and discussion of measures proposed by the Council (Section 3.1) and measures considered and rejected by the Council and/or Groundfish Committee (Section 3.2).

3.1 Proposed action

In summary, the Council proposes the following measures (see following sections for detailed description of the measures):

- **Cod trip limit/exemption program:** a trip limit for cod of 1,000 pounds for each of the first four days and 1,500 pounds for each day of the trip after four days, with an exception (no limit) for vessels declaring that they will fish exclusively south of 42°00' for a minimum of 30 days;
- **Haddock trip limit/target TAC reduction:** a trip limit for haddock beginning on September 1, 1997, of 1,000 for each day or part of a day up to a maximum of 10,000 pounds which will revert to the 1,000-pound possession limit when the NMFS Regional Administrator projects 1,150 tons (2.54 million pounds) of haddock will be landed, based on a 75-percent threshold limit of a reduced target TAC of 1,400 tons;
- **Gillnet fishery management adjustments:** establishment of two vessel categories:
 - Trip Gillnet: vessels must bring their gear to port; no limit on numbers of nets; days-at-sea (DAS) counted as hours away from port (no change from current system);
 - Day Gillnet: each trip counted as a minimum of 15 hours from the vessel's allocation; vessels must declare 120 days out of groundfishing in blocks of at least seven days, including 21 days during June through September; a limit of 160 flatfish nets or 80 stand-up nets (for roundfish), nets to be not more than 50-fathoms long; multispecies nets will be tagged for monitoring and enforcement;
- **Exempted fisheries:**
 - Mussel dredge fishery in southern New England: year-round with a 8-foot dredge; allowed to retain mussels and urchins;
 - Large-mesh fishery for monkfish and skates south of 40°10': trawls with 8-inch or larger codend mesh, and gillnets with 10-inch or larger mesh may fish for monkfish and skates year-round;
 - Northern Shrimp fishery exemption adjustments: vessels in this exempted fishery may no longer possess monkfish, but may land silver hake (whiting) up to the amount of shrimp landed (increased from two standard totes);
 - Large-mesh gillnet fishery in Southern New England: indefinite extension of a one-time (1996) exemption, modified to be year-round, to allow possession of both monkfish and skates (added), and to allow 10-inch mesh (reduced from 12-inch minimum); and
 - Gulf of Maine/Georges Bank gillnet exempted fisheries: indefinite extension of two one-time (1996) exemptions for monkfish (10-inch mesh, July 1 through September 14) and dogfish (6.5-inch mesh, July 1 through August 31); established seasons remain in effect.

3.1.1 Days-at-sea adjustments

No additional reductions but some modification of gillnet DAS - Amendment 7 already includes reduced DAS allocations for fishing year 1997, as follows:

- 88 DAS for Fleet category vessels (from 139 in 1996), and
- to 50 percent of the baseline for Individual DAS category vessels (from 65 percent of the baseline in 1996).

The Council is not proposing any further reductions in DAS allocations beyond those already scheduled. It is, however, proposing modifications to the DAS program for gillnet vessels as described in Section 3.1.4. The Council also recognizes that some reduction in total active DAS has occurred as a result of the vessel buyback and attrition (loss or sale out of the fishery).

3.1.2 Area closures

No additional area closures- See Section 3.2.2 for discussion of area closure alternatives considered and rejected.

3.1.3 Possession and trip limits

The Council is proposing to limit the amount of cod a vessel fishing north of 42°00' may land, and to allow a seasonal increase in the current 1,000-pound haddock possession limit with an offsetting adjustment of the target TAC.

3.1.3.1 Cod trip limits

For the 1997-1998 fishing year, a vessel will be limited in the amount of cod it may land per trip unless enrolled in the exemption program for vessels fishing south of 42°00' (see Figure 3.1.3.1.1). The cod trip limit measure will expire at the end of the 1997 fishing year, on April 30, 1998, unless explicitly reauthorized by the Council.

For the purposes of this measure, a trip is defined as beginning when the vessel calls-in to start counting DAS (or VTS counting is activated) and ending when the vessel calls-in to stop counting DAS (or VTS counting stops). When calling in to indicate the end of the trip, the vessel operator will hail the weight of cod being off-loaded. A vessel does not have to off-load the cod at the end of the trip, but it must end a trip to off-load cod. (See discussion below.) The trip limit will be based on a trip length, as follows:

- **Trips of 4 days or less:** A vessel may land 1,000 pounds of cod for each day or part of a day on the trip (based on a 24-hour day), not to exceed 1,000 pounds per calendar day.
- **Trips of more than 4 days:** In addition to the 4,000 pounds allowed for the first four days of the trip (96 hours) a vessel may off-load 1,500 pounds of cod for each day or part of a day over four days, provided those days are consecutive (for example, 7,000 pounds for a 6-day trip; 4,000 for the first four days and 3,000 for the fifth and sixth days together).
- **Catch in excess of the trip limit:** A vessel may off-load more cod than calculated under the formula described above under the following conditions:
 - a) the vessel does not begin another groundfish or scallop DAS (call-in or VTS) until sufficient time has elapsed to account for the prior trip's excess landings; and
 - b) the vessel's DAS allocation is reduced by the amount of time required to account for the trip's excess landings (see Table 3.1.3.1).

- **Vessels not off-loading at the end of the trip:** If a vessel has cod on board but does not off-load any fish at the end of the trip, the operator must hail the weight of cod and indicate his intent to retain the fish on board when calling-in to stop the DAS clock. At the end of the trip on which the catch is off-loaded, the vessel must meet the cod trip limit requirements described above. The increased limit of 1,500 pounds per day on the fifth day is for consecutive days of a trip, not for trips on which the DAS clock was stopped without off-loading.

Cod must be separated from other species on board to facilitate enforcement.

DAS used during the trip	Trip limit (pounds)	Trip start time to next trip start time (hours:minutes)	DAS deduction from vessel allocation (hours:minutes)
0-24 hours (1 day)	0-1,000	next calendar day	actual trip length ¹ (hours and minutes)
24:01-48 hours (2 days)	0-2,000	24:01	24:01
48:01-72 hours (3 days)	0-3,000	48:01	48:01
72:01-96 hours (4 days)	0-4,000	72:01	72:01
96:01-120 hours (5 days)	0-5,500	96:01	96:01
120:01-144 hours (6 days)	0-7,000	120:01	120:01
144:01-168 hours (7 days)	0-8,500	144:01	144:01
Each day thereafter	1,500/day for each day over 4 days	add 24 hours	add 24 hours

Table 3.1.3.1 Cod trip limit/DAS calculations. Note 1: Gillnet DAS are counted as a minimum of 15 hours, see Section 3.1.4.1.

Examples:

- 1) A vessel returns from a trip of 36 hours. It may off-load up to 2,000 pounds. It may start another groundfish trip immediately because more than 24:01 has elapsed since the start of the trip.
- 2) A vessels lands 2,900 pounds. It may not start another groundfish trip until 48:01 hrs. has elapsed since the start of that trip. If the 2,900 pounds was off-loaded in less than 48 hours (two days), the vessel may not start the next groundfish trip until 48:01 has elapsed. If the vessel off-loads 2,900 after 90 hours, it may start another trip immediately because more than 48:01 has elapsed since the start of the trip. In this last case, the DAS allocation will be reduced by 90 hours.

Cod trip limit exemption program

A vessel may be exempt from the cod trip limit when fishing outside of the Gulf of Maine. The requirements of the exemption program are:

- while enrolled in the program and on a DAS, a vessel may only fish south of 42°00' (see Figure 3.1.3.1.1)
- a vessel must enroll in the program by declaring in writing to NMFS (by letter or fax) that it will be fishing south of 42°00' for a minimum of 30 days, and
- a vessel enrolled in the program and on a DAS must have all gear properly stowed and not available for immediate use while transiting the area north of 42°00'.

Figure 3.1.3.1.1 Cod trip limit exemption area

Discussion

The purpose of the cod trip limit is to reduce total catches of cod from the Gulf of Maine stock and to distribute the reduction across all participants in the fishery. The Council has set the limit at a level at which it does not expect a discard problem in the short term, based on recent landings statistics, but at which it expects will create an incentive to shift away from concentrations of cod. The Council recognizes that some cod will be caught in the multispecies mix while fishing on a DAS and feels that 1,000-1,500 pounds per day will minimize the discard problem normally associated with trip limits in a multispecies fishery. Furthermore, allowing vessels to land cod caught in excess of the trip limit will also minimize the potential discard problem normally associated with trip limit measures. The trip limit will effectively eliminate the largest trips of cod that result from effort directed specifically on cod while allowing vessels to fish for other regulated species.

The purpose of the two-tiered limit is to encourage vessels that are able to fish offshore from taking shorter trips focused on inshore areas. The Council has learned that under the effort reduction program in place since 1994, a number of offshore vessels have concentrated inshore to reduce steaming time. By allowing vessels that usually take longer trips to land more cod per day at sea, the Council is offsetting the increased costs of steaming offshore (namely, reduced fishing time per DAS and increased fuel costs). While cod stocks are concentrated inshore in the Gulf of Maine, other regulated species are more available in deep water farther offshore, and this incentive will encourage vessels to target those other species on their DAS, reducing pressure on Gulf of Maine cod.

The Council is concerned about potential discards normally associated with trip limits. To address this concern, the trip-limit measure provides for a vessel to land all the cod caught on the trip. The landings in excess of the trip limit will be accounted for in the reduction from a vessel's DAS allocation, thereby preserving the conservation objective. Requiring the vessel to remain in port for an amount of time to account for the landings, is intended to prevent a vessel's trading DAS for cod, for DAS which it may not have otherwise used. The Council is concerned about this potential problem based on the large number of unused DAS ("latent effort") indicated in the MSMC report, and questions raised during the development of the trip limit proposal.

Analysis of 1996 landings indicates that approximately 20 percent of GOM cod landings come from trips with catch rates over 1,000-pounds per day. Using a "bag-limit" analysis technique, the NEFSC estimates a catch savings of 15.1 percent from 1996 levels under the proposed trip limit. Figure 3.1.3.1.2 shows the results of this analysis broken out by gear type. The vessels that are enrolled in the buyout program will not contribute to the benefits of the trip limit and are removed from the analysis as shown.

Figure 3.1.3.1.2 **Cod trip limit analysis results. The impact of the vessel buyout on the effectiveness of the trip limit is shown**

The Council has considered other factors not reflected in this analysis in setting the trip limit, namely that:

- the trip limit will cause fishermen to redirect their effort away from cod in the Gulf of Maine, whereas in the past, no incentive existed to pull away from a concentration of cod;
- the trip-limit exemption program, the increased haddock trip limit and the monkfish exemptions provide incentives for vessels to fish outside of the Gulf of Maine;
- gillnet fishermen fishing under a trip limit may reduce the amount of gear they fish, and, thereby, reducing total cod catch as well as operating costs;
- the status of GOM cod may be enhanced by measures taken by the State of Maine which were not accounted for in previous analyses, including inshore seasonal spawning area closures (currently in the rulemaking phase), and the recent and scheduled release of thousands of juvenile cod.

The purpose of the exemption program is to take into account the differences in the levels of fishing mortality of Georges Bank and Gulf of Maine cod stocks relative to their objectives. The Council recognizes the difficulties with determining the stock origin of landed cod independent of the vessel reports. It has designed a program that will allow vessels to fish under different rules in the different areas but that is simple, enforceable and administrable. The program allows for at-sea enforcement and does not depend on shoreside determination of the stock origin of the landings.

3.1.3.2 Haddock trip/possession limit

Prior to September 1, 1997, the haddock possession limit will remain at 1,000 pounds. Beginning on September 1, vessels may retain up to 1,000 pounds of haddock for each day or part of a day on the trip, up to a maximum of 10,000 pounds. When the Regional Administrator (RA) projects that 1,150 metric tons (2.54 million pounds) of haddock will be landed, the RA will notify permit holders of the following:

- that the haddock possession will revert to a 1,000-pound possession limit, and
- the effectiveness date of the change.

If and when the 1,000-pound possession limit is reinstated, it will remain in effect until further Council action. The Council will reconsider this measure during its annual plan review of the 1997 fishing year. Unless the Council explicitly eliminates or modifies the 1,000-pound possession limit, it will remain in effect after May 1, 1998.

Discussion

The 1,150-ton trigger is based on the Council's decision to set a more conservative target TAC to offset its allowing vessels to land more haddock per trip. For 1997, the Council lowered the target TAC from 1,608 metric tons to 1,400 metric tons, and set the trigger (at which the 1,000-pound limit will be reinstated) at 75 percent of the revised target TAC.

The Council is addressing three concerns with this proposal:

- reducing discards of haddock caught in excess of the 1,000-pound limit
- providing an incentive for vessels to direct their effort away from inshore areas
- offsetting increases in individual vessel catches with a more conservative overall catch objective.

Since haddock discards are not currently incorporated into the stock assessment, allowing vessels to land more haddock, rather than forcing them to discard all incidental catches in excess of 1,000 pounds, will improve the stock assessment by accounting for more of the total catch.

The Council set the start date for the increased trip limit at September 1 for two main reasons:

- September is when haddock begin to school up and vessels have reported that their catches begin to exceed the 1,000-pound limit, resulting in increased discards, and
- prices for haddock begin to increase as Canadian imports to local processors begin to decrease, increasing the economic value of the domestic landings.

Requiring Council action to extend the increase into the next fishing year, provides an extra measure of protection in the event that haddock rebuilding is stalled. The Council will decide on future haddock measures based on the 1997 MSMC evaluation and the stock assessment expected this year.

3.1.4 Gillnet fishery management adjustments

3.1.4.1 Summary

Two vessel categories- Trip boats and Day boats

At the beginning of the fishing year a vessel intending to fish with sink gillnets must declare into either a Trip Gillnet or a Day Gillnet category and must remain in that category for the year. A vessel must fish under its DAS allocation on any trip on which regulated species is possessed on board. A vessel in either category may use gear other than sink gillnets, but when fishing with gillnets must comply with the appropriate regulations for its category.

Trip Boat category

Individual or Fleet DAS (88 in 1997) counted as hours away from the dock. No net cap but a vessel must bring all gear to port at the end of the trip. Nets do not have to be tagged but net strings must be marked in accordance with current regulations requiring identification of the owner.

Day Boat category

Revised days-at-sea program combined with a net cap. Vessels in the Small Vessel permit category (under 30 feet in length), not fishing under DAS, are exempt from the net cap.

Days-at-sea: Individual or Fleet DAS (88 in 1997) counted as hours away from the dock except that each trip will count as a minimum of 15 hours (maximum of 140 trips for Fleet DAS vessels). **Weather window:** Trips of less than three hours will not be counted as 15 hours but only as the time away from port.

Time out of the fishery: Each vessel must declare 120 days out of the gillnet fishery in blocks of at least seven days, and must take 21 of those required days out during the period June through September. During these required times out, a vessel may fish in other fisheries. It may fish on a DAS for regulated species, provided it uses gear other than gillnets, or it may fish in an exempted fishery.

Net tags: Vessels will be issued up to 160 uniquely numbered tags. Stand-up nets must have two tags per net (maximum of 80 nets), flatfish nets must have one tag per net. The maximum length of tagged nets is 50 fathoms (300 feet). A vessel may fish any combination of flatfish and stand-up nets not to exceed 160 tags. Lost tags may be replaced but the replacement tags will have new numbers, and the lost tag numbers will be invalidated and their use prohibited. A new series of tags will be issued at the start of each fishing year. Nets used in exempted fisheries do not have to be tagged but net strings must be marked according to current regulations requiring identification of the owner.

Purpose and intent of proposed modifications to the gillnet plan

The purpose and intent of this proposal is to improve control of gillnet fishing effort by regulating both DAS and the amount of gear fished.

3.1.4.2 Revised Gillnet DAS Program

Rationale

The current DAS reduction program for gillnet vessels is the same as that for other vessels, namely that in 1997 fleet category vessels will have 88 DAS and individual category vessels will have 50 percent of their baseline. DAS are counted as hours away from port which, for vessels which make trips of less than 24 hours duration, results in more than 88 DAS available. Typically, day boats which return to port every night make trips of 12-15 hours resulting in available DAS in the range of 140-176.

Furthermore, since day-boat gillnet vessels generally leave their gear to soak (overnight for roundfish and for two or more days for flatfish) the effectiveness of the effort reduction program is widely disputed. Under the current system, a day boat gillnet vessel could have its gear in the water, without extending soak time beyond current practices, for a minimum of six months based on daily trips of 12 hours duration (88 DAS counted as 12-hour days equals 176 calendar days). Under a 50-percent effort-reduction program, the implication is that vessels have had their gear in the water for a baseline of twelve months. However, since the gillnet fleet is mostly (65-75%) part-time, the current effort-reduction program is inherently flawed because most vessels will not have their fishing time halved.

By counting time away from the dock in increments of 15 hours, the proposed system will result in an effort control program which more closely achieves the objective of a 50-percent reduction than the current system. An allocation of 88 DAS counted in 15-hour increments results in a maximum number of trips of 140 and implies a baseline of 280 trips. The subcommittee considers this to be an appropriate baseline in light of its understanding of the fishery and the comments from members of the public.

The Council is concerned that gillnet vessels may compensate for reduced allocations of time away from port (DAS) by extending the soak time between trips, thereby offsetting the conservation benefit of the regulation. Requiring gillnet vessels to declare 120 days out of groundfishing in blocks of not less than seven days will ensure that vessels remove their groundfish gear from the water for a significant period of time. The proposal allows up to 245 days when groundfish gillnets could be deployed, regardless of the allotted DAS.

Requiring a vessel to take three 7-day blocks (which may be consecutive) during the summer months is meant to apply the time-out requirement when gillnet activity is the greatest. Most gillnet vessels fish for groundfish part-time, and allowing them to take the time out of the

fishery when they do not normally fish would have no conservation benefit. The Council has determined that the seasonal restriction is necessary to insure some effort reduction by the fleet.

The Council has considered the question of equity that has been raised about the provision requiring a seasonal period out of the fishery for only one sector of the industry. The Council notes that gillnet gear is unique in its ability to continue fishing while the vessel is in port. Thus, while the fishing mortality impact of other gear is limited primarily by the amount of DAS available, the fishing mortality impact of a gillnet is determined primarily by the amount of time it is in the water. The Council considers this unique characteristic to be justification for the gear-specific time-out requirement.

Analysis of the revised DAS program

Analysis of a gillnet DAS program is hampered by a lack of data on the historical effort by this gear sector. The lack of data is due to several factors, including that:

- most gillnet vessels are undertonnage (less than 5 gross registered tons) and, therefore, not individually identified in the weighout database for the baseline effort period (1988-1990);
- Amendment 5 exempted gillnet vessels from the DAS call-in requirement;
- many gillnet vessels fish out of small or remote ports which were not fully covered by the data collection system in place prior to Amendment 5.

Recorded days absent data for tonnage vessels during the baseline period (1988-1990) are shown in Table 3.1.4.2.1, (annual average) and Table 3.1.4.2.2 (monthly average). The annual data are affected by the low level and uneven distribution of coverage and are not useable for setting DAS allocations for the fleet. The monthly data, however, is consistent with the reported general pattern gillnet activity increases in the June-September period. Furthermore, a 1992 survey conducted by the NEFSC Statistics Investigation indicated that on average the number of gillnet vessels fishing also peaks during the summer period (Table 3.1.4.2.3). Thus, more gillnet vessels are fishing and most fish more days in the summer.

Table 3.1.4.2.1 **Average gillnet days absent per year for trips landing multispecies (vessels over 5 GRT). Source: NMFS weighout database.**

Table 3.1.4.2.2 Average gillnet days absent per month for gillnet vessels (over 5 GRT) landing multispecies. Source: NMFS weighout database.

Table 3.1.4.2.3 **Monthly gillnet vessel activity 1990-1992. Source: NEFSC Statistics Investigation survey**

Given the data considerations noted above, the proposed DAS program revisions are better evaluated relative to the current DAS program rather than in absolute terms (as a percentage reduction from a baseline). The plan-monitoring and adjustment requirements will enable future modifications as needed to achieve the broader amendment objectives. In this light, the proposed revisions improve on the existing effort control program in three major ways:

- it establishes an absolute maximum number of DAS available (140) rather than allow a variable number depending on trip length in hours. This number of trips is 20 percent less than would be available if a 12-hour average trip length is assumed (176 trips).
- it sets a standard or baseline of gillnet effort as a basis for future plan evaluation and adjustment
- it requires blocks of time out of the fishery when the gear must be removed, and targets part of that time when most vessels in the fishery are active (June through September).

Viewed in conjunction with the proposed gear controls, the revised DAS program directly addresses the concerns expressed by the Council and other interested parties that the current system does not adequately control gillnet effort by allowing increases in gear to offset reductions in DAS.

The proposed program, like the current one, relies on the more enforceable approach of monitoring effort as time away from port, rather than time the gear is in the water. Critics of this type of system argue that vessels will extend the soak time between trips away from port, and, thereby, diminish the fishing mortality impacts of the DAS controls. On the other hand, proponents of this method of monitoring effort, which includes many gillnet fishermen, reply that economic and operational factors inhibit such behavioral changes. For roundfish, inhibiting factors include:

- the loss of product quality which reduces price and revenues per day fished;
- reduced efficiency and increased costs because of increased discarding;
- a general aversion to fishing practices that waste fish.

For flatfish, the product quality issue and discarding problems are not as severe as they are with roundfish. However, both the season and area of the flatfish gillnet fishery are more limited by availability. Furthermore, the Council feels that the proposed net cap will likely have a significant effect on the amount of gear deployed in this fishery based on statements of fishermen about the numbers of nets currently being used.

In all cases, fishermen who do not tend their gear on a regular basis run a greater risk that their gear will be lost or destroyed by weather or other fishing activities. Gear conflicts between mobile and fixed gear fishermen are widely acknowledged. Untended gear is also susceptible to having other gillnets set on top of it resulting in loss or damage when the gear is eventually hauled. Peer pressure also may improve the effectiveness of the proposed net cap.

3.1.4.3 Net Cap

Rationale for a net cap

The Gillnet Subcommittee focused on three principal issues in addressing the Council's directive to develop a measure based on net reductions:

- 1) monitoring and enforcement of controls on numbers of nets- In collaboration with NMFS Enforcement and USCG personnel, the subcommittee developed a net-tagging system as described below.
- 2) determining "baseline" number(s) of nets from which reductions could be calculated- After extensive discussion, the subcommittee recognized that a fleet-wide baseline number of nets could not be determined due in part to the lack of data, but mostly to the diversity in numbers of nets used by region, target species, vessel size and individual preference.
- 3) establishing a measurable relationship between net reductions and target fishing mortality reductions- The subcommittee acknowledged the technical problems with trying to establish a relationship between reductions in the numbers of nets used with target incremental reductions in fishing mortality, even if the numbers of nets used by each vessel were known precisely.

In response to the technical difficulties in trying to use net reductions as a component of an effort reduction plan, the modified its strategy with regards to controlling the numbers of nets. Rather than designing a program around *net reductions* the Council proposes a system of *net caps* combined with DAS reductions. The Council's intent in capping the number of nets is to:

- 1) prevent uncontrolled increases in numbers of nets used by vessels in response to reductions in days at sea, and
- 2) establish, over time, a standardization in numbers of nets in use that could be used in the future as a measurably adjustable component of an effort reduction program in addition to DAS.

The Council recognizes that a net cap may result in a reduction for some segments of the fleet and may allow for an increase in nets used by other segments of the fleet. The subcommittee has proposed a net-tagging system which allows for more nets for flatfish because the flatfish gillnet fishery is the group most likely to experience a reduction in nets under the proposed plan. In response to comments that some vessels may still increase their net numbers under the cap, the Council feels that each vessel has adopted an optimal number-of-nets fishing strategy for the particular characteristics of the vessel and fishery and, therefore, there are economic and personal reasons why those fishermen are not using more nets now. Nevertheless, if the effort reduction program creates an incentive for vessels to increase the numbers of nets they use, the size of the potential increase is capped and may be adjusted in the future.

Analysis of the net cap proposal

Analysis of the net cap is hampered by a lack of data on the numbers of nets used, and by the diversity of gillnet fishing operations. Public comment suggests that in some areas, all vessels fish fewer than 80 nets for roundfish (cod, pollock, etc.), while in other areas, particularly in the western Gulf of Maine, some vessels fish as many as 120 nets. Testimony also suggests that many vessels fish for flounders with well more than 160 nets, and in some cases more than double that amount. Since the purpose of the cap is to limit uncontrolled growth in the numbers of nets fished, and to standardize gear usage by vessel, the proposed measure will likely meet its objective.

3.1.4.4 Net Tagging- Monitoring and Enforcement

At the start of each fishing year, NMFS will issue up to 160 net tag numbers to each vessel

which declares into the Day Gillnet category. A system will be developed wherein NMFS will authorize the issuance of tags by manufacturers or distributors to qualified fishermen. Tags will be uniquely numbered, and the purchase of the tags will be the responsibility of the vessel permit holder.

Option for vessels fishing exclusively with stand-up nets: A vessel could indicate its intent to fish exclusively for roundfish when applying for its tag allotment. NMFS would authorize only 80 tag numbers. These tags will be distinguished from the general tags by a different color. A vessel issued these tags could fish its nets with one tag per bridle. *Rationale:* The tag-replacement system requires a vessel operator to track all tag numbers and to report the specific lost-tag numbers. A two-tag per net program will require additional effort by operator and crew to track and monitor the tags. With a different color scheme for vessels targeting just roundfish, the tagging-program burden is reduced because they will only have one tag per net to track. A one-tag option also reduces costs for the tags, however minimal.

Tagged nets may only be hauled or set when a vessel is on a DAS (has called in). A vessel not fishing under a DAS may haul non-tagged nets when fishing in an exempted fishery. Fishing with tagged nets and non-tagged nets at the same time would be prohibited. All tagged gear must be brought to port prior to fishing in an exempted fishery. A vessel captain must be able to show all net tags upon request of an enforcement agent when a vessel is not on a groundfish DAS. In other words, tags must be removed from the nets or the tagged nets must be out of the water.

Tags will be reusable to allow for gear replacement or switching tags between flatfish and stand-up gear. Each tagged net must not be more than 50 fathoms (300 ft.) long.

Flatfish/Roundfish Gear Identification

Roundfish or stand-up nets: nets meeting the minimum regulated mesh size (six inches) and constructed with floats on the float line, and no tie-down twine between the floatline and the leadline. Roundfish nets must have two tags per 50-fathom net, one tag at each bridle.

Flatfish nets: nets meeting the minimum regulated mesh size (six inches) and constructed either with or without floats on the float line. Flatfish nets with floats on the floatline must have tie-down twine between the floatline and the leadline not more than 48 inches long and spaced not more than 15 feet apart. Flatfish nets must have at least one tag per 50-fathom net.

Lost tags and tag replacement

If a vessel loses tags (gear loss, operational loss) the owner or operator must report the lost tag numbers as soon as possible, by letter or fax, to NMFS. Lost tag numbers become invalid and their future use will be a violation.

Permit holders must request replacement numbers from NMFS in writing (letter or fax). NMFS will issue replacement tag numbers as soon as possible upon receiving the written request. Purchase of replacement tags will be the responsibility of the vessel owner or captain.

3.1.5 Exempted fisheries

3.1.5.1 Mussel dredge fishery in Southern New England

The Council proposes to allow a mussel dredge fishery exemption. The fishery will have the following definition:

- Area: Southern New England Regulated Mesh Area and the Nantucket Shoals Dogfish Exempted Fishery Area (see Figure 3.1.5.1)
- Season: year-round
- Gear: mussel dredge not more than 96 inches in width
- Species: mussels and sea urchins.

Discussion

The Council proposes to allow this exemption because it believes that regulated species catch is substantially less than five percent of the total catch/landings in this fishery. Exempted fisheries, such as this, provide important economic opportunity for vessels, many of which are facing reduced opportunity in other fisheries, while not compromising the rebuilding plan. Analysis summarized in Tables 3.1.5.1 A-B indicates an insignificant amount of multispecies bycatch in mussel and urchin dredges. Only two of 67 observed trips caught over five percent multispecies (5.09 and 5.43 percent), while most trips were below one percent.

Figure 3.1.5.1 Mussel dredge exemption area

3.1.5.2 Large-mesh fishery for monkfish and skates south of 40°10'

The Council proposes to expand an existing 8-inch-mesh trawl fishery exemption south of 40°10' to include large-mesh gillnets and to allow unlimited possession of skates. The modified fishery will have the following definition:

- Area: Southern New England Regulated Mesh Area south of 40°10' (see Figure 3.1.5.2)
- Season: year-round
- Gear: sink gillnets with a minimum mesh of 10 inches, trawls with a minimum mesh of 8 inches in the codend (square or diamond mesh, for a minimum of 45 meshes from the terminus of the net)
- Species: monkfish and skates,
Other species allowed as incidental take:
butterfish, dogfish, herring, mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake, weakfish, conger eels, searobins, black sea bass, red hake, tautog, blowfish, cunner, John Dory, mullet, bluefish, tilefish, longhorn sculpin, fourspot flounder, alewife, hickory shad, American shad, blueback herring, sea ravens, Atlantic croaker, spot, swordfish, and lobster (up to 10 percent by weight of all other species on board, or 200 lobsters, whichever is less)

The exemption will remain open until modified by the Council or the Regional Administrator, in consultation with the Council, based on updated bycatch information or management plans implemented for the target species.

Discussion

The current exemption limits the possession of skates to 10 percent by weight of fish on board, and does not allow large-mesh gillnets. The Council proposes to allow this exemption because it believes that regulated species catch is substantially less than five percent of the total catch/landings in this fishery. This position is supported by analysis of VTR and observer data on trips using 10-inch or larger mesh (see Tables 3.1.5.2 A and B). Exempted fisheries, such as this, provide important economic opportunity for vessels, many of which are facing reduced opportunity in other fisheries, while not compromising the rebuilding plan.

Figure 3.1.5.2 Monkfish/skate exemption area

Table 3.1.5.2 A

Table 3.1.5.2 B

3.1.5.3 Adjustments to the northern shrimp exempted fishery

In the northern shrimp fishery the Council proposes:

- to prohibit the possession of monkfish, and
- to modify the allowable limit of whiting from two totes to an amount equal to the weight of shrimp on board.

Discussion

The shrimp fishery rules require the use of an excluder device with a bar spacing of not more than one inch to separate and discharge any fish which cannot pass through the grate. The current allowance of monkfish or monkfish parts up to 10 percent of the weight of fish (including shrimp) on board is inconsistent with the purpose of the grate, since marketable-size monkfish physically cannot pass between the bars. Allowing retention of monkfish provides an incentive to modify the net to retain the fish which would otherwise pass through the net. Modifications to the net are difficult to enforce particularly when they appear to be accidental, such as spinning the grate to constrict the net or placing an object such as a rock or lobster trap in the net to obstruct the funnel or escape hole.

Shrimp trawls catch whiting in varying amounts because the bar spacing of the grate is wide enough to allow many small whiting to pass through and the mesh size in the codend is small enough to retain them. Since a market exists for small (under nine inches) whiting, the current retention allowance of two totes of results in marketable product being discarded whenever the bycatch exceeds that amount. With the current proposal, the Council is allowing retention of legitimate bycatch, thereby eliminating wasteful discards, while not allowing a directed juvenile whiting fishery. Vessels which might seek to direct on whiting would have to catch an equal amount of shrimp.

3.1.5.4 Large-mesh gillnet fishery exemption in Southern New England

The Council proposes to modify and extend indefinitely a one-time seasonal large-mesh gillnet fishery in Southern New England west of 70°00'. Under Amendment 7, the Regional Administrator allowed two exemptions for gillnets in Southern New England west of 70°00' from July 1 through October 31, 1996. They were:

- for monkfish only with mesh 12 inches or larger, and
- for dogfish with mesh 6 inches or larger, with incidental catch allowances as in the SNE small-mesh exemption, including a 10-percent limit on monkfish and skates.

The proposed action would modify the monkfish exemption as follows:

- Area: Southern New England west of 70°00' (no change) (see Figure 3.1.5.4)
- Season: year-round, indefinite duration (with no set end date)
- Gear: sink gillnets with a minimum mesh of 10 inches (reduced from 12 inches)
- Species: monkfish and skates (skates added without limitation, other species added as described below)
Other species allowed as incidental take:
butterfish, dogfish, herring, mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake, weakfish, conger eels, searobins, black sea bass, red hake, tautog, blowfish, cunner, John Dory, mullet, bluefish, tilefish, longhorn sculpin, fourspot flounder, alewife, hickory shad, American shad, blueback herring, sea ravens, Atlantic croaker, spot,

swordfish, and lobster (up to 10 percent by weight of all other species on board, or 200 lobsters, whichever is less)

The exemption will remain open until modified by the Council or the Regional Administrator, in consultation with the Council, based on updated bycatch information or management plans implemented for the target species.

Discussion

The Council proposes to allow this exemption because it believes that regulated species catch is substantially less than five percent of the total catch/landings in this fishery. A review of observer trip records submitted by several fishermen to the Council office substantiate the claim that large-mesh gillnets, over 10 inches, catch an insignificant amount of regulated species. The analysis of gillnet trips south of 40°10' in section 3.1.5.2 also supports this claim. Exempted fisheries, such as this, provide important economic opportunity for vessels, many of which are facing reduced opportunity in other fisheries, while not compromising the rebuilding plan.

Figure 3.1.5.4 Southern New England and Gulf of Maine/Georges Bank Exemption areas

3.1.5.5 Gulf of Maine/Georges Bank Exempted Fisheries

The Council proposes to adopt two one-time (1996) exemptions in the Gulf of Maine/Georges Bank Regulated Mesh Area indefinitely. They are:

- GOM/GB Monkfish Sink Gillnet Exemption from July 1 through September 14 with 10-inch mesh, and
- GOM/GB Dogfish Sink Gillnet Exemption from July 1 through August 31, with 6.5-inch mesh (see Figure 3.1.5.4)

These exemptions will continue until modified by the Council or Regional Administrator, in consultation with the Council, based on updated bycatch information or management plans implemented for the target species.

Discussion

The Council proposes to extend these exemptions because it believes that regulated species catch is substantially less than five percent of the total catch/landings in these fisheries. Exempted fisheries, such as these, provide important economic opportunity for vessels, many of which are facing reduced opportunity in other fisheries, while not compromising the rebuilding plan.

3.1.6 Measures to protect the 1992 year class of winter flounder

No additional action

The Council initiated a framework action to protect the 1992 year class of winter flounder at the request of the ASMFC Winter Flounder Board. After consideration of the impacts of the measures which will be in place in 1997, including those proposed in this framework, as well as the impact of other events and circumstances, such as the vessel buyout, the Council has decided not to implement any additional measures at this time. The Council will continue to monitor the status of winter flounder stocks, and has begun the amendment process to specify rebuilding objectives for winter flounder. It may take specific action on winter flounder as needed in the future, and indicated that the framework action already initiated to protect the 1992 year class remains open despite the submission of this document.

3.2 Alternatives to the proposed action

The following section contains a summary of the principal measures considered but not adopted by the Council and/or Groundfish Committee. The discussion includes both rationale for the measures and reasons for their rejection. In the event the Regional Administrator determines that the Council's proposals do not meet the plan objectives, or the Council fails to submit the framework document by February 1, the RA may implement any of the options and recommendations put forward by the MSMC that the Council has not rejected. The Council has rejected any further reductions in DAS for 1997 beyond those already scheduled in the plan.

3.2.1 Alternative DAS reductions

The MSMC provided the Council with four specific DAS reduction options and a mechanism for re-allocating DAS reductions between Fleet and Individual DAS categories (see Appendix II). The Council considered these options in the context of the MSMC analysis and determined that additional DAS reductions were not warranted. It has chosen, however, to apply other additional restrictions. The Council felt that a number of regulations (including those proposed in this document), events and circumstances that were not included in the MSMC analysis would combine to achieve greater reductions in fishing mortality in 1997 than those predicted by the MSMC, which looked primarily at DAS options. These items include:

- the scheduled May closure of Jeffreys Ledge
- the proposed measures for the gillnet fishery intended to achieve a 50% effort reduction
- the current phase of the vessel buyback program
- the pilot vessel buyback program (completed)
- vessels exiting the fishery other than through the buyback (for example, sinking or sale outside of the region), and
- the proposed Harbor Porpoise Take Reduction Team (TRT) closure.

Subsequent analysis has estimated that, for the five principal stocks which are the focus of Amendment 7, the listed items combine with the scheduled DAS reductions to reduce fishing mortality rates from an average of $F=0.47$ to an average $F=0.25$, with a goal of $F=0.23$. In the case of Gulf of Maine cod, the analysis showed that the F is reduced from 1.00 to 0.40, with a goal of 0.27, requiring an additional 33 percent reduction. (see Appendix III)

3.2.1.2 Counting DAS as 24-hour days

The MSMC also recommended that for all vessels, time away from port greater than three hours or less than 24 hours be counted as a full day (24 hours). Time over 24 hours or less than 3 hours is counted as hours away from the dock. The committee rejected this measure primarily because vessels would modify their fishing patterns to maximize the use of the allotted 24 hours per trip. This raises safety concerns for vessels because of crew fatigue, and because of the pressure to continue to fish even if sea conditions warrant returning to port or laying-to.

3.2.2 Alternative area closures

The Groundfish Committee considered a number of area closure options to provide alternatives to the haddock possession limit and to protect Gulf of Maine cod. Much of the committee's discussion centered on an analytical model developed at the Northeast Fisheries Science Center which attempted to account for fishing effort displaced by a closure. Several meetings took place in Woods Hole where the committee could review the results of analysis of different area closure proposals within a short period of time. While the model has some utility in evaluating the effect of a closure, it has not been widely accepted because of concerns about the assumptions of effort displacement and catches in open areas.

A second model using average catch-per-unit-effort (CPUE) in open areas to calculate the net effect of closing an area, was introduced late in the plan development process. This 2-bin model produces results which are generally between those predicted by the area closure model and analysis which assumes no effort displacement. The results of the three approaches for seven area closure options to protect Gulf of Maine cod are shown in Appendix IV. The committee considered these options, particularly Options 1 and 7, but opted to develop alternative closures as described in Section 3.2.2.1 for Council consideration.

The MSMC report (Appendix II) also contains two area closure options (Options I and IIb) developed using the analytical model. These options were rejected by the Council as unnecessarily conservative for two main reasons:

- they were developed prior to the analysis of all factors influencing 1997 fishing mortality rates contained in Appendix III, and
- they were developed using the analytical model whose assumptions about effort displacement and catch are not accepted.

Based on public comment, the committee rejected consideration of extending Area II, and focused on the area north and west of Area I for haddock protection, as discussed in Section 3.2.2.2. The grounds west of Area II are not where fishermen are currently reporting discard problems, and based on recent trawl survey information do not contain the concentrations of haddock seen north of Area I.

The Council considered but rejected the following recommendations of the committee in favor of other approaches to the conservation objectives of these proposals. Sections 3.2.2.1A and B contain options the committee brought forward to achieve the plan objectives for Gulf of Maine cod, while Section 3.2.2.2 contains an area closure proposed to offset potential loss of conservation benefits under an increase or elimination of the haddock possession limit. The Council rejected these options principally because public comment indicated that the benefits of the closure would accrue to vessels other than those that would be negatively affected by it. In both cases the Council chose to apply trip/possession limit restrictions that would affect all vessels equally, rather than area closures that would affect only those vessels that fish in the area. Furthermore, inshore area closures raise safety concerns as inshore vessels seek alternative fishing grounds offshore.

3.2.2.1A Year-round closure of Jeffreys Ledge Juvenile Protection Area

This proposal would close the existing Jeffreys Ledge Juvenile Protection Area (square-mesh area) year-round. Only gears currently exempt from other groundfish closed areas, including recreational fishing, would be allowed to fish in the area. See Figure 3.2.2.1.A.

This closure would provide year-round protection for the area that both trawl survey and landings data indicate has the highest concentration of cod in the Gulf of Maine.

3.2.2.1B Seasonal closure in Western Gulf of Maine

In conjunction with proposed gear modifications, the Council considered closing an area of approximately 3,300 square nautical miles in the Western Gulf of Maine for six months, March through August. See Figure 3.2.2.1.B.

The purpose of this closure/gear proposal was to reduce fishing effort on cod in the Gulf of Maine while minimizing the economic impact of the conservation restriction. This goal was to be accomplished by a closure of a large area during two important phases of the annual cod migration cycle, and a mesh-size increase which protects cod during a third phase when they are inshore to spawn.

According to fishermen, this annual cycle begins in the late winter and early spring when cod begin to aggregate in the Wilkinson Basin. The migration toward inshore spawning areas takes the fish across a number of banks important to fishing: Stellwagen Bank, Tillies Bank, Wildcat Knoll, Jeffreys Ledge, Platts Bank, Fippennies Ledge and Cashes Ledge.

Spawning occurs in many inshore areas such as Ipswich Bay, Wells Bay, Sagadahoc, the Kettle Grounds, Penobscot Bay and others. It generally occurs in April in the southwest part of the region and progresses northeastward through June. Because of the economic impact of area closures on small, inshore vessels, which are restricted in their ability to move to open grounds offshore, this proposal would keep the grounds open. Conservation and protection of spawning cod in these areas would be realized by the 6.5-inch mesh, including square-mesh in the codend of trawl nets.

The conservation objective of this proposal was to protect fish with a closure during part of

the migratory cycle and with the selectivity of large-mesh nets in inshore areas. The economic objective to minimize the cost of the conservation measures would be met by allowing fishing in all areas during some part of the year, and in inshore areas during the entire year. The phase-in of the gear restrictions was also intended to lessen the short-term impact of the plan.

Figure 3.2.2.1.A **Proposed year-round closure of Jeffreys Ledge Regulated Mesh Area
(rejected by the Council)**

Figure 3.2.2.1.B **Proposed area closure for Gulf of Maine cod, January - March (rejected by the Council)**

3.2.2.2 Extension of Area I closure for mobile gear

In conjunction with a proposal to raise the haddock possession limit, the committee proposed extending Area I northward by 10 nautical miles and closing the extended area to mobile gear, including scallop dredges year-round. The closure would not apply to vessels fishing with hooks or sink gillnets or other exempted gear as defined in existing regulations. This measure was to remain in effect for one year, unless extended by Council action. The Council rejected the proposal because of comments that the vessels which would be affected by the closure were not going to benefit from the increased haddock possession limit since they currently do not catch more than 1,000 pounds of haddock per trip.

3.2.3 Alternatives to the haddock possession limit

The Groundfish Committee considered several alternatives to the 1,000-pound possession limit. These included:

- 1,000 pounds per day at sea
- various maximum limits in the range of 3,000 to 10,000 pounds
- closing haddock grounds north of Area I, and
- raising or lifting the possession limit until some percentage of the target TAC is reached (50-75%) and then imposing a possession limit.

The committee was concerned primarily with the high level of discards reported by some fishermen under the 1,000-pound limit, however, a divergence of views existed among committee members and the public. Some fishermen wanted a limit of some amount because it would help prevent a derby fishery with a short-term market glut followed by scarcity) and spread the allocation (target TAC) over a longer period. Some fishermen and committee members were concerned that the benefits of modifying the haddock possession limit would be realized by vessels other than those which would incur the costs of extending the closed area. Many vessels that fish in the area target grey sole and other species and do not target haddock.

On the other hand, proponents of eliminating the limit pointed out that, with the extension of Area I, most of the productive haddock grounds would be protected. Furthermore, the provision to automatically reinstate the 1,000-pound limit would protect against exceeding the target TAC. Eliminating the possession limit would also provide an incentive for larger vessels to leave inshore grounds and fish offshore, thereby relieving some pressure on inshore stocks, particularly Gulf of Maine cod.

The committee recommended to the Council that for mobile gear, the haddock possession limit be eliminated until 75 percent of the haddock target TAC is caught. When 75 percent of the haddock target TAC is caught, the 1,000-pound possession limit would be reinstated by a notice from the Regional Administrator. This measure was to be applied in conjunction with the extension of Area I discussed in Section 3.2.2.2, and not applied to vessels fishing with fixed gear. This measure was to remain in effect for one year, unless extended by Council action.

The Council rejected the proposal because of comments about the uneven distribution of impacts and benefits. However, the Council used components of the committee's recommendation in formulating the proposed haddock trip limit, Section 3.1.3.2.

3.2.4 Alternative gillnet measures

3.2.4.1 Tagging requirement for all nets

The Groundfish Committee considered proposing that all nets be tagged, including groundfish nets on trip vessels and nets used in exempted fisheries in order to help determine the total amount of gear in use, and to facilitate enforcement of the net cap. After comment from the public and the Coast Guard, the committee rejected the proposal as costly and burdensome, and unlikely to produce the intended benefit.

3.2.4.2 6.5 and 7-inch mesh for flatfish nets

The Groundfish Committee considered a proposal to require 6.5-inch mesh in flatfish gillnets, possibly increasing to seven inches after one year, to help in enforcement of the net cap. The Gillnet Subcommittee had developed this concept based on input from industry advisors that this was the standard mesh in use for flatfish. Mesh size does not play an important role in the selectivity of flatfish nets because of the way they are rigged, and is not, therefore, a conservation factor. The committee rejected the proposal based on comments that:

- flatfish nets would be distinguishable in other ways (tie-down or no floats), and
- having a consistent mesh size regulation for all groundfish gillnets would reduce costs and increase flexibility.

3.2.5 Other alternative measures considered

3.2.5.1 DAS incentive to fish offshore

The Groundfish Committee rejected a proposal that would have counted DAS for vessels using a vessel tracking system (VTS) beginning at a line fifty miles offshore. The purpose of the proposal was to not count the steaming time of vessels fishing offshore as a way of drawing effort away from stressed inshore stocks. The Council has been concerned that vessels may have shifted their effort inshore in response to reduced DAS allocations. Since the fishing mortality rate on Gulf of Maine cod remains at a very high level, the Council thought that such incentives would help the rebuilding plan for that stock.

The committee rejected the proposal primarily because it would have increased DAS substantially for some active vessels when the Council is striving to reduce overall effort. While the condition of Gulf of Maine cod requires special consideration, the committee did not feel it should come at the expense of other stocks in need of rebuilding.

3.2.5.2 Gear modifications

The Groundfish Committee considered several gear modification proposals, particularly to allow the escapement of haddock. The Council is not proposing any such measures at this time for several reasons:

- the effectiveness of the proposals is unproven
- gear-based measures are difficult to enforce, and
- some gear modifications require up-front expenses that are not readily re-covered.

The committee is interested, however, in addressing these concerns and developing gear-based measures in the future.

Together with a proposed area closure in the Gulf of Maine (Section 3.2.2.1B), the Council considered following gear restrictions for the inshore Gulf of Maine area as defined by the

Northern Shrimp Small Mesh Exemption Area as follows:

- Mobile gear:** a) 6.5-inch square-mesh codends beginning May 1, 1997, and 6.5-inch mesh throughout the net beginning May 1, 1998;
b) no gear with a diameter greater than three inches on the ground gear or net sweep beginning October 1, 1997.
- Gillnets:** 6.5-inch minimum mesh beginning October 1, 1997.

The Council rejected the package (of area closure and mesh size increase) principally on concerns about the impact of the area closures, but also on concerns about the costs and benefits of the proposed mesh-size increase.

3.2.6 No Action

The Council has rejected the no-action alternative because it is insufficient to meet plan objectives. The no-action alternative would result only in scheduled DAS reductions (to 50 percent for Individual DAS vessels and 88 DAS for Fleet category vessels) but no other changes. The impact of taking no action is presented in the MSMC report and the analysis contained in Appendix III. These analyses show that additional reductions in fishing mortality are needed, particularly for Gulf of Maine cod. In taking the proposed action, the Council also is addressing concerns and issues related to the effectiveness of gillnet management measures, and is providing expanded economic opportunity without jeopardizing the conservation goals of the plan with the opening of several exempted fisheries and the modification of the haddock trip limit.

4.0 ANALYSIS OF IMPACTS

The discussion below summarizes the expected biological, economic and social impacts of the proposed action. Additional analysis and discussion of impacts is contained within the discussion of the individual measures in the preceding section.

4.1 Biological impacts

Cod, haddock and yellowtail flounder

Amendment 7 was designed to rebuild five principal groundfish stocks (Georges Bank cod, haddock and yellowtail flounder, Gulf of Maine cod, and Southern New England yellowtail flounder) by reducing fishing mortality rates to below target levels. The biological impacts of the rebuilding plan established by that amendment are discussed in the Final Supplemental Environmental Impact Statement (FSEIS), available from the Council office. The measures contained in this framework are designed to achieve the biological objectives of that amendment, and to provide economic relief to the industry wherever possible without compromising the conservation goals.

The impact of the scheduled DAS reductions on projected fishing mortality rates is shown in the MSMC report (Appendix II). The combined impact of events, circumstances and regulations not included in the MSMC analysis on fishing mortality rates (both for five principal stocks on average, and for Gulf of Maine cod individually) is shown in Appendix III. These analyses show that the projected average fishing mortality rate for the five stocks is $F=0.27$, compared to a goal of $F=0.25$. For Gulf of Maine cod the projected level before taking into account the effect of the trip limit proposal is $F=0.40$, and the goal is $F=0.27$.

As with all trip limits, a risk exists that catch will not be reduced by the amount reflected in the reduced landings because vessels will discard their overages. On the other hand, fishermen have reported that trip limits cause them to redirect their effort away from concentrations of

the limited species, thereby lowering discards and overall catch. If the cod trip limit reduces Gulf of Maine cod effort to below target levels, as expected, the average for the five stocks will also fall to below the target level. Furthermore, to the extent that vessels do not participate in the Georges Bank cod trip limit exemption program, the trip limit may also reduce effort on that stock. The Council will closely monitor the plan to insure that it is meeting the goals for each stock, and make adjustments as needed.

Increasing the haddock trip limit is not expected to have a negative biological impact, and is consistent with the plan objectives. As the haddock stock rebuilds, catches and discards will increase under the restrictive 1,000-pound limit. The proposed measure will allow vessels to land haddock that otherwise might be discarded, thereby providing a better measure of exploitation rates. The 10,000-pound cap and the 1150-ton trigger to lower the trip limit provide the assurance that the conservation objectives will not be exceeded. Furthermore, allowing vessels to land more haddock provides an incentive to shift some of the effort from other species, particularly cod, and away from inshore areas where effort has concentrated in recent years.

Other regulated species

Other regulated species (winter flounder, witch flounder, American plaice, windowpane flounder, white hake, pollock, and redfish) benefit from the reduction in DAS, minimum mesh size, area closures and other measures of the plan, since these measures apply across the group. Fishing effort distribution within the multispecies complex depends on a number of independent variables affecting each fisherman's choice of target and catch. These variables include but are not limited to seasonal and overall availability, vessel limitations, gear selectivity, market forces, and personal choice. Therefore, the redistribution of effort within the multispecies complex cannot be predicted, however, the overall biological impact is expected to be positive because of the general application of DAS and mesh-size controls.

Species other than regulated species

The Council recognizes that effort displacement to other fisheries has occurred under Amendments 5 and 7. As groundfish effort is further restricted, this trend is likely to continue, although a significant amount of overall effort is being eliminated through the vessel buyout and attrition. Both the New England and Mid-Atlantic Councils are developing or modifying fishery management plans to address over exploitation of other stocks. The exemptions allowed by this plan do not supersede regulations in effect or under development to protect those other species. This framework action, including the proposed exemptions, is not expected to have a negative impact on stocks not managed under this plan.

Marine mammals and endangered species

Impacts of management measures contained in the Northeast Multispecies Plan have previously been discussed in several Endangered Species Act (ESA) Section 7 consultations. A NMFS Biological Opinion (BO) was most recently issued on December 13, 1996. That document as well as the BOs for Amendments 5 and 7 are incorporated herein by reference.

Prior to December, the NMFS BOs could adversely affect, but would not likely jeopardize the continued existence of endangered and threatened species. In January and February of 1996, 6-7 northern right whale deaths occurred in the calving grounds off Florida and Georgia. A subsequent review of the available information on the species suggested a decline rather than an increase in the right whale population. Given this change in the status of a species which numbers around 300 animals and coupled with concern over other human-related impacts,

principally ship strikes, NMFS re-initiated the Multispecies Plan Section 7 consultation.

The December, 1996 BO concluded that fishing conducted under the FMP, including anticipated management actions, would likely jeopardize the continued existence of the right whale. Multispecies fishing activities would not, however, likely jeopardize the continued existence of any other endangered whales, endangered or threatened sea turtles and the endangered shortnose sturgeon or result in the destruction of or adverse modification of right whale critical habitat.

The BO included reasonable and prudent alternatives for the Council to consider to mitigate the impacts of the activities under its purview, that is, reduce significantly the possibility of entanglement of right whales in multispecies fishing gear. Gillnet gear, classified as Category I under section 118 of the Marine Mammal Protection Act (MMPA), is documented as a gear type which entangles right whales, in addition to other species of marine mammals.

As a response to the alternatives discussed in the BO, the Council finalized a framework adjustment to the Multispecies FMP on January 30, 1997 which would prohibit the deployment of all sink gillnet gear in most of the Great South Channel right whale critical habitat (east of the Loran C 13710 line) from April 1 through June 30. Pending approval, the measure would be implemented this spring, during the period when right whales are most abundant in the area. This action would remain in effect until the Large Whale Take Reduction Team process mandated under the MMPA produced an approved plan or until gear or alternative fishing practices are developed that eliminate the likelihood of entanglement.

In the same framework adjustment the Council proposed action in Cape Cod Bay that is similar to measures enacted by the Commonwealth of Massachusetts. The federal waters portion of the Cape Cod Bay right whale critical habitat would be closed to all gillnet gear from January 1 through May 15, again until approval of a plan developed through the TRT process or the development of modified gear or fishing practices that would reduce the likelihood of entanglement.

Because the December, 1996 BO was based on proposed as well as current fishing activities, most of the measures contained in Framework 20 have already been evaluated relative to threatened and endangered species. The BO covered multispecies sink gillnet effort reduction measures, the addition of exempted fisheries including sink gillnet fisheries for monkfish and dogfish in the Gulf of Maine and Southern New England and a reconfiguration of the haddock trip limit. Days-at-Sea were not adjusted beyond the schedule established in Amendment 7 and new area closures were rejected as an alternative because they disadvantaged a number of local communities to a much greater extent than others and potentially could have created problems associated with effort displacement.

Several different scenarios could result from the trip limit/exemption program for Gulf of Maine cod (see section 3.1.3.1). Vessels, with multispecies permits must comply with the 1,000 pound trip limit on trips of four days or less for the 1997-1998 fishing year, which begins on May 1. Operators of several gillnet vessels commented during the development of this measure that this could result in a reduction in the number of nets used in some areas. A trip would be defined as beginning when the vessel calls in to start counting DAS (or VTS counting is activated) and ending when the vessel calls in to stop counting DAS. A vessel under a call-in system could defer calling in to end the trip until sufficient time elapsed to account for the trip's cod landings if there is an overage for that trip. Rather than spend valuable DAS at the dock, some vessels, it was noted, might elect to control the amount of fish caught by using

fewer nets in areas where cod may be abundant.

Since the cod trip limit does not apply south of 42°00', some trip gillnet vessels could move to waters south of the Gulf of Maine. The impacts of such an effort shift are unknown, but a possible increased risk in areas where right whales are known to congregate would be addressed by the right whale critical habitat closures discussed above. As discussed in the BO, effort shifts, whether they benefit or adversely affect endangered species, are difficult to evaluate until a program is in effect that allows analyses of fishing vessel trip reports and dealer log data.

4.2 Economic impacts

The economic impacts of Amendment 7 are discussed in the FSEIS for that action. The economic impacts of this framework are discussed relative to taking no action to modify the Amendment 7 measures. The haddock trip limit/target TAC adjustment, and the exempted fisheries are expected to have positive net benefits. The cod trip limit is expected to have negative net benefits in the short term (it is, however, limited to one year), while the long-run benefits (of achieving the plan goals) are expected to be positive, as described in Amendment 7.

The gillnet adjustments are designed to close loopholes and achieve the plan objectives as intended in Amendment 7, and not to impose additional restrictions. Therefore, the economic impact of the proposed measures, besides the added cost of the net tags for Day Gillnet boats, is that which was projected under Amendment 7. The cost of the net tag program has not yet been established, but at an estimated nominal cost of \$2.00/tag, a vessel will likely spend in the range of \$320-500/year depending on the number of replacement tags needed. Labor costs will increase for installation and removal of tags.

The exempted fisheries are expected to have positive net benefits.

The following table summarizes the expected impacts of the proposed measures.

ECONOMIC COSTS AND BENEFITS OF FRAMEWORK 20								
	IMPACT ON PRICES	IMPACT ON LANDINGS	IMPACT ON GROSS REVENUES	IMPACT ON CONSUMER SURPLUS	IMPACT ON OPERATING EXPENSES	IMPACT ON FIXED COSTS	IMPACT ON PRODUCER SURPLUS	NET BENEFITS
COD TRIP LIMIT	increase	decrease	negative	negative	increase	neutral	negative	short-term negative
HADDOCK TRIP LIMIT/TARGET TAC	decrease	increase	positive (landings increase will offset price decrease)	positive	decrease	neutral	positive	short-term positive
GILLNET ADJUSTMENTS	no change	no change from A7 predicted levels	no change from A7 predicted levels	no change from A7 predicted levels	increase (cost of net tags)	neutral	negative	slightly negative from A7 predicted levels due to cost of net tags
EXEMPTED FISHERIES	decrease	increase	positive	positive	depends on alternative activity	neutral	cannot predict	positive

4.3 Social impacts and impacts on communities

The impact of conservation and management measures on communities has always been difficult, if not impossible to quantify and assess (see Section E.7.3 of the FSEIS for Amendments 5 and 7). Nevertheless, the symptoms of change at the community level are evident in the landscape of both large and small ports throughout the region. In recent years, the waterfronts of many fishing communities have lost their characteristically high pace of activity as fewer vessels are fishing, spending fewer days at sea and landing fewer fish. Public comments at Council meetings frequently attest to the negative changes that have occurred.

Recent changes in the waterfront landscape and other community characteristics are different from transitions that took place in the past in response to changing technology and markets

(from sail to wooden dragger to steel dragger, for example, or from fisheries based on mackerel to multispecies groundfish). Unlike those earlier transitions, recent changes are symptomatic of declining economic activity rather than growth or positive adaptation. Whether such changes are the result of management measures or the declining availability of traditional fish stocks, however, is a matter of debate and cannot be resolved here. Most likely, the cause is a combination of these factors.

Some communities have made significant efforts to preserve shoreside infrastructure and the fishing industry component of their economy. The promotion of display auctions in Portland and New Bedford, and the opening of a herring processing plant in Gloucester are examples of community efforts to maintain a fishing industry during this low period in the groundfish fishery. Additionally, many local processors have sought product from other areas or are processing species other than traditional groundfish (see Appendix V, article from *Seafood Leader* magazine) which contributes to maintaining infrastructure and community vitality.

Appendix VI contains a recent article from the *Gloucester Times* describing the changes that have occurred in that community in recent years in response to changes in the fishing industry, caused by both resource depletion and regulatory restrictions. While Gloucester is unique in many respects, the overall issues described in the article are probably not unlike those exist in fishing ports throughout the region.

While short-term negative impacts of a declining industry on communities may have lasting consequences, for example, as working waterfront is converted to condominiums, the long-term effects of the stock rebuilding program, of which this framework is part, are expected to be positive. Fishing communities evolved because of a resource base that could sustain them, and regulations designed to rebuild the resource base will allow fishing communities to evolve positively in the future. In the short term, improved market quality resulting from efforts to maximize value, and diversification of product base will help communities survive until the traditional fisheries can return to a higher, but sustainable level of production. This framework is part of the Council's effort to accomplish that objective.

5.0 APPLICABLE LAW

5.1 Magnuson-Stevens Act- Consistency with National Standards

Section 301 of the Magnuson-Stevens Act requires that regulations implementing any FMP or amendment be consistent with the ten national standards listed below.

1. *Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.*

This action is a continuation of the stock-rebuilding program initiated by the Council with Amendment 7. This action implements measures that will reduce fishing mortality rates to levels that will allow rebuilding, well below the overfishing levels. The Council's overall goal is to rebuild stocks above minimum acceptable levels of spawning stock biomass which will result in long-term sustainable yields at optimum levels.

2. *Conservation and management measures shall be based upon the best scientific information available.*

In developing this action, the Council has depended primarily on scientific information provided by NMFS and analyzed by the MSMC in its first annual review (see Appendix II). The Council staff, NEFSC and Regional Office staff provided additional analysis for the

Council's using the best scientific information available. Over the past year, the NMFS Regional Office has greatly improved the timeliness of landings and effort data so that the Council can continually monitor the progress of the rebuilding plan in accordance with the Amendment 7 strategy on a nearly real-time basis.

3. *To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.*

This fishery management plan is based on measures, such as DAS controls, minimum mesh size and area closures, which apply across the range of species in the multispecies complex. In cases where additional measures are needed to achieve plan objectives for individual stocks, such as in the case of Gulf of Maine cod or Georges Bank haddock, the Council has applied those measures stock-wide.

4. *Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*

The measures in this plan do not discriminate between residents of different states. The Council considered and rejected several management options, particularly inshore area closures, based on concerns about the distribution of impacts and benefits. The selection of a trip limit as the principal additional measure to protect Gulf of Maine cod was done, in part, on the basis that it applied uniformly to all vessels.

5. *Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*

Within the context of the conservation goals of the plan, this framework contains several measures that promote efficiency in the utilization of the fishery resource. These measures are:

- five exempted fishery proposals;
- increases in the per-trip allowance for haddock;
- establishment of a per-day cod limit that allows a vessel to land, rather than forcing it to discard, any excess over the limit, and allows a vessel on trips over four days to land the larger amounts per day typical of offshore trips; and
- an exemption to the cod trip limit for vessels fishing south of 42°00'.

6. *Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.*

This framework contains several measures which are designed to take into account the differences in fisheries and fishery resources. These are:

- the increase in the haddock trip limit;
- the exemption program for vessels fishing for cod outside of the Gulf of Maine;
- the provisions for Trip Gillnet and Day Gillnet categories, and the other measures in the gillnet effort reduction program; and
- the exempted fisheries measures.

In addition, using per-day landings limits, rather than overall possession limits for cod and

haddock, allows vessels on longer trips to land their catch rather than discard it.

7. *Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*

The Council has chosen the measures proposed in this framework after consideration of the relative costs and benefits of several alternative measures to achieve the plan objectives. The Council views the trip limit as a way to focus the needed restrictions on precisely those stocks that are the farthest from meeting their goals while allowing vessels to pursue other fisheries within and outside of the multispecies plan. In choosing these measures, the Council felt that:

- additional DAS restrictions were too broadly applied across the entire multispecies complex
- area closures had an uneven distribution of costs and benefits; and
- mesh size increases were too costly (both in terms of gear purchase requirements and lost revenues) with questionable benefits.

8. *Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.*

The Council's recognition of the importance of fishery resources to communities is a primary reason for its undertaking to rebuild the stocks. The Council also recognizes the extremely difficult balance between causing short-term negative impacts with conservation restrictions while trying achieving a long-term positive objective. Some of the short-term effects, such as reduced need for industrial waterfront and other infrastructure, may have long-term effects on communities and the fishing industry in general. These long-term community effects may include:

- increasing the cost of re-capitalizing infrastructure because it must compete with other uses that become established in the interim
- reducing the pool of labor that possesses the diversity of unique skills and knowledge required for successful fishing.

However, the impact of conservation and management measures on communities has historically been difficult to quantify and assess. The Council has taken the proposed course of action because in its judgement, it will allow for continuation of some groundfishing activity (at a reduced level) and diversification into exempted fisheries while rebuilding groundfish stocks over the long term. In not adopting additional inshore area closures, which affect certain communities more than others, the Council has demonstrated its sensitivity and concern for those communities that would be affected.

9. *Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.*

The Council is building on the DAS reduction program which it developed with an understanding of the mixed-catch characteristics of the multispecies fishery. Adopting per-day trip limits for cod and haddock, rather than absolute possession limits, and increasing the haddock possession limit from 1,000 pounds to 10,000 pounds, are two ways the Council is minimizing bycatch and discards under the restrictive conservation and management goals of

the plan. Furthermore, under the provision that allows vessels to land cod in excess of the trip limit, bycatch can be converted into landings without compromising the plan's conservation impact.

The Council has also proposed establishment or modification of five exempted fisheries on the basis of their regulated species bycatch. It will allow vessels to retain skates in southern New England large-mesh fisheries for monkfish, and increase the amount of whiting vessels can retain in the northern shrimp fishery based on the recognized bycatch in those fisheries, while not increasing the potential bycatch of regulated species.

10. *Conservation and management measures shall, to the extent practicable, promote safety of human life at sea.*

The Council considered very seriously public comments about the safety implications of the alternatives before choosing the measures in this framework. In particular, the Council did not adopt inshore area closure proposals for the Gulf of Maine because they would force many small vessel operators to make the difficult choice between fishing offshore or not fishing at all. The Council historically has considered safety issues in the development of its fishery management plans.

5.2 National Environmental Policy Act (NEPA)

The Council conducted an analysis of the environmental impacts of the stock rebuilding plan under Amendment 7. The Final Environmental Impact Statement (FSEIS) indicated that the impacts of that action would be significant, particularly the positive biological and long-term economic impacts of rebuilding the stocks.

5.2.1 Environmental Assessment

The purpose and need for the proposed action are discussed in Section 2.1. The proposed action and alternatives, including the no-action alternative, are discussed in Section 3.0. The analysis of impacts are discussed in Section 4.0 of this document. Based on this analysis, the Council finds that the proposed action will have no significant impact on the environment.

5.2.2 Finding of no significant environmental impact (FONSI)

NOAA Administrative Order 216-6 provides guidance for the determination of significance of the impacts of fishery management plans and amendments. The five criteria to be considered are addressed below:

- 1) *Can the proposed action be reasonably expected to jeopardize the long-term productive capability of any stocks that may be affected by the action?*

The proposed action is part of the ongoing stock-rebuilding program established by Amendment 7. As such, it is expected to improve the long-term productivity of the multispecies resource. Even though this framework opens or extends some exempted fisheries for other species (namely, monkfish, skates, mussels and urchins) the Council does not expect the measures in this framework to jeopardize the productive capability of those or other stocks. While the status of monkfish is a matter of concern, the Council is in the public-hearing phase of a management plan which will establish fishing mortality controls for that species.

- 2) *Can the proposed action be reasonably expected to allow substantial damage to the ocean and coastal habitats?*

The proposed action continues an effort-reduction program which the Council expects will not

have a negative impact on marine habitats. In response to Magnuson-Stevens Act requirements, the Council will be defining areas of essential habitat and taking steps to protect that habitat.

3) *Can the proposed action be reasonably expected to have an adverse impact on public health or safety?*

The Council does not expect this action to affect public health. The Council recognizes, however, that crew and vessel safety issues may arise as vessels respond to restrictive regulations. It has chosen the proposed measures from a range of alternatives in part because of the safety considerations, and it does expect that these measures will adversely effect public safety.

4) *Can the proposed action be reasonably expected to have an adverse effect on endangered, threatened species or a marine mammal population?*

The Council does not expect the proposed action to have an adverse effect on marine mammals or other protected species.

5) *Can the proposed action be reasonably expected to result in the cumulative adverse effects that could have a substantial effect on the target resource species or any related stocks that may be affected?*

This action is part of a continuing process to rebuild the multispecies resource primarily through effort reductions. The Council, therefore, expects the effect on the target resource to be positive. In Amendment 7 the Council also recognized that effort shifts will occur that may have an adverse effect on other stocks, although the direction and magnitude of those changes could not be predicted. The Council does not expect that the measures contained in this framework will have a substantial adverse effect on any other stocks.

Based on this guidance and the evaluation of the preceding criteria, the Council proposes a finding of no significant impact.

FONSI statement: In view of the analysis presented in this document and in the DSEIS for Amendment #7 to the Northeast multispecies Fishery Management Plan, it is hereby determined that the proposed action would not significantly affect the quality of the human environment with specific reference to the criteria contained in NDM 02-10 implementing the National Environmental Policy Act. Accordingly, the preparation of a Supplemental Environmental Impact Statement for this proposed is not necessary.

Assistant Administrator
for Fisheries, NOAA

Date

5.3 Regulatory Impact Review (Regulatory Flexibility Act and Executive Order 12866)

This section provides the information necessary for the Secretary of Commerce to address the requirements of Executive Order 12866 and the Regulatory Flexibility Act. The purpose and need for management (statement of the problem) is described in Section 2.0 of this document. The alternative management measures to the proposed regulatory action are described in section 3.0. The economic impacts are described in section 4.2 and summarized below under the discussion of how the proposed action is characterized under Executive order 12866 and the Regulatory Flexibility Act.

5.3.1 Executive Order 12866

The proposed action does not constitute a significant regulatory action under Executive Order 12866 for the following reasons:

(1) The management proposals will not significantly impact the landings and revenues of the existing fishery as compared to the Amendment 7 predicted levels. As shown in section 4.2, the proposed measures regarding the haddock trip limit and exempted fisheries will have positive impacts on landings and revenues, whereas the trip limits on cod will reduce the Gulf of Maine cod landings and revenues in the short-term. Gillnet adjustment measures are expected to reduce landings and revenues to the levels already planned under Amendment 7 by closing the loopholes in gillnet DAS schedules without any significant negative impacts.

The overall economic impact of these measures, while they cannot be assessed quantitatively, is expected to be positive compared to the Amendment 7 levels. The net impact on the economy will also be positive over the long term. The proposed action will not have an annual effect on the economy of more than \$100 million given the fact that even under Amendment 7 regulations, annual effect on the economy is not expected to reach \$100 million despite the dramatic reductions in the overall fishing effort planned by this amendment.

(2) The proposed measures contained in this framework are designed to achieve the biological objectives of Amendment 7, and to provide economic relief to the industry whenever possible without compromising the conservation goals. The gillnet adjustment measures and establishment of cod trip limits will reduce the landings and revenues in the short-term, but will contribute to stock rebuilding, and therefore, will increase the net economic benefits in the long-term. The modification of the haddock

trip limit and the opening of several exempted fisheries, will have a short-term positive economic impact on the industry by expanding the fishing opportunities which may offset some of short-term negative impacts of other measures (Section 4.2). For these reasons, the proposed action will not adversely affect in a material way the economy, productivity, competition and jobs.

(3) For the same reasons, it will not affect competition, jobs, the environment, public health or safety, or state, local or tribal governments and communities.

(4) The proposed action will not create an inconsistency or otherwise interfere with an action taken or planned by another agency. No other agency has indicated that it plans an action that will impact the same areas and the fisheries.

(5) The proposed action will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of their recipients.

(6) The proposed action does not raise novel legal or policy issues. Regulations regarding trip limits, DAS reductions, and exempted fisheries have already been used to manage fisheries in the northeast.

5.3.2 Regulatory Flexibility Act

The vessels in the northeast multispecies fishery operating in the proposed management areas are primarily small business entities. In 1993, there were 575 vessels that landed cod from the Gulf of Maine (statistical areas 511-515), and probably less than 20 percent of these vessels will be impacted by the proposed cod trip limit because most vessels currently do not catch more than 1000 pounds per day.

There were 468 vessels that landed haddock in all northeast areas in 1993. Again, most of these vessels (more than 80 percent) do not catch haddock in amounts reaching to the levels set by new trip limits, thus will probably not be impacted by the proposed action. The new regulations may, however, lead to some changes in fishing behavior and may encourage more vessels to land haddock up to the specified trips limits to take advantage of the increased economic opportunities from this fishery.

There were 186 identified vessels that landed 10 regulated species in 1993 using sink gillnets. In 1995, 378 vessels held Gillnet Vessel permits under Amendment 5, although many of these vessels did not fish with gillnet for regulated species. A significant number of gillnet vessels (more than 20 percent) will be impacted by the measures contained in this framework.

In short, the proposed action will have impacts on many small business entities, but these impacts are not expected to be "significant" according to the following criteria:

a) The proposed action will not result in a reduction in annual gross revenues of more than 5 percent. The haddock trip limit/ target TAC adjustment and the exempted fisheries are expected to have positive impacts on revenues from fishing. Gillnet adjustment measures are expected to reduce landings and the revenues to the levels already planned under Amendment 7, thus the impacts will be within the range already presented in the EIS and RFA of the amendment document, with no significant additional reductions from the measures proposed by this framework.

The cod trip limit will reduce the revenues of some vessels which derive a significant

percentage of their income from cod landings. The analysis of 1996 landings indicates that approximately 9 percent (7 percent if the landings of the vessels qualified for the Vessel Buyout Program were taken out) of trips exceeded 1000/1500 pound trip limit. The proposed measures will, therefore, reduce the revenues from these trips. The percentage reduction in annual revenues will depend on the revenues obtained from the trips with cod landings in excess of trip limit, and also on the proportion of cod revenues to the total revenues. For example, if it is assumed that all impacted groundfish vessels caught 2000 pounds of GOM cod in 10 percent of their trips, the reduction in their cod revenues will be 5 percent if they fish four days or less, and less than 5 percent if they fish more than 4 days as their cod landings from these trips decline by 50 percent.

The proposed measures contained in this framework are not expected to reduce the annual gross revenues of a significant number of small business entities by more than 5 percent for the following reasons:

- most impacted vessels do not have trips with cod landings significantly in excess of 1000-pounds per day in the first 4 days, and in excess of 1500 pounds of cod per day after the first 4 days of the trip. The new trip limits will actually affect only 7 percent of the trips (all gear types) of the remaining vessels in the Northeast multispecies fishery.
- the cod trip limit is expected to reduce cod landings by 15 percent compared to the 1996 levels (not including the catch savings of the vessels currently qualified for the vessel buyout program) based on the 1996 Vessel Trip Report analysis. This reduction, however, will not translate into a 15 percent reduction in annual gross revenue since total revenue includes revenues from other species. If for example, revenues from cod comprise 30 percent of gross revenues, a 15 percent reduction in annual cod revenues will reduce total revenues only by 4.5 percent.
- the trip limit will cause fishermen to redirect their effort and catch other species which will partially offset the reduction in cod revenues.
- most vessels impacted by the cod trip limits will also be impacted by the modifications in the haddock trip limit. The possible increase in haddock landings and revenues will help to recover some of the lost revenues due to the cod trip limits.

b) The proposed measures will not increase annual compliance costs for small entities by more than five percent and they will not increase compliance costs for small entities compared to large entities.

The proposed framework therefore will not have a "significant" economic impact on small entities and does not require a Regulatory Flexibility Analysis.

5.4 Endangered Species Act

An adequate discussion of protected species is contained in Section E.6.3.4, Endangered Species and Marine Mammals, of the Amendment 5 FSEIS, and the Amendment 7 FSEIS, and the associated NMFS Biological Opinions issued in November, 1993, February, 1996, and December 13, 1996.

5.5 Coastal Zone Management Act (CZMA)

Upon the submission of Amendment 7, the Council conducted a review of the FMP for its consistency with the coastal zone management plans of the affected states. All the states concurred with the Council's consistency determination. See Section 8.5 Volume IV of Amendment 7 to the Northeast Multispecies FMP for the Council's consistency determination. The response letters of the states are on file at the Council office. The Council has determined that the proposed action is within the scope of measures already reviewed for consistency with states' CZM plans and is, therefore, consistent with those plans. The Council has notified potentially affected states of this action and of its determination that the action is consistent with its earlier consistency determination.

5.6 Paperwork Reduction Act (PRA)

The Paperwork Reduction Act analysis is contained in Appendix VII.

**FRAMEWORK 20
APPENDIX I**

Draft Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648
[Docket No.]

Northeast Multispecies Fishery; Framework 20;

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework 20 of the Northeast Multispecies Fishery Management Plan (FMP). The rule implements a per-day trip limit for cod in the Gulf of Maine, a per-day and maximum trip limit for haddock with a reduction in the total allowable catch, modifies the gillnet effort-reduction program including limits on the number of nets used by day boats, and establishes or modifies six exempted fisheries. The New England Fishery Management Council (Council) has submitted this action under the framework procedure described in §648.90 (a) of this part requiring an annual review and, if necessary, adjustment of the stock rebuilding plan. The intent of this rule is to achieve the conservation goals established by Amendment 7 to the FMP while mitigating its economic impacts.

DATES: The rule is effective on [DATE].

ADDRESSES: Copies of Amendment 7, its regulatory impact review (RIR), and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), and Framework 20 are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA, 01906-1097.

FOR FURTHER INFORMATION CONTACT: [NAME AND ADDRESS].

SUPPLEMENTARY INFORMATION:

Background

Amendment 7 to the FMP became effective on July 1 (61 FR 27710). The purpose of Amendment 7 was to rebuild depleted stocks of Georges Bank and Gulf of Maine cod, Georges Bank haddock, and Georges Bank and Southern New England yellowtail flounder by reducing fishing effort through a number of management measures, primarily controls on days-at-sea (DAS) and area closures. The amendment set a 1,000-pound haddock possession limit, and accelerated the DAS-reduction program and expanded it to include previously exempt gillnet and hook vessels. The amendment also established an annual plan-review process which requires the Council to make adjustments if the fishing mortality goals are not being met.

The Multispecies Monitoring Committee (MSMC) reported to the Council on

December 11, 1996. It concluded that fishing mortality rates for four of five critical stocks have declined, Gulf of Maine cod being the exception. The MSMC projected that the DAS reductions scheduled for 1997 would be insufficient by themselves to achieve the fishing mortality goals for Georges Bank cod and yellowtail flounder, and Gulf of Maine cod. The MSMC also offered five DAS reduction options to meet the plan objectives in 1997.

The Council considered a broad range of events, circumstances and regulations occurring or taking effect in 1997, and their collective impact on fishing mortality rates. It took into account the effect of the \$23-million vessel buyout program and additional reductions in numbers of vessels by attrition, measures being implemented to protect marine mammals, Gulf of Maine area closures added under Amendment 7, stock-protection and enhancement measures being implemented by the State of Maine, and improvements in the management of gillnet effort and in enforcement. On that basis, it rejected additional DAS reductions as recommended by the MSMC and instead developed stock-specific trip limits which it feels will continue to move the plan strongly toward its rebuilding goals and reach the fishing mortality targets for all stocks.

Summary of measures

This framework will implement the following measures:

Cod trip limit/exemption program: a trip limit for cod of 1,000 pounds for each of the first four days and 1,500 pounds for each day of the trip after four days, with an exception (no limit) for vessels declaring (at the call-in) that they will fish exclusively south of 42°00' for a minimum of 30 days;

Haddock trip limit/target TAC reduction: a trip limit for haddock beginning on September 1, 1997, of 1,000 for each day or part of a day up to a maximum of 10,000 pounds which will revert to the 1,000-pound possession limit when the NMFS Regional Administrator projects 1,150 tons (2.54 million pounds) of haddock will be landed, based on a 75-percent threshold limit of a reduced target TAC of 1,400 tons.

Gillnet fishery management adjustments: establishment of two vessel categories: Trip Gillnet: vessels must bring their gear to port; no limit on numbers of nets; days-at-sea (DAS) counted as hours away from port (no change from current system); and Day Gillnet: each trip counted as a minimum of 15 hours from the vessel's allocation; vessels must declare 120 days out of groundfishing in blocks of at least seven days, including 21 days during June through September; a limit of 160 flatfish nets or 80 stand-up nets (for roundfish), nets to be not more than 50-fathoms long; multispecies nets will be tagged for monitoring and enforcement.

Exempted fisheries:

Mussel dredge fishery in southern New England: year-round with a 8-foot dredge; allowed to retain mussels and urchins;

Large-mesh fishery for monkfish and skates south of Latitude 40°10'N: trawls with 8-inch or larger codend mesh, and gillnets with 10-inch or larger mesh may fish for monkfish and skates year-round;

Northern Shrimp fishery exemption adjustments: vessels in this exempted fishery may no longer possess monkfish, but may land silver hake (whiting) up to the amount of shrimp landed (increased from two standard totes);

Large-mesh gillnet fishery in Southern New England: indefinite extension of a one-time (1996) exemption, modified to be year-round, to allow possession of both monkfish and skates (added), and to allow 10-inch mesh (reduced from 12-inch minimum); and

Gulf of Maine/Georges Bank gillnet exempted fisheries: indefinite extension of two one-time (1996) exemptions for monkfish (10-inch mesh, July 1 through September 14) and dogfish (6.5-inch mesh, July 1 through August 31); established seasons remain in effect.

Comments and Responses

The formal framework process began at the November, 1996 Council meeting with the initiation of several actions which were subsequently incorporated into this framework. The Council considered information, views and comments at four Council meetings, including a special one-day meeting on January 16 1997 held specifically for this framework. The proposed measures and alternatives were discussed at nine Groundfish Committee meetings, and several subcommittee meetings held between April 1996 and January, 1997. Documents summarizing the Council's proposed action, and the analysis of biological and economic impacts of this and alternative actions were available for public review on January, 23, seven days prior to the final meeting as required under the framework adjustment process. Written comments were accepted up to and at the January 30, 1997 Council meeting in Danvers, MA, at which time the decision to finalize this framework adjustment was made. Comments and the Council response are summarized below.

Comment 1: The Council received approximately 75 letters, e-mail and telephone calls from members of conservation organizations urging it to implement measures necessary to achieve the plan objectives in 1997.

Response: The Council is proposing a plan which it feels will achieve the plan objectives in 1997 taking into consideration the combined and synergistic effect of all regulations, events and circumstances that contribute to determining fishing mortality rates. The Council also will continually monitor the progress of the plan and make adjustments as necessary to keep the plan moving in the direction of its stock-rebuilding goals.

Comment 2: The Council received numerous comments from members of the fishing industry that additional DAS reductions would be economically disastrous. Commenters indicated that since plan objectives were being met for some stocks, measures should be implemented specific to those stocks still in need of additional protection.

Response: The Council is not reducing DAS further than what was already scheduled for 1997. The Council is adopting a trip limit for Gulf of Maine cod to specifically reduce exploitation rates on that stock which remain near the all-time high. The Council predicts that exploitation rates on the other four critical stocks will be below the plan limits based on already scheduled DAS reductions and other factors that contribute to lowering fishing effort.

Comment 3: A number of inshore, small-boat fishermen objected to the Council's consideration of area closures to protect Gulf of Maine cod. They argued that the closures were unfair because small boats do not have the option of fishing offshore when their grounds are closed, while larger boats are able to fish elsewhere. They also stated that effort displaced by the closures would concentrate inshore effort, severely damaging inshore fisheries and increasing gear conflicts.

Response: The Council rejected area closure alternatives and instead adopted a trip limit for Gulf of Maine cod which applies in the same manner to all vessels. The trip limit proposal is also designed to accommodate offshore trips by increasing the allowance on trips of five or more days. The Coast Guard indicated to the Council that it would have difficulty

enforcing another large area closure with current enforcement resources.

Comment 4: A number of fishermen from Cape Cod, Gloucester and New Bedford objected to the Council's consideration of an extension of Area I to offset an increase in the haddock possession limit. They argued that the closure would eliminate a flatfish ground important to them while they would not benefit from the increased haddock since they do not fish for haddock.

Response: The Council rejected the area closure extension, and instead, to offset the increased trip limit, proposes a reduction in the target TAC a total catch limit of 1,150 tons that will trigger a reinstatement of the current 1,000-pound possession limit.

Comment 5: The Council received two letters from fishermen, and several verbal comments opposing trip limits on the basis that they would result in discards or illegal landings. These commenters also objected to the Council's decision to include trip limits at its January 16th meeting because they felt the public had inadequate notice.

Response: The Council has designed the cod trip limit to allow vessels to land cod in excess of the daily limit, avoiding discards. The measure will also count the landings against the DAS allocation at the trip limit rate, to meet the conservation goals. The haddock trip limit is not expected to create a discard problem because most trips currently do not catch the limit. It will alleviate a discard problem that occasionally exists on offshore trips that encounter a concentration of haddock while fishing for other species. The measure will allow a vessel to land more haddock than under current rules, while not creating an incentive to direct effort on haddock. The draft framework document containing the description of measures and analysis was available for public comment one week prior to the final framework meeting.

Comment 6: An offshore gillnet fisherman stated that the Council's trip limit proposals would force offshore boats to fish inshore. He proposed a system which would require a vessel to declare into either an inshore or offshore gillnet category.

Response: The Council has provided an exemption for vessels fishing for cod outside of the Gulf of Maine, but feels that within the Gulf of Maine, a trip limit is necessary to reduce effort on that stock. The Council did not adopt the alternative suggested by the commenter because it was not provided to the Council early enough to be analyzed and discussed in the framework document.

Adherence to Framework Procedure Requirements

NMFS is making this adjustment to the regulations under the framework abbreviated rulemaking procedure codified at 50 CFR 648.90 (b). This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council must provide the public with advance notice of both the proposals and the analysis, and the opportunity to comment on them prior to and at a second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Administrator that the measures be published as a final rule if certain conditions are met. The Regional Administrator may publish the measures as a final rule, or as a proposed rule if additional public comment is needed. The public was provided the opportunity to express opinions at numerous meetings beginning in April 1996. The following list indicates the meetings at which this action, or parts of this action were on the agenda, discussed, and public comment was heard. The Council formally initiated the framework adjustment for parts of this action at its November 1996 meeting, and for the combined action at its December meeting. The final meeting at which public comments were heard was the January 29-30 1997 meeting.

DATE MEETING		LOCATION
1996		
2/27-28	Council	Danvers, MA
4/11	Groundfish OS	Peabody, MA
4/17-18	Council	Danvers, MA
6/5-6	Council	Danvers, MA
6/11	Groundfish OS	Portland, ME
7/9	Groundfish OS	Peabody, MA
7/17-18	Council	Peabody, MA
8/13	Groundfish OS	Peabody, MA
8/21-22	Council	Danvers, MA
8/27	Groundfish OS	Woods Hole, MA
9/9	Council	Peabody, MA
10/2-3	Council	Danvers, MA
10/28	Groundfish OS	Peabody, MA
11/6-7	Council	Portland, ME
11/20	Groundfish OS	Peabody, MA
12/11-12	Council	Peabody, MA
12/17	Groundfish OS	Woods Hole, MA
1997		
1/7	Groundfish OS	Peabody, MA
1/16	Council	Danvers, MA
1/29-30	Council	Danvers, MA

The mailing lists for meeting notices contain approximately 900 and 1,900 interested parties for Groundfish Committee and Council meetings, respectively. Documents summarizing the Council's proposed action and the analysis of biological and economic impacts of this and alternative actions were available for public review 5 days prior to the Council's final January 29 meeting, which is required under the framework adjustment process. Also written comments were accepted up to and at the January 29 meeting.

Classification

In that this regulation is not subject to the requirement to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law, this rule is exempt from the requirement to prepare an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act. As such, none has been prepared.

This rule has been determined to be not significant for purposes of E.O. 12866.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

This rule contains six new collection of information requirements subject to the Paperwork Reduction Act. The collection of this information has been approved by OMB, and the OMB control numbers and public reporting burden are listed as follows:

1. Declaration into the Trip or Day Gillnet vessel category, OMB#0648-0202, will require written declaration (6 minutes/response).

2. Request for issuance of gillnet tags, OMB#0648-0202, will require written notification (6 minutes/response).

3. Notification of lost tags and request for replacement tags, OMB#0648-0202, will require written response (3 minutes/response).

4. Declaration of 120 days out of the gillnet fishery in minimum blocks of 7 days, OMB#0648-0202 (3 minutes/response).

5. Reporting of cod catch onboard or off-loaded for vessels fishing north of 42°00', OMB#0648-0202, requires vessel notification (3 minutes/response).

6. Declaration that a vessel will fish only south of 42°00', OMB#0648-0202, requires vessel notification (6 minutes/per response).

The Assistant Administrator for Fisheries, NOAA, (AA) finds there is good cause to waive prior notice and an opportunity for public comment under 5 U.S.C. 553(b)(B) as such notice and public procedure thereon are unnecessary. Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and an opportunity for public comment to be heard and considered. The AA finds that under 5 U.S.C. 553(d), the need to implement conservation measures at the start of the 1997 fishing year on May 1 constitutes good cause to waive the delay in effectiveness of this regulation. Accordingly, the measures contained in this action are effective May 1, except the modification of the haddock trip limit which becomes effective on September 1 1997.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: [DATE]

For reasons set out in the preamble, 50 CFR Part 648 is amended as follows:

PART 648-- FISHERIES OF THE NORTHEASTERN UNITED STATES

Subpart F-- Management measures for the NE Multispecies Fishery

1. Section 648.14 is revised to read as follows:

[INSERT REGULATORY TEXT]

Authority: 16 U.S.C. 1801 et seq.

Dated:

**FRAMEWORK 20
APPENDIX II**

Report of the Multispecies Monitoring Committee

**FRAMEWORK 20
APPENDIX III**

Analysis of Factors Influencing 1997 Fishing Mortality Rates

Analysis of Factors Influencing Groundfish Mortality Rates

- ▶ *Current Status and Effects of Implemented and Proposed Measures*
 - *Average Effect for 5 Stocks*
 - *Effects on Gulf of Maine Cod*
 - *Some Factors that May Tend to Maintain Mortality Rates*

- ▶ *Reductions in F Due to Area Closure Options*
 - *Explanation of Models & Data*
 - *Projected Reductions in Fishing Mortality Rates*

Analysis of Factors Influencing '97 Fishing Mortality Rates

Average for: 5 Target Stocks (Cod, Haddock, Yellowtail)

Factor	Percent Reduction (Values cannot be added) ¹	Calculation	Resultant F
Average Target F			0.23
Average '95/96 F (MMC Est.)			0.47
Scheduled '97 DAS Reduction	21%	$0.79 \times 0.47 =$	0.37
Scheduled May Closure	2%	$0.98 \times 0.37 =$	0.36
Proposed Gillnet Meas. ²	10%	$0.90 \times 0.36 =$	0.33
Buyback*	17%	$0.83 \times 0.33 =$	0.27
Exiting Vessels	5%	$0.95 \times 0.27 =$	0.26
Pilot Program	2%	$0.98 \times 0.26 =$	0.25
Harbor P. Closure-TRT Proposal* ³	1%	$0.99 \times 0.25 =$	0.25
Unachieved F Reduction	8%	$0.92 \times 0.25 =$	0.23

* Subject to Implementation

¹ Values are not additive down column, since reduced days should not be double-counted

² Assuming a 50% reduction in Gill Net Catch is Achieved

³ Proposed by the Harbor Porpoise TRT, but not yet Implemented

Analysis of Factors Influencing '97 Fishing Mortality Rates

Gulf of Maine Cod

Factor	Percent Reduction (Values cannot be added) ¹	Calculation	Resultant F
Target F			0.27
'95/'96 F (MMC Est.)			1.00
Scheduled '97 DAS Reduction	21%	$0.79 \times 1.00 =$	0.79
Scheduled May Closure	6%	$0.94 \times 0.79 =$	0.74
Proposed Gillnet Meas. ^{*2}	22%	$0.78 \times 0.74 =$	0.58
Buyback*	25%	$0.75 \times 0.58 =$	0.43
Exiting Vessels	5%	$0.95 \times 0.43 =$	0.41
Pilot Program	2%	$0.98 \times 0.41 =$	0.40
Harbor P. Closure-TRT Proposal* ³	1.7%	$0.983 \times 0.40 =$	0.40
Unachieved F Reduction	33%	$0.67 \times 0.40 =$	0.27

* Subject to Implementation

¹ Values are not additive down column, since reduced days should not be double-counted

² Assuming a 50% reduction in Gill Net Catch is Achieved

³ Proposed by the Harbor Porpoise TRT, but not yet Implemented

Some Factors that May Tend to Maintain Mortality Rates

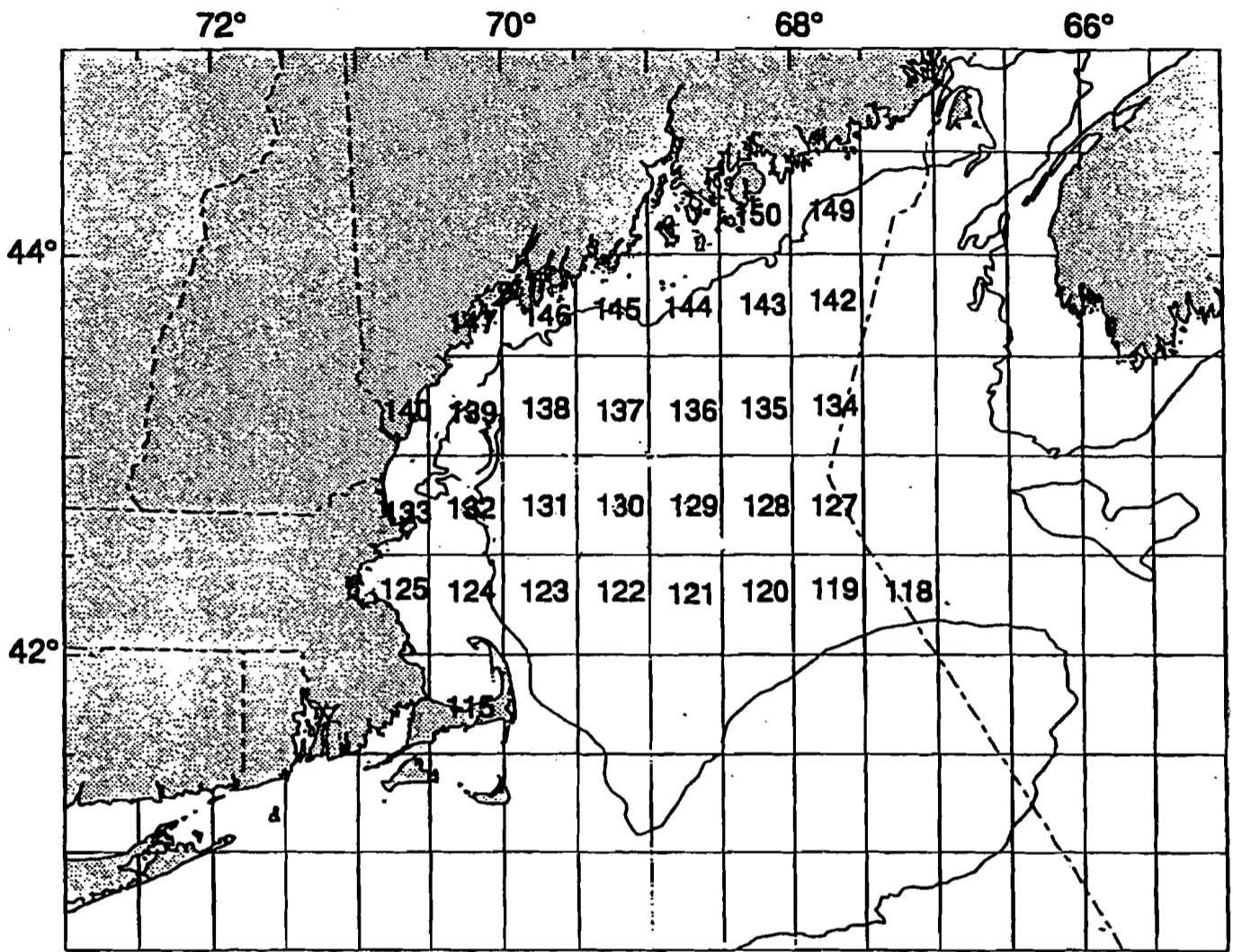
- ▶ *Latent and Underutilized Effort*
- ▶ *Re-Entry of Effort as Other Fisheries Come Under Tighter Restrictions (monkfish, fluke, scallop, etc.)*
- ▶ *Increases in Fishing Power (horsepower, larger gear, longer trips, etc.)*
- ▶ *Canadian F_s Already Near $F_{0.1}$*
- ▶ *Delay and Slippage in Buybacks*
- ▶ *Underreporting, Misreporting, Discards*

**FRAMEWORK 20
APPENDIX IV**

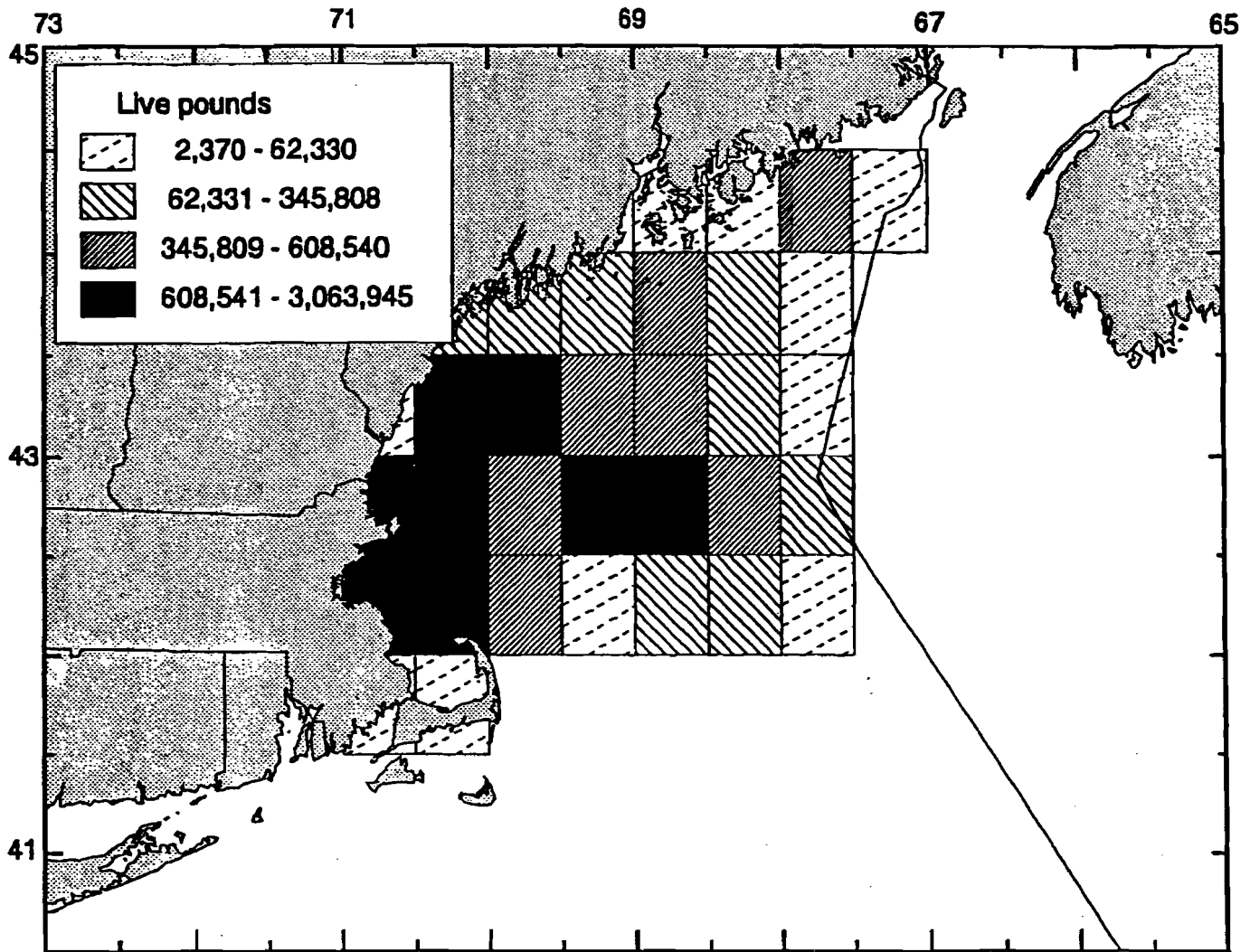
**Analysis of Seven Area Closure Options
for Gulf of Maine Cod**

Percent Reductions in Fishing Mortality for GM Cod Assuming 7 Closed Area Options

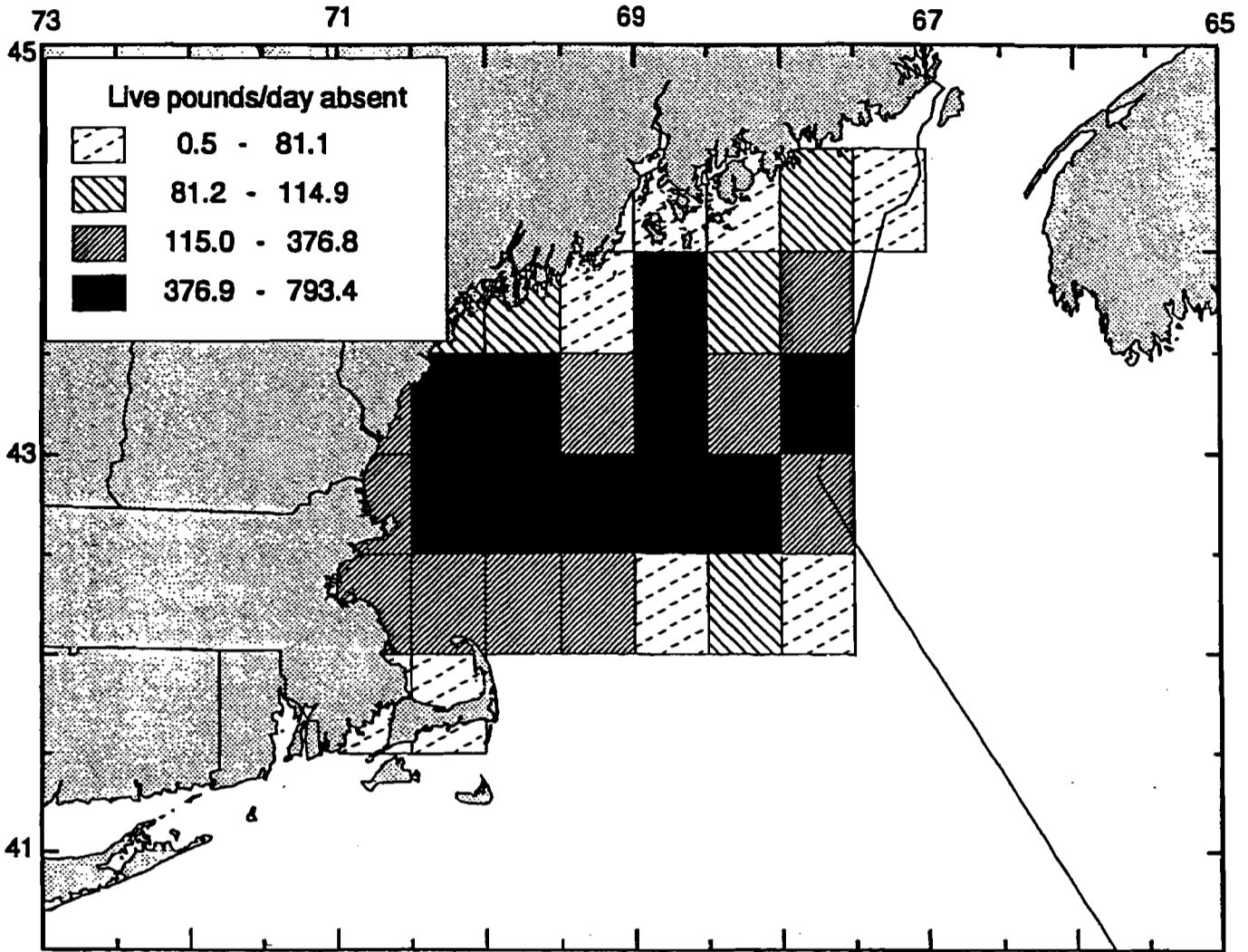
<i>Option</i>	<i>Areas</i>	<i>Months</i>	<i>No Displaced Effort</i>	<i>2-Bln Calculation</i>	<i>Area Closure Model</i>
1	132, 139	All	43	17	12
2	132, 139	May	11	6	0
3	132, 139	Oct, May	17	8	5
4	131-133, 139	March-June	29	10	2
5	115, 124, 125	March-April			
	132, 133, 139, 140	May	17	7	0
6	Mid-Coast		2	2	0
7	129, 130 (Cashes)	J,F,M,A,M,J			
	132, 139 (Jeffreys)	J,M,A,M,J,J	32	16	12



Gulf of Maine - Georges Bank Region

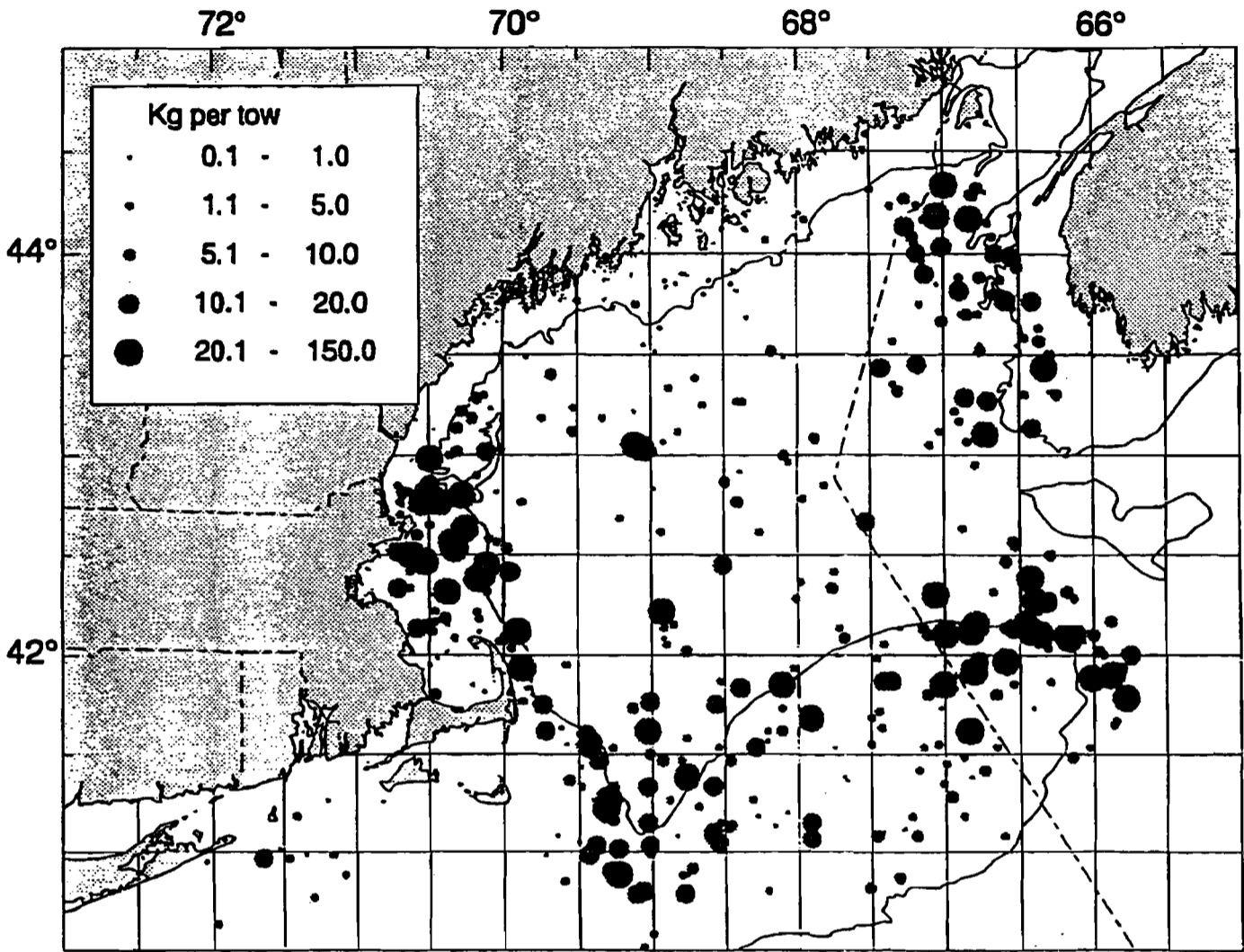


Distribution of live pounds of cod from the Gulf of Maine, by quarter-degree square, during 1993.

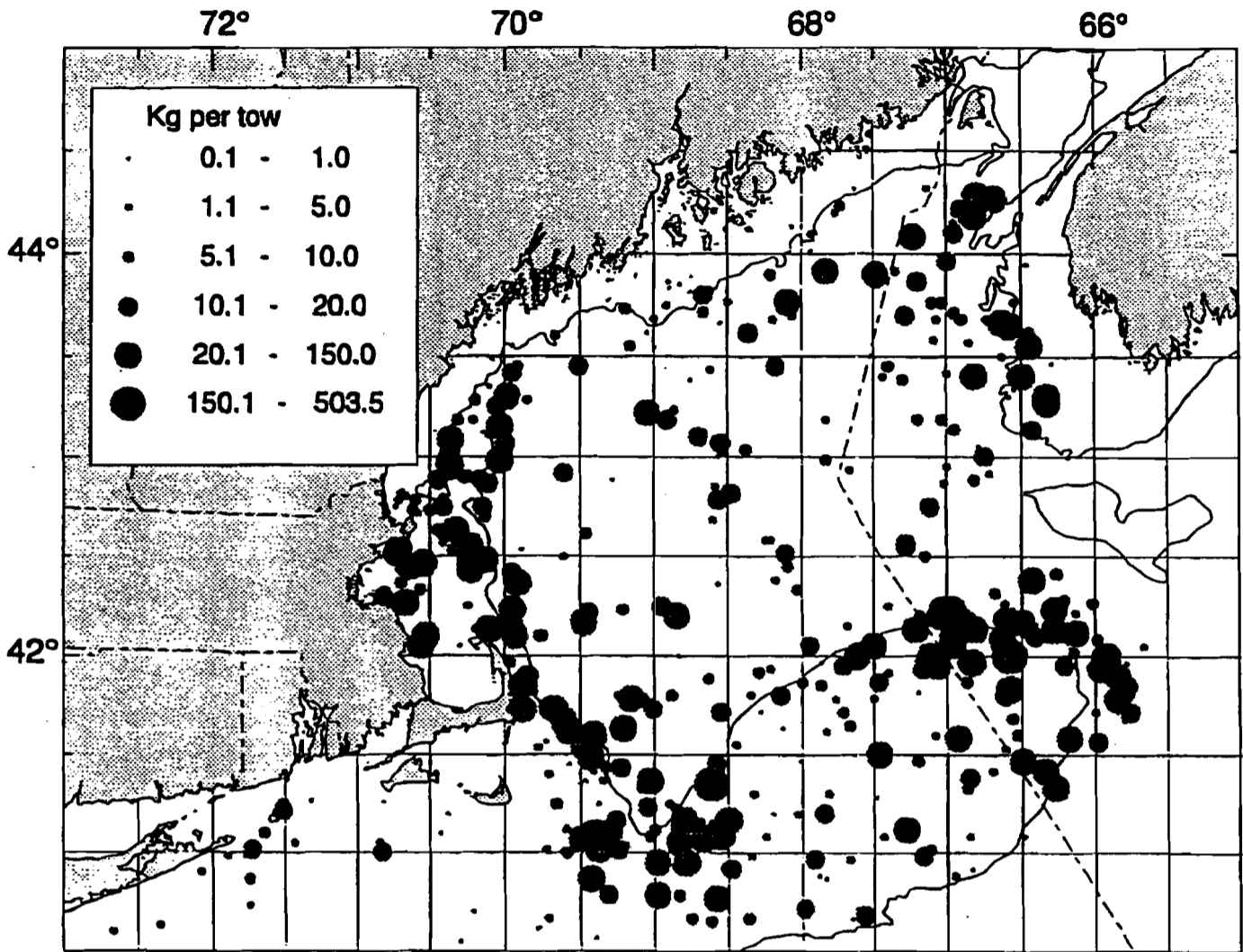


Distribution of live pounds of cod per day absent, by quarter-degree square, in the Gulf of Maine during 1993.

Atlantic Cod Autumn 1993 - Spring 1996



Atlantic Cod Autumn 1990 - Spring 1993



**FRAMEWORK 20
APPENDIX V**

**Seafood Leader Magazine Article
on New England Fish Processors**

NEW ENGLAND REVISITED

From Chinese Scallops to Alaska Cod, New England Processors Find a Way to Survive

BY ROGER FITZGERALD

A recent government report on coastal fisheries off New England was uncharacteristically cheery. Titled "Good News!" it noted that ex-vessel revenues from commercial fisheries and mariculture (from Maine to Maryland) were up 8% in 1995—and 11% from 1993. If you didn't know better (optimists in the seafood industry have a short shelf life), you'd almost believe it was good news.

And it is, only it's not about cod. Of the nearly \$1 billion in ex-vessel revenues last year in the Northeast, only 4% came from traditional groundfish, the holy trinity of cod, haddock and sole that virtually defined the industry for more than two centuries.

"We still hear it," says Roy Zaffiro of Channel Fish Processing Co. in Boston: "If the boats didn't land a million pounds a day, five days a week, we sent workers home early!"

"Now they don't land 50,000 pounds," says his cousin and partner John Zaffiro. "The world was a lot smaller back then. You didn't have to deal with world markets. The world ended at the Boston Fish Pier."

Their fathers, Thomas and Maurice Zaffiro, and Uncle Joe Zaffiro started the family business 50 years ago when they formed Blue Sea Fish Co., specializing in fresh, local fish. Later, a second company was formed, Channel Fish Co., which specialized in frozen fish. When the World Court ruled the U.S. off the northeast peak of Georges Bank in 1984, the two companies consolidated. "Now we had fish all year, even when the weather was bad. We combined the cream of both companies," said Roy.

"What saved us," he continued, "was seeing the [groundfish] shortage early enough to adapt.



Jirine Weisich



approved limited access program, fishermen will have their days at sea reduced by 50% this year. In New Bedford, traditionally one of the nation's leading fishing ports, unemployment is at 17%. And so it goes from Rhode Island to Maine.

But out of the ashes of Georges Bank new businesses are being born. Take New Bedford, famous for its scallops. Local harvests of bay scallops have plummeted seven-fold in 10 years. Sea scallops as well: from 10,000 tons of meats five years ago (1991) to 2,900 tons in 1994, the most recent figure.

Yet New Bedford is awash in scallops. One company alone, Atlantic Gem Seafoods, shipped 5,000 tons last year. Scallops from China. Peru. Chile. Japan. Norway. Russia. No one knows the ratio between local and imported, but nationally it's tipped dramatically in favor of imports. In 1995, the U.S. domestic harvest was 8,900 tons compared to 22,000 tons of imported scallops (meat weights), a reversal of the previous decade.

In addition to scallops, Atlantic Gem imported 450 tons of crawfish meats from China last year, marketing them in Louisiana and throughout the nation. "We just went direct to China," says Jim Mullin, who came to Atlantic Gem in 1994 as general manager. "The Chinese were glad to find a reputable company, and we embraced the opportunity to work with them."

About 25% of the company's annual sales is seafood products from China, including Russian and Alaskan yellowfin sole, cod and pollock—all processed in China and marketed in North America and Europe.

"We want to shift our customer base from fresh wholesalers to a more stable foodservice business," says Mullin, noting that Atlantic Gem is now 50% wholesale compared to 90% two years ago. "We want to separate ourselves from the day-to-day cutthroat business of fighting for margins to stay alive. That's the old school."

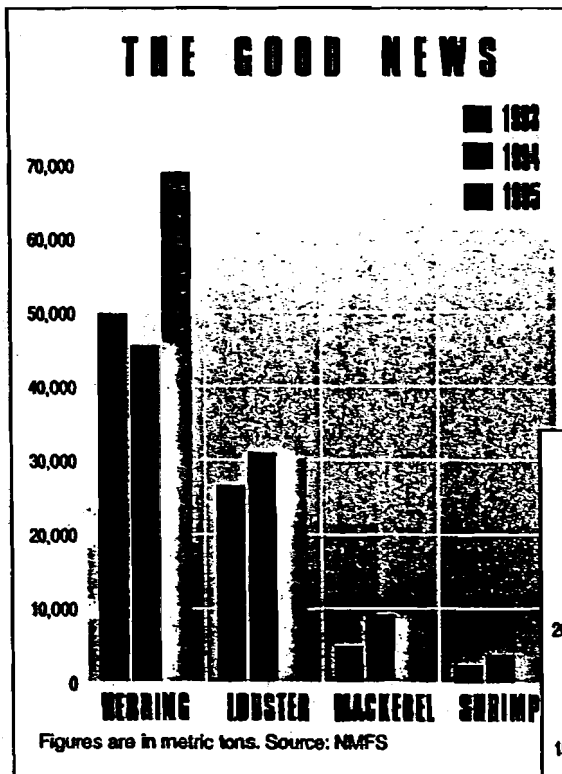
FROM GEORGES BANK TO THE BERING SEA

Ron Nanfelt of Kyler Seafood in New Bedford is definitely "old school"—he came into the business in 1957, with his dad—

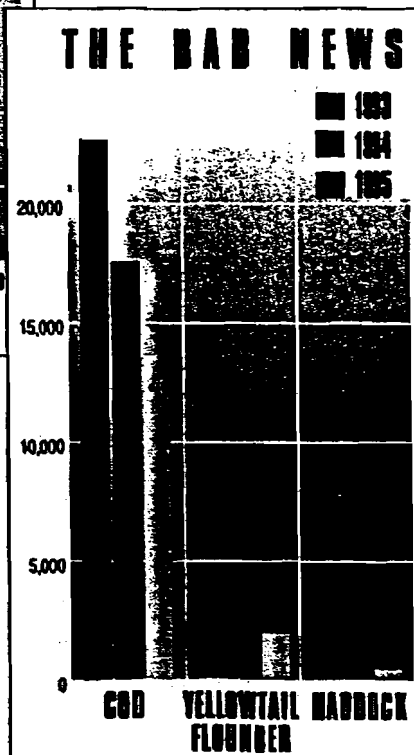
but he's always been a man of new ideas. Even his competitors credit him with being the first to "refresh" H&G groundfish from Alaska, which saved the bacon of more than one New England processor. The way Nanfelt remembers it, Sewille Maddox of Golden Age Fisheries in Seattle sent some samples of frozen-at-sea (FAS) cod to Frank O'Hara & Sons in Rockland, Maine. When Nanfelt saw it, his response was instantaneous: "Gorgeous!"

In 1989, Nanfelt started buying H&G Alaska cod, yellowfin sole and pollock and re-processing it into fillets, for national distribution. "Refreshing" was the euphemism of choice and the results were remarkable.

"When refreshed cod was first introduced," recalled Nanfelt, "it



A worker at Tri-State Seafood Inc. in Somersworth, N.H. cuts Alaska cod. As the graphs indicate, most New England groundfish landings have dwindled sharply.



"pelagics" (herring and mackerel) ever since he opened his plant in 1984. In those days, the local shrimp were considered underutilized—selling for 15 to 20 cents a pound compared to \$1 today. Today, the best prospects appear to be Atlantic mackerel and herring, both in abundance in New England waters. (Until recently, green sea urchin was an underutilized species, but in 1995, it came in third in ex-vessel revenue in Maine, one notch down from farmed salmon.)

Fuller believes Maine's processing industry is going through a period of consolidation into larger, more integrated companies—"the only way to survive," he says. "Smaller companies are being forced out by national and international trade regulations, plus some are going into early retirement because of HACCP." The key is "keeping the doors open." Companies can't operate five months out of the year anymore; they have to be operating every day all year to survive, says Fuller.

Before I left Portland, I dropped by North Atlantic Inc. to talk with Gerry Knecht, who describes himself as "an agile niche player." He says he's looking at some packaging opportunities, especially in consumer-ready products. Like Nanfelt, he sees the future in the 15-minute meal. "That's the exploding category in all food groups, especially in fresh. Now it's meats, next seafood." Knecht said he had a couple of new packaging ideas in the works, but in the meantime he was processing sea urchins. "You have to keep looking over the horizon," he says.

THE CODFATHER SPEAKS

Back to Boston to see the Codfather. Steve Connolly, that is, founder of Steve Connolly Seafood Co. He's been buying fish in Boston and Gloucester—and, more recently, from around the world—for more than a half century. So what was on his mind?


"The saddest thing is what the media has done to us," he laments.

"They've made so much noise about Georges Bank that people back here think it's their patriotic duty not to eat fish. That's absurd. We have lots of fish! We've got some small boats fishing now, one- to two-day trips, delivering 'cocktail' cod. There isn't any better cod in the world!"

Cocktail cod is a marketing name for any cod Connolly sells. "What about that 'refreshed cod' from the North Pacific?" I asked.


"Refreshed? Don't call it refreshed, call it defrosted! It's good fish, though, I'll say that." He should. He buys enough of it. But that's the one thing you can't get a codfather to cough up: that they would ever sell a fish that had been frozen.

"It doesn't matter to me where the fish come from," says Connolly, speaking as well, perhaps, for many in the New England seafood industry. "What's important is the quality. The days of cod, haddock and flounder, a little hake and cusk, those days are over. We're learning a very different industry today." □



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**FRAMEWORK 20
APPENDIX VI**

**Gloucester Times Article
on Changes in that Fishing Community**

On-shore jobs sink as fishing declines

Part of an occasional series examining issues facing Gloucester's home waters.

By ROB JAGODZINSKI
Times staff

Scott Memhard sees business melting away at his waterfront ice-making plant, the largest facility of its kind on the East Coast.

For decades, massive freezers at Cape Pond Ice in the city's Fort section provided local fishing vessels with up to 350 tons of ice a day to preserve their bountiful catches.

TIDES OF CHANGE

RISK & OPPORTUNITY ON OUR HOME WATERS

Now Memhard's 150-year-old company is among the hardest hit of all shoreside businesses that struggle to stay open as the commercial fishing industry they supply is on the decline.

These days, Memhard sells a fraction of the ice his facility can make — in the past month or so, he's sold less than 100 tons a week to the thinning fleet.

At \$40 a ton, that can't begin to cover the company's \$40,000 monthly operating costs or pay the 25 summer and 5 winter workers there.

The future doesn't hold much promise for businesses like Cape Pond Ice, Ocean Crest Seafoods or Gloucester Marine Railways. Those waterfront companies and others are feeling the effects of record-low fish landings in New England, new restrictions placed on fishing, and government programs like the \$23 million boat buyout designed to cut the fleet.

The federal government-buyback would cut the local fleet by 15 boats, or about in half. While some Gloucester vessel owners may benefit by retiring their boats, the federal buyout offers nothing to merchants who rely on fishing-related revenues.

Some federal low-interest loans are available to the businesses, but many companies dread borrowing money that they fear they may not be able to repay.

"I'm scratching my head, questioning if there is a need to keep this large plant running," Memhard said yesterday while looking over hundreds of ice blocks that filled one of his freezer rooms.

"If we don't have boats to supply, there's no need

to be in Gloucester," Memhard said.

He added that the company is expanding into other markets, selling ice cubes to stores, for instance. But that hasn't replaced the loss of sales to large trawlers, which require up to 30 tons of ice per weeklong fishing trip.

Vito Calomo, who heads the city's fisheries commission, likes to point out that each fishing vessel in the harbor is a small business supporting a crew, families and a variety of shoreside commerce.

"There's a ripple effect when we lose even one offshore dragger," said Calomo, whose family owned

and operated several boats in years past. "All kinds of businesses are hurt — fishing gear suppliers, supermarkets, fuel docks, ice dealers, the marine railways ..."

The loss of 15 large vessels could mean a direct loss of around 100 skilled fishing jobs, since most big trawlers carry a captain and five or more hands.

Apart from crews, studies show that each boat results in jobs for six or seven other people ashore who unload catches, cut and package seafood and do related work.

That's another 100 or so people who will be unemployed if the 15 vessels are retired.

Then there are the various support businesses for the fleet.

For instance, a dragger heading out for a weeklong fishing trip to Georges Bank 100 miles east of Cape Ann requires the following supplies:

- 3,000 to 6,000 gallons of fuel at about 90 cents a gallon;
- 15 to 30 tons of ice at \$40 a ton;
- \$500 or more in groceries;
- Several hundred dollars in spare parts and replacement equipment, plus incidentals such as foul weather gear for the crew.

Add to that thousands of dollars in pay for the crew, bookkeeping expenses, dockside repairs, purchases of improved radars and similar marine electronics, permit fees and so on.

So to turn a good profit, the deep-water boats must make at least 20 trips a year, and return from each with 100,000 pounds or more of cod or similar species that command good prices.

The offshore fleet netted solid pay until a few years ago, and "when we made money, we spread it around town," Calomo said.

Despite declines in the industry, more than 20 percent of Gloucester's economy is still tied to fishing, Calomo said.

Doug Parsons, who helps run Gloucester Marine Railways, is acutely aware of the decline in fishing. His

Gloucester Times
12.17.76

**FRAMEWORK 20
APPENDIX VII**

Paperwork Reduction Act Analysis

SUPPORTING STATEMENT

Federal Fisheries Permits Northeast Region

PERMIT FAMILY OF FORMS OMB NUMBER 0648-0202

INTRODUCTION

This submission requests revision of Office of Management and Budget (OMB) approval for Northeast Region Permits (OMB Control No. 0648-0202) as it pertains to permit requirements.

The New England Fishery Management Council (Council) is submitting Framework Adjustment 20 to the Multispecies Fishery Management Plan (FMP) as part of the anticipated adjustments to the FMP to rebuild key stocks of groundfish. This adjustment will require the collection of the following information.

The following collections of information are needed to implement the proposed measures in the framework adjustment:

Gillnet effort reduction (net tagging system)

- Declaration into trip or day boat category
- Request for the appropriate number of net tags
- Requests for replacement tag numbers if tags are lost
- Declaration of 120 days out of the gillnet fishery in minimum blocks of 7 days

Cod trip limits

- Hailing of catch of cod onboard or off-loaded for vessels exceeding the trip limit, not ending their trips and fishing north of 42° north latitude
- Declaration that a vessel will fish north or south of 42° north latitude for a minimum of 30 days

A. Justification

1. Why is the information necessary?

Gillnet effort reduction (net tagging system) The gillnet effort reduction program is a major component of both the proposed framework adjustment and Amendment 7 because the gillnet fishery accounts for a significant component of the catch of cod in the Gulf of Maine.

Gillnet effort reduction information collection requirements

Declaration into trip or day boat category - needed to determine which boats will be in the day boat category, and therefore subject to net limits, and which boats are in the trip boat category and subject to requirements removing all gear when returning to port.

Request for the appropriate number of net tag numbers - needed to minimize the number of tags to

be purchased by vessels in the day boat category.

Requests for replacement tag numbers - needed to allow fishermen to replace lost tags.

Declaration of 120 days out of the gillnet fishery in minimum of 7-day blocks - needed to reduce fishing time of gillnet fleet.

Cod trip limits

The rebuilding of the Gulf of Maine cod stock is a major objective of the FMP and this framework adjustment. The Council chose the cod trip limit to achieve this objective and to distribute the burden of catch reductions over as many vessels as possible. The Council developed the hailing requirement, which allow vessels to land fish in excess of the trip limit if corresponding reductions are made to days-at-sea allocations, to minimize discard of the target species to the greatest extent practicable, as required under the Sustainable Fisheries Act (SFA).

Cod trip limit information collection requirements

Hailing of cod onboard or off-loaded for vessels exceeding the trip limit, not ending their trips and fishing north of 42° north latitude - Needed to monitor and track trip limit overages to ensure that the necessary adjustments (reductions) are made in a vessel's days-at-sea.

Declaration that a vessel will fish north or south of 42° north latitude for a minimum of 30 days - Only vessels fishing north of this latitude are subject to the cod trip limit restrictions. The information is necessary to identify which vessels are or are not subject to the cod trip limit restrictions.

2. How, and by whom, will the information be used?

The information used by several offices of NMFS, and the U.S. Coast Guard to monitor compliance with the provisions of the framework adjustment.

The data collected through these programs will be incorporated into the NMFS databases. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals. Individual permit information will be required, however, for law enforcement or for notification programs.

3. Can improved technology reduce the burden?

The collection of information pertaining to whether a vessel is fishing south of 42° north latitude may be automated in the future if the electronic vessel tracking system (VTS) is implemented. The other collections must be done via mail, phone or fax transmission.

4. Describe any duplication of effort.

Other than information such as the owner's name and caller's name and address, vessel name and permit number needed to initially identify participants, no information will be collected that is already collected through another means.

5. How are the impacts on small businesses minimized?

Only the minimum data to meet the requirements of the above measures are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed.

6. Could the collection be conducted less frequently?

No, the information will only be collected specific to the occurrence of an event under the proposed measures. For example, for replacement of net tag numbers, information will only be collected when a net or its tag is lost.

7. Explain if request is not consistent with OMB guidelines.

The data collection is consistent with OMB guidelines.

8. Describe efforts to get comments from outside the agency.

Gillnet net tag system - These requirements were developed over the course of about 18 months and received extensive public discussion in Council, committee and industry subcommittee meetings

Cod trip limit - The New England Fishery Management Council held two council meetings, at which there was discussion of the monitoring requirements. Similar proposals and their monitoring requirement have been discussed at several committee meetings at which there has been extensive public discussion.

9. Explain any decision to provide payment to respondents.

There is no decision to provide any payment or gift to respondents, however, these collections are designed to give the respondents the maximum flexibility possible in conducting their fishing operations.

10. Describe any assurances of confidentiality.

All data will be kept confidential as required by NOAA Directive 88-30, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.)

11. Provide justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

1. *Declaration into gillnet trip or day boat category* - This declaration can be made by phone, fax machine or mail and is not estimated to exceed 10 minutes. It needs to be made only once per year.
2. *Requests for the appropriate number of net tags* - These requests may be made by phone, fax machine or mail and are not estimated to exceed 10 minutes each. They must be made only once per year.
3. *Requests for replacement tag numbers* - The notification can be made by phone, fax machine or mail and is not estimated to exceed 10 minutes total.
4. *Declaration of 120 days out of the gillnet fishery in minimum of 7-day blocks* - This can be made through the call-in system and is estimated to occur 5 times per year per participant. Each call is estimated to take no more than three minutes.
5. *Hailing of cod catch onboard or off-loaded for vessels exceeding the trip limit, not ending their trips and fishing north of 42° north latitude* - Via a telephone call vessels would provide their vessel identification number, name, and the estimated amount of cod onboard. If an estimated 575 participants made an average of 30 hails per year, the public burden would total 1,725. The estimated average time per call is 3 minutes.
6. *Declaration that a vessel will fish north or south of 42° north latitude for a minimum of 30 days* - The estimated number of respondents is 1,500. These would be vessels which fish south of 42° at least once per year. The average number of responses per respondent is 2. (Vessels fishing south of 42° all year must only make the declaration once, while other vessels may change on which side of the line they fish several times throughout the year.)

13. Provide estimates of the burden of the collection on the public.

Estimated total costs for the public are \$21,690 (Table A).

14. Provide estimates of annualized costs to the federal government.

The estimates of the administrative and enforcement costs to the federal government and to the public with the implementation of Framework Adjustment 20 are summarized above in Table A. These costs are estimated on the basis of figures provided in the PRA, dated August 3, 1994, for the 1994 renewal for the Northeast Federal Fisheries Permit family of forms (OMB# 0648-0202).

Any vessel issued a limited access multispecies permit and fishing in the days-at-sea program already must notify the Regional Administrator through the call-in system when it begins or ends a fishing trip.

The costs for the call-in system are estimated at \$15/hour to the public and \$25/hour to the government. The total estimated costs to the government are \$36,150 (Table A).

15. Explain potential changes in burden.

This request is for an extension of OMB approval for this family of forms collection. In the past three years, the collection has been revised several times as part of the FMP amendment process and the revisions approved. All burden figures are based on the estimated number of individuals affected. The actual number of vessel operators may differ from these estimates.

16. Describe any plans for any statistical use of the information.

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

17. Explain the reasons why display would be inappropriate.

All forms will display the OMB control number and expiration date along with information relevant to the PRA of 1995.

18. Explain exceptions.

All instances of this submission comply with 5CFR1320.9.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures; the requirements are mandatory for all participants in the indicated fisheries.

TABLE A: Estimated burden of information collections required under Framework Adjustment 20;



TABLE A: Estimated burden of information collections required under Framework Adjustment 20

	Maximum Number of Participants	Average Items per Entity	Total Number of Items	Response Time (Hours)	Total Burden (Hours)	Costs to Public* (\$)	Costs to Government*(\$)	Total Cost for Collection
Declaration into the day boat category	378	1	378	0.10	37.8	\$567	\$945	\$1,512
Requests for the appropriate number of net tags	378	1	378	0.10	37.8	\$567	\$945	\$1,512
Requests for replacement tag numbers	378	6	2,268	0.05	113.4	\$1,701	\$2,835	\$4,536
Declaration of 120 days out of the gillnet fishery in minimum 7-day blocks	378	5	1,890	0.05	94.5	\$1,418	\$2,363	\$3,780
Hailing of cod catch	575	30	17,250	0.05	862.5	\$12,938	\$21,563	\$34,500
Declaration of intent to fish south of 42° north latitude for minimum of 30 days	1,500	2	3,000	0.10	300.0	\$4,500	\$7,500	\$12,000
Totals						\$21,690	\$36,150	\$57,840

Collection of information costs are estimated at \$15/hour for the public and \$25/hour for the government.