

2. Purpose and need

2.1 Need for the adjustment

The purpose of this action is to reduce or maintain the fishing mortality rates of the five critical stocks below rebuilding targets established by Amendment 7 ($F_{0.1}$ for GB cod, haddock and yellowtail flounder and SNE yellowtail flounder, and F_{max} for GOM cod). As summarized in the previous section, both GB and GOM cod stocks require additional measures to achieve the plan rebuilding objectives. The MSMC Report indicated that fishing mortality needs to be reduced on GB cod by 36 percent and GOM cod by 56 percent from the calendar year 1998 levels to achieve Amendment 7 targets. The proposed action includes measures to achieve those reductions in fishing year 2000, considering the effect of measures that have been implemented in 1999.

2.2 Publication as a final rule

The Council recommends that NMFS publish the proposed adjustments as a final rule, and it has considered the following factors as specified in 50 CFR 648.90 (b) in making this recommendation:

1. timing of the rule
2. opportunity for public comment
3. need for immediate resource protection, and
4. continuing evaluation of the plan.

2.2.1 Timing of the rule

The timing of the rule is relevant to the start of the fishing year on May 1, and to the urgent need to implement management measures for the cod stocks without delay. The Council is proposing measures for both Georges Bank and Gulf of Maine cod stocks that would be effective on May 1. Based on the amount of time NMFS requires to review the framework document to determine that the proposed action meets the FMP objectives and is consistent with other applicable law, publication as a proposed rule would delay the effectiveness of the measures beyond the start of the fishing year. The Council is concerned that any delay in the effectiveness of the measures to manage GOM and GB cod fisheries would result in a stock decline.

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.

2.2.2 Opportunity for public comment

The Framework 33 development process formally started with the November 16-19, 1999 Council meeting when the Council received the MSMC Report and initiated the framework adjustment. Prior to that meeting, however, the Council had requested industry proposals based on the information contained in the updated stock assessments presented in August. Furthermore, the plan adjustment process has been ongoing this past fishing year, specifically with Frameworks 29, 30, and 31 and the public has been informed, and had opportunity to comment throughout the

evolution of the current plan. Prior to the November meeting, the Council solicited proposals from the industry, through a mailing to all interested parties, for consideration in this annual adjustment framework.

The schedule of meetings for which the public notice included discussion of specific alternatives for this framework is as follows:

DATE	MEETING	AGENDA/DISCUSSION
11/10/99	GF Committee and Advisory Panel	<ul style="list-style-type: none"> • Preliminary review of the MSMC Report, develop recommendations to the Council for consideration in Framework 33
11/16-19/99	Council	<ul style="list-style-type: none"> • Initial meeting for Framework 33 • Report of the MSMC • Review of 1999 SAFE Report, including industry proposals for 2000 fishing year
12/13/99	GF Committee and Advisory Panel	<ul style="list-style-type: none"> • Develop options, as needed, for recreational fishery, scallop vessel access to closed areas, and exemptions to closed areas
1/13/00	Advisory Panel	<ul style="list-style-type: none"> • Review draft framework document, recommend preferred alternatives to the GF Committee
1/14/00	GF Committee	<ul style="list-style-type: none"> • Review draft framework document, recommend preferred alternative to the Council
1/18-20	Council	<ul style="list-style-type: none"> • Final meeting for Framework 33

The mailing lists for meeting notices contain approximately 900 and 1,600 interested parties for Groundfish Committee and Council meetings, respectively. Notices are mailed at least two weeks in advance of committee meetings and three weeks in advance of Council meetings. Council meeting notices are also published in the *Federal Register* three weeks ahead of the meeting. Agendas and meeting summaries for the above meetings are available from the Council office.

2.2.3 Need for immediate resource protection

Sections 1.2.2 and 2.1 summarize the most recent information available for the groundfish stocks, particularly GOM and GB cod. The fishing mortality rates on GOM and GB cod have declined in recent years but are above or near target levels. Recruitment and survival of pre-recruits remains poor. If plan objectives are not met as soon as possible, rebuilding will be delayed and there is an increased chance of stock decline in the near term, resulting in additional restrictions on the fishing industry being necessary. These stocks, as well as GB haddock and SNE yellowtail flounder remain well below the biomass levels required to support maximum sustainable yield.

2.2.4 Continuing evaluation

The regulations require the Council to review the plan annually and make adjustments as necessary to insure that the rebuilding goals are being met (50 CFR 648.90 (a)). The Council is proposing this framework adjustment in accordance with that requirement. Both the Council and NMFS continually monitor catch, effort and resource information and may address problems as

needed any time during the year using the framework adjustment procedure. During the upcoming year, the Council will prepare a Draft Environmental Impact Statement, and hold public hearings on proposals for Amendment 13 to implement stock rebuilding programs for all overfished multispecies stocks and to address other matters.