

3. PROPOSED ACTION AND ALTERNATIVES

The Council is considering the following options for submission in this framework. Area closure measures reference block numbers in Figure 1.

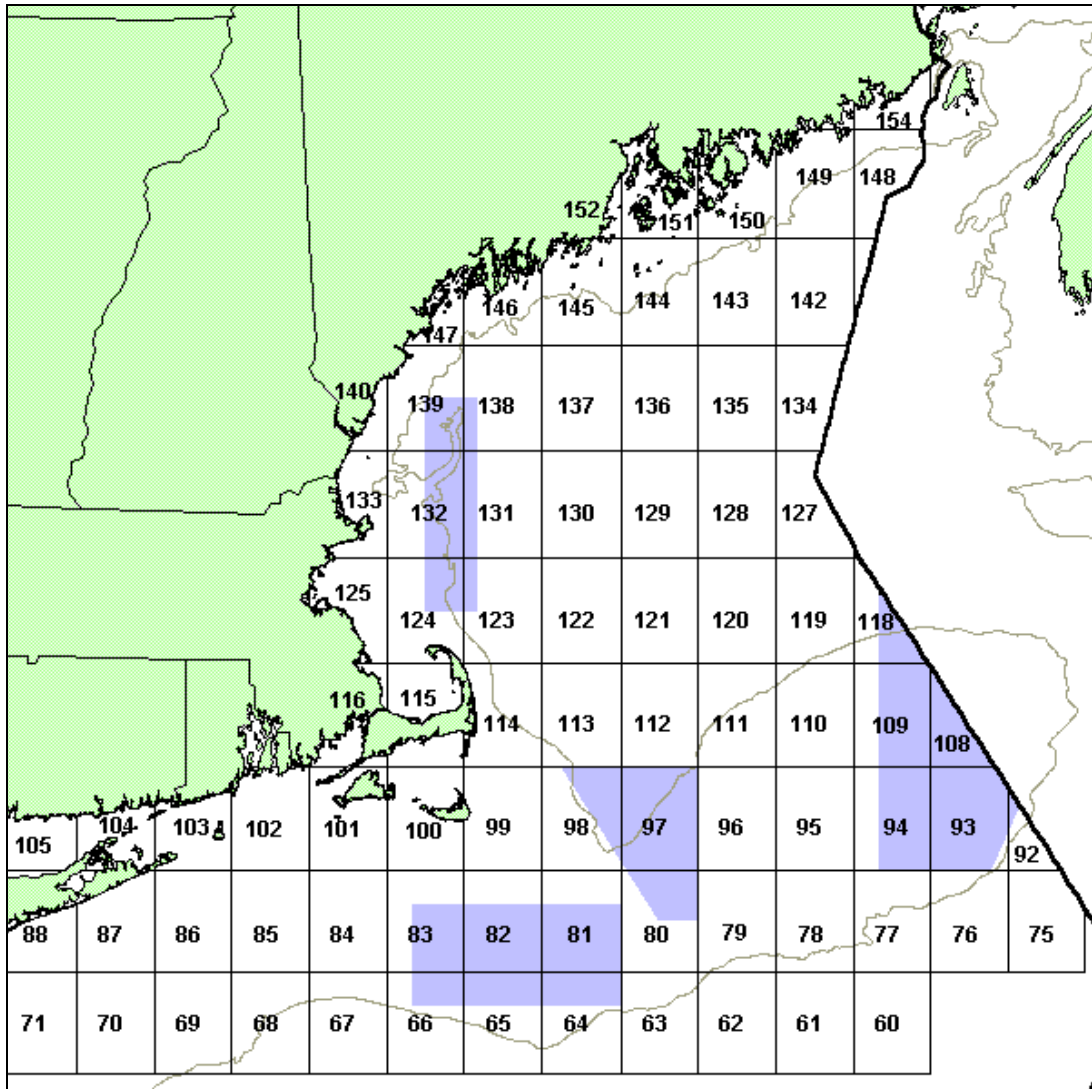


Figure 1 Area closure block reference map

3.1 Proposed action

3.1.1 Gulf of Maine cod measures

3.1.1.1 GOM cod area closures and trip limit (Option 2)

Area closures: Status quo area closures as contained in Frameworks 27 and 31. These area closures would remain in effect until modified by future Council action. The Western GOM Closed Area, currently scheduled to end on April 30, 2001, would be extended for one additional year (expiring on April 30, 2002). Area closures are shown in Figure 2. The Council is also proposing a backstop provision if 50 percent of the target TAC, (at 759 metric tons based on the average between the $F_{0.1}$ target TAC and the F_{max} target TAC) is landed by July 31. If the contingency is met and the backstop measures are triggered, Cashes Ledge Closed Area will remain closed for one additional month (November) and Blocks 124 and 125 will close in January (see Figure 1 and Figure 2).

Trip Limit: Status quo trip limit as contained in Framework 31: 400 lbs./day with a maximum possession limit equal to ten times the daily limit (i.e. 4,000 pounds). Vessels may land a limited overage of cod as follows:

- Vessels not enrolled in the Gulf of Maine Cod Trip Limit Exemption Program are limited to 400 pounds for each day or part of a day on the trip. On trips under 24 hours a vessel may not land more than 400 pounds of cod, and may not land cod again until 24 hours have elapsed from the start of the prior trip, although the vessel may call-out of the DAS program before 24 hours have elapsed. On trips longer than 24 hours, a vessel may land 400 pounds of cod for each full day (24 hours) of the trip and 400 pounds for any part of a 24-hour period, provided it does not call out of the DAS program until the remainder of that 24-hour period has elapsed. A vessel on a trip longer than 24 hours and landing up to 400 pounds of cod for any part of a (24-hour) day, must call the hail line to report the overage and may not leave port or call out of the DAS program for the remaining part of the 24 hours.
- a vessel may not land more than 4,000 pounds, even if the trip duration exceeds ten days.

Discussion: This option is based primarily on the current management program, which the analysis indicates may be achieving the F_{max} target in 1999. The analysis, however, does not account for the potential effect of increased discard rates when the trip limit was 200, 30 or 100 pounds per day during the 1999 fishing year. With the increased trip limit of 400 pounds per day and the possible additional closures, the proposed action will reduce the uncertainty about actual catches and will provide a backstop to prevent exceeding the TAC.

Of the four GOM options under consideration, this option provides the greatest protection to right whales and harbor porpoise. This option would provide some benefit to essential fish habitat by lengthening the recovery time of habitat within the Western Gulf of Maine Closed Area.

The economic impacts of this option are similar to those in Option 1 (not adopted), although the additional area closures in this option will reduce fleet revenues between \$0.1 million and \$0.6 million, depending on the ability of vessels to recover lost revenues by fishing in open areas. The one-year extension of the Western Gulf of Maine Closed Area will reduce fleet revenues between \$1.8 million and \$7.4 million, depending on the ability of vessels to fish in other areas. This estimate does not consider that if this area were opened May 1, 2001 as currently scheduled, other restrictions on catch and effort would be needed to provide an equivalent cod conservation in order to meet GOM cod fishing mortality objectives.

The following table compares landings through October in 1998 and 1999. During the January – April, 1999 period vessels operated under a 400-pound per day trip limit with no maximum limit and no restrictions on the use of the running clock as well as the Framework 26 area closures. Preliminary NMFS landings data indicate a decline of 59 percent during the January – April period (685 mt compared to 1672 mt) and a decline of 66 percent January - October. Since there are no reliable estimates of discards under the 200-, 30-, and 100-pound trip limits during May through October, 1999, caution should be used to compare landings during this period. One important difference between the 400 pounds per day limit before May, 1999 and that proposed for this action is the change to the running clock, which will significantly minimize the incentive to target cod. According to the VTR data about 40 percent of the landings of GOM cod during February through April 1999, under the 400 pounds per day trip limit and the unrestricted running clock, were on trips that exceeded the per-day limit, and about 23 percent of GOM cod landings were overages (in excess of the allowed limit) during that period.

GOM cod Landings (mt)	Jan-Apr	May	June	July	August	Sept.	Oct.	January-October
1998	1,672	620	536	202	154	178	194	3,556
1999	685	267	64	53	53	46	44	1212

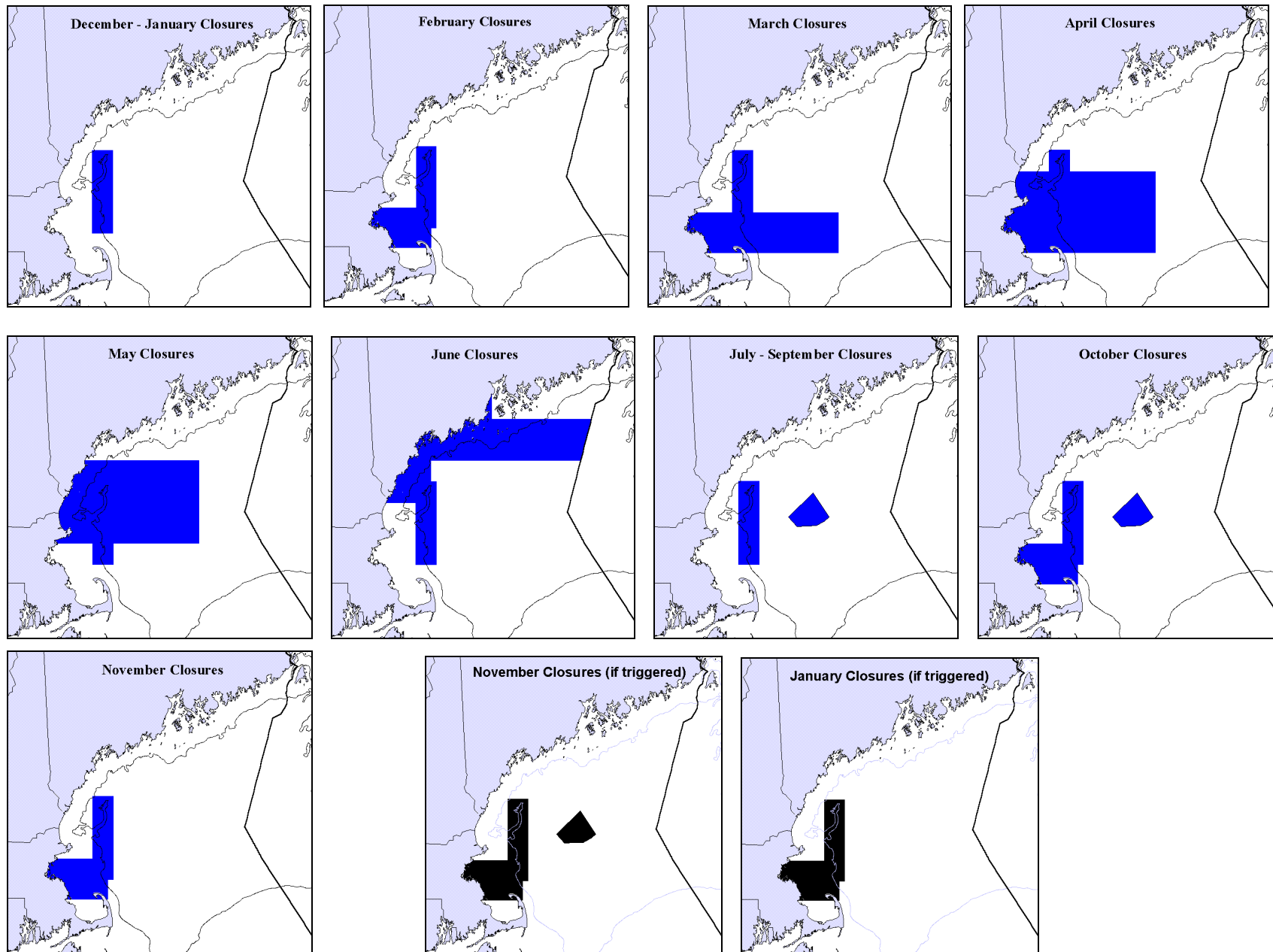


Figure 2 Area closures – Option 1 (alternative considered but not adopted) and Option 2. The proposed action continues the area closures in Frameworks 27 and 31. Additional closures would be triggered if 759 mt of cod is landed by July 31.

3.1.2 Party/charter access to GOM closed areas

The Council proposes to require party and charter vessels to obtain an exemption certificate from NMFS to fish in any of the Gulf of Maine closed areas. A limited access vessel in the exemption program would be prohibited from fishing on a DAS while in possession of the certificate. A vessel would obtain a certificate and remain enrolled in the exemption program for a minimum of three months. The validity of the exemption certificate is contingent on meeting the requirements of party/charter vessels, such as the prohibition on sale of fish and minimum fish size.

Discussion: The Council considered three options within this proposal to control party/charter access to closed areas. In addition to the proposed three-month enrollment, it considered six-month and one-year enrollment programs. Under each of the various scenarios analyzed, the expected number of recreational passengers in the Gulf of Maine is close to the 1998 baseline.

Five three-month alternatives that were analyzed produce results (in terms of anglers and expected cod catch) that are all very similar to the baseline. The analysis projects very little difference between the baseline and any of the three-month alternative in terms of expected numbers of passengers and numbers of cod kept. The three-month alternatives can be assumed to have no biological impact on the stocks and minimal economic impact on vessels.

One of the most significant benefits of this provision will be better recreational party/charter fishing information for the Gulf of Maine. The Council wants to improve its understanding of what kind and how much recreational fishing activity occurs in the Gulf of Maine closed areas. The exemption certification program should allow NMFS and the Council to document how many and which party/charter vessels fish in the closed areas and when. A second important benefit is that vessels that are found in violation of the party/charter restrictions during the enrollment period, particularly the minimum fish size and prohibition on sale of fish, could lose their certificate. The proposed action will also provide the greatest flexibility for limited-access vessels to engage in both party/charter and commercial fishing on a seasonal basis.

3.2 Party/charter DAS usage prohibition

This proposal would eliminate the current provision that enables limited access vessels to fish under DAS (and other regulations applicable to commercial vessels) while taking passengers for hire, rather than fishing under the party/charter regulations (for example, larger minimum fish size, no-sale provision and gear restrictions). This would apply to all limited access vessels that also take passengers for hire, regardless of whether they obtain a certificate to fish in the closed areas as proposed in the previous section.

Discussion: This option would close a perceived “loophole” in the regulations that allows party/charter vessels that possess a limited access permit to fish for regulated species with the lower minimum fish size that applies on commercial vessels, and to sell their catch. Party/charter vessels that do not have limited access permits do not have this option.

3.3 GB cod measures

3.3.1 GB cod trip limit

The Council proposes to retain the status quo 2,000 pounds per day, or part of a day; 20,000 pounds maximum possession limit. This proposal, however, would eliminate the authority of the Regional Administrator to reduce the trip limit to prevent exceeding the TAC.

Discussion: The 2,000 pounds per day trip limit has only been in effect since August 15, 1999, and it is the first GB cod trip limit that the Council has implemented. Consequently, insufficient data is available at this time to measure its effectiveness. The Council proposed in Framework 31 eliminating the authority of the Regional Administrator to reduce the trip limit on the recommendation of the PDT that reducing the trip limit may not reduce fishing mortality if landings are merely replaced by discards. On December 30, 1999, NMFS announced that it had disapproved this proposal in Framework 31. NMFS stated that “removal of this ‘backstop’ in order to reduce the risk of discards without any compensating conservation measures to address fishing mortality is not justified”. The Council now proposes to implement an area closure (see following section) to replace the trip limit adjustment. The PDT analysis indicates the area closure will keep landings near or below the TAC with a 2,000 pounds per day trip limit.

3.3.2 GB cod area closures

The Council considered five area closure options in this framework. It is proposing Option 5 as described below.

3.3.2.1 Closed Area Option 5

This option would close Blocks 109-114, 98 and 99 in May; and if additional closures are needed they will be based on the highest cod catch/month blocks (Figure 3).

Discussion: This option originated in the development of Framework 30, but due to the timing of that framework, could not be considered for May as urged by fishermen. The Council proposed, in Framework 30, that it be applied for 30 days upon implementation of the rule, and the framework document contained analysis of both a June and July closure. However, NMFS did not approve the closure because implementation could not occur within the months analyzed in the framework document and because the conservation basis for the closure diminished with time as the spring concentrations of spawning cod disperse. The current proposal, which would take effect during May addresses this issue. The analysis shows that a trip limit of 2,000 pounds per day would exceed the TAC by 64 metric tons, or about 1.5 percent. This option has a slightly higher revenue loss per metric ton of cod saved than Option 1 under the full effort displacement scenario (ranks third highest of five options), but is equivalent to Option 4 as the lowest in terms of total revenue loss.

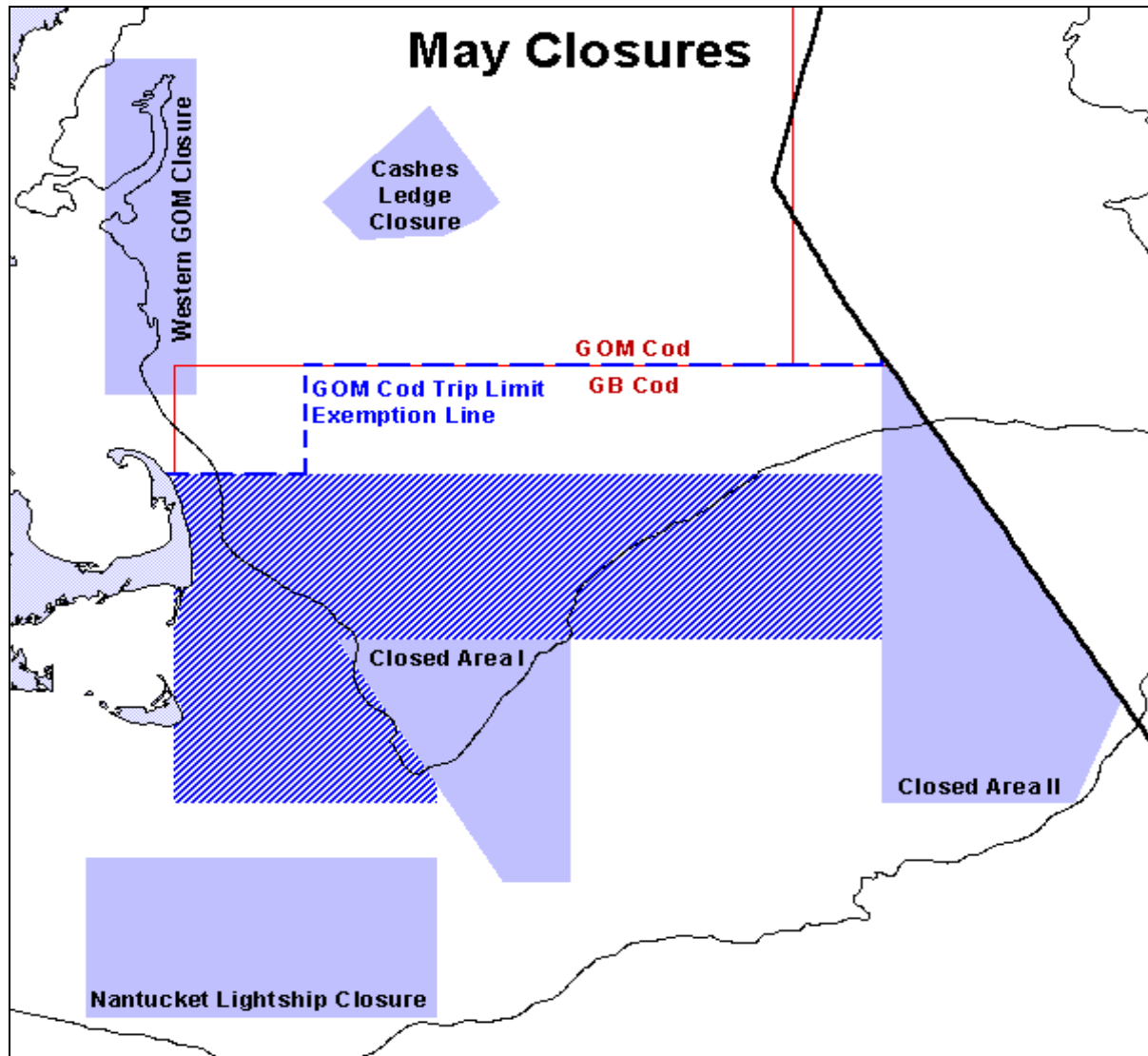


Figure 3 GB cod Closed Area Option 5

3.4 Haddock trip limit

The Council proposes the haddock trip limit be set as follows:

- 3,000 pounds per day or part of a day; 30,000 pounds maximum possession limit at the start of the fishing year on May 1
- increases on September 30 to 5,000 pounds per day or part of a day; 50,000 pounds maximum possession limit
- the trip limit adjustment may occur at any other time by notice action if the Regional Administrator determines a different trip limit is needed to achieve at least 75 percent of the TAC, but not exceed the TAC.

Discussion: This proposal contains a combination of elements from the two similar options that the Council considered in the final framework meeting. The two options were indistinguishable in a conventional trip limit analysis to predict landings, the primary difference between the two options being the timing of the trip limit increase (two weeks difference) and the mechanism by which it would take effect (Regional Administrator decision or automatic). Neither of these two components will have a measurable impact on the fishing mortality rate from the status quo. The proposed action reduces the potential for discards during the May-September period with a conservation impact approximately equivalent to the status quo.

The MSMC considered that the status of haddock relative to the new overfishing definitions will require a significant reduction in fishing mortality, and recommended against any measure that will allow fishing mortality to increase from the 1998 level. Therefore, the MSMC recommended against any increase in the trip limit for 2000.

3.5 Large Mesh Permit category

The Council proposes changing the conditions of the Large Mesh Permit Category as follows:

- the minimum mesh size for otter trawls would be reduced from 8 inches to 7 inches,
- the increased DAS allocated to otter trawl vessels fishing in this category would be reduced from 36 percent to 25 percent, and
- both trawl and gillnet vessels that enroll in this permit category would be able to exit the category after one month. The proportion of DAS used while enrolled in this category would be deducted, on a percentage basis, from the vessel's regular Fleet or Individual DAS allocation.

Discussion: Enrollment in this program would be during the permit application period prior to the start of the fishing year. A vessel participating in this program would request a Large Mesh Category Permit and fish under the permit restrictions (minimum mesh size) until it notified NMFS (after a minimum of 30 days) that it was exiting the program and receives a regular Fleet or Individual DAS category permit and pro-rated DAS allocation. For example, if a vessel in the Fleet DAS category (88 DAS) elects to participate in this program, the DAS allocation would be 110 DAS. If the vessel uses 11 DAS during the

first month of the program (10 percent of the allocation) and exits the program, the Fleet DAS remaining available to the vessel would be 79.2 DAS (88 DAS reduced by 10 percent). NMFS will inform vessels exiting the program what the remaining DAS allocation is when it re-issues the (Fleet or Individual DAS) permit.

Currently, a vessel fishing under the Large Mesh Individual DAS category is allocated a 36-percent DAS increase over its base allocation. A vessel fishing under the Large Mesh Fleet DAS category is allocated 120 DAS, compared to 88 DAS. To be eligible to fish under a Large Mesh DAS permit category, a vessel now must enroll in the permit category for the entire fishing year and, while fishing under this category, must fish with gillnet gear with a minimum size of 7-inch (17.78 cm) diamond mesh or with trawl gear with a minimum mesh size of 8-inch (20.32 cm) diamond mesh. No vessels currently participate in the otter trawl large mesh fishery program. The proposed action would provide a reasonable incentive for vessels to use the larger mesh nets, providing both biological benefits (increased yield per recruit and spawning stock biomass per recruit, reduced discards of sublegal sized fish) and allowing for data collection on the catch characteristics of vessels using large mesh under commercial conditions.

3.6 Scallop vessel access to Closed Areas I and II and Nantucket Lightship Closed Area

The Council is submitting the proposed exemption in a separate document combining scallop and groundfish management actions under one cover (Scallop Framework 13 and Multispecies Framework 34).

3.7 Alternatives considered and rejected

The following section describes the measures the Council considered in the draft Framework 33 document but did not adopt. In addition, the Council considered a number of proposals made by individuals in early comment to the Council during the development of this action, five industry proposals submitted in response to the Council's solicitation in October, 1999 and options developed by the MSMC. Some of these proposals evolved into the proposals formally considered by the Council in this framework. The other proposals, those not formally considered in the draft framework document, are contained in the 1999 SAFE Report, available from the Council office, and the MSMC report, Appendix III of this document.

3.7.1 GOM cod management options

The Council considered four primary options to address Gulf of Maine cod management. It is submitting Option 2 as discussed in Section 3.1.1, with the backstop closure of two areas which would take effect if 50 percent of the target TAC is landed by July 31, and with the status quo counting of DAS. The following table summarizes the options considered by the Council at the final framework meeting on January 19, 2000:

Option /page #	DAS	Area Closures	Trip Limit	Other Measures
1	Status quo except Count first day of a trip as 24 or 15 hrs. off DAS (analyze as status quo also)	Status quo through FW 31; plus one-year extension of WGOM Closed Area	as in FW 31	During May, June, July, Nov. and Dec.: <ul style="list-style-type: none"> Vessels (except Day Gillnet) must take layover days equal to trip length Day Gillnet vessels limited to 80 net tags
2	Status quo Count first day of a trip as 24 or 15 hrs. off DAS (analyze as status quo also)	Status quo through FW 31; plus one-year extension of WGOM Closed Area	as in FW 31	a) Closures, if 50% of TAC landed by July 31: Cashes Ledge CA (Nov.) Blocks 124 & 125 (Jan.); or b) close the northern half of Block 124 year-round, (no trigger)
3	Status quo	See Attachment 2 except close northern half of Block 124 Mar.- Aug. (no year-round Stellwagen Bank Closed Areas) plus FW25 1-month rolling closures	400 lbs, w/ running clock, and 2-day layover; or as in FW 31	Increase cod minimum size to 21 inches
4	Status quo, except limit of 25 DAS or call in/out cycles in WGOM Restricted gear Area Feb. – May (enrollment program)	See Attachment 2 plus FW25 1-month rolling closures; Feb-May also apply to party/charter vessels; Cashes Ledge Closed Area year-round	400 lbs, w/ running clock, and 2-day layover; except no running clock/layover Feb-May	

Table 2. Summary of Gulf of Maine cod options for 2000 fishing year. FW=Framework; GOM=Gulf of Maine. Maps of Options 1 and 2 closures are in Figure 2, Map of Option 3 and 4 closures is in Figure 4.

Table 2. Summary of Pros and Cons of GOM Options 1-4

Option	Pros	Cons
1	<ul style="list-style-type: none"> • May achieve F_{MAX} for Gulf of Maine cod • Reduces “pulse fishing” after opening of rolling closures when catch rates are highest • Counts per-day trip limits as per-DAS, if first day of a trip is counted as 24 hours • Economic analysis shows no change from status quo for continuing current area closures and trip limits • Options 1 and 2 provided the greatest protection to right whales and encompass most harbor porpoise sighting area • Extension of WGOM for one year would benefit habitat • Continues current management plan with minor modification 	<ul style="list-style-type: none"> • Does not achieve $F_{0.1}$ for Gulf of Maine cod • May not achieve fishing mortality targets on other regulated species that need rebuilding under Amendment 9 • Economic analysis suggests impact of DAS counting uncertain but could be negative, depending on vessels’ response; layover day and gillnet reduction not quantifiable but could have negative economic impact offset by some price stability • Reactivation of latent effort (unused DAS) likely under DAS counting proposals • Layover days are difficult to enforce but NFMS has indicated not opposed to the proposal • Would also limit monkfish nets to 80 tags in some months in the GOM • Negative social impact of DAS counting proposal which affect day vessels in all areas and layover provision which reduce flexibility and alters work patterns
2	<ul style="list-style-type: none"> • Provides a limited backstop against exceeding the target TAC that does not rely on trip limits • May achieve F_{MAX} for Gulf of Maine cod • Counts per-day trip limits as per-DAS, if first day of a trip is counted as 24 hours • Economic analysis shows no change from status quo for continuing current area closures and trip limits • Options 1 and 2 provided greatest protection to right whales and encompass most harbor porpoise sighting area • Extension of WGOM for one year and expanding to northern half of Block 124 would benefit habitat • Continues current management plan with minor modification 	<ul style="list-style-type: none"> • Does not achieve $F_{0.1}$ for Gulf of Maine cod • May not achieve fishing mortality targets on other regulated species that need rebuilding under Amendment 9 • May encourage pulse fishing before reaching the 50 percent threshold • Economic analysis suggests extending WGOM closure for one year and additional area closures will reduce fleet revenues; DAS counting uncertain but could be negative, depending on vessels’ response • Negative social impact of DAS counting proposal which affect day vessels in all areas and backstop which has disproportional effects on vessels that fish in Cashes Ledge and Blocks 124 and 125

3	<ul style="list-style-type: none"> • Provides opportunity for inshore vessels to fish on other species • Designed to protect sensitive areas and concentrations of cod • Reduces discards and promotes safety by allowing running clock • Combines several industry proposals • Increases cod yield per recruit and SSB per recruit • Disperses inshore effort and spreads out impacts over a wider area • Fleet revenues likely to increase from status quo due to smaller area closures, and overall economic impact expected to be less than Options 1 and 2 	<ul style="list-style-type: none"> • Does not achieve F_{max} for GOM cod; analysis of cod landings indicates TAC will be exceeded • Area closures not compatible with standard analysis data and methods; results not comparable to Options 1 and 2 • Increased opportunity to fish on other regulated species will delay rebuilding to comply with SFA • Small, irregularly shaped closed areas are difficult to enforce • Running clock may provide an incentive to target cod and makes monitoring of actual fishing effort used more difficult • Potential increase in cod discards • Min. size increase affects communities outside GOM • Reduce harbor porpoise protection • May increase adverse impact of the fishery on habitat and habitat research in WGOM
4	<ul style="list-style-type: none"> • Provides opportunity for inshore vessels to fish on other species • Disperses inshore effort over a wider area and spreads out impacts over a wider area, widely supported by some industry sectors • Designed to protect sensitive areas and concentrations of cod • Reduces discards and promotes safety by allowing running clock • Closed area protection of cod extended to party/charter sector during spawning season • Overall economic impact expected to be less than Options 1 and 2, but larger than Option 3 	<ul style="list-style-type: none"> • Does not achieve F_{max} for GOM cod; analysis of cod landings indicates TAC will be exceeded • Area closures not compatible with standard analysis data and methods; results not comparable to Options 1 and 2 • Increased opportunity to fish on other regulated species will delay rebuilding to comply with SFA • Small, irregularly shaped closed areas are difficult to enforce • Running clock may provide an incentive to target cod and makes monitoring of actual fishing effort used more difficult • Requires separate DAS tracking for WGOM restricted fishery February – May • Social impact extends to party/charter anglers • Least protection to harbor porpoise and right whales • May increase adverse impact of the fishery on habitat and habitat research in WGOM

Table 2 (cont'd.)- Summary of GOM cod Options 1-4.