

5.0 ALTERNATIVES TO THE PROPOSED ACTION

During development of this framework adjustment, the Council identified a suite of management measures that it was considering, but did not assemble these measures into distinct alternative packages. The individual measures that were originally considered are shown below. While at first glance these measures may appear identical to those in the proposed action, in every case there are differences.

5.1 No Action

The Council considered not adopting any of the proposed measures. Under this alternative, the management measures adopted by Amendment 13, as implemented, would remain in effect. Amendment 13 adopted a suite of measures to manage the multispecies fishery. The implementing regulations can be found at 50 CFR 648 Subpart F. The Amendment 13 measures can be sorted into the following broad categories:

- Clarification of status determination criteria: overfishing definitions
- Rebuilding programs: fishing mortality trajectories designed to rebuild overfished stocks that serve as the fundamental basis for management measures.
- Fishery administration measures: reporting requirements, provisions for sector allocation and special access programs (SAPs), the U.S./Canada Resource Sharing Understanding, permit requirements, DAS leasing, etc.
- Measures to control capacity: a DAS transfer program that allows the permanent transfer of DAS, and the categorization of DAS based on vessel fishing history during the period FY 1996 through FY 2001;
- Measures to minimize, to the extent practicable, the adverse effects of fishing on essential fish habitat (EFH);
- Measures to meet fishing mortality targets: measures for the commercial and recreational fishery designed to control fishing mortality.

Of the Amendment 13 management measures that would not be changed if the No Action alternative were selected, the ones that bear most directly on the proposed action are the rebuilding programs, measures that categorize and restrict DAS use, the SAPs that were adopted, and regulations implementing the U.S./Canada Resource Sharing Understanding. In order that the No Action alternative can be clearly contrasted with the proposed action, these Amendment 13 measures will be described in further detail. Other measures adopted by Amendment 13 will not be changed by the proposed action and as a result are not described in this section. For additional details, please refer to the implementing regulations.

Amendment 13 adopted formal rebuilding programs for regulated groundfish stocks that are overfished. "Overfished" stocks are those that are at low biomass levels. Stocks also need a rebuilding program if they were previously identified at low biomass levels and have not yet finished rebuilding. These programs take the form of a strategy that identifies target fishing mortality rates for these stocks. Analyses in Amendment 13 demonstrates that if these fishing mortality rates are achieved, the overfished stocks should rebuild to a biomass that will support maximum sustainable yield, and will do so within the time period required by the M-S Act. The following stocks have formal rebuilding programs adopted in Amendment 13, though for some of these stocks, they are no longer overfished and the rebuilding target is higher than current fishing mortality:

- GOM cod

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No Action

- GB cod
- Plaice
- GB haddock
- GOM haddock
- CC/GOM yellowtail flounder
- SNE/MA yellowtail flounder
- SNE/MA winter flounder
- Windowpane flounder (south)
- White hake
- Redfish
- Ocean pout
- Atlantic halibut

A primary management tool in the multispecies fishery is the control on the amount of days (days-at-sea, or DAS) that fishing vessels can fish. Amendment 13 changed how the DAS assigned to a limited access multispecies permit can be used. For each limited access permit, Amendment 13 evaluated the fishing history of the permit during the period FY 1996 through FY 2001. For the years when the permitted vessel landed at least 5,000 pounds of regulated groundfish, the number of DAS used was calculated. These years were compared, and the largest number of DAS (limited by the permit's FY 2001 allocation) was defined as the vessel's "effective effort." Sixty percent of the permit's effective effort was defined as Category A DAS, while the other forty percent was defined as Category B DAS (evenly divided between Category B (regular) and Category B (reserve) DAS). The difference between the permit's effective effort and its 2001 allocation were then defined as Category C DAS.

Amendment 13 established limitations on the different DAS categories are as follows. Category A DAS can be used to target any groundfish stock, subject to the limitations of Amendment 13 (including landing limits, gear requirements, closed areas, reporting requirements, etc.). Category B DAS are to be used only in specific programs that are designed to target healthy groundfish stocks. Category C DAS cannot be used at his time, but may be made available at some time in the future. Under the regulations implementing Amendment 13, only one opportunity was created to use Category B DAS. A SAP was implemented that allows vessels to use either Category A or Category B DAS to fish in part of CAII to target GB yellowtail flounder. This program includes specific gear requirements, seasons, and limits on the number of trips. If the No Action alternative were selected, this would be the only opportunity to use Category B DAS, and other healthy stocks could not be targeted with Category B DAS.

The number of DAS that can be used (whether Category A or Category B) can affect the rebuilding programs. The management measures in Amendment 13 were designed to achieve the target fishing mortality rates, but were based on Category A DAS use only. Programs that allow for the use of Category B DAS must be carefully designed so that they do not unacceptably increase the risk that rebuilding fishing mortality targets will not be met (mortality will be too high). If the No Action alternative were selected, then additional Category B DAS would not be used and the effort used would more closely match the analyses in Amendment 13.

Amendment 13 also adopted measures to implement a U.S./Canada Resource Sharing Understanding. Vessels from both countries fish on the same stocks of GB yellowtail flounder, cod, and haddock. In order to coordinate fishing on those stocks, the understanding establishes a process to set appropriate limits on catch, and then allocates part of that catch to each country. Amendment 13 established measures to ensure that the U.S. catch does not exceed its allocation. These measures control the catch of the stocks covered by the understanding through the application of a hard TAC. Because only fish caught in certain areas apply to the catch limited by the agreement, it is critical to know with a high

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 Category B DAS Incidental Catch TACs (A)

degree of certainty where cod, haddock, and yellowtail flounder are caught. The regulations implementing Amendment 13 identified two areas – an eastern U.S./Canada area and a western U.S./Canada area (Figure 4). If a vessel makes a trip into one of those two areas, it can only fish in that area. For example, a vessel that chooses to fish in the western U.S./Canada area can only fish in that area. If the proposed action is not implemented, this restriction will remain in effect. The proposed action will not change the provision that limits vessels fishing in the eastern U.S./Canada area to that area on a trip.

5.2 Category B DAS Incidental Catch TACs (A)

This measure is similar to the Category B DAS incidental catch TACs in the proposed action (section 4.1). The difference is that this measure does not allocate the incidental catch TACs to different Category B DAS programs, as does the proposed action.

5.2.1 Measure A.1: Incidental Catch Total Allowable Catch

In order to ensure that any catch of stocks of concern taken while using a Category B (regular or reserve) DAS does not threaten the mortality objectives of Amendment 13, catches of those stocks taken on a Category B DAS will be constrained by a “hard” incidental catch TAC. These TACs are based on a percentage of the overall TAC for the stock of concern. The percentages used, and the incidental catch TACs that result for FY 2004, 2005 and 2006, are shown in Table 7. The percentages can be changed by a future management action, and the actual incidental catch TACs will be re-calculated during the periodic adjustment process.

	Percentage of Total TAC	Incidental Catch TAC		
		2004	2005	2006
GOM cod	Two	97	127	149
GB cod	Two	79	97	127
CC/GOM yellowtail	Two	18	25	21
Plaice	Five	185	181	151
White Hake	Two	77	76	76
SNE/MA Yellowtail	Five	35	99	166
SNE/MA Winter Flounder	Five	143	178	222
Witch Flounder	Five	259	350	383

Table 7 – Proposed incidental catch TACs for major stocks of concern (mt). TACs are for the fishing year.

Rationale: The management measures in Amendment 13 are designed to meet the mortality objectives of the amendment. They were evaluated on the basis of Category A DAS use only. Any Category B DAS represent an increase in effort, and if the catch of stocks of concern from fishing on a Category B DAS is not controlled, it is possible that additional catches will threaten the mortality objectives of the amendment. If the use of Category B DAS is constrained by an incidental catch TAC, then the catches of stocks of concern resulting from Category B DAS will not threaten the Amendment 13 mortality objectives.

A two-tier approach is proposed for establishing the appropriate TACs. For some stocks, the Amendment 13 management measures are expected to reduce mortality more than is required, and the catch estimated in 2003 will be less than the 2004 TAC. These stocks are limited to five percent of the

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Category B (regular) DAS (B)

total TAC. For other stocks, the Amendment 13 measures are expected to more closely match the required mortality reduction, and the expected catch in 2003 is not less than the 2004 TAC. The incidental catch limit for these stocks is two percent of the overall TAC. This approach is explained in detail in section 7.0.

Incidental catch TACs are not specified for ocean pout, southern windowpane flounder, and Atlantic halibut, three stocks of concern. Catches of these stocks are insignificant.

5.3 Category B (regular) DAS (B)

There are a number of difference between Measure B.1 (described below) and the proposed action. The primary differences are:

- Measure B.1 would have been implemented for six months, while the proposed action implements the Category B DAS pilot program for a full year.
- While Measure B.1 included a limit on the number of DAS that could be used in the program, they were not limited by quarter. The proposed action limits the number of DAS that can be used to 1,000 DAS per quarter.
- The proposed action prohibits discards of legal-seize regulated groundfish while on a Category B (regular) DAS. This requirement was not included in Measure B.1.
- Measure B.1 included a range of possible incidental catch TACs for stocks of concern, while the proposed action adopts specific TACs.

5.3.1 Measure B.1: Category B (regular) DAS Pilot Program

Amendment 13 categorized DAS into A, B (regular or reserve), and C DAS. While the amendment specified the requirements for using Category A DAS, and created one Special Access Program (SAP) for the use of Category B DAS, the amendment did not adopt a program for using Category B (regular) DAS outside of a SAP. This alternative proposes a limited pilot program to test the B regular DAS concept.

Season: The Category B (regular) DAS pilot program will take place in the final two quarters of fishing year 2004 (November, 2004 through April, 2005).

DAS Limit: The Category B (regular) DAS pilot program is limited to 2,000 Category B (regular) DAS. These DAS are not apportioned to individual permits. The number of DAS is based on the number of DAS on trips that finish as a Category B (regular) DAS – that is, if a DAS is “flipped” from a Category B DAS to a Category A DAS, it does not count against the limit of Category B (regular) DAS. The pilot program will end when 2,000 Category B (regular) regular DAS are used. However, the pilot program would be suspended in quarter 3 once the incidental TACs have been met. If the incidental TACs are met in both quarter 3 and quarter 4 before 2,000 Category B (regular) DAS have been used, then the pilot program will be terminated for the remainder of FY2004.

DAS Counting:

- (1) For the Category B (regular) DAS program in FY 2004, Category B (regular) DAS will be charged at the rate of a full twenty-four hours for each calendar day fished.

Example:

- (a) A vessel fishing a trip of 15 hours is charged a full 24-hours of Category B (regular) DAS.

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Category B (regular) DAS (B)

(b) A vessel fishing a trip of 26 hours is charged a full 48-hours of Category B (regular) DAS.

(2) DAS flipping: When a vessel begins its trip, it will notify NMFS that it is fishing on a Category B DAS. If a vessel exceeds the possession limit for a stock of concern, the operator has the option to retain the excess catch and “flip” the DAS to a Category A DAS. This change must take place prior to the vessel crossing the VMS demarcation line enroute to port.

(3) A Category B DAS can be used to meet any requirement established by other FMPs to use a groundfish DAS to fish.

Target stocks: Category B (regular) DAS can be used to target healthy groundfish stocks – that is, those stocks that are not stocks of concern. A vessel operator is not required to identify the stock targeted when beginning a Category B regular DAS. A Category B DAS can also be used to target other, non-groundfish stocks, consistent with regulations implemented by other management plans. Based on analyses in Amendment 13, the list of regulated groundfish stocks that can be targeted is:

- GOM haddock
- Pollock
- Redfish
- GOM winter flounder
- GB haddock
- GB yellowtail flounder
- GB winter flounder

Incidental Catch TACs:

- (1) The use of Category B (regular) DAS, outside of a SAP, will be constrained by a “hard” incidental catch TAC for stocks of concern. These TACs are reduced by the amount of the total incidental catch TAC that is assigned to SAPs. All catches (landings and discards) of the stock of concern from a Category B (regular) DAS will be applied to this TAC. The incidental catch TACs will be equally apportioned to the final two quarters of fishing year 2004. The TACs are shown by quarter in Table 8.
- (2) There are three options shown for GB cod. The Council is considering two SAPs on Georges Bank that will be allocated part of the GB cod incidental catch TAC. The amount of this TAC available for Category B (regular) DAS plus the amount allocated to SAPs cannot exceed the total GB cod incidental catch TAC. The Council is considering several options for allocating cod to these two SAPs. The Council’s choices will determine how much is available for the Category B (regular) DAS program.
- (3) With the exception of white hake, when projections indicate the TAC for a stock of concern will be caught in a quarter, the use of Category B (regular) DAS in the stock area will not be allowed. When the white hake incidental catch TAC is caught, the possession of white hake on a Category B DAS will be prohibited. The areas that will be closed to the use of Category B (regular) DAS when a TAC is caught for a specific stock are listed in Table 4.

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Special Access Programs (C)

	2004	3 rd Quarter (November – January)	4 th Quarter (February – April)
GOM cod	97	48.5	48.5
GB cod	79 (0) 79 (30) 79 (53.8)	0 15 26.9	0 15 26.9
CC/GOM yellowtail	18	9	9
Plaice	185	92.5	92.5
White Hake	77	33.5	33.5
SNE/MA Yellowtail	35	17.5	17.5
SNE/MA Winter Flounder	143	71.5	71.5
Witch Flounder	259	128.5	128.5

Table 8 – Proposed incidental catch TACs for the Category B DAS pilot program. Three options are shown for GB cod. The incidental catch TAC for GB cod is reduced by the amount allocated to the CAI hook gear haddock SAP and the CAII haddock SAP. Sections 5.4.1 and 5.4.2 include two options for this allocation. (mt)

Possession limits: The possession limit for CC/GOM yellowtail flounder and SNE/MA yellowtail flounder is 25 lbs./DAS. The possession limit for Atlantic halibut is one fish of legal size per trip. The possession limit for any other stock of concern shown in Table 8 and including southern windowpane flounder and ocean pout is 100 lbs./DAS. The possession limit for any healthy stock is the same as under other provisions of Amendment 13.

Gear requirements: Vessels must comply with the Amendment 13 gear restrictions with respect to mesh size, numbers of nets, numbers of hooks, etc. There are no other requirements or restrictions for this pilot program. For example, a vessel could use a haddock separator trawl of unusual design, with a minimum mesh consistent with Amendment 13 requirements, while fishing on a Category B (regular) DAS.

Monitoring:

- (1) All vessels using a Category B (regular) DAS must use an approved Vessel Monitoring System (VMS).
- (2) The targeted level of observer coverage for the Category B (regular) DAS program is 20 percent of the DAS fished (400 DAS).
- (3) Vessels using a Category B regular DAS must report their catch of stocks of concern daily through VMS. Catches will be reported as kept or discarded catch.

5.4 Special Access Programs (C)

The two SAPs included in the proposed action differ from the measures shown in this section in the following ways:

Measure C.1: Closed Area I Hook Gear Haddock SAP

- Measure C.1 would have authorized the Regional Administrator to change the geographic boundaries and months for the SAP. The proposed action does not include this authorization.

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- Measure C.1 would have required a specific level of observer coverage, while the proposed action says that observer coverage will be sufficient to monitor the SAP.
- Measure C.1 included options for the GB cod incidental catch TAC, while the proposed action adopts a specific TAC.

Measure C.2: Closed Area II Haddock SAP

- Measure C.2 would have authorized the SAP without an expiration date, while the proposed action adopts the SAP for two years.
- The SAP season in measure C.2 is from May through February, while in the proposed action the season is May through December.
- Measure C.2 considered options for the GB cod incidental catch TAC, while the proposed action adopts a specific TAC.
- The proposed action does not allow discards of legal sized regulated groundfish while fishing in the SAP on a Category B DAS, while Measure C.2 did not include this requirement.
- The proposed action requires a vessel to change to a Category A DAS if the possession limit for GB cod is exceeded, while Measure C.2 did not include this requirement.
- Measure C.2 would have adopted a landing limit of 100 lbs./DAS for the entire eastern U.S./Canada area, while the proposed action adopts a possession limit of 1,000 lbs. of cod only for the CAII haddock SAP.

5.4.1 Measure C.1: Closed Area I Hook Gear/Haddock SAP

This SAP allows vessels using hook gear to target haddock in a small area of CA I. The specifics of the program are as follows:

5.4.1.1 General Provisions

Location: On implementation of FW 40A, this SAP will be allowed to take place in that part of Closed Area I bounded by the following coordinates (see Figure 5):

41° 26' 58" N 69° 20' 17" W (13700/43820)
41° 29' 22" N 69° 08' 06" W (12625/43820)
41° 08' 52" N 68° 50' 18" W (13625/43680)
41° 06' 44" N 69° 03' 25" W (13700/43680)

The Regional Administrator is authorized to expand the area of the SAP if the results of an experimental fishery demonstrate that haddock can be caught without adversely affecting the Amendment 13 mortality goals. In making this determination, the RA will consider the ratio of haddock caught compared to cod, and will consider catch rates of other species (including non-groundfish species).

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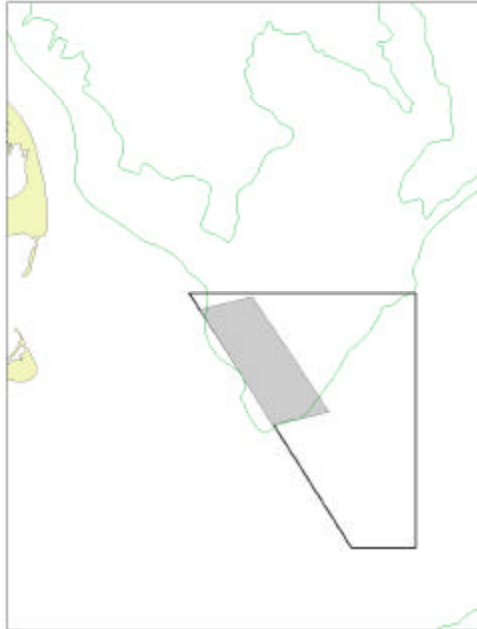


Figure 5 – Initial CAI hook gear haddock SAP area. The RA may consider adjustments to this area in the future based on the results of an experimental fishery.

Season: October 1 through December 31. The Regional Administrator may consider extending the season based on the results of an experimental fishery (EFP-DA-338 or other) if it can be demonstrated that haddock can be caught without adversely affecting Amendment 13 mortality goals. The season may be extended into the months of January, February, May, June, July, August and September. The season cannot be extended into March or April in order to protect spawning aggregations of haddock. In making this determination, the RA will consider the ratio of haddock caught compared to cod, and will consider catch rates of other species (including non-groundfish species). In addition, the RA will consider the spawning condition of other species that are caught to determine the possibility that extending the season will adversely affect groundfish spawning.

Haddock catch limitation: 1,000 mt. If 1,000 mt of haddock will be caught before the season ends, participation in this SAP will be terminated until the following fishing year.

Declarations:

- (1) All vessels participating in this SAP must use an approved Vessel Monitoring System (VMS).
- (2) Vessels must declare their intent to fish in the SAP at the beginning of the trip through the use of an approved VMS.
- (3) If a vessel is participating in the SAP while using a Category B (regular or reserve) DAS, it is not allowed to fish outside the area of the SAP on the same trip. No gear may be set outside the SAP area while fishing in the SAP.
- (4) Vessels must declare their intent to participate in the SAP by September 1. The vessel does not need to specify when trips will be taken in the SAP area with this declaration. This declaration will facilitate planning for the observer program by identifying the pool of vessels that are SAP participants.

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Special Access Programs (C)

Observer Coverage: Observer coverage will target 20 percent of the DAS fished in this SAP.

5.4.1.2 Requirements for Vessels in the Hook Sector

Incidental catch restrictions: All cod caught by members of the sector in this SAP will be counted against the hook sector GB cod allocation.

Observer coverage: If funding is not available, the hook sector will pay the additional funding required for specified levels of observer coverage for its vessels.

Possession Limits:

- (1) All cod of legal size must be landed (i.e. there is a 100 percent retention requirement for legal sized cod).
- (2) Possession limits for haddock and other species will be the same as required under Amendment 13 regulations.

Landings monitoring: The Hook Sector will implement a system of real-time landings monitoring as a requisite to formation of the sector. The sector manager will provide NMFS with daily reports of cod and haddock landings. All vessels participating in the program must use a VMS.

5.4.1.3 Requirements for Vessels not in the Hook Sector:

Incidental Catch Restrictions:

Option C.1.a: The catch (landings and discards) of GB cod will be limited to a “hard” incidental catch TAC of 31 percent of the total GB cod incidental catch TAC. Current estimates of this limit are shown in Table 9 for FY 2004 through 2006. Only cod caught on a Category B (regular or reserve) DAS will count against this incidental catch TAC.

Option C.1.b: The catch (landings and discards) of GB cod will be limited to a “hard” incidental catch TAC of 16 percent of the total GB cod incidental catch TAC. Current estimates of this limit are shown in Table 9 for FY 2004 through 2006. Only cod caught on a Category B (regular or reserve) DAS will count against this incidental catch TAC.

Fishing Year	Option C.1.a	Option C.1.b
2004	24.5	12.6
2005	30	15.5
2006	39.4	20.3

Table 9 – Proposed GB cod incidental catch TACs for the CAI hook gear haddock SAP (mt)

Possession limits:

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- (1) The cod possession limit for vessels participating in this SAP is 500 lbs./DAS with a maximum of 2,000 lbs./trip. This possession limit applies for the entire trip of any vessel participating in the SAP, whether using a Category A or Category B (regular and reserve) DAS.
- (2) Possession limits for haddock and other species will be the same as required under Amendment 13 regulations.

Observer coverage: Vessels not in the hook sector will not be required to pay for additional observer coverage if federal funding is not available.

Gear: For a vessel using Category B (regular or reserve) DAS to fish in this SAP, there are no limits on the number of hooks that can be set while fishing in the SAP. For a vessel using a Category A DAS, the vessel is limited setting the number of hooks authorized by Amendment 13.

Trip length: Vessels may fish a maximum of four DAS in the SAP area on a single trip.

Other provisions :

- (1) Vessels that participate in this SAP using a Category A DAS may fish in the SAP area and in open areas outside the SAP area on the same trip. When the regulations for the SAP and the open area differ, a vessel using a Category A DAS is bound by the more restrictive measures for the entire trip. Vessels fishing on a Category A DAS must report their catch of cod and haddock (kept and discarded) via VMS when leaving the SAP area.
- (2) Vessels that participate in this SAP using a Category B (regular or reserve) DAS may not fish outside the SAP area on the same trip. They may not have any gear set outside the SAP area while participating in the SAP.
- (3) Vessels must report their catch of haddock and cod daily through VMS. Catch of haddock and cod will be reported as kept or discarded (estimated).

5.4.2 Measure C.2: Closed Area II Haddock SAP

This SAP is proposed to facilitate taking of the U.S. share of haddock as allocated under the U.S./Canada Resource Sharing Understanding. Only vessels with limited access permits will be allowed to participate in this program. Access will be provided to Closed Area II to facilitate catching haddock.

Location: the following coordinates bound This SAP, as shown in Figure 6.

- 42° 22' N 67° 20' W (U.S./Canadian maritime boundary)
- 42° 20' N 67° 20' W
- 42° 20' N 67° 40' W
- 41° 10' N 67° 40' W
- 41° 10' N 67° 20' W
- 42° 10' N 67° 20' W
- 42° 10' N 67° 10' W (U.S./Canadian maritime boundary)

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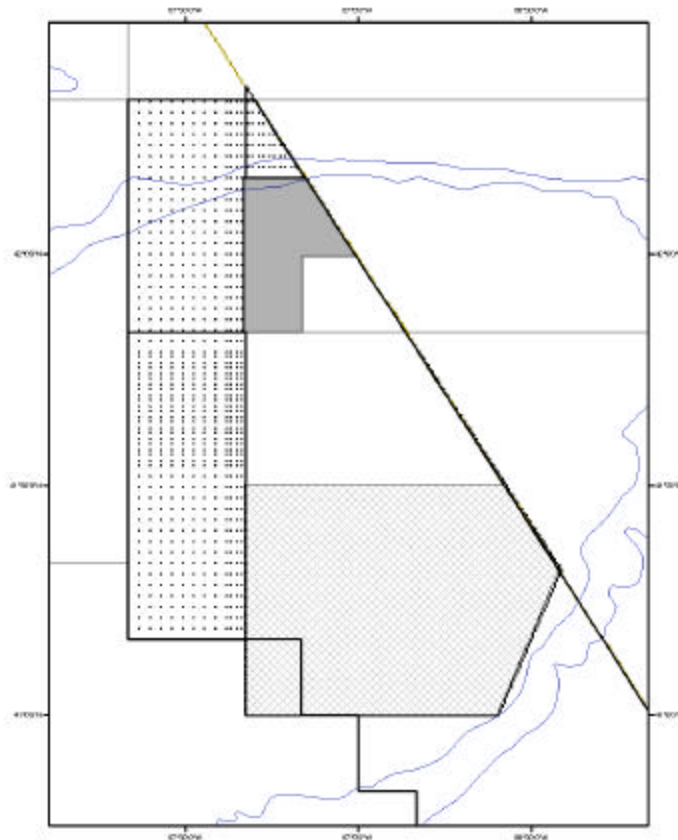


Figure 6 – Closed Area II haddock SAP area (stippled). Crosshatched area is the CAII yellowtail flounder SAP area; shaded area is the cod Habitat Area of Particular Concern (HAPC).

Season: May through February

Haddock catch restrictions : All haddock caught in this SAP are counted against the U.S. share of eastern GB haddock as allocated under the U.S./Canada Resource Sharing Understanding. Consistent with that understanding, fishing in the SAP area is prohibited when the haddock TAC is caught.

Incidental catch restrictions :

- (1) All cod caught in this SAP are counted against the U.S. share of eastern GB cod as allocated under the U.S./Canada Resource Sharing Understanding. Consistent with the understanding, fishing in the SAP area is prohibited when the cod TAC is caught.
- (2) Cod caught in this SAP while using Category B DAS are counted against the incidental GB cod TAC. This SAP is allocated a share of the GB cod incidental catch TAC as shown in – Options for the CAII haddock SAP incidental cod TAC. These options interact with the CAI hook gear haddock SAP incidental cod TAC, and the Category B regular DAS GB Cod incidental catch cod TAC.. Two options are considered:
 - a. Option C.2.a: The entire GB cod incidental catch TAC is allocated to the CAI hook gear haddock SAP and the CAII haddock SAP. Based on the percentages considered for the

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CAI hook gear haddock SAP, the CAII SAP is allocated either 84 percent or 69 percent of the GB cod incidental catch TAC. (If this option were selected, none of the GB cod incidental catch TAC would be available for the Category B regular DAS pilot program).

- b. Option C.2.b: The CAI hook gear haddock SAP and the CAII haddock SAP are allocated the same percentage of the GB cod incidental catch TAC. Based on the percentages being considered for the CAI hook gear haddock SAP, the CAII haddock SAP is allocated either 1 percent or 16 percent of the GB cod incidental catch TAC. The remainder is available for other Category B DAS programs.

Year	Option C.2.a	Option C.2.b
2004	66.4	24.5
	54.5	12.6
2005	81.5	30
	67	12.5
2006	106.7	39.4
	87.6	20.3

Table 10 – Options for the CAII haddock SAP incidental cod TAC. These options interact with the CAI hook gear haddock SAP incidental cod TAC, and the Category B regular DAS GB Cod incidental catch cod TAC. (mt)

Possession Limits:

- (1) The cod possession limit for vessels fishing in this area is 100 lbs./DAS with a maximum of 1,000 lbs./trip. This possession limit applies for the entire trip of any vessel fishing in the eastern U.S./Canada area, whether participating in the SAP or not, and whether using a Category A or Category B (regular and reserve) DAS.
- (2) Possession limits for haddock and other species will be the same as required under Amendment 13 regulations.

Gear: Vessels fishing in the SAP must use gear that has been demonstrated not to catch significant amounts of cod. At implementation of this framework, the only gear authorized for participation in this SAP is trawl gear using a haddock separator trawl or a flounder net as described in 50 CFR 648.85(a)(3)(iii)(A) and (B). The Regional Administrator may expand the list of gear allowed to participate in this SAP based on the results of an experimental fishery that demonstrates the gear can be fished without catching significant amounts of cod.

Observer Coverage: The target level of observer coverage for this SAP is 20 percent of the DAS. The industry will not be required to fund additional observer coverage.

Other provisions:

- (1) The Regional Administrator can adjust possession limits, months authorized, and gear requirements if necessary to control (increase or decrease) the catch to the TACs authorized under the U.S./Canada Resource Sharing Understanding.
- (2) A vessel participating in this SAP and using any type of DAS (Category A, Category B (regular or reserve)) can fish in the haddock SAP area, in the CAII yellowtail flounder SAP area, or outside the SAP areas but in the eastern U.S./Canada area on the same trip, as long as the areas are open to fishing.

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- (3) A vessel participating in this SAP while using a Category A DAS can fish in the SAP area, in the CAII yellowtail flounder SAP area, or in other open areas of the eastern U.S./Canada area on the same trip.
- (4) A vessel fishing in this area but not participating in the CAII yellowtail flounder SAP can transit the CAII yellowtail flounder SAP area as long as gear is properly stowed in accordance with current regulations and the vessel provides notice of the transit to NMFS via VMS.
- (5) As specified by Amendment 13, vessels fishing in the entire eastern U.S./Canada area receive a credit for steaming time both to and from the area.
- (6) Vessels must comply with reporting requirements for fishing in the U.S./Canada Resource Sharing Understanding Area as specified in Amendment 13.

Rationale: The area subject to the U.S./Canada understanding is well offshore. DAS reductions proposed in Amendment 13 may discourage U.S. fishermen from transiting to this area. A possible result is that U.S. fishermen would not harvest their share of haddock (there are very low limits on GB cod catches due to the need to rebuild that stock). This program will provide incentives for U.S. fishermen to transit to the area and target haddock, while protecting cod stocks. Limits on where fishermen can fish on these trips are intended to prevent confusion attributing catches to a particular stock, and because vessels are not charged DAS when outside of the area. Allowing fishing in the northern part of CAII is designed to provide access to haddock. The requirement to use either a haddock separator trawl or a flounder net will reduce cod bycatch. In any case, the U.S./Canada understanding includes a hard TAC on GB cod taken in this area, so participation in this SAP will not harm cod rebuilding as long as catches (both landings and discards) can be adequately monitored.

5.5 U.S./Canada Resource Sharing Understanding (D)

This measure does not differ from the proposed action.

5.5.1 Measure D.1: Combined Trips to the Western U.S./Canada Area

Vessels can fish both inside the western U.S./Canada area and outside the western U.S./Canada area on the same trip (but not in the eastern U.S./Canada area). If a vessel fishes both inside and outside the area on the same trip, it is bound by the more restrictive regulations for the area fished. In addition, the vessel must report its catch in an area via VMS. Reports must be submitted daily and when crossing the boundary between the Western U.S./Canada area and other areas.

Rationale: The regulations implementing Amendment 13 do not allow vessels fishing in the western U.S./Canada area from fishing outside that area on the same trip. This restriction unnecessarily restricts fishing operations on Georges Bank. Vessels have historically fished the entire area on the same trip as they search for fish. For example, vessels targeting haddock – a healthy stock and one that the Council is trying to encourage vessels to target - often fish the entire length of the northern boundary of CAI. Half of this northern boundary is within the western U.S./Canada area, while half is outside this area. Under existing regulations, vessels are not able to fish along the entire boundary, but must choose which area they will stay in. The Council is concerned that faced with this restriction, vessels will avoid the western U.S./Canada area in order to have more flexibility in their fishing operations.

This measure provides fishermen some flexibility to fish in a wider area, while addressing concerns over monitoring the U.S./Canada Resource Sharing Understanding TAC for GB yellowtail flounder. It is identical to the proposed action.

ALTERNATIVES TO THE PROPOSED ACTION

Other Measures Not Adopted

5.6 Other Measures Not Adopted

During development of Framework 40A, the Council considered numerous other measures. The Council rejected some of these measures because after preliminary review they were determined not to be reasonable. These measures are described as “considered but rejected.” The Council has decided to defer consideration of other measures to a later action; these are described as “considered but delayed.” A brief summary of these measures is provided below.

5.6.1 Measures Considered but Rejected

5.6.1.1 Directed Lobster Trawl Fishery SAP

The Council received a request to create a SAP for trawl vessels to target lobster offshore. The Council rejected this alternative because this is a lobster management issue and the Council does not manage lobster.

5.6.1.2 SNE/MA Winter Flounder SAP

The Council received a request to develop a SAP that would allow vessels to target winter flounder off western Long Island and New Jersey. The Council rejected this alternative because SNE/MA winter flounder is overfished and as such is not a suitable target for an SAP.

5.6.2 Measures Considered but Delayed

The following measures were not included in FW 40A because of concerns that the analytic requirements would delay implementation. These measures will be considered in FW 40B or other following action. Any impacts – including cumulative impacts – will be analyzed in the action proposed these measures.

5.6.2.1 Changes to the DAS Leasing and Transfer Program

A future Council action will consider changes to the DAS Leasing and Transfer Programs. These changes include revisions to the conservation tax applied to exchanges of DAS in each program, and the removal of the tonnage upgrading restriction as a limit on the DAS transfer program.

5.6.2.2 Allocation of a Minimum Number of Category B (reserve) DAS

Some limited access permit holders did not receive any Category A or Category B DAS under the Amendment 13 criteria for allocating DAS. A future management action will consider changing ten Category C DAS to Category B (reserve) DAS for these permits. The Category B (reserve) DAS could only be used in specific SAPs.

5.6.2.3 Haddock SAP North of Closed Area I

This SAP would allow vessels to use Category B DAS to target haddock using appropriate gear in a narrow band north of CAI. This SAP will be considered in a future action.

5.6.2.4 Large Mesh Skate and Monkfish Gillnet SAPs

In some cases, vessels targeting monkfish or skates using gillnets must use a groundfish DAS. These proposed SAPs would allow vessels using large mesh to meet this requirement using Category B DAS. The Council will consider these SAPs in a future action, noting that the Category B (regular) DAS pilot program, if approved, will allow this activity. In addition, it may be more appropriate to have these fisheries defined as exempted fisheries so they are not subject to groundfish regulations.

ALTERNATIVES TO THE PROPOSED ACTION
Other Measures Not Adopted

5.6.2.5 SNE/MA Scup/Black Sea Bass/Winter Flounder SAP

This SAP would allow vessels fishing for scup, black sea bass, and fluke to retain some winter flounder if they use groundfish mesh and a Category B DAS. This SAP would apply to the area between 72-30W and 70W longitude. The Council will consider this SAP in a future action.

5.6.2.6 WGOM Haddock Gillnet SAP

The Council considered allowing vessels using gillnet gear to fish with 6-inch mesh in the area during certain time periods in order to target GOM haddock. The Council did not submit this SAP because there is a possibility that vessels using this gear may also catch cod. The Council recommended that an experimental fishery be conducted to determine if this SAP is feasible. The Council may consider this SAP in the future.

5.6.2.7 WGOM Closed Area Haddock Rod/Reel SAP

The Council will consider allowing multispecies commercial permit holders to target haddock in the WGOM closed area using rod and reel.

5.6.2.8 Shrimp Trawl Access to the WGOM Habitat Closed Area

Amendment 13 restricted mobile bottom tending gear from certain areas to minimize, to the extent practicable, the adverse effects of fishing on EFH. One of these areas includes most of the WGOM closed area. The Council will consider allowing shrimp trawls into all or part of this area in a future action.

ALTERNATIVES TO THE PROPOSED ACTION
Other Measures Not Adopted

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