

3.0 INTRODUCTION AND BACKGROUND

3.1 Background

The primary statute governing the management of fishery resources in the Exclusive Economic Zone (EEZ) of the United States is the Magnuson-Stevens Fishery Conservation and Management Act (M-S Act). In brief, the purposes of the M-S Act are:

- (1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States;
- (2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species;
- (3) to promote domestic and recreational fishing under sound conservation and management principles;
- (4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;
- (5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revisions of such plans under circumstances which enable public participation and which take into account the social and economic needs of the States.

In New England, the New England Fishery Management Council (NEFMC) is charged with developing management plans that meet the requirements of the M-S Act.

3.1.1 Background for Multispecies Framework 42

The Northeast Multispecies Fishery Management Plan (FMP) specifies the management measures for twelve groundfish species (cod, haddock, yellowtail flounder, pollock, plaice, witch flounder, white hake, windowpane flounder, Atlantic halibut, winter flounder, yellowtail flounder, ocean pout) off the New England and Mid-Atlantic coasts. Some of these species are sub-divided into individual stocks that are attributed to different geographic areas. Commercial and recreational fishermen harvest these species. The FMP has been updated through a series of amendments and framework adjustments. The most recent amendment, published as Amendment 13, was approved by the National Marine Fisheries Service in March, 2004 and became effective on May 1, 2004. This amendment adopted a broad suite of management measures in order to achieve fishing mortality targets necessary to rebuild overfished stocks and meet other requirements of the M-S Act. Subsequent to this amendment, three additional frameworks (FW 40A, FW 40B, and FW 41) were adopted to refine the management program and provide opportunities for fishermen to target healthy stocks.

Amendment 13 adopted a schedule for adjustments to the management program if necessary to achieve rebuilding targets. The first assessment of groundfish stocks was scheduled for summer, 2005 to support an action that would be implemented on May 1, 2006. Framework 42 is the result of that process. Because the framework will not be implemented on May 1, 2006, and additional restrictions are necessary to achieve rebuilding mortality targets, NMFS issued a proposed emergency rule on March 3, 2006 that

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would implement measures on May 1, 2006. These measures, if adopted, will remain in place until implementation of FW 42.

3.1.2 Background for Monkfish Framework 3

The monkfish fishery is jointly managed by the New England Fishery Management Council (NEFMC) and the Mid-Atlantic Fishery Management Council (MAFMC), with the NEFMC having the administrative lead. The fishery extends from Maine to North Carolina out to the continental margin. The Councils manage the fishery as two stocks, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through the Mid-Atlantic Bight to North Carolina (see Figure 1).

The Councils adopted a rebuilding plan for monkfish in 1999 with the establishment of the Monkfish Fishery Management Plan (FMP). The FMP implemented a limited entry program, set monkfish trip limits for vessels fishing in the SFMA (but not the NFMA), and allocated 40 monkfish days-at-sea (DAS) to limited access permit holders, as well as established monkfish incidental catch limits for vessels engaged in other fisheries.

The Councils recognized that some vessels, particularly in the SFMA, targeted monkfish but did not have either a multispecies or scallop limited access permit, while most vessels landing monkfish did, and targeted monkfish on trips when they also fished for multispecies or scallops. Therefore, the FMP established two sets of permits which were also divided into two categories based on historical landings of monkfish. Categories A and B are vessels that landed monkfish but did not have either a scallop or multispecies limited access permit, while Categories C & D did. Categories A and C qualified for a higher trip limit based on higher monkfish landings history during the qualification period.

The FMP required that Category C and D vessels fishing on a monkfish DAS also use either a multispecies or scallop DAS, whichever applied. Category C and D permits fishing in the NFMA on a multispecies DAS (but not a monkfish DAS) did not have a monkfish trip limit, while those fishing in the SFMA were assigned in incidental catch limit of 300 lbs. (tail weight/DAS). At the time the FMP was adopted, there was only one category of multispecies DAS.

The Councils subsequently modified and amended the monkfish rebuilding plan to include an annual measure of the status of the stocks and adjustment to management measures as needed to maintain a 10-year rebuilding schedule in Framework 2, which became effective on May 1, 2003 (68 FR 22325, April 28, 2003). This action also occurred before the Multispecies FMP created multiple DAS categories. Framework 2 implemented a target total allowable catch (TAC) setting method that is based upon the relationship between the 3-year running average of the National Marine Fisheries Service's (NOAA Fisheries) fall trawl survey biomass index (3-year average biomass index) and established annual biomass index targets (annual index target). The annual index targets are based on 10 equal increments between the 1999 biomass index (the start of the rebuilding program) and the biomass target (B_{target}), which is to be achieved by 2009 according the rebuilding plan established in the FMP. Framework 2 also adopted a simulation method for calculating SFMA trip limits and DAS allocations based on the target TAC and the observed monkfish catch by vessels fishing in that area.

The adjustments are done each year following availability of the fall survey indices, and rulemaking to be effective at the start of the fishing year on May 1. The adjustment for the 2006 fishing year is being prepared at the same time, but in a separate action, as the Councils are considering the action proposed in this framework. The two actions are separate primarily because this framework action requires a formal

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decision prior to the time when the analysis of the annual adjustment (which does not require Councils to meet and make a decision) will be completed.

The NEFMC created the tiered multispecies DAS categories in Amendment 13, and created the Category B (regular) DAS pilot program in Framework 40A. The pilot program was designed to test the concept of using Category B (regular) DAS to target healthy groundfish stocks while minimizing the impact on groundfish stocks of concern. Since monkfish Category C and D vessels fishing on a “multispecies” DAS in the NFMA have no monkfish trip limit, those vessels could target monkfish on a Category B (regular) DAS provided they did not exceed the limits on multispecies stocks of concern. The Framework 40A analysis of impacts acknowledged that this provision could result in an increase in monkfish fishing mortality, but at the time the NEFMC was considering Framework 40A, the northern monkfish stock was nearly rebuilt, and the southern stock was showing significant improvement. The NEFMC, therefore, took no steps to limit the ability of Category C and D vessels to use a B-day to either target monkfish (in the northern area) or to satisfy the multispecies DAS usage requirement on a monkfish DAS (particularly, in the southern area).

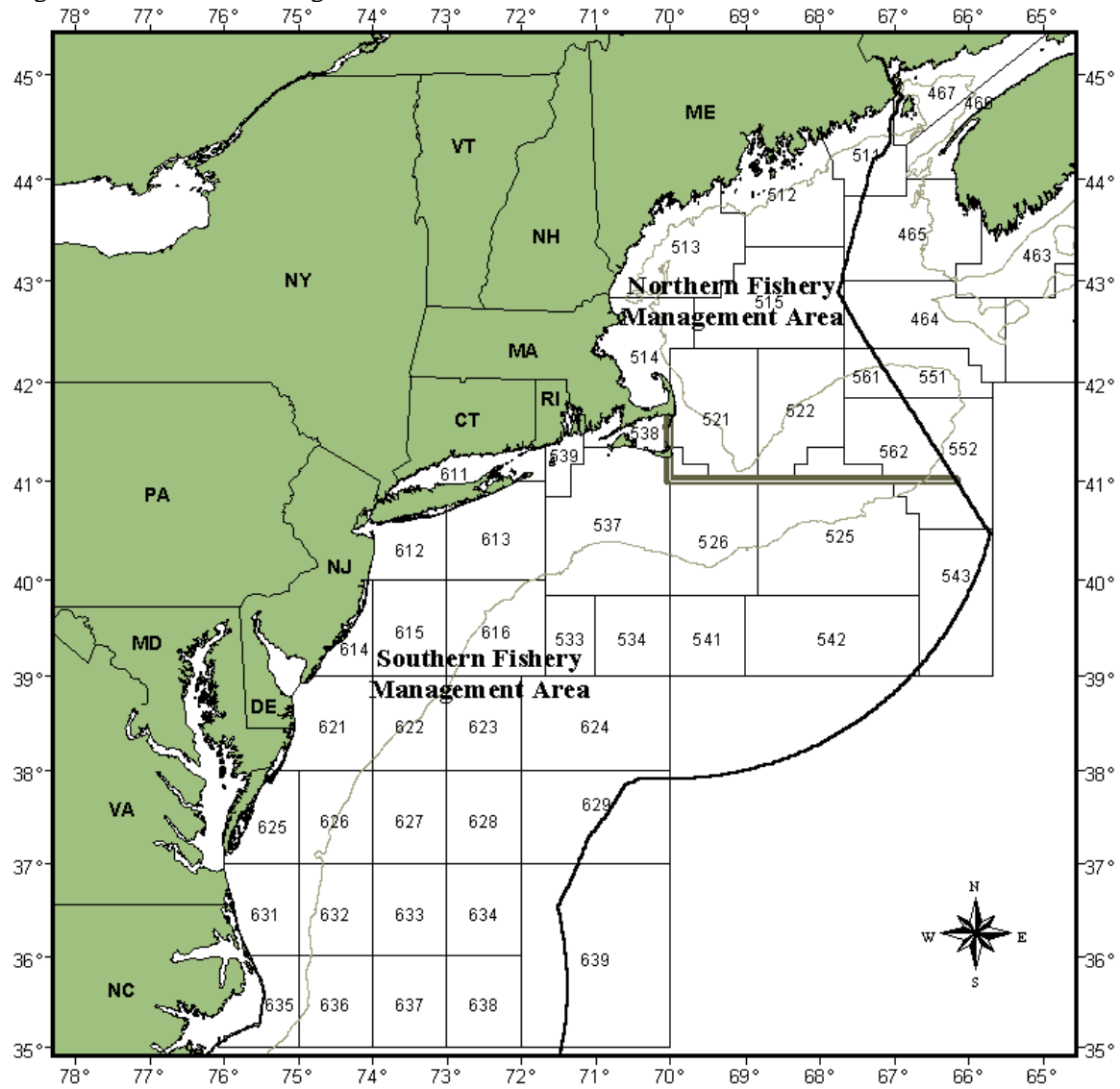
In reviewing the impact of the pilot program on the monkfish fishery, however, the Monkfish Plan Development Team (PDT) observed that while the Category B (regular) DAS pilot program accounted for less than 10% of monkfish landings, the effort directed at monkfish under the program appears to be accelerating. The PDT unanimously agreed that monkfish needs to be removed as a species that can be targeted under the Category B (regular) DAS program established under the Northeast Multispecies FMP. The PDT asserted that it does not make sense to allow vessels to target monkfish under a Category B (regular) DAS when this species is under a rebuilding plan, and is behind in its rebuilding schedule. The PDT also noted that although the portion of total monkfish landings occurring under the Category B (regular) DAS program was relatively small, there is good possibility that monkfish landings would increase under this program in FY 2005 (May-October) due to a higher monkfish trip limit in the SFMA, which, in fact did occur.

The Monkfish Monitoring Committee, in reviewing data for the FY 2006 annual adjustment, reaffirmed the PDT’s precautionary comments. The 3-year average of the trawl survey data for both areas declined in 2005, and both stocks have returned to an overfished status, and are lagging behind the rebuilding schedule. The TACs for both areas will be reduced substantially in FY 2006, adding to the importance of reducing effort directed on monkfish.

The NEFMC is reviewing the Category B (regular) DAS pilot program and considering adopting it as a regular management program in Multispecies Framework 42, with which this Framework 3 is a joint action. If the NEFMC does not adopt the Category B (regular) DAS, then the alternatives being considered in Framework 3 would not apply. If the NEFMC adopts the Category B (regular) DAS program, however, the Councils need to clarify their intent with regard to the targeting of monkfish on multispecies Category B (regular) DAS by selecting from the two alternatives presented herein (to prohibit or allow such targeting).

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Figure 1 – Monkfish management areas and statistical areas



3.2 Purpose and Need for the Action

One of the primary purposes of Amendment 13 was to adopt formal rebuilding programs for twelve stocks that were in an overfished condition. These rebuilding programs establish target fishing mortality rates that were calculated to rebuild the stocks within the time frame mandated by the M-S Act. The amendment also established a process to evaluate fishing mortality and rebuilding progress. If necessary as a result of these evaluations, periodic framework adjustments were planned to facilitate any changes to the management program that may prove necessary in order to comply with the rebuilding programs. The first two evaluations were planned for 2005 and 2008 so that, if necessary, adjustments to management measures can be implemented at the beginning of FY 2006 and 2009. These periodic adjustments also provide an opportunity to adjust other management measures as necessary. The proposed adjustments address the **need** to incorporate new scientific advice from the 2005 evaluation, reduce haddock bycatch by vessels using a haddock separator trawl, and provide increased economic flexibility for limited access vessels that are affected by the effort reductions of Amendment 13 and subsequent actions.

The **purpose** of this framework adjustment is to adopt management measures that are necessary to achieve the rebuilding fishing mortality targets required by Amendment 13. Further, this framework adopts a formal rebuilding schedule for GB yellowtail flounder, a stock that was determined to be overfished and subject to overfishing in the summer of 2005. The purpose of this framework is also to reduce haddock bycatch by requiring modifications to the cod end mesh when using a haddock separator trawl and to provide opportunities for fishing vessel operators to mitigate the effort reductions of Amendment 13 and this action. Modifications are also proposed to many measures adopted by Amendment 13, FW 40A, and FW 40B so that the benefits from those measures are realized. The action also implements a requirement for all limited access DAS vessels to use a Vessel Monitoring System and revises the mesh requirements in the Southern New England Regulated Mesh Area in order to reduce discards of yellowtail flounder.

3.2.1 Purpose and need for Monkfish Framework 3

The **purpose** of the Proposed Action is to clarify the Councils' intent regarding the requirement for Monkfish Permit Category C & D vessels to use a "multispecies" DAS and the proposed Multispecies Category B (regular) DAS program (which was in a pilot program in the previous fishing year and may be adopted as a permanent program pending a decision by the NEFMC on Framework 42). This clarification will mitigate any unintended effort shifts into the monkfish fishery resulting from restrictions on multispecies fisheries that could compromise the monkfish rebuilding program. As opportunities for multispecies vessels to target fisheries on the Category B (regular) DAS program are reduced, the incentive to target monkfish on Category B (regular) DAS increases, particularly in the NFMA where there is no monkfish trip limit on a multispecies DAS (in the pilot program that included Category B (regular) DAS) for vessels that hold a monkfish limited access permits. This action is **needed** because both northern and southern monkfish stocks are entering the second half of a 10-year rebuilding program, and are behind schedule to achieve the rebuilding objectives. This action is only needed, however, if the NEFMC adopts the Category B (regular) DAS program being considered in Framework 42.

3.3 Brief History of the Northeast Multispecies and Monkfish Fishery Management Plans

3.3.1 Multispecies FMP

Groundfish stocks were managed under the M-S Act beginning with the adoption of a groundfish plan for cod, haddock, and yellowtail flounder in 1977. This plan relied on hard quotas total allowable catches, or TACs), and proved unworkable. The quota system was rejected in 1982 with the adoption of the Interim Groundfish Plan, which relied on minimum fish sizes and codend mesh regulations for the Gulf of Maine and Georges Bank to control fishing mortality. The interim plan was replaced by the Northeast Multispecies FMP in 1986, which established biological targets in terms of maximum spawning potential and continued to rely on gear restrictions and minimum mesh size to control fishing mortality. Amendment 5 was a major revision to the FMP. Adopted in 1994, it implemented reductions in time fished (days-at-sea, or DAS) for some fleet sectors and adopted year-round closures to control mortality. A more detailed discussion of the history of the management plan up to 1994 can be found in Amendment 5 (NEFMC 1994). Amendment 7 (NEFMC 1996), adopted in 1996, expanded the DAS program and accelerated the reduction in DAS first adopted in Amendment 5. Since the implementation of Amendment 7, there have been a series of amendments and smaller changes (framework adjustments) that are detailed in Amendment 13 (NEFMC 2003). Amendment 13 was developed over a four-year period to meet the M-S Act requirement to adopt rebuilding programs for stocks that are overfished and to end overfishing. Amendment 13 also brought the FMP into compliance with other provisions of the M-S Act. Subsequent to the implementation of Amendment 13, FW 40A provided opportunities to target healthy stocks, FW 40B improved the effectiveness of the effort control program, and FW 41 expanded the vessels eligible to participate in a Special Access Program (SAP) that targets GB haddock.

3.3.2 Monkfish FMP

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National Environmental Policy Act (NEPA)

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3.4 National Environmental Policy Act (NEPA)

NEPA provides a structure for identifying and evaluating the full spectrum of environmental issues associated with Federal actions, and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. This document is a combined framework adjustment to a fishery management plan and an environmental assessment (EA). An EA provides an analysis of a Proposed Action, the alternatives to that action that were considered, and the impacts of the action and the alternatives. An EA is prepared rather than an Environmental Impact Statement (EIS) when the impacts are not expected to be significant. The required NEPA elements for an EA are discussed in section 8.2.1. The evaluation that this action will not have significant impacts is in section 8.2.2, and the required Finding of No Significant Impact (FONSI) statement is included at the end of that section.

4.0 PROPOSED ACTION

4.1 Framework Mortality Objectives

Measures in this framework are designed to achieve the mortality targets adopted by Amendment 13. GARM II (NEFSC 2005) determined fishing mortality for groundfish stocks in 2004. Fishing mortality is assessed for a calendar year. According to GARM II, fishing mortality in 2004 exceeded Amendment 13 targets for eight stocks. Those stocks are GB cod, GOM cod, GB yellowtail flounder, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder GB winter flounder, SNE/MA winter flounder, and white hake. Since Amendment 13 was implemented on May 1, 2004, the fishing mortality estimate includes four months prior to implementation and thus does not accurately reflect the full impacts of Amendment 13 management measures. In order to determine the mortality reductions needed in this framework, an estimate of CY 2005 fishing mortality was developed by the Groundfish PDT. This estimate was based on the results of GARM II and estimates of the probable catch in 2005. These estimates of catch were based on preliminary landings information for six months of the fishing year, assumptions on recreational catch, and discard to kept ratios from GARM II. Based on these estimates of fishing mortality, mortality for GB cod and GB yellowtail flounder (base case model, see section 5.2.2) is at or below the Amendment 13 target in CY 2005. (Note also that GB yellowtail flounder is managed by a hard TAC). Mortality for six stocks (GOM cod, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, SNE/MA winter flounder, white hake, and GB winter flounder) is higher than Amendment 13 targets, with the mortality reductions needed to achieve the targets shown in the following table.

Table 2 – Mortality reduction necessary to achieve FY 2006 Amendment 13 targets

	GOM	GB	SNE/MA	All
Cod	32%	0		
Haddock				
Yellowtail	46%	0	55%	
Winter		46%	9%	
Windowpane				
Witch				
Plaice				
White Hake				13%
Pollock				
Redfish				
Pout				
Halibut				

4.1.1 GB Yellowtail Flounder Rebuilding Strategy

GB yellowtail flounder will be rebuilt using an adaptive strategy that rebuilds the stock by 2014 with approximately a seventy—five percent probability of success. The adaptive strategy fishes at F_{MSY} through 2008, then uses an F_{reb} calculated to rebuild the stock by 2014. The rebuilding mortality rates for the base-case and major change model, and expected total catches, are shown below.

PROPOSED ACTION

Framework Mortality Objectives/GB Yellowtail Flounder Rebuilding Strategy

Rationale: The proposed strategy is designed to rebuild GB yellowtail flounder as quickly as possible, consistent with coordinated management of this stock with Canada. In addition, it takes into account uncertainty over the assessment of this stock. The GB Yellowtail Flounder assessment used two different assessment models that return two different estimates of spawning stock biomass in 2004. These models are identified as the “base case” model and the “major change” model. Neither model is more accurate than the other, nor is either preferred. This complicates the development of a rebuilding strategy, since the mortality rate required to rebuild is different when different starting biomasses are used. In addition, management of this stock is coordinated with Canada. Any rebuilding strategy must comply with the agreed-upon harvest strategy for the two countries. The joint harvest strategy focuses on fishing mortality rates without regard to rebuilding periods or target biomass. The strategy is to maintain a low to neutral risk of exceeding the fishing mortality limit reference, $F_{ref} = 0.25$. When stock conditions are poor, fishing mortality rates should be further reduced to promote rebuilding.

Two examples are shown for the Major Change model. The first uses the same mortality rates as the base case model, with the result the probability of rebuilding is reduced to 67 percent. The second lowers the mortality rate from the base case model, but the probability of rebuilding remains the same. The Council anticipates that the uncertainty between these two models will be resolved by the adjustment to $F_{rebuild}$ in 2009.

Estimates of catch in Table 3 are illustrations. Actual allowed catches are determined annually after assessment updates. The proportion allocated to each country is also determined annually and may differ from the 70/30 split assumed in this table.

Table 3 – GB yellowtail flounder rebuilding strategy mortality rates and estimated catches. US catch based on 70/30 split with Canada.

Adaptive 1C						
Base Case			Major Change (1)		Major Change (2)	
Ending Year	2014		Ending Year	2014	Ending Year	2014
2006-2008	F=0.25		2006-2008	F=0.25	2006-2008	F=0.25
2009-2014	F=0.16		2009-2016	F=0.16	2009-2016	F=0.135
P(SSB>SSB _{MSY})	0.76		P(SSB>SSB _{MSY})	0.67	P(SSB>SSB _{MSY})	0.76
First Year that SSB>SSB _{MSY} with a median probability	2012		First Year that SSB>SSB _{MSY} with a median probability	2013	First Year that SSB>SSB _{MSY} with a median probability	2012
Catch (estimated)						
Year	Total	U.S.	Total	U.S.	Total	U.S.
2006	4,664	3,265	2,234	1,564	2,234	1,564
2007	5,565	3,896	3,450	2,415	3,450	2,415
2008	6,918	4,843	5,257	3,680	5,257	3,680
2009	5,574	3,902	4,765	3,336	4,060	2,842
2010	6,864	4,805	6,220	4,354	5,390	3,773
2011	8,081	5,657	7,415	5,191	6,518	4,563
2012	8,976	6,283	8,357	5,850	7,435	5,205
2013	9,606	6,724	9,116	6,381	8,190	5,733
2014	10,066	7,046	9,691	6,784	8,773	6,141
2015	12,900	9,030	12,900	9,039	12,900	9,039
2016	12,900	9,039	12,900	9,039	12,900	9,039
Total	92,114	64,490	82,305	57,633	77,107	53,994

PROPOSED ACTION

Framework Mortality Objectives/Target TACS

4.1.2 Target TACS

Since groundfish assessments are not completed every year, target TACs are used as an indication of whether management measures successfully control fishing mortality. They also serve as the basis for establishing incidental catch TACs for Category B DAS programs and for allocating catches to established sectors. Target TACs are determined by projecting future catches from the most recent assessment using the target fishing mortality rate established in the management plan. While the projected catch from the assessment is for a calendar year, these catches have been used as the target TAC for a fishing year since the implementation of Amendment 7. The TACs shown below were calculated based on GARM II assessments (NEFSC 2005), using the assumption that $F_{2005}=F_{2004}$, and using recruitment assumptions as described in the GARM II report. A target TACV was not calculated for GOM winter flounder because GARM II recommended against conducting short-term projections given uncertainty in the assessment.

The target TAC for GB cod and haddock is specified for the entire stock. Since Canadian fishermen also harvest these stocks, the U.S. share will be less than shown in Table 4. The share is calculated each year, based in part on distribution of the resource as determined by surveys, and cannot be predicted. The TAC for GB yellowtail flounder is implemented as a hard TAC and is also calculated each year. The value shown for FY 2006 has been determined and is shown in Table 4. Values for future years will be established after the Council reviews recommendation of the Trans-Boundary Management Guidance Committee.

PROPOSED ACTION
 Framework Mortality Objectives/Incidental Catch TACs

Table 4 – Target TACs for 2006 through 2009 (metric tons, live weight)
 (FY 2006 GB yellowtail flounder TAC adopted by the Council based on the recommendation of the TMGC and includes only U.S. landings and discards. FY 2007 through 2009 actual values will be established annually. Target TACs not calculated for GOM winter flounder because GARM II (NEFSC 2005) recommended against short-term projections due to assessment uncertainty.)

SPECIES	STOCK	2006	2007	2008	2009	Composition
Cod	GB	7,458	9,822	11,855	11,368	US, CA landings
	GOM	5,146	10,020	10,491	10,839	Comm. landings, discards, rec. harvest
Haddock	GB	49,829	103,329	121,681	92,888	US, CA landings
	GOM	1,279	1,254	1,229	1,187	Comm. landings
Yellowtail Flounder	GB	2,070				US landings and discards (see note)
	SNE/MA	146	213	312	272	Comm. landings and discards
	CC/GOM	650	1,078	1,406	608	Comm. landings and discards
American Plaice		3,666	4,104	5,121	3,614	Comm. landings and discards
Witch Flounder		5,511	5,075	4,331	3,558	Comm. landings
Winter Flounder	GB	1,424	1,604	1,782	1,955	Comm. landings
	GOM	See note	See note	See note	See note	Comm. landings, discards, rec. harvest
	SNE/MA	2,481	3,016	3,577	3,309	Comm. landings, discards, rec. harvest
Redfish		1,946	2,075	2,167	2,210	Comm. landings
White Hake		2,056	1,676	1,367	428	Comm. landings (> 60 cm)
Pollock		12,005	12,005	12,005	11,043	US, CA Comm. landings
Windowpane Flounder	North	389	389	389	434	Comm. landings
	South	173	166	159	98	Comm. landings
Ocean Pout		38	38	38	14	Comm. landings
Atlantic halibut		NA	NA	NA		NA

4.1.3 Incidental Catch TACs

Incidental catch TACs were first adopted in FW 40A in order to limit the catch of non-target stocks while vessels were using Category B DAS. As a result of groundfish assessments completed in August 2005 the incidental catch TACs are revised. TACs have been added for GB yellowtail flounder and GB winter flounder. The TACs for GOM cod, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, and SNE/MA winter flounder are reduced from two percent of the total target TAC to one percent of the total target TAC.

PROPOSED ACTION

Framework Mortality Objectives/Incidental Catch TACs

FW 40A adopted the incidental catch TACs as a cap on removals from these programs. This action clarifies that these TACs are treated as an allocation of part of the target TAC to these programs. In the case of GB yellowtail flounder, since the catch of that stock is controlled through a hard TAC as a result of the US/CA Resource Sharing Understanding, the incidental catch TAC represents an allocation of part of that TAC to Category B DAS programs.

GB yellowtail flounder and GB cod are trans-boundary stocks, and management is coordinated with Canada. The U.S. and Canadian share of the TAC for these stocks is determined annually and cannot be predicted in advance. Values are shown for 2006 but will be calculated in the future and announced through procedures consistent with the Administrative Procedures Act. Since the U.S. /CA TAC only applies to part of the GB cod stock, the incidental catch TAC for this stock is calculated as:

$$0.02 X \text{ (Total GB cod target TAC (see Table 4) - CA GB cod TAC)}$$

PROPOSED ACTION

Framework Mortality Objectives/Incidental Catch TACs

Table 5 – Proposed incidental catch TACs for major stocks of concern (mt). TACs are for the fishing year. TACs shown are metric tons, live weight. Note: GB cod and GB yellowtail flounder TAC is determined annually and cannot be estimated in advance.

	Percentage of Total TAC	Incidental Catch TAC			
		2006	2007	2008	2009
GB cod	Two	122.6			
GOM cod	One	49.9	99.0	103.9	107.7
GB Yellowtail	Two	41.4			
CC/GOM yellowtail	One	6.5	10.8	14.1	6.1
SNE/MA Yellowtail	One	1.5	2.1	3.1	2.7
Plaice	Five	183.3	205.2	256.1	180.7
Witch Flounder	Five	275.6	253.8	216.6	177.9
SNE/MA Winter Flounder	One	24.8	30.2	35.8	33.1
GB Winter Flounder	Two	28.5	32.1	35.6	39.1
White Hake	Two	41.1	33.5	27.3	8.6

Table 6 - Proposed allocation of incidental catch TACs for major stocks of concern to Category B DAS programs (shown as percentage of the incidental catch TAC)

	Category B (regular) DAS Program	CAI Hook Gear SAP	Eastern US/CA Haddock SAP
GOM cod	100%	NA	NA
GB cod	50%	16%	34%
CC/GOM yellowtail	100%	NA	NA
Plaice	100%	NA	NA
White Hake	100%	NA	NA
SNE/MA Yellowtail	100%	NA	NA
SNE/MA Winter Flounder	100%	NA	NA
Witch Flounder	100%	NA	NA
GB Yellowtail	50%	NA	50%
GB Winter Flounder	50%	NA	50%

PROPOSED ACTION
Commercial Fishing Measures/Effort Controls

Table 7 – Current estimates of the GB cod incidental catch TACs for FY 2006 through 2009 (mt, live weight)

	FY 2006	FY 2007	FY 2008	FY 2009
Category B (regular) DAS Program	61.3	TBD	TBD	TBD
CAI Haddock SAP	19.6	TBD	TBD	TBD
Eastern US/CA Haddock SAP	41.7	TBD	TBD	TBD

Table 8 – Current estimates of the GB yellowtail flounder incidental catch TACs for FY 2006 through FY 2009 ((mt, live weight)

	FY 2006	FY 2007	FY 2008	FY 2009
Category B (regular) DAS Program	20.7	TBD	TBD	TBD
Eastern US/CA Haddock SAP	20.7	TBD	TBD	TBD

Table 9 – Current estimates of the GB winter flounder incidental catch TACs for FY 2006 through FY 2007 (mt, live weight)

	FY 2006	FY 2007	FY 2008	FY 2009
Category B (regular) DAS Program	14.25	16.05	17.8	19.55
Eastern US/CA Haddock SAP	14.25	16.05	17.8	19.55

4.2 Commercial Fishing Measures

During Council discussions, these measures were referred to as Alternative B2 (modified). This suite of measures is designed to achieve the mortality targets on specific stocks while avoiding a large overall DAS reduction that would sacrifice yield from healthy stocks.

4.2.1 Effort Controls

The ratio of Category A and Category B DAS will be the default adopted by Amendment 13 (55/45) and equates to an 8.3 percent reduction in Category A DAS available to each permit, and a similar increase in Category B DAS.

4.2.2 Differential DAS Counting

When using Category A DAS in the areas shown in Figure 2, vessels will be charged differential DAS. Vessel operators that plan to catch fish in these areas will be required to declare their intent to do so at the beginning of a trip using procedures that will be promulgated by the Regional Administrator. The required means for this notification will be via VMS, but other procedures may be authorized if necessary due to delays in implementing the VMS requirement for all vessels. A vessel that does not declare its intent to catch fish in this area is not permitted to do so on that trip. A vessel that does not declare its intent to fish in the area is not restricted from transiting the area, or being within the area (for example, to evade weather), with gear properly stowed. Differential DAS counting does not apply to the use of Category B DAS in these areas.

PROPOSED ACTION

Commercial Fishing Measures/Differential DAS Counting Area

A vessel that declares its intent to fish in the GOM differential DAS area will be charged Category A DAS at the rate of 2:1 – that is, the vessel will be charged Category A DAS at two times the actual time underway. This rate will be charged for the entire trip, including any portions that occur outside of the differential DAS area. A vessel that declares its intent to fish in the SNE differential DAS area will be charged Category A DAS at the rate of 2:1 - that is, the vessel will be charged two times the actual time underway. This rate will be charged only for time spent in the area. While unlikely, should a vessel declare its intent to fish in both areas on the same trip, differential DAS will be charged for the entire trip, consistent with the requirements for the GOM area.

Vessels declared into the day gillnet category that declare their intent to fish in a differential DAS counting area will be charged a minimum of 15 hours for any trip that is three hours or more in length, up to and including 7.5 hours (actual time underway, regardless of whether in a differential DAS area or not). For trips that are less than three hours, day gillnet vessels will be charged DAS at the appropriate differential rate. For trips that are over 7.5 hours, day gillnet vessels fishing in the GOM differential DAS area will be charged DAS at the differential rate.

Rationale: Differential DAS counting is designed to reduce fishing mortality on several stocks, including GOM cod, CC/GOM yellowtail flounder, and SNE/MA yellowtail flounder. When combined with a daily trip limit that is based on the time underway (not the DAS charged – see section 4.2.4) this will reduce the effort on these stocks. The inshore GOM differential DAS area is adjacent to several important fishing ports and any vessel sailing from or landing in those ports must transit the area. If a vessel is allowed to fish both inside and outside the area and only be charged differential DAS while in the area, it would reduce the effectiveness of this measure. Any vessel fishing an entire trip in the area wishing to catch the maximum trip limit (4,000 lbs. at 800 lbs per DAS) would have to be absent for five DAS and would be charged ten DAS. If a vessel were to fish both inside and outside the area on the same trip and only be charged differential DAS while in the area then the DAS charged would be lower. As an example, from the eastern boundary of the inshore GOM differential DAS area to Gloucester is about 37 nautical miles, or about 3.5 hours at ten knots. Allowing for one three hour tow to “top off” to the full GOM cod trip limit the vessel could conceivably be charged differential DAS for only 6.5 hours (3.5 hours of transit time plus the 3 hours of towing time) which would add only 6.5 hours to the DAS charged for the trip (6.5 hours times 2 is thirteen hours). The vessel would thus only be charged 5 days and 6.5 hours while catching the maximum GOM cod trip limit. In essence, this reduces the differential DAS rate from 2:1 to about 1.13:1 for these trips, greatly reducing the effectiveness of this measure. It is possible that a vessel operator could reduce this even further by skirting the edge of the area and only entering to make a short tow. Given the value of cod (\$1.50 to \$2 per pound in late CY 2005), the size of the trip limits proposed (800 lbs per DAS), and the limited number of DAS available, if vessels are not charged differential DAS for the entire trip there will be considerable incentive for fishermen to develop practices that circumvent the intent of differential DAS counting while complying with the regulations.

Unlike the inshore GOM differential DAS area, the SNE/MA differential DAS are not adjacent to the coast and vessels do not have to transit the area enroute homeport. In addition, the trip limits under consideration for SNE/MA yellowtail flounder are lower and the potential value of diverting to “top off” a trip is thus less. For this reason, differential DAS are charged only while fishing in the area, unless VMS is not adopted for all vessels. In that case, since it is not possible to track a vessel’s location unless it is equipped with VMS, a vessel that declares into the area via IVR will be charged differential DAS for the entire trip.

4.2.3 Differential DAS Counting Area

Differential DAS counting will apply in the following areas (see Figure 2):

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Commercial Fishing Measures/Differential DAS Counting Area

Gulf of Maine:

Thirty minute squares 114/115/116/123/124/125/132/133/138/139/140, described by the following coordinates:

43-30N	(intersection with Maine shoreline)
43-30N	69-30W
43-00N	69-30W
43-00N	69-55W (eastern boundary, WGOM Closed Area)
42-30N	69-55W
42-30N	69-30W
41-30N	69-30W
41-30N	70-00W
(North to	
intersection with	
Cape Cod coast)	70-00W

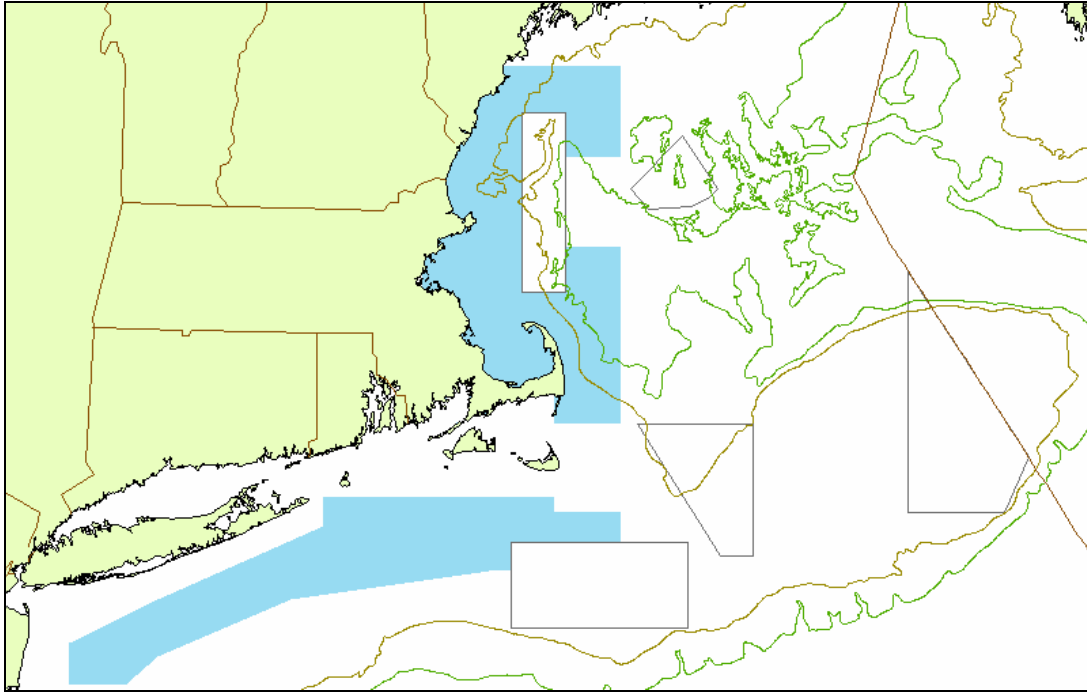
Southern New England:

Area bounded by the following coordinates:

41-05N	71-45W
41-05N	70-00W
41-00N	70-00W
41-00N	69-30W
40-50N	69-30W
40-50N	70-20W
40-40N	70-20W
40-40N	70-30W
40-30N	72-30W
40-10N	73-00W
40-00N	73-15W
40-00N	73-40W
40-15N	73-40W
40-30N	73-00W
40-55N	71-45W
41-05N	71-45W

Rationale: The inshore GOM area is designed to reduce fishing mortality on GOM cod and CC/GOM yellowtail flounder. The area selected accounted for nearly 85 percent of GOM cod landings in FY 2004 and a similar percentage of CC/GOM yellowtail flounder. The SNE differential DAS area is designed to reduce mortality primarily on SNE/MA yellowtail flounder but may also reduce mortality on SNE/MA winter flounder. Amendment 13 proposed adopting differential DAS counting in the SNE RMA, a much larger area. Since yellowtail flounder is caught in a well-defined locations, a smaller area is being proposed to allow some fishing for monkfish and winter flounder that will not be subject to differential DAS counting.

Figure 2 - Proposed Action differential DAS counting area (shaded)



4.2.4 Trip Limits

The following trip limits will be adopted. For vessels fishing in the differential DAS counting areas, trip limits are based on the time underway and not the DAS charged. With respect to the modified running clock for GOM or GB cod, vessels declared into the differential DAS area are not subject to the modified running clock.

GOM Cod:	800 lbs/day – 4,000 lbs/trip
GB Cod: 1,000 lbs/day –	10,000 lbs/trip
CC/GOM Yellowtail Flounder:	250 lbs/day – 1,000 lbs/trip
SNE/MA Yellowtail Flounder:	250 lbs/day – 1,000 lbs/trip
GB Winter Flounder:	5,000 lbs/trip
GB Yellowtail Flounder:	10,000 lbs/trip
White Hake:	1,000 lbs/day – 10,000 lbs/trip

Rationale: Trip limits for GOM cod and GB cod are unchanged. The trip limits for CC/GOM yellowtail flounder and SNE/MA yellowtail flounder are reduced to meet mortality objectives and are made identical to simplify regulations (this will remove the requirement that vessels declare into either the SNE/MA or CC/GOM yellowtail flounder stock area). A trip limit is established for GB yellowtail flounder to reduce mortality and also reduce the likelihood that the TAC will be caught early in the year. Trip limits for white hake and GB winter flounder are designed to reduce mortality on those two stocks.

The modified running clock was first adopted in an interim rule in August 1999 for GOM cod and in August 2002 for GB cod. This regulation requires vessels that land more than one day's limit of GOM or GB cod to not call-out of the DAS system until the vessel is charged the full twenty-four hours for the additional cod. A vessel landing two days of the trip limit, for example, must not call-out of the DAS

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Commercial Fishing Measures/Trip Limit Adjustments

system until it has been charged 48 hours on the DAS clock, and cannot depart on another trip until the full period has elapsed. The purpose of the running clock was to establish a closer link between DAS charged and the daily possession limit on multi-day trips. The application of differential DAS at a 2:1 rate removes the need for this provision. In order to land two days of the trip limit, the vessel must be underway at least twenty-four hours and one minute and will be charged just over forty-eight hours; a vessel landing three days of the limit from the differential DAS area must be underway at least forty eight hours and one minute and would be charged just over ninety-six hours on the DAS clock. The modified running clock requirement will still apply to vessels that are not fishing in the differential DAS counting area.

4.2.5 Trip Limit Adjustments

On species that have trip limits, the Regional Administrator has the authority and responsibility to monitor the catch in relationship to the target TACs and, in the event that it can be projected that at least 90% of the target TAC will not be caught in any given year, the Regional Administrator may adjust the trip limits upwards as appropriate consistent with procedures established by the Administrative Procedures Act (APA). Changes by the Regional Administrator can be made at any time, including before the start of the fishing year if necessary, in all areas (including the Eastern U.S./Canada area).

Adjustments to the GB yellowtail flounder trip limit may also be made under provisions for the U.S./CA area to prevent exceeding the TAC or to facilitate harvesting the TAC. These provisions allow this trip limit to be increased or decreased. The Regional Administrator (RA) can adjust this initial limit in FY 2007 if necessary to prevent exceeding, or to facilitate harvesting, the TAC. The Council offers the following guidance for consideration by NMFS when adjusting this trip limit (summarized in Table 10). This guidance is intended to replace the existing provision that requires a reduction of the trip limit to 1,500 lbs/DAS and 15,000 lbs per trip when 70 percent of the TAC is caught, but does not replace the Regional Administrator's authority to adjust the TAC if necessary at other times (including prior to the beginning of the fishing year):

- If 30% of the TAC is reached during the first quarter, lower to 7,500 lbs.
- If 30% of the TAC is reached during the second quarter, continue 10,000 lbs.
- If 30% of the TAC is reached during the third quarter, increase to 25,000 lbs.
- If 30% is reached during the fourth quarter, remove the GBYT trip limit

If at any time during the fishing year and prior to reach the 30% trigger the RA determines that the TAC is not likely to be attained, the RA may alter the trip limit upwards to 15,000 or 25,000 lbs./trip. Any additional adjustments could be made at 60%.

- If 60% of the TAC is reached during the first quarter, lower to 3,000 lbs.
- If 60% of the TAC is reached during the second quarter, lower to 5,000 lbs.
- If 60% of the TAC is reached during the third quarter, continue at 10,000 lbs.
- If 60% of the TAC is reached during the fourth quarter, increase to 25,000 lbs.

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 Recreational Fishing Measures/Trip Limit Adjustments

If at any time during the fishing year and prior to reaching the 60% trigger the RA determines that the TAC is not likely to be attained, the RA may alter the trip limit upwards to 25,000 lbs./trip or remove the trip limit altogether. An additional adjustments could be made at 60% or when approaching the TAC.

Table 10 – GB yellowtail flounder trip limit adjustment guidance

Fishing Year Quarter	GB Yellowtail Flounder Trip Limit Adjustment	
	Catch reaches 30% of TAC during quarter	Catch reaches 60% of TAC during quarter
Quarter 1	7,500 lbs	3,000 lbs
Quarter 2	10,000 lbs	5,000 lbs
Quarter 3	25,000 lbs	10,000 lbs
Quarter 4	No limit	25,000 lbs
At any time if TAC is unlikely to be attained	Catch <= 30% of TAC 15,000 lbs to 25,000 lbs	Catch <= 60% of TAC 25,000 lbs or unlimited

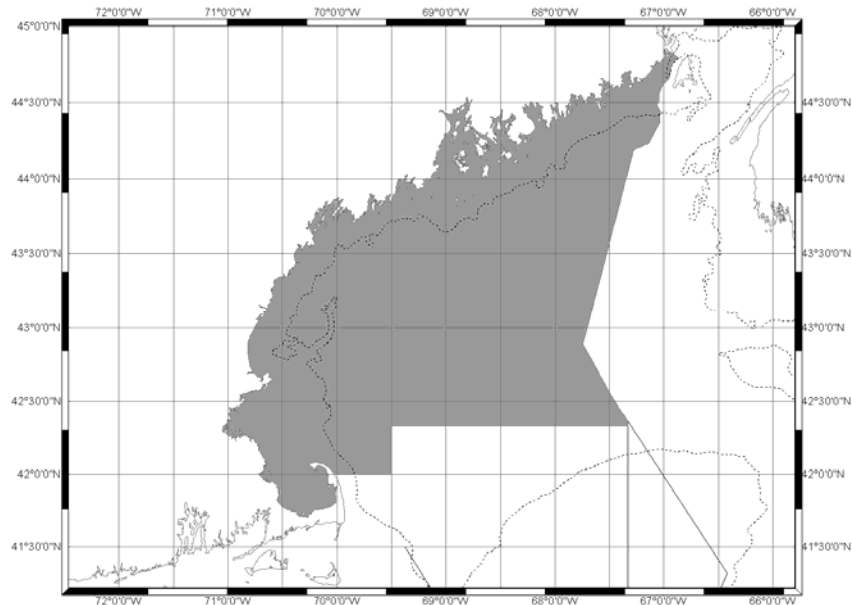
Rationale: The RA is provided authority and guidance to adjust trip limits so that yield is not sacrificed. Several stocks are predicted to grow rapidly between 2006 and 2008 and target TACs increase as a result. It may be necessary to relax trip limit restrictions to harvest the target TACs. In the case of GB yellowtail flounder, specific guidance is provided so that the industry can anticipate changes that may be made over the course of the year in order to harvest, but not exceed, the target TAC.

4.3 Recreational Fishing Measures

This measure is designed to achieve a reduction in the mortality of GOM cod that is due to recreational (including party/charter) fishing. Recreational (including party/charter) vessels are prohibited from catching cod in the GOM Regulated Mesh Area from November 1 through March 31. The minimum size for GOM cod will be 24 inches. Private recreational and party/charter vessels would be allowed to transit the area with cod caught from outside this area, provided all bait and hooks are removed from fishing rods, rods are stored, and all cod is stored in coolers or ice chests.

Rationale: This seasonal prohibition and increase in minimum fish size is designed to achieve the necessary mortality reduction while providing opportunities to target other stocks. The GOM cod stock area is defined as statistical areas 511, 512, 513, 514, and 515. This measure applies to the GOM Regulated Mesh Area shown in Figure 3. While this area is slightly smaller than the stock area, it is consistent with the application of other party/charter vessel regulations and simplifies administration of recreational measures. The Council prohibiting rods from being stored in rod holders if a vessel possessed cod caught outside the GOM during the season that catching cod is prohibited, but decided against this requirement because it is impractical for many vessels. This measure does not change the minimum size for cod caught from the GB cod stock area.

Figure 3 – Gulf of Maine Regulated Mesh Area (shaded)



4.4 Special Management Programs

4.4.1 Category B (regular) DAS Program

The Category B (regular) DAS program is extended. This program is designed to provide opportunities to target healthy stocks without threatening stocks for which a mortality reduction is required.

4.4.1.1 Effort Controls

DAS Limit

A maximum of 3,500 Category B (regular) DAS can be used in this program. DAS will be allocated to each quarter of the fishing year as shown below. DAS that are not used in one quarter are not available for use in subsequent quarters.

May – July:	500 DAS
August – October:	1,000 DAS
November – January:	1,000 DAS
February – April:	1,000 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 program

PROPOSED ACTION

Special Management Programs/Category B (regular) DAS Program

will end if 3,500 Category B (regular) regular DAS are used. The program will also end in a quarter if either the quarterly DAS allocation is reached or an incidental catch TAC is reached.

Rationale: This measure reduces the number of Category B (regular) DAS from the 4,000 DAS per year in the Pilot Program adopted by FW 40A to 3,500 DAS. This is to reduce the risk that the program will increase mortality on stocks of concern. This reduction will also reduce the number of trips that must carry an observer in order to achieve a specific level of observer coverage. The number of DAS allocated in the first quarter of the fishing year is lower in order to minimize the catch of cod and winter flounder by vessels targeting GB haddock.

DAS Counting

(1) For the Category B (regular) DAS pilot program, 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 less than 24 hours on one calendar day is charged a full 24-hours of Category B (regular) DAS.

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

(c) A vessel fishing that leaves one minute before midnight and fished for one minute after midnight - fishing for two minutes on two different calendar days - is charged a full 48-hours of Category B (regular) DAS.

Rationale: This method of counting DAS as a full calendar day is intended to minimize the catch of incidental catch stocks. It also simplifies administration of the program, removing any requirement for a modified running clock and the subsequent adjustment to possession limits.

(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 landing limit for a stock of concern, the operator must retain the excess catch and “flip” the DAS to a Category A DAS. This change must take place consistent with section 4.4.4. Once the DAS is “flipped” and the vessel is on a Category A DAS, it must comply with the landing limits that apply to Category A DAS. Category A DAS use is counted as under existing regulations and not on a calendar day basis.

Rationale: “Flipping” is fundamental to this program, providing an opportunity for vessels to change to a Category A DAS should they unexpectedly catch more than an incidental catch limit. Without “flipping” the only alternative is for a vessel to discard the overage.

(3) The number of Category B (regular) DAS that can be used on a trip cannot exceed the number of Category A DAS a vessel has at the start of the trip.

Rationale: This provision ensures that a vessel will have enough Category A DAS available should a DAS flip be required at any time during the trip.

PROPOSED ACTION

Special Management Programs/Category B (regular) DAS Program

4.4.1.2 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. The overall target 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.
- (2) 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 12.
- (3) Incidental catch TACs will be allocated to each quarter according to the following percentages: 13 percent/29 percent/29 percent/29 percent. Incidental catch TACs for FY 2006 through 2009, by quarter, are shown below.

Rationale: The first two measures above reduce the likelihood that Amendment 13 mortality objectives will be threatened by vessels using Category B (regular) DAS to target healthy stocks. The allocation of TACs to each quarter matches the distribution of DAS.

PROPOSED ACTION

Special Management Programs/Category B (regular) DAS Program

Table 11 – Proposed incidental catch TACs for the Category B DAS pilot program (mt, live weight). TACs for GB cod and GB yellowtail flounder depend on annual setting of TACs in the U.S./CA area.

	FY 2006		FY 2007		FY 2008		FY 2009	
	Q1	Q2-Q4	Q1	Q2-Q4	Q1	Q2-Q4	Q1	Q2-Q4
GB cod	8.0	17.8						
GOM cod	6.5	14.5	12.9	28.7	13.5	30.1	14.0	31.2
GB Yellowtail	2.7	6.0						
SNE/MA Yellowtail	0.2	0.4	0.3	0.6	0.4	0.9	0.4	0.8
CC/GOM yellowtail	0.8	1.9	1.4	3.1	1.8	4.1	0.8	1.8
Plaice	23.8	53.2	26.7	59.5	33.3	74.3	23.5	52.4
Witch Flounder	35.8	79.9	33.0	73.6	28.2	62.8	23.1	51.6
White Hake	5.3	11.9	4.4	9.7	3.6	7.9	1.1	2.5
SNE/MA Winter	3.2	7.2	3.9	8.7	4.7	10.4	4.3	9.6
GB Winter Flounder	1.85	4.1	2.1	4.6	2.2	5.2	2.5	5.7

Table 12 – Areas that will be closed to the use of Category B DAS when the incidental catch TAC is caught. Areas shown are statistical areas for all stocks except CC/GOM and SNE/MA yellowtail flounder, which are based on thirty-minute squares

Stock	Statistical Area
GOM Cod	510-515
GB Cod	520s, 530s, 540s, 561, 562, 600s
GB Haddock	520-526, 537-539, 551-562
GOM Haddock	510-515
GB Yellowtail Flounder	522,525,551,552,561,562
Cape Cod/GOM Yellowtail Flounder*	98,114, 123,124,125,132,133
SNE/MA yellowtail flounder*	70-73,82-88,101-103,98-99
American Plaice	500-526,533-539,541-543,551-562,600's
Witch Flounder	510-526, 551-562
Gulf of Maine Winter Flounder	510-515
GB Winter Flounder	522,525,551,552,561,562
SNE/MA Winter Flounder	521,526,537-539,600's
Acadian Redfish	500-562
White Hake	All areas
Pollock	464-562
Windowpane Flounder (North)	464-467,510-515,521-525,542,543,551,552,561,562
Windowpane Flounder (South)	526,53-539,541,600's

PROPOSED ACTION

Special Management Programs/Category B (regular) DAS Program

4.4.1.3 Catch limits

(1) The catch limit for CC/GOM yellowtail flounder and SNE/MA yellowtail flounder is 25 lbs./DAS. The catch limit for Atlantic halibut is one fish of legal size per trip. The catch limit for any other stock of concern shown in Table 12 and including southern windowpane flounder and ocean pout is 100 lbs./DAS. The landing limit for any healthy stock is the same as under other provisions of Amendment 13.

(2) A vessel cannot discard legal sized groundfish while fishing on a Category B (regular) DAS in this program. If a vessel exceeds the catch limit for a stock of a concern, the DAS must be “flipped” to a Category A DAS. Once the DAS is “flipped,” the vessel must comply with the landing limits for Category A DAS.

(3) Monkfish catch limits while participating in the Category B (regular) DAS Program. The monkfish incidental catch limit applicable to Permit Category E (by monkfish management area) would apply on vessels with a monkfish Category C or D permit and fishing on a multispecies B-regular DAS. In the NFMA, that limit (based on tail weight) is 400 lbs. per DAS, or 50% of the total weight of fish on board, whichever is less. In the SFMA, that limit is 50 lbs. (tail weight)/DAS. If this option is adopted, discarding of legal sized monkfish while participating in this program will be prohibited. This removes the provision in the multispecies regulations (CFR 648.82(d)(2)(i)(A)) that specifies:

Vessels that are required by another fishery management plan (i.e., not the NE multispecies FMP) to utilize a NE multispecies DAS, e.g., as specified under §648.92(b)(2), may elect to use a NE multispecies Category B DAS to satisfy that requirement.

Category C or D vessels when fishing in the NFMA on a multispecies A DAS (either from the start of the trip, or as a flipped trip) would continue to have no monkfish trip limit. C and D vessels fishing in the SFMA on a monkfish/multispecies DAS would be required to use a multispecies A DAS, and when fishing in the SFMA on a multispecies A DAS (but not a monkfish DAS) would continue to have a monkfish incidental catch of 300 lb./DAS. In either area, Category C and D vessels whose allocation of multispecies A-DAS is less than 40 would be able to fish the difference as monkfish-only DAS, subject to any other applicable restrictions or requirements, such as the Multispecies Exempted Fishery regulations. In some years, as in FY 2004, the monkfish DAS that a vessel can use in the SFMA may be less than 40, with the remainder useable only in the NFMA. The monkfish catch limits that would apply under this alternative are shown in Table 13.

Rationale: The very low landing/possession limits are meant to encourage fishermen to develop selective ways of fishing for healthy stocks. As a further incentive, discards of legal size fish are prohibited and vessels must immediately “flip” the DAS if the catch limit is exceeded. Once on a Category A DAS, a vessel must comply with landing restrictions for Category A DAS.

Example: A vessel begins a planned twelve-hour trip using Category B DAS in the GOM. The vessel catches 900 lbs/ of legal-sized cod in one tow. All legal sized cod must be retained while on a Category B DAS. Since the vessel will only be underway for twelve hours, the vessel “flips” to a Category A DAS. It must discard 100 pounds of cod to comply with the Category A DAS landing limit. Alternatively, the vessel could remain underway longer to account for the cod overage.

Limiting the possession of monkfish is designed to reduce targeting of monkfish by vessels using a Category B (regular) DAS. During the Pilot Program in FY 2004 and FY 2005, monkfish was

PROPOSED ACTION

Special Management Programs/Category B (regular) DAS Program

successfully targeted. Both stocks of monkfish are in rebuilding programs and recent assessments suggest that the pace of rebuilding has slowed. This measure is designed to aid monkfish rebuilding by reducing mortality that results from this program. It also will prevent vessels from targeting monkfish on a Category B (regular) DAS and then groundfish a Category A DAS, providing some benefits to groundfish stocks.

Table 13 - Monkfish catch limits on Multispecies vessels under Alternative 1 (vessels prohibited from targeting monkfish on a B-regular DAS)

Permit Category	DAS Program	Area	Gear	Trip Limit (tail weight per DAS)
C or D	Multispecies (A DAS only)	NFMA	All Gear	No trip limit
C or D	Multispecies (B-Regular DAS)	NFMA	All gear	400 lb, or 50% of the total weight of fish on board (all weight is converted to tail weight) whichever is less.
C, D, or F	Multispecies (A DAS only)	SFMA	Trawl	300 lb
C, D, or F	Multispecies (A DAS only)	SFMA	Non-trawl	50 lb
C, D, or F	Multispecies (B-Regular DAS)	SFMA	All Gear	50 lb
E, F, G, or H	Multispecies (A or B-Regular DAS)	NFMA	All Gear	400 lb, or 50% of the total weight of fish on board (all weight is converted to tail weight) whichever is less.
E, G, or H	Multispecies (A or B-Regular DAS)	SFMA	All Gear	50 lb

PROPOSED ACTION

Special Management Programs/Category B (regular) DAS Program

4.4.1.4 Gear requirements

Trawl vessels participating in the Category B (regular) DAS Pilot Project must use a haddock separator trawl. Other trawl configurations can be on board but must be properly stowed.

The Regional Administrator will have the authority to provide additional trawl gear for this fishery when it is demonstrated that it reduces catches of stocks of concern. The Groundfish Oversight Committee will make a recommendation to the Council on the standards that must be met by trawl gear used in this program. The Council shall consider the recommendation and determine what standards if any shall be recommended to NMFS for implementation. Upon receipt of any recommendation, NMFS may implement the standards through a regulatory action consistent with the APA. If NMFS decides not to implement such recommendation, it must provide a written rationale to the Council of its decision.

Rationale: Based on recent assessments, the most appropriate target stock for this program is GB haddock. The separator trawl requirement will reduce the risk that vessels fishing in this program will catch cod, yellowtail flounder, winter flounder, and other stocks of concern.

4.4.1.5 Catch Monitoring

- (1) All vessels using a Category B (regular) DAS must use an approved Vessel Monitoring System (VMS).
- (1) The targeted level of observer coverage will be sufficient to ensure the program is working as designed. The Council recommends that observer coverage be at least the same as during the Category B (regular) DAS Pilot Program (approximately 36 percent of trips observed).
- (2) Vessel operators must provide the observer program three days (72 hours before departure) advance notice of a Category B (regular) DAS trip. This notification will include reporting the broad area or areas (Gulf of Maine, Georges Bank, Southern New England/Mid-Atlantic) where the vessel plans to fish. The information on area to be fished will be used by NMFS only for planning observer coverage and a vessel operator is not limited to fishing in these areas and need not provide an additional notification should plans for the area that will be fished change.
- (3) Vessels beginning a trip as a Category B (regular) DAS Pilot Program trip must report their catches consistent with section 4.4.4 for the entire trip, whether a trip is completed as a Category B (regular) DAS trip or not.

Rationale: These requirements improve the ability to monitor the program and enforce the incidental catch TACs. The VMS requirement will facilitate the use of the flipping provision – vessels can communicate the change before entering port, and enforcement agents can verify the catch upon arrival. The reporting requirements will enable NMFS to closely monitor the small incidental catch TACs and more accurately predict when they will be caught. Observer coverage is necessary to verify the catch rates for vessels on a Category B DAS. The no discard provision will encourage fisherman to fish selectively so that they can use Category B (regular) DAS. Observer coverage during the Pilot Program was sufficient to detect evidence that flipping rates differed between observed and unobserved trips.

PROPOSED ACTION

Special Management Programs/Closed Area I Hook Gear Haddock SAP TAC Adjustment

4.4.1.6 Program Monitoring

In addition to authority to end the program when the DAS limits are reached or an incidental catch TAC is expected to be caught, the Regional Administrator can end the program during a quarter or fishing year if necessary to achieve the objectives of the management plan. Reasons for terminating the program could include, but are not limited to:

- Inability to constrain catches to the incidental catch TACs
- Evidence of excessive discarding
- A significant difference in flipping rates between observed and unobserved trips
- Insufficient observer coverage to adequately monitor the program, particularly if coverage declines below the Council’s recommendation

4.4.2 Closed Area I Hook Gear Haddock SAP TAC Adjustment

The Regional Administrator will establish the haddock TAC for this SAP in accordance with the Administrative Procedures Act. The TAC will be based on the biomass of the western portion of the GB haddock stock according to the following formula:

$$TAC_{yr} = 1,130 \text{ mt live weight} \times \left(\frac{\text{Projected WGB Haddock Exploitable Biomass}_{yr}}{\text{WGB Haddock Exploitable Biomass}_{2004}} \right)$$

Unless there is an assessment that identifies and assesses a western GB haddock stock, the size of the western component of the GB haddock stock will be estimated as 35 percent of the size of the total GB haddock stock. Based on this formula, the CAI Hook Gear Haddock TAC for the period FY 2006 through FY 2009 is shown below. These TACs will be revised by the Regional Administrator according to the above formula after future assessments of the GB haddock stock.

Table 14 – Proposed CAI Haddock SAP TACs, FY 2006-2009

Year	Exploitable Biomass* (thousand mt)	WGB Exploitable Biomass	B(year)/B(2004)	TAC (mt, live weight),
2004	100.907	35.317		1,130
2005	137.341	48.069	1.361	1,538
2006	202.261	70.791	2.004	2,265
2007	442.427	154.849	4.385	4,955
2008	560.303	196.106	5.553	6,275
2009	453.830	158.841	4.498	5,082

Rationale: This measure both determines the TACs for this SAP for 2006 through 2009 and establishes a process that will allow those TACs to be adjusted if necessary when information is received on the exploitable biomass of the stock.

4.4.3 Eastern US/CA Haddock SAP

4.4.3.1 Extension

This SAP is extended through FY 2008.

Rationale: This SAP is scheduled to expire in November, 2006, two years after implementation. In order to provide a continued opportunity for fishermen to target a healthy haddock stock, this measure extends the SAP for an additional two years. This will also provide more data for evaluating the success of this SAP.

4.4.3.2 Season Opening

The SAP will open on August 1.

Rationale: Cod catch rates in the SAP were higher than expected during May through July, 2005. This measure delays the opening of the SAP so that lower cod catch rates will allow more of the haddock TAC to be harvested while reducing the catch (and bycatch) of cod.

4.4.3.3 Approval of additional gear

The Regional Administrator will have the authority to provide additional gear for this SAP when it is demonstrated that it reduces catches of stocks of concern. The Groundfish Oversight Committee will make a recommendation to the Council on the standards that must be met by gear used in this program. The Council shall consider the recommendation and determine what standards if any shall be recommended to NMFS for implementation. Upon receipt of any recommendation, NMFS may implement the standards through a regulatory action consistent with the APA. If NMFS decides not to implement such recommendation, it must provide a written rationale to the Council of its decision.

Rationale: This measure reiterates a provision in FW 40A that authorized the Regional Administrator to allow additional gear in this SAP. The FW 40A provision was never included in the implementing regulations.

4.4.4 Standard requirements for special management programs (including SAPs, fishing in US/CA area, Category B (regular) DAS program)

These requirements would be adopted for all Special Management Programs (SAPs, fishing in the US/CA area, and Category B (regular) DAS program, if extended). In some circumstances, additional requirements might be defined for specific programs (e.g. requirement to report catch when crossing a management area boundary as under provisions for fishing inside and outside the Western US/CA area), or a specific program may be exempt from some or all of these requirements (e.g. the existing SNE winter flounder SAP).

- (1) Vessel Monitoring System (VMS).
- (2) Advance notice to the observer program of each trip (consistent with NMFS requirements; the current standard is 72 hours prior to departure).
- (3) Daily reporting (pounds, kept and discarded) via VMS of haddock and species of concern. Daily reports will not be required to report the statistical area of the catch but will include the date of catch. Species of concern will be identified based on evaluations of stock status. The current species that must be reported are:

PROPOSED ACTION

Special Management Programs/Standard requirements for special management programs (including SAPs, fishing in US/CA area, Category B (regular) DAS program)

Cod
Yellowtail flounder
Winter flounder
Witch Flounder
White Hake
Plaice

- (4) Daily reports submitted via VMS will include a trip identifier that will link the VMS (including DAS) and VTR data. This will likely be the VTR number, unless NMFS determines another numbers is appropriate.
- (5) Prohibition on discarding of legal-sized regulated multispecies while participating in a SAP or the Category B (regular) DAS Program
- (6) Requirement to exit a SAP or the Category B (regular) DAS Program and comply with all groundfish regulations if a maximum possession/catch limit is exceeded. If fishing on a Category B DAS, this includes the requirement to “flip” to a Category A DAS. The vessel would be required to exit the program and “flip” to a Category A DAS as soon as the maximum limit (for example, ten days of a daily trip limit) is exceeded, as opposed to being allowed to delay the “flip” until the vessels crosses the VMS demarcation line. The vessel must continue to comply with daily reporting requirements until the trip is ended. This “flipping” requirement does not apply to the CAI Hook Gear Haddock SAP.

Rationale: Several special management programs were developed during the first year after the implementation of Amendment 13. Reporting and other requirements were developed separately for each program, with the result that a patchwork system was implemented. Minor differences in requirements between the various programs complicate their administration and create confusion within the industry as vessels attempt to comply with the requirements. In addition, experience with the various programs suggested ways to streamline reporting and administrative requirements so that monitoring the programs will be easier and less time will be needed to develop future programs. For example, NMFS does not believe that vessels need to report catch by statistical areas when making daily VMS reports, as currently required for some programs, since the VMS position information can be used to assign the catch to the appropriate area. This simplifies a reporting requirement for the vessel operators.

The prohibition on discarding legal-sized regulated groundfish and the requirement to exit a program when the maximum possession limit is exceeded is intended to reduce discards and make the programs more effective. Several instances have been observed where vessels discarded regulatory groundfish in order to continue fishing in a program that was limited by a possession limit. This defeats the purpose of the possession limit. Vessels were also observed high-grading catch in some programs, wasting the resource.

The requirement to “flip” to a Category A DAS when a maximum possession limit is exceeded adopts an earlier recommendation of the Council’s enforcement committee. It also will help simplify administration of these programs. On several occasions, vessels that had not yet “flipped” a DAS had enough fish on board that NMFS was uncertain whether to end the program because a TAC had been exceeded.

The requirement to continue daily reporting until the end of a trip was included as a provision for the Category B (regular) DAS program in FW 40A, but not included in implementing regulations. This provision will allow for more detailed analyses of special management program trips.

4.5 Georges Bank Cod Fixed Gear Sector

Creation of a Georges Bank Cod Fixed Gear Sector is authorized, consistent with the sector allocation provisions implemented on May 1, 2004. Participation in the sectors is voluntary; permit holders must elect to participate in the sector. The allocation of resources for the sector will depend on the history of the permit holders that choose to participate. Provisions for adjusting TACs if a sector or other vessels exceed a TAC will be as described in 50 CFR 648.

Participation in this sector is open to vessels that agree to use jigs, non-automated demersal longline, hand gear, or sink gillnets to harvest GB cod. Permit holders must declare their intention to participate in the sector at least three months in advance of the beginning of the fishing year. Once declared into the sector, the vessel must remain in the sector for the entire fishing year and must abide by the regulations applicable to the sector for the entire year. If a permit is transferred during the fishing year, the new owner must also comply with the sector regulations for the remainder of the fishing year.

4.5.1 TAC

A GB cod quota (hard TAC) will be allocated to the sector. The sector's share of the overall GB cod TAC will be determined by calculating the share of the GB cod harvest taken by vessels that join the sector (sector participants) during fishing years 1996 through 2001. When the TAC is reached, the commercial components of the sector will cease fishing for regulated groundfish for the remainder of the fishing year.

4.5.2 Management Measures

Management measures will be specified in the sector operations plan. If implementation of FW 42 is delayed beyond the May 1, 2006 fishing year starting date, any vessel that fished any groundfish DAS between May 1, 2006 and the implementation of FW 42 would not be able to participate in the sector in the same fishing year unless the new sector's Operations Plan provides an acceptable method for accounting for DAS used prior to the implementation of the sector as specified in 50 CFR 648.87(b)(1)(xiii).

Rationale: This measure allows for the creation of a second voluntary sector under the provisions first implemented by Amendment 13. This enables the fishermen in the sector a greater ability to fish in an efficient, environmentally acceptable fashion by tailoring management measures to fit their operations. At the same time, the application of a hard TAC makes it unlikely that their actions will threaten mortality objectives.

4.6 DAS Leasing Program

The existing DAS leasing program is extended indefinitely.

Rationale: The DAS leasing program is scheduled to end on April 30, 2005. This measure removes the ending date and will allow continued participation in the leasing program unless changed through a future management action. This provides flexibility for fishermen to adapt to the DAS reductions of Amendment 13.

4.7 DAS Transfer Program Modifications

The following changes are made to the DAS Transfer Program:

- The vessel permanently transferring a groundfish permit (i.e. selling DAS) through the DAS transfer program is not required to exit all state and federal fisheries. All limited access permits must still be transferred as a bundle because of the prohibition on permit splitting in all Northeast Region FMPs. This change means that the vessel selling the permits can acquire another federal limited access permit, a federal open-access permit, or state permits and continue to operate as a fishing vessel.
- If a vessel transfers a groundfish permit to another vessel, the other attached federal permits do not expire and the acquiring vessel can acquire any permit that it does not already hold. (Duplicate permits, however, do still expire and a vessel cannot consolidate DAS or other allocations from non-groundfish permits).
- Exchanges of groundfish DAS through the transfer program are considered “directionless” – that is, the new owner specifies which DAS are acquired and thus subject to the conservation tax.
- In any DAS transfer, all history attached to the selling permit is acquired by the buying permit. Individual history elements cannot be separated from the permit and retained by the seller.
- With respect to vessel baseline characteristics, the receiving vessel must adopt the smaller baseline of the two vessels, or if the receiving vessel has not previously upgraded, it may adopt the larger baseline of the two vessels. This would serve as the vessel’s one-time upgrade.
- If a vessel permit participates in the DAS leasing program (either as a lessee or a lessor), the permit holder cannot subsequently transfer the permit in the DAS transfer program during the same fishing year. While the permit holder may submit a request for the DAS transfer program at any time after participating in the leasing program, approved transfers will not be effective until the beginning of the following fishing year. This provision does not affect transfers by permit holders of permits that have not participated in the leasing program prior to applying for a DAS transfer.
- For the hook gear permit category where vessels cannot change permit category from year to year under current regulations, vessels are prohibited from transferring their DAS to a vessel in a different permit category. Hook gear vessels can acquire DAS from other permit categories.

Rationale: The existing DAS transfer program is so onerous that it has never been used. These changes are intended to make the program easier to use. The requirement that the selling vessel leave all state and federal fisheries was easily evaded and as a result was not useful. The provision that all other federal permits expired is a disincentive to sellers, since a buyer will not assign any value to a permit that cannot be used. Making DAS transfers “directionless” simplifies the transaction: since a conservation tax is applied to the DAS acquired, a buyer will always want to arrange the transaction so that the permit sold is the one with fewer DAS. By making the transfer “directionless,” the buyer does not have to arrange a paper exchange of permits before the transaction. The history provisions are a clarification of existing policy, while the baseline characteristic requirements prevent an inadvertent increase in baseline through successive transfers. The changes in the regulations for the transfer of groundfish DAS do not apply to DAS issued under other management plans (scallops, monkfish). Vessels participating in the DAS leasing program cannot participate in the DAS transfer program until the following fishing year in order to ensure that catch and DAS use history can be accurately tracked and monitored.

4.8 Vessel Monitoring System

All limited access groundfish DAS vessels using a groundfish DAS must be equipped with an approved Vessel Monitoring System that meets the requirements of 50 CFR 648.9. It is illegal for a limited access DAS vessel to catch regulated groundfish and halibut without an approved VMS. A vessel with a limited access DAS permit that does not intend to fish for regulated groundfish at any time during the fishing year is permitted to renew its permit without installing an approved VMS, but cannot fish for regulated groundfish during the fishing year while using a DAS. Implementation of this provision will be delayed by NMFS as necessary to allow vendors to manufacture and install the units. During the delay period, NMFS will establish procedures to allow fishing consistent with this framework. NMFS will establish the implementation schedule after consultation with the Council.

Rationale: The requirement for groundfish vessels to install a VMS was first adopted in Amendment 5 for vessels with an individual DAS permit. Due to technical concerns, the requirement was postponed on several occasions, most recently with the adoption of Amendment 9 in 1998. The increasing complexity of the FMP makes it necessary to impose this requirement on all groundfish vessels so that fishing activity can be monitored. This equipment may also provide the ability in the future for electronic reporting of catch, simplifying the monitoring of the fishery. A VMS is not required to renew a multispecies limited access DAS permit, but a vessel cannot use a groundfish DAS unless it has a VMS. This does not restrict the permit holder from leasing DAS to another vessel.

4.9 Haddock Separator Trawl or Other Authorized Gear Performance Incentives

In areas and times when a special management program (SAP, Category B (regular) DAS program etc.) requires a vessel to use a haddock separator trawl or other gear authorized by the program to reduce catches of stocks of concern, possession of flounders (all species, combined), monkfish (whole weight), and skates (whole weight) is limited to 500 lbs. (each). The maximum of these species that can be possessed is 1,500 lbs.: 500 lbs. of flounders (all species, combined), 500 lbs. of monkfish, and 500 lbs. of skates (all measured as whole weight). Possession of lobsters is prohibited. If a specific program implements a different possession limit, the most restrictive limit applies (see, for example, the monkfish limits proposed for the Category B(regular) DAS program in section 5.2.4.1.1).

Rationale: The separator trawl is required in certain programs to allow targeting of haddock without increasing mortality of stocks of concern – in particular, cod. When properly used, the haddock separator trawl has proven effective at reducing the catch of cod, flounders, and other species while having little impact on the catch of haddock. When improperly configured, however, the net catches cod, flounders, and other bottom-dwelling species. This measure increases the incentive for fishermen to configure the net properly since only small amounts of flounders, monkfish, and skates can be landed when required to use the net. The small possession limits are designed to remove the necessity to discard small amounts of these species should they be caught with a properly configured net. Since other gears may be authorized in these programs in the future, these restrictions apply to those gears as well. The proposed limits do not supersede measures adopted in specific programs such as the Category B (regular) DAS program or a SAP. If a specific program adopts a different limit, the most restrictive limits apply.

4.10 Changes to the Haddock Trip Limit

The possession limit for haddock is removed. If the Regional Administrator projects that the target TAC for haddock will be exceeded at any time during the fishing year, NMFS may adjust, consistent with the Administrative Procedures Act, the trip limit per DAS and/or the maximum trip limit to an amount that

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US/CA Resource Sharing Understanding/Combined Trips to the Eastern US/CA Area

the Regional Administrator determines will prevent exceeding the target TAC. This adjustment can be made at any time, including prior to the start of the fishing year.

Rationale: The possession limit, as currently implemented, imposes an administrative burden without any clear benefits. Because catches have not approached the haddock target TAC in recent year the haddock trip limit has not been necessary. Current regulations required the Regional Administrator to make an in-season adjustment to ease or remove the trip limit. In recent years this has occurred as early as the third day of the fishing year. This change does not alter the ability of NMFS to impose a possession limit should it be necessary to prevent the TAC from being exceeded, nor does it alter authority to adjust measures in the US/CA area as necessary.

4.11 US/CA Resource Sharing Understanding

4.11.1 Combined Trips to the Eastern US/CA Area

A vessel that begins a fishing trip in the Eastern US/CA Area may chose to fish in other areas on the same trip. If a vessel chooses to fish outside of the Eastern US/CA area, the operator must notify NMFS via VMS prior to departure from the Eastern US/CA Area and must comply with the most restrictive possession limits for the areas fished. A vessel is prohibited from fishing in the CC/GOM and SNE/MA yellowtail flounder stock area if it possesses yellowtail flounder in excess of the trip limit for those stocks. In addition, all cod, haddock, and yellowtail flounder caught on the entire trip will be applied against the US/CA areas TACs, and the vessel will be charged DAS for the entire trip and will not receive any steaming time credit. The vessel must comply with reporting requirements for the US/CA area for the entire trip.

Rationale: This measure addresses a safety concern caused by the Amendment 13 restriction that vessels fishing in the Eastern US/CA area cannot fish in any other area. If worsening weather is forecast the vessel captain has only two choices: end the trip early or continue to fish in the Eastern US/CA area. The vessel operator cannot “hedge his bets” by choosing to fish closer to shore. The risk is that fishermen will keep fishing in the area until it is too late to evade a rapidly advancing storm front. This measure would allow fishermen to behave in a more prudent manner. In order to prevent misreporting of cod, haddock, and yellowtail flounder caught in the US/CA areas, all cod and haddock caught on the trip is applied to the TAC for that area. This is a conservative approach that will help ensure the TACs are not exceeded.

4.11.2 Regional Administrator Authority to Adjust Measures in the US/CA Area

The Regional Administrator is authorized to modify the management measures (including, but not limited to, possession limits, DAS that can be used, areas that can be fished, etc.) in the US/CA area at any time (including prior to the start of the fishing year) if necessary to facilitate harvesting the TAC or to prevent exceeding the TAC of GB yellowtail flounder, eastern GB cod, or eastern GB haddock. As required by Amendment 13, such adjustments will be made after consultation with the Council. Additional guidance for adjusting the GB yellowtail flounder trip limit is included in section 4.2.5.

When making adjustments to measures in the US/CA area, the Regional Administrator shall take into account the Council intent that opportunities to use Category A DAS take precedence over Category B DAS. The Regional Administrator can implement different measures for Category A and Category B DAS.

Rationale: Under existing regulations, adjustments cannot be made to the measures in the US/CA area until 30 percent of a TAC has been harvested. This measure allows the Regional Administrator to adjust

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SNE/MA RMA Trawl Mesh Requirements/Cod Landing Limit in the Eastern US/CA Area

any of the measures as necessary. This measure provides more flexibility to change measures at any time if necessary to harvest the TAC and removes the requirement that adjustments only be made when 30 or 60 percent of the TAC is harvested. Allowing changes prior to the start of the fishing year may ease administration should a measure be necessary in consecutive fishing years – a previously adopted measure will be allowed to carry-over into the following year. In addition, it may allow NMFS to combine the announcement of TACs prior to the start of a fishing year with any obvious changes that may be necessary to harvest the TAC.

This measure also clarifies that the Regional Administrator can implement different measures for Category A and B DAS when making adjustments in the U.S./CA. Since all vessels have the opportunity to use Category A DAS and the opportunities to use Category B DAS are limited, the Council believes that opportunities while fishing on Category A DAS should take precedence. For example, the Regional Administrator could stop fishing in the Category B (regular) DAS Program in the Eastern U.S./CA area while allowing fishing to continue on a Category A DAS or SAP in that area, or could adopt a different trip limit for vessels fishing on a Category A DAS than the limit while fishing on a Category B DAS.

4.11.3 Cod Landing Limit in the Eastern US/CA Area

A vessel fishing in the Eastern U.S./CA area, outside of a SAP or other Category B (regular) DAS program, may not land more than 500 lb (226.8 kg) per DAS, or part of a DAS, up to 5,000 lb (2,268 kg) per trip. Vessels fishing in a SAP or the Category B (regular) DAS program are limited to any catch limits adopted by those programs.

Rationale: This measure simplifies the cod landing limit in the Eastern U.S./CA area by removing the restriction that cod not exceed five percent of the total weight on board. The percent restriction is an unnecessary regulation that complicates administration of the landing limit. In particular, it made it difficult for vessels fishing in SAPs or the Category B DAS program to determine the applicable landing limit after “flipping” a DAS and changing the trip to a Category A DAS trip. This measure does not change any landing limits associated with SAPs or the Category B (regular) DAS Program.

4.12 SNE/MA RMA Trawl Mesh Requirements

Trawl vessels fishing on a groundfish DAS in the SNE/MA RMA are required to use 6.5 inch square or diamond mesh cod end.

Rationale: This measure reduces the size of diamond mesh required while fishing on a groundfish DAS. Regulations adopted by Amendment 13 required vessels to use either 6.5 inch square or 7 inch diamond mesh in trawl cod ends. Vessels do not use 7 inch diamond mesh because it does not retain enough fish to be economically viable. As a result, most vessels use 6.5 inch square, which retains smaller yellowtail flounder than 6.5 inch diamond mesh. Some vessels may choose to use 6.5 inch diamond if it is allowed, which may reduce discards of yellowtail flounder.

PROPOSED ACTION
SNE/MA RMA Trawl Mesh Requirements/Cod Landing Limit in the Eastern US/CA Area

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