

FINAL

Amendment 13

To the

Northeast Multispecies Fishery Management Plan

Including a

**Final Supplemental Environmental Impact Statement and an
Initial Regulatory Flexibility Analysis**

VOLUME I

Management Alternatives and Impacts

**Prepared by the
New England Fishery Management Council
National Marine Fisheries Service**

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COVER SHEET

RESPONSIBLE AGENCIES:

Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
Washington, D.C. 20235

New England Fishery Management Council
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PROPOSED ACTIONS:

Adoption, approval, and implementation of Amendment 13 to the Northeast Multispecies Fishery Management Plan.

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TYPE OF STATEMENT:

DRAFT

FINAL

ABSTRACT:

The New England Fishery Management Council and the NOAA Assistant Administrator for Fisheries propose to adopt, approve, and implement Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (the Act). The FSEIS presents the details of a management program designed to ensure compliance with the Act. It proposes measures to implement formal rebuilding programs for overfished stocks and to end overfishing on those stocks where it is occurring. Appropriate management measures will be adopted to implement these rebuilding programs. In addition, the Amendment will adopt measures to reduce excess harvesting capacity in the fishery and measures to minimize, to the extent possible, the adverse impacts of fishing on essential fish habitat. Finally, the Amendment includes measures that address a wide range of other management issues.

DATE BY WHICH COMMENTS MUST BE RECEIVED: _____

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EXECUTIVE SUMMARY

Current Status of the Regulations and Need for this Amendment

The Northeast multispecies fishery (Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, windowpane flounder, redfish, white hake, Atlantic halibut, and ocean pout) is currently managed through limitations on the number of days fished (days-at-sea; DAS), closed areas, trip limits, minimum fish sizes, and gear restrictions. The regulations implemented to manage the fishery are governed by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; M-S Act). The M-S Act mandates that action be taken if the size of a fish stock declines below a specified level ("overfished"), or if the annual harvest rate is too high ("overfishing"). Although the numbers of fish of many of the 12 groundfish species (20 stocks) have increased substantially in recent years and harvest rates have gradually declined, for many stocks the rate of increase must be accelerated to comply with the law, and for other stocks the harvest rate must be reduced. The stocks needing the largest reduction in fishing mortality are Gulf of Maine cod, Georges Bank cod, Cape Cod/Gulf of Maine yellowtail flounder, Southern New England/Mid-Atlantic yellowtail flounder, Southern New England/Mid-Atlantic winter flounder, white hake, and American plaice.

In December 2001, as a result of a lawsuit (*Conservation Law Foundation et al. v. Donald Evans et al*) against the National Marine Fisheries Service (NMFS), a Federal Judge ruled that the Northeast Multispecies FMP does not comply with the M-S Act and ordered that Amendment 13 measures be implemented by August 22, 2003. The Judge further ordered that measures agreed to by certain parties in a Settlement Agreement be implemented during the interim. One of the most significant measures implemented during this interim period, beginning August 1, 2002, was a freeze on the number of DAS to the maximum level used during recent years (fishing years 1996-2000) and a 20% DAS reduction from that level. Subsequent to the initial ruling, the judge extended the deadline for implementing new measures to May 1, 2004.

In addition to this lawsuit, Amendment 13 includes alternatives to address the court-ordered remedy in the case of *American Oceans Campaign et al. v Daley et al.* In this case the court ruled in this lawsuit that elements of the amendment adopted to comply with the essential fish habitat provisions of the M-S Act were not in compliance with the National Environmental Policy Act (NEPA). Most of these alternatives were previously published and distributed for public comment as the *Draft Environmental Impact Statement for the Essential Fish Habitat Components of Amendment 13 to the Northeast Multispecies Fishery Management Plan*. The proposed alternatives and impact analysis from that document have been incorporated into this SEIS.

The Purpose of this Document

This document provides information to the New England Fishery Management Council (Council), the public, and NMFS in order to select the best method of managing the fishery in accordance with the law. This Supplemental Environmental Impact Statement (SEIS) provides detailed information on the proposed action that has been developed by the Council to achieve the objectives of Amendment 13. It also includes information on the alternatives to the proposed action that were considered. The principal objectives of the amendment include rebuilding overfished stocks, ending overfishing, reducing unused effort in the fishery, addressing administrative issues, maintaining flexibility in the fishery, reducing bycatch, and minimizing the impact of the fishery on fish habitat and protected species (such as whales and turtles). In addition, this Amendment responds to the requirements of the court orders in the lawsuits of *Conservation Law Foundation et al. v. Donald Evans et al* and *American Oceans Campaign et al. v Daley et al.* As noted in the previous paragraph, this Amendment incorporates and expands on the *Draft Environmental Impact Statement for the Essential Fish Habitat Components of Amendment 13 to the Northeast Multispecies Fishery Management Plan*. This document describes and compares the various alternatives and provides

analyses of their impacts. There are three major categories of impacts - biological, economic, and social impacts – but impacts on bycatch, habitat, and enforcement are also described. This Executive Summary highlights the major elements of the proposed action and includes a summary table of those measures. It does not list alternatives not adopted. Please see the applicable sections of the amendment for specific details.

Changes from the Draft Amendment and DSEIS

This final amendment and FSEIS differ in several ways from the draft amendment and DSEIS. First, the proposed action is identified. Second, the document has been edited and re-organized to clearly identify the proposed action and alternatives not selected. Finally, additional analyses and discussion have been added to support the proposed actions.

The proposed action are based on the alternatives considered and public comments. One major change resulted from public comments. The Council originally considered choosing one rebuilding strategy for all overfished stocks. The proposed action uses a combination of the phased and adaptive strategies, further modified based on the management measures selected by the Council. This decision to combine rebuilding strategies also resulted in changes to the proposed management measures. These changes are further described in following sections.

With respect to additional analyses, this document includes biological and economic analyses of the combined rebuilding strategies and the management measures implementing those strategies. In addition, in response to public comments, it includes a discussion of the impacts of steaming time and reduced days-at-sea allocations on vessels that claim Maine as a homeport. Some of the habitat analyses have also been revised to incorporate public comments. An initial regulatory flexibility analysis had been included, as well as an evaluation of the adherence of this plan with the M-S Act national standards.

Clarification of Status Determination Criteria

Status determination criteria (overfishing definitions) were previously adopted in Amendment 9. The proposed action will clarify and revise the status determination criteria (overfishing definitions). Criteria for most stocks will be based on fully-recruited fishing mortality and spawning stock biomass. In addition, minimum biomass thresholds are changed to comply with National Standards guidelines. The Amendment also adopts revised numerical estimates of these parameters. The Amendment also requires a review of all status determination criteria in 2008 so that management measures can be adjusted, as necessary, for the 2009 fishing year.

Proposed Rebuilding Periods

For stocks that require a formal rebuilding program, the Council is proposing to rebuild most stocks by 2014. There are exceptions to the proposed date that are explained in the text.

Proposed Rebuilding Programs

In response to comments received from the public, the Council will use a combination of an adaptive and phased rebuilding trajectory strategy. The phased fishing mortality reduction strategy would not require as severe reductions in the initial years, but larger reductions in fishing mortality would be needed in later years. The adaptive strategy would fish at F_{MSY} through fishing year 2008, and then adjust mortality in order to rebuild most stocks by 2014. The proposed action combines these two strategies.

Fishery Program Administration

The measures proposed in this section address a wide range of administrative issues concerning groundfish management. Some of the measures also provide mechanisms to mitigate the impacts of the programs designed to rebuild groundfish stocks, such as through special access programs or refined requirements for certified bycatch/exempted fisheries.

Periodic Adjustment Process

The proposed action would combine two existing management committees - the Multispecies Monitoring Committee (MSMC) and the Plan Development Team (PDT) - in order to streamline the management process. The amendment also identifies additional measures that can be adjusted through framework action. It also schedules assessments of groundfish stocks in 2005 and 2008 in order to monitor the rebuilding program and provide the information necessary to adjust management measures.

Biennial Adjustment

This action will decrease the frequency of scheduled framework adjustments to existing fishery regulations. Compared with the current annual adjustment, the proposed biennial adjustment (every two years) would provide more time for management measures to take effect and allow more time to evaluate the relevant scientific information on the status of the stocks and the effectiveness of the regulations. If necessary, the Council could choose to initiate an adjustment at other times.

US/Canada Resource Sharing Agreement

This action will incorporate the US/Canada Resource Sharing Agreement into the FMP. The informal agreement specifies an allocation of cod, haddock and yellowtail flounder on eastern Georges Bank for each country. Total catches by U.S. vessels from specific areas may not exceed the designated quota. U.S. vessels fishing in the trans-boundary area would be required to use an approved Vessel Monitoring System, and cannot fish both inside and outside the area on the same trip. There are a range of measures proposed to ensure the U.S. does not exceed its share.

Administration of Certified Bycatch/Exempted Fisheries:

The proposed action allows alterations to the current rules to provide increased flexibility to administer the exempted fisheries program. The Council considered but did not adopt a periodic review of the current exempted fisheries.

Special Access Program

Because management measures are generally applied over a wide geographic area and across many sectors of the fishing industry, access to healthy stocks is sometimes overly restricted. The proposed action implements a system to expedite regulations that allow access to multispecies stocks that are in good condition, or to target non-multispecies stocks that can be harvested without compromising the goals of this amendment.

Four specific special access programs are proposed: a program to access GB yellowtail flounder in Closed Area II, a program to allow the landing of small incidental catches of winter flounder in the fluke fishery in Southern New England, a program to allow hook fishing for haddock in Closed Area I, and a program to facilitate catching the U.S. share of eastern GB cod, haddock, and GB yellowtail flounder under the U.S./CA resource sharing understanding.

Closed Area Administration

The Council considered changes to the list of gear allowed access to closed areas. As part of measures to minimize to the extent practicable the adverse impacts of fishing on essential fish habitat, the Council proposes to prohibit hydraulic clam dredges from groundfish closed areas.

Leasing Days-at-Sea

The proposed action will implement a DAS leasing program for the fishery in order to enhance economic viability. Under this alternative, DAS can be leased, there is no conservation tax on leased DAS, DAS may be leased for a one-year period, leased DAS must be used during the period of the lease, leasing to more than one vessel is allowed, and only Category A DAS may be leased (see below for a description). Lease agreements must be registered with the NMFS. Additional provisions address administrative and conservation issues related to DAS leasing.

Observer coverage

The proposed action adopts a statement for a desired level of observer coverage.

Vessel Monitoring System Requirements

This measure allows vessels to sign-out of the multispecies fishery and stop VMS messaging for a period of at least 30 days, but they are not allowed to fish during that period.

Handgear Permit

The proposed action establishes one limited access permit category and one open access permit category. To be eligible for a limited access permit, a vessel must have had 500 lbs. of cod, haddock, or pollock in any one fishing year from fishing years 1997 through 2001 when fishing under the handgear category. The trip limits for this new category would be 300 lb trip limit for cod. Open access permits are limited to 75 lbs. of cod.

Reporting Requirements

The Council proposes to adopt daily electronic dealer reporting. Dealer and vessel reports will be linked by a trip identifier. Electronic vessel reporting may be required in the future.

Sector allocation

This alternative creates a system for approval of voluntary, co-operative sectors within the multispecies fishery. An organized sector would receive a share of the TAC or available DAS, based on prior history in the case of the TAC or current DAS allocations. The sector would form a plan that when approved by NMFS would control fishing by that sector. This may provide a way for sectors to adapt to the management regulations proposed.

One specific sector is proposed – the GB hook sector. This would implement a sector allocation for Georges Bank cod to the hook sector and allocates a portion of the Georges Bank cod total allowable catch. Other provisions include:

- Participation in the sector is voluntary
- A ‘hard’ TAC would be allocated to the sector based upon the share of the Georges Bank cod caught by the hook sector members during fishing years 1996 through 2001.
- Vessels in the sector would be required to have a vessel monitoring system and jig and longline vessels would be subject to seasonal trip limits.
- All vessels in the sector would be required to have a vessel monitoring system and there would be mesh restrictions and net limits according to whether a vessel is a Day or Trip vessel and uses stand-up or tie-down nets.

Alternatives to Control Fishing Capacity

Since the implementation of the DAS program under Amendment 5, a large portion of the total number of allocated DAS have not been used. Such unused DAS (also known as ‘latent effort’) represent potential future fishing effort. Without some type of control on this latent effort, the use of DAS could increase and thus make it more difficult to rebuild stocks. The following actions were designed to reduce unused DAS and provide additional flexibility to the industry by allowing, for example, transfer of DAS.

Days-at-Sea Transfer

This proposal will allow multispecies limited access permit holders to permanently transfer DAS to other multispecies limited access permit holders, with some restrictions. The selling vessel is required to retire from all Federal and state fisheries (limited access and open access). The current restrictions on the allowable maximum size of a replacement vessel would continue to apply (buying vessel cannot be greater than 10% larger in size or tonnage, or have a horsepower greater than 20% of the selling vessel).

Days-at-Sea Reserve

This alternative is built on the concept that a vessel's DAS can be divided into two classes, those that have been used and those that have not been used. Because DAS represent fishing effort, those DAS that have been used are referred to as "effective effort". This alternative first would calculate the amount of used DAS (effective effort) each vessel has had historically. Effective effort is calculated on the basis of DAS use and groundfish landings during the period fishing year 1996 through 2001.

Once effective effort is calculated, DAS would be divided into three categories: Category A: effective DAS available for use; Category B: effective DAS that can only be used to target healthy stocks either through special access programs or other programs developed in a future management action; and Category C: latent (unused) DAS, which is the difference between a vessel's Amendment 7 allocation of DAS, and its number of effective DAS. Upon implementation of Amendment 13, Category A DAS are available to fish for any groundfish species. Category B DAS may be used to fish in special access programs. Future frameworks will consider additional uses for Category B DAS. In the future, the ratio of Category A to Category B DAS may be adjusted, and Category C DAS may be allowed back into the fishery subject to a conservation tax.

Measures to Address Rebuilding Requirements

Commercial Fishery Measures

- Category A DAS, that can be fished on on stock, are limited to sixty percent of effective effort as defined by the DAS reserve program. Category B DAS are sub-divided into Category B (regular) and Category B (reserve) DAS. Upon implementation of the amendment, Category B DAS can be used to target healthy stocks through special access programs. Future management actions may create additional opportunities to target healthy stocks using Category B (regular) DAS outside of special access programs.
- The Gulf of Maine cod trip limit is increased to 800 lbs-day/4,000 lbs. per trip
- Rolling closures, year-round closures, and minimum fish sizes, implemented August 1, 2002 are continued.
- The Georges Bank cod trip limit is reduced to 1,000 lbs-day/10,000 lbs-trip for trawl and gillnet vessels. A seasonal trip limit is in place for hook gear.
- Cape Cod/Gulf of Maine yellowtail flounder is subject to a seasonal trip limit: 250 lbs (May/June) and 750 lbs-day/3,000 lbs-trip (October/November)
- Southern New England/Mid-Atlantic yellowtail flounder is subject to a to a seasonal trip limit of 250 lbs (March through June) and 750 lbs-day/3,000 lbs-trip (July through February)
- Several gear modifications are adopted, including increased mesh size (compared to that used in fishing year 2001) and additional restrictions on gillnets. These changes are similar to the measures adopted under the Framework 33 settlement agreement.
- In order to implement the phased and adaptive strategies, in fishing year 2006 through 2008, Category A DAS will be limited to fifty-five percent of effective effort as defined by the DAS reserve program. In fishing year 2009, Category A DAS will be limited to forty-five percent of effective effort as defined by the DAS reserve program. These default measures may be adjusted based on stock conditions.
- Beginning in fishing year 2006, vessels fishing in the Southern New England or Mid-Atlantic Regulated Mesh Areas from December through April would be charged DAS at a rate of 1.5 days for each day fished. This default measure may be adjusted based on stock conditions.

Recreational Fishery Measures

The proposed action implement a 10 cod per person per day limit for the private recreational vessel and a 10 cod per person per day limit for the charter/party vessel fishing in the Gulf of Maine. Any trip greater than 15 hours in length and covering 2 calendar days would be considered more than one day. The minimum recreational cod size would be 22 inches, and minimum recreational haddock size would be 19 inches.

Description of Alternatives to Minimize the Adverse Effects of Fishing on Habitat (to the extent practicable)

A broad range of alternatives have been considered to minimize, to the extent practicable, the adverse effects of fishing on habitat. These measures were previously analyzed and distributed for public comment as the *Draft Environmental Impact Statement for the Essential Fish Habitat Components of Amendment 13 to the Northeast Multispecies Fishery Management Plan*. Of the broad range of alternatives, the Council selected three (3) to satisfy their statutory mandate.

Alternative 2: Benefits to EFH of other Amendment 13 measures

Because management measures that were designed to reduce fishing mortality may also provide benefits to fish habitat, such management measures should be explicitly considered as part of a formal strategy to reduce impacts on habitat.

Additions or modifications to closed areas (Alternative 10 (option b): Compromise Habitat Closure Areas

Closed areas that are modifications of existing mortality closures and other proposed closed habitat closures

Expand list of prohibited gears in closed areas (Alternative 7)

This proposal will expand the of types of fishing gears prohibited in closed areas to include clam dredges.

Other Issues

Northern Shrimp Fishery Exemption Area

This action removes the multispecies plan restriction on the area available to the Northern Shrimp Fishery.

Tuna Purse Seine Access to Closed Areas

This action will allow tuna purse seine vessels access to all groundfish closed areas.

Southern New England General Category Scallop Exemption Program

Subject to any restrictions in the scallop FMP, this action will allow access to an exemption area in southern New England to fish for scallops for vessels allowed to fish as general category scallop vessels. Vessels would be allowed to fish in this area while not under a multispecies day-at-sea as long as they comply with several restrictions.

Biological Impacts of Alternatives

Fishery Program Administration

The following measures are not expected to have any impact on fishing mortality: changing the periodic adjustment process, modifying the administration of the certified bycatch/exempted fisheries, eliminating the Flexible Area Action System (FAAS), observer coverage requirements, VMS requirements, reporting requirements, sector allocation mechanism, including creation of two specific sectors. Special Access Programs are not expected to increase fishing mortality on stocks of concern, but may increase mortality on healthy stocks.

Rebuilding Strategies

The proposed action will rebuild most overfished stocks by 2014. The three exceptions are CC/GOM yellowtail flounder (2023), GB cod (2026), and redfish (2051).

Measures to Address Rebuilding Requirements

The proposed commercial and recreational fishing measures are expected to reduce fishing mortality to rates necessary to achieve rebuilding and end overfishing. The inclusion of Category B DAS is not expected to adversely impact the rebuilding strategy on managed species. The use of these DAS will be limited to programs designed to have minimal impact on stocks for which fishing mortality must be

reduced. The impacts of eliminating the area restriction for the Northern Shrimp Fishery is difficult to estimate, but is expected to be minimal. Providing unrestricted access for tuna purse seine vessels to closed areas may increase bycatch of groundfish in those areas, but the increase is likely to be small, and the SNE General Category Scallop Exemption Area should have little effect on rebuilding of groundfish stocks in this area.

Habitat Impacts of Commercial Rebuilding Alternatives and Recreational Measures

All the rebuilding alternatives increase the level of habitat protection compared to No Action, but the proposed rebuilding alternative and Alternatives 1 and 2 would have greater habitat benefits due to the increased level of effort (DAS) reduction and the gear restrictions that they include. Reductions in fishing effort, including DAS reductions, are one mechanism known to minimize the adverse impacts on habitat associated with fishing, by reducing the frequency and intensity of fishing gear use. The benefits of closures to habitat are dependent upon the types of habitat within the closed area, the length of the closure, and the types of gear permitted inside them. Recreational fishing, primarily through hook and line, has no significant impact on habitat.

Measures to Minimize the Adverse Affects of Fishing on Habitat

This document includes a detailed gear effects evaluation, determination of adverse effects, and practicability analysis for all habitat alternatives. The potential impacts of the various year-round closed area scenarios have been evaluated from a habitat perspective by analyzing sediment composition, the biomass of selected groups of species within each closed area alternative, and the amount of area designated as EFH for 23 species with benthic life stages that were determined to have EFH that is vulnerable to the effects of mobile, bottom-tending gear. Another factor that was considered was the size of each proposed closed area and the extent to which each one overlaps with portions of the existing groundfish closed areas that have either remained closed to groundfish gear and scallop dredges since these closures were established in 1995 and 1998, versus portions that were opened temporarily to scallop dredging in 1999 and 2000.

Measures to Control Capacity and Increase Flexibility

The proposed action will reduce the possibility of latent effort re-entering the fishery in an uncontrolled manner.

Impacts on Protected Species

Conservation and management measures in Amendment 13 minimize bycatch and bycatch mortality of unavoidable discards to the extent practicable. Amendment 13 is likely to decrease effort among all gear components of the fishery. For this reason, the Amendment will not increase sink gillnet effort in the region and will not affect the ability of the Harbor Porpoise Take Reduction Plan to maintain serious injuries and mortalities below allowable levels. The existing FMP measures in combination with other measures adopted to protect these species will affect, but are not likely to jeopardize the continued existence of large whales, turtles, or other protected species.

Impacts of Alternatives on Bycatch

Many of the measures included in the proposed action will have a direct impact on bycatch and/or bycatch mortality, although it is difficult to quantitatively evaluate these impacts. The adopted rebuilding strategy will require significant reductions in catch in the initial years of the program. Coupled with strict controls on fishing effort, the proposed action should reduce overall bycatch levels of groundfish, skates, monkfish, and dogfish.

The proposed action contain DAS reductions that are likely to significantly reduce discards and discard mortality of all bycatch species by reducing time fishing and by reducing total catch. Some measures, such as increased mesh and higher trip limits for some stocks, may also reduce the rate of discards. Although reduced trip limits may increase bycatch if fishermen are unable to avoid catching the limited species, an increasing daily trip limit reduces the discard to kept ratio. The proposed Georges Bank access program for

yellowtail flounder is likely to result in the discarding of several species, including non-groundfish species, however discard rates appear to be minimal based on available data. The proposed US/CA Resource Sharing Understanding Special Access Program may also increase discards, but the adoption of a hard TAC for cod, haddock, and yellowtail flounder will control any increases. The SNE/MA Winter Flounder Incidental Catch Special Access Program may reduce discards since vessels will be allowed to land small amounts of winter flounder that now must be discarded to comply with the regulations.

Economic Impacts of Alternatives

The economic effects of the proposed action are evaluated from both a short term and long term perspective.

Rebuilding Periods

Rebuilding most stocks by 2014 will result in an additional discounted economic benefits compared to rebuilding most stocks by 2009.

Rebuilding Strategies

The economic benefits of rebuilding strategies were compared assuming perfect implementation – that is, all target fishing mortality rates are achieved. The rebuilding strategy associated with the Proposed Action, however, is based in part on the fishing mortality rates that are expected to result from the proposed management measures. The economic impacts of the proposed measures thus are more likely to reflect future realized economic impacts. The purpose of the analysis, however, is primarily to compare strategies and not to predict specific revenue or net benefit levels.

In general, the net benefit of a rebuilding program, regardless of strategy chosen, would be greater than the net benefit of taking no action, but this is dependent on the time period for evaluation. The proposed action will yield positive economic benefits by 2019, while the adaptive strategy (not selected) would yield positive economic benefits by 2018, the constant fishing mortality strategy (not selected) by 2018, and the phased reduction strategy (not selected) by 2021. Because projected landings streams are subject to uncertainty, it is useful to examine the probability that rebuilding benefits will exceed the no action alternative. There is only a five percent chance that positive benefits will accrue under the proposed action by 2014, while there is at least an 80 percent probability that any of the rebuilding strategies will return positive benefits by 2026. The adaptive fishing mortality rebuilding strategy provides the highest present value, but is only slightly greater than the constant fishing mortality strategy. The difference in present value between the No Action Alternative and rebuilding (any strategy) is less than \$300 million over 23 years.

Mean total landings for the regulated groundfish species, projected to be about 127 million lbs in 2003, were projected to be 289 million lb. in 2026 (when all stocks are rebuilt) for the "No Action" alternative. This compares to landings of 146 million pounds under the proposed action in 2004, and 320 million pounds by 2026. Nominal revenues under no action are expected to increase to \$344 million in 2026, but will increase to \$360 million under the proposed action. Net benefits would increase to \$280 million under no action, but will increase to \$310 million under the proposed action. The projected revenue streams suggest that over the long term much of the economic losses predicted will be offset by gains in harvest levels. The proposed action yields higher groundfish landings than any of the other rebuilding strategies considered for the period 2004 through 2007, and the second highest landings in 2008. From 2009 through 2014, the proposed action yields lower landings than other rebuilding strategies.

Measures to Address Rebuilding Requirements

While the comparison of rebuilding strategies assumes all target fishing mortality rates are achieved, the evaluation of the distributive impacts of the proposed action uses a model that estimates the actual exploitation rates that could result from the major elements of the alternatives. These impacts are short-term in nature. These revenue impacts are reported for different categories of groundfish vessels. In general, the analysis shows that those vessels or communities that are most dependent on groundfish will be most

affected by the proposed action. Twenty-five percent of the vessels that claim Maine, New Hampshire, or Massachusetts as a homeport will lose at least one-third of gross revenues. The ports of Boston, Chatham/Harwichport, New Bedford, Portland, and Upper Mid-Coast Maine will be most affected. Median revenue losses for gillnet and hook gear are expected to be lower than for trawl gear. For those vessels that rely on groundfish for seventy-five percent or more of their fishing revenue, the median revenue loss is thirty-five percent. These impacts do not include any revenues that may be earned while fishing on Category B DAS or in special access programs.

An input/output model was constructed to evaluate the impacts of rebuilding alternatives on coastal economies. This is also a short-term analysis that does not estimate the impacts of increased future landings as a result of stock rebuilding. The total combined impact on the New England economy, in terms of sales, is estimated to be a loss of \$135.5 million. About nineteen hundred jobs will be affected, primarily in the fishing industry, while the proposed action will reduce personal incomes by \$55.4 million.

With regard to the recreational measures, the economic impacts are small, relative to the beneficial biological impacts of those measures.

Measures to Minimize the Adverse Affects of Fishing on Habitat

The practicability analysis synthesizes all the conclusions from the habitat alternative analysis, including the socio-economic impacts, biological and ecological impacts, other identified impacts, as well as issues such as compliance with National Standards. Economic impacts of additional habitat closed areas were analyzed by examining recent revenues from those areas different species or species groups. The amount of revenues that would have been displaced if no fishing gear was allowed in those areas was calculated. Generally the more area closed, the more revenues are displaced. Much of the revenues displaced under all habitat closure alternatives is a result of a decrease in lobster landings. The level of habitat closure – that is, what gear is excluded from an area – affects the ranking of the habitat closure alternatives. Habitat closure alternative 5a has the most revenue impacts if all gear is excluded, but Alternative 5b has the most impact if only mobile gear is excluded.

Impacts of habitat alternatives on coastal economies were also estimated. These impacts cannot be added to those expected to result from the rebuilding alternatives, as different methods are used.

Measures to Control Capacity

Each of the capacity proposals is designed to provide greater economic opportunity and flexibility in all fisheries while maintaining the character of the existing fleet, and to achieve some long-term reduction in the number of vessels permitted to fish in the Northeast fisheries. The DAS transfer alternative requires that with the transfer of its DAS, a selling vessel must retire from fishing in state or Federal open and limited access fisheries. While this expands economic opportunities for some vessels, it eliminates participation of others in the groundfish and other fisheries. This may reduce voluntary participation in the capacity reduction programs. The measure which defines effective effort may have widely varied impacts on permit holders depending on their history in the groundfish fishery, benefiting some and severely limiting others.

Social and Community Impacts of Alternatives

Social impacts of DAS reductions tend to be more far-reaching and long-term in nature than social impacts from other management measures like trip limits, gear restrictions, and seasonal area closures. DAS reductions tend to significantly disrupt daily living, limit occupational opportunities, and alter community infrastructure. The majority of vessels that have multispecies Limited Access Individual DAS permits, use more of their allocated DAS, and will be most impacted by the large reductions in DAS proposed are homeported in Portland, Boston, and New Bedford. Trip limits are most likely to affect regulatory discarding and attitudes towards management. If Georges Bank trip limits are set too low, disproportionate impacts are likely to be experienced by the hook sector in Chatham/Harwichport, but the approval of the hook sector may mitigate these impacts to some extent. The nature of impacts of the gear restrictions under consideration will depend on the cost of the new gear, the current availability of the new gear, and vessel's

choices as to whether or not to fish in the areas where the new gear is required. Set-asides for bycatch fisheries will reduce negative social impacts. Sector allocation and area management could provide for development of management measures that are more consistent with fishing activity and resource conditions in a particular area, encourage a greater sense of stewardship, and ensure that fishing activity in one sector does not adversely affect fishing activity in another sector.

Cumulative Impacts

Long-term effects of each of these rebuilding alternatives on the multispecies stocks are clear: stocks will rebuild as a result of the accumulated effects of measures applied over time and in response to these specific measures in Amendment 13 targeted at stock rebuilding. Effects of these alternatives in the long term are less clear or quantifiable from a social and economic perspective.

Fishery program administration measures will have generally small or negligible cumulative effects on fishing communities, groundfish stocks and habitat. The capacity reduction measures, which are designed to provide increased flexibility and economic opportunity, may have positive cumulative effects on fishery participants while reducing effort over the long term. In the short term, however, they will limit the opportunity of some permit holders to participate in the fishery. Alternatives to reduce the impacts of fishing on habitat will have limited positive cumulative effects on fishery resources. Cumulative effects of these alternatives on EFH may be positive, and will vary among alternatives. Measures to achieve stock rebuilding will all have strong positive effects on the resource through large reductions in fishing effort. These alternatives will have negative cumulative effects on fishing communities, particularly over the short term, but are intended to ensure that a sustainable fishery is attained in the long term. Some effects of these measures on fishing communities may be irreversible, such as losses in shoreside infrastructure and gentrification of the waterfront in response to reductions in the fishing fleet. As a result, the benefits that will ultimately accrue from the rebuilding program may not be realized by current participants in the fishery. The proposed action attempts to mitigate these impacts by allowing higher landings in the 2004 – 2008 period than other alternatives, which should help some fishermen remain in business as stocks rebuild. In general, measures which reduce fishing effort will have a negative cumulative effect on fishery participants while producing a positive effect on the resource and habitat.

Fishery Program Administration Measures

Alternative Name	Description
Periodic Adjustment Process	
Modified Periodic Adjustment Process	revision of PDT to include MSMC SAFE report prepared each year but adjustment process occurs biennially (every 2 years) addition of new frameworkable items
US/CA Resource Sharing Understanding	specifies an allocation of GB cod, haddock and yellowtail flounder for ea. country (allocation based on a formula which includes distribution of the historical catch between the nations and present resource distribution) if a species allocation is reached during course of FY in U.S., TAC for following year is reduced by the same amount
Administration of Certified Bycatch/Exempted Fisheries	as in A-7, incidental catch of regulated multispecies must be less than 5% of total catch by weight (this standard may be changed through Council action) other impacts of fishery must be considered during review bycatch/exempted fishery may be authorized on case-by-case basis to retain and land regulated multispecies
Special Access Programs (SAP)	provides access to limited, specific regulated multispecies fisheries or other non-groundfish fisheries that do not undermine objectives of the multispecies FMP but would otherwise be prohibited requires submission and approval of a management action by the Council demonstrating that SAP will not adversely impact stocks of concern, analyzing impacts of the proposal and demonstrating compliance with applicable law requires submission, review and approval by Council and/or Regional Administrator
<i>Specific SAPs</i>	
<i>Georges Bank Yellowtail Flounder Special Access Program</i>	June-December—fishing vessels may make 2 trips/month into area opened for scallop CAll access program for yellowtail flounder vessels limited to 30,000 lbs yellowtail per trip all vessels required to use VMS no DAS charged for transit to CAll/statistical areas 561 and 562 may not fish until after entering open area and starting DAS clock DAS clock stops exiting area vessels limited to 1/5 of daily GB cod trip limit Maximum of 320 trips, but RA may change # of authorized trips
<i>Southern New England/Mid-Atlantic Winter Flounder Incidental Catch Program</i>	a vessel fishing for fluke west of 72-30' W using mesh authorized by fluke plan and not on a groundfish DAS may retain and land up to 200 lbs. of winter flounder vessel must possess valid fluke permit vessel must have fluke on board vessel operator must sign into program for minimum of 30 days and have LOA from RA on board cannot fish on a groundfish DAS when in the program fishing must take place west of 72-30'W possession and/or landing of other groundfish is prohibited
<i>U.S./CAN Resource Sharing Understanding SAP</i>	vessels fishing in 5Zjm given DAS credit for steaming time: time spent steaming to and from area will not be charged access provided to CAll to facilitate catching haddock and yellowtail for period of 10 mos. (not March and April) (may be adjusted by RA) measures may be adjusted by RA other incentives possible in future
<i>CA I Hook Gear SAP</i>	Allows limited hook fishign to target haddock in CA I Observer coverage on all trips

Closed Area Administration	
Rationale for Closed Areas	When closures are adopted, Council will define intent and specific purpose of closures and explicitly describe duration of closure and who can/cannot fish there
Flexible Area Action System (FAAS)	the FAAS will be eliminated
Leasing of DAS	DAS may be leased from one fishing vessel to another, subject to a number of restrictions
Conservation Equivalency Alternatives	lessor may not lease DAS to any vessel with a horsepower that is over 20% more than that of the lessee or a LOA, GRT and NT that is over 10% more than that of the lessee DAS cannot be sub-leased
Limitations on Number of DAS Leased	a vessel may lease the number of DAS equal to its allocation for FY2001 (not including carry-over DAS)
Permit History Provisions	history of DAS use remains with permit that "owns" the DAS landings associated with leased DAS remain with the permit that lands fish if a vessel does not use all allocated and leased DAS, DAS will be considered used first
Expiration of Leasing Program	leasing automatically expires after 2 years unless extended by Council action
Observer Coverage	10% observer coverage requested; NMFS will determine by 2006 whether this level is appropriate
VMS Requirements	vessel using VMS can withdraw from program for min. of one calendar month and can not during this period or transit in the EEZ with gear capable of catching groundfish unless it is properly stowed
Reporting Requirements	
<i>Dealer Reporting Options</i>	
Daily electronic reporting	Daily electronic dealer reporting where the dealer reports a trip identifier and type of catch; Reports due to NMFS within 24 hours of the transaction Trip identifier generated and reported by the vessel or the dealer(s)
<i>Vessel Reporting Options</i>	
Trip Identifier	Current VTR requirement maintained for all vessels with the addition of the trip identifier and possible future adoption of electronic vessel reporting
Hand-Gear Only Permit Alternatives	
Category A – Limited Access	vessel in the open access handline/rod and reel category must have landed 500 lbs. of cod, haddock or pollock in at least one FY from 1997-2001 permits may be transferred trip limit is 300 lbs. cod for all other species trip limits same as for limited access vessels cod trip limit adjusted proportionally to that for DAS vessels same yr-round and seasonal closures as for limited access vessels
Category B – Open Access	trip limit is 75 lbs. cod for all other species trip limits same as for limited access vessels cod trip limit adjusted proportionally to that for DAS vessels
Sector Allocation (general)	
Formation of a Sector	participation voluntary (non-participants in common pool) must submit legally binding plan of operations
Sector Review and Approval	
Periodic Adjustment Process	sector will submit operations plan to Council at least one year before planning to start operations Council will implement plan during course of periodic adjustment process
Movement Between Sectors	
Option 3	allow for each sector to set their own rules on movement

Allocation of Resources	allocated based on documented catch allocated TACs for entire sector based on accumulated catch histories over previous five years of participants specific years defined for determining catch history
Mortality/Conservation Controls	hard annual TACs by species allocated to the sector as a whole
Enforcement of Sector Provisions/VMS Requirements	responsibility of each sector to enforce provisions adopted through plan no VMS requirements unless adopted in A-13
Interaction of Sector with Common Pool Vessels	a sector will not pay consequences if TACs exceeded by other sectors or common pool vessels if a sector exceeds TAC, quota will be reduced by same amt. as overage in following year sectors may be subject to same closed areas, min. fish sizes, permitting restrictions, gear restrictions, and reporting requirements as common pool vessels
Georges Bank Hook Sector Allocation	sector created: hook sector for harvesting Georges Bank cod participation voluntary allocation depends on history of participating permit holders
Georges Bank Cod Hook Sector	hard TAC for GB cod allocated to sector (quota determined by calculating share of GB cod harvest by sector participants with hook gear 1996-2001) when TAC reached, fishing ceases for commercial hook sector longline vessels limited to max. of 3,600 12/0 circle hooks per trip measures to be defined in operations plan

Capacity Reduction Alternatives

Alternative Name	Reduction in DAS?	Affected Groups, general	Additional Restrictions	Details
DAS Transfer	yes 40% active; 90% inactive	multispecies limited access permit holders	LOA or tonnage of buying vessel not more than 10% greater than LOA or tonnage of selling vessel hp of buying vessel not more than 20% greater than hp of selling vessel seller retires from fishing	DAS may be used in entirety any time following transaction (subject to any limits based on category of DAS)
DAS Reserve	no	multispecies permit holders	Category A DAS may be used to target any groundfish species when A-13 implemented Category B DAS can be used in special access programs, and as defined in future Category C days frozen in reserve account	Based on DAS use FY 1996 through 2001, in years when 5,000 pounds of groundfish landed Three categories of DAS defined (A, B, C)

Management Alternatives to Address Rebuilding Requirements

Alternative Name	Area Closures (yr-round)	Seasonal/Rolling Closures	Possession Limits	Effort Controls	Gear Restrictions	Minimum Fish Sizes	VMS Requirements	Additional Restrictions	Details
Proposed Action	current closures maintained (CA I & II, NLS, CL, WGOM)	<p>Gulf of Maine March 121, 122, 123 April 121-125, 129-133 May 124-125, 129-133, 136-140 June 132-133, 139-140, 141-147, 152 October 124, 125 November 124, 125</p> <p>Georges Bank May 80-81, 98-99, 109-114, 118-120 south of 42°20'N</p>	<p>GOM cod- 800 lb/day, 4,000 lb/trip GB cod- 1,000 lb/day, 10,000 lb/trip or seasonal limit for hooks, CC/GOM yellowtail- Apr-1-May 31, Oct 1-Nov 30 250 lb. possession lim.; Rest of year 750 lbs/DAS, 3,000 lbs/trip possession lim. SNE/MA yellowtail- March 1-Jun 30 250 lb. possession lim.; Jun 1-Feb 28 750 lbs/DAS, 3,000 lbs/trip possession lim. RA may adjust haddock trip limit prior to or during FY to prevent exceeding target TAC or allow harvesting up to 75% of target TAC</p>	<p>Based on DAS reserve Baseline</p> <p><u>FY 2004-2005</u> Cat A: 60% Cat B (reg): 20% Cat B (res): 20%</p> <p><u>FY 2006 - 2009</u> Cat A: 55% Cat B (reg): 25% Cat B (res): 20%</p> <p>In SNE/RMA mesh area, DAS count 1.5:1</p> <p><u>FY 2009</u> Cat A: 45% Cat B (reg): 35% Cat B (res): 20%</p> <p>Cat B DAS can only be used in a Special Access Program until requirements for use of Cat B (reg) DAS specified in a future framework</p>	<p>Day Gillnet</p> <ul style="list-style-type: none"> • <u>GOM</u>: 6.5" roundfish, 50 net max.; 6.5" flatfish, 100 net max. • <u>GB</u>: 6.5" all nets, 50 net max. • <u>SNE</u>: 6.5" all nets, 75 net max. • <u>MA</u>: 6.5" roundfish, 75 net max.; 6.5" flatfish, 75 net max. <p>Trip Gillnet-</p> <ul style="list-style-type: none"> • <u>GOM</u>: 6.5" all nets, 150 net max. • <u>GB</u>: 6.5" all nets, 150 net max. • <u>SNE</u>: 6.5" all nets, 75 net max. • <u>MA</u>: 6.5" all nets, 75 net max. <p>Monkfish-</p> <ul style="list-style-type: none"> • 10", 150 net max. <p>Trawl</p> <ul style="list-style-type: none"> • <u>GOM/GB</u>: 6.5" diamond/sq. cod end, raised footrope trawl (two options on area), 8.5" diamond/sq. large mesh entire net • <u>SNE</u>: 7" diamond/6.5" sq. cod end, 8.5" diamond/sq. large mesh entire net • <u>MA</u>: 6.5" diamond/sq. cod end, 7.5" diamond/8" sq. large mesh entire net <p>Hook gear -</p> <ul style="list-style-type: none"> • <u>GOM</u>: 2000 hooks • <u>GB</u>: 3600 hooks • <u>SNE</u>: 2000 hooks • <u>MA</u>: 4500 hooks • at least 6" between fairlead rollers, all areas; min. size 12/0 circle hooks for longline (except in MA) 	<p>Cod 22" Haddock 19" Pollock 19" Witch flounder 14" Yellowtail flounder 13" Atlantic halibut 36" American plaice 14" Winter flounder 12" Redfish 9"</p>	none	management measures adopted by the negotiated settlement agreement (August 1, 2002) are maintained unless sepcifically changed	

Recreational Fishing Measures				
Alternative Name	Minimum Fish Sizes	Possession Limits	Closed Seasons	Other
Proposed Action	Cod - 22" haddock- 19"	Private- 10 cod/person/day no haddock limit Party/Charter- 10 cod/person/day no haddock limit any trip in excess of 15 hrs and covering 2 consecutive calendar days is considered >1 day	none	all other measures in place during FY2001 will continue to apply

Alternatives to Minimize the Adverse Effects of Fishing on Habitat			
Alternative Name	Gear Restrictions	Area Closures (see note below on Closure Levels*)	Additional Restrictions and Details
Alternative 2 – Complementary benefits of other Amendment 13 Alternatives	see Details	see Details	measures chosen in Amendment 13 will be relied on to provide habitat protection
Alternative 7 - Expand list of gears prohibited in closed areas	list of fishing gear prohibited from use in habitat closed areas expanded to include clam dredges	no additional closures	none
Alternative 10 - Habitat Closed Areas that are modifications of existing mortality closures and other proposed habitat closures	none	<ul style="list-style-type: none"> ● habitat designated closed areas within existing yr-round closures ● extension on NLCA new closures ● Modified mortality closed areas and other proposed habitat closures including the <i>original</i> Cod HAPC in Closed Area II 	Level 3 – The area will be closed indefinitely on a year-round basis to all bottom tending mobile gear.

Other Issues		
Alternative	Description	Other Requirements/Restrictions
Northern Shrimp Fishery Exemption Area	No multispecies FMP restrictions on the area authorized for the Northern Shrimp Fishery	Nordmore grate requirement maintained
Tuna Purse Seine Vessel Access to Groundfish Closed Areas	Tuna purse seine vessels allowed into all groundfish closed areas	Fishing for, landing or retaining multispecies (including small-mesh multispecies) prohibited May not have on board gear capable of catching groundfish Vessels may not fish in CA II HAPC RA can alter access if necessary to protect habitat or groundfish stocks
SNE General Category Scallop Vessel Exemption Program	Exemption program created	Subject to restrictions in the Scallop FMP May not fish for, possess on board, or land any species other than scallops Combined dredge width on board shall not exceed 10.5 feet Eight inch minimum twine top Does not apply to NLCA unless specifically authorized through multispecies FMP

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