

3.6 Management Measures to Address Rebuilding Requirements

The following measures have been designed to achieve specific fishing mortality reductions described in section 3.2. The needed fishing mortality reductions are based on the selected rebuilding trajectory and/or ending overfishing. Statistical area and thirty minute square charts are provided for reference.

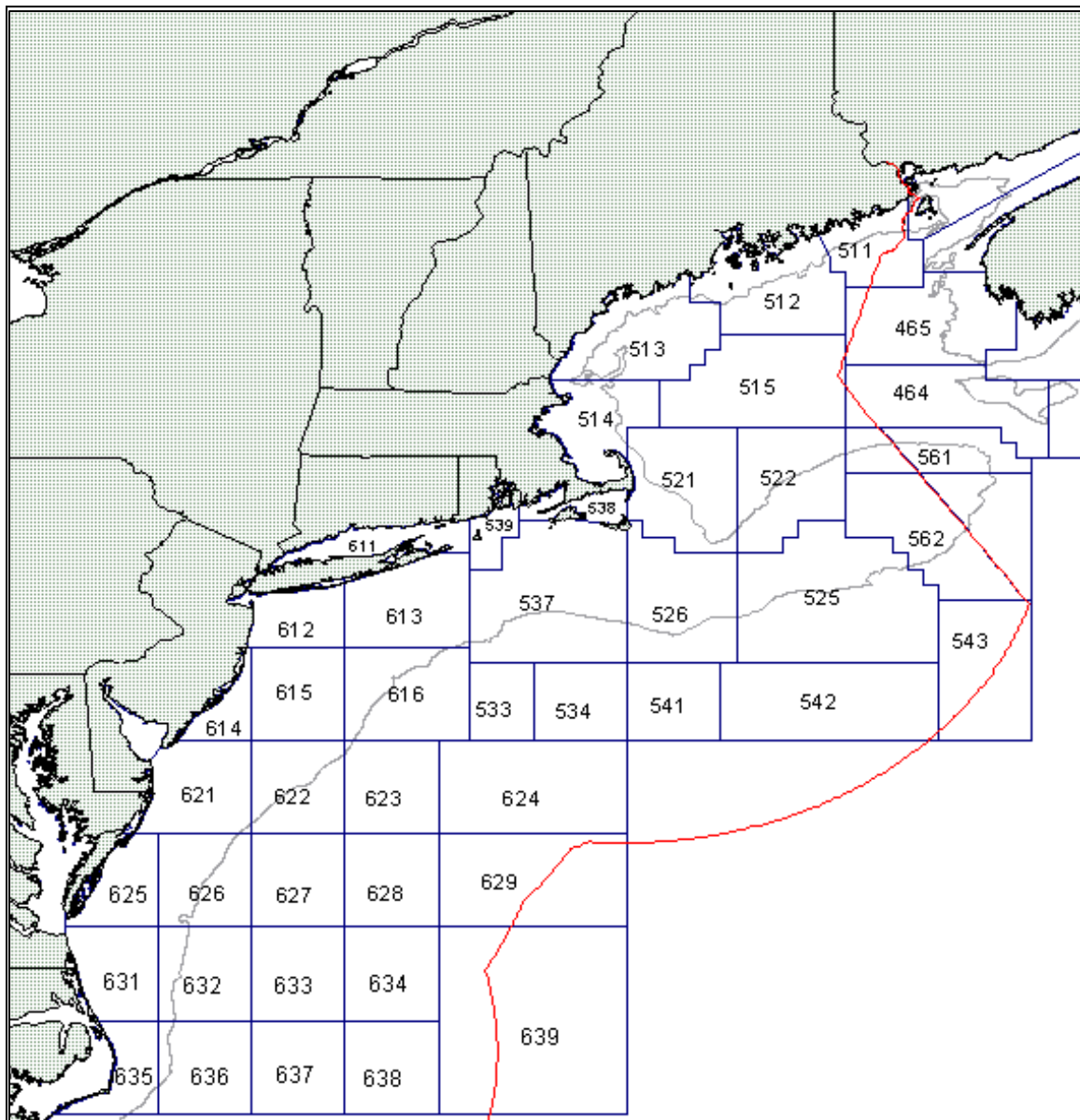


Figure 8 – Northeast region statistical areas

The proposed action was developed in response to comments received from the public on the Amendment 13 SEIS, developed through the efforts of the Northeast Seafood Coalition. The action combines several elements contained in the draft:

- The action is designed to achieve a combination of rebuilding trajectories, rather than one trajectory
- The action builds on the categorization of effective effort by defining opportunities for using B DAS
- It addresses a recognized weakness of the initial alternatives - the impact of restrictive measures on catches of stocks in good condition – by creating opportunities to fish on healthy stocks using B DAS.

3.6.1.1 Effort Controls

3.6.1.1.1 DAS Allocations

The DAS reserve program (see section 3.5.3) will be used to categorize DAS into Categories A, B, and C and to define effective effort. The effective effort for each permit will be divided into Category A and Category B DAS according to the following formula:

Category A: 60 percent of effective effort as defined by section 3.5.3
 Category B: 40 percent of effective effort as defined by section 3.5.3
 Category C: FY 2001 allocation (not including carry-over) less section 3.5.3 effective effort

In addition, Category B DAS will be sub-divided:

B(regular) DAS: 20 percent of effective effort as defined by section 3.5.3
 B(reserve) DAS: 20 percent of effective effort as defined by section 3.5.3

Example (1): For a fleet DAS permit (88 DAS allocated in FY 2001), that qualifies for 88 days of effective effort under the criteria and qualification period of section 3.5.3:

Option 9 effective effort:		88 DAS
Category A DAS:	60 percent of 88 DAS =	52.8 DAS
Category B (regular) DAS:	20 percent of 88 DAS =	17.6 DAS
Category B (reserve) DAS:	20 percent of 88 DAS =	17.6 DAS
Category C DAS:	88 - 88	= 0 DAS

Example (2): For a fleet DAS permit (88 DAS allocated in FY 2001), that qualifies for 50 days of effective effort under the criteria and qualification period of section 3.5.3:

Option 9 effective effort:		50 DAS
Category A DAS:	60 percent of 50 DAS =	30 DAS
Category B (regular) DAS:	20 percent of 50 DAS =	10 DAS
Category B (reserve) DAS:	20 percent of 50 DAS =	10 DAS
Category C DAS:	88 - 50	= 38 DAS

Rationale: The primary tool for controlling fishing mortality will be through the use of limits on DAS – the time available to be fished. This proposal refines the use of a blunt effort control by limiting the number of DAS that can be fished on any stock, but providing opportunities to use DAS to fish on healthy stocks. The limits on Category A DAS will reduce the number of DAS that are allocated and can be fished on any stock from about 71,000 in fishing year 2003 to about 41,000 in fishing year 2004. Actual DAS use in 2003 is expected to be about 50,000 DAS, and actual use in fishing year 2004 will likely be in the range of 31,000

to 35,000 DAS. This is over a forty percent reduction in fishing effort compared to the fishing year 200/2001 average.

3.6.1.1.2 DAS Use

On implementation of Amendment 13, a vessel can use Category A DAS subject to the management measures listed in following sections. Category A DAS can also be used in an approved Special Access Program.

- Category B DAS can be used to target stocks that do not need a reduction in fishing mortality subject to the following conditions.
 - A vessel must declare its intent to use a Category B DAS at the start of a trip.
 - In addition to restrictions on gear, closed areas, etc. listed below, vessels on a B (regular) day will be subject to stringent trip limits for stocks of concern. These restrictions will be defined in a future management action. Until those restrictions are defined, B (regular) DAS can only be used in an approved Special Access Program.
 - B (reserve) DAS can only be used in an approved Special Access Program
- A vessel can only use a "regular" Category B DAS if it has an equal amount of unused Category A DAS remaining for that fishing year. The number of remaining **regular** Category B DAS eligible for use can not exceed the amount of Category A DAS **remaining** for an individual permit
- If the vessel exceeds the stringent trip limits for a stock of concern, the operator can change the designation of the trip to a Category A DAS trip and retain the possession limit for that species that is authorized under a Category A DAS. This is referred to as "flipping" a DAS. A vessel cannot "flip" a B regular DAS if fishing in an approved Special Access Program.

The following Special Access Programs will be developed:

- Georges Bank Yellowtail Flounder in CA II (see section 3.4.5.3.1)
- Georges Bank Haddock in Closed Area II (see section 3.4.5.3.3)
- Georges Bank Haddock in Closed Area I (see section 3.4.5.3.4)
- Gulf of Maine haddock in the WGOM Closed Area (to be developed)
- Cashes Ledge Closed Area (to be developed)

Rationale: By creating opportunities for the use of Category B DAS, this measure may help direct effort onto healthy stocks. This will help to mitigate the economic impacts of the restrictions on the use of Category A DAS. Once conditions are specified for the use of Category B (regular) DAS,

3.6.1.1.3 Re-classification of DAS

As stocks recover, there may be opportunities to increase the number of available Category A DAS. All Category B DAS will be converted to Category A DAS before any Category C DAS are converted to Category A DAS. If necessary to achieve rebuilding targets, Category A DAS may be changed to Category B (regular) DAS.

Rationale: This measure creates a mechanism to shift effort to stocks that can support additional fishing pressure – either as a result of successful rebuilding efforts, or to facilitate additional rebuilding. The restriction on Category C DAS is to provide active participants the ability to return to fishing at 1996 through 2001 levels before other fishermen are allowed to target groundfish.

3.6.1.2 Management Measures

All management measures adopted by the negotiated settlement agreement among certain parties as implemented August 1, 2003 are maintained unless changed (see following sections) . These measures are not repeated here, but can be found in 50 CFR 648 Subpart F.

3.6.1.3 Closed Areas

3.6.1.3.1 Year Round Closed Areas

The current Closed Area I, Closed Area II, Western Gulf of Maine, Cashes Ledge, and Nantucket Lightship Closed Areas will be continued as year round closed areas. See section 3.7.3 for additional areas that are prohibited to mobile bottom tending gear in order to minimize to the extent practicable the adverse effects of fishing activity on essential fish habitat.

Rationale: The existing year round closed areas have proven beneficial to the rebuilding of several stocks. Parts of these areas also provide important habitat benefits. The year round Cashes Ledge closed area was not in place in fishing year 2001. This closed area should help expand the range of cod in the GOM.

3.6.1.3.2 Seasonal Closed Areas

The seasonal closed areas are:

March: 121, 122, 123
April: 121-125; 129-133;
May: 124- 125; 129-133; 136-140; 80 – 81; 98-99; 109-114; 118-120 south of 42°20'N
June: 132-133; 139-140; 141-147; 152
October: 124-125
November: 124-125

Rationale: This measure reduces the number of months that seasonal closed areas are in effect, while expanding the GB closed area during the month of May. This will provide additional protection to GB cod. Reducing the number of months of closures in the GOM will help provide more opportunities for fishermen to effectively use their limited number of available DAS.

3.6.1.4 Possession Limits

Category A DAS

GOM cod: 800 lbs/DAS / 4,000 lbs/trip.

GB cod: 1,000 lbs/DAS/10,000 lbs/trip for trawl and gillnet vessels

For hook vessels:

- July 1 – September 15: Jig and commercial longline directed cod season. 2,000 lbs limit. No groundfish landings on Friday and Saturday.
- September 16 – December 31: Restricted cod season. 600 lbs/DAS
- January through March: Jig and demersal longline fishing. 2,000 lbs
- April, May, June: no jig or demersal longline groundfish fishing on Georges Bank
- In order to use this seasonal hook gear trip limit, vessels must make an annual declaration for using hook gear.

CC/GOM yellowtail flounder: April/May and October/November : 250 pound possession limit
June 1 – September 30 and December 1 – March 31: 750 lbs. per DAS/3,000 lbs. per trip possession limit

SNE/MA yellowtail flounder: March 1 – June 30: 250 pound possession limit;
June 1 – February 28: 750 lbs. per DAS/ 3,000 lbs per trip possession limit

Category B (regular) DAS

To be developed through a future framework action.

Rationale: The increase in the GOM cod trip limit will reduce regulatory discards of this stock and make each DAS more profitable for fishermen. It may also help reduce fishing effort on plaice, yellowtail

flounder, and other flatfish, as fishermen may not harvest those stocks in as large a quantity because of the revenue generated from GOM cod. The GB cod trip limit reduction helps reduce mortality on this stock, and has been selected so as to minimize the possibility that it will increase regulatory discards. The yellowtail flounder trip limits are adopted to reduce mortality on these two stocks. They are seasonal in order to shift effort away from aggregations of flounders.

3.6.1.5 Gear Restrictions

The gear restrictions implemented August 1, 2002 are continued with the following modifications (see Table 27 for details)

- Changes to the number of gillnets that can be used by trip gillnet vessels on Georges Bank
- Changes to the number of gillnets in the SNE/MA area
- Changes in restrictions on the use of gillnets in the GOM

Rationale: This action continues many of the gear restrictions adopted under the FW 33 settlement agreement. Compared to the regulations in place in FY 2001, there is an overall increase in mesh size for both trawl and gillnet gear. This is intended to change the selection pattern of the fishery to target larger fish, providing more opportunities for fish to spawn before being selected by the fishery. The number of gillnets that can be fished are also reduced, both to limit effort/mortality on stocks targeted by these fisheries and to reduce the likelihood that the trip limits will result in discards from this sector. Compared to the FW 33 settlement agreement, the number of trip gillnets allowed in both the GOM and GB are the same, removing what some perceived as an unfair, unwarranted restriction. The minimum hook size and requirement to use a circle hook are intended to both reduce the catch of small fish and improve their survivability in the hook fishery. Limits on the number of hooks are intended to reduce overall effort by the hook fishery.

3.6.1.6 Minimum Fish Sizes

The minimum fish sizes implemented August 1, 2002 are retained (cod minimum size increased to 22 inches) (see below).

<u>Species</u>	<u>Size (Inches, Total Length)</u>
Cod	22 (55.9 cm)
Haddock	19 (48.3 cm)
Pollock	19 (48.3 cm)
Witch flounder (gray sole)	14 (35.6 cm)
Yellowtail flounder	13 (33.0 cm)
American plaice (dab)	14 (35.6 cm)
Atlantic halibut	36 (91.4 cm)
Winter flounder (blackback)	12 (30.5 cm)
Redfish	9 (22.9 cm)

Rationale: Compared to the no action alternative, this proposal will adopt and increased minimum size for cod. This is to provide additional protection to rebuilding cod stocks, particularly on GB.

3.6.1.7 Default Measures

The combined rebuilding strategy proposed requires that fishing mortality for several stocks decline in future years, according to the schedule shown in Table 10. Default measures are defined in order to accomplish these reductions. The default measures are designed to reduce mortality on specific stocks, though in some instances they can be expected to reduce mortality for other stocks as well. Unless they are modified by a future Council action, the default measures shown in the following table (Table 13) will be implemented unless:

- (1) The targeted stock(s) is(are) projected to be at the target biomass with at least a median probability in the year the measures are to be implemented and overfishing is not occurring on those stocks, or
- (2) Biomass estimates show rebuilding is on track and the best available estimate of the fishing mortality rate for the targeted stock(s) meets the fishing mortality rate for the rebuilding program as specified in Table 10, or
- (3) Overfishing is not occurring and the best available estimate of the fishing mortality rate for the targeted stock(s) is projected to rebuild the stock with at least a median probability by the end of the rebuilding period.

In addition to the above three conditions for the stocks targeted by the default measure, all other stocks must meet the fishing mortality rates specified in Table 10 for the default measures to be deferred.

Fishing Year Implemented	Stocks Targeted	Default Measure
2006	American Plaice SNE/MA Yellowtail Flounder	DAS Category A/B ratio: 55/45 Differential DAS counting in the SNE/MA RMA at a rate of 1.5:1
2009	GB Cod GOM Cod CC/GOM Yellowtail Flounder SNE/MA Yellowtail Flounder American Plaice White Hake SNE/MA Winter Flounder	DAS Category A/B Ratio: 45/55

Table 13 – Proposed default measures to meet rebuilding program fishing mortality rates

Rationale: The proposed measures implement a combination of adaptive and phased rebuilding strategies. These strategies call for reductions in fishing mortality in future years. Default measures are included in the amendment that target the necessary reductions. These defaults are based on the use of DAS as the primary mortality control. The change in the categorization of DAS will reduce the number of DAS that can be fished on stocks that need reduced mortality. It may be possible to identify other measures that will be as effective, but these will need to be adopted in a future Council action.

3.6.1.8 VMS Requirements

There is no VMS requirement automatically implemented by this alternative. The current call-in system and voluntary VMS will be maintained. Section 3.4.14.2 describes changes to vessel reporting requirements that will be adopted by this amendment.

	GOM	GB	SNE	Mid-Atl
MINIMUM MESH SIZE RESTRICTIONS FOR GILLNET GEAR				
NE Multispecies Day Gillnet Category*	<u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 50-net allowance	<u>All nets</u> 6.5" (16.5 cm) mesh; 50-net allowance	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance	<u>Roundfish nets</u> 6.5" (16.5 cm) mesh; 75-net allowance
	<u>Flatfish nets</u> 6.5" (16.5 cm) mesh; 100-net allowance			<u>Flatfish nets</u> 6.5" (16.5 cm) mesh; 75-net allowance
NE Multispecies Trip Gillnet Category*	<u>All nets</u> 6.5" (16.5 cm) mesh; 150-net allowance	<u>All nets</u> 6.5" (16.5 cm) mesh; 150-net allowance	<u>All nets</u> 6.5" (16.5 cm) mesh; 75-net allowance	<u>All gillnet gear</u> 6.5" (16.5 cm) mesh; 75-net allowance
Monkfish Vessels**	10" (25.4 cm) mesh/150-net allowance			
MINIMUM MESH SIZE RESTRICTIONS FOR TRAWL GEAR				
Codend only mesh size*	6.5" (16.5 cm) diamond or square		7.0" (17.8 cm) diamond or 6.5" (16.5 cm) square	6.5" (16.5 cm) diamond or square
Large Mesh Category - entire net	8.5" (21.59 cm) diamond or square			7.5" (19.0 cm) diamond or 8.0" (20.3 cm) square
MAXIMUM NUMBER OF HOOKS AND SIZE RESTRICTIONS FOR HOOK-GEAR***				
Limited access multispecies vessels	2,000 hooks	3,600 hooks	2,000 hooks	4,500 hooks (Hook- gear vessels only)
	No less than 6" (15.2 cm) spacing allowed between the fairlead rollers			
	12/0 circle hooks required for longline gear			N/A

* When fishing under a NE multispecies DAS

** Monkfish Category C and D vessels when fishing under a monkfish DAS

*** When fishing under a NE multispecies DAS or when fishing under the Small-vessel permit

Table 14 – Proposed gear requirements

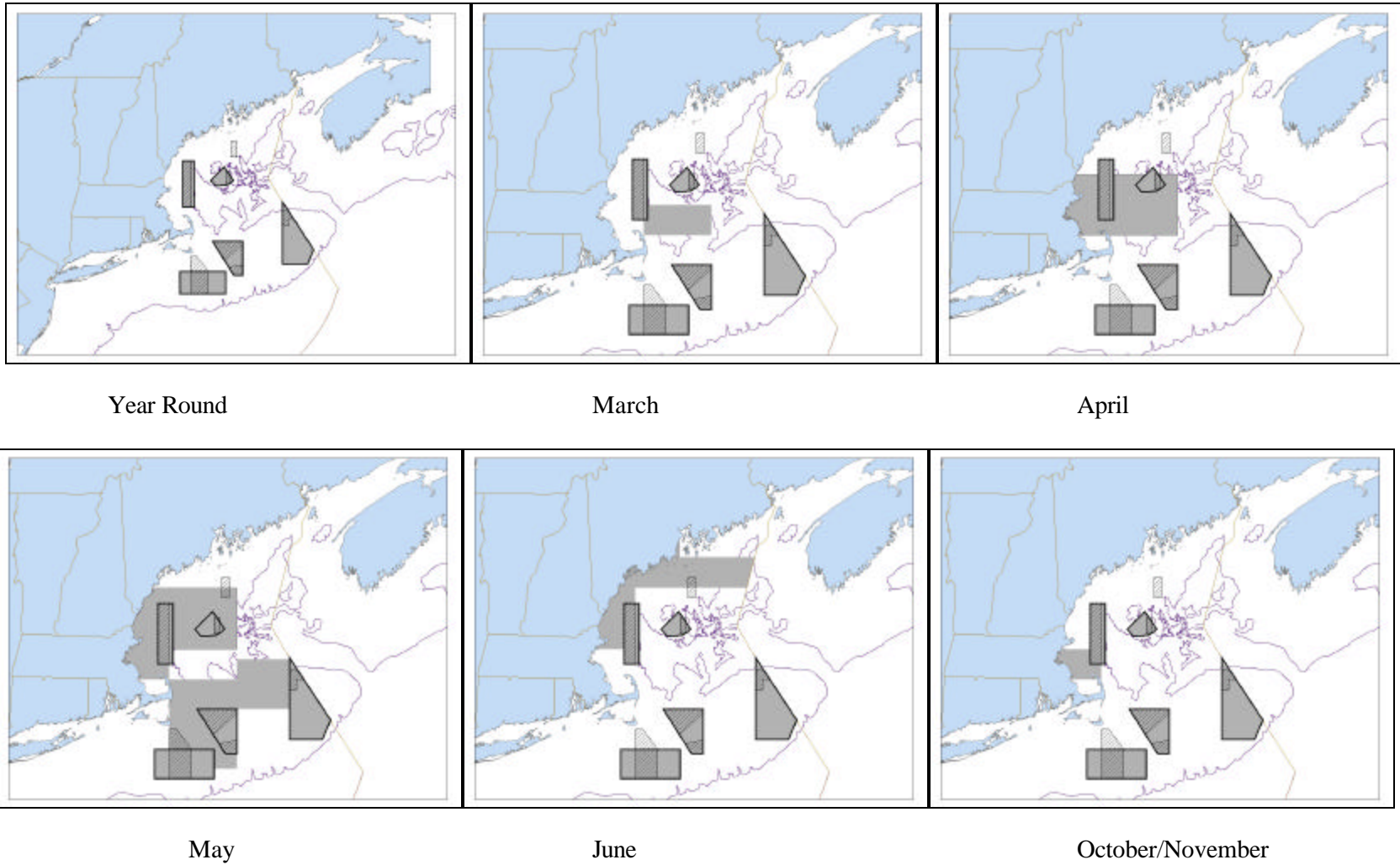


Figure 10 – Proposed action year round and seasonal closed areas. Level 3 habitat areas are cross hatched.

3.6.2 Recreational Fishery Management Measures

Bag limit for all private recreational vessels: 10 cod/person day

Bag limit for party/charter vessels fishing in the Gulf of Maine: 10 cod/person/day

(Note there is no bag limit for haddock).

For the purposes of recreational and party/charter fishing vessels, any trip in excess of 15 hours **and** covering two consecutive calendar days will be considered more than one day. A similar standard will be applied to longer trips (i.e. a trip in excess of thirty-nine hours and covering three consecutive calendar days will be considered more than two days).

Minimum cod size: 22 inches

Minimum haddock size: 19 inches

All other measures in place during fishing year 2001 continue to apply.

Rationale: These proposed measures are designed to reduce recreational harvest of GOM cod by imposing a bag limit on party/charter fishing in the Gulf of Maine. As discussed in section 9.4.3, this sector is a major component of this fishery that under the no action alternative was not subject to any limit on the number of cod caught. By imposing a bag limit, this sector will contribute to rebuilding GOM cod. At the same time, the limit is set at a level which will allow these vessels to attract passengers and remain in business. Recreational fishermen will no longer be subject to a bag limit for haddock. The M-S Act requires that all sectors share in the benefits of stock recovery. The removal of the bag limit for haddock will enable recreational fishing vessels to benefit from the rebuilding of this stock.

3.6.2.1 Possible Modifications

Significant changes in the fishing mortality reduction for GOM cod could result in changes to the recreational fishing measures.