

# **DECISION DOCUMENT**

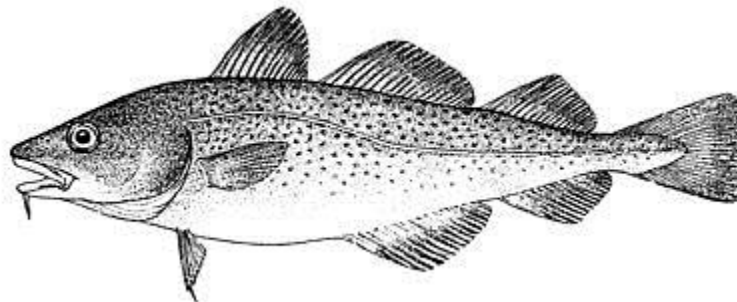
**for**

**Framework Adjustment 53**

**to the**

**Northeast Multispecies**

**Fishery Management Plan (FMP)**



**Groundfish Committee Meeting**

**November 12-13, 2014**

The following decision tables in this document appear in the same order as the sections in the Draft Framework 53 document, dated November 7, 2014; page numbers are provided for reference.

The document will be updated with Committee motions after the November 12-13, 2014 Committee meeting.

**Section 4.1.1 – Revised Status Determination Criteria  
(p. 23)**

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Revised Status Determination Criteria
<b>Decisions/Questions to Consider</b>	
Option 2 would update the status determination criteria for GB yellowtail flounder to reflect the best available scientific information.	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Comments/Recommendations</b>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
<b>Other Important Considerations/DEIS References</b>	
<p>The TRAC conducted an assessment in 2014 for GB yellowtail flounder. During the 2014 GB yellowtail flounder assessment, the TRAC agreed to no longer use the VPA assessment model, and instead, to use an empirical approach based on resource survey catches as the basis of catch advice. Because a stock assessment model framework is lacking for this stock, no historical estimates of biomass, fishing mortality rate, or recruitment can be calculated. As well, status determination relative to reference points is not possible because reference points cannot be defined. These are now considered unknown.</p> <p>Biological impacts: p. 162            Habitat impacts: p. 178            Endangered and other protected species impacts: p. 187            Economic impacts: <i>To be provided.</i>            Social impacts: p. 199</p>	

## Section 4.1.2 – Annual Catch Limits (p. 25)

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
<b>Option 1</b>	No Action option
<b>Option 2</b>	Revised annual catch limit specifications
<b>Additional Decisions/Questions to Consider</b>	
Option 2 includes ACLs based on SSC recommendations for GOM cod, GOM haddock, GB yellowtail flounder, pollock, GOM winter flounder and GB winter flounder.	
The ACLs in Option 2 are based on the PDT's state waters and sub-component analysis. Does the Committee concur with the PDT recommendations? (See memo to the Committee dated November 5, 2014)	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Recommendation</b>	
<ul style="list-style-type: none"> <li>• <u>Motion</u>: That the GAP recommend to the Committee that the Committee recommend that NMFS make the resources available to get stock assessments (as vetted and determined by the NRCC) done on-time, so that specifications can be in place on-time.</li> <li>• <u>Motion</u>: The GAP recommends that the Committee reject the recent operational assessment for GOM cod based on the following rationale provided by Obama's Memorandum on Scientific Integrity (March 9, 2009): <i>The public must be able to trust the science and scientific process informing public policy decisions. There should be transparency in the preparation, identification and use of scientific and technological information in policymaking. Each agency should have appropriate rules and procedures to ensure the integrity of the scientific process within the agency. When scientific or technological information is considered in policy decisions, the information should be subject to well-established scientific processes, including peer review where appropriate...</i> The Gulf of Maine cod updated assessment did not adhere to those principles, nor does it adhere to National Standard 2 Guidelines.</li> </ul>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
<ul style="list-style-type: none"> <li>• <u>Motion</u>: The RAP requests that the Committee revisit the allocation of GOM haddock, due to the recalculation of recreational discard mortality in the recent assessment, in the next available action.</li> </ul>	
<b>Other Important Considerations</b>	
Biological impacts: p. 163 Habitat impacts: p. 179 Endangered and other protected species impacts: p. 187 Economic impacts: To be provided. See also: Gulf of Maine Cod and Haddock: Review of Recreational Bioeconomic Model, Potential AMs for FY 2015, and Recreational Fishery Economic Impacts of Measures in FW 53 (memo to the Committee dated November 10, 2014) Social impacts: p. 199	

**Section 4.1.3 – SNE/MA Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool**  
(p. 35)

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
<b>Option 1</b>	No Action option
<b>Option 2</b>	Create SNE/MA Windowpane Flounder sub-ACLs for Groundfish Sectors and the Common Pool
<b>Additional Decisions/Questions to Consider</b>	
Option 2 needs further development including how to split the sub-ACL between sectors and the common pool and any associated AMs.	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Recommendation</b>	
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<b>Recreational Advisory Panel Comments/Recommendations</b>	
•	
<b>Other Important Considerations</b>	
All impacts analysis in this section are considered placeholder, pending additional Committee feedback on Option 2. As such, the impacts analysis have been striked through to represent placeholder status. Biological impacts: p. 174 Habitat impacts: p. 182 Endangered and other protected species impacts: p. 190 Economic impacts: <i>To be provided.</i> Social impacts: p. 203	

**Section 4.1.4 – GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool**  
(p. 36)

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
<b>Option 1</b>	No Action option
<b>Option 2</b>	Create GOM/GB Windowpane Flounder sub-ACLs for Groundfish Sectors and the Common Pool
<b>Additional Decisions/Questions to Consider</b>	
Option 2 needs further development including how to split the sub-ACL between sectors and the common pool and any associated AMs.	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Recommendation</b>	
<ul style="list-style-type: none"> <li>• The following is a related motion.</li> <li>• <u>Motion</u>: The GAP recommends to the Committee the development of a Northern windowpane flounder (NWP) "bycatch limit" for each sector based on the following formula is recommended to be considered: the percent of the three winter flounder ACLs (GB, GOM and SNE stocks) to a sector would be the percent NWP bycatch limit. A percent NWP bycatch limit would be assigned to any sector without winter flounder ACL. The NWP bycatch limit would be tradeable between sectors. If/when a sector exceeds its NWP bycatch limit, the gear restricted AM would apply to that sector. The GAP would support a sunset clause to this measure.</li> </ul>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
•	
<b>Other Important Considerations</b>	
<p>All impacts analysis in this section are considered placeholder, pending additional Committee feedback on Option 2. As such, the impacts analysis have been striked through to represent placeholder status.</p> <p>Biological impacts: p. 175            Habitat impacts: p. 182            Endangered and other protected species impacts: p. 190            Economic impacts: <i>To be provided.</i>            Social impacts: p. 204</p>	

**Section 4.1.5 – GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL  
(p. 37)**

**Groundfish Committee Motions:**

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<b>Alternatives/Options Under Consideration</b>	<b>Description *Two Alternatives</b>
<b>Option 1</b>	No Action option
<b>Option 2</b>	Create a Scallop Fishery GOM/GB Windowpane Flounder Sub-ACL
<b>Additional Decisions/Questions to Consider</b>	
If selecting a preferred alternative as Option 2, the Committee should recommend a percentage between 2% and 14% for the sub-ACL.	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Recommendation</b>	
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<b>Recreational Advisory Panel Comments/Recommendations</b>	
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<b>Other Important Considerations</b>	
Biological impacts: p. 176 Habitat impacts: p. 182 Endangered and other protected species impacts: p. 190 Economic impacts: <i>To be provided.</i> Social impacts: p. 205	

**Section 4.2.1 – GOM Cod Spawning Area Closures**  
(p. 40)

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Three Alternatives
<b>Option 1</b>	No Action (Whaleback)
<b>Option 2</b>	<p>Additional GOM Cod Spawning Protection Measures</p> <p><u>Sub-Option A:</u> All commercial and recreational groundfish fishing would be prohibited:</p> <ul style="list-style-type: none"> <li>• Year-round in the WGOM Closed Area and;</li> <li>• Seasonally in the following 30-minute blocks during these months:               <ul style="list-style-type: none"> <li>○ May: 124, 125, 132, 133, 139, 140</li> <li>○ June: 132, 133, 139, 140, 147</li> <li>○ November – January: 124-125</li> <li>○ March-April: 124, 125, 132, 133</li> </ul> </li> </ul> <p><u>Sub-Option B:</u> All commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks during these months:</p> <ul style="list-style-type: none"> <li>• May: 125, 133</li> <li>• June: 133</li> <li>• November – January: 124 with an eastern boundary defined at 70-15, 125</li> <li>• March-April: 125, 133</li> </ul>
<b>Decisions/Questions to Consider</b>	
<p>The PDT recommends that the Committee add an additional alternative for consideration as “Sub-Option C” in Section 4.2.1 (GOM cod spawning closures) , that would include 30 minute blocks in April- July (124, 125, 132, 133, 139, and 140) and November- February (124, 125, 132 and 133).</p> <p>Does the Committee want to weigh in on which gears these areas would apply to? These provisions apply to the spawning closures:</p> <p>All commercial fishing vessels using gear capable of catching groundfish are prohibited from fishing in the areas during the dates specified. Only fishing with exempted gear (that is, gear deemed not capable of catching groundfish as defined by 50 CFR 648.2) is allowed in the area.</p> <p>Recreational fishing vessels (including party-charter vessels) are subject to the following restrictions:</p> <ul style="list-style-type: none"> <li>• All recreational fishing vessels using gear capable of catching groundfish are prohibited from fishing in the areas during the dates specified. Only pelagic hook and line gear, as defined in the commercial fishing exempted gear regulations, is allowed for use in the area.</li> </ul> <p>A fishing vessel (commercial or recreational) may transit the area as long as gear is properly stowed in accordance with regulations promulgated by the Regional Administrator.</p> <p>The take or possession of any groundfish species by vessels using exempted gear would be prohibited in the areas described above.</p>	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Comments/Recommendations</b>	
<p><u>Motion:</u> The GAP supports small focused areas to protect spawning. These areas should be discrete and dynamic, not static, due to the unpredictability of timing and precise area to ensure real protection. Such areas should be based on science and monitored closely, validating spawning activity. The goal of spawning areas should be to enhance the reproductive success of the fish while being the least disruptive and costly to the fishery.</p> <p><u>Motion:</u> The GAP recommends to the Committee several proposed measures to be <u>analyzed</u> for the purpose of eliminating the directed GOM cod fishery, reducing bycatch, while allowing for harvest of other stocks. (Measures are intended to last 1 year.) The GAP recommends the following</p> <ol style="list-style-type: none"> <li>1. Trawlers would be required to use a 6.5” square mesh codend when fishing west of 70°15’;</li> <li>2. Gillnets would have an increased mesh size to 7 or 7.5” or a limit on a number of gillnets that may be fished west of 70°15’;</li> <li>3. Limit on stand-up gillnets, either the number of nets being used or the season that they can be used in, west of 70°15’;</li> <li>4. Trawlers would be required to use selective fishing gears (eg separator trawl, raised footrope trawls etc.) fishing west of 70°15’.</li> <li>5. Develop the CATT spawning closure area alternatives;</li> <li>6. No recreational fishing allowed in any of the closed areas (CATT areas and WGOMAC);</li> <li>7. No lobster gear allowed in the CATT areas or WGOMAC areas.</li> </ol>	

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**Recreational Advisory Panel Comments/Recommendations**

RAP discussed the concept of GOM cod spawning closures.  
A motion failed to support such an approach.

**Other Important Considerations/DEIS References**

Biological impacts: p.177-1; Also, see Appendix II: Analytic Techniques: Identifying location and times of spawning for GOM cod

Habitat impacts: p. 183

Endangered and other protected species impacts: p. 191

Economic impacts: To be provided. See also: Gulf of Maine Cod and Haddock: Review of Recreational Bioeconomic Model, Potential AMs for FY 2015, and Recreational Fishery Economic Impacts of Measures in FW 53 (memo to the Committee dated November 10, 2014)

Social impacts: p. 206

**Section 4.2.2 – Prohibition on the Possession of GOM cod  
(p. 46)**

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
<b>Option 1</b>	No Action
<b>Option 2</b>	Prohibition on the Possession of GOM cod
<b>Decisions/Questions to Consider</b>	
The PDT remains concerned about the potential loss of information on GOM cod (i.e., collection of biological samples from landed fish) and zero possession increases uncertainty of catch estimates.	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Comments/Recommendations</b>	
GAP discussed recommending that no possession by commercial and recreational fleets (as a one- year measure) be added for analysis purposes. A motion failed to support such an approach.	
<p><u>Motion:</u> The GAP recommends to the Committee several proposed measures to be <u>analyzed</u> for the purpose of eliminating the directed GOM cod fishery, reducing bycatch, while allowing for harvest of other stocks. (Measures are intended to last 1 year.) The GAP recommends the following</p> <ol style="list-style-type: none"> <li>1. Trawlers would be required to use a 6.5" square mesh codend when fishing west of 70°15';</li> <li>2. Gillnets would have an increased mesh size to 7 or 7.5" or a limit on a number of gillnets that may be fished west of 70°15';</li> <li>3. Limit on stand-up gillnets, either the number of nets being used or the season that they can be used in, west of 70°15';</li> <li>4. Trawlers would be required to use selective fishing gears (eg separator trawl, raised footrope trawls etc.) fishing west of 70°15'.</li> <li>5. Develop the CATT spawning closure area alternatives;</li> <li>6. No recreational fishing allowed in any of the closed areas (CATT areas and WGOMAC);</li> <li>7. No lobster gear allowed in the CATT areas or WGOMAC areas.</li> </ol>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
<p><u>Motion:</u> The RAP would support for analysis purposes a small or no possession of GOM cod if it means continued prosecution of other recreational fisheries (e.g., haddock, pollock, etc.). The RAP reserves its judgment on haddock bag limits, size limits, seasons, etc for FY 2015 until such data is provided. The RAP requests this information be provided in a timely manner.</p>	
<b>Other Important Considerations/DEIS References</b>	
<p>Biological impacts: p. 177-4  Habitat impacts: p. 184  Endangered and other protected species impacts: p. 193  Economic impacts: To be provided. See also: Gulf of Maine Cod and Haddock: Review of Recreational Bioeconomic Model, Potential AMs for FY 2015, and Recreational Fishery Economic Impacts of Measures in FW 53 (memo to the Committee dated November 10, 2014)  Social impacts: p. 208</p>	

**Section 4.2.3 – Observer Requirements in the Gulf of Maine  
(p. 46)**

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
<b>Option 1</b>	No Action
<b>Option 2</b>	Revised observer requirements on trips in the GOM and GB cod broad stock areas
<b>Decisions/Questions to Consider</b>	
The PDT is concerned that prohibiting certain fishing activity unless there is an observer onboard would likely create a bias in the discard estimates. In addition, the existing observer program is resource-limited (i.e., a new program may create additional observer costs beyond the cost of the observer including shore-side data processing). The PDT also recognizes that observers should not be used for enforcement.	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Comments/Recommendations</b>	
<ul style="list-style-type: none"> <li>• GAP discussed recommending to the Committee to support the intent of sector management and the opportunity for innovative fishermen to harvest their own groundfish by:               <ol style="list-style-type: none"> <li>1. 100% observer coverage (or electronic monitoring);</li> <li>2. Fishing in a single stock broad stock area on a given trip, without monitoring; and</li> <li>3. Increased penalties for misreporting stock area or fishing with illegal gear.</li> </ol> </li> <li>• However, a motion failed, due to lack of majority, to support these concepts.</li> </ul>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
<b>Other Important Considerations/DEIS References</b>	
Biological impacts: p. 177-6 Habitat impacts: p. 184 Endangered and other protected species impacts: p. 194 Economic impacts: pp. 177-6 Social impacts: p. 209	

## Section 4.2.4 – Rollover of Groundfish Specifications

(p. 48)

### Groundfish Committee Motions:

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Alternatives/Options Under Consideration	Description *Four Alternatives
Option 1	No Action
Option 2	Percentage rollover provisions for specifications Sub-Option A: Rollover 35% of all groundfish stocks to the following FY. Sub-Option B: Rollover 20% of all groundfish stocks to the following FY. Sub-Option C: Rollover 10% of all groundfish stocks to the following FY.
<b>Decisions/Questions to Consider</b>	
Option 2 would not change the distribution or conditions of the commercial and recreational fishery allocations (e.g. trimester TACs and 20% holdback for groundfish sector ACE).	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Comments/Recommendations</b>	
<p><u>Motion</u>: That the GAP recommend to the Committee that the Committee recommend that NMFS make the resources available to get stock assessments (as vetted and determined by the NRCC) done on-time, so that specifications can be in place on-time.</p> <p><u>Motion</u>: That the GAP recommend to the Committee that the Committee recommend in the event that specifications do not get in place on-time, that the last year's specifications remain in place until new measures are implemented. The GAP does not support the PDT's suggestion (for a default percentage approach) and is concerned that some sectors, which concentrate their fishing in the summertime, could find their allocations improperly restricted.</p>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
<b>Other Important Considerations/DEIS References</b>	
Biological impacts: p. 177-7 Habitat impacts: p. 185 Endangered and other protected species impacts: p. 195 Economic impacts: <i>To be provided.</i> Social impacts: p. 209	

**Section 4.2.5 – Sector ACE Carryover  
(p. 49)**

**Groundfish Committee Motions:**

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Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Modification to sector ACE carryover
<b>Decisions/Questions to Consider</b>	
<b>Groundfish Committee Recommendations</b>	
<b>Groundfish AP Comments/Recommendations</b>	
<b>Recreational Advisory Panel Comments/Recommendations</b>	
<b>Other Important Considerations/DEIS References</b>	
Biological impacts: p. 177-9 Habitat impacts: p. 185 Endangered and other protected species impacts: p. 196 Economic impacts: <i>To be provided.</i> Social impacts: p. 211	