

DECISION DOCUMENT

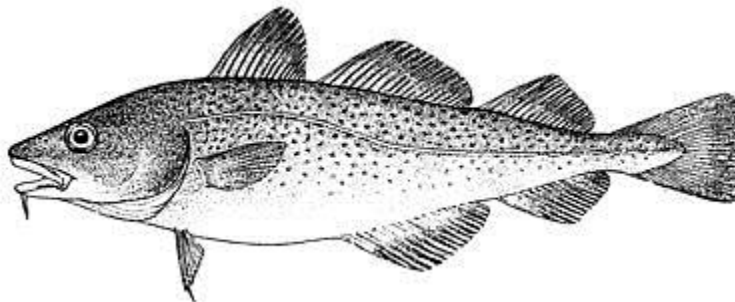
for

Framework Adjustment 53

to the

Northeast Multispecies

Fishery Management Plan (FMP)



Council Meeting

November 17-20, 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 and Addendums; page numbers are provided for reference.

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

Groundfish Committee Motions:

- The Committee recommends that in Section 4.1.1. (Revised Status Determination Criteria), the Council select Option 2 (Revised Status Determination Criteria) as its Preferred Alternative. (9/0/1)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Revised Status Determination Criteria
Decisions/Questions to Consider	
Option 2 would update the status determination criteria for GB yellowtail flounder to reflect the best available scientific information.	
Groundfish Committee Recommendations	
Option 2 (see above motion).	
Groundfish AP Comments/Recommendations	
Recreational Advisory Panel Comments/Recommendations	
Other Important Considerations/DEIS References	
<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: p. 197-7 Social impacts: p. 199</p>	

Section 4.1.2 – Annual Catch Limits (p. 25)

Groundfish Committee Motions:

- The Committee accepts the PDT’s recommendations for state-water and other sub-components ABC distribution as described in Document 8 (PDT Memo to the Committee re FW 53, November 5, 2014) for FW 53 in Section 4.1.2 (Annual Catch Limits), Option 2 (Revised annual catch limit specifications). (8/0/1)
- The Committee recommends that in Section 4.1.2. (Annual Catch Limits), the Council select Option 2 (Revised annual catch limit specifications) as its Preferred Alternative. (9/0/1)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action option
Option 2	Revised annual catch limit specifications
Additional Decisions/Questions to Consider	
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)	
Groundfish Committee Recommendations	
Option 2 (see above motions).	
Groundfish AP Recommendation	
<ul style="list-style-type: none"> • <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. • <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. 	
Recreational Advisory Panel Comments/Recommendations	
<ul style="list-style-type: none"> • <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. 	
Other Important Considerations	
<p>Biological impacts: p. 163 Habitat impacts: p. 179 Endangered and other protected species impacts: p. 187 Economic impacts: pp. 197-7 Social impacts: p. 199</p>	

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

Groundfish Committee Motions:

- The Committee recommends that Section 4.1.3. (SNE/MA Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool) be moved to “Considered but Rejected”. (9/0/1)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action option
Option 2	Create SNE/MA Windowpane Flounder sub-ACLs for Groundfish Sectors and the Common Pool
Additional Decisions/Questions to Consider	
Option 2 needs further development including how to split the sub-ACL between sectors and the common pool and any associated AMs.	
Groundfish Committee Recommendations	
Move section to “Considered but Rejected” (see above motion).	
Groundfish AP Recommendation	
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Recreational Advisory Panel Comments/Recommendations	
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Other Important Considerations	
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: p. 197-9 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:

- The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of X% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of X% for Common Pool and other sub-components and X% for Sectors. (8/0/2)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action option
Option 2	Create GOM/GB Windowpane Flounder sub-ACLs for Groundfish Sectors and the Common Pool
Additional Decisions/Questions to Consider	
Option 2 needs further development including how to split the sub-ACL between sectors and the common pool and any associated AMs.	
Groundfish Committee Recommendations	
Defer selection of preferred until Council meeting. See next page.	
Groundfish AP Recommendation	
<ul style="list-style-type: none"> The following is a related motion, but the outlined approach is not something that could be accomplished in a framework adjustment action. <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. 	
Recreational Advisory Panel Comments/Recommendations	
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Other Important Considerations	
<p>All impacts analysis in this section are considered placeholder, pending additional Committee feedback on Option 2. As such, the impacts analysis have been struck 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: p. 197-9 Social impacts: p. 204</p>	

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

Groundfish Committee Motions:

- The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of X% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of X% for Common Pool and other sub-components and X% for Sectors. (8/0/2)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action option
Option 2	Create a Scallop Fishery GOM/GB Windowpane Flounder Sub-ACL
Additional Decisions/Questions to Consider	
If selecting a preferred alternative as Option 2, the Committee should recommend a percentage between 2% and 14% for the sub-ACL.	
Groundfish Committee Recommendations	
Defer selection of preferred until Council meeting. See previous page.	
Groundfish AP Recommendation	
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Recreational Advisory Panel Comments/Recommendations	
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Other Important Considerations	
Scallop Committee Motion: The Scallop Committee recommends that the Council consider that any bycatch sub-allocation be based on projected catch of windowpane flounder in the scallop fishery or an average of the % of windowpane catch in scallop fishery for the last 3-5 years (up to 2013 if available). (5/0/1)	
Biological impacts: p. 176	
Habitat impacts: p. 182	
Endangered and other protected species impacts: p. 190	
Economic impacts: p. 197-10	
Social impacts: p. 205	

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

Groundfish Committee Motions:

- The Committee recommends that, due to the high bycatch of cod in the lobster fishery and potential disruption of spawning behavior, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear. (6/1/3)
- The Committee recommends that March be eliminated as a closure from Sub-Options A and B in Section 4.2.1 (GOM Cod Spawning Area Closures), Option 2 (Additional GOM cod spawning protection measures). (9/0/1)
- The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures) Option 2 (Additional GOM Cod Spawning Protection Measures), Sub-Option A, strike “Year-round in the WGOM Closed Area”. (8/0/1)
- The Committee recommends that an additional sub-option be added to Section 4.2.1 (GOM Cod Spawning Area Closures) that would replicate Sub-Option B, except for November – January, to open block 124 with the exception of: 42° - 70°30'; 42°07' - 70°24'; 42°16' -70°30' (30-minute block 125 would be closed, as well as this triangle in 30-minute block 124).

Alternatives/Options Under Consideration	Description *Three Alternatives
Option 1	No Action (Whaleback)
Option 2	<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"> • Year-round in the WGOM Closed Area and; • Seasonally in the following 30-minute blocks during these months: • May: 124, 125, 132, 133, 139, 140 • June: 132, 133, 139, 140, 147 • November – January: 124-125 • March-April: 124, 125, 132, 133 <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"> • May: 125, 133 • June: 133 • November – January: 124 with an eastern boundary defined at 70-15, 125 • March-April: 125, 133

Decisions/Questions to Consider

The PDT recommends that the Council 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).

Does the Council want to weigh in on which gears these areas would apply to?
These provisions apply to the spawning closures:

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.

Recreational fishing vessels (including party-charter vessels) are subject to the following restrictions:

- 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.

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.

The take or possession of any groundfish species by vessels using exempted gear would be prohibited in the areas described above.

Groundfish Committee Recommendations

Committee recommends modifications to the sub-options in Option 2. Defer selection of preferred until Council meeting.

Committee also made motions to add a new section to the document called “GOM Cod Protection Closures”, which includes spawning/mortality measures. See Committee motions for details.

Groundfish AP Comments/Recommendations

Motion: 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.

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Motion: The GAP recommends to the Committee several proposed measures to be analyzed 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

1. Trawlers would be required to use a 6.5" square mesh codend when fishing west of 70°15';
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';
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';
4. Trawlers would be required to use selective fishing gears (eg separator trawl, raised footrope trawls etc.) fishing west of 70°15'.
5. Develop the CATT spawning closure area alternatives;
6. No recreational fishing allowed in any of the closed areas (CATT areas and WGOMAC);
7. No lobster gear allowed in the CATT areas or WGOMAC areas.

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: p. 197-10
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
Option 1	No Action
Option 2	Prohibition on the Possession of GOM cod
Decisions/Questions to Consider	
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.	
Groundfish Committee Recommendations	
Defer selection of preferred until Council meeting.	
Committee also made motions to add a new section to the document called "GOM Cod Protection Closures", which includes spawning/mortality measures. See Committee motions for details.	
Groundfish AP Comments/Recommendations	
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"> 1. Trawlers would be required to use a 6.5" square mesh codend when fishing west of 70°15'; 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'; 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'; 4. Trawlers would be required to use selective fishing gears (eg separator trawl, raised footrope trawls etc.) fishing west of 70°15'. 5. Develop the CATT spawning closure area alternatives; 6. No recreational fishing allowed in any of the closed areas (CATT areas and WGOMAC); 7. No lobster gear allowed in the CATT areas or WGOMAC areas. 	
Recreational Advisory Panel Comments/Recommendations	
<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>	
Other Important Considerations/DEIS References	
<p>Biological impacts: p. 177-4 Habitat impacts: p. 184 Endangered and other protected species impacts: p. 193 Economic impacts: p. 197-14 Social impacts: p. 208</p>	

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

Groundfish Committee Motions:

- The Committee recommends that Section 4.2.3 (Observer Requirements in the Gulf of Maine) be moved to “Considered but Rejected”. (9/0/0)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Revised observer requirements on trips in the GOM and GB cod broad stock areas
Decisions/Questions to Consider	
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.	
Groundfish Committee Recommendations	
Move section to “Considered but Rejected” (see above motion).	
Groundfish AP Comments/Recommendations	
<ul style="list-style-type: none"> • 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"> 1. 100% observer coverage (or electronic monitoring); 2. Fishing in a single stock broad stock area on a given trip, without monitoring; and 3. Increased penalties for misreporting stock area or fishing with illegal gear. • However, a motion failed, due to lack of majority, to support these concepts. 	
Recreational Advisory Panel Comments/Recommendations	
Other Important Considerations/DEIS References	
Biological impacts: p. 177-6 Habitat impacts: p. 184 Endangered and other protected species impacts: p. 194 Economic impacts: pp. 197-16 Social impacts: p. 209	

Section 4.2.4 – Rollover of Groundfish Specifications

(p. 48)

Groundfish Committee Motions:

- The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), to all sub-options sub Option 2 (Percentage rollover provisions for specifications) an additional provision be added that would specify that, in the event specifications are rolled over into the next fishing year, that Sectors would not be subject to the 20% holdback of current year's Sector Annual Catch Entitlement while the rollover specifications are in place. (9/0/1)
- The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), the Council select Sub-Option A (Rollover 35% of all groundfish stocks to the following FY) as its Preferred Alternative, with an end date no later than August 1. (9/0/1)

Alternatives/Options Under Consideration	Description *Four Alternatives
Option 1	No Action
Option 2	Percentage rollover provisions for specifications <u>Sub-Option A</u> : Rollover 35% of all groundfish stocks to the following FY. <u>Sub-Option B</u> : Rollover 20% of all groundfish stocks to the following FY. <u>Sub-Option C</u> : Rollover 10% of all groundfish stocks to the following FY.
Decisions/Questions to Consider	
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).	
Groundfish Committee Recommendations	
Option 2, Sub-Option A with modifications (see above motions).	
Groundfish AP Comments/Recommendations	
<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>	
Recreational Advisory Panel Comments/Recommendations	
Other Important Considerations/DEIS References	
Biological impacts: p. 177-7 Habitat impacts: p. 185 Endangered and other protected species impacts: p. 195 Economic impacts: p. 197-16 Social impacts: p. 209	

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

Groundfish Committee Motions:

- The Committee recommends that in Section 4.2.5 (Sector ACE Carryover), the Council select Option 2 as its Preferred Alternative. (8/0/2)

Alternatives/Options Under Consideration	Description *Two Alternatives
Option 1	No Action
Option 2	Modification to sector ACE carryover
Decisions/Questions to Consider	
Option 2 (see above motion)	
Groundfish Committee Recommendations	
Groundfish AP Comments/Recommendations	
Recreational Advisory Panel Comments/Recommendations	
Other Important Considerations/DEIS References	
Biological impacts: p. 177-9 Habitat impacts: p. 185 Endangered and other protected species impacts: p. 196 Economic impacts: p. 197-17 Social impacts: p. 211	