



New England Fishery Management Council

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MEMORANDUM

DATE: January 15, 2020
TO: **Groundfish Committee**
FROM: Council Staff
SUBJECT: **Overview of Recreational Fishery Accountability Measures**

This memo provides an overview of two types of accountability measures (AMs) - reactive and proactive - in the recreational groundfish fishery. These AMs apply to stocks in the groundfish fishery with recreational allocations - presently Gulf of Maine cod and Gulf of Maine haddock. Measures are designed to prevent or correct overages of a stock. An attachment summarizes the catch performance and management in federal waters of Gulf of Maine cod and Gulf of Maine haddock since fishing year 2010.

1. Reactive Accountability Measures

Under the reactive AM, changes to recreational fishery measures can be made after the sub-annual catch limit (sub-ACL) has been exceeded. If it is determined that the recreational fishery exceeded its sub-ACL for a stock, NMFS consults with the Council and then implements appropriate measures to prevent the sub-ACL from being exceeded. The need to change recreational measures can only be verified after catches are known and are compared to the sub-ACLs. This approach may make measures more restrictive if the recreational sub-ACL is exceeded.

Recreational fishery catches in a fishing year are monitored using Marine Recreational Information Program (MRIP) data. As soon as data are available for the entire fishing year, recreational catches are totaled for the fishing year and compared to the sub-ACL. If catches exceed the sub-ACL, NMFS determines the measures necessary to prevent exceeding the sub-ACL in future years following consultation with the Council and publishes the accountability measure that would be put into effect using procedures consistent with the APA. Final measures are to be published no later than January.

- When evaluating recreational “catch”, the components of recreational catch that are used are the same as used in the most recent assessment for the stock in question.
- The recreational AM is either/or adjustments to season, adjustments to minimum size, or adjustments to bag limits.
- Separate AMs can be determined for the private boat and party/charter components of the recreational fishery – that is, the AMs may be different for these two components.

- With respect to the timing of AMs, it is anticipated that the AMs for an overage in fishing year one will be implemented at the end of fishing year two.
- Depending on the specific measures used, the AM may be in effect for an extended period. The applicable period is specified when the AM is announced.
- When evaluating whether a recreational sub-ACL has been exceeded to determine if the AM needs to be implemented, the three-year average of recreational catch (calculated consistent with the catch used on the assessment) is compared to the three-year average of the sub-ACL. The three-year average of recreational harvest is compared to the three-year average of the recreational ACL and if necessary AMs are to be implemented in the year immediately following.

Table 1 provides a summary of the most recent catch performance and three-year average catch for Gulf of Maine cod and Gulf of Maine haddock.

2. Proactive Accountability Measures

Recreational AMs can be proactively adjusted by the Regional Administrator to ensure the recreational fishery will achieve, but not exceed, its sub-ACL. To the extent possible, any changes to the recreational management measures are made prior to the start of the fishing year. The Regional Administrator consults with the Council, or the Council's designee, and tells the Council, or its designee, what recreational measures are under consideration for the upcoming fishing year. If time allows, the NEFMC also provides the Recreational Advisory Panel (RAP) an opportunity to meet and discuss the proposed management measures. These AMs require development in consultation with the Council, because the appropriate suite of measures (e.g., bag limit, minimum fish size, and season) depends on the sub-ACL specified.

The Council provided guidance on its preference of measures that NMFS should consider if additional recreational effort controls are necessary to reduce Gulf of Maine cod or Gulf of Maine haddock catches, though this guidance does not restrict NMFS in selecting management measures that would best achieve, but not exceed, the recreational sub-ACL.

- Cod: If additional effort controls are necessary to reduce cod catches, the Council's non-binding preference is that NMFS first consider increases to minimum fish sizes, then adjustments to seasons, followed by changes to bag limits.
- Haddock: If additional effort controls are necessary to reduce haddock catches, the Council's non-binding preference is that NMFS first consider increases to minimum size limits, then changes to bag limits, followed by adjustments to seasons.

Table 1- FY 2016 - FY2018 GOM Cod and Haddock Recreational Catch Evaluation (mt). Source: GARFO FY2018 final year-end groundfish catch report.

| Stock | Fishing Year | Recreational Catch | | | | |
|-------------|----------------|--------------------|--------------|--------------|----------------------|------------------------------|
| | | Catch | Landings | Discard | Recreational sub-ACL | Percent of Catch Limit Taken |
| | | A + B | A | B | | |
| GOM Cod | 2016 | 280.9 | 94.5 | 186.4 | 157 | 178.9 |
| | 2017 | 245.4 | 26.6 | 218.8 | 157 | 156.3 |
| | 2018 | 146.9 | 4.3 | 142.6 | 220 | 66.8 |
| | Average | 224.4 | 41.8 | 182.6 | 178 | 126.1 |
| GOM Haddock | 2016 | 887.0 | 560.2 | 326.8 | 928 | 95.6 |
| | 2017 | 795.0 | 533.7 | 261.3 | 1,160 | 68.5 |
| | 2018 | 595.0 | 423.9 | 171.1 | 3,358 | 17.7 |
| | Average | 759.0 | 505.9 | 253.1 | 1,815 | 41.8 |

Recreational estimates based on Marine Recreational Information Program (MRIP) data.

Values in metric tons of live weight

Source: NMFS Greater Atlantic Regional Fisheries Office

November 22, 2019

These data are the best available to NOAA's National Marine Fisheries Service (NMFS).

ATTACHMENT

Table 1 - Summary of Gulf of Maine cod recreational catch performance and federal management (fishing years 2010–2019).

| Fishing Year | Sub-Annual Catch Limit (mt) | Catch (mt) | Percent of catch limit taken (%) | Minimum Size (inches) | Bag Limit Fish per angler - daily | Season Open | Season Closed | Additional Measures/Notes |
|--------------|-----------------------------|------------|----------------------------------|-----------------------|-----------------------------------|---|--------------------|--|
| 2010 | 2,673 | 1506.9 | 56.4 | 24 | 10 | 5/1/10 to 10/31/10 and 4/16/11 to 4/30/11 | 11/1/10 to 4/15/11 | First year of sub-ACL 33.7% of ACL Groundfish Regulations: Only one line per angler, and Fillets landed by private recreational and charter/party vessels must have at least 2 sq inches (5.08 sq cm) of contiguous skin that allows for the ready identification of the fish species. Such fillets are required to be from legal-sized fish, but the fillets themselves would not need to meet the minimum size requirements in the regulations. |
| 2011 | 2,824 | 1640.3 | 58.1 | 24 | 10 | 5/1/11 to 10/31/11 and 4/16/12 to 4/30/12 | 11/1/11 to 4/15/12 | First Year: Gulf of Maine (Whaleback) Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Whaleback Cod Spawning Protection Area. ¹ |
| 2012 | 2,215 | 937.4 | 42.3 | 19 | 9 | 5/1/12 to 10/31/12 and 4/16/13 to 4/30/13 | 11/1/12 to 4/15/13 | |

¹ **Pelagic hook-and-line gear** is defined as handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species. No portion of this gear may be operated in contact with the bottom at any time.

Possession Restrictions: Any vessel fishing in the Gulf of Maine Whaleback Cod Spawning Protection Area, or the Winter Massachusetts Bay Spawning Protection Area, including pelagic hook-and-line gear by recreational vessels, is prohibited from possessing or retaining regulated species or ocean pout from April 1 through June 30 of each year.

Transiting: Recreational vessels are allowed to transit the Gulf of Maine Cod Spawning Protection Area, and Winter Massachusetts Bay Spawning Protection Area provided all gear is stowed in accordance with the regulations.

| Fishing Year | Sub-Annual Catch Limit (mt) | Catch (mt) | Percent of catch limit taken (%) | Minimum Size (inches) | Bag Limit Fish per angler - daily | Season Open | Season Closed | Additional Measures/Notes |
|--------------|-----------------------------|------------|----------------------------------|-----------------------|-----------------------------------|---|--|--|
| 2013 | 486 | 639.3 | 131.5 | 19 | 9 | 5/1/13 to 10/31/13 and 4/16/14 to 4/30/14 | 11/1/13 to 4/15/14 | |
| 2014 | 486 | 623.3 | 128.3 | 21 | 9 | 5/1/14 to 8/31/14 and 4/15/14 to 4/30/14 | 9/1/14 to 4/14/15 | Replaced by interim action on 11/15/14 |
| | | | | n/a | 0 | closed | 11/15/14 to 4/30/15 | 2014 interim action: Seasonal 30-minute block closures, no recreational gear capable of catching groundfish in closures |
| 2015 | 121 | 84.5 | 69.8 | n/a | 0 | Closed year-round | | Interim action Seasonal closures removed on 5/1/16 |
| 2016 | 157 | 280.9 | 178.9 | 24 | 1 | 8/1/16 to 9/30/16 | 5/1/16 to 7/31/16 and 10/1/16 to 4/30/17 | |
| 2017 | 157 | 245.4 | 156.3 | 24 | 1 | 8/1/17 to 9/30/17 | 5/1/17 to 7/31/17 and 10/1/18 to 4/30/18 | Replaced by final rule effective on 7/27/17 |
| | | | | n/a | 0 | Closed year-round | | |
| 2018 | 220 | | | n/a | 0 | Closed year-round | | First Year: Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic |

| Fishing Year | Sub-Annual Catch Limit (mt) | Catch (mt) | Percent of catch limit taken (%) | Minimum Size (inches) | Bag Limit Fish per angler - daily | Season Open | Season Closed | Additional Measures/Notes |
|---------------------|------------------------------------|-------------------|---|------------------------------|--|--------------------|--|---|
| | | | | | | | | hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area. ¹ |
| 2019 | 220 | | | 21 | 1 | 9/15/19 to 9/30/19 | 5/1/19 to 9/14/19 and 10/1/19 to 4/30/20 | Previous year's regulations were in effect until July 5, 2019, when these measures were implemented. Based on comments received on the proposed rule, there will not be an open season in April 2020. |

Table 2 - Summary of Gulf of Maine haddock recreational catch performance and federal management (fishing years 2010–2019).

| Fishing Year | Sub-Annual Catch Limit (mt) | Catch (mt) | Percent of catch limit taken (%) | Minimum Size (inches) | Bag Limit Fish per angler - daily | Season Open | Season Closed | Additional Measures/Notes |
|--------------|-----------------------------|------------|----------------------------------|-----------------------|-----------------------------------|--------------------|---------------|--|
| 2010 | 324 | 297.4 | 91.8 | 18 | no limit | | n/a | First year of sub-ACL 27.5% of ACL Groundfish Regulations: Only one line per angler, and Fillets landed by private recreational and charter/party vessels must have at least 2 sq inches (5.08 sq cm) of contiguous skin that allows for the ready identification of the fish species. Such fillets are required to be from legal-sized fish, but the fillets themselves would not need to meet the minimum size requirements in the regulations. |
| 2011 | 308 | 238.5 | 77.4 | 18 | no limit | 5/1/11 to 1/5/12 | n/a | First Year: Gulf of Maine (Whaleback) Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Whaleback Cod Spawning Protection Area. ¹ |
| | | | | 19 | 9 | 1/6/12 to 4/19/12 | n/a | Accountability Measure (AM) for 2010 overage |
| | | | | 18 | no limit | 4/20/12 to 4/30/12 | n/a | AM lifted after re-evaluation of data showing no 2010 overage |
| 2012 | 259 | 280.7 | 108.4 | 18 | no limit | | n/a | |
| 2013 | 74 | 231.5 | 312.2 | 21 | no limit | | n/a | |

| Fishing Year | Sub-Annual Catch Limit (mt) | Catch (mt) | Percent of catch limit taken (%) | Minimum Size (inches) | Bag Limit Fish per angler - daily | Season Open | Season Closed | Additional Measures/Notes |
|--------------|-----------------------------|------------|----------------------------------|-----------------------|-----------------------------------|---|---|--|
| 2014 | 173 | 658.6 | 380.7 | 21 | 3 | 5/1/14 to 8/31/14 and 11/1/14 to 2/28/15 | 9/1/14 to 10/31/14 and 3/1/15 to 4/30/15 | <i>See Cod interim action</i> |
| 2015 | 372 | 381.9 | 102.7 | 17 | 3 | 5/1/15 to 8/31/15 and 11/1/15 to 2/29/16 | 9/1/15 to 10/31/15 and 3/1/16 to 4/30/16 | |
| 2016 | 928 | 887.0 | 95.6 | 17 | 15 | 5/1/16 to 2/28/17 and 4/15/17 to 4/30/17 | 3/1/17 to 4/14/17 | |
| 2017 | 1,160 | 795.0 | 68.5 | 17 | 15 | 5/1/17 to 2/28/18 and 4/15/18 to 4/30/18 | 3/1/18 to 4/14/18 | Replaced by final rule effective 7/27/17 |
| | | | | 17 | 12 | 5/1/17 to 9/16/17 and 11/1/17 to 2/28/18 and 4/15/18 to 4/30/18 | 9/17/17 to 10/31/17 and 3/1/18 to 4/14/18 | |

| Fishing Year | Sub-Annual Catch Limit (mt) | Catch (mt) | Percent of catch limit taken (%) | Minimum Size (inches) | Bag Limit Fish per angler - daily | Season Open | Season Closed | Additional Measures/Notes |
|---------------------|------------------------------------|-------------------|---|------------------------------|--|---|---|--|
| 2018 | 3,358 | | | 17 | 12 | 5/1/18 to 9/16/18 and 11/1/18 to 2/28/19 and 4/15/19 to 4/30/19 | 9/17/18 to 10/31/18 and 3/1/19 to 4/14/19 | First Year: Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area. ¹ |
| 2019 | 3,194 | | | 17 | 15 | 5/1/19 to 2/29/20 and 4/15/20 to 4/30/20 | 3/1/20 to 4/14/20 | Previous year's regulations were in effect until July 5, 2019, when these measures were implemented. The possession limit increased from 12-15 fish, and the fall closure has been removed to increase access to this healthy stock. |