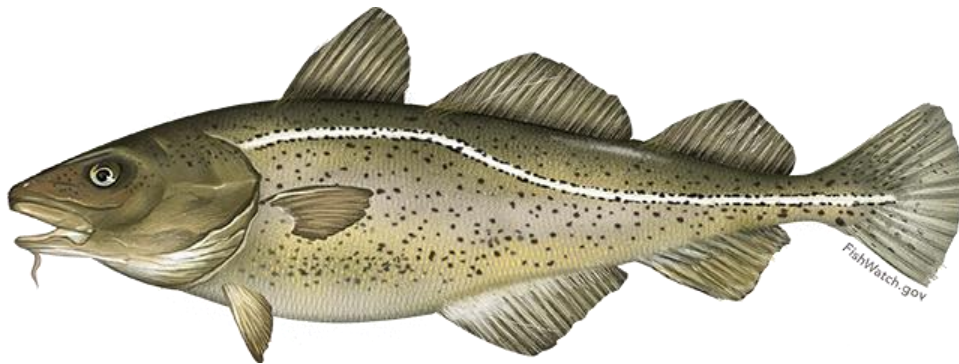


# Northeast Multispecies Fishery Management Plan

## DRAFT Framework Adjustment 59

Including an Environmental Assessment,  
Regulatory Flexibility Analysis, and  
Stock Assessment and Fishery Evaluation



**Draft for review at Groundfish Committee meeting, Version 2**

**November 25, 2019**

Prepared by the  
New England Fishery Management Council

In consultation with the  
National Marine Fisheries Service and  
Mid-Atlantic Fishery Management Council



## 1.0 EXECUTIVE SUMMARY

The purpose of Framework 59 (FW59) is to set specifications for several groundfish stocks and management units. This framework incorporates the results of new stock assessments.

The need for this action is to prevent overfishing, ensure rebuilding, and help achieve optimum yield in the commercial and recreational fisheries consistent with the status of stocks and the requirements of MSA of 2006. This includes alternatives to set 2020 total allowable catches (TACs) for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and the GB yellowtail flounder stock, to set 2020-2022 specifications for fifteen groundfish stocks [1) GB cod; 2) Gulf of Maine (GOM) cod; 3) GB haddock; 4) GOM haddock; 5) GB yellowtail flounder; 6) Cape Cod/GOM yellowtail flounder; 7) Southern New England/Mid-Atlantic yellowtail flounder; 8) GB winter flounder; 9) American plaice; 10) witch flounder; 11) pollock; 12) white hake; 13) Atlantic halibut; 14) Northern windowpane flounder; and 15) Southern windowpane flounder], to address commercial/recreational allocation issues if raised by new Marine Recreational Information Program (MRIP) data, and to revise the GB cod Incidental Catch TAC to remove the allocation to the Closed Area I (CAI) Hook Gear Haddock Special Access Program (SAP).

### *Proposed Action*

### *Impacts of the Proposed Action*

### *Alternatives to the Proposed Action*

[Insert table(s) summarizing impacts by VEC]

## 4.0 DRAFT ALTERNATIVES UNDER CONSIDERATION

### 4.1 ACTION 1 – SPECIFICATIONS

#### 4.1.1 Alternative 1 - No Action

Under Alternative 1 (No Action), there would be no changes to the specifications for FY2020 (Table 2). Default specifications would be in effect from May 1, 2020, to July 31, 2020, and would equal 35% of the FY2019 catch limits, which would be necessary for Eastern GB cod and Eastern GB haddock and would use FY2019 catch limits as a basis for also adjusting GB cod and GB haddock for expected Canadian catches. All other stocks have FY2020 specifications adopted in FW57 and FW58. There would be no new FY2020 quotas specified for the transboundary Georges Bank stocks (i.e. GB cod, GB haddock, GB yellowtail flounder), which are managed through the US/CA Resource Sharing Understanding. These quotas are specified annually.

**Rationale:** The No Action alternative uses overfishing limits (OFLs)/acceptable biological catches (ABCs)/annual catch limits (ACLs) adopted in FW57 and FW58. These values are based on previous assessments. However, more recent assessments for fifteen of the groundfish stocks occurred in 2019.

Table 2 – Alternative 1/No Action - Northeast Multispecies OFLs, ABC, ACLs, and other ACL sub-components for FY2020 (metric tons, live weight), adjusted for final sector 2019 rosters following the final rule for FW58, published July 19, 2019. Values are rounded to the nearest metric ton. Stocks which are underlined are not adjusted for anticipated 2020 US/CA quotas.

Stock	OFL	US ABC	State-Waters Sub-Component	Other sub-components	Scallops	Groundfish Sub-ACL	Comm. Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-sector Groundfish	MWT or Small mesh Sub-ACL	Total ACL
<u>GB Cod</u>	<u>3,047</u>	<u>2,285</u>	<u>23</u>	<u>194</u>		<u>1,965</u>	<u>1,965</u>		<u>1,897</u>	<u>67</u>		<u>2,182</u>
GOM Cod	938	703	47	9		610	390	220	378	11		666
<u>GB Haddock</u>	<u>100,825</u>	<u>73,114</u>	<u>731</u>	<u>731</u>		<u>67,027</u>	<u>67,027</u>		<u>67,027</u>	<u>1,062</u>	<u>1,020</u>	<u>69,509</u>
GOM Haddock	13,020	10,186	74	74		9,384	6,779	2,605	6,700	78	95	9,626
<u>GB Yellowtail Flounder</u>		<u>162</u>			<u>25</u>	<u>129</u>	<u>129</u>		<u>125</u>	<u>4</u>	<u>3</u>	<u>157</u>
SNE/MA Yellowtail Flounder	90	68	2	17	16	31	31		25	6		66
CC/GOM Yellowtail Flounder	848	511	51	41		398	398		377	21		490
American Plaice	1,945	1,492	30	30		1,361	1,361		1,337	24		1,420
Witch Flounder		993	40	55		854	854		831	23		948
GB Winter Flounder	1,756	810		12		774	774		742	32		786
GOM Winter Flounder	596	447	67	7		355	355		337	18		428
SNE/MA Winter Flounder	1,228	727	73	109		518	518		444	74		700
Redfish	15,852	11,942	119	119		11,118	11,118		11,060	58		11,357
White Hake	3,916	2,938	29	29		2,735	2,735		2,714	21		2,794
Pollock	57,240	40,172	402	402		37,400	37,400		37,152	248		38,204
Northern Windowpane Flounder	122	92	2	3	18	63	63			63		86
Southern Windowpane Flounder	631	473	28	218	158	53	53			53		457

<b>Stock</b>	<b>OFL</b>	<b>US ABC</b>	<b>State-Waters Sub-Component</b>	<b>Other sub-components</b>	<b>Scallops</b>	<b>Groundfish Sub-ACL</b>	<b>Comm. Ground-fish Sub-ACL</b>	<b>Rec Ground-fish Sub-ACL</b>	<b>Preliminary Sectors Sub-ACL</b>	<b>Preliminary Non-sector Groundfish</b>	<b>MWT or Small mesh Sub-ACL</b>	<b>Total ACL</b>
Ocean Pout	169	127	3	23		94	94			94		120
Atlantic Halibut		104	21	4		75	75			75		100
Atlantic Wolffish	120	90	1	1		82	82			82		84

## 4.1.2 Alternative 2 – Revised Specifications

Under Alternative 2, the annual specifications for FY2020 – FY2022 for GB cod, GOM cod, GB haddock, GOM haddock, GB yellowtail flounder, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, GB winter flounder, American plaice, witch flounder, pollock, white hake, Atlantic halibut, Northern windowpane flounder, and Southern windowpane flounder would be as specified as in Table 5. Option 2 includes adjustments to the state waters and other sub-component values from those specified in FW58 under the No Action alternative (see Appendix II). All other specifications would remain unchanged from those adopted through FW58.

### U.S./Canada Total Allowable Catches

This alternative would specify total allowable catches (TACs) for the U.S./Canada Management Area for FY2020 for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder as indicated in Table 3. If NMFS determines that FY2019 catch of GB cod, haddock, or yellowtail flounder from the U.S./Canada Management Area exceeded the respective 2019 TAC, the U.S./Canada Resource Sharing Understanding and the regulations require that the 2020 TAC be reduced by the amount of the overage. Any overage reduction would be applied to the components of the fishery that caused the overage of the U.S. TAC in 2019. To minimize any disruption to the fishing industry, NMFS would attempt to make any necessary TAC adjustment in the first quarter of the fishing year.

A comparison of the proposed FY2020 U.S. TACs and the FY2019 U.S. TACs is shown in Table 4. Changes to the U.S. TACs reflect changes to the percentage shares, stock status, and the TMGC’s recommendations.

**Table 3 - Proposed FY2020 U.S./Canada TACs (mt).**

	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
Total Shared TAC	650	30,000	162
U.S. TAC	188.5	16,200	120
Canada TAC	461.5	13,800	42

**Table 4 - Comparison of the Proposed FY2020 U.S. TACs and the FY2019 U.S. TACs (mt).**

Stock	U.S. TAC		Percent Change (FY2020-FY2019) /FY2019)*100
	FY2020	FY2019	
Eastern GB cod	188.5	189	-0.26%
Eastern GB haddock	16,200	15,000	+8%
GB yellowtail flounder	120	106	+13%

**Table 5- Alternative 2 Revised Northeast Multispecies OFLs, ABC, ACLs, and other ACL sub-components for FY2020-FY2022 (metric tons, live weight), based on final 2019 sector rosters. Values are rounded to the nearest metric ton. Underlined stocks are subject to adjustments in 2021 and 2022 based on US/CA quotas, 2020 CA quotas were used to adjust in the interim. Includes adjustments for Canadian catches (\*), and state waters component and other sub-component for most stocks. Specifications in gray are unadjusted from FW57/FW58.**

<b>Stock</b>	<b>FY</b>	<b>OFL</b>	<b>US ABC</b>	<b>State-Waters Sub-Component</b>	<b>Other sub-component</b>	<b>Scallops</b>	<b>Groundfish Sub-ACL</b>	<b>Comm. Ground-fish Sub-ACL</b>	<b>Rec Ground-fish Sub-ACL</b>	<b>Preliminary Sectors Sub-ACL</b>	<b>Preliminary Non-sector Groundfish Sub-ACL</b>	<b>MWT or Small mesh Sub-ACL</b>	<b>Total ACL</b>
GB Cod*	2020		1,301	20	143		1,081	1,081		1,044	37		1,244
<i>Option A1: Recreational catch target 138 mt, FY2020 only</i>													
<u>GB Cod*</u>	2020		1,301	20	143		1,081	1,081		1,044	37		1,244
<i>Option A2: Recreational catch target 138 mt, FY2020-FY2022</i>	<u>2021</u>		1,301	20	143		1,081	1,081		1,044	37		1,244
	<u>2022</u>		1,301	20	143		1,081	1,081		1,044	37		1,244
GOM Cod	2020	724	552	48	7		469	296	173	287	9		523
<i>Option B1: Current commercial and recreational allocation</i>	2021	929	552	48	7		469	296	173	287	9		523
	2022	1,150	552	48	7		469	296	173	287	9		523
GOM Cod	2020	724	552	48	7		468	275	193	267	8		523
<i>Option B2: Revised commercial and recreational allocation</i>	2021	929	552	48	7		468	275	193	267	8		523
	2022	1,150	552	48	7		468	275	193	267	8		523

Stock	FY	OFL	US ABC	State-Waters Sub-Component	Other sub-component	Scallops	Groundfish Sub-ACL	Comm. Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-sector Groundfish Sub-ACL	MWT or Small mesh Sub-ACL	Total ACL
<u>GB Haddock*</u>	2020	184,822	75,056		375		69,877	69,877		68,770	1,107	1,047	71,299
<i>Option D1: Current MWT Atlantic herring sub-ACL, 1.5%</i>	<u>2021</u>	130,773	75,056		375		69,877	69,877		68,770	1,107	1,047	71,299
	<u>2022</u>	129,580	75,056		375		69,877	69,877		68,770	1,107	1,047	71,299
<u>GB Haddock*</u>	2020	184,822	75,056		375		69,521	69,521		68,419	1,102	1,396	71,292
<i>Option D1: Increase MWT Atlantic herring sub-ACL, 2%</i>	<u>2021</u>	130,773	75,056		375		69,521	69,521		68,419	1,102	1,396	71,292
	<u>2022</u>	129,580	75,056		375		69,521	69,521		68,419	1,102	1,396	71,292
GOM Haddock	2020	25,334	11,526	42	84		10,658	7,710	2,948	7,621	89	107	10,890
<i>Option B1: Current commercial and recreational allocation</i>	2021	23,709	11,526	42	84		10,658	7,710	2,948	7,621	89	107	10,890
	2022	17,945	11,526	42	84		10,658	7,710	2,948	7,621	89	107	10,890
GOM Haddock	2020	25,334	11,526	38	76		10,653	7,020	3,634	6,939	81	107	10,875
<i>Option B2: Revised commercial and recreational allocation</i>	2021	23,709	11,526	38	76		10,653	7,020	3,634	6,939	81	107	10,875
	2022	17,945	11,526	38	76		10,653	7,020	3,634	6,939	81	107	10,875
<u>GB Yellowtail Flounder*</u>	2020		120			19	95	95		93	3	2	116
	<u>2021</u>		120			19	95	95		93	3	2	116
SNE/MA Yellowtail Flounder	2020	31	22		4	16	2	2		2	0		22
<i>Option E1: Scallop sub-ACL for FY2020 only</i>													



<b>Stock</b>	<b>FY</b>	<b>OFL</b>	<b>US ABC</b>	<b>State-Waters Sub- Component</b>	<b>Other sub-component</b>	<b>Scallops</b>	<b>Groundfish Sub-ACL</b>	<b>Comm. Ground-fish Sub-ACL</b>	<b>Rec Ground-fish Sub- ACL</b>	<b>Preliminary Sectors Sub-ACL</b>	<b>Preliminary Non-sector Groundfish Sub-ACL</b>	<b>MWT or Small mesh Sub-ACL</b>	<b>Total ACL</b>
SNE/MA Yellowtail Flounder	2020	31	22		4	2	15	15		12	3		21
<i>Option E2: Scallop sub-ACL at 90% of projected catch</i>	2021	71	22		4	2	15	15		12	3		21
	2022	184	22		4	2	15	15		12	3		21
CC/GOM Yellowtail Flounder	2020	1,136	823	58	41		688	688		651	37		787
	2021	1,076	823	58	41		688	688		651	37		787
	2022	1,116	823	58	41		688	688		651	37		787
American Plaice	2020	4,084	2,825	28	28		2,630	2,630		2,574	56		2,687
	2021	3,806	2,825	28	28		2,630	2,630		2,574	56		2,687
	2022	3,753	2,825	28	28		2,630	2,630		2,574	56		2,687
Witch Flounder	2020		1,483	44	59		1,310	1,310		1,275	35		1,414
	2021		1,483	44	59		1,310	1,310		1,275	35		1,414
	2022		1,483	44	59		1,310	1,310		1,275	35		1,414
GB Winter Flounder*	2020	790	561		22		522	522		501	21		545
	2021	944	561		22		522	522		501	21		545
	2021	1,590	561		22		522	522		501	21		545
GOM Winter Flounder	2020	596	447	139	7		287	287		272	15		432
SNE/MA Winter Flounder	2020	1,228	727	36	124		539	539		462	77		699
Redfish	2020	15,852	11,942	60	60		11,231	11,231		11,173	59		11,351

<b>Stock</b>	<b>FY</b>	<b>OFL</b>	<b>US ABC</b>	<b>State-Waters Sub-Component</b>	<b>Other sub-component</b>	<b>Scallops</b>	<b>Groundfish Sub-ACL</b>	<b>Comm. Ground-fish Sub-ACL</b>	<b>Rec Ground-fish Sub-ACL</b>	<b>Preliminary Sectors Sub-ACL</b>	<b>Preliminary Non-sector Groundfish Sub-ACL</b>	<b>MWT or Small mesh Sub-ACL</b>	<b>Total ACL</b>
White Hake*	2020	2,857	2,147	11	11		2,019	2,019		2,004	16		2,041
	2021	2,906	2,147	11	11		2,019	2,019		2,004	16		2,041
	2022	2,986	2,147	11	11		2,019	2,019		2,004	16		2,041
Pollock	2020	35,358	16,812	1,093	1,093		13,895	13,895		13,803	92		16,081
	2021	30,795	16,812	1,093	1,093		13,895	13,895		13,803	92		16,081
	2022	24,087	16,812	1,093	1,093		13,895	13,895		13,803	92		16,081
Northern Windowpane Flounder	2020	84	59	1	5	12	38	38			38		55
	2021	84	59	1	5	12	38	38			38		55
	2022	84	59	1	5	12	38	38			38		55
Southern Windowpane Flounder	2020	568	426	26	196	143	48	48			48		412
	2021	568	426	26	196	143	48	48			48		412
	2022	568	426	26	196	143	48	48			48		412
Ocean Pout	2020	169	127	1	27		92	92			92		120
Atlantic Halibut*	2020		106	21	4		77	77			77		102
	2021		106	21	4		77	77			77		102
	2022		106	21	4		77	77			77		102
Atlantic Wolffish	2020	120	90	1	1		82	82			82		84

**Rationale:** This measure would adopt new specifications for fifteen groundfish stocks consistent with the most recent stock assessment information. The U.S. and Canada coordinate management of three management units that overlap the boundary between the two countries on Georges Bank. Agreement on the amount to be caught is reached each year by the TMGC. This framework includes the recommendations of the TMGC, which are consistent with the most recent Transboundary Resource Assessment Committee (TRAC) assessments.

#### **4.1.2.1 Option A – Recreational Fishery Georges Bank Cod Catch Target**

##### Option A1: No Action

Under Option A1/No Action, the recreational fishery GB cod catch target is in place from FY2018 to FY2020. The catch target is based on a five-year (CY2012-CY2016) average of recreational fishery catch (landings and discards) from the 2017 operational assessment for GB cod. The catch target value is 138mt. The catch target does not account for the revised MRIP data in the 2019 stock assessment of GB cod. As the catch target is not a sub-ACL, the catch target was apportioned into the state waters and other sub-components for FY2020 (see Appendix III of Framework Adjustment 57 and Table 2).

**Rationale:** The development of a recreational fishery GB cod catch target forms the basis for the development of recreational fishery management measures (see Section 4.2 Action 2- Recreational Fishery Measures for GB cod) by using information from the 2017 stock assessment.

##### Option A2: Recreational fishery GB cod catch target

Under Option A2, the current recreational fishery GB cod catch target would remain at 138mt, as under No Action, and be extended from FY2020 through FY2022. The catch target does not account for the revised MRIP data in the 2019 stock assessment of GB cod. As the catch target is not a sub-ACL, the catch target was apportioned into the state waters and other sub-components for FY2020 to FY2022 (see Appendix III for details, and Table 5).

**Rationale:** The development of a recreational fishery GB cod catch target forms the basis for the development of recreational fishery management measures (see Section 4.2 Action 2- Recreational Fishery Measures for GB cod) by using information from the 2017 stock assessment. The catch target would expire after FY2020 and this would extend the catch target for two additional fishing years.

#### **4.1.2.2 Option B – Allocation between Commercial and Recreational Fisheries for Gulf of Maine Cod and Gulf of Maine Haddock**

##### Option B1: No Action

Under Option B1/No Action, the allocation between the commercial and recreational fisheries for GOM cod and GOM haddock would remain unchanged (Table 6). Data from GARM III was used to determine the proportions of allocation given to each fishery following the method described in A16.

**Table 6- Time periods for calculating the recreational and commercial share of the groundfish ACL and resulting recreational allocation.**

Stock	Years	Recreational Allocation
GOM cod	2001-2006	33.7%
GOM haddock	2001-2006	27.5%

**Rationale:** The design of management measures can be tailored to the components that are responsible should mortality targets be exceeded

**Option B2:** Revise the allocation between commercial and recreational fisheries for GOM cod and GOM haddock.

Under Option B2, the allocation between commercial and recreational fisheries for GOM cod and GOM haddock would be updated to reflect the data in the 2019 stock assessments (Table 7). Data changes since the initial allocation include updated commercial landings and discards, revised MRIP recreational landings and discards, and the incorporation of recreational discards. The time period for calculating the allocation shares would remain unchanged.

**Table 7- Time periods for calculating the recreational and commercial share of the groundfish ACL and resulting recreational allocation.**

Stock	Years	Recreational Allocation
GOM cod	2001-2006	37.5%
GOM haddock	2001-2006	33.9%

**Rationale:** The design of management measures would continue to be tailored to the components that are responsible should mortality targets be exceeded. Further, revising the allocations would better reflect the data in the stock assessments and that used for monitoring.

#### **4.1.2.3 Option C – Closed Area I Hook Gear Haddock Special Access Program**

**Option C1:** No Action

Under Option C1/No Action, the GB cod Incidental Catch Total Allowable Catch (TAC) is currently 2 percent of the common pool sub-ACL for GB cod. The Incidental Catch TAC is subdivided between the Regular B Days-at-Sea (B DAS) Program (50%), Eastern US/Canada Haddock SAP (34%) and the Closed Area I Hook Gear Haddock SAP (CAI HGH SAP) (16%).

Under Option C1/No Action, these allocations would remain. Sixteen percent of the Incidental Catch TAC would continue to be allocated for use by common pool vessels operating in the CAI HGH SAP.

**Rationale:** No Action would maintain the current allocation with no changes.

**Option C2:** Revise the GB cod Incidental Catch TAC to remove the allocation for the CAI HGH SAP.

Under Option C2, the allocation to the CAI HGH SAP would be removed. To keep the allocations for the other two programs equivalent to the proportions allocated previously, the GB cod Incidental CAP would

be reduced to 1.68 percent of the common pool sub-ACL, and that would then be subdivided between the B DAS Program (60%) and the Eastern US/Canada Haddock SAP (40%).

**Table 8- Table comparing the allocations between Option C1/No Action and Option C2. An example of the specifications (mt), in parentheses, for each option calculated using the 2020GB cod sub-ACL for the common pool of 38 mt (based on 2019 final rosters).**

	GB Cod Incidental Catch TAC - % of Common Pool sub-ACL	B DAS Program- % of GB Cod Incidental Catch TAC	Eastern US/CA Haddock SAP- % of GB Cod Incidental Catch TAC	CAI HGH SAP- % of GB Cod Incidental Catch TAC
Option C1/No Action	2% (0.77 mt)	50% (0.38 mt)	34% (0.26 mt)	16% (0.12 mt)
Option C2 – Remove CAI HGH SAP allocation	1.68% (0.64 mt)	60% (0.39 mt)	40% (0.26 mt)	0% (0 mt)

**Rationale:** The Council’s Omnibus Essential Fish Habitat Amendment (OHA2), implemented on April 9, 2018, eliminated the year-round closure of CAI. When OHA2 eliminated CAI, the CAI HGH SAP became unnecessary, because, aside from the Georges Bank Dedicated Habitat Research Area and the Seasonal CAI North closure (February 1 – April 15), the geographic area once covered by CAI is now an open area accessible to the groundfish fleet. As a result, NMFS is conducting rulemaking that would remove the regulations that implement the CAI HGH SAP.

The Incidental Catch TAC for GB cod is subdivided between the CAI HGH SAP, Regular B DAS Program, and the Eastern U.S./Canada Haddock SAP. With the elimination of the CAI HGH SAP, an allocation to the program is unnecessary. The adjustment to the GB cod Incidental Catch TAC and to the subdivisions for the remaining programs (B DAS Program and Eastern US/Canada Haddock SAP) allows those allocations to remain the same without continuing to allocate to the CAI HGH SAP.

#### **4.1.2.4 Option D– Midwater Trawl Atlantic Herring Fishery sub-ACL for Georges Bank Haddock**

##### Option D1: No Action

Under Option D1/No Action, the current sub-ACL for GB haddock in the midwater trawl Atlantic herring would be maintained at 1.5% of the US ABC, reduced by the current management uncertainty buffer (7%) to determine the sub-ACL.

Currently, a review process occurs following an assessment of the entire GB haddock stock. The Groundfish PDT conducts a review of the sub-ACL to recommend to the Council a sub-ACL for the midwater trawl Atlantic herring fishery of up to 2% of the U.S. ABC. The review of the sub-ACL would include a range of 1% up to 2% of the U.S. ABC. The review for GB haddock considers but is not limited to: fishery catch performance, utilization, status of the resource, recruitment, incoming year-class strength, and evaluation of the coefficient of variation (CV) of the GB haddock incidental catch estimates for the Atlantic herring midwater trawl fishery. The Council reviews the work of the PDT and determines if a change in the sub-ACL (up or down) would be considered in the action in which specifications for

GB haddock would be adopted following an assessment of the entire GB haddock stock. The review process does not take place following the assessment of only the EGB haddock stock.

**Rationale:** No Action would continue to ensure the long-term sustainability of the GB haddock stock and groundfish fishery. It also would provide incentives for the midwater Atlantic herring fishery to minimize, to the extent practicable, the bycatch of this stock.

Option D2: Increase the MWT Atlantic herring fishery sub-ACL for GB haddock to 2 percent

Option D2 would increase the current sub-ACL for GB haddock in the midwater trawl Atlantic herring from 1.5% of the US ABC to 2% of the U.S. ABC, reduced by the management uncertainty buffer to determine the sub-ACL. The uncertainty buffer is currently 7%. The review process would also be maintained as described under the No Action.

**Rationale:** Sub-Option D2 would continue to ensure the long-term sustainability of the GB haddock stock and groundfish fishery. It also would provide incentives for the midwater Atlantic herring fishery to minimize, to the extent practicable, the bycatch of this stock. Further, this option better meets the goals and objectives of the Atlantic herring management program, particularly the goal to achieve, on a continuing basis, optimum yield, and the objectives to achieve full utilization of the allowable the catch of herring, and to use the resource in a manner which maximizes social and economic benefits to the nation, while taking into account the protection of marine ecosystems. The review process allows for consideration of the most recent stock assessment and fishery information to allow for an adjustment of the sub-ACL. Based on the review, the sub-ACL could be increased to 2% for several reasons. The 2019 assessment concluded that GB haddock is not overfished and overfishing is not occurring. Current estimates of GB haddock SSB are the highest in the time series, and there continues to be strong recruitment in this stock. The overall GB haddock stock utilization has been low in recent years. Because the GB haddock stock is so large, and directed catches in the groundfish fishery are well-below the ACL, a small increase in the sub-ACL for the MWT fleet is unlikely to have adverse impacts upon the GB haddock stock, and may allow the MWT fishery greater flexibility to achieve optimum yield.

#### **4.1.2.5 Option E – Atlantic Sea Scallop Fishery sub-ACL for Southern New England/Mid-Atlantic Yellowtail Flounder**

Option E1: No Action

Under Option E1/No Action, there would be no changes to the scallop fishery sub-ACL for SNE/MA yellowtail flounder for FY2020. The scallop fishery sub-ACL for SNE/MA yellowtail flounder would be 16 mt, the value specified in FW57. Beyond FY2020, no scallop fishery sub-ACL would be specified for SNE/MA yellowtail flounder.

**Rationale:** This approach would utilize bycatch projections from Scallop FW29.

Option E2: Set the Atlantic Sea Scallop Fishery Sub-ACL for SNE/MA yellowtail flounder using 90% of projected scallop fishery catch

As part of the specification setting process, the Council considers a scallop fishery sub-ACL for SNE/MA yellowtail flounder. Option E2 would continue to specify scallop fishery sub-ACLs for SNE/MA yellowtail flounder based on the scallop fishery's projected catch (as opposed to a fixed percentage). A sub-ACL for SNE/MA yellowtail flounder for the scallop fishery was adopted through Amendment 16, and the Council selected an allocation for the scallop fishery through FW44, FW50, FW55 and FW57. Since FY2011, the sub-ACL has been based on 90 percent of the projected SNE/MA yellowtail flounder bycatch in the scallop fishery, though the Council is not bound by its earlier decisions. Table 9 describes

the upper bound of projected SNE/MA yellowtail catch in the scallop fishery, under the range of projection runs in the Draft Scallop FW32. Bycatch projections ranged from 1.42 mt to 2.59 mt in FY2020, and based on 90% of the projected bycatch the scallop sub-ACL would be set at 2 mt for FY2020 through FY2022. However bycatch projections for FY2021 and FY2022 were unavailable at the time and will be updated following the Council’s final action on Scallop FW32.

**Table 9- Summary of projected SNE/MA yellowtail flounder bycatch estimates (mt) from Draft Scallop Framework 32.**

<b>SNE/MA yellowtail flounder – FY2020 to FY2022</b>	
<b>Total ABC of 22 mt</b>	
Fishing year	Upper bound on bycatch projections from Draft Scallop FW32 (resulting sub-ACLs)
2020-2022	2.59 mt (90% = 2 mt)

In addition, there are existing provisions in the regulations that manage this sub-ACL in a manner that prevents the loss of available yield of this stock. NMFS currently evaluates catches of SNE/MA yellowtail flounder by the scallop fishery by January 15 of the fishing year. If the catch estimate indicates that the scallop fishery will catch less than 90 percent of the entire sub-ACL, NMFS will reduce the scallop fishery sub-ACL to the amount expected to be caught and increase the groundfish sub-ACL by up to the difference between the original estimate and the revised estimate. The increase to groundfish sub-ACL will be distributed to sectors and the common pool. If the amount of yellowtail flounder projected to be caught by the scallop fishery exceeds the scallop fishery sub-ACL, there will not be any change to the sub-ACL.

Option E2 would set the SNE/MA yellowtail flounder ABC and sub-ACL at 90% of the scallop fishery’s estimated catch for FY2020 – FY2022. A comparison of the scallop fishery projected catch estimates, and resulting sub-ACLs are shown in Table 9.

**Rationale:** Specifying a sub-ACL at 90% of projected catch would incentivize the scallop fishery to reduce catches of SNE/MA yellowtail flounder. An allocation of 90% of estimated catch is consistent with the Council’s approach in recent years.

## 4.2 ACTION 2 – RECREATIONAL FISHERY MEASURES FOR GEORGES BANK COD

### 4.2.1 Alternative 1 – No Action

No Action would maintain the existing management measures currently in place for GB cod for the recreational fishery.

*Minimum Fish Size*- The minimum size for Georges Bank cod is 21 inches (53.34 cm.), total length for the recreational fishery (private, party, and charter).

*Possession Limit*-Party, charter, and private vessels in the recreational fishery are permitted to land 10 legal sized GB cod per angler.

*Management Measures*- Changes to existing management measures would need a Council action. Currently, the recreational fishery does not have an allocation for GB cod. Amendment 16 outlined the process for determining when and how an allocation of certain regulated groundfish stocks be made to the recreational component of the fishery. The process would require Council action and that certain standards be met (e.g., the fishery components are fully utilizing their ACL, and the recreational harvest, after accounting for state waters catches outside the management plans, is five percent or greater of the removals).

*Rationale:* This approach would continue to allow for the Council to adjust recreational measures through management actions.

### 4.2.2 Alternative 2 – Temporary Administrative Measure to Allow the Regional Administrator Authority to Adjust the Recreational Measures for Georges Bank Cod

Under Alternative 2, the Regional Administrator would have authority to adjust the recreational measures for Georges Bank cod in consultation with the Council for FY2020 and FY2021 only to stay below the recreational catch target (See Section 4.1.2.1 Option A – Recreational Fishery Georges Bank Cod Catch Target). A consultation with the Council would allow for review of any measures under consideration. If time permits, the Recreational Advisory Panel and the Groundfish Committee would also review the measures and make recommendations to the Council. In FY2022 and beyond, the underlying No Action would apply.

*Rationale:* This approach would allow for temporary flexibility for the Regional Administrator in adjusting recreational measures for Georges Bank cod without requiring Council action, while still including consultation with the Council to allow for review of any measures under consideration.

## 4.3 CONSIDERED BUT REJECTED ALTERNATIVES

The Council did not consider any other alternatives besides those described above in Section 4.0.