



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: September 4, 2019
TO: Groundfish Committee
FROM: Groundfish Plan Development Team
SUBJECT: **Development of alternatives for Framework Adjustment 59/Specifications**

Overview

The Groundfish Plan Development Team (PDT) prepared this memorandum via correspondence. Here, the PDT provides an update to the Groundfish Committee (Committee) on the development of alternatives for Framework Adjustment 59/Specifications, specifically draft alternatives to revise the Georges Bank (GB) cod Incidental Catch total allowable catch (TAC) and to remove the allocation to the Closed Area I (CAI) Hook Gear Haddock Special Access Program (SAP). See Attachment #1 for a letter regarding the CAI SAP from the Greater Atlantic Regional Fisheries Office to the Council, dated February 15, 2019.

Briefly, Framework Adjustment 59 would:

- Set 2020 TACs for US/Canada management units of Eastern GB cod and Eastern GB haddock, and the GB yellowtail flounder stock,
- 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],
- Address commercial/recreational allocation issues if raised by new Marine Recreational Information Program (MRIP) data, and
- Revise the GB cod Incidental Catch TAC to remove the allocation to the CAI Hook Gear Haddock SAP.

Preliminary Analysis

Since 2010, no common pool vessels have participated in the Closed Area I Hook Gear Haddock (CAI HGH) Special Access Program (SAP).

Draft Options for Consideration by the Groundfish Committee

Closed Area I Hook Gear Haddock Special Access Program

Option 1: No Action

The Georges Bank (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 CAI HGH SAP (16%).

Under Option 1/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.

Option 2: Revise the GB cod Incidental Catch TAC to remove the allocation for the Closed Area I Hook Gear Haddock SAP (CAI HGH SAP).

Under Option 2, 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 1- Table comparing the allocations between Option 1/No Action and Option 2. An example of the specifications (mt), in parentheses, for each option calculated using the 2019 GB cod sub-ACL for the common pool of 54 mt.

	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 1/No Action	2% (1.1 mt)	50% (0.5 mt)	34% (0.4 mt)	16% (0.2 mt)
Option 2 – Remove CAI HGH SAP allocation	1.68% (0.9 mt)	60% (0.5 mt)	40% (0.4 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.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 GREATER ATLANTIC REGIONAL FISHERIES OFFICE
 55 Great Republic Drive
 Gloucester, MA 01930-2276

FEB 15 2019

Thomas A. Nies
 Executive Director
 New England Fishery Management Council
 50 Water Street Mill 2
 Newburyport, MA 01950

Dear Tom:

I intend to remove regulations associated with the Closed Area I (CAI) Hook Gear Haddock Special Access Program (SAP), because they are no longer necessary.

On November 19, 2004, we published an interim final rule implementing measures approved under Framework Adjustment 40-A to the Northeast Multispecies Fishery Management Plan (FMP). Among other measures, Framework 40-A created the CAI Hook Gear Haddock SAP to provide additional opportunities to target healthy stocks. The CAI Hook Gear Haddock SAP allows vessels to access the groundfish year-round CAI if they follow certain gear and other restrictions.

The Council's Omnibus Essential Fish Habitat Amendment (OHA2), implemented on April 9, 2018, eliminated the year-round closure of CAI. When OHA2 eliminated CA1, the CA1 Hook Gear Haddock SAP was no longer necessary, because, aside from the Georges Bank (GB) 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.

Removing unnecessary notification and reporting requirements and restrictions related to the CA1 Hook Gear Haddock SAP will help avoid confusion and inconsistencies with other regulations. For example, 50 CFR 648.85(b)(7)(vi)(C) sets a 1,000-lb trip limit of GB cod for common pool vessels participating in the CA1 Hook Gear Haddock SAP. This trip limit is higher than the Incidental Catch Total Allowable Catch (TAC) at §648.85(b)(ii) for common pool vessels fishing in the CA1 Hook Gear Haddock SAP this fishing year.

We are authorized under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act to make administrative changes to regulations that are necessary to carry out any fishery management plan or amendment. Prior to the start of fishing year 2019, we intend to conduct rulemaking to remove the CA1 Hook Gear Haddock SAP regulations at §648.85(b)(7) to be consistent with the changes made by the OHA2.

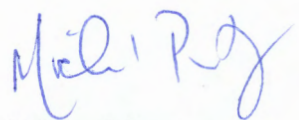
There is one regulation associated with the CA1 Hook Gear Haddock SAP that our intended rulemaking will not change. Found at §648.85(b)(5)(ii), the regulation establishes an Incidental Catch Total Allowable Catch (TAC) for GB cod, which is split between the CA1 Hook Gear Haddock SAP, Regular B Days-at-Sea Program, and the Eastern U.S./Canada Haddock SAP. Because changing the regulation implementing the Incidental Catch TAC would involve



allocation decisions, it would be inappropriate for us to do so under our section 305(d) authority. I recommend the Council address these allocation decisions in the next available multispecies action.

If you have any questions about the CAI Hook Gear Haddock SAP, please contact Liz Sullivan, Acting Groundfish Team Supervisor, at (978) 282-8493.

Sincerely,



Michael Pentony
Regional Administrator

cc: Dr. John Quinn, Chairman, New England Fishery Management Council