



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: June 21, 2021
TO: Council Members
FROM: Tom Nies, Executive Director
SUBJECT: Background Northeast Multispecies (Groundfish) Default Specifications

Default specifications were established through Framework Adjustment 53 (FW53) and became effective May 1, 2015. The Council's proposal (approved by NMFS) was 35% of the previous year's specifications and only in place for the first three months (May 1 to July 31) of the incoming fishing year. The default specifications can also be reduced if they exceed the Council's recommendations. The Council selected from a range of No Action and 10%, 20% or 35% of the previous year's specifications and only in place for the first three months.

The regulations read: §648.90(a)(3) *Default OFLs, ABCs, and ACLs.*

- (i) Unless otherwise specified in this paragraph (a)(3), if final specifications are not published in the Federal Register for the start of a fishing year, as outlined in paragraph (a)(4) of this section, specifications for that fishing year shall be set at 35 percent of the previous year's specifications for each NE multispecies stock, including the U.S./Canada shared resources, for the period of time beginning on May 1 and ending on July 31, unless superseded by the final rule implementing the current year's specifications.*
- (ii) If the default specifications exceed the Council's recommendations for any stock for the current year, the specifications for that stock shall be reduced to the Council's recommendation through notice consistent with the Administrative Procedure Act.*
- (iii) These specifications shall be subdivided among the various sub-components of the fishery consistent with the ABC/ACL distribution adopted for the previous year's specifications*

Table 1 (next page) provides a summary of framework adjustment timelines and usage of default specifications since establishment through FW53.

Table 1- Summary of timelines for recent framework adjustments which included specifications. Gray indicates default specifications were necessary.

| Action | Council Final Action | Preliminary Submission | GARFO Correction Letter | Final Submission | Effective Date | Default Specifications | Notes |
|--------|--|------------------------|-------------------------|------------------|----------------|------------------------|--|
| FW55 | January 27, 2016 | February 19, 2016 | March 28, 2016 | April 8, 2016 | May 1, 2016 | No | n/a |
| FW56 | November 16, 2016 and January 25, 2017 | April 13, 2017 | June 14, 2017 | June 29, 2017 | August 1, 2017 | Yes: May 1- July 31 | Split final action |
| FW57 | December 6, 2017 | January 22, 2018 | February 21, 2018 | March 2, 2018 | May 1, 2018 | No | Government Shut Down: Saturday, January 20, 2018 to Monday, January 22, 2018 (3 days) |
| FW58 | December 5, 2018 | February 1, 2019 | March 8, 2019 | March 19, 2019 | July 18, 2019 | Yes: May 1 to July 17 | Government Shut Down: midnight December 22, 2018 to Monday, January 25, 2019 (35 days) |
| FW59 | December 4, 2019 | March 10, 2020 | April 9, 2020 | April 10, 2020 | July 28, 2020 | Yes: May 1 to July 27 | COVID-19; Council remand to SSC at December meeting |
| FW61 | December 2, 2020 and January 26, 2021 | March 29, 2021 | May 27, 2021 | June 14, 2021 | TBD | Yes: May 1 to TBD | COVID-19; Split final action, addition of redfish exemption after FW was initiated |