

Draft Framework Adjustment 53 to the Multispecies (Groundfish) FMP

4.0 DRAFT Alternatives Under Consideration

Under the provision of the M-S Act, the Council submits proposed management actions to the Secretary of Commerce for review. The Secretary of Commerce can approve, disapprove, or partially approve the action proposed by the Council. ~~In the following alternative descriptions, measures identified as Preferred Alternatives constitute the Council's proposed management action.~~

4.1 Updates to Status Determination Criteria, Formal Rebuilding Programs and Annual Catch Limits

4.1.1 Revised Status Determination Criteria

4.1.1.1 Option 1: No Action

No Action. There would be no revisions to the status determination criteria of groundfish stocks (Table 1), and numerical estimates would not change (Table 2).

Table 1 – No Action status determination

Stock	Biomass Target (SSB _{MSY} or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F _{MSY} or proxy)
Gulf of Maine Cod	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP
Gulf of Maine Haddock	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP
Gulf of Maine Winter Flounder	Unknown	Unknown	F40% MSP
Georges Bank Yellowtail Flounder	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP
Georges Bank Winter Flounder	SSB _{MSY}	½ Btarget	F _{MSY}
Pollock	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP

Table 2 - No Action numerical estimates of SDCs

Stock	Model/ Approach	B _{MSY} or Proxy (mt)	F _{MSY} or Proxy	MSY (mt)
Gulf of Maine Cod	ASAP 0.2	54,743	0.18	9,399
	ASAP M-ramp	80,200	0.18	13,786
Gulf of Maine Haddock	ASAP	4,904	0.46	1177
Gulf of Maine Winter Flounder	Area Swept	NA	0.23 exploitation rate	NA
Georges Bank Yellowtail Flounder	VPA	43,200	0.25	9,400
Georges Bank Winter Flounder	VPA	11,800	0.42	4,400
Pollock	ASAP	91,000	0.41	16,200

4.1.1.2 Option 2: Revised Status Determination Criteria

Option 2 would adopt revised status determination criteria for GB yellowtail flounder (Table 3). The M-S Act requires that every fishery management plan specify “objective and measurable criteria for identifying when the fishery to which the plan applies is overfished.” Guidance on this requirement identifies two elements that must be specified: a maximum fishing mortality threshold (or reasonable proxy) and a minimum stock size threshold. The M-S Act also requires that FMPs specify the maximum sustainable yield and optimum yield for the fishery.

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 (Table 3).

The NEFSC conducted update assessments in 2014 for the GOM cod, GOM winter flounder, GB winter flounder, and pollock, and a benchmark assessment for GOM haddock. This option updates the numerical estimates of the status determination criteria for these stocks. The 2014 GOM haddock benchmark assessment determined that the stock is not overfished and overfishing is not occurring in 2013. The status of the other stocks, based on the updated assessments, did not change. The 2012 assessment of GOM cod produced two models, M=0.2 and M-ramp. Numerical estimates from both models are provided, based on the updated 2014 assessment. The peer review recommended updated numerical values are provided in Table 4.

Rationale: This option would update the status determination criteria for GB yellowtail flounder to reflect the best available scientific information.

Table 3 - Option 2 status determination criteria

Stock	Biomass Target (SSB_{MSY} or proxy)	Minimum Biomass Threshold	Maximum Fishing Mortality Threshold (F_{MSY} or proxy)
Gulf of Maine Cod	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP
Gulf of Maine Haddock	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP
Gulf of Maine Winter Flounder	Unknown	Unknown	F40% MSP
Georges Bank Yellowtail Flounder	Unknown	Unknown	Unknown
Georges Bank Winter Flounder	SSB _{MSY}	½ Btarget	F _{MSY}
Pollock	SSB _{MSY} : SSB/R (40% MSP)	½ Btarget	F40% MSP

Table 4 - Option 2 numerical estimates of SDCs

Stock	Model/ Approach	B_{MSY} or Proxy (mt)	F_{MSY} or Proxy	MSY (mt)
Gulf of Maine Cod	ASAP 0.2	47,184	0.18	7,753
	ASAP M-ramp	69,621	0.18	11,388
Gulf of Maine Haddock	ASAP	4,108	0.46	955
Gulf of Maine Winter Flounder	Area Swept	NA	0.23 exploitation rate	NA
Georges Bank Yellowtail Flounder	Empirical Area Swept	NA	NA	NA
Georges Bank Winter Flounder	VPA	8,100	0.44	3,200
Pollock	ASAP	76,900	0.42	14,800

4.1.2 Annual Catch Limits

4.1.2.1 Option 1: No Action

No Action. There would be no changes to the specifications for FY 2015-FY 2016 that were adopted by FW 51(Table 5). For GOM winter flounder, GB winter flounder, GB yellowtail flounder, and pollock there would not be any specifications for these years.

There would be no FY 2015 quotas specified for the transboundary Georges Bank stocks (GB cod, GB haddock, GB yellowtail flounder), which are managed through the US/CA Resource Sharing Understanding. These quotas are specified annually.

Rationale: Because there would not be any specifications for some stocks, this alternative would not address M-S Act requirements to achieve OY and consider the needs of fishing communities. The No Action would also not be consistent with the best available scientific information.

Table 5 - No Action/Option 1 Northeast Multispecies OFLs, ABCs, ACLs, and other ACL sub-components for FY2015 (metric tons, live weight). Values are rounded to the nearest metric ton.

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Ground-fish Sub-ACL	Comm Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-Sector Ground-fish Sub-ACL	Small Mesh/MWT Sub-ACL	Total ACL
GB Cod	2015	4,191	2,506	25	100	0	2,262		0	2,219	43	0	2,387
	2016												
	2017												
GOM Cod	2015	2,639	1,550	103	51	0		830	486	810	19	0	1,470
	2016												
	2017												
GB Haddock	2015	56,293	43,606	436	1,744	0	38,940		0	38,671	269	406	41,526
	2016												
	2017												
GOM Haddock	2015	561	435	6	9	0		280	111	278	3	4	412
	2016												
	2017												
GB Yellowtail Flounder	2015												
	2016												
	2017												

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Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Ground-fish Sub-ACL	Comm Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-Sector Ground-fish Sub-ACL	Small Mesh/MWT Sub-ACL	Total ACL
SNE/MA Yellowtail Flounder	2015 2016 2017	1,056	700	7	28	64	566		0	464	102	0	665
CC/GOM Yellowtail Flounder	2015 2016 2017	1,194	548	33	11	0	479		0	463	16	0	523
American Plaice	2015 2016 2017	2,021	1,544	31	31	0	1,408		0	1,382	26	0	1,470
Witch Flounder	2015 2016 2017	1,846	783	23	117	0	610		0	598	12	0	751
GB Winter Flounder	2015 2016 2017												
GOM Winter Flounder	2015 2016 2017												
SNE/MA Winter Flounder	2015 2016 2017	4,439	1,676	235	168	0	1,210		0	1,063	147	0	1,612
Redfish	2015 2016 2017	16,845	11,974	120	239	0	11,034		0	10,988	46	0	11,393

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Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Ground-fish Sub-ACL	Comm Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-Sector Ground fish Sub-ACL	Small Mesh/MWT Sub-ACL	Total ACL
White Hake	2015	6,237	4,713	47	94	0	4,343		0	4,313	30	0	4,484
	2016	6,314	4,645	46	93	0	4,280		0	4,250	30	0	4,420
	2017												
Pollock	2015												
	2016												
	2017												
N. Window-pane Flounder	2015	202	151	2	44	0	98		0	0	98	0	144
	2016												
	2017												
S. Window-pane Flounder	2015	730	548	55	186	183	102		0	0	102	0	527
	2016												
	2017												
Ocean Pout	2015	313	235	2	21	0	197		0	0	197	0	220
	2016												
	2017												
Atlantic Halibut	2015	198	119	48	6	0	62		0	0	62	0	116
	2016												
	2017												
Atlantic Wolffish	2015	94	70	1	3	0	62		0	0	62	0	65
	2016												
	2017												

4.1.2.2 Option 2: Revised Annual Catch Limit Specifications

Under Option 2, the annual specifications for FY 2015 - FY 2017 for pollock, GOM winter flounder, GB winter flounder, GOM haddock, and GOM cod would be as specified in Table 8. For all other stocks, except the transboundary Georges Bank stocks, the specifications included in Table 8 are the nearly the same values previously adopted in FW 51 and would be the same as those included in the No Action Alternative, except the US ABC will change for halibut, and the groundfish sub-ACL changes slightly given changes to the other sub-component values. Table 9 provides the preliminary common pool incidental catch TACs for Special Management Programs, based on the ACLs provided in Table 8, and Table 10 provides the Closed Area I Hook Gear Haddock SAP.

U.S./Canada TACs

This alternative would specify TACs for the U.S./Canada Management Area for FY 2015 as indicated in Table 6. If NMFS determines that FY 2014 catch of GB cod, haddock, or yellowtail flounder from the U.S./Canada Management Area exceeded the respective 2014 TAC, the U.S./Canada Resource Sharing Understanding and the regulations require that the 2015 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 2014. In order 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.

Table 6 - Proposed FY2015 U.S./Canada TACs (mt) and Country Shares

TAC	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
Total Shared TAC	650 mt	37,000 mt	354 mt (Total ABC)
U.S. TAC	124 mt	17,760 mt	248 mt (US ABC)
Canada TAC	526 mt	19,240 mt	106 mt

A comparison of the proposed FY 2015 U.S. TACs and the FY 2014 U.S. TACs is shown in Table 7. Changes to the U.S. TACs reflect changes to the percentage shares, stock status, and the Transboundary Management Guidance Committee (TMGC) recommendations.

Table 7 - Comparison of the Proposed FY 2015 U.S. TACs and the FY 2014 U.S. TACs (mt)

Stock	U.S. TAC		Percent Change
	FY 2015	FY 2014	
Eastern GB cod	124 mt	154 mt	-19.5 %
Eastern GB haddock	17,760 mt	10,530 mt	+ 68.7 %
GB yellowtail flounder	248 mt	328 mt	-34.5 %

Rationale: This measure would adopt new specifications for groundfish stocks that are consistent with the most recent assessment information. For all stocks, only one alternative to No Action is shown. This is because the values in Option 2 represent the best scientific information, as determined by the Council's

Scientific and Statistical Committee, and the M-S Act requires that catches not be set higher than these levels. Any catches below these levels would not mitigate economic impact on fishing communities.

The U.S. and Canada coordinate management of three stocks 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 measure considers the recommendations of the TMGC that are consistent with the most recent assessments of those stocks.

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Table 8 - Option 2 Northeast Multispecies OFLs, ABCs, ACLs and other ACL sub-components for FY 2015 – FY 2017 (metric tons, live weight). Values are rounded to the nearest metric ton. Sector shares based on 2014 PSCs. Only stocks that are underlined are proposed to be adjusted. Other stocks are provided for informational purposes. Grayed out values will be adjusted as a result of future recommendations of the TMGC.

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Ground-fish Sub-ACL	Comm Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-Sector Ground-fish Sub-ACL	Small Mesh/MWT Sub-ACL	Total ACL
<u>GB Cod</u>	2015	4,191	1,980	20	79	0	1,787		0	1,753	34	0	1,886
	2016												
	2017												
<u>GOM Cod</u>	2015	514	386	26	13	0	328	207	121	202	5	0	366
	2016	514	386	26	13	0	328	207	121	202	5	0	366
	2017	514	386	26	13	0	328	207	121	202	5	0	366
<u>GB Haddock</u>	2015	56,293	24,366	244	975	0	21,759	21,759		21,608	150	227	23,204
	2016												
	2017												
<u>GOM Haddock</u>	2015	1,871	1,454	11	21	0	1,329	958	372	948	9	14	1,375
	2016	2,270	1,772	13	26	0	1,620	1,167	453	1,155	12	16	1,675
	2017	2,707	2,125	15	31	0	1,943	1,399	543	1,386	14	20	2,009
<u>GB Yellowtail Flounder</u>	2015		248		2	38	195	195		192	3	5	240
	2016		354		4	55	278	278		274	4	7	343
	2017												

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Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Ground-fish Sub-ACL	Comm Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non_Sector Ground-fish Sub-ACL	Small Mesh/MWT Sub-ACL	Total ACL
SNE/MA Yellowtail Flounder	2015 2016 2017	1,056	700	14	28	66	557		0	457	101	0	666
CC/GOM Yellowtail Flounder	2015 2016 2017	1,194	548	38	27	0	458		0	443	16	0	524
American Plaice	2015 2016 2017	2,021	1,544	31	31	0	1,408		0	1,383	26	0	1,470
Witch Flounder	2015 2016 2017	1,846	783	23	117	0	610		0	598	12	0	751
<u>GB Winter Flounder</u>	2015 2016 2017	3,242	2,124	0	60	0	1,891		0	1,875	16	0	1,952
	2016	3,383	2,221	0	67	0	2,090		0	2,072	18	0	2,156
	2017	3,511	2,294	0	69	0	2,158		0	2,140	19	0	2,227
<u>GOM Winter Flounder</u>	2015	688	510	87	10	0	392		0	374	18	0	489
	2016	688	510	87	10	0	392		0	374	18	0	489
	2017	688	510	87	10	0	392		0	374	18	0	489
SNE/MA Winter Flounder	2015 2016 2017	4,439	1,676	117	184	0	1,306		0	1,147	159	0	1,607
Redfish	2015 2016 2017	16,845	11,974	120	239	0	11,034		0	10,988	46	0	11,393

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Formal Rebuilding Programs and Annual Catch Limits

Stock	Year	OFL	U.S. ABC	State Waters Sub-component	Other Sub-Components	Scallops	Ground-fish Sub-ACL	Comm Ground-fish Sub-ACL	Rec Ground-fish Sub-ACL	Preliminary Sectors Sub-ACL	Preliminary Non-Sector Ground fish Sub-ACL	Small Mesh/MWT Sub-ACL	Total ACL
White Hake	2015	6,237	4,713	47	94	0	4,343		0	4,313	30	0	4,484
	2016	6,314	4,645	46	93	0	4,280		0	4,250	30	0	4,420
	2017												
<u>Pollock</u>	2015	21,538	16,600	996	1,162	0	13,720		0	13,632	88	0	15,878
	2016	21,864	16,600	996	1,162	0	13,720		0	13,632	88	0	15,878
	2017	24,598	16,600	996	1,162	0	13,720		0	13,632	88	0	
N. Window-pane Flounder (no scallop sub-ACL)	2015	202	151	2	44	0	98		0	0	98	0	144
	2016												
	2017												
N. Window-pane Flounder (scallop sub-ACL)	2015	202	151	2	2	20	118		0	0	118	0	141
	2015	202	151	2	2	11	126		0	0	126	0	141
	2015	202	151	2	2	3	135		0	0	135	0	141
S. Window-pane Flounder	2015	730	548	55	186	183	102		0	0	102	0	527
	2016												
	2017												
Ocean Pout	2015	313	235	2	24	0	195		0	0	195	0	220
	2016												
	2017												
Atlantic Halibut	2015	198	100	30	3	0	64		0	0	64	0	97
	2016												
	2017												
Atlantic Wolffish	2015	94	70	1	3	0	62		0	0	62	0	65
	2016												
	2017												

Table 9 - Option 2 Preliminary Common Pool Incidental Catch TACs for Special Management Programs (metric tons, live weight). These values may change as a result of changes in sector membership. White hake is no longer a stock of concern and has been removed.

Stock	Regular B DAS Program		Closed Area I Hook Gear Haddock SAP		Eastern U.S./Canada Haddock SAP	
	2015	2016	2015	2016	2015	2016
GB cod	0.3	0.0	0.1	0.0	0.2	-
GOM cod	0.0	0.0	-	-	-	-
GB yellowtail flounder	0.03	0.04	-	-	0.03	0.04
CC/GOM yellowtail flounder	0.2	0.0	-	-	-	-
American Plaice	1.3	0.0	-	-	-	-
Witch Flounder	0.6	0.0	-	-	-	-
SNE/MA winter flounder	1.5	0.0	-	-	-	-

Table 10 - FY 2015-2016 CAI Hook Gear Haddock SAP TACs *(to be updated)*

Year	Exploitable Biomass (thousand mt)	WGB Exploitable Biomass	B(year)/B2004	TAC (mt, live weight)
2015				
2016				

4.1.3 SNE/MA (southern) Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool

4.1.3.1 Option 1: No Action

The No Action alternative would continue to maintain a single commercial sub-ACL for the SNE/MA windowpane flounder stock. The AMs for the commercial groundfish fishery would continue to account for overages of the overall ACL.

Rationale: This option would not distribute the commercial sub-ACL for SNE/MA windowpane flounder between sectors and the common pool. This option would simplify accounting, but would mean that both sectors and the common pool would be accountable for any overages of the ACL.

4.1.3.2 Option 2: [Placeholder] Create SNE/MA Windowpane Flounder sub-ACLs for Groundfish Sectors and the common pool

If selected, Option 2 would split the SNE/MA windowpane flounder stocks into sub-ACLs for groundfish sectors and the common pool based on a specified percentage **XXX**. The Council would select a percentage for this measure that would apply to all future allocations (Table 11).

Rationale: NMFS began tracking fleet-specific catches of SNE/MA windowpane flounder by sectors and the common-pool in FY 2010 after the adoption and implementation of Amendment 16. This measure would split the commercial sub-ACL between sectors and the common pool based on each fleet's catch history from FY 2010 – FY 2013. However, this measure alone does not necessarily make groundfish sectors and the common pool accountable for their own catches of SNE/MA windowpane flounder because it does not change the AM. The AM is triggered for all commercial groundfish vessels (common pool and sectors) if the groundfish sub-ACL is exceeded and the total ACL is also exceeded by the greater than the management uncertainty buffer.

Table 11: SNE/MA Windowpane Flounder Catch (mt & %) by Sectors and the Common Pool.

	Groundfish ACL (mt)	Sector (mt)	Common-Pool (mt)	Total GF catch (mt)
2010	154	52.7	20.9	73.6
2011	154	83	28.5	111.5
2012	72	95.9	10.6	106.5
2013	102	86	30	116
Median		84.5	20.9	109
Mean		79.4	20.9	101.9

	Total Catch of Groundfish ACL (%)	Sector Catch (%)	Common-Pool (%)
2010	47.8%	71.6%	28.4%
2011	72.4%	74.4%	25.6%
2012	147.9%	90.0%	10.0%
2013	113.7%	74.1%	25.9%

4.1.4 GOM/GB (northern) Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool

4.1.4.1 Option 1: No Action

The No Action alternative would continue to maintain a single commercial sub-ACL for the GOM/GB windowpane flounder stock. The AMs for the commercial groundfish fishery would continue to account for overages of the overall ACL.

Rationale: This option would not distribute the commercial sub-ACL for GOM/GB windowpane flounder between sectors and the common pool. This option would simplify accounting, but would mean that both sectors and the common pool would be accountable for any overages of the ACL.

4.1.4.2 Option 2: **[Placeholder]** Create GOM/GB Windowpane Flounder sub-ACLs for Groundfish Sectors and the common pool

If selected, Option 2 would split the GOM/GB windowpane flounder stock into sub-ACLs for groundfish sectors and the common pool based on a specified percentage **XXX**. The Council would select a percentage for this measure that would apply to all future allocations (Table 12).

Rationale: NMFS began tracking fleet-specific catches of GOM/GB windowpane flounder by sectors and the common-pool in FY 2010 after the adoption and implementation of Amendment 16. This measure would split the commercial sub-ACL between sectors and the common pool based on each fleet’s catch history from FY 2010 – FY 2013. However, this measure alone does not necessarily make groundfish sectors and the common pool accountable for their own catches of GOM/GB windowpane flounder because it does not change the AM. The AM is triggered for all commercial groundfish vessels (common

pool and sectors) if the groundfish sub-ACL is exceeded and the total ACL is also exceeded by the greater than the management uncertainty buffer.

Table 12: GOM/GB Windowpane Catch (mt & %) by Sectors and the Common Pool.

	Groundfish ACL (mt)	Sector catch (mt)	Common-Pool catch (mt)	Total GF catch (mt)
2010	110	151.7	1.8	153.5
2011	110	156.2	0.3	156.5
2012	129	129.5	0.1	129.6
2013	98	237.3	0.2	237.5
Median		154	0.25	155
Mean		168.7	0.6	169.3

	Catch of Groundfish ACL (%)	Sector catch (%)	Common-Pool catch (%)
2010	139.5%	98.83%	1.17%
2011	142.3%	99.81%	0.19%
2012	100.5%	99.92%	0.08%
2013	242.3%	99.92%	0.08%

4.1.5 GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL

4.1.5.1 Option 1: No Action

The No Action alternative would not create a sub-ACL for GOM/GB windowpane flounder. Only the commercial groundfish fishery would have a sub-ACL for this stock, and the AMs for the fishery must be sufficient to account for overages of the overall ACL. The scallop fishery catch would continue to be accounted for under the other sub-components category of the ACL.

Rationale: This option would not distribute the ACL for GOM/GB windowpane flounder to other fisheries. This option would simplify accounting, but would mean that the groundfish fishery would be responsible for any overages of the ACL, regardless of what fishery caused the overage.

4.1.5.2 Option 2: Create a Scallop Fishery GOM/GB Windowpane Flounder Sub-ACL

If this option is adopted, a sub-ACL of GOM/GB (northern) windowpane flounder would be allocated to the scallop fishery based on a percentage of recent catches (2%-14%) as shown in **Table 13**. Catches of this stock by scallop vessels would no longer be counted as part of the “other sub-components” category. The scallop sub-ACL would be based on recent scallop fishery catches (as a percent of the total) for the period calendar year 2001 through 2010. The selected percentage of the ABC would be used to determine the scallop fishery sub-ABC, and then adjusted downwards for management uncertainty to calculate the scallop fishery sub-ACL. Catches of this stock by scallop vessels would no longer be counted as part of

the “other sub-components” category of the ACL, and the amount set-aside for the other sub-components would be reduced (Table 8).

To identify the scallop fishery catch history of GOM/GB windowpane flounder, it is important to note that prior to 2004, there was limited observer coverage of the General Category scallop dredge fleet, and discards from this fleet were not included in the 2012 Assessment Update for GOM/GB windowpane flounder. From 2004 to 2011, the average General Category catch of this stock was 4 mt, and this catch assumption was added to the scallop fishery catch values for each year from 2001 through 2010.

Based on these updated catches for calendar year 2001-2010 (see **Table 13**):

- The 90th percentile would be 14 % (rounded up from 13.7%) of all catches for this stock.
- The median would be 8% (rounded up from 7.6%) of all catches for this stock.
- The mean would be 8% (rounded up from 7.8%) of all catches for this stock.
- The range would be 2 % (rounded down from 2.2%) to 14% (rounded up from 13.9%) of all catches for this stock.

Specific scallop fishery AMs would be adopted by the scallop FMP within one year of the implementation of this sub-ACL. Any scallop fishery overage in FY 2015 would be subject to the AMs that are adopted through the scallop FMP. Consistent with the approach adopted in Framework 47 to the multispecies FMP, any scallop fishery AMs for this sub-ACL would only be triggered if: 1) the scallop fishery sub-ACL is exceeded and the total ACL is also exceeded; or 2) the scallop fishery sub-ACL is exceeded by more than 50 percent.

Rationale: The scallop fishery catches of this stock are large enough that the effectiveness of the AM system could be undermined if those catches are not subject to a scallop specific AM. In addition, adopting an allocation for the scallop fishery would also ensure the groundfish fishery is not negatively affected by any overage caused by the scallop fishery. The scallop fishery is virtually the sole contributor of the other sub-component catches. For these reasons, only this component was pursued for development of an allocation at this time.

Table 13 - Limited access scallop fishery discards of GOM/GB windowpane flounder, 2001-2010.
Landings were less than 1 metric ton in all years. Catch from Table I2 in the 2012 GF Updates pp. 571.
LA Scallop Dredge from Table I5 in the 2012 GF Updates pp. 573-574. General Category estimated
catch was 4 mt, an average of 2004-2011 discards, using the same method as the in the 2012 GF Updates.

Calendar Year	Catch (mt)	Limited Access Scallop Dredge (mt)	Limited Access Scallop Fishery Catches as Percent of Total	General Category Scallop Fishery Catch Assumption (mt)	Total Scallop Fishery Catch As Percent of Total
	A	B	B/A	C	(B+C)/(A+C)
2001	229	22	9.6%	4	11.2%
2002	176	21	11.9%	4	13.9%
2003	377	13	3.4%	4	4.5%
2004	328	7	2.1%	4	3.3%
2005	968	17	1.8%	4	2.2%
2006	683	73	10.7%	4	11.2%
2007	1091	98	9.0%	4	9.3%
2008	376	43	11.4%	4	12.4%
2009	440	15	3.4%	4	4.3%
2010	236	9	3.8%	4	5.4%
		Mean (average), 2001-2010	6.7%		7.8%
		Median, 2001-2010	6.4%		7.6%
		90th percentile, 2001-2010	11.9%		13.7%

4.2 Commercial and Recreational Fishery Measures

4.2.1 GOM Cod Spawning Area Closures

4.2.1.1 Option 1: No Action

The No Action alternative maintains the current GOM cod spawning protection area for commercial and recreational vessels.

GOM Cod Spawning Closure Area (Whaleback)

The GOM cod spawning closure area is defined by the following coordinates and illustrated in Figure 1.

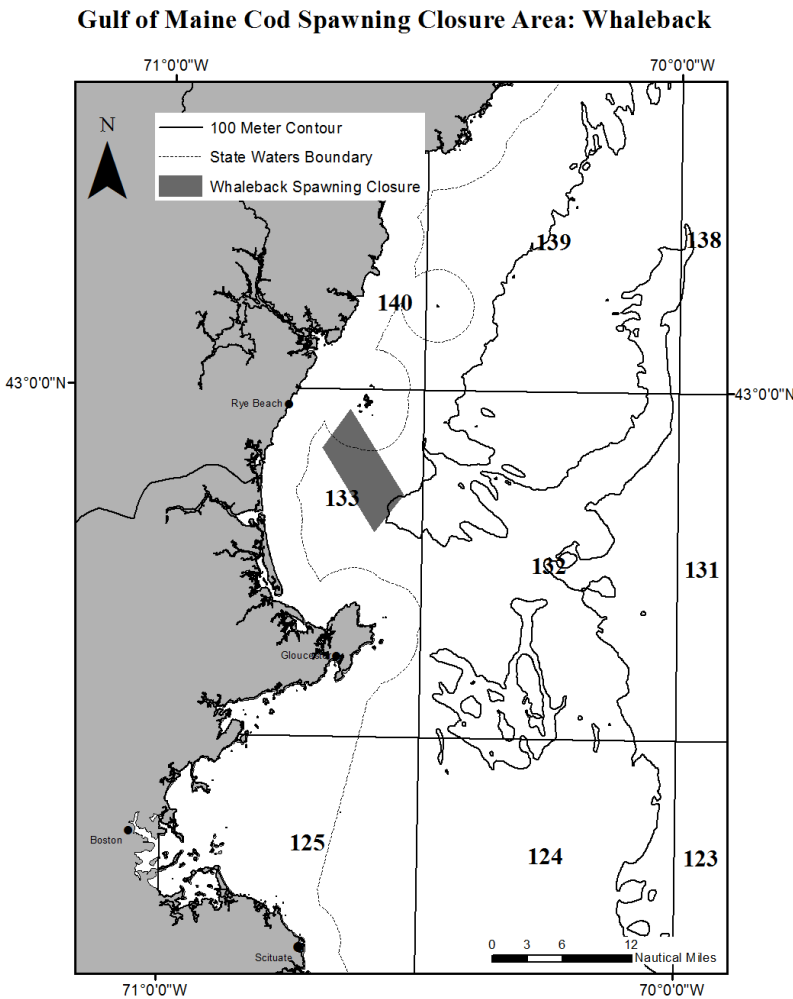
42-50.95 N	70-32.22 W
42-47.65 N	70-35.64 W
42-54.91 N	70-41.88 W
42-58.27 N	70-38.64 W

Provisions that apply to the area:

- All commercial fishing vessels using gear capable of catching groundfish are prohibited from fishing in the area from June 1 through June 30. 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 area from April through June. 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 in this area from April through June is prohibited.

Rationale: This measure maintains the existing GOM cod spawning area, and continues to restrict commercial and recreational fishing in an inshore area in the GOM that has been identified as being important for cod spawning in the spring. This closure would continue to reduce fishing impacts on spring spawners, and thus contribute to rebuilding of the GOM cod stock. The area would continue to provide protection to spawning cod by limiting fishing at times and in an area in the spring when cod return to this discrete area to spawn.

Figure 1: Existing Gulf of Maine Cod Spawning Closure Area (Whaleback) is shown in gray located within Block 133.



4.2.1.2 Option 2: Additional GOM Cod Spawning Protection Measures

The Council may select Sub-Option A or Sub-Option B.

Additional GOM cod spawning closures would be created in the Gulf of Maine for commercial and recreational groundfish fisheries. The proposed GOM cod spawning closure areas coincide with other management measures in time and space (e.g. Gulf of Maine Rolling Closures & the Western Gulf of Maine Closed Area), but are not considered replacements to these other management areas.

Rationale: This Option would restrict commercial and recreational fishing in inshore areas in the GOM that have been identified as being important for cod spawning by the CATT and other information related to cod spawning. This alternative is designed to reduce fishing impacts on spawning cod during times of year when cod are known to be spawning (e.g. winter and spring), and thus contribute to rebuilding the GOM cod stock. Fishing can interfere with spawning success and therefore productivity in a number of ways including: removal of spawning fish before they have the opportunity to spawn, dispersal of

spawning fish, and disruption of spawning behavior. The closure areas are intended to provide protection to spawning cod by limiting fishing at times and areas when cod are in spawning condition, and by preventing fishing from interfering with spawning activity.

Sub-Option A: If selected, this option would create seasonal GOM cod spawning closure areas in discreet 30-minute blocks and a year-round spawning closure using the boundaries of the existing Western Gulf of Maine (WGOM) Closed Area (Figure 2).

All commercial and recreational groundfish fishing would be prohibited:

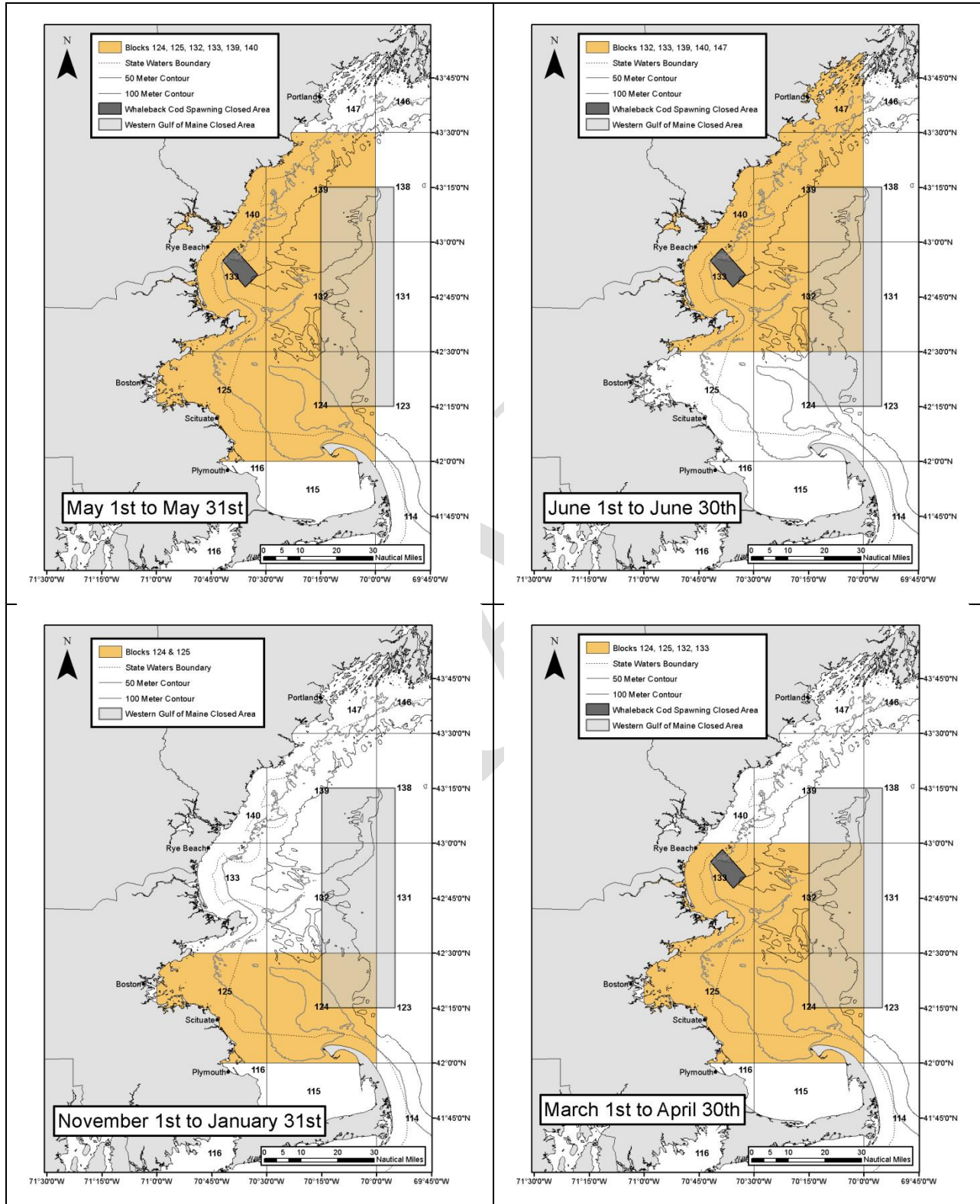
- Year-round in the WGOM Closed Area and;
- Seasonally in the following 30-minute blocks during these months:
 - May: 124, 125, 132, 133, 139, 140
 - June: 132, 133, 139, 140, 147
 - November – January: 124-125
 - March-April: 124, 125, 132, 133

Provisions that apply to Sub-Option A:

- 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.

Rationale: This measure would restrict commercial and recreational fishing in areas in the GOM that have been identified as being important for winter and spring cod spawning. This alternative is designed to reduce fishing impacts on seasonal spawners during the winter and spring for all groundfish fishing, and thus contribute to rebuilding the GOM cod stock. Sub-Option A is more conservative than Sub-Option B as it captures more of the GOM cod spawning activity.

Figure 2: Sub-Option A proposed GOM cod spawning closure areas in May (top left), June (top right), November-January (bottom left), March-April (bottom right).



Sub-Option B: If selected, this option would create seasonal GOM cod spawning closure areas in discreet 30-minute blocks. All commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks (Figure 3):

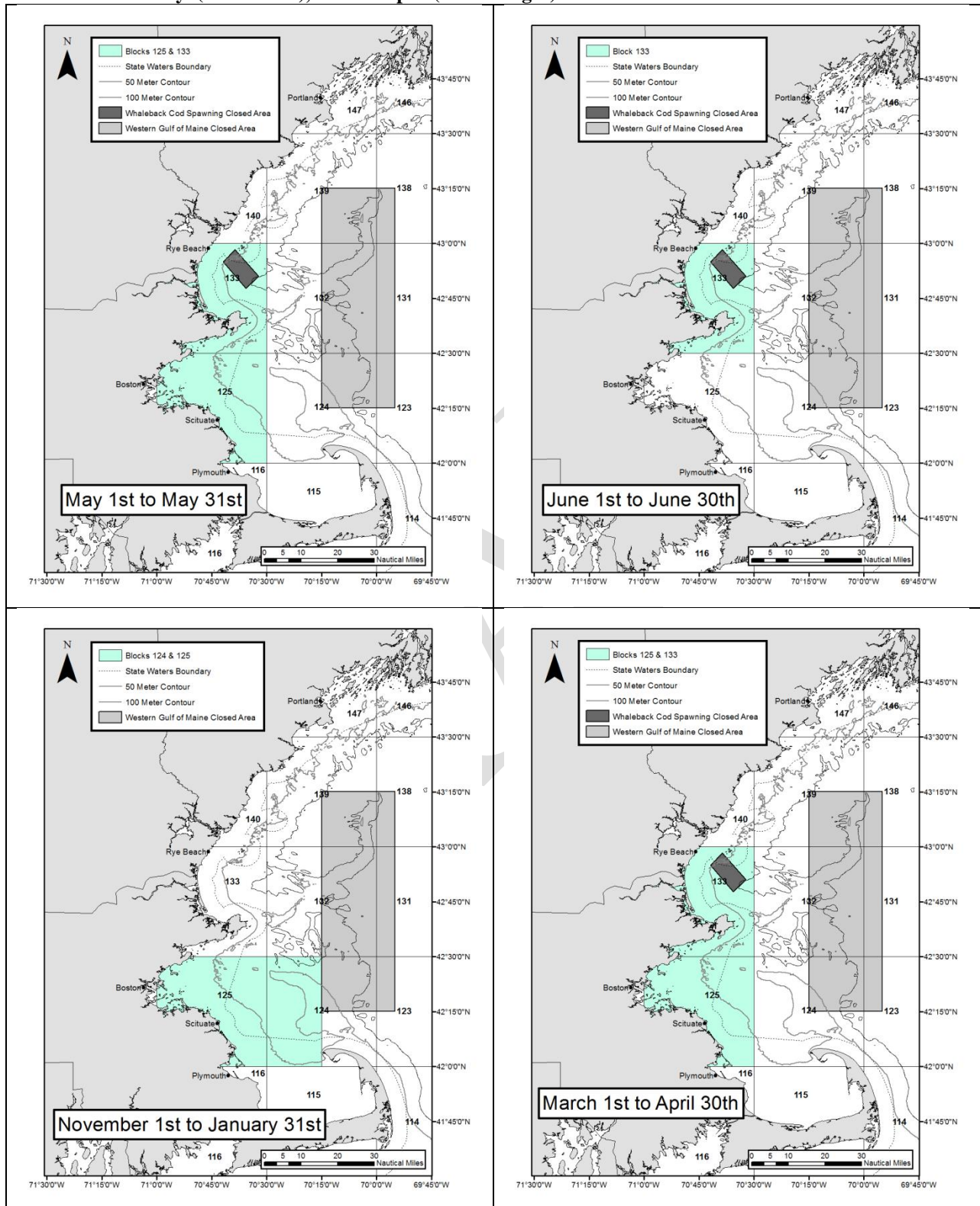
- May: 125, 133
- June: 133
- November – January: 124 with an eastern boundary defined at 70-15, 125
- March-April: 125, 133

Provisions that apply to Sub-Option B:

- 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.

Rationale: This measure would restrict commercial and recreational fishing in areas in the GOM that have been identified as being important for seasonal cod spawning. This alternative is designed using smaller closure areas to protect spawning cod and is less conservative than Sub-Option A as it captures some GOM cod spawning activity.

Figure 3: Sub-Option B proposed GOM cod spawning closure areas in May (top left), June (top right), November-January (bottom left), March-April (bottom right).



4.2.2 Prohibition on the Possession of GOM cod

4.2.2.1 Option 1: No Action

No Action. There would be no revision to the retention regulations of GOM cod.

Rationale: Due to concerns about discarding of GOM cod, this option would maintain accountability for catches of this stock. This measure would continue to allow possession and landing of GOM cod in order to promote achieving OY and minimize bycatch consistent with National Standard 9. Landing GOM cod would also allow continued collection of biological samples from landed fish.

4.2.2.2 Option 2: Prohibition on the possession of GOM cod

Commercial and recreational vessels would be required to discard all catch of GOM cod (i.e., zero possession). There would be no change in how GOM cod is allocated, and there would be no changes made to catch accounting or accountability measures.

Rationale: Fishing mortality on Gulf of Maine cod needs to be substantially reduced based on recent assessment findings. Prohibiting the possession of GOM cod while retaining ACLs and AMs for the recreational and commercial fisheries would discourage targeted fishing on this stock. However, this measure increases the uncertainty of catch estimates because all catch would be discards.

4.2.3 Observer Requirements in the Gulf of Maine

4.2.3.1 Option 1: No Action

There would be no revision to existing regulations. Commercial vessels would be permitted to fish throughout the Gulf of Maine, and in multiple broad stock areas on a given trip, provided they comply with all applicable federal reporting requirements.

Rationale: There would be no revisions to the requirements for when a commercial vessel would need to take an observer in order to go fishing. The No Action alternative would continue to provide flexibility to be able to fish for cod in GB and GOM on a single trip without any additional stipulations.

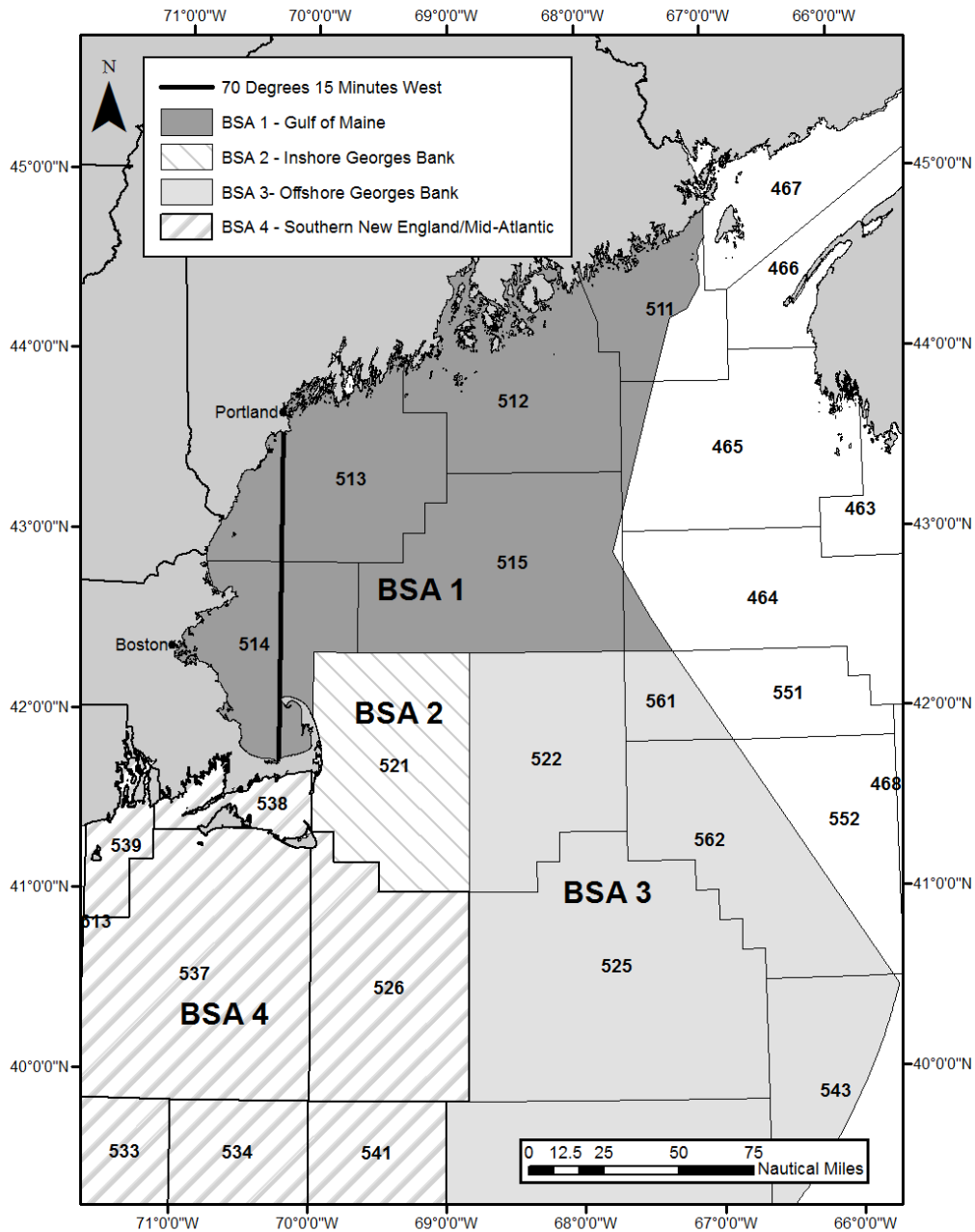
4.2.3.2 Option 2: Revised Observer Requirements on trips in the GOM and GB cod broad stock areas

If selected, Option 2 would prohibit commercial vessels from fishing in the GOM west of 70-15W and any other broad stock area (e.g., BSA2, BSA3, BSA4) on the same trip, unless carrying an observer. However, vessels fishing only in the GOM cod stock area (BSA1) would not be restricted by this measure. As an example, a vessel fishing only in the BSA1/GOM cod stock area on a given trip could fish on either side of the 70-15W longitude line, even if an observer was not on board. A vessel carrying an observer would not be restricted in where they could fish on a given trip (i.e., these vessels could fish in all BSAs). Trip declarations of the area that would be fished would be made to NMFS and the sector manager via the Trip Start Hail report through a vessel's VMS system.

Rationale: This option aims to improve catch accounting of GOM and GB cod by restricting where commercial vessels can fish when not carrying an observer. Vessels carrying an observer would not be restricted by this measure. Option 2 is designed in a similar manner to measures adopted in Northeast

Groundfish Sector operations plans. For observed trips, this option would provide flexibility to be able to fish in both cod broad stock areas on a single trip.

Figure 4 - Map of Broad Stock Reporting Areas, highlighting the 70° 15' W longitude.



4.2.4 Rollover of Groundfish Specifications

4.2.4.1 Option 1: No Action

In the event of a delay in rulemaking, there would be no fishing for stocks without specifications in place on May 1, nor any fishing for other groundfish stocks that share the same Broad Stock Area as stocks with no specifications.

Rationale: Because the fishing year would begin without specifications in place, the No Action alternative would not address M-S Act requirements to achieve OY and consider the needs of fishing communities.

4.2.4.2 Option 2: Percentage Rollover Provisions for Specifications

If this option is selected, a percentage of the prior year's ACL, as identified in the sub-options below, would be rolled over in the absence of specifications due to a delay in rulemaking. However, the rollover ACL may not exceed the anticipated ABC for the upcoming FY. Rollover specifications would be replaced by approved OFL and ABC values upon rulemaking. All catches occurring while rollover specifications are in place (after May 1st through final rulemaking) would be counted against each component's allocation and the updated ACL for the FY.

Rationale: This measure would allow a directed groundfish fishery to begin on-time in the event that specifications were not in place in time for the start of the fishing year. A percentage less than 100% of the prior year's OFL, ABC, and ACL reflects a more precautionary approach to rollover provisions than carrying forward 100% of the prior year's specifications as is done in other FMPs. However, any anticipated delays in specifications actions are minor, and the duration of the "rollover period" is expected to be relatively brief. Nothing in this measure would change the distribution or conditions of the commercial and recreational fishery allocations (e.g. trimester TACs and 20% holdback for groundfish sector ACE).

The Council may select either sub-option A, B, or C.

Sub-Option A: Rollover 35% of all groundfish stocks to the following FY.

If selected, this option would allow for an 35% rollover of the prior year's ACL for all groundfish stocks for implementation at the start of the following FY unless the rollover value of the specifications exceed ABC recommendations.

Rationale: Reducing the allowable catch in the fishery by 65% builds in precaution to protect stocks whose status may have changed.

Sub-Option B: Rollover 20% of all groundfish stocks to the following FY.

If selected, this option would allow for an 20% rollover of the prior year's ACL for all groundfish stocks for implementation at the start of the following FY unless the rollover value of the specifications exceed ABC recommendations.

Rationale: Reducing the allowable catch in the fishery by 80% builds in precaution to protect stocks whose status may have changed.

Sub-Option C: Rollover 10% of all groundfish stocks to the following FY.

If selected, this approach would allow for a 10% rollover of the prior year's ACL for all groundfish stocks for implementation at the start of the following FY unless the rollover value of the specifications exceed ABC recommendations.

Rationale: Reducing the allowable catch in the fishery by 90% builds in precaution to protect stocks whose status may have changed.

4.2.5 Sector ACE Carryover

4.2.5.1 Option 1: No Action

The No Action alternative would continue to allow groundfish sectors to carry over up to 10% of their unused sector ACE, as outline in Amendment 16 to the Northeast multispecies FMP.

Note: The No Action would be inconsistent with a ruling from the U.S. District Court for the District of Columbia that invalidated and vacated carryover provisions included in the in Framework Adjustment 50 rulemaking. The ruling specified that the value of the stock-specific ACL plus the carryover of unused ACE may not exceed the following year's ABC. While the Court's ruling invalidated the carryover provision included in the Framework Adjustment 50 rulemaking, it did not change carryover rules adopted in Amendment 16.

4.2.5.2 Option 2: Modification to Sector ACE carryover

This option would modify Amendment 16 carryover provisions. Groundfish sectors would be able to carry forward up to 10% of unused ACE provided that the total unused sector ACE carried forward for all sectors from the previous FY plus the total ACL does not exceed the ABC for the fishing year in which the carryover would be harvested (e.g., from FY 2014 to FY 2015). This alternative does not change the accountability measure criteria previously adopted by NMFS' May 2014 carryover action. Sectors would continue to be required to pay back carried over catch used only when both the sector sub-ACL and total ACL are exceeded.

Rationale: This option addresses the U.S. District Court for the District of Columbia's April 4, 2014 ruling on NMFS' carryover-related measures included in the Framework Adjustment 50 rulemaking, which invalidated and vacated the FY 2013 carryover measures. The ruling also specified that a 'total potential catch' (the total ACL plus 10% unused ACE carryover) cannot exceed the ABC for any stock. This revision is necessary to cap the amount of carryover that can be harvested to ensure that the 'total potential catch' (i.e., total ACL + max. carryover) does not exceed the ABC for the fishing year in which the carried over ACE may be harvested.