

# **Draft** Framework Adjustment 58 To the Northeast Multispecies FMP

Prepared by the  
New England Fishery Management Council  
In consultation with the  
Mid-Atlantic Fishery Management Council  
National Marine Fisheries Service

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September 14, 2018

## 4.0 **DRAFT** ALTERNATIVES UNDER CONSIDERATION

### 4.1 Updates to Formal Rebuilding Program and Annual Catch Limits

#### 4.1.1 Formal Rebuilding Program

##### 4.1.1.1 Georges Bank Winter Flounder Rebuilding Strategy

###### 4.1.1.1.1 Option 1: No Action

No Action. *Option 1/No Action- previously thought to rebuild by 2017* - Fishing mortality will target rebuilding of the stock with a 75 percent probability of success by 2017, according to Amendment 16 calculations. Amendment 16 implemented the rebuilding plan.

###### 4.1.1.1.2 Option 2: Revised Rebuilding Strategy for Georges Bank Winter Flounder

**XXX**

##### 4.1.1.2 Southern New England/Mid-Atlantic Yellowtail Flounder Rebuilding Strategy

###### 4.1.1.2.1 Option 1: No Action

No Action. *Option 1/No Action- previously thought to rebuild by 2014 and rebuilt as of 2011* – The rebuilding program was developed to rebuild the stock with a median (50 percent) probability by 2014. Amendment 13 implemented the rebuilding plan.

###### 4.1.1.2.2 Option 2: Revised Rebuilding Strategy for Southern New England/Mid-Atlantic Yellowtail Flounder

**XXX**

##### 4.1.1.3 Witch Flounder Rebuilding Strategy

###### 4.1.1.3.1 Option 1: No Action

No Action. *Option 1/No Action- previously thought to rebuild by 2017* - Fishing mortality targeted rebuilding of the stock with a 75 percent probability of success by 2017, based on Amendment 16 calculations. Amendment 16 implemented the rebuilding plan.

###### 4.1.1.3.2 Option 2: Revised Rebuilding Strategy for Witch Flounder

**XXX**

#### 4.1.1.4 Northern Windowpane Flounder Rebuilding Strategy

##### 4.1.1.4.1 Option 1: No Action

No Action. *Option 1/No Action - previously expected to rebuild by 2017* - The goal was to rebuild this stock by 2017. No probability was associated with this goal since it was an index-based stock and the projection methodology was deterministic. In addition, the Council did not identify a specific rebuilding mortality target because the GARM III panel concluded that given the high uncertainty of index-based assessments, it was not appropriate to calculate  $F_{\text{rebuild}}$  for this stock. Amendment 16 implemented the rebuilding plan.

##### 4.1.1.4.2 Option 2: Revised Rebuilding Strategy for Northern Windowpane Flounder

XXX

#### 4.1.1.5 Ocean Pout Rebuilding Strategy

##### 4.1.1.5.1 Option 1: No Action

No Action. *Option 1/No Action- rebuild by 2014* – The rebuilding program was developed to rebuild the stock with a median (50 percent) probability by 2014. Amendment 13 implemented the rebuilding plan.

##### 4.1.1.5.2 Option 2: Revised Rebuilding Strategy for Ocean Pout

XXX

#### 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 2019 – FY 2020 (Table 2). Default specifications would be in effect from May 1, 2019, to July 31, 2019, and would equal 35% of the FY 2018 catch limits, which would only be necessary for Eastern GB cod and would use FY2018 catch limits as a basis for also adjusting GB cod for expected Canadian catches. All other stocks have FY2019 specifications. There would be no FY2019 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. These values are based on the most recent assessments for most stocks. However, the most recent assessments for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder occurred in 2018

**Table 2 - No Action/Option 1 Northeast Multispecies OFLs, ABCs, ACLs, and other ACL sub-components for FY2019-FY2020 (metric tons, live weight), adjusted for 2018 sector rosters as in the final rule for FW57, published May 1, 2018. Values are rounded to the nearest metric ton.**

Stock	Year	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 Ground-fish	MWT or Small mesh Sub-ACL	Total ACL
GB Cod	2019	3,047	2,285	23	206		1,954	1,954		1,914	40		2,182
	2020	3,047	2,285	23	206		1,954	1,954		1,914	40		2,182
GOM Cod	2019	938	703	47	9		610	390	220	378	12		666
	2020	938	703	47	9		610	390	220	378	12		666
GB Haddock	2019	99,757	48,714	487	487		44,659	44,659		44,340	319	680	46,312
	2020	100,825	73,114	731	731		67,027	67,027		66,549	478	1,020	69,509
GOM Haddock	2019	16,038	12,490	91	91		11,506	8,312	3,194	8,219	93	116	11,803
	2020	13,020	10,186	74	74		9,384	6,779	2,605	6,703	76	95	9,626
GB Yellowtail Flounder	2019		300			47	239	239		235	4	6	291
	2020												
SNE/MA Yellowtail Flounder	2019	90	68	2	17	15	32	32		26	6		66
	2020	90	68	2	17	16	31	31		25	6		66
CC/GOM Yellowtail Flounder	2019	736	511	51	41		398	398		381	17		490
	2020	848	511	51	41		398	398		381	17		490
American Plaice	2019	2,099	1,609	32	32		1,467	1,467		1,442	26		1,532
	2020	1,945	1,492	30	30		1,361	1,361		1,337	24		1,420
Witch Flounder	2019		993	40	60		849	849		831	18		948
	2020		993	40	60		849	849		831	18		948
GB Winter Flounder	2019	1,182	810		57		731	731		725	6		787
	2020	1,756	810		57		731	731		725	6		787
GOM Winter Flounder	2019	596	447	67	4		357	357		339	18		428
	2020	596	447	67	4		357	357		339	18		428
SNE/MA Winter Flounder	2019	1,228	727	73	109		518	518		456	62		700
	2020	1,228	727	73	109		518	518		456	62		700

Stock	Year	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 Ground-fish	MWT or Small mesh Sub-ACL	Total ACL
Redfish	2019	15,640	11,785	118	118		10,972	10,972		10,921	51		11,208
	2020	15,852	11,942	119	119		11,118	11,118		11,066	52		11,357
White Hake	2019	3,898	2,938	29	29		2,735	2,735		2,715	21		2,794
	2020	3,916	2,938	29	29		2,735	2,735		2,715	21		2,794
Pollock	2019	53,940	40,172	402	402		37,400	37,400		37,170	230		38,204
	2020	57,240	40,172	402	402		37,400	37,400		37,170	230		38,204
GOM/GB	2019	122	92	2	3	18	63	63			63		86
Windowpane Flounder	2020	122	92	2	3	18	63	63			63		86
SNE/MA	2019	631	473	28	218	158	53	53			53		457
Windowpane Flounder	2020	631	473	28	218	158	53	53			53		457
Ocean Pout	2019	169	127	3	23		94	94			94		120
	2020	169	127	3	23		94	94			94		120
Atlantic Halibut	2019		104	21	2		77	77			77		100
	2020		104	21	2		77	77			77		100
Atlantic Wolffish	2019	120	90	1	1		82	82			82		84
	2020	120	90	1	1		82	82			82		84

#### 4.1.2.2 Option 2: Revised Annual Catch Limit Specifications

Under Option 2, the annual specification for FY2019 – FY2020 for GB cod, GOM cod, GB haddock, GB yellowtail flounder, witch flounder, GB winter flounder, GOM winter flounder, and Atlantic halibut 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 FW57 under the No Action alternative (see Appendix II for additional information on the PDT’s sub-component analysis), based on the PDT recommendations. All other specifications would remain unchanged from those adopted through FW57. Table 6 provides the allocation to the Closed Area I Hook Gear Haddock SAP.

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

This alternative would specify total allowable catches (TACs) for the U.S./Canada Management Area for FY 2019 as indicated in Table 3. If NMFS determines that FY 2018 catch of GB cod, haddock, or yellowtail flounder from the U.S./Canada Management Area exceeded the respective 2018 TAC, the U.S./Canada Resource Sharing Understanding and the regulations require that the 2019 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 2018. 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 FY 2019 U.S. TACs and the FY 2018 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 FY2019 U.S./Canada TACs (mt).**

	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder
Total Shared TAC	650	30,000	140
U.S. TAC	189	15,000	106
Canada TAC	461	15,000	34

**Table 4 - Comparison of the Proposed FY 2018 U.S. TACs and the FY 2017 U.S. TACs (mt).**

Stock	U.S. TAC		Percent Change ((FY2019-FY2018) /FY2018)*100
	FY 2019	FY 2018	
Eastern GB cod	189	257	-26%
Eastern GB haddock	15,000	15,600	-4%
GB yellowtail flounder	106	213	-50%

**Table 5 - Option 2 Revised Northeast Multispecies OFLs, ABC, ACLs, and other ACL sub-components for FY2019-FY2020 (metric tons, live weight), based on final sector rosters for 2018. Values are rounded to the nearest metric ton. Stocks which are underlined would be subject to adjustments in 2020 based on US/CA quotas. Includes adjustments to state waters and other sub-components for some stocks based on the PDT's recommendation and Canadian catches. Stocks in gray were not adjusted from those specification adopted through FW57.**

Stock	Year	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 Ground-fish	MWT or Small mesh Sub-ACL	Total ACL
<u>GB Cod</u>	2019	3,047	1,824	27	146		1,568	1,568		1,536	32		1,741
	2020	<u>3,047</u>	<u>2,285</u>	<u>34</u>	<u>183</u>		<u>1,965</u>	<u>1,965</u>		<u>1,925</u>	<u>40</u>		<u>2,182</u>
GOM Cod	2019	938	703	70	14		583	363	220	352	11		667
	2020	938	703	70	14		583	363	220	352	11		667
<u>GB Haddock</u>	2019	99,757	58,114	581	581		53,276	53,276		52,896	380	811	55,249
	2020	<u>100,825</u>	<u>73,114</u>	<u>731</u>	<u>731</u>		<u>67,027</u>	<u>67,027</u>		<u>66,549</u>	<u>478</u>	<u>1,020</u>	<u>69,509</u>
GOM Haddock	2019	16,038	12,490	91	91		11,506	8,312	3,194	8,219	93	116	11,803
	2020	13,020	10,186	74	74		9,384	6,779	2,605	6,703	76	95	9,626
<u>GB Yellowtail Flounder</u>	2019		106			17	85	85		83	1	2	103
	2020		<u>168</u>			<u>26</u>	<u>134</u>	<u>134</u>		<u>132</u>	<u>2</u>	<u>3</u>	<u>163</u>
SNE/MA Yellowtail Flounder	2019	90	68	2	17	4	42	42		34	8		66
	2020	90	68	2	17	15	32	32		26	6		66
CC/GOM Yellowtail Flounder	2019	736	511	51	41		398	398		381	17		490
	2020	848	511	51	41		398	398		381	17		490
American Plaice	2019	2,099	1,609	32	32		1,467	1,467		1,442	26		1,532
	2020	1,945	1,492	30	30		1,361	1,361		1,337	24		1,420
Witch Flounder	2019		993	45	60		844	844		826	18		949
	2020		993	45	60		844	844		826	18		949
GB Winter Flounder	2019	1,182	810		12		774	774		768	6		786
	2020	<u>1,756</u>	810		12		774	774		768	6		786
GOM Winter Flounder	2019	596	447	123	9		299	299		285	15		431
	2020	596	447	123	9		299	299		285	15		431

Stock	Year	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 Ground-fish	MWT or Small mesh Sub-ACL	Total ACL
SNE/MA	2019	1,228	727	73	109		518	518		456	62		700
Winter Flounder	2020	1,228	727	73	109		518	518		456	62		700
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	2020	3,916	2,938	29	29		2,735	2,735		2,715	21		2,794
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GOM/GB	2019	122	92	2	3	18	63	63			63		86
Windowpane Flounder	2020	122	92	2	3	18	63	63			63		86
SNE/MA	2019	631	473	28	218	158	53	53			53		457
Windowpane Flounder	2020	631	473	28	218	158	53	53			53		457
Ocean Pout	2019	169	127	3	23		94	94			94		120
	2020	169	127	3	23		94	94			94		120
Atlantic Halibut	2019		104	41	4		56	56			56		101
	2020		104	41	4		56	56			56		101
Atlantic Wolffish	2019	120	90	1	1		82	82			82		84
	2020	120	90	1	1		82	82			82		84

**Table 6- CAI Hook Gear Haddock SAP TACs (FY2019 - FY2020). [to be updated]**

Year	Exploitable Biomass (thousand mt)	Western Georges Bank Exploitable Biomass	B(year)/B(2004)	TAC (mt, live weight)
2019	238,522	83,483	3.057	3,454
2020	253,621	88,767	3.250	3,673

## 4.2 Fishery Program Administration

### 4.2.1 Minimum Fish Size Exemptions for Vessels Fishing in NAFO Waters

#### 4.2.1.1 Option 1: No Action

No action. Under no action, U.S. vessels participating in the NAFO fishery would continue to be prohibited from possessing any fish, including parts of fish, that do not meet the minimum fish size in the domestic fishery.

#### 4.2.1.2 Option 2: Exempt vessels fishing in NAFO waters from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes

Under Option 2, U.S. vessels fishing exclusively in NAFO waters would be exempt from the domestic fishery minimum sizes, and instead would be required to land fish that met the NAFO minimum sizes, shown in Table 7.

**Table 7- NAFO and Domestic Minimum Fish Sizes.**

Species	NAFO Minimum Sizes*: Gilled and gutted fish whether or not skinned, fresh or chilled, frozen, or salted.				Domestic Minimum Sizes
	Whole	Head Off	Head and Tail Off	Head Off and Split	Whole
Atlantic cod	41 cm	27 cm	22 cm	27/25 cm**	19 in (48.3 cm)
Greenland halibut	30 cm	N/A	N/A	N/A	N/A
American plaice	25 cm	19 cm	15 cm	N/A	12 in (30.5 cm)
Yellowtail flounder	25 cm	19 cm	15 cm	N/A	12 in (30.5 cm)
* Fish size refers to fork length for Atlantic cod, whole length for other species					
** Lower size for green salted fish.					

*Rationale:* The NAFO stocks are distinct from the stocks managed by the Northeast Multispecies Fishery Management Plan. Therefore, harvest of those stocks does not have a biological impact on U.S. stocks. NAFO fishing trips require 100-percent observer coverage. All catch that comes onboard the vessel is identified and quantified following NAFO protocols by the fisheries observer. Allowing U.S. vessels to harvest fish using NAFO minimum sizes enables the United States to be better stewards of the NAFO resource by reducing discards that meet the NAFO size standards but are below the domestic minimum size.

Landing the dressed fish, even at sizes less than the domestic minimum size, would not likely put the NAFO participants at a competitive advantage over domestic fishermen, but would allow competition with foreign interests, because the NAFO catch is mainly intended for the frozen market currently dominated by foreign interests. Option 2 applies to all NAFO stocks to proactively facilitate development of U.S. participation in NAFO as well as addressing the stocks (yellowtail flounder and American plaice) already being landed in the U.S.

#### 4.2.1.3 Option 3: Exempt vessels fishing in NAFO waters from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes for yellowtail flounder and American plaice only

Under Option 3, U.S. vessels fishing exclusively in NAFO waters would be exempt from the domestic fishery minimum sizes, and instead would be required to land fish that met the NAFO minimum sizes, shown in Table 7, for only yellowtail flounder and American plaice.

*Rationale:* The rationale is the same as for Option 2 above, except Option 3 would limit the exemption to yellowtail flounder and American plaice because those are the only two stocks that are currently being landed in the U.S. by NAFO participants.

### 4.2.2 Guidance on Sector Overages

Amendment 13 and Amendment 16 addressed sector overages. The term “sector overage” means exceeding an allocation in year one after any ACE transfers have occurred with the result that the sector will receive a deduction of ACE in year two.

#### 4.2.2.1 Option 1: No Action

Under no action, NMFS would continue to follow the regulations implemented as a part of Amendment 16 and the guidance for addressing sector overages provided in Amendment 13 and Amendment 16. The regulations state that:

- If a sector exceeds its allocation in a given year, the overage is deducted from the sector’s allocation the following year. Any impacts on departing members may be specified and addressed by the sector operations plan and sector contract rather than by regulation. This provides the most flexibility and can be done through indemnification provisions and other legal constructs. Existing sectors have already incorporated provisions that address this situation.
- In the event the sector disbands in the year following an overage, the individual permits that were enrolled in the sector in the fishing year in which the overage occurred are responsible for

payback. This is done by either an ACE reduction, if the permit enrolls in a different sector, or a DAS reduction, if the permit moves to the common pool.

- If the sector does not disband, but has insufficient ACE to cover an overage, that sector's ACE for the stock for which the overage occurred shall be temporarily reduced to zero for the following fishing year, and that sector shall be prohibited from fishing on a sector trip in the stock area associated with the stock for which the ACE was exceeded during the following year, unless and until that sector can acquire sufficient ACE from another sector to cover the remaining overage from the previous fishing year.

#### 4.2.2.2 Option 2: Provide Additional Guidance on Sector Overages

Under Option 2, XXX

*Rationale:* XXXX