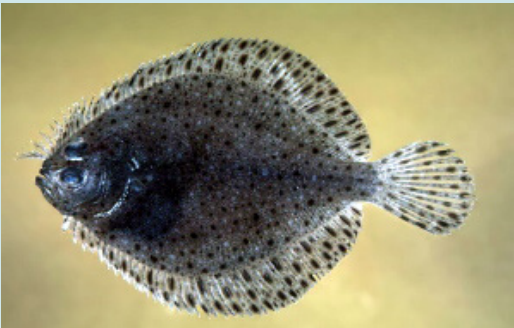




**NOAA
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Fisheries



This summary provides a broad overview of restrictions and requirements; the regulations summarized here may be found at 50 CFR part 648. Please contact the Sustainable Fisheries Division at (978) 281-9315 for more information.

Updated March 21, 2014

2014 Windowpane Flounder Accountability Measures Information Sheet

Under U.S. Fisheries law, NOAA Fisheries and the Fishery Management Councils are required to establish annual catch limits and accountability measures (AMs) to help prevent overfishing. In response to this requirement, the New England Fishery Management Council (Council) developed AMs for windowpane flounder in Framework 47 to the Groundfish Fishery Management Plan. Following the Council's recommendation, we approved these measures in 2012.

Why are the AMs necessary?

The total annual catch limit for each stock of windowpane flounder was exceeded in 2012. The northern windowpane flounder catch limit was exceeded by 28%, and the southern windowpane flounder catch limit was exceeded by 36% (Table 1). The full fishing year 2012 catch report can be found here: http://www.nero.noaa.gov/ro/fso/reports/Groundfish_Catch_Accounting.htm.

Table 1. Fishing Year 2012 Windowpane Flounder Catch (mt)

Stock	Total Catch Limit	Catch				% of Catch Limit
		Total	Groundfish Fishery	State Waters	Non-Groundfish Fisheries	
Northern windowpane flounder	163	209	130	2	77	128%
Southern windowpane flounder	381	521	107	34	380	136%

What are the AMs for windowpane flounder?

For the 2014 fishing year, beginning on May 1, 2014, common pool and sector vessels fishing on a groundfish trip with trawl gear are required to use one of the following selective trawl gears when fishing in the AM areas: 1) Haddock separator trawl; 2) Ruhle trawl; 3) mini-Ruhle trawl; or 4) rope separator trawl. This gear is designed to minimize the catch of flounder species. See Figure 1 for a map of the AM areas. The coordinates of the AM areas are included on the last page of this information sheet.

There are no restrictions on vessels fishing with longline or gillnet gear. The AMs do not apply to longline and gillnet gear because these gear types make up a very small portion of windowpane flounder catch.

When are the AMs effective?

The AMs for both stocks of windowpane flounder will be implemented for the entire 2014 fishing year, beginning on May 1, 2014. As long as another overage does not occur, these AMs would be removed at the start of the 2015 fishing year, beginning on May 1, 2015.

Can these AMs be removed before the end of the 2014 fishing year?

We do not have the authority to remove the AMs for windowpane flounder. The Council adopted these AMs in 2012, and they were designed to be automatically triggered following an overage. Any modifications to the AMs for windowpane flounder would have to be considered through a future Council action.

At its February 2014 meeting, the Council initiated a framework to review, and possibly revise, the AMs for windowpane flounder. Any revisions to the windowpane flounder AMs could potentially be applied retroactively for the 2014 fishing year. Please visit the Council website for upcoming meetings on the development of this action: <http://www.nefmc.org/nemulti/index.html>.

Can a sector request an exemption from these AMs?

No. These AMs are designed to constrain all commercial groundfish fishing activity (i.e., both sector and common pool vessels), so sectors are not allowed to request an exemption from these AMs.

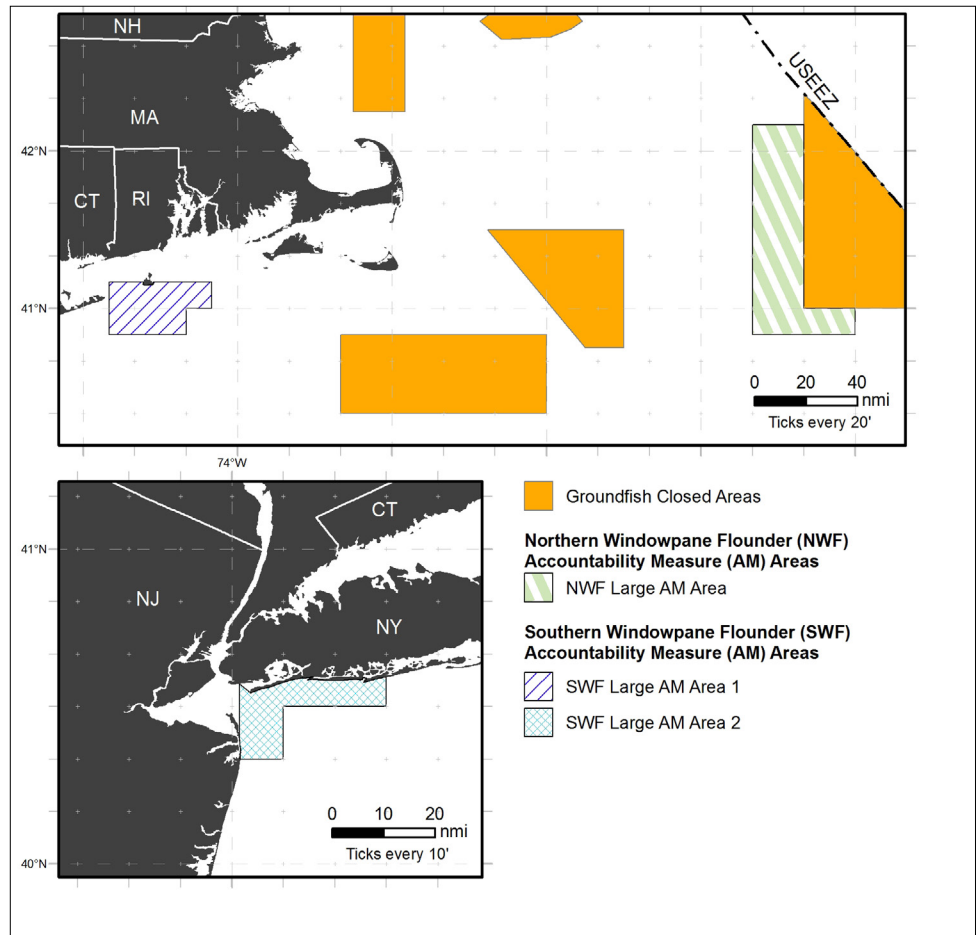


Figure 1. Windowpane Flounder AM Areas

Are there AMs for non-groundfish fisheries due to the 2012 overage?

No. The Council did not allocate windowpane flounder to any non-groundfish fisheries in the 2012 fishing year. So, although non-groundfish fisheries may have contributed to the 2012 overage, the AMs do not apply to these fisheries. The commercial groundfish fishery will be held 100% accountable for the overage in 2012.

What is being done to address windowpane bycatch in non-groundfish fisheries?

Based on the results of the 2012 fishing year catch report, the Council prioritized a review of groundfish bycatch in non-groundfish fisheries to determine whether additional conservation measures are needed to reduce bycatch in these fisheries. This review is expected to take place in 2014 and 2015.

A description of the current conservation measures to address windowpane flounder bycatch in non-groundfish fisheries is below.

Southern Windowpane Flounder

The scallop and non-groundfish fisheries accounted for at least half of the total catch of southern windowpane flounder in recent years. As a result, in 2013, we approved the allocation of southern windowpane flounder to the scallop fishery and “other” non-groundfish fisheries. Allocating this stock to other fisheries will help ensure that each fishery is held accountable for its catch, and that catch from one fishery cannot negatively affect another. For the 2013 fishing year and beyond, any AM triggered for southern windowpane flounder will only apply to the fishery that caused the overage, except in the situation where state waters vessels caused the overage. In this case, the commercial groundfish, scallop, and other non-groundfish fisheries would share accountability for the overage caused by the state waters sub-component.

Northern Windowpane Flounder

Catches of northern windowpane flounder by non-groundfish fisheries make up a relatively small amount of the total catch for this stock. As a result, the Council does not currently allocate northern windowpane flounder to any non-groundfish fisheries. The commercial groundfish fishery is held 100% accountable for any overages of the northern

windowpane flounder catch limit, regardless of what fishery may cause the overage.

Why is the AM implemented so long after the overage?

The windowpane flounder AMs can only be implemented at the start of a fishing year (not inseason), and are only triggered if the total catch limit is exceeded, which includes catch from various fisheries: Commercial groundfish, state waters, and non-groundfish. We do not receive inseason catch information for state waters or non-groundfish fisheries, so we typically cannot determine if the total catch limit has been exceeded until after the fishing year ends. The windowpane flounder AM is implemented:

- At the start of Year 2 if we know inseason during Year 1, based on reliable data, that the total catch limit has been exceeded; or
- At the start of Year 3 if final catch estimates available after the end of Year 1 indicate the total catch limit has been exceeded.

In the case of the 2012 overage, we received final 2012 catch estimates in September 2013 (5 months after the 2012 fishing year ended) that indicated the total catch limits for both stocks of windowpane flounder had been exceeded. Because we can only implement the AM at the start of a fishing year, we are implementing the AM for the 2014 fishing year, which begins on May 1, 2014.

What methodology is used to estimate windowpane flounder catch?

Discards of windowpane flounder are calculated using the same methodology that is used to estimate discards for other groundfish stocks. You can read more about this methodology here: <http://www.nero.noaa.gov/regs/infodocs/discardcalculations.pdf>.

How will this AM impact groundfish vessels?

The AM is not a closure, but it requires the use of selective trawl gear in certain areas, which may prevent vessels from catching other important flounder stocks that they are targeting in those areas (e.g., winter flounder). Based on past fishing activity, we expect this AM could affect approximately 120 groundfish vessels (100 sector vessels and 20 common pool vessels), and could result in millions of dollars in lost revenues for commercial groundfish vessels.

Windowpane Flounder AM Area Coordinates

Northern Windowpane Flounder Large AM Area		
<i>Point</i>	<i>N. Latitude</i>	<i>W. Longitude</i>
1	42°10'	67°40'
2	42°10'	67°20'
3	41°00'	67°20'
4	41°00'	67°00'
5	40°50'	67°00'
6	40°50'	67°40'
1	42°10'	67°40'

Southern Windowpane Flounder Large AM Area 1		
<i>Point</i>	<i>N. Latitude</i>	<i>W. Longitude</i>
1	41°10'	71°50'
2	41°10'	71°10'
3	41°00'	71°10'
4	41°00'	71°20'
5	40°50'	71°20'
6	40°50'	71°50'
1	41°10'	71°50'

Southern Windowpane Flounder Large AM Area 2		
<i>Point</i>	<i>N. Latitude</i>	<i>W. Longitude</i>
1	(¹)	73°30'
2	40°30'	73°30'
3	40°30'	73°50'
4	40°20'	73°50'
5	40°20'	(²)
6	(³)	73°58.5'
7	(⁴)	73°58.5'
8	40°32.6' (⁵)	73°56.4' (⁵)
1	(¹)	73°30'

(¹) The southern-most coastline of Long Island, NY at 73°30' W. longitude.
 (²) The eastern-most coastline of NJ at 40°20' N. latitude, then northward along the NJ coastline to Point 6.
 (³) The northern-most coastline of NJ at 73°58.5' W. longitude.
 (⁴) The southern-most coastline of Long Island, NY at 73°58.5' W. longitude.
 (⁵) The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southern-most coastline of Long Island, NY (excluding South Oyster Bay), back to Point 1.