

Draft Framework Adjustment 58
To the Northeast Multispecies
Fishery Management Plan

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

Initial Framework Meeting:	June 13, 2018
Final Framework Meeting:	December X, 2018
Date Submitted:	January XX, 2019
Date Resubmitted:	TBD, 2019

3.0 INTRODUCTION AND BACKGROUND

3.1 Background

The primary statute governing the management of fishery resources in the Exclusive Economic Zone (EEZ) of the United States is the Magnuson-Stevens Fishery Conservation and Management Act (M-S Act). In brief, the purposes of the M-S Act are:

- (1) To take immediate action to conserve and manage the fishery resources found off the coasts of the United States;
- (2) To support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species;
- (3) To promote domestic and recreational fishing under sound conservation and management principles;
- (4) To provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;
- (5) To establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revisions of such plans under circumstances which enable public participation and which take into account the social and economic needs of the States.

In New England, the New England Fishery Management Council (NEFMC) is charged with developing management plans that meet the requirements of the M-S Act.

The Northeast Multispecies Fishery Management Plan (FMP) specifies the management measures for thirteen groundfish species (cod, haddock, yellowtail flounder, pollock, plaice, witch flounder, white hake, windowpane flounder, Atlantic halibut, winter flounder, redfish, ocean pout, and Atlantic wolffish) off the New England and Mid-Atlantic coasts. Some of these species are sub-divided into individual stocks that are attributed to different geographic areas. Commercial and recreational fishermen harvest these species. The FMP has been updated through a series of amendments and framework adjustments.

Amendment 16, which became effective on May 1, 2010, was the most recent amendment to adopt a broad suite of management measures in order to achieve the fishing mortality targets necessary to rebuild overfished stocks and meet other requirements of the M-S Act. In 2011, the NEFMC also approved Amendment 17, which allowed for NOAA-sponsored state-operated permit banks to function within the structure of Amendment 16. Amendment 16 greatly expanded the sector management program and adopted a process for setting Annual Catch Limits (ACLs) that requires catch levels to be set in biennial specifications packages. Amendment 18, which became effective on May 1 and May 22, 2017, addresses fleet diversity and accumulation limits. Fourteen framework adjustments have updated the measures in Amendment 16.

Amendment 16 made major changes to the FMP. The Amendment adopted a system of ACLs and Accountability Measure (AMs) that are designed to ensure catches remain below desired targets for each stock in the management complex. The National Standard Guidelines provide advisory guidance (that does not have the effect or force of law) for the implementation of these requirements (50 CFR 600.310(f) and (g)). AMs are management controls to prevent ACLs from being exceeded and to correct or mitigate

overages of the ACL if they occur. AMs should address and minimize both the frequency and magnitude of overages and correct the problems that caused the overages in as short a time as possible. AMs can be either in season AMs or AMs for when the ACL is exceeded.

NMFS acknowledged in the publication of the guidelines that there is no requirement that AMs and ACLs be implemented as hard TACs or quotas, but conservation and management measures must be implemented so that the ACL is not exceeded and AMs must apply if the ACL is exceeded (74 FR 3184). While many measures in the management program are intended to control fishing mortality and might be interpreted to be AMs since they are “management controls to prevent the ACL from being exceeded,” the term AM is usually applied to specific, automatic measures that are implemented either as an ACL is approached or after an ACL is exceeded.

This framework (Framework 58, FW 58) is intended to revise or establish rebuilding plans for several groundfish stock, set specifications for U.S./Canada stocks, and adjust management measures for commercial fisheries that catch groundfish stocks.

3.2 Purpose and Need for the Action

Periodic framework adjustments are used to adjust strategies in response to the evaluations that adjust rebuilding plans and overfishing. This framework is intended to revise or establish rebuilding plans for several groundfish stock, set specifications for U.S./Canada stocks, and adjust management measures for commercial fisheries that catch groundfish stocks. The *need* for this action is to meet regulatory requirements and adjust management measures that are necessary to prevent overfishing, ensure rebuilding, and help achieve optimum yield in the commercial and recreational fishery consistent with the status of stocks and the requirements of M-S Act of 2006, and to provide additional flexibility within the management system in the face of changing regulations.

There are several *purposes* of FW58: to revise or establish rebuilding plans for several stocks (Georges Bank (GB) winter flounder, Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder, witch flounder, Gulf of Maine (GOM)/GB (Northern) windowpane flounder, and ocean pout), 2) to set specifications for fishing year 2019 for U.S./Canada stocks (Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder), 3) to exempt vessels fishing exclusively in the Northwest Atlantic Fisheries Organization (NAFO) waters from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes, and 4) to temporarily change the Atlantic sea scallop fishery AM implementation policy for the GB yellowtail flounder stock for fishing years (FY) 2019 and 2020.

The measures analyzed in this environmental Assessment (EA) are intended to meet the goals and many of the objectives of the Northeast Multispecies FMP, as modified in Amendment 16.

To better demonstrate the link between the purpose and need for this action, Table 1 summarizes the need for the action and corresponding purposes.

Table 1 - Purpose and Need for Framework 58

<i>Need for Framework 58</i>	<i>Corresponding Purpose for Framework 58</i>
Ensure that groundfish stocks are managed consistent with the status of stocks, the National Standard guidelines, and the requirements of the MSA.	Measures to revise or establish rebuilding plans for GB winter flounder, SNE/MA yellowtail flounder, witch flounder, Northern windowpane flounder, and ocean pout.
Ensure that levels of catch for Fishing Years 2019-2020 are consistent with best available science, the ABC control rules adopted in Amendment 16 to the Northeast Multispecies FMP, the International Fisheries Agreement Clarification Act, and the most recent relevant law.	Measures to adopt ACLs, including relevant sub-ACLs and incidental catch TACs. Measure to adopt TACs for U.S./Canada area.
Ensure that overfishing does not occur consistent with the status of stocks, and the requirements of MSA of 2006.	Measures to temporarily change the trigger for the GB yellowtail flounder accountability measures for the Atlantic sea scallop fishery.
Help achieve optimum yield.	Measures to adopt ACLs, including relevant sub-ACLs and incidental catch TACs. Measure to adopt TACs for U.S./Canada area. Measures to temporarily change the trigger for the GB yellowtail flounder accountability measures for the Atlantic sea scallop fishery. Measure to allow minimum fish size exemptions for vessels fishing in the NAFO Regulatory Area.

3.3 Brief History of the Northeast Multispecies Management Plan

Groundfish stocks were managed under the M-S Act beginning with the adoption of a groundfish plan for cod, haddock, and yellowtail flounder in 1977. This plan relied on hard quotas (total allowable catches, or TACs), and proved unworkable. The quota system was terminated in 1982 with the adoption of the Interim Groundfish Plan, which used minimum fish sizes and codend mesh regulations for the Gulf of Maine and Georges Bank to control fishing mortality. The interim plan was replaced by the Northeast Multispecies FMP in 1986, which established biological targets in terms of maximum spawning potential and continued to rely on gear restrictions and minimum mesh size to control fishing mortality. A detailed discussion of the history of the FMP up to 2009 can be found in Amendment 16 (NEFMC 2009b).

Amendment 16 was adopted in 2009 and had major changes to the FMP. It greatly expanded the sector program and implemented ALCs in compliance with 2006 revisions to the M-S Act. There were a host of mortality reduction measures for “common pool” (i.e. non-sector) vessels and the recreational component of the fishery. An appeal of the lawsuit filed by the Cities of Gloucester and New Bedford and several East Coast fishing industry members against Amendment 16 was heard by the U.S. Court of Appeals for the First Circuit in Boston in September 2012. The court ruled against the plaintiffs and the provisions of Amendment 16 were upheld. Framework 44 was also adopted in 2009, and it set specifications for FY 2010 – 2012 and incorporated the best available information in adjusting effort control measures adopted in Amendment 16.

There have been several approved Council actions since the adoption of Amendment 16. Framework 45 was approved by the Council in 2010 and adopts further modifications to the sector program and fishery specifications; it was implemented May 1, 2011. Framework 46 revised the allocation of haddock to be caught by the herring fishery and was implemented in August 2011. Amendment 17 authorizes NOAA-sponsored state-operated permit banks and was implemented on April 23, 2012. Framework 47, implemented on May 1, 2012, set specifications for some groundfish stocks for FY 2012 – 2014, modified AMs for the groundfish fishery and the administration of the scallop fishery AMs, and revised common pool management measures. Modification of the Ruhle trawl definition and clarification of regulations for charter/party and recreational groundfish vessels fishing in groundfish closed areas were implemented under the RA authority in the associated rulemaking process. Framework 48 was implemented on May 1, 2013, and revised status determination criteria for several stocks, modified the sub-ACL system, adjusted monitoring measures for the groundfish fishery, and changed several AMs. Framework 50 was also implemented on May 1, 2013 and set specifications for many groundfish stocks and modified the rebuilding program for SNE/MA winter flounder. Framework 49 is a joint Northeast Multispecies/Atlantic Sea Scallop action that modified the dates for scallop vessel access to the year-round groundfish closed areas; this action was implemented on May 20, 2013.

Framework 51 modified rebuilding programs for GOM cod and American plaice, set specifications for FY2014-2016 and modified management measures in order to ensure that overfishing does not occur including, additional management measures related to U.S./Canada shared stocks and yellowtail flounder in the groundfish and scallop fisheries. Framework 52 was implemented on January 14, 2015. This action made two revisions to the AMs for the groundfish fishery for the northern (GOM/GB) and southern (SNE/MA) windowpane flounder stocks. Framework 53 was implemented on May 1, 2015. This action updated changes to the status determination criteria, set specifications for FY2015-2017, adopted U.S./Canada TACs, established management measures for GOM cod that revise rolling closures and possession limits to enable GOM cod protection while providing opportunity for the groundfish fishery to prosecute healthy stocks in other times and areas, implemented default specifications, and revised regulations governing Sector Annual Catch Entitlement (ACE) carryover.

Monkfish Framework 9 was a joint action with the groundfish plan (Framework 54), and modified regulations for vessels in the days-at sea (DAS) program. Framework 55 incorporated stock status changes for groundfish stocks, set specifications for all groundfish stocks for FY 2017- FY 2019, adopted an additional sector and modified the sector approval process, modified the definition of a haddock separator trawl so that the separator panel is easily identifiable, made changes to the groundfish monitoring program, made changes to the management measures for U.S./Canada TACs in order to move GB cod quota from the eastern management area to the western management area and modified the Gulf of Maine Cod Protection Measures so that the recreational possession limit for GOM cod can once again be modified by the Regional Administrator.

Amendment 18, which became effective on May 1 and May 22, 2017, addresses fleet diversity and accumulation limits.

Framework 56, which became effective on August 1, 2017, adopted U.S./Canada TACs, set specifications for witch flounder for FY 2017 – FY 2019, allocated a northern windowpane flounder sub-ACL to the Atlantic sea scallop fishery, increased the midwater trawl fishery sub-ACL for GB haddock, and temporarily changed the scallop fishery AM implementation policy for GB yellowtail flounder and northern windowpane flounder for FY 2017 and FY 2018. Framework 57, which became effective on May 1, 2018, adopted specifications for all groundfish stocks for FY 2018 to FY 2020, adopted U.S./Canada TACs for FY 2018, revised the common pool trimester TAC apportionments, specified the sub-ACL for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder for the Atlantic Sea Scallop fishery for FY 2018 to FY 2020, allowed the Regional Administrator the authority to revise the common

pool trimester TAC apportionments, modified Atlantic halibut AMs, modified the southern windowpane flounder AMs for the large-mesh non-groundfish trawl fisheries (e.g., scup and summer flounder), temporarily changed the trigger for the SNE/MA yellowtail flounder AMs for the Atlantic sea scallop fishery for FY 2018, and allowed the Regional Administrator the temporary authority to adjust the recreational measures for GB cod for FY2018 and FY 2019.

The final documents for all prior actions can be found on the internet at <http://www.nefmc.org>.

3.4 National Environmental Policy Act (NEPA)

NEPA provides a structure for identifying and evaluating the full spectrum of environmental issues associated with Federal actions, and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. This document includes the required NEPA analyses.

3.5 Fishery Data Sources

This document includes fishery data from FY 2010 to FY 2017 and in some instances partial FY 2018 data. This approach informs the analysis and provides a baseline for the public to better understand the operation of the fishery. Some differences in totals between this analysis and prior analyses exist.

A “groundfish trip” is defined here as a trip where groundfish is landed, and either applied to a sector Annual Catch Entitlement (ACE) or to the common pool ACL. Unless stated otherwise, NMFS compiled most of the gear and/or location-specific data presented here from vessel trip reports (VTRs), because it contains effort, gear, and positional data. Some of the data in this document, such as that concerning protected resources, is from the Northeast Fisheries Observer Program data set.

4.1.1 *Rebuilding Plan Options to be provided in a PDT Memo*

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 final 2018 sector rosters following 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 Windowpane Flounder	2019	122	92	2	3	18	63	63			63		86
	2020	122	92	2	3	18	63	63			63		86
SNE/MA Windowpane Flounder	2019	631	473	28	218	158	53	53			53		457
	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, 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 other sub-component values from those specified in FW57 under the No Action alternative for GB cod, witch flounder, GB winter flounder, GOM winter flounder, and Atlantic halibut (see Appendix II), based on the PDT recommendations for the other sub-component. As recommended by the Groundfish Committee/Council, no changes to state waters sub-component values were made since those specified in FW57. 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 for EGB cod, EGB haddock, and GB yellowtail flounder 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 other sub-components for some stocks based on the PDT's recommendation. Stocks and specifications in gray were not adjusted from those specifications 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	18	155		1,568	1,568		1,536	32		1,741
	2020	<u>3,047</u>	<u>2,285</u>	<u>23</u>	<u>194</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	47	9		610	390	220	378	12		666
	2020	938	703	47	9		610	390	220	378	12		666
<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	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	55		854	854		835	18		948
	2020		993	40	55		854	854		835	18		948
GB Winter Flounder	2019	1,182	810		12		774	774		768	6		786
	2020	1,756	810		12		774	774		768	6		786
GOM Winter Flounder	2019	596	447	67	7		355	355		337	18		428
	2020	596	447	67	7		355	355		337	18		428

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	2020	1,228	727	73	109		518	518		456	62		700
Flounder													
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	2020	122	92	2	3	18	63	63			63		86
Flounder													
SNE/MA	2019	631	473	28	218	158	53	53			53		457
Windowpane	2020	631	473	28	218	158	53	53			53		457
Flounder													
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	4		75	75			75		100
	2020		104	21	4		75	75			75		100
Atlantic	2019	120	90	1	1		82	82			82		84
Wolfish	2020	120	90	1	1		82	82			82		84

Table 6- CAI Hook Gear Haddock SAP TACs (FY2019 - FY2020).

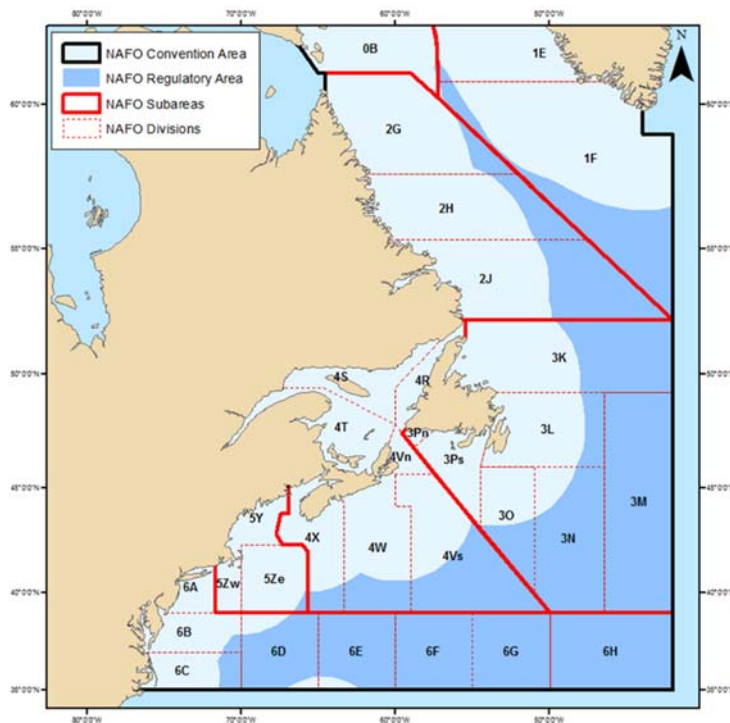
Year	Exploitable Biomass (thousand mt)	Western Georges Bank Exploitable Biomass	B(year)/B(2004)	TAC (mt, live weight)
2019	238,522	83,483	3.057	3,454
2020	253,621	88,767	3.250	3,673

4.2 Fishery Program Administration

4.2.1 Minimum Fish Size Exemptions for Vessels Fishing in the NAFO Regulatory Area

Figure 1 displays the NAFO Regulatory Area.

Figure 1-NAFO Convention Area including statistical subareas, divisions, and subdivisions. Source: NAFO website.



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 the NAFO Regulatory Area from Northeast Multispecies Fishery Management Plan (FMP) commercial minimum fish sizes

Under Option 2, U.S. vessels fishing exclusively in the NAFO Regulatory Area would be exempt from the domestic fishery minimum sizes, and instead would be required to land fish that met the NAFO minimum sizes as specified in the NAFO Conservation and Enforcement Measures (CEM). A comparison of NAFO and domestic minimum fish sizes is 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. Several NAFO stocks have no minimum size including: haddock, pollock, witch flounder, winter flounder, redfish, and white hake. Atlantic halibut is not regulated under NAFO.

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.

4.3 Commercial Fishery Measures

4.3.1 Atlantic Sea Scallop Fishery AM Implementation Policy

4.3.1.1 Option 1: No Action

No action. The AM policy established in FW 47 for the scallop fishery would remain unchanged. FW 47 established a policy that scallop fishery sub-ACLs would be administered and evaluated in the context of total catches in the fishery. The general principle is that if a scallop fishery sub-ACL (for any stock) would be exceeded, but the overall ACL was not exceeded, then the scallop fishery would not be subject to AMs unless the scallop fishery sub-ACL was exceeded by 50 or more percent. There would be two criteria that would result in implementing the AMs if either was met:

- 1) The scallop fishery exceeds its sub-ACL for a stock *and* the overall ACL is also exceeded
- Or
- 2) The scallop fishery exceeds its sub-ACL for a stock by 50 or more percent.

Rationale: The AM policy established in FW 47 for the scallop fishery would remain unchanged. The purpose of the ACL and AM system is to prevent overfishing. Overfishing is likely to occur only if the total ACL is exceeded. However, the scallop fishery should be held accountable for its catch. Framework 56 implemented a temporary change to the trigger to remove criterion 2 for GB yellowtail flounder and N. windowpane flounder. Under the No Action alternative, that temporary change would sunset after accounting for fishing year 2018 catches to reduce the potential risk to the groundfish fishery, small mesh fisheries, and the Georges Bank yellowtail flounder stock in the event scallop fishery bycatch caused a total ACL overage. After Framework 56 temporarily revised the AM trigger, Framework Adjustment 29 to the Atlantic Scallop Fishery Managed Plan revised the scallop fishery's AM for GB yellowtail flounder to be a gear modification rather than an area closure. The new AM would reduce the impact of scallop fishing on GB yellowtail flounder while causing less shifts in effort, having fewer distributional impacts, and reducing negative economic impacts to the scallop fishery.

4.3.1.2 Option 2: Temporary change to the Atlantic sea scallop fishery AM implementation policy for the GB yellowtail flounder stock

Option 2 would extend the temporary change to the AM implementation policy for only the GB yellowtail flounder stock so that the only criteria to determine if an AM would be implemented would be if the scallop fishery exceeds its sub-ACL for GB yellowtail flounder *and* the overall ACL is also exceeded. This measure includes a 2-year "sunset" provision. Therefore, if the measure was implemented in FY2019, the temporary change to AM policy would only apply for FY2019 and FY2020 catches. In FY2021 and in future years, the underlying policy would apply (i.e., as described under No Action).

Rationale: The purpose of the ACL and AM system is to prevent overfishing. Overfishing is likely to occur only if the total ACL is exceeded. The recommended total ACL for GB yellowtail has been very low in recent years (<500 mt), which has prevented the groundfish fishery from targeting this species. The low total ACL, combined with low groundfish effort for GB yellowtail, and consequences associated with the scallop fishery AM (i.e., pound for pound payback and gear restricted areas), should prevent total ACL overages under this exemption. No other provisions of the AMs would change (e.g., the gear-restricted areas and pound-for-pound payback provisions). The temporary elimination of the second trigger for the AM would prevent negative economic impacts to the scallop fishery if the prosecution of that fishery is not able to limit its bycatch of yellowtail to the sub-ACL, but the total ACL is not exceeded and the scallop sub-ACL is exceeded by less than 50 percent. The "sunset" provision would limit the time the exception to the AM implementation policy was available to the scallop fishery. A similar temporary

change to the AM policy was approved for FY2017 and FY2018. Limiting the extension of this provision to a further two years would reduce the potential for risk to the groundfish fishery, the small-mesh fisheries, and the GB yellowtail flounder stock in the event the scallop fishery catch of GB yellowtail flounder caused an overage of the total ACL.

5.0 ALTERNATIVES CONSIDERED AND REJECTED

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