



NOAA FISHERIES SERVICE FACT SHEET



Proposed Rule for Amendment 16 to the Northeast Multispecies Fishery Management Plan

NOAA FISHERIES SERVICE

The following is a summary of NOAA Fisheries Service's proposed rule, which would implement measures for the Northeast (NE) multispecies (groundfish) fishery proposed in Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP), developed by the New England Fishery Management Council. This rule also proposes revisions to regulations that are not specifically identified in Amendment 16, but that are necessary to effectively implement the provisions in Amendment 16, or to correct errors in, or clarify, existing provisions. The proposed measures would take effect on May 1, 2010. Of note are measures to address new requirements under the reauthorized Magnuson-Stevens Fishery Conservation and Management Act, expansion of the use of fishing sectors and for those not in fishing sectors modifications to the Days-at-Sea (DAS) program. A brief description of the proposed management measures follows.

Amendment 16 includes measures to adjust the level of fishing mortality to avoid overfishing and continue to rebuild overfished stocks. New rebuilding programs are proposed for witch flounder, Georges Bank (GB) winter flounder, northern windowpane flounder and pollock, which are now considered overfished.

Incorporation of Atlantic Wolffish

Atlantic wolffish also was recently determined to be overfished. Amendment 16 would add this species to the groundfish FMP, including management measures for rebuilding the stock.

Sector Requirements

Amendment 16 proposes to establish 17 new sectors and to modify two existing sectors. A sector is a group of vessel permit holders who voluntarily agree to fishing restrictions and procedures in exchange for a share of the total catch allocated to the industry.

- A sector would be required to be composed of at least 3 persons, none of whom have an ownership interest in the other 2 persons' businesses in the sector.
- Sectors would receive allocations for most groundfish stocks based on participating vessel landing histories (1996-2006). For vessels that previously signed up to participate in either of the existing 2 sectors, their

contributions towards a sector's allocation of GB cod would be based on their historic landings (1996-2001).

- Sectors would have the ability to trade stock allocations with other sectors.
- All would be exempt from existing regulations:
 - » Trip limits;
 - » Groundfish DAS restrictions;
 - » GB Seasonal Closure Area;
 - » Portions of Gulf of Maine (GOM) Rolling Closure Areas; and
 - » Some mesh requirements when using selective gear on GB.
- Sectors may request exemptions from other restrictions on a case-by-case basis.

Non-Sector Vessel Requirements (Common Pool Vessels)

Many of the measures that were in effect in 2009 will continue, along with a proposed suite of new measures, including:

- A 32% reduction in DAS from the interim action 2009 allocations and the counting of all days fished in 24-hour increments;
- Restricted gear areas where fishing is only allowed using specific gear to minimize catch of overfished stocks, particularly flatfish species; and
- Increased trip limits for GOM and GB

cod, and Cape Cod (CC)/GOM, GB and Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder stocks.

NOTE: a subsequent action by the Council, Framework 44, proposes to maintain the existing GOM cod trip limits at the current levels rather than increase them.

Requirements for All Groundfish Vessels

- A prohibition on landing of ocean pout, windowpane flounder, Atlantic wolffish, and SNE/MA winter flounder
- Only 1 Atlantic halibut would be allowed to be treated per fishing trip (status quo)
- Extensive monitoring requirements, including
 - » At-sea monitoring (optional in 2010 and 2011, but required in 2012) for sector vessels and continuation of observer program for common pool; and
 - » Dockside monitoring of 50% of the sector fishing trips that occur in fishing year 2010, 20% in 2011, and 20% for both sectors and the common pool thereafter.

Mitigation Measures

In order to provide further fishing opportunities to target healthy groundfish stocks the following measures are also proposed:

- ❑ Expanded Closed Area (CA) I Hook Gear Haddock Special Access Area (SAP), in both season and area;
- ❑ Modified CA II Yellowtail SAP, so haddock can be targeted;
- ❑ Renewal of the Eastern US/CA Haddock SAP; and
- ❑ Reduced minimum size for haddock from 19 to 18 inches for both commercial and recreational fisheries.

Proposed Recreational Measures

If Amendment 16 is approved, the recreational sector would receive an allocation of GOM cod and haddock. The allocation is based on the recreational catch between fishing years 2001-2006. The April closed season for the recreational fishery also would be extended by 2 weeks to reduce fishing mortality on GOM cod.

Annual Catch Limits (ACLs)

The reauthorized Magnuson-Stevens Act (2006) requires fishery management councils to establish a mechanism for specifying ACLs for each managed fishery, to prevent overfishing. Along with allocating an annual catch to the NE multispecies directed groundfish and recreational fisheries, Amendment 16 would distribute ACLs for each groundfish stock among other fisheries that catch groundfish as bycatch, including the Atlantic sea scallop fishery, the Atlantic herring fishery and state-waters fisheries.

Accountability Measures (AMs)

In compliance with the Magnuson-Stevens Reauthorization Act, this rule would establish AMs for commercial and recreational fisheries to prevent ACLs from being exceeded and to address ACL overages should they occur as follows:

Commercial Vessels in a Sector

- ❑ Any overages at the end of the fishing year would be deducted from the sector's allocation during the subsequent fishing year.
- » During the fishing year, If the sec-

tor doesn't have sufficient allocation to cover an overage, the sector would be prohibited from fishing in the stock area associated with the overage until it could acquire sufficient allocation from other sectors to cover the overage. These allocations are referred to as annual catch entitlement, or ACE.

- » If the sector disbands at the end of the fishing year, individual participating vessels would have their contribution toward another sector decreased in the subsequent year, if they enter another sector, or have their DAS reduced, proportionate to their share of the overage, if they fish in the common pool.

Common Pool Vessels

- ❑ In 2010 and 2011, differential DAS counting would be implemented during the year following an ACL overage; and
- ❑ In 2012 and beyond, trimester quotas for each stock, inseason trip limit adjustments, triggered closed areas, and quota deductions following an ACL overage would be implemented.

Recreational Fishery

- ❑ Adjustments to season, minimum size, and/or bag limits would be developed by NOAA Fisheries Service in consultation with the Council during the year following an ACL overage.

Dual Ownership of Limited Access (LA) NE Multispecies and Atlantic Sea Scallop Permits

The proposed measure would allow LA scallop permit holders to hold a LA NE multispecies permit simultaneously, and vice versa.

GOM Haddock Gillnet Pilot Program

Amendment 16 proposes a pilot program to allow non-sector vessels to fish with 6-inch mesh stand-up sink gillnets in the GOM from January 1 through April 30 of each year, provided Day Gillnet vessels do not deploy more than 30 nets per trip and the vessel carries on board a letter of

authorization issued by the Regional Administrator, among other provisions.

DAS Leasing and Transfer Program Modifications

Several revisions to the DAS Leasing and Transfer Programs are proposed in Amendment 16, which are intended to eliminate unnecessary administrative procedures that would impede participation in these programs. These revisions include eliminating the DAS leasing cap in the DAS Leasing Program, and the DAS conservation tax in the DAS Transfer Program and allowing permits currently held in confirmation of permit history (CPH) to participate in both programs.

Minimum Fish Size Adjustment for Atlantic Halibut

Amendment 16 proposes to increase the minimum fish size for Atlantic halibut from 36 to 41 inches for both commercial and recreational fisheries.

Suspended Winter Flounder SAP

Amendment 16 proposes to suspend the SNE/MA SAP until the winter flounder stock condition improves. The SAP currently allows LA groundfish vessels fishing for summer flounder to possess and land up to 200 pounds of winter flounder without using a NE multispecies DAS.

To Submit Comments

You may submit comments, identified by 0648-AW72, by any of the following methods:

Electronic submissions: Submit all electronic comments via the Federal eRulemaking Portal:
<http://www.regulations.gov>
 Fax: (978) 281-9135

Mail: Paper, disk, or CD-ROM comments should be sent to
 Patricia A. Kurkul
 Regional Administrator
 NOAA Fisheries Service
 55 Great Republic Drive
 Gloucester, MA 01930

Please mark the outside of the envelope, "Comments on the Proposed Rule for NE Multispecies Amendment 16."

