



NOAA FISHERIES SERVICE FACT SHEET



New Fishing Regulations for Northeast Multispecies Fishery

The following is a summary of new federal regulations for the Northeast multispecies fishery which are expected to go into effect on May 1, 2010. These measures are included in Amendment 16 and Framework 44 to the Northeast Multispecies Fishery Management Plan. Amendment 16 was developed over three years by the New England Fishery Management Council through an open, public process, and approved by NOAA Fisheries Service on January 21, 2010. Framework Adjustment 44 (FW 44) modifies several Amendment 16 measures and includes actual catch levels for the next three years. When finalized the complete regulations will be available under Hot News on our website: <http://www.nero.noaa.gov/nero/>

Why Are Additional Groundfish Measures Necessary?

While there has been some progress rebuilding groundfish stocks, such as haddock and cod, the majority of stocks are still overfished. These measures are intended to continue rebuilding depleted stocks and initiate rebuilding efforts for stocks newly declared overfished to meet federal requirements under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Dual Management System for 2010

Under Amendment 16, vessels will be able to fish under days-at-sea (DAS) and trip limits as part of the common pool, or hard quotas under sectors.

A sector is a group of vessel permit holders who voluntarily agree to fishing measures and procedures in exchange for a share of the total catch allocated to the industry.

Nineteen sectors have been authorized to fish in the commercial groundfish fishery, of which 17 have submitted operations plans to do so for 2010. More than half the groundfish permit holders, representing 98 percent of the historic catch, have signed up for a sector in 2010.

Key Sector Measures

- A sector must consist of at least 3 persons, none of whom have an ownership interest in the other 2 persons' businesses in the sector.
- Sectors must submit operations

plans by September 1 of each year to ensure that these plans and associated analyses are reviewed in time to implement the operations plans by May 1.

- Sectors are required to submit weekly catch reports detailing landings and discards of each groundfish stock. Sectors must also submit an annual report to NOAA fisheries Service that details information necessary to evaluate the biological, economic, and social impacts of sectors.
- Sector vessels must retain all legalized groundfish and can only discard undersized fish.

Sector Exemptions

- All sectors are exempt from these regulations:
 - » Trip limits;
 - » Groundfish DAS usage to land groundfish*;
 - » Seasonal Georges Bank (GB) Closed Area;
 - » Portions of Gulf of Maine (GOM) Rolling Closure Areas; and
 - » The requirement to use a 6.5-inch mesh codend when using selective gear, except on GB.
- Sectors can request exemptions from other restrictions on a case-by-case basis through their yearly operations plans.

**Amendment 16 retains the existing 2009 DAS allocations for sector vessels for the purposes of participating in fisheries like the monkfish and skate fishery that still require the use of a groundfish DAS in certain circumstances.*

Sector Allocation Process

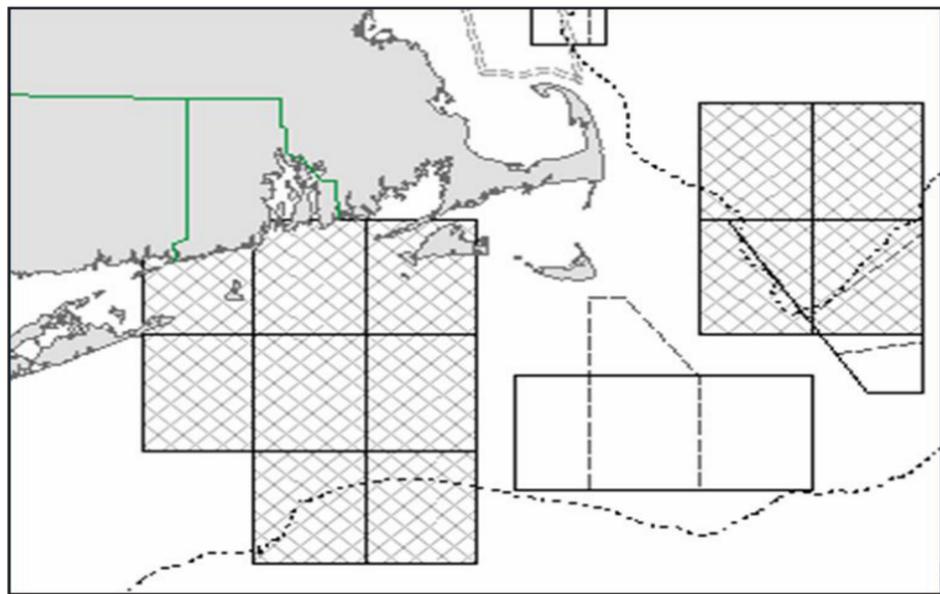
- Sectors receive allocations for most groundfish stocks based on the total of each sector vessel's proportional landings of each stock (1996-2006). This is referred to as the potential sector contribution (PSC).
- For vessels enrolled in either of the existing 2 sectors, their contributions towards a sector's allocation of GB cod is based on their proportional landings (1996-2001). The Council made this distinction to be consistent with existing allocations to these sectors.
- Sectors can trade stock allocations with other sectors at any time during the fishing year and up to two weeks into the following fishing year.

Sector Accountability Measures (AMs)

- Once a sector's allocation for a particular stock is caught or exceeded, that sector is required to cease fishing operations in that stock area until it can acquire additional allocation for that stock.
- Any stock overages at the end of the fishing year are deducted from the sector's allocation for that stock for the subsequent fishing year.
- If insufficient allocation to cover the overage exists, a sector's allocation for that stock would be reduced to zero for the following fishing year and the sector cannot fish in the

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Restricted Gear Areas (RGAs)



Only Gears Allowed in RGAs:

- ✓ Separator trawl
- ✓ Ruhle trawl
- ✓ Rope trawl (new definition)
- ✓ Hook gear
 - ✓ Longline
 - ✓ Tub trawls/ Handgear
- ✓ Stand-up gillnets
- ✓ 10" tie-down gillnets

area of the overage unless it acquires more allocation from another sector.

- ❑ If the sector disbands following an overage, the contribution that each vessel would bring to a new sector would be reduced; or if a vessel chooses to fish in the common pool instead, it would be subject to a DAS reduction to account for the overage.
- ❑ In addition to overages, a sector and its participants could be held jointly and severally liable for discarding legal-sized fish or misreporting catch (both landings and discards).

Common Pool Vessel Measures

- ❑ DAS are reduced by 32% from 2009 allocations and all days fished are counted in 24-hour increments (e.g., 5 hours fished = 24 hours charged). There is no differential DAS counting, or 3-15 rule for day gillnet vessels.
- ❑ A 2,500 lb trip limit for GB yellowtail flounder stock is in effect.
- ❑ A new 1,000 lb/DAS up to 10,000 lb/trip possession limit for pollock is adopted.
- ❑ The possession limit for GB cod is increased to 2,000 lb/DAS up to 20,000 lb/trip.
- ❑ The current GOM cod trip limits (800

lb/DAS up to 4,000 lb/trip) are retained.

- ❑ For limited access Handgear A-permitted vessels, the current cod trip limit (300 lb/trip limit) stays in place.
- ❑ For open access Handgear B-permitted vessels, the current cod trip limit (75 lb/trip) remains in effect.
- ❑ For Cape Cod (CC)/GOM and Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder the trip limit is increased to 1,500 lb/trip.
- ❑ New GB and SNE RGAs are established, where fishing is only allowed using specific gear to minimize catch of overfished stocks, particularly flatfish (see above image for locations and gears allowed). Specified gears may also be used outside RGAs.
- ❑ The Regional Administrator is granted authority to modify landings limits or DAS counting rates any time during the fishing year to reduce the chance that the annual catch limits (ACLs) will be exceeded.

Common Pool AMs

- ❑ In 2010 and 2011, if ACLs are exceeded, differential DAS counting will be implemented in the following year.
- ❑ In 2012 and beyond, trimester quo-

tas for each stock, inseason trip limit adjustments, triggered closed areas, and quota deductions following an allocation overage would be implemented along with dockside monitoring requirements.

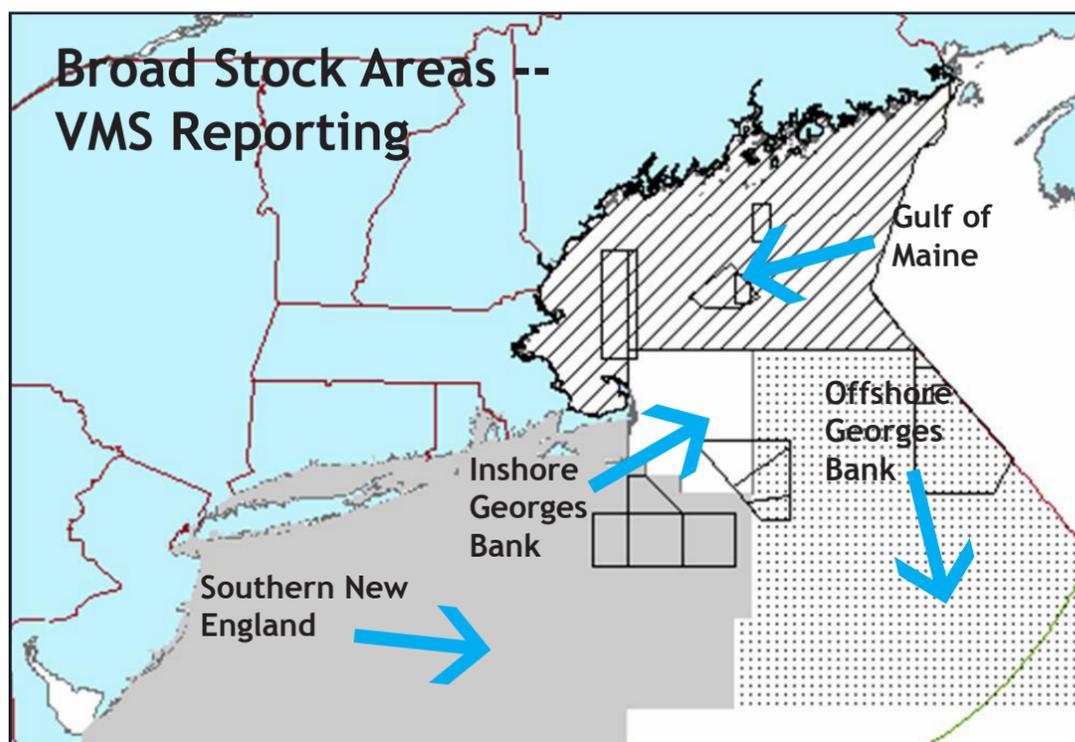
Requirements for All Groundfish Vessels

- ❑ All vessels are prohibited from landing ocean pout, windowpane flounder, Atlantic wolffish, and SNE/MA winter flounder.
- ❑ Only 1 Atlantic halibut can be kept per fishing trip (status quo).
- ❑ The minimum fish size for Atlantic halibut is increased from 36 to 41 inches.
- ❑ The 20% DAS leasing cap and DAS conservation tax for the transfer program are eliminated.
- ❑ Permits currently held in confirmation of permit history (CPH) are allowed to participate in DAS Leasing/Transfer Programs.
- ❑ The SNE/MA Special Access Area (SAP) for winter flounder is suspended.
- ❑ The opening of the Eastern U.S./Canada Area for trawl vessels is delayed until August 1, 2010.
- ❑ Limited access scallop permit holders are allowed to hold a limited access NE multispecies permit simultaneously, and vice versa.

New Monitoring and Reporting Requirements

- ❑ At-sea monitoring is implemented to validate the catch for sector vessels.
- ❑ At-sea observer notification must occur 48 hours before each trip via web-based system.
- ❑ Vessel trip reports (VTRs) must be submitted weekly.

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size, and/or bag limits can be developed by NOAA Fisheries Service in consultation with the Council during the year following an catch limit overage.

Groundfish Allocation for Other Directed Fisheries

Along with allocating an annual catch to the directed groundfish commercial and recreational fisheries, allocations of each groundfish stock are given to other fisheries that catch groundfish as bycatch. These fisheries will receive an allocation in 2010:

- ❑ Herring mid-water trawl fishery will get 0.2% of the GB and GOM haddock allocation; and
- ❑ Atlantic sea scallop fishery will get GB and SNE/MA yellowtail flounder based on the projected scallop catch.

Frequently Asked Questions

Q. Why are the Council and the Agency requiring people to join sectors?

A. No one is required to join a sector. In New England, two sectors were first developed and implemented by members of the fishing industry over five years ago. Based on the experience of these sectors, the Council authorized the formation of 17 new sectors in fishing year 2010. Fishermen are provided with the option to either join a sector or continue to fish under area and DAS management. The intent of sector management is to provide the industry with more flexibility to determine when and how to fish, given the poor condition of many groundfish stocks.

Q. Why did the Council choose to implement three separate landings history baselines when making the allocations?

A. For GB cod, the Council adopted different baselines for existing versus new sectors to preserve the business (cont'd on next page)

- ❑ Vessel Monitoring System (VMS) trip declaration into Broad Stock Areas and submission of VTR serial number must be done prior to each groundfish trip. (see image above)

- ❑ A Trip-level VMS catch report must be completed if vessel is fishing in multiple stock areas.

- ❑ Dockside monitoring is being implemented to validate landings.
 - » A minimum of 50% of sector fishing trips will be randomly monitored in fishing year 2010, 20% in 2011, and 20% for both sectors and the common pool thereafter.
 - » Vessels must submit trip-start and trip-end hail reports to coordinate deployment of monitors.

Enhanced Opportunities to Target Rebuilt Stocks

- ❑ The Closed Area (CA) I Hook Gear Haddock SAP is expanded in both season and area. (see image on next page)
- ❑ The CA II Yellowtail Flounder-Haddock SAP is modified to facilitate targeting of haddock. see image on next page)
- ❑ The use of 6-inch codend in separator trawls on GB is permitted in the Regular B DAS Program.

- ❑ The minimum size for haddock is reduced from 19 to 18 inches for both commercial and recreational fisheries.

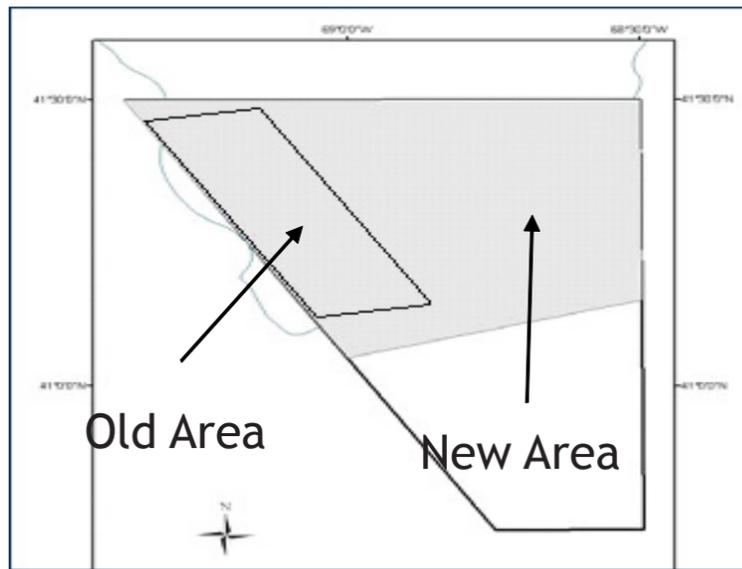
Recreational Measures

- ❑ The recreational sector receives an allocation of GOM cod and GOM haddock. The allocation is based on the recreational catch between fishing years 2001-2006.
- ❑ The April closed season for the recreational fishery is being extended by 2 weeks to reduce fishing mortality on GOM cod. It will now to run from November 1 through April 15.
- ❑ The 2-hook per line restriction is removed.
- ❑ Fillets must contain at least 2-square inches of contiguous skin for species identification.
- ❑ Vessels are prohibited from landing SNE/MA winter flounder and Atlantic wolffish.
- ❑ The halibut minimum fish size is increased to 41 inches and limit of 1 halibut per fishing trip remains.

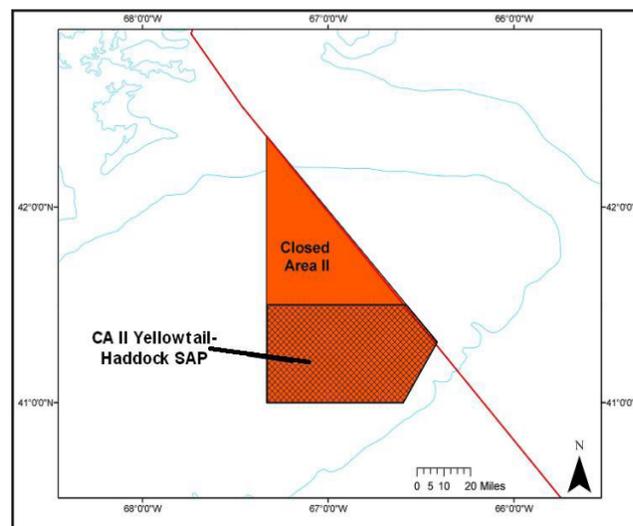
Recreational AMs

- ❑ Adjustments to season, minimum

CA I HIGH SAP



CA II YELLOWTAIL/HADDOCK SAP



plans developed by participants in the two existing sectors, and to maintain the value of investments in the permits made by those sectors.

The Council also indicated its intent to freeze catch history for newly formed sectors to preserve the allocation decisions and to promote economic stability in the fishery by increasing the confidence that allocations are unlikely to change in the future.

The baseline for GOM cod and GOM haddock for the recreational fishery was based on the proportion of catch of those stocks attributable to the recreational and commercial fisheries from a period when both fisheries were subject to restrictions on the catch of those stocks, and that are more reliable for the recreational fishery. The Council's intent was to provide fair allocations to these two fishery components when they were operating under similar management regimes.

Are sectors Limited Access Privilege Programs (LAPPs) as defined under the MSA?

NOAA Fisheries Service does not consider groundfish sectors to be LAPPs as defined in the MSA.

- Sector vessels are not issued a permanent allocation.
- Vessels are free to join a sector or leave a sector prior to the start of each fishing year, thus the make up of the sector, and the allocation to the group can change each year.

Because sectors do not meet the MSA definition of LAPPs, neither a referendum vote by the fishing industry nor cost recovery from the industry to cover regulation implementation are required.

Q. Due to the poor condition of some groundfish stocks, allocations for these stocks are low. Does a sector have to shut down or do common pool vessels have to stop fishing

once their respective allocation for a particular stock or DAS are exhausted?

A. Fishing vessels have the ability to fish in modified SAPs, using specialized gear and/or baits to target healthy stocks and avoid stocks in the worst condition. They do not necessarily have to stop fishing if they run out of allocation, provided they secure additional allocation through trade or transfer from another vessel or sector.

Q. Will sectors result in further consolidation in the groundfish industry?

A. Consolidation has been occurring in this fishery for many years. If there is further consolidation in the fishery, it will likely be due to stock condition rather than sectors. Because the majority of groundfish stocks are considered overfished, they require further reductions in fishing mortality to ensure continued rebuilding. Yearly quotas may not be adequate to enable all current vessels to fish at historic levels.

Q. What is being done to address industry concerns that pollock is more abundant than the current stock information suggests?

A. Pollock is currently considered to be overfished and overfishing is occurring. However, a new stock assessment is scheduled for June. The agency, in concert with the Council, will work as quickly as possible to adjust management measures to reflect any new information about pollock stock condition that comes out of this assessment.

Q. How is the agency going to monitor/address sector progress after these new regulations are implemented on May 1?

A. We plan to work closely with sector representatives and the Council to monitor how things are going -- track the social and economic implications of sectors and make adjustments as we can throughout the fishing year.

