

## **INDUSTRY ALTERNATIVE**

### **NORTHEAST SEAFOOD COALITION PROPOSAL**

The primary objective of this alternative was to create stock specific management schemes for the stocks needing the greatest reductions in fishing mortality in order to avoid unnecessary sacrifice of yields on stocks already harvested below sustainable levels and to minimize the negative biological consequences of shifting effort.

We recognize that this is no new concept by any stretch. However, we believe that the tools now available to managers and deployed today in this fishery are underutilized and should be considered more carefully.

The drastic reductions in actual fishing time created by deep DAS cuts and differential or minimum DAS counting will certainly cause more and more effort to shift onto cod. The alternative B2 selected by the council will have the least impact on the sectors that have been targeting GOM cod at the highest level. The recently published emergency rule effectively does the same for both GB and GOM cod as the list of participants in the directed cod fishery will grow.

This alternative provides stock specific measures and monitoring programs for the following stocks: **GB yellowtail, GB winter flounder, CC / GOM yellowtail and GOM cod**

Amendment 13 implemented the US / CA Sharing Understanding, SAPs and the B Regular Pilot Program. Each of these programs utilized daily reporting and TAC monitoring.

#### ***We have learned a great deal from these programs.***

1. Daily reporting via VMS was accepted by the industry and monitoring of TACs was relatively real time.
2. NMFS handled multiple and relatively small Bycatch TACs in the B regular Pilot Program successfully and did not exceed even one of them through 6 quarters of fishing.
3. The Georges Bank Yellowtail management scheme was too crude to maintain a smooth fishery. A management response chart linked to quarterly waypoints and TAC trajectory with finer resolution to the decision triggers would have drastically improved the GB YT fishery.

#### ***How can we improve what we have?***

1. Setting trip limits, DAS reductions, differential counting and other measures that will remain static through a 3 year period especially while some TACs are changing dramatically from year to year is a serious problem. By utilizing VMS daily reporting and a management decision chart, managers could dramatically increase control of catch to a smooth trajectory towards a TAC.
2. TAC management through daily reporting would eliminate the guesswork and the serious deficiency of working with preliminary landings statistics that are sometimes 6 or 8 months in arrears.
3. Why would we resist improving the current system by employing this strategy on some of our TARGET TAC stocks?

## **Section 1.)**

### **Cod Cap Restriction**

**For vessels that obtain a Letter of Authorization to fish in any of the six designated inshore blocks during the fishing year.**

*In addition to all current regulations including possession limits and DAS requirements, the following limitations will apply to vessels that declare their intent to fish in the designated inshore blocks 124, 125, 132, 133, 139, 140 at any time during the fishing year:*

Beginning in fishing year 2006, no federally permitted multi-species vessel may fish in blocks 124, 125, 132, 133, 139 or 140 using a groundfish DAS unless such vessel declares its intent to fish in these blocks prior to the fishing year. A vessel requesting and possessing an Inshore GOM Cod Block Letter of Authorization agrees to the following limitations and requirements **in addition to all existing regulations:**

*( Note: THE CRITICAL COMPONENT OF THIS PROGRAM IS THE CREATION OF A DIRECT LINK BETWEEN DAS ALLOCATIONS AND ACCUMULATED COD LANDINGS. Once the link is properly described and implemented, interaction with carry-over DAS and the DAS leasing and transferring programs should become logical (see suggestions below), and the need to create modifications to those programs as a result of the Cod Cap Restriction should become unnecessary. This should address NMFS legal Counsel concerns about the original industry cod cap submission that included specific provisions for carryover and leasing which called to question the depth of detail for a frame-workable item.)*

1. No vessel's annual landings of cod can exceed the product of their allocated and acquired A DAS X 600 lbs in FY 2006 (Retro-Active to May 1, 2006 ) and **up to\*** 800lbs in FY 2007 & 2008.
2. Vessels enrolled in the program may fish inside and outside of the 6 inshore blocks at any time during the year and on the same trip, but ALL COD landings are counted

against their Cod Cap regardless of where the Cod is caught. (“all cod” means both inside and outside the 6 blocks and GB.)

3. Participating vessels are prohibited from discarding legal-sized cod up until the daily or trip landing limit is reached.
4. Vessel operators are responsible for keeping track of their cumulative cod landings. An up to date, running total of cod landings for the current Fishing Year must be maintained on board and available for law enforcement personal.
5. A participating vessel must be equipped with a VMS and must report all catch of GOM cod daily and before entering port to land.
6. Any participating vessel that reaches the cod cap using the formula in #1 above must cease fishing for the remainder of the fishing year and any unused DAS can not be used or leased.

Properly drafted regulatory language for the LINK between DAS and Cod Landings should facilitate a simple accounting method for DAS relative to Carry-Over DAS, Leasing and Transferring. The following scenarios are included to illustrate what should result if the Cod Cap Restriction were correctly worded in the regulations and applied:

1. *A vessel that leases DAS to another vessel must adjust its maximum landings cap down in an equivalent amount to account for the transfer / loss of DAS allocation.*
2. *Up to 10 Carryover DAS are eligible to be carried forward to the subsequent fishing year if a vessels Cod landings for that fishing year do not require the DAS to cover the landings.*
3. *All future DAS allocations / adjustments would be calculated using simple math. DAS acquired through leasing and carryover DAS would all be treated the same. The cap would be determined by the product of Total A days available during the 12month 2006 Fishing year period x 600lbs (may be different in 07 & 08). Actual landings in FY 2006 would be divided by 600lbs resulting in the number of DAS*

- required to cover the landings. Once this deduction is done, the balance of DAS could be carried over (up to ten DAS).*
- 4. Any overage exceeding a vessel's annual cap would result in the loss of 1 DAS for each 'unit' of overage (the unit amount to be determined by the council if an amount other than 600lbs (ie. 1 unit) is desired) during the fishing year following the overage regardless of whether the vessel enrolls in the Cod Cap program in that following fishing year. It must be noted that handling overages in this way is just a mathematical suggestion for accounting purposes. It is not intended to imply enforcement suggestions as a part of this proposal. The council and NMFS can determine enforcement actions / triggers as a result of overages relative to defining what should constitute a violation.*
  - 5. NMFS would not have to complete DAS adjustments by the start of the fishing year as this would be virtually impossible. They could adjust individual DAS allocations at any time during the fishing year following any overage. Carryover DAS for vessels enrolled in the program would be restricted from use until NMFS issues adjusted allocations in a time period that is reasonable for NMFS administrative requirements and permit holders. Ideally not later than the start of the 2<sup>nd</sup> quarter.*

## **Section 2.)**

### **DAILY MONITORING / TAC MANAGEMENT OF CC/GOM YT**

#### **CC/GOM Yellowtail 2006, 2007 & 2008 FY**

- 1.) Establish an incidental catch limit of 100 lbs per DAS or 250 lbs per trip, whichever is less, **for any multi-species vessel that does not have on board a Letter of Authorization** to land CC/GOM YT in excess of the incidental landing limits.
- 2.) Beginning in FY 2006, establish a TAC monitoring program that monitors the target TACs for CC/GOM YT using VMS / Daily reporting from vessels possessing a Letter of Authorization. The FW42 target TACs for each of the 2006, 07 and 08 Fishing Years will be distributed as follows:
  - a. For each of the FYs 2006, 07 & 08, divide the TAC equally into four quarters. Set aside 15% of each quarter TAC to cover the incidental catch of vessels not possessing a CC/GOM LOA. The remaining TAC would be monitored as in the US/CA areas.
  - b. When 90 % of the Letter of Authorization portion of the /TAC of any quarter is projected to have been caught, the possession limits for all vessels reverts to the incidental limits until the beginning of the next quarter.
  - c. Any overages from the 2006 FY would be deducted from the 2007 FY. Any reductions would be dispersed equally to the four quarters.
  - d. Uncaught TAC is carried forward into the following quarter within the same fishing year but does not carry forward into the next fishing.
- 3.) A Letter of Authorization (LOA) would be issued to any permit holder intending to land CC/GOM yellowtail in excess of incidental possession limits. To qualify for a LOA:
  - (a) Vessel must be equipped with a Vessel Monitoring System (VMS);
  - (b) Vessel operator required to daily report all catch (landings and discards) of CC/GOM yellowtail before crossing the demarcation line prior to entering port;
  - (c) Reporting requirements consistent with US/CAN requirements to differentiate between yellowtail stocks on trips fished in more than one yellowtail stock area (GB, SNE/MA, & CC/GOM); and Consistent with current regulations, any trip overlapping stock areas must abide by most restrictive measure.

### **POSSESSION LIMITS**

***For Vessels that obtain a CCYT Letter of Authorization:***

FY 2006: 500 lbs day / 2,000 lbs trip, FY 2007 & 2008: 750 lbs day / 3,000 lbs trip.

***Incidental Possession limits:***

The incidental limits are 100 lbs per DAS or 250 lbs per trip, whichever is less.

### Section 3.)

#### Georges Bank Yellowtail

Following management response chart intended to provide RA with more detailed and comprehensive guidance than currently exists in the Amendment 13 in light of recent, dramatic change in condition of resource as indicated in recent GARM.

##### Start FY with a **10,000 trip limit**

If 30% is reached during first quarter	lower to.....	7,500
If 30% is reached during second quarter	continue.....	10,000
If 30% is reached during third quarter	increase to ....	25,000
If 30% is reached during fourth quarter	remove GBYT trip limit	

If at anytime during fishing year and prior to reaching 30% trigger RA determines TAC is NOT likely to be attained, she may alter trip limit upwards to 15,000 or 25,000. Any additional adjustments could be made at 60%.

If 60% is reached during first quarter	lower to	3,000
If 60% is reached during second quarter	lower to	5,000
If 60% is reached during third quarter	continue	10,000
If 60% is reached during fourth quarter	increase to	25,000

If at anytime during fishing year and prior to reaching 60% trigger RA determines TAC is NOT likely to be attained, she may alter trip limit upwards to 25,000 or remove trip limit altogether. Any additional adjustments could be made at 60% or when approaching TAC.

Rationale: As a result of recent GARM and substantial reduction of GBYT TAC, it is recommended that additional measures and NEFMC guidance to RA be provided for FY 2006, 2007 and 2008.

This stock is managed by a Hard TAC through measures implemented in Amendment 13 / US / CA Sharing Understanding.

## Section 4.)

### Georges Bank Winter Flounder

Following management response chart intended to offer RA more detailed and comprehensive guidance than currently exists in Amendment 13 in light of recent change in condition of the resource as indicated in the recent GARM.

Start FY with a **10,000 trip limit**

If 30% is reached during first quarter	lower to.....	7,500
If 30% is reached during second quarter	continue.....	10,000
If 30% is reached during third quarter	increase to ....	15,000
If 30% is reached during fourth quarter	increase to ....	25,000

If at anytime during fishing year and prior to reaching 30% trigger RA determines TAC is NOT likely to be attained, she may alter trip limit upwards to 15,000 or 25,000. Any additional adjustments could be made at 60%.

If 60% is reached during first quarter	lower to	3,000
If 60% is reached during second quarter	lower to	5,000
If 60% is reached during third quarter	change to	10,000
If 60% is reached during fourth quarter	change to	15,000

If at anytime during fishing year and prior to reaching 60% trigger RA determines TAC is NOT likely to be attained, she may alter trip limit upwards to 25,000 or remove trip limit altogether. Any additional adjustments could be made at 60% or when approaching the TAC.

When 90% of the Georges Bank Winter Flounder TAC is projected to be taken, the possession limit would lower to 1,500 lbs for the remainder of the Fishing Year.

Rationale: As a result of the recent GARM and substantial reduction of GB WF TAC, it is recommended that additional measures and NEFMC guidance to the RA be provided for FY 2006, 2007 and 2008.

***There is a considerable amount of fishing that occurs on both the GBYT and GB Winter Flounder stocks simultaneously. GB fishermen understand the benefits to both stocks when the trip limits are aligned. Therefore, it should be noted that the Hard TAC management of the GBYT stock should bring the GB Winter Flounder measures along with it through the fishing year. It is anticipated that this program will achieve this.***

***By linking these two stocks through similar monitoring and management responses, improved economic yields and the benefits to minimizing discards can be achieved.***