



# Northeast Region Bulletin

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## **NORTHEAST MULTISPECIES FISHERY REGULATIONS** **FOR THE 2013 FISHING YEAR**

*Effective May 1, 2013(unless otherwise noted)*

This bulletin announces partial approval of Framework Adjustment (FW) 48 and FW 50. Approved FW 48/50 measures for fishing year (FY) 2013 (May 1, 2013, through April 30, 2014) include: Catch limits for FYs 2013-2015 for many of the groundfish stocks, including FY 2013 total allowable catches (TACs) for U.S./Canada stocks of Eastern Georges Bank (GB) cod and haddock; new and revised catch limits and accountability measures (AMs) for certain fisheries; a revised Southern New England/Mid-Atlantic (SNE/MA) winter flounder rebuilding program and allowance of SNE/MA winter flounder landings; and reductions in the minimum fish size for some species, among other measures.

In addition, we are taking emergency action to implement FY 2013 catch limits for white hake and GB yellowtail flounder and to reduce FY 2012 Gulf of Maine (GOM) cod carryover. We have also set trip limits for the Common Pool and recreational management measures for FY 2013. The following is a summary only of the FY 2013 measures and is not a substitute for actual regulations which are contained in the final rules for FW 48 and FW 50. This bulletin is laid out in four sections. Please read each section as it pertains to you and contact us at (978) 281-9135 if you have any questions.

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### **All Commercial Vessels**

#### **1. U.S./Canada TACs**

Table 1—FY 2013 U.S./Canada TACs (mt, live weight) and Percentage Shares

TAC	Eastern GB Cod	Eastern GB Haddock	GB Yellowtail Flounder Emergency Action
Total Shared TAC	600	10,400	500
U.S. TAC	96 (16%)	3,952 (38%)	215 (43%)
Canada TAC	504 (84%)	6,448 (62%)	285 (57 %)

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region.

## 2. Annual Catch Limits for FY 2013

The annual catch limits (ACLs) for each groundfish stock are specified below and further divided into different fishery components that include the commercial groundfish fishery, the recreational fishery, non-groundfish fisheries, state waters fisheries, and an “other” sub-component.

Because there may be changes to sector rosters through April 30, 2013, it is possible that the sector and common pool sub-ACLs listed below may change. In which case, we will publish updated catch limits and notify you in an additional bulletin.

Table 2. FY 2013 Total ACLs, sub-ACLs, and ACL sub-components (mt, live weight)

Stock	Total ACL	Groundfish sub-ACL	Preliminary Sector sub-ACL	Common Pool sub-ACL	Recreational Fishery sub-ACL	Midwater Trawl Fishery sub-ACL	Scallop Fishery sub-ACL	Small-Mesh Fisheries sub-ACL	State Waters sub-component	Other sub-component
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	1,907	1,807	1,777	30					20	80
GOM Cod	1,470	1,316	814	16	486				103	51
GB Haddock	27,936	26,196	26,124	72		273			293	1,173
GOM Haddock	274	261	186	1	74	3			4	6
GB Yellowtail Flounder <b>Emergency Action</b>	208.5	116.8	115.4	1.3			83.4	4.0		4.3
SNE/MA Yellowtail Flounder	665	570	456	114			61		7	28
CC/GOM Yellowtail Flounder	523	479	467	12					33	11
American Plaice	1,482	1,420	1,396	24					31	31
Witch Flounder	751	610	601	9					23	117
GB Winter Flounder	3,641	3,528	3,508	20						113
GOM Winter Flounder	1,040	715	690	24					272	54
SNE/MA Winter Flounder	1,612	1,210	1,068	142					235	168
Redfish	10,462	10,132	10,091	41					110	220
White Hake <b>Emergency Action</b>	3,974	3,849	3,818	31					42	84
Pollock	14,921	12,893	12,810	83					936	1,092
Northern Windowpane Flounder	144	98		98					2	44
Southern Windowpane Flounder	527	102		102			183		55	186
Ocean Pout	220	197		197					2	21
Atlantic Halibut	96	52		52					40	5
Atlantic Wolffish	65	62		62					1	3

### **3. SNE/MA Winter Flounder Regulations and AMs**

Commercial and recreational vessels can land SNE/MA winter flounder beginning in FY 2013. Sector vessels now have an allocation of this stock and are required to land all legal-sized SNE/MA winter flounder, and common pool vessels may land legal-sized fish within the trip limit, specified on page 8. The minimum fish size for SNE/MA winter flounder for both commercial and recreational vessels is 12 inches.

#### **Sector AM**

Identical to the other allocated groundfish stocks, all catch (landings and discards) of SNE/MA winter flounder by a sector will be attributed to a sector's annual catch entitlement (ACE). Sector vessels will be required to stop fishing inseason in the SNE/MA winter flounder stock area once the entire sector's ACE is caught, unless the sector leases additional ACE for the stock. If a sector exceeds its ACE for the fishing year, it will be subject to an additional AM that will reduce the sector's ACE in the following fishing year by the amount of the overage.

#### **Common Pool AM**

SNE/MA winter flounder will not be managed under the Trimester TAC system like all other allocated groundfish stocks. If the common pool exceeds its sub-ACL for SNE/MA winter flounder, common pool vessels fishing with trawl gear will be required to use selective trawl gear when fishing in the SNE/MA Winter Flounder AM Areas for the entire fishing year following the overage. The AM does not restrict vessels fishing with longline or gillnet gear. If the AMs are triggered, or for additional information, please contact us for coordinates and/or charts.

### **4. Commercial Fishery Minimum Fish Sizes – Effective July 1, 2013**

Table 3 below provides the approved minimum fish size reductions for several groundfish stocks. The effective date for these reductions is being delayed by 2 months to allow time for state agencies to implement complementary reductions.

Table 3. Commercial minimum fish sizes for groundfish (inches)

Species	Minimum Size as of May 1, 2013	New Minimum Size as of July 1, 2013
Cod	22	19
Haddock	18	16
Pollock	19	19
Witch flounder (gray sole)	14	13
Yellowtail flounder	13	12
American plaice (dab)	14	12
Atlantic halibut	41	41
Winter flounder (blackback)	12	12
Redfish	9	7

### **5. Requirement to Stow Trawl Gear While Transiting**

We did not approve any changes to the gear stowage requirements, so all vessels are still required to stow their gear consistent with the regulations when transiting closed areas.

### **6. Industry At-sea Monitoring Cost Responsibility and Sharing**

Although current regulations require sectors to fund at-sea monitoring to the extent not funded by the Agency, for FY 2013, we intend to cover 100 percent of the required costs of sector at-sea monitoring in FY 2013. However, in FY 2014 and beyond, sectors will be responsible for fully funding their own at-sea monitoring programs. We did not approve changes to cost responsibility, because FW 48 did not clearly identify the cost-sharing obligations between sectors and the Agency.

## **7. Annual Measures for FY 2013 Under Regional Administrator Authority**

No trips will be allocated to use flounder nets in the Closed Area II Yellowtail Flounder/Haddock Special Access Program (SAP) for FY 2013. Vessels can still fish in the Closed Area II Yellowtail Flounder/Haddock SAP in FY 2013 to catch haddock when using a haddock separator trawl, a Ruhle trawl, or hook gear. Sector and common pool vessels using trawl gear may access the Eastern U.S./Canada Area starting on May 1, 2013. Common pool vessels must use a haddock separator trawl, a Ruhle trawl, or a flounder trawl.

## **8. SNE/MA Windowpane Flounder Catch Limits for FY 2013**

### **Scallop Fishery**

The scallop fishery is allocated a sub-ACL of SNE/MA windowpane flounder beginning in FY 2013, see Table 2. The Council is developing AMs in a future management action, which may apply retroactively to FY 2013.

### **Other Fisheries**

A total of 186 mt of SNE/MA windowpane is allocated to “other” non-groundfish fisheries, which for example, include summer flounder, scup, and whiting. “Other” non-groundfish fisheries are those in which the vessel has declared out of the groundfish fishery and are catching non-groundfish. Additionally, if the vessel is using trawl gear and using a codend mesh size of 5 inches or larger, it would be subject to the SNE/MA Windowpane AMs already established for groundfish vessels in the regulations if they cause an overage of the total ACL.

## **9. Clarification to Eastern U.S./Canada Quota Monitoring**

Based on a clarification by the Council, starting in FY 2013, all cod, haddock, and yellowtail flounder caught by vessels fishing both inside and outside the Eastern U.S./Canada Area on the same trip will be counted against the Eastern U.S./Canada TACs for cod and haddock, and the U.S./Canada TAC for GB yellowtail flounder inseason, regardless of where the fish are caught. All other species caught on these trips will be apportioned to the area caught as recorded on vessel’s VTRs. Yellowtail flounder catch on trips into the Western U.S./Canada Area and others areas (e.g., Gulf of Maine, Southern New England) will continue to be allocated to the area caught according to the vessel’s VTRs. We will work with sector managers regarding the discard rates that are to be applied on these trips.

For final catch accounting at the end of the year, we will use all data available, including VMS activity data, to reapportion catch according to where the vessels actually fished, for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder. Because of remaining implementation issues associated with this measure, we are soliciting additional comment on this requirement in the FW 48 interim final rule. For more information on how to comment, please contact us at (978) 281-9315.

## **10. GB Yellowtail Flounder Catch Limits for FY 2013 in Non-Groundfish Fisheries**

### **Scallop Fishery**

The sub-ACL of GB yellowtail flounder for the scallop fishery is 83.4 mt, which is 40 percent of the U.S. ABC for GB yellowtail flounder. Beginning in FY 2014, and each year thereafter, 16 percent of the U.S. ABC for this stock will be allocated to the scallop fishery to better reflect the scallop fishery’s historical portion of GB yellowtail flounder catch.

### **Other Fisheries**

A total of 4 mt of GB yellowtail flounder is allocated to small-mesh fisheries, which is 2 percent of the stock’s U.S. ABC. For the purposes of this allocation, a small-mesh fishery is defined as vessels fishing with bottom otter trawl gear with a codend mesh size of less than 5 inches. AMs will be developed as soon as possible and may be applied retroactively for any overage in FY 2013.

## **11. AMs for Non-Allocated Stocks of Groundfish**

### **Timing of AMs**

The timing of commercial groundfish fishery AMs has been revised for stocks not allocated to sectors (northern windowpane flounder, southern windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish). If reliable information during the fishing year (Year 1) shows an overage of the total ACL for a non-allocated stock, the respective AM for the stock would be implemented at the start of the next fishing year (Year 2). Information as of April 16, 2013, shows that total ACLs for the non-allocated stocks have not been exceeded. Based on this, AMs for non-allocated stocks will not be implemented in FY 2013.

### **AM for Atlantic Halibut, Atlantic Wolffish, and SNE/MA Winter Flounder**

If the total ACL for a stock is exceeded, area-based AMs for Atlantic halibut, Atlantic wolffish, or SNE/MA winter flounder would be triggered. For overages of the total Atlantic halibut and Atlantic wolffish ACLs, trawl vessels would be required to use approved selective gear (separator trawl, Ruhle trawl, mini-Ruhle trawl, and rope trawl), and sink gillnet and longline vessels would not be allowed to fish in the applicable area. If the AMs are triggered, or for additional information, please contact us for coordinates and/or charts. For overages of the SNE/MA winter flounder ACL, see item 3 above.

### **AMs for SNE/MA Windowpane Flounder**

The AM for SNE/MA windowpane flounder is revised such that it now applies to “other” fisheries, in addition to groundfish fisheries, because non-groundfish fisheries now have an allocation of SNE/MA windowpane flounder (see Table 2). The AM would apply to all trawl vessels using a codend with a mesh size of 5 inches or larger, which includes sector and common pool vessels, in addition to non-groundfish vessels.

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## **Sector Vessels**

### **1. FY 2013 Sector ACE**

Please contact your sector manager for initial FY 2013 ACEs. We will send out updated sector ACEs after sector rosters are finalized for FY 2013 and after FY 2012 catch information is compiled, similar to past years.

### **2. Carryover of Unused Sector ACE**

#### **FY 2013 Carryover**

We are using emergency rulemaking authority in the FW 50 final rule to reduce the amount of unused FY 2012 GOM cod sector ACE that may be carried over for use in FY 2013 from 10 percent to 1.85 percent. This is necessary to ensure that the total potential catch (i.e., FY 2013 ACL + potential carryover catch from FY 2012) does not exceed the stock’s overfishing limit in FY 2013. Sectors will still be allowed up to 10 percent of unused FY 2012 ACE for all remaining groundfish allocated stocks, except GB yellowtail flounder, to be carried over for use in FY 2013. GB yellowtail flounder ACE is not eligible to be carried over because no such provision exists under the U.S./Canada Understanding.

#### **Carryover from FY 2013 to FY 2014 and Beyond**

The FW 50 final rule clarifies how carry-over will be accounted for, as a transitional measure for FY 2013, and on a long-term basis for FY 2014 and beyond. In short, this new mechanism specifies that an automatic de minimus amount of carryover will not be counted against ACEs or ACLs in order to provide some incentive for vessels not to risk safety at sea in the last part of the fishing year. We have not yet determined the de minimus amount, so, we are seeking additional comment. Please see the FW 50 final rule for more information on how to comment, or

contact us at (978) 281-9315. Once we have determined the de minimus amount, we will publish the amount in the Federal Register and send you a bulletin with this information.

### **3. Elimination of Dockside Monitoring**

We have eliminated dockside monitoring requirements for the groundfish fishery. All vessels are still required to submit a trip-end hail. Trip start hails must be submitted by sector vessels as instructed by their sector manager or to comply with their operations plan and sector exemptions.

### **4. GB Yellowtail Flounder Management Measures**

We have not approved any changes to the GB yellowtail flounder sector discard rate strata, which would have created separate GB yellowtail flounder estimates for bycatch purposes. Sector discards by gear will still be calculated for the entire GB yellowtail flounder stock area.

### **5. Reduction in At-sea Monitoring for Monkfish Trips**

We are implementing a lower at-sea coverage rate for sector vessels fishing on a monkfish day-at-sea (DAS) in the SNE Broad Stock Area with extra-large mesh gillnets. A sector vessel on this type of trip will only be subject to Northeast Fishery Observer Program (NEFOP) coverage in FY 2013.

A sector vessel must notify NEFOP through the Pre-Trip Notification System (PTNS) if it intends to fish on a monkfish DAS in the SNE Broad Stock Area only, and use extra-large mesh gillnets. Once a vessel has made this declaration, it is prohibited from changing its fishing plans once a waiver from coverage has been issued. We have modified the regulations to make it clear that a vessel's fishing plan includes: 1) Area to be fished; 2) DAS declaration; and 3) gear type.

Vessels declaring multi-Broad Stock Area trips, not fishing under a monkfish DAS, or not using extra-large mesh gillnets, are not eligible for the reduced coverage rate.

### **6. List of Allowable Sector Exemption Requests**

Beginning in FY 2013, sectors will be able to request limited exemptions from year-round closed areas through their operations plans.

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## **Common Pool Vessels**

### **1. Differential DAS**

Beginning May 1, 2013, there is no differential DAS applied to the common pool fishery. In all areas, a vessel will be charged 24 hours for each DAS, or less, that is fished. For example, if you fish for 2 hours, 10 hours, or 20 hours, it is rounded up to 1 DAS (24-hour) charge. If you fish 24 hours and 1 minute, that would be a 2 DAS charge.

### **2. Trimester TAC AMs**

Trimester TACs: The sub-ACL for each stock is divided into 4-month periods, Trimester 1 (May 1-August 31, Trimester 2 (September 1-December 31), and Trimester 3 (January 1-April 30). SNE/MA winter flounder is not being managed under this system and has a full-year catch limit for the common pool of 142 mt (see Table 2).

Area closures: When 90 percent of the trimester TAC for a stock is projected to be caught, the area where that stock is predominantly caught will close to vessels fishing with a specific gear type for the rest of that trimester. Table 5 below shows the chart areas that would close and the gear type that applies for each stock.

Table 4. FY 2013 Distribution of Common Pool sub-ACLs in Each Trimester

Stock	% of Sub-ACL			POUNDS		
	Tri 1	Tri 2	Tri 3	Tri 1	Tri 2	Tri 3
GB cod	25	37	38	16,109	23,842	24,486
GOM cod	27	36	37	10,922	14,562	14,967
GB haddock	27	33	40	50,904	62,216	75,414
GOM haddock	27	26	47	935	900	1,628
GB yellowtail flounder	19	30	52	1,047	1,653	2,865
SNE/MA yellowtail flounder	21	37	42	42,398	74,700	84,795
CC/GOM yellowtail flounder	35	35	30	10,255	10,255	8,790
American plaice	24	36	40	13,255	19,882	22,092
Witch flounder	27	31	42	6,240	7,165	9,707
GB winter flounder	8	24	69	3,589	10,768	30,957
GOM winter flounder	37	38	25	21,474	22,054	14,509
Redfish	25	31	44	22,060	27,355	38,826
White hake	38	31	31	19,663	16,041	16,041
Pollock	28	35	37	53,020	66,275	70,062

Table 5. Common Pool Trimester TAC Area Closures

Stock	Chart Area	Gear
GOM cod	513, 514	Trawl, gillnet, longline/hook
GB cod	521, 522, 525, 561	Trawl, gillnet, longline/hook
GOM haddock	513, 514, 515	Trawl, gillnet, longline/hook
GB haddock	521, 522, 525, 561, 562	Trawl, gillnet, longline/hook
CC/GOM yellowtail flounder	514, 521	Trawl, gillnet
GB yellowtail flounder	522, 525, 561, 562	Trawl, gillnet
SNE/MA yellowtail flounder	537, 539, 538, 613	Trawl, gillnet
GOM winter flounder	514	Trawl, gillnet
GB winter flounder	522, 525, 561, 562	Trawl
Witch flounder	512, 513, 514, 515, 521, 522, 525	Trawl
American plaice	512, 513, 514, 515, 521, 522, 525	Trawl
Pollock	513, 514, 515, 521, 522	Gillnet, trawl, longline/hook
Redfish	513, 514, 515, 521, 522	Trawl
White hake	513, 514, 515, 521, 522	Gillnet, trawl

### 3. Common Pool Trip Limits

Beginning May 1, 2013, a common pool vessel is subject to the trip limits shown in Tables 6 and Table 7 below. We may revise trip limits up or down to ensure that the common pool catch limits are fully caught, but not exceeded. We will announce any changes to trip limits as soon as possible, should they be necessary.

Table 6. FY 2013 Cod Trips Limits for Handgear A, Handgear B, and the Small Vessel Category

Permit	GOM Cod	GB Cod
Handgear A	100 lb per trip	300 lb per trip
Handgear B	25 lb per trip	75 lb per trip
Small Vessel Category	100 lb each of cod, haddock, and yellowtail per trip. (combined total of 300 lb per trip), and up to the trip limit of the remaining groundfish stocks.	

Table 7. Common Pool Trip Limits as of May 1, 2013.

Species	Minimum Size	Stock Area <sup>1</sup>	A DAS	Handgear A	Handgear B	Regular B DAS Program	
						Separator or Ruhle Trawl <sup>4</sup>	Non-Trawl Gear
Cod	22"	GOM	100 lb/DAS, up to 300 lb/trip	100 lb/trip <sup>3</sup>	25 lb/trip <sup>3</sup>	100 lb/DAS, up to 300 lb/trip	
		OFF GB, IN GB, and SNE	2,000 lb/DAS, up to 20,000 lb/trip (outside of the Eastern U.S./Canada Area) <sup>2</sup>	300 lb/trip <sup>3</sup>	75 lb/trip <sup>3</sup>	100 lb/DAS to 1,000 lb/trip	
			500 lb/DAS, up to 5,000 lb/trip (E. U.S./Canada Area)				
			1,000 lb/trip Closed Area I Hook Gear Haddock SAP -or- Closed Area II Yellowtail Flounder/Haddock SAP (for targeting haddock)				
Haddock	18"	GOM	100 lb/trip				
		OFF GB, IN GB, and SNE	10,000 lb/trip				
Pollock	19"	All Areas	10,000 lb/trip			100 lb/DAS to 1,000 lb/trip	
Redfish	9"	All Areas	Unlimited				
White hake	none	All Areas	500 lb/trip			100 lb/DAS to 500 lb/trip	
Atlantic halibut	41"	All Areas	1 fish/trip				
Yellowtail flounder	13"	GOM, IN GB	500 lb/DAS, up to 2,000 lb/trip			25 lb/DAS to 250 lb/trip	
		SNE	2,000 lb/DAS, up to 6,000 lb/trip				
		OFF GB	100 lb/trip				
American plaice (dabs)	14"	All Areas	Unlimited			500 lb/trip of all flatfish combined. However, may not exceed A-DAS limit for any stock	100 lb/DAS, to 1,000 lb/trip
Witch flounder (gray sole)	14"	All Areas	500 lb/trip				100 lb/DAS, to 250 lb/trip
Winter flounder	12"	OFF GB	1,000 lb/trip				100 lb/DAS, to 1,000 lb/trip
		IN GB, SNE	5,000 lb/DAS, up to 15,000 lb/trip				100 lb/DAS, to 1,000 lb/trip
		GOM	250 lb/trip			100 lb/DAS, to 250 lb/trip	
Windowpane Flounder		All Areas	Zero – possession prohibited				
Ocean Pout							
Atlantic Wolffish							

<sup>1</sup> Broad Stock Areas: Gulf of Maine (GOM), Inshore Georges Bank (IN GB), Offshore Georges Bank (OFF GB), and Southern New England (SNE)

<sup>2</sup> Vessel must submit GOM Cod Trip Limit Exemption Form via VMS

<sup>3</sup> Unless otherwise revised by the Regional Administrator

<sup>4</sup> Gear performance trip limits of 500 lb all flatfish combined, 500 lb whole monkfish (unless restricted by the monkfish FMP), 500 lb whole skate, and zero lobsters also apply



## Recreational Vessels

### 1. Recreational Minimum Fish Sizes and Bag Limits

Three changes have been made to the recreational measures (in bold below):

- Vessels are allowed to retain and land SNE/MA winter flounder from Federal waters
- GOM haddock minimum size has increased to 21 inches; no bag limit.
- GOM cod is 19 inches; there is a bag limit of 9 fish per person.

Table 8. FY 2013 Recreational Minimum Fish Sizes (inches) and Bag Limits

Species		Length	Possession Limit	
Atlantic cod	Inside GOM RMA	<b>19</b>	<b>9</b> fish per <u>person</u> per day (possession prohibited November 1-April 15)	
	Outside GOM RMA	22	Recreational: 10 fish per person per day	Charter/Party: No limit
Haddock	Inside GOM RMA	<b>21</b>	Unlimited	
	Outside GOM RMA	18	Unlimited	
Atlantic halibut		41	1 fish per <u>vessel</u> per trip	
Pollock		19	Unlimited	
Witch flounder (gray sole)		14	Unlimited	
Yellowtail flounder		13	Unlimited	
American plaice (dab)		14	Unlimited	
<b>Winter flounder (blackback)</b>		<b>12</b>	<b>Unlimited</b>	
Redfish (ocean perch)		9	Unlimited	
Offshore hake, red hake, white hake, and silver hake (whiting)		None	Unlimited	
Atlantic wolffish, windowpane flounder, and ocean pout		N/A	NO RETENTION	

GOM RMA = Gulf of Maine Regulated Mesh Area

Please contact us at (978) 281-9315 if you have additional question or need more information about the recreational fishery.