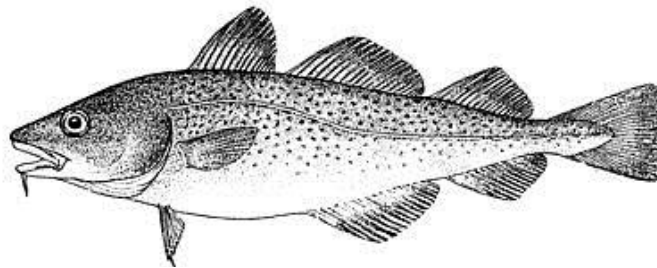


# **BACKGROUND DOCUMENT**

## **Public Meeting for a Limited Entry Program Strawman in the Recreational Party/Charter Fishery**

### **Northeast Multispecies (Groundfish)**

### **Fishery Management Plan**



Prepared by the

New England Fishery Management Council,  
NOAA/Northeast Fisheries Science Center, and Tidal Bay  
Consulting

## **Public Meeting for a Limited Entry Strawman in the Recreational Northeast Multispecies (Groundfish) Party and Charter Fishery**

The Council scheduled a meeting (via webinar) to discuss development of a strawman for a potential limited entry program:

**October 5, 2020, from 4-6:00 PM EST**

For more information and to register, see the meeting notice online:

<https://s3.amazonaws.com/nefmc.org/201005-Develop-Strawman-notice-Oct-5.pdf>

This public meeting is one of several opportunities for the public to ask questions and solicit feedback on the limited entry template.

More information, including additional opportunities for feedback online and through community-specific webinars, will be posted on Tidal Bay Consulting's website as it is available: <http://www.tidalbayconsulting.com/reclimitedentryfeedback>

Feedback will be accepted starting October 5<sup>th</sup> during the public meeting and has been extended through **5:00 PM on October 28, 2020**.



**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**SEEKS YOUR COMMENTS ON THE MANAGEMENT OF THE**  
**NORTHEAST MULTISPECIES (GROUNDFISH) FISHERY**

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***Your comments  
are invited***

The New England Fishery Management Council (Council) is considering the possibility of developing an amendment to the Fishery Management Plan (FMP) for Northeast Multispecies (Groundfish) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The Council seeks comments from the public on the management of the recreational groundfish fishery.

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***Why is the  
Council seeking  
public input?***

In 2019, the Council held listening sessions to solicit public comment on whether the Council should develop a limited entry program for the recreational party/charter boat groundfish fishery. The Council accepted oral and written comments between March 11 and May 17, 2019. Oral comments were invited during seven in-person listening sessions and one webinar. A report summarizing these comments as well as stakeholder affiliation of the commenters is available online: <https://www.nefmc.org/library/limited-access-listening-sessions-for-recreational-fisheries>

In summary, of the 46 unique commenters, there were as many stakeholders opposed to the development of a limited entry program as there were individuals who were neither for nor against (see Section 4.1 of the summary report). The overwhelming rationale provided by those who were neither for nor against a limited entry program was that they needed more information on the specifications of the program, including the implications of a control date and management measures.

In November of 2019, Council staff presented on the feedback received during the listening sessions to the Recreational Advisory Panel (RAP). A motion to remove development of a limited entry program from the 2020 priorities failed; therefore, this action remains on the Council's 2020 priorities.

In the summer of 2020, the Council began the process to develop a strawman for a limited entry program to address the request by commenters for more program specifications. This process incorporates an additional opportunity for stakeholder engagement prior to the Council deciding whether to initiate a regulatory action to develop a limited entry program for party/charter vessels operating in the groundfish fishery.

***What actions have already been taken?***

In January 2018 at its first meeting of the year, the Council recommend refreshing the control date in the party/charter fishery. The control date in the party/charter fishery was refreshed to March 19, 2018 (<https://www.gpo.gov/fdsys/pkg/FR-2018-03-19/pdf/2018-05505.pdf>).

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## ***Background***

The following sections summarize background information regarding: 1) the control date in the recreational fishery, 2) recent trends in landings and effort, 3) recreational allocations, 4) recreational catch performance, 5) stock status of groundfish stocks, and 6) a summary of current management measures.

### **Background Information**

#### ***1. The control date in the recreational fishery***

The control date in the party/charter fishery was refreshed to March 19, 2018 (from March 30, 2006). Briefly, the current “control date” is March 19, 2018 and may be used for establishing eligibility criteria for determining levels of future access to the charter/party fishery subject to Federal authority. The control date is intended to discourage speculative entry into the party/charter Northeast multispecies (groundfish) fishery while controlled access restrictions are considered by the Council.

The control date will help to distinguish established participants from speculative entrants to the fishery. Although entering the fishery before the control date will not ensure fishing vessels future access to the Northeast multispecies resource as the Council may apply additional and/or other qualifying criteria. The Council may choose different and variably weighted measures to qualify participants based on the type and length of participation in the party/charter Northeast multispecies fishery.

Consideration of a control date does not commit the Council or National Marine Fisheries Service (NMFS) to develop any particular management system or criteria for participation in this fishery. The Council may choose a different control date, or may choose a management program that does not make use of such a date. Fishers are not guaranteed future participation in the fishery, regardless of their entry dates or level of participation in this fishery before or after the control date. The Council may choose to give variably weighted consideration to fishers active in the fishery before and after the control date.

The Council may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. Any action by the Council will be taken pursuant to the requirements for the development of fishery management plan amendments established under the MSA.

## 2. Recent trends in landings and effort

This section provides data on trends in landings, permits, and effort over the last 10-20 years. Table 1 provides a summary of groundfish and non-groundfish landings (fish kept, not pounds) by state and year. Table 2 provides information on active party/charter permits by state and year. Table 3 provides information on the number of party/charter trips by state and year.

**Table 1 - Number of fish kept for groundfish and non-groundfish by state for groundfish party and charter permitted vessels, for fishing years (FY) 2010 to 2019. \*Other includes CT, DE, MD, NC, PA, SC, and VA. Source: Vessel Trip Reports (VTRs), FY2010 through FY2019. For VTRs that did not include state of landing, homeport state from permit was utilized.**

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Groundfish</b>	<b>585,055</b>	<b>431,127</b>	<b>372,032</b>	<b>379,231</b>	<b>219,028</b>	<b>217,113</b>	<b>284,322</b>	<b>269,453</b>	<b>296,354</b>	<b>258,705</b>
MA	250,289	172,998	153,877	160,739	86,233	62,449	126,234	107,932	101,948	69,755
ME	60,111	31,784	31,239	38,461	27,225	24,803	30,718	26,546	27,304	28,205
NH	183,345	168,040	164,410	168,350	85,212	88,796	99,621	118,472	148,598	145,052
NJ	12,255	14,049	2,339	2,677	9,822	11,532	6,140	6,809	7,769	8,188
NY	59,301	19,932	12,050	6,520	7,023	16,514	13,449	6,714	8,413	5,043
OTHER*	2,110	14,254	112	72	447	1,853	1,311	867	795	1,239
RI	17,644	10,070	8,005	2,412	3,066	11,166	6,849	2,113	1,527	1,223
<b>Non-Groundfish</b>	<b>1,766,237</b>	<b>2,030,042</b>	<b>2,215,307</b>	<b>1,788,746</b>	<b>1,906,441</b>	<b>1,877,429</b>	<b>1,965,444</b>	<b>2,027,110</b>	<b>2,013,382</b>	<b>2,255,022</b>
MA	212,417	198,373	238,709	205,638	232,583	202,353	96,487	119,477	136,618	179,681
ME	11,568	9,174	9,087	10,724	12,651	14,405	15,375	11,438	9,374	11,181
NH	86,450	177,879	171,167	103,990	150,096	116,442	107,424	128,786	55,943	59,851
NJ	545,502	650,710	726,829	474,129	443,127	475,863	440,695	534,985	545,552	606,490
NY	620,431	654,194	728,755	651,897	647,818	721,662	841,437	870,941	807,392	869,661
OTHER*	193,371	240,104	241,139	260,145	329,403	253,895	375,130	298,174	376,142	476,487
RI	96,498	99,608	99,621	82,223	90,763	92,809	88,896	63,309	82,361	51,671
<b>Grand Total</b>	<b>2,351,292</b>	<b>2,461,169</b>	<b>2,587,339</b>	<b>2,167,977</b>	<b>2,125,469</b>	<b>2,094,542</b>	<b>2,249,766</b>	<b>2,296,563</b>	<b>2,309,736</b>	<b>2,513,727</b>

**Table 2 - Count of the number of active party and charter groundfish permits by homeport state, FY 2000 to 2019. Other includes DE, FL, NC, PA, and WV. “Active” is defined as taking any party or charter trip among those groundfish party or charter permit holders, independent of what was caught. Source: VTRs and permit database. A vessel is included if they: 1) have a groundfish party or charter permit (Category I) and 2) took at least one party or charter trip, as indicated on the VTR.**

Year	CT	MA	MD	ME	NH	NJ	NY	OTHER	RI	VA	Grand Total
2000	10	78	3	16	13	108	100	36	29	17	410
2001	15	90	5	14	21	113	89	26	32	18	423
2002	14	107	3	17	23	97	94	27	32	19	433
2003	14	111	5	18	27	101	95	23	29	17	440
2004	12	107	4	17	24	100	95	23	30	15	427
2005	14	105	8	16	17	95	90	50	30	15	440
2006	16	98	14	22	20	119	82	52	46	18	487
2007	17	92	12	22	22	117	91	56	48	17	494
2008	17	95	20	22	21	115	93	52	47	19	501
2009	17	93	13	23	22	112	104	49	48	16	497
2010	17	102	14	23	21	124	101	43	48	18	511
2011	16	95	12	23	20	107	92	36	40	13	454
2012	15	88	13	22	19	105	97	35	39	11	444
2013	14	79	10	24	23	97	93	38	39	9	426
2014	11	69	10	23	24	93	93	33	35	9	400
2015	11	59	12	24	20	94	90	28	30	11	379
2016	11	51	10	19	16	78	84	25	31	12	337
2017	13	53	12	17	14	73	83	24	29	13	331
2018	13	57	5	20	16	90	82	29	32	12	356
2019	16	64	7	17	13	84	81	30	35	11	358

**Table 3 – Number of trips that kept groundfish by state for groundfish party and charter permitted vessels, for FY 2010 to 2019. \*Other includes CT, DE, FL, MD, NC, PA, and VA. Source: VTRs, FY 2010 to FY 2019. For VTRs that did not include state of landing, homeport state from permit data was utilized.**

<b>State</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
MA	2,863	2,575	2,436	2,163	1,793	1,068	1,389	1,101	994	895
ME	745	578	557	572	522	460	563	439	466	439
NH	1,724	1,526	1,552	1,521	1,285	952	981	870	963	935
NJ	715	871	410	373	695	794	421	420	462	469
NY	719	924	478	335	416	705	504	344	386	397
OTHER*	102	156	39	18	52	120	42	58	70	90
RI	244	294	205	108	148	266	224	186	99	170
<b>Grand Total</b>	<b>7,112</b>	<b>6,924</b>	<b>5,677</b>	<b>5,090</b>	<b>4,911</b>	<b>4,365</b>	<b>4,124</b>	<b>3,418</b>	<b>3,440</b>	<b>3,395</b>

### 3. *Recreational allocations*

Amendment 16 (A16) allocated Gulf of Maine (GOM) cod and GOM haddock between the recreational and commercial fisheries. The allocation of GOM cod and GOM haddock was based on data from the stock assessment for 2001-2006, for numbers of fish landed, resulting in 33.7% and 27.5% of the acceptable biological catch (ABC) to the recreational fishery, respectively.

Framework 59 (effective July 28, 2020) applied the same method approved in Amendment 16, using the revised stock assessment data from 2019 for the same period (2001–2006), and implements a revised recreational allocation of 37.5% for GOM cod and 33.9% for GOM haddock.

Briefly, A16 established that when an allocation is made between to commercial and recreational groundfish fisheries:

- An allocation will be made of certain regulated groundfish stocks to the commercial and recreational components of the fishery.
- An allocation will be determined after accounting for catch in state waters taken outside of the fishery management plan.
- An allocation will not be made in the case of stocks that are not fully harvesting the annual catch limit (ACL).
- An allocation will also not be made if the recreational harvest, after accounting for catch in state waters outside the management plan, is less than five percent of the removals.

The steps for determining an allocation are also outlined in A16, such that:

- A defined time period will be used to calculate the allocation.
- When possible, the shares will be determined by using the numbers of fish in the years caught (as used by the assessment: harvested, landed, or discarded) by each component. The shares determined in this manner will be applied to the ACL to determine the weight of catch available for each component.
- If the number of fish caught by each component is not available, the shares will be calculated based on weight.
- The proportion for each year will be calculated, and then the average proportion over the time period will be the share for each component of the fishery.
- The proportions will be reviewed consistent with the periodic assessment cycle, and if determined necessary, changes can be implemented through a framework action.

A16 also allows separate management measures by fishing mode (e.g., private, charter, party). In FY 2020, separate measures by mode were implemented for GOM cod, as described in Tables 4 and 5, and Appendix 1 – Table A-1.

In Framework (FW) 57, the Council provided the Regional Administrator (RA) of NOAA Fisheries authority to adjust the Georges Bank (GB) cod recreational management measures for fishing year (FY) 2018 and 2019. Unlike GOM cod and haddock, there is no recreational sub-ACL for GB cod and no accountability measures for the recreational fishery when an overage occurs. The Council did not consider a recreational sub-ACL in FW 57, but did recommend a catch target of 138 metric tons (mt) to use when considering adjustments to GB cod measures. The catch target was based on the most recent 5-year (2012-2016) average recreational catch.



These measures are designed to achieve this catch target for the recreational fishery, and will help the overall fishery attain, but not exceed, its overall ACL. Although the RA's authority expired, the recreational catch target for GB cod is currently at 138 mt, as implemented through Framework 59. The Council retains the ability to propose new measures in a future action.

#### ***4. Recreational catch performance***

Tables 4 and 5 summarize recreational catch performance and management history for GOM cod and GOM haddock, since A16.

**Table 4- Summary of Gulf of Maine cod recreational catch performance and federal management (fishing years 2010–2020).**

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2010	2,673	1506.9	56.4	24	10	5/1/10 to 10/31/10 and 4/16/11 to 4/30/11	11/1/10 to 4/15/11	First year of sub-ACL 33.7% of ACL Groundfish Regulations: Only one line per angler, and Fillets landed by private recreational and charter/party vessels must have at least 2 sq. inches (5.08 sq. cm) of contiguous skin that allows for the ready identification of the fish species. Such fillets are required to be from legal-sized fish, but the fillets themselves would not need to meet the minimum size requirements in the regulations.
2011	2,824	1640.3	58.1	24	10	5/1/11 to 10/31/11 and 4/16/12 to 4/30/12	11/1/11 to 4/15/12	First Year: Gulf of Maine (Whaleback) Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Whaleback Cod Spawning Protection Area. <sup>1</sup>
2012	2,215	937.4	42.3	19	9	5/1/12 to 10/31/12	11/1/12 to 4/15/13	

<sup>1</sup> **Pelagic hook-and-line gear** is defined as handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species. No portion of this gear may be operated in contact with the bottom at any time.

**Possession Restrictions:** Any vessel fishing in the Gulf of Maine Whaleback Cod Spawning Protection Area, or the Winter Massachusetts Bay Spawning Protection Area, including pelagic hook-and-line gear by recreational vessels, is prohibited from possessing or retaining regulated species or ocean pout from April 1 through June 30 of each year.

**Transiting:** Recreational vessels are allowed to transit the Gulf of Maine Cod Spawning Protection Area, and Winter Massachusetts Bay Spawning Protection Area provided all gear is stowed in accordance with the regulations.

Fishing Year	Sub-Annual Catch Limit (mt)	Catch (mt)	Percent of catch limit taken (%)	Minimum Size (inches)	Bag Limit Fish per angler - daily	Season Open	Season Closed	Additional Measures/Notes
						and 4/16/13 to 4/30/13		
2013	486	639.3	131.5	19	9	5/1/13 to 10/31/13 and 4/16/14 to 4/30/14	11/1/13 to 4/15/14	
2014	486			21	9	5/1/14 to 8/31/14 and 4/15/14 to 4/30/14	9/1/14 to 4/14/15	Replaced by interim action on 11/15/14
		623.3	128.3	n/a	0	closed	11/15/14 to 4/30/15	2014 interim action: Seasonal 30- minute block closures, no recreational gear capable of catching groundfish in closures
2015	121	84.5	69.8	n/a	0	Closed year-round		Interim action Seasonal closures removed on 5/1/16
2016	157	280.9	178.9	24	1	8/1/16 to 9/30/16	5/1/16 to 7/31/16 and 10/1/16 to 4/30/17	
2017	157			24	1	8/1/17 to 9/30/17	5/1/17 to 7/31/17 and	Replaced by final rule effective on 7/27/17

Fishing Year	Sub-Annual Catch Limit (mt)	Catch (mt)	Percent of catch limit taken (%)	Minimum Size (inches)	Bag Limit Fish per angler - daily	Season Open	Season Closed	Additional Measures/Notes
		245.4	156.3	n/a	0		10/1/18 to 4/30/18	
2018	220	n/a	n/a	n/a	0	Closed year-round		First Year: Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area. <sup>1</sup>
2019	220			21	1	9/15/19 to 9/30/19	5/1/19 to 9/14/19 and 10/1/19 to 4/30/20	Previous year's regulations were in effect until July 5, 2019, when these measures were implemented. Based on comments received on the proposed rule there will not be an open season in April 2020.
2020	193			21	1	9/15/20-9/30/20 and 4/1/21-4/14/21 (Private)	9/8/20-10/7/20 and 4/1/21-4/14/21 (Charter/Party)	

**Table 5 - Summary of Gulf of Maine haddock recreational catch performance and federal management (fishing years 2010–2020).**

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2010	324	297.4	91.8	18	no limit		n/a	First year of sub-ACL 27.5% of ACL <b>Groundfish Regulations:</b> Only one line per angler, and Fillets landed by private recreational and charter/party vessels must have at least 2 sq. inches (5.08 sq. cm) of contiguous skin that allows for the ready identification of the fish species. Such fillets are required to be from legal-sized fish, but the fillets themselves would not need to meet the minimum size requirements in the regulations.
2011	308	238.5	77.4	18	no limit	5/1/11 to 1/5/12	n/a	First Year: Gulf of Maine (Whaleback) Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Whaleback Cod Spawning Protection Area. <sup>1</sup>
				19	9	1/6/12 to 4/19/12	n/a	Accountability Measure (AM) for 2010 overage
				18	no limit	4/20/12 to 4/30/12	n/a	AM lifted after re-evaluation of data showing no 2010 overage
2012	259	280.7	108.4	18	no limit		n/a	
2013	74	231.5	312.2	21	no limit		n/a	

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2014	173	658.6	380.7	21	3	5/1/14 to 8/31/14 and 11/1/14 to 2/28/15	9/1/14 to 10/31/14 and 3/1/15 to 4/30/15	<i>See Cod interim action</i>
2015	372	381.9	102.7	17	3	5/1/15 to 8/31/15 and 11/1/15 to 2/29/16	9/1/15 to 10/31/15 and 3/1/16 to 4/30/16	
2016	928	887.0	95.6	17	15	5/1/16 to 2/28/17 and 4/15/17 to 4/30/17	3/1/17 to 4/14/17	
2017	1,160			17	15	5/1/17 to 2/28/18 and 4/15/18 to 4/30/18	3/1/18 to 4/14/18	Replaced by final rule effective 7/27/17

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
		795.0	68.5	17	12	5/1/17 to 9/16/17 and 11/1/17 to 2/28/18 and 4/15/18 to 4/30/18	9/17/17 to 10/31/17 and 3/1/18 to 4/14/18	
2018	3,358			17	12	5/1/18 to 9/16/18 and 11/1/18 to 2/28/19 and 4/15/19 to 4/30/19	9/17/18 to 10/31/18 and 3/1/19 to 4/14/19	First Year: Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area. <sup>1</sup>
2019	3,194			17	15	5/1/19 to 2/29/20 and 4/15/20 to 4/30/20	3/1/20 to 4/14/20	Previous year's regulations were in effect until July 5, 2019, when these measures were implemented. The possession limit increased from 12-15 fish, and the fall closure has been removed to increase access to this healthy stock.
2020	6,210			17	15	5/1/20-2/28/21 and 4/1/21-4/30/21	3/1/21-3/31/21	

5. *Stock status of groundfish stocks (from Table 10 - Framework 59, April 2020)*

<b>Regulated Groundfish Stock</b>	<b>Overfishing</b>	<b>Overfished</b>
Georges Bank cod	<b>Yes</b>	<b>Yes</b>
Gulf of Maine cod	<b>Yes</b>	<b>Yes</b>
Georges Bank haddock	No	No
Gulf of Maine haddock	No	No
Georges Bank yellowtail flounder	<b>Yes</b>	<b>Yes</b>
Southern New England/Mid-Atlantic yellowtail flounder	No	<b>Yes</b>
Cape Cod/Gulf of Maine yellowtail flounder	No	No
American plaice	No	No
Witch flounder	Unknown	<b>Yes</b>
Georges Bank winter flounder	No	<b>Yes</b>
Gulf of Maine winter flounder	No	Unknown
Southern New England/Mid-Atlantic winter flounder	No	<b>Yes</b>
Acadian redfish	No	No
White hake	No	<b>Yes</b>
Pollock	No	No
Northern windowpane flounder	No	<b>Yes</b>
Southern windowpane flounder	No	No
Ocean pout	No	<b>Yes</b>
Atlantic halibut	No	<b>Yes</b>
Atlantic wolffish	No	<b>Yes</b>

6. *Summary of current management measures*

See Appendix 1 – for details on FY 2020 management measures for the recreational groundfish party/charter fishery.



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***Why should I comment?***

Providing input to the limited entry template will help Council staff, agency staff, and members of the RAP develop a strawman for a limited entry program in the recreational party/charter fishery. The Council needs your input to better understand areas of agreement or disagreement, and whether there is support for moving forward with the development of a limited entry program. Your feedback will help the Council address your concerns more thoroughly and ensure consideration to address this important issue.

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***What should my comments address?***

Management measures developed by the Council and implemented by NMFS must comply with all applicable federal laws and Executive Orders. In particular, management measures must comply with ten National Standards specified in the MSA.

Through the public meeting and pursuant comment period, the Council is seeking comments regarding specific elements of a limited entry program for the recreational party/charter fishery. While your comments may address any aspect of a possible limited entry program, the Council is seeking your input on the elements and options in the limited entry template (Appendix 2), including the following categories:

- **Goals and Objectives** – What would the goals and objectives of a limited entry program be?
- **Definitions**- Would limited entry apply to all or a portion of the party/charter fleet? How would groundfish recreational for-hire be defined? What groundfish stocks would be included? Where would vessels be permitted to fish?
- **Privilege/Permits** – How should the permits be assigned? Permits are currently attached to the vessel. Should there be different categories of permits? Would the permits/vessels have value or no value when sold/transferred?
- **Vessels** - Current regulations only allow one multispecies limited entry permit per vessel. Should a vessel be allowed two limited entry permits at the same time – i.e., a commercial limited entry permit and a for-hire limited entry permit? Should there be vessel upgrade restrictions? If so, what vessel characteristics should they be based on, e.g., vessel horsepower, gross tonnage, or number of passengers?
- **Eligibility** – Should a control date be utilized, and if so, how? What other eligibility criteria should apply?
- **History**- How will fishing history be used – would it be simple or complex? For example, history could be based on the number of trips, the number of passengers, or the amount of catch – by species/stock. History could be based on permit or permit holder. For example, if my permit #1 fished before the control date but I let that lapse and now have permit #2 that only fished after the control date, can my permit #1 history be used to qualify permit #2? How will changes in management be considered (e.g., no possession of Gulf of Maine cod)?
- **New Entrants** - What opportunities will there be for new entrants, for example, a permit bank, wait list, or apprentice program? How will cost/affordability be considered for new entrants?
- **Management Measures**- What range of management measures would be considered for limited entry, e.g. bag limits, size limits, seasons, areas? Would measures apply to all party/charter vessels or would there be separate measures for each vessel type? Will there be a separate allocation by mode, e.g. party/charter allocation and private vessel allocation?
- **Reporting, Monitoring, and Evaluation** - What reporting requirement should apply? How should a limited entry program be monitored and evaluated?

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***What is the process?***

There are several options for members of the public to provide feedback on the limited entry template (Appendix 2). One option is to join the webinar on October 5, 2020 from 4-6:00 PM, and provide verbal comments following a brief presentation. At this meeting, Tidal Bay Consulting will announce an online feedback tool that will be open for additional input through October 28, 2020 at 5:00 PM.

Feedback on the limited entry template will be summarized in a report that will accompany a draft strawman. Council staff will present a summary of this process and provide the report to the RAP and Groundfish Committee in fall 2020 for further consideration. Ultimately the Council will decide whether or not to initiate a regulatory action to develop a limited entry program in 2021.

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***How do I comment?***

There are three options to provide feedback:

1. Attend the webinar on **October 5, 2020 at 4:00 PM** and provide oral comments during the comment period. To join the webinar, visit the Council's website and register: <https://www.nefmc.org/calendar/oct-5-2020-groundfish-recreational-fishery-webinar>
2. Complete the online feedback tool, available on Tidal Bay Consulting's website: <http://www.tidalbayconsulting.com/reclimitedentryfeedback>.
3. Recreational fishing associations or community organizers may request webinars specifically for your members and/or stakeholders in your community. Email [Jessica@tidalbayconsulting.com](mailto:Jessica@tidalbayconsulting.com) to schedule a webinar.

All comments must be submitted by **5:00 PM EST, October 28, 2020**.

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## APPENDIX 1 – FISHING YEAR 2020 MANAGEMENT MEASURES – NORTHEAST MULTISPECIES RECREATIONAL PARTY/CHARTER VESSELS

This summary provides an overview of restrictions and requirements for background information only. It is not a substitute for the regulations. You are strongly encouraged to read the regulations in conjunction with this information to fully understand how the fishery is managed. Most measures may be found at 50 CFR 648.88 and 648.89. Other regulations are set annually. More information is available on NOAA’s website: <https://www.fisheries.noaa.gov/species/northeast-multispecies-groundfish#recreational>

The following measures apply to private recreational fishing vessels in the exclusive economic zone (typically 3-200 miles from shore), federal party/charter permitted vessels, and federal groundfish limited access permitted vessels fishing under the party/charter or recreational regulations (not fishing under a groundfish day-at-sea or on a sector trip). Table A-1 summarizes these measures, and Figure 1 depicts the Gulf of Maine regulated mesh areas.

**Table A-1. Federal minimum fish sizes and possession limits for recreational fishing vessels.**

Species		Possession Limit	Minimum Fish Size <sup>2</sup> (inches)	Open Season
Atlantic cod	Inside GOM RMA <sup>1</sup>	1 fish per person per day	21	September 15-30, April 1-14 (Private) September 8 - October 7, April 1 -14 (Charter/Party)
	Outside GOM RMA <sup>1</sup>	10 fish per person per day	21	All Year
Haddock	Inside GOM RMA <sup>1</sup>	15 fish per person per day	17	May 1 – February 28/29 and April 1 – April 30
	Outside GOM RMA <sup>1</sup>	Unlimited	18	All Year
Atlantic halibut		1 fish per vessel per trip	41	All Year
Pollock		Unlimited	19	All Year
Witch flounder (gray sole)		Unlimited	14	All Year
Yellowtail flounder		Unlimited	13	All Year
American plaice (dab)		Unlimited	14	All Year
Winter flounder (blackback)		Unlimited	12	All Year
Redfish (ocean perch)		Unlimited	9	All Year

Offshore hake, red hake, white hake, and silver hake (whiting)	Unlimited	None	All Year
Atlantic Wolffish, windowpane flounder, ocean pout	<b>NO RETENTION</b>	N/A	<b>CLOSED</b>
1. Gulf of Maine (GOM) Regulated Mesh Area (RMA): See figure and coordinates below. 2. Minimum size is measured as total length.			

**Figure 1. Gulf of Maine Regulated Mesh Areas**



## **Fishing Regulations that Apply to All Recreational Fishing Vessels**

### **Federal and State Regulations**

State recreational fishing regulations may differ from the federal regulations. Please consult with your state to determine its regulations. When federal and state regulations both apply, vessels are bound by the most restrictive requirements.

### **Restrictions on Sale**

Groundfish caught on a recreational trip may not be sold. It is unlawful to sell, barter, trade, or otherwise transfer for a commercial purpose, or to attempt to sell, barter, trade, or otherwise transfer for a commercial purpose, groundfish caught or landed by recreational fishing vessels fishing in the exclusive economic zone, or charter/party vessels not fishing under a day-at-sea.

### **Gear Restrictions**

Each angler is limited to one line. There is no limit to the number of hooks per line. All other fishing gear must be properly stowed as described in the regulations.

### **Possession Restrictions**

- Fillets, or parts of fish, must have at least 2 square inches of contiguous skin that allows for identification of fish species, while possessed on board and at the time of landing.
- Vessels may possess fillets less than the minimum fish size specified if the fillets are taken from legal-sized fish.
- For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.
- When there are multiple people onboard a vessel compliance with the possession limits will be determined by dividing the number of fish on board by the number of persons aboard. If there is a violation of a possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator.
- Cod and haddock must be stored so as to be readily available for inspection.
- During multiple-day trips, a vessel may possess the daily limit up to the number of calendar days fished. Any trip covering 2 calendar days must be at least 15 hours in duration. The possession limit for the second day may be possessed only after the second calendar day begins, and the same applies for each additional day. For example, a vessel on a 2-day trip could not be in possession of more than 15 Gulf of Maine haddock, per person, on the first day of the trip.

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## **Fishing Regulations that Apply to Charter/Party Vessels ONLY**

### **Permit Requirements**

Charter/party vessels without a limited access groundfish permit that fish for or possess groundfish in the exclusive economic zone must obtain an open access groundfish charter/party permit (Category I). Vessels with a limited access groundfish permit do not need to obtain a charter/party permit. Such vessels, when fishing under the charter/party rules, must stow all

fishing gear except rod & reel or handline gear unless further restricted by a closed area Letter of Authorization described below, and must abide by the restrictions on sale described above.

### **Reporting Requirements**

All groundfish charter/party vessels are required to submit a vessel trip report to the Greater Atlantic Regional Fisheries Office for each trip. You are not required to submit a “Did Not Fish” vessel trip report for weeks that you do not fish.

### **Charter/Party Vessel Letter of Authorization to Fish in Closed Areas**

Vessels fishing under charter/party regulations may not fish in the Gulf of Maine Cod Protection Closures, Spring Massachusetts Bay Spawning Protection Area, Cashes Ledge Closed Area, or the Western Gulf of Maine Closed Area unless the vessel has on board the appropriate Letter of Authorization issued by the Greater Atlantic Regional Fisheries Office. Restrictions apply, as stated in the Letter of Authorization. Letters of Authorization are available upon request by calling the Regional Office at (978) 281-9370. Additional details on closed areas are available on the groundfish closed areas page: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/rules-and-regulations/northeast-multispecies-closed-area-regulations>.

## APPENDIX 2 – LIMITED ENTRY PROGRAM TEMPLATE

Limited Entry Program Template - Recreational Groundfish Party/Charter Vessels – 10/02/20							
Program Element	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7
<b>Goal(s) - What should the goals of a limited entry program be?</b>	Optimize catch while remaining under the ACL for groundfish. (Due to regulations pursuant to MSA, limited entry programs must have conservation benefits, and not solely economic, in order to be approved.)	Prevent overcapitalization of party/charter vessels through correlating the size of the fleet (i.e., permits) with the health of groundfish stocks.	Achieve financial stability for the recreational party/charter groundfish fishery. (Financial stability may be sought for existing permit holders and/or new entrants.)	Achieve regulatory stability for the recreational party/charter groundfish fishery (e.g., year-to-year, in-season, across areas, and/or specific management measures).	Ensure access to groundfish for members of the public who do not own private boats.		
<b>Objective(s) - What should the objectives of a limited entry program be?</b>	Biological (e.g. rebuild stocks, avoid overfishing, etc.)	Management and Economics (e.g., achieve optimum yield, prevent overcapitalization, etc.)	Business (e.g., increase profitability, allow for market fluctuations in supply and demand, increase stability, etc.)	Owner/operator-focus (e.g., addresses the specific social and equity objectives of the party/charter mode of the fishery, elevate standing to be on par with the commercial fishery, etc.)	Angler-focus (e.g., design a program that is flexible to address customer's needs and the angler experience, allow public access to the resource, etc.)		

<p><b>Definitions: Would limited entry apply to the entire party/charter fleet or a portion? What species/stocks would it apply to?</b></p>	<p>Design a limited entry program for ALL party/charter vessels, regardless of passenger thresholds.</p>	<p>Design a limited entry program for charter boats only with a maximum of 6 passengers. (Then vessels with 7 or more passengers would remain open access).</p>	<p>Design a limited entry program for party boats only with a minimum of 7 or more passengers. (Then vessels with 6 or less passengers would remain open access.)</p>	<p>Do not design a limited entry program for party/charter vessels.</p>	<p>Define the <i>groundfish</i> species/stocks that would be included. (The stocks do not have to be limited to GOM cod and GOM haddock.)</p>		
<p><b>Areas - Where would limited entry vessels be permitted to fish?</b></p>	<p>All federal waters (GOM/GB/SNE) where vessels are allowed to fish for groundfish.</p>	<p>Gulf of Maine (GOM) only</p>	<p>Georges Bank (GB) only</p>	<p>Southern New England (SNE) only</p>	<p>Would party/charter vessels be permitted to fish in special access areas vessels?</p>	<p>If special access areas apply, would other requirements (e.g., gear) be incorporated to utilize special access areas?</p>	
<p><b>Permits - How is the privilege held? Should there be different permit categories? How would you acquire/sell/transfer permits?</b></p>	<p>Who or what is the permit assigned to - the vessel or the business/vessel owner?</p>	<p>Should the permit owner be required to be onboard the vessel while operating (i.e., owner-operator clause)?</p>	<p>What categories of permits should be available, if any? For example, none, incidental, seasonal, part-time, full-time and/or would permits be tied to # of passengers.</p>	<p>Should permits be transferable? If so, should any limitations apply, e.g., transfers to family only, transfers to employees, transfers within a geographic area, or within the same vessel passenger capacity.</p>	<p>When a permit is for sale, how would the value be determined? For example, public auction, privately negotiated, etc.</p>	<p>What should occur if a permit is surrendered to the agency vs. transferred/sold to an individual? Would it go into a permit bank and/or a waitlist, or be available for public sale/auction?</p>	<p>Should latent effort be monitored and considered?</p>



<p><b>Vessels - What vessel considerations or U.S. Coast Guard (USCG) certifications should be included? Should captain's licensing and training be considered for eligibility?</b></p>	<p>What vessel upgrade restrictions should be considered, if any? For example, passenger capacity, vessel length, horsepower, gross tonnage, etc.</p>	<p>Should the program consider allowing a vessel to fish under a commercial limited access groundfish permit while holding a recreational limited entry permit? (Currently, limited access permit holders are not eligible to hold open access P/C recreational groundfish permits.)</p>	<p>If a recreational limited entry P/C permit is assigned to a vessel, and that vessel is sold, how would this permit be treated if the vessel had other commercial limited access permits attached? For example, would it be separate, combined with other groundfish permits, or bundled with all other limited access permits?</p>	<p>Should USCG Certificates of Inspection (COI) be considered for vessel eligibility?</p>	<p>Should USCG captain's licensing requirements be considered in determining eligibility?</p>	<p>Could other training be included in the criteria, e.g. safety training?</p>	
<p><b>Control Date - Should a control date be used and what criteria would apply?</b></p>	<p>Use existing control date (March 19, 2018)</p>	<p>Refresh the control date as part of the rulemaking process for this action.</p>	<p>What criteria should accompany control date? For example, only vessels/permits acquired before this date would qualify, different conditions could apply before/after the date, or the same conditions should apply.</p>	<p>Should there be any exceptions to the control date?</p>			

<p><b>Eligibility Criteria - What should eligibility be based on?</b>  <b>Minimum eligibility:</b>  <b>Vessel/owner must possess a recreational for-hire NE Multispecies permit.</b></p>	<p>Catch history: a specific threshold of pounds landed (from vessel trip reports, VTRs) over qualifying years.</p>	<p>Effort: a specific threshold of number of trips (from VTRs) over qualifying years.</p>	<p>Catch history (pounds landed) + effort (# trips) from VTRs.</p>	<p>Passengers: a specific threshold of passengers over qualifying years.</p>	<p>How should changes in management be considered in the qualifying years for catch history, e.g., zero possession of cod? For example, use history from 2009-2014, prior to the moratorium on cod.</p>	<p>Should catch history and effort be based on the permit (vessel) or permit holder (owner)?</p>	<p>Should history from a commercial limited access NE multispecies permit contribute towards eligibility?</p>
<p><b>New Entrants - How do you allow new permits and/or individuals to enter the fishery?</b></p>	<p>How should new entrants be allowed into the fishery? For example, develop a waitlist, apprenticeship program and/or permit bank.</p>	<p>How should cost/affordability be considered for permits available to new entrants?</p>	<p>Should eligibility criteria recognize active industry participants, such as hired captains and crew that are potential new entrants?</p>	<p>Should the total number of P/C permits available be tied to groundfish stock assessments and ACLs? This may allow additional permits to be added after the control date if there is a positive change in the status of the stocks.</p>			

<p><b>Management Measures - What management measures should apply? How should management measures be applied across vessels?</b></p>	<p>Would management measures apply to both party and charter vessels, or would each vessel category have separate measures?</p>	<p><u>Bag limits</u> - should bag limits should be utilized? Consider examples of the bag limits you would like to have analyzed for specific species/stocks.</p>	<p><u>Size/slot limits</u> - should minimum size limits or slot limits should be utilized? Consider examples of the sizes/slot limits you would like to have analyzed for specific species/stocks.</p>	<p><u>Gear restrictions</u> - should gear restrictions be utilized (e.g., circle hooks or no trebles on jigs)? Consider examples of certain gear you would like to have analyzed for specific species/stocks (or in general).</p>	<p><u>Seasons</u> - should fishing seasons should be utilized? Consider examples of months/dates you would like to have analyzed for specific species/stocks or areas.</p>	<p><u>Areas</u> - should area-based management might be incorporated for example? Consider how area-based management might be analyzed (e.g., special access areas or area closures.)</p>	<p><u>Sector separation</u> - should there be separate sub-allocations for limited entry by mode, for private anglers/vessels and for-hire vessels? This is not to be confused with an ITQ or IFQ (catch share/LAPP), which is not being considered at this time.</p>
<p><b>Reporting, Monitoring, and Evaluation - What kind of reporting requirements should apply? Should the program be monitored and evaluated?</b></p>	<p>Should existing reporting requirements apply or should additional reporting be considered? Existing requirements include VTRs/electronic (eVTR).</p>	<p>Should performance of the limited entry program be monitored and evaluated? If so, how frequently: every 3, 5, or 10 years, for example.</p>	<p>What agency/organization should evaluate the program? For example, NOAA Fisheries, Greater Atlantic Regional Fisheries Office, New England Fishery Management Council, or both?</p>	<p>Should a sunset clause be established for the limited entry program?</p>			