



NOAA FISHERIES

Sustainable Fisheries

This summary provides a broad overview of restrictions and requirements; the regulations summarized here may be found at 50 CFR part 648. Please contact the Sustainable Fisheries Division at (978) 281-9315 for more information.

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Windowpane Flounder Accountability Measures Information Sheet

Under U.S. fisheries law, NOAA's National Marine Fisheries Service (NMFS) and the Fishery Management Councils are required to establish annual catch limits and accountability measures (AMs) to help prevent overfishing.

In response to this requirement, the New England Fishery Management Council established AMs for both stocks of windowpane flounder in Framework 47 to the Northeast Multispecies Fishery Management Plan (FMP). The Council later modified the windowpane AMs in Framework 52 to minimize the economic impact of the AMs on the groundfish fishery while maintaining their conservation benefit. Framework 25 to the Atlantic Sea Scallop FMP established windowpane AMs for the scallop fishery.

Why are AMs necessary?

AMs are management controls that prevent catch limits from being exceeded, or correct for overages if they occur.

How are the windowpane flounder AMs triggered?

Each fishing year, we set annual catch limits for both the northern and southern stocks of windowpane flounder. The AMs for either stock are triggered if the total catch limit for a given year is exceeded by more than 5 percent. The AMs are implemented at the start of the fishing year after we determine the catch limit has been exceeded. For example, if it is determined in 2016 that catch in 2015 exceeded the 2015 limit, the AM would be triggered for 2017.

Which fisheries could be affected when the AMs are triggered?

For southern windowpane flounder, the AMs can affect the groundfish fishery, the scallop fishery, and some non-groundfish trawl vessels, based on which fishery caused the overage.

For northern windowpane flounder, the commercial groundfish fishery is held responsible for any overages of the catch limit, regardless of which fishery caused the overage.

What are the AMs for the groundfish fishery?

The groundfish fishery's windowpane flounder AMs require the use of one of the approved selective trawl gears, designed to minimize the catch of flounder species, when fishing on a groundfish trip in the AM areas shown on page 3. Additional selective trawl gear may be authorized by the Regional Administrator at the request of the Council. The groundfish fishery's AMs *only* apply to trawl vessels; there are no restrictions for longline or gillnet vessels.

The approved selective gears are: 1) Haddock separator trawl; 2) Ruhle trawl; or 3) rope separator trawl.

If windowpane catch is more than 5 percent, up to 20 percent, over the total catch limit for either stock, the Small AM Area is triggered for that stock. If windowpane catch is more than 20 percent over the limit for either stock, the Large AM Area is triggered for that stock. The coordinates of the AM areas are included on page 4.

Southern Windowpane Flounder

If the total catch limit is exceeded and the commercial groundfish fishery catches more than its allocation of southern windowpane flounder, then both common pool and sector vessels on a groundfish trip fishing with trawl gear would be required to fish with approved selective trawl gear when fishing in the AM areas.

Northern Windowpane Flounder

If the total catch limit is exceeded, both common pool and sector vessels on a groundfish trip fishing with trawl gear would be required to fish with approved selective trawl gear when fishing in the AM areas, regardless of whether the commercial groundfish fishery caught more than its allocation.

What are the AMs for the scallop fishery?

If the total catch limit for southern windowpane flounder is exceeded and the scallop fishery catches more than its allocation, **or** if the scallop fishery exceeds its allocation by 50 percent or more, then the AM would be triggered for scallop vessels.

The AM for the scallop fishery restricts the use of dredge and trawl gear in the area west of 71° W. long., excluding the scallop access areas, in either February or February and March, depending on the size of the overage. Dredge gear may not exceed 5 rows of rings in the topside of the apron, and the maximum hanging ratio for a net on the top of the dredge cannot exceed 1.5:1. Trawl gear may not be used to fish for scallops in the area.

What are the AMs for other non-groundfish trawl vessels?

If the total catch limit for southern windowpane flounder is exceeded and non-groundfish fisheries are in part or solely responsible for the overage, then any trawl vessel fishing with a codend mesh size of 5 inches or greater would be required to use approved selective trawl gear when fishing in the AM areas shown on page 3.

What if multiple fisheries were responsible for the overage?

If the commercial groundfish fishery, scallop fishery, and non-groundfish fishery catch all exceed the southern windowpane flounder catch limits, then all groups would be subject to the applicable AMs.

For northern windowpane flounder, only the groundfish fishery has AMs as a result of an overage, regardless of which fishery caused the overage.

Do the AMs affect other gear types?

No. There are no restrictions on vessels fishing with longline or gillnet gear. The AMs do not apply to these gear types because they make up a very small portion of the windowpane flounder catch.

Can a sector request an exemption from these AMs?

No. The groundfish AMs are designed to constrain all commercial groundfish fishing activity, so sectors are not allowed to request an exemption from these AMs.

When are the AMs implemented?

The windowpane flounder AMs can only be implemented at the start of a fishing year, and are only triggered if the total catch limit is exceeded. Because we do not receive in-season information for state waters or non-groundfish fisheries, we typically cannot determine if the total catch limit has been exceeded until after the fishing year ends.

Therefore, we implement the windowpane flounder AM at the start of Year 3 if final catch estimates available after the end of Year 1 indicate the total catch limit was exceeded.

However, if we have reliable information during Year 1 that indicates an overage has already occurred, we will implement the AM in Year 2.

Can the AMs be changed or removed before the end of a fishing year?

Yes. We have the authority to reduce the size or duration of the AMs for the groundfish fishery under certain conditions.

If one of the Large AM areas is triggered because windowpane flounder catch was more than 20 percent over the limit for a given year, we can implement the Small AM area for the stock instead of the Large AM area if the stock is considered rebuilt and recent NMFS survey information suggests that the excess catch did not have a substantial impact on the stock.

Under certain circumstances, we can remove an AM mid-year for the groundfish fishery. For example, if catch in Year 1 triggers the AM in Year 3, we can remove the AM area restriction after September 1 of Year 3 if we determine the Year 2 catch was below the catch limit.

These reductions do not apply to the scallop fishery or non-groundfish trawl vessels.

What methodology is used to estimate windowpane flounder catch?

Discards of windowpane flounder are calculated using the same methodology that is used to estimate discards for other groundfish stocks. You can read more about this methodology here:

<http://www.greateratlantic.fisheries.noaa.gov/regs/infodocs/discardcalculations.pdf>.

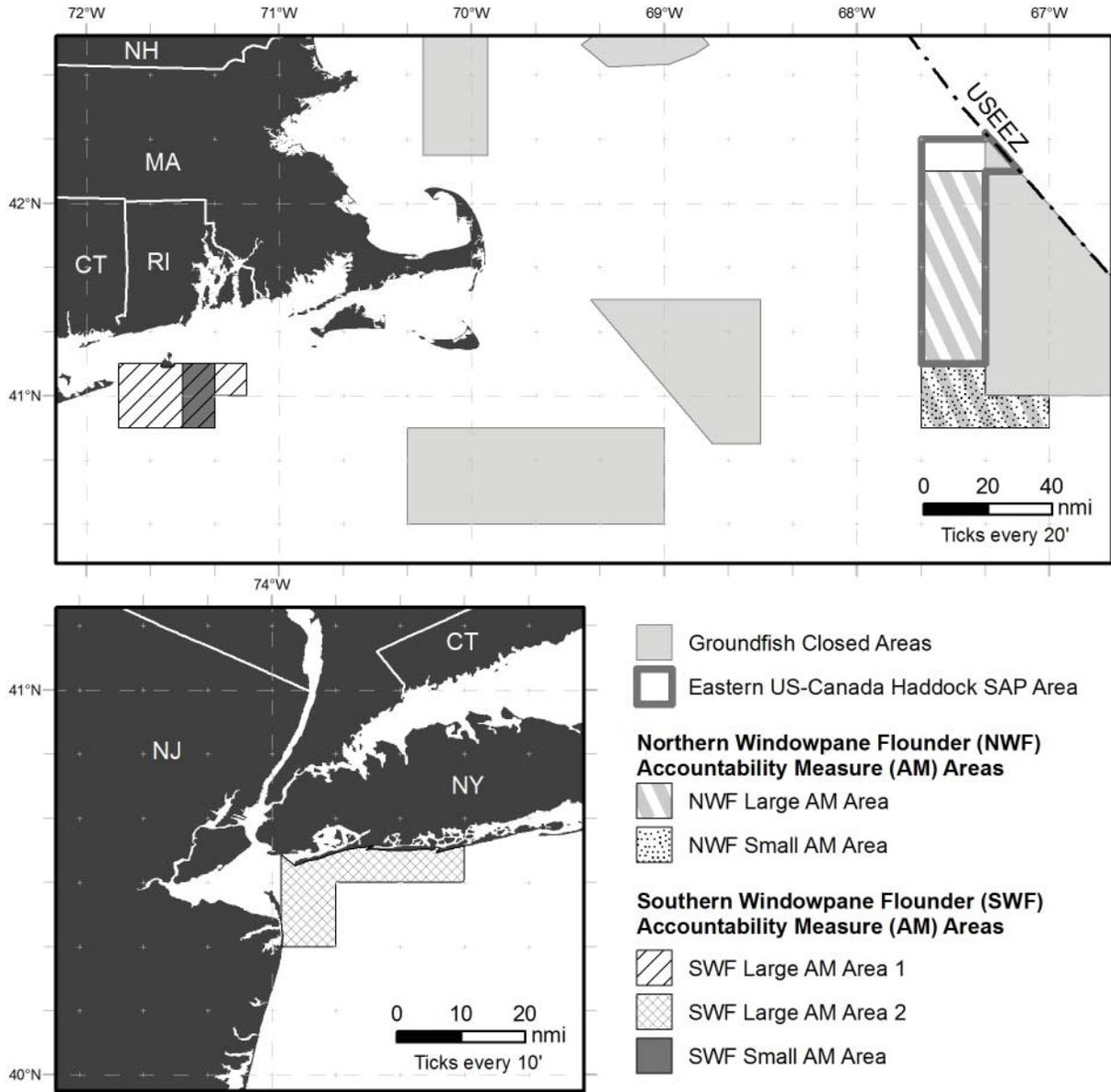


Figure 1. Windowpane Flounder AM Areas

Northern Windowpane AM Coordinates

| Northern Windowpane Flounder Small AM Area | | |
|---------------------------------------------------|--------------------|---------------------|
| <i>Point</i> | <i>N. Latitude</i> | <i>W. Longitude</i> |
| 1 | 41°10 | 67°40 |
| 2 | 41°10 | 67°20 |
| 3 | 41°00 | 67°20 |
| 4 | 41°00 | 67°00 |
| 5 | 40°50 | 67°00 |
| 6 | 40°50 | 67°40 |
| 1 | 41°10 | 67°40 |

| Northern Windowpane Flounder Large AM Area | | |
|---------------------------------------------------|--------------------|---------------------|
| <i>Point</i> | <i>N. Latitude</i> | <i>W. Longitude</i> |
| 1 | 42°10 | 67°40 |
| 2 | 42°10 | 67°20 |
| 3 | 41°00 | 67°20 |
| 4 | 41°00 | 67°00 |
| 5 | 40°50 | 67°00 |
| 6 | 40°50 | 67°40 |
| 1 | 42°10 | 67°40 |

Southern Windowpane AM Coordinates

| Southern Windowpane Flounder Small AM Area | | |
|---------------------------------------------------|--------------------|---------------------|
| <i>Point</i> | <i>N. Latitude</i> | <i>W. Longitude</i> |
| 1 | 41°10 | 71°30 |
| 2 | 41°10 | 71°20 |
| 3 | 40°50 | 71°20 |
| 4 | 40°50 | 71°30 |
| 1 | 41°10 | 71°30 |

| Southern Windowpane Flounder Large AM Area 1 | | |
|-----------------------------------------------------|--------------------|---------------------|
| <i>Point</i> | <i>N. Latitude</i> | <i>W. Longitude</i> |
| 1 | 41°10 | 71°50 |
| 2 | 41°10 | 71°10 |
| 3 | 41°00 | 71°10 |
| 4 | 41°00 | 71°20 |
| 5 | 40°50 | 71°20 |
| 6 | 40°50 | 71°50 |
| 1 | 41°10 | 71°50 |

| Southern Windowpane Flounder Large AM Area 2 | | |
|-----------------------------------------------------|--------------------|---------------------|
| <i>Point</i> | <i>N. Latitude</i> | <i>W. Longitude</i> |
| 1 | (1) | 73°30 |
| 2 | 40°30 | 73°30 |
| 3 | 40°30 | 73°50 |
| 4 | 40°20 | 73°50 |
| 5 | 40°20 | (2) |
| 6 | (3) | 73°58.5 |
| 7 | (4) | 73°58.5 |
| 8 | 40°32.6 (5) | 73°56.4 (5) |
| 1 | (1) | 73°30 |

(1) The southernmost coastline of Long Island, NY, at 73°30 W. longitude.
 (2) The easternmost coastline of NJ at 40°20 N. latitude, then northward along the NJ coastline to Point 6.
 (3) The northernmost coastline of NJ at 73°58.5 W. longitude.
 (4) The southernmost coastline of Long Island, NY at 73°58.5 W. longitude.
 (5) The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southernmost coastline of Long island, NY (excluding South Oyster Bay), back to Point 1.