**An excerpt from 50 CFR 648**

**Document citation: 88 FR 23611**

<https://www.federalregister.gov/documents/2023/04/18/2023-08179/fisheries-of-the-northeastern-united-states-northeast-multispecies-fishery-fishing-year-2023>

A Proposed Rule by the [National Oceanic and Atmospheric Administration](https://www.federalregister.gov/agencies/national-oceanic-and-atmospheric-administration) on [04/18/2023](https://www.federalregister.gov/documents/2023/04/18)

# AGENCY:

National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

# ACTION:

Proposed rule; request for comments.

# SUMMARY:

This rulemaking proposes fishing year 2023 recreational management measures for Georges Bank cod, Gulf of Maine cod, and Gulf of Maine haddock. The measures are intended to ensure the recreational fishery achieves, but does not exceed, fishing year 2023 catch limits for Gulf of Maine cod and haddock, and the recreational catch target for Georges Bank cod.

# DATES:

Comments must be received by 5 p.m. EST on May 3, 2023.

# ADDRESSES:

You may submit comments on this document, identified by NOAA–NMFS–2023–0054, by either of the following methods:

• Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [*www.regulations.gov*](http://www.regulations.gov) and enter NOAA–NMFS–2023–0054 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [*www.regulations.gov*](http://www.regulations.gov) without change. All personal identifying information ( e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

To review **Federal Register** documents referenced in this proposed rule, you can visit: [*https://www.fisheries.noaa.gov/​management-plan/​northeast-multispecies-management-plan*](https://www.fisheries.noaa.gov/management-plan/northeast-multispecies-management-plan).

# FOR FURTHER INFORMATION CONTACT:

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**Measures for the Georges Bank Cod**

Similar to the recreational fishery for GOM cod and haddock, GB cod is managed under the Northeast Multispecies FMP and the fishing year starts on May 1 and runs through April 30 of the following calendar year. Unlike GOM cod and haddock the FMP does not set a sub-ACL for the recreational fishery each fishing year for GB cod. Instead, the Council establishes a recreational annual catch target for GB cod. The catch target is not an allocation or sub-ACL but sets an expectation for recreational catch for the fishing year for management purposes that is not expected to result in an overage of the overall GB cod ACL. After considering a number of catch target options, the Council recommended a catch target of 113 mt in Framework Adjustment 65, which will be considered in a separate rulemaking.

The FMP provides a process for the Regional Administrator, in consultation with the Council, to develop recreational management measures for GB cod for fishing years 2023 and 2024 to prevent the recreational fishery from exceeding the annual recreational catch target for GB. The provisions governing this authority can be found in the FMP's implementing regulations at [50 CFR 648.89(g)](https://www.ecfr.gov/current/title-50/section-648.89#p-648.89(g)).

Unlike GOM cod and haddock, there is not currently a peer-reviewed bio-economic model available to evaluate the potential impacts of various recreational measures for GB cod. Instead, the RAP, Groundfish Committee, and Council were presented with catch data from recent fishing years and a projection of fishing year 2022 expected catch. Measures were then evaluated based on estimates of the percent reduction in catch from the fishing year 2022 projection. The 2022 catch projection is 218 mt, so a harvest reduction of approximately 48 percent would be required to remain below the Council recommended catch target of 113 mt in fishing year 2023.

Current measures for GB cod include a closed season from May 1 through July 31, a 5-fish limit, and a slot limit with a 22-inch (55.9 cm) minimum size and a 28-inch (71.1 cm) maximum size (Table 2). These measures where implemented as part of Framework Adjustment 63 on July 15, 2022 ([87 FR 42375](https://www.federalregister.gov/citation/87-FR-42375); July 15, 2022), so they were not in place for the full fishing year in 2022. If status quo measures were in place for the full fishing year in 2023, a landings reduction of about 28 percent would be expected if all states implemented complementary measures based on catch during periods when status quo measures would close the fishery in 2023. In fishing year 2022 two states with significant GB cod catch, New York and New Jersey, did not implement complementary state measures. Should any state, particularly those with significant GB cod catch, not implement complementary state measures in 2023, this may lead to regulatory confusion, as federally-permitted for-hire vessels and all vessels fishing in Federal waters must comply with Federal regulations but for hire vessels not holding a Federal multispecies permit and private recreational vessels fishing exclusively in state waters would be subject to state regulations only.

The Council discussed alternative options to further reduce GB cod catch including increases to the minimum size with and without a maximum size limit. The Council also looked at potential modifications to the open season to further reduce catch. The Council ultimately recommended eliminating the maximum size limit (slot), increasing the minimum size from 22 to 23 inches (55.9 to 58.4 cm, respectively), and shifting the closed season back 1 month to close June, July, and August instead of May, June, and July (Table 2). The Council-recommended measures are expected to reduce catch approximately 48 percent from fishing year 2022 to 2023 (Table 2).

We are proposing to implement the Council's recommended recreational measures for GB cod for fishing year 2023 (Table 2). Based on a review of recent catch data these measures are expected to adequately constrain total catch to the Council-recommended catch target. While there is uncertainty as to whether the states of New York and New Jersey will implement complementary measures in their state waters for GB cod, Council and NMFS staff are working with both states to encourage adoption of complementary measures. We will also conduct outreach to the recreational communities in all affected states regarding Federal measures for GB cod, which is expected to increase awareness of Federal measures, reduce regulatory confusion among anglers, and increase the effectiveness of proposed measures.

