

EXHIBIT A

Interim Action

FOR 1 MAY 2002 UNTIL REPLACED BY EXHIBIT B MEASURES

INTERIM ACTION ADDITIONAL EFFORT REDUCTION MEASURES

When fishing under a multispecies DAS –

- Restrict vessels from fishing more than 25 percent of their allocated DAS during May through July

Additional measures that apply everywhere for duration of action

- Count multispecies DAS as a minimum of 15 hours, for any trip longer than 3 hours
- Prohibit “front loading” of the DAS clock (require that vessels leave port within 1 hour after calling into the DAS program to prevent vessels from accumulating time for the purposes of directing on GOM cod)

ADDITIONAL CLOSURE AREAS

- Close the inshore Western Gulf of Maine closure area
- Close the existing Cashes Ledge closure area year round
- Add additional inshore closure areas, i.e. statistical area blocks 124 and 125 during the month of May and 132 and 133 during June

Additional gear restrictions

- Require 6.5 inch diamond or 6.5 inch square mesh codend for trawl vessels and 6.5 inch mesh nets for trip gillnet vessels when fishing under a multispecies DAS in GOM (current mesh size restriction allows all vessels a choice of 6 inch diamond or 6.5 inch square mesh throughout net)
- Reduce dayboat gillnet allowance to 50 roundfish nets with minimum 6.5” mesh, 100 flatfish nets with minimum 7” mesh, and 150 monkfish nets with minimum 10” mesh

Additional recreational measures

Private Recreational vessels –

- Increase the cod minimum size to 23 inches
- The bag (possession) limit for cod will be 10 fish

Charter and Party Vessels –

- Increase the cod minimum size limit to 23 inches
- Vessels intending to charter/party fish in the Gulf of Maine closed areas must declare into charter/party fishery for the duration of the closure or for three months whichever is greater.
- Limit 10 cod/haddock in the Gulf of Maine

All status quo measures will continue to apply.

EXHIBIT B

Second Interim Action

The following interim measures will be implemented August 1, 2002 and continue until the implementation of Amendment 13 - all other status quo measures will also apply during that time and throughout the range.

When fishing in all areas under multispecies Days at Sea (DAS)

- Freeze Days at Sea (DAS) using the period of May 1, 1996 - April 30, 2001 at the maximum DAS used by a permit in any single year, not to exceed the current allocation. No vessel shall receive less than 10 days. For limited access vessels not under the call-in system during the period May 1996 through June 1996, a vessel's DAS will be based on vessel trip reports submitted to NMFS before April 9, 2002. Otherwise, DAS will be based on NMFS call-in system.
- DAS will be reduced by 20% from the above baseline, taking into account DAS used prior to the Second Interim Action.
- Count DAS at status quo rates as counted prior to the Interim Action
- The minimum size for cod that may be sold shall be 22".
- 5% observer coverage, or that level that is necessary to provide statistically reliable data, shall be mandated for all gear sectors. This level shall be no lower than that level that the NMFS has already budgeted for in fiscal year 2002-2003. Increases above this level are subject to additional funding. Statistical analysis shall be performed by the NMFS by September 2002.
- Trip limit for open access hand-gear vessels shall be reduced to 200 lbs of regulated species
- Freeze on issuance of any new open access hand-gear permit to any vessel that has never been issued such permit, or has not submitted an application for such permit, as of the date of implementation of interim measures.
- Prohibit front loading of the clock for all areas (require that vessels leave port within 1 hour after calling into the DAS program).
- Western Gulf of Maine year round closure continued unless modified by amendment .
- Prohibit use of de-hookers ("crucifiers") with no less than 6" spacing between the fairlead rollers.

- Trawl mesh shall be no less than 6.5" diamond or 6.5" square in the cod end.
- Mesh size in monkfish gillnets shall be no less than 10" and limited to 150 nets.
- Mesh sizes in the large mesh permit category shall be 2" greater than the current regulated mesh size.

Georges Bank specific measures

- All vessels using gillnet mesh shall use no less than 6.5" with a limit of 50 nets. Each net must have 3 tags, except for monkfish gillnets if 10" or greater mesh size.
- The cod trip limit shall be 2000 lbs/day, with a maximum trip limit of 20,000 lbs/trip (as a trip is currently defined). Cod landing limits and clock running computations on Georges Bank shall be applied as set forth in 50 C.F.R. § 648.86(b).
 - Close thirty minute squares - 80, 81 and 118, 119 & 120 south of 42° 20' during May 2003.
- Hooks on any limited access multi-species vessel shall be limited to 3600 in number and must be 12/0 circle hooks.

Gulf of Maine (GOM) specific measures

- All trip vessels using gillnet mesh shall use no less than 6.5" with a limit of 150 nets and each net must have a tag, except monkfish gillnets of 10" or greater mesh.
- Cashes Ledge shall be closed year-round in accordance with its current configuration as set forth in NMFS regulations.
- Cod trip limit 500 lbs/day, with a maximum trip limit of 4,000 lbs/trip.
- Hooks on any limited access multi-species vessel shall be limited to 2000 in number and must be circle hooks of 12/0.
 - Open areas 124, 125 in January, February, and March.
 - For dayboat gillnet vessels, stand-up gillnet mesh shall be no less than 6.5" with a limit of 50 nets; Tie-down gillnet mesh shall be no less than 7", with a limit of 100 nets. 10" or greater gillnets limit of 150 nets. During the months of March through June only tie-down nets may be used except for monkfish gillnets of 10" or greater mesh size. Tags for all nets (including monkfish nets) shall be limited to 150 tags - - three tags per stand-up, two tags per tie-down, and one tag per monkfish nets.

- Close statistical blocks 124 and 125 during May and 132 and 133 in June

Southern New England specific measures

The boundary for the area where specific southern New England measures apply is described as follows:

Bounded on the east by straight lines connecting the following points:

<u>Lat.</u>	<u>Long.</u>
(*)	70°00'
40°50'	70°00'
40°50'	69°40'
40°18.7'	69°40'
40°22.7'	69°00'
(**)	69°00'

- (*) South facing shoreline of Cape Cod
- (**) Southward to its intersection with the EEZ

Bounded on the west by:

A line beginning at the intersection of 74°00' longitude and the south facing shoreline of Long Island, NY, and then running southward along the 74°00' longitude line.

- Trawler net mesh in the cod end shall be no less than 7.0” diamond or 6.5”square cod end.
- All vessels using gillnet mesh shall use no less than 6.5" with a limit of 75 nets and each net must have two tags except monkfish gillnets of 10” or greater mesh.
- Yellowtail flounder trip limit:
 - March 1 - May 31: 250 lbs possession.
 - June 1 - February 28: 750 lbs./day, with a maximum trip limit of 3,000 lb./trip
- Hooks on any limited access multi-species vessel shall be limited to 2000 in number and must be 12/0 circle hooks.
- South of 40 degrees Latitude – there shall be no possession of Yellowtail Flounder.

The following Georges Bank specific measures apply to the that portion of the current southern New England regulated mesh area east of the eastern boundary described above:

- All vessels using gillnet mesh shall use no less than 6.5" with a limit of 50 nets.
- Hooks on any limited access multispecies vessel shall be limited to 3600 in number and must be 12/0 circle hooks.

Recreational measures - all areas

Private Recreational Vessels

- Increase cod/haddock fish size to 23".
- 10 cod/haddock creel limit, except 5 cod creel limit in Gulf of Maine during Dec. 1 - Mar. 31.

Party/Charter Vessels

- Increase cod/haddock fish size to 23" for vessels not on a DAS.
- Ten- cod/haddock creel limit Gulf of Maine Apr. 1 thru Nov. 30.
- 5 cod creel limit Gulf of Maine Dec. 1 - Mar. 31.
- Vessels intending to charter/party fish in the Gulf of Maine closed areas must declare into charter/party fishery for the duration of the closure or for three months whichever is greater.

All status quo measures will continue to apply.

EXHIBIT C

Council and Amendment 13

It is understood and acknowledged by all parties, including the Federal Parties, that the Non-Federal Settling Parties agree to the promulgation of the foregoing measures, and the interim measures of the Federal Parties, conditioned upon the following covenants and undertakings. The Non-Federal Settling Parties to this agreement stipulate and covenant to be bound by each of the following conditions and undertakings:

1. For all stocks governed by Amendment 9, for the purposes of developing management measures applicable to the interim period and for the implementation of Amendment 13, Non-Federal Settling Parties agree to support measures sufficient for the attainment of biomass and fishing mortality targets by 2009, or later for those stocks where sound biological considerations warrant a longer timetable. By way of illustration but without intent to be bound, such stocks may include Georges Bank cod, redfish, and halibut.
2. The Non-Federal Settling Parties retain the right to review and analyze the new Bmsy and Fmsy values provided by the Working Group on Evaluation of Biological Reference points for groundfish to assess their scientific basis and assumptions behind their calculations with the intent to revise these long-term biomass and F-targets if scientifically justified.
3. The Non-Federal Settling Parties agree to support and advocate for a “thaw” of the “frozen” DAS that shall be developed and submitted to the Council for analysis and consideration as part of the Amendment 13 process, it being the intent of the parties to this agreement that all such frozen latent effort not be indefinitely frozen.
4. The Non-Federal Settling Parties agree to support and advocate that the Council consider the Gulf of Maine Inshore Fisheries Conservation and Stewardship Plan for 2002 as an area management alternative for the Gulf of Maine, Georges Bank, and Southern New England for the purposes of implementation as a component of Amendment 13.
5. The Non-Federal Settling Parties agree to support and advocate that the Council consider a groundfish permit stacking plan for implementation as a component of Amendment 13.
6. The Non-Federal Settling Parties agree to support and advocate for implementation of a multispecies groundfish fishery management plan fully compliant with the SFA, federal fishery regulations and guidelines, will be developed and implemented through appropriate regulations no later than August 22, 2003.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONSERVATION LAW FOUNDATION,)
et al.)
)
Plaintiffs,)
)
v.)
)
DONALD L. EVANS, et al.)
)
Defendants.)
)
)
_____)

Case No. 1:00CVO1134 GK

[EXHIBIT D]

STIPULATED ORDER

Upon consideration of the Motion for Entry of Stipulated Order and Stay of Litigation filed by certain parties (“the Settling Parties”), together with the Settlement Agreement among the Settling Parties, including the exhibits thereto, as well as any opposition thereto, it is hereby ORDERED as follows:

1. The Secretary shall promulgate an Interim Rule to reduce overfishing during the first quarter of the 2002-03 fishing season, to become effective not later than May 1, 2002.
2. The Secretary shall promulgate, for effectiveness not later than August 1, 2002, a Second Interim Rule to reduce overfishing beginning with the second quarter of the 2002-03 fishing season, beginning August 1, 2002, and continuing through the anticipated implementation of a Fishery Management Plan Amendment that complies with the overfishing, rebuilding and bycatch provisions of the Sustainable Fisheries Act.
3. The Secretary shall promulgate, not later than August 22, 2003, a Fishery Management Plan Amendment that complies with the overfishing, rebuilding and bycatch provisions of the Sustainable Fisheries Act.

4. The Court shall retain jurisdiction through implementation of Amendment 13 with respect to the deadlines set forth in paragraphs 1 through 3 above.

5. The above-captioned action is stayed pending such further proceedings as may be required with respect to each of the three administrative actions set forth above.

Requested April 16, 2002, by:

Peter Shelley
Conservation Law Foundation

Counsel for Conservation Law Foundation

William C. Henchy

Counsel for Plaintiff-Intervenors Paul Parker, Craig A. Pendleton, Northwest Atlantic Marine Alliance, Inc., Stonington Fisheries Alliance, Saco Bay Alliance, and Cape Cod Commercial Hook Fishermen's Association, Inc.

Adam Issenberg
U.S. Department of Justice
Environment and Natural Resources Div.

Counsel for Donald L. Evans, National Oceanic and Atmospheric Administration, and National Marine Fisheries Service

Mark A. Randlett
Assistant Attorney General
State of Maine

Counsel for State of Maine

David C. Hoover

Special Assistant Attorney General
Commonwealth of Massachusetts

Counsel for Commonwealth of Massachusetts

Peter C.L. Roth
Senior Assistant Attorney General
State of New Hampshire

Counsel for State of New Hampshire

Gerald F. McAvoy
Executive Counsel for the Rhode Island
Department of Environmental Management
State of Rhode Island

Counsel for State of Rhode Island

Sheldon Whitehouse
Attorney General of the State of Rhode Island,
by Assistant Attorney General Terence
Tierney

David E. Frulla
Brand & Frulla, P.C.

Counsel for Associated Fisheries of Maine,
Inc., the City of Portland, Maine, the City of
New Bedford, Massachusetts, the Trawlers
Survival Fund

SO ORDERED:

Dated: _____

United States District Judge

Serve copies upon:

Adam Issenberg
Environment & Natural Resources Division
U.S. Dept. of Justice
Ben Franklin Station
P.O. Box 7369
Washington, DC 20044-7369

Eric Bilsky
Oceana
2501 M. St., NW
Suite 300
Washington, D.C. 20037

Marilyn Twitchell
National Audubon Societ
1901 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Stephanie Mairs
Center for Marine Conservation
1725 DeSales Street, N.W.
Suite 600
Washington, D.C. 20036

Peter Shelley
Conservation Law Foundation
120 Tillson Avenue
Rockland, ME 04841

Sarah Chasis
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011

Michael H. Testa
860 United Nations Plaza
Apartment 25-A
New York, New York 10017

^{1/2}David E. Frulla
Andrew D. Herman
Brand, Lowell & Ryan, P.C.
923 Fifteenth Street, N.W.
Washington, D.C. 20005

Eldon V.C. Greenberg
Garvey, Schubert & Barer
1000 Potomac Street, N.W.
Fifth Floor
Washington, D.C. 20007

Stephen M. Oullette
Cianciulli & Ouellette
163 Cabot Street
Beverly, MA 01915

James L. O'Dea
1111 14th Street NW
Suite 1000
Washington, DC 20005

William C. Henchy
165 Cranberry Highway
Orleans, MA 02653

Mark A. Randlett
Assistant Attorney General
Department of the Attorney General
State of Maine
6 State House Station
Augusta, ME 0433-0006

David Hoover
General Counsel and Special Asst. Attorney General
Commonwealth of Massachusetts
251 Causeway St., Suite 400
Boston, MA 02114

Peter C.L. Roth
Jennifer J. Patterson
Senior Assistant Attorney General
State of New Hampshire
33 Capitol Street
Concord, NH 03301

Gerald F. McAvoy
Executive Counsel
Rhode Island Dept. of Environmental Management
235 Promenade St., Fourth Floor
Providence, RI 02908