

**AMENDMENT 3 TO THE GEORGES BANK (GB) COD FIXED GEAR SECTOR
OPERATIONS PLAN**

APPROVED BY THE NATIONAL MARINE FISHERIES SERVICE
NOVEMBER 18, 2010

EFFECTIVE NOVEMBER 30, 2010, THROUGH APRIL 30, 2011

This amendment addresses the letter, dated November 15, 2010, by the GB Cod Fixed Gear Sector requesting an exemption from bait restrictions for sector vessels operating in the Closed Area I (CA I) Hook Gear Haddock Special Access Program (SAP).

Although the current regulations at 50 CFR 648.85(b)(7)(iv)(E) specify that vessels are “prohibited from using as bait, or possessing on board, squid or mackerel” when fishing in the CA I Hook Gear Haddock SAP, a thorough review of Framework Adjustment (FW) 41, the action which created this provision, found that the intent of the New England Fishery Management Council was to apply the bait restrictions to common pool vessels only. At the time FW 41 was implemented, the Georges Bank Cod Hook Sector was the only existing sector and there appears to have been an inadvertent omission in the regulations to clarify that the bait restriction should only apply to common pool vessels.

Because the regulations regarding bait restrictions may not be consistent with the original intent of FW 41, these measures are being proposed for removal for all sector vessels in an upcoming correction rule by NMFS. As a more immediate, but temporary solution to this issue, the GB Fixed Gear Sector has been granted an amendment to its FY 2010 operations plan to include an exemption from the bait restrictions in §§648.14(k)(6)(ii)(B) and 648.85(b)(7)(iv)(E).