

Groundfish Amendment 18

Action Plan – Version 17

Council: New England Fishery Management Council

Fishery: Northeast Multispecies FMP

Title of Action: Amendment 18

Scope: accumulation limits, fleet diversity

Problem Statement/Objective of Action:

To address concerns related to the potential for decreased fleet diversity and increased consolidation in the fishery resulting from:

- . Catch shares and currently low catch limits.
- . Increases in catch limits as stocks rebuild in the future.

Goals:

1. Promote a diverse groundfish fishery, including different gear types, vessel sizes, ownership patterns, geographic locations, and levels of participation through sectors and permit banks;
2. Enhance sector management to effectively engage industry to achieve management goals and improve data quality;
3. Promote resilience and stability of fishing businesses by encouraging diversification, quota utilization and capital investment.
4. Prevent any individual(s), corporation(s), or other entity(ies) from acquiring or controlling excessive shares of the fishery access privileges.

Likely Range of Alternatives:

- No action.
- Accumulation limits.
 - Limit the holdings of PSC on an individual stock or aggregate basis.
 - Limit the holdings of permits.
- Fleet diversity measures.
 - Create Handgear A fishery (e.g., sub-ACL).
 - Address concentrations of effort in inshore Gulf of Maine.
 - Create a Redfish Exemption Area
- Other
 - Allow ACE trading data to be non-confidential.

Type of NEPA Analysis Expected (CE/EA/EIS):

The Council is preparing an Environmental Impact Statement.

Type of ESA Consultation Expected (Informal/Formal):

This action is expected to have an informal ESA consultation.

Applicable Laws/Issues:***Magnuson-Stevens Fishery Conservation and Management Act:***

Typical issues and analyses expected at this time

Administrative Procedure Act:

Typical issues and analyses expected at this time

National Environmental Policy Act:

Typical issues and analyses expected at this time

Regulatory Flexibility Act:

Typical issues and analyses expected at this time

Paperwork Reduction Act:

Typical issues and analyses expected at this time

Coastal Zone Management Act:

Typical issues and analyses expected at this time

Endangered Species Act:

Typical issues and analyses expected at this time

Marine Mammal Protection Act:

Typical issues and analyses expected at this time

E.O. 12866 (Regulatory Planning and Review)

Typical issues and analyses expected at this time

E.O. 13132 (Federalism):

Typical issues and analyses expected at this time

Plan Development Team (PDT) Membership and Other Individuals**PDT Chair/ NEFMC Project Manager:** Jamie M. Cournane, NEFMC Staff**NEFMC Project Manager:** Rachel Feeney, NEFMC Staff**GARFO Project Manager:** William Whitmore, GARFO Staff

	Organization	Name	Responsibility
Plan Development Team	NEFMC	Jamie Cournane	Chair of Groundfish PDT, Groundfish FMP Coordinator. Consultation on development of measures and data analysis. Coordinate Biological Impact Analyses.
	NEFMC	Rachel Feeney	Oversee document preparation and submission. Coordinate Social Impact Analyses.
	NEFMC	Jonathon Peros	Support with meeting and document needs. Collaborate on updating Affected Environment and Essential Fish Habitat Impact Analyses. Coordinate Protected Species Impacts.
	NMFS GARFO Sustainable Fisheries Division	William Whitmore (formerly Michael Ruccio)	Primary point of contact in NMFS for A18. Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs. Prepare document for rule-making.
	NMFS GARFO Sustainable Fisheries Division	Sarah Heil	Identify potential policy, regulatory, and administrative issues during development and review. Support with data needs.
	NMFS GARFO Analysis & Program Support Division	Dan Caless, Ted Hawes	Support data requests. Identify potential monitoring issues during development and review.
	NMFS GARFO NEPA	Tim Cardiasmenos	Review document for completeness in terms of NEPA requirements during development and review.
	NMFS GARFO Protected Resources Division	Danielle Palmer	Consultation on development of measures and Protected Species Impact Analyses. Update Affected Environment.
	NMFS NEFSC Population Dynamics Branch	Paul Nitschke	Consultation on development of measures and Biological Impact Analyses.

	NMFS NEFSC Social Science Br.	Chad Demarest	Complete data requests for the PDT. Coordinate Economic Impact Analyses.
	NMFS NEFSC Social Science Br.	Anna Henry	Complete data requests for the PDT. Collaborate on Social Impact Analyses and updating Affected Environment.
	NMFS NEFSC Social Science Br.	Gregory Ardini	Complete data requests for the PDT. Collaborate on Economic Impact Analyses.
	Maine DMR	Sally Sherman	Consultation on development of measures and data analysis.
	Mass. DMF	Steve Correia	Consultation on development of measures and data analysis.
Other Individuals	NEFMC	Michelle Bachman	Coordinate Physical Environment and EFH Impact Analysis.
	NMFS GCNE	Gene Martin	Consultation on potential legal issues and questions.
	NMFS GARFO Habitat Conservation Div.	David Stevenson	Consultation on development of measures and impacts on habitat.
	NMFS Enforcement	Tim Donovan	Consultation on development of measures.
	NMFS NEFSC Fisheries Sampling Branch	Amy Van Atten	Complete observer program data requests for the PDT. Identify potential monitoring/observer program issues during development and review.
	US Coast Guard	TBD	Identify potential enforcement issues during development and review.

NMFS Implementation Team Membership

Implementation Team Chair: William Whitmore, GARFO Staff

Organization	Name	Responsibility
NMFS GARFO Sustainable Fisheries Division	William Whitmore Brett Alger	Implementation Team, Chair Assist with issues and measures affecting sector operations
NMFS GARFO Analysis and Program Support Division	Dan Caless Ted Hawes	Implementation of new sub-ACLs and other related catch monitoring issues. NMFS permit and ownership related information manager.
NMFS GARFO Protected Resources Division	Danielle Palmer	Consultation on measures and impacts on protected resources
NMFS Northeast General Counsel- Enforcement	Joe Heckwolf	Consultation on development of measures with enforcement considerations including any new area/gear restrictions
NMFS Office of Law Enforcement	Don Frei, Ross Lane, Eric Provencher	Consultation on development of measures with enforcement considerations including any new area/gear restrictions
NMFS Office of Law Enforcement- VMS	Bill Semrau	Consultation on development of measures with VMS considerations including any new area restrictions
NMFS GARFO Information Resource Management	Denise Washick Ken Ortiz	Information management and database programming

Implementation Team Issues:*Enforcement:* TBD*Information Resource Management (IRM):* TBD*Statistics:* TBD*Observer Coverage:* TBD*Administrative issues/costs:* TBD*Regulatory clarification/simplification:* TBD*Data Requirements:* TBD*VMS:* TBD*Protected Resources:* TBD*Plan for How to Measure the Effectiveness of the Action:* TBD*Other:* TBD**Worksheet 1: Groundfish PDT Resources and Work Schedule***Note: These are the PDT resources anticipated from May 2014 forward.*

A18 Component	Specific needs	Primary PDT Participation	Start Date	End Date	Duration
Accumulation limits	Narrow range of PSC alternatives	Rachel, Chad	May 2014	June 2014 (complete)	1 month
	Refine entities to which alternatives apply	Rachel, Chad	May 2014	June 2014 (complete)	1 month
	Conduct and finalize fleet diversity analysis	Chad, other SSB staff	June 2013	October 2014 (complete)	17 months
	Input on impacts of PSC caps on sales, buybacks, divestiture	Rachel, Mike, Chad, Anna, Willie	July 2014	July 2014 (complete)	1 month
	Analyze alternatives	Rachel, Jamie, Willie, Chad, Anna, Danielle, Greg	November 2014	March 2015 (complete)	5 months
U.S./CA trading	Analyze alternatives	Rachel, Jamie, Sarah	July 2014	Nov. 2014 (complete)	5 months
HA fishery	Analyze alternatives	Rachel, Jamie, Jonathon, Mike, Willie, Danielle, Paul, Steve, Greg	July 2014	March 2015 (complete)	9 months
Inshore/ Offshore Gulf of Maine	Compile/provide data on historical catch patterns and stock distribution	Rachel, Steve, Paul, Jamie, Chad	July 2014	September 2014 (complete)	2.5 months
	Develop alternatives (boundary, sub-ACLs, gear & time restrictions)	Rachel, Jonathon, Jamie, Steve, Paul, Chad, Anna, Sally, Sarah	May 2014	November 2014 (complete)	6 months

	Analyze alternatives	Rachel, Jamie, Jonathon, Willie, Chad, Anna, Paul, Jamie, Steve, Danielle, Greg	November 2014	March 2015 (complete)	5 months
Data Confidentiality	Develop alternatives	Rachel, Mike (w/ Mark Grant)	May 2014	July 2014 (complete)	3 months
	Analyze alternatives	Rachel, Jamie, Jonathon, Willie, Chad, Anna, Paul, Jamie, Steve, Danielle, Greg	November 2014	March 2015 (complete)	5 months
Redfish Exemption Area	Develop alternatives	Rachel, Mike, Willie	October 2014	November 2014 (complete)	2 months
	Analyze alternatives	Rachel, Jamie, Jonathon, Willie, Chad, Anna, Paul, Jamie, Steve, Danielle, Greg	November 2014	March 2015 (complete)	5 months
Affected Env.	Update/augment	Rachel, Jamie, Jonathon, Anna, Danielle, Tim	July 2014	May 2015 (complete)	11 months
DEIS	Determine necessary content/prepare for Council	Rachel, Tim, Willie	December 2014	March 2015 (complete)	4 months
	Finalize DEIS for submission to NMFS	Rachel, Jamie, Jonathon, Anna, Greg, Chad, Willie, Tim, Danielle	April 2015	July 2015 (ongoing)	4 months
FEIS	Finalize FEIS for submission to NMFS	Rachel, Jamie, Jonathon, Anna, Greg, Chad, Willie, Tim, Danielle	September 2015	October 2015 (not started)	2 months

Worksheet 2: Timeline for Development/Review/Implementation

2010	
Jun. 23	NEFMC vote on four goals that would become A18 goals.
Nov. 16	NEFMC approves 2011 priorities, including preparing an amendment to consider fleet diversity and accumulation cap objectives.
2011	
Apr. 7	NMFS publishes control date for A18.
Jun. 9	NEFMC holds Accumulation Limits Workshop.
Sept. 28	NEFMC approves A18 scoping document.
Dec. 21	NMFS publishes NOI to prepare and EIS and hold public scoping meetings.
2012	
Mar. 1	Scoping period closes.
Jun. 21	NEFMC receives summary of scoping comments.
2013	
Mar. 6	Joint Committee/AP meeting focused on A18. Discuss work to date and fishery performance. List data analysis that would inform A18 development.

Mar. 13	PDT meets to discuss data analysis feasibility.	
Apr. 16	Committee meeting focused on accumulation limits.	
Jun. 10	AP meeting to make recommendations on refining A18 goals and objectives.	
Jun. 12	Committee meeting to potentially refine A18 goals and objectives.	
Jun. 19	NEFMC revises A18 goals, eliminates objectives.	
Jul.-Sept.	Committee develops measures.	
Sept. 24-26	NEFMC only considered Committee's motions on permit and PSC splitting.	
Sept.-Nov.	Committee develops measures.	
Nov. 20	NEFMC was scheduled to consider Committee's motions, but did not.	
Aug.-Dec.	Compass Lexecon excessive shares analysis.	
2014		
Jan.-Jun.	Committee and NEFMC develop measures.	
June 12-13	CIE peer review of Compass Lexecon report.	
June 17-19	NEFMC partially approves Range of Alternatives (HA measures and US/CA) and adds Inshore/Offshore Gulf of Maine cod measures.	
Late July	CIE peer review reports finalized.	
Aug.-Sept.	Committee meetings focus on accumulation limits and inshore/offshore GOM measures.	
Sept.30-Oct. 2	NEFMC tables approving Range of Alternatives and did not consider Committee's motions.	
Nov. 17-20	NEFMC approves remaining Range of Alternatives.	
Nov.-Dec.	PDT develop DEIS, analyze probable effects.	
2015		
Jan. - Mar	DEIS development cont.	
Mar. 25-26	GAP and Committee mtgs. to review analysis and recommend preferred alternatives.	
Apr. 10	Document deadline for Council mtg.	
Apr. 21-23	NEFMC approves DEIS with range of alternatives, selects preferred alternatives.	
May	Preliminary submission of DEIS to NMFS.	See Worksheet 3 for details.
Jul.-Aug.	DEIS 45-day public comment period.	
Sept.29-Oct. 1	NEFMC votes on final action.	
Oct.	FEIS submitted to GARFO.	
Nov. - Dec.	EIS review, revisions, final submission, and deeming of proposed regulations. NMFS publishes NOA. 60-day public comment period.	
2016		
Jan.- Feb.	Continue review/comment period.	
May 1	Possible implementation of measures.	

Worksheet 3: Detailed Implementation Timeline

PROJECT PHASE	STARTING	ENDING
1. Council Meeting to approve DEIS for public hearings	4.21.2015	4.23.2015
2. Revise DEIS for initial submission to NMFS	4.24.2015	5.20.2015
3. DEIS reviewed by NMFS	5.21.2015	6.11.2015
4. DEIS comments incorporated by Council Staff	6.12.2015	6.26.2015
5. PPI Review (10 days) (will review Concurrently #4)	6.12.2015	6.26.2015
6. PPI Comments incorporated by Council Staff	6.29.2015	6.30.2015
7. Resubmission and GARFO check on edits	7.1.2015	7.3.2015
8. DEIS & NOA submitted to EPA for publication	7.6.2015	7.10.2015
9. DEIS NOA published (only on Fridays)	7.17.2015	7.17.2015
10. Public comment period (45 days)	7.17.2015	8.31.2015
11. Public hearings (15 days after NOA publication)	8.3.2015	8.21.2015
12. Summarize public comments	8.24.2015	9.4.2015
13. Committee, PDT, or AP Meetings, as needed	9.1.2015	9.18.2015
14. Council Meeting/Final Action	9.29.2015	10.1.2015
15. GARFO drafts regulatory text, submits to Council	10.5.2015	10.30.2015
16. Council Staff Complete FEIS	10.1.2015	10.16.2015
17. FEIS/Amendment submitted to NMFS	10.16.2015	10.16.2015
18. FEIS reviewed by NMFS	10.16.2015	11.6.2015
19. FEIS comments incorporated by Council Staff	11.6.2015	11.20.2015

(Bold items indicate key milestones.)

PROJECT PHASE	STARTING	ENDING
20. PPI review (5 days)	11.20.2015	11.30.2015
21. PPI comments incorporated by Council Staff	11.30.2015	11.30.2015
22. Council Staff Reviews, deems regulatory text	10.30.2015	11.30.2015
23. Resubmission (final)	11.30.2015	11.30.2015
24. FEIS & NOA submitted to EPA for publication	12.2.2015	12.2.2015
25. FEIS NOA published (only on Fridays)	12.11.2015	12.11.2015
26. FEIS NOA comment period (30 days)	12.11.2015	1.11.2016
27. Proposed rule drafted and reviewed	10.1.2015	12.7.2015
28. Proposed rule submitted to HQ	12.7.2015	12.7.2015
29. Amendment NOA submitted to HQ (Transmittal date)	12.7.2015	12.7.2015
30. Amendment NOA publishes (5 days after submittal)	12.11.2015	12.11.2015
31. Amendment NOA comment period (60 days)	12.11.2015	2.9.2016
32. Proposed rule publishes	12.22.2015	12.22.2015
33. Proposed rule comment period (45 days)	12.22.2015	2.5.2016
34. Final rule drafted & reviewed (incl. comment responses)	12.28.2015	3.2.2016
35. Final rule submitted to HQ	3.3.2016	3.3.2016
36. Amendment Decision Date (95 days from #27)	3.11.2016	3.11.2016
37. Final rule published	3.17.2016	3.17.2016
38. EFFECTIVE DATE (30 days after #35)	4.18.2016	4.18.2016

Action Plan Versions:

Version	Date	Author	Change Description
1	May 28, 2013	Rachel Feeney	Initial version. Shared among Council staff and primary GARFO contacts (Ruccio, Murphy).
2	June 13, 2013	Rachel Feeney	Includes feedback from primary GARFO contacts.
3	August 20, 2013	Rachel Feeney	Update timeline and A18 goals.
4	January 13, 2014	Rachel Feeney	Update timeline, add Anna Henry to PDT.
5	April 16, 2014	Rachel Feeney	Update timeline
6	May 1, 2014	Rachel Feeney	Update timeline, conform document to Tiger Team action plan format
7	May 6, 2014	Rachel Feeney	Includes feedback from GARFO project manager
8	June 10, 2014	Rachel Feeney	Update timeline
9	June 26, 2014	Rachel Feeney	Update timeline
10	July 1, 2014	Rachel Feeney	Remove Kevin Madley on list of other individuals. Add Danielle Palmer to PDT. Update Worksheet 1.
11	July 17, 2014	Rachel Feeney	Update Worksheet 1.
12	July 28, 2014	Rachel Feeney	Update Worksheet 1.
13	Oct. 31, 2014	Rachel Feeney	Update range of alternatives, timeline, Worksheet 1, and format.
14	Dec. 12, 2014	Rachel Feeney	Replace Michael Ruccio with William Whitmore as GARFO Project Manager. Add Gregory Ardini to PDT. Remove Michael Ruccio from PDT. Update PDT resources, Worksheet 1 and timeline. Identify implementation team.
15	Jan. 21, 2015	Rachel Feeney	Replace Alison Murphy with Brett Alger on the GARFO Implementation Team. Update timeline.
16	Mar. 21, 2015	Rachel Feeney	Fixed minor typos and format.
17	May 5, 2015	Rachel Feeney, William Whitmore	Update range of alternatives, type of NEPA analysis expected, implementation team, PDT resources. Add Worksheet 3.