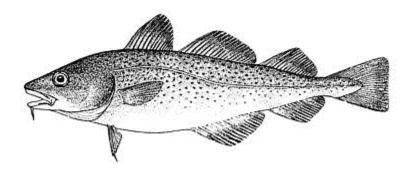
DECISION DOCUMENT¹

for

Amendment 18 DEIS

to the Northeast Multispecies

Fishery Management Plan (FMP)



Council Meeting April 21, 2015

(updated April 10, 2015)

¹ The decision tables herein are in the same order as the measures in the Amendment 18 Draft Environmental Impact Statement, dated April 9, 2015; page numbers are provided for reference.

Section 4.1.3.2 – Disposition of Current Holdings in Excess of what is Allowed (p. 46-47, DEIS)

Groundfish Committee Motions:

No motion.

Alternatives/Options Under Consideration	Description Choose one option.
Option A	Can hold permits, but not use excess PSC. PSC would be redistributed annually to the remainder of the fleet.
Option B	Must divest permits with excess PSC. Time would be provided to sell the permit. In the interim, the excess PSC cannot be used.
Option C	Can hold permits, but must divest excess PSC. PSC would be removed from the permit and redistributed to the remainder of the fleet.

Decisions/Questions to Consider

If one of the PSC cap Alternatives 2-6 is selected, there may be cases where the current PSC held by an individual or entity exceeds the accumulation limit. This section pertains to how to treat holdings at the implementation of this action that are in excess of a PSC accumulation limit which are not grandfathered.

The PDT advises that additional rationale needs to be added to the DEIS for why there would be potentially different treatments of excess PSC between what is held post control date through implementation of the action (p. 46-47, DEIS) versus what is acquired post-implementation (p. 48, DEIS).

Groundfish Committee Recommendations

The Committee voted for no action on PSC caps (p. 3, this doc) and did not make a recommendation for this section.

Groundfish AP Comments/Recommendations

Motion: What the GAP recommends to the Groundfish Committee that, if the Council moves forward with an accumulation limit (against the advice of the Advisors), it should warandfather+anyone with holdings above the accumulation limit on the day of implementation, and that warandfathering+provision would be transferable (i.e., no forced divestiture) in perpetuity.+(7/2/0)

Motion: What the GAP recommends to the Groundfish Committee that, if the Council moves forward with an accumulation limit (against the advice of the Advisors), for current and future holdings that are above the limit (Section 4.1.3.2), the Advisors support Option A.+ (8/0/1)

Rationale: The Advisors have been concerned about forcing divestiture. This would allow the rest of the fleet to access that excess amount on an annual basis.

Recreational Advisory Panel Comments/Recommendations

 $\ensuremath{\text{N/A}}$. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

All holdings as of the control date would be grandfathered. This only pertains to PSC cap Alternative 3, where one individual had holdings for one stock on the control date that is above the cap level.

Impacts Analysis in DEIS: Target species: p. 218-219 Nontarget species: p. 231-232 Physical and habitat: p. 226 Protected resources: p. 245-246 Human communities: p. 276-280

Section 4.1.3.2 – Acquisition of Future Holdings (p. 47, DEIS)

Groundfish Committee Motions:

No motions.

Alternatives/Options Under Consideration	Description Choose one option.
Option A	Can hold permits, but not use excess PSC. PSC would be redistributed annually to the remainder of the fleet.
Option B	Can hold permits, but must divest excess PSC. PSC would be removed from the permit and redistributed to the remainder of the fleet.

Additional Decisions/Questions to Consider

If one of the PSC cap Alternatives 2-6 is selected, this section pertains to the acquisition of future holdings, after A18 is implemented.

The PDT advises that additional rationale needs to be added to the DEIS for why there would be potentially different treatments of excess PSC between what is held post control date through implementation of the action (April 7, 2011 . potentially May 1, 2016) versus what is acquired post-implementation.

Groundfish Committee Recommendations

The Committee voted for no action on PSC caps (p. 3, this doc) and did not make a recommendation for this section.

Groundfish AP Recommendation

Motion: What the GAP recommends to the Groundfish Committee that, if the Council moves forward with an accumulation limit (against the advice of the Advisors), for current and future holdings that are above the limit (Section 4.1.3.2), the Advisors support Option A.+ (8/0/1)

Rationale: The Advisors have been concerned about forcing divestiture. This would allow the rest of the fleet to access that excess amount on an annual basis.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Impacts Analysis in DEIS: Target species: 218-219 Nontarget species: 231-232 Physical and habitat: p. 246 Protected resources: p. 258-259 Human communities: p. 280-281

Section 4.1.3 – Limit the Holdings of PSC (p. 46-52, DEIS)

Groundfish Committee Motions:

 The Committee recommends to the Council that in Section 4.1.3 (Limit the Holdings of the PSC), Alternative 1 (No Action) be selected as the Preferred Alternative. (5/3/2)

Alternatives/Options	Description
Under Consideration	Choose one alternative. If Alternative 4 is selected, choose one option.
Alternative 1	No action.
Alternative 2	Limit holdings of stock-specific PSC at the maximum held as of the control date (4/7/2011; Table 9; caps range from 5-23).
Alternative 3	Limit holdings of stock-specific PSC to the same level for each stock in the fishery (15.5 for all stocks).
	May choose:
	Option A - Can hold permits, but must divest excess PSC. PSC would be removed from the permit and redistributed to the remainder of the fleet.
Alternative 4	Limit holdings of stock-specific PSC by stock type:
	Choose one:
	Option A - Limit the PSC holdings at 15 for the Gulf of Maine, Cape Cod, Southern New England, and Mid-Atlantic stocks, at 20 for the unit stocks, and at 30 for the Georges Bank stocks.
	Option B - Limit the PSC holdings of GB cod at 30, GOM cod at 15, and pollock at 20.
Alternative 5	Limit holdings of stock-specific PSC (30 of GB winter flounder and 20 for all other stocks).
Alternative 6	Limit collective holdings of PSC (average of all the PSC for all allocated stocks m15.5; total m232.5).

Additional Decisions/Questions to Consider

PDT recommends deleting Option A from Alternative 3, as it conflicts with the section \$\sigma\$ is position of Current Holdings in Excess of what is Allowed+(p. 50, DEIS).

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: The Council examined National Standard 4 by commissioning the Compass Lexecon report, which indicated no evidence of excessive shares in the fishery today in the markets for fish or ACE and noted that it is unlikely in the future for the market for fish given the nature of the fishery. The peer review recommended monitoring the fishery for evidence of excessive shares rather than implementing caps now.

Groundfish AP Recommendation

Motion (paraphrase): That Alternative 1 (No Action) be selected as the Preferred Alternative (7/2/0).

Rationale: Go no further with developing accumulation limits until inter-annual stability in ACLs is achieved and increases in catches are witnessed for a few years. Excessive shares are not a problem in the fishery today.

Motion: "That the GAP recommends to the Groundfish Committee that, if the Council moves forward with an accumulation limit (against the advice of the Advisors), in Section 4.1.3, Alternative 6 be selected as the preferred alternative.+(7/2/0) Rationale: Alternative 6, of all of the accumulation limit alternatives, provides the most flexibility given the ever-swinging ACE levels.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

If an accumulation limit is selected, it may be modified in a future framework due to a federal permit buyback or buyout.

FY2010 . FY 2014 PSC holdings data: p. 169-176, DEIS Summary of Compass Lexecon report: p. 177-178, DEIS

Impacts Analysis in DEIS: Target species: p. 218-219 Nontarget species: p. 231-232 Physical and habitat: p. 244-248 Protected resources: p. 258-259 Human communities: p. 275-287

Section 4.1.4 – Limit the Holdings of Permits (p. 53, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.1.4 (Limit the holdings of permits), Alternative 2 (Limit the holdings of permits to no more than 5%) be selected as the Preferred Alternative. (7/0/3)

Alternatives/Options Under Consideration	Description Choose one alternative.
Alternative 1	No action.
Alternative 2	Limit the holdings of permits (to no more than 5%).

Additional Decisions/Questions to Consider

Since PSC is allocated to the Moratorium Right Identifier (MRI) number associated with each multispecies permit, it is the number of MRIs that would, in fact, be limited.

Groundfish Committee Recommendations

Recommends Alternative 2. See above motion.

Rationale: Of the accumulation limit alternatives, this would be the simplest and least disruptive to the fishery. A 5% cap on permits equates to ~70 MRIs. If the number of permits declines in the future, however, the 5% cap could become too restrictive and may warrant revisiting in a future action.

Groundfish AP Recommendation

Motion: What the GAP recommends to the Groundfish Committee that, if the Council moves forward with an accumulation limit (against the advice of the Advisors), in Section 4.1.4., Alternative 2 be selected as the Preferred Alternative.+(7/2/0) Rationale: This approach would be consistent with what the Council has done with other fisheries in this region (i.e., LA scallops) and likely less disruptive to fishing businesses than the PSC cap alternatives.

Recreational Advisory Panel Comments/Recommendations

N/A. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

If an accumulation limit is selected, it may be modified in a future framework due to a federal permit buyback or buyout.

FY 2010-2014 permit holdings data: p. 168-169, DEIS

Impacts Analysis in DEIS: Target species: p. 219 Nontarget species: p. 232 Physical and habitat: p. 248 Protected resources: p. 259 Human communities: p. 288-289

Section 4.2.1 – Establish a Fishery for Handgear A Permits (p. 54-58, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.2.1 (Establish a fishery for Handgear A permits), Alternative 1 (No Action) be selected as the Preferred Alternative. (8/1/1)

Alternatives/Options Under Consideration	Description Choose one alternative. If Alternative 2 is selected, choose one option within the three sections.
Alternative 1	No action.
Alternative 2	Establish a fishery for Handgear A permits. This would have an annual sub-ACL with 10% carryover.
	Discards (choose one)
	Option A . Calculate an annual discard rate and subtract from sub-ACL at beginning of year.
	Option B . Assume discards to be de minimus and not account for them under the sub-ACL.
	In-season AMs (choose one)
	Option A. Close the HA fishery for a stock when 100% of sub-ACL is reached.
	Option B - Close the HA fishery for a stock when 90% of sub-ACL is reached.
	Reactive AMs (choose one)
	Option A . Triggered if HA sub-ACL is exceeded.
	Option B - Triggered if HA sub-ACL and total ACL are exceeded.

Additional Decisions/Questions to Consider

In Alternative 2, the PDT recommends revising the carryover provision to be consistent to that which the Council recommended for sectors in Framework 53. Current language would likely be considered invalid due to a recent court decision.

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: The anticipated sub-ACLs for the Handgear A fishery would be prohibitively low, rendering administration of the fishery and monitoring difficult, especially in-season.

Groundfish AP Recommendation

Motion (paraphrase): That Alternative 1 (No Action) be selected as the Preferred Alternative. (7/0/2)

Rationale: The GAP is concerned that the sub-ACL would be too small to monitor and accurate discard calculations would be difficult. The same goals could be accomplished by joining a sector.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Handgear fishing activity: p. 193-198

Impacts Analysis in DEIS: Target species: p. 220-222 Nontarget species: p. 233-235 Physical and habitat: p. 248 Protected resources: p. 259 Human communities: p. 290-296

Section 4.2.2 – Removal of the March 1-20 HA Closure (p. 59, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.2.2 (Removal of the March 1-20 HA Closure) and 4.2.3 (Removal of standard fish tote requirement), Alternative 2 in both sections be selected as the Preferred Alternative. (9/0/1)

Alternatives/Options Under Consideration	Description Choose one alternative.
Alternative 1	No action.
Alternative 2	Removal of the March 1-20 HA closure.

Decisions/Questions to Consider

Groundfish Committee Recommendations

Recommends Alternative 2. See above motion.

Rationale: This would give Handgear A vessels some of the flexibility they are requesting.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 2 be selected as the Preferred Alternative. (8/1/0)

Rationale: HA vessels in the common pool can get shut-down on a trimester basis if the TAC is reached, so there is no need for the additional input controls.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Handgear fishing activity: p. 193-198

Impacts Analysis in DEIS: Target species: p. 222

Nontarget species: p. 235-236 Physical and habitat: p. 248 Protected resources: p. 259 Human communities: p. 296-297

Section 4.2.3 – Removal of Standard Fish Tote Requirement (p. 59, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.2.2 (Removal of the March 1-20 HA Closure) and 4.2.3 (Removal of standard fish tote requirement), Alternative 2 in both sections be selected as the Preferred Alternative. (9/0/1)

Alternatives/Options Under Consideration	Description Choose one alternative.
Alternative 1	No action.
Alternative 2	Removal of the standard fish tote requirement.

Decisions/Questions to Consider

Groundfish Committee Recommendations

Recommends Alternative 2. See above motion.

Rationale: This would give Handgear A vessels some of the flexibility they are requesting. The fish tote requirement is not actively enforced.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 2 be selected as the Preferred Alternative. (8/1/0)

Rationale: The fish tote requirement is not actively enforced.

Recreational Advisory Panel Comments/Recommendations

N/A. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Handgear fishing activity: p. 193-198

Tote requirement: 198

Impacts Analysis in DEIS: Target species: p. 223 Nontarget species: p. 236 Physical and habitat: p. 248 Protected resources: p. 259 Human communities: p. 297

Section 4.2.4 – Sector Exemption from VMS Requirements (p. 60, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.2.4 (Sector Exemption from VMS requirements), Alternative 2 (Section exemption for VMS requirements) be selected as the Preferred Alternative. (9/0/1)

Alternatives/Options Under Consideration	Description Choose one alternative.
Alternative 1	No action.
Alternative 2	Sector exemption (annual) from Vessel Monitoring System (VMS) requirements.

Decisions/Questions to Consider

For Alternative 2, the PDT encourages the Committee to consider whether it would prefer making it a universal exemption rather than an annual exemption request.

Groundfish Committee Recommendations

Recommends Alternative 2. See above motion.

Rationale: Handgear A vessels are small and should be exempt from VMS requirements should they wish to join a sector. Handgear A does have an Interactive Voice Response (IVR) requirement for trip notification.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 2 be selected as the Preferred Alternative. (7/0/2)

Rationale: The VMS exemption would ease the way for HA vessels to enroll in sectors. For this fleet, there are alternative ways to get at the information VMS provides.

Recreational Advisory Panel Comments/Recommendations

N/A. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Handgear fishing activity: p. 193-198

Impacts Analysis in DEIS: Target species: p. 223 Nontarget species: p. 236 Physical and habitat: p. 248 Protected resources: p. 259 Human communities: p. 276-7

Section 4.3 – Data Confidentiality (p. 61, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.3 (Data Confidentiality), Alternative 1 (No Action) be selected as the Preferred Alternative. (5/3/2)

Alternatives/Options Under Consideration	Description Choose one alternative.
Alternative 1	No Action.
Alternative 2	ACE disposition data (specifically, the price of ACE transfers) would be exempt from the confidentiality requirement.

Decisions/Questions to Consider

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: If this information is disclosed, there is concern that correct/accurate price information would not be reported. A March 27, 2014 letter from the Regional Administrator indicates that this information must be confidential based on NMFSs interpretation of MSA. Sectors could work together on their own to improve inter-sector transparency on leasing/trades.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 1 be selected as the Preferred Alternative. (9/0/0)

Rationale: It is not clear how Alternative 2 would lead to better management of the fishery. In addition, the Advisors are concerned about the legality of Alternative 2.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

See related letter on data confidentiality from the Regional Administrator, March 27, 2014.

Impacts Analysis in DEIS: Target species: p. 223 Nontarget species: p. 237 Physical and habitat: p. 249 Protected resources: p. 259 Human communities: p. 298-299

Section 4.4.1 – Inshore/Offshore Gulf of Maine Boundary (p. 62-64, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.4.1 (Inshore/Offshore Gulf of Maine Boundary), Alternative 1 (No Action) be selected as the Preferred Alternative. (6/1/1)

Alternatives/Options	Description
Under Consideration	Choose one alternative. If Alternative 2 is selected, choose one option.
Alternative 1	No action.
Alternative 2	Establish an inshore/offshore boundary within the Gulf of Maine.
	Boundary options (choose one) Option A . Boundary at 70°W longitude. Option B . Boundary at 70°15¢W longitude. Option C . Boundary where 42°N intersects Cape Cod, Massachusetts, runs east to 69°50¢W, runs north along 69°50¢W to the 12 nm territorial sea line, then follows Mainec 12 nm territorial sea line northeast to the Hague Line.

Decisions/Questions to Consider

A portion of Option C considered \(\) Ashore+is in the GB Broad Stock Area. The PDT recommends either aligning Option C to match the GOM/GB BSA boundary for the area in question for purposes of the sub-ACL alternatives in Section 4.4.2 or for all alternatives in Section 4.4.

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: A purpose for creating an inshore/offshore boundary should be identified before doing so. If a line is needed, it should be a logical result that stems from an identified problem and be a solution to address the problem. That is not how any of the boundaries in this section were developed. Additionally, some of the options would include as <code>%ashore,+deep</code> water areas that have traditionally been fished by <code>%affshore+vessels</code>.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 1 be selected as the Preferred Alternative. (7/1/0)

Rationale: There are unintended consequences of drawing the line and splitting the ACL of cod. It could lead to localized depletion of GOM cod. There were also safety concerns with encouraging small vessels to fish offshore.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Impacts Analysis in DEIS: Target species: p. 224 Nontarget species: p. 237 Physical and habitat: p. 249-251 Protected resources: p. 260 Human communities: p. 299-301

Section 4.4.2 – Inshore/Offshore Gulf of Maine Cod sub-ACL (p. 65-67, DEIS)

Groundfish Committee Motions:

The Committee recommends to the Council that in Section 4.4.2 (Inshore/Offshore GOM cod sub-ACL), Alternative 1 (No Action) be selected as the Preferred Alternative. (9/0/0)

Alternatives/Options Under Consideration	Description Choose one alternative. Alternative 2 may only be selected if Alternative 2 in Section 4.4.1 is selected. If so, choose one option and sub-option for determining the inshore/offshore split.
Alternative 1	No action.
Alternative 2	 Establish an inshore/offshore commercial GOM cod sub-ACL. Allocations would be unchanged. Determining the sub-ACL inshore/offshore split. (choose one) Option A. Set during specifications with no pre-determined rule. Option B. Set proportional to the level of commercial catch in each sub-area. Sub-Option A. the last 10 fishing years prior to specifications. Sub-Option B. the last 20 fishing years prior to specifications. Option C. Set proportional to the level of GOM cod distribution in each sub-area. Sub-Option A. the last 10 calendar years prior to specifications. Sub-Option B. the last 20 calendar years prior to specifications. With an observer: If a commercial trip carries an observer or monitor, the vessel may declare into and fish in both the inshore and offshore areas. Without an observer: Commercial vessels would be prohibited from fishing in both the inshore and offshore Gulf of Maine areas on a single trip without an observer.
	*Mirrors the Inshore Gulf of Maine Declaration Plan in sector operations plans since FY 2014.

Decisions/Questions to Consider

The PDT recommends articulating why the Council is considering creating an inshore and offshore sub-ACL, to better inform the public of the Council is intent; such rationale should be linked to the goals of Amendment 18. The existing rationale states that doing so would limit catch to more specific areas within the Gulf of Maine.+This is an outcome more than a rationale.

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: After reviewing the PDT analyses, the Committee was concerned that splitting the sub-ACL would result in picking winners and losers in the fishery, depending on the percentages on either side of the line. Future fish distribution changes could be problematic, since the percentages would be static. Data has not been explicitly collected for the purpose of creating the line. Under Alternative 2, inshore boats would lose access to quota in the inshore area and would potentially have to lease their eastern quota to offshore boats. Sectors are working cooperatively now on developing approaches to avoid GOM cod in FY 2015.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 1 be selected as the Preferred Alternative. (7/1/0)

Rationale: There are unintended consequences of drawing the line and splitting the ACL of cod. It could lead to localized depletion of GOM cod. There were also safety concerns with encouraging small vessels to fish offshore.

Motion: What the GAP recommends to the Groundfish Committee that the Council should not recommend implementation of the Inshore Gulf of Maine Declaration Plan through regulation.+(8/0/1)

Rationale: Implementing sector solutions through regulations stifles the sectorsquare process, and removes flexibility that the sectors have. Sectors can solve problems much faster.

Recreational Advisory Panel Comments/Recommendations

N/A. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Impacts Analysis in DEIS:

Target species: p. 224-227, Appendix I Nontarget species: p. 237-239 Physical and habitat: p. 252-255

Protected resources: p. 260-263 Human communities: p. 301-308

Section 4.4.3 –Gulf of Maine Gear Restricted Area (p. 68-69, DEIS)

Groundfish Committee Motions:

The Committee recommends to the Council that in Section 4.4.3 (Gulf of Maine Gear Restricted Area), Alternative 1 (No Action) be selected as the Preferred Alternative. (7/1/0)

Alternatives/Options Under Consideration	Description Choose between Alternative 1 and 2. Alternative 2 may only be selected if Alternative 2 in Section 4.4.1 is selected.
Alternative 1	No action. Area applies to all trawls fishing under a groundfish DAS or sector trip (incl. monkfish; not shrimp). Potential no action. Pending Habitat OA2 final action. Potentially applying the area to all bottom trawl gear (preferred by the Council November 2014) and changing the boundary (non-preferred by the Council November 2014).
Alternative 2	Revise Gulf of Maine Gear Restricted Area to align with the inshore/offshore GOM boundary option.

Decisions/Questions to Consider

The boundary revision in Alternative 2 would apply to all fisheries that the GOM Gear Restricted Area applies to.

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: Alternatives for gear restrictions would be best addressed through a Habitat amendment.

Groundfish AP Comments/Recommendations

Motion: That the Groundfish Advisory Panel recommends to the Groundfish Committee that Alternative 2 in Section 4.4.3. (GOM Gear Restricted Area) be referred to the Habitat Committee for consideration in the next habitat action, as it is not consistent with the goals of Amendment 18. (8/0/0)

Rationale: Inshore roller gear restrictions would be more appropriate to review in a Habitat action. Goals of this are inconsistent with A18.

Recreational Advisory Panel Comments/Recommendations

N/A. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Impacts analysis in DEIS: Target species: p. 227

Nontarget species: p. 239-240 Physical and habitat: p. 255-256 Protected resources: p. 263-265 Human communities: p. 308-309

Section 4.4.4 – Declaration Time Periods for the Commercial Fishery (p. 69-70, DEIS)

Groundfish Committee Motions:

• The Committee recommends to the Council that in Section 4.4.4 (Declaration Time Periods for the Commercial Fishery), Alternative 1 (No Action) be selected as the Preferred Alternative. (8/0/1)

Alternatives/Options	Description				
Under Consideration	Choose one alternative. Alternative 2 may only be selected if Alternative 2 in Section 4.4.1 is selected.				
Alternative 1	No action.				
Alternative 2	Annually, vessels must declare their intent to and fish in either the inshore or offshore GOM area.				
Alternative 3	Seasonally (by trimesters), vessels must declare their intent to and fish in either the inshore or offshore GOM area.				
Alternative 4	Each trip, vessels must declare their intent to and fish in either the inshore or offshore GOM area.				

Decisions/Questions to Consider

Groundfish Committee Recommendations

Recommends Alternative 1. See above motion.

Rationale: Declaring into a time period would limit flexibility to avoid GOM cod under the proposed low ACLs for FY 2015.

Groundfish AP Comments/Recommendations

Motion (paraphrase): That Alternative 1 be selected as the Preferred Alternative. (8/0/0)

Rationale: Alternative 2 would decrease flexibility for the fleet. Most vessels would likely declare inshore for safety considerations, resulting in concentrated effort inshore.

Recreational Advisory Panel Comments/Recommendations

N/A . measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Impacts Analysis in DEIS: Target species: p. 228 Nontarget species: p. 240 Physical and habitat: p. 256 Protected resources: p. 265-268 Human communities: p. 310-314

Section 4.5 – Redfish Exemption Area (p. 71-71, DEIS)

Groundfish Committee Motions:

- The Committee recommends to the Council that, if the Redfish Exemption in the FY 2015-2016 Sector Proposed Rule is disapproved by NMFS, in Section 4.5 (Redfish Exemption Area), Alternative 2 (Establish a Redfish Exemption Area) be revised to be identical to the FY2015-2016 Sector Proposed Rule and selected as the Preferred Alternative.
- Table the above motion to the April 2015 Council meeting. (8/0/0)

Alternatives/Options Under Consideration	Description Choose one alternative.
Alternative 1	No action. No Redfish Exemption Area. Proposed status quo. Proposed FY 2015-2016 Redfish Exemption Area for sectors.
Alternative 2	 Establish a Redfish Exemption Area. Monitoring. (choose one) Option A. No Action. Do not require additional observers beyond the standard rates for the commercial groundfish fishery when fishing under the redfish exemption. Option B. Require 100% observer coverage when fishing under the redfish exemption.

Decisions/Questions to Consider

Alternative 2 mirrors the original FY 2015 sector exemption request. The Council could revise Alternative 2 to mirror what is proposed in the *Federal Register* or add an alternative that would do so.

Groundfish Committee Recommendations

A motion to make a recommendation was tabled. See above motions.

Rationale: There was support for the exemption as in the Proposed Rule. The Final Rule will likely be published prior to the Council meeting. The Committee preferred to not make a recommendation on Section 4.5 until seeing the Final Rule.

Groundfish AP Comments/Recommendations

A motion to support Alternative 2 was made, but later withdrawn, due to concerns that establishing the exemption in the FMP would remove the ability to annually review it. Members of the GAP felt that the regular sector exemption process gives the industry and NMFS more flexibility to address changes in the fishery.

Recreational Advisory Panel Comments/Recommendations

N/A. measures do not affect the recreational fishery.

Other Important Considerations/DEIS References

Differences between Alternative 2 and the proposed FY 2015 and 2016 Sector Rule:

- Alternative 2 would incorporate this exemption into the FMP, so that sectors would no longer need to make annual exemption requests (though they could still do so).
- Alternative 2 would include the common pool.
- Alternative 2 would not have bycatch and discarding standards.
- Alternative 2 could only allow fishing under this exemption if an observer is on-board (see Option B below).
- The boundaries of the Redfish Exemption Area are different. The proposed sector rule boundary excludes Statistical Reporting Areas 138 for the entire year and 131 in February and March.

Impacts Analysis in DEIS: Target species: p. 228-230 Nontarget species: p. 240-242

Physical and habitat: p. 256-257 Protected resources: p. 268-269 Human communities: p. 315-317

Table 1 - Potential impact of the accumulation limit alternatives (Section 4.1)

Accumulation Limit Alternatives/Options	VEC: Target Species	VEC: Nontarget Species	VEC: Physical and EFH	VEC: Protected Resources	VEC: Human Communities
Section 4.1.3.2. Disposition of current holdings in excess of what is allowed ó Option A (hold permits but not use excess PSC)	Neutral. Administrative.	Neutral. Administrative.	Uncertain. Unknown how effort would change.	Neutral. Administrative.	Uncertain overall. Positive re Option B, low positive re Option C for permit holder. Low negative re Option B, neutral re Option C for fishery. Both permit holder and fishery benefit.
Section 4.1.3.2. Disposition of current holdings in excess of what is allowed ó Option B (divest permits with excess PSC)	Short-term low positive, long-term neutral.	Short-term low positive, long-term neutral.	Uncertain. Unknown how effort would change.	Neutral. Administrative.	Uncertain overall. Negative re Options A and C for permit holder & low positive for fishery. Permit holder loses entire permit, though fishery benefits.
Section 4.1.3.2. Disposition of current holdings in excess of what is allowed ó Option C (hold permits but divest excess PSC)	Neutral. Administrative.	Neutral. Administrative.	Uncertain. Unknown how effort would change.	Neutral. Administrative.	Uncertain overall. Low negative re Option A, positive re Option B for permit holder. Neutral re Option A & low negative re Option C for fishery. Permit holder loses value of excess PSC when sold, though fishery benefits.
Section 4.1.3.2. Acquisition of future holdings ó Option A (hold permits but not use excess PSC)	Neutral. Administrative.	Neutral. Administrative.	Uncertain. Unknown how effort would change, though greatest potential for change relative to Alts. 3-6.	Neutral. Administrative.	Low positive for permit holder, neutral for fishery re Option B. Both permit holder and fishery benefit.
Section 4.1.3.2. Acquisition of future holdings ó Option B (hold permits but divest excess PSC)	Neutral. Administrative.	Neutral. Administrative.	Uncertain. Unknown how effort would change, though any changes expected to be minimal.	Neutral. Administrative.	Low negative for permit holder, neutral for fishery re Option A.

Section 4.1.3.3. Limit PSC holdings ó Alternative 2 (to control date maximum)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. Any changes expected to be minimal. Unknown how effort would redistribute.	Neutral. No change to total fishing effort or behavior.	Short-term low negative to negative to those constrained, low positive to fishery re Alt. 1. Long-term low negative, but potentially high positive. Would allow consolidation, but prevent market power.
Section 4.1.3.4. Limit PSC holdings ó Alternative 3 (to 15.5 for all stocks)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. Any changes expected to be minimal. Unknown how effort would redistribute.	Neutral. No change to total fishing effort or behavior.	Short-term low negative to those constrained, low positive to fishery re Alt. 1. Long-term low negative , but potentially high positive . Limit recommended by Compass Lexecon. Would allow consolidation, but prevent market power.
Section 4.1.3.4. Limit PSC holdings ó Alternative 3, Option A (to 15.5 for all stocks; divest excess PSC)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. Any changes expected to be minimal. Unknown how effort would redistribute.	Neutral. No change to total fishing effort or behavior.	Short-term uncertain. Long-term low negative to fishery. Could acquire additional permits, but excess would be redistributed.
Section 4.1.3.5. Limit PSC holdings ó Alternative 4, Option A (by stock type, limit for all stocks)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. Any changes expected to be minimal. Unknown how effort would redistribute.	Neutral. No change to total fishing effort or behavior.	Short-term neutral to low negative re Alt. 1. Long-term low negative , but potentially high positive . Positive for the fishery re Option B. Would allow consolidation, but prevent market power.
Section 4.1.3.5. Limit PSC holdings ó Alternative 4, Option B (by stock type, limit for 3 stocks)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. No change to within-fishery fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Short-term neutral re Alt. 1. Long-term low negative to fishery, but may be positive . Negative for the fishery re Option A. Would allow consolidation, but prevent market power for only 3 stocks.

Section 4.1.3.6. Limit PSC holdings ó Alternative 5 (to 30 for GB winterflounder, 20 for other stocks)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. No change to within-fishery fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Short-term neutral to low negative re Alt. 1. Long-term low negative , but potentially high positive . Positive for the fishery re Option B. Would allow consolidation, but prevent market power.
Section 4.1.3.7. Limit PSC holdings ó Alternative 6 (limit collective PSC holdings)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. No change to within-fishery fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Short-term neutral. Long-term negative to fishery. Would allow consolidation and not prevent market power.
Section 4.1.4.2. Limit permit holdings - Alternative 2 (to 5%)	Neutral. No change to total fishing effort or behavior.	Neutral. No change to total fishing effort or behavior.	Neutral. No change to fishing effort or behavior.	Neutral. No change to fishing effort or behavior.	Neutral re Alt. 1. Would allow consolidation and not prevent market power. Would allow more consolidation than PSC Alts. 2-5.

Table 2 - Potential impact of the Handgear A permit alternatives (Section 4.2)

Handgear A Alternatives/Options	VEC: Target Species	VEC: Nontarget Species	VEC: Physical and EFH	VEC: Protected Resources	VEC: Human Communities
Section 4.2.1.2. Establish HA permit fishery ó Alternative 2 (create sub-ACL)	Neutral. Administrative	Neutral. Administrative.	Neutral. Hook gear does not generate adverse impacts to EFH.	Neutral. No significant risk from hook gear in the area. Protected species interactions with hook gear are rare.	Economic: Neutral to low positive. Social: Low positive. Increases choices for HA permit holders. Removes PSC for others and may seem to be unfair.
Section 4.2.1.2. Establish HA permit fishery ó Alternative 2, Discards Option A (estimate annual rate and subtract from sub-ACL)	Neutral. Size of HA sub-ACL is very small.	Neutral. Size of HA sub-ACL is very small.	Neutral. Hook gear does not generate adverse impacts to EFH.	Neutral. No significant risk from hook gear in the area. Protected species interactions with hook gear are rare.	Economic: Neutral. Social: Negative for HA fishery re Option B; positive for others as it may seem more fair.

Section 4.2.1.2. Establish HA permit fishery ó Alternative 2, Discards Option B (assume <i>de minimus</i> discards) Section 4.2.1.2. Establish HA permit fishery ó Alternative 2, In-season AMs Option A (close fishery when 100% is caught) Section 4.2.1.2. Establish HA permit fishery ó Alternative 2, In-season AMs Option B (close fishery when 90% is caught)	Neutral. Size of HA sub-ACL is very small. Neutral. Size of HA sub-ACL is very small. Neutral. Size of HA sub-ACL is very small.	Neutral. Size of HA sub-ACL is very small. Neutral. Size of HA sub-ACL is very small. Neutral. Size of HA sub-ACL is very small.	Neutral. Hook gear does not generate adverse impacts to EFH. Neutral. Hook gear does not generate adverse impacts to EFH. Neutral. Hook gear does not generate adverse impacts to EFH.	Neutral. No significant risk from hook gear in the area. Protected species interactions with hook gear are rare. Neutral. No significant risk from hook gear in the area. Protected species interactions with hook gear are rare. Neutral. No significant risk from hook gear in the area. Protected species interactions with hook gear are rare.	Economic: Neutral. Social: Positive for HA fishery re Option A; negative for others as it may seem less fair. Economic: Positive re Alt. 1 and Option B. Social: Positive for HA fishery re Option B. Re Alt. 1, neutral for HA sector members & uncertain for common pool. Economic: Negative re Alt. 1 & Option B. Social: Negative for HA fishery re Option A, but may better prevent overages. Re Alt. 1, low negative for HA sector members & uncertain
Section 4.2.1.2. Establish HA permit fishery ó Alternative 2, Reactive AMs Option A (trigger if HA sub-ACL is exceeded) Section 4.2.1.2. Establish HA permit fishery ó Alternative 2, Reactive AMs Option B (trigger if HA sub-ACL & total ACL are exceeded)	Neutral. Size of HA sub-ACL is very small. Neutral. Size of HA sub-ACL is very small.	Neutral Size of HA sub- ACL is very small. Neutral. Size of HA sub- ACL is very small.	Neutral Hook gear does not generate adverse impacts to EFH. Neutral. Hook gear does not generate adverse impacts to EFH.	Neutral No significant risk from hook gear in the area. Protected species interactions with hook gear are rare. Neutral. No significant risk from hook gear in the area. Protected species interactions with hook gear are rare.	for common pool. Economic: Negative re Option B; low positive re Alt. 1. Social: Low negative re Option B for HA fishery; positive for others as it may seem more fair. Economic: Positive re Alt. 1 & Option A. Social: Low positive re Option A for HA fishery; positive for others as it may seem more fair.

Section 4.2.2.2.	Low negative.	Low negative.	Neutral.	Neutral.	Economic : Low positive.
Remove March 1-20	Some target	Some non-	Hook gear does	No significant risk	<i>Social</i> : Neutral for
HA closure -	species spawn	target species	not generate	from hook gear in the	current sector vessels,
Alternative 2 (remove)	in March.	spawn in	adverse impacts	area. Protected species	positive for common
		March.	to EFH.	interactions with hook	pool.
				gear are rare.	
Section 4.2.3.2.	Neutral.	Neutral.	Neutral.	Neutral.	Economic: Neutral.
Remove standard tote	Fish tote	Fish tote	Hook gear does	No significant risk	Social: Positive. Improve
requirement -	requirement is	requirement is	not generate	from hook gear in the	deck operations.
Alternative 2 (remove)	not enforced.	not enforced.	adverse impacts	area. Protected species	
			to EFH.	interactions with hook	
				gear are rare.	
Section 4.2.1.2.	Low negative.	Low negative.	Neutral.	Neutral.	Economic: Neutral to
Exempt HA permits in	VMS can be	VMS can be	Hook gear does	No significant risk	low positive.
sectors from VMS use -	used for	used for	not generate	from hook gear in the	Social: Positive.
Alternative 2 (exempt)	accurate catch	accurate catch	adverse impacts	area. Protected species	Incentivize participation
	attribution.	attribution.	to EFH.	interactions with hook	in sectors.
				gear are rare.	

Table 3 - Potential impact of the data confidentiality alternatives (Section 4.3)

Data Confidentiality Alternatives	VEC: Target Species	VEC: Nontarget Species	VEC: Physical and EFH	VEC: Protected Resources	VEC: Human Communities
Section 4.3.2.	Neutral.	Neutral.	Neutral.	Neutral.	Economic: Uncertain,
Data confidentiality -	Administrative	Administrative.	Administrative.	Administrative.	potentially low-positive.
Alternative 2 (value of					Social: Low positive. May
ACE movement would					help fishery-wide
be non-confidential)					participation in ACE markets
					& ACE use; may be seen as
					an overreach of management.

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Table 4 - Potential impact of the inshore/offshore Gulf of Maine alternatives (Section 4.4)

Inshore/Offshore Alternatives/Options	VEC: Target Species	VEC: Nontarget Species	VEC: Physical and EFH	VEC: Protected Resources	VEC: Human Communities
Section 4.4.1.2. Inshore/Offshore Boundary ó Alternative 2 Option A (@ 70°W)	Neutral. Administrative.	Neutral. Administrative.	Neutral. Status quo effort.	Neutral. Administrative.	Economic: Short-term neutral; long-term uncertain. Social: Neutral re Alt. 1, but may be low negative.
Section 4.4.1.2. Inshore/Offshore Boundary ó Alternative 2 Option B (@ 70°15øW)	Neutral. Administrative.	Neutral. Administrative.	Neutral. Status quo effort.	Neutral. Administrative.	Economic: Short-term neutral; long-term uncertain. Social: Neutral re Alt. 1, but may be low negative.
Section 4.4.1.2. Inshore/Offshore Boundary ó Alternative 2 Option C (@ 69°50øW & ME coast)	Neutral. Administrative.	Neutral. Administrative.	Neutral. Status quo effort. Inshore are covers more EFH than Options A and B.	Neutral. Administrative.	Economic: Short-term neutral; long-term uncertain. Social: Neutral re Alt. 1, but may be low negative.
Section 4.4.2.2. Inshore/Offshore GOM cod sub-ACLs ó Alternative 2 Option A (split set during specs)	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative.	Uncertain Allocation method to be determined.	Neutral. Status quo effort.	Negative re Alt. 1; low negative re Options B & C.
Section 4.4.2.2. Inshore/Offshore GOM cod sub-ACLs ó Alternative 2 Option B sub-Option A (split based on last 10 years of catch)	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative. Potentially more positive than sub-Option B.	Neutral. Status quo effort.	Economic: Negative re Alt. 1, low positive re Option A & B & sub-Option B. Social: Negative re Alt. 1, positive re Option B, negative re Option C. Positive re sub-Option B.
Section 4.4.2.2. Inshore/Offshore GOM cod sub-ACLs ó Alternative 2 Option B sub-Option B (split based on last 20 years of catch)	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative. Potentially less positive than sub-Option A.	Neutral. Status quo effort.	Negative re Alt. 1, low negative re Option A & B & sub-Option A.

Section 4.4.2.2. Inshore/Offshore GOM cod sub-ACLs ó Alternative 2 Option C sub-Option A (split based on last 10 years of cod distribution)	Uncertain. Could be positive or negative.	Uncertain Could be positive or negative.	Uncertain. Could be positive or negative. Potentially more positive than sub-Option B.	Neutral. Status quo effort.	Economic: Negative re Alt. 1, low positive re Option A; low negative re B & sub-Option B. Social: Negative re Alt. 1; low positive re sub-Option A; negative re Option B; positive re sub-Option B.
Section 4.4.2.2. Inshore/Offshore GOM cod sub-ACLs ó Alternative 2 Option C sub-Option B (split based on last 20 years of cod distribution)	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative.	Uncertain. Could be positive or negative. Potentially less positive than sub-Option A.	Neutral. Status quo effort.	Economic: Negative re Alt. 1, low positive re Option A; low negative re B; low positive re sub-Option B. Social: Negative re Alt. 1, low positive re sub-Option A; negative re Option B; negative re sub-Option A.
Section 4.4.3.2. GOM Gear Restricted Area ó Alternative 2 (revise to match inshore/offshore boundary)	Varies. Negative re Options A and B. Reduced area. Positive re C. Increased area.	Varies. Negative re Options A and B. Reduced area. Positive re C. Increased area.	Varies. Negative re Options A and B. Reduced area. Positive re C. Increased area.	Neutral. Status quo effort. No impact of roller gear size on protected resources.	Economic: Long-term uncertain. A \(\preceq\$ Low positive. B \(\preceq\$ Low negative. C \(\preceq\$ Low negative. Social: Mixed. Unclear if fishery operations would substantially change. A \(\preceq\$ Low positive for large rockhopper vessels, low negative for the fishery. B \(\preceq\$ Positive for large rockhopper vessels, negative for the fishery. C - Negative for large rockhopper vessels, positive for the fishery.

Section 4.4.4.2.	Neutral.	Neutral.	Neutral.	Short-term:	Negative re Alt. 1, 3 & 4.
Declaration Time Periods	Annual sub-	Annual sub-	Status quo effort.	Neutral	
ó Alternative 2 (annual	ACLs limit	ACLs limit		Long-term: Low	
declaration)	removals.	removals.		negative.	
Section 4.4.4.3.	Neutral.	Neutral.	Neutral.	Short-term:	Negative re Alt. 1 & Alt 4;
Declaration Time Periods	Annual sub-	Annual sub-	Status quo effort.	Neutral	positive re Alt. 2.
ó Alternative 3 (seasonal	ACLs limit	ACLs limit		Long-term: Low	
declaration)	removals.	removals.		negative.	
Section 4.4.4.3.	Neutral.	Neutral.	Neutral.	Short-term:	Low negative re Alt. 1; positive
Declaration Time Periods	Annual sub-	Annual sub-	Status quo effort.	Neutral	re Alts. 2 & 3.
ó Alternative 4 (trip	ACLs limit	ACLs limit		Long-term: Low	
declaration)	removals.	removals.		negative.	

Table 5 - Potential impact of the Redfish Exemption Area alternatives (Section 4.5)

Redfish Exemption Alternatives/Options	VEC: Target Species	VEC: Nontarget Species	VEC: Physical and EFH	VEC: Protected Resources	VEC: Human Communities
Section 4.5.2. Redfish Exemption Area ó Alternative 2 Option A (status quo observer coverage)	Uncertain. Monitoring negative re Alt. 1. Bycatch and discard standards not included.	Uncertain. Monitoring negative re Alt. 1. Bycatch and discard standards not included.	Positive re Alt. 1; neutral re status quo sector exemption; negative re Option B.	Neutral. Trawl gear interaction in Area currently low.	Positive re Alt 1. Option A neutral re Alt. 1; low positive re Option B.
Section 4.5.2. Redfish Exemption Area ó Alternative 2 Option B (100% observer coverage)	Uncertain. Monitoring negative re Alt. 1. May produce data biases.	Uncertain. Monitoring negative re Alt. 1. May produce data biases.	Positive re Alt. 1; neutral re status quo sector exemption; positive re Option A.	Neutral. Trawl gear interaction in Area currently low.	Positive re Alt 1. Option B low negative re Alt. 1 and Option A.