



## New England Fishery Management Council

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# AMENDMENT 18 DISCUSSION GUIDE

## For the

### September 17-18, 2014 Groundfish Oversight Committee Meeting

#### Prepared by the

#### Groundfish Plan Development Team

### Overall Goal

The Council partially approved the Range of Alternatives in June. The Committee needs to prepare the remaining alternatives for approval at the September-October Council meeting.

### Inshore/Offshore Gulf of Maine (Section 4.5)

#### Goal:

Review, possibly revise and approve Section 4.5 Inshore/Offshore Gulf of Maine.

#### Homework:

1. Read Discussion Document Section 4.5 (p. 50-58)
2. Read Sept. 9 PDT memo (p. 2-4).
3. May want to review prior analyses on cod distribution and effort provided for the August 4 meeting.

#### Discussion Topics:

1. Section 4.5.1.2 considers two options for an inshore/offshore boundary, and the OSC stated that the intent of one option (70°15ø) is to "create a distinction between the day-boat and trip boat fisheries." What does "distinction" mean? Does the OSC envision having these components of the fleet fish in separate areas? How should the measures in Sections 4.5.2 ó 4.5.4 make the fleets distinct?
2. Section 4.5.2.2 considers establishing sub-ACLs for GOM cod.
  - a. Determination of the sub-ACL. Sub-options for Options B and C were inserted per OSC motion. Does the OSC approve of the language in this section? Committee members were interested in talking further about whether the Option B sub-options should be fixed time periods or roll forward. For Option B, how should the recreational split be determined?

- b. Catch monitoring. This provision would apply to the commercial and recreational fisheries. Within the recreational fishery, should it apply to both the party/charter and private angler components? Note that the private anglers are not required to carry federal permits (just salt water licenses) and it may not be possible to require monitoring in cases where a permit is not required. How would this provision be enforced for vessels without VMS?
  - c. Apart from improved catch attribution, does the Committee envision these measures changing the fishery? How?
- 3. Section 4.5.3 considers modifying the GOM gear restricted area. The Council directed the OSC and PDT to develop alternatives that would "expand" the area. Alternative 2 would contract the area geographically relative to no action, unless the Council approves the non-preferred alternative in the Habitat Amendment that would decrease the area.
  - a. How does the OSC envision expanding the area? Geographically? Gear types?
  - b. This area was developed with a habitat protection rationale. How does the OSC envision revising the rationale to support the A18 goals?
  - c. How will this section apply to the recreational fishery, conforming to the Council motion?
- 4. Section 4.5.4 considers establishing declaration time periods for fishing in the inshore or offshore area. In August, the Committee added alternatives for declaring into the commercial fishery on an annual, seasonal, or trip level basis for each area. There was also interest in including an alternative that would mirror the inshore Gulf of Maine declaration provisions that sectors have adopted in their operations plans for FY2014.
  - a. Does the Committee envision affecting the effort on GOM cod? How? Since vessels in both areas would likely become more reliant on leased inshore and/or offshore GOM cod ACE, friction within the lease market could result in reduced effort, but it will be difficult to project specificity how.
  - b. There was some interest in spreading out effort throughout the year in the inshore area. Does the Committee envision this section as the place to develop alternatives that would achieve that? If so, the specifics need to be articulated.
  - c. How will this section apply to the recreational fishery, conforming to the Council motion? To date, the Committee has not yet approved measures for the recreational fishery.

## **Accumulation Limits (Section 4.1)**

### Goal:

Review, possibly revise and approve Section 4.1.3 PSC Holdings in Excess of Accumulation Limit.

### Homework:

1. Read Discussion Document Section 4.1.3 (p. 35-38), noting revisions to its organization and that Section 4.1.3.1 Option A will get moved to Considered but Rejected upon Council approval.
2. Read Sept. 9 PDT memo (p. 4-7).

### Discussion Topics:

1. Section 4.1.3.2 relates to current holdings above what is allowed. Options A and B were clarified and Option C was added based on August 4 OSC motions and discussion. Does the OSC approve of the language in this section?
2. Section 4.1.3.3 relates to future holdings and was added based on the August 4 OSC motions and discussion. Does the OSC approve of the language in this section?
3. On August 4, the following question was raised, but consideration of it was postponed. At first point of permit transfer through an estate, should the recipient of permits be constrained by the accumulation limit? For example, if the PSC limit is 15 and a son holds 15, can the son inherit additional PSC from his father? As is, the alternatives in the document apply the cap to each individual permit holder no matter how they obtain the permits/PSC (Section 4.1.1), so the answer to the first question would be "yes" and the second would be "no." Would the OSC like to add options?
4. On August 4, the following question was raised, but consideration of it was postponed. If one's holdings increase due to external factors (e.g., permit buyout with PSC redistribution) can one's holdings increase over the cap? As is, the alternatives in the document apply the cap to each individual permit holder no matter how they obtain the permits/PSC, so the answer to the question would be "no." Would the OSC like to add options?

## **Data Confidentiality (Section 4.4)**

### Goal:

Review, possibly revise and approve Section 4.4 Data Confidentiality.

### Homework:

1. Read Discussion Document Section 4.4 (p. 49)
2. Read Sept. 9 PDT memo (p. 7-9).

### Discussion Topics:

1. Can the OSC articulate why making non-confidential the value associated with the movement of PSC-determine catch allocations (ACE) within and between sectors at the individual person level is necessary for the administration of the program, warranting an

exception to the data confidentiality requirements of the Magnuson-Stevens Act?  
Without this, Alternative 2 is likely to be considered non-viable and thus not approvable  
by NMFS.

## **Other A18 Measures**

### Goal:

The Council is scheduled to approve the Range of Alternatives at the end of September. Consider any final revisions to the Range of Alternatives, noting that the Range for the HA measures and U.S. Canada trading have already been approved.

### Homework:

1. Read Discussion Document Section 4 (all; p. 30-58)
2. Read Sept. 9 PDT memo (all).
3. Prepare any final revisions.

### Discussion Topics:

1. Are there any other additions/revisions to consider?

## **Preliminary Impacts Analysis**

### Goal:

Consider the PDT's feedback from beginning impacts analysis of Section 4.2 Trading U.S./Canada TACs and potentially clarify the intent of the alternatives.

### Homework:

1. Read Discussion Document Section 4.2 (p. 40-42) and Appendix I (p. 149-150)
2. Read Sept. 9 PDT memo (p. 9).

### Discussion Topics:

1. Does the Committee envision a limit on the number of trades per year and the timing?
2. Does the Committee envision a minimum size threshold for trades?
3. What is the rationale for why the common pool is excluded from trades?
4. Before trades can be offered to Canada should a right of first refusal be allowed for other sectors or other U.S. fisheries (e.g., the scallop fishery)?
5. What degree of Council consultation is envisioned, with just the OSC or the entire Council?