

7.2 IMPACTS ON TARGET SPECIES

Biological impacts discussed below focus on expected changes in fishing mortality for regulated multispecies (groundfish) stocks that the fishery targets. Changes in fishing mortality may result in changes in stock size. The impacts associated with the measures are anticipated to be minor and not significant. Section 6.1 contains background information on the target species.

7.2.1 Accumulation Limits

7.2.1.1 Entities to Which Accumulation Limit would apply.

If an accumulation limit is implemented through this action, NMFS would likely apply an accumulation limit to individuals and state-operated permit banks.

This is an administrative measure that would not be expected to have any impacts on regulated groundfish species. Therefore, the impacts would be neutral.

7.2.1.2 Future Adjustment of Accumulation Limit

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

This is an administrative measure that would not be expected to have any impacts on regulated groundfish species. Therefore, the impacts would be neutral.

7.2.1.3 Limit the Holdings of PSC

7.2.1.3.1 Alternative 1: No Action

Under Alternative 1, there would be no limit on the holdings of PSC.

The impacts of Alternative 1 on regulated groundfish species would be neutral. Alternative 1 would not have a direct impact on regulated groundfish species, because it does not, in and of itself, change fishing effort or fishing behavior. The impacts of Alternative 1 are expected to be neutral.

7.2.1.3.1 Alternatives 2-6

PSC Holdings in Excess of Accumulation Limit

If one of Alternatives 2-6 is selected, there may be cases where the current PSC held by an individual or entity exceeds the accumulation limit. The section discusses impacts on how current and future excess holdings would be treated.

Accumulation limit Alternatives 2-6 would impact the potential holdings of an individual human person or permit bank, and are separate and distinct from stock specific ABCs and ACLs that limit fishing mortality and may constrain fishing effort. Limits on PSC holdings would not impose restrictions on the in-season lease of fish (ACE, if the PSC holder joined a sector) between sectors, such that the overall number of sector vessels prosecuting the fishery would not be limited by PSC caps, nor would PSC caps place any restrictions on how the fishery is prosecuted (i.e. when, where, or with what gear). The PSC of vessels fishing in the common pool is aggregated into a common pool sub-ACL, and distributed across trimesters, as determined in A16. Furthermore for several options, excess PSC would be redistributed to the groundfish

fishery and therefore would not limit the overall available catch. Likewise, limits on holdings of PSC would not have a direct impact on regulated groundfish species because they would not, in and of themselves, change fishing effort or behavior.

In general, Alternatives 2-6 are not expected to have any impacts on regulated groundfish species. However in the case in which permits must be divested, under Option B, in the short term there may be low positive impact on regulated groundfish species until permits with PSC in excess of the accumulation limit are divested, because PSC holding in excess of the cap would not be able to be fished or leased. However, Option B would not have a direct impact on regulated groundfish species once permits were divested, because it does not, in and of itself, change fishing effort or fishing behavior.

Therefore, overall the impacts of these alternatives are expected to be neutral.

7.2.1.4 Limit the Holdings of Permits

7.2.1.4.1 Alternative 1: No Action

Under Alternative 1, there would not be limits on the holdings of permits by individuals or entities.

If Alternative 1/No Action is selected, Alternative 1/No Action would not have a direct impact on regulated groundfish species because it does not, in and of itself, change fishing effort or fishing behavior. When compared to Alternative 2, the impacts of Alternative 1 are expected to be neutral.

7.2.1.4.2 Alternative 2: Limiting the Holdings of Permits

Under Alternative 2, for any single fishing year, no individual or entity shall hold more than 5 percent of the Northeast Multispecies permits. This includes permits issued to vessels and eligibilities in Confirmation of Permit History. If an individual or entity held more than 5% of the permits on the control date (April 7, 2011), they would be restricted to holding no more than the number of permits they held as of the control date.

Alternative 2 is considered administrative. If Alternative 2 is selected, Alternative 2 would not have a direct impact on regulated groundfish species because it does not, in and of itself, change fishing effort or fishing behavior. When compared to Alternative 1/No Action, the impacts of Alternative 2 are expected to be neutral.

7.2.2 Handgear A Permit Measures

To be provided.

7.2.3 Data Confidentiality

7.2.3.1 Alternative 1: No Action

No Action. The price of ACE traded between sectors and the movement of ACE within sectors would remain confidential. Other data on ACE trades between sectors (sectors, date of trade, stocks, amount of ACE) is currently posted to the GARFO website.

Alternative 1/No Action is considered administrative. If Alternative 1/No Action is selected, the impacts on regulated groundfish species are expected to be neutral compared to Alternative 2.

7.2.3.2 Alternative 2: ACE Disposition Data Would be Exempt from the Confidentiality Requirement

Under Alternative 2, the value associated with the movement of PSC-determined catch allocations (ACE) within and between sectors would be considered non-confidential and made available to the public. Consistent with current data submission timeframes, price data on trades made between sectors would be made available during the fishing year. Price data on the movement of ACE within sectors would be made available after the end of the fishing year.

Alternative 2 is considered administrative. If Alternative 2 is selected, the impacts on regulated groundfish species are expected to be neutral compared to Alternative 1/No Action.

7.2.4 Inshore/Offshore Gulf of Maine

7.2.4.1 Inshore/Offshore Gulf of Maine Boundary

Management area boundaries are key elements of the ACL distribution system. They may also be applied to other management measures. Alternatives to divide the existing Gulf of Maine broad stock management area (Figure 1, Figure 6) are identified in this section.

7.2.4.1.1 Alternative 1: No Action

Under Alternative 1, a new inshore/offshore boundary line in the Gulf of Maine would not be established.

If Alternative 1/No Action is selected, the impacts on regulated groundfish species are expected to be neutral compared to Alternative 2, as Options A-C are considered administrative since establishing a line would not have a direct impact on regulated groundfish species because it does not, in and of itself, change fishing effort or fishing behavior.

7.2.4.1.2 Alternative 2: Establish an Inshore/Offshore Boundary

Under Alternative 2, a new sub-area boundary (Option A, B, or C below) would be established within the Gulf of Maine Management Area to distinguish between inshore and offshore fishing practices. This boundary may be adjusted through subsequent framework action and would not apply to vessels with only state-water groundfish permits.

The Council may select Option A, B, or C.

Option A. Establish an inshore/offshore Gulf of Maine boundary at 70°W longitude (Figure 2).

Option B. Establish an inshore/offshore Gulf of Maine boundary at 70°15'W longitude (Figure 2).

Option C. Establish an inshore/offshore Gulf of Maine boundary from 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 Maine's 12 nm territorial sea line northeast to the Hague Line (Figure 2).

Generally, Alternatives 2A- 2C are considered administrative since establishing a line would not have a direct impact on regulated groundfish species because it does not, in and of itself, change fishing effort or fishing behavior. Overall, the impacts on regulated groundfish species are expected to be neutral.

7.2.4.2 Inshore/Offshore Gulf of Maine Cod sub-ACLs

If the Council selects Alternative 2 in Section 4.4.1, then Alternative 2 in this section may be selected.

7.2.4.2.1 Alternative 1: No Action

Under Alternative 1, a sub-ACL would not be established within the commercial ACL for Gulf of Maine cod in the Gulf of Maine management sub-areas (identified in Section 4.4.1). No new strata for observer coverage would be created.

If Alternative 1/No Action is selected, the impacts on regulated groundfish species are expected to be neutral compared to Alternative 2, since establishing sub-ACLs for GOM cod would not have a direct impact on regulated groundfish species because it does not, in and of itself, change fishing effort or fishing behavior.

7.2.4.2.2 Alternative 2: Establish Inshore/Offshore Commercial GOM Cod sub-ACL

Within the commercial ACL for GOM cod, establish a sub-ACL for the inshore and offshore Gulf of Maine management sub-areas, as identified in Section 4.4.1.2. This alternative would change neither the GOM cod ACL setting process nor the ACL distribution between the commercial and recreational fishery. The commercial sub-ACL would be set during each specifications process. Provisions for a sub-ACL control rule, commercial allocation, and catch monitoring are outlined below. This alternative would not change catch attribution methods for federally-permitted vessels fishing in state waters. The distribution of allocation within the commercial fishery would remain unchanged.

If Alternative 2 is selected, the impacts on regulated groundfish species are expected to be neutral compared to Alternative 1/No Action, since establishing sub-ACLs for GOM cod would not have a direct impact on regulated groundfish species because it does not, in and of itself, change fishing effort or fishing behavior.

Determining the GOM cod sub-ACLs

To be provided.

Commercial Catch Monitoring

To be provided.

7.2.4.3 Gulf of Maine Gear Restricted Area

To be provided.

7.2.4.4 Declaration Time Periods for the Commercial Fishery

To be provided.

7.2.5 Redfish Exemption Area

To be provided.

7.3 IMPACTS ON NON-TARGET SPECIES

This section summarizes the possible impacts of the alternatives under consideration on nontarget species, including the nonallocated groundfish stocks and species in areas adjacent to the authority of the NEFMC. These impacts are discussed in a general nature given the complexity of the alternatives under consideration and the difficulty in predicting behavioral reactions to those measures. The ability to move between fisheries is constrained in part by the permits held by individual vessels and in part by the fisheries that are available in the area that the vessel typically fishes. While vessels operators could choose to relocate to take advantage of other fishing opportunities there are disincentives to do so: difficulty arranging dock space, unfamiliarity with fishing grounds, etc.

7.3.1 Accumulation Limits

7.3.1.1 Entities to Which Accumulation Limit would apply.

If an accumulation limit is implemented through this action, NMFS would likely apply an accumulation limit to individuals and state-operated permit banks.

This is an administrative measure that would not be expected to have any impacts on non-target species. Therefore, the impacts would be neutral.

7.3.1.2 Future Adjustment of Accumulation Limit

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

This is an administrative measure that would not be expected to have any impacts on non-target species. Therefore, the impacts would be neutral.

7.3.1.3 Limit the Holdings of PSC

7.3.1.3.1 Alternative 1: No Action

Under Alternative 1/No Action, there would continue to be no limit on the holdings of PSC.

The impacts of Alternative 1 on non-target species would be neutral. Alternative 1 would not have a direct impact on non-target species, because it does not, in and of itself, change fishing effort or fishing behavior. The impacts of Alternative 1 are expected to be neutral

7.3.1.3.1 Alternatives 2-6

PSC Holdings in Excess of Accumulation Limit

If one of Alternatives 2-6 is selected, there may be cases where the current PSC held by an individual or entity exceeds the accumulation limit. The section discusses impacts on how current and future excess holdings would be treated.

Accumulation limit Alternatives 2-6 would impact the potential holdings of an individual human person or permit bank, and are separate and distinct from stock specific ABCs and ACLs that limit fishing mortality and may constrain fishing effort. Limits on PSC holdings would not impose restrictions on the in-season lease of fish (ACE, if the PSC holder joined a sector) between sectors, such that the overall number of sector vessels prosecuting the fishery would not

be limited by PSC caps, nor would PSC caps place any restrictions on how the fishery is prosecuted (i.e. when, where, or with what gear). The PSC of vessels fishing in the common pool is aggregated into a common pool sub-ACL, and distributed across trimesters, as determined in A16. Furthermore for several options, excess PSC would be redistributed to the groundfish fishery and therefore would not limit the overall available catch. Likewise, limits on holdings of PSC would not have a direct impact on non-target species because they would not, in and of themselves, change fishing effort or behavior.

In general, Alternatives 2-6 are not expected to have any impacts on non-target species. However in the case in which permits must be divested, under Option B, in the short term there may be low positive impacts on non-target species co-caught (e.g., monkfish, skates, and dogfish) with regulated groundfish species until permits with PSC in excess of the accumulation limit are divested, because PSC holding in excess of the cap would not be able to be fished or leased.

However, Option B would not have a direct impact on non-target species co-caught with regulated groundfish species once permits were divested, because it does not, in and of itself, change fishing effort or fishing behavior.

Therefore, overall the impacts of these alternatives are expected to be neutral.

7.3.1.4 Limit the Holdings of Permits

7.3.1.4.1 Alternative 1: No Action

Under Alternative 1, there would not be limits on the holdings of permits by individuals or entities.

If Alternative 1/No Action is selected, Alternative 1/No Action would not have a direct impact on non-target species because it does not, in and of itself, change fishing effort or fishing behavior. When compared to Alternative 2, the impacts of Alternative 1 are expected to be neutral.

7.3.1.4.2 Alternative 2: Limiting the Holdings of Permits

Under Alternative 2, for any single fishing year, no individual or entity shall hold more than 5 percent of the Northeast Multispecies permits. This includes permits issued to vessels and eligibilities in Confirmation of Permit History. If an individual or entity held more than 5% of the permits on the control date (April 7, 2011), they would be restricted to holding no more than the number of permits they held as of the control date.

Alternative 2 is considered administrative. If Alternative 2 is selected, Alternative 2 would not have a direct impact on non-target species because it does not, in and of itself, change fishing effort or fishing behavior. When compared to Alternative 1/No Action, the impacts of Alternative 2 are expected to be neutral.

7.3.2 Handgear A Permit Measures

To be provided.

7.3.3 Data Confidentiality

7.3.3.1 Alternative 1: No Action

No Action. The price of ACE traded between sectors and the movement of ACE within sectors would remain confidential. Other data on ACE trades between sectors (sectors, date of trade, stocks, amount of ACE) is currently posted to the GARFO website.

Alternative 1/No Action is considered administrative. If Alternative 1/No Action is selected, the impacts on non-target species are expected to be neutral compared to Alternative 2.

7.3.3.2 Alternative 2: ACE Disposition Data Would be Exempt from the Confidentiality Requirement

Under Alternative 2, the value associated with the movement of PSC-determined catch allocations (ACE) within and between sectors would be considered non-confidential and made available to the public. Consistent with current data submission timeframes, price data on trades made between sectors would be made available during the fishing year. Price data on the movement of ACE within sectors would be made available after the end of the fishing year.

Alternative 2 is considered administrative. If Alternative 2 is selected, the impacts on non-target species are expected to be neutral compared to Alternative 1/No Action.

7.3.4 Inshore/Offshore Gulf of Maine

7.3.4.1 Inshore/Offshore Gulf of Maine Boundary

Management area boundaries are key elements of the ACL distribution system. They may also be applied to other management measures. Alternatives to divide the existing Gulf of Maine broad stock management area (Figure 1, Figure 6) are identified in this section.

7.3.4.1.1 Alternative 1: No Action

Under Alternative 1, a new inshore/offshore boundary line in the Gulf of Maine would not be established.

If Alternative 1/No Action is selected, the impacts on non-target species are expected to be neutral compared to Alternative 2, as Options A-C are considered administrative since establishing a line would not have a direct impact on non-target species because it does not, in and of itself, change fishing effort or fishing behavior.

7.3.4.1.2 Alternative 2: Establish an Inshore/Offshore Boundary

Under Alternative 2, a new sub-area boundary (Option A, B, or C below) would be established within the Gulf of Maine Management Area to distinguish between inshore and offshore fishing practices. This boundary may be adjusted through subsequent framework action and would not apply to vessels with only state-water groundfish permits.

The Council may select Option A, B, or C.

Option A. Establish an inshore/offshore Gulf of Maine boundary at 70°W longitude (Figure 2).

Option B. Establish an inshore/offshore Gulf of Maine boundary at 70°15'W longitude (Figure 2).

Option C. Establish an inshore/offshore Gulf of Maine boundary from 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 Maine's 12 nm territorial sea line northeast to the Hague Line (Figure 2).

Generally, Alternatives 2A- 2C are considered administrative since establishing a line would not have a direct impact on non-target species because it does not, in and of itself, change fishing effort or fishing behavior. Overall, the impacts on non-target species are expected to be neutral.

7.3.4.2 Inshore/Offshore Gulf of Maine Cod sub-ACLs

If the Council selects Alternative 2 in Section 4.4.1, then Alternative 2 in this section may be selected.

7.3.4.2.1 Alternative 1: No Action

Under Alternative 1, a sub-ACL would not be established within the commercial ACL for Gulf of Maine cod in the Gulf of Maine management sub-areas (identified in Section 4.4.1). No new strata for observer coverage would be created.

If Alternative 1/No Action is selected, the impacts on non-target species are expected to be neutral compared to Alternative 2, since establishing sub-ACLs for GOM cod would not have a direct impact on non-target species because it does not, in and of itself, change fishing effort or fishing behavior.

7.3.4.2.2 Alternative 2: Establish Inshore/Offshore Commercial GOM Cod sub-ACL

Within the commercial ACL for GOM cod, establish a sub-ACL for the inshore and offshore Gulf of Maine management sub-areas, as identified in Section 4.4.1.2 **Error! Reference source not found..** This alternative would change neither the GOM cod ACL setting process nor the ACL distribution between the commercial and recreational fishery. The commercial sub-ACL would be set during each specifications process. Provisions for a sub-ACL control rule, commercial allocation, and catch monitoring are outlined below. This alternative would not change catch attribution methods for federally-permitted vessels fishing in state waters. The distribution of allocation within the commercial fishery would remain unchanged.

If Alternative 2 is selected, the impacts on non-target species are expected to be neutral compared to Alternative 1/No Action, since establishing sub-ACLs for GOM cod would not have a direct impact on non-target species because it does not, in and of itself, change fishing effort or fishing behavior.

Determining the GOM cod sub-ACLs

To be provided.

Commercial Catch Monitoring

To be provided.

7.3.4.3 Gulf of Maine Gear Restricted Area

To be provided.

7.3.4.4 Declaration Time Periods for the Commercial Fishery

To be provided.

7.3.5 Redfish Exemption Area

To be provided.

DRAFT