

Amendment 18 update

Rachel Feeney
NEFMC Staff

NEFMC
Groundfish OSC Meeting
September 18, 2014



Documents

3 – AI 8 Action Plan, updated 7/28/14

4 – PDT memo on AI 8, 9/5/14

5 – AI 8 Discussion Document, updated 9/5/14

6 – AI 8 Discussion guide, 9/5/14



Outline

- 1. Review AI 8 timeline**
- 2. Development of measures**
 1. Section 4.1.3 – PSC holdings in excess of accumulation limit
 2. Section 4.4 - Data confidentiality
 3. Section 4.5 - Inshore/offshore GOM cod
- 3. PDT questions on Section 4.2 - U.S./Canada trading**
- 4. Review RAP and GAP input**



Timeline & Action Plan

2014	
Sept. 16	RAP mtg. (AM)
Sept. 16	GAP mtg. (PM)
Sept. 17-18	OSC mtg.
Sept. 30-Oct.2	NEFMC approves remaining Range of Alternatives.
Oct.-Dec.	Revised NOI, PDT develop DEIS, analyze probable effects.
2015	
Jan. 27-29	NEFMC approves DEIS, selects preferred alternative
April-May	Public comment period.
June 16-18	NEFMC votes on final action.
2016	
January	Public comment period.
May 1	Possible implementation of measures.

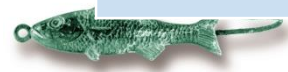


Section 4.1.3 – PSC holdings in excess of accumulation limit

Doc. #4 (p. 4-7)
Doc. # 5 (p. 35-38)

Grandfathering and divestiture in other catch share fisheries:

# of fisheries	Cap set relative to highest current holdings	Grandfathering & divestiture
4	Higher	Grandfathering not necessary.
1	Higher	Temporary grandfathering allowed, but not necessary.
2	Lower	Grandfathering allowed with expiration upon sale.
1	Lower	Grandfathering allowed with expiration date.
1	Lower	Grandfathering allowed with expiration upon inheritance.
1	Lower	Grandfathering allowed with no expiration.
1	Lower	Grandfathering not allowed. Divestiture unnecessary.



Section 4.1.3 – PSC holdings in excess of accumulation limit

Doc. #4 (p. 4-7)
Doc. # 5 (p. 35-38)

4.1.3.1 Grandfathering Current Holdings that are in Excess of an Accumulation Limit

- ~~Option A. Do not grandfather current holdings.~~
- Option B. Grandfather current holdings as of the control date (April 7, 2011).

4.1.3.2 Disposition of Current Holdings in Excess of what is Allowed (limit plus any grandfathered holdings)

- Option A. Can hold permits, but not use PSC.
- Option B. Must divest permits.
- Option C. Can hold permits, but must divest excess PSC.

	Option A	Option B	Option C
Can permits with excess PSC be retained?	Yes	No	Yes
Can the excess PSC be retained?	Yes	n/a	No
Can the excess PSC be used?	No	n/a	n/a



Section 4.1.3 – PSC holdings in excess of accumulation limit

Doc. #4 (p. 4-7)
Doc. # 5 (p. 35-38)

4.1.3.3 Acquisition of Future Holdings

- Option A. Can hold permits, but not use excess PSC.
- Option B. Can hold permits, but must divest excess PSC.

	Option A	Option B
Can permits with excess PSC be retained?	Yes	Yes
Can the excess PSC be retained?	Yes	No
Can the excess PSC be used?	No	n/a

Questions postponed from August:

1. At first point of permit transfer through an estate, should the recipient of permits be constrained by the accumulation limit?
2. If one's holdings increase due to external factors (e.g., permit buyout with PSC redistribution) can one's holdings increase over the cap?



Section 4.4 - Data confidentiality

Doc. #4 (p. 7-9)

Doc. # 5 (p. 49)

April Council motion

Add an alternative where the PSC-determined catch allocations and subsequent leasing (amount and value) by individuals within and between sectors would be considered non-confidential data.

PDT Input

- Allocations occur at the sector level and are non-confidential. Action unnecessary for this component.
- Within sectors, ACE is “moved” not “leased”.
- NMFS has previously determined that price data is not necessary for the administration of the program, not warranting a MSA exemption.
- PDT could not find a catch share program where permit holder and price are posted with each quota transfer.
- Concerned that Alternative 2:
 - Doesn't articulate why making individual data public is necessary for the administration of the program, warranting a MSA exemption.
 - Could incentivize misreporting. Also, prices are difficult to verify.



Section 4.5 - Inshore/Offshore GOM

Doc. #4 (p. 2-4)
Doc. # 5 (p. 50-58)

4.5.1 Inshore/offshore GOM boundary

- Alternative 1 – No action. No boundary.
- Alternative 2 – Establish boundary.
 - Option A - 70° W longitude.
 - Option B - 70° 15' W longitude.

4.5.2 Inshore/offshore GOM cod sub-ACLs

- Alternative 1 – No action. No ACLs.
- Alternative 2 – Establish ACLs.

Control rule for inshore/offshore split

- Option A – Set during each specs process with no predetermined rule.
- Option B – Proportional to catch in sub-areas.
- Option C – Proportional to fish distribution in sub-areas.

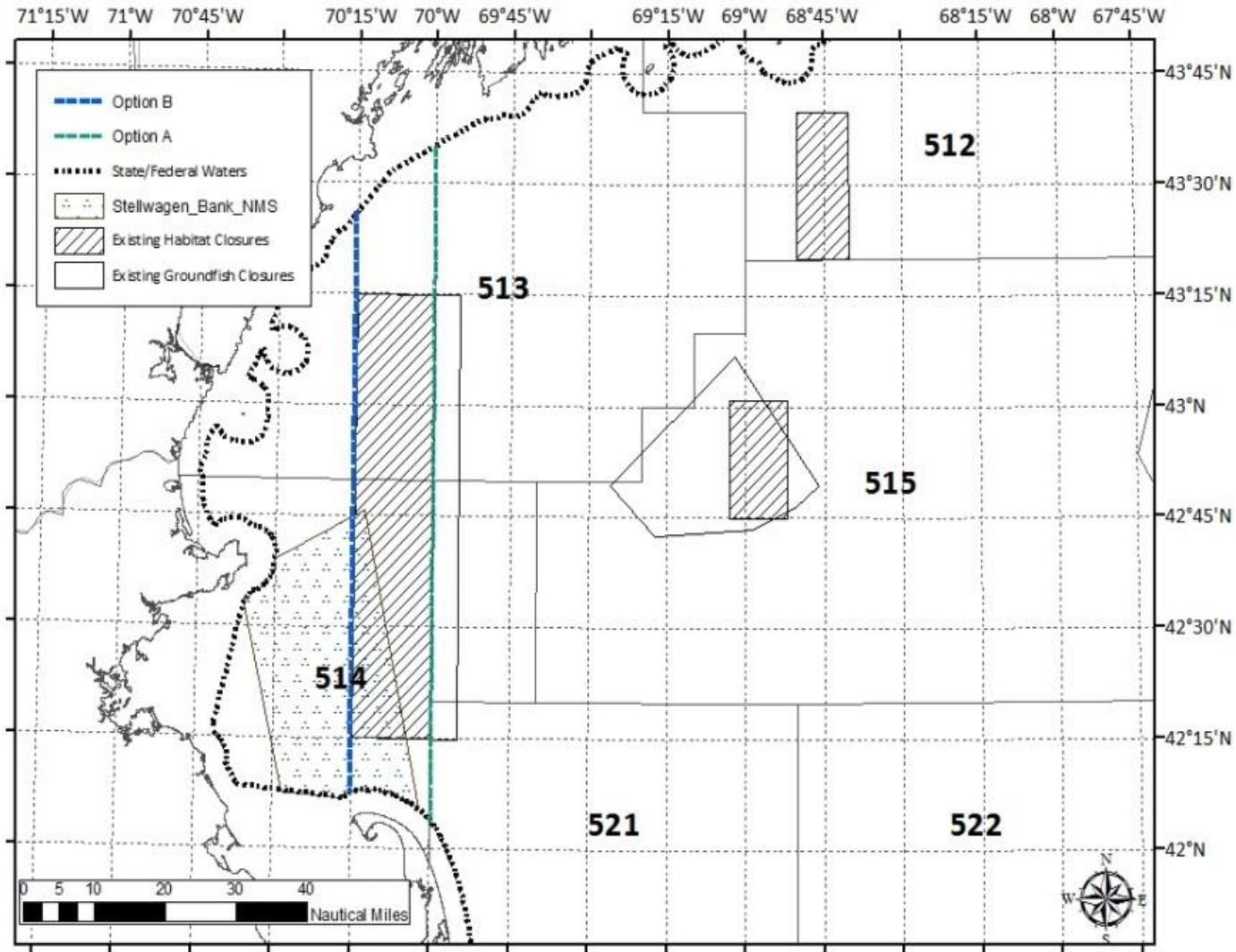
} Sub-options:
Prior 10 or
20 years



Section 4.5 - Inshore/Offshore GOM

4.5.1 Inshore/offshore GOM boundary

Doc. #4 (p. 2-4)
Doc. # 5 (p. 50-58)



Section 4.5 - Inshore/Offshore GOM

Doc. #4 (p. 2-4)
Doc. # 5 (p. 50-58)

4.5.2 Inshore/offshore GOM cod sub-ACLs (cont.)

Commercial allocation

- Unchanged. For example, if a permit has a GOM cod PSC of 1.0, it would then the PSC for each sub-area would be 1.0.

Catch monitoring

- Vessels would be prohibited from fishing in both areas on a given trip without an observer or EM technology.

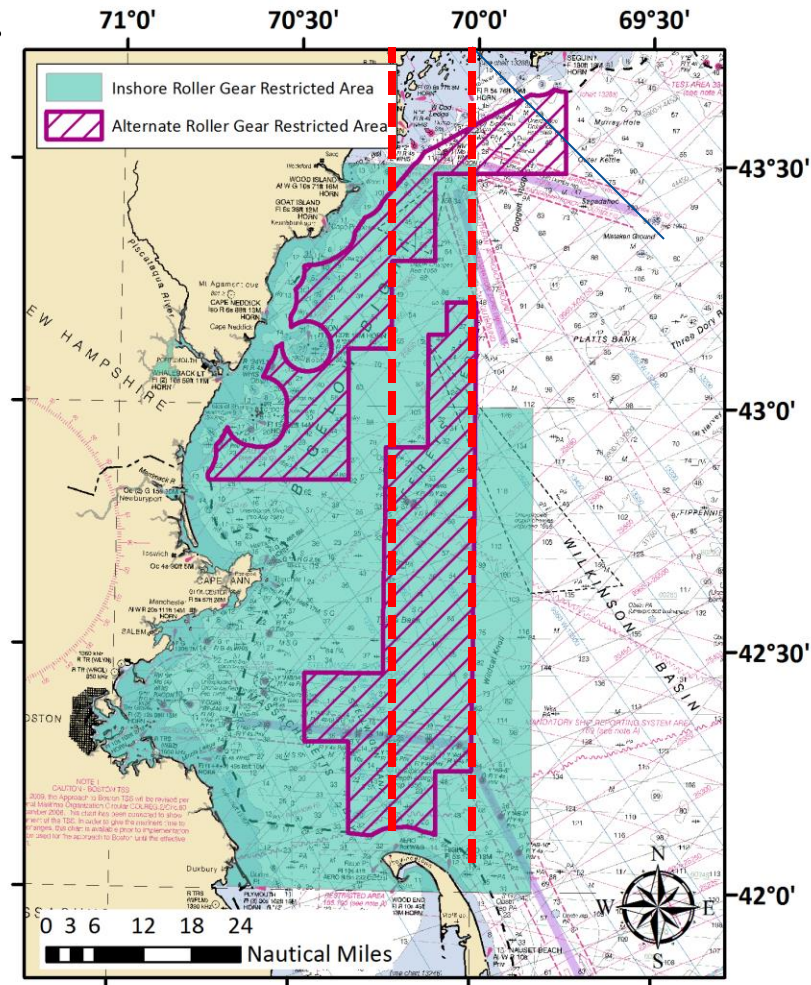


Section 4.5 - Inshore/Offshore GOM

Doc. #4 (p. 2-4)
Doc. # 5 (p. 50-58)

4.5.3 Gulf of Maine Gear Restricted Area

- Alternative 1A – Current no action. Area in **aqua**. 12” max for trawl roller gear for all trawls fishing under groundfish FMP.
- Alternative 1B – Potential no action (pending OHA 2).
 - Apply the area to all trawls (*preferred*).
 - Change the area to that in **pink** (*non-preferred*).
- Alternative 2 – Make boundary consistent with inshore/offshore GOM cod line in **red**.



Section 4.5 - Inshore/Offshore GOM

Doc. #4 (p. 2-4)
Doc. # 5 (p. 50-58)

4.5.4 Declaration Time Periods

4.5.4.1 Commercial fishery

- Alternative 1 – No action. Do not specify time periods.
- Alternative 2 – Annual declaration. Each year, vessels declare which area they will fish in.
- Alternative 3 – Seasonal declaration. Each trimester, vessels declare which area they will fish in.
- Alternative 4 – Trip declaration. Each trip, vessels declare which area they will fish in.
 - Option A. Must declare into an area each trip.
 - Option B. With an observer of EM monitoring, may declare into both areas on a given trip. Without, if a vessel declares into more than one BSA, the vessel can't fish in the inshore GOM area.

For Alternatives 2-4, vessels can only fish in the non-declared area on a non-groundfish trip, and ACE transfer and leasing unchanged.



Section 4.5 - Inshore/Offshore GOM

Doc. #4 (p. 2-4)
Doc. # 5 (p. 50-58)

PDT Input

- Should consider how measures might apply to recreational fishery.
 - Private anglers are not monitored and data on their fishing locations is non-existent.
 - Party/charter fleet is not monitored, though one position data point is submitted on each VTR.
- In August, OSC stated that the aim of Section 5.4 is to help rebuild GOM cod to promote fleet diversity and resilience. Measures may make catch attribution more fine-scale and increase reliance on ACE transfer/leasing, but it is unclear how measures would reduce mortality.

Staff Input

- Measures for fishing in both areas only with an observer could be applied to all alternatives.



Section 4.2 – U.S./Canada in-season trading

Doc. #4 (p. 9)
Doc. # 5 (p. 40-2)

PDT questions from beginning impacts analysis

1. Does the Committee envision a limit on the number of trades that can be negotiated 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?



RAP input

Inshore/Offshore GOM cod

- **Motion 1:**The RAP does not support the demarcation of an inshore/offshore line for the recreational fishery due to lack of benefit, impractical nature, data limitations, enforcement, and safety concerns and the RAP requests that this is not implemented for the recreational fleet. **CARRIED** 8/0/0.
- **Motion 2:**The RAP supports the development of an inshore/offshore 70°W line for the commercial fleet based on historical access by that component of the fishery. **FAILED** 3/5/0.



GAP input

Inshore/Offshore GOM cod

- **Motion:** That the GAP recommend that the option for splitting the GOM cod ACL into inshore and offshore sub-ACLs be considered but rejected. **CARRIED** 4/3/0.

PSC holdings > accumulation limit

No discussion.

Data confidentiality

No discussion.

