Amendment 6 To The
TILEFISH FISHERY MANAGEMENT PLAN

-Measures to Manage Blueline Tilefish-

Includes Environmental Assessment and Initial Regulatory Flexibility Analysis

Credit: Duane Raver, Jr.

Prepared by the Mid-Atlantic Fishery Management Council
in cooperation with NOAA Fisheries

Council Address

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

NMFS Address

NMFS Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

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2.0 EXECUTIVE SUMMARY

Overview

The Mid-Atlantic Fishery Management Council (Council or MAFMC) is recommending that NOAA Fisheries add blueline tilefish (*Caulolatilus microps*) as a managed species in the Tilefish Fishery Management Plan, changing the name of the plan to the Golden and Blueline Tilefish Fishery Management Plan. This document's purpose is to present a range of alternatives for management measures for the blueline tilefish fishery off the Mid-Atlantic and New England coasts (i.e. from the North Carolina/Virginia (NC/VA) border and to the north up to the Canadian boundary), along with a characterization of the environmental impacts of those alternatives. The measures recommended by the Council are designed to constrain fishing mortality on blueline tilefish and effectively conserve and manage the blueline tilefish fishery in waters north of NC. The recommended measures are the result of careful consideration by the Council of a number of biological and socioeconomic issues regarding blueline tilefish, as well as public comments that were received by the Council (in writing, at public hearings, during advisory meetings, and at Council meetings). This document also supports NOAA Fisheries' rulemaking related to this action, which will also provide another opportunity for public comment.

Alternative and Impact summary

Section 5 describes the alternatives in detail, and Section 7 describes the expected impacts of each alternative. The alternatives being considered and their likely impacts are summarized in Table 1 below. Note: the phrase sort-term is not meant to imply that a measure will only be in place for a short period of time, but rather to denote the differences between impacts that occur sooner versus a longer time period ("long term").

Table 1. Alternatives and Impacts Summary

Issue	Alternative	Summary of Alternative and Impacts
General - Management Unit, Objectives, and Status Determinaion Criteria	1a - Blueline Tilefish Management Unit at NC/VA line ***(preferred)***	This would establish a separate blueline tilefish management unit in the EEZ north of the North Carolina/Virginia border (36.550278 N Latitude) extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council. *Impacts: Positive for blueline tilefish and fishermen related to sustainable management in the long run, could restrict catches in short run.*
	1b - Blueline Tilefish Management Unit at Cape Hatteras	This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras *Impacts: Low positive for blueline tilefish and fishermen at this time related to sustainable management in the long run, could restrict catches in short run.*
	1c - Objectives **(preferred)**	This would establish that the golden tilefish objectives apply to blueline tilefish with a modification *Impacts: Positive for blueline tilefish and fishermen related to sustainable management.*
	1d - Use most recent peer-reviewed assessment **(preferred)**	The Council would use the most recent peer-reviewed and accepted assessment. This is the standard approach in most Council FMPs, and is being added to all others via pending actions. If no assessment is available (e.g. *Illex,* Atl. Mackerel), then the status is documented as unknown by NMFS pending a future assessment. The Council's Risk Policy has provisions for situations where overfishing levels can not be determined via an assessment. *Impacts: Positive for blueline tilefish and fishermen related to sustainable management*
	1e - No action	No action would be taken to establigh a blueline tilefish management unit or objectives for management or status determination criteria. *Impacts: Negative for blueline tilefish and fishermen compared to the action alternatives because these are critical for management.*

Table 1 continued

Issue	Alternative	Summary of Alternative and Impacts
Commercial Permitting & Reporting	2a - Use golden tilefish permits **(preferred)**	A joint golden/blueline tilefish open access permit would be required to land tilefish for sale, subject to the applicable trip limit *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	2b - Use separate permits	Require anyone landing any blueline tilefish to get a new blueline tilefish permit. Retention of blueline tilefish would be subject to the applicable trip limit. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	2c - Reporting **(preferred)**	Require standard reporting of catch for any vessel possessing a permit that allows them to land blueline tilefish (like other federal permits). *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	2d - Electronic VTR Reporting	Require Vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	2e - Dealer Permits and Reporting **(preferred)**	Require standard dealer permitting reporting of catch for dealers (like other federal permits). *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	2f - No action	No additional commercial permitting and reporting would be required. *Impacts: Negative for blueline tilefish compared to the action alternative because understanding catch is critical for management. Low short term positive for fishermen but negative long term related to not assisting sustainable management.*
For-Hire Recreational Permitting and Reporting	3a - Use golden tilefish permits **(preferred)**	Make permanent the emergency requirement for Any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	3b - Use separate permits	Require any party or charter vessel to have a new Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	3c - Reporting **(preferred)**	Require standard reporting of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire. Any vessel with any Greater Atlantic federal party/charter must already report all catches (including discards) of all species of fish. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	3d - Electronic VTR Reporting	Require Vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	3e - No action	No additional for-hire permitting and reporting would be required. *Impacts: Negative for blueline tilefish compared to the action alternative because understanding catch is critical for management. Low short term positive for fishermen but negative long term related to not assisting sustainable management.*

Table 1 continued

Issue	Alternative	Summary of Alternative and Impacts
Private Recreational Permitting and Reporting	4a - Private recreational tilefish permit. **(preferred)**	Create a recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) requires a separate permit. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	4b - HMS permit requirement	Require that an HMS permit be obtained by any angler seeking to catch golden or blueline tilefish. It is likely that most anglers who fish for blueline tilefish already have an HMS permit. *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	4c - Reporting (HMS)	Require private fishermen to report golden and blueline tilefish catch through the HMS system (with catch cards like Maryland) *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	4d - Reporting (Online) **(preferred)**	Require pre-landing online reporting of golden and blueline tilefish for recreational landings *Impacts: Positive for blueline tilefish. Low short term negative for fishermen but positive long term related to sustainable management.*
	4e - No action	No additional private permitting and reporting would be required. *Impacts: Negative for blueline and golden tilefish compared to the action alternative because understanding catch is critical for management. Low short term positive for fishermen but negative long term related to not assisting sustainable management.*
Framework Adjustment Process	5a - no action	Framework actions could not be used to modify management measures. Impacts: Negative for blueline tilefish and fishermen because management flexibility would be reduced.
	5a - Frameworkable actions **(preferred)**	Allow any existing or previously analyzed measure (within an FMP or amendment) to be frame-worked. *Impacts: Positive for blueline tilefish. No direct impacts for fishermen in this action.*
Specifications Process and Risk Policy	6a - Specifications **(preferred)**	Measures that may be considered by the Council during annual specifications include specifying overfishing levels (OFLs), Acceptable Biological Catches (ABC), Annual Catch Limits (ACLs), Annual Catch Targets, discard set-asides, total allowable landings, commercial and recreational quotas, trip limits, bag limits, seasons, size limits, retention requirements, and/or any measure needed to ensure that the specifications are not exceeded. *Impacts: Low Positive for blueline tilefish. No direct impacts for fishermen - see allocation and risk policy alternatives.*
	6b - ABC Control Rule **(preferred)**	Clarify that the existing ABC control rule would apply to blueline tilefish *Impacts: Positive for blueline tilefish. Short term impacts for fishermen depend on what allowable landings might result, long term impacts should be positive related to sustainable management.*
	6c - Risk Policy **(preferred)**	Clarify that the existing ABC risk policy would apply to blueline tilefish, and that the 2017 Acceptable Biological Catch (ABC) for blueline tilefish north of the VA/NC border would be would be 87,031 pounds. *Impacts: Positive for blueline tilefish. Some short-term negative impacts for fishermen, long term impacts should be positive related to sustainable management.*
	6d - no action	No process for setting specifications would be implemented. *Impacts: Negative for blueline tilefish and fishermen compared to the action alternative because a specifications process is critical for management.*

Table 1 continued

Issue	Alternative	Summary of Alternative and Impacts
Allocations	7a - no action	Do not set allocations but rely on adjusting the specifications to control relative catch between the commercial and recreational sectors. *Impacts: No impacts to blueline tilefish (allocation). No direct impacts for fishermen.*
	7b1 - 2009-2013 allocation (5-year median) **(preferred)**	Use best available data to set allocations based on catch from 2009-2013. Would use median of annual commercial-recreational ratios: 73% Recreational, 27% commercial. *Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.*
	7b2 - 2009-2013 allocation (5-year mean)	Use best available data to set allocations based on catch from 2009-2013. Would use mean of annual commercial-recreational ratios. *Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.*
	7c1 - 2004-2013 allocation (10-year median)	Use best available data to set allocations based on catch from 2004-2013. Would use median of annual commercial-recreational ratios. *Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.*
	7c2 - 2004-2013 allocation (10-year mean)	Use best available data to set allocations based on catch from 2004-2013. Would use mean of annual commercial-recreational ratios. *Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.*
	7d - Allocations and Specifications **(preferred)**	If allocations are made, this alternative describes how the specifications process would handle allocations in terms of ABCs, ACLs, ACTs, etc. REC COM (all pounds) ACL 63,533 23,498 ACT 63,533 23,498 TAL 62,262 23,263 *Impacts: Positive for blueline tilefish. Short term impacts for fishermen depend on what allowable landings might result, long term impacts should be positive related to sustainable management.*
	7e - No Allocations and Specifications	If allocations are not made, this alternative describes how the specifications process would handle allocations in terms of ABCs, ACLs, ACTs, etc. *Impacts: Positive for blueline tilefish. Short term impacts for fishermen depend on what allowable landings might result, long term impacts should be positive related to sustainable management.*
Commercial Trip Limits (gutted weight)	8a - 275 pounds - emergency action	continue the emergency action's commercial trip limit of 275 pounds per trip gutted weight (head and fins must be attached) *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no trip limit but should be long term positive related to supporting sustainable management. Lower trip limits should extend season.*
	8b - 200 pounds	reduce the trip limit from the emergency action's 275 pounds to a limit of 200 pounds per trip gutted weight (head and fins must be attached) *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no trip limit but should be long term positive related to supporting sustainable management. Lower trip limits should extend season.*
	8c - 300 pounds **(preferred)**	increase the trip limit from the emergency action's 275 pounds to a limit of 300 pounds per trip gutted weight (head and fins must be attached). *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no trip limit but should be long term positive related to supporting sustainable management. Higher trip limits may shorten season.*
	8d - 500 pounds	increase the trip limit from the emergency action's 275 pounds to a limit of 500 pounds per trip gutted weight (head and fins must be attached) *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no trip limit but should be long term positive related to supporting sustainable management. Higher trip limits may shorten season.*
	8e - 900 pounds	increase the trip limit from the emergency action's 275 pounds to a limit of 900 pounds per trip gutted weight (head and fins must be attached) *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no trip limit but should be long term positive related to supporting sustainable management. Higher trip limits may shorten season.*
	8f - 750 pounds	increase the trip limit from the emergency action's 275 pounds to a limit of 750 pounds per trip gutted weight (head and fins must be attached) *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no trip limit but should be long term positive related to supporting sustainable management. Higher trip limits may shorten season.*
	8g - no action	No trip limit would be specified *Impacts: Would be negative for blueline tilefish because catches would not be controlled effectively. Possibly positive in the short-term for fishermen but negative in the long term due to consequences of overfishing on stock productivity.*

Table 1 continued

Issue	Alternative	Summary of Alternative and Impacts
Recreational Bag/Possession Limits	9a - 7 fish per person - emergency action	This alternative would continue the emergency action's recreational bag limit of 7 fish *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no limits, but should be long term positive related to supporting sustainable management.*
	9b - 5 fish per person	This alternative would reduce the bag limit from the emergency action's limit of 7 fish to 5 fish. *Impacts: Would be part of overall management & conservation biologically. Short term negative for fishermen compared to no limits, but should be long term positive related to supporting sustainable management.*
	9c - 9 fish per person	This alternative would increase the bag limit from the emergency action's limit of 7 fish to 9 fish. *Impacts: Would be part of overall management & conservation biologically, but higher possession limits increase management uncertainty & possibility of ABC/ACL overages. Short term negative for fishermen compared to no limits, but should be long term positive related to supporting sustainable management.*
	9d - 3 extra fish per person for trips greater than 36 hours	This alternative would allow a 3-fish higher bag limit on party boat trips that lasted longer than 36 hours from when the vessel leaves the dock to when a vessel returns to the dock. A call-out/call-in system would be necessary to assist enforcement of such a provision. *Impacts: Would be part of overall management & conservation biologically but low negative biologically (increases catch). Mixed impacts for fishermen.*
	9e - Differential Limit and season **(preferred)**	This alternative would have an open season for blueline tilefish from May 1 to October 31. During this season, the recreational per-person bag limit would be 7 blueline tilefish for inspected for-hire vessels, 5 blueline tilefish for uninspected for-hire vessels, and 3 blueline tilefish for private vessels. *Impacts: Would be part of overall management & conservation biologically. Mixed impacts for fishermen, generally negative in the short term but should be positive in the long term related to supporting sustainable management.*
	9f - no action	No recreational trip limit or season would be specified *Impacts: Would be negative for blueline tilefish because catches would not be controlled effectively. Likely negative for fishermen because alternative emergency meaures would be implemented by NMFS to control catches.*
Essential Fish Habitat (EFH) Designation	10a - No action	EFH would not be designated. *Impacts: Low Negative for blueline tilefish, low negative for fishermen*
	10b - Designate EFH **(preferred)**	EFH would be all offshore waters with water depths from 46 meters to 256 meters from VA to Canadian boundary. *Impacts: Low Positive for blueline tilefish, low positive for fishermen*

Table 1 continued

Issue	Alternative	Summary of Alternative and Impacts
Accountability Measures (AMs)	11a - AMs with allocations **(preferred)**	With the preferred allocations, AMs are only automatically triggered if the ACLs are exceeded. Whichever sector, recreational or commercial or both, that caused the overall ACL overage would have added or modified measures to ensure that future overages do not occur in the future. The Council shall recommend such management measures, for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. Paybacks are dependent on the stock status of blueline tilefish and will be based on a 3-year averaging, similar to how black sea bass accountability measures apply. *Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.*
	11b - AMs without allocations	if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC. *Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.*
	11c - In-season closure authority	If NMFS determines that one sector's catch or the total catch will exceed 95% of a sector's ABC or the overall ABC, NMFS may close or adjust the season and/or trip/bag limits for either sector. *Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.*
	11d - In-season commercial closure authority **(preferred)**	If NMFS projects that commercial blueline tilefish landings will reach 100% of the commercial TAL then NMFS will close the season. *Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.*
	11e - no action	No accountability measures would be implemented. *Impacts: Negative for blueline tilefish as catch would not be effectively controlled. Possible short term positive for fishermen related to additional opportunities, but negative long term due to unsustainable management*

3.0 LIST OF ACRONYMS AND ABBREVIATIONS

ABC	Acceptable Biological Catch (Upper limit, set by SSC)
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACL	Annual Catch Limit
ACT	Annual Catch Target
ASMFC	Atlantic States Marine Fisheries Commission
B	Biomass
Bmsy	Biomass associated with Maximum Sustainable Yield
CFR	Code of Federal Regulations
Council	Mid-Atlantic Fishery Management Council
DOC	Department of Commerce
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EO	Executive Order
ESA	Endangered Species Act
F	Fishing Rate/Mortality
FMAT	Fishery Management Action Team
FMP	Fishery Management Plan
F_{MSY}	Fishing Rate/Mortality associated with Maximum Sustainable Yield
$F_{rebuild}$	Fishing Rate/Mortality associated with rebuilding
FR	Federal Register
GARFO	Greater Atlantic Regional Fisheries Office (formerly Northeast Regional Office/NERO)
MAFMC	Mid-Atlantic Fishery Management Council
MMPA	Marine Mammal Protection Act
MSA	Magnuson-Stevens Fishery Conservation and Management Act (as currently amended)
MSY	Maximum Sustainable Yield
MT	Metric tons (=2204.62 pounds)
NC/VA	North Carolina/Virginia
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	Overfishing Level
SAFIS	Standard Atlantic Fisheries Information System
SAFMC	South Atlantic Fishery Management Council
SEDAR	Southeast Data, Assessment, and Review
SSC	Scientific and Statistical Committee
TAL	Total Allowable Landings
US	United States
VMS	Vessel Monitoring System
VTR	Vessel Trip Report

4.0 INTRODUCTION AND BACKGROUND

The Council is proposing this action because there is no permanent federal management of blueline tilefish north of North Carolina. In recent years catch has increased in the Mid-Atlantic without any restrictions in Federal waters (see Section 6.5), and the long-lived and sedentary nature of blueline tilefish likely make them susceptible to overfishing. Based on a Council request to address this issue (Appendix A), on June 4, 2015 NMFS implemented emergency regulations north of North Carolina, limiting commercial vessels to 300 pounds (whole weight) of blueline tilefish per trip and recreational fishermen to 7 blueline tilefish per person per trip, as well as requiring commercial and for-hire permitting and reporting (http://www.greateratlantic.fisheries.noaa.gov/nr/2015/June/14tileblemergencyactionphl.pdf). These emergency measures were extended via an interim rule through December 14, 2016.

If blueline tilefish are added to the Tilefish Fishery Management Plan, then the Fishery Management Plan would become the golden and blueline Tilefish Fishery Management Plan. Blueline tilefish management was identified as a priority during a February 2015 Council meeting (http://www.mafmc.org/briefing/2015/february-2014-blueline-tilefish-webinar-meeting), with action taken at the April and June 2016 meetings. Primary scoping was conducted in May, June, and July of 2015, and the scoping document and scoping comments may be found at http://www.mafmc.org/actions/blueline-tilefish. Public comments were also taken during a period of March 2016 public hearings and an associated comment period on a public hearing document, which are also available at http://www.mafmc.org/actions/blueline-tilefish. Because the Council developed some modified alternatives at the April 2016 meeting, the Council also held a final webinar-based public hearing in early June 2016, with the option to reconsider its decisions later at the June 2016 meeting. Again, related documents, including additional written comments submitted for the June 2016 meeting, are available at http://www.mafmc.org/actions/blueline-tilefish. At the June 2016 Council meeting and after the additional opportunities for public comment, the Council reaffirmed its April decisions for this action, but also initiated a Framework Adjustment that will consider future modifications to the recreational measures for blueline tilefish.

Other Management Entities

The South Atlantic Fishery Management Council (SAFMC) manages blueline tilefish south of Virginia. The SAFMC requested its regulations (but not management authority) be extended northward in an emergency action, but NMFS deemed the Mid-Atlantic Council's request most appropriate. The current SAFMC regulations are described at http://www.safmc.net/FishIDandRegs/FishGallery/BluelineTilefish/.

Several Mid-Atlantic states have also enacted tilefish regulations that apply to vessels landing in their states. Virginia, Maryland, and Delaware have implemented 300 pound incidental commercial trip limits and a 7-fish recreational possession limit for all tilefish species combined. These measures were designed to prevent a large directed commercial fishery and constrain fishing mortality in the recreational fishery. New Jersey has also implemented regulations that are similar to the Federal interim regulations, limiting commercial vessels to 300 pounds (whole weight) of blueline tilefish per trip and recreational fishermen to 7 blueline tilefish per person per trip. As is typical, vessels would need to abide by the possession regulations of any state when on the waters of that state, regardless of where any fish were caught.

4.1 PURPOSE AND NEED FOR ACTION

The purpose of this action is to add blueline tilefish to the golden tilefish FMP, and to implement catch limits, accountability measures, and other conservation and management measures for blueline and golden tilefish north of the NC/VA border. This action is needed to prevent overfishing and effectively conserve and manage the blueline and golden tilefish fisheries north of the NC/VA border exclusively.

4.2 REGULATORY AUTHORITY

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) as currently amended (http://www.nmfs.noaa.gov/sfa/laws_policies/msa/documents/msa_amended_2007.pdf) requires a Council, "for each fishery under its authority that requires conservation and management, prepare and submit to the Secretary (A) a fishery management plan, and (B) amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed)." The Council has concluded that the blueline tilefish fishery north of the NC/VA border is in need of conservation and management via an amendment to the Tilefish Fishery Management Plan. There is already a management plan in place for golden tilefish, and for golden tilefish this action only amends the plan by requiring permitting and the reporting of blueline and golden tilefish by all recreational anglers.

4.3 MANAGEMENT OBJECTIVES AND FMP HISTORY

Objectives- Golden Tilefish FMP

The overall goal of this FMP is to achieve optimum yield. To meet the overall goal, the following objectives have been adopted:

1. Prevent overfishing and rebuild the resource to the biomass that would support MSY.

2. Prevent overcapitalization and limit new entrants.

3. Identify and describe essential tilefish habitat.

4. Collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch of tilefish in all fisheries

An alternative in this action proposes to use these objectives for blueline tilefish as well, with a modification specific to blueline tilefish (see Alternative 2c): "Management will reflect blueline tilefish's susceptibility of overfishing and the need of an analytical stock assessment."

FMP History - http://www.mafmc.org/tilefish/

The golden tilefish (*Lopholatilus chamaeleonticeps*) fishery is managed under the Tilefish Fishery Management Plan (FMP) that was prepared cooperatively by the Mid-Atlantic Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS).

The FMP, which initiated the management for this species, became effective November 1, 2001 (66 FR 49136; September 26, 2001) and included management and administrative measures to ensure effective management of the tilefish resource. The FMP established total allowable landings (TAL) as the primary control on fishing mortality. The FMP also implemented a limited entry program and a tiered commercial quota allocation of the TAL. Initially, there were three fishing categories, an incidental, a part-time, and a full-time (with two different tiers or subcategories) for division of the quota under the tilefish limited access program. Under the original FMP, the "target" estimate of landings for the incidental category (5 percent of the TAL) was first deducted from the overall TAL, and then the remainder of the TAL was divided among the full-time tier 1 category, which received 66 percent; the full-time tier 2 category, which received 15 percent; and, the part-time category, which received 19 percent. Trip limits were only imposed in the incidental permit category (open access) to achieve a "target" or soft quota. Other elements of the original FMP included: a stock rebuilding strategy; permits and reporting requirements for commercial vessels, operators, and dealers; a prohibition on the use of gear other than longline gear by limited-access tilefish vessels (later amended see discussion below); and a framework adjustment process.

In October 26, 2001, the Natural Resources Defense Council (NRDC) filed a complaint with the Southern District Court of New York alleging that the lack of any restrictions on bottom tending mobile gear fishing gear (e.g., otter trawl nets) in essential fish habitat for tilefish rendered the FMP and its implementing regulations arbitrary and capricious. A Federal Court order in *Natural Resources Defense*

Council v. *Evans* (March 31, 2003) upheld the agency action because there was no scientific evidence supporting the conclusion that bottom tending mobile fishing gear is having an identifiable adverse impact on tilefish essential fish habitat. Under the regulations in existence at the time the FMP was prepared, only an "identifiable" adverse effect on essential fish habitat from a fishing practice required consideration of measures to mitigate, minimize or prevent the impacts resulting from such fishing practice. The Judge concluded that plaintiffs' reliance on marks across parts of the ocean bottom caused by the fishing gear as evidence of an adverse impact was misplaced. While such marks may reflect a physical disruption of the bottom, there is no information according to the tilefish experts to demonstrate that this disruption had any effect to reduce the quality or quantity of tilefish essential fish habitat. Consequently, such physical disruption did not fit the definition of "adverse effect" in the regulations. In light of the absence of scientific information on the effects of fishing gear on tilefish essential fish habitat, the Judge found that the agency's analysis of the environmental impacts in the EIS was reasonable and a good faith presentation of the best information available under the circumstances.

A Federal Court Order in *Hadaja* v. *Evans* (May 15, 2003) set aside the permit requirements on the grounds that the FMP violated National Standard 2 of the MSA because it was not based on the best scientific information available. This decision vacated the regulations that implemented sub-quotas for the various limited access categories. In addition, the Federal Court Order in *Hadaja* v. *Evans* also set aside the restriction on the use of all gear other than longline gear for limited access tilefish vessels due to the lack of scientific information to support this ban. The Federal Court Order in *Hadaja* v. *Evans* held that "the Secretary must adopt a plan that is based on the best scientific information available, which may be the existing plan, but only if the evidence in the administrative record (record) clearly supports it" (69 CFR 22454; April 26, 2004).

After the Council submitted additional detailed information that supported the limited access condition established under the FMP, the NMFS reinstated the permit requirements for commercial tilefish vessels on May 31, 2004. More specifically, in doing so, the NMFS reinstated the vessel permit requirements; the vessel reporting requirements; the observer coverage regulations; and the incidental catch limit. In addition to reinstating the permit requirements, NMFS also removed the prohibition on the use of all gear other than longline gear for limited access vessels, which had previously been struck down by the Federal Court Order in *Hadaja* v. *Evans*. NMFS removed this prohibition due to the fact that scientific information to support reinstating the ban on the use of all gear other than longline gear in the directed tilefish fishery was lacking (69 CFR 22454; April 26, 2004).

Framework 1 to the FMP added provisions for a research set-aside quota (not currently utilized).

Amendment 1 to the FMP implemented an Individual Fishing Quota in the directed golden tilefish fishery. It also implemented new reporting requirements and gear modifications, addressed recreational fishing issues, and reviewed the EFH components of the FMP, including implementing gear restricted areas to prevent bottom trawling in habitat areas of particular concern.

Amendment 2 was an Omnibus Amendment that implemented a Standardized Bycatch Reporting Methodology, and Amendment 3 was an Omnibus Amendment that implemented Acceptable Biological Catches (ABCs) and Annual Catch Limits (ACLs) to avoid overfishing and ensure accountability. Amendment 4 was another Omnibus Amendment that implemented a new Standardized Bycatch Reporting Methodology to address a legal challenge. Additional details on previous actions can be found at http://www.mafmc.org/fisheries/fmp/tilefish.

4.4 MANAGEMENT UNIT AND SCOPE OF ALTERNATIVES

The current management unit for this FMP is defined as all golden tilefish under United States jurisdiction in the Atlantic Ocean north of the NC/VA border. Golden tilefish south of the NC/VA border are managed by the South Atlantic Fishery Management Council (SAFMC). This action proposes to add a blueline tilefish management unit and associated management measures for the same waters as the current plan uses for golden tilefish (from north of the NC/VA border to the Canadian boundary). Like golden tilefish, blueline tilefish south of the NC/VA border would continue to be managed by the SAFMC.

5.0 MANAGEMENT ALTERNATIVES

14 sets of alternatives are presented below, primarily for the purpose of establishing blueline tilefish management north of the NC/VA border (there are also some reporting provisions that apply to golden tilefish in Alternative Set 6). If any action is taken, one or more alternatives would be expected to be implemented from each alternative set as the alternative sets address different yet critical aspects of an overall management program. The document notes when it is expected that only one alternative within an alternative set would be selected, or whether multiple alternatives could be selected and potentially implemented. The cumulative impact from the entire suite of proposed measures is described in the cumulative impacts section. Impacts of measures within each set are compared to each other and the no action alternative in Section 7.

Overview:

1) General - Management Unit, Objectives, and Status Determination Criteria
2) Commercial Permitting and Reporting
3) For-Hire Recreational Permitting and Reporting
4) Private Recreational Permitting and Reporting
5) Framework Adjustment Process
6) Specifications Process and Risk Policy
7) Allocations and Specifications
8) Commercial Trip Limits
9) Recreational Bag/Possession Limits
10) Essential Fish Habitat (EFH) Designation
11) Accountability Measures (AMs)
12) Considered but Rejected Alternatives

5.1 ALTERNATIVE SET 1: GENERAL - MANAGEMENT UNIT, OBJECTIVES, AND STATUS DETERMINATION CRITERIA

Note: If management is to proceed, it is expected that one management unit option would be selected (1a or 1b), that objectives would also be chosen (1c), and that an approach to incorporating status determination criteria (1d) would also be choses. If no action is chosen here (1e), then no other alternatives in the document could be chosen because this alternative set establishes the general intent of management.

1a. ***(Preferred***) This would establish a separate blueline tilefish management unit in the EEZ north of the NC/VA border (36.550278 N Latitude) extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council. The Council funded genetics research to gain more information on the stock structure of blueline tilefish. This information suggests that blueline tilefish constitute one genetic population from at least the eastern Gulf of Mexico through the northern extent of their range (McDowell 2016, available at http://sedarweb.org/sedar-50). However, given that A) the SAFMC's jurisdiction ends at the NC/VA border, B) the Council's SSC has found that the most recent blueline tilefish assessment (SEDAR 32) is insufficient for management advice north of the NC/VA border, and C) there are very different histories of exploitation north and south of the NC/VA border, the Council proposes to manage blueline tilefish north of the NC/VA border. This alternative is preferred because it aligns with the current SAFMC management boundaries and would allow the MAFMC to manage the blueline tilefish fishery consistent with the historical nature and regional characteristics of the fishery (and other fisheries) from Virginia north. To ensure close coordination, the Council is jointly assessing blueline tilefish with the SAFMC in SEDAR 50, and the assessment has been tasked with explicitly considering the spatial nature of blueline tilefish management units relative to the biological characteristics of the blueline tilefish stock.

1b. This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras (35.253167 N. lat., the latitude of Cape Hatteras Light), extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council. While 1a is the preferred alternative for reasons described above, Cape Hatteras is a general mixing zone between more northern and more southern areas, and does serve as the stock and management unit boundary for black sea bass, so this option is considered in this action.

1c. ***(Preferred***) This alternative would establish that the objectives for blueline tilefish are the same as for golden tilefish (see Section 4.3 above), with the addition that "Management will reflect blueline tilefish's susceptibility of overfishing and the need of an analytical stock assessment." This alternative is preferred because these objectives should support effective conservation and management of blueline tilefish.

1d. ***(Preferred)*** When available, the Council would incorporate the most recent peer-reviewed and accepted assessment applicable to blueline tilefish in its management unit when setting specifications. As described at https://www.st.nmfs.noaa.gov/science-quality-assurance/MSA-peer-review-processes/index, Councils on the east coast generally use a Stock Assessment Workshop/Stock Assessment Review Committee (SAW/SARC) or the Southeast Data, Assessment and Review (SEDAR). This is the standard approach in most Council FMPs. Though status determination criteria may be modified or replaced through a framework or amendment, the timing of updated survey

information, subsequent analysis and peer-review, the framework or amendment process, and setting annual specifications means that the availability of the best available scientific information may be significantly delayed from entering the management process. This action would allow for the incorporation of new, peer-reviewed stock status determination criteria, when available, though the annual management measures (i.e., specification) process. If no assessment is available (e.g. *Illex*, Atl. Mackerel), then the status is documented as unknown by NMFS pending a future successfully-reviewed assessment. In addition, the Council's Risk Policy (see below) has provisions for situations where overfishing levels cannot be determined via an accepted assessment. This alternative is preferred because using the best available scientific information should support effective conservation and management of blueline tilefish by appropriately informing management decisions with the latest science. Note: SEDAR 32 has been deemed unfit for management in the Mid-Atlantic by the Council's SSC.

The Northeast Fisheries Science Center has determined that it is premature to certify a particular overfishing definition at this time due to issues that have been identified with the previous assessment (SEDAR 32) and ongoing developments regarding blueline tilefish stock structure being considered as part of a new assessment (SEDAR 50). It is hoped that the new assessment with provide useful assessment advice going forward, and any information from that assessment could inform status determination criteria for the blueline tilefish stock. Current indications are that blueline tilefish comprise on genetic population along the Atlantic coast and perhaps extending to the southwest Gulf of Mexico coast of Florida, but it is not clear yet how the assessment will handle and/or inform the regional management proposed in this document. Current procedures for the Scientific and Statistical Committees of the MAFMC and SAFMC to set ABCs may thus be thought of as a bridge using the risk policy approaches of the Councils until additional information is available. This alternative allows new information to be integrated through the specifications process if a successfully peer-reviewed assessment provides specific objective and measurable criteria to identify when the fishery is overfished. The control rules in use for other fisheries and proposed to be extended to blueline tilefish in this action are described in Alternative Set 6 and provide guidance on how to set Acceptable Biological Catches (ABCs) when the status of a stock is unknown.

1e. No action - No action regarding establishing the management unit, objectives, or status determination criteria would be taken.

5.2 ALTERNATIVE SET 2: COMMERCIAL PERMITTING AND REPORTING

Note: It is expected that either 2a or 2b would be chosen. In addition, 2c and 2e would create basic recordkeeping and reporting requirements. 2d could also be chosen in addition to 2c to require electronic submission of VTRs.

2a. ***(Preferred***) This would create a joint golden/blueline tilefish open access permit to land tilefish for sale. This alternative is preferred because it should support effective conservation and management of blueline tilefish by identifying vessels participating in the fishery without adding another permit, which can assist with catch monitoring and regulatory enforcement.

2b. Alternative 2b would require anyone landing any blueline tilefish for sale to get a newly-created commercial open access blueline tilefish permit. Retention of blueline tilefish for sale would be subject to the applicable trip limit.

2c. ***(Preferred***) Alternative 2c would require standard recordkeeping and reporting of catch for any commercial vessel possessing a permit that allows them to land blueline tilefish (like other federal permits). This alternative is preferred because it should support effective conservation and management of blueline tilefish by helping monitor catch. The requirements include (from golden tilefish requirements):

> Operators of commercial vessels (vessels with permits to sell tilefish) will be required to obtain Operator permits.
>
> Vessels landing tilefish for sale would need to submit vessel logbook/trip reports (VTRs).
>
> The current vessel logbook requires vessels to report everything they catch including bycatch.
>
> Vessels also would be required to take observers if requested.

2d. Alternative 2d would require Federally-permitted commercial blueline tilefish vessels to submit Vessel Trip Reports (VTRs) electronically. A new ACCSP mobile application facilitates electronic submission of VTRs. If a combined golden/blueline tilefish permit is used, then all commercial vessels with golden/blueline tilefish permits would have to submit VTRs electronically.

2e. ***(Preferred***) Dealer Permits and Recordkeeping/Reporting – This alternative would institute dealer requirements similar to golden tilefish, i.e. that Federally-permitted vessels can only sell blueline tilefish to Federally-permitted dealers, and that dealers must have a federal permit to buy blueline tilefish. This alternative is preferred because it should support effective conservation and management of blueline tilefish by helping monitor catch and facilitating enforcement. The following reporting requirements (excerpted from 50 CFR 648.7(a)) for federal dealers would apply:

Dealers—Detailed report. Federally permitted dealers, and any individual acting in the capacity of a dealer, must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land, by one of the available electronic reporting mechanisms approved by NMFS, unless otherwise directed by the Regional Administrator. The following information, and any other information required by the Regional Administrator, must be provided in each report:

Required information—All dealers issued a dealer permit under this part must provide: Dealer name; dealer permit number; name and permit number or name and hull number (USCG documentation number or state registration number, whichever is applicable) of vessel(s) from which fish are purchased or received; trip identifier for each trip from which fish are purchased or received from a commercial fishing vessel permitted under this part; date(s) of purchases and receipts; units of measure and amount by species (by market category, if applicable); price per unit by species (by market category, if applicable) or total value by species (by market category, if applicable); port landed; disposition of the seafood product; and any other information deemed necessary by the Regional Administrator. If no fish are purchased or received during a reporting week, a report so stating must be submitted.

System requirements—All persons required to submit reports are required to have the capability to transmit data via the Internet. To ensure compatibility with the reporting system and database, dealers are required to utilize a personal computer, in working condition that meets the minimum specifications identified by NMFS. The affected public will be notified of the minimum specifications via a letter to all Federal dealer permit holders.

Annual report—All persons issued a permit under this part are required to submit the following information on an annual basis, on forms supplied by the Regional Administrator. All dealers and processors issued a permit under this part must complete all sections of the Annual Processed Products Report for all species that were processed during the previous year. Reports must be submitted to the address supplied by the Regional Administrator.

2f. No action - No additional commercial permitting and reporting would be required.

3.5 ALTERNATIVE SET 3: FOR-HIRE RECREATIONAL PERMITTING AND REPORTING

Note: It is expected that either 3a or 3b would be chosen. In addition, 3c would create basic recordkeeping and reporting requirements. 3d could also be chosen in addition to 3c to require electronic submission of VTRs.

3a. ***(Preferred***) Alternative 3a would require any party or charter vessel to have a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. This would create a joint golden/blueline tilefish permit. This alternative is preferred because it should support effective conservation and management of blueline tilefish by identifying vessels participating in the fishery without adding another permit, which can assist with catch monitoring and regulatory enforcement.

3b. Alternative 3b would require any party or charter vessel to have a newly-created Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire.

3c. ***(Preferred***) Alternative 3c would require standard reporting by Vessel Trip Reports (VTRs) of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire. Note: currently any vessel with any Federal Greater Atlantic federal party/charter permit must already report all catches (including discards) of all species of fish. While limited information is generally used from for-hire VTRs (http://www.mafmc.org/s/For-Hire-Fact-Sheet.pdf), there are a variety of research efforts underway that could lead to additional utility of VTR information. This alternative is preferred because it should support effective conservation and management of blueline tilefish by helping monitor catch.[1]

[1] The Council is separately developing an Omnibus Framework Amendment that could make electronic reporting of VTRs a requirement for for-hire vessels with MAFMC permits – see http://www.mafmc.org/actions/evtr-framework for details.

3d. Alternative 3d would require for-hire vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit. A new ACCSP mobile application facilitates electronic submission of VTRs. If a combined golden/blueline tilefish permit is used, then all for-hire vessels with golden/blueline tilefish permits would have to submit VTRs electronically.

3e. No action - No additional for-hire permitting and reporting would be required.

5.4 ALTERNATIVE SET 4: PRIVATE RECREATIONAL PERMITTING AND REPORTING

Note: It is expected that either 4a or 4b would be chosen and in addition either 4c or 4d would be chosen. While not necessarily coupled, 4b and 4c are related in that they would utilize NMFS Highly Migratory Species (HMS) processes.

4a. ***(Preferred***) Alternative 4a would create and require a dedicated recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) require a separate permit. Establishment of a separate recreational permit may require a follow-up rulemaking to achieve full implementation. This alternative is preferred because it should support effective conservation and management of blueline tilefish by identifying vessels participating in the fishery, which can assist with catch monitoring and regulatory enforcement.

4b. Alternative 4b would require that a NMFS Highly Migratory Species (HMS) permit be obtained by any vessel owner/operator seeking to catch golden or blueline tilefish. While blueline tilefish are not highly migratory, it is likely that most anglers who fish for tilefish already obtain HMS permits. With this alternative, the Council would also attempt to add tilefish as a species asked directly for information about during the NMFS large pelagics survey (LPS). NMFS' HMS division has indicated that this option should be feasible as a rapid way to add a private permitting option for blueline tilefish, and there is already a web-access platform designed to facilitate the acquisition of HMS permits by private anglers (pers. com M. Schulze-Haugen). No additional programming would have to occur – private fishermen would need to have an HMS permit to possess blueline tilefish. A concerted outreach effort would be undertaken to communicate the new requirement.

4c. Alternative 4c would require private fishermen to report golden and blueline tilefish catch through the HMS reporting system, complemented by catch cards and tags as done in Maryland (http://dnr2.maryland.gov/fisheries/Pages/coastal/tagging.aspx). HMS reporting compliance is low except when catch cards and tags are required, as they enable enforcement. Modification of the HMS reporting system would likely require addressing additional implementation issues (e.g. Federal vendor contract modifications), and might need a follow-up rulemaking to achieve full implementation (pers. com M. Schulze-Haugen). Private reporting is considered due to the rare-event nature of blueline tilefish catches.

4d. ***(Preferred***) Alternative 4d would require a mobile reporting (via a modified Standard Atlantic Fisheries Information System (SAFIS) App [App means mobile application for a phone or mobile electronic device] or other approved App) of golden and blueline tilefish by private recreational fishermen before any of these tilefish are removed from a vessel, or before a trailered vessel is removed from the water. Requiring such reporting could help improve compliance because enforcement

personnel could confirm at a dock/ramp that a report has been made. ACCSP has indicated that they can quickly provide a modified SAFIS application with minimal additional resources (pers. Com M. Cahall). Private reporting is considered due to the rare-event nature of golden and blueline tilefish catches (as is the case with bluefin tuna). This alternative is preferred because it should support effective conservation and management of golden and blueline tilefish by helping monitor recreational catch.

4e. No action – No additional private permitting and reporting would be required.

5.5 ALTERNATIVE 5: FRAMEWORK ADJUSTMENTS

5a. No action - Framework actions could not be used to modify management measures.

5b. (Preferred)

This alternative would establish that any action that is frameworkable for golden tilefish would also be frameworkable for blueline tilefish, if it has been previously considered in the FMP or in an amendment to the FMP. The unit of management may also be modified via a framework action, as could the blueline tilefish recreational/commercial allocations ***within the ranges previously considered***;

This alternative is preferred because it should support effective conservation and management of blueline tilefish by enabling flexible management approaches.

The current list of frameworkable actions in the fishery management plan is listed below. Those that are considered in this action are noted with an asterisk (*), so those are the ones that would be initially frameworkable.

(1) *Specific management measures.* The following specific management measures may be adjusted at any time through the framework adjustment process if they have been considered and analyzed previously:

(i) Minimum fish size;

(ii) Minimum hook size;

(iii) Closed seasons; (*)

(iv) Closed areas;

(v) Gear restrictions or prohibitions;

(vi) Permitting restrictions; (*)

(vii) Gear limits;

(viii) Trip limits; (*)

(ix) Adjustments within existing ABC control rule levels; (*)

(x) Adjustments to the existing Council risk policy; (*)

(xi) Introduction of new AMs, including sub ACTs; (*)

(xii) Annual specification quota setting process; (*)

(xiii) Tilefish FMP Monitoring Committee composition and process; (*)

(xiv) Description and identification of EFH; (*)

(xv) Fishing gear management measures that impact EFH;

(xvi) Habitat areas of particular concern;

(xvii) Set-aside quotas for scientific research;

(xviii) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; (*)

(xix) Recreational management measures, including the bag limit (*), minimum fish size limit, seasons (*), gear restrictions or prohibitions; previously considered permitting/reporting requirements(*);

(xx) Golden tilefish IFQ program review components, including capacity reduction, safety at sea issues, transferability rules, ownership concentration caps, permit and reporting requirements, and fee and cost-recovery issues;

(xxi) Measures that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require a formal amendment of the FMP instead of a framework adjustment.

Framework actions facilitate expedient modifications to certain management measures. Framework actions can modify existing measures and/or those that have been previously considered in a fishery management plan (FMP) or FMP amendment. While amendments may take several years to complete and address a variety of issues, frameworks generally can be completed in 6-8 months and address one or a few issues in a fishery. An "omnibus framework" may address the same/similar issue(s) across multiple FMPs. More details on how frameworks are done is provided below.

FRAMEWORK PROCESS

If appropriate, the Council may at any time initiate a framework action to add or adjust management measures within an FMP per the goals and objectives of the FMP. Usually a motion at one meeting will initiate development and consideration of a framework at the following two Council meetings (with decision making at the last meeting). This involves three Council meetings with just initiation at the first meeting, but a separate initiation meeting is not explicitly required. Initiation could occur at one meeting with decision making at the next, but in this case relevant management options and analyses would need to be presented at the meeting when initiation took place. Per the applicable regulations, the Council must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first Council meeting and prior to and at the second Council meeting.

Coordination with NMFS is primarily achieved by communication between Council staff and NMFS plan coordinators and NMFS National Environmental Policy Act (NEPA) staff. Other NMFS staff may become involved depending on the nature of the action and required analyses. The Council-NMFS

Operating Agreement specifies that the Council will develop "Action Plans" for frameworks that delineate required analyses and responsibilities for framework development.

1st Framework Meeting

A committee meeting can count as the first framework meeting, but to maximize transparency and opportunities for public input, NMFS has recommended that both framework meetings be full Council meetings. Alternatively, a noticed full Council meeting via webinar between regularly scheduled in-person Council meetings could constitute the first framework meeting if time is of the essence.

Council staff develops initial alternatives with preliminary analyses before the first framework meeting. The documentation for the first framework meeting should at a minimum include: a Purpose and Need Statement, a timeline for action, a description of the alternatives, a description of the relevant fisheries, relevant constituent communications, and any staff recommendations. Staff works with the Council to come out of the first framework meeting with a clear range of alternatives. The Council should identify preliminary preferred alternatives if possible.

2nd Framework Meeting

Staff may suggest minor changes for alternatives leading up to the second meeting, as long as the changes match the intent of alternatives discussed at the first framework meeting. Minor modifications to alternatives may also be made by the Council during the final framework meeting. However, the analysis supporting Council decision-making must be complete before decision-making.

The environmental analyses supporting a framework action usually take the form of an Environmental Assessment (EA), but sometimes a Categorical Exclusion (CE) can be utilized if the action is primarily administrative in nature. This document is usually presented in near-final form to the Council at the 2nd framework meeting, but additional document perfection typically occurs via review with NMFS staff before finalization.

As part of the Council's recommendations regarding any management measures, the Council must also specify whether the measures should be implemented via a final rule or proposed rule, along with supporting rationale.

Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of an FMP instead of a framework adjustment. So even if an action is identified as generally frameworkable, if it creates enough change or impacts, Council staff or NMFS staff may advise that the action should be undertaken via an FMP amendment versus a framework. Also, each FMP contains a list of measures that may be modified via annual specifications, and the applicable regulations can be consulted when deciding whether actions should be undertaken via an amendment, framework, or annual specifications.

5.6 ALTERNATIVE SET 6: SPECIFICATIONS PROCESS AND RISK POLICY

Note: 6a, 6b, and 6c are integral parts of the management process and would have to all be selected if management is to proceed. 6a sets up what measures may be included in specifications, and other alternative sets specify what measures would be included in this action.

6a. ***(Preferred***) This alternative would specify what measures can be set during specifications. Measures that may be considered by the Council during annual specifications include specifying overfishing levels (OFLs), Acceptable Biological Catches (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), discard set-asides, total allowable landings (TALs), commercial and recreational quotas, trip limits, bag limits, seasons, size limits, retention requirements, and/or any measure needed to ensure that the specifications are not exceeded. The fishing year would be January 1-December 31 but the specifications process could still be aligned with the golden tilefish specifications.[1] A single tilefish Monitoring Committee would provide recommendations to the Council and/or relevant committee to ensure that blueline tilefish specifications are not exceeded and to address any other operational aspects of the fishery. This alternative is preferred because it should support effective conservation and management of blueline tilefish by facilitating the setting of annual specifications that align with the MSA's and Council's requirements to avoid overfishing while achieving optimum yield. The measures that would be included in this action are detailed in other alternatives described below, and thus some other alternatives in Alternative Sets 6, 7, 8, 9, and 11 would have to be selected in addition to this alternative.

6b. ***(Preferred***) This alternative establishes that the Council's current control rules for ABC-setting would apply to blueline tilefish, as described below. This alternative is preferred because it should support effective conservation and management of blueline tilefish by facilitating the setting of annual specifications that align with the MSA's and Council's requirements to avoid overfishing while achieving optimum yield.

<u>Control Rule Related to SSC's Decision Regarding How Uncertainty is Handled in Assessments and the Impact on ABC-Setting</u>

The SSC shall review the following criteria, and any additional relevant information, to assign managed stocks to one of four control rule types based on the species' assessment and its treatment of uncertainty when developing ABC recommendations. The SSC shall review the ABC control rule type assignment for stocks each time an ABC is recommended. The ABC may be recommended for up to 3 years for all stocks, with the exception of 5 years for spiny dogfish. The SSC may deviate from the control rule methods and recommend an ABC that differs from the result of the standard ABC control rule calculation; however, any such deviation must include the following: A description of why the deviation is warranted, a description of the methods used to derive the alternative ABC, and an explanation of how the deviation is consistent with National Standard 2. The ABC control rule types (underlined) are

[1] The Amendment originally considered a November 1 – October 31 fishing year, but the Council decided that to allow time for implementation and to align the fishing year with assessment products, that management should commence on January 1, 2017. This administrative change should have no impacts.

described below. The Council has a separate action ongoing that may modify the names of the Levels (1,2,3,4) to more descriptive names

(a) *Level 1 criteria.* (1) Assignment of a stock to Level 1 requires the SSC to determine the following:

(i) All important sources of scientific uncertainty are captured in the stock assessment model;

(ii) The probability distribution of the OFL is calculated within the stock assessment and provides an adequate description of the OFL uncertainty;

(iii) The stock assessment model structure and treatment of the data prior to use in the model includes relevant details of the biology of the stock, fisheries that exploit the stock, and data collection methods;

(iv) The stock assessment provides the following estimates: Fishing mortality rate (F) at MSY or an alternate maximum fishing mortality threshold (MFMT) to define OFL, biomass, biological reference points, stock status, OFL, and the respective uncertainties associated with each value; and

(v) No substantial retrospective patterns exist in the stock assessment estimates of fishing mortality, biomass, and recruitment.

(2) *Level 1 ABC determination.* Stocks assigned to Level 1 by the SSC will have the ABC derived by applying acceptable probability of overfishing from the MAFMC's risk policy found in §648.21(a) through (d) to the probability distribution of the OFL.

(b) *Level 2 criteria.* (1) Assignment of a stock to Level 2 requires the SSC to determine the following:

(i) Key features of the stock biology, the fisheries that exploit it, and/or the data collection methods for stock information are missing from the stock assessment;

(ii) The stock assessment provides reference points (which may be proxies), stock status, and uncertainties associated with each; however, the uncertainty is not fully promulgated through the stock assessment model and/or some important sources of uncertainty may be lacking;

(iii) The stock assessment provides estimates of the precision of biomass, fishing mortality, and reference points; and

(iv) The accuracy of the minimum fishing mortality threshold and projected future biomass is estimated in the stock assessment using ad hoc methods.

(2) *Level 2 ABC determination.* Stocks assigned to Level 2 by the SSC will have the ABC derived by applying acceptable probability of overfishing from the MAFMC's risk policy found in §648.21(a) through (d) to the probability distribution of the OFL.

(c) *Level 3 criteria.* (1) Assignment of a stock to Level 3 requires the SSC to determine that the stock assessment attributes are the same as those for a Level 2 assessment listed in §648.20(d)(1) through (4), except that the stock assessment does not contain an estimated probability distribution of OFL or the

stock assessment provided OFL probability distribution is judged by the SSC to not adequately reflect uncertainty in the OFL estimate.

(2) *Level 3 ABC determination.* Stocks assigned to Level 3 will have ABC derived by one of the following two methods:

(i) The SSC will derive the ABC by applying the acceptable probability of overfishing from the MAFMC's risk policy found in §648.21(a) through (d) to an SSC-adjusted OFL probability distribution. The SSC will use default levels of uncertainty in the adjusted OFL probability distribution based on literature review and evaluation of control rule performance; or,

(ii) If the SSC cannot develop an OFL distribution, a default control rule of 75 percent of the F_{MSY} value will be applied to derive ABC.

(d) *Level 4 criteria.* (1) Assignment of a stock to Level 4 requires the SSC to determine that none of the criteria for Levels 1-3 found in §648.20(a) through (c) were met.

(2) *Level 4 ABC determination.* Stocks assigned to Level 4 will have ABC derived using control rules developed on a case-by-case basis by the SSC based on biomass and catch history and application of the MAFMC's risk policy found in §648.21(a) through (d).

6c. ***(Preferred***) This alternative establishes that the Council's current risk policy for ABC-setting would apply to blueline tilefish, as described below, and also establishes the 2017 ABC as 87,031 pounds. This alternative is preferred because it should support effective conservation and management of blueline tilefish by facilitating the setting of annual specifications that align with the MSA's and Council's requirements to avoid overfishing while achieving optimum yield.

Risk Policy

The risk policy shall be used by the SSC in conjunction with the ABC control rules to ensure the Council's preferred tolerance for the risk of overfishing is addressed in the ABC development and recommendation process. The Council has a separate action ongoing that could allow the SSC to recommend, and the Council to adopt ABCs that are based on multi-year averaging of the probabilities of overfishing.

(a) *Stocks under a rebuilding plan.* The probability of not exceeding the F necessary to rebuild the stock within the specified time frame (rebuilding F or $F_{REBUILD}$) must be at least 50 percent, unless the default level is modified to a higher probability for not exceeding the rebuilding F through the formal stock rebuilding plan. A higher probability of not exceeding the rebuilding F would be expressed as a value greater than 50 percent (e.g., 75-percent probability of not exceeding rebuilding F, which corresponds to a 25-percent probability of exceeding rebuilding F).

(b) *Stocks not subject to a rebuilding plan.*

(1) For stocks determined by the SSC to have an atypical life history, the maximum probability of overfishing as informed by the OFL distribution will be 35 percent for stocks with a ratio of biomass (B) to biomass at MSY (B_{MSY}) of 1.0 or higher (*i.e.*, the stock is at B_{MSY} or higher). The maximum probability of overfishing shall decrease linearly from the maximum value of 35 percent as the B/B_{MSY} ratio becomes less than 1.0 (*i.e.*, the stock biomass less than B_{MSY}) until the probability of overfishing becomes zero at a B/B_{MSY} ratio of 0.10. An atypical life history is generally defined as one that has greater vulnerability to exploitation and whose characteristics have not been fully addressed through the stock assessment and biological reference point development process.

(2) For stocks determined by the SSC to have a typical life history, the maximum probability of overfishing as informed by the OFL distribution will be 40 percent for stocks with a ratio of B to B_{MSY} of 1.0 or higher (*i.e.*, the stock is at B_{MSY} or higher). The maximum probability of overfishing shall decrease linearly from the maximum value of 40 percent as the B/B_{MSY} ratio becomes less than 1.0 (stock biomass less than B_{MSY}) until the probability of overfishing becomes zero at a B/B_{MSY} ratio of 0.10. Stocks with typical life history are those not meeting the criteria in paragraph (b)(1) of this section.

(c) For instances in which the application of the risk policy approaches in either paragraph (b)(1) or (2) of this section using OFL distribution, as applicable given life history determination, results in a more restrictive ABC recommendation than the calculation of ABC derived from the use of $F_{REBUILD}$ at the Council-specified overfishing risk level as outlined in paragraph (a) of this section, the SSC shall recommend to the Council the lower of the ABC values.

(d) *Stock without an OFL or OFL proxy.*

(1) If an OFL cannot be determined from the stock assessment, or if a proxy is not provided by the SSC during the ABC recommendation process, ABC levels may not be increased until such time that an OFL has been identified.

(2) The SSC may deviate from paragraph (d)(1) of this section, provided that the following two criteria are met: Biomass-based reference points indicate that the stock is greater than B_{MSY} and stock biomass is stable or increasing, or if biomass based reference points are not available, best available science indicates that stock biomass is stable or increasing; and the SSC provides a determination that, based on best available science, the recommended increase to the ABC is not expected to result in overfishing. Any such deviation must include a description of why the increase is warranted, description of the methods used to derive the alternative ABC, and a certification that the ABC is not likely to result in overfishing on the stock.

The Council has approved an Omnibus Framework that would allow averaging of overfishing probabilities for multi-year specifications. It is assumed that that action, if approved and implemented by NMFS, would also apply to blueline tilefish. The action is currently in the rule-making phase. That action would simply make it consistent with the Council's risk policy for the SSC to specify constant multi-year ABCs if the average of the probabilities of overfishing equal the appropriate goal (0%-40% depending on the current procedures). The resulting ABC must also always result in less than a 50% probability of overfishing in any one year. For any three year period, an averaged ABC would result in slightly less chance of overfishing in some years and slightly more of a chance of overfishing in other years compared to a non-averaged ABC based on year to year projections, but given the inherent

uncertainty involved in assessments the differences are not expected to be meaningful from a biological perspective.

2017 ABC as 87,031 pounds

The SSC met to consider the blueline tilefish ABC on March 16, 2016, and March 29, 2016. For its final ABC recommendation, the SSC considered the output of a *data-limited toolkit* for conducting Management Strategy Evaluations to develop catch limits developed by Carruthers et. al. (2014) and implemented by a working group of the SSC, led by Thomas Miller. Much of the analysis was conducted by Michael Schmidtke, a graduate student of working group member Cynthia Jones (Old Dominion University). This toolkit has been used previously by the SSC to develop ABC recommendations for black sea bass and Atlantic mackerel. Based on the output of the toolkit, which simulates stock responses to different harvest strategies, the SSC recommended a 2017 blueline tilefish ABC of 87,031 pounds as meeting the Council's risk policy to best avoid overfishing when guidance from a standard stock assessment is not available. Details on the analysis and rationale of the SSC can be found in the working group's report, available at http://www.mafmc.org/briefing/april-2016. This document also notes that due to the limited information on recreational blueline tilefish catch, the recreational catch histories used in the toolkit resulted from a Delphi Approach workshop with fishermen to develop an approximation of 2015 recreational catch, and then a time series was created based on the Delphi Approach estimate and other available data. For further details see the April 2016 blueline tilefish briefing materials, available at http://www.mafmc.org/briefing/april-2016. The SSC identified the uncertainty about the recreational catch time series as a key area of uncertainty, but per its standard operating procedures, reviewed and accepted the current catch data as the best available scientific information for setting an ABC.

6d. No action - No process for setting specifications would be implemented.

5.7 ALTERNATIVE SET 7: ALLOCATIONS AND SPECIFICATIONS

Note: If management proceeds, then specifications would have to be made whether allocations are made or not. If no action is selected overall then 7a is a viable choice, but if some management proceeds then some way to use the ABC from the SSC in specifications would have to be described (7d or 7e). If an allocation is chosen (one alternative from 7b1, 7b2, 7c1, or 7c2), then 7d would have to be selected to describe how specifications would work with allocations. If no allocations are made, then 7e describes how specifications would use the ABC without allocations.

7a. No action. Allocations would not be set by the Council and a way to utilize the ABC provided by the SSC would not be specified.

Background for Action Alternatives - Catch time series (pounds)

While commercial blueline tilefish data is available from standard sources (dealer/vessel trip reports), blueline tilefish are almost totally absent from the Marine Recreational Information Program (MRIP) data and it is believed that considerable underreporting has occurred in for-hire vessel trip reports (VTRs). To address this, the Council held a facilitated workshop with individuals knowledgeable about

the recreational blueline tilefish fishery to develop recreational blueline tilefish catch estimates through an iterative Delphi technique approach. The report from this workshop (Southwick Associates 2016) is available at http://www.mafmc.org/ssc-meetings/2016/march-15-16, and it was used to develop the time series below (also see Council staff memos at the same site under Blueline Tilefish). This time series was used to populate the percentages in the alternatives below. The Council's SSC is currently developing ABCs for blueline tilefish (will be available before the April Council meeting) and while acknowledging the uncertainty of the recreational estimates, the SSC concluded that these estimates are the best available given the limited data circumstances. A fish-to-weight conversion of 3.65 pounds per fish was used for recreationally-caught fish, primarily based on data collected by Old Dominion University via donations of carcasses from recreational anglers through the Virginia Marine Resources Commission's Marine Sportfish Collection Program and research collections from fish caught on Virginia headboats and charter boats.

As described in the above referenced staff memos, the commercial catch includes blueline tilefish caught off Virginia and to the north. Some of those fish may have been landed in North Carolina, but were included given the focus is on where the fish were, i.e. off Virginia and to the north.

Table 2. Blueline Tilefish Time Series Used for Allocation Percentages (pounds)

	Rec	Com	Total	Rec %	Com %
2004	51,098	7,406	58,504	87%	13%
2005	51,098	4,206	55,304	92%	8%
2006	51,098	28,437	79,535	64%	36%
2007	61,487	26,095	87,582	70%	30%
2008	56,078	7,881	63,959	88%	12%
2009	58,243	39,205	97,448	60%	40%
2010	54,805	7,439	62,244	88%	12%
2011	66,097	17,670	83,767	79%	21%
2012	67,888	41,268	109,157	62%	38%
2013	90,604	33,611	124,215	73%	27%

7b1. **(*Preferred*)** This alternative would use the best available data to set allocations based on median catch percentages from ***2009-2013*** (see considered but rejected section as to why 2014 is not included). Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%. The median of the catch percentages from 2009-2013 is 73% recreational and 27% commercial. This alternative is preferred because it should support effective conservation and management of blueline tilefish by facilitating the setting of annual specifications that align with the MSA's and Council's requirements to avoid overfishing while achieving optimum yield. In addition, this alternative represents the results of the Council's consideration of both recent and historical catch when setting this allocation. Not including 2014 made sense to the Council from the perspective that it was an unusual year, and not including 2014 means there is relatively less commercial catch in the allocation series. However, the Council balanced this by using a relatively recent time series, which means there is relatively more commercial catch in the allocation series compared to going back to 2004.

7b2. This alternative would use the best available data to set allocations based on mean catch percentages from ***2009-2013*** (see considered but rejected section as to why 2014 is not included). Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%. The mean of the catch percentages from 2009-2013 is 72% recreational and 28% commercial.

7c1. This alternative would use the best available data to set allocations based on median catch percentages from ***2004-2013*** (see considered but rejected section as to why 2014 is not included). Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%. The median of the catch percentages from 2004-2013 is 76% recreational and 24% commercial.

7c2. This alternative would use the best available data to set allocations based on mean catch percentages from ***2004-2013*** (see considered but rejected section as to why 2014 is not included). Once the catches are determined, then the mean of the annual percentages would be used. Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%. The mean of the catch percentages from 2004-2013 is 76% recreational and 24% commercial.

7d. ***(Preferred***) If allocations are made, this alternative describes how the specifications process would handle allocations in terms of ABC, ACLs, ACTs, etc. The SSC would set the ABC as usual. First, the allocation would be used to establish fishery (commercial and recreational) ACLs. The addition of the two fishery ACLs would equal the ABC. ACTs would be set for each fishery to account for management uncertainty. Anticipated discards would be subtracted for each to develop a total allowable landings (TAL) amount for each. The Council would then develop other management measures (seasons, trip limits, etc. as described above) that would be expected to meet the TAL and not exceed the ABC. If the Council re-establishes a research set-aside program, that amount would be deducted from the TAL and could be up to 3% of the TAL. This alternative is preferred because it should support effective conservation and management of blueline tilefish by facilitating the setting of annual specifications that align with the MSA's and Council's requirements to avoid overfishing while achieving optimum yield.

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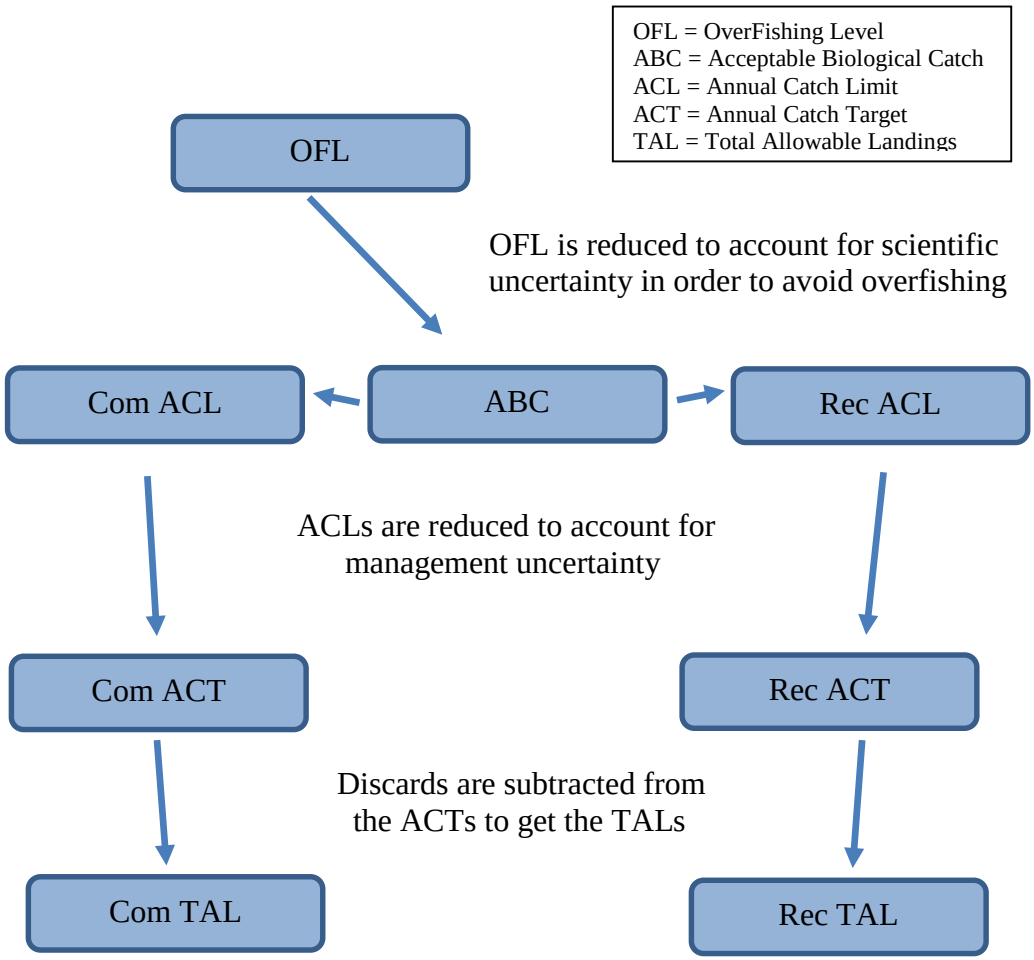
Figure 1. 7d Flowchart



Following this procedure would result in the following specifications for 2017:

Table 3. 2017 Blueline ACLs/ACTs/TALs

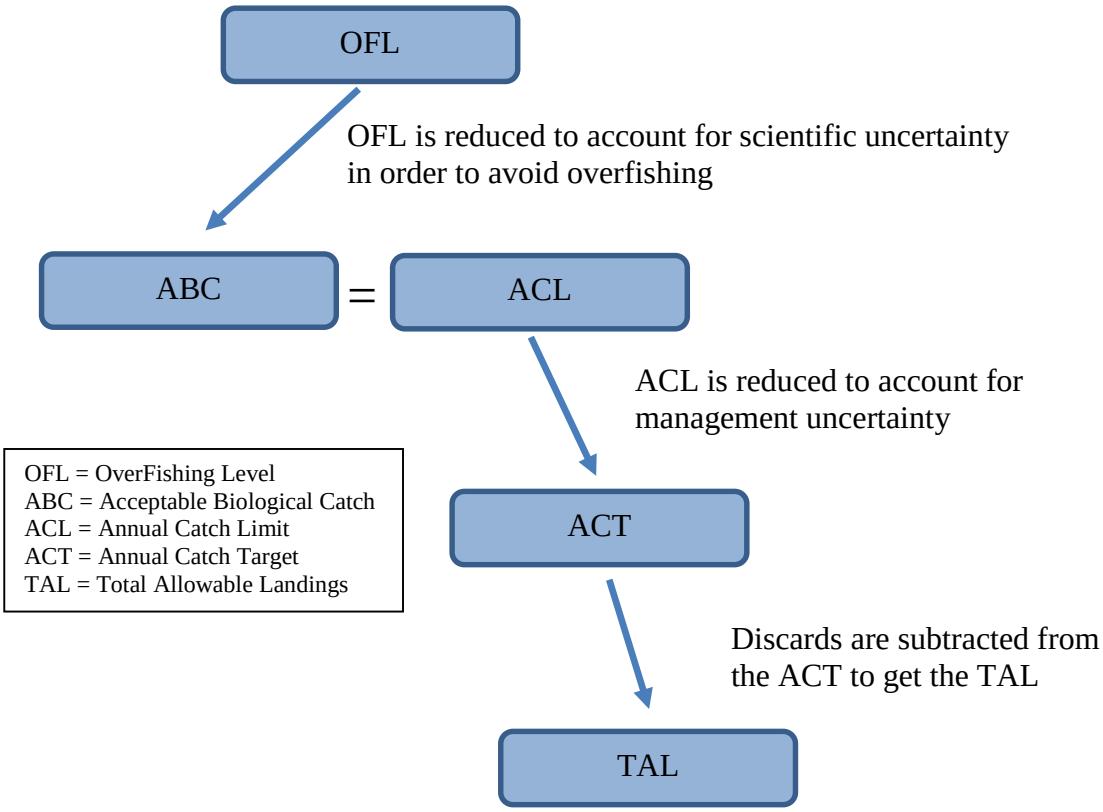
Specification	Recreational	Commercial
ABC (pounds)	87,031	
ACLs (pounds)	63,533	23,498
ACTs[1] (pounds)	63,533	23,498
TALs[2] (pounds)	62,262	23,263

[1] Assuming that reporting can be obtained from all sectors, there was no information for the FMAT to recommend management uncertainty buffers at this time. If enforcement reveals ongoing reporting compliance issues or if the ACL is exceeded, then a management uncertainty buffer would likely be recommended in the future.

[2] The SSC utilized a 2% discard rate for the recreational sector and a 1% discard rate for the commercial sector based on the limited VTR data.

7e. If allocations are not made, this alternative describes how the specifications process would handle ABC, ACLs, ACTs, etc. In this case, a fishery wide ABC, ACL, and ACT would be set. ABC would be the catch recommended by the SSC to best avoid overfishing per the Council's risk policy regarding how uncertainty is handled. The ACL would equal the ABC and the ACT would be less than the ACL to account for management uncertainties. Anticipated discards would be subtracted to develop a total allowable landings (TAL) amount. The Council would then develop other management measures (seasons, trip limits, etc. as described above) that would be expected to meet ACT and not exceed the ABC/ACL. If the Council re-establishes a research set-aside program, that amount would be deducted from the TAL and could be up to 3% of the TAL.

Figure 2. 7e Flowchart



5.8 ALTERNATIVE SET 8: COMMERCIAL TRIP LIMITS (GUTTED WEIGHT)

Note: One alternative would be chosen from this alternative set.

Background on whole vs. gutted weight: with golden tilefish, the FMAT reports there has been confusion about whole and gutted weights. Some vessels have interpreted whole weight trip limits and quota allocations as gutted weight. This has led to some vessels landing their whole weight limit in gutted fish, which means some keep about 9% too much if at the trip limit (100 pounds of gutted fish is

109 pounds of live fish). To avoid this problem with blueline tilefish, the measures will be described as only gutted weight. The FMAT recommended selecting a trip limit that is in gutted pounds with an easy to remember poundage to facilitate compliance.

8a. This alternative would adopt the emergency action's commercial trip limit of 275 pounds per trip gutted weight (head and fins must be attached).

8b. This alternative would implement a trip limit lower than the emergency action's 275 pounds to a limit of **200** pounds per trip gutted weight (head and fins must be attached).

8c. ***(Preferred***) This alternative would implement a trip limit higher than the emergency action's 275 pounds to a limit of **300** pounds per trip gutted weight (head and fins must be attached). This alternative is preferred because it should support effective conservation and management of blueline tilefish by limiting the commercial fishery to its sub-ACL without closing the fishery totally, which could increase regulatory discards. Also, in recent typical operation of this fishery (2009-2013, i.e. not including 2014), very few trips per year (6 trips) would have been impacted by this trip limit, so it should not substantially negatively impact vessels relative to their typical recent operations.

8d. This alternative would implement a trip limit higher than the emergency action's 275 pounds to a limit of **500** pounds per trip gutted weight (head and fins must be attached).

8e. This alternative would implement a trip limit higher than the emergency action's 275 pounds to a limit of **900** pounds per trip gutted weight (head and fins must be attached).

8f. This alternative would implement a trip limit higher than the emergency action's 275 pounds to a limit of **750** pounds per trip gutted weight (head and fins must be attached).

8g. No action – no commercial trip limit would be specified.

5.9 ALTERNATIVE SET 9: RECREATIONAL BAG/POSSESSION LIMITS AND/OR SEASON

Note: One alternative would be chosen from 9a, 9b, 9c, or 9e. 9d could be added onto 9a, 9b, or 9c.

9a. This alternative would institute a recreational bag limit of **7 fish** per angler per trip with no closed season

9b. This alternative would institute a recreational bag limit of **5 fish** per angler per trip with no closed season

9c. This alternative would institute a recreational bag limit of **9 fish** per angler per trip with no closed season

9d. This alternative could only be chosen in combination with 9a, 9b, or 9c, and would allow an **additional 3** blueline tilefish per person on party boat trips (inspected vessels, more than 6 passengers) that last longer than 36 hours from when the vessel leaves the dock to when a vessel returns to the dock.

A call-out/call-in system would be necessary to assist enforcement of such a provision. A relatively small number of extra fish was chosen for this alternative so that the operation of this alternative and compliance could be evaluated at a relatively small scale after implementation.

9e. ***(Preferred)*** This alternative would set the blueline tilefish fishing year as January 1-December 31, each year, with an open recreational season for blueline tilefish from May 1 to October 31. During this season, the recreational per-person bag limit would be 7 blueline tilefish for U.S. Coast Guard inspected for-hire vessels, 5 blueline tilefish for uninspected for-hire vessels, and 3 blueline tilefish for private vessels. This alternative is preferred because it should support effective conservation and management of blueline tilefish since A) it should constrain recreational catch relative to the low ABC and recreational allocation, B) it considers the dependence of some for-hire vessels on blueline tilefish fishing (especially some larger inspected vessels), and C) by initially limiting catch from the parts of the recreational fishery that have the least information on catch (uninspected for-hire vessels and private vessels), this alternative should reduce the chance of a large ABC overage and overfishing. In the Council's judgement, this alternative should adequately constrain the recreational fishery within its sub-ACL while helping achieve optimum yield.

VTR data, while limited, suggest that per-person catch rates on trips where blueline tilefish are caught are lower on charter boats compared to party boats. The party boats in VTR data are representative of the inspected vessels assigned higher trip limits in this alternative. The Council also received public input that on most private boat trips that do some targeting of blueline tilefish, the retention rate would also be lower than for-hire trips. The Council understands that all parts of the recreational fishery will be impacted by these regulations, and determined that these measures spread the burden of restrictions in a fair manner, given the apparent differences in catch rates among different segments of the recreational fishery. Preferred alternative 6d proposes adding reporting for the private vessel component of this fishery, and the Council can re-evaluate recreational measures through specifications as new information is obtained.

This alternative appears to the Council to have a reasonable likelihood of constraining recreational catch to the recreational ACL of 63,533 pounds. The 2014/2015 average recreational catch of blueline tilefish was 132,772 pounds (Miller et al 2016). So the recreational fishery would need a reduction of 52%. A seasonal closure from November through April would have accounted for 19% of 2014/2015 catch (VTR data), and VTRs also suggested that party boat trips (representing inspected vessels) in 2014-2015 with more than 7 fish per person accounted for 54% of the fish they caught, and that charter boat trips in 2014-2015 with more than 5 fish per person accounted for 58% of the fish they caught.

Some of these trips might not occur at lower trip levels, and others would have reduced catches per the proposed bag limits, but it is not possible to exactly quantify the response that fishermen will have to these limits other than they should result in a reduced catch of some substance. The 3 fish private boat limit would also reduce catch by some degree, but until reporting occurs it is not possible to quantify. Taken together, the Council determined that these measures should result in approximately the necessary reductions, and that the accountability measures proposed in Alternative 14a would ensure that if there was an ACL overage, measures would be quickly adjusted to ensure that there are not overages on an ongoing basis.

9f. No action. No recreational trip limit or season would be specified.

5.10 ALTERNATIVE SET 10: ESSENTIAL FISH HABITAT (EFH) DESIGNATION

10a. No Action – EFH would not be designated for blueline tilefish.

10b. ***(Preferred)*** This alternative would use the best available science to designate blueline tilefish EFH in this action. Based on Sedberry et al. 2006, blueline tilefish EFH for adults and juveniles would be all offshore waters with water depths from 46 meters to 256 meters. This was where the authors collected blueline tilefish in a study off South Carolina. Analysis conducted for this action, of observer data north of the NC/VA border, from 2005-2014, found that 97% of blueline tilefish observations (by weight) occurred in depths of 45 meters to 180 meters with very few observations less than 45 meters or greater than 225 meters (shallowest was 24 meters and deepest was 254 meters). Based on these observer data, 46-256 meters seems reasonable. In the absence of any data for the pelagic eggs and larvae, it is also reasonable to assume that the spatial extent of EFH for these two life stages would be the same as EFH for the juveniles and adults, as was done for golden tilefish. The preferred EFH text descriptions below include information on bottom temperature ranges and substrates where juveniles and adults are commonly found north of the NC/VA border, based on information provided by Klibansky (2016) and Farmer and Klibansky (2016). Given what is known about blueline tilefish at this time, EFH would not extend northward up the Great South Channel or on to the eastern portion of Georges Bank (Figure 3). The EFH designations could be changed in the future as more information becomes available. This alternative is preferred because it should support effective conservation of blueline tilefish habitat by identifying EFH based on the best available scientific information.

Eggs and larvae: Blueline tilefish egg and larval EFH in the Greater Atlantic region is the water column on the outer continental shelf from eastern Georges Bank to the Virginia / North Carolina boundary in depths of 46 to 256 meters (151 to 840 ft), as shown in Figure 3.

Juveniles and adults: Blueline tilefish juvenile and adult EFH in the Greater Atlantic region is benthic habitats on the outer continental shelf from eastern Georges Bank to the Virginia / North Carolina boundary in depths of 46 to 256 meters (151 to 840 ft) at bottom water temperatures which range from 8 to 18°C (46 to 64°F), as shown in Figure 3. Blueline tilefish create horizontal or vertical burrows in sediments composed of silt, clay, and sand.

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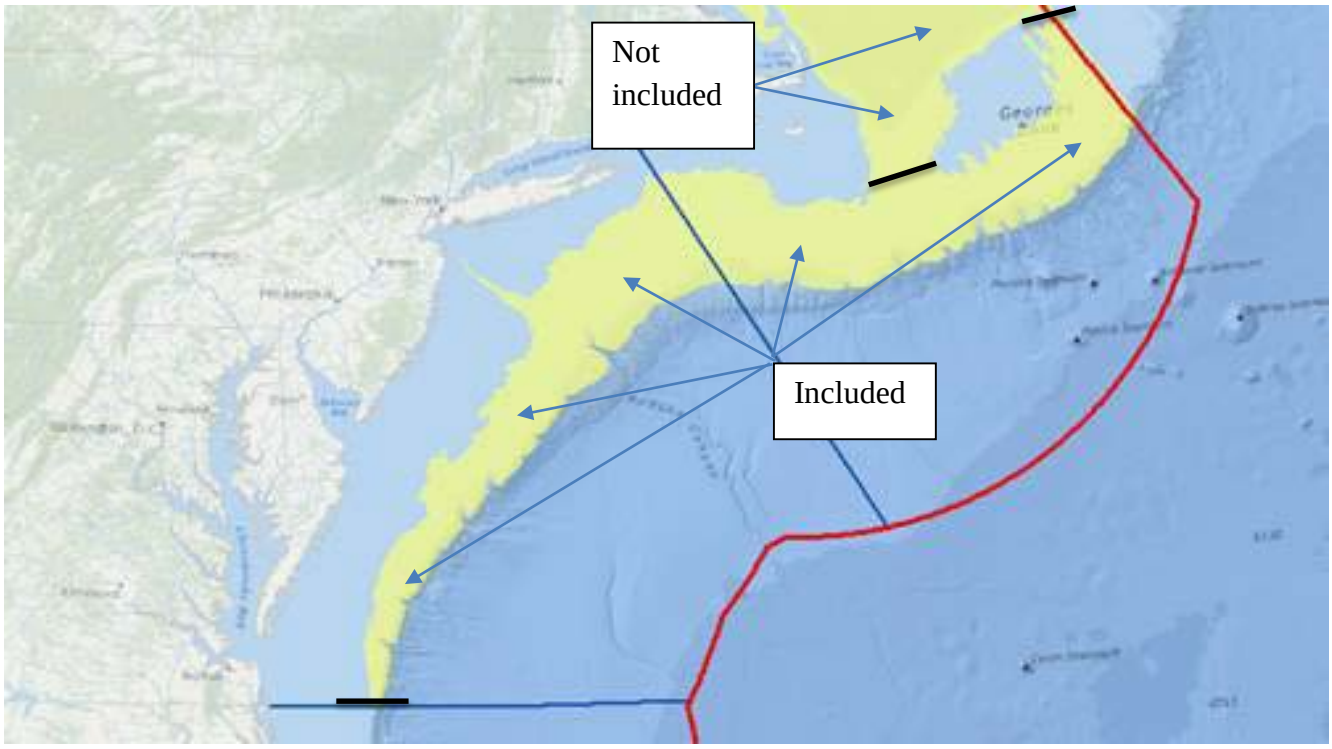

Figure 3. Proposed Blueline Tilefish EFH, showing Council boundaries.

5.11 ALTERNATIVE SET 11: ACCOUNTABILITY MEASURES (AMs)

Note: Either 11a or 11b would be chosen depending on whether allocations are made. 11c and/or 11d could be added to either 11a or 11b.

11a. ***(Preferred)*** This alternative would apply if there are recreational/commercial allocations. AMs would only automatically be triggered if the recreational and/or commercial ACLs are exceeded. The Council shall recommend such management measures, for the soonest year practicable, that analysis demonstrates should prevent future overages. Such measures could include any measure that can be set via specifications. The Council may recommend adjustments to management measures, but implementation of changes as an AM would not require Council action.

Commercial ACL overages would result in a pound for pound payback/ACL deduction in the relevant specifications year. Recreational paybacks would be dependent on the stock status of blueline tilefish and will be based on a 3-year averaging, similar to how black sea bass accountability measures apply, which are adopted and detailed below from existing regulations (§648.143). The 3-year averaging takes into account the imprecision that can occur with recreational catch estimates. Implementation of payback AMs would not require additional Council action. Since the stock status of blueline tilefish is currently unknown, recreational ACL overages would initially have to be fully repaid based on the described 3-year averaging evaluation. This alternative is preferred because it should support effective

conservation and management of blueline tilefish by ensuring that the ABC is not exceeded, or if it is exceeded, that corrective actions are taken to avoid future overages.

Recreational ACL Evaluation

When necessary, the recreational sector ACL will be evaluated based on a 3-year moving average comparison of total catch (landings and discards). Both landings and dead discards will be evaluated in determining if the 3-year average recreational sector ACL has been exceeded. The 3-year moving average will be phased in over the first 3 years, beginning with 2017: Total recreational catch from 2017 will be compared to the 2017 recreational sector ACL; the average total catch from both 2017 and 2018 will be compared to the average of the 2017 and 2018 recreational sector ACLs; the average total catch from 2017, 2018, and 2019 will be compared to the average of the 2017, 2018, and 2019 recreational sector ACLs and, for all subsequent years, the preceding 3-year average recreational total catch will be compared to the preceding 3-year average recreational sector ACL.

Recreational AMs.

If the 3-year average recreational ACL is exceeded, then the following procedure will be followed:

(1) If biomass is below the threshold, the stock is under rebuilding, or biological reference points are unknown. If the most recent estimate of biomass is below the B_{MSY} threshold (i.e., B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the recreational ACL has been exceeded, then the exact amount, in pounds, by which the most recent year's recreational catch estimate exceeded the most recent year's recreational ACL will be deducted in the following fishing year, or as soon as possible thereafter, once catch data are available, from the recreational ACT, as a single-year adjustment. In this biomass zone, pound for pound paybacks always apply. Changes to management measures would also be considered through the specifications process to avoid future overages.

(2) If biomass is above the threshold, but below the target, and the stock is not under rebuilding. If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(i) If the Recreational ACL has been exceeded. If the Recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment to ensure the following year’s ACL is not exceeded. No paybacks would apply.

(ii) If the ABC has been exceeded. If the ABC has been exceeded, then a single-year payback adjustment to the recreational ACT will be made in the following fishing year, or as soon as possible thereafter, once catch data are available. In addition, adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following year or as soon as possible thereafter through the specifications process.

(A) Adjustment to Recreational ACT. If an adjustment to the following year's Recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the recreational catch and the recreational ACL, and the payback coefficient, as specified below.

(B) Payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (i.e., $B_{MSY}-B$) divided by one-half of B_{MSY}.

(3) If biomass is above B_{MSY}. If the most recent estimate of biomass is above B_{MSY} (i.e., B/B_{MSY} is greater than 1.0), then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

11b. Under this alternative, used if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC.

11c. Under this alternative, if NMFS determines that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL (depending on if there are allocations or not), NMFS may close or adjust the season and/or trip/bag limits for either fishery.

11d. ***(Preferred)*** In-season commercial closure authority. If NMFS projects that commercial blueline tilefish landings will reach 100% of the commercial TAL then NMFS will close the commercial season. This alternative is preferred because it should support effective conservation and management of blueline tilefish by avoiding ACL overages/overfishing while allowing the commercial TAL to be harvested.

11e. No action. No accountability measures would be implemented.

5.12 ALTERNATIVE SET 12: CONSIDERED BUT REJECTED ALTERNATIVES

For reasons described below, the following alternatives were considered but rejected for further analysis because the Council determined they were not reasonable:

12a. Limited Access – Alternatives to consider implementing limited access were rejected because it was determined that the process for qualifying vessels for limited access (commercial and/or for-hire) would require additional time to complete. A control date has been published for the commercial and for-hire components that could be used in a future limited access action for this fishery:

https://www.greateratlantic.fisheries.noaa.gov/mediacenter/2015/december/14_control_date_of_december_14__2015_for_blueline_tilefish_fishery.html.

12b. Establish a separate blueline tilefish monitoring committee. This alternative was rejected because the golden tilefish monitoring committee has the needed expertise to monitor the blueline tilefish fishery and a separate committee would create unnecessary duplication.

12c. There was initial staff discussion of using the SAFMC allocations - 50.07% commercial and 49.93% recreational for any allocation. This was rejected as arbitrary.

12d. There was initial staff discussion of splitting the available ABC 50% commercial and 50% recreational. This was rejected as arbitrary.

12e. There was consideration of including 2014 catch data when assessing allocations. However, 2014 was an unusual year for this fishery and not representative of the normal or historical operation of the fishery in terms of relative recreational/commercial landings.

12f. There was consideration of using combination blueline/golden recreational bag limits. This was deemed too complicated for this action given potential inter-related impacts with the golden tilefish fishery. Such an option could be considered in the future with additional analysis.

12g. There was consideration of establishing EFH protections for blueline tilefish in this action. However, blueline tilefish habitat likely is/will be protected to a degree by natural hard habitat features, existing golden tilefish closure areas, and pending coral protection areas. Moreover, the pending omnibus EFH impact assessment was deemed a more appropriate venue for this work.

12h. Initial discussions considered other commercial trip limits of 150, 300, 450, 600, and 900 pounds, but the Council determined that the range currently considered in the document was most reasonable.

12i. The Council considered adding in other deep-water species (e.g. Snowy Grouper) but given the time constraints for this action and the limited catches of other deep-water species, decided to focus on blueline tilefish for this action.

12j. The Council considered a coastwide management unit but rejected this alternative because having the SAFMC manage blueline tilefish in the Mid-Atlantic would be counter to the purpose of this action and it would also be inappropriate for the Council to manage South-Atlantic blueline tilefish - NMFS has the authority to assign management to a Council(s) (see MSA 304(f)).

12k. The Council considered the blueline trip/bag limits currently in use or being considered by the SAFMC in a framework action but decided that the range of limits considered in this document was the most reasonable given the characteristics of the fishery in the Mid-Atlantic area.

6.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

The affected environment consists of those resources expected to experience environmental impacts if the actions under consideration in this amendment are implemented. The actions being considered are generally expected to restrict fishing effort to near or below current levels. From this perspective, the affected environment consists of those physical, biological, and human components of the environment that are or will be meaningfully connected to commercial fishing operations in those zones. These environmental components are described below.

6.1 PHYSICAL ENVIRONMENT

Detailed information on the affected physical and biological environments inhabited by golden and blueline tilefish north of the NC/VA border is available in Stevenson et al. (2004). Within the Council management area, golden tilefish inhabit the Northeast U.S. Shelf Ecosystem, which has been described as including the area from the Gulf of Maine south to Cape Hatteras, extending from the coast seaward to the edge of the continental shelf, including the slope sea offshore to the Gulf Stream. Blueline tilefish inhabit the same area but at a slightly shallower depth range (46 meters to 256 meters for blueline tilefish vs. 100 meters to 300 meters for golden tilefish). Both species also occur to the south, and SAFMC documents can be consulted for additional information on the southern extent of their range. The continental slope includes the area east of the shelf, out to a depth of 2000 m. Four distinct sub-regions comprise the NOAA Fisheries Greater Atlantic Region: the Gulf of Maine, Georges Bank, the Mid-Atlantic Bight, and the continental slope. The Gulf of Maine is an enclosed coastal sea, characterized by relatively cold waters and deep basins, with a patchwork of various sediment types. Georges Bank is a relatively shallow coastal plateau that slopes gently from north to south and has steep submarine canyons on its eastern and southeastern edge. It is characterized by highly productive, well-mixed waters and strong currents. The Mid-Atlantic Bight is comprised of the sandy, relatively flat, gently sloping continental shelf from southern New England to Cape Hatteras, NC. The continental slope begins at the continental shelf break and continues eastward with increasing depth until it becomes the continental rise. It is fairly homogenous, with exceptions at the shelf break, some of the canyons, the Hudson Shelf Valley, and in areas of glacially rafted hard bottom.

The environment that could potentially be affected by the proposed action overlaps with the proposed EFH for blueline tilefish and the EFH for golden tilefish. The alternatives describe the proposed EFH for blueline tilefish. From SEDAR 32 (Southeast Data, Assessment and Review - http://sedarweb.org/), blueline tilefish inhabit the shelf edge and upper slope reefs at depths of 46-256m (Sedberry et al. 2006) and temperatures between 15-23°C, where they construct burrows in relatively soft, sandy sediments at 91-150m depth (Able, et al. 1987), in close association with rocky outcroppings. Primarily used for predator avoidance, burrows can be occupied by up to three individuals as well as other species.

Golden Tilefish EFH

The following sections describe where to find detailed information on EFH for golden tilefish and any past actions taken in the FMPs to minimize adverse EFH effects to the extent practicable. While less research has been done for blueline tilefish in the Mid-Atlantic, many of the concerns would be the same.

Information on golden tilefish habitat requirements can be found in the document titled, Essential Fish Habitat Source Document: Tilefish, *Lopholatilus chamaeleonticeps*, Life History and Habitat Characteristics" (Steimle et al. 1999). An electronic version of this source document is available at the following website: http://www.nefsc.noaa.gov/nefsc/habitat/efh/.

The current designation of EFH by life history stage for is provided here:

Eggs and Larvae: EFH for golden tilefish eggs and larvae is the water column on the outer continental shelf and slope from the U.S./Canadian boundary to the NC/VA boundary in mean water column temperatures between 7.5°C and 17.5°C (45.5°F to 63.5°F).

Juveniles and Adults: EFH for golden tilefish juveniles and adults is semi-lithified clay substrate on the outer continental shelf and slope from the U.S./Canadian boundary to the NC/VA boundary in bottom water temperatures which range from 9°C to 14°C (48.2°F to 57.2°F), which generally occur in depths between 100 and 300 meters (328 to 984 ft). Golden tilefish create horizontal or vertical burrows in semi-lithified clay sediments, a substrate type with cohesive properties that allow the burrows to maintain their shape. Golden tilefish may also utilize rocks, boulders, scour depressions beneath boulders, and exposed rock ledges as shelter.

Although the designations emphasize temperature and substrate type (clay) over depth as being indicative of EFH, depth was used for the purposes of mapping the EFH designations. Depth is fixed and not seasonally variable, therefore the depth ranges that define the area where the preferred bottom temperatures conditions typically prevail (100 to 300 meters, or 328 ft to 984 ft) were used to create maps of benthic EFH for juvenile and adult golden tilefish on the outer continental shelf and slope from the U.S./Canadian boundary to the NC/VA boundary.

Golden Tilefish EFH Fishery Impact Considerations

This action should have minimal impacts to golden tilefish EFH, but since golden and blueline tilefish EHF overlaps, previous impact considerations are described below.

The directed commercial fishery for golden tilefish is largely by bottom longline gear. Otter trawls may also be used, but have limited utility because of the habitat preferred by tilefish. Otter trawls are only effective where the bottom is firm, flat, and free of obstructions. Soft mud bottom, rough or irregular bottom, or areas with obstructions, which are those that are most frequented by tilefish, are not conducive to bottom trawling. However, golden tilefish are often taken incidental to other directed fisheries, such as the trawl fisheries for lobster and flounder (Freeman and Turner 1977) and hake, squid, Atlantic mackerel and butterfish (NMFS, unpublished landings data).

A panel of experts who participated in a 2001 workshop to evaluate the potential habitat impacts of fishing gears used in the Northeast Region concluded that longlines (which land the bulk of the tilefish) cause some low degree impacts in mud, sand, and gravel habitats. Bottom trawls, which account for nearly all of the rest of the landings, and which are mostly incidental catches, had the greatest impacts which occur in low and high energy gravel habitats and in hard clay outcroppings (NEFSC 2002). Golden tilefish are restricted to the continental shelf break south of the Gulf of Maine (Steimle et al. 1999). They occupy a number of habitats, including scour basins around rocks or other rough bottom

areas that form burrow-like cavities, and pueblo habitats in clay substrate. The dominant habitat type is a vertical burrow in a substrate of semi-hard silt-clay, 6 to 10 feet deep and 12 to 16 feet in diameter with a funnel shape. These burrows are excavated by tilefish, secondary burrows are created by other organisms, including lobsters, conger eels, and galatheid crabs. Golden tilefish are visual daytime feeders on galatheid crabs, mollusks, shrimps, polychaetes, and occasionally fish. Mollusks and echinoderms are more important to smaller tilefish. Little is known about juveniles of this species. A report to the Mid-Atlantic Fishery Management Council (Able and Muzeni 2002), based upon a review of archived video surveys in areas of golden tilefish habitat, did not find visual evidence of direct impacts to burrows due to otter trawls. The Northeast Region EFH Steering Committee Workshop (NEFSC 2002) concluded that there was the potential for a high degree of impact to the physical structure of hard clay outcroppings (pueblo village habitat) by trawls that would result in permanent change to a major physical feature which provides shelter for golden tilefish as well as their benthic prey. Although Able and Muzeni's (2002) review did not offer any evidence of this type of negative effect, their sample size for this habitat type was very small. Due to the tilefish's reliance on structured shelter and benthic prey, as well as the benthic prey's reliance on much of the same habitat, and the need for further study, the vulnerability of golden tilefish EFH to otter trawls was ranked as high (Stevenson et al. 2004). Clam dredges operate in shallow, sandy waters typically uninhabited by golden tilefish (Wallace and Hoff 2005), so EFH vulnerability was rated as none for this gear. Scallop vessel monitoring data indicate that scallop dredges operate to a small extent in areas overlapping golden tilefish EFH; therefore, EFH vulnerability to scallop dredges was ranked as low (Stevenson et al. 2004). Golden tilefish eggs and larvae are pelagic: therefore, EFH vulnerability to gear is not applicable.

Amendment 1 to the Golden tilefish FMP (Council 2009) prohibited the use of bottom-tending mobile gear within specific areas of the Oceanographer, Lydonia, Veatch, and Norfolk canyons. The gear restricted areas in these four canyons were chosen to provide protection to areas that are known to have clay outcrop/pueblo habitats.

Within the Council management area, it is anticipated that blueline tilefish habitat would be similarly affected by different gear types as golden tilefish, though at a slightly shallower depth range. Blueline tilefish habitat likely is/will be protected to a degree by natural hard habitat features (near rocky outcroppings), existing golden tilefish closure areas, and pending coral protection areas so no additional measures need to be considered at this time. It is also expected that gear used for blueline tilefish would have similar impacts on habitat, but to a much lesser degree than for golden tilefish given the smaller scope of the blueline tilefish fishery. In addition, an upcoming Council action to review all EFH and impacts on EFH would review these findings within the next two years. This omnibus action will comprehensively review all EFH designations and impacts to EFH, making it an optimal vehicle for further EFH considerations.

6.2 BIOLOGICAL ENVIRONMENT

6.2.1 Description of the Managed Resource

Blueline tilefish

Blueline tilefish are primarily distributed from Campeche, Mexico northward through the Mid-Atlantic (Dooley 1978, NMFS survey and observer data). Several very recently-completed studies suggest that

blueline tilefish from the eastern Gulf of Mexico through the Mid-Atlantic are comprised of one genetic stock (http://sedarweb.org/sedar-50-data-workshop). Blueline tilefish inhabit the shelf edge and upper slope reefs at depths of 46-256m (Sedberry et al. 2006) and temperatures between 15-23°C. Blueline tilefish are considered opportunistic predators that feed on prey associated with substrate (crabs, shrimp, fish, echinoderms, polychaetes, etc.) (Ross 1982). They are considered relatively sedentary, and thought not to undertake north-south migrations along the coast. The species constructs burrows in sandy areas in close association with rocky outcroppings in the South Atlantic Bight (SEDAR 50 Stock ID workshop).

Blueline tilefish, like other tilefish species, are a large, long-lived fish, ranging up to about 900 mm fork length (FL) and 43 years. This species also exhibits dimorphic growth with males attaining larger size-at-age than females. Males are predominant in the size categories greater than 650 mm FL. An aging workshop conducted to support the new blueline tilefish assessment (SEDAR 50) has called into question the ability to accurately age blueline tilefish, so previous age determinations may have substantial error. They are classified as indeterminate spawners, with up to 110 spawnings per individual based on the estimates of a spawning event every 2 days during a protracted spawning season from approximately March through October.

The SAFMC's SSC has provided an updated blueline tilefish ABC (224,100 pounds whole weight for 2016-2017) and the SAFMC has approved/implemented a framework action to use that ABC. Their SSC did not accept updated projections but concluded that "the assessment estimates of reference points (B_{MSY}, F_{MSY}) based on historic stock production remain to be the best scientific information available and can be used for management advice." This is the source for the 224,100 pound ABC. Given the differences between the blueline fisheries off the Mid- and South Atlantic, and the gaps in information on blueline tilefish off the Mid-Atlantic incorporated in the last blueline tilefish stock assessment (SEDAR 32), the MAFMC's SSC found that SEDAR 32's results are not sufficient for management off the Mid-Atlantic. Genetic work done for the new blueline tilefish assessment suggests a genetically homogenous population off the entire Atlantic coast, but does not suggest what catch may be appropriate off of different parts of the coast – the new assessment will be investigating whether consideration of available habitat may inform such determinations.

The Council is also strongly recommending that a survey for blueline and golden tilefish be conducted in the Mid-Atlantic to develop better information about the state of the blueline and golden tilefish stocks off the Mid-Atlantic.

The MAFMC and SAFMC are jointly participating in SEDAR 50 to assess the blueline tilefish stock throughout its range, with explicit consideration of the spatial management approach being undertaken by the MAFMC and SAFMC. The assessment results are expected in late 2017 or 2018.

Golden Tilefish

Reports on stock status, including Stock Assessment Workshop (SAW) reports, and Stock Assessment Review Committee (SARC) reports, and assessment update reports are available online at the Northeast Fisheries Science Center (NEFSC) website: http://www.nefsc.noaa.gov/. The EFH Source Document, which includes details on stock characteristics and ecological relationships, is available at the following website: http://www.nefsc.noaa.gov/nefsc/habitat/efh/.

The 2014 golden tilefish stock assessment was peer reviewed and approved for use by management at Stock Assessment Workshop 58 (SAW 58). A statistical catch at age model called ASAP (Age Structured Assessment Program) was used in this assessment to incorporate newly available length and age data to better characterize the population dynamics of the stock. The tilefish resource is not overfished and overfishing is not occurring in 2012. SSB was estimated be 11.53 million lb (5,229 mt) in 2012, about 101% of the biomass target $SSB_{MSY\ proxy} = SSB_{25\%}$ = 11.36 million lb (5,153 mt) . The fishing mortality rate was estimated to be 0.275 in 2012, below the fishing mortality threshold $F_{MSY\ proxy} = F_{25\%} = 0.370$.

The reference points from the previous 2009 SAW 48 assessment were based on the ASPIC surplus production model and cannot be compared to the current assessment ASAP (SAW 58) model results and biological reference points (NEFSC 2014). The tilefish reference points derived from SAW 48 and prior assessments were based on B_{MSY} and F_{MSY} values, and these values were used as the specific basis for the rebuilding program in the FMP. The golden tilefish rebuilding program was based on a constant quota (catch)

Readers are referred to the most recent golden tilefish specifications environmental assessment (2015-2017 Specifications - http://www.greateratlantic.fisheries.noaa.gov/regs/2014/September/14tilefish20152017specspr.html) for additional details on golden tilefish.

6.3 ESA-LISTED SPECIES AND MMPA PROTECTED SPECIES

There are numerous species of fish, marine mammals, and sea turtles which may inhabit the environment within the management unit of this FMP that are afforded protection under the Endangered Species Act (ESA) of 1973 (i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act (MMPA) of 1972 (see table below). For additional information on the species provided in the table below (e.g., life history, distribution, stock status), please visit: http://www.greateratlantic.fisheries.noaa.gov/Protected/ and http://www.nmfs.noaa.gov/pr/sars/region.htm.

Cusk and thorny skate, NMFS "species of concern," and "candidate species" under the ESA, occur in the affected environment. Candidate species are those petitioned species that NMFS is actively considering for listing as endangered or threatened under the ESA and those species for which NMFS has initiated an ESA status review through an announcement in the *Federal Register*. Candidate species receive no substantive or procedural protection under the ESA; however, NMFS recommends that project proponents consider implementing conservation actions to limit the potential for adverse effects on candidate species from any proposed project. Given that cusk and thorny skate receive no substantive or procedural protection under the ESA (due to its candidate species status), this species will not be discussed further in this document.

Table 4.Species Protected Under the ESA and/or MMPA that May Occur in the Affected Environment of the FMP

Species	Status	Potentially affected by this action?
Cetaceans		
North Atlantic right whale (*Eubalaena glacialis*)	Endangered	No
Humpback whale (*Megaptera novaeangliae*)1	Protected	No
Fin whale (*Balaenoptera physalus*)	Endangered	No
Sei whale (*Balaenoptera borealis*)	Endangered	No
Blue whale (*Balaenoptera musculus*)	Endangered	No
Sperm whale (*Physeter macrocephalus*	Endangered	No
Pygmy sperm whale (Kogia breviceps)	Protected	No
Dwarf sperm whale (Kogia sima)	Protected	No
Minke whale (*Balaenoptera acutorostrata*)	Protected	No
Pilot whale (*Globicephala spp.*)[2]	Protected	No
Risso's dolphin (*Grampus griseus*)	Protected	No
Atlantic white-sided dolphin (*Lagenorhynchus acutus*)	Protected	No
Short Beaked Common dolphin (*Delphinus delphis*)[3]	Protected	No
Atlantic Spotted dolphin (*Stenella frontalis*)	Protected	No
Striped dolphin (Stenella coeruleoalba)	Protected	No
Beaked whales (Ziphius and Mesoplodon spp)[4]	Protected	No
Bottlenose dolphin (*Tursiops truncatus*)[5]	Protected	No
Harbor porpoise (*Phocoena phocoena*)	Protected	No
Sea Turtles		
Leatherback sea turtle (*Dermochelys coriacea*)	Endangered	Yes
Kemp's ridley sea turtle (*Lepidochelys kempii*)	Endangered	Yes
Green sea turtle, North Atlantic DPS (*Chelonia mydas*)	Threatened[6]	Yes
Loggerhead sea turtle (*Caretta caretta*), Northwest Atlantic Ocean DPS	Threatened	Yes

Species	Status	Potentially affected by this action?
Hawksbill sea turtle (*Eretmochelys imbricate*)	Endangered	No
Fish		
Shortnose sturgeon (*Acipenser brevirostrum*)	Endangered	No
Atlantic salmon (*Salmo salar*)	Endangered	No
Atlantic sturgeon *(Acipenser oxyrinchus)*		
Gulf of Maine DPS	Threatened	No
New York Bight DPS, Chesapeake Bay DPS, Carolina DPS & South Atlantic DPS	Endangered	No
Cusk (*Brosme brosme)*	Candidate	No
Thorny skate (Amblyraja radiata)	Candidate	Yes
Pinnipeds		
Harbor seal (*Phoca vitulina*)	Protected	No
Gray seal (*Halichoerus grypus*)	Protected	No
Harp seal (*Phoca groenlandicus*)	Protected	No
Hooded seal (*Cystophora cristata*)	Protected	No
Critical Habitat		
Northwest Atlantic DPS of Loggerhead Sea Turtle	ESA-listed	No

Notes:

[1] On September 8, 2016, a final rule was issued revising the ESA listing status of humpback whales (81 FR 62259). Fourteen DPSs were designated: one as threatened, four as endangered, and nine as not warranting listing. The DPS found in U.S. Atlantic waters, the West Indies DPS, is delisted under the ESA; however, this DPS is still protected under the MMPA.

[2] There are 2 species of pilot whales: short finned (*G. melas melas*) and long finned (*G. macrorhynchus*). Due to the difficulties in identifying the species at sea, they are often just referred to as *Globicephala spp*.

[3] Prior to 2008, this species was called "common dolphin."

4 There are multiple species of beaked whales in the Northwest Atlantic. They include the cuvier's (*Ziphius cavirostris*), blainville's (*Mesoplodon densirostris*), gervais' (*Mesoplodon europaeus*), sowerbys' (*Mesoplodon bidens*), and trues' (*Mesoplodon mirus*) beaked whales. Species of Mesoplodon; however, are difficult to identify at sea, and therefore, much of the available characterization for beaked whales is to the genus level only.

Species	Status	Potentially affected by this action?
[5] This includes the Western North Atlantic Offshore, Northern Migratory Coastal, and Southern Migratory Coastal Stocks of Bottlenose Dolphins (see Waring *et al*. 2016, for further details). [6] On April 6, 2016, a final rule was issued removing the current range-wide listing of green sea turtles and, in its place, listing eight green sea turtle DPSs as threatened and three DPSs as endangered (81 FR 20057). The green sea turtle DPS located in the Northwest Atlantic is the North Atlantic DPS of green sea turtles; this DPS is considered threatened under the ESA.		

6.3.1 Species or Critical Habitat Not Likely to be Affected by Proposed Action

Based on available information, it has been determined that this action is not likely to affect multiple ESA listed and/or marine mammal protected species or any designated critical habitat (see Table 4). This determination has been made because either the occurrence of the species is not known to overlap with the area primarily affected by the action and/or there have never been documented interactions between the species and the primary gear type (i.e., bottom longline) used to target blueline tilefish (see http://www.nefsc.noaa.gov/fsb/take_reports/nefop.html; http://www.nefsc.noaa.gov/fsb/take_reports/asm.html; Waring *et al*. 2014; Waring *et al*. 2015; Waring *et al*. 2016). In the case of critical habitat, this determination has been made because the action will not affect the essential physical and biological features of loggerhead (NWA DPS) critical habitat and therefore, will not result in the destruction or adverse modification of this species critical habitat (See: http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm; NMFS 2014).

6.3.2 Species Potentially Affected by the Proposed Action: Sea Turtles

Hard-shelled sea turtles

In U.S. Northwest Atlantic waters, hard-shelled turtles commonly occur throughout the continental shelf from Florida to Cape Cod, MA. Their presence varies with the seasons due to changes in water temperature (Braun-McNeill et al. 2008; Braun & Epperly 1996; Epperly et al. 1995a,b; Mitchell et al. 2003; Shoop & Kenney 1992; TEWG 2009; Blumenthal et al. 2006; Braun-McNeill & Epperly 2004; Griffin et al. 2013; Hawkes et al. 2006; Hawkes et al. 2011; Mansfield et al. 2009; McClellan & Read 2007; Mitchell et al. 2003; Morreale & Standora 2005). As coastal water temperatures warm in the spring, loggerheads migrate to inshore waters of the southeast United States and move up the Atlantic Coast (Braun-McNeill & Epperly 2004; Epperly et al. 1995a,b,c; Griffin et al. 2013; Morreale & Standora 2005). They arrive in Virginia foraging areas as early as late April and on the most northern foraging grounds in the Gulf of Maine in June (Shoop and Kenney 1992). The trend is reversed in the fall as water temperatures cool. The large majority leave the Gulf of Maine by September, but some remain in Mid-Atlantic and Northeast areas until November. By December sea turtles have migrated south to waters offshore of North Carolina and further south. Hard-shelled sea turtles can occur year-round off Cape Hatteras and south (Epperly et al. 1995b; Griffin et al. 2013; Hawkes et al. 2011; Shoop & Kenney 1992).

Leatherback sea turtles

Leatherback sea turtles migrate between northern temperate and tropical waters. They are known to use coastal waters of the U.S. continental shelf. Leatherbacks have a greater tolerance for colder water than hard-shelled sea turtles and are found in more northern waters later in the year, with most leaving the Northwest Atlantic shelves by mid-November (NMFS & USFWS 1992, James et al. 2005, James et al. 2006, Eckert et al. 2006, Murphy et al. 2006, Dodge et al. 2014).

6.3.3 Gear Interactions and Sea Turtles

Sea turtles are vulnerable to interacting with bottom longline gear; however, the risk is tied to where the gear is placed relative to where and when sea turtles are present. As sea turtles are commonly found in neritic waters of the inner continental shelf (Braun-McNeill and Epperly 2002; Morreale and Standora 2005; Blumenthal *et al.* 2006; Hawkes *et al.* 2006; McClellan and Read 2007; Mansfield *et al.* 2009; Hawkes *et al.* 2011; Griffin *et al.* 2013; James *et al.* 2005; Eckert *et al.* 2006; Murphy *et al.* 2006; Dodge *et al.* 2014)[1], bottom longline gear placed in continental shelf waters (<200 meters) poses a greater risk of an interaction than bottom longline gear placed in deep waters greater than 200 meters. This is evidenced by the large number of sea turtle interactions observed in the South Atlantic and Gulf of Mexico (under NMFS SERO jurisdiction; NMFS 2006; NMFS 2011c; NMFS 2012c), where numerous fisheries prosecuted by bottom longline gear (e.g., HMS fishery-Atlantic shark bottom longline component; Gulf of Mexico reef fishery) operate in nearshore southern continental shelf waters (<200 meters) where sea turtles are commonly present year round. Under such conditions, the co-occurrence of gear and sea turtles is high, thereby causing increased interaction risks. In contrast, in the GAR, no sea turtles have been observed in bottom longline gear from 1989-2014 (NMFS NEFSC FSB 2015). This may in part be due to the fact that fisheries (e.g., tilefish spp.) prosecuted by bottom longline gear in the GAR primarily operate in deep continental shelf edge/slope waters (>200 meters). In deeper waters, sea turtle (primarily loggerhead and leatherback) behaviors are primarily directed at migratory movements. As a result, sea turtles are more likely to be present in the water column than near the deep benthos where bottom longline is present, thereby reducing the co-occurrence of bottom longline gear and sea turtles and thus, the potential for an interaction (Braun-McNeill and Epperly 2002; McClellan and Read 2007; Mansfield *et al.* 2009; Hawkes *et al.* 2011; Griffin *et al.* 2013; http://seamap.env.duke.edu/). Based on this, although sea turtle interactions with bottom longline gear are possible, due to the fishing behavior of GAR fisheries prosecuted by bottom longline gear, the risk of an interaction is likely low in the GAR.

6.4 NON TARGET SPECIES

The data show minimal non-target interactions and/or discarding in the targeted golden tilefish fishery (MAFMC 2014), and the same would be expected for a blueline tilefish fishery. However, the preferred alternatives in this document would likely limit commercial blueline catches to incidental levels.

[1] Also see sea turtle species status reviews and recovery plans at te following websites: http://www.nmfs.noaa.gov/pr/listing/reviews.htm#species; http://www.nmfs.noaa.gov/pr/recovery/plans.htm#turtles

Blueline tilefish are occasionally landed incidentally on trips targeting other species, especially squid (longfin or *Illex*), per the table below.

Table 5. Landings composition of trips landing at least one pound of blueline tilefish in the Northeast region, 2014 (only species with more than 500 pounds listed).

Species	LB
SQUID (LOLIGO)	453,036
TILEFISH, GOLDEN	316,752
TILEFISH, BLUELINE	217,015
SQUID (ILLEX)	198,328
FLOUNDER, SUMMER	137,264
SCUP	134,941
CROAKER, ATLANTIC	129,306
HAKE, SILVER	100,985
BUTTERFISH	33,567
ANGLER	30,242
HAKE, RED	23,233
SEA BASS, BLACK	13,423
SKATES	9,030
CUTLASSFISH,ATLANTIC	6,764
BLUEFISH	6,348
JOHN DORY	5,715
SKATE, WINTER(BIG)	4,667
MACKEREL, ATLANTIC	4,008
SKATE, CLEARNOSE	2,270
DOGFISH SMOOTH	1,943
SCALLOP, SEA	1,776
EEL, CONGER	1,631
LOBSTER	1,438
WEAKFISH, SQUETEAGUE	1,200
GROUPER	941
ROSEFISH,BLK BELLIED	907
TUNA, YELLOWFIN	694
BARRELFISH	634
MACKEREL, CHUB	569

6.5 HUMAN COMMUNITIES AND ECONOMIC ENVIRONMENT

Information on South Atlantic catch information can be found in the public hearing document for the SAFMC's Regulatory Amendment 25, at: http://safmc.net/sites/default/files/meetings/pdf/Public%20Hearings%20&%20Scoping/11-2015/Reg25_Summary_PH_11042015.pdf. This document generally focuses on describing catch reported to NMFS from Virginia and to the north except where otherwise noted given the measures would only apply from Virginia and to the north. With 2015 data, readers should be aware that the emergency rules limiting blueline tilefish catch in Federal waters north of the NC/VA border went into effect on June 4, 2015, so landings were less regulated early in 2015 and more regulated later in 2015 (state regulations in VA and MD limited landings to some degree in early 2015).

U.S. fishing communities directly involved in the harvesting or processing of blueline tilefish in the proposed management unit may be found in coastal states from Massachusetts through Virginia. A complete set of port profiles is online at: http://www.nefsc.noaa.gov/read/socialsci/communityProfiles.html. The only port with substantial landings in the management unit was Cape May, NJ in 2013-2015, but additional details could violate business confidentiality.

Commercial Data

The tables below report commercial blueline tilefish landings in pounds and dollars from and including Virginia (VA) though Massachusetts (MA) from 2000-2015, and the figure below compares VA-MA landings with North Carolina (NC) landings.

Table 6. 2000-2015 Commercial Blueline Tilefish Landings (pounds) VA-MA

source: unpublished NMFS dealer data

YEAR	Pounds
2002	269
2003	7,601
2004	5,829
2005	2,032
2006	3,039
2007	20,459
2008	8,749
2009	9,635
2010	8,360
2011	8,182
2012	9,624
2013	26,780
2014	217,016
2015	73,637

Table 7. 2000-2015 Commercial Blueline Tilefish Landings ($) VA-MA

YEAR	Dollars
2002	$415
2003	$7,985
2004	$6,163
2005	$1,914
2006	$4,012
2007	$36,381
2008	$12,107
2009	$16,989
2010	$12,875
2011	$13,535
2012	$16,435
2013	$53,575
2014	$457,414
2015	$155,012

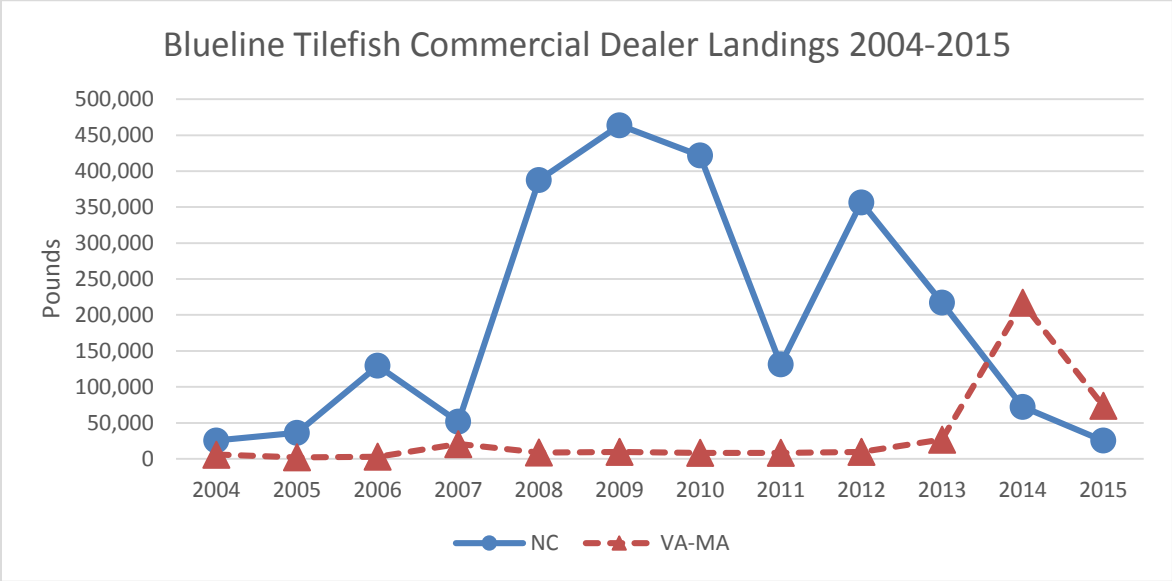

Figure 4. Commercial Blueline Landings 2004-2015, NC vs. VA-MA

The tables below report blueline tilefish catch from NMFS Vessel Trip Reports (VTRs). Since in this case the focus is on where catch is coming from, all VTRs, including those from trips that may have landed in North Carolina were included. Otherwise the data would not reflect the catch that originated from Mid-Atlantic waters. The particular groupings are partially based on areas mostly off North Carolina versus the Mid-Atlantic from Virginia north, and partially based on confidentiality concerns. Table 8 reports commercial VTR catch (pounds) and Table 9 reports for-hire VTR catch (fish). The figure below illustrates the VTR statistical areas' locations. Any vessel with any Federal permit should have been reporting blueline tilefish catch over this time period.

Figure 5. NMFS Northeast Statistical areas used on Vessel Trip Reports (VTRs)

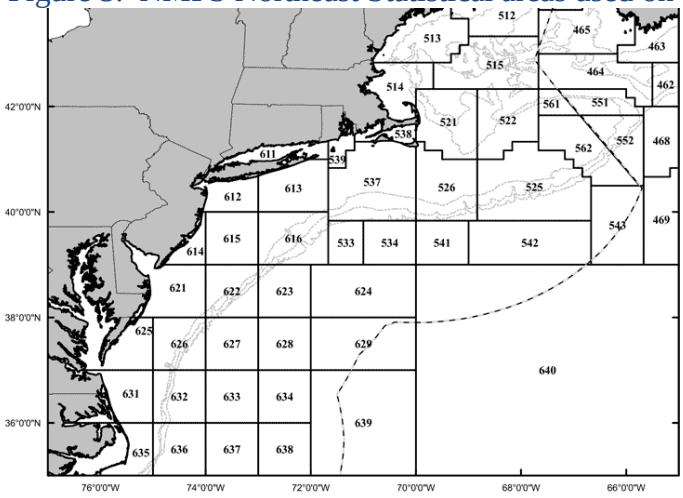

Table 8. Blueline tilefish NE VTR commercial kept catch in pounds by statistical area and year, 2002-2015 (source: unpublished NMFS NE VTR data)

	Statistical Areas			
YEAR	**635, 636, 631, 632**	**625, 626, 621, 622**	**Other**	**Total**
2002	18,131	28	1,326	19,485
2003	23,853	2,574	3,181	29,608
2004	1,435	1,882	5,330	8,647
2005	2,209	592	983	3,784
2006	9,958	1,334	489	11,781
2007	6,806	12,459	638	19,903
2008	9,910	6,905	1,404	18,219
2009	12,502	2,659	1,825	16,986
2010	65,838	4,020	1,713	71,571
2011	28,029	4,588	2,324	34,941
2012	39,290	4,063	4,423	47,776
2013	42,994	17,416	4,010	64,420
2014	44,116	146,347	5,181	195,644

2015	3,093	75,664	3,970	82,727

Table 9. Blueline tilefish NE VTR recreational party-charter kept fish by statistical area and year, 2002-2015 (numbers of fish) (source: unpublished NMFS NE VTR data)

	Statistical Areas			
YEAR	**635, 636, 631, 632**	**625, 626, 621, 622**	**Other**	**Total**
2002	2,564	0	0	2,564
2003	1,683	1	0	1,684
2004	25	0	0	25
2005	780	21	0	801
2006	1,002	27	0	1,029
2007	3,421	1,160	83	4,664
2008	1,038	495	7	1,540
2009	1,215	3,811	2	5,028
2010	513	2,101	68	2,682
2011	719	3,232	118	4,069
2012	115	9,844	207	10,166
2013	814	10,576	496	11,886
2014	1,408	13,975	460	15,843
2015	263	13,136	62	13,434

Table 10 uses 2009-2013 dealer reported landing data from VA-ME, to illustrate the number of landings relative to the trip limits considered by the Council. 2014 landings were treated separately as it was considered an anomaly and not reflective of the normal operation of the fishery. 2015 landings were excluded as another anomalous year because the emergency regulations enacted trips limits starting on June 4, 2015, and 2015 trip data was not part of the Council's decision-making process. From Table 10, there have typically been very few trips per year above the emergency action's trip limit of 275 pounds gutted weight (8 per year over 2009-2013) while there were 45 trips over 900 pounds in 2014 (Table 11). Table 12 describes how many vessels with Federal permits had annual landings over 1,000 and 5,000 pounds 2002-2014. Figure 6 describes 2014 and 2015 blueline tilefish landings by month – it appears that the June 4, 2015 emergency action had the desired effect of reducing landings, and that if the emergency rule not been implemented, 2015 landings could have been well above 2014's landings.

Table 10. VA-ME 2009-2013 Trip Characterization

Trip Size	# Trips	avg # trips/year
≤ 200 landed pounds	604	121
201-275 pounds	30	6
276-300 pounds	11	2
301-500 pounds	12	2
501-900 pounds	10	2
901 or more pounds	10	2

source: unpublished NMFS dealer data

Table 11. VA-ME 2014 Trip Characterization

Trip Size	# Trips
≤ 200 landed pounds	151
201-275 pounds	6
276-300 pounds	5
301-500 pounds	9
501-900 pounds	5
901 or more pounds	45

source: unpublished NMFS dealer data

Table 12. Vessels landing more than 1,000/5,000 pounds of blueline tilefish ME-VA

YEAR	Vessels With Federal Permits Landing More than 1,000 pounds (landed weight) blueline tilefish per year ME-VA	Vessels With Federal Permits Landing More than 5,000 pounds (landed weight) blueline tilefish per year ME-VA
2002	0	0
2003	1	0
2004	1	0
2005	0	0
2006	0	0
2007	6	1
2008	1	0
2009	1	0
2010	2	0
2011	2	0
2012	1	0
2013	7	1
2014	11	5

source: unpublished NMFS dealer data

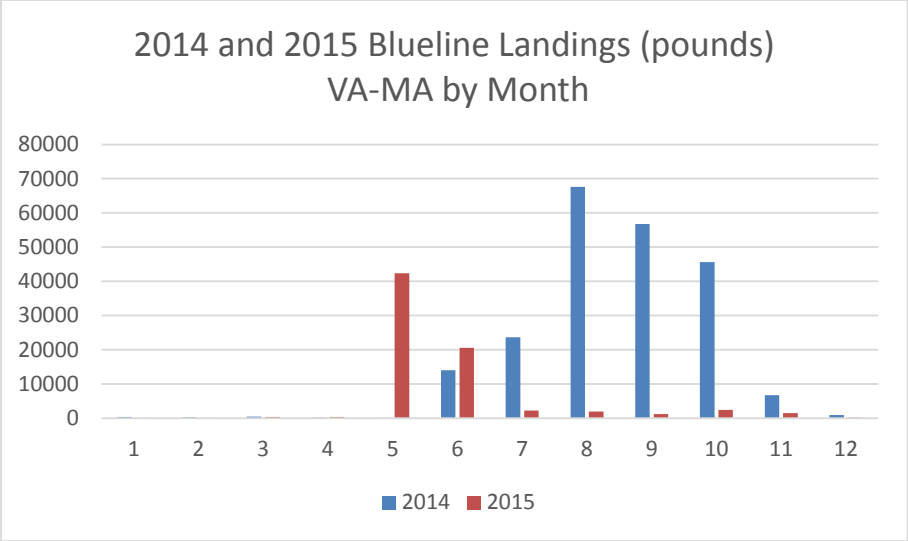

Figure 6. 2014 and 2015 Blueline Landings (pounds) VA-MA by Month
source: unpublished NMFS dealer data

Recreational Data

Due to the limited extent of the recreational blueline tilefish fishery, data are almost totally absent from MRIP, and it is believed that considerable underreporting has occurred in for-hire vessel trip reports (VTRs). To address this, the Council held a facilitated workshop with individuals knowledgeable about the recreational blueline tilefish fishery to develop recreational blueline tilefish catch estimates through an iterative Delphi technique approach. The report from this workshop is available at http://www.mafmc.org/ssc-meetings/2016/march-15-16, and it was used to develop the time series used for the allocation alternatives (see above) and was reviewed and used by the SSC to develop an ABC recommendation.

The corollary of commercial trip analysis for recreational catch is typically a bag limit analysis. Again, there are minimal blueline tilefish MRIP data, even when MRIP data are combined across years (pers com John Foster, NMFS Office of Science and Technology). NMFS' Large Pelagic Survey does show increasing blueline tilefish landings in recent years, but intercepts are still relatively rare and the Large Pelagic survey is not designed to capture targeted blueline tilefish landings - it only records blueline tilefish catch by those who target large pelagics for some part of their trip.

Although blueline tilefish catches are rare in NMFS' recreational survey data, Northeast vessel trip reports (VTRs) for party/charter vessels indicate an increase from an average of about 2,400 fish per year (2002-2011) to between 10,000-16,000 fish per year in 2012-2014 (Table 9 above). Several for-hire vessels have focused some effort on blueline tilefish in recent years, as evidenced by multiple recent trips landing 10 or more blueline tilefish per person (the highest fish per person averages were from 2014 trips in New Jersey). During the period of this data description, there was no permit required for blueline tilefish but anyone with any Federal party-charter permit should have been reporting all of their catch, including blueline tilefish. It is likely that most party-charter vessels that fish for blueline tilefish would have other Federal permits, such as for black sea bass. However, comments during scoping and at Council meetings have revealed that this requirement is neither universally understood nor complied with, so it is likely that the party-charter VTR records are a subset of the total for-hire catch.

Nevertheless, the VTR catch information does provide some recreational catch information, and is described below for the same time periods as commercial trips but related to the recreational catch alternatives under consideration. As with commercial activity, 2014 appeared to be an above average year for party-charter blueline tilefish activity, and Table 15 demonstrates that blueline tilefish catch report occurrences across the party-charter fleet appear to be on the increase in terms of numbers of vessels with some blueline tilefish catch, though changes in reporting compliance could account for part of any apparent increase. It also appears that outside of 2014, the emergency regulation of 7 blueline tilefish per person should affect only a small portion of trips based on recent activity (Tables 13 and 14). (2015 would also be an unusual year, since the emergency regulations were enacted June 4, 2015, and 2015 trip data was not part of the Council's decision-making process)

Table 13. 2009-2013 Party-Charter Average Retained Fish per Angler on Trips Reporting at Least 1 Blueline Tilefish

Trip Size	# Trips	avg # trips/year
≤ 5 fish	386	77
6-7 fish	72	14
8-9 fish	17	3
more than 9 fish	22	4

Table 14. 2014 Party-Charter Average Retained Fish per Angler on Trips Reporting at Least 1 Blueline Tilefish

Trip Size	# Trips
≤ 5 fish	84
6-7 fish	29
8-9 fish	5
more than 9 fish	23

Table 15. Numbers of party/charter vessels reporting at least one blueline tilefish 2002-2014.

YEAR	vessels
2002	2
2003	3
2004	1
2005	4
2006	3
2007	17
2008	14
2009	15
2010	16
2011	20
2012	15
2013	22
2014	25

NMFS observer information was analyzed to illustrate the area and depth ranges over which blueline tilefish have been observed, as well as any general temporal trends. For waters north of the NC/VA border, Tables 16 and 17 describe blueline tilefish catch observations (all gear types) by area and Table 18 describes the same observations by depth. A 50-pound cutoff for an entire statistical area was used to highlight areas with more than trivial amounts of catch. See Figure 5 above for locations of statistical areas. While catch observations are impacted by how observer coverage is allocated (for example there are fewer observed trips in the deepest waters), they should still provide an approximate indication of the range of where blueline tilefish are being encountered in the Mid-Atlantic and southern New England by area and depth.

Table 16. Observer observations (hauls) of blueline tilefish by area 2005-2009, greater than 50 pounds in a statistical area

Statistical Area	Observations	Pounds Caught
626	21	225
622	39	697
616	26	317
621	2	122
537	23	328

Table 17. Observer observations of blueline tilefish by area 2009-2014, greater than 50 pounds

Statistical Area	Observations	Pounds Caught
626	69	10,229
622	109	1,497
616	173	1,262
621	6	231
537	13	152
623	8	52

Table 18. Observer observations of blueline tilefish by depth.

depth (meters)	pounds observed in depth range
<45	73
45-90	3,931
90-135	10,515
135-180	979
180-225	313
225+	62

7.0 IMPACTS OF THE ALTERNATIVES

The analysis of the impacts from the considered fishery actions proceeds through analysis of five "valued ecosystem components" or "VECs" for the alternatives. The VECs are the managed resources (7.1) (golden and blueline tilefish in this case), human communities (7.2), habitat/EFH (7.3), protected resources (ESA and MMPA protected species – 7.4), and non-target species (7.5). A brief description of each alternative is provided in the managed species and human community impact sections since the impacts need to be considered in a more detailed manner for them versus the other VECs due to the nature of the fishery (habitat, protected resources, and non-target species are expected to be minimally impacted, as further described below). Detailed descriptions are available in Section 5 and should be referenced if readers are not familiar with the provisions of each alternative. Since management of golden tilefish adheres to the Acceptable Biological Catches set by the Council's SSC and accounts for incidental catch in other fisheries, it is expected that any of the alternatives which do not directly impact golden tilefish would have a negligible impact on golden tilefish. Since the status of blueline tilefish off the mid-Atlantic is unknown, the biological impacts are described qualitatively based on how protective of the blueline resource they are expected to be.

For the action alternatives below, the impact comparisons are with the alternative compared to no action within each alternative set. One or more alternatives could be chosen from some alternative sets, as described in Section 5. The cumulative impact from the entire suite of proposed measures is described in the cumulative impacts section. Impacts of measures within each set are compared to each other and the no action alternative. If alternatives within an alternative set are exclusive (like picking one of two different management units) this is also noted. When impacts are described as complementary, this means that they would be additive to other measures as noted (rather than being considered in an either/or fashion, the impacts should be considered cumulatively).

For the alternatives below, it is noted that given the relatively small scale of the blueline tilefish fishery, impacts are expected but that they are not expected to be significant. The same is true for the sum total of blueline tilefish management considered in this action. Management should result in positive impacts, but given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant from a National Environmental Policy Act (NEPA) perspective.

7.1 Managed Species Impacts

7.1.1 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 1: GENERAL - MANAGEMENT UNIT, OBJECTIVES, AND STATUS DETERMINATION CRITERIA

Note: If management is to proceed, it is expected that one management unit option would be selected (1a or 1b), that objectives would also be chosen (1c), and that an approach to incorporating status determination criteria (1d) would also be chosen. If no action is chosen here (1e), then no other alternatives in the document would be chosen because this alternative set establishes the general management authority and intent of management.

Alt 1a. ***(Preferred***) This would establish a separate blueline tilefish management unit in the EEZ north of the NC/VA border (36.550278 N Latitude) extending north to the maritime boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because management would be tailored to the nature and state of the blueline tilefish resource north of the NC/VA border through the other management alternatives considered in this action, given the best available scientific information. Due to their life history (long lived and relatively sedentary), blueline tilefish are likely to be susceptible to overfishing and Federal management would be likely help avoid overfishing, which seems like a credible danger given the recent increases in landings described in Section 6 and considering their likely vulnerability to overfishing. Since this alternative would avoid conflict with the SAFMC management area and could be implemented relatively quickly, impacts are more positive than 1b (and complementary to 1c and 1d). Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

Alt 1b. This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras (35.253167 N. lat., the latitude of Cape Hatteras Light), extending north to the maritime boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because management would be tailored to the nature and state of the blueline tilefish resource north of the NC/VA border through the other management alternatives considered in this action, given the best available scientific information. Due to their life history (long lived and relatively sedentary), blueline tilefish are likely to be susceptible to overfishing and Federal management would be likely help avoid overfishing, which seems like a credible danger given the recent increases in landings described in Section 6 and considering their likely vulnerability to overfishing. Since blueline tilefish are already managed from Cape Hatteras to the NC/VA border by the SAFMC, this alternative could complicate/delay sustainable management given it would cause additional conflict with the SAFMC's management area, so impacts may be less positive than 1a (and complementary to 1c and 1d). Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

Alt 1c. ***(Preferred***) This alternative would establish that the objectives for blueline tilefish would be:

1. Prevent overfishing and rebuild the resource to the biomass that would support MSY.
2. Prevent overcapitalization and limit new entrants.
3. Identify and describe essential tilefish habitat.

4. Collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch of tilefish in all fisheries

5. Management will reflect blueline tilefish's susceptibility of overfishing and the need of an analytical stock assessment."

Impacts: Compared to no action, this alternative would be expected to have indirect positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the management objectives should help direct future actions to ensure that overfishing does not occur, rebuild the stock if necessary, optimize fleet operation by avoiding overcapitalization, conserve EFH, and improve the understanding of the blueline tilefish fishery and stock which accounting for the stocks susceptibility to overfishing. Impacts would be complementary to 1a or 1b, and 1d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

Alt 1d. ***(Preferred***) This alternative would establish that the Council would use the most recent peer-reviewed and accepted assessment as applicable to the blueline tilefish in its management unit.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because as part of the general management system it should help ensure that overfishing does not occur. Using the best available science is required by the MSA and this alternative allows that science to be utilized by management in an efficient manner. Impacts would be complementary to 1a or 1b, and 1c. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

Alt 1e. No action - No action would be taken to establish a blueline tilefish management unit or objectives for management or status determination criteria.

Impacts: Taking no action would mean that blueline tilefish would not be managed with Federal management measures north of the NC/VA border (36.550278 N Latitude). Failure to generally manage blueline tilefish would have a negative impact on the blueline tilefish stock due to the potential for unregulated targeting of the stock, which was increasing rapidly in recent years, as described in Section 6. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing, especially if states relax their landings limits or landings shift farther north beyond states with regulations (i.e. north of New Jersey). Given the relatively small scale of the blueline tilefish fishery, impacts would be expected to be negative but not significant.

7.1.2 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 2: COMMERCIAL PERMITTING AND REPORTING

Note: It is expected that either 2a or 2b would be chosen. In addition, 2c and 2e would create basic recordkeeping and reporting requirements. 2d could also be chosen in addition to 2c to require electronic submission of VTRs.

2a. ***(Preferred***) Alternative 2a would prohibit any vessel from landing blueline tilefish in/from the management unit for sale, unless the vessel has a commercial open access joint golden/blueline tilefish permit (see 2c regarding operator permits).

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit would help track effort and catch of blueline tilefish, facilitating effective management[1]. Impacts would be similar to 2b. Impacts would be complementary to any from 2c, 2d, or 2e. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

2b. Alternative 2b would require anyone landing any blueline tilefish for sale to get a newly-created commercial open access blueline tilefish permit. Retention of blueline tilefish for sale would be subject to the applicable trip limit.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish, facilitating effective management. Impacts would be similar to 2a. Impacts would be complementary to any from 2c, 2d, or 2e. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

2c. ***(Preferred***) Alternative 2c would require standard recordkeeping and reporting of catch for any commercial vessel possessing a permit that allows them to land blueline tilefish (like other federal permits in the Region). See Section 5 for details, but among the requirements are operator permits, VTRs, and taking observers if requested.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would

[1] For alternatives that generate or facilitate data collection and data quality, part of the benefit regarding effective management is the use of data in assessments to inform management – this concept is noted here and not repeated for each alternative.

be complementary to any from 2a, 2b, 2d or 2e. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

2d. Alternative 2d would require Federally-permitted commercial blueline tilefish vessels to submit Vessel Trip Reports (VTRs) electronically.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would be complementary to any from 2a, 2b, 2c, or 2e. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

2e. ***(Preferred***) Dealer Permits and Reporting – This alternative would institute dealer requirements similar to golden tilefish, i.e. that Federally-permitted vessels can only sell blueline tilefish to Federally-permitted dealers, and that dealers must have a federal permit to buy blueline tilefish. In addition, the standard recordkeeping and reporting requirements (50 CFR 648.7) for federal dealers would apply.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would be complementary to any from 2a, 2b, 2c, or 2d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

2f. No action would be taken regarding additional commercial permitting and reporting.

Impacts: Impacts of no action for additional commercial permitting and reporting would be negative, because lack of these measures will hinder obtaining the information needed for effective management. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be negative but not significant.

7.1.3 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 3: FOR-HIRE RECREATIONAL PERMITTING AND REPORTING

Note: It is expected that either 3a or 3b would be chosen. In addition, 3c would create basic recordkeeping and reporting requirements. 3d could also be chosen in addition to 3c to require electronic submission of VTRs.

3a. ***(Preferred***) Alternative 3a would require that any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. This would create a joint golden/blueline tilefish permit.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would be similar to 3b and complementary to any chosen from 3c or 3d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

3b. Alternative 3b would require any party or charter vessel to have a newly-created Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would be similar to 3a and complementary to any chosen from 3c or 3d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

3c. ***(Preferred***) Alternative 3c would require standard reporting and recordkeeping by Vessel Trip Reports (VTRs) of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts might be low since party/charter VTRs are not directly used for catch monitoring at this time, but given the rare event nature of blueline tilefish catches, party/charter VTRs could be important for blueline tilefish catch data and assessments. The degree of positive impacts would likely be directly associated with the degree of compliance. Impacts would be complementary to any from 3a or 3b, and 3d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

3d. Alternative 3d would require for-hire vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Electronic submission of VTRs does make possible some additional quality control at the time of entry and should also speed the availability of data. The degree of positive impacts would likely be directly associated with the degree of compliance. Impacts would be complementary to any from 3a or 3b, and 3c. Given

the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

3e. No action would be taken regarding for-hire permitting and reporting.

Impacts: Impacts of no action for additional for-hire permitting and reporting would be negative, because lack of these measures will hinder obtaining the information needed for effective management. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be negative but not significant.

7.1.4 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 4: PRIVATE RECREATIONAL PERMITTING AND REPORTING

Note: It is expected that either 4a or 4b would be chosen and in addition either 4c or 4d would be chosen. While not necessarily coupled, 4b and 4c are related in that they would utilize NMFS Highly Migratory Species (HMS) permitting processes.

4a. ***(Preferred***) Alternative 4a would create and require a dedicated recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) require a separate permit.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would be similar to 4b. This alternative would also have similar impacts for golden tilefish. Impacts would be complementary to any from alternatives 4c or 4d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

4b. Alternative 4b would require that a NMFS Highly Migratory Species (HMS) permit be obtained by any owner/operator seeking to catch golden or blueline tilefish.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. Impacts would be similar to 4a. This alternative would also have similar impacts for golden tilefish. Impacts would be complementary to any from alternatives 4c or 4d. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

4c. Alternative 4c would require private fishermen to report golden and blueline tilefish catch through the HMS reporting system, complemented by catch cards and tags as done in Maryland (http://dnr2.maryland.gov/fisheries/Pages/coastal/tagging.aspx).

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. The degree of positive impacts would likely be directly associated with the degree of compliance. The impacts should be similar to 4d. This alternative would also have similar impacts for golden tilefish. Impacts would be complementary to any from alternatives 4a or 4b. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

4d. ***(Preferred***) Alternative 4d would require an online reporting (via a modified SAFIS or other application) of golden and blueline tilefish for private recreational fishermen before any tilefish are removed from a vessel, or before a trailered vessel is removed from the water.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish and assist enforcement of regulations, facilitating effective management. The degree of positive impacts would likely be directly associated with the degree of compliance. The impacts should be similar to 4c. This alternative would also have similar impacts for golden tilefish. Impacts would be complementary to any from alternatives 4a or 4b. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

4e. No action regarding additional private permitting and reporting.

Impacts: Impacts of no action for additional private recreational permitting and reporting would be negative, because lack of these measures will hinder obtaining the information needed for effective management. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be negative but not significant.

7.1.5 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 5: FRAMEWORK ADJUSTMENTS

5a. No action – Frameworks could not be utilized to alter blueline tilefish measures.

Impacts: Not allowing frameworks would reduce flexibility to efficiently address changing circumstances, which would be a negative impact. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be negative but not significant.

5b. (Preferred) This alternative would establish that any action that is frameworkable for golden tilefish would also be frameworkable for blueline tilefish if that action has been previous considered and

analyzed. It was also establish that generally, any action that has been previously considered in the FMP or in an amendment to the FMP may be modified via a framework action.

Impacts: This action is largely administrative. However, compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because frameworks allow the Council to be responsive to changing conditions in the fishery. Specific measures would be analyzed separately in any future framework action, but must come from actions that have previously been considered and analyzed. Since this is the first blueline tilefish action, frameworkable actions will initially be those that are analyzed in this action. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

7.1.6 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 6: SPECIFICATIONS PROCESS AND RISK POLICY

Note: 6a, 6b, and 6c are integral parts of the management process and would have to all be selected if management is to proceed. 6a sets up what measures may be included in specifications, and other alternative sets specify what measures would be included in this action.

6a. ***(Preferred***) This alternative would specify what measures can be set during specifications.

Impacts: The delineation of specifications measures and fishing year designation are administrative issues and should have no direct impacts on the managed resources. Indirectly, compared to the no action, to the degree this supports overall management the impacts can be described as positive. The specifications are the primary way that the Council ensures that an Annual Biological Catch (ABC) that avoids overfishing is adhered to. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant. Impacts would be complementary to 6b and/or 6c.

6b. ***(Preferred***) This alternative establishes that the Council's current control rules for ABC-setting would apply to blueline tilefish.

Impacts: The delineation of ABC control rules is largely administrative and should have no direct impacts on the managed resources. Indirectly, compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the control rules help ensure overfishing is avoided by explicitly accounting for our understanding of uncertainty in blueline tilefish assessments or other information used to set ABCs. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant. Impacts would be complementary to 6a and/or 6c.

6c. ***(Preferred***) This alternative establishes that the Council's current risk policy for ABC-setting would apply to blueline tilefish, and set the 2017 ABC at 87,031 pounds:

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the risk policy helps ensure that ABCs will be set so as to avoid overfishing. Also, 87,031 pounds is less than recent Mid-Atlantic catches, which were in an increasing trajectory in recent years (see Section 6 for details on recent catches). Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant. Impacts would be complementary to 9a and/or 9b.

6d. No action - No process for setting specifications would be implemented.

Impacts: Management is dependent on a specifications process so that catches each year are restricted and overfishing is avoided. Failure to generally manage blueline tilefish would have a negative impact on the blueline tilefish stock due to the potential for unregulated targeting of the stock, which was increasing rapidly in recent years, as described in Section 6. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing, especially if states relax their landings limits or landings shift farther north beyond states with regulations (i.e. north of New Jersey). Given the relatively small scale of the blueline tilefish fishery, impacts would be expected to be negative but not significant.

7.1.7 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 7: ALLOCATIONS AND SPECIFICATIONS

Note: If management proceeds, then specifications would have to be made whether allocations are made or not. If no action is selected overall then 7a is a viable choice, but if some management proceeds then some way to use the ABC from the SSC in specifications would have to be described (7d or 7e). If an allocation is chosen (one alternative from 7b1, 7b2, 7c1, or 7c2), then 7d would have to be selected to describe how specifications would work with allocations. If no allocations are made, then 7e describes how specifications would use the ABC without allocations.

7a. No action regarding allocations or how specifications would proceed with or without allocations.

Impacts: Taking no action in this alternative set would only be taken if no action is taken overall. Taking no action overall would mean that blueline tilefish would not be managed with Federal management measures north of the NC/VA border (36.550278 N Latitude). Failure to generally manage blueline tilefish would have a negative impact on the blueline tilefish stock due to the potential for unregulated targeting of the stock, which was increasing rapidly in recent years, as described in Section 6. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing, especially if states relax their landings limits or landings shift farther north beyond states with regulations (i.e. north of New Jersey). Given the relatively small scale of the blueline tilefish fishery, impacts would be expected to be negative but not significant.

7b1. ***(Preferred***) This alternative would use the best available data to set allocations based on catch from 2009-2013 (median of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: This is an allocation decision and should have minimal direct impacts on blueline tilefish as the specifications will be set so that the same ABC is caught regardless of which sector catches the fish. The impact on blueline tilefish relates to how much fishing mortality occurs, not who catches the fish. Indirectly, setting up a way to control fishing mortality though this amendment in general should have a positive impact on tilefish compared to no action, and this alternative could be a part of the overall management approach. Whether allocations are used or not, the specifications would consider landings and discards by both the recreational and commercial sectors (most fish caught from deep water and discarded would likely die in either sector from initial or delayed mortality). Indirectly, with an allocation in general it may be easier to control mortality overall by examining and controlling mortality in each sector, so there should be similar low positive benefits from any of the allocation alternatives (7b1, 7b2, 7c1, 7c2) versus not allocating. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

7b2. This alternative would use the best available data to set allocations based on catch from 2009-2013 (mean of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: This is an allocation decision and should have minimal direct impacts on blueline tilefish as the specifications will be set so that the same ABC is caught regardless of which sector catches the fish. The impact on blueline tilefish relates to how much fishing mortality occurs, not who catches the fish. Indirectly, setting up a way to control fishing mortality though this amendment in general should have a positive impact on tilefish compared to no action, and this alternative could be a part of the overall management approach. Whether allocations are used or not, the specifications would consider landings and discards by both the recreational and commercial sectors (most fish caught from deep water and discarded would likely die in either sector from initial or delayed mortality). Indirectly, with an allocation in general it may be easier to control mortality overall by examining and controlling mortality in each sector, so there should be similar low positive benefits from any of the allocation alternatives (7b1, 7b2, 7c1, 7c2) versus not allocating. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

7c1. This alternative would use the best available data to set allocations based on catch from 2004-2013 (median of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: This is an allocation decision and should have minimal direct impacts on blueline tilefish as the specifications will be set so that the same ABC is caught regardless of which sector catches the fish. The impact on blueline tilefish relates to how much fishing mortality occurs, not who catches the fish. Indirectly, setting up a way to control fishing mortality though this amendment in general should have a positive impact on tilefish compared to no action, and this alternative could be a part of the overall management approach. Whether allocations are used or not, the specifications would consider landings and discards by both the recreational and commercial sectors (most fish caught from deep water and discarded would likely die in either sector from initial or delayed mortality). Indirectly, with an allocation in general it may be easier to control mortality overall by examining and controlling mortality

in each sector, so there should be similar low positive benefits from any of the allocation alternatives (7b1, 7b2, 7c1, 7c2) versus not allocating. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

7c2. This alternative would use the best available data to set allocations based on catch from 2004-2013 (mean of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: This is an allocation decision and should have minimal direct impacts on blueline tilefish as the specifications will be set so that the same ABC is caught regardless of which sector catches the fish. The impact on blueline tilefish relates to how much fishing mortality occurs, not who catches the fish. Indirectly, setting up a way to control fishing mortality though this amendment in general should have a positive impact on tilefish compared to no action, and this alternative could be a part of the overall management approach. Whether allocations are used or not, the specifications would consider landings and discards by both the recreational and commercial sectors (most fish caught from deep water and discarded would likely die in either sector from initial or delayed mortality). Indirectly, with an allocation in general it may be easier to control mortality overall by examining and controlling mortality in each sector, so there should be similar low positive benefits from any of the allocation alternatives (7b1, 7b2, 7c1, 7c2) versus not allocating. Given the relatively small scale of the blueline tilefish fishery, impacts are expected to be positive but not significant.

7d. ***(Preferred***) If allocations are made, this alternative describes how the specifications process would handle ABC, ACLs, ACTs, etc.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it facilitates implementation of specifications, which include ABCs/ACLs, which should avoid overfishing. Impacts may be more positive then 7e because with an allocation in general it may be easier to control mortality overall by examining and controlling mortality in each sector. This alternative would be selected if an allocation is made so impacts are complementary to 7b1, 7b2, 7c1, or 7c2.

7e. If allocations are not made, this alternative describes how the specifications process would handle allocations in terms of ABC, ACLs, ACTs, etc.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it facilitates implementation of specifications, which include ABCs/ACLs, which should avoid overfishing. Impacts may be less positive then 7d because with an allocation in general it may be easier to control mortality overall by examining and controlling mortality in each sector.

7.1.8 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 8: COMMERCIAL TRIP LIMITS (GUTTED WEIGHT)

Note: One alternative would be chosen from this alternative set of trip limits (gutted weight with head and fins attached). The alternatives are 8a/275 pounds, 8b/200 pounds, 8c/300 pounds (**preferred**), 8d/500 pounds, 8e/900 pounds, 8f/750 pounds, or 8g/no action. It is expected that one alternative from this Alternative Set would be chosen.

Regardless of the particular commercial trip limits that are set, it is expected that the Council would set an array of commercial and recreational measures that limit overall catch to the ABC in the long run. Thus in the context of overall management, commercial trip limits would not have a direct impact on blueline tilefish but do have an indirect positive impact to the degree they serve the overall goal of constraining catch to an ABC compared to no action. Higher or lower trip limits would more affect other measures (a higher commercial trip limit might lead to a shorter commercial season (from an earlier in-season closure) to constrain catch to the overall ABC/ACL), but the trip limits should not directly impact blueline tilefish within the context of overall management. As described in Table 10, in the typical recent history of this fishery, which was mostly incidental landings, very few trips occurred above 200 pounds. This means that none of the alternatives should create substantial regulatory discards as a result of incidental catches. From Table 11, it appears that most directing that occurred in 2014 resulted in trips over 900 pounds. The Council also received input during the development of the Amendment that directed fishing could occur with trips of 500 pounds or more, which creates a scenario of directed fishing with a relatively low trip limit, which could lead to highgrading and additional untracked fishing mortality. Thus 8a, 8b, and/or 8c likely have similar and more positive benefits than 8d, 8e, or 8f (which are together similar) because 8a, 8b, and/or 8c are high enough to avoid incidental regulatory discarding but low enough to avoid directed highgrading discarding. 8a, 8b, and/or 8c also have the benefit of probably not having an early closure of commercial landings at those respective trip limits, which could lead to untracked regulatory discarding if no landings are allowed. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant regardless of the option chosen.

7.1.9 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 9: RECREATIONAL BAG/POSSESSION LIMITS AND/OR SEASON

The alternatives are 9a/7 fish per person per trip; 9b/5 fish per person per trip; 9c/9 fish per person per trip; 9d - 3 extra fish per person for trips greater than 36 hours on inspected for-hire vessels, 9e - an open season for blueline tilefish from May 1 to October 31 when the recreational per-person bag limit would be 7 blueline tilefish for inspected for-hire vessels, 5 blueline tilefish for uninspected for-hire vessels, and 3 blueline tilefish for private vessels (preferred); and 9f/no action (one alternative would be chosen).

To some degree, regardless of the particular bag limits or seasons that are set, it is expected that the Council would set an array of commercial and recreational measures that limit overall catch to the ABC, especially in the long run, because the MSA requires that catch not exceed the ABC and for there to be accountability measures. Thus in the context of overall management, recreational bag limits would not have a direct impact on blueline tilefish but do have an indirect positive impact to the degree they serve the overall goal of constraining catch to an ABC. Higher or lower bag limits would more affect other measures but the bag limits should not directly impact blueline tilefish within the context of overall management and it only makes sense to think about bag limits in the context of overall management. For example, even if there was no bag limit, then to constrain catch to a particular ABC, the Council would have to implement a very restrictive season or change allocations. If there was a very restrictive bag limit, then there could be a longer season to constrain catch to a particular ABC.

When viewed solely within the context of bag limits, lower bag limits and shorter seasons should lead to reduced catch. From this perspective, 9b and 9e would be most beneficial and likely similar (the shorter season and lower private limit in 9e likely approximately balances 9e's higher bag limit for inspected vessels). Less beneficial, and in descending order, would be 9a, 9c, and 9f (no action). 9d would allow extra fish to be caught across all other alternatives and would therefore have an added negative impact on blueline tilefish, but the impact would likely be low because it is anticipated few vessels would make use of the provision for extra fish on longer trips.

The Council received input that closing blueline tilefish when the black sea bass fishery is open could cause discarding of incidentally-caught blueline tilefish. Other individuals commented that the times/locations of overlap could be minimized. The Council is going to revisit the recreational measures in an upcoming amendment or specifications and this issue will be further considered at that time.

Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant regardless of the option chosen.

7.1.10 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 10: ESSENTIAL FISH HABITAT (EFH) DESIGNATION

10a. No action – EFH would not be designated.

Impacts: This would continue the no action alternative as it pertains to EFH, which would continue the low negative impacts of not having blueline tilefish habitat designated as EFH. These low negative impacts arise because consultation with NOAA fisheries would not be required for future Federal fishing and non-fishing activities in blueline tilefish EFH areas so possible mitigation and conservation opportunities would be missed. The impacts are low because there is no evidence that current activities are having substantial impacts on blueline tilefish habitat. Also, given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant regardless of the option chosen. This option would not be consistent with the MSA.

10b. ***(Preferred***) This alternative would use the best available science to designate EFH in this action.

Impacts: By implementing Alternative 10b, no immediate action is expected that would restrict fishing or non-fishing activity, however, a requirement would be established whereby consultation with NOAA fisheries would be required for future Federal fishing and non-fishing activities in blueline tilefish EFH areas. Therefore compared to no action, this alternative would be expected to have low positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because other actions would have to consider their impacts on blueline tilefish EFH. This could lead to changes in future management actions to conserve blueline tilefish EFH, therefore benefitting blueline tilefish. Designating EFH will also allow detailed analysis of impacts to blueline tilefish EFH in an upcoming Amendment to evaluate the impacts of fishing and non-fishing impacts on the EFH of all Council-managed species, which could lead to additional protections for blueline tilefish EFH. The impacts are low because there is no evidence that current activities are having substantial impacts on blueline tilefish habitat. Also, given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant regardless of the option chosen.

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7.1.11 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 11: ACCOUNTABILITY MEASURES (AMS)

Note: Either 11a or 11b would be chosen depending on whether allocations are made. 11c and/or 11d could be added to either 11a or 11b.

11a. ***(Preferred***) Under this alternative, used if there are allocations, then AMs are only automatically triggered if the combined commercial/recreational ACLs are exceeded. A system of recreational and commercial AMs would apply, as described in Section 5.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because accountability measures should minimize the chance of overfishing by avoiding exceeding the combined ACLs, which derive from ABCs set by the SSC. While there is no OFL estimate for overfishing, the Council's SSC has set an ABC that data limited approaches suggest should avoid overfishing (see Section 5, Alternative Set 6). In addition, if an assessment becomes available that does contain an OFL, then AMs help ensure than an OFL is not exceeded, especially on an ongoing basis. The AMs in 11a would require modifications to management measures to avoid future combined ACL/ABC overages in either the commercial or recreational sectors. The AMs also can require paybacks, which mitigate the negative impacts of exceeding the combined ACLs in any given year. Impacts would be similar to 11b. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant regardless of the option chosen. Impacts would be complementary to 11c or 11d.

11b. Under this alternative, used if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because accountability measures should minimize the chance of overfishing by avoiding exceeding the combined ACLs, which derive from ABCs set by the SSC. While there is no OFL estimate for overfishing, the Council's SSC has set an ABC that data limited approaches suggest should avoid overfishing (see Section 5, Alternative Set 6). In addition, if an assessment becomes available that does contain an OFL, then AMs help ensure than an OFL is not exceeded, especially on an ongoing basis. The AMs in 11b would require modifications to management measures to avoid future combined ACL/ABC overages in either the commercial or recreational sectors. The AMs also can require paybacks, which mitigate the negative impacts of exceeding the combined ACLs in any given year. Impacts would be similar to 11a. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant regardless of the option chosen. Impacts would be complementary to 11c or 11d.

11c. Under this alternative, if NMFS determines that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL (depending on if there are allocations or not), NMFS may close or adjust the season and/or trip/bag limits for either fishery.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should minimize the chance of overfishing by allowing NMFS to make in-season closures or adjustments to the season and/or trip/bag limits for either fishery. 11c should make the overages addressed in 11a/b less likely. 11c's impacts would be more positive than 11d because both the commercial and recreational fisheries could have in-season measures. Impacts would be complementary to 11a or 11b. Discards could increase once a fishery is totally closed, but since only incidental catches should occur post-closure, overall mortality should be lower with only incidental mortality versus directed and incidental mortality. The incidental mortality would occur regardless of the closure – it is either discarded or retained but still causes mortality (discard mortality assumed to be 100% given the water depth).

11d. ***(Preferred***) Under this alternative, if NMFS projects that commercial blueline tilefish landings will reach 100% of the commercial TAL then NMFS will close the season.

Impacts: Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should minimize the chance of overfishing by allowing NMFS to make in-season commercial closures. 11d's impacts would be less positive than 11c because both the commercial and recreational fisheries could have in-season measures in 11c. Impacts would be complementary to 11a or 11b. Discards could increase once a fishery is totally closed, but since only incidental catches should occur post-closure, overall mortality should be lower with only incidental mortality versus directed and incidental mortality. The incidental mortality would occur regardless of the closure – it is either discarded or retained but still causes mortality (discard mortality assumed to be 100% given the water depth).

11e. No action regarding AMs would be taken.

Impacts: There would be negative impacts to blueline tilefish, because overfishing, especially on an ongoing basis, would be more likely to occur without AMs that force modifications to management measures if ACLs are exceeded.

7.2 Human Community Impacts

Note, in this section, the phrase sort-term is not meant to imply that a measure will only be in place for a short period of time, but rather to denote the differences between impacts that occur sooner versus a longer time period ("long term").

7.2.1 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 1: GENERAL - MANAGEMENT UNIT, OBJECTIVES, AND STATUS DETERMINATION CRITERIA

Note: If management is to proceed, it is expected that one management unit option would be selected (1a or 1b), that objectives would also be chosen (1c), and that an approach to incorporating status determination criteria (1d) would also be chosen. If no action is chosen here (1e), then no other alternatives in the document would be chosen because this alternative set establishes the general management authority and intent of management.

Alt 1a. ***(Preferred***) This would establish a separate blueline tilefish management unit in the EEZ north of the NC/VA border (36.550278 N Latitude) extending north to the maritime boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

Impacts: For 1a, this should not have direct human community impacts on its own compared to the no action because it is administrative. Indirectly, because it would be part of the overall management system proposed in this action, it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, so there should be positive long-term impacts related to conservation of the resource and obtaining optimum yield in the long term. Also indirectly, this alternative would be part of a management system that would lead to more restrictions on fishing compared to no action (i.e. no management), so short-term revenues related to blueline fishing would likely be reduced – see Section 6.5 for recent ex-vessel revenues from blueline tilefish. Long-term impacts may be more positive than 1b because management would not be delayed by MAFMC/SAFMC boundary conflict issues. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to 1c and 1d.

Alt 1b. This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras (35.253167 N. lat., the latitude of Cape Hatteras Light), extending north to the maritime boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

Impacts: For 1b, this should not have direct human community impacts on its own compared to the no action because it is administrative. Indirectly, because it would be part of the overall management system proposed in this action, it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, so there should be positive long-term impacts related to conservation of the resource and obtaining optimum yield in the long term. Also indirectly, this alternative would be part of a management system that would lead to more restrictions on fishing compared to no action (i.e. no management), so short-term revenues related to blueline fishing would likely be reduced – see Section 6.5 for recent ex-vessel revenues from blueline tilefish. Since blueline tilefish are already managed from Cape Hatteras to the NC/VA border, this would not add any positive impacts compared to 1a, and

could actually complicate/delay sustainable management given it would cause additional conflict with the SAFMC's management area, so long-term impacts may be less positive than 1a. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to 1c and 1d.

Alt 1c. ***(Preferred***) This alternative would establish that the objectives for blueline tilefish would be:

1. Prevent overfishing and rebuild the resource to the biomass that would support MSY.

2. Prevent overcapitalization and limit new entrants.

3. Identify and describe essential tilefish habitat.

4. Collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch of tilefish in all fisheries

5. Management will reflect blueline tilefish's susceptibility of overfishing and the need of an analytical stock assessment."

Impacts: For 1c, this should not have direct human community impacts on its own compared to the no action because it is administrative. Indirectly, because it would be part of the overall management system proposed in this action, it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, so there should be positive long-term impacts related to conservation of the resource and obtaining optimum yield in the long term. Also indirectly, this alternative would be part of a management system that would lead to more restrictions on fishing compared to no action (i.e. no management), so short-term revenues related to blueline fishing would likely be reduced – see Section 6.5 for recent ex-vessel revenues from blueline tilefish. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to 1a or 1b, and 1d.

Alt 1d. ***(Preferred***) This alternative would establish that the Council would use the most recent peer-reviewed and accepted assessment as applicable to the blueline tilefish in its management unit.

Impacts: For 1d, this should not have direct human community impacts on its own compared to the no action because it is administrative. Indirectly, because it would be part of the overall management system proposed in this action, it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, so there should be positive long-term impacts related to conservation of the resource and obtaining optimum yield in the long term. Also indirectly, this alternative would be part of a management system that would lead to more restrictions on fishing compared to no action (i.e. no management), so short-term revenues related to blueline fishing would likely be reduced – see Section 6.5 for recent ex-vessel revenues from blueline tilefish. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to 1a or 1b, and 1c.

Alt 1e. No action - No action would be taken to establish a blueline tilefish management unit or objectives for management or status determination criteria.

Impacts: Taking no action would mean that blueline tilefish would not be managed with Federal management measures north of the NC/VA border (36.550278 N Latitude). Failure to generally manage blueline tilefish would have a negative impact on the blueline tilefish stock due to the potential for unregulated targeting of the stock, which was increasing rapidly in recent years, as described in Section 6. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing, especially if states relax their landings limits or landings shift farther north beyond states with regulations (i.e. north of New Jersey). Short term impacts might be positive with higher revenues from fewer restrictions, but long term impacts would likely be negative due to reduced yield from overfishing. Given the relatively small scale of the blueline tilefish fishery, impacts would be expected to be negative but not significant.

7.2.2 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 2: COMMERCIAL PERMITTING AND REPORTING

Note: It is expected that either 2a or 2b would be chosen. In addition, 2c and 2e would create basic recordkeeping and reporting requirements. 2d could also be chosen in addition to 2c to require electronic submission of VTRs.

2a. ***(Preferred***) Alternative 2a would prohibit any vessel from landing blueline tilefish in/from the management unit for sale, unless the vessel has a commercial open access joint golden/blueline tilefish permit (see 2c regarding operator permits).

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden (but most commercial fishermen could obtain a permit and most interested parties would already have a golden tilefish permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement) by identifying the universe of participants. Compared to 2b, 2a's impact would be less negative since 2b requires a separate permit. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any from 2c, 2d, or 2e.

2b. Alternative 2b would require anyone landing any blueline tilefish for sale to get a newly-created commercial open access blueline tilefish permit. Retention of blueline tilefish for sale would be subject to the applicable trip limit.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden (but most commercial fishermen could obtain a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement) by identifying the universe of participants. Compared to 2a, 2b's impact would be more negative since this alternative requires a separate permit. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any from 2c, 2d, or 2e.

2c. ***(Preferred***) Alternative 2c would require standard recordkeeping and reporting of catch for any commercial vessel possessing a permit that allows them to land blueline tilefish (like other federal permits in the Region). See Section 5 for details, but among the requirements are operator permits, VTRs, and taking observers if requested.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden and cost (mailing and time). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement). Also, most vessels would likely already have to report catch due to other permits, further reducing the potential impact. Standard submission may be less burdensome initially (versus 2d), but, in the long run using electronic VTRs may be less of a burden on vessels. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any from 2a, 2b or 2e.

2d. Alternative 2d would require Federally-permitted commercial blueline tilefish vessels to submit Vessel Trip Reports (VTRs) electronically.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement). Also, most vessels would likely already have to report catch due to other permits. Electronic submission may be more burdensome initially (compared to 2c), but, in the long run using electronic VTRs may be less of a burden on vessels. ACCSP can provide a free electronic reporting tool, which can be used on mobile devices or a computer with an internet connection. Given the ubiquitous nature of mobile devices and

computers with internet connections (including free at libraries), the costs for electronic submission should be low. Impacts would be complementary to any from 2a, 2b or 2e.

2e. ***(Preferred***) Dealer Permits and Reporting – This alternative would institute dealer requirements similar to golden tilefish, i.e. that Federally-permitted vessels can only sell blueline tilefish to Federally-permitted dealers, and that dealers must have a federal permit to buy blueline tilefish. In addition, the standard recordkeeping and reporting requirements (50 CFR 648.7) for federal dealers would apply.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden and cost (primarily time). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Also, most dealers would likely already have to report catch due to other permits, which should further reduce the low negative impact of this alternative. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any other alternatives chosen from this alternative set.

2f. No action would be taken regarding additional commercial permitting and reporting.

Impacts: In the short run impacts would be positive due to the lack of additional permitting/reporting burden, but in the long run the impacts of no action for additional commercial permitting and reporting would be negative, because lack of these measures will hinder obtaining the information needed for effective management, as well as enforcement. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

7.2.3 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 3: FOR-HIRE RECREATIONAL PERMITTING AND REPORTING

Note: It is expected that either 3a or 3b would be chosen. In addition, 3c would create basic recordkeeping and reporting requirements. 3d could also be chosen in addition to 3c to require electronic submission of VTRs.

3a. ***(Preferred***) Alternative 3a would require that any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. This would create a joint golden/blueline tilefish permit.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden (but most for-hire fishermen could get a permit and most vessels that would need a permit would already have a golden tilefish permit). However, because it would support sustainable

management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement) by identifying the universe of participants. Compared to 3b, 3a's impact would be less negative since that alternative requires a separate permit. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any from 3c or 3d.

3b. Alternative 3b would require any party or charter vessel to have a newly-created Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden (but most for-hire fishermen could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement) by identifying the universe of participants. Compared to 3a the impact would be more negative since this alternative requires a separate permit. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any from 3c or 3d.

3c. ***(Preferred***) Alternative 3c would require standard reporting and recordkeeping by Vessel Trip Reports (VTRs) of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire.

Impacts: Compared to no action, there would likely be a minor negative impact due to administrative burden and cost (time and mailing). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement). Most affected vessels would likely already have to report all catch due to other permits, further reducing the potential impact. Standard submission may be less burdensome initially (versus 3d), but, in the long run using electronic VTRs may be less of a burden on vessels. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to any from 3a or 3b. Since the Council has approved an Omnibus Framework that would mandate electronic VTR reporting for for-hire permitted vessels the impact may be the same as 3d since the Omnibus Framework will affect the Tilefish FMP (impacts to for-hire vessels are considered in that action).

3d. Alternative 3d would require for-hire vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit.

Impacts: Compared to no action, there would likely be a minor short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement). Also, in the long run using electronic VTRs may be less of a burden on vessels (versus 3c). ACCSP can provide a free

electronic reporting tool, which can be used on mobile devices or a computer with an internet connection. Given the ubiquitous nature of mobile devices and computers with internet connections (including free at libraries), the costs for electronic submission should be low. Impacts would be complementary to any from 3a or 3b

3e. No action would be taken regarding for-hire permitting and reporting.

Impacts: In the short run impacts would be positive due to the lack of additional permitting/reporting burden, but in the long run the impacts of no action for additional for-hire permitting and reporting would be negative, because lack of these measures will hinder obtaining the information needed for effective management, as well as enforcement. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

7.2.4 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 4: PRIVATE RECREATIONAL PERMITTING AND REPORTING

Note: It is expected that either 4a or 4b would be chosen and in addition either 4c or 4d would be chosen. While not necessarily coupled, 4b and 4c are related in that they would utilize NMFS Highly Migratory Species (HMS) processes.

4a. ***(Preferred***) Alternative 4a would create and require a dedicated recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) require a separate permit.

Impacts: Compared to no action, there would likely be a low short term negative impact due to administrative burden (but anyone could get a permit). However, because it would support sustainable management of tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of tilefish (and enforcement) by identifying the universe of participants. Having a separate list of participants/vessels (versus all HMS vessels in 4b) should lead to more positive impacts related to managers having better information about the tilefish fishery, even though the short-term administrative burden may be higher for 4a versus 4b. Most fishermen who fish offshore for blueline tilefish are likely already accustomed to having a separate permit for HMS species, so having to secure a permit for a group of offshore species should not be a major administrative burden for participants. Also, given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant because relatively few individuals would be impacted (and only in an administrative burden fashion). Permitting by species has also been implemented in many for-hire and commercial fisheries with more substantial numbers of participants than private individuals who fish for blueline tilefish, which is believed to be relatively low given the distances involved and gear required. The concept of separate endorsements for particular species is

also not novel, for example fresh water trout stamps, and snook permits and tarpon tags in Florida. Impacts would be complementary to any from alternatives 4c or 4d.

4b. Alternative 4b would require that a NMFS Highly Migratory Species (HMS) permit be obtained by any owner/operator seeking to catch golden or blueline tilefish.

Impacts: Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of tilefish. Since most anglers who fish for tilefish likely obtain HMS permits already, any negative administrative burden impacts should be less than 4a (no additional permit would be required beyond an HMS permit). HMS permits cost $20/vessel. This alternative however would provide less information about the tilefish fishery, which could reduce the effectiveness of long-term management. Impacts would be complementary to any from alternatives 4c or 4d.

4c. Alternative 4c would require private fishermen to report golden and blueline tilefish catch through the HMS reporting system, complemented by catch cards and tags as done in Maryland (http://dnr2.maryland.gov/fisheries/Pages/coastal/tagging.aspx).

Impacts: Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement), similar to 4d. Impacts would be complementary to any from alternatives 4a or 4b.

4d. ***(Preferred***) Alternative 4d would require an online reporting (via a modified SAFIS or other application) of golden and blueline tilefish for private recreational fishermen before any tilefish are removed from a vessel, or before a trailered vessel is removed from the water.

Impacts: Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish (and enforcement), similar to 4c. ACCSP can provide a free electronic reporting tool, which can be used on mobile devices or a computer with an internet connection. Given the ubiquitous nature of mobile devices and computers with internet connections (including free at libraries), the costs for electronic submission should be low. If an efficient application can be developed that also addressed any HMS reporting needs, the reporting burden would be reduced further. Impacts would be complementary to any from alternatives 4a or 4b.

4e. No action regarding additional private permitting and reporting.

Impacts: In the short run impacts would be positive due to the lack of additional permitting/reporting burden, but in the long run the impacts of no action for additional private recreational permitting and reporting would be negative, because lack of these measures will hinder obtaining the information needed for effective management, as well as enforcement. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

7.2.5 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 5: FRAMEWORK ADJUSTMENTS

5a. No action – Frameworks could not be utilized to alter blueline tilefish measures.

Impacts: Not allowing frameworks would reduce flexibility to efficiently address changing circumstances, which would be a negative impact. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

5b. (Preferred) This alternative would establish that any action that is frameworkable for golden tilefish would also be frameworkable for blueline tilefish if that action has been previous considered and analyzed. It was also establish that generally, any action that has been previously considered in the FMP or in an amendment to the FMP may be modified via a framework action.

Impacts: This should have no direct impacts compared to the status quo. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council by adding flexibility and reducing the time needed to make management changes, there should be positive indirect long-term impacts. Framework adjustments allow more rapid responses to changing fishing conditions, which should have positive indirect impacts. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

7.2.6 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 6: SPECIFICATIONS PROCESS AND RISK POLICY

Note: 6a, 6b, and 6c are integral parts of the management process and would have to all be selected if management is to proceed. 6a sets up what measures may be included in specifications, and other alternative sets specify what measures would be included in this action.

6a. ***(Preferred***) This alternative would specify what measures can be set during specifications.

Impacts: The setting of specifications, including ABC and other measures, should have no direct impacts compared to the status quo. If stock conditions dictate catch reductions, there could be indirect short term negative impacts but because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be indirect positive long-term impacts. Given the

relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to 6b and/or 6c. The impacts of specific future measures would also be analyzed in the specifications NEPA document, as needed.

6b. ***(Preferred***) This alternative establishes that the Council's current control rules for ABC-setting would apply to blueline tilefish.

Impacts: The setting of specifications, including ABC and other measures, should have no direct impacts compared to the status quo. If stock conditions dictate catch reductions, there could be indirect short term negative impacts but because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be indirect positive long-term impacts. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant. Impacts would be complementary to 6a and/or 6c.

6c. ***(Preferred***) This alternative establishes that the Council's current risk policy for ABC-setting would apply to blueline tilefish, and set the 2017 ABC at 87,031 pounds:

Impacts: The setting of specifications, including ABC and other measures, should have no direct impacts compared to the status quo. If stock conditions dictate catch reductions, as proposed in this action, there could be indirect short term negative impacts but because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be indirect positive long-term impacts. Impacts would be complementary to 6a and/or 6b. At the ABC of 87,031 pounds, there will need to be catch reductions compared to recent years, which will cause short term negative impacts, but because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be indirect positive long-term impacts. Given the relatively small scale of the blueline tilefish fishery overall negative impacts would be low, but like all fishery management actions there are distributional effects, such that most fishermen would not be impacted at all, and a few fishermen (the blueline fishery has generally been a small fishery whether recreational or commercial) will have more substantial impacts on their revenues or fishing activities, depending on their ability to target other species to make up for lower blueline catches. There is additional discussion in the trip and bag limit analysis sections below.

6d. No action - No process for setting specifications would be implemented.

Impacts: Management is dependent on a specifications process so that catches each year are restricted and overfishing is avoided. Failure to generally manage blueline tilefish would have a negative impact on the blueline tilefish stock due to the potential for unregulated targeting of the stock, which was increasing rapidly in recent years, as described in Section 6. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing, especially if states relax their landings limits or landings shift farther north beyond states with regulations (i.e. north of New Jersey). Short term impacts might be positive with higher revenues from fewer restrictions, but long term impacts would likely be negative

due to reduced yield from overfishing. Given the relatively small scale of the blueline tilefish fishery, impacts would be expected to be negative but not significant.

7.2.7 HUMAN COMMUNITY IMPACTS- ALTERNATIVE SET 7: ALLOCATIONS AND SPECIFICATIONS

Note: If management proceeds, then specifications would have to be made whether allocations are made or not. If no action is selected overall then 7a is a viable choice, but if some management proceeds then some way to use the ABC from the SSC in specifications would have to be described (7d or 7e). If an allocation is chosen (one alternative from 7b1, 7b2, 7c1, or 7c2), then 7d would have to be selected to describe how specifications would work with allocations. If no allocations are made, then 7e describes how specifications would use the ABC without allocations.

7a. No action regarding allocations or how specifications would proceed with or without allocations.

Impacts: Taking no action would mean that blueline tilefish would not be managed with Federal management measures north of the NC/VA border (36.550278 N Latitude). Failure to generally manage blueline tilefish would have a negative impact on the blueline tilefish stock due to the potential for unregulated targeting of the stock, which was increasing rapidly in recent years, as described in Section 6. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing, especially if states relax their landings limits or landings shift farther north beyond states with regulations (i.e. north of New Jersey). Short term impacts might be positive with higher revenues from fewer restrictions, but long term impacts would likely be negative due to reduced yield from overfishing. Given the relatively small scale of the blueline tilefish fishery, impacts would be expected to be negative but not significant.

7b1. ***(Preferred***) This alternative would use the best available data to set allocations based on catch from 2009-2013 (median of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. Several ranges of years and approaches were used to derive potential allocations, but all resulted in similar recreational/commercial allocations of 72%-76% for the recreational fishery and 24%-28% for the commercial sector, so they should have similar impacts. See the alternative description in Section 5 for details. Compared to 7a, there would be some positive impacts in terms of each sector being less impacted by the performance of the other sector. While the sector ACLs that result from the allocations are smaller than the overall ABC/combined ACL, even without an allocation the Council would have to have measures on each sector to constrain overall catch so just the fact that the sector ACLs are smaller than the combined ACL has no impact.

7b2. This alternative would use the best available data to set allocations based on catch from 2009-2013 (mean of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. Several ranges of years and approaches were used to derive potential allocations, but all resulted in similar recreational/commercial allocations of 72%-76% for the recreational fishery and 24%-28% for the commercial sector, so they should have similar impacts. See the alternative description in Section 5 for details. Compared to 7a, there would be some positive impacts in terms of each sector being less impacted by the performance of the other sector. While the sector ACLs that result from the allocations are smaller than the overall ABC/combined ACL, even without an allocation the Council would have to have measures on each sector to constrain overall catch so just the fact that the sector ACLs are smaller than the combined ACL has no impact.

7c1. This alternative would use the best available data to set allocations based on catch from 2004-2013 (median of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. Several ranges of years and approaches were used to derive potential allocations, but all resulted in similar recreational/commercial allocations of 72%-76% for the recreational fishery and 24%-28% for the commercial sector, so they should have similar impacts. See the alternative description in Section 5 for details. Compared to 7a, there would be some positive impacts in terms of each sector being less impacted by the performance of the other sector. While the sector ACLs that result from the allocations are smaller than the overall ABC/combined ACL, even without an allocation the Council would have to have measures on each sector to constrain overall catch so just the fact that the sector ACLs are smaller than the combined ACL has no impact.

7c2. This alternative would use the best available data to set allocations based on catch from 2004-2013 (mean of percentages) (see considered but rejected section as to why 2014 is not included).

Impacts: For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. Several ranges of years and approaches were used to derive potential allocations, but all resulted in similar recreational/commercial allocations of 72%-76% for the recreational fishery and 24%-28% for the commercial sector, so they should have similar impacts. See the alternative description in Section 5 for details. Compared to 7a, there would be some positive impacts in terms of each sector being less impacted by the performance of the other sector. While the sector ACLs that result from the allocations are smaller than the overall ABC/combined ACL, even without an allocation the Council would have to have measures on each sector to constrain overall catch so just the fact that the sector ACLs are smaller than the combined ACL has no impact.

7d. ***(Preferred***) If allocations are made, this alternative describes how the specifications process would handle ABC, ACLs, ACTs, etc.

Impacts: The setting of specifications, including ABC and other measures, should have no direct impacts compared to the status quo. If stock conditions dictate catch reductions, which is the case in the short term under this action, there could be indirect short term negative impacts but because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be indirect positive long-term impacts. Impacts would be similar to 7e, and complementary to the other alternatives in this set.

7e. If allocations are not made, this alternative describes how the specifications process would handle allocations in terms of ABC, ACLs, ACTs, etc.

Impacts: The setting of specifications, including ABC and other measures, should have no direct impacts compared to the status quo. If stock conditions dictate catch reductions, which is the case in the short term under this action, there could be indirect short term negative impacts but because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be indirect positive long-term impacts. Impacts would be similar to 7d, and complementary to the other alternatives in this set.

7.2.8 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 8: COMMERCIAL TRIP LIMITS (GUTTED WEIGHT)

Note: These impacts focus on the Federal trip limits, but vessels would be bound by any state limits whose waters they enter or whose ports they land in. As such, the impacts generally assume that states mirror the action taken by the Council since it is not possible to predict what various states may do subsequent to various Council actions. It is expected that one alternative from this Alternative Set would be chosen.

8a. This alternative would implement a commercial trip limit of 275 pounds per trip gutted weight (head and fins must be attached).

Impacts: Compared to no action (no trip limits in federal waters), a trip limit of 275 pounds per trip gutted weight would be more restrictive and could cause lower revenues in the short term, so this alternative could have negative short term impacts compared to no action. Impacts would be similar to 8b and 8c (all would likely constrain landings to incidental catch) and more negative than 8d-f. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 10, in recent typical operation of this fishery (i.e. not including 2014), very few trips per year (8 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery, especially when the small scale of this fishery is considered relative to other Mid-Atlantic fisheries. If the comparison is done relative to 2014, more

trips are impacted (see Table 11). 2014 VA-ME landings of blueline tilefish were approximately $457,000. 2010-2012 VA-ME landings averaged approximately $14,000, which is likely more representative of the incidental landings that would occur under this alternative (Table 7). However it is not likely that the unrestrained fishing that occurred in 2014 would be sustainable so the difference in these amounts is not the likely impact. In the short term revenues would be reduced with this alternative and might be close to the 2014 value with no action, but in the long term the improved sustainability from management would still be expected to result in more positive impacts for human communities. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

8b. This alternative would implement a commercial trip limit of 200 pounds per trip gutted weight (head and fins must be attached).

Impacts: Compared to no action (no trip limits in federal waters), a trip limit of 200 pounds per trip gutted weight would be more restrictive and could cause lower revenues in the short term, so this alternative could have negative short term impacts compared to no action. Impacts would be similar to 8a and 8c (all would likely constrain landings to incidental catch) and more negative than 8d-f. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 10, in recent typical operation of this fishery (i.e. not including 2014), very few trips per year (14 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery, especially when the small scale of this fishery is considered relative to other Mid-Atlantic fisheries. If the comparison is done relative to 2014, more trips are impacted (see Table 11). 2014 VA-ME landings of blueline tilefish were approximately $457,000. 2010-2012 VA-ME landings averaged approximately $14,000, which is likely more representative of the incidental landings that would occur under this alternative (Table 7). However it is not likely that the unrestrained fishing that occurred in 2014 would be sustainable so the difference in these amounts is not the likely impact. In the short term revenues would be reduced with this alternative and might be close to the 2014 value with no action, but in the long term the improved sustainability from management would still be expected to result in more positive impacts for human communities. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

8c. ***(Preferred***) This alternative would implement a commercial trip limit of 300 pounds per trip gutted weight (head and fins must be attached).

Impacts: Compared to no action (no trip limits in federal waters), a trip limit of 300 pounds per trip gutted weight would be more restrictive and could cause lower revenues in the short term, so this alternative could have negative short term impacts compared to no action Impacts would be similar to 8a and 8b (all would likely constrain landings to incidental catch) and more negative than 8d-f. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 10, in recent typical

operation of this fishery (i.e. not including 2014), very few trips per year (6 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery, especially when the small scale of this fishery is considered relative to other Mid-Atlantic fisheries. If the comparison is done relative to 2014, more trips are impacted (see Table 11). 2014 VA-ME landings of blueline tilefish were approximately $457,000. 2010-2012 VA-ME landings averaged approximately $14,000, which is likely more representative of the incidental landings that would occur under this alternative (Table 7). However it is not likely that the unrestrained fishing that occurred in 2014 would be sustainable so the difference in these amounts is not the likely impact. In the short term revenues would be reduced with this alternative and might be close to the 2014 value with no action, but in the long term the improved sustainability from management would still be expected to result in more positive impacts for human communities. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

8d. This alternative would implement a commercial trip limit of 500 pounds per trip gutted weight (head and fins must be attached).

Impacts: Compared to the no action (no trip limits in federal waters), a trip limit of 500 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. Impacts would be less negative than 8a-c and more negative than 8e-f. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. 2014 VA-ME landings of blueline tilefish were approximately $457,000. With no action, it is possible that similar landings could occur in the short term. Most of the directed Mid-Atlantic trips in 2014 occurred at greater than 900 pounds (Table 11), so revenues under this alternative would be expected to be lower. However, it is possible that more trips targeting blueline tilefish would occur at 500 pounds (the Council received public comment that targeting will occur at 500 pounds or above), so the difference is not possible to predict other than concluding that this trip limit would likely reduce revenues below $457,000 when evaluated against no action. However it is not likely that the unrestrained fishing that occurred in 2014 would be sustainable. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

8e. This alternative would implement a commercial trip limit of 900 pounds per trip gutted weight (head and fins must be attached).

Impacts: Compared to the no action (no trip limits in federal waters), a trip limit of 900 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. Impacts would be less negative than the other trip limits (which are all lower). However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. 2014 VA-ME landings of blueline tilefish were approximately $457,000. With no action, it is possible that similar

landings could occur in the short term. Most of the directed Mid-Atlantic trips in 2014 occurred at greater than 900 pounds (Table 11), so revenues under this alternative would be expected to be lower. However, it is possible that more trips targeting blueline tilefish would occur at 900 pounds (the Council received public comment that targeting will occur at 500 pounds or above), so the difference is not possible to predict other than concluding that this trip limit would likely reduce revenues below $457,000 when evaluated against no action. However it is not likely that the unrestrained fishing that occurred in 2014 would be sustainable. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

8f. This alternative would implement a commercial trip limit of 750 pounds per trip gutted weight (head and fins must be attached).

Impacts: Compared to the no action (no trip limits in federal waters), a trip limit of 750 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. Impacts would be less negative than 8a-d but more negative than 8e. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. 2014 VA-ME landings of blueline tilefish were approximately $457,000. With no action, it is possible that similar landings could occur in the short term. Most of the directed Mid-Atlantic trips in 2014 occurred at greater than 900 pounds (Table 11), so revenues under this alternative would be expected to be lower. However, it is possible that more trips targeting blueline tilefish would occur at 750 pounds (the Council received public comment that targeting will occur at 500 pounds or above), so the difference is not possible to predict other than concluding that this trip limit would likely reduce revenues below $457,000 when evaluated against no action. However it is not likely that the unrestrained fishing that occurred in 2014 would be sustainable. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

8g. No action – No commercial trip limits would be implemented.

Impacts: If there were no commercial trip limits implemented in this action, initially human community impacts would be positive due to higher revenues. Short term impacts might be positive with higher revenues from fewer restrictions, but long term impacts would likely be negative due to reduced yield from overfishing. Given the relatively small scale of the blueline tilefish fishery, impacts would not be expected to be significant.

7.2.9 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 9: RECREATIONAL BAG/POSSESSION LIMITS

Note: These impacts focus on the Federal trip limits, but vessels would be bound by any state limits whose waters they enter or whose ports they land in. As such, the impacts generally assume that states mirror the action taken by the Council since it is not possible to predict what various states may do subsequent to various Council actions. It is expected that one alternative from this Alternative Set would be chosen.

9a. This alternative would institute a recreational bag limit of **7 fish** per angler per trip with no closed season

Impacts: Compared to the no action (no bag limits in federal waters), a recreational bag limit of 7 blueline tilefish per person would be more restrictive and could cause lower short term revenues from reduced passenger demand, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 13, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blueline tilefish (7 trips out of 98) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. Given the low number of occasions where the proposed bag limit would be constraining, passenger demand may be unaffected so there would be no loss in revenue. If the comparison is done relative to 2014, more trips would be impacted (see Table 14). Based on the lack of MRIP data for blueline tilefish, there are relatively few fishermen who target blueline tilefish, and based on public comments a 7 fish limit would not negatively impact them.

It should also be noted that a 7-fish bag limit with no closed season would be more likely than 9b or 9e to cause an ACL overage, which could have additional negative impacts if the recreational ACL is reduced in a subsequent year. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

9b. This alternative would institute a recreational bag limit of **5 fish** per angler per trip with no closed season

Impacts: Compared to the no action (no bag limits in federal waters), a recreational bag limit of 5 blueline tilefish per person would be more restrictive and could cause lower short term revenues from reduced passenger demand, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 13, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blueline tilefish (21 trips out of 98) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. Given the low number of occasions where the

proposed bag limit would be constraining, passenger demand may be unaffected so there would be no loss in revenue. If the comparison is done relative to 2014, more trips would be impacted (see Table 14). Comments received during scoping indicated that for some party boats, bag limits less than 7 fish would cause many of their clients to not take trips for blueline tilefish due to the relatively high costs associated with the extended run offshore required for blueline tilefish in their region. Based on the lack of MRIP data for blueline tilefish, there are relatively few fishermen who target blueline tilefish, but based on public comments a 5 fish limit would negatively impact them. Fishermen may also have other species they can target to mitigate the negative impacts of lower bag limits for blueline tilefish, but the desire and/or ability to target other species will likely vary widely among fishermen, and depend on other regulations. The low negative impacts experienced directly by fishermen would also impact associated support industries, such as lodging, food/restaurants, bait, tackle, fuel, marinas, and other fishing-related businesses. However, given the very small scale of the blueline tilefish fishery relative to overall fishing, such impacts would likely be low for most businesses, though there are likely some that are more dependent than others on business related to blueline tilefish fishing. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

9b would likely be more negative than 9a or 9c for recreational fishing interests, at least in the first year. It should also be noted that, for the alternatives considered, a 5-fish bag limit with no closed season (this alternative) or 9e's differential bag limit with a May-October 31 season would be least likely (and approximately similar) to cause a recreational ACL overage, which could have additional negative impacts if the recreational ACL is reduced in a subsequent year due to accountability measures discussed below under Alternative Set 11. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

9c. This alternative would institute a recreational bag limit of **9 fish** per angler per trip with no closed season

Impacts: Compared to the no action (no bag limits in federal waters), a recreational bag limit of 9 blueline tilefish per person would be more restrictive and could cause lower short term revenues from reduced passenger demand, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 13, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blueline tilefish (4 trips out of 98) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. Given the low number of occasions where the proposed bag limit would be constraining, passenger demand may be unaffected so there would be no loss in revenue. If the comparison is done relative to 2014, more trips would be impacted (see Table 14). Based on the lack of MRIP data for blueline tilefish, there are relatively few fishermen who target blueline tilefish, and based on public comments a 9 fish limit would not negatively impact them.

9c would likely be more positive than 9a or 9b for recreational fishing interests, at least in the first year. Of the action alternatives considered, a 9-fish bag limit with no closed season would be most likely to cause an ACL overage, which could have additional negative impacts if the recreational ACL is reduced in a subsequent year. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

9d. If chosen, this alternative could only be chosen in combination with 9a, 9b, or 9c, and would allow an additional 3 blueline tilefish per person on party boat trips (more than 6 passengers) that lasted longer than 36 hours from when the vessel leaves the dock to when the vessel returns to the dock. A call-out/call-in system would be necessary to assist enforcement of such a provision.

Impacts: This alternative would only be chosen in combination with 9a, 9b, or 9c. Comments received during scoping highlighted that some vessels that make longer trips would benefit from such a provision, because the higher limit would help them attract customers who pay more for longer trips (vessels in more northern states must travel farther to get to off shore fishing grounds). This alternative would be expected to have low positive impacts for those vessels by enticing some additional for-hire patrons, but their higher catches could cause additional, more restrictive management measures for other vessels, especially if any ABC/ACL overages occur. So while there may be low positive impacts for for-hire participants, there may be balancing negative impacts (at any given ACL) for other recreational participants. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

9e. ***(Preferred)*** This alternative would have an open recreational season for blueline tilefish from May 1 to October 31. During this season, the recreational per-person bag limit would be 7 blueline tilefish for US Coast Guard-inspected for-hire vessels, 5 blueline tilefish for uninspected for-hire vessels, and 3 blueline tilefish for private vessels.

Impacts: Impacts for this alternative are best considered as several components.

Season: The limited season would have a low negative impact on recreational fishermen across the various segments of the blueline tilefish fishery. The impact is negative because of the reduced fishing opportunity, but it is low because of the limited scale of the blueline tilefish fishery relative to fishing overall. A seasonal closure from November through April would have accounted for 19% of 2014/2015 catch (VTR data). As described above, relatively few fishermen fish for blueline tilefish, and those that do may be able to target other species, but there are some who are more dependent than others on the blueline tilefish fishery and those, as well as related support industries, would be most affected.

US Coast Guard Inspected For-Hire Vessels: These are typically party-boats that carry more than 20 fishermen when targeting blueline tilefish. Compared to the no action (no bag limits in federal waters), a recreational bag limit of 7 blueline tilefish per person would be more restrictive and could cause lower short term revenues from reduced passenger demand, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table

13, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blueline tilefish (7 trips out of 98 – mostly party boats) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. Given the low number of occasions where the proposed bag limit would be constraining, passenger demand may be unaffected so there would be no loss in revenue. If the comparison is done relative to 2014, more trips would be impacted (see Table 14). Public input from the 4-5 currently inspected for-hire vessels that target blueline tilefish has generally indicated that they can make a profit with a 7 fish bag limit but not with lower bag limits due to the high costs of traveling offshore and their limited opportunities to target other fisheries. Vessel Trip Reports (VTRs) also suggested that party boat trips in 2014-2015 (this was done with 2014-2015 data to consider reductions to meet ACLs) with more than 7 fish per person accounted for 54% of the fish they caught, and that charter boat trips in 2014-2015 with more than 5 fish per person accounted for 58% of the fish they caught, i.e. charter and party boats may be similarly impacted by different bag limits. Thus a uniform bag limit like the emergency regulations (7 fish) would appear to impact the party boat segment of the fishery (represented by inspected vessels) more compared to the charter segment of the fishery.

Uninspected For-Hire Vessels: These are typically charter boats that carry 6 or fewer fishermen when targeting blueline tilefish. Compared to the no action (no bag limits in federal waters), a recreational bag limit of 5 blueline tilefish per person would be more restrictive and could cause lower short term revenues from reduced passenger demand, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 13, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blueline tilefish (21 trips out of 98 – mostly party boats) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. Given the low number of occasions where the proposed bag limit would be constraining, passenger demand may be unaffected so there would be no loss in revenue. If the comparison is done relative to 2014, more trips would be impacted (see Table 14). Vessel Trip Reports (VTRs) also suggested that party boat trips in 2014-2015 (this was done with 2014-2015 data to consider reductions to meet ACLs) with more than 7 fish per person accounted for 54% of the fish they caught, and that charter boat trips in 2014-2015 with more than 5 fish per person accounted for 58% of the fish they caught, i.e. charter and party boats may be similarly impacted by different bag limits. Thus a uniform bag limit like the emergency regulations (7 fish) would appear to impact the party boat segment of the fishery (represented by inspected vessels) more compared to the charter segment of the fishery.

Based on the lack of MRIP data for blueline tilefish, there are generally few fishermen who target/land blueline tilefish (they would show up in more MRIP dockside intercepts if frequently landed), but based on public comments a 5-fish limit would negatively impact them. Fishermen may have other species they can target to mitigate the negative impacts of a lower bag limit for blueline tilefish, but the desire and/or ability to target other species will likely vary widely among fishermen, and depend on other regulations. The low negative impacts experienced directly by charter fishermen would also impact associated support industries, such as lodging, food/restaurants, bait, tackle, fuel, marinas, and other fishing-related businesses. However, given the very small scale of the blueline tilefish fishery relative to overall fishing, such impacts would likely be low for most businesses, though there are likely some that

are more dependent than others on business related to blueline tilefish fishing. However in terms of fish kept, for vessels that reported blueline tilefish landings, their total fish kept 2013-2015 averaged 107,645 fish while their blueline tilefish fish kept fish averaged 560 fish.

Private Vessels: Compared to the no action (no bag limits in federal waters), a recreational bag limit of 3 blueline tilefish per person would be more restrictive and could cause lower participation, so this alternative could have negative short term impacts. Based on the lack of MRIP data for blueline tilefish, there are relatively few fishermen who target blueline tilefish, but based on public comments a 3 fish limit would negatively impact them. Fishermen may have other species they can target to mitigate the negative impacts of lower bag limits for blueline tilefish, but the desire and/or ability to target other species will likely vary widely among fishermen, and depend on other regulations. The low negative impacts experienced directly by fishermen would also impact associated support industries, such as lodging, food/restaurants, bait, tackle, fuel, marinas, and other fishing-related businesses. However, given the very small scale of the blueline tilefish fishery relative to overall fishing, such impacts would likely be low for most businesses, though there are likely some that are more dependent than others on business related to blueline tilefish fishing.

Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

9f. No action – no recreational trip limits would be implemented.

Impacts: If there were no bag limits/seasons implemented in this action, initially human community impacts would be positive due to higher for-hire revenues and higher recreational amenities for recreational fishermen in general. Short term impacts might be positive from fewer restrictions, but long term impacts would likely be negative due to reduced yield from overfishing. Given the relatively small scale of the blueline tilefish fishery, impacts would not be expected to be significant.

7.2.10 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 10: ESSENTIAL FISH HABITAT (EFH) DESIGNATION

10a. No action – EFH would not be designated.

Impacts: This alternative would maintain the no action, which would mean no identification of EFH, so impacts would likely be low negative. As described under the no-action alternative's impact analysis described in section 7.1., no action could have low negative EFH impacts for blueline tilefish, and if that impedes sustainable management then human community impacts could be low negative. The impact is low because it is not expected that EFH issues are a major problem for blueline tilefish. This option would not be consistent with the MSA.

10b. ***(Preferred***) This alternative would use the best available science to designate EFH in this action.

Impacts: Compared to no action, this action would be expected to have low positive impacts. If EFH identification led to better sustainable management of blueline tilefish, human communities should also benefit. The impact is low because it is not expected that EFH issues are a major problem for blueline tilefish and there are unlikely to be federal actions in the proposed blueline tilefish EFH in the near future that would benefit from EFH consultations.

7.2.11 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 11: ACCOUNTABILITY MEASURES (AMS)

Note: Either 11a or 11b would be chosen depending on whether allocations are made. 11c and/or 11d could be added to either 11a or 11b.

11a. ***(Preferred***) Under this alternative, used if there are allocations, then AMs are only automatically triggered if the combined commercial/recreational ACLs are exceeded. A system of recreational and commercial AMs would apply, as described in Section 5.

Impacts: There are no direct impacts as this alternative is administrative in nature. Indirectly, compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery, in a similar fashion to 11b. In the long term, maintaining a sustainable fishery maintains or increases yield compared to a fishery in an overfished condition, which would be a more likely result with no action, i.e. no accountability measures. Impacts would be complementary to 11c and/or 11d. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

11b. Under this alternative, used if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC regarding the ABC.

Impacts: There are no direct impacts as this alternative is administrative in nature. Indirectly, compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery, in a similar fashion to 11a. In the long term, maintaining a sustainable fishery maintains or increases yield compared to a fishery in an overfished condition, which would be a more likely result with no action, i.e.

no accountability measures. Impacts would be complementary to 11c and/or 11d. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

11c. Under this alternative, if NMFS determines that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL (depending on if there are allocations or not), NMFS may close or adjust the season and/or trip/bag limits for either fishery.

Impacts: Compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery. This alternative would be used in conjunction with either 11a or 11b, and should minimize ABC/ACL overages. This alternative trades off more uncertainty in the outcome of the current year for both recreational and commercial sectors, with more certainty that the following year will not be impacted by an ACL overage and associated pay-back. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

11d. ***(Preferred***) Under this alternative, if NMFS projects that commercial blueline tilefish landings will reach 100% of the commercial TAL then NMFS will close the season.

Impacts: Compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery. This alternative would be used in conjunction with either 11a or 11b, and should minimize ABC/ACL overages. This alternative trades off more uncertainty in the outcome of the current year for the commercial sector, with more certainty that the following year will not be impacted by an ACL overage and associated pay-back. Likewise, it trades off more certainty in the current year for the recreational sector with less certainty that the following year will not be impacted by an ACL overage and associated pay-back. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

11e. No action regarding AMs would be taken.

Impacts: There would be negative impacts to blueline tilefish, because overfishing, especially on an ongoing basis, would be more likely to occur without AMs that force modifications to management measures if ACLs are exceeded. With no action, in the short term there could be positive impacts to human communities because catch would be higher, but if the tilefish stock experiences overfishing and becomes overfished, yield from the fishery would decrease, leading to negative human community impacts in the long term. Given the relatively small scale of the blueline tilefish fishery, impacts are not expected to be significant.

7.3 Habitat

The primary gears used by the blueline tilefish fisheries are bottom longline, handline, and rod and reel, which are generally not associated with adverse impacts on habitat. Bottom trawling has the potential for negative habitat impacts, but less than 3% of blueline tilefish landings have been associated with bottom trawl in the Northeast region, and these bottom trawl trips are not targeting blueline tilefish.

Additionally, golden tilefish gear restricted areas (GRAs) in the Northeast region, particularly the Norfolk Canyon GRA (defined at 50 CFR 648.297), may provide some protection from habitat impacts where blueline and golden tilefish overlap in habitat within a GRA.

Due to the low impact gears used in the blueline tilefish fisheries, habitat impacts are likely to be neutral even if effort increased beyond recent levels under the complete no action alternative. Likewise, any of the action alternatives, which should reduce effort compared to the no action, would also result in neutral habitat impacts. Therefore, any potential impacts on EFH are expected to be minimal under any of the alternatives.

7.4 Protected Resources

As described in Section 6, ESA listed species of sea turtles are the only protected species that may be affected by the proposed action. However, based on the best available information (see section 6), interactions with sea turtles are expected to be rare to non-existent under the proposed action in the relevant fishery because of where and how the fishery operates. In the Mid-Atlantic, sea turtles are seasonally present, and fishing effort for blueline tilefish is primarily directed in deep waters (>90 meters) of the outer continental shelf/ slope. Although sea turtles (primarily loggerhead and leatherback sea turtles) can be found in deep outer continental shelf waters, sea turtle behaviors in these waters are primarily directed at migratory movements and, therefore, sea turtle are more likely to present in the water column than near the benthos where bottom longline gear will be placed (Braun-McNeill and Epperly 2002; McClellan and Read 2007; Mansfield *et al.* 2009; Hawkes *et al.* 2011; Griffin *et al.* 2013; OBIS SEAMAP http://seamap.env.duke.edu/). Based on this information, the co-occurrence of the bottom longline gear and sea turtles is likely to be minimal in these waters, thereby reducing the likelihood of an interaction. This rationale is supported by the fact that the Northeast Fisheries Observer Program has not documented any interactions with sea turtle and bottom longline gear from 1989 to 2015- (NMFS NEFSC FSB 2015; http://www.nefsc.noaa.gov/fsb/take_reports/nefop.html).

Therefore, the impact of complete no action (an unmanaged fishery) on protected resources, primarily turtles, is likely to be neutral to low negative based on the low likelihood of an encounter even if effort increased beyond recent levels. To the degree that management reduces effort, there could be low positive impacts for protected resources, primarily turtles, compared to the no action. Within the context of commencing management, the primarily administrative, permitting, and reporting alternative sets (2, 3, 4, 5, 6, 7, 8, 9, and 12) should have negligible direct impacts, though to the degree they serve the overall goal of management and could reduce effort indirectly, there could be indirect low positive impacts (all similar in magnitude given their administrative nature) for action alternatives compared to

no action. For Alternative Set 10, lower commercial trip limits could reduce effort more, so the order from least positive to most positive would be 10g, 10e, 10f, 10d, 10c, 10a, and 10b (all low positive). For Alternative Set 11, lower recreational trip possession limits could reduce effort more. Accordingly, the order from least positive to most positive would be 11f, 11c, 11a, and 11b/11e (approximately equal) (all low positive). 11d could be combined with other alternatives and would allow extra fish to be caught across all other alternatives and would therefore reduce the benefit associated with any other alternative with which it was combined. For alternative 13, stricter accountability measures (AMs) could reduce effort more, so the least positive would be 13e, no action on AMs. 13a and 13b would institute AMs and be more beneficial and roughly similar, and 13c and 13d would add in-season closure authority as well, further possibly reducing effort (13c more so than 13d since 13d only applies to the commercial fishery) (all low positive). Again, any of these impacts would be likely to be very small given encounters with protected resources are not expected and have not been observed in this fishery.

7.5 Non-Target Species

The data (see Section 6.4) show minimal non-target interactions and/or discarding in the targeted golden tilefish fishery (< 0.2% in VTR data from longline vessels that targeted tilefish - MAFMC 2014), and the same would be expected for a blueline tilefish fishery given they are prosecuted similarly in the mid-Atlantic.

Therefore, the impact of complete no action (an unmanaged fishery) on non-target species, is likely to be low negative, as some non-target interactions would occur and effort could increase. To the degree that management reduces effort, there could be low positive impacts for non-target species compared to the no action. Within the context of commencing management, the primarily administrative, permitting, and reporting alternative sets (2, 3, 4, 5, 6, 7, 8, 9, and 12) should have negligible direct impacts, though to the degree they serve the overall goal of management and could reduce effort indirectly, there could be indirect low positive impacts (all similar in magnitude given their administrative nature) for action alternatives compared to no action. For Alternative Set 10, lower commercial trip limits could reduce effort more, so the order from least positive to most positive would be 10g, 10e, 10f, 10d, 10c, 10a, and 10b (all low positive). For Alternative Set 11, lower recreational trip possession limits could reduce effort more. Accordingly, the order from least positive to most positive would be 11f, 11c, 11a, and 11b/11e (approximately equal) (all low positive). 11d could be combined with other alternatives and would allow extra fish to be caught across all other alternatives and would therefore reduce the benefit associated with any other alternative with which it was combined. For alternative 13, stricter accountability measures (AMs) could reduce effort more, so the least positive would be 13e, no action on AMs. 13a and 13b would institute AMs and be more beneficial and roughly similar, and 13c and 13d would add in-season closure authority as well, further possibly reducing effort (13c more so than 13d since 13d only applies to the commercial fishery) (all low positive). Again, any of these impacts on non-target species would be likely to be very small incidental catch rates.

7.6 Cumulative Impacts

A cumulative effects analysis (CEA) is required by the Council on Environmental Quality (CEQ) (40 CFR part 1508.7). The purpose of CEA is to consider the combined effects of many actions on the human environment over time that would be missed if each action were evaluated separately. CEQ guidelines recognize that it is not practical to analyze the cumulative effects of an action from every conceivable perspective, but rather, the intent is to focus on those effects that are truly meaningful.

7.6.1 Consideration of the VECs

In section 6.0 (Description of the Affected Environment), the VECs that exist within the affected environment are identified. Therefore, the significance of the cumulative effects will be discussed in relation to the VECs listed below.

1. Managed resource (blueline tilefish and golden tilefish)
2. Non-target species
3. Habitat including EFH for the managed resource and non-target species
4. ESA listed and MMPA protected species
5. Human communities

7.6.2 Geographic Boundaries

The analysis of impacts focuses on actions related to the harvest of blueline and golden tilefish in the management unit, which is north of the NC/VA border. The core geographic scope for each of the VECs is focused on the Western Atlantic Ocean (section 6.0). Given the apparent genetic interconnectivity of blueline tilefish from the eastern Gulf of Mexico through the mid-Atlantic, a larger geographical boundary would also generally have to be considered. However, the South Atlantic Snapper Grouper Regulatory Amendment 25, which had blueline tilefish-relevant measures, just completed a cumulative effects analysis that included areas south of the NC/VA border (http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2015/reg_am25/documents/pdfs/reg_am25.pdf) and concluded there were no significant cumulative effects. Given that finding and that the regulations in this action would only apply north of the NC/VA border with negligible impacts to the south, this analysis focuses on areas north of the NC/VA border. For non-target species, the range may be expanded and would depend on the biological range of each individual non-target species in the Western Atlantic Ocean. For habitat, the core geographic scope is focused on EFH within the EEZ but includes all habitat utilized by blueline and golden tilefish and non-target species in the Western Atlantic Ocean. The core geographic scope for endangered and protected resources can be considered the overall range of these VECs in the Western Atlantic Ocean. For human communities, the core geographic boundaries

are defined as those U.S. fishing communities directly involved in the harvest or processing of the managed resources, which were found to occur in coastal states from North Carolina through Massachusetts (some North Carolina fishermen have targeted blueline tilefish off the Mid-Atlantic).

7.6.3 Temporal Boundaries

The temporal scope of past and present actions for VECs is primarily focused on actions that have occurred after the Tilefish FMP implementation (2001). For endangered and other protected resources, the scope of past and present actions is on a species-by-species basis (section 6.3) and is largely focused on the 1980s and 1990s through the present, when NMFS began generating stock assessments for marine mammals and sea turtles that inhabit waters of the U.S. EEZ. The temporal scope of future actions for all five VECs extends about three years (2017-2019) into the future, which is when impacts may reasonably be foreseen given the dynamic nature of both the marine environment and human activities that may impact the marine environment.

7.6.4 Actions Other Than Those Proposed in this Amendment

The impacts of each of the alternatives considered in this specifications document are given in section 7. Table 19 presents the meaningful past (P), present (Pr), or reasonably foreseeable future (RFF) actions to be considered other than those actions being considered in this document. These impacts are described in chronological order and qualitatively, as the actual impacts of these actions are too complex to be quantified in a meaningful way. When any of these abbreviations occur together (i.e., P, Pr, RFF), it indicates that some past actions are still relevant to the present and/or future actions. Because blueline tilefish are caught incidentally in the golden tilefish fishery, regulations that impact golden tilefish effort have likely had a similar directional impact, albeit indirect, on blueline tilefish.

Past and Present Actions

The historical management practices of the Council have resulted in positive impacts on the health of the golden tilefish stock (section 6.1). Numerous actions have been taken to manage this fishery through amendment and framework adjustment actions. In addition, the specifications process provides the opportunity for the Council and NMFS to regularly assess the status of the fishery and to make necessary adjustments to ensure that there is a reasonable expectation of meeting the objectives of the FMP and the targets associated with any rebuilding programs under the FMP. The statutory basis for federal fisheries management is the MSA. To the degree with which this regulatory regime is complied, the cumulative impacts of past, present, and reasonably foreseeable future federal fishery management actions on the VECs should generally be associated with positive long-term outcomes. Constraining fishing effort through regulatory actions can often have negative short-term socioeconomic impacts. These impacts are usually necessary to bring about long-term sustainability of a given resource, and as such, should, in the long-term, promote positive effects on human communities, especially those that are economically dependent upon the golden tilefish or blueline tilefish stocks. Specific to blueline tilefish, since June 4, 2015 there have been emergency or interim regulations in place to limit blueline tilefish catch while this Amendment is completed. Based on a Council request to address this issue (Appendix A), on June 4, 2015 NMFS implemented emergency regulations north of North Carolina, limiting commercial vessels to 300 pounds (whole weight) of blueline tilefish per trip and recreational fishermen

to 7 blueline tilefish per person per trip, as well as requiring commercial and party/charter permitting for blueline tilefish (http://www.greateratlantic.fisheries.noaa.gov/nr/2015/June/14tileblemergencyactionphl.pdf). These emergency measures were extended via an interim rule through December 14, 2016.

Non-fishing activities that introduce chemical pollutants, sewage, climate change (changes in water temperature, level, and pH), salinity, dissolved oxygen, and suspended sediment into the marine environment pose a risk to all of the identified VECs. Human-induced non-fishing activities tend to be localized in nearshore areas and marine project areas where they occur. Examples of these activities include, but are not limited to agriculture, port maintenance, beach nourishment, coastal development, marine transportation, marine mining, dredging and the disposal of dredged material. Wherever these activities co-occur, they are likely to work additively or synergistically to decrease habitat quality and, as such, may indirectly constrain the sustainability of the managed resources, non-target species, and protected resources. Decreased habitat suitability would tend to reduce the tolerance of these VECs to the impacts of fishing effort. Mitigation of this outcome through regulations that would reduce fishing effort could then negatively impact human communities. The overall impact to the affected species and their habitats on a population level is unknown, but likely neutral to low negative, since a large portion of this species have a limited or minor exposure to these local non-fishing perturbations. In addition to guidelines mandated by the MSA, NMFS reviews these types of effects through the review processes required by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for certain activities that are regulated by federal, state, and local authorities. The jurisdiction of these activities is in "waters of the U.S." and includes both riverine and marine habitats.

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Reasonably Foreseeable Future Actions

In fishing year 2013, ACLs and AMs were first implemented for golden tilefish (as well as other Council managed species in 2012) to ensure that catch and landings limits are not exceeded and overfishing does not occur. AMs are being considered for blueline tilefish. In 2017, catch and landings information will be available to be compared to ACLs. As a result, the Reasonably Foreseeable Future Actions over the next three years may include the implementation of accountability measures and other Council recommended adaptive adjustments under its system of catch limits and accountability measures.

The development of Framework 2 to the Tilefish FMP is likely to occur in the next three years and would consider modifying the golden tilefish catch and landings flowchart to deduct discards after the ACT is divided between the IFQ and incidental categories as this would allow for commercial sector specific adjustments. This is how blueline tilefish is proposed to be handled. It will also make technical modifications to the regulation to delete the language regarding the rebuilding program as this has been achieved, conduct an evaluation of the recreational possession limit accounting process for tilefish onboard charter and party vessels (for-hire) to accommodate multiday trips, and adjust monitoring and reporting requirements. As a result, this Reasonably Foreseeable Future Action over the next three years will address outstanding issues for the management of tilefish.

The development of the ABC Omnibus Framework is likely to be completed in the next three years and would consider adopting automatic incorporation of new accepted/approved biological reference points status determination for golden tilefish and develop consistency with the Council's risk policy for the SSC to specify constant multi-year ABCs if the average of overfishing equal the appropriate goal depending on current procedures. As a result, this Reasonably Foreseeable Future Action over the next three years will address outstanding issues for the management of tilefish and other Council managed species. The Council is beginning a Framework Action to revisit the recreational blueline tilefish bag limits but the outcome of that action is uncertain and impacts overall would be negligible given the small scale of the blueline tilefish fishery. The Council is also expected to develop an omnibus habitat Amendment, but it may not be implemented until after 2019 and its outcome is also uncertain.

For many of the proposed non-fishing activities to be permitted under other federal agencies (such as beach nourishment, offshore wind facilities, etc.), those agencies would conduct examinations of potential impacts on the VECs. The MSA (50 CFR 600.930) imposes an obligation on other federal agencies to consult with the Secretary of Commerce on actions that may adversely affect EFH. The eight Fishery Management Councils are engaged in this review process by making comments and recommendations on any federal or state action that may affect habitat, including EFH, for their managed species and by commenting on actions likely to substantially affect habitat, including EFH.

In addition, under the Fish and Wildlife Coordination Act (Section 662), "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the U.S., or by any public or private agency under federal permit or license, such department or agency first shall consult with the U.S. Fish and Wildlife Service (USFWS), Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular state wherein the" activity is

taking place. This act provides another avenue for review of actions by other federal and state agencies that may impact resources that NMFS manages in the reasonably foreseeable future.

In addition, NMFS and the USFWS share responsibility for implementing the ESA. ESA requires NMFS to designate "critical habitat" for any species it lists under the ESA (i.e., areas that contain physical or biological features essential to conservation, which may require special management considerations or protection) and to develop and implement recovery plans for threatened and endangered species. The ESA provides another avenue for NMFS to review actions by other entities that may impact endangered and protected resources whose management units are under NMFS' jurisdiction.

Non Fishing Impacts - Global Climate Change

Global climate change will affect all components of marine ecosystems, including human communities. Physical changes that are occurring and will continue to occur to these systems include sea-level rise, changes in sediment deposition, changes in water circulation, increased frequency, intensity and duration of extreme climate events, changing water chemistry, and warming ocean temperatures. Emerging evidence demonstrates that these physical changes are resulting in direct and indirect ecological responses within marine ecosystems which may alter the fundamental production characteristics of marine systems (Stenseth et. al. 2002). Climate change will potentially exacerbate the stresses imposed by harvesting (fishing) and other non-fishing human activities and stressors (described in this section). Overall, climate change is expected to have negative impacts on all VECs. However, future mitigation and adaptation strategies to climate change may mitigate some of these impacts as the science surrounding predicting, evaluating, monitoring and categorizing these changes evolves.

7.6.5 Magnitude and Significance of Cumulative Effects

In determining the magnitude and significance of the cumulative effects, the additive and synergistic effects of the proposed action, as well as past, present, and future actions, must be taken into account. The following section discusses the effects of these actions on each of the VECs.

Table 19. Impacts of Past (P), Present (Pr), and Reasonably Foreseeable Future (RFF) Actions on the five VECs (not including those actions considered in this specifications document).

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
P, Pr Original FMP and subsequent Amendments and Frameworks to the FMP	Established management measures	**Indirect Positive** Regulatory tool available to rebuild and manage stocks	**Indirect Positive** Reduced fishing effort	**Indirect Positive** Reduced fishing effort	**Indirect Positive** Reduced fishing effort	**Indirect Positive** Benefited domestic businesses
Pr Tilefish Specifications	Establish quotas, other fishery regulations	**Indirect Positive** Regulatory tool to specify catch limits, and other regulation; allows response to annual stock updates	**Indirect Positive** Reduced effort levels and gear requirements	**Indirect Positive** Reduced effort levels and gear requirements	**Indirect Positive** Reduced effort levels and gear requirements	**Indirect Positive** Benefited domestic businesses
P, Pr, RFF Developed, Applied, and Redo of Standardized Bycatch Reporting Methodology	Established acceptable level of precision and accuracy for monitoring of bycatch in fisheries	**Neutral** May improve data quality for monitoring total removals of managed resource	**Neutral** May improve data quality for monitoring removals of non-target species	**Neutral** Will not affect distribution of effort	**Neutral** May increase observer coverage and will not affect distribution of effort	**Potentially Indirect Negative** May impose an inconvenience on vessel operations
P, Pr, RFF Agricultural runoff	Nutrients applied to agricultural land are introduced into aquatic systems	**Indirect Negative** Reduced habitat quality	**Indirect Negative** Reduced habitat quality	**Direct Negative** Reduced habitat quality	**Indirect Negative** Reduced habitat quality	**Indirect Negative** Reduced habitat quality negatively affects resource
P, Pr, RFF Port maintenance	Dredging of coastal, port and harbor areas for port maintenance	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Uncertain – Likely Direct Negative** Dependent on mitigation effects	**Direct and Indirect Negative** Dredge Interactions (Direct); Reduced habitat quality. Dependent on mitigation effects	**Uncertain – Likely Mixed** Dependent on mitigation effects
P, Pr, RFF Offshore disposal of dredged materials	Disposal of dredged materials	**Indirect Negative** Reduced habitat quality	**Indirect Negative** Reduced habitat quality	**Direct Negative** Reduced habitat quality	**Indirect Negative** Reduced habitat quality	**Indirect Negative** Reduced habitat quality affects (-) resource viability

Table 19 (Continued). Impacts of Past (P), Present (Pr), and Reasonably Foreseeable Future (RFF) Actions on the five VECs (not including those actions considered in this specifications document).

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
P, Pr, RFF Beach nourishment	Offshore mining of sand for beaches	**Indirect Negative** Localized decreases in habitat quality	**Indirect Negative** Localized decreases in habitat quality	**Direct Negative** Reduced habitat quality	**Direct and Indirect Negative** Dredge Interactions (Direct); Reduced habitat quality. Dependent on mitigation effects	**Mixed** Positive for mining companies, possibly negative for fishing industry
	Placement of sand to nourish beach shorelines	**Indirect Negative** Localized decreases in habitat quality	**Indirect Negative** Localized decreases in habitat quality	**Direct Negative** Reduced habitat quality	**Indirect Negative** Localized decreases in habitat quality	**Positive** Beachgoers like sand; positive for tourism
P, Pr, RFF Marine transportation	Expansion of port facilities, vessel operations and recreational marinas	**Indirect Negative** Localized decreases in habitat quality	**Indirect Negative** Localized decreases in habitat quality	**Direct Negative** Reduced habitat quality	**Direct and Indirect Negative** Localized decreases in habitat quality; ship strike	**Mixed** Positive for some interests, potential displacement for others
P, Pr, RFF Installation of pipelines, utility lines and cables	Transportation of oil, gas and energy through pipelines, utility lines and cables	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Uncertain – Likely Direct Negative** Reduced habitat quality	**Potentially Direct and indirect Negative** Entrainment risks; Localized decreases in habitat quality; Dependent on mitigation effects	**Uncertain – Likely Mixed** Dependent on mitigation effects
P, Pr, RFF National Offshore Aquaculture Act of 2007	Bill that grants DOC authority to issue permits for offshore aquaculture in federal waters	**Potentially Indirect Negative** Localized decreases in habitat quality possible	**Potentially Indirect Negative** Localized decreases in habitat quality possible	**Direct Negative** Localized decreases in habitat quality possible	**Potentially Direct and Indirect Negative** gear entanglement risk; Localized decreases in habitat quality possible	**Uncertain – Likely Mixed** Costs/benefits remain unanalyzed

Table 19 (Continued). Impacts of Past (P), Present (Pr), and Reasonably Foreseeable Future (RFF) Actions on the five VECs (not including those actions considered in this specifications document).

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
Pr, RFF Liquefied Natural Gas (LNG) terminals (within 3 years)	Transport natural gas via tanker to terminals offshore and onshore (1 terminal built in MA; 1 under construction; proposed in RI, NY, NJ and DE)	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Potentially Direct Negative** Localized decreases in habitat quality possible	**Direct and Indirect Negative** Reduced habitat quality ; Sound Exposure (physical injury or behavioral harassment); ship strike risk; Dependent on mitigation effects	**Uncertain – Likely Mixed** Dependent on mitigation effects
RFF Offshore Wind Energy Facilities (within 3 years)	Construction of wind turbines to harness electrical power (Several proposed from ME through NC, including NY/NJ, DE, and VA)	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Uncertain – Likely Indirect Negative** Dependent on mitigation effects	**Potentially Direct Negative** Localized decreases in habitat quality possible	**Direct and Indirect Negative** Reduced habitat quality ; Sound Exposure (physical injury or behavioral harassment); Dependent on mitigation effects	**Uncertain – Likely Mixed** Dependent on mitigation effects
RFF Convening of Gear Take Reduction Teams (within next 3 years)	Recommend measures to reduce mortality and injury to marine mammals	**Indirect Positive** Will improve data quality for monitoring total removals	**Indirect Positive** Reducing availability of gear could reduce bycatch	**Indirect Positive** Reducing availability of gear could reduce gear impacts	**Direct Positive** Reducing availability of gear could reduce encounters	**Indirect Negative** Reducing availability of gear could reduce revenues

Table 19 (Continued). Impacts of Past (P), Present (Pr), and Reasonably Foreseeable Future (RFF) Actions on the five VECs (not including those actions considered in this specifications document).

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
[RFF] Protection for Deep Sea Corals in the Mid-Atlantic (within next 3 years)	Minimize the impacts of fishing gear on deep sea corals in the Mid-Atlantic	**Uncertain – Likely Indirect Positive** Dependent on mitigation effects	**Uncertain – Likely Indirect Positive** Dependent on mitigation effects	**Uncertain – Likely Indirect Positive** Dependent on mitigation effects	**Uncertain – Likely Indirect Positive** Dependent on mitigation effects	**Uncertain – Likely Mixed** Dependent on mitigation effects
[RFF] Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (w/in next 3 years)	May recommend strategies to prevent the bycatch of sea turtles in commercial fisheries operations	**Indirect Positive** Will improve data quality for monitoring total removals	**Indirect Positive** Reducing availability of gear could reduce bycatch	**Indirect Positive** Reducing availability of gear could reduce gear impacts	**Direct and Positive** Reducing availability of gear could reduce encounters	**Indirect Negative** Reducing availability of gear could reduce revenues
[RFF] Adjustment to the tilefish management system (within next 3 years)	Allow sector specific discards adjustments and adjust reporting requirements	**Neutral** Administrative - no direct or indirect impacts	**Neutral** Administrative - no direct or indirect impacts	**Neutral** Administrative - no direct or indirect impacts	**Neutral** Administrative - no direct or indirect impacts	**Indirect Positive** Sector-specific discard accounting, remove unnecessary requirements
[P,Pr] Blueline Tilefish Emergency/Interim rules	NMFS regulations north of North Carolina,	**Positive** Limited catch	**Indirect Positive** Reduced fishing effort	**Indirect Positive** Reduced fishing effort	**Indirect Positive** Reduced fishing effort	**Mixed –**negative short term but should be positive long term related to sustainable conservation and management.
[RFF] ABC Omnibus Framework	Automatic use of new accepted reference points and constant multi-year ABCs specifications	**Neutral** Administrative - no direct or indirect impacts	**Neutral** Administrative - no direct or indirect impacts	**Neutral** Administrative - no direct or indirect impacts	**Neutral** Administrative - no direct or indirect impacts	**Uncertain –** Likely Mixed Dependent on mitigation effects

7.6.5.1 Managed Resources

Those past, present, and reasonably foreseeable future actions, whose effects may impact the managed resource and the direction of those potential impacts, are summarized in Table 19. The indirectly negative actions described in Table 19 are mainly localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on the managed resource is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on productivity of the managed resource is unquantifiable. As described above (section 7.5.4), NMFS has several means under which it can review non-fishing actions of other federal or state agencies that may impact NMFS' managed resources prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on resources under NMFS' jurisdiction.

In addition, the Mid-Atlantic region is experiencing changes in climate and physical forcing that have contributed to large-scale alteration in ecosystem structure and function. Projections indicate continued future climate change related to both short and medium terms cyclic trends as well as non-cyclic climate change. Physical changes that are occurring and will continue to occur to these systems include sea-level rise, changes in sediment deposition, changes in water circulation, increased frequency, intensity and duration of extreme climate events, changing water chemistry, and warming ocean temperatures. Emerging evidence demonstrates that these physical changes are resulting in direct and indirect ecological responses within marine ecosystems which may alter the fundamental production characteristics of marine systems (Stenseth et. al. 2002). A climate susceptibility analysis for MAFMC and NEFMC stocks determined that golden tilefish may be highly vulnerable to climate change (Hare et al 2016), and given they share similar habitats the same is probably true for blueline tilefish. Climate change will potentially exacerbate the stresses imposed by harvesting (fishing) and other non-fishing human activities and stressors (described in this section). Overall, climate change is expected to have negative impacts on all VECs. However, future mitigation and adaptation strategies to climate change may mitigate some of these impacts as the science surrounding predicting, evaluating, monitoring and categorizing these changes evolves.

Past fishery management actions taken through the FMP have had a positive cumulative effect on the managed resources by limiting catch. It is anticipated that the future management actions, described in Table 20, will result in additional indirect positive effects on the managed resource through actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which tilefish productivity depends. The implementation of ACLs/AMs represented a major change to the current management program and is expected to lead to improvements in resource sustainability over the long-term. These impacts could be broad in scope. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to tilefish (golden and blueline) have had a positive cumulative effect.

Catch limits and commercial quotas for the managed resources have been specified to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the FMP under the guidance of the MSA. The impacts of management measures established in previous years on the managed resource are largely dependent on how effective those measures were in meeting their intended objectives (i.e., preventing overfishing, achieve OY) and the extent to which mitigating measures were effective.

The proposed action in this document would positively reinforce the past and anticipated positive cumulative effects on the tilefish stocks, by limiting blueline tilefish catch and effort and improving monitoring, helping achieving the objectives specified in the FMP. Therefore, the proposed action would not have any significant effect on the managed resources individually or in conjunction with other anthropogenic activities (see Table 20).

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Table 20. Summary of the effects of past, present, and reasonably foreseeable future actions on the managed resource.

Action	Past to the Present	Reasonably Foreseeable Future
Original FMP and subsequent Amendments and Frameworks to the FMP	**Positive**	
Tilefish Specifications	**Positive**	
Developed, Apply, and Redo Standardized Bycatch Reporting Methodology	**Neutral**	
Agricultural runoff	**Indirect Negative**	
Port maintenance	**Direct and Indirect Negative**	
Offshore disposal of dredged materials	**Indirect Negative**	
Beach nourishment – Offshore mining	**Direct and Indirect Negative**	
Beach nourishment – Sand placement	**Indirect Negative**	
Marine transportation	**Direct and Indirect Negative**	
Installation of pipelines, utility lines and cables	**Likely Direct and Indirect Negative**	
National Offshore Aquaculture Act of 2007	**Potentially Direct and Indirect Negative**	
Offshore Wind Energy Facilities (within 3 years)		**Direct and Indirect Negative**
Liquefied Natural Gas (LNG) terminals (within 3 years)	**Direct and Indirect Negative**	
Convening Gear Take Reduction Teams (within 3 years)		**Direct Positive**
Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (within next 3 years)		**Direct Positive**
Framework 2 Discard adjustment, reporting requirements, evaluate recreational possession limit for-hire sector		**Neutral**
Protection for Deep Sea Corals in the Mid-Atlantic		**Uncertain – Likely Indirect Positive**
Blueline tilefish emergency measures.	**Positive**	
ABC Omnibus Framework		**Neutral**
Summary of past, present, and future actions excluding those proposed in this specifications document	**Overall, actions have had, or will have, positive impacts on the managed resources. * See section 7.5.5.1 for explanation.**	

7.6.5.2 Non-Target Species or Bycatch

Those past, present, and reasonably foreseeable future actions, whose effects may impact non-target species and the direction of those potential impacts, are summarized in Table 19. The effects of indirectly negative actions described in Table 19 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on non-target species is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on productivity of non-target resources and the oceanic ecosystem is unquantifiable. As described above (section 7.5.4), NMFS has several means under which it can review non-fishing actions of other federal or state agencies that may impact NMFS' managed resources prior to permitting or implementation of those projects. At this time, NMFS can consider impacts to non-target species (federally-managed or otherwise) and comment on potential impacts. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on resources within NMFS' jurisdiction.

Past fishery management actions taken through the FMP have had a low positive cumulative effect on non-target species. The impact is positive because effort has been reduced but low because the tilefish fishery has low levels of non-target interactions. Implementation and application of a standardized bycatch reporting methodology (SBRM) would have a particular impact on non-target species by improving the methods which can be used to assess the magnitude and extent of a potential bycatch problem. It is anticipated that future management actions, described in Table 21, will result in additional indirect positive effects on non-target species through actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which the productivity of many of these non-target resources depend. The impacts of these future actions could be broad in scope, and it should be noted the managed resource and non-target species are often coupled in that they utilize similar habitat areas and ecosystem resources on which they depend. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful have had a positive cumulative effect on non-target species.

The proposed actions in this document would limit effort and therefore would not change the past and anticipated positive cumulative effects on non-target species and thus, would not have any significant effect on these species individually or in conjunction with other anthropogenic activities (Table 18).

Table 21. Summary of the effects of past, present, and reasonably foreseeable future actions on the non-target species.

Action	Past to the Present	Reasonably Foreseeable Future
Original FMP and subsequent Amendments and Frameworks to the FMP	**Indirect Positive**	
Tilefish Specifications	**Indirect Positive**	
Developed, Apply, and Redo Standardized Bycatch Reporting Methodology	**Neutral**	
Agricultural runoff	**Indirect Negative**	
Port maintenance	**Uncertain – Likely Indirect Negative**	
Offshore disposal of dredged materials	**Indirect Negative**	
Beach nourishment – Offshore mining	**Indirect Negative**	
Beach nourishment – Sand placement	**Indirect Negative**	
Marine transportation	**Indirect Negative**	
Installation of pipelines, utility lines and cables	**Uncertain – Likely Indirect Negative**	
National Offshore Aquaculture Act of 2007	**Potentially Indirect Negative**	
Offshore Wind Energy Facilities (within 3 years)		**Uncertain – Likely Indirect Negative**
Liquefied Natural Gas (LNG) terminals (within 3 years)	**Uncertain – Likely Indirect Negative**	
Convening Gear Take Reduction Teams (within 3 years)		**Indirect Positive**
Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (within next 3 years)		**Indirect Positive**
Framework 2 Discard adjustment, reporting requirements, evaluate recreational possession limit for-hire sector		**Neutral**
Protection for Deep Sea Corals in the Mid-Atlantic		**Uncertain – Likely Indirect Positive**
Blueline tilefish emergency measures.	**Indirect Positive**	
ABC Omnibus Framework		**Neutral**
Summary of past, present, and future actions excluding those proposed in this specifications document	**Overall, actions have had, or will have, positive impacts on the non-target species * See section 7.5.5.2 for explanation.**	

7.6.5.3 Habitat (Including EFH)

Those past, present, and reasonably foreseeable future actions, whose effects may impact habitat (including EFH) and the direction of those potential impacts, are summarized in Table 19. The direct and indirect negative actions described in Table 19 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on habitat is expected to be limited due to a lack of exposure of habitat at large, especially in the offshore area where this FMP is most relevant. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on habitat and EFH is unquantifiable. As described above (section 7.5.4), NMFS has several means under which it can review non-fishing actions of other federal or state agencies that may impact NMFS' managed resources and the habitat on which they rely prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of direct and indirect negative impacts those actions could have on habitat utilized by resources under NMFS' jurisdiction.

Past fishery management actions taken through the FMP have had a low positive cumulative effect on habitat. The impact is positive because effort has been reduced but low because the tilefish fishery has a low level of impact on habitat. The actions have constrained fishing effort at a large scale and locally, and have implemented gear requirements, which may reduce habitat impacts. As required under these FMP actions, EFH and Habitat Areas of Particular Concern (HAPCs) were designated for the managed resource. It is anticipated that the future management actions, described in Table 22, will result in additional direct or indirect positive effects on habitat through actions which protect EFH for federally-managed species and protect ecosystem services on which these species' productivity depends. These impacts could be broad in scope. All of the VECs are interrelated; therefore, the linkages among habitat quality and EFH, managed resources and non-target species productivity, and associated fishery yields should be considered. For habitat and EFH, there are direct and indirect negative effects from actions which may be localized or broad in scope; however, positive actions that have broad implications have been, and it is anticipated will continue to be, taken to improve the condition of habitat. There are some actions, which are beyond the scope of NMFS and Council management such as coastal population growth and climate changes, which may indirectly impact habitat and ecosystem productivity. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to habitat have had a neutral to positive cumulative effect.

The proposed actions in this document would limit effort and therefore not change the past and anticipated cumulative effects on habitat and thus, would not have any significant effect on habitat individually or in conjunction with other anthropogenic activities (Table 19).

Table 22. Summary of the effects of past, present, and reasonably foreseeable future actions on the habitat.

Action	Past to the Present	Reasonably Foreseeable Future
Original FMP and subsequent Amendments and Frameworks to the FMP	**Indirect Positive**	
Tilefish Specifications	**Indirect Positive**	
Developed, Apply, and Redo Standardized Bycatch Reporting Methodology	**Neutral**	
Agricultural runoff	**Direct Negative**	
Port maintenance	**Uncertain – Likely Direct Negative**	
Offshore disposal of dredged materials	**Direct Negative**	
Beach nourishment – Offshore mining	**Direct Negative**	
Beach nourishment – Sand placement	**Direct Negative**	
Marine transportation	**Direct Negative**	
Installation of pipelines, utility lines and cables	**Uncertain – Likely Direct Negative**	
National Offshore Aquaculture Act of 2007	**Direct Negative**	
Offshore Wind Energy Facilities (within 3 years)		**Potentially Direct Negative**
Liquefied Natural Gas (LNG) terminals (within 3 years)	**Potentially Direct Negative**	
Convening Gear Take Reduction Teams (within 3 years)		**Indirect Positive**
Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (within next 3 years)		**Indirect Positive**
Framework 2 Discard adjustment, reporting requirements, evaluate recreational possession limit for-hire sector		**Neutral**
Protection for Deep Sea Corals in the Mid-Atlantic		**Uncertain – Likely Indirect Positive**
Blueline tilefish emergency measures.	**Indirect Positive**	
ABC Omnibus Framework		**Neutral**
Summary of past, present, and future actions excluding those proposed in this specifications document	**Overall, actions have had, or will have, neutral to positive impacts on habitat, including EFH * See section 7.5.5.3 for explanation.**	

7.6.5.4 ESA-Listed and MMPA Protected Species

Those past, present, and reasonably foreseeable future actions, whose effects may impact the protected resources and the direction of those potential impacts, are summarized in Table 19. The indirectly negative actions described in Table 19 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on protected resources, relative to the range of many of the protected resources, is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on protected resources either directly or indirectly is unquantifiable. As described above (section 7.5.4), NMFS has several means, including ESA, under which it can review non-fishing actions of other federal or state agencies that may impact NMFS' protected resources prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on protected resources under NMFS' jurisdiction.

Past fishery management actions taken through the FMP have had a low positive cumulative effect on protected resources. The impact is positive because effort has been reduced but low because the tilefish fishery has no recorded interactions with protected species. It is anticipated that the future management actions, specifically those recommended by the Atlantic Large Whale Take Reduction Plan (ALWTRP) and the development of strategies for sea turtle conservation described in Table 23, will result in additional indirect positive effects on protected resources. These impacts could be broad in scope. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to protected resources have had a low positive cumulative effect.

The proposed actions in this document would limit effort and therefore not change the past and anticipated cumulative effects on ESA-listed and MMPA protected species and thus, would not have any significant effect on protected resources individually or in conjunction with other anthropogenic activities (Table 20).

Table 23. Summary of the effects of past, present, and reasonably foreseeable future actions on the protected resources.

Action	Past to the Present	Reasonably Foreseeable Future
Original FMP and subsequent Amendments and Frameworks to the FMP	**Indirect Positive**	
Tilefish Specifications	**Neutral**	
Developed, Apply, and Redo Standardized Bycatch Reporting Methodology	**Neutral**	
Agricultural runoff	**Indirect Negative**	
Port maintenance	**Uncertain – Likely Indirect Negative**	
Offshore disposal of dredged materials	**Indirect Negative**	
Beach nourishment – Offshore mining	**Indirect Negative**	
Beach nourishment – Sand placement	**Indirect Negative**	
Marine transportation	**Indirect Negative**	
Installation of pipelines, utility lines and cables	**Potentially Direct Negative**	
National Offshore Aquaculture Act of 2007	**Potentially Indirect Negative**	
Offshore Wind Energy Facilities (within 3 years)		**Uncertain – Likely Indirect Negative**
Liquefied Natural Gas (LNG) terminals (within 3 years)	**Uncertain – Likely Indirect Negative**	
Convening Gear Take Reduction Teams (within 3 years)		**Indirect Positive**
Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (within next 3 years)		**Indirect Positive**
Framework 2 Discard adjustment, reporting requirements, evaluate recreational possession limit for-hire sector		**Neutral**
Protection for Deep Sea Corals in the Mid-Atlantic		**Uncertain – Likely Indirect Positive**
Blueline tilefish emergency measures.	**Indirect Positive**	
ABC Omnibus Framework		**Neutral**
Summary of past, present, and future actions excluding those proposed in this specifications document	**Overall, actions have had, or will have, positive impacts on protected resources * See section 7.5.5.4 for explanation.**	

7.6.5.5 Human Communities

Those past, present, and reasonably foreseeable future actions, whose effects may impact human communities and the direction of those potential impacts, are summarized in Table 19. The indirectly negative actions described in Table 19 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on human communities is expected to be limited in scope. It may, however, displace fishermen from project areas. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude. This may result in indirect negative impacts on human communities by reducing resource availability; however, this effect is unquantifiable. As described above (section 7.5.4), NMFS has several means under which it can review non-fishing actions of other federal or state agencies prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on human communities.

Past fishery management actions taken through the FMP have had both positive and negative cumulative effects by benefiting domestic fisheries through sustainable fishery management practices, while at the same time potentially reducing the availability of the resource to all participants. Sustainable management practices are, however, expected to yield broad positive impacts to fishermen, their communities, businesses, and the nation as a whole. It is anticipated that the future management actions, described in Table 24, will result in positive effects for human communities due to sustainable management practices, although additional indirect negative effects on the human communities could occur through management actions that reduce revenues in the short term. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to human communities have had an overall positive cumulative effect.

Catch limits and commercial quotas for the managed resources have been specified to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the FMP under the guidance of the MSA.

Despite the potential for negative short-term effects on human communities, the expectation is that there would be a positive long-term effect on human communities due to the long-term sustainability of the managed resources. Overall, the proposed actions in this document would not change the past and anticipated cumulative effects on human communities and thus, would not have any significant effect on human communities individually, or in conjunction with other anthropogenic activities (Table 21).

Table 24. Summary of the effects of past, present, and reasonably foreseeable future actions on human communities.

Action	Past to the Present	Reasonably Foreseeable Future
Original FMP and subsequent Amendments and Frameworks to the FMP	**Indirect Positive**	
Tilefish Specifications	**Indirect Positive**	
Developed, Apply, and Redo Standardized Bycatch Reporting Methodology	**Potentially Indirect Negative**	
Agricultural runoff	**Indirect Negative**	
Port maintenance	**Uncertain – Likely Mixed**	
Offshore disposal of dredged materials	**Indirect Negative**	
Beach nourishment – Offshore mining	**Mixed**	
Beach nourishment – Sand placement	**Positive**	
Marine transportation	**Mixed**	
Installation of pipelines, utility lines and cables	**Uncertain – Likely Mixed**	
National Offshore Aquaculture Act of 2007	**Uncertain – Likely Mixed**	
Offshore Wind Energy Facilities (within 3 years)		**Uncertain – Likely Mixed**
Liquefied Natural Gas (LNG) terminals (within 3 years)	**Uncertain – Likely Mixed**	
Convening Gear Take Reduction Teams (within 3 years)		**Indirect Negative**
Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (within next 3 years)		**Indirect Negative**
Framework 2 Discard adjustment, reporting requirements, evaluate recreational possession limit for-hire sector		**Indirect Positive**
Protection for Deep Sea Corals in the Mid-Atlantic		**Uncertain – Likely Indirect Positive**
Blueline tilefish emergency measures.	**Mixed – Short term negative, long term positive**	
ABC Omnibus Framework		**Neutral**
Summary of past, present, and future actions excluding those proposed in this specifications document	**Overall, actions have had, or will have, positive impacts on human communities * See section 7.5.5.5 for explanation.**	

7.6.6 Preferred Action on all the VECS

This document identifies and describes the Council's preferred alternatives and related rationales in section 5.0. The cumulative effects of the range of actions considered in this document can be considered to make a determination if significant cumulative effects are anticipated from the preferred action. The direct and indirect impacts of the proposed action on the VECs are described earlier in Sections 7. The magnitude and significance of the cumulative effects, which include the additive and synergistic effects of the proposed action, as well as past, present, and future actions, have been taken into account throughout this section. The action proposed in this document builds off actions taken in the original FMP and subsequent amendments and framework documents, as well as the emergency and interim action to limit blueline tilefish catch while this action was completed. When this action is considered in conjunction with all the other pressures placed on fisheries by past, present, and reasonably foreseeable future actions, it is not expected to result in any significant impacts, positive or negative. Based on the information and analyses presented in these past FMP documents and this document, there are no significant cumulative effects associated with the action proposed in this document (Table 22). The single biggest reason why the impacts would not be significant is the very small scale of the blueline tilefish fishery north of the NC/VA border, which in terms of revenues and fishing effort is only a fraction of any other fishery in most years, and besides golden tilefish, has only a fraction of the participation of any other Council-managed recreational fishery.

Table 25. Magnitude and significance of the cumulative effects; the additive and synergistic effects of the preferred action, as well as past, present, and future actions.

VEC	Status in 2015	Net Impact of P, Pr, and RFF Actions	Impact of the Preferred Action for 2017-2019	Significant Cumulative Effects
Managed Resource	Complex and variable (Section 6.1)	Positive (Sections 7.5.4 and 7.5.5.1)	Positive	**None**
Non-target Species	Complex and variable (Section 6.1)	Positive (Sections 7.5.4 and 7.5.5.2)	Neutral	**None**
Habitat	Complex and variable (Section 6.2)	Neutral to positive (Sections 7.5.4 and 7.5.5.3)	Neutral	**None**
Protected Resources	Complex and variable (Section 6.3)	Neutral to positive (Sections 7.5.4 and 7.5.5.3)	Neutral to low positive	**None**
Human Communities	Complex and variable (Section 6.4)	Positive (Sections 7.5.4 and 7.5.5.5)	Low negative short term, positive long term.	**None**

8.0 WHAT LAWS APPLY TO THE ACTIONS CONSIDERED IN THIS DOCUMENT

8.1 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

8.1.1 NATIONAL STANDARDS

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act requires that fishery management plans contain conservation and management measures that are consistent with the ten National Standards. Related alternatives are described in Section 5, and related information is presented in Sections 6 and 7.

In General. – Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the…national standards for fishery conservation and management.

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

The measures proposed via this document are designed to avoid acceptable biological catch (ABC) overages (i.e. avoid overfishing) while also allowing the fishery to achieve the specified quotas (i.e. optimum yield).

(2) Conservation and management measures shall be based upon the best scientific information available.

The data sources considered and evaluated during the development of this action include, but are not limited to: permit data, landings data from vessel trip reports, information from resource trawl surveys, sea sampling (observer) data, data from the dealer weighout purchase reports, peer-reviewed assessments and original literature, and descriptive information provided by fishery participants and the public. To the best of the Council's knowledge these data sources constitute the best scientific information available. All analyses based on these data have been reviewed by National Marine Fisheries Service and the public.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

Recent genetic analyses (available at http://sedarweb.org/sedar-50) suggest that all blueline tilefish along the U.S. East Coast comprise one genetically linked population, with relatively high levels of gene exchange from Florida through the Hudson Canyon off New York. However, due to the different nature and histories of fishing pressure north and south of the NC/VA border, and the existing system of management off the South Atlantic, the Council has deemed it appropriate to manage blueline tilefish north of the NC/VA border. In addition, blueline tilefish are not believed to be migratory, so

management tailored to the needs of each region appears appropriate from that perspective as well. An ongoing assessment of blueline tilefish is directly considering this spatial aspect of management (with involvement from both the NEFSC and SEFSC), so there will be close scientific and management coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The proposed management measures are not expected to discriminate between residents of different States – for the measures considered in this action, all fishermen would be subject to the same rules regardless of their state of residence. This action does not allocate or assign fishing privileges (i.e. limited access privilege programs) among various fishermen.

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

The proposed measures are designed to effectively manage and utilize the blueline tilefish resource. Within the constraint to not overfish blueline tilefish, efficiency has been considered. Several measures were revised based on feedback from the public about how the fishery operates and what kinds of measures would be most efficient, especially in regards to reporting and the recreational trip limit and season. The Council's management options are currently limited due to the low overall ABC, but the Council is actively engaged in encouraging additional blueline tilefish research.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

Changes in fisheries occur continuously, both as the result of human activity (for example, new technologies or shifting market demand) and natural variation (for example, oceanographic perturbations). In order to provide the greatest flexibility possible for future management decisions, the fishery management plan includes a Framework adjustment mechanism with an extensive list of possible Framework adjustment measures that can be used to quickly adjust the plan as conditions in the fishery change.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

As always, the Council considered the costs and benefits associated with the management measures proposed in the action when developing this action. This action should not create any unnecessary duplications – the dual management approaches (north and south of the NC/VA border) have been

deemed necessary given the different nature of the regional fisheries and histories of fishing pressure north and south of the NC/VA border.

(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

The human community impacts of the action are described above in Section 7. The relatively low ABC could result in a potential reduction in commercial and for-hire revenues compared to no management (at least in the short term), but the Council's SSC determined that a low ABC was appropriate for sustainable conservation of blueline tilefish north of the NC/VA border.

(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

The Magnuson-Stevens Act defines "bycatch" as fish that are harvested in a fishery, but are not retained (sold, transferred, or kept for personal use), including economic discards and regulatory discards. The Council considers that bycatch in this fishery has been reduced to the extent practicable. The Council will monitor the operation of the fishery under these measures to determine if any future actions are necessary to minimize bycatch.

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

Fishing is a dangerous occupation; participants must constantly balance the risks imposed by weather against the economic benefits. According to the National Standard guidelines, the safety of the fishing vessel and the protection from injury of persons aboard the vessel are considered the same as "safety of human life at sea." The safety of a vessel and the people aboard is ultimately the responsibility of the master of that vessel. Each master makes many decisions about vessel maintenance and loading and about the capabilities of the vessel and crew to operate safely in a variety of weather and sea conditions. This national standard does not replace the judgment or relieve the responsibility of the vessel master related to vessel safety. No measures in this action are expected to impact safety at sea.

8.1.2 OTHER REQUIRED PROVISIONS OF THE MAGNUSON-STEVENS ACT

Section 303 of the MSA contains 15 additional required provisions for FMPs, which are listed and discussed below. Nothing in this action is expected to contravene any of these required provisions. Related alternatives are described in Section 5.

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are-- (A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery; (B) described in this subsection or

subsection (b), or both; and (C) consistent with the National Standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law

This action proposes ABCs that should be sustainable. As such, the proposed management measures should continue to promote the long-term health and stability of the blueline tilefish fishery, consistent with the MSA. If the stock is determined to be overfished or subject to overfishing in the future, the Council will develop measures to rebuild the stock and/or prevent overfishing.

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any

The current and historical fishery for blueline tilefish is described in Section 6. The costs likely to be incurred in management are described in Section 7.

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification

This provision is generally addressed via assessments that are conducted through a peer-reviewed process at the SouthEast Data, Assessment, and Review (SEDAR), which is the cooperative process by which stock assessment projects are conducted in NOAA Fisheries' Southeast Region. The available information is summarized in Section 7. A new assessment for blueline tilefish has begun (http://sedarweb.org/sedar-50) and should be available in 12-18 months. Any findings from that assessment will be incorporated as appropriate. Given the current data-poor nature of blueline tilefish science, the Council's SSC has provided an ABC based on the best available scientific information, which is a sustainable catch recommendation that accounts for the present and probable future condition of blueline tilefish.

(4) assess and specify-- (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3); (B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and (C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States

As demonstrated by recent landings, fishing vessels of the United States have the capacity to harvest the available quota.

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in

which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors

This Amendments specifies the data that must be submitted to NMFS from fishermen and dealers.

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery

There are no such requests pending, but the plan contains provisions for framework actions to make modifications regarding access/permitting if necessary.

(7) describe and identify essential fish habitat (EFH) for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat

This Amendment proposes to identify blueline tilefish EFH north of the NC/VA border. EFH has already been specified further south (http://www.safmc.net/ecosystem-management/mapping-and-gis-data). The principal gear types used in this fishery (vertical hook and line and bottom longline) are not associated with substantial adverse habitat impacts.

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan

The preparation of this action included a review of the scientific data available to assess the impacts of all alternatives considered. No additional data was deemed needed for short-term effective implementation of the plan. The SSC has identified key sources of uncertainty (http://www.mafmc.org/s/7March-2016-SSC-Reportrevised.pdf), and research on those issues would likely improve management in the long run. The last SEDAR assessment also identified research recommendations (http://sedarweb.org/docs/sar/S32_SA-BLT_SAR_FINAL_11.26.2013.pdf).

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on-- (A) participants in the fisheries and fishing communities affected by the plan or amendment; and (B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

Section 7 of this document provides an assessment of the likely effects on fishery participants and communities from the considered actions.

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery

The FMP is designed such that new overfished/overfishing reference points are automatically incorporated once accepted as best available scientific information. If the fishery is declared overfished or if overfishing is occurring, an Amendment would be undertaken to implement effective corrective measures.

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority-- (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided

NMFS recently implemented an omnibus amendment to implement a new standardized reporting methodology since the previous methodology was invalidated by court order. See http://www.greateratlantic.fisheries.noaa.gov/mediacenter/2013/09/draftsbrmamendment.html for details.

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish

There are no specific blueline tilefish catch and release fishery management programs (due to the water depth, it is expected that released fish would die).

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors

This document provides this information as appropriate in Section 6.

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

This action imposes harvest restrictions. The restrictions are designed to impact the various sectors of the fishery equitably considering the historical operation of the fishery.

(15) establish a mechanism for specifying annual catch limits (ACLs) in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that

overfishing does not occur in the fishery, including measures to ensure accountability.

This Amendment establishes ACLs and measures to ensure accountability.

8.1.3 DISCRETIONARY PROVISIONS OF THE MAGNUSON-STEVENS ACT

Section 303b of the Magnuson-Stevens Act contains 14 additional discretionary provisions for Fishery Management Plans. They may be read in the Magnuson-Stevens Act, available at http://www.fisheries.noaa.gov/sfa/laws_policies/msa/2007_imp_archive/index.html. The discretionary provisions which apply to this action include (1), permitting; (3/14), catch and other limitations necessary and appropriate for conservation and management; (7), processor reporting; (8) observer placement; and (11) research set-aside. Related alternatives are described in Section 5.

8.2 NEPA

8.2.1 Finding of No Significant Impact (FONSI)

National Oceanic and Atmospheric Administration Administrative Order 216 6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. '1508.27 state that the significance of an action should be analyzed both in terms of context and intensity. Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the Administrative Order 216 6 criteria and Council on Environmental Quality's context and intensity criteria.
These include:

1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

None of the proposed measures is expected to jeopardize the sustainability of any target species affected by the action (see Section 7 of this document). The preferred alternatives are consistent with the sustainability measures required by the FMP and were developed and analyzed using the best available scientific information. As such, the proposed action is expected to ensure the long term sustainability of harvests from the blueline tilefish stock.

2) Can the proposed action reasonably be expected to jeopardize the sustainability of any non target species?

The proposed action is not expected to jeopardize the sustainability of any non-target species (see section 7 of this document) because the proposed measures are not expected to result in substantial increases in overall fishing effort. In addition, none of the measures are expected to substantially alter fishing methods or the temporal and/or spatial distribution of fishing activities. Since the sustainability of the non-target species is not currently jeopardized, none of the proposed actions are expected to jeopardize the sustainability of non-target species.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or EFH as defined under the Magnuson Stevens Act and identified in FMPs?

The measures under the preferred alternatives proposed in this action are not expected to result in substantial increases in effort, and the relevant gear types are not likely to cause substantial adverse habitat impacts. Therefore, the Council concluded in Section 7 of this document that the proposed measures will have no additional adverse impacts on EFH that are more than minimal.

4) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

There is no information to suggest the proposed actions would adversely impact public health or safety.

5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

Since there are no documented interactions with ESA-listed and MMPA protected species with bottom longline gear in the golden tilefish fishery, it is expected that the same would be true for the blueline tilefish fishery.

6) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator prey relationships, etc.)?

Fishing effort is not expected to substantially increase in magnitude under the proposed action (see Section 7 of this document). In addition, none of the proposed measures are expected to substantially alter fishing methods, activities or the spatial and/or temporal distribution of fishing effort in a substantial manner. Therefore, the proposed action is not expected to have a substantial impact on biodiversity or ecosystem function (e.g. food webs) within the affected area.

7) Are significant social or economic impacts interrelated with natural or physical environmental effects?

The action proposed addresses the management of blueline tilefish including the fishery specifications process. There are no significant social or economic impacts interrelated with natural or physical environmental effects expected from implementation of this action. A complete discussion of the potential impacts of the proposed specifications and management measures is provided in Section 7 of this document.

8) Are the effects on the quality of the human environment likely to be highly controversial?

Given the limited scope of the blueline tilefish fishery and the current regulations in effect, the effects on the quality of the human environment are not likely to be highly controversial.

9) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?

Although it is possible that historic or cultural resources such as shipwrecks could be present, vessels with gear that could impact shipwrecks try to avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the preferred alternative would result in substantial impacts to unique areas. The Council has also recently passed an Amendment to protect sensitive deepwater coral habitats.

10) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

While blueline tilefish can be considered a data-poor species from an assessment point of view, the proposed measures have been designed to successfully conserve tilefish per standard Council policies, so the effects on the human environment are not likely to be highly uncertain or to involve unique or unknown risks.

11) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

The impacts of the preferred alternatives on the biological, physical, and human environment are described in Section 7. The overall interactions of the proposed action with other actions are expected to generate positive impacts, but are not expected to result in significant cumulative impacts on the biological, physical, and human components of the environment.

12) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Although there are shipwrecks present in the area where fishing occurs, including some registered on the National Register of Historic Places, vessels with gear that could impact shipwrecks typically avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the preferred alternative would adversely affect the historic resources listed above.

13) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

There is no evidence or indication that these fisheries have ever resulted or would ever result in the introduction or spread of nonindigenous species.

14) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

The proposed action is consistent with the Council's risk policy, which guides the Council's setting of annual catch limits and accountability measures. It is therefore neither likely to establish a precedent for future actions with significant effects nor to represent a decision in principle about a future consideration. The differential possession limits for private, undocumented for-hire vessels, and documented for-hire vessels is somewhat novel for the Mid-Atlantic, but differential possession limits

have been used in other federal fisheries, for example the double possession limits in the Gulf of Mexico that only apply to for-hire vessels. In addition, the Council has already initiated a framework action to consider additional modifications to the recreational trip limits, which further demonstrates that this action does not represent a decision in principle about a future consideration.

15) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

The proposed measures have been found to be consistent with the applicable Federal laws as described in this Section, and given the offshore nature of this fishery, the action should not threaten a violation of any state or local laws. Some states may have more restrictive regulations, and fishermen will need to be aware of both the Federal regulations and the regulations for the states where they land (or transit), but this is not a particularly unusual situation.

16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Overall fishing effort is not expected to substantially increase in magnitude under the proposed action (see Section 7 of this document). In addition, none of the proposed measures are expected to substantially alter fishing methods, activities, or the spatial and/or temporal distribution of fishing effort, other than limiting recreational fishing to a specific season. Therefore, the proposed action is unlikely to result in cumulative adverse effects (including any that could have a substantial effect on the target species or non-target species).

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DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for this action, it is hereby determined that the proposed actions will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

_____ _____

Greater Atlantic Regional Administrator, NOAA Date

8.3 MARINE MAMMAL PROTECTION ACT

The various species which inhabit the management unit of this FMP that are afforded protection under the Marine Mammal Protection Act of 1972 (MMPA) are described in Section 6. None of the proposed specifications are expected to significantly alter fishing methods or activities or result in increased effort. There have been no documented interactions with marine mammals with the vertical hook and line or bottom longline gear in the golden tilefish fishery, and it is expected that the same would hold for blueline tilefishing, which would take plane in generally the same areas, if slightly shallower. The Council has reviewed the impacts of the proposed specifications on marine mammals and thus concluded that the management actions proposed are consistent with the provisions of the MMPA and would not alter existing measures to protect the species likely to inhabit the management units of the subject fisheries. For further information on the potential marine mammal impacts of the fishery and the proposed management action, see Sections 6 and 7 of this Environmental Assessment.

8.4 ENDANGERED SPECIES ACT (ESA)

Section 7 of the ESA requires Federal agencies conducting, authorizing, or funding activities that affect threatened or endangered species to ensure that those effects do not jeopardize the continued existence of listed species. There have been no documented interactions with ESA-listed species with the vertical hook and line or bottom longline gear in the golden tilefish fishery, and it is expected that the same would hold for blueline tilefishing, which would take plane in generally the same areas, if slightly shallower. The Council has thus concluded that the proposed specifications and the prosecution of the associated fisheries are not likely to result in jeopardy to any ESA-listed species under NOAA Fisheries Service jurisdiction, or alter or modify any critical habitat. For further information on the potential impacts of the fisheries and the proposed management action on endangered species, see Sections 6 and 7 of this document.

8.5 ADMINISTRATIVE PROCEDURES ACT

Section 553 of the Administrative Procedure Act establishes procedural requirements applicable to informal rulemaking by Federal agencies. The purpose of these requirements is to ensure public access to the Federal rulemaking process, and to give the public adequate notice and opportunity for comment. At this time, the Council is not requesting any abridgement of the rulemaking process for this action.

8.6 PAPERWORK REDUCTION ACT

The purpose of the Paperwork Reduction Act is to control and, to the extent possible, minimize the paperwork burden for individuals, small businesses, nonprofit institutions, and other persons resulting from the collection of information by or for the Federal Government. This action requires some additional reporting of blueline tilefish by commercial, for-hire entities, dealers, and private fishermen. The commercial, for-hire, and dealer entities likely already have to report their catch and/or purchases of fish due to other permits. The reporting of catch for private fishermen is similar to mandatory reporting for Bluefin tuna, and was deemed necessary by the Council to facilitate effective conservation of the species through accurate catch accounting. Thus the action may result in new collection of information requirements subject to the Paperwork Reduction Act. The Paperwork Reduction Act package prepared in support of this action and the information collection required by the proposed action, including forms and supporting statements, will be submitted when implementation action is taken on Amendment

8.7 COASTAL ZONE MANAGEMENT ACT

Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 requires that all Federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. Pursuant to the Coastal Zone Management Act regulations at 15 CFR 930.35, a negative determination may be made if there are no coastal effects and the subject action: (1) Is identified by a state agency on its list, as described in ' 930.34(b), or through case-by-case monitoring of unlisted activities; or (2) which is the same as or is similar to activities for which consistency determinations have been prepared in the past; or (3) for which the Federal agency undertook a thorough consistency assessment and developed initial findings on the coastal effects of the activity. Accordingly, NMFS has determined that this action would have no effect on any coastal use or resources of any state. Letters documenting the NMFS negative determination, along with this document, were sent to the coastal zone management program offices of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. A list of the specific state contacts and a copy of the letters are available upon request.

8.8 SECTION 515 (DATA QUALITY ACT)

Pursuant to NOAA guidelines implementing section 515 of Public Law 106-554 (the Data Quality Act), all information products released to the public must first undergo a Pre-Dissemination Review to ensure and maximize the quality, objectivity, utility, and integrity of the information (including statistical information) disseminated by or for Federal agencies. The following section addresses these requirements.

Utility

The information presented in this document should be helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the measures proposed, and the impacts of those measures. A discussion of the reasons for selecting the proposed action is included so that intended users may have a full understanding of the proposed action and its implications, as well as the Council's rationale.

Until a proposed rule is prepared and published, this document is the principal means by which the information contained herein is available to the public. The information provided in this document is based on the most recent available information from the relevant data sources. The development of this document and the decisions made by the Council to propose this action are the result of a multi-stage public process. Thus, the information pertaining to management measures contained in this document has been improved based on comments from the public, the fishing industry, members of the Council, and NMFS.

The *Federal Register* notice that announces the proposed rule and the final rule and implementing regulations will be made available in printed publication, on the website for the Greater Atlantic

Regional Fisheries Office, and through the Regulations.gov website. The *Federal Register* documents will provide metric conversions for all measurements.

Integrity

Prior to dissemination, information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NOAA Fisheries adheres to the standards set out in Appendix III, Security of Automated Information Resources, of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g., dealer purchase reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

Objectivity

For purposes of the Pre-Dissemination Review, this document is considered to be a Natural Resource Plan. Accordingly, the document adheres to the published standards of the Magnuson-Stevens Act; the Operational Guidelines, FMP Process; the EFH Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act.

This information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. Stock status (including estimates of biomass and fishing mortality) reported in this product are based on either assessments subject to peer-review through established Council processes or updates to those assessments. Landing and revenue information is based on information collected through the Vessel Trip Report and Commercial Dealer databases. Information on incidental/discard catch composition is based on reports collected by the NOAA Fisheries Observer Program and incorporated into the sea sampling or observer database systems. These reports are developed using an approved, scientifically valid sampling process. In addition to these sources, additional information is presented that has been accepted and published in peer-reviewed journals or by scientific organizations. Original analyses in this document were prepared using data from accepted sources, and the analyses have been reviewed by the Council's SSC and/or members of NOAA Fisheries staff with expertise on the subject matter.

Despite current data limitations, the conservation and management measures proposed for this action were selected based upon the best scientific information available. The analyses conducted in support of the proposed action were conducted using information from the most recent complete calendar years, generally through 2015 except as noted. The data used in the analyses provide the best available information on the number of seafood dealers operating in the northeast, including the number, amount, and value of fish purchases made by these dealers. Specialists who worked with these data are familiar with the most current analytical techniques and with the available data and information relevant to these fisheries.

The policy choices are clearly articulated in Section 5 of this document as well as the management alternatives considered in this action. The supporting science and analyses, upon which the policy choices are based, are described in Sections 6 and 7 of this document. All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency.

The review process used in preparation of this document involves the responsible Council, the Northeast Fisheries Science Center, the Greater Atlantic Regional Fisheries Office, and NOAA Fisheries Headquarters. The Center's technical review is conducted by senior level scientists with specialties in population dynamics, stock assessment methods, demersal resources, population biology, and the social sciences. The Council review process involves public meetings at which affected stakeholders have opportunity to provide comments on the document. Review by staff at the Regional Office is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable laws. Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting regulations is conducted by staff at NOAA Fisheries Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget.

8.9 REGULATORY FLEXIBILITY ANALYSIS

The purpose of the Regulatory Flexibility Act is to reduce the impacts of burdensome regulations and recordkeeping requirements on small businesses. To achieve this goal, the Regulatory Flexibility Act requires Federal agencies to describe and analyze the effects of proposed regulations, and possible alternatives, on small business entities. This document contains an Initial Regulatory Flexibility Analysis, found at the end of this section, which includes an assessment of the effects that the proposed action and other alternatives are expected to have on small entities.

8.10 EXECUTIVE ORDER (E.O.) 12866 (REGULATORY PLANNING AND REVIEW)

To enhance planning and coordination with respect to new and existing regulations, this Executive Order requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be significant. The end of this section includes the Regulatory Impact Review, which includes an assessment of the costs and benefits of the proposed action, in accordance with the guidelines established by EO 12866. The analysis shows that this action is not a significant regulatory action because it will not substantially affect in a material way the economy or a sector of the economy as pertains to EO 12866.

8.11 EXECUTIVE ORDER (E.O.) 13132 (FEDERALISM)

This Executive Order established nine fundamental federalism principles for Federal agencies to follow when developing and implementing actions with federalism implications. The Executive Order also lists a series of policy making criteria to which Federal agencies must adhere when formulating and implementing policies that have federalism implications. However, no federalism issues or implications have been identified relative to the measures proposed measures. This action does not contain policies with federalism implications sufficient to warrant preparation of an assessment under Executive Order 13132. The affected states have been closely involved in the development of the proposed management measures through their representation on the Council (all affected states are represented as voting members of at least one Regional Fishery Management Council). No comments were received from any state officials relative to any federalism implications that may be associated with this action

8.12 INITIAL REGULATORY FLEXIBILITY ANALYSIS AND REGULATORY IMPACT REVIEW

The Regulatory Flexibility Act (RFA), first enacted in 1980, and codified at 5 U.S.C. 600-611, was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a Federal regulation. Major goals of the RFA are: 1) to increase agency awareness and understanding of the impact of their regulations on small business; 2) to require that agencies communicate and explain their findings to the public; and 3) to encourage agencies to use flexibility and to provide regulatory relief to small entities.

The RFA emphasizes predicting significant adverse impacts on small entities as a group distinct from other entities and on the consideration of alternatives that may minimize the impacts, while still achieving the stated objective of the action. When an agency publishes a proposed rule, it must either, (1)“certify” that the action will not have a significant adverse impact on a substantial number of small entities, and support such a certification declaration with a “factual basis”, demonstrating this outcome, or, (2) if such a certification cannot be supported by a factual basis, prepare and make available for public review an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact of the proposed rule on small entities.

This document provides the factual basis supporting a certification (by NMFS) that the proposed regulations will not have a “significant impact on a substantial number of small entities” and that an IRFA is not needed in this case. Certifying an action must include the following elements, and each element is subsequently elaborated upon below:

A. A statement of basis and purpose of the rule
B. A description and estimate of the number of small entities to which the rule applies
C. Description and estimate of economic impacts on small entities, by entity size and industry

D. An explanation of the criteria used to evaluate whether the rule would impose significant economic impacts
E. An explanation of the criteria used to evaluate whether the rule would impose impacts on a substantial number of small entities
F. A description of, and an explanation of the basis for, assumptions used

A – Basis and purpose of the rule

The bases of the rules proposed in this action are the provisions of the MSA for federal fishery management to primarily prevent overfishing, rebuild stocks, and achieve optimum yield. Optimum yield is defined as the amount of fish which will achieve the maximum sustainable yield, as reduced by any relevant economic, social, or ecological factor. The purpose of the rules associated with the preferred alternatives is to implement specifications that institute quotas, and related measures that will restrict and monitor catch so as to avoid overfishing, while facilitating catch such that optimum yield is achieved. Failure to implement the preferred measures described in this document could result in overfishing, stock depletion, and/or failure to reach optimum yield. To assist with further evaluation of the measures proposed in this document, a brief summary of the preferred alternatives is provided below. A full description of all alternatives is provided in Section 5.

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Issue	Alternative
General - Management Unit, Objectives, and Status Determinaion Criteria	1a - Blueline Tilefish Management Unit at NC/VA line ***(preferred)***
	1c - Objectives **(preferred)**
	1d - Use most recent peer-reviewed assessment **(preferred)**
Commercial Permitting & Reporting	2a - Use golden tilefish permits **(preferred)**
	2c - Reporting **(preferred)**
	2e - Dealer Permits and Reporting **(preferred)**
For-Hire Recreational Permitting and Reporting	3a - Use golden tilefish permits **(preferred)**
	3c - Reporting **(preferred)**
Private Recreational Permitting and Reporting	4a - Private recreational tilefish permit. **(preferred)**
	4d - Reporting (Online) **(preferred)**
Framework Adjustment Process	5a - Frameworkable actions **(preferred)**
Specifications Process and Risk Policy	6a - Specifications **(preferred)**
	6b - ABC Control Rule **(preferred)**
	6c - Risk Policy **(preferred)**

Issue	Alternative
Allocations	7b1 - 2009-2013 allocation (5-year median) **(preferred)**
	7d - Allocations and Specifications **(preferred)**
Commercial Trip Limits (gutted weight)	8c - 300 pounds **(preferred)**
Recreational Bag/Possession Limits	9e - Differential Limit and season **(preferred)**
Essential Fish Habitat (EFH) Designation	10b - Designate EFH **(preferred)**
Accountability Measures (AMs)	11a - AMs with allocations **(preferred)**
	11d - In-season commercial closure authority **(preferred)**

B – Description and estimate of the number of small entities to which the rule applies

The universe of regulated entities is best described by the vessels/dealers holding northeast tilefish permits in 2015 while the affected entities are those that actually caught or purchased tilefish over 2013-2015.

In 2015 there were approximately 1599 vessels with commercial tilefish permits and another 299 vessels had both commercial and party/charter tilefish permits. There were also 15 vessels with federal permits and tilefish landings but no tilefish permit when the database was queried, for a total universe of approximately 1913 regulated commercial vessels (to avoid duplication, the dual permitted vessels are tallied in the commercial total). There were 133 commercial vessels with some blueline northeast dealer tilefish landings 2013-2015 (affected entities). They represented 112 entities, of which 108 were small entities (representing 125 vessels) (less than $11 million in revenues in 2015 for the 107 small

commercial entities and less than $7.5 million in revenues for the 1 entity that was categorized as for-hire despite having commercial landings).

In 2015 there were approximately 189 vessels with party/charter tilefish permits (universe of regulated for-hire vessels). There were 41 affected for-hire vessels with some for-hire blueline tilefish catch 2013-2015 from VA to ME (VTR records). They represented 35 entities, of which all 35 were small entities (34 less than $7.5 million in revenues in 2015 that were categorized as for-hire and 1 under $11 million that was categorized under commercial fishing).

In 2015 there were approximately 274 dealers with tilefish permits (universe of regulated entities). From 2013-2015 50 Federal dealers reported purchasing blueline tilefish. The size standard for seafood dealers/wholesalers (NAICS 424460) is 100 employees. We don't have information on number of employees for dealers, but it is likely that most of them have less than 100 employees. Of the 50 Federal dealers with blueline tilefish records, over 2013-2015 their average annual purchases were $4.6 million and their average blueline tilefish purchases were $9,543.

C – Description and estimate of economic impacts on small entities

Commercial

This action would potentially restrict the activities of the above entities and vessels. For the 108 small commercial entities, their total revenues 2013-2015 averaged $649,948 while their blueline tilefish revenues averaged $1,826.

Given the relatively few entities involved compared to overall fishing, and the small proportion of revenues/fish represented by blueline tilefish for these small entities, this action will not have a "significant impact on a substantial number of small **commercial** fishing entities" even if short term revenues are negatively affected for some entities. In addition, the proposed measures would not eliminate but only reduce fishing for blueline tilefish, and vessels will likely seek ways to mitigate any possible revenue reductions related to being able to fish less for blueline tilefish.

For-Hire

This action would potentially restrict the activities of the above entities and vessels. For the 36 small for-hire entities, their revenues are not available. However, in terms of fish kept (VTRs), their total fish kept 2013-2015 averaged 107,645 fish while their blueline tilefish fish kept fish averaged 560 fish.

Given the relatively few entities involved compared to overall fishing, and the small proportion of revenues/fish represented by blueline tilefish for these small entities, this action will not have a "significant impact on a substantial number of **for-hire** small entities" even if short term revenues are negatively affected for some entities. In addition, the proposed measures would not eliminate but only reduce fishing for blueline tilefish, and vessels will likely seek ways to mitigate any possible revenue reductions related to being able to fish less for blueline tilefish.

Dealers

This action would potentially reduce the availability of blueline tilefish available for dealers to purchase. However, since blueline tilefish represent such a small portion of fish purchases for most dealers, this action will not have a "significant impact on a substantial number of **small seafood dealer** entities" even if short term revenues are negatively affected for some entities. Dealers could also purchase and process more of other products to mitigate the minor impacts that could occur.

Overall

Since for commercial fishing, for-hire fishing, and dealers the action would not have a significant impact on a substantial number of such entities the finding of "no significant impact on a substantial number of small entities" applies to the proposed rule.

D/E – An explanation of the criteria used to evaluate whether the rule would impose significant economic impacts/ An explanation of the criteria used to evaluate whether the rule would impose impacts on a substantial number of small entities

The criteria used to evaluate whether the rule would impose "significant impact on a substantial number of small entities" is described above in "C", namely that relatively few small entities catch and/or process blueline tilefish, that blueline tilefish do not make up a large proportion of revenues/catch for most of the relevant entities, that vessels will still be able to derive some revenue from blueline tilefish, and that they may seek to mitigate any possible revenue losses with other fishing activities.

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F – A description of, and an explanation of the basis for, assumptions

Other than those described directly in the above analyses, the primary assumption utilized in the above analyses is that comparing likely 2017 fishery operation to how the fishery operated over 2013-2015 is appropriate. Using the most recent three years of fishery operation is standard practice for Regulatory Flexibility Analysis and there is no indication that such an approach is contraindicated in this case since doing so captures what the industry has recently experienced versus potential impacts going forward from implementation of the proposed measures.

REGULATORY IMPACT REVIEW

INTRODUCTION

Executive Order 12866 requires a Regulatory Impact Review (RIR) in order to enhance planning and coordination with respect to new and existing regulations. This Executive Order requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be "significant." Section 7 assesses the costs and benefits of the Proposed Action and found the impacts to be mostly neutral or positive. The analysis included in this RIR further demonstrates that this action is not a "significant regulatory action" because it will not affect in a material way the economy or a sector of the economy.

Executive Order 12866 requires a review of proposed regulations to determine whether or not the expected effects would be significant, where a significant regulatory action is one that may:

1* Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

2* Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

3* Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

4* Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

OBJECTIVES

The overall goal of this FMP is to achieve optimum yield. To meet the overall goal, the following objectives have been adopted:

1. Prevent overfishing and rebuild the resource to the biomass that would support MSY.

2. Prevent overcapitalization and limit new entrants.

3. Identify and describe essential tilefish habitat.

4. Collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch of tilefish in all fisheries

An alternative in this action proposes to use these objectives for blueline tilefish as well, with a modification specific to blueline tilefish (see Alternative 2c): "Management will reflect blueline tilefish's susceptibility of overfishing and the need of an analytical stock assessment."

AFFECTED ENTITIES

A description of the entities affected by this action is provided above, and Section 6 provides additional detail on participation in the fishery.

PROBLEM STATEMENT

The purpose of the measures proposed in this action are described in Section 4 of this document but is generally to set specifications for the blueline tilefish fishery. This action is needed to prevent overfishing and achieve optimum yield.

ANALYSIS OF ALTERNATIVES

Executive Order 12866 mandates that proposed measures be analyzed below in terms of: (1) changes in net benefits and costs to stakeholders, (2) changes to the distribution of benefits and costs within the industry, (3) changes in income and employment, (4) cumulative impacts of the regulation, and (5) changes in other social concerns. As described in Section 7, the blueline tilefish commercial landings may decrease compared to no management, but an increase is proposed compared to the regulations in effect in late 2015 and 2016. This supports a determination that this action is not significant for purposes of Executive Order 12866.

There should not be substantial distributional issues (all permit holders are impacted similarly), and impacts on income and employment should mirror the impacts on fishing revenues described above (i.e. should be low negative in the short term and positive in the long term). While this action does propose different bag limits for different parts of the recreational fishery (inspected for-hire vessels, uninspected for-hire vessels, and private vessels), those different limits were designed so as to have a similar impact

on the different parts of the recreational fishery given how the fishery has operated in recent years. As described in Section 7, the Council has concluded that no significant cumulative impacts will result from the proposed specifications. There are no other expected social concerns.

DETERMINATION OF EXECUTIVE ORDER 12866 SIGNIFICANCE

Given the analysis in Section 7 and summary information above, the action overall should have short term low negative and long term low positive impacts on participants in the blueline tilefish fishery. In addition, there should be no interactions with activities of other agencies and no impacts on entitlements, grants, user fees, or loan programs. The proposed action is also similar to actions taken each year that set specifications, and as such does not raise novel legal or policy issues. As such, the Proposed Action is not considered significant as defined by Executive Order 12866.

9.0 SELECTED REFERENCES

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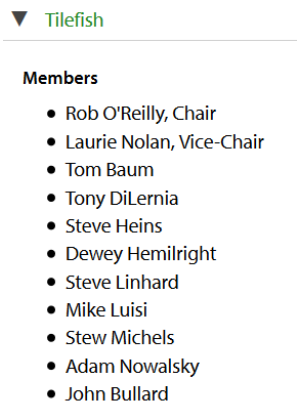
10.0 LIST OF AGENCIES AND PERSONS CONSULTED

This document was prepared by the Mid-Atlantic Fishery Management Council in consultation with the National Marine Fisheries Service. Additional (final) copies of this EA can be obtained via the MAFMC website at www.mafmc.org or by request at the following address:

Mid-Atlantic Fishery Management Council
Attn: Blueline Tilefish Coordinator
Suite 201, 800 N. State ST.
Dover, DE 19901

Members of the Council's Tilefish Committee included:



Members of the Fishery Management Action Team (FMAT) for this Amendment included Jason Didden (MAFMC – Chair), Doug Potts (MNFS – GARFO), Paul Nitschke (NMFS – NEFSC), and Tim Cardiasmenos (NMFS – GARFO – NEPA).

In addition, the following organizations/agencies were consulted during the development of the amendment, either through direct communication/correspondence and/or participation in Council public meetings:

NOAA Fisheries, National Marine Fisheries Service, Greater Atlantic Regional Office, Gloucester MA
Northeast Fisheries Science Center, Woods Hole, MA
South Atlantic Fishery Management Council, North Charleston, SC

11.0 APPENDICES

Appendix A – Council Emergency Action Request to NMFS (Follows next page)

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | www.mafmc.org
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

March 10, 2015

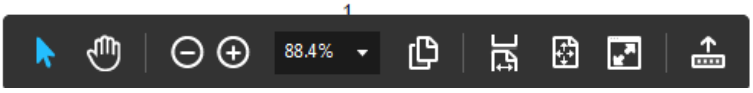
Mr. John Bullard
Regional Administrator
NMFS, NERO
55 Great Republic Drive
Gloucester, MA

Dear Mr. Bullard:

During a webinar meeting on Wednesday February 25, 2015, the Mid-Atlantic Fishery Management Council (Council) voted to request that the National Marine Fisheries Service (NMFS) implement emergency rules to restrict commercial and recreational landings of blueline tilefish in the Mid-Atlantic (http://www.mafmc.org/briefing/2015/february-2014-blueline-tilefish-webinar-meeting). The Council's recommendations include a 300 pound (whole weight) commercial trip limit and a seven fish per-person recreational trip limit. These measures are intended to reduce the risk of depletion of the blueline tilefish stock on an interim basis while the Council develops long-term management measures. The full motion is as follows:

> I move to request that the US Secretary of Commerce implement emergency or interim rules, as appropriate under 305 (c) of the Magnuson-Stevens Fishery Conservation and Management Act, to curtail the risk of depletion of the blueline tilefish stock within the jurisdictional boundaries of the Mid-Atlantic Fishery Management Council while the Council develops long term management measures for the species through the normal rulemaking process. For the commercial blueline tilefish fishery, the Council requests emergency or interim rules including a 300 pound possession limit (whole weight) in the Council's jurisdiction. For the recreational blueline tilefish fishery, the Council requests emergency or interim rules including a possession limit of 7 fish per person in the Council's jurisdiction.

Commercial landings of blueline tilefish have unexpectedly and rapidly increased in the Mid-Atlantic primarily due to landings in New Jersey. Landings from Virginia and farther north increased from approximately an 11,000 pound average (2005-2013) to about 217,000 pounds in 2014. Most of these fish were caught in statistical areas off the coast of Delmarva. Also, Northeast vessel trip reports (VTRs) for party/charter vessels indicate a recent unexpected increase from an average of about 2,400 fish per year (2002-2011) to between 10,000-16,000 fish per year in 2012-2014. Party/charter increases in the last two years were mostly from statistical area 622, which is accessible from Delaware and New Jersey – two states currently without regulations.



In fact, there are no federal regulations for blueline tilefish north of North Carolina. Two states, Virginia and Maryland, have enacted tilefish regulations that apply to vessels landing in their states, with both implementing 300 pound incidental commercial trip limits and a 7-fish tilefish species recreational possession limit. These measures were designed to proactively prevent a large directed commercial fishery and constrain fishing mortality in the recreational fishery for blueline tilefish that emerged in the early to mid-2000s. The Council recently expressed concern to the other Mid-Atlantic and southern New England states that the unmanaged loophole fishery for blueline tilefish in the Mid-Atlantic poses a threat to the sustainability of this resource due to the recent unmanaged increases in landings.

Blueline tilefish are non-migratory and we believe that the request for emergency rulemaking should be considered in light of information specific to the Mid-Atlantic. From a fishery point of view, the number of fishery participants and history of fishing pressure is very different in the Mid-Atlantic compared to the South Atlantic. For example, while there are 1,020 snapper/grouper charter permits in the South-Atlantic, approximately 25 party/charter vessels reported any blueline tilefish on Northeast Region VTRs in 2014. As noted above, large-scale commercial catches are also a recent occurrence in the Mid-Atlantic.

Blueline tilefish likely have a high susceptibility to overfishing given their biology (long-lived and relatively sedentary) and have been characterized as a species facing high risk based on a 2009 productivity susceptibility analysis performed by MRAG. A recent report on the population dynamics of blueline tilefish and other deep-water species (Schmidtke et al. 2015, VMRC Grant F-132-R-2, available at https://mafmc.squarespace.com/s/F132-Tilefish-Final-Report.pdf) found that the growth rate of blueline tilefish off Virginia is "similar to that observed off the Carolinas during the 1970s, when the Atlantic stock was considered lightly exploited." Growth in these Mid-Atlantic fish is also different from growth rates seen recently in more heavily-exploited South Atlantic fish. Age and reproductive data from this study indicate a locally spawning, resident population of blueline tilefish off the coast of Virginia with fishing mortality rates that are uncertain but substantially lower than the SEDAR 32 findings for overall blueline tilefish mortality. While the Schmidtke et al. study suggests a better population status for blueline tilefish off the Mid-Atlantic, the study also notes that "the slow growth of this population could leave it ill-equipped to sustainably support a sizeable fishery."

We recognize that blueline tilefish is a data-limited stock and look forward to facilitating the advancement of the state of the science on this species (e.g., improved commercial and recreational catch information, and stock identification). We also question the applicability of SEDAR 32 to the Mid-Atlantic because several Mid-Atlantic data inputs were not used including catch per unit effort north of Cape Hatteras, NC and Northeast Region party/charter VTR data. There is also private vessel catch in the Mid-Atlantic that is not currently quantified due to the low occurrence of blueline tilefish in Marine Recreational Information Program (MRIP) dockside intercepts.

A continuation of a large scale, unmanaged fishery in 2015 likely poses both a biological risk to the resource and an economic risk for the existing, historical fisheries in the Mid-Atlantic. These include those fisheries that evolved under the proactive regulatory regimes of Virginia and Maryland. Given the uncertainty regarding the status and productivity of blueline tilefish in general and especially off the Mid-Atlantic, the Council determined that the actions proposed in the motion are the most reasonable

while the Council develops long-term and regionally-appropriate management measures for the species through the normal rulemaking process.

Thank you for your consideration of this request. We look forward to working with you and our other management partners to achieve effective management of this fishery. Please call me or Chris Moore if you have any questions.

Sincerely,

Richard B. Robins, Jr.
Chairman

cc: Council, R. Crabtree, B. Mahood, S. Rauch