Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 31, 2020

To: Council

From: J. Didden, staff

Subject: MSB FMP Goals/Objectives and Illex Permits Amendment

Please find in this tab the draft public hearing document for this action. The proposed hearing locations are listed on the first page of the document. The document builds off of previous Fishery Management Action Team (FMAT), Committee, and Council input on alternatives and related analyses. Preliminary preferred alternatives can be useful for focusing public comments but the Council does not need to identify any preferred alternatives at this time. There are no recommendations regarding preferred alternatives from staff at this time.

Several Appendices are not included in the printed briefing book, but will be posted to http://www.mafmc.org/briefing/february-2020.

A recent FMAT summary and related public comments received before the briefing book deadline are attached. Older documents may be found at: http://www.mafmc.org/actions/illex-permitting-msb-goals-amendment.

Summaries from a February 6, 2020 MSB Advisory Panel meeting and a February 7, 2020 MSB Committee Meeting will be forwarded to the Council and posted to http://www.mafmc.org/briefing/february-2020 soon after those meetings.

In order to simplify the range of alternatives, staff recommends the following:

-Eliminate the 48,000 pound single trip threshold. Other options create similar outcomes and mixing annual and trip-based thresholds may cause confusion.

-Eliminate the 95% landings threshold. The 1,000,000 pound threshold creates similar outcomes, and mixing annual and percentage of landings-based thresholds may cause confusion.

-Eliminate the 1997-2013 and 2014-2018 period. This is very similar to the 1997-2013 and 2014-2019 period, which still addresses the idea of requiring both historical and recent participation.

-Eliminate the 2004-2013 period. 2004 (10 years before the 2013 control date) may be arbitrary. Starting in 1997 aligns with the collection of better data in this fishery.

MSB FMP Goals/Objectives and *Illex* Permits Amendment

Public Hearing Document

January 2020 DRAFT

How to Provide Comments

Written comments should be submitted by 11:59 pm on DATE, through one of the following methods with subject "MSB Goals and *Illex* Permits":

- **Email** to Jason Didden, Fishery Management Specialist, at jdidden@mafmc.org
- Through an **online form** at: http:
- **Mail** to Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE, 19901
- **Fax** to Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council at 302-674-5399

Oral or written comments may be submitted at the following public hearings (Proposed):

- Gloucester, MA
- Narragansett, RI
- Montauk, NY
- Cape May, NJ
- Hampton, VA
- **Webinar**

For more information and to sign up to receive email updates on this action, visit http://www.mafmc.org/actions/*Illex*-permitting-msb-goals-amendment

1. Overview, Tables of Contents, and Acronyms

Overview

This amendment to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (MSB FMP) considers revisions to the MSB goals and objectives and modifications to *Illex* illecebrosus squid (simply "*Illex*" hereafter) fishery permitting (plus related management measures).

The goals and objectives revisions are addressed in the introduction section and are not treated as alternatives per se, similar to how goals and objectives were handled in the chub mackerel amendment. The Mid-Atlantic Fishery Management Council (Council) seeks to ensure that the MSB goals and objectives align with the Council's current vision and priorities. Related to *Illex* permitting, the Council is evaluating effort in the *Illex* squid fishery, which closed early in 2017-2019 after reaching its quota. The majority of annual landings have been harvested by a relatively small portion of permitted vessels, and the Council is responding to concerns from some fishery participants that recent and/or future activation of latent effort/permits could exacerbate a race to fish and associated negative outcomes. Accordingly, the objectives of this action are to A) consider revising the MSB goals and objectives and B) consider the appropriate number of permits and related management measures in the *Illex* fishery and reduce the number of directed permits if appropriate.

After reviewing Fishery Management Action Team (FMAT), Advisory Panel, and other public recommendations, the Council developed a range of alternatives and associated analyses described in this document. The Council will select final preferred alternatives after considering comments received during public hearings, written comments, and comments at relevant Council meetings. The Council can modify the alternatives before final action provided there is sufficient rationale for such modification.

If the Council recommends some action alternatives, NOAA Fisheries will then publish a proposed rule along with an Environmental Assessment for public comment. After considering public comments on the proposed rule and deciding on the approvability of the measures, NOAA Fisheries will publish a final rule that will include implementation details if the action is approved.

Contents

Table of Tables

Table of Figures

Acronyms and Other Wording Conventions

ABC	Acceptable Biological Catch
Council	Mid-Atlantic Fishery Management Council
EAFM	Ecosystem Approach to Fisheries Management
FMP	Fishery Management Plan
MAFMC	Mid-Atlantic Fishery Management Council
MRI[1]	moratorium right identification
MSB	Mackerel, Squid, and Butterfish
MT	Metric Tons (1 metric ton = 2,204.62 pounds)
NEFSC	Northeast Fisheries Science Center
NMFS	National Marine Fisheries Service
VMS	Vessel Monitoring System

[1] The term MRI or moratorium right identification may be a new term for some people. The MRI tracks fishing history of a limited access permit even if it moves between vessels.

2. Introduction

This amendment to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) considers A) revisions to the MSB FMP goals and objectives and B) modifications to *Illex* fishery permitting and related management measures. The Council is seeking public input on all aspects of this action.

A) MSB FMP Goals and Objectives

The Council identified review of FMP goals and objectives via strategic planning in order to ensure that FMP goals and objectives remain relevant. The current MSB objectives have not been reviewed since the merged MSB plan was adopted in 1981. The Magnuson–Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act") has been amended several times since then, and the Council has also since adopted two Strategic Plans and an Ecosystem Approach to Fisheries Management (EAFM) Guidance Document (http://www.mafmc.org/eafm). Chub mackerel were also added to the FMP with specific goals and objectives that were informed by the EAFM Guidance Document. The EAFM goal is to manage for ecologically sustainable utilization of living marine resources while maintaining ecosystem productivity, structure, and function.

The Goals and Objectives are not alternatives in the traditional sense, but inform decision making, so the existing and potentially new Goals and Objectives are reviewed in this section rather than in the alternative section.

The current MSB FMP objectives are:

1. Enhance the probability of successful (i.e., the historical average) recruitment to the fisheries.

2. Promote the growth of the U.S. commercial fishery, including the fishery for export.

3. Provide the greatest degree of freedom and flexibility to all harvesters of these resources consistent with the attainment of the other objectives of this FMP.

4. Provide marine recreational fishing opportunities, recognizing the contribution of recreational fishing to the national economy.

5. Increase understanding of the conditions of the stocks and fisheries.

6. Minimize harvesting conflicts among U.S. commercial, U.S. recreational, and foreign fishermen.

The Council recently adopted goals and objectives for managing chub mackerel within the MSB FMP:

Goal 1: Maintain a sustainable chub mackerel stock.

> *Objective 1.1:* Prevent overfishing and achieve and maintain sustainable biomass levels that achieve optimum yield in the fisheries and meet the needs of chub mackerel predators.
>
> *Objective 1.2:* Consider and account for, to the extent practicable, the role of chub mackerel in the ecosystem, including its role as prey, as a predator, and as food for humans.

Goal 2: Optimize economic and social benefits from utilization of chub mackerel, balancing the needs and priorities of different user groups.

> *Objective 2.1:* Allow opportunities for commercial and recreational chub mackerel fishing, considering the opportunistic nature of the fisheries, changes in availability that may result from changes in climate and other factors, and the need for operational flexibility.
>
> *Objective 2.2:* To the extent practicable, minimize additional limiting restrictions on the *Illex* squid fishery.
>
> *Objective. 2.3:* Balance social and economic needs of various sectors of the chub mackerel fisheries (e.g. commercial, recreational, regional) and other fisheries, including recreational fisheries for highly migratory species.

Goal 3: Support science, monitoring, and data collection to enhance effective management of chub mackerel fisheries.

> *Objective 3.1:* Improve data collection to better understand the status of the chub mackerel stock, the role of chub mackerel in the ecosystem, and the biological, ecological, and socioeconomic impacts of management measures, including impacts to other fisheries.
>
> *Objective 3.2:* Promote opportunities for industry collaboration on research.

Unified Goals and Objectives

Over the course of several meetings the Council and the FMAT worked to meld the above two sets of goals/objectives into a single unified goals and objectives that can apply to the entire FMP (suggested edits/new text beyond October materials/discussion are highlighted):

Goal 1: Maintain sustainable MSB stocks.

> *Objective 1.1*: Prevent overfishing and maintain sustainable biomass levels that achieve optimum yield in the MSB fisheries.
>
> *Objective 1.2*: Consider and, to the extent practicable, account for the roles of MSB species/fisheries in the ecosystem.

Goal 2: Acknowledging the difficulty in quantifying all costs and benefits, achieve the greatest overall net benefit to the Nation, balancing the needs and priorities of different user groups and effects of management on fishing communities.

> *Objective 2.1*: Provide the greatest degree of freedom and flexibility to harvesters and processors (including shoreside infrastructure) of MSB resources consistent with attainment of the other objectives of this FMP, including minimizing additional restrictions.
>
> *Objective 2.2*: Allow opportunities for commercial and recreational MSB fishing, considering the opportunistic nature of the fisheries, changes in availability that may result from changes in climate and other factors, and the need for operational flexibility.

Objective 2.3: Consider and strive to balance the social and economic needs of various sectors of the MSB fisheries (commercial including shoreside infrastructure and recreational) as well as other fisheries or concerns that may be ecologically linked to MSB fisheries.

Objective 2.4: Investigate opportunities to access international/shared quotas of MSB species.

Goal 3: Support science, monitoring, and data collection to enhance effective management of MSB fisheries.

Objective 3.1: Improve data collection to better understand the status of MSB stocks, the role of MSB species in the ecosystem, and the biological, ecological, and socioeconomic impacts of management measures, including impacts to other fisheries.

Objective 3.2: Promote opportunities for industry collaboration on research.

Objective 3.3: Encourage research that may lead to practicable opportunities to further reduce bycatch in the MSB fisheries.

B) Modifications to Illex Fishery Permitting and Related Management Measures

As discretionary provisions of FMPs, the Magnuson-Stevens Act states that any FMP may establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

(A) present participation in the fishery;
(B) historical fishing practices in, and dependence on, the fishery;
(C) the economics of the fishery;
(D) the capability of fishing vessels used in the fishery to engage in other fisheries;
(E) the cultural and social framework relevant to the fishery and any affected fishing communities;
(F) the fair and equitable distribution of access privileges in the fishery; and
(G) any other relevant considerations.

The Council must also take into account the Magnuson-Stevens Act's ten national standards during all decisions (https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines). National Standards 4, 5, 6, and 8 are particularly relevant to this action:

National Standard 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 privilege.

National Standard 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.

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

National Standard 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 by utilizing economic and social data… 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.

Some fishery participants requested that the Council consider modifying limited access *Illex* permits to reduce the number of directed permits in the fishery given the increasing participation and early closure in 2017, which was repeated in 2018 and 2019. While the *Illex* fishery had only landed more than 75% of its quota three times between 2000 and 2016, the majority of annual landings (including 2017-2019) have been harvested by a relatively small portion of permitted vessels. The Council is responding to concerns from some fishery participants that recent and/or future activation of latent effort/permits could exacerbate racing to fish. With racing to fish, fishery participants typically use more and more capital and/or effort in an increasingly rushed attempt to catch a limited quota before closure. Capital continues to enter the fishery if there are any profits, increasing costs until profits are dissipated, creating a loss of efficiency (see Warming 1911 and Gordon 1954 for some of the first of many discussions of this phenomena). Besides tending to erode profits from the fishery overall, racing to fish can cause a number of other negative outcomes that the Council is considering including:

-Safety at sea: Racing to fish may lead to taking more risks related to weather, maintenance and overloading (e.g. see NRC 1991, FAO 2016 for reviews of related literature as well as Pfeiffer and Gratz 2016).

-Monitoring difficulties: Higher weekly landings make it more difficult to close the fishery near the quota (at least without adding reporting burden or setting aside more quota for larger closure buffers).

-Business disruptions: More rapid catch by additional vessels could lead to shorter seasons for vessels that have been historically dependent on *Illex.* The fishery can operate into October or November but closed in August in 2018 and 2019, and in September in 2017.

-Yield reduction: Catching the quota earlier may mean that smaller squid are harvested, which means that more individuals are harvested per metric ton, which may reduce yield per recruit and total yield given the fast-growing nature of *Illex* (NAFO 1978, NEFSC 1999).

-Increased bycatch: Racing to fish can lead to higher bycatch given the focus on rapid catches. If there is less of a race to fish, fishermen may have more time to execute bycatch minimization strategies, such as moving to a new area after a bycatch event, though such gains are generally more strongly associated with rights-based management (see Holland and Ginter 2001, Fujita and Bonzon 2005, Branch et. al. 2006, Hilborn 2007, and Birkenback et al 2017 for a few examples of many discussions of this issue). Bycatch is very low in the *Illex* fishery and has not increased in recent years based on observer data, so while bycatch is a general concern related to racing to fish, bycatch is not currently a substantial factor for this particular fishery.

Community impacts: The Council is also concerned about disruptions in communities if new entrants rapidly change the distribution of landings at relevant ports in communities that have dependence on *Illex*.

These issues would not be completely solved by reducing permits in the *Illex* fishery. Solving the race to fish is generally very challenging with quota-based management unless individual quotas or effort controls are utilized. Based on public scoping comments that were predominantly opposed to individual quotas, the Council is not considering individual quotas at this time. Given the variability in *Illex* productivity and availability, the Council believes that effort controls are not appropriate for the primary directed fishery. However, the Council believes that given the latent permits that have existed in this fishery and recent effort levels, reducing the number of permits may be appropriate at this time in order to at least slow the worsening of the race to fish in the *Illex* fishery. So one purpose of this action is to mitigate worsening of the race to fish by considering reducing the number of permits that have unlimited access to the fishery.

In 2019, landings by the top 20 vessels (out of 76 potential permits[2]), accounted for 90% of the landings, and ranged from approximately 7.3 to 0.8 million pounds, with a median of 1.6 million pounds. The season lasted approximately 14 weeks, so the top vessel averaged around 0.52 million pounds per week and the median vessel (out of the top 20) averaged 0.12 million pounds per week. Based on this information, five less active vessels performing like the top vessel for 10 weeks could thus land nearly 26 million pounds, or 47% of the quota. Five less active vessels performing like the median of the top 20 vessels for 10 weeks could likewise land nearly 6 million pounds, or 11% of the quota. While it's not possible to know how vessels may participate in the future or at what level, it does appear that increased catch by even a handful of formerly latent/less active participants could have a substantial impact on racing to fish and how soon the fishery closes at the current quota.

3. *Illex* Life History and Status of the Stock

Illex squid is a benthopelagic schooling species distributed between Newfoundland and the Florida Straits. Current research indicates they live less than one year but several aspects of their life cycle are unknown due to their generally offshore habitat. Spawning is believed to take place in the water column with pelagic egg masses. *Illex* squid prey mostly on crustaceans at small sizes but increasingly prey on fish as they grow larger. Cannibalism of small squid by larger squid is especially prevalent during fall. A wide variety of fish (including large pelagics), seabirds, and marine mammals are predators of *Illex* squid. Additional life history information is detailed in the EFH document for the species, located at: http://www.nefsc.noaa.gov/nefsc/habitat/efh/. The current stock status of *Illex* is unknown with respect to either stock biomass or fishing mortality, due to the fact that the data necessary for assessing this species, given its short lifespan, is lacking and productivity of the resource is uncertain. The current acceptable biological catch (ABC) (26,000 metric tons (MT) or 57.3 million pounds) resulted from a generally qualitative evaluation by the Council's Scientific and Statistical Committee (SSC) that determined catches associated with an ABC up to 26,000 MT are unlikely to cause overfishing. More details on the rationale for the current ABC are available at: http://www.mafmc.org/ssc-meetings/2018/sept-11.

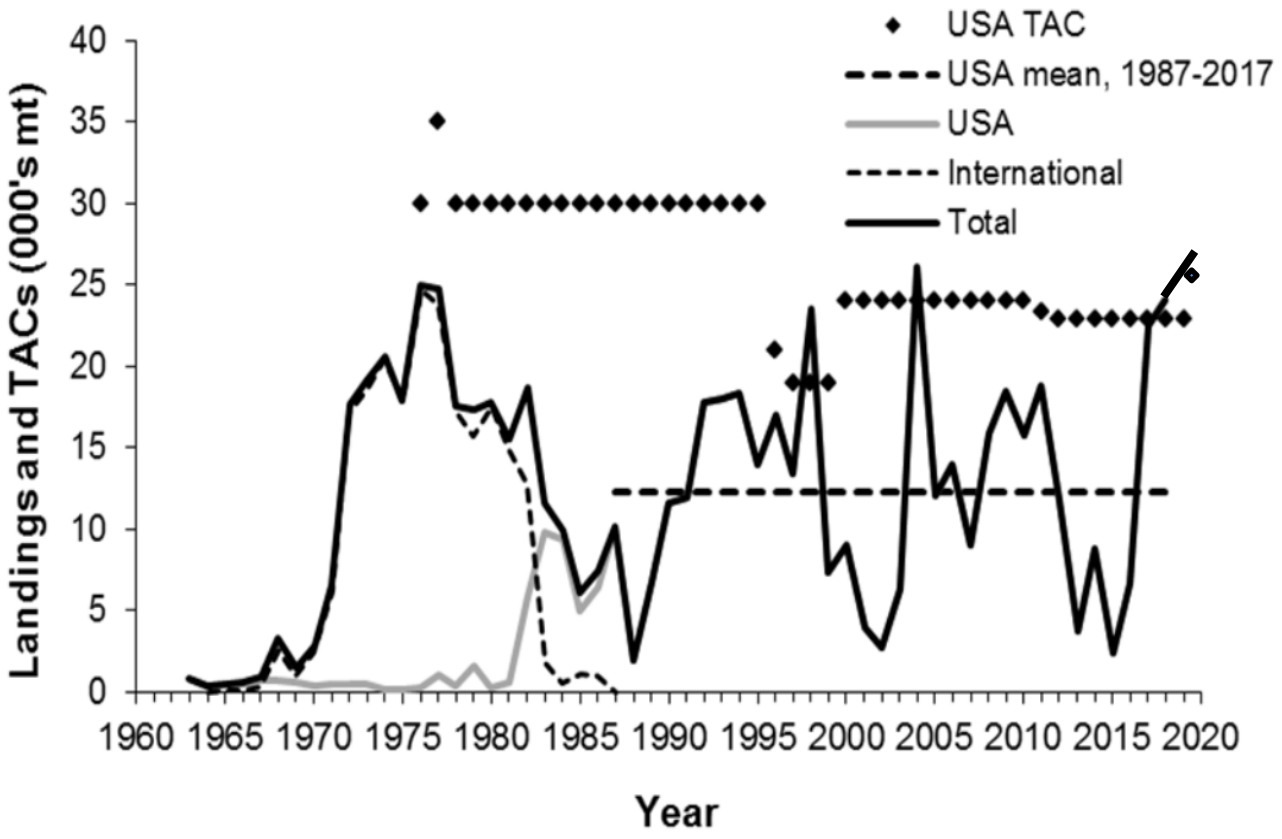
The Council has also established a working group (http://www.mafmc.org/actions/*Illex*-working-group) to investigate if current information suggests that adjustments to the *Illex* quota are appropriate, and if there are ways to make the quota more responsive to real-time conditions. There is also a benchmark *Illex* assessment planned for 2021. At this time, the outcome of these endeavors is uncertain.

[2] There were 76 *Illex* permits as of late 2019, but this number can change (shrink) if a permit is relinquished.

4. U.S. *Illex* Fisheries and Communities

International jig and trawler fleets initially fished *Illex* in U.S. waters, ramping up quickly in the 1970s to about 20,000-25,000 metric tons (MT) (52.9-55.1 million pounds) annually before being phased out by 1987. Development of the domestic *Illex* squid bottom trawl fishery began in the early 1980s as the U.S. industry developed the appropriate technology to catch and process squid in large quantities. Domestic landings have been highly variable (see Figure 1). The 2019 *Illex* landings were the highest on record, over 27,000 MT (the quota was exceeded by nearly 10%).

Figure 1. Landings and Quotas (TAC) (000's mt) of *Illex* from NAFO Subareas 5+6, by fleet during 1963-2019.



Annual *Illex* ex-revenues (Figure 2, red-dashed line) are determined by the combination of availability, global and domestic squid prices, and the resulting landings. Ex-vessel values during 2017-2019 were the three highest points in the time series due to the combination of high landings and high prices (see Figures 2 and 3). 2019 ex-vessel value was just over $28.0 million. Input from industry has noted that international squid supply and demand can have strong effects on *Illex* prices. Industry has also noted that recent processing advancements and sustainability certifications have expanded markets for *Illex*. As *Illex* availability, *Illex* prices, and opportunities in other fisheries have changed, so has vessel participation in the *Illex* fishery (Table 1).

Figure 2. U.S. *Illex* Landings and Nominal *Illex* Ex-Vessel Values 1982-2019

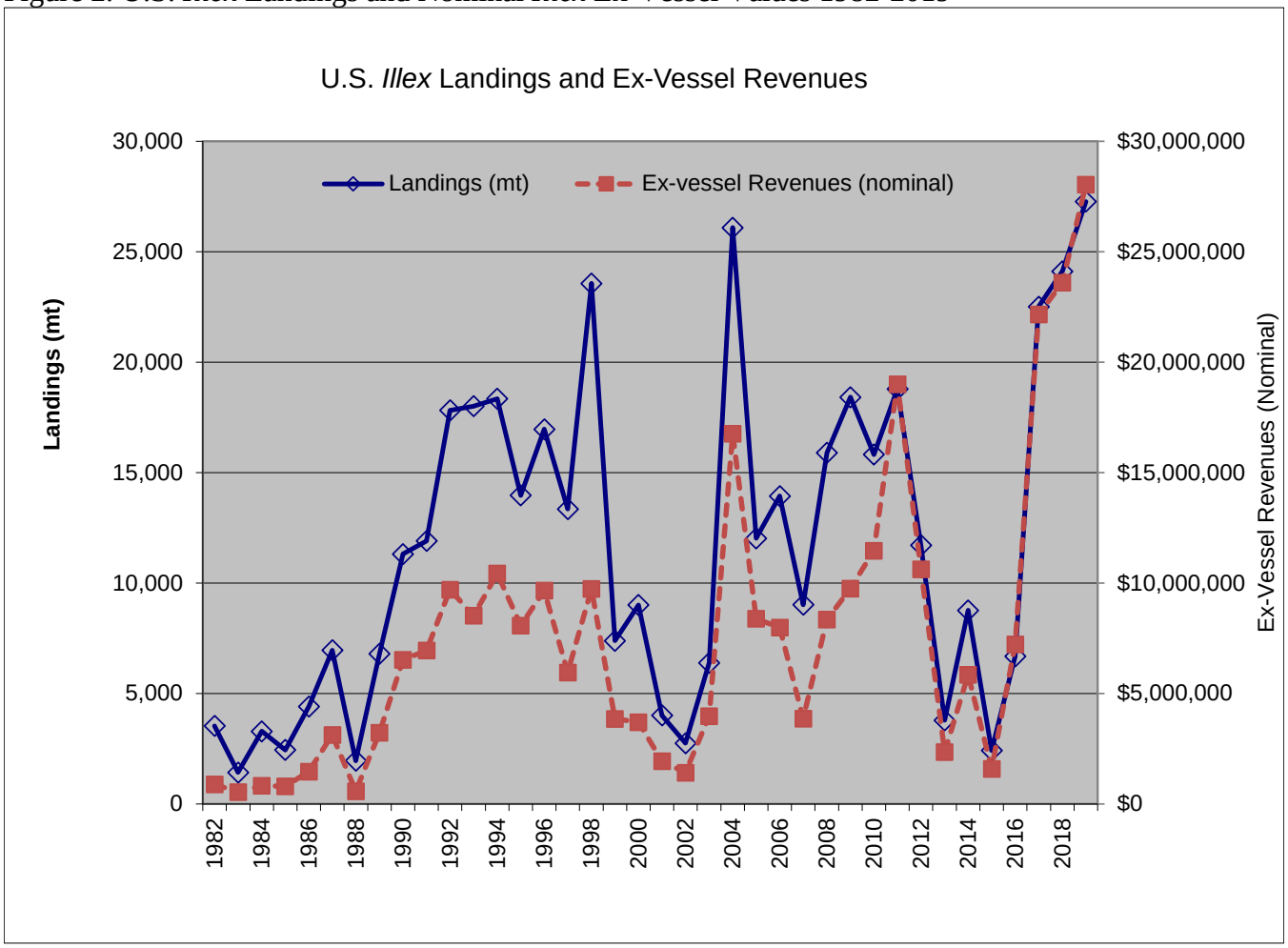


Figure 3. Ex-Vessel *Illex* Prices 1994-2019 Adjusted to 2019 Dollars Based on Producer Price Index.

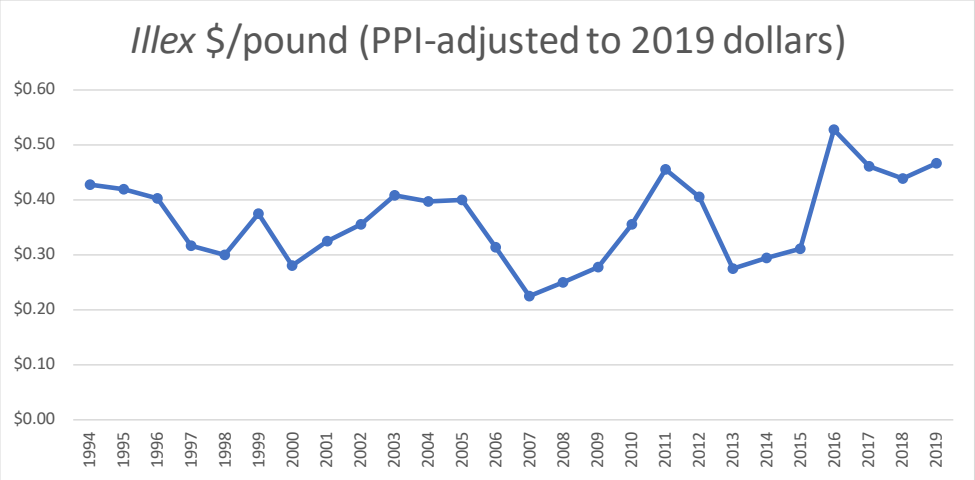


Table 1. 1994-2019 vessel activity (pound ranges developed previously with MSB AP).

YEAR	Vessels 500,000+	Vessels 100,000 - 500,000	Vessels 50,000 - 100,000	Vessels 10,000 - 50,000	Total
1994	21	7	5	8	41
1995	24	5	2	7	38
1996	24	5	6	4	39
1997	13	9	2	0	24
1998	25	4	1	3	33
1999	6	9	2	10	27
2000	7	7	0	2	16
2001	3	4	1	2	10
2002	2	3	1	1	7
2003	5	6	1	2	14
2004	23	5	2	0	30
2005	10	10	2	2	24
2006	9	8	1	2	20
2007	8	2	1	0	11
2008	12	4	0	0	16
2009	10	3	1	1	15
2010	12	3	0	6	21
2011	17	4	2	0	23
2012	8	3	2	2	15
2013	5	4	3	5	17
2014	5	3	2	2	12
2015	3	0	1	1	5
2016	4	3	3	2	12
2017	14	6	0	0	20
2018	19	7	0	5	31
2019	26	7	0	3	36

Cape May, NJ, N. Kingston, RI, Point Judith, RI, Wanchese, NC, and Hampton, VA have historically been ports with substantial *Illex* landings. Table 2 lists the active ports in recent years, and Table 3 provides information regarding the dependence of those ports on *Illex* in 2011-2013, 2014-2016, and 2017-2019. Following Table 3 is information on social indicators that NMFS has developed for fishing communities, with the various ratings for the ports that have been active in the *Illex* fishery in recent years.

Table 2. Rankings of ports with substantial *Illex* landings 2017-2019.

Port Rank	2017	2018	2019
1	Cape May	Cape May	Cape May
2	N Kingstown	N Kingstown	New Bedford
3	Pt. Judith	Pt. Judith	N Kingstown
4	Hampton, VA	New Bedford	Pt. Judith
5		Hampton, VA	Gloucester
6			Hampton, VA

Table 3. Dependence on *Illex* for Relevant Ports

	Illex as a percent of total port vessel revenues					
	Cape May	New Bedford	N. Kingston	Pt Judith	Gloucester	Hampton
2011-2013	7%	<1%	44%	1%	<1%	1%
2014-2016	2%	<1%	31%	1%	<1%	1%
2017-2019	16%	<1%	59%	4%	1%	4%

Social Indicators for Fishing Communities

Social indicators are measures that describe and evaluate the social, economic, and psychological well-being of individuals or communities. They were developed to characterize community well-being for coastal communities engaged in fishing activities. First the various indices are described, and then the most recent (2016) indicator ratings for the active *Illex* ports from Tables 2/3 are provided. Additional details on the social vulnerability indicators is available at https://www.fisheries.noaa.gov/national/socioeconomics/social-indicators-fishing-communities-0.

Social Vulnerability Indices

The social vulnerability indices represent social factors that can shape either an individual or community's ability to adapt to change. These factors exist within all communities regardless of the importance of fishing.

Labor force characterizes the strength and stability of the labor force and employment opportunities that may exist. A high rank means likely fewer employment opportunities and a more vulnerable population.

Housing characteristics is a measure of infrastructure vulnerability and includes factors that indicate housing that may be vulnerable to coastal hazards. A high rank means a more vulnerable infrastructure

and a more vulnerable population. On the other hand, the opposite interpretation might be that more affordable housing could be less vulnerability for some populations.

Poverty is a commonly used indicator of vulnerable populations. A high rank indicates a high rate of poverty and a more vulnerable population.

Population composition shows the presence of populations who are traditionally considered more vulnerable due to circumstances often associated with low incomes and fewer resources. A high rank indicates a more vulnerable population.

Personal disruption represents factors that disrupt a community member's ability to respond to change because of personal circumstances affecting family life or educational levels or propensity to be affected by poverty. A high rank indicates more personal disruption and a more vulnerable population.

Gentrification Pressure Indices

The gentrification pressure indices characterize those factors that, over time, may indicate a threat to the viability of a commercial or recreational working waterfront, including infrastructure.

Housing Disruption represents factors that indicate a fluctuating housing market where some displacement may occur due to rising home values and rents. A high rank means more vulnerability for those in need of affordable housing and a population more vulnerable to gentrification.

Retiree migration characterizes areas with a higher concentration of retirees and elderly people in the population. A high rank indicates a population more vulnerable to gentrification as retirees seek out the amenities of coastal living.

Urban sprawl describes areas experiencing gentrification through increasing population and higher costs of living. A high rank indicates a population more vulnerable to gentrification.

Fishing Engagement and Reliance Indices

The fishing engagement and reliance indices portray the importance or level of dependence of commercial or recreational fishing to coastal communities.

Commercial fishing engagement measures the presence of commercial fishing through fishing activity as shown through permits, fish dealers, and vessel landings. A high rank indicates more engagement.

Commercial fishing reliance measures the presence of commercial fishing in relation to the population size of a community through fishing activity. A high rank indicates more reliance.

Recreational fishing engagement measures the presence of recreational fishing through fishing activity estimates. A high rank indicates more engagement.

Recreational fishing reliance measures the presence of recreational fishing in relation to the population size of a community. A high rank indicates increased reliance.

Climate Change Indices

The climate change indices characterize environmental conditions that may affect the sustainability of essential commercial and recreational fishing businesses and infrastructure.

Sea level rise risk signifies the overall risk of inundation from sea level rise from one foot level to six foot level projections over the next ~90 years. The indicator represents the possibility of inundation

based upon the combined projections at each stage of sea level rise and could vary depending upon future circumstances. A high rank indicates a community more vulnerable to sea level rise.

Storm surge risk refers to the overall risk of flooding from hurricane storm surge categories 1-5. The indicator represents the "worst-case" possibility of inundation based on the combined hurricane storm surge categories and could vary depending on future circumstances. A high rank indicates a community more vulnerable to a particular hurricane storm surge.

Figure 4. Cape May Vulnerability Indicators

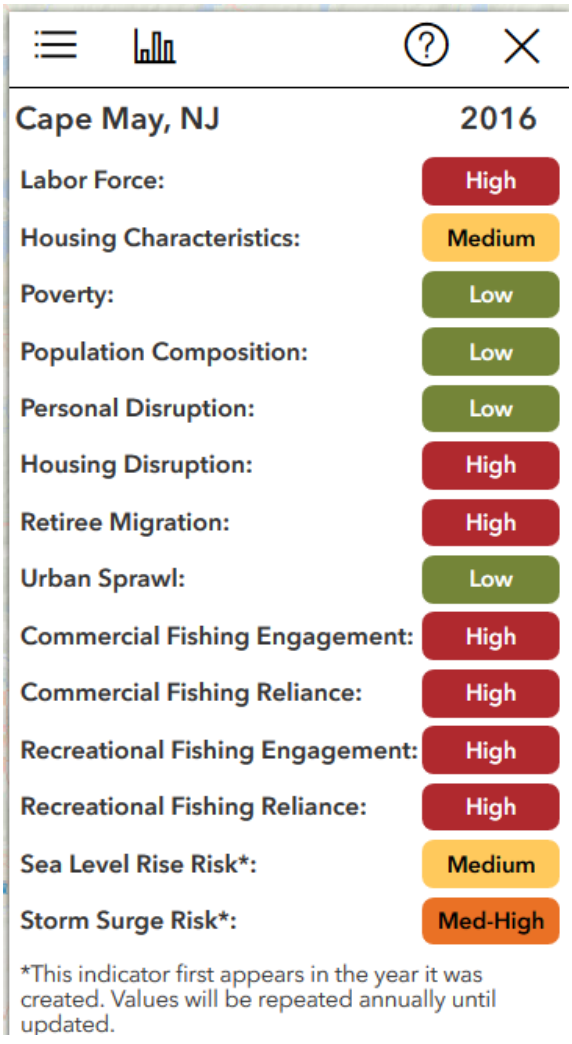


Figure 5. New Bedford Vulnerability Indicators

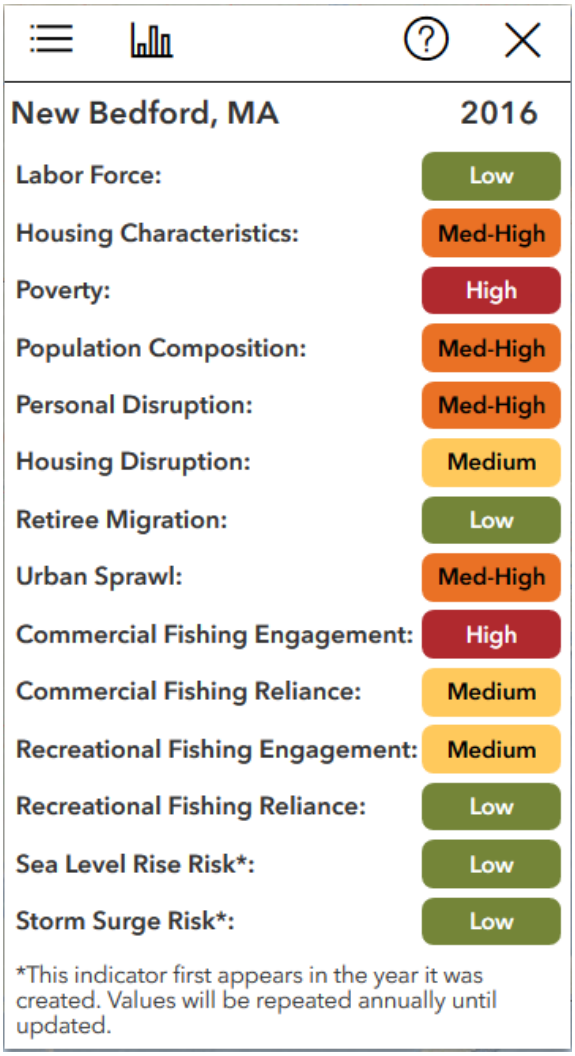


Figure 6. North Kingston/Saunderstown, RI Vulnerability Indicators

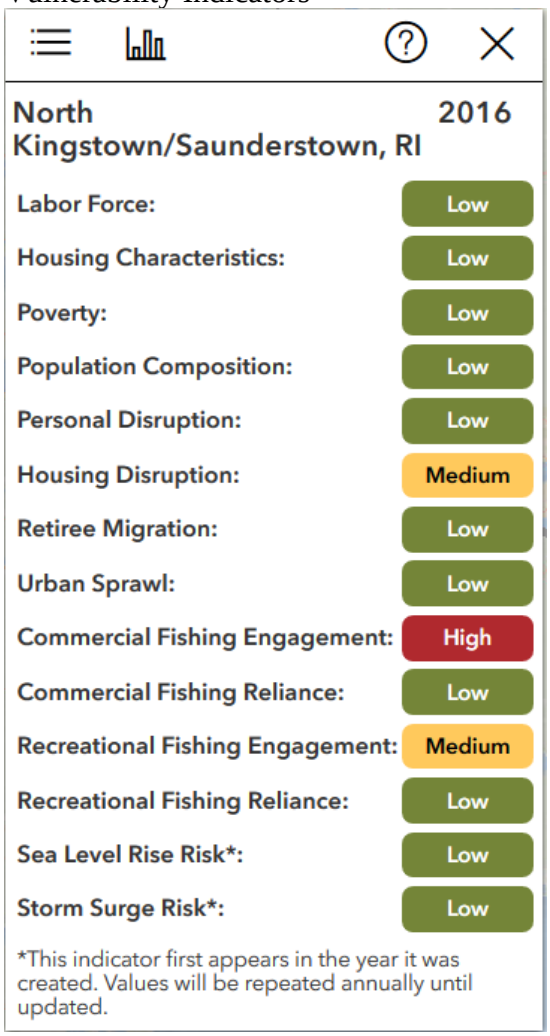


Figure 7. Narragansett/Point Judith RI Vulnerability Indicators

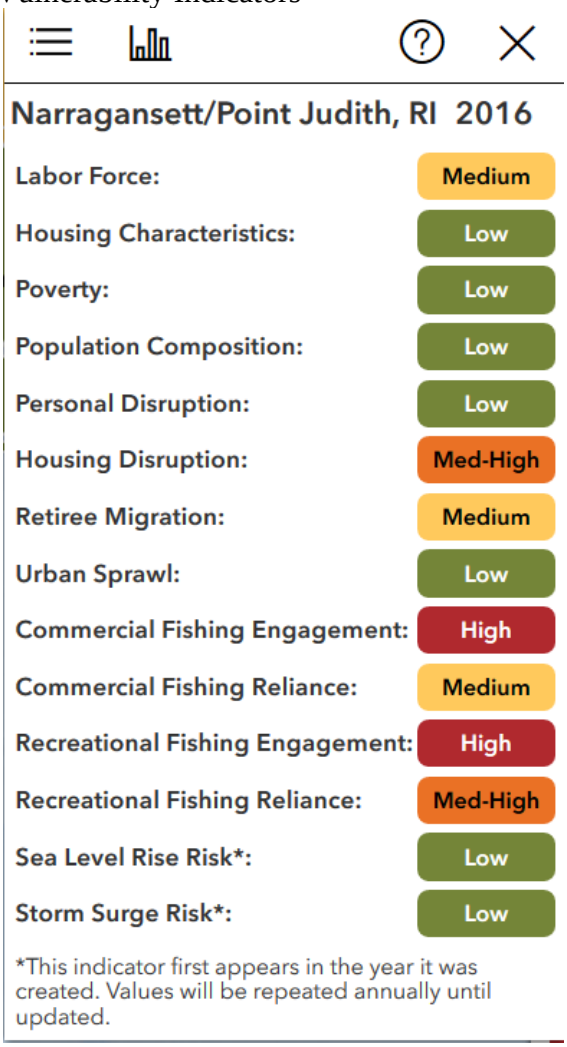


Figure 8. Gloucester, MA Vulnerability Indicators

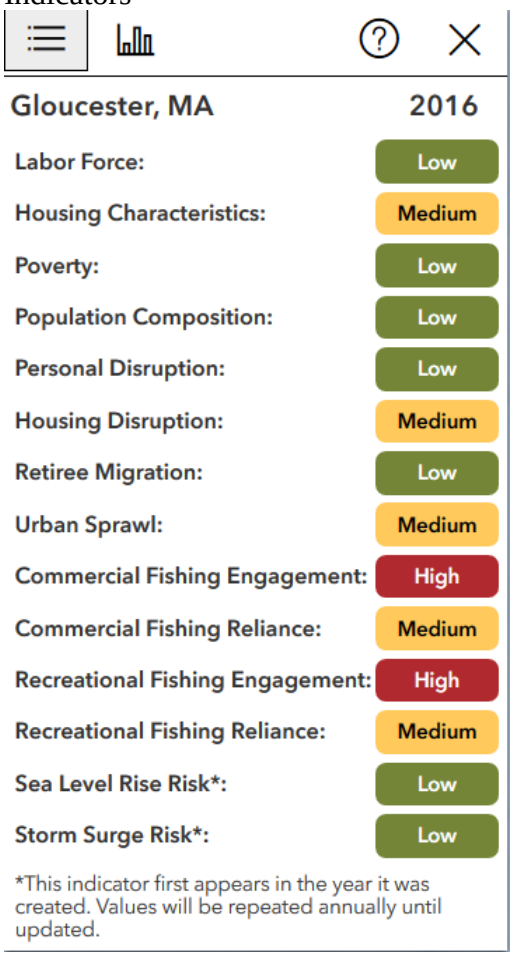
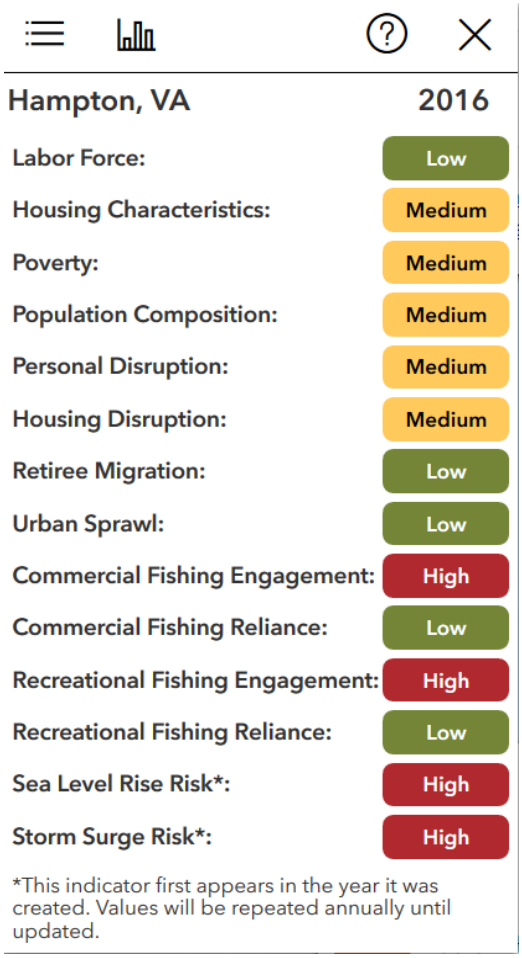


Figure 9. Hampton, VA Vulnerability Indicators



5. Current Management Measures

It is currently anticipated that the 2020 ABC for *Illex* will be 26,000 MT with a commercial quota of 24,825 MT to account for discards. In 2019 there are 76 limited access "moratorium" permits. These vessels have unlimited trip limits and no effort restrictions. Open access incidental permits can be obtained and are allowed up to 10,000 pounds of *Illex* per trip. The season runs on the calendar year. The directed fishery closes when NOAA Fisheries predicts that 95% of the quota will be landed. After that closure a 10,000 pound trip limit is in place for the remainder of the year. An overview of additional management measures is available at https://www.fisheries.noaa.gov/species/shortfin-squid-0#management.

6. Alternatives in this Action

Note: The term MRI or moratorium right identification may be a new term for some people. The MRI tracks fishing history of a limited access permit even if it moves between vessels.

If the Council decides to take action to change *Illex* permits through a requalification, the time period(s) chosen, the threshold(s) chosen, and other related management measures combine to create the effects on participants. While the Council is taking a matrix of alternatives out for public comment (there are 42 possible options between the various time period and threshold options), the Council may narrow the options for additional analysis prior to final action. The Council could also create an alternative that combines several of the 42 options to create a Tiered system. For example, the Council could select more restrictive requalification criteria that requalify fewer MRIs for a Tier that operates as current (no trip limit), and then create a second Tier managed with trip limits for the MRIs that don't requalify under the more restrictive criteria, but would requalify under a more liberal requalification option.

It is generally expected that the Council will select from the time periods (Alternative Set A) and thresholds (Alternative Set B) to create requalification criteria, and then Alternative Set C may be used to create limitations for non-requalifying MRIs, or a second Tier. Alternative Set D options could be added to create a vessel hold measurement and baseline and/or clarify daily Vessel Monitoring System (VMS) requirements.

6A - ALTERNATIVE SET A: TIME PERIODS FOR RE-QUALIFICATION

Alternative A1: No action/status quo. No changes to the current permitting system could occur without establishing a requalification time period. The 76 2019 limited access "moratorium" permit would retain unlimited trip limits and no effort restrictions. Open access incidental permits can be obtained and allow up to 10,000 pounds of *Illex* per trip.

Introduction for time period action alternatives

The Council has developed six possible time periods for an *Illex* permit requalification. Some options consider landings through 2019 for requalification, and some do not consider landings after 2013. August 2, 2013, was published as a control date for *Illex* squid. The control date notification in the Federal Register stated that "NMFS intends this notice to promote awareness of possible rulemaking, alert interested parties of potential eligibility criteria for future access, and discourage speculative entry

into and/or investment in the *Illex* squid fishery while the Council considers if and how access to the *Illex* squid fishery should be controlled." The Council reaffirmed the August 2, 2013, control date at its August 2018 Council meeting. The alternatives are presented in approximately the order that would result in the most to the fewest requalifiers. The thresholds for amounts of landings during the time periods are considered in Alternative Set B, and the numbers of requalifiers when combining the time periods and thresholds are provided in the impacts section.

Alternative A2: Use a requalification time period that considers landings between 1997-2019. This allows a broad consideration of historic and present participation.

Alternative A3: Use a requalification time period that considers landings between 1997-2018. This allows consideration of historic and recent participation through 2018 when then Council reaffirmed the control date.

Alternative A4: Use a requalification time period that considers landings between 1997-2013. This allows consideration of alternatives that utilize the control date and landings from the previous seventeen years.

Alternative A5: Use a requalification time period that considers landings between 2004-2013. This allows consideration of alternatives that utilize the control date and landings from the previous ten years.

Alternative A6: Use a requalification time period that considers, and requires, landings both between 1997-2013 and 2014-2019. If MRIs did not have landings in both time periods they would not requalify. This allows consideration of alternatives that requalify MRIs that demonstrate both historic and recent participation.

Alternative A7: Use a requalification time period that considers, and requires, landings both between 1997-2013 and 2014-2018. If MRIs did not have landings in both time periods they would not requalify. This allows consideration of alternatives that requalify MRIs that demonstrate both historic and recent participation.

6B - ALTERNATIVE SET B: THRESHOLDS FOR RE-QUALIFICATION

Alternative B1: No action/status quo. No changes to the current permitting system could occur without establishing a requalification threshold. The 76 2019 limited access "moratorium" permit would retain unlimited trip limits and no effort restrictions. Open access incidental permits can be obtained and allow up to 10,000 pounds of *Illex* per trip.

Introduction for threshold action alternatives

The Council has developed seven possible thresholds for an *Illex* permit requalification. Most options focus on the MRIs' best year, one is based on having at least one trip above a certain size, and one is based on the percentage of landings represented by requalifying MRIs. The alternatives are presented in approximately the order that would result in the most to the fewest requalifiers, but B3 and B4 have relatively similar numbers of predicted requalifiers, as does B7 and B8. The time periods are considered in Alternative Set A, and the numbers of requalifiers when combining the thresholds and time periods are provided in the impacts section.

The range of options was chosen to achieve a range of requalifying MRIs given the activity levels observed in the fishery (see Table 1). All of the poundage options (best year or trip limit) also represent thresholds that account for the majority of landings in most years. For example, vessels landing over 1,000,000 pounds accounted for 85-95% of landings from 2014-2019. Vessels landing at least 50,000 pounds accounted for at least 99% of landings in the same period. So based on how the fishery operates, these thresholds represent either a strong majority of landings in a given year or nearly all landings in a given year. Alternative B8 takes a different approach based on cumulative landings during the particular time periods from Alternative Set A. For each alternative, a vessel whose *Illex* landings exceed the threshold during the period(s) identified in Alternative Set A above would requalify and be able to continue to land an unlimited amount of *Illex* squid until the fishery is closed.

Alternative B2: Use a threshold of at least 50,000 pounds in a MRI's best year during the requalification period selected in Alternative Set A.

Alternative B3: Use a threshold of at least 100,000 pounds in a MRI's best year during the requalification period selected in Alternative Set A.

Alternative B4: Use a threshold of at least one trip above 48,000 pounds during the requalification period selected in Alternative Set A. Trips of at least 48,000 pounds accounted for 95% of total landings from 1997-2018.

Alternative B5: Use a threshold of at least 300,000 pounds in a MRI's best year during the requalification period selected in Alternative Set A.

Alternative B6: Use a threshold of at least 500,000 pounds in a MRI's best year during the requalification period selected in Alternative Set A.

Alternative B7: Use a threshold of at least 1,000,000 pounds in a MRI's best year during the requalification period selected in Alternative Set A.

Alternative B8: Requalify the MRIs that represent 95% of landings during the requalification period selected in Alternative Set A.

6C - ALTERNATIVE SET C: PROVISIONS FOR TIERS AND/OR NON-REQUALIFYING PERMITS.

In October 2019 the Council requested that the FMAT develop options for a Tiered system. As discussed above, the Council could use a mix of the previously-contemplated requalification criteria to construct a Tiered system. For example, if 30 MRIs requalified under one set of criteria and 40 MRIs with a more liberal criteria, the difference, 10 MRIs, could be in a second Tier. The FMAT discussed options for limiting the second Tier, and recommended against a separate quota, as that might effectively increase the race to fish, or just create two races to fish (one for each Tier). Accordingly, the other two ways to limit a second Tier would be days at sea or trip limits. The Council has previously indicated that it is not interested in a days at sea approach, which leaves trip limits. Trip limits are not a perfect way to limit effort in this high-volume fishery, because of the way catch is handled and the potential for discarding to occur as vessels near/achieve their trip limit. There is also difficulty in enforcing trip limits on a high volume fishery. However, given the Council's intent, trip limits appear to be the only remaining practicable way to limit a secondary tier. These limits could apply to non-

requalifying MRIs generally, or only apply to MRIs that are placed in a secondary Tier. In all cases, trip limits would be a measure that could be monitored and changed via annual specifications.

For alternatives C4-C6: During a January 8, 2019, FMAT meeting, the FMAT discussed the trip limit issue, and public comments noted that given the nature of the *Illex* fishery (high volume with substantial travel time), trip limits up to 48,000 pounds do not allow any real directed fishing and that higher trip limits should be considered. To explore this issue considering the FMAT meeting discussion, staff sorted 2019 trips by the 17 permits (51-34=17) that would not qualify under a 1997-2013 500,000 pound criteria but would qualify under a more liberal 1997-2019 50,000 pound criteria (see Table 4). Those permits made 157 trips over 10,000 pounds in 2019. The median pounds of *Illex* on those trips was 66,485 pounds, 75% of the trips were below 85,000 pounds, and 95% of trips were below 124,000 pounds. During review of the FMAT summary after the call, the FMAT concurred that these thresholds could be used as the basis for additional (higher) trip limit options for a 2nd tier.

Alternative C1: No action/status quo. No additional trip limits would be considered, so non-requalifying MRIs would only be eligible for an open-access incidental catch squid/butterfish permit that allows up to 10,000 lb of *Illex* squid per trip.

Alternative C2: Use longfin squid approach of providing non-requalifying/Tiered MRIs with double the current incidental permit limit (10,000 pounds * 2 = 20,000 pounds) in consideration of their historic participation that qualified them originally for the *Illex* permit but does not meet the requalification criteria.

Alternative C3: Provide non-requalifying/Tiered MRIs with a 48,000 pound trip limit. Trips landing up to 48,000 pounds 1997-2018 only accounted for 5% of landings, so 48,000 pounds could be a *higher than incidental* trip limit that would be unlikely to result in using a large percentage of the quota (but performance would need to be monitored in case 48,000 pound trips utilized more of the quota than anticipated).

Alternative C4: Provide non-requalifying/Tiered MRIs with a 67,000 pound trip limit. This represents the median (half above and half below) trip for the 157 2019 trips over 10,000 pounds by the 17 permits that would not qualify under a 1997-2013 500,000 pound criteria but would qualify under a more liberal 1997-2019 50,000 pound criteria, rounded up to the nearest 1,000 pounds.

Alternative C5: Provide non-requalifying/Tiered MRIs with an 85,000 pound trip limit. This represents the 75th percentile (covers 75% of trips) for the 157 2019 trips over 10,000 pounds by the 17 permits that would not qualify under a 1997-2013 500,000 pound criteria but would qualify under a more liberal 1997-2019 50,000 pound criteria, rounded up to the nearest 1,000 pounds.

Alternative C6: Provide non-requalifying/Tiered MRIs with a 124,000 pound trip limit. This represents the 95th percentile (covers 95% of trips) for the 157 2019 trips over 10,000 pounds by the 17 permits that would not qualify under a 1997-2013 500,000 pound criteria but would qualify under a more liberal 1997-2019 50,000 pound criteria, rounded up to the nearest 1,000 pounds.

6D - ALTERNATIVE SET D: OTHER *ILLEX* PERMITTING MANAGEMENT MEASURES

In Set D the Council is considering several other alternatives that could accompany the requalification options. The Council had some discussion of a start date for the *Illex* fishery and the FMAT discussed additional changes to reporting, but the FMAT recommended that these issues are not ripe for action given ongoing work of the *Illex* Working Group, which may generate relevant information on *Illex* growth, productivity, and more responsive monitoring/assessment approaches.

Alternative D1: No action/status quo. No changes to other *Illex* management measures.

Alternative D2: Require a maximum volumetric fish hold measurement for limited access *Illex* MRIs. To remain in the *Illex* limited access fishery, vessels would be required to obtain a fish hold measurement from an individual credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors (NAMS) or from an individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors (SAMS). In terms of hold changes, vessels that are upgraded or used as replacement vessels would have to be resurveyed by a surveyor (accredited as above) unless the replacement vessel already had an appropriate certification and the documentation would have to be submitted to NMFS. Vessels that are sealed by the Maine State Sealer of Weights and Measures will also be deemed to meet this requirement. The hold capacity measurement submitted at the time of requalification would serve as another permit baseline in addition to existing vessel length and horsepower baselines. The hold volume could only be increased once, whether through refitting or vessel replacement. Any increase cannot exceed 10 percent of the MRI's baseline hold measurement. NMFS staff has noted concerns with enforcing the upgrade restrictions – they don't have anyone to inspect fish holds and rely on the documentation provided by applicants and surveyors. The FMAT has also noted that while there might be some impact on capacity utilization by regulating fish hold, there are many factors that can affect capacity use. Existing hold measurements and baselines (from the mackerel and/or herring fisheries) would be used where applicable.

Alternative D3: Clarify that daily catch of *Illex* is required via Vessel Monitoring Systems (VMS) for vessels with limited access *Illex* permits. Vessels are currently required to declare into the *Illex* fishery with VMS but some of the language for daily catch reporting is vague.

7. Impacts of the Alternatives

This section summarizes the expected potential impacts of this action. Biological and socioeconomic, as well as potential impacts to habitat and protected species, will be analyzed in more detail in an environmental assessment which will be finalized in accordance with the National Environmental Policy Act after the Council selects preferred alternatives (tentatively scheduled for June 2020). Significant habitat and/or protected species impacts are not expected. The environmental assessment will be subject to an additional public comment period.

The impacts of the alternatives depend on how many of the 2019 76 *Illex* MRIs[3] requalify, what their recent participation in the fishery has been, and what restrictions are placed on non-requalifiers. The first step in understanding impacts is to identify how many MRIs re-qualify (or not) under each alternative, and what their fishery participation has been.

Re-Qualifiers

The following tables provide the numbers of MRIs that first do requalify (Table 4) and next do **not** requalify (Table 5, next page) for each combination of time period (Alternative Set A) and threshold (Alternative Set B). The numbers of non-requalifiers are simply calculated as 76 minus the number of requalifiers. For both tables, the percentages in parentheses reflect expected permit reduction proportions (from the 76 total in 2019), for each combination.

Table 4. Numbers of Requalifiers and Percent Permit Reduction from 76 2019 Limited Access Permits for Each Possible Time Period and Threshold Option.

Note: All re-qualifier estimates preliminary.	More re-qualifiers → Less re-qualifiers						
Percent in paranthesess is percent reduction of MRIs(1) (76 total in 2019) / Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds (2)	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period (3)
More re-qualifiers: 1997-2019	51 (-33%)	49 (-36%)	50 (-34%)	47 (-38%)	45 (-41%)	35 (-54%)	28 (-63%)
1997-2018	50 (-34%)	48 (-37%)	48 (-37%)	44 (-42%)	41 (-46%)	30 (-61%)	25 (-67%)
1997-2013	43 (-43%)	42 (-45%)	40 (-47%)	38 (-50%)	34 (-55%)	28 (-63%)	24 (-68%)
2004-2013	38 (-50%)	37 (-51%)	35 (-54%)	34 (-55%)	30 (-61%)	21 (-72%)	21 (-72%)
Need landings in **both** 1997-2013 ***and*** 2014-2019	30 (-61%)	30 (-61%)	28 (-63%)	27 (-64%)	21 (-72%)	13 (-83%)	15 (-80%)
Less re-qualifiers: Need landings in **both** 1997-2013 ***and*** 2014-2018	25 (-67%)	25 (-67%)	24 (-68%)	21 (-72%)	15 (-80%)	12 (-84%)	13 (-83%)

(1) A Moratorium Rights Identifier (MRI) is a unique NMFS-issued number that identifies a unique permit history, and may move between vessels over time.

(2) 48,000 pounds is the trip size (rounded to 1000s of pounds) that accounts for 95% of total landings from 1997-2018

(3) And these vessels are those with the highest total landings in the time period. While the 95% option (far right column) could be a stand-alone option, it also provides information regarding all the other options in the same row. For example, about 50 vessels would requalify if a threshold of 50,000 pounds was used over 1997-2018, and 28 of those 50 MRIs accounted for 95% of landings during that time period.

[3] MRI = Moratorium right ID, which tracks fishing history of a limited access permit even if it moves between vessels.

Table 5. Numbers of Non-Requalifiers and Percent Permit Reduction from 76 2019 Limited Access Permits for Each Possible Time Period and Threshold Option.

Note: All re-qualifier estimates preliminary.		More re-qualifiers → Less re-qualifiers						
Percent in parantheses is percent reduction of MRIs(1) (76 total in 2019)	Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds (2)	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period (3)
More re-qualifiers	1997-2019	25 (-33%)	27(-36%)	26 (-34%)	29 (-38%)	31 (-41%)	41 (-54%)	48 (-63%)
	1997-2018	26 (-34%)	28 (-37%)	28 (-37%)	32 (-42%)	35 (-46%)	46 (-61%)	51 (-67%)
	1997-2013	33 (-43%)	34 (-45%)	36 (-47%)	38 (-50%)	42 (-55%)	48 (-63%)	52 (-68%)
	2004-2013	38 (-50%)	39 (-51%)	41 (-54%)	42 (-55%)	46 (-61%)	55 (-72%)	55 (-72%)
	Need landings in **both** 1997-2013 ***and*** 2014-2019	46 (-61%)	46 (-61%)	48 (-63%)	49 (-64%)	55 (-72%)	63 (-83%)	61 (-80%)
Less re-qualifiers	Need landings in **both** 1997-2013 ***and*** 2014-2018	51 (-67%)	51 (-67%)	52 (-68%)	55 (-72%)	61 (-80%)	64 (-84%)	63 (-83%)
	(1) A Moratorium Rights Identifier (MRI) is a unique NMFS-issued number that identifies a unique permit history, and may move between vessels over time.							
	(2) 48,000 pounds is the trip size (rounded to 1000s of pounds) that accounts for 95% of total landings from 1997-2018							
	(3) And these vessels are those with the highest total landings in the time period. While the 95% option (far right column) could be a stand-alone option, it also provides information regarding all the other options in the same row. For example, about 50 vessels would requalify if a threshold of 50,000 pounds was used over 1997-2018, and 28 of those 50 MRIs accounted for 95% of landings during that time period.							

Potential Impact Relative to Recent Landings

The next step is to generally identify how *Illex* landings might be impacted based on the requalification options. The following three tables identify how much of the revenues in three time periods, 2011-2013, 2014-2016, and 2017-2019 (one table per timeframe) were made by permits that would **not** requalify under each option. The take home message from these tables is that if the most recent landings are not used for requalification, MRIs representing about a quarter of 2017-2019 *Illex* revenues (see Table 8) would not be able to participate in the directed fishery, or be subject to reduced trip limits, depending on Council action in other alternative sets.

Table 6. Percent of total **2011-2013** *Illex* revenues landed by MRIs that would not requalify under each requalification option.

	Percent of 2011-2013 revenues coming from MRIs that would not requalify under each requalification option.						
Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period
1997-2019	0%	0%	0%	0%	0%	5%	3%
1997-2018	0%	0%	0%	0%	0%	4%	3%
1997-2013	0%	0%	0%	1%	1%	3%	3%
2004-2013	0%	0%	0%	1%	1%	4%	4%
Need landings in **both** 1997-2013 ***and*** 2014-2019	3%	3%	4%	4%	5%	6%	6%
Need landings in **both** 1997-2013 ***and*** 2014-2018	3%	3%	4%	5%	5%	6%	7%
	Rounded to Nearest Percent						

Table 7. Percent of total **2014-2016** *Illex* revenues landed by MRIs that would not requalify under each requalification option.

	Percent of 2014-2016 revenues coming from MRIs that would not requalify under each requalification option.						
Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period
1997-2019	0%	0%	0%	0%	0%	1%	1%
1997-2018	0%	0%	0%	0%	0%	0%	1%
1997-2013	0%	0%	1%	1%	1%	1%	1%
2004-2013	0%	0%	1%	1%	1%	1%	1%
Need landings in **both** 1997-2013 ***and*** 2014-2019	0%	0%	1%	1%	1%	1%	1%
Need landings in **both** 1997-2013 ***and*** 2014-2018	0%	0%	1%	1%	1%	1%	1%
	Rounded to Nearest Percent						

Table 8. Percent of total **2017-2019** *Illex* revenues landed by MRIs that would not requalify under each requalification option.

	Percent of 2017-2019 revenues coming from MRIs that would not requalify under each requalification option.						
Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period
1997-2019	0%	0%	0%	1%	3%	17%	25%
1997-2018	4%	4%	4%	12%	17%	26%	27%
1997-2013	22%	22%	24%	24%	27%	28%	27%
2004-2013	24%	24%	25%	25%	27%	30%	28%
Need landings in **both** 1997-2013 ***and*** 2014-2019	20%	20%	22%	22%	27%	27%	28%
Need landings in **both** 1997-2013 ***and*** 2014-2018	24%	24%	25%	27%	30%	28%	31%
	Rounded to Nearest Percent						

Based on recent fishery performance and the early *Illex* closures, during a good year requalifying vessels could likely make up the potential "lost" proportion of catch/revenues at current quota levels. In other words, the MRIs that would requalify under each alternative would likely still be able to catch the current quota if the landings of non-requalifying MRIs are reduced. During slower fishing years, eliminating the more recently active vessels may reduce total landings (less vessels would be out looking for *Illex*), but it is not possible to determine by how much, since participation will broadly change during slower fishing years.

Dependence on *Illex* by Non-Requalifying and Requalifying MRIs

The proportion of overall *Illex* revenues represented by non-requalifying MRIs translates into impacts on individual vessels. Tables 9 and 10 count the number of first **non**-requalifying and then requalifying MRIs that had *Illex* representing at least 25% of their 2019 revenues for each alternative set. Similar to the fishery revenue tables above, one can observe that not using the most recent years to requalify MRIs results in more MRIs not requalifying that had *Illex* as at least 25% of their 2019 revenues. One can also observe in these tables however, that the threshold is also important – the higher thresholds also exclude a substantial number of MRIs that had *Illex* as a substantial percent of their 2019 revenues, but under the higher thresholds did not land enough poundage to requalify even if landings through 2019 are utilized.

Table 9. Number of non-requalifying MRIs that had *Illex* representing at least 25% of their 2019 revenues for each qualification period and landing threshold combination.

	Number of non-requalifying vessels that had Illex representing at least 25% of their 2019 revenues under each requalification option.						
Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds [2]	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period [3]
1997-2019	0	0	0	0	0	3	7
1997-2018	1	1	1	3	4	8	9
1997-2013	6	6	6	6	8	9	9
2004-2013	7	7	7	7	9	12	11
Need landings in **both** 1997-2013 ***and*** 2014-2019	6	6	6	6	10	14	11
Need landings in **both** 1997-2013 ***and*** 2014-2018	9	9	9	10	14	15	14

Table 10. Number of requalifying MRIs that had *Illex* representing at least 25% of their 2019 revenues for each qualification period and landing threshold combination.

	Number of requalifying vessels that had Illex representing at least 25% of their 2019 revenues under each requalification option.						
Thresholds / Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least one trip above 48,000 pounds [2]	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year	MRIs that accounted for 95% of total landings in time period [3]
1997-2019	25	25	25	25	25	22	18
1997-2018	24	24	24	22	21	17	16
1997-2013	19	19	19	19	17	16	16
2004-2013	18	18	18	18	16	13	14
Need landings in **both** 1997-2013 ***and*** 2014-2019	19	19	19	19	15	11	14
Need landings in **both** 1997-2013 ***and*** 2014-2018	16	16	16	15	11	10	11

Tables 9 and 10 above were the results for 2019 from a broader analysis that looked at each MRI's annual dependence on *Illex* for revenues over time from 1997-2019. We cannot list *Illex* dependence for each permit due to data confidentiality constraints, but figures called "boxplots" can communicate the information for the fleet in some detail. Appendix A provides boxplot figures that describe the requalifying and non-requalifying MRI's annual dependence on *Illex* for each time period/threshold option (42 figures). Three of those options are provided below, both to explain how to generally interpret the figures in Appendix A and because their comparative findings are generally instructive. They are not chosen to suggest them as preferred options. The example time period/threshold options are: 1997-2019 with 50,000 pounds in any year (requalifies the most), 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each (requalifies the least), and 1997-2013 with 300,000 pounds in any year (middle option). The general result is that more MRIs are impacted, and impacted to a greater degree, if more recent years are not used for requalification, or if higher thresholds are used, especially relative to their recent landings.

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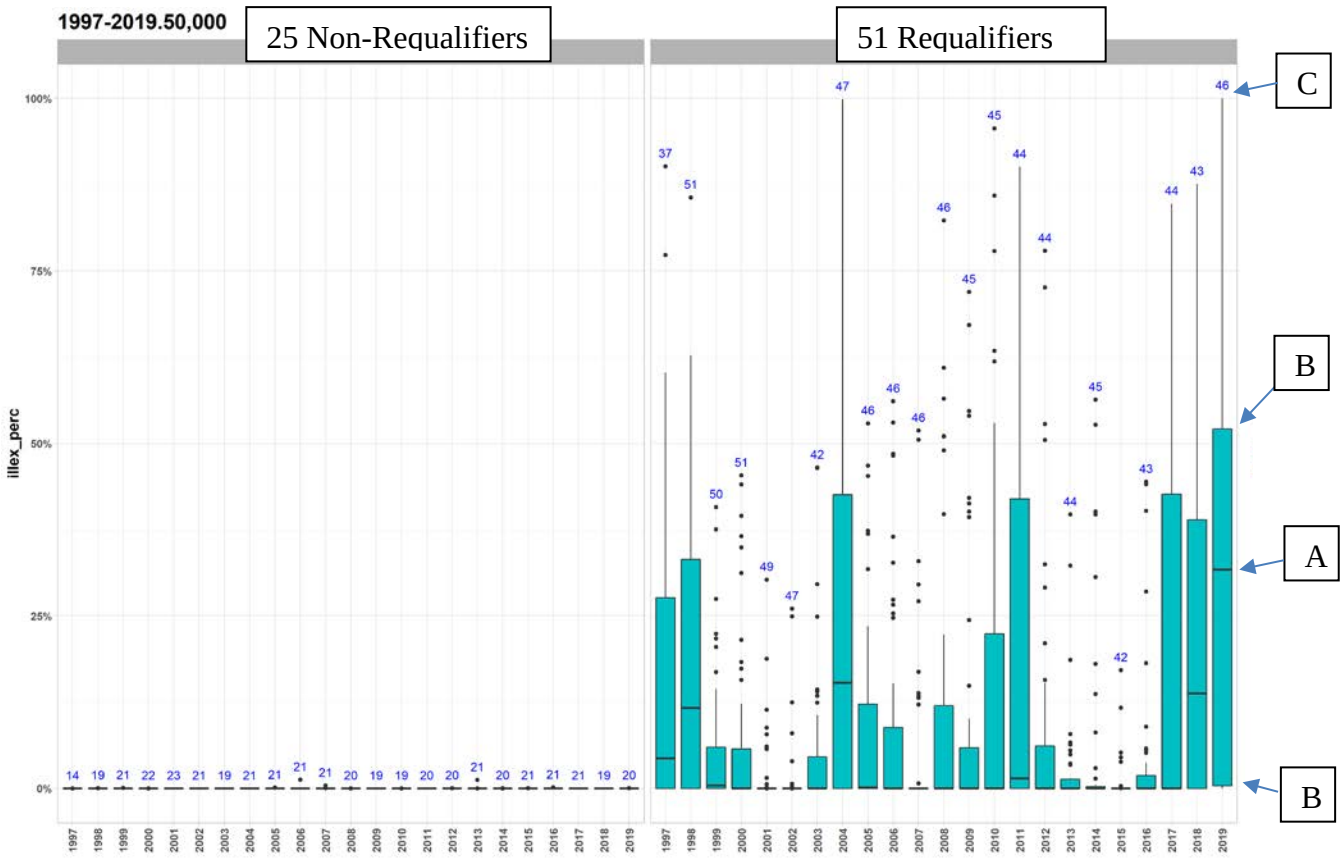
Figure 10. MRI *Illex* Dependencies for the 1997-2019/50,000-pound option.
Bar is the interquartile (middle) range (IQR); black horizontal line is the median; vertical lines extend to observations near 1.5 * IQR; outliers are dots.



This is an example figure from the 42 figures in Appendix A and describes *Illex* dependency relative to all revenues for the 1997-2019/50,000 pounds requalification option. Dependence on *Illex* revenues for **non**-requalifiers is on the **left** and for ***requalifiers*** is on the ***right***. The blue numbers for each year show the MRIs that had at least some revenues (any species) in each year. For example there are 51 requalifiers in this option but in 2019 only 46 had some revenues from any species ("C"). The median of active MRIs' *Illex* dependence is represented by a black horizontal line (e.g. "A"). If the median is zero or close to zero in a year it will not be visible. The solid bars indicate the typical (i.e. the middle 50% group) MRIs' dependence on *Illex* revenues. This is called the interquartile range (IQR). If no bar is visible then that middle group's dependence is at or near zero for that year. The vertical lines or "whiskers" extend to an observation about 1.5 times the IQR to highlight outliers (the dots) even further out. This boxplot (Figure 10) shows that for the 1997-2019/50,000 pounds option there are no non-requalifiers with any substantial ongoing dependence on *Illex* (note the nearly empty left side). There is a wide range of dependencies for the 51 requalifying MRIs on the right side. In 2019, the median dependency on *Illex* by requalifiers (far right) was about 30% ("A") and the typical MRIs (middle 50% of MRIs) ranged from 0% dependence to about 50% dependence ("Bs") but at least one had about 100% dependence on *Illex* (the top of the vertical line near "C").

Figure 11. MRI *Illex* Dependencies for the 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each period option.
Bar is the interquartile (middle) range (IQR); black horizontal line is the median; vertical lines extend to observations near 1.5 * IQR; outliers are dots.

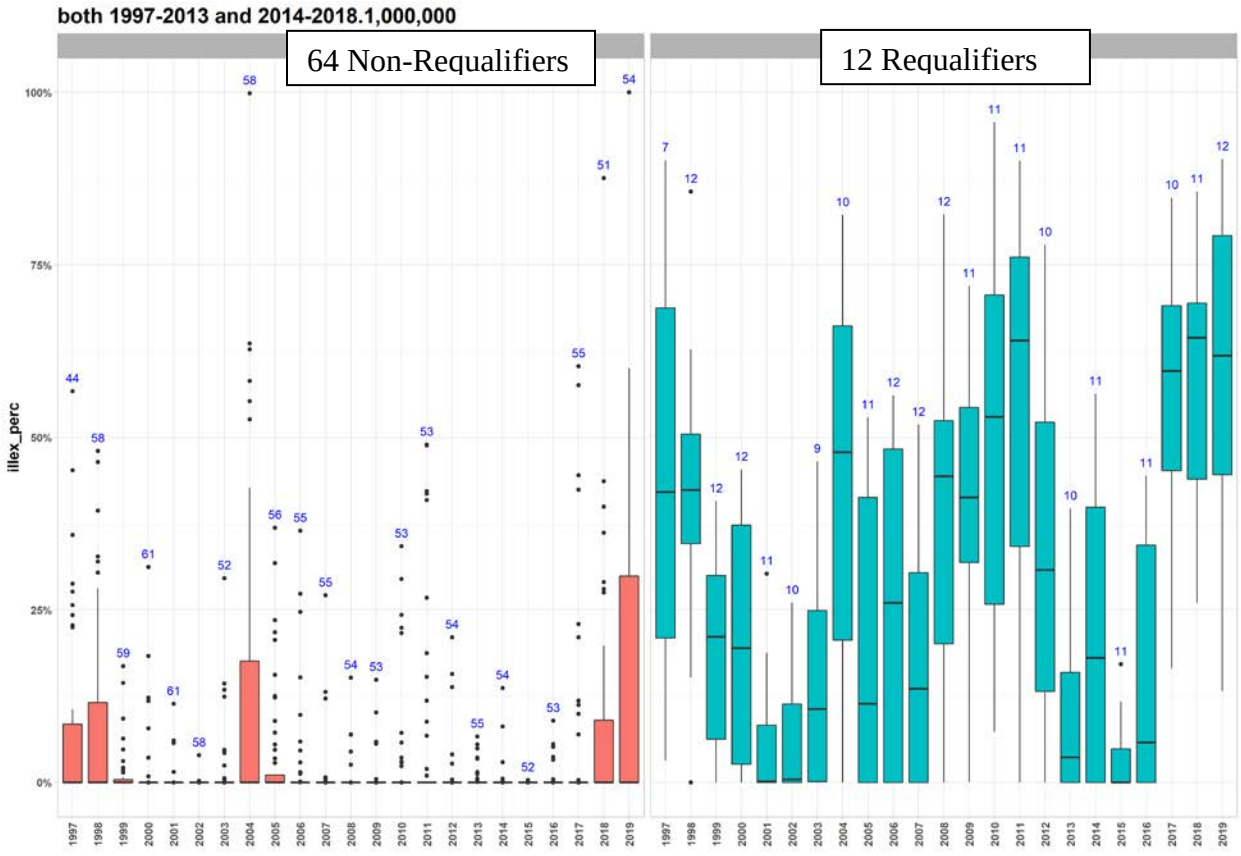
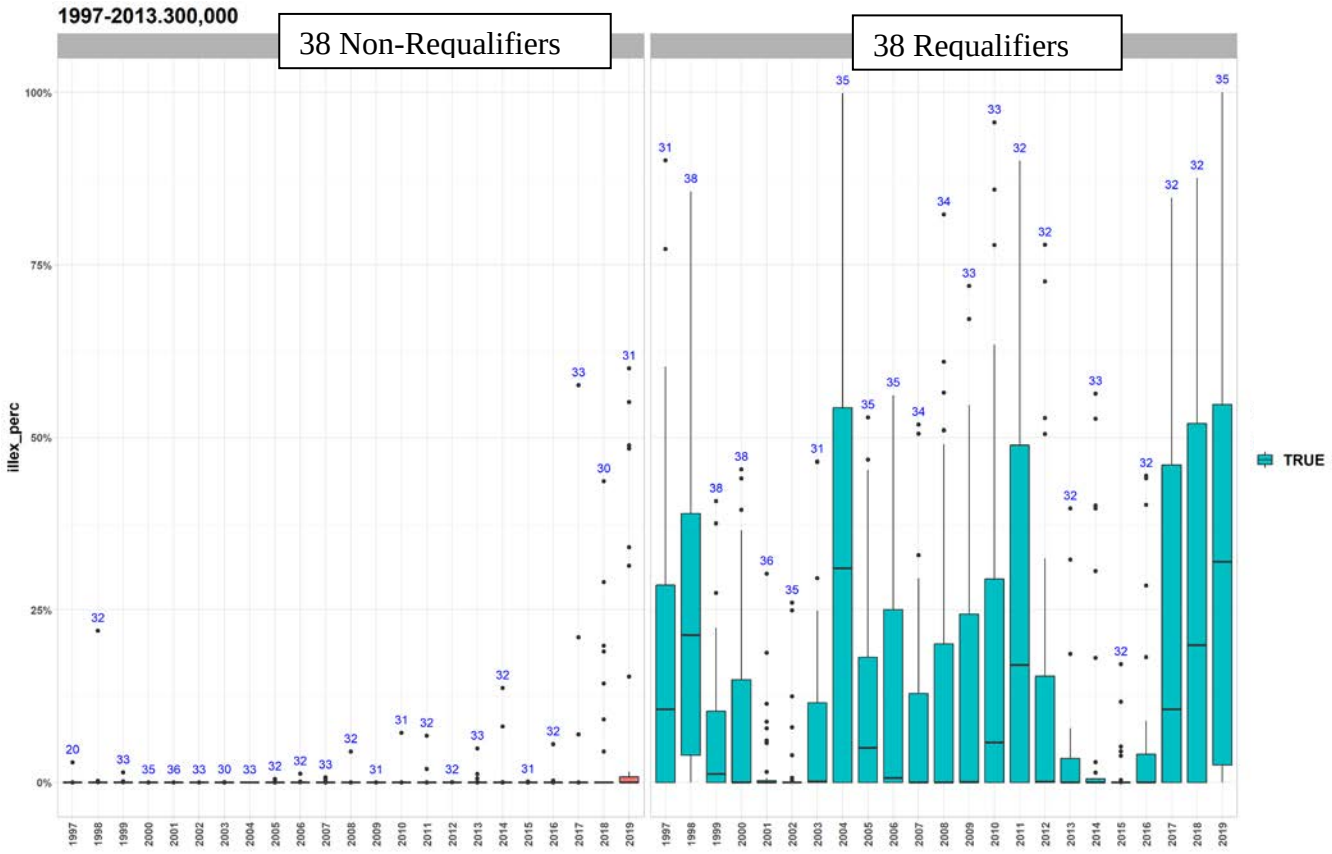


Figure 11 contrasts with Figure 10 since the 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each period option requalifies the fewest (12) MRIs. While in most years most non-requalifiers (left side) still had relatively little dependence on *Illex* (the bars are on or near zero in most years), there are some years where the range of the bars (representing the middle 50% of MRIs) extends beyond 10% dependence (including in 2019 which was above 25%), and there are numerous outliers in nearly every year, indicating ongoing participation but not enough to requalify under this option. There is a wide range of dependencies for the 12 requalifiers, and the requalifying MRIs tend to have relatively high dependencies compared to other options.

Figure 12. MRI *Illex* Dependencies for the 1997-2013/300,000 pounds option.
Bar is the interquartile (middle) range (IQR); black line horizontal is the median; vertical lines extend to observations near 1.5 * IQR; outliers are dots.



The figure above illustrates a relative middle ground between the other two illustrated extremes from an analytical perspective - these are the results for the requalification using 1997-2013 with 300,000 pounds in any year (38 requalifiers). Most non-requalifying MRIs have minimal dependence on *Illex*, as evidenced by the bars on the left being at or near zero, but there are a number of outliers that had more dependence, especially in the most recent years, as would be expected given this option utilizes the 2013 control date.

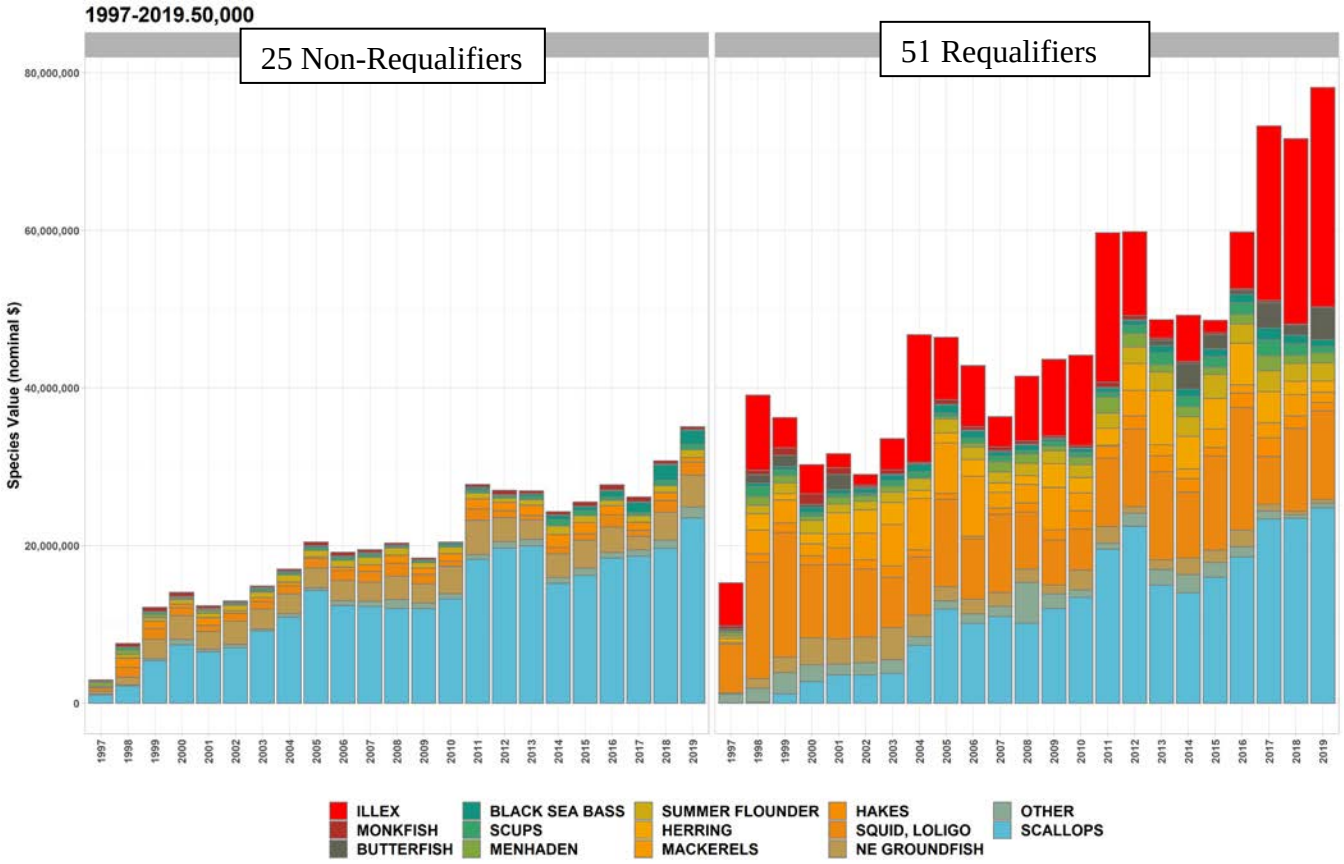
Participation in Other Fisheries

The figures in Appendix B build off of the revenue dependence to ask what species (*Illex* and others) make up MRIs' revenue portfolios when sorted into non-requalifying (left side) and requalifying (right side) groups for each of the 42 requalification criteria options. Several general conclusions can be made after reviewing the figures in Appendix B. As above, the same three options are provided immediately below, both to explain how to generally interpret the figures in Appendix B and because the general findings of the analysis aligns with these three examples. Again the three example illustrative time period/threshold options are: 1997-2019 with 50,000 pounds in any year (requalifies the most), 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each (requalifies the least), and 1997-2013 with 300,000 pounds in any year (middle option).

The general result observable in Appendix B is that if more recent years are not used for requalification, or if higher thresholds are used, *Illex* contributes a greater portion of revenues for non-requalifiers, though still relatively low for most. Scallops are the dominant revenue source in recent years for non-requalifiers across all options. Requalifiers have a relatively high contribution from *Illex* but other species make substantial contributions as well, including in recent years scallops, longfin squid, and butterfish. Appendix B can be consulted for each time period/threshold option to see more precisely how MRIs are affected under various options.

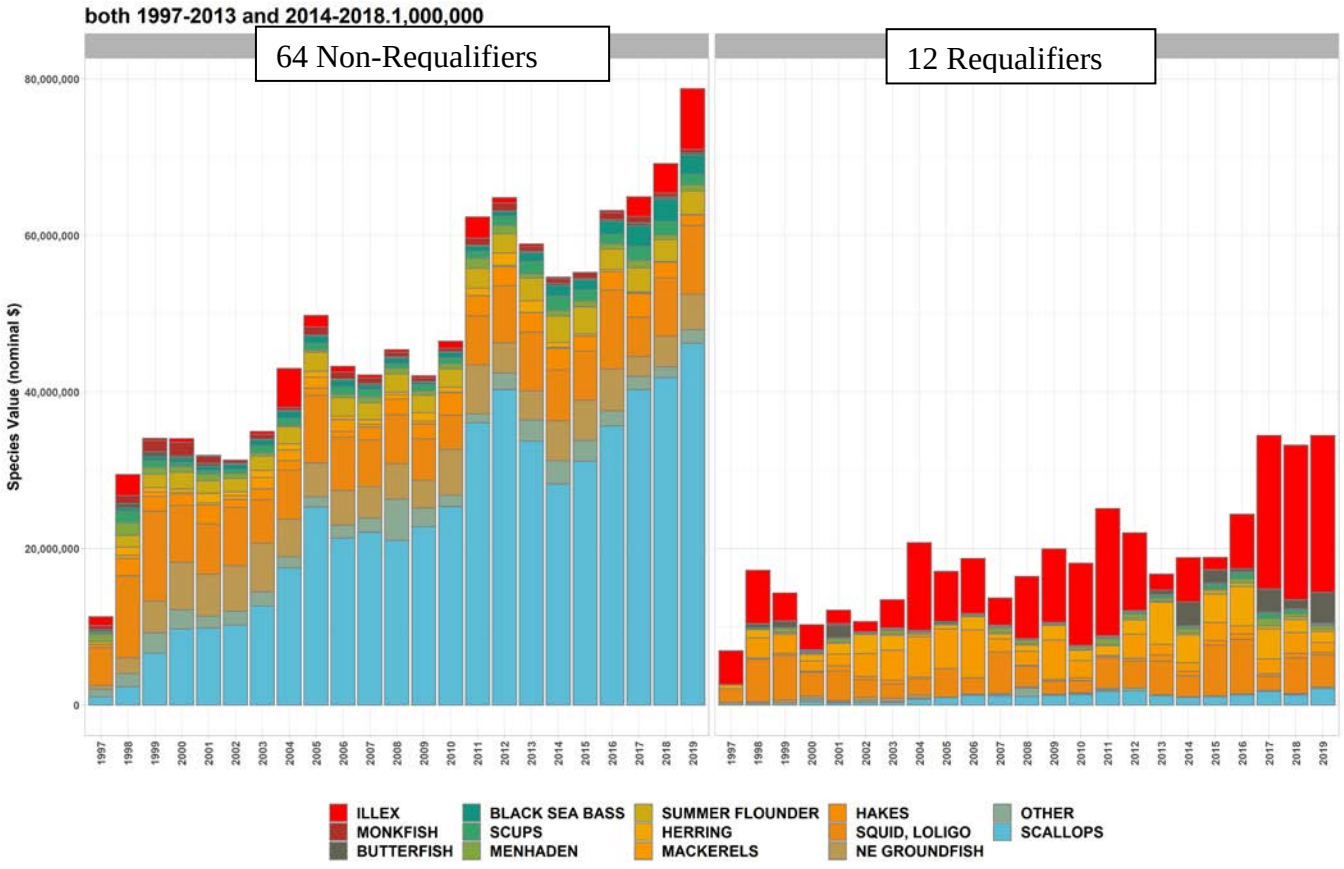
Revenues from other fisheries (this section) and possession of other permits (next section) provide information about fleet behavior generally and the capabilities of vessels to participate in other fisheries.

Figure 13. Species revenues, by year, for the 1997-2019/50,000-pound option. Species in the top 10 for any year are included.



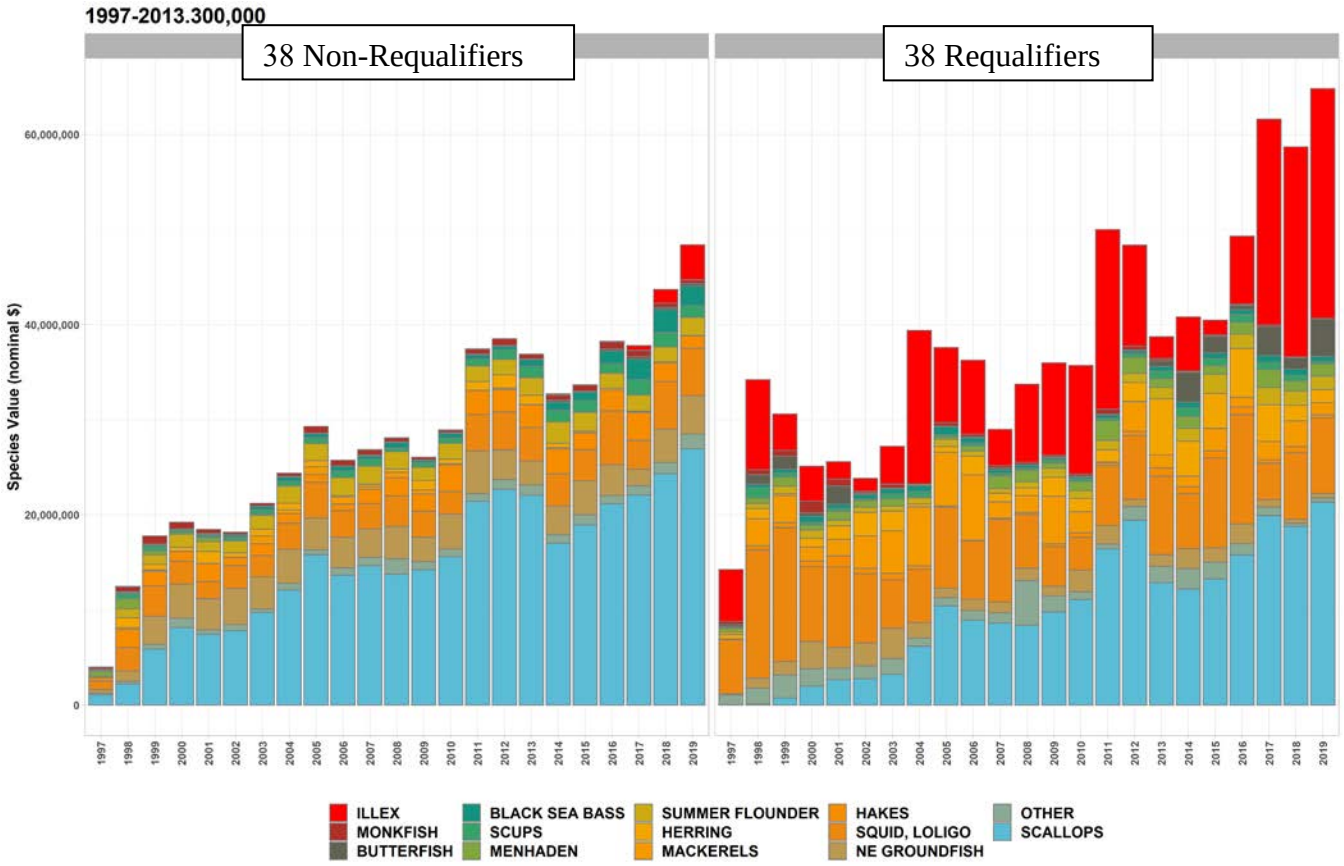
An immediate observation is that for the 1997-2019 50,000 pound option, non-requalifiers as a group have very little revenue from *Illex* (top red component), matching the MRI-level analysis in Appendix A. Most of their revenues in recent years came from scallops (bottom blue component). For qualifiers, in addition to *Illex*, scallops and longfin squid (middle orange component) are major contributions.

Figure 14. Species revenues, by year, for the 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each period option. Species in the top 10 for any year are included.



For the 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each option, the revenue distributions change. *Illex* contributes more for the non-requalifiers revenues as a group, but is still a relatively small portion. Scallops remain the dominant revenue source in recent years. For the few (12) requalifiers in this group, *Illex* frequently contributes more to total revenues than other individual species. For requalifiers, total revenues are lower as would be expected with so few vessels in the requalifying group.

Figure 15. Species revenues, by year, for the 1997-2013/300,000-pound option. Species in the top 10 for any year are included.



For the 1997-2013 with 300,000 pounds in one year option the revenue distributions change again. For non-requalifiers *Illex* revenues are in between the other two previous examples, and are still a relatively small portion. Scallops remain the dominant revenue source for non-requalifiers in recent years. For the requalifiers in this group, *Illex* is a major portion of revenues, with scallops, longfin squid, and butterfish also making substantial contributions.

Permits in Other Fisheries

Depending on the vessel and the vessel's permit suite, possession of other permits may allow participation in other fisheries, which is a required consideration for limited access systems. The figures below provide information on permits that the FMAT determined might be relevant – some permits such as spiny dogfish and tilefish have been omitted. Counts of MRIs that have the permit are shaded black, and counts of MRIs that do not have the permit are shaded grey. The figures in this section reflect the same three illustrative example time period/threshold options as above: first 1997-2019 with 50,000 pounds in any year (requalifies the most), then 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each (requalifies the least), and finally 1997-2013 with 300,000 pounds in any year (middle option). Inactive permits currently in confirmation of permit history are not included in this analysis so not quite all 76 2019 *Illex* MRIs are included. Permit counts for all combinations are included in Appendix C.

Figure 16. Permits held by non-requalifying (left) and requalifying (right) MRIs for the 1997-2019/50,000-pound option.

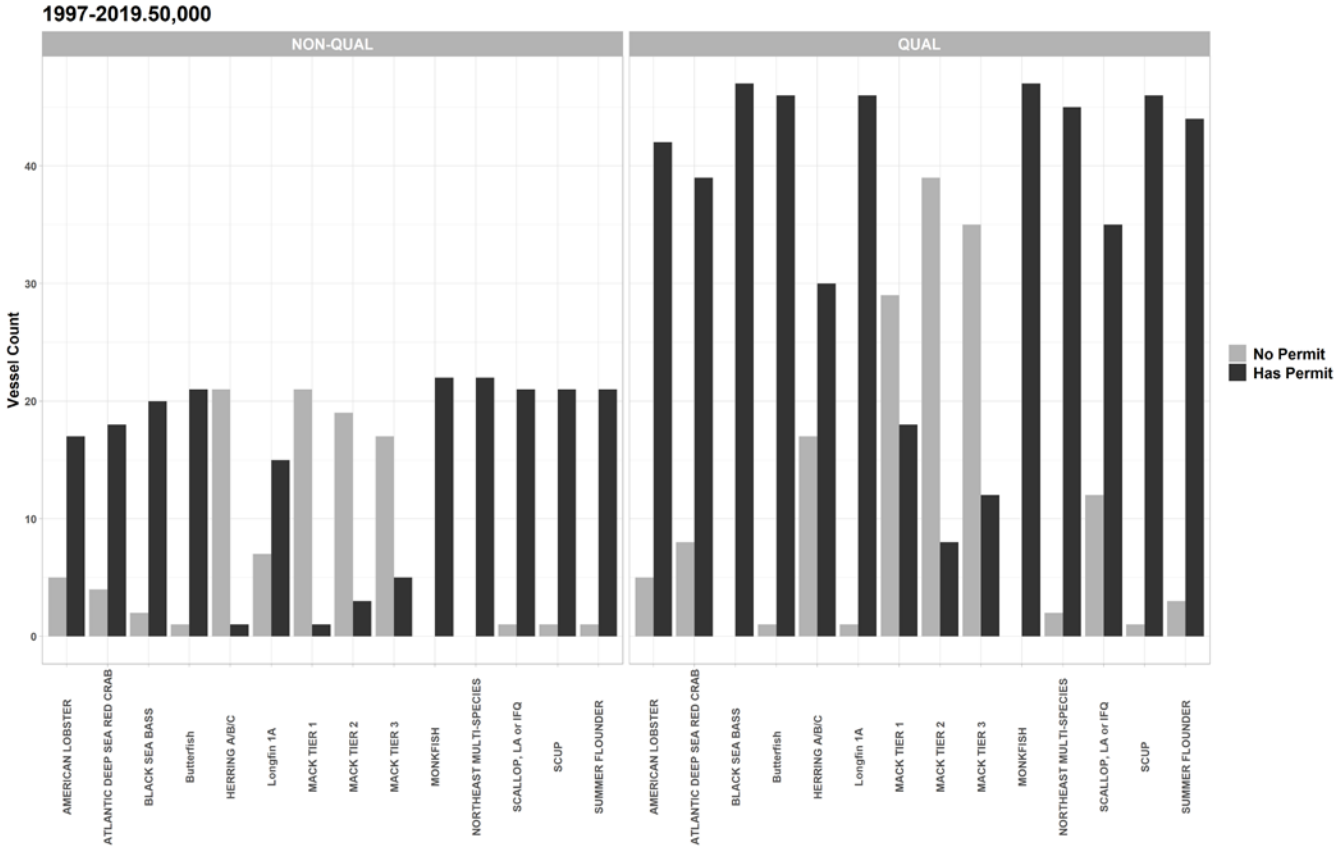


Figure 17. Permits held by non-requalifying (left) and requalifying (right) MRIs for the 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each period option

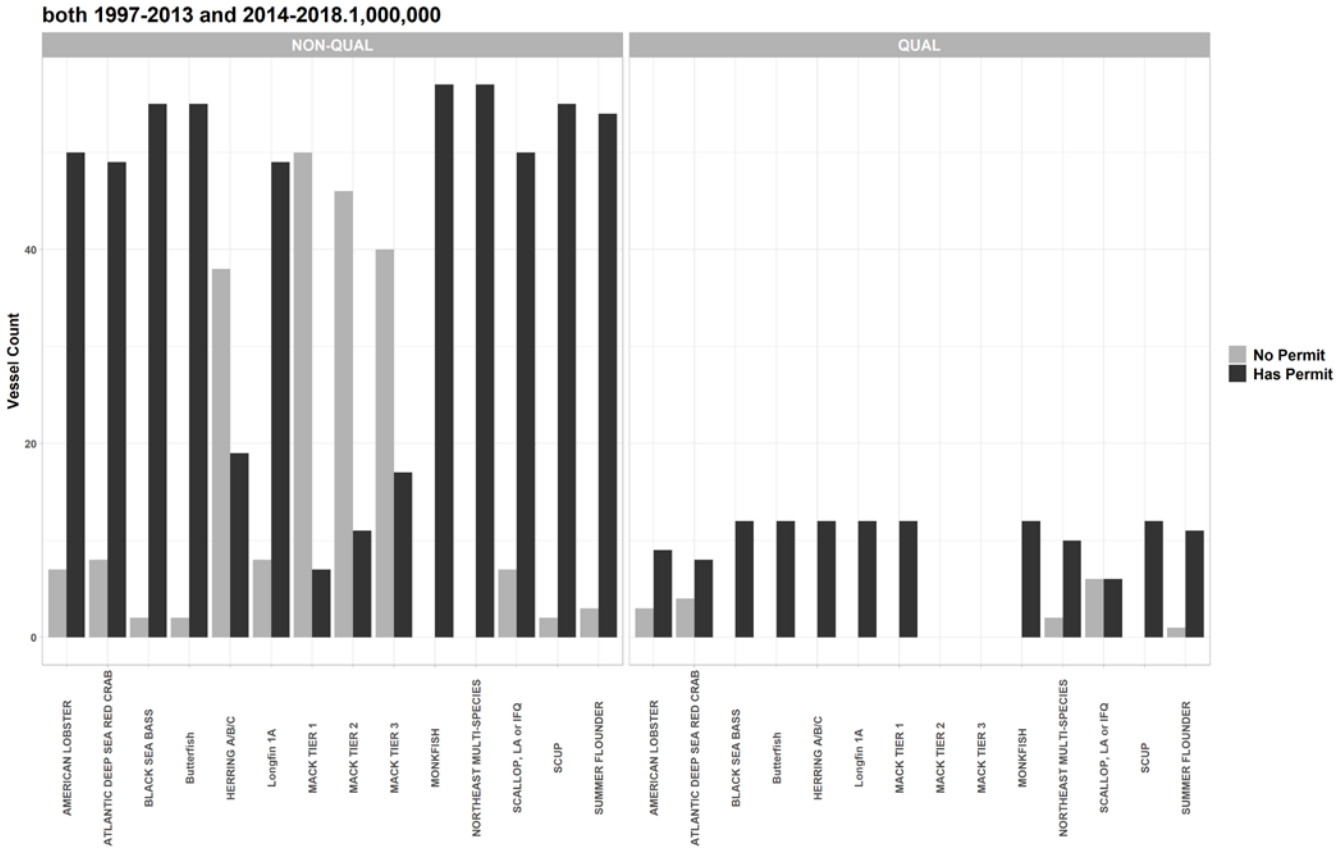
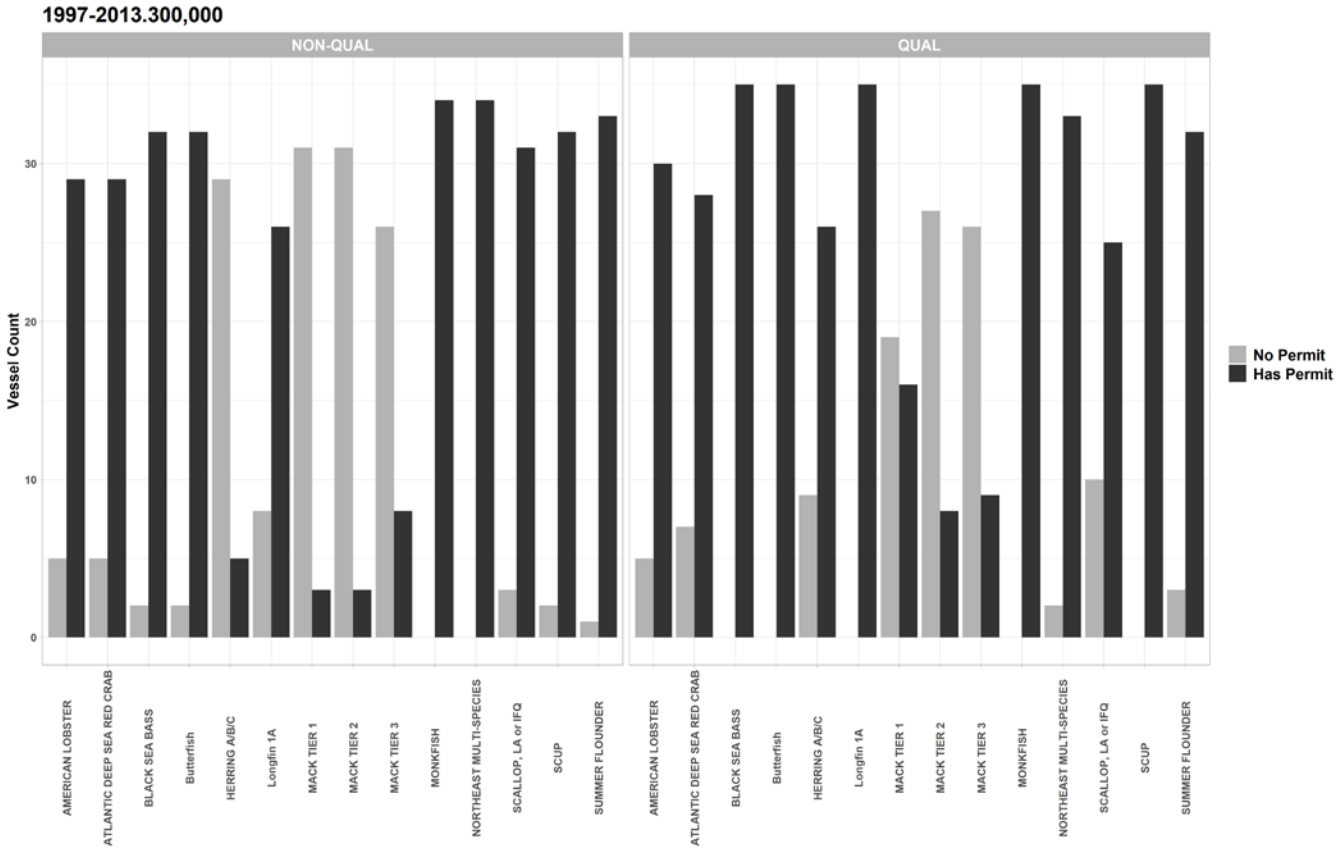


Figure 18. Permits held by non-requalifying (left) and requalifying (right) MRIs for the 1997-2013/300,000-pound option.



Impacts

With an understanding of qualification and participation, several likely conclusions can be made regarding the impacts from the alternatives. Impacts will be analyzed in more detail in an environmental assessment which will be finalized in accordance with the National Environmental Policy Act after the Council selects preferred alternatives (tentatively scheduled for June 2020) but before additional public comment on any proposed rule.

Biological Impacts on the *Illex* Stock

Requalification alternatives (Sets A and B) will impact the number of vessels that have access to the *Illex* squid fishery, in varying degrees. Since the resulting fleet will likely still have the capacity to harvest the full *Illex* quota in a manner similar to previous years when fishing is good, these alternatives are not likely to substantively change the amount or character of overall *Illex* fishing effort. However, since further racing to fish should be mitigated to some degree by reducing recent/additional activation of latent effort, requalification alternatives could help closures occur in a timely fashion to the degree they reduce participants and avoid even faster landings. There could thus be a positive impact to the *Illex* squid resource condition from being able to more effectively close the fishery before quota overages occur, but the impact is low positive due to the limited and indirect nature of the impact (with quota management, overages should be slight in most years).

If the trip limits provided for non-requalifying MRIs allow them to substantially increase effort compared to recent activity, then the goal of avoiding increase in racing to fish (and indirectly avoiding quota overages) may be subverted. Accordingly, higher trip limits for non-requalifying MRIs may have negative impacts compared to only allowing non-requalifying MRIs to obtain an incidental permit, but the impact is low negative due to the limited and indirect nature of the impact.

The hold measurement/upgrade restrictions, in combination with permit requalification, should help to slow additional capacity development in this fishery, reducing additional racing to fish. There would thus be a positive impact to the *Illex* squid resource condition from being able to more effectively close the fishery before quota overages occur, and the impact is low positive due to the limited and indirect nature of the impact. Clarifying that daily VMS reporting of *Illex* is required should have a positive impact on the *Illex* squid resource condition from collecting additional information to more accurately estimate catch rates and more effectively close the fishery before quota overages occur.

Economic Impacts

Requalification alternatives (Sets A and B) will impact the number of vessels that have access to the *Illex* squid fishery, in varying degrees. Since the resulting fleet will likely still have the capacity to harvest the full *Illex* quota in a manner similar to previous years when fishing is good, these alternatives are not likely to substantively change the amount of overall ex-vessel revenues from *Illex* fishing. During slower fishing years, eliminating the more recently active MRIs may somewhat reduce total landings (less vessels out looking for *Illex*), but it is not possible to determine by how much, since participation will broadly change during slower fishing years.

Alternatives that eliminate or reduce access for recent or additional entrants could have a positive impact on re-qualifiers because they would have more secure access to the squid quota and the value of their permit would likely increase. While the non-qualifying MRIs have generally not landed a large proportion of *Illex* historically, with more restrictive alternative combinations some individual non-qualifying MRIs have derived a substantial portion of their revenues from *Illex* in recent years, especially during 2017-2019. These MRIs would have a negative impact compared to their recent performance, and would also lose the value of their permit itself. It is not clear what the current value of an *Illex* permit with low catch history is currently, since to some degree catch history is factored into permit values, and permit trading entities have been aware that requalification is on the table for *Illex* (Council staff receives periodic calls from individuals and entities involved in the buying and selling of permits, requesting information on the status of this action).

If the trip limits provided for non-requalifying MRIs allow them to increase or maintain recent effort, then impacts on them would be mitigated, but then less quota would be available for the other requalified MRIs.

The hold measurement/upgrade restrictions, has costs associated. Informal contacts by council staff with a few marine surveyors revealed that a fish hold measurement could run approximately $10-$80 per foot of vessel length, which could range from as low as $750 for a 75 foot vessel to as high as $12,000 for a 150 foot vessel, depending on the surveyor, the boat design, and travel expenses. To the extent that surveys are already required for insurance purposes these costs may be already part of a vessel's operating costs, and many of the *Illex* permitted vessels already have hold documentation due to their mackerel and/or herring permits.

All limited access permitted *Illex* vessels must already use VMS and many already report their daily *Illex* catches via VMS. Accordingly, costs for clarifying that daily *Illex* catches must be reported via VMS should be minimal.

Safety at Sea Impacts

Racing to fish can have negative impacts on safety at sea related to weather, deferred maintenance, and overloading. Requalification alternatives (Sets A and B) may impact the number of vessels that have access to the *Illex* squid fishery, in varying degrees. Since exacerbation of racing to fish should be mitigated to some degree by reducing recent/additional activation of latent effort, requalification alternatives should benefit safety at sea to the degree they reduce participants. If the trip limits provided for non-requalifying MRIs allow them to substantially increase effort, then the goal of avoiding increase in racing to fish may be subverted. It is not anticipated that other alternatives would affect safety at sea.

Community Impacts

The Council is also concerned about impacts to communities if re-activated permits rapidly change the distribution of landings at relevant ports in communities that have dependence on *Illex*. Based on Table 4, only in North Kingston, RI and Cape May, NJ are *Illex* revenues a sustained and substantial portion of port revenues, with North Kingston substantially more dependent on *Illex* than any other port. While Cape May, NJ has less reliance on *Illex*, according to NMFS' Social Indicators for Fishing Communities, Cape May has relatively higher vulnerability scores (see Figures 4 and 6). Based on these findings, both North Kingston, RI and Cape May, NJ seem potentially disproportionately impacted by disruption or rapid change in the *Illex* fishery.

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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 30, 2020

To: File

From: Jason Didden

Subject: January 8, 2020 Fishery Management Action Team (FMAT) Summary (*Illex*)

The FMAT for the *Illex* Permitting and Mackerel, Squid, Butterfish FMP Goals and Objectives Amendment met via webinar on January 8, 2020. FMAT participants included Jason Didden, Doug Christel, John Walden, Lisa Hendrickson, Ben Galuardi, and Ashleigh McCord.

Other participants who identified themselves included Aly Pitts, Aimee Ahles, Katie Almeida, Dan Farnham, Don Fox, Jeff Kaelin, Greg DiDomenico, Meghan Lapp, Jimmy Elliott, Mike Roderick, Ryan Clark, Brendan Mitchell, Meade Amory, Sam Martin, Eric Reid, and Alissa Wilson.

The purpose of the call was to plan/develop related options/analyses.

This summary follows the agenda for the call, which was made up of items 1-6 below, as well as some general initial discussion.

1. Vessel performance/impacts analysis
2. Community Descriptions
3. Tiers
4. Reporting
5. Hold baseline
6. Start date

General

There was an initial discussion about the need and purpose of the action and metrics to see whether the purpose would be achieved. Staff reviewed the need and purpose as discussed on the last FMAT call. The need is summarized as recent and potential additional entry as causing/worsening racing to fish. The purpose is summarized as at least slowing increases in racing to fish by requalifying vessels based on landings so there are less vessels participating. While anything besides an ITQ is not likely to completely solve racing to fish, limiting participation should

qualitatively slow worsening of the issue. Follow-up analysis by staff indicated that in 2019, landings by the top 20 vessels (out of 76 potential permits), accounted for 90% of the landings, and ranged from approximately 0.8 to 7.3 million pounds, with a median of 1.6 million pounds. The season lasted approximately 14 weeks, so the top vessel averaged around 0.52 million pounds per week and the median vessel (out of the top 20) averaged 0.12 million pounds per week. Five additional vessels performing like the top vessel for 10 weeks could thus land nearly 26 million pounds, or 47% of the 2019 quota. Five additional vessels performing like the median of the top 20 vessels for 10 weeks could likewise land nearly 6 million pounds, or 11% of the quota. While it is not possible to know how vessels may participate in the future or at what level, it does appear that the addition of even a handful of additional participants could have a substantial impact on how soon the fishery closes at the current quota.

The FMAT discussed that there are many combinations of alternatives possible. After public hearings, an option would be to identify 3-5 specific combinations to simplify final decision making. Two of those could be extremes (few and many qualifiers) presented in the public hearing document, and then there could be several combinations presented as middle-range alternatives for final consideration.

1. Vessel performance/impacts analysis

Council and GARFO staff collaborated to develop several analyses for requalification options. It is important to note that the requalification options chosen for analyses were strictly so that the ***analyses*** could be evaluated rather than any conclusions about the particular options.

Several of the counts of requalifiers for different criteria changed by a few permits in the updated analysis due to corrections in the computer code used to predict the resulting requalifiers. Discussion noted that the terms high (more requalifiers) and low (less requalifiers) were confusing and should be avoided.

Generally, the FMAT highlighted that clear textual description of the analyses would be key given the number of options and the effects of changing the relevant years and/or landings thresholds. The FMAT revisited whether time periods before 2017 were necessary to include in terms of performance, and staff reviewed that the three time periods 2017-2019, 2014-2016, and 2011-2013 had been previously identified as providing useful information during varying levels of recent fishery activity, with 2017-2019 being a high activity, 2014-2016 being a period of relatively low activity, and 2011-2013 being a period of intermediate activity.

The FMAT discussed that for the bar graphs demonstrating dependence on Illex, an important and useful summary table would highlight how many vessels recently derived more than 25% of their revenues from *Illex* but would also *not* requalify under the various scenarios. The FMAT discussed that it would be useful for purposes of explanation to use three examples from the 42 qualification combinations that result in more and less numbers of qualifiers to illustrate the trends that exist among all the possible alternatives. The 1997-2019 with 50,000 pounds in any year option requalifies the most, the 1997-2013 plus 2014-2018 with 1,000,000 pounds in one year in each requalifies the least, and the 1997-2013 with 300,000 pounds in any year option would be a middle

option. Public comment noted that price influences the revenue makeup from various species and changes in price would be good to include for reference..

2. Community Descriptions

Staff described that the plan is for the public hearing document to include the top ports for 2011-2019, resiliency indicators for the relevant ports, and the dependence by the various ports on Illex for 2011-2013, 2014-2016, and 2017-2019 (*Illex* revenues compared to total revenues).

3. Tiers

At the October 2019 meeting the Council directed staff to work with the FMAT to develop a Tiered approach. The FMAT concurred that in this fishery, creating a separate quota for a recently active group of vessels was likely to just create two races to fish and might worsen overall racing to fish. The FMAT discussed several options for trip limits for a secondary Tier that would not requalify based on the criteria chosen by the Council. Double the incidental trip limit (10,000 * 2 = 20,000 pounds) would follow the longfin squid model. Trips landing 48,000 pounds or less only accounted for 5% of landings so could be a higher than incidental trip limit that would be unlikely to result in using a large percentage of the quota (but would need to be monitored in case 48,000 pound trips became profitable). Higher trip limit options could also be considered, but would need to be rooted in some behavior of the fishery. It was noted that allowing flexibility in trip limits during specifications would allow year to year adjustments.

There was discussion that the Council could use one requalifying option for a top tier and then another less restrictive requalifying option for a 2nd tier. Recent performance of vessels in the 2nd tier could be used to establish additional trip limit options. As a follow-up, staff sorted 2019 trips by the 17 permits (51-34=17) that would not qualify under a 1997-2013 500,000 pound criteria but would qualify under a 1997-2019 50,000 pound criteria. Those permits made 157 trips over 10,000 pounds in 2019. The median pounds of *Illex* on those trips was 66,485 pounds, 75% of the trips were below 85,000 pounds, and 95% of trips were below 124,000 pounds. During review of this summary after the call, the FMAT concurred that these thresholds could be used as additional trip limit options for a 2nd tier.

The FMAT recommended against having a sub-option that looked at providing a Tier for more recent entrants at each threshold as doing so would likely result in an overly complicated set of alternatives.

The FMAT discussed whether an option could be included that would allow NMFS to decide to suspend a trip limit for a Tier if it determines that the annual quota is unlikely to be harvested (i.e. during a poor year). Such an option would be difficult to feasibly administer in a real time manner. Another option would be to allow such an option to be frameworked at a later date – the *Illex* working group is considering the question of how to identify “good” vs “bad” years and may produce relevant information.

Public comments noted that: even 48,000 pounds is unworkable as a directed landing and that a range up to 200,000 pounds would be appropriate; the longfin squid model of focusing on active versus inactive vessels should be considered; allowing high trip limits will give tiered non-requalifying vessels more daily capacity than some requalifying vessels (especially freezer vessels); low trip limits may allow some useful access for longfin but even 48,000 pounds would not be useful for Illex given the nature of the fishery and the distance traveled; a 100,000 pound trip limit would not allow scaling up to the level of the historical RSW fleet; there should be a qualification option specific to a lower Tier.

4. Reporting

The action can clarify the VMS reporting is required but considering tow-by-tow reporting seems premature at this time given there is ongoing investigation by the Illex working group of related issues and there would not be an immediate management mechanism to use the data. Tow-by-tow reporting requirements can be considered via a framework already so if there was a future determination that such reporting was necessary and appropriate, it would not need an amendment.

5. Hold baseline

A baseline measurement and baseline like was used with mackerel can be included in the hearing document, and enforcement limitations (as previously discussed) will be highlighted.

6. Start date

Staff reviewed several analyses related to when the fishery starts. Depending on the year the fishery typically begins between mid-May and mid-June. There did not appear to be a strong price signal within a year looking at recent average price data, but based on 2010-2019 observer data May squid appear to be shorter than June squid. Several previous analyses have suggested that delaying the season could increase yield (NAFO 1978, NEFSC 1999), but given the ongoing work by the *Illex* working group may be relevant, the FMAT recommends that a start date not be considered in this action. Pending outcomes of the Illex working group, its likely that a season start date could be considered via a framework and not need an amendment.

A public comment asked about discards in May potentially being higher. Follow-up analysis indicated there were 8 observed trips in the Mays of 2017-2019. The discard rate was higher (5% versus the typical 1%-2%; species were mostly butterfish, Atlantic mackerel, scup, and smooth dogfish), but with so few trips it would be difficult to base any decision on this information.

From: Moore, Christopher
To: Didden, Jason
Subject: FW: Ilex comment Due 1/29/2020
Date: Thursday, January 30, 2020 9:22:12 AM

Christopher M. Moore, Ph.D.
Executive Director
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-----Original Message-----
From: Jimmy Elliott <captjimmy@aol.com>
Sent: Wednesday, January 29, 2020 11:37 PM
To: Moore, Christopher <cmoore@mafmc.org>; jidden@mafmc.org
Subject: Ilex comment Due 1/29/2020

To Director and Council

This email is in regard to the " Illex Permitting" Goals and Objectives

I have 2 permitted vessels In the Illex fishery F/V Maizey James and F/V M.F. Hy-Gradet At this time I can only support the least restrictive option of the 50,000 lbs in a given year from 1997-2019. This option as explained a few times is a 34% reduction of permits. How much more could you need . Anything more in reduction you might as well consider it monopolizing.
As stated before the market and fishery have changed in many ways since a control date of 2013 was established and this needs to change with the growth of a renewed development of the fishery with new markets that have been established and the increased biomass of this fishery. If you eliminate too many vessels markets will collapse . New Markets that have been developed will fold and the consumer will go other places or Countries to replace the product . This has happened in other fisheries.
Some of the boats that would qualify under a higher restrictions like one of my vessels do need the vessels that would qualify under the lowest restrictions in order to survive due to certain new markets fishing styles , processing etc. If enough of a fleet is eliminated it could make things tougher on those who do qualify . Example limited or reduction in pack out facilities.

Tiers have been mentioned in meetings prior.I cannot support a tiered system or any type of division or separation of quota.
This is a high volume , fast paced , fishery that needs volume to be profitable. Illex squid is also a very perishable product it doesn't have time to be toted , basketed n weighed . Illex has to be put in the fish hole FAST to ensure quality. Accountability would be near impossible and this could create a heavy discard issue .
"Example" hypothetically you have a trip limit of 50,000 lbs I do an hour tow and estimate it to be 30,000 lbs .This tow alone we are layed up for sometime to get it down in the fish hole . Get the deck clear and I put it back in for 40 minutes hoping to catch less well I do another 30,000 lb tow well that's 10,000 pounds that has to get WASTED and has to go overboard. Now we get back to the dock and Enforcement wants to do a weight check.We check the weight . Turns out I misjudged by 2000 pounds a tow which is easy to do now . A) I'm either 4000 lbs over and in violation or I could be 4000 pounds under which then I discarded fish I could have used.
Also some of us aren't as close to the Illex grounds as others . Boats fishing to the east out of Point Judith n New Bedford if you pull VMS data I'm sure you will find the average trip is 2.5 days long . It's an average steam of 16

hours one way just to one of the canyons that are fished and 16 hours back 32 hours total of just steaming not included fishing time and packing . Lucky to get 2 maybe 3 landings a week.

Fish Hold capacity should not be considered in this amendment. Once again those who are pushing for this have already stretched , converted and upgraded their vessels recently to make them larger capacity then their original designs respectively within the laws of the elimination of gross and net on permitted vessels . Also it could make it very difficult, challenging and costly for those who wish to replace their older vessels in years to come . Let's let the individual owners dictate their workable capacities with in the current NMFS vessel baseline requirement of length and horsepower .Also as stated in a previous meeting by a NMFS representative fish hold size would be tough to enforce.

In closing let's not rush this amendment . This amendment is not being driven by a decline in biomass or over fishing issue . It's being driven by some to control it more. Let the working groups take the proper time they need to possibly find the opportunity to increase the quota before the "Council" makes a rushed decision. Fixing the quota could just fix the issue.

Respectfully

Jimmy Elliott
Owner F/V Maizey James
F/V M.F. Hy-Grader

Sent from my iPad

Gabby G Fisheries Inc.
Po Box 2242
Montauk, NY 11954

01/24/2020

Executive Director Dr. Moore,

These comments are in regards to the proposed illex squid amendment. As per the scoping document,

"…the Council is proposing to develop an amendment because there is considerable latent effort in the Illex squid fishery, which closed early in 2017 and 2018. In most years, the majority of landings are harvested by a small number of vessels with limited access permits."

I believe that the reasoning for this amendment has been misconstrued, 2017, 2018 and 2019 should not be looked at as early closures but as the fleet having successfully caught the quota for those years, which has rarely been done in the past, the quota has only been caught 5 times in the last 38 years. At this time illex is not considered overfished nor is overfishing occurring, and the council has a working group to consider various ways to increase illex quota in years of high abundance. For the council to be considering cutting out active participants in the fishery while also looking to increase the quota makes this amendment look like nothing other than an economic allocation of a national resource to a small group of individuals. This is plainly stated in the November FMAT meeting summary where it states "[t]he Council needs to be clearer about what the purposes are for this action beyond economic allocation." There are no documented bycatch, recruitment, or safety issues in the fishery at this time, and the FMAT seems to have unease with this since it is plainly stated that it is not legal to make regulations solely for economic purposes.

The November FMAT summary goes on to state that "[p]art of Council consideration regarding any requalification option should be the ability of the remaining fleet to harvest optimum yield on an ongoing basis." If the 2013 control date is used it has been documented that the current fleet would not be able to consistently harvest the optimum yield, having done so only in 1998 and 2004. The recent successful harvest of the TAC in 2017-2019 can be attributed to two main factors, the high availability of illex squid and the ability of a number of permitted vessels to reenter the fishery since processors will now accept iced product.

As the council continues to move forward with this amendment I would ask that they use the least restrictive requalification alternatives available, and that they not use a tiered approach. If the council does use a tiered approach I request that they develop one such that there is an economically viable option for those vessels that do not requalify but have significant landings. In addition there should not be a sub-allocation of quota amongst the different tiers to do so would be the same as cutting out all non-tier 1 boat from the fishery entirely. In the past a tiered approach or aggressive requalification has only been used when a fishery is heavily overfished

and near collapse. This is not the case with the illex fishery, as said previously the Council is currently looking to increase the TAC.
I implore the council to take the time to get this amendment right and put the appropriate time into deliberation and analysis. Currently there is no information available as to what the qualifying options or possible tiers are, nor will there be prior to the written comment deadline of January 29th. The Council has then crammed an AP and a Committee meeting on the Thursday and Friday before the Council meeting. The speed at which this amendment is moving seems rushed and does not give the public, or members of the council an appropriate amount of time to take AP and Committee input into account before picking preferred alternatives 5-6 days later. There is no current ticking time bomb or race against the clock due to the current healthy status of the stock, to not slow this process down and allow the time for the right alternatives to be developed and analyzed would be rash and an unnecessary risk to properly regulating this fishery.

Thank you for your time and consideration of my comments.

Daniel J. Farnham
Gabby G Fisheries Inc.
F/V Gabby G

Subject: Form Submission - February 2020 Public Comments

Name: Brendan Mitchell

Email: bpm@norpel.com

Topic: Mackerel, Squid, and Butterfish Goals and Objectives and Illex Permit Amendment

Comments: Thank you for the opportunity to publicly comment on the possibility of modifications to the Illex squid permitting system, as well as revisions to the goals and objections for the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP).

I am writing this comment on behalf of Northern Pelagic Group, LLC "NORPEL", a fish processing facility located in New Bedford, MA. NORPEL was established in 2002, primarily as a pelagic (herring and mackerel) processing facility. Since 2012, NORPEL has provided contract freezing services to the summer Illex squid fishery for vessels and squid processing companies based in Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

Additionally, NORPEL has acquired an Illex squid permit to be used by the fishing vessel Nordic Explorer, which began fishing for illex squid in 2019.

As an employee for a company directly involved in the Illex squid fishery, I am fearful that any modifications to the current permitting system could have negative socioeconomic impacts to the region. Modifications to the permitting system will certainly lead to reallocation of permits, quota and landings to areas in which processing Illex is not feasible for NORPEL or the Rhode Island fleet. NORPEL relies on the geographic and spatial diversity of the Illex squid fishery and fishing fleet. Modifications to the current system will, without a doubt, disrupt this diversity and have tremendous negative impacts on the region.

I urge the Council and the Committee to consider the following points and the negative impacts outlined above when determining the future of the Illex permitting system:
1. NORPEL has invested significant financial resources in the Illex squid fishery including a permit for the Nordic Explorer, boat and gear renovations to the Nordic Explorer and plant updates.
2. NORPEL employs over 50 men and women full time from the New Bedford area. The summer Illex squid fishery allows NORPEL to retain employees throughout the summer months, when NORPEL has traditionally closed.
3. Due to the complimentary seasonality of herring, mackerel, squid and butterfish, the Illex squid fishery assists in providing year long employment to many fishermen and shoreside workers.
4. The Illex squid fishery supports the vibrant economy of thousands shoreside workers and hundreds of businesses including net and gear manufacturers, diesel mechanics, ice houses, packaging suppliers, cold storage facilities and logistics companies in the New Bedford region.

As mandated by the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries has developed guidelines for each National Standard. The National Standards are principles that must be followed in any fishery management plan to ensure sustainable and responsible fishery management. If the Council were to modify the current Illex squid permitting system, they would do so in potential violation of National Standards 4 (Allocations), and 8 (Communities).

Under National Standard 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 privilege. By implementing a new permitting system, much of the fishery, which is currently geographically distributed throughout the East Coast, would be consolidated to a significantly smaller region. The fisheries based in Rhode Island and Massachusetts would truly suffer.

Under National Standard 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 by utilizing economic and social data that meet the requirement of paragraph (2) [i.e., National Standard 2], 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. By implementing a new permitting system, there would be a great loss of economic activity in the Rhode Island and Massachusetts regions, as outlined above. Not only would the companies directly involved in the fishery suffer, there would be a negative impact on all the related shoreside workers and businesses. Many of these companies rely on the Illex fishery as It often bridges the gap between Spring and Fall fisheries.

The main goal and objective of the MSB FMP should be to determine an accurate and real time Spawning Stock Biomass (SSB) Annual Catch Limit (ACL) for the Illex fishery that takes into consideration the squid's extremely short lifespan and highly migratory pattern. The issue at hand with the Illex squid fishery is not one of allocation. I believe all Council and Committee effort should be focused on completing a scientifically acceptable stock assessment for Illex squid. This will greatly assist in setting the Allowable Biological Catch (ABC) and reaching Optimum Yield (OY). Upon completion of a successful and scientifically accepted stock assessment, when we have satisfied National Standards 1 (Optimum Yield) and 2 (Scientific Information), the Council and Committee should direct their resources to making management decisions for the Illex squid fishery.

Thank you very much for your consideration of our comments. Should you have any additional questions, please feel free to reach out to me.

Sincerely,

Brendan Mitchell

(Sent via *Mid-Atlantic Fishery Management Council*)

January 29,2020

Dear council members:

I was the only boat in the 80s from NY that went Illex fishing. I put 2 JVs together with boats from Montauk those boats only did the loligo part of the JV. I also did JVs for Illex with Danny Cohen. I lost that boat in a freak accident. I went to most of the meetings for the original qualifier for Illex and explained everything at the time. Joel McDonald was the NMFS legal counsel at the time. Joel and most of the council assured me there was no problem with me qualifying but when I applied I was told I didn't qualify because the 2 boats were different size. I watched multiple boats owners lie and falsify information to qualify claiming they caught enough illex in the loligo fishery, it was all lies but NMFS didn't care and allowed it. Lie and falsify landings and you qualify, tell the truth and you get punished.

Now we have the same thing going on with west coast boats that can carry ¼ to ½ a million pounds of Illex yet some of them will get in, one of them went last year with a permit that didn't fit the boat he landed in New Bedford. Another boat is using a permit with half the horsepower and is quite a bit longer than the permit, yet I had plenty of history at the time and abided by the rules and decisions and was kicked out.

I got bumped on herring along with 10 other boats to allow 1 west coast pollack boat in the fishery and 1 new build the Voyager in, just one of those boats would catch more than the 11 of us combined but that wasn't what NMFS wanted, big boats with companies that know how to play the game, just like Carlos.

Because the landings that I had and the games that NMFS has allowed to happen in this fishery I would like my permit rejection relooked at.

Thank You,

Mark S Phillips
F/V Illusion

210 Atlantic Ave

Greenport NY 11944

From:	Meghan Lapp
To:	Moore, Christopher
Cc:	Didden, Jason
Subject:	Illex Permit Amendment/AFA vessels
Date:	Monday, January 27, 2020 3:13:00 PM
Attachments:	Huntress pic.jpg Nordic Explorer pic.png 2019.12.19 amendment to HR 3409 Section 410 language.docx Congressional Letter Re FV Messiah Vessel Replacement.pdf Letter Vessel Replacement 12_20_19.pdf

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Hi Chris,

I would appreciate if you can include this information in the briefing book and circulate amongst Council members. In light of the Illex permit Amendment, I believe it is important for Council members to know about ongoing efforts to introduce large scale West Coast pollock vessels into the Mid Atlantic illex fishery via permit transfers off of smaller capacity East Coast vessels. All of these vessels are American Fisheries Act vessels, some of which require special Congressional pardon to enter into any other US fishery due to the prohibitions of that Act.

These efforts have been ongoing for some time now. Below you will find attempted Congressional language from 2018 to obtain Congressional waiver for two AFA pollock vessels to come East and enter the illex fishery, which was intended as an amendment to a must-pass DHS Appropriations bill, but was never introduced.

Then, in 2019, a permit transfer occurred to take an illex permit off of the F/V/ Huntress, picture attached, and put the permit on the F/V Nordic Explorer, picture attached. The Nordic Explorer is a former Alaskan pollock/American Fisheries Act vessel that required a Congressional exemption to come East and enter the mackerel fishery many years ago, but which had been sitting idle until it was activated in 2019 into the illex fishery. The capacity difference between the two vessels is significant, on the order of hundreds of thousands of pounds a day.

Then, late in December 2019, another Congressional American Fisheries Act amendment waiver was introduced, to allow the F/V Messiah, another large capacity Alaskan pollock vessel, to come East and enter the illex fishery. Attached you will find a copy of the language of that bill, as well as a letter of support for the action signed by two Virginia Congressional Representatives. I have also attached a letter that Seafreeze sent to our Senator regarding our reasons for opposing this action. It is my understanding that the amendment, which has been attached to the US Coast Guard Bill, is in conference at this time between the House of Representatives and Senate. Meanwhile, I am told the other American Fisheries Act pollock vessel named in the 2018 language below has already made its way to the East Coast, as it is not subject to the same restrictions as the F/V Messiah.

None of these are small scale vessels. The added capacity that these vessels will bring to the illex fishery, as well as other Mid Atlantic fisheries they may enter such as the loligo fishery, is staggering. I believe the Council needs to be aware of this issue, as well as of the fact that such permit transfers of latent/smaller scale vessel permits and West Coast vessel waivers/introductions will continue absent strong Council action. As it is, we are looking at the introduction of 3 Alaskan pollock boats into the Mid Atlantic illex fishery in the span of approximately a year.

This influx of new and unprecedented effort, and unprecedented speculation in this fishery, has come due to the increased stock availability in the past few years, unprecedented global price, and is occurring simultaneously with efforts to bypass the Council control date on this fishery. This is exactly the type of situation that control dates are created to avoid. The availability of latent permits on smaller capacity East Coast vessels, the availability of cheap West Coast AFA vessels, combined with high stock availability and price, is creating a "gold rush" permit swap situation that now involves the United States Congress. I would also remind the Council that these new vessels will not remain limited to the illex fishery but will undoubtedly increase effort in other Council managed fisheries, which may lead to conflicts with current participants in those fisheries as well. Additionally, there is nothing preventing "small scale" latent or new entrant vessels from alterations doubling or tripling current hold capacities, even outside permit swap situations. All vessels which have directed illex effort prior to the control date are already built with the capacity to direct in this high tonnage fishery. As such, I believe it is paramount to utilize the Council's control date, in order to retain the true footprint of the illex fishery and avoid continued and uncontrolled speculation.

Very best,
Meghan

Meghan Lapp
Fisheries Liaison, Seafreeze Ltd.
Office: (401) 295-2585 Ext. 15
Cell: (401) 218-8658
Email: Meghan@seafreezeltd.com

Draft 2018 VA Rep Taylor amendment language:

SEC.__ Vessel Amendment

Section 210(b)(7)(C)(i) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat.2681-627, as amended by Section 602 of Public Law 111-281; 124 Stat.2905) is amended by inserting after "vessels" the following: "MESSIAH (United States official number 610150), PEGGY JO (United States official number 502779),"

Here's what that amendment would have done (bold and italic text):

(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010; and
(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—
(i) to make the vessels ***MESSIAH (United States official number 610150), PEGGY JO (United States official number 502779)***, AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or
(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.

Public Law 105-277 - https://www.congress.gov/105/plaws/publ277/PLAW-105publ277.pdf
Public Law 111-281 - https://www.congress.gov/public-laws/111th-congress

Huntress

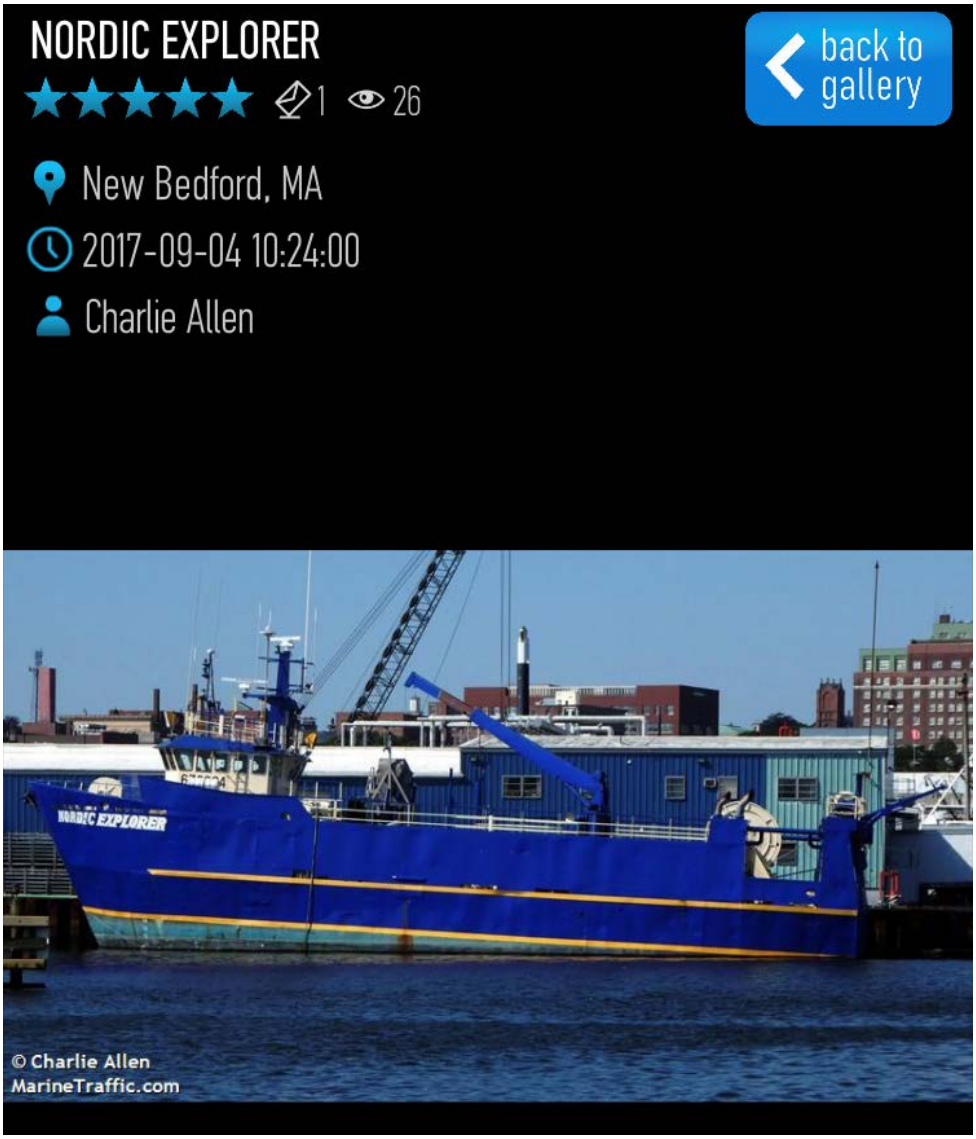
Chris Oliver, assistant administrator for NOAA Fisheries.

"The settlement also clears

days and are based on the number and severity of each captain's violations.

The captains also must serve probationary periods ranging

Nordic Explorer



Amendment language:

Section 210(b)(7)(C)(i) of title II of Division C of Public Law 105-277; 112 Stat.2681-627, as amended by Section 602 of Public Law 111-281; 124 Stat.2905, is further amended by inserting after the term “vessels” the following: “MESSIAH (United States official number 610150),”

This would amend Section 210(b)(7)(C)(i) of title II of Division C of Public Law 105-277, as amended by Section 602 of Public Law 111-281, to read:

(B) Eligibility for fishery endorsement.--Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(C) Limitations on statutory construction.--Nothing in this paragraph shall be construed--

(i) to make the vessels MESSIAH (United States official number 610150), AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.

Congress of the United States
Washington, DC 20515

December 19, 2019

The Honorable Roger F. Wicker
Chairman
Senate Committee on Commerce, Science, and Transportation
512 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Peter A. DeFazio
Chairman
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Commerce, Science, and Transportation
425 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Sam Graves
Ranking Member
House Committee on Transportation and Infrastructure
2164 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Wicker, Chairman DeFazio, Ranking Member Cantwell, and Ranking Member Graves,

We write to request your support for an amendment to Section 410 of H.R. 3409 (the Coast Guard Authorization Act of 2019) that would allow a West Coast fishing vessel to be used as a replacement vessel for a fishing vessel on the East Coast.

An aging fleet of commercial fishing vessels means that there are relatively few U.S.-flag fishing vessels available on the East Coast to replace vessels that are lost at sea or otherwise in need of replacement. Current law (16 U.S.C. §1851 note) authorizes certain named vessels that have exited West Coast fisheries to participate in East Coast fisheries under the authority of the New England and Mid-Atlantic Fishery Management Councils. This amendment would add to that law the name of one additional vessel. With the adoption of this amendment, the vessel in question would be able to move from the West Coast to the East Coast, replacing a vessel of comparable size with one that is much safer.

Section 410 (e) of H.R. 3409 as passed by the House already contains a provision regarding a replacement vessel. The attached proposed amendment to the same underlying statute would ensure that the replacement fishing vessel named in the attachment could operate on the East Coast without increasing the size of the existing fleet in the Mid-Atlantic.

As you work with your colleagues in the Senate to pass an amended version of H.R. 3409, we encourage you to include this narrowly-crafted, commonsense provision. Should you have any questions, please contact Jonathan Gerstell with Congresswoman Luria's office at 202-225-4215, or Brent Robinson in Congressman Wittman's office at 202-225-4261. We appreciate your consideration of this request.

Sincerely,

Elaine G. Luria
Member of Congress

Robert J. Wittman
Member of Congress

Seafreeze Ltd.

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

December 20, 2019

Senator Jack Reed
728 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reed,

I am writing to ask that you oppose the request made by Representatives Luria and Wittman of Virginia on December 19,2019 to Senators Wicker and Cantwell and Representatives DeFazio and Graves, to amend the American Fisheries Act to allow a West Coast fishing vessel, the F/V Messiah, to be used as a replacement vessel for an East Coast vessel. See attached.

Seafreeze Ltd. is an established East Coast fishing operation, with vessels engaging in East Coast fisheries for over 30 years. Our substantial investments into these fisheries over decades of work and development, all while adhering to the rules and regulations established by Congress, National Marine Fisheries Service and the Greater Atlantic Regional Office regarding permits, vessels and vessel upgrades, vessel purchases and replacements, etc., should not be devalued by entities wishing to enter vessels into these fisheries with a Congressional waiver. In contrast to the allegation made in Rep. Luria and Wittman's request that few replacement vessels exist on the East Coast, Seafreeze has recently completed an extensive renovation of an older East Coast vessel, in order to comply with the existing permit/vessel regulations. If merely requesting a Congressional exemption could make that process cheaper and easier, then those of us who have played by the rules are certainly conducting business at a disadvantage. Should this exemption be allowed, it will create an uneven playing field and undoubtedly lead to such requests becoming the norm.

Additionally, it is worth noting that the other American Fisheries Act vessels already granted waivers by Congress to enter East Coast fisheries were only granted due to the fact that at that time, National Marine Fisheries Service was encouraging new entrants into the mackerel fishery, which the agency at that time alleged was undercapitalized and underutilized. The situation is not the same today. East Coast fisheries are fully utilized.

One fishery, in particular, in which recent years of increased stock availability have caused significant increased participation by new/previously inactive vessel entrants is the illex squid fishery. From 1997-2015, the two Seafreeze vessels have accounted for 40% of all U.S. illex landings, have developed world markets, and continue to be very reliant on this fishery. However due to newly increased participation, this fishery has reached the quota and closed unprecedentedly early the last 3 years, resulting in Seafreeze vessels being tied to the dock for months at a time with no income. Undoubtedly, the waiver being requested by the Virginia delegates is intended for use in this fishery, which would create even more negative impacts to historic and current fishery stakeholders such as Seafreeze. Because of this issue, the Mid Atlantic Fishery Management Council is currently developing an Illex Permit Amendment, which would seem to be at odds with allowing Congressional waivers for new West Coast vessels into this already fully utilized fishery.

One final concern is that East Coast vessel permits, and therefore vessel replacements, have traditionally been restricted to the "10-10-20" rule, which only allowed a 10% length, 10% tonnage and 20% horsepower upgrade to any vessel/vessel replacement associated with any permit, for the life of the permit. This rule was intended to ensure the continued characteristics of a fishery and efficacy of related regulations by precluding overcapitalization. However, in the past few years, the tonnage restriction, which essentially limits vessel hold capacity, was removed. Typically, West Coast vessels have larger vessel hold capacities than East Coast vessels, so it is possible that although the request from the Virginia Representatives states that the vessel requesting a waiver would be "of comparable size", that may not necessarily mean of comparable hold capacity, leading to an increase of fleet capacity which the illex fishery and other East Coast fisheries certainly do not need.

Therefore, I am writing to respectfully request that you oppose this amendment to Section 410 of H.R. 3409 (the Coast Guard Authorization Act of 2019) and thank you for your continued support for Rhode Island businesses and our East Coast fisheries.

Sincerely,

Meghan Lapp
Fisheries Liaison, Seafreeze Ltd.

2 State Street | PO Box 608
Narragansett, RI 02882

Dear Director Moore,

I am writing regarding the *Illex Permitting and MSB Goals and Objectives Amendment*.

The Town Dock has been a significant buyer and processor of illex squid for many years. We purchase illex from our owned fleet of illex permitted boats, independently owned illex permitted boats, and other shoreside processors of illex squid.

After careful review of the options that have been discussed to date, we cannot support action that is going to limit or eliminate *active* participants in the Illex fishery. We define active participants as those permit holders that have landed a minimum of 50,000 lbs in any one year between 1997 – 2019, equating to approximately 50 permit holders. We do not support enforcement of the 2013 control date due to the negative impacts to several of my vessels, our company, and many independent vessels owners that rely on illex landings to support their businesses. There have been several recent dynamic changes to the fishery since the implementation of the seven year old control date, including overall Illex abundance, improved international marketability, a new USA processed illex demand, enhanced shoreside freezing and processing capacity, and sustained dramatic ex-vessel boat price increases per pound that essentially double or triple revenues on harvested illex squid compared to the years preceding 2013.

The Town Dock does not support the concept of tiers. We cannot support a tiered system where those that requalify for a permit are treated differently in any aspect, especially in a fishery that has so few permits compared to other fisheries. This is a volume fishery that requires a large amount of squid to make it worth the effort and investment. Any effort to tier active permit holders will result in decrease of access to the fishery for those in a secondary tier, devaluing their permits and catch potential but creating an economic windfall for those that qualify for an “unlimited” tier.

Regarding Vessel Hold Capacity, Town Dock does not support changes to enact new vessel hold capacity limitations. These changes may limit or eliminate our ability to upgrade our fleet at a future date. Several of our boats were constructed in the 1970s and 1980s. We, along with many others vessel owners, plan on retiring older vessels and upgrading our fleet in the future. It is extremely difficult to find newer boats that are an exact match to our existing fleet. The current rules allow for limited, but much needed, flexibility to upgrade our fleet to newer boats in future years. Also, in certain cases, those currently supporting implementation of a rule change regarding limiting hold-capacity, may be the very ones that have completed increases to their own hold capacity in recent years based upon the existing laws. Those of us that need to

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Narragansett, RI 02882

complete future upgrades may be held at a disadvantage should this change be enacted, and there are already rules established on this topic.

Throughout this process, we have heard about the financial concerns from some regarding an illex season that has closed a few weeks early. During the most recent FMAT meeting, data was presented to show that in contrary, relatively all participants are fishing in other fisheries and/or have permits to access other fisheries to combine for their annual gross stock. We respectfully request that the Council / Council staff examine the following:

- Examine overall annual revenue trends of active illex participants over the time span 1997-2019 regarding their illex landings. If the season is closing a few weeks early, are these closures negatively impacting overall revenue for both individual participants or the participants as an aggregate, given the doubling of boat price in recent years? Is there evidence that recent early closures are a threat to put vessels out of business? What is the trend of participants' Illex revenues during the time span of 1997-2019?
- Examine the annual revenue trends of active illex participants for their illex landings plus the other fisheries that they participate in over a timespan of 1997- 2019. Have vessel annual revenues been on the incline or decline as a measure of overall health of our participants over time? Has this illex fishery had a positive impact or a negative impact on overall vessel revenue as an aggregate despite "closing early" over that time span?
- Is Illex the only specie that active participants catch, or do all participants catch multiple species year round, across the time span of 1997-2019?

My final concern is about the speed of this amendment process. There are two Illex working groups that have positively identified ways to possibly increase the quota in years of squid abundance. It may be prudent to let those groups complete their analysis prior to creating a document or choosing action that may result in unintended consequences. We suggest that the Council consider slowing down the amendment process in order to let the working groups complete their mission. More quota for all participants would most likely translate to an enhanced revenue stream that would benefit all active permit holders, communities, and all Illex stakeholders. Thank you for your consideration.

Sincerely,

Ryan Clark
President and CEO

cc: Katie Almeida

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January 28, 2020

Dr. Christopher M. Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901 – by email: cmoore@mafmc.org

Dear Dr. Moore:

We are writing concerning the Illex Permitting Amendment, to ask the Council to use the 2013 control date, previously reaffirmed by the Council, to requalify fishing vessels working in the Illex squid fishery. Newer participants in the fishery should not have the same access that boats who have worked in this fishery historically have earned through their effort and investment.

Our families operate two vessels that regularly work on the edge of the Continental Shelf where the Illex fishery takes place. One vessel, the 75 foot longline vessel Captain Bob, and the other, a 75 foot offshore lobster vessel, Two Dukes, have worked in this area for years. The longtime participants in this fishery know us and know where are gear is set and understand how to work with us to avoid it.

Within the last two or three years, as the Illex fishery has become more successful, vessels new to the fishery have operated in the vicinity of our gear and we are very concerned that additional entrants to the fishery will lead to gear conflicts in our fixed gear fisheries.

While we look forward to participating in the public hearing process on the amendment, we do not believe that the Council has been made aware of the potential for fixed gear conflicts on the offshore fishing grounds from new vessels coming into the Illex fishery. We are concerned that the Captains of these vessels do not understand the nature of and extent of our longline and lobster fisheries, as those who have been in the fishery over a long period of time do.

Thank you for considering our comments.

Sincerely,

Robbie and Eric Bucaw
Captain Eric, Inc.
Sea Isle City, NJ 08243
603-231-4450
rbsword3@comcast.net