

**Supplemental Information Report
to an
Interim Action to Implement Gulf of Maine
Atlantic Cod Mortality-Reduction Area Closures
and
Other Conservation Management Measures**



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1.0 Background

On February 9, 2015, we received a letter from several groundfish sectors requesting regulatory exemptions from two management measures implemented through the Gulf of Maine (GOM) cod interim rule for fishing year 2014. As proposed, the sectors would withhold 30 metric tons of their GOM cod annual catch entitlement (ACE) for the remainder of fishing year 2014. In return for voluntarily reducing their GOM cod ACE, all sectors requesting the exemptions would be exempted from the 200-lb GOM cod trip limit and the declaration restriction that requires vessels that declare into the GOM broad stock area (BSA) from fishing inside and outside of the GOM BSA on the same trip. If these exemptions are granted as proposed, sector vessels that elect to fish under these exemptions would have no GOM cod trip limit and could fish inside and outside of the GOM BSA on the same trip if they submit additional catch reports. These exemptions reflect the status quo management measures in place for fishing year 2014 prior to implementation of the November 13, 2014, interim rule to protect GOM cod (see below).

This report supplements the November 2014 Environmental Assessment (EA) for an Interim Action to Implement Gulf of Maine (GOM) Atlantic Cod Mortality-Reduction Area Closures and Other Conservation Management Measures (hereafter referred to as the GOM Cod Interim Rule EA) and the Fishing Year 2014 Northeast (NE) Multispecies Sector Operations Plans and Contracts EA (hereafter referred to as the Sector EA).

1.1 Groundfish Sectors and Exemption Requests

Sectors are groups of fishermen that operate as an organization, similar to a cooperative. The groundfish sector management system is a limited access management system where a portion of the groundfish stocks are annually allocated to each sector. These annual sector allocations are known as an annual catch entitlement, or ACE. These allocations represent a portion of a stock's annual catch limit (ACL) that is available to commercial groundfish vessels, based on the collective fishing history of a sector's members. Currently, sectors may receive allocations of most large-mesh NE multispecies stocks with the exception of Atlantic halibut, windowpane flounder, Atlantic wolffish, and ocean pout. Sectors submit annual operations plans and contracts, which NOAA's National Marine Fisheries Service (NMFS) approves or disapproves each year. The operations plans describe how a sector intends to harvest its ACEs and monitor its catch, amongst other things.

Because sectors elect to receive an allocation under a quota-based system, the groundfish plan grants sector vessels several "universal" exemptions from the groundfish plan's effort controls. A sector is also permitted to request additional exemptions from regulations that may create inefficiencies, or that it believes are otherwise unnecessary, if it can justify why the regulations are unnecessary and if it has a plan to properly account for its ACE without the regulation. For the most part, similar to the "universal" exemptions mentioned above, sectors request annual exemptions from effort controls to increase operational flexibility, reduce operating costs, and increase efficiencies. Most often, these exemption requests are reviewed through an annual rulemaking process and exemptions are reviewed and approved for the following fishing season.

In this case, several sectors have submitted an exemption request during the fishing season. This SIR reviews the potential impacts from this exemption request.

Additional information on the current and past sector exemptions can be found in the final rule approving fishing year 2014 groundfish sectors at www.greateratlantic.fisheries.noaa.gov/regs/2014/April/14mul2014sectorfrl.pdf, as well as online at www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/index.html.

1.2 Interim GOM Cod Management Measures

In August 2014, the Northeast Fisheries Science Center performed an unscheduled update to the most recent GOM cod stock assessment. This update added additional fishery independent (i.e., survey information) and dependent data (i.e., catch information) to the assessment model and methods approved for management use during the December 2012 benchmark assessment peer review. The assessment indicated that the GOM cod stock status has worsened substantially since the 2012 benchmark assessment. The update found that the spawning stock biomass has continued to decline and is at a historically low level.

The New England Fishery Management Council spent considerable time at its September 30–October 2, 2014, meeting deliberating management measures to recommend to NMFS for an “emergency” GOM cod action in fishing year 2014. While the majority of the Council supported some type of emergency action response in light of the updated assessment information, the Council did not agree on specific measures to forward for NMFS to consider. In the end, the Council requested that NMFS use the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) section 305(c) to implement measures to reduce GOM cod mortality in fishing year 2014.

On November 13, 2014, NMFS published a temporary rule to enhance protections for GOM cod (79 FR 67362). The GOM cod interim rule included restrictions that:

- Replaced the GOM Rolling Closures with several seasonal 30-minute grids in GOM BSA. The Seasonal Interim Closure Areas are closed to federally permitted vessels using commercial and recreational gear capable of catching cod;
- Implemented a GOM cod trip limit of 200 lb for sector and common pool vessels fishing within the GOM BSA;
- Restricted commercial limited access groundfish vessels that fish in the GOM BSA to fishing only in that BSA for the duration of the declared trip; and
- Prohibited the possession of recreationally caught GOM cod;

Given the depleted status of the stock, a substantial and immediate reduction in mortality for GOM cod better ensures that the stock can rebuild to sustainable levels. Removing effort from the areas that have high historical catch in combination with trip limits outside these areas provides a reduction in mortality and overfishing for the duration of the action. The requirement to fish only in the GOM BSA when declared into this area was implemented to further prevent errors in catch attribution.

The GOM Cod Interim Rule EA analyzed the biological, environmental, and socio-economic impacts from the action. The impacts on GOM cod were anticipated to be beneficial because the interim measures would reduce mortality and promote rebuilding through increased protection of spawning fish. Impacts on other target groundfish stocks such as haddock, and non-target stocks, were anticipated to be minor and negligible. Other stocks have catch limits, and mortality controls in place to limit mortality, and any displacement of effort into areas outside the proposed closure areas was anticipated to be small. Impacts to protected resources were anticipated to be, for the most part, neutral, but may be low positive with the anticipated reduction in effort. Specifically, as a result of areas proposed for closure in the inshore GOM, gear interactions with protected resources were expected to be lower in this area of the GOM. In addition, it was concluded that any shifts in effort would not result in increased interactions with protected resources. Gear interactions with protected resources may be higher in the inshore GOM within the areas proposed for closure, and as such, any shift of effort into other open areas may result in a decrease in interactions – even if overall effort remains constant. Impacts to the physical environment and EFH were not anticipated to be substantial. Fishing effort within areas closed in certain months will continue in other open months. Thus, it was not expected that long term positive habitat benefits will result from the seasonal closures. The economic impacts from the GOM cod interim rule are likely moderately negative in the short term, but could be positive in the long term if GOM cod stocks are able to rebuild as a result of these measures.

1.3 GOM Cod Trip Limits

Catch by sector vessels is constrained by an annual catch limit and sector-specific allocations. Sectors have been exempt from trip limits from most groundfish stocks since Amendment 16 was implemented at the start of fishing year 2010. A 200-lb trip limit was implemented in the GOM cod interim rule as NMFS considered trip limits to be necessary to discourage sector vessels from targeting GOM cod. Implementing the GOM cod trip limit was anticipated to reduce GOM cod mortality by up to 20 mt.

1.4 Single Broad Stock Area (BSA) Restriction

The prohibition on fishing outside of the GOM BSA when declaring to fish in the GOM BSA was implemented in the GOM cod interim rule as NMFS expected it would help improve cod catch attribution and due to concern that vessels were misreporting GOM cod catch. Because vessels cannot split trips between one or more BSAs, all cod caught and discarded in the GOM are attributed to the GOM stock area.

Additional information on the GOM Cod Interim Rule EA and the *Federal Register* notice for the action can be found online at www.greateratlantic.fisheries.noaa.gov/stories/2014/GOM_cod_interim_management_measures.html.

2.0 Purpose of this Supplemental Information Report

The purpose of this review is to determine and document our decision to approve a sector exemption request from two of the GOM cod interim rule management measures, and whether there are any substantial changes or new circumstances or information that then requires us to supplement the 2014 GOM Cod Interim Rule EA and Finding of No Significant Impact (FONSI), and/or the Sector EA and FONSI.

In making a determination on the need for additional analysis under NEPA, we have considered and have been guided by the Council on Environmental Quality (CEQ) NEPA regulations and applicable case law. The CEQ regulations state “[a]gencies shall prepare supplements to either draft or final environmental impact statements if: (i) the agency makes *substantial* changes in the proposed action that are relevant to environmental concerns; or (ii) there are *significant* new circumstances or information relevant to environmental concerns *and* bearing on the proposed action or its impacts.” 40 C.F.R. § 1502.09(c) (emphasis added). In addition, we have considered CEQ’s “significance” criteria at 40 C.F.R. § 1508.27 and the criteria relied upon for the 2014 GOM Cod Interim Rule EA FONSI to determine whether any new circumstances or information are “significant,” thereby requiring supplementation of the 2014 GOM Cod Interim Rule EA.

This report first describes the proposed action (i.e., the sector exemption request) and compares it to the action analyzed in the 2014 GOM cod interim rule and the Sector EA. It then considers whether there are any substantial changes or significant new circumstances or information that are relevant to environmental concerns and have a bearing on the proposed action or its impacts. For this consideration, NMFS has consulted, among other sources, its files, academic literature, and other available information to determine whether a supplemental environmental assessment (SEA) should be prepared.

3.0 Changes in the Proposed Action

Several groundfish sectors have worked together and submitted an exemption request that requires the sectors to voluntarily reduce their potential GOM cod catch if they are granted exemptions from two measures implemented through the fishing year 2014 GOM cod interim rule. Sectors have the current authority to voluntarily withhold quota as they see fit to manage their operations. As proposed, the sectors would withhold, and not fish, lease, or trade, 30 metric tons of GOM cod for the remainder of fishing year 2014. In return for voluntarily reducing their catch, all interested sectors would be exempted from the 200-lb GOM cod trip limit and the declaration restriction that requires vessels that declare into the GOM broad stock area (BSA) from fishing inside and outside of the GOM BSA on the same trip. Sector vessels that elect to fish under these exemptions would have no GOM cod trip limit and could fish inside and outside of the GOM BSA on the same trip. The requested exemptions reflect the status quo measures in place for fishing year 2014 prior to the implementation of the November 13, 2014, interim rule. The 30 mt limit reduction to the sector catch limit is within the level of mortality reflected in the Sector EA and is only a minor variation from the mortality reduction considered in the GOM cod Interim Rule EA. Therefore, there are no substantial changes in the proposed action relevant to environmental concerns, and the proposed action is fully consistent with the analysis in the Sector EA and GOM Cod Interim Rule EA described above.

3.1 Sectors to Withhold 30 mt of GOM cod

On February 9, 2015, we received an exemption request from the Gloucester Community Fishermen Preservation Fund and Northeast Fishery Sector IV (Appendix 1). This group, along with other Northeast Fishery Sectors (NEFS), worked together to assemble 30 mt of GOM cod ACE, which was then traded to NEFS IV. That sector has offered not to lease out or fish that ACE if all sectors are granted regulatory exemptions from the GOM cod trip limit and GOM BSA restriction. The actions concerning trading and withholding quota are authorized by current regulation (at 50 C.F.R. 648.87(b)(1)(viii) and § 648.87(b)(2), respectively), and are not assessed in this SIR.

3.2 Removing the GOM Cod Trip Limit

The 200-lb trip limit was intended to reduce the incentive to target GOM cod in areas that would remain open under the interim action to ensure that open-area catch would not result in excessive GOM cod fishing mortality. The 2014 GOM Cod Interim Rule EA analyzed that implementing the 200-lb trip limit would likely result in a 20-mt ton reduction in GOM cod mortality, but this was not certain. The sectors proposal would provide a certain limit on GOM cod mortality of 30 mt. Removing the trip limit, as requested by the sectors, would also minimize regulatory discarding.

3.3 Replacing the Single BSA Restriction with Daily Catch Reporting

The exemption would remove the restriction preventing vessels from fishing both inside and outside the GOM BSA on the same trip and replaces this restriction with daily catch reporting requirements. The single GOM BSA restriction was intended to help reduce the opportunity for vessels to misreport their catch and to ensure that GOM cod catch would be properly apportioned. Furthermore, the restriction made shore-side enforcement of the 200-lb trip limit possible. The sectors requesting the exemption have argued that the single BSA restriction has severely impacted fishing operations of vessels that traditionally fish on Georges Bank and in the GOM on the same trip.

If the limit is no longer in effect, there is less of a need for the GOM BSA restriction. We need further time to consider whether requiring vessels to submit daily catch reports is necessary.

4.0 New Circumstances and Information

The second part of the inquiry to determine whether a SEA is required involves a two-step process. First, one must identify new information or circumstances. Second, one must analyze whether these are significant to the analysis of the action and relevant to environmental concerns and bearing on the action or its impacts. The sector exemption request represents new information and a new circumstance because the request was submitted after the GOM cod interim rule was implemented. To review the benefits from this new request, we conducted additional economic analyses to review the impacts of removing the trip limits and GOM BSA restriction.

4.1 Sector Exemption Request

As explained above, several groundfish vessels submitted an exemption request from management measures implemented in the fishing year 2014 GOM cod interim rule. Appendix 1 is the sector exemption request.

4.2 Economic Analyses of Exemption Request from 200-lb Trip Limit

As explained in the 2014 GOM Cod Interim Rule EA (see Table 55, page 151), modeling suggests that, on average, there will likely be some reduction in total GOM cod mortality as compared to the trip limits alone. Initial estimates, assuming the entire limit is caught, put this number in the 20 mt range; subsequent modelling indicates that the median mortality reduction may be slightly higher than this, approximately 25 mt. Either way, this potential reduction is less than the certain 30 mt allocation reduction proposed by this sector exemption request.

Additionally, while there is no uncertainty regarding the 30-mt ACE reduction proposed by the sectors, there are four important uncertainties embedded in these trip limit mortality reduction estimates:

- (1) There is a great deal of variance around the estimates associated with mortality reductions from trip limits. Simulation modelling predicts that the nominal GOM cod mortality impact of trip limits could range anywhere from an increase in mortality of 25 mt to a decrease of 100 mt (Figure 1). While the central tendency is certainly toward reduced mortality, roughly 10% of the model runs result in an increase in GOM cod mortality under the trip limits.
- (2) While the modelling does incorporate the influence of lost revenues to cod (noting that 90% of the model runs indicate a gross revenue loss due to trip limits) on a fishing captain's behavior, it does not account for the potential that trips ordinarily catching less GOM cod than the trip limit could choose whether to "top off" on cod, catching exactly the 200 lb trip limit. This behavior could mitigate some of the economic losses from the trip limit, but would also increase GOM cod mortality beyond that which is estimated in the model. Updated trip-level data indicates that this is, in fact, happening (Figure 2). Note how the median catch per trip has increased after the trip limits were implemented, compared to earlier in the fishing year.
- (3) Also from Figure 2, the increased cod catch in anticipation of the implementation of the interim measures is not factored in to the modelling. In this case, anticipated mortality reductions be accounted for already.
- (4) Most difficult to describe analytically, but potentially most relevant to ex post realized mortality, is the potential impact of unaccounted for discards. Under the pre-trip limit scenario, discards of legal-sized GOM cod were illegal and, as a consequence, less likely. Under trip limits, discards of legal-sized GOM cod are required, and as a consequence guaranteed. This likely creates an "observer effect" where captains on observed trips will likely strive to minimize cod discards to preserve valuable GOM cod ACE while unobserved trips strive to maximize

revenues irrespective of cod ACE and discards.

Analysis contained in the GOM cod Interim Rule EA indicated that GOM cod catch would be, under the new measures, approximately 701 metric tons for FY14. Subsequent changes in the fishery, including a temporary and unexpected increase in cod landings during the period between when the interim measures were announced and when they were implemented and an increase in the mean cod catch per trip up to the 200-lb trip limit, have resulted in higher-than-anticipated GOM cod catches. A linear projection from cod catch to date (as of February 3, 2015) to the end of the fishing year indicates that the fishery is on track to catch 760 mt of GOM cod, or 94% of available quota (Figure 3). This number could climb even higher--100% utilization has been achieved for several stocks in the past--as the end of the fishing year approaches. Under the proposed Sector exemptions, GOM cod catch would be limited to 96% of available quota. This represents a near-equivalent conservation outcome but with the additional increased flexibility benefits (as noted in section 5.5) that will accrue to fishery participants.

Assuming the inshore GOM closures enacted in the interim measures remain, the implementation of either a voluntary or regulatory reduction in the GOM cod ACE available to the fishery for the remainder of the fishing year has the decided advantage of minimizing outcome variance: assuming it is adhered to, the nominal GOM cod savings from the ACE reduction will match its realized savings. The same cannot be said of forecasted GOM cod saved through trip limits, where much uncertainty remains.

Assuming the best case scenario from the trip limit modeling predictions (Figure 1), a 30-mt ACE reduction would have substantially the same effect, or neutral impact, on GOM cod as the trip limit. After considering all of the uncertainty associated with the trip limit modeling, it is likely that an ACE reduction of 30 mt would have a higher conservation benefit than that forecasted under the continuation of the trip limit portion of the Interim Measures.

FIGURE 1

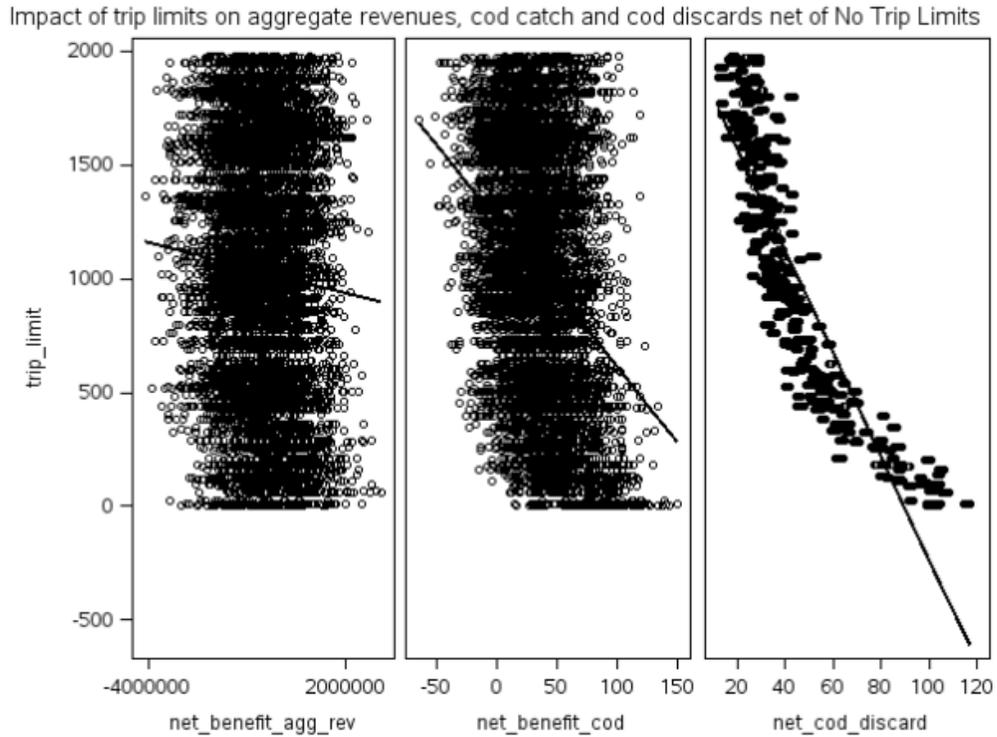


FIGURE 2

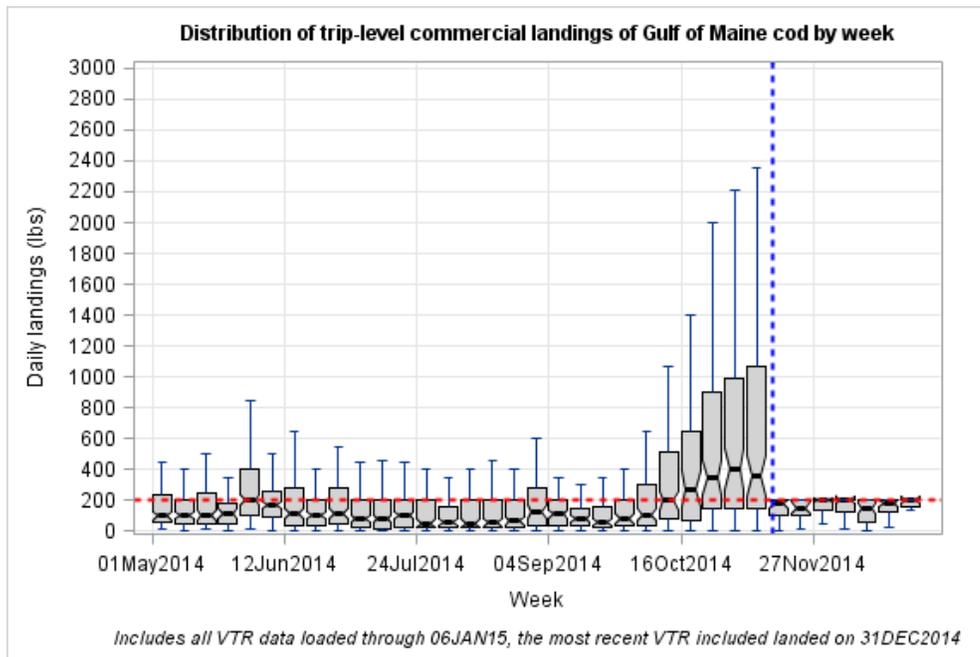


FIGURE 3 – Allocation Utilization Projections

| Stock name | Sub-ACL | Observed discard rate | Linear projection | | Interim Measures QCM prediction | |
|-----------------------------------|---------|-----------------------|-------------------|-------------|---------------------------------|-------------|
| | | | Catch | Utilization | Catch | Utilization |
| CC/GOM <u>Yellowtail</u> Flounder | 463 | 7% | 310 | 67% | 371 | 80% |
| GB Cod East | 145 | 6% | 40 | 28% | 30 | 21% |
| GB Cod West | 1,736 | 1% | 1,350 | 78% | 1,481 | 85% |
| GB Haddock East | 9,803 | 5% | 1,270 | 13% | 1,030 | 11% |
| GB Haddock West | 17,052 | 11% | 3,390 | 20% | 4,210 | 25% |
| GB Winter Flounder | 3,356 | 0% | 1,490 | 44% | 1,590 | 47% |
| GB <u>Yellowtail</u> Flounder | 251 | 23% | 50 | 20% | 40 | 16% |
| GOM Cod | 811 | 4% | 760 | 94% | 701 | 86% |
| GOM Haddock | 432 | 10% | 250 | 58% | 190 | 44% |
| GOM Winter Flounder | 683 | 4% | 140 | 20% | 160 | 23% |
| Halibut | 0 | 0% | 0 | | 50 | |
| Non groundfish | 0 | 0% | 0 | | 9,330 | |
| Northern Windowpane | 0 | 0% | 0 | | 220 | |
| Ocean Pout | 0 | 0% | 0 | | 30 | |
| Plaice | 1,356 | 6% | 1,340 | 99% | 1,331 | 98% |
| Pollock | 13,139 | 3% | 3,920 | 30% | 4,790 | 36% |
| <u>Redfish</u> | 10,521 | 7% | 4,830 | 46% | 4,500 | 43% |
| SNE Winter Flounder | 1,063 | 1% | 650 | 61% | 761 | 72% |
| SNE/MA <u>Yellowtail</u> Flounder | 462 | 1% | 360 | 78% | 361 | 78% |
| Southern Windowpane | 0 | 0% | 0 | | 110 | |
| White Hake | 4,248 | 1% | 1,820 | 43% | 1,960 | 46% |
| Witch Flounder | 598 | 7% | 480 | 80% | 591 | 99% |
| <u>Wolffish</u> | 0 | 0% | 0 | | 20 | |

5.0 NEPA Compliance and Supporting Information

The impacts associated from daily catch reporting and removing the trip limit for GOM cod are reviewed through the VECs in section 5.2-5.6 below.

5.1 Physical Environment/Habitat/Essential Fish Habitat

Impacts to the physical environment and EFH from these actions are not anticipated to be substantially different from those assessed in the GOM Cod Interim Rule EA. Allowing vessels to fish inside and outside of the GOM BSA on the same trip would not open any areas previously closed to fishing, such as the year-round closed areas or the temporary seasonal interim closure areas implemented through the GOM Cod interim rule. Allowing vessels to fish inside and outside of the GOM on the same trip may increase fishing effort by allowing vessels to fish in more areas at the same time; however, vessels are still restricted by annual groundfish catch limits (ACLs) and are still not allowed to fish within the seasonal interim closure areas closed for GOM Cod protection. Removing the trip limits could increase catch per trip, but overall catch would be limited as a result of sectors withholding 30 mt of ACE. In light of these considerations, the impacts from the management measures considered in this report are expected to be similar to those assessed within the GOM Cod Interim Rule EA and the Sector EA.

5.2 Target Species

As explained in section 4.2, reducing the GOM cod ACE by 30 mt is likely to reduce overall GOM cod mortality as much or more than the 200-lb trip limit. As a result, this exemption would have impacts to GOM cod similar to what was assessed in the GOM Cod Interim Rule EA and the Sector EA.

Removing the GOM BSA restriction could reduce somewhat our ability to properly apportion catch of GOM cod. However, removing the trip limit removes much of the need for the GOM BSA restriction and returns to vessels the same ability to fish in both BSAs that was analyzed in the Sector EA. For these reasons, this measure is expected to have impacts similar to what was assessed in the Sector EA.

5.3 Other Groundfish and Non-target Species

The impacts on other target groundfish stocks such as haddock and redfish, and non-target stocks like monkfish and dogfish, are anticipated to be minor and negligible. While removing the single GOM BSA restriction and GOM cod trip limit will allow groundfish vessels additional opportunities to target other groundfish stocks, these stocks have ACLs and mortality controls in place to limit mortality. Furthermore, overall effort on GOM cod will be reduced following the ACE reduction. As a result, the impacts to other target groundfish stocks and non-target stocks are expected to be similar to what was assessed in the GOM Cod Interim Rule EA and the Sector EA.

5.4 Protected Species

Removing the single GOM BSA restriction and GOM cod trip limit will allow groundfish vessels additional opportunities to target other groundfish stocks, which could potentially increase fishing effort and, therefore, interactions with protected species relative to the anticipated effects of the interim rule, but would be no different from or potentially less than the anticipated effects of the sector rule because the GOM cod ACE will be reduced. This will constrain and thus, reduce fishing effort and therefore, reduce the potential for protected species interactions. With existing regulations to reduce interactions with protected species (i.e., Harbor Porpoise, Harbor Porpoise Take Reduction Plan (HPTRP); large whales, Atlantic Large Whale Take Reduction Plan (ALWTRP)), in addition to the continuing positive effects to protected resources from the interim rule's closed areas in the inshore GOM, overall the proposed sector exemptions will result in negligible impacts to protected species; all other impacts to protected resources resulting from the GOM Cod Interim Rule and 2014 Sector Operations will remain as assessed and concluded in the GOM Cod Interim Rule and the 2014 Sector Operations Plan EAs.

5.5 Human Communities

Removing the single GOM BSA restriction will provide vessels with greater flexibility and the potential to land more fish on a single trip, increasing revenue. Although the economic analysis indicates that removing the trip limit will have little impact on revenue, it is anticipated that removing trip limits will allow vessels to catch what GOM cod that remain in their ACE more efficiently, as well as land and profit from GOM cod that were previously discarded as a result of the trip limit albeit subject to the lower ACE limit. For these reasons, these measures are anticipated to have similar impacts to what was assessed in the GOM Cod Interim Rule EA and the Sector EA.

6.0 Public Participation

The public is provided 7 days to comment on the *Federal Register* notice announcing this exemption request. Public comments will be considered prior to making a final decision on the sector exemption.

The public was provided 30 days to comment on the GOM cod interim rule. The temporary rule published in the *Federal Register* on November 13, 2014 (79 FR 67362), and the public was able to comment through December 13, 2014. Thirty comments on the interim rule were received by 29 individuals or organizations. In general, 10 commenters supported and 17 commenters opposed the interim rule measures. Many of the comments in support of the rule favored action by NMFS to protect GOM cod but disagreed with the management measures taken.

Most of the commenters opposed the use of trip limits as a means to reduce fishing effort on GOM cod, arguing that imposing trip limits will increase discards while decreasing fishery-dependent catch data and revenue. Critics also stated that trip limits are an unfortunate reversion back to unsuccessful effort controls that existed prior to the development of sector-based management and annual catch limits.

Some commenters argued that the GOM BSA restriction is too constraining and unnecessary. They claim that this restriction is having a severe impact on the commercial redfish fishery and several commenters suggested replacing the GOM BSA restriction with increased daily reporting requirements. Other commenters supported the GOM BSA restriction because they believe vessels do misreport where they catch GOM cod and that the single BSA requirement better apportions catch.

7.0 Conclusion

After considering the relevant new information, NMFS has determined there is no need to supplement the 2014 GOM Cod Interim Rule EA and FONSI because: (1) The changes to the proposed action that are relevant to environmental considerations are not substantial; and (2) the new circumstances and information relevant to environmental concerns and bearing on the proposed action or its impacts are not significant under NEPA. Therefore, the 2014 GOM Cod Interim Rule EA and FONSI and the Sector EA and FONSI remain valid and NMFS will continue to rely on them to support the sector exemption request.

8.0 Compliance with Applicable Laws

8.1 Magnuson-Stevens Fishery and Conservation Management Act (Magnuson-Stevens Act)

I have determined that this requested exemption would be consistent with the NE Multispecies Fishery Management Plan (FMP), other provisions of the Magnuson-Stevens Act, and other applicable law.

8.2 National Environmental Policy Act (NEPA)

Based on a review of the proposed sector exemption and the criteria provided in section 5.05a-c and section 6.03c.3(a) of NOAA's Administrative Order (NAO) 216-6, a Supplemental Information Report (SIR) is justified for this exemption request. I have determined there is no need to supplement the 2014 GOM Cod Interim Rule EA and FONSI because: (1) The changes to the proposed action that are relevant to environmental considerations are not substantial; and (2) the new circumstances and information relevant to environmental concerns and bearing on the proposed action or its impacts are not significant under NEPA. Therefore, the 2014 GOM Cod Interim Rule EA and FONSI and the Sector EA and FONSI remain valid and NMFS will continue to rely on them to support the sector exemption request.

8.3 Coastal Zone Management Act (CZMA)

NMFS made a general consistency determination that the FMP is consistent, to the maximum extent practicable, with the enforceable policies of the approved coastal management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. This general consistency determination applies to the current FMP, and all subsequent routine Federal actions carried out in accordance with the FMP such as framework adjustments and specifications. This

determination was submitted to the above states on October 21, 2009. To date, North Carolina, Rhode Island, Virginia, Connecticut, New Hampshire, and New Jersey, Delaware, and Pennsylvania have concurred with the general consistency determination. Consistency was inferred for those states that did not respond.

8.4 Regulatory Flexibility Act (RFA)

The analytical requirements of the RFA do not apply because this action contains no implementing regulations.

8.5 Paperwork Reduction Act (PRA)

This action does not contain a collection-of-information requirement for purposes of the PRA.

8.6 Endangered Species Act (ESA)

As outlined in the impacts analysis this SIR, the fishing activities anticipated to occur under this action are not expected to affect endangered and threatened species or critical habitat in any manner not considered in prior consultations on this fishery.

8.7 Marine Mammal Protection Act (MMPA)

As outlined in the impacts analysis of this SIR, the sector exemption has been determined to be consistent with the provisions of the MMPA and would not alter existing measures to protect the species likely to inhabit the management unit of the NE multispecies FMP.

8.8 Executive Order 12866 (E.O. 12866)

This notice is exempt from the procedures of E.O. 12866 because this action contains no implementing regulations.

8.9 Executive Order 13132 (E.O. 13132)

This notice does not contain policies with federalism implications under E.O. 13132.

8.10 Essential Fish Habitat (EFH)

There are no adverse impacts associated with this action, so no EFH assessment or EFH consultation is required, as determined by a Habitat Conservation Division Review (February 19, 2015).

9.0 Preparers and Persons Consulted

Preparers:

Timothy Cardiasmenos, GARFO NEPA staff

Chad Demarest, Acting Chief, NEFSC Social Science Branch

Danielle Palmer, GARFO Protected Resources Division

Michael Palmer, NEFSC Population Dynamics Branch

David Stevenson, P.hD, GARFO Habitat Conservation Division

William Whitmore, P.hD, GARFO Sustainable Fisheries Division (project coordinator)

10.0 References

National Marine Fisheries Service (NMFS). 2014. Environmental Assessment For an Interim Action to Implement Gulf of Maine Atlantic Cod Mortality-Reduction Area Closures and Other Conservation Management Measures. Prepared by NMFS Greater Atlantic Regional Fisheries Office, Gloucester, Massachusetts. 214 pp.

National Marine Fisheries Service (NMFS). 2014. Fishing Year 2014 Northeast Multispecies Sector Operations Plans and Contracts; An Environmental Assessment. Prepared by NMFS Greater Atlantic Regional Fisheries Office, Gloucester, Massachusetts. 357 pp.

APPENDIX 1
SECTOR EXEMPTION REQUEST



February 6, 2015

REQUEST FOR SECTOR EXEMPTION

MEASURES REQUESTED FOR EXEMPTION

On behalf of the Board of Directors of IV Northeast Fishery Sector Inc. (NEFS 4), and the sectors signed hereto, we request a sector exemption from the following Interim Measures for GOM cod for the remainder of the 2014 fishing year (or as long as the Interim Measures remain in effect):

1. Gulf of Maine Cod possession limit
2. Restriction to one Broad Stock Area when declared into the GOM BSA1

CONSERVATION OFFSET

At the request of the Gloucester Fishing Community Preservation Fund Inc., a member of the NEFS 4, and in accordance with the 2014 Sector Operations Plan for NEFS 4, the NEFS 4 Board of Directors have imposed the following restrictions on their 2014 Gulf of Maine Cod ACE for the purpose of providing a conservation offset sufficient to support the sector exemptions described in this request.

1. For the remainder of the 2014 fishing year, the NEFS 4 sector manager is hereby directed to maintain a minimum balance of 30 metric tons of Gulf of Maine Cod ACE and to consider the 30 metric tons to be net of any potential carryover into 2015 that NEFS 4 may be entitled to.
2. Furthermore, the NEFS 4 Sector Manager is to consider the 30 metric tons to be net of any post year reconciliation trading activity allowed post year end (FY 2014).
3. If deemed necessary or desirable, the NEFS 4 Board of Directors will grant authority to the Agency to monitor, restrict and/or enforce the NEFS 4 Gulf of Maine Cod ACE to the minimum balance of 30 mt plus any allowable carryover until the opportunity to utilize 2014 ACE has expired.
4. The NEFS 4 Sector Manager is instructed to proactively engage with the Agency to expeditiously identify any additional documentation that may be deemed necessary to support

this request and to promptly convene the NEFS 4 Board of Directors as necessary.

As of January 1st 2015, each of the undersigned sectors have communicated their full support for the approach and modifications contained in the comments submitted by GFCPF on the Interim Action for GOM Cod dated December 13, 2014. Each of these sectors contributed materially to this effort to reduce the available 2014 GOM Cod ACE through the methods described. The three major requests were: 1) remove BSA restriction, 2) relax or remove the possession limit and 3) remove the suite of Closures for the month of March only. The undersigned sectors continue to support all three of these modifications that would have resulted in a total of 60 metric tons in conservation offset through ACE use restrictions within NEFS 4.

However, the following sectors understand that this request for exemption is limited to just two of the three elements, the BSA restriction and the possession limit on Gulf of Maine cod with 30 metric tons (net of carryover) being held and restricted from use by NEFS 4.

Respectfully submitted,

Vito Giacalone, Executive Director

Gloucester Fishing Community Preservation Fund

President and Sector Manager IV Northeast Fishery Sector Inc.

Sectors requesting consideration and approval of this sector Exemption Request at this time:

Sustainable Harvest Sector 1

SHS 1: X _____

Northeast Fishery Sector 2

NEFS 2: X _____

Northeast Fishery Sector 3

NEFS 3: X _____

Northeast Fishery Sector 4

NEFS 4: X _____

Northeast Fishery Sector 6

NEFS 6: X _____

Northeast Fishery Sector 7

NEFS 7: X _____

Northeast Fishery Sector 8

NEFS 8: X _____

Northeast Fishery Sector 9

NEFS 9: X _____

Northeast Fishery Sector 10

NEFS 10: X _____

Northeast Fishery Sector 11

NEFS 11: X _____