

**Action to Modify the Fixed Gear Sablefish Fishery
Managed under the Pacific Coast Groundfish Fishery
Management Plan, Including Measures to:**

- **Implement electronic fish tickets for sablefish landings**
- **Revise the own/hold control limit**
- **Allow for joint fixed gear/trawl permit registration**

*Including an Environmental Assessment and Regulatory
Impact Review*

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List of Acronyms

ABC	Annual Biological Catch
ACL	Annual Catch Limits
CCE	California Current Ecosystem
CDFW	California Department of Fish and Wildlife
Council	Pacific Fishery Management Council
C/P	Catcher/Processor
CPUE	Catch Per Unit Effort
CV	Catcher Vessel
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
DPS	Distinct Population Segments
DTL	Daily Trip Limits
DTS	Dover, Thornyhead, Sablefish
EA	Environmental Assessment
EC	Enforcement Consultants
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EFHCA	Essential Fish Habitat Conservation Areas
EFISH	Electronic Fish Tickets
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ESU	Evolutionary Significant Units
FEP	Fishery Ecosystem Plan
FEIS	Final Environmental Impact Statement
FMP	Pacific Groundfish Fishery Management Plan
FMU	Fishery Management Unit
FPA	Final Preferred Alternative
FONSI	Finding of No Significant Impacts
HAPC	Habitat Area of Particular Concern
IBQ	Individual Bycatch Quota
IFQ	Individual Fishing Quota
IO-PAC	Input/Output Model for Pacific Coast Fisheries
IPHC	International Pacific Halibut Commission
LE	Limited Entry
LEFG	Limited Entry Fixed Gear
LLP	License Limitation Program
MS	Mothership
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPFMC	North Pacific Fishery Management Council

OA	Open Access
ODFW	Oregon Department of Fish and Wildlife
OFL	Overfishing Limit
OIG	Office of Inspector General
OLE	Office of Law Enforcement
OY	Optimum Yield
PacFIN	Pacific Fisheries Information Network
PPA	Preliminary Preferred Alternative
PSMFC	Pacific States Marine Fisheries Commission
QS	Quota Share
QSM	Quota Species Management
RCA	Rockfish Conservation Area
TAC	Total Allowable Catch
VMS	Vessel Monitoring System
USFWS	United States Fish and Wildlife Service
VMS	Vessel Monitoring System
WCGOP	West Coast Groundfish Observer Program
WDFW	Washington Department of Fish and Wildlife

1 Introduction

The groundfish fisheries in the exclusive economic zone (EEZ) off the West Coast of the United States are managed under the Pacific Coast Groundfish Fishery Management Plan (FMP). The FMP was prepared by the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The FMP includes 90 species of groundfish that are harvested using both commercial and recreational gear off of Washington, Oregon, and California.

The West Coast groundfish commercial fishery consists of four sectors – the limited entry (LE) trawl fishery (also known as the Shorebased Individual Fishing Quota [IFQ] Program), the limited entry fixed gear (LEFG) fishery, which includes the limited entry LEFG primary sablefish fishery for sablefish endorsed permits (where associated “tier limits” are fished) as well as the daily trip limit (DTL) fishery for non-sablefish endorsed permits, and open access (OA). All four of the sectors require participants to obtain limited entry permits except for OA. Currently, there are 176 LE trawl permits, 169 LEFG sablefish-endorsed permits, and 67 LEFG non-sablefish endorsed permits. Groundfish off the West Coast are predominantly caught with trawl gear. However, they can also be taken with troll, longline, hook and line, pots, gillnets, and other gear. The primary species caught in the limited entry fishery with fixed gear is sablefish, which has made up more than 80 percent of the LEFG catch over the past 10 years.

This Environmental Assessment (EA) analyzes three proposed measures that would apply to participants in all four sectors of the Pacific Coast Groundfish fisheries. This fishery includes those individuals that fish for sablefish using both trawl and fixed gear (longline and fish pots) north of 36° N. latitude.

The proposed measures are to: (a) implement an electronic fish ticket requirement for the sablefish fishery, (b) create a limited exemption from the control rules for the LEFG sablefish permit stacking program, and (c) implement joint registration by allowing LEFG and trawl permits to be registered to the same vessel at the same time.¹

1.1 Purpose and Need for Action

This analysis reviews three separate proposals each of which has its own purpose and need. The purpose of the proposed use of electronic fish tickets is to improve the timeliness and accuracy of catch data for monitoring harvest relative to applicable tier limits in the LEFG sablefish fishery

¹ In addition to the proposed measures, the Council considered five minor measures: (a) remove sablefish at-sea processing exemption from the IFQ fishery regulations; (b) make a correction to the regulations regarding the Sablefish allocation north of 36°N. latitude to be consistent with the Pacific Groundfish Fishery Management Plan (FMP); (c) modify regulations related to Vessel Monitoring Systems (VMS) so that an initial declaration of gear type or sector is required when registering a VMS unit; (d) update regulations for e-tickets software requirements and web-based submissions; and (e) clarify prohibitions so they are consistent with crossover provisions (i.e. prohibitions should say “take and retain” not “take, retain...”). These five minor measures do not rise to the level of an environmental assessment. These measures are minor changes and more administrative in nature. They will help to clarify regulations and make the regulations more consistent with what is in the FMP. These actions will have no effect on the natural or physical environment. They will not be discussed further in this analysis. Additional information on these minor measures is available in the proposed rule for this action.

and trip limits in the LEFG non-sablefish fishery and OA fishery. The purpose of the proposed changes to the own/hold requirements is to eliminate a regulatory barrier that affected qualified vessels wanting to participate in both the West Coast sablefish fishery and the Alaska IFQ program and provide more flexibility to allow those participants to do so. The purpose of the proposed joint registration program is to provide increased efficiencies for vessels participating in both the LEFG and LE trawl fisheries by removing a regulatory restriction on registering both gear types to a single vessel at the same time.

During the council process, the council considered the following information with regard to the purpose and need for these measures.

The council determined that the electronic fish ticket measure is needed to improve catch accounting and to enforce sablefish tier limits in the LEFG sablefish primary fishery such that the integrity of the catch share program is maintained. In addition, there is a need to improve the timeliness of the data for management and enforcement of the fixed gear fisheries.

Regarding the own/hold² control limit measure, the council considered that currently, entities fishing in the West Coast sablefish fishery may not have any ownership interest in or hold more than three sablefish endorsed permits.³ However, in Alaska, these same entities are allowed to have 20 percent ownership interest in up to five vessels. The need for this measure is to accommodate fishing entities that have found it difficult to participate in both the Alaskan fixed gear sablefish and halibut IFQ program (Alaska IFQ program) and the West Coast primary sablefish fishery due to discrepancies in the way permits are counted onboard.

Regarding the joint registration measure, the Council determined that the existing regulatory prohibition on joint registration may no longer be necessary given improved catch accounting and monitoring under the Pacific coast groundfish trawl rationalization program and the proposed improvements to catch accounting under the electronic fish ticket measure analyzed in this document. The need for this measure is to provide for increased flexibility for fishermen that participate in both the trawl and fixed gear fisheries.

1.2 Background

National Standard 1 requires that “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the U.S. fishing industry” (50 CFR 600.310(a)). Optimum yield is defined in terms of the amount of fish which will provide the greatest overall benefit to the Nation. The determination of OY is a decisional mechanism for resolving the Magnuson-Stevens Act’s multiple purposes and policies, implementing an FMP’s objectives and balancing the various interests that comprise the national

² Own and Hold have slightly different meanings for fisheries management. Holding a permit means that the vessel owner either owns the permit or is leasing the permit.

³ § 660.25 (b)(3)(iv)(C)(2) specifically States, “No individual person, partnership, or corporation in combination may have ownership interest in or hold more than 3 permits with sablefish endorsements either simultaneously or cumulatively over the primary season, except for an individual person, or partnerships or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000.”

welfare. OY is based on maximum sustainable yield⁴ (MSY) or on MSY as it may be reduced ... [in consideration of social, economic or ecological factors]. The most important limitation on the specification of OY is that the choice of OY and the conservation and management measures proposed to achieve it must prevent overfishing (50 CFR Section 600.310(b)). The analyses in this document are consistent with National Standard 1.

1.2.1 Sablefish

Sablefish (*Anoplopoma fimbria*), also known as “blackcod,” is one of the most valuable species on the West Coast. Adults are found as deep as 1,900 m, but are most abundant between 200 and 1,000 m (Beamish and McFarlane 1988; Kendall and Matarese 1987; Mason, et al. 1983). Off southern California, sablefish are abundant to depths of 1,500 m (MBC 1987). Adults and large juveniles commonly occur over sand and mud (McFarlane and Beamish 1983a; NOAA 1990) in deep marine waters. They were also reported on hard-packed mud and clay bottoms in the vicinity of submarine canyons (MBC 1987).

The most recent stock assessment, completed in 2011, estimated spawning stock biomass to be at 33 percent of its unfished biomass at the beginning of 2011 (Stewart et al. 2011). While the assessment is coastwide, and coastwide overfishing limits (OFLs) and acceptable biological catch (ABC) are specified for the stock, annual catch limits (ACLs) are apportioned north and south of 36° N. latitude, since long-term formal allocations have been decided for the portion of the population north of 36° N. latitude. Only the population north of 36° N. latitude has experienced catches with high attainment rates relative to specified ACLs/optimum yield (OYs); the percent difference in the cumulative 2002 to 2012 catch of sablefish south of 36° N. latitude has been 27.1 percent of the cumulative 2015 ACL.

Total catches by sector of sablefish north of 36° N. latitude are provided in Table 1. The cumulative 2002 to 2012 total catch of sablefish north of 36° N. latitude was 19.5 percent higher than the cumulative 2015 ACL amount. In hindsight, total catch mortality exceeded the 2015 ACL amount in 9 of the 11 years (Figure 1). Table 1 shows that sablefish north of 36° N. latitude attainment of the ACL is very high and greater than 90 percent attainment in most years, but the ACL has not been exceeded. Similar attainment is likely to continue given the high value of sablefish.

⁴ Maximum sustainable yield (MSY) is an estimate of the largest long-term average annual catch or yield that can be taken from a stock or stock complex under prevailing ecological, environmental conditions and fishery technological characteristics (e.g., gear selectivity), and the distribution of catch among fleets.

Table 1. Estimated total catch by sector of sablefish north of 36°N. latitude, 2001 to 2012.

Sector	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Sablefish (North of 36° N. lat.)											
Set-aside	492.3	734.4	871.8	803.6	735.0	597.8	570.8	673.2	593.0	551.9	593.7
California Halibut		0.0	0.1	0.0			0.0				
Incidental	42.3	131.2	161.1	109.7	66.1	82.1	41.3	32.8	12.2	18.7	31.6
Pink Shrimp	13.8	0.6	0.7	0.4		0.3	2.2	0.9	1.3	0.1	0.2
Tribal At-sea Hake	0.5	0.1	0.1	0.0		0.0	0.8	0.0		0.1	
Tribal Shoreside	435.7	602.5	709.9	693.5	668.8	515.5	526.5	639.5	579.5	533.0	561.9
Non-trawl	1,700.0	2,450.9	2,580.9	3,075.6	2,890.3	2,119.0	2,323.3	2,791.6	2,791.6	2,388.3	1,899.4
Nearshore Fixed Gear	14.9	10.7	2.1	41.5	8.6	2.6	3.3	3.2	2.9	1.4	1.7
Non-nearshore Fixed Gear	1,685.1	2,440.2	2,578.8	3,034.1	2,881.7	2,116.3	2,319.9	2,788.5	2,788.7	2,386.8	1,897.7
Trawl	2,494.1	2,425.6	2,603.6	2,543.7	2,637.5	2,609.1	2,937.2	3,187.5	2,773.4	2,383.6	2,186.8
Non-tribal At-sea Hake	21.1	17.1	28.5	15.2	2.4	3.2	1.6	0.2	12.4	5.0	5.1
Shoreside Hake	132.9	40.3	129.4	22.4	11.1	9.0	0.3	49.2	20.8	30.4	47.2
Limited Entry Trawl Permit – Trawl Gear	2,340.0	2,368.2	2,445.7	2,506.1	2,624.1	2,596.9	2,935.3	3,138.1	2,740.2	1,661.0	1,407.7
Limited Entry Trawl Permit – Fixed Gear										687.2	726.8
Grand Total	4,686.3	5,610.9	6,056.4	6,422.9	6,262.8	5,325.9	5,831.3	6,652.3	6,158.0	5,323.7	4,679.8

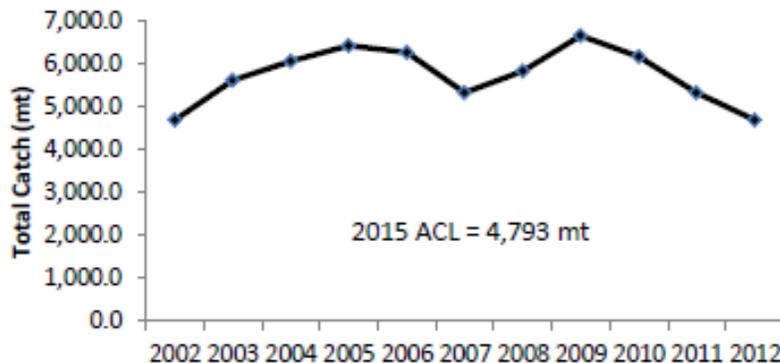


Figure 1. Estimated total catch of sablefish north of 36° N. latitude, 2002 to 2012, relative to the 2015 ACL.

Because sablefish is a precautionary zone species that is usually fished to a high level of attainment, inseason monitoring and management are especially important when managers are trying to make decisions that may result in exceeding or attaining sector ACLs. Accurate and timely data are needed to prevent overfishing.

1.2.2 Past Management Actions

The first coast-wide-established regulations on the sablefish fishery off the U.S. Pacific coast were implemented as trip limits in October 1982, with the adoption of the FMP, and has been followed by a rich history of management via seasons, size-limits, trip-limits, and culminating in a complex permit system which was implemented fully by 2006 (Table 2). Beginning in 1983, trip limits

were imposed on landings of sablefish less than 22 inches in length. Formal stock assessments of sablefish began in 1984, and sablefish were first allocated between trawl and non-trawl fleets in 1987.

Table 2. Summary of key events in the sablefish fishery and management history.

Year	Source
1942-1946	Market demands likely increase retention of previously unmarketable sablefish
1955	First minimum size limits (26-inches, OR an WA, only, later removed)
1982	Council adopts FMP, first trip limits imposed on trawl fishery
1983	22-inch minimum size limit north of Point Conception (allowance for some smaller fish)
1987	New allocation of northern area sablefish (58/42 split for trawl/non-trawl)
1994	Established a LE permit system for trawl and fixed gear sectors (Amendment 6)
1997	Created a sablefish endorsement for LE fixed gear vessels (Amendment 9)
1998	Three tier system is established by regulatory amendment
2001-2006	Established a permit stacking system for the LE fixed gear sablefish fishery (Amendment 14, implementation completed in 2006)

In 1987, an allocation of northern area sablefish was established that provided 52 percent to the trawl fishery and 48 percent to the non-trawl gear groups. This allocation was later adjusted to 58 percent and 42 percent, for trawl and non-trawl, respectively. Industry representatives of vessels participating in the non-trawl sablefish fisheries expressed their desire that the fishery be managed on a seasonal basis, as opposed to the year-round policy the Council pursued for most sectors of the groundfish fishery. The pursuit of seasonal management for the non-trawl segment of the sablefish fishery was a key decision which, when combined with a decline in sablefish abundance, ultimately impacted safety, efficiency, and allocation issues that the permit stacking program was meant to address.

The vast majority of the trawl and non-trawl sablefish harvest was placed under a license limitation program (LLP) in 1994 (Amendment 6⁵). The owners of vessels which met the landing requirements of a “qualifying period⁶” were given LE permits endorsed for the gear that was used to meet the requirements of the “qualifying period” and endorsed for the size of the vessel. Vessels using gear types other than trawl, longline, and fish pot, as well as those vessels which did not qualify for a permit were placed in the OA groundfish fishery. Of the non-tribal commercial OY of sablefish, 90.6 percent was allocated to the LE fishery and 9.4 percent was allocated to the OA fishery. The LE sablefish allocation was then allocated 58 percent to the LE trawl sector and 42 percent to the LE non-trawl (fixed gear) sector. The LLP provided the underlying structure for the permit stacking program that was finally implemented under Amendment 14⁷.

Management for the fixed gear fleet was, and continues to be, divided at the 36° N. latitude line with a separate ACL for the northern and southern fisheries. From the mid-1990s until

⁵ For more information on Amendment 6, go to: <http://www.pcouncil.org/groundfish/fishery-management-plan/fmp-amendment-6/>

⁶ The qualifying period included landings made from July 11, 1984 through August 1, 1988.

⁷ For more information on Amendment 14, go to: <http://www.pcouncil.org/groundfish/fishery-management-plan/fmp-amendment-14/>

implementation of IFQ in 2011, as part of the trawl rationalization program, the coast-wide trawl fishery took sablefish as part of its year-round cumulative trip limit⁸ fisheries. The northern fixed gear fleet landed 85 percent of its allocation in a directed sablefish season, and 15 percent of its allocation in DTL fisheries. The southern fixed gear fleet landed all of its allowed harvest in DTL fisheries. The directed season north of 36° N. latitude became increasingly tense over the years, as vessel capacity and competition for landings increased and amounts of fish available for harvest decreased. Through 1996, the directed or “primary” season for the LEFG fleet was managed as an open competition “derby”. The derby duration shortened each year, until the fishery was just five days long in 1996.

Concern for the safety of participants in the sablefish derby led the Council to develop Amendment 9⁹ to the FMP. In 1997, NMFS implemented Amendment 9, the sablefish endorsement program. LE permit holders were eligible for sablefish endorsements based on their permit history. A fixed gear sablefish endorsement was also added to permits that had qualifying landings (more than 16,000 pounds of sablefish taken in a year between 1984 and 1994). Permits without sufficient sablefish landings history were not endorsed for future participation in the primary season, but they could still be used in the DTL fisheries.

Even with the sablefish endorsement, the fishery season remained short (nine days in 1997). To lengthen the season and improve safety, equal limits were imposed on all qualified participants who held sablefish endorsements. However, the season still had to be limited to keep the fishery from being classified as an IFQ program, which was prohibited under the current iteration of the Magnuson-Stevens Act. In its 1996 re-authorization of the Magnuson-Stevens Act, Congress included a moratorium on implementing new IFQ programs through October 1, 2000. The moratorium was interpreted to cover any program that would allow a vessel ample time and opportunity to catch a limit allocated specifically to that vessel. The moratorium forced the Council to manage the primary season to a short duration that prevented many participants from fully taking their vessel-specific limits, this is also known as a “modified derby” fishery. To further assure that the cumulative limits would not be categorized as an IFQ program, regulations were established to set a maximum season length of 10 days. Equal cumulative limits were viewed by the Council as being extraordinarily re-allocative in nature, but for 1997, equal limits were the only option available to lengthen the season and to begin to address safety issues.

The inequitable allocation system created by the equal cumulative limits was partially resolved with a “three-tier” system, which was established by regulatory amendment for 1998 and beyond. Under this “three-tier” system, sablefish endorsement holders were ranked into three different tiers based on their permit histories, with the lowest tier (Tier 3) having the lowest qualification requirements. Annual management of the three-tier cumulative limit system required that the allocation for this fishery be divided such that there were three different cumulative limits for the different tiers. While somewhat more equitable than the equal cumulative limit system, the three-tier system still required some fishermen to make large cutbacks in their harvest levels while allowing others to expand. The system provided little flexibility to operators to determine the

⁸ A cumulative trip limit, as defined in regulation, is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified.

⁹ For more information on Amendment 9, go to: <http://www.pcouncil.org/wp-content/uploads/gfa9.pdf>

manner in which their sablefish catch is harvested or to scale their harvest upward to match their pre-existing levels of capital investment because the seasons were still short and tiers could not be traded or transferred. This lack of flexibility undoubtedly reduced efficiency, resulting in a lower net value for harvest.

Even under the three-tier system, the fishery still had to be managed as a modified derby to keep from being considered an IFQ, and the seasons were still too short , averaging between 6-9 days, to allow fishermen to operate with care and safety. Short derby seasons are believed to result in accidents due to fatigue and financial pressure to fish and transit under unsafe conditions.

The Magnuson-Stevens Act moratorium on new IFQ programs expired on October 1, 2000. On December 21, 2000, an appropriations bill¹⁰ for NOAA, contained a continuation of the IFQ moratorium through October 1, 2002 and an exception for a permit stacking program in the West Coast fixed gear sablefish fishery. On August 2, 2001, Amendment 14 implemented a permit stacking program, in which up to three sablefish-endorsed permits could be registered for use with a single vessel and that vessel could then have access to the primary season sablefish cumulative limits associated with each of those permits. Most importantly, the exception to the IFQ moratorium for the fixed gear sablefish fishery as implemented through Amendment 14 allowed longer seasons (April through October), so that each vessel could fish against its limits at its own speed.

Portions of Amendment 14 were implemented for the 2001 primary sablefish season. The extended sablefish season was fully implemented in 2002. In 2006, NMFS implemented additional regulations for Amendment 14, many of which were intended to keep the fishery a small, owner-operator fleet. It was also decided that, in the future, NMFS would implement a permit stacking program fee system (cost recovery program) as required by the Magnuson-Stevens Act. Table 3 provides an overview of the regulations implemented for Amendment 14.

Table 3. Amendment 14 provisions by year implemented.

Year Implemented	Provisions Implemented
2001	NMFS implemented the initial permit stacking provisions (66 FR 41152, August 7, 2001). The following provisions were put in place in 2001: <ol style="list-style-type: none"> (1) up to 3 sablefish-endorsed permits may be registered for use with a single vessel; (2) the LE, primary sablefish season is from August 15 - October 31, 2001; (3) a vessel may fish for sablefish during the primary season with any of the gears specified on at least one of the LE sablefish-endorsed permits registered for use with that vessel; (4) no person may own or hold more than 3 sablefish-endorsed LE permits unless that person owned more than three permits as of November 1, 2000; (5) no partnership or corporation may own a sablefish-endorsed LE permit unless that partnership or corporation owned a permit as of November 1, 2000; (6) cumulative limits for species other than sablefish and for the sablefish daily trip limit fishery remain per vessel limits and are not affected by permit stacking; and

¹⁰ Public Law 106-553

Year Implemented	Provisions Implemented
	(7) the LE daily trip limit fishery for sablefish is open during the primary season for vessels not participating in the primary season.
2002	NMFS extended the fishing season to April 1 - October 31 as part of the Pacific Coast groundfish final specifications and management measures (67 FR 10490; March 7, 2002).
2006	<p>NMFS implemented further permit stacking regulations that include the following provisions (71 FR 10614, March 2, 2006):</p> <ul style="list-style-type: none"> (1) Permit owners and permit holders are required to document their ownership interests in their permits to ensure that no person holds or has ownership interest in more than three permits; (2) An owner-on-board requirement for permit owners who did not own sablefish-endorsed permits as of November 1, 2000; (3) An opportunity for permit owners to add a spouse as co-owner; (4) Vessels that do not meet minimum frozen sablefish historic landing requirements are not allowed to process sablefish at sea; (5) Permit transferors are required to certify sablefish landings during mid-season transfers; and (6) A definition of the term “base permit.”

1.3 Description of the Management Area

Sablefish are distributed in the Northeastern Pacific Ocean from the southern tip of Baja California, northward to the north-central Bering Sea and in the Northwestern Pacific Ocean from Kamchatka, southward to the northeastern coast of Japan (Stewart et al. 2011). The Program applies to the sablefish primary fishery, which runs from April 1 through October 31, and occurs north of 36° N. latitude (Figure 2).

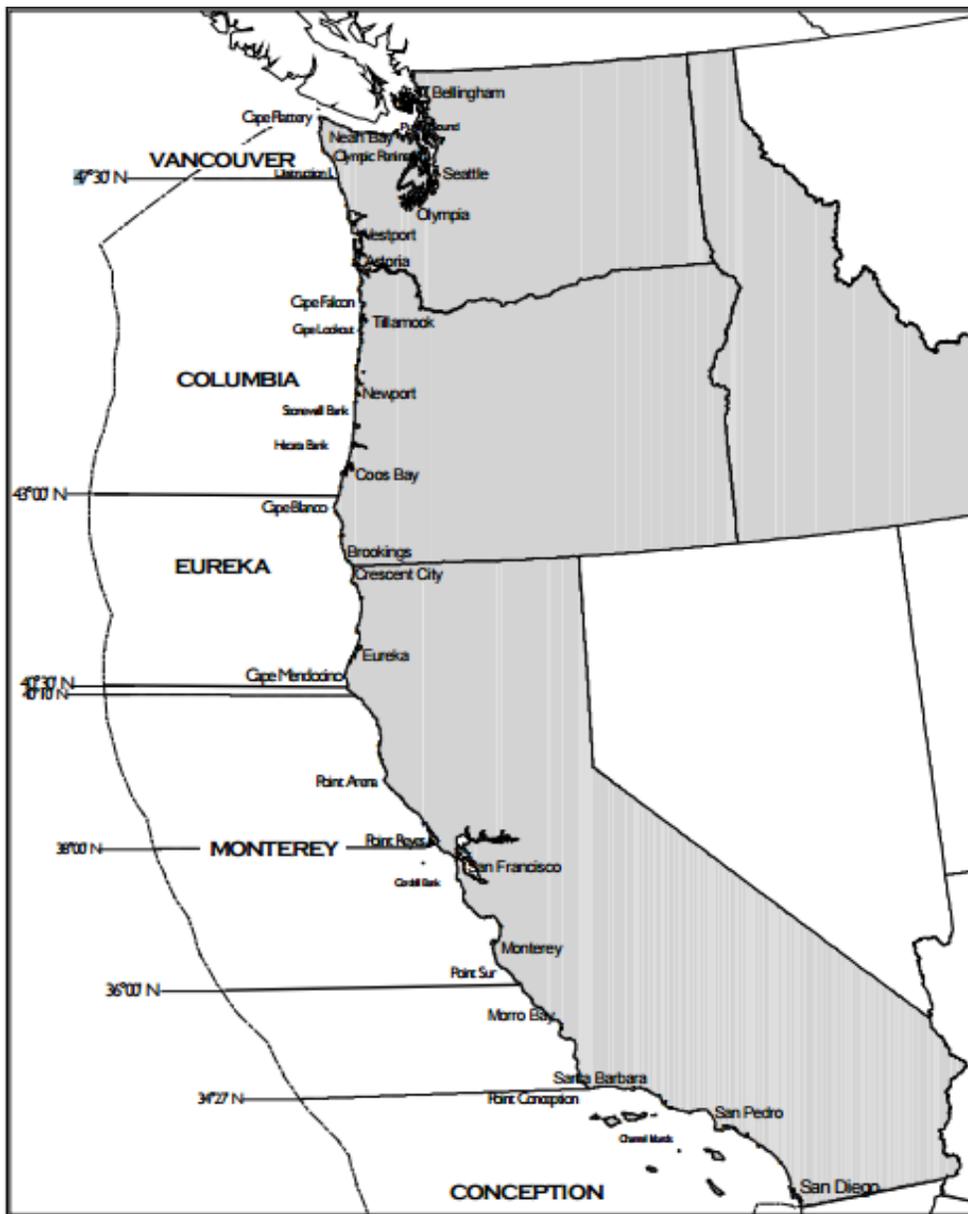


Figure 2. The West Coast Exclusive Economic Zone and some of the latitudinal management lines used in groundfish management.

The action area for this action includes the fishing grounds used by Federally-managed U.S. West Coast groundfish fisheries and associated coastal communities north of Point Sur at 36° N. latitude. In general, the fishing grounds are within the West Coast EEZ, which stretches from 3 to 200 nautical miles off the coast of California south of Cape Mendocino (Figure 2), although groundfish

fishing is largely confined to depths of 300 fathoms (ftm)¹¹ or less, or roughly within 30 miles of the coast. Groundfish fisheries are an important part of the local economy and social fabric in coastal communities.

¹¹ One fathom is equal to six feet.

2 Description of Alternatives

Between 2012 and 2014, the Council considered several measures and options for action alternatives that would meet its Statements of Purpose and Need (Section 1.2). At several meetings during that time period, the Council adopted a range of alternatives for each of the three measures presented in this analysis (Sections 2.1, 2.2, and 2.3) and rejected some previously considered alternatives from further consideration (Section 2.4). The sections below provide an overview of those alternatives considered and moved forward, as well as the alternatives that were rejected from consideration.

2.1 Electronic Fish Tickets

The first measure covered by this EA is a proposal to change landing reporting requirements to implement a Federal requirement for an electronic fish ticket. When a sablefish LEFG delivery is made, the delivery is recorded on a State fish ticket in either Washington, Oregon, or California. Landings recorded on one fish ticket may count against multiple permits with varying tier endorsements. If the vessel operator does not specify which permit/tier the catch should be counted against, the delivery is apportioned to each individual tier (up to three tiers) by an even split until the tiers are reduced to a point where they are equal to or less than the daily-trip limits. All of this tabulation is done by the State agency(s) and then sent to the Pacific States Marine Fisheries Commission (PSMFC) for entry into the Pacific Fishery Information Network (PacFIN).

At the September 2013 meeting of the Council, the Enforcement Consultants (EC) report outlined several concerns with the existing reporting requirements. Their primary concern was that the opportunity for underreporting is great under the current regulations, which defer to the States to report catch data and permit numbers on State fish tickets. Enforcement agents have little access to data and when they do gain access, the data is often times outdated. This creates a situation where at-sea boarding or dockside inspection can do little besides checking the permit status, because no real-time information on the actual status of the tier(s) being fished is available. In addition, with current landing reports, enforcement of the owner-on-board requirement is difficult without having real-time permit and landing information. During an at-sea boarding or dockside inspection, enforcement must determine which owner, if any, is supposed to be onboard the vessel during that trip.

Since inception of the tier program, NMFS has requested that the State agencies list the Federal permit number on the State ticket (see 71 FR 10614, March 2, 2006, response to comment 1). At its June 2014 meeting, the Council, again, recommended that LEFG sablefish permit numbers be required on fish tickets. Washington requires the tier permit number be listed on the State fish ticket, and Washington enforcement and management personnel have ready access to the Washington State landing data. In 2013, Oregon enacted State regulations that require documentation of the permit number on the State fish ticket. Unlike in Washington and Oregon, California does not have a State regulatory requirement for the tier permit number to be listed on the State fish ticket. In addition, California is still utilizing paper tickets which slow down processing and availability of timely and accurate information to NMFS Office of Law Enforcement (OLE).

Although Federal and State enforcement personnel may request information from their individual States or from PacFIN, the information process is laborious, time consuming, dated, and most importantly, does not lend itself to making information available to an agent or officer working in the field performing patrol-related activities.

The Department of Commerce, Office of the Inspector General (OIG) recently released a report highlighting these issues and finding, in part, that the sablefish permit stacking program does not have adequate data and that NOAA is not monitoring to determine whether individual permits are exceeding their allowed landings (Final Report No. OIG-14-019-I, May 1, 2014). The OIG report recommends, in part, that NMFS (1) develop a process to ensure that accurate landings information is obtained by individual permit in a timely manner, and (2) develop controls to monitor landings on an individual permit basis to ensure overage violations are adequately addressed. This action seeks to address these catch accounting issues.

The Council considered alternatives to address the issues with current reporting through fish tickets and, through its deliberations, narrowed the focus to status quo (No Action) and the three alternatives listed below and discussed in the following sections. Additional alternatives that were considered but rejected from analysis can be found in Section 2.4. At its June 2014 meeting, the Council selected Alternative 4 as its final preferred alternative.

Alternative 1: (No Action) There are currently no Federal regulations requiring electronic fish ticket documentation for sablefish landings in the primary/tier sablefish fishery, within the larger LEFG fishery or within the OA fishery, which are managed under daily, weekly, and bimonthly trip limits.

Alternative 2: A Federal requirement that all primary/tier deliveries be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.

Alternative 3: A Federal requirement that all LE permit sablefish deliveries (primary/tier and DTL) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.

Alternative 4: (Council's Final Preferred Alternative) A Federal requirement that all sablefish deliveries (primary/tier, DTL, and OA) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.

2.1.1 No Action Alternative

Under the No Action alternative, Alternative 1, the first receiver¹² who receives fish from vessels that fish in the primary/tier sablefish fishery within the larger LEFG fishery or within the OA fishery would continue to file State landings tickets with the data made available through PacFIN.

¹² First Receiver, as defined in federal regulations at §660.11, means a person who receives, purchases, or takes custody, control, or possession of catch onshore directly from a vessel. The States may have a different name in their regulations for this person (i.e. buyer, fish buyer, dealer, etc.).

There would be no Federal requirement to submit electronic fish ticket documentation for sablefish landings.

Catch accounting in the LE and OA fisheries is based on landed catch derived from State landing receipts. Total catch is derived by combining landed catch values from State landing receipts with discard ratios derived from observer sample data. Current regulations at 50 CFR 660.3¹³ and 660.13 require vessels to adhere to applicable State laws for recordkeeping and reporting. However, State landing receipts do not consistently include the Federal groundfish permit number associated with the landing, which can be problematic, particularly when multiple permits are registered to a single vessel. Electronic fish ticket regulations in section §660.15(d) apply only to first receivers in the Shorebased Trawl IFQ program and not to the LE and OA fisheries first receivers.¹⁴ Landings data are available in the PacFIN database for management and enforcement purposes several months after the date of landing.

At the time of implementation of Amendment 14, no Federal regulations requiring fish ticket documentation of the groundfish permit number associated with sablefish landings in the primary/tier sablefish fishery were enacted. Documentation of catch against tier limits and documentation of permit numbers was left to the States to implement. In the Amendment 14b final rule (71 FR 10614, March 2, 2006), comment and response section, Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW) committed to requiring Federal permit numbers to be recorded on State fish tickets by 2007. At that time California Department of Fish and Game, now California Department of Fish and Wildlife (CDFW), had already added a line for a Federal permit number on their State ticket and entered that information into PacFIN. Washington requires the tier permit number be listed on the State fish ticket, and Washington enforcement and management personnel have ready access to the Washington State landing data. The State of Oregon has recently changed their regulations to require that the permit number be documented on the State landing receipt. As of 2014, Federal permit numbers are not being recorded consistently on State landing receipts associated with sablefish landings.

Under the current system, when a sablefish fixed gear tier delivery is made, the first receiver records the delivery on a State paper fish ticket in accordance with State law. One to three tiers may be delivered and recorded on this one trip ticket. If not specified by the vessel making the delivery, the delivery is apportioned to the individual tiers (up to three) by an even split until the tiers are reduced to a point where they are equal to or less than the DTL. All of this tabulation is done by the State agency(s) and then sent to PSMFC for entry into PacFIN. Under the No Action Alternative, the requirements for sending in paper landing receipts varies among States with Washington requiring the paper landing receipts to be received within six working days, Oregon requiring the landing receipts to be received within five working days, and California requiring the landing receipts to be received by the first and sixteenth of the month. It is a considerable time

¹³ §660.3 Reporting and recordkeeping. Any person who is required to do so by applicable State law or regulation must make and/or file all reports of management unit species landings containing all data and in the exact manner required by applicable State law or regulation.

¹⁴ LE and OA fixed gear sablefish fishing outside of the sablefish primary season north of 36° N latitude is governed by management measures imposed under §660.230, §660.232, §660.330, and §660.332.

after the tickets are prepared and submitted that the data are entered into a State database, edited, and forwarded to the PacFIN database; depending on the State, it may take several months.

2.1.2 Action Alternatives

Each of Alternatives 2 through 4 would implement a Federal requirement that first receivers of non-trawl commercial sablefish landings to U.S. West Coast ports record landings on an electronic fish ticket. The action alternatives differ from each other only in the fleets that they address. Alternative 2 would affect participants in the LEFG sablefish primary fishery only. Alternative 3 would expand upon Alternative 2 to add participants in the LEFG DTL fishery. Lastly, Alternative 4 would expand upon Alternative 3 to add participants in the OA DTL sablefish fishery.

Under each of the action alternatives, the electronic tickets already in use by the Shorebased IFQ Program would be used to record sablefish landings. The electronic ticket could easily accommodate non-trawl sablefish landings with little to no revision to the existing electronic ticket. Any first receiver required to fill out an electronic ticket would need to request a free PSMFC first receiver account, fill out an electronic ticket online, and submit that electronic ticket to PSMFC within 24 hours of landing. The catch data recorded on the electronic ticket would then be made available to State and Federal management and enforcement agencies, and later entered into PacFIN along with other catch data. Table 4 summarizes some of the potential differences between the No Action Alternative and Alternatives 2 through 4.

Electronic fish ticket means a web-based data system meeting data export specifications approved by NMFS that is used to send landing data to PSMFC. Electronic fish tickets are used to collect information similar to the information required in State fish receiving tickets or landing receipts, but they do not replace or change any State requirements. However, the State may use the electronic fish ticket to satisfy their State requirements. The electronic fish ticket system was designed and is managed by the PSMFC, with funding from NMFS. The electronic fish ticket system has been used for the Pacific whiting shorebased fishery since 2007 (see 72 FR 50906, September 5, 2007). In 2011, the electronic fish ticket system was expanded to include not only the Pacific whiting shorebased fishery but all groundfish delivered shoreside by vessels participating in the Shorebased IFQ Program under Amendment 20 (the Trawl Rationalization Program). The current electronic fish ticket system is a web-based electronic fish ticket system. This change would affect the requirements associated with using the electronic ticket. Electronic fish ticket regulations at 50 CFR 660.15 would be updated to reflect that this is a web-based system and that the requirements would apply to all sablefish landings in the primary/tier, LEFG, LE trawl, and OA fisheries. These regulations currently apply only to first receivers in the Shorebased Trawl IFQ program and not to the LEFG and OA fisheries. The existing electronic fish ticket varies slightly by State such that each form records the information necessary for compliance with State landings regulations. Although the form is currently used for the Shorebased IFQ Program, it could easily accommodate landings in the commercial non-trawl groundfish fleet, and also provides unique reporting functions, such as preparation of tax information, that may be beneficial to first receivers.

Alternative 2: A Federal requirement that all LEFG sablefish primary fishery deliveries be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.

First receivers would be required to record sablefish landings made against sablefish tier limits during the LEFG sablefish primary season north of 36° N (April 1 through October 31, or until the permit holder's tier limit has been reached, whichever occurs first), on a Federal electronic fish ticket that documents the associated Federal groundfish permit number. The existing electronic ticket already has the appropriate fields and drop down boxes necessary to accommodate this fishery and would be expanded to include sablefish landings. State landings receipts would still be required per State landings regulations; the electronic ticket would be separate from and in addition to State landing requirements. After a landing was made, the first receiver would record all necessary landing and catch information on the electronic ticket and upload it to PSMFC within 24 hours of the landing. PSMFC would process the data and enter it into PacFIN. After which time, it would be available to interested parties (i.e. State agencies, OLE, NMFS, and vessel owners).

Alternative 3: A Federal requirement that all LE permit sablefish deliveries (primary/tier and DTL) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.

The first receiver would be required to record sablefish landings made against sablefish-endorsed (tier) permits during the primary season and sablefish landings made by vessels registered to LEFG permits, before and after the primary season, and subject to the restrictions and limits of the LE daily and/or weekly trip limit (DTL) fishery for sablefish, on a Federal electronic fish ticket that documents the associated Federal groundfish permit number. The existing PSMFC electronic ticket already has the appropriate fields and drop down boxes necessary to accommodate this fishery and would be expanded to include sablefish landings. State landings receipts would still be required per State landings regulations; the electronic ticket would be separate from and in addition to State landing requirements. After a landing was made, the first receiver would record all necessary landing and catch information on the electronic ticket and upload it to PSMFC within 24 hours of the landing. PSMFC would process the data and enter it into PacFIN. After which time, it would be available to interested parties (i.e. State agencies, OLE, NMFS, and vessel owners).

Alternative 4: (Final Preferred Alternative) Federal requirement that all sablefish deliveries (primary/tier, DTL, and OA) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.

The first receiver would be required to record sablefish landings in the primary/tier and LEFG and OA DTL fisheries on a Federal electronic fish ticket that documents the associated Federal groundfish permit number(s). The existing PSMFC electronic ticket already has the appropriate fields and drop down boxes necessary to accommodate this fishery and would be expanded to include sablefish landings. State landings receipts would still be required per State landings regulations; the electronic ticket would be separate from, and in addition to, State landing requirements. After a landing was made, the first receiver would record all necessary landing and

catch information on the electronic ticket and upload it to PSMFC within 24 hours of the landing. PSMFC would process the data and enter it into PacFIN. After which time, it would be available to interested parties (i.e. State agencies, OLE, NMFS, and vessel owners).

Table 4. Differences between the No Action and Electronic Fish Ticket Alternatives

Issues	No Action Alternative	Electronic Ticket Alternatives
Timely reporting of catch	<ul style="list-style-type: none"> • Electronic ticket not required. • Paper reports required by State of landing. • May take 2-4 months for NMFS to have access to landings by permit 	<ul style="list-style-type: none"> • Federal requirement for electronic fish tickets. • Submission of electronic fish tickets within 24 hours of the date of landing. • Paper reports required by State of landing.
Accurate reporting of catch	<ul style="list-style-type: none"> • In-season data available for monitoring is a combination of paper ticket data and estimates • NMFS unable to obtain real-time, accurate landings data (permit number not consistently recorded on ticket) • Paper tickets are subject to compromise and error 	<ul style="list-style-type: none"> • Data electronically entered into the system can be verified and validated at the time of entry by buyer personnel • Provides a tool for processors and buyers to capture and track fish tickets, generate tax reports, and summary data
Enforce landing overage violations	<ul style="list-style-type: none"> • In-season estimates are not sufficient for enforcement purposes • Data delays prevent real-time, in-season enforcement of tier overages and the owner on board requirement 	<ul style="list-style-type: none"> • Accurate, real-time tracking of landings against cumulative limits will allow enforcement to monitor and enforce tier limits and DTLs

2.2 Own/Hold Control Limit

The second measure covered by this EA is a proposal to create a limited exemption from the control rules for eligible applicants. The exemption would allow certain owners of vessels freedom from the hold count based on their ownership interest in the vessel.

Control occurs when a person owns or holds a permit. Thus, a person can control a permit by directly owning the permit (i.e., “own”) or by owning a vessel to which a permit is registered (i.e., “holding” a permit). In this latter situation, the permit registered to the vessel is owned by someone else. For the purpose of determining the number of permits a person controls, ownership of any percentage of a permit counts as one permit. Any persons who have any percentage ownership interest in a vessel are considered to hold (i.e., control) any permit associated with that vessel (see regulations at 660.25(b)(3)(iv)(C)(2)). Additionally, if the owner of a vessel is not the permit owner, the owner of the vessel would accrue a count hold of one for any permits registered to that vessel. If any person owns a permit and his/her boat is registered to it, the count attributed to owning the permit and is still one. The current own/hold control regulations limit participants

(permit owners and/or vessel owners) in this program to owning or holding no more than three permits. This is known as the three-permit control limit. This limit was intended to prevent concentration of harvest privileges. However, it has led to unforeseen complications because many persons, partnerships or corporations have harvest privileges in both Alaska IFQ sablefish and Pacific coast sablefish fisheries.

While the own/hold control limit has been in place since 2001 without many issues being raised by the majority of the fleet, one issue has come forward more recently highlighting complications the own/hold control limit causes. The issue brought to the Council's attention pertains to participants in the sablefish endorsed LEFG (primary/tier) fishery that also harvest Alaska halibut and sablefish with fixed gear in the Alaska IFQ program.¹⁵ Regulations in the Alaska IFQ program require that a sablefish quota owner must have at least part ownership in the vessel that will fish their quota. Some of these vessels also participate in the LEFG sablefish fishery off the Pacific coast. In such situations, any sablefish permit registered to that vessel would count toward the three-permit ownership limitation of the person, corporation, or partnership with part ownership of the vessel.

The Alaska IFQ program also contains an exemption for participants who received an initial allocation of Alaska IFQ. These participants are said to use a "grandfather clause" which exempts them from Alaska's owner-on-board requirements and Alaska limitations on individuals owning IFQ.¹⁶ Unlike the West Coast sablefish permit stacking program, the Alaska IFQ program requires that, under certain circumstances, an entity acquire at least 20 percent ownership interest in the vessel that will fish its Alaska IFQ. If the vessel also participates in the sablefish permit stacking program, thereby making it a West Coast and Alaska vessel, there may be LEFG sablefish endorsed permits registered to the vessel. When an entity acquires an ownership interest (i.e. 20 percent or more ownership) to hire the vessel to participate in the Alaska IFQ program, any LEFG permits that happen to be registered to the vessel would also count against that entity's three permit limit. If that entity already controls some LEFG permits (e.g. owns a different vessel which participates in the West Coast sablefish fishery) then its ability to hire another West Coast vessel to fish its permits may be limited.

There are two circumstances under which an entity is required to acquire a minimum 20 percent ownership interest in the vessel which will be hired to fish its Alaska IFQ. Both these circumstances involve grandfathered participants.^{[17][18]} The first circumstance involves those

¹⁵ The North Pacific Fishery Management Council (NPFMC) manages IFQ Program for fixed-gear Pacific halibut and sablefish fisheries in the Bering Sea Aleutian Island and the Gulf of Alaska.

¹⁶ The West Coast sablefish permit stacking program also has owner-on-board requirements and a requirement that only individuals own LEFG, sablefish-endorsed permits, unless they have been provided a "grandfather" exemption. However, these West Coast provisions are not constraining participation in Alaska IFQ.

¹⁷ Grandfathered participants, in this instance, are those participants that meet the criteria for an exemption to the owner-on-board requirement. These participants hold catcher vessel quota shares in vessel categories B, C, and D, and are eligible to hire masters to harvest their IFQ. Currently there are 333 individuals and 74 corporations that are "grandfathered" into the Alaska IFQ program and meet the exemption.

¹⁸ Participants that are currently "grandfathered" into the Alaska IFQ program, beginning in 2015, are no longer allowed to hire a master on any catcher vessel (B, C, or D) quota share that they received by transfer after February 12, 2010.

individuals grandfathered in with an exemption from the IFQ owner-on-board requirement. Regulations for the Alaska Sablefish IFQ Program require that individual owners of catcher vessel quota shares (QS) (Alaska QS, vessel categories B, C, or D) be onboard the vessel during all IFQ fishing. Grandfathered participants receive an exemption to the owner-on-board requirement which allows them to employ a hired master¹⁹ to fish his or her IFQ, but only if the initial recipient owns a minimum of 20 percent interest of the vessel on which they hire a master to fish their IFQ. The second circumstance involves those entities, such as corporations, partnerships, or associations, grandfathered in with an exemption to provisions which limits IFQ ownership to individuals. To operationalize the owner-on-board provision, acquisition of Alaska IFQ by entities was prohibited, except for those entities that already existed and were eligible for an initial allocation. Over time and similar to the West Coast fishery, individuals and entities eligible for these two exemptions will leave the fishery, and there will no longer be any remaining grandfathered entities. Like the West Coast sablefish fishery, the regulations were structured in this way to maintain a predominantly owner-operator fishery. Alaska regulations have recently been modified to further encourage more rapid movement toward a solely owner-operated fishery in Alaska.

In September 2013, the Council initiated the sablefish permit stacking program review, which included consideration of the current three-permit ownership limitation (also referred to as an own/hold rule) and explored a regulatory amendment to provide relief to industry members who were limited because of participation in the Alaska sablefish IFQ fishery. The Council initially narrowed the focus to status quo (No Action) and alternatives 2a and 2b. However, at the Council's June 2014 meeting, NMFS proposed, and the Council selected as its final preferred alternative, an additional action alternative (Alternative 3) to address the purpose and need for this action, as well as the perceived complexities with the Council's preliminary preferred alternative (Alternative 2b).

For all alternatives, the own/hold control limit is three permits. However, the criteria for counting a permit toward that limit varies among the alternatives.

Alternative 1: (No Action) The control limit to own and hold is three permits. Any level of permit ownership would count as one permit towards the limit of three permits. In addition to any permits owned, any permits registered to a vessel, would count toward the three permit limit.²⁰ Select permit owners are grandfathered²¹ in and allowed to exceed the three permits limit. Any group ownership interest in the permit results in a permit count of

¹⁹ An Alaska IFQ hired master permit authorizes the individual identified on the IFQ hired master permit to land IFQ halibut or IFQ sablefish for debit against the specified IFQ permit until the IFQ hired master permit expires, is revoked, suspended, surrendered in accordance with 50 CFR 679.4(a)(9), modified under 15 CFR part 904, or cancelled on request of the IFQ permit holder.

²⁰ To clarify, each permit owned (wholly or partially) or registered to the vessel would count as one permit towards the three permit limit.

²¹ In this instance, "grandfathered" means those participants (person, partnership, or corporation), in the West Coast sablefish fishery that had an ownership interest in more than three permits before November 1, 2000. These same participants, if they already own at least three permits, are not allowed to acquire any additional permits after November 1, 2000. However, if these participants divest some of their ownership interest and their interest falls below the three permit threshold, they would then be allowed to obtain more permits.

1 being attributed to each group member. Permits acquired through transfer after November 1, 2000, can only be owned by an individual.

Alternative 2a: No Action for permit ownership. Any percentage ownership in a permit is a count of one. However, holding a permit is counted only if the vessel owner holds more than 20 percent ownership interest in a vessel registered to the permit. Partial vessel ownership is capped at two vessels. For example, 20 percent or less ownership in a vessel exemption could only be used twice. After the two permit exception is reached, any permits registered to a vessel, wholly- or partially-owned by the entity, would count toward the three permit limit, as described under No Action.²²

Alternative 2b: No Action for permit ownership. Any percentage ownership in a permit is a count of one. However, holding a permit is only counted if the vessel owner holds more than 30 percent ownership interest in a vessel registered to the permit. Partial vessel ownership is capped at two vessels. For example, 30 percent or less ownership in a vessel exemption could only be used twice. After this two permit exception is reached, then any permits registered to a vessel, wholly- or partially-owned by the entity, would count toward the three permit limit, as described under No Action.

Alternative 3: (Council's Final Preferred Alternative) No action for permit ownership. Any percentage ownership in a permit is a count of one. However, eligible owner(s) of vessel(s) registered to a sablefish endorsed LE permit could apply to NMFS for a limited exemption to the permit control rules. To be eligible for the exemption, a vessel owner must own no more than 20 percent ownership interest in a vessel registered to the sablefish endorsed permit, ownership interest in Alaska sablefish IFQ, and the vessel has fished in the past 12-month period in both the West Coast groundfish LEFG and Alaska sablefish IFQ. The exemption would allow a vessel owner to own up to 20 percent of up to two vessels registered to other tier-endorsed LE permits without having the permits registered to the vessel(s) count against the individual's hold count limit. The exemption would remain in place so long as the vessel owner still meets the qualifying criteria.

Under the action alternatives 2a and 2b, the 20 and 30 percent vessel ownership would be a threshold for determining whether the permits registered to that vessel should count against the vessel owner's own/hold control limit. The 20 percent threshold was chosen because this would allow vessels that also participate in the Alaska sablefish fishery to maintain 20 percent ownership in vessels that also participate in the West Coast primary fishery without triggering the control limit. The 30 percent threshold was chosen for comparison purposes. A percentage threshold above 30 percent was not added to the range of alternatives because the advisory bodies and Council felt that a higher threshold went beyond addressing the scope of the issue and could potentially result in unwanted socioeconomic consolidation within the West Coast fishery. A percent threshold lower than 20 percent was not considered because a lower threshold would not adequately address the need for this measure (to accommodate overlap between the Alaska sablefish fishery and the West Coast primary fishery).

²² Unless modified by the action alternative, all other provisions of No Action would continue, including the three-permit limit, grandfather provisions for permit owners with more than three permits as of November 1, 2000, and rules for attributing permit control to individuals who participate in group ownership of a permit.

2.2.1 No Action Alternative

Under Alternative 1, no action, the control limit to own and hold is three permits. Any level of permit ownership would count as one permit towards the limit of three permits. In addition to any permits owned, any permits registered to a vessel, would count toward the three permit limit. Select permit owners, who participate in the sablefish endorsed LEFG fishery and own more than three permits, may be grandfathered in allowing them to own more than three permits, based on what they owned as of November 1, 2000. Any group ownership interest in the permit results in a permit count of 1 being attributed to each group member.

Under No Action, the criteria for determining permit control are: (1) any share in the ownership of a permit and (2) any share in the ownership of a vessel that is registered to a permit it does not own. Any shares of ownership in these two situations cause the involved permits to count against an individual's permit limit. Unless a partnership or corporation owned a sablefish-endorsed permit as of November 1, 2000 (also referred to here as grandfathered or first generation permit owner), a permit must be owned by an individual. In contrast to permit ownership requirements, vessel ownership (i.e., permit holder) was not grandfathered and may be owned by an individual, partnership, or corporation.

For example, the partnership of Mary and Mike Smith own a tier permit (Permit 1 in Figure 3) and have registered it to the fishing vessel Fairweather which they also own. As a result, each of them would be considered to have individually incurred a count of one permit towards the 3 permit limit, and the partnership also has a count of one towards the limit. Similarly, Group Z (owned by John Doe and his partners) has 20 percent ownership of the fishing vessel Fairweather registered to the permit owned by Mary and Mike Smith. Group Z accrues a count of one permit held towards the three permit limit. In addition, John Doe and each of his partners accrue a count of one permit held towards the three permit limit. Note that if Group Z owned another permit and vessel (Permit 2 and the vessel Foulweather in Figure 4), that permit would not count against the Smith's since the Smiths do not have an ownership interest in Group Z, Permit 2, or the vessel Foulweather.

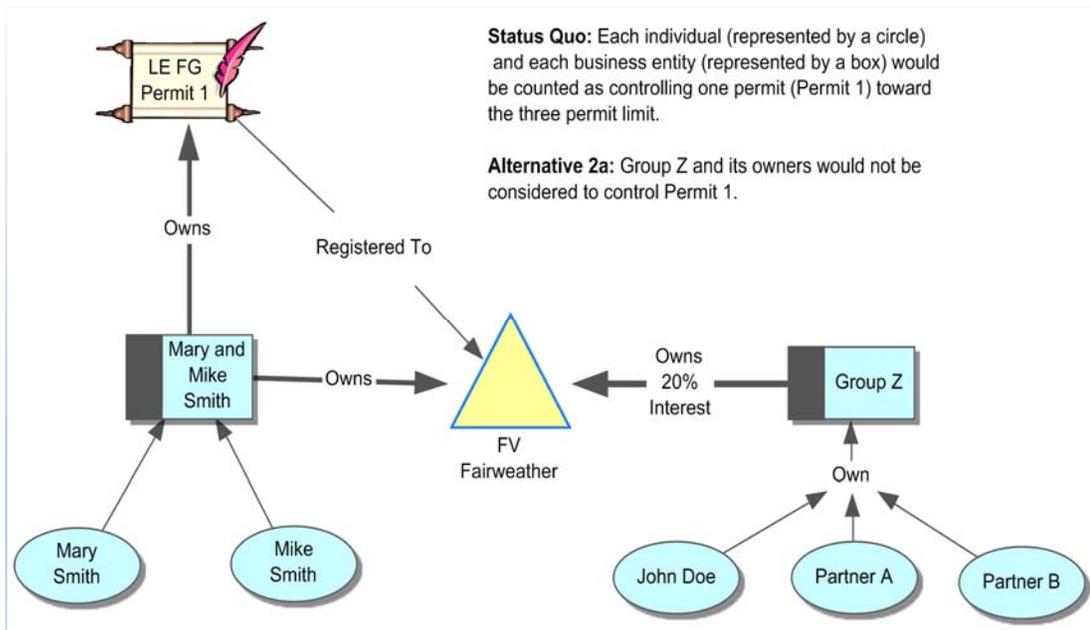


Figure 3. Permit counting under no action/"status quo" and "alternative 2a" with two business entities, one vessel, and one permit. (Note: In this example, "status quo" is interchangeable with "no action".)

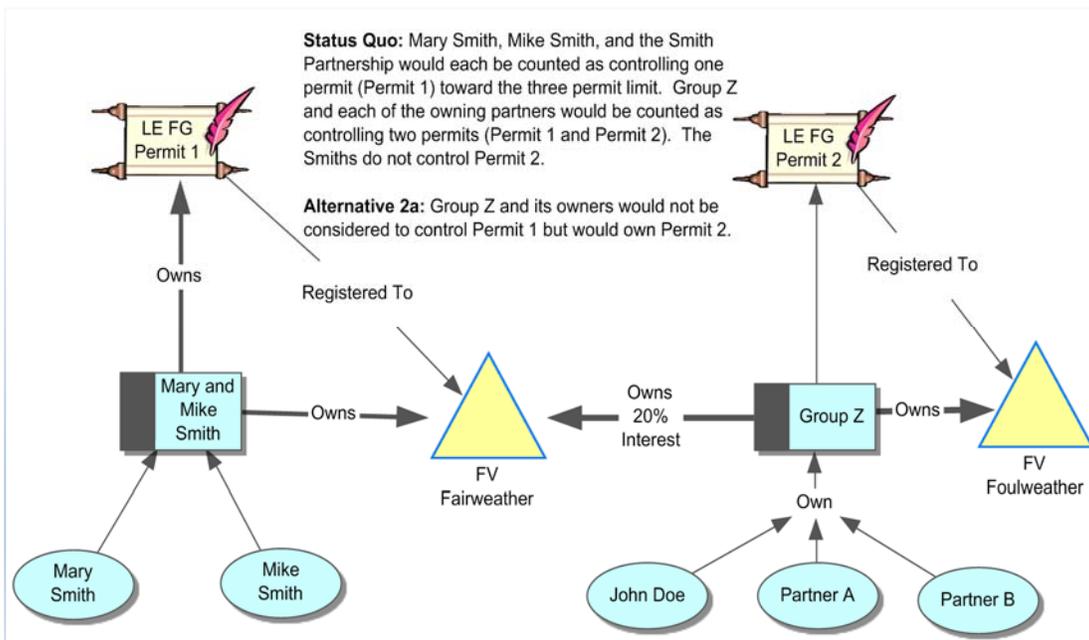


Figure 4. Permit counting under no action/"status quo" and "Alternative 2a" with two business entities, two vessels, and two permits. (Note: In this example, "status quo" is interchangeable with "no action".)

2.2.2 Action Alternatives

Each of the first two action alternatives (2a and 2b) would address the complication in how the Alaska IFQ Program and West Coast sablefish permit staking program count permits. The only difference between these action alternatives is the threshold for the vessel ownership limit. Neither alternative 2a nor 2b would not change the way permit ownership is counted. Any percentage ownership in a permit is a count of one. Holding a permit would be counted only if the vessel owner has a greater than 20 percent share (2a) or greater than 30 percent share (2b). Partial vessel ownership is capped at two vessels. Therefore, an owner could hold 20 percent or less ownership interest in a vessel Alternative 2a and 30 percent or less ownership interest for 2b in up to two vessels without counting them towards the hold control rule. After this two permit exception is reached, then any permits registered to a vessel, wholly- or partially-owned by the entity, would count toward the three permit limit, as described under No Action.

At its April 2014 meeting, the Council selected Alternative 2a as its preliminary preferred alternative (PPA). The staff recommended alternative was not provided at that time, nor were the sub-options provided. The staff recommendations and the sub-options were presented at the Council's meeting in June 2014.

Under Action Alternative 2a, the criteria for calculating the own/hold count are: (1) any share in the ownership of a permit, and (2) more than a 20 percent share in the ownership of a vessel to which a permit is registered. Whereas under the No Action example in Figure 2, Group Z and all of the owners of Group Z would each accrue a count of one permit held toward the three permit limit. However, under Alternative 2a neither Group Z nor any of its owners would incur a count for Permit 1 because their ownership of the vessel Fairweather is only 20 percent or less than the vessel ownership threshold at which the associated permit would count. If Group Z owned 21 percent of Fairweather, then the Group would incur a count of one. The count incurred by each individual would depend on the method for assessing individual and collective counts. For example, if Group Z is a corporation in which three individuals (Bill, Jim, and Sally) equally share in ownership, the interest that Group Z has in a vessel could be reflected as individual's interest, or the individuals' share in ownership of the vessel would be determined by their share in ownership of Group Z. If it determined to be whole, then if Group Z owns 20 percent of a vessel, each individual would be considered to own 20 percent of the vessel.

Under Action Alternative 2b, the criteria for determining the hold count are: (1) any share in the ownership of a permit, and (2) more than 30 percent share in the ownership of a vessel to which a permit is registered. The method for determining how the percentage of ownership will be determined is discussed for both action alternatives in the sub-options below.

Under Action Alternative 3, the Council's final preferred alternative (FPA), eligible owner(s) of vessel(s) registered to a sablefish-endorsed LE permit could apply to NMFS for a limited exemption from the control rules. The exemption would allow owners of a vessel registered to LEFG sablefish permit(s), who are also part-owners of a vessel fishing sablefish in the Alaska IFQ program, to seek an ownership limitation exemption. The exemption, if granted, would mean that

LE sablefish permit(s) registered to a vessel (in which they have an ownership interest) would not count toward their ownership limit of three permits. Additionally, members of a corporation would be restricted from owning, collectively, more than 40 percent of a vessel under this exemption.

To be considered eligible to receive this limited exemption from the hold count, the following three qualifying criteria²³ must be met: the vessel owner currently has no more than 20 percent ownership interest in a vessel registered to the sablefish endorsed permit, the vessel owner currently has ownership interest in Alaska sablefish individual fishing quota, and the vessel has fished in the past 12-month period in both the West Coast groundfish limited entry fixed gear fishery and the Sablefish IFQ Program in Alaska.

For a vessel owner to apply for an exemption from the current control rules, NMFS would require the vessel owner to submit a letter to NMFS requesting the limited exemption, a copy of the vessel's current U.S. Coast Guard (USCG) vessel documentation form 1270, credible evidence of their eligibility to apply for the exemption, and an ownership interest form that shows both relative percent ownership amounts when there are multiple vessel owners and/or percent ownership of all shareholders of a business entity that owns the vessel(s). The request for an exemption could be made at any time during the year and there would be no requirement to renew it annually. It would only need to be renewed if ownership interests changed. Vessel owners would receive the exemption if they meet the qualifying criteria.

2.2.2.1 Sub-options for Action Alternatives

In order to address how NMFS will determine the ownership interest held by an entity (Alternatives 2a and 2b), such as a corporation or partnership, accrues to the individual owners of that entity, the Council considered the following three sub-options.

Sub-option (1) Entire Ownership Interest– If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having the same share in ownership of the vessel as the entity has. For example, if an entity owns 50 percent of a vessel, then for purposes of evaluating the three permit control limit, all individuals who own that entity are counted as having 50 percent ownership in that vessel.

Sub-option (2) (Final Preferred Sub-Option) Pro-Rata Ownership – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having a share in ownership of the vessel proportional to their actual share in ownership of the entity (e.g., if a corporation owns 50 percent of a vessel, and two individuals each own 50 percent of the corporation then for purpose of evaluating the three permit control limit those two individuals are each counted as having 25 percent ownership in that vessel).

²³ During deliberations, the Council recommended that the qualifying criteria include a requirement that the vessel owner must own LE sablefish permit(s). However, based on further exploration, it appears that some of the potential beneficiaries of this ownership limitation exemption do not own LE sablefish permits, but accrue counts against the ownership limitation only by owning a vessel to which LE sablefish permits are registered. Therefore, this requirement was removed from the description of the qualifying criteria in this section and a further explanation is provided in Section 2.4 as well as the propped rule for this action.

Under the action alternatives, the three owners of Group Z could each individually own up to 20 percent of the Fairweather (60 percent in total) for Alternative 2a or up to 30 percent of the Fairweather (90 percent in total) without incurring a count for controlling Permit 1, so long as Group Z itself did not have any ownership. This situation is illustrated in Figure 5.

Sub-option (3) Coordinated Ownership - If individuals participating in the ownership of an entity which controls an LEFG permit collectively own more than a specific percentage, set by the Council, of a particular vessel (i.e. their individual shares of ownership in a vessel sum to more than X percent), then any LEFG permits registered to that vessel will count against their three-permit control limits, regardless of the provision that exempts them from the permit count ownership amounts of less than 20 percent (2a) or 30 percent (2b) for up to two vessels.

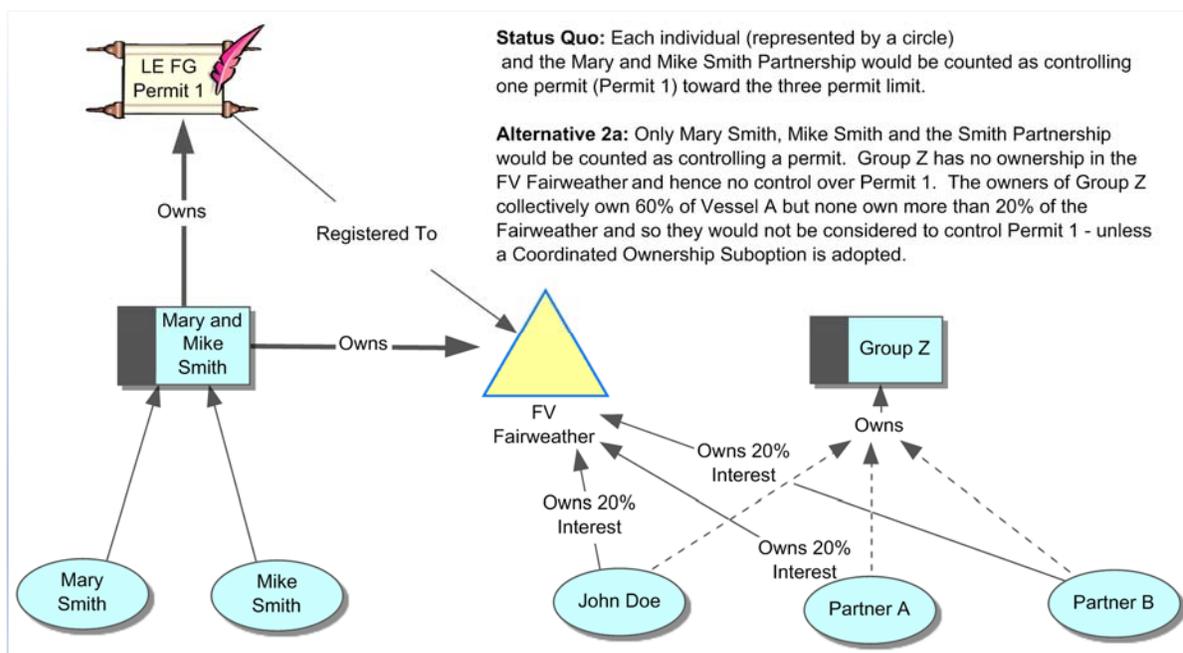


Figure 5. Permit counting under No Action and Alternative 2a when vessel owners participate in ownership of a business entity but hold vessel ownership outside that business entity. (Note: In this example, “status quo” is interchangeable with “no action”.)

2.3 Joint Registration Alternatives

The third measure analyzed in this EA is a proposal to allow joint registration of trawl and fixed gear permits to a single vessel at the same time. Background on registration rules and reasons for considering a modification are provided in this section. The scope of this measure is limited to trawl endorsed permits in the shorebased IFQ program and LEFG permits.

Originally implemented through Amendment 6 to the FMP, the License Limitation Program (LLP), allowed vessels to register both a trawl and LEFG permit to the same vessel at the same time. Through subsequent rulemakings, a restriction was put in place to no longer allow vessels

to register multiple limited entry permits unless the permits are sablefish-endorsed and stacked for use in the LEFG sablefish primary fishery. This restriction was meant to separate the gear groups to aid with enforcement and monitoring of this fishery. However, within the Shorebased IFQ Program, vessels are allowed to use a variety of groundfish commercial gear to harvest their IFQ, which, aside from trawl, principally means bottom longline and fish pots. This flexibility is known as gear switching. Gear switching allows vessels to participate in the IFQ fishery without ever using trawl gear.

Beginning in 2013, there has been an increasing trend of gear switching in the limited entry sablefish fisheries, and more and more sablefish IFQ has been harvested with non-trawl gear. This could be due to the price of sablefish fluctuating as sablefish caught with fixed gear is more valuable. If the price is high, it is worth the extra effort to use fixed gear to gain a better price point. Further discussion of how this relates to the joint registration measure can be found in Section 4.3.3.

The Council took final action in April 2012 to recommend that NMFS allow one trawl permit and up to three sablefish-endorsed fixed gear permits (longline and/or fish pot), or one trawl permit and one non-sablefish endorsed LEFG permit, to be registered to the same vessel at the same time. This is referred to as “joint registration.” Joint registration would allow vessels that are jointly registered to fish in the Shorebased IFQ Program and LEFG fishery simply with a change in VMS declaration.

This analysis considers 3 alternatives identified by the Council to address the issues with joint registration. Council deliberations narrowed the focus to status quo (No Action) and the two action alternatives discussed in the following section. The Council selected its PA at its April 2012 meeting.

2.3.1 No Action Alternative

Under the No Action alternative, Alternative 1, a trawl endorsed permit cannot be on a vessel at the same time together with a LEFG endorsed permit. A change in vessel registration on a permit is limited to one time per year (after January 1). The transfer of a permit from a vessel to a vessel “unidentified” status does not count against the transfer limit, but if the permit is then transferred to a vessel (whether back to the same vessel from which it was transferred or a different vessel) that transfer counts against the limit. Thus, a permit can be moved from and back to the same vessel one time per year, if the vessel was registered to the permit as of January 1. LE permits with a mothership/catch vessel (MS/CV) or catcher/processor (C/P) endorsement may be registered to another vessel up to two times during the fishing season as long as the second change in vessel registration is back to the original vessel.

2.3.2 Action Alternatives

The Council considered the following alternatives to address the issues with joint registration. The Council selected Alternative 3 as their final preferred alternative at its April 2012 meeting.

Alternative 2: Would allow the following to be registered to the same vessel at the same time. No change to the number of transfers allowed per year.

- one trawl permit and up to three fixed gear sablefish-endorsed permits (longline and/or fish pot, OR
- one trawl permit and one non-sablefish endorsed fixed gear permit (longline and/or fish pot)

Alternative 3: (Council's Final Preferred Alternative) Same allowances allowed in Alternative 2 and additionally specify that:

- the established declaration process would be used to specify, for enforcement and monitoring purposes, which permit is being used or if fishing is being conducted in the OA fishery, and
- the opportunity to jointly register a trawl gear permit with fixed gear permit would be specified in regulations such that the LEFG exception for freezing sablefish would not allow the freezing of sablefish caught under the trawl rationalization program.

Under the action alternatives, a trawl-endorsed LE permit and a LEFG permit could be registered to the same vessel at the same time. Additionally, a trawl endorsed LE permit and up to three sablefish-endorsed (tier) LEFG permits could be registered to the same vessel at the same time. Alternative 3 would go a bit further by establishing a declaration process to assist with enforcement and monitoring. In addition, Alternative 3 would prevent sablefish caught under the trawl rationalization program from being frozen onboard.

2.4 Alternatives Considered But Rejected From Further Analysis

Several other options were considered for each of the measures addressed in Section 2. Below provides a brief description of each the measures and the reasons why it was rejected.

Electronic Fish Tickets

While discussing the options for electronic fish tickets, the Council considered a sub-option for each of the action alternatives (Alternatives 2 through 4). Under the sub-option, sablefish deliveries would be recorded on State paper fish tickets, rather than on Federal electronic fish tickets. NMFS would implement a Federal requirement that sablefish landings and the Federal groundfish permit number associated with the landing(s) be recorded on State paper fish tickets.

Although this sub-option would cause the least disruption to the existing landings process, adding new requirements to the State paper fish ticket system would fail to address the purpose and need for this action. This slight alternation would not improve the timeliness of catch accounting or enforcement capabilities in the fishery.

Adding new requirements to the State paper fish ticket system would also cause several logistical challenges in managing the sablefish fishery: (1) sablefish landings data would not be uploaded into the PacFIN database at a faster than current rate, (2) there would continue to be a lag time of several months between when the landings occur and when the data are available, and (3) further augmenting paper fish ticket recording requirements would be disruptive to State data collection

and management practices. Therefore, this sub-option has been considered but rejected from further analysis.

In addition, the action alternatives originally included language that spoke to how the catch data recorded on the electronic tickets would be used on the back end. Specifically stating, “That tier permits be loaded into the IFQ Vessel Account System with deductions made as appropriate when a tier delivery is made and recorded on the E Fish Ticket.” The Council determined this language was premature and overly restrictive. How the data are processed and made available to end users is largely an implementation issue and it may be premature to discuss such implementation issues this early in the process. Therefore, this portion of the action alternatives has been considered but rejected from further analysis.

Own/hold control Rule

The Council also discussed other action alternatives to address the issues with the own/hold control rule. The first action alternative that was considered but rejected would have maintained a three permit limit for the own/hold control rule. However, control would be calculated on percentage ownership of permits and vessels. Total ownership would be capped at 300 percent. First and second generation owners would be limited to a total of 300 percent ownership. The intent of this action alternative would have been to limit the total ownership to three permits which is the same as the No Action alternative.

The Council also considered increasing the own and hold limit to six permits. Any percentage ownership would have counted as one. They also looked at leaving the own/hold control limit at three but capping the number of tier permits an entity may register to a vessel at three permits, and capping the number of LEFG tier vessels an entity can own at three. These changes would have effectively increased the maximum own/hold control limit to 12 permits, because an entity could own three permits and have partial or total ownership of three vessels each of which are registered to three different permits owned by others. Finally, the Council considered an action alternative that would leave the own/hold control limit at three permits, but the calculation would have been based only on ownership of permits. Holding or leasing a permit or ownership in the vessel would not have counted towards the three permit limit. A person could have owned three permits and held any number of additional permits by registering the vessel(s) they own to permits owned or leased by other persons.

The Council considered but rejected these action alternatives for the own/hold control rule from further analysis, because the Council found that these alternatives were administratively burdensome to implement and track. The Council found that some of the alternatives weakened the control limits beyond what was needed to address the Purpose and Need and that, if implemented, they could undermine the purpose of having control limits in place, namely to maintain the owner operator nature of the fleet.

Joint Registration

In addition to the qualifying criteria included in the action alternatives, the Council also recommended that the qualifying criteria include a requirement that the vessel owner must own

limited entry sablefish permit(s). The recommendation was based on the June 2014 NMFS Report suggesting that qualifying criteria include this provision. However, based on further exploration, it appears that some of the potential beneficiaries of this ownership limitation exemption do not own limited entry sablefish permits, but accrue counts against the ownership limitation only by owning a vessel to which limited entry sablefish permits are registered (i.e. they are vessel owners, not permit owners). Under the qualifying criteria discussed by NMFS and the Council in June 2014, those individuals would not be able to qualify for the ownership limitation exemption.

Based on the context of the overall Council recommendations regarding the ownership limitation exemption, it is NMFS's understanding that the Council meant for any vessel owner that has been negatively affected by ownership limitation provisions because of their interest in the Alaska sablefish IFQ fishery to be eligible for this exemption. Therefore, this provision of the qualifying criteria does not meet the Council's intent and has not been further analyzed. NMFS sought public comment through the proposed rule from affected industry on whether or not to include this qualifying criteria in the final ownership limitation exemption qualification criteria. Comments received on this provision are discussed in the final rule for this action.

Another alternative that was considered to address the issues with joint registration was to increase the number of transfers allowed per year, as currently vessels are only allowed to transfer permits once per year. This would increase a vessel's flexibility to move between the LE trawl and fixed gear fishery, and it would also allow more flexibility for vessels to move between the LE and OA fisheries, reducing the wall between these sectors. However, such a provision would also increase administrative costs and provide less flexibility for the fleet than the current action alternatives because there would still be a cap on the number of transfers allowed per year. Therefore, this alternative was considered but rejected from further analysis.

3 Affected Environment

This chapter describes the physical, biological, and economic and social resources that could be affected by the action alternatives considered in this EA. The physical environment is addressed in Section 3.1, the biological characteristics of the groundfish stocks and a description of other species affected by the fishery are addressed in Section 3.2, and the human and social (socio-economic) environment is addressed in Section 3.3. The effects of implementation of the action alternatives on these resources are presented in Chapter 4.

3.1 Physical Resources

Sablefish (*Anoplopoma fimbria*) is a component of the groundfish fishery managed under the FMP that occurs in the U.S. EEZ from three to 200 nautical miles off the coasts of Washington, Oregon, and California. Groundfish fishing is largely confined to depths of 300 fm or less, or roughly within 30 miles of the coast. The area is comprised of many diverse habitats, including rocky and non-rocky shelf regions, deep submarine canyons, and continental slopes and basins. Sablefish are primarily caught in commercial fisheries with trawl, longline, and pot gear.

Sablefish are abundant in the north Pacific, from Honshu Island, Japan, north to the Bering Sea, and southeast to Cedros Island, Baja California. Large adults are uncommon south of Point Conception. Adults are found as deep as 1,900 m, but are most abundant between 200 and 1,000 m.

Physical topography off the U.S. West Coast is characterized by a relatively narrow continental shelf. The 200 m depth contour shows a shelf break closest to the shoreline off Cape Mendocino, Point Sur, and in the Southern California Bight, and widest from central Oregon north to the Canadian border as well as off Monterey Bay. Deep submarine canyons pocket the EEZ, with depths greater than 4,000 m common south of Cape Mendocino.

The National Register for Historic Places lists several objects in the Pacific Ocean and on the coast. However, the proposed action is not anticipated to cause loss or destruction of the objects, with the possible exception of shipwrecks. Shipwrecks are the only known cultural objects potentially within the area by which fishers in the proposed action area are allowed to fish. However, fishermen will likely actively avoid any known sites to preserve the integrity of their fishing gear, and safety of their crew. Therefore, these places will not be further discussed in this analysis.

Additionally, the proposed action would only occur in marine waters off Washington, Oregon, and California.²⁴ Therefore there would be no alternations to terrestrial resources.

²⁴ NMFS recognizes that the proposed change in own/hold provisions could also affect fishermen participating in the Alaska sablefish IFQ program. However, there would be no environmental effects because the proposed action will not change sablefish quota amounts and is not anticipated to change fishing behavior or locations. Therefore, impacts to the North Pacific physical environment are not further analyzed.

3.1.1 California Current Ecosystem (CCE)

The coastal ocean off Washington, Oregon, and California is a bio-geographic region referred to as the Coastal Upwelling Domain (Ware and McFarlane 1989). Coastal upwelling results in high production of phytoplankton from April through September fueled by the nearly continuous supply of nutrients, and a high biomass of copepods, euphausiids, and other zooplankton during summer. The Coastal Upwelling Domain is part of the California Current Ecosystem. The California Current Ecosystem (CCE) is loosely defined as encompassing most of the U.S. and Canada West coasts, from the northern end of Vancouver Island, British Columbia, to Point Conception, California. The trophic interactions in the CCE are extremely complex, with large fluctuations over years and decades (PFMC 2013b).

To some degree, food webs are structured around coastal pelagic species (CPS) that exhibit boom-bust cycles over decadal time scales in response to low frequency climate variability, although this is a broad generalization of the trophic dynamics. Similarly, the top trophic levels of such ecosystems are often dominated by highly migratory species (HMS) such as salmon, albacore tuna, sooty shearwaters, fur seals, and baleen whales, whose dynamics may be partially or wholly driven by processes in entirely different ecosystems, even different hemispheres. A detailed description of this ecosystem is found in PFMC 2013b.

In 2013, the Council adopted a Fishery Ecosystem Plan (FEP). Section 3.2 of the FEP fully describes the geography of the California Current Ecosystem (CCE), including a general description and oceanographic features, and major bio-geographic sub-regions. The FEP is available on line at <http://www.pcouncil.org/ecosystem-based-management/fep/>. NMFS Northwest and Southwest Fisheries Science Centers provide yearly updates on the State of the CCE. The 2015 update can be found at <http://www.pcouncil.org/ecosystem-based-management/annual-State-of-the-california-current-ecosystem/>.

3.1.2 Essential Fish Habitat

The most common and direct effect of fishing on groundfish habitat results from fishing gear coming into contact with bottom habitats. Fishing gears can cause physical harm to corals, sponges, rocky reefs, sandy ocean floor, eelgrass beds, and other components of seafloor habitats. Indirect effects to habitats include physical contact of the vessel with habitat while underway or if sunk or abandoned, and chemical effects derived from paints or oils used on the vessel and bilge water release.

The Council first identified essential fish habitat (EFH) in 1998. The Magnuson-Stevens Act defines EFH to mean “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity” (16 U.S.C. 1802 sec. 3(10)). Regulatory guidelines elaborate that the words “essential” and “necessary” mean EFH should be sufficient to “support a population adequate to maintain a sustainable fishery and the managed species’ contributions to a healthy ecosystem.” The regulatory guidelines also establish authority for Councils to designate habitat areas of particular concern (HAPC) based on the vulnerability and ecological value of specific habitat types. Councils are required to minimize, to the extent practicable, the adverse effects of fishing on EFH, when information indicates that fishing activities may adversely affect EFH.

NMFS works through a consultation process to minimize adverse effects of non-fishing activities (50 CFR 600 subpart J).

Amendment 19²⁵ to the FMP revised the groundfish EFH definitions, specified HAPCs, and delineated area closures to mitigate the adverse impacts of fishing on habitat (NMFS 2005). Ultimately the Council identified groundfish EFH as all waters from the high tide line (and parts of estuaries) to 3,500m in depth (Figure 6). There are 43 area closures to bottom trawling off the U.S. West Coast and 17 areas off Oregon and California area closed to all bottom-contact gear. Furthermore, all waters deeper than 700fm are closed to bottom trawling.

²⁵ For more information on Amendment 19, go to: <http://www.pcouncil.org/groundfish/fishery-management-plan/fmp-amendment-19/>

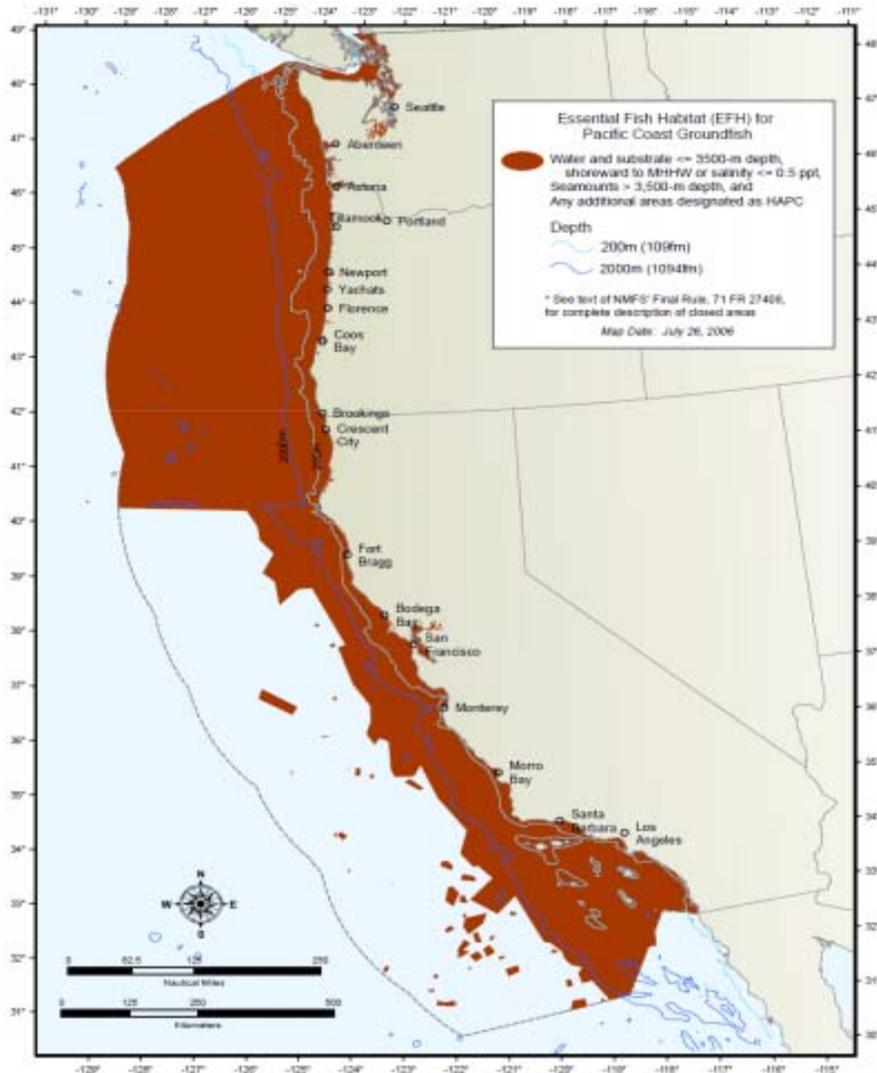


Figure 6. Essential Fish Habitat Boundaries (NMFS 2005).

3.1.3 Habitat Areas of Particular Concern

EFH guidelines published in the Federal regulations (50 CFR 600.815(a)(8)) identify HAPCs as types or areas of habitat within EFH that are identified based on one or more of the following considerations: the importance of the ecological function provided by the habitat; the extent to which the habitat is sensitive to hum-induced environmental degradation; whether, and to what extent, development activities are or will be stressing the habitat type, and the rarity of the habitat type. The current HAPC types include: estuaries, canopy kelp, seagrass, rocky reefs, and “areas of interest”. This last category usually includes submarine features, such as banks, seamounts, and canyons, along with Washington State waters (Figure 7).

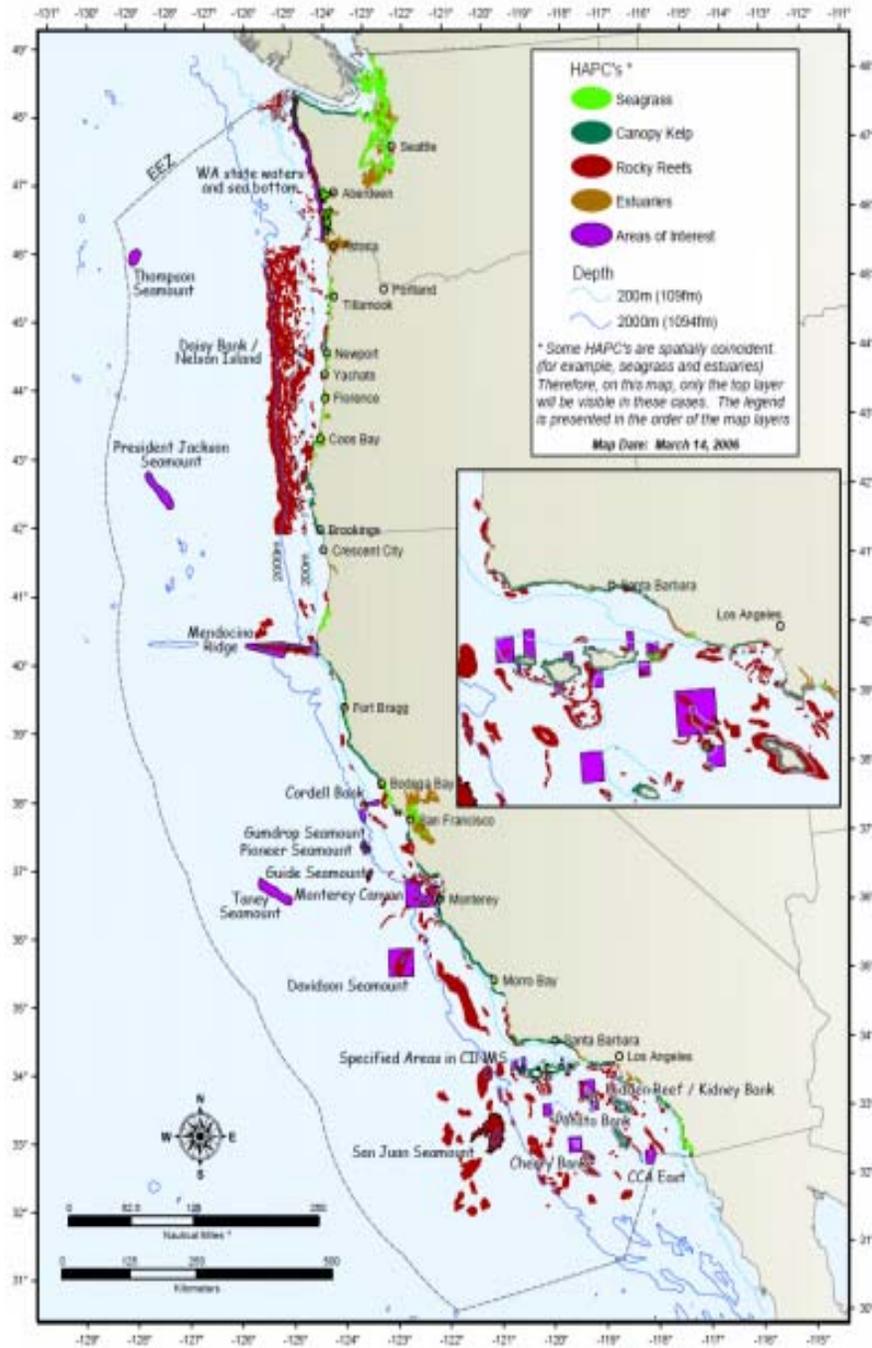


Figure 7. Habitat Areas of Particular Concern.

Within the HAPC areas, discrete areas referred to as EFH Conservation Areas (EFHCA) were identified and closed to fishing with specified gear types, or are only open to fishing with specified gear types. These ecologically important habitat closed areas are intended to mitigate the adverse effects of fishing on groundfish EFH. These areas are further described in Section 6.8.5 of the Pacific Coast Groundfish FMP (PFMC 2016).

3.2 Biological Resources

This action affects vessels which target sablefish and those which participate in a groundfish fishery that takes sablefish as bycatch. Sablefish is the subject species of the action alternatives and other species may be incidentally affected; however, the action alternatives are primarily administrative and are expected to have minimal effects on the amount, type, and distribution of fishing activity.

Federal regulations at 50 CFR 600.10 define the term “fishery management unit” (FMU) to mean: “...a fishery or that portion of a fishery identified in an FMP relevant to the FMP’s management objectives. The choice of an FMU depends on the focus of the FMP’s objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives.”

Fish stocks that are classified as FMU species are considered to be in the fishery, whether as target or non-target species. Federal regulation at 50 CFR 600.310(d)(3) and (4) provide the following definitions for “target stocks” and “non-target species,” both of which are considered FMU species: “Target stocks” are stocks that fishers seek to catch for sale or personal use, including “economic discards” as defined under Magnuson-Stevens Act 3(9). “Non-target species” and “non-target stocks” are fish caught incidentally during the pursuit of target stocks in a fishery, including “regulatory discards” as defined under Magnuson-Stevens Act section 3(38). They may or may not be retained for sale or personal use. Non-target species may be included in a fishery and, if so, they should be identified at the stock level. Some non-target species may be identified in an FMP as ecosystem component species or stocks.

In the following sections, both groundfish target and non-target species are discussed, as well as non-groundfish stocks and protected species.

3.2.1 Groundfish Stocks

The current status of the groundfish stocks managed under the FMP was most recently analyzed in the Proposed Harvest Specifications and Management Measures for the 2015-2016 Pacific Coast Groundfish Fishery Specifications EIS (2015-16 Specifications). For the purposes of this document, this section will be limited to information regarding sablefish and co-occurring groundfish species. Unless otherwise indicated, discussions and references in this section are summarized from that 2015-16 Specifications.

3.2.1.1 Target and Non-Target Species

The primary target species in the LE trawl fishery are targeted as part of a deepwater complex, which includes Dover sole, thornyheads²⁶, and sablefish (DTS for Dover-Thornyheads-Sablefish). The West Coast Groundfish Observer Program (WCGOP) reports indicate non-target species, including darkblotched rockfish and Pacific Ocean perch, are occasionally encountered as bycatch in the trawl DTS fishery. Both species are currently classified as overfished stocks undergoing rebuilding. Species less frequently encountered incidentally in the trawl DTS fishery include

²⁶ Thornyheads include both long and short spine.

lingcod, canary rockfish, and widow rockfish. Canary rockfish are newly rebuilt and widow rockfish are currently under a rebuilding plan.

In the LEFG and OA DTL fisheries, sablefish are targeted with longline or pot (fish trap) gear (Table 5). There is little bycatch of non-target groundfish species in the sablefish-target fixed gear fishery. Gear studies indicate that longnose skate followed by roughey rockfish, spiny dogfish and arrowtooth flounder were the incidental groundfish species most frequently encountered with longline gear. At 200 fm depth the bycatch ratios were less than 0.75 lb per 100 lbs of sablefish for roughey rockfish, spiny dogfish, and arrowtooth flounder, and about 2.2 lbs per 100 lbs sablefish for longnose skate. Tiger rockfish and darkblotched rockfish were also encountered but at rates less than 0.25 lb per 100 lbs sablefish. Note that Pacific halibut are also frequently targeted along with sablefish (and vice versa) by vessels using longline gear (Jenkins 2008).

The incidental catch species most frequently encountered using sablefish pot gear were arrowtooth flounder, roughey rockfish and spiny dogfish, all at less than 0.4 lbs per 100 lbs of sablefish caught (Jenkins 2008).

Table 5. Target and non-target species of the sablefish trawl fishery and the LEFG and open access sablefish fisheries.

Fishery by Gear Type	Target Species	Non-Target Species
LE Trawl	Dover sole, Thornyheads, Sablefish	Darkblotched rockfish, Pacific Ocean perch Lingcod, Canary and Widow rockfish (to a lesser extent)
LEFG Longline	Sablefish, Halibut	Longnose skate, Roughey rockfish, Spiny dogfish, and Arrowtooth flounder Tiger rockfish and darkblotched (to a lesser extent)
LEFG Pot	Sablefish	Arrowtooth flounder, Roughey rockfish, and Spiny dogfish

Below is a brief description of each of the species listed in Table 5.

Sablefish

Sablefish was last assessed in 2011²⁷ and in the 2015-16 Groundfish harvest specifications Environmental Impact Statement (EIS) is described as a precautionary zone stock. The estimated spawning biomass in 2011 was 60,957 mt (95 percent interval ranges broadly from 16,418 mt to 105,495 mt). The relative spawning biomass was estimated to be at 33 percent of unfished biomass levels in 2011 (~95 percent intervals range from 18-49 percent). More detailed information on sablefish stock status can be found in the stock assessment document (Stewart, *et al.* 2011b).

²⁷ The full assessment in 2011 was updated in 2015. The 2015 stock assessment uses the same data streams and general data analysis methods, structural choices, and assumptions as in the 2011 assessment. A copy of the update can be found here: http://www.pcouncil.org/wp-content/uploads/2015/05/D8_Att8_Sablefish_2015_Update_FULL-E-Only_JUN2015BB.pdf

Because sablefish is a precautionary zone species that is usually fished to a high level of attainment, inseason monitoring and management is especially important. Since implementation of the LEFG sablefish permit stacking program in 2002, inseason management of the primary and DTL sablefish fixed gear fisheries has been based on two types of information: (1) paper landing receipts that typically have a two month time lag between the date of landing and when the landing data are available in PacFIN, and (2) the Quota Species Monitoring (QSM) Best Estimate Report, which fills in the three-month time lag based on estimates from previous years' landings. These data sources must also estimate which landings are attributed to the primary/tier fishery and which are attributed to the DTL fishery, an issue that would be addressed through the use of electronic fish tickets.

Dover sole, Longspine thornyheads, and Shortspine thornyheads

The other components of the DTS target complex, Dover sole, longspine thornyhead, and shortspine thornyhead, were all listed as healthy stocks in the 2015-16 Groundfish harvest specifications EIS. The most recent Dover sole assessment indicated the stock was healthy with an increasing abundance trend and a spawning stock biomass depletion estimated to be 83.7 percent of unfished biomass at the start of 2011 (Hicks and Wetzel 2011). The most recent assessment for longspine thornyhead (Stephens and Taylor 2013a) indicated the stock was healthy with an estimated spawning stock biomass at 75 percent of its initial, unfished biomass in 2013. A 2013 shortspine thornyhead assessment indicated a stock depletion of 74.2 percent at the start of 2013 (Stephens and Taylor 2013b).

Darkblotched rockfish

Based on the 2012 groundfish mortality reports, darkblotched rockfish was the most frequently discarded bycatch in the coast-wide LE fishery at 8.23 mt of bycatch, mostly in the trawl fishery. A full darkblotched stock assessment prepared in 2013 estimated a stock depletion of 36 percent at the start of 2013. The assessment also predicts the stock will be rebuilt by the start of 2015. The improved stock status and rebuilding outlook were largely attributed to reduced fishing mortality under the rebuilding plan and better understanding of darkblotched rockfish population dynamics. More detailed information on the stock status can be found in the darkblotched rockfish stock assessment (Gertseva and Thorson 2013).

Pacific Ocean perch

A catch report prepared to update the status of POP concluded that management performance has been consistent with the rebuilding plan, and good recruitment years coincide in Oregon and Washington (Agenda Item F.5.a, Attachment 10, June 2013). The last full assessment prepared in 2011 estimated a stock depletion of 19.1 percent at the start of 2011 (Hamel and Ono 2011). The assessment assumes that the large foreign fleet catch fished the biomass down to critical levels, thus resulting in a substantially larger B_0 estimate. The 2011 rebuilding analysis (Hamel 2011) predicted rebuilding would not occur by the target year of 2020 with at least a 50 percent probability even in the absence of fishing-related mortality beginning in 2013. Therefore the rebuilding plan was revised by changing the target rebuilding year to 2051 while maintaining the constant SPR harvest rate of 86.4 percent.

Lingcod

The most recent lingcod assessment modeled two west coast stocks, both of which were estimated to be healthy in 2009 with depletion rates of 74 percent for the southern stock and 62 percent for the northern stock. The spawning potential ratio (SPR) for northern lingcod has been above the proxy target of 45 percent (indicating fishing mortality rates below the target) since 1998, and in recent years has been far above that level. The SPR for the southern lingcod stock has been above the proxy target of 45 percent since 2001, and in recent years has been far above that level. Since 2011 attainment in the north has ranged between 25 and 34 percent of the ACL, while in the south attainment has ranged between 13 and 16 percent (Hamel, et al. 2009).

Canary rockfish

An assessment update, prepared in 2011 (Wallace and Cope 2011), estimated the spawning biomass was estimated to have increased from 11.2 percent to 23.2 percent of the unfished biomass level over the period from 2001 to 2011. The 2011 canary rebuilding analysis (Wallace 2011) predicted the stock would not rebuild to the target year of 2027 with at least a 50 percent probability. The rebuilding plan was revised slightly by changing the target to rebuild the stock to 2030 while maintaining the 88.7 percent SPR harvest rate; the revised rebuilding plan was implemented in 2013. A canary catch report provided in 2013 (Agenda Item F.5.a, Attachment 9, June 2013) estimated 2010-2012 canary rockfish total fishing mortality to be well below the ACLs established for rebuilding, and in June 2015, the Council announced that canary had been rebuilt. This is based off the updated assessment, which the Council adopted at their June 2015 meeting.

Widow rockfish

A 2011 widow rockfish assessment indicated the widow rockfish stock was healthy with a spawning biomass depletion of 51 percent at the start of 2011 (He, et al. 2011). This assessment indicated the estimated spawning stock biomass had increased steadily from a low of 30.6 percent at the start of 2001 and that the estimated relative spawning stock biomass never dropped below the 25 percent MSST.

Longnose skate

The most recent (2007) assessment indicates that the longnose skate stock is healthy (Gertseva and Schirripa 2008).

Rougheye rockfish

Rougheye and blackspotted rockfish are currently managed in the Minor Slope Rockfish complexes north and south of 40°10' N. latitude, although they are a very minor component of the southern Minor Slope Rockfish complex. It is very difficult to visually distinguish between the two species and they have been persistently confused in surveys and catches. It has only been from recent genetic studies in the early 2000s that the two separate species have been identified and described (Orr and Hawkins 2008).

Hicks et al. (2013) conducted the first assessment of the U.S. West coast stock of rougheye and blackspotted rockfish as a complex of two species assuming removals began in 1916. The predicted spawning biomass generally showed a gradual decline since then with a period of steeper decline during the 1980s and 1990s. Since 2000 the spawning biomass has stabilized and possibly increased because of reduced catches and above average recruitment in 1999. The 2013 spawning biomass was estimated to be 47 percent of its unfished equilibrium. The stock has been estimated to be healthy throughout the time series in the new assessment

Spiny dogfish

A 2011 assessment estimated the spawning stock output of spiny dogfish to be 44,660 thousands of fish, which represented 63 percent of the unfished spawning output level at the start of 2011. While this depletion level indicated the stock was healthy, fishing at the target SPR of 45 percent was predicted to severely reduce the spawning output over the long term because of the extremely low productivity and other reproductive characteristics of the stock. Dogfish catch occurs in almost every fishery on the west coast; most of it is discarded. Historically the majority has been taken in the trawl fisheries. Although spiny dogfish is not an IFQ species, total catch of spiny dogfish in 2012 was the lowest in the time series largely due to a change in the distribution of bottom trawl effort in the shorebased IFQ since implementation of trawl rationalization. The stock is being managed with its own OFL and ABC starting in 2015. There does not seem to be a great risk of the stock being subject to overfishing in the 2015-16 management cycle (Gertseva and Taylor 2011).

Arrowtooth flounder

The last full stock assessment of arrowtooth flounder in 2008 estimated the spawning biomass to be 79 percent of the estimated unfished spawning biomass at the start of 2007. Arrowtooth flounder is a very productive stock with fast growth rates and high natural mortality. The assessment projected the stock would remain healthy through 2018 (Kaplan and Helser 2008). Since implementation of the IFQ program attainment has ranged between 18 and 21 percent of the ACL.

3.2.2 Non-groundfish Species

In addition to the species mentioned in the previous section, sablefish also interact with several non-groundfish species. Non-groundfish species and fisheries targeting them often need to be considered in groundfish management because they may be caught incidentally in fisheries targeting groundfish, and those fisheries targeting non-groundfish species may be affected by management measures intended to reduce or eliminate incidental catches of overfished groundfish species in these fisheries. Below is a description of those fisheries and their interactions with sablefish fisheries.

Pacific halibut

Pacific halibut (*Hippoglossus stenolepis*) is a bottom-dwelling, right-eyed flatfish species from the family of flounders called Pleuronectidae. A 2013 stock assessment indicated that the Pacific halibut stock has been declining continuously over the last decade, with recruitment strengths being much smaller than those observed in the 1980s and 1990s, and more typical of those seen during the last century (79 FR 05339; March 12, 2014). The 2013 stock assessment notes that decreasing size at age may also contribute to lower biomass (79 FR 05339; March 12, 2014). In response, catch limits for area 2A were reduced in 2014 from 2013, due to concerns about the coast-wide stock status (79 FR 05339; March 12, 2014).

Pacific halibut co-occur with groundfish stocks and in the Shorebased IFQ program, halibut are managed with individual bycatch quotas (IBQ)²⁸. All vessels must have enough IBQ to cover their incidental catch of legal and sublegal sized Pacific halibut bycatch mortality in the area north of 40°10 N latitude. Each year the total constant exploitation yield for legal sized halibut (net weight) is established for area 2A and an amount is subtracted for expected bycatch mortality of legal sized halibut (net weight) in the Shorebased IFQ program.

Pacific halibut is frequently caught by vessels targeting sablefish (and vice versa) using longline gear. In 2015, the Pacific halibut total allowable catch (TAC) was above 900,000 lbs. Of that 900,000 lbs, approximately 10,350 lbs was assigned to the sablefish primary fishery and available to those vessels with an International Pacific Halibut Commission (IPHC) license. The Council made a final recommendation to maintain the incidental limits from 2014 for the 2015 season. Therefore, the incidental halibut limits for 2015 were as follows: 75 lb dressed weight of halibut for every one 1,000 lbs dressed weight of sablefish landed and up to two additional halibut in excess of the 75 lbs/1,000 lbs ratio per landing.

Dungeness crab

The Dungeness crab (*Cancer magister*) is distributed from the Aleutian Islands, Alaska, to Monterey Bay, California. Off the west coast, Dungeness crab is most abundant in nearshore areas from central California to the Washington-Canada border. Dungeness crab is found to a depth of about 180 meters (590 ft). Dungeness crab can be taken incidentally and harmed unintentionally by groundfish gears. NMFS West Coast Groundfish Observer Program (WCGOP) collects annual data in all fisheries likely to catch Dungeness crab as bycatch, including the LE groundfish trawl, nearshore groundfish fixed gear, pink shrimp, sablefish fixed gear, and whiting fisheries (Bellman et al. 2012). According to WCGOP data, the LE sablefish primary fishery has caught a total of 4.77 mt of Dungeness crab in the past 13 years with less than one ton taken in most years except in 2006 when 2.89 mt was taken. The majority of the bycatch is taken with pots and was discarded. Routine stock assessments are not conducted on Dungeness crab stocks in the action area, and catch per unit effort (CPUE) is unknown. The States of Washington, Oregon and California examine annual landings to evaluate the condition of the stock.

3.2.3 Protected Species

²⁸ Individual bycatch quota (IBQ) is quota that is allocated for the retention of bycatch rather than for a target species.

The term “protected species” refers to organisms for which killing, capture, or harm is prohibited under several Federal laws, unless authorized. Incidental take of these species in the course of operations may be allowed under provisions of applicable law.²⁹ Protected species are protected under Federal laws including the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the Migratory Bird Treaty Act (MBTA), and Executive Order (EO) 13186. Salmon that are incidentally caught in the groundfish fishery include both stocks listed under the ESA and unlisted fish and are defined by regulation as prohibited species.

A further discussion of protected species including ESA-listed salmon and steelhead, green sturgeon, eulachon, marine mammals, seabirds, and other species is found in the 2013-14 Harvest Specifications EIS (PFMC 2014).

Salmonids (including ESA-listed stocks)

Salmon are anadromous, spending part of their life in fresh water streams and rivers from Central California to Alaska and part of their life in marine waters. During their marine phase, they occur along the coast of U.S. and Canada seaward into the north central Pacific Ocean, including Canadian territorial waters and the high seas. Critical portions of these ranges include the freshwater spawning grounds and migration routes. Salmon caught in the groundfish fisheries include stocks that are listed under the ESA. There are 31 West Coast salmon and Steelhead Evolutionarily Significant Units (ESU) or distinct population segments (DPS) in the action area. The concept of ESUs and DPSs is used by NMFS in applying the ESA to salmon and steelhead. Of the ESA-listed species, Chinook are most likely to be encountered as bycatch. The Chinook ESUs that NMFS has concluded to be affected by the groundfish fisheries are: Snake River fall Chinook, Upper Willamette River Chinook, Lower Columbia River Chinook, Puget Sound Chinook, Sacramento River winter-run Chinook, California coastal Chinook, and Central Valley spring-run Chinook (NMFS 2006) .

Incidental take of salmonids primarily occurs in the shoreside whiting fishery and midwater non-whiting trawl fisheries with Chinook salmon being the main species caught. Other salmonid species catch is relatively low. The sablefish primary fishery did not take any Chinook bycatch between 2002 and 2010, and was only responsible for 0.01 percent of the bycatch of other salmonid species during that same time frame (Al-Humadh et al 2012).

In October 2014, NMFS reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on listed salmonids. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns or reasonable and prudent measures to minimize incidental take, NMFS will exercise necessary authorities, in coordination with the Council, to put such additional alternatives or measures into place. NMFS concluded in a December 3, 2014 memo that, consistent with sections 7(a)(2) and 7(d) of the ESA, that management of the ongoing groundfish fishery will not jeopardize any listed species, would not

²⁹ Under the Endangered Species Act, take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined by regulation to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Take is defined under the MMPA as “to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal (50 CFR 216.4).

adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures. This action is within the scope of the actions considered in that December 3, 2014 memo. Therefore, this action will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

Other ESA listed species

On December 7, 2012, NMFS completed a biological opinion concluding that the groundfish fishery is not likely to jeopardize non-salmonid marine species including listed eulachon, the southern distinct population segment (DPS) of green sturgeon, humpback whales, the eastern DPS of Steller sea lions, and leatherback sea turtles. The opinion also concludes that the fishery is not likely to adversely modify critical habitat for green sturgeon and leatherback sea turtles. An analysis included in the same document as the opinion concludes that the fishery is not likely to adversely affect green sea turtles, olive ridley sea turtles, loggerhead sea turtles, sei whales, North Pacific right whales, blue whales, fin whales, sperm whales, Southern Resident killer whales, Guadalupe fur seals, or the critical habitat for Steller sea lions. Since that biological opinion, the eastern DPS of Steller sea lions was delisted on November 4, 2013 (78 FR 66140); however, this delisting did not change the designation of the codified critical habitat for the eastern DPS of Steller sea lions. At the Pacific Fishery Management Council's June 2015 meeting, new estimates of eulachon take from fishing activity under the FMP indicated that the incidental take threshold in the 2012 biological opinion was exceeded. The increased bycatch may be due to increased eulachon abundance. NMFS has reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on listed eulachon. The limited entry fixed gear and open access groundfish fisheries (non-trawl fisheries) do not take listed eulachon and will have no effect on the species or its designated critical habitat.

On November 21, 2012, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion concluding that the groundfish fishery will not jeopardize the continued existence of the short-tailed albatross. The FWS also concurred that the fishery is not likely to adversely affect the marbled murrelet, California least tern, southern sea otter, bull trout, nor bull trout critical habitat.

This action is not expected to change the conclusions from the December and November 2012 biological opinions and will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

Marine Mammals

The U.S. West coast waters support a variety of marine mammals. Approximately 30 species, including seals, sea lions, sea otters, whales, dolphins, and porpoise, occur within the EEZ. Many species seasonally migrate through west coast waters, while others are year-round residents.

Under the MMPA, marine mammals whose abundance falls below the optimum sustainable population level (usually regarded as 60 percent of carrying capacity or maximum population size) can be listed as “depleted.” Populations listed as threatened or endangered under the ESA are automatically depleted under the terms of the MMPA. Section 118 of the MMPA requires that NMFS publish, at least annually, a list of fisheries that place all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals in each fishery. Definition of the fishery classification criteria for Category I, II, and III fisheries are found in the implementing regulations for Section 118 of the MMPA (50 CFR part 229). Under the MMPA, the West Coast groundfish fisheries, with the exception of the sablefish pot fishery, which is classified as a Category II, are considered Category III fisheries where the annual mortality and serious injury of a marine mammal stock by the fishery is less than or equal to one percent.

Table 6 summarize information from WCGOP on interactions between LE Sablefish fishery gear and marine mammals. Only those years in which there was an interaction are shown. As can be seen from comparing the tables, the number of interactions between pot gear and marine mammals is much smaller than the number of interactions between hook-and-line gear and marine mammals over time.

Table 6. Marine Mammal Observations in the West Coast Sablefish fishery by sector, gear and year (2002-2014).

Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
LIMITED ENTRY FIXED GEAR - HOOK-AND-LINE				
California sea lion	2002	1	2	24
	2003	2	2	22
	2004	2	6	14
	2005	2	7	38
	2007	1	1	28
	2008	1	1	30
	2010	3	13	27
	2011	2	10	21
	2012	1	11	22
	2013	1	7	22
2014	3	27	27	
Northern Fur Seal	2011	1	1	21
	2014	1	3	27
	2003	1	1	22
	2006	1	1	22
	2010	1	1	27
	2012	1	1	22
Pinniped Unidentified	2014	1	1	27
Sea Lion Unidentified	2010	1	1	27
	2011	3	5	21
Sperm Whale	2005	1	1	38
	2007	1	1	28

Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
	2008	1	1	30
	2009	1	3	7
	2010	1	5	27
	2013	1	1	22
	2014	1	2	27
Stellar Sea Lion	2005	1	2	38
	2007	1	1	28
	2008	1	6	30
	2010	2	13	27
	2011	2	25	21
	2012	1	1	22
	2013	1	2	22
	2014	1	4	27
LIMITED ENTRY FIXED GEAR - POT				
Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
Humpback Whale	2014	1	1	31
Northern Fur Seal	2014	1	1	31
Sea Lion Unidentified	2005	1	1	46
Sperm Whale	2003	1	1	24
	2011	1	2	37
Stellar Sea Lion	2010	1	4	27
DAILY TRIP LIMIT – HOOK-AND-LINE				
Bottlenose Dolphin	2009	1	1	4
California Sea Lion	2003	1	1	6
	2004	2	2	4
	2006	1	52	5
	2007	3	16	7
	2008	1	1	5
	2009	1	3	4
	2010	1	11	6
	2011	1	2	7
	2012	1	11	4
	2013	1	6	4
	2014	1	3	3
Harbor Seal	2009	1	1	4
Pinniped Unidentified	2007	2	2	7
OPEN ACCESS – HOOK-AND-LINE				
California Sea Lion	2003	1	2	3
	2007	1	1	4
	2009	1	13	3
	2011	1	1	4
	2012	1	63	3
	2013	1	1	2
Dalls Porpoise	2011	1	3	4

Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
Northern Elephant Seal	2010	1	1	3
Sperm Whale	2010	1	2	3
Steller Sea Lion	2007	1	1	4
	2009	1	1	3
	2011	1	14	4
	2013	1	1	2
OPEN ACCESS - POT				
California Sea Lion	2004	1	1	9
	2009	1	1	2

a/ Only years with observations are shown. Years where there were no observations are not shown.

Seabirds

The CCE supports a diverse array of seabird species. Species found on the Pacific Coast include resident species and transitory species (migrating or foraging). All the CCE seabirds are extremely mobile and require an abundant food source to support their high metabolic rates. Table 7 provides a summary of WCGOP observed interactions between seabirds and the Limited Entry Fixed Gear Sablefish fishery from 2002 through 2014.

Table 7. Seabird Observations in the Limited Entry Sablefish fishery by gear and by year (2002-2014).

Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
LIMITED ENTRY FIXED GEAR - HOOK-AND-LINE				
Alcid Unidentified	2011	1	2	21
Bird Unidentified	2003	1	1	22
	2005	1	1	38
	2011	1	1	21
Black-footed Albatross	2002	2	2	
	2003	1	4	22
	2004	1	3	14
	2005	1	12	38
	2006	1	10	22
	2007	1	45	28
	2008	3	18	30
	2010	4	125	27
	2011	1	17	21
	2012	3	119	22
	2013	1	13	22
2014	1	2	27	
California Gull	2012	1	1	22
Cassins Auklet	2005	1	5	38
	2013	1	1	22

Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
Cormorant Unidentified	2002	1	1	24
Glaucous-winged Gull	2010	1	1	27
	2012	1	3	22
Gull Unidentified	2005	2	12	38
	2006	1	2	22
	2012	1	3	22
	2014	1	1	27
Herring Gull	2012	1	4	22
Laysan Albatross	2010	1	1	27
	2012	2	2	22
Northern Fulmar	2007	1	2	28
	2008	1	1	30
	2012	2	8	22
	2013	1	1	22
	2014	1	2	27
Pink-footed Shearwater	2012	1	2	22
Ring-billed Gull	2012	1	1	22
Short-tailed Albatross	2010	1	1	27
	2011	2	3	21
Sooty Shearwater	2011	1	1	21
	2013	1	2	22
Storm-Petrel Unidentified	2002	1	2	24
Western Gull	2002	1	4	24
	2011	1	3	21
	2012	2	7	22
	2013	1	1	22
	2014	1	1	27
LIMITED ENTRY FIXED GEAR - POT				
Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
Bird Unidentified	2005	1	1	46
Black-footed Albatross	2014	1	1	31
Heermanns Gull	2011	1	3	37
Laysan Albatross	2005	1	1	46
Northern Fulmar	2014	1	1	31
DAILY TRIP LIMIT – HOOK-AND-LINE				
Black-footed Albatross	2009	1	1	4
	2011	1	9	7
	2012	1	20	4
Brown Pelican	2005	1	1	2
	2010	1	5	6
	2012	1	2	4

Species	Year ^a	No. of Incidents	Total No. Of Individuals	Observer Coverage Rate (percentage)
Cormorant Unidentified	2003	1	1	6
Double-crested Cormorant	2012	1	1	4
	2013	1	2	4
Gull Unidentified	2008	1	3	5
	2012	1	1	4
Laysan Albatross	2009	1	2	4
Shearwater Unidentified	2006	1	19	5
	2008	1	1	5
Sooty Shearwater	2013	1	3	4
Western Gull	2003	1	1	6
	2009	1	1	4
OPEN ACCESS – HOOK-AND-LINE				
Black-footed Albatross	2007	1	1	4
	2010	1	1	3
	2011	1	3	4
Gull Unidentified	2014	1	1	5

Impacts of human activities on seabirds occur through direct mortality from 1) collisions with vessels, 2) entanglement with fishing gear (bycatch), 3) entanglement with discarded plastics and other debris, and 4) shooting. Indirect impacts include 1) competition with fisheries for food, 2) alteration of the food web dynamics due to commercial and recreation removals, 3) disruption of avian feeding habits resulting from dependency on fish wastes, 4) fish-waste related increases in gull populations that prey on other bird species, and 5) marine pollution and changes in water quality.

Seabird bycatch is a known or potential threat for a variety of U.S. and international commercial fisheries. For West Coast groundfish fisheries, bycatch of seabirds occurs primarily in sablefish longline fisheries. Ongoing efforts to adopt seabird-avoidance techniques that have proven effective in Alaskan longline fisheries to reduce interactions between ESA-listed seabirds and West Coast groundfish longline gear are taking place on the West Coast. NMFS recently published a final rule (80 FR 222, November 18, 2015) to amend the regulations governing the Pacific Coast Groundfish fishery to require seabird avoidance measures, specifically, the use of streamer lines and related provisions similar to those currently mandated in the Alaskan groundfish fishery, by vessels 55 ft length overall or greater in the bottom longline fishery.

Sea Turtles

Major threats to sea turtles in the U.S. include, but are not limited to, destruction and alteration of nesting and foraging habitats; incidental capture in commercial and recreational fisheries; entanglement in marine debris; and vessel strikes. Leatherback turtles are present and potentially vulnerable as bycatch in the Pacific coast groundfish fishery during the summer-fall period (June through November) (Jannot, et al. 2011). However, according to WCGOP data, there has only been one interaction with a leatherback turtle in the past 10 years. The interaction occurred in 2008

within the OA fixed gear sector. Although green and loggerhead turtles also occur in the action area, there are no known interactions with the groundfish fisheries nor have there been any other interactions between sectors other than OA and any sea turtles.

3.3 Socio-economic Environment

This section describes the current socio-economic environment that may be affected by these measures. The effects of implementation of the action alternatives on the socio-economic environment are presented in Chapter 4.

3.3.1 West Coast Sablefish Fishery

Sablefish (*Anoplopoma fimbria*), also known as “black cod,” is one of the most valuable species in the groundfish fishery off Washington, Oregon, and California. Because of its high ex-vessel value³⁰ per pound, sablefish is a desirable target species for many West Coast fisheries and gear groups. The sablefish fishery has been managed with a rich history of seasons, size-limits, trip-limits, and a complex permit system. Coast-wide catch limits have been divided among the different gears (hook-and-line, pot, and trawl), fishery sectors (including both LE and open access), as well as north and south of 36° N latitude. Sablefish are not commonly fished recreationally, mostly because they live at depths too great for most kinds of recreational fishing gear.

The sablefish fishery primary season (April through October) managed under the permit stacking program occurs north of 36° N. latitude. Vessels in this fishery are registered to at least one LE permit with a gear endorsement for either longline or trap (or pot) gear and an endorsement for sablefish, fish a specified tier limit. Such vessels are eligible to fish in the DTL fishery before the primary season (January through March) and after their aggregate tier limit on the vessels have been harvested, or the season has ended, whichever comes first.

This transition between fisheries often occurs during the sablefish primary season. Under the permit stacking program, each fixed gear sablefish endorsed LE permit is assigned to one of three tiers. The permit’s tier level determines the poundage of sablefish which can be landed by that permit each season while participating in the primary sablefish fishery. Sablefish endorsements and their tiers may not be transferred separately from the limited permits. For sablefish endorsed, LE permits, the Regional Administrator biennially or annually announces the size of the cumulative trip limit for each of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3, Tier 2, and Tier 1, respectively. Currently, up to three permits can be stacked onto a single vessel, allowing that vessel to land up to the sum of the three tier limits in aggregate.

The program also includes other provisions, including a prohibition on the ownership of permits by corporations or other business entities, a permit owner-on-board requirement, a limit on the number of permits any individual or entity (individually and collectively) can own or hold, and a prohibition on at-sea processing. A grandfather clause was provided for each of these provisions,

³⁰ Ex-vessel value is a measure of the dollar value of commercial landings, usually calculated as the price per pound at the first purchase of the commercial landings multiplied by the total pounds landed.

allowing the continuation of situations in place prior to Council action. For non-grandfathered permits, the owner of the permit must be on-board the vessel during the primary season when that permit's tier amount is being fished. If landings from a trip will be attributed to multiple permits, then the owners of those permits being fished must be onboard during fishing operations. However, there are medical and death exemptions from this requirement.

Fleet

Vessels participating in the LE sablefish-endorsed fleet range in size from 33 to 95 ft and operate primarily out of ports in Oregon and Washington. Fishing generally occurs in depths greater than 80 fms. Nearly all of the vessels deliver their iced catch to shore-side processors. Catch in the LE sablefish-endorsed fleet is composed mostly of sablefish, with bycatch primarily composed of spiny dogfish shark, Pacific halibut, rockfish species, and skates. Vessels retain the portion of catch that is marketable and permitted to be landed. The portion of their catch which is not marketable or for which regulations prohibit landing is discarded at-sea. In addition to market and regulatory discards, smaller fish may be discarded, as fishermen seek to maximize the value of their landed catch allowances.

Rationalizing the fleet and promoting efficiency, primarily through reducing the number of participating vessels (capacity reduction) and lengthening the season, were key objectives when the Council passed Amendment 14 in 2001. However, it was not the Council's objective to reduce the fleet to as few vessels as possible.

Figure 8 shows the number of vessels participating in the sablefish fishery prior to and following implementation of the sablefish tier program. Primary season participation from 1996 through 2000 (prior to the program) average 146 vessels compared to an average of 90 vessels after the program was implemented (2002 through 2013), a 38 percent decrease. The number of vessels and landings in the primary season fishery prior to 1998 were not recorded separately from the total fishery, and are estimates based on counts of vessels in the LE fishery that landed at least 1 mt of sablefish north of Santa Barbara County within the appropriate season period.

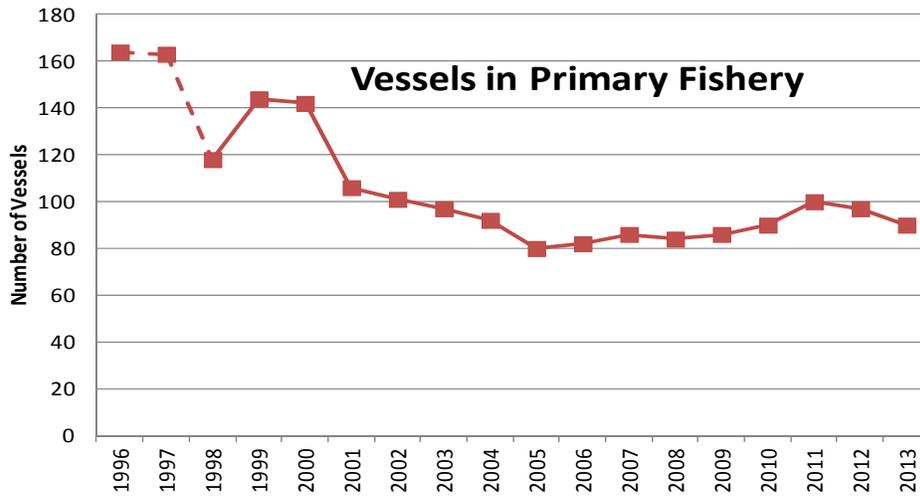


Figure 8. Number of vessels participating in the LEFG primary sablefish fishery from 1998 to 2013.

Figure 9 displays the LEFG sablefish fishery allocation and landings from 1996 through 2013. From 1998 through 2001, the reported landings include the DTL and mop-up³¹ fisheries. Figure 8 also shows that since the implementation of the sablefish permit stacking program in 2001, landing have remained below the allocation even though both the allocation and landings have been decreasing steadily since 2010.

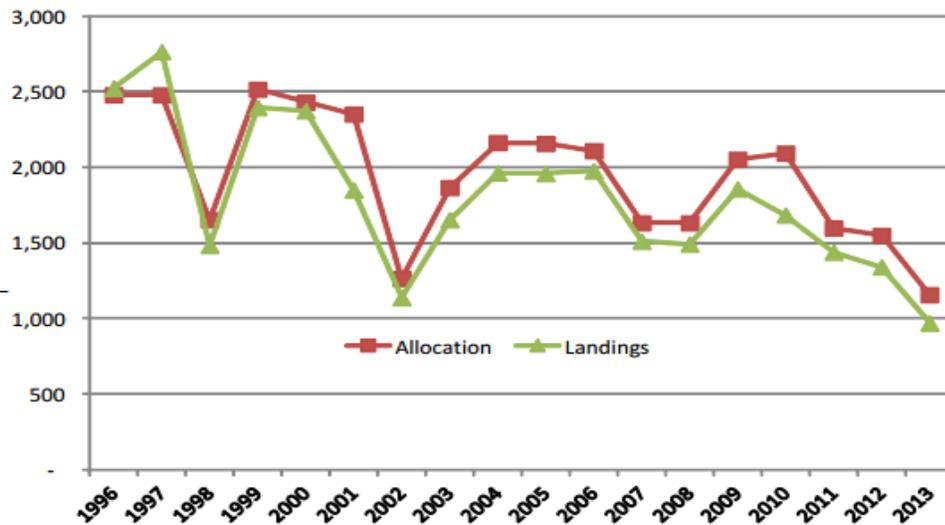


Figure 9. LEFG sablefish allocations and landings through 2013.

³¹ A mop-up season was used to take the remainder of the LE non-trawl allocation after the end of the regular season. During a mop-up fishery, the same cumulative limit is provided to all participants.

Table 8 and Figure 10 show information on the distribution of vessel lengths and permit length endorsements in the LEFG sablefish fishery in 2012. Table 8 shows the distribution of length endorsements for sablefish permits by tier and also by gear endorsement. The table shows the average length endorsement for Tier 1 permits (66.6 feet) is longer than the average for both Tier 2 permits (53.1 feet) and Tier 3 permits (47 feet). The minimum length endorsements follow the same patten, with the minimum Tier 1 permit length endorsement (40 feet) exceeding those for both Tier 2 (32 feet) and Tier 3 permits (18 feet). However, the same is not true of the maximum length endorsements. While the longest Tier 3 permit (97.3 feet) is shorter than the longest Tier 1 permit (138 feet), it is longer than the longest Tier 2 permit (88 feet).

Table 8. Distribution of permit length endorsements for LEFG sablefish permits in 2012.

Permit Category	Number of Permits	Permit Length Endorsements in Feet			Permits Within One Standard Deviation	
		Average	Range of		Number	Percent
			Minimum to Maximum	One Standard Deviation		
Tier 1	28	66.6	40 to 138	44.4 to 88.9	20	71.4%
Tier 2	42	53.1	32 to 88	39.8 to 66.3	28	66.7%
Tier 3	94	47.0	18 to 97.3	35.1 to 59.0	67	71.3%
Longline	132	50.2	18 to 97.3	36.9 to 63.5	90	68.2%
Pot	28	60.4	32 to 138	35.6 to 85.3	19	67.9%
Both Longline and Pot	4	49.2	40 to 55.3	43.5 to 54.9	2	50.0%

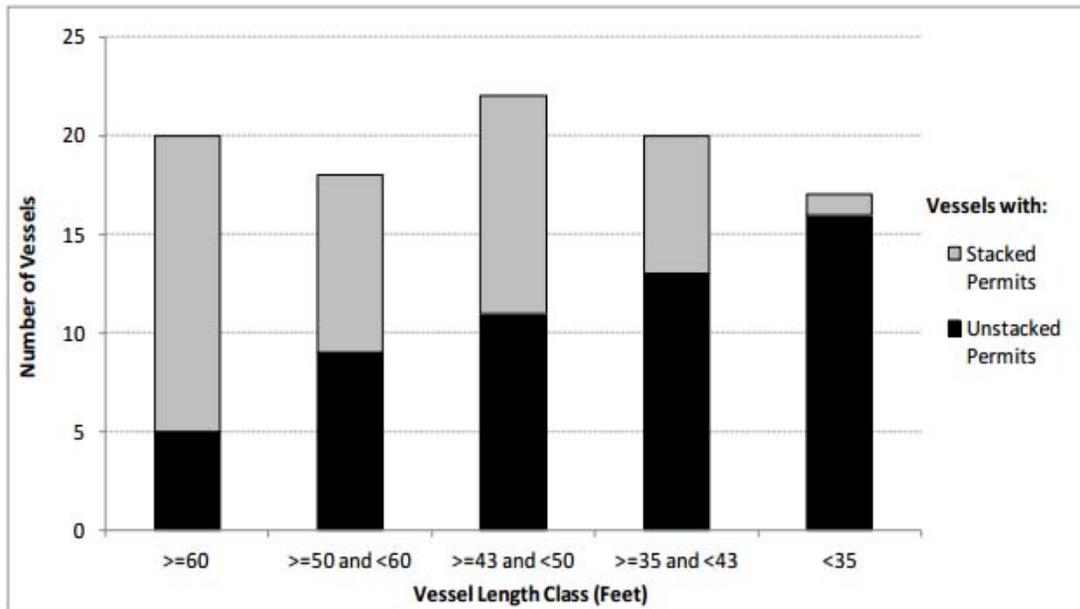


Figure 10. Number of LEFG sablefish vessels in 2012 with unstacked and stacked permits by vessel length class.

Table 9 shows how the different permit tiers have or have not been stacked. The higher tier permits (Tier 1 and Tier 2) appear more likely to be stacked (consolidated) up to the maximum of three. The stacking of three Tier 1 or three Tier 2 permits on a single vessel showed a fairly consistent increase from 2002 to 2012, increasing by over 46 percent in each case. At the same time, as would be expected, the frequency of vessels with only one or two permits declined. For all tiers, permits that are not triple-stacked are fairly evenly split between being double-stacked or unstacked.

In general, vessels appear to be downsizing under the LEFG sablefish primary fishery program, a possible source of increased efficiency (Table 10). As of 2014, there were 20 vessels in the fishery greater than 60 feet in length. However, permits with length endorsements greater than 60 feet are being used as the “primary” permit on 27 vessels, either unstacked or as the base permit for stacking (Table 9). Therefore, there are seven permits endorsed for more than 60 feet that are being used on vessel that are less than 60 ft long. There is a similar pattern for the 50-to-60 foot and 35-to-43 foot categories, indicating small vessels are using permits that would allow larger vessels into the fishery.

Table 9. Number of other permits with which a permit is stacked, by tier (includes post-July 1 registrations).^{a/} Arrows indicate direction (increase or decrease) and severity of change from year to year.

Permit Combinations	2002		2004		2008		2012
Tier 1 Permit Stacked with:			Number of Tier 1 Permits				
Two Other Permits	13	↗	17	↗	18	↗	19
One Other Permit	7	↘	6	↘	5	↘	4
No Other Permits	7	↘	4	↗	4	↗	4
Total Permits for the Tier	27		27		27		27
Tier 2 Permit Stacked with:			Number of Tier 2 Permits				
Two Other Permits	15	↗	19	↗	23	↘	22
One Other Permit	11	↗	15	↘	10	↘	9
No Other Permits	17	↘	9	↗	10	↗	12
Total Permits for the Tier	43		43		43		43
Tier 3 Permit Stacked with:			Number of Tier 3 Permits				
Two Other Permits	20	↗	36	↗	43	↘	22
One Other Permit	24	↗	29	↗	29	↗	33
No Other Permits	50	↘	29	↘	22	↗	39
Total Permits for the Tier	94		94		94		94
Total Permits	164	↗	164	↗	164	↗	164
Total Vessels	110	↘	90	↘	84	↗	97
a/ Analysis based on registrations as of July 1 each year plus post-July 1 registrations for permits not registered on July 1 st .							

Table 10. Comparison of vessels and permit counts by size category.

Size Category	Vessels in the Fleet ^{a/}	Primary Permits Used by the Fleet ^{b/}
>60'	20	27
50'-60'	18	25
43'-50'	22	16
35'-43'	20	22
<35'	17	7

a/ The number of vessels by size category is from Table 3-9.

b/ The number of primary permits by length endorsement category is from Table 3-10 and is the sum of unstacked permits (permits used on vessels that hold only one permit) and stacked base permits (the main permit in a stack). Stacked non-base permits are excluded from these counts.

Some vessels that harvest sablefish off the West Coast also fish for sablefish in the Alaska/Bering Sea Sablefish IFQ fishery. Additionally, persons and entities that have ownership interest in LEFG permits often also have ownership interest in Sablefish IFQ and Pacific halibut IFQ in Alaska fisheries. Often owners with financial interest in both West Coast and Alaska sablefish fisheries (either by vessel ownership, by quota ownership, or by both) reside in Washington or Oregon.

3.3.2 Communities

Communities involved in receiving and processing fixed-gear sablefish landings include the following West Coast port groups: Puget Sound, North Coast and South and Central coast in Washington; Astoria, Tillamook, Newport, Coos Bay and Brookings in Oregon; and Crescent City, Eureka, Fort Bragg, Bodega Bay, San Francisco, Monterey and Morro Bay in California.

Figure 11 shows the involvement of individual port groups in the LEFG sablefish fishery for even years from 1996 through 2012. Involvement is measured as the ex-vessel value of fixed gear sablefish landings in a port as a share of the total ex-vessel value of the entire West Coast fixed gear sablefish fishery. Figure 12 removes some of the complexity in viewing the pre- and post-program changes by using three-year averages to display the same data. The largest shifts in involvement appear to be at the northern and southern extremities of the region, with Puget Sound becoming less involved in the fishery in more recent years (in terms of landings to the area) and Morro Bay having increased involvement. The Brookings area also appears to show a trend toward increased involvement since implementation of the program in 2002. Port Orford is part of the Brookings area and has an active non-profit organization (Port Orford Ocean Resources Team) which seeks to enhance the small fixed gear fishery operating out of that port. The existence of the permit stacking program may have enhanced the ability of the community to influence the development of the fishery in the port and the community’s economic future. However, for most ports, no consistent trend is obvious from these figures, and it is not possible to separate the effects of the program from the many other causes of variation in involvement by the port groups.

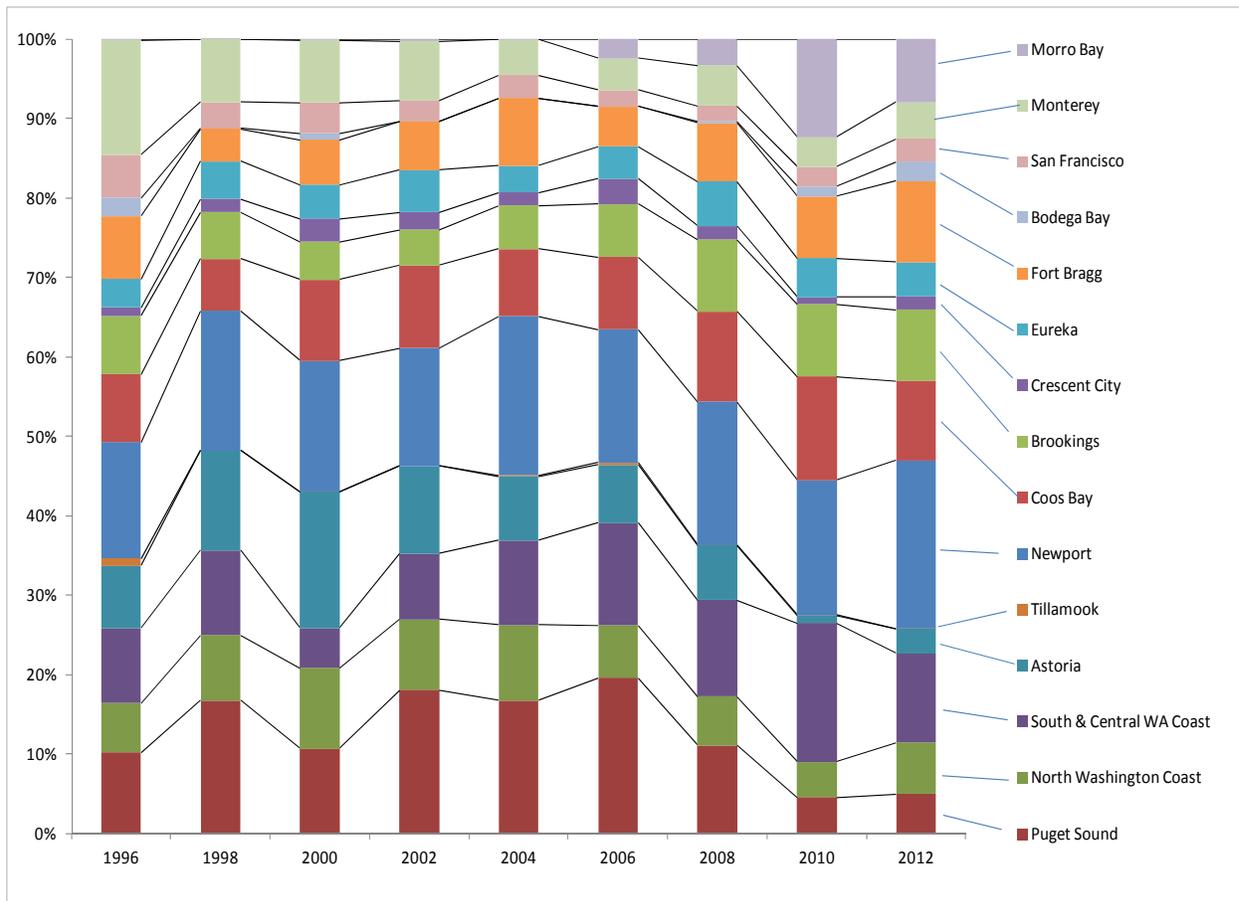


Figure 11. Involvement (percent of West Coast ex-vessel revenue) in the West Coast LEFG sablefish fishery by port group (data for even-numbered years 1996-2012).

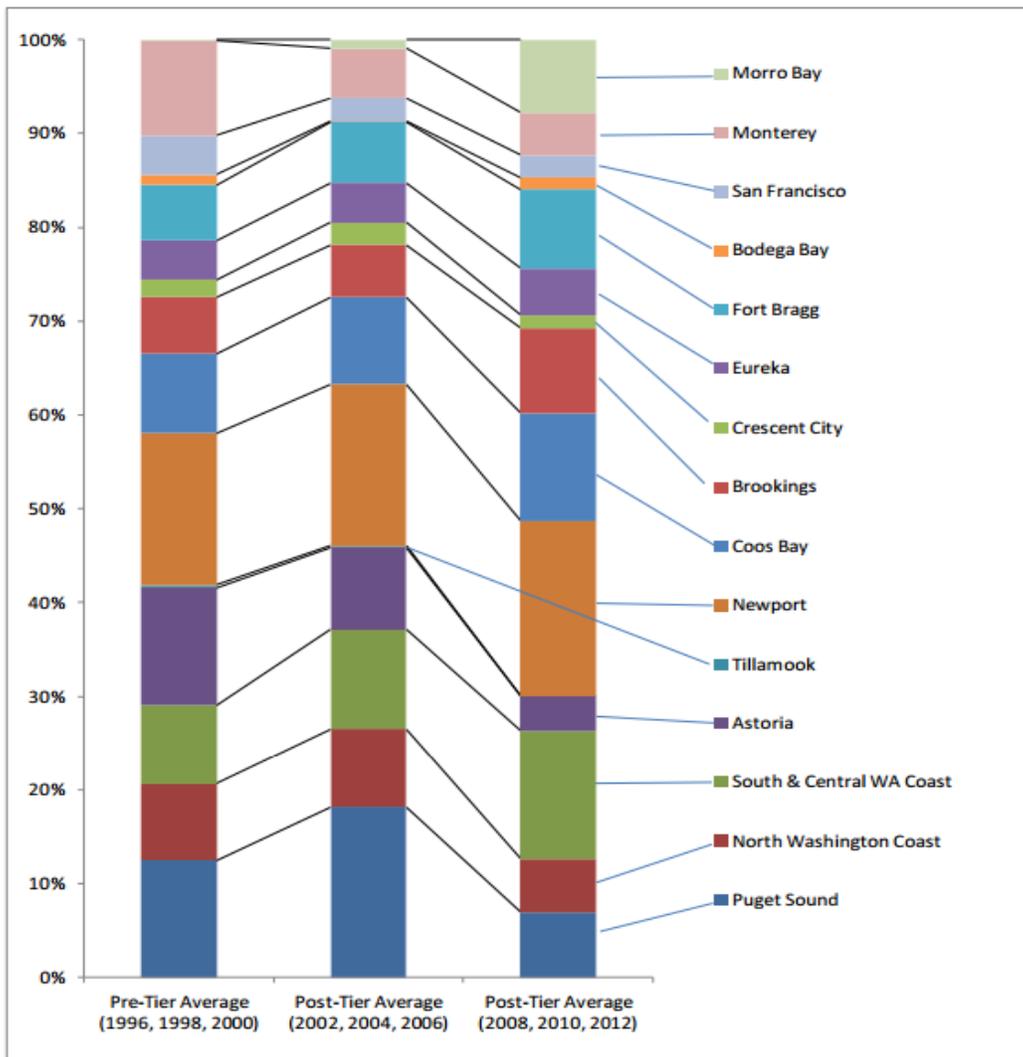


Figure 12. Involvement (percent of West Coast ex-vessel revenue) in the LEFG sablefish fishery by port group in terms of three-year averages for periods before and after implementation of the tier program (data for even years 1996-2012).

Figures 13 and 14 display the dependence of port groups on ex-vessel revenue from the LEFG sablefish fishery measured as a percent of each port's total landings revenue from all non-tribal fisheries. Most ports show annual dependence over the period fluctuating within a fairly narrow range given their respective starting points, changes in species availability, weather, sector allocations and market forces. The huge spike in revenue dependence for Morro Bay in 2010 (Figure 13) likely reflects the beginning of The Nature Conservancy exempted fishing permit program under which certain vessels with trawl permits were authorized to use fixed gear.³² Other port groups that showed relatively increased dependence in fixed gear sablefish fisheries in 2010 include Bodega Bay, Fort Bragg, Eureka and Brookings (Figure 12); and Coos Bay, Newport, South and Central Washington Coast, and North Washington Coast (Figure 13). Conversely for unexplained reasons the Puget Sound port group has exhibited a notable drop in fixed gear sablefish landings and dependence since 2006 (Figure 13-15).³³ Many of the port groups with relatively high dependence on the FG sablefish fishery in 2010 exhibited considerably reduced dependence in 2012.

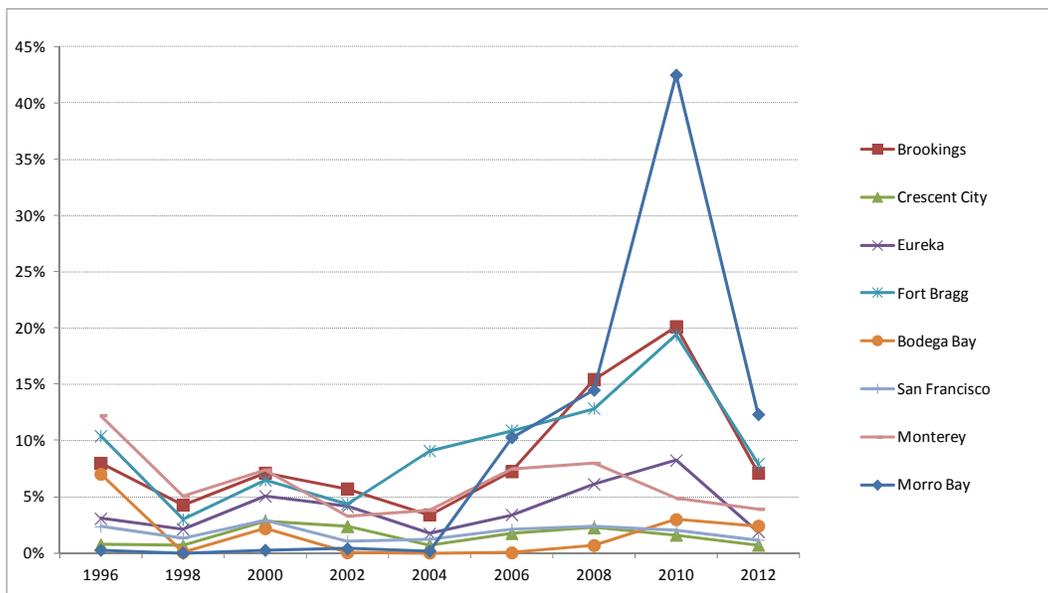


Figure 13. Dependence (percent of total non-tribal ex-vessel revenue in the port group) on LEFG sablefish landings for port groups from Brookings, Oregon, to Morro Bay, California (data for even-numbered years 1996-2012).

³² Trawl landings in Morro Bay dropped to zero in 2010 but reappeared in 2011 and 2012.

³³ Industry sources have pointed to a number of possible causes for this trend including a reduction in the spiny dogfish fishery and the closure of rockfish fisheries in Puget Sound due to ESA requirements.

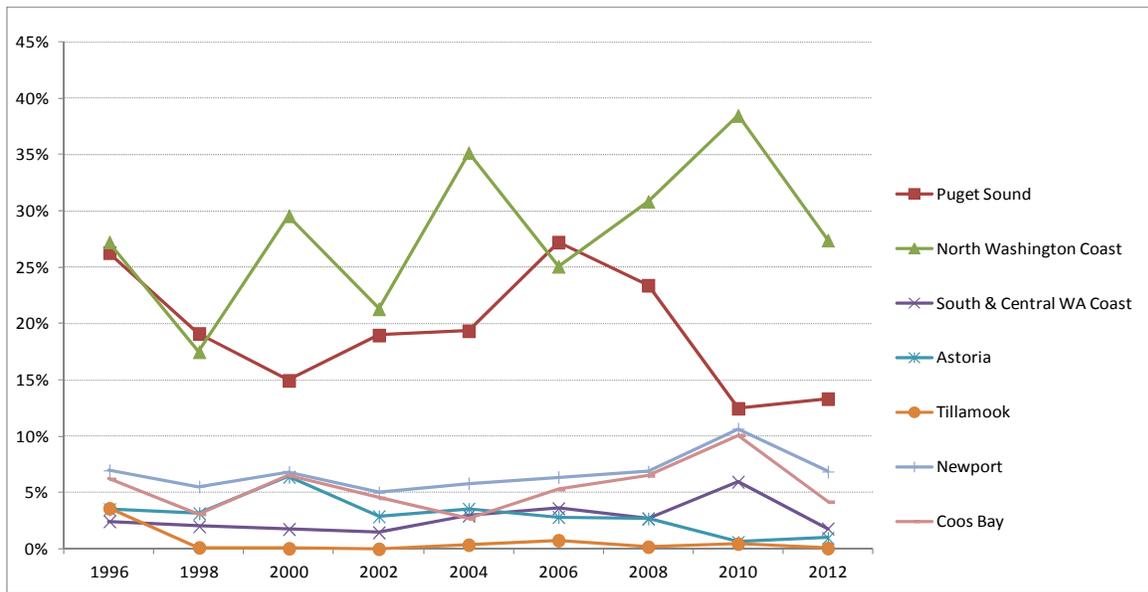


Figure 14. Dependence (percent of total non-tribal ex-vessel revenue in the port group) on LEFG sablefish landings for port groups from Puget Sound, Washington, to Coos Bay, Oregon (data for even-numbered years (1996-2012)).

Figure 15 displays port dependence in terms of employment (number of jobs). For each port area the figure compares the number of jobs provided by the LEFG sablefish fishery with two other measures: employment generated by the total non-tribal groundfish fishery and the total work force in 2012. Fisheries-generated employment estimates are taken from the input-output model for Pacific coast fisheries (IO-PAC) analysis of the 2015-2016 groundfish harvest specifications, and port area work force estimates are taken from U.S. Bureau of Labor Statistics county-level data. While the data displayed in Figure 15 indicate the sablefish fishery provides a relatively small number of jobs in comparison to the total non-tribal groundfish fishery and coast-wide labor force, for a few ports it constitutes a large proportion of the groundfish labor force, providing 20 percent or more of non-tribal groundfish fishery employment for the port areas of Puget Sound, North Washington Coast, Crescent City, Fort Bragg, Bodega Bay, Santa Barbara, and Los Angeles.

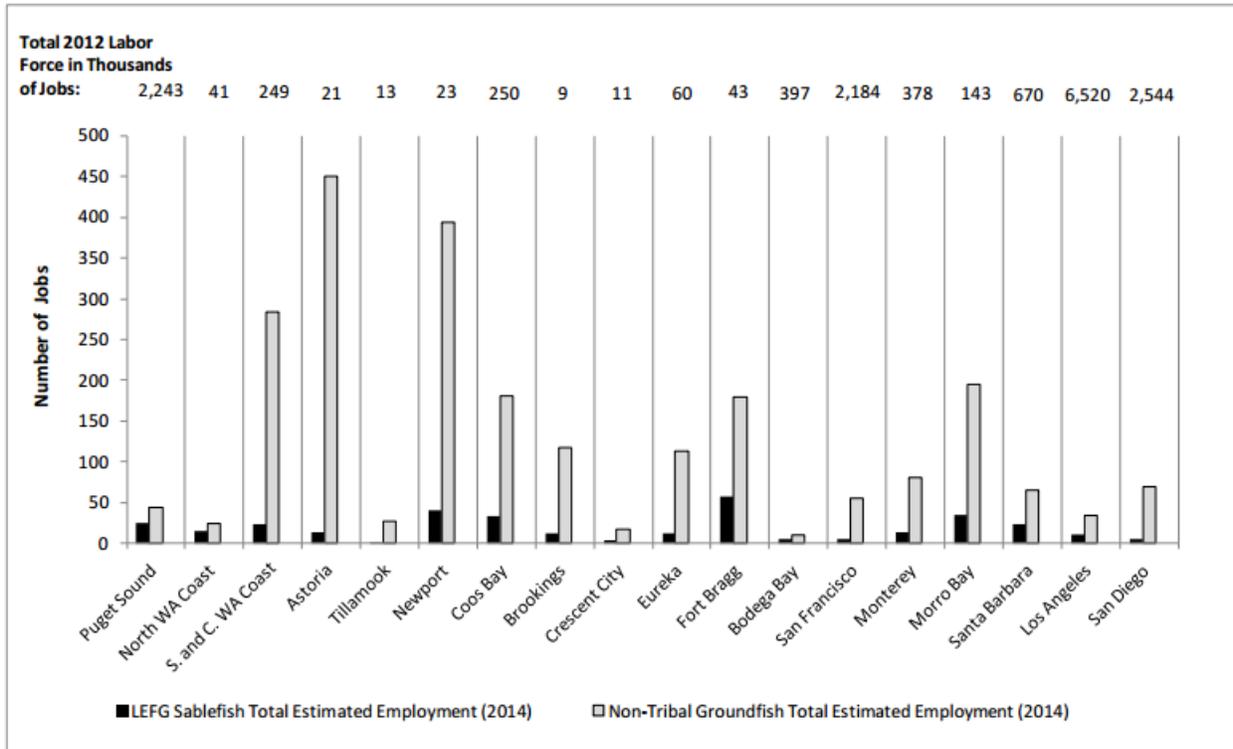


Figure 15. West Coast port dependence on the LEFG sablefish fishery in terms of employment (estimated number of jobs using 2014 data) in comparison to employment by the total non-tribal groundfish fishery (2014 data) and the total port-area labor force (2012 data).

Figure 16 displays port dependence in terms of income (total wages and salaries). Again these estimates are from the IO-PAC analysis of the 2015-2016 groundfish specifications and data from the U.S. Bureau of Labor Statistics. As would be expected, these data fairly closely mirror the employment dependence results in Figure 15.

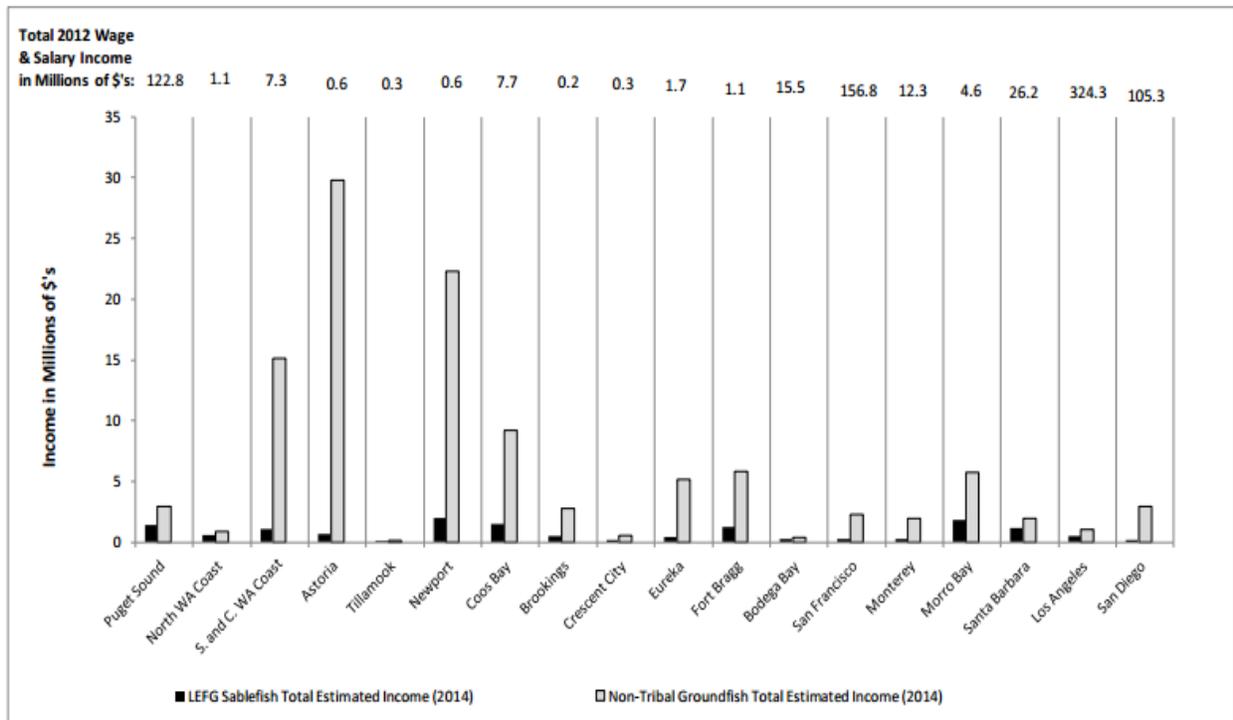


Figure 16. West Coast port dependence on the LEFG sablefish fishery in terms of income (estimated wages and salaries for 2014) in comparison to income for the total non-tribal groundfish fishery (2014) and the total port area income from all sources (2012 data).

3.3.2.1 First Receivers

A first receiver is a person or company who receives, purchases, or takes custody, control, or possession of catch onshore directly from a vessel that harvested the fish. Currently, all first receivers that accept fish from vessels fishing in the Shorebased IFQ Program must hold a first receiver site license for each physical landing site. Site licenses are effective for one year from the date of issuance. For those first receivers currently holding a site license, they must register prior to the ending date to continue to receive landings.

In addition to licensed first receivers in the Shorebased IFQ Program, there are also first receivers that receive fish from vessels not fishing in that Program. Currently there are 100 sablefish first receivers that receive fish from vessels fishing with sablefish endorsed LEFG permits, under the DTL, and/or under the open access fisheries (direct and indirect).³⁴ Of these 100 buyers, 23 are already operating as licensed IFQ first receivers. The 77 non-IFQ first receivers³⁵ account for about one-third of the sablefish landings in these fisheries. Under the action alternatives for electronic fish tickets, these first receivers would be required to record sablefish landings on

³⁴ Of the 100 first receivers, 16 are in Washington, 19 are in Oregon, and 65 are in California.

³⁵ Of the 77 first receivers who do not currently hold a first receiver site license, 13 are in Washington, 11, are in Oregon, and 53 are in California.

electronic fish tickets and to do so would need a computer with internet access should they not already have one.

4 Environmental Consequences

The impacts of the action being considered are addressed for the physical environment in Section 4.1, for the biological environment in Section 4.2 and for the socioeconomic environment in Section 4.3. Cumulative impacts are discussed in Section 4.4.

The following sections discuss the impacts of each of the measures on the physical, biological, and socio-economic environment.

4.1 Physical Environment, including Essential Fish Habitat

A summary of the impacts of the alternatives of each measure on the physical environment are summarized below.

4.1.1 Electronic Fish Ticket

Currently, there is no Federal requirement for an electronic ticket for sablefish landings. Instead there are different State requirements for catch accounting for sablefish fisheries. Table 11 summarizes, by State, when and how a fish ticket is submitted.

Table 11. Fish ticket requirements by State and method of submission.

State	When is a State fish ticket required?
Washington (can be submitted electronically or by paper)	<p>(1) State of Washington fish receiving tickets are required for:</p> <ul style="list-style-type: none"> (a) Fresh fish and shellfish delivered in the State of Washington, including deliveries not purchased by a dealer, which shall be recorded as weigh-back or take-home fish or shellfish. (b) Fresh fish and shellfish previously delivered in another State, territory or country, and transported into the State of Washington to an original receiver. (c) Frozen fish or shellfish not previously delivered in another State, territory, or country, and transported into the State of Washington to an original receiver. Food fish and shellfish in this category are typically an at-sea processed product. (d) Purchase of fish or shellfish from a fisher who is also a dealer, if the fisher/dealer has not previously completed a fish receiving ticket. (e) Forage fish transferred at sea to another vessel. (f) Forage fish caught for use as bait by the catching vessel and not transferred to another vessel or an original receiver. <p>(2) It is unlawful to fail to complete a fish receiving ticket when one is required.</p>

State	When is a State fish ticket required?
Oregon (submitted electronically)	Except as provided in OAR 635-006-0211, for each purchase of food fish or shellfish by a licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, or shellfish canner from a commercial fisher or commercial bait fisher, the dealer or canner shall prepare at the time of landing a Fish Receiving Ticket, or a separate document in lieu of a Fish Receiving Ticket provided the original dock ticket is attached to the completed dealer copy of the Fish Receiving Ticket and kept on file for inspection by the Director, the Director's authorized agent, or by the Oregon State Police. Fish Receiving Tickets shall be issued in numerical sequence.
California (only submitted on paper)	Every commercial fisherman who sells or delivers fish that he or she has taken to any person who is not licensed under Article 7 (commencing with Section 8030), and every person who is required to be licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, as described in Section 8033, shall make a legible landing receipt record on a form to be furnished by the department. The landing receipt shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first.

Each State has separate methods of submission, including both paper and electronic submissions. These differences can cause delays and inaccuracies in reporting. Currently, NMFS does not have the ability to obtain enough data in a timely manner to adequate track data and enforce landings overage violations. Sablefish landings data is subject to delays, errors, and the use of estimates, and lack an end of the year review of permit overages. Without implementation of a Federal requirement (No Action) for electronic fish tickets, NMFS would continue to rely on State requirements for landings information.

To address the situation with landings data, the Council considered the following alternatives listed in Table 12.

Table 12. Physical Environmental Impacts of the Action Alternatives compared to the No Action alternative, for electronic fish tickets.

Alternatives	Effects to Physical Environment	
	CA Current Ecosystem	EFH
<u>Alternative 1:</u> (No Action) There are currently no Federal regulations requiring electronic fish ticket documentation for sablefish landings in the primary/tier sablefish fishery, within the larger LEFG fishery or within the OA fishery, which are managed under daily, weekly, and bimonthly trip limits.	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 2:</u> A Federal requirement that all tier deliveries be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 3:</u> A Federal requirement that all LE permit sablefish deliveries (Primary/tier and DTL) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number	<i>Neutral</i>	<i>Neutral</i>

Alternatives	Effects to Physical Environment	
	CA Current Ecosystem	EFH
<u>Alternative 4:</u> (Final Preferred Alternative) A Federal requirement that all sablefish deliveries (primary, tier, DTL, and open access) be recorded on an electronic fish ticket and, as applicable, documents the associated Federal groundfish permit number.	<i>Neutral</i>	<i>Neutral</i>

The ongoing impacts under No Action are neutral. State requirements for catch accounting will remain as they have been described, and there will be no Federal requirement for electronic fish tickets. Fishing practices will continue as they have been and interactions with EFH will continue to be minimized where possible. The data lag will continue, which will continue to delay management and enforcement. However, the data lag does not provide enough of a data deficiency to impact the CCE or EFH.

As shown in Table 12, alternatives 2 through 4 would implement a new Federal catch accounting requirement, an electronic fish ticket for non-trawl vessels landing sablefish into U.S. West Coast ports. None of the catch accounting action alternatives are expected to change where fishing vessels currently operate at sea or where they land their catch from the No Action alternative, because none of the action alternatives would constrain how much or how little gear fishery participants use, where they use the gear, or whether and how they interact with the ocean floor or essential fish habitat.

As mentioned in section 3.1.1, the CCE is an extremely complex and biologically diverse system and is only affected by large disturbances or smaller disturbances that occur over an extended period of time. Therefore, NMFS neither anticipates that any of the alternatives would have any effect on the physical environment, nor would the action alternatives result in the monitored fisheries having different effects on the physical environment from those experienced under the No Action alternative.

4.1.2 Own/hold control limit

Currently, regulations at §660.25(b)(3)(iv)(C) State that no individual person, partnership, or corporation in combination may have ownership interest in or hold more than three permits with sablefish endorsements either simultaneously or cumulatively over the primary season (hereby referred to as “ownership limitation”). This ownership limitation was intended to prevent concentration of harvest privileges. This is the No Action alternative.

Table 13. Physical Environmental Impacts of the Action Alternatives compared to the No Action alternative, for the own/hold control limit.

Alternatives and Sub-options	Effects to Physical Environment	
	CA Current Ecosystem	EFH
<u>Alternative 1:</u> (No Action) The control limit to own and hold is three permits. Any level of permit ownership would count as one permit towards the limit of three permits. In addition to any permits owned, any permits registered to a vessel, would count toward the three permit limit. Select permit owners are grandfathered in and allowed to exceed the three permits limit. Any group ownership interest in the permit results in a permit count of 1 being attributed to each group member. Permits acquired through transfer after November 1, 2000, can only be owned by an individual.	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 2a:</u> No action for permit ownership (any percentage ownership in a permit is a count of 1); however, holding a permit is counted only if the vessel owner has a greater than 20% share. Partial Ownership is capped at 2. After 2, any permits wholly or partially registered to a vessel would count toward the 3 permit limit.	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 2b:</u> No action for permit ownership (any percentage ownership in a permit is a count of 1); however, holding a permit is counted only if the vessel owner has a greater than 30% share. Partial Ownership is capped at 2. After 2, any permits wholly or partially registered to a vessel would count toward the 3 permit limit.	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 3:</u> (Final Preferred Alternative) No action for permit ownership (any percentage ownership in a permit is a count of one); however, eligible owner(s) of vessel(s) registered to a sablefish endorsed LE permit could apply to NMFS for a limited exemption to the own/hold permit control rules. To be eligible for the exemption, a vessel owner must own tier-endorsed permits, Alaska sablefish IFQ, and vessels that participate in both West Coast and Alaska sablefish fisheries. The exemption would allow a vessel owner to own up to 20 percent of up to two vessels registered to other tier-endorsed LE permits without having the permits registered to the vessel(s) count against the individual's three-permit own/hold control limit. The exemption would remain in place so long as there are no changes to vessel ownership.	<i>Neutral</i>	<i>Neutral</i>
<u>Sub-option 1:</u> Entire Ownership Interest Passes Through – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having the same share in ownership of the vessel as the entity has.	<i>Neutral</i>	<i>Neutral</i>
<u>Sub-option 2:</u> Pro-rata Ownership Passes Through – If an entity owns a vessel registered to a permit it does not own, any individuals with a share in the ownership of that entity are counted as having a share in ownership of the vessel proportion to their actual share.	<i>Neutral</i>	<i>Neutral</i>
<u>Sub-option 3:</u> Coordinated Ownership – If individuals participating in the ownership of an LEFG entity collectively own more than 40% of a particular vessel, then any LEFG permits registered to that vessel will count against their three-permit control limits, regardless of the provision that exempts from the permit count ownership amounts of less than 20 percent for up to two weeks.	<i>Neutral</i>	<i>Neutral</i>

Table 13 provides a description of each of the four alternatives under consideration, as well as the three sub-options, and their effect on the physical environment. The continuation of the No Action

alternative would have an ongoing neutral impact on the CCE and EFH. Under the No Action alternative, there would still be a prohibition on owning or holding more than three permits. This would still cause some issues for those vessel owners that fish in the Alaska IFQ program and the West Coast primary/tier sablefish fishery. However, fishing practices (ACLs and gear types used) would not change, and these issues are more socio-economic in nature and, therefore, are discussed further in Section 4.3.2 and not here.

Under the action alternatives and sub-options, as compared to No Action, no positive or negative impacts are expected to the physical environment, including the CCE and EFH. The Council's FPA would allow for an exemption to the own/hold control limit for a small number of boats to allow them more flexibility with permit ownership limitation if they fish in the Alaska IFQ program and the West Coast sablefish primary fishery. Like the electronic fish tickets, this is an administrative change, and it is not expected to significantly change fishing behavior, gear usage, or the way gear is fished. In fact, as the number of owners with a grandfather exception in the Alaska IFQ program diminishes, situations in which owners are constrained from either benefiting from Alaska IFQ or acquiring more LE permits would diminish.

The proposed action is not anticipated to change the geographic distribution of the vessels within the management area, or change the magnitude of fishing activities. There will be no impacts to the biodiversity of the CCE or EFH, as there will be no changes in gear type used, total catch, or which areas are open to fishing.

The management program does not constrain redistribution of sablefish harvest and landings within the management area for the stock. Such redistributions may occur in response to local area changes in CPUE, local fish marketing opportunities, and shifts of permits between ports (through transfer or changing of fishing operations). Thus, if there is a geographic shift of distribution of fishing effort, but the shift stays within the management area, no additional impacts beyond those that occur under No Action would be expected.

4.1.3 Joint Registration

Originally, the LLP, implemented through Amendment 6 to the FMP, allowed vessels to register both a trawl and fixed gear (longline and fish pot) endorsed permit at the same time. Subsequently, regulations were modified and no longer allow vessels to register multiple limited entry permits unless the permits are sablefish-endorsed stacked for use in the limited entry fixed gear sablefish primary fishery. This restriction was put in place to keep trawl and fixed gear fisheries temporally separated to meet enforcement and monitoring needs. The No Action alternative would maintain the prohibition on joint registration.

Table 14. Physical Environmental Impacts of the Action Alternatives compared to the No Action alternative, for joint registration.

Alternatives	Effects to Physical Environment	
	CA Current Ecosystem	EFH
<u>Alternative 1:</u> (No Action) A trawl endorsed permit cannot be on a vessel at the same time together with a LEFG endorsed permit. A change in vessel registration is limited to one time per year after January 1.	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 2:</u> Allow a trawl permit and up to three fixed gear permits (longline and/or fish pot, either sablefish- or non-sablefish endorsed) to be registered to the same vessel at the same time. No change to the number of transfers allowed per year	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 3:</u> (Final Preferred Alternative) In addition to what is in the above alternative, establish a declaration process to specify, for enforcement and monitoring purposes, which permit is being used or if fishing is being conducted in the open access fishery, and provide for the opportunity to jointly register a trawl gear permit with a fixed gear permit so that LEFG vessels would still not be allowed to freeze sablefish caught under the Trawl Rationalization Program.	<i>Neutral</i>	<i>Neutral</i>

The ongoing impacts of No Action on the CCE and EFH are neutral. Vessels would still be unable to register a trawl endorsed permit and a LEFG endorsed permit at the same time. Therefore vessels would continue to fish as they have been, and there is no anticipated shift in fishing locations. Areas that are still closed to fishing and/or gears (i.e. RCA and EFHCA) will remain so.

Table 14 shows the two action alternatives under consideration for the Joint Registration measure. Under each of these alternatives, the impacts to the physical environment, including the CCE and EFH, would be neutral when compared to No Action. The ACLs and sector allocations would not be modified. Therefore, the impacts would be limited to the differences between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear.

Amendment 20 specifies that vessels with trawl permits using non-trawl gear are required to comply with the conservation areas applicable to those non-trawl gears (Section A-1.3). In general, the LEFG RCA boundaries are shallower than the trawl RCA boundaries. Therefore, a switch from trawl gear to fixed gear would force activities into shallower waters shoreward of the RCA and allow vessels to fish in shallower areas seaward of the RCA. To the degree that an increased portion of the trawl allocation is taken by fixed gear vessels, the habitats impacted and species harvested may be different than under No Action. However, it is unlikely that this shift would cause substantial damage to the ocean and coastal habitats and/or EFH as fixed gear tends to have a smaller impact than trawl gear. Regardless the overall impact from this potential shift in effort, if it were to occur, would be small enough as not to impact the overall ecosystem.

4.2 Biological Environment

A summary of the impacts of the alternatives of each measure on the biological environment are summarized below.

4.2.1 Electronic Fish Ticket

As mentioned in section 4.1.1, currently, there is no requirement for a Federal electronic fish ticket. NMFS relies on the information through electronic and paper tickets collected by the State to inform managers and enforcement. The No Action alternative would maintain the current system which results in slow transmission of landings data. Table 15 provides a summary of each alternative and any impacts that might occur from No Action or the action alternatives.

Table 15. Biological Environmental Impacts of the Action Alternatives compared to the No Action alternative, for electronic fish tickets.

Alternatives	Effects to Biological Environment		
	Groundfish Species	Non-Groundfish Species	Protected Species
<u>Alternative 1:</u> (No Action) There are currently no Federal regulations requiring electronic fish ticket documentation for sablefish landings in the primary/tier sablefish fishery, within the larger LEFG fishery or within the OA fishery, which are managed under daily, weekly, and bimonthly trip limits.	<i>Low Negative impact:</i> Due to a time lag in receiving data, there is a chance that maintaining the status quo (No Action) could cause a small negative impact if catch data were inaccurate or delayed to a point where a fishery was not able to be properly monitored.	<i>Low Negative impact:</i> Due to a time lag in receiving data, there is a chance that maintaining the status quo (No Action) could cause a small negative impact if catch data were inaccurate or delayed to a point where a fishery was impacting non-groundfish species and that information was not known by managers.	<i>Low Negative impact:</i> Due to a time lag in receiving data, there is a chance that maintaining the status quo (No Action) could cause a small negative impact if catch data were inaccurate or delayed to a point where a fishery was impacting protected species and that information was not known to managers.
<u>Alternative 2:</u> A Federal requirement that all tier deliveries be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.	<i>Low positive impact:</i> As managers would have more timely data for sablefish tier deliveries.	<i>Low positive impact:</i> As managers would have more timely data for sablefish tier deliveries and would be able to react more swiftly if there were impacts to non-groundfish species.	<i>Low positive impact:</i> As managers would have more timely data for sablefish tier deliveries and would be able to react more swiftly if there were impacts to protected species.
<u>Alternative 3:</u> A Federal requirement that all LE permit sablefish deliveries (Primary/tier and DTL) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number	<i>Medium positive impact:</i> As managers would have more timely data for sablefish tier and DTL deliveries.	<i>Medium positive impact:</i> As managers would have more timely data for sablefish tier and DTL deliveries and would be able to react more swiftly if there were impacts to non-groundfish species	<i>Medium positive impact:</i> As managers would have more timely data for sablefish tier and DTL deliveries and would be able to react more swiftly if there were impacts to protected species.

Alternatives	Effects to Biological Environment		
	Groundfish Species	Non-Groundfish Species	Protected Species
Alternative 4: (Final Preferred Alternative) A Federal requirement that all sablefish deliveries (primary, tier, DTL, and open access) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.	<i>High positive impact:</i> As managers would have more timely data for sablefish tier, DTL, and open access deliveries.	<i>High positive impact:</i> As managers would have more timely data for sablefish tier, DTL, and open access deliveries and would be able to react more swiftly if there were impacts to non-groundfish species	<i>High positive impact:</i> As managers would have more timely data for sablefish tier, DTL, and open access deliveries and would be able to react more swiftly if there were impacts to protected species.

Under No Action, NMFS would continue to rely on State requirements for catch accounting. The requirements differ by State and the time lag in receiving the data and correcting errors would not change. Indirect biological impacts could result if catch data were inaccurate or delayed such that fishery specifications could not be adequately monitored, or if fishing was not stopped before a specification was exceeded or before negatively impacting protected species and other non-groundfish species. Therefore the ongoing effects of the No action on the biological environment could pose a low negative impact.

The action alternatives considered for electronic fish tickets would all implement a Federal requirement for electronic fish tickets (Table 15). However, which landings have to be reported would differ by Alternative. Under Alternative 2, fish tickets would only be required for tier/primary sablefish deliveries. Alternative 3, requires both tier and DTL sablefish deliveries to be recorded, and Alternative 4 would require tier/primary, DTL, and OA to sablefish deliveries to be recorded on fish tickets. Because each of these alternatives differ slightly in which deliveries will be recorded, their impacts also differ slightly with the positive impacts increasing as more deliveries are required to be recorded. In addition to the increased timeliness and accuracy of the data, this action will not impact the ACLs or sector allocations for sablefish or non-target species. Therefore, the more complete the information is, in addition to keeping the other management measures as is, the more likely that it will have a positive impact when compared to No Action, which is why the magnitude of impact increases with each alternative (Table 15).

4.2.2 Own/hold control limit

As was mentioned in Section 4.1.2, current regulations state that no individual person, partnership, or corporation in combination may have ownership interest in or hold more than three permits with sablefish endorsements either simultaneously or cumulatively over the primary season. This ownership limitation was intended to prevent concentration of harvest privileges. If No Action were taken (Alternative 1), vessel owners would continue to be limited to three permits and those entities which hold permits for West Coast sablefish and Alaska sablefish IFQ may still continue to be negatively impacted. Those impacts are related to socio-economics and are discussed in Section 4.3.2 of this Chapter.

Table 16. Biological Environmental Impacts of the Action Alternatives compared to the No Action alternative, for the own/hold control limit.

Alternatives and Sub-options	Effects to Biological Environment		
	Groundfish Stocks	Non-groundfish Stocks	Protected Species
<u>Alternative 1:</u> (No Action) The control limit to own and hold is three permits. Any level of permit ownership would count as one permit towards the limit of three permits. In addition to any permits owned, any permits registered to a vessel, would count toward the three permit limit. Select permit owners are grandfathered in and allowed to exceed the three permits limit. Any group ownership interest in the permit results in a permit count of 1 being attributed to each group member. Permits acquired through transfer after November 1, 2000, can only be owned by an individual.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 2a:</u> No action for permit ownership (any percentage ownership in a permit is a count of 1); however, holding a permit is counted only if the vessel owner has a greater than 20% share. Partial Ownership is capped at 2. After 2, any permits wholly or partially registered to a vessel would count toward the 3 permit limit.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 2b:</u> No action for permit ownership (any percentage ownership in a permit is a count of 1); however, holding a permit is counted only if the vessel owner has a greater than 30% share. Partial Ownership is capped at 2. After 2, any permits wholly or partially registered to a vessel would count toward the 3 permit limit.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
<u>Alternative 3:</u> (Final Preferred Alternative) No action for permit ownership (any percentage ownership in a permit is a count of one); however, eligible owner(s) of vessel(s) registered to a sablefish endorsed LE permit could apply to NMFS for a limited exemption to the permit control rules. To be eligible for the exemption, a vessel owner must own tier-endorsed permits, Alaska sablefish IFQ, and vessels that participate in both West Coast and Alaska sablefish fisheries. The exemption would allow a vessel owner to own up to 20 percent of up to two vessels registered to other tier-endorsed LE permits without having the permits registered to the vessel(s) count against the individual's three-permit own/hold control limit. The exemption would remain in place so long as there are no changes to vessel ownership.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
<u>Sub-option 1:</u> Entire Ownership Interest Passes Through – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having the same share in ownership of the vessel as the entity has.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>

Alternatives and Sub-options	Effects to Biological Environment		
	Groundfish Stocks	Non-groundfish Stocks	Protected Species
<u>Sub-option 2</u> : Pro-rata Ownership Passes Through – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having a share in ownership of the vessel proportion to their actual share.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
<u>Sub-option 3</u> : Coordinated Ownership – If individuals participating in the ownership of an LEFG entity collectively own more than 40% of a particular vessel, then any LEFG permits registered to that vessel will count against their three-permit control limits, regardless of the provision that exempts from the permit count ownership amounts of less than 20 percent for up to two weeks.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>

Although No Action alternative may have negative impacts related to socio-economic interests, the ongoing impacts to the biological environment under No Action would be neutral. Fishing pressure would still be limited by ACLs and other management measures; therefore, No Action is unlikely to have any impact (positive or negative) on biological environment.

Table 16 shows the expected impacts of the alternatives and sub-options for the own/hold control limit rules. When compared to the No Action alternative, the alternatives listed in Table 15 have a neutral impact on groundfish, non-groundfish, and protected species or their critical habitat. The action alternatives do not impact the ACL or sector allocations for sablefish. Total catch and where fishing can take place will not change. Therefore, the action alternatives are likely to have a neutral impact on the biological environment.

The three sub-options also have a neutral impact on the biological environment when compared to the No Action alternative. The sub-option provide a process for determining the type of, and how much, ownership interest a vessel owner could hold before his/her permits must be counted. Similar to the action alternatives, the sub-options are administrative in nature and would not have any impacts on the biological environment.

4.2.3 Joint Registration

Joint registration would allow both LE trawl and LEFG permits to be registered to the same vessel, concurrently. This is currently prohibited in regulation. The biological impacts of the action alternatives are limited to impacts caused by a potential increase in gear switching in the Shorebased IFQ Program.

Table 17. Biological Environmental Impacts of the Action Alternatives compared to the No Action alternative, for joint registration.

Alternatives	Effects to Biological Environment		
	Groundfish Species	Non-Groundfish Species	Protected Species
<p><u>Alternative 1:</u> (No Action) A trawl endorsed permit cannot be on a vessel at the same time together with a LEFG endorsed permit. A change in vessel registration is limited to one time per year after January 1.</p>	<p><i>Neutral</i></p>	<p><i>Low Positive, Low Negative:</i> Due to increasing trend in gear switching, small positive impacts to salmon and other non-target marine species caught as bycatch in trawl gear because gear switching means increasing use of more selective non-trawl gear that has lower bycatch of these species. There remains a potential for very small negative impacts to ESA-listed seabirds if use of longline gear increases. However, gear switching opportunities are not increased by this action. Therefore, the potential impacts to these species from gear switching have already been considered in a 2010 FEIS for the Trawl Rationalization Program.</p>	<p><i>Low-Positive, Low Negative:</i> Due to increasing trend in gear switching, small positive impacts to ESA-listed salmon and eulachon because of increasing use of more selective non-trawl gear that has lower bycatch of these species. There remains a potential for very small negative impacts to ESA-listed seabirds if use of longline gear increases. However, gear switching opportunities are not increased by this action. Therefore, the potential impacts to these species from gear switching have already been considered in a 2010 FEIS for the Trawl Rationalization Program.</p>

Alternatives	Effects to Biological Environment		
	Groundfish Species	Non-Groundfish Species	Protected Species
<p><u>Alternative 2</u>: Allow a trawl permit and up to three fixed gear permits (longline and/or fish pot, either sablefish- or non-sablefish endorsed) to be registered to the same vessel at the same time. No change to the number of transfers allowed per year.</p>	<p><i>Low Positive:</i> Potential for small positive impacts arising from possible incentives to use of more selective gear that has lower bycatch. Changes to groundfish populations due to gear selectivity will be monitored.</p>	<p><i>Low Positive, Low Negative:</i> Potential for small positive impacts to salmon and other non-target marine species caught as bycatch in trawl gear because of possible incentives to use of more selective non-trawl gear that has lower bycatch of these species. There remains a potential for very small negative impacts to ESA-listed seabirds if use of longline gear increases. However, gear switching opportunities are not increased by this action. Therefore, the potential impacts to these species from gear switching have already been considered in a 2010 FEIS for the Trawl Rationalization Program.</p>	<p><i>Low-Positive, Low Negative:</i> Potential for small positive impacts to ESA-listed salmon and eulachon because of possible incentives to use of more selective gear that has lower bycatch of these species. There remains a potential for very small negative impacts to ESA-listed seabirds if use of longline gear increases. However, gear switching opportunities are not increased by this action. Therefore, the potential impacts to these species from gear switching have already been considered in a 2010 FEIS for the Trawl Rationalization Program.</p>

Alternatives	Effects to Biological Environment		
	Groundfish Species	Non-Groundfish Species	Protected Species
<p><u>Alternative 3:</u> (Final Preferred Alternative) In addition to what is in the above alternative, establish a declaration process to specify, for enforcement and monitoring purposes, which permit is being used or if fishing is being conducted in the open access fishery, and provide for the opportunity to stack a trawl gear permit with a fixed gear permit so that LEFG vessels would still not be allowed to freeze sablefish caught under the Trawl Rationalization Program.</p>	<p><i>Low Positive:</i> Potential for small positive impacts arising from possible incentives to use of more selective gear that has lower bycatch. Changes to groundfish populations due to gear selectivity will be monitored.</p>	<p><i>Low Positive, Low Negative:</i> Potential for small positive impacts to salmon and other non-target marine species caught as bycatch in trawl gear because of possible incentives to use of more selective non-trawl gear that has lower bycatch of these species. There remains a potential for very small negative impacts to ESA-listed seabirds if use of longline gear increases. However, gear switching opportunities are not increased by this action. Therefore, the potential impacts to these species from gear switching have already been considered in a 2010 FEIS for the Trawl Rationalization Program.</p>	<p><i>Low-Positive, Low Negative:</i> Potential for small positive impacts to ESA-listed salmon and eulachon because of possible incentives to use of more selective non-trawl gear that has lower bycatch of these species. There remains a potential for very small negative impacts to ESA-listed seabirds if use of longline gear increases. However, gear switching opportunities are not increased by this action. Therefore, the potential impacts to these species from gear switching have already been considered in a 2010 FEIS for the Trawl Rationalization Program.</p>

The No Action alternative would continue to prohibit joint registration of trawl and LE permits onboard a single vessel. Fishing practices would remain the same. ACLs and sector allocations would not be modified. It is anticipated that the increasing trend of gear switching in the Shorebased IFQ Program would continue. However, it is extremely unlikely that the increasing trend will continue indefinitely, because some vessels will always want to harvest their flatfish IFQ with trawl gear, where they cannot be effectively target it with non-trawl gears (PFMC 2010). Additionally, gear switching appears to be more related to the price of sablefish than any other factors. As shown in figure 17, as the price of sablefish increases so does gear switching from trawl to fixed gear. The higher sablefish prices makes the extra effort needed to use fixed gear worth the time and money.

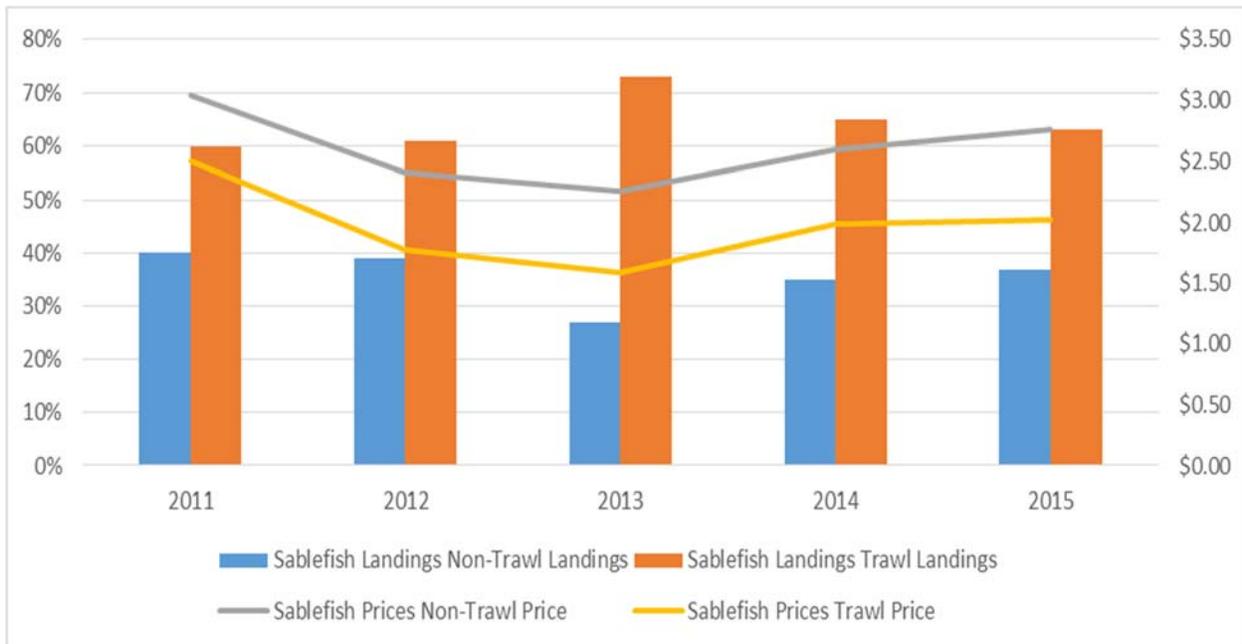


Figure 17. Annual non-whiting sablefish landings by gear type (trawl/non-trawl) and annual sablefish prices by gear type (trawl/non-trawl).

Transfers would continue to be used to change permits during the season, subject to the one transfer per year rule. All current management measures to protect the biological environment from negative impacts would be maintained under the No Action alternative.

In addition, under No Action, a vessel which is grandfathered into the LEFG fishery as a freezer longliner cannot freeze sablefish that it catches under the trawl IFQ program because to do so would require it to be registered to both a trawl permit and a fixed gear permit. There is one vessel with a grandfathered allowance to freeze sablefish at-sea in the LEFG fishery. Under the Council's final preferred alternative (Alternative 3), this vessel would be allowed to jointly register both their trawl IFQ permit and LEFG permits (Table 16). Thereby, allowing the vessel to freeze their sablefish at sea in the trawl IFQ program. If this single vessel increased its harvest opportunities through joint registration and was allowed to freeze sablefish at-sea in the Shorebased IFQ program it could increase the amount of sablefish frozen at sea in the IFQ fishery, slightly decreasing the availability of biological information, since biological sampling of fish processed at-sea by this vessel would not be possible. However, under a separate proposed action that is included in the proposed and final rules for this action, the No Action alternative described here will be maintained. The grandfathered vessel would be allowed to freeze sablefish at-sea only when registered to the LEFG permit to which the at-sea processing exemption is associated and fishing in the LEFG fishery.

The direct effects of the action alternatives are administrative in nature (how permits may be registered and in what combinations on a single vessel) and have a neutral impact to the biological environment. However, vessels that take advantage of joint registration would have increased flexibility to switch their fishing efforts between the Shorebased IFQ Program and the LEFG

fishery during the fishing year. This flexibility may incentivize more vessels that have traditionally fished solely in the LEFG fishery to also register a trawl permit to their vessel, fishing available LEFG trip limits, sablefish tier limits, and IFQ under gear switching provisions, during the fishing year. These incentives may further increase the use of non-trawl gear to harvest IFQ under gear switching provisions. However, as mentioned previously, the Agency believes the likelihood of vessels participating in gear switching is related to the price of sablefish and not necessarily related to a vessels ability to participate using both gear types.

The biological impacts of the action alternatives are limited to impacts caused by a potential increase in gear switching in the Shorebased IFQ Program. The impacts of gear switching have already been considered in a 2010 FEIS (PFMC 2010). As described in the 2010 FEIS, impacts of gear switching on fish stocks would be low positive because non trawl gear is more selective and has lower bycatch. Additionally, all harvest of IFQ species will still have to be covered by QP and is subject to individual accountability, and harvest of non-IFQ groundfish species will be controlled through No Action management measures such that harvest will be maintained within the ACLs.

Under No Action and the action alternatives, gear switching provisions would require fixed gear vessels participating in the IFQ program, to carry observers on every fishing trip, increasing the information available about fixed gear bycatch of all species, including marine mammal and bird interactions. As described in the 2010 FEIS, the Shorebased IFQ Program feature with the greatest implications for protected species bycatch was the gear switching provision. Gear switching may decrease impacts of fishing on salmon and eulachon. However, increased use of longline gear may increase the risk of interactions with seabirds and increased use of pot gear may increase risk of interactions with marine mammals. The FEIS discussed how gear switching provisions may have both positive and negative effects on protected species. Additionally, any potential impacts of the Pacific coast groundfish fishery, as a whole, to non-target species are also taken into account in the biennial specifications and management measures process and its associated NEPA analyses.

As mentioned previously, joint registration would not change ACLs or sector allocations, all harvest of IFQ species will still have to be covered by QP, and harvest of non-IFQ groundfish species will be controlled through other applicable management measures (e.g. trip limits). Impacts to designated essential fish habitat are mitigated by gear-specific area closures, which would continue to apply under joint registration. None of these measures would be modified by the proposed action. If IFQ is increasingly harvested with non-trawl gear, it may reduce bycatch levels overall and leave more, smaller sablefish in the ocean, as non-trawl gear is more selective. Existing measures to monitor and mitigate bycatch would continue under joint registration. If joint registration creates incentives to harvest IFQ under gear switching provisions, the proposed action may have a low positive impact on biodiversity and the ecosystem by reducing the amount of bycatch associated with the harvest of targeted IFQ species.

Although this action may cause biological impacts related to the difference between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear, this change is not expected to jeopardize sustainability of the non-target species or protected species, and they have been previously analyzed in an EIS. Therefore, the potential impacts of the action alternatives, when compared to No Action, were all determined to be low positive and low negative due to the

potential impacts of gear switching (Table 17), but those effects have all been precisely analyzed in a 2010 FEIS.

4.3 Socio-economic Environment

As mentioned previously, the three measures that are under consideration and analyzed in this EA primarily result in changes to the socio-economic environment. In each section below, a summary of the impacts of the alternatives on the socio-economic environment, along with an in-depth discussion of the potential direct and indirect impacts is provided.

4.3.1 Electronic Fish Ticket

As mentioned previously, there is currently no Federal requirement for electronic fish ticket reporting. NMFS relies on data from the States for catch accounting. Under the No Action alternative, NMFS would continue to rely on the State requirements for catch accounting. There would continue to be a time-lag in receiving data. The ongoing impacts of No Action are low negative for the fleet and the agencies, because of the data lag and lack of a Federal requirement for electronic fish tickets. However, not implementing electronic tickets would not change fishing practices, change ACLs, or open/close fishing areas and therefore there should be an ongoing neutral impact to communities (Table 18).

Table 18. Socio-economic Impacts of the Action Alternatives compared to the No Action alternative, for electronic fish tickets.

Alternatives	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies
<u>Alternative 1:</u> (No Action) There are currently no Federal regulations requiring electronic fish ticket documentation for sablefish landings, either in the primary/tier sablefish fishery, or within the larger LEFG fishery or OA fishery, which are managed under daily, weekly, and bimonthly trip limits.	<i>Medium Negative Impact:</i> Due to data lag and difficulty knowing how much of their allocation has been fished in real time. Lack of timely data, trip limits in the LEFG and OA DTL fisheries may be lower due to the need for more risk-averse fishery management, resulting in under-harvest of allocations or less stability in trip limit structures. Also, LEFG sablefish primary fishers may have to leave a portion of their tier limit unfished when they switch to the DTL fishery, forgoing that harvest and income.	<i>Low Negative Impact:</i> Due to data lag, trip limits in the LEFG and OA DTL fisheries may be lower due to the need for more risk-averse fishery management, resulting in under-harvest of allocations or less stability in trip limit structures. Also, LEFG sablefish primary fishers may have to leave a portion of their tier limit unfished when they switch to the DTL fishery, forgoing that harvest and income.	<i>Low Negative Impact:</i> Data lag hinders effective and efficient enforcement and requires more risk-averse management to keep catch of sablefish within its fleet-wide (e.g. LEFG or OA) allocations.

Alternatives	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies
<p><u>Alternative 2:</u> A Federal requirement that all tier deliveries be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.</p>	<p><i>Low Positive Impact:</i> Information would be available on primary/tier landings in a timely manner to help fishermen following their catch and keep track of their tier limits.</p>	<p><i>Low Negative Impact:</i> 33 additional first receivers would be needed to use electronic fish tickets. All primary/tier sablefish landings would need to be recorded on electronic fish tickets which would take an additional 72 hours of reporting time for all first receivers coast wide.</p>	<p><i>Neutral:</i> States would still have their State requirements. Electronic fish tickets would be a Federal requirement and should not impact State agencies.</p> <p><i>Low Positive Impact:</i> Federal agencies would benefit from having data in a timelier manner. However, it would be limited to only tier/primary landings under this alternative.</p>
<p><u>Alternative 3:</u> A Federal requirement that all LE permit sablefish deliveries (Primary/tier and DTL) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number</p>	<p><i>Medium Positive Impact:</i> Information would be available on primary/tier and DTL landings in a timely manner to help fishermen following their catch and keep track of their tier limits and sablefish catch.</p>	<p><i>Medium Negative Impact:</i> 53 additional first receivers would be needed to accommodate fish tickets. All primary/tier and DTL sablefish landings would need to be recorded on electronic fish tickets which would take an additional 369 hours of reporting time for all first receivers coast wide.</p>	<p><i>Neutral:</i> States would still have their State requirements. Electronic fish tickets would be a Federal requirement and should not impact State agencies.</p> <p><i>Medium Positive Impact:</i> Federal agencies would benefit from having data in a timelier manner. However, it would be limited to only tier/primary and DTL landings under this alternative.</p>

Alternatives	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies
Alternative 4: (Final Preferred Alternative) A Federal requirement that all sablefish deliveries (primary, tier, DTL, and open access) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.	<i>High Positive Impact:</i> Information would be available on primary/tier, DTL, and OA landings in a timely manner to help fishermen following their catch and keep track of their tier limits and sablefish catch	<i>High Negative Impact:</i> 77 additional first receivers would be needed to accommodate fish tickets. All primary/tier, DTL, and OA sablefish landings would need to be recorded on electronic fish tickets which would take an additional 666 hours of reporting time for all first receivers coast wide.	<i>Neutral:</i> States would still have their State requirements. Electronic fish tickets would be a Federal requirement and should not impact State agencies. <i>High Positive Impact:</i> Federal agencies would benefit from having data on all tier/primary, DTL, and OA sablefish landings in a timelier manner

The action alternatives presented in Table 18 primarily affect fishermen, first receivers where non-trawl sablefish are landed (LE and open access), and State and Federal management agencies. A description of the fleet and the related communities can be found in Section 3.3.1 of this document.

4.3.1.1 Fleet

A Federal requirement for electronic fish tickets would affect only the sablefish permit stacking program (Alternative 2), both the primary fishery and DTL fishery north and south of 36°N latitude (Alternative 3), or all sablefish deliveries (primary, DTL, and open access). The Council’s final preferred alternative is Alternative 4 (Table 18).

In the LEFG fishery (primary and DTL), sablefish is taken as directed catch and the only gear types allowed are longline or trap (or pot). Longline vessels harvest some other groundfish species, but for pot vessels, sablefish comprises the vessels’ largest commercial groundfish species harvest.

Sablefish Fishermen

Under No Action, sablefish fishermen would still be beholden to the State requirements for catch accounting. No additional data would be gathered and no additional tickets or forms would be filled out. There also would be no need for additional first receivers. Data would still be on a lag, and fishermen would not have access to real time data. They also may not know exactly which tiers landings had been counted against. The inefficiencies created by the different State requirements would make the ongoing impacts of No Action to the sablefish fishermen low negative.

However, under the action alternatives, regulations would require that sablefish landings be made to first receivers that have electronic fish ticket capabilities. Sablefish fishermen would continue to land their sablefish and no additional landing or data collection requirements would be placed upon them. NMFS will work with first receivers to ensure they are able to use the electronic fish ticket system and there is no disturbance to the landings for sablefish fishermen caused by implementing an electronic fish ticket requirement.

The catch accounting issues previously discussed in this document (i.e. the time lag associated with landing data from State landing receipts and subsequent use of estimates for inseason management) affect the ability of State and Federal enforcement to accurately track sablefish landings on an individual permit basis. Overages in the primary fishery may impact sector specific allocations and introduce potential issues of intersector inequity. By implementing an electronic fish ticket, NMFS will be able to better track instances of tier overages and ensure that neither the tier limits nor the DTL limits are exceeded inseason, and will be better able to track compliance with the owner on board requirement. Therefore, the action alternatives may have a positive impact on the fishermen who will be able to track, more accurately and in a timely manner, their catch allocation. The more landings recorded the higher the positive impact, which is why Alternative 4 would have the highest positive impact on the fishermen. It would include all sablefish landings, and therefore, would provide the sablefish fishermen the best data on sablefish landings.

4.3.1.2 Communities

Sablefish First Receivers

The No Action alternative will continue to have a neutral impact on sablefish first receivers. First receivers will still be required to abide by the recordkeeping and recording requirements of the States. There would continue to be no Federal requirement to submit electronic fish tickets for any sablefish landings.

Under the action alternatives, first receivers would be required to fill out and submit an electronic ticket. First receivers would need access to a computer with an internet connection and browser to access the web-based system. It is assumed that all first receivers, who would be affected by this rule, have access to a personal computer or tablet and internet access adequate to access the electronic fish ticket website developed by PSMFC. The electronic fish ticket requirements would require that the first receiver's personal computer be properly operating when accepting landings requiring electronic fish ticket reporting. Therefore, some first receivers may choose to have an additional personal computer or laptop computer as a back-up.

To reduce the potential impacts on first receivers should there be a system failure, a waiver could be granted by NMFS that would temporarily exempt a processor from the reporting requirements and allow reasonable time to resolve the electronic fish ticket system problem. The duration of the waiver would be determined on a case-by-case basis. First receivers that are granted a temporary waiver from the requirement to submit electronic fish tickets must submit on paper the same data as are required on electronic fish tickets within 24 hours of the date received during the period that the waiver is in effect.

Once the information is inputted into the web-based system, it will be uploaded in batches to PSMFC. The main burden, which increases as the requirements of the alternatives increase, of implementation of an electronic fish ticket would fall on sablefish first receivers that receive some type of sablefish landing and aren't already licensed through the Shorebased IFQ program. The sablefish landings include: (1) primary/tier sablefish landings, (2) primary and LEFG DTL sablefish landings, or (3) primary/tier and DTL (LEFG and OA) sablefish landings. This socio-economic group is estimated to be approximately 33 unique first receivers in the primary sablefish fishery, 53 first receivers in the primary and LEFG DTL fisheries, and 77 first receivers across the primary, DTL, and OA fisheries (Table 19). These 77 first receivers who would become subject to new reporting requirements account for approximately 34 percent of sablefish landings in these fisheries. Twenty-three sablefish first receivers are also IFQ first receivers and already use electronic fish tickets to record shorebased-IFQ trawl landings. The approximately 77 first receivers across the primary and DTL fisheries who do not already use electronic fish tickets would be most affected by the action alternatives (Table 19). The majority of these individuals are found in California (Table 20).

Table 19. The number of additional first receivers required to use electronic tickets under each alternative, by State.

	Alternative 1 – No Action	Alternative 2	Alternative 3	Alternative 4
Washington	0	9	9	13
Oregon	0	4	4	11
California	0	20	40	53
Coast-wide	0	33	53	77

Table 20. California first receivers affected by the action alternatives.

		Number of First Receivers	Sablefish Landed (lbs)	Net Revenue (U.S. dollars)
Alternative 2	Total	32	1,387,692	3,411,552
	IFQ FRSL	12	867,800	2,067,447
	Net Addition	20	363,131	971,366
Alternative 3	Total	52	1,750,823	4,382,918
	IFQ FRSL	12	867,800	2,067,447
	Net Addition	40	883,023	2,315,471
Alternative 4	Total	65	2,010,479	5,009,163
	IFQ FRSL	12	1,034,673	2,380,376
	Net Addition	53	975,806	2,628,787

The impact on first receivers increases as the alternatives increase the scope of the information to be reported. Out of the three action alternatives, alternative 2 would impose the least (low negative) impact on first receivers, because it would only require reporting of primary/tier sablefish landings. Alternatives 3 and 4 increase the number of landings to be reported with Alternative 4 imposing the largest (high impact) reporting burden (87 hours annually for all receivers in Washington, 36 hours annually for all receivers in Oregon, and 543 hours annually for all receivers in California) on the first receivers. Alternative 4 would also require the most additional first receivers to meet the landing requirements. Action Alternatives 2 through 4 do not require that additional data be gathered, but do require additional time in the States of Washington

and California, because the data would need to be recorded on both the paper forms provided by the State and entered into the electronic fish ticket forms. Entering the fish ticket information is expected to take eight minutes per ticket, including the time necessary to check for transcription errors. For first receivers in all three States, two minutes per response would be required to access the internet and send the data files.

There are approximately 639 primary/tier landings each year, with approximately 373 of the deliveries occurring in Washington and California and the remaining 266 occurring in Oregon. The burden on first receivers in Washington to submit electronic fish tickets under Alternative 2 is estimated to be approximately 29 hours annually for all receivers over the No Action Alternative. The total burden on all first receivers in California to submit electronic fish tickets under Alternative 2 is estimated to be approximately 34 hours annually over the No Action Alternative. For first receivers in Oregon, the additional total burden is only the time it takes to send the electronic fish ticket, since State law already requires that the information be gathered and allows the submission of a printed and signed electronic ticket in lieu of a paper landing receipt. For all first receivers in Oregon, it is expected to take a total of approximately 9 hours annually to submit electronic fish tickets. In total for all three States, 72 hours annually are estimated for preparing and submitting electronic fish tickets under Alternative 2.

Under Alternative 3, the number of landings subject to the new reporting requirements in Washington and California would be expanded to 264 and 1,838 respectively, while the number of landings in Oregon would be expanded to 579. Therefore, under Alternative 3 the burden to all first receivers in Washington and California would be expected to be a total of 44 hours and 306 hours annually, respectively, over the No Action Alternative, while the burden to first receivers in Oregon would be 19 hours annually for all first receivers. In total for all three States, 369 hours annually are estimated for preparing and submitting electronic fish tickets under Alternative 3. Similarly, under Alternative 4, the number of landings in Washington and California would be expanded to 520 and 3,258 total hours for all receivers annually, respectively, while the number of landings in Oregon would be expanded to 1,072 total hours for all receivers annually. Therefore, under Alternative 4 the burden to first receivers in Washington and California would be expected to be 87 hours and 543 total hours annually, respectively, over the No Action Alternative, while the burden to first receivers in Oregon would be 36 hours. In total for all three States, 666 hours annually are estimated for preparing and submitting electronic fish tickets under Alternative 4.

Table 21. Burden hour estimates for California first receivers.

	Number of sablefish landings ³⁶ per year	Time to fill out and submit e-ticket (minutes per landing)	Burden hour estimate (hours)
Alternative 1 – No Action	3,258	0	0
Alternative 2	202	10	34
Alternative 3	1,838	10	306
Alternative 4	3,258	10	543

³⁶ The number of sablefish landings is an average of unique landings from 2008 through 2013 that contain greater than zero pounds of sablefish.

Table 22. Burden hour estimates for Oregon first receivers.

	Number of sablefish landings ³⁷ per year	Time to submit e-ticket (minutes per landing)	Burden hour estimate (hours)
Alternative 1 – No Action	1,072	0	0
Alternative 2	265	2	9
Alternative 3	579	2	19
Alternative 4	1,072	2	36

Table 23. Burden hour estimates for Washington first receivers.

	Number of sablefish landings ³⁸ per year	Time to submit e-ticket (minutes per landing)	Burden hour estimate (hours)
Alternative 1 – No Action	520	0	0
Alternative 2	171	10	29
Alternative 3	264	10	44
Alternative 4	520	10	87

Table 24 provides a comparison of coast-wide burden hour estimates against the total number of first receivers required to fill out electronic tickets by alternative. The second column in Table 22 provides the estimated additional amount of time required to fill out an electronic ticket for landings that include any amount of sablefish. Since this is based on the time estimated to fill out and submit an electronic ticket multiplied by the number of unique sablefish landings in a given year, the resulting burden hour estimate is the additional time spent in a year for all first receivers.

Table 24. Burden hour estimates for coast-wide first receivers.

	Number of sablefish landings ³⁹ per year	Burden hour estimate (hours)	Total number of first receivers submitting electronic tickets
Alternative 1 – No Action	4,851	0	0
Alternative 2	639	72	56
Alternative 3	2,682	369	76
Alternative 4	4,851	666	100

Of the action alternatives, alternative 2 places the least amount of burden hours on first receivers for all States, individually and coast-wide (Tables 21 through 23). For first receivers accepting both DTL LE and OA, Alternative 3 would introduce complexity by splitting the DTL fishery and only requiring electronic tickets for LE DTL sablefish landings. Alternatives 2 and 4 would not introduce this added regulatory complexity because Alternative 2 limits the electronic ticket requirement to the primary fishery and Alternative 4 includes the primary and LE and OA DTL sablefish fisheries.

State Agencies

³⁷ The number of sablefish landings is an average of unique landings from 2008 through 2013 that contain greater than zero pounds of sablefish.

³⁸ The number of sablefish landings is an average of unique landings from 2008 through 2013 that contain greater than zero pounds of sablefish.

³⁹ The number of sablefish landings is an average of unique landings from 2008 through 2013 that contain greater than zero pounds of sablefish.

Under No Action, State agencies would still require submission of landings information for sablefish fisheries. Each States has its own process for collection the information (ex. Oregon collects all fish ticket information electronically, while California only utilizes paper tickets). The ongoing impacts of No Action would be neutral on State agencies.

As mentioned previously, implementation of a Federal requirement for an electronic fish ticket would be separate from, and in addition to, existing State reporting requirements. Under Alternatives 2 through 4, each sablefish buyer would be responsible for recording sablefish landings on an electronic fish ticket, in addition to State (landing receipt) landing requirements. States may decide the extent to which they would like their landing receipt system to overlap with the electronic ticket. In the State of Oregon, a printed copy of the electronic ticket may be submitted in lieu of a paper landing receipt; however, in Washington and California, a hand-written landing receipt would likely be required in addition to the Federally-required electronic ticket. Each State would have access to its own electronic fish ticket landings data through the electronic ticket system. Currently, Oregon and Washington receive their State’s PacFIN landings data every night, enabling them to check their State landing receipts for quality assurance and quality control. Because the electronic ticket is separate from, and in addition to, the State required landing receipts, it is unlikely that any burden due to implementation of an electronic ticket would be placed on State management and enforcement agencies.

Federal Agencies

The *Review of NOAA Catch Share Programs* Final Report No. OIG-14-019-1, published May 1, 2014, found that NOAA does not have adequate data and does not track or enforce landings overage violations in the Pacific Sablefish Permit Stacking Individual Fishing Quota. Additionally, NOAA currently does not monitor Pacific Sablefish landings on an individual permit basis during a fishing season. Instead, it only monitors landings for the entire fishery as a whole, using a paper-based system that is subject to compromise and the multiple possibilities of error associated with any manual process. In addition, the report identified 189 instances where actual landings exceeded the allowed landings for individual permits from 2008 through 2013, as summarized in Table 25 below.

Table 25. Sablefish Tier Overages 2008-2013.

Amount of Overage (lbs)	Number of Permits	Total Overage (lbs)	Average Overage (lbs)
0–100	110	3,279	30
100–500	52	11,734	226
500–1,000	15	10,215	681
> 1,000	12	32,607	2,717
Total	189	57,835	

Source: Final Report NO. OIG-14-019-1, OIG from NOAA data.

Implementation of an electronic fish ticket would improve the accuracy and timeliness of landings data and would provide managers with the real time data necessary to do inseason management of the primary and DTL fisheries. Action alternatives 2 through 4 would provide positive impacts on NMFS and the ability of the agency to track information. The magnitude of the impact increases as more information is made available. Therefore, Alternative 4 would provide the most positive impact to the agency.

In addition to overall fishery data report, the action alternatives would also provide enforcement with the permit specific landings data necessary to monitor landings overages in the primary/tier and DTL sablefish fisheries and could also help aid enforcement of the owner on board requirement. Because only non-exempt permits owners are required to be onboard while their permit is being fished, enforcement agents must be able to determine which permits are being fished and which owner should be onboard. In order to aid enforcement of the owner-on-board provision, NMFS and the States require the groundfish Federal limited entry sablefish-endorsed permit number to be written on State fish landing receipts (i.e., fish tickets) beginning in 2007. Electronic fish tickets would make that information available to OLE in a much timelier manner.

4.3.2 Own/hold control limits

As previously mentioned, current regulations state that no individual person, partnership, or corporation in combination may have ownership interest in or hold more than three permits with sablefish endorsements either simultaneously or cumulatively over the primary season. This ownership limitation was intended to prevent concentration of harvest privileges. Table 26 provides a summary of the alternatives and sub-options, including No Action, and the effect of those alternatives and sub-options on the Socio-economic environment.

Table 26. Socio-economic Impacts of the Action Alternatives compared to the No Action alternative, for the own/hold control limit.

Alternatives and Sub-options	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies ^a
<p><u>Alternative 1:</u> (No Action) The control limit to own and hold is three permits. Any level of permit ownership would count as one permit towards the limit of three permits. In addition to any permits owned, any permits registered to a vessel, would count toward the three permit limit. Select permit owners are grandfathered in and allowed to exceed the three permits limit. Any group ownership interest in the permit results in a permit count of 1 being attributed to each group member. Permits acquired through transfer after November 1, 2000, can only be owned by an individual.</p>	<p><i>Low Negative Impact:</i> Under No Action members of the fleet would still be prohibited from owning/holding more than 3 permits during the primary season. Vessels that fish in Alaska IFQ and West Coast sablefish fishery will continue to be disadvantaged by the three permit limit.</p>	<p><i>Neutral:</i> The prohibition mainly affects members of the fleet by limiting the amount of permits they can obtain.</p>	<p><i>Neutral:</i> NMFS would continue to prohibit more than three permits on a vessel. No change to permit count. No need to determine ownership percentages.</p>

Alternatives and Sub-options	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies ^a
<p><u>Alternative 2a:</u> No action for permit ownership (any percentage ownership in a permit is a count of 1); however, holding a permit is counted only if the vessel owner has a greater than 20% share. Partial Ownership is capped at 2. After 2, any permits wholly or partially registered to a vessel would count toward the 3 permit limit.</p>	<p><i>Low Positive Impact:</i> Allows more flexibility for vessel/permit/quota owners who participate in both the Alaska IFQ program and West Coast LEFG sablefish fishery. May increase profits to these entities, as they may have the flexibility to negotiate more lucrative business agreements.</p>	<p><i>Low Positive Impact:</i> Owners of vessels that are able to participate in both Alaska and West Coast sablefish fisheries, LEFG permit owners, and Alaska IFQ owners would have more flexibility in their business decisions on how to harvest available sablefish quotas. This added flexibility could increase profitability, thus benefitting the communities in which those persons/entities live.</p>	<p><i>Medium Negative Impact:</i> NMFS has to collect, ground truth, and track information on the percentage of ownership for the entire fleet.</p>
<p><u>Alternative 2b:</u> No action for permit ownership (any percentage ownership in a permit is a count of 1); however, holding a permit is counted only if the vessel owner has a greater than 30% share. Partial Ownership is capped at 2. After 2, any permits wholly or partially registered to a vessel would count toward the 3 permit limit.</p>	<p><i>Medium Positive Impact:</i> Allows more flexibility for vessel/permit/quota owners who participate in both the Alaska IFQ program and West Coast LEFG sablefish fishery. May increase profits to these entities, as they may have the flexibility to negotiate more lucrative business agreements. More entities may be able to have a permit(s) count as “0” because they can have a higher amount of ownership interest in the vessel compared to Alternative 2a.</p>	<p><i>Low Positive Impact:</i> Owners of vessels that are able to participate in both Alaska and West Coast sablefish fisheries, LEFG permit owners, and Alaska IFQ owners would have more flexibility in their business decisions on how to harvest available sablefish quotas. This added flexibility could increase profitability, thus benefitting the communities in which those persons/entities live.</p>	<p><i>Medium Negative Impact:</i> NMFS has to collect, ground truth, and track information on the percentage of ownership for the entire fleet.</p>

Alternatives and Sub-options	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies ^a
<p><u>Alternative 3:</u> (Final Preferred Alternative) No action for permit ownership (any percentage ownership in a permit is a count of one); however, eligible owner(s) of vessel(s) registered to a sablefish endorsed LE permit could apply to NMFS for a limited exemption to the permit control rules. To be eligible for the exemption, a vessel owner must own no more than 20 percent ownership interest in a vessel registered to the sablefish endorsed permit, ownership interest in Alaska sablefish IFQ, and the vessel has fished in the past 12-month period in both the West Coast groundfish LEFG and Alaska sablefish IFQ. The exemption would allow a vessel owner to own up to 20 percent of up to two vessels registered to other tier-endorsed LE permits without having the permits registered to the vessel(s) count against the individual's hold count limit. The exemption would remain in place so long as the vessel owner still meets the qualifying criteria.</p>	<p><i>High Positive Impact:</i> Exempts qualifying persons/entities from the three-permit ownership limitation. Would only need to reapply if qualifying criteria change. This would remove any fleet-wide requirement to report ownership percentages (as is required under Alternatives 2a and 2b), so only the potential beneficiaries of the exemption would have an additional recordkeeping and reporting burden.</p>	<p><i>Low Positive Impact:</i> Owners of vessels that are able to participate in both Alaska and West Coast sablefish fisheries, LEFG permit owners, and Alaska IFQ owners would have more flexibility in their business decisions on how to harvest available sablefish quotas. This added flexibility could increase profitability, thus benefitting the communities in which those persons/entities live.</p>	<p><i>Low Negative:</i> NMFS would be required to review applications for those vessels that apply for an exemption. Number of exemptions would vary over time with 13 being the total possible exemptions available.</p>

Alternatives and Sub-options	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies ^a
Sub-option 1: Entire Ownership Interest Passes Through – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having the same share in ownership of the vessel as the entity has.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
Sub-option 2: (Final Preferred Alternative) Pro-rata Ownership Passes Through – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having a share in ownership of the vessel proportion to their actual share.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
Sub-option 3: Coordinated Ownership – If individuals participating in the ownership of an LEFG entity collectively own more than 40% of a particular vessel, then any LEFG permits registered to that vessel will count against their three-permit control limits, regardless of the provision that exempts from the permit count ownership amounts of less than 20 percent for up to two weeks.	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>

^{a/} Because the three-permit limit is a Federal requirement, State agencies are not affected by this rule and are not discussed in this section.

The action alternatives are designed to alleviate some of the negative impacts of the three permit ownership limitation. Table 26 shows the no action alternative, three action alternatives, and three sub-options and their impacts on the socio-economic environment. The action alternatives, which

affect the sablefish primary fishery north of 36° N latitude, would change the criteria by which it is determined whether an entity controls a LEFG permit.

The Alternative 3 sub-options are strictly administrative in nature and will assist the agency in determining ownership. They will not have any effect on fishing practices, the fishery, or the associated communities. The sub-option impacts when compared to No Action are neutral.

4.3.2.1 Fleet

The ongoing effects of No Action would be low/negative on the fleet. Under current regulations, no individual person, partnership, or corporation in combination may have ownership interest in or hold more than three permits with sablefish endorsements either simultaneously or cumulatively over the primary season. This prohibition was meant to prevent concentration of harvest privileges, but it has a negative impact on some vessels that fish in both the Alaska IFQ fishery and the West Coast sablefish fishery. Regulations in the Alaska sablefish IFQ fishery require that a sablefish quota owner must have at least part ownership in the vessel that will fish their quota. Some of these vessels also participate in the limited entry fixed gear sablefish fishery off the West coast. In such situations, any LEFG permit registered to that vessel would count toward the three-permit ownership limitation of any person, corporation, or partnership with part ownership of the vessel. In some situations, this pushes those vessel owners beyond the three permit limit or forces them to transfer, sell, or lease permits to remain under the limit.

The first two action alternatives differ from one another in terms of the threshold amount of vessel ownership which counts as ownership of the associated LEFG permit. Under alternative 2a, 20 percent is the minimum ownership required to take advantage of the grandfather exception provision to the owner-on-board clause for the Alaska IFQ Program. Alternative 2b, which sets a 30 percent minimum ownership, provides additional leeway for agreements that may have been established to take advantage of the exception that, for one reason or another, provided somewhat more than the minimum ownership required. Compared to the No Action alternative, both Alternatives 2a and 2b provide a contrast to the current approach which says that any ownership in a vessel registered to a permit it does not own results in a hold count of one. Neither of these alternatives will cause major changes to how and where vessels fish. There is a chance that they could cause some vessel consolidation as owners would be allowed to maintain partial ownership in up to two vessels and wouldn't need to divest interest to comply with the three-permit ownership limitation.

In addition, there may be an opportunity for larger operations, who were constrained by the three-permit ownership limitation, to hire west coast and Alaska participants to harvest Alaska IFQ. Increased flexibility may increase competition, reducing the costs of hiring vessels and thus increasing profits. The degree of the current constraint and consequently the opportunity provided by the action alternatives are modest for the fleet as a whole but may be important to some individuals.

Finally, under the first two action alternatives there could be a shift in fishing privileges among participants. On the one hand, there may be some decreased opportunity for Alaskan only vessels to fish Alaska IFQ for West Coast and Alaska participants, as there would be a reduction in the

constraining rules that currently limits West Coast and Alaska participants' ability to fish for one another. On the other hand, a few Alaska participants that fish for West Coast and Alaska vessels might have an opportunity to buy LEFG permits, become West Coast and Alaska vessels, without sacrificing income they earn by hiring out to fish Alaska IFQ for West Coast and Alaska vessels.

Alternative 3 goes a step further than Alternatives 2a and 2b by providing an exemption from the control rules for those owners for as long as they meet the eligibility requirements. A vessel owner would apply for the exemption by submitting a letter to NMFS along with a copy of the vessel's current U.S. Coast Guard vessel documentation form, credible evidence of their eligibility to apply for the exemption, and an ownership interest form that shows both relative percent ownership amounts when there are multiple owners and/or percent ownership of all shareholders of a business entity that owns the vessel(s). Alternative 3 would have a positive impact on the fleet as it would allow more flexibility, for those that qualify, to be exempted from the hold counts.

4.3.2.2 Community

Under the No Action alternative, limited entry permits may be transferred freely, subject to frequency (once per year) and ownership limitations (no more than three), and quota associated with those permits may be fished anywhere between 36° N. lat. and the U.S.-Canada border and anytime between April 1 and October 31. However, entities would still be limited to the ownership limitation of three permits. Vessels that would like to combine fishing practices but are unable to do so, because of the three permit limit, would still be prevented from doing so. Therefore, the ongoing effects of No Action are low negative.

Under the action alternatives, vessel owners would have the ability to obtain an ownership interest in more than three permits as long as they meet the requirements – less than 20 percent ownership for Alternative 2a and less than 30 percent ownership for Alternative 2b, and the qualifying criteria for Alternative 3. It is most likely that persons would take advantage of their exemption to the ownership limitation by purchasing part-ownership (e.g. 20 percent) of a vessel that is fishing Alaska IFQ but is also registered to a LEFG permit(s). It is possible, but less likely, that the availability of this exemption would incentivize transferring LEFG permits from vessel to vessel; however, impacts of vessels transferring permits would be the same as No Action. Also the same as No Action, vessels would still be limited to registering up to three permits, any permit may only be transferred once per calendar year. Additional flexibility that the ownership limitation exemption would provide may increase efficiency and/or profits for Alaska IFQ owners and vessels that are registered to LEFG permits but may be available to also fish Alaska IFQ. If these persons/entities increase profits, the effect of joint registration to the communities in which they live may be low positive. Therefore, the action alternatives would have a low positive effect to communities compared to No Action.

Financial institutions are often part of local fishing communities. Under the action alternatives, financial institutions could lose some business if the control rule criteria have been inhibiting financing by the seller. Such inhibitions would likely be occurring only where the three-permit limit would be encountered and where means of securing lender interest, other than retaining ownership of the vessel, were not viable or cost effective (e.g. use of a maritime lien).

4.3.2.3 Agencies

Currently, under the No Action alternative, entities are considered to own/hold any permit with which they have some share in the direct ownership plus any ownership interest in a vessel that is registered to a permit it does not own. Under the current regulations and No Action, if an entity has any ownership interest in a vessel, then all LEFG permits associated with the vessel count as being under that entity’s control. The first two action alternatives (2a and 2b) would allow entities to have a small percent ownership interest in a vessel without being considered to also be in control of the permits attached to that vessel. Under these action alternatives, NMFS would be charged with keeping track of and/or ground-truth ownership percentages to ensure no participants exceed the 20 percent (alternative 2a) or 30 percent (alternative 2b) threshold, which would be a high negative impact on the agency by placing such a large administrative burden on the agency. The last action alternative (3), which would only require NMFS to review applications for an exemption, would provide an exemption that would allow a vessel owner to own a small percentage of two different vessels without having to count the permits registered to those vessels as part of their three permit limit. Participants would be required to apply for the exemption and the exemption would exist until it was removed by NMFS or if ownership information changes. Therefore, the onus on NMFS to track ownership, as would be required in Alternatives 2a and 2b would be removed. The impact of Alternative 3 would be low negative to the Agency.

4.3.3 Joint Gear Registration

Joint registration would allow vessels that are jointly registered to fish in the Shorebased IFQ Program and the LEFG fishery with simply a change in VMS declaration. Joint registration would be permitted in one of two configurations: (A) one trawl permit and one, two, or three, sablefish endorsed permits, and (B) one trawl permit and one limited entry fixed gear permit.

Table 27. Socio-economic Impacts of the Action Alternatives compared to the No Action alternative, for joint registration.

Alternatives	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies ^a
<u>Alternative 1:</u> (No Action) A trawl endorsed permit cannot be on a vessel at the same time together with a LEFG endorsed permit. A change in vessel registration is limited to one time per year after January 1.	<i>Low Negative Impact:</i> The fleet is still unable to register a trawl-endorsed permit and a LEFG endorsed permit to the same vessel during the primary season. Vessel owners are limited on the number of transfers allowed in a year.	<i>Neutral</i>	<i>Neutral</i>

Alternatives	Effects to Socio-economic Environment		
	Fleet	Communities	Agencies ^a
<u>Alternative 2:</u> Allow a trawl permit and up to three fixed gear sablefish-endorse permits (longline and/or fish pot, OR a trawl permit and one non-sablefish endorsed permit to be registered to the same vessel at the same time. No change to the number of transfers allowed per year	<i>High Positive Impact:</i> Allows for more flexibility to participate in both the IFQ program and the LEFG fishery by removing the permit transfer issue; could also result in an increase in net revenue to the fleet	<i>Low Positive Impact:</i> May get some benefit from increased quota prices and net revenue to the fishery	<i>Medium Negative Impact:</i> Enforcement implications as it would be difficult to determine what fish was fished with which gear as there is no change in the declaration.
<u>Alternative 3:</u> (Final Preferred Alternative) In addition to what is in the above alternative, establish a declaration process to specify, for enforcement and monitoring purposes, which permit is being used or if fishing is being conducted in the open access fishery, and provide for the opportunity to jointly register a trawl gear permit with a fixed gear permit. LEFG vessels would still not be allowed to freeze sablefish caught under the Trawl Rationalization Program.	<i>High Positive Impact:</i> Allows for more flexibility to participate in both the IFQ program and the LEFG fishery by removing the permit transfer issue; could also result in an increase in net revenue to the fleet	<i>Low Positive Impact:</i> May get some benefit from increased quota prices and net revenue to the fishery	<i>High Positive Impact:</i> While providing additional flexibility to the fleet, the declaration process will help aid enforcement in ensuring vessels are fishing with the correct gear in the correct areas.

^{a/} Because the three-permit limit is a Federal requirement, State agencies are not affected by this rule and are not discussed in this section.

Under the No Action alternative, vessels would still be prohibited from registering multiple LE permits unless they are sablefish-endorse stacked permits for use in the LEFG primary fishery. Joint registration of trawl permits and LEFG endorsed permits would still be prohibited. Vessels that fish with both gears would still be required to declare their gear before leaving port, and then return to port to land those fish before they are able to transfer their permit and switch gears, which can create some inefficiencies. Therefore, ongoing impacts of No Action on the socio-economic environment are low negative.

Table 27 shows the two action alternatives for joint registration and their impacts on the socioeconomic environment. Joint registration affects both the LEFG fishery and the Shorebased trawl IFQ program. Participants in the Shorebased IFQ program typically use trawl gear to target sablefish as part of the dover, thornyhead, sablefish (DTS) complex, in a near shore mixed groundfish species strategy, or when targeting slope rockfish.

4.3.3.1 Fleet

Under the No Action alternative, members of the fleet are not allowed to register multiple permits to their vessel at the same time. The trawl rationalization program was intended to allow vessels to use trawl and fixed gears while continuing to operate under the IFQ fishery. This is known as gear switching. Additionally, it allows vessels to participate in the IFQ fishery without ever using trawl gear. However, the flexibility of any vessel that wants to participate in both the IFQ Program and the LEFG fishery is constrained due to current regulation that limits the change in vessel registration to one vessel in any year (after January 1).

The two action alternatives are similar in nature and have high positive impacts, when compared to No Action, on the socio-economic environment. The economic effect of both alternatives will be a possible increase in the net revenues generated by the fishery. The increase could come from higher profits from harvesting the trawl allocation with fixed gear and from vessels that use only fixed gear being able to expand into the IFQ fishery. Such an increase in revenue would also be expected to have a positive influence on quota prices. To the degree that a shift occurs, there may be some social effects as the number of trawl vessels, or size of trawl operations, decrease and fixed gear operations increase. These effects would be expected to the degree that there are social differences between members of the trawl and fixed gear communities. Even if the differences are minimal, all shifts in the distribution of harvest generally involve some disruption as some individuals move out of production while others move in. Such shifts are part of the costs associated with a market-based management system.

Alternative 3 would also prevent the longline freezer vessel operating in the LEFG fishery from freezing fish caught in the trawl IFQ fishery. This vessel was granted a very limited grandfather exemption in the fixed gear sablefish primary season fishery. The exemption allows them to register a trawl permit to their vessel without losing the exemption. The exemption was granted to a particular vessel and the permit/vessel owner that requested the exemption. The exemption is not technically part of the limited entry program (LEP) and is not transferrable to another vessel, vessel owner, or permit owner. The exemption was so limited because it was an advantage being given to this vessel over all other vessels in the fishery due to the vessel's investment in at-sea processing equipment prior to the prohibition of at-sea processing of fixed gear-caught sablefish. Equity questions arise as to whether or not the vessel should be allowed to expand its operations into the trawl IFQ fishery (freezing sablefish taken with fixed gear under the trawl IFQ program). Alternative 2 would have allowed this expansion. Any vessel allowed to process at-sea, while others vessel do not have such opportunities, is likely to have a cost advantage over other vessels and therefore, be more likely to accrue additional QS and QP, up to the accumulation limits.

4.3.3.2 Communities

Under No Action, the LLP does not allow a LE trawl and LEFG permit to be registered to the same vessel at the same time because of enforcement and/or monitoring needs. Trawl vessels are already able to use fixed gear to take their trawl allocation, and fixed gear vessels are already allowed to switch into the trawl fishery and use fixed gear to take fish in the trawl fishery through the acquisition of a trawl permit. However, the flexibility of any vessel that wants to participate in both the Shorebased IFQ program and the LEFG fishery is limited by the number of times a permit

may be transferred to a vessel in any year (one time per year, after January 1). Under No Action, vessels would still be limited to the one transfer per year and would not be able to register both permits at one time. The ongoing impacts of No Action are neutral. Communities are not affected by a vessels inability to register a trawl and fixed gear permit at the same time.

The two action alternatives are similar in nature and have similar impacts on the socio-economic environment (Table 27). Both would allow joint registration of trawl and LEFG permits onboard a vessel at the same time. Alternative 3 has additional stipulations, including the establishment of a declaration system. The economic effect of both action alternatives will be a possible increase in the net revenues generated by the fishery, which could provide a positive impact to the community as well. The increase in revenue could come from more vessels fishing with fixed gear, as sablefish caught with fixed gear tend to be more valuable than those caught with trawl gear. Such an increase would also be expected to have a positive influence on quota prices, too. To the degree that a shift in fishing effort occurs, as vessels are able to fish their trawl allocation with fixed gear, there may be some social effects as the number of trawl vessels (or size of trawl operations) decrease and fixed gear operations increase. These effects would be expected to the degree that there are social differences between members of the trawl and fixed gear communities. Therefore, the ongoing effects of both action alternatives when compared to No Action, for communities, would be low positive.

4.3.3.3 Agencies

Under the No Action alternative, members of the fleet are not allowed to register multiple permits to their vessel at the same time. The prohibition was implemented to help enforcement and/or monitoring of the fishery and make it simpler to determine if a vessel was fishing with the correct gear, which was the gear they declare before leaving port. The ongoing effects to NMFS are neutral.

The alternatives, when compared to No Action, may reduce administrative costs by reducing the need for vessels to transfer their permits on and off a vessel to move between LE fisheries. Alternative 2 would rely on the gear declaration system which could require an enhancement of the existing data system. Vessels that are dual-endorsed have LE permits for both trawl gear and one of the fixed gears present some challenges to the current data system. There are also a total of nine dual-endorsed permits. Of which, there are five that have trawl and either pot or longline endorsement. For such permits, managers and enforcement need to be able to determine whether the associated vessels are fishing in the IFQ fishery or the fixed gear fishery. The current regulations specify that this determination will be made based on the vessels' gear declarations. However, gear declarations are sometimes in error. In this regard, at the November 2011 Council meeting the Enforcement Committee (EC) Stated:

If this alternative [Alternative 2] is adopted, the EC strongly encourages industry leaders to impress upon their membership the importance of maintaining the proper declaration that accurately reflects their fishing activity. Accuracy with the declaration process is both legally required and vital to the analysis of effort by fishery managers.

A system has not been developed to handle corrections to the gear declarations and the submission of those modifications to managers responsible for tracking harvest. Allowing the joint registration of fixed gear and trawl permits will increase the need for resolving this issue. There may be means other than the gear declarations for determining whether or not a trip is an IFQ trip. Alternative 2 would dictate that rather than using an alternative means for classifying a trip (e.g., filing of an electronic landings record under the IFQ program), the gear declarations program be used. This alternative may require an enhancement of that system so that corrected declarations are incorporated into the declaration datasets and that information from the declaration data system is transmitted to the catch monitoring system (e.g., PacFIN).

Alternative 3 would require the establishment of a new declaration that would be allow both enforcement and managers to track which gear is being fished, which permit is being used, and if fishing is being conducted in the open access fishery. Currently, declaration reports to confirm a specific gear category are submitted to OLE by telephone and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. After a vessel has made a declaration report to NMFS and has been confirmed for a specific gear category, it cannot fish with any gear other than a gear type that has been declared for the vessel. If a vessel operator intends to use the vessel to fish in a different fishing category, a new declaration report must be submitted to revise the old declaration report. The declaration process for joint registration would be similar. Participants would be required to declare to OLE which type of permit they would be using to fish for sablefish.

4.4 Analysis of Preferred Alternative

This action includes three separate measures: Electronic Fish Tickets, modification to the own/hold control limit, and joint registration. The purpose of these actions is to increase the timeliness and accuracy of NMFS’ catch accounting system, accommodate those entities that fish both Alaska IFQ and West Coast sablefish, and allow for vessels to register both fixed and trawl gears to their boats at the same time. The effects for each measure and the accompanying alternatives have been discussed in the previous sections in this chapter. The final preferred alternative for each measure is listed in Table 28.

Table 28. Final preferred alternative, including sub-options where applicable, for each measure discussed in this EA.

Electronic Fish Ticket	A Federal requirement that all sablefish delivers (primary/tier, DTL, and OA) be recorded on an electronic fish ticket that documents the associated Federal groundfish permit number.
Own/hold control limit	No action for permit ownership (any percentage ownership in a permit is a count of one); however, eligible owner(s) of vessel(s) registered to a sablefish endorsed LE permit it does not own could apply to NMFS for a limited exemption to the permit hold count. (Sub-option) Pro-rata Ownership Passes Through – If an entity owns a vessel, any individuals with a share in the ownership of that entity are counted as having a share in ownership of the vessel proportion to their actual share.
Joint Registration	Allow a trawl permit and up to three fixed gear permits (longline and/or fish pot, either sablefish- or non-sablefish endorsed) to be registered to the same vessel at the same time. No change to the number of transfers allowed per year. Establish a declaration process to specify which permit is being used or if fishing in OA. No freezing of sablefish caught under the trawl rationalization program.

As was mentioned in Chapter 2 and Sections 4.1, 4.2, and 4.3 of this Chapter, none of the proposed measures are expected to change where fishing vessels are allowed, or expected to operate at sea or where they can land their catch, types of gear participants can use, or whether and how they interact with the ocean floor or essential fish habitat. Therefore, NMFS does not anticipate that any of the preferred alternatives would have any effect on the physical environment other than those already experienced under the No Action alternative (Tables 12, 13, and 14).

Table 15 shows the biological impacts from implementing electronic fish tickets. All three action alternatives for electronic fish tickets would have a positive impact on the biological environment for groundfish, non-groundfish, and protected species. The magnitude of the positive impact increases as the number of landings reported increase. Alternative 4 offers the highest positive impact for the biological environment because Alternative 4 would require all sablefish landings from the primary/tier, DTL, and OA fisheries reported. This information, provided in a timelier manner, would allow managers to more accurately manage the fisheries and react to and negative events in a more efficient manner.

Table 16 shows that all of the alternatives for the own/hold control limit would have a neutral impact on the biological environment. Total catch in the fishery wouldn't change. The action Alternatives do not impact the ACL or sector allocations for sablefish. There could be some consolidation of the fleet or an increase in participation in the West Coast sablefish fishery by members of the North Pacific fleet, but total catch of the species and where fishing would take place is not expected to change as a result of this action. Therefore, the action Alternatives, including the preferred Alternative (Alternative 3) are likely to have a neutral impact on the biological environment.

Table 17 shows that joint registration has the possibility of having a very low negative impact on the biological environment for both action alternatives. The possibility of this negative impact arises from changes in gear usage. Under both action alternatives, vessels would be able to take advantage of a gear switching provision, which would allow them to prosecute their trawl allocation with fixed gear. However, the agency believes that the prices of sablefish incentivize vessels to switch gears. Therefore, if sablefish prices fall, there may be less gear switching. The ongoing impacts of both action alternatives are low negative.

The main impacts caused by the three provisions in this action are all socio-economic in nature and can be seen in Tables 18, 26, and 27. Table 18 shows that while there will be a positive impact on the fleet, there will be a negative impact on the communities and a neutral to positive impact on the Agencies by implementing an electronic fish ticket requirement. The positive impact on the fleet would relate to having more information available to members of the fleet in a timelier manner. This same positive impact will be felt by the Agencies, particularly NMFS, who is currently beholden to the State requirements for fish tickets. Communities will be negatively impacted by implementing a Federal requirement for electronic fish tickets, because of the additional time burden and the additional first receivers that will become subject to the electronic fish ticket requirements. The magnitude of both the positive impacts to the fleet, and the negative impacts to the community increases as the number of alternatives increase. The preferred alternative (Alternative 4) would have the highest impact because it would affect the largest

number of first receivers (77 in total for all three states) and also add the largest overall time burden (666 hours per year for all first receivers). However, the additional individual time burden per first receiver would be just under nine hours per year.

Table 26 shows impacts of implementing an exemption to the own/hold control limit. Alternative 3 would provide a high positive impact to the fleet, medium positive to the community, and low negative impact to the Agencies. The exemption would provide a lifetime benefit which would allow the fleet some flexibility from the three-permit limit. These vessels would need to meet the qualifying criteria in regulation, and there would be a minimal number of vessels that do. However, the vessels that do meet the qualifying criteria and are able to obtain the benefit would be impacted in a positive manner. Communities would also be impacted positively by the exemption. Fleet contraction is less likely to occur, as compared to the other action alternatives, and the whole fleet wouldn't be disrupted by the exemption. There is a potential for additional vessels to join the fleet or come down from the Alaska to fish West Coast sablefish, which would bring more revenues to those communities. The only negative impact would be on the Agency, and it would be very low. Under the Council's FPA, NMFS would be required to review the applications for those vessels that apply for an exemption. The estimated number is very small, and the time burden on the Agency would be minimal and is not significant.

The final preferred alternative for the joint registration measure would allow vessels to register for both trawl and fixed gear permits on the same vessel. This may allow some vessels to increase revenues, which may have been lost previously when they were only allowed to have one type of gear permit on their vessel at a time, which would have a high positive impact on those members of the fleet that were previously constrained by the prohibition. The final preferred alternative would provide more flexibility to those vessels that would like to fish in both the primary season and with IFQ. There is also a low negative impact on NMFS due to a small administrative burden placed on the agency through the need to develop a declaration system for enforcement so that the vessel is able to declare under which permit they are fishing. Implementing the declaration will aid enforcement in determining which gears are being fished.

4.5 Cumulative Effects Analysis

A cumulative effects analysis is required by the Council on Environmental Quality CEQ (40 CFR part 1508.7). The purpose of a cumulative effects analysis is to consider the combined effects of many actions on the human environment over time that would be missed if each action were evaluated separately. CEQ guidelines recognize that it is not practical to analyze the cumulative effects of an action from every conceivable perspective, but rather, the intent is to focus on those effects that are truly meaningful. During the review of cumulative impacts, the EPA determined that a formal cumulative impact assessment is not necessarily required as part of an EA as long as the significance of cumulative impacts has been considered (U.S. EPA 1999). The following addresses the significance of the expected cumulative impacts as it relates to this action.

The CEQ provides an 11-step process for cumulative effects analyses that is woven into the larger NEPA process and into documents supporting a Federal action (CEQ 1997). Table 29 summarizes the CEQ 11-step cumulative effects analysis process and cites where those steps are documented within this EA. CEQ considers steps 1 through 4 to be part of scoping an action, steps 5 through 7 to be part of describing the affect environment for the action, and steps 8 through 11 to be part

of determining the potential environmental consequences of the action. Because the CEQ’s guidance on cumulative effects analyses anticipates both a process for the development of the Federal action and a document discussing and analyzing the action, several earlier sections of this EA are relevant to the broader cumulative effects analysis process.

Table 29. CEQ Cumulative Effects Analysis Process and Documentation within this EA.

		Steps in the process	Location within this EA
Scoping	1	Identify the significant cumulative effects issues associated with the proposed action and define the assessment goals	Section 4.5
	2	Establish the geographic scope for the analysis	Section 4.6.2
	3	Establish the time frame for the analysis	Section 4.6.3
	4	Identify other actions affecting the resources, ecosystems, and human communities of concern	Section 4.6.4
Describing the Affected Environment	5	Characterize the resources, ecosystem, and human communities identified in scoping in terms of their response to change and capacity to withstand stresses	Chapter 3
	6	Characterize the stresses affecting these resources, ecosystems, and human communities and relations to regulatory thresholds	
	7	Define a baseline condition for the resources, ecosystems and human communities	
Determining the Environmental Consequences	8	Identify the important cause-and-effect relationships between human activities and resources, ecosystems, and human communities	Sections 4.6.1 and 4.6.4
	9	Determine the magnitude and significance of cumulative effects	Section 4.6.5
	10	Modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects	Chapter 2
	11	Monitor the cumulative impacts of the selected alternatives and apply adaptive management	The Program is reviewed every 7 years

4.6.1 Consideration of Affected Resources

The affected resources that relate to the West Coast sablefish permit stacking program are described in Chapter 3. The significance of the cumulative effects will be discussed, in relation to, these affected resources listed below.

- The physical environment, including the CCE and EFH.
- The biological environment, including groundfish and non-groundfish stocks and protected species.
- The LEFG and LE trawl socio-economic environment, including the fleet and associated communities.

4.6.2 Geographic Boundaries

The analysis of impacts focuses on the LE trawl and LEFG sablefish fishery. The geographic scope of the affected resources listed above is the EEZ of Washington, Oregon, and California north of 36°N latitude.

4.6.3 Temporal Boundaries

The temporal scope of past and present actions for the affected resources encompasses actions that occurred after FMP implementation (1982). More detail is provided for actions implemented in 2000 and beyond, which includes the implementation of the West Coast sablefish permit stacking program in 2001. For endangered species and other protected resources, the scope of past and present actions is determined by analysis pursuant to the ESA and MMPA, including biological opinions for the groundfish fishery and marine mammal stock assessment reports. The temporal scope of future actions for all affected resources extends about five years into the future. This period was chosen because the dynamic nature of resource management and lack of information on future projects makes it very difficult to predict impacts beyond this timeframe with any certainty.

4.6.4 Past, Present, and Reasonably Foreseeable Future Actions

The historical management practices of the Council have resulted in positive impacts on the health of sablefish. Several actions have been taken to manage the fishery for this species through amendment and specifications actions. In addition, the nature of the fishery management process is intended to provide the opportunity for the Council and NMFS to regularly assess the status of the fisheries and to make necessary adjustments to ensure that there is a reasonable expectation of meeting the objectives of the FMP and the targets associated with any rebuilding programs under the FMP. The statutory basis for Federal fisheries management is the Magnuson-Stevens Act.

Past and present fishery management actions related to the West Coast sablefish fishery are described in Section 1.2 and a list of major management actions is provided in Table 1. In addition to fishery management actions, other past, present, and reasonably foreseeable future actions are considered (e.g., water pollution and climate change) in this section. The cumulative effect results from the combination of the effects of these past and present actions, reasonably foreseeable future actions, and the proposed action. Ongoing and reasonably foreseeable actions are summarized below.

Fishery Management Related Actions

- Past groundfish harvest specifications and management measures. Past harvest specifications contribute to the current status of managed stocks. Management measures directly or indirectly control catch, affecting stock status, fishing opportunity, harvester costs and net revenue, and personal income and employment in fishing communities.
- Review of groundfish essential fish habitat designation and mitigation measures. The Council has completed Phase II of a three-phase review process. Phase I consisted of compiling available information on Pacific Coast groundfish habitat associations, fishing activities, prey species, and many other elements of groundfish EFH. During Phase II, proposals for revised designations of groundfish EFH and additional mitigation measures were solicited, and eight proposals were reviewed and reported on to the Council in November 2013. In Phase III, the Council is considering action to amend the components of groundfish EFH.

- Regulatory adjustments to the trawl rationalization program and trailing actions. Through a series of rulemakings based on Council recommendations, a variety of adjustments to the trawl rationalization program are being implemented. In general, these measures are intended to make rationalized fisheries operate more efficiently and/or clarify the intent of regulations. Measures that have been implemented or are in the rulemaking process include, but are not limited to:
 - eliminating the prohibition on further quota pound trading after December 15 each year (78 FR 68764, November 15, 2013)
 - changing requirements for observer/catch monitor contractors (80 FR 22270, April 21, 2015)
 - continuation of Adaptive Management Program Pass-Through (79 FR 75070, December 17, 2014)
 - establishing chafing gear regulations (79 FR 71340, December 2, 2014)
 - establishing fees to recover costs of the program (78 FR 75268, December 11, 2013)
- Rockfish Conservation Areas. In 2003, Rockfish Conservation areas (RCA) closures were imposed for both fixed gear and trawl vessels to protect a number of overfished rockfish species.
- Vessel Monitoring System. The need to enforce the RCA led to a requirement, starting in 2003, that all LE vessels carry equipment and subscribe to services to allow satellite tracking of vessels, a vessel monitoring system (VMS).
- 2017-2018 Biennial Harvest Specifications and Management Measures. Establishes harvest specifications and trawl allocations for 2017 and 2018.
- Electronic Monitoring. The Council and NMFS are working on a proposal to replace the 100 percent Observer Coverage Requirement with Electronic Monitoring. A preliminary study is conducted under exempted fishing permits (EFP) and will be followed by a rulemaking.

Actions Not Related to Fishing

- Water pollution. A variety of activities introduce chemical pollutants and sewage and cause changes in water temperature, salinity, dissolved oxygen, and suspended sediment into the marine environment. Although these activities tend to affect nearshore waters, they adversely impact identified affected biological resources if a substantial part of their life cycle occurs in these waters. Examples of these activities include, but are not limited to, agriculture, port maintenance, coastal development, marine transportation, marine mining, dredging, and the disposal of dredged material. Wherever these activities co-occur, they are likely to work additively or synergistically to decrease habitat quality, and they may, indirectly, constrain the sustainability of the managed resources, non-target species, and protected resources. Decreased habitat suitability would tend to reduce the tolerance of these species to the impacts of fishing effort. Mitigation of this outcome through regulations that would reduce fishing effort could then negatively impact human communities. The overall impact to the affected species and their habitats on a population level is unknown, but likely neutral to low negative, since a large portion of these species have a limited or minor exposure to these local non-fishing perturbations.

- Other Non-Fishing Activities. For many proposed non-fishing activities to be permitted under other Federal agencies (such as offshore energy facilities, etc.), those agencies would conduct examinations of potential impacts on the affected resources. The Magnuson-Stevens Act (50 CFR 600.930) imposes an obligation on other Federal agencies to consult with the Secretary of Commerce on actions that may adversely affect EFH. The eight regional fishery management councils are engaged in this review process by making comments and recommendations on any Federal or state action that may affect habitat, including EFH, for their managed species, and by commenting on actions likely to substantially affect habitat, including EFH. In addition, under the Fish and Wildlife Coordination Act (Section 662), “whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the U.S., or by any public or private agency under Federal permit or license, such department or agency first shall consult with the U.S. Fish and Wildlife Service (USFWS), Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular state wherein the” activity is taking place. This act provides another avenue for review of actions by other Federal and state agencies that may impact resources that NMFS manages in the reasonably foreseeable future. In addition, NMFS and the USFWS share responsibility for implementing the ESA. ESA requires NMFS to designate "critical habitat" for any species it lists under the ESA (i.e., areas that contain physical or biological features essential to conservation, which may require special management considerations or protection) and to develop and implement recovery plans for threatened and endangered species. The ESA provides another avenue for NMFS to review actions by other entities that may impact endangered and protected resources whose management units are under NMFS’ jurisdiction.

- Climate Change. The effects of climate on the biota of the CCE have been recognized for some time. The El Niño/Southern Oscillation (ENSO) is widely recognized to be the dominant mode of interannual variability in the equatorial Pacific, with impacts throughout the rest of the Pacific basin and the globe. During the negative (El Niño) phase of the ENSO cycle, jet stream winds are typically diverted northward, often resulting in increased exposure of the Pacific Coast of the U.S. to subtropical weather systems. The impacts of these events to the coastal ocean generally include reduced upwelling winds, deepening of the thermocline, intrusion of offshore (subtropical) waters, dramatic declines in primary and secondary production, poor recruitment, reduced growth and survival of many resident species (such as salmon and groundfish), and northward extensions in the range of many tropical species. Concurrently, top predators such as seabirds and pinnipeds often exhibit reproductive failure. In addition to inter-annual variability in ocean conditions, the North Pacific seems to exhibit substantial inter-decadal variability, which is referred to as the Pacific (inter) Decadal Oscillation (PDO).

Within the California Current itself, Mendelssohn, et al. (2003) described long-term warming trends in the upper 50 to 75 m of the water column. Recent paleo-ecological studies from marine sediments have indicated that 20th century warming trends in the California Current have exceeded natural variability in ocean temperatures over the last 1,400 years. Statistical analyses of past climate data have improved our understanding of how climate has affected North Pacific ecosystems and associated marine species productivities.

4.6.5 Magnitude and Direction of Past, Present, and Reasonably Foreseeable Future Actions

In determining the magnitude and significance of the cumulative effects, the additive and synergistic effects of the proposed action, as well as past, present, and future actions, must be taken into account. The following section first presents the effects of past, present, and reasonably foreseeable future actions on each of the managed resources.

4.6.5.1 Physical Environment, including CCE and EFH

Those past, present, and reasonably foreseeable future actions, whose effects may impact the physical environment, including habitat (e.g., EFH) and the direction of those potential impacts, are listed below in Table 30. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or State agencies that may impact NMFS' managed resources and the habitat on which they rely prior to permitting or implementation of those projects. By consulting, commenting, and coordinating with other agencies, NMFS promotes sound stewardship of environmental resources. In addition, NMFS' permitting systems serve to minimize the extent and magnitude of direct and indirect negative impacts those actions could have on the physical environment utilized by resources under NMFS' jurisdiction.

Table 30. Summary of the effects of past, present, and reasonably foreseeable future actions on the physical environment.

Action	Past to Present	Reasonably Foreseeable Future
Past groundfish harvest specifications and management measures	Indirect Positive	
Essential Fish Habitat	Direct Positive	
Rockfish Conservation Area	Indirect Positive	
Vessel Monitoring System	Indirect Positive	
Regulatory Amendments to the trawl rationalization program	Direct Positive	
Regulations for non-groundfish species	Indirect Positive	
2017-18 Harvest Specifications		Uncertain, Likely Positive
Electronic Monitoring		Uncertain – Likely Positive
Water Pollution		Uncertain
Climate Change		Uncertain, Likely Negative
Summary of past, present, and future actions excluding those proposed in this document	Overall, actions have had, or will likely have, positive impacts on the physical environment, including EFH	

Past groundfish harvest specifications and management actions taken through the Council process have had a positive cumulative effect on habitat and EFH. It is anticipated that the future management actions will result in additional direct or indirect positive effects on habitat through actions which protect EFH for Federally-managed species and protect ecosystem services on which these species' productivity depends. These impacts could be broad in scope. All of the affected resources are interrelated; therefore, the linkages among habitat quality and EFH, managed resources and non-target species productivity, and associated fishery yields should be considered. For habitat and EFH, there are direct and indirect positive effects from actions which may occur through the trawl rationalization program. Positive actions that have broad implications

have been, and it is anticipated will continue to be, taken to improve the condition of habitat. There are some actions such as coastal population growth and climate change (including related ocean acidification), which may indirectly adversely impact habitat and ecosystem productivity. Overall, the past, present, and reasonably foreseeable future actions affecting the physical environment have had a neutral to positive cumulative effect.

4.6.5.2 Biological Environment

Those past, present, and reasonably foreseeable future actions and the direction of those potential impacts to the biological environment, are listed below in Table 31. The actions have generally had a positive effect on the biological environment by protecting important areas to limited bycatch and better tracking fishing practices. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or State agencies that may impact NMFS' managed biological resources prior to permitting or implementation of those projects. By consulting, commenting, and coordinating with other agencies, NMFS promotes sound stewardship of environmental resources. In addition, NMFS' permitting systems serve to minimize the extent and magnitude of direct and indirect negative impacts those actions could have on biological resources under NMFS' jurisdiction.

Table 31. Summary of the effects of past, present, and reasonably foreseeable future actions on the biological environment.

Action	Past to Present	Reasonably Foreseeable Future
Past groundfish harvest specifications and management measures	Indirect Positive	
Essential Fish Habitat	Indirect Positive, Direct Positive	
Rockfish Conservation Area	Indirect Positive	
Vessel Monitoring System	Direct Positive	
Regulatory Amendments to the trawl rationalization program	Indirect and Direct Positive	
Regulations for non-groundfish species	Indirect Positive	
2017-18 Harvest Specifications		Uncertain, Likely Direct Positive
Electronic Monitoring		Uncertain – Likely Direct Positive
Water Pollution		Uncertain
Climate Change		Uncertain, Likely Negative
Summary of past, present, and future actions excluding those proposed in this document	Overall, actions have had, or will have, positive impacts on biological resources.	

Past groundfish management actions consistent with the FMP and taken through the harvest specifications and management measures have had a positive cumulative effect on the managed resources (Table 31) as several stocks have been rebuilt. It is anticipated that the future management actions will result in additional indirect positive effects on the managed resources through similar management actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which sablefish depend. In addition, past fishery management actions taken through the FMP process have a positive cumulative effect on ESA-listed and MMPA-protected species through implementation of gear requirements and area closures to protect these species and their habitat, as well as through the reduction of fishing effort (potential interactions). It is anticipated that future management actions will result in likely positive effects on biological resources. The impacts of these future actions could be broad in scope, and it should

be noted the biological resources are often coupled, in that they utilize similar habitat areas and ecosystem resources on which they depend. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to the biological resources have had a positive cumulative effect compared to a time before any management protections were in place.

4.6.5.3 Socio-economic Environment

Those past, present, and reasonably foreseeable future actions, whose effects may impact the socioeconomic environment and the direction of those potential impacts, are summarized in Table 32 below. Indirect and direct positive effects are mainly localized to management actions, regulations, and harvest specifications which have been implemented to assist communities and the fleet to be able to better persecute their fishery and generate revenue. Negative effects are related to area closures which may have moved the fleet off of desirable fishing grounds. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or State agencies that may impact NMFS’ managed resources prior to permitting or implementation of those projects. By consulting, commenting, and coordinating with other agencies, NMFS promotes sound stewardship of environmental resources. In addition, NMFS’ permitting systems serve to minimize the extent and magnitude of indirect negative impacts those actions could have on resources under NMFS’ jurisdiction.

Table 32. Summary of the effects of past, present, and reasonably foreseeable future actions on the socioeconomic environment.

Action	Past to Present	Reasonably Foreseeable Future
Past groundfish harvest specifications and management measures	Indirect and Direct Positive	
Essential Fish Habitat	Direct Negative	
Rockfish Conservation Area	Direct Negative	
Vessel Monitoring System	Direct Positive	
Regulatory Amendments to the trawl rationalization program	Indirect and Direct Positive and Negative	
Regulations for non-groundfish species	Indirect Positive	
2017-18 Harvest Specifications		Uncertain – Likely Direct Positive
Electronic Monitoring		Uncertain – Likely Direct Positive
Water Pollution		Uncertain – Likely Indirect Negative
Climate Change		Uncertain
Summary of past, present, and future actions excluding those proposed in this document	Overall, actions have had, or will have, a neutral to positive impacts on the human environment.	

Past fishery management actions and harvest specifications have had an indirect and direct positive and negatives effect on the managed resource, as well as those that depend on the managed resource. Actions to protect EFH and RCAs likely have had direct negative impacts on the socioeconomic environment, as they have displaced fishing practices. It is anticipated that future actions would likely have direct and indirect positive impacts on the managed resources that sablefish fisheries depend on. The impacts of these future actions could be broad in scope.

Overall, the past, present, and reasonably foreseeable future actions have had, or will have, positive and negative impacts on the socio-economic environment.

4.6.6 Summary of Effects of Proposed Measures

Table 33 provides a summary of all the effects of the three proposed measures, and their alternatives, on the physical, biological, and socio-economic information. This table combines all the information presented in Sections 4.1, 4.2, and 4.3. No new information is presented in this table that is not already discussed in this document.

Table 33. Summary of physical, biological, and socio-economic effects by measure.

Measure	Alternative	Physical Environment		Biological Environment			Socio-economic Environment		
		CA Current Ecosystem	EFH	Groundfish Species	Non-Groundfish Species	Protected Species	Fleet	Communities	Agencies
Electronic Fish Tickets	Alternative 2: All Tier Deliveries	<i>Neutral</i>	<i>Neutral</i>	<i>Low Positive</i>	<i>Low Positive</i>	<i>Low Positive</i>	<i>Low Positive</i>	<i>Low Negative</i>	<i>Neutral/Low Positive</i>
	Alternative 3: All LE permit sablefish deliveries (Primary/tier and DTL)			<i>Medium Positive</i>	<i>Medium Positive</i>	<i>Medium Positive</i>	<i>Medium Positive</i>	<i>Medium Negative</i>	<i>Neutral/Medium Positive</i>
	Alternative 4: All sablefish deliveries (primary, tier, DTL, and open access)			<i>High Positive</i>	<i>High Positive</i>	<i>High Positive</i>	<i>High Positive</i>	<i>High Negative</i>	<i>Neutral/High Positive</i>
Own/hold control limit	Alternative 2a: 20% share	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Low Positive</i>	<i>Low Positive</i>	<i>Medium Negative</i>
	Alternative 2b: 30% share						<i>Medium Positive</i>	<i>Low Positive</i>	<i>Medium Negative</i>
	Alternative 3: Exemption						<i>High Positive</i>	<i>Low Positive</i>	<i>Low Negative</i>
Own/hold control limit Sub-options	Sub-option 1: Entire Ownership Interest Passes Through	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>	<i>Neutral</i>
	Sub- option 2: Pro-rata Ownership Passes Through								
	Sub-option 3: Coordinated Ownership								
Joint Registration	Alternative 2: Allow Joint Registration	<i>Neutral</i>	<i>Neutral</i>	<i>Low Positive</i>	<i>Low Positive, Low Negative</i>	<i>Low Positive, Low Negative</i>	<i>High Positive</i>	<i>Low Positive</i>	<i>Medium Negative</i>

Measure	Alternative	Physical Environment		Biological Environment			Socio-economic Environment		
		CA Current Ecosystem	EFH	Groundfish Species	Non-Groundfish Species	Protected Species	Fleet	Communities	Agencies
	Alternative 3: Joint Registration and a declaration process to specify, and prohibition on freezing at sea.	<i>Neutral</i>	<i>Neutral</i>	<i>Low Positive</i>	<i>Low Positive, Low Negative</i>	<i>Low Positive, Low Negative</i>	<i>High Positive</i>	<i>Low Positive</i>	<i>High Positive</i>

4.6.7 Summary of Cumulative Impacts

The Action Alternatives for each measure are described in Chapter 2. The magnitude and significance of the cumulative effects, which include the additive and synergistic effects of the proposed action, as well as past, present, and reasonably foreseeable future actions, are presented in this Chapter.

Table 33. Summary of Cumulative Impacts of the Alternatives discussed in Chapter 4.

Measure	Affected Resources	Status in 2015	Net Impact of Past, Present, and Reasonably Foreseeable Future Actions	Net Impact of the Preferred Action	Significant Cumulative Effects
Electronic Fish Tickets	Habitat	Complex (Section 3.1)	Positive (Section 4.6.5.1)	Neutral (Table 12)	None
	Biological Resources	Complex (Section 3.2)	Positive (Section 4.6.5.2)	Positive (Table 15)	None
	Socio-economic/Human Communities	Complex (Section 3.3)	Neutral to Positive (Section 4.6.5.3)	Positive (Table 18)	None
Own/hold control limit	Habitat	Complex (Section 3.1)	Positive (Section 4.6.5.1)	Neutral (Table 13)	None
	Biological Resources	Complex (Section 3.2)	Positive (Section 4.6.5.2)	Neutral (Table 16)	None
	Socio-economic/Human Communities	Complex (Section 3.3)	Neutral to Positive (Section 4.6.5.3)	Positive (Table 26)	None
Joint Registration	Habitat	Complex (Section 3.1)	Positive (Section 4.6.5.1)	Neutral (Table 14)	None
	Biological Resources	Complex (Section 3.2)	Positive (Section 4.6.5.2)	Positive & Negative; Negative impacts previously analyzed in an EIS (Table 17)	None
	Socio-economic/Human Communities	Complex (Section 3.3)	Neutral to Positive (Section 4.6.5.3)	Positive (Table 27)	None

5 National Environmental Protection Act

There are six required components for an environmental assessment (CEQ § 1508.9). The need for the proposal is described in Chapter 1, and the alternatives are described in Chapter 2. Chapter 3 provides a description of the affected environment and Chapter 4 discusses the environmental impacts on the affected environment of the proposed measures and alternatives, including sufficient evidence and analysis for determining whether to prepare an EA. A Finding of No Significant Impact (FONSI) and list of agencies and persons consulted are addressed in this chapter.

5.1 Finding of No Significant Impacts

ACTION TO THE FIXED GEAR SABLEFISH FISHERY: Electronic Fish Tickets, Own/hold control limit, and Joint Registration

Finding of No Significant Impact (FONSI)

National Marine Fisheries Service

October 2016

The Council on Environmental Quality regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below is relevant in making a FONSI and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the following criteria:

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

a) Changes to catch accounting; implement an electronic fish ticket: This proposed change does not impact the annual catch limits (ACLs) or sector allocations for sablefish. This action is expected to improve the quality of catch accounting, increase transparency among involved parties, and aid enforcement of the fishery (Section 4.2.1). To the extent these goals are achieved through this action, this action will not jeopardize the sustainability of any target species and may provide a small benefit through the accessibility of updated information. Decision-makers and managers may be able to better manage the fishery by having more up-to-date data.

b) Changes to the own and hold regulations: This proposed change does not impact the ACLs or sector allocations for sablefish. Although this action may cause increased consolidation of the fleet or lead to increased participation in the West Coast sablefish fishery by members of the North Pacific (Alaska) fleet, total allowed catch of the target species will not be affected by this action. Therefore, this action is unlikely to jeopardize the sustainability of the target species (Section 4.2.2).

c) Allow a joint registration for trawl and limited entry fixed gear (LEFG) endorsed permits: This proposed change does not impact the ACLs or sector allocations for sablefish. Although this action may cause biological impacts related to the difference between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear due to selectivity of the gear used (e.g., use of longline or pot may result in larger sablefish than trawl), this change is not expected to jeopardize sustainability of the target species (Section 4.2.3).

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

a) Changes to catch accounting; implement an electronic fish ticket: This proposed change does not impact the ACLs or sector allocations for sablefish or non-target, co-occurring species. This action is expected to improve the quality of catch accounting, increase transparency among involved parties, and aid enforcement of the fishery. To the extent these goals are achieved through this action, this action may benefit sustainability of the non-target species (Section 4.2.1).

b) Changes to the own and hold regulations: This proposed change does not impact the ACLs or sector allocations for sablefish or non-target species. Although this action may cause increased consolidation of the fleet or lead to increased participation in the West Coast sablefish fishery by members of the North Pacific fleet, total allowed catch of the non-target species will not be affected by this action. Therefore, this action is unlikely to jeopardize the sustainability of the non-target species (Section 4.2.2).

c) Allow a joint registration for trawl and LEFG endorsed permits: This proposed change does not impact the ACLs or sector allocations for sablefish or non-target, co-occurring species. In terms of gear selectivity, in addition to size selectivity (e.g., fixed gear may be selective for larger sablefish), fixed gear may also have different selectivity for bycatch species (e.g., fixed gear vessels tend to take more yelloweye as bycatch than trawl vessels) (Section 3.2.2). However, while the species selectivity may be different, all harvest of individual fishing quota (IFQ) species will still have to be covered by quota pounds, and harvest of non-IFQ groundfish species will be controlled through other applicable management measures such that harvests will be maintained within the ACLs. Additionally, during the time fixed gear vessels are participating in the IFQ program, they would be required to carry observers, increasing the information available about fixed gear bycatch of all species, including marine mammal and bird interactions. Although this action may cause biological impacts related to the difference between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear, this change is not expected to jeopardize sustainability of the non-target species (Section 4.2.3).

(3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and identified in the fishery management plans (FMPs)?

a) Changes to catch accounting; implement an electronic fish ticket: This action is expected to improve the quality of catch accounting, increase transparency among involved parties, and aid enforcement of the fishery (Section 4.1.1). This action is not expected to change fishing

practices; therefore, this action is unlikely to cause substantial damage to the ocean and coastal habitats and/or EFH as defined under the MSA and identified in FMPs.

b) Changes to the own and hold regulations: Although this action may cause increased consolidation of the fleet or lead to increased participation in the West Coast sablefish fishery by members of the North Pacific fleet, this action does not affect gear type used, total catch allowed, or areas that may be fished. Therefore, this action is unlikely to cause substantial damage to the ocean and coastal habitats and/or EFH as defined under the MSA and identified in FMPs (Section 4.1.2).

c) Allow a joint registration for trawl and LEFG endorsed permits: In general, the LEFG Rockfish Conservation Area (RCA) boundaries are shallower than the trawl RCA boundaries. Therefore, a switch from trawl gear to fixed gear would force activities into shallower waters shoreward of the RCA and allow vessels to fish in shallower areas seaward of the RCA. To the degree that an increased portion of the trawl allocation is taken by fixed gear vessels, the habitats impacted and species harvested may be different than under the No Action alternative (Section 4.1.3). However, it is unlikely that this shift would cause substantial damage to the ocean and coastal habitats and/or EFH as defined under the MSA and identified in FMPs.

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

In general, NMFS ensures that MSA fishery management measures promote the safety of human life at sea to the extent practicable. In addition, the three proposed measures would not result in other forms of adverse health or safety effects.

a) Changes to catch accounting; implement an electronic fish ticket: This action is primarily a change in management of the fishery, and it is very unlikely that it will have any effect on public health or safety.

b) Changes to the own and hold regulations: The sablefish permit stacking program was implemented through Amendment 14 to the Groundfish FMP, in part, to end the unsafe derby style fishery that had existed previously (Section 1.2). This action may cause increased consolidation of the fleet or lead to increased participation in the West Coast sablefish fishery by members of the North Pacific fleet. Even if this occurs, it is unlikely to adversely affect public health or safety (Section 4.2.3).

c) Allow a joint registration for trawl and LEFG endorsed permits: Although this action may alter fishing behavior among the LEFG and trawl fleets, this action is unlikely to affect public health or safety because participants will still be required to comply with existing regulations regarding permits and harvesting privileges.

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

a) Changes to catch accounting; implement an electronic fish ticket: This action is likely to improve catch accounting for the sablefish fishery by better tracking landings of catch. More timely and accurate reporting will assist managers in better addressing impacts to endangered

or protected species. Therefore, this action would reduce impacts on endangered or threatened species, marine mammals, and critical habitat of these species (Section 4.2.1).

b) Changes to the own and hold regulations: As mentioned previously, the primary effect of this action will likely be limited socioeconomic consolidation within the fleet. This is unlikely to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species (Section 4.2.2).

c) Allow a joint registration for trawl and LEFG endorsed permits: The expected result of this action is that participants in the trawl and LEFG fisheries will have more flexibility in deciding how to best conduct their sablefish fishing activities. There is some potential for increased gear switching, i.e., above the amount already occurring, where more LEFG could be used in the Shorebased IFQ program. However, vessels are already allowed unlimited gear switching under the Pacific Coast Groundfish Trawl Rationalization Program and any increases in gear switching occurring, now or in the future, would more likely be related to the variation in price per pound for species fished with different gears (i.e., sablefish caught with fixed gear tends to yield a higher price per pound than sablefish caught with trawl gear). Regardless, any increases in gear switching could reduce bycatch of salmon and eulachon listed under the Endangered Species Act (ESA) (Section 4.2.3) because fixed gear is more selective than trawl gear. The 2010 Final Environmental Impact Statement (EIS) on the Trawl Rationalization Program already considered the impacts of potential increased gear switching on ESA-listed seabirds and marine mammals and includes a detailed description in Section 4.19.2 (PFMC 2010).

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

a) Changes to catch accounting; implement an electronic fish ticket: This action is likely to improve catch accounting for the sablefish fishery by better tracking landings. This action is unlikely to have any effect, positive or negative, on biodiversity and ecosystem function within the affected area.

b) Changes to the own and hold regulations: As mentioned previously, the primary effect of this action will likely be limited socioeconomic consolidation of the fleet. Fishing pressure will still be limited by ACLs and other management measures; therefore, this action is unlikely to impact biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.).

c) Allow a joint registration for trawl and LEFG endorsed permits: The ACLs and sector allocations would not be modified. Therefore, the biological impacts are limited to those related to the difference between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear. Those differences likely relate primarily to habitat impacts and differences in gear selectivity. Any impacts to biodiversity and ecosystem function within the affected area may be a neutral or have a small positive impact (Section 4.2.3).

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

a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is not expected to have significant natural or physical environmental effects.

b) Changes to the own and hold regulations: Fishing vessels operating in Alaska and West Coast sablefish fisheries, LEFG permit owners, and Alaska IFQ owners would have more flexibility in their business decisions on how to harvest available sablefish quotas. Although the limited exemption to the own and hold regulations in this action may allow some consolidation of the fleet or increase participation in the West Coast sablefish fishery by members of the North Pacific fleet, only 13 possible exemptions will be available (Table 26, Section 4.3.2) and therefore these socio-economic impacts are not significant and are not interrelated with any natural or physical environmental effects.

c) Allow a joint registration for trawl and LEFG endorsed permits: The economic effect will be a possible increase in the net revenues generated by the fishery. Such an increase would be expected to increase quota prices. To the degree that a shift occurs, there may be some social effects as the number of trawl vessels (or size of trawl operations) decrease and fixed gear operations increase. These effects would be expected to the degree that there are social differences between members of the trawl and fixed gear communities. Even if the differences are minimal, all shifts in the distribution of harvest generally involve some disruption. Such shifts are part of the costs associated with a market based management system. As discussed previously, no significant impacts are expected on the physical or natural environments.

(8) To what degree are the effects on the quality of human environment expected to be highly controversial?

a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to have any effects on the quality of the human environment; therefore, the proposed action is not likely to be highly controversial (Section 4.3.1).

b) Changes to the own and hold regulations: Although this action may cause increased consolidation of the fleet or lead to increased participation in the West Coast sablefish fishery by members of the North Pacific fleet, any potential effects on the quality of the human environment are not likely to be highly controversial because few or no effects to the human environment are anticipated (Section 4.3.2).

c) Allow a joint registration for trawl and LEFG endorsed permits: The ACLs and sector allocations would not be modified. Therefore, the biological impacts are limited to those related to differences between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear. Those differences likely relate primarily to habitat impacts and differences in gear selectivity. No scientific controversy is expected as a result of these potential impacts (Section 4.3.3).

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

There would be no alterations to terrestrial resources. The actions would take place in marine waters off the West Coast of the United States. The West Coast groundfish fishery is not known to take place in any unique areas such as historic or cultural resources, park land, farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The proposed actions, discussed below, are not anticipated to affect unique characteristics of the geographic area. Therefore, as stated in Chapter 3, this action is not expected to have any impact on unique areas.

a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

b) Changes to the own and hold regulations: As discussed previously, the primary expected impacts of this action are socioeconomic in nature. It is highly unlikely that this action would affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

c) Allow a joint registration for trawl and LEFG endorsed permits: This action is unlikely to affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

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

a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to have any effects on the quality of the human environment that are highly uncertain or involve unique or unknown risks.

b) Changes to the own and hold regulations: This action is a fairly minor change to the existing control rules for the sablefish permit stacking program, as such it is unlikely that possible effects on the human environment are highly uncertain or involve unique or unknown risks.

c) Allow a joint registration for trawl and LEFG endorsed permits: The ACLs and sector allocations would not be modified. Therefore, the biological impacts are limited to those related to differences between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear. Those differences likely relate primarily to habitat impacts and differences in gear selectivity. Although there is some uncertainty, these possible effects to the environment are neither highly uncertain nor do they involve unique or unknown risks.

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

In general, the proposed measures would be components of a broader management scheme conducted under the Groundfish FMP. The environmental impacts of the ongoing fishing activities under the Groundfish FMP have previously been fully analyzed in an EIS (PFMC

and NMFS, January 2015). Additionally, if joint registration creates additional incentives to gear switch in the Shorebased IFQ Program, which is not anticipated, the impacts of gear switching have been previously analyzed in a 2010 Final EIS (PFMC 2010). The proposed actions would not create any new significant impacts not previously analyzed.

a) Changes to catch accounting; implement an electronic fish ticket: This item is related to item c below, in that an improved catch accounting system would enable fisheries managers to better keep track of landings between the trawl and LEFG fisheries. This is biologically (Section 4.2.1) and socio-economically (Section 4.3.1) beneficial and not likely to have cumulatively significant impacts.

b) Changes to the own and hold regulations: This action is related to the Alaska sablefish IFQ program and its requirements regarding how the owner of the sablefish IFQ is involved in the prosecution of the harvest of that quota. The proposed action makes no changes to Alaska sablefish IFQ program requirements, has no impacts to the physical or biological environment, and may be socio-economically beneficial for fishers that participate in both the Alaska sablefish IFQ program and the West Coast LEFG sablefish primary fishery.

c) Allow a joint registration for trawl and LEFG endorsed permits: As discussed previously, this action is expected to have minimal biological (Section 4.2.3) and socioeconomic (Section 4.3.3) impacts, all of which have been previously analyzed in a 2010 Final EIS (PFMC 2010) and is unlikely to have cumulatively significant impacts (Section 4.6.7).

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

As discussed in chapter 3, the proposed actions would not affect terrestrial sites. The only potential historic or cultural sites in the action area would be shipwrecks, which fishermen avoid in order to protect their gear.

a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant cultural, scientific, or historical resources.

b) Changes to the own and hold regulations: As discussed previously, the primary expected impacts of this action are socioeconomic in nature. It is highly unlikely that this action would affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant cultural, scientific, or historical resources.

c) Allow a joint registration for trawl and LEFG endorsed permits: As discussed previously, this action is expected to have minimal biological (Section 4.2.3) and socioeconomic (Section 4.3.3) impacts. None of these impacts are expected to affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant cultural, scientific, or historical resources.

(13) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

- a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to result in the introduction or spread of a nonindigenous species.
- b) Changes to the own and hold regulations: As discussed previously, the primary expected impacts of this action are socioeconomic in nature; this action is not expected to result in the introduction or spread of a nonindigenous species.
- c) Allow a joint registration for trawl and LEFG endorsed permits: As discussed previously, this action is expected to have minimal biological (Section 4.2.3) and socioeconomic (Section 4.3.3) impacts and is unlikely to result in the introduction or spread of a nonindigenous species.

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

- a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to establish a precedent for future actions with significant effects, or represent a decision in principle about a future action.
- b) Changes to the own and hold regulations: As discussed previously, the primary expected impacts of this action are socioeconomic in nature. It is highly unlikely that this action would establish a precedent for future actions with significant effects, or represent a decision in principle about a future action.
- c) Allow a joint registration for trawl and LEFG endorsed permits: The ACLs and sector allocations would not be modified. Therefore, the biological impacts are limited to those related to difference between harvesting a portion of the trawl allocation with fixed gear as compared to trawl gear. Those differences likely relate primarily to habitat impacts and differences in gear selectivity. These limited, potential impacts are unlikely to establish a precedent for future actions with significant effects or represent a decision in principle about a future action.

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

- a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded; therefore, this action is unlikely to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.
- b) Changes to the own and hold regulations: As discussed previously, the primary expected impacts of this action are socioeconomic in nature; this action is not expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

c) Allow a joint registration for trawl and LEFG endorsed permits: As discussed previously, this action is expected to have minimal environmental and socioeconomic impacts and is unlikely to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

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

a) Changes to catch accounting; implement an electronic fish ticket: As discussed previously, this is primarily a change to how landings are recorded. The action may have some positive impacts on the biological environment with some limited uncertainty around climate change. Therefore, this action is not expected to result in any adverse effects that could have a substantial effect on the targeted and non-targeted species (Section 4.2.1).

b) Changes to the own and hold regulations: As discussed previously, the primary expected impacts of this action are socioeconomic in nature; this action is expected to have neutral impacts on the physical and biological environments and is not expected to result in any adverse effects that could have a substantial effect on the targeted and non-targeted species.

c) Allow a joint registration for trawl and LEFG endorsed permits: As discussed previously, this action is expected to have minimal negative biological (Section 4.2.3) and positive socioeconomic (Section 4.3.3) impacts due to the ability of vessels to hold two permits onboard at the same time. This should increase efficiency in the fishery, but will not increase the amount of fish caught. Therefore, this action is not expected to result in adverse effects that could have a substantial effect on the targeted and non-targeted species.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment, it is hereby determined that the requirement for electronic fish tickets in the commercial sablefish fisheries, changes to the own and hold control limit in the limited entry sablefish primary fishery, and joint registration in the limited entry groundfish fishery will not significantly impact the quality of the human environment, as described above and in the Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.

Barry A. Thom
Regional Administrator
West Coast Region, NMFS

Date

5.2 Public Comment

NMFS received five unique letters of comment on the proposed rule for this action. Two letters were outside the scope of this action. Two letters sought clarification and voiced their concerns over some of the possible new requirements for electronic fish tickets, and one letter was in support of the actions. None of the comments submitted pertain to the EA. Therefore, all responses to comments will be included in the final rule for this action.

5.3 Persons and Agencies Consulted

Ariel Jacobs, NMFS Western Pacific Region
Dayna Matthews, Office of Law Enforcement
Frank Lockhart, NMFS West Coast Region
Jim Seger, Pacific Fishery Management Council
John Coon, NMFS West Coast Region
Kevin Ford, NMFS West Coast Region
Sarah Biegel, NMFS West Coast Region, NEPA Coordinator
Marian Macpherson, NMFS West Coast Region, NEPA Coordinator
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5.4 How to Obtain a Copy of This Document

Copies of this Environmental Assessment and Magnuson-Stevens Act Analysis and other supporting documents are available from Karen Palmigiano, (karen.palmigiano@noaa.gov) National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115-0070.

6 Other Applicable Laws

6.1 Consistency with the FMP

Chapter 2 of the FMP identifies the goals and objectives for managing the Pacific Coast groundfish fishery. The goals in order of priority include 1) Conservation, 2) Economics, and 3) Utilization. The FMP includes 17 objectives to implement these goals. When proposing new management measures these goals are to be considered in combination with the Magnuson-Stevens Act National Standards. The following discussion considers the proposed action relative to the relevant FMP goals and the applicable objectives.

Goals and Objectives

Goal 1 - Conservation Prevent overfishing and rebuild overfish stocks by managing for appropriate harvest levels and prevent, to the extent practicable, any net loss of the habitat of living marine resources.

Objective 1. Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs.

By utilizing electronic fish tickets, State and Federal managers will be able to more accurately and efficiently maintain information on the status of the fishery and the fishery resources to allow for more informed management.

Goal 3 - Utilization. Within the constraints of overfished species rebuilding requirements, achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

Objective 9. Develop management measures and policies that foster and encourage full utilization (harvesting and processing), in accordance with conservation goals, of the Pacific groundfish resources by domestic fisheries.

The new exemption to the own/hold control limit will allow those vessels that are currently constrained by the three permit limit (mostly vessels that are grandfathered into the Alaska IFQ program and also fish West Coast sablefish) to own up to 20 percent of up to two vessels registered to other tier-endorsed LE permits without having the permits registered to the vessel(s) count against the individual's three-permit own/hold control limit. Thereby, providing a reprieve which would allow them to fish in both the Alaska IFQ program and the West Coast sablefish permit stacking program.

Objective 14. When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and the environment.

All three of the action alternatives selected by the Council have the best chance of addresses the issues with the West Coast sablefish permit stacking program with a minimal amount of disruption to current fishing practices, marketing procedures, and the environment.

Objective 15. Avoid unnecessary adverse impacts on small entities.

The action alternatives analyzed in this document do not impose any unnecessary impacts on small entities.

6.2 Magnuson-Stevens Conservation and Management Act

Below are the 10 National Standards as contained in the Magnuson-Stevens Fishery and Conservation Act (Magnuson-Stevens Act), and a brief discussion of how the proposed action is consistent with the National Standards, where applicable.

6.2.1 National Standards

An FMP or plan amendment and any pursuant regulations must be consistent with ten national standards contained in the Magnuson-Stevens Act (§ 301). These are:

National Standard 1: Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

This action promotes achievement of Optimum Yield through three measures intended to enhance efficiency, flexibility, and accuracy of management. The purpose of the proposed use of electronic fish tickets is to improve the timeliness and accuracy of catch data for monitoring harvest relative to applicable tier limits in the LEFG sablefish fishery and trip limits in the LEFG non-sablefish fishery and OA fishery. The purpose of the proposed changes to the own/hold requirements is eliminate a regulatory barrier that affected qualified vessels wanting to participate in both the West Coast sablefish fishery and the Alaska IFQ program and provide more flexibility to allow those participants to do so. The purpose of the proposed joint registration program is to provide increased efficiencies for vessels participating in both the LEFG and LE trawl fisheries by removing a regulatory restriction on registering both gear types to a single vessel at the same time.

This action does not change the risk of exceeding an OFL for groundfish species. For groundfish species managed with IFQs, the risk of overfishing those stocks is low. For groundfish species managed within complexes, the risk of overfishing is similar to that considered in the 2015-2016 Harvest Specifications and Management Measures, EIS. Some species managed within species complexes may be more vulnerable to overfishing due to the current composition of the complexes; this is particularly true for species identified as “highly vulnerable” to overfishing within the minor rockfish complexes. Species managed on a per trip basis, are not expected to be more vulnerable to overfishing than what was already considered in the 2015-2016 Proposed Harvest Specifications and Management Measures, EIS. The shorebased trawl fishery and the LEFG sablefish endorsed program are IFQ programs with a high level of individual accountability intended to keep harvest within the allocations. Higher levels of monitoring, through electronic fish tickets will be effective in keeping harvest within the allocations and preventing overfishing.

National Standard 2: Conservation and management measures shall be based upon the best scientific information available.

The proposed action implements electronic fish tickets, provides an exemption for those that qualify to the own/hold control limit, and modifies the registration process to allow for joint registration of LE fixed gear and trawl permits. No additional conservation and management measures are imposed under this action.

Information used to develop the proposed measures and to understand the current conditions and potential impacts constitutes the best available information and includes data gathered from peer-reviewed literature, unpublished scientific reports, observer data bases, PacFIN landing reports, as well as business and members of the fishing industry.

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

Nothing in this action would change the manner in which individual stocks are managed as a unit throughout their range, and interrelated stocks are managed as a unit or in close coordination.

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 U.S. fishermen, such allocations shall be (A) fair and equitable to all such fishermen, (B) reasonably calculated to promote conservation, and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The proposed action does not alter any allocations or assign any fishing privileges other than those that have already been assigned through previous allocative actions. Therefore, no discriminations are made among fishermen based on residency or other criteria.

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.

Efficiency and accuracy in the context of the proposed action refers to data collection efficiency and accuracy of the data collected. By implementing electronic fish tickets, managers will have better, more reliable information faster, and they'll be able to address management issues with the fishery more rapidly. Modifying the own/hold control limit will allow those fishers that were constrained by the current regulations and, therefore, unable to fish in the West Coast sablefish fishery to apply for an exemption which would let them get around the three-permit ownership limitation and fish in the West Coast sablefish fishery. Allowing joint registration would further promote flexibility and efficiency. Thus these action would promote efficiency without modifying allocations.

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

The proposed action does not affect the annual allocation process. However, additional data acquisition through electronic fish tickets will help the development of management measures to compensate for variations and to reduce the need for substantial buffers to address uncertainty. Additionally, joint registration and the flexibility it provides will help in responding to contingencies.

National Standard 7: Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The proposed action does not duplicate any other Federal measures and would not add costs beyond those necessary to implement the action. The Federal requirement for electronic fish tickets would be in addition to, and duplicative of some of the State requirements. However, not all State requirements are the same (i.e. California still only accepts paper tickets) and the Federal requirement is necessary to obtain timely and reliable information that is needed for management of the fishery. In most cases, the information collected for the Federal requirement could be submitted to meet the State requirement as well.

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 in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

The EA evaluates the effects of the alternatives on fishing communities (Chapter 4). All three actions appear to have some type of effect on communities ranging from low negative to high positive. The effects vary by alternative and which part of the community is affected (fleet, community or agency). The majority of the negative impacts are felt by the agencies (federal and state). The agencies are impacted by additional work required to process applications for those vessels that apply for an exemption to the own/hold control limit. However, in addition to agencies, communities will also be only slightly negatively affected by the increased time burden on first receivers who will not be required to fill out electronic fish tickets for all landings (negative impact). Communities will be positively impacted by the new flexibility around how NMFS determines ownership which would allow owners of Alaska and West coast sablefish fisheries, LEFG permit owners, and Alaska IFQ owners more flexibility in their business decisions on how to prosecute their quota (positive impact), as well as the new flexibility to jointly register trawl and fixed gear permits on the same vessel at the same time.

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

No change in regulatory discard of groundfish is expected. There is potential for some impacts to bycatch from gear switching, but those impacts would be positive as fixed gears tend to have less

overall bycatch than trawl gears. Additionally, vessels are already allowed unlimited gear switching through the Trawl Rationalization Program. The impacts of that Program were analyzed in the FEIS for that Program and are not repeated here. In the case of bycatch issues, NMFS makes every effort to address those issues when they arise.

Electronic fish tickets may also help address any bycatch concerns by having the information on bycatch and discards in more timely and accurate manner. Enforcement, the Council, and NMFS can react faster to any concerns over bycatch or overfished species.

National Standard 10: Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

The proposed action is not expected to have an effect on the safety of human life at sea as vessels already follow safety practices required through other regulations. Additionally, both the Shorebased IFQ program and the Sablefish Permit Stacking program provide fishermen with increased flexibility in determining where, and how to fish. This is expected to reduce incentives to fish in unsafe conditions.

6.2.2 Section 303(a)(9) Fisheries Impact Statement

Section 303(a)(9) of the Magnuson-Stevens Act requires that any management measure submitted by the Council take into account potential impacts on the participants in the fisheries, as well as participants in other fisheries.

The impacts of this action on participants in the West Coast sablefish fishery have been discussed in Section 4.3 of this document. The proposed action is not anticipated to have an effect on participants in any other fisheries not mentioned in Section 4.3.

6.3 Endangered Species Act

The Endangered Species Act of 1973 (ESA) was signed on December 28, 1973, and provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend. The ESA replaced the Endangered Species Conservation Act of 1969; it has been since been amended several times.

A “species” is considered endangered if it is in danger of extinction throughout all or a significant portion of its range. A species is considered threatened if it is likely to become an endangered species within the foreseeable future.

Federal agencies are directed, under section 7(a)(1) of the ESA, to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Federal agencies must also consult with NMFS or USFWS, under section 7(a)(2) of the ESA, on activities that may affect a listed species. These interagency consultations, or section 7 consultations, are designed to assist Federal agencies in fulfilling their duty to ensure Federal actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat. Should an action be determined to jeopardize a species or result in the destruction or adverse modification of critical

habitat, NMFS or USFWS will suggest Reasonable and Prudent Alternatives (RPAs) that would not violate section 7(a)(2).

Biological opinions document whether the Federal action is likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. Where appropriate, biological opinions provide an exemption for the “take” of listed species while specifying the extent of take anticipated, the Reasonably and Prudent Measures (RPMs) necessary to minimize impacts from the take, and the Terms and Conditions with which the action agency must comply. NMFS issued biological opinions under the Endangered Species Act (ESA) on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999 pertaining to the effects of the PCGFMP fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south/central California, northern California, southern California). These biological opinions concluded that implementation of the PCGFMP is not expected to jeopardize the continued existence of any endangered or threatened salmonids species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat.

): NMFS issued biological opinions under the Endangered Species Act (ESA) on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the Pacific Coast Groundfish FMP fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south/central California, northern California, southern California). These biological opinions have concluded that implementation of the Pacific Coast Groundfish FMP is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat.

NMFS issued a supplemental biological opinion on March 11, 2006, concluding that neither the higher observed bycatch of Chinook in the 2005 whiting fishery nor new data regarding salmon bycatch in the groundfish bottom trawl fishery required a reconsideration of its prior “no jeopardy” conclusion. NMFS also reaffirmed its prior determination that implementation of the Pacific Coast Groundfish FMP is not likely to jeopardize the continued existence of any of the affected evolutionarily significant units (ESUs). Lower Columbia River coho (70 FR 37160, June 28, 2005) and Oregon Coastal coho (73 FR 7816, February 11, 2008) were recently relisted as threatened under the ESA. The 1999 biological opinion concluded that the bycatch of salmonids in the Pacific whiting fishery were almost entirely Chinook salmon, with little or no bycatch of coho, chum, sockeye, and steelhead.

In October 2014, NMFS reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on listed salmonids. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns or reasonable and prudent measures to minimize incidental take, NMFS will exercise necessary authorities, in coordination with the Council, to put such additional alternatives or measures into place. NMFS concluded in a December 3, 2014 memo that, consistent with sections 7(a)(2) and 7(d) of the ESA, that management of the ongoing groundfish fishery will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures. This action is within the scope of the actions considered in that December 3, 2014 memo. Therefore, this action will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

On December 7, 2012, NMFS completed a biological opinion concluding that the groundfish fishery is not likely to jeopardize non-salmonid marine species including listed eulachon, the southern distinct population segment (DPS) of green sturgeon, humpback whales, the eastern DPS of Steller sea lions, and leatherback sea turtles. The opinion also concludes that the fishery is not likely to adversely modify critical habitat for green sturgeon and leatherback sea turtles. An analysis included in the same document as the opinion concludes that the fishery is not likely to adversely affect green sea turtles, olive ridley sea turtles, loggerhead sea turtles, sei whales, North Pacific right whales, blue whales, fin whales, sperm whales, Southern Resident killer whales, Guadalupe fur seals, or the critical habitat for Steller sea lions. Since that biological opinion, the eastern DPS of Steller sea lions was delisted on November 4, 2013 (78 FR 66140); however, this delisting did not change the designation of the codified critical habitat for the eastern DPS of Steller sea lions. At the Pacific Fishery Management Council's June 2015 meeting, new estimates of eulachon take from fishing activity under the FMP indicated that the incidental take threshold in the 2012 biological opinion was exceeded. The increased bycatch may be due to increased eulachon abundance. NMFS has reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on listed eulachon. However, the limited entry fixed gear and open access groundfish fisheries (non-trawl fisheries) do not take listed eulachon and will have no effect on the species or its designated critical habitat.

On November 21, 2012, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion concluding that the groundfish fishery will not jeopardize the continued existence of the short-tailed albatross. The FWS also concurred that the fishery is not likely to adversely affect the marbled murrelet, California least tern, southern sea otter, bull trout, nor bull trout critical habitat. At the Pacific Fishery Management Council's June 2015 meeting, new estimates of short-tailed albatross take indicated that the incidental take threshold had been exceeded. NMFS reinitiated section 7 consultation on the Pacific Coast Groundfish FMP with respect to its effects on short-tailed albatross. After reviewing the available information, NMFS has concluded that this action is administrative in nature and will not affect the take of any ESA-listed species, including short-tailed albatross. In accordance with sections 7(a)(2) and 7(D) of the ESA, NMFS determines that this action will not jeopardize listed species, would not adversely modify any designated critical

habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

This action is not expected to change the conclusions from the December and November 2012 biological opinions and will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

6.4 Marine Mammal Protection Act (MMPA)

The MMPA of 1972 is the principal Federal legislation that guides marine mammal species protection and conservation policy in the United States. Under the MMPA, NMFS is responsible for the management and conservation of 153 stocks of whales, dolphins, porpoise, as well as seals, sea lions, and fur seals; while the United States Fish and Wildlife Service (USFWS) is responsible for walrus, sea otters, and the West Indian manatee.

Off the west coast, the Steller sea lion (*Eumetopias jubatus*) eastern stock, Guadalupe fur seal (*Arctocephalus townsendi*), and Southern sea otter (*Enhydra lutris*) California stock are listed as threatened under the ESA. The sperm whale (*Physeter macrocephalus*) Washington, Oregon, and California stock, humpback whale (*Megaptera novaeangliae*) Washington, Oregon, and California - Mexico Stock, blue whale (*Balaenoptera musculus*) eastern north Pacific stock, and Fin whale (*Balaenoptera physalus*) Washington, Oregon, and California stock are listed as depleted under the MMPA. Any species listed as endangered or threatened under the ESA is automatically considered depleted under the MMPA.

Pursuant to the MMPA, the List of Fisheries classifies U.S. commercial fisheries into one of three Categories according to the level of incidental mortality or serious injury of marine mammals:

- I. Frequent incidental mortality or serious injury of marine mammals
- II. Occasional incidental mortality or serious injury of marine mammals
- III. Remote likelihood of/no known incidental mortality or serious injury of marine mammals

The MMPA mandates that each fishery be classified by the level of serious injury and mortality of marine mammals that occurs incidental to each fishery, as reported in the annual Marine Mammal Stock Assessment Reports for each stock. On the 2012 List of Fisheries, the WA/OR/CA sablefish pot fishery is listed as a category II fishery due to interactions with humpback whales. All other west coast groundfish fisheries are listed as category III fisheries. (See <http://www.nmfs.noaa.gov/pr/interactions/lof/final2012.htm>.) Commercial fishing vessels participating in Category I or II fisheries must be covered by a Federal permit under the MMPA. For most fisheries, including all west coast fisheries, a blanket permit is issued for all Federal or State permits authorizing participation in the fishery.

Section 4.2 assesses the effects of the proposed action on marine mammals. Steller sea lions and humpback whales are protected under the ESA and the MMPA. Incidental take of these species

from the groundfish fishery must be addressed under MMPA section 101(a)(5)(E). On February 27, 2012, NMFS published notice that the incidental taking of Steller sea lions in the West Coast groundfish fisheries is addressed in NMFS' December 29, 2010 Negligible Impact Determination (NID) and this fishery has been added to the list of fisheries authorized to take Steller sea lions. 77 FR 11493 (Feb. 27, 2012). On September 4, 2013, based on its NID dated August 28, 2013, NMFS issued a permit for a period of three years to authorize the incidental taking of humpback whales by the sablefish pot fishery (78 FR 54553). NMFS is currently developing MMPA authorization for the incidental take of humpback whales in the fishery. Commercial fishing vessels participating in Category I or II fisheries must be covered by a Federal permit under the MMPA. For most fisheries, including all West Coast fisheries, a blanket permit is issued for all Federal or state permits authorizing participation in the fishery.

There is no projected change in the trawl fishery impacts over what was previously considered in the recently completed 2015-2016 Proposed Harvest Specifications and Management Measures, EIS. The fishery will continue to be monitored with full observer coverage (at least one observer on every IFQ vessels and mothership catcher vessels, and at least 2 observers on every at-sea processing vessel.

6.5 Coastal Zone Management Act

Section 307(c)(1) of the Federal Coastal Zone Management Act (CZMA) of 1972 requires all Federal activities that directly affect the coastal zone be consistent with approved State coastal zone management programs to the maximum extent practicable. A determination as to whether the proposed action would be implemented in a manner that is consistent to the maximum extent practicable with the enforceable policies of the approved coastal zone management programs of Washington, Oregon, and California will be submitted to the responsible State agencies for review under Section 307(c)(1) of the CZMA. The relationship of the groundfish FMP with the CZMA is discussed in Section 11.7.3 of the Groundfish FMP. The Groundfish FMP has been found to be consistent with the Washington, Oregon, and California coastal zone management programs.

6.6 Paperwork Reduction Act

The Paperwork Reduction Act (PRA) requires that agency information collections minimize duplication and burden on the public, have practical utility, and support the proper performance of the agency's mission. The proposed action contains two new collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the PRA. These requirements have been submitted to OMB for approval under the following control numbers:

OMB Control Number 0648-XXX. Electronic Fish Tickets

Public reporting burden is estimated to average 10 minutes per response (landing) for first receivers in Washington and California, and two minutes per response (landing) for first receivers in Oregon. The total annual burden estimate for all first receivers in Washington is 87 hours, in California is 543 hours, and in Oregon is 36 hours. Public reporting burden includes the time for reviewing instructions, accessing the web-based platform, gathering the data needed, and completing and reviewing the collection of information.

OMB Control Number 0648-XXX. Own/Hold Control Limit Exemption

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

6.7 Administrative Procedure Act

The Administrative Procedure Act, or APA, governs the Federal regulatory process and establishes standards for judicial review of Federal regulatory activities. Most Federal rulemaking, including regulations promulgated pursuant to the Magnuson-Stevens Act, are considered “informal,” which is determined by the controlling legislation. Provisions at 5 U.S.C. 553 establish rulemaking procedures applicable to the proposed action. The FMP requires a ‘full notice-and-comment rulemaking’ to implement the regulations necessary to implement the Council recommendation. The rulemaking associated with this proposed action will be conducted in accordance with the APA and procedures identified in section 304 of the Magnuson-Stevens Act.

6.8 Executive Order 12866

This action is not significant under E.O. 12866. This action will not have a cumulative effect on the economy of \$100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

6.9 Executive Order 13132 (Federalism)

EO 13132, which revoked EO 12612, an earlier Federalism EO, enumerates eight “fundamental Federalism principles.” The first of these principles States “Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people.” In this spirit, the EO directs agencies to consider the implications of policies that may limit the scope of or preempt States’ legal authority. Preemptive action having such “Federalism implications” is subject to a consultation process with the States; such actions should not create unfunded mandates for the States; and any final rule published must be accompanied by a “Federalism summary impact Statement.” The proposed action does not have Federalism implications subject to EO 13132.

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