



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

MEMORANDUM

Date: 12/7/16
To: Chris Moore
From: Jason Didden *JDD*
Subject: 12/1/16 MSB Committee-AP Joint Meeting Summary, and 12/7/16 FMAT Summary

12/1/16 MSB Committee-AP Joint Meeting Summary

The MSB Committee and Advisory Panel met jointly on December 1, 2016 to evaluate options for squid amendment alternatives. The goal was to develop recommendations for the Council regarding alternatives to be included in the squid amendment for additional analysis in a public hearing document.

Attendees:

Committee: H. King (MSB Chair), J. McMurray (MSB Vice-Chair), S. Heins, P. Hughes, S. Michels, L. Nolan, A. Nowalsky, E. Reid, S. Winslow, P. Christopher (for J. Bullard, NMFS)

Advisory Panel: K. Almeida, G. DiDomenico, J. Gordon, P. Kaizer, H. Lackner, J. Lovgren, P. Gromen, J. Reichle, C. Roebuck, R. Ruhle

Other/Public: M. Luisi, W. Elliott, Meghan Lapp, Purcie Bennett-Nickerson, Jeff Kaelin, Andrew Walsh

Identifiable additional online listeners: Steve Weiner, Erica Fuller, Michelle Peabody, Tara Froehlich, John Windels, Thomas McVey, Emerson, Corey Endres, Scott Curatolo-Wagemann, Andy Applegate, Lisa Hendrickson, Peter deFur, Dan Luers, Rachael Maulorico Peabody, Jim Gartland, Brian Hooker, Tom Baum, Doug Christel, Eric Lundvall, Andy Shiels

After reviewing the input of the Advisory Panel's September 13, 2016 meeting and additional background materials, the Committee passed several motions recommending alternatives to be included for additional analysis. Staff clarified the language of the motions via email with the attending Committee members, and the clarified motions are

included below, along with notes on staff's understanding of the Committee's primary rationale for each motion.

12/1/2016 Committee Motions

I move to recommend to the Council to leave the current MSB goals and objectives in place during the development of the Squid Capacity Amendment. Reid/Nolan: 9/0/0

Staff Notes on Committee Rationale: Excluding a revisiting the MSB FMP Goals and Objectives would keep the Amendment focused and moving forward on a reasonable timeline.

I move to recommend to the Council that the Maine longfin issue be moved to considered but rejected. Nolan/Heins: 8-0-0

Staff Notes on Committee Rationale: Magnuson would not allow permits based on certain states, and Maine interests can buy a vessel/permit/permit suite to target squid.

I move to recommend to the Council to move forward with additional analysis on the following re-qualification alternatives for longfin squid (all of 2013 would count for landings):

- a. No action
- b. 1997-2015, 10,000 pound best year threshold
- c. 2003-2013, all poundage thresholds
- d. 1997-2013 10,000 pound best year threshold
- e. 1997-2013 with 50,000 pound average threshold

Nolan/Reid: 9/0/0

Staff Notes on Committee Rationale: This range of options would allow consideration of both historical and current participation to re-qualify longfin squid permits, with several thresholds. E. Reid requested additional information on catch histories before further narrowing option "c" to specific poundage thresholds (staff will present additional related materials at the Council meeting).

I move to recommend to the Council that for non-requalifying longfin squid vessels, they be issued an incidental permit in the event that the incidental permits become limited access.
Nolan/Hughes: 9-0-0

Staff Notes on Committee Rationale: This would allow consideration of automatically granting current limited access vessels an incidental permit regardless of their catch history should the current incidental permit become a limited access permit (see next motion below) and should they not qualify for it. It would prevent current limited access permit holders from taking two steps down to a low level open access permit should the current incidental permit become limited access and they otherwise fail to qualify for it. This option also allows further consideration of historical harvest, by implicitly allowing the historical harvest that originally qualified a vessel for a limited access permit to qualify a vessel for a possible limited access incidental permit.

I move to recommend to the Council to use a 1997-2013 best year 2,500/5,000 pound qualifiers for a proposed limited access incidental permit, with a 250/500 pound trip limit for an open access permit. Nolan/Heins: 8-0-0

Staff Notes on Committee Rationale: The current open access “incidental” permit allows substantial directed fishing at times. Also, some vessels obtain incidental permits for federal waters fishing and then drop the permit to land squid in state waters above 2,500 pounds if/when federal waters close. Since the incidental permit is currently open access they can later reapply and re-obtain it. This could close that loophole to some degree.

I move to recommend to the Council to move forward with additional analysis on the following re-qualification alternatives for *lllex* squid (all of 2013 would count for landings):

- a. No action
- b. 1997-2015, 10,000 pound best year threshold (Rationale: range - very low bar to re-qualify)
- c. 10,000 pound threshold (best year) 97-all of 2013.
- d. 50,000 pound threshold (best year) 97-all of 2013.
- e. 100,000 pound threshold (best year) 97-all of 2013.
- f. 200,000 pound threshold (best year) 97-all of 2013.

Nolan/Reid: 9/0/0

Staff Notes on Committee Rationale: This range of options would allow consideration of both historical and current participation to re-qualify *lllex* squid permits, with several

thresholds. Non re-qualifiers could get an open-access incidental permit, which should be sufficient to address incidental catches (there is no small-scale *Illex* fishery)

I move to recommend that the Council consider the following Trimester options:

- Eliminate roll-over from T1 to T2 (would all go to T3)
- Once T2 quota reached, go to 250 or 500 pound trip limit in Federal waters
- A split Trimester 2 quota Nowalsky/Nolan: 8-0-0

(Afterward, the Committee added by consensus for staff to analyze a roll-over reduction to half the current maximum allowed)

Staff Notes on Committee Rationale: These alternatives would allow consideration of options to address the high catch/effort of longfin squid in Trimester 2 in some/recent years. Currently the T2 Quota starts at 8 million pounds and can increase to 12 million pounds if there is substantial unused T1 quota. In 2016, an additional ~7 million pounds of longfin squid were landed after the T2 fishery officially closed, from state landings and/or trips utilizing the 2,500 pound trip limit. A lower rollover would limit the total quota/effort, and a lower post-closure trip limit would reduce landings/effort after the quota is reached.

I move to recommend to the Council that the buffer zone and time/area closure alternatives be moved to considered but rejected.
Reid/Nolan: 6-1-1

Staff Notes on Committee Rationale: The rationale to not further consider buffer zone-time/area closures included:

-Analysis accomplishable in the short term is unlikely to be able to quantify impacts given the fishery's mitigating reactions to any time/area closure and the variable nature of longfin squid availability.

-Restricting alternatives will keep the primary issue of the amendment (limited access) moving forward in a reasonable time frame.

-The Trimester 2 restrictions in the above motion can address the overall issue of possible excessive effort, including around the Martha's Vineyard/Nantucket area (the fishing there mostly occurs in Trimester 2). Limiting new participants through the requalification parts of the amendment could also address this issue.

12/7/2016 FMAT Summary

The Fishery Management Action Team (FMAT) for this action held a conference call on 11/7/2016. FMAT members in attendance included: Jason Didden, Lisa Hendrickson, Peter Christopher, Jen Anderson, Don Paskowski, and John Walden. Other individuals who joined included: Eric Reid, Greg DiDomenico, and Peter Kaizer. The FMAT met to consider providing advice to the Council on the range of alternatives to be included in the Amendment, and focused on two questions:

1. Regarding limited access re-qualification time periods: Is the no action alternative (no reduction in limited access permits) sufficient to consider present participation? Or, would it be advisable from an MSA or NEPA perspective to have a requalification option that extends through 2015 (options “b” in both longfin and *Illex* above)?

The FMAT recommends that an alternative be included that extends to 2015 to ensure the document contains a reasonable range of alternatives to address the MSA requirements that present and historical be taken into account in limited access systems. Given a 2013 control date exists, and scoping was done during 2015, including a qualifying option through 2015 appears reasonable, especially since including landings through 2015 in “b” would still appear to substantially reduce the number of limited access permits and is thus different than no action. Analysis will also include impacts relative to fishery operations in 2016.

2. Given scoping comments and previous Council instructions to staff, is moving the spatial/temporal alternatives to *Considered but Rejected* viable (see above justification), or should some related spatial/temporal alternative(s) be included related to MSA/NEPA requirements?

This appears to be a grey area to the FMAT. On one hand, since the buffer zone options were not part of the Council’s scoping document, the Council can cite that this issue is outside the intent of the action and that may be defensible. Alternatively, without additional analysis, potentially aggrieved parties could contend that some spatial/temporal alternatives should have been included as part of a “reasonable range” of alternatives, especially since the spatial/temporal alternatives have some connection to the general Trimester 2 issues. The safest route procedurally without causing undue delay would be to include a few options that are closely tied to the scoping comment to address the public concern about the increasing longfin squid fishing catch/effort in federal waters located immediately south of Nantucket and Martha’s Vineyard. The FMAT noted that it can quantify recent longfin squid fishery effort, catch, CPUE, and bycatch rates inside versus outside of a potential longfin squid fishery closure area (over time). However, predicting the impacts (biological or economic) of re-directed effort is not possible with the available data, other than stating that longfin squid fishing effort will be limited (or non-existent) inside a potential closure area and will likely be redirected to some degree. This is especially the case with the longfin squid fishery due to the high variability in squid abundance and availability during Trimester II.

Public comments were generally on the policy and timing perspectives of the spatial/temporal issue rather than the NEPA/MSA procedural requirements that were the focus of the FMAT on this call (there were comments both for and opposed to including spatial/temporal closures in the amendment).