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## MEMORANDUM

**DATE:** November 30, 2015

**TO:** Council

**FROM:** Jason Didden *JTD*

**SUBJECT:** Blueline Tilefish

The draft Blueline Tilefish public information document follows this memo. One element yet to be finalized is an estimated recreational catch time series, which could be used to set allocation and/or Acceptable Biological Catch (ABC).

The current plan is to hold a workshop that would include members of the SSC and individuals knowledgeable about the blueline tilefish fishery. At this workshop, the available data would be analyzed to derive a best estimate of recreational blueline tilefish catch. Among the data sources to be considered would be for-hire vessel trip reports (VTRs), state data, and data from the NMFS Large Pelagics Survey. While these data are not representative of total recreational blueline tilefish catch, the workshop would seek to develop an understanding of the representativeness of these data in order to estimate total catch. NMFS Office of Science and Technology staff applied recently-developed rare-event estimation methods to blueline tilefish but due to the extremely rare occurrences of blueline tilefish in MRIP data these methods were not informative.

This workshop will be to be held in January. Staff recommends that public hearings be scheduled after the workshop. Staff would then add the results of the workshop into the public information document and solicit comments from the public on the resulting allocations and other measures.

The SSC is evaluating a blueline tilefish ABCs at its March 2016 meeting, so the results of the workshop should be available for that meeting. The results of the SSC meeting, as well as public comments on the Amendment would then be available for Council action at the April 2016 meeting. Staff would frontload development of the National Environmental Policy Act (NEPA) analysis so that the amendment could be submitted to NMFS immediately after the April 2016 Council meeting.

# Blueline Tilefish Amendment TO THE GOLDEN TILEFISH FISHERY MANAGEMENT PLAN

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## Measures to Manage Blueline Tilefish

### **DRAFT** Public Information Document

(last updated Nov 29, 2015)

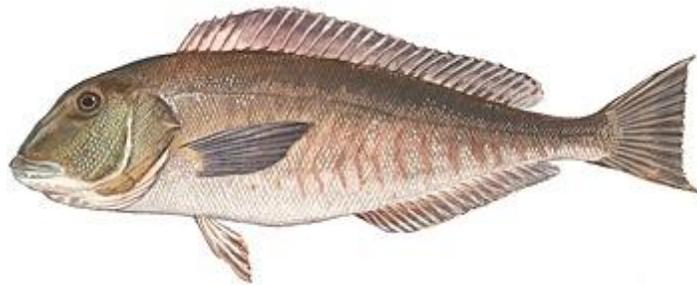


Photo Credit: Duane Raver, Jr.

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



## 1.0 EXECUTIVE SUMMARY

### Overview

This action is being considered by the Mid-Atlantic Fishery Management Council (Council) to add blueline tilefish (*Caulolatilus microps*) as a managed species in the Golden Tilefish Fishery Management Plan, effectively turning that plan into the Golden and Blueline Tilefish Fishery Management Plan. This document’s purpose is to present a range of alternatives for management measures for the blueline tilefish fishery off the Mid-Atlantic and New England coasts (i.e. from the Virginia/North Carolina border and to the north up to the Canadian boundary), along with a characterization of the environmental impacts of those alternatives. The measures are needed to constrain fishing mortality on the stock and effectively manage the blueline tilefish fishery in waters off the Mid-Atlantic and New England coasts.

### Alternative and Impact summary

The alternatives being considered and their likely impacts are summarized in Table 1 below. Section 5 describes the alternatives in additional detail and Section 7 describes the expected impacts of each alternative. Alternatives that were considered but rejected are described in Section 5.

Table 1. Alternative and Impact Summary

Issue	Alternative	Summary of Alternative and Impacts
No action	1 - No action	The emergency measures currently in place will remain in effect until their expiration on June 5, 2016. Measures from this action would only be implemented on/after June 5, 2016. Thus taking no action would mean that on June 6, 2016 we would return to the situation where blueline tilefish are not managed with standard management measures north of the North Carolina/Virginia border (36.550278 N Latitude). <i>Impacts: Impacts would likely be negative for blueline tilefish if unrestricted fishing resumes. In the short run higher catches may benefit fishermen but in the long run lack of management would likely lead to overfishing and diminished catches.</i>
Management Unit and Objectives	2a - Blueline Tilefish Management Unit at NC/VA line	This would establish a separate blueline tilefish management unit in the EEZ north of the North Carolina/Virginia border (36.550278 N Latitude) extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council. <i>Impacts: Positive for blueline tilefish and fishermen related to sustainable management</i>
	2b - Blueline Tilefish Management Unit at Cape Hatteras	This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras <i>Impacts: Low positive for blueline tilefish and fishermen at this time related to sustainable management.</i>
	2c - Objectives	This would establish that the golden tilefish objectives apply to blueline tilefish <i>Impacts: Positive for blueline tilefish and fishermen related to sustainable management</i>
Status Determination Criteria	3 - Use most recent peer-reviewed assessment	The Council would use the most recent peer-reviewed and accepted assessment. This is the standard approach in most Council FMPs, and is being added to all others via pending actions. If no assessment is available (e.g. <i>Illex</i> , Atl. Mackerel), then the status is documented as unknown by NMFS pending a future assessment. The Council's Risk Policy has provisions for situations where overfishing levels can not be determined via an assessment. <i>Impacts: Positive for blueline tilefish and fishermen related to sustainable management</i>

**Table 1 Continued**

Issue	Alternative	Summary of Alternative and Impacts
Commercial Permitting & Reporting	4a - Use golden tilefish permits	Make permanent the emergency regulations that anyone with an open access commercial golden tilefish permit would be permitted to retain blue-line tilefish, subject to the applicable trip limit <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	4b - Use separate permits	Require anyone landing any blue-line tilefish to get a new blue-line tilefish permit. Retention of blue-line tilefish would be subject to the applicable trip limit. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	4c - Reporting	Require standard reporting of catch for any vessel possessing a permit that allows them to land blue-line tilefish (like other federal permits). <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	4d - Electronic VTR Reporting	Require Vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blue-line tilefish permit. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	4e - Dealer Permits and Reporting	Require standard dealer permitting reporting of catch for dealers (like other federal permits). <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
For-Hire Recreational Permitting and Reporting	5a - Use golden tilefish permits	Make permanent the emergency requirement for Any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blue-line tilefish in the EEZ with passengers for hire. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	5b - Use golden tilefish permits	Require any party or charter vessel to have a new Federal Charter/Party blue-line tilefish vessel permit to fish for blue-line tilefish in the EEZ with passengers for hire. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	5c - Reporting	Require standard reporting of catch for any vessel possessing a permit that allows them to fish for blue-line tilefish with passengers for hire. Any vessel with any Greater Atlantic federal party/charter must already report all catches (including discards) of all species of fish. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	5d - Electronic VTR Reporting	Require Vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blue-line tilefish permit. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>

**Table 1 Continued**

Issue	Alternative	Summary of Alternative and Impacts
Private Recreational Permitting and Reporting	6a - Private recreational tilefish permit.	Create a recreational fishing permit for private recreational anglers to catch golden or blue-line tilefish, similar to how Highly Migratory Species (HMS) requires a separate permit. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	6b - HMS permit requirement	Require that an HMS permit be obtained by any angler seeking to catch golden or blue-line tilefish. It is likely that most anglers who fish for blue-line tilefish already have an HMS permit. <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	6c - Reporting (HMS)	Require private fishermen to report golden and blue-line tilefish catch through the HMS system (with catch cards like Maryland) <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
	6d - Reporting (Online)	Require pre-landing online reporting of golden and blue-line tilefish for recreational landings <i>Impacts: Positive for blue-line tilefish. Low short term negative for fishermen but positive long term related to sustainable management.</i>
Monitoring Committee	7 - Use current golden tilefish Monitoring Committee	The golden tilefish monitoring committee has the needed expertise to monitor the blue-line tilefish fishery and would provide recommendations to the Council and/or relevant committee to ensure that specifications are not exceeded and to address any other operational aspects of the fishery. <i>Impacts: Positive for blue-line tilefish. No direct impacts for fishermen in this action.</i>
Framework Adjustment Process	8 - Frameworkable actions	Allow any existing or previously analyzed measure (within an FMP or amendment) to be frame-worked. <i>Impacts: Positive for blue-line tilefish. No direct impacts for fishermen in this action.</i>
Specifications Process and Risk Policy	9a - Specifications	Measures that may be considered by the Council during annual specifications include specifying overfishing levels (OFLs), Acceptable Biological Catches (ABC), Annual Catch Limits (ACLs), Annual Catch Targets, discard set-asides, total allowable landings, commercial and recreational quotas, trip limits, bag limits, seasons, size limits, retention requirements, and/or any measure needed to ensure that the specifications are not exceeded. <i>Impacts: Low Positive for blue-line tilefish. No direct impacts for fishermen in this action.</i>
	9b - Risk Policy	Clarify that the existing ABC control rule would apply to blue-line tilefish <i>Impacts: Positive for blue-line tilefish. Short term impacts for fishermen depend on what allowable landings might result, long term impacts should be positive related to sustainable management.</i>
	9c - Risk Policy	Clarify that the existing ABC risk policy would apply to blue-line tilefish <i>Impacts: Positive for blue-line tilefish. Short term impacts for fishermen depend on what allowable landings might result, long term impacts should be positive related to sustainable management.</i>

**Table 1 Continued**

Issue	Alternative	Summary of Alternative and Impacts
Allocations	10a - no allocation	Do not set allocations but rely on adjusting the specifications to control relative catch between the commercial and recreational sectors. <i>Impacts: No impacts to blueline tilefish (allocation). No direct impacts for fishermen.</i>
	10b1 - 2009-2013 allocation (5-year)	Use best available data to set allocations based on catch from 2009-2013. Would use median of annual commercial-recreational ratios. <i>Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.</i>
	10b2 - 2009-2013 allocation (5-year)	Use best available data to set allocations based on catch from 2009-2013. Would use mean of annual commercial-recreational ratios. <i>Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.</i>
	10c1 - 2004-2013 allocation (10-year)	Use best available data to set allocations based on catch from 2004-2013. Would use median of annual commercial-recreational ratios. <i>Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.</i>
	10c2 - 2004-2013 allocation (10-year)	Use best available data to set allocations based on catch from 2004-2013. Would use mean of annual commercial-recreational ratios. <i>Impacts: No impacts to blueline tilefish (allocation). Impacts for fishermen depend on allocation and overall specifications.</i>
	10d - Allocations and Specifications	If allocations are made, this alternative describes how the specifications process would handle allocations in terms of ABCs, ACLs, ACTs, etc. <i>Impacts: Positive for blueline tilefish</i>
	10e - No Allocations and Specifications	If allocations are not made, this alternative describes how the specifications process would handle allocations in terms of ABCs, ACLs, ACTs, etc. <i>Impacts: Positive for blueline tilefish</i>
Commercial Trip Limits (gutted weight)	11a - 275 pounds - emergency action	continue the emergency action's commercial trip limit of 275 pounds per trip gutted weight (head and fins must be attached) <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	11b - 200 pounds	reduce the trip limit from the emergency action's 275 pounds to a limit of 200 pounds per trip gutted weight (head and fins must be attached) <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	11c - 300 pounds	increase the trip limit from the emergency action's 275 pounds to a limit of 300 pounds per trip gutted weight (head and fins must be attached). <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	11d - 500 pounds	increase the trip limit from the emergency action's 275 pounds to a limit of 500 pounds per trip gutted weight (head and fins must be attached) <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	11e - 900 pounds	increase the trip limit from the emergency action's 275 pounds to a limit of 900 pounds per trip gutted weight (head and fins must be attached) <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>

**Table 1 Continued**

Issue	Alternative	Summary of Alternative and Impacts
Recreational Bag/Possession Limits	12a - 7 fish per person - emergency action	This alternative would continue the emergency action's recreational bag limit of 7 fish <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	12b - 5 fish per person	This alternative would reduce the bag limit from the emergency action's limit of 7 fish to 5 fish. <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	12c - 9 fish per person	This alternative would increase the bag limit from the emergency action's limit of 7 fish to 9 fish. <i>Impacts: Low Positive for blueline tilefish. Short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	12d - 3 extra fish per person for trips greater than 36 hours	If chosen, this alternative would only be chosen in combination with 13a, b, or c, and would allow a 3-fish higher bag limit on trips that lasted longer than 36 hours from when the vessel leaves the dock to when a vessel returns to the dock. A call-out/call-in system would be necessary to assist enforcement of such a provision. <i>Impacts: Low Positive for blueline tilefish. Mixed for fishermen.</i>
Essential Fish Habitat (EFH) Designation	13a - No EFH Designation in this action	Wait until the Council's EFH review action to designate EFH. <i>Impacts: Low Negative for blueline tilefish, low negative for fishermen</i>
	13b - Designate EFH	EFH would be all offshore waters with water depths from 46 meters to 256 meters from VA to Canadian boundary. <i>Impacts: Low Positive for blueline tilefish, low positive for fishermen</i>
Accountability Measures (AMs)	14a - AMs with allocations	if there are allocations, then AMs are only automatically triggered if the overall ACL is exceeded. Whichever sector, recreational or commercial or both, that caused the overall ACL overage would have added or modified measures to ensure that future overages do not occur in the future. The Council shall recommend such management measures, for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the sector's ACLs, based on the recommendations of the Council's SSC. <i>Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	14b - AMs without allocations	if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC. <i>Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>
	14c - In-season closure authority	If NMFS determines that one sector's catch or the total catch will exceed 95% of a sector's ABC or the overall ABC, NMFS may close or adjust the season and/or trip/bag limits for either sector. <i>Impacts: Positive for blueline tilefish. Possibly short term negative for fishermen but should be long term positive related to supporting sustainable management.</i>

## 2.0 LIST OF ACRONYMS AND ABBREVIATIONS

ABC	Acceptable Biological Catch (Upper limit, set by SSC)
ACL	Annual Catch Limit
ACT	Annual Catch Target
CFR	Code of Federal Regulations
Council	Mid-Atlantic Fishery Management Council
DOC	Department of Commerce
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EO	Executive Order
ESA	Endangered Species Act
FMAT	Fishery Management Action Team
FMP	Fishery Management Plan
FR	Federal Register
GARFO	Greater Atlantic Regional Fisheries Office (formerly Northeast Regional Office/NERO)
MMPA	Marine Mammal Protection Act
MSA	Magnuson-Stevens Fishery Conservation and Management Act (as currently amended)
MT	Metric tons (=2204.6 pounds)
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	Overfishing Level
SAFMC	South Atlantic Fishery Management Council
SEDAR	SouthEast Data, Assessment, and Review
SSC	Scientific and Statistical Committee
TAL	Total Allowable Landings
US	United States
VMS	Vessel Monitoring System
VTR	Vessel Trip Report

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## 4.0 INTRODUCTION AND BACKGROUND

Blueline tilefish management was identified as a priority during a February 2015 special webinar-based Council meeting (<http://www.mafmc.org/briefing/2015/february-2014-blueline-tilefish-webinar-meeting>), and the Council is now considering management options for blueline tilefish north of the North Carolina (NC) – Virginia (VA) border. Primary scoping was conducted in May, June, and July of 2015, and the scoping document and scoping comments may be found at <http://www.mafmc.org/actions/blueline-tilefish>. If blueline tilefish are added to the Golden Tilefish Fishery Management Plan, then the Fishery Management Plan would become the Golden and Blueline Tilefish Fishery Management Plan.

The Council is proposing this action because there is no permanent federal management of blueline tilefish north of North Carolina. In recent years catch has increased in the Mid-Atlantic without any restrictions in Federal waters, and the long lived and sedentary nature of blueline tilefish likely make them susceptible to overfishing. Based on a Council request to address this issue (Appendix A), on June 4, 2015 NMFS implemented emergency regulations north of North Carolina, limiting commercial vessels to 300 pounds (whole weight) per trip and recreational fishermen to 7 fish per person per trip, as well as requiring commercial and party/charter permitting for blueline tilefish (<http://www.greateratlantic.fisheries.noaa.gov/nr/2015/June/14tileblemergencyactionphl.pdf>). Emergency measures can generally only remain in effect for 366 days, and the emergency measures are set to expire June 3, 2016 (<http://www.gpo.gov/fdsys/pkg/FR-2015-11-30/pdf/2015-30320.pdf>).

The South Atlantic Fishery Management Council (SAFMC) manages blueline tilefish south of Virginia. The SAFMC requested its regulations be extended northward but NMFS deemed the Mid-Atlantic Council's request most appropriate. For reference, the current SAFMC regulations are (<http://www.safmc.net/FishIDandRegs/FishGallery/BluelineTilefish/>):

### Commercial:

- **CLOSED, effective April 7, 2015. The fishery will reopen January 1, 2016.**
- **When the season is open - NEW Regulations - effective March 30, 2015:**
  - **New Trip Limit:** 100-pound (gutted weight) trip limit.
  - **New 2015 commercial Annual Catch Limit:** 17,841-lbs (whole weight)
  - **These regulations are being implemented under [Snapper Grouper Amendment 32](#). See [Fishery Bulletin](#) and [FAQs](#) on Snapper Grouper Amendment 32.**
- **Size Limit: CLOSED: Otherwise, no size limit**
- **Trip Limit: CLOSED: Otherwise, when the season is open - NEW! Effective March 30, 2015 - 100-pound gutted weight trip limit.**
- **Regulatory Remarks:**
  - All species must be landed with head and fins intact.
  - Recreational and commercial fishermen are required to use dehooking tools when fishing for snapper grouper species.
  - The use of non-stainless steel circle hooks (offset or non-offset) is required for all species in the snapper grouper complex when using hook-and-line gear with natural baits in waters north of 28 degrees N. latitude.
  - After the commercial quota is met, all purchase and sale is prohibited and harvest and/or possession is limited to the recreational bag limit. This prohibition does not apply to fish harvested, landed, and sold prior to the quota being reached and held in cold storage by a dealer. Quotas are given in gutted weights.

- Commercial snapper grouper vessels must have onboard NMFS approved sea turtle release gear and follow smalltooth sawfish release protocol. See the [Handling and Release Protocol](#) from NOAA Fisheries or call 727-824-5312.
- **Annual Catch Limit (ACL)** – This species is managed under an ACL. See current information on [Commercial ACLs \(quotas\)](#) from NOAA Fisheries.
- **Additional Updates:**

### Recreational:

- **CLOSED June 10, 2015. See [Fishery Bulletin](#)**
- **When the fishery is open - NEW Regulations - effective March 30, 2015:**
  - New Bag Limit: One (1) fish per VESSEL per DAY (when the fishery is open; fishery is currently closed).
  - New Season:
    - May through August - fishery is open to harvest with a bag limit of one fish per VESSEL per day from May through August;
    - September through April - fishery closed to recreational harvest.
  - New 2015 recreational Annual Catch Limit: 17,791-lbs (whole weight)
  - These regulations are being implemented under [Snapper Grouper Amendment 32](#). See [Fishery Bulletin](#) and [FAQs](#) on Snapper Grouper Amendment 32.
- **Size Limit: CLOSED June 10, 2015, Otherwise, no size limit.**
- **Regulatory Remarks:**
  - 
  - All species must be landed with head and fins intact.
  - Recreational and commercial fishermen are required to use dehooking tools when fishing for snapper grouper species.
  - The use of non-stainless steel circle hooks (offset or non-offset) is required for all species in the snapper grouper complex when using hook-and-line gear with natural baits in waters north of 28 degrees N. latitude.
  - The sale of bag-limit caught snapper grouper species is prohibited.
  - **Annual Catch Limit (ACL)** - This species is managed under an ACL. See current information on [Recreational ACLs](#) from NOAA Fisheries.

From the SAFMC's September 2015 meeting report (<http://safmc.net/meetings/september-2015-council-meeting>), the SAFMC has continued to address management measures for blueline tilefish after receiving a report from its Scientific and Statistical Committee that will allow an increase in the total annual catch limit from the current 53,548 pounds to 224,100 pounds (whole weight). This increase came after the SSC concluded that the projections for blueline tilefish provided by the NMFS' Southeast Fisheries Science Center do not represent the Best Scientific Information Available and were not adequate to support blueline tilefish fishing level recommendations for either current or future years. Instead, the SSC recommended setting the acceptable biological catch at the equilibrium yield at 75% of the fishing mortality associated with maximum sustainable yield (i.e. 224,100 pounds).

The SAFMC is developing a framework amendment to allow the increase and also modify the current recreational and commercial management measures accordingly (<http://www.safmc.net/meetings/public-hearing-and-scoping-meeting-schedule>). Public hearings on proposed framework measures were held via webinar in November and final approval by the Council is scheduled for December 2015. The SAFMC's proposed measures include increasing the

recreational bag limit to 1 fish per person per day and/or expanding the season, as well as increasing the commercial trip limit from 100 pounds per trip to 200 pounds or 300 pounds per trip.

Two Mid-Atlantic states, Virginia and Maryland, have enacted tilefish regulations that apply to vessels landing in their states, with both implementing 300 pound incidental commercial trip limits and a 7-fish recreational possession limit for all tilefish species combined. These measures were designed to proactively prevent a large directed commercial fishery and constrain fishing mortality in the recreational fishery for blueline tilefish that emerged in the early 2000s. The Council recently expressed concern to the other Mid-Atlantic and southern New England states that the unmanaged blueline tilefish fishery was used to dramatically increase blueline tilefish landings in 2014 (that were caught off the Mid-Atlantic) and posed a threat to the sustainability of the blueline tilefish resource.

While some other states may follow Virginia's and Maryland's lead, the lack of coordinated Federal management tailored to the characteristics of the fishery off the Mid-Atlantic has undermined effective conservation thus far. Blueline tilefish are likely susceptible to overfishing due to their life history (relatively long-lived and sedentary), so the Council is considering developing management measures for blueline tilefish in this action.

#### **4.1 PURPOSE AND NEED FOR ACTION**

The lack of coordinated Federal management tailored to the characteristics of the fishery off the Mid-Atlantic has undermined effective conservation recently. Blueline tilefish are likely susceptible to overfishing due to their life history (relatively long-lived and sedentary), so the purpose of this action is to consider conservation and management measures for blueline tilefish north of the NC/VA border.

#### **4.2 REGULATORY AUTHORITY**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) as currently amended ([http://www.nmfs.noaa.gov/sfa/laws\\_policies/msa/documents/msa\\_amended\\_2007.pdf](http://www.nmfs.noaa.gov/sfa/laws_policies/msa/documents/msa_amended_2007.pdf)) requires a Council, "for each fishery under its authority that requires conservation and management, prepare and submit to the Secretary (A) a fishery management plan, and (B) amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed)." The Council has concluded that the blueline tilefish fishery north of the NC/VA border is in need of conservation and management via an amendment to the Golden Tilefish Fishery Management Plan.

#### **4.3 MANAGEMENT OBJECTIVES AND FMP HISTORY**

##### Objectives- Golden Tilefish FMP

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

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

2. Prevent overcapitalization and limit new entrants.
3. Identify and describe essential tilefish habitat.
4. Collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch of tilefish in all fisheries

An alternative in this action proposes to use these objectives for blue-line tilefish as well.

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

The golden tilefish (*Lopholatilus chamaeleonticeps*) fishery is managed under the Tilefish Fishery Management Plan (FMP) that was prepared cooperatively by the Mid-Atlantic Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS). The management unit is all golden tilefish under United States jurisdiction in the Atlantic Ocean north of the Virginia/North Carolina border.

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

In October 26, 2001, the Natural Resources Defense Council (NRDC) filed a complaint with the Southern District Court of New York alleging that the lack of any restrictions on bottom tending mobile gear fishing gear (e.g., otter trawl nets) in essential fish habitat for tilefish rendered the FMP and its implementing regulations arbitrary and capricious. A Federal Court order in *Natural Resources Defense Council v. Evans* (March 31, 2003) upheld the agency action because there was no scientific evidence supporting the conclusion that bottom tending mobile fishing gear is having an identifiable adverse impact on tilefish essential fish habitat. Under the regulations in existence at the time the FMP was prepared, only an "identifiable" adverse effect on essential fish habitat from a fishing practice required consideration of measures to mitigate, minimize or prevent the impacts resulting from such fishing practice. The Judge concluded that plaintiffs' reliance on marks across parts of the ocean bottom caused by the fishing gear as evidence of an adverse impact was misplaced. While such marks may reflect a physical disruption of the bottom, there is no information according to the tilefish experts to demonstrate that this disruption had any effect to reduce the quality or quantity of tilefish essential fish habitat. Consequently, such physical disruption did not fit the definition of "adverse effect" in the regulations. In light of the absence of scientific information on the effects of fishing gear on tilefish

essential fish habitat, the Judge found that the agency's analysis of the environmental impacts in the EIS was reasonable and a good faith presentation of the best information available under the circumstances.

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

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

Framework 1 to the FMP added provisions for a research set-aside quota but that provision is not used currently in the FMP.

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

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

#### **4.4 MANAGEMENT UNIT AND SCOPE OF ALTERNATIVES**

The current management unit for this FMP is defined as all golden tilefish under United States jurisdiction in the Atlantic Ocean north of the Virginia/North Carolina border. Golden tilefish south of the Virginia/North Carolina border are managed by the South Atlantic Fishery Management Council. This action proposes to add a blue-line tilefish management unit and associated management measures for the same waters as the current plan uses for golden tilefish (from north of the Virginia/North Carolina border to the Canadian boundary).

## 5.0 MANAGEMENT ALTERNATIVES

15 alternatives or sets of alternatives are presented below, primarily for the purpose of establishing blueline tilefish management north of the NC/VA border (there are also some provisions that apply to golden tilefish):

- 1) No action
- 2) Management Unit and Objectives
- 3) Status Determination Criteria
- 4) Commercial Permitting and Reporting
- 5) For-Hire Recreational Permitting and Reporting
- 6) Private Recreational Permitting and Reporting
- 7) Monitoring Committee
- 8) Framework Adjustment Process
- 9) Specifications Process and Risk Policy
- 10) Allocations and Specifications
- 11) Commercial Trip Limits
- 12) Recreational Bag/Possession Limits
- 13) Essential Fish Habitat (EFH) Designation
- 14) Accountability Measures (AMs)
- 15) Considered but Rejected Alternatives

### 5.1 ALTERNATIVE 1: NO ACTION

The emergency measures currently in place will remain in effect until their expiration on June 3, 2016 (see <http://www.gpo.gov/fdsys/pkg/FR-2015-11-30/pdf/2015-30320.pdf>). Measures considered in this document would only be implemented on/after June 4, 2016. Thus taking no action would mean that on June 4, 2016 we would return to the situation where blueline tilefish are not managed with Federal management measures north of the North Carolina/Virginia border (36.550278 N Latitude). As such, with no action it is likely that at least for some time there would be no management of blueline tilefish in Federal waters north of the North Carolina/Virginia border.

While the emergency measures expire on June 3 and therefore do not represent what the no action alternative would result in, since they are currently in effect the emergency measures are summarized below for reference (refer to the federal register or individual states for detailed current regulations) (<http://www.greateratlantic.fisheries.noaa.gov/nr/2015/June/14tileblemergencyactionphl.pdf>).

*For Charter/Party Vessels:* Now must hold a valid Greater Atlantic Region open access tilefish charter/party vessel permit to possess or land blueline tilefish, and must follow all recordkeeping and reporting requirements. This includes reporting all catch of all fish on Vessel Trip Reports. The recreational possession limit for charter/party and private recreational anglers is seven blueline tilefish per person, per trip. Note: any vessel with any Federal charter/party permit is already required to report all fish caught on for-hire trips.

*For Commercial Vessels:* Now must hold a valid Greater Atlantic Region open access commercial tilefish vessel permit to possess or land blueline tilefish, and must follow all related recordkeeping and

reporting requirements. This includes reporting all catch of all fish on Vessel Trip Reports. The commercial blueline tilefish possession limit is 300 pounds whole weight per trip, which is 275 pounds of gutted, head-on fish.

Upon expiration of the emergency rule, the possession/trip limits would cease in Federal waters. Virginia and Maryland currently have restrictions in place that limit vessels returning to those states' waters (<http://mrc.virginia.gov/regulations/fr1120.shtm>, <http://www.eregulations.com/maryland/fishing/tidal-seasons-minimum-sizes-daily-creel-possession-limits/>, <http://dnr2.maryland.gov/fisheries/Documents/08.02.05.29snapper.pdf>). Delaware and New Jersey may implement similar regulations in the near future ( e.g. <http://regulations.delaware.gov/register/june2015/proposed/18%20DE%20Reg%20951%2006-01-15.htm>).

## 5.2 ALTERNATIVE SET 2: MANAGEMENT UNIT AND OBJECTIVES

2a. (Fishery Management Action Team (*FMAT*) **Recommends to be preferred**) This would establish a separate blueline tilefish management unit in the EEZ north of the North Carolina (NC)/Virginia (VA) border (36.550278 N Latitude) extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council. The Council is funding genetics research to gain more information on the stock structure of blueline tilefish, but given that the SAFMC's jurisdiction ends at the NC/VA border and the Council's SSC has found that the most recent blueline tilefish assessment (SEDAR 32) is insufficient for management advice north of the NC/VA border, the Council proposes to manage blueline tilefish north of the NC/VA border. If the genetics work determines that a different management unit would be more appropriate, the management unit could be changed via a framework adjustment. This alternative is preferred because it is consistent with the current SAFMC management boundaries and aligns with the golden tilefish stock definition. Absent other information and given the similarity between the species, golden tilefish is likely to be a species that provides relevant information regarding an appropriate blueline tilefish management unit.

2b. This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras (35.253167 N. lat., the latitude of Cape Hatteras Light), extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council. While 2a is the preferred alternative for reasons described above, Cape Hatteras is a general mixing zone between more northern and more southern areas, and does serve as the stock and management unit boundary for black sea bass, so this option is considered in this action.

2c. This alternative would establish that the objectives for blueline tilefish are the same as for golden tilefish.

## 5.3 ALTERNATIVE 3: STATUS DETERMINATION CRITERIA

The Council would use the most recent peer-reviewed and accepted assessment as applicable to blueline tilefish in its management unit. This is the standard approach in most Council FMPs, and is being added to all others via other ongoing actions. If no assessment is available (e.g. *Illex*, Atl. Mackerel), then the status is documented as unknown by NMFS pending a future successfully-reviewed assessment. In addition, the Council's Risk Policy (see below) has provisions for situations where overfishing levels cannot be determined via an accepted assessment.

## 5.4 ALTERNATIVE SET 4: COMMERCIAL PERMITTING AND REPORTING

4a. (*FMAT Recommends to be preferred*) Alternative 4a would make permanent the emergency regulations that anyone with a commercial open access golden tilefish permit would be permitted to retain for sale blueline tilefish subject to the applicable trip limit. This would create a joint golden/blueline tilefish open access permit. It is recommended as preferred because there does not appear to be a reason to create an additional permit at this time.

4b. Alternative 4b would require anyone landing any blueline tilefish for sale to get a newly-created commercial open access blueline tilefish permit. Retention of blueline tilefish for sale would be subject to the applicable trip limit.

4c. (*FMAT Recommends to be preferred*) Alternative 4c would require standard reporting of catch for any commercial vessel possessing a permit that allows them to land blueline tilefish (like other federal permits). These include (from golden tilefish requirements):

Vessels landing tilefish for sale will be required to have Federal Vessel permits. A dealer permit is required for dealers purchasing tilefish harvested from the exclusive economic zone (EEZ) in addition to dealers purchasing tilefish from permitted vessels. Dealers issued a tilefish dealer permit must report all fish purchases along with information required at section 648.7 (l)(i).

Operators of commercial vessels (vessels with permits to sell tilefish) will be required to obtain Operator permits.

Vessels landing tilefish for sale would need to submit vessel logbook/trip reports (VTRs). Dealers would need to submit dealer reports.

The current vessel logbook requires vessels to report everything they catch including bycatch.

Vessels also would be required to take observers if requested.

4d. Alternative 4d would require Federally-permitted commercial blueline tilefish vessels to submit Vessel Trip Reports (VTRs) electronically. A new mobile application is expected to be approved in late 2015 that would facilitate electronic submission of VTRs. If a combined golden/blueline tilefish permit is used, then all commercial vessels with golden/blueline tilefish permits would have to submit VTRs electronically.

4e. (*FMAT Recommends to be preferred*) Dealer Permits and Reporting – This alternative would institute dealer requirements similar to golden tilefish, i.e. that Federally-permitted vessels can only sell blueline tilefish to Federally-permitted dealers, and that dealers must have a federal permit to buy blueline tilefish. In addition, the following reporting requirements (excerpted from §648.7) for federal dealers would apply:

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

Regional Administrator. The following information, and any other information required by the Regional Administrator, must be provided in each report:

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

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

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

## **5.5 ALTERNATIVE SET 5: FOR-HIRE RECREATIONAL PERMITTING AND REPORTING**

5a. (*FMAT Recommends to be preferred*) Alternative 5a would make permanent the emergency requirement that any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. This would create a joint golden/blueline tilefish permit. It is recommended as preferred because there does not appear to be a reason to create an additional permit at this time.

5b. Alternative 5b would require any party or charter vessel to have a newly-created Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire.

5c. Alternative 5c would require standard reporting by Vessel Trip Reports (VTRs) of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire. Note: currently any vessel with any Federal Greater Atlantic federal party/charter must already report all catches (including discards) of all species of fish. While limited information is currently used from for-hire VTRs (<http://www.mafmc.org/s/For-Hire-Fact-Sheet.pdf>), there are a variety of research efforts underway that could lead to additional utility of VTR information.

5d. Alternative 5d would require for-hire vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit. A new mobile application is expected to be approved in late 2015 that would facilitate electronic submission of VTRs. If a combined golden/blueline tilefish permit is used, then all for-hire vessels with golden/blueline tilefish permits would have to submit VTRs electronically.

## **5.6 ALTERNATIVE SET 6: PRIVATE RECREATIONAL PERMITTING AND REPORTING**

6a. Alternative 6a would create and require a dedicated recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) require a separate permit.

6b. Alternative 6b would require that a NMFS Highly Migratory Species (HMS) permit be obtained by any angler seeking to catch golden or blueline tilefish. While blueline tilefish are not highly migratory, it is likely that most anglers who fish for tilefish already obtain HMS permits. With this alternative, the Council would also attempt to add tilefish as a species asked directly for information about during the NMFS large pelagics survey (LPS).

6c. Alternative 6c would require private fishermen to report golden and blueline tilefish catch through the HMS reporting system, complemented by catch cards and tags as done in Maryland (<http://dnr2.maryland.gov/fisheries/Pages/coastal/tagging.aspx>). HMS reporting compliance is low except when catch cards and tags are required, as they enable enforcement.

6d. Alternative 6d would require an online reporting (via a modified SAFIS application) of golden and blueline tilefish for private recreational fishermen before any tilefish are removed from a vessel, or before a trailered vessel is removed from the water. Requiring reporting before fish are removed from the vessel would help improve compliance if enforcement personnel can obtain access to the same database in real time to confirm compliance.

## **5.7 ALTERNATIVE 7: MONITORING COMMITTEE**

The golden tilefish Monitoring Committee has the needed expertise to monitor the blueline tilefish fishery and this alternative would establish that the same Monitoring Committee would provide recommendations to the Council and/or relevant committee to ensure that blueline tilefish specifications are not exceeded and to address any other operational aspects of the fishery. This would essentially create a single Golden/Blueline Tilefish Monitoring Committee.

## **5.8 ALTERNATIVE 8: FRAMEWORK ADJUSTMENTS**

This alternative would establish that any action that is frameworkable for golden tilefish would also be frameworkable for blueline tilefish. It would also establish that generally, any action that has been previously considered in the FMP or in an amendment to the FMP may be modified via a framework action. The unit of management may also be modified via a framework action.

The current list of frameworkable actions in the fishery management plan is:

(1) *Specific management measures.* The following specific management measures may be adjusted at any time through the framework adjustment process:

- (i) Minimum fish size;
- (ii) Minimum hook size;
- (iii) Closed seasons;
- (iv) Closed areas;
- (v) Gear restrictions or prohibitions;
- (vi) Permitting restrictions;
- (vii) Gear limits;
- (viii) Trip limits;
- (ix) Adjustments within existing ABC control rule levels;
- (x) Adjustments to the existing Council risk policy;
- (xi) Introduction of new AMs, including sub ACTs;
- (xii) Annual specification quota setting process;
- (xiii) Tilefish FMP Monitoring Committee composition and process;
- (xiv) Description and identification of EFH;
- (xv) Fishing gear management measures that impact EFH;
- (xvi) Habitat areas of particular concern;
- (xvii) Set-aside quotas for scientific research;
- (xviii) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;
- (xix) Recreational management measures, including the bag limit, minimum fish size limit, seasons, and gear restrictions or prohibitions; and
- (xx) Golden tilefish IFQ program review components, including capacity reduction, safety at sea issues, transferability rules, ownership concentration caps, permit and reporting requirements, and fee and cost-recovery issues.
- (xxi) Measures that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require a formal amendment of the FMP instead of a framework adjustment.

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

## FRAMEWORK PROCESS

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

Coordination with NMFS is primarily achieved by communication between Council staff and NMFS plan coordinators and NMFS National Environmental Policy Act (NEPA) staff. Other NMFS staff may become involved depending on the nature of the action and required analyses. The Council-NMFS Operating Agreement specifies that the Council will develop "Action Plans" for frameworks that delineate required analyses and responsibilities for framework development.

### 1<sup>st</sup> Framework Meeting

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

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

### 2<sup>nd</sup> Framework Meeting

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

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

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

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

## 5.9 ALTERNATIVE SET 9: SPECIFICATIONS PROCESS AND RISK POLICY

9a. This alternative would specify what measures can be set during specifications. Measures that may be considered by the Council during annual specifications include specifying overfishing levels (OFLs), Acceptable Biological Catches (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), discard set-asides, total allowable landings (TALs), commercial and recreational quotas, trip limits, bag limits, seasons, size limits, retention requirements, and/or any measure needed to ensure that the specifications are not exceeded. The fishing year would be aligned with the golden tilefish fishing year, i.e. November 1 to October 31.

9b. This alternative establishes that the Council's current control rules for ABC-setting would apply to blueline tilefish, as described below:

### Control Rule Related to SSC's Decision Regarding How Uncertainty is Handled in Assessments and the Impact on ACB-Setting

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

(a) Analytically derived OFL probability distribution. (1) Generally means the SSC determines the assessment OFL and the assessment's treatment of uncertainty are acceptable, and requires the SSC to determine the following:

- (i) All important sources of scientific uncertainty are captured in the stock assessment model;
- (ii) The probability distribution of the OFL is calculated within the stock assessment and provides an adequate description of the OFL uncertainty;
- (iii) The stock assessment model structure and treatment of the data prior to use in the model includes relevant details of the biology of the stock, fisheries that exploit the stock, and data collection methods;

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

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

(2) *ABC determination* for stocks with an accepted analytically derived OFL probability distribution: The ABC will be derived by applying the acceptable probability of overfishing from the Council's risk policy found in §648.21(a) through (d) to the probability distribution of the OFL.

(b) Assessment team-modified OFL probability distribution. (1) Generally means the SSC determines the assessment OFL is acceptable and the SSC accepts the assessment team's modifications to analytical uncertainty results, and requires the SSC to determine the following:

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

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

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

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

(v) The modified OFL probability distribution provided by the assessment team acceptably addresses the uncertainty of the assessment.

(2) *ABC determination* for stocks with an accepted assessment team-modified OFL probability distribution: The ABC will be derived by applying the acceptable probability of overfishing from the Council's risk policy found in §648.21(a) through (d) to the probability distribution of the OFL as modified by the assessment team and accepted by the SSC.

(c) SSC-modified OFL probability distribution. (1) Generally means the SSC determines the assessment OFL is acceptable but the SSC needs to determine the appropriate uncertainty for OFL based on meta-analysis and other considerations. This requires the SSC to determine that the stock assessment does not contain an estimated probability distribution of OFL or the stock assessment-provided OFL probability distribution is judged by the SSC to not adequately reflect uncertainty in the OFL estimate.

(2) *ABC determination* for stocks which need an SSC-modified probability distribution: The SSC will derive the ABC by applying the acceptable probability of overfishing from the Council's risk policy found in §648.21(a) through (d) to an SSC-adjusted OFL probability distribution. The SSC will use default assignments of uncertainty in the adjusted OFL probability distribution based on literature review and evaluation of control rule performance; or,

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

(d) OFL cannot be specified. (1) In this case the SSC determines that the OFL cannot be specified given the current state of knowledge.

(2) *ABC determination* if the OFL cannot be determined: The SSC will derive ABCs using control rules developed on a case-by-case basis by the SSC based on biomass and catch history and application of the Council's risk policy found in §648.21(a) through (d).

9c. This alternative establishes that the Council's current risk policy for ABC-setting would apply to blueline tilefish, as described below:

The risk policy shall be used by the SSC in conjunction with the ABC control rules to ensure the Council's preferred tolerance for the risk of overfishing is addressed in the ABC development and recommendation process.

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

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

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

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

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

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

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

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

## 5.10 ALTERNATIVE SET 10: ALLOCATIONS AND SPECIFICATIONS

10a. This alternative would not set allocations but the Council would rely on adjusting the specifications to control relative catch between the commercial and recreational fisheries. The catch of each fishery would have to be reviewed each year to determine if additional or modified measures are needed to control catch across the commercial and recreational blueline tilefish fisheries.

10b1. This alternative would use the best available data to set allocations based on median catch percentages from **2009-2013** (see considered but rejected section as to why 2014 is not included). Before public hearings and final action, the Council is planning on holding a workshop that includes members of its SSC and knowledgeable individuals regarding the blueline tilefish fishery to review the available data to develop a best estimate of commercial and recreational catch over this time period. Once the catches are determined, then the median of the annual percentages would be used. Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%.

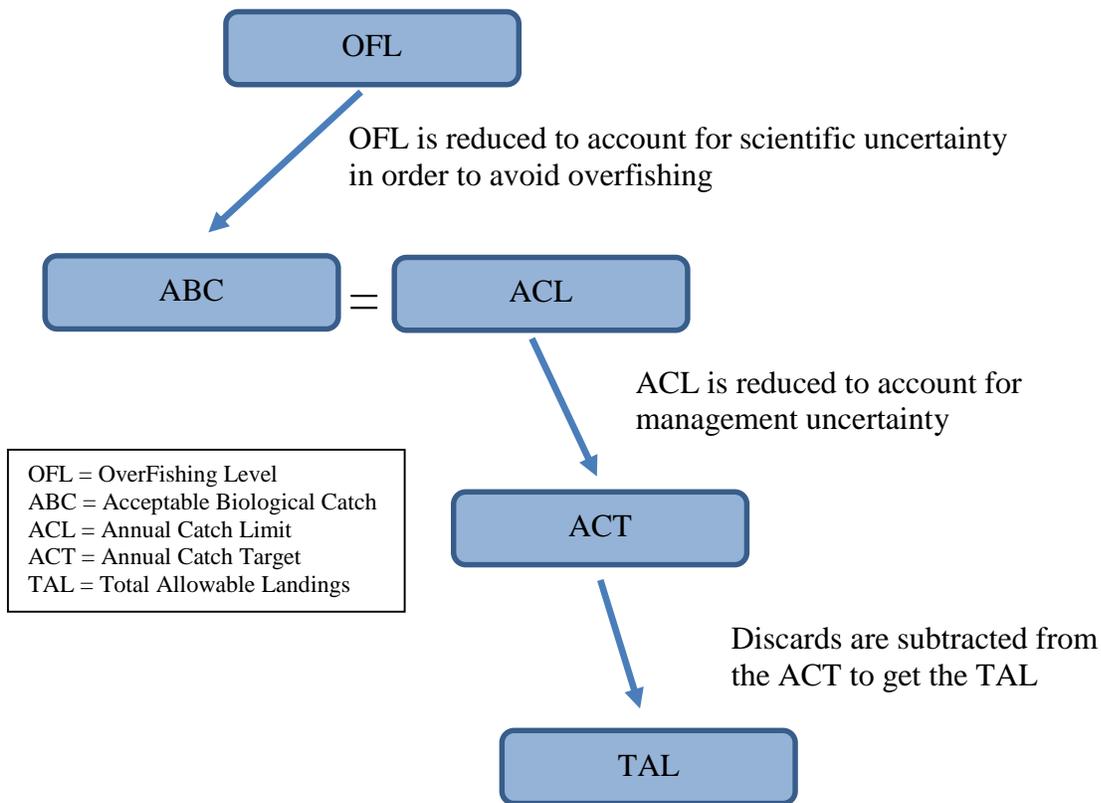
10b2. This alternative would use the best available data to set allocations based on mean catch percentages from **2009-2013** (see considered but rejected section as to why 2014 is not included). Before public hearings and final action, the Council is planning on holding a workshop that includes members of its SSC and knowledgeable individuals regarding the blueline tilefish fishery to review the available data to develop a best estimate of commercial and recreational catch over this time period. Once the catches are determined, then the mean of the annual percentages would be used. Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%.

10c1. This alternative would use the best available data to set allocations based on median catch percentages from **2004-2013** (see considered but rejected section as to why 2014 is not included). Before public hearings and final action, the Council is planning on holding a workshop that includes members of its SSC and knowledgeable individuals regarding the blueline tilefish fishery to review the available data to develop a best estimate of commercial and recreational catch over this time period. Once the catches are determined, then the median of the annual percentages would be used. Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%.

10c2. This alternative would use the best available data to set allocations based on mean catch percentages from **2004-2013** (see considered but rejected section as to why 2014 is not included). Before public hearings and final action, the Council is planning on holding a workshop that includes members of its SSC and knowledgeable individuals regarding the blueline tilefish fishery to review the available data to develop a best estimate of commercial and recreational catch over this time period. Once the catches are determined, then the mean of the annual percentages would be used. Using the median down-weights atypical years. For example, if a fishery had 20%, 21%, 22%, 20%, and 90% of the catch over 5 years, the median would be 21% while the mean would be 35%.

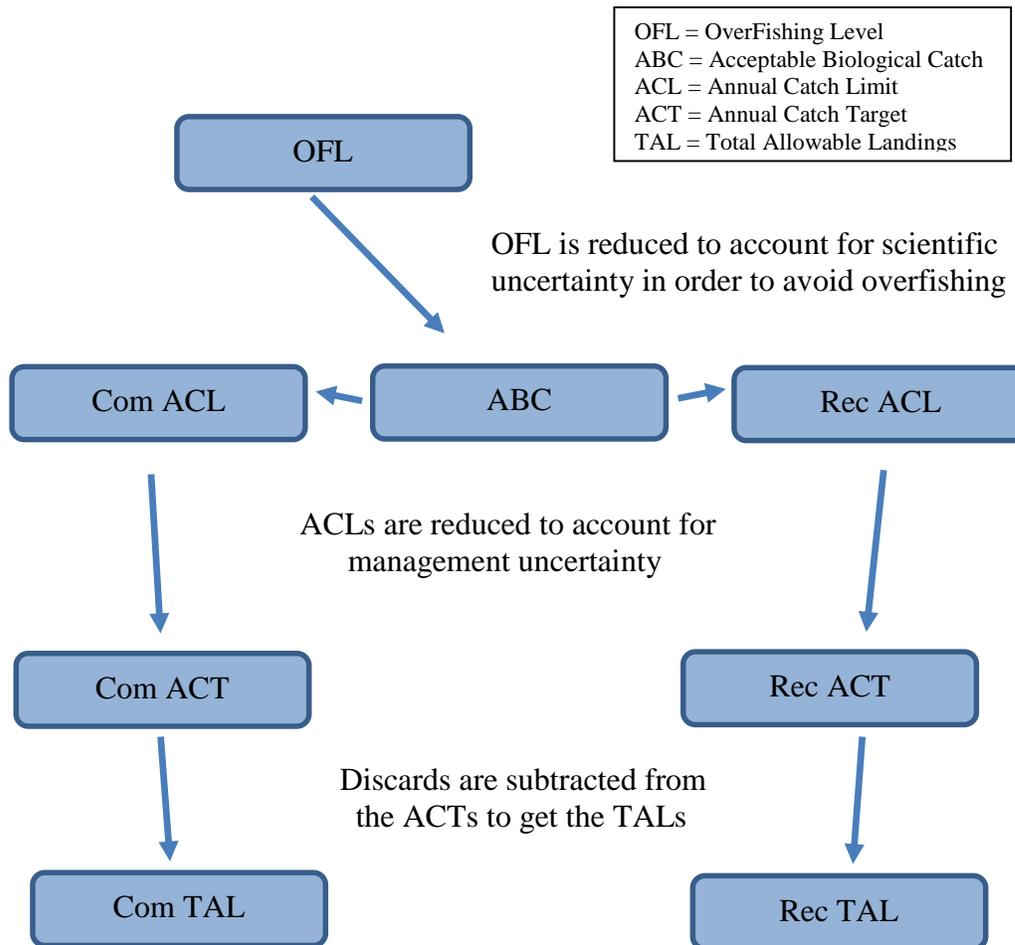
10d. If allocations are not made, this alternative describes how the specifications process would handle ABC, ACLs, ACTs, etc. In this case, a fishery wide ABC, ACL, and ACT would be set. ABC would be the catch recommended by the SSC to best avoid overfishing per the Council’s risk policy regarding how uncertainty is handled. The ACL would equal the ABC and the ACT would be less than the ACL to account for management uncertainties. Anticipated discards would be subtracted to develop a total allowable landings (TAL) amount. The Council would then develop other management measures (seasons, trip limits, etc. as described above) that would be expected to meet ACT and not exceed the ABC/ACL. If the Council re-establishes a research set-aside program, that amount would be deducted from the TAL and could be up to 3% of the TAL.

Figure 1. 10d Flowchart



10e. If allocations are made, this alternative describes how the specifications process would handle allocations in terms of ABC, ACLs, ACTs, etc. The SSC would set the ABC as usual. First, the allocation would be used to establish fishery (commercial and recreational) ACLs. The addition of the two fishery ACLs would equal the ABC. ACTs would be set for each fishery to account for management uncertainty. Anticipated discards would be subtracted for each to develop a total allowable landings (TAL) amount for each. The Council would then develop other management measures (seasons, trip limits, etc. as described above) that would be expected to meet ACT and not exceed the ABC. If the Council re-establishes a research set-aside program, that amount would be deducted from the TAL and could be up to 3% of the TAL.

Figure 2. 10e Flowchart



## **5.11 ALTERNATIVE SET 11: COMMERCIAL TRIP LIMITS (GUTTED WEIGHT)**

Note: with golden tilefish, the FMAT reports there has been confusion about whole and gutted weights. Some vessels have interpreted whole weight trip limits and quota allocations as gutted weight. This has led to some vessels landing their whole weight limit in gutted fish, which means some keep about 9% too much if at the trip limit (100 pounds of gutted fish is 109 pounds of live fish). To avoid this problem with blueline tilefish, the measures will be described as only gutted weight. The FMAT recommends selecting a measure that is a rounded weight in gutted pounds.

11a - This alternative would continue the emergency action's commercial trip limit of 275 pounds per trip gutted weight (head and fins must be attached).

11b – This alternative would reduce the trip limit from the emergency action's 275 pounds to a limit of 200 pounds per trip gutted weight (head and fins must be attached).

11c - This alternative would increase the trip limit from the emergency action's 275 pounds to a limit of 300 pounds per trip gutted weight (head and fins must be attached).

11d - This alternative would increase the trip limit from the emergency action's 275 pounds to a limit of 500 pounds per trip gutted weight (head and fins must be attached).

11e - This alternative would increase the trip limit from the emergency action's 275 pounds to a limit of 900 pounds per trip gutted weight (head and fins must be attached).

## **5.12 ALTERNATIVE SET 12: RECREATIONAL BAG/POSSESSION LIMITS**

12a. This alternative would continue the emergency action's recreational bag limit of 7 fish

12b. This alternative would reduce the bag limit from the emergency action's limit of 7 fish to 5 fish.

12c. This alternative would increase the bag limit from the emergency action's limit of 7 fish to 9 fish.

12d. If chosen, this alternative could only be chosen in combination with 12a, 12b, or 12c, and would allow an additional 3 blueline tilefish per person on party boat trips (more than 6 passengers) that lasted longer than 36 hours from when the vessel leaves the dock to when a vessel returns to the dock. A call-out/call-in system would be necessary to assist enforcement of such a provision. A relatively small number of extra fish for a relatively small part of the fishery is recommended so that the operation of this alternative and compliance could be evaluated at a relatively small scale.

## **5.13 ALTERNATIVE SET 13: ESSENTIAL FISH HABITAT (EFH) DESIGNATION**

13a. Under this alternative, EFH designation would wait until the Council's pending overall EFH review action (2016-2017)

13b. This alternative would use the best available science to designate EFH in this action. If based on Sedberry et al. 2006, EFH for adults and juveniles would be all offshore waters with water depths from 46 meters to 256 meters. This was where blueline tilefish were collected in a study off South Carolina.

Analysis of observer data north of the NC/VA border, from 2005-2014, found that 97% of blueline tilefish observations (by weight) occurred from 45 meters to 180 meters with very few observations less than 45 meters or greater than 225 meters (shallowest was 24 meters and deepest was 254 meters). Based on these observer data, 46-256 meters seems reasonable. It is anticipated that the EFH for eggs and larvae would be similar to that of golden tilefish: the water column on the outer continental shelf and slope from the U.S./Canadian boundary to the Virginia/North Carolina boundary in mean water column temperatures between 7.5°C and 17.5°C (45.5oF to 63.5oF).

A map is under development and should be ready by the Council meeting.

#### **5.14 ALTERNATIVE SET 14: ACCOUNTABILITY MEASURES (AMS)**

14a. Under this alternative, used if there are allocations, then AMs are only automatically triggered if the overall ACL is exceeded. Whichever fishery, recreational or commercial or both, that caused the overall ACL overage would have added or modified measures to ensure that future overages do not occur in the future. The Council shall recommend such management measures, for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the fishery ACLs, based on the recommendations of the Council's SSC.

14b. Under this alternative, used if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC.

14c. Under this alternative, if NMFS determines that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL (depending on if there are allocations or not), NMFS may close or adjust the season and/or trip/bag limits for either fishery.

#### **5.15 ALTERNATIVE SET 15: CONSIDERED BUT REJECTED ALTERNATIVES**

For reasons described below, the following alternatives were considered but rejected for further analysis:

15a. Limited Access – Alternatives to consider implementing limited access were rejected because it was determined that the process for qualifying vessels for limited access (commercial and/or for-hire) would take too long given the action needs to be completed close to June 4, 2016.

15b. Establish a separate blueline tilefish monitoring committee. This alternative was rejected because the golden tilefish monitoring committee has the needed expertise to monitor the blueline tilefish fishery and a separate committee would create unnecessary duplication.

15c. There was initial staff discussion of using the SAFMC allocations - 50.07% commercial and 49.93% recreational for any allocation. This was rejected as arbitrary.

15d. There was initial staff discussion of splitting the available quotas 50% commercial and 50% recreational. This was rejected as arbitrary.

15e. There was consideration of including 2014 as year for any allocations but 2014 was an unusual year for this fishery and not representative of the normal or historical operation of the fishery.

15f. There was consideration of using combination blueline/golden bag limits. This would be too complicated for this action given there could be various potential inter-related impacts with the golden tilefish fishery. Such an option could be considered in the future with additional analysis.

15g. There was consideration of establishing EFH protections for blueline tilefish in this action. However, blueline tilefish habitat likely is/will be protected to a degree by natural hard habitat features, existing golden tilefish closure areas, and pending coral protection areas.

15h. Initial discussions considered commercial trip limits of 150, 300, 450, 600, and 900 pounds, but the Council determined that the range currently considered in the document was most reasonable.

15i. The Council considered adding in other deep-water species (e.g. Snowy Grouper) but given the time constraints for this action and the limited catches of other deep-water species, decided to focus on blueline tilefish for this action.

15j. The Council considered a coastwide management unit but rejected this alternative because having the SAFMC manage blueline tilefish in the Mid-Atlantic would be counter to the purpose of this action and it would also be inappropriate for the Council to manage South-Atlantic blueline tilefish.

15k. The Council considered the blueline trip/bag limits currently in use or being considered by the SAFMC in a framework action but decided that the range of limits considered in this document was the most reasonable given the characteristics of the fishery in the Mid-Atlantic area. See [http://safmc.net/sites/default/files/meetings/pdf/Public%20Hearings%20&%20Scoping/11-2015/Reg25PH\\_Nov2015.pdf](http://safmc.net/sites/default/files/meetings/pdf/Public%20Hearings%20&%20Scoping/11-2015/Reg25PH_Nov2015.pdf) for more information on the pending SAFMC action.

## 6.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

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

### 6.1 PHYSICAL ENVIRONMENT

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

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

#### Golden Tilefish EFH

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

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

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

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

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

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

#### Golden Tilefish EFH Fishery Impact Considerations

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

A panel of experts who participated in a 2001 workshop to evaluate the potential habitat impacts of fishing gears used in the Northeast region concluded that longlines (which land the bulk of the tilefish) cause some low degree impacts in mud, sand, and gravel habitats. Bottom trawls, which account for nearly all of the rest of the landings, and which are mostly incidental catches, had the greatest impacts which occur in low and high energy gravel habitats and in hard clay outcroppings (NEFSC 2002).

Golden tilefish are restricted to the continental shelf break south of the Gulf of Maine (Steimle et al. 1999). They occupy a number of habitats, including scour basins around rocks or other rough bottom areas that form burrow-like cavities, and pueblo habitats in clay substrate. The dominant habitat type is a vertical burrow in a substrate of semi-hard silt-clay, 6 to 10 feet deep and 12 to 16 feet in diameter with a funnel shape. These burrows are excavated by tilefish, secondary burrows are created by other organisms, including lobsters, conger eels, and galatheid crabs. Golden tilefish are visual daytime feeders on galatheid crabs, mollusks, shrimps, polychaetes, and occasionally fish. Mollusks and echinoderms are more important to smaller tilefish. Little is known about juveniles of this species. A report to the Mid-Atlantic Fishery Management Council (Able and Muzeni 2002), based upon a review of archived video surveys in areas of golden tilefish habitat, did not find visual evidence of direct impacts to burrows due to otter trawls. The Northeast Region EFH Steering Committee Workshop (NEFSC 2002) concluded that there was the potential for a high degree of impact to the physical structure of hard clay outcroppings (pueblo village habitat) by trawls that would result in permanent change to a major physical feature which provides shelter for golden tilefish as well as their benthic prey. Although Able and Muzeni's (2002) review did not offer any evidence of this type of negative effect, their sample size for this habitat type was very small. Due to the tilefish's reliance on structured shelter and benthic prey, as well as the benthic prey's reliance on much of the same habitat, and the need for further study, the vulnerability of golden tilefish EFH to otter trawls was ranked as high (Stevenson et al. 2004). Clam dredges operate in shallow, sandy waters typically uninhabited by golden tilefish (Wallace and Hoff 2005), so EFH vulnerability was rated as none for this gear. Scallop vessel monitoring data indicate that scallop dredges operate to a small extent in areas overlapping golden tilefish EFH; therefore, EFH vulnerability to scallop dredges was ranked as low (Stevenson et al. 2004). Golden tilefish eggs and larvae are pelagic: therefore, EFH vulnerability to gear is not applicable.

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

It is anticipated that blueline tilefish habitat would be similarly affected by different gear types as golden tilefish, though as a slightly shallower depth range. Blueline tilefish habitat likely is/will be protected to a degree by natural hard habitat features (near rocky outcroppings), existing golden tilefish closure areas, and pending coral protection areas so no additional measures need to be considered at this time. The upcoming Council action to review all EFH and impacts on EFH would review these findings within the next two years.

It is also expected that gear used for blueline tilefish would have similar impacts on habitat, but to a much lesser degree than for golden tilefish given the smaller scope of the blueline tilefish fishery. The proposed measures also seek to continue to limit the blueline tilefish fishery to a level below that observed in 2014 when fishery activity increased, so it is expected that impacts from blueline tilefish fishing under the proposed measures would have minimal impacts on habitat.

## 6.2 BIOLOGICAL ENVIRONMENT

### 6.2.1 Description of the Managed Resource

#### **Blueline tilefish**

Blueline tilefish are primarily distributed from Campeche, Mexico northward to Virginia (Dooley 1978) with reports of catches as far north as Maine. There is no known information on different stock structures throughout the geographic range, but several studies are underway to further examine blueline tilefish genetics in order to develop better information on stock structure. Blueline tilefish inhabit the shelf edge and upper slope reefs at depths of 46-256m (Sedberry et al. 2006) and temperatures between 15-23°C. Blueline tilefish are considered opportunistic predators that feed on prey associated with substrate (crabs, shrimp, fish, echinoderms, polychaetes, etc.) (Ross 1982). They are considered relatively sedentary, and thought not to undertake north-south migrations along the coast. The species constructs burrows in sandy areas in close association with rocky outcroppings.

Blueline tilefish, like other tilefish species, is a large, long-lived fish, ranging up to about 900 mm FL and 43 years. This species also exhibits dimorphic growth with males attaining larger size-at-age than females. Males are predominant in the size categories greater than 650 mm FL. They are classified as indeterminate spawners, with up to 110 spawnings per individual based on the estimates of a spawning event every 2 days during a protracted spawning season from approximately March through October.

The SAFMC's SSC has provided an updated blueline tilefish ABC (224,100 pounds whole weight for 2016-2017) and the SAFMC is moving forward with a framework action to use that ABC. Their SSC did not accept updated projections but concluded that "the assessment estimates of reference points (BMSY, FMSY) based on historic stock production remain to be the best scientific information available and can be used for management advice." This is the source for the 224,100 pound ABC. Given the differences between the blueline fisheries off the Mid and South Atlantic, and the gaps in information on blueline tilefish off the Mid-Atlantic incorporated in the last blueline tilefish stock assessment (SEDAR 32), the Council's SSC found that SEDAR 32's results are not sufficient for management off the Mid-Atlantic.

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

#### **Golden Tilefish**

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

The tilefish stock assessment was peer reviewed and approved for use by management at Stock Assessment Workshop 58 (SAW 58). A statistical catch at age model called ASAP (Age Structured Assessment Program) was used in this assessment to incorporate newly available length and age data to better characterize the population dynamics of the stock. The tilefish resource is not overfished and overfishing is not occurring in 2012. SSB was estimated be 11.53 million lb (5,229 mt) in 2012, about

101% of the biomass target  $SSB_{MSY}$  proxy =  $SSB_{25\%}$  = 11.36 million lb (5,153 mt) . The fishing mortality rate was estimated to be 0.275 in 2012, below the fishing mortality threshold  $F_{MSY}$  proxy =  $F_{25\%}$  = 0.370.

The reference points from the previous 2009 SAW 48 assessment were based on the ASPIC surplus production model and cannot be compared to the current assessment ASAP (SAW 58) model results and biological reference points (NEFSC 2014). The tilefish reference points derived from SAW 48 and prior assessments were based on  $B_{MSY}$  and  $F_{MSY}$  values, and these values were used as the specific basis for the rebuilding program in the FMP. Since new reference points were developed in SAW 58, these would have to be updated in the FMP in a following action.

### 6.3 ESA-LISTED SPECIES AND MMPA PROTECTED SPECIES

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

<http://www.greateratlantic.fisheries.noaa.gov/Protected/> and  
<http://www.nmfs.noaa.gov/pr/sars/region.htm>.

Like golden tilefish, any directed blueline tilefish commercial fishery in the Mid-Atlantic would be prosecuted with bottom longline gear in approximately the same areas. There are no documented interactions with ESA-listed and MMPA protected species with bottom longline gear in the golden tilefish fishery, and the same would be expected for the blueline tilefish fishery in the Mid-Atlantic. There are also no documented interactions with ESA-listed and MMPA protected species in the Mid-Atlantic recreational tilefish fishery.

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

Table 2. Species Protected Under the ESA and/or MMPA that May Occur in the Affected Environment of the FMP

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

Species	Status	Potentially affected by this action?
<b>Fish</b>		
Shortnose sturgeon ( <i>Acipenser brevirostrum</i> )	Endangered	No
Atlantic salmon ( <i>Salmo salar</i> )	Endangered	No
Atlantic sturgeon ( <i>Acipenser oxyrinchus</i> )		
<i>Gulf of Maine DPS</i>	Threatened	No
<i>New York Bight DPS, Chesapeake Bay DPS, Carolina DPS &amp; South Atlantic DPS</i>	Endangered	No
Cusk ( <i>Brosme brosme</i> )	Candidate	
<b>Pinnipeds</b>		
Harbor seal ( <i>Phoca vitulina</i> )	Protected	No
Gray seal ( <i>Halichoerus grypus</i> )	Protected	No
Harp seal ( <i>Phoca groenlandicus</i> )	Protected	No
Hooded seal ( <i>Cystophora cristata</i> )	Protected	No
<b>Critical Habitat</b>		
North Atlantic Right Whale <sup>6</sup>	ESA-listed	No
Northwest Atlantic DPS of	ESA-listed	No
Loggerhead Sea Turtle		
<i>Notes:</i>		
<sup>1</sup> There are 2 species of pilot whales: short finned ( <i>G. melas melas</i> ) and long finned ( <i>G. macrorhynchus</i> ). Due to the difficulties in identifying the species at sea, they are often just referred to as <i>Globicephala spp.</i>		
<sup>2</sup> Prior to 2008, this species was called “common dolphin.”		
<sup>3</sup> There are multiple species of beaked whales in the Northwest Atlantic. They include the cuvier’s ( <i>Ziphius cavirostris</i> ), blainville’s ( <i>Mesoplodon densirostris</i> ), gervais’ ( <i>Mesoplodon europaeus</i> ), sowerbys’ ( <i>Mesoplodon bidens</i> ), and trues’ ( <i>Mesoplodon mirus</i> ) beaked whales. Species of <i>Mesoplodon</i> ; however, are difficult to identify at sea, and therefore, much of the available characterization for beaked whales is to the genus level only.		
<sup>4</sup> This includes the Western North Atlantic Offshore, Northern Migratory Coastal, and Southern Migratory Coastal Stocks of Bottlenose Dolphins (see Waring <i>et al.</i> 2014 for further details).		
<sup>5</sup> Green turtles are currently listed in U.S. waters as threatened except for the Florida breeding population which is listed as endangered. Due to the inability to distinguish between these populations away from the nesting beach, green turtles are considered endangered wherever they occur in U.S. waters. On March 23, 2015, a proposed rule was issued to remove the current range-wide listing and, in its place, list eight DPSs as threatened and three as endangered (80 FR 15272).		
<sup>6</sup> Originally designated June 3, 1994 (59 FR 28805); Newly proposed February 20, 2015 (80 FR 9314).		

## 6.4 NON TARGET SPECIES

It is believed that there are minimal non-target interactions and/or discarding in the targeted golden tilefish fishery (MAFMC 2014), and the same would be expected for the blueline tilefish fishery.

## 6.5 HUMAN COMMUNITIES AND ECONOMIC ENVIRONMENT

Information on South Atlantic catch information can be found in the public hearing document for the SAFMC’s Regulatory Amendment 25, at: [http://safmc.net/sites/default/files/meetings/pdf/Public%20Hearings%20&%20Scoping/11-2015/Reg25\\_Summary\\_PH\\_11042015.pdf](http://safmc.net/sites/default/files/meetings/pdf/Public%20Hearings%20&%20Scoping/11-2015/Reg25_Summary_PH_11042015.pdf). This document generally focuses on describing catch reported to NMFS from VA and to the north except where otherwise noted. Partial 2015 data is reported when practicable; with 2015 data readers should be aware that the emergency rules limiting blueline tilefish catch in Federal waters north of the NC/VA border went into effect on June 4, 2015.

Tables 3 and 4 report blueline tilefish landings in pounds and dollars from and including Virginia (VA) though Maine (ME) from 2000-2015.

Table 3. 2000-2015 Blueline Tilefish Landings (pounds) VA-ME as of November 15, 2015

YEAR	Pounds
2002	269
2003	7,601
2004	5,829
2005	2,032
2006	3,039
2007	20,459
2008	8,749
2009	9,635
2010	8,360
2011	8,182
2012	9,624
2013	26,780
2014	217,016
2015	72,862

Table 4. 2000-2015 Blueline Tilefish Landings (\$) VA-ME as of November 15, 2015

YEAR	Dollars
2002	\$415
2003	\$7,985
2004	\$6,163
2005	\$1,914
2006	\$4,012
2007	\$36,381
2008	\$12,107
2009	\$16,989
2010	\$12,875
2011	\$13,535
2012	\$16,435
2013	\$53,575
2014	\$457,414
2015	\$152,819

source: unpublished NMFS dealer data (2015 is partial year)

Tables 5 and 6 report blueline tilefish catch from NMFS Vessel Trip Reports (VTRs). Since in this case the focus is on where catch is coming from, all VTRs, including those from trips that may have landed in North Carolina were included. Table 5 reports commercial VTR catch (pounds) and Table 6 reports for-hire VTR catch (fish). Figure 3 illustrates where the VTR statistical areas are located. Any vessel with any Federal permit should have been reporting blueline tilefish over this time period.

Figure 3. NMFS Northeast Statistical areas used on Vessel Trip Reports (VTRs)

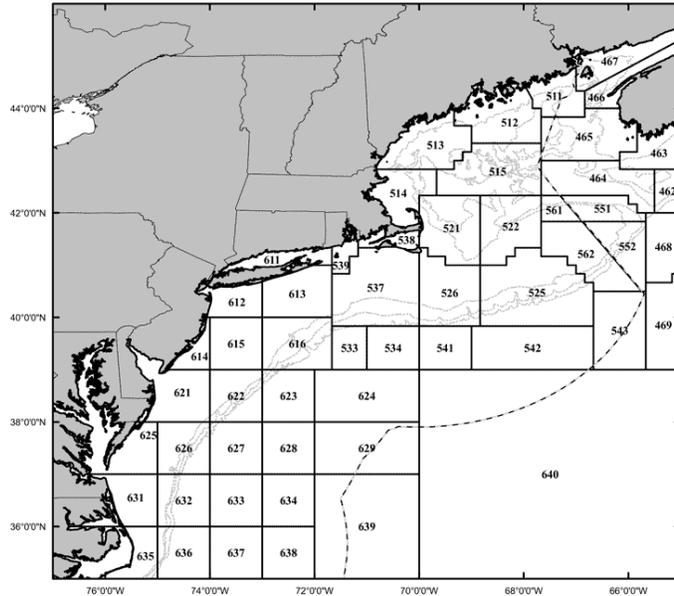


Table 5. Blueline tilefish NE VTR commercial kept catch in pounds by statistical area and year, 2002-2014 (source: unpublished NMFS NE VTR data)

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

Table 6. Blueline tilefish NE VTR recreational party-charter kept fish by statistical area and year, 2002-2014 (numbers of fish) (source: unpublished NMFS NE VTR data)

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

Table 7 categorizes dealer trips from VA-ME in terms of the trip limits being considered by the Council. 2009-2013 was chosen to get a range of years and 2014 was not included since it was such an unusual year - Table 8 describes the kinds of trips seen in 2014 separately. From Table 7, there have typically been very few trips per year above the emergency action’s trip limit of 275 pounds gutted weight (8 per year over 2009-2013) while there were 45 trips over 900 pounds in 2014 (Table 8). Table 9 describes how many vessels with Federal permits had annual landings over 1,000 and 5,000 pounds 2002-2014.

Table 7. VA-ME 2009-2013 Trip Characterization

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

source: unpublished NMFS dealer data

Table 8. VA-ME 2014 Trip Characterization

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

source: unpublished NMFS dealer data

Table 9. Vessels landing more than 1,000/5,000 pounds of blueline tilefish ME-VA

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

source: unpublished NMFS dealer data

The corollary of commercial trip analysis for recreational catch is typically a bag limit analysis. There is minimal blueline tilefish MRIP data, even when MRIP data are combined across years (pers com John Foster, NMFS Office of Science and Technology). Staff will include analysis of NMFS Large Pelagic Survey in the public hearing document but that analysis is not yet complete. The Large Pelagic survey is not designed to capture blueline tilefish catch but does record blueline tilefish catch by those who target large pelagics for some part of their trip.

Although blueline tilefish catches are rare in NMFS’ recreational survey data, Northeast vessel trip reports (VTRs) for party/charter vessels indicate an increase from an average of about 2,400 fish per year (2002-2011) to between 10,000-16,000 fish per year in 2012-2014 (Table 6 above). Several for-

hire vessels have also begun to focus on blueline tilefish in recent years, as evidenced by multiple recent trips landing 10 or more blueline tilefish per person (the highest fish per person averages were from 2014 trips in New Jersey). During the period of this data description, there was no permit required for blueline tilefish but anyone with any Federal party-charter permit should have been reporting all of their catch, including blueline tilefish. It is likely that most party-charter vessels that fish for blueline tilefish would have other Federal permits, such as for black sea bass. However, comments during scoping and at Council meetings have revealed that this requirement is neither universally understood nor complied with, so it is likely that the party-charter VTR records are a subset of the total for-hire catch. Nevertheless, the VTR catch information is about all we have for recreational catch information, and is described below for the same time periods as commercial trips but related to the recreational catch alternatives under consideration. Like with commercial activity, 2014 appeared to be an above average year for party-charter blueline tilefish activity, and Table 12 demonstrates that blueline tilefish catch occurrences across the party-charter fleet appear to be on the increase in terms of numbers of vessels with some blueline tilefish catch, though changes in reporting compliance could account for part of any changes. It also appears that outside of 2014, the emergency regulation of 7 blueline tilefish per person affects only a very small portion of trips based on recent activity (Tables 10 and 11).

Table 10. 2009-2013 Party-Charter Average Retained Fish per Angler on Trips Reporting at Least 1 Blueline Tilefish

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

Table 11. 2014 Party-Charter Average Retained Fish per Angler on Trips Reporting at Least 1 Blueline Tilefish

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

Table 12. Numbers of party/charter vessels reporting at least one blueline tilefish 2002-2014.

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

The other data source queried for this document was the NMFS observer database. The observer information is primarily provided to get a sense of the area and depth ranges over which blueline tilefish have been observed, as well as any temporal trends. For waters north of the NC/VA border, Tables 13 and 14 describe blueline tilefish catch observations (all gear types) by area and Table 15 describes the same observations by depth. See Figure 3 above for locations of statistical areas. While catch observations are impacted by how observer coverage is allocated, they should still provide an approximate indication of the range of where blueline tilefish are being encountered in the Mid-Atlantic and southern New England by area and depth.

Table 13. Observer observations of blueline tilefish by area 2005-2009

Statistical Area	Observations	Pounds Caught
626	21	225
622	39	697
616	26	317
621	2	122
537	23	328
623	0	0
627	0	0
526	0	0
613	0	0

Table 14. Observer observations of blueline tilefish by area 2009-2014

Statistical Area	Observations	Pounds Caught
626	69	10,229
622	109	1,497
616	173	1,262
621	6	231
537	13	152
623	8	52
627	2	8
526	2	7
613	1	3

Table 15. Observer observations of blueline tilefish by depth.

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

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## 7.0 IMPACTS OF THE ALTERNATIVES

Typically analysis of the impacts from a fishery action proceeds through analysis of five “valued ecosystem components” or “VECs” for each alternative. The VECs are generally the managed resources (golden and blueline tilefish in this case), habitat (and EFH), protected resources (ESA and MMPA protected species), non-target species, and human communities. As described in Section 6, habitat, protected resources, and non-target species appear to be negligibly impacted by either the golden or blueline tilefish fishery because of the nature and scale of gear used, and this would be true for the no action or any of the action alternatives. Thus the remainder of this section focuses on the impacts to the managed resources and human communities. Further, since management of golden tilefish adheres to the Acceptable Biological Catches set by the Council’s SSC and accounts for incidental catch in other fisheries, it is expected that any of the alternatives which do not directly impact golden tilefish would have a negligible impact on golden tilefish.

National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action and it includes the possibility of introducing or spreading a nonindigenous species. There is no evidence or indication that these fisheries have ever resulted or would ever result in the introduction or spread of nonindigenous species.

### 7.1.1 MANAGED SPECIES IMPACTS - ALTERNATIVE 1: NO ACTION

**Impacts:** Taking no action would mean that on June 4, 2016 we would return to the situation where blueline tilefish are not managed with Federal management measures north of the North Carolina/Virginia border (36.550278 N Latitude). Given that no action is assumed to include the expiration of the emergency regulations, with no action it is likely that at least for some time there would be no management of blueline tilefish in Federal waters north of the North Carolina/Virginia border. This is likely to have a negative impact on blueline tilefish. Due to their life history (long lived and sedentary), blueline tilefish are likely to be susceptible to overfishing and lack of Federal management would be likely to lead to overfishing because states north of Maryland do not have controls on blueline tilefish landings. The lack of designating EFH for blueline tilefish would likely have a distinct low negative impact because other actions would not consider their impacts on blueline tilefish EFH if there is no blueline tilefish EFH. The impact is likely low because there are not likely to be substantial impacts on blueline tilefish habitat regardless, or impacts that would be avoided had EFH been designated.

### *7.1.2 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 2: MANAGEMENT UNIT AND OBJECTIVES*

2a. (Fishery Management Action Team (*FMAT*) **Recommends to be preferred**) This would establish a separate blueline tilefish management unit in the EEZ north of the North Carolina (NC)/Virginia (VA) border (36.550278 N Latitude) extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because management would be tailored to the nature and state of the blueline tilefish resource north of the NC/VA border through the other management alternatives considered in this action.

2b. This would establish a separate blueline tilefish management unit in the EEZ north of Cape Hatteras (35.253167 N. lat., the latitude of Cape Hatteras Light), extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

***Impacts:*** Compared to no action, this alternative would be expected to have low positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because management would be tailored to the nature and state of the blueline tilefish resource north of Cape Hatteras through the other management alternatives considered in this action. Since blueline tilefish are already managed from Cape Hatteras to the NC/VA border, this would not add any positive impacts compared to 2a, and could actually complicate/delay sustainable management given it would cause additional conflict with the SAFMC's management area, so impacts may be less positive than 2a.

2c. This alternative would establish that the objectives for blueline tilefish are the same as for golden tilefish.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the management objectives should help ensure that overfishing does not occur.

### *7.1.3 MANAGED SPECIES IMPACTS - ALTERNATIVE 3: STATUS DETERMINATION CRITERIA*

The Council would use the most recent peer-reviewed and accepted assessment as applicable to the blueline tilefish in its management unit.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help ensure that overfishing does not occur.

#### 7.1.4 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 4: COMMERCIAL PERMITTING AND REPORTING

4a. (***FMAT Recommends to be preferred***) Alternative 4a would make permanent the emergency regulations that anyone with a commercial open access golden tilefish permit would be permitted to retain for sale blueline tilefish subject to the applicable trip limit.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish.

4b. Alternative 4b would require anyone landing any blueline tilefish for sale to get a newly-created commercial open access blueline tilefish permit. Retention of blueline tilefish for sale would be subject to the applicable trip limit.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish. Impacts would be similar to 4a.

4c. (***FMAT Recommends to be preferred***) Alternative 4c would require standard reporting of catch for any commercial vessel possessing a permit that allows them to land blueline tilefish (like other federal permits). These include (from golden tilefish requirements):

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish. Impacts would be in addition to any from 4a or 4b.

4d. Alternative 4d would require Federally-permitted commercial blueline tilefish vessels to submit Vessel Trip Reports (VTRs) electronically.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish. Impacts would be expected to be slightly more positive than 4c because electronic submission of VTRs does make possible some additional quality control at the time of entry and should also speed the availability of data.

4e. (*FMAT Recommends to be preferred*) Dealer Permits and Reporting – This alternative would institute dealer requirements similar to golden tilefish, i.e. that Federally-permitted vessels can only sell blueline tilefish to Federally-permitted dealers, and that dealers must have a federal permit to buy blueline tilefish. In addition, the standard reporting requirements (§648.7) for federal dealers would apply.

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

#### *7.1.5 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 5: FOR-HIRE RECREATIONAL PERMITTING AND REPORTING*

5a. (*FMAT Recommends to be preferred*) Alternative 5a would make permanent the emergency requirement that any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. This would create a joint golden/blueline tilefish permit.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish.

5b. Alternative 5b would require any party or charter vessel to have a newly-created Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish. Impacts would be similar to 5a.

5c. Alternative 5c would require standard reporting by Vessel Trip Reports (VTRs) of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish. Impacts might be low since party/charter VTRs are not directly used for catch monitoring at this time, but given the rare event nature of blueline tilefish catches, party/charter VTRs could be important for blueline tilefish catch data. The degree of positive impacts would likely be directly associated with the degree of compliance.

5d. Alternative 5d would require for-hire vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish. Impacts would be expected to be slightly more positive than 5c because electronic submission of VTRs does make possible some additional quality control at the time of entry and should also speed the availability of data. The degree of positive impacts would likely be directly associated with the degree of compliance. Impacts would be expected to be slightly more positive than 5c because electronic submission of VTRs does make possible some additional quality control at the time of entry and should also speed the availability of data.

#### *7.1.6 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 6: PRIVATE RECREATIONAL PERMITTING AND REPORTING*

6a. Alternative 6a would create and require a dedicated recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) require a separate permit.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish. This alternative would also have similar impacts for golden tilefish.

6b. Alternative 6b would require that a NMFS Highly Migratory Species (HMS) permit be obtained by any angler seeking to catch golden or blueline tilefish.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because requiring a permit should help track effort and catch of blueline tilefish. Impacts would be similar to 6a. This alternative would also have similar impacts for golden tilefish.

6c. Alternative 6c would require private fishermen to report golden and blueline tilefish catch through the HMS reporting system, complemented by catch cards and tags as done in Maryland (<http://dnr2.maryland.gov/fisheries/Pages/coastal/tagging.aspx>).

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish. The degree of positive impacts would likely be directly associated with the degree of compliance. This alternative would also have similar impacts for golden tilefish.

6d. Alternative 6d would require an online reporting (via a modified SAFIS application) of golden and blueline tilefish for private recreational fishermen before any tilefish are removed from a vessel, or before a trailered vessel is removed from the water.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should help track catch of blueline tilefish. The degree of positive impacts would likely be directly associated with the degree of compliance. This alternative would also have similar impacts for golden tilefish.

#### ***7.1.7 MANAGED SPECIES IMPACTS - ALTERNATIVE 7: MONITORING COMMITTEE***

This alternative would establish that the same Monitoring Committee would provide recommendations to the Council and/or relevant committee to ensure that blueline tilefish specifications are not exceeded and to address any other operational aspects of the fishery. This would essentially create a single Golden/Blueline Tilefish Monitoring Committee.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the Monitoring Committee should help ensure that the management measures have their intended effects and that the ACLs/ABCs are not exceeded.

#### ***7.1.8 MANAGED SPECIES IMPACTS - ALTERNATIVE 8: FRAMEWORK ADJUSTMENTS***

This alternative would establish that any action that is frameworkable for golden tilefish would also be frameworkable for blueline tilefish. It was also establish that generally, any action that has been previously considered in the FMP or in an amendment to the FMP may be modified via a framework action. The unit of management may also be modified via a framework action.

***Impacts:*** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because frameworks allow the Council to be responsive to changing conditions in the fishery. Specific measures would be analyzed separately in any future framework action.

### *7.1.9 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 9: SPECIFICATIONS PROCESS AND RISK POLICY*

9a. This alternative would specify what measures can be set during specifications. The fishing year would be aligned with the golden tilefish fishing year, i.e. November 1 to October 31.

**Impacts:** The delineation of specifications measures and fishing year designation are administrative issues and should have no direct impacts on the managed resources. To the degree this supports overall management the impacts can be described as low positive.

9b. This alternative establishes that the Council's current control rules for ABC-setting would apply to blueline tilefish.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the control rules help ensure overfishing is avoided by explicitly accounting for our understanding of uncertainty in blueline tilefish assessments or other information used to set ABCs.

9c. This alternative establishes that the Council's current risk policy for ABC-setting would apply to blueline tilefish, as described below:

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because the risk policy helps ensure that ABCs will be set so as to avoid overfishing.

### *7.1.10 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 10: ALLOCATIONS AND SPECIFICATIONS*

10a. This alternative would not set allocations but the Council would rely on adjusting the specifications to control relative catch between the commercial and recreational fisheries. The catch of each fishery would have to be reviewed each year to determine if additional or modified measures are needed to control catch across the commercial and recreational blueline tilefish fisheries.

**Impacts:** This is an allocation decision and should have no impact on blueline tilefish.

10b1. This alternative would use the best available data to set allocations based on catch from 2009-2013 (median of percentages) (see considered but rejected section as to why 2014 is not included).

**Impacts:** This is an allocation decision and should have no impact on blueline tilefish.

10b2. This alternative would use the best available data to set allocations based on catch from 2009-2013 (mean of percentages) (see considered but rejected section as to why 2014 is not included).

**Impacts:** This is an allocation decision and should have no impact on blueline tilefish.

10c1. This alternative would use the best available data to set allocations based on catch from 2004-2013 (median of percentages) (see considered but rejected section as to why 2014 is not included).

**Impacts:** This is an allocation decision and should have no impact on blueline tilefish.

10c2. This alternative would use the best available data to set allocations based on catch from 2004-2013 (mean of percentages) (see considered but rejected section as to why 2014 is not included).

**Impacts:** This is an allocation decision and should have no impact on blueline tilefish.

10d. If allocations are not made, this alternative describes how the specifications process would handle ABC, ACLs, ACTs, etc.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it facilitates implementation of specifications, which include ABCs/ACLs, which should avoid overfishing.

10e. If allocations are made, this alternative describes how the specifications process would handle allocations in terms of ABC, ACLs, ACTs, etc.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it facilitates implementation of specifications, which include ABCs/ACLs, which should avoid overfishing. Impacts would be similar to 10d.

#### *7.1.11 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 11: COMMERCIAL TRIP LIMITS (GUTTED WEIGHT)*

Regardless of the particular commercial trip limits that are set, it is expected that the Council would set an array of commercial and recreational measures that limit overall catch to the ABC. Thus in the context of overall management, commercial trip limits would not have a direct impact on blueline tilefish but do have an indirect impact to the degree they serve the overall goal of constraining catch to an ABC. In this respect, compared to no action, all of the trip limit alternatives would be expected to have similar low positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England). Higher or lower trip limits would more affect other measures (a higher commercial trip limit might lead

to a shorter commercial season or a lower recreational bag limit might be needed to constrain catch to the ABC/ACL), but the trip limits should not directly impact blueline tilefish within the context of overall management.

#### *7.1.12 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 12: RECREATIONAL BAG/POSSESSION LIMITS*

Regardless of the particular bag limits that are set, it is expected that the Council would set an array of commercial and recreational measures that limit overall catch to the ABC. Thus in the context of overall management, recreational bag limits would not have a direct impact on blueline tilefish but do have an indirect impact to the degree they serve the overall goal of constraining catch to an ABC. In this respect, compared to no action, all of the bag limit alternatives would be expected to have similar low positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England). Higher or lower bag limits would more affect other measures (a higher recreational bag limit might require a lower commercial trip limit to constrain catch to the ABC/ACL), but the bag limits should not directly impact blueline tilefish within the context of overall management.

#### *7.1.13 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 13: ESSENTIAL FISH HABITAT (EFH) DESIGNATION*

13a. Under this alternative, EFH designation would wait until the Council's pending overall EFH review action (2016-2017)

***Impacts:*** This would continue the no action alternative as it pertains to EFH, which would continue the low negative impacts of not having blueline tilefish habitat designated as EFH.

13b. This alternative would use the best available science to designate EFH in this action.

***Impacts:*** Compared to no action, this alternative would be expected to have low positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because other actions would have to consider their impacts on blueline tilefish EFH.

#### *7.1.14 MANAGED SPECIES IMPACTS - ALTERNATIVE SET 14: ACCOUNTABILITY MEASURES (AMS)*

14a. Under this alternative, used if there are allocations, then AMs are only automatically triggered if the overall ACL is exceeded. Whichever fishery, recreational or commercial or both, that caused the overall ACL overage would have added or modified measures to ensure that future overages do not occur in the future. The Council shall recommend such management measures, for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the fishery ACLs, based on the recommendations of the Council's SSC.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should minimize the chance of overfishing due to the implementation of accountability measures.

14b. Under this alternative, used if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should minimize the chance of overfishing due to the implementation of accountability measures. Impacts would be similar to 14a.

14c. Under this alternative, if NMFS determines that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL (depending on if there are allocations or not), NMFS may close or adjust the season and/or trip/bag limits for either fishery.

**Impacts:** Compared to no action, this alternative would be expected to have positive impacts for blueline tilefish in the Mid-Atlantic (and southern New England) because it should minimize the chance of overfishing by allowing NMFS to make in-season closures or adjustments to the season and/or trip/bag limits for either fishery. It is expected that this alternative would be selected with 14a or 14b so the impacts would be additive to whichever of those is selected.

### 7.2.1 HUMAN COMMUNITY IMPACTS - ALTERNATIVE 1: NO ACTION

**Impacts:** Taking no action would mean that on June 4, 2016 we would return to the situation where blue-line tilefish are not managed with Federal management measures north of the North Carolina/Virginia border (36.550278 N Latitude). As such, with no action it is likely that at least for some time there would be no management of blue-line tilefish in Federal waters north of the North Carolina/Virginia border. In the short run this may lead to higher revenues/benefits for both commercial and recreational fisheries (and associated support services) since more blue-line tilefish could be caught than if management was in place, but in the long run it would be expected that the blue-line tilefish stock would be depleted. This would likely have negative long term human community impacts.

### 7.2.2 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 2: MANAGEMENT UNIT AND OBJECTIVES

2a. (Fishery Management Action Team (*FMAT*) ***Recommends to be preferred***) This would establish a separate blue-line tilefish management unit in the EEZ north of the North Carolina (NC)/Virginia (VA) border (36.550278 N Latitude) extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

**Impacts:** While this should not have direct human community impacts compared to no action, because it would support sustainable management of blue-line tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts.

2b. This would establish a separate blue-line tilefish management unit in the EEZ north of Cape Hatteras (35.253167 N. lat., the latitude of Cape Hatteras Light), extending up to the boundary with Canada, which would be managed by the Mid-Atlantic Fishery Management Council.

**Impacts:** While this should not have direct human community impacts compared to no action, because it would support sustainable management of blue-line tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. Since blue-line tilefish are already managed from Cape Hatteras to the NC/VA border, this would not add any positive impacts compared to 2a, and could actually complicate/delay sustainable management given it would cause additional conflict with the SAFMC's management area, so impacts may be less positive than 2a.

2c. This alternative would establish that the objectives for blue-line tilefish are the same as for golden tilefish.

**Impacts:** While this should not have direct human community impacts compared to no action, because it would support sustainable management of blue-line tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts.

### 7.2.3 HUMAN COMMUNITY IMPACTS - ALTERNATIVE 3: STATUS DETERMINATION CRITERIA

The Council would use the most recent peer-reviewed and accepted assessment as applicable to the blueline tilefish in its management unit.

**Impacts:** While this should not have direct human community impacts compared to no action, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts.

### 7.2.4 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 4: COMMERCIAL PERMITTING AND REPORTING

4a. (***FMAT Recommends to be preferred***) Alternative 4a would make permanent the emergency regulations that anyone with a commercial open access golden tilefish permit would be permitted to retain for sale blueline tilefish subject to the applicable trip limit.

**Impacts:** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish.

4b. Alternative 4b would require anyone landing any blueline tilefish for sale to get a newly-created commercial open access blueline tilefish permit. Retention of blueline tilefish for sale would be subject to the applicable trip limit.

**Impacts:** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Compared to 4a the impact would be more negative since this alternative requires a separate permit.

4c. (***FMAT Recommends to be preferred***) Alternative 4c would require standard reporting of catch for any commercial vessel possessing a permit that allows them to land blueline tilefish (like other federal permits). These include (from golden tilefish requirements):

**Impacts:** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Most vessels would likely already have to report catch due to other permits.

4d. Alternative 4d would require Federally-permitted commercial blueline tilefish vessels to submit Vessel Trip Reports (VTRs) electronically.

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

4e. (***FMAT Recommends to be preferred***) Dealer Permits and Reporting – This alternative would institute dealer requirements similar to golden tilefish, i.e. that Federally-permitted vessels can only sell blueline tilefish to Federally-permitted dealers, and that dealers must have a federal permit to buy blueline tilefish. In addition, the standard reporting requirements (§648.7) for federal dealers would apply.

**Impacts:** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Most dealers would likely already have to report catch due to other permits.

#### *7.2.5 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 5: FOR-HIRE RECREATIONAL PERMITTING AND REPORTING*

5a. (***FMAT Recommends to be preferred***) Alternative 5a would make permanent the emergency requirement that any party or charter vessel must have been issued a Federal Charter/Party (golden) tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire. This would create a joint golden/blueline tilefish permit.

**Impacts:** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish.

5b. Alternative 5b would require any party or charter vessel to have a newly-created Federal Charter/Party blueline tilefish vessel permit to fish for blueline tilefish in the EEZ with passengers for hire.

**Impacts:** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Compared to 5a the impact would be more negative since this alternative requires a separate permit.

5c. Alternative 5c would require standard reporting by Vessel Trip Reports (VTRs) of catch for any vessel possessing a permit that allows them to fish for blueline tilefish with passengers for hire.

***Impacts:*** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Most vessels would likely already have to report catch due to other permits.

5d. Alternative 5d would require for-hire vessels to submit Vessel Trip Reports (VTRs) electronically if they have a golden tilefish or blueline tilefish permit.

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

#### *7.2.6 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 6: PRIVATE RECREATIONAL PERMITTING AND REPORTING*

6a. Alternative 6a would create and require a dedicated recreational fishing permit for private recreational anglers to catch golden or blueline tilefish, similar to how Highly Migratory Species (HMS) require a separate permit.

***Impacts:*** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish.

6b. Alternative 6b would require that a NMFS Highly Migratory Species (HMS) permit be obtained by any angler seeking to catch golden or blueline tilefish.

***Impacts:*** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost (but anyone could get a permit). However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. Since most anglers who fish for blueline tilefish likely obtain HMS permits already, any negative administrative burden impacts should be less than 6a.

6c. Alternative 6c would require private fishermen to report golden and blueline tilefish catch through the HMS reporting system, complemented by catch cards and tags as done in Maryland (<http://dnr2.maryland.gov/fisheries/Pages/coastal/tagging.aspx>).

***Impacts:*** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish.

6d. Alternative 6d would require an online reporting (via a modified SAFIS application) of golden and blueline tilefish for private recreational fishermen before any tilefish are removed from a vessel, or before a trailered vessel is removed from the water.

***Impacts:*** Compared to no action, there would likely be a low short term negative impact due to administrative burden and cost. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts related to improved tracking of fishing effort and catch of blueline tilefish. If an efficient application can be developed, the reporting burden may be less under 6d compared to 6c.

#### ***7.2.7 HUMAN COMMUNITY IMPACTS - ALTERNATIVE 7: MONITORING COMMITTEE***

This alternative would establish that the same Monitoring Committee as golden tilefish would provide recommendations to the Council and/or relevant committee to ensure that blueline tilefish specifications are not exceeded and to address any other operational aspects of the fishery. This would essentially create a single Golden/Blueline Tilefish Monitoring Committee.

***Impacts:*** This should have no direct impacts compared to the status quo. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive indirect long-term impacts.

#### ***7.2.8 HUMAN COMMUNITY IMPACTS - ALTERNATIVE 8: FRAMEWORK ADJUSTMENTS***

This alternative would establish that any action that is frameworkable for golden tilefish would also be frameworkable for blueline tilefish. It was also establish that generally, any action that has been previously considered in the FMP or in an amendment to the FMP may be modified via a framework action. The unit of management may also be modified via a framework action.

***Impacts:*** This should have no direct impacts compared to the status quo. However, because it would support sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive indirect long-term impacts. Framework adjustments allow more rapid responses to changing fishing conditions, which should have positive indirect impacts.

### *7.2.9 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 9: SPECIFICATIONS PROCESS AND RISK POLICY*

9a. This alternative would specify what measures can be set during specifications. The fishing year would be aligned with the golden tilefish fishing year, i.e. November 1 to October 31.

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

9b. This alternative establishes that the Council’s current control rules for ABC-setting would apply to blueline tilefish.

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

9c. This alternative establishes that the Council’s current risk policy for ABC-setting would apply to blueline tilefish, as described below:

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

### *7.2.10 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 10: ALLOCATIONS AND SPECIFICATIONS*

10a. This alternative would not set allocations but the Council would rely on adjusting the specifications to control relative catch between the commercial and recreational fisheries. The catch of each fishery would have to be reviewed each year to determine if additional or modified measures are needed to control catch across the commercial and recreational blueline tilefish fisheries.

***Impacts:*** Not setting allocations should have no direct impacts compared to the status quo. However, without allocations, it can be very difficult to control catch within the recreational and commercial fishery and even more difficult to determine how to respond to any catch overages in terms of management measures on the different fisheries.

10b1. This alternative would use the best available data to set allocations based on median catch percentages from **2009-2013**

***Impacts:*** For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. There currently is no recreational catch stream to compare against a commercial catch stream due to the paucity of blue-line tilefish data in the MRIP database. The Council plans to hold a workshop to determine the best estimate of recreational and commercial catch amounts before public hearings and final action. Relative to 10b2, using the median down-weights outlier values and makes the allocation more like what happened in most years. Relative to 10c1 or 10c2, 10b1 and 10b2 place more emphasis on recent years.

10b2. This alternative would use the best available data to set allocations based on mean catch percentages from **2009-2013**

***Impacts:*** For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. There currently is no recreational catch stream to compare against a commercial catch stream due to the paucity of blue-line tilefish data in the MRIP database. The Council plans to hold a workshop to determine the best estimate of recreational and commercial catch amounts before public hearings and final action. Relative to 10b1, using the mean retains the impact that outlier values can have on the final allocation. Relative to 10c1 or 10c2, 10b1 and 10b2 place more emphasis on recent years.

10c1. This alternative would use the best available data to set allocations based on median catch percentages from **2004-2013**

***Impacts:*** For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. There currently is no recreational catch stream to compare against a commercial catch stream due to the paucity of blue-line tilefish data in the MRIP database. The Council plans to hold a workshop to determine the best estimate of recreational and commercial catch amounts before public hearings and final action. Relative to 10c2, using the median down-weights outlier values and makes the allocation more like what happened in most years. Relative to 10b1 or 10b2, 10c1 and 10c2 place more emphasis on more historical catches.

10c2. This alternative would use the best available data to set allocations based on mean catch percentages from **2004-2013**

***Impacts:*** For new allocations, the allocations themselves would not have direct impacts compared to the status quo. It is really the level of catch assigned to the allocations that determines the impact. Nevertheless, allocations certainly have indirect impacts for the same reason. There currently is no recreational catch stream to compare against a commercial catch stream due to the paucity of blue-line tilefish data in the MRIP database. The Council plans to hold a workshop to determine the best estimate of recreational and commercial catch amounts before public hearings and final action. Relative to 10c1, using the mean retains the impact that outlier values can have on the final allocation. Relative to 10b1 or 10b2, 10c1 and 10c2 place more emphasis on more historical catches.

10d. If allocations are not made, this alternative describes how the specifications process would handle ABC, ACLs, ACTs, etc.

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

10e. If allocations are made, this alternative describes how the specifications process would handle allocations in terms of ABC, ACLs, ACTs, etc.

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

#### *7.2.11 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 11: COMMERCIAL TRIP LIMITS (GUTTED WEIGHT)*

11a - This alternative would continue the emergency action's commercial trip limit of 275 pounds per trip gutted weight (head and fins must be attached). Since the emergency action expires June 3, 2016, no action would mean no trip limit in Federal waters.

**Impacts:** Compared to the no action (no trip limits in federal waters), a trip limit of 275 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 7, in recent typical operation of this fishery (i.e. not including 2014), very few trips per year (8 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips are impacted (see Table 8).

11b – This alternative would reduce the trip limit from the emergency action's 275 pounds to a limit of 200 pounds per trip gutted weight (head and fins must be attached). Since the emergency action expires June 3, 2016, the no action would mean no trip limit in Federal waters.

**Impacts:** Compared to the no action (no trip limits in federal waters), a trip limit of 200 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 7, in recent typical operation of this fishery (i.e. not including 2014),

very few trips per year (14 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 8).

11c - This alternative would increase the trip limit from the emergency action's 275 pounds to a limit of 300 pounds per trip gutted weight (head and fins must be attached). Since the emergency action expires June 3, 2016, the no action would mean no trip limit in Federal waters.

**Impacts:** Compared to the no action (no trip limits in federal waters), a trip limit of 300 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 7, in recent typical operation of this fishery (i.e. not including 2014), very few trips per year (6 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 8).

11d - This alternative would increase the trip limit from the emergency action's 275 pounds to a limit of 500 pounds per trip gutted weight (head and fins must be attached). Since the emergency action expires June 3, 2016, the no action would mean no trip limit in Federal waters.

**Impacts:** Compared to the no action (no trip limits in federal waters), a trip limit of 500 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 7, in recent typical operation of this fishery (i.e. not including 2014), very few trips per year (4 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 8).

11e - This alternative would increase the trip limit from the emergency action's 275 pounds to a limit of 900 pounds per trip gutted weight (head and fins must be attached). Since the emergency action expires June 3, 2016, the no action would mean no trip limit in Federal waters.

**Impacts:** Compared to the no action (no trip limits in federal waters), a trip limit of 900 pounds per trip gutted weight would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blueline tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 7, in recent typical operation of this fishery (i.e. not including 2014), very few trips per year (2 trips) would have been impacted by this trip limit over 2009-2013, so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 8).

### *7.2.12 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 12: RECREATIONAL BAG/POSSESSION LIMITS*

12a. This alternative would continue the emergency action's recreational bag limit of 7 fish. Since the emergency action expires June 3, 2016, the no action would mean no limits in Federal waters.

***Impacts:*** Compared to the no action (no bag limits in federal waters), a recreational bag limit of 7 blue-line tilefish per person would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blue-line tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 10, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blue-line tilefish (7 trips out of 98) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 11).

12b. This alternative would reduce the bag limit from the emergency action's limit of 7 fish to 5 fish. Since the emergency action expires June 3, 2016, the no action would mean no limits in Federal waters.

***Impacts:*** Compared to the no action (no bag limits in federal waters), a recreational bag limit of 5 blue-line tilefish per person would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blue-line tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 10, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blue-line tilefish (21 trips out of 98) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 11). Comments received during scoping indicated that for some party boats, bag limits less than 7 fish would cause their clients to not fish for blue-line tilefish due to the relatively high costs given the extended run offshore for blue-line tilefish.

12c. This alternative would increase the bag limit from the emergency action's limit of 7 fish to 9 fish. Since the emergency action expires June 3, 2016, the no action would mean no limits in Federal waters.

***Impacts:*** Compared to the no action (no bag limits in federal waters), a recreational bag limit of 9 blue-line tilefish per person would be more restrictive and could cause lower short term revenues, so this alternative could have negative short term impacts. However, because it would be used in support of sustainable management of blue-line tilefish in the Mid-Atlantic by the Council, there should be positive long-term impacts. As described in Table 10, in recent typical operation of this fishery (i.e. not including 2014), a relatively small portion of trips per year retaining blue-line tilefish (4 trips out of 98) would have been impacted by this trip limit over 2009-2013 (considering average kept fish per angler on

VTR reports), so even short term negative impacts should be low compared to the typical operation of this fishery. If the comparison is done relative to 2014, more trips would be impacted (see Table 11).

12d. If chosen, this alternative could only be chosen in combination with 12a, 12b, or 12c, and would allow an additional 3 blueline tilefish per person on party boat trips (more than 6 passengers) that lasted longer than 36 hours from when the vessel leaves the dock to when a vessel returns to the dock. A call-out/call-in system would be necessary to assist enforcement of such a provision.

***Impacts:*** Since this alternative would only be chosen in combination with 12a, 12b, or 12c, it only makes sense to consider the impact of an additional 3 blueline tilefish for longer trips. Comments received during scoping highlighted that some vessels who make longer trips would benefit from such a provision, because the higher limit would help them attract customers who have to pay more for longer trips (vessels in more northern states must travel farther to get off shore). This alternative would be expected to have positive impacts for those vessels, but their higher catches could cause additional, more restrictive management measures for other vessels, especially if any ABC/ACL overages occur.

#### *7.2.13 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 13: ESSENTIAL FISH HABITAT (EFH) DESIGNATION*

13a. Under this alternative, EFH designation would wait until the Council's pending overall EFH review action (2016-2017)

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

13b. This alternative would use the best available science to designate EFH in this action.

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

#### *7.2.14 HUMAN COMMUNITY IMPACTS - ALTERNATIVE SET 14: ACCOUNTABILITY MEASURES (AMS)*

14a. Under this alternative, used if there are allocations, then AMs are only automatically triggered if the overall ACL is exceeded. Whichever fishery, recreational or commercial or both, that caused the overall ACL overage would have added or modified measures to ensure that future overages do not occur in the future. The Council shall recommend such management measures, for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the fishery ACLs, based on the recommendations of the Council's SSC.

**Impacts:** Compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery.

14b. Under this alternative, used if there are no allocations, then if the ACL is exceeded, the Council will recommend management measures (commercial and/or recreational), for the soonest year practicable, that analysis demonstrates should eliminate future overages. Such measures could include any measure that can be set via specifications. In addition, in the relevant specifications year, the overage would be deducted from what would otherwise be the ABC, based on the recommendations of the Council's SSC.

**Impacts:** Compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery.

14c. Under this alternative, if NMFS determines that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL (depending on if there are allocations or not), NMFS may close or adjust the season and/or trip/bag limits for either fishery.

**Impacts:** Compared to no action, accountability measures can have negative impacts in the short run because catches are limited more than would otherwise occur, but there should be positive long term impacts because accountability measures should help ensure maintenance of a sustainable fishery. This alternative would be used in conjunction with either 14a or 14b so impacts would be additive to those alternatives' impacts.

## 8.0 APPENDICES

### Appendix A – Council Emergency Action Request to NMFS



#### Mid-Atlantic Fishery Management Council

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

March 10, 2015

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

Dear Mr. Bullard:

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

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

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



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

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

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

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

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



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

Thank you for your consideration of this request. We look forward to working with you and our other management partners to achieve effective management of this fishery. Please call me or Chris Moore if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R B Robins, Jr." with a stylized flourish at the end.

Richard B. Robins, Jr.  
Chairman

cc: Council, R. Crabtree, B. Mahood, S. Rauch

## 9.0 SELECTED REFERENCES

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