

Blueline Tilefish Emergency Action

Environmental Assessment and Regulatory Impact Review



May 2015

Prepared by the
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1.0 EXECUTIVE SUMMARY

This emergency action for the blueline tilefish (*Caulolatilus microps*) fishery was developed by the National Marine Fisheries Service (NMFS) Greater Atlantic Regional Fisheries Office. This emergency action was requested by the Mid-Atlantic Fishery Management Council in March 2015. The document's purpose is to present a range of alternative emergency management measures for the blueline tilefish fishery off the northeastern U.S. ("Northeast region") along with a characterization of the environmental impacts of each of those alternatives. Two alternatives consist of new blueline tilefish possession limits for the commercial and recreational fisheries. The measures are needed to constrain fishing mortality on the stock while the Mid-Atlantic and South Atlantic Fishery Management Councils develop a long-term solution for management of the species. This document was developed in accordance with a number of applicable laws and statutes that are described in section 7.0.

The National Environmental Policy Act (NEPA) requires a comparison of the action alternatives (Alternatives 1 and 2) relative to the "no action" (Alternative 3). The preferred alternative (Alternative 1) and Alternative 2 are expected to result in overall positive biological impacts on the managed resources and non-target species when compared to no action. Alternatives 1 and 2 represent a decrease in possession of blueline tilefish when compared to no action. Alternative 2 includes the most restrictive possession limits being considered for the commercial and recreational fisheries. Alternative 2 may be expected to result in slightly higher positive biological impacts than Alternative 1 when compared to no action. Alternative 1 is consistent with the recommendations of the Mid-Atlantic Fishery Management Council. Non-preferred Alternative 3 (no action) would allow blueline tilefish possession in the Northeast to remain unlimited and unregulated, and is expected to have negative biological impacts overall on the stock. Ranking these three alternatives from more likely to less likely to result in overall positive biological impacts would rank as follows: Alternative 2, Alternative 1, and Alternative 3.

Alternative 1 and Alternative 2 are expected to result in habitat impacts that range from neutral to slightly positive when compared to no action, to the extent that decreased possession limits result in decreased or unchanged contact time of fishing gear with habitat. Alternative 3 is the least restrictive alternative, and is expected to have overall habitat impacts that are neutral when compared to current conditions. Ranking these three alternatives from more likely to less likely to result in overall positive habitat impacts would rank as follows: Alternative 2, Alternative 1, and Alternative 3.

Given the range of potential impacts on Endangered Species Act (ESA)-listed and Marine Mammal Protection Act (MMPA) protected resources, Alternative 1 and Alternative 2 are expected to result in impacts on ESA-listed and MMPA protected resources that range from neutral to slightly positive when compared to no action. Alternative 3 is the least restrictive alternative, and is expected to have overall impacts on ESA-listed and MMPA protected resources that are neutral when compared to current conditions. Ranking these three alternatives from more likely to less likely to result in overall positive impacts on ESA-listed and MMPA protected resources would rank as follows: Alternative 2, Alternative 1, and Alternative 3.

Under Alternative 1, it is expected that social and economic impacts will be slightly negative when compared to no action. Under Alternative 2 it is expected that social and economic impacts will be negative due to the large reduction in possession limits compared to no action. Alternative 3 is expected to result in neutral social and economic impacts when compared to existing conditions, but would have long-term negative impacts if the stock became overfished. Ranking these three alternatives from more likely to less likely to result in overall positive social and economic impacts would rank as follows: Alternative 3, Alternative 1, and Alternative 2.

Box ES-1. Overall qualitative summary of the expected impacts of the alternatives considered in this document. A minus sign (-) signifies an expected negative impact, a plus sign (+) signifies an expected positive impact, and zero is used to indicate a null impact. A “sl” in front of a sign is used to convey a minor effect, such as slight positive (sl+). An ‘S’ indicates short-term, and an ‘L’ indicates long-term impacts.

Alternatives	Biological	EFH	Protected Resources	Economic	Social
Alternative 1 (Preferred)	+	sl+	0/sl+	sl-	sl-
Alternative 2 (Non-Preferred)	+	sl+	0/sl+	-	-
Alternative 3 (No Action)	-	0	0/sl-	sl+/L-	sl+/L-

Cumulative Impacts

When the proposed action is considered in conjunction with all the other pressures placed on fisheries by past, present, and reasonably foreseeable future actions, it is not expected to result in any significant impacts, positive or negative; therefore, there are no significant cumulative effects associated with the action proposed in this document (see section 6.5).

Conclusions

A detailed discussion of the environmental impacts of the alternatives, as well as any cumulative impacts, considered in this document are provided in section 6.0. The preferred action alternative is not associated with significant impacts to the biological, physical, social or economic, environment individually or in conjunction with other actions under NEPA; therefore, a “Finding of No Significant Impact” is determined.

2.0 LIST OF ACRONYMS

ABC	Acceptable Biological Catch
ACL	Annual Catch Limit
ACT	Annual Catch Target
ALWTRP	Atlantic Large Whale Take Reduction Plan
AM	Accountability Measure
ASMFC	Atlantic States Marine Fisheries Commission or Commission
BiOp	Biological Opinion
B _{MSY}	Biomass at Maximum Sustainable Yield
CEA	Cumulative Effects Assessment
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CV	Coefficient of Variation
CZMA	Coastal Zone Management Act
DPS	Distinct Population Segment
DPSWG	Data Poor Stocks Working Group
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Fishing Mortality Rate
F _{MSY}	Fishing Mortality Rate at Maximum Sustainable Yield
FR	Federal Register
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact
GARFO	Greater Atlantic Regional Fisheries Office (formerly Northeast Regional Office/NERO)
HPTRP	Harbor Porpoise Take Reduction Plan
IRFA	Initial Regulatory Flexibility Analysis
LNG	Liquefied Natural Gas
LOF	List of Fisheries
MAB	Middle Atlantic Bight
MAFMC	Mid-Atlantic Fishery Management Council
MC	Monitoring Committee
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistical Survey
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSY	Maximum Sustainable Yield
MT	Metric tons
NAO	National Oceanic and Atmospheric Administration Administrative Order
NEFSC	Northeast Fisheries Science Center
NEFOP	Northeast Fisheries Observer Program
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	Overfishing Limit
OY	Optimum Yield
PRA	Paperwork Reduction Act
RFA	Regulatory Flexibility Act
RHL	Recreational Harvest Limit
RSA	Research Set-Aside
SAFMC	South Atlantic Fishery Management Council
SARC	Stock Assessment Review Committee

SAV	Submerged Aquatic Vegetation
SAW	Stock Assessment Workshop
SBA	Small Business Administration
SEDAR	Southeast Data, Assessment, and Review
SFA	Sustainable Fisheries Act
SI/M	Serious Injury/Mortality
SSB	Spawning Stock Biomass
SSC	Scientific and Statistical Committee
TAL	Total Allowable Landings
US	United States
VECs	Valued Ecosystem Components
VTR	Vessel Trip Report

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ENVIRONMENTAL ASSESSMENT

3.0 INTRODUCTION AND BACKGROUND

Blueline tilefish (*Caulolatilus microps*) is a demersal fish species that ranges off the United States Atlantic coast from southern New England to Florida. They are primarily distributed along the outer continental shelf, shelf break, and upper slope in depths of 30-236 m. The stock is managed by the South Atlantic Fishery Management Council (SAFMC) as part of their Snapper Grouper Fishery Management Plan (FMP). However, jurisdiction of the SAFMC's regulations on blueline tilefish in the U.S. Exclusive Economic Zone (EEZ) only extend as far north as the latitude of the Virginia/North Carolina border (Figure 1). Therefore, there are no Federal regulations for blueline tilefish north of that border in the Northeast region.

The most recent stock assessment for blueline tilefish (SEDAR 32, 2013) concluded that the stock was overfished and experiencing overfishing. However, as of November 6, 2014, new biological reference points were approved, resulting in the stock no longer being considered overfished (biomass greater than the minimum stock size threshold) (October 7, 2014; 79 FR 60379). The SAFMC developed Amendment 32 to the Snapper Grouper FMP to immediately end overfishing of blueline tilefish within their jurisdiction, including a new annual catch limit (ACL), accountability measures (AMs), and reduced commercial and recreational possession limits (January 22, 2015; 80 FR 3207). However, Amendment 32 measures would not apply to vessels fishing for blueline tilefish north of their jurisdiction.

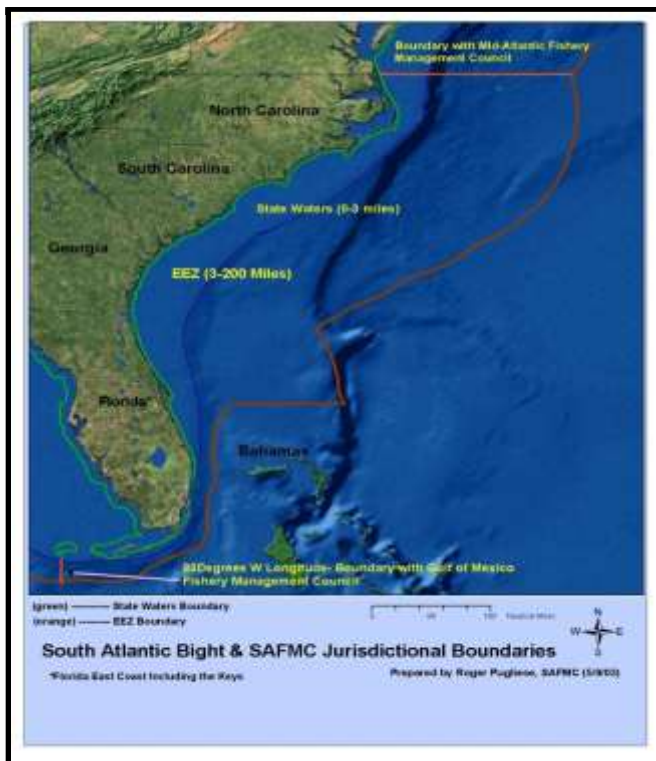


Figure 1. Jurisdictional boundaries of the SAFMC.

Historically, few landings of blueline tilefish have been documented in the Northeast region, in the jurisdiction of the Mid-Atlantic Fishery Management Council (MAFMC) (i.e., north of the VA/NC border). Commercial landings from Virginia-north averaged 11,000 lb per year for 2005-2013. Recreational party/charter vessels reported an average of 2,400 fish per year for 2002-2011. However, commercial landings in 2014 increased to 217,000 lb, and recreational landings from 2012-2014 increased to 10,000-16,000 fish per year.

The rapid increase in unregulated blueline tilefish harvest in the Northeast region represents a risk to the conservation of the species and the long-term sustainability of its fisheries. While it is currently unclear if increased fishing mortality in this region would affect the Southeast Region's ability to end overfishing on the stock in their jurisdiction, blueline tilefish's inherent biological susceptibility to overfishing warrants precautionary management throughout its range. Based upon these concerns, on February 25, 2015, the MAFMC made the following motion that was approved by a vote of 13-4-0:

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.

This request for emergency action was formally submitted to the National Marine Fisheries Service (NMFS) Greater Atlantic Regional Administrator on March 10, 2015. This document analyzes the impact to the human environment from NMFS' proposed response to the request, and describes the proposed emergency management measures.

3.1 PURPOSE AND NEED OF THE ACTION

The purpose of this action is to implement emergency measures that would institute blueline tilefish possession limits to reduce blueline tilefish mortality. The action is needed to proactively reduce the risk of overfishing blueline tilefish while the MAFMC and SAFMC develop a long-term solution for the sustainable management of the stock under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

This document, which describes the action and its impacts, was developed in accordance with the MSA and the National Environmental Policy Act of 1969 (NEPA). The MSA is the primary domestic legislation governing fisheries management in the U.S. EEZ.

3.2 EMERGENCY ACTION PROCESS

Under the MSA, if the Council determines that an emergency exists, NMFS may implement temporary regulations necessary to address the emergency. The temporary regulations may remain in effect for no more than 180 days, but may be extended for an additional 186 days as described in section 305(c) of the MSA. NMFS policy guidelines for the use of emergency rules (August 21, 1997; 62 FR 44421) specify the following three criteria that define what an emergency situation is, and justification for final rulemaking: (1) The emergency results from recent, unforeseen events or recently discovered circumstances; (2) the emergency presents serious conservation or management problems in the fishery; and (3) if the emergency action is being implemented without prior public comment, the emergency can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process. NMFS policy guidelines further provide that emergency action is justified for certain situations where emergency action would prevent significant direct economic loss, or to preserve a significant economic opportunity that otherwise might be foregone. Refer to Section 7.1 of this document for a description of how this action meets the requirement of the MSA and NMFS policy guidelines for emergency rules.

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4.0 MANAGEMENT ALTERNATIVES

This section includes the description of two management alternatives in addition to the No Action alternative. All alternatives would apply to vessels and persons fishing in the “Northeast region,” which we define throughout this document as the U.S. EEZ north of the northern jurisdictional boundary of the SAFMC, as defined at 50 CFR 600.105(b):

The boundary begins at the seaward boundary between the States of Virginia and North Carolina (36° 33' 01.0" N. latitude), and proceeds due east to the point of intersection with the outward boundary of the EEZ as specified in the MSA.

This region falls under the management jurisdiction of the MAFMC and the NMFS Greater Atlantic Regional Fisheries Office (GARFO).

The scope of the management measures being considered in this action are limited to only commercial and recreational possession limits for blueline tilefish. None of the alternatives would modify the existing possession regulations for golden tilefish (*Lopholatilus chamaeleonticeps*), or any other species, in the Northeast region. Other potential management measures for blueline tilefish such as ACLs, AMs, seasons, etc. may be considered by the MAFMC and SAFMC as they develop a long-term strategy to manage the stock.

Alternative 1 represents the proposed action, and reflects the specific management measures requested by the MAFMC. Alternative 2 (not preferred) represents more conservative management measures that have been implemented in the Southeast Region under the SAFMC’s Snapper Grouper FMP. The alternatives are summarized in Table 2.

4.1 Alternative 1 (Preferred)

Under this preferred alternative, commercial and recreational possession limits would be implemented for blueline tilefish in the Northeast region. In order to possess and land blueline tilefish, vessels would be required to hold a valid Northeast Federal open access Tilefish commercial or charter/party vessel permit, which are issued by the Greater Atlantic Regional Fisheries Office. The purpose of the permit requirement is to ensure adequate monitoring and reporting of blueline tilefish fishing activity in the region (e.g., vessel trip reports, observer program participation, etc.). The commercial possession limit for blueline tilefish would be 300 lb (whole weight), and the recreational bag limit would be 7 blueline tilefish per person, per trip.

4.2 Alternative 2

This alternative would be the same as Alternative 1, except that the commercial possession limit would be 100 lb (gutted weight), and the recreational bag limit would be 1 fish per *vessel* per day during May through August only. Possession would be prohibited for the remainder of the year.

4.3 No Action Alternative

Under the No Action alternative, no commercial or recreational possession limits would be implemented for blueline tilefish in the Northeast region. Commercial and recreational possession of blueline tilefish in the Northeast region would continue to be unlimited.

Table 1. Summary of blueline tilefish emergency action alternatives.

Alternative	Commercial Possession Limit	Recreational Possession Limit
Alternative 1 (Preferred)	300 lb (whole)	7 fish per person per trip
Alternative 2	100 lb (gutted)	1 fish per vessel per day (May through August)
No Action	Unlimited	Unlimited

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5.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

5.1 Description of the Managed Resource

Blueline tilefish occur in the Western Atlantic Ocean, historically from North Carolina to southern Florida and Mexico, including the northern (and probably eastern) Gulf of Mexico (Dooley 1978). Recently, blueline tilefish have been encountered further north at least as far as offshore New Jersey. Blueline tilefish are found along the outer continental shelf, shelf break, and upper slope on irregular bottom with ledges or crevices, and around boulders or rubble piles in depths of 30-236 m (98-774 ft) and temperatures ranging from 15 to 23° C (59-73.4° F) (Ross 1978; Ross and Huntsman 1982; Robins and Ray 1986; Parker and Mays 1998). They are relatively sedentary, bottom-associated species. Maximum reported size is 90 cm (35.4 in) FL (SEDAR 32 2013) and 7 kg (15 lbs) (Dooley 1978). Maximum reported age is 43 years (SEDAR 32 2013). The SEDAR group estimated the natural mortality rate to be 0.1 (SEDAR 32 2013). Spawning occurs at night, from March to October, with a peak in May (SEDAR 32 (2013) using information from Harris et al (2004)). Blueline tilefish primarily feeds on benthic invertebrates and fishes (Dooley 1978).

5.1.1 Stock Status

The most recent stock assessment for blueline tilefish in the South Atlantic (SEDAR 32, 2013) concluded that the stock was overfished and experiencing overfishing. However, as of November 6, 2014, new biological reference points were approved, resulting in the stock longer being considered overfished (biomass greater than the minimum stock size threshold) (79 FR 60379). The stock is considered data-limited, but its life history suggests high vulnerability to overfishing. Blueline tilefish caught in the Northeast region are currently treated as part of the South Atlantic stock, but more research is necessary to determine whether they should be considered as separate. The SAFMC is currently exploring whether SEDAR 32 should be considered inclusive of blueline tilefish occurring in the Northeast region. More detail is provided in SAFMC's Amendment 32, the SEDAR document itself, and at the following link, which are incorporated by reference:

http://safmc.net/sites/default/files/News%20Releases/pdf/2015/Rev_NR_SAFMC_Mar2015Meeting_31215.pdf

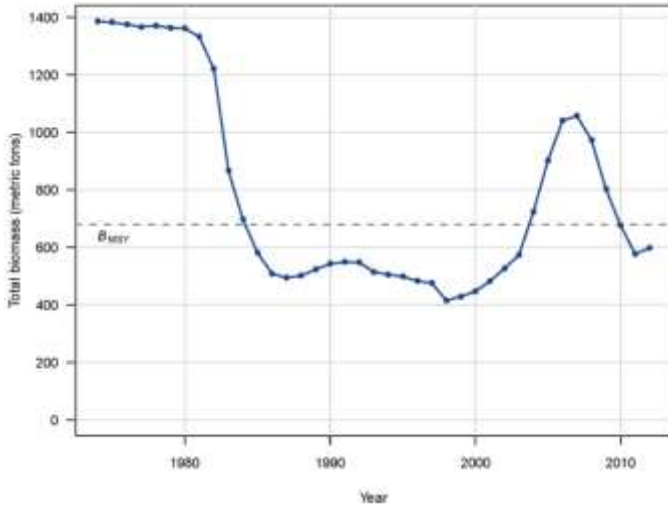


Figure 2. Estimated biomass trend of blueline tilefish (SEDAR 32).

5.1.2 Description of the Fisheries

The blueline tilefish fisheries have historically been predominantly South Atlantic offshore fisheries. The vast majority of commercial landings, which peaked in the early 1980s, are derived from handline and bottom longline gears (Figure 3). More recently, deep-sea recreational rod and reel fisheries have expanded, with peak landings in the mid-2000s (Figure 3). For more information on the South Atlantic blueline tilefish fisheries, refer to Amendment 32 (SAFMC 2015) and SEDAR 32. The remainder of this section focuses on describing the fisheries for blueline tilefish in the Northeast region.

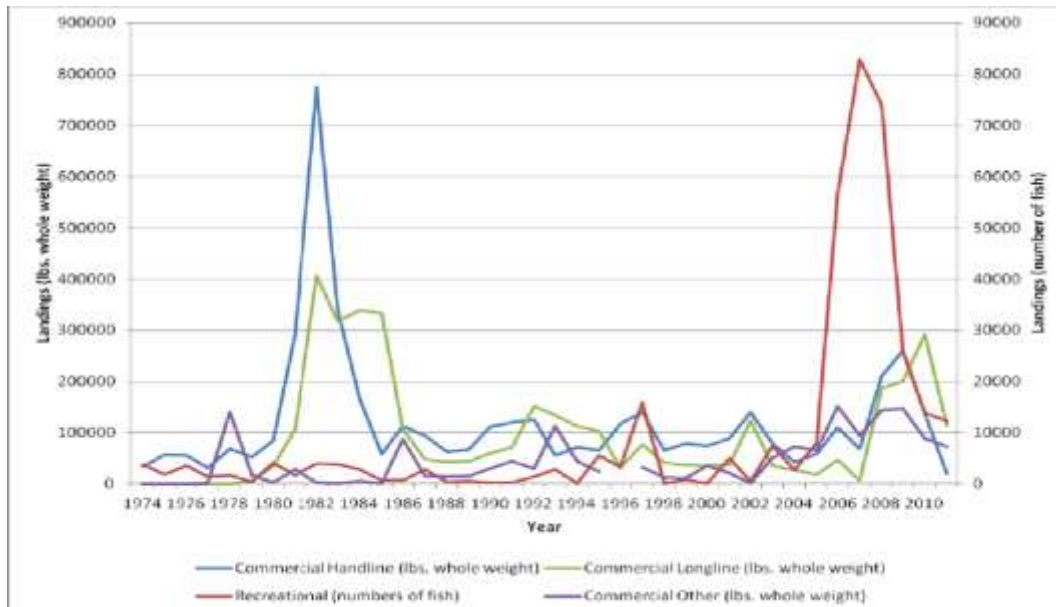


Figure 3. South Atlantic blueline tilefish commercial and recreational landings, 1974-2011 (SEDAR 32).

Fisheries for blueline tilefish in the Northeast region (north of the VA/NC border) have only recently developed, with peak landings occurring in 2014 (Figure 4). Commercial landings from Virginia-north averaged 11,000 lb per year for 2005-2013. However, commercial landings in 2014 increased to over 217,000 lb (Figure 4). Most commercial landings have been derived from Statistical Areas 621, 626, and 632 off the Delmarva peninsula (Figure 5). Tilefish are primarily caught by bottom longline (96.3% of total landings in 2014), with a small proportion caught by bottom otter trawls (2.7% of total landings in 2014). Minimal catches were also recorded for hand line, dredge (other), gillnets, and lobster pot/traps (MAFMC 2015).

Recreational charter/party vessels reported an average of 2,400 fish per year for 2002-2011. However, recreational landings from 2012-2014 increased to 10,000-16,000 fish per year (Figure 4). Most recreational landings have been derived from Statistical Areas 622 and 626 (Figure 6). Charter/party vessels often bottom fish for tilefish on trips primarily targeting offshore pelagic species such as tunas, but vessels in some states have begun to target blueline tilefish on offshore recreational trips (“deep-drop fishery”). Approximately 25 charter/party vessels reported blueline tilefish landings in 2014.

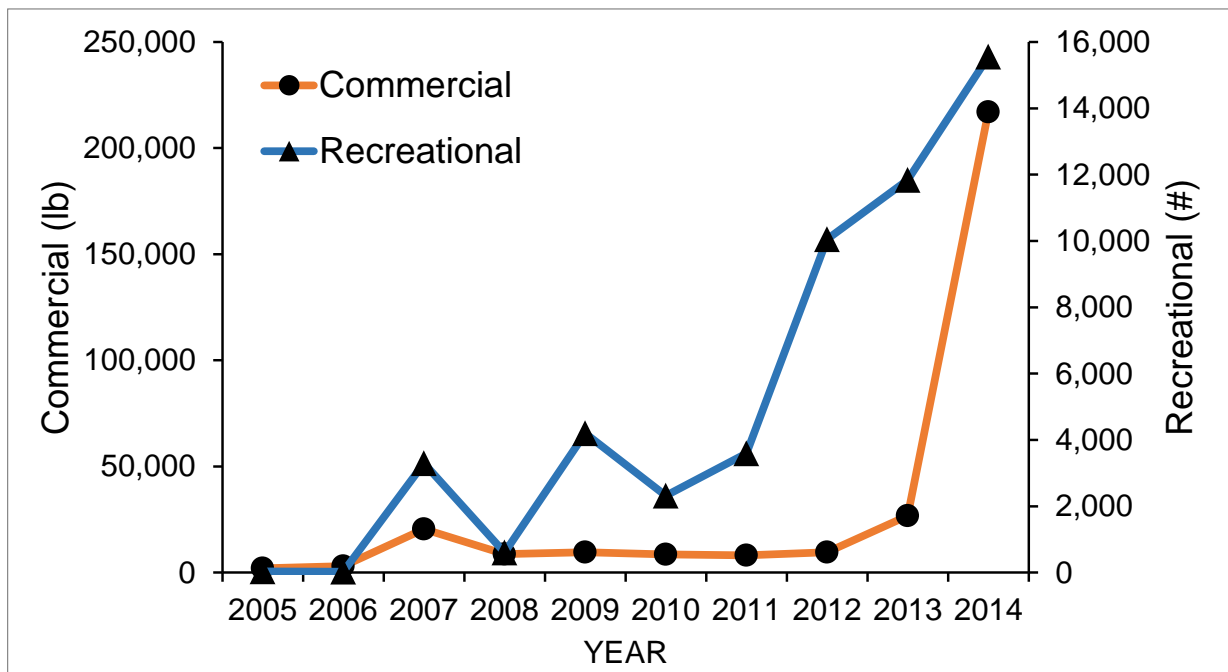


Figure 4. Estimated commercial (Dealer Weighout) and recreational charter/party (VTR) landings of blueline tilefish in the Northeast Region, 2005-2014.

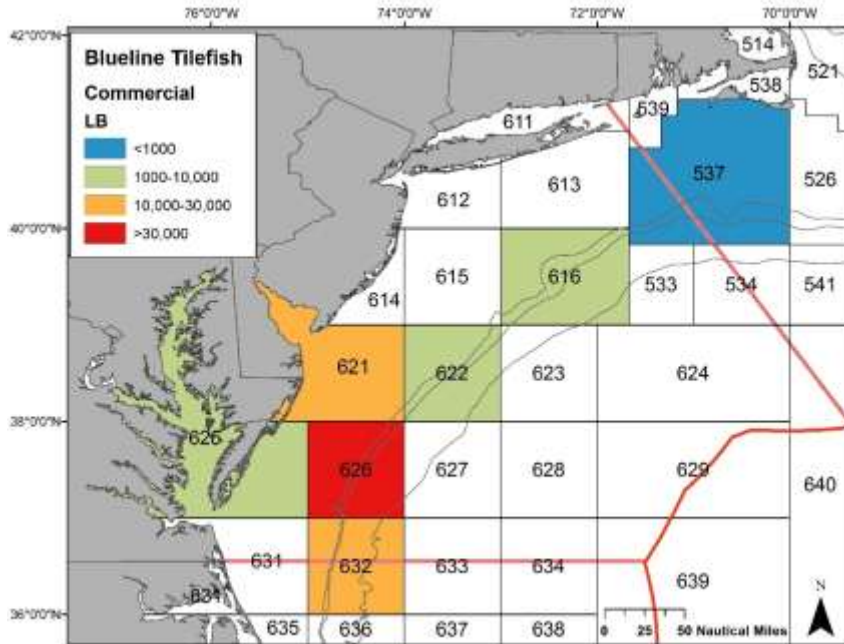


Figure 5. 2014 commercial landings of blueline tilefish by Statistical Area according to Northeast VTR data. Bathymetric contours are the 100, 200, and 2000 m contours delineating the location of the continental shelf edge and slope. Red lines indicate Council jurisdiction boundaries.

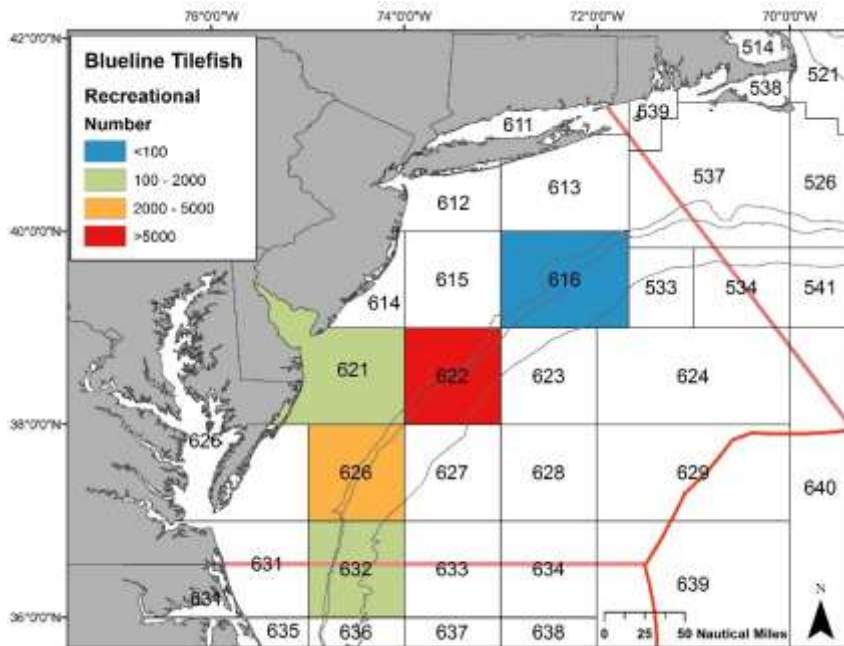


Figure 6. 2014 recreational landings of blueline tilefish by Statistical Area according to Northeast VTR data. Bathymetric contours are the 100, 200, and 2000 m contours delineating the location of the continental shelf edge and slope. Red lines indicate Council jurisdiction boundaries.

5.1.3 Non-Target Species

The non-target species includes species either landed or discarded (bycatch) as part of fisheries activities used to harvest blueline tilefish. The term "bycatch," as defined by the MSA, means fish that are harvested in a fishery but that are not sold or kept for personal use. Bycatch includes the discard of whole fish at sea or elsewhere, including economic and regulatory discards, and fishing mortality due to an encounter with fishing gear that does not result in capture of fish (i.e., unobserved fishing mortality). Bycatch does not include fish released alive under a recreational catch-and-release fishery.

Blueline tilefish are occasionally landed incidentally on trips targeting other species, especially squid (Longfin or *Illex*), and occasionally summer flounder, scup, and Atlantic croaker (Table 2). However, catch of non-target species on directed blueline tilefish trips is uncommon. Blueline tilefish are primarily caught by hook and line gears (rod and reel, handline, bottom longline). They are most frequently caught in association with golden tilefish, and some deepwater snappers and groupers. Due to the unique habitat of tilefish (deep, shelf-edge bottom habitat) and the use of selective fishing gear (bottom hook gear), interactions with other species are uncommon. According to Vessel Trip Report (VTR) data, very little (< 0.2%) discarding was reported by longline vessels that targeted tilefish for the 2004 through 2013 period. In addition, the 2014 golden tilefish stock assessment indicates that approximately 95% of the commercial landings are taken by the directed longline fishery, and that tilefish discards in the trawl and longline fishery are negligible (NEFSC 2014). Additional details are available in Snapper Grouper Amendment 32 (SAFMC 2015), and Golden Tilefish Amendment 1 (MAFMC 2009).

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Table 2. Landings composition of trips landing at least one lb of blueline tilefish in the Northeast region, 2014.

Species	LB	Species	LB
SQUID (LOLIGO)	453,036	DOGFISH SPINY	380
TILEFISH, GOLDEN	316,752	WHITING, KING	372
TILEFISH, BLUELINE	217,015	GROUPEL, SNOWY	327
SQUID (ILLEX)	198,328	DOLPHINFISH	281
FLOUNDER, SUMMER	137,264	SEA ROBINS	264
SCUP	134,941	SKATE, LITTLE	264
CROAKER, ATLANTIC	129,306	TUNA, BIG EYE	249
HAKE, SILVER	100,985	SWORDFISH	238
BUTTERFISH	33,567	EEL, AMERICAN	138
ANGLER	30,242	MACKEREL, SPANISH	124
HAKE, RED	23,233	SHARK, MAKO SHORTFIN	120
SEA BASS, BLACK	13,423	WHELK, WAVED	108
SKATES	9,030	SQUIDS (NS)	90
CUTLASSFISH, ATLANTIC	6,764	COBIA	78
BLUEFISH	6,348	SHARK, SPINNER	76
JOHN DORY	5,715	TRIGGERFISH	67
SKATE, WINTER(BIG)	4,667	HAKE, WHITE	60
MACKEREL, ATLANTIC	4,008	HERRING (NK)	37
SKATE, CLEARNOSE	2,270	COD	11
DOGFISH SMOOTH	1,943	HAKE, OFFSHORE	8
SCALLOP, SEA	1,776	HAKE MIX RED & WHITE	7
EEL, CONGER	1,631	RIBBONFISH	7
LOBSTER	1,438	OCTOPUS	5
WEAKFISH, SQUETEAGUE	1,200	HARVEST FISH	3
GROUPEL	941	POLLOCK	3
ROSEFISH, BLK BELLIED	907	CREVALLE	3
TUNA, YELLOWFIN	694	SPOT	1
BARRELFISH	634	SNAPPER	1
MACKEREL, CHUB	569		

5.2 Habitat (Including Essential Fish Habitat)

A description of the habitat associated with the blueline tilefish fisheries is presented in the SAFMC's Comprehensive EFH Amendment (SAFMC 1998), Snapper Grouper Amendment 32 (SAFMC 2015) and Golden Tilefish Amendment 1 (MAFMC 2009), and a brief summary of that information is given here and incorporated by reference. The impact of fishing on tilefish habitat (and EFH) as well as the impact of the fishery on other species' habitat and EFH can be found in Golden Tilefish Amendment 1 (MAFMC 2009) and Snapper Grouper Amendment 32 (SAFMC 2015). Potential impacts associated with the measures proposed in this document on habitat (including EFH) are discussed in section 6.2.

5.2.1 Physical Environment

Blueline tilefish are found along the outer continental shelf, shelf break, and upper slope on irregular bottom with ledges or crevices, and around boulders or rubble piles in depths of 30-236 m (98-774 ft) and temperatures ranging from 15 to 23° C (59-73.4° F) (Ross 1978; Ross and Huntsman 1982; Robins and Ray 1986; Parker and Mays 1998). Additional information on the habitat utilized by species in the Snapper Grouper Complex (including blueline tilefish) is included in Volume II of the Fishery Ecosystem Plan (FEP, SAFMC 2009) and the SAFMC Comprehensive EFH Amendment (SAFMC 1998). The FEP can be found at: <http://safmc.net/ecosystem-management/fishery-ecosystem-plan-1>. An additional description of the physical and biological characteristics of specific habitats found within the jurisdiction of the Northeast region can be found in Stevenson et. al. (2004).

5.2.2 Essential Fish Habitat (EFH)

In addition to the habitats described in Section 5.2.1 above, the Snapper Grouper FMP includes Habitat Areas of Particular Concern (HAPCs) for blueline tilefish within the jurisdiction of the SAFMC. HAPCs “include irregular bottom habitats along the shelf edge in 45-65 meters depth; shelf break; or upper slope along the 100-fathom contour (150-225 meters); hardbottom habitats characterized as rock overhangs, rock outcrops, manganese-phosphorite rock slab formations, or rocky reefs in the South Atlantic Bight; and the Georgetown Hole Charleston Lumps off Georgetown, SC” (SAFMC 1998).

5.3 Protected Species

5.3.1 Species Present in the Area

Numerous protected species inhabit the affected environment of the proposed action. These species are under NMFS jurisdiction and are afforded protection under the Endangered Species Act of 1973 (ESA) and/or the Marine Mammal Protection Act of 1972 (MMPA).

Table 3. Species Protected Under the ESA and/or MMPA that May Occur in the Affected Environment

Species	Status	Potentially affected by this action?
Cetaceans		
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>) ¹	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>) ²	Protected	No
Spotted dolphin (<i>Stenella frontalis</i>)	Protected	No
Striped dolphin (<i>Stenella coeruleoalba</i>)	Protected	No
Beaked whales (<i>Ziphius and Mesoplodon spp</i>) ³	Protected	No
Bottlenose dolphin (<i>Tursiops truncatus</i>) ⁴	Protected	No
Harbor porpoise (<i>Phocoena phocoena</i>)	Protected	No
Sea Turtles		
Leatherback sea turtle (<i>Dermochelys coriacea</i>)	Endangered	Yes
Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>)	Endangered	Yes
Green sea turtle (<i>Chelonia mydas</i>)	Endangered ⁵	Yes
Loggerhead sea turtle (<i>Caretta caretta</i>), Northwest Atlantic DPS	Threatened	Yes
Hawksbill sea turtle (<i>Eretmochelys imbricate</i>)	Endangered	No
Fish		
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 & South Atlantic DPS</i>	Endangered	No
Cusk (<i>Brosme brosme</i>)	Candidate	No
Pinnipeds		
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
Critical Habitat		
Northwest Atlantic DPS of loggerhead sea turtles	ESA-Listed	No
<i>Notes:</i>		
¹ 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>		
² Prior to 2008, this species was called “common dolphin.”		

³ There are multiple species of beaked whales in the Northwest Atlantic. They include the cuvier's (*Ziphius cavirostris*), blainville's (*Mesoplodon densirostris*), gervais' (*Mesoplodon europaeus*), sowerbys' (*Mesoplodon bidens*), and trues' (*Mesoplodon mirus*) beaked whales. Species of *Mesoplodon*; however, are difficult to identify at sea, and therefore, much of the available characterization for beaked whales is to the genus level only.

⁴ This includes the Western North Atlantic Offshore, Northern Migratory Coastal, and Southern Migratory Coastal Stocks of Bottlenose Dolphins.

⁵ Green turtles in U.S. waters are listed 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).

In Table 3, please note that 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. Please note, as 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.

5.3.2 Interactions with Protected Species

The tilefish fishery is primarily prosecuted with bottom longline gear (96% of landings in 2014). The only protected species that may be affected by the proposed action are sea turtles. Sea turtle interactions with bottom longline gear have been observed in multiple fisheries (e.g., HMS fishery-Atlantic shark bottom longline component; Gulf of Mexico reef fishery; Snapper-Grouper fishery; NMFS 2006, NMFS 2001). Interactions; however, have been greatest in those fisheries where effort has been concentrated in nearshore southern continental shelf waters (<200 meters) of the Southeast Atlantic and Gulf of Mexico (e.g., HMS fishery-Atlantic shark bottom longline component; Gulf of Mexico reef fishery). This is likely due to the fact that sea turtles can be found year round in South Atlantic and Gulf of Mexico waters, and are commonly found in neritic waters of the inner continental shelf (Braun-McNeill and Epperly 2002; Morreale and Standora 2005; Blumenthal *et al.* 2006; Hawkes *et al.* 2006; McClellan and Read 2007; Mansfield *et al.* 2009; Hawkes *et al.* 2011; Griffin *et al.* 2013; see sea turtle five year status reviews at <http://www.nmfs.noaa.gov/pr/listing/reviews.htm#species>; see sea turtle recovery plans at: <http://www.nmfs.noaa.gov/pr/recovery/plans.htm#turtles>); James *et al.* 2005; Eckert *et al.* 2006; Murphy *et al.* 2006; Dodge *et al.* 2014).

Fisheries operating with bottom longline gear in deep waters (>200 meters), where tilefish species are taken; however, have had few to no observed bottom long line interactions with sea turtles. For instance, the Northeast Fisheries Observer Program has not documented any interactions with sea turtle and bottom longline gear from 1989-2013 (NEFSC FSB 2014). Additionally, in the Snapper-Grouper fishery in the South Atlantic, where blueline tilefish are taken, only two sea turtles have been observed taken in bottom longline gear (NMFS 2006).

The reduced number of observed interactions may, in part, be due to the fact that sea turtle (primarily loggerhead and leatherback) behaviors in deeper waters are primarily directed at migratory movements. As a result, sea turtles are more likely to be present in the water column than near the benthos where bottom longline gear will be placed (Braun-McNeill and Epperly 2002; McClellan and Read 2007; Mansfield *et al.* 2009; Hawkes *et al.* 2011; Griffin *et al.* 2013; OBIS SEAMAP <http://seamap.env.duke.edu/>) and therefore, the co-occurrence of the bottom longline gear and sea turtles is likely to be reduced in these waters, thereby reducing the potential for an interaction.

5.4 Human Communities

A detailed description of the Southeast Region’s fisheries for blueline tilefish are presented in Snapper Grouper Amendment 32 (SAFMC 2015). The information presented in this section is intended to briefly characterize recent fisheries trends, both commercial and recreational, in the Northeast region. Landings trends and a general fishery description are provided in section 5.1.2 above.

5.4.1 Commercial Fishery

In the Northeast region, the commercial landings of blueline tilefish were historically low and incidental in other fisheries (e.g., squid, golden tilefish). However, a directed fishery has recently developed. As described above, prior to 2014, blueline tilefish commercial landings had been low in the Northeast region (Figure 4). However, in 2014, commercial landings increased by over 20 times from the 2005-2013 annual average. 2014 commercial landings were 217,015 lb valued at approximately \$454,437 (average ex-vessel price = \$2.09/lb) (Table 4).

Table 4. Ex-Vessel Value of 2010-2014 Northeast Region Commercial Blueline Tilefish Landings.

YEAR	Dealer Records	Annual Blueline Tilefish Ex-Vessel Revenues VA-NY
2010	88	\$10,675
2011	82	\$9,757
2012	95	\$14,987
2013	214	\$49,643
2014	316	\$454,437
Total 2010-2014 VA-NY dealer landed pounds: 239,153		

In 2014, commercial landings of blueline tilefish occurred in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, and Virginia. However, 95% of those landings occurred in New Jersey (Table 5). Landings mostly occurred between May and October (Figure 7).

Table 5. Blueline tilefish commercial landings in in New Jersey and other Northeast states, 2007-2014.

State	2007	2008	2009	2010	2011	2012	2013	2014
New Jersey	2,051	2,758	1,749	1,864	3,745	2,869	17,367	205,284
All Others	18,405	5,991	7,877	6,650	4,434	6,749	9,408	11,731

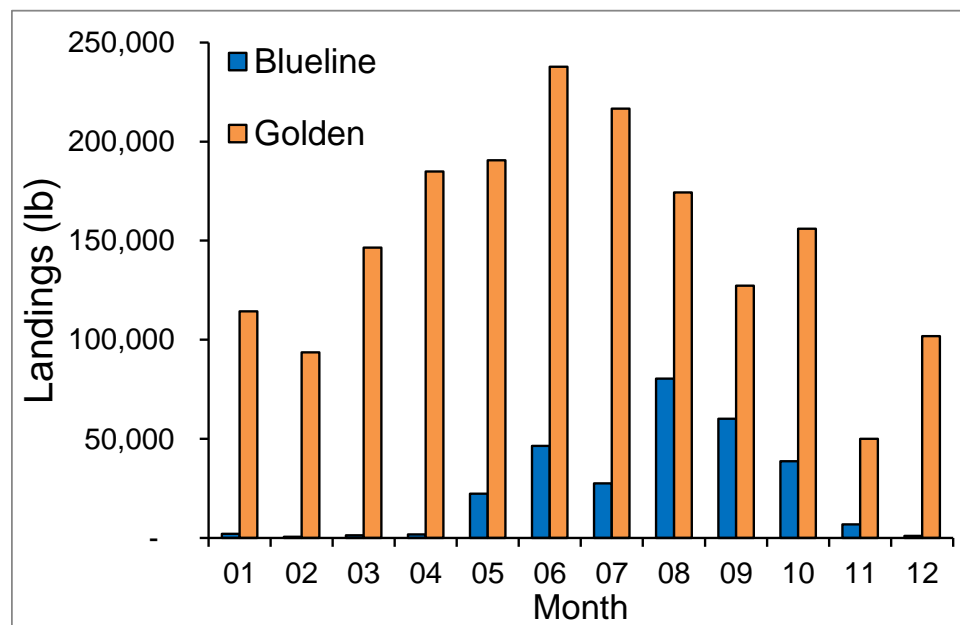


Figure 7. Northeast 2014 commercial landings of blueline and golden tilefish by month.

The economic impact of the commercial blueline tilefish fishery relative to employment and wages is difficult to determine. According to NMFS data, commercial fishermen in the western Atlantic landed approximately 1.300 billion lb of fish and shellfish in 2013. Those landings have been valued at approximately \$1.760 billion. Total landed value ranged from approximately \$123 thousand in Pennsylvania to \$567 million in Massachusetts.¹ However, it can be assumed that only a small amount of the region's fishing vessel employment, wages, and sales are dependent on blueline tilefish since the relative contribution of the species to the total value and poundage of all finfish and shellfish is very small (less than \$500,000 ex-vessel in 2014).

5.4.2 Recreational Fishery

As described in Section 5.1.2, recreational harvest of blueline tilefish has significantly increased since 2005. Most charter/party trips that have landed blueline tilefish in recent years, land few fish per trip (Table 6). However, 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) (Table 6). Additional details on tilefish recreational fisheries are available in Snapper Grouper Amendment 32 (SAFMC 2015), and Golden Tilefish Amendment 1 (MAFMC 2009).

¹ NOAA Fisheries - Office of Science and Technology (<https://www.st.nmfs.noaa.gov/>), January 5, 2015.

Table 6. 2010-2014 Party-Charter Average Retained Fish per Angler on Trips Reporting at Least One Blueline Tilefish.

Range Fish Kept Per Trip (Average per Angler)	<i>Trips</i>
Less than or = to 1	87
Between 1+ to 2	79
Between 2+ to 3	93
Between 3+ to 4	51
Between 4+ to 5	74
Between 5+ to 6	57
Between 6+ to 7	33
Between 7+ to 8	14
Between 8+ to 9	7
Between 9+ to 10	3
Between 10+ to 15	17
Between 15+ to 20	15
Between 20+ to 25	8
More than 25	1

5.4.3 Port and Community Description

Atlantic coast fishing communities directly involved in the harvest or processing of blueline tilefish occur in coastal states from Massachusetts through Florida. However, this EA is mainly concerned with blueline tilefish landings occurring in the Northeast region (from Virginia-north). The top five northeast ports for blueline tilefish landings in 2014, in descending order, were Cape May and Barnegat Light, NJ; Montauk, NY; Ocean City Harbor, MD; and Hampton, VA.

Additional information on "Community Profiles for the Northeast US Fisheries" can be found at http://www.nefsc.noaa.gov/read/socialsci/community_profiles/.

A description of the fishing communities in the Southeast U.S. can be found at <http://sero.nmfs.noaa.gov/sf/socialsci/pdfs/SA%20Fishing%20Community%20Report.pdf>.

5.4.4 Vessel and Dealer Activity

In 2014, in the Northeast region, a total of 81 commercial vessels were reported to land any amount of blueline tilefish. Most active vessels landed in New Jersey, Rhode Island, and Virginia, but 28 vessels that landed fish in New Jersey were responsible for 95% of the total blueline tilefish landings, with fewer than 10 of those responsible for most landings. A total of 26 dealers reported purchasing blueline tilefish between Massachusetts and Virginia in 2014. However, the vast majority of landings were reported through 5 dealers located in New Jersey.

6.0 ENVIRONMENTAL CONSEQUENCES OF ALTERNATIVES

This EA analyzes the impacts of the alternatives described fully under section 4.0. These alternatives specify commercial and recreational possession limits for blueline tilefish that are necessary to constrain fishing mortality on the unregulated stock while long-term management measures are developed by the MAFMC and SAFMC. The Valued Ecosystem Components (VECs) that could be affected by the proposed action in this EA are detailed in section 5.0, and the analysis in this section focuses on impacts of the alternatives relative to each of the VECs (managed resources and non-target species, habitat (including EFH), ESA-listed and MMPA protected species, and human communities).

For purposes of comparing each of the alternatives, the measures under each alternative are mainly compared to the 2014 fishery conditions (peak year for blueline tilefish fishing activity in the Northeast region). Changes in possession limits can result in changes in fishing effort. The direction and magnitude of change is dependent on factors such as fish abundance/availability and how the fishery responds to changes in regulations. The extent of interactions between fishing gear and habitat and other non-target species, including protected species, is related to fishing effort. The magnitude of change in effort that results from changes in possession limits and availability are difficult to quantify; however, they are not expected to be significant. In general, it is expected that lower possession limits will result in less fishing effort.

6.1 Biological Impacts

Biological impacts include the effects of the actions on the managed resource and non-target species. Compared to the No Action Alternative (3), Alternatives 1 (preferred) and 2 would reduce the possession limits for blueline tilefish from unlimited to the amounts described in Sec. 4.0 (Table 1). Alternatives 1 and 2 are expected to result in positive biological impacts because they are expected to reduce fishing effort on blueline tilefish as compared to No Action. Reductions in fishing effort are expected to result in reduced fishing mortality on the managed resource and non-target species. Effort reductions also would be expected to reduce bycatch and discard rates of non-target species. Alternative 2 includes more restrictive possession limits than Alternative 1 and would have more positive biological benefits to the resource.

Alternative 3 (No Action) is expected to result in negative biological impacts since continued unlimited fishing for blueline tilefish in the Northeast region would likely result in unconstrained increases in fishing mortality of the managed resource and increased bycatch of non-target species. In 2014, blueline tilefish landings in the Northeast region increased significantly over the long-term, pre-2014 average (Figure 4), and it is unclear whether landings would stabilize near 2014 levels, or continue to increase at a rapid rate. Given the blueline tilefish's biological and life history traits, it has a high inherent vulnerability to overfishing.

In summary, the three alternatives have impacts that range from negative to positive, however, the greatest potential for positive biological impacts are associated with Alternative 2, followed by Alternative 1 (preferred), and Alternative 3 (No Action) has the potential for negative biological impacts.

6.2 Habitat Impacts

The primary gears used to harvest blueline tilefish are bottom longline, handline, and rod and reel, which are generally not associated with adverse impacts on habitat. Bottom trawling has the potential for negative habitat impacts, but less than 3% of blueline tilefish landings have been associated with bottom trawl in the Northeast region, and these bottom trawl trips are not targeting blueline tilefish. 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).

Amendment 1 to the Golden Tilefish FMP (MAFMC 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 provide protection to areas that are known to have clay outcrop/pueblo habitats. These golden tilefish gear restricted areas (GRAs), particularly the Norfolk Canyon GRA (defined at 50 CFR 648.297), may provide some protection from habitat impacts where blueline and golden tilefish overlap in habitat within a GRA.

Due to the low impact gears used in the blueline tilefish fisheries, habitat impacts are likely to be neutral under Alternatives 1 and 2 compared to the No Action Alternative. Any minor change in impact to habitat from the action alternatives would be slightly positive compared to No Action. Alternative 3 (No Action) is expected to result in neutral habitat impacts when compared to current conditions as longline gear has minimal habitat impact.

In summary, the three alternatives have habitat impacts that range from neutral (all alternatives) to slightly positive (Alternatives 1 and 2). Therefore, none of the action alternatives are expected to have any adverse impact on essential fish habitat for any federally-managed species.

6.2.1 Essential Fish Habitat Assessment

There are no EFH impacts associated with the resource management measures proposed in this action. Therefore, a detailed EFH assessment is not required (EFH Final Rule Section 600.920(a)(2)(e)). This determination for the blueline tilefish fishery were determined to be minimal and therefore is consistent with the baseline impacts of the fishery that were assessed in SAFMC (1998) and Amendment 32 (SAFMC 2015). As stated above, fishing effort is likely to decline under Alternatives 1 or 2, therefore, the proposed action would continue to minimize the adverse effects of this fishery on EFH to the extent practicable, pursuant to section 305 (a)(7) of the MSA.

6.3 Protected Resources

As described in Sec. 5.3, ESA listed species of sea turtles are the only protected species that may be affected by the proposed action. Based on the best available information (see section 5.3);

however, interactions with sea turtles are expected to be rare to non-existent under the proposed action. In the Mid-Atlantic, sea turtles are seasonally present, and fishing effort for blueline tilefish is primarily directed in deep waters (>200 meters) of the outer continental shelf/ slope. Although sea turtles (primarily loggerhead and leatherback sea turtles) can be found in deep outer continental shelf waters, sea turtle behaviors in these waters are primarily directed at migratory movements and, therefore, sea turtles are more likely to be present in the water column than near the benthos where bottom longline gear will be placed (Braun-McNeill and Epperly 2002; McClellan and Read 2007; Mansfield *et al.* 2009; Hawkes *et al.* 2011; Griffin *et al.* 2013; OBIS SEAMAP <http://seamap.env.duke.edu/>). Based on this information, the co-occurrence of the bottom longline gear and sea turtles is likely to be reduced in these waters, thereby reducing the likelihood of an interaction. This rationale is supported by the fact that the Northeast Fisheries Observer Program has not documented any interactions with sea turtle and bottom longline gear from 1989-2013 (NEFSC FSB 2014).

Compared to the No Action Alternative (3), Alternatives 1 (preferred) and 2 would reduce the possession limits for blueline tilefish from unlimited to the amounts described in Sec. 4.0 (Table 1). Based on this and the information above, Alternatives 1 and 2, relative to the No Action (Alternative 3) are expected to result in neutral to slightly positive impacts on sea turtles (and potentially other protected species) because they are expected to reduce fishing effort on blueline tilefish and therefore, reduce the potential risk of an interaction with a sea turtle. Effort reductions also would be expected to reduce bycatch and discard rates of non-target species including protected species. As Alternative 2 includes the most restrictive possession limits, its biological impacts would be expected to be slightly more positive than Alternative 1.

Alternative 3 (No Action) would result in continued unlimited fishing for blueline tilefish in the Northeast region. Unlimited fishing could eventually lead to increased interaction risks to sea turtles, and potentially, other protected species. Specifically, in 2014, blueline tilefish landings in the Northeast region increased significantly over the long-term, pre-2014 average (Figure 4). If this trend continues in the near future, with effort continuing to increase year after year, the potential exists for interactions with sea turtles to also increase as well. However, it is unclear whether future landings will stabilize near 2014 levels, or continue to increase at a rapid rate and therefore, based on this, and the fact that there has not been any documented interactions with sea turtle and bottom longline gear over the past 24 years in the Northeast region (NEFSC FSB 2014), the potential effects of Alternative 3 on sea turtles are expected to range from neutral to low negative.

In summary, the three alternatives have impacts that range from low negative to low positive; however, the greatest potential for positive impacts are associated with Alternative 2, followed by Alternative 1 (preferred). Alternative 3 (No Action) has the potential for low negative protected species impacts, relative to Alternatives 1 and 2.

6.4 Human Communities

The economic and social impacts from this action would mostly impact fishing vessels and communities in the Northeast region that have developed commercial and/or recreational fisheries for blueline tilefish in recent years. However, as described in Section 5.4, the blueline

tilefish fishery is a new development in the Northeast region, and there has not been a significant historic reliance on this species. Peak landings and revenues for commercial and recreational fisheries occurred in 2014 (Figure 4, Table 3).

Commercial Fishery

In 2014, under peak commercial landings in the Northeast region (217,015 lb), blue-line tilefish ex-vessel revenues totaled approximately \$530,188 (average price = \$2.44/lb). However, approximately 94% of those revenues were earned by only six vessels. The vast majority of commercial trips landing blue-line tilefish in recent years have landed small quantities. Of 322 trips landing blue-line tilefish between 2010 and 2014, 264 (82%) landed less than 500 lb per trip (Table 7). Thus, most vessels and commercial trips would not be greatly impacted by the possession limits under Alternative 1 (300 lb) or Alternative 2 (100 lb). The economic impacts of Alternatives 1 and 2 would mostly impact the few vessels that began targeting blue-line tilefish in 2014, as compared to No Action. Therefore, assuming that the proposed possession limits (Alternative 1) result in reduced landings, commercial revenues from blue-line tilefish in the Northeast region are expected to return to levels closer to the longer-term average (pre-2014, Figure 4).

Table 7. Distribution of Northeast region trip-level commercial blue-line tilefish landings, 2010-2014.

Trip Range (Pounds)	Trips	Accounts for X% of 2010-2014 VA-NY VTR landings
1-500	264	12%
501-1000	10	3%
1001-2000	12	9%
2001-3000	8	10%
3001-4000	7	11%
4001-5000	7	15%
5001-6000	6	16%
6001-7000	8	24%
Total 2010-2014 VA-NY VTR Pounds: 216,007		

Across all trips in the Northeast region, reliance on blue-line tilefish revenues are low. Total ex-vessel revenues for all species combined on trips that landed blue-line tilefish in 2014 was estimated at \$44 million, however, blue-line tilefish revenues amounted to only 1.2% of the total. The six vessels with higher reliance on blue-line tilefish revenues in 2014 (average of 54% of total revenues from all species) are likely to experience negative economic impacts relative to non-target vessels under Alternatives 1 and 2 as compared to No Action (Table 8). However, as noted above, blue-line tilefish revenues for those vessels would return to levels closer to the longer-term average (pre-2014). The No Action alternative is likely to result in positive near-term economic impacts, but could result in long-term negative economic impacts if the blue-line tilefish stock became overfished.

The estimated reductions in blueline tilefish landings under Alternatives 1 and 2 would be expected to reduce overall fishing mortality assuming landings aren't converted to discards under the possession limits (Table 8). This is unlikely because vessels catching blueline tilefish incidentally, while pursuing other species, are not expected to change their fishing patterns and would discard rather than land anything over the possession limit. The impact to these vessels would be that this portion of revenue normally landed would be foregone but with no biological benefit to the stock. However, the estimated discards (Table 8) do not appear to be of a magnitude that would undermine the conservation objectives of the proposed action or jeopardize the long-term economic value of the resource, as compared to No Action.

Table 8. Estimated discards and reductions in blueline tilefish commercial landings and revenues under Alternatives 1 and 2, compared to peak landings in 2014.

	Alternative 1	Alternative 2
Estimated Revenue Loss	\$374,679	\$415,244
Reduction in LB (No Discards)	187,340	207,622
Estimated Discards (LB)	8,213	18,196
Reduction in LB (Considering Discards)	179,127	189,426

Recreational Fishery

Similar to the expected impacts on the commercial fishery, Alternatives 1 (7 fish per person per trip) and 2 (1 fish per vessel per day) would reduce recreational landings (and associated revenues) of blueline tilefish to levels more consistent with longer-term averages (pre-2014), as compared to No Action (Figure 4). According to charter/party VTR data, most recreational trips that catch blueline tilefish land only small numbers of fish (Table 5). While only 12% of charter/party trips between 2010 and 2014 landed more than 7 blueline tilefish (Alternative 1), 84% of trips landed more than a single fish (Alternative 2) (Table 5). Therefore, it is expected Alternative 2 would have a slightly more negative economic impacts than Alternative 1 or No Action because it would impact a much higher proportion of recreational trips. However, the proposed action (Alternative 1) would impact a comparatively small proportion of recreational trips, resulting in limited economic impacts.

An initial possession limit analysis conducted by MAFMC staff indicates the potential range of recreational catch reductions under various bag limits (Table 8). Alternative 1 would be expected to result in an 18% reduction in blueline tilefish landings (to approximately 36,796 lb), while Alternative 2 would be expected to result in an 80% reduction (to approximately 8,887 lb) (Table 8). The No Action alternative is likely to result in positive near-term economic impacts, but could result in long-term negative economic impacts if the blueline tilefish stock became overfished.

Table 9. Initial possession limit analysis based on charter/party landings, 2010-2014.

Bag Limit	Reduction in VTR party/charter catch (#s of fish) for 2010-2014 trips and assuming catches higher than the bag limit became the bag limit	Resulting pounds landed per year assuming 5 pounds per fish
1	80%	8887
2	63%	16555
3	48%	23215
4	36%	28712
5	26%	32885
6	21%	35261
7	18%	36796
None	0%	44,646

Social Impacts

Social impacts are expected to be low under all alternatives, as the communities most likely to be impacted by this action have only recently developed any reliance on blueline tilefish harvests. As described above, blueline tilefish represent only a small proportion of the total value of commercial and recreational fisheries in the Northeast region, even in ports with the most blueline tilefish landings (Sec. 5.4.3). Any impacts from reduced blueline tilefish fishing activity would likely be mitigated by ongoing fishing activity on numerous other species.

Alternative 2, which would implement the most restrictive possession limits, would be expected to result in the most negative social impacts, as compared to Alternative 1 or No Action. The states of Maryland and Virginia have already implemented the possession limits proposed in Alternative 1 for vessels landing in those states. Alternative 2 would negatively impact Maryland and Virginia vessels and communities by making them subject to different, more restrictive, measures in Federal waters adjacent to their respective state waters. Therefore, Alternative 2 may have disproportionately greater social impacts on those states compared to other states. Alternative 2 would also result in greater social impacts on New Jersey communities where the vast majority of blueline tilefish landings occurred in 2014. However, as stated above, the magnitude of these potential impacts is not expected to be significant.

In summary, Alternative 2 would be likely to result in the most negative economic and social impacts, followed by Alternative 1, which is likely to result in slight negative impacts. The No Action alternative is likely to result in slightly positive economic and social impacts in the near-term, but could result in long-term negative impacts if the current unrestricted fishing effort overfished the blueline tilefish stock.

6.5 Cumulative Effects Analysis

A cumulative effects analysis (CEA) is required by the Council on Environmental Quality (CEQ) (40 CFR part 1508.7). The purpose of CEA is to consider the combined effects of many actions on the human environment over time that would be missed if each action were evaluated separately. CEQ guidelines recognize that it is not practical to analyze the cumulative effects of an action from every conceivable perspective, but rather, the intent is to focus on those effects that are truly meaningful. A cumulative impact assessment is not necessarily required as part of an EA under NEPA as long as the significance of cumulative impacts have been considered. The following remarks address the significance of the expected cumulative impacts as they relate to the Northeast region blueline tilefish fishery.

6.5.1 Consideration of the VECs

In section 5.0 (Description of the Affected Environment), the VECs that exist within blueline tilefish fishery environment are identified. Therefore, the significance of the cumulative effects will be discussed in relation to the VECs listed below.

1. Managed resource (blueline tilefish)
2. Non-target species
3. Habitat including EFH for the managed resource and non-target species
4. Protected Resources
5. Human communities

6.5.2 Geographic Boundaries

The analysis of impacts focuses on actions related to the harvest of blueline tilefish in the Northeast region. The core geographic scope for each of the VECs is focused on the Western North Atlantic Ocean. The core geographic scopes for the managed resources are the coastal and offshore waters of the U.S. Atlantic EEZ, north of the Virginia-North Carolina border (section 4.0). For non-target species, that range may be expanded and would depend on the biological range of each individual non-target species in the Western North Atlantic Ocean. For habitat, the core geographic scope is focused on EFH within the EEZ but includes all habitat utilized by blueline tilefish and other non-target species in the Western North Atlantic Ocean. The core geographic scope for endangered and protected resources can be considered the overall range of these VECs in the Western North Atlantic Ocean. For human communities, the core geographic boundaries are defined as those U.S. fishing communities directly involved in the harvest or processing of the managed resource, which were found to occur in coastal states from Massachusetts through Virginia (section 5.4).

6.5.3 Temporal Boundaries

The temporal scope of past and present actions for VECs is primarily focused on actions that have occurred since SEDAR 32 (2013). For endangered and other protected resources, the scope of past and present actions is on a species-by-species basis (section 6.3) and is largely focused on the 1980s and 1990s through the present, when NMFS began generating stock assessments for marine mammals and sea turtles that inhabit waters of the U.S. EEZ. The temporal scope of future actions for all five VECs extends until fishery management council action is finalized for management of this stock, or not to exceed five years. This period was chosen because the

dynamic nature of resource management for these species and lack of information on projects that may occur in the future make it very difficult to predict impacts beyond this timeframe with any certainty.

6.5.4 Actions Other Than Those Proposed in this Action

The impacts of each of the alternatives considered in this document are given in section 6.1 through 6.4. Table 9 presents meaningful past (P), present (Pr), or reasonably foreseeable future (RFF) actions to be considered other than those actions being considered in this document. These impacts are described in chronological order and qualitatively, as the actual impacts of these actions are too complex to be quantified in a meaningful way. When any of these abbreviations occur together (i.e., P, Pr, RFF), it indicates that some past actions are still relevant to the present and/or future actions.

Past and Present Actions

To this point in time blueline tilefish have only been managed by the SAFMC through the Snapper Grouper FMP. Numerous actions have been taken to manage this fishery through amendment and framework adjustment actions. A description of the management history and past and present actions in the Snapper Grouper FMP is provided in Amendment 32. However, the MAFMC's Golden Tilefish FMP is also relevant, as there is some overlap between golden and blueline tilefish fishing activities in the Northeast region. Therefore, actions associated with both the Snapper Grouper and Golden Tilefish FMPs may have impacts on the VECs described here.

The statutory basis for Federal fisheries management is the MSA. To the degree with which this regulatory regime is complied, the cumulative impacts of past, present, and reasonably foreseeable future Federal fishery management actions on the VECs should generally be associated with positive long-term outcomes. Constraining fishing effort through regulatory actions can often have negative short-term socioeconomic impacts. These impacts are usually necessary to bring about long-term sustainability of a given resource, and as such, should, in the long-term, promote positive effects on human communities, especially those that are economically dependent upon the blueline tilefish stock.

Non-fishing activities that introduce chemical pollutants, sewage, changes in water temperature, salinity, dissolved oxygen, and suspended sediment into the marine environment pose a risk to all of the identified VECs. Human-induced non-fishing activities tend to be localized in nearshore areas and marine project areas where they occur. Examples of these activities include, but are not limited to agriculture, port maintenance, beach nourishment, coastal development, marine transportation, marine mining, dredging and the disposal of dredged material. Wherever these activities co-occur, they are likely to work additively or synergistically to decrease habitat quality and, as such, may indirectly constrain the sustainability of the managed resources, non-target species, and protected resources. Decreased habitat suitability would tend to reduce the tolerance of these VECs to the impacts of fishing effort. Mitigation of this outcome through regulations that would reduce fishing effort could then negatively impact human communities. The overall impact to the affected species and their habitats on a population level is unknown,

but likely neutral to low negative, since a large portion of this species have a limited or minor exposure to these local non-fishing perturbations.

In addition to guidelines mandated by the MSA, NMFS reviews these types of effects through the review processes required by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for certain activities that are regulated by Federal, state, and local authorities. The jurisdiction of these activities is in "waters of the U.S." and includes both riverine and marine habitats.

Reasonably Foreseeable Future Actions

In fishing year 2013, ACLs and AMs were first implemented for golden tilefish (as well as other Council managed species in 2012) to ensure that catch and landings limits are not exceeded and overfishing does not occur. In 2014, catch and landings information will be available to be compared to ACLs to evaluate the performance of this new system. As a result, the Reasonably Foreseeable Future Actions over the next three years may include the implementation of AMs and other Council recommended adaptive adjustments under this new system. Such actions may have direct or indirect effects on the VECs.

The development of Framework 2 to the Golden Tilefish FMP is likely to occur in the next three years and would consider modifying the tilefish catch and landings flowchart to deduct discards after the ACT is divided between the IFQ and incidental categories as this would allow for commercial sector specific adjustments, make technical modifications to the regulation to deleted the language regarding the rebuilding program as this has been achieved, and adjust monitoring and reporting requirements. As a result, this Reasonably Foreseeable Future Action over the next three years will address outstanding issues for the management of tilefish.

The ABC Omnibus Framework is likely to be completed in the next three years and would consider adopting automatic incorporation of new accepted/approved biological reference points status determination for golden tilefish and other species and develop consistency with the Council's risk policy for the SSC to specify constant multi-year ABCs if the average of overfishing equal the appropriate goal depending on current procedures. As a result, this Reasonably Foreseeable Future Action over the next three years will address outstanding issues for the management of tilefish and other Council managed species.

In April 2015, the MAFMC voted to initiate an action to manage blueline tilefish in the Northeast region. This action would establish the long-term management plan for blueline tilefish, replacing or extending the measures implemented in this emergency action. Depending on the SAFMC's review of the blueline tilefish stock assessment (SEDAR 32), there may or may not be a need for the MAFMC to coordinate with the SAFMC on this management plan. At this time it is not known if blueline tilefish measures for the Northeast region would be implemented through a new FMP or added to an existing FMP (e.g., Golden Tilefish or Snapper Grouper).

For many of the proposed non-fishing activities to be permitted under other Federal agencies (such as beach nourishment, offshore wind facilities, etc.), those agencies would conduct examinations of potential impacts on the VECs. The MSA (50 CFR 600.930) imposes an

obligation on other Federal agencies to consult with the Secretary of Commerce on actions that may adversely affect EFH. The eight Fishery Management Councils are engaged in this review process by making comments and recommendations on any Federal or state action that may affect habitat, including EFH, for their managed species and by commenting on actions likely to substantially affect habitat, including EFH.

In addition, under the Fish and Wildlife Coordination Act (Section 662), “whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the U.S., or by any public or private agency under Federal permit or license, such department or agency first shall consult with the U.S. Fish and Wildlife Service (USFWS), Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular state wherein the” activity is taking place. This act provides another avenue for review of actions by other Federal and state agencies that may impact resources that NMFS manages in the reasonably foreseeable future.

In addition, NMFS and the USFWS share responsibility for implementing the ESA. ESA requires NMFS to designate "critical habitat" for any species it lists under the ESA (i.e., areas that contain physical or biological features essential to conservation, which may require special management considerations or protection) and to develop and implement recovery plans for threatened and endangered species. The ESA provides another avenue for NMFS to review actions by other entities that may impact endangered and protected resources whose management units are under NMFS’ jurisdiction.

Non Fishing Impacts - Global Climate Change

Global climate change will affect all components of marine ecosystems, including human communities. Physical changes that are occurring and will continue to occur to these systems include sea-level rise, changes in sediment deposition, changes in water circulation, increased frequency, intensity and duration of extreme climate events, changing water chemistry, and warming ocean temperatures. Emerging evidence demonstrates that these physical changes are resulting in direct and indirect ecological responses within marine ecosystems which may alter the fundamental production characteristics of marine systems (Stenseth et. al. 2002, Nye et al. 2009). Climate change will potentially exacerbate the stresses imposed by harvesting (fishing) and other non-fishing human activities and stressors (described in this section). Overall, climate change may have negative impacts on all VECs. However, future mitigation and adaptation strategies to climate change may mitigate some of these impacts as the science surrounding predicting, evaluating, monitoring and categorizing these changes evolves.

6.5.5 Magnitude and Significance of Cumulative Effects

In determining the magnitude and significance of the cumulative effects, the additive and synergistic effects of the proposed action, as well as past, present, and future actions, must be taken into account. The following section discusses the effects of these actions on each of the VECs.

Table 9. Impacts of Past (P), Present (Pr), and Reasonably Foreseeable Future (RFF) Actions on the five VECs (not including those actions considered in this specifications document).

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
^{P, Pr} Original Golden Tilefish FMP and subsequent Amendments and Frameworks	Established management measures	Indirect Positive Regulatory tool available to rebuild and manage stocks	Indirect Positive Reduced fishing effort	Indirect Positive Reduced fishing effort	Indirect Positive Reduced fishing effort	Indirect Positive Benefited domestic businesses
^{P, Pr} Original Snapper Grouper FMP and subsequent Amendments and Frameworks	Established management measures	Positive Regulatory tool available to rebuild and manage stocks	Positive Reduced fishing effort	Positive Reduced fishing effort	Positive Reduced fishing effort	Positive Benefited domestic businesses
^{Pr} Golden Tilefish Specifications	Establish quotas, other fishery regulations	Indirect Positive Controls fishing effort	Indirect Positive Reduced effort levels and gear requirements	Indirect Positive Reduced effort levels and gear requirements	Indirect Positive Reduced effort levels and gear requirements	Indirect Positive Benefited domestic businesses
^{P, Pr, RFF} Standardized Bycatch Reporting Methodology	Established acceptable level of precision and accuracy for monitoring of bycatch in fisheries	Neutral May improve data quality for monitoring total removals of managed resource	Neutral May improve data quality for monitoring removals of non-target species	Neutral Will not affect distribution of effort	Neutral May increase observer coverage and will not affect distribution of effort	Potentially Indirect Negative May impose an inconvenience on vessel operations
^{P, Pr, RFF} Agricultural runoff	Nutrients applied to agricultural land are introduced into aquatic systems	Indirect Negative Reduced habitat quality	Indirect Negative Reduced habitat quality	Direct Negative Reduced habitat quality	Indirect Negative Reduced habitat quality	Indirect Negative Reduced habitat quality negatively affects resource
^{P, Pr, RFF} Port maintenance	Dredging of coastal, port and harbor areas for port maintenance	Uncertain – Likely Indirect Negative Dependent on mitigation	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Direct Negative Dependent on mitigation effects	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Mixed Dependent on mitigation effects

		effects				
P, Pr, RFF Offshore disposal of dredged materials	Disposal of dredged materials	Indirect Negative Reduced habitat quality	Indirect Negative Reduced habitat quality	Direct Negative Reduced habitat quality	Indirect Negative Reduced habitat quality	Indirect Negative Reduced habitat quality negatively affects resource viability

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
P, Pr, RFF Beach nourishment	Offshore mining of sand for beaches	Indirect Negative Localized decreases in habitat quality	Indirect Negative Localized decreases in habitat quality	Direct Negative Reduced habitat quality	Indirect Negative Localized decreases in habitat quality	Mixed Positive for mining companies, possibly negative for fishing industry
	Placement of sand to nourish beach shorelines	Indirect Negative Localized decreases in habitat quality	Indirect Negative Localized decreases in habitat quality	Direct Negative Reduced habitat quality	Indirect Negative Localized decreases in habitat quality	Positive Beachgoers like sand; positive for tourism
P, Pr, RFF Marine transportation	Expansion of port facilities, vessel operations and recreational marinas	Indirect Negative Localized decreases in habitat quality	Indirect Negative Localized decreases in habitat quality	Direct Negative Reduced habitat quality	Indirect Negative Localized decreases in habitat quality	Mixed Positive for some interests, potential displacement for others
P, Pr, RFF Installation of pipelines, utility lines and cables	Transportation of oil, gas and energy through pipelines, utility lines and cables	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Direct Negative Reduced habitat quality	Potentially Direct Negative Dependent on mitigation effects	Uncertain – Likely Mixed Dependent on mitigation effects
P, Pr, RFF National Offshore Aquaculture Act of 2007	Bill that grants DOC authority to issue permits for offshore aquaculture in Federal waters	Potentially Indirect Negative Localized decreases in habitat quality possible	Potentially Indirect Negative Localized decreases in habitat quality possible	Direct Negative Localized decreases in habitat quality possible	Potentially Indirect Negative Localized decreases in habitat quality possible	Uncertain – Likely Mixed Costs/benefits remain unanalyzed
RFF Offshore Wind Energy Facilities (within 3 years)	Construction of wind turbines to harness electrical power (Several proposed from ME)	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Potentially Direct Negative Localized decreases in habitat quality	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Mixed Dependent on mitigation effects

	through NC, including NY/NJ, DE, and VA)			possible		
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Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
Pr, RFF Liquefied Natural Gas (LNG) terminals (within 3 years)	Transport natural gas via tanker to terminals offshore and onshore (1 terminal built in MA; 1 under construction; proposed in RI, NY, NJ and DE)	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Potentially Direct Negative Localized decreases in habitat quality possible	Uncertain – Likely Indirect Negative Dependent on mitigation effects	Uncertain – Likely Mixed Dependent on mitigation effects
RFF Convening of Gear Take Reduction Teams (within next 3 years)	Recommend measures to reduce mortality and injury to marine mammals	Indirect Positive Will improve data quality for monitoring total removals	Indirect Positive Reducing availability of gear could reduce bycatch	Indirect Positive Reducing availability of gear could reduce gear impacts	Indirect Positive Reducing availability of gear could reduce encounters	Indirect Negative Reducing availability of gear could reduce revenues
RFF Strategy for Sea Turtle Conservation for the Atlantic Ocean and the Gulf of Mexico Fisheries (w/in next 3 years)	May recommend strategies to prevent the bycatch of sea turtles in commercial fisheries operations	Indirect Positive Will improve data quality for monitoring total removals	Indirect Positive Reducing availability of gear could reduce bycatch	Indirect Positive Reducing availability of gear could reduce gear impacts	Indirect Positive Reducing availability of gear could reduce encounters	Indirect Negative Reducing availability of gear could reduce revenues
RFF Adjustment to the golden tilefish management system (within next 3 years)	Adjust catch and landings flowchart for tilefish to allow sector specific discards adjustments (IFQ/incidental vessels). Adjust reporting requirements	Neutral Administrative - no direct or indirect impacts	Neutral Administrative - no direct or indirect impacts	Neutral Administrative - no direct or indirect impacts	Neutral Administrative - no direct or indirect impacts	Indirect Positive Quotas would be adjusted by deducting discards from fishing sector producing them. Revise reporting requirements and delete requirements no longer needed

Action	Description	Impacts on Managed Resource	Impacts on Non-target Species	Impacts on Habitat and EFH	Impacts on Protected Species	Impacts on Human Communities
^{REF} Protection for Deep Sea Corals in the Mid-Atlantic (within next 3 years)	Minimize the impacts of fishing gear on deep sea corals in the Mid-Atlantic	Uncertain – Likely Indirect Positive Dependent on mitigation effects	Uncertain – Likely Indirect Positive Dependent on mitigation effects	Uncertain – Likely Indirect Positive Dependent on mitigation effects	Uncertain – Likely Indirect Positive Dependent on mitigation effects	Uncertain – Likely Mixed Dependent on mitigation effects
^{REF} ABC Omnibus Framework	Automatic incorporation of new accepted / approved biological reference points status determination. Addresses constant multi-year ABCs specifications	Neutral Administrative - no direct or indirect impacts	Neutral Administrative - no direct or indirect impacts	Neutral Administrative - no direct or indirect impacts	Neutral Administrative - no direct or indirect impacts	Uncertain – Likely Mixed Dependent on mitigation effects
^{REF} MAFMC and/or SAFMC Action to manage Blueline Tilefish in the Northeast	Establish regulations for unmanaged portion of the stock	Positive Regulatory tool available to rebuild and manage stocks	Positive Reduced fishing effort	Positive Reduced fishing effort	Positive Reduced fishing effort	Positive Benefited domestic businesses

6.5.5.1 Managed Resources

Those past, present, and reasonably foreseeable future actions, whose effects may impact the managed resource and the direction of those potential impacts, are summarized in Table 9. The indirectly negative actions described in Table 9 are mainly localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on the managed resource is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on productivity of the managed resource is unquantifiable. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or state agencies that may impact NMFS' managed resources prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on resources under NMFS' jurisdiction.

Past fishery management actions taken through the Snapper Grouper and Golden Tilefish FMPs have had a positive cumulative effect on the managed resource. It is anticipated that the future management actions, described in Table 9, will result in additional indirect positive effects on the managed resource through actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which tilefish productivity depends. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to blueline tilefish have had a positive cumulative effect.

Management measures for the managed resource have been proposed to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the MSA. The impacts of management measures established in previous years on the managed resource are largely dependent on how effective those measures were in meeting their intended objectives (i.e., preventing overfishing, achieve OY) and the extent to which mitigating measures were effective. The proposed action in this document would positively reinforce the past and anticipated positive cumulative effects on the blueline tilefish stock. Therefore, the proposed action would not have any significant effect on the managed resources individually or in conjunction with other anthropogenic activities (Table 10).

6.5.5.2 Non-Target Species or Bycatch

Those past, present, and reasonably foreseeable future actions, whose effects may impact non-target species and the direction of those potential impacts, are summarized in Table 9. The effects of indirectly negative actions described in Table 9 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on non-target species is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on productivity of non-target resources and the oceanic ecosystem is unquantifiable. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or state agencies that may impact NMFS' managed resources prior to permitting or implementation of those projects. At this time, NMFS can consider impacts to non-target species (Federally-managed or otherwise) and

comment on potential impacts. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on resources within NMFS' jurisdiction.

Past fishery management actions taken through the Snapper Grouper and Golden Tilefish FMPs have had a positive cumulative effect on non-target species. Implementation and application of a standardized bycatch reporting methodology (SBRM) would have a particular impact on non-target species by improving the methods which can be used to assess the magnitude and extent of a potential bycatch problem. The redevelopment of the SBRM will result in better assessment of potential bycatch issues and allow more effective and specific management measures to be developed to address a bycatch problem. It is anticipated that future management actions will result in additional indirect positive effects on non-target species through actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which the productivity of many of these non-target resources depend. The impacts of these future actions could be broad in scope, and it should be noted the managed resource and non-target species are often coupled in that they utilize similar habitat areas and ecosystem resources on which they depend. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful have had a positive cumulative effect on non-target species.

Management measures for the managed resources have been specified to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the MSA. The proposed actions in this document have impacts that range from neutral to positive impacts, and would not change the past and anticipated positive cumulative effects on non-target species and thus, would not have any significant effect on these species individually or in conjunction with other anthropogenic activities (Table 10).

6.5.5.3 Habitat (Including EFH)

Those past, present, and reasonably foreseeable future actions, whose effects may impact habitat (including EFH) and the direction of those potential impacts, are summarized in Table 9. The direct and indirect negative actions described in Table 9 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on habitat is expected to be limited due to a lack of exposure to habitat at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on habitat and EFH is unquantifiable. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or state agencies that may impact NMFS' managed resources and the habitat on which they rely prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of direct and indirect negative impacts those actions could have on habitat utilized by resources under NMFS' jurisdiction.

Past fishery management actions taken through the Snapper Grouper and Golden Tilefish FMPs have had a positive cumulative effect on habitat and EFH. The actions have constrained fishing effort at a large scale and locally, and have implemented gear requirements, which may reduce habitat impacts. As required under these FMP actions, EFH and Habitat Areas of Particular Concern (HAPCs) were designated for the managed resource. It is anticipated that the future management actions, described in Table 9, will result in additional direct or indirect positive effects on habitat through actions which protect EFH for Federally-managed species and protect

ecosystem services on which these species' productivity depends. These impacts could be broad in scope. All of the VECs are interrelated; therefore, the linkages among habitat quality and EFH, managed resources and non-target species productivity, and associated fishery yields should be considered. For habitat and EFH, there are direct and indirect negative effects from actions which may be localized or broad in scope; however, positive actions that have broad implications have been, and it is anticipated will continue to be, taken to improve the condition of habitat. There are some actions, which are beyond the scope of NMFS and Council management such as coastal population growth and climate changes, which may indirectly impact habitat and ecosystem productivity. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to habitat have had a neutral to positive cumulative effect.

Management measures for the managed resources have been specified to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the MSA. The proposed actions in this document would not change the past and anticipated cumulative effects on habitat and thus, would not have any significant effect on habitat individually or in conjunction with other anthropogenic activities (Table 10).

6.5.5.4 ESA-Listed and MMPA Protected Species

Those past, present, and reasonably foreseeable future actions, whose effects may impact the protected resources and the direction of those potential impacts, are summarized in Table 9. The indirectly negative actions described in Table 9 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on protected resources, relative to the range of many of the protected resources, is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on protected resources either directly or indirectly is unquantifiable. As described above, NMFS has several means, including ESA, under which it can review non-fishing actions of other Federal or state agencies that may impact NMFS' protected resources prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on protected resources under NMFS' jurisdiction.

Past fishery management actions have had a positive cumulative effect on ESA-listed and MMPA protected species through the reduction of fishing effort (potential interactions) and implementation of gear requirements. It is anticipated that the future management actions, specifically those recommended by the Atlantic Large Whale Take Reduction Plan (ALWTRT) and the development of strategies for sea turtle conservation described in Table 9, will result in additional indirect positive effects on protected resources. These impacts could be broad in scope. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to protected resources have had a positive cumulative effect.

Management measures for managed resources have been specified to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the MSA. The proposed actions in this document would not change the past and anticipated cumulative

effects on ESA-listed and MMPA protected species and thus, would not have any significant effect on protected resources individually or in conjunction with other anthropogenic activities (Table 10).

6.5.5.5 Human Communities

Those past, present, and reasonably foreseeable future actions, whose effects may impact human communities and the direction of those potential impacts, are summarized in Table 9. The indirectly negative actions described in Table 9 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on human communities is expected to be limited in scope. It may, however, displace fishermen from project areas. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude. This may result in indirect negative impacts on human communities by reducing resource availability; however, this effect is unquantifiable. As described above, NMFS has several means under which it can review non-fishing actions of other Federal or state agencies prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on human communities.

Past fishery management actions taken through the Snapper Grouper and Golden Tilefish FMPs have had both positive and negative cumulative effects by benefiting domestic fisheries through sustainable fishery management practices, while at the same time potentially reducing the availability of the resource to all participants. Sustainable management practices are, however, expected to yield broad positive impacts to fishermen, their communities, businesses, and the nation as a whole. It is anticipated that the future management actions, described in Table 9, will result in positive effects for human communities due to sustainable management practices, although additional indirect negative effects on the human communities could occur through management actions that may implement gear requirements or area closures and thus, reduce revenues. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to human communities have had an overall positive cumulative effect.

Management measures for the managed resources have been specified to ensure the stock is managed in a sustainable manner, and measures are consistent with the objectives of the MSA.

Despite the potential for negative short-term effects on human communities, the expectation is that there would be a positive long-term effect on human communities due to the long-term sustainability of blueline tilefish. Overall, the proposed actions in this document would not change the past and anticipated cumulative effects on human communities and thus, would not have any significant effect on human communities individually, or in conjunction with other anthropogenic activities (Table 10).

6.5.6 Preferred Action on all the VECS

NMFS has identified its preferred action alternative in Section 4.0. The cumulative effects of the range of actions considered in this document can be considered to make a determination if significant cumulative effects are anticipated from the preferred action. The direct and indirect impacts of the proposed action on the VECs are described in sections 6.1 through 6.4. The magnitude and significance of the cumulative effects, which include the additive and synergistic

effects of the proposed action, as well as past, present, and future actions, have been taken into account throughout this section 6.5. When this action is considered in conjunction with all the other pressures placed on fisheries by past, present, and reasonably foreseeable future actions, it is not expected to result in any significant impacts, positive or negative. Based on the information and analyses presented in past FMP documents and this document, there are no significant cumulative effects associated with the action proposed in this document (Table 10).

Table 10. Magnitude and significance of the cumulative effects; the additive and synergistic effects of the preferred action, as well as past, present, and future actions.

VEC	Status in 2014	Net Impact of P, Pr, and RFF Actions	Impact of the Preferred Action	Significant Cumulative Effects
Managed Resource	Complex and variable (Section 6.1)	Positive (Section 6.5)	Positive (Section 6.1)	None
Non-target Species	Complex and variable (Section 6.1)	Positive (Section 6.5)	Positive (Section 6.1)	None
Habitat	Complex and variable (Section 6.2)	Neutral to positive (Section 6.5)	Slight positive (Section 6.2)	None
Protected Resources	Complex and variable (Section 6.3)	Positive (6.5)	Neutral to slight positive (Section 6.3)	None
Human Communities	Complex and variable (Section 6.4)	Positive (6.5)	Slight negative (Section 6.4)	None

7.0 APPLICABLE LAWS

7.1 Magnuson-Stevens Fishery Conservation and Management Act (MSA)

7.1.1 National Standards

Section 301 of the MSA requires that FMPs contain conservation and management measures that are consistent with the ten National Standards. First and foremost, the NMFS continues to meet the obligations of National Standard 1 by adopting and implementing conservation and management measures that will continue to prevent overfishing, while achieving, on a continuing basis, the optimum yield for blueline tilefish and the U.S. fishing industry. The proposed possession limits were designed to proactively constrain fishing mortality on the unregulated Northeast blueline tilefish stock, while still allowing a level of harvest for commercial and recreational fisheries. NMFS uses the best scientific information available (National Standard 2) and this action would help better manage the species throughout its range along the Atlantic coast of the U.S. (National Standard 3). These management measures do not discriminate among residents of different states (National Standard 4), they do not have economic allocation as their sole purpose (National Standard 5), the measures account for variations in these fisheries (National Standard 6), they avoid unnecessary duplication (National Standard 7), they take into account the fishing communities (National Standard 8) and they promote safety at sea (National Standard 10). Finally, actions taken are consistent with National Standard 9, which addresses the minimization of bycatch in fisheries. By continuing to meet the National Standards requirements of the MSA through future FMP actions, the MAFMC and SAFMC will insure that cumulative impacts of these actions will remain positive overall for the ports and communities that depend on this fishery, the Nation as a whole, and certainly for the resources.

7.1.2 Emergency Action Criteria

As described in Sec. 3.2, under the MSA, if the Council determines that an emergency exists, NMFS may implement temporary regulations necessary to address the emergency. NMFS policy guidelines for the use of emergency rules (August 21, 1997; 62 FR 44421) specify the following three criteria that define what an emergency situation is, and justification for final rulemaking: (1) The emergency results from recent, unforeseen events or recently discovered circumstances; (2) the emergency presents serious conservation or management problems in the fishery; and (3) if the emergency action is being implemented without prior public comment, the emergency can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

This action meets the NMFS guidelines and criteria for emergency rulemaking. The action is needed to address recently discovered circumstances represented by rapidly increasing landings (Figure 4) and fishing effort for blueline tilefish in the Northeast region where the fishery is unregulated (Criteria 1). Since the blueline tilefish stock has been determined to be subject to overfishing and has comparatively high biological susceptibility to becoming overfished, this action is needed to help prevent a serious conservation problem – unregulated fishing potentially

resulting in the stock becoming overfished (Criteria 2). Finally, the immediate benefits to the blueline tilefish resource outweigh the value of the advance notice and public comments provided under the normal rulemaking process (Criteria 3), hence, this action is being implemented as a final temporary rule. However, notice of this issue was provided during recent public MAFMC and SAFMC meetings, and numerous comments have been received and considered by NMFS during the development of this action. Additionally, public comments will continue to be solicited on this action that will be considered during a potential extension of emergency measures, and during Council discussions in development of the long-term solution for management of the blueline tilefish fishery.

7.2 National Environmental Policy Act (NEPA)/FONSI

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ’s context and intensity criteria. These include:

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

None of the proposed measures presented in this document are expected to jeopardize the long-term sustainability of blueline tilefish (section 6.0 of the EA). The preferred alternative to establish possession limits for blueline tilefish was recommended by the MAFMC to reduce the risk of jeopardizing the sustainability of this species. The proposed action is not expected to result in overfishing. The proposed action is expected to aid in the long-term sustainability of harvest from the blueline tilefish stock.

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

None of the proposed action’s measures presented in this document are expected to jeopardize the sustainability of any non-target species. The blueline tilefish fishery is primarily prosecuted using bottom longline, rod and reel, and handlines, which tend to have low rates of interactions with non-target species, and the proposed measures are not expected to alter these fishing methods or activities. None of the measures are expected to significantly alter fishing methods or activities or are expected to alter the spatial and/or temporal distribution of current fishing effort.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

The proposed action as described in section 6.0 of the EA is not expected to cause damage to the ocean, coastal habitats, and/or EFH as defined under the MSA and identified in the FMP. In general, bottom-tending mobile gear, primarily otter trawls, have the potential to adversely affect EFH for the species detailed in section 5.2 of the EA. However, the blueline tilefish fishery is primarily prosecuted using hook and line gears, which have low impacts. None of the measures included in the proposed action will have any adverse habitat impact.

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

None of the measures alter the manner in which the industry conducts fishing activities for blueline tilefish. Therefore, no changes in fishing behavior that would affect safety are anticipated. The overall effect of the proposed action, including the communities in which they operate, will not impact adversely public health or safety. NMFS will consider comments received concerning safety and public health issues.

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

None of the measures are expected to significantly alter fishing methods or activities or are expected to alter the spatial and/or temporal distribution of current fishing effort (section 6.0 of the EA). This action is not expected to affect endangered or threatened species or critical habitat.

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

The proposed action is not expected to have a substantial impact on biodiversity and ecosystem function within the affected area. This action merely implements temporary possession limits for currently unregulated blueline tilefish. None of the proposed measures are expected to alter fishing methods or activities. None of the proposed measures are expected to significantly increase fishing effort or the spatial and/or temporal distribution of current fishing effort.

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

The proposed action is not expected to have a significant social or economic impact, nor are the potential socio-economic impacts interrelated with natural or physical effects. None of the measures are expected to significantly alter fishing methods or activities or are expected to alter the spatial and/or temporal distribution of current fishing effort (section 6.0 of the EA). Therefore, there are no social or economic impacts interrelated with significant natural or physical environmental effects.

8) Are the effects on the quality of the human environment likely to be highly controversial?

The impacts of the proposed measures on the human environment are described in section 6.0 of the EA. This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery to help ensure the long-term sustainability of the stock. The measures contained in this action are not expected to be highly controversial.

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

This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery. It is possible that historic or cultural resources such as shipwrecks could be present in the area where the fishery is prosecuted. However, vessels try to avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear, and the proposed possession limits would result in reduced fishing effort compared to current management. Therefore, it is not likely that the proposed action would result in substantial impacts to unique areas.

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

The impacts of the proposed measures on the human environment are described in section 6.0 of the EA. This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery. None of the proposed measures are expected to alter fishing methods or activities or are expected to significantly increase fishing effort or the spatial and/or temporal distribution of current fishing effort. Therefore, the measures contained in this action are not expected to have highly uncertain, unique, or unknown risks on the human environment.

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

As discussed in section 6.5 of the EA, the proposed action is not expected to have individually insignificant, but cumulatively significant impacts. The actions, together with past, present, and future actions are not expected to result in significant cumulative impacts on the biological, physical, and human components of the environment.

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

The impacts of the proposed measures on the human environment are described in section 6.0 of the EA. This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery. Although there are shipwrecks present in areas where fishing occurs, including some registered on the National Register of Historic Places, vessels try to avoid fishing

too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the proposed action would adversely affect the historic resources.

13) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery. There is no evidence or indication that this fishery has ever resulted in the introduction or spread of nonindigenous species. None of the measures are expected to significantly alter fishing methods or activities or are expected to alter the spatial and/or temporal distribution of current fishing effort. Therefore, it is highly unlikely that the proposed specifications would result in the introduction or spread of a non-indigenous species.

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

This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery. None of the proposed measures are expected to significantly increase fishing effort or alter the spatial and/or temporal distribution of current fishing effort. None of these measures result in significant effects nor do they represent a decision in principle about a future consideration. The impact of any future changes will be analyzed as to their significance in the process of developing and implementing them.

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


This action would implement temporary possession limits for the currently unregulated blueline tilefish fishery. None of the measures are expected to alter fishing methods or activities such that they threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. In fact, the proposed measures have been found to be consistent with other applicable laws (see sections 7.3-7.11 below).

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

The impacts of the preferred alternatives on the biological, physical, and human components of the environment are described in section 6.0 of the EA. The cumulative effects of the proposed action on target and non-target species are detailed in section 6.5 of the EA. None of the proposed measures are expected to increase fishing effort or alter the spatial and/or temporal distribution of current fishing effort. The synergistic interaction of improvements in the efficiency of the fishery through implementation of possession limits are expected to generate positive impacts overall, but the implementation of the proposed emergency management measures are not expected to result in any cumulative adverse effects that would have a substantial effect on target or non-target species.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared for the blueline tilefish emergency action, it is hereby determined that the proposed action will not significantly impact the quality of the human environment as described above and in the EA. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.


John K. Bullard

Regional Administrator Greater Atlantic Region, NMFS

5/4/15

Date

7.3 Endangered Species Act

Sections 5.3 and 6.3 should be referenced for an assessment of the impacts of the proposed action on endangered species and protected resources. None of the measures proposed in this document are expected to alter fishing methods or activities. Therefore, this action is not expected to affect endangered or threatened species or critical habitat.

7.4 Marine Mammal Protection Act

Sections 5.3 and 6.3 should be referenced for an assessment of the impacts of the proposed action on marine mammals. None of the measures proposed in this document are expected to alter fishing methods or activities. Therefore, this action is not expected to affect marine mammals or critical habitat.

7.5 Coastal Zone Management Act

Section 307(c)(1) of the CZMA requires that all Federal activities which affect any coastal use or resource be consistent with approved state coastal zone management programs (CZMP) to the maximum extent practicable. NMFS has reviewed the relevant enforceable policies of each coastal state in the Mid-Atlantic region for this action and has determined that this action is consistent to the maximum extent practicable with the enforceable policies of the CZMP of the following states: New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. NMFS finds this action to be consistent with the enforceable policies to manage, preserve, and protect the coastal natural resources, including fish and wildlife, and to provide recreational opportunities through public access to waters off the coastal areas.

Pursuant to Section 307 of the CZMA and codified at 15 CFR 930.32(b), NMFS has determined that this emergency action represents an “exigent circumstance,” and therefore deviation from the full consistency process is justified at this time. NMFS intends to implement the measures

described in this action prior to receiving concurrence from the states. However, Federal consistency determination letters were sent to the affected states on May 5, 2015, and their concurrence determinations will be considered if these emergency measures are to be extended beyond the initial 180 days from implementation. Additionally, the full CZMA consistency process will be followed when the Councils develop their long-term management plan for the blueline tilefish fishery.

7.6 Administrative Procedure Act

Sections 551-553 of the Federal Administrative Procedure Act establish procedural requirements applicable to informal rulemaking by Federal agencies. The purpose is to ensure public access to the Federal rulemaking process and to give the public notice and opportunity to comment before the agency promulgates new regulations. Pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries finds good cause to waive the otherwise applicable requirements for both notice-and-comment rulemaking and a 30-day delay in effectiveness for this temporary emergency rule implementing blueline tilefish management measures.

The availability of information and need for expedient action made it impracticable to provide prior notice-and-comment opportunity and a 30-day cooling off period. During the 2014 fishing year, it became apparent that unregulated blueline tilefish landings in the Northeast region were increasing rapidly compared to previous years (Figure 4). By fall 2014, the SAFMC had fully developed Snapper Grouper Amendment 32 to address overfishing of blueline tilefish in the Southeast Region, but these regulations would not apply north of the SAFMC's jurisdiction, providing a loophole for vessels fishing and landing blueline tilefish north of their jurisdiction. The MAFMC analyzed the issue, and on February 25, 2015, voted to request that NMFS implement these emergency measures (Sections 3.0 and 4.0). The emergency request was submitted to NMFS on March 10, 2015. Since blueline tilefish fishing activity typically begins in May (Figure 7), and there is a clear need to constrain fishing mortality on the stock in the Northeast region, it would be potentially harmful to the long-term sustainability of resource to implement these measures through notice-and-comment rulemaking. To provide protection for blueline tilefish during the 2015 fishing year, and to allow time for the MAFMC and SAFMC time to develop an appropriate long-term solution for the management of this stock, expediting these emergency measures is necessary.

For the reasons outlined, NMFS finds it impracticable and contrary to the public interest to provide prior opportunity to comment on these blueline tilefish emergency measures and provide a 30-day delay in implementation. Therefore there exists good cause to waive both of those requirements. Public comments will be accepted upon publication of the final temporary rule, and there will be multiple opportunities for public participation and notice-and-comment rulemaking as the Councils develop a long-term management plan for blueline tilefish in the Northeast region.

7.7 Information Quality Act (IQA)

Utility of Information Product

This emergency action proposes commercial and recreational possession limits for the blueline tilefish fishery in the Northeast region. This document includes: A description of the alternatives considered, the preferred action and rationale for selection, and changes to the implementing regulations. As such, this document enables the implementing agency (NMFS) to make a decision on implementation of management measures and this document serves as a supporting document for the emergency rule.

The action contained within this document was developed to be consistent with the MSA and other applicable laws through a multi-stage process that was open to review by affected members of the public. The public had the opportunity to comment on management measures during public MAFMC and SAFMC meetings. In addition, the public will have further opportunity to comment on this action once NMFS publishes a temporary rule in the *Federal Register*.

Integrity of Information Product

The information product meets the standards for integrity under the following types of documents: Other/Discussion (e.g., Confidentiality of Statistics of the MSA; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act).

Objectivity of Information Product

The category of information product that applies here is “Natural Resource Plans.” This section (section 7.0) describes how this document was developed to be consistent with any applicable laws, including MSA with any of the applicable National Standards. The analyses used to develop the alternatives (i.e., policy choices) are based upon the best scientific information available and the most up to date information is used to develop the EA which evaluates the impacts of those alternatives (see section 6.0 of this document for additional details).

The review process for this document involves NEFSC, GARFO, and NMFS headquarters. The NEFSC technical review is conducted by senior level scientists with specialties in fisheries ecology, population dynamics and biology, as well as economics and social anthropology. Review by GARFO is conducted by those with expertise in fisheries management and policy, habitat conservation, protected resources, and compliance with the applicable law. Final approval of the document and clearance of the rule is conducted by staff at NOAA Fisheries Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget.

7.8 Paperwork Reduction Act

The Paperwork Reduction Act (PRA) concerns the collection of information. The intent of the PRA is to minimize the Federal paperwork burden for individuals, small businesses, state and local governments, and other persons as well as to maximize the usefulness of information collected by the Federal government. There are no changes to the reporting requirements

previously approved for vessel permits, dealer reporting, or vessel logbooks. This action does not contain a collection-of-information requirement for purposes of the PRA.

7.9 Impacts of the Plan Relative to Federalism/EO 13132

This specifications document does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order (EO) 13132.

7.10 Regulatory Impact Review/EO 12866

The purpose of EO 12866 is to enhance planning and coordination with respect to new and existing regulations. This EO requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be “significant.” Section 7.10 of this document represents the RIR, which includes an assessment of the costs and benefits of the Proposed Action in accordance with the guidelines established by EO 12866.

E.O. 12866 requires a review of proposed regulations to determine whether or not the expected effects would be significant, where a significant action is any regulatory action that may:

- 1* Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- 2* Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- 3* Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- 4* Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.

A more detailed discussion of economic impact is provided in Section 6.4. The discussion to follow provides a summary of those findings.

7.10.1 Objectives, Description, and Problem Statement

The goals, objectives, and problem statement for this emergency action are described in Section 3.0. A description of the entities affected by this action are provided in Section 5.4 and 6.4.

7.10.2 Analysis of Alternatives

This section provides an analysis of each emergency action possession limit alternative as mandated by EO 12866, and described in detail in Section 4.0. The focus will be on the expected changes 1) in net benefits and costs to stakeholders of the blueline tilefish fishery, 2) changes to the distribution of benefits and costs within the industry, 3) changes in income and employment,

4) cumulative impacts of the regulation, and 5) changes in other social concerns. Much of this information is captured already in the detailed economic and social impacts analyses of Sections 6.4 of this document. This RIR will summarize and highlight the major findings of the economic and social impacts analysis provided in Section 6.4 of this document, as mandated by EO 12866.

7.10.2.1 Alternative 1 (Preferred)

A detailed description of this alternative can be found in Section 4.1 of this document. This preferred alternative would implement a commercial possession limit of 300 lb, and a recreational possession limit of 7 fish per person per trip for blueline tilefish in the Northeast region. According to the analysis in Section 6.4, economic and social impacts are expected to be negative, as compared to No Action (unlimited possession), but would likely help maintain the long-term sustainability of the blueline tilefish resource and constrain fishing mortality. Estimated commercial revenue losses under this alternative would be \$374,679 (Table 8). Revenues associated with recreational and commercial blueline tilefish fisheries would likely be reduced to levels closer to the historical (pre-2014) averages (Tables 3 and 8). Of the 63 vessels that landed blueline tilefish in 2014, 57 caught them incidentally (only 0.1% of their total annual revenue from all species was from blueline tilefish). Impacts to these vessels would be minimal. For the six vessels targeting blueline tilefish, nearly 54% of their total annual revenue from all species in 2014 was from blueline tilefish. These vessels accounted for 94% of the blueline tilefish revenue in 2014. So the \$374,679 revenue loss would be borne primarily by these vessels which would be, on average, about \$58,700 per vessel.

7.10.2.2 Alternative 2

A detailed description of this alternative can be found in Section 4.2 of this document. This alternative would implement a commercial possession limit of 100 lb, and a recreational possession limit of 1 fish per vessel per day (May through August only) for blueline tilefish in the Northeast region. This would be the most restrictive alternative and would be likely to have the most negative social and economic impacts compared to the other alternatives. However, as described in Section 6.4, this alternative would likely help maintain the long-term sustainability of the blueline tilefish resource and constrain fishing mortality. Estimated commercial revenue losses under this alternative would be \$415,244 (Table 8). Of the 63 vessels that landed blueline tilefish in 2014, 57 caught them incidentally (only 0.1% of their total annual revenue from all species was from blueline tilefish). Impacts to these vessels would be minimal. For the six vessels targeting blueline tilefish, nearly 54% of their total annual revenue from all species in 2014 was from blueline tilefish. These vessels accounted for 94% of the blueline tilefish revenue in 2014. So the \$415,244 revenue loss would be borne primarily by these vessels which would be, on average, about \$65,055 per vessel. Revenues associated with recreational and commercial blueline tilefish fisheries would likely be reduced to levels closer to the historical (pre-2014) averages (Tables 3 and 8).

7.10.2.3 No Action

A detailed description of this alternative can be found in Section 4.3 of this document. Under this alternative, possession of blueline tilefish by recreational and commercial vessels in the

Northeast region would continue to be unlimited. The analysis in Section 6.4 suggests that while this alternative may have positive short-term economic and social benefits, it could result in long-term negative impacts if the unregulated stock became overfished. In 2014, when peak commercial landings occurred, the ex-vessel revenues of the fishery were approximately \$454,000. Under the No Action alternative, short-term revenues would likely be similar, or slightly higher than 2014 levels, commensurate with the quantity of landings.

7.10.3 Determination of Significance

The analysis included in this document shows that this action is not a “significant regulatory action” because it will not affect in a material way the economy or a sector of the economy. Blueline tilefish are a small component of overall fishing-related revenues in the Northeast region (2014 ex-vessel revenues = \$454,000), and within the vast majority of active participants in the fishery. The preferred possession limits would help achieve optimal yield in the long-run, maximizing economic benefits of the fishery.

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9.0 LIST OF AGENCIES AND PERSONS CONSULTED

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