

12.0 Executive Order 13158 (Marine Protected Areas)

The Executive Order on Marine Protected Areas requires each federal agency whose actions affect the natural or cultural resources that are protected by an MPA to identify such actions, and, to the extent permitted by law and to the maximum extent practicable, in taking such actions, avoid harm to the natural and cultural resources that are protected by an MPA.

The E.O. directs federal agencies to refer to the MPAs identified in a list of MPAs that meet the definition of MPA for the purposes of the Order. The E.O. requires that the Departments of Commerce and the Interior jointly publish and maintain such a list of MPAs. As of the date of submission of this FMP, the list of MPA sites has not been developed by the departments. No further guidance related to this Executive Order is available at this time.

13.0 IMPACTS ON STATES (CZMA)

The Council has determined that the final proposed alternatives comply with the rules and regulations of the Coastal Zone Management Act. This document has been sent to coastal states from Maine to North Carolina for review of compliance with individual state's CZMA management regulations.

14.0 PAPERWORK REDUCTION ACT (PRA)

This section describes and estimates the burden (time and cost) of preparing, submitting, and administration of new data collection requirements for the proposed action. The proposed action is not identified until the Council approves the final amendment and this section is therefore reserved. The proposed action is described in Section 5.1, but this PRA analysis is under development and will be submitted with the draft proposed action.

Due to timing constraints, this document and analysis is being prepared separately, in conjunction with the proposed rule for Amendment 10, to clear the new collection of information requirements through OMB. New collection of information requirements and their need are explained below. A formal burden-hour analysis of these new reporting requirements in Amendment 10 will be available with the proposed rule.

14.1 Broken trip procedure

The broken trip procedure allows adjustment of DAS for the controlled access area trips terminated prematurely due to an emergency, poor weather, or any other reason deemed appropriate by the captain as described in Section 5.1.2.4. The intent of this action is to reduce fishing costs and the losses from broken trips, and to provide more incentive for vessels to take their controlled access trips. This provision will allow a vessel to fish at 1,500 lb. per day for the remaining days of a broken trip. The vessels will need to submit a trip termination notice via VMS, and an application for DAS/trip adjustment with actual DAS use and landings. The costs of filling these applications are estimated to be minimal, and be outweighed by the benefits from the broken trip adjustment.