

Mid-Atlantic Fishery Management Council
Development of Ecosystem Goals, Objectives, and Policies

The Ecosystems Subcommittee (ESC) of the SSC was created to "advise the Council on ecosystems management and ecological issues related to the Council's Fishery Management Plans (FMPs) and management programs". The objectives of the ESC are articulated in the TORS developed for them by the Council as follows:

Provide scientific advice or information to:

1. support and inform the development of the Council's ecosystem level goals, objectives and policies.
2. address and incorporate ecosystem structure and function in Council FMPs and quota specification process to ensure ecological sustainability.
3. anticipate or respond to shifting ecological conditions (climate change and other externalities).
4. summarize existing programs (US and worldwide) that have incorporated ecosystem-based management principles.
5. describe ecosystem principles to evolve into regional-based ecosystem based FMP.

The TORS developed by the Council include both short and long term issues related to EBFM. For the long term, the Council has expressed its desire to move in the direction of EBFM but has yet to articulate specific goals and objectives. The development of EBFM goals and objectives may be difficult because they depend on what is technically feasible given current information.

Recommendation: Council should establish draft EBFM goals and objectives (these goals and objectives can be modified through an iterative process with the ESC).

The Council should consider development of an EBFM goals and objectives statement at its April meeting. The Council's Executive Committee will manage the development of the EBFM goals and objectives and oversee subsequent Council activities and interactions with the ESC related to EBFM.

In addition to developing a long term strategic plan for EBFM, the Executive Committee should develop a list of short term issues for the ESC to address. For example, the Executive Committee could task the ESC with developing scientific advice specific to the forage issue currently being discussed by the Atlantic Mackerel, Squid and Butterfish Committee. Additional topics for the ESC to consider could be developed sequentially so the ESC can provide the necessary scientific advice to inform the development of the Council's long range approach to EBFM.

Mid-Atlantic Fishery Management Council (Council)

Ecosystems Subcommittee of the Scientific and Statistical Committee (SSC)

Terms of Reference

Organization

The Ecosystems Subcommittee of the SSC will be appointed by the Chairman of the SSC.

Function

The Subcommittee will advise the Council on ecosystems management and ecological issues related to the Council's Fishery Management Plans (FMPs) and management programs.

Objectives

1. Work with the Council (especially the Council's Ecosystems and Ocean Planning Committee) to provide the Council with scientific advice to support and inform the development of the Council's ecosystem level goals, objectives, and policies.
2. Identify and describe scientific advice that the Council could use to address and incorporate ecosystem structure and function in its fishery management plans (FMPs) and quota specification process to ensure that the Council's management practices effectively account for ecological sustainability.
3. Describe scientific information that the Council could consider to anticipate or respond to shifts in ecological conditions (e.g. climate change and other externalities) or processes in its management programs.
4. Summarize what other countries and regions are doing to incorporate ecosystem-based fishery management principles in their management plans and programs.
5. Describe how ecosystems principles could be used by the Council in the long term to evolve its single-species and multi-species FMPs into a regional ecosystem-based fishery management plan.

OPERATING AGREEMENT

**Between the
Mid-Atlantic Fishery Management Council,
NOAA Fisheries Service Northeast Regional Office,
NOAA Fisheries Service Northeast Fisheries Science Center,
and NOAA Fisheries Service Office of Law Enforcement**



National Marine Fisheries Service



November 29, 2006

This Agreement is between the Mid-Atlantic Fishery Management Council (Council), the NOAA Fisheries Service Northeast Regional Office (NERO), the NOAA Fisheries Service Northeast Fisheries Science Center (NEFSC), and the NOAA Fisheries Service Office of Law Enforcement Northeast Enforcement Division (OLE).

Statement of Purpose

The purpose of this Operating Agreement is to confirm the mutual interests of the Council, the NERO, and the NEFSC in the need for, and principles associated with, the wise conservation and management of the Nation's fisheries, and to establish the roles, responsibilities, and commitments of the parties to that end.

Background

The 2005 Operational Guidelines for Development and Implementation of Fishery Management Actions (Operational Guidelines) provide an approach for establishing a formalized cooperative relationship with the Councils and set forth a model for integrating the many statutory mandates that apply to the development of fishery management actions. Consistent with efforts under the Regulatory Streamlining Project, the approach taken in the Operational Guidelines addresses problems of unnecessary delays, unpredictable outcomes, and lack of accountability, and moves towards the application of standardized practices to improve the quality and efficiency of regulatory decisions.

The Operational Guidelines are based on the concept of "frontloading," which requires active participation of key Council and Agency staff (e.g., Sustainable Fisheries, Protected Resources, Habitat Conservation, economists, social scientists, General Counsel, etc.) at early stages of fishery management action development—a "no surprises" approach. The goal is to ensure that all significant legal and policy issues will be identified early in the process such that they can be addressed in the development of the management action.

The objective of the Operational Guidelines is to facilitate development and implementation of fishery management actions under the Magnuson-Stevens Fishery

Conservation and Management Act (Magnuson-Stevens Act). The steps involved in the preparation, review, approval, and implementation of fishery management actions, and the attendant rules and regulations under the Magnuson-Stevens Act, together make for a complex process in which the Councils and the Secretary have distinct, yet somewhat overlapping, roles. In many instances, the issues presented are controversial, politically charged, and difficult to analyze. In addition, a variety of other applicable laws impose even more analytical and procedural requirements on an already complex system. NOAA Fisheries Service, with direction from Congress, initiated the Regulatory Streamlining Project to improve the way the Agency and the Councils integrate the multiple mandates governing fisheries management, increase efficiency in designing and implementing fishery management measures, and improve overall the decision-making process.

In order to support the objectives of the Regulatory Streamlining Project, the Operational Guidelines recommend that the Council and NOAA Fisheries Service Regional Offices and Fisheries Science Centers enter into written Regional Operating Agreements that specify responsibilities and steps that will be taken to prepare documentation for fisheries conservation and management decisions. This document serves this purpose.

The NOAA Fisheries Service Northeast Regional Office and Northeast Fisheries Science Center support and collaborate with two Regional Fishery Management Councils, the New England Council as well as the Mid-Atlantic Council. Although much of the following applies equally to how both Council interact with the Regional Office and Science Center, there are important differences between the two Councils. Thus, this operating agreement applies to the relationships and functions between the Regional Office and Science Center and the Mid-Atlantic Fishery Management Council, while a separate agreement documents the relationships and functions between the Regional Office, Science Center, and the New England Council. The differences between the two Councils primarily involve the functions and roles of the Fishery Management Action Team (FMAT), the use of Plan Development Teams (PDTs), and the interaction between these groups and the Council committees.

Definitions of Terms

Council Committee – A Council Committee is composed of a subset of voting Council members focused on either a particular FMP or species (e.g., the Demersal Species Committee, the Mackerel Committee) or on a particular issue of interest to the Council (e.g., the Research Set-Aside Committee). Council Committees meet either in conjunction with or independent of the full Council to review and discuss individual FMPs and develop specific measures that will form the basis of the FMP, FMP amendment, or framework adjustment to an FMP. Committee recommendations are communicated to the full Council for approval before inclusion in any draft or final version of an FMP.

Executive Committee – Each Council establishes an Executive Committee that includes the Council Chair, Vice-Chair, Regional Administrator, and additional Council members

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that are either elected or appointed by the Council Chair. The Executive Committee's functions include oversight of Council operations and budget, as well as making decisions and recommendations regarding workload issues and priorities.

Fishery Management Action Plan – A Fishery Management Action Plan (Action Plan) is a preliminary planning and vetting document prepared prior to the commencement of drafting the initial Magnuson-Stevens Act or National Environmental Policy Act (NEPA) document (Categorical Exclusion (CE) memo, Environmental Assessment (EA) with Finding of No Significant Impact (FONSI), or Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS)). The Action Plan:

- Identifies the issue(s)/problem(s) to be addressed and the objective(s) to be met;
- Identifies the type of NEPA analysis to be undertaken (CE, EA, EIS);
- Provides a realistic timeline for complying with all applicable laws and for completing and implementing the action;
- Identifies the potential types of measures that might be considered (e.g., limited entry, quotas, gear modifications, etc.);
- Identifies the staff resources that will be required and the core staff that will work on developing and implementing the action;
- Identifies new data collections and/or modifications of existing collections that may be needed to support the proposed actions; and
- Contains a checklist of applicable laws that will need to be addressed/complied with and, if possible, an initial indication of how these requirements will be addressed.

The first task of the Fishery Management Action Team (see below) is to develop the Action Plan for review by the Council. Once approved, the Action Plan documents the planned development schedule, legal requirements that must be met, proposed approach, and commitment of resources by the participating organizations. Action Plans should be formally revised any time there are changes in the scope of the action, the schedule, or the requirements to be met. This will ensure that the resources required of each organization remain well understood, and that the expectations of all the organizations remain in sync.

Fishery Management Action Team – An FMAT is a technical advisory group formed specific to a major fishery management action in order to facilitate front-loading the fishery management process. The role of the FMAT is to provide technical and policy advice and guidance to the Councils on the development of fishery management actions, particularly as applies to complying with the Magnuson-Stevens Act, NEPA, and other applicable laws. All guidance and advice provided by an FMAT to a Council should be justified and supportable. Recommendations made by an FMAT to a Council, while deserving of due consideration, are not binding on the Council which is free to consider other issues, evidence, and recommendations of other associated groups (such as industry advisory panels).

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The FMAT should include staff representatives of all offices and organizations involved in the development, review, and/or implementation of the action. This should include the Council, the NERO (Sustainable Fisheries Division, Habitat Conservation Division, Protected Species Division, Fisheries Statistics Office, and Regulatory Effectiveness Group), NOAA General Counsel-Northeast, NOAA Fisheries Service Office of Law Enforcement, the NEFSC (Population Dynamics Branch, Social Sciences Branch, Protected Resources, and Observer Program), and NOAA Fisheries Service Headquarters (Office of Sustainable Fisheries).

It is expected that all of the relevant disciplines and organizational entities will be engaged in at least the first meeting of the FMAT. The level of continued involvement of individuals on the FMAT will depend on the nature of the action and associated issues. The level of participation may also vary due to availability of resources. A separate FMAT should be formed for each major fishery management action, and these FMATs normally will dissolve upon completion of each action.

Given the purpose of the FMAT (developing timelines for the development, review, and implementation of actions; allocating resources; conducting technical analyses and providing technical advice to the Council; reviewing proposed documentation; etc.), it is not the role of the FMAT to make policy decisions regarding actions under consideration by the Council. Rather, the charge of the FMAT is to provide the appropriate technical information and advice to enable the Council to make informed policy choices.

The first task of an FMAT is to develop an Action Plan (see above). In conducting its business, the FMAT should operate by consensus opinion. When consensus among all FMAT members cannot be reached, minority opinions should be included in the record provided to the Council. The FMAT chair will be responsible for preparing, with input from the FMAT members, all documentation resulting from any FMAT meetings, including the Action Plan.

Major Fishery Management Action – Actions most likely to benefit from the use of the FMAT and Action Plan process include all new fishery management plans (FMPs), significant FMP amendments, and framework adjustments with sufficient complexity, controversy, and/or significance as to be more than routine actions. Annual adjustments, specifications, and routine, minor framework adjustments are not considered major fishery management actions for the purposes of this Operating Agreement.

Monitoring Committee – A Monitoring Committee is a team of scientific and technical staff appointed by the Council to review, analyze, and recommend adjustments to management measures or to develop and/or recommend annual specifications. Monitoring Committees are made up of staff representatives of the Councils, the NERO, and the NEFSC. Staff from the Atlantic States Marine Fisheries Commission, affected states, and the U.S. Coast Guard, as well as fishing industry representatives, may also be appointed to serve on the Monitoring Committee. Unlike FMATs, the composition and duties of Monitoring Committees are prescribed in the regulations.

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Roles in General

The Councils are responsible under the Magnuson-Stevens Act for the preparation and amendment of FMPs. The Councils initiate most of the documentation to support fishery conservation and management decisions, and collaborate with the NOAA Fisheries Service Regional Offices, Science Centers, and state agencies as appropriate.

The Northeast Region Coordinating Council (NRCC) is composed of the Chairs and Executive Directors of the Mid-Atlantic and New England Fishery Management Councils, the NOAA Fisheries Service Regional Administrator, the NEFSC Science and Research Director, and the Executive Director of the Atlantic States Marine Fisheries Commission (Commission). Among other functions, the NRCC annually reviews lists of proposed priority actions of the Councils and Commission for the coming year and helps assess and balance likely resource needs to complete those actions on a realistic schedule. In considering Council priorities, the NRCC may make recommendations regarding which upcoming actions warrant FMATs and Action Plans.

NOAA Fisheries Service Regional Office staff are responsible for working as part of a team with Council staff to develop adequate and complete documentation of management actions. Staff provide expertise on technical, procedural, and implementation issues, and coordinate reviews by NOAA Fisheries Service Headquarters and Regional Staff, consistent with procedures set forth in this Operating Agreement, advise NOAA Fisheries Service Headquarters of recommendations and decisions being made, and forward documentation to NOAA Fisheries Service Headquarters.

The NOAA Fisheries Service Fisheries Science Centers work as part of the team cooperating with the Councils, conduct much of the biological and socio-economic analyses required for management actions, and make certifications regarding certain legal requirements, including overfishing definitions and the adequacy of economic analyses. Center staff carry out stock assessments and communicate the results to the Councils and Regional Office. The Center reviews fishery management reports and other documents produced by the Councils and Regional Office. The Center serves as a resource for the Councils and Regional Office to address scientific questions.

At NOAA Fisheries Service Headquarters, the Assistant Administrator is responsible for: (1) Deciding whether to concur in the Regional Administrator's decision regarding approval of Council-recommended FMPs/amendments; (2) deciding whether to approve final rules; (3) determining that the appropriate EIS or EA (with FONSI) has been completed for the action; and (4) resolving with NOAA General Counsel any issues elevated to Headquarters, including issues related to determinations of legal sufficiency. Within NOAA Fisheries Service Headquarters, the Office of Sustainable Fisheries tracks Council and NOAA Fisheries Service regulatory activities, consults with and advises Regions on the national policy implications of decisions, packages and forwards regional documents to the NOAA Fisheries Service leadership, participates on FMATs as appropriate, and facilitates communications to resolve problem issues raised during

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NOAA Fisheries Service Headquarters review or reviews by NOAA Headquarters, the Department of Commerce, and/or the Office of Management and Budget.

NOAA General Counsel advises the Councils and NOAA Fisheries Service Regional Offices and Regional Fisheries Science Centers throughout the process of developing documentation and making and reviewing decisions. Regional General Counsel provides legal advice to the Regional Administrator, confirms legal sufficiency of documentation and processes, and elevates to NOAA General Counsel Headquarters any issue preventing a determination of legal sufficiency. NOAA General Counsel also provides legal advice to NOAA Fisheries Service leadership, as appropriate, and provides final clearance for legal sufficiency of regulatory packages requiring clearance from NOAA Headquarters or Department of Commerce General Counsel. NOAA General Counsel Headquarters works with NOAA Fisheries Service Headquarters to resolve legal issues elevated from the Regions.

The NOAA NEPA Coordinator, in the Office of Strategic Planning, Program Planning, and Integration, reviews and provides final clearance for all EISs and EA/FONSIIs. In addition, the NOAA NEPA Coordinator is responsible for filing EISs with the Environmental Protection Agency and for signing all transmittal letters that disseminate NEPA documents for public review.

Statement of Responsibilities

Council

Fishery Management Action Team

In cooperation and with the assistance of the NERO, the Council will convene an FMAT for each fishery management action for which the NRCC or the Executive Committee has determined that an FMAT and an Action Plan are appropriate.

The Council's Executive Director will assign appropriate Council staff to chair the FMAT and to coordinate logistics for all FMAT meetings.

The Council will solicit participation in the FMAT from the appropriate offices of the NERO, NEFSC, and HQ.

FMATs will operate at the direction of the pertinent species committees, the Council, and the Council Executive Director.

Council staff assigned to an FMAT will coordinate logistics for FMAT meetings and prepare all documentation in support of and resulting from FMAT meetings (e.g., meeting agendas, meeting summaries, Action Plans, issue papers, analytical documents).

Monitoring Committee

The Council will establish, and maintain, a Monitoring Committee for each FMP under its jurisdiction for which a Monitoring Committee is called for in the FMP.

The Council will solicit membership and participation in each Monitoring Committee from all appropriate organizations from which the FMP and/or its implementing regulations prescribe participation.

At the request of the New England Council, the Mid-Atlantic Council will assign staff to serve on Monitoring Committees of the New England Council for which the FMP and/or its implementing regulations prescribe the participation of Mid-Atlantic Council staff.

The Council's Executive Director will assign staff, as appropriate, to serve on each Monitoring Committee formed by the Council and will designate an appropriate individual to serve as chair of the Committee.

Council staff assigned to a Monitoring Committee will ensure that the Monitoring Committee meets as called for in the FMP and/or as required in the regulations. Council staff will coordinate the logistics for all Monitoring Committee meetings.

Council staff assigned to a Monitoring Committee will be responsible for preparing all documentation in support of and resulting from Monitoring Committee meetings (e.g., meeting agendas, meeting summaries, issue papers, analytical documents, etc.).

Council Committee

The appropriate Council committee will review the Action Plan developed by an FMAT and determine if the Action Plan is to be forwarded to the Council for approval. If the committee does not forward the Action Plan to the Council, the Action Plan will be returned to the FMAT, with explanation, for further development and/or modification.

Other

Council staff will have primary responsibility for preparation of documentation necessary to support fishery management actions, including the Magnuson-Stevens Act document (FMP, amendment, framework adjustment, or annual specifications), the NEPA document (EA/FONSI or EIS), and documentation demonstrating compliance with all other relevant applicable laws and executive orders.

Listening sessions at Council Meetings

Issue: Lack of public involvement and interest at Mid-Atlantic Fishery Management Council meetings

Target Audience: Fishermen, Environmentalist, and concerned public

Message: You can affect decisions that relate to the management of marine resources in the Mid-Atlantic by staying informed and participating at Council Meetings

Desired outcome: Better informed constituents and more public involvement at Council meetings

Outreach tool: Face-to-face meetings of Council leadership and NMFS representatives with the public during a pre-determined and advertised time, i.e., Wednesday evening, 5-6:30 pm, at each Council Meeting.

Format: Town hall style with chairs arranged in a semi-circle, leadership facing the audience, no tables, questions and concerns expressed by public addressed by appropriate party (Council, NERO or NEFSC).

Marketing: Advertise two weeks prior to meeting and again the week of the meeting with emails to MAFMC constituent list. Include a detailed list of present activities and/or future issues/concerns with the Council web address for additional information.

COUNCIL COORDINATION COMMITTEE

MAY 3-5, 2011

Doubletree Guest Suites Hotel

181 Church Street, Charleston, SC 29401

Phone: 843-408-8733 or 843-577-2644

Fax: 843-577-2697

<http://www.fisherycouncils.org/CCC/CCC.htm>

AGENDA

(4/27/11)

Tuesday, May 3

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
1:30 - 2:00	Welcome/Introductions	David Cupka Eric Schwaab
2:00 - 3:30	Council Reports on Status of Implementing Magnuson-Stevens Act Provisions and Other Current Activities of Interest <ul style="list-style-type: none">• Annual catch limits• Ending overfishing• Status of rebuilding plans• Catch shares• Problems/concerns/other issues	Chairmen/EDs (TAB 1)
3:30 - 3:45	Break	
3:45 - 4:30	Council Reports Continued	Chairmen/EDs
4:30 - 5:30	Allocation of fishery resources	George Lapointe (TAB 2)
5:30	Adjourn for the Day	

Wednesday, May 4

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
8:00 - 9:00	Budgets <ul style="list-style-type: none">• FY2011: status, Council funding• FY2012: update• Council competition for additional grant funds• Grant funds from non-Federal & other sources	Gary Reisner (TAB 3) Kitty Simonds
9:00 - 9:30	Performance Measures Status	Galen Tromble (TAB 4)
9:30 - 10:00	NEPA update and issues	Steve Leathery (TAB 5)

COUNCIL COORDINATION COMMITTEE

Wednesday, May 4

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
10:00 - 10:30	Status report on E.O. 13563	Sam Rauch (TAB 6) Caroline Park
10:30 - 10:45	Break	
10:45 - 12:00	National Bycatch Report	Samantha Brooke (TAB 7)
12:00 - 1:30	Lunch	
1:30 - 2:30	National Catch Share Policy Status	Kelly Denit (TAB 8)
2:30 - 3:30	MPA network <ul style="list-style-type: none">• Update• Council participation in MPA network	Sam Rauch (TAB 9) Chris Moore
3:30 - 3:45	Break	
3:45 - 4:45	MRIP/Recreational data <ul style="list-style-type: none">• Update• Using MRIP for recreational in-season adjustments	Gordon Colvin (TAB 10) Russell Dunn
4:45 - 5:30	Law Enforcement <ul style="list-style-type: none">• Update• NOAA GC penalty schedules	Alan Risenhoover (TAB 11)
5:30	Adjourn for the Day	

Thursday, May 5

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
8:00 - 9:00	USCG Issues	LCDR Schaeffer (TAB 12)
9:00 - 10:00	National Ocean Council/Coastal and Marine Spatial Planning	Sam Rauch (TAB 13) Bob Mahood
10:00 - 10:15	Break	
10:15 - 10:45	National SSC Workshop	Chris Moore (TAB 14)

COUNCIL COORDINATION COMMITTEE

Thursday, May 5

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
10:45 - 12:30	Outreach	Councils/NMFS (TAB 15)
	<ul style="list-style-type: none">• NOAA Fisheries activities• RFMC activities<ul style="list-style-type: none">➢ Communication Committee collective efforts➢ Individual Council efforts➢ Funding• Joint efforts<ul style="list-style-type: none">➢ MONF III National Conference➢ Funding• Marine Resource Education Program (MREP)	Laurel Bryant Kitty Simonds Kitty Simonds Kate Burns
12:30 - 1:00	Other Business and next annual CCC Meeting	David Cupka (TAB 16)
1:00	Adjourn Meeting	



Regional Fishery Management Council Coordination Committee

March 31, 2011



Eric C. Schwaab
Assistant Administrator for Fisheries, NOAA
1315 East West Highway
Silver Spring, MD 20910

Dear Eric,



The purpose of this letter is to provide you with the Council Coordination Committee's (CCC) position on the National Marine Fisheries Service's (NMFS) allocation project. At the recent CCC meeting George Lapointe presented an update on the project and indicated the purpose is to examine both commercial and recreational allocation issues across the Nation. The implication was that NMFS viewed this as an opportunity to look at, and potentially revise, the various existing Council allocations as stocks continue to rebuild. As you are aware, the subject elicited significant debate during the meeting.



After much discussion the CCC unanimously approved a motion "requesting that the Service's allocation initiative not include any new directives to the Councils requiring or directing the Councils to revisit allocations, but that any initiatives to revisit allocations be left to the Councils". On behalf of the CCC I am making this request.



We are concerned the Councils may be directed or required to revise existing allocations, based on some nationally derived criteria. This could create the potential for opening old wounds that were suffered when the existing allocations were developed. Currently, as fisheries evolve and allocation issues arise, the Councils address them on a case by case basis, and we believe that is as it should be.



Thank you for your consideration of our request.



Sincerely,

David Cupka
Chairman



cc: CCC Members
Sam Rauch
George Lapoint

2005-2011 Operating Award

