

MID-ATLANTIC COUNCIL

2014 Planned Council Meeting Topics

February 11-13, 2014 – DoubleTree, New Bern, NC

- Climate Change and Fishery Science Workshop
- Framework 9 to Atlantic Mackerel, Squid, Butterfish FMP alternatives
- Omnibus Observer Coverage Amendment alternatives
- Omnibus ABC Framework alternatives
- Framework 8 to Summer Flounder, Scup, Black Sea Bass FMP options
- Approve Framework 8 to Monkfish FMP

April 8-10, 2014 -- Montauk Yacht Club, Montauk, NY

- Review River Herring and Shad Terms or Reference and Scope of Work
- SAW/SARC 58 (butterfish, tilefish, northern shrimp)
- Tilefish Specifications for 2015-2017
- Framework 8 to Summer Flounder, Scup, Black Sea Bass FMP (Scup GRAs) Update
- Amendment 16 to Atlantic Mackerel, Squid, Butterfish FMP (Deep Sea Corals) Update
- Approve SBRM Amendment
- BOEM Offshore Wind Leasing Workshop
- Report of Climate Change and Governance Workshop of March 19-21, 2014

June 10-12, 2014 – Radisson, Freehold, NJ

- Adopt Atlantic Mackerel, Squid, Butterfish Specifications for 2015
- Review Surfclam and Ocean Quahog Specifications for 2015 and 2016
- Research Set-Aside Award Recommendations for 2015
- Review Amendment 17 to Surfclam and Ocean Quahog FMP (Cost Recovery Alternatives)
- Approve Amendment 16 to Atlantic Mackerel, Squid, Butterfish FMP (Deep Sea Corals) for public hearings
- Approve Omnibus ABC Framework
- Review progress on Omnibus Observer Coverage Amendment
- Review/Approve Framework 8 to Summer Flounder, Scup, Black Sea Bass FMP (Scup GRAs)

August 12-14, 2014 – W Hotel, Washington, DC

- Swearing-in of new and reappointed Council members
- Election of Officers
- Approve Research Set-Aside 2016 Research and Information Priorities List
- Review Summer Flounder, Scup, Black Sea Bass Commercial Specifications for 2015 (and beyond)
- Adopt Bluefish Specifications for 2015

October 7-9, 2014 – Courtyard Marriott, Philadelphia, PA

- Review Spiny Dogfish Specifications for 2015
- Approve Research Set-Aside Priorities for 2016 Request for Proposal
- Adopt Amendment 17 to Surfclam and Ocean Quahog FMP Hearing Draft (Cost Recovery)

December 9-11, 2014 – Royal Sonesta, Baltimore, MD

- Adopt Summer Flounder, Scup, Black Sea Bass Recreational Specifications for 2015 (and beyond)
- Adopt SSCs 5-year Research Priority Recommendations
- EAFM Update

MID-ATLANTIC COUNCIL

2014 Schedule of Events

March

- 4 NMFS Climate Change Workshop, Narragansett, RI
- 7 Observer FMAT/PDT, Gloucester, MA
- 11-13 Marine Resources Education Program (MREP), Baltimore, MD
- 12-13 SSC Meeting - ABC recommendations for Tilefish, Baltimore, MD
- 12 Tilefish Monitoring/Technical Committee, Baltimore, MD
- 17-21 ASMFC Technical Committee Meetings (Committees and location TBD)
- 18 SF, SC, BSB, MSB Advisory Panels Webinar
- 19-21 East Coast Climate Change and Fisheries Governance Workshop, Washington, DC
- 24-25 MREP Science 200: Introduction to Stock Assessments, Woods Hole, MA
- 27 River Herring TEWG Webinar

April

- 1-2 NOAA Recreational Saltwater Fishing Summit, Alexandria, VA
- 1-3 SAFMC Habitat & Environmental Protection AP Meeting, N. Charleston, SC
- 3-4 NMFS Atlantic HMS Advisory Panel, Silver Spring, MD
- 4 Fluke Sea Grant Advisory Committee Meeting, Tuckerton, NJ
- 8 Spiny Dogfish Public Information Meeting (trip limits) WEBINAR
- 8-10 Mid-Atlantic Fishery Management Council Meeting, Montauk, NY
- 13-15 70th Annual Northeast Fish & Wildlife Conference, Portland, ME
- 14 MSB Advisory Panel Webinar (Fishery Performance Report)
- 15 SCOQ FMAT (Amendment 17 - cost recovery), Providence, RI
- 23 SCOQ Advisory Panel Webinar (Fishery Performance Report)

May

- 1 ASMFC Habitat Committee Meeting, Annapolis, MD
- 7-8 SSC Meeting - ABC recommendations for SMB & SCOQ, Baltimore, MD
- 12-15 ASMFC Spring Meeting, Alexandria, VA
- 13-15 Council Coordination Committee Meeting, Virginia Beach, VA
- 13-16 Lowell Wakefield Symposium on Fisheries Bycatch, Anchorage, AK
- 13-16 Alaska Sea Grant Bycatch Conference, Anchorage, AK

June

- 10-12 Mid-Atlantic Fishery Management Council Meeting, Freehold, NJ
- 10-12 Capitol Hill Ocean Week (CHOW), Washington, DC
- 11-12 Commercial Marine EXPO, New Bedford, MA
- 16-20 ASMFC Technical Committee Meetings (Committees and location TBD)

*Status of Open Amendment/Framework Actions
(as of March 28, 2014)*

<u>FMP</u>	<u>AMDAFW</u>	<u>Issues Addressed</u>
Atlantic Mackerel/ Squid/Butterfish	Amendment 16	Deep sea corals
	Framework 8	Trimester 2 butterfish cap closure; Quota transfer between landings at end of year
	Framework 9	Slippage issues
Summer Flounder/ Scup/Black Sea Bass	Amendment 18	Black sea bass recreational management
	Amendment 20	Scup allocation
	Amendment 21	Summer flounder management
	Framework 8	Scup Gear Restricted Areas
Surfclam/ Ocean Quahog	Amendment 17	Cost recovery; EFH updates; Ocean quahog overfishing definition
	Amendment 18	Excessive shares
Dogfish	Amendment 3	Authorize RSA program; Consider alternatives to seasonal quotas; Limited access; Quota rollover; EFH definitions
Standardized Bycatch Reporting Methodology		Bycatch Monitoring: Includes Amendment 18 to Mackerel/Squid/Butterfish; Amendment 17 to Summer Flounder/Scup/Black Sea Bass; Amendment 4 to Dogfish; Amendment 15 to Surfclam/Ocean Quahog; Amendment 5 to Bluefish; and Amendment 3 to Tilefish
Omnibus ABC Framework		Tier 2 assessment revisions; multiyear issues; automatic incorporation of new reference points
Omnibus Observer Coverage Amendment		Joint Plan with NEFMC. Establish mechanisms to facilitate industry-funded observer coverage programs; Establish observer coverage targets for Atlantic mackerel and Atlantic herring fisheries



Regional Fishery Management Councils Coordination Committee



February 25, 2014

Ms. Eileen Sobeck
Assistant Administrator
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910



Re: FY 2014 Funding Allocation to Regional Fishery Management Councils

Dear Ms. Sobeck,



Thank you for the presentation of Mr. Paul Doremus February 19, 2014 on the status of FY 2014 National Marine Fisheries Service (NMFS) budget and current thinking on the allocation to Regional Fishery Management Councils (RFMC) at this time. As we understand the current state of spending plan development at this time, key information is as follows in terms of spendable dollars.



New England
Fishery Management Council

<u>Funding Category</u>	<u>FY 2012</u>	<u>FY 2014</u>
NMFS Total Budget	\$895.0 M	\$992.3 M (\$917.3 absent the \$75 M Disaster Fund)
NMFS ORF Budget	\$804.7 M	\$812.6 M
RFMC Allocation (all PPAs)	\$28.2 M	\$26.5 M



MID-ATLANTIC FISHERY MANAGEMENT COUNCIL



Preparatory to this meeting, the RFMC were under the impression that a reasonable allocation in terms of spendable dollars would be approximately at the FY 2012 level and that agency management and administration user-costs would not be charged to RFMC in FY 2014, contingent to an in-depth discussion of the relevant issues at this meeting that was to be preparatory to FY 2015 decision-making. There are several components and ramifications of the described approach to resolve agency management and administration user-cost charges that remain unclear at this point.

The RFMC view the best barometer of Congressional intent for an RFMC

allocation of traditional line items to be the Regional Councils and Commissions line item, which was \$31.8 M in FY 2012 and \$32.0 M in FY 2014. Given this, the key partnership role the RFMC play in the NMFS core mission, and the status of the NMFS budget, the RFMC request that you reconsider the current state of spending planning to reflect an allocation of \$28.2 M in spendable dollars, reflecting stability with the FY 2012 status of funding.

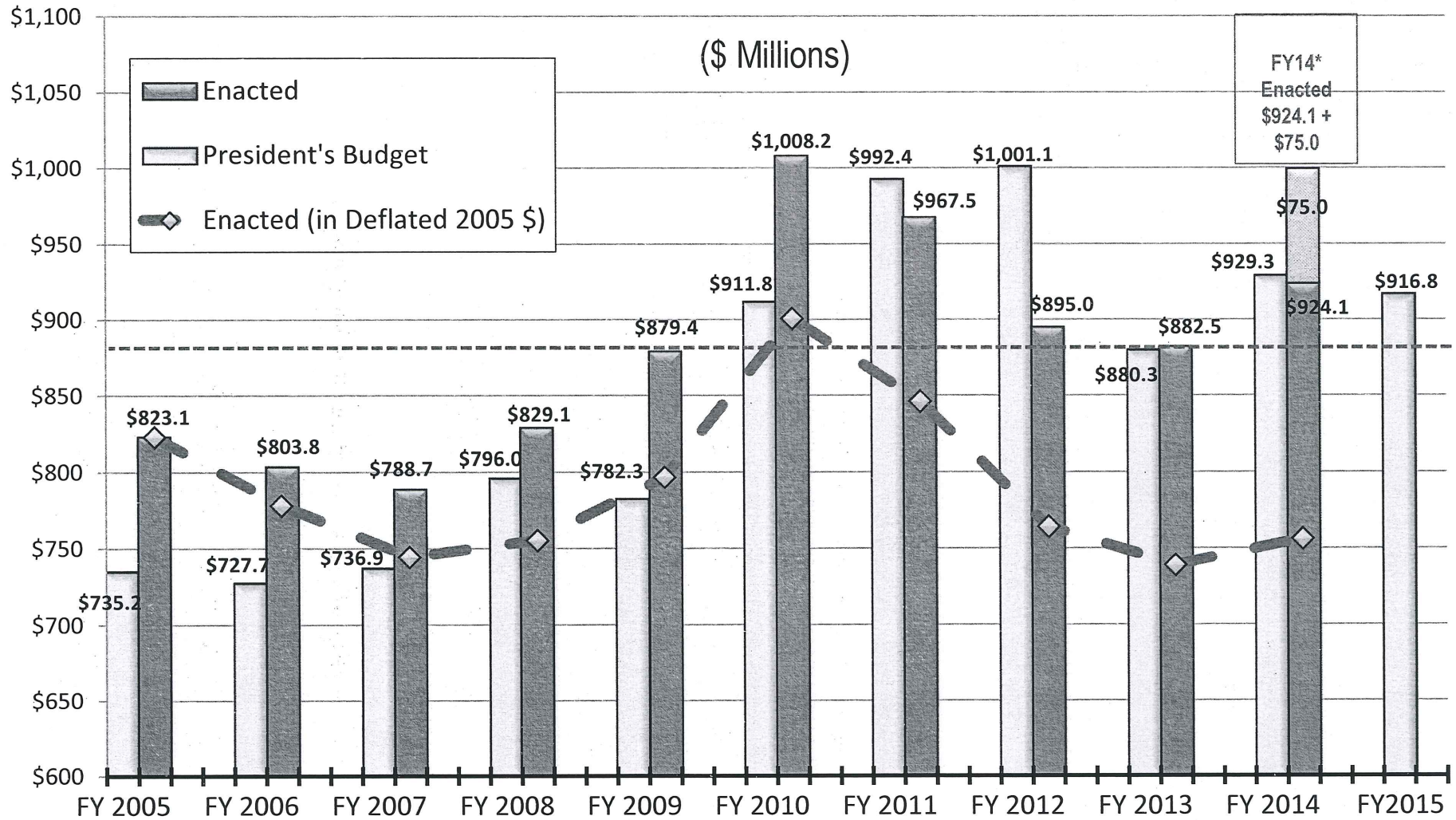
On behalf of the eight RFMC,

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

Richard B. Robins, Jr.
2014 CCC Chairman

cc: RFMC Chairs, Vice Chairs, and Executive Directors
Paul Doremus
Sam Rauch
Alan Risenhoover
Emily Manashes

NOAA Fisheries Budget Trending in Right Direction



*FY 2014 Omnibus includes \$75M for the Fisheries Disaster Mitigation Fund



NOAA FISHERIES

FY 2014 Council Funding

[Estimate based on current spend plan (03/14) and is subject to change]

NMFS Funding Source	FY2012 Spend Plan	FY2013 Spend Plan	FY2014 Spend Plan Proposed	New England	Mid-Atlantic	South Atlantic	Gulf of Mexico	Caribbean	North Pacific	Pacific	Western Pacific
Regional Council PPA	\$23,317,450	\$20,861,339	\$22,542,450	\$3,302,469	\$2,862,891	\$2,423,313	\$2,919,247	\$1,544,158	\$3,528,410	\$3,307,587	\$2,654,375
National Environmental Policy Act	\$752,304	\$707,049	\$757,333	\$110,949	\$96,181	\$81,413	\$98,075	\$51,877	\$118,523	\$111,139	\$89,176
Fisheries Research and Management Program PPA:											
ACL Implementation	\$1,763,799	\$1,631,905	\$1,680,862	\$246,246	\$213,470	\$180,693	\$217,672	\$115,139	\$263,055	\$246,666	\$197,922
Regulatory Streamlining Program	\$785,371	\$765,545	\$788,511	\$115,517	\$100,141	\$84,765	\$102,112	\$54,013	\$123,402	\$115,714	\$92,847
SSC Stipends	\$497,935	\$460,705	\$474,526	\$69,518	\$60,265	\$51,012	\$61,451	\$32,505	\$74,263	\$69,637	\$55,875
Council Peer Review	\$497,935	\$460,705	\$474,526	\$71,179	\$0	\$118,631	\$0	\$0	\$0	\$142,357	\$142,358
Expand Annual Stock Assessments	\$513,299	\$455,815	\$513,299	\$0	\$0	\$483,299	\$30,000	\$0	\$0	\$0	\$0
National Catch Share Program	\$90,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2014 Spend Plan			\$27,231,507	\$3,915,878	\$3,332,948	\$3,423,126	\$3,428,557	\$1,797,691	\$4,107,653	\$3,993,101	\$3,232,554
FY 2013 Spend Plan		\$25,343,063		\$3,647,592	\$3,102,173	\$3,170,579	\$3,189,501	\$1,673,217	\$3,822,754	\$3,722,807	\$3,014,440
FY2012 Spend Plan	\$28,218,073			\$4,137,224	\$3,443,769	\$3,522,866	\$3,541,658	\$1,857,518	\$4,243,816	\$4,128,808	\$3,342,414



NOAA FISHERIES

Amounts shown on this table includes reductions for M&A, 0.1% Hollings, and 0.23% reprogramming

U.S. Department of Commerce | National Oceanic and Atmospheric Administration | NOAA Fisheries | Page 6

NMFS Budget Lines Relating to Regional Fishery Management Councils

NMFS Funding Line (\$ millions)	FY 2012 Spend Plan	FY 2013 Spend Plan	FY 2014 Spend Plan Proposed	FY 2015 Estimate	Change: FY 2015 Estimate minus FY 2014 Spend Plan
Regional Council PPA	\$23.3	\$20.9	\$22.5	\$24.4	\$1.9
National Environmental Policy Act	\$6.4	\$6.1	\$6.5	\$6.6	\$0.1
Fisheries Research and Management Programs PPA	\$178.4	\$170.5	\$174.6	\$181.8	\$7.2
Expand Annual Stock Assessments	\$63.6	\$64.0	\$68.8	\$72.2	\$3.4

Changes in Regional Council PPA subject to M&A, Hollings, and reprogramming
FY15 does not yet include M&A, Hollings and any congressional rescission enacted



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

PRESS RELEASE

FOR IMMEDIATE RELEASE
March 25, 2014

PRESS CONTACT: Mary Clark
(302) 674-2331 (ext. 261)

Mid-Atlantic Council Hosts Workshop on East Coast Fisheries and Climate Change

Last week the Mid Atlantic Fishery Management Council convened more than 70 fishery managers, scientists, policy makers, and other stakeholders in Washington, D.C. for a workshop on East Coast Climate Change and Fisheries Governance. The three-day event offered participants a platform to examine the flexibility of the existing fisheries management framework to address potential governance and management challenges that could arise as a result of climate change.

"The decision to hold this workshop was driven largely by input from our stakeholders," said Mid-Atlantic Council Chairman Rick Robins, noting that many participants in the Council's 2011-2012 Visioning Project had emphasized the importance of preparing for the impacts of climate change on marine fisheries.

During the first day of the workshop, a series of presentations gave participants a broad overview of the biological, social, and economic impacts of climate change. The following days provided more interactive opportunities for participants to share regional experiences and evaluate potential adaptation strategies.

Participants included representatives and staff from the New England, Mid-Atlantic, and South Atlantic fishery management councils, the Atlantic States Marine Fisheries Commission, and NOAA Fisheries. The Fisheries Leadership and Sustainability Forum provided planning and facilitation support for the workshop.

Fishermen and fishery managers have already observed climate-related changes in some East Coast fisheries. As the marine environment becomes warmer and more acidic, some species have shifted north, moved offshore, or exhibited changes in productivity and recruitment. While it is evident that climate change will have profound impacts on marine fisheries, scientists and managers are less certain about the timing and extent of these impacts across regions and fisheries. Despite this uncertainty, fishery managers have begun working to develop management strategies for addressing and mitigating the impacts of climate change.

For the Mid-Atlantic Council, "climate readiness" has involved an explicit and strategic focusing of attention on coordination with East Coast fishery management partners. This approach is exhibited in the Council's 2014-2018 Strategic Plan, which calls for the Council to begin addressing the management implications of climate change in cooperation with its management partners. Implementation of this strategy has involved two workshops this year. The first, a Climate Science and Fisheries Workshop held in February 2014, focused on the current state of climate science and the potential impacts of climate change on marine ecosystems. Last week's workshop shifted the focus toward the management and governance implications of climate change.

"No one can predict exactly what kinds of climate-related challenges we'll be facing 5, 10, and 20 years down the road," said Chris Moore, Executive Director of the Mid-Atlantic Council. "However, this workshop was an important step in opening up lines of communication with our management partners so that we can begin developing a strategic response to climate change."

Workshop presentations and materials are available on the Council's website at the link below, and a full workshop report will be posted on the Council's website when it is available.

More Information: www.mafmc.org/workshop/2014/east-coast-climate-change-and-fisheries-governance-workshop



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Tom and Chris:

As noted in our recent email, we recommend adjusting the schedule for the Omnibus Industry-funded Monitoring Amendment for the following reasons:

- From the feedback we received at the January New England and February Mid-Atlantic Council meetings, members of the public and the Councils would like more opportunity to provide input and consider the implications of this action. We agree that more public and Council input would produce a better result. We have been brainstorming with your staffs how to best address these concerns, but have found that the current timeline does not easily accommodate additional meetings.
- In addition, we have been evaluating our other commitments to support other high priority Council actions and initiatives and think a modified timeline would ensure a better product for the Councils.
- We would also like to revise the timeline to allow us the opportunity to provide both Councils with a presentation on our budget process for monitoring programs at your April meetings. If you can provide us time on your agendas, we hope this information will answer many of the recurring questions about how monitoring programs are funded.

The modified schedule in Table 1 would allow more time for the necessary input and development leading up to adoption of draft alternatives at the August/September meetings. Please let us know if you think this timeline would adequately accommodate Council and public input.



Table 1: Proposed Timeline

Action	Current Timeline	Proposed Timeline
Councils initiate amendment	September/October 2013	September/October 2013
First PDT/FMAT meeting	December 2013	December 2013
Second PDT/FMAT meeting	January 2014	January 2014
Councils approve draft range of alternatives to be developed	January/February 2014	January/February 2014
PDT/FMAT/Councils develop alternatives, draft EA	February-April 2014	February-August 2014
Councils approve draft EA for public review	April 2014	August/September 2014
30-day public comment period on draft amendment	May 2014	October 2014
Councils take final action	June 2014	November/December 2014
EA finalized, proposed rule drafted	July 2014	January 2015
Proposed rule publishes with 30 day comment period	September 2014	March 2015
Comment period ends, final rule drafted	October 2014	April 2015
Final rule publishes	November 2014	May 2015
Final rule effective	January 2015	June 2015

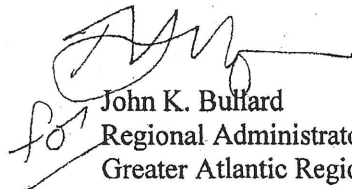
To address the Councils' and public's desire for additional opportunities for input, we have come up with a few ideas:

- The New England Council has formed an ad-hoc Observer Advisory Committee, which we presume would provide another opportunity for Council members and the public to provide input on this action, though it is not clear yet when this Committee will meet. We suggest that the Councils consider making this a joint Council body to allow for more holistic advice representative of the full picture of monitoring needs in the region.
- The Councils could convene a joint ad-hoc Advisory Panel (AP), using members of existing APs from affected fisheries, and/or other members of the public. This AP could then provide input to the Councils and the New England Council's Observer Advisory Committee with respect to this action. To save on meeting costs, we could host a virtual AP meeting for the Councils' joint AP to provide input on the action. We think it would be important to have at least 2 meetings of such an AP before the Councils adopt the draft Amendment.
- NMFS staff could host evening public info sessions in conjunction with the August/September Council meetings in the proposed timeline. We could also host additional webinar info sessions for those members of the public that could not attend the meetings in person.

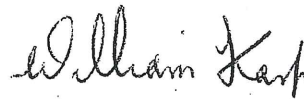
In addition to the above ideas, the PDT/FMAT is planning to host in-person meetings, as well as conference calls, to accommodate members of the public that prefer attending in person. We would appreciate your feedback on these ideas and any other ideas you may have to address the Councils' and public's concerns. If it would be more convenient, we would be happy to set up a conference call to discuss these ideas in more depth.

This action would address a long-standing issue about how to fund increased monitoring requirements and continues to be a priority for NMFS. We appreciate the Councils' willingness to engage this difficult topic and look forward to continuing our collaboration.

Sincerely,



John K. Bullard
Regional Administrator
Greater Atlantic Region



William A. Karp, Ph.D.
Science and Research Director
Northeast Fisheries Science Center

2014 Mid-Atlantic RSA Awards (2)

NA14NMF4540004 Virginia Institute of Marine Science (VIMS)

“Data Collection & Analysis in Support of Single & Multispecies Stock Assessments in the Mid-Atlantic & Southern New England: Northeast Area Monitoring & Assessment Program Near Shore Trawl Survey, 2014”

Research: \$1,105,620 Awarded: 01/14/14

Principal Investigators: Christopher Bonzek & Robert Latour

The NEAMAP Near Shore Trawl Survey is a fishery-independent survey designed to collect information on the late juvenile and adult stages of the majority of the finfish species (including RSA species summer flounder, scup, black sea bass, butterfish, and bluefish) and several of the invertebrate species (including Longfin squid) inhabiting the near shore waters of the Mid-Atlantic Bight (inshore of the 10fm contour), Block Island Sound, and Rhode Island Sound.

487,825 lbs. Summer Flounder
697,281 lbs. Scup
1,400,000 lbs. Longfin Squid
51,686 lbs. Black Sea Bass
99,000 lbs. Bluefish
99,800 lbs. Butterfish
250,000 lbs. Spiny Dogfish

NA14NMF4540005 Cockeyard Fisheries, Inc

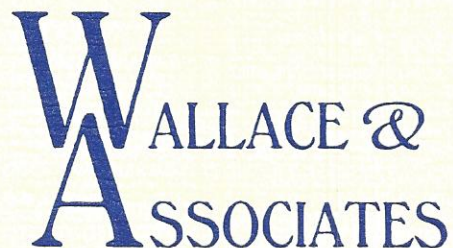
“Industry Based Survey on Black Sea Bass Utilizing Ventless Traps”

Research : \$319,174. Awarded: 01/14/14

Principal Investigator: Laura Skrobe, Captain Charles Borden, Najih Lazar, & Dr. Steven Cadrin

A fishery independent black sea bass survey of five separate hard bottom sites in Southern New England (SNE) and Mid-Atlantic waters is proposed. Unvented black sea bass pots will be fished on each site for five months running from June through October in SNE, and April through August in the Mid-Atlantic. Five commercial vessels will conduct the fieldwork and the University of Rhode Island (URI) and SMAST will oversee the project including administration, logistical support, and data analysis. Staff from the Rhode Island Department of Environmental Management (RIDEM) Division of Fish and Wildlife, Massachusetts Division of Marine Fisheries (MADMF), New Jersey Department of Environmental Protection (NEDEP) Fish and Wildlife, New York State Department of Environmental (NYSDEC), and Virginia Marine Resources Commission (VMRC) will also collaborate on the project.

54,175 lbs. Summer Flounder
200,000 lbs. Scup
85,000 lbs. Black Sea Bass



March 18, 2014

Mr. Richard Robins, Chairman
Mid-Atlantic Fishery Management Council
800 North State Street
Suite 201
Dover, DE 19901

Subject: NEFMC Omnibus Habitat Amendment

Dear Rick:

On behalf of the clam industry I am submitting these comments in regard to the Habitat Amendment, which is in final stages of development by the NEFMC. The Amendment is primarily designed with the objective to protect juvenile groundfish aggregations and complex habitat, such as cobble and boulders. This Amendment may have a profound impact on the MAFMC Surf Clam and Ocean Quahog FMP and fishery, depending on which set of alternatives are finally selected and approved by NMFS.

As you know, the MAFMC, in conjunction with the clam industry and NMFS have formalized a very effective fishery management plan for these species, which many consider one of the best in the United States. This has been accomplished by using the best available science, following the requirements of the Magnuson Act, with effective Council leadership, and finally by adapting the plan to environmental change.

The Omnibus Habitat Amendment, as it pertains to the clam fishery, threatens the very basis and foundation of the MAFMC FMP, by eliminating fishing from areas with the highest concentrations of clams in high energy sediment areas. Fully 40% of the resources is now located in the NE area, and elimination of these prime fishing areas could compromise the economic viability of the entire industry.

Of equally great concern, is the fact that the MAFMC is not a participant in the decision making process, given the fact that the MAFMC is the lead Council on this species. This essentially establishes a precedent that the NEFMC can effectively amend provisions of any MAFMC FMP, or in some cases negate them, without gaining the concurrence of the Mid-

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Atlantic Council or input from the clam industry. I do not believe this is in the best interest of the Council process, clam industry, or fishery management program. It is also apparent that the advocates for specific strategies in the Amendment seek to sacrifice prime surf clam/ocean quahog fishing areas, as an offset to avoid regulatory actions in prime groundfish and scallop fishing areas and complex habitat.

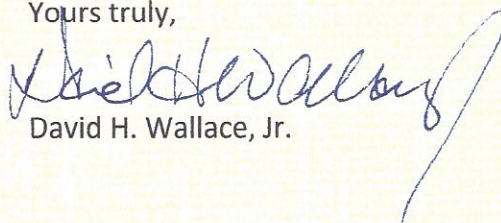
In view of the above, I request that the Council review the NEFMC Habitat DEIS, with particular emphasis on the legal basis for this approach, lack of formal role of the MAFMC, and specifically review sections in the document that relate to the economic impacts on the clam industry and communities in which they occur. All of these reviews should be considered in the context of Amendment objective, which is to protect complex habitat and optimizing the protection of juvenile groundfish.

Attached is a list of important facts and relevant sections of the DEIS that I think the Council should consider when reviewing the document. Note: I offer few comments on Cultivator and Georges Shoals alternative since it has not been analyzed to date, and it was only recommended at the last meeting of the NEFMC. The Cultivator and Georges area is the primary area that the Sea Watch vessels fish in, and primary location for the offshore surf clam fishery. This alternative should therefore be a high priority concern for the MAFMC.

It is my belief, that the Staff, Council, or Executive Committee, should formalize written recommendations and submit them to Regional Administrator John Bullard. Ideally the submission would take place prior to the preliminary review of the document by NMFS, which should occur in late April or May. By doing so, the Council will provide its input on the document to NMFS staff, prior to their review and comment to NEFMC, all of which would occur prior to public hearing. In a similar vein, I believe it important to hold public hearings in the Mid-Atlantic communities most affected by this Amendment.

Thank you for the opportunity to comment.

Yours truly,

A handwritten signature in blue ink, appearing to read "David H. Wallace, Jr.", with a long, sweeping flourish extending from the end of the signature.

David H. Wallace, Jr.

Attachments

Facts on Surf Clam/Quahog Management FMP and Fishery:

1. The Mid Atlantic Fishery Management Council implemented the SC/OQ FMP which was the first federal managed fishery in the United States;
2. The original Fishery Manage Plan (FMP) had fixed quotas, limited entry, a time management control system and later closed areas, and a size limit. In 1990 the fishery adopted Individual Transferrable Quota (ITQ), which was a first for the United States;
3. The clam industry was the first to have universal electronic reporting of all dealers;
4. The clam fishery will, in the near future, be the first fishery in the U.S. to have the entire fleet to report electronically;
5. The clam resource is healthy; not overfished, and overfishing is not occurring;
6. The clam resource seems to be moving north and off into to deeper water, and therefore NE waters have become far more important to the industry than they were historically;
7. New England contains more than forty percent of both surf clams and ocean quahog biomass, but much of it is closed to the clam fleet;
8. The resource in NE is being under- harvested and landings, value added, and employment all could substantially expand if Nantucket Shoals were totally open for fishing;
9. As the DEIS notes the clam fishery takes place primarily in sandy bottom, which is a high energy environment, with little or no complex habitat that harbors finfish species;
10. Peer reviewed literature by MAFMC and NMFS document minimal and temporary environmental impacts from clam dredging in sandy habitats, which are found on Nantucket Shoal, Cultivator and Georges Shoals;
11. Surf clams and Ocean quahogs are abundant on Nantucket Shoals and Georges Bank, recruitment is strong on Nantucket Shoals and Georges Bank, and the fishery is being harvested at or below sustainable levels;
12. Larger vessels are capable of clamming on Georges Bank. Smaller vessels clam primarily on Nantucket Shoals. Most of these vessels are home ported in New Bedford and Cape Cod. Closing Cultivator and Georges Shoals would force the large surf clam vessels to fish in areas with fewer clams increasing the area swept for the same catch and at a higher cost. Closing Nantucket Shoals would force the small vessels either out of business or further offshore, which raises substantial vessel safety concerns;
13. The primary purpose of the Habitat Amendment is to protect juvenile groundfish habitat and there are no comprehensive fishery independent juvenile finfish surveys throughout the Nantucket Shoals area;
14. NMFS does not conduct finfish surveys on Nantucket shoals so it is impossible to quantify the benefit to finfish populations of closing the area to clamming;
15. Prohibiting access to areas where clamming occurs, in an area where other fisheries generally do not occur, imposes unjustified and unequal penalties on the clamming industry. This action is without demonstrable benefits for the groundfish resource, juvenile finfish population, or habitat protection.

Facts on the New England Clam Fishery:

1. Clam and ocean quahog fisheries constitute the largest seafood landings in total weight in New England of about – 90,000 metric tons/200,000,000 lbs.
2. The clam fishery has an ex-vessel value in New England of \$84,000,000 (ex shucking plants), ranking it behind lobster and scallops, but well ahead of all other fisheries.
3. Value added product estimated at \$250,000,000 (ex value added processing plants).
4. Employment primarily located in New Bedford/Fairhaven, Mass. and Bristol , R.I.,
5. Total number of plant and vessel employees: 453, Value added employment estimated: 250, Number of plants: 7, Number of clam vessels: 25, Estimated total employment: 700+.

Important Facts to Know about the Issue and Fishery

1. The New England scallop industry proposed to close the north east part of Nantucket Shoals which is not currently closed, in exchange for not closing a large portion of the Great South Channel. The Great South Channel is an area of complex habitat, primarily boulders and cobble, and harbors large well documented concentrations of juvenile groundfish, all of which is documented in the DEIS.
2. It should be noted that the area proposed to be closed on Nantucket Shoals is the only open area where the small clam boats can work because of closures for Groundfish, habitat and PSP reasons.
3. The New England Groundfish and scallop industry have also proposed to close most of Cultivator and Georges Shoals on Georges Bank in exchange for opening an area now closed referred to as the Northern Edge of Georges Bank. The Northern Edges harbors large concentrations of scallop because the area is a HAPC and has been closed for 20 years.
4. According to the DEIS, recent research has suggested that a minimum of three generation times are needed to see finfish population changes due to closed area (Moffitt et al. 2013) . This means that it may take 15-20 plus years to detect the benefits of closed areas, in some species of groundfish. This study calls into question the entire strategy of opening the Georges closed area/HAPC and closing Cultivator and Georges Shoals since the benefits of the past 20 year closure, may now only become apparent in the data. I note that there is a significant distinction between the current Georges Bank and the Nantucket Shoal close areas. Georges Bank, so called Closed Area II, harbors considerable complex habitat according to the SASI analysis in the DEIS, and well documented concentrations of juvenile groundfish. By contrast, Nantucket Shoals is high energy sand, has little complex habitat, and few concentrations of juvenile groundfish, with exception of barndoor skate, red hake, monkfish, none of which are overfished. In addition, portions of Nantucket Shoals are impossible to survey due to the shallow water depth and rapidly changing high energy sand environment, so it is difficult if not impossible, to measure the effectiveness of any habitat or juvenile finfish closure.

5. Georges Bank was closed in 1990 because of PSP. It remains closed except that with a special permit a clam boat may fish for surfclam and ocean quahog if they test at sea and have the product tested by a certified independent laboratory. The industry, NOAA National Ocean Service, Food and Drug Administration, Interstate Shellfish Sanitation Conference, Mid-Atlantic Council and States of NJ, DE, RI and MA all worked together over seven years to make opening Georges Bank possible and still maintain protection of the public health.
6. Opening Georges Bank for clam fishing reduced fishing effort and harvest pressure on more southern clam beds, and allowed harvest of clams and quahogs throughout their range.
7. The clam industry has no objections to closing complex habitat to enhance the survival of juvenile groundfish. We do object to closures that prohibit fishing in high energy areas such as Cultivator, Georges Shoals, and Nantucket Shoals. Major portions of these areas have high energy sand habitat and those areas should be entirely open to clam fishing. Closing these areas is in conflict with the purpose of the Amendment, which is to protect essential fish habitat of groundfish. A habitat workshop in 2003 with NMFS, MAFMC, and NEFMC concluded that hydraulic dredging had little or no lasting impact on high energy sand habitat.
8. The economic impact analysis in the DEIS, on the effects on the clam industry, is very limited and does not adequately justify the imposition of the adverse economic impacts on the industry measured against any benefit to habitat protection for juvenile groundfish.
9. Area swept by hydraulic dredges is one of the lowest of any gear type. The area swept is lower than lobster pots which are exempt from most of the proposed closures and less than 10% of the square kilometers area swept by limited access scallop dredges (also refer to point eight below).

Specific points to examine in the DEIS :

1. Extensive finfish tows by NMFS, State, and industry in area, yet little evidence of juvenile groundfish concentrations, Map of tows on page 266-map 105- Vol. 1.
2. Few Juvenile groundfish in area with the exception of barndoor skate, red hake, monkfish
3. Juvenile hot spot analysis does not support closure - Figures on Page 271-299, Vol. 1,
4. Little or no complex habitat in area (map 40, Page 186-Vol. 3) ;
5. NMFS does not sample the northern portion of the area due to depth constraints, so little or no finfish trawl data from the area (map 105, page 266);
6. Surf clam fishery has little or no bycatch of groundfish;
7. Mostly small boats from Cape and New Bedford (17 in total), this size vessel cannot fish on Georges. If you close the area, you put them all out of business as there are no alternative sites to fish in NE;
8. Area swept by hydraulic dredge is one of the lowest of any gear type. Area swept in square kilometers values: 227 for hydraulic dredge, 340 for pots, 3,000 for limited access scallop dredge, and 49,000 for otter trawls. Stated another way, hydraulic

dredges rank even lower than pots which are exempt for most of the closures in the amendment; from page 138 in volume 3.

9. Nantucket Shoals has one of the lowest groundfish spawning indexes at 1.12 page 344;
10. Requirement of Magnuson Act to consider adverse impacts on communities and New Bedford has one of the most vulnerable communities Page 370, Volume 3. The Cultivator Shoals alternative, was added at last NEFMC meeting, has not been analyzed to date, and it could result in the potential closure of the Sea Watch plant, with the loss of 250 + jobs. Clearly New Bedford cannot afford to lose that many jobs.

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February 20, 2014

The Honorable Jonathan F. Mitchell
Mayor of the City of New Bedford
133 William Street
New Bedford, MA 02740

Dear Mayor Mitchell:

We are writing to express our extreme displeasure with the provisions of the Omnibus Fishery Habitat Amendment as it specifically relates to the surf clam and ocean quahog fishery on Nantucket Shoal. It is difficult to comprehend or overstate the economic harm facing Massachusetts and Rhode Island fishermen if certain closed areas are adopted under provisions of the amendment being considered by the New England Fishery Management Council.

In particular, it is a matter of great concern that Nantucket Shoals, under certain alternatives, could be closed to surf clam and ocean quahog clamming. The New England surf clam and ocean quahog industries, both fishing and processing, are primarily centered in New Bedford and nearby Bristol, Rhode Island. According to the National Marine Fisheries Service (NMFS) statistics, the industry lands approximately 200 million pounds of product valued at \$84 million, employs 450 individuals directly (300 plus in New Bedford and 150 in Rhode Island), and another 250 in support industries. This makes the industry the largest fishery in New England in terms of total weight of landings and the third largest in terms of

dollar value. Most of the processing facilities are located in Massachusetts, and the vast majority of the harvesting vessels home port is New Bedford and Fairhaven, Massachusetts. Given the magnitude and importance of the fishery, this is not a trivial issue and numerous hard working families in New Bedford and Rhode Island derive their primary income from this industry. Any changes that affect this industry should be done with great caution and based on sound science.

According to the Amendment, one of the primary purposes of the exercise is to protect complex habitat, and thereby protect juvenile habitat for groundfish species, ages 0 and 1. We note that Nantucket Shoals is primarily composed of sand, mud, and silt as evidenced by Map 40, Volume 3 of the EIS (attached) and that there is little complex habitat in either the Nantucket Groundfish or Habitat protection areas. The primary habitat type is sand, which is one of the least vulnerable types of habitat according to the DEIS.

In addition, the Council completed a hot spot analysis which was peer reviewed, to document the occurrence of groundfish, characterized as "well above average survey catches of 0 and 1 groundfish". The analysis was based on a composite of the most relevant finfish surveys, which included the NMFS surveys, data from commercial boats, state surveys, and appropriate industry based surveys. The data was collected from 2002 to 2012 and was very comprehensive as noted in Map 105 from Volume 1 (attached). According to the criteria and the analysis, there are few concentrations of juvenile groundfish in this area with the exception of barn door skate, red hake, and monkfish, none of which are over fished, refer to Figure DEIS page 269-299 Volume 1.

Our overriding conclusion from this data and extensive analysis is that there is little or no scientific basis for establishing Nantucket Shoals as either a habitat protection area or as a groundfish protection area. This is particularly so, if you consider the potential loss of \$84 million dollars to the two State economies. In addition, there is no basis to close the area to hydraulic clam dredges as the area is a high energy environment , primarily composed of sand and mud, with little complex habitat, and few concentrations juvenile groundfish.

We therefore support Alternative 2 on page 188 of Volume 3, which would allow mobile gear to fish throughout the area. In addition, every effort should be made to not prohibit access to the clam resource; as such an action would impose unjustified and unequal penalties on the clam industry and residents of our two States, without demonstrable benefits for groundfish fishery or protecting critical habitat.

Finally, as noted in the analysis Page 188-Volume 3, this option would have a positive impact on the habitat and provide greater flexibility to the industry, which could also shift effort to less vulnerable habitat. This change would also make more products available to the industry and generate more economic activity and jobs for New England fishermen. I therefore urge you to support alternatives that leave the entire Nantucket Shoals area open to clamming for the overall benefit of the New England seafood industry in Massachusetts and Rhode Island.

Best regards and wishes for an outcome that supports our seafood industry.



John Miller, Vice President of Operations
Sea Watch International



Thomas Slaughter, General Manager
Atlantic Capes Fisheries

Cc: The Honorable Deval Patrick, Governor of Massachusetts
The Honorable Lincoln D. Chafee, Governor of Rhode Island
Richard Robins, Chairman Mid-Atlantic Fishery Management Council
E. F. Stockwell, III, Chairman New England Fishery Management Council