



December 2023 Council Meeting

Tuesday, December 12 – Thursday, December 14, 2023

The Notary Hotel - Philadelphia
(21 N. Juniper Street, Philadelphia, PA 19107; 215-496-3200)
or via Webex webinar

This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at The Notary Hotel or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: <https://www.mafmc.org/briefing/december-2023>.

Tuesday, December 12th

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| 9:00 a.m. – 10:00 a.m. | Executive Committee Meeting (Closed Session) <ul style="list-style-type: none">– 2023 Ricks E Savage Award discussion | |
| 10:00 a.m. | <i>Council Convenes with the Atlantic States Marine Fisheries Commission’s (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board</i> | |
| 10:00 a.m. – 12:00 p.m. | Summer Flounder Commercial Mesh Size Regulations and Exemptions <ul style="list-style-type: none">– Review industry and Monitoring Committee recommendations on summer flounder commercial minimum mesh size, Small Mesh Exemption Program, and flynet exemption– Consider any necessary changes to the regulations– Identify next steps and research priorities as needed | (Tab 1) |
| 12:00 p.m. – 1:00 p.m. | ----- LUNCH ----- | |
| 1:00 p.m. – 1:30 p.m. | Recreational Demand Model Overview – Lou Carr-Harris, Northeast Fisheries Science Center <ul style="list-style-type: none">– Overview of Northeast Fishery Science Center (NEFSC) Recreational Demand Model and development of Decision Support Tool | (Tab 2) |
| 1:30 p.m. – 3:00 p.m. | 2024-2025 Summer Flounder Recreational Measures <ul style="list-style-type: none">– Review Advisory Panel and Monitoring Committee recommendations– Adopt target level of coastwide harvest based on the Percent Change Approach– Recommend conservation equivalency or coastwide management and associated measures for 2024-2025 | (Tab 3) |
| 3:00 p.m. – 4:30 p.m. | 2024-2025 Scup Recreational Measures <ul style="list-style-type: none">– Review Advisory Panel and Monitoring Committee recommendations– Adopt target level of coastwide harvest based on the Percent Change Approach | (Tab 4) |

- Recommend 2024-2025 recreational management measures for federal waters, provide preliminary guidance to the Technical Committee on development of state measures proposals, and discuss the federal waters closure for January - April 2024

Wednesday, December 13th

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| 9:00 a.m. – 10:30 a.m. | <p>2024 Black Sea Bass Recreational Measures</p> <ul style="list-style-type: none"> - Review Advisory Panel and Monitoring Committee recommendations - Adopt target level of coastwide harvest based on the Percent Change Approach - Recommend conservation equivalency or coastwide management and associated measures for 2024 - Review and consider approval of Virginia’s proposal for February 2024 recreational fishery (Board only) | (Tab 5) |
| 10:30 a.m. | <p><i>Council and Summer Flounder, Scup, and Black Sea Bass Board Adjourn</i></p> <p><i>Council Convenes with the ASMFC Interstate Fishery Management Program Policy Board</i></p> | |
| 10:30 a.m. – 11:00 a.m. | <p>Summer Flounder, Scup, Black Sea Bass and Bluefish Recreational Measures Setting Process Framework/Addenda</p> <ul style="list-style-type: none"> - Update on progress - Consider refining range of preliminary alternatives based on recommendation of FMAT/PDT - Discuss next steps | (Tab 6) |
| 11:00 a.m. | <p><i>Council and ASMFC Interstate Fishery Management Program Policy Board Adjourn</i></p> <p><i>Council Convenes</i></p> | |
| 11:00 a.m. – 11:30 a.m. | <p>Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species</p> <ul style="list-style-type: none"> - Review revisions to the document - Review Ecosystem and Ocean Planning Advisory Panel and Committee input - Approve document | (Tab 7) |
| 11:30 a.m. – 12:00 p.m. | <p>Responsible Offshore Science Alliance (ROSA) - René Reilly, ROSA</p> <ul style="list-style-type: none"> - Review of ROSA’s Strategic Plan, activities, and steps to support the Council’s offshore wind efforts | (Tab 8) |
| 12:00 p.m. – 1:00 p.m. | ----- LUNCH ----- | |

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| 1:00 p.m. – 2:00 p.m. | 2024-2026 Spiny Dogfish Specifications
<ul style="list-style-type: none"> – Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff – Adopt specifications for 2024-2025 – Review and revise 2024-2025 commercial measures if needed | (Tab 9) |
| 2:00 p.m. – 3:00 p.m. | 2024-2025 Atlantic Mackerel Specifications
<ul style="list-style-type: none"> – Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff | (Tab 10) |
| 3:00 p.m. – 4:00 p.m. | Golden Tilefish Individual Fishing Quota Program Twelve-Year Review
<ul style="list-style-type: none"> – Presentation of final report (Melissa Errend, Northern Economics, Inc.) – Initiate public comment period | (Tab 11) |
| 4:00 p.m. – 5:30 p.m. | 2024 Implementation Plan
<ul style="list-style-type: none"> – Review and approve 2024 Implementation Plan | (Tab 12) |

Thursday, December 14th










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| 9:00 a.m. – 1:00 p.m. | Business Session | |
| | Committee Reports:
<ul style="list-style-type: none"> – Scientific and Statistical Committee | (Tab 13) |
| | Executive Director’s Report – Dr. Chris Moore | (Tab 14) |
| | Organization Reports:
<ul style="list-style-type: none"> – NOAA Fisheries Greater Atlantic Regional Fisheries Office, NOAA Fisheries Northeast Fisheries Science Center, NOAA Office of General Counsel, NOAA Office of Law Enforcement, US Coast Guard | |
| | Liaison Reports:
<ul style="list-style-type: none"> – New England Council, South Atlantic Council | (Tab 15) |
| | Other Business and General Public Comment | |







This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.

The above agenda items may not be taken in the order in which they appear and are subject to change, as necessary. Other items may be added, but the Council cannot take action on such items even if the item requires emergency action without additional public notice. Non-emergency matters not contained in this agenda may come before the Council and / or its Committees for discussion, but these matters may not be the subject of formal Council or Committee action during this meeting. Council and Committee actions will be restricted to the issues specifically listed in this agenda. Any issues requiring emergency action under section 305(c) of the Magnuson-Stevens Act that arise after publication of the Federal Register Notice for this meeting may be acted upon provided that the public has been notified of the Council’s intent to take final action to address the emergency. The meeting may be closed to discuss employment or other internal administrative matters.

Stock Status of MAFMC-Managed Species

(as of 12/1/23)

SPECIES	STATUS DETERMINATION CRITERIA		Stock Status	Most Recent Assessment
	Overfishing $F_{\text{threshold}}$	Overfished $\frac{1}{2} B_{\text{MSY}}$		
 Summer Flounder	$F_{35\%MSP}=0.451$	54.63 million lbs	Overfishing Not overfished	Most recent management track assessment was 2023.
 Scup	$F_{40\%MSP}=0.19$	86.64 million lbs	No overfishing Not overfished	Most recent management track assessment was 2023.
 Black Sea Bass	$F_{40\%MSP}=0.46$	15.92 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
 Bluefish	$F_{35\%SPR}=0.239$	97.15 million lbs	No overfishing Not overfished*	Most recent management track assessment was 2023. *Note: The stock is no longer overfished but has not rebuilt to target reference points and will remain under a rebuilding plan.
 Illex Squid (short finned)	Unknown	Unknown	Unknown Unknown	2022 research track assessment failed, but peer review agreed likely "lightly fished in 2019," though with cautions.
 Longfin Squid	Unknown	46.7 million lbs	Unknown Not overfished	Most recent management track assessment was 2023; not able to determine current exploitation rates.
 Atlantic Mackerel	$F_{40\%}=0.21$	169.9 million pounds	No overfishing Overfished	Most recent management track assessment was 2023.
 Butterfish	$F_{\text{Proxy}}=2/3M=0.81$	43.5 million lbs	No overfishing Not overfished	Most recent management track assessment was 2022.
 Chub Mackerel	At least 3,026 MT of catch per year	At least 3,026 MT of catch three years in a row	No overfishing Not overfished	No stock assessment.

SPECIES	STATUS DETERMINATION CRITERIA		Stock Status	Most Recent Assessment
	Overfishing $F_{\text{threshold}}$	Overfished $\frac{1}{2} B_{\text{MSY}}$		
Surfclam 	$F/F_{\text{threshold}} = 1^a$	$SSB/SSB_{\text{threshold}} = 1^b$	No overfishing Not overfished	Most recent management track assessment was 2020.
Ocean Quahog 	$F/F_{\text{threshold}} = 1^c$	$SSB/SSB_{\text{threshold}} = 1^d$	No overfishing Not overfished	Most recent management track assessment was 2020.
Golden Tilefish 	$F_{40\%MSP} = 0.261$	12.12 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Blueline Tilefish 	Unknown	Unknown	South of Cape Hatteras: No overfishing Not overfished North of Cape Hatteras: Unknown Unknown	Most recent benchmark assessment was 2017.
Spiny Dogfish (Joint mgmt with NEFMC) 	$F_{\text{proxy}} = 0.025$	94 million pups spawning output	No overfishing Not overfished	Most recent management track assessment was 2023.
Monkfish (Joint mgmt with NEFMC) 	Unknown	Unknown	Unknown Unknown	Survey biomass trends evaluated in 2022 Management Track Assessment.

SOURCES: Office of Sustainable Fisheries - Status Report of U.S. Fisheries; SAW/SARC, SEDAR, TRAC Assessment Reports, NEFSC Research and Management Track Stock Assessments.

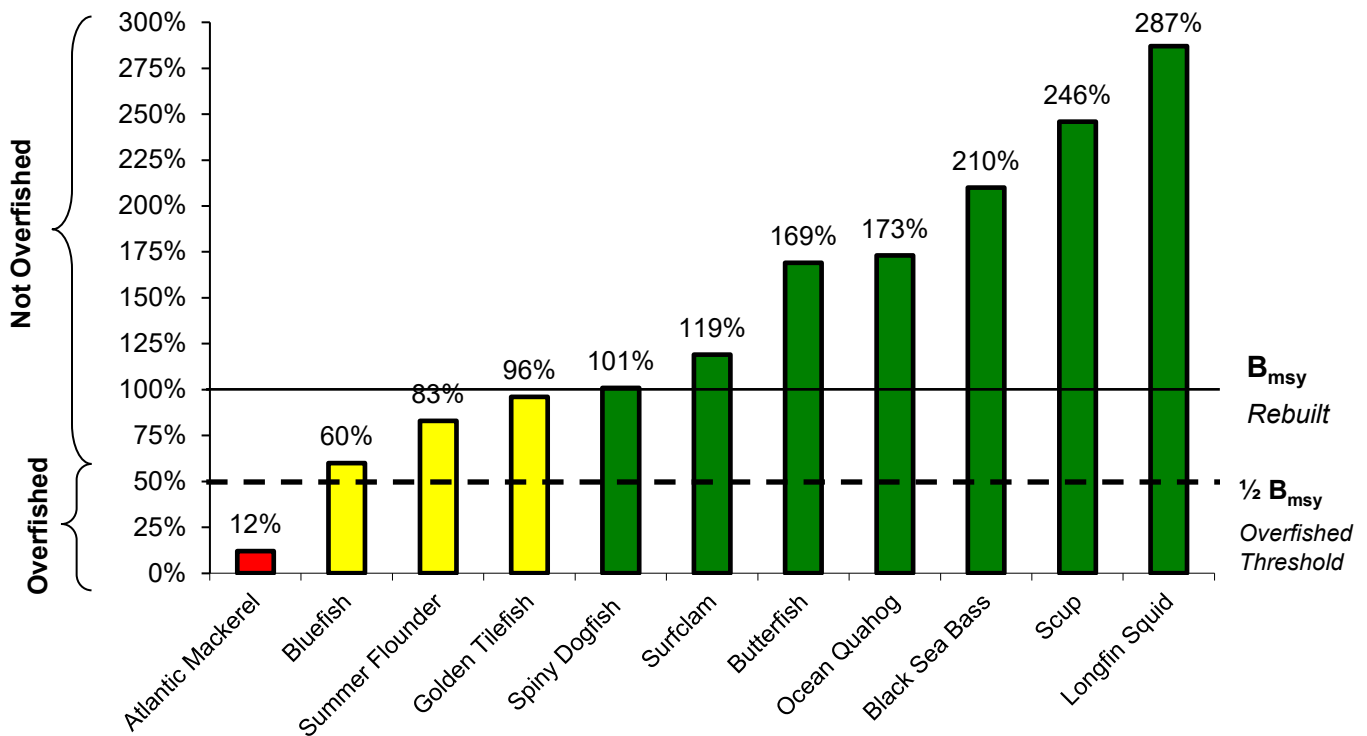
^a $F_{\text{threshold}}$ is calculated as 4.136 times the mean F during 1982 – 2015.

^b $SSB_{\text{threshold}}$ is calculated as $SSB_0/4$.

^c $F_{\text{threshold}}$ is 0.019.

^d $SSB_{\text{threshold}}$ is calculated as $0.4 * SSB_0$.

Stock Size Relative to Biological Reference Points (as of 12/1/23)



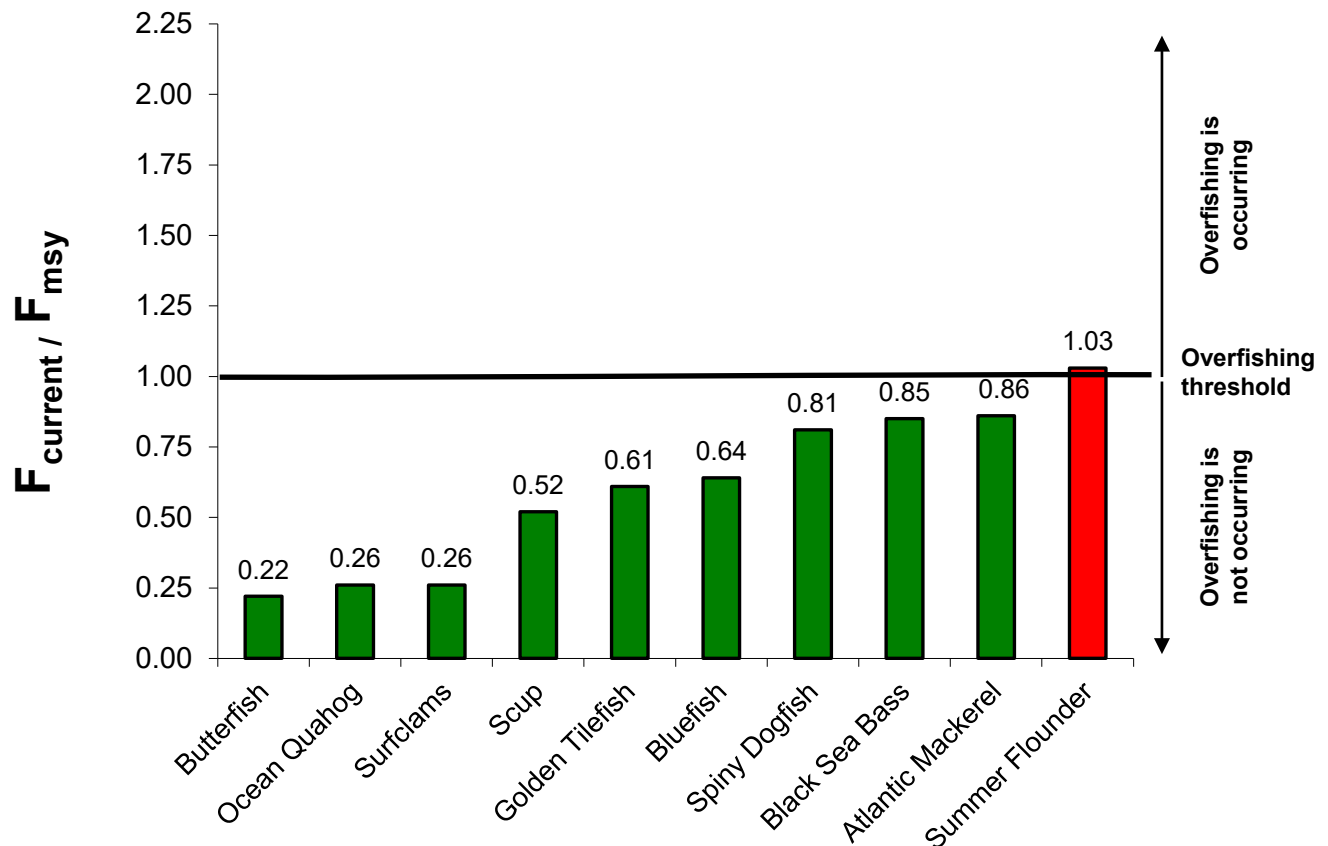
Notes:

- Unknown B_{msy} - *Illex* squid, monkfish (Northern and Southern Fishery Management Areas), blueline tilefish (North of Cape Hatteras), and chub mackerel.
- Of the 15 species managed by the Council, 7 are above B_{MSY} , 4 are below B_{MSY} , and 4 are unknown.

Year of data used to determine stock size	
Atlantic Mackerel	2022
Black Sea Bass	2019
Bluefish	2022
Butterfish	2021
Golden Tilefish	2020
Longfin Squid	2021-2022 (average)
Ocean Quahog	2019
Spiny Dogfish	2022
Surfclam	2019
Scup	2022
Summer Flounder	2022

Fishing Mortality Ratios for MAFMC-Managed Species

(as of 12/1/23)



Notes:

- Unknown fishing mortality: *Illex* squid, Longfin squid, monkfish (Northern and Southern Fishery Management Areas), blueline tilefish (North of Cape Hatteras), and chub mackerel.
- Of the 15 species managed by the Council, 9 are below F_{msy} , 1 is above F_{msy} , and 5 are unknown.

Year of data used to determine fishing mortality	
Atlantic Mackerel	2022
Black Sea Bass	2019
Bluefish	2022
Butterfish	2021
Golden Tilefish	2020
Ocean Quahog	2019
Spiny Dogfish	2022
Surfclam	2019
Scup	2022
Summer Flounder	2022



Status of Council Actions Under Development

AS OF 12/1/23

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass and Bluefish	Recreational Measures Setting Process Framework/Addenda	The Recreational Harvest Control Rule Framework modified the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish (once bluefish is no longer in a rebuilding plan). The new "Percent Change Approach" will sunset no later than the end of 2025. This action considers a new process to be implemented in time for use in setting 2026 recreational measures. https://www.mafmc.org/actions/hcr-framework-addenda	The FMAT/PDT is working on development and analysis of alternatives. The Council and ASMFC's Policy Board will receive an update and discuss next steps at the December 2023 meeting.	Beaty
	Recreational Sector Separation and Catch Accounting Amendment	This amendment considers (1) options for managing for-hire recreational fisheries separately from other recreational fishing modes and (2) options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels. https://www.mafmc.org/actions/recreational-reform-initiative	An FMAT is being formed to begin development of issues for consideration and a draft scoping document. The Council and ASMFC's Policy Board are tentatively scheduled to review a draft scoping document in Spring 2024.	Dancy/Hart
Surfclam and Ocean Quahog	Surfclam and Ocean Quahog Species Separation Requirements Amendment	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip or in the same tagged cage. The Council is developing and Amendment to consider changes to species separation requirements in these fisheries . In addition, staff/NEFSC are exploring longer term solutions to catch monitoring through an electronic monitoring project on the clam survey. https://www.mafmc.org/actions/scoq-species-separation	In December 2022 the Council reviewed public comments and agreed to postpone final action to allow time for development of additional alternatives. The FMAT is continuing to work on this action.	Coakley/Montañez

FMP	Action	Description	Status	Staff Lead
Omnibus	Omnibus Essential Fish Habitat Amendment	<p>This action is an opportunity to utilize the best available fish habitat science to improve EFH designations and support the Council’s fish habitat conservation efforts while supporting the EFH consultation process. The consultation process plays an important role in addressing the impacts of non-fishing projects (such as wind energy projects) on fish habitat. This action will concurrently conduct the 5-year EFH review required under the Magnuson Stevens Act while amending fishery management plans for the Council, as needed.</p> <p>https://www.mafmc.org/actions/omnibus-efh-amendment</p>	<p>An FMAT was formed in January 2023. The FMAT will begin the EFH Review and development work for EFH and HAPC designations alternatives. The EOP Committee and Advisory Panel will meet to review technical approaches being considered in early 2024.</p>	Coakley
Dogfish and Monkfish	Framework to Reduce the Bycatch of Atlantic Sturgeon	<p>This action was initiated due to the 2021 Biological Opinion (BiOp) that considered the effects of ten FMPs on ESA listed species. The BiOp requires that sturgeon bycatch be reduced in federal large mesh gillnet fisheries, however it does not prescribe specific measures or a target percentage of bycatch reduction.</p> <p>https://www.mafmc.org/actions/sturgeon-bycatch-framework</p>	<p>Initiated in December 2022. NEFMC and MAFMC staff are co-leading the FMAT/PDT. The Councils approved a range of alternatives in Fall 2023 and Final action is scheduled for April 2024.</p>	Cisneros/Didden

Timeline and Status of Recent MAFMC Actions and Amendments/Frameworks Under Review

As of 12/1/23

The table below summarizes the status of actions after they have been approved by the Council. For information about the status of Council actions under development, please see the document titled "Status of Council Actions Under Development."

Title	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule	Approval/Disapproval Letter	Final Rule	Regs Effective	Notes
Black Sea Bass Commercial State Allocation Amendment	SFSBSB Amd 23	8/4/21	11/19/21	9/14/22	5/4/23	5/15/23	8/2/23			EA updated July 2023 only for ESA section due to change in sturgeon info.
Illex Vessel Hold Capacity Framework		10/3/23	NA	NA						NMFS GARFO determined that this qualifies for a NEPA "categorical exclusion." Staff is awaiting requests from GARFO RE: any supplemental documentation.

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 12/1/23

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Golden Tilefish	2022-2024	8/11/21	10/7/21	4/22/22	9/14/22	11/10/22	11/9/22	
Blueline Tilefish	2022-2024	4/7/21	10/20/21	5/5/22	8/2/22	11/3/22	12/5/22	
Surfclam and Ocean Quahog	2021-2026	8/12/20	9/2/20	2/24/21	2/17/21	5/13/21	6/14/21	
Longfin Squid	2024-2026	8/10/23	10/12/23					SIR (near status quo) packaged with Illex, awaiting edits
Butterfish	2023-2024	6/8/22	9/8/22	2/17/23	3/7/23	7/27/23	7/27/23	
Illex Squid	2024-2025	4/5/23	10/12/23					SIR (near status quo) packaged with longfin, awaiting edits
Atlantic Mackerel (including RH/S cap)	2024-2025	8/10/23						December review after peer-review and SSC meeting
Chub mackerel	2023-2025	6/8/22	9/8/22	2/17/23	3/7/23	7/27/23	7/27/23	
Bluefish	2024-2025	8/9/23	10/6/23	11/16/23	11/16/23			
Summer Flounder and Scup	2024-2025	8/8/23	10/6/23	11/30/23	11/17/23			
Black Sea Bass	2024	8/8/23	10/6/23		11/17/23			
Spiny Dogfish	2023	10/5/22	1/13/23	3/7/23	3/9/23	5/3/23	5/1/23	

Recreational Management Measures

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder rec measures	2023	12/13/22	2/21/23	2/21/23	3/30/23	8/15/23	8/15/23	
Black sea bass rec measures	2023	12/13/22	2/21/23	2/21/23	3/30/23	8/15/23	8/15/23	
Scup rec measures	2023	12/13/22	2/21/23	2/21/23	3/30/23	8/15/23	8/15/23	
Bluefish rec measures	2020-2024	12/13/19	1/23/20	3/19/20	5/25/20	6/29/20	6/29/20	Reviewed in 2023. No changes from previous year's measures.
Blueline tilefish rec measures	2024 and beyond	6/6/23	9/1/23	9/18/23	11/14/23			



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 30, 2023
To: Chris Moore, Executive Director
From: Kiley Dancy and Hannah Hart, Staff
Subject: Summer Flounder Commercial Minimum Mesh Size Regulations and Exemptions: Overview and Staff Recommendations

On Tuesday, December 12, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will consider multiple summer flounder mesh regulations issues. Background information, a list of meeting materials, and staff recommendations are provided below for the Council and Board's discussion of this agenda item.

Background

Throughout 2023, staff and a Council contractor have evaluated and collected public comment on several summer flounder commercial mesh regulations. These mesh regulations include 1) the current 5.5-inch diamond or 6.0-inch square required minimum mesh size, 2) the summer flounder Small Mesh Exemption Program (SMEP), and 3) the summer flounder flynet exemption.

These summer flounder mesh regulations can be modified through specifications, and depending on the specific changes proposed, modifications may not require a separate action. However, if more complex changes are considered, and/or if more intensive exploration of potential changes is needed, a framework action/addendum may be needed. At this meeting, the Council and Board may choose to 1) make no changes to these measures, 2) recommend specific changes (if within the range of what can be modified via specifications) with the option of specifying a phase-in period, 3) identify additional information to inform reconsideration of one or more of these issues in August, or 4) initiate an action to further consider modifications.

Additional information on each of these regulations and the evaluation of them is provided in the meeting materials listed below.

Meeting Materials

Materials listed below are provided for the Council and Board's discussion of this agenda item. As noted below, some materials will be posted at a later date.

- 1) Briefing document: Summer Flounder Commercial Minimum Mesh Size Review (November 30, 2023)

- 2) Report: Investigation And Recommendation of the Mid-Atlantic Fishery Management Council's Summer Flounder Small Mesh and Flynets Exemption Programs
- 3) Summary of November 13-14, 2023 Monitoring Committee meeting (Part 1: summer flounder commercial mesh issues)
- 4) Summary of public comments received on summer flounder mesh issues (comments received through November 29, 2023)

The following materials will be posted to the meeting page once they are available:

- 5) Summary of December 4, 2023 Advisory Panel meeting
- 6) Any additional public comments received by the supplemental comment deadline of December 7, 2023

Staff Recommendations

Summer Flounder Commercial Minimum Mesh Size

Staff agrees with the Monitoring Committee (MC) recommendation that there is not enough evidence at this time to suggest that a change in the commercial minimum mesh size is warranted. Observer data analysis and industry feedback suggests that a square mesh option is still needed. From the 2018 mesh size study, the length at 50% retention (L50) for the 6-inch square mesh is just below the commercial minimum mesh size. While an increase in square mesh size would be expected to decrease discards of undersized summer flounder, it is not clear to what degree this might occur without additional analysis of alternative square mesh sizes, as the 2018 study did not test square mesh sizes other than 6.0 inches. It is also not clear how such a change would affect retention of legal sized fish. The benefits of such a change may be marginal relative to the high expected costs to industry associated with such a regulation change, but it is difficult to determine this without additional information. Staff supports the MC recommendation to consider adding additional selectivity studies as a research priority for summer flounder, in particular exploring a wider range of square mesh sizes and further comparing selectivity between square and diamond mesh options. If future modifications to mesh size regulations are considered, staff also recommend a more comprehensive evaluation of the economic impacts be considered prior to adopting a change.

Small Mesh Exemption Program

Staff supports the MC recommendation to conduct additional analysis, particularly on the biological impacts to summer flounder, of the industry-proposed change¹ to the small mesh exempted area if considered a priority by the Council and Board. While some changes to the SMEP can be made through specifications, the current proposal is a more complex change in the exempted area than a simple shift of the line. This likely would require a framework action/addendum to complete. A separate action, if prioritized, could allow for additional resources to be dedicated to analysis as well as a more thorough consideration of how the SMEP area should intersect with or overlap with the deep-sea coral protected areas and scup Gear Restricted Areas (GRAs).

¹ For details on the suggested change, see the Investigation and Recommendation of the Mid-Atlantic Fishery Management Council's Summer Flounder Small Mesh and Flynets Exemptions Program report and the public input summary document.

Staff also reiterates the MC recommendation to explore alternative data sources and methods for analyzing use of this exemption going forward. Additional details on the current method used to evaluate the use of this exemption are provided in the Investigation and Recommendation of the Mid-Atlantic Fishery Management Council's Summer Flounder Small Mesh and Flynet Exemption Programs report.

Flynet Exemption

The current flynet exemption, as written, was developed in the 1990s to address a specific gear used in a specific fishery in a region focusing on North Carolina but generally extending north to Cape Henlopen, Delaware. As noted in the report in the briefing materials, the flynet exemption is being used beyond the original intent of the regulation. Unlike the SMEP, the flynet exemption does not have a defined area for where the exempted gear can be used, nor are there LOA or special permit requirements associated with the exemption. There is limited information to identify where, how, and when the exemption is being used aside from observer data and input collected from industry. Staff agrees with the MC that the regulatory definition of a flynet is likely in need of updating to reflect changes in the fisheries and gear configurations that have occurred since the initial implementation of this exemption.

The MC supported the regulatory definition changes if they were expected to modernize the definition in line with current practice and not expected to result in major changes in fishing activity or use of this exemption. However, as noted in the mesh exemptions report, it is difficult to fully evaluate the impacts of the industry-proposed change² based on currently available information. There are several different trawl gear types that may fall under an expanded definition of a flynet, and more information is needed to assess whether the proposed change may lead to greater retention and/or discards of summer flounder with flynet type gear. Additional evaluation is needed regarding the extent of use of flynet-type gear, as well as the target species, location, and timing of fishing. The number of vessels that would be newly exempt from the minimum mesh regulations may have a wide range depending on the exact wording of a revised definition and the gear types it may apply to.

Similar to the SMEP, while some changes to the flynet exemption can be made through specifications, a definition change may require a framework action depending on the scope of change. If the Council and Board support further consideration of definition changes, staff recommend initiating a framework action to consider the implications, and hosting additional dialogue with industry as part of the process. A framework may allow for a more thorough analysis to identify which specific gear types and fisheries may be affected by this change, and how that may relate to potential changes in summer flounder retention and discards.

Staff also recommends exploring additional data sources and analysis methodologies that can be used, either currently or under a modified program, to better track the use of such an exemption.

² For details on the suggested change, see the Investigation and Recommendation of the Mid-Atlantic Fishery Management Council's Summer Flounder Small Mesh and Flynet Exemptions Program report and the public input summary document.

Summary

Staff recommend no changes to the current commercial minimum mesh size.

For the mesh exemptions, if the Council and Board support further exploration of either one, staff recommend that a framework action/addendum be initiated to ensure adequate resources and thorough, transparent consideration of these issues. If the Council and Board are interested in further analysis of changes to both the SMEP and the flynet exemption, staff recommend combining these issues into a single framework action to address both issues. Discussions with and public comments from industry representatives have made it clear that there is some overlap in the fisheries of interest for both of these exemptions, and that revisions to the flynet exemption may impact whether changes to the SMEP are needed. Additionally, the industry-proposed change to the small mesh exemption area includes partial alignment with the scup southern GRA. Given the Council and Board's recent interest in a framework action to consider changes to the scup GRAs, a framework/addendum to consider the summer flounder mesh exemptions in conjunction with the scup GRAs could be beneficial.



Summer Flounder Commercial Minimum Mesh Size Review

December 2023 Council and Board Meeting

Prepared By: Kiley Dancy and Hannah Hart, Council Staff
November 30, 2023

Introduction

The Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) are considering several summer flounder mesh regulation issues at their December 2023 joint meeting. This document provides background information and preliminary analysis for the Monitoring Committee's consideration of the **summer flounder commercial minimum mesh size requirements** (5.5-inch diamond or 6.0-inch square minimum mesh).

The minimum mesh size regulations can be modified through specifications and would not require a separate action. The Council and Board may choose to 1) make no changes to these measures, 2) recommend specific changes with the option of specifying a phase-in period, or 3) identify additional analysis or research needs to support future consideration of this issue.

Problem Summary

Since 1993, the Fishery Management Plan (FMP) has specified two options for minimum mesh sizes for summer flounder trawl vessels: **5.5-inch diamond or 6.0-inch square**. At the time of Amendment 2 development, there was limited information about square mesh selectivity for summer flounder beyond a recognition that the square mesh equivalent should be larger than the adopted diamond mesh. A recent (2018) study indicated that the 6.0-inch square mesh does not appear to be equivalent to the 5.5-inch diamond mesh in terms of selectivity and may be retaining too many undersized summer flounder. Observer data analysis and industry feedback should be considered to inform discussion of whether a square mesh option is still needed, or whether modifications to the regulations may be needed.

Regulatory Background

Trawl vessels must use nets with a minimum mesh size of **5.5-inch diamond or 6.0-inch square** in the entire net when possessing more than 200 pounds of summer flounder in the winter (November 1-April 30) and more than 100 pounds in the summer (May 1-October 31). These mesh regulations were evaluated through Amendment 2 (1993). At the time this measure applied only to the net's codend. The minimum mesh requirements were modified in 1998 (Amendment 10) to apply throughout the whole net, to reduce mortality and discards of immature summer flounder, as well as to simplify enforcement.

At the time of the original implementation of the minimum mesh size under Amendment 2, data were limited on the selectivity of a square mesh for summer flounder on which to base an equivalent to the 5.5-inch diamond mesh. Mesh selectivity information for cod, haddock, and pollock demonstrated that for round fish, 5.5-inch diamond mesh has roughly the same selectivity characteristics as a 5.0-inch square mesh. However, little information was available on selectivity behavior for flatfishes like summer flounder. The equivalency of 6.0-inch square mesh to 5.5-inch diamond, as documented in Amendment 2, was based on three sources:

1. Amendment 4 to the Northeast Multispecies FMP (1990)¹ stated: “The use of square mesh codends is known to significantly increase the retention of small flounders. Preliminary information indicates that a 5.5-inch square mesh codend may have roughly the same flatfish selectivity characteristics as a 5-inch diamond mesh codend.”
2. A selectivity study for winter flounder in Connecticut (Simpson 1989)² found diamond mesh to have a length at 50% retention about 1 cm longer ($L_{50} = 22.6$ cm), and a selection range (3.4 cm) about 1 cm narrower, than square mesh in a comparison of diamond vs. square mesh 102 mm (4-inch) codends.
3. Researchers in Nova Scotia Cooper and Hickey (1989)³ primarily explored selectivity behavior for cod and haddock but for flounder observed that the diamond mesh cod ends always had higher 50% retention lengths and selection factors.

2018 Mesh Size Study

In 2016-2017, a new mesh size selectivity study for summer flounder, scup, and black sea bass was funded by the Mid-Atlantic Fishery Management Council to address a Council research priority related to determining mesh selectivity for a range of mesh sizes and configurations. The Hasbrouck et al. study report was presented to the Council in April 2018.⁴

Results of this study indicated that the current minimum mesh sizes for summer flounder of 5.5-inch diamond or 6.0-inch square do not appear to be equivalent to each other in terms of selectivity. The 6.0-inch square mesh releases less than 50% of fish at or below the minimum size, and its selectivity appears more similar to a 5.0-inch diamond mesh (Figure 1; Table 1).

The Monitoring Committee first reviewed the results of this study in July 2018, and identified concerns with the amount of undersized summer flounder caught with the 6.0-inch square mesh. The Monitoring Committee recommended further evaluation of potentially phasing out the use of 6.0-inch square mesh to reduce discards of undersized fish, but emphasized that feedback from industry on the use of and need for square mesh nets should be sought before pursuing specific changes.

¹ Amendment 4 to the Northeast Multispecies FMP:

https://archive.nemfc.org/nemulti/planamen/Amend%204/amendment_4_combined.pdf

² Simpson, D.G. (1989). Codend selection of winter flounder *Pseudopleuronectes americanus*. NOAA Technical Report NMFS 75: <https://www.st.nmfs.noaa.gov/spo/SPO/tr75opt.pdf>

³ Cooper, C.G. and W.M. Hickey. 1989. 1988 Selectivity Experiments Square Mesh Cod-Ends of 134, 140, and 155 mm. Fisheries Development and Fishermen's Services Division. Project No. 154: <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/253803.pdf>

⁴ Hasbrouck et al. 2018 is available at: http://www.mafmc.org/s/Tab08_SFSBSB-Mesh-Selectivity-Study-Apr2018.pdf.

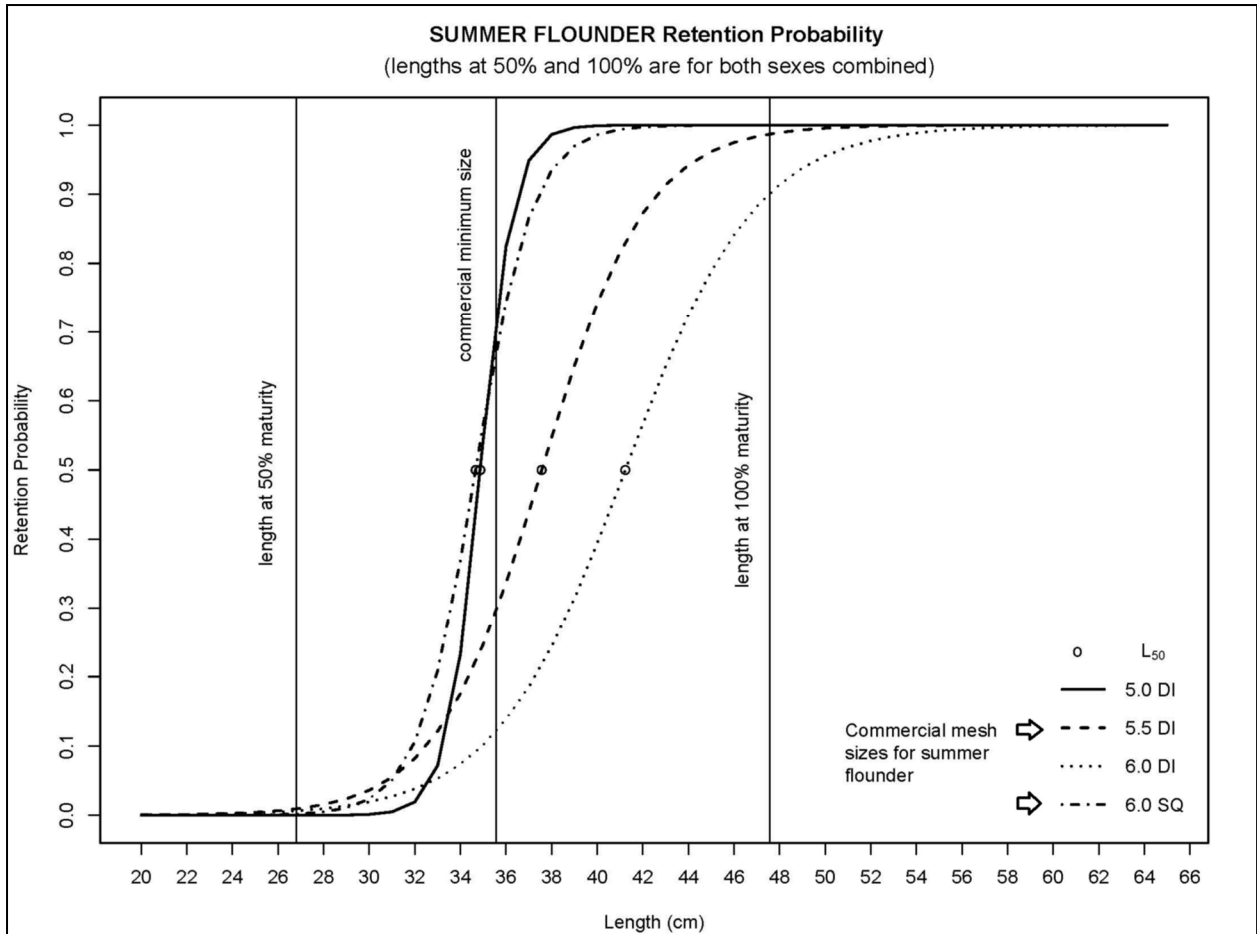


Figure 1: Logistic selective curve for summer flounder catches with 5 codends (4.5-inch diamond, 5-inch diamond, 5.5-inch diamond, 6-inch diamond, 6-inch square). Additional details can be found in the study report (Hasbrouck et al., 2018).

Table 1: From [Hasbrouck et al. 2018](#): Maximum likelihood fit of logistic selectivity curve parameters for 5 codend mesh sizes and SELECT model goodness-of-fit measures for summer flounder. Standard error is shown in parentheses. Coefficient of variation is shown in double parentheses. 5.5" Diamond and 6" Square are the current regulation minimum mesh sizes.

	4.5" Diamond	5" Diamond	5.5" Diamond	6" Diamond	6" Square
N tows (paired)	24	24	24	24	22
N length classes	55	50	51	47	57
Length class range (cm)	21-75	27-76	28-78	32-78	25-81
a	N/A	-47.78	-16.30	-14.42	-27.72
b	N/A	1.37	0.43	0.35	0.80
p - relative fishing efficiency	N/A	0.49 (0.02)	0.55 (0.02)	0.55 (0.03)	0.50 (0.02)
L₂₅ (cm)	N/A	34.07 (0.72) ((0.021))	35.03 (1.19) ((0.034))	38.09 (1.05) ((0.028))	33.29 (1.51) ((0.045))
L₅₀ (cm)	N/A	34.87 (0.67) ((0.019))	37.56 (0.87) ((0.023))	41.23 (1.22) ((0.030))	34.67 (1.16) ((0.034))
L₇₅ (cm)	N/A	35.67 (1.04) ((0.029))	40.1 (1.39) ((0.035))	44.37 (2.00) ((0.045))	36.04 (1.66) ((0.046))
Selection range	N/A	1.6 (1.17)	5.06 (1.92)	6.28 (2.07)	2.75 (2.18)
Selection factor	N/A	6.94	6.83	6.87	5.78
Model deviance	N/A	144.45	230.77	133.48	92.49
df	N/A	113	178	93	73
p-value	N/A	0.0245	0.0047	.0038	0.0615

Observer Data Analysis

Staff used the Northeast Fisheries Observer Program (NEFOP) data to investigate the usage of diamond and square mesh for summer flounder. Specifically, staff looked at observed trawl data from 2007 – 2022 where summer flounder was identified as the primary target species. Based on these observed trips, use of diamond mesh was more commonly observed on hauls targeting summer flounder (68% of hauls), while square mesh made up about 31% of total observed hauls (Table 2).

The observed square mesh hauls were then further broken down into 0.5-inch bins to get a better understanding of what size square mesh was most commonly used among industry participants (Figure 2).⁵ As shown in Figure 2, most observed hauls on trips that reported summer flounder as the primary target species used square mesh measuring 5.5 – 6.49 inches, and the greatest number of observed hauls used 6-6.49 inches.

⁵ Observer mesh size data is reported as an average of 10 individual mesh measurements, in millimeters. For this analysis, mesh size was converted to inches and rounded to the nearest tenth of an inch, so conversion and rounding error may be present for some observations.

Table 2: Mesh type used on observed trawl hauls from 2007 – 2022 on trips that identified summer flounder as the primary target species.

Mesh Type	Proportion of Total Hauls	Total Number of Hauls
Diamond	68.07%	17,423
Square	31.10%	7,961
Unknown	0.65%	167
Combination	0.10%	25
Square/ Wrapped	0.07%	18
Grand Total	100.00%	25,594

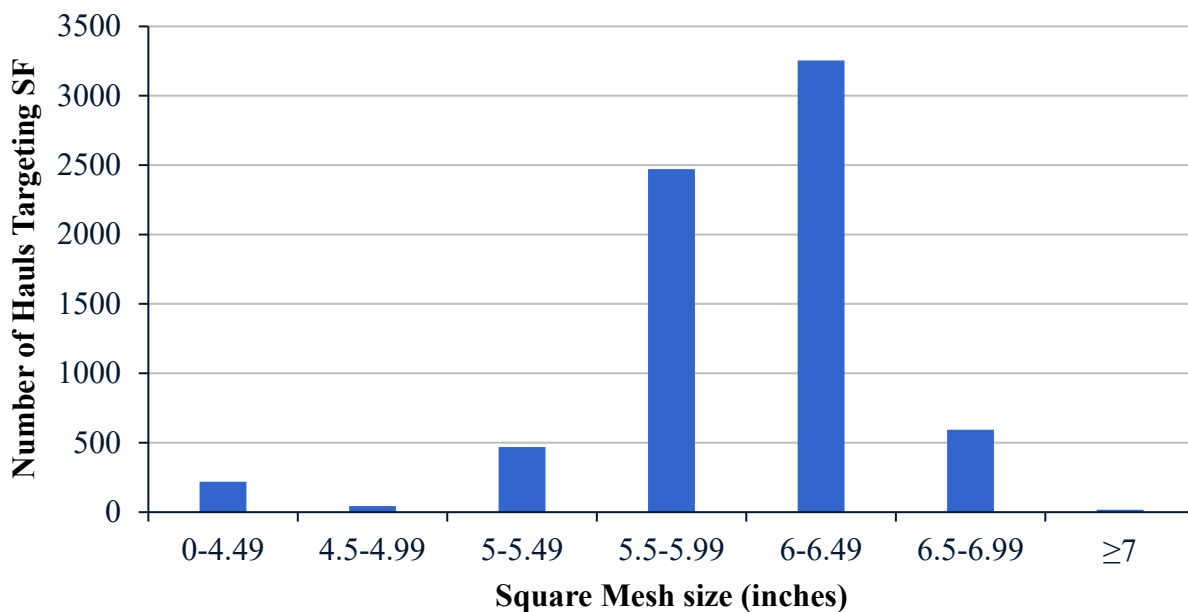


Figure 2: Total number of hauls targeting summer flounder by square mesh size from 2007 – 2022. Data source: NMFS observer data.

Observer data was also used to investigate summer flounder landings and discards by mesh type and mesh size to better characterize summer flounder catch between the two mesh regulations. Based on observed trawl data that reported summer flounder as the primary target species from 2007 – 2022, it appears that diamond mesh measuring 5 – 5.99 inches accounts for the greatest amount of summer flounder landings followed by square mesh measuring 5.5 – 6.49 inches. The quantity of observed summer flounder discards was low across all mesh categories, but the patterns generally matched that of the landings (i.e.; diamond mesh discards occurred mostly in the 5-5.99 inch range and square mesh discards mostly in the 5.5-6.49 inch range; Figure 3).

Observed discards were then compared to total observed catch (landings and discards) by mesh type and size category (Figure 4). Based on this information, discard rates ranged from 3-14.9% depending on the mesh type and size used. Diamond and square mesh measuring less than 4.49 inches resulted in the greatest portion of discards, however, they equate to a relatively small amount of observed discards in pounds (Figure 3).

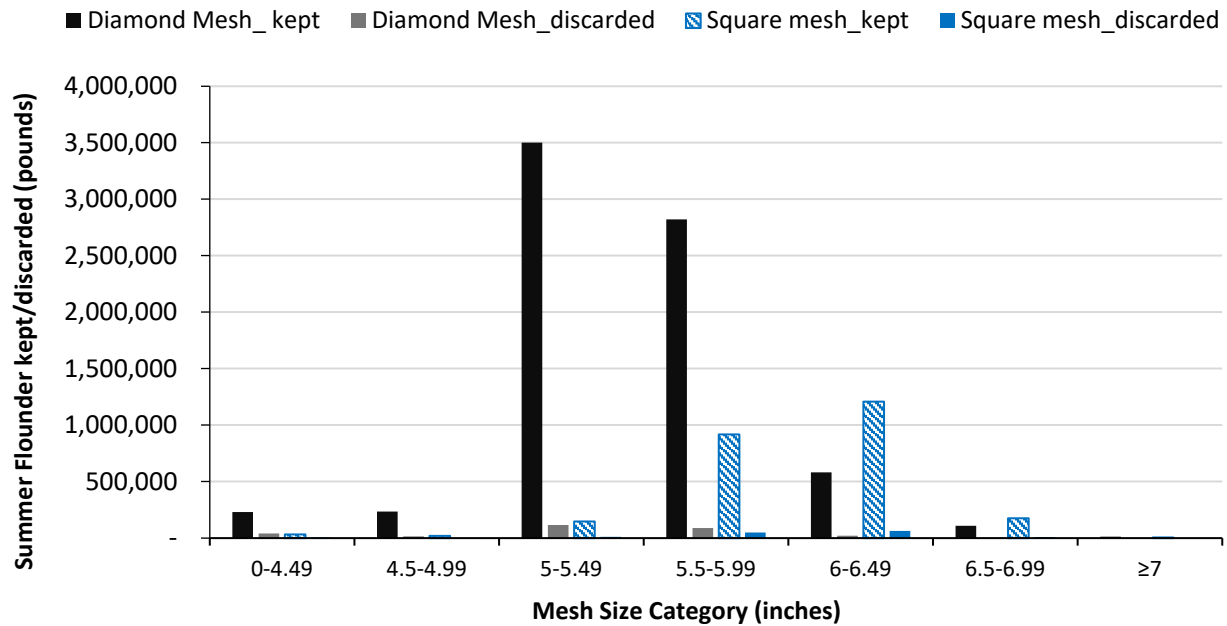


Figure 3: Observed commercial summer flounder landings and discards by mesh type and mesh size, for trawl gear hauls between 2007 – 2022 where summer flounder was identified as the primary target species. Data source: NMFS observer data.

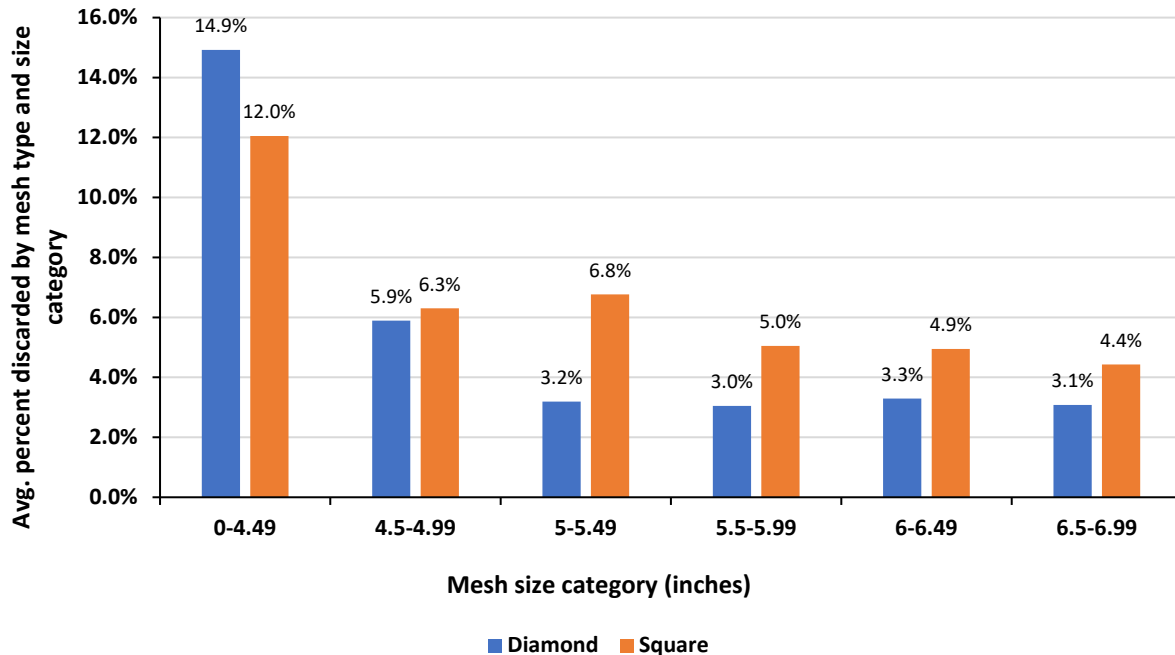


Figure 4: Average percent summer flounder discarded, by mesh type and mesh size, for observed trawl gear hauls between 2007 – 2022 where summer flounder was identified as the primary target species. Data source: NMFS observer data.

Summary of Public Feedback

Comments received to date on this issue include those made during the November 1 Summer Flounder Mesh Regulations Public Input Webinar, as well as some made via email or web form. Trigger questions provided for public comments can be found in the [overview document found here](#). A full summary of the comments received is provided in the [public input summary](#).

In summary, the key take-aways on this issue include:

- Several were concerned about the cost associated with a potential change to the mesh requirements.
 - Codend mesh can cost tens of thousands of dollars and a full net replacement can cost closer to \$50,000.
 - 6.0-inch square nets are still being ordered from net builders and a change to mesh size would render any recent net investments obsolete.
 - Changes would result in a significant financial burden on industry.
- The handful of stakeholders commenting on this issue supported **no changes** to the current regulations and indicated no concerns with selectivity or other issues.
 - One stakeholder explained that the 6-inch square mesh effectively reduces discards and retains the larger fish while releasing the smaller fish. They noted the 5.5-inch diamond mesh stretches therefore releasing marketable fish.
 - One commenter suggested exploring a larger square mesh size.

- Another commenter suggested maintaining the current summer flounder mesh size from May 1 – October 31, but adopting a uniform codend mesh size of 5 inches from November 1 – April 30 for summer flounder, scup, and black sea bass given the overlap of those species during this time. The commenter noted that decreasing the mesh size for summer flounder during the winter will have no impact on bycatch of smaller fish given the biology and migration patterns of the stock.
- Some stakeholders expressed that the choice of mesh type used to target summer flounder is often influenced by state regulations, personal preference, target species, anticipated non-target species, and type of bottom fished.
- The author of the 2018 report recommended the MC examine Table 4 in the 2018 mesh study report (see Table 1 in this document). He noted the L50 for 6-inch square mesh was only about 1 centimeter below the legal minimum size limit, and that the p-value for model fit for 6-inch square mesh (0.06) was barely not significant.

Monitoring Committee Comments and Recommendations

The Monitoring Committee reviewed the staff analysis of the 5.5” diamond and 6.0” square mesh size regulations and recommended no changes at this time to the current commercial minimum mesh requirements. The Monitoring Committee indicated that given insufficient evidence that a change is warranted, lack of information to inform selection of a more appropriate square mesh equivalent, and concerns about costs to industry participants additional research is needed.

The Monitoring Committee noted that if mesh size changes are considered by the Council and Board (now or in the future), the Monitoring Committee also recommended a longer phase-in time to help alleviate some of the costs to industry. The Monitoring Committee suggested the average expected lifespan of new nets (e.g., 7-10 years for well cared for nets) be used to inform the length of any potential phase in period. A regulatory change phased in over a much shorter time frame than the expected lifespan of a net would be expected to impose more costs on industry vs. a longer phase-in time allowing for net replacement on a more typical schedule.

The Monitoring Committee recommended consideration of additional mesh size studies as a research priority, particularly for a range of different square net mesh sizes and for additional comparison of selectivity between square and diamond mesh types. However, the Monitoring Committee did not identify what level of priority this should be.

For the full summary of the Monitoring Committee discussion see the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee November 13-14 Meeting Summary Part 1.

Investigation And Recommendation of the Mid-Atlantic Fishery Management Council's Summer Flounder Small Mesh and Flynet Exemption Programs

Briefing Document for December 2023 Council Meeting

Submitted by
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Kiley Dancy
Hannah Hart

December 1, 2023

Small Mesh Exemption Program (SMEP)

Executive Summary

Since 1993, the Small Mesh Exemption Program (SMEP) has allowed trawl vessels to obtain a Letter of Authorization (LOA) to land more than 200 pounds of summer flounder east of longitude 72° 30.0'W, from November 1 through April 30, using mesh smaller than 5.5" diamond or 6.0" square that is otherwise required under the summer flounder fishery management plan. If the Regional Director determines that vessels fishing seaward of the line are discarding more than 10% of their summer flounder catch, the exemption may be rescinded. An evaluation was conducted to assess potential changes to the small mesh exemption program, considering the current use and effectiveness of the exemption.

Approximately 75 vessels currently participate in this program. Approximately 6% of observed bottom trawl trips fishing east of the line are discarding more than 10% of their summer flounder catch in recent years as determined using methodology that has been used in the past. It is unknown whether observed trips can be extrapolated to the entire fishery and therefore, the total pounds landed and discarded during SMEP trips cannot be determined. The number of vessels participating and the relative number of observer trips meeting the SMEP criteria have remained stable over the past decade.

Feedback from the commercial fishing industry indicates that the SMEP has become a very important program to maintain the economic viability of their business. The primary recommendation from industry is to move the demarcation line approximately 5 miles landward to facilitate the conduct of their fishing operations in other fisheries (see specifics of proposal on page 5).

Issues identified are:

- Language differs between Amendment 3 and the regulations (50 CFR 648.108) for determining the rescission of the exemption and should be reconciled. This may impact the methodology used in these evaluations going forward.

- The methodology and data sources being used to calculate the impact of this program are the same as those available in 1993. More accurate and robust data should be available through systems that are in place today, but which were not available in the 1990s, which would improve the ability to evaluate the utilization and impacts of the SMEP and provide more accurate information on trips that are actually fishing under the SMEP rather than relying on the assumptions inherent in the observer datasets.
- The industry recommendation to move the demarcation line approximately 5 miles landward should be explored, including the potential impact on incidental catch and discarding of summer flounder.
- Some confusion exists about the requirement that “Vessels fishing under the LOA shall not fish west of the line.” GARFO should clarify this portion of the regulation.

Additional details of the current utilization of this exemption, industry recommendations, and recommendations are contained in this document.

Background

Since 1993, the Summer Flounder FMP has allowed for an exemption to the summer flounder minimum mesh regulations under the Small Mesh Exemption Program (SMEP). Summer flounder moratorium permitted vessels fishing east of longitude 72° 30.0'W (Figure 1), from November 1 through April 30, and using mesh smaller than 5.5-inch diamond or 6.0-inch square, may land more than 200 pounds of summer flounder. Participation in this program requires a Letter of Authorization (LOA) obtained through the Greater Atlantic Regional Fisheries Office (GARFO). Vessels must be enrolled in the program for a minimum of 7 days and may not fish west (landward) of the line while enrolled in the program.

This exemption program was initially suggested by the New England Fishery Management Council and industry participants. It was designed to allow vessels to retain some bycatch of summer flounder while operating in other small-mesh fisheries. The program was developed under Amendment 2 to the FMP in 1993 and modified under Amendment 3 (1993). At the time it was determined that the exemption would not pose an issue for the stock because the mesh size requirement was designed to protect smaller summer flounder, which largely were not being caught in these offshore areas in the winter months. The exemption was thus viewed as consistent with the conservation goals of the FMP while reducing discard waste in the summer flounder fishery.

The original demarcation line followed a yellowtail large mesh area at the northern end before following 72°20.0'W longitude to the south. This proved difficult for compliance and enforcement and was also not favored because of the way it bisected Hudson Canyon. Amendment 3 adjusted the line of demarcation to 72°30.0'W. It has remained unchanged since that time.

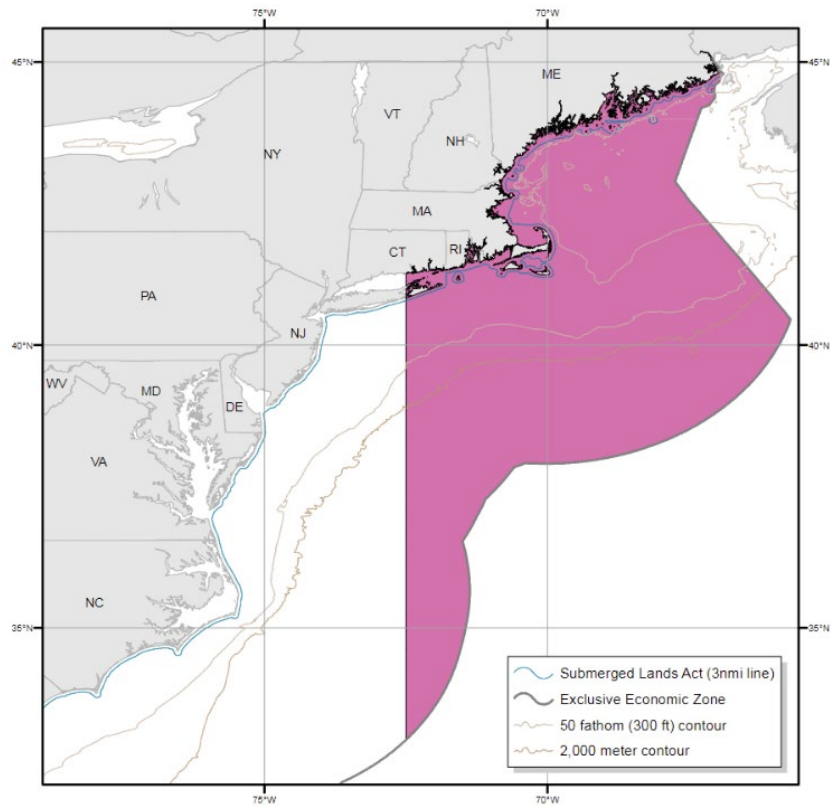


Figure 1: Summer flounder small mesh exemption area.

Amendment 3 also specified that “if the Regional Director determines after a review of Sea Sampling data that vessels fishing seaward of the line described above are discarding more than 10% of their summer flounder catch, the Regional Director may rescind the exemption.” The Monitoring Committee is responsible for reviewing observer data annually to evaluate whether vessels fishing under this exemption program are discarding more than 10% of their summer flounder catch. The Committee may recommend adjustments to the exempted area and boundary in 30-minute intervals of latitude and longitude, and to the seasons in 2-week intervals.

Based on this analysis of observer coverage, 5.79% of trips fishing seaward of the line discarded more than 10% of their summer flounder catch in the most recent period evaluated (November 2021-April 2022). Since 2015, (excluding 2021 when observer coverage was diminished due to Covid), this percentage has ranged from 3.97%-6.18% (Table 1).

Table 1. Numbers of observed trips that meet specific criteria based on NEFOP data from November 1-April 30 for 2016 through 2022.

Criteria		Nov. 1, 2015 – April 30, 2016	Nov. 1, 2016 – April 30, 2017	Nov. 1, 2017 – April 30, 2018	Nov. 1, 2018 – April 30, 2019	Nov. 1, 2019 ~March 19, 2020 ^a	Nov. 1, 2020 – April 30, 2021	Nov. 1, 2021 – April 30, 2022
A	Observed bottom trawl trips over this time frame (Nov-April)	398	398	741	657	403	151	232
B	Observed trips with at least one catch record east of 72° 30' W Longitude	302	302	598	534	322	122	190
C	That met the criteria in row B <u>and</u> used small mesh at some point during their trip	177	177	271	261	145	33	99
D	That met the criteria in rows B-C <u>and</u> landed more than 200 pounds summer flounder on whole trip	67	67	90	114	63	22	50
E	That met the criteria in rows B-D <u>and</u> discarded >10% of summer flounder catch east of 72° 30' W Longitude	12	12	35	33	18	4	11
F	% of observed trips with catch east of 72° 30' W Longitude that also used small mesh, landed >200 pounds of summer flounder, and discarded >10% of summer flounder catch (row E/row B)	3.97%	3.97%	5.85%	6.18%	5.59%	3.28%	5.79%
G	Total summer flounder discards (pounds) from trips meeting criteria in B-E	10,992	10,992	22,798	9,925	6,547	1,605	4,775
H	Total summer flounder landings (pounds) from trips meeting criteria in B-E	10,523	10,523	44,711	23,038	13,340	9,165	20,080
I	Total catch (pounds) from trips meeting criteria in B-E	21,515	21,515	67,508	32,963	19,887	10,770	24,856

Summary of Industry Feedback

A webinar was held on November 1, 2023, to present the evaluation of the SMEP and solicit input from stakeholders on the current utilization of the program and recommended changes. Written comments were also accepted via email and web-based form. Follow up calls and/or virtual meetings were made to further clarify recommendations provided through submitted written comments and feedback received during the November 1 public input webinar. A full summary of the comments received is provided in the [public input summary](#).

Multiple participants noted the importance of the SMEP, particularly to southern New England fleets. Some noted the program has successfully reduced regulatory discards and, overall, maintaining the program was critical to industry. Nearly all participants who commented on this issue supported moving the SMEP line to the west to provide further flexibility for industry participating in multiple fisheries. Specifically, a proposal was made to move the line approximately 5 miles west to about $72^{\circ}37'W$ longitude, then dropping south to align with the northeast corner of the scup Southern Gear Restricted Area (GRA) at $39^{\circ}20'N$ and $72^{\circ}37'W$ and then follow along the eastern border of the southern scup GRA to about $37^{\circ}N$ latitude (Figure 2). The calculated additional area, excluding the deep sea coral zones, is 4,943 km.²

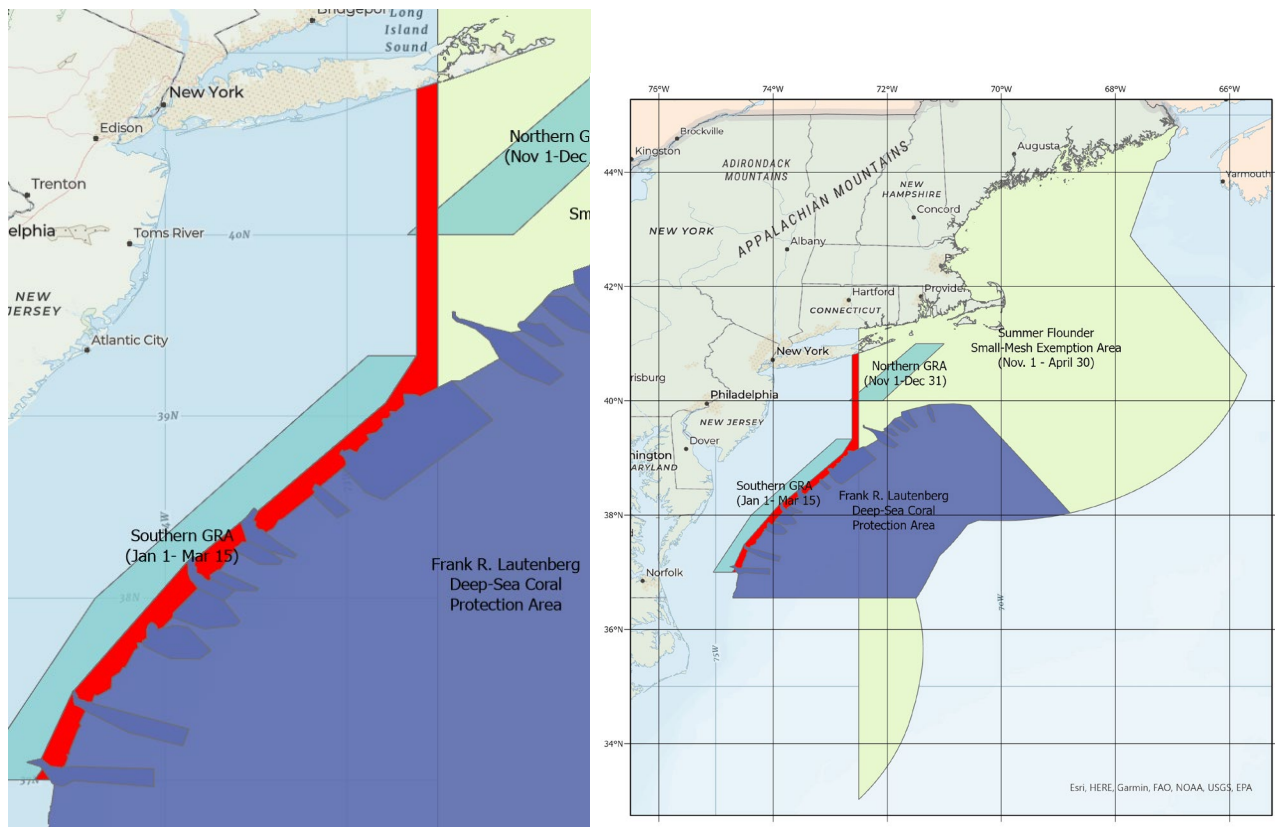


Figure 2: Industry proposal for the expansion of the SMEP (in red). Maps: Tori Kenter, MAFMC staff.

Monitoring Committee Recommendations

The Monitoring Committee discussed industry's recommendation to move the SMEP line further west. The Committee was supportive of further evaluating this recommendation, specifically noting that investigation of the potential biological impacts of expanding the SMEP area was needed, including how it may affect the size of summer flounder caught and/or discarded. At the time of the meeting, a map of the proposed revision was not available, and the Committee suggested mapping and calculating the additional area represented by the industry's request (see Figure 2 developed in response). The Committee noted that, depending on Council and Board direction, it may be beneficial to form a subgroup to explore potential analyses to investigate such impacts.

Concerns were expressed about the lack of data available to evaluate impacts of the SMEP on summer flounder catches. Currently, the analysis relies solely on observed trips identified using a series of assumptions indicating a presumed use of the SMEP. This provides a limited snapshot due to limited observer coverage and is not based on confirmed use of the LOA. The SMEP was put in place in the 1990s, when linking disparate datasets, (e.g., vessel trip reports, observer data, permits etc.) was more difficult. Advances in electronic reporting and data accessibility over the years may create opportunities to improve analysis of this exemption. The Monitoring Committee noted that if continued use of observer data for this analysis is necessary, the methodology used may need to be revisited.

For the full summary of the Monitoring Committee discussion see the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee November 13-14 Meeting Summary Part 1.

Summary Observations and Recommendations

Based on feedback from industry, the SMEP has become a very important program to maintain the economic viability of their business. However, the recommendation that the demarcation line be moved approximately 5 miles landward needs to be thoroughly evaluated prior to action being taken. The existing line was established based on the relatively low number of undersized summer flounder being encountered to the east, thus maintaining the FMP objective to protect juvenile summer flounder. Additional data are needed to determine whether a shift of the line to the west would result in an increase in the number of small summer flounder being encountered and therefore being released due to being undersized.

Based on comments from stakeholders and discussions with GARFO staff, some confusion may exist about the requirement that "Vessels fishing under the LOA shall not fish west of the line." Does this requirement prohibit any vessel with an active LOA from fishing west of the line in any fishery, or just restrict a vessel fishing west of the line during a single trip in which they have participated in the SMEP? GARFO should clarify this portion of the regulation and consider whether it is still necessary.

Approximately 75 vessels currently participate in this program. Using consistent methodology applied in the past that is based solely on observer data, approximately 50 observed bottom trawl trips in November 2021 - April 2022 met the criteria characterizing a SMEP trip (fishing area, gear, and pounds of summer flounder landed) and are presumed to have been fishing under the SMEP. Of these, 11 trips discarded more than 10% of their summer flounder catch (representing approximately 6% of observed bottom trawl trips fishing east of the line in this time frame). It is unknown whether observed trips can be extrapolated to the entire fishery and therefore, the total

pounds landed and discarded during SMEP trips cannot be determined. However, the trigger for rescinding this exemption has never been reached using this analysis methodology (vessels fishing east of the line discarding more than 10% of summer flounder catch). The number of vessels participating and the relative number of observer trips meeting the SMEP criteria have remained stable over the past decade. The Monitoring Committee had previously flagged concerns with some years where a higher percentage of summer flounder discards were observed for trips presumed to be using the exemption; however, this was largely attributed to low quotas over that time period.

A question was raised regarding the calculation of Row F in Table 1 that is used to determine the trigger for rescinding the SMEP. As has been calculated for at least the past 10 years (and likely longer), Row F is calculated by dividing the number of trips that fished east of the line, landed more than 200 pounds and discarded >10% of summer flounder catch (Row E) by the number of observed trips with at least one catch record east of the line (Row B). We assume that this methodology follows the original language contained in Amendment 3, which states:

“If the Regional Director determines after a review of Sea Sampling data that **vessels fishing seaward of the line** described above are discarding more than 10% of their summer flounder catch, the Regional Director may rescind the exemption.”

Row B contains the best estimate of “vessels fishing seaward of the line” and is thus the best estimate *from these data* to use for the denominator.

However, the language contained in the regulations varies slightly and could potentially change this calculation. 50 CFR 648.108 states:

“The Regional Administrator may terminate this exemption if he/she determines, after a review of sea sampling data, that **vessels fishing under the exemption** are discarding more than 10 percent, by weight, of their entire catch of summer flounder per trip.”

By definition “vessels fishing under the exemption” would include the area (seaward of the line) and landing more than 200 pounds of summer flounder, in which case the best data for the denominator would be row D (or potentially Row C).

Perhaps more importantly moving forward is the consideration of updating the data sources used in calculating the impact of the SMEP. At the time that the SMEP was implemented in the early 1990s, the ability to connect disparate datasets was more time consuming and difficult due to the technology at the time. Current day technology and reporting systems may avail themselves to obtaining more accurate information on trips that are actually fishing under the SMEP rather than rely on the assumptions inherent in Table 1 based on the observer datasets. Can observer coverage be tied to the LOAs that are issued for the SMEP through fields such as vessel ID to accurately determine which trips should be included in the analysis? If not, can the information collected in the process of issuing the LOAs be expanded to allow this? Is there value in tying LOAs to electronic Vessel Trip Reports which are now reporting trips within 48 hours of entering port? More accurate and robust data that should be available through systems that are in place today but which were not available in the 1990s would improve the ability to evaluate the utilization and impact of the SMEP.

Executive Summary

Since 1993, The flynet exemption in the Summer Flounder FMP, has provided an exemption to the minimum mesh size requirements for vessels fishing with a two-seam otter trawl flynet with specifications defined in regulation. No permits or special reporting are required to utilize this exemption. An evaluation was conducted of the original intention of the regulation and how that intent is being served today. Additionally, the extent to which 4-seam high rise nets are being used in relation to this exemption was explored.

The original intent of this exemption was to accommodate the use of a specifically defined gear in a specific fishery, concentrated in North Carolina and extending north to Cape Henlopen, Delaware. In that regard, available data provided by the state of North Carolina indicate that the flynet exemption is no longer being utilized today in that area/fishery and discussions with surrounding states indicate that few landings of summer using this gear type occur.

However, industry feedback indicates that the flynet exemption has become an important component of specific fisheries throughout the Greater Atlantic Region, although some of the net types being utilized under the flynet exemption do not comply with the specific regulatory definition of a flynet. The term “high rise” net appears to be regional terminology for a flynet. Those nets may not meet the definition specified in regulation for this exemption (particularly regarding the number of seams) but industry feedback indicated that, in their opinion, there was little difference in the fishing characteristics of 2-seam flynets and high-rise nets. The term “flynet” refers mainly to the way in which the net opens at the mouth. Recommendations from industry centered primarily on updating the definition of the term “flynet” (specific recommendations provided in the full discussion of industry feedback).

Industry feedback indicated that where the exemption is being used it provides important economic benefits by fostering flexibility in fishing practices. This exemption is very important to provide flexibility to switch between fisheries like summer flounder, scup, black sea bass, and squid. No data are available to evaluate the extent that this exemption is being used outside of North Carolina given that no permitting or reporting are required, but use of nets identified as “flynets” throughout the GARFO region is borne out by observer coverage. Prior to updating the definitions to codify an existing practice, an evaluation should be conducted to ensure that changes would not unintentionally incentivize an expansion of the use of this exemption. Additionally, this exemption, including any revisions to it, should be evaluated in the context of how the Flynet Exemption and Small Mesh Exemption programs interact in areas where their application overlap.

Finally, language differs in Amendment 3 and the regulation (50 CFR 648.108) for determining when this exemption should be rescinded based on the level of discards of summer flounder by vessels fishing under this exemption and should be reconciled. This is likely an administrative matter to be handled by GARFO.

Background

Vessels fishing with a two-seam otter trawl flynet are exempt from the summer flounder minimum mesh size requirements. The regulatory definition of a fly net is a two-seam otter trawl with the following configuration:

- The net has large mesh webbing in the wings with a stretch mesh measure of 8" to 64".
- The first body (belly) section of the net consists of 35 meshes or more of 8" (stretch mesh) webbing or larger.
- In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of 2" (stretch mesh).

The flynet exemption was added to the FMP through Amendment 2 in 1993, as suggested by the South Atlantic Fishery Management Council and the State of North Carolina. At that time, flynets as defined were mostly used between Cape Henlopen, Delaware and North Carolina in the fall and winter. Atlantic croaker, weakfish, Atlantic mackerel, and bluefish were the dominant species in flynet catches in the mid- to late 1980s when the exemption was proposed. Limited amounts of summer flounder have been harvested by this gear. The exemption was intended to increase flexibility for fishermen while not negatively impacting the conservation objective of the FMP.

The FMP stipulates that the NMFS Regional Administrator may withdraw the exemption if the annual average summer flounder catch in the flynet fishery exceeds 1% of the total flynet catch. However, the language in the current federal regulations regarding this evaluation criteria for the exemption is inconsistent with the original FMP language and intent of the exemption. The current regulations refer to evaluating whether “vessels fishing under the exemption, on average, are discarding more than 1 percent of their entire catch of summer flounder per trip.”

The Monitoring Committee reviews data from the North Carolina flynet fishery as the bulk of flynet landings in the Greater Atlantic region are thought to originate from North Carolina, though the flynet fishery in North Carolina is small. Landings in the North Carolina flynet fishery have generally declined over time (Table 2), and little to no summer flounder have been landed in this fishery in recent years. Past discussions have suggested that other states such as Virginia, New Jersey, and Maryland may also have small amounts of flynet landings, but data are limited or unavailable for these states to accurately assess such landings.

Based on observer data from 2007-2022, about 325 observed trips were recorded using 2-seam “Flynets” in the GARFO region with fewer than five observed trips in each of the past three years. Additionally, about 197 observer trips recorded using 4-seam and 101 observed trips recorded “seams unknown” flynets (Figure 3). This information is based on the “net type” field in the observer data, which is recorded by the observer after consultation with the vessel’s captain. Many observed trips having missing information for net type.

Table 1: North Carolina flynet fishery summer flounder landings in pounds, as a percent of total North Carolina flynet landings, and as a percent of total North Carolina commercial summer flounder landings, 2005-2022. Some values are confidential but as denoted below are <2,000 pounds in those years.

Year	Summer Flounder Flynet Landings (lbs.)	% of Total NC Flynet Landings	% of total NC commercial summer flounder landings
2005	4,102	0.05%	0.10%
2006	5,752	0.07%	0.15%
2007	7,067	0.13%	0.26%
2008	3,147	0.08%	0.07%
2009	2,842	0.05%	0.10%
2010	<2,000 lbs.	<0.05%	<0.06%
2011	<2,000 lbs.	<0.05%	<0.07%
2012	<2,000 lbs.	<0.05%	<0.18%
2013	0	0%	0.00%
2014	<2,000 lbs.	<0.05%	<0.07%
2015	0	0%	0.00%
2016	0	0%	0.00%
2017	0	0%	0.00%
2018	0	0%	0.00%
2019	0	0%	0.00%
2020	0	0%	0.00%
2021	0	0%	0.00%
2022	0	0%	0.00%

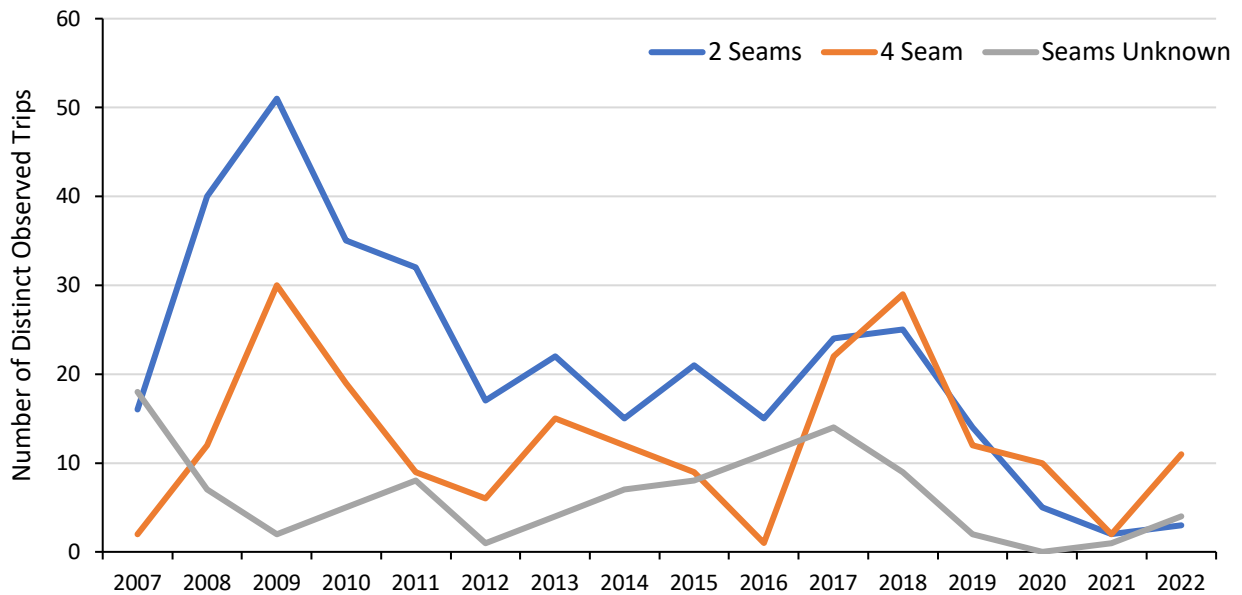


Figure 3: Number of distinct observed trawl trips using flynet gear, by seam number, 2007-2022 in the GARFO region.

Summary of Industry Feedback

A webinar was held on November 1, 2023, to present the evaluation of the SMEP and solicit input from stakeholders on the current utilization of the program and recommended changes. Written comments were also accepted via email and web-based form. Follow up calls and/or virtual meetings were made to further clarify recommendations provided through submitted written comments and feedback received during the November 1 public input webinar. A full summary of the comments received is provided in the [public input summary](#).

Participants who spoke on this issue strongly supported keeping the flynet exemption. It was noted that this exemption is very important to provide flexibility to switch between fisheries like summer flounder, scup, black sea bass, and squid.

All participants who spoke on the issue agreed that the term “high rise” net was regional terminology for a flynet, although those nets may not meet the definition specified in regulation for this exemption, particularly regarding to the number of seams. Industry feedback indicated that they felt that there was little difference in the fishing characteristics of 2-seam flynets and high-rise nets and that the term “flynet” referred mainly to the way in which the net opened at the mouth.

Industry input indicated that the definition of the term flynet should be updated to better reflect current gear use and fishing practices that, while technically not in compliance with the exemption, have become standard application in part due to the lack of permitting or reporting for using this exemption. Specific recommendations to modify the definition of flynet included:

- Rename exemption to “Flynet and Highrise” Exemption.
- A flynet/highrise must have “at least 2-seams” rather than specifying exactly 2-seams.
- The trawl consists of 8-inch mesh or greater throughout the mouth and the wings (without specifying an upper limit, currently 64”).
- Remove the criteria of 35 panels in the first belly section.

Industry feedback suggests that limited amounts of summer flounder are caught in these gear types by design, so biological impacts to the summer flounder stock may be low.

Monitoring Committee Recommendations

The Monitoring Committee agreed that the regulatory definition of a flynet might need to be updated to reflect changes in the fisheries and gear configurations that have occurred since the implementation of this exemption. At the time of the meeting, the only proposed revisions to the flynet definition were for removal of the reference to a 64-inch maximum mesh in the wings, and the expansion of the definition beyond two-seam nets.

The information reviewed by the Committee suggests that these changes may be more in line with modernizing the definition to capture evolution in the use of flynet-type gear. In particular, the Committee did not have any concerns with the proposal to remove “to 64 inches” from the definition and was generally supportive of removing the reference to “two-seam” nets but noted that there was less information available to determine whether this change may lead to changes in gear use or fishing practices. The Committee noted that this exemption was originally designed to accommodate a specific fishery at the southern end of the management unit, and that existing data make it difficult to evaluate the extent to which this exemption is being used beyond its original intent. The

Committee discussed whether there might be potential unintended consequences of updating the definition to include nets with greater than two seams. Given existing reporting, monitoring, and catch accounting practices, all catch of summer flounder should be appropriately accounted for or estimated, regardless of gear type or target species. As such, there should not be any summer flounder catch that would go “unaccounted for” under the current or modified definition of flynet-type gear. However, there is limited information to assess whether expanding the definition might change current fishing practices. While a definition change may simply reflect current practice, better data and analysis methods are needed to track patterns more comprehensively in the harvest and discards of summer flounder with these gear types.

Given the original intent of the exemption, the Monitoring Committee has typically evaluated North Carolina flynet fishery data to determine the extent of landings and discards in this fishery. The Committee noted that because the flynet fishery has not been very active off North Carolina recently and has not caught summer flounder in many years, there should be considerations to use of other data sets in the future. While the observer data analysis did not illuminate use of this exemption by state, observed flynet trips by statistical area indicate use of this gear type in statistical areas north of North Carolina. However, drawing assumptions solely based on observer data given the limitations of that data with regard to net type descriptions, and the relatively low number of observed trips reporting using the “flynet” gear type on an annual basis may be problematic.

For the full summary of the Monitoring Committee discussion see the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee November 13-14 Meeting Summary Part 1.

Summary Observations and Recommendations

The original intent of the summer flounder flynet exemption was to accommodate the use of a specifically defined gear in a specific fishery, concentrated in North Carolina and extending north to Cape Henlopen. In that regard, available data indicates that the flynet exemption is no longer being utilized today in that area/fishery.

However, industry feedback indicates that the flynet exemption has become an important component of specific fisheries throughout the GARFO region, although the 4-seam, high rise and other types of nets that are considered flynets (and may fish similarly to the flynets as defined in regulation) do not comply with the specific regulatory definition. No data are available to evaluate the extent that this exemption is being used given that no permitting or reporting are required, but industry feedback indicated that where it is being used it provides important economic benefits by fostering flexibility in fishing practices. Use of nets identified as “flynets” is borne out by observer coverage.

The recommendation by industry to modify the definition of the term “flynet” should be considered but requires more thorough evaluation. In one sense, any summer flounder currently being landed by vessels using this exemption are being accounted for through normal reporting mechanisms (e.g., Vessel Trip Reports) and observer coverage. The decision to codify existing practices by changing the definition of the gear is one factor for the Council to consider, but revisions to the definition of flynet should also consider whether these changes would unintentionally incentivize targeting of summer flounder with smaller mesh gear types using this exemption, or otherwise modify retention and discarding patterns for summer flounder. The commercial fishing industry should be integrally involved in these evaluations. Additionally, revisions to this exemption should be considered in the

context of how the Flynet Exemption and Small Mesh Exemption programs interact in areas where their application overlap.

Communication between Council staff, contractors, and GARFO staff concluded that the discrepancy between language in the FMP and that in current regulations regarding the 1% evaluation criteria for rescinding this exemption was an administrative matter that should be addressed by GARFO.



Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC)
November 13-14, 2023 Meeting Summary
Part 1: Summer Flounder Commercial Mesh Issues
Hybrid Meeting: Philadelphia, PA and Webinar

Monitoring Committee Attendees: Tracey Bauer (ASMFC staff), Julia Beaty (MAFMC staff), Peter Clarke (NJ F&W), Kiley Dancy (MAFMC staff), Lorena de la Garza (NC DMF), Steve Doctor (MD DNR), Alexa Galvan (VMRC), Emily Keiley (GARFO), Hannah Hart (MAFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Chelsea Tuohy (ASMFC staff), Corinne Truesdale (RIDEM), Greg Wojcik (CT DEEP), Rich Wong (DE DFW)

Additional Attendees: Kim Bastille, Chris Batsavage, Alan Bianchi, Lou Carr-Harris, Greg DiDomenico, James Fletcher, Joe Grist, Jesse Hornstein, Raymond Kane, Elise Koob, Meghan Lapp, Andrew Loftus (MAFMC Contractor), John Maniscalco, Meghna Marjadi, Nichola Meserve, Brandon Muffley, Adam Nowalsky, Will Poston, Eric Reid, Robert Ruhle, Scott Steinback, Wes Townsend, Mike Waine, Kate Wilke

Summer Flounder Minimum Mesh Regulations and Exemptions

Summer Flounder Commercial Minimum Mesh Regulations

The Monitoring Committee (MC) reviewed staff analysis of the 5.5” diamond and 6.0” square mesh size regulations. The MC discussed whether catch per unit effort (CPUE) metrics using observer data could be explored for different mesh sizes, including separating this data into discards and harvest, to give more information on catch efficiency by mesh size and type. The group also considered whether similar information could be gleaned from the 2018 mesh size study data (Hasbrouck et al. 2018). This may be possible but would require additional time and expertise to evaluate, and was not indicated by the MC to be a high priority.

Factors influencing the choice of square vs. diamond mesh was a question posed to industry members during the public webinar and associated comment period. While feedback on this topic was limited, the MC and members of the public discussed that this choice is often influenced by state regulations, personal preference, target species, anticipated non-target species, and type of bottom fished. For example, in Maryland, trawl vessels fish mostly for horseshoe crab and flounder and will typically use square mesh because it results in fewer discards for this area/fishery. As noted in the public comments below, square mesh may perform better on muddy bottom.

With observer data indicating that about 30% of trawl hauls targeting summer flounder use square mesh, the MC concluded that removing square mesh as an option is not advisable. The group also discussed that identifying a more appropriate square mesh regulation (i.e., selectivity more aligned with that of the 5.5” diamond) will be difficult without additional data. While the 2018 study shows that 6.0” square mesh has a somewhat higher probability of retaining fish at or below the minimum

fish size, the length at 50% retention (L50) is only about a centimeter below the minimum size and there is no evidence at this time to suggest that substantially more discards of undersized fish are occurring with this mesh size and type. Observer data shows a small degree of difference in the percent of summer flounder discarded among the two mesh sizes. Increasing the square mesh size from 6.0" square to 6.5" square could be assumed to reduce retention of undersized fish; however, information on the specific impacts of a 6.5" square mesh (or other square mesh size) is not available. Based on data currently available, it is not clear that a potential reduction in the amount of undersized summer flounder encountered in the 6.0" square mesh would be substantial enough to warrant the large economic impacts associated with requiring widespread gear replacements.

The MC recommended no changes at this time to the current commercial minimum mesh requirements given insufficient evidence that a change is warranted, lack of information to inform selection of a more appropriate square mesh equivalent, and concerns about costs to industry participants.

If mesh size changes are considered by the Council and Board (now or in the future), the MC recommends a longer phase-in time to help alleviate some of the costs to industry. The MC suggested the average expected lifespan of new nets (e.g., 7-10 years for well cared for nets) be used to inform the length of any potential phase in period. A regulatory change phased in over a much shorter time frame than the expected lifespan of a net would be expected to impose more costs on industry vs. a longer phase-in time allowing for net replacement on a more typical schedule.

The MC recommended consideration of additional mesh size studies as a research priority, particularly for a range of different square net mesh sizes and for additional comparison of selectivity between square and diamond mesh types. The MC did not identify what level of priority this should be.

Public Comments

Advisors and other members of the public provided insights into the use of square vs. diamond mesh, and the potential implications of a change in the regulations. Two industry representatives noted that if you take care of a codend, it can last for many years (up to a decade), particularly if fishing on sandy bottom for summer flounder.

It was noted that the square mesh option was originally specified because it matched the regulation for groundfish in New England at the time. The choice of diamond vs. square mesh may be influenced by several factors. One participant noted that Massachusetts has a 6.5 inch trawl mesh regulation (not specifying diamond vs. square), and influences the choice of many participants in that state. It was also noted that square mesh elongates over time and eventually fishes more like diamond mesh. If the 2018 selectivity study used only new nets, it may not be representative of selectivity over time as the nets are used more. One industry participant noted that while square mesh may not retain mixed species as much as diamond, square mesh does shed mud better and thus may be a better choice for a vessel fishing in muddier areas.

Small Mesh Exemption Program

The MC discussed the Summer Flounder Small Mesh Exemption Program (SMEP), which includes the area east of 72°30'W longitude from November 1 to April 30. During the presentation, Andy Loftus (MAFMC contractor) noted that around 75 letters of authorization (LOA) are issued

annually for the program with an average of 68 vessels actively landing summer flounder in recent years.

During the discussion concerns were expressed about the lack of data available to evaluate impacts of the SMEP on summer flounder catches. Currently the analysis relies solely on observed trips identified using a series of assumptions indicating a presumed use of the SMEP. This provides a limited snapshot due to limited observer coverage, and is not based on confirmed use of this LOA. We do not have a complete understanding of the extent of use other than the number of issued and active LOAs each year. It was noted that when the SMEP was put in place in the 1990s, there was difficulty in linking dealer data, vessel trip report (VTR) data, and observer data, which remains a challenge to this day. The current data analysis was designed to answer the question “are vessels presumed to be using the SMEP discarding more than 10% of their catch” and the only way to answer that question was through the use of observer data. Advances in electronic reporting and data accessibility over the years may create opportunities to improve analysis of this exemption. The MC questioned if it was possible to capture LOA use in the VTR data, similar to how it was done in the past for the Research Set Aside (RSA) program. One MC member noted that LOAs capture vessel information and the timing of vessel enrollment and un-enrollment. The MC suggested a data request to the GARFO permitting office to try to connect information on enrollment periods for vessels using a SMEP LOA, and to try to cross reference that with observer data, or if possible, VTR data. This could be helpful for a revised analysis of discarding patterns under use of this exemption, and could also help identify the extent of confusion about the requirement to not fish west of the SMEP line while the LOA is active.

The MC discussed that if continued use of observer data for this analysis is necessary, the group may want to revisit the methodology used. As discussed in the briefing document, there appears to be a discrepancy between the language used to describe the evaluation in Amendment 3 vs. the current regulations. If observer data analysis remains a focus of this evaluation, this language may need clarification.

The MC also discussed industry’s recommendation to move the SMEP line further west. **The MC was supportive of further evaluating this recommendation, specifically noting that investigation of the potential biological impacts of expanding the SMEP area was needed, including how it may affect the size of summer flounder caught and/or discarded.** At the time of the meeting, a map of the proposed revision was not available, and the MC suggested mapping and calculating the additional area represented by the industry’s request. The MC noted that depending on Council and Board direction, it may be beneficial to form a subgroup to explore potential analyses to investigate such impacts.

Public Comments

Advisors and other members of the public provided insight on use of and recommended changes to the SMEP. One advisor explained that the SMEP came about in the 90s when boats were fishing further north for larger flounder. Trips would take 5-6 days but squid would not keep that long, so this exemption was a way to allow vessels to switch nets and also catch squid at the end of a trip. He suggested cutting off the exempted area with an East-West line somewhere around New York to better capture the original intent of the program. He explained that this adjustment could benefit three to four fisheries.

Reiterating several public comments collected prior to the meeting, an industry representative supported moving the SMEP line about five miles west to align with the existing scup southern gear restricted area (GRA). He noted that the scup GRA was shifted slightly west in 2017 to allow additional access for the squid fishery, and that there is only a very narrow band of fishable bottom in this area before it gets too deep to effectively fish for squid. He explained that the squid gear currently used has changed a lot from what was used in the 1990s and noted that some modern nets do not even have meshes in the wings. The gear is designed to skim above the bottom and is not designed to target anything but squid, making concerns about impacts on the summer flounder fishery irrelevant. Additionally, he noted that over the course of a season, only a handful of boats fish this area between the southern scup GRA and therefore would not have a significant impact on summer flounder. Additional advisors and industry members agreed with these comments and expressed support for moving the line west to provide some flexibility and access to additional fishing grounds for the squid fleet. It was noted that under the existing regulations, boats depart to look for squid but cannot target substantial portions of the area they transit through due to the restrictions, which represents wasted time and fuel.

Another advisor offered to assist with any analysis needed. He noted that given how much has changed, a thorough analysis and review of potentially moving the SMEP line would be beneficial and suspected it would be conservationally neutral.

Flynet Exemption

The current flynet exemption, as written, was developed in the 1990s to address a specific gear used in a specific fishery in a region focusing on North Carolina but generally extending north to Cape Henlopen, DE. According to data received from North Carolina over the past 30 years, this exemption is no longer utilized due to changes in the fishery. However, the exemption has been adopted for use in other fisheries and regions, in part using gear that does not technically comply with regulatory language.

The MC agreed that the regulatory definition of a flynet is likely in need of updating to reflect changes in the fisheries and gear configurations that have occurred since the implementation of this exemption. There appears to be no single, agreed-upon definition of a flynet, but rather some slight variations in similar gear configuration, with different naming conventions up and down the coast.

The group discussed whether any changes in the definition could be done through specifications. GARFO staff offered to look into this further, but noted that it may depend on the scope of the change and whether the changes are expected to change fishing practices or simply to codify existing practices by modernizing the flynet definition. If the latter, the change could likely happen through specifications. If the Council and Board are interested in re-envisioning what the program is intended to do, this may need a separate action.

Specific changes to the regulatory definition proposed by industry and discussed by the MC include 1) removing reference to “two-seam” otter trawl nets in the description to accommodate use of four-seam (or more) nets, and 2) in the description of large mesh webbing in the wings, removing the portion referencing “to 64 inches” as a maximum mesh, as modern nets use larger mesh in this part of the net.

The information reviewed by the MC suggests that these changes may be more in line with modernizing the definition to capture evolution in the use of flynet-type gear. In particular, the MC did not have any concerns with the proposal to remove “to 64 inches” from the definition. The MC was also generally supportive of removing the reference to “two-seam” nets, but noted that there was less information available to determine whether this change may lead to changes in gear use or fishing practices. The MC noted that this exemption was originally designed to accommodate a specific fishery at the southern end of the management unit, and that existing data make it difficult to evaluate the extent to which this exemption is being used beyond its original intent. The MC discussed whether there might be potential unintended consequences of updating the definition to include nets with greater than two seams. Given existing reporting, monitoring, and catch accounting practices, all catch of summer flounder should be appropriately accounted for or estimated, regardless of gear type or target species. As such, there should not be any summer flounder catch that would go “unaccounted for” under the current or modified definition of flynet-type gear. However, there is limited information to assess whether expanding the definition might change current fishing practices. Industry feedback suggests that limited amounts of summer flounder are caught in these gear types by design, so biological impacts to the summer flounder stock may be low. While a definition change may simply reflect current practice, the MC notes that going forward, better data and analysis methods are needed to more comprehensively track patterns in the harvest and discards of summer flounder with these gear types.

Given the original intent of the exemption, the MC has typically evaluated North Carolina flynet fishery data to determine the extent of landings and discards in this fishery. The MC noted that because the flynet fishery has not been very active off North Carolina recently and has not caught summer flounder in many years, there should be considerations to use of other data sets in the future. While the observer data analysis did not illuminate use of this exemption by state, observed flynet trips by statistical area suggest use of this gear type north of North Carolina. Use of alternative datasets would be particularly important if the Council and Board were to move forward with a recommendation to modify or expand the current flynet definition. As was done for this evaluation, observer data can be used to some extent to explore use of this gear type. However, the MC did express some hesitation in drawing assumptions solely based on observer data given the limitations of that data with regard to net type descriptions, and the relatively low number of observed trips reporting using the “flynet” gear type on an annual basis. The MC recommended exploring alternatives to evaluate the use of the flynet exemption in order to improve our understanding of impacts over time. Additional discussions with observer program staff may also inform the extent to which we could rely on the “net type” designation for future analyses.

Public Comment

Industry participants on the call agreed that the current regulatory definition is outdated, being over 30 years old. Gear technologies have advanced substantially since that time. One commercial representative and Council member noted that “flynet” is a layman’s term that has never described one specific net configuration, but more so a general style or design of net.

One participant noted that the species targeted with these particular gear types have changed over time. He supported the modification to remove “to 64 inches” from the definition, given the use of nets with mesh much greater than this in the wings. He noted that these are very precise gear types configured for certain species, and not designed to catch summer flounder. This participant

also cautioned against removing the exemption for the North Carolina fisheries for which it was originally intended, given the difficulty of adding the exemption back if these fisheries recover.

Another industry representative stated that the gear types and nets in question have been in use for a long time, including over the course of rebuilding summer flounder and other mid-Atlantic demersal species, and that there is no conservation issue that should be posed by revising the definition of a flynet under this exemption.

Another industry representative stated that the only change needed is to remove the reference to a 64 inch upper limit. North Carolina's landings have been low due to issues accessing Oregon Inlet.



Public Input Webinar on Summer Flounder Mesh Regulations and Exemptions Meeting Summary November 1, 2023

Attendees: Alexa Galvan (VMRC), Wes Townsend (MAFMC Chair), Scot Mackey (Garden State Seafood Association), Mike Waine (ASA), Laura Deighan (NOAA), Emily Keiley (NOAA), Dan Malone (Boat owner), Meghan Lapp (SeaFreeze), Eric Reid (NEFMC), Luca McGinnis (Commercial Fisheries Research Foundation), James Fletcher (United National Fisherman’s Association), Emerson Hasbrouck (Cornell Marine Program), Dan Farnham (MAFMC), Sam Martin (Atlantic Capes Fisheries Inc.), Chris Batsavage (NCDMF and MAFMC), Bonnie Brady (LICFA), Scott Curatolo-Wagemann (Cornell Cooperative Extension of Suffolk County), Nichola Meserve (MADMF), Kiley Dancy (MAFMC staff), Hannah Hart (MAFMC staff), Andy Loftus (MAFMC Contractor), Jason Didden (MAFMC staff), Chelsea Tuohy (ASMFC staff), Todd Smith, Jesse Hornstein, Jeffrey Brust, Katie Almeida (Town Dock), Tara McClintock, Alan Bianchi (NC DMF), Haley Clinton, Gus Lovgren, Kristin Gerbino, Tracey Bauer (ASMFC staff), Steve Doctor (MD DNR), Victor Hartley, Jared Silva, Mike Roderick, Hank Lackner, Dan Farnham Jr., and 6 unidentified phone participants

The Mid-Atlantic Fishery Management Council hosted a public input webinar on Wednesday, November 1, 2023 to solicit stakeholder input on several summer flounder regulations related to commercial minimum mesh sizes and their exemptions. Council staff and Andy Loftus (contracted by the Council) are currently evaluating whether modifications to these measures are needed, and feedback from fishing industry participants and other stakeholders is critical to a successful review of these regulations. The Council and Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board will review the provided feedback and consider next steps at their joint December 2023 meeting.

Meeting materials considered and discussed during the meeting are available at:

<https://www.mafmc.org/council-events/2023/public-input-webinar-on-summer-flounder-mesh-regulations-and-exemptions>.

Minimum Mesh Size

Council staff provided an overview of the minimum mesh requirements and a summary of the 2018 mesh size selectivity study for summer flounder, scup, and black sea bass. Results of this study indicated that the current minimum mesh sizes for summer flounder of 5.5-inch diamond or 6.0-inch square do not appear to be equivalent to each other in terms of selectivity.¹ The 6.0-inch square mesh releases less than 50% of fish at or below the minimum size, and its selectivity appears more similar to a 5.0" diamond mesh. Council staff also presented some preliminary analysis on net type (square vs. diamond) use based on the Northeast Observer Program data from 2007-2022.

¹ Hasbrouck et al. 2018 is available at: http://www.mafmc.org/s/Tab08_SFSBSB-Mesh-Selectivity-Study-Apr2018.pdf.

Following the presentation a participant asked whether vessel trip report (VTR) data could be used to expand the preliminary analysis. However, staff responded that VTR data does not include the specific information on mesh size or mesh type fished.

Participants provided the following specific comments on the minimum mesh size regulations:

Gus Lovgren: A larger size of square mesh should be investigated, such as 6.5” square. Any changes in regulations would be expensive and place a large financial burden on fishery participants. A regulation change for just the cod end would cost thousands to tens of thousands of dollars, and if the regulation change was to the entire net, that could cost anywhere from \$30,000-50,000.

Meghan Lapp: The current 5.5-inch diamond or 6.0-inch square minimum mesh requirements have been in place for decades, including during the period when the summer flounder stock was rebuilt. Recent discussions with three primary net builders in the southern New England area indicated that they continue to build new nets to the 6-inch square mesh specification. Changes to the mesh requirements could immediately render those investments obsolete, placing significant financial burden on the industry. Additionally, the square vs. diamond mesh issue does not seem pressing, and if changes are recommended, the recreational sector should also be held accountable for recreational harvest limit overages.

Emerson Hasbrouck: Note that in the 2018 study, the L50 for summer flounder length retention using 6-inch square mesh was about 1 centimeter below the legal minimum size limit. Recommend that the Monitoring Committee examine the summer flounder Table 4 in the 2018 mesh study report, which shows the p-values to determine the statistical significance of the model fit. The p-value for 6-inch square mesh of 0.06 was barely significant, while the p-values for all other mesh sizes tested had a much stronger significance.

Small Mesh Exemption Program

Andy Loftus gave an overview of the Summer Flounder Small Mesh Exemption Program (SMEP), which includes the area east of 72°30’W longitude from November 1 to April 30. He noted that around 75 letters of authorization (LOA) are issued annually for the program with an average of 68 vessels actively landing summer flounder. Approximately 6% of observed trips have met the criteria by fishing in the exempted area using small mesh while landing over 200 pounds of summer flounder, with discard rates remaining under the 10% limit.

Multiple participants noted the importance of the SMEP, particularly to southern New England fleets. Some noted the program has successfully reduced regulatory discards and overall maintaining the program was critical to industry. All participants who commented on this issue supported moving the SMEP line to the west to provide further flexibility for industry, and believed this would not negatively impact summer flounder.

Participants provided the following specific comments on the SMEP:

Meghan Lapp: This program is very important to Southern New England vessels. It gets a lot of use out of Rhode Island fleets and reduces discards. Recommend moving the line west. This would provide

increased flexibility and access to the continental shelf edge where fisheries operate in the winter, given the requirement about not fishing west of line while enrolled in the program. Allowing this flexibility to industry is important especially with diesel costs around \$4/gallon, because otherwise those enrolled in the program need to steam back to port or change their gear if they want to fish west of the current line. The program does reduce discards and maximize profitability, and moving the line west would enhance that, she felt that this shift would not increase discards of smaller summer flounder.

Eric Reid: Agree that the line should be moved west, and specifically propose moving the line about 5 miles west to about 72°37'W longitude, then dropping south to align with the northeast corner of the scup Southern Gear Restricted Area (GRA) at 39°20'N and 72°37'W and then follow along the eastern border of the southern scup GRA to about 37°N latitude. This would better reflect current fishing practices, similar to how the scup southern GRA was previously adjusted to accommodate the squid fishery. Boats fishing in this area primarily target squid using trawl nets with at least 8–10-foot mesh in the wings and 8-inch mesh in the belly. Summer flounder is bycatch in that fishery and there are not a lot of small fish caught or fish discarded. The administrative requirement for the LOA to fish only east of the line for the time enrolled (minimum of 7 days) is very inconvenient and creates unnecessary paperwork. Consider modifying this rule to increase flexibility for industry without any negative impacts on summer flounder fishery.

Meghan Lapp: Supports Eric's proposed line to follow. This would allow access to the edge where small mesh fisheries are happening at that time of year. In the winter, most gear in that fishery use 10-foot mesh in the wings. Summer flounder are not being targeted with that gear, as flatfish fall out of it. That's why nets of similar configuration are used to reduce flatfish bycatch in other Northeast fisheries.

Bonnie Brady: Speaking on behalf of Dave Aripotch, in support of Eric Reid's recommendations for a modified line. The SMEP is very important economically to fishermen.

Gus Lovgren: Supported Meghan and Eric's comments and recommendations.

Flynet Exemption

Andy Loftus presented an overview of the flynet exemption, which was originally intended to accommodate limited summer flounder catch in North Carolina flynet fisheries targeting other species. He noted that landings under this exemption have declined in recent years. However, there have been industry comments that the exemption may now be used more widely than data shows, with nets that may not meet the regulatory definition.

Participants who spoke on this issue generally supported keeping the flynet exemption but updating the definition to better reflect current gear use and fishing practices.

Participants provided the following specific comments on the flynet exemption:

Eric Reid: The definition of a flynet needs to be updated to reflect how the gear and its use have changed over the years. The requirement for a net to have only 2 seams is outdated, as 4-seam (or high rise nets) are now commonly used. The flynet definition text including mesh size in the wings ranging from 8 to up to 64 inches is also not reflective of the much larger mesh sizes now used (e.g., 10-feet in the wings)

compared to the past. The definition should require at least 2-seams, but not cap the maximum at 4-seams. The definition should also describe the largest mesh portions of the net as being greater than 8 inches without an upper limit. There does not seem to be a difference between a “flynet” and “high rise” net; that is a colloquialism difference up and down the coast. The nets handle the same, and nets with large seam are more fuel efficient which helps the bottom line.

Gus Lovgren: Agreed with Eric Reid’s points and recommended specifically updating the definition to a requirement for a minimum of 8-inch mesh in the wings regardless of the number of seams, graduating down to 2-inch mesh in the body. Speaking for Fishermen’s Dock Coop, this exemption is very important to provide flexibility to switch between fisheries like summer flounder, scup, black sea bass, and squid. The exemption should be left in place with an improved definition, and there should also be better knowledge of the exemption among enforcement. The number of seams does not impact fluke catch rate, but rather just net rise within the water column.

Emerson Hasbrouck: Agree with Eric Reid that the term “flynet” seems to be regional. Further north, the term “high rise” is used. The term “flynet” seems to refer to how the net opens up with a large overhang compared to the footrope/sweep. Many consider a high rise net to be a type of flynet. The Ruhle Trawl was developed from a 4-seam flynet, so a definition not restricted to 2 seams makes sense. Based on several selectivity studies, panels with larger mesh sizes over 32 inches release most summer flounder that enter the net.

Comments on Other Issues

Emerson Hasbrouck noted that his group’s 2018 study included several objectives, one of them being to investigate a common mesh size for summer flounder, scup, and black sea bass. The results from their study indicated that although there may not be a feasible common mesh size for all three species, a 4.5 or 5-inch diamond mesh could be a feasible option for scup and black sea bass. He questioned whether the Monitoring Committee and/or Council and Board were still considering these types of changes or whether the focus was only on the diamond vs. square mesh portion of their study for summer flounder. He recommended the Monitoring Committee further consider a common mesh size for scup and black sea bass.



Summer Flounder Minimum Mesh Size Requirements and Exemptions Compiled Written and Phone Public Comments, as of November 17, 2023

Web Form Comments

Name	Burl Self
Email Address	b_e_self@yahoo.com
Affiliation	Fisherman
What is your primary area(s) of fishing activity?	Bottom species
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	Small mesh is not a problem and conservation focus
Issue #2: Small Mesh Exemption Program	Phase out larger mesh over three seasons
Issue #3: Summer Flounder Flynet Exemption	No exemptions
Additional Comments	Conservation and enforcement out to our EEZ should be the norm

Name	Thomas P Anderson
Email Address	tanderson705@comcast.net
Affiliation	Fishy Business Inc., F/V Amber Waves
What is your primary area(s) of fishing activity?	Coastal NJ out to Hudson Canyon, south to Cape May and East to Block Island
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	
Issue #2: Small Mesh Exemption Program	
Issue #3: Summer Flounder Flynet Exemption	<p>Dear Mid-Atlantic Council,</p> <p>My name is Thomas P Anderson and I've been fishing out of Fishermen's Cooperative, Point Pleasant, NJ since 1979. I started as a crewman for my father, Andreas Anderson, on the F/V Snow White and bought the boat in 1989. I later replaced the Snow White in 2006 with my current boat, F/V Amber Waves.</p> <p>I didn't comment on the 6" square cod end (we fish with 5" diamond) and the</p>

small mesh exemption program, since they really have no bearing on the fishing I do. But the Flynet Exemption is very important to myself and others that fish out of my dock. I'm not a scientist, but I have fished for over 40 years so I feel I have a little knowledge on the subject.

1) What does industry consider a flynet for the purpose of fishing under this exemption (2-seam net, 4-seam net, etc.)?

Personally, I consider a net with at least 8" twine (whether it is 2-seam or 4-seam) in the wings and at least 35 meshes in the first body section behind the sweep to be a flynet (what we call a high rise). It can graduate down to 2" twine in the extension (a lot of guys use these nets for squid), but it doesn't have to. I use 4" twine in my extension to let out small porgies and sea bass, since I don't do a lot of squidding these days.

My net has 16" twine in the wings and 20 meshes of 16" twine in the first belly panel and then 50 meshes of 8" twine in the next section. In other words, way more than is needed to be considered exempt under the flynet exemption. It is a 4-seam net, but we only started putting a panel in the side in recent years, to make the net fish higher for porgies and bass. This modification didn't make the net retain more summer flounder. So, I don't feel that just having a 2-seam net would make a difference.

2) Is the flynet exemption widely used?

- a. In what areas, and for which target species, is this exemption being used?
- b. To what extent is industry using a 4-seam "high rise" otter trawl under this exemption program?

I can't speak for other docks, but I know that the exemption is used at ours by most boats at one time or another. From fall until spring, when fluke, bass and scup can be found together, from the Cholera Bank (in the fall) out to Hudson Canyon and waters north and south out to 80 Fathoms (late fall, winter, and spring). We only use a flynet (high rise) in the colder months. I would say most, if not all boats are using a 4-seam net under this exemption. Like I said earlier, the side panels don't help to catch more summer flounder, but they help with other species like bass and scup, that tend to be off the bottom.

3) What is the difference between a flynet and a "high rise" otter trawl in terms of net handling characteristics and fishing efficiency?

I would say that the only difference between the two is the name. Down south they call it a flynet and we call it a high rise in the north. We have added a side panel making it a 4-seam net, but that just gives it more lift.

4) What are industry recommendations on the flynet exemption? Is there a need to change or modify this exemption?

The flynet exemption is very important in our fishery. We don't target summer flounder with a high rise, but there are times when we catch quite a few. If there was no flynet exemption, we would have to discard these fish and waste a commodity that we'll have to later catch (on the same trip) in a net with a 5.5" cod end. Having all that big twine in the front of the net eliminates discards (of small summer flounder), so we're not wasting the resource by throwing over dead fish.

Another reason the flynet exemption is important is not having to worry

about being compliant with the 5.5" cod end mesh size requirement for summer flounder. There are times, for one reason or another, that we catch our fluke quota first on a trip (with a 5.5" bag) and then switch over to a flynet (high rise) for bass and scup with a 5" cod end. Even though we are not targeting summer flounder at that point, if we are boarded by the coast guard we can be found to be out of compliance for summer flounder, since we have a 5" cod end on the net. The 5" is legal for bass and scup, but not for summer flounder. There are other times when you may start out fishing for bass and scup and you are catching summer flounder with them. So if you are only allowed to retain the by-catch of summer flounder until you put on a net with a 5.5" cod end, you would have to discard all summer flounder in excess of the by-catch limit. This would be a waste of the resource and just make the trip that much longer (burning more fuel and making it harder for me and my crew).

I would say that the flynet exemption should allow the retention of summer flounder with a 2 or 4 seam net, that has at least 8" twine in the wings and the first 35 meshes in the first belly of the net.

I've been doing this a long time, and I don't feel that anyone (including myself) uses the flynet exemption to try to catch more summer flounder with a smaller cod end. But rather retain legal fish that would otherwise be wasted if they were to be discarded and caught at a later time (on the same trip) with a net with a 5.5" cod end. I probably won't be in this business much longer, but feel this exemption is not only important to the fishermen that use it, but also for the resource.

Sincerely,

Thomas P Anderson
President
Fishy Business Inc.
Captain
F/V Amber Waves

Additional Comments

Name	Paddy mc glade
Email Address	Erin15@cox.net
Affiliation	Owner of F/v Cody and enterprise out of point judith
What is your primary area(s) of fishing activity?	SNE
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	Personally I prefer the 5.5 inch diamond but don't think a change is needed on either size.
Issue #2: Small Mesh Exemption Program	<p>In my opinion the discards are not the problem but the insanely high quota amount that we have been given this last year with boats able to stay and drill on 20/30k trip limits for the southern states while the other states may be on a 2k trip limit bi weekly during the winter.</p> <p>A .my boats use the exemption to target squid , whiting etc plus Sumer flounder till we get our limit of SF and then go for off load . Smaller boats are limited with weather and being able to catch some mix can make it pay for expenses</p> <p>B.. shorter trips which is less time on bottom with no discards and less fuel.</p> <p>C . I think there would be more discards if we did not have the exemption so I think leave as is</p> <p>Would like to see the council look at quota division among states as 20/30 k a trip for some states is crazy . Last month I got .75 cents a lb for SF . I'm glade quota is getting cut so maybe we can get \$3/4 a lb</p>
Issue #3: Summer Flounder Flynet Exemption	
Additional Comments	I see absolutely see more discards if we don't have it which means more time on bottom as in switching nets to catch SF or mix . A trip on my boats might be 1/2 days but may turn into 3/4 days if we take the exemption away as we need to have the mix otherwise it won't be worth leaving the dock .

Name	Shawn hinds
Email Address	Fvscottnathan@aol.com
Affiliation	Fv scott nathan
What is your primary area(s) of fishing activity?	Nj coast , mud hole, Hudson canyon
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	6 inch square works just fine to filter small fish, 5.5 diamond holds much smaller fish, if any change keep 6 inch square and get rid off 5.5 diamond
Issue #2: Small Mesh Exemption Program	No change
Issue #3: Summer Flounder Flynet Exemption	No change
Additional Comments	

Name	Aaron Williams
Email Address	Tradfisheries@gmail.com
Affiliation	FV Tradition
What is your primary area(s) of fishing activity?	South of New England
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	I think we should remain status quo on mesh size, it has worked for numerous years.
Issue #2: Small Mesh Exemption Program	Small mesh program has worked well for years I think it should remain status quo, but also maybe look into having the exemption be a macro on VMS you could code in via VMS instead of through NOAA port agent.
Issue #3: Summer Flounder Flynet Exemption	I believe the flynet seam size shouldn't matter as long as minimum mesh size of twine is met.
Additional Comments	

Name	Gus Lovgren
Email Address	gus.glove@gmail.com
Affiliation	Lilly Rose Fisheries LLC, Fishermans Dock Co-Operative
What is your primary area(s) of fishing activity?	otter trawl
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	
Issue #2: Small Mesh Exemption Program	
Issue #3: Summer Flounder Flynet Exemption	<p>Dear Mid Atlantic Council,</p> <p>My name is Gus Lovgren, owner and operator of the F/V Lilly Rose and a member of the Fisherman's Dock Co-Operative in Point Pleasant Beach, NJ. I am a fourth-generation commercial fisherman that has worked within the industry for almost 25 years, and I've been involved, at some level for the entirety of my life. My written comments represent that of myself, my business, Lilly Rose Fisheries LLC, as well as the entirety of the Fisherman's Dock Co-operative.</p> <p>We have little experience using square mesh cod ends, we typically fish with diamond mesh. And although plans may change soon, the small mesh exemption program has been seldom, if ever, used by myself or other members. I will refer to my comments expressed at the webinar on November 1, 2023, on both these issues. What is most important to us is the Flynet Exemption, so I will reiterate my spoken comments and add anything I may have missed.</p> <p>1) What does industry consider a flynet for the purpose of fishing under this exemption (2-seam net, 4-seam net, etc.)?</p> <p>We consider a net with at least 8" twine (whether it is 2-seam or 4-seam) in the wings</p>

and at least 35 meshes in the first body section behind the sweep to be a flynet, or what we call a high rise. It can graduate down to 2" twine in the extension, which a lot of guys use for squid, but it doesn't have to. The number of seams should not matter. Typically, the more seams a net has, the more of a likelihood that the nets are targeting higher swimming species and decreasing fluke by-catch. Nets are now evolving with more and more seams. Many fishermen are having nets built with bottom panels using mesh sizes 10 feet or larger to assure the escape of bottom fish. Limiting the number of seams in the flynet exemption would be doing an injustice to the exemption.

2) Is the flynet exemption widely used?

a. In what areas, and for which target species, is this exemption being used?

b. To what extent is industry using a 4-seam "high rise" otter trawl under this exemption program?

From fall until spring, when fluke, bass and scup can be found together, from the Cholera Bank (in the fall) out to Hudson Canyon and waters north and south out to 80 Fathoms (late fall, winter, and spring), we only use a flynet (high rise) in the colder months.

I would say most, if not all boats are using a 4-seam net under this exemption. Like I said earlier, the side panels don't help to catch more summer flounder, but they help with other species like bass and scup, that tend to be off the bottom.

3) What is the difference between a flynet and a "high rise" otter trawl in terms of net handling characteristics and fishing efficiency?

I would say that the only difference between the two is the name. Down south they call it a flynet, and we call it a high rise in the north. We have added a side panel making it a 4-seam net, but that just gives it more lift.

4) What are industry recommendations on the flynet exemption? Is there a need to change or modify this exemption?

The flynet exemption is very important in our fishery. We don't target summer flounder with a high rise, but there are times when we catch quite a few. If there was no flynet exemption, we would have to discard these fish and waste a commodity that we'll have to later catch (on the same trip) in a net with a 5.5" cod end. Having all that big twine in the front of the net eliminates discards (of small summer flounder), so we're not wasting the resource by throwing over dead fish.

This exemption also allows us to switch between fisheries for any number of reasons. Sometimes we have gear damage and to salvage a trip need to switch fisheries. More often we find that between our fisheries for black sea bass, scup, and summer flounder we may find it more efficient to catch one species during the day and another at night, then return to the original fishery upon sunrise. This allows us to be more economical burning less fuel and resources, while increasing our time on land spent with families and loved ones.

I don't feel that anyone, including myself, uses the flynet exemption to try to catch more summer flounder with a smaller cod end. But we would rather retain legal fish that would otherwise be wasted if they were to be discarded, only to be caught at a later time on the same trip with a net with a 5.5" cod end. I feel this exemption is not only important to the fishermen that use it, but also for the resource.

Sincerely,
Gus Lovgren
Owner/Operator
Lilly Rose Fisheries LLC
Treasurer
Fisherman's Dock Co-Operative
Cell (732)597-8742

Name	Bill Amaru
Email Address	ironbill70@gmail.com
Affiliation	Commercial fisherman from Massachusetts. Current member of Massachusetts Marine Fisheries Advisory Commission, and former NEFMC member.
What is your primary area(s) of fishing activity?	Have fished multiple gears over 50+ years of commercial fishing activity in both state and federal waters. Primarily focused on mixed-species trawl fishery south of Cape Cod now.
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	Massachusetts state regulations establish a minimum trawl mesh of 6.5"; most fluke fishermen here use a 6.5" or even 7" square mesh to comply with this regulation. Dropping the square mesh alternative from the fluke FMP would have an economic cost to switch to diamond for dual state/federal permit holders. With other costs rising (fuel, dockage, etc.), the industry cannot sustain such a change for negligible conservation benefit. Importantly, it must be considered that square mesh doesn't pull evenly and over time becomes elongated and thus more diamond in shape; accordingly, the 6.0" square alternative in the FMP becomes more equivalent to the 5.5" diamond over time than the recent mesh study indicates. The 6.5" square mesh used mostly in the MA fluke fishery is really like a 6" diamond.
Issue #2: Small Mesh Exemption Program	
Issue #3: Summer Flounder Flynet Exemption	
Additional Comments	

Name	Corey Harris
Email Address	Cwh6k12@aol.com
Affiliation	Owner/Operator FV Bulldog
What is your primary area(s) of fishing activity?	Southern new england
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	No changes needed
Issue #2: Small Mesh Exemption Program	I believe that the small mesh exemption area be extended to follow Eric Reid's proposal as it would greatly reduce regulatory discards in the fall and winter small mesh fisheries
Issue #3: Summer Flounder Flynet Exemption	
Additional Comments	

Email and Phone Comments

From: bucktail <bucktail8@aol.com> **Sent:**

Thursday, October 19, 2023 1:06 PM **To:**

Chelsea Tuohy <CTuohy@asmfc.org>

Subject: [External] Re: MAFMC Seeks Public Input on Summer Flounder Mesh Regulations and Exemptions

IF you are going to loosen up the Commercial regulations YOU ALSO need to loosen up RECREATIONAL REGULATIONS

TWO suggestions for recreational summer flounder

#1 Recognize that 80% of Summer Flounder migrate a little further north after spawning well offshore in winter every year which results in the average size is larger New York and further north than average size in New Jersey/Delaware

#2 With regulations of 17 1/2" and larger all that is being removed are females which will never allow the population to return to it's past numbers

#3 Set regulations by area and acknowledge the fact that off NJ and Delaware the average size is smallest

#4 Recognize that largest summer flounder of the year arrive in inshore waters of New Jersey and Delaware in mid April and ONLY remain inshore 8 to max of 10 weeks before moving back offshore and returning to spawning areas . The number of larger fluke arriving inshore drops significantly in late May and June . In July thru August the smallest fluke of the year are inshore with very few legal fluke getting caught in inshore waters

#5 Open season earlier or have a 360 day season for inshore summer flounder and different seasons for off shore ,Keep number of fish kept at 3 until population returns to higher numbers

As one who has fished for summer flounder in South New Jersey area and tagged and released over 12,000 summer flounder with a 9% return of tags my comments come from the results of my tagging data

Managing the Summer Flounder Coast Wide is wrong and will not allow for a population growth

I recognize these comments probably will go no where but felt they needed to be stated from someone who has actually caught summer flounder and kept the data

Based on some of the decisions that have been made over past 30 years I have my doubts if the decision makers do a lot of fishing

thank you for listening

Bill Shillingford

Cape May County ,New Jersey

email bucktail8@aol.com

From: James Fletcher <unfa34@gmail.com>
Sent: Thursday, October 19, 2023 5:35 PM
To: Kiley Dancy; Moore, Christopher; Hare, Jon
Subject: Re: FW: MAFMC Seeks Public Input on Summer Flounder Mesh Regulations and Exemptions

KILEY PLEASE -PLEASE GO BACK TO 1989 PRE NET SIZE (SUMMER FLOUNDER REGULATIONS) INTRODUCTION! REVIEW PUBLIC COMMENT OPPOSED TO 5 1/2 TAIL BAG.

United National Fisherman's argued for a 5 inch web size for summer flounder, FROM PRE COUNCIL IN 1976 First net size request for net size to ASMFC came from Carolina Fishermen mid 70's
5 inch is still the correct size to allow sea bass Scup & croaker to be landed in a mixed fishery.

JUST GO BACK AND LOOK WHAT THE FISHING INDUSTRY ASK FOR! pre 1989 when 5 1/2 was implemented. 5 INCH AND 12 INCH FISH WOULD HAVE WORKED AT THE TIME! **(WILL WORK NOW)**

THINK OF BOFFFF AND THE IGNORANT SCIENCE PRESENTED AT THE LAST COUNCIL MEETING.

31 years later and over half the fishermen and boats are out of business Perhaps the time has come for a 5 inch tail bag and 12 inch fish WHY 12 YOU ASK

THE SOUTHERN FLOUNDER IS NOW IN CHESAPEAKE BAY AND FEW MALE GROW TO 15 INCHES! THIS IS EXTREMELY FRUSTRATING ASK DR. MOORE ABOUT 5 INCH FROM INDUSTRY!

BEFORE THE NET SIZE A VESSEL WOULD LAND 65% FLOUNDER, REST OF CATCH WOULD HAVE BEEN BLACK SEA BASS GRAY TROUT, CROAKER' SCUP, SQUID the extra catch was eliminated by the 5 1/2 net size instead of 5 inch STUPID SCIENCE OR DESIGN TO KILL BOFFFF FEMALE FLOUNDER. The water bucket affect allowed large female to escape. Those dumb fishermen did not know anything WE HAD BEST AVAILABLE SCIENCE TRYING TO DESTROY U.S. FISHERIES BY TARGETING BOFFFF. the same scientist that said in report that large FEMALE FLOUNDER DID NOT AFFECT REPRODUCTIVE STOCK.

Be sure to invite Mark Wuenschel & crew to explain BOFFFF and **SOUTHERN FLOUNDER INSTEAD OF YELLOW TAIL FLOUNDER THAT WERE NEVER PART OF THE FLOUNDER (SOUTHERN & SUMMER) FISHERY.**

As you can tell i am upset 52 years and the science is still being used to make America import seafood!

GO BACK AND REVIEW THE RECORD

From: Hart, Hannah
Sent: Monday, October 23, 2023 9:42 AM
To: Kiley Dancy; Chelsea Tuohy
Subject: FW: Summer Flounder VS Southern Flounder MOVEMENT NORTH

FYI

From: James Fletcher <unfa34@gmail.com>
Sent: Monday, October 23, 2023 9:41 AM
To: Hart, Hannah <hhart@mafmc.org>; hkindsvater@vt.edu; Didden, Jason <jdidden@mafmc.org>; Ross Butler <Ross.Butler@oceanfleetservices.com>
Subject: Summer Flounder VS Southern Flounder MOVEMENT NORTH

Discussion of net size regulations IS NOT THE PROBLEM:::
PROBLEM POOR SCIENCE & MANAGEMENT. This does not address dead recreational discards BUT TOTAL LENGTH FOR RECREATIONAL WOULD!

Ms. kindsvater; Have the Southern Flounder (*paralichthys lethostigma* moves north ? Now off Delaware and Growing in Chesapeake Bay? IF SO CONSIDER :

Could the Bastard Halibut of Japan family Paralichthyidae two families be introduced to U.S. waters to increase flat fish production off N.C. & Virginia (Yamaha Fishery Journal No. 37) IF SUMMER FLOUNDERS HAVE MOVED NORTH? OR SHOULD NET SIZE & FISH SIZE BE REDUCED TO HARVEST MALE SOUTHERN FLOUNDERS

is science & management following *GROUP THINK?*

WHEN WAS THE LAST TIME THE GILL RAKES OF FLOUNDER FROM BAY COUNTED? Are the fish southern or summer flounders off VA & NC ?

Southern Flounder migrate in tighter groups thus are not located off N.C. Or Virginia

PLEASE SOMEONE **THINK!**

--

United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473- 3287 cell 757-435-8475

From: Hart, Hannah
Sent: Monday, October 23, 2023 9:59 AM
To: Kiley Dancy; Chelsea Tuohy
Subject: FW: Summer Flounder Discussion

-----Original Message-----

From: James Fletcher <unfa34@gmail.com>
Sent: Monday, October 23, 2023 9:57 AM To:
Hart, Hannah <hhart@mafmc.org> Subject:
Summer Flounder Discussion

Consider;;; go down on net size to 5 inch. Go down of fish size to 12 inch TARGET MALE FLOUNDERS BOTH SOUTHERN & SUMMER. prevent small importing of flat fish.

CALL 757 435 8475 to discuss. NOT GROUP THINK!

--

United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land
252-473-3287 cell 757-435-8475

From: James Fletcher <unfa34@gmail.com>
Sent: Tuesday, October 31, 2023 11:59 AM
To: Kiley Dancy; Hart, Hannah; Moore, Christopher
Subject: Committee or plan development BEHIND DISCUSSION OF NET SIZE CHANGES

WHO ----- please supply a list of gropes BEHIND THE REVIEW OF NET SIZE DISCUSSION?

-- NAME AND QUALIFICATION OF CONTRACTOR REVIEWING MESH REGULATION! PAST EMPLOYMENT OF CONTRACTOR.

IWhat data is being utilized to support THIS REVIEW?

BOFFFF indicates the MAFMC & ASMFC **have allowed a smaller slower growing summer flounder to be genetically developed! SO why change net size GO SMALLER NET SMALLER FISH SIZE.**

DISCUSS CHANGING FIEH SIZE TO 12 INCHES TO MATCH THE SMALLER SLOWER GROWING FISH DEVELOPED BY MAFMC & ASDMFC CONSERVATION EQUIVLENCE .

United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473- 3287 cell 757-435-8475

From: Steve Doctor -DNR- <steve.doctor@maryland.gov>
Sent: Wednesday, November 1, 2023 3:09 PM
To: Hart, Hannah; Kiley Dancy
Subject: mesh size meeting

I emailed Sam Martin a trawler from Maryland and he would prefer to be able to keep the 6 inch square mesh. He says the fleet uses the 6 inch square mesh and the 5.5 inch diamond mesh both. He uses the 6 inch square when he wants to reduce 'trash' bycatch in the catch.

Thank you

Steve Doctor Fisheries
Biologist Ocean City,
Maryland
Maryland Department of Natural Resources
12917 Harbor Rd. Ocean City, MD 21842
443-365-0243
steve.doctor@Maryland.gov

From: Hank Lackner <jdhlcl@aol.com>
Sent: Saturday, November 4, 2023 2:40 PM
To: Kiley Dancy
Subject: summer flounder mesh regulations and exemptions

Hello Kiley,

I would like to start off by commenting on the mesh sizes..I do not believe there is any need at this current time to make any changes to the cod end mesh size Keep the current 5.5 inch diamond or 6 inch square as the minimum size .

I would like to support keeping the small mesh exemption program in place and in fact expand it..During these times of warming water, fish are moving north and deeper so I believe it is time to adapt some of these old, but very important exemptions. Slightly modifying the current small mesh exemption boundaries will reduce discards and add some flexibility to the struggling squid fleet.

I would like to see the boundary shifted west on the north end to 72* 37.0W and connect to the northeast corner of the southern scup GRA and follow that offshore line south..The loligo squid fleet primarily fishes with large mesh nets in this area and occasionally encounters summer flounder and discarding them is just a waste.

I also support keeping the flynet exemption with some modifications made to its definition..It should include nets with more than two seams as well as mesh sizes greater than 64 inches in the wings..

By keeping and amending these two exemptions to more adequately represent todays fishing fleet, discard numbers will drop and the fleets efficiency will slightly improve..These are trying times for most and I hope you can make these few revisions to make things a little easier for all..

Thank You, Hank

Lackner

F/V Jason & Danielle Montauk NY

Comments from James Fletcher 11/1/23

In the 1970's was shoveling over flounder that were less than 10 inches. A 5-inch net and a 12 inch fish would work. The Council is now discussing the net size and not discussing changing the min. fish size. Summer flounder is going for 1 dollar/ pound. Nothing in the US is going down in price other than fish. The department of Comm. is manipulating the price of fish to benefit the foreign market.



November 3, 2023

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Chris Moore, Executive Director
Mid Atlantic Fishery Management Council
88 North State Street, Suite 201
Dover, DE 19901

Re: Summer Flounder Mesh Regulations and Exemptions

Dear Chris,

We are writing to express our support for the Small Mesh Exemption program, which is an important exemption utilized by many vessels in Southern New England. It reduces discards and enables fishing flexibility for these vessels, including several of our vessels. To increase this flexibility and reduce regulatory discards, we support moving the current Small Mesh Exemption 72° 30.0 W longitude line to the west, beginning a new line with a starting point at 72° 37.0 W connecting to the northeast corner of the Southern Scup GRA, then following down the eastern border of the Scup GRA. This would allow the small mesh fisheries operating on the edge of the continental shelf in the winter months to access the area between the Southern Scup GRA line to the west and the Coral Zone line to the east. As these vessels are already typically using gear with large meshes in the mouth of the net, designed to shed non-target species, no impact to the fluke resource would occur, other than to reduce a small amount of discards, but the change would provide flexibility to the vessels utilizing the exemption. Currently, vessels utilizing the Exemption are prevented from continuing a trip started east of the current 72° 30.0W to the west of that line; the vessel would be required to return to port and then start another new trip to the west of the line. This reduces flexibility and increases fuel consumption. Moving the line to the west would allow the fisheries to operate in a more efficient manner and reduce high fuel costs.

We also support amending the flynet exemption language to include nets with more than two seams, as well as mesh sizes greater than 64 inches in the wings. Many current nets include meshes much larger than 64 inches in the wings, and inclusion of larger mesh sizes than currently allowed should not present any conservation issue. Neither should inclusion of nets with more than 2 seams, as the number of seams has no bearing on flatfish retention. In fact, in the New England groundfish fishery, four seam nets with large mesh in the wings were adopted into regulation after demonstrating significant reduction in flatfish catch.²

Thank you for the opportunity to comment.

Sincerely,
Meghan Lapp
Fisheries Liaison
Seafreeze Shoreside and Seafreeze Ltd.

² See [Bycatch reduction in the Northeast USA directed haddock bottom trawl fishery - ScienceDirect](#).

Kiley Dancy

From: Jim Lovgren <jlovgren3@gmail.com>
Sent: Thursday, November 9, 2023 4:38 PM
To: Hart, Hannah; Kiley Dancy
Subject: summer flounder issues
Attachments: fly net.docx

Hanna, Kiley, attached are comments I submitted to the council in 2020, in regard to the fly net exemption, and mesh sizes for demersal species. I wasn't available for the webinar last week, so I would like these comments to go on record and also be presented in the briefing book for December's council meeting, especially since there are new members who are unaware of these comments. Thanks, Jim

Possible changes to Summer Flounder net regulations

At this fall's council meeting in Durham, N.C. I brought up a couple of issues in concern to Summer Flounder management relating to the Fly Net Exemption, and mesh sizes themselves. I would like to refresh your minds on these two issues as they are of critical importance to the Summer Flounder fishery, especially the winter off shore fleet.

The first issue I brought up was concerning the Fly Net exemption, which was stated by staff to be little used by the industry. I commented that that was wrong, many Mid Atlantic fishermen have been using the fly net criteria to allow them the flexibility to pursue multiple species while on an offshore trip of multiple days. Due to the use of trip limits in many species, fishermen of various states find themselves in the position of having trip limits of some species that are not economically worthwhile due to the increased distances they need to travel to catch them in the winter season. Because of the 200 pound bycatch limit in effect from November 1 to April 31, fishermen once they reach that limit must either discard anymore Summer Flounder they catch, or change nets to the now required five and a half inch mesh throughout. As a former council member I was familiar with the Fly Net exemption and recognized that it could be utilized on these offshore trips so that our fishermen could retain summer flounder in amounts exceeding the 200 Lb bycatch as long as their nets met the requirements of the Fly Net exemption, which all of our high rise nets do, [industry in the north east calls these nets High Rise, not fly net although they are the same thing]

Consequently boats from Point Pleasant, and other ports have been fishing using the fly net exemption for years, but because there was never any requirements needed to utilize this exemption, it went unnoticed by management. This utilization all gets down to versatility, the ability that all boats used to have to change from one fishery to another depending on many variables, including, weather, market prices, fish availability, damaged gear, ect. Once a bycatch limit of summer flounder was reached, the fisherman is forced to use 5 ½ inch mesh throughout. If he has 500 lbs of summer flounder aboard and tears up his net, he has to try to catch scup, sea bass or squid with 5 ½ inch mesh which will result in a broker, he might as well go home. By utilizing the fly net exemption, the fisherman can just change to his high rise and continue fishing, although his targeted fishery would change to Scup, Sea Bass, or squid. The fisherman should utilize a second VTR since he has changed his gear, but not all fishermen do this although they are required to.

So there are a few things that I request in regard to the fly net regulations, first being to change the description of the fly net to include not only two seam nets but also four seam nets. When this exemption was created four seam nets were not in wide spread use, now almost everyone uses them. And to be clear in regard to a four seam net, the four seams generally only go half way down the length of the nets body, they are designed to make the nets mouth, open higher, to

target fish higher in the water column, Scup, Sea Bass, and squid. Also some of these nets have ten foot mesh, or they are rope nets in which there are no meshes until further behind the sweep, therefore the mesh size definition of the fly net should also state 35 meshes or more of 8 inch OR LARGER behind the sweep. Also the storage language should be changed because it reads no mesh smaller than 5 ½ inches can be onboard the vessel. This should be changed to add “unless properly stored”. Remember, a fly net has a number of different meshes, one common version would have a graduated change from 32 inch to 16, to 8, to four and then to 2 inch, this is how they are constructed. If a fisherman cannot have 2 or four inch mesh

properly stored on his vessel, then when he tears up, if there is twine missing, his net is useless until he goes home and fixes it with the size twine that he is presently not allowed to have onboard. Lastly, if the NMFS or the council is so inclined I think that a review of VTR's and observer data will prove the wide spread use of the fly net exemption.

The second issue is related to the first and it regards the use of 3 different mesh sizes for the demersal species of Scup [five inch], Summer Flounder [five and a half] and Black Sea Bass, [four and a half]. These species are rightfully managed together, as they are very frequently caught together, in the same tow, or on the same trip. The mesh sizes have been very effective and have been the primary reason these stocks are presently so healthy. I do not propose any changes to the mesh sizes in these fisheries for the May 1 to October 31st fishery, which is defined by the increase in the bycatch limit for these fish. What I do propose though is that a uniform cod end mesh size of five inches be adopted for the offshore winter season from November 1st to April 30. This would mean that the Black Sea Bass mesh size would increase to five inches, while the Summer Flounder mesh size would be reduced to Five inches, while Scup stays the same.

This will allow fishermen the flexibility to target all three species on the same trip without having to worry about if he is legal or not. By increasing the Sea Bass mesh size to Five inches it will reduce discards and fishermen will retain larger fish. Most fishermen in the winter season are already targeting the Bass with five inch mesh. The reduction of the Summer Flounder mesh to five inches during the winter season will not in anyway create more bycatch of summer Flounder, It should be pretty well documented by Observer data that very few fish smaller than 14 inches are caught in the offshore fishery, they simply do not migrate that far offshore, the winter fishery is dominated by large mature fish usually bigger than 15 inches and the deeper the water the bigger the fish. This is also the reason the small mesh exemption exists east of the 72 30 line. One area of possible concern would be the southern area off Virginia and North Carolina. I do not have much expertise in fishing down south, so I don't know much about the size of the fish caught in the winter south of Baltimore canyon. The continental shelf narrows there, so the water gets deeper faster than off the northern Mid Atlantic. Also the southern fish generally are smaller than the northern fish so this may be an area to look into. If it is a problem it may be solved by using the southern boundary of the Scup GRA, or simply the 42500 line.

Emerson Hasbrouck has been doing research on this issue for a while so I'm sure he has valuable information regarding this mesh size issue. The regulatory relief that this change in meshes would create would be enormous, and a welcome relief to the fishermen that are presently stuck constantly changing nets or cod ends, many times in cold and dangerous conditions. Changing nets generally involves hoisting the net 30 feet or more in the air so it can be placed somewhere else on the deck, or in the fish hold. The net swings back and forth, and the floats and sweep become a dangerous weapon that have hurt many fishermen. Changing cod ends in the winter is brutal as the twine is wet, and its usually freezing or below, after a few minutes exposed to this your fingers become numb and you must go inside to thaw them out. Changing a cod end usually take 15 to 30 minutes.

So I request that the council and the Demersal committee pursue these proposals in an expediated manner. I don't believe that they require a Framework, I think it could be accomplished under annual Specifications. Thank you for your efforts in regard to fishery management,

Sincerely; Jim Lovgren

Kiley Dancy

From: Katie Almeida <kalmeida@towndock.com>
Sent: Thursday, November 16, 2023 2:04 PM
To: Kiley Dancy
Subject: fluke comments

Hi Kiley,

I'd like to add a couple of comments to consider on the fluke mesh size and fluke exemption.

-We use the 6" square net for fluke fishing as it works well in reducing discards and retaining the larger fish while letting the smaller ones go. The 5 ½ diamond can stretch a bit letting marketable fish escape.

-We support the suggestion of moving the small mesh exemption line west and perhaps allowing it to be used year- round to continue to reduce discards.

Thank you,
Katie

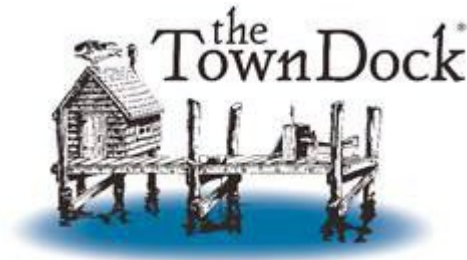
Katie Almeida

**Senior Representative, Government
Relations and Sustainability**

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From: Malcolm McClintock <mjmcclintock3@gmail.com>
Sent: Thursday, November 16, 2023 10:21 AM
To: Kiley Dancy; Hart, Hannah
Subject: Small Mesh Exemption
Attachments: Summer Flounder Mesh Regulations and Exemptions 11.16.23.pdf

I would specifically like to comment on the small mesh exemption regulation and say that i would be in full support of the idea that Eric Reid had about moving the western border of the line to the 72'37.00, starting at the shore of Long Island running south to the northeast corner of the southern GRA, and then following that border all the way down. This would dramatically reduce the regulatory discards. As it stands now, any boat that is squid fishing in the fall and winter, east of said line (where we typically squid fish in the fall and winter), and west of the 72'30, has to throw back any fluke they might catch over the 200 pound limit, only to then steam back to the northeast, east of the 72'30 at the end of the squid trip to then catch the fluke that they had already thrown back. It would just be a common sense solution to a regulatory discard problem and could easily be implemented thanks to the existing line of the southern GRA and should be done so as soon as possible.

As far as the 6" square bag issue goes, from the MAFMC's website, under which regulations are under review, it states that; "6.0" square mesh may be retaining too many undersized fish". The word that should be highlighted there is "may". Clearly more cooperative research needs to be done to determine whether or not 6" mesh is retaining undersized fish. Boats made significant investments building 6" square cod ends, let's not throw them all in the dumpster before we know for sure.

Also, it seems like a no-brainer that rope nets should be included as part of the flynet exemption and the language should be amended to reflect that.

Sincerely,
Malcolm J
McClintock F/V
Bulldog

Seafreeze Ltd.



November 3, 2023

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Chris Moore, Executive Director
Mid Atlantic Fishery Management Council
88 North State Street, Suite 201
Dover, DE 19901

Re: Summer Flounder Mesh Regulations and Exemptions

Dear Chris,

We are writing to express our support for the Small Mesh Exemption program, which is an important exemption utilized by many vessels in Southern New England. It reduces discards and enables fishing flexibility for these vessels, including several of our vessels. To increase this flexibility and reduce regulatory discards, we support moving the current Small Mesh Exemption 72° 30.0 W longitude line to the west, beginning a new line with a starting point at 72° 37.0 W connecting to the northeast corner of the Southern Scup GRA, then following down the eastern border of the Scup GRA. This would allow the small mesh fisheries operating on the edge of the continental shelf in the winter months to access the area between the Southern Scup GRA line to the west and the Coral Zone line to the east. As these vessels are already typically using gear with large meshes in the mouth of the net, designed to shed non-target species, no impact to the fluke resource would occur, other than to reduce a small amount of discards, but the change would provide flexibility to the vessels utilizing the exemption. Currently, vessels utilizing the Exemption are prevented from continuing a trip started east of the current 72° 30.0W to the west of that line; the vessel would be required to return to port and then start another new trip to the west of the line. This reduces flexibility and increases fuel consumption. Moving the line to the west would allow the fisheries to operate in a more efficient manner and reduce high fuel costs.

We also support amending the flynet exemption language to include nets with more than two seams, as well as mesh sizes greater than 64 inches in the wings. Many current nets include meshes much larger than 64 inches in the wings, and inclusion of larger mesh sizes than currently allowed should not present any conservation issue. Neither should inclusion of nets with more than 2 seams, as the number of seams has no bearing on flatfish retention. In fact, in the New England groundfish fishery, four seam nets with large mesh in the wings were adopted into regulation after demonstrating significant reduction in flatfish catch.¹

Thank you for the opportunity to comment.

MALCOLM J. MELNTOCK FIVE BULLDOG

Sincerely,

¹ See [Bycatch reduction in the Northeast USA directed haddock bottom trawl fishery - ScienceDirect](#).

Chris Moore, Executive Director

Nov 15, 2023

Mid Atlantic Fisheries Council

88North State Street, Suite201

Dover DE 19901

Dear Chris,

I support keeping the 6" square, most of the boats that have gone groundfishing use their old yellowtail flounder bags that are useless now.

I support moving the 72'30 line west to the scup GRA line to make it simpler with one less line. We were boarded once by a cutter unfamiliar with the rules and he told me I had to have the 72'30 LOA to fish west of 72'30 and I had to explain it all to them multiple times that I was right and they were wrong I got through to the boarding team but someone on the cutter didn't believe me or the papers I had. 3.5 hours later they finally realized they made a mistake.

I also support changing the wording in the fly net exemption to meshes 64" or greater and eliminating the 2 seam requirement or adding 4 seam to it. Eliminating 2 seam preferable.

Thank you

Mark S Phillips

F/V Illusion

Recreation Demand Model Overview

December 2023

During the December 2023 meeting of the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board), staff from the Northeast Fisheries Science Center (NEFSC) will provide a brief overview of the Recreation Demand Model (RDM). Although the RDM has been discussed at several meetings over the past two years,¹ it is still a relatively new tool for management of these species. After this presentation and discussion, the Council and the Board will consider specific recommendations from the Monitoring Committee, informed by the RDM, for recreational measures for these species in upcoming years.

Background

The RDM was developed by the Northeast Fisheries Science Center (NEFSC) to predict the effect of proposed recreational measures on angler satisfaction, fishing effort, and recreational harvest and discards of summer flounder, scup, and black sea bass. The RDM was first used to set 2023 recreational measures for scup and black sea bass.

The RDM represents a major improvement over prior methods for setting recreational measures in that it accounts for angler responses to alternative management measures (i.e., shifts in effort) and the projected length distribution of the fish stock. These factors were not explicitly considered under the previous methods, which relied largely on Marine Recreational Information Program (MRIP) data and the expert judgment of the Monitoring and Technical Committees. The RDM is based on peer-reviewed models for other species (Carr-Harris and Steinback 2020, Holzer and McConnell 2017, Lee et al. 2017) and was reviewed by the Scientific and Statistical Committee (SSC) in September 2021.² Several improvements have been made since the SSC review. The Monitoring and Technical Committees have also discussed the RDM multiple times over the past few years and additional improvements have been made based on their feedback.³

RDM overview

The RDM consists of two main components: a discrete choice model of fishing decisions and a fishery simulation model.

The **discrete choice model** is used to predict the probability that an angler would choose to take a fishing trip based on the expected catch and cost of that trip. This component of the

¹ Recent in-depth discussions include the [June 2022 Council meeting](#) as part of the Summer Flounder Management Strategy Evaluation update and the [October 2023 Monitoring/Technical Committee meeting](#).

² Briefing materials and the SSC report are available at <https://www.mafmc.org/council-events/2021/ssc-peer-review-panel-sept20>.

³ For example, see https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf and <https://www.mafmc.org/s/Monitoring-Committee-9-20-23-Summary.pdf>.

model is based on random utility theory,⁴ in which it is assumed that a decision maker, when faced with a decision between a discrete number of alternatives, will choose the alternative that maximizes their utility. The utility provided by each alternative varies and can depend on characteristics of the alternative (e.g., trip costs, how many of each species can be kept vs. discarded), characteristics of the decision maker (e.g., age, gender, income, education, fishing avidity), and unobserved characteristics of both the alternative and the decision maker. The RDM models the relationship between the observable characteristics of the alternative/decision maker and utility. From this relationship the model is able to compute the probability that, given a choice between not fishing and taking a fishing trip with outcomes that are based on fishery data and proposed management measures, an angler will choose to fish. These individual decisions in aggregate constitute the total demand for recreational fishing and directly impact the estimated number of fish removed from the stock.

Data for the discrete choice model come from a 2022 mail and web-based survey of anglers from Maine through Virginia. This survey was sent to 6,000 saltwater fishing license holders. 2,317 completed surveys were returned, representing a 38.7% response rate. The survey collected demographic and fishing-related information, as well as angler choice data from a “discrete choice experiment”. A sample of this survey is available at https://www.mafmc.org/s/survey-sample_version12.pdf.

The second major component of the RDM is a **fishery simulation model**, which calculates changes in angler fishing effort (demand), harvest, discards, and angler welfare⁵ under alternative management measures relative to a baseline year. It uses results from the discrete choice model described above combined with recent historical and projected fishery data to predict trip-level outcomes. The model incorporates projected numbers-at-age from the stock assessments to allow projected changes in the size distribution of the stock to influence the size of fish anglers are expected to encounter in the upcoming year. The simulation is repeated 100 times to account for statistical uncertainty in the input data, including the MRIP data and the projected numbers-at-age from the assessments. Output of the simulations includes harvest and discards in numbers of fish and weight, number of expected trips, and angler welfare at the state level, as well as percent changes in harvest weight relative to a status-quo scenario where next year’s regulations are held constant at current year values. Outputs used in management under the Percent Change Approach for setting measures include the median value of the distribution of model outcomes from the 100 simulations, and confidence intervals based on the percentiles of this distribution to capture uncertainty in the model input data. Results are provided at the state and fishing-mode level and can be aggregated to higher levels (e.g., state, region, or coastwide).

⁴ More details on random utility theory and modeling can be found in Train (2003) - Discrete Choice Methods with Simulation, available free at <https://eml.berkeley.edu/books/choice2.html>.

⁵ Angler welfare is computed as the consumer surplus generated from a change in trip outcomes between a baseline year and a future year in which expected harvest and discards on that trip are manipulated to reflect management and stock changes. Consumer surplus is the maximum dollar value an individual would pay for a fishing trip with specified attributes (e.g., a given number of kept vs. discarded summer flounder, scup, and black sea bass), over and above the amount actually paid.

An important step in developing the simulation model is generating estimates of recreational catch-at-length and catch-per-trip in the future (in this case, 2024). The most recent complete year of input data is 2022. Therefore, the data used to generate baseline estimates of 2024 catch-at-length came from 2022 MRIP and state volunteer angler survey data. These baseline estimates were subsequently adjusted to account for the projected 2024 size distribution of the stock. Based on the advice of the Monitoring and Technical Committees, 2024 catch-per-trip by state/wave/mode is computed using the most recent two years of MRIP data (i.e., 2022 and preliminary 2023 data for waves 1-4; 2021 and 2022 for waves 5-6) with data from each year weighted equally. This method is intended to capture variation in the MRIP data across years while reflecting recent conditions and avoiding too much emphasis on years heavily impacted by COVID-19 (e.g., a three year average would have included 2020, which the Monitoring and Technical Committees did not support). The Monitoring and Technical Committees may revisit these data decisions in the future and recommend alternative approaches when setting measures for 2025 and beyond. Nonetheless, the data used to generate estimates of both recreational catch-at-length and catch-per-trip in 2024 represent the MSE modelers and Monitoring and Technical Committees' most informed beliefs about future fishing conditions.

Ongoing improvements to the RDM

As noted above, several improvements have been made to the RDM in recent years. The Monitoring and Technical Committees will have additional opportunities to work with the RDM modelers to ensure the model is configured appropriately for each specifications cycle.

A near-term major improvement is development of a cloud-based user interface to allow Monitoring and Technical Committee members to run the model on their own. Cloud computing will also increase the speed of running the 100 model simulations and will allow multiple users to run the model simultaneously. A beta version of the user interface has been shared with Monitoring and Technical Committee members for testing. A final version for use in setting 2024 state measures is anticipated to be available in the near future. In this first year for use of this cloud-based user interface, users will be limited to Monitoring and Technical Committee members (including Council and Commission staff) due to costs associated with adding additional users.

References

Carr-Harris, Andrew, and Scott Steinback. 2020. "Expected Economic and Biological Impacts of Recreational Atlantic Striped Bass Fishing Policy." *Frontiers in Marine Science* 6 (January): 1–20.

Holzer, J., and K. McConnell. 2017. "Risk Preferences and Compliance in Recreational Fisheries." *Journal of the Association of Environmental and Resource Economists* 4 (S1): S1–43.

Lee, M., S. Steinback, and K. Wallmo. 2017. "Applying a Bioeconomic Model to Recreational Fisheries Management: Groundfish in the Northeast United States." *Marine Resource Economics* 32 (2): 191–216.



Mid-Atlantic Fishery Management Council
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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 30, 2023
To: Chris Moore, Executive Director
From: Kiley Dancy, Staff
Subject: Summer Flounder Recreational Measures for 2024-2025

On Tuesday, December 12, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will consider 2024-2025 recreational management measures for summer flounder, including the use of either conservation equivalency or coastwide measures. Materials listed below are provided for the Council and Board's discussion of this agenda item. As noted below, some materials will be posted at a later date.

- 1) Summary of November 13-14, 2023 Monitoring Committee meeting (Part 2: Recreational Measures)
- 2) Council staff memo on 2024-2025 recreational summer flounder measures dated November 8, 2023
- 3) 2022 year-end catch accounting and Accountability Measures letter from GARFO dated October 30, 2023
- 4) Public comments received by November 29, 2023

The following materials will be posted to the meeting page once they are available:

- 5) Summary of December 4, 2023 Advisory Panel meeting
- 6) Summary of December 7, 2023 Monitoring Committee meeting
- 7) Any additional public comments received by the supplemental comment deadline of December 7, 2023



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC)
November 13-14, 2023 Meeting Summary
Part 2: 2024-2025 Recreational Management Measures
Hybrid Meeting: Philadelphia, PA and Webinar**

Monitoring Committee Attendees: Tracey Bauer (ASMFC staff), Julia Beaty (MAFMC staff), Peter Clarke (NJ F&W), Kiley Dancy (MAFMC staff), Lorena de la Garza (NC DMF), Steve Doctor (MD DNR), Alexa Galvan (VMRC), Emily Keiley (GARFO), Hannah Hart (MAFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Chelsea Tuohy (ASMFC staff), Corinne Truesdale (RIDEM), Greg Wojcik (CT DEEP), Rich Wong (DE DFW)

Additional Attendees: Kim Bastille, Chris Batsavage, Alan Bianchi, Lou Carr-Harris, Greg DiDomenico, James Fletcher, Joe Grist, Jesse Hornstein, Raymond Kane, Elise Koob, Meghan Lapp, Andrew Loftus (MAFMC Contractor), John Maniscalco, Meghna Marjadi, Nichola Meserve, Brandon Muffley, Adam Nowalsky, Will Poston, Eric Reid, Robert Ruhle, Scott Steinback, Wes Townsend, Mike Waine, Kate Wilke

Summer Flounder 2024-2025 Recreational Measures

The MC supported the use of the RDM estimates for summer flounder 2024-2025 harvest under status quo measures. Using the group's previous recommendation for an 80% confidence interval around the RDM median harvest estimate of 8.88 million pounds for 2024-2025 under status quo measures, the 2024-2025 RHL (6.35 million pounds) falls below the lower bound of the confidence interval. In combination with summer flounder stock status, this would result in reduction equivalent to the difference between the harvest estimate and the RHL. The MC confirmed that the 2024-2025 coastwide harvest target would thus be the RHL of 6.35 million pounds, **resulting in a 28% reduction from harvest expected under current measures.**

The MC agreed with the staff recommendation for **continued use of regional conservation equivalency for summer flounder to achieve the harvest target in 2024-2025**, using the same regions as adopted in 2023 and as defined in Addendum XXXII. RDM runs were not available at the time of this meeting to assist the MC with identifying non-preferred coastwide measures under conservation equivalency. Similarly, the MC believed the precautionary default measures could likely remain unchanged for 2024-2025 but wanted to see additional RDM results for coastwide measures to confirm this recommendation. **The MC will identify non-preferred coastwide and precautionary default measures at their follow up meeting on December 7, 2023.**

Scup 2024-2025 Recreational Measures

The MC supported the use of the RDM for estimating scup 2024-2025 harvest under status quo measures, as well as for adjusting the measures. Using the group's previous recommendation for

an 80% confidence interval around the RDM median harvest estimate of 15.29 million pounds for 2024-2025 under status quo measures, the 2024-2025 average scup RHL (12.51 million pounds) falls below the lower bound of the confidence interval. In combination with scup stock status (“very high”), **this results in a required 10% reduction in harvest.** The MC confirmed that the 2024-2025 coastwide harvest target would thus be 13.76 million pounds (10% reduction from the RDM median harvest estimate).

The MC discussed potential removal or modifications to the federal waters January 1 - April 30 closure (resulting in a May 1 - December 31 open season) previously approved by the Council and Board in December 2022. The MC noted there is limited data available to assess the impacts of the federal waters closure given the lack of Marine Recreational Information Program (MRIP) data collected during Wave 1 (January - February) in all states in the management unit except for North Carolina and the minimal MRIP data and intercepts available during Wave 2 (March - April). The group also discussed potential mandatory permit or reporting requirements if the fishery is re-opened during waves 1 and 2, such as implementing a similar system to what is currently in place for the February black sea bass fishery in Virginia. However, it was noted that this Virginia program is specific to black sea bass and a program similar in scope may not be as successful for the scup fishery. For example, the reporting requirements for the Virginia February fishery are largely viewed as something given in return for an opening that was not previously allowed for several years, as opposed to the scup season which was previously open but is now closed.

The MC recommended an analysis of the for-hire vessel trip report (VTR) data for waves 1 and 2, and how we might estimate total recreational harvest based on that information similar to what has been done in the past for other species (i.e., black sea bass prior to the February fishery program that is currently in place). The MC agreed to look at the VTR data analysis at a follow up meeting in December, but noted given the minimal harvest that occurs in waves 1 and 2 in combination with the overall minimal effort in federal waters (less than 5% of total coastwide harvest annually), the removal of the January 1 - April 30 closure in federal waters would have minimal to no impact on overall scup harvest. Therefore, **the MC recommended removing the federal closure for 2024 but maintaining the current 40 fish possession limit and 10 inch minimum size limit. They recommended that the necessary 10% reduction be taken through the state recreational measures setting process** to give states more flexibility in setting measures for 2024-2025.

Given the required 10% reduction and the discussion described above related to the recommendation to remove the federal waters closure, **the MC agreed with the staff recommendation for continued use of the current federal water measures, with the exception of the January 1 - April 30 closure, and adjustments to state waters measures made through the Commission process to achieve the full 10% reductions required for 2024-2025.**

Black Sea Bass 2024 Recreational Measures

The MC recommended continued use of conservation equivalency to waive federal waters black sea bass measures in favor of state waters measures in 2024.

The MC discussed the requirements of the Percent Change Approach given that the 2024 black sea bass RHL differs from the 2023 RHL due only to three additional years of catch data without

updated stock status information. They agreed that the Percent Change Approach requirements in this situation are not clear. The framework/addenda which implemented the Percent Change Approach did not contemplate a situation where the RHL would change without a stock assessment update. When the framework/addenda were finalized, it was assumed that management track stock assessments would be available every other year. The Percent Change Approach intends to set identical recreational measures across two years to provide some stability; however, measures were set for just 2023 with the intent of setting 2024-2025 measures in response to an anticipated 2023 management track assessment. However, the management track assessment was later delayed to 2024.

The MC discussed that the 2024 RHL is only about 5% lower than the 2023 RHL. Therefore, if the 2023 and 2024 RHLs had both been available for setting identical measures across 2023-2024, use of the average of the two RHLs under the Percent Change Approach would have resulted in the same 10% reduction as was implemented for 2023. This reduction would have been used to set identical measures in 2023 and 2024. It would not have required a 10% reduction in 2023 and an additional 10% reduction in 2024. In short, the same measures implemented for 2023 would also have applied to 2024.

One MC member noted that there is no status quo option for stocks in the “very high” biomass category (i.e., at least 150% of the target level) under the Percent Change Approach. They said they would feel comfortable leaving black sea bass with status quo measures in 2024 given the high biomass. Another MC member agreed it is problematic that the Percent Change Approach does not include a status quo outcome for stocks in the very high biomass category under any of the three categories of expected harvest compared to the upcoming RHL(s).

The MC discussed whether status quo measures in 2024 would increase the likelihood of an additional reduction being needed for 2025, and alternatively if a 10% reduction in 2024 would prevent the need for an additional reduction in 2025 or even allow for a liberalization. They ultimately agreed it is not possible to predict outcomes for 2025 given the changes to the stock assessment which will take place over the next several months (e.g., transition to a new modeling framework, inclusion of several new years of data, and likely changes to the biological reference points). It is not possible to predict if the Percent Change Approach biomass category will change or how the outcome of the RDM will change after the assessment is updated. Therefore, the MC decided not to base their 2024 recommendations on any anticipated outcomes beyond 2024. Measures for 2025 and beyond will be set based on an updated stock assessment using the most recent information available.

The MC also noted that if a status quo approach is not used for 2024, the likely outcome would be changes in measures for 2022, 2023, 2024, 2025, and potentially also 2026 (given that an additional management track assessment may occur in 2025 to get black sea bass back on the same cycle as summer flounder and scup). Frequent changes in measures can lead to frustration and non-compliance among anglers, especially when the measures are restricted each time, as would be the case for black sea bass through at least 2024. Stability in measures, even if it means less frequent but larger restrictions, rather than frequent but smaller restrictions, can have benefits in terms of angler buy-in and compliance.

In light of these considerations, the MC agreed it would be appropriate to treat 2024 as the second year of a two-year cycle with 2023, despite the fact that this was not the intent when the 2023

measures were set. The MC agreed this would align with the goals of the Percent Change Approach to provide some stability in measures and to update measures in sync with the timing of updated stock assessment information.

One MC member noted that although biomass remains very high, the most recent stock assessment suggests it is declining. Therefore, status quo measures in 2024 may result in less harvest than 2023 due to reduced availability. Another MC member noted that the final 2023 harvest estimates may be lower than the preliminary wave 1-4 data suggest due to poor weather in the fall. In addition, the trawl survey in Maryland suggests recent strong recruitment.

Given all these considerations, but with greatest emphasis on the lack of updated stock assessment information, **the MC recommended that recreational black sea bass measures be left unchanged in 2024.**

The MC also briefly discussed the Virginia February recreational black sea bass fishery and expressed no concerns with continuation of this fishery in 2024.

Public Comment

One member of the public asked if the Monitoring Committee would discuss management uncertainty and what would happen if the ongoing research track stock assessment determines that the stock is overfished. Staff responded that management uncertainty impacts the RHL. The 2024 RHL was set in August 2023; therefore, the Monitoring Committee would not revisit the management uncertainty discussions as part of their 2024 recreational management measures discussions. Similarly, the research track assessment is not intended to be used in management. The research track will inform a management track assessment in 2024 which will be used to set measures for 2025. Changes in stock status shown in the management track assessment will impact the Percent Change bin for setting 2025 measures.



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Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 8, 2023
To: Chris Moore, Executive Director
From: Kiley Dancy, Staff
Subject: Summer Flounder Recreational Management Measures for 2024-2025

Summary

This memo provides information to assist the Monitoring Committee (MC), Advisory Panels, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) in developing recommendations for summer flounder recreational measures for 2024-2025.

The target level of harvest that 2024-2025 measures must aim to achieve will be determined using the Percent Change Approach, as required by Framework 17/Addendum XXXIV. This is the first year that two-year measures will be considered for summer flounder under this approach. As described in more detail below, the harvest target is defined based on expectations of 2024-2025 harvest under 2023 measures compared to the average 2024-2025 RHL, as well as considerations about stock biomass.

A model referred to as the Recreational Demand Model (RDM) has been developed by the Northeast Fisheries Science Center (NEFSC). The RDM was used to set 2023 recreational summer flounder measures. As described in more detail in the next section, the RDM remains the best currently available tool for predicting recreational summer flounder harvest in upcoming years under different management measures. As such, it will be used to define the appropriate harvest target and the resulting measures for summer flounder.

RDM results suggest that the median projected 2024-2025 harvest under current (2023) measures would be 8.88 million pounds, with an 80% confidence interval of 8.10 to 9.48 million pounds. The lower bound of this confidence interval is above the 2024-2025 RHL of 6.35 million pounds. Based on summer flounder being in the "low" biomass category within the percent change table, this means that **summer flounder harvest must be reduced down to the RHL, resulting in a 28% needed reduction relative to expected harvest under current measures.**

For summer flounder, the MC is tasked with recommending either the use of coastwide measures (identical measures in all states and federal waters) or conservation equivalency (state- or region-specific measures in state waters, and "non-preferred" federal measures that are waived in favor of the state measures). Under conservation equivalency, the Council and Board must also adopt non-preferred coastwide and

precautionary default measures (described in more detail below). **Staff recommends the continued use of conservation equivalency in 2024-2025.** State/regional measures under conservation equivalency would be determined through the Commission process in early 2024.

As of this memo, additional RDM estimates are not available under alternative sets of measures to inform a recommendation for non-preferred coastwide measures. Staff will work with the modelers to run estimates under alternative non-preferred coastwide measures and provide additional information to the Monitoring Committee at the November 13-14 meeting. The Monitoring Committee should consider whether changes to the precautionary default measures may also be warranted depending on the degree of changes in measures that may be needed to achieve the necessary reduction.

Recreational Demand Model

The RDM uses trip attributes such as expected harvest and costs, as well as the availability of different sizes of fish, to estimate the likelihood that an angler will go fishing under a given set of regulations. The RDM is informed by a 2022 survey of anglers from Maine through Virginia as well as recent size distribution information from the stock assessment. The RDM can predict harvest and discards of summer flounder at the trip, state, wave, and mode level under different sets of recreational measures. The RDM also predicts how regulations for scup and black sea bass may impact harvest and discards of summer flounder. Additional information about this model can be found in this overview document: <https://www.mafmc.org/s/fluke-RDM-overview-final-report.pdf>.

The RDM was used to set 2023 summer flounder recreational measures. Prior to 2023, summer flounder recreational measures were informed by MRIP data and the Monitoring Committee's expert judgement. The RDM represents a major improvement over prior methods for setting recreational measures in that it accounts for factors such as angler preferences and varying year class strength, which could not be explicitly accounted for under the previous methods. The RDM is based on peer-reviewed models for other species and was reviewed by the Council's Scientific and Statistical Committee (SSC) in September 2022. Several improvements have been made since the SSC review. The Monitoring and Technical Committees have also discussed the RDM several times over the past few years and several additional improvements have been made in response to Monitoring and Technical Committee feedback.^{1,2} For all these reasons, the RDM is the best tool currently available for use in determining the harvest target and the associated recreational measures for 2024-2025.

Determining the Percent Change in Harvest for 2024-2025

Framework 17/Addendum XXXIV implemented a new process for setting recreational measures called the Percent Change Approach.³ Under this approach, measures aim to achieve a specified percent change in harvest compared to the expectation of harvest in the upcoming year(s) under current measures. Unlike the previous process, the recreational measures no longer aim to achieve but not exceed the RHL. Instead, measures aim to achieve a different level of harvest, which will vary based on the following two factors:

- 1) A confidence interval (CI) around an estimate of expected harvest in the upcoming two years under current measures compared to the average RHL for the upcoming two years and

¹ Additional information at https://asmfc.org/uploads/file/64dbc727SFBSB_TC_Report_May2023.pdf.

² Additional information at <https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/6541443d28772b1877b0ab95/1698776125234/Monitoring+Committee+9-20-23+Summary.pdf>

³ See action documents and additional information at <https://www.mafmc.org/actions/hcr-framework-addenda>.

2) Biomass compared to the target level, as defined by the most recent stock assessment.

The resulting percent change in harvest that measures should aim to achieve is summarized in Table 1. This process allows recreational measures to remain unchanged across two years, aligned with the timing of updated management track stock assessments, which are expected to be available every other year for summer flounder. For 2023, measures were set for one year only given the schedule for the management track assessments. Thus, 2024-2025 is the first time this process will be used to set two-year measures. Additional detail about how this process will be applied for 2024-2025 is included below.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach. Cells highlighted in yellow indicated the percent change in harvest needed for summer flounder in 2024-2025 based on the information summarized on the next page.

<i>Column 1</i> Future RHL vs Estimated Harvest	<i>Column 2</i> Biomass compared to target level (SSB/SSB_{MSY})	<i>Column 3</i> Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	Very high (greater than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target level, but no higher than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Liberalization: 10%
Future 2-year average RHL is within harvest estimate CI (harvest expected to be close to the RHL)	Very high (greater than 150% of target)	Liberalization: 10%
	High (at least the target level, but no higher than 150% of target)	No liberalization or reduction: 0%
	Low (below the target stock size)	Reduction: 10%
Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	Very high (greater than 150% of target)	Reduction: 10%
	High (at least the target level, but no higher than 150% of target)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

Column 1: Compare Average 2024-2025 RHL to Expected Harvest Under 2023 Measures

The RDM was used to generate an estimate of expected 2024-2025 harvest under status quo (i.e., 2023) measures, with an associated 80% confidence interval.⁴ Results suggest that under status quo (2023) measures, the median projected harvest in 2024-2025 would be **8.88 million pounds, with an 80% confidence interval of 8.10 to 9.48 million pounds**. The 2024-2025 RHL of 6.35 million pounds is less than the lower bound of this confidence interval (i.e., harvest is expected to be higher than the RHL).

Column 2: Biomass Compared to Target Level

As shown in Table 1, the second step under the Percent Change Approach is to consider the most recent estimate of spawning stock biomass compared to the target level. According to the 2023 management track stock assessment (using data through 2022),⁵ summer flounder is below the target stock size (estimated at 83% of the spawning stock biomass target). This puts summer flounder in the “low” stock size category for the Percent Change Approach.

Column 3: Determining Necessary Percent Change in Harvest

As specified in Table 1, this results in a required percent change in harvest equal to the difference between harvest estimate and the two-year average RHL, not to exceed 40%. For summer flounder, this results in a **28% reduction based on the percent difference between the projected harvest of 8.88 million pounds and the RHL of 6.35 million pounds**. In other words, the resulting 2024-2025 harvest target is equal to the RHL at 6.35 million pounds.

Accountability Measures

Federal regulations include reactive accountability measures (AMs) for when the recreational summer flounder annual catch limit (ACL) is exceeded. This can include paybacks of ACL overages depending on stock status and the magnitude of the overage, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average dead catch exceeds the average ACL, then the appropriate AM is determined based on the criteria listed below. This reflects minor revisions to the AMs made through Framework 17.

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown:
The exact amount, in pounds, by which the most recent 3-year average recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years.
2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
 - a. If only the recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and

⁴ In May 2023, the Monitoring and Technical Committees recommended the use of an 80% CI around the harvest estimate for development of 2024-2025 measures. See the meeting report at: https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf.

⁵ Available at: https://www.mafinc.org/s/e_Summer_flounder_MTA_2023_06_08.pdf.

- conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.
- b. If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible as a payback that will be scaled based on stock biomass. The calculation for the payback amount in this case is: $(3\text{-year average overage amount}) * (B_{msy} - B) / \frac{1}{2} B_{msy}$. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.
 3. If biomass is above the target ($B > B_{MSY}$): Adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

Average recreational catch was below the average recreational ACLs for summer flounder from 2020-2022, meaning that an AM has not been triggered for summer flounder (Table 7). No adjustments to the recreational measures are needed due to AMs.

Table 2: Evaluation of summer flounder recreational AMs using the 2020-2022 average recreational ACL compared to the 2020-2022 average recreational dead catch. Data from the 2023 Summer Flounder Management Track Assessment.

Year	Recreational Harvest (mil lb)	Recreational Dead Discards (mil lb)	Total Dead Recreational Catch (mil lb)	Recreational ACL (mil lb)	% Over/ Under ACL
2020 ^a	10.08	2.52	12.59	11.51	+9%
2021	6.82	2.20	9.01	12.48	-28%
2022	8.63	2.95	11.58	14.64	-21%
Average	8.51	2.55	11.06	12.88	-14%

^a 2020 recreational estimates were developed using imputation methods (incorporating 2018 and 2019 data) to account for missing 2020 APAIS data.

Past Management Measures

RHLs for summer flounder were first implemented in 1993. Since then, they have varied from a high of 11.98 million lb in 2005 to a low of 3.77 million lb in 2017. From 1993-2000, coastwide measures were in place for all states and federal waters, with possession limits ranging from 3-10 fish and size limits ranging from 14.0-15.5 inches. Starting in 2001, conservation equivalency was implemented, and has been used as the preferred management system each year since (Table 1). Under conservation equivalency, individual states or multi-state regions set measures that collectively are designed to constrain harvest to the coastwide RHL. Federal regulations are waived and anglers are subject to the summer flounder regulations of the state in which they land. State-by-state conservation equivalency was adopted each year from 2001 through 2013, with each state implementing different sets of management measures. Each year from 2014 through 2023, the Board has approved the use of regional conservation equivalency, where some states form multi-state regions with the same measures.

In December 2022, the Council and Board adopted conservation equivalency for the summer flounder recreational fishery in 2023. Although the RDM results that were originally provided to the Council

indicated that a 10% liberalization of recreational summer flounder harvest would be appropriate for 2023, Council staff received an updated harvest estimate the week before the meeting which indicated that a 10% reduction was needed instead. The model revisions were based on a different range of years of catch per trip data and were not reviewed by the Monitoring Committee or other technical advisory group prior to the meeting. Given varying opinions on the appropriate configurations of the model inputs and the conflicting Percent Change Approach outcomes under the two model configurations, the Council and Board determined that status quo regional measures would be appropriate for 2023. Region-specific possession limits in 2023 range from 1-5 fish with size limits ranging from 15-18.5 inches, with various seasons (Table 2).

Under conservation equivalency, the Council and Board must adopt two associated sets of measures: the non-preferred coastwide measures, and the precautionary default measures. The **non-preferred coastwide measures** are a set of measures that would be expected to constrain harvest to the appropriate coastwide target⁶ if implemented on a coastwide basis (the same measures in all states and in federal waters). The combination of state or regional measures under conservation equivalency is designed to be equivalent to this set of non-preferred coastwide measures in terms of coastwide harvest. These coastwide measures are included in the federal regulations but waived in favor of state- or region-specific measures. The non-preferred coastwide measures adopted in 2023 include a 3-fish possession limit, an 18-inch total length (TL) minimum size, and an open season from May 15-September 22.

The **precautionary default measures** would be implemented in any state or region that failed to develop adequate measures to constrain or reduce landings as required by the conservation equivalency guidelines. The precautionary default measures in 2023 include a 2-fish possession limit with a 20-inch TL minimum fish size and an open season from July 1-August 31.

⁶ Through 2022, the target level of harvest was the RHL. Starting with 2023, the target level of harvest is defined by the Percent Change Approach.

Table 3: Summary of federal management measures for the summer flounder recreational fishery, 1997-2025.

Measure	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
ABC (m lb)	-	-	-	-	-	-	-	-	-	-	-	-	21.5	25.5
Recreational ACL (land+disc; m lb)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RHL (m lb)	7.41	7.41	7.41	7.41	7.16	9.72	9.28	11.21	11.98	9.29	6.68	6.22	7.16	8.59
Harvest - OLD MRIP (m lb)	11.87	12.48	8.37	16.47	11.64	8.01	11.64	11.02	10.92	10.5	9.34	8.15	6.03	5.11
% Over/Under RHL ^c	60%	68%	13%	122%	63%	-18%	25%	-2%	-9%	13%	40%	31%	-16%	-41%
Harvest - NEW MRIP	18.52	22.86	16.70	27.03	18.56	16.29	21.49	21.20	18.55	18.63	13.89	12.34	11.66	11.34
Possession Limit	8	8	8	8	3	a	a	a	a	a	a	a	a	a
Size Limit (TL in)	14.5	15	15	15.5	15.5	a	a	a	a	a	a	a	a	a
Open Season	1/1 – 12/31	1/1 – 12/31	5/29 – 9/11	5/10 - 10/2	4/15 - 10/15	a	a	a	a	a	a	a	a	a
Measure	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024-2025
ABC (m lb)	33.95	25.58	22.34	21.94	22.57	16.26	11.3	13.23	25.03	25.03	27.11	33.12	33.12	19.32
Recreational ACL (land+disc; m lb)	-	11.58	10.23	9.07	9.44	6.83	4.72	5.53	11.51	11.51	12.48	14.64	14.90	8.69
RHL (m lb) - landings only	11.58	8.49	7.63	7.01	7.38	5.42	3.77	4.42	7.69	7.69	8.32	10.36	10.62	6.35
Harvest - OLD MRIP (m lb)	5.96	6.49	7.36	7.39	4.72	6.18	3.19	3.35	-	-	-	-	-	-
% Over/Under RHL ^c	-49%	-24%	-4%	5%	-36%	14%	-15%	-24%	1%	31%	-18%	-17%	-	-
Harvest - NEW MRIP	13.48	16.13	19.41	16.23	11.83	13.24	10.09	7.60	7.80	10.06	6.82	8.63	-	-
Possession Limit	a	a	a	b	b	b	b	b	b	b	b	b	b	-
Size Limit (TL in)	a	a	a	b	b	b	b	b	b	b	b	b	b	-
Open Season	a	a	a	b	b	b	b	b	b	b	b	b	b	-

^a State-specific conservation equivalency measures.

^b Region-specific conservation equivalency measures.

^c Based on a comparison with old MRIP data through 2018 and new MRIP data starting in 2019.

Table 4: Summer flounder recreational fishing measures 2022-2023, by state, under regional conservation equivalency. Conservation equivalency regions in these years include: 1) Massachusetts, 2) Rhode Island, 3) Connecticut and New York, 4) New Jersey, 5) Delaware, Maryland, The Potomac River Fisheries Commission, and Virginia, and 6) North Carolina.

State	2022-2023		
	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16.5	5 fish	May 21-September 29
Rhode Island (Private, For-Hire, and all other shore-based fishing sites)	18	4 fish	May 3-December 31
RI 7 designated shore sites	18	2 fish ^a	
	17	2 fish ^a	
Connecticut	18.5	4 fish	May 1-October 9
CT Shore Program (45 designed shore sites)	17		
New York	18.5		
New Jersey	Slot limit 17-17.99	2 fish ^b	May 2-September 27
	18	1 fish ^b	
NJ Shore program site (ISBSP)	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16	4 fish	January 1- December 31
Maryland			
PRFC			
Virginia			
North Carolina ^c	15	1 fish	2022: September 1-30 2023: September 15-29

^a Combined possession limit of 4 fish; no more than 2 fish at 17 inch minimum size limit.

^b New Jersey's slot limit includes a combined possession limit of 3 fish; two fish greater than 17 inches and less than 18 inches, and one fish greater than 18 inches.

^c North Carolina's regulations have been restricted for all flounders in North Carolina (southern, gulf, and summer flounder) in recent years due to the need to end overfishing on southern flounder. North Carolina manages all flounder in the recreational fishery under the same regulations.

Recreational Catch and Landings Trends

Table 4 provides the annual MRIP time series⁷ of recreational harvest (in number and weight), dead discards (in weight), and catch (in number of fish) for 2009-2022, as well as the estimates for waves 1-4 (i.e., January – August) for 2023. Table 4 also shows the percent of summer flounder released⁸ (relative to total catch in numbers of fish) and the mean weight of landed summer flounder each year from 2009-2022, and 2023 through wave 4.

Table 5: Summer flounder recreational catch, landings, and dead discards, Maine through North Carolina, 2009-2022, all waves. 2023 preliminary estimates are shown through wave 4.

Year	Catch (mil fish)	Harvest (mil fish)	Harvest (mil lb)	Dead discards (mil lb)^b	% Released (Released Alive)^a	Average Weight of Harvested Fish
2009	50.62	3.65	11.66	5.48	93%	3.19
2010	58.89	3.51	11.34	5.97	94%	3.23
2011	56.04	4.33	13.48	5.98	92%	3.11
2012	44.71	5.74	16.13	4.79	87%	2.81
2013	44.96	6.60	19.41	4.67	85%	2.94
2014	44.58	5.36	16.23	4.61	88%	3.03
2015	34.14	4.03	11.83	3.47	88%	2.94
2016	31.24	4.30	13.24	3.27	86%	3.08
2017	28.07	3.17	10.06	3.30	89%	3.17
2018	23.55	2.41	7.60	2.21	90%	3.15
2019	30.74	2.38	7.80	3.04	92%	3.28
2020^c	33.25	3.49	10.06	2.52	90%	2.88
2021	22.73	2.32	6.82	2.20	90%	2.94
2022	29.01	3.38	8.63	2.95	88%	2.55
2023 (w1-4 only)	24.02	2.62	6.96	--	89%	2.66

^a For summer flounder, 10% of recreational releases are assumed to die.

^b Dead discards source: 2023 Management Track Assessment.

^c MRIP estimates for 2020 were impacted by the COVID-19 pandemic due to temporary suspension of the Access Point Angler Intercept Survey (APAIS) and headboat sampling. NMFS used imputation methods to fill gaps in 2020 data with data collected in 2018 and 2019. For additional information, see documents at: <https://www.mafmc.org/council-events/2021/sfsbsb-mc-july27>.

⁷ In July 2018, the Marine Recreational Information Program (MRIP) released revisions to their time series of recreational catch and landings estimates based on adjustments for a revised angler intercept methodology and a new effort estimation methodology (i.e., a transition from a telephone-based effort survey to a mail-based effort survey). Recreational data included in this memo reflect revised MRIP data except where otherwise stated.

⁸ Reported as released alive, with 10% of those live releases assumed to die post-release.

Landings by state in recent years in pounds are shown in Table 6, including full year estimates for 2018-2022 and preliminary wave 1-4 estimates for 2023.

The percent of summer flounder harvest (in numbers of fish) from state waters (0-3 miles from shore) averaged 72% from 2018-2022 (Figure 1). Over the same time period, most harvest originated from private/rental mode trips (84%), while party/charter mode and shore mode accounted for an average of 5% and 11% of the harvest, respectively (Figure 2).

Table 6: Summer flounder recreational harvest MRIP estimates (in pounds), by state for all waves (January-December), 2018-2023. 2023 values are preliminary estimates through wave 4 (January-August).

	2018	2019	2020	2021	2022	2023 (w1-4)
NH	-	-	-	-	-	3,322
MA	142,541	145,203	175,589	120,806	198,199	173,159
RI	603,752	837,108	479,591	163,105	330,910	237,206
CT	549,267	292,453	387,742	465,969	411,598	306,699
NY	2,385,311	2,441,732	2,389,690	1,156,832	2,840,200	1,330,033
NJ	3,154,539	3,229,057	5,491,680	3,780,044	3,552,155	3,526,360
DE	205,381	224,526	534,247	272,106	253,282	279,757
MD	121,760	206,373	187,227	192,795	185,647	89,580
VA	345,065	368,955	381,164	636,395	839,164	1,013,638
NC	92,032	52,872	37,935	27,492	22,151	
Coast	7,599,648	7,798,279	10,064,865	6,815,544	8,633,306	6,959,754

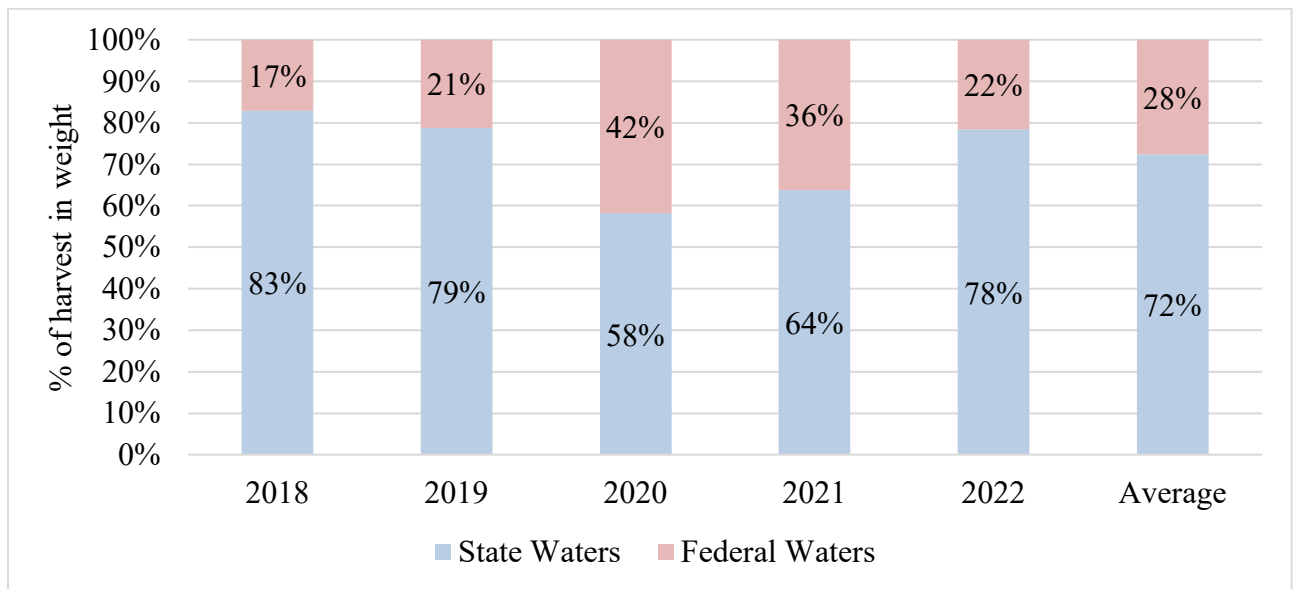


Figure 1: State vs. federal waters harvest (in weight) for summer flounder, 2018-2022. Fishing area information is self-reported by anglers.

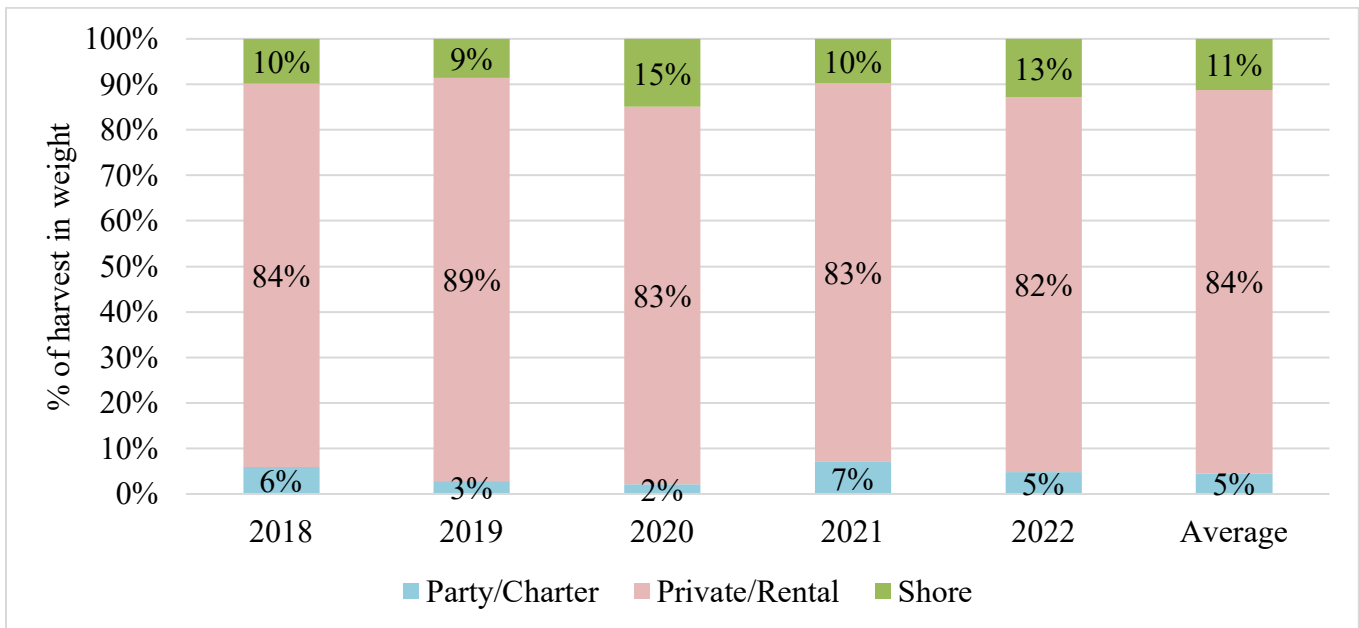


Figure 2: Summer flounder harvest by fishing mode (in weight), 2018-2022.

2024-2025 Staff Recommendation

Staff recommend continued application of regional conservation equivalency in 2024-2025 to achieve the target level of harvest (i.e., the 2024-2025 RHL). Under conservation equivalency, a set of non-preferred coastwide measures must be identified. The non-preferred coastwide measures must consist of a minimum fish size, possession limit, and season for 2024-2025 that if implemented on a coastwide basis, would be expected to achieve the same level of harvest as the conservation equivalency measures. Under conservation equivalency, these measures are written into the federal regulations, but waived in favor of the state- or region-specific measures.

As noted above, the only RDM estimates currently available are those under current (2023) state measures, used to inform the percent change in harvest needed. Additional runs have not yet been completed to identify specific recommendations for adjustments to the non-preferred coastwide measures, or to identify the expected harvest associated with the current non-preferred coastwide measures (18-inch minimum fish size, 3 fish bag limit, and open season from May 15-September 22). Changes to the non-preferred coastwide measures are presumed to be needed based on the degree of reduction needed for summer flounder. Staff will continue to work with the modelers to provide additional information and recommendations for the November 13-14 meeting.

The MC must also provide recommendations for precautionary default measures. The precautionary default measures are intended to be a deterrent against states/regions implementing measures inconsistent with the conservation equivalency guidelines and are not associated with any particular harvest target. In 2023, the precautionary default measures consist of a 20-inch minimum size, a 2-fish possession limit, and an open season of July 1-August 31. Typically, these measures have been identified using non-quantitative methods, by identifying measures that are understood to be deterrent measures to all states. Staff recommends using any results of the RDM from non-preferred coastwide measure runs to gauge whether changes to the precautionary default measures may be needed or if they are still likely to serve as

a deterrent. If the Monitoring Committee believes the current precautionary default measures are more restrictive than any state will consider implementing in 2024-2025, then it may be appropriate to leave these measures unchanged.



October 30, 2023

Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 1990

Dear Dr. Moore:

We recently completed the summer flounder, scup, and black sea bass year-end catch accounting for 2022. The final report is attached to this letter. A summary table is provided below (Table 1).

In 2022, there were no overages of the acceptable biological catches (ABC) or overfishing limits (OFL) for summer flounder and black sea bass. Scup catch exceeded both the ABC and the OFL (Table 1). There were no overages of the commercial annual catch limits (ACL) or quotas in 2022 for summer flounder, scup, or black sea bass. However, the performance of the recreational fisheries for these species was variable and is discussed further below.

Table 1: Fishing year 2022 summer flounder, scup, and black sea bass catch, OFLs and ABCs (amounts presented in metric tons (mt)).

Stock	Total Catch	OFL	Percent Catch	ABC	Percent Catch
Summer Flounder	11,645	16,458	71%	15,021	78%
Scup	16,322	14,770	111%	14,566	112%
Black Sea Bass	8,455	8,735	97%	8,555	99%

Scup Overage

In 2022, the scup total catch was 16,322 mt. The OFL was 14,770 mt, corresponding to an 11-percent overage, and the ABC was 14,566 mt, corresponding to a 12-percent overage. Although the catch exceeded the OFL and the ABC, the status determination criteria for scup make use of the annual fishing mortality rate (F) relative to a maximum fishing mortality rate (MFMT) to determine if overfishing has occurred. The 2023 Management Track Assessment¹ estimated an F of 0.171 and a fishing mortality rate at maximum sustainable yield (F_{MSY}) of 0.19. While the assessment shows that the stock has decreased in recent years, the estimated biomass ($B = 159,050$ mt) remains well above the biomass at maximum sustainable yield ($B_{MSY} = 78,593$ mt). Therefore, the assessment determined that scup is not overfished nor is overfishing occurring.

¹ NOAA Fisheries. 2023. Stock SMART data records. Retrieved from apps-st.fisheries.noaa.gov/stocksmart. 10/04/2023.



Recreational Annual Catch Limit Evaluation

To assess whether accountability measures were triggered for the recreational summer flounder, scup, and black sea bass fisheries, the three-year average recreational catch is compared to the three-year average recreational ACL. This comparison is provided in Tables 2, 3, and 4. All estimates were generated from the Marine Recreational Information Program (MRIP) Fishing Effort Survey² (FES) and includes imputed data for 2020 and 2021.

Table 2: Summer Flounder Three-Year Average Recreational Catch vs. Recreational ACL (2020-2022), in mt

Fishing Year	Landings	Discards³	Total Catch	ACL	MRIP
2020	4,565	1,141	5,706	5,218	FES
2021	3,091	997	4,088	5,662	FES
2022	3,916	1,336	5,252	6,639	FES
		Average	5,015	5,840	

Table 3: Scup Three-Year Average Recreational Catch vs. Recreational ACL (2020-2022), in mt

Fishing Year	Landings	Discards	Total Catch	ACL	MRIP
2020	5,858	541	6,399	3,570	FES
2021	7,539	653	8,192	3,474	FES
2022	7,875	738	8,613	3,205	FES
		Average	7,735	3,416	

Table 4: Black Sea Bass Three-Year Average Recreational Catch vs. Recreational ACL (2020-2022), in mt

Fishing Year	Landings	Discards	Total	ACL	MRIP
2020	4,103	1,569	5,672	3,668	FES
2021	5,428	1,903	7,330	3,596	FES
2022	3,782	1,627	5,409	3,972	FES
		Average	6,137	3,745	

Recreational catch of scup and black sea bass exceeded their respective ACLs, triggering the accountability measures. When biomass is above the target, as it is for both scup and black sea bass, the accountability measures do not require a pound-for-pound payback, or a specific percent reduction. The accountability measures require that adjustments to the recreational management measures be made in the following fishing year or as soon as possible thereafter, once catch data are available, and as a single-year adjustment, after taking into account the

² NOAA Fisheries. 2023. Recreational Fishing Estimate Updates. Retrieved from <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-estimate-updates>. 10/03/2023.

³ The 2020 and 2021 summer flounder and scup recreational discard estimates have been revised based on the 2023 Management Track Assessments. While the estimates differ from those in the October 20, 2022, GARFO to MAFMC letter, this update does not change the fact that the recreational harvest of summer flounder exceeded the ACL in 2020, but not 2021, and recreational harvest of scup exceeded the ACL in both 2020 and 2021.

performance of the measures and the conditions that precipitated the overage. In 2023, based on the new approach to setting recreational management measures (the Percent Change Approach), the Council and Board have already adopted 10-percent reductions for both scup and black sea bass. We are not yet able to assess the effectiveness of these accountability measures because they were implemented in August 2023. In addition to the new approach to setting recreational management measures, a new bioeconomic model (the Recreational Demand Model) is being used to estimate recreational catch and the uncertainty around estimates of recreational catch. This model is a significant improvement over past methods used to inform management decisions. Additionally, the Recreational Demand Model has been further refined in 2023 in preparation for setting management measures for 2024.

Given these efforts to address the conditions that precipitated the recreational ACL overages for scup and black sea bass and that the biomass of scup and black sea bass are well above their target biomasses, we have determined that no additional action is required to address these overages in 2024.

If you have any questions on the report, please contact Emily Keiley at (978) 281-9116.

Sincerely,



Michael Pentony
Regional Administrator

cc: Dr. Jon Hare, Science and Research Director, Northeast Fisheries Science Center

Enclosure

Table 1. FY2022 Summer Flounder Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (8,382 mt)
summer flounder commercial landings	11,644,969	5,282	63.0%
summer flounder state-permitted only vessel landings	898,880	408	4.9%
summer flounder estimated dead discards	1,549,224	703	8.4%
summer flounder commercial catch	14,093,073	6,393	76.3%

Source: CAMS database, accessed on September 15, 2023.

	Pounds	Metric tons	Percent of Commercial quota (7,046 mt)
summer flounder commercial landings (including commercial RSA landings)	12,543,849	5,690	80.8%
summer flounder commercial RSA landings	0	0	0%
summer flounder commercial landings (excluding commercial RSA landings)	12,543,849	5,690	80.8%

Source: CAMS database, accessed on September 15, 2023.

Table 2. FY2022 Scup Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (11,361 mt)
scup commercial landings	9,682,013	4,392	38.7%
scup state-permitted only vessel landings	2,470,229	1,120	9.9%
scup estimated dead discards	4,844,199	2,197	19.3%
scup commercial catch	16,996,441	7,709	67.9%

Source: CAMS database, accessed on October 5, 2023.

	Pounds	Metric tons	Percent of Commercial quota (9,245 mt)
scup commercial landings (including commercial RSA landings)	12,152,242	5,512	59.6%
scup commercial RSA landings	0	0	0.0%
scup commercial landings (excluding commercial RSA landings)	12,152,242	5,512	59.6%

Source: CAMS database, accessed on September 15, 2023.

Table 3. FY2022 Black Sea Bass Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (4,583 mt)
black sea bass commercial landings	3,790,386	1,719	37.5%
black sea bass state-permitted only vessel landings	1,538,030	698	15.2%
black sea bass estimated dead discards	1,386,311	629	13.7%
black sea bass commercial catch	6,714,727	3,046	66.5%

Source: CAMS database, accessed on September 15, 2023.

	Pounds	Metric tons	Percent of Commercial quota (2,934 mt)
black sea bass commercial landings (including commercial Research Set-Aside landings)	5,328,416	2,417	82.4%
black sea bass commercial Research Set-Aside landings	0	0	0.0%
black sea bass commercial landings (excluding commercial Research Set-Aside landings)	5,328,416	2,417	82.4%

Source: CAMS database, accessed on September 15, 2023.

Table 4. FY2022 Summer Flounder Landings by State

State	Commercial Landings (lbs)
MA	899,778
RI	2,087,578
CT	923,752
NY	1,377,949
NJ	2,417,774
DE	1,083
MD	411,245
VA	2,158,843
NC	2,265,847

Source: CAMS database, accessed on September 15, 2023.

Kiley Dancy

From: James Fletcher <unfa34@gmail.com>
Sent: Wednesday, November 29, 2023 9:47 AM
To: Kiley Dancy
Subject: Re: Reminder and materials for Advisory Panel meeting, Mon Dec 4, 3-6pm

On Recreational discussion WILL TOTAL LENGTH AND NO DISCARD EVER BE DISCUSSED?
DEAD DISCARDS WOULD BE ELIMINATED!
BOFFF BIG OLD FAT FEMALE FISH!! IS THIS SCIENCE/

On 11/28/2023 9:49 AM, Kiley Dancy wrote:

Hello Summer Flounder, Scup, and Black Sea Bass Advisory Panel:

This is a reminder of our meeting next **Monday, December 4, from 3-6pm**. Most of the meeting materials have been posted to the event page at: <https://www.mafmc.org/council-events/2023/dec-04/sfsbsb-ap>. Webinar connection information is on that page and copied below as well.

The summary from the November 13-14 meeting of the Monitoring Committee is not yet available and will be posted later this week. In summary, the Monitoring Committee recommendations are as follows:

Recreational Measures

1. The Monitoring Committee agreed with the staff recommendations for the specific percent changes in harvest needed for **summer flounder (28% reduction) and scup (10% reduction) for 2024-2025** (measures would be held constant over two years for these species).
2. The Monitoring Committee recommended that **black sea bass measures be held status quo** for 2024 due to special circumstances with the timing of the stock assessment.
3. Due to lack of available Recreational Demand Model results, the Monitoring Committee was not able to make specific recommendations for non-preferred coastwide and precautionary default measures associated with conservation equivalency for summer flounder. We have scheduled a [follow up Monitoring Committee call for Thursday, December 7](#) from 1:30-3:30 pm.

Summer Flounder Commercial Mesh Regulations and Exemptions

1. **Minimum mesh size:** The Monitoring Committee supported no changes to the current 5.5" diamond and 6.0" square mesh regulations at this time, given insufficient evidence that a change is warranted, lack of information to inform selection of a more appropriate square mesh equivalent, and concerns about costs to industry participants. The group identified additional studies on square mesh selectivity as a potential research priority for Council and Board consideration.
2. **Small Mesh Exemption Program:** The MC did not recommend any specific changes to the Small Mesh Exemption Program at this time, but supported further analysis of the industry recommendation to move the area's line to the west. Specifically, additional analysis of the potential biological impacts on summer flounder is needed. The proposed changes may be more complicated than what can be done through specifications and may require a separate action. The MC also recommended identifying improved data sources and methods of analysis for this exemption.
3. **Flynet exemption:** The MC agreed that the definition of a flynet under the flynet exemption in the regulations is in need of clarification and modernization. They supported a few tweaks to the definition to this effect, noting that it would bring the regulatory definition in line with current practice. However, they noted that there is limited information available on patterns of use of this exemption or on flynet-type nets outside of North Carolina, and that additional data

streams and methods of analysis are likely needed to understand trends in use of this gear type and the potential implications of the definition change. Staff and GARFO are seeking clarity on whether a definition change of this type could be done through specifications or would require a separate action.

Webinar information for Monday, December 4 AP meeting:

1. [Click here to join the webinar](#) (If prompted, enter Meeting Number: 2349 955 1755; Password: SFSBSB_AP)
2. Phone-Only Access: 1-415-655-0001 (U.S. Toll Free); Access code: 2349 955 1755. Please only use this option if you are not connecting to the webinar on your computer or device. Otherwise follow the audio connection prompts to call in when you join the webinar.

Please let us know if you have any questions and we will send the Monitoring Committee summary as soon as it's available.

Council and Commission staff

Kiley Dancy
Fishery Management Specialist
Mid-Atlantic Fishery Management Council
302-526-5257 (direct)
Email: kdancy@mafmc.org or kiley.dancy@noaa.gov

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United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473-3287 cell 757-435-8475



Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 30, 2023
To: Chris Moore, Executive Director
From: Hannah Hart, Staff
Subject: Scup Recreational Measures for 2024-2025

On Tuesday, December 12, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) will consider 2024-2025 recreational management measures for scup. Materials listed below are provided for the Council and Board's discussion of this agenda item. As noted below, some materials will be posted at a later date and some materials are behind other tabs.

- 1) Summary of November 13-14, 2023 Monitoring Committee meeting (Part 2: Recreational Measures) (*behind Tab 3*)
- 2) Council staff memo on 2024-2025 recreational scup measures dated November 8, 2023
- 3) 2022 year-end catch accounting and accountability measures letter from GARFO dated October 30, 2023 (*behind Tab 3*)

The following materials will be posted to the meeting page once they are available:

- 4) Summary of December 4, 2023 Advisory Panel meeting
- 5) Summary of December 7, 2023 Monitoring Committee meeting
- 6) Any additional public comments received by the supplemental comment deadline of December 7, 2023



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 8, 2023
To: Chris Moore, Executive Director
From: Hannah Hart, Staff
Subject: Scup Recreational Management Measures for 2024-2025

Summary

This memo provides information to assist the Monitoring Committee (MC), Advisory Panels, the Mid-Atlantic Fishery Management Council (Council), and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) in developing recommendations for scup recreational measures (i.e., bag, size, and season limits) for 2024-2025.

The target level of harvest that 2024-2025 measures must aim to achieve will be determined using the Percent Change Approach, as required by Framework 17/Addendum XXXIV. This is the first year that two-year measures will be considered for scup under this approach. As described in more detail below, the harvest target will be defined based on expectations of 2024-2025 harvest under 2023 measures compared to the average 2024-2025 RHL, as well as considerations about stock biomass.

A model referred to as the Recreational Demand Model (RDM) has been developed by the Northeast Fisheries Science Center (NEFSC). The RDM was used to set 2023 recreational scup measures. As described in more detail in the next section, the RDM remains the best currently available tool for predicting recreational scup harvest in upcoming years under different management measures. As such, it should be used to define the appropriate harvest target and resulting measures for scup. The RDM predicts that an 80% confidence interval around estimated 2024-2025 harvest under 2023 measures is entirely above the average 2024-2025 RHL. Given the very high biomass of scup, **the Percent Change Approach requires a 10% reduction in harvest in 2024**. Additional runs of the RDM are necessary to determine the appropriate measures to achieve this reduction.

As described in more detail below, an Accountability Measure (AM) has been triggered based on an overage of the average 2020-2022 recreational Annual Catch Limit (ACL). For stocks with biomass above the target level, as is the case for scup, the regulations require adjustments to the recreational measures; however, they do not specify how the measures should be modified. In a letter dated October 30, 2023, the NOAA Fisheries Regional Administrator stated that no additional action is required in 2024 to address the recent scup overages, given the reductions implemented for 2023 as well as the improvements made to the RDM which will be used for setting management measures for 2024.

The MC is tasked with recommending recreational scup management measures for 2024-2025. For scup, the Council and Board agree to federal waters recreational management measures that apply throughout federal waters from Maine through North Carolina. State waters measures are typically determined separately through the Commission process; however, the combination of both federal waters and state waters measures must achieve the specified percent change as defined through the Percent Change Approach. This year, the MC will also reconsider the shortened federal recreational scup season (May 1 – December 31) adopted at the December 2022 joint Council/Board meeting. Given the required 10% reduction in harvest required in 2024 based on the results of the Percent Change Approach, a removal of the May 1 – December 31 federal season for 2024 may not be appropriate, however, if desirable the Monitoring Committee could consider recommending alternative measures that achieve the same reduction in place of the federal waters season.

Recreational Demand Model

The RDM uses trip attributes such as expected harvest and costs, as well as the availability of different sizes of fish, to estimate the likelihood that an angler will go fishing under a given set of regulations. The RDM is informed by a 2022 survey of anglers from Maine through Virginia as well as recent size distribution information from the stock assessment. The RDM can predict harvest and discards of scup at the trip, state, wave, and mode level under different sets of recreational measures. The RDM also predicts how regulations for summer flounder and black sea bass may impact harvest and discards of scup. Additional information about this model can be found in this overview document: <https://www.mafmc.org/s/fluke-RDM-overview-final-report.pdf>.

The RDM was used to set 2023 scup recreational measures. Prior to 2023, scup recreational measures were informed by Marine Recreational Information Program (MRIP) data and the Monitoring Committee's expert judgement. The RDM represents a major improvement over prior methods for setting recreational measures in that it accounts for factors such as angler preferences and varying year class strength, which could not be explicitly accounted for under the previous methods. The RDM is based on peer-reviewed models for other species and was reviewed by the Council's Scientific and Statistical Committee (SSC) in September 2022. Several improvements have been made since the SSC review. The Monitoring and Technical Committees have also discussed the RDM several times over the past few years and several additional improvements have been made in response to Monitoring and Technical Committee feedback.^{1,2} For all these reasons, the RDM is the best tool currently available for use in determining the harvest target and the associated recreational measures for 2024-2025.

Determining the Percent Change in Harvest for 2024-2025

Framework 17/Addendum XXXIV implemented a new process for setting recreational measures called the Percent Change Approach.³ Under this approach, measures aim to achieve a specified percent change in harvest compared to the expectation of harvest in the upcoming year(s) under current measures. Unlike the previous process, the recreational measures no longer aim to achieve but not exceed the recreational

¹ Additional information at https://asmfc.org/uploads/file/64dbc727SFBSB_TC_Report_May2023.pdf.

² Additional information at <https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/6541443d28772b1877b0ab95/1698776125234/Monitoring+Committee+9-20-23+Summary.pdf>

³ See action documents and additional information at <https://www.mafmc.org/actions/hcr-framework-addenda>.

harvest limit (RHL). Instead, measures aim to achieve a different level of harvest, which will vary based on the following two factors:

- 1) A confidence interval (CI) around an estimate of expected harvest in the upcoming two years under current measures compared to the average RHL for the upcoming two years and
- 2) Biomass compared to the target level, as defined by the most recent stock assessment.

The resulting percent change in harvest that measures should aim to achieve is summarized in Table 1.

This process is intended to allow recreational measures to remain unchanged across two years, aligned with the timing of updated management track stock assessments, which are expected to be available every other year for scup. For 2023, measures were set for one year only given the schedule for the management track assessments. Thus, 2024-2025 is the first time this process will be used to set two-year measures.

Additional details about how this process will be applied for 2024-2025 are included below.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach. Cells highlighted in yellow indicate the percent change in harvest needed for scup in 2024-2025 based on the information summarize on the next page.

<i>Column 1</i> Future RHL vs Estimated Harvest	<i>Column 2</i> Biomass compared to target level (SSB/SSB_{MSY})	<i>Column 3</i> Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	Very high (greater than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target level, but no higher than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Liberalization: 10%
Future 2-year average RHL is within harvest estimate CI (harvest expected to be close to the RHL)	Very high (greater than 150% of target)	Liberalization: 10%
	High (at least the target level, but no higher than 150% of target)	No liberalization or reduction: 0%
	Low (below the target stock size)	Reduction: 10%
Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	Very high (greater than 150% of target)	Reduction: 10%
	High (at least the target level, but no higher than 150% of target)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

Column 1: Compare Average 2024-2025 RHL to Expected Harvest Under 2023 Measures

The RDM was used to generate an estimate of expected 2024-2025 harvest under status quo (i.e., 2023) measures, with an associated 80% confidence interval.⁴ The median coastwide projected 2024-2025 harvest under 2023 measures is 15.29 million pounds, with an 80% CI of 14.07 – 16.29 million pounds. The average 2024-2025 scup RHL of 12.51 million pounds (average of the 2024 RHL of 13.18 million pound and the 2025 RHL of 11.84 million pound) is below this CI.

Column 2: Biomass Compared to Target Level

As shown in Table 1, the second step under the Percent Change Approach is to consider the most recent estimate of spawning stock biomass compared to the target level. According to the 2023 management track stock assessment (using data through 2022),⁵ scup is greater than 150% of the target stock size (estimated at 246% of the spawning stock biomass target). This puts scup in the “**very high**” stock size category for the Percent Change Approach (Table 1, Column 2).

Column 3: Determining Necessary Percent Change in Harvest

As shown in Table 1, Column 3, the two comparisons described above indicate that the Percent change Approach requires a 10% reduction in expected harvest in 2024. This change in harvest is relative to the projected 2024-2025 harvest under status quo (2023) measures as estimated by the RDM. As such, the target level of harvest that 2024-2025 measure must aim to achieve is 13.76 million pounds (10% reduction from 15.29 million pounds).

Accountability Measures

Federal regulations include reactive accountability measures (AMs) for when the recreational scup annual catch limit (ACL) is exceeded. This can include paybacks of ACL overages depending on stock status and the magnitude of the overage, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average dead catch exceeds the average ACL, then the appropriate AM is determined based on the criteria listed below. This reflects minor revisions to the AMs made through Framework 17.

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent 3-year average recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data

⁴ In May 2023, the Monitoring and Technical Committees recommended the use of an 80% CI around the harvest estimate for development of 2024-2025 measures. See the meeting report at: https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf.

⁵ Available at: https://static1.squarespace.com/static//e_Scup_2023_MTA_2023_06_05.pdf.

are available. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years.

2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
 - a. If only the recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.
 - b. If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible as a payback that will be scaled based on stock biomass. The calculation for the payback amount in this case is: (3-year average overage amount) * $(B_{msy}-B)^{1/2} B_{msy}$. This payback may be evenly spread over two years if doing so allows for the use of identical recreational management measures across the upcoming two years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.
3. If biomass is above the target ($B > B_{MSY}$): Adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

Based on a comparison of 2020-2022 average recreational dead catch to the 2020-2022 average ACLs, recreational AMs have been triggered for scup (Table 2). Given scup biomass is above the biomass target, the regulations require adjustments to the recreational measures. The regulations do not specify how the measures should be modified.

Recreational measures for scup were restricted in 2022 with the goal of reducing harvest by the required 10% under the Percent Change Approach. These restrictions included a decreased federal recreational possession limit of 40 fish and shortened the federal-waters season from May 1 – December 31 open season. States specific regulations were also modified and are shown in Table 5. These restrictions are not accounted for in the 2020-2022 comparisons which triggered an AM for 2023. The impacts of the 2023 restrictions on harvest cannot be fully evaluated with currently available preliminary partial year MRIP data. It is also worth noting that several states did not implement the restrictions until mid-year in 2023; therefore, the restrictions may not have their full intended effect in 2023.

In a letter dated October 30, 2023, the NOAA Fisheries Regional Administrator stated that no additional action is required in 2024 to address the recent scup overage, given the recent 10% reduction in harvest adopted by the Council and Board as well as the improvements made to the RDM which will be used for setting management measures for 2024.

Table 2: Evaluation of scup recreational AMs using the 2020-2022 average recreational ACL compared to the 2020-2022 average recreational dead catch.

	Recreational Harvest (mil lbs.)	Recreational Dead Discards (mil lbs.)	Total Dead Recreational Catch (mil lbs.)	Recreational ACL (mil lbs.)	% Over/Under ACL
2020	12.91 ^a	1.19 ^a	14.10	7.87	79%
2021	16.62	1.44	18.06	7.66	136%
2022	17.36	1.63	18.99	7.06	169%
Average	15.63	1.42	17.05	7.53	126%

^a 2020 recreational estimates were developed using imputation methods (incorporating 2018 and 2019 data) to account for missing 2020 APAIS data.

Federal Waters Recreational Season Adopted in December 2022

At the joint December 2022 meeting, the Council and Board agreed to reduce the federal recreational possession limit from 50 to 40 fish and shorten the federal-waters season from a year-round open season to a May 1 – December 31 open season. Due to the timing of federal rule making, the modified federal season would not go into effect until 2024, therefore having no impact on 2023 harvest. Although the Council and Board approved the modified federal scup season, there was some discussion about how the May 1 – December 31 open season may disproportionately impact some states. Specifically, members from some southern states like New Jersey voiced concern about federal waters being closed at the start of the year given the importance of waves 1 and 2 (January – April) to the for-hire sector. Northern states however, expressed the need for the modified season since those states would take the bulk of the required reduction in state waters and there was a desire to maintain some consistency between state and federal waters regulations. There was also concern about the accuracy of wave 1⁶ and 2 MRIP data and how in past years a single trip has greatly inflated harvest estimates for those waves.

At the March 2023 Board meeting, the Board reviewed proposed measures for state waters. After determining that the proposed state adjustments met virtually the full 10% reduction in coastwide harvest required under the Percent Change Approach, the Board questioned if the scup federal waters closure (January 1 – April 30) was still needed and requested it be reconsidered.

This topic was further discussed at April 2023 Council meeting. After much discussion, the Council agreed to revisit the discussion later this year after updated stock and recreational catch information is available.

This topic again came up at the joint Council/Board August 2023 meeting. The NOAA Fisheries Regional Administrator indicated that if the forthcoming recreational management measures setting process, including the results from the Percent Change Approach, indicates that a shortened season is no longer needed or if alternative measures could be recommended in place of the shortened federal recreational season, then NOAA Fisheries could publish a rule by the end of 2023 to modify the federal season for 2024.

⁶ Within the scup management unit wave 1 (January – February) Marine Recreational Information Program (MRIP) data is only available for North Carolina due to survey coverage.

As noted above, the RDM estimate for 2024-2025 harvest under 2023 measures, combined with the most recent estimate of biomass compared to the target level indicate that a 10% reduction in harvest is required under the Percent Change Approach. Given these results, removal of the federal waters shortened season for 2024 would not be appropriate. **However, if desirable, the MC could consider recommending alternative measures that achieve the same reduction in place of the January – April federal waters closure.**

Past Management Measures

Scup RHLs were first implemented in 1996. Since then, the RHL varied from a low of 1.24 million pounds in 1999 and 2000 to a high of 13.18 which is the expected RHL for 2024. Performance relative to RHLs through 2019 can only be evaluated using pre-revision ("old") MRIP data, since past RHLs were set using assessments that incorporated the previous MRIP time series.

Until 2002, the recreational scup fishery was managed with coastwide measures as dictated by the FMP at the time. These measures included a common minimum fish size, possession limit, and open season that were implemented in both state and federal waters. Since 2003, the Commission has applied a regional management approach to recreational scup fisheries in state waters, where New York, Rhode Island, Connecticut, and Massachusetts develop regulations intended to achieve 97% of the RHL. Federal waters regulations have been updated occasionally since 2003; however, from 2015 – 2021 federal waters measures remained unchanged (Table 3).

However, due to recreational overages in 2019-2020 and expected overages in 2021 the Council and Board required a 1-inch increase to the scup recreational minimum size in state and federal waters for 2022. In federal waters, this resulted in a 10-inch total length minimum size limit (Table 3). Management measures in state waters vary by state, mode (e.g., private, for-hire), and season, but like federal waters, the minimum size limit in each state was increased by 1 inch resulting in a 10-inch size limit in most northern states and a 9-inch minimum size limit in most southern states (Table 4). Implementation of the state specific 1-inch minimum size limit increase varied by state, but all states regulations were updated prior to July 1, 2022.

In December 2022, the Council and Board met jointly to consider scup recreational measures for 2023. As noted above this was the first time setting recreational management measures using the new Percent Change Approach in conjunction with results from the RDM. Using the RDM, the Percent Change Approach required a 10% reduction in recreational harvest of scup in 2023. The Council and Board agreed to reduce the federal recreational possession limit from 50 to 40 fish and shorten the federal-waters season from a year-round open season to a May 1 – December 31 open season. These measures did not achieve the full 10% reduction in harvest required; therefore, the Council and Board also agreed that the states would further modify state measures through the Commission process to achieve the full 10% coastwide harvest reduction. State specific management measures adopted in 2023 are shown in Table 5.

Table 3: Summary of federal management measures for the scup recreational fishery, 1997-2025. ABCs, TACs, ACLs, RHLs, and harvest are in millions of pounds. Recreational harvest values are for Maine through North Carolina and old and revised MRIP estimates are shown.

Year	TAC/ABC	Rec. ACL	RHL	Rec. harvest (Old MRIP)	% over/under RHL ^a	Rec. harvest (New MRIP)	Bag limit (# of fish)	Size limit (inches, total length)	Open season
1997	9.10	-	1.95	1.20	-38%	2.54	-	7	1/1 - 12/31
1998	7.28	-	1.55	0.87	-44%	1.82	-	7	1/1 - 12/31
1999	5.92	-	1.24	1.89	+52%	4.63	-	7	1/1 - 12/31
2000	5.92	-	1.24	5.44	+339%	11.39	-	-	1/1 - 12/31
2001	8.37	-	1.76	4.26	+142%	9.77	50	9	8/15 - 10/31
2002	12.92	-	2.71	3.62	+34%	6.23	20	10	7/1 - 10/2
2003	18.65	-	4.01	8.48	+111%	17.21	50	10	1/1 - 2/28 7/1 - 11/30
2004	18.65	-	3.99	7.28	+82%	12.83	50	10	1/1 - 2/28 9/7 - 11/30
2005	18.65	-	3.96	2.69	-32%	4.30	50	10	1/1 - 2/28 9/18 - 11/30
2006	19.79	-	3.99	3.72	-7%	5.93	50	10	1/1 - 2/28 9/18 - 11/30
2007	13.97	-	2.74	4.56	+66%	7.10	50	10	1/1 - 2/28 9/18 - 11/30
2008	9.9	-	1.83	3.79	+107%	5.76	15	10.5	1/1 - 2/28 9/18 - 11/30
2009	15.54	-	2.59	3.23	+25%	6.28	15	10.5	1/1 - 2/28 10/1 - 10/31
2010	17.09	-	3.01	5.97	+98%	12.48	10	10.5	1/1 - 2/28 10/1 - 10/31
2011	31.92	-	5.74	3.67	-36%	10.32	10	10.5	6/6 - 9/26
2012	40.88	31.89	8.45	4.17	-51%	8.27	20	10.5	1/1 - 12/31
2013	38.71	30.19	7.55	5.37	-29%	12.57	30	10	1/1 - 12/31
2014	35.99	28.07	7.03	4.43	-37%	9.84	30	9	1/1 - 12/31
2015	33.77	26.35	6.8	4.41	-35%	11.93	50	9	1/1 - 12/31
2016	31.11	6.84	6.09	4.26	-30%	10.00	50	9	1/1 - 12/31
2017	28.4	6.25	5.50	5.42	-1%	13.54	50	9	1/1 - 12/31
2018	39.14	8.61	7.37	5.61	-24%	12.98	50	9	1/1 - 12/31
2019	36.43	8.01	7.37	5.40 ^b	-27%	14.12	50	9	1/1 - 12/31
2020	35.77	7.87	6.51	N/A	+98%	12.91	50	9	1/1 - 12/31
2021	34.81	7.66	6.07	N/A	+174%	16.62	50	9	1/1 - 12/31
2022	32.11	7.06	6.08	N/A	+186%	17.36	50	10	1/1 - 12/31
2023	29.67	10.39	9.27	-	-	-	40	10	5/1 - 12/31
2024 ^c	43.82	15.34	13.18	-	-	-	TBD	TBD	TBD
2025 ^c	39.74	13.91	11.84	-	-	-	TBD	TBD	TBD

^a Based on a comparison with old MRIP estimates through 2019 and new MRIP estimates starting in 2020.

^b Old MRIP estimates provided to the National Marine Fisheries Service Greater Atlantic Regional Fisheries Office by the Northeast Fisheries Science Center.

^c Pending approval and implementation by NMFS.

Table 4: State recreational fishing measures for scup in 2022.

State	Minimum Size (inches)	Possession Limit	Open Season
MA (private & shore)	10	30 fish; 150 fish/vessel with 5+ anglers on board	April 13-December 31
MA (party/charter)	10	30 fish	April 13-April 30; July 1- December 31
		50 fish	May 1-June 30
RI (private & shore)	10	30 fish	January 1-December 31
RI shore program (7 designated shore sites)	9		
RI (party/charter)	10	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1-October 31
CT (private & shore)	10	30 fish	January 1-December 31
CT shore program (45 designed shore sites)	9		
CT (party/charter)	10	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1-October 31
NY (private & shore)	9	30 fish	January 1-December 31
NY (party/charter)	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1- October 31
NJ	10	50 fish	January 1- December 31
DE	9	50 fish	January 1-December 31
MD			
VA		30 fish	
NC, North of Cape Hatteras (N of 35° 15'N)		50 fish	

Table 5: State recreational fishing measures for scup in 2023.

State	Minimum Size (inches)	Possession Limit	Open Season
MA (private vessel)	10.5	30 fish	May 1 – December 31
MA (shore)	9.5		
MA (party/charter)	10.5	40 fish	May 1 – June 30
		30 fish	July 1 – December 31
RI (private vessel)	10.5	30 fish	May 1 – December 31
RI (shore)	9.5		
RI (party/charter)	10.5 ⁴	30 fish	May 1 – August 31; November 1 – December 31
		40 fish	September 1 – October 31
CT (private vessel)	10.5	30 fish	May 1 – December 31
CT (shore)	9.5		
CT (Authorized For-Hire Monitoring Program Vessels)	10.5	30 fish	May 1 – August 31; November 1 – December 31
		40 fish	September 1 – October 31
NY (private vessel)	10.5	30 fish	May 1 – December 31
NY (shore)	9.5		
NY (party/charter)	10.5	30 fish	May 1 – August 31; November 1 – December 31
		40 fish	September 1 – October 31
NJ	10	30 fish	August 1 – December 31
DE	9	40 fish	January 1 – December 31
MD			
VA			
NC, North of Cape Hatteras (N of 35° 15'N)			

Recreational Catch and Harvest Trends

Table 6 provides the annual MRIP time series of recreational harvest (in number of fish and weight), dead discards (in weight), and catch (in number of fish) for 2009-2022, as well as the estimates for waves 1-4 for 2023. Since 1981, estimated recreational scup catch fluctuated from a peak of 41.20 million fish in 2017 to a low of 6.60 million fish in 1997. Estimated harvest fluctuated from a high of 30.43 million scup (about 14.18 million pounds) in 1986 to a low of 2.74 million scup (about 1.82 million pounds) in 1998. In 2022, recreational harvest was about 17.71 million fish (about 17.36 million pounds), and approximately 36.02 million scup were caught, with a release rate of 51% (Table 6).

2023 recreational catch and landings data from MRIP are currently available as preliminary estimates for the first four waves (January – August). Preliminary MRIP estimates indicate that through August 2023, 19.89 million scup were caught and 9.91 million scup (about 9.46 million pounds) were harvested from Maine through North Carolina (Table 6). The preliminary 2023 wave 1 – 4 harvest estimate is about 1.46 million pounds less than the 2019-2022 average wave 1 – 4 harvest estimates.

Table 6: Recreational scup catch (i.e., harvest and live and dead discards) and harvest by year, ME - NC, 2012-2023 based on new MRIP estimates. 2023 values are preliminary and are for waves 1-4 only.

Year	Catch (mil of fish)	Harvest (mil of fish)	Harvest (mil lbs.)	Dead discards^a (mil lbs.)	% Released (released alive)	Avg. weight of landed fish (lbs.)
2012	21.24	7.33	8.27	1.40	65%	1.13
2013	25.88	11.55	12.64	1.25	55%	1.09
2014	20.88	9.49	10.27	1.06	55%	1.08
2015	25.15	11.50	12.17	1.28	54%	1.06
2016	31.49	9.14	10.00	1.90	71%	1.09
2017	41.20	13.82	13.53	2.38	66%	0.98
2018	30.37	14.55	12.98	1.42	52%	0.89
2019	28.67	14.95	14.12	1.23	48%	0.94
2020	27.27	14.49	12.91	1.19	47%	0.89
2021	31.70	16.60	16.62	1.44	48%	1.00
2022	36.02	17.71	17.36	1.63	51%	0.98
2023 (wave 1-4 only)	19.89	9.91	9.46	--	50%	0.95

^aDead discards from the 2023 management track assessment.

Total landings by state in recent years are shown in Table 7, including full year estimates for 2018 – 2022 and wave 1 – 4 estimates for 2023. On average, recreational scup harvest (in pounds) from 2018 – 2022 accounted for about 5% in federal waters and 95% in state waters (**Figure 1**). During 2018 – 2022 about 10% of recreational harvest was from party/charter vessels, 25% was from shore-based anglers, and 65% was from private/rental boats (**Figure 2**).

Table 7: Recreational scup harvest (in pounds) by state for all waves (January – December) 2017-2022. 2023 values are preliminary and are for waves 1-4 only.

State	2018	2019	2020	2021	2022	2023 (w1-4)
ME	0	0	0	0	0	0
NH	0	0	0	0	0	0
MA	3,021,958	1,924,202	1,174,793	3,763,514	2,098,575	776,243
RI	2,030,259	2,856,459	1,330,397	2,467,932	2,898,790	1,582,362
CT	2,574,308	2,242,549	2,951,959	2,856,535	1,822,874	1,697,575
NY	4,906,041	6,970,873	6,253,478	7,177,770	10,249,645	5,330,495
NJ	443,700	118,830	1,200,943	194,092	284,678	68,995
DE	362	0	316	1,179	1,757	0
MD	369	444	578	331	2,211	0
VA	0	229	0	157,454	0	0
NC	420	2,637	1,346	2,831	2,848	2,978
Total	12,977,417	14,116,223	12,913,810	16,621,638	17,361,378	9,458,648

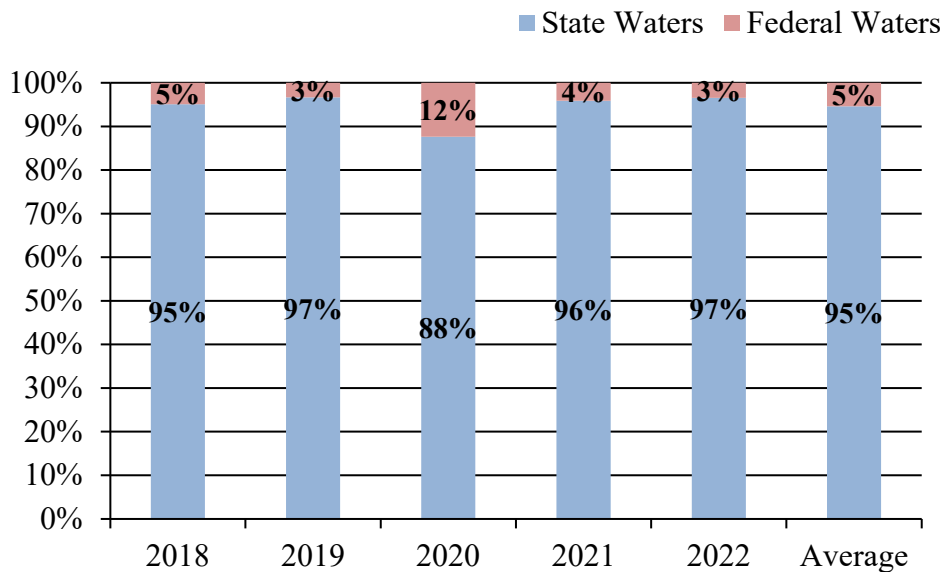


Figure 1: Proportion of 2018 – 2022 recreational harvest (in pounds) in state and federal waters, ME-NC. *Note: area information is self-reported based on the area where the majority of fishing activity occurred on each trip.*

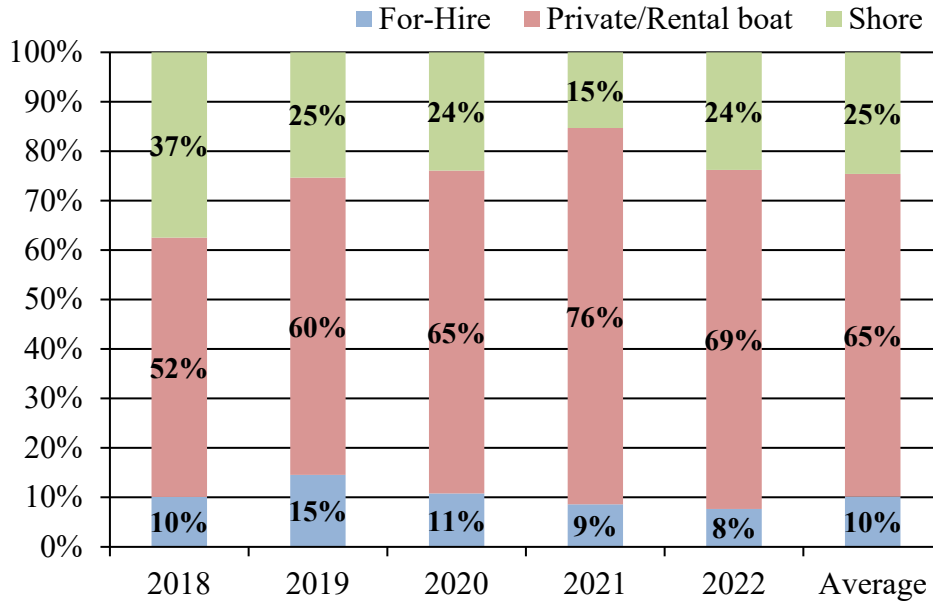


Figure 2: Proportion of 2018 – 2022 recreational harvest (in pounds) by mode.

2024-2025 Staff Recommendation

As noted above, the RDM estimate for 2024-2025 harvest under 2023 measures, combined with the most recent estimate of biomass compared to the target level indicate that a 10% reduction in harvest is required under the Percent Change Approach. The 10% reduction is applied to the RDM estimate of 2024-2025 harvest under 2023 measures (i.e., 15.29 million pounds). As such, the target level of harvest that 2024-2025 measures must aim to achieve is 13.76 million pounds.

The MC is tasked with developing recommendations for recreational bag, size, and season limits for federal waters for 2024-2025. The MC may also preliminarily consider what adjustments may be needed to state measures; however, state waters measures will be developed separately through the Commission process. As described above, federal and state water measures should collectively achieve the 10% reduction required under the Percent Change Approach. Given on average federal waters only account for about 5% of total harvest, and the RDM cannot estimate harvest in federal waters separately from state waters, staff recommend continued use of the current federal water measures as shown in Table 3 and adjustments to state waters measures made through the Commission process to achieve the full 10% reductions.



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 30, 2023
To: Chris Moore, Executive Director
From: Julia Beaty, Staff
Subject: 2024 Black Sea Bass Recreational Measures

On Wednesday, December 13, 2023, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) will consider 2024 recreational management measures for black sea bass. Materials listed below are provided for the Council and Board's discussion of this agenda item. As noted below, some materials will be posted at a later date and some materials are behind other tabs.

- 1) Summary of November 13-14, 2023 Monitoring Committee meeting (Part 2: Recreational Measures) (*behind Tab 3*)
- 2) Council staff memo on 2024 recreational black sea bass measures dated November 8, 2023
- 3) 2022 year-end catch accounting and accountability measures letter from GARFO dated October 30, 2023 (*behind Tab 3*)
- 4) Memo from Virginia Marine Resources Commission on the February 2024 recreational black sea bass season
- 5) Public comments received by November 29, 2023

The following materials will be posted to the meeting page once they are available:

- 6) Summary of December 4, 2023 Advisory Panel meeting
- 7) Summary of December 7, 2023 Monitoring Committee meeting
- 8) Any additional public comments received by the supplemental comment deadline of December 7, 2023



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 8, 2023
To: Chris Moore, Executive Director
From: Julia Beaty, Staff
Subject: 2024 Black Sea Bass Recreational Measures

Summary

This memo provides information to assist the Monitoring Committee, Advisory Panels, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) in developing recommendations for 2024 recreational black sea bass measures (i.e., bag, size, and season limits).

As described in more detail below, the target level of harvest that 2024 measures must aim to achieve will be determined using the Percent Change Approach, as required by Framework 17/Addendum XXXIV. The harvest target will be defined based on expectations of 2024 harvest under 2023 measures compared to the 2024 RHL, as well as considerations about stock biomass.

A model referred to as the Recreational Demand Model (RDM) has been developed by the Northeast Fisheries Science Center (NEFSC). The RDM was used to set 2023 recreational black sea bass measures. The RDM remains the best currently available tool for predicting recreational black sea bass harvest in upcoming years under different management measures. As such, it should be used to define the appropriate harvest target and the resulting measures for black sea bass. The RDM predicts that an 80% confidence interval around estimated 2024 harvest under 2023 measures is entirely above the 2024 RHL. Given the very high biomass of black sea bass, **the Percent Change Approach requires a 10% reduction in harvest in 2024**. Additional runs of the RDM are necessary to determine the appropriate measures to achieve this reduction. It is anticipated that additional information from the RDM will be available prior to the Monitoring Committee's meeting on November 13-14, 2023 to inform the discussion of 2024 recreational measures.

As described in more detail below, an Accountability Measure has been triggered based on an overage of the average 2020-2022 recreational Annual Catch Limit. For stocks with biomass above the target level, as is the case for black sea bass, the regulations require adjustments to the recreational measures; however, they do not specify how the measures should be modified. In a letter to the Council dated October 30, 2023, the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) Administrator stated that no additional action is required in 2024 to address the recent black sea bass overages, given the reductions implemented for 2023 as well as

the improvements made to the RDM which will be used for setting management measures for 2024.¹

The Monitoring Committee is tasked with recommending either use of coastwide measures (i.e., identical measures in all states and federal waters) or conservation equivalency (state- or region-specific measures in state waters, and "non-preferred" coastwide measures that are waived in favor of the state measures). Under conservation equivalency, the Council and the Board must adopt non-preferred coastwide and precautionary default measures (described in more detail below). The combination of state/regional measures must achieve the same level of expected harvest as the non-preferred coastwide measures. For 2024, the combination of state/regional measures and the non-preferred coastwide measures must achieve the 10% reduction in harvest required by the Percent Change Approach. State/regional measures will be determined through the Commission process in early 2024.

Staff recommend continued use of conservation equivalency to waive federal waters recreational black sea bass measures in 2024. Depending on additional results of the RDM, which are not yet available, the current non-preferred coastwide measures may need to be modified. The Monitoring Committee should also consider if the current precautionary default measures are expected to be more restrictive than the measures any state will consider implementing in 2024 under the 10% reduction. If this is not the case, they may also need to be modified.

Recreational Demand Model

The RDM uses trip attributes such as expected harvest and costs, as well as the availability of different sizes of fish, to estimate the likelihood that an angler will go fishing under a given set of regulations. The RDM is informed by a 2022 survey of anglers from Maine through Virginia as well as recent size distribution information from the stock assessment. The RDM can predict harvest and discards of black sea bass at the trip, state, wave, and mode level under different sets of recreational measures. The RDM also predicts how regulations for summer flounder and scup may impact harvest and discards of black sea bass. Additional information about this model can be found in this overview document: <https://www.mafmc.org/s/fluke-RDM-overview-final-report.pdf>.

The RDM was used to set 2023 black sea bass recreational measures. Prior to 2023, black sea bass recreational measures were informed by Marine Recreational Information Program (MRIP) data and the Monitoring Committee's expert judgement. The RDM represents a major improvement over prior methods for setting recreational measures in that it accounts for factors such as angler preferences and varying year class strength, which could not be explicitly accounted for under the previous methods. The RDM is based on peer-reviewed models for other species and was reviewed by the Council's Scientific and Statistical Committee (SSC) in September 2022. Several improvements have been made since the SSC review. The Monitoring and Technical Committees have also discussed the RDM several times over the past few years and several additional improvements have been made in response to Monitoring and Technical Committee feedback.² For all these reasons, the RDM is the best tool currently available for use in determining the harvest target and the associated recreational measures for 2024-2025.

¹ The letter is available at https://www.mafmc.org/s/GARFO-to-MAFMC_2022-FSB-Catch-Accounting-Letter-and-Report-10-20-23.pdf.

² For example, see https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf and <https://www.mafmc.org/s/Monitoring-Committee-9-20-23-Summary.pdf>.

Determining the Percent Change in Harvest Needed for 2024

Framework 17/Addendum XXXIV implemented a new process for setting recreational measures called the Percent Change Approach.³ Under this approach, measures must aim to achieve a specified percent change in harvest compared to the expectation of harvest in the upcoming year(s) under current measures. Unlike the previous process, recreational measures no longer aim to achieve but not exceed the RHL. Instead, measures aim to achieve a different level of harvest, which varies based on the following two factors:

- 1) A confidence interval (CI) around an estimate of expected harvest in the upcoming two years under current measures compared to the average RHL for the upcoming two years and
- 2) Biomass compared to the target level, as defined by the most recent stock assessment.

The resulting percent change in harvest that measures should aim to achieve is summarized in Table 1.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach. Cells highlighted in yellow indicate the percent change in harvest needed for black sea bass in 2024 based on the information summarized on the next page.

<i>Column 1</i> Future RHL vs Estimated Harvest	<i>Column 2</i> Biomass compared to target level (SSB/SSB _{MSY})	<i>Column 3</i> Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	Very high (greater than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target, but no higher than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below target stock size)	Liberalization: 10%
Future 2-year average RHL is within harvest estimate CI (harvest expected to be close to the RHL)	Very high (greater than 150% of target)	Liberalization: 10%
	High (at least the target, but no higher than 150% of target)	No liberalization or reduction: 0%
	Low (below target stock size)	Reduction: 10%
Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	Very high (greater than 150% of target)	Reduction: 10%
	High (at least the target, but no higher than 150% of target)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

³ Additional information is available at <https://www.mafmc.org/actions/hcr-framework-addenda>.

The Percent Change Approach is intended to allow recreational measures to remain unchanged across two years, aligned with the timing of updated management track stock assessments, which are expected to be available every other year. However, black sea bass measures will be set on a one-year cycle for 2024 as the previously anticipated 2023 management track assessment was postponed to the summer of 2024.

Given this change in the timing of the assessment, the 2024 overfishing limit, acceptable biological catch limit (ABC), recreational annual catch limit (ACL), and recreational annual catch target (ACT), from which the RHL is derived, were all set equal to the 2023 values. The 2024 RHL (6.27 million pounds) differs from the 2023 RHL (6.57 million pounds) only due to the use of updated discard data in the calculations.⁴ Framework 17/Addendum XXXIV did not contemplate a situation where the RHL would change without updated stock assessment information. As shown in Table 1, the Percent Change Approach only allows for status quo measures when the upcoming RHL is within the harvest estimate CI and biomass is “high” (i.e., at least the target, but no higher than 150% of the target). Black sea bass is currently in the “very high” biomass category; therefore, the Percent Change Approach does not allow for status quo measures. The Monitoring Committee should consider what changes in measures may be needed in 2024 due to the change in the RHL from 2023 to 2024.

Column 1: Compare 2024 RHL to Expected Harvest Under 2023 Measures

The RDM was used to generate an estimate of expected 2024 harvest under 2023 measures, with an associated 80% CI.⁵ The median coastwide projected 2024 harvest under 2023 measures is 8.40 million pounds, with an 80% CI of 7.72 – 9.08 million pounds. The 2024 RHL of 6.27 million pounds is below this CI.

Column 2: Biomass Compared to Target Level

As shown in Table 1, the second step under the Percent Change Approach is to consider the most recent estimate of spawning stock biomass compared to the target level. The 2021 management track stock assessment remains the most recent stock assessment information for black sea bass.⁶ According to this assessment, black sea bass was 210% of the target stock size in 2019. This puts black sea bass in the “very high” stock size category for the Percent Change Approach.

Column 3: Determining Necessary Percent Change in Harvest

As shown in Table 1, Column 3, the two comparisons described above indicate that the Percent Change Approach requires a 10% reduction in expected harvest in 2024. This change in harvest is relative to the projected 2024 harvest under 2023 measures as estimated by the RDM. As such, the target level of harvest that 2024 measures must aim to achieve is 7.56 million pounds.

Accountability Measures

Federal regulations include reactive accountability measures (AMs) for when the recreational black sea bass ACL is exceeded. This can include paybacks of ACL overages depending on stock status and the magnitude of the overage, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead

⁴ For more information, see the tab 4 briefing materials available at <https://www.mafmc.org/briefing/august-2023>.

⁵ In May 2023, the Monitoring and Technical Committees recommended the use of an 80% CI around the harvest estimate for development of 2024-2025 measures. See the meeting report at: https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf.

⁶ Available at: https://apps-nefsc.fisheries.noaa.gov/saw/reviews_report_options.php.

discards). If average dead catch exceeds the average ACL, then the appropriate AM is determined based on the criteria listed below. This reflects minor revisions to the AMs made through Framework 17.

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds by which the most recent 3-year average recreational ACL has been exceeded will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years.
2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
 - a. If only the recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.
 - b. If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible as a payback that will be scaled based on stock biomass. The calculation for the payback amount in this case is: (3-year average overage amount) * $(B_{MSY} - B) / \frac{1}{2} B_{MSY}$. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.
3. If biomass is above the target ($B > B_{MSY}$): Adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

According to data provided by GARFO, average 2020-2022 recreational dead catch exceeded the 2020-2022 average recreational ACL by 64% (Table 2). Given that the most recent stock assessment indicates that black sea bass spawning stock biomass is above the target level, the regulations require adjustments to the recreational measures. The regulations do not specify how the measures should be modified.

Recreational measures for black sea bass were restricted in 2023 with the goal of reducing harvest by 10% compared to the RDM prediction of 2023 harvest under 2022 measures. These restrictions are not accounted for in the 2020-2022 comparisons which triggered an AM for 2024. The impacts of the 2023 restrictions on harvest cannot be fully evaluated with currently available preliminary partial year MRIP data.

As previously noted, in a letter to the Council dated October 30, 2023, the GARFO Administrator stated that no additional action is required in 2024 to address the recent black sea bass overages, given the reductions implemented for 2023 as well as the improvements made to the RDM which will be used for setting management measures for 2024.

Table 2: Evaluation of black sea bass recreational AMs using the 2020-2022 average recreational ACL compared to the 2020-2022 average recreational dead catch based on data provided by GARFO.

Year	Recreational Harvest (mil lb)	Recreational Dead Discards (mil lb)	Total Dead Recreational Catch (mil lb)	Recreational ACL (mil lb)	% Over/ Under ACL
2020	9.05	3.46	12.50	8.09	55%
2021	11.97	4.20	16.16	7.93	104%
2022	8.34	3.59	11.92	8.76	36%
Average	9.78	3.75	13.53	8.26	64%

Past Management Measures

Joint Council and Commission management of the recreational black sea bass fishery began in 1998. Until 2010, identical measures were used in state and federal waters, as dictated by the FMP at the time. From 2011 through 2018, the Commission developed a series of addenda to enable state-specific and regional measures to be used in state waters under a process referred to as “ad hoc regional management.” With approval of the Commission’s Addendum XXXII in 2018, an addendum is no longer needed to modify the state measures.

Under the ad hoc approach, Delaware through North Carolina (north of Cape Hatteras) set measures that were generally consistent with federal measures while Massachusetts through New Jersey set state-specific measures that were more restrictive than the federal waters measures.

State and federal waters measures remained unchanged during 2018-2021 with the exception of minor season adjustments in Massachusetts, Virginia, and North Carolina which were intended to maintain status quo levels of harvest. The Council and Board agreed to leave the recreational black sea bass measures in all states and federal waters unchanged in 2020 and 2021 despite expected RHL overages. This was viewed as a temporary solution to allow more time to consider how to fully transition the management system to use of the revised MRIP data,⁷ including further development of the then ongoing Commercial/Recreational Allocation Amendment (Amendment 22) and the Recreational Harvest Control Rule Framework/Addenda (Framework 17/Addendum XXXIV). Given the resulting RHL and ACL overages (Table 3), and expected continued overages under status quo measures, the Council and Board required states to restrict their measures in 2022 to collectively achieve a 20.8% reduction in harvest compared to 2018-2021 average harvest with the goal of preventing an overage of the 2022 RHL. The Council and Board required measures to be restricted again in 2023. Following the Percent Change Approach, all states modified their measures with the goal of achieving a 10% reduction in harvest compared to the RDM estimate of 2023 harvest under 2022 measures (Table 4).

The conservation equivalency process for waiving federal waters measures was used for black sea bass for the first time in 2022. The Council and Board agreed to continue use of this approach in 2023. Under conservation equivalency, the Council and Board must adopt two associated sets of measures: non-preferred coastwide measures, and precautionary default measures. The non-preferred coastwide measures are a set of measures that would be expected to

⁷ In July 2018, MRIP released revisions to their time series of recreational catch and landings estimates based on adjustments for a revised angler intercept methodology and a new effort estimation methodology (i.e., a transition from a telephone-based effort survey to a mail-based effort survey). Recreational data included in this memo reflect revised MRIP data except where otherwise stated.

constrain harvest to the appropriate coastwide target⁸ if implemented on a coastwide basis (i.e., the same measures in all states and in federal waters). The coastwide measures are included in the federal regulations but waived in favor of state waters measures if the combination of state measures can be demonstrated to collectively constrain harvest to the same coastwide target as the non-preferred coastwide measures. **The non-preferred coastwide measures for 2023 include a 15 inch minimum size, a 5 fish possession limit, and a May 15 – September 8 open season.**

The precautionary default measures would be implemented in any state or region that failed to develop adequate measures to constrain landings as required by the conservation equivalency guidelines. **The precautionary default measures in 2023 include a 16 inch minimum size, a 2 fish possession limit, and a June 1 – August 31 open season.**

Starting in 2018, the Council and Board provided states the opportunity to open their recreational black sea bass fisheries during February for the first time since 2013 under specific constraints. Participating states may need to adjust their measures during the rest of the year to account for February harvest to help ensure participation in this opening does not increase the chances of the coastwide target level of harvest being exceeded. Proposals for February openings must be reviewed by the Commission’s Technical Committee and approved by the Board. To date, only Virginia and North Carolina have participated in the February opening. North Carolina ended their participation after 2020 and has indicated that they do not intend to participate in future years. Virginia participated every year except 2022 and has expressed an interest in participating in 2023. Any relevant proposals for the February 2024 fishery will be considered by the Commission’s Technical Committee and the Board at a later date.

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⁸ Through 2022, the target level of harvest was the RHL. Starting with 2023, the target level of harvest is defined by the Percent Change Approach.

Table 3: Black sea bass recreational landings, dead discards, and dead catch compared to the RHL and recreational ACL, 2014-2024. Values are provided in the “old” MRIP units for 2014-2019 and the “new” MRIP units for starting in 2020 as the ACLs and RHLs did not account for the revised MRIP data until 2020. Therefore, overage/underage evaluations must be based in the old MRIP units through 2019 and the new MRIP units starting in 2020. All values are in millions of pounds. *Harvest in 2023 is preliminary and based on waves 1-4 (January – August) only.*

Year	Version of MRIP data	Rec. harvest ^a	RHL	RHL over/under	Rec. dead discards ^c	Rec. dead catch	ACL	ACL over/under
2014	Old MRIP (pre-revision)	3.67	2.26 ^b	+62%	0.84	4.51	2.90	+56%
2015		3.79	2.33	+63%	0.82	4.61	2.90	+59%
2016		5.19	2.82	+84%	1.21	6.40	3.52	+82%
2017		4.16	4.29	-3%	1.27	5.43	5.38	+1%
2018		3.82	3.66	+4%	1.10	4.92	4.59	+7%
2019		3.46	3.66	-5%	0.50	3.96	4.59	-14%
2020 ^d	New MRIP (post-revision)	9.05	5.81	+56%	3.46	12.51	8.09	+55%
2021		11.97	6.34	+89%	4.20	16.17	7.93	+104%
2022		8.34	6.74	+24%	3.59	11.93	8.76	+36%
2023		4.86 <i>prelim. W 1-4</i>	6.57	--	--	--	9.16	--
2024		--	6.27	--	--	--	9.16	--

^a Values for 2018 -2019 were provided by GARFO. All other values are from MRIP.

^b The 2014 RHL reflects a 3% deduction for Research Set Aside.

^c Estimates for 2014-2017 are from data update provided by the NEFSC in 2018 (most recent data from NEFSC in “old” MRIP units; available at <https://www.mafmc.org/ssc-meetings/2018/july-17-18>). Values for 2018 -2022 were provided by GARFO.

^d Recreational harvest estimates for 2020 were impacted by temporary suspension of shoreside intercept surveys due to COVID-19. NMFS used imputation methods to fill gaps in 2020 catch data with data collected in 2018 and 2019. For black sea bass, the 2020 harvest estimate for Maine-Virginia relied on approximately 17% imputed data. For more information on imputation methods see: <https://www.mafmc.org/s/1-2020-Marine-Recreational-Catch-Estimates-QA-52121.pdf>.

Table 4: 2023 state waters black sea bass recreational measures.

STATE	Size Limit	Possession Limit	Open Season
Maine	13"	10 fish	May 19-September 21, October 18-December 31
New Hampshire	16.5"	4 fish	January-December 31
Massachusetts	16.5"	4 fish	May 20-September 7
Rhode Island private & shore	16.5"	2 fish	May 22-August 26
		3 fish	August 27-December 31
Rhode Island for-hire	16"	2 fish	June 18-August 31
		6 fish	September 1-December 31
Connecticut private & shore	16"	5 fish	May 19-June 23, July 8-December 1
CT authorized for-hire monitoring program vessels		5 fish	May 19-August 31
		7 fish	September 1-December 31
New York	16.5"	3 fish	June 23-August 31
		6 fish	September 1-December 31
New Jersey	12.5"	10 fish	May 17-June 19
		1 fish	July 1-August 31
		10 fish	October 1-October 31
		15 fish	November 1-December 31
Delaware	13"	15	May 15-September 30, October 10-December 31
Maryland	13"	15	May 15-September 30, October 10-December 31
Virginia	13"	15	February 1-28, May 15-July 6, August 9-December 31
North Carolina North of Cape Hatteras (35° 15'N)	13"	15	May 15-September 30, October 10-December 31

Recreational Catch and Landings Trends

Table 3 in the previous section shows a recent time series of recreational black sea bass harvest, dead discards, and dead catch in weight. Recreational black sea bass harvest in 2022 (the most recent complete year of data) totaled 8.14 million pounds, a decrease from the estimate of 11.97 million pounds in 2021 and 9.05 million pounds in 2020.

MRIP data for 2023 are currently incomplete and preliminary. Preliminary estimates for the first four waves (January - August) of 2023 are currently available. These data suggest that 4.86 million pounds of black sea bass were harvested from Maine through Cape Hatteras, North Carolina during January - August 2023. Although this is the lowest wave 1-4 estimate since 2014, it is only 15% below the 2013-2022 average wave 1-4 harvest (5.70 million pounds). During 2013-2022, waves 1-4 accounted for 52-69% of annual harvest (average of 63%). The

contribution of waves 5-6 harvest to the annual total can vary from year to year; therefore, it is not possible to predict the full year 2023 harvest based on preliminary wave 1-4 data with confidence.

On average over the most recent three complete years (2020-2022), New York accounted for the greatest proportion of recreational black sea bass harvest in weight (25%), followed by New Jersey (20%), Massachusetts (17%), Connecticut (13%), Rhode Island (11%), Virginia (7%), Delaware (3%), Maryland (2%), and North Carolina (less than 1%; Figure 1).

Most recreational black sea bass harvest in Massachusetts through New York occurs in state waters, while most harvest in New Jersey through North Carolina occurs in federal waters (Table 5).

On average across 2020-2022, 89% of black sea bass harvest in weight from Maine through North Carolina occurred on private/rental boats, followed by 9% on party/charter boats, and 2% from shore.

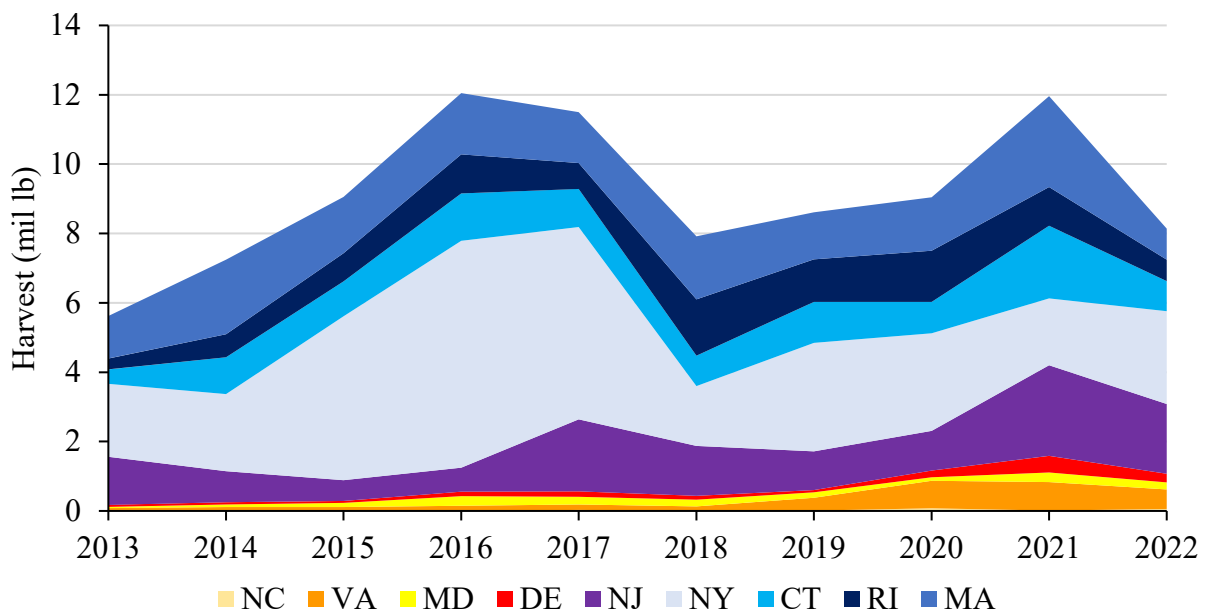


Figure 1: Recreational black sea bass harvest by state, 2013-2022. North Carolina values are north of Cape Hatteras only.

Table 5: Average proportion of black sea bass recreational harvest in weight from federal and state waters, 2020-2022.

State	Federal waters	State waters
MA	8%	92%
RI	30%	70%
CT	24%	76%
NY	35%	65%
NJ	66%	34%
DE	84%	16%
MD	99%	1%
VA	95%	5%
NC	79%	21%

Staff Recommendations for 2024 Measures

As noted above, the RDM estimate for 2024 harvest under 2023 measures, combined with the most recent estimate of biomass compared to the target level indicate that a 10% reduction in harvest is required under the Percent Change Approach. The 10% reduction is applied to the RDM estimate of 2024 harvest under 2023 measures (i.e., 8.40 million pounds). As such, the target level of harvest that 2024 measures must aim to achieve is 7.56 million pounds. Additional RDM runs are needed to determine specific measures which may be appropriate to achieve this reduction.

Staff recommend continued use of regional conservation equivalency for black sea bass in 2024. As previously described, under conservation equivalency, the Council and Board must adopt a set of non-preferred coastwide measures. If implemented in all states and in federal waters, these measures must be expected to constrain coastwide harvest to the harvest target. The current non-preferred coastwide measures include a 15 inch minimum size, a 5 fish possession limit, and a May 15 – September 8 open season. Due to timing constraints related to improvements made to the RDM in 2024, estimates of expected harvest under the current non-preferred coastwide measures are not currently available. It is anticipated that these estimates will be available prior to the Monitoring Committee’s meeting on November 13-14, 2023. The Monitoring Committee will use these results to inform recommendations for modifications to the non-preferred coastwide measures which may be necessary to achieve the 10% reduction in harvest.

The precautionary default measures in 2023 include a 16 inch minimum size, a 2 fish possession limit, and a June 1 – August 31 open season. The precautionary default measures are intended as a deterrent against states/regions implementing measures inconsistent with the conservation equivalency guidelines and are not associated with any particular harvest target. They are intended to be more restrictive than the measures any state or region would consider implementing. It is not yet known how states will modify their measures to achieve a 10% reduction in 2024. Massachusetts currently has the most restrictive black sea bass measures, with a 16.5 inch minimum size limit, a 4 fish bag limit, and an open season of May 20-September 7 (Table 4). If the Monitoring Committee believes the current precautionary default measures are more restrictive than any state will consider implementing in 2024, then it may be appropriate to leave these measures unchanged.



COMMONWEALTH of VIRGINIA

Marine Resources Commission

Building 96

380 Fenwick Road

Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and
Historic Resources

Jamie L. Green
Commissioner

To: Tracey Bauer, ASMFC
Julia Beaty, MAFMC

From: Alexa Galvan, VMRC

Date: December 1, 2024

Subject: February 2024 Recreational Black Sea Bass Season

The Virginia Marine Resources Commission (VMRC) is proposing to open the recreational black sea bass fishery for February 1-29, 2024, with a 13" minimum size limit and no more than a 15 fish bag limit in response to the National Marine Fisheries Service opening federal waters in February 2024. VMRC would adjust the open season established through the recreational specifications process to account for additional landings that occur in February 2024, pending ASMFC approval. This proposal would then be vetted through the Commonwealth's public regulatory review process by the Virginia's Marine Resources Commission (Board) during their January 23, 2024, meeting for final decision. Alternatively, the Board could decide to not open the recreational black sea bass fishery for February 2024, based on public comment.

Virginia asks that the Technical Committee support this proposal for a February 2024 recreational black sea bass season. Regulations during the February 2024 season would match those established for the 2023 recreational season as agreed upon in the 2023 specification setting process. Under conservation equivalency, vessels landing black sea bass in a state with an approved Wave 1 recreational fishery are subject to the state regulations during that Wave 1 fishery.

Virginia would continue to monitor landings and collect biological data, using the same methods as in 2023 and previous seasons, to ensure accurate characterization of the 2024 February fishery. Virginia's February recreational black sea bass season has operated as a no-cost permit program in which the captain or operator of any vessel fishing for black sea bass must have a permit. That permit comes with two types of reporting requirements. Each vessel must hail VMRC Marine Police Operations station at the start of the trip, which allows MRIP staff or law enforcement to coordinate meeting some vessels at the dock when they land. MRIP staff counts the fish landed and collects lengths and weights. Each permittee must also report to the commission each trip

taken, how many anglers were fishing, and the number of black sea bass kept and released by all anglers on the vessel. The MRIP-collected measurements determine an average weight per fish, using that data to create a length-weight relationship for conversion where necessary. Multiplying the average weight by the total number of angler-reported black sea bass results in an estimate of the total landings in pounds.

Once February 2024 harvest has been calculated, VMRC would submit a proposal for adjustments to the 2024 season to account for February harvest to the Technical Committee for review. Season adjustments in 2024 will either be based on average daily landing rates from 2022-2023, which represent the most recent two years of complete MRIP landings or using the Recreational Demand Model.

Virginia participated in the February fishery from 2018 through 2021 and in 2023. In 2023, VMRC recorded a total of 38,023 pounds of black sea bass landed in Virginia during the February recreational season, according to mandatory permit reporting requirements. Biological data from nine trips were collected by VMRC MRIP staff to estimate an average weight. Using average daily landings rates by wave, a closure of 22 days in wave 4 was estimated to result in savings of 39,595 pounds. The VMRC therefore amended the 2023 season to be open from May 15 through July 6 and August 9 through December 31, which also included a closure to account for a 10% reduction in harvest as required by the 2023 specifications process.

Pending Board approval, the final decision on Virginia's 2024 February black sea bass season would be made through Virginia's public process by the Virginia Marine Resources Commission at their January 23, 2024 meeting.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Subject: FW: Knack form submission: Add Public Comment
Date: Monday, November 27, 2023 9:33:49 AM

Name: Burl Self

Comments: So many undersized bass die and are discarded by charters and party boats. What can be done to mitigate this problem?

Hooked at over 100 feet. I estimate several hundred per boat.

Burl self

From: Joseph beneventine <joseph.beneventine@verizon.net>

Date: Tuesday, November 28, 2023 at 10:54 AM

To: Moore, Christopher <cmoore@mafmc.org>

Subject: Comments for December 2023 Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board meeting

I would like to submit the following comments and concerns regarding NY vs. Ct. Black SeaBass recreational regulations: namely, the Connecticut Black SeaBass 6/23 to 7/8 closure period which I feel is unfair to NY Anglers especially those in the Western LI Sound. I am advocating for the Black SeaBass season in the NY LI sound region to open on 5/19 in order to more closely achieve regional equity with our neighboring state of Connecticut which opens their Black SeaBass season on 5/19. Or alternatively discontinuing or redefining the closure period in Ct. dates.

I have been corresponding with the NY State DEC Marine Finfish Unit Leader, Division of Marine Resources and this is an excerpt from her response to me- "Connecticut Black SeaBass landings are significantly less than Black SeaBass landings in NY, supporting the less restrictive regulations on anglers in Ct. waters"

Those facts about the data on Connecticut Black SeaBass landings should also support there being no reason for Connecticut to close their season on, of all dates, 6/23 just to reopen it again on July 8th. In my opinion, the reason Connecticut chose to satisfy harvest reduction compliance in this manner is the fact that NY opens Black SeaBass season on that same date 6/23. Connecticut's decision to close the season on 6/23 only serves to delay those of us directly adjacent to southern Ct. - in the western Long Island Sound - from crossing over into Ct. waters and fishing for Black SeaBass in Ct. until July. The same fish which, of course, swim back and forth over NY & Ct. border lines.

If this closure period is a method Connecticut anglers chose to comply with a necessary reduction in their harvest, in my opinion, it is blatant discrimination against NY anglers masquerading as a conservation measure.

I am in favor of differentiating the LI Sound region from the NY Bight for Black SeaBass - similar to current Tautog regs - and opening NY LIS on 5/19 but if that is totally off the table and an ongoing mid season closing is still required in Connecticut - a shorter season- the Ct. season should simply

start a week later on 5/26 and then not close after the season opens. Allowing NY anglers in the LI Sound to fish for Seabass in Ct. waters when the NY season opens. This will still allow anglers in Ct. almost 30 days before the NY season opens. This would be a good compromise. This small step of eliminating or redefining the closure period in Ct. would go a long way toward the goal "regional equity with neighboring states" without the need for changing any NY regulations.

The NY State DEC Marine Finfish Unit Leader, Division of Marine Resources response to me also read - "Black Sea Bass are also a structure-oriented fish but their life history is very different from Tautog: the population is not overfished or experiencing overfishing, and implementing those regional lines for Black SeaBass would not make sense".

To my way of thinking about this, those facts also further support the point I'm trying to make. If Seabass are not overfished or experiencing overfishing allowing NY anglers in the Long Island sound region directly adjacent to Connecticut waters to have the same open season date as Ct. should be doable, or at the very least simply not having the closure in Ct. exactly when the NY season opens.

Why should Ct. have a smaller size limit, a greater bag limit and an open season over a full month sooner than NY **only then to have to close fishing for Black Seabass in their waters from 6/23 to 7/8** ? The NY & Ct. Regions in the LI Sound are in essence the same body of water.

I totally support the current more restrictive NY regs. as far as the bag limit of 3 fish and the minimum size at 16.5" up until 8/31 and then 6 fish at 16.5" 9/1-12/31. However, the circumstances with the current Black SeaBass regulations in the Long Island Sound in NY vs. the Long Island Sound in Ct. are antithetical with the NY State DEC statement "Achieving regional regulatory equity with neighboring states has been a longstanding goal for New York".

To summarize my concerns they are: the inconsistent NY vs. CT. opening season dates in the LI Sound for Black SeaBass and moreover, the fact that a closure period for Black SeaBass in Connecticut from 6/23 to 7/8 is like "adding insult to injury".

Mr. Joseph Beneventine Mamaroneck NY

From: Eric Burnley <eburnle@aol.com>

Sent: Wednesday, November 29, 2023 9:54 AM

To: Kiley Dancy <kdancy@mafmc.org>

Subject: Black sea bass

I would like to suggest that the powers that be consider lowering the size limit for black sea bass from 13 to 12 inches. Most of my fishing for black sea bass is on head boats where there are a large number of undersized fish caught and thrown back. These undersized fish float on the surface and become easy prey for seagulls. While mortality is not 100% it is close.

By lowering the minimum size, anglers would fill their bag limit much sooner, toss back fewer fish and there by lower the mortality rate on black sea bass.

I would hope this suggestion would be given serious consideration. While I do not have any hard data to defend, I do have personal observation that I doubt any of the folks on the various boards have.

Thank you, Eric B burnley, Sr.



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 1, 2023
To: Council and ASMFC Policy Board
From: Julia Beaty, Council staff
Subject: Recreational Measures Setting Process Framework/Addenda

During their meeting on December 13, 2023, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Interstate Fisheries Management Program Policy Board (Policy Board) will meet to review progress and discuss next steps on the Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda. The Council and Policy Board will be asked to consider a recommendation from the Fishery Management Action Team (FMAT)/Plan Development Team (PDT) to remove the pre-determined measures concept from further consideration, as described in more detail in the summary of the November 2, 2023 meeting listed below.

The following briefing materials are provided behind this tab:

- 1) Action plan
- 2) Summary of the September 19, 2023 meeting of the FMAT/PDT
- 3) Summary of the November 2, 2023 meeting of the FMAT/PDT and Commissioner/Council Member Work Group

During the December 13, 2023 meeting of the Council and Policy Board, staff will also summarize ongoing work by a group of Management Strategy Evaluation modelers to support this action, as well as ongoing work by FMAT/PDT sub-groups.



Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda

Draft Action Plan

11/28/2023

<https://www.mafmc.org/actions/hcr-framework-addenda>

Framework/Addenda Goal: This management action is being developed by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). This is a follow-on action to the [Recreational Harvest Control Rule Framework/Addenda](#), which implemented the Percent Change Approach for setting recreational management measures. In adopting the Percent Change Approach, the Council and the Commission's Interstate Fishery Management Program Policy Board (Policy Board) agreed it should sunset by the end of 2025 with the goal of considering an improved measures setting process, as developed through this management action, starting with 2026 measures.

Alternatives to be Considered: During their June 2022 and August 2023 meetings, the Council and Policy Board agreed to further develop the topics summarized below through this management action. They may also identify other alternatives to address the objectives of the action at future meetings.

- **Percent Change Approach** – This approach was implemented starting with the 2023 recreational management measures for summer flounder, scup, and black sea bass. It will also be used for bluefish once that stock is no longer under a rebuilding plan. Under the Percent Change Approach, a determination is made to either liberalize, restrict, or leave measures unchanged based on two factors: 1) Comparison of a confidence interval around an estimate of expected harvest under status quo measures to the average recreational harvest limit (RHL) for the upcoming two years and 2) Biomass compared to the target level, as defined by the most recent stock assessment. These two factors are used to define a target harvest level for setting management measures. The target is defined as a percentage difference from expected harvest under status quo measures. The Percent Change Approach is described in detail in the [reference guide](#) and [final framework document](#) for the previous action. The Council and Policy Board agreed that further development of this approach should, at a minimum, include greater consideration of fishing mortality. This could include development of approaches to assign fishing mortality rates and targets to the recreational fishery.
- **Biological Reference Point Approach and Biological Based Matrix Approach** - These alternatives use a combination of indicators to place the stock in one of multiple potential management measure “bins.” The indicators vary by alternative and include expected harvest under status quo measures, biomass compared to the target level, fishing mortality, recruitment, and/or trends in biomass. Bins associated with poor indicators would have more restrictive management measures and bins with positive indicators would have more liberal measures. Measures would be assigned to all bins the first time the approach is used through the specifications process. These alternatives are described in more detail in the [reference guide](#) and [final framework document](#) for the previous action. The Council and Policy Board agreed that further development of these alternatives should at a minimum include development of example measures using modeling (e.g., the Summer Flounder Management Strategy Evaluation model) or other approaches.

- **Triggers for changing measures** – The Council and Policy Board agreed to consider modified versions of the Biological Reference Point Approach and the Biomass Based Matrix approach where the indicator thresholds defining the boundaries between the bins would be triggers for changing measures, without having measures pre-assigned to the bins.
- **Target metric for setting measures** – The previous framework/addenda considered if recreational measures in state and federal waters should collectively aim to achieve a target level of harvest (e.g., based on the RHL), recreational dead catch (e.g., based on the recreational annual catch limit), or fishing mortality. These alternatives will be further developed through this action.
- **Starting point for measures** – Many recreational stakeholders have expressed frustration that the current measures do not appear to be aligned with stock status. The Council and Policy Board agreed that further consideration should be given to the starting point for measures under all alternatives.
- **Management uncertainty** – The Council and Policy Board agreed that further consideration should be given to the implications of the alternatives for management uncertainty buffers, as currently defined in the Fishery Management Plan.
- **Use of the Summer Flounder Management Strategy Evaluation (MSE) model** – The Council and Policy Board supported the use of the Summer Flounder MSE model to analyze aspects of this management action. For example, it may be used to evaluate the performance of potential indicator thresholds which define the boundaries between management measure bins, the management response to crossing those thresholds, and measures assigned to each management response. Given time constraints, simplifying assumptions will need to be made and example measures are not expected to be generated for every bin under all alternatives.
- **Issue of “borrowing”** – The Council and Policy Board agreed to further consider the issue of “borrowing” as raised by the SSC. During their review of the Harvest Control Rule Framework/Addenda, the SSC noted, “If constraining one sector is more challenging, and leads to larger deviations from the specified catch targets, the patterns of allocation may be substantially different to those specified in the policy. This can lead to effective ‘borrowing’ of quota from the more controlled sector, and thus to increased levels of contention in the fishery management process.”¹
- **Other alternatives** – This action may consider other alternatives, as appropriate. For example, this could include potential revisions to the accountability measures, considerations related to conservation equivalency, and other topics.

Fishery Management Action Team (FMAT) / Plan Development Team (PDT)

An FMAT/PDT has been formed to assist with development and analysis of potential alternatives. FMAT/PDT members are listed in the table below. Other Council, Commission, and NOAA Fisheries staff, as well as other experts, will be consulted as needed.

¹ The report of the SSC review of the Harvest Control Rule Framework/Addenda available at <https://www.mafmc.org/ssc-meetings/2022/may10-11>.

FMAT/PDT Member Name	Agency	Role/Expertise
Tracey Bauer	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Julia Beaty	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
Chelsea Tuohy	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Mike Celestino	New Jersey Department of Environmental Protection	Technical analysis and state management
Alexa Galvan	Virginia Marine Resources Commission	Technical analysis and state management
Emily Keiley	NMFS Greater Atlantic Regional Fisheries Office	Fisheries policy and legal requirements
Marianne Randall	NMFS Greater Atlantic Regional Fisheries Office	National Environmental Policy Act requirements
Scott Steinback	Northeast Fisheries Science Center	Recreational fisheries economist
Rachel Sysak	New York Department of Environmental Conservation	Technical analysis and state management
Corinne Truesdale	Rhode Island Department of Fish and Wildlife	Technical analysis and state management
Sam Truesdell	Northeast Fisheries Science Center	Stock assessments
Sara Turner	NMFS Greater Atlantic Regional Fisheries Office	Scientific and technical analysis of federal fisheries management

Commissioner/Council Member Work Group

The Council and Policy Board established a small group of Commissioners and Council members to act as a liaison between the PDT/FMAT and the Policy Board. The purpose of the Work Group is to guide the FMAT/PDT on the intent of the Council and Policy Board, not to develop new options/alternatives. This group will periodically meet with the PDT/FMAT. Work Group members are listed below.

Work Group Member Name	Council Member or Commissioner
Skip Feller	Council member
Jason McNamee	Commissioner
Nichola Meserve	Commissioner
Adam Nowalsky	Both
Paul Risi	Council member

Draft Timeline – Subject to change

May 2023	<ul style="list-style-type: none"> • Fishery Management Action Team (FMAT)/Plan Development Team (PDT) formed.
Summer 2023	<ul style="list-style-type: none"> • FMAT/PDT meetings. • Council and Policy Board meeting to review progress and discuss next steps.
Fall 2023	<ul style="list-style-type: none"> • FMAT/PDT and Council/Commissioner work group meetings to continue development of alternatives. • AP meeting to review progress and provide input.
December 2023	<ul style="list-style-type: none"> • Council and Policy Board meeting to review progress and discuss next steps
Early 2024 - Summer 2024	<ul style="list-style-type: none"> • FMAT/PDT and Council/Commissioner work group meetings to continue development of alternatives and develop draft document for public hearings.
August 2024	<ul style="list-style-type: none"> • Council and Policy Board meeting to approve final range of alternatives and approve draft document for public hearings through Commission process
Fall 2024	<ul style="list-style-type: none"> • Public hearings
Late 2024/Early 2025	<ul style="list-style-type: none"> • FMAT/PDT and AP meetings to provide input to Council and Policy Board prior to final action.
April 2025	<ul style="list-style-type: none"> • Council and Policy Board meeting for final action.
Spring-December 2025	<ul style="list-style-type: none"> • Development, review, and revisions of framework/addenda documents. • Federal rulemaking. • MC/TC use new process to set 2026 recreational measures.
Late 2025 or early 2026	<ul style="list-style-type: none"> • Effective date of implemented changes.

**Summer Flounder, Scup, Black Sea Bass, and Bluefish
Recreational Measures Setting Process
Fishery Management Action Team (FMAT)/Plan Development Team (PDT)
Webinar Meeting Summary
September 19, 2023**

FMAT/PDT Attendees: Tracey Bauer (ASMFC), Julia Beaty (MAFMC), Mike Celestino (NJ DEP), Alexa Galvan (VMRC), Emily Keiley (GARFO), Marianne Randall (GARFO), Scott Steinback (NEFSC), Rachel Sysak (NJ DEC), Corinne Truesdale (RI DEM), Sara Turner (GARFO)

Other Attendees: Kiley Dancy (MAFMC staff), Geret DePiper (NEFSC), Greg DiDomenico (Lund's Fisheries, Council AP member), Skip Feller (Council member), Sara Gaichas (NEFSC), Jesse Hornstein (Commissioner), Jason McNamee (Commissioner), Adam Nowalsky (Commissioner/Council member), Paul Risi (Council member), Kamran Walsh, Mike Waine (American Sportfishing Association, Council AP member)

Overview

The Recreational Measures Setting Process FMAT/PDT reviewed the fishery and stock status indicators, associated thresholds, and resulting management responses for the alternatives developed for the Harvest Control Rule Framework/Addenda and carried forward for further development through this action. The goal of the discussion was to determine if changes are needed and plan for analysis of the alternatives using the Summer Flounder Management Strategy Evaluation (MSE) model. The MSE modelers emphasized the need for feedback from the FMAT/PDT on how to narrow down or consolidate what will be tested in the MSE model, focusing on decision points that are likely to affect overall performance of the alternatives.

General comments and suggestions

- The FMAT/PDT agreed that the relationship between accountability measures and the management responses should be considered when developing the MSE analysis.
- An FMAT/PDT member expressed interest in testing the outcomes of continuing to use the approaches defined by the alternatives after a stock is under a rebuilding plan as opposed to setting measures based on the recreational harvest limit (RHL). The MSE modelers said it would be difficult to test rebuilding RHLs with the MSE, as rebuilding RHLs for stocks not currently under rebuilding plans would not be known.
- Several FMAT/PDT members recommended consideration of incorporating fishing mortality rate (F) reference points in the Biomass Based Matrix Approach and the Biological Reference Point Approach, in addition to the Percent Change Approach.

Indicator Thresholds

- 1) Harvest vs. RHL (Percent Change Approach)
 - The FMAT/PDT recommends to continue to use the 80% confidence interval (CI) and two-year average RHL for the purposes of the MSE analysis.
 - The FMAT/PDT expressed support for considering using the recreational annual catch limit (ACL) instead of the RHL to include consideration of discards.

- The FMAT/PDT discussed incorporating F-based reference points in the Percent Change Approach as directed by the Council and Policy Board. Given that much additional discussion is needed to define recreational F-based reference points, the FMAT/PDT decided to create a sub-group to further discuss this. It was suggested that a comparison of the ACL vs projected catch could be used instead of F. Regardless of how the alternatives are configured, the MSE can evaluate the impacts of the alternatives on the overall fishing mortality rate.
- 2) SSB/SSB_{MSY}
- The group agreed to add a <50% bin (i.e., overfished status) to the Percent Change Approach for purposes of the MSE analysis. This would not necessarily represent a fundamental change in the alternative and would provide some consistency with the other alternatives for the sake of analysis.
 - The FMAT/PDT recommended no changes to the biomass indicator thresholds as currently defined, noting that they are modeled on the Council's risk policy. The Council's risk policy has been analyzed through other MSEs.
 - One FMAT/PDT member observed there are categories for if the stock is at high biomass (from 100% to 150% of the target level) and low biomass (50% to 100% of the target level), which separates stocks that are near the target level into those two categories. This FMAT/PDT member suggested considering adding a category for when a stock is near SSB_{MSY} . However, the MSE modelers cautioned that the analysis will become more complex as more indicator categories are added.
 - The group discussed the idea of incorporating uncertainty in the SSB/SSB_{MSY} ratio when defining the three biomass categories (e.g., significantly less than 1, not different from 1, and significantly greater 1).
- 3) F/F_{MSY}
- The FMAT/PDT recommends no change to the thresholds for this indicator for the purposes of testing through the MSE model.
- 4) Recent harvest vs. RHL (Biological Reference Point Approach)
- The FMAT/PDT recommends comparing forward projected total catch vs. ACL in place of recent harvest vs. RHL. However, it was noted that this indicator as currently defined is similar to the current accountability measures. Projected future values may require further consideration of how accountability measures are addressed under this alternative.
- 5) Recruitment
- The FMAT/PDT recommends maintaining the recruitment indicator threshold as is.
- 6) Biomass trend
- The biomass trend is defined by comparing the average percent change in spawning stock biomass from the most recent three years in the stock assessment to a pre-defined threshold value. The FMAT/PDT recommends testing a 4% threshold as a middle ground of three previously analyzed thresholds (i.e., 3%, 4%, and 5%). Based on a previous analysis, 4% seemed to provide reasonable categorization of stable, increasing, or decreasing biomass. The group also discussed the idea that an MSE will have trouble

distinguishing outcomes from very similar thresholds (3 vs 4 vs 5%). The group acknowledged we can't test everything through the MSE and this was a reasonable place to deprioritize testing.

Management Responses

Percent Change Approach

- The Council and Policy Board tasked the FMAT/PDT with re-evaluating the required percent changes in harvest in the Percent Change Approach. The 10/20/40% were originally based on how MRIP data performed; however, the Recreational Demand Model is now available and could be used to re-evaluate these percentages.
- Currently, if a stock is in the Very High biomass category, the Percent Change Approach has options for liberalizing or reducing, but no status quo option. An FMAT/PDT member suggested analyzing an additional option where the 10% reduction on the bottom row of the Percent Change Approach would instead be status quo. Another FMAT/PDT member said accountability measures could address concerns about the potential for large overages under a status quo approach. For example, status quo could be allowed unless an accountability measure is triggered, in which case a change would be required.
- An MSE modeler advised that the Percent Change Approach management responses would need to be simplified when it is tested using the MSE model by removing the "not to exceed" language. This would allow for a more substantial difference across the thresholds in this alternative when tested. In addition, the MSE model can be set up to compare each management response to not making these changes in management, and so by default, there will be comparisons with status quo for all of them. This approach was supported by the FMAT/PDT.
- An FMAT/PDT member suggested that after some testing is completed using the MSE model, the FMAT/PDT can look into how the AMs would factor in. For example, the FMAT/PDT may determine that some overage could be allowed, unless the AMs are triggered, and then managers would be required to make a change.

Biological Reference Point Approach and Biomass Based Matrix Approach

- To simplify these two alternatives for the purposes of analysis with the MSE model, several FMAT/PDT members and an MSE modeler supported using percent changes in catch or harvest instead of pre-defined measures for each bin. This would make analysis of the binned approaches using the MSE model more straightforward. One FMAT/PDT member suggested modifying the alternatives themselves to remove the pre-defined measures and consider a new approach as it will be very challenging to pre-define measures for all bins for all stocks.

Timelines

The RMS FMAT/PDT and MSE modelers agreed to hold check-in meetings in the upcoming months. Around May 2024, the FMAT/PDT will assess the results so far from the MSE analysis and determine if additional analyses are necessary.

Public Comment

A member of the Commissioner and Council Member Work Group provided background on the 10% minimum thresholds in the Percent Change Approach. A 10% minimum threshold to either reduce or

liberalize harvest was chosen because it was thought a reduction or liberalization of less than 10% would likely not be meaningful given the uncertainty in MRIP data.

A member of the public said the recently announced results of a preliminary study evaluating effort in the MRIP Fishing Effort Survey¹ highlights the importance of the work on this management action.

¹<https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-announces-large-scale-study-its-recreational-fishing-effort-survey>

**Summer Flounder, Scup, Black Sea Bass, and Bluefish
Recreational Measures Setting Process
Fishery Management Action Team (FMAT)/Plan Development Team (PDT) and
Commissioner/Council Member Work Group
Webinar Meeting Summary
November 2, 2023**

FMAT/PDT attendees: Tracey Bauer (ASMFC), Julia Beaty (MAFMC), Alexa Galvan (VMRC), Emily Keiley (GARFO), Marianne Randall (GARFO), Scott Steinback (NEFSC), Rachel Sysak (NJ DEC), Corinne Truesdale (RI DEM), Sam Truesdell (NEFSC), Chelsea Tuohy (ASMFC), Sara Turner (GARFO)

Commissioner/Council member work group attendees: Skip Feller, Adam Nowalsky, Paul Risi

Other attendees: Rick Bellavance, Frank Blount, Wes Townsend, Mike Waine

Overview

The FMAT/PDT met with the Commissioner/Council Member Work Group to review progress to date on the Recreational Measures Setting Process Framework/Addenda and to discuss several topics for further development.

F-based approaches

The Council and Policy Board previously tasked the FMAT/PDT with developing recommendations for how to incorporate a comparison of a recreational fishing mortality rate (F) to a recreational fishing mortality rate target when determining whether measures should be adjusted.

Staff noted a few potential challenges, including that management does not currently use or assign fishing mortality rates or targets for the recreational sector and currently available analysis tools, including the Recreation Demand Model, are not configured to predict F in upcoming years based on specified measures. An FMAT/PDT sub-group has been formed to further discuss these issues.

A member of the Commissioner/Council Member Work Group advised the FMAT/PDT that any concerns about the viability of an alternative should be brought to the Policy Board and Council's attention as soon as possible. This can help prevent the FMAT/PDT from spending too much time on topics that are ultimately not feasible.

A member of the FMAT/PDT requested clarification from the Commissioner/Council Member Work Group on the expected advantages of an F-based approach compared to the comparison of expected harvest vs recreational harvest limit (RHL) currently used in the Percent Change Approach. This information would assist the FMAT/PDT in assessing the viability of implementing an F-based approach. A member of the Commissioner/Council Member Work

Group explained that Commissioners and Council members are looking for ways to make decisions on recreational management measures without having to constantly adjust measures based on the RHL compared to recreational harvest estimates from the Marine Recreational Information Program (MRIP), which can be variable and uncertain. An F-based approach would instead be focused on controlling fishing mortality, placing a greater emphasis on conservation and improving access to the resource.

A member of the FMAT/PDT noted the Management Strategy Evaluation (MSE) modelers would be able to test the relative performance of alternatives using an F-based approach. Although assumptions would need to be made, this analysis may be able to provide information on the validity of an F-based approach given currently available data. Further discussion with the MSE modelers is needed to understand the capabilities of the MSE model to assist with this analysis.

Pre-determined measures

Two alternatives currently under consideration (i.e., the Biological Reference Point Approach and the Biomass Based Matrix Approach) would define a range of management measure “bins,” with measures assigned to all bins the first time the approach is used through the specifications process. The intent was that pre-determined measures would make the measures setting process more transparent, by communicating what the measures would be if a species moved to a new bin. However, there are several challenges with this approach, which were reiterated by the FMAT/PDT during this meeting. For example, they expressed concern with the feasibility of assigning measures to bins associated with very different fishery and stock conditions than current conditions, as well as concerns about the amount of analysis that would be needed to develop measures for all bins.

A member of the Commissioner/Council Member Work Group confirmed that the Council and Policy Board were previously interested in pre-determined measures, but recognizes this remains a challenge. He reiterated that the FMAT/PDT should inform the Council and Policy Board as soon as possible if they recommend removing pre-determined measures or any other aspect of this action from further consideration.

The FMAT/PDT unanimously agreed to recommend to the Policy Board and Council to remove the pre-determined measures concept from further consideration in this action.

Without pre-determined measures, the Biological Reference Point and Biomass Based Matrix alternatives could still use the same indicator thresholds to define the management bins. Movement from one bin to another would require a change in measures; however, the specific measures would not be pre-defined. The FMAT/PDT will further consider how measures should change when the stock moves from one bin to another, for example, based on a percentage change in harvest or based on a different target.

Management uncertainty

Under the current management process, annual catch targets (ACTs) can be set less than or equal to the annual catch limits to account for management uncertainty. Management uncertainty buffers have the effect of reducing the ACT, and therefore the RHL. The group briefly discussed how management uncertainty buffers should be thought about in the context of the alternatives under consideration through this action given that the RHL is just one piece of information used to set measures under the alternatives.

A member of the Commissioner/Council Member Work Group suggested consideration of ways that management uncertainty could move in “both directions” (i.e., allowing measures to be either more restrictive or more liberal than they would otherwise be, depending on the circumstances). He said there could be circumstances when uncertainty would call for more liberal measures, for example if recent data show very high harvest that does not seem reasonable in the context of recent effort, weather conditions, or other expectations for upcoming years. He noted that although management uncertainty cannot currently go in either direction, there may be other ways to incorporate these concepts into the alternatives.

One FMAT/PDT member said although he understood the intent of this suggestion, it would be hard to quantify those considerations. He also expressed concern that this could complicate how the Recreational Demand Model is used to set measures.

Another FMAT/PDT member noted that the Bluefish Monitoring Committee recently developed a management uncertainty tool which could be adapted for other species. The tool uses both quantitative and qualitative categories to evaluate management uncertainty. This has not yet been used in the bluefish specifications process, but may be considered in future years.

Other

An FMAT/PDT member requested that the group consider how the alternatives will be compared and described in the framework/addenda. For example, analysis and comparison across alternatives is needed to meet the requirements of the National Environmental Policy Act. The FMAT/PDT will discuss this topic in more detail at a later date once the alternatives have been further developed.

Public comment

A member of the public asked if the FMAT/PDT will consider not partitioning F into recreational and commercial components, but instead using total F as estimated by the most recent assessment. Staff responded that a subgroup of the FMAT/PDT will examine the issue of F-based approaches more in depth, including the feasibility of partitioning F.



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 1, 2023
To: Chris Moore, Executive Director
From: Julia Beaty, Staff
Subject: Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species

Background

In October 2023, the Mid-Atlantic Fishery Management Council (Council) discussed a draft policy and process document for Council review of Exempted Fishing Permit (EFP) applications for species listed as Ecosystem Components under the Unmanaged Forage Omnibus Amendment. They agreed to a few modifications to the document and planned to review and approve a revised document during their December 2023 meeting. Staff subsequently revised the document and sent it to the Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel (AP) for review over email. The revised document is included behind this memo. Revisions are indicated with track changes.

Summary of EOP Committee and AP Input

Five Committee members and eight AP members indicated via email that they either supported the proposed revisions or were not opposed to them. One Committee member who supported the revisions provided additional edits for the section on EFP reports. These edits have been incorporated into the attached document with track changes. No other Committee or AP members expressed opposition to these additions.

One AP member expressed neither support nor opposition to the revisions but questioned why the revisions are needed if they do not change the substance of the document. Staff responded that some Council members were concerned about the potential for confusion related to the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) authority for issuing EFPs and the Council's role. The Council cannot require a specific process for EFP applications; they can only request that applicants comply with a Council review process that is outside of the typical GARFO process. Applicants can still submit their applications directly to GARFO and skip the extra steps desired by the Council. Some Council members thought re-framing the document as "guidance" would help better communicate that ultimately only GARFO has the authority for approving or disapproving these EFPs; however, the Council review process would help inform GARFO's review and can set the stage for future Council considerations of management changes that may be requested, depending on the outcome of the EFP.

One AP member expressed opposition to the document generally, preferring instead that relevant EFP applications be sent to the Council as a courtesy after they have been submitted to GARFO.

This AP member recommended that the Council wait to review applications until after GARFO has published a Federal Register notice stating the application is complete and warrants further consideration. As has been the case with the recent threadfin herring EFP application, applications can sometimes require changes and lengthy reviews before GARFO determines they are complete and a public comment period is announced.

Two AP members who supported the revisions said the changes are consistent with the intent of the AP and Committee as discussed during other meetings earlier in the year. One AP member viewed the changes as clarifications requested by Council members who were not part of the previous AP and Committee discussions. This AP member reiterated previous discussions that while some may view the proposed EFP review process as burdensome, it is intended to save applicants from making significant investments in fishing activities that might be temporarily permitted by GARFO under an EFP, but may not be approved by the Council for the longer term.

One AP member who supported the revisions to the document noted that the proposed process is different than that adopted through the Unmanaged Forage Omnibus Amendment. Specifically, under the proposed process the Council and GARFO would work together to review relevant EFP applications concurrently, rather than the Council reviewing the applications prior to GARFO. This advisor questioned if the guidance document could change the process without a formal management action. Staff responded that the change can be made without a formal management action because the part of the amendment which would be revised is not included in the federal regulations. In addition, the change is not counter to the intent of the amendment because the Council would still review EFP applications before the GARFO review and approval process is fully complete.

Another AP member who supported the revisions recommended that GARFO issue guidance to EFP applicants to inform them of two possible paths for review: with or without Council review. This Advisor noted that GARFO has considerable power to assist in the Council review process by ensuring that relevant applications are forwarded to the Council. GARFO could indicate that the application is likely to be rejected without more information and review. This would be especially appropriate for exploratory fishing with the goal of considering a larger directed fishery in the future. This advisor thought smaller experimental studies from academic and similar research organizations should not require extensive Council review.

Staff Recommendation

Staff recommend that the Council approve the revised document during their December 2023 meeting.



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species

Track changes indicate edits discussed at the October 2023 Council meeting or subsequently recommended by the Ecosystem and Ocean Planning Committee and Advisory Panel over email

Policy goal Purpose of this document

This document establishes a standard process for Council review of exempted fishing permit (EFP) applications for species listed as ecosystem components (EC) under the Council's [Unmanaged Forage Omnibus Amendment](#) (Forage Amendment). This document also communicates the Council's priorities regarding EC species to prospective EFP applicants. This document does not apply to EFP applications for other species managed by the Council.

As described in more detail below, EFPs authorize short-term exemptions from certain specified fishing regulations. Longer term fishing activities may require separate management actions such as development of a new Fishery Management Plan (FMP), an FMP amendment, or a framework adjustment. Use of an EFP does not guarantee the Council will develop a management action to allow longer term harvest of Forage Amendment EC species.

This document does not modify or replace the process described in the federal regulations for obtaining EFPs from the National Marine Fisheries Service (NMFS) regional offices. This document is not binding on NMFS and does not limit the agency's discretion to approve or disapprove any EFPs. The intent of this document is to outline the information needed by the Council to inform its review of EFP applications for Forage Amendment EC species. The Council will submit comments to NMFS on individual EFP applications. NMFS will consider those comments when making determinations regarding issuance of individual EFPs.

Exempted fishing permit definition

An EFP is a permit that exempts a vessel from certain specified federal fishing regulations. All other regulations remain in effect. EFPs may be used for purposes such as data collection, exploratory fishing, market research, product development, and other reasons. EFPs are issued by the NMFS regional offices. EFPs for Forage Amendment EC species are issued by the NMFS Greater Atlantic Regional Fisheries Office (GARFO).

As required by the federal regulations at [50 CFR 600.745\(b\)\(5\)](#), an EFP is valid for no longer than one year unless otherwise specified. However, EFPs may be renewed following the same procedures for obtaining an EFP. Multiple years of data collection are often preferable from a scientific perspective.

Forage Amendment requirements

The goal of the Forage Amendment was to prohibit the development of new and expansion of existing directed commercial fisheries for unmanaged forage species until the Council has had an adequate opportunity to assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem. EFPs for Forage Amendment ECs must be consistent with the goal statement.

The Forage Amendment implemented a 1,700 pound possession limit in Mid-Atlantic Federal waters for over 50 forage species which were previously unmanaged in this region (Table 1). These species were designated as EC species in all the Council’s FMPs. The possession limit applies to combined landings of all the EC species.

As indicated in the goal statement above, the Council did not intend to indefinitely prohibit directed commercial fishing for the Forage Amendment EC species, but rather only until the Council has had an adequate opportunity to assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem. The Forage Amendment requires use of an EFP as a first step towards the Council considering allowing landings beyond the 1,700 pound possession limit. The federal regulations at [50 CFR 648.12](#) state that exemptions to the Forage Amendment requirements may be granted “for the conduct of experimental fishing beneficial to the management of the resources or fishery managed under that subpart. The Regional Administrator shall consult with the Executive Director of the MAFMC before approving any...exemptions for experimental fishing contributing to the development of new or expansion of existing fisheries for Mid-Atlantic forage species.”

Through the Forage Amendment, the Council also agreed that relevant EFP applications should be sent to the Council for review prior to submission to GARFO. Given the national-level regulations at [50 CFR 600.745](#) which apply to all EFPs, the Council cannot require applications to be sent to the Council first; however, they can request it.

This document reflects a change from the process adopted through the Forage Amendment in that the Council and GARFO will work together to review relevant EFP applications concurrently, rather than the Council reviewing the applications prior to GARFO. As described in more detail later in this document, the Council requests that GARFO refrain from publishing a Federal Register notice until certain steps of the Council review process are complete.

Table 1: Taxa designated as ecosystem components by the Council through the Unmanaged Forage Omnibus Amendment. The federal regulations at [50 CFR 648.2](#) (definition for “Mid-Atlantic forage species) further enumerate this list to the species level.

Anchovies (Family Engraulidae)
Argentines (Family Argentinidae)
Greeneyes (Family Chlorophthalmidae)
Halfbeaks (Family Hemiramphidae)
Herrings, sardines (Family Clupeidae)
Lanternfish (Family Myctophidae)
Pearlsides (Family Sternoptychidae)
Sand lances (Family Ammodytidae)
Silversides (Family Atherinopsidae)

Cusk-eels (Order Ophidiiformes)
Atlantic saury (*Scomberesox saurus*)
Pelagic mollusks except sharptail shortfin squid (*Illex oxygonius*)
Copepods, Krill, Amphipods & other species under 1 inch as adults

Required ~~e~~Contents of EFP applications for Forage Amendment EC species

EFP applications must contain all the elements listed in the federal regulations at [50 CFR 600.745\(b\)\(2\)](#), which apply to all EFPs and are summarized below. Additional ~~requirements established~~contents requested by the Council for Forage Amendment EC species are also listed below. ~~Requirements-Contents~~ specific to the Forage Amendment EC species are indicated with footnotes. All items below which do not have footnotes are required by the federal regulations for all EFPs.

1. The date of the application.
2. The applicant's name, mailing address, and telephone number. The applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.
3. A statement of the purposes and goals of the exempted fishery for which an EFP is needed, including justification for issuance of the EFP.
 - 3.1. The ultimate fishery management goals of the exempted fishing activity should be described. For example, applicants should indicate if their goal is to assess viability of a longer term directed fishery which would require a Council management action (e.g., an amendment or another type of management action to add a stock to an FMP).¹
4. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
5. For each vessel covered by the EFP, as soon as the information is available and before operations begin under the EFP:
 - 5.1. A copy of the U.S. Coast Guard documentation, state license, or registration of each vessel, or the information contained on the appropriate document.
 - 5.2. The current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.
6. The species expected to be caught under the EFP, including the amount and expected disposition of those species (landed or discarded). This should include both targeted as well as incidental species, both managed and unmanaged.²

¹ The language for item 3.1 is specific to the Forage Amendment EC species. It is not included in the federal regulations for all EFPs.

² This differs from the federal regulations in that it expands the considerations beyond harvest of regulated species.

7. Expected impacts of all catch (i.e., landings and discards) of target and incidentally caught species on fisheries, fishing communities, essential fish habitat (EFH), marine mammals, threatened and endangered species, and the marine ecosystem.³
8. Justification for the specific catch levels requested.
 - 8.1. Given limited available data and current lack of stock assessments for the Forage Amendment EC species, applicants should consider incremental increases above recent landings to mitigate concerns about potential impacts of large increases in landings. Summaries of recent landings are available at <https://www.mafmc.org/unmanaged-landings-reports>.⁴
9. Procedures for monitoring all catch, including incidental catch and discards. Applicants may wish to consider mechanisms for observer coverage. Applicants should be aware that there are currently no existing mechanisms for third party funding of observers trained through the Northeast Fisheries Observer Program (NEFOP) or for assigning NEFOP observers to trips outside of what is required by the Standardized Bycatch Reporting Methodology.⁴
10. Applicants are encouraged to collect information that can assist with future management and stock assessments of EC species, including, but not limited to information on length, weight, age, sex, and maturity. Applicants should provide details for any planned biological sampling programs.⁴
11. Applicants are encouraged to consider gear modifications and fishing strategies to reduce bycatch.⁵
- ~~11.~~12. If the application requests renewal of a previously issued EFP, reports summarizing the outcome of the prior exempted fishing activity should be provided with the application. See pages 8-9 of this document for reporting requirements.⁴
- ~~12.~~13. A brief description of the qualifications of the applicant and project partners.⁴
- ~~13.~~14. The signature of the applicant.
- ~~14.~~15. Other information as necessary to ensure compliance with all applicable laws, regulations, and executive orders.
- ~~15.~~16. Other information if requested by the Council or GARFO.

EFPs must comply with all applicable laws, regulations, and executive orders, including, but not limited to, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the National Environmental Policy Act (NEPA), and the Endangered Species Act (ESA). Depending on the

³ This expands upon the requirements in the federal regulations to include consideration of discards, fishing communities, and the marine ecosystem.

⁴ This language is specific to the Forage Amendment EC species. It is not included in the federal regulations for all EFPs.

⁵ This language is based on the Pacific Fishery Management Council's Operating Procedure 24. It is not included in the federal regulations for all EFPs.

characteristics of the proposed fishing activity, this may require additional analysis. This could include development of a NEPA document such as an environmental assessment, an EFH consultation, and/or an ESA consultation (which would involve developing a biological opinion and an incidental take statement). In general, EFP applications for fishing activities that are similar to existing managed federal waters fisheries (e.g., the same gear types, seasons, and areas fished) will require less additional analysis than fishing activities that differ from existing managed federal waters fisheries. Applicants should consult with the Council and GARFO to determine what additional analyses may be required. Applicants should be aware that these additional analyses can be time consuming. GARFO and Council staff can provide only limited support for these analyses given workload constraints.

EFP Process for Council review of EFP applications for Forage Amendment EC species

EFP applications for Forage Amendment EC species should be sent to the Council for review prior to or at the same time as submission to GARFO. Applications should be sent via email to the Council executive director.

Applications should be submitted to the Council at least one year prior to the desired start of exempted fishing activities. This is intended to allow sufficient time for review by the Council, the Council's Scientific and Statistical Committee (SSC), Ecosystem and Ocean Planning (EOP) Committee, and EOP Advisory Panel (AP), as appropriate, as well as subsequent revisions to the application if needed, and review and processing by GARFO. This differs from the 60 day timeframe indicated in the federal regulations for all EFPs as the Council requires additional levels of review for EFPs for Forage Amendment EC species. Applicants should be aware that this review may take longer than one year, depending on the details of the specific fishing activities proposed and depending on other Council and GARFO priorities and workload constraints.

Council staff will work with GARFO staff to review EFP applications to determine if all the contents listed in the prior section are included. If the application is complete, Council leadership will decide if it should be reviewed by the SSC. It is expected that most applications will be reviewed by the SSC. Council leadership will approve terms of reference for the SSC to address. Terms of reference will be tailored to each EFP application but are expected to focus on the adequacy of the proposed sampling methodology to 1) allow for a determination of if the stated purposes and goals of the EFP have been met, 2) accurately estimate landings and discards of all caught species, and 3) provide information that may be useful to future stock assessments and management. The SSC may also comment on the EFP's consistency with the goal of the Forage Amendment, including the ability of the proposed methodology to allow conclusions to be made regarding potential impacts of the exempted fishing activity on existing fisheries, fishing communities, and the marine ecosystem. If the SSC, Council staff, or GARFO identify major flaws with the proposed methodology or other aspects of the application, applicants may be directed by the Council or GARFO to revise the application prior to further review.

Complete applications will be reviewed by the EOP Committee and EOP AP during either separate or joint meetings of the two bodies. With the assistance of Council staff, the EOP Committee and EOP AP will consider the following questions:

1. Is the application complete?

2. Are the proposed catch levels sufficiently justified?
3. Is the proposed data collection methodology sufficient to accurately estimate landings and discards by species for all target and incidental species?
4. Will the information collected allow for a determination of whether the stated purposes and goals of the EFP have been met?
5. Will the information collected support an assessment of the impacts of all catch on existing fisheries, fishing communities, marine mammals, threatened and endangered species, EFH, and the marine ecosystem?
6. Can the information collected assist with future management and stock assessments of EC species or other species?
7. Have the applicants determined if any additional analysis is needed to comply with applicable laws (e.g., MSA, ESA, NEPA)?
8. If the application requests renewal of a previously issued EFP, has the extension for an additional year been justified, including consideration of information provided in reports on the outcome of the previously issued EFP?
9. Is the proposal consistent with the goal of the Forage Amendment and the goals and objectives of the Council's FMPs?
10. Do the applicants and associated project partners have a history of relevant work to suggest they can successfully complete the proposed project?

After applications have been reviewed by the SSC, the EOP Committee, and the EOP AP, the full Council will then review the relevant feedback and consider the application. The Council will determine if they wish to provide additional feedback to the applicants and/or provide comments during the Federal Register comment period described below. The Council may provide comments on all the items listed above for SSC, EOP Committee, and EOP AP review, including the consistency of the proposal with the goal of the Forage Amendment.

Council leadership may decide that review by the SSC, EOP Committee, EOP AP, and/or full Council may take place via email for applications that are not expected to be controversial. For example, email review may be sufficient if the application only requests an extension of a previously issued EFP. In addition, the Council may determine they are opposed to the EFP and do not need further review to inform their position, for example, if the EFP is deemed incompatible with the goal of the Forage Amendment.

Unless requested by Council leadership, applications that are revised after review by the SSC, EOP Committee, EOP AP, Council, or GARFO do not require additional review by any Council groups to confirm the adequacy of the revisions.

Overview of process for GARFO issuance of EFPs

As described in the federal regulations at [50 CFR 600.745](#), if the GARFO Regional Administrator determines that the application is complete and warrants further consideration, a Federal Register notice will be published to briefly describe the proposed exempted fishing activity and announce a 15 to 45 day public comment period.

For EFP applications for Forage Amendment EC species only, the Council requests that GARFO refrain from publishing the Federal Register notice until after the steps described in the previous section for SSC, EOP Committee, and EOP AP review are complete. This will help ensure the Council can develop informed comments during the public comment period without further delaying review of the application.

The remainder of this section is based on the federal regulations at [50 CFR 600.745](#).

If the GARFO Regional Administrator determines that the application does not warrant further consideration, both the applicant and the Council will be notified in writing of the reason for the decision.

As soon as practicable after the close of the public comment period, the GARFO Regional Administrator shall make a determination on issuance of the EFP.

GARFO may attach terms and conditions to the EFP, consistent with the purpose of the exempted fishing and as otherwise necessary for the conservation and management of the fishery resources and the marine environment, including, but not limited to:

1. The maximum amount of each regulated species that can be harvested and landed during the term of the EFP, including trip limitations, where appropriate.
2. The number, size(s), name(s), and identification number(s) of the vessel(s) authorized to conduct fishing activities under the EFP.
3. A citation of the regulations from which the vessel is exempted.
4. The time(s) and place(s) where exempted fishing may be conducted.
5. The type, size, and amount of gear that may be used by each vessel operated under the EFP.
6. Whether observers, a vessel monitoring system, or other electronic equipment must be carried on board vessels operating under the EFP, and any necessary conditions, such as pre-deployment notification requirements.
7. Data reporting requirements necessary to document the activities, including catches and incidental catches, and to determine compliance with the terms and conditions of the EFP and established time frames and formats for submission of the data to NMFS.
8. Other conditions as may be necessary to assure compliance with the purposes of the EFP, consistent with the objectives of the FMPs and other applicable law.

9. Provisions for public release of data obtained under the EFP that are consistent with NOAA confidentiality of statistics procedures. An applicant may be required to waive the right to confidentiality of information gathered while conducting exempted fishing as a condition of an EFP.

EFP applications may be denied for a number of reasons, including, but not limited to, concerns about detrimental impacts to managed species, protected species, or EFH according to the best scientific information available; economic allocation as the sole purpose of the EFP; inconsistency of the EFP with FMP objectives and applicable laws; failure to provide an adequate justification for the exemption; and enforcement concerns. If an EFP application is denied, the applicant will be notified in writing of the reasons for the denial.

GARFO may charge a fee to recover the administrative expenses of issuing an EFP.

As described in the federal regulations at [50 CFR 600.745\(b\)\(4\)-\(9\)](#), upon receipt of an EFP, the permit holder must date and sign the permit, and retain the permit on board the vessel(s). The permit is not valid until signed by the permit holder. In signing the permit, the permit holder agrees to abide by all terms and conditions set forth in the permit, and all restrictions and relevant regulations. The permit holder also acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization and revocation by GARFO. The EFP must be presented for inspection upon request of any authorized officer. Any fish, or parts thereof, retained pursuant to the EFP must be accompanied, during any ex-vessel activities, by a copy of the EFP.

Unless otherwise specified, an EFP is valid for no longer than one year. EFPs may be renewed following the same application procedures described above.

Reports on outcome of EFPs

As required by the federal regulations, reports on the outcome of the EFP must be submitted to ~~the Council and~~ GARFO no later than six months after concluding the fishing activity authorized by the EFP.⁶ These reports should also be sent to the Council.

~~At a minimum, these reports should summarize total landings and discards by species, conclusions relative to the stated goals of the EFP, and any conclusions regarding impacts on existing fisheries, fishing communities, marine mammals, threatened and endangered species, EFH, and the marine ecosystem. Reports should include the following information:~~

1. A description of all species caught while fishing under the authority of the EFP, including the amounts and dispositions of all species caught, landed, or discarded.
2. A description of the probable impacts of this fishing effort on fisheries, fishing communities, EFH, marine mammals, threatened and endangered species, and the marine ecosystem, based on the documented amounts of species caught, landed, or discarded.
3. A description of the gear used, and any specific fishing strategy employed to target the desired species, as well as any gear modifications and fishing strategies used to reduce

⁶~~The six month time frame is specified in the federal regulations at [50 CFR 600.745\(e\)](#).~~

bycatch or environmental impacts caused by fishing activities under the authority of the EFP.

4. Recommendations for revising the EFP to provide better information from the activities undertaken under the authority of the EFP or modifying fishing activities to improve catch, reduce bycatch, or otherwise improve fishing efficiency.
5. Conclusions regarding whether the fishing activities undertaken under the authority of the EFP provide the necessary information for determining the next steps in this process, based on the information collected.

The Council and GARFO may determine additional requirements for these reports and may also require interim progress reports. Any publications resulting from EFP activity should be shared with the Council and GARFO.

As noted above, these reports will be considered when renewal of the EFP is requested. Therefore, reports should be submitted as soon as possible to support Council and GARFO review of renewal applications.

Contact information

For questions about the Forage Amendment or the process for Council, EOP Committee, EOP AP, or SSC review of EFP applications, contact Julia Beaty, Fishery Management Specialist, at jbeaty@mafmc.org or 302-526-5250.

For questions regarding review and issuance of EFPs by GARFO, contact Ryan Silva, Cooperative Research Liaison, at ryan.silva@noaa.gov or 978-281-9326.



About ROSA

The Responsible Offshore Science Alliance (ROSA), founded in 2019, is a nonprofit organization that advances research, monitoring, and methods on the effects of offshore wind energy development on fisheries across US federal and state waters.

Led by a board of directors comprised equally of wind developers and fishery representatives, we serve as an objective resource for all sectors and facilitate the coordination of regional scientific research to collaboratively and efficiently deepen understanding.

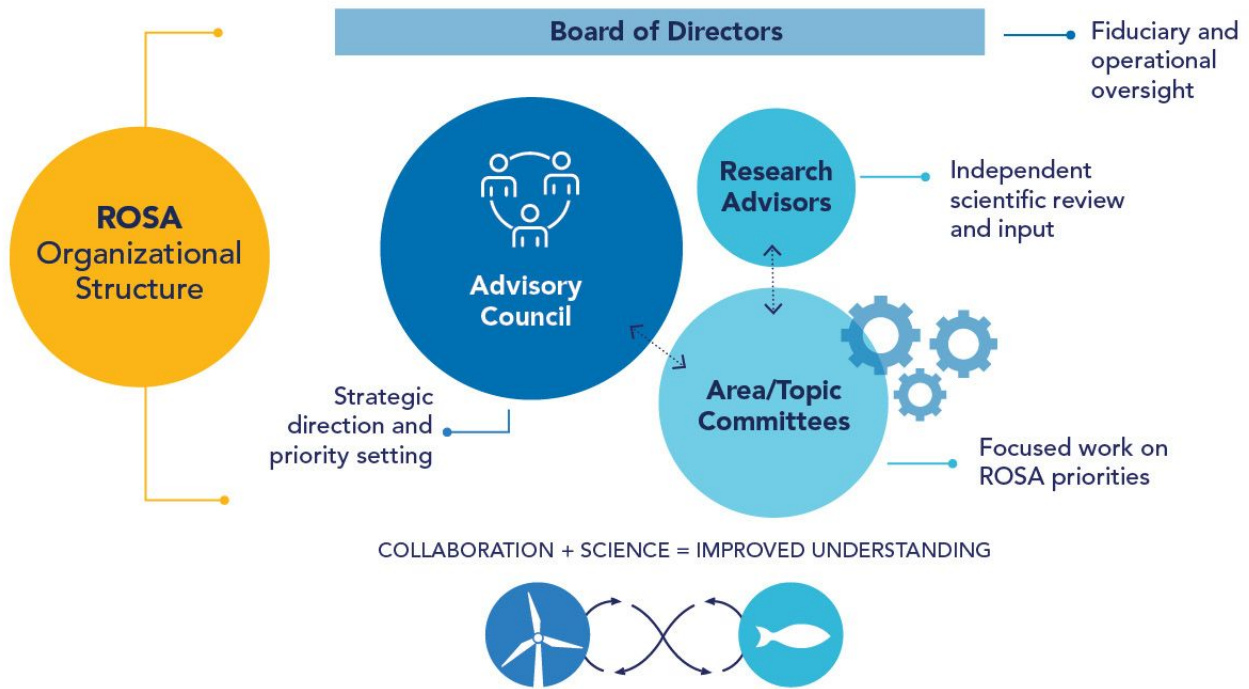
ROSA's work currently focuses on the waters from Maine to North Carolina. The alliance's vision is an improved understanding of ocean and coastal ecosystems that allows for informed compatibility of sustainable fisheries and offshore wind energy.

Our Work

ROSA is engaging fishermen, wind energy developers, fishery scientists, and federal and state management experts in:

- Identifying regional research and monitoring needs
- Coordinating existing research and monitoring
- Advancing understanding through collaboration, partnerships, and cooperative research
- Administering research
- Improving access to scientific data
- Sharing learnings

The alliance is working closely with leading experts in fisheries science and offshore wind who are already undertaking research, existing data and monitoring networks, and interested research and academic institutions.



Our Leaders

The alliance is led by an Executive Director and guided by a board of directors comprised equally of wind energy developers and fishing industry leaders.

An Advisory Council provides substantive direction and strategic guidance for ROSA. The Council is comprised of developers holding federal leases and representatives from commercial and recreational fishing industries, federal agencies, the New England and Mid-Atlantic Fishery Management Councils, the Atlantic States Marine Fisheries Commission, and interested states. Area- or topic-specific committees, comprised of Advisory Council members and scientists from academia, research organizations, and technical firms, conduct ROSA's core work.

Research Advisors, representing a wide range of expertise, provide independent, scientific input to the Council and committees.

Our Supporters

ROSA's operations are primarily funded by contributions from offshore wind developers with federal leases and states along the east coast.

ROSA was initiated by the Responsible Offshore Development Alliance (RODA) and several offshore wind developers in 2019.

Fishing industry leaders provide in-kind support through participation and dedication of RODA staff time.

GET INVOLVED

ROSA welcomes engagement by all interested parties. Attend Advisory Council meetings and consider serving as a Research Advisor. Sign up for the ROSA newsletter to get updates and learn more about the organization at rosascience.org.



Responsible Offshore Science Alliance

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For more information,
visit
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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 29, 2023
To: Chris Moore
From: J. Didden, Staff
Subject: 2024-2026 Spiny Dogfish Specifications

The Council plans to adopt 2024-2026 Spiny Dogfish specifications at the December 2023 Council Meeting, with New England Fishery Management Council action following in January 2024 (the plan allows NMFS to resolve differences). Council staff supports the Joint Spiny Dogfish Committee recommendations, which are detailed in the first supporting document below:

- Spiny Dogfish Committee Nov 2023 Meeting Summary (with Committee recommendations)
- Spiny Dogfish Monitoring Committee Nov 2023 Summary
- Scientific and Statistical Committee (SSC) Oct 2023 Report (see Committee Reports Tab)
- Staff Oct 2023 Acceptable Biological Catch (ABC) Memo
- Advisory Panel (AP) 2023 Fishery Performance Report
- 2023 Fishery Information Document
- Submitted Comments

Supplemental Material Links

- [Preliminary 2023 Partial Year Discards](#)
- [SSC October 2023 Meeting Page \(includes links to assessment materials\)](#)



Spiny Dogfish Committee Meeting Summary

November 17, 2023 - Webinar

Overview: The Joint¹ Spiny Dogfish Committee met on November 17, 2023 from 9 am to 11:40 am and developed recommendations for 2024-2026 spiny dogfish specifications, detailed below. The regulations guiding these recommendations are detailed in 50 CFR 648.230-232, but generally involve ensuring that the Annual Catch Limit (ACL) is unlikely to be exceeded – any ACL overages trigger pound-for-pound paybacks from a subsequent year. The MAFMC and NEFMC will meet in the coming months to consider the Committee’s recommendations and adopt specifications.

Committee Member Attendees: Sonny Gwin (Chair), Dan Farnham, Mark Alexander, Skip Feller, Daniel Salerno, Michael Luisi (ex-officio), Adam Nowalsky, Joe Grist, Wes Townsend (ex-officio), Eric Reid (ex-officio), Alan Tracy, Chris Batsavage, Jay Hermsen (NMFS), Nichola Meserve, Rick Bellavance, and Toni Kerns (ASMFC).

Other Attendees: Jason Didden, Alan Bianchi, Aubrey Church, Bob Blais, Cynthia Ferrio, David McCarron, Dvora Hart, James Fletcher, James Boyle, John Whiteside, Jonathan Auguste, Megan W, Michelle Passerotti, Paul Rago, Pierre Juillard, Renee Zobel, Roger Rulifson, Scott MacDonald, Didden2, and Mark Sanford.

Background Discussion Summary

Jason Didden of MAFMC staff first provided an overview of: the spiny dogfish assessment; the Scientific and Statistical Committee’s (SSC) Acceptable Biological Catch (ABC) recommendations; the Advisory Panel’s (AP) Fishery Performance Report; and the Monitoring Committee’s recommendations (detailed supporting documents were provided and will also be available for the Councils’ meetings). Several clarifying discussions preceded Committee deliberations including:

- The 54% target chance of not overfishing is a result of the MAFMC’s risk policy.
- Uncertainties about data inputs are considered as part of assessment peer reviews.
- The large quota changes from, for example 2016 (about 40 million pounds), to 2024 (likely about 10 million pounds) are primarily the result of earlier overestimation of productivity. Follow-up by staff found that according to the current assessment, the 2016 quota should have been only around 11 million pounds (2016 landings were about 25 million pounds, still too high even though substantially below the 40-million pound quota). (Values are approximate given the assessment uses calendar years.)

¹ The federal spiny dogfish fishery is managed with a joint plan by the Mid-Atlantic Fishery Management Council (MAFMC, lead) and the New England Fishery Management Council (NEFMC).

-Discard estimates were generated based on both the ratio of observed discards to kept fish and overall fishing activity as measured by landings (the discard ratio is applied to totaled landings by gear type to estimate discards). If there are less boats and less activity and less landings now than earlier, the lower activity/landings result in lower discard estimates (unless the discard rate increased to offset the lower fleet activity). The modeled future discards coming out of the assessment integrate the historic discard information as well as the trends in biomass forecasted by the model.

Summary of General Public Comments Provided During Background Discussion

- Fishermen do not see downward trends in either abundance or size of fish in landings.
- This is history repeating itself just like in 1999 – we are once again begging you not to put us out of business unnecessarily.

Committee Specifications Motion/Recommendation Summary

The Committee passed the following motion regarding specifications:

Move to recommend that the Councils adopt 2024-2026 dogfish specifications that include the following deductions from the SSC-specified ABCs: the most recent estimate of Canadian landings (36 MT²); no buffer for management uncertainty (0 MT); the model-predicted year-specific discards (2,382 MT for 2024; 2,441 MT for 2025; and 2,494 MT for 2026); and the most recent 3-year average recreational landings (112 MT). This results in commercial quotas of 4,605 MT (10.15 mil. pounds) for 2024; 4,723 MT (10.41 mil. pounds) for 2025; and 4,831 MT (10.65 mil. pounds) for 2026. (Reflected in Table 3 of Monitoring Committee summary.)

Meserve/Luisi, 14/1/1 Motion passes

Rationale for the motion included:

-The model-generated discards are objective and more likely to reflect actual discards than a recent three-year average or the most recent year (2022) estimate. It also is in between the amounts generated by those other two approaches, though closer to the 2022 estimate.

-Not using a management uncertainty buffer does not indicate a lack of uncertainty or zero risk of exceeding the Annual Catch Limit (ACL), but the model discard approach is more rigorous than last year's staff ad-hoc approach, and industry has again clearly indicated that they are willing to accept the higher risk of future paybacks given the current tenous existence of the spiny dogfish fishery. There have been no recent overages, and small future overages could be absorbed by the slight ABC increases in 2025 and 2026. The Atlantic States Marine Fisheries Commission (ASMFC) quota rollover provisions could increase the quota by potentially up to 600,000 pounds depending on 2023 fishing year performance (too soon to predict), but the state/regional allocations also add a de-facto buffer because states are unlikely to relinquish all of their quota through transfers.

-Overall this approach balances responsibility to the resource and needs of industry as best possible.

² MT = metric ton. One metric ton equals about 2,204.6 pounds, so 100 MT equals about 220,000 pounds and 1,000 MT equals about 2.2 million pounds.

A motion to substitute the lower 2022 discard estimate of 2,134 MT failed on an 8/8/0 vote. The rationale for the failed substitute referenced the industry input, historical trends, socioeconomic impact (including the dogfish fishery's gap-filling role for many participants particularly January-April), and the various uncertainties involved. There was also concern about dogfish's impact on the ecosystem. It was noted the industry has clearly stated they are willing to risk future paybacks/disruptions if there are overages given the current tenuous state of the industry. Concern about the static nature (same discards for all three years) of this approach was noted given the predicted biomass increases. The NMFS representative noted they would not support the substitute motion,

During discussion of the substitute, it was clarified that if the two Councils adopt different measures, NMFS can implement either Council's measures or implement a modified version, but NMFS can't implement something that was rejected by both Councils. In recent years the ASMFC has mirrored the federal measures, but the ASMFC plan is not directly linked to the federal plan, and the ASMFC has adopted differing quotas in the past (NMFS will still close federal waters when the federal quota is reached). There was also discussion of whether specifications could just be set for one year and then reviewed. Staff noted that even if multi-year specifications are set, the specifications are reviewed each year by the SSC and MAFMC, and can be modified year to year. If the SSC changes the ABC(s) after review, then specifications would need to be modified. It was noted that the NEFMC may need to build in dogfish specifications review into its workload planning, depending on the nature of the review.

Summary of Public Comments Provided During Motion Discussion

John Whiteside: The above motion's quota is too low and we need to consider the de-facto buffer created by the ASMFC's state/regional allocations. The risk of an overage is overshadowed by the risk of not having a viable business due to unnecessarily low quotas. The 2,134 MT 2022 discard estimate is more appropriate, and would give industry another 500,000 pounds of quota. At this point every little bit helps significantly, because European buyers are starting to explore other sources given uncertainty about supply from the US, and if we lose our market, this industry is over (the supply disruption from Virginia and inability to maintain year-round Massachusetts processing staff is already critically challenging).

Pierre Juillard: Agree with John. We are at a critical point and Europeans are starting to turn to local markets – we need every pound to have a chance of still being here in a few years.

Scott MacDonald: We need to listen to John and Pierre. I'm out of the fishery/packing because I could not re-sign a lease given all of this uncertainty. We will also lose Pierre/SeaTrade if we don't take this seriously.

Trip Limit Discussion Summary

While no action is required regarding the federal trip limit (currently 7,500 pounds per trip), there was some discussion of how trip limits might relate to potential specifications changes and/or future performance. No rationale to change the federal trip limit emerged and no related motions were made. There was a question whether a relationship existed between trip limit changes and discard changes, but that question has not been examined in detail, and most

discards are not occurring in the directed fishery that is constrained by trip limits. Staff observed that in recent years the fishery has utilized higher trip limits quickly upon implementation.

Male Fishery Discussion Summary

A question was asked what the next steps might be for facilitating a male-focused spiny dogfish fishery. Staff responded that the recent assessments do estimate biomass by sex but had not had time to explore options for a mostly separate harvest of male fish. A next step would be for the NMFS Northeast Fisheries Science Center to conduct analyses that could evaluate higher male harvest, and then related management measures could be considered (associated ABC, times/areas where mostly males would likely be caught, female by-catch set aside, etc.). It is not yet clear whether markets could be established for the smaller males, but there is some persisting interest in at least allowing the potential for such a fishery.



Spiny Dogfish Monitoring Committee Meeting Summary

November 6, 2023 - Webinar

The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Monitoring Committee met on November 6, 2023 from 12:30pm to 3:15pm to develop recommendations for 2024-2026 specifications. The regulations guiding these recommendations are detailed in 50 CFR 648.230-232, but generally involve ensuring that the Annual Catch Limit (ACL) is unlikely to be exceeded – any ACL overages trigger pound-for-pound paybacks from a subsequent year. A key theme was the tradeoff between maximizing the limited available quota for 2024-2026 versus avoiding ACL overages and paybacks that could be disruptive to future fishing years.

Monitoring Committee Attendees: Jason Didden, Angel Willey, Conor McManus, Cynthia Ferrio, David McCarron, Dvora Hart, John Whiteside, Melinda Lambert, Nichola Meserve, and Scott MacDonald (100% attendance).

Other Attendees: Sonny Gwin, Bob Blais, Chris Batsavage, Chris Rainone, James Fletcher, Jared Auerbach, Joe Grist, Pierre Juillard, Wes Townsend, and Daniel Salerno.

Assessment Discussion

Jason Didden began the meeting with a summary of the assessment and the Council's Scientific and Statistical Committee's (SSC) findings. The assessment concluded that 2022 biomass (measured as pups/spawning output) was just above its target despite being relatively low, and that relatively low future catches are needed to stay at the target (due to the stock's reduced productivity). The SSC utilized the assessment model's conclusions and projections to set the following Acceptable Biological Catches (ABCs): 2024: 7,135 metric tons (MT), 2025: 7,312 MT; 2026: 7,473 MT. The 2024 ABC of 7,135 MT is 8.4% lower than the 2023 fishing year ABC of 7,788 MT. Both the Monitoring Committee and Public first engaged in discussion regarding the assessment, summarized below:

John Whiteside noted that the SSC remarked that recent changes in growth/size/maturity/maximum-observed-female-size cannot be explained by direct effects from fishing (unlike the changes seen in the 1990s during more intense size-selective fishing). Dvora Hart hypothesized that there may be an indirect effect occurring where the smaller surviving females from the 1980s-1990s have been producing smaller fish.

Pierre Juillard noted that the primary processor has seen similar sized fish for the last 3-4 years. Dvora Hart highlighted Figure 3 from the [SS3 assessment report](https://www.mafmc.org/ssc-meetings/october-30-2023) (at <https://www.mafmc.org/ssc-meetings/october-30-2023>), which indicated landings did show a relatively similar/stable proportion of larger females from 2020-2022 but also declines both during the initial 1980s/1990s directed fishery and after the more recent 2012 landings peak. Other data (the

NMFS spring bottom trawl survey and other commercial fleets' landings and discards) also show historical declines of larger females. There was substantial discussion on whether recent reduced portside sampling could create a distorted understanding of the landings' length composition used within the assessment. Given the likely seasonal and/or spatial variability, higher sample sizes would be worthwhile. Follow-up discussions with Northeast Fisheries Science Center (NEFSC) staff clarified that the length data for the gillnet landings (where most landings come from) stem from both portside sampling of gillnet trip landings and at-sea sampling of kept fish on observed gillnet trips (mostly observer trip data in recent years). Scott MacDonald noted that vessels have been using smaller gear inshore in recent years to minimize trip costs, which could influence the size of dogfish in the landings (this could potentially be examined with observer data in the future). He observed relatively larger dogfish during the most recent Virginia fishing season - late 2022/early 2023 (the current assessment includes data through 2022). Discussion noted that there are some large fish seen in landings data in recent years, but a lower proportion compared to the 1980s or the early 2010s. Having state samplers collect landings' length information was raised as a possible solution, as was the possibility of sampling at the Massachusetts processor since almost all spiny dogfish landings are shipped to one Massachusetts processor.

Scott MacDonald observed that catch limits must have been set way too high during recent overfishing (2011-2021), since recent catches were substantially below their respective Acceptable Biological Catches (ABCs). According to the new assessment, this is true. Scott suggested that we should be wary of destroying this fishery with lower quotas given the variability we've seen in ABC recommendations in recent years (indicating high uncertainty).

Chris Rainone highlighted that the erroneous yo-yo assessment/management is making it impossible to sustain participation, and putting portions of the fishery out of business. He stated we should have a gillnet survey to avoid being in such a data poor situation and need to better account for climate/ecosystem impacts. He and Scott MacDonald also questioned whether we know if this model is better than previous approaches. Dvora Hart followed-up that this is the first standard statistical model that has been produced for the U.S. Atlantic spiny dogfish stock, and one advantage of now having a statistical population model is that there should be improved interannual stability in population size estimates and projections moving forward.

Specifications Discussion and Recommendations¹

The ABCs recommended by the SSC, which are binding catch constraints are: 7,135 metric tons (MT) for 2024, 7,312 MT for 2025, and 7,473 MT for 2026. These resulted from application of the Council's risk policy to address scientific uncertainty, which, for a stock slightly above its biomass target (as dogfish is predicted to be for these years) dictates about a 54% chance of not overfishing. On average for these years, about 663 MT (a little more in 2024 and a little less in 2026) is set aside from the estimated overfishing level catch estimate to achieve the slightly better than 50% chance of avoiding overfishing (i.e. the 54% chance goal). This equates to setting aside 8%-9% of each year's estimated overfishing level of catch to address scientific uncertainty (i.e. to be slightly more than 50% certain that overfishing is not occurring).

¹ Current 2023 fishing year specifications are detailed in Table 4.

Canadian Landings Set-Aside:

The Monitoring Committee has previously recommended the most recent available Canadian estimates for a set-aside. The Canadians updated their 2019 landings estimate to 36 MT (previously 37 MT). This value is now somewhat outdated but does not cause concern given the small magnitude of Canadian landings. Some recent years have been a bit higher and others a bit lower (1 MT-54 MT range 2015-2019). The Monitoring Committee recommended setting aside 36 MT to account for Canadian landings.

Recreational Set-Aside:

The Monitoring Committee recommended setting aside the most recent 3-year average of 112 MT to account for recreational landings, a small component of total catch. This is less than the 2021 estimate of 214 MT used to set the 2023 specifications. The assessment's 2020, 2021, and 2022 recreational harvest estimates of 101 MT, 215 MT, and 19 MT respectively have PSEs in the 30-50% range (i.e. PSE's which warrant a "caution" from NMFS in terms of precision).

Dead discard set-aside and management uncertainty buffer:

The specific charge of the Monitoring Committee to recommend measures that "ensure" overages do not occur would be impossible without very large buffers that result in very small commercial quotas and would regularly fail to catch optimum yield. Accordingly, in recent years the Monitoring Committee has taken the approach of making recommendations that would constitute a good faith effort to avoid substantial overages in typical years. This approach should enable optimum yield to be caught in most years but in any given year there will be a possibility of unexpectedly high discards (primarily from other fisheries), possibly causing substantial ACL overages and potentially disruptive pound-for-pound paybacks in future years (especially if the full landings quota is also attained).

The discard set-aside and management uncertainty buffer are linked because the primary management uncertainty issue that could cause ACL overages (and then paybacks) is the difficulty in setting aside an appropriate amount for dead discards. In the last ten years of the assessment (2013-2022) dead discards varied from about 7,400 MT (2014) to 2,100 MT (2022). Note the management track assessment report provides discard amounts before gear-specific discard mortality rates are applied (these rates have been reviewed and accepted but are likely imprecise). The trend since 2013 is downward, though much of the trend is driven by 2013-2014 being relatively high and 2022 being relatively low. Annual discards vary due to both trends in actual discards as well as estimation imprecision, though spiny dogfish discards are not particularly uncertain relative to other species in the region.

The ex-officio industry members of the Monitoring Committee (John Whiteside and Scott MacDonald) recommended that the 2022 discard estimate, 2,134 MT, be set-aside for 2024-2026 along with taking no deduction for a management uncertainty buffer (Table 1 below). Their rationale for using the 2022 discard estimate was that it is the most recent discard estimate and discards have been trending down. The 2022 discard estimate (2,134 MT) is close to what was set aside for 2023 (2,088 MT), so the scaling down approach taken last year appears to be working. Also, 2,134 MT would be a small increase from the current discard set aside. Their

rationale for not needing a management uncertainty buffer included that the state/regional landings allocations create an implicit massive buffer in landings versus the commercial quota to offset any theoretical issues with higher-than-expected discards. Also, it was noted that any catch overages could be offset by the planned increases in the ABC in 2025/2026. Finally, Scott MacDonald closed his business that previously bought almost all the dogfish landed in Virginia, and it is unclear whether another dealer will be able to facilitate similar annual volume from Virginia (averaging 4 million pounds). They noted the critical negative impact from sequestering potentially available quota at these low catch limits – there won't be an industry left if any potential quota is made uncatchable, forcing the last processor to close. John and Scott disagreed that the approaches (either "A" or "B" below) suggested by the rest of the Monitoring Committee were reasonable or appropriate, given their rationale described above and tenuous state of the industry at even the current 2023 quotas (12.0 million pounds). It was also suggested that federal dealers could be required to switch to daily reporting of landings to minimize any potential landings overages.

The rest of the Monitoring Committee was concerned that combining the lowest recent discard estimate with no management uncertainty buffer may not be objective and could lead to large ACL overages and paybacks/disruptions in future years. The low overall 2022 discard estimate was also unusually low for small mesh gear. There is also a possibility of landings over-running the commercial quota after a federal waters closure, but some states match the federal measures (including Virginia which typically harvests toward the latter part of the fishing year). Discussion noted that part of the rationale last year for a potential management uncertainty buffer was [the ad-hoc approach used for discards](#), and the two approaches for discards suggested below may reduce the need for uncertainty buffers. Conversely, discards are primarily the result of activity in other (trawl) fisheries, and the model is not integrating potential future effort changes in other relevant fisheries. The Monitoring Committee did not recommend a specific buffer amount, but noted the same buffer trade-off evaluated in previous years: higher buffers provide less quota now but lower chances of overages/paybacks; lower buffers result in more quota now but greater chances of overages/paybacks. This group did reach consensus on two approaches that should avoid substantial ACL overages (though an unexpectedly very high discard estimate could still lead to substantial ACL overages):

- A) If a three-year average of discards is set aside (3,128 MT), that amount captures recent discard variability sufficiently such that a management uncertainty buffer would probably not be needed to avoid substantial overages. This would mean setting aside 3,128 MT for discards, which will substantially reduce commercial quotas from current levels even without any management uncertainty buffer. (Table 2 below)
- B) The assessment model generates expected discards for the projection period in an objective manner despite uncertainty – as biomass slowly increases the model projects that discards will increase slowly as well. The Monitoring Committee noted that there is sensibility in using the model generated projected discards, just as is done by using the model generated ABCs. The projected amounts set aside for discards would be 2,382 MT for 2024, 2,441 MT for 2025, and 2,494 MT for 2026. The Monitoring Committee could not reach consensus on whether a management uncertainty buffer was needed if setting aside these model-generated discards, but did concur with the following statement: If the model-generated discard amounts are set-

aside, then the Committee may want to consider at least a small management uncertainty buffer given there is a 50% chance that realized discards will be higher (or lower) than those projected (due to the statistical nature of such estimates). Table 3 below describes the specifications using these discard amounts and zero uncertainty buffer, but staff will be able to illustrate varied management uncertainty buffers during the Committee meeting. Any management uncertainty buffer reduces the commercial quota by the same amount. A buffer amount therefore largely depends on the Councils' tolerances for potential overages and future paybacks, weighed against the immediate effect of reducing quota via a buffer.

Additional Public Comment

Pierre Juillard: The zero percent buffer is almost a necessity to get enough quota to keep processing beyond 2024. The peaks and valleys of quota have gotten us from four processors to just one.

Jared Auerbach: You can't decimate an industry where there's inexact science. Without a higher quota we're going to lose the current generation of participants as well as the next generation of entrepreneurs to invest in boats/processing/marketing.

Chris Rainone: The 30% discard mortality for gill nets is not believable given how we fish our gear for short soaks – the fish I released today out of Barnegat Light all swam away. If you put this quota below 10 million pounds we're in trouble as a fishery and we're already losing docks to wind – we won't have anywhere to go. You're going to put us out of business and yourselves because if there's no fishery to manage what are you going to do. At this rate you might as well put the nail in the coffin.

Daniel Salerno: I'm a little concerned about how you're looking at discards – if you take out 2013/2014 and 2022, discards were pretty flat from 2015-2021 and 2022 seems unnaturally lower than the previous 6-7 years. You may be underestimating the potential for higher dead discards occurring in 2024-2026.

Trip Limits

The Monitoring Committee also discussed trip limits, noting that trip limits (pounds per trip) have increased sequentially over the last decade (3,000 in 2009-2012, 4,000 in 2013, 5,000 in 2014-2015, 6,000 in 2016-2021, 7,500 in 2022-2023). Given recent performance, it's not clear whether the current 7,500-pound trip limit may cause early closures of the fishery, but all else being equal the quota will be utilized faster at higher trip limits compared to lower trip limits (many trips land right at the trip limit). Depending on fishery performance at the expected lower quotas, consideration of trip limit modifications may be warranted in the future. Scott MacDonald also mentioned that lowering the trip limits can make it harder to pack a truckload for shipment to the Massachusetts processor and lowering the trip limit could hurt vessels given high fuel prices. Thus, the Monitoring Committee did not see justification for recommending changes to the federal trip limit at this time.

Table 1. Whiteside/MacDonald Recommended Specifications

Specifications	2024 (pounds)	2024 (mt)	Basis
OFL (from SSC)	17,235,719	7,818	SS3 Assessment
ABC (from SSC)	15,729,964	7,135	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	15,650,597	7,099	= ABC – Canadian Landings
ACL	15,650,597	7,099	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	15,650,597	7,099	= ACL - mgmt uncert buffer
U.S. Discards	4,704,659	2,134	=2022 estimate
TAL	10,945,938	4,965	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	10,699,021	4,853	TAL – Rec Landings
Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	17,570,821	7,970	SS3 Assessment
ABC (from SSC)	16,120,181	7,312	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	16,040,815	7,276	= ABC – Canadian Landings
ACL	16,040,815	7,276	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	16,040,815	7,276	= ACL - mgmt uncert buffer
U.S. Discards	4,704,659	2,134	=2022 estimate
TAL	11,336,156	5,142	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	11,089,239	5,030	TAL – Rec Landings
Specifications	2026 (pounds)	2026 (mt)	Basis
OFL (from SSC)	17,905,924	8,122	SS3 Assessment
ABC (from SSC)	16,475,125	7,473	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	16,395,759	7,437	= ABC – Canadian Landings
ACL	16,395,759	7,437	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	16,395,759	7,437	= ACL - mgmt uncert buffer
U.S. Discards	4,704,659	2,134	=2022 estimate
TAL	11,691,100	5,303	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	11,444,182	5,191	TAL – Rec Landings

Table 2. Specifications using 3-year average discards and no management uncertainty buffer.

Specifications	2024 (pounds)	2024 (mt)	Basis
OFL (from SSC)	17,235,719	7,818	SS3 Assessment
ABC (from SSC)	15,729,964	7,135	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	15,650,597	7,099	= ABC – Canadian Landings
ACL	15,650,597	7,099	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	15,650,597	7,099	= ACL - mgmt uncert buffer
U.S. Discards	6,896,051	3,128	2020-2021-2022 avg
TAL	8,754,546	3,971	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	8,507,629	3,859	TAL – Rec Landings
Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	17,570,821	7,970	SS3 Assessment
ABC (from SSC)	16,120,181	7,312	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	16,040,815	7,276	= ABC – Canadian Landings
ACL	16,040,815	7,276	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	16,040,815	7,276	= ACL - mgmt uncert buffer
U.S. Discards	6,896,051	3,128	2020-2021-2022 avg
TAL	9,144,764	4,148	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	8,897,846	4,036	TAL – Rec Landings
Specifications	2026 (pounds)	2026 (mt)	Basis
OFL (from SSC)	17,905,924	8,122	SS3 Assessment
ABC (from SSC)	16,475,125	7,473	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	16,395,759	7,437	= ABC – Canadian Landings
ACL	16,395,759	7,437	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	16,395,759	7,437	= ACL - mgmt uncert buffer
U.S. Discards	6,896,051	3,128	2020-2021-2022 avg
TAL	9,499,708	4,309	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	9,252,790	4,197	TAL – Rec Landings

Table 3. Specifications using modeled discards and no management uncertainty buffer.

Specifications	2024 (pounds)	2024 (mt)	Basis
OFL (from SSC)	17,235,719	7,818	SS3 Assessment
ABC (from SSC)	15,729,964	7,135	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	15,650,597	7,099	= ABC – Canadian Landings
ACL	15,650,597	7,099	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	15,650,597	7,099	= ACL - mgmt uncert buffer
U.S. Discards	5,251,405	2,382	Assessment Predicted
TAL	10,399,193	4,717	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	10,152,275	4,605	TAL – Rec Landings
Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	17,570,821	7,970	SS3 Assessment
ABC (from SSC)	16,120,181	7,312	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	16,040,815	7,276	= ABC – Canadian Landings
ACL	16,040,815	7,276	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	16,040,815	7,276	= ACL - mgmt uncert buffer
U.S. Discards	5,381,477	2,441	Assessment Predicted
TAL	10,659,338	4,835	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	10,412,420	4,723	TAL – Rec Landings
Specifications	2026 (pounds)	2026 (mt)	Basis
OFL (from SSC)	17,905,924	8,122	SS3 Assessment
ABC (from SSC)	16,475,125	7,473	SSC / Risk Policy
Canadian Landings	79,366	36	= 2019 estimate, most recent
Domestic ABC	16,395,759	7,437	= ABC – Canadian Landings
ACL	16,395,759	7,437	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	See discussion
Amount of buffer	0	0	
ACT	16,395,759	7,437	= ACL - mgmt uncert buffer
U.S. Discards	5,498,322	2,494	Assessment Predicted
TAL	10,897,437	4,943	ACT – Discards
U.S. Rec Landings	246,917	112	2020-2021-2022 avg
Comm Quota	10,650,519	4,831	TAL – Rec Landings

Table 4. 2023 Fishing Year Specifications.

Specifications	2023 (pounds)	2023 (mt)	Basis for 2023 Specifications
OFL (from SSC)	na	na	na
ABC (from SSC)	17,169,581	7,788	SSC
Canadian Landings	81,571	37	= 2019 estimate, most recent
Domestic ABC	17,088,010	7,751	= ABC – Canadian Landings
ACL	17,088,010	7,751	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	Higher risk of ACL overages but minimizes potential 2023 disruption to industry
Amount of buffer	0	0	
ACT	17,088,010	7,751	= ACL - mgmt uncert buffer
U.S. Discards	4,603,247	2,088	scaled down from 2017-2019 average
TAL	12,484,763	5,663	ACT – Discards
U.S. Rec Landings	471,789	214	= 2021 estimate
Comm Quota	12,012,974	5,449	TAL – Rec Landings

[See Committee Reports Tab for
Scientific and Statistical Committee \(SSC\) Report on
Spiny Dogfish Acceptable Biological Catches \(ABCs\)](#)



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: October 25, 2023
To: Chris Moore, Executive Director
From: Jason Didden, staff
Subject: 2024-2026 Spiny Dogfish Acceptable Biological Catches (ABCs)

Summary

Based on the 2023 Management Track Assessment, the spiny dogfish stock was neither overfished nor experiencing overfishing in 2022.

The 2022 fishing year (May 1, 2022 to April 30, 2023) landings were about 19% higher than the prior year, but there has been a downtrend in landings since 2012.

The Mid-Atlantic Fishery Management Council (MAFMC) will meet in December 2023 to review the recommendations of the Advisory Panel (AP), the Scientific and Statistical Committee (SSC), the Monitoring Committee, the Spiny Dogfish Committee, and input from the public. The MAFMC will recommend catch and landings limits and other management measures. The New England Fishery Management Council will take similar action in January 2024, and the Atlantic States Marine Fisheries Commission will also meet in January 2024 to consider interstate measures.

Based on the SSC’s evaluation of uncertainty, the Council’s risk policy suggests Acceptable Biological Catches (ABCs) near or slightly above 7,000 metric tons (MT) for 2024-2026. Staff is concerned about the impact on industry and projection uncertainty. However, the Council’s codified control rule and risk policy are designed to integrate such concerns with avoidance of overfishing - as such, staff recommends applying the control rule and risk policy to determine 2024-2026 ABCs (see ABCs in Table 1 and additional discussion under “Staff Recommendation,” below).

Current Measures and Review of Prior SSC Recommendations

The last setting of spiny dogfish specifications occurred in 2022 for the 2023 fishing year. The resulting 7,788 MT (17.2 million pounds) ABC and 5,449 MT (12.0 million pounds) quota was a result of the SSC scaling down the previous ABC based on the NEFSC spring survey trends:

“In absence of a stock assessment, the SSC developed an ad hoc approach that addresses the apparent recent decline in abundance pending confirmation in the upcoming assessment. The method reduced the previous ABC (defined in 2018) by first adjusting it to be consistent with the current Council Risk Policy. The adjusted ABC was then multiplied by

the ratio of current average female spawning stock abundance (2021 and 2022) to the average for 2016 to 2018. The SSC recommended an ABC of 7,788 mt for the 2023 fishing year. This represents a 55% decrease from the 2022 ABC of 17,498 mt ([MAFMC SSC September 2022](#)).”

These specifications represented a 59% reduction in commercial quota for the spiny dogfish fishery from 2022. However, it is not yet clear whether the 2023 quota will be limiting for the 2023 fishing year. Once the coastwide quota is caught, federal waters will be closed for possession of spiny dogfish. If the Annual Catch Limit (ACL) is exceeded, overages are deducted as soon as possible from the ACL for the subsequent fishing year. In 2021, the Councils voted to increase the trip limit for spiny dogfish to 7,500 pounds, which was implemented for the 2022 fishing year.

Recent Landings and Catch

Recent landings peaked in the 2012 fishing year near 12,138 MT (26.8 million pounds) and declined to about 4,797 MT (10.6 million pounds) by 2021. 2022 landings rose to 5,730 MT (12.6 million pounds). The Fishery Performance Report documents industry perspectives on why recent landings have been low relative to quotas, including market constraints, quota disruptions, and other more attractive fishing opportunities. The closure of the primary Virginia spiny dogfish dealer may limit landings later in the 2023 fishing year. Discards (calendar year) accounted for 24%-43% of fishing mortality from 2013-2022. The Fishery Performance Report also notes the tenuous viability of this fishery given the relatively low price per pound, shrinking quotas in recent years, and other challenges.

Stock Status and Biological Reference Points

Based on the Spiny Dogfish Management Track Assessment, which used the Stock Synthesis 3 (SS3) assessment model, the spiny dogfish stock was neither overfished nor experiencing overfishing in 2022. Biomass (spawning output) in 2022 was estimated to be at 101% of the reference point/target, despite being relatively near its all-time low. Fishing mortality in 2022 was 81% of the overfishing threshold (the first time in the last decade without overfishing).

Staff Recommendation

The new assessment’s ability to accurately project future biomass trends given various catch levels is untested, and the uncertainties associated with growth mean the biomass reference point/target has considerable uncertainty (note the large biomass reference point changes between the research track and management track assessments). These uncertainties and concerns about the status of the fishery led staff to consider recommending a status-quo ABC (7,788 MT) for 2024-2026. However, considering the successful peer review of the management track assessment, there is no justification to deviate from the Council’s codified control rule and risk policy, especially given the recent overfishing and historical trends in both spawning output and total female biomass. The resulting projected ABCs are provided in a spreadsheet at <https://www.mafmc.org/ssc-meetings/october-30-2023> and reproduced on the next page in Table 1. Depending on the SSC’s assignment of uncertainty (100% or 150% coefficient of variation or “CV” for the calculated overfishing levels), the Council’s risk policy suggests Acceptable Biological Catches (ABCs) near or slightly above 7,000 metric tons (MT) for the 2024-2026 fishing years.

Table 1. Council Risk Policy-Based ABCs.

Year	Overfishing Level (OFL)	ABC	Biomass - Spawning Output	Biomass/ Target (188)
	mt	mt	millions pups	
Assuming 100% CVs				
2024	7,818	7,135	202.8	1.08
2025	7,970	7,312	208.7	1.11
2026	8,112	7,473	213.3	1.13
Assuming 150% CVs				
2024	7,818	6,940	202.8	1.08
2025	7,975	7,130	208.9	1.11
2026	8,122	7,301	213.6	1.14



Spiny Dogfish AP Fishery Performance Report September 20, 2023

The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Advisory Panel (AP) met via webinar on September 20, 2023 to review the Spiny Dogfish Fishery Information Document and develop the following Fishery Performance Report. The primary purpose of this report is to contextualize catch histories for the Scientific and Statistical Committee (SSC) by providing information about fishing effort, market trends, environmental changes, and other factors. Trigger questions (see below) were posed to the AP to generate discussion of observations in the spiny dogfish fishery. Advisor comments described below are not necessarily consensus or majority statements.

Advisory Panel members attending: Chris Rainone, James Fletcher, Jeremy Hancher, John Whiteside, Kevin Wark, Roger Rulifson, Scott Curatolo-Wagemann, Scott MacDonald, and Mark Sanford.

Others attending: Jason Didden (Council staff lead), Sonny Gwin, Alan Bianchi, Angel Willey, Cynthia Ferrio, David McCarron, and Yan Jiao.

Trigger questions:

The AP was presented with the following trigger questions:

1. What factors have influenced recent catch (markets/economy, environment, regulations, other factors)?
2. Are the current fishery regulations appropriate? How could they be improved?
3. What would you recommend as research priorities?
4. What else is important for the Council to know?

Market/Economic Conditions

Artificially low quota and low quota expectations are dampening demand. If you don't think you can maintain production you're not going to try. Increased fuel costs and dogfish prices also combine to keep landings low.

COVID-19 did not have a large impact on this fishery. Similar market issues persist as with previous years – demand has been low but stable recently – the market could support more landings than in the most recent year if participation/production at the vessel level increases.

Changing the name to Chip Fish would help with marketing/exports. We could sell these in the U.S. if we could change the name (like snakehead). No advisors were opposed but practical name-change challenges have been highlighted in the past.

There are no Southern processors – they were “burnt” by previous management and won’t get back in without quota stability on a decadal timeframe. They would need to know that the quota won’t go down for 5-10 years. Southern fishermen have to ship to MA. Previous reports have noted not having a processor also depresses NY landings. High fuel costs add to trucking costs, which is a substantial issue for this fishery given the processing situation.

Developing industrial markets, be it fertilizer, processed export, or pharmaceutical (livers), requires a higher trip limit for trawlers. Expanding use of liver components could increase overall value – several outreach efforts have occurred to pharmaceutical companies with no interest expressed back. Industrial uses could help develop a market for male dogfish.

Regarding the fin market – there are self-imposed bans by cargo lines that prohibit fin transport even from sustainable sources (i.e. this is beyond our control).

Better opportunities in other fisheries reduce spiny dogfish effort. For example, in Virginia, fishermen have calculated that oysters and shrimp can be better opportunities. It’s hard to attract/pay/retain a crew, often must fish solo. Any disruption to this fishery will exacerbate these issues and make it impossible to sustain participation.

Cornell has tried to expand domestic consumption of spiny dogfish and other undervalued/underutilized/lesser-known species through chefs’ sampler events, underserved communities/foodbanks, etc. See <https://www.localfish.org/>.

Environmental Conditions

Environmental conditions are always a factor in terms of dogfish distribution and availability to fishermen.

In NJ, we see fluctuations in the spring and different behavior seasonally but no major swings in recent years and consistent fall availability.

In VA, also don’t see a problem with dogfish – just like there wasn’t a problem when we were first forced to “rebuild” dogfish in the 2000s. Science does not reflect our experiences.

Condition of NC and MA inlets makes it very difficult to get product into ports. NC trawl fishermen can’t land spiny dogfish in VA due to state regulations. Fish houses continue to go out of business due to low seafood supply.

Management Issues

There’s no higher-perspective view of this fishery that you are going to eliminate it totally with further reductions given the likely impacts on the last remaining processor. We need a holistic approach to keep the fishery functioning given the financial impacts of low trip limits (given product is low value), and/or fishery closures. We are at a threshold where interest, and fishermen, will evaporate. Don’t say we didn’t tell you what the results of further reductions would be.

The artificially-low quota (flawed assessment and previous SSC decisions) broke the supply chain from the south, eliminating the primary southern fish house. The AP has been warning about the impacts on infrastructure of management decisions that are destroying this fishery with rollercoaster-style management and resulting shoreside gentrification. Industry needs managers to improve their awareness of the impacts of decisions. Loss of fish houses is a coast-wide issue – and the loss of infrastructure needs to be addressed to maintain a healthy fishery.

Regulations (especially the trip limit) do not allow a male fishery. State regulations do not allow new fishermen to participate. The current regulations are geared to keep price up and production limited and do not allow industrial production.

There was discussion whether state by state quotas should be reconsidered. (There are no Council-federal state/regional quota allocations but there are Atlantic States Marine Fisheries Commission (ASMFC) quota allocation measures in their inter-state plan.) Eliminating or modifying regional quotas could theoretically expand opportunities and encourage additional processors. There was concern however that eliminating regional allocations may disadvantage southern states given the seasonal rotation of landings regionally and the May 1 fishing year start. A trial of any changes would be warranted. There was also concern about creating more of a derby fishery and additional processing disruptions if quotas are very low and could potentially be landed quickly with less regional constraints. If quota was higher then there would be different considerations. The overall consensus conclusion was that allocation changes would be risky with the current quota situation, and not warranted at this time.

Other Issues

The surveys are not representative of the biomass. Given the lack of an off-shelf survey and vertical water column usage by dogfish, we don't really know the population size. 1/10 of the needed area is surveyed. See Carlson AE, Hoffmayer ER, Tribuzio CA, Sulikowski JA (2014) The Use of Satellite Tags to Redefine Movement Patterns of Spiny Dogfish (*Squalus acanthias*) along the U.S. East Coast: Implications for Fisheries Management. PLoS ONE 9(7): e103384. <https://doi.org/10.1371/journal.pone.0103384>. Also see Garry Wright's thesis that concluded that the NEFSC trawl survey is not accurately representing spiny dogfish biomass.

The AP would like a meeting regarding the new assessment and an open discussion with the AP of how the new assessment model works and why it is improved from previous efforts that have been apparent failures.

Windfarm impacts squeeze the fishery from the ocean-side and shoreside gentrification squeezes from the land-side – both are critical stressors in terms of fishery survival.

Allowing dogfish populations to increase has hurt all other fish populations. We need better calculations regarding consumption by dogfish of other fish.

You should account for the continual nature of embryo development/pupping in the assessment.

Bigelow performance issues are doing a disservice to all the fisheries and fishermen. The repeated failure of the Bigelow since 2014 to complete its mission in terms of not fishing at a consistent time seasonally and not achieving planned stations eliminates our ability to have good information about spiny dogfish abundance, given the dependence on the survey for spiny dogfish abundance trends. This compounds uncertainty concerns and the Bigelow performance degrades the credibility of the resulting information (both regarding individual years and interpreting the time series). We have 2/10 years of full surveys in recent years. This affects all species' management. The Council should call in NEFSC's maritime operations manager to account for Bigelow performance issues.

There is concern whether the NEFSC is continuing wire/net measurements to ensure survey consistency. The timing of the survey is critical for spiny dogfish due to the observed migration patterns and not sampling the same areas consistently reduces the meaningfulness of the resulting data.

Research Priorities

We need to utilize commercial fishermen more in developing indices of abundance (not just the Bigelow). Fishermen are losing trust in the process with constant changes and new models. The CPUE-type indices being developed for monkfish should be considered for dogfish.

Explore using 3-D printing technology to improve "fillet" production from spiny dogfish.

Consider whether/how electro-fishing surveys could be used.

To add fishery value, we should research the value and production of squalamine in spiny dogfish livers for medical use.

We should conduct research into the purposes of the horn/spine – is it offensive (weakening potential prey), or defensive?

Off the shelf sampling needs to occur to understand biomass. Why can't Bigelow do some deeper sampling? Could we send a drone to monitor?

East Carolina Univ has tagged 43,000+ spiny dogfish – trying to get graduate student to publish. Appears to be an availability gap from years 2-8/10 where if not caught in first few years fish are not caught for a number of years but then eventually show back up in commercial catches.

Updated bycatch mortality information could help us understand biomass trends.

Could there be electromagnetic energy being transferred to the trawl affecting survey catches?

Why are people opting out of this fishery? Greying of the fleet? Costs? Other fisheries? We need to understand the vast drop in participation and what is projected for future trends.

Spiny dogfish fishing could have an environmental justice component as a relatively low-priced seafood.



Spiny Dogfish Fishery Information Document

September 2023

This Fishery Information Document provides an overview of the biology, stock condition, management system, and fishery performance for spiny dogfish (*Squalus acanthias*) with an emphasis on recent data. Data sources for Fishery Information Documents are generally from unpublished National Marine Fisheries Service (NMFS) survey, dealer, vessel trip report (VTR), permit, and Marine Recreational Information Program (MRIP) databases and should be considered preliminary. For more resources, including previous Fishery Information Documents, please visit <http://www.mafmc.org/dogfish>.

Key Facts

- 2022 fishing year landings were about 19% higher than the previous year, but still relatively low in the context of the most recent 10 years.
- The current 2023 fishing year quota is about 12.0 million pounds (59% lower than 2022).
- A peer review of the 2023 Management Track Assessment is pending – the assessment uses data through 2022. Staff will summarize the peer review of the assessment at the Advisory Panel meeting on September 20, 2023.

Basic Biology

Spiny dogfish is the most abundant shark in the western north Atlantic and ranges from Labrador to Florida, being most abundant from Nova Scotia to Cape Hatteras, North Carolina. Migrations are believed to primarily occur in response to changes in water temperature. Spiny dogfish have a long life, late maturation, a long gestation period, and relatively low fecundity, making them generally vulnerable to depletion. Fish, squid, and ctenophores dominate the stomach contents of spiny dogfish collected during the Northeast Fisheries Science Center (NEFSC) bottom trawl surveys, but spiny dogfish are opportunistic and have been found to consume a wide variety of prey. More detailed life history information can be found in the essential fish habitat (EFH) source document for spiny dogfish at: <https://www.fisheries.noaa.gov/region/new-england-mid-atlantic#science>.¹

Status of the Stock

A peer review of the 2023 Management Track Assessment is pending. While the 2023 Management Track Assessment and the 2022 Research Track Assessment both indicate recent declines in spiny dogfish biomass, the status of the stock is not yet clear.

Management System and Fishery Performance

Management

The Council established management of spiny dogfish in 2000 and the management unit includes all federal East Coast waters. Quotas are set based on the current science and Council's risk policy to avoid overfishing and rebuild stocks if/when necessary.

Access to the fishery is not limited, but a federal permit must be obtained to fish in federal waters and there are various permit conditions (e.g. trip limit and reporting). There is a federal trip limit of 7,500 pounds (increased from 6,000 for the 2022 fishing year). Some states mirror the federal trip limit, but states can set their own trip limits. The annual quota has been allocated to states through the Atlantic States Marine Fisheries Commission (<http://www.asmfc.org/species/spiny-dogfish>).

Commercial Fishery (Recreational catch comprises a relatively low portion of fishing mortality)

Figure 1 and Table 1 illustrate spiny dogfish landings for the 2000-2022 fishing years relative to the quotas in those years. The Advisory Panel has previously noted that the fishery is subject to strong market constraints given weak demand. 2022 fishing year landings were about 19% higher than the previous year, but still relatively low in the context of the most recent 10 years.

Figure 2 provides inflation-adjusted spiny dogfish ex-vessel prices in "2022 dollars." Partial-year 2023 prices to-date are also provided (also in "2022 dollars").

Figure 3 illustrates preliminary landings from the 2023 and 2022 fishing years relative to the current quota. The last data point (2023) is typically the most incomplete.

Tables 2-4 provide information on landings in the 2020-2022 fishing years by state, season, and gear type. The seasonal periods were changed since the last document to maintain data confidentiality.

Table 5 provides information on the numbers of participating vessels that have at least one federal permit. State-only vessels are not included, but the table should still illustrate overall trends in participation.

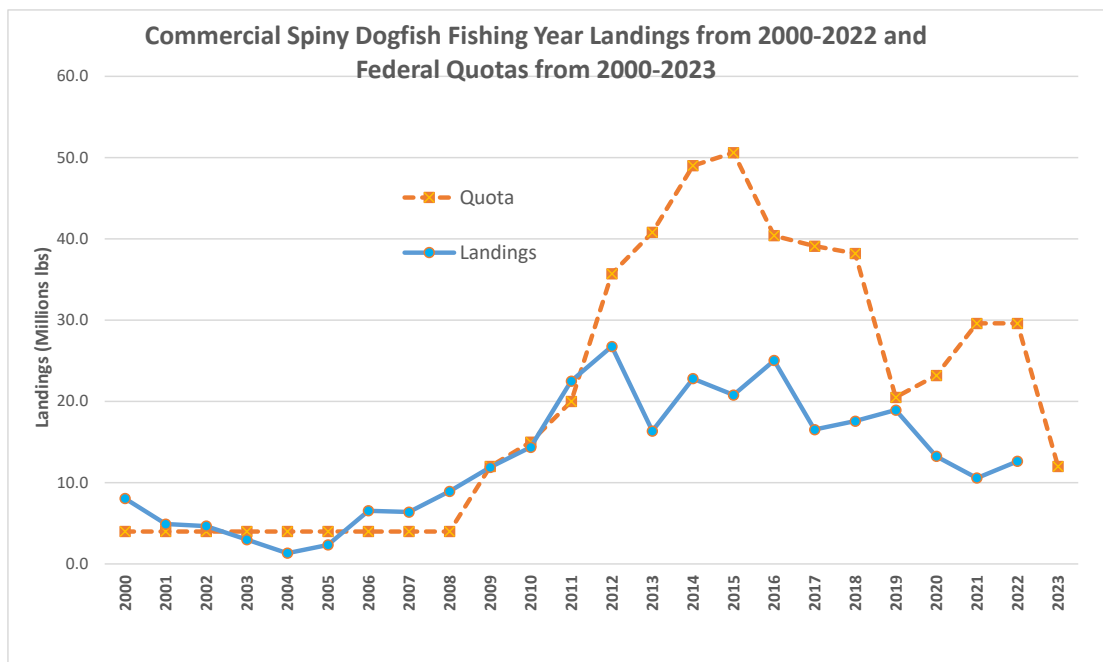


Figure 1. Annual spiny dogfish landings and federal quotas 2000-2023 Source: NMFS unpublished dealer data.²

Table 1. Annual spiny dogfish landings and federal quotas 2000-2023 Source: NMFS unpublished dealer data.²

Fishing year	Fed Quota (M lb)	Landings (M lb)
2000	4.0	8.1
2001	4.0	4.9
2002	4.0	4.7
2003	4.0	3.0
2004	4.0	1.3
2005	4.0	2.3
2006	4.0	6.6
2007	4.0	6.4
2008	4.0	8.9
2009	12.0	11.9
2010	15.0	14.4
2011	20.0	22.5
2012	35.7	26.8
2013	40.8	16.4
2014	49.0	22.8
2015	50.6	20.8
2016	40.4	25.0
2017	39.1	16.5
2018	38.2	17.6
2019	20.5	18.9
2020	23.2	13.3
2021	29.6	10.6
2022	29.6	12.6
2023	12.0	

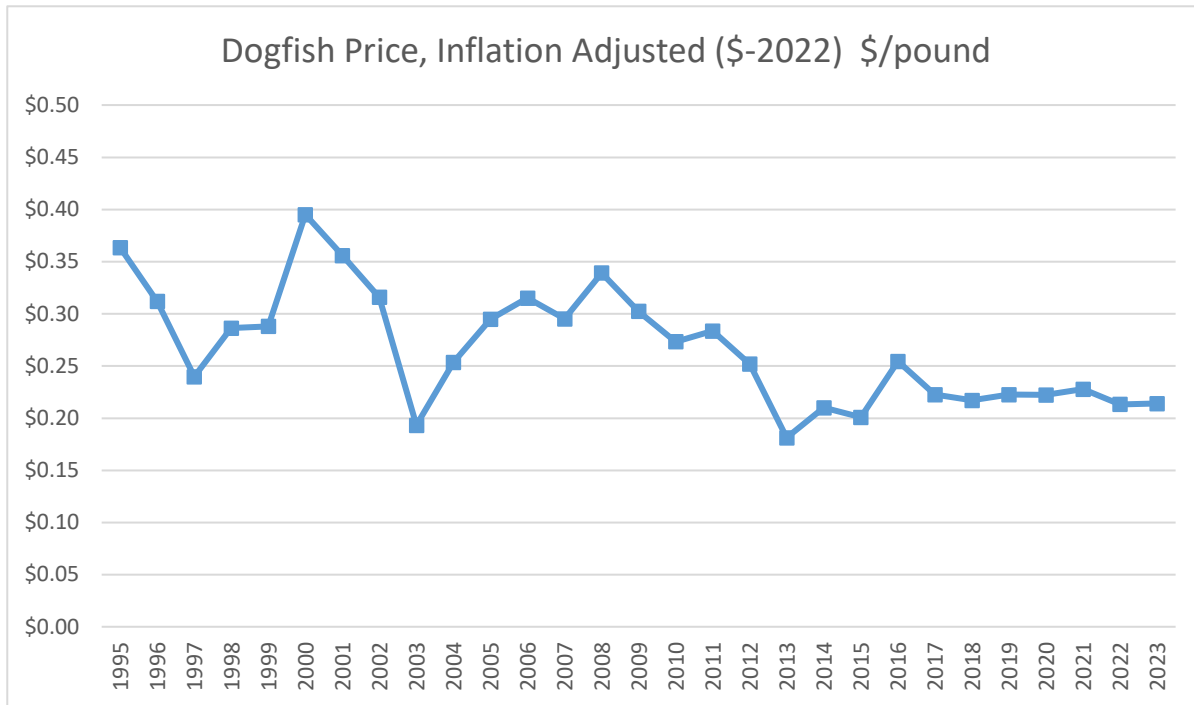


Figure 2. 1995-2023 fishing years' average prices of spiny dogfish in 2022 dollars per live pound (adjusted to "2022 dollars" using the GDP deflator). 2023 data is through early September only. Source: NMFS unpublished dealer data.²

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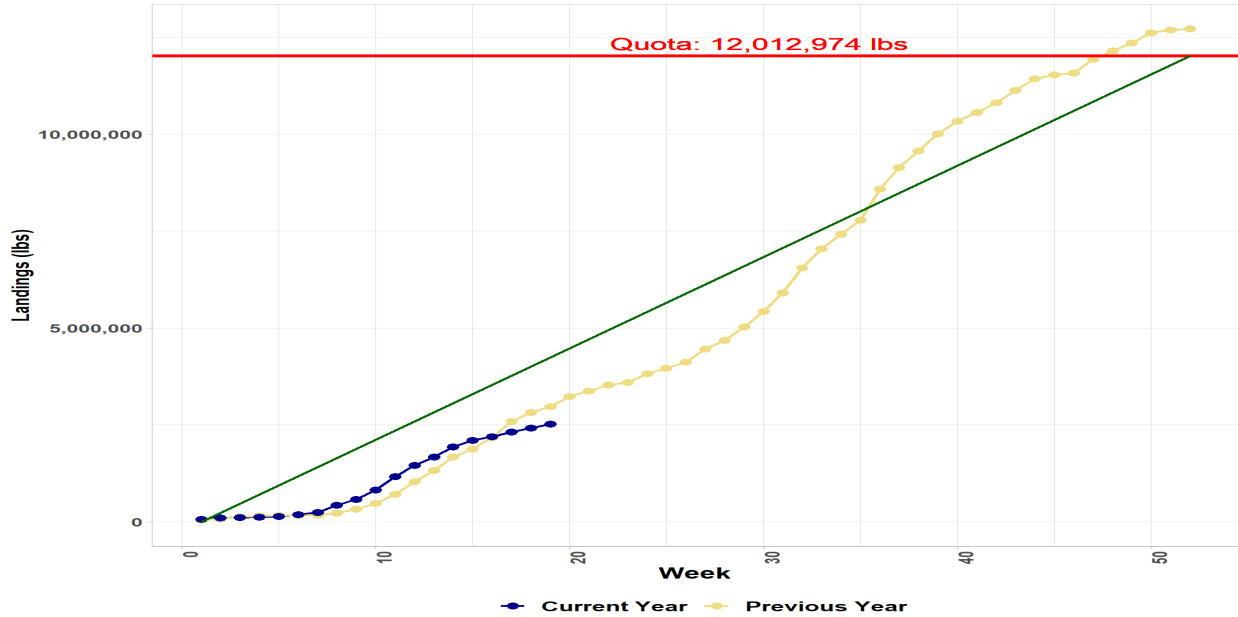


Figure 3. Preliminary Spiny dogfish landings; the 2023 fishing year (Starts May 1) is in blue (through September 13, 2023), and the 2022 fishing year is in yellow-orange. Source: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/quota-monitoring-greater-atlantic-region> . ²

Table 2. Commercial Spiny Dogfish landings (live weight – millions of pounds) by state for 2020-2022 fishing years. Source: NMFS unpublished dealer data. ³

Year	MA	VA	NJ	Other (ME, NH, RI, CT, NY, MD, NC)	Total
2020	6.6	3.3	2.0	1.4	13.3
2021	3.8	4.0	1.6	1.2	10.6
2022	3.8	6.0	1.7	1.1	12.6

Table 3. Commercial Spiny Dogfish landings (live weight – millions of pounds) by months for 2020-2022 fishing years. Source: NMFS unpublished dealer data. ²

Year	May-Aug	Sept-Dec	Jan-April	Total
2020	4.9	5.5	2.8	13.3
2021	2.9	4.6	3.1	10.6
2022	2.7	5.0	4.9	12.6

Table 4. Commercial Spiny Dogfish landings (live weight – millions of pounds) by gear for 2020-2022 fishing years. Source: NMFS unpublished dealer data. ²

Year	GILL_NET_SIN K_OTHER	LONGLINE_B OTTOM	TRAWL_OTTE R_BOTTOM_F ISH	Unknown/Ot her	Total
2020	9.7	1.8	0.4	1.4	13.3
2021	9.2	0.5	0.3	0.6	10.6
2022	10.1	0.9	0.2	1.3	12.6

Table 5. Participation in fishing years 2000-2022 by federally-permitted vessels. State-only vessels are not included. Source: NMFS unpublished dealer data.²

YEAR	Vessels 200,000+	Vessels 100,000 - 199,999	Vessels 50,000 - 99,999	Vessels 10,000 - 49,999	Total with at least 10,000 pounds landings
2000	16	10	8	43	77
2001	4	12	10	33	59
2002	2	14	8	31	55
2003	4	5	3	17	29
2004	0	0	0	42	42
2005	0	0	1	67	68
2006	0	4	11	114	129
2007	1	2	21	72	96
2008	0	5	20	119	144
2009	0	11	42	166	219
2010	0	26	54	124	204
2011	1	48	73	135	257
2012	25	55	56	146	282
2013	10	27	45	87	169
2014	27	38	38	81	184
2015	31	33	36	59	159
2016	52	26	14	45	137
2017	28	27	24	32	111
2018	28	26	20	35	109
2019	29	25	21	29	104
2020	23	27	15	22	87
2021	15	27	11	26	79
2022	28	9	14	29	80

References

¹ Stehlik, Linda. 2007. Essential Fish Habitat source document: Spiny Dogfish, *Squalus acanthias*, Life History and Habitat Characteristics. NOAA Technical Memorandum NMFS-NE-203; 52 p.

² Unpublished NMFS dealer and/or Vessel Trip Report data.

END OF DOCUMENT

EAST COAST SEAFOOD, LLC
SEATRADE INTERNATIONAL

November 14, 2023

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

Re: Spiny Dogfish Quota 2024-26

Dear Dr. Moore:

I am the Chief Executive Officer of East Coast Seafood, LLC also known as Seatrade International. Seatrade is one of the original commercial dogfish processors and marketers of Spiny Dogfish dating back to the 1980's under the leadership of Steve Barndollar. I became affiliated with Seatrade in 1992 and have experienced the growth and slow demise of the industry. The industry has failed to attract any domestic interest in the species, the government has no purchase program, ocean carriers have refused to carry our cargo, governments have attempted to ban Spiny Dogfish, and there are fewer and fewer fishermen and offloaders with each passing season. To say the least, the fishery is very challenging.

As an original, and only remaining stakeholder in the sustainable certification of Spiny Dogfish, we are very supportive of sustainability measures. However, we need to keep in mind that we are protecting a predator and a nuisance fish formerly referred to as a "trash" fish, that if left unchecked will have a negative impact on North Atlantic fisheries. Nobody wants Dogfish to become extinct, but nobody should want the industry to become extinct either. The demise of the fishery will create new management concerns for the Councils as they attempt to find a way to compensate fishermen to harvest Dogfish to allow other species to flourish. Although dogfish is not a huge fishery, its extinction by implementing an unnecessarily low commercial quota would impact fishermen and fish houses from NH to NC, a New Bedford workforce, and many ancillary services including freezer, packaging, and transportation.

I do not believe that the science is as sound as the Science and Statistical Committee would have us believe. The Bigelow continues to fail to complete its surveys, observers tasked with measuring fish are spotty at best due to financial constraints, and the scientists are not surveying other areas like the Gulf of Maine. We hear from trawlers that vessels are forced to cut nets or move to in order to find targeted groundfish.

We recommend that the Dogfish committee put additional measures in place to increase the confidence in the science and Seatrade is pleased to assist in any way that we can. You should require additional surveys, including off the coast of Maine. The Committee should also require observers inspect dogfish one day per month at the only remaining production facility to measure fish, as this is the most efficient, cost effective and reliable means of completing this task. As previously mentioned, we are happy to make available our internal graded dogfish back reports that do not corroborate a measurable decline in the size of the species. We should work together on the possibility of a seasonal male dragger fishery to reduce the male population and sustain the industry. And jointly work on a government purchase program that will increase the price paid to fishermen.



Salt & Sky

Mid-Atlantic Fishery Management Council
November 14, 2023
Page Two

As far as the quota is concerned, we are not asking the Committee and Councils to ignore that science that has been presented but use its powers to adopt certain measures that will give the industry a fighting chance. First of all, you can adopt a projected discard of 2,134 MT. The Science and Statistical Committee claims with certainty that the ABC is 7,135 MT but that 2023 discard projection of 2,088 MT could be understated!?

Secondly, you can adopt a management buffer of zero, as there are inherent buffers built into the fishery. It's impossible to catch 100% of the quota, with the quota divided between the north and south and then subsequently divided again by state. It's unrealistic to think that each state will either catch or relinquish its entire quota. We have also heard that there is instability with the loss of the largest offloader in the South and uncertainty if there is going to be a successful successor. In addition, it's unlikely that we will catch the 2023 TAL of 5.449 MT. Because of the inherent buffer, we were never expecting to catch the quota and currently anticipating a 2023 harvest of ~4,700 MT, barely enough for the industry to survive. With a TAL of 4,852 I expect a final harvest in the vicinity of 4.300 MT. And this leads me to my final observation, doesn't the balance add to the 2024 buffer?

In summary, I am asking the Councils to make the best of a bad situation by using its available powers to maximize the 2024 harvest by minimizing discard projection, adopting a zero buffer and consider rolling over remaining quota.

I would like to thank all of the members and councils for their dedication and service to US fisheries.

Sincerely



Bob Blais
Chief Executive Officer

Cc: Dr. Cate O'Keefe, Executive Director New England Fisheries Management Council
Sonny Gwin, Chair Joint Spiny Dogfish Committee Mid-Atlantic Fisheries Management Council
Nichola Meserve, Vice Chair New England Fisheries Management Council
Eric Reid, Chair NEFMC
Wes Townsend, Chair MAFMC



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 29, 2023
To: Chris Moore
From: J. Didden, Staff
Subject: 2024-2025 Atlantic Mackerel Specifications

The Council plans to adopt final 2024-2025 Atlantic mackerel (“mackerel”) specifications at the December 2023 Council Meeting (preliminary specifications were adopted in August 2023). Staff recommends adopting the new option, an averaged/constant ABC approach, endorsed in the SSC Report (3,200 metric tons), and pairing those ABCs with the associated trip limits detailed in the MSB Monitoring Committee Summary. The available options are still very restrictive, but those constant ABCs and trip limits should create a relatively stable 2024-2025 management regime for mackerel. While there is considerable uncertainty with mackerel rebuilding, staff notes that besides the 2018/2019 river herring/shad cap closures and the 2022/2023 Canadian mackerel closures, this fishery has been minimally quota restricted for much of its history.

The following supporting materials are included:

- Mackerel, Squid, and Butterfish (MSB) Monitoring Committee Nov 2023 Summary
- Scientific and Statistical Committee (SSC) Oct 2023 Report (see Committee Reports Tab)
- Follow-up Oct 2023 Staff Acceptable Biological Catch (ABC) Memo
- Initial July 2023 Staff Acceptable Biological Catch (ABC) Memo
- Advisory Panel (AP) 2023 Fishery Performance Report
- 2023 Fishery Information Document
- Submitted Comments

Supplemental Materials Links

- [Monitoring Committee Updated Trip Limit Analysis](#)
- [SSC October 2023 Meeting Page \(includes links to assessment materials\)](#)



Mackerel, Squid, and Butterfish (MSB) Monitoring Committee Meeting Summary

November 6, 2023 - Webinar

Overview: The Mid-Atlantic Fishery Management Council’s (Council) Mackerel, Squid, and Butterfish (MSB) Monitoring Committee met on November 6, 2023 from 10 am to 10:30 am to develop recommendations for 2024-2025 Atlantic mackerel (“mackerel”) specifications. The regulations guiding these recommendations are detailed in 50 CFR 648.22, but generally involve ensuring that the Annual Catch Limits (ACL) are unlikely to be exceeded – ACL overages may trigger pound-for-pound paybacks from a subsequent year.

Monitoring Committee Member Attendees: Jason Didden, Carly Bari, Daniel Hocking, Jessica Blaylock, and Kiersten Curti.

Other Attendees: Greg DiDomenico, Lise Kay (Canada DFO), Michael Pierdinock, Michelle Duval, Wes Townsend, Will Poston, and Albert Didden.

Summary

Jason Didden of Council staff gave an overview of the Scientific and Statistical Committee’s (SSC) updated mackerel Acceptable Biological Catch (ABC) recommendations, which are binding catch limitations. During their October 2023 Meeting (see report at <https://www.mafmc.org/ssc-meetings/october-30-2023>), the SSC re-endorsed their previous year-specific 2024-2025 mackerel ABCs and also provided a near-averaged constant 2024-2025 ABC option of 3,200 metric tons (MT), per the table below. The Council can adopt either option (year-specific was preliminarily adopted last August and the Council requested the averaged option be considered by the SSC).

Table 1. 2024-2025 Atlantic mackerel ABCs

Projection	2024	2025
Year-specific (mt)	2,726	3,900
Averaged (mt)	3,200	3,200

Either option puts mackerel rebuilding back on track to be rebuilt by 2032, and both utilize a dampened estimate of the terminal year (2022) recruitment to compensate for recent projections under-performances (biomasses have been less than terminally-estimated, or projected).

The Monitoring Committee did not find cause to change from previous recommendations regarding deductions for Canadian catch (74 MT), U.S. commercial discards (115 MT), or U.S.

recreational catch (2,143 MT). The rationale for those deductions is detailed in a [previous Monitoring Committee summary](#) but generally, recent history suggests these deductions should approximately account for each respective source of catch. With the two different sets of ABCs however, different U.S. ABCs, Annual Catch Limits, and commercial landings quotas result (see Tables 2 and 3). Table 2, with the year-specific ABCs, was the option considered and adopted by the Council in August 2023.

Table 2. Original Year-Specific ABCs and Specifications (in MT)

Year	2024	2025
ABCs	2,726	3,900
Canada	74	74
US ABC/ACL	2,652	3,826
US Discards	115	115
US Rec Catch	2,143	2,143
Com Quota	394	1,568

Table 3. New Option Averaged ABCs and Specifications (in MT)

Year	2024	2025
ABCs	3,200	3,200
Canada	74	74
US ABC/ACL	3,126	3,126
US Discards	115	115
US Rec Catch	2,143	2,143
Com Quota	868	868

At the August 2023 Council meeting, to constrain catch to the very low quotas while avoiding excessive discarding, the Council recommended setting an initial trip limit of 20,000 pounds for limited access permits and 1,000 pounds for open access permits. Once 80% of the quota was landed, trip limits would change to 5,000 pounds for limited access permits and stay at 1,000 pounds for open access permits. The goal is to limit directed fishing and minimize regulatory discarding.

[Analyses by the Monitoring Committee](#) for the averaged option indicated that with higher 2024 quota (and lower 2025 quota), the following trip limits should constrain catch sufficiently: an initial trip limit of 20,000 pounds for limited access permits and 5,000 pounds for open access permits (these are the current emergency-action trip limits). Once 80% of the quota was landed,

trip limits would change to 10,000 pounds for limited access permits and 2,500 pounds for open access permits. With these trip limits, in 2021 landings would probably have gone a bit above the average option quota and in 2022, landings would not have reached the average option's 80% threshold. The analyses just replace applicable trips above the trip limits with the proposed trip limits so are approximations of what would have resulted had the new trip limits been in place. Fleet behavior changes of totally skipping some trips or adding other trips under new trip limits are assumed to cancel out. We don't know how these trip limits could affect expected discards (there could be more due to lower incidental trip limits or less due to less directed fishing) but discards are small enough that some moderate change would not have substantial impacts.

The Monitoring Committee also noted that if the Council stayed with the year-specific ABCs, there is enough quota in year 2025 that the trip limits considered above for the average option would likely be suitable for 2025. Arguments could perhaps be made to increase trip limits even more for 2025 under the year-specific option, but there is more uncertainty about performance under the very low 2024 year-specific quota so not pushing things too much for 2025 seems reasonable if the year-specific ABC option is maintained.

A public comment from Greg DiDomenico asked for clarification on what caused the overfishing determination to become "not overfishing" in 2022. The Monitoring Committee noted that biomass increased from 2021 to 2022 and catch decreased substantially as well, both of which appear to have lowered the fishing mortality to just below the overfishing threshold.

[See Committee Reports Tab for](#)
[Scientific and Statistical Committee \(SSC\) Report on](#)
[Atlantic Mackerel](#)
[Acceptable Biological Catches \(ABCs\)](#)



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: October 24, 2023
To: Chris Moore, Executive Director
From: Jason Didden, staff
Subject: 2024-2025 Atlantic Mackerel Acceptable Biological Catch (ABC)

Staff's perspective has not changed from its [July 2023 memo](#) in which we stated that the assessment projections have been over-predicting biomass/rebuilding, and that an approach that limits directed fishing without creating excessive regulatory discards appears to be the most reasonable. This was also the rationale behind staff's recommendation that the Council request emergency action last August to limit additional 2023 directed mackerel fishing. As a result of that request, [an emergency action was implemented effective October 12, 2023](#). That emergency action should result in 2023 landings being 500-700 metric tons (MT) lower than what was assumed in the new projections.

Staff has noted to the Council that our current situation is the result of about 50 years of overfishing. Considering this overfishing and repeated inability to accurately project short term trends, it may take some time to "fix" mackerel's stock status and caution may be warranted if/when improving trends are first detected.

Given the variability observed in the sensitivity analyses associated with projections, staff's original ABC recommendation of 3,314 MT seems reasonable. Higher ABCs may not account for the recent trends observed in assessments. Lower ABCs may just increase discards rather than reduce catch. The effects of operating at generally incidental-level trip limits for the full year will also need to be regularly evaluated to ensure regulatory discarding does not become excessive.



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 18, 2023
To: Chris Moore, Executive Director
From: Jason Didden, staff
Subject: Lower Atlantic Mackerel ABCs recommended for 2024-2025

Summary

1. Stock biomass has not increased as predicted.
2. Staff recommends an ABC of 3,314 metric tons (MT) for 2024 and 2025 to rebuild the stock and avoid excessive regulatory discards.

Current Measures and Review of Prior SSC Recommendations

The primary measures used in the mackerel fishery to control catch include set-asides for Canadian catch, recreational catch, and discards, as well as tiered limited access and weekly quota monitoring that is coupled to closure triggers and post-closure trip limits.

The 2023 Acceptable Biological Catch (ABC) of 8,094 metric tons (MT) was based on the mackerel rebuilding plan and a *fishery mortality rate* (F) of 0.12, which was predicted (based on the 2021 assessment) to have a 61% probability of rebuilding the mackerel stock by 2032. The rebuilding projections assume that future recruitment stays low near recent (now 2009-2022) median recruitment when spawning stock biomass (SSB) is low and then the projections assume that as SSB increases, future recruitment increases to near (but somewhat below) 1975-2022 median recruitment (which is what the stock's rebuilding goal is based on). Since the Canadians did not open their mackerel fishery in 2023, total 2023 catch now appears unlikely to exceed 5,953 MT (the potential Canadian catch stays set-aside).

Recent Catch and Landings

In 2022, U.S. commercial landings declined to the 2nd lowest amount since 1996 after being relatively stable since 2012. Recreational catch declined by 29% from 2021 to 2022 after being relatively stable from 2018-2021.

Stock Status and Biological Reference Points

Based on the 2023 management track stock assessment, the stock is still overfished – declining back to an all-time low in 2021 and increasing somewhat in 2022. Due to relatively low U.S. removals in 2022 and the near-total closure of the Canadian commercial fishery in 2022, overfishing (updated to $F_{\text{msy-proxy}} = 0.21$) appears to have ended for the first time in 35 years ($F_{2022} = 0.18$). However, the target biomass and maximum sustainable yield proxy catch continue to decline. The change in overfishing may require additional peer review of the draft assessment.

Staff Recommendation

Considering the information below, an ABC of 3,314 MT is recommended by staff for both 2024 and 2025 because this ABC should A) facilitate continued rebuilding by 2032 with the Council's 61% probability target (remaining consistent with the overall rebuilding plan), B) avoid a scenario where regulatory discarding becomes excessive, C) account for potential recreational catches, and D) allow some continuous collection of fishery-dependent data for future assessments. An ABC of 3,314 MT would be substantially lower than the standard re-calculated rebuilding projections from the direct assessment model outputs. Supporting information:

1. The Council's previous action was designed to have a 61% chance of rebuilding the Atlantic mackerel stock by 2032.
2. The last two assessments (2021, 2023) indicate the assessment model has been over-predicting both the terminal year biomass estimates and stock rebuilding rate.
3. The relatively high 2022 recruitment estimate is projected to cause a rapid increase in biomass that is inconsistent with experiences from recent assessments.
4. Staff requested a sensitivity analysis to examine the impact on projected rebuilding if once again the strong terminal year (2022) recruitment (Age 1 fish) does not result in the expected biomass gains. The analysis indicated that if the 2022 recruitment results in 65% less Age 2 fish than expected in 2023, a substantially lower F of 0.07 would be required to rebuild the stock by 2032 (with 61% confidence). Age 2 fish were reduced by 65% because recent median recruitment is 65% lower than the 2022 estimated recruitment, and modeling limitations would not allow just scaling down the 2022 recruitment estimate. The analysis illustrates the sensitivity of the standard projections to strong terminal year recruitments and assumed survival into older fish. An F of 0.07 would result in 2024-2025 ABCs of 2,726 MT and 3,900 MT (see spreadsheet on July 2023 SSC meeting page reporting results of staff-requested sensitivity analysis).
5. A mackerel moratorium or very low trip limits will create regulatory discards while further limiting the data for the next assessment in 2025.
6. 2022 recreational catch could be a low statistical outlier, and the previous recreational catch set-aside of 2,143 MT still seems reasonable. We do not yet have data on the impacts of the 20-fish possession limit implemented for 2023.
7. The U.S. assessment is generally consistent with the Canadian assessment. Given recent Canadian policy choices, it seems likely that Canadian commercial catches will stay low for the near future.
8. Staff conferred with NMFS quota monitoring staff, and based on 2021-2023 data, if limited access vessels were limited to 20,000 pounds per trip and open access vessels were limited to 5,000 pounds per trip, commercial U.S. mackerel landings (largely incidental) in 2024 and 2025 would not be expected to exceed 1,000 MT.
9. Combining expected Canadian catch (56 MT), recreational catch (2,143 MT), U.S. commercial incidental landings (1,000 MT) and discards (115 MT) would result in a catch of approximately 3,314 MT in 2024. ($56+2,143+1,000+115 = 3,314$)
10. Pending consultation with the Monitoring Committee, staff will likely recommend that the Council request NMFS take emergency action to close directed mackerel fishing for the remainder of 2023 given that the anticipated F from the SSB sensitivity analysis would lead to overfishing if the full quota is caught (predicted $F_{2023}=0.23$).



Atlantic Mackerel Fishery Performance Report July 2023

The Mid-Atlantic Fishery Management Council's (Council) Mackerel-Squid-Butterfish (MSB) Advisory Panel (AP) met via webinar to review the Longfin Squid and Atlantic Mackerel Fishery Information Documents and develop Fishery Performance Reports. Separate reports were created for each species/fishery. The primary purpose of the report is to contextualize catch histories for the Scientific and Statistical Committee (SSC) by providing information about fishing effort, market trends, environmental changes, and other factors. AP member comments are not consensus or majority statements – the summary below may represent the perspective of one or multiple AP members. Some staff follow-up information has been added and noted where applicable.

Advisory Panel members present: Dan Farnham Jr, Eleanor Bochenek, Emerson Hasbrouck, Greg DiDomenico, Jeff Kaelin, Katie Almeida, Meghan Lapp, Pam Lyons Gromen, Peter Kaizer, and Robert Ruhle

Others present: Jason Didden, Peter Hughes, Mark Holliday, Alissa Wilson, BB, Brad Schondelmeier, Carly Bari, Hannah Hart, Jessica Blaylock, Maria Fenton, and Mark Binsted.

Trigger questions posed to the AP to generate discussion:

1. What factors have influenced recent catch (markets, environment, regulations, etc.)?
2. Are the current fishery regulations appropriate? How could they be improved?
3. What would you recommend as research priorities?
4. What else is important for the Council to know?

Market/Economic Conditions

Mackerel demand has been strong for years – markets have not been a limiting factor. Persistent inability to supply product consistently will eventually lead to market problems for the U.S. industry.

Environmental Conditions

Nothing particularly unusual was reported; there are few reports of fish from more southern areas.

Management Issues

The New England Fishery Management Council's (NEFMC) inshore mid-water trawl buffer zone affected landings when in operation – the buffer zone started February 2021 and ended (court order) March 29, 2022. It was noted that the NEFMC is revisiting buffer zones.

The lack of herring RSA quota has limited mackerel landings later in the year in recent years – but trawl boats are allowed to catch herring in the third trimester in area 1A which does allow trawled herring/mackerel catch.

Horsepower restrictions, and resulting speed limitations, may be affecting the size of the fish that the commercial fishery can catch (larger fish are faster); also possible research topic.

An 89 MT river herring and shad (RH/S) cap would have substantially impacted mackerel landings in 2023 at the observed RH/S interaction rates early in the year. An 89 MT RH/S cap would also have degraded the estimation protocols in terms of getting enough observer trips to use representative in-season data. (Staff note: the fishery looked likely to close earlier this year due to the RH/S cap before additional observer data reduced the RH/S cap ratio and cap estimates.)

A lower RH/S cap may have incentivized a change in 2023 behavior, making it hard to predict what might have happened in 2023 at a lower RH/S cap in terms of potential closures.

The criticism of the mackerel fishery has made the creation of a fishery performance report moot – in the current situation we can't catch the quota we have, and therefore can't provide fishery-dependent information which will increase assessment uncertainty.

Other Issues

Recreational catch and its precision and impact on biomass remain a concern. There was discussion regarding the 29% drop (totals of 10.7 million fish to 7.6 million fish) in mackerel catch from 2021 to 2022 after relative stability from 2018-2021. Follow-up examination of MRIP estimates indicates that while catches declined across private/rental boat modes in Maine, Massachusetts, and New Hampshire (this group accounts for most mackerel catch each year), about 2/3 of the total decline occurred in the Massachusetts private/rental boat mode group. The numbers of angler trips for this estimate stayed about the same, so angler effort does not appear to have been the cause of the decline in catch. For the Massachusetts' private/rental boat mode estimates, observed harvests (MRIP type As) were similar in 2021 and 2022 with most of the decline represented by lower rates (catch per angler trip) for *reported but not observed harvests* (MRIP B1s) and *reported discards* (MRIP B2s). There was also discussion whether state permitting may shift some reported catch from the recreational sector to the commercial sector, but that should only potentially affect 2023 and future catches.

The potential use of size limits and US-Canada alignment remains a concern. The bulk of use of the available mackerel quota should be dedicated to more selective gear (e.g. purse seining).

With Industry-Funded Monitoring in the Herring Fishery suspended, we also get less mackerel observer coverage to support RH/S cap monitoring. The program was suspended due to the inability of the Agency to pay for its portion of the program. The current observer case at the Supreme Court may impact the ability of the Agency to require industry-funded observer coverage outside of the North Pacific (which is also revenue capped), foreign fishing, and/or

limited access privilege programs (aka ITQs). It's regrettable that the voluntary bycatch avoidance program is no longer in operation – the program was important re: RH/S avoidance. It's worth exploring potentially using Standardized Bycatch Reporting Methodology (SBRM) modifications to direct more observer coverage to fleets relevant for RH/S.

Research Priorities

Research priorities were reviewed, but no related input was provided.

Additional Public Input:

No additional input was provided.



Atlantic Mackerel Fishery Information Document

July 2023

This Fishery Information Document provides a brief overview of the biology, stock condition, management system, and fishery performance for Atlantic mackerel (“mackerel” hereafter), with an emphasis on 2022. Data sources for Fishery Information Documents include unpublished National Marine Fisheries Service (NMFS) survey, dealer, vessel trip report (VTR), permit, and Marine Recreational Information Program (MRIP) databases and should be considered preliminary. For more resources, including previous Fishery Information Documents, please visit <http://www.mafmc.org/msb>.

Key Facts

- Mackerel began a rebuilding program on November 29, 2019. A revised rebuilding plan was implemented in 2023, based on catches that had a predicted 61% probability of rebuilding the stock by 2032.
- The 2023 rebuilding Acceptable Biological Catch (ABC) is 8,094 metric tons (MT); the predicted 2024 rebuilding ABC was 9,274 MT.
- The results of the 2023 mackerel management track assessment are not yet available. NMFS Northeast Fisheries Science Center staff will use those results to project catches that have a 61% probability of rebuilding by 2032
- The 2023 Canadian assessment showed a continued decline in spawning stock size estimates from 2020 to 2021/2022. Canadian Spawning stock size estimates are at an all-time low.
- The mackerel fishery was not constrained by its river herring and shad (RH/S) cap in 2021 or 2022.

Basic Biology

Mackerel is a semi-pelagic/semi-demersal (may be found near the bottom or higher in the water column) schooling species, primarily distributed historically between Labrador (Newfoundland, Canada) and North Carolina. The stock is considered to comprise two spawning contingents: a northern contingent spawning primarily in the southern Gulf of St. Lawrence and a southern contingent spawning in the Mid-Atlantic Bight, Southern New England and the western Gulf of Maine. The two contingents mix during winter months on the Northeast U.S. shelf. The Canadian fishery likely primarily catches the northern contingent while the U.S. fishery appears to catch both contingents.

Mackerel spawning occurs during spring and summer and progresses from south to north as surface waters warm. Atlantic mackerel are serial, or batch spawners. Eggs are pelagic. Post-larvae gradually transform from planktonic to swimming and schooling behavior at about 30-50 mm. Almost all fish are mature by age 3 in most years. Age 2 maturity appears to vary between around 50% to nearly 100%. Atlantic mackerel are opportunistic feeders that can ingest prey either by individual selection of prey organisms or by passive filter feeding. See <https://www.nefsc.noaa.gov/nefsc/habitat/efh/> for more life history information.

Status of the Stock

Based on a 2018 assessment (NEFSC 2018, available at <http://www.mafmc.org/ssc-meetings/2018/may-8-9>), the mackerel stock was declared overfished, with overfishing occurring based on data through 2016. A 2021 management track assessment (MTA) indicated rebuilding from 2014 to 2018 but the stock was at only 24% of the biomass rebuilding target in 2019 (and still overfishing). However, the productivity of the stock appears to have declined - in the 2021 MTA, the estimated proxy for Maximum Sustainable Yield declined by 17% to 34,103 metric tons (MT) compared to the previous assessment.

Historical assessments (which used different methods and data) appear to have been substantially over-optimistic about the stock's productivity: the 1997 mackerel allowable biological **catch** was specified about **ten times higher than** what we now think the **total SSB** was in that year.

A 2023 MTA that uses data through 2022 is pending and will be posted to the relevant meeting pages as soon as possible. A 2023 Canadian assessment¹ showed the Northern Mackerel Contingent continued a decline from 2020 to 2021/2022 (to all-time lows). The Canadian and U.S. assessments share much of the same data but the U.S. assessment combines the Canadian egg data with egg data collected by a U.S. Ecosystem Monitoring survey conducted in late May and June.

Management System and Fishery Performance

Management

The Mid-Atlantic Fishery Management Council (the Council or MAFMC) established management of mackerel in 1978 and the management unit includes all federal East Coast waters. Expected Canadian landings are deducted from the total Acceptable Biological Catch (ABC) that is recommended by the Council's Scientific and Statistical Committee (SSC), but there is no formal sharing agreement. If Canada keeps its fishery closed, as occurred in 2022 and 2023, the fish set aside for expected Canadian catch remain set aside.

Access is limited with several tiers having different trip limits. Stricter trip limits are triggered when the quota is approached. Additional summary regulatory information is available at <https://www.fisheries.noaa.gov/region/new-england-mid-atlantic>.

After the initial rebuilding plan appeared infeasible due to slow stock growth, a revised rebuilding plan was implemented for 2023 to achieve a 61% probability of rebuilding the stock by 2032. The 2023 ABC is 8,094 MT. From the ABC, 2,197 MT was deducted for potential Canadian landings,

¹ <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/41111126.pdf>

2,143 MT was deducted for expected recreational catch, and 115 MT was deducted for expected commercial discards, resulting in a commercial quota of 3,639 MT. The initial series of rebuilding catches is provided in Table 1 with the 2024+ catches conditional on the expected increase in biomass.

Table 1. Revised rebuilding plan catch and initial biomass trajectory.

	Catch (MT)	Biomass (MT)
2023	8,094	80,745
2024	9,274	91,738
2025	10,540	103,756
2026	11,906	116,857
2027	13,408	131,291
2028	15,004	146,553
2029	16,631	162,239
2030	18,261	177,731
2031	19,814	192,045
2032	21,215	204,796

Fisheries

Figure 1 describes mackerel catches (all known sources) 1960-2019 and highlights the scale of the early foreign fishery in the late 1960s and 1970s. Figures 2-3 describe domestic landings, ex-vessel revenues, and prices (inflation adjusted) since 1996. Domestic landings dropped dramatically from 2006-2011 and have been relatively low since. Prices have shown an increasing trend since 2001 and the price jump in 2022 may have been associated with the complete Canadian fishery closure in 2022. Figure 4 describes preliminary weekly landings throughout the year for 2023 and 2022. Early season landings were higher in 2023 compared to 2022.

Table 2 describes 2022 commercial mackerel landings by state and Table 3 describes 2022 commercial mackerel landings by gear type. Table 4 describes 2021 and 2022 commercial mackerel landings by NMFS statistical area. While variable, the landings patterns are generally consistent with recent operation of the fishery.

Figure 5 describes 2018-2022 Atlantic mackerel recreational annual total catches (numbers of fish, VA-ME, all modes combined, all areas combined) and indicates stable catches from 2018-2021 with a decline in 2022. Most recreational catch is retained, most occurs in the private/rental mode, and most catch occurs in state waters (predominantly Massachusetts, New Hampshire, and Maine). Data after 2018 are not affected by calibrations that were applied to earlier data due to methods changes to the Marine Recreational Information Program (MRIP).

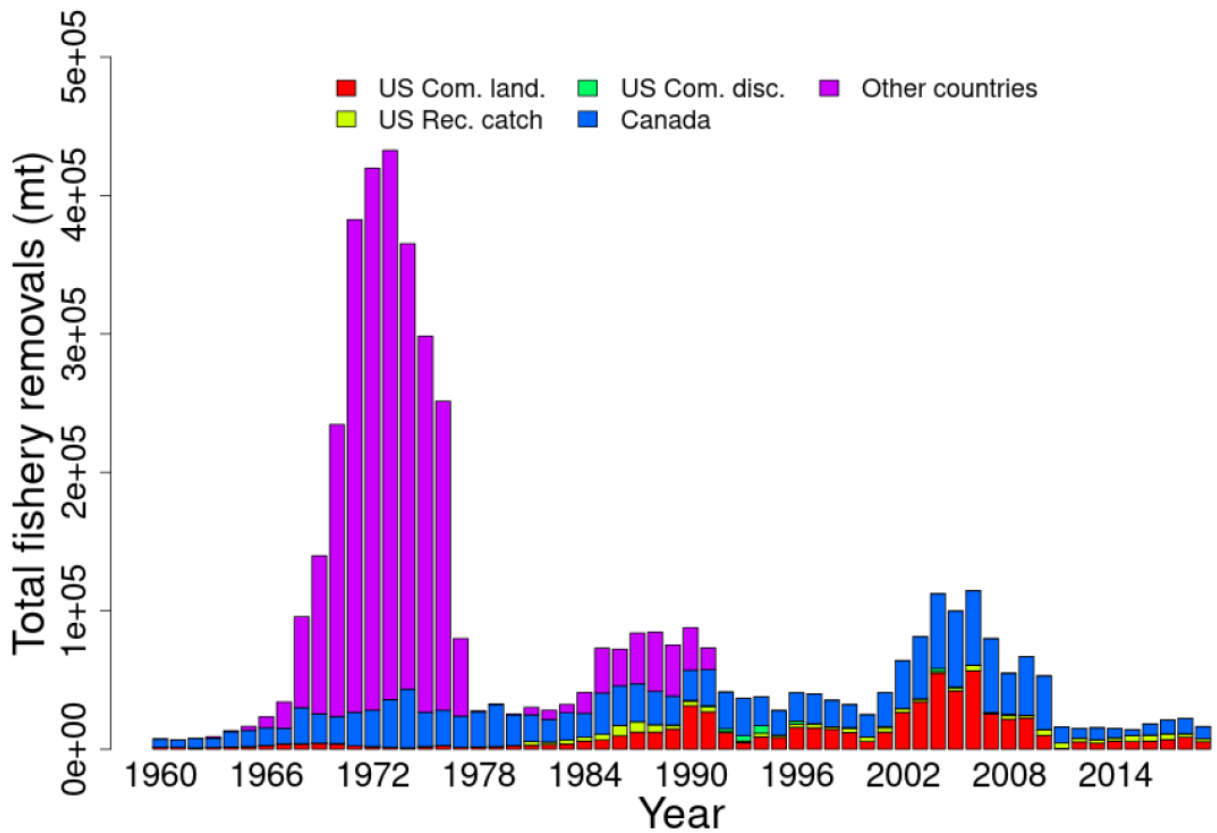


Figure 1. Total catch of northwest Atlantic mackerel between 1960 and 2019 by all known sources. U.S. recreational catch represents recreational landings plus discards, Canada represents Canadian landings (discards are not available), and other countries represents landings by all other countries.

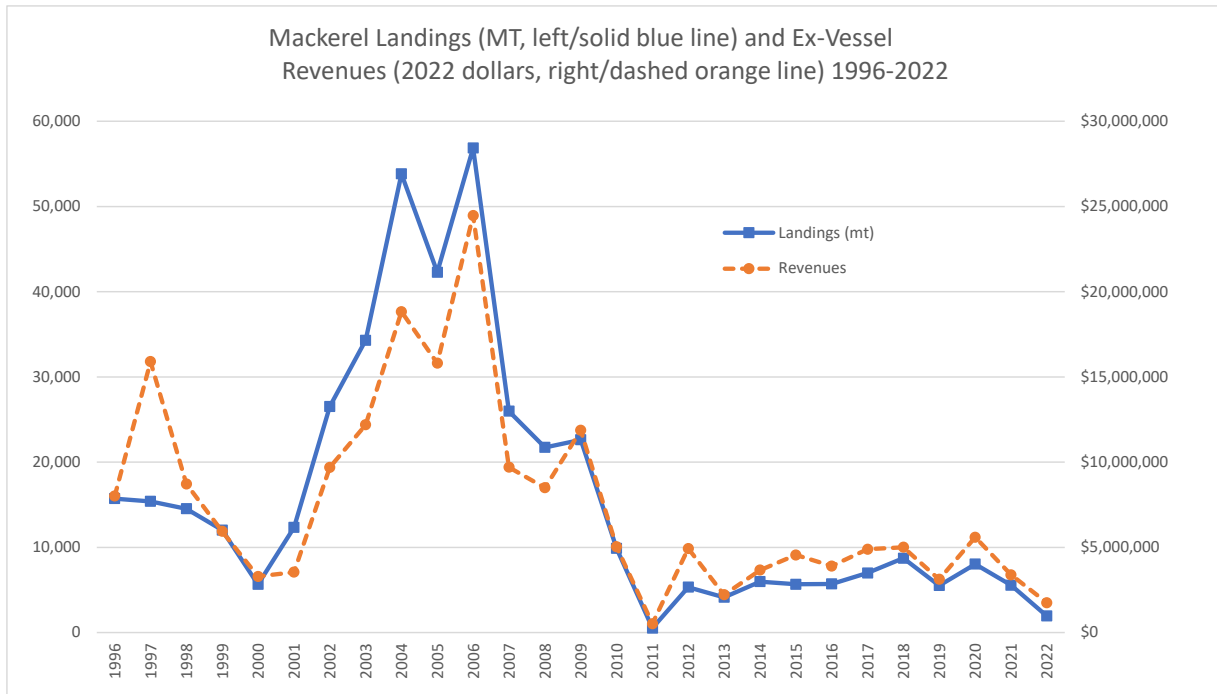


Figure 2. U.S. Mackerel Landings and Mackerel Ex-Vessel Values 1996-2022. Source: NMFS unpublished dealer data. [PRELIMINARY]

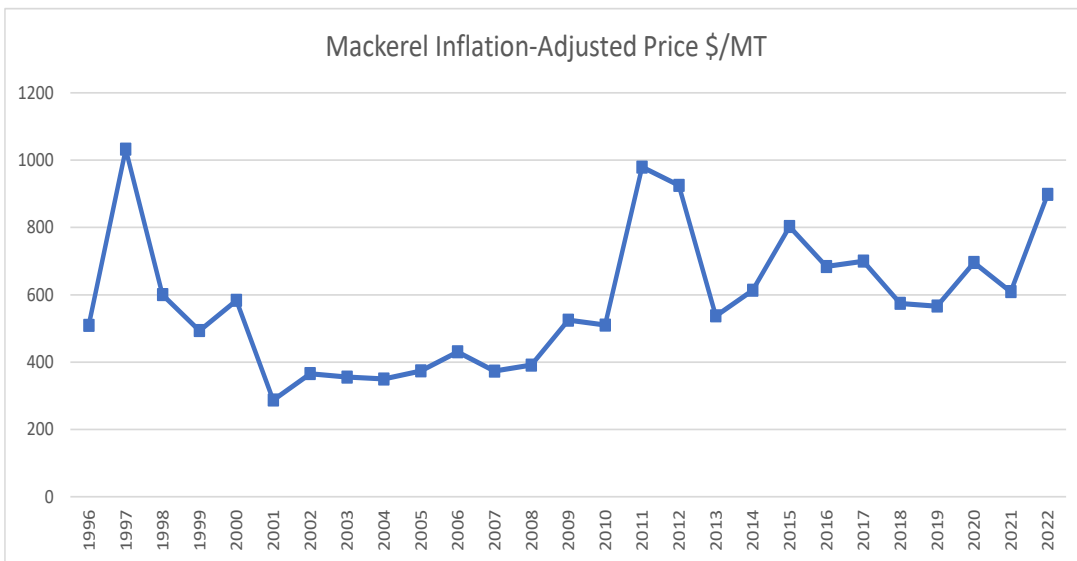


Figure 3. Ex-Vessel Mackerel Prices 1996-2022, Inflation-Adjusted to 2022 Dollars Source: NMFS unpublished dealer data. [PRELIMINARY]

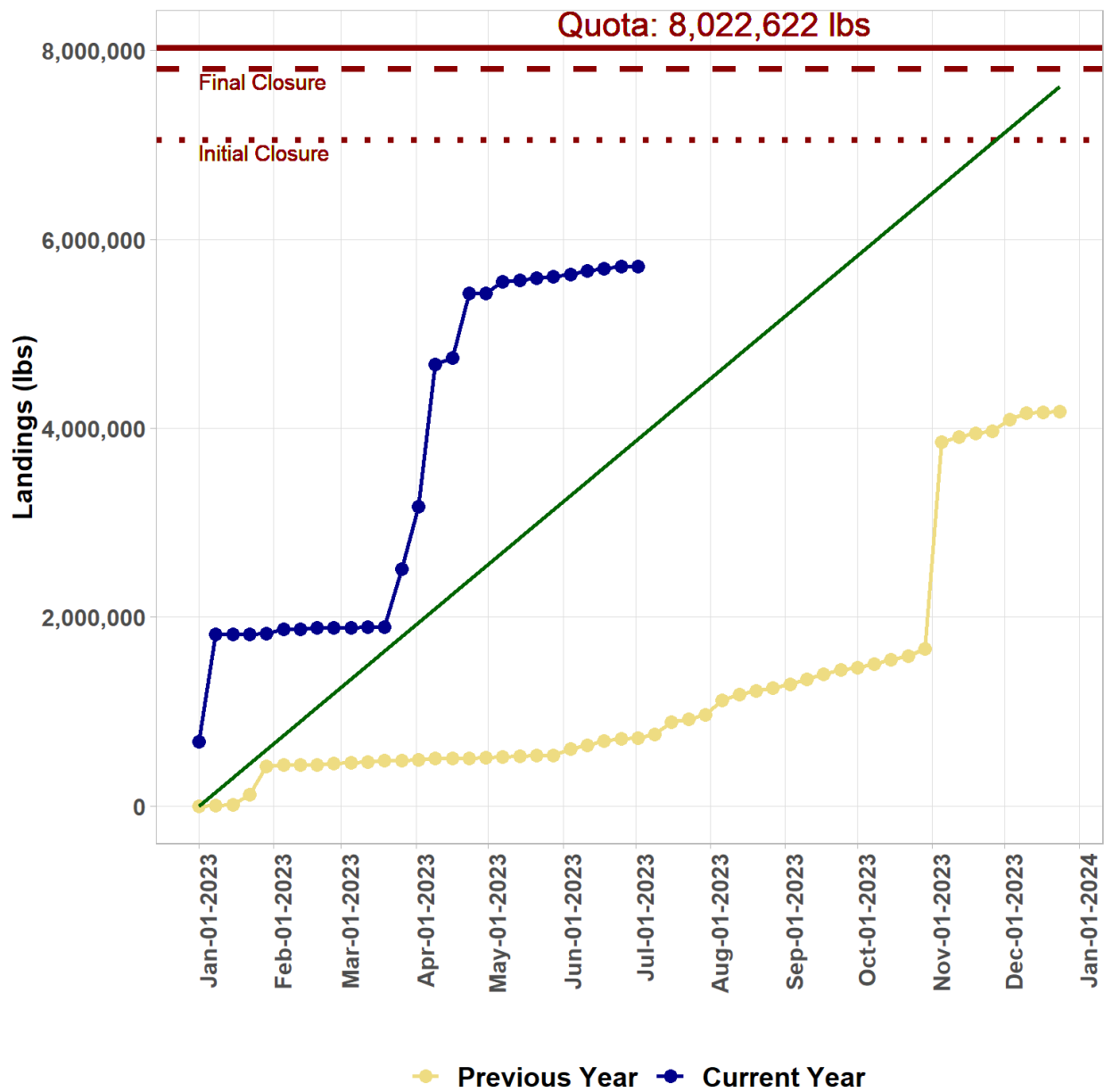


Figure 4. U.S. Preliminary Mackerel landings; 2023 in blue, 2022 in yellow-orange. As of July 6, 2023. Source: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/quota-monitoring-greater-atlantic-region>.

Table 2. Commercial Mackerel landings (live weight) by state in 2022. Source: NMFS unpublished dealer data.

State	Metric_Tons
MA	1,530
ME	302
RI	88
NY	11
Other	17
Total	1,948

Table 3. Commercial Mackerel landings (live weight) by gear in 2022. Source: NMFS unpublished dealer data.

GEAR	MT
TRAWL,OTTER,MIDWATER	1,155
HAND LINE, OTHER	249
LONGLINE, BOTTOM	247
UNKNOWN	165
TRAWL,OTTER,BOTTOM,FISH	90
Other	42
Total	1,948

Table 4. Commercial mackerel landings by statistical area in 2021 and 2022. Source: NMFS unpublished VTR data.

2021		2022	
Stat Area	Metric Tons	Stat Area	Metric Tons
522	2,023	514	1,412
521	1,854	522	147
612	992	521	47
514	450	537	35
Other/CI	332	539	25
Total	5,652	611	22
		616	12
		Other/CI	27
		Total	1,725

Note: VTR expected to be lower than dealer database due to state landings.

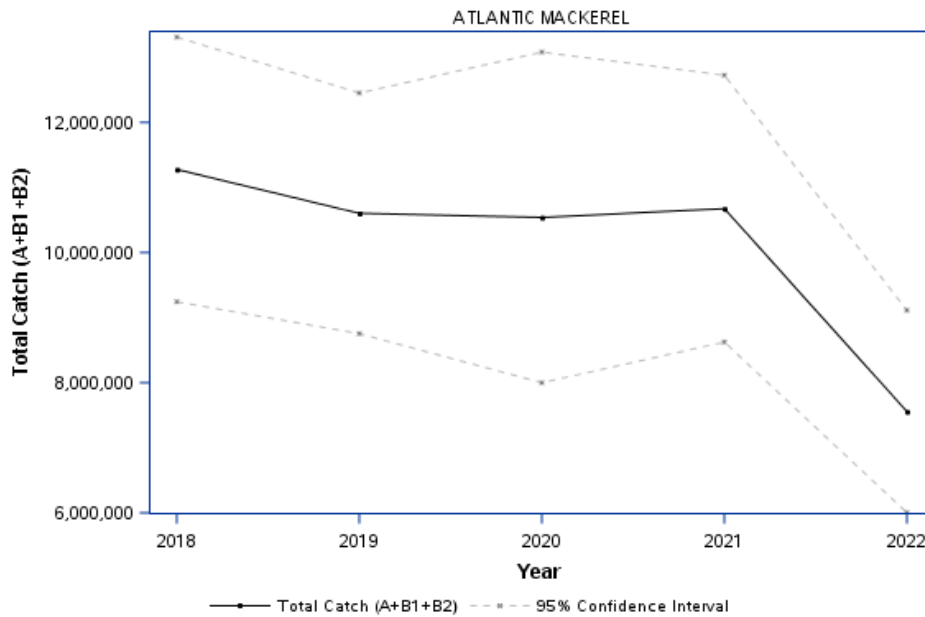


Figure 5. 2018-2022 Atlantic mackerel recreational total catches (numbers of fish), annual, VA-ME, all modes combined, all areas combined Source: NMFS MRIP query <https://www.fisheries.noaa.gov/data-tools/recreational-fisheries-statistics-queries>.

(Data after 2018 not affected by calibrations that must be applied to earlier data due to methods changes.)

Non-Target Catches and Discards

Environmental Assessments for mackerel specifications developed by staff include tables of incidental catches using a directed fishery definition of at least 50% of retained catch being mackerel. Since the Standardized Bycatch Reporting Methodology focuses on discards of managed stocks rather than discards in managed fisheries, staff analyses of discards vary fishery by fishery depending on data availability and historical practices. Staff updated previous analyses using 2019-2022 data – 2020 data was severely impacted by Covid-19 but most observed mackerel trips would generally occur early in the year before 2020’s disruptions. There were only 14 total observed mackerel trips (as defined) during this time period.

Using discard ratio data from these observed hauls and 2019-2022 average mackerel landings (5,267 MT), Table 5 below approximates annual catch/discards in the directed mackerel fishery from 2019-2022, for species with extrapolated catch of at least 10,000 pounds. The method used for the estimates in the table is a custom staff analysis, and is best considered as a relative indicator of species that may be affected by the fishery rather than precise amounts (especially given the low number of observed trips in this fishery). On the trips identified in this analysis, the 2019-2022 overall discard rate was 0.4 % (similar to previous analyses).

Preliminary weekly 2023/2022 river herring and shad (RH/S) cap performance is described in Figure 6 (next page).

The observer program creates individual records for some species of interest, mostly larger pelagics and/or less common sharks/rays, as well as tagged fish. However, on these trips only three unknown sharks and one bluefin tuna were noted.

Table 5. Mackerel Target/Non-Target Catches

NE Fisheries Science Center Common Name	Pounds Observed Caught	Pounds Observed Discarded	Of all discards observed, percent that comes from given species	Percent of given species that was discarded	Pounds of given species caught per mt mackerel Kept	Pounds of given species discarded per mt mackerel Kept	Rough Annual Catch (pounds) based on 4-year (2019-2022) average of mackerel landings (5,267 mt)	Rough Annual Discards (pounds) based on 4-year (2019-2022) average of mackerel landings (5,267 mt)
MACKEREL, ATLANTIC	2,238,955	321	2%	0%	2,205	0	11,613,397	1,663
HERRING, ATLANTIC	930,524	1,022	7%	0%	916	1	4,826,604	5,302
BUTTERFISH	20,760	3	0%	0%	20	0	107,680	16
MENHADEN, ATLANTIC	15,492	2	0%	0%	15	0	80,354	8
DOGFISH, SPINY	14,132	9,316	66%	66%	14	9	73,301	48,321
HERRING, BLUEBACK	14,098	892	6%	6%	14	1	73,124	4,628
HAKE, SILVER (WHITING)	7,601	21	0%	0%	7	0	39,427	110
ALEWIFE	6,094	50	0%	1%	6	0	31,608	258
FISH, NK	2,441	2,281	16%	93%	2	2	12,661	11,831

Report Run on: 2023-07-07
 Quota Year: 2023 (January 1, 2023 to December 31, 2023)

Catch Cap	Quota (mt)	Cumulative Catch (mt)	Percent Quota Caught
Atlantic Mackerel River Herring/Shad	129	105.9	82%

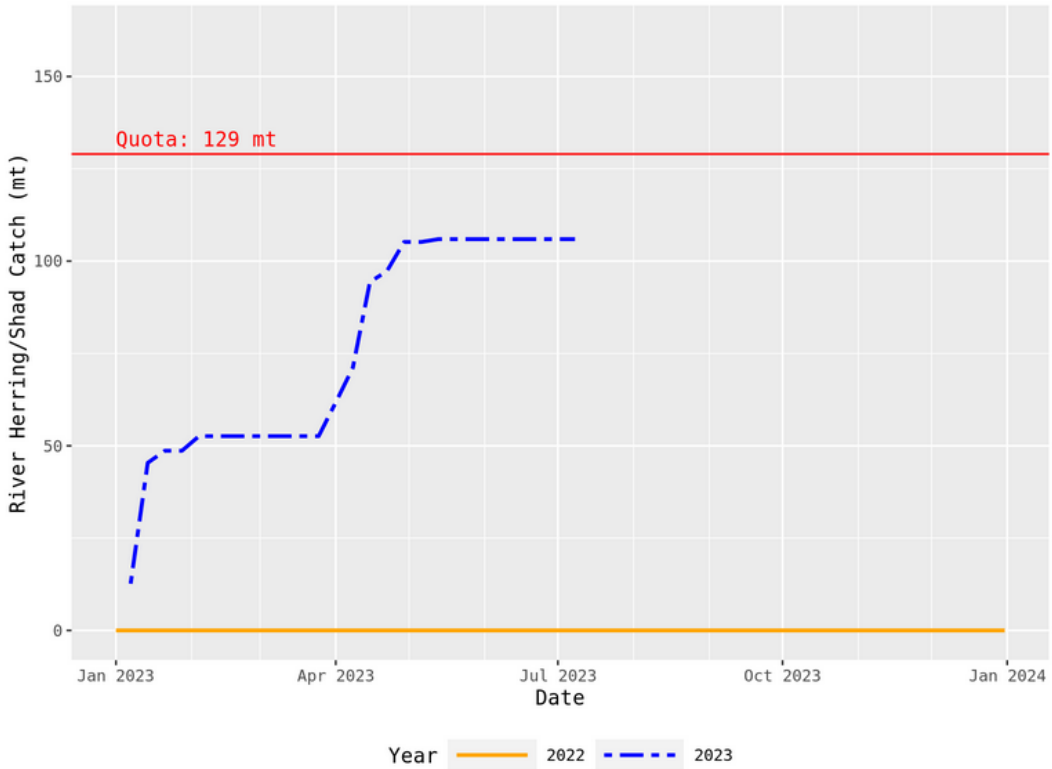


Figure 6. Preliminary Weekly RH/S Cap Monitoring; 2023 in blue, 2022 in yellow-orange. As of July 7, 2023. Source: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/quota-monitoring-greater-atlantic-region>.

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The Commonwealth of Massachusetts Division of Marine Fisheries



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MAURA T. HEALEY
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KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State St., Suite 201
Dover, DE 19901

RE: Atlantic Mackerel Possession Limits

Dear Dr. Moore:

As an epicenter of Atlantic Mackerel fishing, the Commonwealth of Massachusetts remains an interested partner in rebuilding a sustainable Atlantic mackerel fishery. Recently, the Commonwealth worked closely with the Council and our neighboring states to ensure sustainable regulation of recreational fishing for Atlantic mackerel in state waters. At its December meeting, the Mid-Atlantic Council will consider final Acceptable Biological Catch (ABC) and fishery specifications to limit directed Atlantic mackerel fishing without creating excessive regulatory discards. The Commonwealth of Massachusetts would like to express support for measures that best achieve this goal while most equitably distributing the consequent economic impacts.

Preliminary specifications set by the Mid-Atlantic Council call for a 5,000-lb incidental limit for limited access permit holders and a 1,000-lb year-round limit for open-access permit holders. While the 5,000-lb incidental limit established in FW12 was expected to constrain directed trawling for Atlantic mackerel, it has sustained a jig fishery; a fishery with little bycatch that is highly dependent on Atlantic mackerel. The preliminary proposal of 1,000-lb Atlantic mackerel possession limit for open access permit holders we believe would likely result in the shuttering of a few, small, highly dependent businesses engaged in the jig fishery here in Massachusetts. Moreover, it is strategic to retain these small-scale fisheries as we plan for future fisheries development in offshore wind development areas.

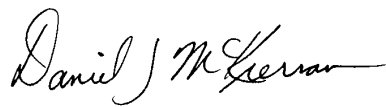
In December, the Mid-Atlantic Council will receive final ABC advice from its Science and Statistical Committee and a full range of specification alternatives from its Monitoring Committee. That advice includes an option to set the ABC based on an average approach and corresponding trip limits as follows:

	2024	2025
ABC	868mt	868mt
Initial Trip Limits in pounds (Limited Access/Open Access)	20,000 /5,000	20,000/5,000
Trip Limit in pounds after 80% Catch Trigger (Limited Access/Open Access)	10,000/2,500	10,000/2,500

I strongly urge the Mid-Atlantic Council consider final specifications for 2024 and 2025 that establish an incidental possession limit no lower than 2,500-lb for the open access fishery. Staff analyses indicate these measures keep the fishery within the commercial quota and allow for the same 61% probability of rebuilding by 2032 as the year-specific ABCs and Council's initial trip limit recommendation. But unlike the initial recommendation, the average ABC approach and consequent trip limits benefit from avoiding an extremely low ABC in 2024 that could result in excessive regulatory discards. Constant catch advice for all gear types should help stabilize fishing operations over the next two years while avoiding disproportionate negative economic impacts to any one gear. And ultimately, these measures should support our shared goal of rebuilding a sustainable Atlantic mackerel fishery.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. McKiernan". The signature is written in a cursive style with a large initial 'D' and 'M'.

Daniel J. McKiernan
Director, Massachusetts Division of Marine Fisheries

Cc: Peter Hughes, Chair MAFMC MSB Committee
Jason Didden, MAFMC
Cate O'Keefe, NEFMC Executive Director
Eric Reid, NEFMC Chair
MA Marine Fisheries Advisory Commission

-----Original Message-----

From: Lisa Pratt <michaelpratt1@verizon.net>

Sent: Sunday, October 15, 2023 3:47 PM

To: Didden, Jason <jdidden@mafmc.org>

Subject: 2024 Mackerel

Hi Jason,

Thank you for the information you provided. My response to the council recommendations is as follows.

The effect of a 1,000 pound mackerel limit would be catastrophic for (3) three small hand gear fishermen. It would completely destroy my business to save a very minuscule amount of mackerel.

The small scale hook and line mackerel fishery is without a doubt the most sustainable fishery in the coast at present times - and we need a higher landing limit to remain viable.

I am hopeful that when the agency begins the decision making process that they will keep in mind that their own mission statement is: PROMOTE AND PRESERVE SUSTAINABLE FISHERIES.

Thank you,
Michael Pratt

F/V Perfect C's
Marshfield, MA
781-760-0718
michaelpratt1@verizon.net

From: Lisa Pratt <michaelpratt1@verizon.net>
Sent: Friday, October 20, 2023 7:55 PM
To: Moore, Christopher <cmoore@mafmc.org>; Didden, Jason <jdidden@mafmc.org>
Cc: Japatrican@gmail.com; cpfcharters@yahoo.com; Peterlibro@gmail.com
Subject: Proposed Open Access Mackerel Limit

Chris/Jason:

The effect of a 1,000 pound open access mackerel limit would be catastrophic for (3) three small hand gear fishermen including myself in Massachusetts. We represent such a small percentage of the quota, with little or no discards as compared to other user types that we cannot survive at a 1,000 lb. trip limit. If requested, I can provide the permits associated with the three vessels to assess recent and historical catch over time. As a result, we request an impact analysis of the of the open access vessels and/or three small hand gear vessels with a 2,500 or higher (<5,000 lbs.) trip limit. We suspect that ultimately our catch has negligible effect of less than 1% on the total quota and that such be considered to function as a viable business. We also request that the estimating of the ABC be considered over an average of two years to provide some additional quota relief.

The change in environmental conditions has moved mackerel into our waters for almost the entire season that previously was not the case approximately 5 plus year ago. I have fished for mackerel for more than 20 years now and have observed the change in distribution and timing of mackerel in our waters over time. We need continued access to the fishery to provide details concerning the spatial distribution and extent of mackerel in our waters. We are surprised of cuts if any with such a tremendous biomass of mackerel in our waters that was not the case a few years ago.

In 2023, we participated in a mackerel study conducted by the NEFSC in association with the Stellwagen Bank Charter Boat Association, providing mackerel to assess population genetics (US vs Canada) and to assess if fecundity (i.e. the # of eggs produced by an individual) is different between the fish that spawn in Canada versus the U.S. Samples from our waters were provided to the NEFSC from May to August 2023. The fish were present near shore in April and moved north or east into cooler waters as temperatures increased from the spring to the summer months of 2023. Results are still pending but there were a few ready to spawn fish and many were an early stage of development. Note the range of dates provided where the spawning stage was variable. The timing of the surveys to assess the stock may not be capturing the fish that may be present due to the change in environmental conditions resulting in a change to the spatial distribution and extent of the stock in our waters historically over time. This needs to be considered when developing the ABC.

Ultimately the three small hand gear vessels that includes myself are a clean fishery with little or no discards associated with this gear type where we suspect our annual catch is likely less than 1% with a negligible impact on the quota. For the reasons set forth above we need some relief with a daily bag limit greater than 1,000 lbs. or we will go out of business. Please confirm receipt of this email.

Thank You

Michael Pratt

F/V Perfect C's



Mid-Atlantic Fishery Management Council

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Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 28, 2023
To: Council
From: José Montañez, Staff
Subject: Golden Tilefish Catch Share Program Review

The following is available for Council consideration on the above subject.

- Northern Economics, Inc. Golden Tilefish Individual Fishing Quota Program Twelve-Year Review, September 2023.

The document can be found online at: <https://www.mafmc.org/tilefish>

Background

The Magnuson Stevens Act (MSA) requires the Councils and Secretary of Commerce to include provisions for the regular monitoring and review of the operations of Limited Access Privilege Programs (LAPPs) implemented after January 12, 2007. Amendment 1 to the Golden Tilefish FMP implemented an individual fishing quota (IFQ) program in 2009. Regulations in the golden tilefish IFQ program found at 50 CFR § 648.294(h)(6)(i) indicate that “a formal review of the IFQ program must be conducted by the MAFMC within 5 years of the effective date of the final regulations. Thereafter, it shall be incorporated into every scheduled MAFMC review of the FMP (i.e., future amendments or frameworks), but no less frequently than every 7 years.”

The first golden tilefish IFQ review conducted in 2017¹ was completed by a Fishery Management Action Team (FMAT) consisting of individuals from the staff of the Mid-Atlantic Fishery Management Council (MAFMC), the National Marine Fisheries Service (NMFS) Northeast Fisheries Science Center (NEFSC), the NMFS Greater Atlantic Regional Fisheries Office (GARFO). This first review covered performance of the first six years from fishing year (FY) 2010 to FY2015. The completion of a second golden tilefish IFQ program review was included in the Council’s 2023 implementation plan. To prepare for the 2023 review, a Program Oversight Team was formed and the Council contracted Northern Economic, Inc. (NEI) to conduct the review.

The 2023 review and report, which covers FY2016 to FY2021, was developed by NEI to be consistent with the LAPP review requirements as described in NMFS Procedural Instruction 01-121-01, *Guidance for Conducting Review of Catch Share Programs* (NMFS 2017).

¹ The Golden Tilefish Individual Fishing Quota Program 5-Year Review (September 2017) can be found here: <https://www.mafmc.org/tilefish>

Steps to Complete the Program Review

On December 13, 2023, the Council will receive a presentation from NEI on the “Golden Tilefish Individual Fishing Quota Program Twelve-Year Review.” This presentation will start a 30-day public comment period that will end on January 12, 2024. The Council will set up a web-based form (at www.mafmc.org; under “Lates News”) to receive written comments on the review document, and there will be opportunity for the public to comment verbally at the December 2023 Council Meeting.

Following the closing of the comment period, the Oversight Team will meet on January 23, 2024 to consider the findings of the review report and public comments received, and to develop any specific recommended actions for the Council to consider for the GTF IFQ Program. These recommendations will be provided to the Council at its April 2024 Meeting.

At the April 2024 Meeting, the Council will review the public comment received and recommendations of the Oversight Team. At that time, the Council may choose to submit the review package to NMFS and the Program Review will be complete. The Council may also choose to take up none, some, or all the recommendations that were identified.

Steps After the Program Review is Complete

In order to identify the best ways to address any of the recommendations identified by the Council, staff will work with our partners at GARFO and NEFSC to identify the possible approaches to address them (i.e., FMP action, regulatory action, NMFS action, etc.). The Council will then consider whether and how to fold these recommended actions into the 2025 Implementation Plan.

References

National Marine Fisheries Service. 2017. NOAA Catch Share Policy. Silver Spring, MD. <https://media.fisheries.noaa.gov/dam-migration/01-121-01.pdf>



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 1, 2023
To: Council
From: Mary Sabo, Council Staff
Subject: 2024 Implementation Plan

The Council will meet on Wednesday, December 13 to review and consider approval of the 2024 Implementation Plan. The annual implementation plan describes the specific fishery management actions, deliverables, and other activities planned for the upcoming year within the context of the Council's five-year strategic plan. The Executive Committee met in October to review and provide feedback on a draft list of actions and deliverables for 2024. The Executive Committee's recommendations are incorporated into the draft implementation plan provided for Council review.

The following briefing materials are enclosed:

- Draft 2024 Implementation Plan
- Public comment from The Nature Conservancy

The following supplemental materials are available online:

- [2023 Implementation Plan End-of-Year Updates](#)
- [2020-2024 Strategic Plan](#)
- [2020-2024 Strategic Plan Overview \(2-pager\)](#)

DRAFT DECEMBER 2023

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2024 Implementation Plan



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INTRODUCTION

The Mid-Atlantic Fishery Management Council is responsible for the conservation and management of more than 65 fish and shellfish stocks that are found within the federal 200-mile limit of the mid-Atlantic region (North Carolina through New York).

The Mid-Atlantic Council was established in 1976 by the Fishery Conservation and Management Act (later renamed the Magnuson-Stevens Fishery Conservation and Management Act, or MSA). The MSA created a 200-mile Exclusive Economic Zone and charged eight regional councils with management of fishery resources in the newly expanded federal waters.

The Council develops fishery management recommendations which must be approved by the Secretary of Commerce before they are finalized and implemented by NOAA Fisheries. All of the Council's fishery management recommendations must be consistent with the ten national standards as defined by the MSA and must be developed in an open, public process as prescribed by law.

Fifteen species are directly managed with specific fishery management plans (FMPs). These include summer flounder, scup, black sea bass, Atlantic bluefish, Atlantic and chub mackerel, *IIIex* and longfin squids, butterfish, Atlantic surfclam, ocean quahog, golden and blueline tilefish, spiny dogfish (joint with the New England Council), and monkfish (joint with the New England Council). In addition, more than 50 forage species are managed as "ecosystem components" in all seven FMPs.

The Council partners with other fishery management organizations, including the New England and South Atlantic Fishery Management Councils and the Atlantic States Marine Fisheries Commission, to ensure that fisheries are managed effectively across jurisdictional boundaries.

About This Document

The Council's work is guided by a five-year strategic plan. The [current plan](#), for the years 2020-2024, is organized around five goal areas: Communication, Science, Management, Ecosystem, and Governance.

Each year, the Council develops an annual implementation plan which describes the specific fishery management actions, deliverables, and other activities planned for the upcoming year. The implementation plan is designed to provide a comprehensive and realistic framework for merging the Council's ongoing projects with new initiatives while ensuring progress toward the goals and objectives identified in the strategic plan.

The 2024 Implementation Plan is organized into two main parts:

- 1 The **Proposed Actions and Deliverables** section provides an overview of activities planned for each fishery management plan and topic area.
- 2 The **Strategic Plan Framework and 2024 Activities** section organizes the Council's planned actions and deliverables within the context of the 2020-2024 Strategic Plan's five goal areas and 21 objectives. This section also highlights select ongoing/routine activities that address strategic plan objectives.

The *Appendix* provides additional background information and details about the proposed actions and deliverables included in the 2024 Implementation Plan.

2020-2024 STRATEGIC PLAN OVERVIEW

Mission: The Council manages fisheries in federal waters of the Mid-Atlantic region for their long-term sustainability and productivity consistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act. The Council is committed to the stewardship of these fisheries, and associated ecosystems and fishing communities, through the collaborative development of effective, science-based fishery management plans and policies.

Vision: Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation.

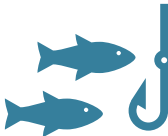
Strategic Goals



Communication: Engage stakeholders and the public through education and outreach that foster sustained participation in, and awareness of, the Council process.



Science: Ensure that the Council's management decisions are based on timely and accurate scientific information and methods.



Management: Develop effective management strategies that provide for sustainable fisheries and healthy marine ecosystems while considering the needs of fishing communities and other resource users.



Ecosystem: Support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.



Governance: Ensure that the Council's practices accurately represent and consider the interests of fisheries, fishing communities, and the public through a transparent and inclusive decision-making process.

Visit www.mafmc.org/strategic-plan to download the full strategic plan.

2024 PROPOSED ACTIONS AND DELIVERABLES

This section provides an overview of the activities, amendments, frameworks, specifications, and other projects the Council expects to initiate, continue, or complete during the year. These activities are organized by Fishery Management Plan (FMP) and topic area. See the Appendix for additional details about the proposed deliverables.

Note: Asterisks () denote contractor-supported projects.*

SUMMER FLOUNDER, SCUP, BLACK SEA BASS

1. 2025 black sea bass specifications
2. 2025 summer flounder and scup specifications review
3. 2025 black sea bass recreational management measures
4. 2025 summer flounder and scup recreational management measures review
5. Recreational Measures Setting Process Framework/Addenda (continuing)
6. Recreational Sector Separation and Recreational Catch Accounting Amendment (continuing)
7. Advisory panel fishery performance reports
8. Black sea bass management track assessment support
9. Framework action to consider modifications to the commercial scup Gear Restricted Areas (GRA) or other measures to help reduce scup discards (initiation)
10. Scup bycatch prediction and avoidance modeling and research*

BLUEFISH

11. 2025 bluefish specifications review
12. 2025 bluefish recreational management measures review
13. Advisory panel fishery performance report

Note: Items 5 and 6 in the previous section will also address bluefish recreational management issues

GOLDEN AND BLUELINE TILEFISH

14. 2025-2027 golden tilefish specifications
15. 2025 blueline tilefish specifications
16. Advisory panel fishery performance reports
17. Update on private recreational tilefish permitting and reporting performance
18. Development of strategies to improve compliance with recreational tilefish permitting and reporting requirements*
19. Blueline tilefish operational assessment support
20. Golden tilefish research track assessment support
21. Golden tilefish management track assessment support
22. South Atlantic Deepwater Longline Survey expansion into Mid-Atlantic waters*

MACKEREL, SQUID, BUTTERFISH (MSB)

23. 2025-2026 butterfish specifications
24. 2025 Atlantic mackerel, chub mackerel, longfin squid, and *Illex* squid specifications review
25. Advisory panel fishery performance reports
26. Butterfish management track assessment support
27. Longfin squid research track assessment support*

- 28. Longfin squid biological sampling project*
- 29. Squid modeling project*

RIVER HERRING AND SHAD (RH/S)

- 30. RH/S run data portal development project*
- 31. RH/S bycatch prediction and avoidance modeling and research*

SPINY DOGFISH

- 32. 2025 spiny dogfish specifications review
- 33. Advisory panel fishery performance report
- 34. Spiny dogfish ageing project*
- 35. Spiny dogfish ageing workshop
- 36. Joint framework action to reduce Atlantic sturgeon bycatch in the monkfish and spiny dogfish fisheries (final action)

SURFLAM AND OCEAN QUAHOG (SCOQ)

- 37. 2025 surfclam and ocean quahog specifications review
- 38. Advisory panel fishery performance reports
- 39. Atlantic surfclam management track assessment support
- 40. SCOQ electronic monitoring project*
- 41. Supplemental surfclam genetics project*
- 42. Surfclam and Ocean Quahog Species Separation Requirements Amendment (continuing)

SCIENCE AND RESEARCH

- 43. 2025-2029 Council research priorities
- 44. Updates to the SSC's Overfishing Limit (OFL) Coefficient of Variation (CV) Guidance Document
- 45. Supplemental port biological sampling*
- 46. Mid-Atlantic fish ageing project*
- 47. Northeast Trawl Advisory Panel (NTAP) coordination and facilitation

ECOSYSTEM AND OCEAN PLANNING/HABITAT

- 48. Joint Mid-Atlantic and New England Fishery Management Council offshore wind web page management
- 49. Council comments on habitat and fishery issues related to offshore energy development
- 50. 2024 Ecosystem Approach to Fisheries Management (EAFM) risk assessment report
- 51. National Fishing Effects Database project*
- 52. Omnibus Essential Fish Habitat Amendment (continuing)
- 53. Northeast Regional Habitat Assessment (NRHA) maintenance and integration of products
- 54. Comments on Exempted Fishing Permit (EFP) applications for Forage Amendment Ecosystem Component species (e.g., thread herring EFP application review)

GENERAL

- 55. 2025-2029 Strategic Plan
- 56. Reappointment of all advisory panels
- 57. Update on commercial landings of unmanaged species (including consideration of possible landings thresholds for further evaluation for management)

58. Participation on Council Coordination Committee Working Groups and Subcommittees (Habitat, Area-Based Management, Climate Change, Legislative, ESA/MSA Coordination, Equity and Environmental Justice, Council Member Ongoing Development)
59. Participation on marine mammal take reduction teams and protected resources working groups
60. Activities related to Marine Stewardship Council (MSC) certifications/audits for Council-managed fisheries (i.e., respond to requests for information)
61. Legislative issue tracking (including development of comments upon request)

CLIMATE RESILIENCE AND GOVERNANCE

62. Program review of Council/GARFO processes for fishery management action development*
63. Evaluation of Council committee structure, use, and decision making (in collaboration with other East coast Councils; addresses scenario planning potential action G1)
64. Activities related to Inflation Reduction Act funded-projects for climate-ready fisheries (proposal development and project management)

COMMUNICATION AND OUTREACH

65. Ongoing communication activities to support understanding and awareness of the Council and its managed fisheries (development of web resources, email announcements, press releases, YouTube videos, webinars, face-to-face meetings, printed and digital communication materials, etc.)
66. Outreach campaigns to increase stakeholder awareness and understanding of Council actions under development and opportunities for participation
67. Council website improvements (continuing)

STAFF WRAP-UP ON COMPLETED ACTIONS

The following actions have been, or are expected to be, approved by the Council by the end of 2023 but will require staff work in 2024 to finalize for submission to NMFS:

68. Completion/submission of any outstanding specifications packages for 2024

POSSIBLE ADDITIONS

To be considered for addition to the 2024 implementation plan if time and resources allow:

69. Action to authorize an experimental Atlantic surfclam fishery in the Great South Channel Habitat Management Area (HMA)
70. Development of spatial management options for Atlantic surfclam open water aquaculture in the New York Bight and central Atlantic
71. Framework to allow quota transfer between commercial and recreational sectors for summer flounder, scup, and black sea bass
72. Action to implement "did not fish" reports for commercial, for-hire, and private tilefish permit holders
73. Coordination on Monkfish FMP actions initiated by the New England Council
74. Review of Vessel Monitoring System (VMS) utility and its use for enforcement (in coordination with NEFMC)

STRATEGIC PLAN FRAMEWORK & 2024 PRIORITY ACTIVITIES

This section organizes the Council’s planned actions and deliverables within the context of the 2020-2024 Strategic Plan’s five goal areas and 21 objectives. A number of additional ongoing/routine activities are also included. Please note that the Timeframe column describes the *estimated* timeframe for completion of the activity/deliverable: “2024+” indicates that work is expected to extend beyond 2024, “Ongoing” indicates that this item is part of the Council’s routine activities and does not have an expected end point, and “Annually” indicates that this activity occurs on an annual basis). **See the Appendix for additional details about these activities.**



COMMUNICATION

Goal: Engage stakeholders and the public through education and outreach that foster sustained participation in, and awareness of, the Council process.

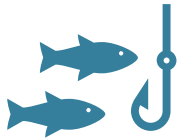
Objectives and Priority Activities for 2024	Deliverable	Timeframe
1. Use a wide range of communication tools and methods tailored to engage target audiences.		
Continue ongoing and develop new communication/outreach initiatives to support understanding and awareness of the Council and its managed fisheries	65	Ongoing
Continue to develop and refine the Council’s website content and structure to increase usefulness and functionality	67	Ongoing
Coordinate communication efforts with management partners	--	Ongoing
2. Increase stakeholder participation in the Council process.		
Conduct outreach to promote stakeholder awareness of 2024 advisory panel reappointment process	56	2024
Conduct outreach to increase stakeholder awareness and understanding of Council actions under development and opportunities for participation	66	Ongoing
Develop outreach materials to facilitate constructive stakeholder input on proposed management actions (e.g., scoping guides, video presentations, etc.)	--	Ongoing
Schedule, advertise, and conduct meetings and public hearings in a manner that encourages and enables stakeholder attendance and participation	--	Ongoing
Utilize webinars, conference lines, and other technology to expand remote access to and/or participation in Council and advisory body meetings	--	Ongoing
3. Broaden the public’s understanding and awareness of the Council and its managed fisheries.		
Develop fact sheets and outreach materials on current fisheries issues and topics of public interest	--	Ongoing
Conduct outreach to improve awareness of, and compliance with, private recreational tilefish reporting requirements	18	2024+
Collaborate with science partners to develop outreach materials related to stock assessments for Council-managed species	--	Ongoing
Collaborate with partners to promote relevant educational opportunities	--	Ongoing
Ensure that Council documents use plain language.	--	Ongoing



SCIENCE

Goal: Ensure that the Council's management decisions are based on timely and accurate scientific information and methods.

Objectives and Priority Activities for 2024	Deliverable	Timeframe
4. Collaborate with science partners and research institutions to ensure that the Council's science priorities are addressed.		
Support stock assessments for Council-managed species, including staff participation on research track working groups	8, 19, 20, 21, 26, 27, 39	Ongoing
Coordinate and facilitate the Northeast Trawl Advisory Panel	47	Ongoing
Manage and/or support planned and ongoing projects that address Council research priorities, including: <ul style="list-style-type: none"> • Scup bycatch prediction and avoidance modeling and research • Longfin squid biological sampling project • Squid modeling project • RH/S run data portal development project • RH/S bycatch prediction and avoidance modeling and research • Spiny dogfish ageing project and workshop • Supplemental port biological sampling • Mid-Atlantic fish ageing project 	10, 28, 29, 30, 31, 34, 35, 45, 46	Varies. See Appendix for details
5. Support the use of collaborative research to meet the Council's science, data, and information needs.		
Support expansion of South Atlantic Deepwater Longline Survey expansion into Mid-Atlantic waters	22	2024+
Identify research needs that can be addressed using collaborative approaches with commercial, for-hire, and recreational fishery participants	--	Ongoing
Continue to support development of cooperative research programs that use "vessels of opportunity" from all sectors to address science and research needs	--	Ongoing
6. Promote efficient and accurate data collection, monitoring, and reporting systems.		
Continue to support the Fishery Dependent Data Initiative (GARFO lead)	--	Ongoing
Review performance of private recreational tilefish permitting and reporting	17	Annually
Oversee SCOQ Electronic Monitoring Project	40	2024+
7. Promote the collection of relevant social and economic data and on-the-water observations.		
Collaborate with the Northeast Regional Coordinating Council (NRCC) Stock Assessment Communications Group to facilitate increased stakeholder involvement in (and awareness of) the stock assessment process	--	Ongoing
Engage the Council's SSC to identify existing studies or other sources of social and economic information that could be used to inform management decisions	--	Ongoing
8. Identify and prioritize the Council's research needs.		
Develop 2025-2029 Council research priorities	--	2024



MANAGEMENT

Goal: Develop effective management strategies that provide for sustainable fisheries and healthy marine ecosystems while considering the needs of fishing communities and other resource users.

Objectives and Priority Activities for 2024	Deliverable	Timeframe
9. Strengthen state, federal, and interstate partnerships to promote coordinated, efficient management of fishery resources.		
Manage program review of Council/GARFO processes for fishery management action development	62	2024
Evaluate Council committee structure, use, and decision making (in collaboration with other East coast Councils)	63	2024
Participate on Council Coordination Committee (CCC) Working Groups	58	Ongoing
Continue to use the NRCC process as a forum for Atlantic coast management entities to enhance communication, coordination, and pursue shared objectives	--	Ongoing
10. Adapt management approaches and priorities to address emerging issues and changing fishery conditions.		
Continue development of Recreational Measures Setting Process Framework/Addenda	5	2024+
Continue development of Recreational Sector Separation and Recreational Catch Accounting Amendment	6	2024+
Complete development of joint framework action to reduce Atlantic sturgeon bycatch in the monkfish and spiny dogfish fisheries	36	2024
Continue development of Surfclam and Ocean Quahog Species Separation Requirements Amendment	42	2024+
Continue development of Omnibus Essential Fish Habitat Amendment	52	2024+
Develop proposals and manage projects funded under Inflation Reduction Act funding for climate-ready fisheries	64	2024+
Initiate framework action to consider modifications to the commercial scup Gear Restricted Areas (GRA) or other measures to help reduce scup discards	9	2024+
11. Ensure that management decisions consider social, economic, and community impacts and opportunities.		
Respond to requests for information associated with Marine Stewardship Council (MSC) certification or audits for MSC-certified fisheries	--	Ongoing
Participate on CCC Equity and Environmental Justice (EEJ) Working Group (WG)	--	Ongoing

Continued on the following page

Specification-Setting Activities

In addition to the activities associated with specific management objectives, the Council will also develop new or review existing specifications for each of its managed species. These activities are listed below. The associated deliverable is indicated in parentheses.

<p>Develop and approve new specifications:</p>	<ul style="list-style-type: none"> • 2025 black sea bass specifications and recreational management measures (1, 3) • 2025-2027 golden tilefish specifications (14) • 2025 blueline tilefish specifications (15) • 2025-2026 butterfish specifications (23)
<p>Review specifications and recommend changes if needed:</p>	<ul style="list-style-type: none"> • 2025 summer flounder and scup specifications and recreational management measures (2, 4) • 2025 bluefish specifications and recreational management measures (11, 12) • 2025 Atlantic mackerel, chub mackerel, longfin squid, and Illex squid specifications (24) • 2025 spiny dogfish specifications review (32) • 2025 surfclam and ocean quahog specifications review (37)



ECOSYSTEM

Goal: Support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.

Objectives and Priority Activities for 2024	Deliverable	Timeframe
12. Implement the Council's Ecosystem Approach to Fisheries Management (EAFM) as described in the EAFM Guidance Document.		
Review 2024 EAFM risk assessment report	50	2024
13. Collaborate with management partners to develop ecosystem approaches that are responsive to the impacts of climate change.		
Oversee program review of Council/GARFO processes for fishery management action development	62	2024+
Develop proposals and manage projects funded under Inflation Reduction Act funding for climate-ready fisheries	64	2024+
14. Identify, designate, and protect habitat using an ecosystem approach.		
Continue development of Omnibus Essential Fish Habitat Amendment	52	2024+
Manage National Fishing Effects Database project	51	2024+
Northeast Regional Habitat Assessment (maintenance and integration of products)	53	Ongoing
15. Engage in the offshore energy development process to address impacts to Council-managed species and associated habitats.		
Develop comments on habitat and fishery issues related to offshore energy development	49	Ongoing
Manage joint Mid-Atlantic and New England Fishery Management Council offshore wind web pages	48	Ongoing
Engage offshore wind developers to support effective communication and outreach with the fishing industry	--	Ongoing
16. Support the maintenance of an adequate forage base to ensure ecosystem productivity, structure, and function.		
Review report on commercial landings of unmanaged species and respond to changes if necessary	57	Annually
Comment on Exempted Fishing Permit (EFP) applications for Forage Amendment Ecosystem Component species (e.g., thread herring EFP application review)	54	Ongoing
Consider and account for, to the extent practicable, the impact of Council-managed fisheries on the forage base	--	Ongoing
Consider and account for, to the extent practicable, the role of Council-managed species in the ecosystem, including roles as prey, predator, and food for humans	--	Ongoing

17. Develop management approaches that minimize adverse ecosystem impacts.		
Participate on marine mammal take reduction teams and protected resources working groups, and initiate necessary actions in response to protected resource issues	59	Ongoing
Participate on CCC Working Group Addressing Integration of ESA Section 7 with MSA processes	58	Ongoing
Review Mid-Atlantic State of the Ecosystem Report	--	Annually



GOVERNANCE

Goal: Ensure that the Council's practices accurately represent and consider the interests of fisheries, fishing communities, and the public through a transparent and inclusive decision-making process.

Objectives and Priority Activities for 2024	Deliverable	Timeframe
18. Maintain an open, accessible, and clearly defined process.		
Develop 2025-2029 Strategic Plan	55	2024
Review updates to the SSC's Overfishing Limit (OFL) Coefficient of Variation (CV) Guidance Document	44	2024
Provide an update on Council activities and a summary of implementation Plan progress	--	Annually
Provide conference lines or Webinar access to Council and advisory body meetings whenever feasible	--	Ongoing
Review and revise the Council Statement of Organization Processes and Procedures as needed	--	Ongoing
19. Engage management partners to promote effective collaboration and coordination.		
Participate on CCC Working Groups and Subcommittees	58	Ongoing
Track relevant MSA/fisheries legislation and develop comments as requested	61	Ongoing
Evaluate Council committee structure, use, and decision making	--	2024
20. Ensure that stakeholder interests are understood and addressed.		
Facilitate development of advisory panel fishery performance reports	7, 13, 16, 25, 33, 38	Annually
Complete the 3-year reappointment process for all Council Advisory Panels	56	2024
<i>See Objective 2 for additional related activities</i>		
21. Provide training and development opportunities for Council members and staff to enhance organizational performance.		
Support the Council Coordination Committee's Council Member Ongoing Development (CMOD) program	58	Ongoing
Support the ongoing professional development of Council staff	--	Ongoing
Continue to participate in staff-to-staff meetings and collaborate with GARFO, NEFSC, and ASMFC on other initiatives	--	Ongoing

APPENDIX: 2024 PROJECT DESCRIPTIONS

This appendix provides additional background information and details about the proposed actions and deliverables included in the *2024 Implementation Plan*. Details in this Appendix are subject to change. Item numbers in the far-left column are associated with the deliverable numbers in the *Proposed Actions and Deliverables* section of the implementation plan.

Action/Deliverable	Staff Lead(s)	Description
1. 2025 black sea bass specifications	Beaty	Results of the 2024 management track assessment will inform 2025 specifications. Measures to be considered include commercial and recreational catch and landings limits and commercial management measures. Specifications will only be set for one year given that an additional management track assessment should be available in 2025 for setting 2026-2027 specifications.
2. 2025 summer flounder and scup specifications review	Dancy, Hart	Summer flounder and scup specifications and recreational management measures were previously set for the 2024-2025 fishing years. The Council will review updated information for both stocks and determine if any changes are needed for 2025.
3. 2025 black sea bass recreational management measures	Beaty	2025 recreational management measures will be set following the process described in the Recreational Harvest Control Rule Framework. Measures will only be set for one year given that an additional management track assessment should be available in 2025 for setting 2026-2027 measures.
4. 2025 summer flounder and scup recreational management measures review	Dancy, Hart	See #2
5. Recreational Measures Setting Process Framework/Addenda (continuing)	Beaty	The Recreational Harvest Control Rule Framework modified the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. The new "Percent Change Approach" will sunset no later than the end of 2025. Through this action, the Council is developing a new process to be implemented in time for use in setting 2026 recreational measures.
6. Recreational Sector Separation and Recreational Catch Accounting Amendment for summer flounder, scup, black sea	Dancy, Hart	This amendment considers (1) options for managing for-hire recreational fisheries separately from other recreational fishing modes and (2) options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report

Action/Deliverable	Staff Lead(s)	Description
bass, and bluefish (continuing)		requirements for for-hire vessels. The Council and Policy Board initiated this action in October 2020. Limited progress has been made due to prioritization of other actions.
7. Summer flounder, scup, black sea bass advisory panel fishery performance reports	Dancy, Hart, Beaty	The Council's advisory panels develop Fishery Performance Reports (FPR) each year to provide the Council and Scientific and Statistical Committee (SSC) with an annual description of the factors that influenced fishing effort and catch within each of the Council's fisheries. These reports are intended to summarize fishermen's "on-the-water" perspectives, including information about fishing effort, market trends, and environmental changes, and other factors that may not be fully accounted for in the stock assessment process. To support development of FPRs, Council staff develop a Fishery Information Document (FID) for each species managed under the fishery management plan. The purpose of the FID is to summarize the most recent catch, landings, and effort data.
8. Black sea bass management track assessment support	Beaty	Management track (MT) assessments provide routine, scheduled, updated advice to directly inform management actions. MT assessments are designed to be simpler, quicker, and more efficient than research track assessments. Northeast Fisheries Science Center (NEFSC) assessment scientists have primary responsibility for planning and carrying out management track assessments. Council staff involvement typically includes attending assessment meetings/calls, tracking assessment progress, and communicating assessment results to advisory bodies.
9. Framework action to consider modifications to the commercial scup Gear Restricted Areas (GRA) or other measures to help reduce scup discards (initiation)	Hart, Didden, Kentner	In August 2023, the Council reviewed an evaluation of commercial scup discards and the scup gear restricted areas (GRAs). The report noted that, given the more recent spatial patterns of scup discards, consideration of alternative measures or modifications to the GRAs may be warranted. The report recommended that continued use of GRAs should consider changes that have high probability of reducing where discards will be rather than reacting to where they have been. The Council agreed that the identified research as well as a related Framework action to consider GRA modifications, or other measures

Action/Deliverable	Staff Lead(s)	Description
		to further reduce scup discards, should be added to the Council's 2024 Implementation Plan.
10. Scup bycatch prediction and avoidance modeling and research*	Hart, Didden, Kentner	The Council may initiate contract work to examine the predictability of scup bycatch and evaluate alternative approaches to reduce scup discards. Note: SSC provided feedback on possible future analysis – see Sept SSC report.
11. 2025 bluefish specifications review	Cisneros	Bluefish specifications and recreational management measures were previously set for the 2024-2025 fishing years. The Council will review updated information and determine if any changes are needed for 2025.
12. 2025 bluefish recreational management measures review	Cisneros	See #11
13. Bluefish advisory panel fishery performance report	Cisneros	See #7
14. 2025-2027 golden tilefish specifications	Montañez, Hart	Results of the 2024 MT assessment will inform 2025-2027 specifications for golden tilefish.
15. 2025 blueline tilefish specifications (revised from draft list of 2024 deliverables in briefing materials)	Montañez, Hart	Blueline tilefish specifications will only be set for one year because the operational assessment results will not be available until late 2024. The Council will review the assessment results in 2025 when setting 2026-2027 specifications.
16. Golden and blueline tilefish advisory panel fishery performance reports	Montañez, Hart	See #7
17. Update on private recreational tilefish permitting and reporting performance	Montañez, Hart	In August 2020 NOAA Fisheries implemented new permitting and reporting requirements for all recreational vessels targeting or retaining golden or blueline tilefish from Virginia to Maine. The Council will receive an update on numbers of issued permits, landings, reporting systems used, and lessons learned since the requirement was initially implemented.
18. Development of strategies to improve compliance with recreational tilefish permitting and reporting requirements*	Montañez, Hart, Sabo, contract	Council staff will work with a contractor to (1) conduct outreach to increase angler awareness of permitting and reporting requirements, (2) evaluate the recreational tilefish permitting/reporting program as a whole, and (3) develop strategies to increase compliance.
19. Blueline tilefish operational assessment support	Hart	An operational assessment for blueline tilefish through the Southeast Data Assessment and Review (SEDAR) process is expected to start in 2024 and be available for management in 2025. Council staff will participate in the SEDAR

Action/Deliverable	Staff Lead(s)	Description
		process and working group and coordinate Mid-Atlantic/Northeast efforts and support with the NEFSC.
20. Golden tilefish research track assessment support	Montañez	<p>Research track (RT) assessments evaluate new datasets that can either inform or be used in new or existing stock assessment models. These assessments are carried out over longer time frames and with fewer requirements for using the most recent data. The research track is intended to be the opportunity for extensive and comprehensive research and analysis. The Council staff lead for a species typically participates on the assessment working group (WG) which is responsible for carrying out and making decisions about the stock assessment and addressing the assessment terms of reference.</p> <p>The golden tilefish research track assessment will be peer reviewed in the spring of 2024.</p>
21. Golden tilefish management track assessment support		See #8
22. South Atlantic Deepwater Longline (SADL) Survey expansion into Mid-Atlantic waters*	Montañez, Hart	In 2023 the Council began collaborating with the NOAA Fisheries' Southeast and Northeast Fisheries Science Centers and the South Atlantic Fishery Management Council to expand the SADL survey north to include areas off Virginia, Maryland, Delaware, and New Jersey. The SADL survey currently uses industry fishing vessels to collect information on a variety of deepwater species, such as golden and blueline tilefish, from the Florida Keys to the NC/VA border. The expansion of the survey will allow scientists and managers to monitor potential distribution shifts of deepwater species and collect information on blueline tilefish throughout its range.
23. 2025-2026 butterfish specifications	Didden	Results of the 2024 MT assessment will inform 2025 -2026 specifications for butterfish.
24. 2025 Atlantic mackerel, chub mackerel, longfin squid, and <i>Illex</i> squid specifications review	Didden, Beaty	Multi-year specifications were previously set for Atlantic mackerel (2024-2025), <i>Illex</i> squid (2024-2025), longfin squid (2024-2026), and chub mackerel (2023-2025). The Council will review updated information for these stocks and determine if any changes are needed for 2025.
25. MSB advisory panel fishery performance reports	Didden, Beaty	See #7
26. Butterfish management track assessment support	Didden	See #8

Action/Deliverable	Staff Lead(s)	Description
27. Longfin squid research track assessment support*	Didden, contract	See #20 for general description. A RT assessment for longfin squid is scheduled to be peer reviewed in March 2026. The Council has engaged a contractor with expertise in quantitative stock assessment to participate on the assessment workgroup (WG). The contractor will conduct data analyses and develop analytical models in support of the WG efforts. Council staff will also participate on the WG.
28. Longfin squid biological sampling project*	Didden, contract	A variety of data needs have been identified regarding longfin squid aging, growth, and seasonal productivity. In collaboration with the NEFSC, the Council has contracted with A.I.S, INC. to process biological samples from longfin squid collected on commercial fishing vessels. Statoliths will be sent to Spain under a contract to estimate ages. The data collected via this project will be analyzed in this upcoming longfin squid RT assessment.
29. Squid modeling project*	Didden, contracts	The Council is supporting an effort, led by Michael Wilberg and Geneviève Nesslage (University of Maryland Center for Environmental Science), to develop and test length-based assessment models for U.S. east coast squid. The project is primarily a NOAA Fisheries' Stock Assessment Improvement grant but the Council is partially supporting the project and Council staff is participating.
30. RH/S run data portal development project*	Didden, contract	The Council has contracted with Manomet to build a portal for centralizing information on river herring runs. The primary purposes of this platform are to serve as a communications tool to build a greater shared understanding of the status of river herring coast-wide, and to provide managers with an annual view of the status of the stock in between regular stock assessments.
31. RH/S bycatch prediction and avoidance modeling and research*	Didden, contract	During the August 2023 Council meeting, the Council agreed to consider exploration of modeling for shad and river herring bycatch avoidance approaches during 2024 priorities discussions. This work would be carried out by a contractor, building on a recent related paper (Roberts et al 2023).
32. 2025 spiny dogfish specifications review	Didden	Spiny dogfish specifications were previously set for the 2024-2026 fishing years. The Council will review updated information and determine if any changes are needed for 2025.

Action/Deliverable	Staff Lead(s)	Description
33. Spiny dogfish advisory panel fishery performance report	Didden	See #7
34. Spiny dogfish ageing project*	Didden, contract	In collaboration with the NEFSC, the Council has contracted with A.I.S, INC. to process spiny dogfish spine samples from several sources.
35. Spiny dogfish ageing workshop	Didden	Linked to the ageing project, this workshop will bring together individuals familiar with ageing spiny dogfish from several locations – East Coast, West Coast, Europe
36. Joint framework action to reduce Atlantic sturgeon bycatch in the monkfish and spiny dogfish fisheries (final action)	Cisneros, Didden	This action was initiated due to the 2021 Biological Opinion (BiOp) that considered the effects of ten FMPs on ESA listed species. The BiOp requires that sturgeon bycatch be reduced in federal large mesh gillnet fisheries, however it does not prescribe specific measures or a target percentage of bycatch reduction. It is anticipated that the Council will take final action on this framework in 2024.
37. 2025 surfclam and ocean quahog specifications review	Coakley	Atlantic surfclam and ocean quahog specifications were previously set for the 2021-2026 fishing years. The Council will review updated catch and landings information for both stocks and determine if any changes are needed for 2025.
38. Surfclam/quahog advisory panel fishery performance reports	Coakley	See #7
39. Atlantic surfclam management track assessment support	Coakley	See #8
40. Surfclam and quahog electronic monitoring project*	Coakley	This project is an initial test of the ability of machine learning and image analysis to differentiate the species and determine the length of the two primary clam species caught commercially in federal waters in the Northeast Atlantic. This project will fund placement of cameras and image recording equipment onboard the vessel contracted to conduct the NEFSC clam survey. The survey is conducted from, and operates like, a typical commercial clam fishing vessel.
41. Supplemental surfclam genetics project*	Coakley	In 2019 the Council contracted with Cornell researchers to investigate distributions of <i>Spisula solidissima similis</i> and <i>Spisula solidissima solidissima</i> in the nearshore waters of the US Northwest Atlantic. Cancellation of surveys during the pandemic prevented inclusion of recent samples from the continental shelf off Delmarva. This

Action/Deliverable	Staff Lead(s)	Description
		supplemental study will analyze population genomic variation in surfclams collected by the 2022 federal survey, including collections from Long Island to Delmarva.
42. Surfclam and Ocean Quahog Species Separation Requirements Amendment (continuing)	Coakley, Montanez	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow the two species to be landed on the same trip or in the same tagged cage. The Council is developing an Amendment to consider changes to species separation requirements in these fisheries.
43. 2025-2029 Council research priorities	Muffley	The Magnuson-Stevens Act requires that each of the eight regional councils develop a five-year research priorities document. The research priorities developed by the Council should address “fisheries, fisheries interactions, habitat and other areas of research that are necessary for management purposes.” In 2024, the Council will develop and approve a research priorities document for 2025-2029.
44. Updates to the SSC’s Overfishing Limit (OFL) Coefficient of Variation (CV) Guidance Document	Muffley	First developed in 2019, the OFL CV guidance document is intended to provide a clear, consistent, and transparent process in documenting SSC conclusions regarding the scientific uncertainty of the OFL estimate. The process has evolved over the past few years and become more complex as more factors have been included. In 2024, the SSC will work on reviewing and updating the OFL CV guidance document.
45. Supplemental port biological sampling*	Didden	In collaboration with the NEFSC, the Council has contracted with A.I.S, INC. to collect additional lengths from commercial catches as well as samples for later ageing. These data are critical for standard age and/or length-based quantitative assessments.
46. Mid-Atlantic fish ageing project*	Coakley	Aging technicians (2) will process and age samples for a variety of MAFMC species, including any back-logged samples and those acquired through supplemental port biological sampling (see #45 above). These data will support stock assessments and inform the scientific basis for determining of species stock status, biological reference points, and catch limits.

Action/Deliverable	Staff Lead(s)	Description
47. Northeast Trawl Advisory Panel (NTAP) coordination and facilitation	Hart	The NTAP is a joint advisory panel of the Mid-Atlantic and New England Fishery Management Councils. It is comprised of Council members, as well as fishing industry, academic, and government and non- government fisheries experts who provide advice and direction on the conduct of trawl research. The Mid-Atlantic Council serves as the administrative lead for NTAP.
48. Joint Mid-Atlantic and New England Fishery Management Council offshore wind web page management	Beaty, Sabo	The Council maintains a joint offshore wind page in coordination with the New England Council to communicate updates on offshore wind energy development with interested stakeholders.
49. Council comments on habitat and fishery issues related to offshore energy development	Beaty, Coakley	The Council will track offshore energy developments and develop comments as appropriate.
50. 2024 Ecosystem Approach to Fisheries Management (EAFM) risk assessment report	Muffley	The first EAFM risk assessment was completed in 2017 and has been updated annually since then. The 2024 risk assessment report will reflect the revisions and updates identified by the Council and EOP Committee as part of the comprehensive review completed in 2023 and include the most up-to-date information and indicators developed in the 2024 Mid-Atlantic State of the Ecosystem report.
51. National Fishing Effects Database project*	Coakley, Kentner	The Mid-Atlantic Council will work with the New England Council and NOAA Fisheries to develop a national fishing effects database to support fishery management councils essential fish habitat (EFH) reviews as well as fishing effects consultations. The National Fishing Effects Database will be online, searchable, and publicly accessible.
52. Omnibus Essential Fish Habitat Amendment (continuing)	Coakley, Kentner	This action is an opportunity to utilize the best available fish habitat science to improve EFH designations and support the Council’s fish habitat conservation efforts while supporting the EFH consultation process. The consultation process plays an important role in addressing the impacts of non-fishing projects (such as wind energy projects) on fish habitat. This action will concurrently conduct the 5-year EFH review required under the Magnuson Stevens Act while amending fishery management plans for the Council, as needed.
53. Northeast Regional Habitat Assessment (NRHA)	Kentner, Coakley	From 2019 to 2022 the Council was engaged in the Northeast Regional Habitat Assessment – a collaborative effort to describe and characterize

Action/Deliverable	Staff Lead(s)	Description
maintenance and integration of products		estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast. Core work products were completed in mid-2022 with the launch of the NRHA data explorer. Council staff continue to maintain and improve these products.
54. Comments on Exempted Fishing Permit (EFP) applications for Forage Amendment Ecosystem Component Species (e.g., thread herring EFP application review)	Beaty	Lund’s Fisheries, Inc., H&L Axelsson, Inc., and Axelsson Seiner, Inc. submitted an EFP application for an experimental purse seine thread herring fishery. Thread herring are listed as an ecosystem component species under the Council’s Unmanaged Forage Omnibus Amendment. The EOP AP, EOP Committee, SSC, and Council discussed this application in 2021 and 2022. The applicants are in the process of completing additional analyses at the request of GARFO. If GARFO decides to move forward with this application and publish a Federal Register notice with an associated public comment period, the Council will consider developing and submitting comments.
55. 2025-2029 Strategic Plan	Sabo	The Council’s strategic plan defines the Council’s vision, mission, and goals and provides a framework for development of specific activities and priorities each year. The current strategic plan will expire at the end of 2024. In 2024 the Council will develop a new 5-year strategic plan for the years 2025 through 2029.
56. Reappointment of all advisory panels	Sabo	Council advisory panel (AP) members serve 3-year terms. Current AP members’ terms will end on June 30, 2024. Advisors do not have term limits, but they must reapply to be considered for an additional term. The Council will begin the reappointment process in early spring 2024.
57. Update on commercial landings of unmanaged species (including consideration of possible landings thresholds for further evaluation for management)	Beaty	The Council will review an annual update on landings of unmanaged species compiled by GARFO. The intent is to look for signs of emerging unmanaged commercial fisheries. The EOP Committee will consider defining threshold levels of landings that trigger further consideration for potential management action.
58. Participation on Council Coordination Committee (CCC) Working Groups and Subcommittees	Staff	Staff currently participate on the CCC’s Habitat Workgroup, Area-Based Management Subcommittee, Legislative Workgroup, ESA/MSA Coordination Workgroup, Climate Change Workgroup, and Equity and Environmental Justice (EEJ) Workgroup.

Action/Deliverable	Staff Lead(s)	Description
59. Participation on marine mammal take reduction teams and protected resources working groups	Cisneros	Council staff currently participate on several marine mammal take reduction teams (TRT), including the Atlantic Large Whale TRT (ALWTRT), Harbor Porpoise TRT, and Pelagic Longline TRT.
60. Activities related to Marine Stewardship Council certifications/audits for Council-managed fisheries (i.e., respond to requests for information)	Staff	The Marine Stewardship Council (MSC) is an independent, third-party fishery certification program. Council staff are periodically asked to provide information as part of the certification process or for audits of currently-certified fisheries.
61. Legislative issue tracking (including development of comments upon request)	Sabo	The Council will track relevant fisheries/ocean legislation and provide comments if invited to do so by a member of Congress. NOAA General Counsel has instructed the RFMCs that (1) there must be a documented request from Congress, and (2) comments should be limited to technical or factual presentation directly related to performance of the grant.
62. Program review of Council/GARFO processes for fishery management action development*	Coakley/Muffley/Dancy	In August 2023 the Council solicited proposals for a contractor to conduct a program review of the MAFMC and GARFO process of developing federal fisheries management regulations from early action considerations up to initiation of the rulemaking stage. It is anticipated that work will be carried out between November 2023 and July 2024. See the RFP for complete details. This deliverable addresses scenario planning potential action G4. See page 11 of the Potential Action Menu for details.
63. Evaluation of Council committee structure, use, and decision making (in collaboration with other East coast Councils)	Dancy	This deliverable addresses scenario planning potential action G1. See pages 7-8 of the Potential Action Menu for details.
64. Activities related to Inflation Reduction Act funded-projects for climate-ready fisheries (proposal development and project management)	Staff	The Inflation Reduction Act (IRA) includes an allotment of \$20 million to the eight regional fishery Councils to support fishery management and governance actions related to climate ready fisheries and climate related fisheries management in support of underserved communities. Preliminary plans indicate that \$3 million will be distributed to the 8 Councils equally (each Council receiving \$375,000), by the end of 2023. Councils will be required to submit a grant proposal to detail the budget and activities supported by the funding. The remaining \$17 million will be distributed to the Councils through a competitive grant process

Action/Deliverable	Staff Lead(s)	Description
		(exact process and timing are TBD). In the context of the 2024 Implementation Plan, this task encompasses all work associated with the development of project proposals, managing funded projects, and addressing any other funding requirements.
65. Ongoing communication activities to support understanding and awareness of the Council and its managed fisheries	Sabo	A variety of communication platforms and tools are used to engage stakeholders, including the Council website, interested-parties email lists, press releases, YouTube recordings, webinars, face-to-face meetings, and a variety of printed and digital communication materials.
66. Outreach campaigns to increase stakeholder awareness and understanding of Council actions under development and opportunities for participation	Sabo	Outreach is conducted during the development of each Council action to ensure that interested and affected stakeholders are informed about potential management changes and aware of comment opportunities. Communication approaches and outreach products are often tailored to meet the needs of the target audience(s).
67. Council website improvements (continuing)	Sabo	Staff will continue efforts to streamline Council web pages, develop new content, and increase usability of the Council website.
68. Completion/submission of any outstanding specifications packages for 2024	Staff	

November 29, 2023

Chris Moore
Executive Director, Mid-Atlantic Fishery Management Council
[sent via email]

Dear Dr. Moore and Members of the Council,

Please accept the following comments related to the Council's Recreational Reform Initiative from The Nature Conservancy (TNC) as the Council considers the 2024 Implementation plan.

TNC urges the Council to include the Sector Separation and Catch Accounting Amendment on the 2024 implementation plan and initiate public scoping as soon as possible.

TNC is a non-profit organization whose mission is to conserve the lands and waters on which all life depends. Our on-the-ground and in-the-water conservation work is carried out across the states and territories of the United States and in 79 countries around the world. We are known for our science-based, collaborative approach to developing creative solutions to conservation challenges. TNC is committed to helping create and maintain the conditions necessary for healthy and resilient marine ecosystems and sustainable fisheries which benefit nature and people. Within the Mid-Atlantic, recreational fishing is a significant component of mortality for several species, and accurate, timely data to inform assessments, catch limits, and annual harvest specifications is critical to maintaining sustainable stocks over time.

Several challenges exist in managing recreational fisheries due to the number and diversity of angler participants and the lack of reporting requirements—challenges that don't exist in commercial fisheries where catch reporting is standard operating procedure. As stock productivity changes with changing climate, technological advancements increase efficiency, and where, how, and why anglers participate in different fisheries continues to change, the demand for management allowing maximal amounts of harvest up to (and sometimes exceeding) safe limits means that accurate stock assessments and catch accounting are critical. Over the last several years, the Council and council staff have dedicated significant time and resources to developing and implementing the Harvest Control Rule (HCR) Framework; significant resources are now being spent on the HCR 2.0. However, other recreational management challenges exist that will not be remedied through tweaks to the HCR, which is why the Council's Recreational Reform Initiative (RRI) consisted of more than just the HCR. We urge the Council to dedicate time and resources to the additional components of the RRI, especially the Sector Separation and Catch Accounting Amendment which was initiated in October 2020 and since stalled. These two issues merit serious consideration and deliberation, starting with a public scoping period to better understand public concerns and objectives for the fishery, and potential to improve the Council's assessment and management of public trust resources. The challenges with managing recreational fisheries are not unique to the mid-Atlantic, and the MAFMC could set a standard for other fishery management bodies by devoting resources to the RRI. **We hope the council will include the Amendment on the 2024 implementation plan and conduct a public scoping period as soon as possible.**

In addition, we attach to this letter a study on Electronic Self-Reporting Programs in U.S. Marine Recreational Fisheries that may interest the Council as they continue work on the RRI and private reporting for tilefish. Over the past year, The Nature Conservancy has been working with Pelagic Strategies, LLC on an analysis of electronic self-reporting programs in U.S. We catalogued basic descriptions of 25 programs, and subsequently interviewed 14 program managers to better understand program details, usership, and data collected. The analysis revealed several key themes across self-reporting programs that may provide insights for strengthening current initiatives and laying the foundation for successful future efforts. We are working to publish the results, but wanted to share the information as it is relevant to current Council topics.

Thank you for considering our comments. Please contact Kate Wilke (kate.wilke@tnc.org) with any questions.

Kind Regards,



Kate Wilke
Mid-Atlantic Seascape Program Director
The Nature Conservancy

Electronic Self-Reporting Programs in U.S. Marine Recreational Fisheries: An Overview

A report prepared for The Nature Conservancy by Pelagic Strategies LLC

October 2023

Introduction

Over the past decade, fisheries scientists, managers, and stakeholders have become increasingly interested in the use of electronic technologies—in particular, smartphone apps—to collect catch, effort, and other information from recreational anglers (Venturelli et al. 2017, NOAA Fisheries 2019a). This interest has been fueled in part by frustrations with the inability of current tools—specifically, NOAA Fisheries’ Marine Recreational Information Program (MRIP)—to collect timely and precise data to support in-season management (National Academies of Science, Engineering, and Medicine 2021). These limitations can lead to restricted fishing access for anglers (e.g., closed seasons, reduced harvest limits) and increased distrust between recreational stakeholders and managers, due in part to a mismatch in angler perception of the resource versus that which MRIP portrays. In addition to self-reported catch and effort data, fisheries scientists have increasingly explored the utility of electronic angler citizen science to help collect critical specific fishery-dependent data, such as the length distributions of released fish, to support stock assessments (Bonney et al. 2021).

As interest in these approaches has grown, the number of electronic reporting programs and tools available to anglers has expanded dramatically, with programs often narrowly tailored to address a given fishery’s unique challenges and demands. Some of these programs are run in-house by management entities such as NOAA Fisheries or state agencies, while others have been designed and administered by private developers. Still others fall into the category of public-private partnerships, wherein a private developer designs a self-reporting program that is administered by a management entity.

The organic and independent growth of these efforts has led to a complex and decentralized landscape of electronic self-reporting programs (i.e., the “appscape”). Complicating efforts further is the fact that these programs vary widely in terms of the types of data that are collected, their usage/popularity, and their respective applications to fisheries science and management.

Goal and Approach

The goal of this project was to comprehensively characterize the self-reporting “appscape” for marine recreational fisheries in the United States and identify key successes, challenges, and lessons learned that can help inform future program success. This effort specifically focused on programs for private anglers (but not necessarily limited to private anglers) that were intended to meet fisheries science and management needs.

First, we identified electronic self-reporting programs through a combination of literature review, internet searches, and conversations with subject matter experts nationwide. We then selected a subset of these programs, varying in geography, scope, purpose (i.e., census versus citizen science), maturity, number of users, and other factors, for a series of one-hour, semi-structured video interviews. We asked questions regarding the motivation for starting the program, the level

of interest and usage from recreational anglers, key successes and challenges to date, and lessons learned, among others (the full list of interview questions can be found in the Appendix). In general, we interviewed program administrators, typically from state, regional, or federal management entities, rather than developers. However, we did also interview several private app developers to hear their broader perspective and recommendations regarding the “appscape.”

Overview of Programs

Through our scoping process, we identified a total of 25 active marine recreational angler electronic self-reporting programs with existing or potential application to fisheries science and management in the United States. We conducted 14 interviews with program developers and/or administrators, 12 of which were with administrators of active programs (described in Table 1). Additional identified programs for which interviews were not conducted are described in Table 2. Twenty-five is a conservative accounting of the total number of programs given that multiple, similar programs within a given state were counted as a single program for the purposes of this report (e.g., Oregon’s Department of Fish and Wildlife administers the 1) Combined Angler Tag, 2) Rogue-South Coast Wild Steelhead Tag, and 3) Hatchery Harvest Tag programs).

Seventeen of the programs were associated with a smartphone app that could be used for self-reporting, while electronic reporting for the others was only available through a website. Approximately ten of the programs represented electronic implementation of previously existing paper- or phone-based initiatives. The vast majority of programs (or new electronic versions of existing programs) were launched after 2010; exceptions include the Maryland Striped Bass Volunteer Angler Survey (web option launched in 1998), the Atlantic Highly Migratory Species (HMS) Automated Landings Reporting System (web option launched in 1999), the New Jersey Striped Bass Bonus Program Harvest Report (web option launched in 2007), and the Virginia Saltwater Journal (launched in 2007).

Eleven of the identified programs included a mandatory self-reporting component (or, in the case of Alaska’s and Oregon’s state programs, a self-accounting component), although only seven of those were intended to help inform overall catch estimates (i.e., move toward achieving a census for a given species/season).¹ The other four programs included Alaska and Oregon’s tag/catch report card programs, which are used for enforcement, and New Jersey’s Striped Bass Bonus Tag Harvest Report and Online Logbook programs. Where information was available (for six of the eleven mandatory programs), self-reporting compliance estimates ranged from 30% to 95%.

The amount of active usership varied widely across programs. Some mandatory programs had thousands to tens of thousands of active users, while volunteer logbook and citizen science efforts more frequently had active participant counts in the hundreds or tens (and in some cases fewer than five). The program with by far the highest number of users, the private app Fishbrain, has approximately 10 million registered users in the United States (both freshwater and saltwater anglers), although the data collected through this program have not yet been used in management.

¹ This accounting includes mandatory reporting through the otherwise-voluntary Virginia Saltwater Journal for black sea bass during the February season. More information can be found at: <https://register.dls.virginia.gov/details.aspx?id=10567>.

While numerous and diverse self-reporting programs are available to anglers, relatively few are being actively and systematically applied to inform assessment and management efforts in practice. Several of the programs identified have only been developed in the past one to three years, including AnglerCatch, Catch U Later, South Atlantic Fishery Management Council (SAFMC) Release, and the Mid-Atlantic Fishery Management Council's (MAFMC) Recreational Tilefish Reporting Program, and are still in the nascent stages of recruiting participants and collecting data. In some state programs such as Alaska and Oregon, catch accounting is not used to assess harvest or effort but rather as an enforcement tool to ensure that anglers are not exceeding catch limits; in these states, submission of tags/report cards is not required at the end of the season. For other programs, such as SAFMC Release and California's Report Card programs, data are qualitatively used to evaluate or "spot-check" fishery trends but have not yet been formally integrated into catch monitoring or assessment efforts. Along the U.S. east coast, data collected from some state-administered striped bass self-reporting programs are shared with the Atlantic States Marine Fisheries Commission (ASMFC) to provide length-frequency data for stock assessment purposes (NOAA Fisheries 2019b), though the extent to which such efforts could be strengthened by additional angler participation is unclear. Only a few examples exist of angler self-reporting programs that are used to monitor catch and effort in near-real-time for quota monitoring purposes, including Mississippi's Tails n' Scales Program and Alabama's Snapper Check Program, both of which were certified by NOAA Fisheries for use in management in 2018 (NOAA Fisheries 2018a, 2018b).

Key Successes, Challenges, and Recommendations

Over the course of our interviews, several key themes emerged that resonated across self-reporting programs and could provide a helpful path forward for strengthening current initiatives and laying the foundation for successful future efforts.

For some of the more successful programs, **a pressing fishery or management problem that could be readily observed and felt by anglers was a powerful motivator to engage in self-reporting efforts.** For example, the Angler Action Foundation's iAngler program was developed in response to a severe cold spell that resulted in a die-off of snook in Florida, leading to robust angler participation for the first year of data collection that was used in the state's next stock assessment for the species (Muller and Taylor 2013). Similarly, Alabama's Snapper Check and Mississippi's Tails n' Scales programs were both developed in response to low quota allocations and increasingly short seasons for red snapper, which were perceived to be a result of catch and effort overestimation by MRIP. Another commonality to the above programs is that the concern motivating anglers to participate was external to the management entities involved; in the case of Florida snook, it was an environmental concern, whereas with Gulf of Mexico red snapper, it was catch accounting and management by NOAA Fisheries. Conversely, mandatory programs for species for which anglers do not envision an urgent threat—either to the species itself or to their ability to target and harvest it—have generally had greater challenges in recruiting and retaining participants. Examples of such programs include the Atlantic HMS Automated Landings Reporting System and the MAFMC's Recreational Tilefish Reporting Program. Of course, waiting until a problem has been identified to catalyze angler involvement is suboptimal,

so administrators should seek strategies to meaningfully engage anglers proactively, *before* a threat emerges, whenever possible.

Generally speaking, **mandatory programs that had a strong enforcement and penalty structure tended to have higher rates of participation.** The two Gulf of Mexico red snapper programs, by virtue of their geography (in both Alabama and Mississippi there are only a small number of ocean access points that vessels must pass through), enable marine patrol officers to readily intercept anglers and issue penalties for noncompliers, which in Mississippi includes both a fine and the confiscation of any fish on board. Programs that require self-reporting prior to offloading, rather than within a certain amount of time after a trip is completed, facilitate enforcement. For self-reporting programs focused on fisheries with more dispersed fishing effort and a greater number of access points, such as those targeting tilefish and Atlantic highly migratory species, administrators have tended to focus more on outreach and compliance assistance than on issuing strict penalties, and compliance rates have generally been lower.

In addition, **incentives associated with self-reporting have in some cases proven to be useful “carrots” for driving participation.** In North Carolina’s new (2021) Catch U Later program, individuals who sign up receive an initial “swag” package from the state’s Division of Marine Fisheries, and those who submit records receive a fishing towel and a coozie. Other programs, including the New Hampshire Department of Fish and Game’s Striped Bass Volunteer Angler survey and the Maryland Department of Natural Resources’ Volunteer Angler Surveys, enter anglers into lotteries to incentivize participation, although the effectiveness of such efforts has not always been clear. Incentives need not necessarily be material in nature. For example, SAFMC Release recently launched a participant recognition program that, based on the number and nature of submitted records, results in featuring participants in the program’s/SAFMC’s newsletter and social media (South Atlantic Fishery Management Council, 2023). The most effective example of such a non-material incentive may be from a private app, Fishbrain, in which anglers can record the details of their catch (i.e., a logbook) while also sharing their catch on social media. While incentives can be helpful for increasing participant recruitment and retention, program administrators must also keep in mind that incentives that are too large/appealing could potentially lead to overreporting and/or false reporting.

Related to the potential benefit of incentives but even more integral to program success is ensuring that **anglers are continually engaged and provided with information on how their self-reported data are being used or will be used.** One challenge reported by many program administrators was that anglers expect to see rapid changes in stock status or management as a result of their efforts; however, in practice, it can take months to years for such data to be used in the stock assessment and management processes. Without engagement, anglers might believe that their reported data are not of value; this can be disheartening and lead to attrition. It is important to manage participants’ expectations and to emphasize data collection itself as a milestone. Especially when a reporting program is still maturing, this type of “intermediate success” (as one administrator said) reinforces to the angler the value of their contribution, even before it is used in science and management. Regular summaries of data collected—both by an individual user and by all participants—along with transparent updates on the path forward toward program growth and eventual data use, could be an effective means to accomplish this goal, especially when such information is shared in a format and on platforms readily accessible

to anglers. For example, Alabama's Snapper Check program posts weekly updates on red snapper landings and progress toward filling the quota on its website. SAFMC Release, meanwhile, shares short annual summaries of collected data on its website and communicates them directly to all users via email.

To facilitate effective angler engagement, some of the programs with which we spoke, including Mississippi's Tails 'n Scales, SAFMC Release, and North Carolina's Catch U Later, had a **dedicated staff member and angler point of contact to recruit participants, lead outreach, troubleshoot technical issues, and answer general inquiries**. Having such a staff member can help to maintain momentum in ramping up a program and will build relationships with individual anglers, as opposed to a model in which administering a program is one of many responsibilities of a staff member or is handled by several staff for whom it is not their main priority.

Numerous program administrators stressed the importance of **developing strong validation protocols in order to effectively apply angler self-reported data to research and management needs**. Alabama's Snapper Check program, for example, has a robust dockside intercept program that matches vessels returning from fishing with trips reported via Snapper Check to ensure that reported harvest matches actual harvest. Another program that utilized dockside validation (through a biological sampling program) found that self-reporting anglers tended to overreport catch, leading the program to adjust self-reported estimates downward. While dockside validation efforts can be time- and labor-intensive, they are often needed to ensure that self-reported data meet necessary standards. In addition, in the case of census-based programs like Snapper Check, validation enables managers to estimate harvest in real-time even with compliance rates well below 100%. Validation can be more challenging for citizen-science-oriented data collection efforts, which typically involve a more diffuse set of participants and/or collect data on released fish that cannot be examined dockside. However, validation approaches are specific to the goals of the individual program and may take several forms. North Carolina's voluntary Catch U Later program, for example, endeavors to estimate lengths of released flounder, but three closely related flounder species (summer, southern, and Gulf) are targeted by anglers simultaneously; in this case, requiring anglers to include a photo of each fish caught not only enables administrators to confirm correct identification, but also provides an opportunity to estimate the degree to which anglers can correctly identify these species to inform whether species-specific management could be warranted in the future (all species are currently subject to the same regulations due to identification concerns).

Many of the administrators and developers whom we interviewed **spoke of the long-term need for a more centralized, integrated, and standardized self-reporting system for anglers across jurisdictions and species**. For managers and anglers alike, the "appscape" is complex and increasingly crowded as new tools come online to address a certain question or need. In some cases, such as with Gulf of Mexico red snapper, multiple efforts in adjacent jurisdictions can evolve in parallel, even for the same species or species complex. In response to such stove-piping, some interviewees expressed the need for a "one-stop shop" platform through which multiple self-reporting programs could be accessed, which would help to alleviate confusion among anglers. Progress is being made on this front on the Atlantic coast, where Harbor Light Software's SciFish app has been proposed as an "umbrella application" to host multiple citizen science self-reporting initiatives (it currently includes SAFMC Release and North Carolina's

Catch U Later).² Others believed that establishing minimum data standards for separate self-reporting efforts dedicated to the same fishery—for example, the Atlantic coast striped bass fishery—would lead to synergistic effects across programs and improve the ability of the data to be applied to science and ultimately management. While in theory such approaches would be ideal, logistical challenges regarding program administration, data ownership and confidentiality, and funding could be obstacles, at least in the short term. Furthermore, it is unclear whether such efforts should be spearheaded by NOAA Fisheries, a coalition of state agencies, fisheries information networks such as the Atlantic Coastal Cooperative Statistics Program, members of the private sector, or some combination of those entities.

Lastly, a persistent theme that resonated across many interviews is that, while there are meaningful steps that administrators can take to improve user recruitment and retention, **widespread angler participation in electronic self-reporting initiatives may ultimately rely on an intergenerational cultural shift.** As anglers who grew up using the internet and smartphones become an increasingly larger part of the recreational angling population, they will likely be more receptive to electronic self-reporting than their predecessors. Furthermore, there was a general view that younger anglers tend to be more interested in contributing data that enhances resource health and future angling opportunities. While such a generational shift is an important context to keep in mind, it does not negate the need for program administrators to consider some of the approaches described above.

Conclusions: The Future of the “Appscape”

This effort revealed a complex and overlapping system of over two dozen electronic self-reporting programs for marine private recreational anglers in the United States. It is important to note that this list of programs does not account for numerous past self-reporting initiatives that were initiated but subsequently abandoned due to low participation, low-quality or incomplete data, lack of funding, or some combination thereof. The great level of theoretical interest, yet low level of in-practice application, of these efforts is a testament to the difficulty of designing, implementing, and maintaining a self-reporting program that not only enjoys high levels of engagement from anglers but is also able to provide a consistent, robust, and high-quality data stream that can be used by scientists and managers.

Programs that have been successful to date frequently shared several characteristics, including: the specter of an imminent threat to fishery health and access; consistent and substantial angler communication and engagement; sufficient funding and staffing levels; strong enforcement (for mandatory programs); and robust validation of self-reported data. Future efforts should keep these approaches in mind while also considering strategies to better centralize and streamline electronic self-reporting programs across fisheries, regions, and jurisdictions.

² More information can be found on Harbor Light Software’s website: <https://www.harborlightsoftware.com/scifish>.

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Table 1. A summary of the private angler electronic self-reporting programs in use for U.S. marine recreational fisheries whose administrators were interviewed for this project. (Note: In some instances multiple programs with the same administrator(s) were discussed in a single interview.)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
1. AnglerCatch	Rhode Island Department of Environmental Management (RI DEM)	Multiple	2022	App (“AnglerCatch”)	Target species, fishing mode, gear type, distance from shore: (> or < 3 miles), species caught, length, kept/released, date/time, logbook functionality (lunar phase, weather, tide, etc. are automatically added)	No	100 users, 20-25 consistent users	Intention is for the data (particularly length information) to supplement the Marine Recreational Information Program (MRIP), particularly for discards; data will be shared with the Atlantic Coastal Cooperative Statistics Program (ACCSP)	Questions mimic MRIP’s Access Point Angler Intercept Survey (APAIS)
2. Automated Landings Reporting System/HMS Catch Reporting App	NOAA Fisheries Atlantic Highly Migratory Species Management Division	Swordfish, billfish, bluefin tuna	App launched in 2016; online reporting began in 1999	App (“HMS Catch Reporting App”), website, phone	Vessel, location, species, length, weight, fight time, hook type, bait type	Yes for harvested fish (and dead bluefin tuna discards)		Bluefin tuna data used to supplement Large Pelagics Survey (LPS) outside LPS spatiotemporal range; billfish data used to track progress toward annual 250-fish cap	Reporting compliance estimated at ~40% for bluefin tuna
3. Catch U Later	North Carolina Division of Marine Fisheries	Three flounder species (summer, southern, Gulf); plans to add additional species	2021	App (“SciFish”)	Location, species, discard length data, hook location, hook type, release condition, photo	No	~50 active users, three of whom contribute half of the records received	Not yet	Uses the mobile app SciFish, which is administered through ACCSP
4. Combined Angling Tag, Rogue-South Coast Wild Steelhead Tag, and Hatchery Harvest Tag	Oregon Department of Fish and Wildlife	Salmon, steelhead, sturgeon, and halibut	App launched in 2018, paper beforehand; Rogue-South Coast Wild Steelhead Tag launched in 2023	App (“MyODW Mobile App”), online, paper	Only harvested fish; location, species, hatchery/wild (for salmon/steelhead), date, length (halibut and sturgeon)	Yes, but not required to submit tag	~250,000 Combined Angling Tags sold in 2022 (electronic and paper)	Not used for catch estimates; some usefulness for enforcement	Combined Angling Tag reporting compliance estimated at 30-35%

Table 1 (continued)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
5. Recreational Tilefish Reporting Program	NOAA Fisheries Greater Atlantic Regional Fisheries Office; managed by the Mid-Atlantic Fishery Management Council	Blueline and golden tilefish	August 2020	App (“eFin Logbook”, “Deckhand Pro,” “eTrips Mobile”) or online (FishOnline, eTrips Online, VESL)	Number of anglers, target species, gear fished, time fished, depth, location, count of tilefish landed/ discarded, port/state landed	Yes; reports must be submitted within 24 hours of returning to port	946 permits issued in 2023 (required to target tilefish) but only 37 trips logged	Not yet	Zero-fish trips that target tilefish are also required to be reported
6. eLogbook	New York Department of Environmental Conservation	Multiple	2019	Web only (no app)	Date, location, species, size	No	1	No	
7. Fishbrain	Fishbrain	Multiple	2012	App (“Fishbrain”)	Extensive logbook component including species, date/time, size, location, gear used, weather/solunar data, photos. Catches can be shared on social media	No	10 million registered users in the U.S. (freshwater and saltwater)	No	Commercial app; currently in discussions with RI DEM/ACCSP
8. iAngler	Angler Action Foundation	Snook, red drum, spotted seatrout	2012	App (“iAngler”) and web	Species, location, depth, caught/released, hooking location, release condition, photos	No	UK	In the past, release length data have been shared with the Florida Fish and Wildlife Conservation Commission and used in stock assessments for snook, spotted seatrout, and red drum	

Table 1 (continued)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
9. SAFMC Release	South Atlantic Fishery Management Council	Red snapper and 10 species of shallow-water grouper	Pilot in 2019; full launch in 2021	App (“SciFish”)	Fish length, depth caught, fishing location (optional), hooking location, observations of shark predation, and use of barotrauma reduction techniques (e.g., descending devices)	No	UK	Not formally used to date; limited initial data were shared with the commercial, recreational, and discard mortality groups as part of the SEDAR 68 (South Atlantic and Gulf of Mexico Scamp Grouper) assessment.	
10. Snapper Check	Alabama Department of Conservation and Natural Resources (DCNR) – Marine Resources Division	Red snapper, gray triggerfish, greater amberjack	2014	App (“OutdoorAlabama”), DCNR website	Vessel registration # or conservation ID, number of anglers, date, time of submitted report, trip type (Private/Charter), access type (Public/Private), Number of fish harvested and released dead by species.	Yes (mandatory requirement for gray triggerfish and greater amberjack initiated in 2021)	~2,500 private vessels (no. of unique vessel registration IDs as trip information is required for the vessel level rather than by the individual angler)	Yes; used for Gulf of Mexico private recreational in-season red snapper management beginning with 2018 data	Estimated compliance is ~50% for red snapper, less than 33% for gray triggerfish and greater amberjack
11. Sport Fishing Annual Harvest Report Card	Alaska Department of Fish and Game	Any species with an annual limit	App launched in 2022; paper existed before	App (“ADFG Mobile App”), paper	Date, location, and species harvested	Yes, but not required to submit tag		Not used for catch estimates; used as an enforcement tool	Is a separate self-reporting requirement (mostly completed online) for participants in “personal-use” fisheries (mostly dipnet)

Table 1 (continued)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
12. Striped Bass Cooperative Angler Program and Hudson River Cooperative Angler Program	New York Department of Environmental Conservation	Striped Bass	Paper logbook launched in 1985; app launched in 2017	App (“Survey123”), web, paper	Date, target species, time spent fishing, number of anglers, tides, type of bait used, hook type used, location, depth, water temperature, species, legal/not legal, length, kept/released, whether scale sample taken, whether fish tagged, whether there was zero catch	No	2021: 438 active anglers and 38 submitted scales and/or logs (Hudson River program only). Only two of those are using Survey123; the rest are using paper	Data provided to the Atlantic States Marine Fisheries Commission	
13. Tails n’ Scales	Mississippi Department of Marine Resources	Red snapper, greater amberjack, gray triggerfish, cobia, gray snapper	2015 (paper), 2016 (app and website)	App (“Tails n’ Scales”), website	Vessel-based; Required to “hail out” prior to each trip (launch site, launch time, vessel #s) Required to “hail in” after each trip (number of anglers, number of red snapper kept/released, # of other species kept, habitat fished)	Yes for red snapper; no for greater amberjack and gray triggerfish. Only mandatory during red snapper season	~2,500	Certified for use in management in 2018	Reporting compliance ~95%

Table 2. Additional private angler electronic self-reporting programs in use for U.S. marine recreational fisheries whose administrators were not interviewed. (Note: This list does not include all private fishing log apps that have not been applied to science/management but does include a few representative examples.)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
1. GotOne	Luyen Chou	Multiple	2022	App (“GotOne”)	Species, size, kept/released, photo, release condition, angling method; app automatically logs location, date, time, tide, wind, moon phase, water temperature	No	1,200	Not yet	Commercial App. Tap-, voice-, and photo-activated; Aug 2022 partnership with MA DMF for citizen science striped bass catch-and-release project
2. My Texas Hunt Harvest	Texas Parks and Wildlife Department	Red Drum	2022; paper previously	App (“My Texas Hunt Harvest”), website, paper	Digital tag program for oversize red drum (retention of one over 28 inches per year)	Yes	Sep 2022-Aug 2023: 3,705 red drum reported harvested via app/website (1,322 tagged with a digital tag; 2,383 tagged with a paper tag and voluntarily reported via app/website)	Yes, for tracking oversized red drum harvest	Compliance unknown
3. MyCatch by Angler’s Atlas	Angler’s Atlas	Multiple	2018	App (“MyCatch Fishing App”)	Customizable	No	45,000 downloads (mostly U.S. and Canada)	None to date for U.S. marine fisheries; has been used to collect citizen science data to support management in U.S. freshwater fisheries (e.g., Iowa walleye) and Canadian marine fisheries (British Columbia rockfishes)	Commercial App

Table 2 (continued)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
4. North Coast Salmon Report Card; Steelhead Report Card; Sturgeon Report Card	California Department of Fish and Wildlife	Salmon: Chinook and Coho Salmon in Smith River System or Klamath-Trinity River System Steelhead: Steelhead Sturgeon: White Sturgeon	Salmon: Paper program launched in 2008, website option began in 2012 Steelhead: Paper program launched in 1991, website option began in 2012 Sturgeon: Paper program launched in 2007; website option began in 2012	Website and paper (>85% of report cards for each program are submitted online)	Salmon: Specific to river system/species; generally, date, all fish caught (kept or released), adult v. jack, whether the fish has an adipose fin present, whether maxillary present or absent (for released fish). Steelhead: Date, location, wild/hatchery, kept/released, hours fished (also a “Did Not Fish” option for the year). Sturgeon: Date, location, length, kept/released; whether reward disk present (also a “Did Not Fish” option for the year)	Yes; must be submitted by January 31 for the previous year, and must be purchased prior to fishing	Salmon: ~20,000 report cards sold in 2022 Steelhead: ~50,000 report cards sold in 2022 Sturgeon: ~40,000 report cards sold in 2022	Salmon: Not used for fishery management actions or recommendations; primarily used for enforcement. Steelhead and Sturgeon: Data are used to evaluate fishing effort and overall harvest as well as an enforcement tool. Data are used qualitatively for broad fishery evaluations and trends; are not used to directly inform population monitoring or species management. Sturgeon: Used in conjunction with state’s tagging program to inform abundance estimates (made more challenging by low reporting compliance)	Estimated compliance 30-35% for all programs
5. Recreational Offshore Landing Permit (ROLP)	Louisiana Department of Wildlife and Fisheries	Red snapper	2018 (for the permit’s reporting function)	Website	Depth fished, bottom type (natural, artificial reef, oil rig), private v. public dock, Outer Continental Lease area fished, number of discards and fish kept, reason for discards	No	Less than 1% of anglers who possess the ROLP	Data have been shared with federal scientists in the past to gauge the proportion of red snapper fishing effort over natural (unconsolidated) bottom beyond a certain depth in the Gulf of Mexico	Same questions are also asked dockside during red snapper season for red snapper trips
6. Striped Bass Bonus Program Harvest Report	New Jersey Department of Environmental Protection	Striped Bass bonus tag fish (one 24-28” fish per year)	Bonus tag program began in 1990; Web option began in 2007	Website or phone number	Date of harvest, fish length	Yes; reporting required within 24 hours of harvest	817 in 2022	Bonus tag harvest data are shared with the Atlantic States Marine Fisheries Commission	

Table 2 (continued)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
7. Striped Bass Bonus Program Online Logbook	New Jersey Department of Environmental Protection	Striped Bass	UK	Website, paper	Date, method, hours fished, hook type, number of fish caught, catch weight, catch length, catch health, disposition, location, whether bonus tag used	Yes; required for bonus tag program participants (to be submitted by January 15)	612 in 2022	Bonus tag harvest data are shared with the Atlantic States Marine Fisheries Commission	Required even if participant did not fish for or catch any striped bass (including trips with zero catch)
8. Striped Bass and Shad Volunteer Angler Surveys	Maryland Department of Natural Resources	Striped bass, American and hickory shad	Striped Bass Survey began in 1995 (paper); online version launched in ~1998 Shad Survey began in 2001 (paper); online version launched in 2014	App (“Access DNR Mobile App”), website (Google Form)	Striped bass: Date, location, method, length, kept/released. Shad: Angler name, date of trip, length of trip, fly or spin rod, location, fishing from bank or shore, number of American/hickory shad caught, sex, target species	No	Striped Bass Survey, 2022: 110 striped bass lengths reported from 26 fishing trips Shad Survey, 2022: 19 participants logged 51 trips (all but 2 users were online)	Striped Bass: Used to develop length frequencies of striped bass caught in MD for mandatory reporting to the ASMFC. Survey is the only source of lengths of fish caught and released by MD anglers. Shad: Catch Per Angler Hour (CPAH) of American Shad caught in lower Susquehanna River and Hickory Shad statewide are reported federally; CPAH of both species caught in Lower Susquehanna River are reported to the Susquehanna River Anadromous Fish Restoration Cooperative. Survey data were considered for use in the 2020 American Shad Benchmark Stock Assessment but were ultimately excluded from trend analysis.	Quarterly lottery to incentivize participation. Striped bass survey participation has dropped from hundreds of anglers and 1,000+ trips annually. Shad: Online survey became Google Form in 2019; available in Spanish.

Table 2 (continued)

Program Name	Administrator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
9. Striped Bass Volunteer Angler Survey	New Hampshire Fish and Game Department	Striped Bass	1993 (paper); website option began in 2014	Website (used by 75% of anglers), emailed spreadsheet, and paper	Date, hours fished, number of anglers, number of fish kept/released, number of legal-size fish released, length, whether fishing occurred from boat or shore, terminal tackle used	No	2022: 78 participating anglers reported 1,890 striped bass	According to NH Fish and Game, "The data is used by state and federal fisheries biologists to assess the status of the striped bass populations each year." Can also be used to assess compliance with regulations	Since 2000, the Coastal Conservation Association NH and Kittery Trading Post have provided raffle prizes to incentivize participation
10. Virginia Saltwater Journal	Virginia Marine Resources Commission	Three programs: Voluntary Saltwater Journal: Multiple species Black sea bass February season mandatory reporting: Black sea bass Voluntary recreational cobia initiative: Cobia	2007	Website	Voluntary Saltwater Journal and voluntary recreational cobia initiative; Trip date, launch site, port, number of anglers, hours fished, weather information, moon phase, air/water temperature, species, number caught, kept v. released, length, weight, method, bait, tide, waterbody. Black sea bass February season mandatory reporting (if black sea bass are targeted, even if none caught): VMRC ID, trip date, mode (private or for-hire), port, number of anglers, fish kept, fish released. If did not fish during the season enter a No Participation Report	No, except for mandatory reporting for black sea bass winter fishery participants when there is a February season	Voluntary Saltwater Journal: ~125 per year Black sea bass February season mandatory reporting: ~200 per year (private and for-hire) Voluntary recreational cobia initiative: over 60 individual fish lengths submitted for the inaugural 2023 season (unknown number of contributors)	Mandatory black seabass data is used for the February black sea bass season due to MRIP not sampling in Virginia in February. Instead, all captains/operators report their vessel's total harvest (# of fish) per trip, and Virginia MRIP staff sample black sea bass from a subset of trips to calculate an average weight per fish, enabling a total harvest weight calculation for the February season to inform regular season paybacks. Methodology has been approved by the ASMFC. Voluntary recreational cobia initiative: None at this time, but plan to collect enough discard-length data to begin incorporating this information into future stock assessment models (will be added to cobia lengths collected through the Virginia Sportfish Tagging program)	Reporting compliance for February black sea bass season is estimated at over 80% (private and for-hire). A mandatory cobia reporting program was discontinued beginning in 2023 and replaced with the voluntary recreational cobia initiative.

Table 2 (continued)

Program Name	Administr-ator	Species	Launch Date	Mode	Data collected	Mandatory?	# Active Users	Data Applications to Science/Management?	Notes
11. Volunteer Angler Logbook Program	Maine Department of Marine Resources	Striped bass focus, but multiple species	1996 (paper), 2021 (app)	App (“Survey123”) or paper	Time spent fishing, area fished, distance from shore, fishing platform, hook type, terminal gear, number of anglers, target species, species, length, kept/released	No	2022: 92 logbooks distributed, 42 (46%) returned; 2,326 striped bass caught	Striped bass length frequency data is submitted annually to the Atlantic States Marine Fisheries Commission	Most participants still use paper. Includes specific questions for anglers using “tube ‘n worm” gear. Survey123 also used by NY DEC
12. Volunteer Angler Survey	New Jersey Department of Environmental Protection	Multiple	UK	Website, paper	Date, hours fished, location, target species, mode, number of anglers, species, kept/released, length	No	~100 per year	Discard length frequencies used in various ASMFC stock assessments; are used in recreational demand modeling to inform management of summer flounder, scup, and black sea bass. Occasionally used for developing NJ regulatory options	Anglers encouraged to log zero-catch trips as well

Appendix. Interview Questions

- Can you tell us a bit about yourself and your role with the agency/company/council that's administering this self-reporting program?
- What was (if there was one) the motivating factor in spurring the development of this self-reporting program? Was there a resource issue? A management issue? Other? Is this a new initiative or a transition to an electronic version of an already-existing initiative?
- Please briefly describe the types of data collected with this program and when it was implemented. Are these data meant to collect specific fishery-dependent biological information for stock assessments or is the goal to improve overall estimates of recreational fishing mortality? Is it an app, a website, or both?
- To date, have the data collected through this program been applied to/considered for research and management purposes? If so, how so? If not, why not?
- Can you provide us with some statistics regarding participation, recruitment, and retention of participants? If there are different platforms (e.g., website v. smartphone app), do you have platform-specific statistics?
- Is the program required or voluntary, and what was the rationale for making it so?
- Are the data validated? If the data are being used for assessments or other management purposes, are the managers/scientists using the data comfortable with the level of validation?
- If information like specific location of catch / photo of catch is collected, how are these used? How are they stored? Who owns the information?
- On a scale of 1-10, how would you rate the success of the program to date in terms of accomplishing its goals?
- What have been some of the major successes of this program to date?
- What have some of the major challenges been? Be as specific as possible.
- How have anglers responded to/perceived the self-reporting program?
- How important, if at all, have partnerships been for successful implementation of this app? Could be cross-agency, public-private-partnerships, etc. etc.
- How often do you interact with/share experiences with administrators of other self-reporting apps? Are there any lessons you've learned from others in this space? If the person administers/has intimate knowledge of multiple programs—what have been some key lessons learned/best practices you've identified?
- If successful, what would this program look like 10 years from now? What changes need to be made to get it there?



Mid-Atlantic Fishery Management Council
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 P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
 Christopher M. Moore, Ph.D., Executive Director

M E M O R A N D U M

Date: November 17, 2023
To: Wes Townsend , Chairman, MAFMC
From: Paul J. Rago, Ph.D., Chair, MAFMC Scientific and Statistical Committee (SSC)
Subject: Report of the October 30, 2023 SSC Meeting

Executive Summary

The SSC met via webinar on October 30, 2023 to review Atlantic Mackerel Acceptable Biological Catch (ABC) recommendations for 2024-2025, and provide Spiny Dogfish ABC recommendations for 2024-2026.

Atlantic Mackerel ABC Recommendations for 2024-2025

The SSC considered four different scenarios to estimate ABCs for 2024 and 2025. The scenario selected adjusts the initial stock size by setting the 2022 recruitment to the median of the time series. This adjustment is considered appropriate in view of the overestimation of rebuilding in recent years and the low precision of the estimate of year class strength in the terminal year of the assessment.

Based on this scenario, the SSC recommended the following ABCs:

Projection	2024	2025
Year-specific (mt)	2,726	3,900
Averaged (mt)	3,200	3,200

These year-specific ABCs are based on an $F_{rebuild}$ of 0.07 with an expected probability of rebuilding of 60.5%. An average quota of 3,200 mt per year also is projected to result in a 60.5% chance of rebuilding if $F=0.07$ is applied to the population in the 2026-2032 rebuild period.

Spiny Dogfish ABC Recommendations for 2024-2026

After thorough consideration of the attributes of the data and assessment model, the SSC recommended an OFL CV of 100%.

The updated 2023 Spiny Dogfish Management Track Assessment estimated an OFL of 7,818 mt for the 2024 fishing year, 7,970 mt for 2025, and 8,112 mt for 2026.

The ABCs were calculated based on a lognormally-distributed OFL with the recommended CV of 100%. The SSC applied the Council's risk policy and an estimated $SSB_{2024-2026}/SSB_{msy}$ ratio > 1 for all three years. Using these parameters, the P* values and the associated ABCs are as follows:

Year	P*	ABC (mt)
2024	0.456	7,135
2025	0.459	7,312
2026	0.460	7,473

Summary Report

Background

The SSC met via webinar on October 30, 2023. The agenda for the meeting and the participants are provided in Attachments 1 and 2, respectively. Topics discussed included: Atlantic Mackerel ABCs for 2024-25 and Spiny Dogfish ABCs for 2024-2026.

Meetings of the SSC reflect the combined planning efforts of management and scientific staff. Also acknowledged are Kiersten Curti and Dvora Hart from the NEFSC, and Jason Didden from the Council for their presentations and working papers. Brandon Muffley is thanked for his exemplary efforts to coordinate the meeting and ensure that all supporting documents were available. We benefited from timely and insightful comments by members of the public. SSC members are thanked for their engagement and insightful comments. Mike Wilberg led the discussion of TOR for Atlantic Mackerel; Yan Jiao led the discussions for Spiny Dogfish. Meeting rapporteurs included Tom Miller, Geret DePiper, and Sarah Gaichas. Finally, we thank Sarah Gaichas and Brandon Muffley for sharing their meeting notes.

All documents referenced in this report can be accessed via the SSC's meeting website <https://www.mafmc.org/ssc-meetings/2023/oct-30>. The OFL CV framework table that provides the general evaluation metrics associated with the nine decision criteria for each OFL CV bin is provided as Attachment 3. Attachment 4 is a comprehensive guide to the acronyms in this and earlier reports.

Atlantic Mackerel ABC Recommendations for 2024-2025

The SSC previously reviewed a Level 1 Management Track Assessment (MTA) for Atlantic Mackerel at its July 2023 meeting. Level 1 MTAs are not reviewed externally prior to delivery to the SSC. At that time, the updated information revealed that overfishing was not occurring. Since this represented a change in stock status, current Northeast Regional Coordinating Council (NRCC) guidelines for MTA require that the assessment be reviewed by a peer-review panel (i.e., a Level 2 MTA). Such a review had not occurred by the time of the SSC meeting in July. Nonetheless, the SSC developed preliminary recommendations at its July meeting that were delivered to the Council in August, pending confirmation of abundance estimates and stock status at a MTA peer review. In September 2023, the SSC reviewed and approved a revised set of seven alternative projection scenarios to address several concerns about overly optimistic projections and incorporate Council feedback on their interest in constant catch recommendations. Finally, at this meeting, the results of the Level 2 MTA peer review that was conducted 18-20 September, were delivered to the SSC along with the MTA Review Panel recommendations. Previous findings of the Level 1 MTA were confirmed. Following presentations by Kiersten Curti, NEFSC, and Jason Didden, MAFMC, the SSC discussed the projection scenarios. Discussions focused on the rationale underlying the alternatives.

Before beginning a discussion of rebuilding scenarios, the SSC addressed an SSC member's concern about the causes for the depleted biomass of the stock. Atlantic Mackerel's currently overfished or depleted status is generally attributed to excessive fishing mortality (F) over the assessment period. While most acknowledge excessive harvesting in the 1990s, the high estimates of mortality since then may also be influenced by an increase in natural mortality (M). The SSC discussed an alternative hypothesis proposed by David Secor in which recent decreases in abundance are driven by predation and that current commercial fleet capacity may have been insufficient to cause historic peaks in F from 2008-2011.

The relative balance between fishing and natural mortality is poorly known and has been the subject of multiple investigations including collaborative studies between the US and Canada and an ICES Working Group. Recent attempts to incorporate time-varying natural mortality into stock assessments have not been successful in either the US or Canada. The SSC acknowledged that if undetected increases in M have occurred, then reductions in catches will be less effective for rebuilding than predicted. Changes in M also change biological reference points so the implications for rebuilding are neither straightforward or linear. However, several factors complicate our understanding of interpretations of stock history. First, there have been changes in the estimates of harvests by Canadian fleets. Moreover, there also seem to be shifts in the relative productivity of the two spatial components in the stock. The SSC accepted the MTA Review Panel conclusion of an unexplained process error affecting the performance of the model, one explanation for which could be changing natural mortality. Further, the SSC acknowledges the high likelihood that stock rebuilding will be slower than expected and advocates for a more nuanced characterization of stock status, and applauds ongoing efforts to refine such estimates. But, the SSC fell short of altering the staff conclusion that "the current situation is the result of about 50 years of overfishing." It was also noted that the veracity of this statement does not have direct implications for the selection of alternative harvest scenarios for rebuilding.

Four distinct rebuilding scenarios were considered for Atlantic Mackerel. All of them achieved a probability of rebuilding of 61% or greater, but they differed with respect to how recent estimates of recruitment were treated and whether or not an adjustment for the stock assessment retrospective pattern was applied. The first scenario used the final estimates of stock size-at-age from the MTA, and applied no adjustments. Scenarios 2 to 4 modified the terminal year estimates in various ways. To address the Council's request for constant catch levels in 2024 and 2025, projections for Scenarios 2 to 4 were also computed (Scenarios 2a, 3a, and 4a) to find a constant catch that met the rebuilding target probability in 2032.

Comparisons of recent projections with updated stock assessments revealed a strong dependency between the recruitment estimate and rebuilding status. Terminal year abundance estimates of age 1 fish are highly imprecise because their relative size has not been confirmed in the fishery landings. Scenario 2 and 2a addressed this dependency by assigning the median recruitment to the terminal estimate for 2022, thereby limiting expression of high recruitments. Scenario 2a estimated the constant average catch for 2024-2025. This approach is not without precedent in

the MAFMC and NEFMC and has been used for projections for Golden Tilefish and various New England groundfish species.

Scenario 3 and 3a adjusted the terminal year abundance estimates for 2022 by applying the retrospective adjustment factor to each age class. Simulation studies for some species (but not Atlantic Mackerel), have shown better projection performance when the retrospective adjustment factor is applied irrespective of its magnitude or statistical significance.

Scenario 4 and 4a incorporate the assignment of median recruitment to the 2022 estimate and retrospective adjustment to other age groups. It was noted that the combination of median recruitment and retrospective adjustment has not been applied to other stocks in the Northeast.

The SSC did not support Scenario 1 because it did not address known performance concerns in recent projections and the SSC concluded this approach was both too optimistic and unreliable. Scenarios 4 and 4a were rejected because of the ad hoc mixing of adjustment factors and because its simulation performance was unknown. Scenario 2 and 2a were ultimately endorsed by the SSC but the endorsement was tempered by technical concerns about the scenario formulation. Some SSC members felt the adjustment of all age classes for retrospective pattern, as in Scenario 3 and 3a, was more scientifically justified. Ultimately the SSC agreed that Scenario 2 and 2a were most consistent with recent overestimation of rebuilding trajectories and adjustments used in other assessments when age 1 abundance estimates are highly imprecise.

Following this presentation and initial discussion, the SSC addressed the Terms of Reference (*italics*) for Atlantic Mackerel. Responses by the SSC (standard font) to the Terms of Reference provided by the MAFMC are as follows:

Terms of Reference

For Atlantic Mackerel, the SSC will provide a written report that identifies the following for the 2024-2025 fishing years:

- 1) The level of total catch (in weight) for each requested fishing year that is consistent with the updated $F_{rebuild}$ mortality rate associated with achieving a 61% rebuilding probability for Atlantic Mackerel by 2032. The SSC shall provide both varying and constant ABC's for projection option selected;*

The lead analyst provided a number of alternative projections that differed in assumptions related to future recruitments and how retrospective bias evident in the assessment were incorporated. The SSC appreciated the careful work in creating the range of projections it considered.

The SSC considered the overestimation of recent year classes to be a significant factor in selecting the projection used to provide its ABC. As a result, the SSC rejected using the direct estimates from the assessment model as the basis for its recommendations. The SSC noted the presence of substantial retrospective bias (both within a model and between models) in SSB and F. However, the size of the bias was not of sufficient magnitude, based on the standard used by NEFSC, to require adjustment in reference points. Moreover, simulation testing of the combined

effects of both dampening of recruitment and retrospective adjustment in projections remains to be evaluated for Atlantic Mackerel. Consequently, the SSC based its ABC recommendation on projections that dampened future recruitments only.

The SSC provides the following ABCs:

Projection	2024	2025
Year-specific (mt)	2,726	3,900
Averaged (mt)	3,200	3,200

2) *Interim metrics that can be examined to determine if multi-year specifications need reconsideration prior to their expiration;*

- i. SSB estimates from US and Canadian egg surveys, as available.
- ii. Survey indices, as available, particularly if relevant to estimates of year class strength.
- iii. Age-structure in surveys, as available.
- iv. Removal estimates.

3) *The most significant sources of scientific uncertainty associated with determination of the ABC recommendation;*

- Projections have not been reliable in the recent recovery period.
 - Retrospective bias (overestimation) of SSB.
 - Uncertainty in the terminal year recruitment is an important source of uncertainty influencing projections.
 - Above-average recruitments have not been expressed in older age classes, suggesting recruitment estimates are likely optimistic.
 - Recovery of SSB projected in previous assessments has not materialized.
- The management track assessment review identified concerns over model fit, potentially suggesting unaccounted process error in the current model whose cause could include unaccounted sources of mortality, including predation mortality. Literature (Smith et al. 2015; Guillemette et al. 2018) and ongoing modeling work by DFO and ICES WGNAM indicate substantial predation mortality on adult Atlantic Mackerel. This leads to uncertainty in the constant M assumption.
- Diverging expectations for stock productivity in projections which introduces uncertainty over the appropriate distribution for recruitment to be used in projections.
- Effects of updates in Canadian catch estimates.
 - Bait and recreational fishery in Canada was not historically monitored.
 - The time series of Canadian landings has been revised.
- The Atlantic Mackerel assessment uses an index of SSB derived from egg surveys. The DFO egg survey is designed and timed specifically to target Mackerel spawning. The US index is based on a broader ecosystem survey that does not sample preferentially during peak Mackerel spawning. US-specific estimates of fecundity and phenology are lacking.

- Trawl survey representation of abundance and age structure.

4) *The materials considered by the SSC in reaching its recommendations;*

- [SSC Terms of Reference for Atlantic Mackerel](#)
- [Staff Memo: 2024-2025 Atlantic Mackerel 2024-2025 ABC Specifications Overview and Recommendations](#)
- [Updated 2024-2025 ABC Projection Scenarios](#)
- [2023 Atlantic Mackerel Management Track Assessment Report](#)
 - [Management Track Assessment Model Diagnostics](#)
- [Fall 2023 Management Track Assessment Peer Review Panel Summary Report](#)
- [2023 Atlantic Mackerel Advisory Panel Fishery Performance Report](#)
- [2023 Atlantic Mackerel Fishery Information Document](#)
- Memo from Dave Secor regarding comments in staff memo
- [Consumption by marine mammals on the Northeast U.S. continental shelf](#) (Smith et. Al. 2015)

5) *A conclusion that the recommendations provided by the SSC are based on scientific information the SSC believes meets the applicable National Standard guidelines for best scientific information available.*

The SSC believes that the recommendations provided are based on scientific information that meets the applicable National Standard guidelines for best scientific information available.

Public Comment – Several fishermen noted that the location of mackerel has changed in recent years. Historically, herring arrived first in April, followed by mackerel in April and May. Atlantic Mackerel then typically moved northward. Now, fish stay up to nine months. Smaller fish tend to remain inshore while larger fish move offshore towards Stellwagen Bank. As a result of increased local abundance, the public often has trouble understanding the need for catch reductions.

Another fisherman noted high abundance of Atlantic Mackerel on northern Jeffrey’s Ledge. The contemporary pattern is much different than prior years and suggestive of a regime change. Kiersten Curti responded that the assessment shows similar patterns and offered to discuss further with fishermen.

Commercial fishermen have been participating in a cooperative project and have sent many samples of pre- and post-spawning fish to NEFSC from April to August. They noted that the likely extended period of spawning may limit the utility of scientific egg and larval surveys that are typically restricted to much shorter intervals. Fishermen have also observed that many Atlantic Mackerel stomachs are filled with eggs; however, the eggs have not been identified to species. Reports of Atlantic Mackerel eating sand eels are common. (This observation was also reported by haddock fishermen in Canada at the TRAC in 2023).

Spiny Dogfish ABC Recommendations for 2024-2026

Dvora Hart, NEFSC, provided an overview of the MTA results for the SSC. The MTA was based on the recently completed Research Track Assessment (RTA), but also included some notable updates; namely, a change in the maximum size for female dogfish and full implementation of the assessment in Stock Synthesis 3. The model implementation allowed for characterization of changing selectivity patterns over time, incorporation of multiple fishing fleets, and changes in growth parameters over time. The F_{msy} proxy increased to 60% of B_0 and catch data back to 1924 were used to derive the initial stock size for estimation. The SSC noted the concerns expressed by the MTA Review Panel regarding the SS3 model's assumption regarding initial equilibrium conditions. This drives the need to estimate catches back to 1924. Yet, these estimates are uncertain. Additional technical details include the use of an increased weighting of the survey index component of the log likelihood function and the use of a stock recruitment function estimated externally from the model. Analysis of median length of mature females indicates a downward trend over time. In the 1990s this decline was related to intense size-selective fishing, but causes for the decline in more recent years have not been identified. The combined effects of these changes support the perception of lower productivity than previously assumed. Stock size is above B_{msy} and F is below the $F_{60\%msp}$ proxy.

The SSC noted that earlier research had documented both time and season changes in distribution. Recent work has suggested a greater fraction of the population in Canadian waters in the summer and fall. One of the effects of starting the model in 1924 rather than 1989 is that the SSB_{msy} drops by more than 50%. The MT attributed this change to the change in pup production from the SR curve.

Public Comment – Several representatives from industry summarized the consequences of lower quotas. The reduction in 2023 resulted in the closure of a processor in Virginia. They noted that the market is “fragile” due to foreign demand and prices. Reduced supply can disrupt current supply chains that rely on access to markets. Once closed, these markets can be difficult to restart. One processor who uses Spiny Dogfish for organic fertilizer noted the dependency of agriculture on current quotas. Lower landings can also reduce the competitiveness of fishermen for valuable dock space at ports.

Public commenters noted the importance of adequate conservation measures and acknowledged earlier periods of high exploitation and rapid change in the population structure of Spiny Dogfish. Additional biological sampling of current landings was advocated. Several suggestions were made about stock structure with apparent differences between southern and northern fish.

Following the presentations and discussion, and input from the public, the SSC began discussion of the Terms of Reference and derivation of the OFL CV table for Spiny Dogfish. Responses by the SSC (standard font) to the Terms of Reference (*italics*) provided by the MAFMC are as follows:

Terms of Reference

For Spiny Dogfish, the SSC will provide a written report that identifies the following for the 2024-2026 fishing years:

- 1) *Based on the criteria identified in the acceptable biological catch (ABC) control rule, assign the stock to one of four types of control rules (analytically derived, modified by the assessment team, modified by the SSC, or OFL cannot be specified) the SSC deems most appropriate for the information content of the most recent stock assessment;*

The SSC determined that the level of uncertainty of OFL in the assessment update requires an SSC-specified coefficient of variation (CV).

- 2) *If possible, determine the level of catch (in weight) associated with the overfishing limit (OFL) for each requested fishing year based on the maximum fishing mortality rate threshold or, if appropriate, an OFL proxy, and the associated coefficient of variation recommended by the SSC and its basis;*

A sex-specific stock synthesis (SS3) model is used to estimate OFL. According to this SS3 model, the F_{msy} proxy for Spiny Dogfish is 0.0246, which is calculated based on 60%SPR.

The SSC made the determination of the CV of the OFL by considering the nine factors identified in the recently proposed OFL CV framework. The SSC's evaluations of each criterion were as follows:

1. Data quality (moderate uncertainty): The NEFSC spring survey covers a wide range of the Spiny Dogfish distribution and is considered reasonably representative of Spiny Dogfish population changes; however, discard mortality, age, and growth data are of high uncertainty with ageing data not used in the assessment.
2. Model identification process (moderate uncertainty): The assessment uses a single model within which many parameter sensitivities have been explored. The assessment model used fixed parameters in the Stock-Recruitment (SR) relationship and is sensitive to data weighting to abundance indices.
3. Retrospective adjustment (low uncertainty): The assessment model resulted in low retrospective errors in F and SSB output.
4. Comparison with empirical measures or simpler analyses (100): The management track model using data back to 1924 resulted in similar SSB output, F, and R, as these are from the research track model using data starting from 1989. There is moderate agreement between the SS3 models and the Stochastic Estimator approach.
5. Ecosystem factors accounted (high uncertainty): No formal accounting was made in the assessment for ecosystem factors. Maturity and growth are found to have significant changes and have been included in the assessment, but no factors ("drivers") are identified to interpret the maturity and growth changes.

6. Trend in recruitment (moderate uncertainty): The estimated recruitment over time did show patterns with years of high or low recruitment. However, recruitment in the recent four years (2019-2022) was not lower than the long-term average, and projections are not likely to need additional consideration of changes in recruitment.
7. Prediction error (high uncertainty): No estimate of prediction error was available.
8. Assessment accuracy under different fishing pressures (low uncertainty): The data should be informative about fishing mortality rates and biomass because fishing mortality has been relatively high from 1960-2000.
9. MSE Simulations (N/A): No MSE simulations have been performed for Spiny Dogfish.

Based on these criteria, the SSC recommended an OFL CV of 100%.

The updated 2023 Spiny Dogfish management track assessment estimated an OFL of 7,818 mt for 2024 fishing year, 7,970 mt for 2025, and 8,112 mt for 2026.

- 3) *The level of catch (in weight) and the probability of overfishing (P*) associated with the ABC for each requested fishing year based on the traditional approach of varying ABCs in each year. If appropriate, specify interim metrics that can be examined to determine if multi-year specifications need reconsideration prior to their expiration;*

The ABCs were calculated based on a lognormally-distributed OFL with the recommended CV of 100%. The SSC applied the Council’s risk policy and an estimated $SSB_{2024-2026}/SSB_{msy}$ ratio > 1 for all three years. Using these parameters, the P* values and the associated ABCs are as follows:

Year	P*	ABC (mt)
2024	0.456	7,135
2025	0.459	7,312
2026	0.460	7,473

Subject to availability, the SSC will examine the following interim metrics: Spiny Dogfish discard rates, survey abundance trends (size composition, sex ratio, and pup size), average size and sex in commercial landings, agreement between observed and predicted catch and survey forecasts, changes in Canadian landings, and the spatial distributions of catch and survey abundances each year of the specification, to determine if the multiyear ABC recommendations should be reconsidered prior to their expiration.

- 4) *The most significant sources of scientific uncertainty associated with determination of OFL and ABC;*
 - While the model-based assessment is less reliant on individual survey abundance

estimates, further studies on the effects of environmental factors on the availability of dogfish to the survey are recommended.

- The long-term dynamics of Spiny Dogfish are an important guide for structuring harvest scenarios given their life history; current size structure has important implications for informing harvest strategies.
 - The size- and sex-specific selectivity of the fishery landings and discards may change with market conditions and availability. Changes in selectivity have important implications for the definition of exploitable biomass, the estimation of fishing mortality rates, and biological reference points for fishing mortality.
 - Uncertainty in the estimated survival of discarded dogfish is not currently incorporated in the assessment.
 - Application of a fixed stock-recruitment relationship is a source of uncertainty for both reference point estimation and subsequent projections.
 - The current model uses only the NEFSC Spring bottom trawl survey and does not include other surveys (e.g., NEAMAP) in the region. This places heavy reliance on the NEFSC trawl survey, for which concerns over patterns of availability of spiny dogfish have been expressed.
 - The SSC noted changes in the size distribution of mature female dogfish might reflect changes in growth and reductions in stock productivity. There were efforts to include the potential effect of changes in stock productivity in the assessment model, but these efforts remain incomplete.
 - The choice of the likelihood weighting factor, lambda, affected the status determination. The SSC recognizes that the approach taken to select the value of lambda followed reasonable practices, and is supported by the congruence of survey data. However, this does remain a source of uncertainty.
 - The incorporation of early landings and discard data (1924-1961) is required to meet the equilibrium assumptions of the SS3 platform. The uncertainty of these data is not quantifiable but likely substantial.
- 5) *Ecosystem considerations accounted for in the stock assessment, as appropriate, and any additional ecosystem considerations that the SSC considered in selecting the ABC, including the basis for those additional considerations;*
- No ecosystem factors were included in the assessment. No specific, additional ecosystem information was provided to the SSC for consideration in forming its ABC recommendations.
 - No significant changes in spatial shift over time are detected through a VAST analysis.
 - Maturity and growth changed after the 2010s and have been included in the assessment. No factors (“drivers”) are identified that might have caused the maturity and growth changes.
 - Classified as “low climate vulnerability” by Hare et al. (2016).
- 6) *Research or monitoring recommendations that would reduce the scientific uncertainty in the ABC recommendation and/or improve the assessment level;*

Aging

- Consistently collect, process, and age spines of Spiny Dogfish to understand growth and growth changes over time, and support future age-based assessments. This should include additional age validation and age structure exchanges.
- An aging workshop for Spiny Dogfish, including participation by NEFSC, Canada DFO, other interested state agencies, academia, and other international investigators with an interest in dogfish aging (US and Canada Pacific Coast, ICES) would be useful. The SSC supports the availability of new, short-term funding to support the aging.

Survey Abundances and Distribution

- Continue exploration into the spatial distribution of Spiny Dogfish (e.g., off-shelf abundance).
 - Investigate the distribution of Spiny Dogfish beyond the depth range of current NEFSC trawl surveys, possibly by using experimental research or supplemental surveys.
 - Continue exploring VAST models and other spatial approaches.
- Continue large-scale (international) tagging programs, including conventional external tags, data storage tags, and satellite pop-up tags, to help clarify movement patterns and migration rates. These studies could also provide estimates of growth and mortality, independent of age-based work. Tagging estimates could also be integrated into SS3 models if sufficient data are available.
- Explore the use of other survey abundance indices and fishery catch rate that may inform either YOY or larger Spiny Dogfish estimates in the assessment model.

Catch and Discard

- Conduct directed studies that estimate discard mortality rates for Spiny Dogfish by commercial and recreational harvesting gear type.
- Explore the adequacy of current estimates of size and sex composition of commercial catches. This may require expansion of current port sampling efforts.

Modeling

- Further explore the sensitivity of the SS3 model parameterization and configuration.
 - We encourage more thought about using non-equilibrium starting points in the SS3 modeling framework when historical catch data are uncertain.
- Develop state-space models that can incorporate process error.

Ecosystem Effects

- Investigate the role of ecosystem drivers to explain the decline in maturity and other life history parameters over time.
- Investigate datasets enumerating the abundance or diet of known Spiny Dogfish predators for insight into natural mortality rates.

7) *The materials considered by the SSC in reaching its recommendations;*

- [SSC Terms of Reference for Spiny Dogfish](#)
- [Staff Memo: 2024-2026 Spiny Dogfish ABC Recommendations](#)
- [2024-2026 OFL/ABC Stock Projections](#)
- [Draft Spiny Dogfish OFL CV Decision Criteria Summary Table](#)
- [2023 Spiny Dogfish Management Track Assessment Report](#)
- [Stock Synthesis for Spiny Dogfish Report](#)
- [Fall 2023 Management Track Assessment Peer Review Panel Summary Report](#)
- [2022 Spiny Dogfish Research Track Assessment Report](#)
- [2023 Spiny Dogfish Advisory Panel Fishery Performance Report](#)
- [2023 Spiny Dogfish Fishery Information Document](#)
- Hare JA, Morrison WE, Nelson MW, Stachura MM, Teeters EJ, Griffis RB, et al. (2016) A Vulnerability Assessment of Fish and Invertebrates to Climate Change on the Northeast U.S. Continental Shelf. PLoS ONE 11(2): e0146756. <https://doi.org/10.1371/journal.pone.0146756>

8) *A conclusion that the recommendations provided by the SSC are based on scientific information the SSC believes meets the applicable National Standard guidelines for best scientific information available.*

The SSC believes that the recommendations provided are based on scientific information that meets the applicable National Standard guidelines for best scientific information available.

Attachment 1:



Mid-Atlantic Fishery Management Council

Scientific and Statistical Committee Meeting

October 30, 2023 via Webinar

Webinar Information

Link: [Click here to join the October 30, 2023 SSC meeting](#)

Call-in Number: 1-415-655-0001

Access Code: 2338 120 4231; Password: n3ZtYUc7nz3

AGENDA

10:00 Welcome/Overview of meeting agenda (P. Rago)

10:05 Review of Atlantic Mackerel ABC recommendations for the 2024-2025 fishing years

- Overview of the 2023 management track assessment results and updated stock projections (K. Curti, NEFSC)
- Review staff memo and recommendations (J. Didden)
- 2024-2025 SSC ABC recommendations

12:30 Lunch

1:30 Spiny Dogfish ABC specifications for the 2024-2026 fishing years

- Overview of 2023 management track assessment results (D. Hart, NEFSC)
- Review staff memo and 2024-2026 ABC recommendations (J. Didden)
- 2024-2026 SSC ABC recommendations (Y. Jiao)

3:00 Break

3:15 Continue Spiny Dogfish 2024-2026 ABC recommendations

4:30 Adjourn

Note: agenda topic times are approximate and subject to change

Attachment 2:

MAFMC Scientific and Statistical Committee

October 30, 2023

Meeting Attendance

<u>Name</u>	<u>Affiliation</u>
Paul Rago (SSC Chairman)	NOAA Fisheries (retired)
Tom Miller	University of Maryland – CBL
Ed Houde	University of Maryland – CBL (emeritus)
John Boreman	NOAA Fisheries (retired)
Jorge Holzer	University of Maryland
Yan Jiao	Virginia Tech University
Sarah Gaichas	NOAA Fisheries NEFSC
Wendy Gabriel	NOAA Fisheries (retired)
Cynthia Jones	Old Dominion University
Geret DePiper	NOAA Fisheries NEFSC
Andrew Scheld	Virginia Institute of Marine Sciences
Mark Holliday	NOAA Fisheries (retired)
Olaf Jensen	U. of Wisconsin-Madison
Gavin Fay	U. Massachusetts-Dartmouth
Michael Frisk	Stony Brook University
Brian Rothschild	U. Massachusetts-Dartmouth
Michael Wilberg (SSC Vice Chairman)	University of Maryland – CBL
Alexei Sharov	Maryland Dept. of Natural Resources

Others in attendance (only includes presenters and members of public who spoke):

Jason Didden	MAFMC staff
Brandon Muffley	MAFMC staff
Kiersten Curti	NEFSC
Dvora Hart	NEFSC
John Whiteside	Sustainable Fisheries Association
Han Chang	NEFSC
Jeff Young	Advanced New Technologies
Jared Auerbach	Red's Best
Pierre Julliard	Seatrade Inc.
Michael Pierdinock	Stellwagen Bank Charter Boat Assoc.
Jack Patrican	
Dennis Salutty	Quality Custom Packing

Attachment 3:

OFL CV Decision Table Criteria (updated June 2020)

Decision Criteria	Default OFL CV=60%	Default OFL CV=100%	Default OFL CV=150%
Data quality	One or more synoptic surveys over stock area for multiple years. High quality monitoring of landings size and age composition. Long term, precise monitoring of discards. Landings estimates highly accurate.	Low precision synoptic surveys or one or more regional surveys which lack coherency in trend. Age and/or length data available with uncertain quality. Lacking or imprecise discard estimates. Moderate accuracy of landings estimates.	No reliable abundance indices. Catch estimates are unreliable. No age and/or length data available or highly uncertain. Natural mortality rates are unknown or suspected to be highly variable. Incomplete or highly uncertain landings estimates.
Model appropriateness and identification process	Multiple differently structured models agree on outputs; many sensitivities explored. Model appropriately captures/considers species life history and spatial/stock structure.	Single model structure with many parameter sensitivities explored. Moderate agreement among different model runs indicating low sensitivities of model results to specific parameterization.	Highly divergent outputs from multiple models or no exploration of alternative model structures or sensitivities.
Retrospective analysis	Minor retrospective patterns.	Moderate retrospective patterns.	No retrospective analysis or severe retrospective patterns.
Comparison with empirical measures or simpler analyses	Assessment biomass and/or fishing mortality estimates compare favorably with empirical estimates.	Moderate agreement between assessment estimates and empirical estimates or simpler analyses.	Estimates of scale are difficult to reconcile and/or no empirical estimates.
Ecosystem factors accounted	Assessment considered habitat and ecosystem effects on stock productivity, distribution, mortality and quantitatively included appropriate factors reducing uncertainty in short term predictions. Evidence outside the assessment suggests that ecosystem productivity and habitat quality are stable. Comparable species in the region have synchronous production characteristics and stable short-term predictions. Climate vulnerability analysis suggests low risk of change in productivity due to changing climate.	Assessment considered habitat/ecosystem factors but did not demonstrate either reduced or inflated short-term prediction uncertainty based on these factors. Evidence outside the assessment suggests that ecosystem productivity and habitat quality are variable, with mixed productivity and uncertainty signals among comparable species in the region. Climate vulnerability analysis suggests moderate risk of change in productivity from changing climate.	Assessment either demonstrated that including appropriate ecosystem/habitat factors increases short-term prediction uncertainty, or did not consider habitat and ecosystem factors. Evidence outside the assessment suggests that ecosystem productivity and habitat quality are variable and 16egradeng. Comparable species in the region have high uncertainty in short term predictions. Climate vulnerability analysis suggests high risk of changing productivity from changing climate.
Trend in recruitment	Consistent recruitment pattern with no trend.	Moderate levels of recruitment variability or modest consistency in pattern or trends. OFL estimates adjusted for recent trends in recruitment. OFL estimate appropriately accounted for recent trends in recruitment.	Recruitment pattern highly inconsistent and variable. Recruitment trend not considered or no recruitment estimate.

Prediction error	Low estimate of recent prediction error.	Moderate estimate of recent prediction error.	High or no estimate of recent prediction error.
Assessment accuracy under different fishing pressures	High degree of contrast in landings and surveys with apparent response in indices to changes in removals. Fishing mortality at levels expected to influence population dynamics in recent years.	Moderate agreement in the surveys to changes in catches. Observed moderate fishing mortality in fishery (i.e., lack of high fishing mortality in recent years).	Relatively little change in surveys or catches over time. Low precision of estimates. Low fishing mortality in recent years. "One-way" trips for production models.
Simulation analysis/MSE	Can be used to evaluate different combinations of uncertainties and indicate the most appropriate OFL CV for a particular stock assessment.		

Attachment 4: Glossary (cumulative from previous SSC reports)

AA—Area Allocation Approach
ABC—Acceptable Biological Catch
ACCSP—Atlantic Coastal Cooperative Statistics Program
AGEPRO—Age Projection Software
APAIS—Access Point Angler Intercept Survey
ASMFC—Atlantic States Marine Fisheries Commission
 B_{msy} —Biomass at Maximum Sustainable Yield
 B_0 —Biomass at Zero Fishing
CAMS—Catch Accounting and Monitoring System
CCC—Council Coordination Committee
CIE—Center for Independent Experts
CPUE—Catch Per Unit Effort (Catch=Landings+ Discards)
CV—Coefficient of Variation
DFO—Department of Fisheries and Oceans, Canada
EAFM—Ecosystem Approaches to Fisheries Management
ESP—Ecosystem and Socio-economic Profiles
 F_{msy} —Fishing Mortality at Maximum Sustainable Yield
 $F_{rebuild}$ —Fishing Mortality associated with Stock Rebuilding Plan
FSV—Fishery Survey Vessel
FMAT—Fishery Management Action Team
GARFO—Greater Atlantic Region Fisheries Office
HCR—Harvest Control Rule
GRA—Gear Restricted Area
LPUE—Landings per Unit Effort
M—Instantaneous Rate of Natural Mortality
MRIP—Marine Recreational Information Program
MTA—Management Track Assessment
MSE—Management Strategy Evaluation
NEFSC—Northeast Fisheries Science Center
NRHA—Northeast Regional Habitat Assessment
OFL—Overfishing Limit
P*—Probability of Overfishing
PSE—Proportional Standard Error
RDM—Recreational Demand Model
RHL—Recreational Harvest Limit
RMSP—Recreational Measures Setting Process
RTA—Research Track Assessment
R/V—Research Vessel
SCS—Scientific Coordination Subcommittee
SEDAR—Southeast Data, Assessment, and Review
SPR—Spawner Per Recruit
SS3—Stock Synthesis 3

SSB_{msy}—Spawning Stock Biomass at Maximum Sustainable Yield
SSC—Scientific and Statistical Committee
TAILWINDS Team for Assessing Impacts to Living Resources from Offshore
WIND turbineS
UTID—Universal Trip Identifier
VAST—Vector Autoregressive Spatio-Temporal
WHAM—Woods Hole Assessment Model

Attachment 5:

OFL CV Decision Criteria Table for Spiny Dogfish – Oct. 2023

Decision Criteria	Summary of Decision Criteria Considerations	Assigned OFL CV Bin (60/100/150)
<p>Data quality</p>	<p>Surveys</p> <ul style="list-style-type: none"> ● Three fishery-independent surveys are available and used: NEFSC spring bottom trawl offshore Yankee 36 (1968-1972), Yankee 41 (1973-1981), and NEFSC spring bottom trawl (inshore + offshore survey, Albatross -Biglow 1982-2022) data are available for all years (except 2014 and 2020 Bigelow) in the assessment. ● NEFSC fall bottom trawl (inshore + offshore survey, Albatross - Biglow 1982-2022) and regional surveys such as NEAMAP, MSDMF, and ME-NH trawl surveys are not used in Management Track model tuning. There were sensitivity runs in the Research Track but not comparable with the base run because the data weighting was not comparable. No update on these sensitivity runs was provided in the management track assessment report. <p>Landings and discards</p> <ul style="list-style-type: none"> ● Age data are of high uncertainty and not used in the model ● Discard uncertainty is high, such as extrapolating pre-1989 and low trip coverages in the 1990s. ● Discarding estimation in recent years have been more precise ● Discard mortalities from recreational and commercial (otter trawl, sink gillnet, scallop dredge, and longline) fisheries are based on assumptions in NEFSC 2006 (43rd SAW), which was not based on direct studies on spiny dogfish. <p>Life history data</p> <ul style="list-style-type: none"> ● Growth data is treated as uncertain and not used; Nammack (1985) growth parameters were used 1924-2011, whereas L_{∞} was estimated from model for 2012-2022. 	<p>100</p>
<p>Model appropriateness and identification process</p>	<ul style="list-style-type: none"> ● A sex-specific age-structured model fitting to length frequency data implemented in Stock Synthesis version 3.30.21 (SS3). ● Catch is modelled as 2 fleets: sink gillnet+recreational+others, longline+ottertrawl+foreign. ● Discards are modelled as 3 fleets: sink gillnet+scallop dredge, large mesh otter trawl+longline+recreational, small mesh otter trawl ● Life history time blocks (2) used to address the changes in growth and maturity. ● Selectivity blocks used in all the catch and discard fleets. ● Spawner stock-recruitment (SR) relationship was based on a survivorship configuration with Z_{frac}, β and σ_R estimated outside of the model. ● Biological reference points were updated in the 2023 management track assessment. SSB biological reference points are sensitive to SR parameter assumptions, though a major driver for the drop in SSB is 	<p>100</p>

	<p>due to a correction to the estimation procedure, which currently occurs within SS3 but was estimated externally, and incorrectly using a higher productivity, within the Research Track assessment.</p> <ul style="list-style-type: none"> ● Model results are sensitive to data weighting of the survey indices, which are upweighted with respect to other model components. The weighting is selected to bridge the catchability across Albatross and Bigelow survey stanzas, and effectively downweights the length frequency data. ● Extension of management track time series back to 1924 necessitates the use of more variable catch estimates but more closely aligns the model with theoretical underpinnings of an equilibrium starting state. Ultimately, the consistency across the Research Track and Management Track results indicates some robustness to this extension. 	
Retrospective analysis	<ul style="list-style-type: none"> ● Persistent retrospective patterns were identified in the most recent model but minor, with low retrospective errors in F and SSB output. 	60
Comparison with empirical measures or simpler analyses	<ul style="list-style-type: none"> ● The research track assessment included a comparison with the Stochastic Estimator (swept area) biomass. The descriptions of historical population dynamics from the two approaches are different with respect to both magnitude and variability. The survey weighting ultimately utilized brought results between the two more closely in line. ● A few other simpler analyses were provided in the research track review, including DCAC, DB-SRA, and Ismooth. They either don't show stock status or show different stock status. ● The management track assessment extended the data back to 1924 (compared to 1989 in the research track assessment). The results are consistent in SSB and F trends but not in SSB_{msy} ($SSB_{60\% SPR}$) output. SSB biological reference points are sensitive to SR parameter assumptions, though a major driver for the drop in SSB is due to a correction to the estimation procedure, which currently occurs within SS3 but was estimated externally, and incorrectly using a higher productivity, within the Research Track assessment. 	100
Ecosystem factors accounted	<ul style="list-style-type: none"> ● No ecosystem factors were included in the assessment. ● No significant changes in spatial shift over time are detected through a VAST analysis. Maturity and growth are found to have changed after the 2010s and have been included in the assessment. No factors ("driver") are identified to cause the maturity and growth changes. ● Classified as "low climate vulnerability" by Hare et al. (2016). 	150
Trend in recruitment	<ul style="list-style-type: none"> ● There are no SR relationship changes modeled or detected. The survivorship SR relationship, including the variance of recruitment, is fixed in the SS3 model. ● The estimated recruitment over time did show patterns with years of high or low recruitment. However, recruitment in the recent 4 years (2019-2022) was not lower than long term average, and projections are not likely to need additional consideration of changes in recruitment. 	100
Prediction error	<ul style="list-style-type: none"> ● No forecast error plots provided. 	150

	<ul style="list-style-type: none"> • This is the first structured stochastic dynamic model. It may take some years to be validated. • The model results are sensitive to SR assumption and survey data weighting. 	
Assessment accuracy under different fishing pressures	<ul style="list-style-type: none"> • Fishing mortality has been relatively high from 1960-2000, so the data should be informative about fishing mortality rates and biomass. 	60
Simulation analysis/MSE	<ul style="list-style-type: none"> • No MSE-type analyses were conducted. 	n/a



MEMORANDUM

DATE: November 13, 2023
TO: Cate O’Keefe, NEFMC Executive Director
Chris Moore, MAFMC Executive Director
FROM: NEFMC and MAFMC Scientific and Statistical Committee Subpanel
SUBJECT: Essential Fish Habitat and Habitat Areas of Particular Concern Designation Methods

Terms of Reference:

A subpanel composed of NEFMC and MAFMC Scientific and Statistical Committee (SSC) members met on September 29, 2023, via webinar to address the following terms of reference (TORs):

1. Principles applied to improving EFH and HAPC designations:
 - a. Are the Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) designation principles clear and complete?
 - b. Is there an expectation that applying these principles (with available information) will lead to improvement (over the last iteration) for the EFH/HAPC designations that are developed to support the NOAA/Council EFH consultation process? Improvement should be evaluated in terms of clarity and usability for EFH consultations, as well as modernization to utilize more recent data and methods to better estimate “true” underlying patterns of habitat use (to the extent they are understood).
2. Methods for developing EFH text and map descriptions including application of model-based approaches (Are we working with limited information in a reasonable way?)
 - a. Habitat Models Fitted to Federal Survey Data (offshore areas): Are overall modeling approaches, and the translation of model predictions to offshore EFH maps based on reasonable assumptions and/or choices with respect to:
 - i. Spatial and temporal domain, resolution, gridding, and aggregation schemes?
 - ii. Suite of environmental predictors and data sources?
 - iii. Measures of performance and uncertainty, and minimum acceptable criteria?
 - iv. Methods/thresholds for delineation of essential habitat bounds?
 - b. Consideration of Additional Data Elements Including State and Regional Surveys (inshore areas): For inshore areas where model-based predictions are not available (or extrapolations may not be reliable), are the approaches for employing

- additional quantitative survey data to inform EFH maps reasonable? (e.g., methods for aggregating disparate regional or state-level surveys, choice of quantiles for mapping, etc.)?
- c. Has a reasonable approach been taken to create a single map that integrates inshore, offshore, and other supplementary information sources? Other information sources could include primary literature, reports, commercial or recreational catches, etc.
 - d. Are the text descriptions clear, informative, and inclusive of information on all life stages, species movement, and connectivity between life stages (using data and literature sources)?
3. Are the approaches to identifying HAPC, based on Species and Habitat Climate Vulnerability or Core Habitat Areas, reasonable given the information available?
 4. Recommend future enhancements for EFH and HAPC designations noting whether each is an immediate need or a longer-term project.

Purpose: The subpanel was charged with evaluating the current results and summary products of the Northeast Regional Fish Habitat Assessment (NRHA). The NRHA project team consists of members of the NEFMC, MAFMC, NOAA Fisheries, and other organizations. Since the last SSC subpanel review of NRHA products (June 2022), the project team has worked to apply the models, analyses, and other assessment products developed in the previous iteration to theoretical EFH and HAPC designations. The subpanel was tasked to provide expert review of the proposed methods, including draft EFH/HAPC designations for a pilot suite of species, before the methods are applied by the project team to a broader range of species.

SSC subpanel members in attendance: John Boreman, Jeremy Collie, Ed Houde, Yan Jiao, Conor McManus (Chair), and Sam Truesdell.

Documents: To address these TORs, the subpanel considered the following information:

1. Presentation: EFH and HAPC designation methods
2. Modeling paper (Hui et al. 2023 - <https://doi.org/10.1111/2041-210X.14184>)
3. EFH principles and decision points, including modeling and mapping methods
4. Revised text and map designations for red hake, bluefish, shortfin squid, and summer flounder
5. Joint SSC subpanel NRHA review report – June 1, 2022
6. NRHA summary report NRHA
Data Explorer: <https://nrha.shinyapps.io/dataexplorer/#/>

The subpanel were provided with presentations from the project team outlining background on the NRHA efforts, EFH and HAPC definitions, technical and modeling work conducted, application of that work to species, and areas where future work and research can or should be continued. Overall, the subpanel believed the project team made substantial improvements since the previous review. However, the subpanel did not feel there was adequate time to thoroughly address each of the TORs. Future iterations of review may consider greater time allotments for the peer-review. Comments specific to TORs are provided below.

Responses to TORs:

1. *Principles applied to improving EFH and HAPC designations:*
 - a. *Are the Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) designation principles clear and complete?*
 - b. *Is there an expectation that applying these principles (with available information) will lead to improvement (over the last iteration) for the EFH/HAPC designations that are developed to support the NOAA/Council EFH consultation process? Improvement should be evaluated in terms of clarity and usability for EFH consultations, as well as modernization to utilize more recent data and methods to better estimate “true” underlying patterns of habitat use (to the extent they are understood).*

The subpanel noted a significant need to better define EFH and HAPC. Specifically, within the definitions, there must be stronger specification (e.g., how one defines ‘rarity’ or ‘sensitivity’). The subpanel also questioned how elements such as uncertainty (e.g., CVs) are incorporated into these definitions, and cautioned using probability of occurrence as it potentially can provide biased insight. With designations moving from place-based HAPC toward core areas of the species, the subpanel suggested using quantiles of probability of occurrence to fine-tune the HAPC definitions. The subpanel agreed that the project team’s information has been substantially improved, but the principles could benefit from further clarification.

2. *Methods for developing EFH text and map descriptions including application of model-based approaches (Are we working with limited information in a reasonable way?)*
 - a. *Habitat Models Fitted to Federal Survey Data (offshore areas): Are overall modeling approaches, and the translation of model predictions to offshore EFH maps based on reasonable assumptions and/or choices with respect to:*
 - i. *Spatial and temporal domain, resolution, gridding, and aggregation schemes?*
 - ii. *Suite of environmental predictors and data sources?*
 - iii. *Measures of performance and uncertainty, and minimum acceptable criteria?*
 - iv. *Methods/thresholds for delineation of essential habitat bounds?*
 - b. *Consideration of Additional Data Elements Including State and Regional Surveys (inshore areas): For inshore areas where model-based predictions are not available (or extrapolations may not be reliable), are the approaches for employing additional quantitative survey data to inform EFH maps reasonable? (e.g., methods for aggregating disparate regional or state-level surveys, choice of quantiles for mapping, etc.)?*
 - c. *Has a reasonable approach been taken to create a single map that integrates inshore, offshore, and other supplementary information sources? Other information sources could include primary literature, reports, commercial or recreational catches, etc.*

- d. *Are the text descriptions clear, informative, and inclusive of information on all life stages, species movement, and connectivity between life stages (using data and literature sources)?*

The subpanel queried the project team with respect to the spatial resolution for informing the modeling, and the degree to which increasing spatial resolution from 10-minute squares to 1-km grids in fact improves the utility of this tool for action or consultation. The project team indicated that the finer grid now supports addressing finer-scale features that are necessary to account for unique ecosystem attributes, and meets the needs of spatial management discussions currently taking place. The subpanel noted that finer spatial scale will likely lead to greater uncertainty in predictions; the project team indicated that loss of finer scale comes with greater uncertainty more in the temporal scale than spatial scale. The subpanel indicated it would be desirable to use an equal-area grid as opposed to 0.01 degree resolution, which varies by latitude, which can be accomplished with the analytical tools currently being used by the project team.

The subpanel also asked about the degree to which important habitat variables are not currently accounted for in the models (e.g., predators, benthic habitat data, climate oscillations). The project team indicated that final selection of variables was attributed to several factors: (i) whether the data of interest for inclusion exist consistently over space and time, (ii) are already incorporated indirectly via other covariates (i.e., through other independent variables or the co-varying of species), (iii) risk of over-parameterizing the models. The subpanel suggested an analysis that looks at total area occupied or core area at several probability-of-occurrence thresholds to understand sensitivities of model output in defining core habitat areas. The subpanel noted that the project team's current framework does not allow for other survey data types to be incorporated, which may inhibit including other species or life stages in the modeling component of the assessment. The subpanel noted that nearshore trawl survey data resulting from programs like NEAMAP and state surveys would be important for inclusion in these modeling endeavors, if the team were able to include such surveys. While other trawl survey information could perhaps be incorporated, other classes of survey data (e.g., fixed gear surveys) could be more problematic. The subpanel also highlighted the large volume of larval-stage data from various monitoring efforts that could be integrated in the non-modeling framework (including power plant and the NOAA Ecosystem Monitoring Survey data). The project team recognized the potential for these data to identify spawning and rearing habitats but did not believe it was presently feasible to include such early-life-stage data in their work. The subpanel also noted the absence of fisheries-dependent data, which can be insightful for species distribution modeling as well. Spatial and temporal biases in sampling can also be problematic; areas not sampled or time periods missed might suggest that those areas or periods lack importance for species, when in reality the results can simply be an artifact of the survey design. The project team posed some ways to consider this question, particularly with respect to how connectivity between life stages and movement patterns can be better represented.

3. *Are the approaches to identifying HAPC, based on Species and Habitat Climate Vulnerability or Core Habitat Areas, reasonable given the information available?*

The subpanel reiterated the need to reduce ambiguity regarding the definitions and differences between HAPC and EFH, and that it would be useful to include an element that addresses HAPC explicitly. It is critical that the definitions of location-based and habitat-based EFH and HAPC are consistent among councils; further national guidance from NOAA may be beneficial in meeting this need. The project team noted the different examples of inconsistencies in definitions that exist in the New England and Mid-Atlantic regions. The subpanel recommended having core habitat be represented by distinct metrics (e.g., maximum probability).

4. Recommend future enhancements for EFH and HAPC designations noting whether each is an immediate need or a longer-term project.

The subpanel discussed the utility of the modeling efforts to identify how species distributions will shift or change, particularly at the leading edges of current species footprints. The subpanel also discussed the fact that the project team's models are based on hind-cast information, with the predictions being used to then guide future EFH or HAPC designations. Accordingly, the subpanel discussed how model outputs could be used to best indicate future habitat requirements. A suggestion was made to use forecasted environmental data to inform future habitat guidance; however, the project team cautioned against that approach based on multiple reasons, including availability of forecast data at relevant spatiotemporal scales and the uncertainty in those projections for application in a legally binding framework. An alternative approach discussed was to assign higher weight to more recent years' model outputs when averaging the hindcast years' modeled data to provide more contemporary predictions. To support contemporary predictions of habitat use, the subpanel affirms the importance of continuing and strengthening spatial sampling and survey programs. The subpanel also discussed the importance of addressing data-poor or infrequently observed species for modeling, but did not provide immediate guidance or criteria for defining a data-poor taxa. The subpanel stressed the importance of communication with other fishery management councils that are pursuing similar work (e.g., NPFMC).



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

M E M O R A N D U M

Date: December 1, 2023
To: Council
From: Chris Moore, Executive Director
Subject: Executive Director's Report

The following materials are enclosed for review during the Executive Director's Report at the December 2023 Council Meeting:

1. 2025 Council Meeting Schedule
2. MAFMC Fishery Management Process Analysis Update
3. East Coast Climate Coordination Group Meeting Agenda (11/7/23)
4. NRCC Fall Meeting Action Items
5. Massachusetts DMF Letter to ASMFC Re: Port Sampling
6. NTAP Working Group Meeting Minutes (11/16/23)
7. Council Coordination Committee October 2023 Meeting Summary
8. NOAA Fisheries Letter to the Councils: IRA Funding (10/25/23)
9. New York Bight Developer's Digest
10. Staff Memo: NOAA Fisheries 304(f) Procedural Directive
11. MAFMC to NMFS: Comments on 304(f) Procedural Directive (11/17/23)



2025 Council Meeting Schedule

(As of November 13, 2023)

February 11-12, 2025	<i>(Virtual meeting)</i>
April 8 – 10, 2025	
June 10 – 12, 2025* (Last meeting for outgoing members)	
August 11 – 14, 2025* (New members sworn in on first day)	
October 7 – 9, 2025	
December 8 – 11, 2025	

Efficiencies Analysis of the Mid-Atlantic Fishery Management Process December 2023

OBJECTIVE

Climate change is driving fishery management organizations to focus on ensuring adaptability and efficiency in the regulatory development process. Despite uncertainty surrounding the impacts of a changing climate, managers will need to be efficient in response to unpredicted and unprecedented shifts in fishery stocks, new environmental analyses, and stakeholder requests for regulatory changes. In support of this, the Mid-Atlantic Fishery Management Council (MAFMC) is looking for ways to improve its mission delivery, internal processes, and stakeholder engagement. To that end, MAFMC has partnered with The Parnin Group to review and identify potential ways to improve the process of developing federal fisheries management regulations, particularly regarding responsiveness to climate change and fisheries-related challenges. Our Team will focus on identifying opportunities for improving the efficiency and adaptability of these processes, from early consideration of fishery management issues, incorporating new information, up to the proposed and final rulemaking stages, such that management responses to changing conditions can be completed in an expedient manner. Ultimately, we will prepare a final report that documents the current fishery management process, highlights areas within programs, policies, and practices that contribute to bottlenecks or inefficiencies during development of an action and provide recommendations to potentially improve the process.

METHOD OF TECHNICAL ANALYSIS

For this review, we will leverage comprehensive data collection and analysis techniques, including individual and group interviews. As a result, our recommendations will be practical, sustainable, and adaptable. There are three phases to the project:

Discover - Gain an understanding of the current picture by examining policies, processes, and practices. Establish a system of collaboration and feedback when collecting information and preparing insights.

Assess - Identify key drivers of inefficiencies and improvements from data and information collected in prior phase. Link key drivers to specific challenges and identify trends to paint a total picture of the organization and its processes.

Recommend - Collaborate with key stakeholders to identify potential solutions and/or actions to improve current systems. Develop a detailed implementation roadmap, success metrics, and goals for our recommendations, including ways to monitor progress.

TIMELINE AND FINAL REPORT

MAFMC staff developed an Oversight Team that includes MAFMC staff and National Oceanic and Atmospheric Administration (NOAA) Fisheries staff to help guide our work and provide feedback on progress. A timeline with milestones to complete this project is below.

- 1) Discover (NOV-FEB)
 - i) Background research and process document reviews
 - ii) Focus Group interviews with MAFMC Stakeholders
 - iii) Individual interviews with MAFMC Stakeholders
- 2) Assess (FEB-APR)
 - i) Process and gap analysis
 - ii) Interview themes and findings review
 - iii) Preliminary findings report and MAFMC Oversight Team feedback
 - iv) Provide Preliminary Findings report for April 2024 Council meeting
- 3) Recommend (MAY-JUL)
 - i) Draft Report and Recommendations
 - ii) MAFMC Oversight Team feedback
 - iii) Final Report and Recommendations for MAFMC (July 31, 2024)
 - iv) Provide Final Report Presentation at August 2024 Council meeting

OUR EXPERIENCE

[The Parnin Group](#) assembled a team of experts with relevant experience to lead and assist in this endeavor. Along with our partner [Lynker](#) Corporation we bring comprehensive experience in fisheries management, environmental science, policy development and regulatory compliance. The Parnin Group provides business, management, and technology consulting services to leaders in government, non-profit and private sectors, helping them to address complex issues and create efficiencies in their organizations. Lynker has provided a wide array of services to the NOAA since 2007 including project management, fisheries program support and improvement, regulatory writing/guidance as well as fishery data compilation and analyses. In addition to our direct experience, our team has extensive knowledge of federal laws and regulations, including the Magnuson-Stevens Act, National Environmental Policy Act, Administrative Procedures Act, Endangered Species Act, Marine Mammal Protection Act and relevant Executive Orders. We understand the regulatory development process and the unique role Regional Fishery Management Councils play to support partnerships between their respective NOAA regional offices, science centers, fishing industry and other stakeholders to create and amend regulations.

EAST COAST CLIMATE COORDINATION GROUP

2023 FALL MEETING AGENDA

Beauport Hotel, 55 Commercial Street, Gloucester MA and [Webinar](#)

Tuesday, November 7, 2023

Robert E. Beal – Executive Director, ASMFC	Cate O’Keefe, Ph.D. – Executive Director, NEFMC
John Carmichael – Executive Director, SAFMC	Clay E. Porch, Ph.D. – Science and Research Director, SEFSC
Jon Hare, Ph.D. - Science and Research Director, NEFSC	Michael Pentony – Regional Administrator, GARFO
Christopher Moore, Ph.D. – Executive Director, MAFMC	Andrew Strelcheck – Regional Administrator, SERO

1:00 p.m. – 1:10 p.m.

1. Welcome, Introductions, Announcements

1:10 p.m. – 2:00 p.m.

2. Review process up to this point

- Description of [Action Menu](#)
- Develop clear distinction between Coordination Group and Core Team
 - [Proposed East Coast Climate Core Team: Role and Operations](#)

2:00 p.m. – 2:45 p.m.

3. Develop Organizational Structure of the process

- Charter development
 - [Draft Charter Outline](#)
- Process logistics
 - Who should chair?
 - Frequency of meetings (in-person or virtual)

2:45 p.m. – 3:00 p.m. BREAK

3:00 p.m. – 5:00 p.m.

4. Discuss Potential Actions and IRA Funding Opportunity

- Potential Council priority actions for 2024
 - [Core Team Recommendations for 2024 Coordinated Priorities from Scenario Planning](#)
 - [Potential Action Menu](#)
- Office of Sustainable Fisheries [Inflation Reduction Act](#) funding proposal process

Color code key:
ASMFC MAFMC
NEFMC NEFSC
GARFO NRCC

NRCC Fall 2023 Meeting: Action Items

November 8-9, 2023

Gloucester, MA

1. Identifying and Evaluating Survey Challenges for MSE
Lead: **MAFMC**, **NEFMC**
Appointees needed: N/A
Next step(s): MAFMC, NEFMC, and ASMFC will reach out to Mike Pentony and Jon Hare with questions on how the agency would use the outcomes of this project. This will help inform proposals for IRA funding.
Due date(s): As soon as possible. Initial IRA proposals are due by the end of December.
2. Email Outreach for Greater Atlantic Region Reporting Requirements
Lead: **GARFO**
Appointees needed: N/A
Next step(s): GARFO will look into drafting an email to permit holders that summarizes reporting requirements in the region.
Due date(s): End of January 2024.
3. Did Not Fish Reports
Lead: **GARFO**
Appointees needed: N/A
Next step(s): GARFO will report to the NRCC on what led to the removal of Did not Fish Reports, what has changed since then, what the value would be of reinstating the reports, and the potential burden to the industry, agency, and Councils.
Due date(s): Spring 2024 NRCC meeting
4. Blueline Tilefish Research Track Assessment Issue
Lead: **NEFSC**, **SEFSC**
Appointees needed: N/A
Next step(s): NEFSC staff will confer with GARFO and MAFMC on management expectations and then will meet with SEFSC to come up with an understanding/proposal of how to address the blueline tilefish assessment issue. The cobia assessment may be an example. The NEFSC will report back to NRCC.
Due date(s): Spring 2024 NRCC meeting
5. Research Track Process and Timeline
Lead: **NEFSC**
Appointees needed: N/A
Next step(s): NEFSC will document the research track process, including the assessment working group and the schedule to meet 2028 RT objectives.
Due date(s): Spring 2024 NRCC meeting
6. Convene Research Track Steering Committee

Lead: NEFSC
Appointees needed: N/A
Next Step(s): Convene meeting
Due Date: Early 2024

6. Operating Agreements

Lead: **MAFMC**, **NEFMC**, **NEFSC**, **GARFO**
Appointees needed: N/A
Next step(s): Follow up on updating operating agreements at the Fall 2024 meeting. This will allow time for the MAFMC to complete their program review and to have more clarity on the new NEPA guidelines.
Due date(s): Fall 2024 Meeting

7. Port Sampling Data

Lead: **NEFSC**
Appointees needed: N/A
Next step(s): NEFSC will follow up with a breakdown summary of port sampling by species (mid-Atlantic vs. New England. vs. Commission species).
Due date(s): ASAP in 2023

8. Port Sampling Program Evaluation

Lead: **NEFSC**, **GARFO**, **ASMFC**, **MAFMC**
Appointees needed: N/A
Next step(s): NEFSC, GARFO, MAFMC, and ASMFC will convene a half-day meeting to conduct evaluation of port sampling program. Outcomes will be reported back to NRCC to review.
Due date(s): Convene meeting in January 2024. Report to NRCC at Spring 2024 NRCC meeting

9. Request update on MRIP transition team for May 2024 NRCC meeting.

Lead: NEFSC, GARFO
Appointees needed: N/A
Next steps: Electronic mail to Evan Howell in OST.
Due dates: ASAP

Spring 2024 Meeting (ASMFC host) –
Location – TBD
Date: May 29-30



The Commonwealth of Massachusetts Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

November 29, 2023

Mr. Robert Beal
Executive Director
Atlantic Marine Fisheries Commission
1050 N. Highland St Suite 200 A-N
Arlington, VA 22201

Dear Bob,

Below is a short description detailing the Division's initiative to fill data gaps created by the declining performance of NOAA fisheries biological port sampling program. We are only in our first sampling quarter and samplers are getting up to speed and relationships with fish dealers are still being made. I expect as we gain more experience and develop the partnership with NEFSC and GARFO things will continue to advance. NOAA Fisheries staff seem to be very pleased with what we have already accomplished and excited to work together in the future.

- **Why MA Division of Marine Fisheries got involved**

Recently through the NEFSC stock assessment process for several northeast and mid-Atlantic federally managed species, it became apparent there was a lack of essential biological samples that are required to support a comprehensive stock assessment. Most notably, due to static funding of the federal biological port sampling program, and the increase in contractor and administration costs, the amount of commercial fishery dependent samples being collected shore-side have reached critically low levels.

Recognizing this paucity of information, MA DMF reallocated NOAA Interjurisdictional (IJ) Funds to our fisheries-dependent sampling team, the Fisheries Research and Monitoring (FRM) project, with the purpose to increase port and sea sampling and provide fishery-related data to inform management and support stock assessments. The funds are now being used to pay for two full-time state employed biologists and associated port and sea sampling expenses. The MA DMF also reprioritized existing FRM personnel duties to coordinate the new sampling initiative.

- **How the state-run port sampling project functions**

It was important to FRM staff that sampling data was going to be collected and stored correctly so that it was useful to end users and be incorporated into federal stock assessments. By working closely with the GARFO Port Biological Sampling Program, and NOAA's Population Dynamics Branch and Science Center

IT Division, a system was developed with not only the intention for MA DMF to contribute biological port sampling data, but for any state with a port sampling project.

Sampling requests are now assigned to MA DMF quarterly by the Population Dynamics Branch scientists via the GARFO Port Biological Sampling Program. This provides targets for FRM staff by species and market category and a “shopping list” for samplers when in the field. All data is collected following federal port sampling protocols and entered into tablets using NOAA’s proprietary software, BLISS. After QA/QC is performed by FRM staff, data is uploaded and housed in the federal port sampling database in state tables that were specifically created by NEFSC IT Division. Biological samples are placed in envelopes provided by NOAA, cataloged using bar codes, and delivered to appropriate labs for ageing.

Access to the federal Vessel Monitoring System (VMS) was obtained to assist FRM staff coordinate vessel offload intercepts and target biological samples from specific statistical areas. Although originally designed for enforcement purposes, it allows project staff to monitor a vessel’s past and real-time location and is essential for an efficient and comprehensive port sampling program. Additionally, FRM were granted access to specific federal fisheries landings datasets and the port sampling data web interface to carry out duties.

Each month, FRM staff attend a Northeast Biosampling eData Collection webinar which is led by NOAA NEFSC IT Division and Population Dynamics staff. This meeting, which includes project leaders using BLISS in the field, as well as NEFSC end-users, allows participants to discuss and troubleshoot software, hardware, and logistical issues. This meeting also allows for project leaders to share strategies for increasing sampling efficiency and brainstorming for enhancing future partnerships.

- **Hurdles to overcome**

Initially, the largest hurdle for MADMF to overcome was having enough staff to do the work. Reallocating NOAA IJ funds allowed for the hiring of samplers, but having project oversight and a dedicated coordinator was equally as important. Having knowledge about the commercial fisheries that land in MA state ports and having connections with vessel owners, captains and shoreside dealers was another hurdle. Luckily, FRM staff have a sound professional rapport with the commercial fishing industry, which allowed the project to be quickly established. This is an advantage of using state biologists over third-party contractors, knowledge, connections, and less turnover in staff.

Collecting port samples for GARFO and NEFSC requires electronic equipment, including tablets, electronic measuring boards, and digital balances. This is a costly setup expenditure when starting a new program. Luckily, the FRM has been investing in electronic technology over the last several years and have the knowledge of how to use and program them. The majority of the FRM owned equipment was compatible with the federal port sampling system and could be used, saving thousands of dollars.

Possibly the largest hurdle when establishing a new state-run port sampling program is outside the state’s control; its support from NEFSC and GARFO. The FRM project has strived to work as independently as possible, but staff requires support from our federal partners weekly. Questions regarding sampling protocols and targets, or IT-related issues with equipment and software initially need to be addressed often, and promptly. If a new model for collecting port samples that includes the state assistance is to be created, inclusion and a commitment of support from the federal partners need to be confirmed. These programs cannot be conducted without their help and oversight.

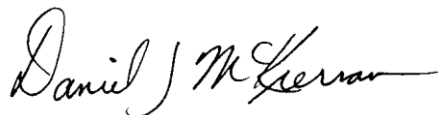
- **Potential for expansion**

The MA DMF port sampling project is based out of Gloucester, MA, which is strategically well located as it is a major port for landing commercially caught finfish. It is also near Boston Harbor, another major port. New Bedford is the third major port in MA and is not currently being port sampled by FRM staff for this project. Logistically it is unfeasible for Gloucester-based samplers to cover this port due to the distance and the unpredictable and irregular schedule that commercial fishing boats maintain. Increasing staff to include an additional New Bedford-based biologist and one part-time sampler would allow FRM to expand and comprehensively sample all MA landings. It would also create the potential for MA DMF to cover ports in neighboring smaller states, NH and RI, if they did not have the ability to dedicate staff to their own port sampling project.

The expansion of state-run port sampling projects in the northeast and mid-Atlantic would significantly increase the amount of biological information available for assessments by not only directly contributing but allowing for the redistribution of federal port sampling effort to under sampled statistical strata. State port samplers also have the advantage of being able to collect additional information that federal contractors do not. Currently, because FRM have the equipment and added flexibility, samplers are collecting individual weights of several key groundfish species in attempt to develop commercial fishery length weight conversions. These relationships are central to all stock assessments, but currently only exist for fish captured during the spring and fall trawl surveys. Being able to calculate catch at age weights from fish obtained in the commercial fishery year-round could significantly enhance stock assessment accuracy.

Let me know if you have any questions.

Sincerely



Daniel J. McKiernan, Director

CC: Joseph Cimino, ASMFC Chair

Dr. Jonathan Hare, NEFSC

Dr. Christoher Moore, MAFMC Executive Director

Dr. Cate O'Keefe, NEFMC Executive Director

**Northeast Trawl Advisory Panel
Working Group Meeting**

Thursday, November 16, 2023

9:00 AM - 12:00 PM

Attendees: Andy Jones (NEFSC), Anna Mercer (NEFSC), Daniel Salerno (NTAP Co-Chair), Jessica Blaylock (NEFSC), Jim Gartland (MAFMC scientist), Jon Hare (NEFSC), Kathryn Ford (NEFSC), Nathan Keith (NEFSC), Peter Chase (NEFSC), Bobby Ruhle (ASMFC representative), Terry Alexander (MAFMC Stakeholder), Vito Giacalone (NEFMC Stakeholder), Tim Miller (NEFSC), Alex Dunn (NEFSC), Katie Burchard (NEFSC), Hannah Hart (MAFMC staff), Dave Goethel (NEFMC stakeholder), Sam Novello (NEFMC stakeholder), Jameson Gregg (Virginia Institute of Marine Science), Gareth Lawson (Conservation Law Foundation), Jerry Leeman (New England Fishermen Stewardship Association)

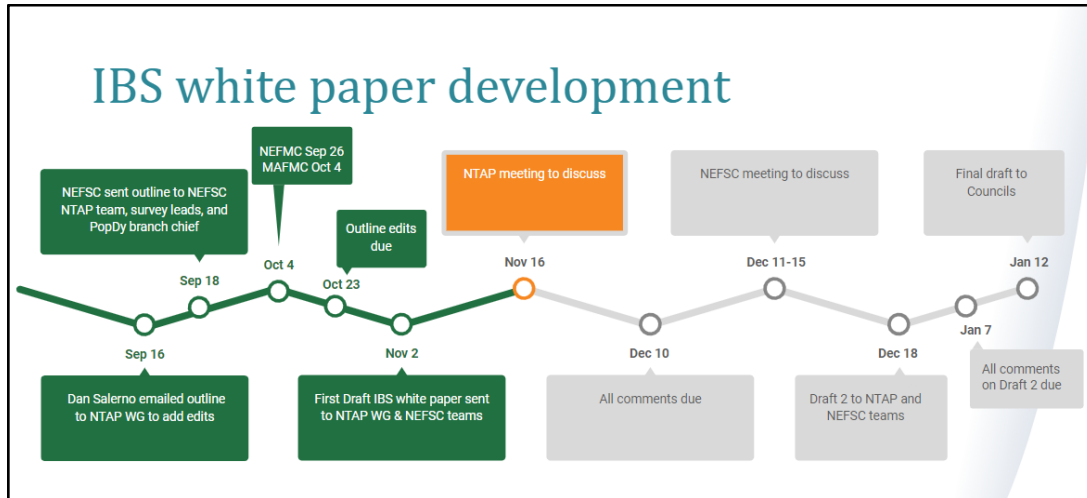
Purpose: Discuss the Industry-Based Survey white paper for a parallel, separate survey to the Bigelow survey and identify the approach to sampling, focusing on logistics.

Meeting minutes:

9:00-9:30 a.m. Welcome, Recap

- Dr. Hare and Mr. Salerno provided introductions:
 - The Northeast Fishery Science Center (NEFSC) recognizes the value of industry-based surveys and the value of cooperative/collaborative research and working with industry.
 - A complementary survey is still going to be a new survey, should be industry and scientist working together; requires trust & transparency.
 - Funding has not been identified:
 - Having a good solid plan proceeds the funding.
 - Once we put together a well thought out, solid collaborative plan we can seek the funding needed thereafter.
 - Jim Gartland: NEAMAP was built this way. Planned out two years prior to survey being funded.
- Dr. Ford went through a slide deck describing the timeline and actions of the working group, the connection of today's discussion to the Bigelow Contingency Plan and the councils' motions made at the September New England Fishery Management Council (NEFMC) and October Mid-Atlantic Fishery Management Council (MAFMC) meetings.
- Council Motions: Both the NEFMC and MAFMC, as well as the Atlantic States Marine Fisheries Commission (ASMFC) requested the NEFSC to develop a white paper to be submitted to both councils and the Commission by January 12, 2024, outlining an industry-based survey that is complementary to the spring and autumn Bottom Trawl Survey.
- The parallel industry-based survey is Bigelow Contingency Plan Option #4.
 - Still working on Pisces and NEFSC vessel options (Options #1 and #2).
- Meeting Goals:
 - Discuss the industry-based survey white paper for a parallel, separate survey to the Bigelow survey.
 - Identify the approach to sampling, focusing on logistics.
 - Other items: Update on progress for other contingency options.

- Timeline:



- Draft industry-based survey white paper:
 - Emailed to NTAP Working group on November 2, 2023. Working document in a google doc.
 - Advised to use suggesting mode (Google doc), track changes (Word), or make a list of changes working group members want to see.
 - Email or call Kathryn to get the Word version, a printed version, or discuss suggestions/edits.
 - Kathryn.Ford@noaa.gov
 - Kathryn's Phone#: 774-279-3695

9:30-11:30 a.m. Industry Based Survey (Dan Salerno & Kathryn Ford)

The presentation was broken into 3 major sections: background/program management, logistics, and gear. These were discussed in turn.

A. Background & program management

- Basic description of the proposed industry-based survey.
 - A multispecies trawl survey using industry boat(s).
 - Does not introduce survey redesign elements or calibration (keep it simple to start).
 - Same geographic range, seasons, strata, and station allocation as NEFSC survey.
 - Starting point is same gear as NEFSC survey.
 - Reduced biological sampling of catch.
 - Not calibrated to Bigelow, parallel separate survey from NEFSC survey.
 - Third-party operated as starting point BUT other options described in the draft & slide presented with those various options.

Discussion/Questions:

- It takes a long time to design a survey. Do we have time after the paper is submitted to dig in and tweak things? A: Yes. This gets us to a collaborative simple approach drafted together, including key recommendations for considering this option. **White paper should frame what the survey would look like and identify the important questions that would need to be answered.**

- As explained by the co-chair: the timeline of January 12 reflects enough time so the council receive the white paper and can distribute it before each council's first meeting in 2024 for discussion.
 - The more fleshed out the better.
 - What can we do that replicates as much of what is done on Bigelow knowing we are on an industry vessel that doesn't have the same capabilities?
- One person indicated that NEAMAP style program management is preferred at this point.
- The Chair of the Pacific Council offered to consult with us. We don't have to reinvent an industry-based survey, there are already examples. Some aspects of the west coast groundfish surveys that we should explore include:
 - They use less staff on board.
 - Well trained fishery observers process the catch.
 - Don't collect as much data as collected on the Bigelow.
 - Focused on size and age of population.
 - What do we do with the fish? Land? Or put back will affect the duration of time we can stay at sea.
- The inshore Cod industry-based survey in Maine is another good example of an industry-based survey that was used in the cod assessment.

B. Logistics

There were several major questions related to operational logistics and gear that were discussed in turn.

- Major questions/needs:
 - Logistics
 - i. 24-hour sampling vs. 12-hour sampling - what is the best approach?
 - ii. Vessel space, crew size, science crew size - how many people will fit? How do we adjust science to meet that cap?
 - What is the necessary science/samples needed- key elements needed to be collected.
 - How many people can we fit on the vessel?
 - Bring catch back to shore to be processed?
 - iii. What is needed in terms of geographic divisions? Can one boat cover whole extent, do we divide it into regions?
 - iv. What is the maximum depth possible? (the NEFSC extent is 200 fm/1,200 feet)
 - v. Will dockage be needed?
 - Gear
 - i. Proposal is to use same gear - are there details that should be discussed here (auto trawl or no, doors/sweep)

24 vs 12-hour sampling & crew sizes, discussion/questions:

There was a lengthy discussion about the value of nighttime sampling, other gear types, and logistical issues. Key recommendations were raised by multiple members: break the area into multiple regions and sample with different gear types in each region and increase the tow length to improve capture of larger, faster fish. The point was made that the further this survey gets from Bigelow standards, the less likely it can be a contingency for the Bigelow.

- NEAMAP has a 5-person science crew and samples daytime only. They know they don't capture horseshoe crabs well. North of SNE nighttime sampling becomes more important.

- Can do day/night sampling with a 12-hour day (noon-midnight, for example).
- Vessel crew can help with catch sorting and sampling.
- Hard to get to crew for 24-hour fishing.
- Survey region should be divided geographically - vessels sampling distinct regions at least south of Cape and north of Cape.
- Can we operationally correct for catchability? Is nighttime sampling/catch important?
 - Conversation ensued - consensus was that Gulf of Maine would have distinct differences between day and night catches (cod, haddock, pollock), so need to sample both; south of Cape maybe not as important. A geographical break in the survey might make sense; could consider different gear and sampling day.
 - A squid assessment does a diurnal calibration, don't think other finfish assessments do that. Sampling day/night keeps the survey consistent over time.
- Use multiple vessels that are operating over 12-hour days.
 - This is an important decision and drives costs. Should be determined with stock assessment scientists. (Another member felt NTAP should make the decision.)
- Consider increasing the tow length.
- Need methods that can be standardized over time and improve over time.
- One person recommended breaking up the area into more regions - 3 to 5 based on ecosystem considerations. Each region has its own survey design to focus on the species in the ecoregion.
- If we create a new survey without having solid ties to current survey protocols, the data will have to be stand alone and cannot be incorporated with any current time series. Any new survey data would not be able to be augmented during the Bigelow refit.

Geographic regions, discussion/questions:

The discussion favored multiple regions with multiple boats to cover the survey area. Existing survey allowances with Canada will likely be extendable to this survey.

Other costs, discussion/questions:

- Major costs are personnel and vessels. Everything else includes one-time costs and/or miscellaneous items that do not add up to much.
- One-time costs include nets and a set of doors per net. 3-meter doors are at least 30K per net.
- Would be difficult for industry to keep and maintain the gear in the off-season but storage options exist (typically outside).
- Don't forget the costs with maintaining electronic data entry systems.
 - Brief discussion of returning to paper - this was not supported by the group because there is so much value to real-time auditing (eliminating any mistakes as they occur), the time and error-prone nature of transcription, and the significantly quicker turnaround of digital data.
- Need to compare the effect of daylight only sampling on the budget.
- Mensuration systems are common; vessels likely already have the capacity to measure gear performance. Net mensuration systems can be portable using a towed hydrophone but towed hydrophone inferior to mounted. It's best to have these systems managed by the program and not individual vessels.
- 2 or 3 of the larger boats in the Mid Atlantic have auto trawl.
- Mapping the bottom to look for obstructions is important. Vessel would need an adequate mapping system on board.

- Discussion about water quality sampling and how to best accommodate it. Need at least temperature. Bongo tows were taken off the table to keep this survey more flexible; but this information is important.
- Need a list of what are the different components of sampling done on the Bigelow now. Put in order of what is most important for the NEFSC Population Dynamics Branch. Figure out where the cut-off is. Analytical and empirical assessments.
 - Weights and numbers regardless. Age structure critical for some assessments. Primary data collected. Maybe some maturity data is necessary.
 - Assess where we need to supplement versus redundant sampling.
 - How much of each species, lengths, individual weights and age are important data elements. [Include a table in the draft plan showing the minimum data requirements needed.](#)
 - Location, date, time, depth, net geometry, vessel speed over ground, heading, winch data and environmental data. [Mapping the bottom beforehand is not currently addressed in the white paper and should be added.](#)
- We cannot just use port sampling program and observer program data because they are from fishery dependent FDD sources vs fishery independent FID sources. Need data from both sources to account for different gear selectivity in using age structure data from both data sources.
- Weight/lengths are a must but may be able to scale back the sample density on hard parts for the initial implementation period unless a change of size at age is detected.
- Any new sampling program needs to have a tangible link between the Bigelow and inshore surveys. Possible for strata to overlap between current surveys before the Bigelow goes offline? Wouldn't that give you a data bridge to current time series as well as serve as an audit system for any new data sources?

C. Gear

- Starting point is NEFSC Bottom Trawl Survey gear:
 - 4-seam, 3-bridle box-net with rockhopper gear
 - Poly-Ice oval doors
 - Auto trawl
 - Same wire and vessel beam, draft, power each survey
 - What has to be reconsidered in an industry-based survey?

Gear, discussion/questions:

- Wire size and length were discussed in depth. Most industry vessels use $\frac{7}{8}$ " wire. It's not common for vessels to fish to 200 fm; the ability exists in the fleet but isn't typical. That requires ~700 fm wire which is on the high side.
 - Look at 160 fm as the maximum depth and see what is lost.
- There are boats in the fleet that can handle the depth, 24-hour sampling, and the larger science crew sizes, but they're expensive.
- Consider a regional component to gear. The ground gear itself could be a regional component.
- Some discussion on the value of standardizing gear - differing opinions about need to standardize all gear components, differing opinions about ability and success of integrating time series with different spatial and temporal extents. Confirm with the west coast how they standardize.

11:30-11:45 a.m. Gloria Michelle replacement & Pisces updates (Nathan Keith)

- Bigelow midlife September 2027 for a complete year.
- Pisces will fill in for 1.5 year. Fall of FY29.
- Realistically won't need Bigelow until Spring of FY2029.
- Bigelow goes into dry dock Fall of 2025 and have Pisces ready to conduct the 2026 Spring survey (March).
- Giving a two-year lag.
- Will provide a timeline and data points.

Discussion/Questions:

- Q: Would this detract from what the Pisces normally does? A: All work they typically do can go on other vessels
- Q: Is there enough time to get Pisces set up? A: The Pisces is currently in dry dock and we hope to address these winch issues- testing wire strength- updating auto trawl asap. Getting ready to go in fall of 2025 as a backup. Staffing has also been an identified issue that is being worked on.

11:45 a.m.-12:00 p.m. Summary and next steps (Kathryn Ford)

- Summary of key points:
 - Day/night sampling. For now, assume a 12-hour window using multiple vessels over a day/night period. Compare costs to that of a 24 hour sampling option.
 - Develop list of minimum biological sampling needed.
 - Will plan on 200 fm depth, but will recommend that we should examine how many stations we would lose over that 160 fathom depth.
 - Integrating surveys could be added as a recommendation.
- Specs for scallop survey have come out and are available. Next steps include issuing vessel specs.
- Next Steps:
 - December 10, 2023 - All comments to draft white paper due.
 - Week of Dec 11, 2023 - NEFSC meeting to discuss assessment and survey groups.
 - December 18, 2023 – Second white paper draft will be sent to the full NTAP, NEFSC teams, and west coast reviewers.
 - January 7, 2024 - All comments on second draft of the white paper are due.
 - January 12, 2024 - Final draft will be sent to the councils.

MEETING REPORT
COUNCIL COORDINATION COMMITTEE

October 11-13, 2023

Arlington, Virginia

The Council Coordination Committee (CCC) met October 11-13, 2023, in Arlington, Virginia. The meeting was chaired and hosted by the Gulf of Mexico Fishery Management Council. The following is a summary of presentations, discussions, and outcomes from the meeting. Briefing materials and presentations are available at <https://www.fisheries.noaa.gov/event/2023-october-council-coordination-committee-meeting>

October 11, 2023

NOAA Fisheries Updates & Priorities – Ms. Janet Coit / Ms. Kelly Denit

Ms. Kelly Denit provided a summary of the Advance Notice of Proposed Rulemaking (ANPR) to potentially update National Standards (NS) 4, 8, and 9. The purpose of the ANPR was to evaluate if updates to the Guidelines for National Standards 4, 8, and 9 are necessary to improve federal fisheries management. Public engagement opportunities were held to gather input regarding the current guidelines and areas that might benefit from reconsideration or revision. Two major challenges were highlighted: climate-related impacts on fisheries and promoting equity and environmental justice (EEJ). Feedback indicated that changes to the National Standard Guidelines were unnecessary; however, some feedback supported changes to NS4 and NS9. Notably, there was opposition to changing the definition of fishing communities and concern was expressed about the effects of trawling. The National Oceanic and Atmospheric Administration (NOAA) Fisheries will continue reviewing the comments to determine if changes are appropriate and, if necessary, will draft a proposed rule for publication in spring 2024. This process would include further opportunities for comment and Council engagement, with an update planned for the May 2024 CCC meeting.

Ms. Janet Coit provided some opening remarks and welcomed new Council members. She discussed some significant personnel updates, such as Emily Menashes being appointed as the new Deputy Assistant Administrator for Operations at NOAA Fisheries and Dr. Charles Littnan taking the role of Science and Research Director for NOAA's Pacific Islands Fisheries Science Center. She also provided an update on recent events, including participation in National Fishing & Boating Week, the Western Pacific Council Meeting in American Samoa, Klamath River related discussions in California and Oregon, visits to Alaska Offices in Juneau and Anchorage, collaboration with Belugas Count! to commemorate the Endangered Species Act (ESA) 50th Anniversary, and involvement in Capitol Hill Oceans Week. She described plans to allocate approximately \$3 million among the eight Councils for climate-related fisheries management. Ms. Coit also touched upon the Inflation Reduction Act (IRA) Climate and Ecosystem Fisheries Initiative, the climate crisis, east coast scenario planning for climate change, offshore wind development, EEJ Strategy, Recreational Policy, and the National Seafood Strategy. She concluded her remarks noting that October is National Seafood Month.

Budget and 2024 Outlook – Mr. Brian Pawlak

Mr. Brian Pawlak gave a presentation on the NOAA Fisheries Budget and the outlook for 2024. He discussed the timeline, Council funding, FY24 status, and budget supplementals. Detailed Council and Commission funding was covered, which illustrated 2022 and 2023 enacted funding alongside the FY 2024 Presidential Budget and Senate Mark. The Presidential Budget requests a slight increase in funding for Councils in 2024 while the Senate flat-funds Regional Councils.

As part of the 2024 Fiscal Year, the National Marine Fisheries Service (NMFS) is transitioning to a new financial management system. The Business Applications Solution (BAS) conversion has required a blackout period that will range from October 1 through October 25. Use of the financial systems need to be at a minimal level during the transition period. The Grants Enterprise Management System (GEMS), which will be a system used by grantees (including Councils) is scheduled to go live in October. In order to facilitate continued Council operations during this time, Council financial representatives were authorized to drawdown funds to cover the month of October. Mr. Pawlak indicated that NOAA is planning to operate under a continuing resolution for the rest of the year.

A brief overview of the IRA funding was given. This overview discussed the plan for the remainder of FY2023 and the plan for 2024 through 2026. Most of the discussion surrounding IRA funding was deferred to the second day of the CCC meeting.

Mr. Pawlak covered the Congressional Appropriations Process, which indicated the Senate Commerce, Justice, Science and related Agencies (CJS) appropriations bill has passed, while a House CJS bill has not passed. The top-line message under the Senate Mark is that, while there are some increases in discretionary funding, these increases do not cover inflationary adjustments. The increases that are provided for in the Senate Mark cover several programmatic areas (Protected Resources, Fisheries Science and Management, Habitat Conservation). While a House Mark has not been passed, an early view of discussions within the House indicate that some aspects of funding within a House Mark would be substantially less in 2024 compared to FY23. In response to the uncertainty regarding future funding, NMFS is making plans to operate in a flat budget environment in 2024.

He provided a summary of supplemental funding to NOAA of approximately \$1.2 billion provided by NOAA as part of the IRA. This funding is dedicated to specific efforts, including \$20M for Councils' IRA funding. Thus far, funding has helped to advance habitat restoration efforts around the country and additional funding opportunities for habitat restoration are being provided.

NOAA Fisheries Science Update – Dr. Cisco Werner / Dr. Evan Howell

Dr. Cisco Warner and Dr. Evan Howell provided the NMFS science update. Topics included surveys, IRA funding, addressing “midlife repair periods” for vessels, and Marine Recreational Information Program (MRIP). In FY23, 70% of planned surveys were completed. The 2024 target is 1,500 survey days-at-sea across the 15 ‘white vessels.’ The intent of the IRA funding supported Climate, Ecosystem and Fisheries initiative is to build an end-to-end operational ocean

modeling and decision support system to help Councils plan for increasingly complex decision making. To support climate preparedness, NMFS has established a goal to provide climate related information and advice to all 6 NMFS regions by 2025/26. Data modernization efforts continue, along with a need to mitigate losses of at-sea survey capabilities. Many of NOAA's white vessels were launched between 2003-2012 and are reaching the end of their expected 20-year initial service period. Conducting "midlife repairs" on these vessels will cost approximately \$85 million per vessel and take 12-24 months per vessel. Schedule adjustments to vessels will be made to ensure coverage of planned surveys in the region where a vessel is offline during repairs.

The CCC is concerned with the impacts of budget cuts and inflation on the agency's ability to maintain basic survey and fisheries monitoring activities. All regions are experiencing reductions in basic scientific activities tied to increasing expenses and declining or stagnant budgets. Members of the CCC made several comments reiterating the importance of maintaining basic data collection capabilities, such as surveys and life history evaluations. Such activities are critical to addressing a changing climate and cannot be sacrificed for new technologies. It is also critical to manage vessel maintenance to prevent loss of survey capability. This should include making greater use of industry vessels. The agency agreed with the importance of basic foundational information and noted that conducting projections based on conditions that no longer exist will not strengthen decision making.

An improvement study will begin in 2024 to further evaluate the potential for bias recently acknowledged in the MRIP Fishery Effort Survey (FES). Communication and coordination will continue with Councils to identify actions that can be taken while the survey is conducted. Work will also continue on expanding Federal-State partnerships for recreational data collection.

There was discussion on plans for keeping stakeholders informed about the process for addressing the potential MRIP survey bias and the impact of biased estimates on management actions. Councils are struggling to answer stakeholder concerns. NMFS responded that communication plans should be developed cooperatively with Councils and Regions, and the MRIP program is available to assist.

Clarification was requested on a process for providing feedback on IRA Climate Ready Fisheries spend plans. No formal process is in place. Councils were advised to provide feedback through regional pathways.

Legislative Outlook – Mr. David Whaley

Dave Whaley provided an update on legislative activities and committees involved in fisheries management legislation. There are two draft Magnuson-Stevens bill updates in preparation. Other topics of interest that may be addressed in future legislation include aquaculture, offshore wind, endangered whales, establishing NOAA as an independent agency, and changing endangered species responsibilities.

A continuing resolution was passed to fund the federal government through November 17, and the Speaker of the House was voted out. The House is unable to act on legislation until a new

speaker is selected. Only 4 of 12 appropriation bills have been passed by the house. Delays could make it challenging to complete the remaining appropriation bills by the Nov 17 deadline, potentially again threatening a shut down. There is also an automatic 1% cut in the budget if a continuing resolution is in effect on December 31.

There was discussion on recent hearings related to monuments and wind energy. Next steps resulting from these hearings are not clear at this time. The CCC continues to support addressing fisheries protection through the Magnuson-Stevens Act.

October 12, 2023

NOAA Fisheries Policy regarding Governance (MSA304(f)) – Ms. Kelly Denit

Ms. Kelly Denit provided an update on recent activities related to the draft NMFS procedural directive titled “Guidance on Council Authority for Preparing Fishery Management Plans for Stocks that May Extend across the Geographic Areas of more than one Council, pursuant to MSA §304(f).” The draft procedural directive, which has also been referred to as the Climate Governance Policy, was first presented to the CCC in May 2023. In the intervening months, NMFS held one public webinar and gave a presentation to the New England Council at their September 2023 meeting. NMFS is accepting comments until November 17, 2023, with a goal of finalizing and implementing the procedural directive in Summer 2024.

Dr. Chris Moore (MAFMC) noted that the CCC recently submitted a [joint comment letter](#) outlining a number of concerns about the draft policy. He stated that the MAFMC is currently developing a separate letter which will incorporate [comments](#) from the Mid-Atlantic Council’s Scientific and Statistical Committee. Dr. Moore provided an overview of the Mid-Atlantic Council’s primary concerns with the policy. He then provided an overview of the CCC concerns outlined in the recent letter. The CCC agrees with the need for transparency and forward-thinking in our collective efforts to address climate-related governance issues. However, as described in the joint CCC letter, the draft “climate governance policy” developed by NOAA Fisheries has a number of serious flaws that need to be addressed before any guidance is finalized and implemented. The CCC then approved a motion recommending that NOAA Fisheries engage the Councils and CCC on development of a revised version of the policy directive to effectively address cross-jurisdictional fisheries governance issues.

Motion: Recommend that NOAA Fisheries engage the Councils and CCC to develop a revised version of the policy directive to effectively address cross-jurisdictional fisheries governance issues.

Inflation Reduction Act (IRA) Climate-Ready Fisheries Council Funding Priorities and Process – Ms. Kelly Denit

Ms. Kelly Denit (NOAA Fisheries) provided an update on plans for distributing the \$20M of Climate-Ready Fisheries IRA funds to the Councils. NMFS has made some modifications to the proposed process in response to Council concerns, but also must adhere to certain requirements for execution of the funds. The first \$3M will be distributed equally among the Councils. The Councils will apply for these funds through an initial “umbrella” grant, which will provide a

mechanism through which additional funds can be added to the grants at a later point to distribute the remaining \$17M.

These additional funds will be distributed to the Councils based on NMFS review of project proposals from each Council. Ms. Denit provided an overview of the project proposal template for submission of Council proposals. NMFS will review project proposals and make funding determinations after considering alignment with stated IRA funding priorities, geographic distribution of funding, and cross-Council collaboration.

The timeline of this process remains uncertain, but Councils will soon be asked to respond to a Request for Applications (RFA) to apply for the initial umbrella funds. It is anticipated that the initial funding will be available to the Councils in early 2024. Project proposals for additional funding will be due at the end of January 2024, with distribution of funds expected in the spring. The project proposal process is expected to repeat in FY2025, if needed, to allow for submission of additional proposals that Councils may not be able to develop in the limited time frame. All funds must be obligated by the end of FY2026.

The Regional Management Councils (RMC) directors requested modifications to the *Template for Council RFA Proposals in FY24*. Track changes were provided to Ms. Denit from RMC directors and she will aim to incorporate those within the requested two-week timeframe.

CCC Subcommittee Updates

Climate Workgroup – Mr. Ryan Rindone

Mr. Ryan Rindone (GMFMC staff) presented a handout compiled by the CCC's Climate Change Workgroup (CCWG) to solicit feedback on draft questions for review and input across all SSCs and Councils. The CCWG's purpose is to develop a common understanding and voice among the Councils on current capacity, future needs, and fishery management designs that can respond to climate change, while assisting the regional Councils in coordinating with NOAA on a response to the Ocean Climate Action Plan, and specifically climate-ready fisheries. The CCWG's first step is to provide an overview and common understanding of climate capacity and needs across all Councils, and asked for feedback on the proposed survey questions listed in the handout.

Mr. Bill Tweit (NPFMC) was concerned about the CCWG's timeframe for operations, which was laid out by the CCC before the timelines associated with IRA funding were known. He thought the CCC should delay the CCWG timeframe, to allow the Councils to work towards their individual IRA funding proposals for their respective climate goals. Mr. Tweit recommended giving the Council Executive Directors, collectively, the discretion to determine what the timelines should be for the individual CCWG tasks, and on the timing of information exchange and collaboration. Executive Directors Dr. Cate O'Keefe (NEFMC), Dr. Chris Moore (MAFMC), and Dr. Carrie Simmons (GMFMC) all agreed. Dr. Simmons also asked about science needs to support adaptation, and about moving forward with the proposed survey specific to regional Councils' science needs in relation to anticipated IRA Climate Resilience Funding. She asked Dr. Cisco Werner (NOAA Headquarters) whether pulling this section of the

survey out and moving forward with it separately would be useful for helping the Councils in submitting proposals for IRA Climate Resilience funding and better inform NOAA Fisheries regional uses for the Data Acquisition and Management pot of IRA funding. Dr. Werner replied that he thought addressing science needs to support climate adaptation was appropriate, and stated that the agency is expecting the data collection to occur within about a two-year time period. He said that the associated follow-up work would be expected to be completed within 5 years. Ms. Kelly Denit added that the Councils should be engaging with their respective regional offices on their IRA proposals, to better understand what support could be provided to the Councils to address their goals and needs. With respect to science needs to support adaptation, the agency would benefit from feedback from the Councils, and not just on what data the Councils have had available in the past, but also what will be needed in the future.

Endangered Species Act – Magnuson-Stevens Act (ESA – MSA) – Sam Rauch

Mr. Sam Rauch, NMFS, reported on the takeaways from the regional meetings with Sustainable Fisheries, Protected Resources, and Council staff, and response to key CCC ESA Working Group's redline edits to the ESA Policy Directive (PD) 01-117 to integrate ESA Section 7 with MSA. NMFS Headquarters worked with the regional offices and Councils to get a clear picture of how the Policy Directive is working in practice within each region and to share lessons learned. Mr. Rauch reported that through these regional meetings, the Councils highlighted the importance of early coordination, which is happening in all regions, but at varying levels, and there is greater interest across the board for greater involvement. There is a workload issue in every region, and there is a need to balance commitment between early coordination and workload. There is also interest in setting clear expectations of how Councils will engage with NMFS. Mr. Rauch noted that the Policy Directive does set out a strong statement that NOAA intends to engage with the Councils, and NMFS believes the Councils are a partner in the consultation process and would like to involve the Councils, but there are limits. Some regions have used liaisons to improve coordination and develop work products. Development of integration agreements has improved coordination and set expectations on engagement in some regions.

Mr. Rauch described the CCC's redline edits and noted that NMFS has been considering the edits in the context of the regional meetings. NMFS did not have a draft policy to share at this meeting, and is trying to take their time and be iterative. Regarding the CCC redline edits on working in close coordination throughout the Council process to address impacts, rather than relying on after-the-fact reasonable prudent measures (RPM) and reasonable and prudent alternatives (RPA) resulting from consultations, Mr. Rauch acknowledged that the Councils take a proactive approach in avoiding impacts and that it can be disruptive when NMFS finds late in the Section 7 consultation process that more needs to be done. NMFS wants to work with the Councils on those actions ahead of time that might avoid the need for a more prescriptive process at the end of the consultations.

In response to the CCC redline edits on early coordination for developing RPMs and associated Terms and Conditions (T&C), Mr. Rauch stated there should never be an RPM or T&C that requires Council action because RPMs can only be a minor change (i.e., cannot alter the basic design, location, scope, duration or timing of the action). Mr. Rauch acknowledged that NMFS

in the past has included RPMs that required the Councils to change the management of the fishery, and NMFS is proposing to remove this CCC redline edit pertaining to the RPMs and instead make it clear in the PD that anything that would require the Council to act will not be more than a minor change. If NMFS finds jeopardy during the consultation process, meaning that the status quo management is having such a significant impact that the status quo needs to change, NMFS should be working with the Council on those management changes as part of the RPA development. However, consultation timelines may not allow for the time it takes for the Council to undertake an FMP amendment at that time, in which case NMFS may take Secretarial action to temporarily fill the gap. NMFS intends to spell out in the PD how they would like to incorporate Councils in those processes, and where NMFS may not be able to do so due to timing constraints.

Regarding CCC redline edits on sharing of drafts, Mr. Rauch clarified that NMFS can share the full draft BiOp if it has been internally cleared for public release, but sharing sections without the full draft would be limited to clarifying the proposed action or to discuss whether draft RPAs are feasible to do through an FMP amendment and the timing of the amendment. Mr. Rauch also stated that NMFS is interested in coordinating timeframes, but NMFS would not be able to have an integrated timeline with the Council process when consultations are non-discretionary or mandatory (e.g., if ITS is exceeded and triggers consultation; court ordered timelines). Mr. Rauch also noted that it will be difficult for NMFS to include a dispute resolution process, and NMFS also cannot accept the redline edits that would require the consulting agency to communicate with the Council if the Council has requested involvement, as NMFS may not always be able to do so.

NMFS will take the input to date and will be making changes to the PD to include these concepts, and clearly articulate how coordination works in the scenario in which consultation is triggered external to the Council process. Changes will also address training opportunities for both NMFS and the Council. The PD changes will also include edits to the glossary, emphasize importance of pre-consultation assistance to avoid jeopardy determinations, and clarify what can and cannot be shared. NMFS is working on the revisions, and intends to meet with the CCC ESA Working Group directly, and bring back a robust draft policy at the spring 2024 CCC meeting. Mr. Rauch indicated they intend to have the draft before the CCC meeting to allow for review. NMFS is also in the process of revising Section 7 programmatic regulations with the US Fish and Wildlife Service, and plans to present that to the CCC once finalized. NMFS will also consider development of the regional integration agreements where they currently do not exist to identify key points of contact.

Integration Policy Update and CCC ESA-MSA Workgroup – Kitty Simonds

Ms. Kitty Simonds, Executive Director WPFMC, provided an update from the CCC ESA Working Group formed at the May 2022 CCC meeting and tasked to consider potential changes to the ESA Policy Directive addressing issues identified by the CCC through the May 2021 and January 2022 meetings. Ms. Simonds recapped the CCC's characterization of the redline changes to the Policy Directive, and emphasized importance of early Council involvement and coordination to ensure development of practical and effective measures through a transparent stakeholder-based process that takes MSA National Standards into account. Since the May 2023

CCC meeting, the remaining four Councils had their regional meetings. The regional meetings continued to highlight the importance of working through the Council process to address ESA issues and the importance of early coordination on Section 7 consultations, as these have been at the root of the challenges Councils have experienced in recent consultations. Overall, the Working Group did not see any new significant issues identified through the regional meetings, and reiterates the importance of addressing the CCC redline changes.

The Working Group reconvened on October 6, 2023, to review Mr. Rauch's presentation, which was made available two days prior. Without a companion document, the Working Group found it difficult to evaluate whether NMFS' proposed changes were consistent with the intent of the CCC's redline version. The Working Group was also disappointed that a timeline on next steps was not made available in advance. The Working Group suggested that the CCC work with NMFS to develop a clear timeline for next steps. The Working Group also requested a meeting with NMFS Headquarters staff to discuss the draft changes to the Policy Directive prior to NMFS completing the revisions with regions and General Counsel. The Working Group additionally suggested that any Section 7 consultation training should occur after changes to the Policy Directive are approved so that the near-term priority is to agree on the changes.

Mr. Rauch reiterated that the goal is to review the draft Policy Directive at the May 2024 CCC meeting, and NMFS does want to meet with the Working Group at this stage. Tanya Dobrzynski, NMFS' New Chief of the Endangered Species Interagency Cooperation Division, will work closely on the Policy Directive revision.

Motion: The CCC requests that NMFS meet with the Working Group as soon as possible to discuss the current draft change to the policy directive prior to NMFS completing the revisions with regions and General Counsel. The CCC further requests that NMFS work with the Working Group to develop a draft revised policy directive for CCC's endorsement at the May 2024 meeting.

Motion carried without opposition.

CCC Subcommittee Updates (cont.)

Habitat Workgroup – Dr. Lisa Hollensead

Dr. Lisa Hollensead (GMFMC), the Habitat Workgroup chair, provided an update to the CCC about logistics and session objectives for an in-person meeting scheduled for January 17-18, 2024, in La Jolla, California. The two-day meeting will include discussions on topics broadly related to climate change effects on habitat management: habitat science available, climate challenges in essential fish habitat designations and consultations, and habitat/climate scenario planning. Several workgroup members have volunteered to lead, organize, and report out on the specific meeting session topics. The Habitat Working Group reached a consensus on the agenda outline at its September meeting and will finalize the meeting agenda during their November meeting.

Communications Workgroup – Ms. Emily Muehlstein

Ms. Emily Muehlstein (GMFMC staff) presented an in-person meeting proposal for the Council Communications Group in 2024. During the May 2023 CCC meeting, the CCC directed the Communications Group to plan an in-person meeting and seek approval of proposed discussion items during this meeting. Ms. Muehlstein reviewed a list of potential meeting topics that reflects both the Communications' Group suggestions and CCC recommendations from the May 2023 CCC meeting. Planning for the 50th Anniversary of Regional Fisheries Management Councils, development of CCC hosting guidance materials, professional development for group members, and handling CMOD and archiving Fishery Forum materials were all presented as potential meeting topics.

The CCC supports hosting an in-person meeting of its Communications Group and prioritized planning the Regional Fishery Management Council 50th Anniversary celebrations and creation of guidance materials for hosting the CCC. The CCC also supported the group's desire to engage in professional development and suggested that the Councils could split the cost of doing so. The CCC suggested that the group consider adding an agenda item on how to improve EEJ engagement across Council communications efforts.

Council Members Ongoing Development (CMOD) – Mr. David Witherell / Mr. Bill Tweit

The CCC **approved** the steering committee's proposal for the next Council Member Ongoing Development (CMOD) workshop. The theme will be "Adapting Council risk policies through operational changes to harvest control rules" that links directly with the operationalization of outcomes from SCS8 to be held in 2024. In addition to advancing the theme, CMOD would include a skills training session on "Effective communication of complex fishery management actions from Council members to stakeholders." Regarding workshop financing, there will be shared costs of about \$115,000 to cover the meeting venue, facilitator contract, and invited non-federal presenters. NMFS has already committed to providing half (\$57,500) of the funding, with the remaining costs shared equally among the 8 Councils. In addition, each Council and NMFS will fund travel for their own participants (4 per Council, 10 NMFS).

The NPFMC staff will provide administrative and logistic support for CMOD. The CCC indicated that the proposed meeting venue of Vancouver, Washington would be acceptable, as this location is right by the Portland, Oregon airport. Possible dates for CMOD were offered up for consideration: April 21-25, 2025, or April 28 - May 2, 2025.

EEJ Workgroup – Mr. Miguel Rolon

The CCC decided to activate the EEJ Subcommittee and start the coordination for a national workshop on EEJ to be held in 2025 or 2026. The EEJ Workgroup will look at the regional strategy plans from each NMFS Region that should all be completed by the first quarter of 2024, among other documents to prepare are a list of topics, agencies, and groups that should be invited to the workshop, as well as identification of sources of funds, among others. CFMC will be responsible for hosting the first and follow up meetings as soon as possible to begin work.

The topic of the EDF National Workshop that is being planned for Spring 2024 was presented. Members of all Councils are encouraged to participate to acquire knowledge on topics and best practices that could be used for actions at the Council and regional levels, as well as assisting in the preparation of the CCC EEJ National Workshop.

Process for Establishing Fishing Regulations in Sanctuaries – Mr. John Armor

Mr. John Armor (National Marine Sanctuaries) gave a presentation on “Fishing Regulations in National Marine Sanctuaries.” The core portion of the presentation addressed the process for developing fishing regulations, including existing regulatory language and a flow-diagram outlining how Council decisions regarding fishing regulations within Sanctuary waters would be considered by NOAA. The 2008 guidance (Appendix A) indicating how Regional Fishery Management Councils (RFMC) input should be received by NOAA was addressed, and Mr. Armor indicated that this guidance needs to be updated.

Questions arose regarding the timeline and process for Sanctuary and RFMC interaction when a Sanctuary designation is being considered. Mr. Armor indicated that input from the RFMCs is welcome and that the Sanctuaries are open and appreciative of ideas and suggestions for improving the process. Further discussion considered the specific role that Councils could play in helping to update the guidance and flowchart describing how fishing regulations within Sanctuaries should be developed. Mr. Armor and the Councils agreed that Councils should be afforded an opportunity to weigh in directly as guidance is updated. To ensure Council input is made into the revised guidance and flowchart, Mr. Armor will work with the Council Executive Directors to gather Council input.

Additional conversation covered the impression of some RFMCs that timelines for Sanctuary development and fishing regulations have been compressed compared to past practice. Other questions centered around the number of touch points for Sanctuary and Council interaction. It was suggested that there be more than one opportunity for Sanctuary/Council consultation. The first step in a consultation with the Council should occur during the early stages of Sanctuary designation where Councils could consider whether additional fishing regulations appear necessary to help meet Sanctuary objectives, and a second stage should occur if NMFS determines fishing regulations are necessary.

Representatives of the Western Pacific Council spoke of their history of fisheries, especially in American Samoa, and the importance of fisheries to local economies, culture, and the well-being of people. Significant concern exists surrounding a potential new Sanctuary around American Samoa and the effects it will have on the fishing economy—the economic backbone of American Samoa.

CCC Subcommittee Updates (*cont.*)

Area-Based Management – Ms. Michelle Bachman

Ms. Michelle Bachman (NEFMC) a subcommittee member, provided an update for the Area-Based Management Subcommittee. Following the May 2023 CCC meeting, the subcommittee

worked with GMFMC staff and CCC members to prepare a [press release](#) sharing the subcommittee's report. A core group of subcommittee members worked over the summer to finalize a manuscript for submission to a peer-reviewed journal. All co-authors were invited to revise the text. Submission to *Marine Fisheries Review* is planned for October pending final checks on the detailed conservation area tables in the paper.

The NEFMC, working on behalf of the subcommittee, executed a contract extension with Pacific States Marine Fisheries Commission to develop an Arc GIS online experience builder application, as recommended by the CCC. A draft application has been prepared by PSMFC staff and shared with the subcommittee for review. Ms. Bachman shared a demonstration of the application, including: 1) a homepage with project overview and basic methods, 2) a national results summary, 3) an interactive web map, 4) tabs that provide an area management overview for each region, and 5) a collection of links and resources for further information. The content for the application is adapted from the report and manuscript. The application will be disseminated widely, when complete, near the end of October 2023.

The CCC thanked the Area-Based Management subcommittee, specifically Ms. Michelle Bachman of the NEFMC and Ms. Jessica Coakley of the MAFMC.

8th Scientific Coordination Subcommittee Meeting – Cate O’Keefe

Dr. Cate O’Keefe, Executive Director of the New England Council, provided an update on the plans for the 8th Scientific Coordination Subcommittee meeting on behalf of Dr. Lisa Kerr, Chair of the NEFMC SSC and SCS Steering Committee. The meeting is scheduled to take place at the Seaport Hotel in the historic Seaport District of Boston, Massachusetts on August 26-28, 2024. The meeting theme is “Applying ABC control rules in a changing environment” with several sub-themes under development by the subcommittee, including: 1) what can be learned from previously applied management responses, 2) use of social science to understanding how fishing communities can adapt to dynamic conditions, 3) use of alternative indicators, and 4) identification of directional change in productivity and distribution to inform stock status determination criteria. The workshop structure is in development to include keynote speakers, “round robin” sessions, case studies, breakout sessions, and a plenary synthesis. The NEFMC, working on behalf of the subcommittee, is developing a budget to include travel expenses for up to four attendees from each region in addition to NOAA Fisheries staff and additional Council members.

Following the May 2023 CCC meeting, the subcommittee identified approaches to address the CCC’s recommendation to share workshop conclusions more broadly and make SCS recommendations more actionable. The subcommittee proposed efforts in advance of the workshop to increase engagement of regional SSCs by seeking input beyond the subcommittee representatives, assign attendees with preparatory work to familiarize topics and support plenary discussion, and plan time for regional discussion of final outcomes at SSC and Council meetings. Additionally, they recommended allotting time for synthesis during the meeting so that post-workshop follow-up can occur in a timelier manner. The subcommittee expects that regional SSCs and Councils will make efforts to proactively present results and conclusions and encourage continued discussions for applications of workshop recommendations.

The CCC encouraged Council members from all regions to attend the meeting, possibly in a passive role to allow in-depth discussion by the SCS. They also suggested coordination with NOAA Fisheries and leveraging NOAA's public outreach abilities to disseminate workshop outcomes.

October 13, 2023

Overview of the Fiscal Responsibility Act, (P.L. 118-5) and CEQs Proposed NEPA Regulations - Katie Renshaw / Sam Rauch

Ms. Katie Renshaw (NOAA NEPA Coordinator) discussed recent and proposed regulatory revisions to the National Environmental Policy Act (NEPA). Phase 1 NEPA revisions were made in 2022 which resulted in minor modifications to existing regulations. CEQ has been working on Phase 2 revisions with a proposed rule published July 31, 2023. The proposed rule included statutory revisions of the Fiscal Responsibility Act (FRA) of 2023 that included amendments to NEPA. FRA changed the threshold determination to determine if NEPA applies to a specific action. The FRA also included maximum time limits for Environmental Assessments (EA) (1 year from agency determination of EA being prepared to FONSI, and 2 years for an EIS ending with the ROD). The time limits can be extended by the lead agency, on a project-by-project basis. Page limits were also set by the FRA (75 pages for an EA, 150 pages for EIS unless complex then 300 pages; not including appendices). There is no process to allow for waivers. Both the FRA and proposed regulations revised how categorical exclusions can be used.

The proposed rule includes revisions to public comment and requirements for mitigated Finding of No Significant Impact (FONSI) in EAs. For Environmental Impact Statements (EIS), revisions may require agencies to integrate climate change and environmental justice, which must be considered. Other new requirements include new or modified provisions for alternatives, the limitations on use of incomplete or unavailable information, and best available science requirements. Other EIS requirements include requiring the lead agency to identify an environmentally preferable alternative, identification numbers for EAs and EISs, website information, and other changes and requirements. There are also new provisions for programmatic environmental documents, including a requirement that agencies ensure the programmatic document is still valid if older than 5 years. Other proposed changes were discussed. Agencies will have 12 months from the effective date to propose updates to their NEPA procedures.

Mr. Sam Rauch provided a discussion of how the agency will approach making these changes. NEPA has been integrated into the Council process to provide full information to the Council and public. This integration of the Magnuson-Stevens Act (MSA) and NEPA makes the public engagement process and information process streamlined. Unfortunately, it will be difficult if not impossible to continue to use integrated documents due to the timelines. Almost every action a Council initiates takes longer than a year to complete so it is difficult to align timelines with the new requirements. NOAA Fisheries may need to separate the Council MSA and NEPA process, but that is clearly not ideal. Mainly, the CCC needs to grapple with "When does the NEPA

process start?” Integrated NEPA and MSA amendments have worked well for the Councils, but the CCC will likely need to unwind the existing procedures to separate out the NEPA portion. NEPA and Council public comment are two different processes. Furthermore, NMFS will need to revise terminology and methodology for discussing climate change and environmental justice. The NEPA document is the Secretary of Commerce (SOC) document, which may need to start AFTER the Council process. One possible work-around is to develop a “NEPA-like” document for use in the Council process that would have a different name. Mr. Rauch suggested that the agency work with Councils on rethinking this, perhaps using a NEPA CCC subgroup to work through these issues.

The CCC discussed several issues, including who gets to determine extension of the deadline (Answer: the agency). Note that the agency has to report annually to Congress and the House Natural Resource Committee on every determination. Thus, there may be some reluctance to allow extensions. However, Ms. Renshaw thought that so long as there is a good rationale, then the reporting requirement may not inhibit approval of an extension. There was also discussion about the use of Programmatic Supplementary Environmental Impact Statements (PSEIS), which Mr. Rauch noted can be very useful, but the deadlines still apply to these types of planning and programmatic documents.

Motion: To form a CCC-NEPA working group.

Motion carried without opposition.

This working group will work closely with the agency in developing revised procedures. Composition of the workgroup would depend on resources and interest from the different Councils, noting that there doesn’t need to be representation from each Council. The expectation is that the workgroup will report back in May 2024.

Wrap Up and Other Business

No other business was brought before the Committee. Mr. Kevin Anson reviewed the Actions and Outcomes from each day of the meeting. Motions were provided in the presentation. No feedback was offered on the wrap-up.

The CCC discussed that next meetings will be held May 21-24, 2024 in San Juan, Puerto Rico and October 16-17, 2024 in Washington, D.C.

Appendix A.

This appendix was provided by Mr. Armor after the meeting concluded.

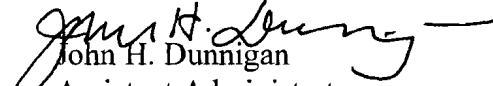


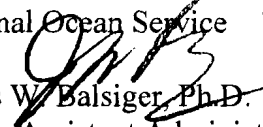
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

JUL 30 2008

MEMORANDUM FOR: Regional Fishery Management Council Chairs
National Marine Sanctuary Advisory Council Chairs

FROM:


John H. Dunnigan
Assistant Administrator
National Ocean Service


James W. Balsiger, Ph.D.
Acting Assistant Administrator
National Marine Fisheries Service

As you know, past NOAA actions have highlighted the opportunity for improved coordination and collaboration concerning the promulgation of fishing regulations in our Nation's marine sanctuaries. The National Marine Sanctuaries Act (NMSA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA) are both important pieces of marine resource legislation administered by NOAA.

The attached flowchart graphically traces NMSA and MSA regulatory actions from initial concept to promulgation to clarify the role of Regional Fishery Management Councils, Sanctuary Advisory Councils, Treaty Tribes, National Marine Fisheries Service (NMFS) and the National Marine Sanctuary Program (NMSP) in this process.

As you may recall, this document was presented to you for comment on January 6, 2006. Since then, a working group of NOAA staff from NMSP and NMFS as well as attorneys from the General Counsel for Fisheries and the General Counsel for the Ocean Service, both from headquarters and the field, met to address your comments. Each comment was considered and a consensus was reached regarding the appropriate action to take. Subsequently, changes were made to the document and the final Flowchart updated version was agreed upon by NMFS and NMSP and is enclosed with this package.

Thank you very much for your continued participation in the conservation and management of our Nation's marine resources. We look forward to continuing to work with you to ensure the health of the ocean and coastal ecosystems for the benefit of future generations.



**NOAA'S REGULATION OF FISHING IN NATIONAL MARINE
SANCTUARIES**

JULY, 2008

This document describes how NOAA will administer the regulation of fishing in National Marine Sanctuaries as mandated by the National Marine Sanctuaries Act and the Magnuson-Stevens Fishery Conservation and Management Act. The regulatory processes under each authority are described in flowcharts followed by detailed text with emphasis on new efforts at integration indicated by italics.

Executive Summary

This document details how NOAA will administer the regulation of fishing in National Marine Sanctuaries as mandated by the National Marine Sanctuaries Act (NMSA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The regulatory processes under each act are described in flowcharts followed by detailed text with emphasis on new efforts at integration, collaboration and communication.

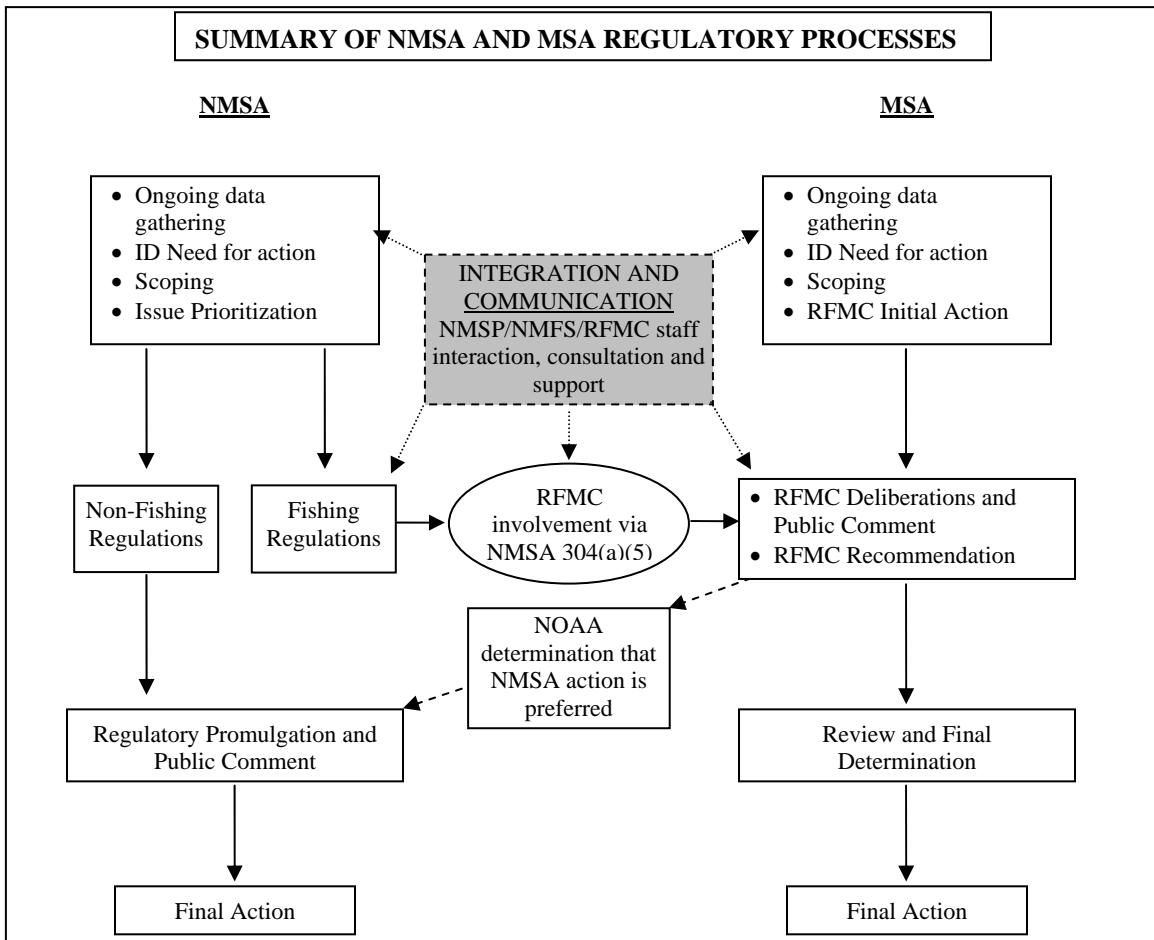
Parties involved in the processes:

Primary Statutory Participants: NOAA National Marine Sanctuary Program (NMSP)
Sanctuary Advisory Councils
NOAA National Marine Fisheries Service (NMFS)
Regional Fishery Management Councils (RFMC)

Government to

Government consultations: Federally recognized Indian Tribes

Public input/consultations: States
Other Federal Agencies
Interested parties



Major Sections:

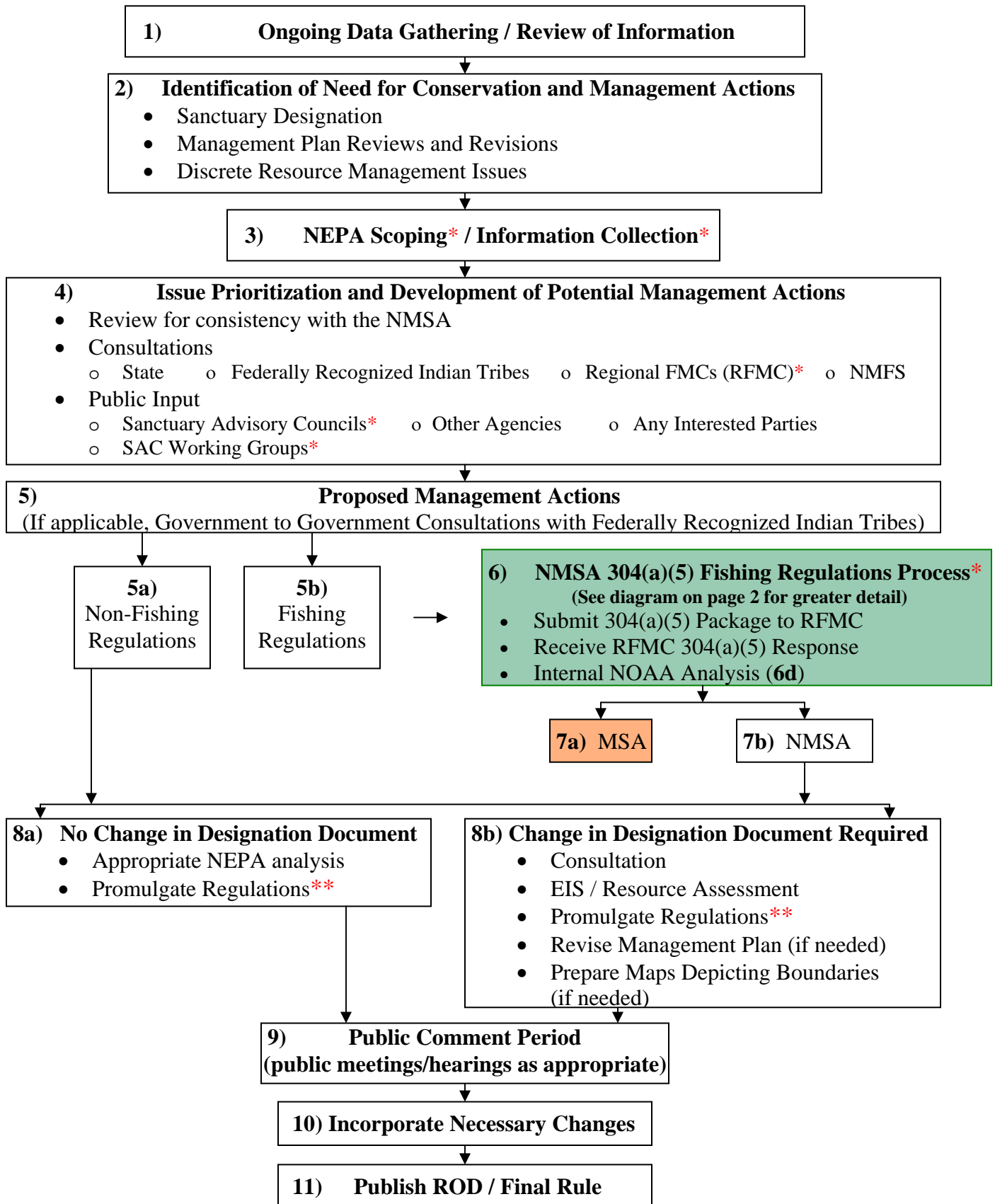
1. pp. 1-8. Flowchart and text describing the National Marine Sanctuaries Act regulatory process for addressing issues in National Marine Sanctuaries, with emphasis on the process for addressing fishing issues from initial concept through implementation.
2. pp. 9-13. Flowchart and text describing the Magnuson-Stevens Act Regulatory process. The flowchart and text traces a fishery management action under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) from initial concept through implementation.

Integration and Communication:

Overall, this document describes the efforts to improve coordination and communication among NMFS, NMSP and RFMCs. The document highlights opportunities for increased coordination, most of which are described below.

1. Frontloading - The first step in each flowchart is entitled, "Ongoing Data Gathering / Review of Information." This describes the concept of communicating in an ongoing fashion between NMFS, NMSP and RFMCs with respect to issues that may arise in a National Marine Sanctuary regarding fishing or issues that may arise before a Regional Fishery Management Council that may affect NMSP resources or sites.
2. Scoping - The third step in each flowchart includes this phase. NMSP will expressly notify and include personnel from NMFS and RFMCs in developing Goals and Objectives for NMSP action where fishing issues exist. RFMCs will expressly notify and include personnel from NMSP in Fishery Management Action Teams, which develop Action plans for fishing issues.
3. Action Development - NMFS/RFMC staff will invite NMSP staff to attend and participate at standing or specially appointed committee meetings regarding potential fishery management considerations that may affect sanctuary resources. Sanctuary Advisory Councils, which are established under the National Marine Sanctuaries Act, often include NMFS or RFMC members.
4. RFMC actions regarding NMSP fishing issues - NMSP staff will ensure that adequate information is provided to the RFMC and will work to coordinate and clarify issues during the RFMC process as needed. Subsequently, NMFS staff will ensure that NMSP staff have received draft analyses for potential management actions that may affect sanctuary resources. The NMSP will also be given an opportunity to review any such documents for those RFMC actions developed to fulfill sanctuary goals and objectives.

National Marine Sanctuaries Act Regulatory Process

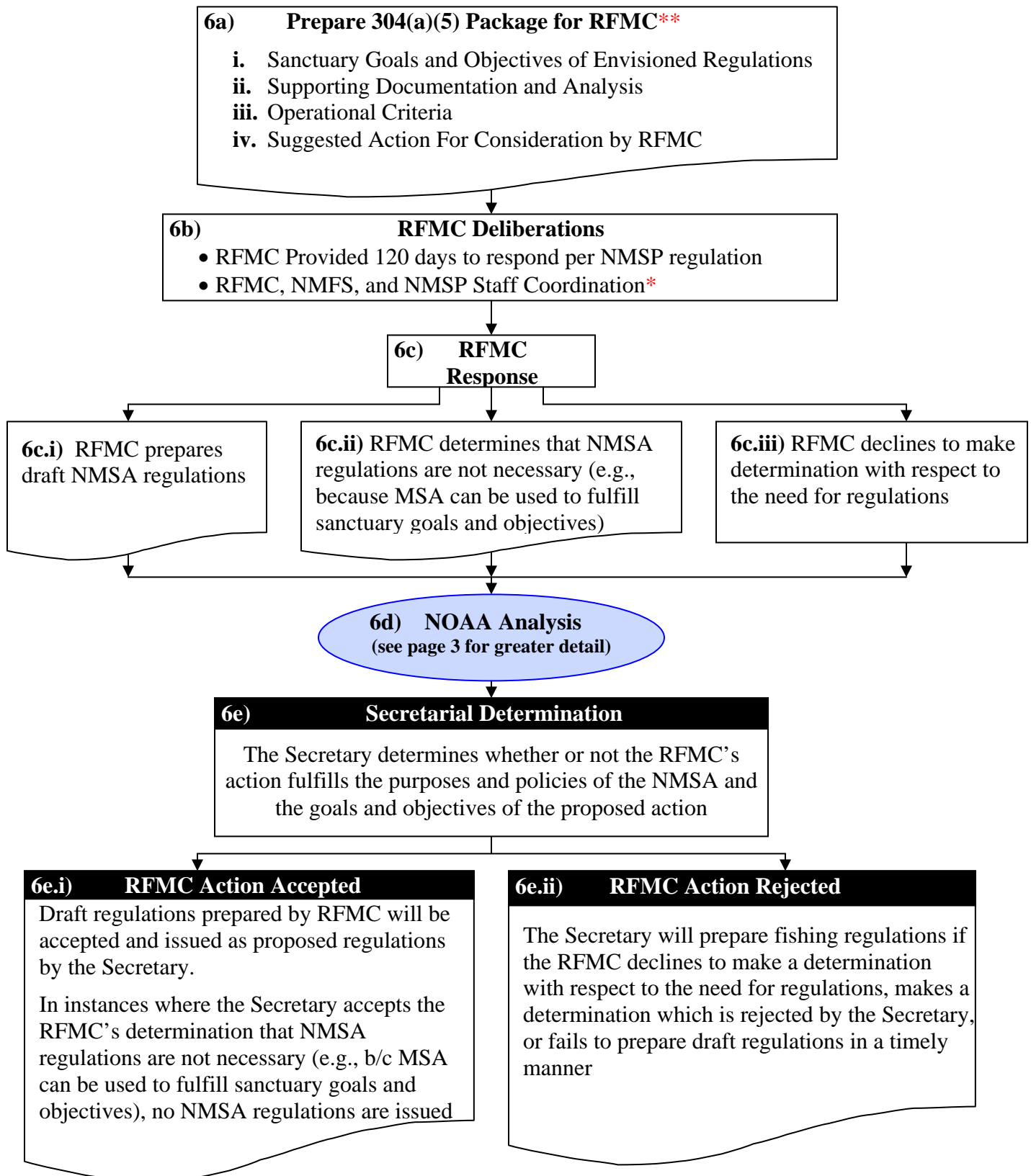


*These highlighted items represent specific steps in the process by which NOAA will actively engage the appropriate RFMC. Please see accompanying text for more detail.

**During final development of draft fishing regulations, staff of the NMSP, NMFS and RFMCs coordinate as appropriate to ensure that any resulting regulation fulfills sanctuary goals and objectives.

6) NMSA §304(a)(5) Fishing Regulations Process

(Expansion of Box 6 on page 1. When this process is complete return to 7a, 7b, or both – p.1)

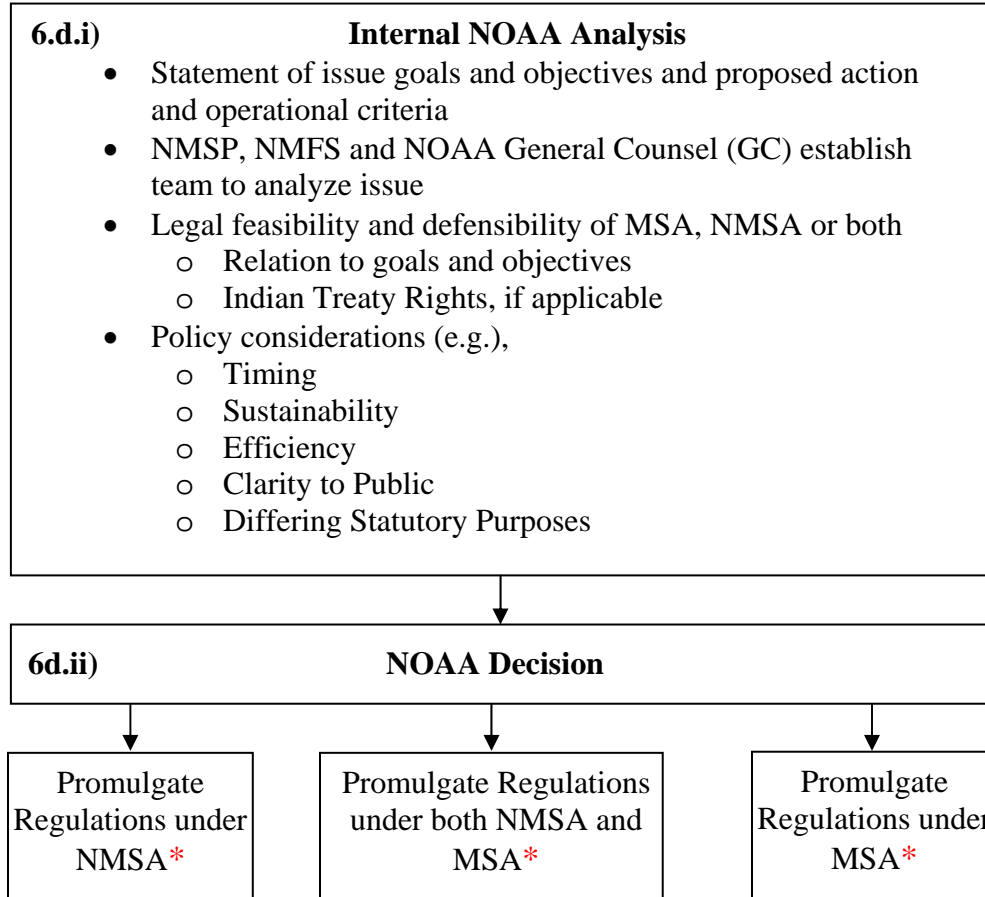


* This highlighted item is a step in the process by which NOAA will actively engage the RFMC. Please see accompanying text for more detail.

** These materials are developed from the Scoping and Issue Prioritization steps in the process.

6d) NOAA Analysis

(Expansion of Box 6d on page 2. When complete, return to 6e – p.2)



* During promulgation of regulations resulting from the NMSA 304(a)(5) process, staff of the NMSP, NMFS and RFMCs will coordinate as appropriate to ensure the resulting regulation fulfills its intended goals and objectives, regardless of the statute(s) under which it is promulgated. NOAA will ensure that any proposed regulations are consistent with Indian treaty fishing rights.

The flowchart graphically traces a National Marine Sanctuaries Act (NMSA) as well as Magnuson-Stevens Fishery Conservation and Management Act (MSA) action from initial concept through implementation. The following text bullets correspond to the numbered boxes on the flowchart and are intended to more fully explain the contents of the boxes and identify the points of consultation for three players (NOAA National Marine Sanctuary Program (NMSP), NOAA National Marine Fisheries Service (NMFS), Regional Fishery Management Councils (RFMCs)) at the different stages in the generic process of developing fishing regulations, and decision criteria used in moving from one step to the next in the decision making process.

National Marine Sanctuaries Act Regulatory Process

- 1) **Ongoing Data Gathering / Review of Information.** *The NMSP collects information on an ongoing basis with regard to resource protection, resource use, issues of concern, etc. In an effort to increase “frontloading” with regard to issues involving, fishing, the NMSP will seek out opportunities to engage the appropriate RFMC(s), NMFS Science Centers, NMFS Regional Offices, and other experts in ongoing data gathering and review of information in order to efficiently and effectively further adaptive management approaches through the application of state of the art science and policy.*
- 2) **Identification of Need for Conservation and Management Actions.** This represents the initial concept or idea stage of what may eventually develop into a proposed federal action. Three typical categories of actions are most often taken by NMSP: a proposed sanctuary designation, a sanctuary management plan review and revision, or a regulatory proposal that is developed in response to a discrete Sanctuary resource issue. An Environmental Impact Statement under the National Environmental Policy Act (NEPA) is required when a major federal action significantly affecting the human environment is taken under the NMSA, or when a change in a term of designation for the sanctuary is proposed.
- 3) **NEPA Scoping / Information Collection.** A scoping process is undertaken which includes community outreach, public meetings, and literature review. Scoping provides a framework for identifying environmental issues and coordinating with interested parties. *NMFS, the appropriate RFMC(s) established under the MSA and Federally Recognized Indian Tribes are identified among the interested parties and will be expressly notified at this step because of their role under the NMSA and fisheries expertise. Obtaining best available information, that is both high quality and composed of transparent data and methodology, is a primary goal in this stage of the process. It is here that early goal and objective consideration begins. NMFS and RFMC input in this process are critical to the successful development of final Goals and Objectives in the following step.*
- 4) **Issue Prioritization and Development of Potential Management Actions.** A Sanctuary Advisory Council (SAC) is charged by NOAA under the NMSA to advise throughout the process. Representatives from NMFS and the appropriate RFMCs are invited to be members of SACs or SAC Working Groups. *SACs are appointed to represent multiple stakeholders and provide advice and recommendations to NMSP management. NOAA in turn makes final determinations. The SAC prioritizes issues that may be addressed by the NMSP. The SAC may also form issue specific working groups to assist the SAC. For instance, if there are fishing issues associated with designation or management of a Sanctuary, a fisheries working group could be formed. Such working group could consist of representatives from NMFS (e.g., regional office and /or science center staff), the RFMCs, other agencies, Federally Recognized Indian Tribes, State marine resource management*

departments, the fishing industry, non-governmental environmental groups, and subject-matter experts and other interested parties. SAC working groups may be charged to develop potential management actions and recommendations to the SAC. The SAC in turn provides NMSP with recommendations. As a result of activities related to NMSP or SAC issue prioritization, an RFMC may pursue actions under the MSA. Refer to the Magnuson-Stevens Act Regulatory Process diagram for further description of the ensuing process. NMSP draft goals and objectives are developed at this step for internal NOAA review, which includes another opportunity for NMFS comment.

- 5) NMSP Proposed Management Actions.** The recommendations provided by the SAC and interested Indian tribes are considered by the NMSP in its development of draft goals and objectives. The draft goals and objectives are ultimately reviewed within NOAA and become an agency statement of proposed goals and objectives for that sanctuary (“goals and objectives”). Because the draft goals and objectives become a statement of NOAA goals and objectives for that sanctuary, NOAA will conduct government to government consultation with any potentially affected federally recognized Indian tribe(s). These goals and objectives are the benchmark by which a RFMC recommendation under NMSA §304(a)(5) is assessed. Management recommendations normally come about through a SAC deliberative process as described in **4)** above. The potential regulatory actions for a given sanctuary are divided into non-fishing and fishing actions (**5a** and **5b**) by the NMSP prior to proceeding to the next step

6) NMSA §304(a)(5) Regulatory Process

6) Section 304(a)(5) of the NMSA requires that the appropriate RFMC(s) be given the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone of a sanctuary’s boundaries. When such regulations appear desirable, NOAA develops and presents a 304(a)(5) package to the appropriate RFMC(s). All of the materials provided to the RFMC(s) as part of the §304(a)(5) package are intended to help the RFMC make a determination of what would best fulfill the sanctuary goals and objectives. The entire package is reviewed and approved by NOAA and provided to the RFMC.

- a. Prepare 304(a)(5) Package for RFMCs.** NOAA develops a §304(a)(5) package (package) and provides it to the appropriate RFMC(s). These materials are developed from the Scoping and Issue Prioritization steps in the process. Copies are made publicly available and given concurrently to the appropriate NMFS regional office(s). The package usually consists of, but is not limited to:
- i. Sanctuary specific goals and objectives.** (Refer to boxes 3,4 and 5 for the process a sanctuary goes through to develop goals and objectives.)
 - ii. Supporting documentation and analyses** come from a variety of sources including: literature and reports authored by the NOAA Science Centers or interagency and university scientists, notes and reports of the working group and SAC, data and/or analyses obtained via contract from consultants, NMSP assembled socio-economic and biological information, along with NMSP prepared GIS maps and relevant supporting information. *NOAA will ensure that adequate environmental and socioeconomic information is provided to the RFMC to inform them of the consequences of the “requested action”.*
 - iii. Site-specific operational criteria** are developed and approved by NOAA (NMSP and NMFS staff) to better define the goals and objectives.

- iv. Suggested action(s) for consideration by RFMC** is the recommended actions developed throughout the process of **NEPA Scoping / Information Collection (3)** and Issue Prioritization and Development of Potential Management Actions **(4)**.
- b. RFMC Deliberations.** The RFMC is provided 120 days to respond to the 304(a)(5) package (15 CFR 922.22(b)). Extensions to this 120-day time limit may be, and often are, requested and granted to accommodate RFMC agendas and workloads. *During the 120-day period staff of RFMC, NMFS (e.g., regional office and /or science center staff) and NMSP may coordinate as necessary to clarify issues, address questions and provide preliminary feedback.*
- c. RFMC Response.** The RFMC may take any of three actions at this point. The RFMCs will make their determination by following their standard operating procedures and certain MSA procedural requirements. The RFMC could:
- i)** Prepare draft NMSA regulations. If the RFMC determines that regulations should be promulgated under the NMSA, the RFMC may prepare draft NMSA regulations and submit them to the NMSP. If the RFMC determines that regulations should be promulgated under the NMSA and the RFMC chooses not to provide draft regulations, then NOAA will draft the regulations. In either case, the RFMC may conduct such analyses as it considers helpful to making its determination. While the RFMC is not required to comply with all the MSA requirements for developing or amending an FMP (e.g., public notice and comment), it must rely on the MSA national standards as guidance to the extent that the standards are consistent and compatible with the goals and objectives of the proposed sanctuary designation or action. NOAA will develop the required NEPA and other analyses for the NMSA action.
 - ii)** Determine that NMSA regulations are not necessary (e.g., the RFMC could recommend that sanctuary goals and objectives be fulfilled by the MSA or could recommend that no action be taken). *If the RFMC determines that sanctuary goals and objectives could be fulfilled under MSA, an explanation of the specific regulatory mechanisms, FMP changes, legal basis, and projected timeline should accompany its recommendation.*
 - iii)** Decline to make a determination with respect to the need for regulations
- d. NOAA Internal Analysis.** NOAA determines, through the following internal process, whether or not the RFMC's proposed action would fulfill sanctuary goals and objectives.
- i. Analysis.** The internal NOAA analysis consists of NOAA NMSP, NMFS and GC staff examining the RFMC submission and determining whether the submission fulfills the sanctuary goals and objectives. As necessary, this team will analyze the feasibility and legal defensibility of the RFMC's proposed action. The team will also identify any relevant policy considerations (e.g., timeliness, sustainability, efficiency, clarity to the public, monitoring and research needs, and ease of enforcement) of the RFMC's proposed regulation(s).
 - ii. NOAA Decision.** After the team considers all aspects of the analysis, it makes a recommendation regarding acceptance / rejection of the RFMC proposal. If unable to reach consensus, or if the recommendation is to reject a RFMC

proposal, the team would elevate the issue to the Assistant Administrators (AAs) of the National Ocean Service and NMFS for a decision, and to the Administrator of NOAA as appropriate.

- e. **Secretarial Determination**¹. Once the NOAA decision has been made regarding a RFMC submission, the §304(a)(5) process is concluded.
 - i. **RFMC Action Accepted.** If NOAA determines that draft NMSA regulations prepared by the RFMC fulfill the sanctuary goals and objectives and the purposes and policies of the NMSA, the regulations will be issued as proposed regulations for public comment. If the RFMC determines that NMSA fishing regulations are not necessary because sanctuary goals and objectives can be fulfilled by the MSA, and the Secretary accepts that recommendation, no NMSA regulations are proposed and regulations are pursued through the MSA regulatory process, if appropriate (see accompanying diagram and text).
 - ii. **RFMC Action Rejected.** If NOAA determines that a RFMC submission fails to fulfill the goals and objectives of the sanctuary and the purposes and policies of the NMSA, then NOAA will prepare proposed fishing regulations for the sanctuary. NOAA will communicate the decision to the RFMC and coordinate as appropriate with the RFMC on the development of the fishing regulations.

7a) Magnuson-Stevens Act Regulatory Process. If the NOAA analysis of fishing actions (**6d**) determines the appropriate course of action is to pursue the proposed action fully or partially under the MSA, then the appropriate regulations are pursued under the MSA process.

7b) NMSA Regulatory Process. If the NOAA analysis of fishing actions (**6d**) determines the appropriate course of action is to pursue the proposed action fully or partially under the NMSA, then the appropriate regulations and supporting documentation (e.g., NEPA, APA, Reg. Flex) are prepared by the NMSP, including any change to a sanctuary designation document (per NMSA paragraph 8).

8) Sanctuary Designation Document. A designation document is prepared as part of a sanctuary's designation process. The terms of designation are defined by the NMSA as: 1) the geographic area of a sanctuary; 2) the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational or esthetic value; and 3) the types of activities that will be subject to regulation to protect those characteristics. A sanctuary can only prohibit or restrict an activity listed in its designation document. A sanctuary designation document can, however, be amended if a discrete resource management issue arises or during the routine sanctuary management plan review processes outlined in the NMSA.

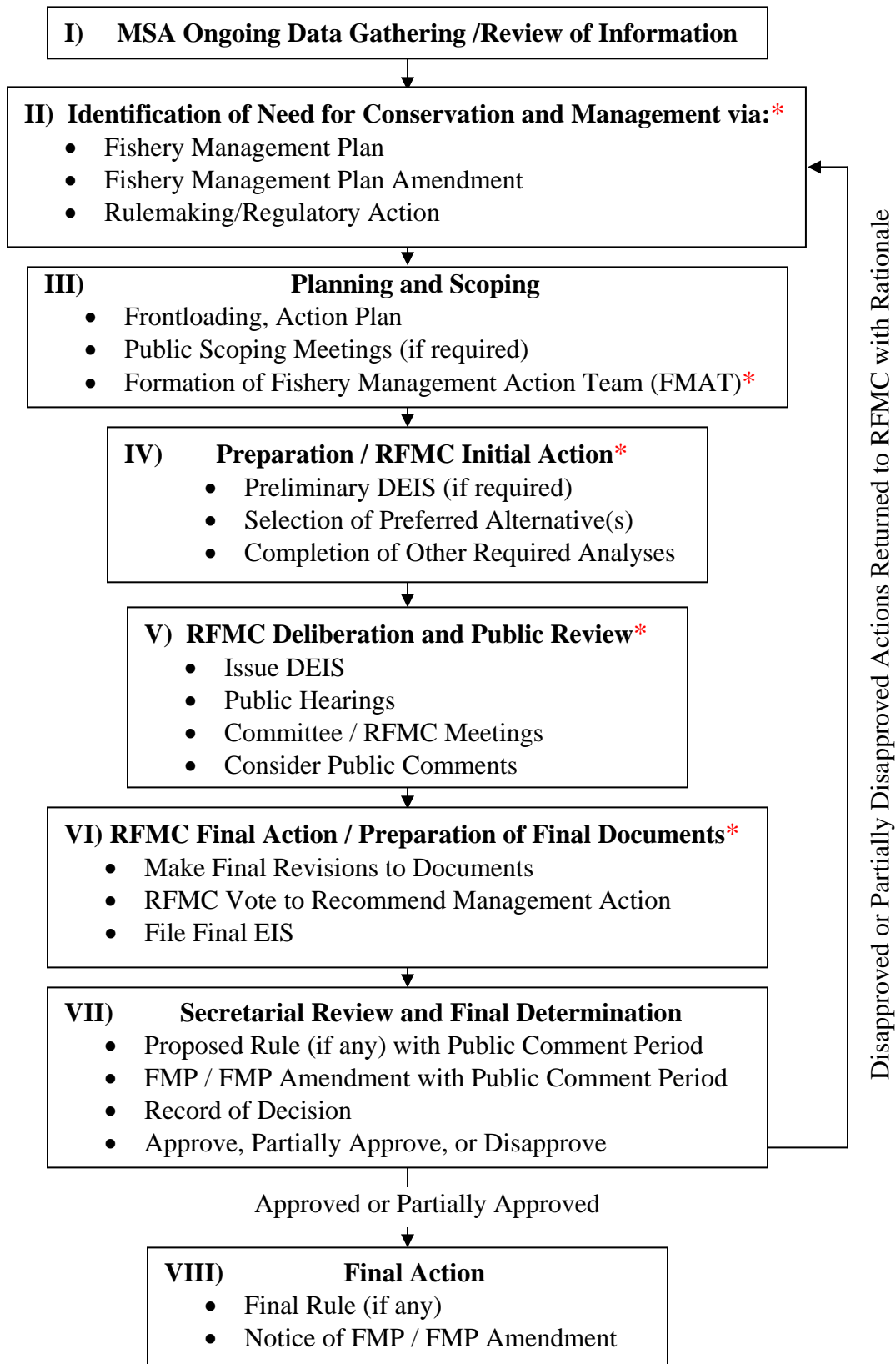
- a. **No Change Required in Designation Document.** If proposed regulations do not necessitate a change to the sanctuary's designation document, then the NMSP proceeds to promulgate regulations accompanied by the appropriate level NEPA analysis. *During final development of draft fishing regulations, staff of the NMSP, NMFS and RFMCs coordinate as appropriate to ensure that any resulting regulation fulfills sanctuary goals and objectives.*
- b. **Change Required in Designation Document.** Designation documents are changed following the applicable procedures for designation of a sanctuary (sections 303 and 304 of the NMSA). Some steps (e.g., consultation, draft EIS preparation) can be

¹ The Secretary's authority under the MSA and NMSA has been delegated to NOAA.

initiated as part of earlier actions under 4) Issue Prioritization and Development of Potential Management Actions. To issue a regulation prohibiting or restricting a fishing activity in a sanctuary for which a designation document does not have fishing as one of the activities subject to regulation, the sanctuary's designation document must be amended to include fishing as an activity subject to regulation. *During final development of draft fishing regulations, staff of the NMSP, NMFS and RFMCs coordinate as appropriate to ensure that any resulting regulation fulfills sanctuary goals and objectives.*

- 9) Public Comment Period.** Publish the proposed rule, Notice of Availability of a draft environmental impact statement or environmental analysis, and amended sanctuary designation document (if one is being amended) in the *Federal Register* to start the public comment periods (minimum 45 days DEIS; proposed rules generally have a 60-day review period). Hold public meetings or hearings as appropriate and collect public comments.
- 10) Incorporate Necessary Changes.** Consider the public comments and revise regulations and analyses as appropriate.
- 11) Publish Final Rule.** Issue the Record of Decision (ROD) and the final rule. If a final EIS was prepared, the ROD and final rule are issued after the required 30-day wait period from publication of the Notice of Availability of a final EIS. If there is a change to the designation document, the change becomes effective after a period of 45 days of continuous session of Congress (NMSA §304(a)(6)). During this final 45-day review period the Governor (when state waters are included) has the opportunity to certify to NOAA that the change to the terms of designation is unacceptable, in which case the unacceptable change to the term of designation shall not take effect in that part of the sanctuary that is within the boundary of that State.

Magnuson Stevens Act Regulatory Process



*These highlighted items are steps in the process by which RFMC and NMFS will actively engage NOS. Please see accompanying text for more detail.

Magnuson Stevens Act Regulatory Process

MSA Process for the Magnuson-Stevens Fishery Conservation and Management Act. This flowchart traces a fishery management action under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) from initial concept through implementation. The following descriptions correspond to the numbered boxes on the flowchart and are intended to more fully explain the contents of the boxes and identify the points of consultation for three players (NOAA National Marine Sanctuary Program (NMSP), NMFS, and RFMCs) at the different stages in the generic process of developing fishery-related regulations.

As part of internal NMFS efforts to manage expectations and outcomes, the agency has developed draft Operational Guidelines^{2,3} that emphasize the importance of early involvement of interested parties and identification of issues (“frontloading”). The draft Operational Guidelines identify key phases and steps that apply to all MSA fishery management actions whether the action is a rule, an FMP or an FMP Amendment, and whether it will be supported by an Environmental Assessment (EA), Categorical Exclusion (CE), or Environmental Impact Statement (EIS). The flowchart depicts a summary of these key steps.

The time it takes a proposed fishery management action to be developed varies depending on the complexity of the proposal, resources available to conduct the analyses and draft the documents, and a multitude of other contingencies. Staff resources to prepare FMP/rulemaking activities are pooled between RFMC and NMFS to variable degrees across the six NMFS regions and eight RFMCs.

We note that an RFMC recommendation proceeding from the NMSA 304(a)(5) process would not necessarily follow the steps outlined for full-blown MSA-based rulemaking.

I) Ongoing Data Gathering / Review of Information: The MSA requires that RFMCs conduct regular public meetings, and submit periodic reports, and submit recommended management action⁴ for any fishery under their jurisdiction that requires conservation and management.

Typical routes of initiating FMP/rulemaking by a RFMC include:

- a) NMFS submits information pertinent to Federal fisheries to the appropriate RFMCs.
- b) Constituents, fishing industry representatives, agency staff, RFMC members, and/or non-governmental organization representatives write or testify to the RFMC of their concern and may request a particular action.
- c) Some actions get on a RFMC agenda due to acts of Congress, which may require specific actions within statutory time frames. NMFS has an intermediate role between the Executive

² Draft Operational Guidelines: For Development and Implementation of Fishery Management Actions. August 23, 2005. http://www.nmfs.noaa.gov/sfa/domes_fish/OperationalGuidelines/DraftOGs_082405.pdf

³ NMFS has requested the Councils implement the Guidelines on a test basis. NOAA will review and consider revising this document as appropriate based on further decisions about implementation of the Guidelines and on other applicable procedures.

⁴ The term “fishery management actions” should be interpreted broadly to include a wide range of activities taken pursuant to the MSA, including proposed and final rulemakings, FMPs with no implementing regulations, and other substantive actions by the agency that promulgate or are expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, and advance notices of proposed rulemaking.

Branch and the RFMC, and is ultimately responsible for deadlines and actions required by the Secretary of Commerce as a result of legislation.

In an effort to increase “frontloading” with regard to issues involving sanctuary resources NMFS will seek out opportunities to engage the appropriate NMSP staff. The NMSP may provide information about potential relevant fishery management considerations that may affect sanctuary resources. Early identification of such issues will permit RFMCs to begin assessing potential management actions for fisheries.

II) Identification of Need for Conservation and Management. This is the point at which a RFMC determines that there may be a need to recommend action and may begin assessing the need for fishery management measures. *NMFS staff and NMSP staff will coordinate on a continuing basis regarding potential management actions that may affect sanctuary resources or the need to regulate fishing within Sanctuaries.*

At this stage ideas are developed for a response to an identified fisheries conservation or management need. The types of major Federal actions typically undertaken by RFMCs include: A new fishery management plan (FMP); an Amendment to an already approved FMP; and regulatory actions developed in response to a discrete marine conservation or management issue. FMPs and FMP Amendments must be consistent with the MSA national standards and other applicable laws, several of which require analysis of alternatives. Although it infrequently begins sooner, in most cases the National Environmental Policy Act (NEPA) process starts here.

III) Planning and Scoping.

The draft Operational Guidelines recommend the development of an “Action Plan” which describes objectives, resources, alternatives and applicable laws, prior to commencement of drafting the initial NEPA document. These Guidelines rely heavily on the concept of frontloading, which means the early involvement of all interested parties to address and resolve issues. The draft Operational Guidelines also recommend formation of a fishery management action team (FMAT) as a project management activity intended to identify and task those necessary to work on a particular action from the beginning. The FMAT will generally include representatives of the RFMC and NMFS, as well as other NOAA components and federal agencies, as necessary. *Draft Operational Guidelines will include “flags” to remind RFMCs that personnel from the NMSP will be invited to participate on FMATs regarding potential fishery management considerations that may affect sanctuary resources. Those regions not using FMATs should also involve the NMSP in early issue identification.*

Through deliberations of the FMAT, NOAA General Counsel, and agency NEPA advisors, determinations are made as to the appropriate MSA type of action (FMP or regulatory) and level of NEPA analysis (CE, EA, or EIS), or whether supplements or amendments to existing NEPA analyses are appropriate for compliance and any action necessary to comply with section 304(d) of the NMSA. *Section 304(d) of the NMSA requires federal agencies to consult on any federal action that is likely to destroy, cause the loss of, or injure any sanctuary resources. (Stellwagen Bank National Marine Sanctuary has a special standard, and consultation is required when a federal action “may affect” a sanctuary resource.)*

IV) Preparation / RFMC Initial Action. This step includes actions taken by preparers and the RFMC to complete preparation of the Draft NEPA analysis and all other required analyses.

Regulatory language, analyses and information collection requirements may be examined and preliminary estimates made of the costs and benefits of regulations depending on the nature of the proposed action and associated Federal permits, licenses, or other entitlements, and their respective accompanying analyses that will be required prior to implementation. RFMC standing committees or specially appointed committees may be asked by the RFMC to prepare components of actions for RFMC consideration. All meetings are advertised and open to the public, and public comments are taken each time an aspect of the proposed action appears on the agenda of the respective RFMC or one of its committees. *NMFS/RFMC staff will invite NMSP staff to attend and participate at standing or specially appointed committee meetings regarding potential fishery management considerations that may affect sanctuary resources.*

Preliminary Draft EIS: If schedules permit and the RFMC chooses, it may include a summary action, such as “Approve DEIS for Public Review” on the agenda. That would necessitate preparation and presentation of a preliminary DEIS to the RFMC (and public, because every action is open to the public).

Selection of Preferred Alternative: Because early identification of a preferred alternative facilitates compliance with the substantive requirements and procedural timelines of the MSA, ESA, and APA and other applicable law, the Draft Operational Guidelines encourage identification of the preferred alternative at the DEIS stage, though this is not always possible. *If consultation on a potential management action is required under §304(d) of the NMSA, it will be initiated at this stage, if it has not already been initiated.*

V) RFMC Deliberation and Public Review. Completed draft analyses are circulated for public review. *NMFS staff will ensure that NMSP staff have received draft analyses for potential management actions that may affect sanctuary resources. The NMSP would also be given an opportunity to review any such documents for those MSA actions developed from the NMSA 304(a)(5) regulatory process to fulfill sanctuary goals and objectives.* RFMC meetings or hearings are held to facilitate understanding of the documents, collect public comment and have RFMC deliberations. If deemed necessary, the NMSP shall provide NMFS with reasonable alternatives that will protect sanctuary resources. After public review and comment, the analysis documents are revised as necessary and provided to the RFMC.

VI) RFMC Final Action / Preparation of Final Documents. The RFMC holds a vote on the proposed action at a public meeting. After the RFMC votes to submit an action to the Secretary, RFMC and NMFS staff prepare the action document and any accompanying draft regulation and analyses for submission to the Secretary. It is anticipated that some work on the necessary supporting documentation will continue after the RFMC’s vote. However, if NOAA or the Council determines that the supporting analyses have been substantively changed at this point, the model in the Draft Operational Guidelines would call for reconsideration by the RFMC. All parts of a final EIS (FEIS) analysis must be completed and assembled prior to NMFS filing the FEIS with the EPA, who in turn publishes a Notice of Availability (NOA) of the FEIS in the *Federal Register*.

The MSA also requires that NMFS initiate formal public review of the RFMC’s proposed measures by publishing in the *Federal Register* the NOA of an FMP or FMP Amendment and/or the proposed rule to implement the RFMC’s recommendation. The NOA of an FEIS is different from a NOA of an FMP or FMP Amendment and is published in a different part of the *Federal Register*.

VII) Secretarial Review and Final Determination. The MSA limits the time for Secretarial review and decision on new FMPs and FMP Amendments to ninety days. NMFS must publish the NOA of the FMP or FMP Amendment immediately (within 5 days) of the transmittal date for a 60-day public comment period. The transmittal date is established by the NMFS Regional Administrator when all of the necessary documentation is determined to be complete.

The NMSP would be given an opportunity to review any such documents for those MSA actions developed from the NMSA 304(a)(5) regulatory process to fulfill sanctuary goals and objectives

Within 30 days of the close of the comment period, the agency must approve, partially approve, or disapprove the RFMC's recommendation. A Record of Decision is issued at this time. The determination to approve, partially approve, or disapprove is made by reference to the MSA's National Standards, other provisions of the MSA and other applicable law.

Approved: If a FMP or FMP Amendment is found to comply with the ten National Standards, contain all the required FMP components, and otherwise comply with all applicable laws and E.O.s, it is approved and the process is complete but for final publication of the regulations.

Disapproved or Partially Approved: If an FMP or FMP Amendment does not comply with the ten National Standards, contain all the required FMP components, and otherwise comply with all applicable law, it is disapproved. The NMFS Regional Administrator must specify in writing to the RFMC the inconsistencies of the FMP or FMP Amendment with the MSA and/or other applicable laws, the nature of inconsistencies, and recommendations for actions to make the FMP or FMP Amendment conform to applicable laws. If the RFMC is not notified within 30 days of the end of the comment period on the FMP or FMP Amendment of the approval, disapproval, or partial approval, such FMP or FMP Amendment shall take effect as if approved. If an FMP or FMP Amendment is disapproved or partially approved, the RFMC may resubmit a revised FMP or FMP Amendment and revised proposed rule, where applicable.

VIII) Final Action. For approved actions or partially approved actions a notice of availability of the final FMP or FMP amendment is issued and final regulation (if any) is published.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

October 25, 2023

Dear Council Executive Director,

The Inflation Reduction Act (IRA; P.L.: 117-169) is a historic, federal government-wide investment that furthers NOAA's efforts to build a Climate-Ready Nation. The IRA provides \$3.3 billion for NOAA to build on its commitment to help Americans – including tribes and vulnerable populations – prepare, adapt, and build resilience to weather and climate events; improve supercomputing capacity and research on weather, oceans, and climate; strengthen NOAA's hurricane hunter aircraft and fleet; and replace aging NOAA facilities. More specifically, funds have been identified to continue to build dynamic fisheries management systems that incorporate climate and ecosystem data to support management decisions and improve resilience of communities that depend on our nation's fisheries in the face of a changing climate.

BACKGROUND AND PROCESS

Initial Funding

The Regional Fishery Management Councils are critical partners in the development and implementation of conservation and management measures for our nation's marine fisheries. NOAA Fisheries has identified \$20M of IRA funds for the Regional Fishery Management Councils to develop and advance climate-related fisheries management and implementation efforts. An initial breakout of \$3M (of the full \$20M) will be divided equally amongst the eight Regional Fishery Management Councils. This comprises the initial year 1 release for the new individual Fishery Management Council awards (\$375,000 for each Council).

NOAA Fisheries will provide you with these funds, after we receive, review, and approve a grant application. Your grant application must reflect the appropriate use of funds and considerations. Proposals **must** be focused on fishery management and governance topics, and not data and science needs. Funds may be expended for the purpose of contributing to the following goals:

- Implementation of fishery management measures or processes necessary to improve climate resiliency and responsiveness to climate impacts; and
- Development and advancement of climate-related fisheries management planning and implementation efforts, including those in support of underserved communities.

Future Funding

This initial application should, in addition to the \$375,000 identified for year 1, include potential future funding expectations (obligations after initial allocation), according to the table below. This is not a guarantee of future funds, but a placeholder in order to facilitate adding funds to the grant in out-years. The descriptions needed for these future funding amounts can be general, as long as they align with the goals stated above. We recognize you do not yet know the specifics of all the projects you will request funding for, nor which will ultimately be funded. For these future releases of funding, the Office of Sustainable Fisheries will solicit proposals, based on the priorities described below, to support Council-identified top climate-related management projects. The Regional



Offices and other subject matter experts will have a role in reviewing and evaluating project proposals prior to selection and identifying future funding to be provided to each Council. Projects selected for future funding will have funds added to the initial grant awards as partial releases (similar to current Council administrative awards). Funding will be executed to the Regional Fishery Management Councils via IRA-specific awards managed through the NOAA Fisheries Office of Management and Budget. We provided more details on this proposal process at the October Council Coordination Committee (CCC). Multi-year proposals can be submitted, so long as the project outlines how and when the outcomes will be achieved.

Regional Fishery Management Council	Initial obligation in FY24	Maximum Total Application amount (FY24-FY26)
New England RFMC	\$375,000	\$3,500,000
Mid-Atlantic RFMC	\$375,000	\$3,500,000
South Atlantic RFMC	\$375,000	\$3,500,000
Caribbean RFMC	\$375,000	\$3,500,000
Gulf of Mexico RFMC	\$375,000	\$3,500,000
Pacific RFMC	\$375,000	\$3,500,000
North Pacific RFMC	\$375,000	\$3,500,000
Western Pacific RFMC	\$375,000	\$3,500,000

Priorities

Priorities will focus on implementation of management actions to advance climate-ready fisheries. Projects will advance:

- Operationalizing fish climate vulnerability assessments or other scientific products (e.g., ecosystem status reports, Integrated Ecosystem Assessments, etc.);
- Operationalizing recommendations from climate scenario planning efforts;
- Developing and implementing management changes or processes that address climate vulnerability or improve climate resiliency of fisheries (e.g., potential revisions to harvest control rules to account for changes in ecosystems related to climate change), including those that are important to underserved communities;
- Developing and implementing measures or processes that increase responsiveness of allocations or other management measures to climate impacts (e.g., “frameworking” or establishing predetermined thresholds when management changes occur);
- Developing and advancing climate-related fisheries management planning (e.g., conducting climate scenario planning) and implementation efforts, including those in support of underserved communities.
- IRA funds can be used to hire new staff/contractors. IRA funds cannot be used to pay for current staff time unless their time is shifted (from existing administrative awards) to work on an IRA-funded project and is fully accounted for.

REQUIRED APPLICATION CONTENTS

Initial year 1 funding of \$375K. In addition to required forms identified via www.grants.gov, overall application objectives must contribute to:

- Implementation of fishery management measures or processes necessary to improve climate resiliency and responsiveness to climate impacts; and
- Development and advancement of climate-related fisheries management planning and implementation efforts, including those in support of underserved communities.

Subsequent funding/projects. Proposals for FY24-FY26 should be submitted after the initial award, per the proposal guidance document described above that was distributed for the October CCC, and should give high priority consideration to:

- Actions that leverage existing tools
- Actions that will be completed within 3 years
- Cross-council projects and initiatives (where relevant)
- Related actions grouped under one comprehensive proposal (rather than single activities)

Additional requirements include:

- Actions must be completely implemented or in the final phases of approval by 2027.
- Actions must be able to be sustained after implementation with no additional post-IRA funds.

As soon as possible, please have a member of your staff begin the grant application process via the Grants.gov website. If you have any questions on the award process, contact Derek Orner from NOAA Fisheries' Office of Management and Budget, Financial Assistance Division. You may contact him at (410) 570-2268 and derek.ornor@noaa.gov. We anticipate receiving your application through www.grants.gov as soon as possible, but no later than December 31, 2023. We look forward to working with you to expedite the awarding of funds to advance and implement climate ready fisheries management.

Sincerely,



Kelly Denit
Director
Office of Sustainable Fisheries

Cc: Dan Namur, Derek Orner, Michael Hassett

DEVELOPER'S DIGEST

Opportunities for Fishermen and Mariners in Offshore Wind Development Activities

In this issue, we discuss emerging opportunities for fishermen and other mariners to actively participate in offshore wind development activities and/or research partnerships. Fishermen and mariners who are available to participate in offshore wind development (OSW) activities, either presently or at a later time, are encouraged to complete this form:

[Offshore Wind Participation Interest Form for Fishermen and Mariners](https://forms.gle/dXw2eSfDCwy2CXlp9) (https://forms.gle/dXw2eSfDCwy2CXlp9)

With the expansion of OSW in the Atlantic, the need for experienced vessels, captains, and crew in dynamic offshore conditions is rising. This demand may create opportunities for commercial fishermen, anglers, and other mariners to supplement their income by utilizing their offshore skills and vessels for assisting with OSW development activities, especially during inactive periods (i.e. off-season, quota limitations).

The suitability of roles for mariners depends on both their personal interests and unique qualifications that align with specific positions. Please note that qualification standards for different roles may vary across developers. The following chart lists several support services desired from experienced mariners and the development stages for which they may be needed (*D* = *Development*; *C* = *Construction*; *O* = *Operations*):

Vessel Usage Opportunities:

services offered by utilizing or leasing vessels for OSW-related activities

Scout Vessels: work alongside or ahead of OSW vessels to ensure planned route is clear of fishing gear; coordinate with other ocean users to minimize potential conflicts (D, C)

Guard & Safety Vessels: monitor safety perimeters around OSW maintenance and construction sites; coordinate with other ocean users to minimize potential conflicts with ongoing operations (C,O)

Cooperative Research Support Vessels: assist in conducting marine research activities, such as fisheries monitoring surveys (D, C, O)

Miscellaneous Support Vessels: assistance in various support roles, such as equipment transport, maintenance and repair support, and towing/salvage services (C, O)

Offshore Opportunities:

services working directly onboard OSW project vessels

Offshore Fisheries Liaison Representatives (OFLRs): serve as a conduit for information exchange between the Fisheries Liaisons (FLs), Fisheries Representatives (FRs), and fisheries users; communicate with fishing vessels encountered on-site (D, C)

Offshore HSE Specialists: implement safety, security, and environmental protocols to safeguard personnel, assets, mitigate risks, and ensure compliance with regulations (D, C, O)

Protected Species Observers (PSOs): receive training and certification to monitor and document the presence and behavior of endangered or threatened wildlife onboard offshore wind vessels (D, C, O)

Onshore Opportunities:

land-based services and roles to enhance communication between developers and fishing communities

Fisheries Representatives (FRs): represent a particular fishery, organization, gear type, port, region, state, or sector(s); responsible for communicating concerns, issues, and other input to the FL; represent their respective fishing communities as defined points of contact (D, C, O)

If you are interested in participating in current or future development activities and/or research partnerships, please fill out the following form:

[Interest Form for Fishermen and Mariners](https://forms.gle/dXw2eSfDCwy2CXlp9)

The positions highlighted in this newsletter are not comprehensive, and additional roles may become available during later stages of development. Project assistance needs are likely to vary according to individual project timelines. Please note that all positions are temporary and vary based on specific responsibilities. Certain periods may involve more intense work activity than others, and these roles are designed to complement, rather than replace, primary fishing roles.

Fishermen possess deep-rooted experience and a nuanced understanding of local fishing practices, communities, and the marine environment. As such, fishermen can contribute insights that are essential for avoiding and minimizing disruption to fishing operations and marine ecosystems. Simultaneously, these positions can help create a more sustainable financial base by offering supplemental income opportunities that can weather the unpredictable fluctuations of the fishing market.

About the New York Bight Developer's Digest

This digest is produced periodically by the American Clean Power (ACP) New York Bight Fisheries Work Group to provide the fishing industry and interested stakeholders a snapshot of current and expected activities across BOEM's New York Bight lease areas: [Empire Wind](#) (0512), [Bluepoint Wind](#) (0537), [Attentive Energy](#) (0538), [Community Offshore Wind](#) (0539), [Atlantic Shores Offshore Wind](#) (0541), [Leading Light Wind](#) (0542), and [Vineyard Mid-Atlantic](#) (0544).

Lease locations and Fisheries Liaison contact information is listed on the following page. The goal of the Work Group is to advance engagement and collaboration with fishery participants and other ocean users through increased coordination among lessees in the New York Bight.



Thank you!

Please feel free to reach out to the Fisheries Liaisons below with any questions or suggestions regarding this and future New York Bight Offshore Wind Updates. If you have any questions or would like to contribute to our next issue, please contact us at BKrevor@cleanpower.org. For more information on outreach in the New York Bight, please see the following links to each project's Fisheries Communications Plan.

[Empire Wind Fisheries Communications Plan](#)

[Bluepoint Wind Fisheries Communications Plan](#)

[Attentive Energy Fisheries Communications Plan](#)

[Community Offshore Wind Fisheries Communications Plan](#)

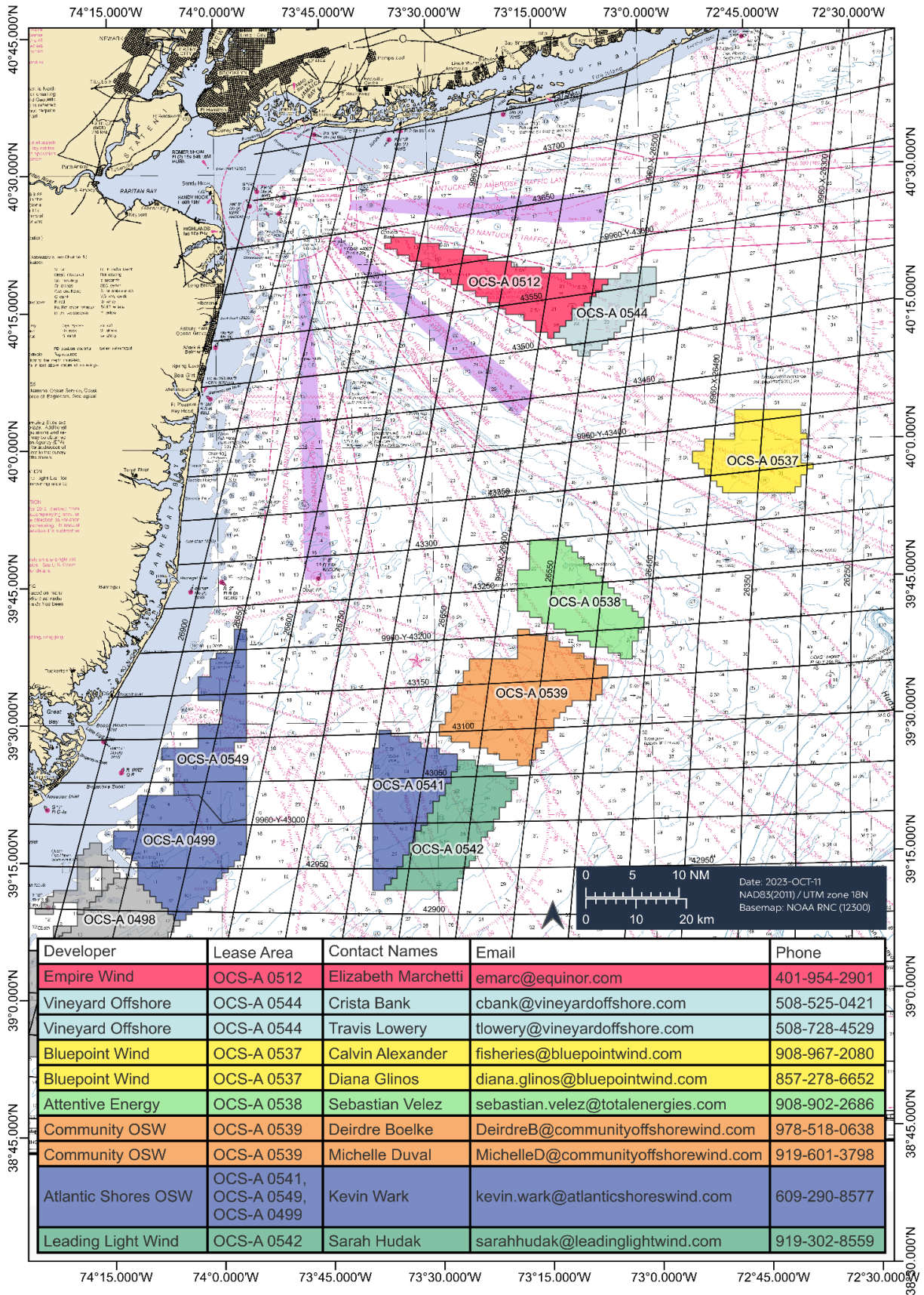
[Atlantic Shores Offshore Wind Fisheries Communications Plan](#)

[Leading Light Wind Fisheries Communications Plan](#)

[Vineyard Mid-Atlantic Fisheries Communications Plan](#)

New York Bight Offshore Wind Leases and Fisheries Liaisons

December 2023



Developer	Lease Area	Contact Names	Email	Phone
Empire Wind	OCS-A 0512	Elizabeth Marchetti	emarc@equinor.com	401-954-2901
Vineyard Offshore	OCS-A 0544	Crista Bank	cbank@vineyardoffshore.com	508-525-0421
Vineyard Offshore	OCS-A 0544	Travis Lowery	tlowery@vineyardoffshore.com	508-728-4529
Bluepoint Wind	OCS-A 0537	Calvin Alexander	fisheries@bluepointwind.com	908-967-2080
Bluepoint Wind	OCS-A 0537	Diana Glinos	diana.glinos@bluepointwind.com	857-278-6652
Attentive Energy	OCS-A 0538	Sebastian Velez	sebastian.velez@totalenergies.com	908-902-2686
Community OSW	OCS-A 0539	Deirdre Boelke	DeirdreB@communityoffshorewind.com	978-518-0638
Community OSW	OCS-A 0539	Michelle Duval	MichelleD@communityoffshorewind.com	919-601-3798
Atlantic Shores OSW	OCS-A 0541, OCS-A 0549, OCS-A 0499	Kevin Wark	kevin.wark@atlanticshoreswind.com	609-290-8577
Leading Light Wind	OCS-A 0542	Sarah Hudak	sarahhudak@leadinglightwind.com	919-302-8559



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901

Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 1, 2023
To: Chris Moore, Executive Director
From: Mary Sabo
Subject: Comments on NOAA Fisheries 304(f) Procedural Directive

In May 2023, NOAA Fisheries released a draft procedural directive titled “Guidance on Council Authority for Preparing Fishery Management Plans for Stocks that May Extend across the Geographic Areas of more than one Council, pursuant to MSA §304(f)” (also referred to as the “Climate Governance Policy”). The draft procedural directive proposes guidance on when and how the Secretary will review and assign management authority over fisheries found across more than one Council jurisdiction. Given the Mid-Atlantic Council’s shared regional boundaries with two other East coast Councils, as well as the number of Mid-Atlantic stocks that extend beyond the Council region boundaries, this procedural directive has the potential to directly impact a number of Mid-Atlantic Council fishery management plans.

The Mid-Atlantic Council submitted comments on the draft procedural directive to NOAA Fisheries on November 17, 2023. The Council’s letter notes a number of serious concerns with the draft procedural directive and recommends that the agency engage the Councils on the development of a revised process. The Council’s letter is enclosed behind this memo and is also available on the Council’s website at the following link:

- [MAFMC Comments on the Draft Climate Governance Procedural Directive](#)

Other Council Comment Letters

The Council Coordination Committee (CCC), which consists of leadership from the eight regional fishery management councils, submitted comments on the draft procedural directive. The CCC’s letter, available at the link below, highlights many of the same issues identified in the Mid-Atlantic Council’s letter.

- [CCC Comments on the Draft Climate Governance Procedural Directive](#)

Several other regional fishery management councils submitted comments on the draft procedural directive to NOAA Fisheries. These letters are available at the links below.

- [NEFMC Comments on the Draft Climate Governance Procedural Directive](#)
- [SAFMC Comments on the Draft Climate Governance Procedural Directive](#)
- [WPFMC Comments on the Draft Climate Governance Procedural Directive](#)

Public Comments

At the August 2023 Council Meeting, the Council discussed concerns about the agency's lack of public outreach regarding the draft procedural directive. The Council agreed at that meeting to conduct supplemental outreach to ensure that all interested individuals are aware of the draft procedural directive and have an opportunity to provide comments.

The Council hosted a public webinar on October 16 to collect public input on the procedural directive. A summary of comments received during the webinar is available here:

- [Summary of October 16 Council Webinar](#)

The Council also received the following written comments, which were combined and submitted to NOAA Fisheries on November 17, 2023:

- [Seafreeze Ltd.](#)
- [SeaWatch International](#)
- [Lund's Fisheries](#)

Additional background information and related documents can be found at <https://www.mafmc.org/actions/nmfs-climate-governance-policy>.



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

November 17, 2023

Ms. Janet Coit
Assistant Administrator, NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Coit:

The Mid-Atlantic Fishery Management Council (Mid-Atlantic Council or MAFMC) writes to express our strong concerns about NOAA Fisheries' Draft Procedural Directive (Procedural Directive) regarding the use of Magnuson-Stevens Act (MSA) §304(f) authority for fisheries that extend across the geographic areas of more than one Regional Fishery Management Council (Council). While the Secretarial authority to designate Council responsibility for managed species already exists within the MSA, the Procedural Directive would impose a new process by which NOAA Fisheries could reassign Council management authority for fisheries managed under existing Fishery Management Plans (FMP). As discussed below, we believe the Procedural Directive has serious flaws and should not be implemented in its current form. Instead, we recommend that NOAA Fisheries engage the Councils in the development of a revised process to address these issues in a more appropriate, collaborative, and evidence-based manner. This letter complements the comments previously submitted by the Council Coordination Committee (CCC) on behalf of the eight Councils.¹ Additional comments from the Mid-Atlantic Council's Scientific and Statistical Committee (SSC) are provided as an attachment.

Summary

As one of only two Councils that share both a northern and southern boundary with another Council, the Mid-Atlantic Council is well versed in the management and governance challenges and complications presented by cross-jurisdictional fisheries and shifting stocks. Although the MAFMC appreciates the agency's efforts to develop a process to continue addressing these challenges, the approach detailed in the Procedural Directive is fundamentally misguided. The following is a brief overview of our primary concerns:

1. **The Procedural Directive does not articulate a clear purpose or provide an evidence-based description of the problem.** The MSA provides the Councils with significant flexibility and a variety of tools to manage fisheries across jurisdictional boundaries. The Councils, particularly the three East Coast Councils, have successfully managed stocks across jurisdictional boundaries since the inception of the Council system in 1976 and have continued to adapt their management approaches to address new challenges and changing conditions. NOAA Fisheries has indicated that the Procedural Directive was developed "in anticipation of an increasing number of fish stocks shifting in geographic distribution, new fisheries emerging, and other demographic shifts in fisheries." However, the document does not provide meaningful evidence or reference any

¹ https://www.fisherycouncils.org/s/2023-10-06_CCC-Comments-on-NMFS-304f-Procedural-Directive.pdf

supporting analysis to demonstrate shortcomings in existing management approaches for cross-jurisdictional fisheries. The overall lack of a problem statement and specific objectives makes it impossible to determine the appropriateness of the proposed process.

2. **Contrary to the agency’s stated goal of establishing a more transparent and orderly approach for fishery management, the Procedural Directive proposes a confusing and unnecessarily complicated process.** The document appears to have been developed hastily and with insufficient attention to the complexities of evaluating and responding to changing stock distributions. The proposed process is convoluted and difficult to follow, providing overly specific guidance in some areas while failing to provide any meaningful guidance on some of the most complex aspects of the process. Rather than adding clarity and predictability regarding the use of §304(f), the Procedural Directive introduces additional areas for subjectivity and potential disputes over conflicting interpretations. A national-level directive should be thoroughly reviewed and tested to ensure that any guidance can be applied in a consistent and predictable manner across all regions, fishery management plans, and stocks.
3. **The proposed criteria, metrics, and time frames are overly prescriptive, lack justification, and are inappropriate for evaluating changes in catch location and/or stock distribution.** The Procedural Directive proposes several metrics and thresholds for triggering a review and considering modifications to Council authority. These evaluations rely heavily on commercial landings revenue and recreational fishing effort estimates, both of which are problematic metrics for evaluating shifts in stock distribution or fishing effort. In addition, the suggested time frames for evaluation of these metrics are too short to accurately assess long-term changes. The guidance includes no supporting information or analysis to justify the selection of the proposed metrics and thresholds, nor does it explain how they should be weighed against other considerations identified in the document. The draft also does not acknowledge the complexities of evaluating changes in stock distribution or provide any guidance on what constitutes a “documented shift in distribution.” We are deeply concerned that the use of arbitrary and untested metrics and thresholds, combined with an ill-defined process for evaluating changes in stock distribution, will lead to frequent, unnecessary reviews and unwarranted changes in management responsibility.
4. **Reassignment of management authority would be extremely disruptive and should be exercised as a last resort rather than a first course of action for addressing governance issues.** Transferring management responsibility between Councils or transitioning to joint management would be a complex process with significant impacts on the affected Councils, SSCs, NOAA Fisheries Regional Offices and Science Centers, and stakeholders. The Procedural Directive fails to provide any meaningful guidance on how these impacts will be measured against potential benefits when considering a change in Council management authority. The document also does not include any consideration of less disruptive options for addressing governance challenges that could be considered before pursuing changes under §304(f).
5. **The Procedural Directive does not provide adequate opportunities for Council involvement or public input.** We are extremely concerned that the proposed process only includes one guaranteed opportunity for the relevant Councils to provide input (with one possible additional opportunity at the discretion of NOAA Fisheries). The Councils should have a defined and significant role in all steps of the process given their institutional knowledge and experience. We also note that the proposed time frames are too short to allow for meaningful input from, and

dialogue with, the Councils. We are also concerned that the proposed process described in the Procedural Directive does not include any dedicated opportunities for input from other management partners and the public. Transparency and public participation have been fundamental to successful fisheries management under the MSA, and these attributes should not be abandoned as proposed in the current Procedural Directive.

Overarching Recommendations

Given these concerns, we urge the agency to collaborate with the Councils to develop an alternative process and a revised procedural directive. We strongly recommend that the revised process and guidance incorporate the following principles:

- Any procedural directive regarding the use of MSA §304(f) should be based on a policy directive which defines the agency's overarching policy and establishes clear objectives.
- Reviews of geographic scope and Council authority should only be initiated at the request of a Council or through a formal stakeholder petition process established by NOAA Fisheries.
- Any consideration of changes in management authority should be tied to clear and documented governance issues that have well-established connections to changes in species distribution.
- Guidance should be designed to minimize the frequency of reviews and changes in management authority. When a governance issue has been identified, the responsible Council(s) should be given an adequate opportunity to address the issue *before* changes under MSA §304(f) are considered.
- The guidance should provide reasonable flexibility to account for variations among fisheries and regions. If any specific criteria or thresholds are included in the guidance, they should be scientifically sound, technically robust, and have a well-supported connection to the objectives for evaluation.
- Decisions made pursuant to §304(f) should be supported by a record that documents the rationale for the determination and provides a detailed explanation of the factors considered in the review.
- Guidance regarding the use of §304(f) should establish a robust, collaborative, and transparent process with central roles for both the Councils and NOAA Fisheries. Specifically, the process should:
 - Be conducted by an expert working group composed of individuals with relevant science, management, and policy expertise
 - Provide flexibility to determine appropriate indicators, criteria, thresholds, and data sources for a particular fishery
 - Include a comprehensive review of the available scientific information, methodologies, fishery specific characteristics, and regional knowledge
 - Require levels of analysis, documentation, and public input that are at least on par with the requirements for an FMP amendment
 - Describe and utilize the best available scientific information regarding the fisheries and ecosystems under consideration
 - Characterize and account for uncertainty in the data sources used
 - Assess whether changes in a fishery represent persistent long-term shifts (as opposed to short-term changes or interannual variability)
 - Evaluate costs and impacts of any proposed change in Council management authority relative to the anticipated benefits
 - Provide ample opportunities for public comment

Detailed Comments on the Draft Procedural Directive

1. The Procedural Directive does not articulate a clear purpose or provide an evidence-based description of the problem.

General Comments

NOAA Fisheries has indicated that the Procedural Directive was developed “in anticipation of an increasing number of fish stocks shifting in geographic distribution, new fisheries emerging, and other demographic shifts in fisheries.” While the Mid-Atlantic Council acknowledges the need to prepare for changing conditions, including possible changes to our governance systems, the Procedural Directive does not provide meaningful evidence, or reference any supporting analysis, to demonstrate shortcomings in existing management approaches for cross-jurisdictional fisheries.

The MSA provides significant flexibility and a variety of tools to facilitate management of fisheries across jurisdictional boundaries, and the Councils have been successfully managing stocks across jurisdictional boundaries since the inception of the Council system in 1976. Cross jurisdictional coordination has always been a particularly important aspect of fisheries management in the Greater Atlantic region. Southern New England states have a substantial interest in some fisheries managed by the Mid-Atlantic Council, and conversely, the Mid-Atlantic states have a substantial interest in a number of fisheries managed by the New England Council. The Mid-Atlantic and New England Councils manage two fisheries under joint FMPs and cooperate on the management of several other fisheries that overlap the geographic areas of both Councils. The Mid-Atlantic also jointly manages several FMPs with the Atlantic States Marine Fisheries Commission (ASMFC), whose membership includes representatives from all East coast states. In addition to formal coordination via joint management plans, the Mid-Atlantic and several other Councils utilize cross-Council liaisons to facilitate sharing of information and perspectives across regions. The Mid-Atlantic Council frequently holds public hearings outside of the Mid-Atlantic region to ensure that all relevant stakeholders have opportunities to comment on Council actions. The Mid-Atlantic Council, in coordination with other East coast management organizations, has recently been exploring possible changes to Committee membership and enhanced use of liaisons to further enhance coordination across regions.

Against this backdrop of relatively successful cross-jurisdictional coordination, NOAA Fisheries has failed to explain what problem the Procedural Directive is intended to address or how the guidance would benefit fisheries or stakeholders. It is also not clear to what extent the guidance is intended specifically to address climate-related changes. Although the agency has frequently referred to the Procedural Directive as a “Climate Governance Policy,” the word “climate” does not appear anywhere in the document.

MSA National Standard 6 already requires FMPs to be flexible enough to account for variations and contingencies in fisheries, including climatic conditions. According to the National Standard Guidelines at §600.335(d), unpredictable events, including climatic conditions, “are best handled by establishing a flexible management regime that contains a range of management options through which it is possible to act quickly without amending the FMP or even its regulations.” We believe resources would be better put toward continued development of more flexible management programs to increase the Councils’ adaptive capacity to respond to climate change and governance challenges, rather than creating an additional process to consider much more rigid structural changes.

Another area of concern relates to the use of a procedural directive as the vehicle for this guidance. Typically, a *policy directive* that outlines the underlying science and/or management issue would be developed and approved first, followed by a *procedural directive* that outlines the process to address the

policy. However, this Procedural Directive contains no reference to a corresponding policy directive. Optimally, the specific objectives defined in a policy directive would be used to define the appropriate metrics by which the need for management intervention would be identified. In this case, the absence of specific objectives makes it impossible to meaningfully interpret and assess the appropriateness of the proposed process.

Recommendations

The Procedural Directive should include a description of its purpose and objectives, and it should clearly define the problem using relevant data and/or examples. This description should explain any connection to an existing policy directive, if applicable, and if such a policy directive does not exist, one should be developed. Consideration of changes in management authority should be tied to clear and documented governance issues that have well-established connections to changes in species distribution. The Procedural Directive should establish guidelines to assess whether a governance problem truly exists with individual species or FMPs that may come under review.

2. The Procedural Directive proposes a confusing and unnecessarily complicated process.

General Comments

A national-level directive should be carefully designed and tested to ensure that any guidance can be applied in a consistent and predictable manner across all regions, FMPs, and stocks. This Procedural Directive appears to have been developed hastily, with insufficient attention to the complexities of the Council process and associated governance issues. Rather than adding clarity and predictability regarding the use of §304(f), the Procedural Directive introduces additional areas for interpretive questions and subjectivity. We are concerned that this will invite disputes over conflicting interpretations of the guidance. We agree with the statement in the CCC comment letter that the proposed guidance “could be used to justify vastly different outcomes depending on the data used, making it very difficult to see how the [Procedural Directive] would accomplish its goal of establishing ‘a more transparent, orderly, and responsive approach for fishery management.’”

In general, we find the proposed process to be convoluted and difficult to follow. For example, the relationships between Steps 1, 2, and 3 appear muddled, with many of the same sources of information considered in each step. As drafted, the relationship between the outcomes under Step 2 and determinations under Step 3 is confusing. Similarly, the relationship between the sub-components of some of the steps are unclear, such as for Step 1 where the sources of data to be considered (Step 1c) seem broader than the criteria that would be evaluated to indicate need for a review (Step 1b).

We also note that there is considerable ambiguity in the language used throughout the document. For example, variations of the phrase “including but not limited to” are used at several points when introducing lists of potential criteria, indicators, and sources of data that *may* be used. We question the value of including those lists at all if they are meant to be non-limiting and when no further guidance is provided on how the specific criteria, indicators, or data sources will be selected or prioritized. Similarly, a statement like “Determining the geographic location of a fishery involves consideration of legal, policy, and scientific issues and includes a certain amount of flexibility” adds little clarity to the document when no further insight is offered with respect to the legal, policy, or scientific issues that should be considered. Below we identify several specific questions and areas of ambiguity that require further clarification.

Initial Determinations

Clarification is needed on the assertion that “for most currently managed fisheries, initial determinations of geographic scope and designations of Council authority for preparing fishery plans have already been completed.” Is this referring to the initial determinations made during development of each original FMP, or has NOAA Fisheries recently conducted this type of review for “most” managed fisheries? In either case, it is not clear for which fisheries this review would not have been completed and why.

Multispecies FMPs

The Procedural Directive does not specify whether the review process is intended to apply to individual species or entire FMPs. This is an important distinction, as some species are managed together under a single FMP due to similarities in fishing operations and/or life history characteristics. Four of the Mid-Atlantic Council’s FMPs include more than one species, with varying degrees of similarity among the species included in the FMP. There are challenges associated with each approach (application at the species or FMP level) that need to be further explored and clarified within the Procedural Directive, as there are important implications for aspects of the process such as data evaluation and, complexity of management transition. If the guidance is intended to be applied at the FMP level, additional guidance would be needed on how to consider divergent trends in the metrics for different species within a multispecies FMP.

New Fisheries

While most of our comments focus on the implications of this Procedural Directive for fisheries managed under existing FMPs, the guidance is also intended to apply to new (previously unmanaged) fisheries. We note that the management, data, and fishery challenges are very different for new fisheries compared to those associated with existing FMPs, and a one-size-fits-all approach may not be appropriate. Commingling these processes is confusing, particularly considering that the Councils have typically been responsible for developing proposals to initiate management of a new species. The National Standard general guidelines state that “In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish management objectives, and to propose management measures that will achieve the objectives” (50 CFR 600.305). However, the proposed process for reviewing the geographic scope of a new fishery, which begins at Step 2, suggests that a portion of this responsibility would shift to NOAA Fisheries. Further clarification is needed if this is not the agency’s intent. While we question the need for this guidance to address new fisheries, we believe the document would benefit from a more detailed explanation regarding how the proposed process would align with the existing process for establishing management of new fisheries.

Transition Process

Some elements of the proposed transition process (Step 4) are of concern, including the provision that during the minimum 2-year phase in period, “existing FMP and regulations should remain in place.” It is unclear if this refers to all FMP elements and regulations, including routine specifications of annual management measures. Transition to revised management authority will be a complex process and may take much longer than two years. It is unrealistic to expect all regulations to remain unchanged over this time frame while still meeting the objectives of the FMP and “remain[ing] compliant with the MSA and other applicable law.” The description of the transition period also does not address the East Coast Scenario Planning Summit recommendation to use joint management as a transition mechanism where possible and appropriate.² Step 4 states that NOAA Fisheries and the Councils should provide for a

² East Coast Climate Change Scenario Planning Summit Report, https://www.mafmc.org/s/ECSP-Summit-Report_April-2023.pdf

“transition plan that addresses permitting and allocation issues.” It is not clear what is meant by this, especially given that the guidance also states that the existing FMP and regulations should remain in place until superseded by the new responsible Council(s).

Recommendations

As we noted in the introduction, our central recommendation is that NOAA Fisheries engage the Councils on development of a more appropriate, collaborative, and evidence-based approach for addressing management of stocks that extend across more than one Council jurisdiction. We recommend that the process be redesigned as a robust, collaborative endeavor consisting of a joint effort between the relevant Councils, NOAA Fisheries, and other management partners and stakeholders. A revised process should be thoroughly tested with a wide range of example cases to improve the draft process and guidelines. While we recognize that the authority for determining Council management responsibility ultimately lies with the Secretary of Commerce, we believe that the success of any potential reviews or transitions of management authority hinge on the degree of collaboration and transparency of the process, both of which are lacking in the current Procedural Directive. Listed below are several recommendations that relate to specific aspects of the process as described in the Procedural Directive.

Step 1: The Council strongly believes that reviews of geographic scope and Council management authority should only be conducted on an as-needed basis when there is a clearly defined governance problem. We recommend establishing a formal process through which a review could be requested by the relevant Council(s) or their stakeholders. We envision a process similar to the one used for National Marine Sanctuary nominations. Guidelines could be established for these groups to submit petitions for review by NOAA Fisheries, including requiring a preliminary description of any documented changes in the geographic scope of a fishery as well as a clear demonstration of an ongoing governance problem. Councils and their stakeholders are well positioned to track and identify changes in their managed fisheries, including resulting representation and governance concerns.

Steps 2-3: For fisheries where NOAA Fisheries determines that a review is needed, we recommend combining steps 2-3 into a single process for evaluating changes in the geographic scope of the fishery and determining the appropriate Council authority. Both components of such an evaluation should be conducted by an expert working group, including science and policy experts who can facilitate thorough consideration of the best available scientific information, methodologies, fishery specific characteristics, and regional knowledge of the relevant fisheries. This evaluation process could result in a recommendation to the Secretary of Commerce supported by levels of analysis, documentation, and public input that are at least on par with the requirements for an FMP amendment. Peer review processes should be conducted where necessary. The process should provide a clear role for the relevant Councils, the ASMFC (or individual state management partners where appropriate), and other fishery stakeholders.

Step 4: While we recognize that guidance on transitioning management authority will likely be needed, in our view it is not necessary to include this as a step in this proposed process, which should be focused primarily on reaching a decision about management responsibility. We recommend separating guidance on management authority transitions into a separate Procedural Directive to allow for additional development of the proposed transition process.

New Fisheries: We recommend narrowing the scope of the Procedural Directive to apply only to fisheries under existing Council FMPs. If NOAA Fisheries maintains its position that §304(f) guidance is needed for new, previously unmanaged fisheries, we recommend addressing this through a separate

procedural directive which fully explains how the proposed process will intersect with the existing Council-led process for initiating management of a new species.

3. The proposed criteria, metrics, and thresholds are overly prescriptive, lack justification, and are inappropriate for evaluating changes in catch location and/or stock distribution.

General Comments

Criteria, metrics, and thresholds for the determination of management authority should be carefully selected to reflect the underlying policy objectives of this type of guidance, which, as noted in Section 1, are not clearly explained in the current draft. Although the purported intent of this guidance is to address shifts in the geographic scope of fisheries, several of the proposed metrics are not reliable indicators of stock distribution or fishing effort. We are concerned that the use of these inappropriate metrics and arbitrary thresholds is likely to result in frequent reviews, even where no governance problems are evident. This would divert agency and Council resources away from other critical projects, including actions or initiatives to increase the climate resilience of managed fisheries. In the extreme, inappropriate metrics could result in unnecessary and costly reassignment of management authority.

Commercial Revenue and Recreational Effort as Metrics

The Procedural Directive proposes to use commercial revenue and recreational effort as possible metrics for determining if a review is needed and designating the appropriate Council management authority. The guidance does not prohibit the use of other metrics or data sources; however, the emphasis on commercial revenue and recreational effort seems to signal the agency's belief that these metrics are appropriate proxies for stock distribution and/or location of fishing effort. We strongly disagree. While commercial and recreational landings and effort are worthy of consideration as part of a comprehensive review of multiple data sources, we do not believe they are appropriate for use as stand-alone or even primary indicators of a fishery's geographic scope.

When evaluating commercial landings or revenue data, it is important to consider differences between the location of *landing* and the location of *catch*. NOAA Fisheries states on its own commercial landings query page "Landings data do not indicate the physical location of harvest but the location at which the landings either first crossed the dock or were reported from."³ This distinction does not seem to have been thoughtfully incorporated into the draft Procedural Directive beyond noting that reviews should account for "any regulatory requirements that may be affecting where fish are landed as opposed to where they are caught." However, it is not clear how this would be done, calling into question whether commercial revenue is the appropriate metric if the intent is to assess catch location. There are many confounding factors influencing where commercial landings occur, including variable local market conditions, availability of shoreside infrastructure, and management factors such as rotational management programs and allocations. In our view, this makes commercial landings revenue an inappropriate metric for assessing long term trends in catch location or species availability.

To illustrate our concerns with using commercial revenue to evaluate the geographic scope of a fishery, consider the following example: According to NOAA Fisheries commercial landings data, 76% of total revenue from the longfin squid fishery was attributed to New England states in 2022 (Figure 1a). Under the "presumptions pertaining to designations" listed under Step 3, this data could be used to support a decision to reassign management authority to the New England Council. However, based on catch

³ NOAA Fisheries Office of Science and Technology, Commercial Landings Query, Metadata and Caveats <https://www.fisheries.noaa.gov/foss/f?p=215:240:5888370331505>

statistical area data (primarily from Vessel Trip Reports (VTRs)), the majority of longfin squid revenue was generated from harvest that occurred in the Mid-Atlantic Council’s jurisdiction (Figure 1b; Figure 2). Over half of landings revenue was attributed to statistical areas fully within the Mid-Atlantic Council’s jurisdiction, and an additional 41% was from statistical areas 537, 539, and 611, which straddle the New England and Mid-Atlantic boundary (note that these statistical areas are considered to be part of the Mid-Atlantic Ecological Production Unit, as defined by the NOAA Fisheries Northeast Fisheries Science Center). Only 8% of revenue came from statistical areas fully within the New England Council’s jurisdiction. In this example, using commercial revenue based on the landings location would create an inaccurate and incomplete understanding of the fishery’s true geographic scope.

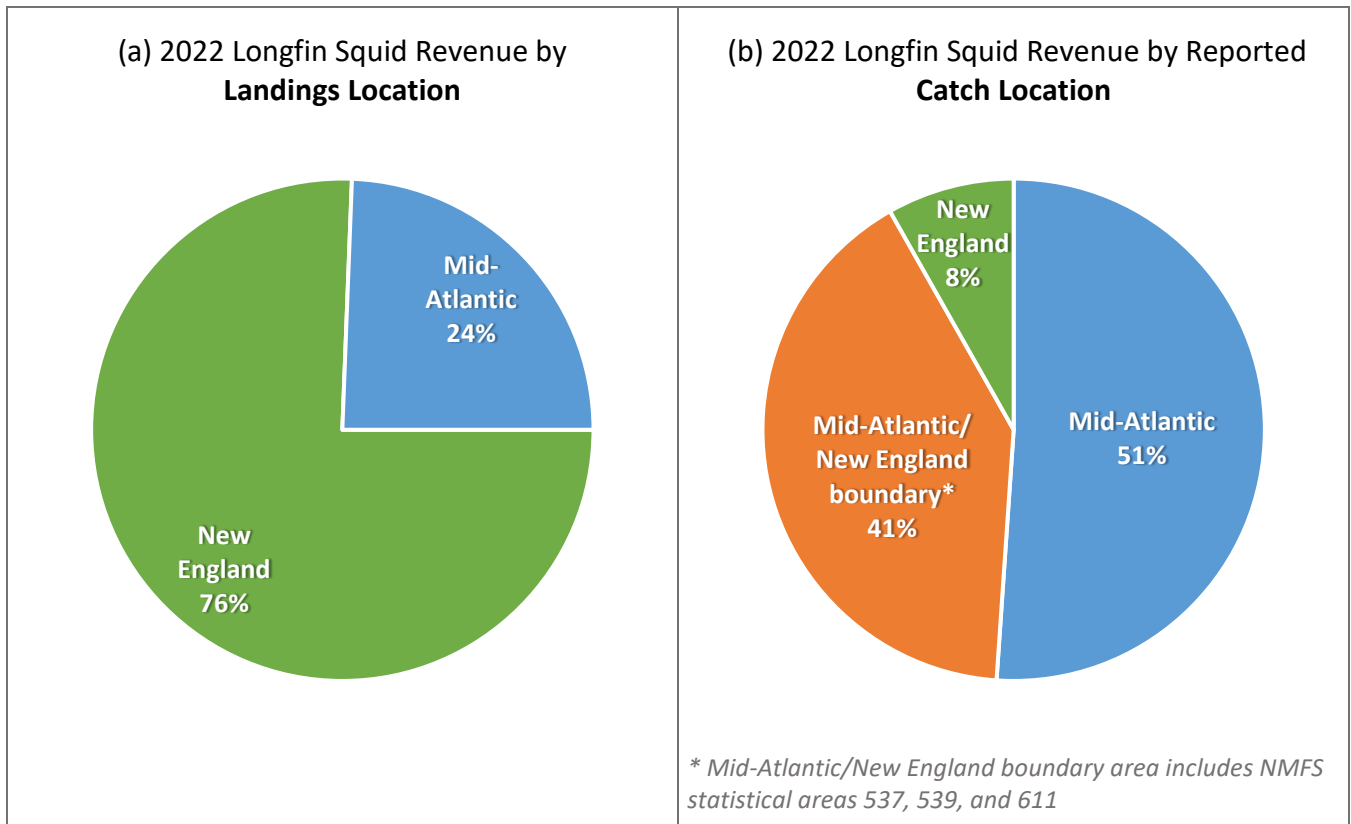


Figure 1: (a) Percentage of longfin squid revenue from each Council region in 2022 based on the location at which the landings either first crossed the dock or were reported from. Source: NOAA Fisheries Annual Landings Statistics. (b) Percentage of longfin squid revenue from each Council region in 2022, based on statistical area of reported catch. The orange segment represents revenue from statistical areas that straddle the jurisdictional boundary between the Mid-Atlantic and New England Councils (537, 539, and 611). Source: NMFS Catch Accounting and Monitoring System (CAMS) data as of October 2023.

2022 Longfin Squid Revenue by Statistical Area

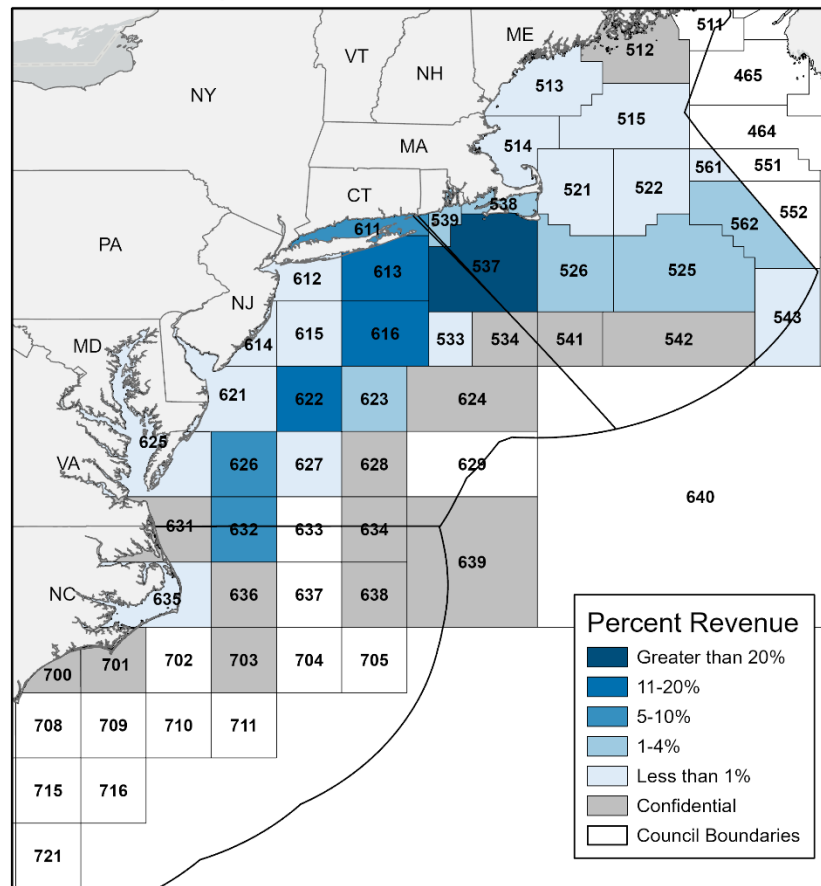


Figure 2: 2022 longfin squid revenue by NMFS statistical area. Source: NMFS Catch Accounting and Monitoring System (CAMS) data as of October 2023.

We have similar concerns about the use of recreational effort as a primary indicator or metric for identifying shifts in the geographic scope of a fishery. Recreational catch and effort estimates may have high uncertainty (i.e., high PSEs), and the precision of these estimates generally decreases as they are broken down into smaller spatial units. Recreational effort for a given species is influenced by many factors other than the geographic distribution of the stock, including regulations, regional trends in weather, economic factors, availability of other target species, coastal population and tourism trends, and access to shoreside fishing sites or marinas. In addition, spatial information as to where catch occurred is limited and typically extremely coarse (e.g., state waters or federal waters). Collectively, these factors make it very challenging to draw meaningful conclusions about the geographic scope of a fishery from recreational effort data.

It is also important to note that the MRIP fishing effort survey and catch estimation methodologies have undergone a number of significant changes in recent years, resulting in substantial revisions to the time series of estimates. Recently, a pilot study indicated that there may be a need to once again revise the effort survey design and estimates. The impacts of such large changes in effort estimates are not uniform across all states and regions, which could create complications for comparing recreational effort by region. The instability in recreational effort methodologies and estimates make it extremely challenging and highly uncertain to use recreational effort as a metric to assess changes in the geographic scope of a

fishery. The calibrations currently needed to align historical recreational data collected under different methodologies with current methodologies also create additional uncertainties in interpreting long-term trends that span the different eras of recreational data collection methods.

Thresholds

In Step 1, the guidance proposes that a 15% shift in either commercial revenue or recreational effort may indicate a need for a review. Depending on the fishery and the years evaluated, a 15% change in these metrics could be well within the range of typical variability, and, as such, is too low a threshold for identifying significant and persistent changes in the location of a fishery. In Step 3, the guidance uses the relative proportions of commercial revenue or recreational effort across Council jurisdictions as the basis for several “presumptions pertaining to designations.” The thresholds described in both steps are presented with no explanation or analysis to justify their selection and thus appear arbitrary.

Time Frames

The suggested time frames for review (e.g., two sets of 3-year averages) seem too short to capture meaningful long-term shifts in stock distribution and fishing effort. This is particularly true when multiple short time frames are compared with little or no separation in time between the two periods. These comparisons are much more likely to capture shorter-term changes that may be unrelated to climate change including natural variability, temporary changes in fishing effort, changes in stock dispersal, changes in fishing regulations, etc.

Selecting an appropriate time frame should also take into consideration other factors such as major changes in data availability or quality, or stock-specific population and effort dynamics that may inform the validity of evaluation results. This is another area where the advice from a broad group of science and policy experts would be critical to establishing an appropriate evaluation time frame specific to a given fishery.

Documented Shift in Stock Distribution

In addition to the commercial and recreational metrics described above, the Procedural Directive lists “documented shift in stock distribution” as a potential review trigger. However, the guidance does not further define this criterion, nor does it acknowledge the complexities of evaluating such distribution changes. As noted by our Council’s SSC, this is a very complex issue, and different conclusions may be reached with different data sources or methods. The data sources identified in the Procedural Directive can be highly variable, uncertain, and may show conflicting interpretations of stock distributional change. A clearly specified and operational definition of what characterizes a change in stock distribution, using guidance from scientific literature, is needed to develop the appropriate criteria and metrics to evaluate these potential changes. Additionally, guidance on standardization of methodologies and prioritization of data sources would be helpful. Given the significant consequences associated with changing management authority, it is concerning that the document does not provide any useful guidance on this complex and challenging aspect of the proposed process.

Certain Council Actions

The Procedural Directive includes “Certain Council actions, such as allocation revisions or changes to permit requirements that have cross-jurisdictional implications” as a proposed trigger that may indicate a need for review. If the agency’s intent is to establish criteria for identifying fisheries that may be experiencing geographic shift, as is indicated in Step 1(a)(i), it is not clear why Council actions would be included in this list. Many Council actions have “cross-jurisdictional implications,” particularly on the East Coast, and these actions must demonstrate compliance with the MSA, including the National

Standard 3 requirement to manage stocks as units throughout their ranges, the National Standard 4 requirement to make fair and equitable allocations, and the National Standard 8 requirement to provide for the sustained participation of all fishing communities. In cases where the agency determines that a Council action warrants a review of a fishery's geographic scope, it is not clear how that review process would intersect with the Council's amendment development process. Would the review commence after the Council has taken final action or at the point when the Council initiates development of an amendment? Initiating a review after a Council has taken final action may create unwarranted controversy for completed actions that have been developed through the Council's rigorous public process, which includes extensive analysis and documentation of compliance with all relevant federal laws. Conversely, if the review process begins when the Council initiates development of an amendment, it could slow the process or even disincentivize a Council from initiating or continuing development of an action.

Unclear Considerations and Criteria

There are several considerations listed in the Procedural Directive that are not clear in their connection to the corresponding step, or even defined. For example, in Step 2, it is not clear how management goals/objectives and management efficiency are relevant to identifying the geographic scope of a fishery. Similarly, in Step 3, it is not clear how some of the general considerations would be evaluated and considered (e.g., efficiency/responsiveness/adaptability of management, locations of "future" processing facilities). While the "need for cross-jurisdictional coordination" could be appropriate to consider, it is not clear what is meant by "e.g., potential for effort shifts if management measures are different under multiple FMPs." Another consideration is "existing permits," but it is not specified whether that includes permit activity or just the existence of permits and their theoretical capacity.

The combined list of metrics and additional considerations in each step is broad, and there is no explanation of how each element should be evaluated or weighted relative to the others. There is also no guidance on how divergent indicators would be reconciled (e.g., recreational fishery appears to be shifting whereas commercial does not).

"Presumptions Pertaining to Designation" and General Considerations

Step 3 describes both "presumptions pertaining to designations" and general considerations that may be used in a determination of appropriate Council authority. The details within each category, and the intended relationship between them, are confusing and concerning. Because the presumptions pertaining to designations are specific and prescriptive (based only on commercial revenue, recreational effort, and/or stock distribution data), it is unclear to what extent the general considerations are meant to factor into a designation decision. A transition of management authority is a major, disruptive change and should not be undertaken based on metrics that do not adequately describe the dynamics of a changing fishery.

Recommendations

As described in our recommendations under Section 2, an expert working group should determine the appropriate data sources and methodologies to use for characterizing changes in both location of fishing effort and in stock distribution. This approach would allow for a more robust evaluation of each fishery's unique trends and characteristics, including identification of the best available data and methodologies for that fishery and any species- or region-specific factors influencing observed trends. Reviews should consider multiple factors including, but not limited to, stock distribution, fishing locations, shoreside infrastructure, fishing communities, and unique fishery characteristics. At a

minimum, the guidance should clarify that evaluations of this nature should meet the standards of the best scientific information available and include a peer review component.

Considering this proposal and the Mid-Atlantic Council's concerns related to the specific criteria and thresholds in the current draft, we recommend removing any specific parameters for evaluation (e.g., specific time frames and percentage thresholds) from the Procedural Directive. The Procedural Directive could instead provide broad, general guidance (e.g., use of multi-year averages to smooth out inter-annual variability) on what could be considered during that review/evaluation process. If NOAA Fisheries determines that any specific criteria or metrics should be included in the Procedural Directive and used in any evaluation and determination, they should be technically robust and have well-supported connections to clearly defined objectives for evaluation.

4. Reassignment of management authority would be extremely disruptive and should be exercised as a last resort rather than a first course of action for addressing governance issues.

General Comments

Transitioning management responsibility from one Council to another, or transitioning to joint management, will be a disruptive and resource intensive process. Institutional knowledge and experience are not easily transferred, and time and resources dedicated to the transition would leave less for development of management actions, conducting stakeholder outreach, or addressing other issues such as habitat and protected resources. Disruption to the management system is also contrary to the views expressed by commercial and recreational fishermen who have often highlighted the need for consistency and stability in management. The Procedural Directive fails to acknowledge these impacts or provide any meaningful guidance on how they will be evaluated and weighed against the potential benefits when considering potential changes in Council management authority.

Science Implications

As noted by the Mid-Atlantic Council's SSC, changing management authority will also have significant implications for data and sampling infrastructure, stock assessment responsibilities, and Science Center workloads. While the Northeast and Southeast Fisheries Science Centers have begun to identify areas of increased coordination in data sharing and survey modifications to account for changing stock distributions, transitioning to a new governance structure will exacerbate the issues associated with these coordination demands. New data streams and survey protocols may need to be developed, including catch accounting and quota monitoring systems, and modifications will likely be needed to the stock assessment and peer review process to account for regional differences in data, timing needs, and assessment and peer review capacity. To support these changes, a significant investment in resources will be needed. However, the Procedural Directive appears to minimize these costs and implications and only suggests mitigating "disruptions to the degree practicable." In addition, for those stocks where NOAA Fisheries changes management authority to a multiple Council/multiple FMP designation, the ability for SSCs and Councils to appropriately specify catch limits within different Council jurisdictions will be challenging given that most stock assessments in the region are not spatially explicit and do not provide spatially explicit fishing mortality or biomass estimates.

Joint Management Considerations

Step 3 indicates that there would be a presumption of joint management or separate Council FMPs if 40-75% of a fishery's landings revenue or recreational effort occurs in another Council's jurisdiction. This seems likely to increase the number of jointly managed species. As noted in the CCC comment letter, joint management with multiple bodies is challenging and can increase workloads exponentially. For a

fishery like bluefish, which could hypothetically involve all three East coast Councils plus the ASMFC, the management process could become quite slow and cumbersome. How would this align with the National Standard 6 guidelines, which state that management regimes “must be flexible enough to allow timely response to resource, industry, and other national and regional needs,” or the National Standard 7 requirement to minimize cost and avoid unnecessary duplication? NOAA Fisheries acknowledged these very issues in its recent disapproval of the Council’s recommendation to add black sea bass allocations to the Mid-Atlantic Council FMP, stating that “Duplicating these allocations in the Federal FMP and regulations would make the management of this stock less adaptable to future changes in the distribution of both the resource and the fisheries that rely on it because future changes to the allocations would require a Council action in addition to the Commission [ASMFC] action.”⁴ It is troubling that the Procedural Directive does not acknowledge the additional costs, challenges, or complexities associated with joint management.

Recommendations

A revised Procedural Directive should emphasize that management transition should only take place either with the support of all relevant management parties, or as a last resort after other approaches have failed to resolve governance conflicts resulting from changes in stock distribution. Although major changes in management responsibility may be warranted in some circumstances, we believe less disruptive approaches should always be pursued first. At a minimum, we recommend that any guidance pertaining to the application of §304(f) should aim to build on the outcomes of relevant Council-led initiatives such as the East Coast Climate Change Scenario Planning Initiative. The scenario planning process identified and prioritized a number of potential actions that could be taken to address cross-jurisdictional governance issues, such as reviewing and potentially revising committee and advisory panel membership, enhancing the role of committees in decision making, improving the efficiency of joint management arrangements, and increasing coordination across NOAA offices and regions. NOAA Fisheries should first invest resources into helping those actions succeed instead of taking a prescriptive approach to the application of MSA §304(f) as a solution.

We also recommend that the document include a more detailed description of the costs and disruptions that may result from modifying management responsibility. The revised guidance should also require an analysis of the anticipated costs and benefits associated with a potential reassignment of management authority, including consideration of potential impacts on the staff and budget resources of the relevant organizations as well as their management partnerships. Consideration should be given to the National Standard 7 requirement to minimize costs and avoid unnecessary duplication.

5. The Procedural Directive does not provide adequate opportunities for Council involvement or public input.

General Comments

The proposed process includes very limited opportunities for involvement or comment by the relevant Councils. In Step 2 (determination of geographic scope), the document states that NOAA Fisheries “may choose to give the relevant Council(s) a specified period of time of up to 6 months from the date of notification in which to recommend how the fishery/ies should be identified.” We are concerned by this wording, which suggests that consultation with the Councils is not required and that the actual time frame could be much shorter than six months. In Step 3, the document states that NOAA Fisheries “will consult with the relevant Councils, and provide 6 months (unless a different schedule is necessary to

⁴ <https://www.mafmc.org/s/20230802-Pentony-to-Luisi-re-BSB-A23-0648-BL45-Decision.pdf>

comply with MSA requirements), in which to recommend a designation.” This proposed time frame is much too short to allow for input from, and dialogue with, the Councils, and it would not allow for adequate time for meaningful collection and consideration of feedback from Council stakeholders. We also note that clarification is needed regarding the types of circumstances that would require a “different schedule” to comply with MSA requirements. It is not clear why that would be necessary, particularly if any transition in management authority has a phase-in period.

Among the long list of considerations for determining designation of Council responsibility, information or comments from the Councils are not listed. This raises the question of how (if at all) Council comments will be factored into the decision-making process.

It does not appear that NOAA Fisheries intends to provide any dedicated opportunities for the public to provide input on potential changes in management, and it is unclear whether and to what extent any of the process would be documented and made available to the public (e.g., would National Environmental Policy Act requirements apply?). There is also no mention of how or where the ASMFC and state partner input would be considered for those stocks managed under joint FMPs. The ASMFC and state partners play a critical role in the joint management process and their fisheries and stakeholders will be significantly impacted by any governance change. Transparency and public participation are fundamental aspects of the fisheries management process under the MSA, and stakeholders should be given meaningful opportunities to provide comments whenever major changes are being considered.

Recommendations

The Councils should have a defined and significant role in all steps of the process given their institutional knowledge and experience. Other management partners and stakeholders should also be included in a much more meaningful and deliberative way to ensure their guidance and input are provided throughout. We believe these concerns could be addressed by adopting our recommendation to overhaul the process as outlined in Sections #2 and #3 above. This collaborative, evidence-based approach should follow a similar process currently used for FMP development, providing the opportunity for all management partners to identify governance issues, support and guide the evaluation process, and provide direction on potential outcomes. It would also provide a clearly specified and transparent process for public engagement.

Conclusion

For the reasons described above, we believe the Procedural Directive needs significant revisions, and we urge NOAA Fisheries to work closely with the Councils on the development of a revised process. Please contact me if you have any questions. Thank you for your consideration of our comments.

Sincerely,



Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

Cc: M. Macpherson, S. Rauch, K. Denit, W. Townsend, M. Luisi



Mid-Atlantic Fishery Management Council Scientific and Statistical Committee Meeting

July 12, 2023

Terms of Reference

In May 2023, the NMFS released the draft Fisheries Climate Governance Policy. This policy is intended to provide guidance on Council authority for stocks that may extend across the geographic area of more than one Council, pursuant to §304(f) of the Magnuson Stevens Act (MSA). The Mid-Atlantic Council intends to submit comments to NMFS and has requested that the SSC review and comment on the draft policy. Upon review of the draft policy, the SSC will provide a written report that addresses the following:

- 1) *Comment on the overall proposed process to review the geographic scope and/or Council authority as described in the draft Fisheries Climate Governance Policy developed by the NMFS.*

(Note: Given the overlap and interconnection between the draft policy and different Terms of Reference, similar comments/responses may be found under multiple Terms of Reference)

- The SSC recognizes that stocks and fisheries are shifting as a result of climate change and other drivers, and that this may result in an increasing disconnect between the location of fisheries and the Council(s) with their primary jurisdiction. The draft Fisheries Climate Governance Policy is an attempt to proactively define an adaptive procedure to address the likely consequences of such shifts. The SSC broadly agrees with the need for transparency and forward thinking in addressing the challenges that might be posed by shifting stocks.
- The objectives of this policy should be more clearly and specifically defined. Councils have successfully managed stocks with overlapping boundaries and have taken numerous management actions to address the impacts of climate change without the need for changes to the current NMFS process or designating a new lead Council authority. What is the specific problem the draft policy is trying to address? What are the anticipated benefits and what are the expected costs associated with a change in lead Council designation? How would these costs and benefits be measured and evaluated relative to National Standard 7?
 - NOAA Directives do not have the force and effect of law and are not meant to bind the public. Given this discretion, what is the purpose/utility of such guidance if it is not binding?
 - Optimally, the specific objectives of a policy would be used to define the appropriate metrics by which the need for management intervention would be identified. The lack

- of objectives in this proposed policy makes interpreting and assessing the appropriateness of the proposed indicators and thresholds impossible.
- Major changes to management, like changing the primary Council, should be a last resort after other potential options have been deemed insufficient.
 - The implications of this policy are potentially large for many different stakeholders. A meaningful stakeholder comment process will be important. These stakeholders should include the interstate fisheries commissions (e.g., ASMFC). Changes in Council management could be more disruptive for jointly managed fisheries.
 - Range shifts are not monotonic - they shift in multiple directions over time. How will this policy address species that shift northward for a few years and then back to their earlier distribution? Will the management structure revert as well?
 - Many components of the decision points are not operationally defined. Thus, they will not lead to predictable and scientifically defensible decisions. This limits the benefit of transparency that is one of the stated goals of this directive.
 - The policy does not provide clear operational definitions of the criteria used to evaluate potential fishery/jurisdiction changes. For example, apparent shifts in stock distribution differ depending on factors such as which survey(s) is used to define the distribution of fish, and how boundary lines are drawn in federal waters (see Palacios-Abrantes et al. 2023, <https://doi.org/10.1371/journal.pone.0279025>). Thus, identifying a specific percentage of fish inside or outside the region is problematic.
 - Similarly, other aspects of the decision points are defined very specifically (e.g., a 15% threshold) with no evaluation presented to justify these choices or their implications. The descriptions about calculating averages over time are vague, with only examples that describe a three-year moving average.
 - Only four Councils have contiguous boundaries: New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico. A national directive would then seem to apply only to the east and Gulf coasts.
 - Many Fishery Management Plans (FMPs) are intended for more than one species. The directive does not clarify how the process would apply to multiple species under a single FMP. It seems this would require even more work to possibly move one or more species out of the group covered by the FMP.
 - There is also no process specified for independent scientific peer review of these determinations/designations. This may lead to many transitory disturbances in the fishery. The absence of a well-defined scientific review process could lead to poorly justified and expensive changes to the *status quo* without compelling scientific evidence.
 - Processes other than climate change may cause the proposed metrics to change. For example, offshore wind farms could change available habitat or areas that can be fished. Management (e.g., changes to state or sector allocations, changes to closed areas) could also cause metrics to change.
 - How would this process interact with other NMFS guidance related to management under climate change, including National Standard 3 and the [agency-wide EBFM policy](#) and [EBFM Road Map](#)? This should be clarified. Are the procedures outlined here intended to help implement these policies? If so, how?

2) *Provide feedback on the application and potential implications of the proposed review criteria, metrics, and data sources described in Section III, Step 1 (Review Considerations), Step 2 (Geographic Scope of Fishery), and Step 3 (Council Designation). For Steps 1 to 3 consider appropriateness of the criteria and metrics, their feasibility of application, and the ability of current data streams to support decision making. Propose alternative criteria, metrics, and data sources where appropriate.*

- Some consideration should be given to the purported permanence of the change in these factors. Much of this document relies on the principle that such changes are irreversible and are caused by climate change instead of other factors like management.
- The bases (i.e., “criteria indicators”) for change may not be the same ones that were used to establish jurisdictions originally. Scallops and Monkfish might be good case studies. Blueline Tilefish would be another.
- Documenting a change in a stock’s distribution will not be easy to define. The variable definitions used in the literature will need to be tightened considerably before such changes can be used for decision making.
 - Methodologies will need to be sufficiently standardized to define relevant threshold criteria and how the uncertainty should be estimated. The document does not prioritize data sources or indicators used in defining or documenting a shift in stock distribution. Some hierarchy or prioritization of data sources/indicators would improve operational use and reduce instances of conflicting interpretations of distributional change. Data sources and criteria used to make decisions may be prioritized based on data quality and to avoid potential social-economic consequences of the decision, but details are lacking.
 - What is the basis for a 15% shift as a trigger of interest? What constitutes a “documented” shift in stock distribution? What statistical criteria would apply? How will interannual shifts in distributions be separated from longer-term and more permanent trends? This needs more technical specificity and is probably more suited for longer-term research.
 - A first step would be a review of historical changes in these metrics. Concepts from statistical control theory would be useful to distinguish signal from noise.
 - Criteria will often conflict (some indicating change, others no change or change in other directions). This can even be true within a single indicator (e.g., spring vs. fall trawl survey). How will divergent indicators be reconciled (e.g., recreational fishery appears to be shifting whereas commercial does not)?
 - The period for this shift (i.e., shift of greater than 15% in the proportion of a fishery’s landings revenue) is not specified. For small or non-target fisheries, spikes in catches or revenue might be fairly common. Moreover, alternative economic metrics should be considered - for example, net revenue might be more appropriate than landings revenue. Identifying the appropriate metric will depend on exactly what is intended to be captured (e.g., economic impacts vs welfare, etc.).

- Data sources have inherently different levels of quality and uncertainty. For example, defining such a metric from the MRIP data will be difficult (i.e., shift of greater than 15% in the proportion of a fishery’s recreational fishing effort: does the 15% refer to the point estimate?) because the MRIP estimates are often highly uncertain at small spatial scales (e.g., states). Therefore, determining changes in stock distributions may require greater precision than MRIP is currently able to provide at the state level.
- The problems in determining the fraction of catch in an area becomes especially critical as catches are restricted because it takes a smaller amount of fish or effort to make a big change percentage-wise.
- The SSC supports using multi-year information to mitigate against outliers; however, the ambiguity of geographic boundaries will impede any specific application of this recommendation.
 - Presumptive multi-year metrics - what happens to stocks with 25-40% change in landings revenue?
- The criteria currently seem to conflate footprint of the biological stock and footprint of the fishery. According to MSA (§3(13)), the definition of a “fishery” has two components: “(13) The term "fishery" means— (A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; **and** [emphasis added] (B) any fishing for such stocks.” Thus, is it accurate to assume that distribution of both components must change significantly?
- How would a significant change in stock distribution be determined? What is the time period over which that change is observed? Three years, as proposed, is likely too short to differentiate a range shift from interannual variability, and is less than a generation for many managed species.
 - As well, any multi-year average should be longer than the timetable for evaluation and implementation of governance changes (12 months for Council feedback on geographic scope and designations and a two-year transition evaluation, after which an updated three-year average could trigger reinitiation of the process). The latter includes a tradeoff between the risk of frequently changing management authority (too short a time period) vs risk of insensitivity to trends in changing distribution (too long a time period). These periods may also differ depending on individual stock and effort dynamics – distributions of some stocks and associated effort may be inherently more variable over time.
 - Changes may emerge through a suite of drivers: climate change, ocean acidification, wind energy areas (potentially affecting distribution of both stocks and effort). We currently do not have adequate infrastructure to monitor changes in stock distributions as wind energy areas expand.
- The draft policy ignores the data uncertainty in the “Sources of Data” section and therefore makes the proposed policy risk-prone, not risk-averse - i.e., how will uncertainty be evaluated and accounted for in the decision process?

3) *Comment on any social and economic implications and considerations the draft policy could have on Mid-Atlantic fisheries and communities.*

- The changes in management contemplated in this policy could be extremely disruptive for fishing because of different practices followed by each Council. These potential changes could introduce management uncertainty that influences capitalized values of quota, permits/licenses (and associated vessels), and/or long-term business planning. For example, the Councils use different approaches to set OFLs, ABCs, and ACLs. The potential to change which Council is in charge of management may create substantial uncertainty in future management.
- Six months to evaluate candidate changes in Council leads does not allow for multiple Council meetings, coordination with states and Interstate Commissions, and full public participation, no less proper compliance with NEPA and other applicable laws. There appears to be no opportunity in the process to get input on the potential implications from stakeholders on the potential change in management.
- The draft policy has a blind spot in its underlying assumptions and subsequent policy analyses regarding social and economic behaviors, relying on currently inadequate data collection programs. Scientific approaches largely do not exist to monitor and predict changes in markets, entry and exit, changes in home port, profitability, scalability, and business and financial health and flexibility. So the consequences of changes in lead Council, and under whose jurisdiction a user would actually fall under, are uncertain based solely on readily available information like permit address.
- The draft policy may create perverse incentives, including: (1) a disincentive for collaboration among Councils; (2) a response in which a proliferation of defined stocks occurs, increasing management complexity and costs (i.e., multiple FMPs across Councils for the same species); (3) relatively minor changes in real or reported landing locations to cause/prevent a jurisdiction shift. Ambiguities in definitions, delineations, and timelines identified above could also increase the number of court challenges.
- The policy should recognize that there is a difference between a fishing business and a fishing vessel. A business could have vessels fishing from multiple ports, but a headquarters at a specific location. It seems that the current draft directive should anticipate and address this type of integrated business in its design.
- As defined under step 4, a freeze on modifications to allocation or permits during the phase-in period could have serious consequences for business planning, which would be exacerbated by possible court challenges.

4) *Comment on the potential science and stock assessment implications of this policy (including development and timing of scientific advice to inform the management process).*

- Data responsibilities and workload consideration across Science Centers will be particularly important to understand because changing the Council in charge of the FMP may change the Science Center that provides advice.
 - Who conducts the standardized analysis of distribution shifts is yet to be determined.
 - How will the distribution shift analyses be conducted? Will one or multiple independent committees conduct the distribution shift analyses to meet the needs of steps 1 and 2? If so, how will the committees be formed? The data and the probable

- methods/approaches used are likely the same, although the objectives of steps 1 and 2 are different.
- How will data be shared across regions, Science Centers, Councils, and other agencies? Sometimes different data are collected in different regions.
 - Will a change in Council be associated with a change in the NMFS Science Center responsible for assessment and, if so, how will resources be shifted to accommodate this change?
 - Will data and sampling infrastructure be improved and standardized across regions? If resources can be made available for this, it would be highly beneficial to science and assessment across all regions.
- A transition to a new Council governance structure will likely require development of new data streams and/or integration of existing streams within and between NOAA Fisheries Regional Offices and Science Centers. This will require new resources, but the policy only advises mitigation “to the degree practicable.”
 - Many current data collection programs are region-specific, so recognizing shifts is complicated by differences among collection programs.
 - Current assessment science teams and stock assessment peer review processes are region-specific (e.g., SARC/SAW vs SEDAR) and may require modification under new Council management.
 - Data collection protocols designed for larger scale assessments may not support smaller management areas separated across Councils.
 - Increasing spatial resolution in assessments may require additional resources for both development and review of assessments.
 - Management Strategy Evaluation (MSE) is increasingly being used to guide development of approaches for setting ABCs. However, current MSEs don’t consider potential changes in management procedures associated with changing the Council (e.g., changing the OFL to ABC policy). Thus, guidance derived from MSEs may no longer be relevant once jurisdiction changes.
 - Transition would also erode the substantial institutional knowledge that resides within each Council and Science Center staff, which would be difficult to replicate in the transition period defined.
- 5) *Provide guidance and/or recommendations for Council consideration and possible inclusion in the Council's comments on the draft policy.*
- A Policy Directive that outlines the underlying science and/or management issue should have been developed and approved before making a Procedural Directive (i.e., the Climate Governance Policy). Then a procedural directive follows that would outline the process to address the policy. The current draft policy contains no information on the foundation as to what this policy is based on, and no science was presented to demonstrate issues exist. Particularly important is a review of how Councils have been responding to stocks shifting their distributions to date.
 - A policy directive should clarify what the primary concern regarding representation might be. In the current situation, all stakeholders have an opportunity to comment irrespective of council jurisdiction. If the primary concern is the absence of a voting

- member on the Council, modification of council membership might be simpler than spawning multiple FMPs.
- The policy directive should also include a review of previous Council efforts to manage stocks with shifting ranges. While challenges remain, these efforts appear to be effective without the need for many of the approaches described in the procedural directive.
 - It is unclear how this directive intersects with the [East Coast Scenario Planning](#) process and [possible outcomes](#).
 - It would be helpful to have a list of species and associated Councils with management authority that might be driving the need for this directive.
- Fishery Designation options 1-3 – some information on the current status of designation of stocks in categories 2 and 3 would be helpful. Spiny Dogfish and Monkfish fall in Designation 2. Golden Tilefish and Blueline Tilefish are in Designation 3.
 - All of these Fishery Designation options imply either *status quo* or expansion of management council involvement. What about contraction of jointly managed stocks to only being managed by a single Council? For example, might scallops be transferred from New England to the Mid-Atlantic?
 - Designation 3 (multiple councils, multiple FMPs) will require stock assessments that would likely occur at smaller spatial scales than is currently done. In general, there has not been sufficient advancement in the science and, as important, the data to support such estimates.
 - Who supports the research to develop improved techniques and approaches to support this policy?
 - The section of the policy that describes transitioning to revised council authority (step 4) specifies no permitting or allocation decisions by the lead council should be taken during the transition period. This implies a freeze on management actions, which could be problematic for species experiencing overfishing or other aspects of management.
 - Perhaps an "ombudsman" seat on the Council could address specific concerns of a state without a seat at the table. For example, a RI ombudsman could be part of the Mid-Atlantic process for squid issues. This might be more efficient than completely changing management authority.
 - The amount of change that would need to happen to trigger a change in management should be extremely large. Otherwise, there is the risk of the stock flickering back and forth over the threshold. Major changes to FMPs with changes in Councils would likely be very disruptive to stakeholders and management partners.
 - NOAA should test these rules through different case studies on a wide range of species (e.g., life history, management history) to see how their rules might be applied and understand when a change in management is truly needed. These case studies should envelop the entire process: define the problem and objectives, identify metrics to support objectives, and test any proposed approaches. The formation of a national working group, similar to those formed to review National Standard guidance, to provide technical advice on best practices should be considered to evaluate and determine significant changes in stock and fishing distribution, with worked examples when possible. Care should be taken in this process to avoid giving the impression to stakeholders that these case-study tests represent policies that are likely to be implemented. Rather these should only be paper exercises to make sure potential rules appear to work as intended.

- The base period and the time period used for comparison should be considered based on the species' life history, the uncertainty of the population dynamics, and the specific ecosystem characteristics (warming trend versus oscillation).
- There is no consideration or discussion of costs (besides mentioning the word) associated with these changes in responsibilities. How will NMFS address the modification of Council budgets to reflect the additional burdens, in particular on science, management and administration?
- There is another set of issues that is left undescribed. The draft directive policy fails to acknowledge the close intersection and integration of MSFCMA management with state partnerships in science and management that need to be considered in evaluating lead Council changes. For example, if a lead Council shift occurs that moves responsibilities to a new Region and Science Center, existing Cooperative Agreements, Research Set Asides, etc., with states for state data collection, research, and enforcement of FMPs and JEAs may have to be renegotiated under a potentially new management and administrative regime - is a two-year transition sufficient and will the state partners be willing participants? It will be hard to say because the policy is not being shared with them in advance for review, which is a major oversight and may strain relationships with key management and science partners. Greater public input on policy with a focus on other management partners (i.e., regional fisheries commissions) is recommended.

Attachment 1

MAFMC Scientific and Statistical Committee

July 12, 2023

Meeting Attendance via Webinar

Name

Affiliation

SSC members in attendance:

Tom Miller	University of Maryland – CBL
Ed Houde	University of Maryland – CBL (emeritus)
John Boreman	NOAA Fisheries (retired)
Jorge Holzer	University of Maryland
Yan Jiao	Virginia Tech University
Sarah Gaichas	NOAA Fisheries NEFSC
Wendy Gabriel	NOAA Fisheries (retired)
Mike Wilberg (Vice-Chairman)	University of Maryland – CBL
Cynthia Jones	Old Dominion University
Gavin Fay	U. Massachusetts Dartmouth
Alexei Sharov	Maryland Dept. of Natural Resources
Geret DePiper	NOAA Fisheries NEFSC
Andrew Scheld	Virginia Institute of Marine Sciences
Mark Holliday	NOAA Fisheries (retired)
Rob Latour	Virginia Institute of Marine Science
Olaf Jensen	University of Wisconsin-Madison

Others in attendance:

M. Sabo	K. Dancy
G. DiDomenico	C. Moore
H. Hart	J. Fletcher
M. Lapp	B. Muffley
J. Beaty	B. Brady
A. Bianchi	J. Hornstein
M. Seeley	M. Duval

New England Fishery Management Council Meeting Agenda
Tuesday – Thursday, December 5-7, 2023
Hotel Viking, One Bellevue Avenue, Newport, RI 02840
tel: (401) 847-3300 | [Hotel Viking](#)
[Webinar Registration Option](#)

Sending comments? Written comments must be received at the New England Fishery Management Council (NEFMC) office no later than 8:00 a.m., Thursday, November 30, 2023 to be considered at this meeting. Please address comments to Council Chair Eric Reid or Executive Director Cate O’Keefe at: NEFMC, 50 Water Street, Mill 2, Newburyport, MA 01950. Email submissions should be sent to comments@nefmc.org. ** Written comments must address items listed on the agenda for this meeting or issues that will be brought up under the open period for public comment.

IMPORTANT: *The Council will hold its December 2023 meeting at the Hotel Viking in Newport, RI. This will be a hybrid meeting with in-person participation, coupled with a webinar option for individuals who cannot or prefer not to attend in person. Updates will be posted on the [Council’s December 2023 meeting webpage](#).*

PUBLIC COMMENTS: *The Council’s “Guidelines for Providing Public Comments” can be found [here](#). Anyone interested in speaking during the open period for public comment on Tuesday, December 5, 2023 at 11:45 a.m. should fill out the sign-up sheet on the table at the entrance to the Council meeting room. To speak remotely, email Janice Plante at jplante@nefmc.org to get on the list.*

Tuesday, December 5, 2023

9:30 a.m. Introductions and Announcements (Council Chair Eric Reid)

9:35 Reports on Recent Activities

Council Chair, Council Executive Director, Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator, National Oceanic and Atmospheric Administration (NOAA) General Counsel, Northeast Fisheries Science Center (NEFSC), Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), U.S. Coast Guard, NOAA Enforcement, Northeast Trawl Advisory Panel (NTAP), and U.S. Fish and Wildlife Service

11:15 Risk Policy Working Group Report (Megan Ware)

Progress report on addressing Terms of Reference 1 and 2 to revise the Council’s Risk Policy; review potential changes to Risk Policy Statement

11:45 Open Period for Public Comment

Opportunity for the public to provide brief comments on issues relevant to Council business but not listed on this agenda (please limit remarks to 3-5 minutes)

12:15 p.m. Lunch Break

1:30 East Coast Climate Coordination (Staff)

Report on first meeting of the East Coast Climate Coordination Group, one of two groups formed as an outcome of the East Coast Climate Change Scenario Planning Initiative

2:30 Responsible Offshore Science Alliance (ROSA Executive Director Dr. Reneé Reilly)

Responsible Offshore Science Alliance (ROSA) report on the alliance’s mission, activities, and steps to support the Council’s offshore wind efforts and streamline communications

3:00 Habitat Committee Report (Council Chair Eric Reid)

Offshore Wind and Other Habitat-Related Work: review Council comments on draft Wind Energy Areas for Gulf of Maine (GOM) and discuss other GOM leasing/planning issues; receive presentation on other offshore wind and habitat-related updates

- 4:15** **NOAA Guidance to Councils on Financial Disclosures and Voting Recusals** (Mitch MacDonald, NOAA GC)
NOAA General Counsel briefing on disclosure of financial interests and voting recusal regulations for regional fishery management council members
- 5:00** **Council Adjourns**
- 6:00** **Council Public Outreach**
Informational exchange to foster open lines of communication among Council members, staff, industry, and meeting attendees; all are welcome; light snacks provided

Wednesday, December 6, 2023

- 9:00 a.m.** **September 2023 Management Track Stock Assessments** (NEFSC)
Presentation on peer-reviewed results of September 2023 Management Track Stock Assessments for Acadian redfish, Atlantic mackerel, northern and southern red hake, the Northeast skate complex, northern windowpane flounder, and spiny dogfish
- 10:15** **Scientific and Statistical Committee** (SSC Chair Dr. Lisa Kerr)
Presentation on Scientific and Statistical Committee (SSC) overfishing limit (OFL) and acceptable biological catch (ABC) recommendations for Gulf of Maine haddock, Acadian redfish, northern and southern windowpane flounder, white hake, northern and southern red hake, northern silver hake, southern whiting (silver and offshore hake combined), Atlantic sea scallops, and the Northeast skate complex
- 11:45** **Skate Committee Report** (Scott Olszewski)
Framework 12: final action to develop 2024-2025 fishery specifications and measures to expand possession of smooth and barndoor skates
- 12:30 p.m.** **Lunch Break**
- 1:45** **Whiting Committee Report** (Rick Bellavance)
Final action on 2024-2026 specifications for the small-mesh multispecies (whiting) fishery
- 2:30** **Scallop Committee Report** (Melanie Griffin)
Framework 38: final action on 2024 fishery specifications, 2025 default specifications, increased vessel monitoring system (VMS) polling rates near closed area boundaries, and other measures
- 4:30** **Northern Edge** (Council Chair Eric Reid)
Update on action to potentially authorize scallop fishery access to the Habitat Closure Area on the Northern Edge of Georges Bank

Thursday, December 7, 2023

- 9:00 a.m.** **Groundfish Committee Report** (Rick Bellavance)
Framework 66: final action that includes (1) 2024-2025 total allowable catches for U.S./Canada shared resources on Georges Bank, (2) 2024-2025 specifications for Georges Bank yellowtail flounder, white hake, and Gulf of Maine haddock, (3) 2024-2026 specifications for Acadian redfish, northern windowpane, and southern windowpane, (4) a revised white hake rebuilding plan, (5) Atlantic halibut issues, (6) extending removal of the sector management uncertainty buffer for white hake and Gulf of Maine haddock until the next specifications cycle, and (7) modification of the scallop fishery accountability measure for Georges Bank yellowtail flounder for fishing years 2024 and 2025; Framework 68: progress report on action to revise groundfish acceptable biological catch (ABC) control rules; Atlantic Cod Management Transition Plan: update and Council discussion
- 12:00 p.m.** **Lunch Break**
- 1:15** **2024 Council Priorities** (Executive Director Cate O'Keefe)
Final action on 2024 Council Priorities for all fishery management plans and other Council responsibilities

4:00 Other Business

Times listed next to the agenda items are estimates and are subject to change.

This meeting is being held in person and by webinar. Council member financial disclosure forms are available for examination on the Council website.

Although other non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Documents pertaining to Council actions are available for review prior to a final vote by the Council.

Please check the Council's website, www.nefmc.org, or call (978) 465-0492 for copies.

This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 Faber Place Drive, Suite 201, North Charleston SC 29405
Call: (843) 571-4366 | Toll-Free: (866) SAFMC-10 | Fax: (843) 769-4520 | Connect: www.safmc.net

Carolyn N. Belcher, Ph.D., Chair | Trish Murphey, Vice Chair
John Carmichael, Executive Director

Agenda

December 4-8, 2023

The Beaufort Hotel
2440 Lennoxville Road
Beaufort NC

Except for advertised (scheduled) public hearings and public comment sessions, the times indicated on the agenda may be adjusted as necessary to accommodate the completion of agenda items. Interested parties should be aware that meetings may start earlier or later than indicated.

Hybrid Public Comment Session:

The public comment session for the meeting (December 6, 2023, at 4 PM), will allow for both in-person and remote (via webinar) verbal public comment. Individuals intending to provide verbal public comment remotely are asked to sign-up at the following link: [\[LINK\]](#). Members of the public intending to provide verbal public comment in-person will be asked to sign-in at the meeting.

Written Comments:

To submit written comment on items on this agenda, visit the online public comment form: [\[LINK\]](#)

Written comments will be accepted from November 17 to December 8, 2023. These comments are accessible to the public, part of the Administrative Record of the meeting, and immediately available for Council consideration.

View submitted written comments at: [\[LINK\]](#)

Written comments submitted by mail/fax received by close of business the Monday before the meeting (November 27, 2023) will be compiled, posted to the website as part of the meeting materials, and included in the administrative record.

From November 28 to 5 PM on December 8, written comments must be submitted electronically through the online public comment form at the link above.

Photo scanning event for FISHstory project: staff will be ready to scan historic photos contributed to the project all day on Wednesday, December 6.

Monday, December 4, 2023

COUNCIL SESSION

COUNCIL SESSION I/Belcher 8:30 am – 12:00 noon (CLOSED)

1. Litigation brief – NOAA General Counsel
2. Appointments

12:00 noon to 1:30 pm

Lunch

COUNCIL SESSION I/Belcher 1:30 pm – 5:00 pm (OPEN)

- Approve agenda

- Approve minutes (September 2023)
- 1. Reports:
 - a. NOAA Office of Law Enforcement
 - b. US Coast Guard
 - c. Council liaisons
 - d. State agencies
 - e. Congressional Activities – David Whaley, Legislative Liaison
 - f. Scientific and Statistical Committee (SSC) Report – Jeff Buckel, Chair
 - g. Outreach and Communications Advisory Panel (AP) – Scott Baker, Chair
- 2. Southeast For-Hire Integrated Electronic Reporting (SEFHIER) presentation – Michelle Masi, SEFHIER Program Manager
- 3. Update on the reliability of commercial discard estimates – Dave Gloeckner, Fisheries Statistics Division Director, SEFSC

Tuesday, December 5, 2023

COMMITTEE MEETINGS

Mackerel Cobia Committee/Roller 8:30 am – 10:00 am

- Approve agenda
- Approve minutes (September 2023)
- 1. Advisory panel report – Ira Laks, Chair
- 2. CMP Framework Amendment 13 (Spanish Mackerel) – review scoping comments
- 3. Port meetings update

Dolphin Wahoo Committee/Marhefka 10:00 am – 11:00 am

- Approve agenda
- Approve minutes (June 2023)
- 1. Advisory panel report – Chris Burrows, Chair
- 2. Update on Management Strategy Evaluation (MSE) for Dolphin – Cassidy Peterson, SEFSC

Snapper Grouper Committee/McCawley 11:00 am – 12:00 noon

- Approve agenda
- Approve minutes (September 2023)
- Update on Red Snapper Notice of Funding Opportunity/EFPs – NMFS SERO
- Update on amendments undergoing rulemaking – NMFS SERO

12:00 noon to 1:30 pm

Lunch

Snapper Grouper Committee/McCawley 1:30 pm – 4:30 pm

1. System Management Plan Workgroup update – Chip Collier
2. Wreckfish (Amendment 48)

- a. Wreckfish Advisory Group and Sub-Committee report
- 3. Private Recreational Permit (Amendment 46)
 - a. AP recommendations – Bob Lorenz, Chair
 - b. Overview and approve for public hearings

4:30 - 5:00 PM Tuesday, December 5, 2023

Comments from Janet Coit, Assistant Administrator for NOAA Fisheries

Wednesday, December 6, 2023

COMMITTEE MEETINGS

Snapper Grouper Committee/McCawley 8:30 am – 12:00 noon

- 4. Gag and Black Grouper Vessel Limit and On-Demand Gear for Black Sea Bass (Regulatory Amendment 36)
 - a. AP recommendations
 - b. Overview and approve for scoping
- 5. Scamp/Yellowmouth Grouper (Amendment 55)
 - a. AP recommendations
 - b. Overview
- 6. Yellowtail Snapper (Amendment 44)
 - a. Guidance on development

12:00 noon to 1:30 pm

Lunch

Snapper Grouper Committee/McCawley 1:30 pm – 3:45 pm

- 7. Red Snapper (Regulatory Amendment 35)
 - a. Overview and re-consider submittal
- 8. Best Fishing Practices Outreach Update
 - b. Outreach Activities Update – Ashley Oliver, David Hugo
- 9. AP recommendations on topics not on agenda – Bob Lorenz, Chair

Wednesday, December 6, 2023

PUBLIC COMMENT

4:00 pm

Public comment will be accepted from individuals attending the meeting (in-person and remotely) regarding any of the items on the Council agenda. The Council Chair, based on the number of individuals wishing to comment, will determine the amount of time provided to each commenter. Those intending to provide verbal public comment via webinar can sign-up here: [\[LINK\]](#)

- Gag and Black Grouper Vessel Limit and On-Demand Gear for Black Sea Bass (SG Regulatory Amendment 36) – approval for scoping
- Private Recreational Permit (SG Amendment 46) – approval for public hearings

Thursday, December 7, 2023

COMMITTEE MEETINGS

Citizen Science Committee/Marhefka 8:30 am – 10:30 am

- Approve agenda
- Approve minutes (March 2023)
- 1. Updated citizen science research priorities – consider approval
- 2. SciFish update and platform demonstration
- 3. Citizen Science Program update

Habitat & Ecosystem Committee/Murphey 10:30 am – 12:00 noon

- Approve agenda
- Approve minutes (September 2023)
- 1. Advisory panel report – Paul Medders, Vice-Chair
- 2. EFH 5-year review
- 3. Habitat Blueprint
 - a. Review draft workplan
 - b. Review draft annual report outline
- 4. Coral management
 - a. Guidance on utilization of deepwater coral modeling for management
 - b. Coral Amendment 10 – guidance on resubmission

12:00 noon to 1:30 pm

Lunch

SEDAR Committee/Belcher 1:30 pm – 2:30 pm

- Approve agenda
- Approve minutes (September 2023)
- 1. SEDAR Steering Committee Report
- 2. SEDAR 94 Terms of Reference
- 3. Review Schedule
- 4. Species for 2027 assessments slots

Thursday, December 7, 2023

COUNCIL SESSION

COUNCIL SESSION II/Belcher 2:30 pm – 5:00 pm

- Litigation Brief (if needed)
- 1. Staff Report

2. Council Coordination Committee Report
3. Allocations Review Guidelines – consider approval
4. Stakeholder meetings planning
5. Presentation on offshore wind activities (Kitty Hawk Project and Carolina Long Bay) – Jen Banks (TotalEnergies), Lela Shlenker (Avangrid), and Nathan Craig (Duke Energy)
6. Approve topics for Law Enforcement AP
7. Agency reports
 - a. NMFS Southeast Regional Office Report – NMFS SERO
 - b. NMFS Southeast Fisheries Science Center Report – NMFS SEFSC

Friday, December 8, 2023

COUNCIL SESSION

COUNCIL SESSION II/Belcher 8:00 am – 12:00 noon

- Executive Director Review (**CLOSED**)
- Committee reports
- 8. Council workplan
- 9. Upcoming meetings

Other business

Adjourn