



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: February 10, 2020
To: Council
From: J. Didden
Subject: February 7, 2020 MSB Committee Meeting Summary

The Mackerel, Squid, and Butterfish (MSB) Committee (referred to simply as “the Committee” hereafter) met on February 7, 2020. Committee members attending included Peter Hughes (Chair), Sara Winslow (Vice-Chair), Ellen Bolen, Peter deFur, Sonny Gwin, Stew Michels, Laurie Nolan, Adam Nowalsky, Andy Shiels, LCDR David Stutt (U.S. Coast Guard), Emily Gilbert (GARFO proxy), Terry Alexander, Eric Reid, and Mike Luisi (ex-officio).

Other attendees who identified themselves included: Jason Didden, Katie Almeida, Gregory DiDomenico, Meghan Lapp, Sam Martin, Robert Ruhle, Aly Pitts, Dan Farnham, Donald Fox, Doug Christel, Jimmy Elliott, Ryan Clark, Wayne Reichle, Alan Bianchi, Alissa Wilson, Glenn Goodwin, Malcolm J McClintock, Benjamin Galuardi, Gerry O' Neill, Tara McClintock, and Philip Merris.

Recordings of the pre-lunch and post-lunch Committee sessions are available here: <http://mafmc.adobeconnect.com/pad6szgnpy19/>, <http://mafmc.adobeconnect.com/ptgokwyzjlcu/>.

The purpose of the meeting was to review and provide input on the public hearing document (“the document” hereafter) for the Amendment regarding MSB goals/objectives and *Illex* permitting. Input from the MSB Advisory Panel was reviewed during the meeting. The Committee made several recommendations for the Council regarding alternatives and identification of several preliminary preferred alternatives.

The Committee reviewed the two parts of the Amendment sequentially, first the goals and objectives component and then the *Illex* permitting component.

MSB Goals and Objectives Component

The only change the Committee recommended for the goals and objectives pertained to Objective 2.4 regarding shared resources. By consensus, the Committee recommended changing the word “quotas” to “resources” so that Objective 2.4 would be: “Investigate opportunities to access international/shared ~~quotas~~ **resources** of MSB species.” This change acknowledges the various

complexities of stock range and jurisdiction of several MSB species and would provide more flexibility in how the Council could achieve this objective.

Illex Permitting Component

1. Rationale

The nature of the Council's purposes with this action came up repeatedly during various parts of the meeting. Emily Gilbert, the GARFO representative on the Committee, noted that the Council will need to clearly describe in its final rationale how any preferred alternatives align with the FMP goals and objectives. There was also concern voiced by the public and some Committee members whether the Council fully understood the rationale for this action generally or for specific options such as tiers. Staff notes that the rationale will need to include some purposes besides economic allocation since the Magnuson-Stevens Act states that measures cannot have economic allocation as their sole purpose. The Council's current rationales for the purposes of this action are described in the document's introduction, which from staff's perspective do appear to include non-economic allocation aspects.

The Committee discussed whether potential user conflict should be included as part of the Council's rationale for further limiting *Illex* permits. Some input has been received through the AP and public comments that higher participation in the *Illex* fishery may cause user conflicts with fixed gear and/or recreational fishermen. Given the limited input received to date, the Committee did not recommend highlighting this as a current rationale in the document, but discussion noted that if additional related information was brought to the Council's attention during the public comment period, then whether (and how) user conflicts relate to limiting participation in the *Illex* fishery via an *Illex* permit requalification could be further evaluated at that time.

2. Qualifying criteria – Alternative Sets A and B

The Committee discussed staff’s recommendation to eliminate several apparently redundant or unnecessary options: a time period of 2004-2013, a dual time period of 1997-2013 and 2014-2018, a 48,000 pound single-trip threshold, and a 95% of landings threshold. The Committee agreed by consensus to recommend eliminating these requalification criteria. The eliminations would not substantially change the range of expected outcomes, and would simplify the potential combinations of alternatives from 42 to 20. This Committee recommendation for the Council would change the matrix of qualification options to (numbers of re-qualifiers and percent permit reduction provided):

Thresholds Qualification Periods	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year
1997-2019	51 (-33%)	49 (-36%)	47 (-38%)	45 (-41%)	35 (-54%)
1997-2018	50 (-34%)	48 (-37%)	44 (-42%)	41 (-46%)	30 (-61%)
1997-2013	43 (-43%)	42 (-45%)	38 (-50%)	34 (-55%)	28 (-63%)
Need landings in both 1997-2013 and 2014-2019	30 (-61%)	30 (-61%)	27 (-64%)	21 (-72%)	13 (-83%)

The Committee discussed potentially removing the 1997-2018 option but no related motions were proposed after reviewing the reasoning for having an option that ended in 2018: development of this action began in 2018 and the Council also reaffirmed the 2013 control date in 2018.

The Committee also discussed adding an alternative that would use 1997-2019 and one pound as a requalification option (would remove about 13 permits so about 63 would remain). As part of the one pound qualifier discussion, GARFO responded to a question about the original *Illex* qualification. The qualification criteria used to initially qualify a vessel for an *Illex* moratorium permit under Amendment 5 in 1997 was five landings of at least 5,000 pounds (including joint venture) of *Illex* between Aug 13, 1981 and August 13, 1993. The Committee discussed the 10,000 lb (any one year) qualification option that the Committee and Council rejected in October 2019, noting the rationale for removing that option (landings up to 10,000 pounds per trip are allowed with the incidental permit). A related motion failed:

I move to have the Committee recommend adding a re-qualification option of 1 pound or more from 1997-2019.

deFur/Bolen 5/6/1 Motion Fails

There was discussion that records of “squid, unclassified” would not count toward re-qualification by NMFS. There was also discussion that some vessels would have landed larger

quantities of iced squid (thereby generating more history), but dealers historically would not accept iced trips.

The Committee discussed the possibility of identifying preliminary preferred requalification criteria. However, the Committee ultimately deferred this discussion to the Council meeting.

3. Tiers – Alternative Set C

The Committee discussed adding a specific tier alternative that would be a Tier 1 using 1997-2013 and 500K pounds with a Tier 2 using 1997-2019, 50K pounds for Tier 2. Staff noted that the document already allows such options and the Council can create specific Tiers after public hearings. A related motion was made but not seconded.

The Committee discussed the Tier concept, building off the October 2019 Council direction for the FMAT to develop a tiered approach and the options currently in the document. There were substantial public comments supporting and opposing a tiered approach with a sub-quota and/or trips limits controlling catch, as outlined in previous FMAT discussions. The Committee did decide to recommend that the document include the possibility of a tiered system with a range of trip limits developed by the FMAT via the following motion:

I move for the Committee to recommend that the Tier options in the Public Hearing Document be included for public comment.

Nolan/Gwin 8/2/2 Motion Passes

4. Other measures – Alternative Set D

The Committee recommended by consensus that the fish hold baseline and VMS alternatives be included in the document. They would set a fish hold baseline with a 10% upgrade restriction, and clarify that limited access *Illex* vessels must report their catches via VMS on a daily basis (many already do, but the regulations are somewhat ambiguous). There was a request for information about how many vessels previously upgraded their fish holds, but it was uncertain what information could be obtained for various time periods. Via the following motion the Committee also recommended that these alternatives be identified as preferred.

I move the Committee recommend that the Council identify D2 (hold baseline) and D3 (VMS) as preferred.

Nowalsky/Nolan 6/4/1

5. The Committee discussed whether to recommend that individual quotas (also called catch shares or ITQs) be reconsidered given previous input from the FMAT that individual quotas would be more effective than permit requalification for solving the race to fish issue. A related motion was made but failed:

I move to reconsider including ITQs in this Amendment.
Reid/Alexander 2/8/1

6. Staff note on parallel efforts regarding potential quota adjustments and responsive management

There have been several questions about what the results might be of the efforts to make quotas more responsive to real-time conditions. In the short run, analyses of recent landing scales and patterns is ongoing to assess whether or not depletion appears to have been occurring. This effort is intended to inform upcoming Scientific and Statistical Committee discussions regarding appropriate near-term *Illex* catch levels. In the medium term (results before the 2021 benchmark assessment), it is hoped that high/medium/low productivity regimes may be able to be detected early in the season based on CPUE and/or environmental conditions, which would allow adjustment from some initial quota. However, the success of developing such a system is uncertain, as are the amounts of any initial quota or adjustments that may be appropriate due to detection of unusual productivity regimes (be they unusual on the high or low side).