



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

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

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

MEMORANDUM

Date: May 26, 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 June 2023 Council Meeting:

1. 2023 Council Meeting Topics
2. DRAFT 2025 Council Meeting Schedule
3. MAFMC Letter to GARFO: Black Sea Bass Commercial State Allocation Amendment
4. Staff Memo: Longfin Squid Work
5. East Coast Climate Change Scenario Planning: Update for Council Coordination Committee
6. Staff Memo: Manna Fish Farms Inc. proposal update (November 2022), including Baseline Environmental Survey plan
7. Recreational Harvest Control Rule 2.0 Framework/Addenda: Draft Action Plan
8. Agenda: Northeast Regional Coordinating Council May 9-10, 2023 Meeting
9. Agenda: Council Coordination Committee May 23-25, 2023 Meeting
10. Staff Memo: NMFS Climate Governance Policy and CCC Comments

2023 Planned Council Meeting Topics

Updated: 5/23/23

June 6-8, 2023 Council Meeting – Virginia Beach, VA

- 2024 Atlantic Surfclam and Ocean Quahog Specifications: review
- 2024 Blueline Tilefish Specifications: review
- 2024 Golden Tilefish Specifications: review
- Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon: review and approve range of alternatives
- 2024 Atlantic Chub Mackerel Specifications: review
- 2024 Butterfish Specifications: review
- Offshore Wind: update
- [Unmanaged Commercial Landings Report: review](#)
- [Council SOPP Revisions](#)
- [Atlantic Highly Migratory Species \(HMS\): update](#)

August 8-11, 2023 Council Meeting – Annapolis, MD

- 2024-2025 Summer Flounder and Scup Specifications: approve (joint with ASMFC SFSBSB Board)
- 2024 Black Sea Bass Specifications: approve (joint with ASMFC SFSBSB Board)
- Summer Flounder, Scup, and Black Sea Bass Commercial Measures: review (joint with ASMFC SFSBSB Board)
- Scup Commercial Discards and Gear Restricted Areas (GRA): review analysis and discuss next steps
- Recreational Harvest Control Rule 2.0 Framework/Addenda: discuss next steps (joint with ASMFC Policy Board)
- 2024-2025 Bluefish Specifications and Recreational Management Measures: approve (joint with ASMFC Bluefish Board)
- 2024-2025 Atlantic Mackerel Specifications: approve
- 2024-2025 Atlantic Mackerel River Herring and Shad Cap: approve
- [Research Set-Aside Program Redevelopment: update](#)
- [Illex Hold FW Meeting #1: approve range of alternatives](#)
- [East Coast Scenario Planning Initiative: Review outcomes and identify MAFMC next steps](#)
- [NMFS Climate Governance Policy](#)

October 3-5, 2023 Council Meeting – New York City, NY

- ~~2024-2026 Spiny Dogfish Specifications: approve~~
- SCOQ Species Separation Requirements Amendment: review and approve any additional alternatives
- [2024-2026 Longfin Squid Specifications: approve](#)
- [Illex Hold FW Meeting #2: final action](#)
- Executive Committee: review progress on 2023 Implementation Plan and discuss draft 2024 deliverables

- Policy/Process for Reviewing Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species: approve
- Private Recreational Tilefish Permitting and Reporting: review performance
- EAFM Risk Assessment Review: approve
- Biennial Review of 2020-2024 Research Priorities Document: review and approve
- Habitat Activities (including aquaculture): update
- Offshore Wind: update
- NTAP Restrictor Rope Research: review results

December 11-14, 2023 Council Meeting – Philadelphia, PA

- 2024-2025 Recreational Management Measures for Summer Flounder and Scup: approve (joint with ASMFC SFSBSB Board)
- 2024 Recreational Management Measures for Black Sea Bass: approve (joint with ASMFC SFSBSB Board)
- Summer Flounder, ~~Scup, Black Sea Bass~~ Commercial Minimum Mesh Size Regulations and Exemptions: review and discuss next steps (joint with ASMFC SFSBSB Board)
- Summer Flounder, Scup, Black Sea Bass, and Bluefish Sector Separation and Recreational Catch Accounting Amendment: review and approve draft scoping document (joint with ASMFC Policy Board)
- Recreational Harvest Control Rule 2.0 Framework/Addenda: review and discuss next steps (joint with ASMFC Policy Board)
- Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon: final action
- 2024 Implementation Plan: approve
- Golden Tilefish IFQ Program Review: review final report
- [2024-2026 Spiny Dogfish Specifications: approve](#)

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2023 Council Meeting Topics At-a-Glance

	June	August	October	December
Mackerel, Squid, Butterfish and River Herring and Shad (RH/S)	<ul style="list-style-type: none"> • 2024 Chub Mackerel Specs Review • 2024 Butterfish Specs Review 	<ul style="list-style-type: none"> • 2024-2025 Atlantic Mackerel Specs • 2024-2025 RH/S Cap • <i>Illex</i> Hold FWM #1* 	<ul style="list-style-type: none"> • 2024-2026 Longfin Squid Specs • <i>Illex</i> Hold FWM #2* 	
Recreational Reform		<ul style="list-style-type: none"> • Rec Harvest Control Rule 2.0 FW: Discuss 		<ul style="list-style-type: none"> • Rec Sector Separation and Catch Accounting Amd: Approve Scoping Doc • Rec Harvest Control Rule 2.0 FW: Discuss
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)		<ul style="list-style-type: none"> • 2024-2025 Summer Flounder and Scup Specs and Commercial Measures • 2024 Black Sea Bass Specs and Commercial Measure • Scup GRA Review 		<ul style="list-style-type: none"> • 2024-2025 Summer Flounder and Scup Rec Mgmt Measures • 2024-2025 Black Sea Bass Rec Mgmt Measures • SF/S Commercial Min Mesh Size Review
Bluefish		<ul style="list-style-type: none"> • 2024-2025 Bluefish Specs and Rec Measures 		
Golden and Blueline Tilefish	<ul style="list-style-type: none"> • 2024 Blueline Tilefish Specs Review • 2024 Golden Tilefish Specs Review 		<ul style="list-style-type: none"> • Private Tilefish Permitting/ Reporting Update 	<ul style="list-style-type: none"> • Golden Tilefish IFQ Program: Review Final Report
Atlantic Surfclam and Ocean Quahog (SC/OQ)	<ul style="list-style-type: none"> • 2024 SC/OQ Specs Review 		<ul style="list-style-type: none"> • SC/OQ Species Separation Amd: Review/Approve Additional Alternatives 	
Spiny Dogfish	<i>See protected resources</i>			2024-2026 Dogfish Specs
Monkfish	<i>See protected resources</i>			
Science Issues		<ul style="list-style-type: none"> • RSA Redevelopment Update 	<ul style="list-style-type: none"> • 2020-2024 Research Priorities Document Review • NTAP Restrictor Rope Results 	
EAFM			<ul style="list-style-type: none"> • EAFM Risk Assessment Review: Approve • Council Process for Reviewing EFP Applications: Approve 	
Habitat/ Wind/ Aquaculture	<ul style="list-style-type: none"> • Wind Update 		<ul style="list-style-type: none"> • Habitat Update • Wind Update 	
Protected Resources	<ul style="list-style-type: none"> • Dogfish/ Monkfish FW to Reduce Sturgeon Bycatch: Review Alternatives 			<ul style="list-style-type: none"> • Dogfish/ Monkfish FW to Reduce Sturgeon Bycatch: Review Alternatives: Final Action
Other	<ul style="list-style-type: none"> • Unmanaged Commercial Landings Report 	<ul style="list-style-type: none"> • Scenario Planning: Next Steps 	<ul style="list-style-type: none"> • Executive Committee: Draft 2024 Deliverables 	<ul style="list-style-type: none"> • 2024 Implementation Plan: Approve

	June	August	October	December
	<ul style="list-style-type: none"> • SOPP revisions • HMS Update 	<ul style="list-style-type: none"> • NMFS Climate Governance Policy 		

Acronyms/Abbreviations

ALWTRP	Atlantic Large Whale Take Reduction Plan	NEFSC	Northeast Fisheries Science Center
Amd	Amendment	NTAP	Northeast Trawl Advisory Panel
EAFM	Ecosystem Approach to Fisheries Management	Rec	Recreational
EFH	Essential Fish Habitat	RH/S	River Herring and Shad
FMP	Fishery Management Plan	RSA	Research Set-Aside
GRA	Gear Restricted Area	SC/OQ	Atlantic Surfclam and Ocean Quahog
HMS	Highly Migratory Species	SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
Mgmt	Management	Specs	Specifications
MREP	Marine Resource Education Program	SSC	Scientific and Statistical Committee
MSB	Mackerel, Squid, Butterfish		



2025 Council Meeting Schedule

(As of April 10, 2023)

February 5, 2025	<i>(Potential one-day, 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	



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May 18, 2023

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Pentony:

The National Marine Fisheries Service (NMFS) recently published a [Notice of Availability \(NOA\)](#) and [proposed rule](#) for Amendment 23 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Both documents indicate that your agency may disapprove the aspect of the amendment which would add the black sea bass commercial state allocations to the Council's FMP. We are writing to reiterate the Council's position that adding these allocations to the Council's FMP would be an important improvement to the management program for black sea bass. This change is necessary to ensure a robust review of future modifications to these allocations and to bring the allocations in line with most other aspects of the management program.

The following comments address a number of specific points raised in the NOA regarding the proposed inclusion of the commercial state allocations in the Council's FMP (referred to as the Federal FMP in the NOA). For ease of reference, excerpts from the NOA are included in bold text with our comments directly below.

“Adding the state allocations to the Federal FMP would unnecessarily increase the administrative burden on, and cost to, state agencies and NMFS, and create additional inefficiencies, with no clear direct benefit to either the government, the resource, or the fisheries.”

Comment: We recognize that adding the state allocations to the Council's FMP will create new requirements for NMFS to monitor landings at the state level and manage quota transfers between states. However, we believe the administrative burden concerns are mitigated by the use of existing, well-functioning systems. NMFS has monitored state landings and managed quota transfers for summer flounder and bluefish for many years. Therefore, no new administrative processes are needed to do the same for black sea bass. States are already familiar with this process for these other species. This change would also decrease the administrative burden on the Atlantic States Marine Fisheries Commission (Commission) given that they would no longer be responsible for managing these tasks.

We strongly disagree with the assertion that adding these allocations to the Council's FMP would have “no clear direct benefit” to the resource or fisheries. This change would ensure a thorough and transparent review process is followed when future changes to the allocations are considered, as the Council is bound by the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the National Environmental Policy Act, and other applicable laws which do not apply to the Commission process.

“Under the current Commission process, state-to-state quota transfers are processed efficiently without the added administrative burden of the Federal process, which, for summer flounder and bluefish, requires significantly more time and resources and reduces flexibilities for states, including the need to publish state quota transfers in the Federal Register before they can be effective.”

Comment: The NOA would benefit from additional explanation of why the federal process would require “significantly more time and resources.” The Commission currently allows transfers at any time up to 45 days after the last day of the fishing season. If NMFS were to manage transfers under the same process currently used for summer flounder and bluefish, transfers in the last two weeks of the year would be allowed only for unforeseeable circumstances such as vessel failure or bad weather. Post-season transfers would not be allowed. The new limitations on late in the year and post-season transfers should have minimal impacts, as the states are familiar with these limitations for summer flounder and bluefish and already take steps to ensure that their quotas are not fully reached prior to the end of the year. State quota overages are only required to be repaid when the entire annual coastwide quota is exceeded, which has never occurred due to the steps states take to avoid overages. Therefore, the need for late in the year or post-season transfers should be rare. Restricting their use should have minimal impacts and would certainly not justify disapproving this part of the amendment.

“In addition to the increased administrative burden, shifting the allocations into the Federal FMP encumbers the management process such that both the Council and Board must agree on any future changes to the allocations.”

Comment: Joint decision making is a fundamental part of the commercial and recreational management programs for black sea bass, summer flounder, scup, and bluefish. This process has been in place for close to 30 years and has served both organizations well. Including the state allocations in both the Council and Commission FMPs would bring the allocations in line with most other aspects of the black sea bass management program. We also note that the phrase “shifting the allocations into the Federal FMP” suggests that the allocations are being removed from the Commission’s FMP and added to the Council’s FMP. This is not the case. It would be more accurate to say “adding the allocations to the Federal FMP.”

“Currently, Commission management of this stock includes members from all states and its process will continue to allow equity in representation when making future changes to state allocations. Management by the Mid-Atlantic Council has representation from the states from New York to North Carolina, but does not include membership from the northern states, such as Connecticut, Rhode Island, and Massachusetts, that also have a strong interest in the black sea bass fishery.”

Comment: State representation on the Councils is specified by Congress through the MSA. We are required under the MSA to manage stocks throughout their range, which for the northern stock of black sea bass is defined as Cape Hatteras, North Carolina through Maine. The Council and the Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board (Board) recognize the significant interest of states not represented on the Council and have demonstrated a commitment to ensuring all decisions are made through a fair and equitable process. For example, the Council and Board adopted special voting procedures for this action to further address concerns about representation. In all final action decisions, the Board voted first on alternatives to define the allocation percentages. The Council voted first on alternatives for adding these allocations to the Council’s FMP and for federal in-season closures. This process was proposed by Commissioners from Massachusetts, Rhode Island, and Connecticut to ensure that all states with a declared interest in the black sea bass fishery had a chance to vote on the state allocations. Ultimately, both the Council and the Board passed a motion to include these allocations in both FMPs. Therefore,

disapproval of this aspect of the amendment would be contrary to the recommendations of both the Council and the Board.

In addition, it is important to acknowledge that most commercial black sea bass landings come from federal waters, which provides further support for the Council having a role in these allocation decisions.¹

“Given climate change and the northward expansion of the black sea bass stock, this inequity in representation on the Council creates challenges when making decisions regarding future potential allocation changes, by providing the states with seats on the Council a disproportionate role in the decision-making process.”

Comment: We disagree with the assertion that the lack of voting representation from New England states on the Council creates “inequity in representation” in the joint decision-making process. All states with a declared interest in the black sea bass fishery have equal representation on the Board, including states not represented on the Council. As you know, all joint actions must pass by a majority vote of both the Board and the Council. A motion passed by the Council does not move forward unless it also passes the Board. This joint decision-making approach is equitable and consistent with the MSA.

“The absence of northern states in the Council's membership has important implications for addressing National Standard requirements. For example, while the threshold decision of whether to include the state commercial quotas in the Federal FMP is not an allocation of fishing privileges, it is not clear how this action will provide for National Standard 4's requirement of fair and equitable allocations and National Standard 8's mandate to provide for the sustained participation of all fishing communities along with minimizing adverse economic impacts on such communities to the extent practicable.”

Comment: All Council recommendations must demonstrate compliance with the National Standards. The Commission is not bound by the requirements of the MSA, so it is not clear how *excluding* the state commercial quotas from the Council FMP would provide a better framework for consideration of the MSA's National Standards.

“Given that black sea bass has already become an important commercial and recreational species for fishermen in northern states, it is important that the management body with the authority to change state allocations is inclusive of the states with an interest in the fishery.”

Comment: The importance of black sea bass to northern states has been recognized since the Council established management of the stock in 1996 through Amendment 9 to the FMP, which specifically acknowledged that “black sea bass is an important component of the commercial and recreational fisheries from Massachusetts to North Carolina.” The NOA does not explain why these concerns are unique to this particular management action.

We are alarmed that the NOA appears to call into question fundamental aspects of the Council management system as set forth by Congress through the MSA. Section 302(h) of the MSA requires the Council to prepare and amend FMPs for each fishery under its authority. National Standard 3 states that a stock should be managed as a unit throughout its range, to the extent practicable. We

¹ For example, during 2010-2019, on average, 64% of commercial black sea bass landings from Maine through North Carolina came from federal waters and 17% from state waters. The remaining 18% was categorized as “unknown” (source: NEFSC dealer “AA tables,” which include landings from state and federal fisheries). This analysis has not been updated with more recent data as AA tables are no longer available due to the ongoing transition to the Catch Accounting and Monitoring System (CAMS).

are not aware of any provisions in the MSA or other applicable laws that would preclude the incorporation of state allocations in the Council FMP.

“Continued northward expansion of the stock is expected due to climate change, which is expected to exacerbate the already challenging allocation deliberations of the Council and Commission.”

Comment: This is not unique to black sea bass or to the Mid-Atlantic Council. Many stocks have changing distributions, and Council management of many stocks extends beyond the boundaries of the Council member states.

“Adding the state allocations to the Federal FMP and thus giving the Mid-Atlantic Council jurisdiction over these state allocations without northern states as Council members, while the Commission does include these states, creates management challenges—including potentially inadequate consideration of northern states’ fisheries, or even different allocation decisions from each body.”

Comment: NMFS is required to review this amendment for consistency with the MSA and other applicable laws based on facts in the record. Speculation about future actions involving “potentially inadequate consideration of northern states’ fisheries” is not supported by the administrative record. Once the allocations are added to the Council FMP, any future changes would need to meet the requirements of the MSA, including the National Standard 4 guidelines which require allocations to be fair and equitable to all fishermen and not discriminate between residents of different states. Future changes to the allocations would also need to be approved by both the Council and the Board. Different decisions by each body are theoretically possible but extremely rare in practice, as both bodies understand the implications and work together to achieve consensus on joint actions.

“We are supportive of the revised approach that was developed by the Council and Commission as it includes consideration of the distribution of the black sea bass stock, and the ability to revise allocations as the stock shifts.”

Comment: We agree that the methodology approved by the Council and the Board is an improvement over the prior allocation scheme as it balances the historical dependence of the states on the fishery with considerations related to the impacts of changing stock distribution. This was the first time these allocations were revised since their original implementation in 2003. Allocation decisions are always very challenging, and this was no exception. It is concerning that the NOA states that NMFS supports the outcome of this joint decision-making process, while arguing that this same process will result in unfair and biased decisions in the future.

“[Adding the state allocations to the Council FMP] could make the management of this stock less adaptable to future changes in distribution of both the resource and the fisheries that rely on it, implicating concerns regarding variations and contingencies as articulated by National Standard 6.”

Comment: The changes proposed through this amendment support our shared goal of building resilient, climate-ready fisheries. Under the revised allocations, 25 percent of the coast-wide quota will be allocated based on recent biomass proportions. We believe that formalizing the Council’s role in the review and potential revisions to these allocations will increase the Council’s adaptive capacity, allowing us to respond more effectively and efficiently to future changes in this important fishery.

In summary, we urge you to approve Amendment 23 in its entirety. Thank you for your consideration of these comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Luisi", written in a cursive style.

Michael Luisi
Chair, Mid-Atlantic Fishery Management Council

CC: C. Moore, J. Coit, S. Rauch, J. Hermsen, B. Beal



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

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

MEMORANDUM

Date: May 26, 2023
To: Chris Moore
From: Jason Didden
Subject: Longfin Squid Work

Chris,

As requested, here is a summary of work the Council is participating in or supporting to complement efforts at the Northeast Fisheries Science Center (NEFSC) and contribute to the longfin squid Research Track Assessment (RTA) (March 2026 Review).

1. The Council has encouraged the NEFSC to establish the longfin squid RTA working group early – based on recent experiences, most assessment work for a March review needs to be completed before the holidays begin, i.e. by mid-November 2025 in this case. Initiating the working group by mid-November 2023 would allow two years for the consideration of “extensive changes in data, models, or stock structures” envisioned under the research track process. The Council has also encouraged the NEFSC to address various issues and recommendations highlighted in the Consensus Building Institute (CBI) report after the *Illex* RTA (https://www.mafmc.org/s/Tab12_Illex-Assessment-Review_2022-08.pdf).
2. In consultation with the NEFSC, the Council has requested proposals for a contractor with expertise in quantitative stock assessment to participate in the longfin squid RTA. The contractor would conduct data analyses and develop analytical models in support of the workgroup efforts. See: https://www.mafmc.org/s/Longfin_RFP_2023-05-02.pdf.
3. Michael Wilberg and Geneviève Nesslage of the University of Maryland Center for Environmental Science are organizing a project to develop and test length-based assessment models for U.S. east coast squid. The project is primarily a NMFS’ Stock Assessment Improvement grant but the Council is partially supporting the project and Council staff will be participating.
4. After the last longfin squid stock assessment, a variety of data needs were identified regarding longfin aging, growth, and seasonal productivity. In collaboration with the NEFSC, the Council has requested proposals for a contractor to perform additional longfin squid biological sampling to provide recent information on longfin squid biology. See: https://www.mafmc.org/s/2023-05-12_Longfin_sampling_RFP.pdf.

East Coast Climate Change Scenario Planning

Update for Council Coordination Committee

May 2023

Introduction

The East Coast Climate Change Scenario Planning initiative is being conducted by East Coast fishery management organizations to explore governance and management issues related to climate change and fishery stock distributions. Scenario planning is a tool that managers can use to test decisions or develop strategy in a context of uncertain environmental, social, political, economic, or technical factors. It is a structured process for managers to explore and describe multiple plausible futures, termed "scenarios," and consider how to best adapt and respond to them.

The CCC received an overview of this project at their May 2022 meeting and an update at their October 2022 meeting. This document describes recent activities for the initiative and next steps for addressing outcomes. Additional information is available at: <https://www.mafmc.org/climate-change-scenario-planning>.

Recent Activities

Council and Commission Meetings: November and December 2022

The New England, Mid Atlantic, and South Atlantic Fishery Management Councils and the Atlantic States Marine Fisheries Commission (Commission) held workshops during their respective November and December 2022 meetings. The purpose of each workshop was for Council members and Commissioners to have in-depth discussions on the [four scenarios developed for this initiative](#), and to provide ideas and recommendations to be considered as managers develop the final list of potential actions resulting from this process. Council and Commission members discussed the challenges and opportunities presented by each scenario, and reviewed ideas and input generated at the September/October [manager brainstorming sessions](#). A summary of input received during the Council and Commission meetings can be found in Appendix 2 of the [East Coast Scenario Planning Summit briefing document](#).

Applications Phase Summit Meeting: February 2023

The East Coast Scenario Planning Summit Meeting, held February 15-16, 2023 in Arlington, VA, was attended by over 50 East Coast fishery managers. Summit participants consisted of representatives from each of the three U.S. East Coast Fishery Management Councils, the Commission, and NOAA Fisheries.

The goal of the summit was to develop a set of potential governance and management actions resulting from a scenario-based exploration of the future. During the meeting, participants discussed ideas already generated throughout the process, added new ideas, evaluated them, and identified some practical next steps.



The Scenario Planning Core Team has developed a **report of the summit meeting**, available at: https://www.mafmc.org/s/ECSP-Summit-Report_April-2023.pdf .

All summit meeting materials, including the agenda, briefing document, supplemental documents, and list of participants, are available at: <https://www.mafmc.org/council-events/2023/scenario-planning-summit>.

NRCC Meeting: May 2023

The Northeast Region Coordinating Council (NRCC) reviewed the outputs of the summit at their May 9-10, 2023 meeting, including the summit report and a draft “action plan” developed by the Core Team, and discussed a path forward for addressing possible actions. The SAFMC, which is not a member of NRCC, participated in this discussion as well as prior NRCC meetings about the initiative. The NRCC prioritized some of these potential actions for near-term work, identified other potential actions as medium to long-term possibilities, and briefly discussed a small number of actions that are not currently priorities but could be revisited in the future. This NRCC review and prioritization was meant to serve as non-binding guidance to inform future priorities discussions of each individual management organization (see Next Steps below).

The NRCC plans to form a leadership-level “East Coast Climate Coordination Group” to serve a similar role as the expanded NRCC going forward. This group will include one representative from each of the following organizations: Commission, GARFO, MAFMC, NEFMC, NEFSC, SAFMC, SEFSC, and SERO. The Coordination Group will meet annually to track progress toward implementation of these potential actions, promote prioritization of actions (jointly or by individual management organizations), estimate resources needed, and support coordinated implementation. In addition, a staff-level East Coast Climate Innovation Group will be formed to help identify ideas that are worthy of consideration by the Coordination Group, and identify possible actions to undertake. The existing Core Team will likely form the basis of the Climate Innovation Group with some evolution of the role and composition of this team.

The NRCC also made recommendations for near-term and long-term communication of the summit outcomes and scenario planning process more generally.

Next Steps

The Core Team will revise (and potentially rename) the “action plan” based on the NRCC’s discussion. This revised plan will essentially serve as a menu of possible actions that each organization can refer to when considering individual or collective priorities, to determine whether and how to pursue these actions. The Councils and Commission will review this document and the scenario planning initiative outputs more generally at their meetings later in Summer/Fall 2023.



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

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

MEMORANDUM

Date: May 16, 2023
To: Chris Moore
From: José Montañez
Subject: Manna Fish Farms Inc. proposal update (November 2022), including Baseline Environmental Survey plan

Manna Fish Farms Inc (Manna)¹ has indicated that it is in the process of contracting a surveyor to perform a Baseline Environmental Survey (BES) to support their permitting application for a commercial scale fish farm in the offshore, federal waters south of Suffolk County, New York. Their report indicates that the farm will consist of 12-18 submersible net pens, and sustainably produce approximately 4100 MT (9M lbs.) of finfish per year at full production. The preferred species for culture is Striped Bass (*Morone saxatilis*), however, other potential species for production are Black Sea Bass (*Centropristis striata*) and Steelhead Trout (*Oncorhynchus mykiss*). See the attached project update for additional information.

Manna farms has been holding pre-application meetings for this project since 2015, however, with the potential for a BES to be conducted, it is likely that Manna will soon complete submitting applications to initiate the permitting process (EPA, USACE, NEPA, etc.). The Mid-Atlantic Fishery Management Council (MAFMC) should encourage aquaculture developers to consult the MAFMC's Aquaculture Policy to ensure that aquaculture activities in the Mid-Atlantic are developed in a manner that is compatible with the protection of MAFMC-managed species and their habitats, and with commercial and with commercial and recreational fishing activities.²

Given the recent announcement by Manna to conduct a BES, MAFMC staff had a conference call with Kevin Medley (Regional Aquaculture Coordinator) and Peter Burns (Ecosystem Services Branch Chief) from GARFO on May 11, 2023 to review the progress of Manna's work. GARFO indicated that it may take 2 to 4 years to complete the application permitting process review once all permit applications are submitted by Manna. They also noted that the MAFMC does not need to codify the authorization of Black Sea Bass farming as the management measures in the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan only relate to wild fisheries (e.g., minimum fish size, quota). GARFO and MAFMC staff will continue to monitor the progress of Manna's aquaculture application process.

¹ <https://mannafishfarms.com/>

² The Council's Aquaculture Policy can be found here: <https://www.mafmc.org/aquaculture>



Manna Fish Farms, Inc.
22 Inlet Road West, Hampton Bays, NY 11946

Donna Lanzetta
CEO and Founder

11/29/22

New York Offshore Preliminary Farm Information

Intro: Manna Fish Farms, Inc. seeks to permit a commercial scale fish farm in the offshore, federal waters south of Suffolk County, New York. The farm will consist of 12-18 submersible net pens, and sustainably produce approximately 4100 MT (9M lbs.) of finfish per year at full production. This farm will produce quality, domestic marine protein to feed the growing population. Manna has assembled a team of local and world-renowned marine scientists, marine biologists, marine engineers, aquatic veterinarians, and aquaculture operation experts to implement this farming initiative.

Site Selection: After initial pre-application meetings in 2015 and 2018, in 2020 the NOAA NCCOS team completed a siting analysis report regarding the proposed Manna Fish Farms NY Offshore project. Four sites were identified (A, B, C, and D) in the preferred area south of Suffolk County, New York that satisfied the preferred siting parameters provided by the Manna Team. Marine spatial planning efforts resulted in an in-depth analysis of all ocean users potentially traversing the preferred sites, benthic conditions, ocean habitats, endangered species, migratory routes, and all data available to drive analysis and ensure successful site selection. Using the details of the siting report, the Manna Team has selected site A, specifically the western half, as our preferred site. Our draft Baseline Environmental Survey Plan further details this preference. Prior to contracting a surveyor to perform the BES on the preferred site, the Manna Team is requesting clearance of the sites from the Department of Defense (DOD) Clearinghouse, as three out of the four subject sites lie within a military zone. The Manna Team has listed all four sites in its approval request, rather than solely the preferred site, to avoid further delays down the line should the BES yield results that prohibit siting of the farm in the preferred location. Figure 1 shows the location and bathymetry of the four identified sites.

Gear and Equipment: Manna's current plan is to deploy 12-18 submersible net pens at the offshore site. The farm will use the proven StormSafe® Submersible Net Pens; the same technology that Manna's Gulf of Mexico offshore farm will utilize. Each net pen will be moored individually, with a total of six mooring legs per pen. Each mooring leg will include a surface buoy to support the net pen when submerged, in conjunction with fiber rope and anchor chain. High efficiency drag embedment anchors will tether each mooring leg to the sea floor. At full production, the farm will utilize 1-2 feed barges that will be moored on-site to provide automated, daily feed delivery to each net pen. These barges will support daily farm operations and provide power, communications, and feed storage. The barges may also provide on-site living quarters for farm staff. There will be several support and tender vessels involved in the operation as well. Larger support vessels will be used to transport feed to the barges, stock the farm with fingerlings, and harvest fish. Prior to the deployment of the feed barges, these vessels may remain on-site for extended periods of time to support daily operations. Once the feed barges are deployed, the support vessels will shift to a transient role. The smaller tender vessels will remain primarily on-site throughout all stages of production to support all daily farm operations.

Footprint: The Manna Team anticipates a maximum farm footprint of approximately 400 acres resulting from the installation of 18 submersible net pens and the associated mooring gear and other farm equipment.

Fish Species Information: Our preferred species for culture is Striped Bass (*Morone saxatilis*). We recognize there may currently be challenges associated with the culture of striped bass in federal waters of the Exclusive Economic Zone due to the complexity of the stock's management programs. However, with striped bass widely considered a prime candidate species commercially ready for marine aquaculture in the United States, we are interested in exploring what work needs to be done to enable the sustainable offshore culture of this iconic Atlantic species. We firmly agree with the language of the Atlantic Striped Bass Conservation Act: "Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation." The culture of striped bass in offshore net pens provides a much-needed method for sustainable production that will ease the pressure on wild stocks. With the Atlantic States Marine Fisheries Commission's 2022 Stock Assessment report concluding that the species was overfished in 2021, we aim to address any regulatory hurdles that may be holding back the culture of this pivotal species. Our species list, in order of preference, can be seen below.

- Striped Bass (*Morone saxatilis*)
- Black Sea Bass (*Centropristis striata*)
- Steelhead Trout (*Oncorhynchus mykiss*)

Production: Manna will follow a phased and tiered production approach throughout the duration of the EPA's NPDES permit. Phase one will involve the deployment of two StormSafe® Submersible Net Pens, with additional net pens added incrementally over the course of the five-year period until the maximum determined quantity is reached. The farm will implement a tiered production approach to achieve harvest and subsequent sale of fish for as many months out of the year as possible. Assuming a total of 18 net pens deployed, maximum annual production will be approximately 4100 MT (9M lbs.).

Buoy and Navigational Aid: The farm will be marked by four permanent surface buoys, one at each corner of the farm footprint. These buoys will contain lights with appropriate visibility in accordance with all United States Army Corps of Engineers (USACE) and United States Coast Guard (USCG) regulations. The Manna Team will contact the Aids to Navigation (ATON) Officer for the USCG, Sector Long Island Sound, and plans to submit a request to the USCG to designate the four corner buoys as Private Aids to Navigation (PATONs). Approval of this request will result in these buoys being added to the USCG Light List and recognized on NOAA Electronic Navigation Charts (ENC) for proper demarcation of the farm.

Monitoring: Manna will implement thorough and verified monitoring protocols for the farm site. These will include hydrological surveys and water quality and benthic assessments prior to the installation of any equipment, with water quality and benthic monitoring continuing on a regular basis throughout all phases of operation, as informed by the parameters of the NPDES permit. Manna will be fully transparent with the monitoring process.

Standard Operating Procedures:

The Manna Team will develop and implement comprehensive standard operating procedures for the proposed project. These plans will include, but will not be limited to, fish health management, emergency response, environmental monitoring, protected species monitoring, and best aquaculture practices. These plans will be developed in coordination with all relevant regulatory agencies and will adhere to all requirements and conditions set forth by said agencies.

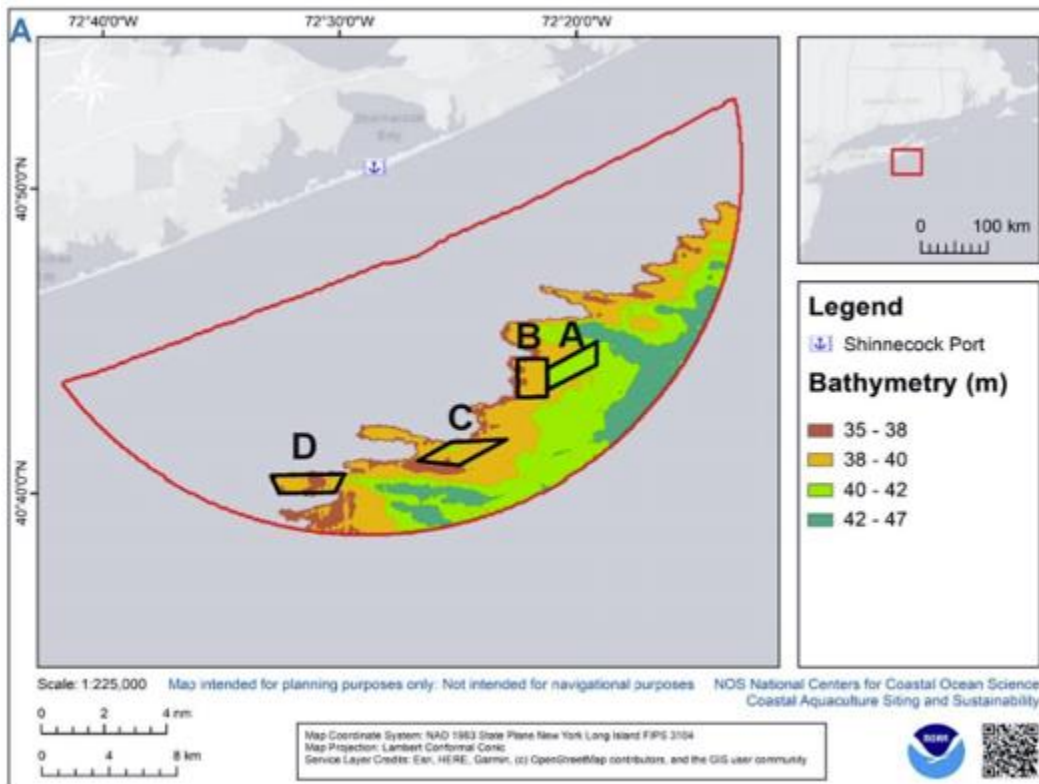


Figure 1. Bathymetry of the four alternative site locations for the proposed Manna Fish Farms site.



Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Harvest Control Rule 2.0 Framework/Addenda

Draft Action Plan

5/24/2023

<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: In June 2022, the Council and Policy Board passed the following motion when taking final action on the Recreational Harvest Control Rule Framework/Addenda: “Move to further develop Alt. B (Pct Change Approach), Alt. D (Biological Reference Point Approach) and Alt. E (Biomass Based Matrix Approach) for implementation no later than the beginning of the 2026 fishing year. Further development should consider, at minimum, F-based approaches for Alt. B and development of measures using modeling or other approaches for Alts. D and E. Further evaluate the issue of “borrowing” as raised by the SSC for alt B, D, and E.”¹ These alternatives are briefly described below and are described in detail in the [reference guide](#) and [final framework document](#) for the previous action. The Council and Policy Board may also identify other alternatives to address the objectives of the action.

- **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.
- **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.

¹ The report from the SSC review is available at <https://www.mafmc.org/ssc-meetings/2022/may10-11>.

Measures would be assigned to all bins the first time the approach is used through the specifications process.

- **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.
- **Other alternatives** – This new management 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.

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
Mark Grant	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	NOAA Fisheries 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	Massachusetts Department of Marine Fisheries	Technical analysis and state management
Sara Turner	NMFS Greater Atlantic Regional Fisheries Office	Scientific and technical analysis of federal fisheries management

Commissioner/Council Member Work Group

During their meeting on May 3, 2023, the Policy Board established a small group of Commissioners to act as a liaison between the PDT/FMAT and the Policy Board. The purpose of this group is to provide clarification of Policy Board direction and/or feedback to the PDT/FMAT. This group will periodically meet with the PDT/FMAT. Appointed Commissioners are listed below. The Council will discuss appointing Council members during their August 2023 meeting.

Name	Council Member or Commissioner
Jason McNamee	Commissioner
Nichola Meserve	Commissioner
Adam Nowalsky	Both
TBD	Council member
TBD	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. • May 11 Monitoring Committee (MC)/Technical Committee (TC) meeting to discuss process used to set 2023 measures and potential future improvements.
Summer 2023	<ul style="list-style-type: none"> • FMAT/PDT meeting(s) to review previously considered alternatives, lessons learned from first application of Percent Change Approach and use of Recreational Demand Model for setting 2023 measures, and initial discussions of path forward, including potential role of the Scientific and Statistical Committee (SSC). • August 8, 9, or 10 Council and Policy Board meeting to review progress and discuss next steps, including membership and role of Council/Commissioner work group and potential role for the SSC.
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 (potentially combined with AP meeting for 2024 recreational measures).
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.

2023 SPRING NRCC MEETING AGENDA

Greater Atlantic Regional Office – 55 Great Republic Drive, Gloucester MA

All times are approximate

Tuesday, May 9

9:00 a.m. – 9:15 a.m.

1. Welcome, Introductions, Announcements
(Pentony, Sullivan)

9:15 a.m. – 9:30 a.m.

2. SAFE Reports
Discussion leader: Fenton
 - Update on the process to make Stock Assessment and Fishery Evaluation (SAFE) reports uploaded and available online.

9:30 a.m. – 10:00 a.m.

3. MRIP catch data
Discussion leader: Science and Technology staff
 - Discussion led by the Office of Science and Technology (S&T) regarding the decision to not publish Marine Recreational Information Program (MRIP) catch data that has greater than 50-percent percent standard error (PSE).

10:00 a.m. – 10:15 a.m.

4. Equity and Environmental Justice (EEJ)
Discussion leader: Pentony
 - Update on NMFS' EEJ Strategy

10:15 a.m. – 10:30 a.m.

5. Research Set-Aside (RSA) Program
Discussion leader: Silva
 - Update on shift of the RSA program from NEFSC to GARFO

10:30 a.m. – 10:45 a.m. *Break*

10:45 a.m. – 11:45 a.m.

6. Offshore Wind
Discussion leader: Pentony/Lipsky
 - Update on offshore wind activities
 - Status of survey mitigation program efforts

11:45 a.m. – 1:00 p.m. *Lunch*

1:00 p.m. – 5:00 p.m.

7. Scenario Planning
Discussion leader: Core Team
 - Update regarding Climate Change Scenario Planning Summit

7:00 p.m. – Dinner location to be determined

Wednesday, May 10

9:00 a.m. – 11:30 a.m. (break as needed)

8. Stock Assessments

Discussion leader: Simpkins

- Assessment working group updates
- Schedule updates
- Update on Research Track Steering Committee
- Survey performance

11:30 a.m. – 12:00 p.m.

9. FDDI and CAMS Updates

Discussion leader: Gouveia

12:00 p.m. – 12:30 p.m.

10. Port Sampling

Discussion leader: Gouveia

- Update on port sampling issues, including potential avenues to fund additional samples.

12:30 p.m. – 1:00 p.m.

11. Meeting wrap-up and Other Business

- Complete any unfinished discussions or unresolved new business
- Review action items and assignments
- Identify Fall 2023 meeting date (GARFO chair)
- Adjourn meeting

1:00 p.m. Meeting adjourns



Council Coordination Committee Meeting

May 23rd – 25th, 2023
 Marriott Beachside Hotel
 Flagler Ballroom
 3841 North Roosevelt Boulevard
 Key West, Florida 33040

BRIEFING BOOK DEADLINE 1st – May 5 / BRIEFING BOOK DEADLINE FINAL – May 12

Monday, May 22nd, 2023

1:00 PM – 5:00 PM: Meeting Registration (2nd Floor, above Hotel Lobby)

Tuesday, May 23rd, 2023

9:00 AM: CCC Convenes

I. 9:00 AM – 9:05 AM: Welcome and Introductions – *Dr. Greg Stunz*

- Adoption of Agenda (**Tab 1**)

II. 9:05 AM – 10:15 AM: NOAA Fisheries Update and FY 23/24 Priorities (Tab 2) – *Ms. Janet Coit / Mr. Sam Rauch / Ms. Kelly Denit*

- Wind Energy
- National Equity and Environmental Justice (**Tab 2b**)
- National Standards 4, 8, and 9 (Advanced Notice of Proposed Rulemaking) (**Tab 2c**)
- Data Confidentiality Rule

----- **Break 10:15 AM – 10:30 AM EDT** -----

III. 10:30 AM – 11:15 AM: NOAA Fisheries Science Updates (Tab 3) – *Dr. Cisco Werner*

- Fishery-Independent Surveys and Monitoring Efforts
- Budget Limitations and Adequate Staffing for Monitoring and Assessment
- Data Acquisition and Modernization Efforts

IV. 11:15 AM – 11:45 AM: Gulf Council Highlights (Tab 4) – *Dr. John Froeschke / Ms. Emily Muehlstein / Mr. Ryan Rindone*

V. 11:45 AM – 12:00 PM: Revised Draft: National Recreational Saltwater Policy (Tab 5) – *Mr. Russ Dunn*

----- **Lunch 12:00 PM – 1:30 PM EDT** -----

- VI. 1:30 PM – 2:00 PM: **Budget and 2024 Outlook (Tab 6)** – *Mr. Brian Pawlak*
- VII. 2:00 PM – 2:45 PM: **Update on the Inflation Reduction Act (Tab 7)** – *Mr. Brian Pawlak / Ms. Kelly Denit*

----- Break 2:45 PM – 3:00 PM EDT -----

VIII. 3:00 PM – 4:15 PM: **Climate Change and Fisheries**

- East Coast Climate Change Scenario Planning Summit Meeting Presentation **(Tab 8ai)** – *Ms. Kiley Dancy*
 - Document **(Tab 8aii)**
- Fisheries Climate Governance Policy **(Tab 8b)** – *Ms. Kelly Denit / Ms. Marian Macpherson*
- Overview Presentation on Ocean Climate Action Plan **(Tab 8c)** – *Ms. Kelly Denit*
 - Background Information: March 2023 Ocean Climate Action Plan **(Tab 8ci)**

IX. 4:15 PM – 4:45 PM: **Update on Anti-harassment Policies and Training Opportunities (Tab 9)** – *Ms. Stephanie Hunt*

X. 4:45 PM – 5:15 PM: **Public Comment (Tab 10)ⁱ** – *Dr. Greg Stunz*

– Recess –

6:00 PM – 8:00 PM: **Social at Hotel**

Wednesday, May 24th, 2023

XI. 9:00 AM – 10:00 AM: **Communications Subcommittee Report (Tab 15a)** – *Ms. Emily Muehlstein*

- Updates to the Regional Councils' Website **(Tab 15b)** – *Ms. Mary Sabo*

XII. 10:00 AM – 10:30 AM: **International Fisheries Issues**

- United Nations Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) **(Tab 12a)** – *Ms. Kitty Simonds*
- Committee on Fisheries (COFI) Summary Overview **(Tab 12b)** – *Mr. Carlos Farchette*

----- Break 10:30 AM – 10:45 AM EDT -----

XIII. 10:45 AM – 12:00 PM: **7th Scientific Coordination Subcommittee (SCS) Report (Tab 13a)** and **Presentation (Tab 13ai)** – *Dr. Diana Stram / Mr. Bill Tweit*

- Overview **(Tab 13bi)** and Proposed Themes for SCS8 Meeting **(Tab 13bii)** – *Mr. Tom Nies / Dr. Rachel Feeney*

----- Lunch 12:00 PM – 1:30 PM EDT -----

XIV. 1:30 PM – 2:45 PM: America the Beautiful Initiative

- CCC Working Group Final Report on Area-Based Management (ABM) and ABM Dashboard (**Tab 11a**) – *Mr. Eric Reid / Ms. Michelle Bachman*
 - Background Information: An Evaluation of Conservation Areas in the U.S. Exclusive Economic Zone (**Tab 11ai**)
 - Background Information: Conservation Worksheet and Effectiveness Checklist by Region (**Tab 11aii**)
- Fisheries Update on Interagency Effort (**Tab 11b**) – *Mr. Sam Rauch*

XV. 2:45 PM – 3:45 PM: National Standard 1 – Technical Guidance Status

- Presentation on Maximum Sustainable Yield (MSY) Reference Points and Status Determination Criteria (**Tab 14a**) and Draft Technical Memo (**Tab 14b**) – *Dr. Rick Methot*

----- Break 3:45 PM – 4:00 PM EDT -----

XVI. 4:00 PM – 4:15 PM: Discussion of Establishing Fishing Regulations in Sanctuaries – Regional Management Councils

XVII. 4:15 PM – 4:30 PM: ANNOUNCEMENTS AND RECOGNITIONS – Dr. Greg Stunz

XVIII. 4:30 PM – 5:00 PM: Public Comment (Tab 10)ⁱⁱ – Dr. Greg Stunz

– Recess –

6:30 PM – 8:30 PM: Sunset Cruise

Thursday, May 25th, 2023

XIX. 9:00 AM – 9:45 AM: Legislative Outlook (Tab 18) – Mr. Dave Whaley

XX. 9:45 AM – 10:00 AM: Integration of the Endangered Species Act – Magnuson-Stevens Act

- CCC Working Group Report (**Tab 19a**) – *Ms. Kitty Simonds*
- NOAA Fisheries Update (**Tab 19b**) – *Mr. Sam Rauch*

XXI. 10:00 AM – 10:30 AM: Marine Resource Education Program (Tab 20) – Ms. Lauren O'Brien

----- Break 10:30 AM – 10:45 AM EDT -----

XXII. 10:45 AM – 11:45 AM: CCC Workgroups/Subcommittees

- Habitat Workgroup (**Tab 21ai**) – *Dr. Lisa Hollensead*
 - Background Information: Council/NOAA Fisheries EFH Climate Resilience Innovations Workshop (**Tab 21aii**)
- Council Member Ongoing Development (CMOD) Member Training (**Tab 21b**) – *Ms. Diana Evans*
 - Background Information: April 2023 CMOD Final Meeting Summary (**Tab**

21bi)

- Background Information: CMOD Steering Committee Report (**Tab 21bii**)

XXIII. 11:45 AM – 12:00 PM: 2024 CCC Meetings (Tab 22) – Mr. Miguel Rolon

XXIV. 12:00 PM – 12:30 PM: Other Business and Wrap-Up – Dr. Greg Stunz

- CCC Outcomes and Action Items (**Tab 23**)

– ADJOURN –

-
- ⁱ Persons wishing to give public comment **in the meeting room** must sign up at the kiosk prior to the last registered speaker completing public comment. Persons wishing to give comment **virtually** must sign up on the [U.S. Regional Fishery Management Councils](#) website on May 23, 2023 beginning at 8:00 am EDT. Registration closes on May 23, 2023 at 4:15 pm EDT. Public comment may end before the published agenda time if all registered in-person and virtual participants have completed their comment.
- ⁱⁱ Persons wishing to give public comment **in the meeting room** must sign up at the kiosk prior to the last registered speaker completing public comment. Persons wishing to give comment **virtually** must sign up on the [U.S. Regional Fishery Management Councils](#) website on May 24, 2023 beginning at 8:00 am EDT. Registration closes on May 24, 2023 at 4:00 pm EDT. Public comment may end before the published agenda time if all registered in-person and virtual participants have completed their comment.



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: May 26, 2023
To: Council
From: Chris Moore, Executive Director
Subject: NMFS Climate Governance Policy

During the May 2023 meeting of the Council Coordination Committee (CCC), the CCC received a presentation on NMFS' Draft "Climate Governance Policy." The draft policy provides guidance on determining the geographic scope of fisheries and on how to determine which Council(s) will be responsible for preparing and amending new and/or existing fishery management plans for fisheries that extend or have moved beyond the geographical area of authority of any one Council, including those that move, across Council boundaries.

NMFS has stated that they are accepting comments on the draft policy until November 17, 2023, with a goal of finalizing and rolling out the policy in Summer 2024. The CCC is planning to submit a joint letter on the draft policy. The Mid-Atlantic Council will discuss this topic at the August 2023 Council Meeting.

The draft policy is enclosed behind this memo. Below is an overview of comments provided during the May 2023 CCC meeting.

- As noted in the CCC's consensus position on Council jurisdictions, the Councils already utilize joint FMPs and other management arrangements to account for fisheries that extend across multiple jurisdictions.
- In general, the policy is confusing and difficult to follow. It's not clear exactly when and how a review would be conducted.
- Reassignments of authority would be very disruptive and should only occur when there's a clearly defined management problem. Other management approaches (including those identified by the ECSP Initiative) should be considered first.
- NMFS needs to consider and address how this will affect Council budgets, capacity to add new species, and loss of institutional knowledge.
- Joint management with multiple bodies is challenging and can increase the workload exponentially. For a fishery like bluefish, which could hypothetically involve all three East coast Councils plus the Atlantic States Marine Fisheries Commission, the management process could become quite slow and cumbersome.
- Not all changes in stock distribution are attributable to climate change. Recent MAFMC/Rutgers research indicates that non-climate factors (e.g., fishing pressure and larval dispersal) have a substantial influence on short-term distribution changes (1-10

years). Managers should be wary of major governance reactions to changes that may ultimately be shorter-term or more variable in direction.

- The policy focuses too much on Council governance without addressing the potential impacts of transferring responsibility between science centers and regional offices. There are major challenges with comparing South Atlantic and Northeast data because the fishery independent methods are so different. How will this affect the management advice given to the responsible Council(s)?
- The language “included but not limited to” at several points in the document is extremely concerning. The policy needs to provide more specific metrics/criteria for reviewing stock distribution and making designation decisions.
- Landings are driven by infrastructure and management factors (e.g., rotational management) and may not always indicate the geographic distribution of a stock. Similarly, a 15% change in recreational effort is not necessarily indicative of a change in distribution.
- Three-year averages are not adequate for determining geographic shifts in distribution. We need to be looking longer term. Things like La Niña events could significantly influence the data. NMFS also needs to address how this policy will account for data gaps. (Ms. Denit noted that the policy mentions three-year averages as an example but does not specify the timeframe that should be used when conducting a review.)
- The timeframe for Councils to provide comments should be longer than six months. A year or even two years would be more appropriate.
- There needs to be a mechanism to prevent frequent review and reassignment of management authority (e.g., 10 year timeframe for re-review of a fishery).
- The absence of peer review and public involvement in the process is concerning.
- The timing of the policy alongside the ECSP Initiative could be confusing for stakeholders who have provided input and advice through that process. (Ms. Coit noted that the ECSP Summit document noted participants’ support for the use of triggers to initiate a review of management authority. She stated that the ECSP outcomes don’t seem inconsistent with development of a governance policy.)

Procedural Directive: 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)

I. Introduction

In anticipation of an increasing number of fish stocks shifting in geographic distribution, new fisheries emerging, and other demographic shifts in fisheries, the National Marine Fisheries Service (informally, NOAA Fisheries) has identified a need for guidance on determining the geographic scope of fisheries and on how to determine which Regional Fishery Management Council(s) (Council) will be responsible for preparing and amending new and/or existing fishery management plans (FMPs) for fisheries that extend or have moved beyond the geographical area of authority of any one Council, including those that move, across Council boundaries.¹

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), each of the eight Councils has responsibilities for fisheries within specified geographic areas (MSA § 302(a)(1))² and is required to prepare and submit FMPs for fisheries that “require conservation and management” (MSA § 302(h)(1); *see also* 50 C.F.R. § 600.305(c)). In situations where a fishery extends beyond the geographic area of any one Council, MSA § 304(f)(1) authorizes the Secretary of Commerce³ to either designate a Council to prepare an FMP, or require the relevant Councils to prepare an FMP jointly. To date, NOAA Fisheries and the Councils have addressed management of fisheries that span multiple Council jurisdictions on a case-by-case basis.⁴ However, given that the geographic scope of fisheries is expected to continue to shift across Council jurisdictions in the future, preparing in advance for these situations, and having an established process and guidance in place for addressing them, will give NOAA Fisheries, the Councils, and the public a more transparent, orderly, and responsive approach for fishery management.

This policy provides guidance on (1) determining whether to review the geographic scope of a fishery and/or the designation of Council authority; (2) determining the geographic scope of the fishery; (3) designation of Council authority under MSA § 304(f); and (4) guidance for transitioning management from existing Council(s), if needed.

II. Overview of Key Legal Provisions

Section 302(a) of the MSA establishes the eight Councils and provides authority over fisheries off the coasts of their states. Section 302(h)(1) requires each Council to prepare an FMP and amendments “for each fishery under its authority that requires conservation and management.”

¹ This policy does not apply to Atlantic Highly Migratory Species which are managed pursuant to sections 302(a)(3) and 304(g) of the MSA.

² Pursuant to MSA §304(f)(2), NOAA Fisheries has specified these exact geographic boundaries in terms of latitude and longitude at 50 CFR 600.105.

³ MSA responsibilities were delegated from the Secretary to the NOAA Administrator (DOO 10-15 § 3.01(aa)) and redelegated to the Assistant Administrator for Fisheries (NOAA Transmittal 61 § II(C)(26)).

⁴ For a review of NOAA Fisheries’ management of fisheries that span multiple Councils’ jurisdictions, see NOAA Technical Memorandum NMFS-OSF-10 September 2021 (Morrison). Link: <https://repository.library.noaa.gov/view/noaa/32347>

Section 303(a)(2) requires that Council-prepared FMPs contain a description of the fishery, including: the number of vessels, the type and quantity of fishing gear, and the species and their locations.

Section 304(f)(1) provides that for fisheries that extend beyond the “geographical area of authority of any one Council,”

(1) the Secretary may—

- (A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan; or
- (B) may require that the plan and amendment be prepared jointly by the Councils concerned.

The MSA defines “fishery” as:

- (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
- (B) any fishing for such stocks. §3(13).

The MSA defines “stock of fish” as:

a species, subspecies, geographical grouping, or other category of fish capable of management as a unit. §3(42).

The FMP’s description of the fishery must comply with National Standard 3, which requires that:

To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination. §301(a)(3).

The NS 3 Guidelines explain that, within this strong preference for managing a stock as a unit throughout its range, a less comprehensive management unit may be justified. 50 C.F.R. § 600.320(c), (e)(2). For example, if complementary management exists or is planned for a separate geographic area or for a distinct use of the stocks, or if the unmanaged portion of the resource is immaterial to proper management, separate management units may be allowed. *Id.* § 600.320(e)(2).

III. Determining the Geographic Scope of a Fishery and Council Authority

As of the date of this Procedural Directive, for most currently managed fisheries, initial determinations of geographic scope and designations of Council authority for preparing fishery management plans have already been completed. NOAA Fisheries does not anticipate changing these designations unless there is a change in circumstances. When there is a need to review geographic scope and/or Council authority, NOAA Fisheries will notify the relevant Councils and initiate the process set forth below.

For a newly emerging fishery that has not previously been managed under the MSA and is in need of an initial designation of Council authority, this process can begin at step 2.

A flow chart providing a high-level overview of this process is set forth in Appendix 1.

STEP 1: Consider Whether to Review Geographic Scope and/or Council Authority

a. In general, NOAA Fisheries will conduct a review if:⁵

- i. Criteria listed in paragraph (b) below indicate that a fishery may be experiencing geographic shift; or
- ii. Upon request from a Council. A Council requesting a review must provide information on why the review is being requested and data supporting the request.

b. Criteria that may indicate a need for review of Initial Determinations/Designations

To prevent frequent transitions of management authority between Councils, NOAA Fisheries will use multi-year averages of the metrics described below. For example, for landings revenue, a comparison of two sets of 3-year averages could be used (e.g., 2019-2021 vs 2022-2024). Criteria that can indicate a need for review of the geographic scope of a fishery and/or Council authorities include, but are not limited to:

- Indicators of significant change in the location of species, sub-species, and/or stocks and/or fishing effort that could affect Council jurisdiction may include, but are not limited to:
 - A shift of greater than 15% in the proportion of a fishery's landings revenue that accrues to another Council's jurisdiction. This consideration should take into account any regulatory requirements that may be affecting where fish are landed as opposed to where they are caught.⁶
 - A shift of greater than 15% in the proportion of a fishery's recreational fishing effort occurs in another Council's jurisdiction.
 - Documented shift in stock distribution.
- Certain Council actions, such as allocation revisions or changes to permit requirements that have cross-jurisdictional implications.

c. Sources of data can include but are not limited to:

- Stock Assessments.
- Fishery independent surveys.
- Fishery dependent data.
 - Landings.
 - Observer Information.
 - Logbooks.
 - Vessel Monitoring System (VMS) data.
 - Recreational fisheries catch and effort estimates.
- NOAA's Distribution Mapping and Analysis Portal (DisMap), <https://apps-st.fisheries.noaa.gov/dismap/>.

⁵ NOAA acknowledges there could be additional circumstances that could warrant a review other than those described here.

⁶ This consideration should also address whether trends in state versus federal landings differ.

- Traditional and Ecological Knowledge.
- Stakeholder-provided Information.
- Ecosystem Status Reports or similar products.

d. Determine whether to conduct a review.

After analyzing the metrics and information described in (b) and (c) above, NOAA Fisheries will determine whether a review of initial determinations/designations is warranted, and, if so, proceed to Step 2 below.

STEP 2: Determine the geographic scope of a fishery

a. Roles

Determining the geographic location of a fishery involves consideration of legal, policy, and scientific issues and includes a certain amount of flexibility. Within their geographic areas of authority, Councils have discretion, subject to NOAA Fisheries’ approval, in describing the fisheries and stocks for management purposes, but must comply with the MSA and applicable laws including requirements to utilize the best scientific information available and demonstrate a rational basis for their descriptions.

In addition to the approval authority described above, under MSA § 304(f), NOAA Fisheries has the authority to evaluate and determine the geographic location of fisheries that may occur within the geographic areas of authority of more than one Council.

b. Data to Consider

i. In determining the location of a fishery, it is necessary to consider both the:

- Location of fish species, sub-species, and stocks.
- Location of fishing effort.⁷

ii. Sources of data can include, but are not limited to:

- Stock Assessments.
- Fishery independent surveys.
- Fishery dependent data.
 - Landings.
 - Observer Information.
 - Logbooks.
 - Vessel Monitoring System (VMS) data.
 - Recreational fisheries catch and effort estimates.
- NOAA’s Distribution Mapping and Analysis Portal (DisMap), <https://apps-st.fisheries.noaa.gov/dismap/> .
- Traditional and Ecological Knowledge.
- Stakeholder-provided Information.
- Ecosystem Status Reports or similar products.

⁷ In any location, effort may be categorized as commercial, recreational, subsistence, or a combination of these.

c. Additional Considerations

There are multiple factors, in addition to the physical location of the fish and fishing effort, that are important to characterizing the geographic scope of fisheries. For example:

- Management goals and objectives of existing FMPs, if any (50 CFR 600.305(b)).
- Need for conservation and management.⁸
- Management efficiency.
- Biological considerations, including genetics.
- Infrastructure such as the vessels, dealers, ports, etc., that fish for, catch, purchase, process, and otherwise handle the product.

When considering “new” and “expanded fisheries,” NOAA Fisheries and the Councils must consider whether the appearance, or increased abundance, of a species in a new location, or a change in effort in a new location, indicates that a fishery extends beyond the geographic boundary of one Council. To mitigate against outlier occurrences, multi-year information should be used whenever possible.

d. Determination

When determining the geographic scope of a fishery, 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 pursuant to the considerations set forth in this document.⁹

NOAA Fisheries will evaluate the Council(s) recommendation and, at the conclusion of Step 2, document the geographic scope of the fishery/ies with three possible outcomes:

- Outcome 1: There is one fishery in one Council’s area of authority. That Council is responsible for that fishery under MSA § 302(a).
- Outcome 2: There are separate fisheries in multiple Council areas of authority. Each Council is responsible for the fishery/ies under its area of authority under MSA § 302(a).
- Outcome 3: There is one fishery that extends into areas of authority for more than one Council. NOAA Fisheries may designate a Council or Councils to be responsible for developing the FMP. If this is the outcome, proceed to Step 3.

STEP 3: Designation of a Council or Councils under MSA § 304(f)

a. Roles

If NOAA Fisheries determines that one fishery extends beyond the geographic jurisdiction of a single Council (i.e., outcome 3 in Step 2), the agency will designate one or more Councils to be responsible for preparing, or amending, the FMP.

⁸ NOAA Fisheries’ existing guidance pertaining to whether a fishery is in need of conservation and management is at 50 CFR 600.305.

⁹ If specifying a period of time for Council feedback, NOAA Fisheries will consider relevant MSA deadlines.

In making these designations, NOAA Fisheries will consult with the relevant Councils, and provide 6 months (unless a different schedule is necessary to comply with MSA requirements), in which to recommend a designation.

- Councils may submit, jointly or separately, information describing how they would plan to cooperate with other Council(s), accommodate interests of stakeholders from other regions, and other information relevant to this designation. This may include descriptions of challenges in any current system such as lack of stakeholder representation or other concerns regarding equity or fairness.

a. Fishery/ies Designations and Considerations

Designation of management authority may be expressed as one of the following three options:

- Designation 1: One Council, One FMP. The Secretary designates one Council to manage the fishery throughout its range.
- Designation 2: Multiple Councils, One FMP. The Secretary designates multiple Councils to jointly manage the fishery throughout its range within a single FMP. This may include designating one Council as the “lead.”
- Designation 3: Multiple Councils, Multiple FMPs. The Secretary designates multiple Councils to manage the fishery via multiple FMPs.

NOAA Fisheries will consider, among other things:

i. In General

- Geographic range of the fishery or management units (current and historical).
- Number of and geographical distribution of species, sub-species, and/or stocks.
- Characterization of need/s for conservation and management (can include social, economic, ecological, ecosystem functions, etc.).
- Efficiency/responsiveness/adaptability of management.
- Representation, access, and participation of stakeholders and interested parties in the decision-making process that develops fishery management measures. This includes demonstrated ability, or articulated plans, of a Council to accommodate stakeholder needs from other jurisdictions.
- Location of fishing effort/activities.
- Location of landings.
- Location of current and potential future processing facilities.
- Existing permits.
- Community impacts, including community dependence, community adaptability, community access to adjacent fisheries, fairness, equity, and environmental justice.
- Inter-relationships with other managed species.
- Need for cross-jurisdictional coordination (e.g., potential for effort shifts if management measures are different under multiple FMPs).

- Objectives of existing FMPs, and effectiveness of existing oversight in achieving those objectives (e.g., overages, overfishing, or rebuilding progress) and reasons the oversight is effective or not.
- Optimum yield, NS 3, and other National Standards.
- Ability to maintain fishing mortality targets and limits across the range of the fishery.¹⁰
- Cost.
- Existence of data collection programs.
- Comparative effectiveness of existing examples of single versus joint Council management in other fisheries.
- For fisheries with an international component, which Council primarily works with the relevant regional fisheries management organization.
- Other factors deemed as relevant to the specific scenario under consideration.

ii. Presumptions pertaining to designations: To prevent frequent transitions of management authority between Councils, NOAA Fisheries will use multi-year averages of the metrics described below.

- If more than 75% of a fishery's landings revenue accrues to, or recreational fishing effort occurs in, another Council's jurisdiction, there is a presumption that NOAA Fisheries will assign/reassign management authority to the other Council;
- If between 40% and 75% of a fishery's landings revenue accrues to, or recreational fishing effort occurs in, another Council's jurisdiction, there is a presumption that NOAA Fisheries will either assign joint management authority to the two Councils or assign multiple Councils to develop multiple FMPs.
- [If data from non-fishery dependent sources indicate [15 - 75 % distribution changes], then [we are seeking input on how to establish a presumption here].

iii. General recommendation. When appropriate, NOAA Fisheries may choose to remind Councils that, if there is a need for conservation and management and Councils fail to act within a reasonable time, NOAA Fisheries may take action under MSA § 304(c)(1)(A).

Additional considerations and recommendations applicable to each potential designation result are set forth in Appendix 2.

b. Designation of Council FMP Authorities

NOAA Fisheries will document the rationale for the designation decision and notify the relevant Councils. NOAA Fisheries will work with the relevant Councils to assure a smooth transition to revised governance pursuant to Step 4.

STEP 4. Transitioning to Revised Council Authority

If there is a change in authority from one Council to another, there will be at least a 2-year phase-in period, starting with the notification of revised designations, during which the Councils transition

¹⁰ When splitting responsibilities for management of a single stock, NOAA Fisheries must ensure all requirements of the MSA can be met under split authority. Each FMP and each management action under that FMP will be evaluated for compliance with the MSA and other applicable law.

responsibilities. The existing FMP and regulations should remain in-place until superseded or amended by the responsible Council(s). It will be important to ensure that, pending completion of any new FMP or amendment, the fishery remains compliant with the MSA and other applicable law. When planning for a management transition, Councils and NOAA Fisheries must comply with any statutory deadlines for action.¹¹

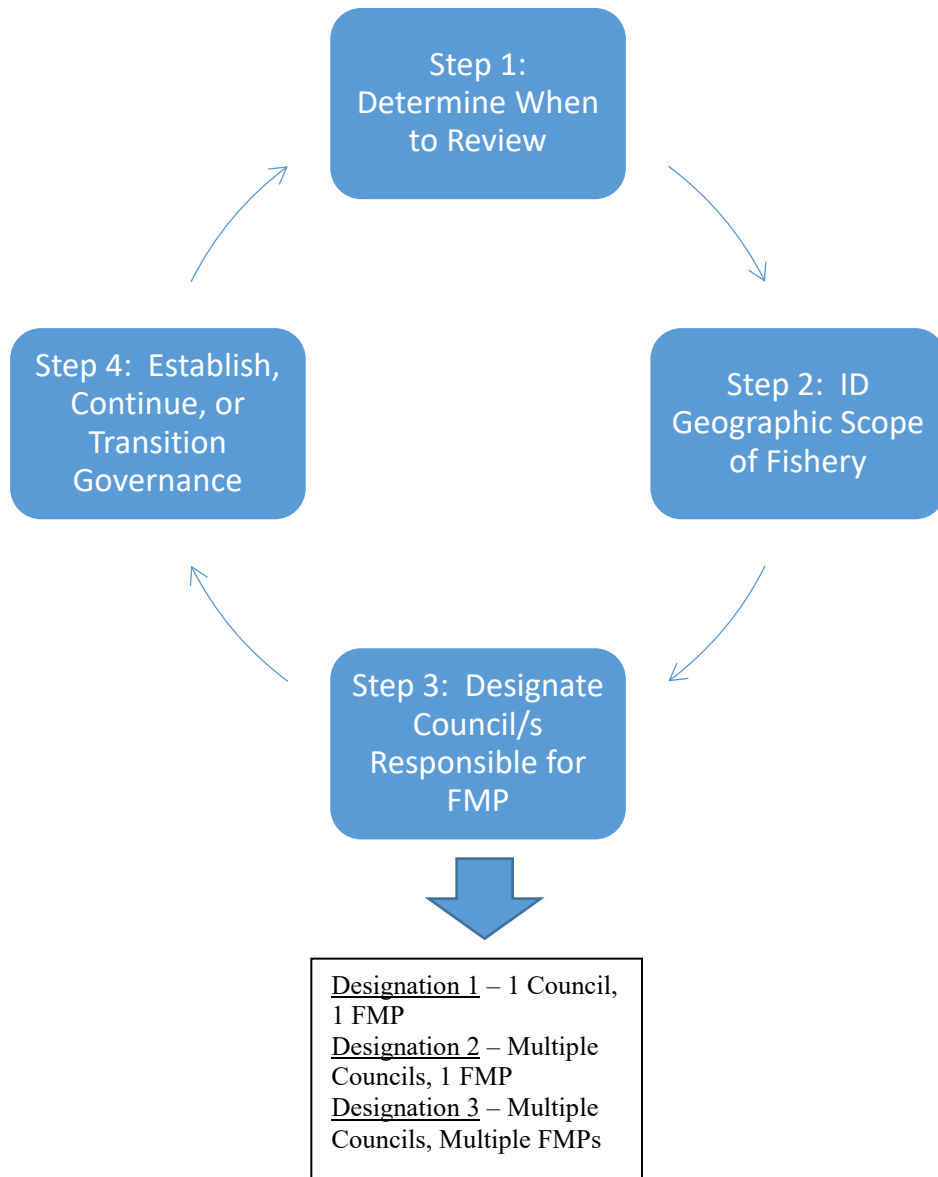
In addition, there is a presumption that, during the 2-year period following the notification of revised designations, any modifications to allocations or permitting requirements should not be undertaken by the Council that historically led the FMP. Any such modifications should be part of the development of the new FMP(s) or amendments.

When transitioning to a new Council governance structure, NOAA Fisheries and the Councils should seek to mitigate disruptions to the degree practicable, and provide for:

- The existing FMP and regulations should remain in-place until superseded or amended by the responsible Council(s).
- Phased-in transition. The transition period should be adequate for the receiving Council to prepare sufficient staffing responsibility. This includes providing for transfer of knowledge between Council staff and SSCs. Where applicable, NOAA Fisheries regional offices and science centers will similarly need to prepare for appropriate transfer of knowledge and data collection and analysis responsibilities. [We are seeking additional input on this section from the CCC, particularly with regards to management during a transition].
- Deadlines and time targets.
- Transition plan that addresses permitting and allocation issues.
- Plans for future adaptability that balance the need to respond to shifting stocks with the need for sufficient long-term stability to support investment in infrastructure.
- Data collection and any necessary modifications to methods.
- A data management plan addressing data storage, data integration, and shared data access.
- [We are seeking additional input on this section from the CCC, particularly with regards to addressing the need to balance stability with the need for adaptability].

¹¹ In the event that special requirements or deadlines of the MSA are triggered, NMFS will work with the relevant Council/s to determine roles and responsibilities for compliance. For example, MSA provides that, within 2 years after notification that a fishery is overfished, the appropriate Councils shall prepare and implement an FMP or amendment or proposed regulations. 16 U.S.C. 1854(e)(3).

APPENDIX 1: Flow Chart of Process



APPENDIX 2: Specific Considerations and Recommendations for Each Potential Designation

One Council, One FMP for entire range of the fishery

Considerations:

- Challenges for stakeholders from other jurisdictions to provide meaningful input and/or have access to the fishery.
- Cost-effectiveness and efficiency in terms of centralizing decision-making within one body
- Costs of management and enforcement.
- Ability to provide timely management responses.

Recommendations:

If this option is selected, the following are recommended:

- Provide for consistent use of committees and liaisons.
- Allow liaisons from adjacent Councils to vote on committee decisions.¹²
- Conduct hearings and meetings in other jurisdictions and/or enable meaningful participation in a virtual setting.
- Partner with adjacent Council(s) on stakeholder outreach.

Multiple Councils, One FMP

Considerations:

- Provides for more representation of relevant stakeholders.
- Determination of which Council has lead (and therefore which Scientific and Statistical Committee (SSC) provides advice) can have significant implications.
- It will be necessary to specify who is responsible for collection, management and provision of data.
- Councils will need to clarify roles of the SSCs regarding authorities and provision of advice to ensure that the ACL is appropriately identified and utilized.
- Less efficient in terms of staffing and reaction time.

Recommendations:

If this option is selected, the following are recommended:

- Consider use of frameworks¹³ to allow Councils to move unilaterally on issues, and/or management units, affecting only their interests and to support advanced planning and if-then scenarios to reduce need for coordination in predictable situations that affect the interests of all relevant Councils.

¹² A Council could demonstrate commitment to providing for input from stakeholders in other geographic areas by structuring their committees to include voting representation from other jurisdictions. For example, a Council could create fishery committees that provide for one vote for each state that lands at least 8% of landings.

¹³ "Frameworks" generally refers to mechanisms in an FMP and regulations for implementing recurrent, routine, or foreseeable actions in an expedited manner (e.g., in-season closures, quota adjustments, etc.). See Operational Guidelines for the Magnuson-Stevens Fishery Conservation and Management Act Fishery Management Process (October 25, 2017) at Appendix 2, sections C(2)(v) and D. Frameworks, and subsequent regulatory actions taken pursuant to them, must be developed and implemented consistent with requirements of the MSA and other applicable law, including the Administrative Procedure Act, National Environmental Policy Act, Endangered Species Act, and Marine Mammal Protection Act. *Id.*

- Councils should clearly identify processes for review and approval regarding fishery management decisions and FMP amendments.

Multiple Councils, Multiple FMPs

Considerations:

- If a stock is not managed as a unit throughout its range, there must be strong justification (per NS 3 and NS 3 guidelines).
- How to facilitate effective coordination between SSCs, and between Science Centers (if applicable), for providing advice.
- Designating responsibilities for collection, management, and provision of data.
- How to ensure overfishing is prevented.

Recommendations:

If this option is selected, the following are recommended:

- Develop a plan to ensure that Councils (including SSCs) coordinate on appropriate level and allocation of fishing mortality across jurisdictions.
- If Councils manage separate stocks of fish, stocks should be monitored for changes in biological stock structure.