



**Mid-Atlantic Fishery Management Council**

800 North State Street, Suite 201, Dover, DE 19901

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

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

## **MEMORANDUM**

**Date:** August 3, 2021  
**To:** Council  
**From:** Chris Moore  
**Subject:** Executive Director's Report

The following materials are enclosed for review during the Executive Director's Report at the August 2021 Council Meeting:

1. 2021 Planned Council Topics
2. Revised Northeast Trawl Advisory Panel (NTAP) Charter
3. Research Set-Aside (RSA) Workshop Overview
4. RSA Workshop 1 Agenda
5. Staff Memo: Offshore Wind Energy Updates
6. Staff Memo: Thread herring exempted fishing permit
7. Staff Memo: Magnuson-Stevens Act Reauthorization Updates
8. Letter from Sustainable Fisheries Association regarding proposed shark fin legislation
9. MAFMC letter to SERO regarding for-hire eVTR requirements
10. SERO response to MAFMC and NEFMC eVTR letters
11. Correspondence with GARFO regarding eVTR at sea compliance issue
12. Staff Memo: Rationale for adding black sea bass state allocations to the Council FMP
13. Staff Memo: Spiny Dogfish Ageing



# 2021 Planned Council Meeting Topics

Updated 7/26/21

## August 9-12, 2021 Council Meeting (Philadelphia, PA)

- Summer Flounder, Scup, and Black Sea Bass 2022-2023 Specifications and Commercial Measures: Approve (Joint with SFSBSB Board)
- Bluefish 2022-2023 Specifications: Approve (Joint with Bluefish Board)
- Recreational Reform Initiative: Update (Joint with Policy Board)
- EAFM Summer Flounder Management Strategy Evaluation: Update and Feedback (Joint with SFSBSB Board)
- Joint Council-SSC Meeting
- SSC Economic Work Group: Update on RSA Redevelopment Case Study
- Golden Tilefish Multi-Year Specifications Framework: Final Action
- Golden Tilefish Specifications: Review 2022 and Approve 2023-2024
- [Atlantic Mackerel 2021-2022 Specifications: Review](#)
- [Atlantic Mackerel Rebuilding Modifications Framework \(including RH/S cap\): Meeting #1](#)

## October 5-7, 2021 Council Meeting (New York, NY)

- 2022 Implementation Plan: Discuss Draft Deliverables (Executive Committee)
- HMS Diet Study Final Report: Review
- Chub Mackerel 2022 Specifications: Review
- ~~Action to Implement a Possession Limit for Bullet and Frigate Mackerel: Update~~
- [Thread herring exempted fishing permit discussion](#)
- 2022 Spiny Dogfish Specifications: Review
- Spiny Dogfish Trip Limit Analyses: Review and Recommend Changes if Appropriate
- ~~Ocean City, MD Video Project: Review Results~~
- Private Tilefish Permitting/Reporting Evaluation
- Surfclam and Ocean Quahog Species Separation Requirements: Review White Paper and Identify Next Steps

## December 13-16, 2021 Council Meeting (Annapolis, MD)

- 2022 Implementation Plan: Approve
- Recreational Reform Initiative: Update (Joint with Policy Board)
- Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment: Final Action (Joint with SFSBSB Board)
- Summer Flounder, Scup, and Black Sea Bass 2022 Recreational Management Measures: Approve (Joint with SFSBSB Board)
- Bluefish 2022 Recreational Management Measures: Approve (Joint with Bluefish Board)
- Biennial Review of 2020-2024 Research Priorities Document: Review and Approve
- EAFM Summer Flounder Management Strategy Evaluation: Update and Feedback (Joint with SFSBSB Board)

- RSA Workshop Report: Review
- [Habitat Activities Update \(including wind and aquaculture\)](#)
- [Ocean City, MD Video Project: Review Results](#)
- [Aquaculture Policy Document and Aquaculture in the Mid-Atlantic Region Background Document: Review and Approve](#)
- [Climate Change Scenario Planning: Update](#)

## **Charter for Northeast U.S. Trawl Advisory Panel**

### **Revised as of 7/28/2021**

#### **Section 1: Panel Purpose**

The Northeast Trawl Advisory Panel (NTAP) is established to bring commercial fishing, fisheries science, and fishery management professionals together to identify concerns about regional research survey performance and data, to identify methods to address or mitigate these concerns, and to promote mutual understanding and acceptance of the results of this work among their peers and in the broader community.

#### **Section 2: Objectives**

There are three primary areas of focus: understanding the existing NOAA/NEFSC trawl survey gear performance and methodology, evaluating the potential to complement or supplement this and other regional research surveys, and improving understanding and acceptance of NOAA/NEFSC trawl survey data quality and results.

#### **Understanding the trawl gear performance and methodology**

Including but not limited to:

- Survey design (station selection, temporal, and spatial considerations)
- Survey operations
- Sweep efficiency/selectivity
- Fish behavior effects on trawl performance (*e.g.*, herding/avoidance)
- Vertical distribution effects on trawl performance
- Day/night differences in trawl performance
- Current effects on trawl performance

#### **Evaluate the potential to complement or supplement current NEFSC surveys**

Included but not limited to:

- Inter-calibrations between industry vessels and NOAA FS/V *Henry B. Bigelow* and FS/V *Pisces*. This would allow industry partners to supplement survey activity and be better positioned to perform the survey in the event that the *Bigelow* is not available.
- Increased trawl survey station density using industry vessels. This effort may improve precision of indices for species that are presently at low abundance.
- New industry-based surveys to supplement/complement existing research trawl surveys. This might include fixed-gear surveys in untrawlable habitat or a dedicated trawl survey for bottom tending species.
- Inter-calibration among the established regional research surveys: NEFSC Ecosystem Survey, Northeast Monitoring and Assessment Program (NEAMAP) and the Massachusetts and Maine New Hampshire state research surveys.

#### **Improving understanding and acceptance of NEFSC trawl survey data quality and results**

Included but not limited to:

- Developing routine reporting products and distribution.

- Explaining similarities and differences between research survey and commercial trawl operations.
- Identifying preferred routine, near real-time research survey data types and format.
- How to reconcile perceptions derived from survey data trends and commercial catch per unit of effort.
- Best practices for keeping peers informed about the panel's work and results.

### **Action Plan**

To fulfill its objectives, NTAP will:

1. Review progress and accomplishments since it was re-established in 2015.
2. Consider the use of fishery independent data in other regions (particularly within the North Atlantic, as well as internationally).
3. Brainstorm concerns about the performance of trawl surveys relative to the reliability of scientific advice:
  - a. considering differences between species or species types and bottom types, if appropriate,
  - b. considering existing information relevant concerns,
  - c. identifying short term analysis that are likely to be informative regarding concerns,
  - d. prioritizing (in terms likelihood and importance) concerns.
4. Recommend data collection, analyses, and procedures to address priority concerns. Recommendations may include alternative methods of collecting fisheries independent information.
5. Review progress and advice on course corrections, as necessary.

### **Section 3: Organizational Structure**

The NTAP is a joint advisory panel of the New England Fishery Management Councils (NEFMC) and the Mid-Atlantic Fishery Management Council (MAFMC). It is composed of Council members, fishing industry, academic, and government and non-government fisheries experts who shall provide advice and direction on the conduct of trawl research. The MAFMC is designated as the lead organization for administering the panel. The NTAP shall report directly to the Fishery Management Councils (FMC's), and the NTAP's recommendations will be forwarded by the FMCs, and then the Northeast Fisheries Science Center (NEFSC) only upon the approval of both FMC's. However, the NEFSC should be able to act based on scientific information that is available from NTAP meetings. The NEFSC is committed to the serious consideration of all recommendations brought forth through this process and will strive to implement them, although it is possible that not all recommendations will be enacted due to fiscal or statutory requirements.

### **Section 4: Membership**

The NTAP will consist of 20 members drawn from the NEFMC and MAFMC, industry experts, the Atlantic States Marine Fisheries Commission (ASMFC), non-federal scientists and NEFSC:

- 2 fishery management council members from each Council (4)
- 3 fishery stakeholder representatives appointed by each Council (6)
- 2 academic and non-academic scientists appointed by each Council (4)
- 2 members from the ASMFC (2)
- 4 staff members of the NEFSC (4)

Minor deviations for this composition plan may be permitted if both Co-Chairs approve. Each fishery management council shall be responsible for making council, fishery stakeholder and scientific nominations. The Science and Research Director of the NEFSC shall recommend four NEFSC staff members for Panel membership.

Key areas of expertise that will be important in success of the panel include:

- Gear design and construction
- Trawl gear efficiency
- Trawl mensuration
- Fish behavior
- Fishery acoustics
- Survey statistics and stock assessment

#### **Section 5: Panel Leadership**

The panel will be co-chaired by representatives of the NEFMC and MAFMC who will be jointly responsible for conducting meetings and for coordinating with NEFSC to ensure that summaries and other products from meetings are produced and distributed.

#### **Section 6: Panel/Membership Longevity**

The NTAP shall operate at the discretion of the FMC's and is contingent upon the availability of funding. Panel membership will be reviewed by the co-chairs annually or at any time that the primary focus areas are modified. The co-chairs shall also appoint and annually review the NTAP working group membership.

#### **Section 7: Meetings**

The NTAP and or NTAP Working Group shall hold in-person meetings two to three times annually. If the NTAP determines that more frequent meetings are warranted, scheduling of additional meetings is subject to budget availability. Additional panel business may be conducted through teleconferences or electronic communications, but any decisions made by the NTAP must be made in a public forum. All in-person meetings shall be announced through established fishery management council processes.

For a meeting that develops formal recommendations, at least 10 members are required to constitute a quorum. This total must include at least half of the designated representatives from each Council, the NEFSC, and the ASMFC.

NEFMC/MAFMC representatives: 4 of 7 required for quorum

ASMFC representatives: 1 of 2 required for quorum  
NEFSC representatives: 2 of 4 required for quorum  
Total representatives: 10 of 18 required for quorum

**Section 8: Panel Organizational Support**

Travel costs, staff support, and administrative costs associated with panel operations shall be financially supported funds made available to the MAFMC. Panel activities including communications, meeting and venue scheduling, meeting equipment support shall be supported by staff of the MAFMC. Travel cost reimbursement for non-federal government members of the NTAP shall be coordinated through the MAFMC.

NEFSC staff shall be responsible for the development of a draft agenda for approval by the co-chairs. Meeting summaries and/or reports shall be the responsibility of NEFSC staff. Analytical support will be provided by the NEFSC as needed.



## Research Set-Aside Workshop Overview

### 3 Webinars and 1 In-Person Meeting

July – November 2021

### Redevelopment of the Mid-Atlantic Fishery Management Council (Council) Research Set-Aside (RSA) Program

#### Purpose

The Council is hosting a series of 4 workshops (3 webinars and 1 in-person meeting) to develop recommendations for the possible redevelopment of the RSA program. Each webinar will target a separate topic related to RSA (research, funding, and enforcement). The Scientific and Statistical Committee (SSC) Economic Working Group will work collaboratively with the Council's Research Steering Committee (RSC) to provide economic input specific to each webinar topic, as well as develop meeting reports and briefing materials for the in-person workshop in the fall. During the final in-person workshop, participants will review the recommendations from the first three webinars and develop final recommendations for RSA program redevelopment. Workshop participants will include a core group of individuals who will be invited to attend all four workshops. Staff may solicit additional participants with topic-specific expertise to participate in each workshop. All workshops will be open to the public.

Below is an outline of the workshop structure with meeting-specific goals and trigger questions, a proposed participant list, and timeline.

#### Workshop Dates, Topics, and Objectives

##### Workshop Webinar Meeting 1 (July 15<sup>th</sup>): Research

###### Objectives:

- Identify how research goals will be prioritized, projects will be screened, and results will inform management/be communicated to the Council and stakeholders.
- SSC Economic Working Group discussion on Research

###### Trigger Questions:

- How should research needs (to be fulfilled by RSA) be prioritized?
- What criteria should be met to qualify as a successful applicant?
- What criteria should be developed for how project results will be reviewed and articulated to the Council?



## **Workshop Webinar Meeting 2 (August 31<sup>st</sup>): Funding**

### Objectives:

- Confirm how the program will be administered (federal grant program), discuss funding mechanism, and indicate that projects should be tied to management/assessment needs.
- Discuss how Council, RSC, and SSC input will impact project selection.
- SSC Economic Working Group discussion on Funding

### Trigger Questions:

- How should the auction system or other funding mechanism be revised to improve RSA?
- What would be the benefits (if any) of adopting a posted-price offer per quota lot rather than an auction?
- What are the fishing exemptions that (achieving the same conservation objectives) would maximize revenue for the RSA program?

## **Workshop Webinar Meeting 3 (October 14<sup>th</sup>): Enforcement**

### Objectives:

- Identify potential program modifications that could prevent reoccurrence of previous enforcement issues.
- Identify how the Council will collaborate with the Commission and other agencies to ensure compliance that addresses enforcement objectives.
- SSC Economic Working Group discussion on Enforcement

### Trigger Questions:

- What recommendations should be made to improve enforcement efforts on RSA trips?
- What changes to enforcement have occurred since the suspension of RSA? Were they successful?
- Are there ways the Council can work more effectively with its management and enforcement partners to identify and address RSA enforcement issues in a timely manner?

## **In-Person Workshop (1-day) (November 16<sup>th</sup>): Final Recommendations**

**Location:** the Sheraton Baltimore Washington Airport Hotel – BWI, 1100 Old Elkridge Landing Road, Linthicum Heights, Maryland 21090

### Objectives:

- Recap meetings 1-3
- Develop detailed recommendations (with timelines) for the Council identifying whether and how RSA should be redeveloped with input from the SSC Economic Working Group

### Trigger Questions:

- Should the Council redevelop the RSA program?
- What changes should be implemented to address previously identified concerns related to the RSA program including research, funding, program administration, and enforcement?

- What timelines should be developed to improve the overall RSA process (e.g., data and research needs, incorporate RSA into specifications cycle, grant applications, fishing “season”, report deadlines, etc.)?

## Participants

- **Primary Participants:**
  - MAFMC Research Steering Committee Members
  - Mid-Atlantic Council Staff
  - New England Council Staff
  - Atlantic States Marine Fisheries Commission (ASMFC) Staff
  - ASMFC Law Enforcement Committee
  - NOAA Office of Law Enforcement (OLE)
  - Northeast Fisheries Science Center
  - Greater Atlantic Regional Fisheries Office (GARFO)
  - Scientific and Statistical Committee (e.g., Economic Working Group members and SSC Chair)
  - NOAA General Counsel
- **Other Invited Participants:**
  - National Fisheries Institute
  - State representatives (e.g., MAFMC and ASMFC Administrative Commissioners)
  - MAFMC Advisory Panels
  - Previously successful RSA participants
  - Science Center for Marine Fisheries
  - Other individuals

## Timeline

Date	Event/Topic
April Council Meeting	RSC Committee Report detailing the RSA Workshop structure
June 2 <sup>nd</sup>	RSC Meeting – Finalize workshop logistics (e.g., dates, participants, agendas, structure, trigger questions)
July 15 <sup>th</sup>	RSA Workshop Meeting 1 (Webinar) - Research
August	Council Meeting: Economic WG progress report to Council
August 31 <sup>st</sup>	RSA Workshop Meeting 2 (Webinar) - Funding
September	SSC Meeting: Economic WG progress report to SSC
October 14 <sup>th</sup>	RSA Workshop Meeting 3 (Webinar) - Enforcement
November 16 <sup>th</sup>	RSA Workshop Meeting 4 (In-person)
December	Council Meeting: RSC and Economic WG report to Council
February	Council Meeting: RSC makes a formal recommendation on the status of RSA for Council consideration.



## Research Set-Aside Workshop

### Workshop Meeting 1 (Research)

**Thursday, July 15, 2021**  
10:00 a.m. – 4:00 p.m. EST

[Webinar Link](#)

**Meeting Number (Access code):** 179 522 6122; **Password:** mafmc

**Meeting Page:** <https://www.mafmc.org/council-events/rsa-workshop-1>

### Purpose

The Mid-Atlantic Fishery Management Council and its Research Steering Committee (RSC) are hosting a Research Set-Aside (RSA) Workshop, which will consist of 3 webinars from June to October and 1 in-person meeting in November. The goal of the four workshops is to have the RSC develop a recommendation to the Council with public input on whether and how to redevelop the Mid-Atlantic RSA program. *The goal of Workshop Meeting 1 (Research) is to identify how research goals will be prioritized, projects will be screened, and results will inform management/be communicated to the Council and stakeholders.* For additional background information and details on the other workshops, please visit: <https://www.mafmc.org/workshop/rsa>.

### Briefing Materials

- RSA Workshop Overview
- Comprehensive Mid-Atlantic RSA Timeline
- RSA Numbers by Species and Year

### Agenda

- |                                |   |
|--------------------------------|---|
| <b>10:00 a.m. – 10:30 a.m.</b> | <b>Welcome</b> <ul style="list-style-type: none"><li>• Adam Nowalsky (RSC Chair) and Mike Luisi (Council Chair)</li></ul> <b>Ground rules</b> <ul style="list-style-type: none"><li>• Andrew Loftus (Facilitator)</li></ul> <b>Presentation: “What is RSA?”</b> <ul style="list-style-type: none"><li>• Ryan Silva (GARFO Staff)</li></ul> <b>Presentation: “RSA in the Mid-Atlantic”</b> <ul style="list-style-type: none"><li>• Matt Seeley (MAFMC Staff)</li></ul> |
| <b>10:30 a.m. – 12:00 p.m.</b> | <b>Discussion with the SSC Economic Working Group (WG)</b> <ul style="list-style-type: none"><li>• Presentation by the WG – Mark Holliday (MAFMC SSC)</li><li>• Discuss topics on lessons learned with focus on future economic outcomes</li><li>• Public questions/comment</li></ul>   |

<b>12:00 p.m. – 12:45 p.m.</b>	<b>Lunch</b>
<b>12:45 p.m. – 1:40 p.m.</b>	<p><b>How should research needs (to be fulfilled by RSA) be developed and prioritized?</b></p> <ul style="list-style-type: none"> <li>• Presentation by a previous RSA participant – Emerson Hasbrouck (Cornell)</li> <li>• Discussion of previous issues and proposed revisions</li> <li>• Develop recommendations with public input</li> <li>• Public questions/comment</li> </ul>
<b>1:40 p.m. – 2:35 p.m.</b>	<p><b>What criteria should be used to evaluate RSA applicants and research proposals?</b></p> <ul style="list-style-type: none"> <li>• Discussion of previous issues and proposed revisions</li> <li>• Develop recommendations with public input</li> <li>• Public questions/comment</li> </ul>
<b>2:35 p.m. – 2:50 p.m.</b>	<b>Break</b>
<b>2:50 p.m. – 3:45 p.m.</b>	<p><b>What criteria should be developed for how project results will be reviewed and articulated to the Council?</b></p> <ul style="list-style-type: none"> <li>• Discussion of previous issues and proposed revisions</li> <li>• Develop recommendations with public input</li> <li>• Public questions/comment</li> </ul>
<b>3:45 p.m. – 4:00 p.m.</b>	<b>Next Steps and Public Comment</b>
<b>4:00 p.m.</b>	<b>Adjourn</b>



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# MEMORANDUM

**Date:** July 30 2021  
**To:** Chris Moore, Executive Director  
**From:** Julia Beaty, staff  
**Subject:** Offshore Wind Energy Updates

Offshore wind energy development off the U.S. east coast is advancing at a rapid pace. For example, since the last Council meeting in June 2021, the Bureau of Ocean Energy Management has published notices of intent to prepare draft Environmental Impact Statements for four offshore wind projects. This is a milestone in environmental review of these projects prior to considerations related to federal approval or disapproval. In addition, BOEM announced plans to lease additional areas in the New York Bight for wind energy development.

Council staff continue to work with New England Fishery Management Council staff to maintain a website with updates on offshore wind energy development and to write joint comment letters for all relevant comment periods (see <https://www.mafmc.org/northeast-offshore-wind>). Mid-Atlantic Council staff also send out approximately monthly email updates on offshore wind and fisheries to a public email list (<https://www.mafmc.org/email-list>).

In addition, in July 2021, the Mid-Atlantic Council sent a letter to the developers of seven Mid-Atlantic offshore wind energy projects requesting a suspension of survey work using sub-bottom profilers during September 15 - November 15, 2021 due to concerns about impacts on recreational fisheries.

The SSC will discuss offshore wind energy development during their September 2021 meeting.



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## **M E M O R A N D U M**

**Date:** July 30, 2021  
**To:** Chris Moore, Executive Director  
**From:** Julia Beaty and Brandon Muffley, staff  
**Subject:** Thread herring exempted fishing permit

In June 2021, the Council discussed an exempted fishing permit (EFP) application submitted by Lund's Fisheries to the Greater Atlantic Regional Fisheries Office (GARFO). The application requested the ability to catch up to 3,000 MT (6.6 million pounds) of Atlantic thread herring in 2022. This requires an exemption from the 1,700-pound possession limit implemented through the Council's Unmanaged Forage Omnibus Amendment. The stated goal of the EFP is to demonstrate the potential for a commercial thread herring purse seine fishery in Mid-Atlantic federal waters.

Based on the June 2021 Council meeting discussion, the following next steps are proposed. The SSC will review the EFP application during their September meeting. The Ecosystem and Ocean Planning (EOP) Committee will meet later in September to consider SSC recommendations and develop their own recommendations regarding the EFP. A summary of the SSC and EOP Committee meetings will be provided to the full Council in October.

Lund's Fisheries may decide to revise and resubmit their EFP application to GARFO after considering the advice of the SSC and EOP Committee. Once GARFO publishes a Federal Register Notice with an associated public comment period, the Council may decide to submit a comment letter based on the SSC and EOP Committee recommendations.



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

## MEMORANDUM

**Date:** July 29, 2021  
**To:** Chris Moore  
**From:** Mary Sabo  
**Subject:** MSA Reauthorization Update

On July 26, Congressman Jared Huffman (D-California), Chair of the Water, Oceans, and Wildlife Subcommittee, and subcommittee member Ed Case (D-Hawaii) introduced the [Sustaining America's Fisheries for the Future Act](#), legislation to update and reauthorize the Magnuson-Stevens Act (MSA). According to the [press release](#): "This legislation is the culmination of a two year-long process Rep. Huffman led to get stakeholder input, including a nationwide listening tour and release of a discussion draft for feedback – part of his ongoing effort to foster a uniquely transparent, inclusive, science-based approach to updating this important law governing fisheries in American waters."

The following supporting documents are enclosed behind this memo:

- A one-pager of the bill (also available [here](#))
- A section-by-section summary of the bill (also available [here](#).)

The full text of the proposed legislation is available [here](#).

# SUSTAINING AMERICA'S FISHERIES FOR THE FUTURE ACT

## Sustaining America's Fisheries for the Future Act One Pager

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the country's primary statute governing fisheries management in federal waters and has made the United States a world leader in sustainable fisheries. Despite the strengths of the MSA, it was last reauthorized in 2006 and updates are needed to address the many new challenges facing fisheries management and fishing communities in an era of climate change, new technologies, and changing ocean use.

This reauthorization has taken a stakeholder-driven, science-based approach to provide important and timely updates to the MSA. The viewpoints and proposals heard during discussions, 8 listening sessions, and public comments have resulted in this comprehensive legislation. In addition, several bipartisan bills are included in whole or in part. The legislation also reflects feedback from over 50 organizations and individuals that sent comments on the discussion draft released in December 2020.

These amendments to the MSA, along with additional provisions to support fishing communities and fisheries management, will ensure the MSA meets the needs of stakeholders now and into the future.

**Title I. Climate-ready fisheries:** Requires consideration of climate change in regional fishery management council priorities and planning. Provides new tools and approaches to address shifting stocks and other climate impacts on fisheries management. Tackling climate change is crucial as oceans and fisheries are facing some of the largest impacts due to ocean warming, acidification, and other climate stressors.

**Title II. Supporting fishing communities:** Addresses the needs of fishermen, businesses, and coastal communities through an improved disaster relief program, a working waterfront grant program, and increased support for seafood marketing. This title also acknowledges the importance of subsistence fishing and how it is defined under the MSA.

**Title III. Strengthening public process and transparency:** Increases representation of different viewpoints on regional fishery management councils and improves transparency, accountability, and stakeholder participation in fisheries management. This title expands NOAA's sexual assault and sexual harassment policies to include coverage for fishery observers and Council staff.

**Title IV. Modernizing fisheries science and data:** Expands electronic technologies and data management systems, updates cooperative research and management, and improves data collection and methods. This title requires NOAA to develop operating plans for emergencies that make it impractical to use human observers and conduct stock assessments, as occurred during the Covid-19 pandemic.

**Title V. Sustaining fisheries through healthy ecosystems and improved management:** Strengthens essential fish habitat consultation, builds on MSA conservation standards to improve outcomes for overfishing and rebuilding, and conserves forage fish. This title also replaces the term "overfished" with "depleted" to encompass the complexity of threats to fish stocks.



# SUSTAINING AMERICA'S FISHERIES FOR THE FUTURE ACT

## Section by Section Summary

### Title I: Climate-Ready Fisheries

**Sec. 101. Findings, purpose, and policy.** Amendments to incorporate climate change.

**Sec. 102. Promoting climate resilience in fisheries management.** Requires fishery management plans to incorporate climate change by promoting stock resilience, identifying data needs, examining the vulnerability of a fishery and its participants to climate change, and assessing the anticipated impacts of climate change.

**Sec. 103. Incorporating climate science.** Includes climate change and ecosystem-based management as possible training topics for new council members. Adds climate to fisheries research priorities.

**Sec. 104. Climate-ready fisheries innovation program** (*also in H.R.3764 in the 117<sup>th</sup> Congress*). Establishes a program to develop innovative tools and approaches to increase the adaptive capacity of fishery management to the impacts of climate change.

**Sec. 105. Managing shifting stocks.** Establishes a framework for designating Council jurisdiction for cross-jurisdictional stocks and requires developing a strategy for coordinated research and management for international stocks impacted by climate change.

**Sec. 106. Emerging fisheries.** Requires a report on managed fisheries and gear types. Creates a framework for establishing a new fishery or gear type and requires Councils to analyze potential impacts and management of the new fishery or gear type.

### Title II: Supporting Fishing Communities

**Sec. 201. Fishery resource disaster relief** (*H.R.5548 in the 116<sup>th</sup> Congress*). Sets a timeline for the federal government to respond to a fishery disaster request and for disbursement of appropriated funds and clarifies the disaster request process, including by allowing direct payments to be made to affected members of fishing communities as an eligible use of relief funds.

**Sec. 202. Subsistence fishing.** Recognizes and defines subsistence fishing.

**Sec. 203. Working Waterfronts Grant Program** (*H.R.3160 in the 117<sup>th</sup> Congress*). Establishes a Working Waterfront Grant Program to provide matching grants to coastal states to preserve and expand access to coastal waters for dependent businesses; creates a 5-year pilot loan fund for waterfront preservation; and establishes a Working Waterfront Task Force at the Department of Commerce to identify and prioritize critical needs for working waterfronts.

**Sec. 204. Seafood marketing.** Directs USDA and NOAA to work together to increase and support seafood industry participation in USDA Agricultural Marketing Service programs. Directs NOAA to study the possibility of establishing similar marketing support programs housed within the agency.

**Sec. 205. Community participation in limited access privilege programs.** Adds the participation of fishing communities as a requirement for limited access privilege programs; updates requirements

for community sustainability plans; and adds provisions for Councils to identify eligible fishing communities and provide a process for communities to participate in new programs.

**Sec. 206. Findings.** Technical amendment to findings.

### **Title III. Strengthening Public Process and Transparency**

**Sec. 301. Tribal representation at the Pacific Fishery Management Council.** Removes the limit on the number of Tribal representatives that must be nominated for the Tribal seat on the Pacific Council and removes term limits for the Tribal seat.

**Sec. 302. Tribal representation at the North Pacific Fishery Management Council.** Adds two seats on the North Pacific Council to represent Indian Tribes in Alaska.

**Sec. 303. Atlantic Councils.** Adds a voting seat for a Mid-Atlantic Council member on the New England Council and a voting seat for a New England Council member on the Mid-Atlantic Council. These liaisons would represent the interests of the fisheries under their jurisdictions on neighboring Councils, which is particularly important as stocks shift with climate change.

**Sec. 304. Council procedures and participation.** Requires greater access to Council meetings, requires roll call votes for nonprocedural Council matters, and directs Councils to allow for remote participation in meetings.

**Sec. 305. Council accountability and membership.** Establishes stricter requirements related to ethics and lobbying by Council members. Expands the criteria for Council member nominations to ensure a balance of viewpoints and stakeholders are represented. Extends the statute of limitations on agency actions to 60 days. Requires geographic representation for at-large seats on the Western Pacific Council.

**Sec. 306. Amendments to the Western Pacific Sustainable Fisheries Fund.** Adds public notice requirements for marine conservation plans. Establishes an advisory panel for the Fund, directs the panel to provide public notice and minutes of meetings, requires the Secretary to submit an annual report to Congress on funded projects, and requires the Secretary to provide written explanation for funded projects that are not ranked by the advisory panel.

**Sec. 307. NOAA Sexual Harassment and Assault Prevention (*H.R.2865 in the 117<sup>th</sup> Congress*).** Expands NOAA's sexual assault and sexual harassment policies to include coverage for fishery observers and Council staff and strengthens resources and reporting.

**Sec. 308. Saltonstall-Kennedy Act reform.** Creates an Advisory Committee to assist in the awarding of fisheries marketing, research, and development grants through Saltonstall-Kennedy funding (*H.R.1218/S.494 in the 116<sup>th</sup> Congress*). Returns funding intended for the Saltonstall-Kennedy Act grants, which has been used to backfill NOAA's budget, to its original purpose.

### **Title IV: Modernizing Fisheries Science and Data**

**Sec. 401. Data modernization.** Requires NOAA to provide to Congress an implementation plan for its Fisheries Information Management Modernization initiative to ensure continued progress in the modernization of NMFS fisheries data management systems to facilitate improvements in the collection, intake, use, storage, and access to data from federal and non-federal sources.

**Sec. 402. Expanding and improving electronic technologies.** Sense of Congress that expresses the importance of electronic technologies and adapting to management needs, especially in the context of climate change, and includes consideration of technologies in fishery independent data collection. Facilitates implementation of electronic technologies for monitoring and reporting, requires

a review of existing electronic technology capabilities in NMFS, establishes an electronic technologies innovation prize, and establishes an advisory panel on electronic technologies.

**Sec. 403. Stock assessments.** Requires the Secretary to report to Congress on NMFS' progress on prioritizing and improving stock assessments.

**Sec. 404. Cooperative research and management.** Clarifies authorities for cooperative research and management projects to make the use of these more consistent and requires public reports of project results. Updates priorities for cooperative research, including electronic technologies and climate research, and requires the Secretary to issue guidance on the development of cooperative management agreements, oversight, and enforcement. Adds to MSA findings that science and statistical committees should consider outside sources of information when seeking the best scientific information available.

**Sec. 405. Northeast regional pilot research trawl survey and study.** Sets up a pilot study to develop a fishing industry-based Northeast regional research trawl survey and study to enhance and provide improvements to current vessel trawl surveys, in coordination with the relevant councils and the Northeast Area Monitoring and Assessment Program.

**Sec. 406. Recreational data consistency.** Requires the Secretary to establish guidelines to improve recreational data and ensure data consistency. Creates a program to research and improve recreational data survey methods.

**Sec. 407. Emergency operating plans.** Requires NOAA, in consultation with stakeholders, to develop a contingency plan for pandemics or other emergencies that make it impractical to use human observers and conduct stock assessments, and to report to Congress on the plan.

**Sec. 408. Zeke Grader Fisheries Conservation and Management Fund.** Renames the Fisheries Conservation and Management Fund to the Zeke Grader Fisheries Conservation and Management Fund, allows climate change research to be an eligible use of funds, and allows funds to be used in the region in which they were generated.

**Sec. 409. Offshore wind collaboration.** Requires the Departments of Commerce and Interior to enter into a cooperative agreement to fund additional stock assessments and fisheries and marine wildlife research if impacted by offshore wind energy development.

## **Title V: Sustaining Fisheries Through Healthy Ecosystems and Improved Management**

**Sec. 501 Sense of Congress.** States that the protection of essential fish habitat ensures healthy fisheries, and that essential fish habitat consultation should be consistently applied to fishing and non-fishing activities.

**Sec. 502. Essential fish habitat consultation.** Strengthens essential fish habitat (EFH) consultation and requires federal agency actions to avoid adverse effects to EFH or minimize and mitigate the adverse effects. Adds a definition of "adverse effect" and requires monitoring of impacts to EFH. Requires Councils to identify Habitat Areas of Particular Concern (HAPC), develop plans to protect EFH, and periodically review habitat protection plans and EFH and HAPC designations.

**Sec. 503. Reducing bycatch.** Removes loopholes that prevent effective bycatch management and creates a nation-wide standardized bycatch reporting system. Updates the Bycatch Reduction Engineering Program to expand outreach, technical assistance, and adoption of bycatch reduction methods.

**Sec. 504. Improving rebuilding outcomes.** Requires more detailed information in NOAA's annual status of stocks report to identify stocks subject to overfishing and in need of rebuilding plans;

specifies that conservation and management measures are required to improve stock status for stocks approaching an overfished condition; amends the rebuilding timeline to be specific to stock biology; requires adequate and measurable criteria and progress in rebuilding plans; and strengthens requirements for responding to rebuilding failures.

**Sec. 505. Depleted fisheries and preventing overfishing.** Replaces “overfished” with “depleted” throughout the Act. Includes a rule of construction regarding “overfished”. Requires that objective and measurable criteria are used to identify overfished stocks and stocks experiencing overfishing, clarifies that Councils cannot be less precautionary than science and statistical committee (SSC) recommendations, and requires SSCs to provide advice on accounting for all sources of mortality, promoting resilience to climate change, and objective and measurable criteria for overfishing and depleted stocks. Includes a technical correction on an existing rule of construction.

**Sec. 506. Preparation and review of secretarial plans.** Requires the Secretary to develop fishery management plans when Councils do not complete plans within a reasonable amount of time.

**Sec. 507. Councils.** Requires Councils to include climate change in research priorities, to develop objective and measurable criteria for identifying overfishing and depleted fisheries, and to develop measurable targets for essential fish habitat and regularly update habitat protection plans.

**Sec. 508. Forage Fish Conservation** (*H.R.2236 in the 116<sup>th</sup> Congress*). Directs the Secretary to define forage fish, requires an assessment of the potential impacts of a new commercial forage fish fishery, and requires consideration of predator needs in existing fishery management plans.

**Sec. 509. Funding for monitoring implementation of Northeast Multispecies fishery management plan.** Adds monitoring, including electronic monitoring, as a use of funds related to implementation of the plan.

**Sec. 510. Authorization of appropriations.** Authorizes funding for FY22-FY26. Increases authorization levels by 50%, accounting for inflation, to provide the necessary resources for the new requirements in this act and to better equip fisheries science and management.





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

## MEMORANDUM

**Date:** July 28, 2021  
**To:** Council  
**From:** J. Didden, Staff  
**Subject:** Pending Shark Fin Legislation

Please find attached below a letter from John F. Whiteside, Jr. on behalf of the Sustainable Fisheries Association, Inc regarding pending legislation on shark fins. The legislation referenced in the letter can be accessed at:

[House Finning Bill text](#)  
[Senate Finning Bill text](#)



July 16, 2021

Dr. Christopher M. Moore  
Executive Director  
Mid-Atlantic Fishery Management Council  
VIA EMAIL ONLY

Re: Shark Fin Sales Elimination Act of 2021

Dear Dr. Moore:

I am writing to you on behalf of the members of the Sustainable Fisheries Association (SFA) regarding the two (2) bills entitled "Shark Fin Sales Elimination Act of 2021", which are currently in the Senate (S.1260) and House (H.R.2811). S.1260 passed the Senate and H.R.2811 is still in committee.

H.R.2811 provides a 5 ½ year exemption for smooth and spiny dogfish fins. On January 1, 2027 the Secretary of Commerce must report to Congress and recommend whether to continue the dogfish exemption or terminate it. If H.R.2811 passes in its current form and S.1260 is merged into it in committee, the January 1, 2027 date will essentially be a raised guillotine over the dogfish industry.

Since it takes years to develop markets for different species, it would be sensible and prudent for fishermen and processors to swiftly shift away from landing dogfish to other species without a looming closure threat. Left unchecked by commercial fishing, the dogfish biomass will boom - decimating stocks in recovery, stocks that are currently healthy and irreparably harm the ecosystem of New England and Mid-Atlantic, erasing decades of conservation work by thousands of stakeholders.

We ask that the Council take every action available to give dogfish a permanent exemption.

Thank you for your consideration of and attention to this issue.

Sustainable Fisheries Association, Inc.

By

*John F. Whiteside, Jr.*

John F. Whiteside, Jr.

General Counsel

[John@JWhiteside.com](mailto:John@JWhiteside.com)

**Sustainable Fisheries Association, Inc.**

678 State Road  
Dartmouth, MA 02747  
(508)991-3333



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

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

July 1, 2021

Andy Strelcheck  
Acting Regional Administrator  
Southeast Regional Office  
National Marine Fisheries Service  
263 13th Avenue South  
St. Petersburg, FL 33701-5505

Dear Andy:

The Mid-Atlantic Council is concerned about the new reporting requirements related to the South Atlantic Fishery Management Council's (SAFMC) 2017 For-hire Reporting Amendment that were implemented by SERO beginning January 4, 2021. As you know, these new reporting requirements impacted not only SERO for-hire permit holders but also GARFO for-hire permit holders who were already required to report electronically. Although a single report via eTrips mobile can accommodate the requirements for each region, four additional reporting fields are required under the SERO permits including socioeconomic questions related to trip fees, fuel usage, and prices.

Mid-Atlantic Council members and stakeholders are concerned that the addition of these questions increases reporting burden and possibility of inaccurate data. For example, a captain who does not easily know the amount of fuel used or the price of fuel may file an inaccurate report to meet their reporting deadline. In addition, the lack of clarity regarding the utility of these questions as well as the lack of stakeholder support is undermining the support for electronic data collection and our relationship with these constituents.

According to the [Final Rule](#), economic data are being collected from charter vessels to enhance the ability of the South Atlantic Council and NMFS to estimate the economic impacts and values specific to charter vessels and support research efforts aimed at increasing net benefits to these stakeholders as well as the U.S. economy. Instead of a regulatory requirement, an alternative might be to make the answers to these questions voluntary combined with increased outreach to indicate their importance and promote participation. Completeness and accuracy of data are the foundations for gathering quality data and the Mid-Atlantic Council is concerned that these few additional fields will not only result in dubious information for those data elements but jeopardize the quality of the other data as well.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "C Moore".

Christopher M. Moore, Ph.D.  
Executive Director

Cc: M. Luisi, P. Townsend, J. Carmichael, T. Nies, K. Coutre



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701-5505  
<https://www.fisheries.noaa.gov/region/southeast>

07/29/2021

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

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

Dear Chris and Thomas,

Thank you for your letters regarding the reporting requirements for the Southeast For-Hire Integrated Electronic Reporting Program (For-Hire Reporting Program). I appreciate the feedback on the additional southeast permit-specific data elements that were incorporated into the Atlantic Coastal Cooperative Statistic Program's (ACCSP) eTrips electronic reporting application. The regulations implemented for permit holders in the charter vessel/headboat Atlantic dolphin wahoo fishery, Atlantic coastal migratory pelagic fishery, and South Atlantic snapper grouper fishery, are requirements of the permit that apply regardless of where the permit holder fishes.

Regarding your concern over the collection of socioeconomic data, the Magnuson-Stevens Fishery Conservation Act (MSA) and the National Environmental Policy Act (NEPA) require NOAA Fisheries to assess the social and economic impacts of management actions. Although some economic data has been comprehensively collected by NOAA Fisheries for the commercial sector (price and revenue) and for headboats (fuel cost), the economic data that was collected from charter vessels historically was episodic and often based on small sample sizes. Further, that economic data was often outdated when socioeconomic analyses were needed for management and regulatory actions. Through the For-Hire Reporting Program, the detailed economic data entered by fishermen in real time through the additional questions added to the eTrips application will enhance the ability of NOAA Fisheries and the fishery management councils to understand potential impacts of proposed management and regulatory change(s) on the for-hire sector (e.g., changing bag limits, area closures, etc.). These data will also allow us to better monitor the economic health of the industry over time. In addition, the economic information will help fishery managers and scientists assess the value of the for-hire sector that will allow for economic recovery in the event of a fishery disaster. Fisheries economists will use these data in their cost-benefit and economic impact analyses for actions and amendments that propose regulatory changes. These data will always be used in a confidential manner. The information can also be used to inform quota allocation decisions, fisheries research, and disaster recovery damage assessments.





During the development of the For-hire Reporting Amendment, the South Atlantic Fishery Management Council (South Atlantic Council) identified all of the data elements to be included and determined that the collection of economic information was essential to the For-Hire Reporting Program.

The NOAA Fisheries' Southeast Regional Office (SERO) and Greater Atlantic Regional Fisheries Office (GARFO) staff identified approximately 300 permit holders that have both GARFO and SERO permits. These permit holders would be required to submit electronic logbook reports to both GARFO and SERO. However, in an effort to reduce possible duplication, ease the reporting burden on permit holders, and create a one-stop reporting platform, staffs from SERO, GARFO, and NOAA Fisheries' Highly Migratory Species Division (HMS) worked with the ACCSP staff to modify an existing reporting application (eTrips) to recognize these multi-region permit holders.

The eTrips application is able to determine which questions the permit holder should see and answer, based on the existing reporting requirements for SERO, GARFO and HMS. If the permit holder has a SERO permit, the eTrips form will include the required four socio-economic questions: fuel price per gallon, amount of fuel used, charter fee, and number of paying passengers. These questions *only apply* when a person has a SERO vessel permit. GARFO permit holders who do not have a SERO permit would not see these additional four socio-economic questions. In addition, eTrips also includes additional data element questions related to HMS (e.g., fight time, estimated weight, hook size, etc.) when any of six HMS species are landed (bluefin tuna, blue marlin, white marlin, roundscale spearfish, sailfish, and swordfish).

The For-Hire Reporting Program is a new data collection process for NOAA Fisheries SERO, and we know that modifications to the program may be needed to fine-tune the program in the future. However, the South Atlantic Council will need to review and recommend any changes to the structure of the program, including changes to the data elements. At their September 2021 meeting, the South Atlantic Council will receive an update on the For-Hire Reporting Program and plans to discuss the concerns you have outlined in your letters.

Sincerely,

STRELCHECK.ANDREW.JAMES.1  
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Date: 2021.07.29 13:30:12 -0400'

Andrew J. Strelcheck  
Acting Regional Administrator

**From:** [Maira Kelly - NOAA Federal](#)  
**To:** [Coutre, Karson](#)  
**Cc:** [Gouveia, Dave](#); [Barry Clifford](#); [Greg Power](#); [Moore, Christopher](#); [Loftus, Andrew](#); [Bland, Sarah](#); [Katherine Pohl - NOAA Federal](#); [Sakowski, Scott](#); [Mitch Macdonald](#); [Almeida, John](#)  
**Subject:** Re: eVTR at sea compliance issue  
**Date:** Thursday, July 29, 2021 11:36:43 AM

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Karson,

Thank you for bringing this to our attention. As you note, the intention of the Councils' framework was that all vessel trip reporting be done electronically, and the regulations were written with that in mind. As you recall, during the development of the action, the issue of what to do in circumstances where a device fails or falls overboard were discussed. The resolution was that vessel operators should make every effort to be in compliance with the regulations, and that in the case of an enforcement boarding, additional support may be used, and must be available for inspection, to provide whatever information that would form the basis of the eVTR.

As such, the regulations were intended to mean that vessel owners/operators will be obligated to have on board a device with approved eVTR software, in order to initiate each trip and to enter all information ascertainable into the eVTR prior to returning to port. The eVTR must be submitted within 48 hours of returning to port.

Staff, in particular our Port Agents and OLE Compliance Office, are available to assist any operator who has questions or concerns about their ability to comply with the new requirements. We also strongly encourage all operators to attend one of the upcoming informational webinars or get in touch with your local Port Agent for more support in transitioning to eVTRs.

Thanks,

Maira

On Fri, Jul 23, 2021 at 3:27 PM Coutre, Karson <[KCoutre@mafmc.org](mailto:KCoutre@mafmc.org)> wrote:

Hi Barry, Dave, Maira and Greg,

The Council has been hearing increasingly from commercial fishing constituents who, for a variety of reasons, do not have the ability to comply with the upcoming eVTR requirement but who do have a strong desire to report their catches accurately and comply with the law. For example, one constituent cannot read or write at a functional level. At present, his wife fills out the necessary parts of the paper VTR before he leaves in the morning, he keeps track of the numbers of each species caught during the day, and his wife transcribes it all onto a final VTR before mailing it in. There are other legitimate scenarios that have also come to our attention. Some of these were raised prior to the for-hire eVTR action but at that time the option existed to have a paper VTR onboard during the fishing trip and transcribing it to electronic platform for submission within 48 hours. This option may have been removed with the publication of the final rule to go into effect in November.

The regulation for the upcoming rule begins:

§ 648.7 Recordkeeping and reporting

requirements.

(b) \* \* \*

(1) Fishing Vessel Trip Reports. The owner or operator of any vessel issued a valid permit, or eligible to renew a limited access permit under this part must maintain on board the vessel, and submit, an accurate fishing log report for each fishing trip, regardless of species fished for or taken, by electronic means. This report must be entered into and submitted through a software application approved by NMFS.

\*\*\*\*\*

I believe the intent of this was to have the eVTR completed on-the-water on an electronic device but the sentence structure could be interpreted to mean that only the submission of the report needs to be electronic.

The Council strongly supports a system that provides for both electronic completion and submission of VTRs and the eventual complete elimination of any paper in the process. However, we recognize that accommodations need to be made for the unusual circumstances as described above and want to explore with you possibilities that make these accommodations without unduly incentivizing others from using on-the-water recording when they have the means for electronic.

Accordingly, we would like to request a legal interpretation of whether at-sea electronic recording of VTRs is required or if it is legally permissible for paper recording followed by electronic submission (within 48 hours).

If the interpretation of the rule stands that at-sea electronic recording is required, then we would like to suggest a rule modification that, in circumstances where at-sea electronic recording is not possible, a paper record will be acceptable for law enforcement purposes (but electronic submission via one of the software applications still be required within 48 hours) as long as a valid VTR number is filled in (see scenario below). If this is done, GARFO could still move away from printing paper VTR forms by making an electronic PDF version of the VTR form available that does not include a VTR number (since paper VTR numbers will be obsolete), allowing the generic form to be downloaded, printed, and

copied as many times as needed.

Under this scenario, someone (e.g., the commercial operator who cannot take a device onboard, the spouse of the illiterate fisherman, etc.) would start an electronic VTR on an approved platform prior to leaving for the day. The VTR number would be generated by the software once basic information is entered (Vessel/Permit number, Time sailed, number of crew, and trip type) so someone could start it before leaving home or port and have that number to put on the paper record that they will use at sea as well as to provide to dealers at the end of the trip. Once back home, the catch information would be transferred to the eVTR that was started earlier in the day and then submitted to GARFO.

Let me reiterate that the Council still strongly supports electronic submission within 48 hours and the move toward an end-to-end electronic process, but we are cognizant that some constituents may need some assistance in certain situations.

With November 10 rapidly approaching, we need to act quickly on a resolution to assist these constituents in complying. If we need to get on a call to further address this, please let us know.

Thanks,

Karson Coutre

Fishery Management Specialist

Mid-Atlantic Fishery Management Council

800 North State St, Suite 201

Dover, DE 19901-3901

(302) 526-5259

[KCoutre@mafmc.org](mailto:KCoutre@mafmc.org) or [karson.coutre@noaa.gov](mailto:karson.coutre@noaa.gov)

--

Moira Kelly  
(she/her)

*Recreational Fisheries Coordinator*  
*Senior Fishery Program Specialist*

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

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

# MEMORANDUM

**Date:** August 2, 2021  
**To:** Chris Moore, Executive Director  
**From:** Julia Beaty, staff  
**Subject:** Rationale for adding black sea bass state allocations to the Council FMP

In December 2020, both the Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) passed a motion to add the black sea bass commercial state allocations to the Council's Fishery Management Plan (FMP). These allocations were previously only included in the Commission's FMP.

The Council and Board passed the motion for the following reasons:

### **1. Most commercial landings of black sea bass come from federal waters.**

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).

### **2. It brings the allocations in line with other aspects of the joint management program.**

Most other aspects of the management program are jointly developed and approved by the Council and Commission. This joint process has been in place for close to 30 years and has served both organizations well. Including these allocations in the Council's FMP ensures that both the Council and Board will jointly decide on any future changes to the state allocations and importantly supports this joint process.

### **3. The Magnuson-Stevens and National Environmental Policy Act requirements ensure a thorough review and a transparent process.**

If the allocations are in the Council's FMP, any changes to the allocations would be subject to rigorous requirements under the Magnuson-Stevens Fishery Conservation and Management Act and the National Environmental Policy Act. These requirements ensure a transparent process with thorough analysis of impacts and multiple opportunities for stakeholder input.

### **4. The overall changes in administrative burden are minor.**

No new administrative processes are needed to add the black sea bass allocations to the Council's FMP as all mechanisms are already in place for summer flounder and bluefish. The state allocations for summer flounder and bluefish are included in both the Council and

Commission FMPs. Note that there are many similarities between the summer flounder, bluefish, and black sea bass fisheries.

If the black sea bass allocations are added to the Council's FMP, the National Marine Fisheries Service (NMFS) would manage the state quotas, including quota transfers among states, rather than the Commission. This could increase the administrative burden on NMFS for monitoring state level landings, notifying states when they are approaching their quotas, and managing transfers among states. However, this would decrease the administrative burden on the Commission, which would no longer be responsible for managing these tasks.

Any overall increase in administrative burden should be slight given that monitoring state level landings would not create an additional burden on NMFS as the agency already closely monitors landings in-season and has mechanisms in place for monitoring bluefish and summer flounder landings against state quotas. In addition, the implementation of eVTR reporting requirements in November 2021 will significantly reduce the administrative burden associated with tracking commercial landings by state by requiring electronic reports instead of paper.



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

## MEMORANDUM

**Date:** July 31, 2021  
**To:** Dr. Chris Moore, Executive Director  
**From:** J. Didden, Staff  
**Subject:** Spiny Dogfish Ageing

During the first (July 30, 2021) meeting of the Spiny Dogfish Research Track Assessment Working Group, staff recorded the following notes regarding spiny dogfish ageing:

*The workgroup identified recent spine ageing work (per recent research) as a critical need/gap that could be helpful to this current assessment if filled - but NEFSC staff does not have expertise (at a minimum west coast NMFS staff and/or WA State do). Uncertain if could be done in time for this assessment. Options include contracting out to those who do have expertise, or sending NEFSC staff to west coast for training, but not in current work plans for NEFSC staff...*

Staff notes that this aligns with previous research recommendations from the Council's Scientific and Statistical Committee (also contained in the Council's Five Year Research Priorities):

*Continue aging studies for Spiny Dogfish age structures (e.g., fins, spines) obtained from all sampling programs (include additional age validation and age structure exchanges), and conduct an aging workshop for Spiny Dogfish, encouraging participation by NEFSC, Canada DFO, other interested state agencies, academia, and other international investigators with an interest in dogfish aging (US and Canada Pacific Coast, ICES).*

Given the spirit of research track assessments to advance assessment science, and the need to have previously-collected spines aged, staff suggests that the Council recommend that the Northeast Fisheries Science Center explore options to get its in-hand spines aged, through contracting, training, or both in time to be incorporated into this assessment. Otherwise it appears that an opportunity to make substantial advances within this research track assessment will be missed. An ageing workshop or similar collaboration should also be considered.