



## December 2019 Council Meeting Report

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's meeting December 9-12, 2019 in Annapolis, MD. Presentations, briefing materials, and webinar recordings are available at: <http://www.mafmc.org/briefing/december-2019>.

During this meeting, the Council:

- Approved the use of regional conservation equivalency for the recreational summer flounder fishery in 2020\*
- Approved *status quo* recreational scup and black sea bass management measures in state and federal waters in 2020\*
- Approved recreational bluefish measures for 2020 consisting of a 3-fish bag limit for the shore and private mode and a 5-fish bag limit for the for-hire modes\*
- Approved a scoping document for the joint Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment\*
- Agreed to develop the Black Sea Bass Commercial Allocation Addendum/Amendment as a joint action with the ASMFC\*
- Approved a supplemental scoping document for the Bluefish Allocation and Rebuilding Amendment\*
- Approved the Commercial eVTR Omnibus Framework with a 48-hour reporting deadline
- Selected a preferred alternative and approved the Omnibus Risk Policy Framework
- Selected preferred alternatives and approved the Surfclam and Ocean Quahog Excessive Shares Amendment
- Approved the 2020-2024 Strategic Plan
- Approved the Comprehensive Five Year (2020-2024) Research Priorities document
- Finalized the EAFM summer flounder conceptual model and agreed to move forward with development of a summer flounder recreational discards management strategy evaluation
- Identified four areas of expertise needed on the Scientific and Statistical Committee
- Reviewed and approved a list of actions and deliverables for the 2020 Implementation Plan
- Received an update on habitat activities

*\* Items denoted with an asterisk (\*) were undertaken during joint meetings with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board and Bluefish Management Board.*

### Summer Flounder, Scup, Black Sea Bass, and Bluefish 2020 Recreational Management Measures

The Council met jointly with the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and Bluefish Management Board to develop recreational management measures for summer flounder, scup, black sea bass, and bluefish for 2020.

#### **Summer Flounder**

The Council and Board approved the continued use of regional conservation equivalency for the recreational summer flounder fishery in 2020 to achieve, but not exceed, the 2020 summer flounder recreational harvest limit (RHL) of 7.69 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve the coastwide RHL. Regional measures under conservation equivalency in 2020 will be the same measures as in 2019, with the possibility of minor adjustments to season start and end dates in some states.

The Council and Board also maintained the *status quo* non-preferred coastwide measures that are written into the federal regulations but waived in favor of state regulations once conservation equivalency is approved by the National Marine Fisheries Service (NMFS). These measures include a 4-fish possession limit, a 19-inch total length minimum size, and an open season of May 15 – September 15. The Council and Board also made no changes to the current precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which would be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

The Council and Board considered the staff recommendation to implement a coastwide slot limit in the summer flounder recreational fishery (allowing harvest of summer flounder only between 17-20 inches total length), but consistent with the Monitoring Committee recommendations, did not recommend this strategy for 2020. The Monitoring Committee has identified additional analyses that should be done to more thoroughly evaluate the potential impacts of slot limits for summer flounder and whether they are appropriate to use in future years.

### ***Scup and Black Sea Bass***

The Council and Board agreed to maintain *status quo* recreational management measures for scup in state and federal waters in 2020. In federal waters, this includes a 9-inch total length minimum fish size, a 50 fish possession limit, and an open season of January 1 - December 31.

They also agreed to maintain *status quo* recreational management measures for black sea bass in state and federal waters in 2020. In federal waters, this includes a 12.5-inch total length minimum fish size, a 15 fish possession limit, and open seasons of February 1-28 and May 15 - December 31. The Board agreed that states should not modify their management measures for 2020, with the exception of states participating in the optional February recreational fishery. Virginia is the only state which indicated an interest in participating in 2020; therefore, Virginia may need to adjust their measures later in the year to account for February 2020 harvest.

For both black sea bass and scup, the Council and Board discussed the possibility that maintaining *status quo* management measures in state and federal waters may result in overages of the recreational harvest limits. However, they agreed that these measures are unlikely to harm the stocks given that biomass is much higher than the target level for both species. They agreed that it is hard to justify a restriction in harvest to prevent exceeding the 2020 recreational harvest limits when biomass and availability to anglers are so high and the need for a restriction is not driven by a conservation need, but rather by changes to the recreational harvest estimates and the commercial/recreational allocation percentages in the Fishery Management Plan. The Council and Board emphasized that this is a short-term approach to address a unique situation and allow for more time to consider how management should adapt to the revised recreational harvest estimates from the Marine Recreational Information Program.

### ***Bluefish***

The Council and Bluefish Board approved coastwide recreational bluefish measures consisting of a 3-fish bag limit for the shore and private mode and a 5-fish bag limit for the for-hire modes (party/charter). No restrictions on season or minimum size were made. Additional details are available here:

<http://www.mafmc.org/newsfeed/2019/bluefish-2020-recreational-measures>.

### **Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment**

The Council and Board approved, with minor revisions, a scoping document for a joint amendment to reconsider the allocations between the commercial and recreational sectors for summer flounder, scup, and black sea bass. Scoping hearings will be scheduled for early 2020, and a revised scoping document will be posted once available at: <http://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

### **Black Sea Bass Commercial Allocation Addendum/Amendment**

In October 2019, the Board initiated a Board-only addendum to consider modifications to the state shares of the black sea bass commercial quota. During the December 2019 joint meeting, the Council agreed that this should be a joint action to allow the Council to have a voting role in any potential changes to these allocations and to

consider including them in the Council's fishery management plan. The Council voted to move forward with a Council amendment to complement the Board's addendum.

### Bluefish Allocation and Rebuilding Amendment

The Council and ASMFC are developing an amendment that will address several issues in the bluefish fishery. The Council and Board held an initial round of scoping hearings in June and July 2018. However, because the issue of rebuilding was added to the amendment during the October 2019 meeting, the Council will need to provide additional hearings and opportunities for public comment. During this meeting, the Council and Bluefish Board reviewed a supplemental scoping document and approved the document for public scoping hearings with minor suggestions. Scoping hearing are anticipated to be held in January and February with exact locations and dates to be determined. Additional information and updates on this action will be posted at <http://www.mafmc.org/actions/bluefish-allocation-amendment>.

### Seized Commercial Catch and the Quota Monitoring/Accountability Process

The Council and Board discussed issues related to monitoring and reporting of illegal commercial catch. Toni Kerns (ASMFC) provided an overview of how the states are handling seized commercial catch within their own reporting and monitoring systems, and Mike Ruccio (NOAA Fisheries Greater Atlantic Regional Fisheries Office) presented several options that could be pursued to address inconsistencies between the states.

### Commercial eVTR Omnibus Framework

The Council discussed the alternatives and analyses for an omnibus framework action that considers requiring federally permitted commercial vessels to submit vessel trip reports (VTRs) to NMFS electronically. This action does not change existing data being collected, and operators would have a choice of which NMFS-approved eVTR application to use. This action affects all vessels with federal commercial permits for species managed by the Mid-Atlantic and New England Fishery Management Councils once joint action is taken. The NEFMC is scheduled to take final action at their January 2020 council meeting. After considering Advisory Panel and Fishery Management Action Team recommendations, the Council took final action, selecting alternative 1c to require VTRs be submitted electronically within 48 hours of trip completion. NMFS indicated that they would likely have an extended implementation deadline of up to a year after the final rule and the Council will coordinate several workshops throughout the Northeast Region in 2020. More information is available at <http://www.mafmc.org/actions/commercial-evtr-framework>.

### Omnibus Risk Policy Framework

The Council held the second framework meeting and took final action on the Omnibus Risk Policy Framework. The Council's risk policy, originally implemented in 2011, specifies the Council's acceptable level of risk (i.e., the probability of overfishing, P\*) and works in conjunction with the Scientific and Statistical Committee's (SSC) application of the ABC control rule to account for scientific uncertainty when setting an Acceptable Biological Catch (ABC) for a specific stock. During this meeting, the Council reviewed the results of a biological management strategy evaluation (MSE) conducted by Dr. John Wiedenmann (Rutgers University) and an economic MSE conducted by Dr. Doug Lipton (NOAA Fisheries) and Cyrus Teng (University of Maryland) that evaluated eight different risk policy alternatives, including the Council's current risk policy. The results indicated that several alternatives would allow for increased yield and economic benefit when compared to the current risk policy and would still minimize the risk of overfishing or a stock becoming overfished.

The Council approved a new risk policy that was a hybrid approach to two of the alternatives considered (Alternatives 2 and 8). The new risk policy seeks to prevent stocks from being overfished by reducing the probability of overfishing as stock size falls below the target biomass while also allowing for increased risk under higher stock biomass conditions, particularly at very high levels such as those currently found with scup and black sea bass. The Council also approved removing the typical/atypical species distinction currently included in the risk policy. It is anticipated that the new risk policy will be implemented in 2020 and could be applied to 2021 catch and harvest specifications.

## Surfclam and Ocean Quahog Excessive Share Amendment

After reviewing public comments, the Council selected preferred alternatives and approved the Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment for submission to the Secretary of Commerce. The amendment was developed to address the "excessive shares" provisions of the National Standard 4 guidelines of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which require that no individual, corporation, or other entity acquires an excessive share of the SCOQ Individual Transferable Quota (ITQ) privileges. The amendment also considered modifications to the FMP goals and objectives and revisions to the multi-year specification setting process. The Council selected the following preferred alternatives:

- **Goals and Objectives.** The Council adopted the goals and objectives recommended by the Fishery Management Action Team. They were crafted around goal areas that focused on sustainability, a simple and efficient management regime, managing for stability, management that is flexible and adaptive to changes, and the promotion of science and research. The adopted goals and objectives better reflect the Council's long-term intent for these fisheries
- **Excessive Shares Cap: Sub-Alternative 4.4.** The Council's preferred alternative would implement a two-part cap, with quota share ownership cap at 35% for surfclams and 40% for quahogs, and annual allocation cap based on the possession of cage tags at 65% for surfclams and 70% for ocean quahogs. The Council selected the family affiliate level and the cumulative 100% model for tracking of ownership.
- **Excessive Shares Review: Alternative 2.** This alternative would require the periodic review of the excessive share measures at least every 10 years or as needed. The review could be done in conjunction with the Catch Share Program Review.
- **Framework Adjustment Process: Alternative 1.** This alternative would not change the list of management measures that can be addressed through the framework adjustment process.
- **Multi-Year Management Measures: Alternative 2.** The Council's preferred alternative would allow specifications to be set for maximum number of years consistent with the Northeast Regional Coordinating Council approved stock assessment schedule.

## 2020-2024 Strategic Plan

The Council reviewed public comments and approved a final 2020-2024 Strategic Plan with several minor modifications. A final version of the plan will be posted in the coming weeks at <http://www.mafmc.org/strategic-plan>. In addition, the Council reviewed a proposed evaluation plan which outlines a process for conducting annual, mid-plan, and comprehensive reviews of progress toward addressing the Council's strategic goals and objectives.

## 2020-2024 Research Priorities

The Council reviewed and approved the Comprehensive Five Year (2020-2024) Research Priorities document. This document outlines broad priority themes and species-specific research priorities and was developed with input from the Council's Research Steering Committee, SSC, Advisory Panels, Monitoring Committees, and the Northeast Fisheries Science Center (NEFSC). The document includes a review of the existing priorities document and was also re-organized and prioritized to develop a more useful, tactical, and strategic document to effectively advance scientific and management information that is aligned with Council and NEFSC resources and priorities.

## EAFM Summer Flounder Conceptual Model

The Council reviewed and finalized the Ecosystem Approach to Fisheries Management (EAFM) summer flounder conceptual model. Conceptual model development is the second step in the EAFM structured decision framework and is meant to ensure that key relationships throughout the system are accounted for and help answer high priority management questions. A workgroup of summer flounder science and management experts, in consultation with the Council's Ecosystem and Ocean Planning Committee, developed a conceptual model and visualization tool that identified key high-risk factors and important ecosystem elements. Management questions relevant to summer flounder and the associated fisheries that could be answered using the model and the available data were then developed and considered by the Council. Based on application and information in the conceptual model, the Council agreed to conduct a management strategy evaluation (MSE) that will identify and

evaluate the biological and management implications of alternative strategies to minimize recreational summer flounder discards. The recreational discards MSE, the third step in the EAFM decision framework, will begin in 2020 and will involve extensive science, management, and stakeholder engagement.

### SSC Membership White Paper

Earlier in 2019, the Council reappointed 16 existing members of the Scientific and Statistical Committee (SSC) to another 3-year term, leaving four vacancies on the SSC. At that time, the Council agreed to delay adding new members to the SSC in order to develop a white paper that would evaluate SSC membership, the future needs of the Council, and the expertise necessary to address those needs. The Council reviewed the white paper evaluation and recommended the following areas of need and membership expertise: one additional member with quantitative stock assessment expertise, one additional fisheries biologist/ecologist and one economist/social scientist that each have experience and expertise in ecosystem related issues, and one economist/social scientist to help support the different Council priorities and actions that will have socioeconomic implications. The Council will solicit nominations for new SSC membership in early 2020.

### 2020 Implementation Plan

Each year, the Council develops an annual implementation plan which identifies the activities and actions the Council expects to work on during the upcoming year. Implementation plans are designed for use as a planning tool by the Council and staff and as a way to update the public on progress toward achieving the goals and objectives of the strategic plan. During the meeting the Council reviewed and approved a list of actions and deliverables for the upcoming year. This list will be used by staff to develop a complete 2020 Implementation Plan for Council consideration at the February 2020 meeting.

### Habitat Update

Council staff provided an update on the Northeast Regional Habitat Assessment (NRHA), which is a collaborative effort to describe and characterize estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast using a partnership driven approach. The project is being led by a Steering Committee composed of leadership from the major habitat conservation, restoration, and science organizations in the region. Additional information related to NRHA is available at <http://www.mafmc.org/nrha>. Staff also provided a brief update on the Council Coordination Committee Habitat Workgroup. The group met earlier this year for an Essential Fish Habitat Consultation and Regional Innovations Workshop. The purpose of the workshop was to advance our collective work toward effective essential fish habitat (EFH) consultations on non-fishing activities. Keith Hanson (GARFO Habitat Conservation Division) provided an update on projects of interest in the region, including several offshore wind activities, oil and gas survey activities, and coastal storm risk management studies.

### Oscar E. Sette Award

Dr. John Boreman was recognized as the 2019 recipient of the Oscar E. Sette Award. The award is presented each year by the Marine Fisheries Section of the American Fisheries Society to an individual who has demonstrated sustained excellence in marine fishery biology through research, teaching, administration, or a combination of the three. Dr. Boreman has a distinguished career as a federal fisheries scientist with both NOAA and the U.S. Fish and Wildlife Service. He served as Director of the NOAA Fisheries Office of Science and Technology, the Science and Research Director of the NMFS Northeast Fisheries Science Center (NEFSC), the Director of the NEFSC Cooperative Marine Education and Research Program and adjunct professor of fisheries at the University of Massachusetts. At the end of this year, Dr. Boreman will step down as chair of the Council's SSC after serving in the role for 11 years.



## Other Business

### **2020 Council Meetings**

The schedule of 2020 Council Meetings is available at <http://www.mafmc.org/meetings>. Please note that the June 2020 Council meeting dates have been changed to **June 16-18, 2020**.

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## Next Council Meeting

**February 11-13, 2020**

The Sanderling Resort

1461 Duck Road, Duck, NC 27949

(855)-412-7866

<http://www.mafmc.org/council-events/february-2020-council-meeting>