

**WILD OCEANS \* AKORN ENVIRONMENTAL CONSULTING, LLC  
AMERICAN SPORTFISHING ASSOCIATION \* CONSERVATION LAW FOUNDATION  
GREAT EGG HARBOR WATERSHED ASSOCIATION  
INTERNATIONAL GAME FISH ASSOCIATION \* NATIONAL AUDUBON SOCIETY  
RHODE ISLAND SALTWATER ANGLERS ASSOCIATION  
RIVERKEEPER, INC. \* THEODORE ROOSEVELT CONSERVATION PARTNERSHIP  
VIRGINIA SALTWATER SPORTFISHING ASSOCIATION**

December 7, 2023

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901

RE: Guidance Document for Council Review of Exempted Fishing Permit Applications  
for Umanaged Forage Omnibus Amendment Ecosystem Component Species

Dear Dr. Moore,

We write in support of the updated “Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Omnibus Amendment (UFOA) Ecosystem Component Species” (“Guidance”). We urge the Mid-Atlantic Fishery Management Council (“Council”) to adopt the Guidance at its December meeting with no further revisions.

During its meeting on October 4, 2023, the Council considered adoption of a policy and process document - developed by Council staff with input from the Ecosystem and Ocean Planning (EOP) Advisory Panel and EOP Committee<sup>1</sup>- for review of EFP applications for species listed as Ecosystem Components under the Council’s UFOA. The Council reviewed the recommendations of the EOP Advisory Panel, EOP Committee, and Council staff in considering adoption of a policy or process. The Council decided to postpone adoption of a document until its December meeting,

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<sup>1</sup> Beaty, J. 2023. [Memorandum](#) to Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council: Policy and Process for Council Review of Exempted Fishing Permit Applications for Forage Amendment Ecosystem Component Species. October.

following the incorporation of minor revisions to the document requested by Council members.

These revisions and additions are clearly marked in the updated draft document<sup>2</sup>, and include classifying the document as Guidance rather than a policy/process document, as well as clarifying the roles of the Greater Atlantic Regional Fisheries Office (“GARFO”) and the Council in reviewing and issuing EFPs on unmanaged forage species. Additionally, the updated draft guidance clarifies that any reports on outcomes of EFP fishing activity authorized by NOAA should be submitted to the Council in addition to GARFO, no later than six months after concluding the fishing activity authorized by the EFP.

The updated Guidance continues to meet the Council’s intent stated in its 2023 Implementation Plan, to “Develop a policy and/or process for reviewing Exempted Fishery Permit (EFP) applications for new or expanding fisheries as it relates to the unmanaged forage amendment.” The Guidance will provide much-needed clarity for applicants, the public, GARFO and the Council in regard to evaluating EFP applications for forage species, which are the foundation of the region’s diverse marine life, including valuable commercial and recreational fisheries.

Many of the undersigned groups were actively involved in the development of the UFOA, and commended the Mid-Atlantic Fishery Management Council for recognizing the ecological importance of forage fish to the region’s recreational and commercial fisheries and entire ecosystem. We advocated for the development of this Guidance, and are pleased that the current draft addresses the concerns and recommendations we outlined.<sup>3</sup> We appreciate your attention to this important issue, and we look forward to Council adoption of the Guidance at its December meeting.

Signed,

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<sup>2</sup> Beaty, J. 2023. “Revised Guidance Document for Council Review of Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species. Draft for review by the Ecosystem and Ocean Planning Advisory Panel and Committee, incorporating edits discussed at the October 2023 Council meeting.” October. Distributed via e-mail to Ecosystem and Ocean Planning Committee and Advisory Panel members.

<sup>3</sup> [Comment letter](#) from 11 stakeholder groups on “ Ecosystem and Ocean Planning Committee & Advisory Panel Meeting, April 27: Development of a policy/process for reviewing Exempted Fishing Permit (EFP) applications for Unmanaged Forage Amendment ecosystem component species.”

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Cc: Julia Beaty, Fishery Management Specialist Mid-Atlantic Fishery Management Council