



Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: April 24, 2020
To: File
From: J. Didden
Subject: April 23, 2020 MSB AP Summary

The Mackerel, Squid, and Butterfish (MSB) Advisory Panel (AP) met via webinar on April 23, 2020.

AP members attending included Katie Almeida, Leif Axelsson, Eleanor Bochenek, William Bright, Gregory DiDomenico, Emerson Hasbrouck, Jr., Jeff Kaelin, Howard King, Meghan Lapp, James R Lovgren, Pam Lyons Gromen, Samuel Martin, Peter Moore, Gerry O'Neill, and Robert Ruhle.

Others attending included Jason Didden, Peter Hughes, Jimmy Elliott, Justin Hamilton, Adam Nowalsky, Alissa Wilson, Doug Christel, Drew Minkiewicz, Ben Galuardi, Mark Phillips, Terry Alexander, Kate Wilke, Brianna Hughes, Dan Farnham Jr., Wayne Reichle, Noah Clark, Dewey Hemilright, Brendan Mitchell, Mark Wollenweber, Laurie Nolan, Paul Rago, KaraG, Jeff Reichle, Emily Gilbert, Tara McClintock, Eric Reid, Mike Roderick, Noah Clark, Russell Brown, Ryan Clark, Ryan Scelsa, Scott Curatolo-Wagemann, Steve Follett, Zack Greenberg, and Scott Charlwood.

The Advisory Panel indicated they did not need a review of the action and alternatives. The discussion focused on four areas: 1) the two primary tier proposals, 2) the timeline for taking final action, 3) a possible alternative simplification, and 4) input on preferred alternatives.

1. The two primary tier proposals

Staff summarized the two primary tier proposals that were presented in many public comments. For purposes of delineation, staff labeled them as “Historical” and “Coalition” for the AP meeting.

“Historical”

34 permits: Tier 1 - 1997-2013 @ 500 K pounds
14 permits: Tier 2 - 1997-2018 @ 100 K pounds (48K trip limit)
02 permits: Tier 3 - 1997-2018 @ 50 K pounds (20K trip limit)
25-26 of 76 permits would not requalify for any Tier

“Coalition”

41 permits: Tier 1 - 1997-2013 @ 500 K pounds OR 2014-2019 @ 1 M pounds

08 permits: Tier 2 - 1997-2019 @ 100 K pounds (90K trip limit)

02 permits: Tier 3 - 1997-2019 @ 50 K pounds (47K trip limit)

24-25 of 76 permits would not requalify for any Tier

Staff noted that the two vessels in the potential Tier 3s of both options were the same vessels, and had no *Illex* landings in 2017-2019, so no trip analysis could be performed based on their recent landings.

For the potential Tier 2 vessels in each option, staff noted the following observations about their 2017-2019 trips.

| Tier 2 "Historical" (14 Permits) | | |
|----------------------------------|-----------|-----------|
| | 2019 | 2017-2019 |
| Median | 67,000 | 63,000 |
| 75% | 85,000 | 76,000 |
| 95% | 124,000 | 112,000 |
| Trips over 10,000 | 139 Trips | 270 Trips |

| Tier 2 "Coalition" (8 permits) | | |
|--------------------------------|----------|-----------|
| | 2019 | 2017-2019 |
| Median | 66,000 | 63,000 |
| 75% | 71,000 | 71,000 |
| 95% | 74,000 | 90,000 |
| Trips over 10,000 | 28 Trips | 90 Trips |

As just an example of interpreting one column (highlighted), for the 14 Tier 2 permits in the “Historical” option, they had 139 trips in 2019 over 10,000 pounds, and the median of those 139 trips was 67,000 (i.e. half were above and half were below 67,000 pounds). 75% of these 139 trips were below 85,000 pounds, and 95% of these 139 trips were below 124,000 pounds.

An AP member requested if the trip analysis could be run for the 14 permits for trips from 2014-2018 and with a decreased lower bound, possibly focusing on trips that had a high proportion of *Illex*. Trip by trip examination would take additional time, but preliminary follow-up analysis by staff indicated that lowering the bound to 5,000-pound trips over 2014-2018 resulted in 178 trips, with a median of 51,000 pounds, 75th percentile of 66,000 pounds, and 95th percentile of 94,000 pounds. All trips at or under 10,000 pounds accounted for about 4% of the *Illex* landings by these 14 permits in this time period (8.4 million pounds total *Illex*).

2. The timeline for taking final action

As communicated to the AP on April 9, 2020 following the April 2020 Council meeting, there was some discussion at the April Council meeting that Council leadership is considering delaying final action on the *Illex* Amendment if the Council cannot meet in person in June, and that this issue will be discussed at the April 2020 MSB AP and Committee meetings.

An AP member asked what the implications of delaying until August might be. Staff responded that the action plan targeted March 1, 2021 for implementation if final action is taken in June and rulemaking proceeds in a smooth fashion without any delays. Delaying until August would push the implementation target to May 1, 2021. Staff noted that the longfin amendment faced substantial delays during rulemaking, and implementation may not occur before the 2021 fishing season in either case. GARFO staff noted they would do their best to facilitate expedient implementation in either case, and implementation by the start of the 2021 fishing year may be possible in either case. GARFO staff indicated that Council decision making should generally be independent of the implementation timing.

Staff polled the AP regarding their preferences on this topic. 9 AP members thought action should proceed and 5 AP members thought action should be delayed (one abstained from offering an opinion on this topic).

AP rationales for proceeding focused on the Council being capable of digesting any SSC *Illex* quota recommendations (May 12-13 SSC meeting/decision), and the timing of the season relative to possible implementation in 2021 should a delay occur (before, during, or after the 2021 season). AP rationales for delaying included: waiting for the quota information from the May SSC meeting, allowing for more time for the Council to digest the SSC findings, the benefits of an in-person meeting for facilitating resolution and public interaction with the Council, and a possible need for more time to address the concerns in the GARFO letter. An AP member requested that a roll-call vote be used for final action.

There was additional public input both for moving forward in June and delaying. Additional rationale offered for taking action in June included not being able to completely stop the functioning of the country and webinars can be used. Also, a public comment noted it is not clear that a meeting in August would be able to have full in-person public participation given likely ongoing infection mitigation measures. Additional rationale offered for delaying included that the currently-appointed Council members will be able to vote on this action at the August Council meeting.

There were questions and discussion regarding how transmittal of the AP input and additional public comment would occur. Staff responded that typically the AP input and public comments are segmented in the summary, as done in this summary. Staff noted they would highlight that perspectives on the timing were split and appeared to align with some of the splits in comments on the action in general. Staff suggested that individuals submit any follow-up thoughts to Chris Moore if appropriate after they reviewed the AP summary.

3. A possible alternative simplification

Staff is considering making a recommendation to the Committee/Council that the alternatives be simplified to the ends of the range in the public hearing document as well as the two primary tier proposals from public comments (as described above). This would result in five alternatives. The Council could still add another option(s) within the range. The alternatives would then be (all still based on best year, all qualification predictions are preliminary):

#1. No action. (75-76 permits)

#2. 51 requalifiers: 1997-2019 @ 50 K pounds (no Tiering)

#3. 13 requalifiers: 1997-2013 **plus** 2014-2019 w/1,000,000 pounds **each** (no Tiering)

#4. 34 requalifiers: Tier 1 - 1997-2013 @ 500 K pounds

14 requalifiers: Tier 2 - 1997-2018 @ 100 K pounds (48K trip limit)

02 requalifiers: Tier 3 - 1997-2018 @ 50 K pounds (20K trip limit)

25-26 of 76 permits would not requalify for any Tier

#5. 41 requalifiers: Tier 1 - 1997-2013 @ 500 K pounds **OR** 2014-2019 @ 1 M pounds

08 requalifiers: Tier 2 - 1997-2019 @ 100 K pounds (90K trip limit)

02 requalifiers: Tier 3 - 1997-2019 @ 50 K pounds (47K trip limit)

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No AP members or public objected to the proposed alternative simplification, but there was a request that the “Historic” and “Coalition” labels be replaced with letters or numbers.

Staff reviewed the recently-arrived letter from GARFO, which summarized the various considerations the Council needs to evaluate when making decisions. Staff noted that there will be an FMAT meeting after the Committee meeting (but before the Council meeting) that can address any outstanding issues with any new alternatives such as the two tier options in the above simplification.

4. Input on preferred alternatives.

Staff polled the AP on their preferred outcomes (rationales for various perspectives are detailed in written and hearing comments).

7 AP members recommended moving forward with #4 above and the fish hold option.

1 AP member “tended” toward #4 above and the fish hold option.

1 AP member supported the “Coalition” preferences (which prefer #1 and #2 but could support #5, and opposes the fish hold option).

1 AP member supported the fish hold option and use of the 2013 control date, but thought that additional compromise was needed on the details.

1 AP member recommended option #2 above with the fish hold option, and stated if tiers are used that further compromise was needed.

1 AP member recommended that only vessels with zero landings from 1997-2019 be further restricted but could support #2 above as well.

2 AP members abstained, and one of those recommended the Council be clear how current participation is accounted for.

There was additional public comment supporting a range of different preferred alternatives.

Additional items:

Council staff is planning an MSB AP meeting on May 11 for a final weigh-in regarding the *Illex* quota issue before the SSC meeting.

There was no objection by the AP or public regarding the proposed goals and objectives updates.

There was no objection by the AP or public regarding the proposed VMS clarification option.

An AP member stated that there is a mismatch between the current quota-setting process and Council risk policy and the lifecycle of *Illex* (and Longfin) squid, resulting in a loss of economic and food supply opportunities and creating an impossible management system with an artificial lid on harvest. A member of the public suggested that CPUE and/or cannibalism considerations could be used to justify modifying the quota.

An AP member stated that removing participants was not the appropriate way to address gear conflicts and gear conflicts should not be used as an excuse to remove participants. Another AP member noted that in more southern/western areas, there is not much space where the fishery occurs, and user conflicts would not be solvable by area-based management. A member of the public stated that user-conflicts related to fixed (lobster)/mobile gears should be addressed by the relevant management authorities by modifying monitoring, enforcement, and/or changes to existing area-based mitigation regulations.