



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: February 8, 2020
To: MSB Committee, Council
From: J. Didden
Subject: February 6, 2020 MSB AP Summary

The Mackerel, Squid, and Butterfish (MSB) Advisory Panel (AP) met on February 6, 2020. AP members attending included Katie Almeida, Leif Axelsson, Eleanor Bochenek, Bill Bright, Gregory DiDomenico, Emerson Hasbrouck, Jeff Kaelin, Hank Lackner, Meghan Lapp, Jim Lovgren, Pam Lyons Gromen, Sam Martin, Gerry O'Neill, and Robert Ruhle. Other attending included Jason Didden, Alissa Wilson, Aly Pitts, Brandon Muffley, Brendan Mitchell, Chuck Adams, Daniel J. Farnham, Donald Fox, Doug Christel, Emily Gilbert, Jeff Reichle, Jimmy Elliott, Kiersten Curti, Laurie Nolan, Lisa Hendrickson, Meade Amory, Philip Merris, Russell Brown, Ryan Clark, Tara McClintock, Wayne Reichle, and Zack Greenberg.

There were two purposes for the call. The first was to provide input to the NMFS Northeast Fisheries Science Center (NEFSC) on upcoming management track assessments for several MSB species. The second was to review and provide input on the public hearing document for the Amendment regarding MSB Goals and Objectives and *Illex* Permitting.

Upcoming Assessments

NEFSC staff are currently developing management track assessments for mackerel, butterfish, and longfin squid. These are similar to what used to be called “assessment updates.” Depending on the degree of any methodological changes, additional peer review may occur for these assessments in June 2020, before the Council’s Scientific and Statistical Committee (SSC) reviews the results in July 2020.

Council and NEFSC staff presented the timeline of upcoming assessments and reviewed several trigger questions provided by the NEFSC. The AP provided input on several related issues, and NEFSC staff will follow up with AP members as needed. The AP can email any additional input to NEFSC staff by February 14, 2020.

Amendment

Staff reviewed the public hearing document by the two components, plan goals and objectives and then *Illex* permitting. AP members and the public provided input on clarifications, analyses, and potential preferred alternatives.

Amendment Component 1: Plan Goals and Objectives

AP

Pam Gromen expressed concern that the ecosystem objective might be so broad that interpretation is difficult or that it gets lost in terms of implementation. Staff's understanding is that specific ecosystem-related tasks would stem from Council's annual implementation plans, and that staff would use the general guidance of the objective and the Ecosystem Approach to Fishery Management (EAFM) guidance document to inform decision making on any particular item.

Greg DiDomenico expressed concern about making EAFM-related goals overly prescriptive given current knowledge of the fisheries.

Jeff Kaelin thought that the current goals and objectives appeared balanced and supported investigation of accessing shared quotas (objective 2.4).

Public

Zack Greenberg echoed Pam Gromen's comments about the need to balance not being too general or too prescriptive regarding ecosystem-related goals.

Amendment Component 2: *Illex* Permitting

For this component the AP 1) discussed clarification and range of alternative issues, 2) the analyses in the document, and 3) finally provided recommendations regarding preferred alternatives.

1) Clarification and Range of Alternative Issues

Sets A and B – Core Requalifying Criteria

Staff reviewed the current alternatives by the four alternative sets (A, B, C, D). Set A (time periods) and Set B (thresholds) are the core qualifying criteria. In the memo for the Council meeting, staff recommended eliminating several alternatives from Set A and Set B to achieve a total of 20 combinations rather than 42. There was no opposition to the recommended eliminations.

Jim Lovgren recommended setting a new control date. Staff suggested this may be appropriate if no other action is taken or if an unexpected delay occurs. There was a mix of other support and opposition to this concept, generally related to currently taking action or not to requalify permits.

Jim Lovgren recommended eliminating the quotas for *Illlex* because there are so many variables and there will be enough *Illlex* not caught to continue the population regardless of the number of participating vessels. He believes that current management does not achieve the greatest benefit to the Nation. Other AP members did not agree that there should be no quotas, but did agree that the ongoing workgroups to develop better ways to set *Illlex* quotas should continue their efforts.

Katie Almeida requested that a qualification alternative be added that only removed vessels with no landings 1997-2019. This would remove 13 vessels (out of 76 total in 2019). If an option is not added, she requested this information be included in the document for descriptive purposes.

Hank Lackner requested that such “no landings” information be accompanied by a description of the 10,000 pound open access incidental trip limit.

Set C - Tiers

Staff discussed the proposed system of tiers, and the range of possible trip limits for those tiers.

AP - Tiers

Multiple AP members thought that there should also be a sub-quota for a lower tier and the Committee should consider this. Staff explained the FMAT’s rationale for recommending against a tier sub-quota. Megan Lapp requested an explanation why a cap was used in mackerel and therefore why it couldn’t be used here, and stated that not putting a cap on Tier 2 would not reduce the race to fish. Staff indicated some research regarding the mackerel situation may be needed, but that the mackerel Tier 3 quota was set at a level where given the relevant trip limits, a substantial race to fish was not expected (and has not occurred). Given recent performance, racing to fish could be expected with *Illlex* and a small sub-quota for a Tier 2.

Katie Almeida wanted to know what the largest trip was in the analysis that generated the higher trip limits. Staff thought it was about 145,000 pounds but needs to double check the data. She also wondered if allowing adjustment of trip limits in annual specifications could be removed (and supported such a removal). Staff responded that trip limits are a typical item that can be changed in specifications, and frameworks could also change a trip limit. Related, Sam Martin thought that trip limit options should capture the full range of actual trips.

Hank Lackner wondered if the trip limit analysis could be skewed by a few larger boats and effectively allow full access to many vessels that did not have historical participation. Staff referenced the median (67,000 pounds) and 75% values (85,000) as illustrating the dispersion of the trips. He believes that the FMAT does not understand the impacts of assigning a high trip limit to the Tier 2 vessels relative to the quota and impact on the overall fishery. Related, Jeff Kaelin requested information on how many of the 157 trip limit analysis trips were above 20,000 pounds.

Emerson Hasbrouck noted that there would be an inconsistency with eliminating the quota and putting trip limits on a Tier 2. Emerson also suggested that trip limits could change based on quota changes.

Public - Tiers

Dan Farnham requested an option be added that looked at each vessel's highest trip and then taking a reduction from that for a capacity reduction measure for Tier 2.

Ryan Clark recommended that a 150,000 pound trip limit be added.

Donald Fox stated that given the seasonal nature of the *Illex* fishery, there is always racing to fish. He also mentioned that in previous abundant years there have been 30 or more participants in the fishery. Also, he thought that comparisons with mackerel were not warranted given the multiple tiers that were considered with mackerel.

Set D – Other measures

Most, but not all participating AP members support a fish hold measurement and baseline. Some public participants thought that a new baseline would unfairly advantage those who have already upgraded their vessel.

There was no opposition to clarifying the VMS reporting requirement.

2) Analyses Input

Staff described the analysis presented in the document and asked the AP if there was any key missing information. Most individuals thought the document would help the public understand impacts and comment accordingly. There were some particular concerns, described below.

Several AP members and public were concerned that port-level analyses may mask the dependence of *Illex* for particular businesses, and scallop revenues may dilute the apparent importance of *Illex*. At least this fact could be communicated directly in the text. Seafreeze and Lund's offered to waive confidentiality protections for more information to be provided on a port level. Staff will consult with GARFO regarding data confidentiality issues.

Meghan Lapp requested whether the revenue comparisons could be limited to just the seasonal months when *Illex* is caught, because for some vessels *Illex* is particularly important to keep vessels working seasonally. This would be an addition for comparison not a replacement.

Hank Lackner requested analysis of the total horsepower and hold capacity by *Illex* permits. Staff responded that the hold information in the permit database may not be robust and will follow up with GARFO staff. Robert Ruhle noted that permits that have mackerel permits already have hold measurements documented by marine surveyors.

3) Recommendations Regarding Preferred Alternatives for Hearings

AP

Jeff Kaelin, Bill Bright, Leif Axelson, and Robert Ruhle

A4, 1997-2013 as preferred period with B6, 500,000 pounds as preferred threshold.

C2, 20,000 pounds for Tier-2 vessel trip limit as preferred.

D2, the hold requirement and D3 the VMS clarification as preferred

Meghan Lapp

A4, 1997-2013 as preferred period with B7, 1,000,000 pounds as preferred threshold.

C2, 20,000 pounds for Tier-2 vessel trip limit as preferred.

D3, the VMS clarification

Also: Include mitigating user conflicts in action's rationale.

Katie Almeida

A2, 1997-2019 as preferred period with B2, 50,000 pounds as preferred threshold.

Against Tiers

Sam Martin

A2, 1997-2019 as preferred period with B2, 50,000 pounds as preferred threshold.

Against Tiers

D2, the hold requirement and D3 the VMS clarification as preferred.

Hank Lackner

Use an option that requires landings both before and after the 2013 control date.

Should use Tiers, C2, 20,000 pounds for Tier-2 vessel trip limit as preferred.

D2, the hold requirement and D3 the VMS clarification as preferred.

Jim Lovgren

Leaning to not using the control date, but no preferred alternative at this point other than the hold baseline. Council needs to consider the difficulty in adhering to a trip limit for a high-volume fishery, possibly using trip limits that adjust from one trip to the next to account for minor overages.

Public

Don Fox, Jimmy Elliott, Ryan Clark, Dan Farnham

A2, 1997-2019 as preferred period with B2, 50,000 pounds as preferred threshold.

Against Tiers, against hold baseline. Ryan Clark asked for a 150,000 pound option to be added for Tier trip limit, though he is generally opposed to Tiers.

Dan Farnham

A2, 1997-2019 as preferred period with B2, 50,000 pounds as preferred threshold.

Against Tiers, should consider reinstating gross tonnage baseline restriction.

Preferred Alternative Rationales

Individuals advocating for alternatives that would re-qualify fewer vessels (generally using the control date) and/or create a hold baseline cited rationales including:

- Council set the control date for a reason and reaffirmed it.
- Control dates and tiers are used in other regional fisheries.
- Historical participants and processors have a high dependence on access to this fishery.
- Higher thresholds align with substantial active participation.
- There is a need to consider the dependence of historically active communities.
- Avoiding overcapitalization.
- Potential user conflicts from more vessels participating in this fishery

Individuals advocating for alternatives that would re-qualify more vessels and/or opposing a hold baseline cited rationales including:

- There are not biological or bycatch issues.
- The quota has increased and workgroups are evaluating further increases.
- New markets have opened up.
- It's important to maintain flexibility.
- Current participants created value for this fishery.
- Control dates should be used for sustainability problems, which are not occurring here.
- Should take a minimal approach to changing participants.
- Even the less stringent options remove about 1/3 of the participants in a small fishery.
- Hold capacity limitations favor those who have already made upgrades.
- Other active years had 30 or more active vessels.
- Historically active vessels still had high profits in recent years with short Illex seasons.

Individuals advocating for alternatives that would provide lower trip limits for non-requalifiers or a second tier cited rationales including:

- Consistency with longfin squid.
- A sub-quota would make the Tiers more meaningful.

Individuals opposed to trip limits for non-requalifiers or a second tier with lower trip limits cited rationales including:

- Tiers will reduce flexibility and participation.
- Tiers and trip limits could create bycatch problems.
- Low trip limits do not allow directed fishing
- Trip limits create enforcement and/or accountability limitations