

# **MID-ATLANTIC COUNCIL**

## **2013 Planned Council Meeting Topics**

### **February 12-14, 2013 -- Hampton, VA**

- Ecosystem and Ocean Planning Committee review of coral alternatives
- Forage Fish Panel Discussion
- Black Sea Bass Specifications for 2013 and 2014

### **April 9-11, 2013 -- Raleigh, NC**

- Tilefish Specifications for 2014
- Amendment 15 to Mackerel, Squid, Butterfish FMP Alternatives
- Amendment 17 to Summer Flounder, Scup, Black Sea Bass FMP Alternatives

### **June 11-13, 2013 -- Eatontown, NJ**

- Butterfish Specifications for 2014
- Surfclam/Ocean Quahog Specifications for 2014, 2015, and 2016
- RSA Award recommendations for 2014

### **August 13-15, 2013 -- Wilmington, DE**

- Swearing in of New and Reappointed Council members
- Election of Officers
- Amendment 15 DEIS to Mackerel, Squid, Butterfish FMP for Submission to NMFS
- RSA Research and Information Priorities List for 2015

### **October 8-10, 2013 -- Montauk, NY**

- Dogfish Specifications for 2014
- Summer Flounder, Scup, Black Sea Bass Specifications for 2014
- Bluefish Specifications for 2014

### **December 10-12, 2013 --Annapolis, MD**

- Summer Flounder, Scup, Black Sea Bass Recreational Specifications for 2014 (and beyond)
- SSCs 5-year Research Priority Recommendations

# MID-ATLANTIC COUNCIL

## 2013 Schedule of Events

### January

- 15-17 Joint Ocean Commission Initiative / Setting the Agenda for Next Administration & Congress, Annapolis, MD  
15-17 Squid Management Workshop, Riverhead, NY  
22-23 MREP Management, Baltimore, MD

### February

- 12-14 Mid-Atlantic Fishery Management Council Meeting, Hampton, VA  
18-21 Atlantic States Marine Fisheries Commission Meeting, Alexandria, VA  
19-21 Council Coordinating Committee Meeting, Washington, DC  
19-22 Surfclam SAW/SARC, NEFSC, Woods Hole, MA

### March

- 12-13 Fish Smart Mid-Atlantic / New England Workshop, Providence, RI

### April

- 9-11 Mid-Atlantic Fishery Management Council Meeting, Raleigh, NC  
17-19 Interstate Shellfish Seminar, Rehoboth, DE

### May

- 5-6 CCC Meeting, Washington, DC  
7-9 Managing Our Nations Fisheries III, Washington, DC  
10-11 CCC Meeting (continued), Washington, DC  
20-23 Atlantic States Marine Fisheries Commission Meeting, Alexandria, VA  
XX SSC Meeting - ABC recommendations for SMB & SC/OQ, TBD  
XX SMB AP Fishery Performance Report, TBD

*Status of Open Amendment/Framework Actions  
(as of November 29, 2012)*

<u>FMP</u>	<u>AMD\FW</u>	<u>Issues Addressed</u>
Squid / Mackerel / Butterfish	Amendment 14	<i>Alosine</i> incidental catch
	Amendment 15	Consider adding river herrings (blueback and alewife) and shads (American and hickory) as Council-managed species.
	Amendment 16	Deep Sea Corals
	Framework 7	Butterfish discard cap
	Framework 8	Trimester 2 butterfish cap closure Quota transfer between landings at end of year
Summer Flounder/ Scup/Black Sea Bass	Amendment 17	Spatial/regional management of black sea bass recreational fishery
	Amendment 18	Scup Allocation
Dogfish	Amendment 3	Authorize RSA program Consider alternatives to seasonal quotas Limited Access Quota Rollover EFH Definitions
Surfclam/ Ocean Quahog	Amendment 15	Cost Recovery EFH updates Ocean Quahog overfishing definition
	Amendment 16	Excessive shares and ownership disclosure

**Mid-Atlantic Fishery Management Council**  
**Status of FMPs, Amendments and Frameworks**  
(As of November 29, 2012)

FMP/Amendment	Date Approved by Council	Lapse	Date submitted to NMFS/NERO	Lapse	FR Notice of Plan Availability	Lapse	Proposed Rule Publication Date	Lapse	Plan Approval/Disapproval Letter	Lapse	Final Rule Publication Date
Squid, Mackerel, Butterfish Framework 5	04/12/12	5	04/17/12	X	N/A	157	09/21/12	X	N/A		
Squid, Mackerel, Butterfish Framework 6	04/12/12	5	04/17/12	X	N/A	72	06/28/12	X	N/A	60	08/27/12
Squid, Mackerel, Butterfish Framework 7	10/17/12										
Squid, Mackerel, Butterfish Framework 8											
Squid, Mackerel, Butterfish Amendment 14	06/14/12										
Squid, Mackerel, Butterfish Amendment 15											
Surfclam and Ocean Quahog Amendment 15											
Spiny Dogfish Amendment 3											

"Lapse" is the amount of time in days from Council approval to column-heading action.



## Mid-Atlantic Fishery Management Council Specifications

(As of November 29, 2012)

Fishery Management Plans	2012				2013				2014			
	Council Approved	Specs Package Submitted	NMFS Proposed Rule	NMFS Final Rule	Council Approved	Specs Package Submitted	NMFS Proposed Rule	NMFS Final Rule	Council Approved	Specs Package Submitted	NMFS Proposed Rule	NMFS Final Rule
Summer Flounder, Scup, Black Sea Bass · Commercial · Recreational	08/17/11 12/14/11	10/02/11 03/18/12	Interim Rule: 12/30/11 04/30/12	04/23/12 05/23/12	08/15/12	10/04/12	11/16/12 <sup>b</sup>					
Squid, Mackerel, Butterfish	06/15/11	08/09/11	10/26/11	03/21/12	06/12/12	07/31/12	11/19/12 <sup>c</sup>					
Dogfish	10/12/11	01/27/12	03/19/12	05/22/12	10/17/12							
Bluefish	08/17/11	12/02/11	02/15/12	04/27/12	08/15/12							
Surfclam, Ocean Quahog	12/27/10 <sup>a</sup>											

<sup>a</sup> Final rule applies for surfclam and ocean quahog fishing years 2011, 2012, and 2013.

<sup>b</sup> Proposed rule applies for summer flounder and scup fishing years 2103 and 2014 and black sea bass fishing year 2013.

<sup>c</sup> Proposed rule applies for mackerel fishing years 2013-2015 and butterfish fishing year 2013 (longfin and Illex squids were set in 2012 for fishing years 2012-2014).

## Mid-Atlantic Fishery Management Council Briefing Book Survey

October 2012



Please rate the following features of the Council's briefing materials. Provide any specific comments in the space below.

	answered question						16	
	skipped question						3	
	Excellent	Good	Fair	Poor	Extremely poor	No opinion	Rating Average	Response Count
Overall quality	43.8% (7)	<b>56.3% (9)</b>	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	4.44	16
Timeliness of delivery	25.0% (4)	<b>56.3% (9)</b>	18.8% (3)	0.0% (0)	0.0% (0)	0.0% (0)	4.06	16
Organization of contents	<b>62.5% (10)</b>	31.3% (5)	6.3% (1)	0.0% (0)	0.0% (0)	0.0% (0)	4.56	16
Clarity of information	31.3% (5)	<b>56.3% (9)</b>	12.5% (2)	0.0% (0)	0.0% (0)	0.0% (0)	4.19	16
Level of detail	<b>53.3% (8)</b>	40.0% (6)	6.7% (1)	0.0% (0)	0.0% (0)	0.0% (0)	4.47	15
Quality of figures/tables	31.3% (5)	<b>56.3% (9)</b>	12.5% (2)	0.0% (0)	0.0% (0)	0.0% (0)	4.19	16
Quality of staff memos	<b>50.0% (8)</b>	<b>50.0% (8)</b>	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	4.5	16
Organization of public comments	37.5% (6)	<b>50.0% (8)</b>	12.5% (2)	0.0% (0)	0.0% (0)	0.0% (0)	4.25	16
Overall appearance	31.3% (5)	<b>62.5% (10)</b>	0.0% (0)	0.0% (0)	0.0% (0)	6.3% (1)	4.06	16

### Comments:

1. Would be helpful if we could get it a little sooner
2. Overall I think the briefing book is well done. The material is complete and provide me the information I need to make an informed decision.
3. The binder **needs stronger glue.**
4. Pages come loose from briefing book--the thick books, in particular
5. I think that you do a really good job!
6. very happy with book
7. Sections are often inconsistently formatted.

### How can we improve the **CONTENT** and **CLARITY** of briefing materials? Please provide any general or specific recommendations.

1. **Fact sheets** with easy to read/understand bullet points that Council Members with little time can peruse.
2. No Comment Possible a public comment summary? Although i know that many come in last minute.
3. Include more **fishery data parameters and less discussion. Make it more of a report format - needs to include recent data and trending graphs back to the start of reporting . NEFSC reports should be included. Summaries need to follow the same format / template across species and must address fishery data more uniformly. Contact info for SSC NEFSC authors should be provided. More geospatial and temporal analysis of migratory patters and fishing activity by quarter. EFH and**



**bycatch is not being included/ addresses/ reported/discussed in Council reports and agendas. The goal of the report is to give fishery all the recent scientific and fishery catch data in a usable format to make decisions.**

4. **Provide a cover memo listing the enclosed materials** when specifications are being set. The memos for summer flounder, scup, BSB, and bluefish were helpful.
5. Can the powerpoints of the **presenters** be included?
6. Try to aim for a little **more consistency in the presentation of the information**, e.g. the organization and presentation of information provided using tables. It appears different staff may have their own ideas about what looks good or works.
7. **1/2 page summary of tab contents** and actions to be taken.
8. I'd like to briefing book sooner but realize you have time constraints.
9. **Provide a repeatable organization.** Staff recommendations should be up front (include proposed Motion language if available) and details are more specific towards the back of each section.

**Have any particular materials (documents, memos, tables/figures, entire tabs, etc.) from 2012 briefing books been particularly useful/effective? Please explain why.**

1. **I rely heavily on the Staff Memos.** This type of summary document is extremely helpful when trying to digest all of the provided information over a short period of time
2. Several of the **fishery and catch analyses in SMB amendment** were very good.
3. **Monitoring Committee meeting memos** (in general), **Table A in Summer Flounder, Scup, BSB MC meeting summary** (ABCs, ACTs, quotas), **Spiny Dogfish management measures table in October briefing book**, **2012 Butterfish ABC & SSC Background memo**, **SSC meeting memos** (in general)
4. **The use of color in figures** helps a lot.
5. I use the CD...not as effective as a book but has cost / time advantages.
6. Having the CD Rom with the briefing book enables me to print specific items for paper filing and distribution.
7. **Tabs are critical.** I would like to see the **same format for tables/figures** each time they are used.

**Have any particular materials (documents, memos, tables/figures, entire tabs, etc.) from 2012 briefing books been particularly poor/ineffective? Please explain why.**

1. No. Nothing poor/ineffective, however, I allocate my preparation time to the most important items (Actions Needed) and I spend very little time looking over items that are informational only and will be presented at the meeting.
2. The **recent frameworks were very limited in their analyses/Justification for action/** basis for ad hoc development.
3. Stock projection outputs aren't very "user friendly". Nice to see these as graphs.
4. no
5. The **keys need to be clear and readable.** An example is the Spiny Dogfish Amendment 3, where the figures were just too small for the key to be easily readable.
6. It would be good to **include staff PPT presentations** in the materials, although time might be an issue for staff..
7. No

**How can we improve the ORGANIZATION of briefing materials? Please provide any general or specific recommendations.**

1. I think the tabs can be linked more effectively in a **one page cover directory.** I think SAFMC uses a format that actively links the tabs.
2. I think it is organized well
3. **Uniform organization** of every tab into 1) NEFSC report summary; 2) fishery information 3) catch/discard data 4) NOAA comments 5) public comments.
4. **Cover memos at the beginning of the tab when setting specifications are helpful.** These might be helpful for other tabs with multiple pieces of info.
5. It's OK.
6. No suggestions
7. It is well organized now.

What percentage of the information in the briefing book do you find relevant to the Council's discussion/actions?

	Response Percent	Response Count
100%	25.0%	4
75-99%	56.3%	9
50-74%	18.8%	3
25-50%	0.0%	0
0-25%	0.0%	0
0%	0.0%	0

What percentage of the briefing materials do you typically review prior to meetings?

	Response Percent	Response Count
0%	0.00%	0
20%	0.00%	0
40%	6.30%	1
60%	18.80%	3
80%	37.50%	6
100%	37.50%	6
	Comments	3

1. The remaining 20% in the evening before the topic comes up.
2. Depends on the number of actions to be taken at the meeting. That is what I focus on in my pre-meeting review
3. All MAFMC members are obligated to come prepared!



**Please provide specific examples of items that we currently include in the briefing materials which you think are NOT relevant to Council discussions/actions.**

1. I would say that it is all 'relevant'...however, like a i said earlier, there is a alot of extra information that i that i dont spend much time looking at prior to the meeting.
2. Can't think of any. At a minimum, the briefing materials provide good background information for the particular agenda items
3. none
4. none
5. I can't think of any.

**Please answer the following questions about the format of briefing books.**

	Hard copy briefing book	Briefing materials on CD	Briefing materials on the Council's website	None	Response Count
Which type(s) of briefing materials do you RECEIVE prior to Council meetings?	62.5% (10)	93.8% (15)	18.8% (3)	0.0% (0)	16
Which type(s) of briefing materials do you REVIEW prior to Council meetings?	62.5% (10)	50.0% (8)	25.0% (4)	0.0% (0)	16
Which type(s) of briefing materials do you USE during Council meetings?	56.3% (9)	62.5% (10)	6.3% (1)	0.0% (0)	16
Which type(s) of briefing materials do you want to CONTINUE to receive in the future? (This is for our information only. No changes to briefing material distribution will be made based on your response).	62.5% (10)	87.5% (14)	37.5% (6)	0.0% (0)	16

**Please provide any recommendations for improving the electronic briefing materials (CD or online).**

1. I would suggest considering **revising the directory to include links to all of the tabs** to facilitate moving efficiently through the briefing book. With respect to content I think we would benefit from highlighting decision points in staff memos on the first page of the document. This would facilitate more efficient motion making from the Council. This would be most applicable to staff memos on specifications and frameworks, rather than DEIS documents. More complex documents still may benefit from a sheet that identifies all of the decision points to facilitate motion making and to help committee chairs manage meetings efficiently
2. **small file sizes**...if possible. make sure that the pdf's are printable. i had trouble with materials from the last meeting in long branch.
3. All council materials - past and present should be compiled in a **central searchable format**.
4. **It's not always practical to include copies of large documents such as stock assessments & FMPs in the briefing book. However, these can be useful source documents that could be available on CD and/or online**
5. I need better technology (time for an upgrade) Wouldn't it be better to have it in the "cloud" so that you wouldn't have to prepare CD's and could update on the fly?
6. Receive CD's sooner
7. none

## Moore, Christopher

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**From:** Dancy, Kiley  
**Sent:** Friday, November 23, 2012 1:27 PM  
**To:** Moore, Christopher  
**Subject:** FW: Re:

Hi Chris,  
FYI - this is the response I got from Katie Richardson on the EA vs. EIS issue – looks like we need to talk about preparing an NOI.

Kiley

**From:** Katherine Richardson - NOAA Federal [mailto:katherine.richardson@noaa.gov]  
**Sent:** Tuesday, November 20, 2012 12:19 PM  
**To:** Dancy, Kiley  
**Cc:** Aja Szumylo - NOAA Federal  
**Subject:** Re:

Hey Kiley,

An EIS is only necessary if **significant** effects or impacts are expected from the action. That covers both beneficial and detrimental impacts from the action - either can trigger the need to prepare an EIS. We usually make the call after a range of alternatives has been decided upon. Depending on the purpose of the action, sometimes it can be determined earlier, but with actions like this where its difficult to determine the range of potential impacts ahead of time. We generally discuss this internally at this point and continue discussions until we can make a solid decision. In this case, we are recommending that a Notice of Intent (NOI) to prepare an EIS is filed to begin scoping, but that the notice should include a caveat that only an EA may be completed depending upon the range of impacts. That way we have flexibility to go with either as needed in the future. Ideally the scoping process (which is also required, in some form, under the MSA) should inform the range of alternatives and the impacts analysis, so that's really the first step and goes along with the early FMAT meetings.

Just as an FYI, I am the NEPA person for Squid Mackerel Butterfish but I am also the NEPA person for the New England Council's habitat PDT - I believe I met you at one of those meetings - so I am familiar with the work that they have done for their action. I know Aja has also emailed you to let you know I will be covering for her for the Sustainable Fisheries role while she's out on maternity leave. The NEPA process is irritating to get a handle on when you're new to everything, so please let me know if you have any questions.

Katie

On Tue, Nov 20, 2012 at 11:58 AM, Dancy, Kiley <[KDancy@mafmc.org](mailto:KDancy@mafmc.org)> wrote:

Hi Katie,

Thanks for getting back to me – and I hope you're feeling better this week. Regarding the possibility of doing an EA, nearly everyone I've talked to about it seems to have the idea that it's sort of a "high EA/low EIS," and there needs to be



some discussion on what would be most appropriate. I've also been told that we could start out doing an EIS and switch to an EA if appropriate, or vice versa if an EIS is necessary. Since I'm new to this, I only have a vague idea of how the EA vs. EIS decisions are usually made. At what point do you usually have these internal discussions?

Right now, we don't really have a range of possible alternatives except for what is included in the draft action plan and the draft Memorandum of Understanding between the NEFMC, MAFMC, and SAFMC. It's basically a list, in general terms, of what New England has considered or pursued:

- Designation of coral protection zones based on the discretionary authority described in Section 303(b)(2)(b) of the MSRA. These zones could possibly include:
  - Large precautionary areas based on a freeze-the-footprint of fishing approach
  - Enhanced protections in discrete areas known to or expected to contain high concentrations of corals
- Designation of deep sea corals as a component of Essential Fish Habitat or as Habitat Areas of Particular Concern
- Measures to minimize bycatch of deep sea coral species
- Special access programs to provide for continued fishing in or near coral areas for specific fisheries or gear types
- Exploratory fishing programs to allow for future development of new fisheries in a way that protects corals

I talked with Chris Moore about this yesterday, and he said that the range of possible alternatives would be something we'd need to discuss during our first FMAT meeting. So, let me know if you have any initial thoughts on this - I'm about to finalize the date for the first FMAT meeting, likely December 6. I'll be around today and tomorrow, and most of next week, so feel free to give me a call if you'd rather discuss that way. Thanks for your help,

- Kiley

Kiley Dancy

Assistant Plan Coordinator

Mid-Atlantic Fishery Management Council

302-526-5257 (direct)

Email: [kdancy@mafmc.org](mailto:kdancy@mafmc.org) or [kiley.dancy@noaa.gov](mailto:kiley.dancy@noaa.gov)

**Draft Action Plan (as of 11/21/12)**  
**To Develop Amendment to Address**  
**Scup Allocation**

**Council:** Mid-Atlantic Fishery Management Council

**Motion to Initiate:** August 2012 Motion - Move to initiate an Amendment to: (1) revise the scup commercial:recreational 78:22 split with an upper bound of 60:40 and (2) reallocate the scup commercial quota from the winter periods to the summer period, with up to 50 percent of the quota being allocated to the summer.

**Additional expertise sought:** FMAT needs to be formed.

<b>Fishery Management Action Team (FMAT)</b>		
<b>Agency</b>	<b>Role</b>	<b>Person</b>
MAFMC	FMAT Chair	Kiley Dancy, Jessica Coakley
MAFMC	Staff	José Montañez
ASMFC	Fisheries Management	?
NMFS NERO	General Counsel	?
NMFS NERO	Sustainable Fisheries	?
NMFS NERO	NEPA	?
NMFS NERO	Habitat	?
NMFS NERO	Protected Resources	?
NMFS NERO	Fisheries Statistics (FSO)	only if needed
NMFS S&T NEFSC	Stock Assessment/Technical	?
NMFS S&T NEFSC	Economist	?
NMFS S&T NEFSC	Social Scientist	?

**Title of Action:** Amendment 18 to the Summer flounder, Scup, and Black Sea Bass FMP.

**Purpose and Need:** To be drafted with FMAT.

**Fisheries that apply:** Scup commercial and recreational fisheries.

**Types of Measures Expected to be Considered:** The FMAT will be developing a range of management alternatives for the Council to consider with respect to allocation.

**Type of NEPA Analysis Expected:** To be determined based on initial discussion with the FMAT, once formed. It is expected to be an EA or EIS. Categorical exclusion is not considered a viable approach for this action.

<b>Acronym</b>	<b>NEPA Analysis</b>	<b>Requirements</b>
EA	Environmental Assessment	NEPA applies, no scoping required, public hearings required
EIS	Environmental Impact Statement	NEPA applies, scoping required, public hearings required

**Applicable laws/issues:**

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Yes
Endangered Species Act	Possibly; level of consultation, if necessary, depends upon the actions taken
Marine Mammal Protection Act	Possibly; level of consultation, if necessary, depends upon the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13132 (Federalism)	Possibly; legal review will confirm
Essential Fish Habitat	Possibly; level of consultation, if necessary, depends upon the actions taken
Information Quality Act	Yes

**Timing Issues:** Timing will depend on the extent of NEPA analysis required and the analyses needed to develop the management alternatives. The addition of issues other than scup allocations would slow the amendment development process.

**Timeline for development/review/implementation:** (Assumes EIS; staff workload dependent)

Action	Timeline, based on current Council meeting schedule
FMAT letters sent, FMAT formed, and first FMAT meeting to review action plan	January-March 2013
If EIS, scoping document drafted, scoping meetings conducted	April-June 2013
Alternative development, preliminary impact analyses	July-November 2013
Presentation of draft alternatives to Council and Board (Jointly at Council Meeting)	December 2013
Ongoing alternative development (based on Council and Board input in December), build full EIS	January-July 2014
MAFMC Meeting (Council review and adopt public hearing draft); ASMFC Board consider complementary action	August 2014
Public hearings and summarization of comments (need at least 23 days of FR notice and 30 days comment period with hearings)	September-November 2014
MAFMC Meeting (Council review and approve/adopt amendment) ASMFC Board consider complementary action	December 2014
Staff submits to NMFS for secretarial approval	February 2015
Final rule effective	August 2015