



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901

Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 29, 2021
To: Council
From: Chris Moore
Subject: Executive Director's Report

The following materials are enclosed for Council review at the February 2021 Council Meeting during the Executive Director's Report:

1. 2021 Planned Council Topics
2. Status of Council Actions Under Development
3. Status of Completed MAFMC Actions and Specifications
4. Draft Action Plan to Address Current Species Separation Requirements in the Atlantic Surfclam and Ocean Quahog Fisheries
5. MAFMC Letter to GARFO Regarding Development of a Possession Limit for Bullet and Frigate Mackerel
6. 2019 Catch Accounting Report for Summer Flounder, Scup, and Black Sea Bass (cover letter and report)
7. Northeast Fisheries Impacts from COVID-19
8. Staff Memo: Aquaculture Web Page
9. Staff Memo: Stock Assessment Web Page
10. Staff Memo: Advisory Panel Reappointment Process and Communication and Outreach AP Overview
11. Staff Memo: MSA Reauthorization – Huffman/Case Discussion Draft
12. Proposed SOPP Revisions



2021 Planned Council Meeting Topics

Updated 1/29/21

February 1, 2021 (ASMFC Winter 2021 Meeting)

- Recreational Reform Initiative: Update (Joint with Policy Board)
- Black Sea Bass Commercial Allocation Amendment: Final Action (Joint with SFSBSB Board)

February 10-11, 2021 Council Meeting (Webinar)

- Atlantic Large Whale Proposed Rule and Draft Biological Opinion
- Aquaculture Update
- Offshore Wind Update
- River Herring and Shad White Papers: Review
- Bluefish Allocation and Rebuilding Amendment: Approve Public Hearing Document (Joint with Bluefish Board)

April 6-8, 2021 Council Meeting

- Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment: Final action (Joint with SFSBSB Board)
- Climate Change Scenario Planning: Update
- Golden Tilefish Multi-Year Specifications Framework: Framework Meeting 1
- 2022-2024 Blueline Tilefish Specifications: Approve
- 2021 Mid-Atlantic State of the Ecosystem Report
- 2021 EAFM Risk Assessment
- EAFM Summer Flounder Management Strategy Evaluation: Update
- RSA Redevelopment Workshop: Update

June 8-10, 2021 Council Meeting (Virginia Beach, VA)

- Advisory Panel Appointment Recommendations (Executive Committee Closed Session)
- Unmanaged Commercial Landings Report: Review
- Bluefish Allocation and Rebuilding Amendment: Final Action (Joint with Bluefish Board)
- 2022 Longfin Squid and Butterfish Specifications: Review
- 2022 *Illex* Squid Specifications: Approve
- *Illex* Incidental Trip Limit and Butterfish Mesh Regulation Modification: Review and Recommend Changes if Appropriate
- Surfclam and Ocean Quahog 2022 Specifications: Review
- Habitat Activities Update (including wind and aquaculture)

August 9-12, 2021 Council Meeting (Philadelphia, PA)

- Summer Flounder, Scup, and Black Sea Bass 2022-2023 Specifications and Commercial Measures: Approve (Joint with SFSBSB Board)
- Commercial Scup Discards and Gear Restricted Areas: Review

- Bluefish 2022-2023 Specifications: Approve (Joint with Bluefish Board)
- Recreational Reform Initiative (Joint with Policy Board)
- EAFM Summer Flounder Management Strategy Evaluation: Update and Feedback (Joint with SFSBSB Board)
- SSC Economic Work Group: Update on RSA Redevelopment Case Study
- Golden Tilefish Multi-Year Specifications Framework: Final Action
- Golden Tilefish Specifications: Review 2022 and Approve 2023-2024
- 2022 Atlantic Mackerel Specifications (including RH/S cap): Review (note that 2021 management track assessment may necessitate re-setting for 2022-2023)
- Surfclam and Ocean Quahog Species Separation Requirements: Review White Paper and Identify Next Steps

October 5-7, 2021 Council Meeting (New York, NY)

- 2022 Implementation Plan: Discuss Draft Deliverables (Executive Committee)
- Joint Council-SSC Meeting
- HMS Diet Study Final Report: Review
- Chub Mackerel 2022 Specifications: Review
- Action to Implement a Possession Limit for Bullet and Frigate Mackerel: Update
- 2022 Spiny Dogfish Specifications: Review
- Spiny Dogfish Trip Limit Analyses: Review and Recommend Changes if Appropriate
- Ocean City, MD Video Project: Review Results
- Private Tilefish Permitting/Reporting Evaluation

December 13-16, 2021 Council Meeting (Annapolis, MD)

- 2022 Implementation Plan: Approve
- Recreational Reform Initiative (Joint with Policy Board)
- Summer Flounder, Scup, and Black Sea Bass 2022 Recreational Management Measures: Approve (Joint with SFSBSB Board)
- Bluefish 2022 Recreational Management Measures: Approve (Joint with Bluefish Board)
- Biennial Review of 2020-2024 Research Priorities Document: Review and Approve
- EAFM Summer Flounder Management Strategy Evaluation: Update and Feedback (Joint with SFSBSB Board)
- RSA Workshop Report: Review
- Habitat Activities Update (including wind and aquaculture)

2021 Council Meeting Topics At-a-Glance

	February 10-11	April 6-8	June 8-10	August 8-12	October 5-7	December 13-16
Mackerel, Squid, Butterfish and River Herring and Shad (RH/S)	<ul style="list-style-type: none"> RHS White Papers 		<ul style="list-style-type: none"> 2022 <i>Illlex</i> Specs 2022 Longfin and Butterfish Specs Review <i>Illlex</i> Incidental Trip Limit and Butterfish Mesh Regulations 	<ul style="list-style-type: none"> 2022 Mackerel Specs Review (including RH/S cap) 	<ul style="list-style-type: none"> Chub mackerel 2022 Specs Review 	
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)		<ul style="list-style-type: none"> SF/S/BSB Com/Rec Allocation Amd: Final Action 		<ul style="list-style-type: none"> SF/S/BSB 2022-2023 Specs Commercial Scup Discards and GRAs: Review Rec Reform Initiative 		<ul style="list-style-type: none"> Rec Reform Initiative SF/S/BSB 2022 Rec Mgmt Measures
Bluefish	<ul style="list-style-type: none"> Bluefish Amd: Approve Public Hearing Document 		<ul style="list-style-type: none"> Bluefish Amd: Final Action 	<ul style="list-style-type: none"> Bluefish 2022-2023 Specs 		<ul style="list-style-type: none"> Bluefish 2022 Rec Mgmt Measures
Tilefish		<ul style="list-style-type: none"> Golden Tilefish Multi-Year Specs FW 2022-2024 Blueline Tilefish Specs 		<ul style="list-style-type: none"> Golden Tilefish Multi-Year Specs FW: Final Action Golden Tilefish Specs: Review 2022 and Approve 2023-2024 	<ul style="list-style-type: none"> Private Tilefish Permitting/Reporting Evaluation 	
Atlantic Surfclam and Ocean Quahog (SC/OQ)			<ul style="list-style-type: none"> SC/OQ 2022 Specs Review 	<ul style="list-style-type: none"> SC/OQ Species Separation: Review White Paper and Identify Next Steps 		
Spiny Dogfish					<ul style="list-style-type: none"> 2022 Dogfish Specs Review Dogfish Trip Limit Analysis 	
Science Issues		<ul style="list-style-type: none"> RSA Workshop: Update 		<ul style="list-style-type: none"> SSC Economic Work Group: Update on RSA Case Study 	<ul style="list-style-type: none"> Joint Council-SSC Meeting HMS Diet Study Report Ocean City Video Project: Review Results 	<ul style="list-style-type: none"> Biennial Review of 2020-2024 Research Priorities RSA Workshop Report: Review
EAFM		<ul style="list-style-type: none"> 2021 Mid-Atlantic State of the Ecosystem Report 2021 EAFM Risk Assessment EAFM Summer Flounder MSE Update 		<ul style="list-style-type: none"> EAFM Summer Flounder MSE Update 		<ul style="list-style-type: none"> EAFM Summer Flounder MSE Update

	February 10-11	April 6-8	June 8-10	August 8-12	October 5-7	December 13-16
Other	<ul style="list-style-type: none"> • Atl. Large Whale Proposed Rule and Draft Biological Opinion • Aquaculture Update • Offshore Wind Update 	<ul style="list-style-type: none"> • Climate Change Scenario Planning Update 	<ul style="list-style-type: none"> • Advisory Panel Appointments • Unmanaged Commercial Landings Report • Habitat Update 		<ul style="list-style-type: none"> • Discuss 2022 Draft Deliverables • Bullet and Frigate Mackerel Action Update 	<ul style="list-style-type: none"> • 2022 Implementation Plan: Approve • Habitat Update

Acronyms/Abbreviations

Amd	Amendment	MSE	Management Strategy Evaluation
Com/Rec	Commercial/Recreational	Mtg	Meeting
Com	Commercial	Rec	Recreational
EAFM	Ecosystem Approach to Fisheries Management	RH/S	River Herring and Shad
FMP	Fishery Management Plan	SC/OQ	Atlantic Surfclam and Ocean Quahog
GRAs	Gear Restricted Areas	SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
HMS	Highly Migratory Species	Specs	Specifications
Mgmt	Management	SSC	Scientific and Statistical Committee
MSB	Mackerel, Squid, Butterfish		

Actions Referenced in this Document

- **Bluefish Amd:** Bluefish Allocation and Rebuilding Amendment
- **SF-S-BSB Com/Rec Allocation Amd:** Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment
- **Rec Reform Initiative:** Recreational Management Reform Initiative
- **Golden Tilefish Multi-Year Specs FW:** Golden Tilefish Multi-Year Specifications Framework
- **SC/OQ Species Separation:** Action to address current species separation requirements in the Atlantic surfclam and ocean quahog fisheries
- **Bullet and Frigate Mackerel Action Update:** Action to implement a possession limit for bullet and frigate mackerel



Status of Council Actions Under Development

AS OF 1/29/21

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass	Commercial/Recreational Allocation Amendment	This joint MAFMC/ASMFC amendment will reevaluate and potentially revise the commercial and recreational sector allocations for summer flounder, scup, and black sea bass. This action was initiated in part to address the allocation-related impacts of the revised recreational data from MRIP. http://www.mafmc.org/actions/sfsbsb-allocation-amendment	The Council and Board have scheduled public hearings between February 17 and March 2, 2021 and are soliciting written comments until March 16, 2021.	Dancy/Coutre/Beaty
	Black Sea Bass Commercial State Allocation Amendment	This joint MAFMC/ASMFC action will consider adjusting the allocations of the black sea bass commercial quota among states and whether the allocations should be managed jointly by the Council and Commission. http://www.mafmc.org/actions/bsb-commercial-allocation	The Council and Board took final action on some aspects of this amendment in December 2020 and expect to take final action on the remaining alternative sets during their joint meeting on February 1.	Beaty
Bluefish	Bluefish Allocation and Rebuilding Amendment	This joint MAFMC/ASMFC amendment considers potential revisions to the allocation of Atlantic bluefish between the commercial and recreational fisheries and the commercial allocations to the states. This action will also review the goals and objectives of the bluefish FMP and the quota transfer processes and establish a rebuilding plan for bluefish. http://www.mafmc.org/actions/bluefish-allocation-amendment	The Council and Board expect to approve a public hearing document at the joint February meeting	Seeley
Summer Flounder, Scup, Black Sea Bass and Bluefish	Recreational Reform Framework and Technical Guidance Documents	The Council and Policy Board initiated a framework/addendum to address the following topics for summer flounder, scup, black sea bass, and bluefish: (1) better incorporating MRIP uncertainty into the management process; (2) guidelines for maintaining status quo recreational management measures (i.e., bag, size, and season limits) from one year to the next; (3) a process for setting multi-year recreational management measures; (4) changes to the timing of the recommendation for federal waters recreational management	The Council and Policy Board will discuss next steps during their joint meeting on February 1.	Beaty

FMP	Action	Description	Status	Staff Lead
		<p>measures; and (5) a proposal put forward by six recreational organizations called a harvest control rule. The Council and Policy Board may consider addressing some of these topics through a technical guidance document, rather than a framework/addendum.</p> <p>https://www.mafmc.org/actions/recreational-reform-initiative</p>		
	Recreational Sector Separation and Catch Accounting Amendment	<p>This joint MAFMC/ASMFC amendment considers (1) options for managing for-hire recreational fisheries separately from other recreational fishing modes and (2) options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels.</p> <p>https://www.mafmc.org/actions/recreational-reform-initiative</p>	The Council and Policy Board initiated this action at the joint October 2020 meeting. Scoping hearings may take place in fall 2021.	Beaty
Surfclam and Ocean Quahog	Addressing Current Surfclam and Ocean Quahog Species Separation Requirements	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip. The Council is exploring options to address this issue.	An FMAT has been established, and their first meeting was held 11/17/2020.	Coakley/Montañez
Omnibus	Omnibus Amendment for Data Modernization	This amendment will address the regulatory changes needed to fully implement the Agency's Fishery-Dependent Data Initiative.	The Council last received an update at the October 2018 meeting.	GARFO/NEFSC

Timeline and Status of Recent MAFMC Actions and Amendments/Frameworks Under Review

As of 1/29/21

The table below summarizes the status of actions after they have been approved by the Council. For information about the status of Council actions under development, please see the document titled "Status of Council Actions Under Development."

Status	Amendment/Framework	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule Published	Approval/Disapproval Letter	Final Rule Published	Regs Effective	Notes
Open	Summer Flounder Commercial Issues and Goals and Objectives Amendment	TBD	3/6/19	3/17/20	5/7/20	7/29/20	8/12/20	10/19/20	12/14/20	1/1/21	
Open	Excessive Shares Amendment	TBD	12/9/19	4/24/20	9/25/20						
Open	Omnibus Risk Policy Framework	TBD	12/9/19	8/5/20	10/16/20		11/12/20		12/15/20	12/15/20	
Open	Omnibus Commercial eVTR Framework	TBD	MAFMC: 12/11/19; NEFMC: 1/29/20	3/4/20	4/14/20	7/17/20	7/17/20		11/10/20	11/10/21	
Open	MSB FMP Goals/Objectives and Illex Permits Amendment	MSB AM 22	7/16/20								Planned submission February 2021.

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 1/29/21

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Golden Tilefish	2021-2022	4/8/20	5/11/20	7/21/20	11/13/20	12/21/20	12/21/20	
Blueline Tilefish	2019-2021	4/11/18	8/17/18	10/24/18	11/19/18	2/12/19	2/12/19	
Surfclam and Ocean Quahog	2021-2026	8/12/20	9/2/20					
Longfin Squid	2021-2023	8/10/20	10/14/20					
Butterfish	2021-2022	8/10/20	10/14/20					
Illex Squid	2020-2021	6/17/20	10/14/20					NMFS already implemented 2020 via inseason action and SIR completed by staff - 2021 in same EA as MSB approved in Aug
Atlantic Mackerel (including RH/S cap)	2021-2022	8/10/20	10/14/20					
Chub mackerel	2020-2022	3/7/19	5/31/19	10/25/19	3/9/20	8/4/20	9/3/20	Reviewed October 2020. No changes recommended.
Bluefish	2021 (revised)	8/11/20			11/5/20	12/16/20	12/16/20	
Summer Flounder, Scup, Black Sea Bass	2021 (revised)	8/11/20	9/30/20	11/20/20	11/17/20	12/21/20	1/1/21	
Spiny Dogfish	2021-2022	10/6/20	12/7/20					

Recreational Management Measures

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder recreational measures	2021	12/15/20	1/20/21					Rulemaking required each year to continue use of conservation equivalency
Black sea bass recreational measures	2021	2/14/18	3/5/18	4/10/18	4/11/18	5/31/18	5/31/18	Reviewed in 2020. No changes from previous year's measures.
Scup recreational measures	2021	12/10/14	3/20/15		5/5/15	6/19/15	6/19/15	Reviewed in 2020. No changes from previous year's measures.
Bluefish recreational measures	2021	12/10/19	1/23/20	3/19/20	5/25/20	6/29/20	6/29/20	Reviewed in 2020. No changes from previous year's measures.

**Draft Action Plan
to Address Current Species Separation Requirements in the
Atlantic Surfclam and Ocean Quahog Fisheries
(updated as of January 27, 2021)**

Council: Mid-Atlantic.

Type of Action: Initially a White Paper.

Applicable Fisheries: Atlantic Surfclam and Ocean Quahog.

Objective of Action: The objective of the initial white paper is to synthesize information on the scale and scope of co-occurrence ("commingling") in the surfclam and ocean quahog fisheries and the extent to which this has created issues for the industry related to the current species separation requirements. This paper will develop recommendations for options to address these issues.

Background: Current regulations do not allow for both surfclam and ocean quahog to be landed on the same trip or placed in the same cages - these are a result of the Individual Transferable Quota (ITQ) system which requires landings by species to be effectively tracked. Industry has expressed concern about the commingling of these clams on trips because of potential enforcement concerns. Industry noted that they are currently avoiding areas where species co-occur to the extent possible because mixed catches are undesirable, as processors can only process one species at a time. There is not an easy way to fully separate these species onboard and industry has indicated that onboard sorting by hand is not a desirable outcome.

Expected Results: The white paper will describe the extent of the co-occurrence of the species, and how this relates to the current species separation regulations and enforcement of those regulations, the data streams collected to accurately manage these species (e.g., for stock assessments, catch limit and ITQ fishery monitoring, etc.), and industry operations and practices. It will evaluate current sources of data (e.g., observer (onboard), dockside (port sampling), dealer data (shoreside), clam survey, etc.) and will solicit industry input on this issue. The white paper will also explore options/approaches to separate the catch (e.g., by hand or through automatized means such as electronic monitoring (EM)). This paper should summarize information available on different types of approaches to address the issue, as well as some of the potential costs.

It is possible that the recommendations made in the white paper could be addressed via regulatory action by NMFS or recommendations for new measures and regulations by the Council through an Amendment.

Additional Expertise Sought: The Fisheries Management Action Team (FMAT) for this action will be composed of staff from the Council, Greater Atlantic Regional Fisheries Office (GARFO), the Northeast Fisheries Science Center (NEFSC) and NOAA/NMFS Office of Science and Technology (OST). The FMAT will serve as the primary team for amendment development and analysis.

Fishery Management Action Team (FMAT)		
Agency	Role	Person
MAFMC	FMAT Chair	Jessica Coakley
MAFMC	Other Staff Technical Support	José Montañez
NMFS GARFO	Sustainable Fisheries – GARFO	Douglas Potts
NMFS GARFO	Analysis & Program Support Division	John Sullivan
NMFS NEFSC	Socioeconomics	John Walden
NMFS NEFSC	Resource Evaluation & Assessment/Population Dynamics	Daniel Hennen
NMFS OST	Electronic Technologies	Brett Alger

Other Issues: No additional development issues have been identified.

Tentative Timeline (dependent on progress on action):

Note: *Italics = complete.*

<i>July 2020</i>	<i>FMAT formed</i>
November 17, 2020	<i>FMAT meeting</i>
November 2020 - January 2021	Review data to assess scope of co-occurrence of species
January 2021	Begin developing white paper
February 2021	Include Action Plan in Briefing Book Materials
April 2021	Input from Advisory Panel on preliminary analysis
May 2021	FMAT meeting
July 2021	FMAT Findings presented to SCOQ Committee
August 2021	FMAT reports white paper findings to the full Council and SCOQ Committee. Council provides direction to the FMAT on next steps



Mid-Atlantic Fishery Management Council

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Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

January 4, 2021

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Mr. Pentony:

During their December 2020 meeting, the Mid-Atlantic Fishery Management Council (Council) adopted a 2021 Implementation Plan, which includes initiation of an action to implement a possession limit for frigate mackerel (*Auxis thazard*) and bullet mackerel (*A. rochei*) in the Mid-Atlantic. Further consideration of the appropriate type of management action and the specific options to be considered will take place in 2021 in coordination with GARFO.

Bullet and frigate mackerel are prey for many species, including wahoo, blue marlin, yellowfin tuna, and dolphin. Their ecosystem importance is underscored by the South Atlantic Fishery Management Council's recent action to designate them as Ecosystem Components through Amendment 12 to their Dolphin Wahoo Fishery Management Plan.

Available data suggest that catch of bullet and frigate mackerel in the Mid-Atlantic is low. The Mid-Atlantic Council wishes to consider a proactive approach to preventing increased harvest of these ecologically important species, unless such harvest can be done in a sustainable manner supported by the best scientific information available.

As a first step in determining the most appropriate path forward, the Council requests clarified guidance from NMFS on the use of the Ecosystem Component (EC) designation, including how measures intended to protect the ecosystem roles of such species may be implemented across jurisdictions and fishery management plans.

The National Standards Guidelines at 50 CFR 600.310(c)(5) state that "Councils may choose to identify stocks...as EC species...if a Council determines that the stocks **do not require conservation and management** based on the considerations and factors in paragraph (c)(1) of this section...Consistent with NS9, MSA Section 303(b)(12)...**management measures can be adopted** in order to...protect the role of EC species in the ecosystem, and/or to address other ecosystem issues" (emphasis added).

The South Atlantic Council's Dolphin Wahoo Amendment 12 brought to light regional differences in interpretation regarding permissible management measures for species which do not "require conservation and management." The Councils would benefit from clarified guidance regarding how discretionary management measures can be used to protect the ecosystem role of a prey species,

without such measures implying that the stocks “require conservation and management” (and thus should not be designated as ECs).

In addition, given that the ecosystem importance of bullet and frigate mackerel is not restricted to the jurisdiction of a single Council, guidance is also requested for how the EC designation can be used to protect the ecosystem role of a stock across jurisdictions and fishery management plans.

We look forward to working with GARFO on this issue in the new year.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke at the end.

Christopher M. Moore, Ph.D.
Executive Director

CC: M. Luisi, P. Townsend, T. DiLernia, D. Hemilright, P. deFur, J. Beaty, E. Gilbert, J. Carmichael, J. Hadley



January 15, 2021

Dr. Christopher Moore
 Executive Director
 Mid-Atlantic Fishery Management Council
 800 North State Street, Suite 201
 Dover, DE 1990

Dear Chris:

We recently completed the 2019 summer flounder, scup, and black sea bass year-end catch accounting, and the final report is attached to this letter. A summary table is provided below (Table 1).

Table 1: Fishing year 2019 summer flounder, scup, and black sea bass catch, overfishing limits, and acceptable biological catches (amounts presented in metric tons (mt)).

Stock	Total Catch	Overfishing Limit (OFL)	Difference	Acceptable Biological Catch (ABC)	Difference
Summer Flounder	9,816	13,609	-32%	11,354	-14%
Scup	11,642	18,612	-46%	16,525	-35%
Black Sea Bass	5,370	4,667	14%	4,055	28%

In 2019, there were no overages of the ABCs or OFLs for summer flounder and scup. The recreational and commercial annual catch limits (ACL) for both species were not exceeded.

However, in 2019, black sea bass catch exceeded most of the established catch limits, including OFL (Table 2). Total catch of black sea bass was 5,370 mt, the OFL was 4,667 mt, and the ABC was 4,055 mt. The status determination criteria for black sea bass make use of the annual fishing mortality rate (F) relative to a maximum fishing mortality rate (MFMT) to determine if overfishing has occurred. As explained below, it is not currently possible to make an appropriate F-based overfishing determination given changes in data and assessment methodology. However, exceeding the OFL is cause to alert the Council and warrants further evaluation.

Table 2: Fishing year 2019 black sea bass specifications compared to the year-end data (in mt).

Black Sea Bass 2019 Specifications		Black Sea Bass 2019 Catch and Landings Data		Difference
OFL	4,667	Total Catch	5,370	14%
ABC	4,055	Total Catch	5,370	28%
Commercial ACL = ACT	1,974	Commercial Catch	2,330	16%



Projected Commercial Discards	377	Commercial Discards	731	64%
Commercial Quota	1,596	Commercial Landings	1,599	0.2%
Recreational ACL = ACT	2,083	Recreational Catch	3,040	37%
Projected Recreational Discards	422	Recreational Dead Discards	1,468	111%
Recreational Harvest Limit	1,661	Recreational Landings	1,572	-6%

Fishing year 2019 was the last year that the black sea bass catch limits were based on the previous Marine Recreational Information Program (MRIP) catch estimation process and data; 2020 and 2021 catch limits were established from an updated stock assessment in 2019, which incorporated the new, revised MRIP time series. This new assessment yielded considerably higher catch limits, including the OFL, in comparison to catch limits established using the previous MRIP information. The 2020 OFL was 8,795, and the 2021 OFL is 8,021 mt, in contrast to the 2019 OFL of 4,667 mt. Had the 2019 catch limits been set using the new MRIP time series we expect that the OFL, ABC, and corresponding limits for the commercial and recreational fisheries would have been significantly higher.

The MFMT, the level at which overfishing occurs on the stock, is 0.46. The 2019 stock assessment assumed catch of black sea bass, in 2019, was 7,917 mt, which would have resulted in an estimated fishing mortality of 0.33, below the 0.46 threshold. Actual 2019 catch was 5,370 mt,. Although these values cannot be directly compared because of the different MRIP data used in the 2019 assessment and 2019 catch accounting, it provides meaningful context to the 2019 overage.

However, until we are able to evaluate the 2019 catch in the context of the new MRIP time series, we cannot determine if that level of catch resulted in exceeding the fishing mortality target causing overfishing, or would result in a negative impact on the stock. A management track assessment for black sea bass is scheduled for June 2021. A data update from August 2020 indicated continued stock growth (increasing biomass indices) for a stock that, during the last assessment, was determined to be 2.4 times above the biomass target.

The 2019 recreational harvest limit (RHL) was not exceeded; however, recreational discards were 1,046 mt more than the projected level used in the specification-setting process (i.e., reduction from annual catch target (ACT) to RHL). Similarly, commercial discards were more than projected, resulting in overall commercial catch that exceeded the commercial ACT and ACL. Underestimation during specification setting of both commercial and recreational discards has been an issue for several recent years. At its October 2020 meeting, the Council adopted the Monitoring Committee’s recommendation to revise the discard estimation methodology to address concerns of persistent underestimation. This method results in more catch being set aside to account for discards in both sectors. The updated method was applied when setting the 2021 catch limits, correcting part of the operational issue that contributed to the 2019 OFL overage.

We do not intend to adjust 2021 catch limits in response to the 2019 overage. The best available scientific information on black sea bass indicates that the stock is well above the biomass target and increasing. Moreover, the 2021 catch limits, and the 2020 limits before those, based on the most recent assessment information incorporating the revised MRIP estimates were expected to

provide a high probability of ensuring overfishing would not occur. The Council has addressed the operational issue of discard underestimation and while the new methods have not been fully evaluated against year-end accounting, they are expected to have greater efficacy in preventing OFL overages. The Council may recommend additional catch limit changes or other management responses if it so chooses.

The 2021 stock assessment update will also provide us important information to better assess the impact of 2019 catch. We encourage the Council to continue to closely monitor the performance of the black sea bass fishery, including discard estimates, and take appropriate actions necessary to ensure overfishing does not occur.

If you have any questions on the report, please contact Emily Keiley at (978) 281-9116.

Sincerely,



Michael Pentony
Regional Administrator

cc: Dr. Jon Hare, Science and Research Director, Northeast Fisheries Science Center

Enclosure

FY2019 summer flounder Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (6,136 mt)
summer flounder commercial landings	8,461,219	3,838	62.5%
summer flounder state-permitted only vessel landings	602,857	273	4.5%
summer flounder estimated dead discards	1,738,145	788	12.8%
summer flounder commercial catch	10,802,221	4,900	79.9%

Source: commercial fisheries dealer accessed on November 10, 2020; and observer reports accessed on July 25, 2020.

	Pounds	Metric tons	Percent of Commercial quota (4,981 mt)
summer flounder commercial landings (including commercial Research Set-Aside landings)	9,064,076	4,111	
summer flounder commercial Research Set-Aside landings	0	0	
summer flounder commercial landings (excluding commercial Research Set-Aside landings)	9,064,076	4,111	82.5%

Source: commercial fisheries dealer reports database and Research Set-Aside landings database, accessed on November 10, 2020.

	Pounds	Metric tons	Percent of RAFL (5,218 mt)
summer flounder recreational landings	7,798,282	3,537	67.8%
summer flounder recreational dead discards	3,040,175	1,379	26.4%
summer flounder recreational catch	10,838,457	4,916	94.2%
summer flounder recreational Research Set-Aside landings	0	0.0	

Source: MRIP website, queried on November 6, 2020; Research Set-Aside landings database, accessed on November 10, 2020; Mark Terciero, personal communication, November 12, 2020.

FY2019 scup Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (12,891mt)
scup commercial landings	11,650,166	5,284	41.0%
scup state-permitted only vessel landings	2,133,914	968	7.5%
scup estimated dead discards	5,241,897	2,378	18.4%
scup commercial catch	19,025,977	8,630	66.9%

Source: commercial fisheries dealer accessed on November 10, 2020; and observer reports accessed on July 25, 2020.

	Pounds	Metric tons	Percent of Commercial quota (10,877 mt)
scup commercial landings (including commercial Research Set-Aside landings)	13,784,080	6,252	
scup commercial Research Set-Aside landings	0	0	
scup commercial landings (excluding commercial Research Set-Aside landings)	13,784,080	6,252	57.5%

Source: commercial fisheries dealer reports database and Research Set-Aside landings database, accessed on November 10, 2020.

	Pounds	Metric tons	Percent of RAFL (3,633 mt)
scup recreational landings	5,404,647	2,452	67.5%
scup recreational dead discards	1,234,589	560	15.4%
scup recreational catch	6,639,235	3,012	82.9%

Source: MRIP precalibrated data, sent by Ryan Kitts-Jensen on November 17, 2020; Mark Terceiro, personal communication, November 12, 2020.

FY2019 black sea bass Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (1,973 mt)
black sea bass commercial landings	2,876,726	1,305	66.1%
black sea bass state-permitted only vessel landings	648,225	294	14.9%
black sea bass estimated dead discards	1,611,611	731	37.1%
black sea bass commercial catch	5,136,562	2,330	118.1%

Source: commercial fisheries dealer database accessed on November 9, 2020; and observer reports accessed on July 26, 2020.

	Pounds	Metric tons	Percent of Commercial quota (1,597 mt)
black sea bass commercial landings (including commercial Research Set-Aside landings)	3,524,951	1,599	
black sea bass commercial Research Set-Aside landings	0	0	
black sea bass commercial landings (excluding commercial Research Set-Aside landings)	3,524,951	1,599	100.1%

Source: commercial fisheries dealer reports database, and Research Set-Aside landings database, accessed on December 12, 2019; and observer reports accessed on July 26, 2020.

	Pounds	Metric tons	Percent of RACL (2.082 mt)
black sea bass recreational landings	3,465,844	1,572	75.5%
black sea bass recreational dead discards	3,236,386	1,468	70.5%
black sea bass recreational catch	6,702,230	3,040	146.0%
black sea bass recreational Research Set-Aside landings	0	0	

Source: MRIP precalibrated data, sent by Ryan Kitts-Jensen on November 17, 2020; Research Set-Aside landings database accessed on November 9, 2020; Gary Shepherd, personal communication, December 1, 2020.



NOAA
FISHERIES

In April 2020, NOAA Fisheries prepared its first national report on the regional impacts of COVID-19 on the commercial, recreational and aquaculture sectors. This report updates that initial assessment, capturing economic changes experienced by the fishing industry as the country began its phased reopening along with infusion of Federal funding through the CARES Act. NOAA Fisheries will continue to use this information to identify economic hardship where it exists and identify pathways for enhancing the resilience of the U.S. seafood and fisheries industries.

Northeast Snapshot, January-June 2020



Northeast Fisheries Impacts from COVID-19

Commercial Fisheries Landings Trends and Impacts through June 2020

From 2015 to 2019 an average of approximately 13,500 commercial fishing vessels operated in the Northeast region, accounting for an average of \$1.82 billion in ex-vessel revenue. Of these vessels, about 3,400 held permits issued by the Greater Atlantic Regional Fisheries Office (GARFO), which accounted for 69% of region-wide harvest revenue while the remaining 31% of regional fishing revenue was landed by 10,100 vessels that either fished in state waters or fished in the EEZ for species that are not regulated by a Federal Fishery Management Plan (FMP) or held federal permits for Highly Migratory Species (HMS) (e.g. tunas, swordfish, and sharks) that are not issued by GARFO. The Northeast has a variety of commercial fisheries, with lobsters and scallops alone averaging just over \$1 billion (64%) of total landings revenue from 2015 to 2019 (see Figure 1). Important fisheries for blue crab, squids, groundfish, menhaden, surfclams, ocean quahogs, summer flounder, black sea bass, scup, monkfish, and Jonah crab accounted for an additional \$392 million. These fisheries combined with lobster and scallops accounted for an average of 86% of landings revenue.

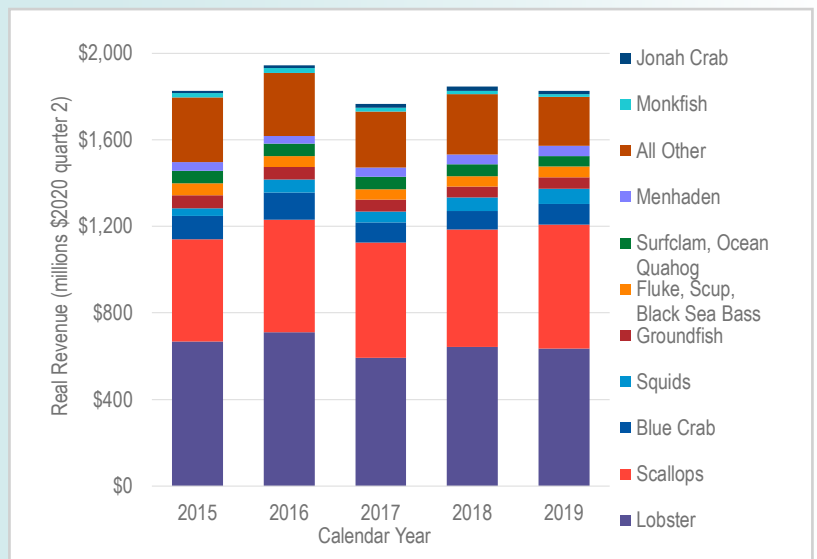
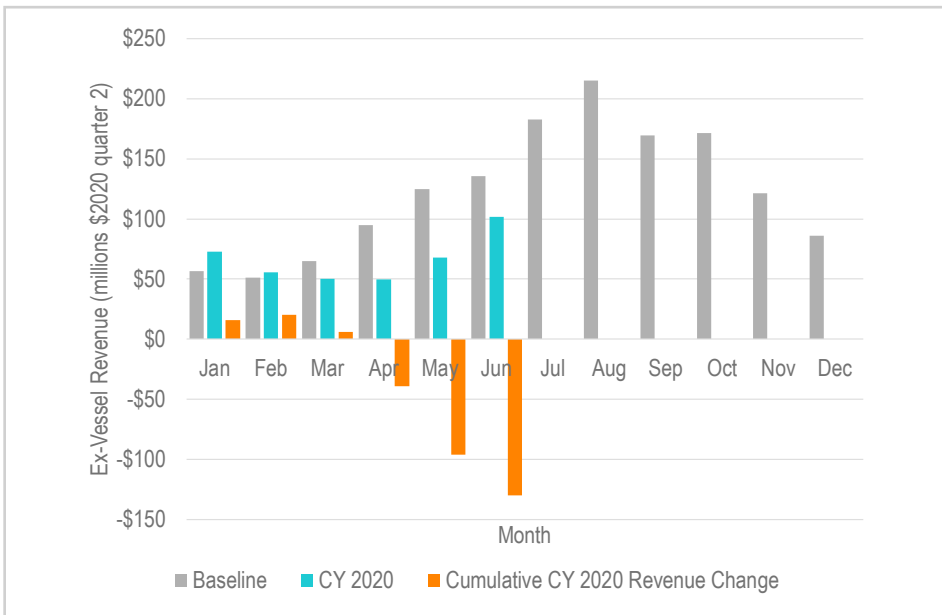


Figure 1. Inflation adjusted ex-vessel revenue for the top 10 Northeast region fisheries.

Although most Northeast fisheries are prosecuted year-round, there are seasonal differences among fisheries that have implications for the timing and magnitude of potential market disruptions resulting from COVID-19. For many fisheries, 40 to 60% of annual revenue is earned during the months from January to June. Figure 2 plots the 2015-2019 January-Dec baseline monthly average revenue from lobster and species that are regulated by the Regional Councils (New England and Mid-Atlantic) and 2020 Jan-Jun revenues.¹ Calendar year 2020 revenues exceeded baseline revenue during January and February but have been below baseline March to June for a cumulative difference of -\$126 million. The majority of the cumulative reduction in 2020 revenues occurred in April and May (70%) of which \$79 million was associated with reduced revenue from American lobster (\$21 million) and sea scallops (\$58 million) (see Figure 3). The reduction in sea scallop revenue was partly due to a 17% reduction in the scallop quota from 2019 levels that took effect at the start of the scallop fishing year on April 1, 2020. Based on 2015-2019 average share of landings for April (10.7%) and May (15.4%) expected 2020 landings for a 51.6 million pound quota would be 5.5 and 7.9 million pounds in April and May respectively. Actual landings were 4.4 million pounds in April and 5.3 million pounds in May for an aggregate reduction of 3.7 million pounds. Note that June scallop landings were 7.3 million pounds, which is nearly equal to what would be expected based on 14% of a 51.6 million pound quota and is similar to the baseline average landings for June. However, June scallop prices were nearly 13% below the 2015-2019 average resulting in 2020 June revenues \$8.7 million below baseline. In fact, lower prices have been a general trend for many species throughout the Northeast region.



Across nearly all species, month over month prices have been well below baseline 2015-2019 prices (see Figure 4) even as landings have been down. For example, lobster prices were initially 13% above baseline average prices in January but declined by 39.6% to \$4.82 per pound in March, 2020 compared to an average of \$7.99 per pound during March, 2015-2019. In June 2020 the average price per pound fell to \$3.82 from a 2015-2019 June price of \$5.29 per pound. Surfclam and ocean quahog prices per bushel were one of the few species where 2020 prices have remained at or slightly above 2015-2019 baseline prices.

Figure 2. Ex-vessel monthly revenue for the baseline (2015-2019), CY2020, and the cumulative CY2020 revenue change.

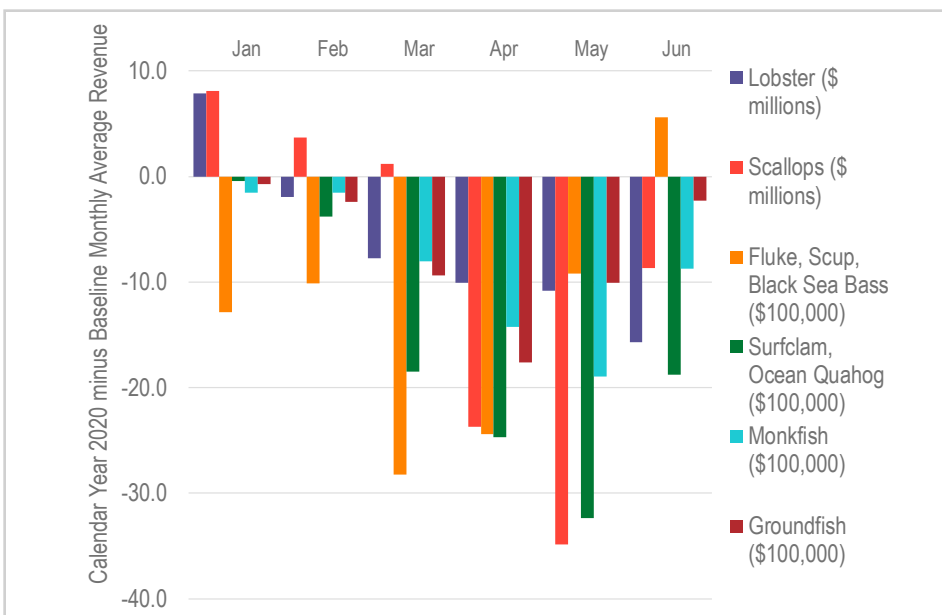


Figure 3. CY2020 monthly revenue minus the baseline monthly average monthly revenue.

The general decline in landings and prices, hence revenues has affected the number of federally permitted vessels that have landed fish with a federally permitted dealer in the Northeast region. During 2015-2019, the number of vessels was at its lowest during February (1,314) then increased through July to 2,657 vessels before tapering off throughout the rest of the year. The number of vessels reporting sales through a Northeast region dealer was above the 2015-2019 baseline average in both January and February but began to fall to 15.3% below the baseline in March and continued to run about 25% below the baseline in both April and May (see Figure 5). A survey was conducted to ascertain how commercial harvesters may have been affected by COVID-19. Key findings from that survey are as follows:

83% OF COMMERCIAL HARVESTERS WERE AFFECTED BY THE COVID-19 PANDEMIC

- Fishing was the primary source of income for 63% of commercial harvesters. On average responding commercial harvester operators had owned a vessel for 32 years.
- Compared to business operations from January to June of 2019:
 - 17% had reduced the number of trips.
 - 14% had difficulty finding supplies.
 - 60% experienced lack of markets; low prices; limited access to marinas.
- 78% of commercial harvest operators stopped fishing for some period of time.
 - 21% stopped fishing for less than 1 month.
 - 48% stopped fishing for 1 to 3 months.
 - 11% stopped fishing for more than 3 months.
 - 15% had stopped fishing indefinitely with plans to resume.
 - Less than 1% had gone out of business.
- On average, responding commercial harvester operators are operating at 50% of trips compared to June/July of 2019.
- 76% of responding commercial harvester operators had not reduced the number of employees.
- 91% of responding commercial harvester operators had reduced revenue, 3% had increased revenue.
 - Average reduction in revenue was 51%.
 - Average increase in revenue was 73%.

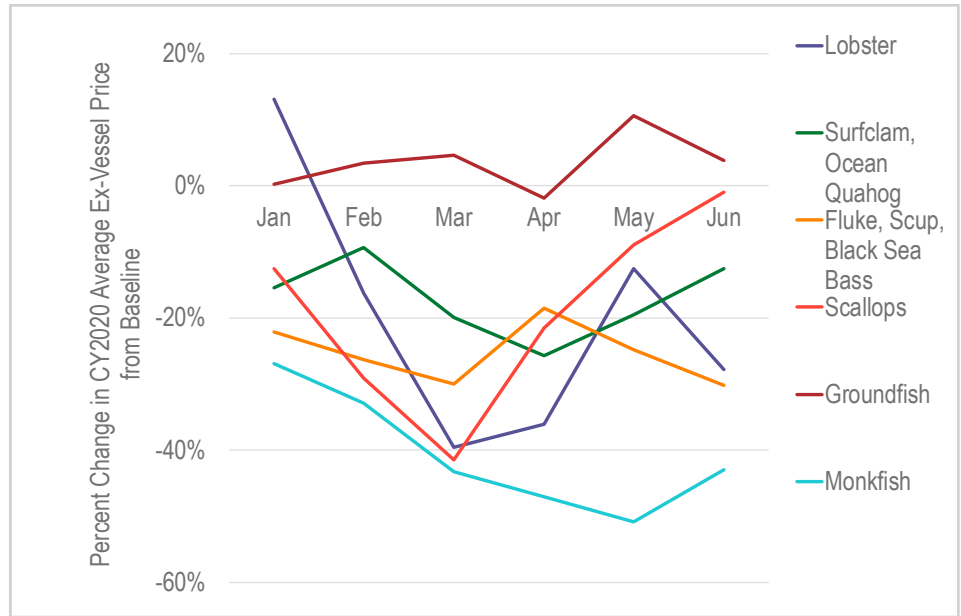


Figure 4. Percent change in CY2020 average ex-vessel price from baseline (2015-2019).

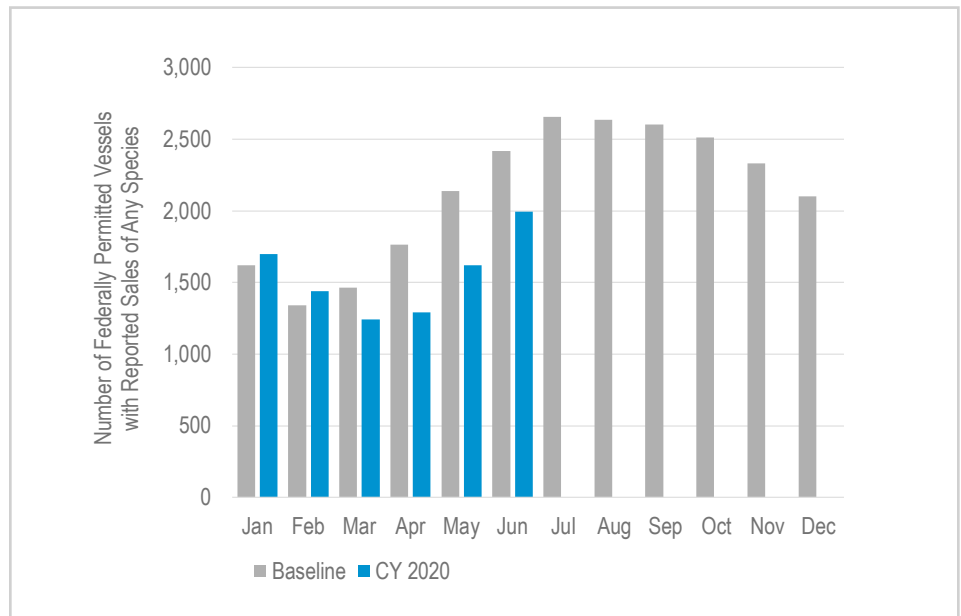


Figure 5. Number of federally permitted vessels with reported sales of any species.

The top three COVID-19 pandemic factors having the largest impact on the business were:

- Instructed not to fish by dealer/processor (30%).
- Low prices for fish (30%).
- Lack of markets or buyers (8%).

Seafood Dealers/Processors

During 2015-2019 an average 640 federally permitted seafood dealers reported purchase of fish and/or shellfish from a fishing vessel in the Northeast Region. Although some seafood products that are primarily exported have a high volume of exports (e.g., lobster and monkfish), much of the Northeast region's seafood product is consumed domestically. There are a mix of species that are primarily sold fresh to restaurants with limited processing, and these had sizable price and revenue declines due to closures of restaurants. Changes in seafood consumption habits have shifted to frozen shelf-stable products and value added processing to meet increased demand for preparation at home, which has been noted as a significant change in seafood consumption from away-from-home to at-home consumption. The changes in seafood wholesale and retail markets have resulted in a decline in the number of federally permitted dealers that have purchased seafood by a month-over-month average of nearly 11% from January to June 2020 compared to 2015-2019 baseline January to June monthly average (see Figure 6).

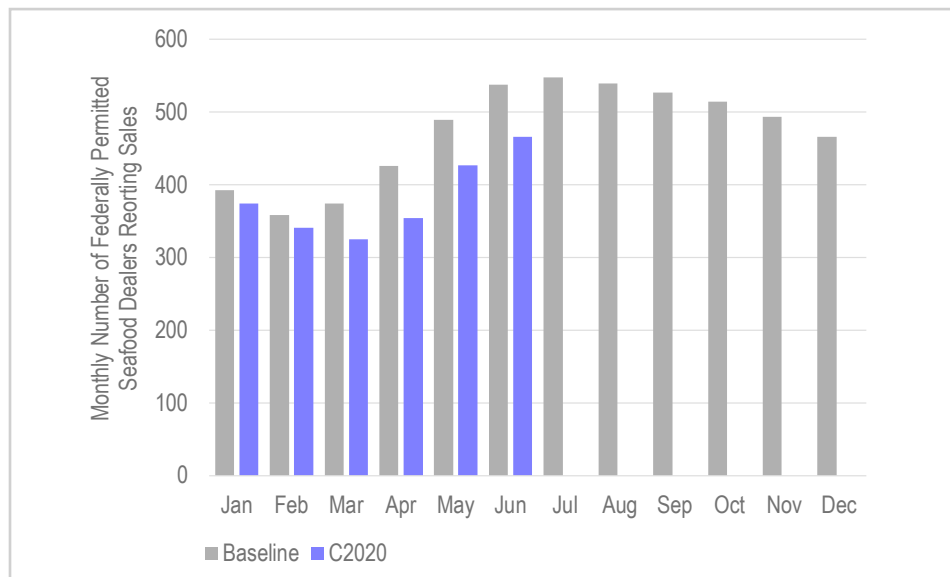


Figure 6. Monthly number of federally permitted seafood dealers reporting sales for January to June 2020, as compared to baseline monthly averages (2015-2019).

NOAA Fisheries conducted a survey of seafood dealers to ascertain the impacts of the COVID-19 pandemic on business operations over the January to June, 2020 period. Key findings from that survey are as follows:

SEAFOOD DEALER/PROCESSORS — 91% OF RESPONDENTS WERE IMPACTED

- Most common impacts were:
 - Reduced operations or business hours (35%).
 - Reduced sales to restaurants, retail, or grocery stores (35%).
- 35% of dealer/processors closed their business operations for some period of time.
 - 29% were closed for less than 1 month.
 - 48% were closed for 1 to 3 months.
 - 6% were closed for more than 3 months.
 - 16% have closed indefinitely with plans to reopen.
- On average, responding dealer/processors were operating at 58% of business activity compared to June/July of 2019.
- Average number of on-site employees was 15. 37% of businesses had reduced the number of on-site employees by an average of 3 people. By contrast, 10% of businesses increased the number of employees by an average of 10 people.
- 85% of dealer/processors reported reduced sales since January 2020 while 8% reported increased sales.
 - Of those having increased sales, revenues increased an average of 15%.
 - Of those with reduced sales, revenues decreased by an average of 44%.

The top three COVID-19 pandemic factors having the largest impact on the business were:

- Dealer/processors listed low seafood prices (29%).
- Loss of markets or buyers (19%).
- Loss of employees (12%).

Recreational Fishing — For-Hire

The recreational for-hire sector in the Northeast region includes a range of services from trips that carry six or fewer passengers that may focus on large game (e.g., tunas or sharks) or small game (e.g., bluefish or striped bass), to operations that carry a large number of anglers that focus on bottom fishing for species such as groundfish, black sea bass, scup, and summer flounder. During 2015 to 2019 for-hire operators in the New England and Mid-Atlantic regions combined collected passenger fees averaging \$123.5 million (2020 \$) providing recreational fishing services on an average of 1.2 million angler trips. Of these angler trips 888 thousand (73%) were taken in Mid-Atlantic states from NY to VA and 315 thousand angler trips were taken in the New England region.² Demand for party/charter services is seasonal with the majority of trips taken from May to August in both New England (84%) and Mid-Atlantic MRIP regions (74%) although the season is longer in the Mid-Atlantic (see Figure 7).

Given the close proximity within which for-hire recreational fishing occurs and guidance for social distancing had a large effect on angler trips as restrictions on gathering and closures of non-essential business were implemented in New England and Mid-Atlantic states particularly during March and lasting through much of May and into June for some states. The timing and relative severity of the restrictions on gatherings is measured as an index rating from 0 to 4 where 0 is no restrictions at all and 4 would be limitations of 5 to 10 or fewer (see Figure 8).³ With the exception of VA with an index value of 3, all other states were at a 2; allowing gatherings ranging from 50 to 250. By the end of March Maine

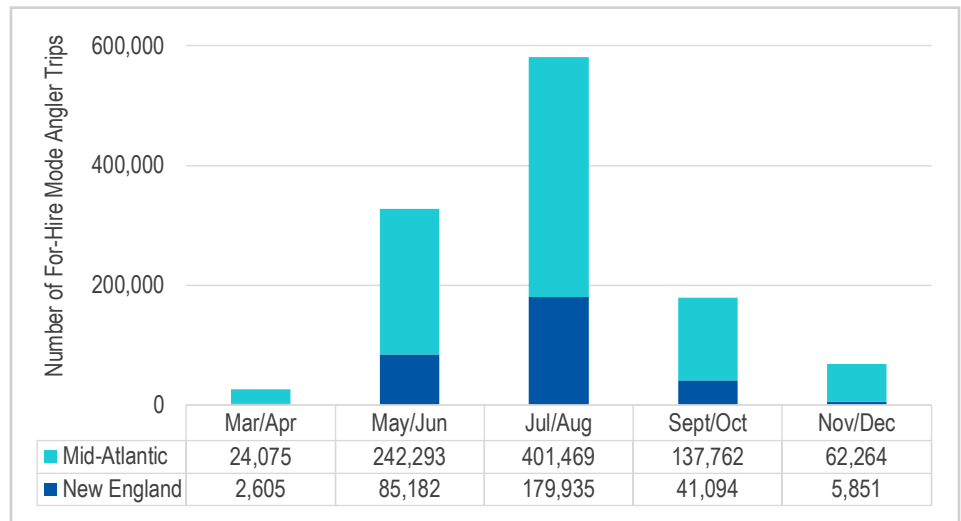


Figure 7. Average number of for-hire angler trips by wave for New England and Mid-Atlantic MRIP regions for a 2015 to 2019 baseline.

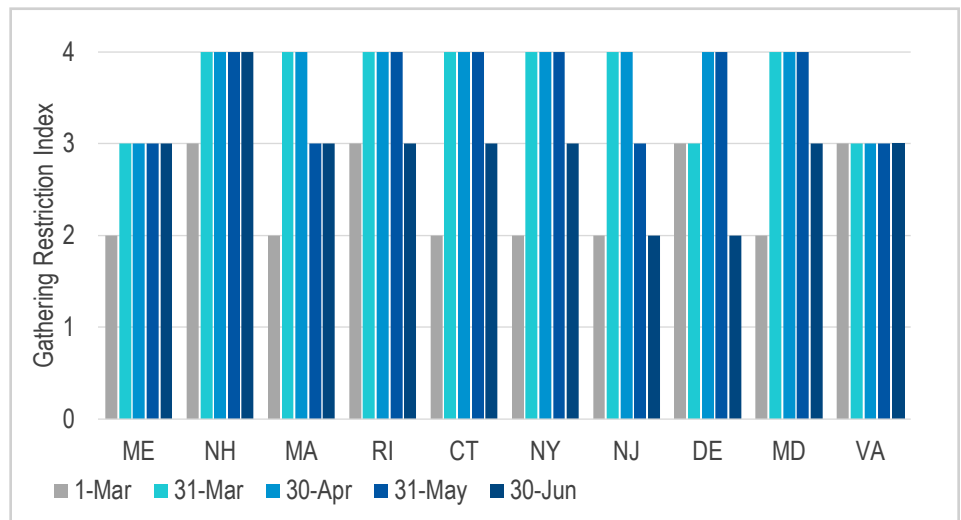


Figure 8. Gathering Restriction Index for March 1, 2020 and Index Value on the last day of the month for March to June, 2020.³

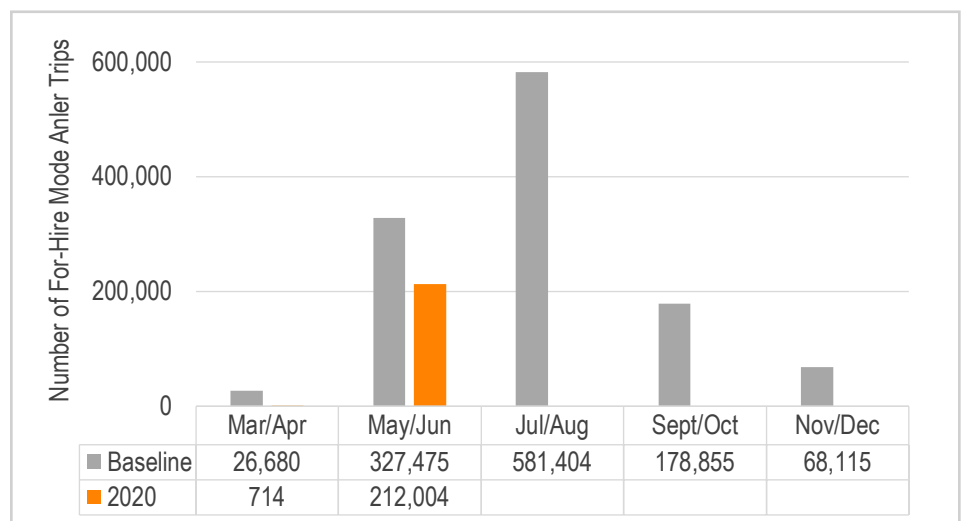


Figure 8. Number of for-hire angler trips taken during 2020 wave 2 and wave 3 compared to the baseline average (2015-2019).

and Virginia were at a 3 but all other states had implemented much more restrictive limits on gathering. In most states these limits remained in place during April and May with easing of restrictions in many states by the end of June.

Even though statewide restrictions may not necessarily apply to for-hire businesses specifically they may have a dampening impact on the demand for party/charter fishing trips. During wave 2 (March and April) when limits on gatherings were most restrictive the number of for-hire angler trips in the New England and Mid-Atlantic regions combined fell from a 2015-2019 baseline average of about 26.7 thousand to 714. (see Figure 9). With some easing of the restrictions on gatherings the number of for-hire angler trips during wave 3 (May and June) increased to 212 thousand but was still 35% lower than the baseline average of 327.5 thousand angler trips.

To obtain more information on impacts on the for-hire sector NOAA Fisheries conducted a survey of for-hire operators in the New England and Mid-Atlantic regions to get their perspectives on the impact of the response to COVID-19 has had on their business over the January to June, 2020 period compared to their business over the same period from 2019. Key for-hire interview findings include:

91% OF PARTY/CHARTER OPERATORS WERE AFFECTED BY THE COVID-19 PANDEMIC

- For 35% of responding fishing was their primary source of income.
- Compared to business operations from January to June of 2019:
 - 45% had reduced the number of trips.

13% had difficulty finding supplies.

- 6% had difficulty obtaining bait.
- 87% of responding party/charter operators stopped fishing for some period of time.
 - 9% stopped fishing for less than 1 month.
 - 63% stopped fishing for 1 to 3 months.
 - 11% stopped fishing for more than 3 months.
 - 16% had stopped fishing indefinitely with plans to resume.
 - 2% went out of business.
- On average party/charter operators are operating at 42% compared to June/July of 2019.
- 75% of responding party/charter operators had not reduced the number of employees.
- 87% of responding party/charter operators had reduced revenue.
 - Average reduction in revenue was 58%.

The top three COVID-19 pandemic factors having the largest impact on the business were:

- Restrictions by state and local governments (56%).
- Lack of passengers (7%).
- Loss of crew (6%).

Endnotes

- 1 Fisheries that take place exclusively in State waters, or nearly so, were excluded from Figure 2 because available data were incomplete.
- 2 All for-hire data were based on Marine Recreational Information Program (MRIP) regions, which includes North Carolina in the South Atlantic region. For this reason, trends and impacts on the for-hire sector in North Carolina are reported in the Southeast Region section of this report.
- 3 Source: Oxford Corona Virus Government Response Tracker (<https://www.bsg.ox.ac.uk/research/research-projects/coronavirus-government-response-tracker>).



U.S. Secretary of Commerce
Wilbur Ross

Acting Under Secretary of Commerce
for Oceans and Atmosphere
Dr. Neil Jacobs

Assistant Administrator for Fisheries
Chris Oliver

January 2021

www.fisheries.noaa.gov

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1315 East-West Highway
Silver Spring, MD 20910

NOAA Fisheries Coronavirus (COVID-19) Update


For more information, visit:

<https://www.fisheries.noaa.gov/national/noaa-fisheries-coronavirus-covid-19-update>

MEMORANDUM

Date: January 19, 2021
To: Chris Moore
From: José Montañez, Jessica Coakley, Mary Sabo
Subject: Aquaculture Web Page

Council staff has developed a web page to provide information related to aquaculture activities in the Mid-Atlantic region. The new aquaculture page can be accessed at the following link: <https://www.mafmc.org/aquaculture>. From the Council’s home page, you can navigate to the page by clicking “Ecosystem and Habitat” on the main menu and then clicking the “Aquaculture” link at the bottom of the list.



Aquaculture

- Home
- About +
- People & Groups +
- Fishery Management Plans +
- Ecosystem and Habitat -
- Ecosystem Approach to Fisheries Management
- Habitat
- Northeast Regional Habitat Assessment
- Protected Resources
- Deep Sea Corals
- River Herring and Shad
- Unmanaged Forage
- Aquaculture**
- Science and Data +
- Electronic Reporting
- Council Meetings
- Documents +
- Current Issues +
- Resources +
- News
- Calendar


UPCOMING EVENTS

List View
Calendar View

MACAN Webinar: Examining the Biological Responses of Ocean Acidification in Early Life-Stages of Fishes of Inshore Waters of the Mid-Atlantic

Aquaculture is the breeding, rearing, and harvesting of animals and plants in all types of water environments.

Aquaculture supplies more than 50% of the seafood that is consumed worldwide, and that percentage is expected to rise as the world’s population grows. In the United States, aquaculture only accounts for about 5% of seafood production, but there is an increasing interest in the potential for offshore aquaculture to complement wild-capture fisheries while supporting environmental, economic, and social sustainability and reducing the seafood trade deficit.



Source: NOAA Fisheries

The Mid-Atlantic Council has an interest in ensuring that Council-managed fisheries are not negatively affected by the development of aquaculture facilities. While the Council does not have regulatory authority over aquaculture permitting, development, or operation, the Council can provide input and guidance to developers and federal and state agencies to ensure that aquaculture facilities in the Mid-Atlantic are developed in a manner that is compatible with the protection of Council-managed species and their habitats, and with commercial and recreational fishing activities. The purpose of this web page is to provide information related to aquaculture activities in the Mid-Atlantic region.

Background on Aquaculture Regulations and Permitting in the U.S. Northeast Region

The marine aquaculture permitting process is complex. Projects that are sited in U.S. waters must meet a number of federal, state, and local regulations that ensure environmental protection, water quality, and healthy oceans. Currently, no single federal agency is authorized to approve or permit offshore aquaculture facilities in federal waters. Most federal aquaculture activities and programs that are specific to aquaculture are carried out by the Department of the Interior, Department of Commerce, and the Department of Agriculture.

The NOAA Fisheries Office of Aquaculture focuses on regulatory, technical, and scientific services related to marine aquaculture. The program includes five regional aquaculture coordinators, who coordinate regulatory and permitting activities, serve as liaisons with the state and local government and stockholders, and assist with grant management. Information about aquaculture in the Mid-Atlantic and New England is available [here](#).

11:00 AM – 12:00 PM
 Mid-Atlantic Fishery Management Council ([map](#))

Joint Council/ASMFC Meeting (ASMFC Winter Meeting Webinar)
 Monday, February 1, 2021
 10:30 AM – 4:30 PM

River Herring and Shad Advisory Panel Meeting

SIGN UP FOR EMAIL UPDATES

- QUICK LINKS**
- [Council Meetings](#)
 - [Travel Guidelines](#)
 - [Statement of Organization Practices and Procedures \(SOPP\)](#)
 - [Public Comment Deadlines](#)
 - [Offshore Wind Notices](#)
 - [2020-2024 Strategic Plan](#)
 - [NEW: Recreational Fishing Data](#)

More details on the state and federal permitting and authorization processes, applicable laws, species cultured, and potential interactions with managed fisheries species and habitat, can be found in the background documents linked below.

- [CRS Report: U.S. Offshore Aquaculture Regulation and Development \(10/10/19\)](#) – provides an overview of the U.S. offshore aquaculture regulatory framework
- [NEFMC Report on Aquaculture in the New England Region \(November 4, 2020\)](#) - *to be posted*
 - Supplement to the above describing: Mid-Atlantic Permitting/Authorization Process for States, Species Cultured, and Interactions between MAFMC Species and Aquaculture Activities - *In Development*

Aquaculture Policies

- [NOAA Aquaculture Policies](#)
- [New England Fishery Management Council Aquaculture Policy](#)
- [Mid-Atlantic Fishery Management Council Aquaculture Policy - In Development](#)

Offshore Activities in the Northeast Region

NOAA Fisheries Aquaculture Opportunity Areas

NOAA Fisheries is currently working to identify [Aquaculture Opportunity Areas \(AOAs\)](#). An AOA is a small, defined geographic area that shows high potential for commercial aquaculture. NOAA will use a combination of scientific analysis and public engagement to identify areas within the AOA that are environmentally, socially, and economically appropriate for commercial aquaculture.

- [AOA Frequently Asked Questions](#)
- [NEFMC Letter to NOAA on Aquaculture Opportunity Areas Request for Information - 12/18/20](#)

Manna Fish Farms

[Manna Fish Farms, Inc.](#) is seeking to develop a commercial aquaculture farm in federal waters approximately 9 miles off the coast of Long Island, New York. This aquaculture project intends to raise steelhead trout and possibly black sea bass in submerged net pens.

- [Project Page](#)
- Materials from October 2020 Council Discussion:
 - [Staff Memo: Pre-application meeting for Manna Fish Farms proposal](#)
 - [Additional Manna Fish Farms Information](#)

Blue Water Fisheries

Blue Water Fisheries, LLC is seeking to develop a commercial aquaculture farm (Farm) to raise steelhead trout (*Oncorhynchus mykiss*) and lumpfish (*Cyclopterus lumpus*) in federal waters off the coast of New Hampshire.

- Materials from December 2020 Council Meeting Discussion
 - [Staff Memo: Pre-application Meeting for Blue Water Fisheries Proposal](#)
 - [Blue Water Fisheries Project Summary](#)
 - [Blue Water Fisheries CASS Technical Report](#)
- [NEFMC Letter to NOAA/GARFO on Blue Water Fisheries Aquaculture Project in Federal Waters off MA and NH – 12/22/20](#)

Additional Resources

- [ASMFC Habitat Hotline: Marine Aquaculture Along the Atlantic Coast and Beyond \(2019\)](#)
- [ASMFC Habitat Management Series #16: Aquaculture Effects on Fish Habitat Along the Atlantic Coast \(May 2020\)](#)



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 29, 2021
To: Chris Moore
From: Brandon Muffley and Mary Sabo
Subject: Stock Assessment Web Page Updates

Council staff recently updated the “Stock Assessments” page on the Council website (<https://www.mafmc.org/stock-assessments>). The updates to the page focused on several objectives:

- Communicating general information to the public about the new stock assessment process, types of assessments, and public opportunities for participation;
- Highlighting relevant information about ongoing stock assessments for MAFMC-managed species; and
- Providing a convenient single location for Council members and staff and interested stakeholders to find relevant assessment information, including links to the NRCC page, assessment process documents, upcoming meetings, working group information, SAW/SARC documents, the data portal, and other related pages on the NOAA Fisheries website.

Additionally, Council staff will be including more detailed information about stock assessment meetings on the calendar. Below are links to calendar pages for two upcoming meetings.

- Assessment Oversight Panel Meeting: June 2021 Management Track Assessments (February 25, 2021) - <https://www.mafmc.org/council-events/2021/aop-meeting-feb25>.
- Peer Review Meeting: June 2021 Management Track Assessments (June 28 – July 2, 2021) - <https://www.mafmc.org/council-events/2021/june2021-assessments-peer-review>

UPCOMING EVENTS

List View | Calendar View

Joint Council/ASMFC Meeting (ASMFC Winter Meeting Webinar)
 Monday, February 1, 2021
 10:30 AM – 4:30 PM

River Herring and Shad Advisory Panel Meeting (Webinar)
 Monday, February 8, 2021
 1:00 PM – 4:00 PM

February 2021 Council Meeting (Webinar)
 Wed, Feb 10, 2021, 9:00 AM – Thu, Feb 11, 2021, 1:00 PM

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QUICK LINKS

- [Council Meetings](#)
- [Travel Guidelines](#)
- [Statement of Organization Practices and Procedures \(SOPP\)](#)
- [Public Comment Deadlines](#)
- [Offshore Wind Notices](#)
- [2020-2024 Strategic Plan](#)
- [Recreational Fishing Data](#)
- [Stock Assessment Info](#)

Fishery Stock Assessments



Stock assessments are a critical part of the fisheries management process. Fishery managers use stock assessments to understand the effects of fishing and other factors on the status of a fish stock, to evaluate the size of a fish stock, and to make predictions about how a fish stock will respond to current and future management measures. The information provided by stock assessments helps managers ensure sustainable fisheries, healthy ecosystems, and productive coastal communities.

Stock Assessment Planning and Process

Stock assessment planning is coordinated by the [Northeast Regional Coordinating Council \(NRCC\)](#). The NRCC is comprised of leadership from the Atlantic States Marine Fisheries Commission (ASMFC), Greater Atlantic Regional Fisheries Office (GARFO), Mid-Atlantic Fishery Management Council (MAFMC), New England Fishery Management Council (NEFMC), and the Northeast Fisheries Science Center (NEFSC). The NRCC coordinates science and management activities and resources in the region, including setting stock assessment priorities and schedules.

A new and more collaborative fishery [stock assessment process](#) has been developed by the NRCC. Assessments are now scheduled years in advance to allow for better planning.

Types of Assessments

Management Track Assessments provide routine, scheduled, updated advice to directly inform management actions. These are designed to be simpler, quicker, more efficient, and more flexible than research track assessments. Management track assessments help ensure that stock status is updated on a regular and predictable basis.

Research Track Assessments may examine one or multiple stocks, or evaluate an issue or new model that could apply to many stocks. They are carried out over several years and can consider extensive changes in data, models, or stock structures. They may provide the basis for future management track assessments.

Quick Links

- [NOAA Fisheries Northeast Stock Assessment Web Page](#)
- [Description of New England and Mid-Atlantic Region Stock Assessment Process](#)
- [5-Year Stock Assessment Schedule](#)

2021 Assessments for MAFMC-Managed Species

2021 Management Track Assessments: Atlantic mackerel, black sea bass, bluefish, golden tilefish, scup, and summer flounder.

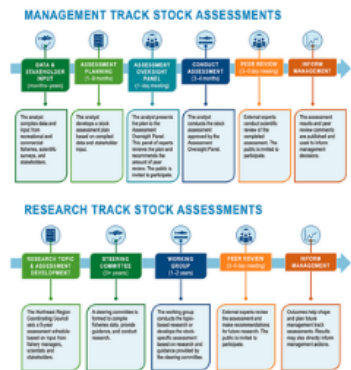
- February 25, 2021 – [Assessment Oversight Panel meeting](#)
- June 28 – July 2, 2021 – [Management Track Peer Review meeting](#)

2021 Research Track Assessments: *Illex* squid and butterfish

- [Butterfish Working Group](#) – working group membership, upcoming meetings, and background information
- [Illex Working Group](#) – working group membership, upcoming meetings, and background information
- [November 2021 - Research Track Peer Review meeting](#)

All stock assessment meetings are open to the public. For a complete schedule of upcoming assessments, please see the [2021-2025 Stock Assessment Schedule](#). Additional information on future and past stock assessment related meetings is available on the NOAA Fisheries [searchable events calendar](#).

Questions? Contact [Michele Traver](#), Northeast Fisheries Science Center.



Stock Assessment Roles and Responsibilities

For more detailed descriptions, see the [Stock Assessment Process](#) document (p. 1-3).

- **Northeast Fisheries Science Center (NEFSC)** assessment scientists support both management and research track assessments. NEFSC assessment scientists have primary responsibility for planning and carrying out management track assessments for federally-managed stocks, and they collaborate with other scientists and experts on the working groups that carry out research track assessments.
- **The Assessment Oversight Panel (AOP)** is responsible for reviewing and approving management track assessment plans and recommending the appropriate level of peer review for each management track assessment. The AOP is composed of four members: a member of the Mid-Atlantic Council's Scientific and Statistical Committee (SSC), a member of the New England Council's SSC, a member of the ASMFC Assessment Science Committee, and the NEFSC Chief of the Populations Dynamics Branch.
- **Stock Assessment Working Groups (WGs)** are responsible for developing and implementing the research plan for research track stock assessments. WGs are composed of NEFSC assessment scientists, other NEFSC scientists, and other federal, state, academic and other non-governmental scientists or experts. The NEFSC periodically solicits applications for working group membership consideration. Information about future working group solicitations will be posted on this page.
- **Peer Review Panels** are convened to review certain management track assessments and all research track assessments. Peer review panels review the assessment(s) for technical merit and provide recommendations on whether the assessment should or should not be used for management.

Find a Stock Assessment

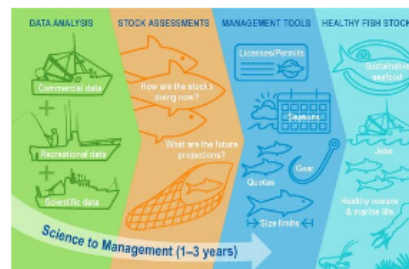
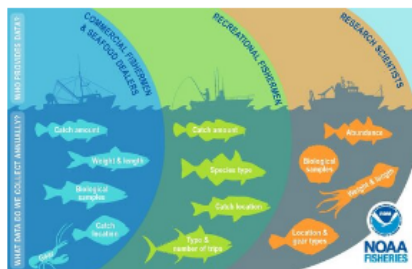
Completed Assessments: Visit the [Stock Assessment Review Index \(SARI\) Search tool](#) to find any final stock assessment documents, from 1985 to present, for a particular species.

Draft Assessment Documents: Visit the [Stock Assessment Support Information \(SASINF\) Search Tool](#) to search for information related to recent assessments, from 2015 to present, that have not yet been finalized. Available information may include draft reports, figures, tables, models, maps, and presentations.

Learn More

To learn more about the basics of the fisheries stock assessment process, read the NOAA Fisheries Stock Assessments 101 series:

- [Data Required to Assess Fish Stocks](#)
- [Stock Assessment Models](#)
- [More About Models](#)
- [Ecosystem Factors](#)
- [Future of Stock Assessments](#)



[Download Assessments Infographic](#)

The ABCs of Stock Assessments

Stock assessments are critical to modern fisheries management. These scientific studi...

The ABCs of Stock Assessments

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Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 29, 2021
To: Chris Moore
From: Mary Sabo
Subject: Advisory Panel Reappointment Process

Council advisory panel (AP) members serve 3-year terms. On June 30, 2021, three-year terms for our current advisors appointed in 2018 will be complete. Advisors do not have term limits, but they must reapply to be considered for an additional term.

Timeline for 2021 Advisory Panel Reappointment Process:

Note: Dates below are tentative and subject to change.

March 15, 2021: Opening of advisory panel reappointment process. Council staff distribute a press release and email announcement and post information on the website and social media. Current advisory panel members will be notified that they must reapply to be considered for an additional term.

April 21, 2021: Closing date for applications. All applications will be reviewed by Council staff for completeness and compiled for review by Committees. FMP coordinators work with Committee Chairs to schedule webinar/conference call to review AP applications.

May 3-21, 2021: Committees will meet via webinar to develop a recommended applicant list which they expect to address the AP needs for representation. All viable applicants (and their applications), including any Committee recommendations, will be provided to the Executive Committee.

June 8-10, 2021 (June Council Meeting): The Executive Committee will review applicants and Committee recommendations during a closed session and produce a recommended appointment list for each AP. These lists will include those qualified applicants that address the current need for representativeness for each AP. These appointed lists will be provided to the Council Chair for final review and consideration.

June 18, 2021: The Council Chair will make applicant selections for each AP from the Executive Committee appointment lists. Those selected applicant names will be sent to the Office of Law Enforcement for review. After full consideration, the Council Chair will appoint the members of the AP.

June 25, 2021: All applicants will be notified by email about whether they have been appointed. If not appointed, applicants will be informed that their application will be kept on file for future

consideration for interim appointments (if needed) for a limited time period of 3 years. The Council Chair has discretionary authority to fill a member position in the interim, if necessary.

July 1, 2021: New AP members begin new 3-year term.

Communication and Outreach Advisory Panel

During this AP appointment process, the Council will solicit applicants for a new Communication and Outreach (C/O) Advisory Panel. Formation of this AP was identified as a priority in the Council's 2020-2024 Strategic Plan (see the excerpt behind this memo) and 2021 Implementation Plan. Staff proposes that the C/O AP report to the Executive Committee. The AP's primary purpose will be to provide advice and recommendations on effective strategies for achieving the Council's communication objectives.

Objectives:

- Help identify effective communication tools and approaches for reaching Council stakeholders;
- Provide feedback on the content and delivery of Council communication and outreach products;
- Identify opportunities to increase public understanding and awareness of the Council and its managed fisheries;
- Inform the Council about topics of stakeholder interest or high priority communication needs; and
- Review and provide feedback on draft communication products (e.g. web pages or fact sheets), as needed;

Staff proposes that the C/O AP meet at least once a year for a general review and discussion of the Council's communication and outreach program. The AP may be engaged at other times throughout the year to provide feedback on specific communication tasks.

Similar to the Council's other APs, membership on the C/O AP should reflect the diverse interests of the Mid-Atlantic Council's stakeholders. Members may include commercial and recreational fishermen, for-hire operators, representatives from non-governmental organizations, scientists/academics, members of the general public, fishery managers, and communication/outreach professionals.

Theme 1: Communication

Goal: Engage stakeholders and the public through education and outreach that foster sustained participation in, and awareness of, the Council process.

Objective 1. Use a wide range of communication tools and methods tailored to engage target audiences.

Strategy 1.1: Employ a variety of traditional, web-based, and social media tools to disseminate relevant information, updates, and communication materials.

Strategy 1.2: Upgrade the content and organization of the Council website to enhance usability for target audiences.

Strategy 1.3: Coordinate communication efforts with management partners and other organizations to expand the distribution of messages to a broader audience.

Strategy 1.4: Seek opportunities to expand media coverage of Council actions, managed fisheries, and opportunities for stakeholder participation.

Strategy 1.5: Expand the use of “interested-parties” email lists to deliver fishery- and action-specific information and updates to interested stakeholders.

Strategy 1.6: Maintain the online calendar of meetings and events with links to meeting materials and supplemental information.

Strategy 1.7: Establish a Communication/Outreach Advisory Panel to assist in the review and development of communication and outreach tools and approaches.

Objective 2. Increase stakeholder participation in the Council process.

Strategy 2.1: Hold workshops to facilitate collaborative development of innovative management approaches among fishermen, managers, scientists, and other interested stakeholders.

Strategy 2.2: Develop outreach materials to facilitate constructive stakeholder input on proposed management actions (e.g. scoping guides, fact sheets, etc.).

Strategy 2.3: Expand the use of online comment forms to gather public input.

Strategy 2.4: Schedule, advertise, and conduct meetings and public hearings in a manner that encourages and enables stakeholder attendance and participation.

Strategy 2.5: Maintain action-specific web pages to inform stakeholders about opportunities to participate in the development of Council actions (e.g., FMPs, amendments, and frameworks).

Strategy 2.6: Utilize webinars, conference lines, and other technology to provide opportunities for remote access and participation.

Objective 3. Broaden the public’s understanding and awareness of the Council and its managed fisheries.

Strategy 3.1: Develop and distribute general outreach and education materials to increase awareness and understanding of Council-managed fisheries and the Council process.

Strategy 3.2: Partner with external organizations to develop and promote workshops and other interactive educational opportunities for stakeholders.

Strategy 3.3: Collaborate with science and management partners and other academic or research institutions to develop outreach materials that explain fisheries science and data collection.

Strategy 3.4: Use plain language in Council documents to improve public understanding.



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 28, 2021
To: Council
From: Mary Sabo
Subject: MSA Reauthorization – Huffman/Case Discussion Draft

On December 18, 2020 Congressmen Jared Huffman and Ed Case released a discussion draft of a Magnuson-Stevens Act (MSA) reauthorization bill. If enacted, this bill would make numerous changes to the MSA. Attached for Council review is a one-page overview of the Huffman/Case MSA Reauthorization Draft. The full text of the discussion draft is available at:

https://huffman.house.gov/imo/media/doc/MSA%20discussion%20draft_12.18.20%20final.pdf.

The Mid-Atlantic Council has not been asked to provide written comments on this draft bill, and no Council action is needed at this time. The councils are prohibited from lobbying, but if requested, the councils can provide input on how they would be affected by the proposed legislation.

THE MAGNUSON-STEVENS ACT REAUTHORIZATION DRAFT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the country's primary statute governing fisheries management in federal waters and has made the United States a world leader in sustainable fisheries. Despite the strengths of the MSA, it was last reauthorized in 2006 and updates are needed to address the many new challenges facing fisheries management and science in an era of climate change, new technologies, and changing ocean use. This reauthorization has taken a stakeholder-driven, science-based approach to provide important and timely updates to the MSA. The viewpoints and proposals heard during discussions, listening sessions, and public comments have resulted in a comprehensive discussion draft. In addition, several bipartisan bills introduced during the 116th Congress are included in whole or in part. These amendments to the MSA, along with provisions to support coastal communities and fishing businesses, are intended to address the changing needs in fisheries management and science to ensure the MSA meets the needs of stakeholders now and into the future.

Title I. Climate-ready fisheries: Requires consideration of climate change and climate science in regional fishery management council priorities and planning and provides new tools and approaches to address shifting stocks and other climate impacts on fisheries management. Tackling climate change is crucial as oceans and fisheries are facing some of the largest impacts due to ocean warming, acidification, and other climate stressors.

Title II. Supporting fishing communities: Addresses the needs of fishermen, businesses, and coastal communities through an improved disaster relief program, creates a working waterfront grant program, and increases support for seafood marketing. This title also acknowledges the importance of subsistence fishing and how it is defined under the MSA.

Title III. Strengthening public process and transparency: Increases representation of different viewpoints on regional fishery management councils and improves transparency, accountability, and stakeholder participation in fisheries management. This title expands coverage of NOAA's sexual assault and sexual harassment policies, including for fishery observers and Council staff.

Title IV. Modernizing fisheries science and data: Expands electronic technologies and data management systems, updates cooperative research and management, and improves data collection and methods. This title requires NOAA to develop operating plans for emergencies that make it impractical to use human observers and conduct stock assessments, as occurred during the Covid-19 pandemic.

Title V. Sustaining fisheries through healthy ecosystems and improved management: Strengthens essential fish habitat consultation, builds on MSA conservation standards to improve outcomes for overfishing and rebuilding, conserves forage fish, and requires descending devices for recreational fishing in the Gulf of Mexico. This title also replaces the term "overfished" with "depleted" to encompass the complexity of threats to fish stocks.



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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 29, 2021
To: Council
From: Chris Moore
Subject: Statement of Organization Practices and Procedures

Enclosed is an excerpt from the Council's Statement of Organization Practices and Procedures (SOPP) with several proposed revisions for Council consideration. The Council will review these changes during the Executive Director's Report (Thursday, February 11, 2021) at the upcoming Council meeting. The complete redline version of the revised SOPP is available on the February 2021 Council Meeting page. A summary of the proposed changes is below.

4.5.6 Parental Leave – The proposed edits would increase the amount of paid parental leave from six weeks to twelve weeks. This aligns with the paid parental leave policy implemented for federal employees in October 2020. Additional minor edits to this section clarify that the paid parental leave counts toward the 12 weeks of leave available under the Family Medical Leave Act.

4.5.8.1 Post-Severance Payment for Unused Leave – The proposed edits in this section would modify the procedure for post-severance payment for unused leave upon retirement. This change would allow retirees to receive payment for unused leave as a lump sum or in annual installments over up to five years.

4.6.1.2 Retiree Health Coverage – The proposed edits in this section would modify the Medicare supplement insurance plan options available to retirees and retiree spouses. This revision is necessary to account for the phaseout of Medicare Supplement Insurance Plan F in 2020.

reason for the absence. In the case of an absence of more than three (3) consecutive days, a medical practitioner's certificate may be required as a condition of approval.

- (f) In meritorious cases, the Council may advance up to one year's earnings of sick or annual leave when it is reasonably expected that the advanced leave will be repaid by the employee. This must be approved by the Council Chair or an individual to whom the Chair has designated this authority in writing.

4.5.3 Paid Holidays

Paid holidays shall be official Federal holidays plus one holiday designated by the Executive Director.

4.5.4 Administrative Leave

The Executive Director may grant any employee administrative leave for jury duty (no limit); inclement weather (at the discretion of the Executive Director); military duty (not to exceed 15 days each calendar year); military induction examination; and blood donation (up to 4 hours); and for such other reasons as the Executive Director may designate.

4.5.5 Personal Leave

Upon a permanent employee's written request, the Executive Director may approve a leave without pay, not to exceed three (3) months. Such leave may be renewed for an additional period not to exceed three (3) months by formal action of the Executive Director and written approval by the Chair of the Council.

4.5.6 Parental Leave

- (a) The Council provides ~~six~~ twelve weeks of paid parental leave to an eligible employee (as described below) following the birth of the employee's child or the placement of a child with the employee in connection with the employee's adoption of the child or the employee's foster care for the child. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child.
- (b) To be eligible for paid parental leave, an employee must be a full-time employee and must have been employed by the Council for at least 12 months.
- (c) Paid parental leave is compensated at the employee's regular pay.
- (d) After paid parental leave is exhausted, an employee may (within the limits described below) take additional leave charged against the employee's accumulated sick or annual leave credits. The employee also may take leave without pay to extend parental leave. An employee need not exhaust accumulated annual and sick leave credits before taking unpaid parental leave.
- (e) An employee may use a combination of paid parental leave, annual leave, sick leave, and unpaid leave for a period not to exceed 14 weeks following the birth, adoption, or placement of a child with the employee. (The Council may grant a leave to begin prior to the child's birth if the Council finds such a leave is medically necessary for the birth mother.)
- (f) An employee may take an approved parental leave at any time during the six-month period immediately following the birth, adoption, or placement of a child with the employee.
- (g) As stated in section 4.5.2(f), in meritorious cases, the Council may advance up to one year's earnings of sick or annual leave. An employee may use advanced leave as described in paragraph (4) above.
- (h) A parental leave taken under this policy ~~runs concurrently with~~ will be counted toward the 12 weeks of leave available under the Family and Medical Leave Act (FMLA), ~~if any,~~ as described in section 4.5.7.

- (i) Nothing in this policy supersedes or changes the provisions of any employee-benefit plan or fringe benefit. If the provisions for a plan or benefit are ambiguous, the Council may resolve an ambiguity by treating a parental leave similarly to another leave, such as an annual leave or sick leave.
- (j) Nothing in this policy can increase an employee's credit for unused annual-leave days or unused sick days. A post-severance payment for unused leave is not provided regarding unused personal leave, family-and-medical leave, parental-absence leave, or other leave.

4.5.7 Family and Medical Leave

Full-time employees of the Council shall be entitled to family leave in accordance with the U.S. Department of Labor Family and Medical Leave Act (FMLA) 29 CFR Part 825. Employees are eligible to receive up to a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

- (a) For the birth and care of the newborn child of the employee;
- (b) For placement with the employee of a son or daughter for adoption or foster care;
- (c) To care for an immediate family member (spouse, child, parent) with a serious health condition; or
- (d) To take medical leave when the employee is unable to work because of a serious health condition.

4.5.8 Post-Severance Payment for Unused Leave

When a salaried full-time employee of the Council permanently severs from employment, he or she is, or may become, entitled to a payment for unused leave as stated below.

4.5.8.1 Retirees

- (a) If a full-time employee of the Council has completed at least 20 years of service or attains age 60 and permanently severs from employment, he or she is entitled to receive payment for unused annual leave days and unused sick days credited under the Council's practices and procedures that remained credited as of the Eligible Retiree's severance from employment. There is no payment regarding unused family-and-medical leave, parental-absence leave, or other leave.
- (b) The amount to be paid is equal to the number of credited unused days described above multiplied by a daily wage rate. That rate is the Eligible Retiree's highest salary that was in effect at least 90 days before his or her retirement divided by 260.
- (c) Upon retirement, an Eligible Retiree may choose to receive payment for unused leave as either a lump sum payment or as annual installments over a period of up to five years. ~~Beginning with the calendar year that next begins after the Eligible Retiree's severance from employment date, the Council shall pay the payment amount in annual installments over up to five years. Each year's installment is the lesser of the remaining payment amount or \$25,000. If, after four years' installments of \$25,000 each year, the remaining payment is more than \$25,000, the fifth installment is the whole remaining payment amount so that payments are completed in no more than five installments.~~
- (d) If the Eligible Retiree dies before full payment is made, the Council shall pay the duly appointed and currently serving personal representative of the Eligible Retiree's estate.

4.5.8.2 Non-Retirees

- (a) If a full-time employee of the Council permanently severs from employment before attaining eligibility for retirement, he or she is entitled to receive a lump sum payment for unused

annual leave upon separation. There is no payment regarding sick leave, unused family and medical leave, parental-absence leave, or other leave.

- (b) Payment for unused annual leave shall not exceed 30 days plus current year earnings. Employees authorized to carry over 40 days of unused leave are entitled to receive lump sum reimbursements not to exceed 40 days carryover plus current year earnings of unused leave.
- (c) The payment amount for unused leave is calculated by multiplying the number of unused annual leave days by a daily wage rate. That rate is the employee's highest salary that was in effect at least 90 days before the end of his or her employment divided by 260.
- (d) In the case of the death of an employee, the employee's estate shall be paid in cash for any accumulated annual leave.

4.5.9 Leave and Retiree Health Insurance Accounts

Accounts shall be maintained to pay for unused sick or annual leave and retiree health benefits as authorized. The accounts will be funded from the Council's annual operating allowances. Funds will be deposited into these accounts each year based on an actuarial report of future insurance needs for retirees and the availability of funds. Interest earned on this account will be maintained in the account, along with the principal, for the purpose of payment of unused annual and sick leave only. This account, including interest, may be carried over from year to year. Budgeting for accrued leave will be identified in the "Other" object class categories section of the SF-424A.

4.6 Employee Benefits

4.6.1 Health Insurance

4.6.1.1 Employee Health Insurance

- (a) The Council will pay the basic rate for the employee and his family under the plan chosen, including the blood bank.
- (b) Surviving spouses of employees will be considered eligible to participate in group health benefits at their own expense and at no cost to the Council for a period of up to one year.

4.6.1.2 Retiree Health Coverage

- (a) If a full-time Employee of the Council has completed at least 20 years of service or attains age 60 and permanently severs from employment [an "Eligible Retiree"], he or she is, or may become, entitled to health insurance coverage as stated below ["Retiree Health Coverage"].
- (b) This Plan does not cover any active employee. This Plan is separate from every plan that covers or could cover an active employee.
- (c) Retiree Health Coverage may include the Eligible Retiree and his or her spouse. Retiree Health Coverage does not include a dependent who is not the Eligible Retiree's spouse.
- (d) Retiree Health Coverage meets 75% of the premium cost of the coverage provided under this Plan. Any coverage otherwise provided by this Plan is not provided if the Eligible Retiree has not paid his or her portion of the premium cost for the coverage.
- (e) For an Eligible Retiree who attained age 60 on or before his or her retirement, his or her Retiree Health Coverage begins with the first month for which the Retiree is no longer covered as an employee. For an Eligible Retiree who had not attained age 60 on or before his or her retirement, Retiree Health Coverage begins with the first month that begins after the Retiree attains age 60.
- (f) If an Eligible Retiree's coverage has begun under the preceding paragraph, Retiree Health Coverage for his or her spouse begins with the first month that begins after the spouse attains age 60.

- (g) Retiree Health Coverage for a Retiree ends with (the earliest of): (1) the Retiree's death, (2) age 65, (3) eligibility for Medicare, or (4) eligibility for Medicaid. However, for a Retiree covered by Medicare who is not covered by Medicaid, Retiree Health Coverage is 75% of the premium cost of Medicare Supplement Insurance Part D and [either](#) Plan F [or](#) G.
- (h) Retiree Health Coverage for a Retiree's spouse ends with (the earliest of) (1) the Spouse's death, (2) attainment of age 65, (3) eligibility for Medicare, (4) eligibility for Medicaid, or (5) the Retiree's death. However, for a Retiree's spouse covered by Medicare who is not covered by Medicaid, Retiree Health Coverage (if it has not ended under the preceding sentence) is 75% of the premium cost of Medicare Supplement Insurance Part D and [either](#) Plan F [or](#) G.

4.6.2 Life Insurance

The Council will pay for employee life insurance coverage at the rate of one times salary, with a minimum coverage of \$50,000.

4.6.3 Retirement

- (a) The Council will pay a base of ten (10) percent of an employee's salary into a deferred compensation plan.
- (b) Depending on availability of funding, the Council will contribute an additional match of up to four (4) percent beginning January 1, 2012.
- (c) Vesting will be 100 percent. In the case of the death or disability of an employee, the employee or the employee's estate or beneficiary shall be paid in cash for 100% of the employee's deferred compensation plan.

4.6.4 Long Term Disability Insurance

The staff is eligible for coverage by a disability plan similar to that provided by the Federal Government to its employees.

4.7 Experts and Consultants

- (a) As long as funding is available in the Council's budget, the Executive Director may, in consultation with the Council Chair, contract with experts and consultants as needed to provide technical assistance not available from NOAA at a rate that does not exceed the first step of GS 15 plus travel.
- (b) A Council must notify the NOAA Office of General Counsel before seeking outside legal advice, which may only be for technical assistance not available from NOAA. If the Council is seeking legal services in connection with an employment practices question, the Council must first notify the Department of Commerce's Office of the Assistant General Counsel for Administration, Employment and Labor Law Division. A Council may not contract for the provision of legal services on a continuing basis.