

## Mid-Atlantic Council - 2013 Priorities

### Annual Review/Specifications:

- Summer Flounder, Scup, Black Sea Bass - review 2014 specifications (update); adopt 2014 Recreational Management Measures
- Mackerel, Squid, Butterfish - review 2014 specifications for Squids, Mackerel; adopt 2014 specifications for butterfish
- Surf Clam /Ocean Quahog - adopt 2014, 2015, 2016 specifications
- Tilefish - review 2014 specifications
- Bluefish - review 2014 specifications; adopt 2014 Recreational Management Measures
- Dogfish - review 2014 specifications

Amendment 15 to Surf Clam /Ocean Quahog

Amendment 15 to Mackerel, Squid, Butterfish

Amendment 16 to Mackerel, Squid, Butterfish

Amendment 17 to Summer Flounder, Scup, Black Sea Bass

Amendment 18 to Summer Flounder, Scup, Black Sea Bass

Omnibus Amendment to consider changes to AMs

Amendment 6 to Monkfish

Amendment 3 to Spiny Dogfish

Consistency Amendment - Vessel Baseline Regulations

Omnibus Amendment to consider changes to AMs

Surfclam/Ocean Quahog Data Collection

Fishery Performance reports for all species

Special Management Zones for Delaware Reefs

Research Set-Aside Implementation

Mid-Atlantic Fishery Management Council 10-yr Strategic Plan

Ecosystem Based Fishery Management Document

Comprehensive Research Priority Plan

Strategic Communications Plan

Website Redesign

Squid Summit

Forage Fish Panel

Scientific and Statistical Committee Meetings

Sturgeon Listing

Essential Fish Habitat updates for Bluefish, Summer Flounder, Scup, and Black Sea Bass

Other:

- Marine Resource Education Program

- Atlantic Coastal Cooperative Statistics Program

- Marine Recreational Information Program

- Partnership for Mid-Atlantic Fisheries Science

- Chesapeake Bay Goal Implementation Team

- Coastal and Marine Spatial Planning, Bureau of Ocean Energy Management, Mid-Atlantic Regional Association for Coastal Ocean Observing System

- Protected Resources Take Reduction meetings

- Standardized Bycatch Reporting Methodology

## **MID-ATLANTIC COUNCIL**

### **2013 Planned Council Meeting Topics**

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

- Ecosystem and Ocean Planning Committee review of alternatives for Amendment 16
- Amendment 16 to Atlantic Mackerel, Squid, Butterfish (deep sea corals) Scoping Hearing
- Black Sea Bass Specifications for 2013 and 2014
- Special Management Zone recommendations for Delaware Reefs
- Discuss approach to alternative development for Amendment 15 to Atlantic Mackerel, Squid, Butterfish FMP
- Marine Recreational Information Program Update

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

- Tilefish Specifications for 2014
- Omnibus Amendment alternatives for public hearing document
- Squid Workshop Update from January 15-17, 2013
- Forage Fish Workshop

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

- Butterfish Specifications for 2014
- Surfclam/Ocean Quahog Specifications for 2014, 2015, and 2016
- RSA Award recommendations for 2014
- Approve Amendment 16 to Atlantic Mackerel, Squid, Butterfish FMP (Deep Sea Corals) for public hearings
- Approve Omnibus Amendment for Secretarial Submission
- Review protocols for Surfclam and Ocean Quahog Data Collection

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

- Swearing in of New and Reappointed Council members
- Election of Officers
- RSA Research and Information Priorities List for 2015

#### **October 8-10, 2013 -- Philadelphia, PA**

- Dogfish Specifications for 2014
- Summer Flounder, Scup, Black Sea Bass Commercial Specifications for 2014 (and beyond)
- Bluefish Specifications for 2014
- Approve Amendment 16 to Mackerel, Squid, Butterfish FMP (Deep Sea Corals) for Secretarial Submission
- Amendment 17 to Summer Flounder, Scup, Black Sea Bass FMP public hearing document

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

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

# MID-ATLANTIC COUNCIL

## 2013 Schedule of Events

### January

- 9 Monkfish Advisory Panel Meeting, Warwick, RI
- 10-11 ACCSP Social Media Workshop, Arlington, VA
- 11 BOEM Workshop, Ocean Pines, MD
- 15-17 Joint Ocean Commission Initiative / Setting the Agenda for Next Administration & Congress, Annapolis, MD
- 15 SMZ Public Hearing, Ocean City, MD
- 16 SMZ Public Hearing, Lewes, DE
- 17 SMZ Public Hearing, Toms River, NJ
- 17 Habitat PDT, Milford, MA
- 15-17 Squid Management Workshop, Riverhead, NY
- 22 ASMFC SF/SC/BSB Technical Committee Meeting, Baltimore, MD
- 22-23 MREP Management, Baltimore, MD
- 22-23 Gillnet Bycatch Workshop, Ocean City, MD
- 23 SSC Meeting to reconsider BSB ABC, Baltimore, MD
- 28 Corals FMAT, Gloucester, MA
- 28-Feb 1 ASMFC Training, Baltimore, MD
- 30-Feb 1 Science Online Conference, Raleigh, NC
- 30 SCOQ FMAT Meeting, Boston, MA

### February

- 4 Highly Migratory Species Webinar
- 5 Tilefish Advisory Panel Webinar
- 7 Monkfish Committee Meeting, Providence, RI
- 12-14 Mid-Atlantic Fishery Management Council Meeting, Hampton, VA
- 18-21 Atlantic States Marine Fisheries Commission Meeting, Alexandria, VA
- 19-21 Council Coordinating Committee Meeting, Washington, DC
- 19-22 Surfclam SAW/SARC, NEFSC, Woods Hole, MA

### March

- 13-14 Fish Smart Mid-Atlantic / New England Workshop, Providence, RI

### April

- 4-5 Mid-Atlantic Regional Ocean Planning Workshop,
- 9-11 Mid-Atlantic Fishery Management Council Meeting, Raleigh, NC
- 17-19 Interstate Shellfish Seminar, Rehoboth, DE
- 22-24 Sustainable Ocean Summit, Washington, DC



*Status of Open Amendment/Framework Actions  
(as of January 31, 2013)*

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

**Mid-Atlantic Fishery Management Council**  
**Status of FMPs, Amendments and Frameworks**  
(As of February 1, 2013)

FMP/Amendment	Date Approved by Council	Lapse	Date submitted to NMFS/NERO	Lapse	FR Notice of Plan Availability	Lapse	Proposed Rule Publication Date	Lapse	Plan Approval/Disapproval Letter	Lapse	Final Rule Publication Date
Squid, Mackerel, Butterfish Framework 5	04/12/12	5	04/17/12	X	N/A	157	09/21/12	X	N/A	74	12/04/12
Squid, Mackerel, Butterfish Framework 6	04/12/12	5	04/17/12	X	N/A	72	06/28/12	X	N/A	60	08/27/12
Squid, Mackerel, Butterfish Framework 7	10/17/12	6	10/23/12	X	N/A	51	12/13/12	X	N/A		
Squid, Mackerel, Butterfish Framework 8	12/12/12										
Squid, Mackerel, Butterfish Amendment 14	06/14/12										
Squid, Mackerel, Butterfish Amendment 15											
Surfclam and Ocean Quahog Amendment 15											
Spiny Dogfish Amendment 3	10/17/12										

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

# Mid-Atlantic Fishery Management Council Specifications

(As of February 1, 2013)

Fishery Management Plans	2012				2013				2014			
	Council Approved	Specs Package Submitted	NMFS Proposed Rule	NMFS Final Rule	Council Approved	Specs Package Submitted	NMFS Proposed Rule	NMFS Final Rule	Council Approved	Specs Package Submitted	NMFS Proposed Rule	NMFS Final Rule
Summer Flounder, Scup, Black Sea Bass Commercial Recreational	08/17/11 12/14/11	10/02/11 03/18/12	Interim Rule: 12/30/11 04/30/12	04/23/12 05/23/12	08/15/12 12/13/12	10/04/12	11/16/12 <sup>b</sup>	12/31/12 <sup>d</sup>				
Squid, Mackerel, Butterfish	06/15/11	08/09/11	10/26/11	03/21/12	06/12/12	07/31/12	11/19/12 <sup>c</sup>	01/16/13				
Dogfish	10/12/11	01/27/12	03/19/12	05/22/12	10/17/12	02/01/13						
Bluefish	08/17/11	12/02/11	02/15/12	04/27/12	08/15/12	12/02/12						
Surfclam, Ocean Quahog	12/27/10 <sup>a</sup>											

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

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

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

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



**MAFMC Squid Management Workshop**  
**January 15-17, 2013**  
**Riverhead, NY**

**Preliminary Workshop Summary**

The Mid-Atlantic Fishery Management Council convened a workshop on squid management, January 15-17<sup>th</sup> in Riverhead, NY. The purpose of the workshop was to consider whether responsive harvest strategies are feasible and appropriate for optimizing yield in the longfin and/or *Illex* squid fisheries. Participants included fishermen and industry representatives from both squid fisheries, representing a range of vessel sizes and geographic locations. Other participants included Council members, Council staff, and invited speakers from NOAA Fisheries and the academic and research communities. Workshop discussions were facilitated by the Fisheries Leadership & Sustainability Forum. The overall goal was to convene fishermen, managers, and scientists to explore ways to improve squid management.

The workshop was prompted by industry concern over the appropriate response to periods of high squid abundance, including conditions that led to the Trimester 2 closure of the longfin fishery in 2012. For the purposes of this workshop, the term “responsive harvest” included a range of management strategies for responding to fluctuations in squid abundance. On the less responsive end of this range are management-based solutions that could improve the industry’s ability to achieve the current squid quotas but would not affect the process for assessing the squid resources or setting catch levels. On the more responsive end of the range are “cohort-based” or “real-time” strategies, which are more data-intensive and involve identifying and responding to high and/or low squid abundance in-season. Tradeoffs between higher and lower responsiveness can include cost, complexity, flexibility, control, precision, stability, simplicity, predictability, and other factors.

The workshop included presentations, Q&A sessions, and full-group facilitated discussions. Workshop presentations addressed: the current process for assessing, managing, and monitoring squid landings; past work on in-season data collection and applications to real-time management, and programs and research areas that involve cooperative research and advanced data collection in the squid fisheries. A stock assessment scientist from the Falkland Islands Fisheries Department also provided an overview of real-time management of that country’s fishery for *D. gahi* (“*Loligo*”). Workshop discussions focused on the longfin squid fishery and addressed current challenges and potential solutions, culminating in recommendations and next steps.

While workshop participants expressed interest in improving stock assessment capabilities for squid, they felt that management-focused solutions were a more immediately feasible option than cohort-based or real-time strategies for improving fishery operations in the short term. Industry participants expressed strong concern that real-time strategies could potentially result in unstable or lower catch levels in some years without actually optimizing yield or preventing overfishing. The group also felt that it would be important to further consider the costs and potential outcomes associated with these strategies before moving forward.

Participants recommended improving the longfin squid management process along multiple timelines:

#### Shorter Term

In the short term, the group recommended that the Council consider operational improvements to enable the industry to achieve their current quota. Within the existing longfin quota, this might be achieved through flexibility in the trimester allocations or holding some portion of the annual quota in reserve, to be used in-season during a period of high abundance (any Trimester). Other recommendations related to facilitating catch of the current quota included: re-evaluating the purpose and effectiveness of the scup and lobster Gear Restricted Areas (GRAs); re-considering the 48-hour longfin squid trip notification requirement; and increasing the 2,500 lb trigger for requiring a longfin squid trip notification.

Since management needs to plan now about how to achieve goals 5-10 years down the line, data collection efforts to support longer term goals also should be addressed in the short term. This could include potentially broadening participation in electronic data collection efforts and identifying other steps that can be taken now to collect information that would support more real-time information about squid productivity.

#### Medium Term

Over the medium term, participants hoped that the current assessment and currently-collected data (fisheries dependent or independent) could be explored to identify signposts that would suggest times when in-season increases to the current quota would not jeopardize stock sustainability. For example, certain indicators (for example early season catches, preceding survey results) may allow in-season determinations that the longfin squid stock is particularly robust. Accordingly, using the same maximum-mortality ratio approach as is currently used (catch vs. biomass) to set the longfin ABC at 23,400 metric tons could suggest a higher yield was justified in some years. Council staff noted that the Council's Scientific and Statistical Committee (SSC) would need to adopt any such approach.

#### Longer Term

In the longer term, participants recommended that managers and scientists expand ongoing efforts of working with the industry to improve data collection and assessment capabilities, as well as improving understanding of the ecological drivers of squid abundance.

#### Next Steps

A full workshop summary report will be distributed prior to the next Council meeting, April 9<sup>th</sup>-11<sup>th</sup> in Raleigh, NC. Once that report is completed, the Council also plans on conducting several small-group port meetings to facilitate input from a broader group of fishermen.



January 15-17 Squid Workshop Preliminary Participant List - Riverhead, NY

<b>NAME</b>	<b>AFFILIATION</b>
Dick Grachek	FV Anne Kathryn (CT/RI)
Jim Lovgren	Fisherman's Dock Cooperative, NJ
William Bright	FV Retriever (NJ)
Peter Hughes	Lunds Fisheries, NJ
Stefan Axelsson	FVs Dyrsten /Flicka (NJ)
Greg DiDomenico	Garden State Seafood Assoc., NJ, Workshop Advisory Group
Dave Lofstad	FV Viking Pride (NY)
Ken Raynor	FV Dorothy M (NY)
Hank Lackner	FV Jason & Danielle (NY), Workshop Advisory Group
Dan Farnham	FV Megan-Marie *NY)
Geir Monsen	Seafreeze (FVs Relentless / Persistence (RO), Workshop Advisory Group
Donald Fox	FV Lightning Bay (RI)
Mike Roderick	Town Dock, RI
Chris Lee	Handrigan's Seafood, RI
Chris Roebuck	FV Karen Elizabeth (RI), Workshop Advisory Group
Phil Ruhle, Jr.	FV SeaBreeze Too (RI)
Eric Reid	Deep Sea (RI), Workshop Advisory Group
Peg Parker	Commercial Fisheries Research Foundation (RI), Workshop Advisory Group
Jimmy Ruhle	FV Darana R (NC/VA), Workshop Advisory Group
Lucy VanHook	Maine Coast Fishermen's Assoc.
Peter Christopher	NOAA Fisheries, NERO
Hannah Goodale	NOAA Fisheries, NERO (via webinar) (only days 1-2 because webinar was not available on day 3)
Dr. Lisa Hendrickson	NOAA Fisheries, NEFSC (via webinar) (only days 1-2 because webinar was not available on day 3)
Dr. Paul Rago	NOAA Fisheries, NEFSC (via Webinar) (only days 1-2 because webinar was not available on day 3)

John Hoey	NOAA Fisheries, NEFSC
Dr. John Manderson	NOAA Fisheries, NEFSC
Jim Gartland	VA Institute Marine Science (VIMS), NEAMAP Survey
Chris Bonzek	VA Institute Marine Science (VIMS), NEAMAP Survey
Howard King	MAFMC - MSB Committee Chair (MD)
Erling Berg	MAFMC - MSB Committee Vic-Chair (NJ)
Steve Heins	MAFMC, NY DEC
Dr. Chris Moore	MAFMC - Staff - Executive Director
Jason Didden	MAFMC - Staff, MSB Plan Coordinator, co-organizer
Mary Clark	MAFMC - Staff - Communications
Dr. Andreas Winter	Falklands Islands Fisheries
Dr. Eric Powell	University S. Mississippi
Emerson Hasbrouck	Cornell Cooperative Extension, Squid Trawl Network, Workshop Advisory Group
John Scotti	Cornell Cooperative Extension, Squid Trawl Network
Tara Froehlich	Cornell Cooperative Extension, Squid Trawl Network
Kristen Gerbino	Cornell Cooperative Extension, Squid Trawl Network
Dr. Josh Kohut	Environmental & Biological Sciences - Rutgers
Katie Latanich	Fisheries Forum (co-organizer, facilitator)
John Henderschedt	Fisheries Forum (facilitator)
Whitney Tome	Fisheries Forum (facilitator)
Kim Gordon	Fisheries Forum (facilitator)



## Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | www.mafmc.org  
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

# MEMORANDUM

**Date:** January 29, 2013  
**To:** Chris Moore, Executive Director  
**From:** Jessica Coakley and Kiley Dancy, Staff  
**Subject:** Scup Items for Action/Discussion

At the August 2012 Council Meeting, the Council voted to initiate an amendment to reevaluate catch allocations in the scup fishery. This action, Amendment 18 to the Summer Flounder, Scup, and Black Sea Bass FMP, could change the allocations to the commercial and recreational scup fisheries.

In addition to the allocation issue, several other scup issues have recently been raised by members of the public and some Council members:

- *Review of the scup gear restricted areas (GRAs):* The GRAs were initially implemented to reduce the discard of juvenile scup in the GRAs during specific times of the year; issues have been raised relative to their performance and necessity.
- *Rollover from the Commercial Winter fishing period to Summer period:* Commercial quota currently can be rolled over from Winter I period to Winter II, but not to the Summer period. There is some interest in rolling some portion of the Winter I underage into the Summer fishing period.
- *Modification of the Commercial Winter II possession limits:* A possession limit of 2,000 lb is used in Winter II, unless a transfer of commercial quota occurs between Winter I and Winter II. In that case, the Winter II possession limit can increase at 1,500 lb intervals for every 500,000 lb of scup transferred. There is some interest in modifying the Winter II possession limit.



## Coakley, Jessica

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**From:** JDHLCL@aol.com  
**Sent:** Tuesday, January 22, 2013 1:32 PM  
**To:** Moore, Christopher  
**Cc:** Robins, Rick; King, Howard; Nolan, Laurie; tony@rocketcharters.com; McMurray, John; Didden, Jason T.; Coakley, Jessica  
**Subject:** Fwd: movement of scup GRA

Hello All,

Firstly, I would like to thank everyone involved in the recent squid workshop. I believe it was a fantastic outreach to the industry while attempting to further understand the inner workings of the longfin squid fishery. Hopefully improvements will arise, allowing the industry to operate more profitably, as well as taking into account the effects the longfin squid fishery has upon other mid-atlantic fisheries.

I am resending this letter to the council as a reminder that of one of the most challenging issues the industry faces in their attempt to optimize longfin yield is the southern GRA. We should be looking at the effectiveness of the southern GRA, and see if it is performing in the manner it was initially intended.

Your attention to this important issue is greatly appreciated. Please let me know, when it will come up in the council process and I will be glad to help, if needed.

Thank You for your time and consideration,

Hank Lackner

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From: [JDHLCL@aol.com](mailto:JDHLCL@aol.com)  
To: [richardbrobins@gmail.com](mailto:richardbrobins@gmail.com)  
CC: [jcoakley@mafmc.org](mailto:jcoakley@mafmc.org), [jdidden@mafmc.org](mailto:jdidden@mafmc.org)  
Sent: 8/18/2012 2:08:11 P.M. Eastern Daylight Time  
Subj: movement of scup GRA

Hello Rick, Jessica,

I have an idea I would like the council to consider. This thought involves the revising of the southern scup GRA. We all know that the scup population is fully rebuilt and thriving while at the same time the loligo squid fleet faces trying times with butterfish avoidance issues.

The way the current scup gra is drawn makes absolutely no sense at all. It is just a series of straight lines drawn down the continental shelf that, for the most part, really has nothing to do with protecting scup populations. In fact the only thing the line does as currently drawn is restrict the movement of the loligo squid fleet and its attempts to avoid the ever present butterfish. With it now being 2012, I, as well as my fellow fisherman, believe it is time to redraw the line following fathom curves. It is also time to give back some of the prime fishing grounds to the squid fleet that have been taken away since this random line was drawn.

With the redrawing of the southern GRA, any concerns of increased scup bycatch can be easily analyzed with all the observer data that has been recently collected. If I am not mistaken we are also going to get an increase in the scup quota, so maybe we should be looking at a slightly higher scup bycatch allowance in the loligo fishery, thus turning potential discards into landings.

I have done a preliminary redrawing of the boundaries, it will need slight tweeking to make it 100% correct, but it is a place to start. Boats today are equipped with state of the art plotting computers and getting precise coordinants will not be a problem.

I am only concerned with the Eastern Boundary

### REVISED EASTERN BOUNDARY

We must start by moving the north east corner to 26280/43008--39 20n/72 37.2w then move to

26359/42821--39 00n/72 50w

we would then keep the GRA as is until 26570/42462--3825.5n/73 29.4w then move to

26603/42457--38 25.4n/73 35.1w then move to

26665/42273--38 08.6n/73 49.3w then move to

26686/42286--38 10.3n/ 73 52.9w then move to

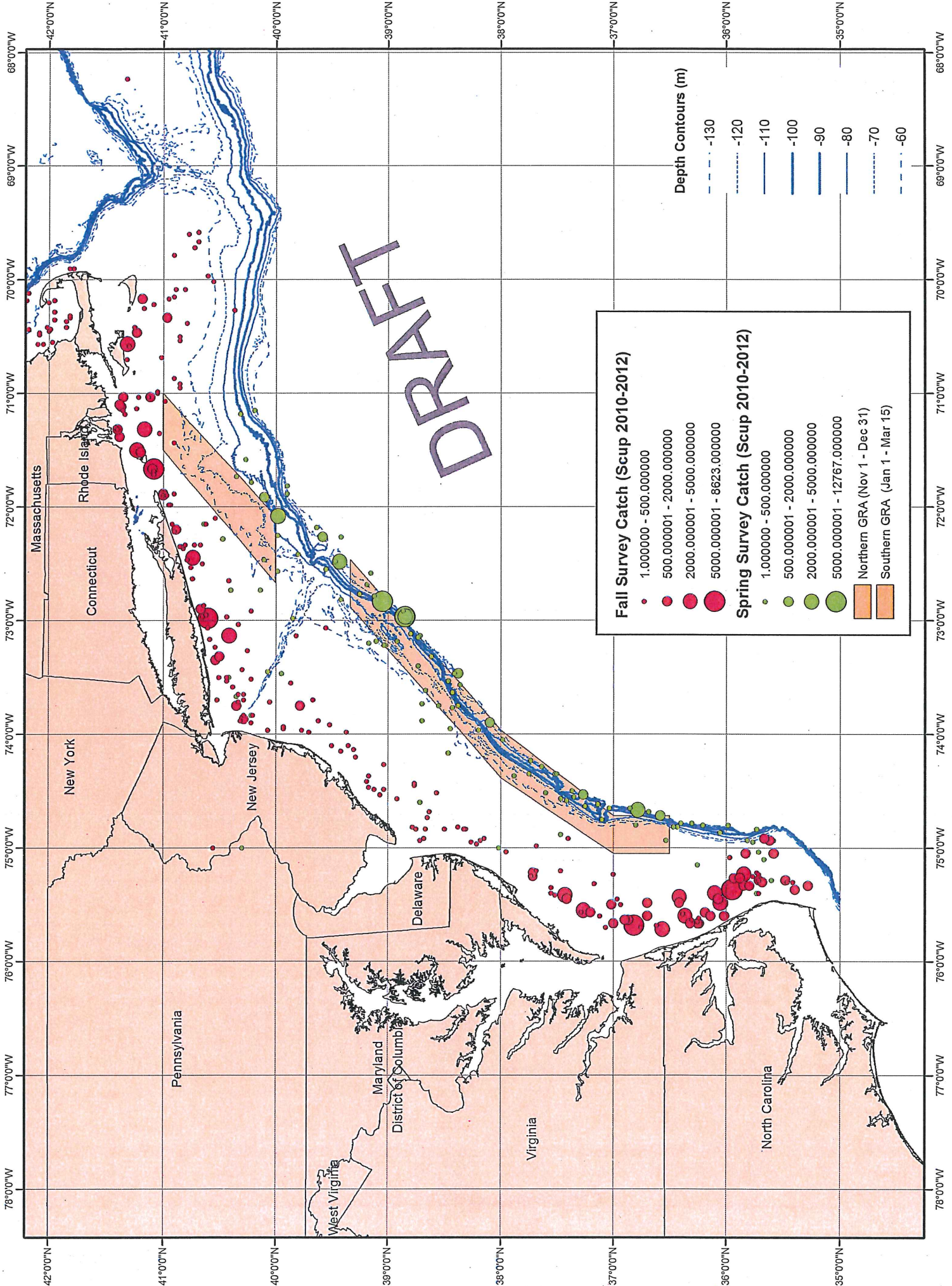
26747/42085--37 52.7n/74 08.1w then move to

26765/42011--37 40.3n/74 13.2w then move to

26810/41786--37 26.8n/74 27.1w then move to



DRAFT





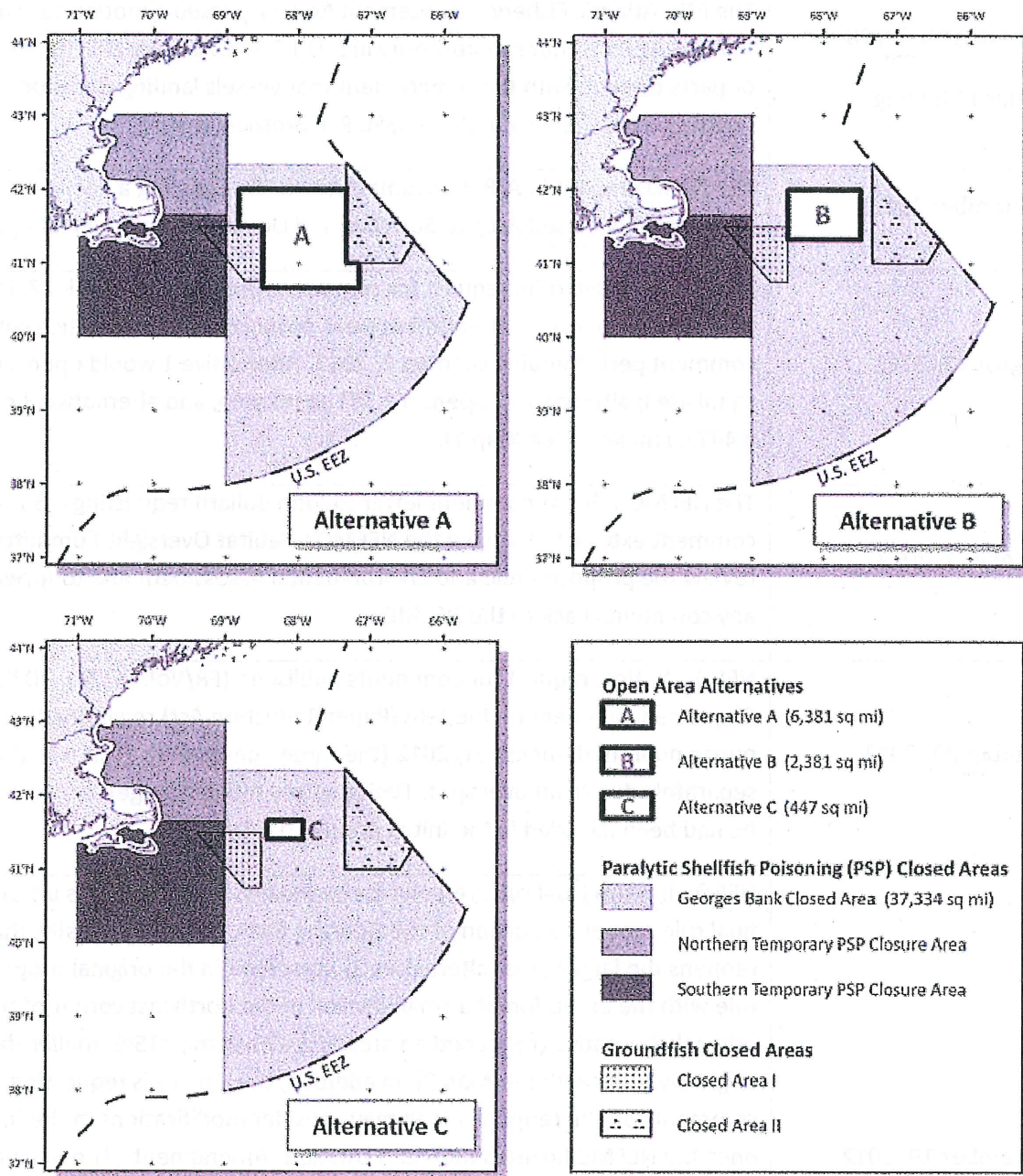
## Georges Banks - Reopening Issue (timeline)

Date	Action
February 15-16, 2012 Council Meeting	The Mid-Atlantic Fishery Management Council passed a motion to request that the agency under its authority in 50 CFR 648.76 reopen George's Bank or parts thereof, with the requirement that vessels landing clams or quahogs from the area undergo ISSC PSP protocol testing.
September 2012	The NERO prepared EA/RIR document titled "Re-Opening a Portion of the Georges Bank Closed Area to Surfclam and Ocean Quahog Harvesting."
August 31, 2012	NERO - Proposed rule; request for comments published (FR/Vol. 77, No. 170). Three open area alternatives were proposed in the FR notice with a comment period ending October 1, 2012. Alternative 1 would open a 6,381 sq mi area; alternative 2 opens a 2,381 sq mi area, and alternative 3 opens a 447 sq mi area (see Map 1).
October 1, 2012	The NEFMC submits comment letter to John Bullard requesting a 60-day comment extension to allow the NEFMC's Habitat Oversight Committee to review the proposed rule and Environmental Assessment and to forward any comments back to the NEFMC.
October 22, 2012	NERO - Notice; request for comments published (FR/Vol. 77, No. 204). Requested comment on the PRA (Paper Reduction Act) regarding the FR notice published August 31, 2012 (the three open areas). [This was done separately due to an oversight. Typically, any PRA language/concerns would be had been included in the initial proposed rule].
December 19, 2012	NERO - Interim Final rule; request for comments published. This interim final rule reopens a portion of the Georges Bank. More specifically, this rule reopens the larger area (alternative 1) presented in the original proposed rule with the exception of a small portion in the northeast corner of the original alternative (reopened an area of 5,423 sq mi; ~15% smaller than originally proposed; see Map 2). In addition, the agency is requesting comments on the reopening and may consider modifications in the future once the NEFMC finalizes their EFH Omnibus Amendment. [The issue is that the NEFMC is currently developing an EFM Omnibus Amendment, which may include potential habitat management areas that, if implemented, would spatially overlap with the areas]. From the EA, it appears that the sediments in the area not included in the final rule are more cobble and boulder (see Map 3). This may be why it is under consideration by the NEFMC for habitat protection, and may also make the area less attractive to hydraulic clam dredging.

Map 1. Original open area alternatives.

53166

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**Open Area Alternatives**

- A** Alternative A (6,381 sq mi)
- B** Alternative B (2,381 sq mi)
- C** Alternative C (447 sq mi)

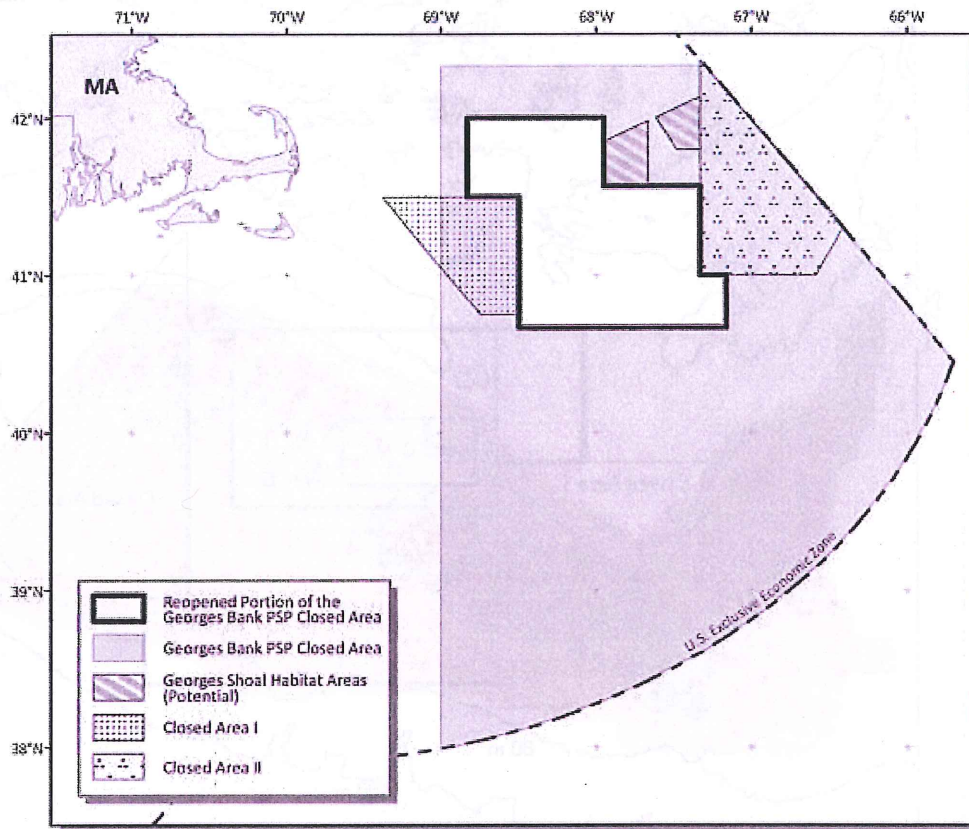
**Paralytic Shellfish Poisoning (PSP) Closed Areas**

- Georges Bank Closed Area (37,334 sq mi)
- Northern Temporary PSP Closure Area
- Southern Temporary PSP Closure Area

**Groundfish Closed Areas**

- Closed Area I
- Closed Area II

Map 2. Area reopened under the interim rule.





Map 3.

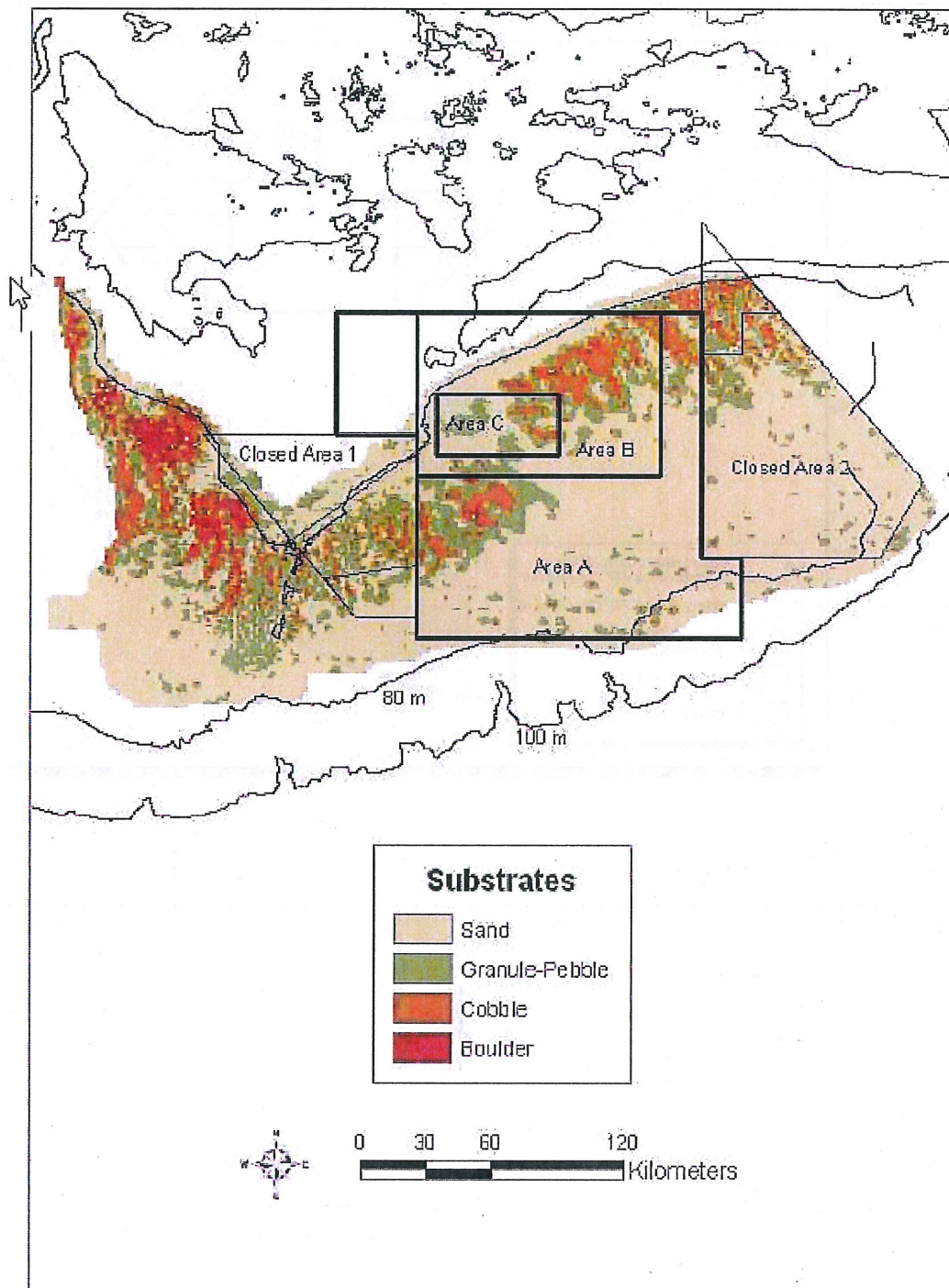


Figure 5.1-4 Dominant surficial sediments on Georges Bank. Spatial interpolations were based on video survey data collected by SMAST/UMA at Dartmouth (Harris and Stokesbury 2010).



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# MEMORANDUM

**Date:** January 31, 2013  
**To:** Chris Moore  
**From:** Mary Clark  
**Subject:** Visioning and Strategic Planning Update

The Visioning and Strategic Planning Working Group met for the fifth and final time in December. The working group, which was composed of Council members, stakeholders, and regional leadership, was established in August 2012 and charged with using the findings of the *Stakeholder Input Report* (July 2012) to draft Vision and Mission Statements and a series of goals, objectives, and strategies for the Council's 10-year strategic plan.

Over the course of five meetings, the working group finalized a vision, a mission statement, and seven draft goal statements corresponding to the 7 categories of concerns and recommendations we received from stakeholders between September 2011 and February 2012:

- Science & Data
- Socioeconomic Considerations
- Ecosystems
- Regulatory Processes
- Governance
- Public Engagement & Communication
- Fishery Management Strategies

The group had developed between two and four objectives for 6 of the goals. Given the limited meeting time and the breadth of topics to discuss, the group had insufficient time to fully develop strategies for the plan. Although we initially intended to have finished a complete draft shortly after the fifth meeting, the working group agreed at the final meeting that additional input from the Council's technical staff would be beneficial to ensure that implementation of the plan is feasible.

I expect to receive a preliminary draft by early February from RESOLVE (the Council's strategic planning coordinator and facilitator). This document will include all of the goals, objectives, and strategies developed by the working group, but some sections of the plan will require additional development before they are complete. At the final meeting the working group agreed to have the technical staff review the preliminary draft and add additional content as necessary.

We are planning to have a full draft of the strategic plan completed for discussion at the April Council meeting. Depending on the outcomes of that meeting and the type of revisions that are needed, the plan will either be posted for public comment or revised for further discussion at the June meeting.



## Moore, Christopher

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**From:** Anthony.DiLernia@kbcc.cuny.edu  
**Sent:** Tuesday, January 15, 2013 2:00 PM  
**To:** Desautels, Denise  
**Cc:** Robins, Rick; Anderson, Lee; Bullard, John; Darcy, George; Moore, Christopher  
**Subject:** Recreational Summer Flounder  
**Attachments:** 13summerflounderquestion.doc

Good Afternoon, During the December Council meeting I asked a question regarding the current legality of the recreational portion of the Summer Flounder FMP. While I do not expect an answer that would effect the development of Conservation Equivalency measures for the 2013 fishery, I hope the issue can be resolved in time for when the issue is considered again during the December 2013 meeting. My sense is that many of the state directors understand the situation New York is in and are sympathetic to the issue. They have stated to me that some of them would be committing "political suicide" within their state should they be perceived by the fishermen of their state of "giving away fish" by joining into a management region with other states. Some have stated privately that given the choice of combining into a region versus Coast-wide Management they, the state directors, would be able to explain to their fishermen why they entered into a region and could avoid the political fallout. But, for them to do so, would require a legal decision stating the current Conservation Equivalency process was no longer legal, and that the "compromise regional approach" was legal. Hopefully you will agree with me that the current Conservation Equivalency process is no longer legitimate. Please see the attached memo from myself to you. Thank you for your help and cooperation. Tony DiLernia

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To: NOAA General Counsel  
From: Anthony D. DiLernia, member, Mid-Atlantic Fishery Management Council  
Re: December Request for Clarification  
Date: January 15, 2013

I am writing regarding the issue I raised during the December 2012 Council meeting.

Recall, that during the Summer Flounder discussion, I asked if the current FMP for Summer Flounder still met the legal standards when reviewed under the requirements of National Standard Six.

National Standard Six states, "*Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches*".

The Act defines a "fishery" as, "*one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics*".

I raised the issue, because my concern lies with the current geographic characteristics of the stock. Recent comments by the Northeast Fisheries Science Center, after the review of trawl data, have concluded that the range of Summer Flounder is expanding and shifting northward and the distribution of the stock has changed. Thus, the current distribution is much different than the distribution that existed when Conservation Equivalency measures were developed utilizing 1998 data. In addition, these comments from the Northeast Fishery Science Center are consistent with recent comments from our Science and Statistical Committee, Council staff and the previous Regional Administrator; all of which called attention to the northern movement of the stock. Therefore, it may be time to review the FMP in light of National Standard Six requirements.

I have been advised that, should it be determined that the current FMP no longer meets National Standard Six, it will become necessary to implement Coast-wide measures for a number of years, (3-5 years), to establish a new "base line" for the development of future Conservation Equivalency measures.

In addition, while I did not discuss it during the Council meeting I would also ask if National Standard Three is also being violated by the current FMP. National Standard Three states, "*To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination*".

I wonder if the current management criteria, (size, season, possession limit), utilizing the Conservation Equivalency system now in place, which has different regulations between states, often in common bodies of water shared by two or more states, is not a violation of National Standard Three because the fish are not being managed as a unit throughout the

same body of water, such as Long Island Sound where New York and Connecticut regulations differ.

If it is decided that the current plan violations National Standards Six and Three, there would be a significant change to the recreational fishery in the Mid-Atlantic region by resulting in Coast-wide measures for a number of years. I am confident many managers would prefer this disruption not occur.

Perhaps to address the legality of the plan and to avoid Coast-wide measures, a compromised can be reached. "Would it be legal, to avoid Coast-wide measures while at the same time addressing the redistribution of the stock, by combining states and their allocations into regions and managing the fishery on a regional basis rather than by individual states?"

A possible combination of regions be, (1) a New England Region, consisting of New Hampshire, Massachusetts, Rhode Island, (2) a Northern Mid-Atlantic Region, consisting of Connecticut, New York, New Jersey, Delaware and (3) a Southern Mid-Atlantic Region consisting of Maryland and Virginia. North Carolina, due to its small catch of Summer Flounder and the mixing of the stock with Southern Flounder would be exempt.

Thus, should the above regions be created, Summer Flounder would be managed by the body of water they inhabit, (as a unit), rather than being managed along state lines and the effects of the northward movement of the stock would not be as significant. An added benefit would be the elimination of confusion amongst recreational fishermen as regulations would be consistent for common shared waters, i.e. (1) Long Island Sound, New York – Connecticut, (2) Raritan Bay, New York – New Jersey, (3) Delaware Bay, New Jersey-Delaware, (4) Chesapeake Bay, Virginia-Maryland.

Thank you for your time and consideration of my questions.



Memorandum

01.16.2013

To: Chris Moore, Executive Director MAFMC

From: Alexei Sharov

Subject: Black Sea bass recreational measures in 2013

Dear Chris,

I would like to bring to your attention a serious methodological issue identified during the MAFMC and ASMFC discussion of black sea bass stock status and recreational management measures for 2013. According to the Council Memo dated November 15, 2012, the 2012 recreational catch in waves 1-4 has already exceeded the 2012 annual catch limit. Although the introduction of accountability measures required by the Magnusson – Stevens Act are delayed by the NMFS Regional Office until 2014, there is an expectation of further ACL reduction of up to 49% to account for the presumed 2012 overage. However, this overage is likely to be overstated and is primarily a result of inappropriate data treatment and issues in assessment and management methodology.

The core problem in the current management of the black sea bass fishery is inappropriate use of the recreational harvest estimates. This is a common problem that applies to any species where recreational harvest is a significant portion of the total catch. In the current process employed by both the Council and the Commission, a point estimate from the survey is treated as the true value of actual catch. Failure to treat recreational harvest as a statistical estimate incorporating measures of uncertainty is likely to lead to wrong conclusions about the level of removals and erroneous management actions. While stock assessment models routinely address uncertainty in absolute abundance and fishing mortality rates in the form of probability distribution or a likelihood of  $F$  being over threshold, the uncertainty in recreational catch estimates is totally ignored in the current process of fishery performance evaluation, specifically when the estimated catch is compared with the annual quota. As you well know, the MRFSS/ MPRIP survey produces an estimate of annual harvest with the corresponding measure of error in the estimate in the form of proportional standard error or PSE. Even a moderate PSE can lead to the event that simply by chance our estimate of catch per angler trip in any wave, mode or area could be well above or below the true value and result in very large inter-annual variability. Abundant examples of such estimates that were considered questionable were brought to the attention of the Council, ASMFC and state agencies by many stakeholders.

MRIP staff responded to stakeholders critique with a clear statement about the nature of a survey estimate: "For an estimate to have any real-world meaning, both of these numbers (point estimate and margin of error) have to be taken into account. That's

because if there is a high PSE, then we are less certain that the point estimate reflects the true value, a fact that has to be accounted for when using the data.”

As you can see, MRIP explicitly warns about a proper use of the estimate and advises caution when PSEs exceed 50%. While this is clearly understood and loudly voiced by our constituency, surprisingly, this advice is currently being completely ignored by the assessment scientists and managers in the current management process.

A proper use of statistical theory would be to generate a confidence limit interval at the selected level of confidence using sample point estimates and a measure of error. Such an interval is a true measure of our knowledge of the size of the catch. It is important to note that any point within the specified interval is equally likely to be a true value.

In addition to the issue of survey precision, there is still a possibility of bias in total effort and catch estimates due to the reliance of current survey on random digital dialing to landline phones only. This was indicated in several reports to the ASMFC by Dr Crecco from CT DEP. His concerns about potential bias (overestimation of catch) were never fully addressed, while the new effort assessment methodology based on saltwater angler registry has not yet been implemented and tested..

While there is no immediate simple solution to the problem, there are several steps that could be recommended to the Council and the ASMFC to address this problem.

1. The inappropriateness of the use of single point estimates in management should be acknowledged by the Council's SSC and the ASMFC Technical Committees.
2. The Council and the ASMFC should stop using point estimates of recreational harvest in a quota based management system.
3. The SSC and appropriate Technical Committees should initiate a discussion and develop alternatives to current treatment of recreational harvest estimates.

Potential interim options may include using a three year running average for recreational harvest estimates or other types of smoothers and use of trend analysis. Since the ultimate goal of the Act is to avoid overfishing, the monitoring data indicating population status (changes in size and age structure through the range of the species at sea as well as fishery dependent and independent CPUE measures) should be regularly considered when developing management advice and quota setting rather than relying solely on catch estimates in the absence of regular stock assessment updates. Whenever estimates of catch seemed to be particularly high or low, the Monitoring Committee or another appropriate group should review the MRIP data with great detail to identify sources leading to the outlier estimate and provide expert judgment on believability and applicability of the estimate to be considered in the development of management advice. Applicability of alternative ad hoc methods (i.e. Bayesian modeling) should be investigated as well. Lastly, these comments are applicable to a number of other recreationally important species managed by both ASMFC and the Council.

I hope you will find these comments useful and that steps to improve the quality of scientific advice will be taken.



Sincerely

Alexei Sharov, Ph.D.  
Stock Assessment and Analysis Program  
Fisheries Service  
Maryland Department of Natural Resources

## Moore, Christopher

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**From:** Armstrong, James L.  
**Sent:** Thursday, January 31, 2013 1:48 PM  
**To:** Moore, Christopher  
**Subject:** FW: state federal misalignment

Here is Pete's response to the misalignment issue. In short, he said a letter to NJ asking about the nature of any misalignment would help and suggested letters to all our states inquiring whether there is an issue.

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**From:** Himchak, Peter [<mailto:Peter.Himchak@dep.state.nj.us>]  
**Sent:** Tuesday, January 29, 2013 1:45 PM  
**To:** Armstrong, James L.  
**Subject:** RE: state federal misalignment

Jim,

Two issues for you. First, when will the AP Meeting Summary from their last meeting no longer be Draft? I've read a lot of e-mails disagreeing with its original content.

Second, tying up a loose thread, the state-federal misalignment issue. Here's the situation in NJ: fishermen without a federal monkfish permit, or fishermen with a federally issued monkfish permit but using a different vessel from what the permit is attached to, can be successful certain times of the year catching monkfish in state waters where there is only a minimum size limit, no DAS or trip limit, etc as required by the monkfish fmp. Making the matter worse, they are not required to sell to federally permitted monkfish dealers and since NJ does not have an all inclusive landing license, they can sell the monkfish anywhere and we are not capturing the landings. This is unfair to federally permitted monkfish fishermen who play by the rules, but equally worse is the fact that the unreported landings increase management uncertainty and someone will be held accountable down the line.

This monkfish regulatory black hole is worse than the NY situation brought up by Hank Lackner, I think it was, who e-mailed the MAFMC about non-federally permitted squid and butterfish fishermen taking these species in State waters and again not held to the standards of the fmp. At least in the NY case, the landings were being monitored. So, how to solve this problem? We have brought the issue up to our Marine Fisheries Council and have Drafted regulations that prohibit anyone from fishing in state waters for a species that has a federal fmp unless that individual or vessel has the fmp federal permit. Of course, if the species has an ASMFC fmp, we regulate according to that fmp. A letter from the MAFMC could give our regulations a boost in the administrative process.

I brought up NJ's monkfish issue (and it happens with skates and maybe some other species) when the e-mail from NY on squid/butterfish was discussed several meetings ago. What if the MAFMC sends a general letter to all the states inquiring of any misalignment issues that may contribute to management uncertainty? The NJ response would be yes, we have a big problem with monkfish and this complicates accountability measures. I could use the letter to awaken the NJMFC's efforts to prod the administrative process along to close the loophole. That's the crux of the matter. It's a great thing that spiny dogfish will be in alignment for the next fishing year. Explaining that situation with closures was a real headache.



## Mid-Atlantic Fishery Management Council

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

Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)

Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

January 3, 2013

Dr. William Karp  
Northeast Fisheries Science Center  
National Marine Fisheries Service  
166 Water Street  
Woods Hole, MA 02543

Dear Bill:

The Council's SSC will meet May 15-16, 2013 to review and develop ABC recommendations for Atlantic mackerel, squid, and butterfish. Below is the information that we believe will be most critical to inform SSC decision-making.

Mackerel:

1. Updated time series of spring indices (through 2013 preferably, or 2012 if 2013 is not available).
2. Time series of length and age frequency distributions.
3. Implications (if any) from the recent Canadian mackerel assessment as it relates to our understanding of mackerel abundance.

Illex & Longfin:

1. Updated time series of indices through fall 2012.

Butterfish:

1. Update of Miller/Rago analysis conducted last year, including:
  - Updated discards for 2012
  - Updated spring and fall indices through fall 2012
  - Consideration of just using Bigelow data
  - Incorporation of NEAMAP data to complement Bigelow data
  - Time series of length and age frequency distributions.

In regard to our timeline for specifications, we would need to receive most of this information by April 12, 2013.

Please call or write if you have any questions.

Christopher M. Moore, Ph.D.  
Executive Director

cc: Rick Robins, Lee Anderson, George Darcy, Jason Didden





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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman

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

December 14, 2012

Mr. John Bullard  
Regional Administrator  
NMFS, NERO  
55 Great Republic Drive  
Gloucester, MA

Dear Mr. Bullard:

*John*

My staff has been working with NERO staff to review the methodology used to calculate the longfin squid fishery's butterflyfish cap. In the course of that review, it has come to our attention that the discard estimation methodology for groundfish will be undergoing a peer review in 2013. We are requesting a similar review be conducted for the butterflyfish cap estimation methodology. This review would be distinct but could be done in conjunction with the groundfish methodology review. A distinct review of the butterflyfish cap estimation methodology is warranted given the concerns expressed in the original peer review about potential impacts on the current methodology related to temporal bycatch trends, which are likely to exist in the longfin squid fishery relative to butterflyfish bycatch.

Please call me if you have any questions.

Sincerely,

Christopher M. Moore, Ph.D.  
Executive Director

cc: Robins, Anderson, Darcy, Didden, King

## Moore, Christopher

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**To:** Montanez, Jose L.  
**Subject:** FW: NOAA's DRAFT Division Enforcement Priorities for 2013 are posted online for 60 days of public comment

**From:** [lesli.bales-sherrod@noaa.gov](mailto:lesli.bales-sherrod@noaa.gov) [mailto:[lesli.bales-sherrod@noaa.gov](mailto:lesli.bales-sherrod@noaa.gov)] **On Behalf Of** Bruce Buckson - NOAA Federal  
**Sent:** Thursday, January 24, 2013 12:00 PM  
**Subject:** NOAA's DRAFT Division Enforcement Priorities for 2013 are posted online for 60 days of public comment

Good afternoon,

Today we posted our Draft Division Enforcement Priorities for 2013 online, and I invite you to send us your comments. The document will be available for the next 60 days on our website: <http://www.nmfs.noaa.gov/ole/>. You can email us your comments at [enforcementpriorities@noaa.gov](mailto:enforcementpriorities@noaa.gov) or mail them to NOAA's Office of Law Enforcement, attention Tracy Dunn, 8484 Georgia Ave., Suite 415, Silver Spring, MD 20910.

As you may remember, the Office of Law Enforcement established the office's first ever enforcement priorities last year. We took this process very seriously, soliciting input from constituents and partners through many channels, including the National Enforcement Summit, the fishery management councils and the interstate commissions. We have committed to establishing our national enforcement priorities every two years and our Division enforcement priorities each year to meet our mission and guide our planning. The 2012 national priorities can be found here: [http://www.nmfs.noaa.gov/ole/docs/2012/ole\\_priorities\\_2012.pdf](http://www.nmfs.noaa.gov/ole/docs/2012/ole_priorities_2012.pdf)

Division priorities vary according to region-specific resources, activities, and threats. Because fish stocks, fishing gear, and management programs are not identical across the country, our Divisions must tailor their priorities appropriately.

Setting Division priorities helps sustainable fisheries and protected resources by focusing our enforcement work as effectively and efficiently as possible. Our special agents, enforcement officers and support staff cannot do everything or be everywhere at once, so these priorities will help us focus our resources and strategically use our state and federal partnerships to provide the most benefit for marine resources and the American people.

While the identified priority areas will be the focus, we will continue to encourage compliance with and enforce all marine statutes and regulations for which we are responsible. Simply not listing a specific stock of fish or area as a priority below does not mean enforcement actions will not be taken—all regulations must be enforced.

As we look to the future, we anticipate increasing demand for our services that are vital to our nation: productive fisheries, safe and sustainable seafood, the recovery and conservation of protected resources, and healthy ecosystems. Meeting this mission requires not only state-of-the art science and management programs, but also a fair, effective, and comprehensive compliance and enforcement program.

Our partnerships with industry, NGOs and others are critical to our success in supporting NOAA Fisheries' core mission mandates: maximizing productivity of **sustainable fisheries** and fishing communities; and protection, recovery and conservation of **protected species**. Thank you all for what you already do to help us protect our nation's precious marine resources and their natural habitat.

Thanks,

Bruce

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**Bruce Buckson**  
*Director, Office of Law Enforcement*  
*NOAA Fisheries*  
[bruce.buckson@noaa.gov](mailto:bruce.buckson@noaa.gov)  
301.427.2300  
240.429.5177 cell  
[www.nmfs.noaa.gov](http://www.nmfs.noaa.gov)



**NOAA FISHERIES**