



December 2020 Council Meeting Summary

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's meeting December 14-17, 2020. This meeting was conducted by webinar due to the ongoing COVID-19 pandemic. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2020>.

During this meeting, the Council:

- Discussed the impact of COVID-19 on recreational data collection and recreational catch estimates for 2021*
- Approved status quo recreational scup and black sea bass management measures in state and federal waters in 2021*
- Approved the use of regional conservation equivalency for the recreational summer flounder fishery in 2021*
- Approved status quo recreational bluefish measures for 2021*
- Approved a public hearing document for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment*
- Selected alternatives related to federal management of the black sea bass state allocations but postponed final action on the Black Sea Bass Commercial State Allocation Amendment/Draft Addendum XXXIII until the next joint meeting*
- Received an update on the Recreational Reform Initiative and discussed a proposal to address some recreational reform topics through a technical guidance document*
- Approved a 2021 Implementation Plan
- Review three case study proposals and selected the Research Set-Aside Program proposal for further development by the Scientific and Statistical Committee Economic Work Group
- Received an update on habitat projects and offshore wind activities
- Received an update on right whale issues and, including preliminary 2019 population estimates and the development of ropeless fishing technology
- Received an informational presentation regarding the Council recusal process
- Agreed to send a letter to NMFS requesting clarified guidance on the use of the Ecosystem Component species designation
- Approved a letter to the Secretary of Interior regarding the inclusion of squid fishery products in the U.S. Fish and Wildlife Service inspection and user fee system for monitoring wildlife imports and exports

** Items denoted with an asterisk (*) were undertaken during joint meetings with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board; Bluefish Management Board; or ISFMP Policy Board.*

Summer Flounder, Scup, Black Sea Bass, and Bluefish 2021 Recreational Management Measures

The Council met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and Bluefish Management Board to develop recreational management measures for summer flounder, scup, black sea bass, and bluefish for 2021.

During the meeting, the Council and Board discussed the impact of COVID-19 on recreational data collection and fisheries management. In a typical year, preliminary data from the Marine Recreational Information Program (MRIP) for waves 1-4 (January through August) are used to project catch and harvest through the rest of the year. These projections are then compared to the recreational harvest limit (RHL) for the upcoming year to evaluate

how harvest may need to be adjusted to prevent RHL overages. However, this year, recreational data collection was severely limited by restrictions related to COVID-19. As a result, projections of 2020 harvest could not be generated for any recreational species.

Scup and Black Sea Bass

The Council and Board agreed to maintain status quo recreational management measures for scup and black sea bass in state and federal waters in 2021. For scup, federal waters measures include a 9-inch total length minimum fish size, a 50 fish possession limit, and an open season of January 1 - December 31. For black sea bass, federal waters measures include a minimum size limit of 12.5 inches, a 15 fish possession limit, and open seasons of Feb 1-28 and May 15-Dec 31. The Council and Board discussed the lack of preliminary 2020 recreational catch and harvest estimates as well as the ongoing challenges with incorporating the new MRIP estimates into management. Some Council and Board members voiced concerns regarding the potential to exceed the RHL for these species; however, they ultimately agreed with the Monitoring Committee recommendation to keep status quo measures given the data uncertainties related to COVID-19. The Council and Board emphasized that, similar to last year, this is a short-term approach to address a unique situation and allow for more time to consider how management should adapt to the revised recreational harvest estimates from MRIP. They agreed that it is essential to continue to make progress on the Commercial/Recreational Allocation Amendment for these species as well as actions associated with the Recreational Reform Initiative to ensure that recreational catch is appropriately constrained to meaningful catch limits.

Summer Flounder

The Council and Board agreed to maintain status quo recreational management measures for summer flounder in 2021 to achieve, but not exceed, the 2021 RHL of 8.32 million pounds. This includes the use of regional conservation equivalency with the same regions used in 2020. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve but not exceed the coastwide RHL. Regional measures under conservation equivalency in 2021 will be the same as in 2020, with the exception of possible minor adjustments to season start and end dates in some states. While the RHL increased by 8% between 2020 and 2021, the Council and Board agreed with the Monitoring Committee recommendation to keep status quo measures given uncertainty associated with the lack of 2020 recreational data.

The Council and Board also maintained the status quo non-preferred coastwide measures, which will be waived in favor of state regulations once conservation equivalency is approved by the National Marine Fisheries Service (NMFS). These measures include a 4-fish possession limit, a 19-inch total length minimum size, and an open season of May 15 – September 15. The Council and Board also made no changes to the current precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which would be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

Bluefish

The Council and Bluefish Board agreed to maintain status quo recreational management measures for bluefish in state and federal waters in 2021. These measures include a coastwide 3-fish and 5-fish bag limit for the private and for-hire anglers, respectively. The Council and Bluefish Board discussed the lack of preliminary 2020 recreational catch and harvest estimates, the timing of when the current bag limits went into effect (mid-2020), as well as the ongoing issues surrounding incorporating the new MRIP estimates into management. Additionally, the Council and Bluefish Board acknowledged that bluefish is entering a rebuilding plan and is scheduled for a management track assessment in June 2021. Given these uncertainties and future bluefish developments, the Council and Bluefish Board agreed with the Monitoring Committee recommendation to maintain status quo measures for 2021.

Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment

The Council and Board reviewed the Council's public hearing document and the Commission's draft amendment document for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. They approved both documents for public comment with minor modifications. They also discussed the timeline for this amendment relative to other ongoing actions, including the Recreational Reform Initiative. Some Council and Board members preferred prioritizing the Recreational Reform Initiative while others felt that a response to the revised MRIP estimates through this commercial/recreational allocation amendment should be the higher priority. Ultimately, the Council and Board decided to move forward with public hearings for this allocation amendment. Virtual public hearings for this action will be scheduled to begin in late January or early February 2021.

Black Sea Bass Commercial State Allocation Amendment and Draft Addendum XXXIII

The Council and Board reviewed a Council amendment and Commission Draft Addendum XXXIII, both of which consider modifications to the state allocations of the commercial black sea bass quota, as well as whether the state allocations should be included in the Council's Fishery Management Plan (FMP). After considering public comments, input from the Advisory Panel, and draft impacts of the management options, the Council and Board agreed to only select alternatives related to federal management of the black sea bass state allocations at this meeting. They voted to postpone a decision on the state allocation percentages to the next joint meeting hosted by the Commission, likely in February 2021.

The Council and Board voted to include the state allocations of the commercial black sea bass quota in the Council's FMP. As they were previously included only in the Commission's FMP, this change means future changes to the allocations will now be considered through a joint action between the Council and Board. If approved, NMFS will be responsible for monitoring state landings and approving interstate transfers. The two bodies also agreed to modify the regulations for federal in-season closures such that the entire commercial fishery will close in-season for all federally permitted vessels and dealers once landings are projected to exceed the coastwide quota plus an additional buffer of up to 5%. The Council and Board will agree to the appropriate buffer for the upcoming year through the specifications process. The additional buffer helps minimize negative economic impacts of coastwide closures on states that have not fully harvested their allocations.

The Council and Board will consider changes to the state allocation percentages at their next joint meeting, which is expected to take place during the Commission's Winter Meeting in February 2021. Given the complexity of the proposed approaches for modifying the state allocation percentages, as well as additional challenges related to COVID-19, the Council and Board felt additional time was needed for deliberation on how and whether to modify the state allocation percentages.

Recreational Reform Initiative

The Council met jointly with the Commission's Policy Board to receive an update on the Recreational Reform Initiative and discuss next steps. The Recreational Reform Initiative considers improvements to management of the recreational fisheries for summer flounder, scup, black sea bass, and bluefish. At their last meeting in October, the Council and Policy Board initiated two actions associated with recreational reform: (1) a joint amendment to address recreational sector separation and catch accounting, and (2) a joint framework/addendum to address several other recreational management topics. During this meeting, staff presented a recommendation to address three of the topics originally planned for the framework/addendum through a technical guidance document instead. This would allow the Council and Commission to more efficiently address the various recreational issues associated with the Recreational Reform Initiative. They also reviewed draft timelines for development of the technical guidance document, framework/addendum, and amendment. After discussing considerations related to

staff workload, the Council and Policy Board agreed to further discuss the Recreational Reform Initiative during their next joint meeting, likely in February 2021.

2021 Implementation Plan

The Council reviewed and approved its 2021 Implementation Plan. An implementation plan is developed each year as a tool for planning and prioritizing activities for the upcoming year within the broader context of the Council's longer-term goals and objectives. The 2021 Implementation Plan identifies the specific activities, amendments, frameworks, specifications, and other projects the Council expects to initiate, continue, or complete during the year.

After some discussion, the Council voted to add initiation of an action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic to the list of 2021 deliverables. The goal of this action would be to prevent expansion of unmanaged fisheries for these species which are important prey for predators such as wahoo, blue marlin, yellowfin tuna, and dolphin. Further consideration regarding the appropriate type of management action and the specific options that will be considered will take place in 2021.

SSC Economic Work Group Report

In August 2020, the Council supported the development of a Scientific and Statistical Committee (SSC) Economic Work Group to provide timely economic direction and information to the Council. Using the Council's draft 2021 Implementation Plan, the Work Group developed three case study proposals for Council consideration, one of which would be further developed over the course of 2021. These case study proposals illustrated the value of focused economic analyses for future actions and identify a process(es) for continued engagement between the Council and the SSC on important economic topics. The three case study proposals included: a review of the river herring/shad catch cap in the Atlantic mackerel fishery, the redevelopment of the Research Set-Aside (RSA) program, and a white paper evaluating the economic implications of modifying the federal spiny dogfish trip limits. After reviewing potential benefits and anticipated outcomes associated with each proposal, the Council selected the RSA redevelopment case study. As identified in the RSA redevelopment proposal, the Work Group will provide input and analysis on selecting candidate fisheries and research projects to be funded, approaches to maximize funding available for research projects, and consideration for enforcement and monitoring of the program. There will be continual engagement between the Work Group and the entire Council, Research Steering Committee, full SSC, and staff throughout 2021 as the case study is developed.

Update on Habitat Activities

Council staff provided updates on several regional habitat activities, including the Northeast Regional Marine Fish Habitat Assessment, the New England Council's development of Habitat Policies/Backgrounders, and the Mid-Atlantic Council's involvement in wind organizations such as Responsible Offshore Science Alliance (ROSA) and Responsible Offshore Development Alliance (RODA). In addition, Karen Green and Peter Burns, from NMFS Habitat and Ecosystem Services Division, provided updates on several regional projects of interest, with a focus on offshore energy and aquaculture.

Update on Right Whale Issues

The Council received an update from Colleen Coogan (GARFO) and Sean Hayes (NEFSC) on North Atlantic right whale issues, including preliminary 2019 population estimates, the status of ongoing Atlantic Large Whale Take Reduction Plan modifications, and the development of ropeless fishing technology for pot/trap gear. A proposed rule containing measures to reduce right whale mortality in the Northeast lobster and Jonah crab fishery is in review and is expected to publish soon. Publication of the rule will be followed by remote informational public meetings and remote public comment meetings on the proposed measures. The Atlantic Large Whale Take Reduction Team is expected to meet in Spring 2021 to address measures for other fixed gear fisheries in the Mid-Atlantic and New England.

Ropeless fishing technology is being field tested and explored for potential use as an alternative to full area closures as right whale entanglements have increased. Multiple exempted fishing permits are currently in place allowing experimentation with ropeless gear in the commercial lobster fishery, although there are several remaining obstacles to widespread adoption of this technology.

Other Business

Council Recusal Process

The Council received a presentation on financial disclosure and recusal requirements from John Almeida (NOAA Office of General Counsel, Northeast).

Letter to NMFS: Ecosystem Component Species Designation

The Council agreed to send a letter to NMFS requesting clarified guidance on the use of the Ecosystem Component species designation, particularly how measures intended to protect the ecosystem roles of such species may be implemented across jurisdictions and fishery management plans.

Letter to Secretary of Interior: USFWS Squid Export Regulations

The Council reviewed and approved a letter to Secretary of Interior David Bernhardt regarding the inclusion of squid fishery products in the U.S. Fish and Wildlife Service (USFWS) inspection and user fee system for monitoring wildlife imports and exports. The letter requests that USFWS revise its definition of *shellfish* and/or *fishery product* to include squid in the exemption from USFWS wildlife import/export regulations. This issue was identified as a priority in the Council's response to Executive Order 13921 earlier this year.

Next Meeting

The next meeting of the full Council will be held via webinar on **February 9-11, 2021**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.