



## December 2016 Council Meeting Report

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**December 12-15, 2016**

*Baltimore, Maryland*

This document summarizes actions taken and issues considered at the Mid-Atlantic Fishery Management Council's December 2016 meeting in Baltimore, Maryland. Presentations, briefing materials, and audio recordings are available at: <http://www.mafmc.org/briefing/december-2016>.

### Executive Committee

The Executive Committee discussed guidelines and nominations for Ricks E. Savage award and the Council's award of excellence. The Ricks E. Savage award is awarded annually to an individual who added value to the Council process and management goals through significant scientific, legislative, enforcement, or management contributions. The award winner will be announced at the February 2017 Council meeting.

The Council's award of excellence was recently established and recognizes an outstanding contribution to fisheries management, legislation, science, or law enforcement in the Mid-Atlantic. It is not awarded on a regular basis, but only as deemed appropriate to recognize exceptional contributions.

The Executive Committee also discussed a request from the New England Fishery Management Council (NEFMC) for joint management of summer flounder, scup, and black sea bass. These three species are jointly managed by the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission (the Commission). The Council sent a letter to the NEFMC in August 2016 expressing their concerns about joint management and offering alternatives to increase participation of both Councils on certain committees. The Executive Committee agreed that discussions with the NEFMC on possible ways to address these issues should continue.

### Squid Capacity Amendment

After reviewing input from the Mackerel, Squid, and Butterfish Committee, Advisory Panel (AP), and the public, the Council approved a range of alternatives for the Squid Capacity Amendment. These alternatives include options for criteria for vessels to re-qualify to maintain limited access squid permits, options to make the longfin squid incidental permit a limited access permit, and possible modifications to the Trimester 2 rollover and closure provisions. After much discussion, the Council voted to remove closed areas from further consideration in the amendment, but added closed areas as a possible addition to the Council's 2017 implementation plan. The Council also agreed that evaluation of the goals and objectives of the Mackerel, Squid,

and Butterfish Fishery Management Plan (FMP) should not be included in the Squid Capacity Amendment, but should take place through a separate action in 2017. The Council will further analyze the alternatives in the Squid Capacity Amendment and will solicit additional public input at public hearings in 2017.

## Industry-Funded Monitoring Amendment

The Council reviewed alternatives for the Industry-Funded Monitoring Amendment, a summary of potential impacts of the alternatives, and public comments. The amendment, which is being developed jointly with the New England Fishery Management Council, includes alternatives to increase monitoring in the Atlantic mackerel and Atlantic herring fisheries to monitor catch (both directed and incidental) more precisely. The Council voted to postpone further action on the amendment until completion of an ongoing electronic monitoring pilot project, which is scheduled to conclude in November 2017. The project is expected to provide critical information about the cost and utility of electronic monitoring in the Atlantic mackerel and Atlantic herring fisheries.

## New Jersey Special Management Zones

The Council voted to recommend that the National Marine Fisheries Service (NMFS) designate 13 artificial reef sites in federal waters off the coast of New Jersey as year-round special management zones (SMZs). Under this designation, fishing at each site would be restricted to hook and line gear, spearfishing, and take by hand. This designation was requested by the New Jersey Department of Environmental Protection (NJ DEP) with the intent of ameliorating conflicts between recreational hook and line fishermen and commercial fishermen using fixed pot/trap gear at those sites. The NJ DEP constructed these reefs with the goal of enhancing hook and line fishing opportunities. The use of fixed pot/trap gear on the reefs was deemed incompatible with the goals of the NJ DEP reef program and resulted in loss of federal funding that could be used to maintain and monitor the reefs. SMZ status should allow for restoration of this funding and was deemed consistent with applicable law and with the intent of the reef program.

## Monkfish Specifications

The Council approved Framework 10 to the Monkfish FMP with the same preferred measures as the New England Fishery Management Council. Monkfish are jointly managed by the Mid-Atlantic and New England Councils. The framework includes landing limits and management measures for 2017-2019. Under the preferred alternatives, Total Allowable Landings will increase slightly in the Northern (+8%) and Southern Areas (+1%). In the Northern Area, days-at-sea allocations will remain unchanged; however, the incidental landing limits will increase to 900 pounds for C permits and 750 pounds for D permits when fishing under a groundfish day at sea. In the Southern Area, days-at-sea will increase from 32 to 37, and trip limits will increase to 700 pounds for A and C permits and to 575 pounds for B, D, and H permits.

The Council also discussed initiating an amendment with the New England Council to consider using catch shares (e.g. individual fishing quotas) in the monkfish fishery. Preferred next steps

include a meeting of the Monkfish Committee and AP to gauge interest in such an action among Mid-Atlantic fishery participants.

## Summer Flounder, Scup, and Black Sea Bass

The Council met jointly with the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (the Board) to discuss several topics related to management of summer flounder, scup, and black sea bass.

### Scup Quota Period Framework and Addendum

The Council and Board discussed a framework and addendum to modify the dates of the commercial scup quota periods. The alternatives include a no action alternative and two alternatives to modify the dates of the quota periods based on recommendations from AP members. Both action alternatives would leave all other management measures unchanged, including the possession limits and allocations of quota among the periods. An analysis suggested that the two action alternatives would not have major socioeconomic or biological impacts; however, some Council and Board members raised concerns about economic impacts to commercial scup fishermen in state waters and the biological impacts of increased landings during the first half of May, which is expected to occur under one alternative. The Council and Board agreed to move forward with development of the framework and addendum and plan to take final action in early 2017.

### Summer Flounder Allocation Model

The Council and the Board heard a presentation on an economic model which evaluated the allocation of landings between the commercial and recreational summer flounder fisheries. The model, developed by Dr. Kurt Schnier (University of California, Merced) and Dr. Rob Hicks (College of William & Mary), evaluated the marginal benefits of alternative allocation schemes. The model suggested that the current landings-based allocation of 60% to the commercial fishery and 40% to the recreational fishery is economically efficient and minor changes to that allocation scheme would not likely change the economic benefits derived from the fishery. The model will need to be updated following the release of a revised time series of recreational landings estimates from the Marine Recreational Information Program in 2017.

The Council and Board also heard a presentation on a peer review of the model by members of the Council's Scientific and Statistical Committee (SSC) and other experts. The review panel concluded that the model can be considered the best available science and can be used for management after a few minor adjustments.

### Summer Flounder Sex-Specific Population Model

The Council and Board heard a presentation on development of a sex-specific stock assessment model for summer flounder. The model was developed by Dr. Patrick Sullivan of Cornell University and accounts for differences in size and growth between female and male summer flounder. Females tend to grow faster and reach larger sizes and older ages than males. These differences could have implications for management. The model is complete and has been tested with simulated data. The next step is to run the model with actual data from commercial and

recreational fisheries. The model may be considered during development of the next summer flounder benchmark stock assessment.

### Summer Flounder Amendment

The Council and Board received an update on development of the comprehensive summer flounder amendment. The current goal of the amendment is to review all aspects of summer flounder management, including goals and objectives, allocation between the commercial and recreational sectors, recreational measures and strategies, and commercial measures and strategies. The Council and Board discussed several options for timelines for further development of the amendment and requested additional advice from the Fishery Management Action Team on this issue.

### Effects of Ocean Acidification on Summer Flounder

Dr. Chris Chambers of the Northeast Fisheries Science Center's Sandy Hook Lab summarized his research on the effects of high CO<sub>2</sub> and high temperatures on summer flounder reproduction and productivity. The results showed negative effects on several key life processes, such as fertilization, hatching, and larval growth rates.

### Summer Flounder Recreational Measures for 2017

The Council and Board discussed recent performance of the recreational summer flounder fishery, as well as staff, Monitoring Committee, and AP recommendations for recreational management measures for 2017. They recommended continued use of conservation equivalency to achieve, but not exceed, the 2017 summer flounder recreational harvest limit (RHL) of 3.77 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve the coastwide RHL. The combination of these measures should be equivalent to the non-preferred coastwide alternative approved by the Council and Board (i.e. a 4-fish possession limit, a 19-inch total length minimum size, and an open season of June 1 – September 15). Once conservation equivalency is approved by NMFS, the non-preferred measures are published in the federal regulations, but waived in favor of state measures. The Council and Board also approved 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 will be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

The Board approved Draft Addendum XXVIII for public comment. This addendum includes options for summer flounder recreational management under conservation equivalency in 2017. Public hearings on this addendum will take place in January 2017 and the Board will take final action in February 2017.

### Scup Recreational Measures for 2017

The Council and Board discussed recent performance of the recreational scup fishery, as well as staff, Monitoring Committee, and AP recommendations for recreational management measures for 2017. A comparison of projected 2016 landings to the 2017 RHL indicated that landings would need to be reduced by 15% to prevent an RHL overage in 2017. This reduction was based on preliminary data and will be re-evaluated once additional data are available. Only 2% of the

recreational scup harvest comes from federal waters; therefore, the Council and Board agreed to maintain *status quo* recreational measures in federal waters in 2017 (i.e. a 50-scup bag limit, a 9-inch total length minimum size, and a year-round open season). The Board agreed that state measures should address the needed reduction in landings and voted to continue their regional approach to management in state waters. The Board will discuss management measures in state waters at their winter meeting in early 2017.

### Black Sea Bass Recreational Measures for 2017

The Council and Board discussed recent fishery performance and staff, Monitoring Committee, and AP recommendations for recreational black sea bass management measures for 2017. A black sea bass benchmark stock assessment was completed in December 2016. In January 2017, the Council's SSC will review the stock assessment and recommend Acceptable Biological Catch levels (ABCs) for 2017-2019. The Council and Board agreed to make no changes to the current recreational management measures at this time. They will revisit this topic during their February 2017 joint meeting, at which time they will consider revising the 2017 RHL and adjusting recreational management measures accordingly.

## Other Topics

### 2017 Implementation Plan

The Council approved an implementation plan for 2017. The implementation plan lists activities and priorities for the coming year and is linked to the Council's strategic plan. It can be found at: <http://www.mafmc.org/strategic-plan/>.

### National Standard 1 Guidelines

The Council discussed recent revisions to the National Standard 1 guidelines. The revisions include new options for certain circumstances in which changes in ABCs can be phased-in over up to three years, unused quota can be carried over from one year to the next, and overfishing status can be determined based on a three-year average of fishing mortality. The revisions also include new options for calculating rebuilding timelines, as well as new guidance on determining adequate progress in rebuilding and on determining which stocks require federal management. The revisions do not require the Council to modify their FMPs; however, FMP amendments may be necessary if the Council wishes to implement some of these new options.

### New York Wind Energy Area

The Council heard a presentation from the Bureau of Ocean Energy and Management (BOEM) on the New York Wind Energy Area. The area starts about 11.5 nautical miles from Jones Beach, New York and extends about 24 nautical miles to the southeast. A BOEM representative discussed plans for a lease sale for wind energy development in the area. The presentation covered recent changes to the lease and the associated environmental assessment, next steps, and future and ongoing fisheries studies. The Council provided feedback on recent and planned considerations of impacts of the lease on commercial and recreational fishing.

### Lenfest Ecosystem Task Force

The Council received a presentation on a Lenfest Ocean Program report titled “Building Effective Fishery Ecosystem Plans”. The report includes recommendations for using Fishery Ecosystem Plans to implement ecosystem-based management. The Council’s Ecosystem Approach to Fisheries Management Document, Deep Sea Corals Amendment, and Unmanaged Forage Omnibus Amendment were presented as examples of the types of actions recommended in the report.

### Dusky Shark Management

The Council received a presentation on a dusky shark amendment. Dusky shark are managed by the NMFS Atlantic Highly Migratory Species Office. Harvest of dusky shark has been prohibited since 2000. The amendment includes a variety of measures to reduce catch and discard mortality of dusky sharks, which are currently overfished and experiencing overfishing. The Council discussed several aspects of the amendment and voted to submit a comment letter to NMFS prior to the December 22, 2016 public comment deadline.

### Observer Safety Program Review

The Council received a presentation on an ongoing review of fisheries observer safety. The comprehensive external review focuses on safety reporting, communications, practices/policies, training, equipment, and international regulations. The goal of the review is to improve mitigation of dangers inherent to the fishing industry and to fisheries observers.

## Next Meeting

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February 14 – 16, 2017; Kitty Hawk, NC  
Hilton Garden Inn Outer Banks/Kitty Hawk  
5353 North Virginia Dare Trail, Kitty Hawk, NC, 27949  
Telephone: 252- 261-1290