Everyone – several of you have asked about SSC membership and the action we will be considering at the March meeting. At our March meeting, we will review existing SSC membership and vote to re-appoint only those members that currently serve on the SSC (their appointments expire in March). Mike, Warren and I thought that before we added new members, it would be a good idea to evaluate the future needs of the Council and SSC and determine the kind of additional expertise we might need for 2019 and beyond. As such, I have tasked Brandon to work with staff to conduct a comprehensive evaluation of SSC membership based on future needs in alignment with the 2020-2024 Strategic Plan and the 5-Year Research Plan. Once that evaluation is complete, we can then consider adding new members to the SSC later this year.

Let me know if you have any questions – see you soon! C

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 N. State St, Suite 201
Dover, DE 19901

302-526-5255
mafmc.org
Mid-Atlantic Council Scientific and Statistical Committee (SSC)
Membership Review
Current Membership Short Bio’s

2019

Dr. John Boreman (Chairman)
Adjunct Professor, North Carolina State University, Department of Applied Ecology

SSC member since 2008

Bio: Dr. Boreman has a distinguished career as a federal fisheries scientist with both NOAA and the U.S. Fish and Wildlife Service. He served as Director of the NMFS Office of Science and Technology, the Science and Research Director of the NMFS Northeast Fisheries Science Center (NEFSC), the Director of the NEFSC Cooperative Marine Education and Research Program and adjunct professor of fisheries at the University of Massachusetts. He is also an AFS-certified fisheries scientist. Research interests focused on freshwater and anadromous fish, particularly how their populations are affected by power plant operations and studied coastal migratory and anadromous fish, notably striped bass restoration efforts in the Northeastern U.S. In recognition of his professional activities, Dr. Boreman has received numerous awards including: the Department of Commerce’s Bronze Medal, the Agency Employee of the Year and the Council’s Ricks E. Savage award.

Dr. Thomas Miller (Vice-Chairman)
Professor and Director, University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory

SSC member since 2002

Bio: Initially appointed to the CBL faculty in 1994, and became director in 2011. During his career, he has been a leader in the development of approaches to manage several Chesapeake Bay species, including crabs and striped bass, combining laboratory, field and modeling approaches to address questions of interest to society. Most recently, his research has focused on both the effects of ocean acidification on blue crab, recruitment issues in menhaden and striped bass and stakeholder involvement in recreational fisheries. His work has been funded by a diverse array of agencies including NSF, NOAA, EPA, Maryland Sea Grant and the Gordon and Betty Moore Foundation. e is a Governor’s Appointee to the Patuxent River Commission, and the Board of the Chesapeake Bay Trust. Dr. Miller previously served on the Maryland Task Force on Ocean Acidification. He has been the recipient of the President’s Award for the Application of Science at UMCES and received the 2015 USM Regents’ Faculty Award for Public Service, the highest honor that the Board bestows to recognize exemplary faculty achievement. Dr. Miller is a two-time recipient of the Graduate Education Award for excellence in teaching from the Marine Estuarine Environmental Sciences program at the University of Maryland.
Dr. Lee Anderson  
*Professor Emeritus, University of Delaware, College of Earth, Ocean and Environment*

**Bio:** Served two nine-year terms on the Council, from 1986 to 1995 and from 2007 to 2016. During his time on the Council, Dr. Anderson served for three years as Council Chairman and a total of ten years as Vice-Chairman. He also participated on numerous Council Committees, serving as chairman of seven of them. His work dealt with simulation models, design and implementation of ITQ programs, the economics of fishing in time and space, and marine reserves. He has written or edited six books and over sixty scientific papers on fisheries economics and the economics of fisheries management.

Dr. Michael Frisk  
*Professor, Stony Brook University, School of Atmospheric and Marine Sciences*

**Bio:** Research focuses on the interaction of population dynamics, ecology and life history evolution in fishes in the general areas of applied ecosystem and population modeling, basic ecological questions and meta-analyses. He is developing a length-based statistical catch-at-age model for winter skate in the western Atlantic and a multi-species model of Delaware Bay using Ecopath and Ecosim. Knowledge of a species' basic vital rates and ecology is essential for development of population models and management. For example, Frisk has estimated growth, age, fecundity and maturation for little skate and winter skate in the western Atlantic. Lastly, meta-analyses use previously published data to develop mathematical and statistical trends of related species to gain insight into the ecology, evolution and management of animal taxa. In this vein, Frisk's current research focuses on developing meta-analyses for elasmobranchs and teleost species.

Dr. Wendy Gabriel  
*Chief, Populations and Ecosystems Monitoring and Analysis Division, NMFS Northeast Fisheries Science Center*

**Bio:** After two years on the faculty of the Department of Forestry and Wildlife, UMass Amherst, Dr. Gabriel moved to the Population Dynamics Branch as a statistician. In that capacity, she has worked on assessments of bluefin tuna, Antarctic notothenids and icefish, and Kemps Ridley sea turtles as well as summer flounder, winter flounder, yellowtail flounder, and scup. Her research has included groundfish community structure, technological interactions, and biological reference points (including spawning stock biomass per recruit analysis). She has worked on a number of international stock assessment and methodology working groups with the Commission for the Conservation of Antarctic Living Marine Resources, and the International Commission for the Exploration of the Sea; and was the US representative to the former ICES Advisory Committee on Fishery Management. She then led the new
Fisheries and Ecosystems Monitoring and Analysis Division through the modernization of fishery-independent survey data collection processes and gear instrumentation; and the expansion of the fisheries observer program to meet new court-ordered and regulatory requirements.

**Dr. Sarah Gaichas**  
*Research Fisheries Biologist, Ecosystems Assessments and Science Branch, NMFS Northeast Fisheries Science Center*  
SSC member since 2014

**Bio:** Dr. Gaichas primary research is on integrated ecosystem assessment, management strategy evaluation, and ecosystem modeling and she has been active in ecosystem reporting and management strategy evaluation for both the Mid-Atlantic and New England Fishery Management Councils. Her duties include developing, testing, and using ecosystem data, indicators, and models in natural resource management, and simulation testing management strategies (including analytical tools) that address the needs of diverse ecosystem users. Sarah previously worked at the NMFS Alaska Fisheries Science Center in Seattle, WA from 1997-2011 as an observer program analyst, a stock assessment scientist, and an ecosystem modeler.

**Dr. Mark Holliday**  
*Director, NMFS Office of Policy (Retired)*  
SSC member since 2000

**Bio:** Dr. Holliday spent 34 years working for the National Marine Fisheries Service, entering as a survey statistician, progressing to Chief of the Fisheries Statistics and Economics Division in the Office of Science and Technology, and after a transition year as the Agency's Chief Financial Officer, spent the last 10 years of his career as the NMFS Director of Policy until retiring in 2014. His accomplishments include building a nation-wide fishery economics and social science work force and research capacity throughout the agency. Dr. Holliday’s experience and expertise covers a broad expanse of scientific and policy issues associated with data collection design, execution and dissemination, confidentiality, electronic reporting, collaborative fishing industry research, observers, fisheries management, and fisheries economics and social science. In addition, he worked on budgets and legislation with Congress and have served as an advisor/representative of the agency to other federal, state and interstate organizations and international science organizations. His graduate education research focused on Atlantic bluefin tuna food habits (thesis) and limited entry fishery management policy options for the New England groundfish fishery (dissertation).

**Dr. Ed Houde**  
*Professor and Vice-President of Education, University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory (Retired)*  
SSC member since 2000
Bio: More than 40 years of experiences in fisheries science and ecology, and in management of fisheries resources. Research interests include fisheries science and management, larval fish ecology, and fisheries oceanography. He served as Director of the National Science Foundation's Biological Oceanography Program from 1983-85. Dr. Houde is the recipient of the Beverton (Fisheries Society of the British Isles), Sette (Am. Fish. Soc., Marine Fisheries Section), and Ahlstrom (Am. Fish. Soc., Early Life History Section) Awards for career achievement, and is a Fellow of the American Association for the Advancement of Science. He has served on numerous committees and panels, including the Ocean Studies Board of the National Research Council, the National Marine Fisheries Service's Ecosystem Principles Advisory Panel, and as Chair of the National Academy of Science's Committee on Marine Protected Areas. Dr. Houde co-chaired the Technical Advisory Panel that developed a Fisheries Ecosystem Plan for Chesapeake Bay. In addition to the SSC, recent appointments to advisory boards include the Independent Science Board for the California Delta Stewardship Council, the Science and Engineering Board for the Louisiana Office of Coastal Protection and Restoration, the Lenfest Foundation Forage Fish Task Force and the Visioning and Strategic Planning Working Group of the Mid-Atlantic Fishery Management Council. Dr. Houde is the U.S. Co-Delegate to the International Council for the Exploration of the Sea.

Dr. Olaf Jensen
Assistant Professor, Rutgers University, Department of Marine and Coastal Sciences

SSC member since 2014

Bio: Joined the Department of Marine & Coastal Sciences at Rutgers as an Assistant Professor in 2010. Research is focused on fisheries and aquatic ecosystems - including marine, estuarine, and freshwater environments. We study fisheries as an entire social-ecological system including a wild fish or invertebrate population, as well as the fishermen and processors who harvest and sell the fish (in a commercial fishery), and the managers who regulate the fishery to prevent overharvest. Our research ranges from field studies of endangered salmonids in Mongolia to meta-analysis of stock assessment data to better understand fish population dynamics. Specific focus areas include: (1) the impacts of climate change on rivers, lakes, and their fish communities, (2) use of chemical biomarkers (stable isotopes and fatty acids) to understand aquatic food webs, and (3) stock assessment and management of fisheries.

Dr. Yan Jiao
Professor, Virginia Tech College of Natural Resources, Department of Fisheries and Wildlife Sciences

SSC member since 2008

Bio: Research interests are to explain the nature of aquatic species and manage them as appropriate as we can in a probabilistic way. Specifically, I am working on: Population dynamics and stock assessment; Risk analysis; Fisheries management (decision analysis, adaptive management); Fishery ecology; Statistical computing. The types of models we work on include stock recruitment, statistical catch-at-
age, matrix models, generalized linear/additive models, spatial-temporal modeling, hierarchical modeling, measurement error (error-in-variable) models, time series models, multi-species models, Bayesian modeling, quantitative risk assessment. Specific species of interest include of commercial and recreational fish species, species under conservation or invasive. Recent research focus: spatial-temporal dynamics and its modeling in fisheries; ecosystem modeling (climate driven population dynamics modeling; quantification of species interaction).

Dr. Cynthia Jones  
*Professor and Eminent Scholar of Ocean, Earth and Atmospheric Sciences, Old Dominion University*

SSC member since 2000

**Bio:** Dr. Jones is the Director of the Center for Quantitative Fisheries Ecology at Old Dominion. Research has covered fish from the Arctic through the temperature regions to the Antarctic. Studies include: demography based on age evaluation, stock assessment, environmental effects on habitat, otolith chemistry for assess movement and migration, recreational angler surveys, simulation modeling and quantitative statistics. Dr. Jones has won numerous national research awards and authored two papers selected as Best Paper by the American Fisheries Society.

Dr. Robert Latour  
*Professor of Marine Science, Virginia Institute of Marine Sciences*

SSC member since 2008

**Bio:** Dr. Latour joined the VIMS faculty as a research assistant professor in 2001. Research interests include quantitative fisheries ecology with particular emphasis on predator-prey interactions and ecosystem-based approaches to fisheries management. Population dynamics modeling and stock assessment of exploited marine resources. Dr. Latour directs a large research group dedicated to the collection and analysis of fisheries-independent data for species inhabiting the Chesapeake Bay and mid-Atlantic Bight in support of traditional and ecosystem approaches to fisheries management.

Dr. Paul Rago  
*Chief, Population Dynamics Branch, NMFS Northeast Fisheries Science Center (Retired)*

SSC member since 2016

**Bio:** Dr. Rago led over 40 fishery scientists to assess the status of finfish and shellfish stocks in the Northeast US. His stock assessment experience includes nearly all the stocks in the Northeast US and several in other countries. Research interests include quantitative analyses of populations, graphical methods for exploratory data analysis, experimental estimation of gear efficiency, design of bycatch monitoring programs, and cooperative research programs with industry. With the U.S. Fish and Wildlife Service (1978-1992) Rago served as research coordinator of the Emergency Striped Bass Study and a variety of Atlantic salmon studies.
Dr. Brian Rothschild

Charter Professor of Marine Science and founding Dean of UMass Dartmouth’s School for Marine Science and Technology

SSC member since 2008

Bio: Prior to joining UMass, Dr. Rothschild held professorships at the University of Maryland and the University of Washington. He has had faculty or visiting scientist affiliations with the University of Hawaii, Cornell University, Scripps Institution of Oceanography, Rosenstiel School of Marine and Atmospheric Science, University of Miami, Institut fur Meereskunde, University of Kiel, Woods Hole Oceanographic Institution, and Harvard University. He has served as Senior Policy Advisor to the Administrator of NOAA. He managed NOAA’s implementation of the Fisheries Conservation and Management Act of 1976. He has consulted for the governments of the United Kingdom, Korea, Egypt, Peru, France, and the Republic of Ireland on various aspects of oceanography and fishery management. His research has contributed to the fundamental understanding of fish stock recruitment. In 2003, Dr. Rothschild received the American Institute of Fishery Research Biologists Outstanding Achievement Award. In 2007 he received the NOAA Sustainability Fisheries Leadership Award. In 2011, Dr. Rothschild received the Oscar Elton Sette Award, which is given to an individual who has sustained excellence in marine fishery biology through research, teaching, and administration. In 2012, Dr. Rothschild received the Man of the Year Award from the Prince Henry Society of Massachusetts and the Highliner Lifetime Achievement Award from National Fisherman magazine. He was appointed as the 2015 Hjort Scholar at the Institute of Marine Research in Norway.

Dr. David Secor

Regents Professor, University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory

SSC member since 2010

Bio: Dr. Secor’s research group investigates coastal fish migration and habitat use. Recent research includes habitat and population studies on white perch, striped bass, weakfish, bluefish, sturgeon, blue crab, American eel, menhaden, bluefin tuna, and small skates and rays. His research group has pioneered applications using otolith tracers and acoustic telemetry to reconstruct migrations in estuarine and coastal fishes. A primary interest is how diversity in life history and migration contribute to resilience in exploited species and species of concern. Dr. Secor teaches graduate courses in fisheries science and management and fish ecology, and advises the Chesapeake Bay Program and other state and federal agencies on fisheries stock assessment, climate impacts, species of concern, and ecosystem based fisheries management.

Dr. Michael Wilberg

Professor, University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory

SSC member since 2008
Bio: Dr. Wilberg joined the staff at CBL in 2006 as an assistant professor. His research interests include population dynamics and fisheries management of a range of fish and shellfish species, including oysters, blue crabs, American eel, paddlefish, and summer flounder; application, development, and evaluation of stock assessment methods; fisheries population dynamics; decision analysis; statistical estimation and modeling in ecology; ecosystem-based management. He teaches graduate courses in fisheries science and management and advanced population dynamics and assessment.
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** Did not reapply for another 3-year term.
2019 Planned Council Meeting Topics

Updated 1/31/19

March 6-7, 2019 – Virginia Beach, VA

- Interim Black Sea Bass, Scup, and Bluefish 2020 Specifications – Approve
- Chub Mackerel Amendment – Final Action
- Revised 2019 and New 2020-2021 Summer Flounder Specifications – Develop and Approve
- 2019 Summer Flounder Recreational Measures – Develop and Approve
- Summer Flounder Commercial Issues Amendment - Final Action
- Review Existing SSC Membership

April 9-11, 2019 – Avalon, NJ

- Atlantic Surfclam and Ocean Quahog Catch Share Program Review – Presentation on Final Report (NEI, Inc.), and Opening of Public Comment Period
- Atlantic Surfclam 2019 and 2020 Specifications – Review and Possibly Revise Based on SSC Revision of OFL/ABC
- Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment – Approve Public Hearing Document
- Update on Habitat Activities
- Blueline Tilefish 2020 Specifications – Review
- Golden Tilefish 2020 Specifications – Review
- Unmanaged Forage Species Landings Update (GARFO)
- Illex Permitting & MSB FMP Goals Amendment – Additional Scoping Hearing
- Mid-Atlantic State of the Ecosystem Report
- EAFM Updates: Risk Assessment Report and Summer Flounder Conceptual Model
- Commercial eVTR Omnibus Framework – Framework Meeting 1

June 4-6, 2019 – New York, NY

- Atlantic Surfclam and Ocean Quahog 2020 Specifications - Review
- Atlantic Surfclam Research for Great South Channel Habitat Management Area – Update from NEFMC on Progress to Date
- Atlantic Surfclam and Ocean Quahog Catch Share Program Review – Review Public Comments; Approve Review; Discuss Any Next Steps Identified from Report
- Law Enforcement/For-Hire Workshop Report – Review Law Enforcement Committee Recommendations
- SSC OFL CV Guidelines Document – Review and Discuss
- Commercial eVTR Omnibus Framework – Framework Meeting 2 (Final Action)
- Illex Permitting & MSB FMP Goals Amendment – Review Scoping Comments and Approve Range of Alternatives
- Illex Working Group Update
- Mackerel, Squid, Butterfish 2020 Specifications and Butterfish and RH/S caps – Review
• RH/S Update

August 12-15, 2019 – Philadelphia, PA

• Swearing-In of New and Reappointed Council Members
• Election of Officers
• Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment – Final Action
• Risk Policy Framework – Review and Approve Draft Alternatives
• 2020-2024 Strategic Plan – Review Draft
• Allocation Review Criteria for All FMPs – Review Options and Identify Next Steps

October 8-10, 2019 – Durham, NC

• Update on Habitat Activities
• Black Sea Bass 2020-2021 Specifications – Develop and Approve
• Scup 2020-2021 Specifications – Develop and Approve
• Bluefish 2020-2021 Specifications – Develop and Approve
• Summer Flounder 2020 Specifications – Review
• Scup Discard Report – Update and Discussion
• Summer flounder commercial/recreational allocation study update
• Evaluation of Mesh Size Regulations for Summer Flounder, Scup, Black Sea Bass
• Monkfish 2020-2022 Specifications – Develop and Approve
• 2020-2024 Comprehensive Research Priority Plan – Review and Discuss
• 2020-2024 Strategic Plan – Approve
• Illex Permitting & MSB FMP Goals Amendment – Review Public Hearing Document and Select Any Preliminary Preferred Alternatives
• Spiny Dogfish 2020 Specifications – Review

December 10-12, 2019

• Bluefish Allocation Amendment – Approve Range of Alternatives
• Summer Flounder 2020 Recreational Management Measures – Develop and Approve
• Scup 2020 Recreational Management Measures – Develop and Approve
• Black Sea Bass 2020 Recreational Management Measures – Develop and Approve
• EAFM Summer Flounder Conceptual Model – Review Results and Next Steps
• 2020-2024 Comprehensive Research Priority Plan – Review and Approve
• Risk Policy Framework – Framework Meeting 2 (Final Action)
• Review of New SSC Membership
• 2020 Implementation Plan – Approve
MAFMC 2020 COUNCIL MEETINGS

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 11-13, 2020</td>
<td>The Sanderling Resort&lt;br&gt;1461 Duck Road&lt;br&gt;Duck, NC 27949&lt;br&gt;855-412-7866</td>
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<tr>
<td>April 7-9, 2020</td>
<td>Stockton Seaview&lt;br&gt;401 South New York Road,&lt;br&gt;Galloway, NJ 08205&lt;br&gt;609-652-1800</td>
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<tr>
<td>June 2-4, 2020</td>
<td>Hilton Virginia Beach Oceanfront&lt;br&gt;3001 Atlantic Avenue&lt;br&gt;Virginia Beach, VA 23151&lt;br&gt;757-213-3000</td>
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<tr>
<td>August 10-13, 2020</td>
<td>The Notary Hotel&lt;br&gt;21 N. Juniper St.&lt;br&gt;Philadelphia, PA 19107&lt;br&gt;215-496-3200</td>
</tr>
<tr>
<td>October 6-8, 2020</td>
<td>Hyatt Place Long Island East End&lt;br&gt;451 East Main St.&lt;br&gt;Riverhead, NY 11901&lt;br&gt;631-208-0002</td>
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<tr>
<td>December 15-17, 2020</td>
<td>Royal Sonesta Harbor Court Baltimore&lt;br&gt;550 Light St.&lt;br&gt;Baltimore, MD 21202&lt;br&gt;410-234-0550</td>
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## Status of Council Actions Under Development

### AS OF 02/15/19

<table>
<thead>
<tr>
<th>FMP</th>
<th>Action</th>
<th>Description</th>
<th>Status</th>
<th>Staff Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer Flounder, Scup, Black Sea Bass</td>
<td>Summer Flounder Commercial Issues Amendment</td>
<td>The Council and ASMFC are developing this joint amendment to consider revisions to the FMP goals and objectives for summer flounder and commercial management measures and strategies, including federal commercial moratorium permit requalification, commercial allocation, and landings flexibility FMP framework provisions. <a href="http://www.mafmc.org/actions/summer-flounder-amendment">http://www.mafmc.org/actions/summer-flounder-amendment</a></td>
<td>Final action is expected at the March 2019 Council meeting.</td>
<td>Dancy</td>
</tr>
<tr>
<td>Mackerel, Squid, Butterfish</td>
<td>Chub Mackerel Amendment</td>
<td>This amendment considers adding Atlantic chub mackerel to the Atlantic Mackerel, Squid, and Butterfish FMP. The amendment will consider potential catch limits, accountability measures, and other conservation and management measures required for stocks “in the fishery.” <a href="http://www.mafmc.org/actions/chub-mackerel-amendment">http://www.mafmc.org/actions/chub-mackerel-amendment</a></td>
<td>Five public hearings were held between 12/3/18 and 1/14/19. Written comments were accepted through January 18, 2019. Final action is planned for March 2019.</td>
<td>Beaty</td>
</tr>
<tr>
<td>Illex Permit and MSB Goals and Objectives Amendment</td>
<td>To ensure optimal management and fishery operation, the Council is considering modifications to the Illex permitting system as well as revisions to the goals and objectives for the MSB FMP.</td>
<td>Four scoping hearings were held February 4-7, 2019. There will be a separate written comment period for this action which will be announced at a later date.</td>
<td>Didden</td>
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<tr>
<td>Bluefish</td>
<td>Bluefish Allocation Amendment</td>
<td>This amendment considers potential revisions to the allocation of Atlantic bluefish between the commercial and recreational fisheries and the commercial allocations to the states. As part of this amendment the Council and ASMFC will also review the goals and objectives of the bluefish FMP and the quota transfer processes. <a href="http://www.mafmc.org/actions/bluefish-allocation-amendment">http://www.mafmc.org/actions/bluefish-allocation-amendment</a></td>
<td>Staff is continuing to develop alternatives for this amendment but will not finalize the public hearing document or hold public hearings until after the results of the bluefish operational assessment are available in the spring of 2019.</td>
<td>Seeley</td>
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<tr>
<td>FMP</td>
<td>Action</td>
<td>Description</td>
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<td>Staff Lead</td>
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<tr>
<td>Surfclams and Ocean Quahogs</td>
<td>Excessive Shares Amendment</td>
<td>This amendment considers options to ensure that no individual, corporation, or other entity acquires an excessive share of the Surfclam and Ocean Quahog Individual Transferable Quota (ITQ) privileges. In addition, the goals and objectives for the SCOQ FMP will be reviewed and potentially revised. <a href="http://www.mafmc.org/actions/scoq-excessive-shares-amendment">http://www.mafmc.org/actions/scoq-excessive-shares-amendment</a></td>
<td>Staff is continuing to refine the range of alternatives and develop a public hearing document.</td>
<td>Montañez</td>
</tr>
<tr>
<td>Omnibus</td>
<td>Risk Policy Framework</td>
<td>The purpose of this framework action is to provide for a review of the ABC control rule framework and Council Risk Policy established in 2010 and to recommend any changes.</td>
<td>Staff, along with a workgroup, is re-evaluating control rule alternatives, both existing and potentially new alternatives, with the results from all available analyses that consider both biological and economic factors. It is anticipated that the Council will take final action on the risk policy framework in 2019.</td>
<td>Muffley</td>
</tr>
<tr>
<td>Omnibus Amendment for Data Modernization</td>
<td>This amendment will address the regulatory changes needed to fully implement the Agency’s Fishery-Dependent Data Initiative.</td>
<td>The Council received an update at the October 2018 meeting.</td>
<td>GARFO/NEFSC</td>
<td></td>
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## Timeline and Status of Recent MAFMC Actions and Amendments/Frameworks Under Review

**As of February 15, 2019**

<table>
<thead>
<tr>
<th>Status</th>
<th>Amendment/Framework</th>
<th>Action Number</th>
<th>Council Approval</th>
<th>Initial Submission</th>
<th>Final Submission</th>
<th>NOA Published</th>
<th>Proposed Rule Published</th>
<th>Approval/Disapproval Letter</th>
<th>Final Rule Published</th>
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<td>Tilefish AM 6</td>
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<td>SFSBSB AM 20; MSB AM 18; SCOQ AM 19; Bluefish AM 6; Tilefish AM 5; Dogfish AM 5</td>
<td>8/8/16</td>
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<tr>
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<td>Commercial Scup Quota Period Framework</td>
<td>SFSBSB FW 12</td>
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<td>Summer Flounder, Scup and Black Sea Bass Commercial Accountability Measure Framework</td>
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<td>Complete</td>
<td>Squid Amendment</td>
<td>MSB AM 20</td>
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<td>Status</td>
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<td>Action Number</td>
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<td>Atlantic Mackerel Rebuilding Framework</td>
<td>MSB FW 13</td>
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<tr>
<td>Open</td>
<td>Summer Flounder, Scup, and Black Sea Bass Framework on Conservation Equivalency, Block Island Sound Transit, and Slot Limits</td>
<td>TBD</td>
<td>12/11/18</td>
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# Timeline and Status of Specifications for MAFMC Fisheries

**As of February 15, 2019**

<table>
<thead>
<tr>
<th>Current Specifications</th>
<th>Year(s)</th>
<th>Council Approval</th>
<th>Initial Submission</th>
<th>Final Submission</th>
<th>Proposed Rule</th>
<th>Final Rule</th>
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<tbody>
<tr>
<td><strong>Golden Tilefish</strong></td>
<td>2018-2020</td>
<td>4/11/17</td>
<td>6/5/17</td>
<td>8/16/17</td>
<td>9/7/17</td>
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<td>11/2/17</td>
<td>2019 specs were reviewed in April 2018. No changes were recommended.</td>
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<tr>
<td><strong>Surfclam and Ocean Quahog</strong></td>
<td>2018-2020</td>
<td>6/6/17</td>
<td>8/14/17</td>
<td>9/22/17</td>
<td>12/8/17</td>
<td>2/6/18</td>
<td>3/8/18</td>
<td>2019 specs were reviewed in June 2018. No changes were recommended.</td>
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<tr>
<td><strong>Longfin Squid and Butterfish</strong></td>
<td>2018-2020</td>
<td>6/7/17</td>
<td>8/24/17</td>
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<td><strong>Illex Squid</strong></td>
<td>2019-2021</td>
<td>10/3/18</td>
<td>12/4/18</td>
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<td><strong>Atlantic Mackerel</strong></td>
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<td><strong>Scup</strong></td>
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<td>10/2/17</td>
<td>12/1/17</td>
<td>11/7/17</td>
<td>12/22/17</td>
<td>12/22/17</td>
<td>2019 specs were reviewed in August 2018. No changes were recommended.</td>
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<td><strong>Blueline Tilefish</strong></td>
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<td><strong>Bluefish</strong></td>
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<td><strong>Summer Flounder</strong></td>
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<td>10/12/18</td>
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<td><strong>Black Sea Bass</strong></td>
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<td>11/28/18</td>
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<td>12/17/18</td>
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<td><strong>Spiny Dogfish</strong></td>
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**Recreational Management Measures**

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<td>5/5/15</td>
<td>6/19/15</td>
<td>6/19/15</td>
<td></td>
<td>Reviewed in 2018. No changes from previous year's measures.</td>
</tr>
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</table>
MEMORANDUM

Date: February 8, 2019
To: Chris Moore
From: Mary Sabo
Subject: Modernizing Recreational Fisheries Management Act of 2018


S. 1520: Modernizing Recreational Fisheries Management Act of 2018

Section 1. Short title; table of contents; references.

Section 2. Findings. This section states that “While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.”

Section 3. Definitions. This section defines “mixed-use fishery” as a Federal fishery in which 2 or more of the following occur: (A) Recreational fishing; (B) Charter fishing; (C) Commercial fishing. This section also defines “limited access privilege program” as a program that meets the requirements of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a).

Section 101. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries. This section directs the Comptroller General of the United States to conduct a study on mixed-use fisheries in the jurisdictions of the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council.

Section 102. Fishery management measures. This section adds language which specifies that the Councils have the authority to use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing an FMP, plan amendment, or proposed regulations, such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities in such fishery or fishery component. This
section directs the Secretary of Commerce to submit to the appropriate committees of Congress a report that describes any actions pursuant to this additional language.

**Section 103. Study of limited access privilege programs for mixed-use fisheries.** This section directs the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine to complete a study on the use of limited access privilege programs in mixed-use fisheries (this section does not apply to the Pacific Fishery Management Council and the North Pacific Fishery Management Council.)

**Section 201. Cooperative data collection.** This section directs the Secretary of Commerce to develop, in consultation with the SSCs of the Councils and the Marine Fisheries Commissions, a report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources into fisheries management decisions. This report shall identify types of data and analysis, especially concerning recreational fishing, that can be used as the basis for establishing conservation and management measures. The report should provide specific recommendations for collecting data and performing analyses to reduce uncertainty in, and improve the accuracy of, future stock assessments, including whether such data and analysis could be provided by nongovernmental sources. This section specifies that the Secretary of Commerce shall take into consideration and, to the extent feasible, implement the recommendations of the National Academy of Sciences in the report entitled “Review of the Marine Recreational Information Program (2017)”.

**Section 202. Recreational data collection.** This section directs the Secretary of Commerce to establish partnership with states to develop best practices for implementing state recreational fishery programs. This section also directs the Secretary to publish biennial reports that include the estimated accuracy of state registry programs, how registry data are used for fishery surveys or evaluating effects of management measures, priorities for improving recreational fishing data collection, and an explanation of how state recreational fishery data are used. The bill would allow the Secretary to make grants to states to improve recreational data collection programs. Finally, this section directs the Secretary to enter into an agreement with the National Academy of Sciences to develop a report to evaluate how the Marine Recreational Information Program can be improved to better meet the needs of in-season management of annual catch limits and to identify what actions the Secretary, Councils, and States could take to improve the accuracy and timeliness of data collection and analysis to improve the Marine Recreational Information Program.
Status Update of the Northeast Trawl Advisory Panel

*Visit the attached links for detailed individual meeting summaries

Past Meetings

June 12, 2017, Downtown Providence Courtyard by Marriott (NTAP), Cost: $6721.36
http://www.mafmc.org/council-events/2017/ntap-meeting

- Identified ways to address/mitigate concerns about regional research survey performance and data.
  - NTAP is primarily focused with augmenting and improving understanding in time series.
  - Evaluated the ability to replicate Bigelow trawl gear on an industry vessel followed by studies to evaluate augmenting and supplementing the Bigelow time series.
  - Future work could/should evaluate availability within and outside of the Bigelow strata and the use of acoustics for estimating detectability, availability, and biomass.

- Reviewed the NEFSC Working Group meeting.
  - NTAP considered the development of a 6-12-month work plan and coordinate NEFSC and NTAP working groups to focus on:
    - 1) Catchability and efficiency studies
    - 2) Options for Bigelow/industry ship compatibilities for augmentation and to stand in during emergency situations

- Reviewed previous work and studies related to plans for the specific application in the yellowtail flounder TRAC assessment.
  - Working groups will determine what aspects of catchability to focus on—day/night, season, spatial differences, habitat differences and species.
  - NEFSC is developing multiple working papers to be presented at the Yellowtail Flounder Transboundary Resource Assessment Committee (TRAC) on catchability and bridle efficiency.

- Discussed the use of industry vessels in 2018.
  - F/V Karen Elizabeth
    - Focus on red hake, dabs (plaice), and other flatfish in the Gulf of Maine and summer flounder in Southern New England.
    - NTAP should be decision-body for prioritizing research.
    - Develop a robust study focused on regional differences in catchability with a focus on flatfish and increasing understanding of skates and red hake. This year’s study to start in Northern Gulf of Maine with a focus on flatfish, red hake and other species, depending on existing research analysis results; develop “move-on” rules based on this analysis (attaining adequate sample size by species) and shift survey sampling into southern New England, including collection of summer flounder.
    - Ensure adequate scientific/industry staffing to maximize catch processing and data collection.
- NEFSC-working in collaboration with NTAP working group-to conduct necessary pre-survey design analysis; develop, share, & review protocols; finalize protocol, including sharing survey schedule and field logistics.
  - F/V Nobska
    - Plan research efforts to inshore in southern New England, testing the capabilities of the Nobska configuration to achieve targeted similar trawl metrics as used on the Bigelow. Once achieved, the work will shift offshore to deeper strata to continue to develop protocols for maintaining these trawl metrics. If time allows, the Nobska will shadow the Bigelow on inshore trawls. Survey would be scheduled for fairer weather conditions in Fall 2017 (contract is good through April 2018).
    - Follow up with the Nobska and NTAP members related to evaluation and securing necessary mensuration package/gear adjustments, e.g., Darana R spare otter doors.
  - NEFSC-working in collaboration with NTAP working group to conduct necessary pre-survey design analysis, develop & review protocols, finalize protocol, including sharing survey schedule and field logistics.
- Reviewed NTAP’s participation on one day Bigelow trips.
  - NEFSC will continue to plan future trips and will request NTAP members to help recruit industry attendees who may be interested in seeing the NEFSC operations. The NEFSC is budgeting for these sea days and NTAP support for necessary attendee travel.
  - The NEFSC and NTAP to announce and recruit attendees for next Bigelow NTAP/Industry One-Day Trip, scheduled for October 31.

*July 31, 2017, Webinar (NTAP), Cost: N/A*
http://www.mafmc.org/council-events/2017/ntap-webinar

- Discussed cruise plan options for the August 2017 twin trawl study on the F/V Karen Elizabeth.
  - Summer Flounder would be the priority species and sampling would occur in Southern New England & Mid-Atlantic Bight (as necessary). Windowpane and SNE Winter Flounder would also be captured in this survey scheme and contribute to filling data gaps in these species. Once sufficient sampling of Summer Flounder is achieved-the survey team would then seek to fill its secondary objective of sampling in the Western Gulf of Maine (i.e. Ipswich Bay) to collect data on red hake (primary) and winter flounder (secondary) and other flatfish species captured following decision-criteria/move-on rules to be implemented in real time as data is collected and evaluated.
- Reviewed the application of gear efficiency studies and peer review recommendations to 2017 groundfish operational assessments.
- Reviewed the summary report of the NEFSC groundfish operational assessments gear efficiency research expert review panel.

*January 16, 2018, Hilton garden Inn, Boston Logan Airport (NTAP), Cost: $7633.20*

- Discussed the Northeast Fisheries Science Center’s engagement on NTAP.
  - Jon Hare (Director) confirmed the NEFSC’s support of the NTAP.
- NOAA Fisheries Budget outlook
- Discussed the 2017 Fall Trawl Survey.
  - NEFSC needs to have a plan if the Bigelow cannot perform the survey in the future.
    ▪ Current options or options to develop include Pisces, FV Darana R, or another industry vessel.
Pisces and Bigelow are very similar vessels (“sister ships”). Trawl performance on Pisces was comparable to Bigelow and operating protocols were met. Acoustic signatures may be different between the two vessels, however, and would require comparison.

Discussion on which is the larger concern: overspreading, underspreading, or variability in spreading

- Existing or new flume tank data would provide a better understanding of the consequences of over spreading and under spreading.

- Reviewed net efficiency work in TRAC, operation and benchmark assessments.
  - Discussed timing of data needs and assessments.

- Reviewed chain-sweep studies and discussions of next steps.
  - Chain sweep studies from 2015-2017 were reviewed.
  - Catchability depends on length and species and length effects are being included in assessments.
  - A number of other factors can potentially affect catchability: time, bottom water temperature, day:night and depth.

- Reviewed rockhopper-cookie sweep studies and discuss next steps.
  - Sweep studies from 2009-2010 were reviewed
  - These data will be presented in a Center Reference Document, and data and methods will be available for anyone to analyze going forward
  - There is potential for calibrating NEAMAP and Bigelow for upcoming summer flounder assessment. Based on data comparing catchability of rockhopper vs. chain sweeps, and catchability of rockhopper vs. cookie sweeps, there could be an opportunity to estimate catchability of the NEAMAP survey, e.g., with respect to summer flounder.

- Previewed work on F/V Nobska
  - Twelve sea days are available on the FV Nobska, and we have both NEAMAP and Bigelow survey doors to see which works best.

March 5, 2018, NEFSC Narragansett Laboratory (NTAP Working Group), Cost: $6302.37
http://www.mafmc.org/council-events/2018/ntap-working-group-meeting

- Developed plans for work on the F/V Nobska
  - Concerned with losing funds due to the contract ending - Consensus was reached to request that the Nobska contract be extended 12 months while group determines best use of funding.

- Compared NEFSC/Northeast Area Monitoring and Assessment Program gear performance
  - Offers possible solutions to poor gear performance through calibration with the NEAMAP survey.

- Determined priorities for future gear efficiency work.
- Evaluated the effects of NEFSC gear spread on survey indices.

June 19, 2018, Hilton garden Inn, Boston Logan Airport (NTAP and NTAP Working Group), Cost: $5957.00
http://www.mafmc.org/council-events/2018/ntap-wg-meeting

- Identified distinctions between gear efficiency, catchability and assessment model q (estimate of q attempts to bridge the potential discrepancy between biased stock size estimates and survey indices).
- Developed NTAP research work plan – Identify work flow and prioritize future work plan.
  - Plan for the next six months – includes field experiments (using an industry vessel) to compare catch rates at different wing spreads seen in the survey, flume tank work to observe gear behavior at different wing spreads and gear trials during the fall survey, for shallowest regions.
This will help refine acceptable tolerance for wing spread and identify gear configuration to achieve those targets.

- Reviewed options and recommend preferred research plan for re-obligation of industry vessel charter funds.
- Identified criteria for Bigelow trawl gear performance and flume tank work.
  - Some flume tank data are available but would not reflect modifications made to the sweep since the initial flume tank experiments. In addition to observing the configuration of the gear at different wingspreads (acknowledging that evaluating overspread may be difficult to simulate given tank size), it would also be valuable to look at net performance in offset configuration (although the tank cannot simulate auto trawl operation) or with restrictor cables.
- Updated NTAP charter and identify annual meeting schedule.
- Bigelow operations: Spring survey, remainder of FY 2018, outlook for FY 2019
  - Mechanics and weather delayed the spring 2018 survey
    - All strata were sampled, and 254/381 stations were completed.
  - There were gaps in spatial coverage within strata in the Gulf of Maine.
  - The current draft vessel schedule has dedicated time for Bigelow sea day work in the summer 2019, and the work will be based on NTAP recommendations.
- Briefing on Bigelow/Albatross time series
  - Sensitivity of assessment results vary across species and were significantly different depending on whether Bigelow results were adjusted to match the Albatross or if they were separated.
- Review status of efficacy estimates in stock assessments: Summer flounder, TRAC species; work underway on net spread.
- Review working group recommendations for preferred research plan for re-obligating industry vessel sea days.
  - The NEFSC will immediately begin operations to design, contract, and secure an industry survey vessel (twin trawler) to carry out gear performance research for the upcoming summer/fall 2018.

November 19, 2018, NEFSC Narragansett Laboratory (NTAP Working Group), Cost: $4368.22

- Reviewed research plan.
- Reviewed status of work to date.
  - Wingspread performance analyses
  - Gear performance (door) evaluations
- Designed twin trawl experiment.
  - Discussed: timing, habitat/geographical differences, should treatments be categorical or treated as a continuous function, species, etc.
- Discussed trawl doors for testing.
  - Industry members expressed significant concern about the Thyberon 21 flipper door, which is a high aspect door designed for more pelagic species. Alternative doors should be considered for gear trials, including various other Bisons, Thyberons, Polyice, and others.

December 17, 2018, NEFSC Narragansett Laboratory (NTAP), Cost: $2409.41 (value will increase)

- Reviewed design of twin trawl study to evaluate effects of wingspread on catch rates.
- Identified candidate doors for testing.
• Updated on status of flume tank experiments.
• Updated on evaluation of effect of wingspread on assessment results: TRAC and summer flounder results.
• Updated on the results of the 2018 fall survey.
• Received a brief status update on project to collect and evaluate fishery ecological knowledge of Gulf of Maine flatfish distribution shifts and their possible impacts on the availability to fishery independent surveys.
• Developed workplan for 2019.
• Updated NTAP membership.

Upcoming Meetings - Approximately $16,000 remains of the initial $50,000 in 2017

Postponed: February 15, 2019, SMAXT (NTAP), Cost: TBD

• Review the NEFSC trawl survey
• Receive an overview of the Flume Tank Facility at Memorial University in Newfoundland, Canada
• Conduct trawl model flume tank experiments at various net spreads
• Determine other trawl model flume tank experiments for future analysis
Current NTAP Membership

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terry Alexander</td>
<td>New England Fishery Management Council</td>
</tr>
<tr>
<td>Chris Batsavage</td>
<td>Mid-Atlantic Fishery Management Council</td>
</tr>
<tr>
<td>Steve Eays (Replaced by Mike Sissenwine)</td>
<td>Research Scientist - Gulf of Maine Research Institute</td>
</tr>
<tr>
<td>Jeffrey Eutsler (M-A replacement?)</td>
<td>Commercial Fishing Industry</td>
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<tr>
<td>James Gartland</td>
<td>Assistant Research Scientist - VIMS</td>
</tr>
<tr>
<td>David Goethel</td>
<td>Commercial Fishing Industry</td>
</tr>
<tr>
<td>Pingguo He</td>
<td>University of Massachusetts Dartmouth - SMAST</td>
</tr>
<tr>
<td>Jon Hare</td>
<td>Northeast Fisheries Science Center</td>
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<tr>
<td>Jonathan Knight (NE replacement?)</td>
<td>Commercial Fishing Industry</td>
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<tr>
<td>Hank Lackner (M-A replacement?)</td>
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<tr>
<td>Mike Luisi-Chairman</td>
<td>Mid-Atlantic Fishery Management Council</td>
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<tr>
<td>Frank Mirarchi</td>
<td>Commercial Fishing Industry</td>
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<tr>
<td>Michael Pol</td>
<td>Senior Marine Fisheries Biologist, MADMF</td>
</tr>
<tr>
<td>Philip Politis</td>
<td>Northeast Fisheries Science Center</td>
</tr>
<tr>
<td>Christopher Roebuck</td>
<td>Commercial Fishing Industry</td>
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<tr>
<td>Robert Ruhle (Jimmy Ruhle?)</td>
<td>Commercial Fishing Industry</td>
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<tr>
<td>Terry Stockwell-Chairman</td>
<td>New England Fishery Management Council</td>
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Membership Breakdown

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<td>MAFMC stakeholders</td>
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<tr>
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<td>MAFMC scientists</td>
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<td>NEFMC Scientists</td>
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<td>NEFSC Staff</td>
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Other regular attendees

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<tr>
<th>First</th>
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<th>Affiliation</th>
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<tbody>
<tr>
<td>Wendy</td>
<td>Gabriel</td>
<td>NEFSC</td>
</tr>
<tr>
<td>Dave</td>
<td>Richardson</td>
<td>NEFSC</td>
</tr>
<tr>
<td>Tim</td>
<td>Miller</td>
<td>NEFSC</td>
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<tr>
<td>John</td>
<td>Manderson</td>
<td>NEFSC</td>
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<tr>
<td>Jessica</td>
<td>Blaylock</td>
<td>NEFSC</td>
</tr>
<tr>
<td>Andy</td>
<td>Lipsky</td>
<td>NEFSC</td>
</tr>
<tr>
<td>Mike</td>
<td>Sissenwine</td>
<td>MA (NE Rep?)</td>
</tr>
<tr>
<td>Jimmy</td>
<td>Ruhle</td>
<td>M-A Commercial</td>
</tr>
</tbody>
</table>
John Quinn
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Tom Nies
Executive Director, New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950
tnies@nefmc.org

Re: 2019 Groundfish Priorities and Measures to Minimize Entanglements of North Atlantic Right Whales in Fixed Gear Fisheries

Dear Dr. Quinn and Mr. Nies:

We are writing on behalf of the Center for Biological Diversity, Conservation Law Foundation, Defenders of Wildlife, the Humane Society of the United States, Oceana, and Whale and Dolphin Conservation to urge the New England Fishery Management Council (Council) to develop measures that decrease interactions between endangered North Atlantic right whales and its Council-managed fixed-gear fisheries as expeditiously as possible. We look to your leadership to be part of the solution for this iconic species as the Council begins its work in 2019. Moreover, under the Magnuson-Stevens Act all fishery management plans must comply with applicable law including the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). Failing to ensure the effective reduction of entanglements in these fisheries jeopardizes not only the survival and recovery of North Atlantic right whales but the continued authorization of these fisheries.

Direct threats to North Atlantic right whales are well understood and come in three categories that each need action: ship strikes, ocean noise and fisheries entanglements. Our groups are actively advocating to improve the management of each of these threats.

Entanglement Threats

Almost a year and a half ago, the dire status of North Atlantic right whales, due in part to entanglements in commercial fishing gear, precipitated the reinitiation of consultation on nine fixed gear fisheries (American lobster, red crab, and seven batched fisheries). To avoid a
jeopardy finding from the National Marine Fisheries Service (NMFS) in the new biological opinion(s) resulting from reinitiation, there must be immediate, comprehensive action by the New England Council, the Mid-Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, and/or NMFS to significantly reduce entanglement risks to right whales. Of these nine fisheries, the New England Council is responsible for developing conservation and management measures for its groundfish fisheries that use sink gillnets (participating in the Northeast sink gillnet fishery, a Category I fishery because of known interactions) and the red crab fishery (trap/pot fishery, a Category II fishery because this gear poses an entanglement risk). In December the Regional Administrator for NMFS, Michael Pentony, urged the Council to address this issue in 2019, stating: “a finding of jeopardy and the series of required measures that come with it is not where we want to end up so we’ve been encouraging those with a stake in these matters to consider being proactive.”¹ To date, there has been little or no discussion of potential solutions in the fixed gear fisheries managed by the Council.

**Marine Mammal Protection Act Requirements**

The MMPA has been in place since 1972 with the sole purpose of protecting or recovering marine mammals in the United States and beyond. This law has a strong legacy of success across the country; many species and stocks of marine mammals have shown substantial recovery since the law was first signed by President Nixon. The MMPA-mandated Atlantic Large Whale Take Reduction Plan (ALWTRP) is intended to reduce the level of serious injury and mortality of four large whale species, including the North Atlantic right whale, in commercial gillnet and trap/pot fisheries in the U.S. Atlantic in the Northeast, Mid-Atlantic and South Atlantic regions. The overarching goal of the Take Reduction Plan is to bring serious injuries and mortalities of these species to a level at or below a scientifically calculated level called the Potential Biological Removal (PBR) that will support the recovery of each stock or species, with the ultimate goal of pushing serious injuries and mortalities to insignificant levels (the zeromortality rate goal, or ZMRG). If PBR is exceeded, the Take Reduction Team is convened to recommend methods to modify fishing practices to bring serious injuries and mortalities to the whale stock to at or below PBR.

Under the MMPA, NMFS listed the Council-managed Northeast Multispecies, monkfish, dogfish and skate sink gillnet fisheries as Category I fisheries because of their frequent interactions with North Atlantic right whales.² These interactions have been documented since at least 1983³ and have occurred at least as recently as 2016.⁴ Survey data as well as opportunistic sightings

¹ See Audio of December 2018 NEFMC Meeting available at: https://s3.amazonaws.com/nefmc.org/27_Council_Priorities_1.mp3 (starting at 1:30:30).
² 2018 List of Fisheries.
and stranding data suggest that right whales use the waters south of Nantucket and Martha’s Vineyard year-round.\textsuperscript{5,6,7} This area is also a high use area for gillnet fisheries,\textsuperscript{8} and the area has experienced shifted effort in the last year due to the elimination of several large year-round groundfish closures under the Omnibus Essential Fish Habitat Amendment 2.\textsuperscript{9} Right whale entanglements in gillnet fisheries are not infrequent. For example, 33 percent (8/24) of the right whale entanglement cases documented between 2010 and 2013 were in gear consistent with that used in the gillnet fishery.\textsuperscript{10}

Currently the PBR for North Atlantic right whales is just 0.9 animals per year. Alarmingly, this level has been in exceeded in all but two years since 2000. This indicates a chronic problem with existing fisheries regulations and the need to take a hard look at those fisheries that interact with North Atlantic right whales.

**Endangered Species Act Requirements**

Similar to the MMPA, since 1973, the Endangered Species Act has been extremely effective in identifying species act risk of extinction and then taking strong action to keep such species from going extinct with the ultimate goal of recovering these species. Under the ESA, before authorizing any fisheries management action (such as approving a Fishery Management Plan or amendment thereto under the Magnuson-Stevens Act or approving a Take Reduction Plan or amendment thereto under the MMPA) that may adversely affect an ESA-listed species, NMFS must undertake intra-agency formal consultation, culminating in a biological opinion stating whether or not the proposed action will jeopardize the continued survival and recovery of that species. A biological opinion includes, among other elements, an incidental take statement establishing the permitted levels of incidental take in those fisheries as well as reasonable and prudent measures to minimize and mitigate the impacts of the incidental take resulting from

\textsuperscript{7} NEFSC Interactive North Atlantic Right Whale Sightings Map, available athttps://www.nefsc.noaa.gov/psb/surveys/.
the prosecution of those fisheries. These elements collectively set the limits for the fishery that support management and trigger future management action should these limits and measures be violated.

These measures are complementary but separate from the requirement of the MMPA to reduce serious injuries and mortalities to at or below PBR with the ultimate goal of reaching ZMRG. It is vital that the Council understand these dual requirements. Achieving PBR does not equate to compliance with the ESA and vice versa. Importantly, the take prohibited by the ESA is much broader than the serious injury and mortality at issue in the MMPA; the mandate that NMFS must avoid jeopardizing listed species in authorizing fishery management actions includes avoiding jeopardizing a species’ recovery by reducing a species’ ability to reproduce.

The incidental take statement in a biological opinion provides legal protections for participants in these fisheries. Without an incidental take statement authorizing incidental take of listed species resulting from their otherwise-lawful participation in such fisheries, participants may face civil or criminal penalties or be subject to a private action filed under the ESA citizen-suit provision seeking court intervention to halt participation in the fishery until such time as incidental take coverage is acquired. It is therefore critically important that each affected fishery be covered by a current and legally valid biological opinion with a legally valid incidental take statement.

As discussed above, in November 2017, NMFS reinitiated consultations under ESA section 7 for nine fisheries, including the Council-managed red crab and “batched fisheries” targeting several species of groundfish including Atlantic cod, haddock, pollock, flounders, monkfish, dogfish, and skates. To reach the requisite no-jeopardy findings and issue the requisite incidental take statements, NMFS must be able to consider and evaluate new, mandatory management actions that will significantly reduce entanglement risks to North Atlantic right whales. However, it is not currently apparent to the public that the Council has discussed such additional management measures, much less developed any such measures. Moving forward without significant new measures that can be evaluated during consultation to generate a legally sufficient no-jeopardy biological opinions with valid incidental take statements risks putting both the fisheries and the right whale in jeopardy.

Recommendations for Council Action in 2019

The recent focus of North Atlantic right whale conservation in the U.S. has been almost exclusively on the interactions with the American lobster fishery. This narrow focus is inappropriate and allows other fisheries with known and documented takes of right whales to escape scrutiny and necessary management response. We have previously commented on the need for 100 percent reporting, fine spatial reporting, lost gear reporting, and electronic vessel reporting and tracking to improve management and provide information to determine where
risks to and entanglements of protected species occur in all fixed gear fisheries.\textsuperscript{11} To the extent they are not already required, we urge the Council to develop these requirements.

\textbf{In addition, we urge the Council to take the following actions in 2019:}

1. Demand that NMFS complete the biological opinion for the batched fisheries by a date certain (no longer than 6 months). This is a critical process that has been unnecessarily and inexplicably delayed. The Council bears responsibility for several of these fisheries and should do all that it can to expedite this process by providing NMFS not only with the best available scientific data on these fisheries but also with options for new management measures that will substantially reduce entanglement risks.

2. Analyze the most recent information on interactions of large whales, including right whales, in Council-managed fisheries to inform future management actions and the range of alternatives that will respond to this future need.

3. Initiate a management action that can respond to necessary changes to the Multispecies, Monkfish, Dogfish and Skate FMPs, as required by the ESA or the MMPA Take Reduction Plan. Considering the dire state of right whales, waiting to initiate action in a subsequent year is unacceptable and will likely allow months or years of interactions to continue.

4. Request that NMFS complete Section 7 consultations on all federal actions that may affect North Atlantic right whales, consistent with current legal requirements.

5. Continue Council oversight of non-fishing industries such as shipping, oil and gas exploration, aquaculture, and renewable energy development in the Northeast region, and provide opportunities to comment on the impacts where feasible.

Thank you for considering this important issue. We look forward to the Groundfish Committee and the Council’s full consideration of these issues at its upcoming meetings.

\textsuperscript{11} See April 21, 2018 Letter submitted on behalf of CLF, Defenders, and HSUS to NMFS’ Michael Asaro re: Request for New Information Collection in Fixed Gear Fisheries (83 Fed. Reg. 29,101 (June 22, 2018)) (“All Category I and II trap/pot and gillnet fisheries with known interactions with right whales should have comprehensive reporting requirements, including the following fisheries: (1) Atlantic blue crab trap/pot; (2) Atlantic mixed species trap/pot which includes, but is not limited to: crab (red, Jonah, and rock), hagfish, finfish (black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), and white hake), conch/whelk, and shrimp; (3) Northeast sink gillnet; (4) Northeast anchored float gillnet; (5) Northeast drift gillnet; (6) Mid-Atlantic gillnet; (7) Southeastern US Atlantic shark gillnet; and (8) Southeast Atlantic gillnet.”).
Erica Fuller
Senior Attorney
Conservation Law Foundation

Sarah Uhlemann
International Program Director, Senior Attorney
Center for Biological Diversity

Regina Asmutis-Silvia
Executive Director
Whale and Dolphin Conservation, N.A.

Jane Davenport
Senior Attorney
Defenders of Wildlife

Sharon B. Young
Field Director, Marine Wildlife Protection
The Humane Society of the United States

Gib Brogan
Fisheries Campaign Manager
Oceana

Cc:
Michael Pentony, National Marine Fisheries Service Regional Administrator,
Colleen Coogan, Protected Resources Division, Greater Atlantic Regional Office
Michael Asaro, Protected Resources Division, Greater Atlantic Regional Office
Peter Burns, Sustainable Fisheries Division, Greater Atlantic Regional Office