



Mid-Atlantic Fishery Management Council

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

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

MEMORANDUM

Date: December 3, 2020
To: Council
From: Mary Sabo
Subject: 2021 Implementation Plan

During the December 2020 meeting, the Council will meet on Monday, December 14 at 2:00 p.m. to review and consider approval of the 2021 Implementation Plan. The annual 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 following documents are enclosed for Council consideration:

1. MAFMC 2020 -2024 Strategic Plan Overview
2. End-of-Year Updates on 2020 Proposed Deliverables
3. Draft 2021 Implementation Plan
4. 2021 Deliverables – Supplemental Project Descriptions
5. Follow Up on Bullet and Frigate Mackerel Possession Limit (see summary below)
 - 5a. Staff Memo: Potential Action to Implement Commercial Possession Limit for Bullet and Frigate Mackerel
 - 5b. SAFMC Letter Regarding Submission of Amendment 12 to the Dolphin Wahoo FMP
(Note: the amendment will be available as a supplemental document under this agenda item on the December meeting page: <https://www.mafmc.org/briefing/december-2020>)

Potential Action to Implement Commercial Possession Limit for Bullet and Frigate Mackerel

During the October 2020 Council Meeting, the Executive Committee had a lengthy discussion about whether to move the draft deliverable “Initiate an action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic” from the “Possible Additions” section to the proposed deliverables for 2021. A motion to make this change ultimately failed based on a tied vote. This action remains on the draft list of “Possible Additions” for consideration by the Council in December. The Committee requested that staff provide additional information during the December Council meeting on why the South Atlantic Fishery Management Council decided against implementing a possession limit for these species, the potential connection between these species and the Mid-Atlantic Council's Fishery Management Plans (e.g., as prey for Council managed species or bycatch in Council managed fisheries), and the type of management action that could be used to implement a possession limit for these species in the Mid-Atlantic. This information is provided in the enclosed memo (5a). Staff recommend that the Council develop options for a commercial possession limit of bullet and frigate mackerel in Mid-Atlantic federal waters through a framework adjustment to the Bluefish Fishery Management Plan.

MAFMC 2020 -2024 Strategic Plan Overview

This overview is intended to provide an abbreviated, “at-a-glance” view of the topics addressed in the Council’s 2020-2024 Strategic Plan. Please refer to the complete plan for additional details.

www.mafmc.org/strategic-plan

Mission

The Council manages fisheries in federal waters of the Mid-Atlantic region for their long-term sustainability and productivity consistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act. The Council is committed to the stewardship of these fisheries, and associated ecosystems and fishing communities, through the collaborative development of effective, science-based fishery management plans and policies.

Vision

Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation.

Core Values

- Stewardship
- Integrity
- Effectiveness
- Fairness
- Competence
- Transparency

<p>Communication: Engage stakeholders and the public through education and outreach that foster sustained participation in, and awareness of, the Council process.</p>		
<p>1. Tools and methods</p> <ul style="list-style-type: none"> • Use a variety of traditional, web-based, and social media tools • Upgrade the website content and organization • Coordinate with management partners • Expand media coverage • Expand the use of “interested parties” lists • Maintain online calendar • Establish Communication/Outreach Advisory Panel 	<p>2. Stakeholder participation</p> <ul style="list-style-type: none"> • Hold workshops to develop innovative management approaches • Develop outreach materials to facilitate stakeholder participation • Schedule and conduct meetings/hearings in a manner that encourages participation • Expand use of online comment forms • Develop action-specific web pages • Use webinars and other technologies to enable remote participation 	<p>3. Education and awareness</p> <ul style="list-style-type: none"> • Develop outreach and education materials on Council fisheries and process • Promote partner organizations’ workshops and educational opportunities • Collaboratively develop outreach materials on fisheries science and data collection • Use plain language in Council documents
<p>Science: Ensure that the Council’s management decisions are based on timely and accurate scientific information and methods.</p>		
<p>4. Planning and addressing research needs</p> <ul style="list-style-type: none"> • Leverage opportunities to include Council research priorities in external funding programs • Engage in regional collaboration on research priorities and planning • Support the new NRCC stock assessment process • Develop a process for cross-communication between SSCs • Develop a comprehensive research plan 	<p>5. Collaborative research</p> <ul style="list-style-type: none"> • Expand/enhance existing Northeast Cooperative Research Program initiatives • Identify research needs suitable for collaborative research • Support the use of “vessels of opportunity” • Support priorities identified by NEAMAP operations committee • Support innovations in gear development to reduce bycatch • Evaluate future RSA options 	<p>6. Data collection, monitoring and reporting</p> <ul style="list-style-type: none"> • Support Fishery Dependent Data Initiative • Support development of a unique trip identifier • Work to eliminate duplicative/unnecessary reporting • Address inconsistencies in commercial and for-hire permitting/reporting/inspection requirements • Consider phone apps for recreational reporting
<p>7. Social and economic data</p> <ul style="list-style-type: none"> • Identify existing social/economic data sources • Incorporate fishermen’s knowledge in the stock assessment process • Identify data/information gaps that can be addressed with on-the-water observations. • Support improvements to social/economic analyses 	<p>8. Priority setting</p> <ul style="list-style-type: none"> • Conduct periodic reviews of Five-Year Research Priorities • Review research needs identified in stock assessments • Track progress toward addressing the Council’s research priorities. 	
<p>Management: Develop effective management strategies that provide for sustainable fisheries and healthy marine ecosystems and consider the needs of fishing communities and other resource users.</p>		
<p>9. Coordinated management through partnerships</p> <ul style="list-style-type: none"> • Use the NRCC to enhance coordination and communication • Coordinate with partners to ensure efficient allocation of staff resources • Address inconsistencies across state/federal/regional boundaries 	<p>10. Adapt management approaches</p> <ul style="list-style-type: none"> • Monitor variability in species distribution, abundance, and availability • Use FPRs and SOE reports to develop management responses to changing conditions • Review the performance of existing measures 	<p>11. Consider social/economic impacts</p> <ul style="list-style-type: none"> • Expand the use of MSEs to determine social/economic impacts • Evaluate the impacts of current measures on recreational participation and satisfaction • Expand the use of multi-year management approaches • Evaluate the impacts of management on fishing businesses

Ecosystem: Support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.

<p>12. EAFM Implementation</p> <ul style="list-style-type: none"> Track EAFM implementation progress Use the structured framework process as a tool to implement EAFM Collaborate with science partners to address ecosystem information needs 	<p>13. Climate change</p> <ul style="list-style-type: none"> Identify climate-related data needs Consider management and governance responses to shifting species distributions Evaluate ability of current management approaches to respond to shifting species distributions Consider management strategies that are responsive to the impacts of climate change on fishery allocations 	<p>14. Habitat</p> <ul style="list-style-type: none"> Identify the contributions of inshore habitats to offshore productivity Review EFH designations Participate in regional habitat partnerships Develop the linkages between habitat science/conservation and fishery outcomes Ensure that Council habitat policies reflect current scientific information and best management practices Examine the use of EFH/HAPCs to ensure ecosystem integrity
<p>15. Offshore energy</p> <ul style="list-style-type: none"> Collaborate with partners on offshore energy issues to identify information needs and evaluate impacts Comment on proposed offshore energy projects 	<p>16. Forage</p> <ul style="list-style-type: none"> Consider the role of Council-managed species in the ecosystem Consider and account for the impacts of Council-managed species on the forage base Monitor unmanaged forage landings 	<p>17. Ecosystem impacts</p> <ul style="list-style-type: none"> Incorporate information from the SOE reports to identify impacts of Council decisions on the ecosystem Consider measures that promote fewer regulatory discards and greater utilization of catch Avoid/reduce negative impacts on protected resources

Governance: Ensure that the Council's practices accurately represent and consider the interests of fisheries, fishing communities, and the public through a transparent and inclusive decision-making process.

<p>18. Open, accessible process</p> <ul style="list-style-type: none"> Develop/update policies for Council committees and advisory/technical bodies. Provide annual updates on Council activities Review/update SOPP on a regular basis Provide webinars whenever possible 	<p>19. Collaboration with management partners</p> <ul style="list-style-type: none"> Review/update regional operating agreement Clarify roles, responsibilities, procedures with ASMFC for joint meetings/actions Develop agreements with NEFMC and SAFMC Review composition/operation of Council committees to address management partner concerns 	<p>20. Stakeholder interests</p> <ul style="list-style-type: none"> Create new opportunities for general public comment during meetings Add opportunities for public comment on implementation plans Evaluate the composition of advisory bodies Improve communication regarding the use of public input in management decisions 	<p>21. Member and staff training and development</p> <ul style="list-style-type: none"> Provide opportunities for Council member training Support staff development Promote staff-to-staff collaboration with management partners
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Managed Fisheries

Summer Flounder, Scup, Black Sea Bass • Mackerel, Squid, Butterfish
 Surfclams and Ocean Quahogs • Golden and Blueline Tilefish
 Bluefish • Spiny Dogfish • Monkfish



2020 Proposed Actions and Deliverables

End-of-Year Updates

The table below provides an update on the status of proposed actions and deliverables from the Council’s 2020 Implementation Plan. This document reflects the expected status of each item by the end of 2020 (tasks may be marked as “Completed” if they will be addressed at the December meetings).

- **Completed:** The task is expected to be completed by the end of 2020. Amendments, frameworks, and specifications are considered “Completed” once the Council has taken final action.
- **In Progress:** The task is on track, and work will carry over into the following year.
- **Ongoing:** The task is part of the Council’s routine activities and does not have an expected end point.
- **Delayed or Postponed:** The original timeline has shifted.

(A) before an item signifies that it is an addition to the deliverables originally approved for 2020

Deliverable	Expected status by end of 2020	Notes
Summer Flounder, Scup, Black Sea Bass		
Review 2021 specifications for summer flounder, scup, and black sea bass	Completed	
Develop and approve 2021 recreational management measures for summer flounder, scup, and black sea bass	Completed	Planned for December meeting.
Develop advisory panel fishery performance reports	Completed	
Initiate action to revise recreational management system for summer flounder, scup, and black sea bass to allow for greater stability and flexibility (“Recreational Reform Initiative”)	In Progress	Framework and amendment initiated at October meeting.
Evaluate commercial scup discards and gear restricted areas	Completed	
Continue development of Summer Flounder, Scup, Black Sea Bass Commercial/ Recreational Allocation Amendment	In Progress	Final action expected in 2021.
Continue development of Black Sea Bass Commercial State Allocation Amendment	Completed	Final action expected in December. Amendment submission to NMFS expected in 2021.
Initiate Ecosystem Approach to Fisheries Management (EAFM) management strategy evaluation (MSE) for summer flounder	In Progress	Initiation complete; project is in progress.
(A) Complete summer flounder commercial/recreational allocation study (contract)	Completed	

Deliverable	Expected status by end of 2020	Notes
(A) Complete summer flounder recreational F-based management study (contract)	Completed	
Bluefish		
Review 2021 bluefish specifications	Completed	
Develop and approve 2021 bluefish recreational management measures	Completed	Planned for December meeting.
Develop advisory panel fishery performance report	Completed	
Continue development of Bluefish Allocation and Rebuilding Amendment	In Progress	Final action expected in 2021.
Golden and Blueline Tilefish		
Develop and approve 2021-2022 golden tilefish specifications	Completed	
Review 2021 blueline tilefish specifications	Completed	
Develop advisory panel fishery performance reports	Completed	
Address private recreational permitting and reporting issues (NOAA Fisheries Greater Atlantic Fisheries Regional Office (GARFO) lead)	Completed	Outreach conducted throughout the year to support implementation of permitting and reporting requirements. Funding provided for eFin Logbook app development.
Tilefish survey	In Progress	Survey complete. Report expected in 2021.
Mackerel, Squid, Butterfish (MSB)		
Develop and approve 2021-2022 specifications for Atlantic mackerel and butterfish	Completed	
Develop and approve 2021-2023 specifications for longfin and <i>Illex</i> squids	Completed	
Develop advisory panel fishery performance reports	Completed	
Review butterfish cap performance report	Completed	
Take final action on <i>Illex</i> Permit and MSB Goals and Objectives Amendment	Completed	Amendment submission to NMFS expected in early 2021.
Review recommendations of <i>Illex</i> Working Group regarding real time <i>Illex</i> squid management and/or quota adjustments	Completed	Work extended in to 2021.
<i>Illex</i> growth and maturity data project	Completed	
Review 2020-2021 chub mackerel specifications	Completed	
HMS/chub mackerel diet study (final report)	Delayed due to COVID-19	

Deliverable	Expected status by end of 2020	Notes
River Herring and Shad (RH/S)		
Develop and approve RH/S cap for Atlantic mackerel fishery for 2021-2022	Completed	
Develop RH/S discussion papers (e.g. biological caps, New England alignment, hotspots)	Completed	Council will review at February 2021 meeting.
Spiny Dogfish		
Revise 2021 and develop 2022 spiny dogfish specifications	Completed	
Develop advisory panel fishery performance report	Completed	
Surfclam and Ocean Quahog		
Develop and approve 2021-2026 specifications for surfclam and ocean quahog	Completed	
Develop advisory panel fishery performance reports	Completed	
Initiate Commingling/Discarding Issues Action	In Progress	Initiation complete; project is in progress.
Surfclam genetic study (contract; ongoing)	In Progress	
Science and Research		
Initiate a workshop to review and consider redevelopment of the Research Set-Aside (RSA) program	Postponed	The RSC agreed to postpone the workshop due to COVID-19. Staff continues to work with the RSC chair on development.
Continue to support the Fishery Dependent Data Initiative (GARFO lead)	Ongoing	Monthly calls with GARFO on eVTR implementation.
Identify new Scientific and Statistical Committee (SSC) membership	Completed	
Convene joint Council-SSC meeting	Completed	
Maryland Recreational Ocean Effort Video Estimation project (contract)	In Progress	Video capture in progress since Wave 4 (installation delayed by COVID-19).
Develop a process to track progress toward addressing the Council's research priorities.	Completed	
(A) Complete additional analysis needed to complete Omnibus Risk Policy Framework	Completed	
(A) Establish SSC Economic Work Group	Completed	
Ecosystem and Ocean Planning/Habitat		
Coordinate Northeast Regional Habitat Assessment (NRHA)	Ongoing	
Continue work on Essential Fish Habitat (EFH) Redo	Ongoing	

Deliverable	Expected status by end of 2020	Notes
Update the EAFM risk assessment	Completed	
Develop habitat- and fishery-related comments on offshore energy development	Completed/ Ongoing	Several letters sent on habitat and wind issues.
Maintain joint MAFMC and New England Fishery Management Council (NEFMC) Offshore Wind web page and Offshore Wind Notices to Mariners web page	Ongoing	Additional page for “Offshore Wind Public Comment Opportunities” page created
Initiate climate change and distribution shift scenario planning	Ongoing	
General		
Complete the Commercial Fisheries Electronic Vessel Trip Report (eVTR) Framework	Completed	
Track relevant fisheries legislation, including Magnuson-Stevens Act reauthorization, and develop comments as requested	Ongoing	
(A) Review commercial landings of unmanaged species	Completed	
(A) Develop recommendations as required by EO 13921	Completed	
Communication and Outreach		
Continue to implement the Council communication and outreach plan	Ongoing	
Develop and maintain Council action web pages	Ongoing	
Develop fact sheets and outreach materials as needed	Ongoing	
Complete the website update and improvement project	In Progress	
Establish a Communication/Outreach Advisory Panel	Postponed	Moved to 2021 to align with 3 year appointment cycle for all APs.
(A) Create Council YouTube channel and pre-recorded scoping/public hearing videos	Completed	
(A) Develop webinar participation guide and web page to support increased reliance on webinars	Completed	www.mafmc.org/webinar
(A) Develop new web page on MRIP/Recreational Data Collection	Completed	www.mafmc.org/mrip
(A) Develop eVTR webpages and outreach materials	Completed	www.mafmc.org/evtr

Deliverable	Expected status by end of 2020	Notes
Possible Additions <i>The following items were included in the 2020 Implementation Plan to be considered if time and resources allowed:</i>		
Expand summer flounder recreational management strategy evaluation to include scup and black sea bass (contract)		
Review red crab and lobster fishery exemptions for discrete deep sea coral protected zones		
Develop a white paper on fixed/variable costs and employment information (all Northeast fisheries)		
Initiate action to address right whale issues		
Modify list of ecosystem component species from Unmanaged Forage Amendment (e.g., addition of cancer crabs)		
Review RH/S annual progress update		
Convene a workshop to discuss the impacts of pollutants on Mid-Atlantic fisheries		
Review eVTR submission timeframe		
Aquaculture (address as needed)		



2021 Implementation Plan

DRAFT – December 2020 Council Meeting

This Implementation Plan is a companion document to the Council’s 2020-2024 Strategic Plan. The 2020-2024 Strategic Plan identifies five goals, 21 objectives, and 87 strategies. Implementation of the strategic plan will be a long-term process supported through the annual development of one-year implementation plans that identify specific tasks necessary for achieving the Council’s goals and objectives. Annual implementation plans are used as a planning tool by the Council and staff and as a way to update the public on progress toward achieving the goals and objectives of the strategic plan. Each year’s plan is designed to provide a comprehensive and realistic framework for merging the Council's ongoing projects with new initiatives.

The 2021 Implementation Plan identifies specific activities the Council expects to undertake in 2021 to make progress toward achieving the goals and objectives of the 2020-2024 Strategic Plan. The document is organized into two sections:

1. The **2021 Proposed Actions and Deliverables** section provides a high-level overview of the activities, amendments, frameworks, specifications, and other projects the Council expects to initiate, continue, or complete during the year. This section is organized by Fishery Management Plan (FMP) and topic areas.
2. The **Strategic Plan Framework and 2021 Priority Activities** section organizes the Council’s planned activities for the upcoming year under the five goal areas and 21 objectives defined in the 2020-2024 Strategic Plan. This section provides information about the anticipated timeframe for each item.

STRATEGIC PLAN OVERVIEW

Vision

Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation.

Mission

The Council manages fisheries in federal waters of the Mid-Atlantic region for their long-term sustainability and productivity consistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act. The Council is committed to the stewardship of these fisheries, and associated ecosystems and fishing communities, through the collaborative development of effective, science-based fishery management plans and policies.

Core Values

The Council’s activities, operations, and decisions are guided by the following core values:

- Stewardship
- Integrity
- Effectiveness
- Fairness
- Competence
- Transparency

The complete 2020-2024 Strategic Plan and other related documents are available at www.mafmc.org/strategic-plan.

2021 Proposed Actions and Deliverables

SUMMER FLOUNDER, SCUP, BLACK SEA BASS

1. Develop 2022-2023 specifications for summer flounder, scup, and black sea bass
2. Develop 2022 recreational management measures for summer flounder, scup, and black sea bass
3. Review and potentially revise commercial minimum mesh size regulations and exemptions for summer flounder, scup, and black sea bass
4. Develop advisory panel fishery performance reports
5. Continue development of a framework action and technical guidance documents to address the prioritized Recreational Reform Initiative topics.
6. Begin development of an amendment to consider recreational sector separation and recreational catch accounting for summer flounder, scup, black sea bass, and bluefish.
7. Evaluate commercial scup discards and gear restricted areas
8. Complete the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment
9. Continue development of the Ecosystem Approach to Fisheries Management (EAFM) management strategy evaluation (MSE) for summer flounder
10. Support management track assessments for summer flounder, scup, and black sea bass

BLUEFISH

11. Develop 2022-2023 bluefish specifications
 12. Develop 2022 bluefish recreational management measures
 13. Develop advisory panel fishery performance report
 14. Complete the Bluefish Allocation and Rebuilding Amendment
 15. Support management track assessment for bluefish
- Note: Deliverables #5 and 6 in the previous section will also address bluefish recreational management issues*

GOLDEN AND BLUELINE TILEFISH

16. Review 2022 golden tilefish specifications
17. Develop 2022-2023 blueline tilefish specifications
18. Develop advisory panel fishery performance reports
19. Review performance of private recreational tilefish permitting and reporting
20. Support management track assessment for golden tilefish
21. Initiate golden tilefish multi-year specifications framework (EO 13921 recommendation)
22. Review 2020 tilefish survey report and consider funding/logistics for 2022 survey

MACKEREL, SQUID, BUTTERFISH (MSB)

23. Review 2022 Atlantic mackerel, chub mackerel, longfin, and butterfish specifications
24. Develop 2022 *Illex* specifications
25. Consider modifications to the *Illex* incidental possession limit during closures (EO 13921 recommendation)
26. Consider modifications to the butterfish minimum mesh size regulations (EO 13921 recommendation)
27. Develop advisory panel fishery performance reports
28. Review butterfish cap performance report
29. Review HMS/chub mackerel diet study final report
30. Support management track assessment for Atlantic mackerel
31. Support research track assessments for butterfish and *Illex* squid (including possible additional *Illex* working group products)

RIVER HERRING AND SHAD (RH/S)

32. Review RH/S cap performance and RH/S update

SPINY DOGFISH

33. Review 2022 spiny dogfish specifications
34. Develop advisory panel fishery performance report
35. Develop spiny dogfish trip limit white paper (EO 13921 recommendation)

SURFCLAM AND OCEAN QUAHOG

36. Review 2022 specifications for surfclam and ocean quahog
37. Develop advisory panel fishery performance reports
38. Continue work on an action to address issues with surfclam and ocean quahog species separation requirements
39. Review surfclam genetic study final report

SCIENCE AND RESEARCH

40. Convene a workshop to review and consider redevelopment of the research set-aside (RSA) program
41. Conduct a biennial review and update of the 2020-2024 research priorities document
42. Convene a joint Council/SSC meeting
43. Review outcomes and recommendations from SSC Economic Workgroup
44. Support the Fishery Dependent Data Initiative (GARFO lead)

ECOSYSTEM AND OCEAN PLANNING/HABITAT

45. Develop and review the 2021 EAFM risk assessment report
46. Coordinate the Northeast Regional Habitat Assessment (NRHA)
47. Continue work on the Essential Fish Habitat (EFH) Redo
48. Maintain joint MAFMC and New England Fishery Management Council (NEFMC) offshore wind web pages
49. Develop habitat- and fishery-related comments on offshore energy development
50. Continue development of East Coast climate change and distribution shift scenario planning initiative

GENERAL

51. Review commercial landings of unmanaged species
52. Complete advisory panel reappointment for all APs
53. Develop comment letters to various agencies regarding E.O. 13921 recommendations

COMMUNICATION AND OUTREACH

54. Continue to implement the Council communication and outreach plan
55. Develop and maintain Council action web pages
56. Develop fact sheets and outreach materials as needed
57. Establish a Communication/Outreach Advisory Panel
58. Conduct virtual or in-person workshops to support commercial eVTR implementation
59. Maintain general and issue-specific email distribution lists

STAFF WRAP-UP ON COMPLETED ACTIONS

The following actions have been, or are expected to be, approved by the Council by the end of 2020 but will require staff work in 2021 to finalize for submission to NMFS:

60. Black Sea Bass Commercial State Allocation Amendment
61. *Illex* Permit and MSB Goals and Objectives Amendment

POSSIBLE ADDITIONS – OTHER

To be considered for addition to the 2021 implementation plan if time and resources allow:

62. Initiate action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic
63. Establish a working group to evaluate potential approaches for incorporating additional stakeholder knowledge and input in the stock assessment process
64. Review red crab and lobster fishery exemptions for discrete deep sea coral protected zones
65. Initiate action to address right whale issues
66. Develop a white paper on collecting fixed/variable costs and employment information (for all Northeast fisheries)
67. Modify list of ecosystem component species from Unmanaged Forage Amendment (e.g., addition of cancer crabs)

2021 Priority Activities

COMMUNICATION

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

Objective	Priority Activities for 2021	Deliverable ¹	Timeframe
1. Use a wide range of communication tools and methods tailored to engage target audiences.	Continue to employ a variety of traditional, web-based, and social media tools to disseminate relevant information, updates, and communication materials (as outlined in the Council's communication and outreach plan).	Y	Ongoing
	Complete website updates and improvements.	N	2021
	Expand the use of "interested-parties" email lists to deliver fishery- and action-specific information and updates to interested stakeholders.	Y	Ongoing
2. Increase stakeholder participation in the Council process.	Establish a Communication/Outreach Advisory Panel.	Y	2021
	Evaluate the current online commenting system and identify potential new public comment opportunities (or ways to improve the utility of existing comment forms).	N	2021
	Utilize webinars, conference lines, and other technology to expand remote access to and/or participation in Council and advisory body meetings.	N	Ongoing
	Continue to adapt Council webinar technology and procedures to support the increased need for virtual meetings due to COVID-19.	N	2021
	Develop outreach materials to facilitate constructive stakeholder input on proposed management actions (e.g. scoping guides, video presentations, fact sheets, etc.).	Y	Ongoing
3. Broaden the public's understanding and awareness of the Council and its managed fisheries.	Develop fact sheets and outreach materials to provide information on current fisheries issues and topics of public interest.	Y	Ongoing
	Continue to promote relevant educational opportunities.	N	Ongoing
	Collaborate with science partners to develop outreach materials related to stock assessments for Council-managed species.	N	Ongoing
	Ensure that Council documents use plain language and minimize the use of acronyms to the extent possible.	N	Ongoing

¹ The Deliverable column indicates whether the item is listed in the list of proposed actions and deliverables in the previous section.

SCIENCE

Goal: Ensure that the Council's management decisions are based on timely and accurate scientific information and methods.

Objective	Priority Activities for 2021	Deliverable	Timeframe
4. Collaborate with science partners and research institutions to ensure that the Council's science priorities are addressed.	Support stock assessments for Council-managed species.	Y	2021
	Review the surfclam genetic study final report.	Y	2021
	Review the HMS/chub mackerel diet study final report.	Y	2021
5. Support the use of collaborative research to meet the Council's science, data, and information needs.	Review 2020 tilefish survey report and consider funding/logistics for 2022 survey.	Y	2021
	Convene RSA program review workshop.	Y	2021
	Identify research needs that can be addressed using collaborative approaches with commercial, for-hire, and recreational fishery participants.	N	Ongoing
	Continue to support development of cooperative research programs that use "vessels of opportunity" from all sectors to address science and research needs.	N	Ongoing
6. Promote efficient and accurate data collection, monitoring, and reporting systems.	Continue to support the Fishery Dependent Data Initiative (GARFO lead).	Y	2021 - TBD
	Review performance of private recreational tilefish permitting and reporting.	Y	2021
	Conduct virtual or in-person workshops to support commercial eVTR implementation.	Y	2021
7. Promote the collection of relevant social and economic data and on-the-water observations.	Collaborate with the Northeast Regional Coordinating Council (NRCC) Stock Assessment Communications Group to facilitate increased stakeholder involvement in (and awareness of) the stock assessment process.	N	Ongoing
	Review outcomes and recommendations from SSC Economic Workgroup.	Y	2021
	Engage the Council's SSC to identify existing studies or other sources of social and economic information that could be used to inform management decisions.	N	Ongoing
8. Identify and prioritize the Council's research needs.	Conduct a biennial review and update of the 2020-2024 research priorities document.	Y	2021

MANAGEMENT

Goal: Develop effective management strategies that provide for sustainable fisheries and healthy marine ecosystems while considering the needs of fishing communities and other resource users.

Objective	Priority Activities for 2021	Deliverable	Timeframe
9. Strengthen state, federal, and interstate partnerships to promote coordinated, efficient management of fishery resources.	Participate on the Northeast Regional Coordinating Council.	N	Ongoing
10. Adapt management approaches and priorities to address emerging issues and changing fishery conditions.	Review commercial minimum mesh size review for summer flounder, scup, and black sea bass.	Y	2021
	Develop Recreational Reform Framework and technical guidance documents.	Y	2021
	Begin development of Recreational Sector Separation and Catch Accounting Amendment.	Y	2021 - TBD
	Summer Flounder, Scup, and Black Sea Bass Recreational/Commercial Allocation Amendment (joint MAFMC/ASMFC action)	Y	2021
	Evaluate commercial scup discards and gear restricted areas.	Y	2021
	Complete the Bluefish Allocation and Rebuilding Amendment (joint MAFMC/ASMFC action)	Y	2021
	Action to address surfclam and ocean quahog species separation requirements	Y	2021 - TBD
	Consider modifications to <i>III</i> ex incidental possession limit during closures.	Y	2021
	Consider modifications to butterfish minimum mesh size regulations.	Y	2021
11. Ensure that management decisions consider social, economic, and community impacts and opportunities.	Continue development of summer flounder EAFM management strategy evaluation.	Y	2021
	Continue to utilize multi-year management approaches.	N	Ongoing
	Develop spiny dogfish trip limit white paper.	Y	2021

Continued on the following page

Specification-Setting Activities

In addition to the activities associated with specific management objectives, the Council will also develop new or review existing specifications for each of its managed species. These activities are listed below.

<p>Develop and approve new specifications:</p>	<ul style="list-style-type: none"> • 2022-2023 summer flounder, scup, and black sea bass specifications • 2022 summer flounder, scup, and black sea bass recreational management measures • 2022-2023 bluefish specifications • 2022 bluefish recreational management measures • 2022-2023 blueline tilefish specifications • 2022 <i>Illex</i> specifications
<p>Review specifications and recommend changes if needed:</p>	<ul style="list-style-type: none"> • 2022 golden tilefish specifications • 2022 Atlantic mackerel, chub mackerel, longfin, and butterfish specifications • 2022 spiny dogfish specifications • 2022 surfclam and ocean quahog specifications

ECOSYSTEM

Goal: Support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.

Objective	Priority Activities for 2021	Deliverable	Timeframe
12. Implement the Council's Ecosystem Approach to Fisheries Management (EAFM) as described in the EAFM Guidance Document.	Develop and review the 2021 EAFM risk assessment report.	Y	2021
13. Collaborate with management partners to develop ecosystem approaches that are responsive to the impacts of climate change.	Continue development of the East Coast climate change and distribution shift scenario planning initiative.	Y	2021
14. Identify, designate, and protect habitat using an ecosystem approach.	Northeast Regional Marine Fish Habitat Assessment Project	Y	2021-2022
	EFH Redo	Y	Ongoing
15. Engage in the offshore energy development process to address impacts to Council-managed species and associated habitats.	Develop habitat- and fishery-related comments on offshore energy development.	Y	Ongoing
	Maintain joint MAFMC-NEFMC Offshore Wind web page and Offshore Wind Notices to Mariners web page.	Y	Ongoing
	Engage offshore wind developers to support effective communication and outreach with the fishing industry.	Y	Ongoing
16. Support the maintenance of an adequate forage base to ensure ecosystem productivity, structure, and function.	Consider and account for, to the extent practicable, the role of Council-managed species in the ecosystem, including roles as prey, predator, and food for humans.	N	Ongoing
	Consider and account for, to the extent practicable, the impact of Council-managed fisheries on the forage base.	N	Ongoing
	Review report on unmanaged species landings and respond to changes if necessary.	Y	Annually
17. Develop management approaches that minimize adverse ecosystem impacts.	Review State of the Ecosystem Report	N	Annually
	Develop management measures that consider ecological interactions to reduce regulatory discards, promote greater utilization of catch, and minimize impacts to habitat.	N	Ongoing
	Consider fishery management approaches that avoid or reduce negative impacts on protected resources.	N	Ongoing

GOVERNANCE

Goal: Ensure that the Council's practices accurately represent and consider the interests of fisheries, fishing communities, and the public through a transparent and inclusive decision-making process.

Objective	Priority Activities for 2021	Deliverable	Timeframe
18. Maintain an open, accessible, and clearly defined process.	Convene joint Council-SSC meeting.	Y	2021
	Provide an update on Council activities and a summary of implementation Plan progress.	N	Annually
	Provide conference lines or Webinar access to Council and advisory body meetings whenever feasible.	N	Ongoing
19. Engage management partners to promote effective collaboration and coordination.	Track relevant MSA/fisheries legislation and develop comments as requested.	N	Ongoing
	Review the composition and operation of Council committees.	N	Annually
	Collaborate with GARFO on outreach to support commercial eVTR implementation.	Y	2021
20. Ensure that stakeholder interests are understood and addressed.	Work with advisory panels to develop annual fishery performance reports	Y	Annually
	Complete the 3-year reappointment process for all Council Advisory Panels.	Y	2021
	Explore options to improve communication regarding the use of public input in management decisions.	N	2021
21. Provide training and development opportunities for Council members and staff to enhance organizational performance.	Provide Council member training on Robert's Rules of Order.	N	2021
	Support the ongoing professional development of Council staff.	N	Ongoing
	Continue to participate in staff-to-staff meetings and collaborate with GARFO, NEFSC, and ASMFC on other initiatives.	N	Ongoing

2021 Deliverables – Supplemental Project Descriptions

The table below provides descriptions for some of the projects and activities included in the *2021 Implementation Plan*. Descriptions and timelines are subject to change. Item numbers in the far-left column are associated with the deliverable numbers in the *Proposed Actions and Deliverables* section of the implementation plan.

	Action/Project	Staff	Description
3	Commercial minimum mesh size review for summer flounder, scup, and black sea bass	Dancy, Beaty, Coutré	In 2018, the Council and Board reviewed results of a study on minimum mesh size effectiveness for these three species. The Monitoring Committee recommended additional analyses and industry input before considering modifications, and the Council and Board recommended continuing to pursue this issue as a lower-tier priority at the time given other ongoing actions for this FMP. Current regulations require three different minimum mesh size regulations for summer flounder, scup, and black sea bass, which are targeted by an overlapping group of vessels fishing in similar areas. Industry members have requested analysis of a uniform mesh size for these three species. This review would build on the previous research and consider revisions to the commercial minimum mesh sizes and exemptions for summer flounder, scup, and black sea bass.
5	Recreational Reform Framework and Technical Guidance Documents	Beaty	In October 2020, the Council and Board initiated a joint framework/addendum to further develop and consider the following topics and management issues for summer flounder, scup, black sea bass, and bluefish: <ul style="list-style-type: none"> • Better incorporating MRIP uncertainty into the management process; • Guidelines for maintaining status quo recreational management measures (i.e., bag, size, and season limits) from one year to the next; • A process for setting multi-year recreational management measures; • Changes to the timing of the recommendation for federal waters recreational management measures; and • A proposal put forward by six recreational organizations called a harvest control rule. During their December 2020 joint meeting, the Council and Board may consider addressing some of these topics through a technical guidance document, rather than a framework/addendum. All topics will be developed throughout 2021 with the help of a technical team of Monitoring/Technical Committee members and others as needed. https://www.mafmc.org/actions/recreational-reform-initiative
6	Recreational Sector Separation and Catch Accounting Amendment	Beaty	This joint amendment with the ASMFC considers options for managing for-hire recreational fisheries separately from other recreational fishing modes and will also consider options related to recreational catch accounting such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels. This amendment will address all four jointly managed

	Action/Project	Staff	Description
			recreational species (i.e., summer flounder, scup, black sea bass, and bluefish). It is expected that scoping hearings will take place in spring 2021. https://www.mafmc.org/actions/recreational-reform-initiative
7	Scup discards and gear restricted areas (GRA) review	Coutré	In recent years, scup discards in the commercial trawl fishery have been well above average, including record breaking high discards in 2017. This review will summarize trends in scup discards, evaluate the effectiveness of gear restricted areas, and consider options to address this issue.
8	Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment	Dancy, Beaty, Coutré	This joint MAFMC/ASMFC amendment will reevaluate and potentially revise the commercial and recreational sector allocations for summer flounder, scup, and black sea bass. This action was initiated in part to address the allocation-related impacts of the revised recreational data from MRIP. The Council and Board expect to approve a public hearing document during the December 2020 Council Meeting. Public hearings are expected to occur in early 2021 and amendment development is expected to be completed in 2021. http://www.mafmc.org/actions/sfsbsb-allocation-amendment
9	Ecosystem Approach to Fisheries Management (EAFM) management strategy evaluation for summer flounder	Muffley	In 2020, the Council initiated the development of a management strategy evaluation (MSE) to identify and evaluate the biological and management implications of alternative strategies to minimize recreational summer flounder discards. The recreational discards MSE, the third step in the EAFM decision framework, will involve extensive science, management, and stakeholder engagement. Simulation model(s) development and testing and a series of stakeholder and management workshops identifying and evaluating objectives and performance metrics are anticipated activities in 2021.
14	Bluefish Allocation and Rebuilding Amendment	Seeley	This joint MAFMC/ASMFC amendment considers potential revisions to the allocation of Atlantic bluefish between the commercial and recreational fisheries and the commercial allocations to the states. This action will also review the goals and objectives of the bluefish FMP and the quota transfer processes and establish a rebuilding plan for bluefish. The Council and Board will approve a public hearing document in February and will hold public hearings in early Spring 2021. Final action is anticipated in the summer of 2021. http://www.mafmc.org/actions/bluefish-allocation-amendment
16	Golden Tilefish Multi-Year Specifications Framework	Montañez	The Council will consider initiating a framework to allow specifications to be set for more than 3 years (e.g. 5 years) when assessment data support the development of longer-term projections. increase administrative efficiency and predictability from year to year. This action was included in the Council's response to Executive Order 13921 to reduce the burden on domestic fisheries.

	Action/Project	Staff	Description
19	Private Recreational Tilefish Permitting and Reporting – Performance Review	Seeley	Private recreational tilefish permitting and reporting was implemented in August 2020. The Council will continue to review the performance and progress leading up to the next specification cycle and assessment. Council staff remains in contact with GARFO (lead) on all outreach developments.
25	Illex Incidental Possession Limit During Closures	Didden	When setting <i>Illex</i> specifications for 2022, the Council will consider increasing the <i>Illex</i> incidental possession limit for vessels possessing a certain amount of longfin squid (e.g. 10,000 lbs) after the <i>Illex</i> fishery closes. This action could reduce regulatory discards by allowing vessels targeting longfin squid to land <i>Illex</i> bycatch instead of discarding it. This action was included in the Council’s response to Executive Order 13921 to reduce the burden on domestic fisheries.
26	Butterfish Minimum Mesh Size	Didden	During the 2022 specification setting process, the Council will consider increasing the amount of butterfish that can be landed by vessels using smaller than 3-inch mesh (the current limit is 5,000 lbs). This action could alleviate some regulatory discards and allow opportunistic landing of butterfish bycatch during squid trips. This action was included in the Council’s response to Executive Order 13921 to reduce the burden on domestic fisheries.
29	HMS/chub mackerel diet study	Beaty	In 2018, the Council funded Walt Golet (UMaine/GMRI) and three co-PIs to assess the diets of highly migratory species caught in recreational and commercial fisheries off New Jersey through South Carolina. This is intended to address a data gap identified through the Chub Mackerel Amendment. A final report is expected in the summer of 2021.
35	Spiny Dogfish Trip Limit White Paper	Didden	The spiny dogfish fishery currently has a federal trip limit of 6,000 lbs. There are conflicting opinions among industry participants about whether the trip limit should be increased, eliminated, or remain at 6,000 lbs. Some fishery participants have advocated for the trip limit to be increased to allow for full utilization of the quota and development of a large-scale fishery. Other participants have claimed that increasing the federal trip limit would have adverse economic and social impacts and could lead to management issues if the quota is reduced in future years. Additional analysis could help the Council better understand the potential social and economic impacts and management concerns associated with possible adjustments to the federal trip limit. Staff would develop a white paper on the potential impacts of changing the federal spiny dogfish trip limit. This action was included in the Council’s response to Executive Order 13921 to reduce the burden on domestic fisheries.
38	Surfclam and Ocean Quahog Species Separation Requirements	Coakley	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip or be mixed in the same tagged cages. The Council is exploring options to address this issue.

	Action/Project	Staff	Description
39	Surfclam genetic study	Coakley	This study, contracted with Cornell University, will document the distributions of <i>Spisula solidissima similis</i> and <i>Spisula solidissima solidissima</i> in the nearshore waters of the US Northwest Atlantic.
40	Research Set-Aside (RSA) program review workshop	Seeley	The Research Steering Committee will initiate a workshop to discuss re-development of the Mid-Atlantic RSA program. A workshop is anticipated to take place in 2021.
41	2020-2024 research priorities document – biennial review	Muffley	As outlined in the 2020-2024 Research Priorities document, a comprehensive biennial review of all Council research priorities will occur in 2021. Feedback and input from all APs, Monitoring Committees, NEFSC staff, and the SSC on existing and new priorities will take place throughout the year. A review of Council-funded projects and an evaluation of all species-specific priorities will occur to track progress and implementation of the document.
42	Joint Council-SSC meeting	Muffley	The Council will convene a joint meeting with its SSC during one of its regularly scheduled meetings. The goal of the joint meeting is to provide an opportunity for Council and SSC members to meet and interact, have an open discussion on a variety of Council priorities and topics of mutual interest.
43	SSC Economic Work Group	Muffley	The SSC Economic Work Group will provide periodic check-ins with the Council throughout 2021 for feedback and direction on the development and implementation of the management priority case study. The case study will highlight the process for input and potential economic products and information the Work Group could provide to the Council in the future.
44	Fishery Dependent Data Initiative (FDDI) (GARFO lead)	n/a	The FDDI is an ongoing GARFO/NEFSC initiative intended to modernize fishery dependent data collection programs that will result in: (1) The development of a modernized data system capable of supporting current and future data collection needs; (2) automated integration of multiple fisheries dependent data sets that will result in a single comprehensive fisheries dependent data set; and (3) consolidation of industry reporting requirements that will minimize the number of systems needed to fulfil reporting requirements while also eliminating redundancy wherever possible.
45	2021 EAFM risk assessment report	Muffley	The Council completed the first EAFM risk assessment in 2017. The risk assessment is updated annually to provide the Council with a synopsis of ecosystem considerations of highest priority and greatest risk to meeting Council management objectives. Staff from the NEFSC and Council will review and update the risk levels for the different risk elements in 2021 using updated stock assessment information, new data analyses, and any other appropriate and relevant information available. The updated risk assessment will be provided to the SSC in March and the Council in April in conjunction with the 2021 State of the Ecosystem Report.

	Action/Project	Staff	Description
46	Northeast Regional Habitat Assessment (NRHA)	Coakley	The NRHA is a collaborative effort to describe and characterize estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast. Work associated with the NRHA began in 2019 and is expected to continue through July 2022. The project is being led by a Steering Committee composed of leadership from the major habitat conservation, restoration, and science organizations in the region. Council staff serves as the overall project coordinator and inshore team co-lead. http://www.mafmc.org/nrha
47	Essential Fish Habitat (EFH) Redo	Coakley	Once improved habitat science products are available from NRHA, the Council can consider an action to complete this review and update/revise its essential fish habitat descriptions.
48	Offshore wind web pages	Beaty/Sabo	The Council maintains three webpages and an email list to communicate updates on offshore wind energy development with interested stakeholders. The webpages are maintained jointly with the New England Fishery Management Council (NEFMC) and NOAA Fisheries: <ul style="list-style-type: none"> • http://www.mafmc.org/northeast-offshore-wind • http://www.mafmc.org/offshore-wind-notice • http://www.mafmc.org/offshore-wind-comment-opportunities
50	Climate change and distribution shift scenario planning	Dancy	In coordination with participating Northeast Regional Coordinating Council (NRCC) member organizations as well as the South Atlantic Council, the Council will begin an East Coast scenario planning process to consider future management strategies in the face of climate change and species distribution shifts. Scenario planning is a tool that managers can use to develop planning and adaptation strategies in the context of uncertain and uncontrollable external forces. This process would involve one or more workshops and the involvement of a broad range of stakeholders. The NRCC is in the process of identifying likely participants, scope, process, and funding for this initiative.
51	Review commercial landings of unmanaged species	Beaty	The Council will review an annual update on landings of unmanaged species compiled by GARFO. The intent is to look for signs of emerging unmanaged commercial fisheries.
57	Communication/Outreach Advisory Panel (AP)	Sabo	During the planning process for 2020 the Council agreed to form a Communication/Outreach AP to provide advice to the Council and staff on various communication initiatives and outreach products. Formation of the AP was delayed until 2021 to align with the 3-year AP reappointment cycle. The new AP will report to the Council's Executive Committee.
58	Commercial eVTR implementation workshops	Sabo/Coutré	In December 2019 and January 2020 the MAFMC and NEFMC took final action to require all commercial vessels with federal permits for species managed by either Council to be required to submit VTRs electronically. GARFO has indicated that there will be an extended implementation timeline after the final rule is published. The Council will work with ACCSP and GARFO to provide

	Action/Project	Staff	Description
			training opportunities using eVTR software before the implementation deadline. https://www.mafmc.org/commercial-evtr



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

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

MEMORANDUM

Date: December 4, 2020
To: Chris Moore, Executive Director
From: Julia Beaty and Jason Didden, staff
Subject: Potential Action to Implement Commercial Possession Limit for Bullet and Frigate Mackerel

Introduction

During their December 2020 meeting, the Mid-Atlantic Fishery Management Council (MAFMC) plans to approve an Implementation Plan for 2021. They will consider including “initiation of an action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic” on their list of deliverables for 2021.

To assist with this discussion, this memo provides additional background information on the MAFMC’s Unmanaged Forage Omnibus Amendment (Forage Amendment), the South Atlantic Fishery Management Council’s (SAMFC’s) Dolphin Wahoo Amendment 12, and summarizes available data on co-occurrence of bullet and frigate mackerel (*Auxis rochei* and *A. thazard*) and MAFMC-managed species in commercial catch and landings in the northeast. As described in more detail below, the dealer and observer data show an association between these two species and bluefish, and to a lesser extent, longfin squid.

Staff recommend that the Council develop options for a commercial possession limit of bullet and frigate mackerel in Mid-Atlantic federal waters through a framework adjustment to the Bluefish Fishery Management Plan (FMP).

As described below, this action could build off the Forage Amendment; however, the justification for the action would need to differ from the justification provided in the Forage Amendment to avoid the potential for disapproval on the same grounds as the previous disapproval.

During development of the Forage Amendment and the SAFMC’s Dolphin Wahoo Amendment 12, NMFS stated that bullet and frigate mackerel may be best managed as a “stock in need of conservation and management” (see pages 5-6 of this document) rather than an ecosystem component. This would require an FMP amendment, or creation of a new FMP, as opposed to a framework action. The appropriate type of management action should be considered when the MAFMC discusses their 2021 priorities. A new FMP or an FMP amendment to manage bullet and frigate mackerel as stocks in need of conservation and management would be a much more complicated action than a framework to add them as ecosystem components to one or more FMPs.

MAFMC's Unmanaged Forage Omnibus Amendment

Through the [Unmanaged Forage Omnibus Amendment](#), the MAFMC adopted a 1,700 pound commercial possession limit which applies to aggregate harvest of over 50 previously unmanaged forage species. These species are now designated as “ecosystem components” (ECs) in all the MAFMC’s FMPs. The MAFMC sought to include bullet mackerel and frigate mackerel on this list of ecosystem components in recognition of their role as prey for a variety of predators. However, NMFS disapproved inclusion of these two species in the amendment.

In a letter dated June 19, 2017,¹ the GARFO Regional Administrator explained this partial disapproval of the amendment, stating that “the classification of bullet and frigate mackerel as forage for species managed by the Council and EC species is not based on the best available scientific information and is, therefore, inconsistent with National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act.” The letter explained that bullet and frigate mackerel did not meet the definition of forage species used in the Forage Amendment, namely due to their size and trophic level. Additionally, available information does not suggest that they are an important component of the diet of MAFMC-managed species. Further, the letter stated, the analysis provided in the amendment of co-occurrence of these species and MAMFC-managed species in commercial fisheries catch shows “co-occurrence that is not necessarily indicative of systemic bycatch in those fisheries... With no dealer reported landings of bullet mackerel, and an average of 7,500 lb of frigate mackerel reportedly landed each year, there is limited information to support that these species will be subject to commercial exploitation at this time.”

Lastly, GARFO stated that bullet and frigate mackerel do not appear to meet the criteria for ecosystem components outlined in the National Standard Guidelines at 50 CFR 600.305 (summarized on pages 5-6 of this document), namely because the data suggest that “these species are caught and sold by commercial vessels and retained for personal use as bait by recreational fisheries in Federal waters, creating competing interests and conflicts among user groups, both of which are criteria that could exclude consideration of bullet and frigate mackerel as EC species.”

GARFO suggested that “[i]f the Council believes that these species need conservation and management, a small tuna FMP or a broader ecosystem based management action may be a more effective vehicle to manage these species than an amendment predicated on protecting forage for managed species.”

SAFMC's Dolphin Wahoo Amendment

In March 2018, the MAMFC sent a letter to the SAFMC requesting that the SAMFC consider adding bullet and frigate mackerel as ecosystem components in their Dolphin Wahoo FMP in recognition of their role as prey for wahoo. In response, the SAFMC held scoping hearings to gauge public interest and subsequently developed Amendment 12 to the Dolphin Wahoo FMP.² They took final action in September 2020, voting to add bullet and frigate mackerel to the FMP as ecosystem components without associated management measures. The ecosystem component designation emphasizes the importance of these species as prey for a variety of predators in the South Atlantic and provides an avenue to address future management issues which may arise.

The SAFMC initially considered implementing management measures such as a commercial possession limit but did not further pursue this option based on guidance from NMFS and

¹ Available at: https://www.mafmc.org/s/Bullard_letter_forage_approval.pdf.

² More information on Amendment 12 is available here: <https://safmc.net/dolphin-wahoo-amendment-12/>

consideration of the potential implications of such measures. Specifically, **the SAMFC did not consider a commercial possession limit for bullet and frigate mackerel as EC species because NMFS advised that such a possession limit could only apply in the South Atlantic and only to vessels with Dolphin Wahoo permits. This would not be expected to provide any meaningful protections for bullet and frigate mackerel** as most commercial catch occurs in gears that are not authorized under the Dolphin Wahoo FMP.³

As described in more detail below, NMFS expressed concern about the potential use of commercial possession limits for bullet and frigate and mackerel, and especially the use of possession limits which would apply beyond the South Atlantic, because the ecosystem component species designation presumes that the stocks are not “in need of conservation and management.”

In a document dated February 7, 2020,⁴ NMFS explained that “the current Secretarial designation of the South Atlantic Council as the lead for the dolphin and wahoo fishery is not going to automatically extend to EC species subsequently added to the plan. Absent some Secretarial designation as the lead Council for managing the new stocks, the South Atlantic Council’s authority would be limited to its geographic jurisdiction. Thus, any regulatory requirements for EC species would be geographically limited to the South Atlantic Council’s jurisdiction and potentially to vessels over which the South Atlantic Council already had some jurisdiction as a condition of being permitted under the Dolphin Wahoo FMP.”

In order to gain authority for a species beyond the Virginia/North Carolina border, the SAFMC would need to request a Secretarial designation. The associated provisions in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) state that the designated Council “shall” prepare a FMP for the fishery, calling into question whether Secretarial designation could be used to gain authority over an EC species beyond the jurisdiction of a Council (see pages 5-6 of this document).

NMFS explicitly advised against requesting Secretarial designation to allow for management measures for an ecosystem component species to apply beyond the jurisdictional boundaries of a Council defined in the MSA, as this would also imply that the ecosystem component species is in need of conservation and management.⁵

Ultimately, the SAFMC avoided these jurisdictional issues by designating bullet and frigate mackerel as ecosystem components without associated management measures. This allowed them to designate them as ecosystem components throughout the management unit of the Dolphin Wahoo FMP (i.e., Key West, Florida through Maine).

The NMFS position regarding the use of a commercial possession limit for bullet and frigate mackerel as ecosystem components in the Dolphin Wahoo FMP is explained in a February 2020

³ Allowable gears for dolphin and wahoo include automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spear (including powerheads).

⁴ Available at:

https://safmc.net/download/Briefing%20Book%20Council%20Mtg%20March%202020/Dolphin%20Wahoo/DW_A02a_NMFS_Guidance_Bullet_Frigate_Mackerel_EC%20species.pdf

⁵ See the March 2020 Committee meeting minutes, available at:

<https://safmc.net/download/BB%20Council%20Meeting%20June%202020/Dolphin%20Wahoo/DolphinWahooCmtMinMar20.pdf>.

document from NMFS, which states, “Management measures can be specified for EC species in a Council’s area of jurisdiction and for the FMP... However, commercial trip or vessel limits and recreational bag limits of the two mackerel species by dolphin wahoo permitted vessels would not likely result in substantial harvest limitations and protection for the EC species. Here, there is no indication that vessels harvesting dolphin and wahoo are the same vessels harvesting bullet mackerel and frigate mackerel. Bullet mackerel and frigate mackerel have largely been reported landed commercially using gill net, pound net, float trap, and otter trawl gear types, none of which are allowable gear in the dolphin wahoo fishery. The South Atlantic Council may be able to justify the implementation of limits as precautionary measures to reduce the potential for the rapid expansion of their harvest in the dolphin wahoo fishery. But again, there is no indication that vessels harvesting dolphin and wahoo are the same vessels harvesting bullet mackerel and frigate mackerel. In addition, there is no clear indication of a likely future increase in harvest of bullet and frigate mackerel by dolphin wahoo vessels.”

The minutes from the March 3, 2020 Dolphin Wahoo Committee meeting⁶ further elucidate why the SAFMC decided not to pursue a commercial possession limit for bullet and frigate mackerel. During the Committee meeting it was discussed that bullet and frigate mackerel do not meet the criteria for a stock “in need of conservation and management” in the South Atlantic, as defined in the National Standards Guidelines (see pages 5-6 of this document). The NMFS General Counsel representative on the Dolphin Wahoo Committee clarified that if bullet and frigate mackerel were added as ecosystem components to the Dolphin Wahoo FMP, the SAFMC would not be “directly managing or restricting the harvest of the EC species for its own sake, because the EC species are fundamentally not in need of conservation and management.” Rather, any implemented measures would “manage how the Dolphin Wahoo FMP affects EC species.” He noted that this is not explicitly stated in the National Standards Guidelines or in past ecosystem component designations; however, it is a logical interpretation to prevent “crossing what seems to be a translucent line into implementing conservation and management measures.”

He added that it would be challenging for the SAMFC to justify using the ecosystem component designation to place restrictions on gear types other than those authorized for use in the Dolphin and Wahoo fisheries (i.e., automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spear) as doing so could imply that bullet and frigate mackerel are in need of “conservation and management” and thus should not be managed as ecosystem components.

The NMFS Southeast Regional Administrator elaborated that in order to protect bullet and frigate mackerel from the potential negative impacts of an unmanaged commercial fishery, “they ought to be managed by the Council that’s in that region [where the commercial catch is occurring], and they ought to be put into the FMP, if the determination is they need management.”

Co-Occurrence with MAFMC-Managed Species in Commercial Catch Data

Council staff examined dealer and observer data from 2010-2019 to evaluate co-occurrence of bullet and frigate mackerel and MAFMC-managed species in commercial catch and landings. As described in more detail below, frigate mackerel were identified in the dealer data, but not in the observer data. Bullet mackerel were identified in both the dealer and observer data.

⁶ Available at:

<https://safmc.net/download/BB%20Council%20Meeting%20June%202020/Dolphin%20Wahoo/DolphinWahooCmtMinMar20.pdf>.

To ensure that unique trips were properly identified in the dealer data, a trip identifier was created by combining the federal permit number (or hull number, if available, for landings without an associated federal permit number), year, month, and day.

Frigate Mackerel

A total of 13,220 pounds of frigate mackerel landings during 2010-2019 were identified in the dealer data. For those landings that could be associated with a unique trip, 74% occurred on trips where bluefish accounted for most of the landings by weight. Most of these landings used either fixed/anchored gill net, or pound net.

No frigate mackerel catch was identified in the observer data for 2010-2019.

Bullet Mackerel

Much smaller amounts of bullet mackerel landings were found in the dealer data for 2010-2019. There was also a strong connection to bluefish trips. Additional details cannot be provided due to data confidentiality concerns.

About 400 pounds of bullet mackerel catch are included in the observer data for 2010-2019. About 73% of this catch (in weight) was associated with trips where the captain reported that the primary target species was either longfin squid or bluefish.

Predators of Bullet and Frigate Mackerel

If the MAFMC wishes to implement a commercial possession limit for bullet and frigate mackerel in the Mid-Atlantic through a framework action or amendment, a connection must be established between these species and the FMP species or fisheries. It is not expected that such a connection will be established on the basis of diet.

An updated review of the scientific literature and available data on the role of bullet and frigate mackerel in the diets of MAFMC-managed species has not been performed since development of the Forage Amendment. An analysis of the Northeast Fisheries Science Center's Food Habits database completed for the Forage Amendment did not reveal bullet or frigate mackerel as prey for any MAMFC-managed species; however, spiny dogfish, monkfish, and summer flounder were identified as predators of "mackerels" (MAFMC 2017).

As noted in the SAFMC's Dolphin Wahoo Amendment 12: "Recent research on forage ecology of large pelagic fish in the U.S. South Atlantic have shown that bullet mackerel and frigate mackerel are key prey for species such as wahoo (*Acanthocybium solandri*), blue marlin (*Makaira nigricans*), and yellowfin tuna (*Thunnus albacares*) (Rudershausen et al. 2010, Poland et al. 2019). Bullet mackerel and frigate mackerel have also been noted to a lesser extent in the diets of dolphin (*Coryphaena hippurus*) (Rudershausen et al. 2010, Poland, 2014)."

Ecosystem Component Definition

Ecosystem components are defined in the National Standards Guidelines as "stocks that a Council...has determined do not require conservation and management, but desire to list in an FMP in order to achieve ecosystem management objectives" (50 CFR 600.305(d)(13)). The National Standards Guidelines state that, "stocks that are predominately caught in Federal waters and are overfished or subject to overfishing, or likely to become overfished or subject to overfishing, are considered to require conservation and management." Beyond such stocks, the following non-exhaustive list of factors should be considered when deciding whether a stock requires conservation and management (50 CFR 600.305(c)).

- i. The stock is an important component of the marine environment.
- ii. The stock is caught by the fishery.

- iii. Whether an FMP can improve or maintain the condition of the stock.
- iv. The stock is a target of a fishery.
- v. The stock is important to commercial, recreational, or subsistence users.
- vi. The fishery is important to the Nation or to the regional economy.
- vii. The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.
- viii. The economic condition of a fishery and whether an FMP can produce more efficient utilization.
- ix. The needs of a developing fishery, and whether an FMP can foster orderly growth.
- x. The extent to which the fishery is already adequately managed by states, by state/Federal programs, or by Federal regulations pursuant to other FMPs or international commissions, or by industry self-regulation, consistent with the requirements of the Magnuson-Stevens Act and other applicable law.

If a stock does not meet these criteria, a Council may designate it as an ecosystem component. The ecosystem component designation implies no regulatory action; however, the National Standards Guidelines state that, “management measures can be adopted in order to, for example, collect data on the EC species, minimize bycatch or bycatch mortality of EC species, protect the associated role of EC species in the ecosystem, and/or to address other ecosystem issues” (50 CFR 600.305(c)(5)).

The MSA requires that Councils prepare FMPs for stocks in need of conservation and management and list several required elements of those FMPs, including an acceptable biological catch limits, annual catch limits, accountability measures, status determination criteria, and essential fish habitat. These are not required of ecosystem components.

References

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John Carmichael, Executive Director

December 3, 2020

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore:

On behalf of the South Atlantic Fishery Management Council, I would like to inform you that Amendment 12 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (FMP) has been submitted to the National Marine Fisheries Service for review and implementation. This amendment will add bullet mackerel (*Auxis rochei*) and frigate mackerel (*Auxis thazard*) to the FMP and designate them as ecosystem component species.

The amendment was initiated in response to a previous request from the Mid-Atlantic Fishery Management Council and we have appreciated working with your staff and Mid-Atlantic Council liaisons in developing the amendment. We look forward to working with the Mid-Atlantic Council in the future. If you would like any additional information, please do not hesitate to contact me.

Sincerely,

John Carmichael
Executive Director

LN#202062
Enclosures

cc: SAFMC Members and Staff
Monica Smit-Brunello, NOAA GC
Tony DiLernia and Dewey Hemilright, MAFMC