



**Mid-Atlantic Fishery Management Council**  
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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** June 5, 2020  
**To:** Council  
**From:** Chris Moore  
**Subject:** Executive Director's Report

The following materials are enclosed for Council review at the June 2020 Council Meeting during the Executive Director's Report:

1. 2020 Planned Meeting Topics
2. Status of Council Actions Under Development
3. Status of Completed Council Actions and Specifications
4. Spring NRCC Meeting Agenda
5. May CCC Meeting – Draft Recommendations
6. Offshore Wind Update for May 15, 2020
7. Staff Memo: Private Angler Reporting for Tilefish
8. MAFMC Letter to GARFO Regarding Tilefish Permitting and Reporting
9. MAFMC New eVTR Web Pages
10. CARES Act Press Release and FAQs
11. Executive Order on Promoting American Seafood Competitiveness and Economic Growth
12. Chris Oliver Letter to Councils Regarding Executive Order Request for Council Input
13. Staff Memo: COVID-19 and future Council Meeting Planning



# 2020 Planned Council Meeting Topics

Updated 6/4/20

## June 2020 Council Meeting (Webinar)

- Black Sea Bass Commercial State Allocation Amendment: Review scoping comments and discuss draft range of alternatives
- Summer Flounder Commercial/Recreational Allocation Study: Update
- Recreational Reform Initiative: Update and determine next steps
- *Illex* Working Group: Review Findings
- 2020-2021 *Illex* Squid Specifications
- ~~*Illex* Permitting & MSB FMP Goals Amendment: Final Action~~
- Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment: Refine Draft Range of Alternatives (Joint Council Meeting with Commission's Board)
- Bluefish Allocation and Rebuilding Amendment: Refine Draft Range of Alternatives (Joint Council Meeting with Commission's Board)
- ~~Updates on Offshore Wind Projects~~
- Unmanaged Landings Update
- Update on Habitat Activities

## July 16, 2020 Council Meeting (Webinar)

- *Illex* Permitting & MSB FMP Goals Amendment: Final Action

## August 2020 Council Meeting: August 10-13, 2020 (Meeting format TBD)

- Summer Flounder, Scup, and Black Sea Bass 2021 Specifications: Review
- Commercial Scup Discards and Gear Restricted Areas: Review
- Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment: Approve Range of Alternatives
- Black Sea Bass Commercial State Allocation Amendment: Approve Range of Alternatives
- Bluefish 2021 Specifications: Review
- Bluefish Allocation and Rebuilding Amendment: Approve Range of Alternatives
- Recreational Reform Initiative: Update
- Black Sea Bass February Recreational Fishery: Review
- Atlantic Surfclam And Ocean Quahog 2021-2026 Specifications
- Mackerel and Butterfish 2021-2022 Specifications
- River Herring and Shad Cap (RH/S) (Mackerel) for 2021-2022
- Longfin Squid (Including Butterfish Cap) 2021-2023 Specifications

## October 2020 Council Meeting: October 6-8, 2020 (Riverhead, NY)

- 2021 Implementation Plan: Discuss Draft Deliverables
- Research Priorities Update: Tracking Progress to Address Priorities
- Review 2021 Spiny Dogfish Specifications

- Surfclam and Ocean Quahog Commingling Issue: Update
- Surfclam Genetic Study: Update
- Joint Council-SSC meeting
- Final Report on HMS Diet Study
- Chub Mackerel 2021 Specifications: Review
- EAFM Updates: Summer Flounder Management Strategy Evaluation and other EAFM activities
- [Climate Change Scenario Planning Initiative: Update](#)

**December 2020 Council Meeting: December 14-17, 2020 (Baltimore, MD)**

- 2021 Implementation Plan: Approve
- Summer Flounder, Scup, and Black Sea Bass 2021 Recreational Management Measures: Develop and Approve
- Summer Flounder, Scup, And Black Sea Bass Commercial/Recreational Allocation Amendment: Approve Public Hearing Document
- Black Sea Bass Commercial State Allocation Amendment: Final Action
- Bluefish Allocation and Rebuilding Amendment: Approve Public Hearing Document
- Recreational Reform Initiative: Update
- Update on Habitat Activities
- Review RH/S White Papers

# 2020 Council Meeting Topics At-a-Glance

	June 16-18 Webinar	July 16 Webinar	Aug 10-13 TBD	Oct 6-8 Riverhead, NY	Dec 14-17 Baltimore, MD
<b>Mackerel, Squid, Butterfish (MSB) and River Herring and Shad (RH/S)</b>	<ul style="list-style-type: none"> <li>• <i>Illex</i> Working Group: Review Findings</li> <li>• <i>Illex</i> Squid 2020-2021 Specs</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Illex</i> Permitting &amp; MSB Goals Amd: Final Action</li> </ul>	<ul style="list-style-type: none"> <li>• Mackerel and Butterfish 2021-2022 specs</li> <li>• RH/S Cap (Mackerel) for 2021-2022</li> <li>• Longfin Squid 2021-2023 Specs (Including Butterfish Cap)</li> </ul>	<ul style="list-style-type: none"> <li>• Chub Mackerel 2021 Specs Review</li> </ul>	<ul style="list-style-type: none"> <li>• Review RH/S White Papers</li> </ul>
<b>Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)</b>	<ul style="list-style-type: none"> <li>• SF/S/BSB Com/Rec Allocation Amd: Refine Draft Range of Alternatives (Joint Committee/ Board Mtg)</li> <li>• Black Sea Bass Commercial State Allocation Amendment: Review scoping comments and discuss range of alternatives</li> <li>• Summer Flounder Commercial/Recreational Allocation Study: Update</li> <li>• Recreational Reform Initiative: Update</li> </ul>		<ul style="list-style-type: none"> <li>• SF/S/BSB Com/Rec Allocation Amd: Approve Range of Alternatives</li> <li>• SF/S/BSB 2021 Specs Review</li> <li>• Black Sea Bass Commercial State Allocation Amendment: Approve Range of Alternatives</li> <li>• BSB February Rec Fishery: Review</li> <li>• Commercial Scup Discards and GRAs: Review</li> <li>• Rec Reform Initiative: Update</li> </ul>		<ul style="list-style-type: none"> <li>• SF/S/BSB Com/Rec Allocation Amd: Approve Public Hearing Doc</li> <li>• SF/S/BSB 2021 Recreational Mgmt Measures</li> <li>• Rec Reform Initiative: Update</li> <li>• BSB Com State Allocation Amd: Final Action</li> </ul>
<b>Bluefish</b>	<ul style="list-style-type: none"> <li>• Bluefish Amd: Refine Draft Range of Alternatives (Joint Committee/ Board mtg)</li> </ul>		<ul style="list-style-type: none"> <li>• Bluefish Amd: Approve Range of Alternatives</li> <li>• Bluefish 2021 Specs Review</li> </ul>		<ul style="list-style-type: none"> <li>• Bluefish Amd: Approve Public Hearing Doc</li> </ul>
<b>Tilefish</b>					
<b>Atlantic Surfclam and Ocean Quahog (SC/OQ)</b>			<ul style="list-style-type: none"> <li>• SC/OQ 2021-2026 Specs</li> </ul>	<ul style="list-style-type: none"> <li>• SC/OQ Commingling Issue: Update</li> <li>• Surfclam Genetic Study: Update</li> </ul>	
<b>Spiny Dogfish</b>				<ul style="list-style-type: none"> <li>• Spiny Dogfish 2021 Specs Review</li> </ul>	
<b>Science Issues</b>				<ul style="list-style-type: none"> <li>• Research Priorities Update</li> <li>• Joint Council-SSC Meeting</li> </ul>	
<b>Other</b>	<ul style="list-style-type: none"> <li>• Unmanaged landings update</li> <li>• Update on Habitat Activities</li> </ul>			<ul style="list-style-type: none"> <li>• Review 2020 Implementation Progress and Discuss 2021 Draft Deliverables</li> <li>• HMS Diet Study: Final Report</li> <li>• EAFM Updates: Summer Flounder Management Strategy Evaluation and other EAFM activities</li> <li>• Climate Change Scenario Planning Initiative: Update</li> </ul>	<ul style="list-style-type: none"> <li>• 2021 Implementation Plan: Approve</li> <li>• Update on Habitat Activities</li> </ul>

## Acronyms/Abbreviations

Amd	Amendment	MSB	Mackerel, Squid, Butterfish
BSB	Black Sea Bass	MSE	Management Strategy Evaluation
Com/Rec	Commercial/Recreational	Mtg	Meeting
Com	Commercial	NEFSC	Northeast Fisheries Science Center
Doc	Document	Pres	Presentation
EAFM	Ecosystem Approach to Fisheries Management	Rec	Recreational
FMP	Fishery Management Plan	RH/S	River Herring and Shad
GARFO	NOAA Fisheries Greater Atlantic Regional Fisheries Office	SC/OQ	Atlantic Surfclam and Ocean Quahog
GRAs	Gear Restricted Areas	SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
HMS	Highly Migratory Species	Specs	Specifications
Mgmt	Management	SSC	Scientific and Statistical Committee

## Actions Referenced in this Document

- **BSB Com State Allocation Amd:** Black Sea Bass Commercial State Allocation Amendment
- **Bluefish Amd:** Bluefish Allocation and Rebuilding Amendment
- **Rec Reform Initiative:** Recreational Management Reform Initiative
- **SF-S-BSB Com/Rec Allocation Amd:** Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment
- **Illex Permitting & MSB Goals Amd:** Illex Permitting and Mackerel, Squid, Butterfish FMP Goals and Objectives Amendment



# Status of Council Actions Under Development

AS OF 6/2/20

FMP	Action	Description	Status	Staff Lead
Mackerel, Squid, Butterfish	MSB FMP Goals/Objectives and <i>Illex</i> Permits Amendment	This action will consider modifications to the <i>Illex</i> permitting system as well as revisions to the goals and objectives for the MSB FMP. <a href="http://www.mafmc.org/actions/illex-permitting-msb-goals-amendment">http://www.mafmc.org/actions/illex-permitting-msb-goals-amendment</a>	Final action is anticipated during a Council webinar on July 16, 2020.	Didden
Summer Flounder, Scup, Black Sea Bass	Commercial/Recreational Allocation Amendment	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. <a href="http://www.mafmc.org/actions/sfsbsb-allocation-amendment">http://www.mafmc.org/actions/sfsbsb-allocation-amendment</a>	The Council and Board will review FMAT recommendations and refine the range of draft alternatives at the June 2020 meeting.	Dancy/Coutre/Beaty
	Black Sea Bass Commercial State Allocation Amendment	This joint MAFMC/ASMFC action will consider adjusting the allocations of the black sea bass commercial quota among states and whether the allocations should be managed jointly by the Council and Commission.	The Council and Board will review scoping comments and discuss a draft range of alternatives at the June 2020 meeting.	Beaty
Bluefish	Bluefish Allocation and Rebuilding Amendment	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. <a href="http://www.mafmc.org/actions/bluefish-allocation-amendment">http://www.mafmc.org/actions/bluefish-allocation-amendment</a>	The Council and Board will refine the range of draft alternatives at the June 2020 meeting.	Seeley

<b>FMP</b>	<b>Action</b>	<b>Description</b>	<b>Status</b>	<b>Staff Lead</b>
Surfclam and Ocean Quahog	Surfclam and Ocean Quahog Commingling/ Discarding Issues	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs (“commingling”) have become more common, resulting in increased discards of surfclams on quahog trips and vice versa. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip. The Council is exploring options to address this issue.	An FMAT will be established in June/July 2020.	Coakley/Montañez
Omnibus	Omnibus Amendment for Data Modernization	This amendment will address the regulatory changes needed to fully implement the Agency’s Fishery-Dependent Data Initiative.	The Council last received an update at the October 2018 meeting.	GARFO/ NEFSC
Non-FMP	Golden and Blueline Tilefish Private Recreational Permitting and Reporting Issues	This action will develop permitting and reporting regulations for private recreational tilefish vessels. The action was approved in a final rule amending the golden tilefish FMP to include blueline tilefish in November 2017 with delayed implementation. <a href="https://www.mafmc.org/rec-tilefish-evtr">https://www.mafmc.org/rec-tilefish-evtr</a>	The proposed rule for tilefish recreational permitting and reporting published on January 29, 2020 with a comment period through February 28, 2020. A final rule and implementation date are anticipated in fall 2020.	GARFO lead  MAFMC Contact: Seeley
	Recreational Reform Initiative	This is a joint initiative with the ASMFC to develop strategies to increase management flexibility and stability for jointly managed recreational fisheries (i.e., black sea bass, summer flounder, scup, and bluefish).	A steering committee has met several times to prioritize specific topics to address. The Council and Board will receive an update during their joint meeting in June 2020.	Beaty

# Timeline and Status of Recent MAFMC Actions and Amendments/Frameworks Under Review

As of 6/2/2020

The table below summarizes the status of actions after they have been approved by the Council. For information about the status of Council actions under development, please see the document titled "Status of Council Actions Under Development."

Status	Amendment/Framework	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule Published	Approval/Disapproval Letter	Final Rule Published	Regs Effective	Notes
Complete	Atlantic Mackerel Rebuilding Framework	MSB FW 13	8/13/18	9/27/18	2/28/19	N/A	6/7/19		10/30/19	11/29/19	
Complete	Summer Flounder, Scup, and Black Sea Bass Framework on Conservation Equivalency, Block Island Sound Transit, and Slot Limits	SFSBSB FW 14	12/11/18	3/21/19	5/8/19	N/A	8/8/19		11/19/19	12/30/19	
Open	Summer Flounder Commercial Issues and Goals and Objectives Amendment	TBD	3/6/19	3/17/20	5/7/20						
Open	Chub Mackerel Amendment	MSB AM 21	3/7/19	5/31/19	10/25/19	2/14/20	3/9/20	5/5/20			
Open	Excessive Shares Amendment	TBD	12/9/19	4/24/20							
Open	Omnibus Risk Policy Framework	TBD	12/9/19								Workgroup is updating analyses to evaluate the modified alternative recommended by the Council
Open	Omnibus Commercial eVTR Framework	TBD	MAFMC: 12/11/19; NEFMC: 1/29/20	3/4/20							



## Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 6/2/20

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Golden Tilefish	2018-2020	4/11/17	6/5/17	8/16/17	9/7/17	11/7/17	11/2/17	2019 specs were reviewed in April 2018. No changes were recommended.
Golden Tilefish	2021-2022	4/8/20	5/11/20					
Surfclam and Ocean Quahog	2018-2020	6/6/17	8/14/17	9/22/17	12/8/17	2/6/18	3/8/18	2020 specs were reviewed in June 2019. No changes were recommended.
Longfin Squid and Butterfish	2018-2020	6/7/17		8/24/17	12/13/17	3/1/18	4/2/18	2019 specs were reviewed in October 2018. No changes were recommended.
<i>Illex</i> Squid	2019-2020	10/3/18	12/4/18	2/11/19	5/1/19	8/2/19	8/1/19	
Atlantic Mackerel (MSB FW 13)	2019-2021	8/13/18	9/27/18	2/28/19	6/7/19	10/30/19	11/29/19	
Atlantic Mackerel (including RH/S cap)	2020	6/5/19	8/22/19	9/30/19	12/17/19	2/27/20	2/27/20	
Chub mackerel	2020-2022	3/7/19	5/31/19	10/25/19	3/9/20			
Scup	2020-2021	10/8/19	1/15/20	3/5/20		5/14/20	5/15/20	Revised specifications based on the 2019 operational stock assessment
Blueline Tilefish	2019-2021	4/11/18	8/17/18	10/24/18	11/19/18	2/12/19	2/12/19	
Bluefish	2020	3/7/19	6/11/19	7/24/19	7/26/19	10/9/19	1/1/20	Interim specs to be replaced as soon as possible after results of 2019 operational assessment are available.
Bluefish	2020-2021	12/10/19	1/23/20	3/19/20	5/25/20			
Summer Flounder	2020-2021	3/6/19	6/25/19	7/18/19	7/26/19	10/9/19	1/1/20	
Black Sea Bass	2020-2021	10/9/19	1/15/20	3/5/20		5/14/20	5/15/20	Revised specifications based on the 2019 operational stock assessment
Spiny Dogfish	2019-2021	10/2/18	11/30/18	3/5/19	3/29/19	5/15/19	5/15/19	In multi-year specs

**Recreational Management Measures**

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder recreational measures	2020	12/10/19	1/22/20	1/22/20	4/6/20			Rulemaking required each year to continue use of conservation equivalency
Black sea bass recreational measures	2020	2/14/18	3/5/18	4/10/18	4/11/18	5/31/18	5/31/18	Reviewed in 2019. No changes from previous year's measures.
Scup recreational measures	2020	12/10/14	3/20/15		5/5/15	6/19/15	6/19/15	Reviewed in 2019. No changes from previous year's measures.
Bluefish recreational measures	2020	12/10/19	1/23/20	3/19/20	5/25/20			NMFS issued interim recreational management measures while the specs package was being developed (due to Florida landings in wave 1)

# 2020 SPRING NRCC MEETING AGENDA

via Webinar

*All times are approximate*

## Thursday, May 14

9:00 a.m. – 9:15 a.m.

1. Welcome, Introductions, Announcements  
(Moore, Sullivan)

9:15 a.m. – 9:30 a.m.

2. Shared GARFO-NEFSC Catch Accounting and Monitoring System project (CAMS)  
Discussion leader: Gouveia/Simpkins
  - Update progress on CAMS system planning and development

9:30 a.m. – 9:45 a.m.

3. East Coast Scenario Planning Working Group  
Discussion leader: Pentony
  - Update on the creation of the Scenario Planning Working Group

9:45 a.m. – 12:00 p.m.

4. Stock Assessments and Related Topics  
Discussion leader: Simpkins
  - Review and make decision on NRCC Assessment Working Group recommendations regarding 2025 Research Track topics/assessments
  - Review ongoing assessment process and discuss and make decisions regarding proposed clarifications/improvements to guidelines.
  - Review and make decisions on any proposed changes to assessment schedule.
  - Provide update on content of assessment reports and data portals, following staff discussions on management track assessment documentation.
  - Provide update on annual stock assessment communications.

12:00 p.m. – 1:00 p.m. *Lunch*

*1:00 p.m. – 1:45 p.m.*

5. Regional BSIA Framework Working Group

Discussion leader: Kelly

- Moira Kelly (GARFO Sustainable Fisheries Division, and lead on the BSIA Working Group) will present the progress of the Working Group, for review and feedback from the NRCC.

*1:45 p.m. – 2:45 p.m.*

6. COVID-19 Response and Implications

Discussion leader: Pentony/Hare

- Discuss and strategize for delayed or cancelled meetings, lost survey data, etc.

*2:45 p.m. – 3:15 p.m.*

7. Offshore Wind Energy

Discussion leader: Pentony/Hare

- Provide updates on offshore wind energy activities

*3:15 p.m. – 3:45 p.m.*

8. Fixed Gear

Discussion leader: Nies

- Impacts of fixed gear on surveys and mobile fishing gear operations

*3:45 p.m. – 4:00 p.m.*

9. Presentation of GARFO's Annual Implementation Plan

Discussion leader: Pentony

*4:00 p.m. Meeting adjourns*



**CCC Recommendations**  
**June 2, 2020**  
**Approved by CCC as Preliminary**

**CARES Act**

The CCC recommends that if additional funds are provided to mitigate the impacts of COVID-19 on the fishing industry (commercial, for-hire, recreational, subsistence, or traditional), distribution of those funds should take into account the use of other relief programs. Some entities may have additional opportunities to access programs through the Small Business Administration, US Department of Agriculture, Paycheck Protection Program, etc. As a general principle, entities that receive support from other programs should be given lower priority than those that do not. The funding allocations should consider lost revenue during the actual period of loss and the loss should be directly related to COVID-19.

**EO Promoting Seafood**

The CCC expresses its appreciation to Assistant Administrator for NOAA Fisheries Chris Oliver for his unwavering support of fishing related industries and his efforts to work with the President and his administration on Executive Order 13921 Promoting American Seafood Competitiveness and Economic Growth. The purpose of which is to strengthen the American economy, improve the competitiveness of American industry, ensure food security, provide environmentally safe and sustainable seafood, remove unnecessary regulatory burdens, and establish an Interagency Seafood Trade Task Force. Each Council will be developing responses to the EO in the coming months.

In response to Chris Oliver's May 19, 2020, letter sent to the Councils on behalf of Secretary Ross, the CCC reiterates the statements and recommendations it has made in its May 16, 2017, letter to Commerce Secretary Ross and Interior Secretary Zinke; its June 27, 2016, letter to President Obama; and its May 24-26, 2017, Outcomes Statement and Recommendations regarding Marine National Monuments. The CCC agrees to expeditiously submit these by letter to Secretary Ross in advance of individual Council recommendations.

**Status of Policy Directives and Prioritization Development**

The CCC requests NMFS continue to develop and implement a mechanism for notifying and tracking the development of all Policy Directives, Procedural Directives, and associated Supplements (such as regional implementation plans).

**NS1 Technical Guidance Workgroups**

The CCC is concerned that a Tech Memo addressing data gaps and alternative management may not provide adequate guidance to resolve conflicts that arise between scientific advice and constraints imposed by current laws and policies. The CCC is also concerned that the guidance may not adequately address the need for status determination criteria for model-resistant stocks.

**NMFS Guidance on Changing Stock Status from Known to Unknown**

The CCC welcomes the opportunity to review and comment on the draft "Procedural Guidance for Changing Assessed Stock Status from Known to Unknown."

### **Funding for Basic Surveys**

The CCC requests NMFS to provide more information on plans and strategies on how NMFS will deal with the delays in the NOAA ship and chartered surveys and on any alternative use of unused funding from FY2020.

### **Fishery Management and Services PPA.**

The CCC recommends NMFS support use of one PPA with three activities for the Councils: 1) Stock Assessment Support (SAS) (former “Expand Annual Stock Assessments”); 2) Peer Review Support (PRS) (former “Council Peer Review”); and 3) Council Management Programs. In addition, the 2019 values for (SAS) and (PRS) should not change, but with one exception. The SAS and PRS should be allocated at the 2019 dollar values with the remainder of PPA allocated using the established Council formula. This approach should be revisited if total PPA declines by more than 10% from the 2019 total amount (i.e., less than ~\$28. million).

### **Report on Legislative Outlook and MSA Authorization.**

The CCC requests NOAA provide statutory assistance for clarifying aquaculture authorities.

### **Legislative Work Group Report**

The CCC approves the CCC Working Paper as revised including a stand-alone Executive Summary, reformatting of the issues into three major topic categories, updates to the Council comment letters section, addition of the dates when the CCC consensus is approved and perspectives modified, and inclusion of a new issue “Timing for FMP Revisions” and its associated consensus statement.

### **CCC Work Groups**

#### **a. Habitat**

The CCC approves the habitat partner engagement letter and approves sending the letter. The CCC further approves conducting the Fisheries Science Center Engagement Webinar.

#### **b. Council Member Ongoing Development**

The CCC approves the Terms of Reference and approves the topics for the 2021 CMOD training as proposed by the steering committee.

### **Administrative**

#### **a. Update on Voting Recusals**

The CCC requests that NOAA GC Regional Offices brief councils on details of the final rule on voting recusals.

#### **b. Freedom of Information Act**

The CCC requests that NOAA GC provide guidance on how costs are estimated for FOIA requests, as well as a point of contact for follow-up questions.

### **Other Business**

The CCC agrees to continue holding monthly calls with NMFS.

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Greetings,

Please see below for offshore wind updates for **May 15, 2020**.

- **The Wind Turbine Radar Interference Mitigation Working Group** will hold the second webinar in a series on offshore wind development and sensitive radar systems. The webinar will take place on May 18 from 11:00 am to 1:00 pm. More information is available [here](#). Slides from the first webinar in the series are available [here](#).
- **The Mid-Atlantic Regional Council on the Ocean (MARCO)** will host an Ocean Forum webinar on Tuesday May 19 from 10 am to 12:15 pm. The agenda includes a discussion of the future of offshore wind energy technology. More information is available [here](#).
- **The Bureau of Ocean Energy Management (BOEM)** will host a webinar on a study to provide baseline habitat information on Atlantic cod and other sound-producing fish in Southern New England to help consider potential habitat changes caused by offshore wind development. The webinar will take place on May 20 at 12:00 pm EDT. More information is available [here](#).
- **The Mid-Atlantic Fishery Management Council** will meet via webinar on June 16-18. Offshore wind will be discussed during the habitat updates agenda item. More information will be posted [here](#) once it is available.
- **Fisheries liaisons** for offshore wind projects are currently unable to hold face-to-face meetings with fishermen due to the COVID-19 pandemic; however, they are available to talk with fishermen via phone or email. Contact information for all fisheries liaisons is listed [here](#).
- **Ørsted** will host virtual outreach meetings with fishermen every Monday, Wednesday, and Friday from 8:00 am until 12:00 pm until they are able to resume face-to-face outreach. More information is available [here](#). Ørsted owns or is a partner in leases for [multiple offshore wind projects](#) in the Mid-Atlantic and Southern New England.
- Vineyard Wind submitted the **Park City Wind** Environmental and Fisheries Mitigation Plan to the Connecticut Department of Energy and Environmental Policy. The Mitigation Plan is available [here](#).
- **New Jersey Governor Phil Murphy's** Wind Council released a report detailing plans for creation of the Wind Innovation and New Development (WIND) Institute. More information is available [here](#).
- **New York state** put a planned solicitation of up to 2,500 MW of offshore wind power on hold in response to the COVID-19 pandemic. More information is available [here](#).
- A new **peer reviewed study** on the impacts of anthropogenic electromagnetic fields on the behavior of American lobster and little skate has been published. More information is available [here](#).

- through North Carolina have been posted [here](#).
- **Open public comment opportunities** related to offshore wind energy development are posted [here](#).

For information on specific offshore wind projects, please see the individual developer webpages linked at: <http://www.mafmc.org/northeast-offshore-wind>.

If you wish to suggest an item for inclusion in the next update, please email [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org).

Select wind updates from the New England Fishery Management Council are included in their periodic news roundups. To sign up for New England Fishery Management Council updates, please email Janice Plante at [jplante@nefmc.org](mailto:jplante@nefmc.org).

Thank you for your interest in this topic.

Julia Beaty

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*Note: This email list is open to the public and will only be used by Council staff to provide information on offshore wind in the Mid-Atlantic and Southern New England. U.S. offshore wind energy development is moving at a fast pace. The Council cannot guarantee that these emails contain the most current information or all potentially relevant updates. This list serves no legal function. Recipients are advised to consult the [Federal Register](#), the Council's [website](#), and other official sources to stay up to date on actions that may impact your interests.*





**Mid-Atlantic Fishery Management Council**  
800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)  
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** June 1, 2020  
**To:** Christopher Moore, Executive Director  
**From:** Matthew Seeley, Council staff  
**Subject:** Private Angler Reporting for Tilefish

### Overview

Under proposed regulations published by NOAA Fisheries on January 29, 2020, private recreational vessels will be required to obtain a federal vessel permit to target or retain golden or blue-line tilefish north of the Virginia/North Carolina border. These vessel operators would also be required to submit vessel trip reports (VTRs) electronically within 24 hours of returning to port for trips where tilefish were targeted or retained. The Mid-Atlantic Fishery Management Council (Council) approved these measures in 2016 as part of Amendment 6 to the Tilefish Fishery Management Plan. *As of 6/1/20, a final rule with an implementation date for this action has not been published, however, a final rule is anticipated to publish in Summer/Fall 2020.*

### Council Outreach Efforts

Recognizing that these proposed requirements represent a substantial change for many private anglers, the Council held a public webinar on April 28<sup>th</sup> to provide information on options available to recreational tilefish anglers for electronically submitting VTRs. During the webinar, staff from the Council and NOAA Fisheries discussed/presented an overview of the proposed action and approved electronic VTR applications, a step-by-step demonstration of how to obtain a permit, and a demonstration of the NOAA/GARFO Fish Online application. Webinar briefing materials and a recording can be accessed here: <https://www.mafmc.org/rec-tilefish-evtr>.

As a result of this webinar, the Council received a great deal of constructive input regarding data collection. Mostly, this input identified shortcomings in the existing applications for collecting recreational data, primarily due to those being initially designed around the commercial and for-hire fishing activities. The Council has taken all input very seriously and is implementing several actions based on these concerns. Most notably, the Council is supporting the efforts of [Harbor Light Software](#) to develop an application designed by recreational anglers for recreational anglers. Council staff/Harbor Light Software are hopeful this application will become available by August 1<sup>st</sup> as initial steps towards development have already commenced.



## Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

May 1, 2020

Mr. Michael Pentony  
Regional Administrator  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Dear Mike:

On Tuesday, April 28<sup>th</sup>, the Council hosted a webinar to provide training to recreational anglers on the upcoming tilefish permitting and reporting action. During this webinar, several concerns were raised by stakeholders regarding the utility of the current reporting platforms (specifically, Fish Online) for their activities. These platforms were designed around the VTR structure which was originally developed for use by the commercial fishing industry and later adapted for the for-hire sector. These stakeholders were generally supportive of the data collection but cautioned that the reporting platform was ill-suited to collecting reliable data on their activities. These concerns were reiterated to the Council by one of our Advisory Panel members via a very constructive email following the webinar (which has been shared with GARFO staff).

This action represents the first time that the Council has required reporting by the recreational sector. Thus, it is imperative that the systems be usable and accepted by the community, resulting in data that will be effective for fishery management purposes. A reporting platform that is specifically designed for the recreational sector would be ideal but is not realistic given our (now) extremely short time frame. Council technical staff reviewed the comments and recommendations presented and provide the following suggestions on actions to address these concerns:

1. Fish Online refinements:
  - a. Customize the fields that are visible whenever a user logs in under a recreational tilefish permit and only display those that are necessary.
  - b. Eliminate "time sailed" and "time landed" (keep only date). Reason: a large portion of tilefish trips are opportunistic add-ons to HMS trips and therefore, even if the users correctly enter the time sailed and landed it is not usable for management or research purposes. A suggestion was made to include "total time fishing" which might be usable, but as of now, is not an existing VTR field.
  - c. Automatically populate gear code to "Hand Line Rod and Reel." (Note: A suggestion was made to add "Electric Reel" to aid in future management decisions).
  - d. Define "soak time" for the recreational purposes (average amount of time the lines were actually fishing).

- e. Eliminate the collection of gear quantity. As defined in the VTR, this is the number of hooks per line. The data collected from this field could not be trusted considering that the interpretation will vary with each user. Keep the number of anglers.
  - f. Location: eliminate latitude and longitude but keep chart area with a pop-up map to help anglers determine the appropriate location.
  - g. Remove (or hide) the offload tab from the required information for submission.
2. Ensure that an Android version of Fish Online is available with adequate time for stakeholders to learn how to use the platform before implementation.
  3. Ensure that a support helpline for the app is available 24/7 for several weeks prior to and after implementation. The Council has reiterated this as a priority and has proposed a potential solution (with Council funding).
  4. Develop an outreach plan to inform and educate affected recreational stakeholders about the new permitting and reporting requirements. It is imperative that a broad range of outreach methods be utilized before and during implementation of this action to ensure recreational awareness and compliance. The Council has previously expressed its willingness to collaborate with GARFO on training workshops and other outreach efforts.
  5. Add a banner on the HMS permit page with a notice and link to the tilefish permit page. Notify everyone with the HMS permit about the need for the tilefish permit. Also, develop a social media post with the proper links so anglers can help get the information out to others when this goes live.

We feel it is critical that these issues, particularly an outreach plan (see #4), are addressed prior to the launch of this important recreational data collection program. We hope all available effort is made to address these issues. Please feel free to contact me if you have any questions.

Sincerely,



Christopher M. Moore, Ph.D.  
Executive Director

cc: Mid-Atlantic Fishery Management Council  
David Gouveia  
Peter Couture  
Matthew Seeley

# Electronic Vessel Trip Reporting

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In recent years, measures have been developed that require some commercial, for-hire, and recreational fishermen to submit vessel trip reports (VTRs) electronically (called eVTRs). Transitioning to electronic reporting makes the collection of important data on fishing vessel catch and effort more efficient, convenient, and timely for fishery managers, and most fishermen have found it more convenient than paper forms once they get used to it. Click on the pages linked below to learn more about electronic reporting requirements and options for different types of fishermen.

## For-Hire (Party and Charter) Operators

Since March 2018, all for-hire (party and charter) vessels that hold federal permits for species managed by the Mid-Atlantic Fishery Management Council (MAFMC) have been required to submit VTRs electronically within 48 hours of completing their trip.

- [Learn more about for-hire electronic reporting](#) →

## Commercial Vessels

All commercial fishing vessels with federal permits for species managed by the MAFMC or the New England Fishery Management Council (NEFMC) are currently required to submit paper or electronic VTRs for each trip. In January 2020, the MAFMC and NEFMC voted to require these VTRs to be submitted only electronically within 48 hours of entering port. This action is currently under review by NOAA Fisheries.

- [Learn more about commercial electronic reporting](#) →

## Recreational Tilefish Anglers

Under a proposed rule published January 29, 2020, vessel operators will be required to submit VTRs electronically within 24 hours of returning to port for recreational trips where tilefish were targeted or retained. These vessel operators would also be required to obtain a free federal vessel permit to target or retain golden or blueline tilefish north of the Virginia/North Carolina border. A final rule for this action has not yet been published.

- [Learn more about private recreational tilefish permitting and reporting](#) →

[< Return to the main Electronic Vessel Trip Reporting page](#)

# Commercial Electronic Vessel Trip Reporting

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The Mid-Atlantic Fishery Management Council (MAFMC) and New England Fishery Management Council (NEFMC) have voted to require commercial fishermen to submit vessel trip reports (VTRs) electronically as eVTRs instead of on paper for all species managed by either council. This action is currently under review by NOAA Fisheries. These changes have been proposed to:

1. Increase the timeliness and availability of data submitted through VTRs;
2. Reduce the reporting burden on commercial vessel operators by eliminating the need for paper-based reporting, and
3. Increase the accuracy and quality of data by reducing errors from trying to recall catch and effort associated with delayed completion of paper forms.

## Overview of Proposed Electronic Reporting Requirements

Commercial fishing vessels with permits for species managed by the MAFMC or the NEFMC are already required to submit vessel trip reports (paper or electronic) for each fishing trip. These VTRs must be filled out (but not submitted) prior to entering port. Once this action is implemented, commercial fishermen will be required to submit VTRs electronically (no paper) through a NOAA-approved eVTR software application within **48 hours** of reaching port following the end of a fishing trip (unless required sooner as with some sector allocations). This action does not change any other existing requirements associated with VTRs. For additional details, see the Commercial eVTR FAQs linked below.

[Commercial eVTR Frequently Asked Questions \(updated 5/18/20\)](#)

## eVTR Software Options

Vessel operators will be able to choose between several NMFS-approved eVTR applications. You can access information about approved applications and other aspects of electronic reporting on the [NOAA Fisheries Vessel Trip Reporting in the Greater Atlantic Region web page](#). Many operators have chosen the SAFIS eTrips/mobile 2 or the NOAA Fish Online programs.

*NOTE: Commercial operators already using an approved application to submit eVTRs, including the Northeast Fishery Science Center's FLDRS program, should continue to do so. All others may find it helpful to review the FAQs (coming soon) to help you choose a reporting system.*

## Training Opportunities

The Mid-Atlantic Fishery Management Council and NOAA Fisheries will be scheduling workshops and webinars to provide training in some of the available software applications. Details will be announced after a final rule and implementation deadline for this action have been published. Check back on this page for updates.

*Each software vendor is responsible for providing training and support for their system.*

### Recorded Demo of 2 Free eVTR Applications: ACCSP's eTrips Mobile and NOAA's Fish Online

A training webinar was hosted by MAFMC on ACCSP's SAFIS etrips/mobile 2 and NOAA Fish Online applications and is available here:

- [Demo recording](#)
- [Presentation](#)

## Documents and Related Pages

- [Commercial eVTR Frequently Asked Questions \(5/18/20\)](#)
- [Press Release: Councils Approve Omnibus Commercial eVTR Framework](#)
- [Commercial eVTR Omnibus Framework Action Page](#) (documents and information related to the development of this action)
- [GARFO Vessel Trip Reporting Page](#)

## Contacts

For more information or assistance related to eVTRs, refer to the following contacts:

- [Lindsey Bergmann](#), (978) 282-8418
- [Jim St.Cyr](#), (978) 281-9369
- You may also contact your local [port agent](#) for assistance.

For questions related to the Council's role in requiring eVTRs, please contact:

- **MAFMC eVTR Outreach Liaison:** Andy Loftus, [aloftus@andrewloftus.com](mailto:aloftus@andrewloftus.com)
- **MAFMC Staff Lead:** Karson Coutre, [KCoutre@mafmc.org](mailto:KCoutre@mafmc.org)

[< Return to the main Electronic Vessel Trip Reporting page](#)

# Recreational Tilefish Permitting and Electronic Reporting

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## Overview of Proposed Permitting and Reporting Requirements

Under [proposed regulations](#) published by NOAA Fisheries, any vessel being used to fish for or retain golden and/or blueline tilefish for recreational purposes in waters north of the Virginia/North Carolina border will need to have a Federal private recreational tilefish permit. Vessel operators will be required to submit electronic vessel trip reports (eVTRs) for any recreational trip targeting and/or retaining tilefish within 24 hours of returning to port through any NMFS-approved electronic reporting system. This includes for-hire vessels being used for non-for-hire recreational trips fishing for or retaining tilefish. Retained fish may only be kept for personal consumption and may not be sold or bartered. A final rule and implementation deadline for this action have not yet been published but are anticipated in Fall 2020. For more information about the proposed requirements, check out the FAQs linked below.

[Recreational Tilefish Permitting and Reporting FAQs](#)

## Why Are These Changes Being Proposed?

By many indications the harvest of golden and blueline tilefish has been increasing in all fisheries for several years. While these species are an important recreational fishery for certain communities/ports, the fishery occurs so far offshore that relatively few anglers partake and therefore few tilefish anglers are intercepted in traditional port access site interviews such as MRIP. So, few data for private recreational tilefish anglers exist and recreational bag limits have been set using an estimation methodology developed by MAFMC several years ago. A reporting mechanism using the eVTR structure already used for commercial and for-hire fisheries was determined to be the best way to improve private recreational data, thereby improving stock assessments and our ability to set appropriate fishing regulations in the future.

## Getting Started

### eVTR Software Options

Recreational tilefish anglers will be able to choose between several NMFS-approved eVTR applications. Anglers not already using another eVTR system may find NOAA Fish Online, which is available through a mobile app or a web-based portal, to be easiest for this purpose. Other systems that may be suitable for recreational anglers include SAFIS eTrips/mobile 2 and SAFIS eTrips Online.

You can access information about approved applications and other aspects of electronic reporting on the [NOAA Fisheries Vessel Trip Reporting in the Greater Atlantic Region web page](#).

### Obtaining a Permit

Permits are only available through GARFO's online permitting system. For information, refer to the [NOAA Fisheries Vessel and Dealer Permitting in the Greater Atlantic Region web page](#).

## Training Opportunities

A recorded training webinar is available in the section below. Details about additional outreach and training opportunities will be announced after a final rule and implementation deadline for this action have been published. Check back on this page for updates. [NOAA Port Agents](#) also have been trained in the software and can provide information on all aspects of these requirements.

### Training Resources and Materials

*Any video-based training materials, presentations, and other helpful outreach tools will be posted below as they become available.*

**April 28th Webinar on Tilefish Permitting and Reporting:** The MAFMC held a [training webinar](#) on April 28, 2020 to provide information on obtaining recreational tilefish permits and options available to recreational tilefish anglers for electronically submitting VTRs. A recording from this webinar is available at the link below.

- [April 28 webinar recording](#) (Note: when viewing this recording in the Adobe Connect desktop application, you can click the narrow vertical bar on the left side of the window to display a bookmarks menu. Clicking a bookmark will allow you to jump to a specific part of the webinar.)
- [Webinar presentation \(pdf\)](#)

## Documents and Related Pages

- [Proposed Rule to Implement Permitting and Reporting Requirements for Private Recreational Tilefish Vessels \(1/29/20\)](#)
- [Recreational Tilefish Permitting and Reporting FAQs \(5/5/20\)](#)

## Contacts

For more information or assistance related to eVTRs, refer to the following contacts:

- [Lindsey Bergmann](#), (978) 282-8418
- [Jim St.Cyr](#), (978) 281-9369
- You may also contact your local [port agent](#) for assistance.

For other questions related to blueline and golden tilefish management or the Council's role in requiring eVTRs, please contact:

- **MAFMC Staff Leads:** Matt Seeley (blueline tilefish), [mseeley@mafmc.org](mailto:mseeley@mafmc.org); José Montañez (golden tilefish), [jmontanez@mafmc.org](mailto:jmontanez@mafmc.org)





# Commerce Secretary Announces Allocation of \$300 Million in CARES Act Funding

*May 07, 2020*

Interstate marine fisheries commissions, Puerto Rico, and U.S. Virgin Islands will disburse funds to address coronavirus-related losses.

Today, the Secretary of Commerce announced the allocation of \$300 million in fisheries assistance funding provided by Sec. 12005 of the Coronavirus Aid, Relief, and Economic Security Act, also called the CARES Act, to states, Tribes, and territories with coastal and marine fishery participants who have been negatively affected by COVID-19.

“This relief package will support America’s fishermen and our seafood sector’s recovery,” said U.S. Department of Commerce Secretary Wilbur Ross. “Thank you President Trump, Secretary Mnuchin, and our Congressional leaders of both parties for your work to pass the historic legislation that is bringing much needed relief to America’s fishermen. This Administration stands with the men and women working to provide healthy and safe seafood during this uniquely challenging time, while our U.S. fisheries work to continue to support 1.7 million jobs and to generate \$200 billion in annual sales. The nation is grateful to our fishermen for their commitment.”

As a next step, NOAA Fisheries will use these allocations (see below) to make awards to our partners: the [Atlantic States Marine Fisheries Commission](#), the [Pacific States Marine Fisheries Commission](#), the [Gulf States Marine Fisheries Commission](#), Puerto Rico, and the U.S. Virgin Islands. They will disburse the funds to address direct or indirect fishery-related losses as well as subsistence, cultural, or ceremonial impacts related to COVID-19.

“We are going to rely primarily on our partners at the interstate marine fishery commissions during the award process because they have a demonstrated track record of disbursing funds provided to them quickly and effectively,” said Chris Oliver, Assistant Administrator for NOAA Fisheries.

The commissions then will work with each state, Tribe, and territory to develop spend plans consistent with the CARES Act and NOAA’s guidance. Puerto Rico and the U.S. Virgin Islands will submit award applications and spend plans to the agency directly. All spend plans must describe the main categories for funding, including direct payments, fishery-related infrastructure, and fishery-related education that address direct and indirect COVID-19 impacts to commercial fishermen, charter businesses, qualified aquaculture operations, subsistence/cultural/ceremonial users, processors, and other fishery-related businesses. Once

a spend plan has been approved by NOAA, the agency anticipates that the three Commissions will review applications and process payments to eligible fishery participants on behalf of the states and territories. The states will have the option to process payments themselves.

Fishery participants eligible for funding include Tribes, commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations, processors, and other fishery-related businesses. They should work with their state marine fisheries management agencies, territories, or Tribe to understand the process for applying for these funds.

Also of note, for the purposes of Sec. 12005 funding, businesses farther down the supply chain—including vessel repair businesses, restaurants, or seafood retailers—are not considered “fishery-related businesses.”

## Summary of Allocations\*

<b>Entity</b>	<b>Allocation of Sec. 12005 Funding</b>
Alaska	\$50,000,000
Washington	\$50,000,000
Massachusetts	\$28,004,176
Florida	\$23,636,600
Maine	\$20,308,513
California	\$18,350,586
Oregon	\$15,982,827
Louisiana	\$14,785,244
New Jersey	\$11,337,797
Texas	\$9,237,949
New York	\$6,750,276
North Carolina	\$5,460,385
Federally Recognized Tribes on the West Coast	\$5,097,501
Virginia	\$4,520,475
Hawaii	\$4,337,445
Maryland	\$4,125,118
Pennsylvania	\$3,368,086
Alabama	\$3,299,821
Rhode Island	\$3,294,234

New Hampshire	\$2,732,492
American Samoa	\$2,553,194
Georgia	\$1,921,832
Connecticut	\$1,835,424
Mississippi	\$1,534,388
South Carolina	\$1,525,636
Delaware	\$1,000,000
Puerto Rico	\$1,000,000
United States Virgin Islands	\$1,000,000
Federally Recognized Tribes in Alaska	\$1,000,000
Guam	\$1,000,000
Commonwealth of the Northern Mariana Islands	\$1,000,000
<b>Total</b>	<b>\$300,000,000</b>

*\* Final award amounts will be different due to Hollings and other assessments.*

## CARES Act Funding Questions

### **Q. Who should affected fishermen and communities contact about accessing this funding?**

A. Fishery participants eligible for funding—including Tribes, commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations, processors, and other fishery-related businesses—should work with their state marine fisheries management agencies, territories, or Tribe to understand the process for applying for these funds.

### **Q. Can eligible fishery participants receive direct payments?**

A. Direct payments are expressly allowed under Sec. 12005 of the CARES Act. Each Commissions' grant application must meet the requirements of the CARES Act and reflect the appropriate use of funds and considerations as outlined in the Request for Applications, the Request for Applications letter and the allocation table provided.

### **Q. How long will it take for affected fishermen to get funding from the CARES Act?**

A. It will vary, however we expect that Sec. 12005 funding will be disbursed more quickly than fishery disaster assistance funds because the CARES Act language does not require the

Secretary of Commerce to declare a fishery disaster. The CARES Act also allows the funds to be awarded on a “rolling basis,” which will enable NOAA Fisheries to execute the funds more nimbly in partnership with the states, Tribes, and territories.

**Q. What types of fishing-related businesses are eligible for assistance?**

A. For the purposes of carrying out the provisions in Section 12005 of the CARES Act, “fishery-related businesses” primarily include commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations, processors, and dealers. States, Tribes, and territories have the discretion to determine whether marine bait and tackle operations and marine gear and vessel suppliers are eligible for Sec. 12005 assistance in their spend plans, consistent with the requirements of the CARES Act. Businesses farther down the supply chain—including vessel repair businesses, restaurants, or seafood retailers—are not considered “fishery-related businesses” for the purposes of this funding.

**Q. Which Tribes are eligible for assistance?**

A. The definition of “fishery participant” identified in Sec. 12005 of the CARES Act, includes Tribal fishery participants. So, Tribes in coastal states with marine or anadromous fisheries and/or marine shellfish or finfish aquaculture operations are eligible for Sec. 12005 funds. Tribes in non-coastal states with freshwater fisheries will not be eligible for Sec. 12005 funds.

**Q. Which types of aquaculture operations are eligible for funding?**

A. Privately owned aquaculture businesses growing products in state or federal marine waters of the United States and the hatcheries that supply them are eligible for Sec. 12005 funding. This includes all molluscan shellfish and marine algae. Non-salmonid marine finfish grown in marine waters not covered by USDA are eligible for Sec. 12005 funding.

**Q: On what basis did the agency make the initial allocation decision? What data did the NOAA Fisheries use for the initial allocation decision?**

A: To allocate the Sec. 12005 funds, NOAA Fisheries used a methodology that met our overriding goal to distribute the Sec. 12005 funds as quickly as possible while accounting for regional variability in the size of commercial, charter, seafood processors and dealers, and aquaculture industries.

Given the definition of “fishery participant” identified in Sec. 12005 of the CARES Act, NOAA Fisheries used readily available total annual revenue information from the commercial fishing, charter fishing, aquaculture, and seafood-related businesses of coastal states, Tribes, and territories to proportionately allocate the Sec. 12005 funding. NOAA Fisheries also took into consideration negative impacts to subsistence, cultural, and ceremonial fisheries during the allocation process.

NOAA Fisheries used readily available multi-year averages to estimate the total average annual revenues from commercial fishing operations, aquaculture firms, the seafood supply chain (processors, dealers, wholesalers and distributors) and charter fishing businesses from each coastal state, Tribe, and territory. The table below provides the proportion of revenue attributable to the specified sectors.

In general, NOAA Fisheries used a 5-year average of annual commercial fishing revenues as a baseline for this sector. Available multi-year averages of aquaculture revenues were also captured in the estimates of average commercial fisheries revenues.

Average annual landings revenue data from Alaska, New England, and Mid-Atlantic states were adjusted to attribute landings in those regions to a vessel owner's state of residence to better reflect where fishing income accrues. These adjustments were made by determining the proportion of landings in a particular state attributed to vessel owners residing in another state and distributing revenue accordingly. A similar adjustment was also applied to at-sea processors on the West Coast but was not applied broadly to other fisheries on the West Coast or Pacific Islands, Southeast, and Gulf of Mexico fisheries, because comparable state-by-state vessel ownership data was not readily available. In addition, because those regions represent a relatively small proportion of the nation's total commercial fishery landings revenues and are smaller in scale relative to Alaska fisheries and the West Coast at-sea processors, adjustments in those regions would not significantly impact the overall allocation across all applicable states, Tribes, and territories.

Average annual value-added estimates from the seafood sector (i.e., processors, dealers, and wholesalers/distributors) were calculated using NOAA Fisheries' Commercial Fishing & Seafood Industry Economic Impact Model while Alaska and West Coast value added estimates were calculated from regional models. Multipliers were applied to commercial fishing and aquaculture operations revenues to account for the value-add generated by these components of the seafood supply chain (e.g., processing crabs into crab meat). A multiplier was also applied to available multi-year averages of Tribal and territorial commercial fishing operations to account for commercial, subsistence, cultural, and ceremonial fisheries.

Furthermore, a 5-year average of for-hire angler trip expenditures was used to calculate average annual for-hire fishing revenues.

There are some exceptions where a multi-year average across all states was not available (e.g., select shellfish aquaculture) or the sources of data for an individual state or territory varied from the general data streams described above (e.g., based on data availability, for-hire revenues in Hawaii and Alaska were obtained from cost-earnings studies rather than angler expenditures.)

In addition to allocating the funds proportionately based on readily available total average annual revenue data, NOAA Fisheries established a minimum and maximum funding level that each state and territory received (\$1 million and \$50million, respectively).

**Sec. 12005 Allocation: Sector-Based Revenues**

NOAA Fisheries is providing this data for informational purposes only. Please note that states, Tribes, and territories are not obligated to utilize this data when developing their spend plans for their allocated Sec. 12005 funds. Specifically, allocated funds are not required to be distributed based on the proportions outlined below, as the number of eligible fishery participants across sectors may vary based on the CARES Act requirement that fishery participants must have incurred a 35% economic revenue loss or negative impacts to subsistence, cultural, or ceremonial fisheries in order to be eligible for Sec. 12005 funds.

Entity	Percentage of Total Annual Revenue (All Sectors)				Allocation
	For-Hire Fishing	Commercial Fishing and Aquaculture	Seafood Sector	Tribal Commercial Fishing, Aquaculture & For Hire	
Alaska	5.5%	35.2%	59.3%		\$50,000,000
Washington	0.6%	67.8%	31.6%		\$50,000,000
Massachusetts	1.5%	47.3%	51.2%		\$28,004,176
Florida	27.0%	30.7%	42.3%		\$23,636,600
Maine	0.4%	81.5%	18.1%		\$20,308,513
California	18.6%	30.6%	50.8%		\$18,350,586
Oregon	2.1%	45.6%	52.3%		\$15,982,827
Louisiana	11.4%	74.2%	14.4%		\$14,785,244
New Jersey	6.0%	64.2%	29.8%		\$11,337,797
Texas	10.6%	64.3%	25.1%		\$9,237,949
New York	11.6%	31.4%	57.1%		\$6,750,276
North Carolina	24.0%	64.2%	11.8%		\$5,460,385
Federally Recognized Tribes on the West Coast				100.0%	\$5,097,501
Virginia	4.9%	52.8%	42.3%		\$4,520,475
Hawaii	13.8%	69.4%	16.8%		\$4,337,445
Maryland	13.0%	42.2%	44.8%		\$4,125,118
Pennsylvania	0.0%	0.0%	100.0%		\$3,368,086
Alabama	25.9%	46.3%	27.7%		\$3,299,821
Rhode Island	3.5%	68.0%	28.5%		\$3,294,234
New Hampshire	4.3%	40.1%	55.6%		\$2,732,492
American Samoa	0.0%	8.0%	92.0%		\$2,553,194
Georgia	4.8%	23.5%	71.8%		\$1,921,832
Connecticut	6.4%	41.9%	51.7%		\$1,835,424
Mississippi	16.2%	51.9%	31.9%		\$1,534,388
South Carolina	46.4%	45.2%	8.4%		\$1,525,636
Delaware	9.1%	50.3%	40.6%		\$1,000,000
Puerto Rico	20.8%	42.1%	37.2%		\$1,000,000
United States Virgin Islands	27.8%	38.4%	33.9%		\$1,000,000
Federally Recognized Tribes in Alaska*				100.0%	\$1,000,000
Guam	0.0%	53.1%	46.9%		\$1,000,000
Commonwealth of the Northern Mariana Islands	0.0%	53.1%	46.9%		\$1,000,000

\*Encompasses the only Federally-recognized Tribe in the state with a Tribally managed commercial fishery

[Download Table](#)

**Q. Who will be responsible for determining if fishery losses exceed the 35 percent standard and applying for assistance?**

A. Given the broad range of fisheries and entities affected across multiple jurisdictions, it will be important to provide states and territories flexibility in determining how they will identify

which fishery participants meet the requirements described in Sec. 12005(b)(1)-(2). Thus, each state/Tribe/territory will be required to determine how they will verify which fishery participants meet the threshold of economic revenue losses greater than 35 percent as compared to the prior five year average or negative impacts to subsistence, cultural, or ceremonial fisheries. The spend plans will provide details on their proposed process for making these determinations.

**Q. What are the next steps? When and how do Sec. 12005 funds get to the recipient**

A: NOAA Fisheries is currently working to execute and distribute the fisheries assistance funding provided by Sec. 12005 of the CARES Act as expeditiously as possible, while ensuring the proper level of executive oversight of these appropriated federal funds.

NOAA Fisheries is using the Sec. 12005 allocations to make non-competitive grant awards to the Interstate Marine Fisheries Commissions (Commissions), U.S. Virgin Islands and Puerto Rico. Between now and the start of the grants, states, Tribes, and territories will be working to develop their respective spend plans for the funding they will be receiving.

Each state, territory, and/or Tribe will develop a spend plan that determines how they will verify which fishery participants meet the requirements described in Sec. 12005(b)(1)-(2) (i.e., economic revenue losses greater than 35 percent as compared to the prior five year average or negative impacts to subsistence, cultural, or ceremonial fisheries). States, territories and/or Tribes will submit their spend plans through their respective Commission for NOAA's approval. The U.S. Virgin Islands and Puerto Rico will submit their spend plans directly to NOAA.

Spend plan submissions and approvals will occur on a rolling basis. This step in the process takes time as each state/Tribe/territory will have its own process for spend plan development. There are also special considerations that Commissions and states/territories/Tribes need to take into account, such as potentially staggering the disbursement of funds within their spend plans to account for different fisheries, fishing seasons, and industry sectors.

Once NOAA Fisheries approves a state, territory, or Tribe's spend plan, we anticipate the Commissions will disburse the payments to eligible fishery participants on behalf of the states, territories and/or Tribes. This will allow the Commissions to distribute the assistance to eligible fishery participants at the earliest date possible. However, a Commission can also allow a state, Tribe, and/or territory to disburse the money to eligible fishery participants themselves.



## EXECUTIVE ORDERS

# Executive Order on Promoting American Seafood Competitiveness and Economic Growth

## ECONOMY & JOBS

Issued on: May 7, 2020



By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens, it is hereby ordered as follows:

Section 1. Purpose. America needs a vibrant and competitive seafood industry to create and sustain American jobs, put safe and healthy food on American tables, and contribute to the American economy. Despite America's bountiful aquatic resources, by weight our Nation imports over 85 percent of the seafood consumed in the United States. At the same time, illegal, unreported, and unregulated fishing undermines the sustainability of American and global seafood stocks, negatively affects general ecosystem health, and unfairly competes with the products of law-abiding fishermen and seafood industries around the world. More effective permitting related to offshore aquaculture and additional streamlining of fishery regulations have the potential to revolutionize American seafood production, enhance rural prosperity, and improve the quality of American lives. By removing outdated and unnecessarily burdensome regulations; strengthening efforts to combat illegal, unreported, and unregulated fishing; improving the transparency and efficiency of environmental reviews; and renewing our focus on long-term strategic planning to facilitate aquaculture projects, we can protect our aquatic environments; revitalize our Nation's seafood industry; get more Americans back to work; and put healthy, safe food on our families' tables.

Sec. 2. Policy. It is the policy of the Federal Government to:

- (a) identify and remove unnecessary regulatory barriers restricting American fishermen and aquaculture producers;
- (b) combat illegal, unreported, and unregulated fishing;
- (c) provide good stewardship of public funds and stakeholder time and resources, and avoid duplicative, wasteful, or inconclusive permitting processes;



- (d) facilitate aquaculture projects through regulatory transparency and long-term strategic planning;
- (e) safeguard our communities and maintain a healthy aquatic environment;
- (f) further fair and reciprocal trade in seafood products; and
- (g) continue to hold imported seafood to the same food-safety requirements as domestically produced products.

Sec. 3. Definitions. For purposes of this order:

- (a) “Aquaculture” means the propagation, rearing, and harvesting of aquatic species in controlled or selected environments;
- (b) “Aquaculture facility” means any land, structure, or other appurtenance that is used for aquaculture;
- (c) “Aquaculture project” means a project to develop the physical assets designed to provide or support services to activities in the aquaculture sector, including projects for the development or construction of an aquaculture facility;
- (d) “Exclusive economic zone of the United States” means the zone established in Proclamation 5030 of March 10, 1983 (Exclusive Economic Zone of the United States of America);
- (e) “Lead agency” has the meaning given that term in the regulations of the Council on Environmental Quality, contained in title 40, Code of Federal Regulations, that implement the procedural provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.);
- (f) “Maritime domain” means all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances;
- (g) “Maritime domain awareness” means the effective understanding of anything associated with the global maritime domain that could affect the security, safety, economy, or environment of the United States; and
- (h) “Project sponsor” means an entity, including any private, public, or public-private entity, that seeks an authorization for an aquaculture project.

Sec. 4. Removing Barriers to American Fishing. (a) The Secretary of Commerce shall request each Regional Fishery Management Council to submit, within 180 days of the date of this order, a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries, including a proposal for initiating each recommended action within 1 year of the date of this order.

- (i) Recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions.

(ii) Recommended actions shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.); and other applicable laws.

(iii) Consistent with section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(f)), and within existing appropriations, the Secretary of Commerce shall provide administrative and technical support to the Regional Fishery Management Councils to carry out this subsection.

(b) The Secretary of Commerce shall review and, as appropriate and to the extent permitted by law, update the Department of Commerce's contribution to the Unified Regulatory Agenda based on an evaluation of the lists received pursuant to subsection (a) of this section.

(c) the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality a report evaluating the recommendations described in subsection (a) of this section and describing any actions taken to implement those recommendations. This report shall be updated annually for the following 2 years.

Sec. 5. Combating Illegal, Unreported, and Unregulated Fishing. (a) Within 90 days of the date of this order, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (NOAA), shall issue, as appropriate and consistent with applicable law, a notice of proposed rulemaking further implementing the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, which entered into force on June 5, 2016 (the Port State Measures Agreement).

(b) The Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the heads of other appropriate executive departments and agencies (agencies) shall, to the extent permitted by law, encourage public-private partnerships and promote interagency, intergovernmental, and international cooperation in order to improve global maritime domain awareness, cooperation concerning at-sea transshipment activities, and the effectiveness of fisheries law enforcement.

(c) The Secretary of State, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall, consistent with applicable law and available appropriations, prioritize training and technical assistance in key geographic areas to promote sustainable fisheries management; to strengthen and enhance existing enforcement capabilities to combat illegal, unreported, and unregulated fishing; and to promote implementation of the Port State Measures Agreement.

Sec. 6. Removing Barriers to Aquaculture Permitting. (a) For aquaculture projects that require environmental review or authorization by two or more agencies in order to proceed with the permitting of an aquaculture facility, when the lead agency has determined that it will prepare an environmental impact statement (EIS) under NEPA, the agencies shall undertake to complete all environmental reviews and authorization decisions within 2 years, measured from the date of the publication of a notice of intent to prepare an EIS to the date of issuance of the Record of Decision (ROD), and shall use the "One Federal Decision" process enhancements described in section 5(b) of Executive Order 13807 of August 15, 2017

(Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects), and in subsections (a)(ii) and (iii) of this section. For such projects:

(i) NOAA is designated as the lead agency for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States and shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary point of contact at each cooperating and participating agency;

(ii) Consistent with the “One Federal Decision” process enhancements, all cooperating and participating agencies shall cooperate with the lead agency and shall respond to requests for information from the lead agency in a timely manner;

(iii) Consistent with the “One Federal Decision” process enhancements, the lead agency and all cooperating and participating agencies shall record all individual agency decisions in one ROD, unless the project sponsor requests that agencies issue separate NEPA documents, the NEPA obligations of a cooperating or participating agency have already been satisfied, or the lead agency determines that a single ROD would not best promote completion of the project’s environmental review and authorization process; and

(iv) The lead agency, in consultation with the project sponsor and all cooperating and participating agencies, shall prepare a permitting timetable for the project that includes the completion dates for all federally required environmental reviews and authorizations and for issuance of a ROD, and shall make the permitting timetable publicly available on its website.

(b) Within 90 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate State officials, shall:

(i) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(ii) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in other waters of the United States;

(iii) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(iv) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities for other waters of the United States;

(v) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States; and

Sec. 7. Aquaculture Opportunity Areas. (a) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate Regional Fishery Management Councils, and in coordination with appropriate State and tribal governments, shall:

(i) within 1 year of the date of this order, identify at least two geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there; and

(ii) for each of the following 4 years, identify two additional geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there.

(b) A programmatic EIS completed pursuant to subsection (a) of this section may include the identification of suitable species for aquaculture in those particular locations, suitable gear for aquaculture in such locations, and suitable reporting requirements for owners and operators of aquaculture facilities in such locations.

(c) In identifying specific geographic areas under subsection (a) of this section, the Secretary of Commerce shall solicit and consider public comment and seek to minimize unnecessary resource use conflicts as appropriate, including conflicts with military readiness activities or operations; navigation; shipping lanes; commercial and recreational fishing; oil, gas, renewable energy, or other marine mineral exploration and development; essential fish habitats, under the Magnuson-Stevens Fishery Conservation and Management Act; and species protected under the Endangered Species Act of 1973 or the Marine Mammal Protection Act.

Sec. 8. Improving Regulatory Transparency for Aquaculture. (a) Within 240 days of the date of this order, the Secretary of Commerce, in consultation with other appropriate Federal and State officials, shall prepare and place prominently on the appropriate NOAA webpage a single guidance document that:

(i) describes the Federal regulatory requirements and relevant Federal and State agencies involved in aquaculture permitting and operations; and

(ii) identifies Federal grant programs applicable to aquaculture siting, research, development, and operations.

(b) The Secretary of Commerce, acting through the Administrator of NOAA, shall update this guidance as appropriate, but not less than once every 18 months.

Sec. 9. Updating National Aquaculture Development Plan. (a) Within 180 days of the date of this order, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Joint Subcommittee on

Aquaculture, established pursuant to the National Aquaculture Act of 1980 (16 U.S.C. 2801 *et seq.*), shall assess whether to revise the National Aquaculture Development Plan, consistent with 16 U.S.C. 2803(a)(2) and (d), in order to strengthen our Nation's domestic aquaculture production and improve the efficiency and predictability of aquaculture permitting, including permitting for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States.

(b) In making any revisions to the National Aquaculture Development Plan as a result of this assessment, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce shall, as appropriate:

(i) include the elements described at 16 U.S.C. 2803(b) and (c) and the appropriate determinations described at 16 U.S.C. 2803(d);

(ii) include programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture, including any impediments to establishing security of tenure — that is, use rights with a specified duration tied to a particular location — for aquaculture operators, owners, and investors; and

(iii) consider whether to include a permitting framework, including a delineation of agency responsibilities for permitting and associated agency operations, consistent with section 6 of this order and with the “One Federal Decision” Framework Memorandum issued on March 20, 2018, by the Office of Management and Budget and the Council on Environmental Quality, pursuant to Executive Order 13807.

(c) The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Subcommittee on Aquaculture, shall subsequently assess, not less than once every 3 years, whether to revise the National Aquaculture Development Plan, as appropriate and consistent with 16 U.S.C. 2803(d) and (e). If the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce decide not to revise the National Aquaculture Development Plan, they shall within 15 days of such decision submit to the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy a report explaining their reasoning.

Sec. 10. Promoting Aquatic Animal Health. (a) Within 30 days of the date of this order, the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate, shall consider whether to terminate the 2008 National Aquatic Animal Health Plan and to replace it with a new National Aquatic Animal Health Plan.

(b) Any new National Aquatic Animal Health Plan shall be completed, consistent with applicable law, within 180 days of the date of this order.

(c) Any new National Aquatic Animal Health Plan shall include additional information about aquaculture, including aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States, and shall incorporate risk-based management strategies as appropriate.

(d) If adopted, the Plan described in subsections (b) and (c) of this section shall subsequently be updated, as appropriate, but not less than once every 2 years, by the Secretary of Agriculture, in consultation with the Secretary of the Interior, the

Secretary of Commerce, other appropriate Federal officials, and States, as appropriate.

Sec. 11. International Seafood Trade. (a) In furtherance of fair and reciprocal trade in seafood products, within 30 days of the date of this order, the Secretary of Commerce shall establish an Interagency Seafood Trade Task Force (Seafood Trade Task Force) to be co-chaired by the Secretary of Commerce and the United States Trade Representative (Co-Chairs), or their designees. The Secretary of Commerce shall, to the extent permitted by law and within existing appropriations, provide administrative support and funding for the Seafood Trade Task Force.

(b) In addition to the Co-Chairs, the Seafood Trade Task Force shall include the following members, or their designees:

(i) the Secretary of State;

(ii) the Secretary of the Interior;

(iii) the Secretary of Agriculture;

(iv) the Secretary of Homeland Security;

(v) the Director of the Office of Management and Budget;

(vi) the Assistant to the President for Economic Policy;

(vii) the Assistant to the President for Domestic Policy;

(viii) the Chairman of the Council of Economic Advisers;

(ix) the Under Secretary of Commerce for International Trade;

(x) the Commissioner of Food and Drugs;

(xi) the Administrator of NOAA; and

(xii) the heads of such other agencies and offices as the Co-Chairs may designate.

(c) Within 90 days of the date of this order, the Seafood Trade Task Force shall provide recommendations to the Office of the United States Trade Representative in the preparation of a comprehensive interagency seafood trade strategy that identifies opportunities to improve access to foreign markets through trade policy and negotiations, resolves technical barriers to United States seafood exports, and otherwise supports fair market access for United States seafood products.

(d) Within 90 days of the date on which the Seafood Trade Task Force provides the recommendations described in subsection (c) of this section, the Office of the United States Trade Representative, in consultation with the Trade Policy Staff Committee and the Seafood Trade Task Force, shall submit to the President, through the Assistant to the President for

Economic Policy and the Assistant to the President for Domestic Policy, the comprehensive interagency seafood trade strategy described in subsection (c) of this section.

Sec. 12. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

May 7, 2020.



May 19, 2020

Dear Regional Fishery Management Councils,

On May 7, 2020 the President signed [Executive Order 13921](#) on Promoting American Seafood Competitiveness and Economic Growth, “to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens”.

On behalf of the Secretary of Commerce, I am formally requesting that each Council submit a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries as required under Section 4 of the order.

NOAA Fisheries and the Councils continuously work together to revise or remove regulations identified as outdated, unnecessary, or ineffective to the relevant fisheries under their jurisdiction. In the summer of 2018, you provided letters with valuable recommendations for removing ineffective or unnecessary regulations in response to Executive Orders 13771 and 13777. We hope to have similar success working with you to identify recommended actions that would further reduce the regulatory burden on domestic fisheries.

Per the order, “recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions” and “shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 *et seq.*); the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*); the Marine Mammal Protection Act (16 U.S.C. §§ 1361 *et seq.*); and other applicable laws.”

By November 2, 2020, please provide your list of recommendations, including proposals for initiating each recommended action within one year of the Order (May 2021), to our Office of Sustainable Fisheries. Additional details on a template for submissions and other information will come soon.

As outlined in the order, upon submission, the Secretary of Commerce will review and, as appropriate and to the extent permitted by law, update the Department of Commerce’s contribution to the Unified Regulatory Agenda based on an evaluation your lists.

Thank you for your hard work and diligence during these challenging times. We look forward to receiving your list of recommended actions. If you have any questions on the request, please contact Jennifer Wallace, Acting Director, Office of Sustainable Fisheries, at (301) 427-8500 or [Jenni.Wallace@noaa.gov](mailto:Jenni.Wallace@noaa.gov).

Sincerely,

A handwritten signature in black ink that reads "Chris Oliver".

Chris Oliver  
Assistant Administrator for NOAA Fisheries





cc: Caribbean Fishery Management Council  
Gulf of Mexico Fishery Management Council  
Mid-Atlantic Fishery Management Council  
New England Fishery Management Council  
North Pacific Fishery Management Council  
Pacific Fishery Management Council  
South Atlantic Fishery Management Council  
Western Pacific Fishery Management Council



**Mid-Atlantic Fishery Management Council**  
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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** June 4, 2020  
**To:** Chris Moore  
**From:** Mary Sabo, Jason Didden, and Stephen Pearson, Council staff  
**Subject:** COVID-19 and future Council Meeting Planning

Given the public health and safety concerns related to COVID-19, the Council has been holding exclusively webinar-based meetings since late March 2020. As restrictions are lifted and the risk to public health declines, the Council will need to consider how and when to resume in-person meetings. One idea that has been proposed is a “hybrid” meeting, which would combine in-person and remote attendance. A hybrid meeting could enable some face-to-face interaction between members, and potentially the public, while ensuring that in-person attendees can maintain safe distances from each other. This document is designed to facilitate evaluating the risks and benefits of convening a hybrid or fully in-person meeting and presents a range of options that may be appropriate for various risk scenarios.

### **Preliminary Staff Recommendation for August 2020 Council Meeting**

Based on the information currently available, including significant underlying uncertainties, staff recommends holding the August meeting solely via webinar. Waiting until at least October 2020 to convene an in-person or hybrid meeting will allow time to better assess evolving risks as states and municipalities reduce restrictions. This will also give staff time to develop strategies for minimizing risks to Council members, staff, and the public.

### **Questions to Consider**

1. **MOST IMPORTANT:** Based on the best scientific information currently available, what are the potential health risks to Council members, staff, and/or the public from an in-person meeting?
  - Consider risk of time spent at meeting as well as travel to get to/from the meeting
  - Consider the chance of exposure to an infected person, chance of spread, and chance of serious illness)
  - Consider potential liability or public relations issues from individuals getting sick at a Council meeting
2. What are the benefits of an in-person meeting? Are those benefits still present in a hybrid meeting scenario?
  - Are hospitality and shared meals practical/safe? Will restaurants be open for dining in?
  - Is face-to-face interaction at a safe distance practical?

- For hybrid approaches, will any efficiencies gained by having an in-person meeting be offset by the challenges of facilitating multiple participation methods?
3. Are the meeting costs justified if we cannot allow public attendance?
  4. Are member state employees permitted to travel? (May be a useful indicator of current infection rates across the Mid-Atlantic region).
  5. Will Council members feel comfortable traveling to an in-person meeting?

### **Meeting Options**

The table below presents a range of meeting options that may be appropriate based on Council leadership’s assessment of the current or anticipated public health risk associated with an in-person meeting.

<b>Public Health Risk</b>	<b>Meeting Options</b>	<b>Comments</b>
Moderate-High to High Risk	<b>Webinar-only</b>	<ul style="list-style-type: none"> <li>• Replicate April 2020 meeting procedures, with possible improvements (see ideas on the following page).</li> </ul>
Low to Low-Moderate Risk	<b>Webinar-only</b>	<ul style="list-style-type: none"> <li>• If the meeting objectives can be effectively addressed with a webinar-only meeting, this might still be the best option.</li> </ul>
	<b>Hybrid 1:</b> Council and key staff meet in person; Council members may participate remotely; public may only participate remotely.	<ul style="list-style-type: none"> <li>• In-person participants would be limited to Council members, key staff, and presenters. Members would have the option to participate remotely.</li> <li>• Member participation may be constrained by space and microphone availability. Lottery could be used if needed.</li> <li>• Seating 6 ft apart. Masks may be required.</li> <li>• Chair would recognize members and their votes and/or the public via the hand-raise feature. Roll call voting may be used as needed.</li> <li>• Public comments would occur entirely remotely and be broadcast in the room and to the webinar.</li> <li>• Due to bandwidth limitations, staff does not recommend using video for a hybrid meeting.</li> </ul>
	<b>Hybrid 2:</b> Limited member and public participation in person with remote participation option available.	<ul style="list-style-type: none"> <li>• All meeting attendees (members, staff, public) would have the option to participate in-person or remotely. Pre-registration would be required, and a lottery (possibly by topic and/or constituent type) may be needed depending on distancing requirements and available space.</li> <li>• Seating 6 ft apart. Masks may be required.</li> <li>• Would need to sanitize public mic between speakers.</li> <li>• Chair would recognize remote members and their votes and/or the public via the hand-raise feature. Roll call voting may be used as needed.</li> </ul>

	<p><b>Hybrid 3:</b> Council and staff meet in person in the main room with separate viewing room for public.</p>	<ul style="list-style-type: none"> <li>• In-person participants in the main meeting room would be limited to Council members, key staff, and presenters. Members would also have the option to participate remotely.</li> <li>• Public would have the option to participate remotely OR attend in person and sit in a second ‘viewing’ room that live broadcasts the webinar for an appropriately distanced audience.</li> <li>• During public testimony, individuals could enter the Council room one at a time to make comments.</li> <li>• Seating 6 ft apart. Masks may be required.</li> <li>• This option would allow for members and the public to interface during off hours if they please.</li> <li>• Managing comments from the meeting room, webinar, <i>and</i> a public viewing room could get complicated.</li> </ul>
<p>No Risk or Very Low Risk</p>	<p><b>In-person meeting (business as usual)</b></p>	<ul style="list-style-type: none"> <li>• See in-person meeting notes on the page below regarding additional safety considerations</li> </ul>

**How can we improve webinar-based meetings?**

Council staff continue to work on improving our webinar tools and procedures to make virtual meetings as efficient and engaging as possible. Below are several ideas that have been considered. Additional input from the Council and members of the public is welcome.

- Utilize the presenter video pod during staff presentations
- Consider pre-registration for public comments on specific topics
- Consider one public comment session per agenda item instead of per motion
- Consider virtual happy hours or coffee breaks
- Consider multiple shorter meetings to avoid meeting fatigue (i.e. two shorter meetings in August and September meetings instead of one long August meeting)
- Hold an optional webinar training session prior to Council webinars to troubleshoot and review procedures.
- Provide an opportunity for informational presentations and reports to be pre-recorded and posted for Council viewing outside of the Council webinar.
- Ensure that participants are clearly identified before speaking.

**How can we make in-person meetings safer?**

Even when public health risk is low, some precautionary measures should be considered for in-person meetings. Again, input from the Council and members of the public is welcome.

- Make hand sanitizer available at all times in the meeting room
- Council provides and require use of masks
- Increase distance between members at table and minimize microphone sharing
- Address issues with shared food/drink at hospitality and at the coffee/beverage station
- Consider expanding remote participation options (members and public) to avoid sick attendees
- Temperature checks
- Consult with facility regarding common area cleaning procedures