



2018 Planned Council Meeting Topics

as of 8/2/2018

August 14-16, 2018 – Virginia Beach, VA

- Swearing-in of new and reappointed Council members
- Election of officers
- Bluefish 2019 Specifications – *Develop and approve*
- Bluefish Allocation Amendment – *Review scoping comments and present potential range of alternatives*
- Atlantic Mackerel Rebuilding Framework With 2019-2021 Specifications and RH/S Cap and Progress Update – *Framework meeting 2 (final action)*
- *Illex* Control Date and 2018 and 2019 Fishery – *Consider a new or existing control date; review and consider adjustment to 2018 and 2019 Illex specifications.*
- Summer Flounder 2019 Specifications – *Develop and approve*
- Scup 2019 Specifications – *Review*
- Black Sea Bass 2019 Specifications – *Develop and approve*
- Summer Flounder, Scup, and Black Sea Bass Framework on Conservation Equivalency, Block Island Sound Transit, and Slot Limits – *Framework meeting 1*
- Black Sea Bass 2019 Wave 1 fishery – *Review and approve*

October 2-4, 2018 – Cape May, NJ

- 2019-2021 Spiny Dogfish Specifications – *Develop and approve*
- 2019 Specifications for Squids and Butterfish - *Review*
- ~~Commercial Fisheries eVTR Framework – Framework meeting 1~~
- Chub Mackerel Amendment – *Approve public hearing document*
- Industry-Funded Monitoring Amendment update – *Decide whether to proceed*
- Revised MSB goals and objectives – *Adopt*
- Risk Policy Framework – *Update on summer flounder economic MSE analysis*
- EAFM Risk Assessment – *Next steps and determine high risk priorities*
- Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment – *Approve public hearing document (moved from December)*
- 2020-2024 Strategic Plan – *Discuss timeline and approach*

December 11-13, 2018 – Annapolis, MD

- ~~Atlantic Surfclam and Ocean Quahog Excessive Shares Amendment – Approve public hearing document (moved to October)~~
- Bluefish Allocation Amendment – *Approve range of alternatives for public hearings*
- ~~Commercial Fisheries eVTR Framework – Framework meeting 2 (final action)~~
- Summer Flounder, Scup, and Black Sea Bass 2019 Recreational Management Measures - *Adopt*
- Summer Flounder Amendment: Commercial Issues/Goals and Objectives – *Final action*

- Summer Flounder, Scup, and Black Sea Bass Framework on Conservation Equivalency, Block Island Sound Transit, and Slot Limits – *Framework meeting 2 (final action)*
- Black Sea Bass Amendment – *Review initiation and identify issues for consideration*
- Chub Mackerel Amendment – *Final action*
- 2019 Implementation Plan – *Approve*



MAFMC 2019 COUNCIL MEETINGS

February 12-14, 2019	Hilton Virginia Beach Oceanfront 3001 Atlantic Avenue Virginia Beach, VA 23151 757-213-3000	
April 9-11, 2019	Icona Golden Inn 7849 Dune Drive Avalon, NJ 08202 609-368-5155	
June 4-6, 2019	Yotel Hotel 570 10 th Ave. New York, NY 10036 646-449-7700	
August 12-15, 2019	Courtyard Philadelphia Downtown 21 N. Juniper St. Philadelphia, PA 19107 215-496-3200	
October 8-10, 2019	<i>Lodging:</i> Durham Marriott Center City 201 Foster St Durham, NC 27701 919-768-6000	<i>Meeting:</i> Durham Convention Center 301 W. Morgan St. Durham, NC 27701 919-956-9404
December 10-12, 2019	Westin Annapolis 100 Westgate Circle Annapolis, MD 21401 410-972-4300	



Status of Council Actions Under Development

AS OF 8/2/2018

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass	Summer Flounder Commercial Issues Amendment	The Council and ASMFC are developing this joint amendment to consider revisions to the FMP goals and objectives for summer flounder and commercial management measures and strategies, including federal commercial moratorium permit requalification, commercial allocation, and landings flexibility FMP framework provisions. http://www.mafmc.org/actions/summer-flounder-amendment	Public hearings will be held in September 2018. Final action is expected at the December 2018 Council meeting.	Dancy
	Summer Flounder, Scup, and Black Sea Bass Framework on Conservation Equivalency, Block Island Sound Transit, and Slot Limits	The Council and the ASMFC are developing a joint framework action and addendum to consider adding the following management options to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan: (1) Conservation equivalency for the recreational black sea bass fishery, (2) Summer flounder conservation equivalency rollover, (3) Transit provisions for Block Island Sound for all three species, and (4) Slot limits for recreational fisheries for all three species. http://www.mafmc.org/actions/sfsbsb-recreational-management-fw	The Council and Board will review alternatives and a draft impacts analysis at their joint August meeting, with final action tentatively scheduled for December 2018.	Beaty
	Summer Flounder, Scup, and Black Sea Bass Commercial Accountability Measures Framework	This framework considers alternatives to the existing commercial accountability measures for the commercial summer flounder, scup and black sea bass fisheries, with a focus on evaluating and accounting for commercial discards. http://www.mafmc.org/actions/sfsbsb-commercial-am-framework	EA submitted to GARFO on June 12, 2018. Anticipated publication of proposed rule sometime in mid-August.	Muffley
	Recreational Black Sea Bass Wave 1 Letter of Authorization Framework	This framework considers opening the Wave 1 black sea bass fishery under a Letter of Authorization (LOA) program. http://www.mafmc.org/actions/bsb-wave-1-loa-framework	For 2019, a Wave 1 fishery will be considered through the recreational specification process. Staff will continue development of the LOA framework for potential implementation in 2020.	Muffley

FMP	Action	Description	Status	Staff Lead
Mackerel, Squid, Butterfish	Chub Mackerel Amendment	This amendment considers adding Atlantic chub mackerel to the Atlantic Mackerel, Squid, and Butterfish FMP. The amendment will consider potential catch limits, accountability measures, and other conservation and management measures required for stocks to be considered "in the fishery." http://www.mafmc.org/actions/chub-mackerel-amendment	Staff is developing alternatives.	Beaty
	Atlantic Mackerel Rebuilding Framework	This framework action considers rebuilding options for the Atlantic mackerel fishery. http://www.mafmc.org/actions/atlantic-mackerel-rebuilding-framework	The Council reviewed an initial range of alternatives in April 2018. Final action is expected in August 2018.	Didden
Bluefish	Bluefish Allocation Amendment	This amendment considers potential revisions to the allocation of Atlantic bluefish between the commercial and recreational fisheries and the commercial allocations to the states. As part of this amendment the Council and ASMFC will also review the goals and objectives of the bluefish FMP and the quota transfer processes. http://www.mafmc.org/actions/bluefish-allocation-amendment	Scoping hearings were held in June/July 2018. The Council and ASMFC will review scoping comments and discuss next steps in August 2018.	Seeley
Surfclams and Ocean Quahogs	Excessive Shares Amendment	This amendment considers options to ensure that no individual, corporation, or other entity acquires an excessive share of the Surfclam and Ocean Quahog Individual Transferable Quota (ITQ) privileges. In addition, the goals and objectives for the SCOQ FMP will be reviewed and potentially revised. http://www.mafmc.org/actions/scoq-excessive-shares-amendment	Staff is continuing to refine the range of alternatives and develop a public hearing document.	Montañez
Omnibus	Industry-Funded Monitoring Amendment	This amendment considers measures that would allow the Council to implement industry-funded monitoring coverage in some FMPs above levels required by the Standard Bycatch Reporting Methodology in order to assess the amount and type of catch, monitor annual catch limits, and/or provide other information for management. The Amendment also considers specific coverage levels for the Atlantic mackerel fishery. http://www.mafmc.org/actions/omnibus-observer-funding	Action was postponed until completion of NMFS' electronic monitoring pilot project being conducted by NMFS. The Council expects to receive an update and discuss next steps in October 2018.	GARFO/ Didden

FMP	Action	Description	Status	Staff Lead
	Risk Policy Framework	The purpose of this framework action is to provide for a review of the ABC control rule framework and Council Risk Policy established in 2010 and to recommend any changes.	Development of the MSE model for summer flounder is continuing with a focus on further incorporation of social and economic factors. The Council will review initial MSE results later in 2018.	Muffley
	Omnibus Amendment for Data Modernization	This amendment will address the regulatory changes needed to fully implement the Agency's Fishery-Dependent Data Visioning Project	The Greater Atlantic Regional Fisheries Office (GARFO) and the Northeast Fisheries Science Center (NEFSC) are continuing to work on the Fisheries Dependent Data Visioning (FDDV) project	GARFO/ NEFSC

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

As of 8/2/2018

Status	Amendment/Framework	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule Published	Approval/Disapproval Letter	Final Rule Published	Regs Effective
Complete	Tilefish Framework 2	Tilefish FW 2	4/13/16				10/23/17		3/13/18	4/12/18
Complete	Blueline Tilefish Amendment	Tilefish AM 6	4/13/16			6/14/17	6/28/17	9/13/17	11/15/17	12/15/17
Complete	Omnibus Unmanaged Forage Amendment	SFSBSB AM 20; MSB AM 18; SCOQ AM 19; Bluefish AM 6; Tilefish AM 5; Dogfish AM 5	8/8/16	11/23/16	3/20/17	3/28/17	4/24/17	6/19/17	8/25/17	9/27/17
Complete	Omnibus eVTR Framework	MSB FW 10; Bluefish FW 2; SFSBSB FW 10; Tilefish FW 3	8/10/16		11/17/16		5/24/17		9/11/17	3/12/18
Complete	Omnibus ABC Framework	MSB FW 11; Bluefish FW 3; SFSBSB FW 11; SCOQ FW 2; Tilefish FW 4; Dogfish FW 3	6/12/14		7/31/15		7/19/17		4/11/18	5/11/18
Complete	Commercial Scup Quota Period Framework	SFSBSB FW 12	5/10/17	11/16/17	2/15/18	N/A	2/26/18		4/19/18	5/21/18
Complete	New Jersey Special Management Zones	N/A	12/12/16				2/13/18		7/9/18	8/8/18
Open	Squid Amendment	TBD	6/7/17	12/12/17	3/21/18	7/27/18				
Open	Summer Flounder, Scup and Black Sea Bass Commercial Accountability Measure Framework	TBD	2/14/18	6/12/18	7/20/18	N/A				
Open	Atlantic Mackerel Closure Provisions Framework	TBD	6/5/2018							

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 8/2/2018

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Atlantic Mackerel	2016-2018	6/9/15		8/24/15	1/22/16	4/26/16	5/26/16	
Bluefish	2016-2018	8/11/15			3/31/16	8/4/16	8/1/16	
Spiny Dogfish	2016-2018	12/7/15	3/11/16	5/20/16	6/22/16	8/15/16	8/15/16	
Summer Flounder	2017-2018	8/9/16	10/11/16	11/17/16	11/15/16	12/22/16	1/1/17	
Black Sea Bass	2017-2018	2/15/17	3/15/17	5/1/17	4/14/17	5/25/17	5/25/17	
Golden Tilefish	2018-2020	4/12/17		7/5/17	9/7/17	11/7/17	11/2/17	
Blueline Tilefish*	2018	4/12/17			6/28/17	11/15/17	12/15/17	* 2018 specifications set via final rule implementing Amendment 6 to the Tilefish FMP
Surfclam and Ocean Quahog	2018-2020	6/6/17			12/8/17	2/6/18	3/8/18	
Squid and Butterfish	2018-2020	6/7/17		8/24/17	12/13/17	3/1/18	4/2/18	
Scup	2018-2019	8/8/17	10/2/17	12/1/17	11/7/17	12/22/17	12/22/17	
Blueline Tilefish	2019-2021	4/11/18						
Summer flounder (recreational measures)	2018	12/12/17	3/5/18	4/10/18	4/11/18	5/31/18	5/31/18	
Black sea bass (recreational measures)	2018	2/14/18	3/5/18	4/10/18	4/11/18	5/31/18	5/31/18	

Upcoming Specifications	Year(s)	Council Meeting (*subject to change)
Bluefish	2019	August 2018
Summer Flounder	2019	August 2018
Black Sea Bass	2019	August 2018
Scup	2019 Review	August 2018
Atlantic Mackerel	2019-2021	August 2018
Spiny Dogfish	2019-2021	October 2018
Squid and Butterfish	2019 Review	October 2018



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: August 3, 2018
To: Chris Moore
From: Mary Sabo
Subject: Magnuson-Stevens Reauthorization Update

The following memo summarizes recent developments related to reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

House of Representatives

On July, 11, 2018, the House of Representatives passed H.R. 200, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, by a vote of 222-193. Several amendments were passed by voice vote:

- Manager's Amendment to strike section 302(c) and 307, and modify sections 205, 207, 304, 306, 406, and 408. The amendment also includes a new section regarding voting procedures for the Western Alaska Community Development Quota Program's administrative panel (Young, R-Alaska)
- To create an industry-based pilot trawl survey for the New England and Mid-Atlantic Fishery Management Council regions (Courtney, D-Connecticut)
- To waive compensatory mitigation requirements for maintenance dredging projects in certain inland waterways, inlets, or harbors (Frankel, D-Florida)
- To require the Comptroller General to submit a report to Congress on LAPPs in the Gulf of Mexico and South Atlantic Fishery Management Councils (Graves, R-Louisiana)
- To direct the Secretary to submit a plan to establish fully operational electronic monitoring and reporting procedures for the Northeast Multispecies Fishery (Keating, D-Massachusetts)
- To require NOAA to conduct a study on all fees it charges the lobster industry and report those findings to Congress, (Poliquin, R- Maine)
- To lift the ban on striped bass fishing in the Block Island transit zone between Montauk, NY and Block Island, RI (Zeldin, R-New York)
- To direct the Secretary to use funds collected from penalties and fines for monitoring in addition to traditional enforcement activities, (Keating, D-Massachusetts)
- To reward the elimination of lionfish from United States waters by allowing individuals to exchange lionfish for tags authorizing fishing for certain species (Gaetz, R-Florida)

The text of the amendments can be accessed from this link: <https://rules.house.gov/bill/115/hr-200>. The text of H.R. 200, as passed by the House of Representatives, can be found at <https://www.congress.gov/115/bills/hr200/BILLS-115hr200rfs.pdf>.

Senate

On February 28, 2018, the Senate Commerce, Science, and Transportation Committee met to mark up S. 1520, the “Modernizing Recreational Fisheries Management Act of 2017”. A substitute amendment, offered by Senator Wicker (R-Mississippi) the sponsor of the legislation, was offered. An amendment by Senator Blumenthal (D-Connecticut) was also offered. The bill, as amended by the Wicker substitute and the Blumenthal amendment, was passed by voice vote. Following the vote, Senator Sullivan (R-Alaska) noted that the committee would continue to refine S. 1520, but also work on “reauthorizing, updating, and improving the Magnuson-Stevens Act” and that he was “looking forward to bipartisan support on that broader bill from this Committee and trying to move it onto the Floor sometime this year.” On June 5, 2018, the Senate Commerce, Science and Transportation Committee filed the report to accompany S. 1520 and the legislation was placed on the Senate Legislative Calendar.

Council Coordination Committee Comments

On March 8, 2018, Congressman Don Young requested comments on H.R. 200 from the Council Coordination Committee (CCC). The CCC reviewed a draft comment letter at its May 2018 meeting in Sitka, Alaska. The final letter was submitted to Congressman Young on June 8, 2018 and is available at http://www.fisherycouncils.org/s/060818_CCC_CongressmanYoung.pdf.

During the May meeting, the CCC also reviewed and approved several additions to the CCC Working Paper on MSA Reauthorization Issues. The current version of the working paper is available at <http://www.fisherycouncils.org/s/CCCWorkingPaper052418.pdf>.

Additional information and resources related to MSA reauthorization are available on the joint fishery management council website at <http://www.fisherycouncils.org/msa-reauthorization/>.

Other Legislative Updates

On June 26, 2018, Senator Roger Wicker (R-Mississippi) introduced S. 3138, the “Advancing the Quality and Understanding of American Aquaculture Act” or “AQUAA Act,” a bill to streamline the permitting process for aquaculture farms in federal waters, and fund research and development to advance the aquaculture industry. The bill calls for the creation of the Office of Marine Aquaculture within NOAA Fisheries, which would be charged with coordinating the federal permitting process. The bill was referred to the Senate Commerce, Science, and Transportation Committee.

**NATIONAL MARINE FISHERIES SERVICE
PROCEDURAL DIRECTIVE ON COST ALLOCATION
IN ELECTRONIC MONITORING PROGRAMS FOR
FEDERALLY MANAGED U.S. FISHERIES**

Purpose

This Procedural Directive establishes a framework for allocating costs for electronic monitoring (EM)¹ programs in federally managed U.S. fisheries between NOAA Fisheries and the fishing industry, and a timeline for implementing the framework.² Currently, all appropriated funds designated for implementing systems to monitor the landings of fishing vessels at sea are fully subscribed. As a result, any new monitoring system must either be funded through discretionary spending appropriations or be substantially funded through non-appropriated funds, such as industry funding.³ Even in situations where federally appropriated funds may cover the initial startup of a monitoring program, such a program must be designed to either cease or be adjusted should those funds expire or there must be a transition plan to require the cost be covered by non-appropriated funds upon expiration of federal funding.

Introduction

The demands for more precise, timely, and comprehensive fishery-dependent data continue to rise every year. As a result, the complexity and cost of fishery-dependent monitoring has increased over time. Constraining budgets and increasing demands for data are driving the need to evaluate and improve existing fishery-dependent data collection programs, in particular with respect to cost-effectiveness, economies of scale, and sharing of electronic technology solutions across regions.

Against this backdrop, NOAA Fisheries issued the Policy Directive on Electronic Technologies and Fishery Dependent Data Collection (Policy Directive) in 2013.⁴ The Policy Directive encourages the agency to consider electronic technologies in implementing new and/or improving existing fishery-dependent data collection programs to achieve the most cost-effective and sustainable monitoring approach that ensures alignment of management goals, data needs, funding sources, and regulations.

¹ For a definition of electronic monitoring and other terms used in this document, please see the Glossary of Terms in [Appendix A](#) of this document.

² This policy does not apply to EM programs in federally managed U.S. fisheries where the program is mandated or administered by an authority other than NOAA Fisheries.

³ Industry participants may partner with non-governmental organizations or other entities to secure funding for its portion of costs.

⁴ Please see the NOAA Fisheries Office of Science and Technology's website on Electronic Monitoring and Reporting: <https://www.st.nmfs.noaa.gov/advanced-technology/electronic-monitoring/index>.

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The Policy Directive also outlines a number of considerations for fisheries managers when developing electronic technology-based data collection programs, including:

No electronic technology-based fishery-dependent data collection program will be approved by NOAA if its provisions create an unfunded or unsustainable cost of implementation or operation contrary to applicable law or regulation. Funding of fishery dependent data collection programs is expected to consider the entire range of funding authorities available under federal law, including those that allow collection of funds from industry. Where cost-sharing of monitoring costs between the agency and industry is deemed appropriate and approved under applicable law and regulation, NOAA Fisheries will work with Councils and stakeholders to develop transition plans from present to future funding arrangements.

In order to effectively implement the Policy Directive, this procedural directive is being issued to explain the categories of costs associated with EM programs and describe how such program costs should be allocated between NOAA Fisheries and industry participants. NOAA Fisheries will use this procedural directive as a framework to evaluate EM implementation. Further, Regional Fishery Management Councils (Councils)⁵ are expected to use the cost allocation framework set forth in this directive when creating new EM programs and evaluating existing EM programs. NOAA Fisheries believes that allocating costs as described in this directive is consistent with applicable law and will provide a transparent and consistent framework for discussing and identifying the agency's and industry's respective cost responsibilities in new and existing EM programs. Further, NOAA Fisheries expects that the framework described in this document will allow for the implementation or maintenance of EM programs that could not otherwise be initiated or maintained solely with federal appropriations.

As described in the Policy Directive, fishery-dependent data collection programs often include a combination of data collection methods in addition to EM, such as electronic reporting, on-board observers, and dockside monitoring. It may be appropriate to create cost allocation frameworks for these additional methods in the future; however, this procedural directive only applies to EM. Further, this procedural directive does not apply to small-scale pilot projects or programs using exempted fishing permits where NOAA Fisheries and industry participants are working collaboratively to test the viability of EM approaches for specific purposes and in limited circumstances.

Cost Responsibilities

⁵ In the context of this procedural directive, "Council" includes NOAA Fisheries for the purposes of preparing Fishery Management Plans or amendments for Atlantic highly migratory species. See 16 U.S.C. § 304(g).

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As noted in the Policy Directive, cost allocation for EM programs must be consistent with all applicable appropriations law, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and other Federal requirements. Typically, NOAA Fisheries' programs and activities are financed by funds appropriated by Congress. In addition to providing the necessary funds, a congressional appropriation establishes a maximum authorized program level, meaning that an agency cannot, absent specific statutory authorization, operate beyond the level that can be funded by its appropriations.⁶

NOAA Fisheries has identified two categories of costs associated with EM programs: sampling costs and administrative costs (described in the cost categories section). For all EM programs, NOAA Fisheries will be responsible for the administrative costs, including the costs of setting standards for such programs, monitoring program performance, and providing administrative support to address science, enforcement, and management needs, except where the MSA specifically authorizes the collection of fees for these costs. For EM programs that are initiated by a Council, for example, to provide greater operational flexibility to industry participants or an exemption from otherwise applicable requirements, industry will be responsible for the sampling costs of such programs. If NOAA Fisheries determines that EM is necessary and appropriate to meet legal obligations (*e.g.*, requirements of the Endangered Species Act), as a policy matter, NOAA Fisheries would also fund the sampling costs of such programs, unless the MSA specifically provides otherwise, as long as it has sufficient appropriated funds to do so.

NOAA Fisheries expects it will fund the EM program costs for which it is responsible through annual appropriations, and that industry will be directly responsible for paying for the sampling costs of EM programs in the circumstances described above. However, NOAA Fisheries is specifically authorized by the MSA to collect fees for certain costs associated with data collection in Limited Access Privilege Programs (LAPPs)⁷. In such fisheries, NOAA Fisheries may collect fees from industry to pay for administrative costs, sampling costs, or both, as consistent with statutory and regulatory requirements. In those cases, NOAA Fisheries would

⁶ See 72 Comp. Gen. 164, 165 (1993). An agency may not circumvent these limitations by augmenting its appropriations from sources outside the government, unless Congress has so authorized the agency. Although there is no statute that specifically prohibits augmentation, the concept has a statutory basis: 31 U.S.C. § 3302(b), the "miscellaneous receipts" statute; 31 U.S.C. § 1301(a), which restricts the use of appropriated funds to their intended purpose; and 18 U.S.C. § 209, which prohibits the payment of, contribution to, or supplementation of the salary of a government officer or employee as compensation for his or her official duties from any source other than the government of the United States.

⁷ 16 U.S.C. § 1853a(e). The MSA requires that, when establishing a LAPP, a Council must provide for a program of fees paid by LAPP privilege holders that will cover the costs of management, data collection and analysis, and enforcement programs directly related to and in support of the LAPP. NOAA Fisheries may collect fees to recover the actual costs directly related to the management, data collection, and enforcement of a LAPP (*i.e.*, those costs that would not have been incurred but for the LAPP). *Id.* § 1854(d)(2). The fees are capped at three percent of the ex-vessel value of fish harvested. *Id.*

not collect fees for costs that industry has paid for directly. NOAA Fisheries is also authorized to assess fees in certain North Pacific fisheries for the purpose of stationing observers and EM systems aboard fishing vessels or at fish processors.⁸ While NOAA Fisheries could pay for sampling or other directly incurred EM costs, unlike the LAPP fee authority, the North Pacific fees could not be used to pay for certain administrative costs.

Councils should be aware that NOAA Fisheries cannot guarantee the availability of appropriated funds for EM program administrative costs. If NOAA Fisheries at any point determines that it no longer has sufficient authorized appropriated funds to cover the administrative costs of a program, NOAA Fisheries will not approve a new program (if it has yet to be approved) or would adjust or end an existing program (if it has already been approved). In either case, a Council and NOAA Fisheries will need to consider what, if any, action might be needed to ensure that its fishery management plans are consistent with the MSA or other legal obligations.

For EM programs where costs are allocated between NOAA Fisheries and industry, NOAA Fisheries expects Councils to categorize costs associated with EM programs into sampling costs and administrative costs (described below), and to allocate responsibility for paying these costs consistent with the framework explained in this procedural directive. Councils should coordinate early with NOAA Fisheries when developing a cost allocation or fee collection arrangement for any EM program to ensure consistency with all applicable laws and regulations.

Cost Categories

NOAA Fisheries has identified the following costs commonly associated with EM programs, based on the pre-implementation and implementation of ongoing EM programs throughout the country.

Sampling costs may include, among others:

- **Equipment purchases, leases, and installation**, including, but not limited to, the cameras, hard drive, video screen, and other materials needed to outfit the vessel to comply with the requirements of the EM program.

⁸ 16 U.S.C. § 1862(a). The MSA contains a North Pacific-specific observer provision that allow the North Pacific Fishery Management Council to prepare a fisheries research plan for any fishery in the Council's jurisdiction (with the exception of salmon), which requires observers to be stationed on fishing vessels, and establish a system of fees to pay for the cost of implementing the plan. The North Pacific Fishery Management Council has prepared a fisheries research plan pursuant to this authority, and NOAA Fisheries recently issued a final rule integrating proposed a rule to amend the plan to integrate EM into the North Pacific Observer Program (82 FR 1485336991).

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- **Equipment maintenance and upkeep**, including, but not limited to, regular software and system upgrades, ensuring that cameras are clean and free of debris, replacing cameras as needed, and periodically checking the system to ensure operation.
- **Training for captain and crew** (as appropriate) to use, troubleshoot, and maintain EM equipment and systems while at sea.
- **Development of vessel monitoring plans (VMPs)**, including identification of camera placement, catch handling protocols, and other requirements to facilitate third party video review.
- **Data transmittal**, *i.e.*, transmitting data collected through the EM system, including raw footage and metadata, to the appropriate review entity (or entities), whether by physical transfer of hard drives or sending data electronically.
- **Video processing and storage**,⁹ including initial review and summary of EM video¹⁰ and storage of raw video footage or photos and associated metadata.
- **Service provider fees and overhead**, including any fees or overhead the service provider charges as part of its EM system service contract with industry.

Administrative costs may include, among others:

- **Program administration support** to address science, enforcement, and management needs, including staff time and equipment to review VMPs, troubleshoot system issues that arise; facilitate communication between industry participants and EM service providers, as needed; and manage vessel selection processes, as needed.
- **Certification of EM service providers**, including staff time to review EM provider contracts and output reports to ensure data quality standards are met.
- **EM program performance monitoring**, including auditing service provider reviewers, reviewing video to determine optimal sampling rates, and analyzing data to ensure quality and effective program performance.
- **Data analysis and storage of Federal records**, including analysis of data that are submitted to NOAA Fisheries and storage of that data consistent with Federal record retention requirements.

Cost Category	Cost Responsibility Options
Sampling costs	• Industry;

⁹ Review of EM video footage by a third party is considered a sampling cost; reviewing the video and summarizing the data is similar to the function of an at-sea monitor collecting commercial fisheries data on the vessel at-sea.

¹⁰ In addition to this procedural directive on cost allocation, NOAA Fisheries will be developing a procedural directive on EM data storage for EM video held by a third party, contracted by the fishing industry. The policy will consider the costs and benefits of storing video for various lengths of time, as well as the management, scientific, and enforcement needs of any EM program. NOAA Fisheries will also consider different types of data storage to reduce costs to industry.

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	<ul style="list-style-type: none">• NOAA Fisheries using fees collected from industry (if applicable and consistent with statutory and regulatory requirements);• NOAA Fisheries for specific programs where agency has determined that EM is necessary to comply with legal obligations
Administrative costs	<ul style="list-style-type: none">• NOAA Fisheries;• NOAA Fisheries using fees collected from industry (if applicable and consistent with statutory and regulatory requirements);

Implementation Timelines

NOAA Fisheries generally expects that both new and existing EM programs will include cost allocation provisions consistent with this procedural directive within two years of its approval. In programs in which industry is responsible for certain costs, but NOAA Fisheries has historically been paying those costs, the costs should transition to industry over time. Depending on the availability of appropriated funds, NOAA Fisheries may cover sampling costs in the initial stages of implementing a program. However, in such cases, transition plans should be developed to transition those costs to industry over time (not to exceed 3 years). The pace of the transition to industry funding will be specific to each fishery and will be determined by NOAA Fisheries and the Regional Fishery Management Councils, taking into account the status of the fisheries and the amount of funding appropriated to NOAA Fisheries for fishery monitoring programs.

Therefore, the provisions of new and existing EM programs should include:

- 1) A list of the costs associated with the EM program, categorized and allocated between NOAA Fisheries and industry participants in a manner consistent with this document.
- 2) Either a statement that the program is discretionary based on available appropriations or a mechanism to ensure third party funding of the appropriate costs.
- 3) In the event that the federal government provides limited startup funds for a monitoring program; a plan to transition to industry funding of the cost categories that are allocated to industry. The transition plan should include a timetable for the transition, including step-wise transitions to industry funding per year, where appropriate.

Measuring Effectiveness

Updates on the status of cost allocation provisions and cost allocation transition plans will be included in the metrics within updates on Regional Electronic Technology Implementation Plans to the Regulatory and Science Boards. NOAA Fisheries will track the number of EM

programs that include cost allocation strategies and cost allocation transition provisions as a metric of overall program efficacy.

Appendix A. Glossary of Terms

Electronic Monitoring (EM) – The use of technologies – such as vessel monitoring systems or video cameras – to passively monitor fishing operations through observing or tracking. Video monitoring is often referred to as EM.

Electronic Reporting (ER) – The use of technologies – such as smart phones, computers and tablets – to record, transmit, receive, and store fishery data.

Electronic Technology(ies) – Any electronic tool used to support catch monitoring efforts both on shore and at sea, including electronic reporting (e.g., e-logbooks, tablets, and other input devices) and electronic monitoring (Vessel Monitoring Systems, electronic cameras, and sensors on-board fishing vessels).

Fishery-dependent Data Collection Program - Data collected in association with commercial, recreational or subsistence/customary fish harvesting or subsequent processing activities or operations, as opposed to data collected via means independent of fishing operations, such as from research vessel survey cruises or remote sensing devices.



US/EU Pelagic Fisheries Workshop

The Mid-Atlantic Fishery Management Council held a workshop in collaboration with the European Union's (EU) Pelagic Advisory Council (Pelagic AC) on May 1-3, 2018 in Gloucester, MA. The objective of this workshop was to provide a forum for US and EU fishermen, managers, scientists, and other stakeholders to interact and discuss possible solutions to the complex problems associated with the small-mesh pelagic fisheries in their countries. Additional information, presentations, and background materials are available on the Council's website at <http://www.mafmc.org/workshop/us-eu-pelagics-workshop>.

Summary of Key Points from the Workshop

The following bullets highlight the overarching themes, ideas, areas of concern, and key issues that emerged during workshop presentations and discussions. The points below represent the perspectives of individuals who participated in the workshop and are not intended to reflect the viewpoints of all participants or of the Council or the Pelagic AC.

General

- Intercontinental exchange of ideas shows commonalities and differences, with opportunities to learn in each case. Gear experiences are an example of close commonalities. The US is ahead on ecosystems considerations, while the EU is ahead on experiences with wind siting and MPAs. In all cases, there are opportunities to examine what's gone right and wrong so we don't repeat mistakes.
- There is a need to better integrate industry into research with the assessment teams so fishermen can have an impact on the assessment.
 - There have been improvements in the North Sea since the early 2000s. Interacting with ICES was a long struggle. The Pelagic AC was heavily involved in science from beginning, and was asked to become observers at first. Other sectors (e.g. demersal) are starting to get more involved.
- Utilizing part of a quota to encourage research by industry can help bring industry into the process and improve the science. It's not clear how it can work in the current US quota system and you need to make sure projects are actually going to help (i.e. be integrated into assessments or management).
- The concept of embedding NMFS economists with fishermen and/or processors to deepen socioeconomic understanding was discussed and should be considered as a follow-up.
- The EU focuses more on operational practicality vs the US focus on theory and subjective measures. This makes it more difficult for US fishermen to navigate scientific and management processes and increases the role of politics in the US.
- There is a need to include maximizing Optimum Yield in Ecosystem Considerations and general management discussions (for example Atlantic Herring and Haddock). Neither species is fully harvested, but the bycatch cap on haddock limits Atlantic herring fishing. The current approach is not pragmatic.
- Fishery participants need to present a united front and get involved earlier.
- Councils never select status-quo but sometime should – there are likely times when no action is best but there is a predisposal to always do something.

Ecosystem Approaches to Fishery Management (EAFM)

- Don't forget it's a "wicked problem" because of the inherent complexity, multiple perspectives of stakeholders, and lack of easy answers. The key is to not get paralyzed or fall for what *appears* be easy answers.
- We need to evaluate the impacts of leaving forage in the water – what are they eating? How are they impacting other species?
- There is still lots of uncertainty about what EAFM means for fishermen and other stakeholders – it's defined differently by each group.
 - Have to clearly describe the goals and objectives of any particular EAFM endeavor – The Council's Guidance Document and Risk Assessment work is heading in that direction.
 - There is a lack of clarity about how things are going to be operationalized/tracked/measured.
- EAFM is perceived as a danger by fishery participants in terms of EAFM leading to reduced catches. If EAFM increases our perception of uncertainty catch buffers will increase under the current system.
 - Initial results of EAFM have only meant quota cuts (e.g. Atlantic herring, and the forage discussion in the Council's EAFM Guidance Document).
 - We need a discussion about when EAFM could lead to quota increases.
- We need to ensure the implementation of EAFM, whatever that becomes, is rooted in data and tested.
- We should organize and communicate the research questions that are currently being pursued by EAFM, and integrate stakeholders into deciding what happens next.
- The role of marine mammals in EAFM should be examined and clarified.
- EAFM needs to account for different approaches by neighboring management entities.
- Pelagic fish, and the ecosystems used by pelagic fish in all their life stages, are both "common-pool resources" that affect diverse stakeholder interests well beyond commercial fishing interests. It is important that a diverse audience of stakeholders have standing and be involved in the management of pelagic fisheries.
- Next steps/first steps
 - Evaluate/coordinate each Council's research needs relative to this "wicked problem."
 - Consider how/when EAFM can lead to higher quotas.

Bycatch Issues

- Gear solutions seem unlikely but it's worth having ongoing discussions with industry (worst approach is for gear solutions to be developed without industry).
- Fleet communications are used informally in the EU and formally in US Herring/Mackerel and seem to be effective. You need to have good incentives to encourage participation.
- Not having information on impacts of bycatch on any species of concern makes evidence-based decisions difficult.
- Restricting the fleet based on uncertain estimates does not encourage participation in bycatch avoidance.
- Be careful about assuming something that works in one place is going to work everywhere – need fishery by fishery ground-truthing.
- The US seems to have a high degree of management/enforcement relative to small quotas.
- We need to make sure rules don't work counter to reducing bycatch. Some current rules are forcing fishery to not be able to avoid bycatch and this should be further evaluated.
- SBRM creates a problematic feedback loop: low discards = low coverage = concern by public about what bycatch is and high uncertainty about bycatch relative to low bycatch caps.

Acoustics

- Unstructured data dumps are not going to be useful.
- We need further discussions about how we could utilize industry acoustic platforms/data.
- There is a large potential for value for pelagic fisheries, for either creating an index (long term) or for biomass scaling (short term).

Assessments

- Butterfish and Mackerel are examples of how to include industry in the assessment process. They started with discussions with stakeholders early on before the data and modeling meetings. Otherwise fishermen come into the process too late.
- Cooperation is dependent on personalities – leadership can break down barriers to openness.
- Research is a key opportunity for more EU/US collaboration & progress. We need to find more ways to actually get data that is collected into assessments.
 - A database of successes could point the way to what works.

Other Issues to watch, discuss more in future

- Wind and other competing ocean uses (marine spatial planning) will be an ongoing issue.
 - Aquaculture – larger in EU than East Coast. EU has separate Advisory Council, limited ability of Pelagic AC to comment on other (Aquaculture) issues.
 - Sand Extraction
 - Deep Sea Mining
 - Wave/tidal power.
 - Marine Protected Areas & effort shifts
 - Marine Portal (pros and cons, limited data included, can used in multiple ways)
- There is a danger for fisheries to be overwhelmed by other interests in marine spatial planning processes.
- Sustainability Certification Issues.
- Existing fishery restrictions (time/area).
- Uses of ITQs for catch or bycatch.
- Seismic issues and impacts on fisheries.

The Gloucester Pelagics workshop was followed up by a workshop in June 2018 in Denmark involving more European participants. The agendas from both workshops are included following this summary but a report is not yet available for the Denmark workshop. In general it reinforced many of the concepts that emerged from the Gloucester workshop.

Based on both workshops, two areas seem likely for initial next steps. First, the lessons learned from the European egg survey work for mackerel should be considered for future US egg surveys, and prospecting for eggs beyond the range of the current US survey collections should be considered to determine if current efforts are capturing the primary range of mackerel eggs. Second, the application of acoustics for surveying mackerel is an area of interest by both researchers and industry, and collaborative efforts on acoustic surveying should be considered.



PELAGIC FISHERIES: U.S. AND EUROPEAN PERSPECTIVES AND SHARED EXPERIENCES

The Mid-Atlantic Fishery Management Council will hold a workshop in collaboration with the European Union's Pelagic Advisory Council. The objective of the workshop is to provide a forum for U.S. and European fishermen, managers, and scientists to interact and discuss possible solutions to the complex problems associated with the small-mesh pelagic fisheries in their countries. The workshop will involve a combination of presentations, group discussions, and field trips designed to give participants first-hand knowledge of local fishery operations and issues. Additional information and updates will be posted on the Council's website at <http://www.mafmc.org/workshop/us-eu-pelagics-workshop>.

Agenda

April 30 – May 3, 2018

Beauport Hotel Gloucester
55 Commercial St
Gloucester, MA 01930
Telephone 1-844-282-0008

Monday, April 30

5:30 p.m. – 7:30 p.m. **Welcome Reception**
Gloucester House Restaurant, 63 Rogers St, Gloucester, MA 01930

Tuesday, May 1

9:00 a.m. – 9:30 a.m. **Introduction and Welcome** (Chris Moore, MAFMC Executive Director, and Mike Pentony, GARFO Regional Administrator)

9:30 a.m. – 10:15 a.m. **Overview of the relevant fisheries, their management, bycatch issues, and stakeholder participation** (Jason Didden and Verena Ohms)

10:15 a.m. – 11:00 a.m. **Implications of Ecosystem Approaches to Fishery Management (EAFM) for pelagic fisheries** (Sarah Gaichas, NEFSC)

11:00 a.m. – 11:45 a.m. **Recent/upcoming NMFS Science Center Socio-Economic work on EAFM and/or bycatch** (Min-Yang Lee, NEFSC)

11:45 a.m. – 12:30 p.m.	Roundtable discussion on EAFM issues - U.S./European perspectives
12:30 p.m. – 2:00 p.m.	Lunch
2:00 p.m. – 5:00 p.m.	Site visits in Gloucester, MA
2:00 p.m. – 3:30 p.m.	Swan Net <i>41 Great Republic Dr., Gloucester, MA 01930</i>
3:45 p.m. – 5:00 p.m.	Cape Seafood <i>3 State Fish Pier, Gloucester, MA 01930</i>

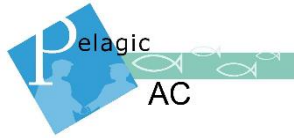
Wednesday, May 2

9:00 a.m. – 9:10 a.m.	Day 2 Overview
9:10 a.m. – 9:45 a.m.	Bycatch 1: Gear/Mesh approaches (Shannon Bayse, UMass)
9:45 a.m. – 10:30 a.m.	Bycatch 2: Communication and fishermen behavior-based approaches – Shoreside Monitoring (Dave Bethoney, SMAST; Brad Schondelmeier, Mass DMF; and Gerry O’Neil, Cape Seafoods)
10:30 a.m. – 11:15 a.m.	Bycatch 3: Electronic Monitoring (Nicole Rossi, NEFSC; Morgan Wealti, Saltwater Inc.)
11:15 a.m. – 12:00 p.m.	Roundtable discussion on bycatch issues – U.S./European perspectives
12:00 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 2:30 p.m.	Industry involvement in surveys/assessment (Jon Hare, NEFSC Director)
2:30 p.m. – 3:30 p.m.	Role of acoustics in U.S. science/management (Mike Jech, NEFSC)
3:30 p.m. – 4:30 p.m.	Open discussion/public comment
4:30 p.m. – 5:00 p.m.	Recap

Thursday, May 3

9:30 a.m. – 11:00 a.m.	Wrap-up, open discussion, public comment
11:00 a.m. – 1:00 p.m.	Travel to New Bedford / Lunch on the way
1:00 p.m. – 2:00 p.m.	Tour of the Buyers and Sellers Exchange (the Auction) <i>62 Hassey Street, New Bedford 02740; www.baseseafood.com</i>

- 2:15 p.m. – 3:15 p.m.** **Tour of the NORPEL Pelagics Processing Plant**
4 Fish Island, New Bedford 02740; www.norpel.com
- 3:30 p.m. – 5:00 p.m.** **Tour of the New Bedford Whaling Museum**
18 Johnny Cake Hill, New Bedford 02740; www.whalingmuseum.org
- 6:00 p.m.** **Dinner**
The Waterfront Grille, 36 Homer's Wharf, New Bedford, MA 02740



▶ Pelagic AC

Joint Workshop of the Mid-Atlantic Fisheries Management Council and the Pelagic AC

Montra Skaga Hotel
Willemoesvej 1, 9850 Hirtshals
Denmark

Louis Braillelaan 80
2719 EK Zoetermeer
The Netherlands
Phone: +31 (0)70 336 9624
E-mail: info@pelagic-ac.org
Website: www.pelagic-ac.org

Agenda (draft)

Monday, 4th June 2018

19:00 – 20:00 Welcome reception with drinks

Tuesday, 5th June 2018

- 09:30 – 10:00 Opening speech by the chairman, Esben Sverdrup-Jensen
- 10:00 – 10:45 The role of the ICES advice in EU fisheries management (Eskild Kirkegaard, Lotte Worsøe Clausen) -tbc
- 10:45 – 11:00 Coffee break
- 11:00 – 11:45 Claus Reedtz-Sparrevohn: On the role of fisheries scientists working for the pelagic industry
- 11:45 – 12:30 Martin Pastoors: The use of (historic) fisheries-dependent data for scientific assessments - tbc
- 12:30 – 14:00 Lunch
- 14:00 – 17:00 Excursion? Maybe visit the bunker museum and the lighthouse?

Wednesday, 6th June 2018

- 09:30 – 10:15 Industry acoustic surveys on 6a herring (Steven Mackinson)
- 10:15 – 11:00 Edward Farrell: Genetic stock identification methods
- 11:00 – 11:15 Coffee break
- 11:15 – 12:00 Daniel Valentinsson: Gear trials in Skagerrak- A new pelagic grid



- 11:45 – 12:30 Thomas Brunel: The biology, assessment and recent dynamics of Northeast Atlantic mackerel
- 12:30 – 13:00 Paulina Ramirez: ACs on their route toward EAFM in the EU
- 13:00 – 14:00 Lunch
- 14:00 – 17:00 Visit of the Flume tank and the aquarium
- 17:00 – 18:00 Reflection on the workshop

Thursday, 7th June 2018

- All day Excursion to Skagen shipyard and skipper academy
- 19:00 – 21:00 Closing dinner

Friday, 8th of June 2018

- Departure





VACANCY ANNOUNCEMENT

The Mid-Atlantic Fishery Management Council (Council) is seeking candidates for the position of Assistant Plan Coordinator. The Council manages fishery resources in the U.S. Exclusive Economic Zone off the coast of the Mid-Atlantic region (New York through North Carolina). Additional information about the Council is available at www.mafmc.org.

Position:	Assistant Plan Coordinator
Opening Date:	July 2, 2018
Closing Date:	August 10, 2018
Location:	Dover, Delaware
Position Overview:	The Assistant Plan Coordinator candidate will assist the Executive Director and other members of the Council staff in the identification and analysis of issues pertaining to the science and management of marine fisheries in the Mid-Atlantic region (New York through North Carolina). The candidate will also assist in the analysis of proposed fishery management measures and the development of Council documents that comply with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), National Environmental Policy Act (NEPA), and other applicable statutes.
Duties:	<p>Specific responsibilities of this position include, but are not limited to:</p> <ul style="list-style-type: none"> • Developing policy papers and decision documents to help the Council respond to ocean policy issues and assist in the development of solutions to complex marine resource problems, including ecosystem-related challenges. • Preparing biological, economic, and social analyses and reports for use in the development of fishery management plans and their amendments. • Coordinating management activities with the National Marine Fishery Service (NMFS) Greater Atlantic Regional Fisheries Office and the Northeast Fisheries Science Center, Atlantic States Marine Fisheries Commission, other regional Councils, and NMFS Headquarters. • Acting as a spokesperson for the staff in discussions with the Council or the Council's committees on matters relating to proposed fishery management regulations. • Attending and facilitating public hearings, committee meetings, and other meetings as required. • Other duties as assigned.
Salary and Benefits:	The starting salary range for this position is \$44,670 - \$78,226 annually, depending on prior experience. Benefits include health insurance, life insurance, annual (vacation) and sick leave, and a 401K retirement program.
Qualifications:	<p>Minimum Requirements:</p> <ul style="list-style-type: none"> • Bachelor's degree in marine policy or science related discipline.

Vacancy Announcement – Assistant Plan Coordinator

	<ul style="list-style-type: none"> • Ability to effectively communicate technical information to non-technical audiences clearly and succinctly, both verbally and in writing. • Knowledge of U.S. fishery management institutions and relevant laws, including MSA, NEPA, Endangered Species Act, and others. • Proficiency in the use of computers and software packages for report generation and data analysis (for example, using Excel, SAS, R, or other programs). <p>Preferred Qualifications:</p> <ul style="list-style-type: none"> • Master's degree in fishery science, natural resource economics, or closely related disciplines. • Familiarity with Mid-Atlantic fisheries and their management. • Demonstrated ability in fisheries management policy analyses, quantitative data analysis, and technical writing. • Experience with multi-disciplinary teams. • Experience in preparation of NEPA documents (Environmental Assessments and/or Environmental Impact Statements).
<p>To Apply:</p>	<p>Qualified applicants should submit the following items:</p> <ol style="list-style-type: none"> 1. A resume detailing your education, relevant experience, training, skills, and other information to support your qualification for the position. 2. A written narrative assessment that provides clear, concise descriptions of your qualifications relative to the following areas: <ul style="list-style-type: none"> ▪ Knowledge of the Council's activities, functions and responsibilities; ▪ Skill in developing solutions to complex natural resource management problems; ▪ Data analysis skills; ▪ Skill working on a team to help coordinate activities and programs related to the conservation and management of natural resources; ▪ Ability to effectively communicate technical data and information to non-technical audiences, and efficiently provide information to various constituencies both verbally and in writing; <p><i>References and education transcripts are not needed at this time but may be requested prior to hiring.</i></p> <p>Please submit these materials to Dr. Christopher Moore, Executive Director, by email (cmoore@mafmc.org) or U.S. Mail: Mid-Atlantic Fishery Management Council, Attn: Chris Moore, 800 N. State Street, Suite 201, Dover, DE 19901. Applications must be received or postmarked by August 10, 2018.</p>
<p>Terms of Employment:</p>	<p>Upon hiring, the selected applicant will enter an initial probationary period of one year during which his or her performance will be evaluated by the Executive Director. Unsatisfactory performance, and/or failure to demonstrate the skills required for this position, may result in termination of employment at the end of the probationary period.</p>
<p>Contact:</p>	<p>Questions about the position should be directed to Dr. Christopher Moore at (302) 526-5255.</p>