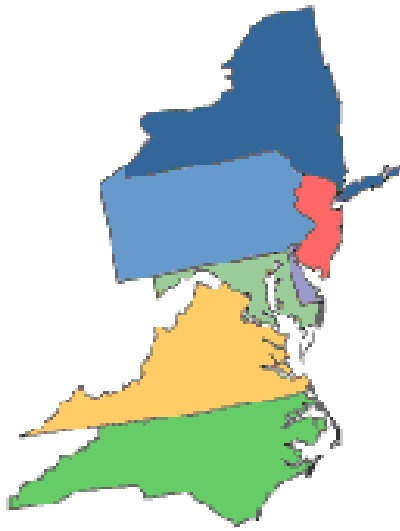


# A Guide to Navigating the Council Process



## Mid-Atlantic Fishery Management Council

Building Sustainable Fisheries

October 2008

**This page left blank intentionally.**

**This document may be cited in the following manner:**

**Mid-Atlantic Fishery Management Council. October 2008 (first edition). *A Guide to Navigating the Council Process.***

**Mid-Atlantic Fishery Management Council  
300 S. New Street, Room 2115  
Dover, DE 19904**

**This document is published by the Mid-Atlantic Fishery Management Council pursuant to National Oceanic and Atmospheric Administration Award NA05NMF4410052.**

# Table of Contents

<b>Who is This Guide For? .....</b>	<b>5</b>
<b>What is the Mid-Atlantic Fishery Management Council? .....</b>	<b>5</b>
<b>Components of the Council System .....</b>	<b>10</b>
<b>Council Meetings .....</b>	<b>12</b>
<b>Fishery Management Plans .....</b>	<b>14</b>
<b>Why Get Involved in Fisheries Management? .....</b>	<b>15</b>
<b>Reference Desk .....</b>	<b>19</b>
<b>Species Managed .....</b>	<b>22</b>

## Who is This Guide For?

This guide is designed for those who want to have their voices heard in the Federal fisheries management arena as well as for those who want to know how fisheries management works. It is designed for fishermen [and women] who want to have more input over the decisions that affect their livelihoods; for people concerned about environmental issues; and for students, managers, fishing family members, and recreational anglers.

This guide is designed for those who know little about fisheries management as well as those who are somewhat familiar with the fisheries management process. It can be used to guide one through a formal Council meeting or to explain how to get involved in the management process. It explains who to contact with comments and questions, and it outlines which fisheries the Council manages. The Reference Desk section provides contact information, mailing list information, and useful phone numbers.

### **Eight Regional Fishery Management Councils**



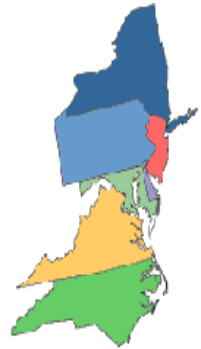
## What is the Mid-Atlantic Fishery Management Council?

The Mid-Atlantic Fishery Management Council (also known as the Council, Mid-Atlantic Council, or MAFMC) is one of eight regional fishery management councils in the United States. The other Councils are the North Pacific, Pacific, Western Pacific, Gulf of Mexico,

## Caribbean, New England, and South Atlantic Fishery Management Councils.

The Councils recommend fishery management measures to the Secretary of Commerce through the National Marine Fisheries Service (NMFS). The decisions made by the Councils are not final until they are approved or partially approved by the Secretary of Commerce through NMFS.

The Mid-Atlantic Council manages fisheries for summer flounder, scup, black sea bass, bluefish, Atlantic mackerel, short-finned squid (*Illex*), long-finned squid (*Loligo*), butterfish, surf-clams, ocean quahogs, and tilefish. It jointly manages spiny dogfish and monkfish with the New England Fishery Management Council. The seven states that comprise the Council are New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and North Carolina (North Carolina is also on the South Atlantic Council). The Council also works with the Atlantic States Marine Fisheries Commission (ASMFC) to manage summer flounder, scup, black sea bass, bluefish, and spiny dogfish.



The Council is made up of 21 voting representatives (20 from its seven states and one Federal member, i.e., National Marine Fisheries Service's Northeast Regional Administrator). Seven represent the constituent states fish and wildlife agencies, 13 are private citizens who are knowledgeable about recreational or commercial fishing, or marine conservation. These 13 citizens are nominated by the governors of their respective states and are appointed to the Council by the Secretary of Commerce. There are also four non-voting members representing the ASMFC, the U.S. Fish and Wildlife Service, the U.S. Department of State, and the U.S. Coast Guard.

Managing fisheries is a complicated task. The Council develops fishery management plans and recommends management measures for the Exclusive Economic Zone (EEZ) off the east coast of the United States. State jurisdiction extends from the shoreline to three miles

seaward of the shoreline. All the states involved in fisheries management have their own laws and fishing agencies to manage fisheries within three miles of their coasts.

Because fish move between state and federal waters without regard for boundaries, the Council's plans are coordinated with the ASMFC and adjacent Councils (NEFMC and SAFMC) to implement a compatible conservation management system within the EEZ as well as state waters. Federal regulations generally apply only in federal waters, but there are instances where they may also apply in state waters.

## **The Magnuson-Stevens Fishery Conservation and Management Act**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the principal law governing marine fisheries in the United States. It was originally adopted to create a U.S. fishery conservation zone out to 200 nautical miles off the U.S. coast; to phase out foreign fishing activities within this zone; to prevent overfishing, especially by foreign fleets; to allow overfished stocks to recover; and to conserve and manage fishery resources. The MSA is named after the late Senator Warren Magnuson of Washington and current Senator Ted Stevens of Alaska.

Congress passed the original MSA in 1976. It has since been amended several times, most recently in 2006. Among other things, the MSA explains the role of regional fishery management councils and describes their functions and operating procedures. The MSA includes national standards for management and mandates the contents of fishery management plans. In addition, it authorizes the Secretary of Commerce to review, approve, and implement fishery management plans and other recommendations developed by the councils through Federal rulemaking.

In 1996 Congress passed the Sustainable Fisheries Act (SFA) which revised the MSA and reauthorized it through 1999. That revision

brought new requirements to prevent overfishing and rebuild overfished fisheries. The SFA required that each fishery management plan (FMP) specify objective and measurable criteria for determining when a stock is overfished or when overfishing is occurring, and to establish measures for rebuilding the stock. The SFA also added definitions for “overfishing” and “overfished.” The SFA added three new National Standards to address fishing vessel safety, fishing communities, and bycatch. Several existing standards were revised. The MSA now contains 10 National Standards for fishery conservation and management, with which all FMPs must comply.

### **Summary of the National Standards of the Magnuson-Stevens Fishery Conservation and Management Act**

Conservation and management measures shall:

- (1) Prevent overfishing while achieving optimum yield.
- (2) Be based upon the best scientific information available.
- (3) Manage individual stocks as a unit throughout their range, to the extent practicable; interrelated stocks shall be managed as a unit or in close coordination.
- (4) Not discriminate between residents of different states; any allocation of privileges must be fair and equitable.
- (5) Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose.
- (6) Take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches.
- (7) Minimize costs and avoid duplications, where practicable.
- (8) Take into account the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, such communities (consistent with conservation requirements).
- (9) Minimize bycatch or mortality from bycatch.
- (10) Promote safety of human life at sea.



In late 2006, Congress revised and reauthorized the MSA again. This revision (called “Fishery Conservation and Management Reauthorization Act of 2006”) did not add any new National Standards, but it did make a number of changes related to establishment of annual catch limits, function of the Scientific and Statistical Committee, the National Environmental Policy Act (NEPA) review process, rebuilding provisions, limited access privilege programs, and other areas. The MSA is now reauthorized through 2010.

## **Other Laws Affecting Fisheries Management**

U.S. fishery regulations must comply with many laws apart from the Magnuson-Stevens Act. Some of these include the National Environmental Policy Act (NEPA), the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), the Coastal Zone Management Act (CZMA), the Administrative Procedures Act (APA), the Paperwork Reduction Act (PRA), the Regulatory Flexibility Act (RFA), the Interjurisdictional Fisheries Act (IFA), the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), and the National Marine Sanctuaries Act (NMSA). International agreements and organizations, such as the International Convention for the Conservation of Atlantic Tunas, Inter-American Tropical Tuna Commission, and the United Nation’s Code of Conduct for Responsible Fisheries, also play roles in shaping management of U.S. fisheries.

## **Foreign Fishing**

Congress adopted the original Magnuson-Stevens Act to control foreign fishing near the U.S. coast. As a result of the Act, nearly all foreign fishing in U.S. waters has been eliminated. Domestic harvesting and processing have grown to replace the eliminated foreign fishing effort. No foreign fishing currently takes place in the area managed by the Council. Joint ventures, which involved American fishing vessels delivering their catch to foreign processors at sea, have also been phased out.

Foreign fishing in Council waters could occur again in the future. The Council would review each foreign application, and the Secretary

of Commerce would issue permits for approved foreign operations. However, there have not been any recent applications by foreign fishing interests, and it is unlikely that foreign fishing will resume any time soon.

## **Components of the Council System**

The Council system is composed of Council members, Council staff, advisory bodies who advise the Council, and the public, which participates in Council decision making both directly and indirectly.

### **Council Members**

The Council has 21 voting members and four non-voting members. The voting Council members shall be:

- The principal State officials with marine fishery management responsibility and expertise from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina.
- The Regional Administrator of the National Marine Fisheries Service's Northeast Region or his or her designee.
- Individuals who are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned. These members are appointed by the Secretary of Commerce from lists submitted by the governors of the member states. They include one "obligatory member" from each state, which ensures that each state is represented. The others are "at-large" members who may come from any state.

The four non-voting members who assist the Council in decision making represent:

- The Atlantic States Marine Fisheries Commission,
- The U.S. Fish and Wildlife Service,
- The U.S. Department of State, and
- The U.S. Coast Guard.

Obligatory and at-large members serve three-year terms and may not serve more than three consecutive terms. The private citizens on the Council are compensated for the time they spend on official Council business, but not for the time they spend preparing for meetings or working with constituents.

Council members' financial interests are important because they could influence how members make decisions. Council members may have a financial interest in any harvesting, processing, or marketing activity as long as they disclose the extent of their interest to the public. This ensures that knowledgeable fishing industry members can serve on the Council. Council members shall not vote on matters that would benefit only themselves or a minority of other people within the same sector or gear group. Financial disclosure forms are available for public inspection at the Council office, at Council meetings, and on the Council's website.

Council members must balance competing interests while trying to make decisions for the public good. Council members are advised by the Council's advisory groups, Council staff, the public, the states, academia, and NMFS.

## **The Council Staff**

Council staff serve and support the Council by providing information for management decisions, informing the public about Council activities, helping the public participate in the process, coordinating the process and meetings, creating fishery management documents, and assisting advisory groups. The Council staff consists of an Executive Director, a technical staff, and an administrative staff.

The Council is a federally funded nonprofit organization. Council staff members are not federal government employees. The Executive Director carries out tasks assigned by the Council through the technical and administrative staffs.

## **Advisory Groups**

Advisory groups include advisory panels, fishery management teams, technical teams, the Scientific and Statistical Committee (SSC) and other committees that provide guidance and advice on issues being considered by the Council.

**Advisory Panels (APs)** consist of recreational and commercial fishermen, charter boat operators, buyers, sellers, environmentalists and consumers who are knowledgeable about fishery issues.

**Plan, technical, and fishery management teams** are groups which provide objective scientific information about fisheries managed by the Council. They contribute to the development of fishery management plans and amendments, develop analyses, compile abundance forecasts, contribute to Stock Assessment and Fishery Evaluation documents, review models, and conduct other scientific tasks in support of decision making.

**Scientific and Statistical Committee (SSC)** shall consist of Federal employees, State employees, academics, or independent experts and shall have strong scientific or technical credentials and expertise.

**Ad hoc committees** are created to serve specific functions, usually short-term needs. The committees are disbanded when their tasks are completed.

## **Council Meetings**

The Council meets six times a year alternating meeting sites within the jurisdictions of the appointed member states of the Council. Most Council meetings take three days. Advisory bodies also meet at various times during and between Council meetings. All meetings are open to the public, except for sessions in which the Council deals with personnel and litigation issues. All Council meetings are tape recorded. Tapes and verbatim transcripts of the meetings are stored

at the Council office and the transcripts are also posted on the Council's website ([www.mafmc.org](http://www.mafmc.org)). After each Council meeting a press release is sent to all mail recipients by regular mail and/or e-mail summarizing actions from that meeting.

## **Briefing Books**

Council members and staff receive a copy of a briefing book and a CD approximately 10 days prior to all Council meetings. The Briefing Books and CDs contain information needed for the meetings such as the agenda, reports and materials for each agenda item, and other information pertaining to the meeting. Because of the size of the briefing book and the effort required to create it, briefing books are not available to the general public. However, CDs of the meeting material are available to the public. Additional information received after briefing book distribution may be passed out to Council members at the meetings. CDs containing the meeting information may be requested from the Council office. Briefing book material may also be found on the Council website at [www.mafmc.org](http://www.mafmc.org).

Public comments and reports must be provided two weeks prior to the start of the Council meeting. Comments can be emailed, mailed, or faxed to the Council (see Reference Desk section).

## **Public Handouts**

During Council meetings, materials included in the briefing book, supplemental material (handouts) provided to Council members, and reports are usually available in limited numbers on a table located in the meeting room.

## **Agendas and Agenda Items**

The Council works from an agenda which is posted on the Council's website and distributed to those on the Council's mailing list and email list. The contents of the agenda are set by the Executive Director working in concert with Council Chairman and Council staff. To place an item on the agenda, one should talk to the Executive Director; suggest the agenda item during any advisory body meeting; or,

suggest the agenda item during the Council's public comment period. Draft agendas for the next Council meeting are usually emailed to Council members for input two weeks prior to finalizing it for submission to the Federal Register.

Each agenda item has several parts. First, a staff member usually gives an overview of what to expect during the agenda item based on the situation summary provided in the briefing book. This may be followed by presentations or discussions of the particular topic, by advisory body comments or reports, and by public comment. Finally, the Council discusses the topic and may vote on it.

## **Public Comment**

Public comment is encouraged and invited. One may comment when recognized to do so by the Chairman. One should first introduce himself or herself, and then give his/her testimony. Because of time constraints, public comment is sometimes limited.

## **Fishery Management Plans**

The fisheries management process is based on fishery management plans (FMPs). An FMP is a set of management objectives and strategies. Councils develop FMPs, amend them, and make decisions like setting harvest limits within the framework of existing FMPs. In their decision making, the Councils are required to use the best scientific information available and to meet the National Standards of the Magnuson-Stevens Act (see page 8). They must also comply with the other federal laws. The Council currently has FMPs for the following species: summer flounder, scup, and black sea bass; bluefish; Atlantic mackerel, *Illex* and *Loligo* squids, and butterfish; surfclams and ocean quahogs; and tilefish. The Council also has joint management of spiny dogfish and monkfish species with the New England Fishery Management Council.

# **Why Get Involved in Fisheries Management?**

People have different reasons for getting involved in fisheries management. Many groups are concerned about fisheries, including commercial fishers, recreational fishers, fishing families, environmentalists, consumers, scientists, the tourism industry, and local communities. Whatever their backgrounds or motivations, these groups share the common desire to ensure the health of fish populations and the marine ecosystems upon which they depend.

If you are a member of the commercial fishing community or if your business serves recreational fishers, the best reason to get involved would be because this is the process that controls your livelihood. You may not have control over the weather, ocean conditions, or market prices, but by getting involved in the Council process you can have input into the decisions that affect your business.

Getting involved means commitment. It may mean reading documents, talking to people, going to meetings, speaking in public, writing letters or emails, joining or forming an association, or joining an advisory group.

## **Ways to Get Involved**

Many members of the fishing community and the public do not have the time or resources to attend Council meetings. Listed below are ways to get involved in fisheries management without having to leave the comfort of your home or boat. Many of the suggestions below come from the Council publication *Fish or Cut Bait*.

### **Learn**

The first step to getting involved in the Council process is to learn about it. Learn how the Council system operates; learn about the context of the problem you are interested in. Learn how Council

members see things and why. Learn what terms and acronyms like “optimum yield” and “CPUE” mean. That way you will be more comfortable providing input and your input will be more valuable. Some ways to learn about the process are:

- Get on the Council's mailing lists. The Council maintains extensive mailing lists of organizations and individuals who wish to receive meeting notices, agendas, press releases and newsletters. If you would like to be added to the mailing list, email: [info1@mafmc.org](mailto:info1@mafmc.org) or call the Council office at 302-674-2331 or toll free at 877-446-2362.
- Visit the Council office at 300 S. New Street, Room 2115 Federal Building, Dover, DE 19904.
- Read the Council's press releases or newsletters to learn about recent issues and decisions (press releases and newsletters are archived on the Council's website, [www.mafmc.org](http://www.mafmc.org)).
- Read other resources such as *Understanding Fisheries Management* and *Fish or Cut Bait*.
- Attend a Council, committee, or advisory group meeting. Upcoming meetings are listed on the Council's website.
- Visit other Council websites or other websites related to fisheries management (See section under Reference Desk for a list of additional websites).

## Join a Group

There are groups organized around environmental issues, fishing gear types, fisheries, communities, and other fisheries related interests. There are also groups that cut across interests and gear types. Join a group that represents your interests. If you can't find a group, create one. Joining a group will give you a greater voice, more motivation, and a larger pool of knowledge to draw from.



## **Make Informed Comments**

Your comments will be most effective if you have knowledge about the Magnuson-Stevens Act and the “National Standards” used to evaluate fishery management plans. Try to frame your comments and advice in these terms. Whether writing or testifying, make sure your comments are relevant to whatever issue the Council is discussing. Know what stage of the process the Council is in. For example, are there important deadlines approaching? What political pressures are influencing a decision?

## **Get to Know Someone**

Getting to know someone is one of the best ways to make sure your voice is heard. Get to know your Council representative, other Council members, advisory body members, and staff. If possible, get to know your fish and wildlife department’s local port biologists and discuss issues with them.

## **Talk Informally**

One of the best ways to interact with the Council is to call a Council or staff member. This provides a more personal way to discuss issues that concern or interest you. When calling, explain who you are, what your question or problem is, and ask for help in understanding your issues. Ask for a list of the committees and key Council members responsible for your fishery, and ask whom you should call to get more background or advice. You can also talk at meetings and hearings in the halls during meetings, or at the Council office. Be sure to attend informal events associated with Council meetings. You may also want to talk with state agency staff and federal and state representatives.

## **Attend a Meeting**

All Council meetings, committee, or advisory meetings are open to the public. Public comment is welcome at Council meetings regarding issues on the agenda. Council meetings and public hearings are held throughout the Mid-Atlantic region. Summaries of the comments

made at Council-sponsored hearings are provided to Council members.

## **Testify**

Members of a commercial or recreational fishery, the environmental community, and the public are encouraged to testify at Council meetings and hearings. This involves speaking in a formal public forum. At Council meetings, the Council members and staff generally sit in a “U” formation and public attendees sit in chairs at the open end of the “U”. You will have to use a microphone to make your comments, as they are tape recorded. Sometimes because of time constraints, public comment is limited. If written comments are supplied to the Council two weeks before the meeting date, they are usually included in the Briefing Book and CD distributed to each Council member prior to the Council meeting.

It is best to be as prepared and as calm as possible when providing testimony. Read up on Council decisions related to your topic of interest, and make sure your comments are organized and relevant.

## **Write**

The Council reads and considers all letters and emails that arrive before distribution of the Briefing Book. Generally, letters are addressed to the Council Chair or the Executive Director. However, depending on the situation and the stage of the decision-making process, you may write letters or emails to a specific Council member, the Regional Administrator of NMFS, or others.

Make sure your letter is legible. When writing, be sure to identify the FMP, amendment, proposed rule, or other measure you are commenting on, and then provide your position or opinion. Explain who you are and why the reader should pay attention to what you are saying. Use short, clear sentences to state your position and explain why you feel the way you do. Whenever you can, be specific about how a proposed rule would affect you. Try to show how your personal interests relate to public or national interests. You can also write letters to

trade magazines like *National Fisherman* or *The Fisherman*, which many managers read. Since the National Marine Fisheries Service reviews all Council decisions, it is also effective to write or call the Northeast Regional Office of NMFS (See Reference Desk section).

## **Serve**

Citizens may serve on advisory subpanels. Nomination forms may be downloaded from the Council's website. If you are interested in serving, talk to the Executive Director and the staff personnel.

## **Will it Really Make a Difference?**

Your influence on Council decisions is related to the amount of energy you put into being involved. Involvement can range from writing a letter to serving on an advisory panel or group. No matter what level of involvement you choose, your views will have more weight and influence if you learn about the context of the decisions being made, the timeline for the decision making process, and the best ways to communicate with Council members and advisory subpanel members.

## **Reference Desk**

### **Council Contact Information**

Mid-Atlantic Fishery Management Council  
300 S New Street, Room 2115  
Dover, DE 19904-6790  
Telephone: 302-674-2331  
Toll Free: 877-446-2362  
Fax: 302-674-5399  
Website: [www.mafmc.org](http://www.mafmc.org)  
Email: [info1@mafmc.org](mailto:info1@mafmc.org)

For a current staff roster, visit the Council's website (go to Council Staff tab on left side of webpage)

## **Mailing Lists**

If you would like to be added to the mailing list, email the office at [info1@mafmc.org](mailto:info1@mafmc.org) and indicate in the subject line "Mailing List" or call the Council toll free at 877-446-2362. We prefer to distribute meeting notices and other information via email in order to save on paper and mailing costs, so please let us know if this is an option for you. When calling the office indicate which of the following mailing list's you would like to be added to:

- Press Releases
- Meeting Agendas
- Newsletters

## **Useful Telephone Numbers and Websites**

NOAA Federal Fishing Violations Hotline  
800-853-1964

NOAA Fisheries National Website  
<http://www.nmfs.noaa.gov>

NOAA Northeast Regional Office  
978-281-9300 <http://www.nero.noaa.gov/nero>

NOAA Northeast Fisheries Science Center:  
508-495-2000 <http://www.nefsc.noaa.gov>

NOAA Fisheries Northeast Permits  
978-281-9370 <http://www.nero.noaa.gov/permits>

NOAA Fisheries Northeast Regulations  
<http://www.nero.noaa.gov/nero/regs/index.html>

NOAA Fisheries Northeast Protected Resources  
[http://www.nero.noaa.gov/prot\\_res](http://www.nero.noaa.gov/prot_res)

NOAA Right Whale Northeast Sightings  
978-585-8473

NOAA MMPA/Sea Turtle/ESA Stranding Network  
978-281-9351

Atlantic States Marine Fisheries Commission:  
202-289-6400 <http://www.asafc.org>

New England Fishery Management Council  
978-465-0492 <http://www.nefmc.org>

South Atlantic Fishery Management Council  
843-571-4366 <http://www.safmc.net>

NOAA Fisheries Southeast Regional Office  
727-824-5301 <http://sero.nmfs.noaa.gov>

### **State Fisheries Agencies for MAFMC Jurisdiction**

New York	(631) 444-0430
New Jersey	(609) 292-7794
Pennsylvania	(717) 705-7800
Delaware	(302) 739-9914
Maryland	(800) 688-3467
Virginia	(757) 247-2248
North Carolina	(252) 726-7021



## SPECIES MANAGED

**Summer  
Flounder**



**Scup**



**Black  
Sea Bass**



**Bluefish**



***Illex*  
Squid**



***Loligo*  
Squid**



**Atlantic  
Mackerel**



**Butterfish**



**Surfclam**



**Ocean  
Quahog**



**Tilefish**



**Spiny Dogfish**  
**(Joint  
management  
with NEFMC)**



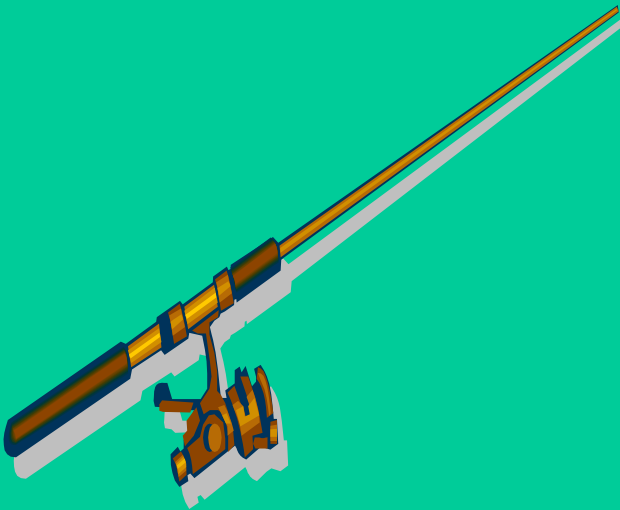
**Monkfish**  
**(Joint  
management  
with NEFMC)**



## About This Document

**This publication was prepared for general information purposes in October, 2008. It is published by the Mid-Atlantic Fishery Management Council pursuant to NOAA Award Number NA05NMF4410052.**

**For more information on the Mid-Atlantic Fishery Management Council visit our web site at [www.mafmc.org](http://www.mafmc.org) or call us toll free at 877-446-2362.**





Mid-Atlantic Fishery Management Council

300 S. New Street, Room 2115

Dover, DE 19904

Phone: 302-674-2331

FAX: 302-674-5399

Web Site: [www.mafmc.org](http://www.mafmc.org)