



## Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman  
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September 28, 2021

Marian Macpherson  
Acting Branch Chief, Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, 13<sup>th</sup> Floor  
Silver Spring, MD 20910

Dear Ms. Macpherson,

Thank you for the opportunity to provide comments on the draft NS1 Technical Guidance Subgroup 3 Tech Memo: Managing with ACLs for data-limited stocks in federal fishery management plans – *Review and recommendations for implementing 50 CFR 600.310(h)(2) flexibilities for data limited stocks*. I would also like to thank you and Dr. Jason Cope from the Northwest Fisheries Science Center for taking time out of your busy schedules to present and provide an overview of the guidelines outlined in the tech memo to the Council's Scientific and Statistical Committee (SSC) at their September 7-8, 2021 meeting. The comments offered in this letter reflect the discussion and input from the SSC during their September meeting.

As noted in the draft tech memo, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) allows for some flexibility in the determination of Annual Catch Limits (ACL) for data-limited stocks where a weight/numbers based ACL cannot be specified. These flexibilities include specification of ACLs in terms of numbers caught rather than total weight and consideration of rate-based ACLs wherein some measure of rate of change in relative status or some metric of exploitation can be estimated. For example, the SSC noted that changes in average length may be useful for some stocks as a measure of exploitation level.

Overall, the SSC found the tech memo to be well thought out and provides a good framework to addressing this very specific issue. In fact, the SSC referred to the guidelines and recommendations outlined in the tech memo when reviewing an exempted fishing permit (EFP) application that would consider the development of an experimental purse seine fishery in federal waters for Atlantic thread herring. The SSC recommended a variety of biological and fine-scale fishery performance information be collected as part of the EFP requirements that are consistent with the recommendations in the tech memo to ensure the information collected at the start of any fishery is valuable for future scientific management.

The SSC highlighted that metrics that rely on attributes of the population (e.g., length composition) also rely heavily on proper sampling designs and proper interpretation of observations which could be an area of concern for these data limited stocks. SSC members also noted the difficulty of maintaining a consistent level of risk across stocks and that risk is typically highest for those stocks with the least information. Such risks also imply tradeoffs that may extend to other species. This suggests the value of considering ecosystem considerations in the ACL process which is not explicitly covered in the memo.

The tech memo describes and utilizes various decision flow charts (see Figure 1, page 5 and the figure titled “Considerations for ACLs in Data-Limited Fisheries, page 8). The SSC noted that in many instances, these ACL decisions would be based on less than desirable levels of information. One SSC member noted that the scientific literature is far from settled with respect to the utility of many Data Limited Methods. In many instances, simulation testing has revealed poor performance of once promising methods, especially those that rely only on catch.

Thank you again for the opportunity for the Council and SSC to provide comments on the draft NS1 tech memo. Please feel free to reach out to me or Brandon Muffley of my staff if you have any questions or need anything additional.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke at the end.

Christopher M. Moore, Ph.D.  
Executive Director

cc: M. Luisi, P. Townsend, P. Rago, B. Muffley