



## June 2022 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met June 7-9, 2022, in Riverhead, New York. This was conducted as a hybrid meeting, with virtual and in-person participation options. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/june-2022>.

### **HIGHLIGHTS**

During this meeting, the Council:

- Approving several changes to the to the recreational fisheries management programs for summer flounder, scup, black sea bass, and bluefish through the Recreational Harvest Control Rule Framework/Draft Addenda (coordinated action with the ASMFC's ISFMP Policy Board)
- Approved a revised Atlantic mackerel rebuilding plan and 2023 specifications
- Maintained status quo chub mackerel specifications for 2023-2025
- Reviewed and recommended no changes to 2023 specifications for Atlantic surfclam and ocean quahog
- Reviewed and recommended no changes to 2022 specifications for longfin squid
- Received an update on the Summer Flounder Management Strategy Evaluation model development and outputs
- Approved the MAFMC Aquaculture Policy
- Supported continuing the process of redeveloping the Mid-Atlantic Research Set-Aside (RSA) program
- Received a preview of habitat science products to be rolled out in Summer 2022 as part of the Northeast Regional Marine Fish Habitat Assessment (NRHA)
- Reviewed a report on commercial landings from Maine through North Carolina of species that are not managed at the state or federal level
- Received a presentation and provided initial feedback on NOAA Fisheries' Equity and Environmental Justice Strategy
- Reviewed spatial revenue analyses related to river herring and shad bycatch
- Reviewed and provided feedback on development of coastwide measures to reduce risk from gillnet fisheries and other trap/pot fisheries not covered in Phase I
- Reviewed and provided feedback on the Draft Atlantic Sturgeon Bycatch Action Plan
- Received a presentation on development of a statewide ocean acidification (OA) monitoring network in New Jersey

### **Recreational Harvest Control Rule Framework/Addenda**

The Council and the Atlantic States Marine Fisheries Commission's Interstate Fisheries Management Program Policy Board (Policy Board) approved changes to the recreational fisheries management programs for summer flounder, scup, black sea bass, and bluefish. These changes include a new process for setting recreational measures (bag, size, and season limits) and modifications to the recreational accountability measures. The Council recommended these changes through a framework action, and the Policy Board adopted the new process through Addendum XXXIV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and Addendum II to the Bluefish FMP. Approval of this new process is part of a broader long-term effort by both the Council and Commission to improve recreational management of these four species. The new management program aims to provide greater stability and predictability in recreational measures from year-to-year while accounting for uncertainty in recreational catch estimates.

The Council and Policy Board considered a range of management options and ultimately selected one referred to as the “Percent Change Approach,” with an agreement to continue development of several other options for possible implementation by 2026. Under the selected approach, managers will consider two factors when determining whether recreational measures should be restricted, liberalized, or remain unchanged for the next two years. First, they will look at how recreational harvest limits (RHLs) for the next two years compare to recent estimates of recreational harvest. This gives an indication of whether recreational harvest is likely to exceed the RHL if management measures remain unchanged. Next, managers will consider the most recent estimate of stock size relative to the target stock size. These two factors, in combination, will be used to determine the percentage change in harvest that management measures should aim to achieve.

Under the new process, when recent harvest estimates are close to the future RHL, management measures will either remain unchanged or be reduced or liberalized by 10%, depending on stock size relative to the target. In cases where the RHL is substantially above or below recent harvest estimates, the specific reduction or liberalization will vary based on stock size and will either be fixed at 10% or will be based on the difference between recent harvest and the RHL but capped at 20% or 40% (see [this table](#) for additional details). The Council and Policy Board selected this option because it uses currently available data and gives additional consideration to stock status when making management decisions. Under this approach, changes will be considered every other year when new scientific information about the stock is available.

While the Percent Change Approach is similar in some ways to the current process for setting recreational measures, there are several key differences. To account for uncertainty in recreational data, future RHLs will be evaluated relative to the confidence intervals around recent recreational harvest estimates. A confidence interval indicates the range of possible values given the statistical uncertainties around the estimate. The new process also places greater emphasis on stock status, potentially reducing the magnitude of changes when the stock status is healthy. Finally, the new process will provide greater stability, as measures will be set for two years at a time instead of every year.

The Council and Policy Board acknowledged this approach will not solve all recreational fisheries management challenges. With this in mind, they agreed to continue refinement of the Percent Change Approach as well as two other options considered within the Draft Framework/Addenda, with particular emphasis on using improved statistical models to develop measures. Use of the approved Percent Change Approach will sunset no later than the end of 2025 with a goal of implementing a new and improved approach to managing the recreational fisheries by the beginning of 2026.

The Council and Policy Board also revised the recreational accountability measures for all four species. Specifically, when biomass is between the target and threshold levels, the requirement of paying back recreational catch limit overages will account for whether those overages contributed to overfishing based on the most recent stock assessment information. The Council and Policy Board considered but did not recommend an option to set constraints around the use of the Commission’s conservation equivalency policy as applied to the recreational fisheries for these four species. They decided to maintain the current policy to allow individual states the flexibility to tailor management measures to meet the needs of their fisheries.

The Framework/Addenda’s changes to the recreational management program are final for state waters (0-3 miles from shore) and will be used to develop 2023 recreational measures for summer flounder, scup, and black sea bass. The new process will not be used for bluefish until the stock is declared rebuilt. The Council will submit the framework to NOAA Fisheries for review, approval, and implementation. For more information, please visit <https://www.mafmc.org/actions/hcr-framework-addenda>.

## Atlantic Mackerel Rebuilding 2.0 Amendment

The Council approved a revised rebuilding plan and 2023 specifications for Atlantic mackerel. The first rebuilding plan for the stock was implemented in November 2019. However, an updated 2021 stock assessment found that, although the stock size almost tripled between 2014 and 2019, the stock was only 24% rebuilt in 2019 and unlikely to complete rebuilding as anticipated. The revised rebuilding plan has a 61% probability of rebuilding the stock by 2032. Of the five rebuilding options considered, the Council selected this approach because it has a high probability of successfully rebuilding the stock while avoiding the severe economic impacts that would likely occur with some of the other alternatives. Compared to the original rebuilding plan, the revised plan uses lower predicted recruitment in projections to reduce the chance of underperforming stock growth predictions again.

The Council also voted to implement a first-ever federal waters recreational possession limit for Atlantic mackerel for 2023. Recreational catches of Atlantic mackerel have been relatively low historically, but recreational restrictions were deemed appropriate to achieve the total catch reduction required under the rebuilding plan. The Council had initially considered possession limits in the range of 10 to 15 fish per person, but they ultimately recommended a 20-fish per person limit based on the limited historical recreational catch and the importance of mackerel for recreational fishermen (including as bait). This limit is expected to reduce recreational catch by about 17%. Coordination with states that have substantial recreational mackerel catches (MA, NH, and ME) occurred during development of the plan, and it is hoped that these states will mirror the federal rules for their state waters in 2023.

Under the selected rebuilding plan, the acceptable biological catch (ABC) will be 8,094 metric tons (MT) for 2023. After accounting for expected Canadian catch, recreational catch, and commercial discards, the Council recommended setting the 2023 commercial quota at 3,639 MT. This quota is 79% lower than the initial 2021 rebuilding quota. A new Management Track Assessment will be available next year to inform 2024-2025 specifications.

The Council also discussed potentially scaling down the river herring and shad cap, currently set at 129 MT, in response to the reduced commercial quota. However, given the challenges associated with monitoring a very small cap, including potential closures based on a few observed trips, the Council voted to maintain the cap at 129 MT for 2023.

Finally, the Council agreed to request that NOAA Fisheries provide additional outreach and compliance assistance regarding the appropriate permitting and catch reporting for both commercial and for-hire vessels. Additional outreach should address any ambiguity regarding the need to have a permit and submit electronic vessel trip reports (eVTRs) by these vessels.

The Council will submit this amendment to the Secretary of Commerce for approval and implementation. Updates will be posted on the Council's website at <https://www.mafmc.org/actions/atlantic-mackerel-rebuilding-amendment>.

## 2023-2025 Chub Mackerel Specifications

After considering the recommendations of the Scientific and Statistical Committee (SSC), Monitoring Committee, and Advisory Panel, the Council agreed to maintain status quo chub mackerel specifications for 2023-2025. The total allowable landings (TAL) for 2023-2025 will remain at 4.50 million pounds. The Council noted that commercial and recreational landings have been well below the TAL since it was first implemented in 2020.

## Surfclam and Ocean Quahog 2023 Specifications Review

The surfclam and ocean quahog (SCOQ) fisheries are approaching the third year of multi-year specifications previously set for the 2021-2026 fishing years. The Council reviewed updated catch and landings information for both stocks, as well as recommendations from staff, the Surfclam and Ocean Quahog Advisory Panel (AP), and the

SSC, and determined that no changes to 2023 measures are warranted. To maintain the current measures, the Council also voted to recommend the Regional Administrator suspend the minimum shell length for surfclam in 2023. These specifications are described in detail in the [final rule](#) published May 13, 2021.

### Longfin Squid 2023 Specifications Review

The Council reviewed the previously-set 2023 longfin squid specifications, which would maintain the current 2022 specifications. No changes were recommended, so the Acceptable Biological Catch (ABC) will remain at 23,400 metric tons (MT), and the quota will remain at 22,932 MT (2% of the ABC is set-aside for anticipated discards).

### Summer Flounder Management Strategy Evaluation Update

Drs. Gavin Fay (UMass Dartmouth) and Andrew Carr-Harris (NEFSC) presented an overview of two simulation models being developed to support the Council's recreational summer flounder management strategy evaluation (MSE). The MSE project looks to identify potential management strategies that consider the biological and economic benefits of minimizing discards and converting those discards into landings in the recreational summer flounder fishery. The two models, a fishery/population dynamics model and a recreational economic demand model, work together to help provide an understanding of the management system and the response in summer flounder stock dynamics to management changes. The models are considering seven management alternatives across different regional or coastwide scales with a range of size, season, and possession limit considerations and will evaluate the performance of these management alternatives to alternative assumptions that consider the potential bias in recreational data and changes in stock distribution. It is anticipated that final results and project recommendations will be presented to the Council in August.

### Aquaculture Policy

The Council approved a final [Aquaculture Policy](#). The purposes of this policy are (1) to facilitate efficient and streamlined development of Council comments related to both specific projects and regional-scale planning and (2) to communicate Council conservation priorities and concerns with federal and state agencies, aquaculture developers, and the public. Sections of the policy relate to aquaculture siting, which is an important issue for the Council both in the context of avoiding impacts to sensitive fish habitats, and to reduce the potential for conflicts with wild capture fisheries. The policy articulates other general Council concerns and recommendations related to aquaculture development.

### Research Set-Aside Program Redevelopment

The Council reviewed recommendations from the Research Steering Committee and discussed potential redevelopment of the Council's Research Set-Aside (RSA) program. The Council suspended the RSA program in 2014 due to a variety of concerns associated with the program that included administrative, enforcement and science issues. In 2020, the Council agreed to review and consider the RSA program redevelopment given that research priorities continue to grow and funding needs remain. From July 2021 through April 2022, the Council's Research Steering Committee held a series of meetings and exploration workshops aimed at developing a draft framework for a revised RSA program that would seek to address the issues and shortcomings of the original RSA program. The workshops and Committee meetings were aided by input and guidance from the SSC Economic Work Group, which provided technical information and strategic advice regarding economic considerations and trade-offs.

The Committee made a number of recommendations to the Council, including a new set of RSA program goals and objectives, suggested changes to specific program elements, and proposed areas for state partner engagement and collaboration. While substantial work remains and additional program details still need to be specified, the Council recognized the potential value of the RSA program. Council members noted that the opportunity to raise funds to produce quality research is worth continuing to pursue. The Council will continue

to engage with the ASMFC and state partners and will consider the next steps in the RSA redevelopment later this year as they set priorities for 2023.

### [Northeast Regional Habitat Assessment Update](#)

The Council received a preview of habitat science products to be rolled out in Summer 2022 as part of the Northeast Regional Marine Fish Habitat Assessment (NRHA). NRHA is a collaborative effort to describe and characterize estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast. Tori Kentner (Council staff) and Chris Haak (Monmouth University/NOAA) presented in detail on the spatiotemporal models that have been developed to describe fish species distributions and the Data Explorer that has been developed to navigate all the data products including metadata and reports. The results of this assessment have applications which include improving Essential Fish Habitat (EFH) designations, providing information for the State of the Ecosystem Reports, and addressing needs related to fish stock assessment ecosystem terms of reference.

### [Unmanaged Commercial Landings Report](#)

The Council reviewed a report on commercial landings from Maine through North Carolina of species that are not managed at the state or federal level, as well as commercial landings of the species designated as Ecosystem Components through the Council's Unmanaged Forage Omnibus Amendment. The goal of this report is to look for signs of developing commercial fisheries for unmanaged species. The Council did not express concern about any increases in landings.

### [NOAA Fisheries Equity and Environmental Justice Strategy](#)

NOAA Fisheries presented its first-ever draft [Equity and Environmental Justice \(EEJ\) Strategy](#) and invited public comments through August 19, 2022. The presentation described the context for NOAA Fisheries EEJ Strategy and described barriers to achieving EEJ. In addition to accepting [written comments](#), they are hosting four webinars on the strategy. In-person meeting dates and venues will be announced soon. For further information please visit [NOAA Fisheries Invites Public Comment on New Draft Equity and Environmental Justice Strategy](#).

### [NEFSC River Herring and Shad Update](#)

The Council reviewed analyses that described recent trawl revenues from areas previously identified to have higher catches of river herring and shad (RH/S) in observer data. No areas were immediately identifiable as likely to reduce RH/S catch at very low impacts to potential revenues. The Council may consider prioritizing additional analyses in future annual implementation plans.

### [Atlantic Large Whale Take Reduction Plan Phase II](#)

Marisa Trego, coordinator of the Atlantic Large Whale Take Reduction Team (ALWTRT), provided an update on the May ALWTRT Meeting where different sets of measures were drafted by the team to be analyzed using the Decision Support Tool. These measures are in support of Phase II of the ALWTRP to reduce risk from coastwide gillnet fisheries and other trap/pot fisheries not covered in Phase I. They also provided a brief overview of their soon-to-be-released Roadmap to On-Demand fishing. The Council and members of the public discussed concerns over potential measures and issues related to ropeless fishing. The Council will hold a Protected Resources Committee meeting before the TRT makes final recommendations in order to provide input on those recommendations.

### [Atlantic Sturgeon Bycatch Draft Action Plan](#)

Spencer Talmage (NOAA Fisheries) provided an overview of the Draft Atlantic Sturgeon Bycatch Action Plan. Atlantic sturgeon, a slow growing and late maturing species, has been listed under the Endangered Species Act (ESA) since 2012. On May 27, 2021, NOAA Fisheries released a "batched" biological opinion which considered the

effects of several fishery management plans on ESA-listed species. The Biological Opinion specifies several requirements necessary to minimize the impacts of any incidental take. These include a requirement that NOAA Fisheries convene a working group to address Atlantic sturgeon bycatch in the Federal large mesh gillnet fisheries. The working group released a Draft Action Plan in May 2022. The Action Plan recommends that the New England and Mid-Atlantic Councils, in coordination with NOAA Fisheries and the ASMFC, consider a range of potential measures to reduce Atlantic sturgeon bycatch in federal large mesh gillnet fisheries. The Action Plan is expected to be finalized this year and recommends the NEFMC and MAFMC include actions to address sturgeon bycatch in gillnet fisheries as a part of their 2023 workplans. The Council and public asked clarifying questions and provided feedback on the draft action plan. The final plan will be released later in 2022.

### New Jersey Ocean Acidification Presentation

Dr. Grace Saba (Rutgers) gave a presentation on efforts to develop a comprehensive, statewide ocean acidification (OA) monitoring network in New Jersey. A vulnerability study found that because of a combination of New Jersey's economic dependence on vulnerable commercial species and the presence of OA drivers in the area, southern New Jersey was determined to be one of the most socially vulnerable regions to OA effects. The New Jersey Coastal Management Program (NJCMP) OA Team has been collaborating with experts at Rutgers University to develop an OA action plan for New Jersey. Given the nature of state OA initiatives that rely on risk assessments informed by scientific monitoring results, the NJCMP OA Team and Rutgers University recognized the development of a comprehensive, statewide monitoring network in New Jersey as a "first order" action. Dr. Saba's presentation discussed monitoring gaps in the state and described how a planned monitoring network would address those gaps.

### Next Meeting

The next Council meeting will be held **August 8-11, 2022** in Philadelphia, PA. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.