February 2023 Council Meeting

Tuesday, February 7 – Thursday, February 9, 2023

The Hotel Washington
(515 15th Street NW, Washington, D.C., 20004, 202-661-2400)
or via Webex webinar

This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at The Hotel Washington or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: https://www.mafmc.org/briefing/february-2023.

Tuesday, February 7th

1:00 p.m. – 2:00 p.m. **Executive Committee Meeting (*Closed Session*) (Tab 1)**
- Ricks E Savage Award

2:00 p.m. ***Council Convenes***

2:00 p.m. – 2:30 p.m. **NOAA Fisheries Overview (Tab 2)**
(Janet Coit, Assistant Administrator, NOAA Fisheries)
- Update from NOAA Fisheries Assistant Administrator

2:30 p.m. – 3:30 p.m. **Monkfish (Framework Adjustment 13 & Research Set-Aside (RSA) Program) (Tab 3)**
(Dr. Rachel Feeney, New England Fishery Management Council (NEFMC))
- Final action on 2023-2025 specifications and other measures, with consideration of additional NEFMC Scientific and Statistical Committee (SSC) input on ABCs
- Monkfish RSA - revisit 2023-2024 RSA priorities

3:30 p.m. – 4:00 p.m. **Squid Squad Update (Tab 4)**
(Kim Hyde, Anna Mercer, and Sarah Salois, Northeast Fisheries Science Center (NEFSC))
- Update on ongoing work of the "Squid Squad," a collaborative effort to continue advancing knowledge on *Illex* Squid.

4:00 p.m. – 4:30 p.m. ***Illex* Permit Action Follow-Up (Tab 5)**
- Review NOAA Fisheries response to Council letter
- Consider initiating any related 2023 actions

4:30 p.m. – 5:00 p.m. **Lessons Learned – Piloting an Automatic Jigging Machine in Southern New England Squid Fisheries (Longfin) (Tab 6)**
(Dr. David Bethoney, Commercial Fisheries Research Foundation)
- Presentation on preliminary results, challenges faced, and lessons learned from this project

Wednesday, February 8th

9:00 a.m. – 9:45 a.m. **Highly Migratory Species (HMS) Update (Tab 7)**
(Randy Blankinship, Chief, Atlantic HMS Management Division, Office of Sustainable Fisheries, NOAA Fisheries)
- Recent and ongoing management initiatives
- Outcomes of the November 2022 International Commission for Conservation of Atlantic Tunas (ICCAT) meeting

9:45 a.m. – 10:30 a.m. **Bluefish and Spiny Dogfish Research Track Assessments (Tab 8)**
(Russ Brown, Supervisory Research Fishery Biologist, NEFSC, NOAA Fisheries)
- Overview of recently completed Track Assessments

10:30 a.m. – 11:30 a.m. **Atlantic Large Whale Take Reduction Team (Tab 9)**
(Coleen Coogan, Protected Resources, NOAA Fisheries)
- Update and potential impacts to Mid-Atlantic Fisheries

11:30 a.m. – 12:00 p.m. **Financial Disclosure and Recusal Presentation (Tab 10)**
(John Almeida, General Counsel, NOAA Fisheries)
- NOAA Guidance to Councils on Financial Disclosures and Voting Recusal

-------- Lunch 12:00 p.m. – 1:00 p.m. --------

1:00 p.m. – 1:30 p.m. **Atlantic Surfclam and Ocean Quahog Industry Presentation (Tab 11)**
(Roger Mann, Virginia Institute of Marine Science Site Director for SCEMFIS)
- Presentation by SCEMFIS on survey examining the composition of surfclam and quahog in clam beds from Ocean City, MD to south of Hudson Canyon.

1:30 p.m. – 3:00 p.m. **Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment (Tab 12)**
- Review FMAT action plan for 2023 (i.e., next steps) for amendment development
- Review additional solutions/measures suggested by the Advisory Panel

3:00 p.m. – 3:30 p.m. **NEFSC Cost Survey for Commercial Fishing Businesses Presentation (Tab 13)**
(Samantha Werner, Economist, NOAA Fisheries)
- Update on the 2023 Northeast Commercial Fishing Cost Survey

3:30 p.m. – 4:00 p.m. **Marine Resource Education Program (MREP) Overview (Tab 14)**
(Liz Moore, MREP Atlantic Region Program Manager, Gulf of Maine Research Institute)
- Overview of the goals and accomplishments of the MREP program

4:00 p.m. – 4:30 p.m. **Northeast Trawl Advisory Panel (NTAP) Presentation (Tab 15)**
- Overview and purpose of NTAP
- Update on recent activities

Thursday, February 9th

10:00 a.m. – 1:00 p.m. **Business Session**

Committee Reports – SSC

Executive Director's Report (Tab 16) (Dr. Chris Moore)
- Review and reappoint SSC membership

Organization Reports – NOAA Fisheries Greater Atlantic Regional Office, NOAA Fisheries Northeast Fisheries Science Center, NOAA Office of General Counsel, NOAA Office of Law Enforcement, US Coast Guard

Liaison Reports (Tab 17) – New England Council, South Atlantic Council

Other Business and General Public Comment

This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.

The above agenda items may not be taken in the order in which they appear and are subject to change, as necessary. Other items may be added, but the Council cannot take action on such items even if the item requires emergency action without additional public notice. Non-emergency matters not contained in this agenda may come before the Council and / or its Committees for discussion, but these matters may not be the subject of formal Council or Committee action during this meeting. Council and Committee actions will be restricted to the issues specifically listed in this agenda. Any issues requiring emergency action under section 305(c) of the Magnuson-Stevens Act that arise after publication of the Federal Register Notice for this meeting may be acted upon provided that the public has been notified of the Council's intent to take final action to address the emergency. The meeting may be closed to discuss employment or other internal administrative matters.

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Stock Status of MAFMC-Managed Species

(as of 1/25/23)

SPECIES	STATUS DETERMINATION CRITERIA		Stock Status	Most Recent Assessment
	Overfishing $F_{threshold}$	Overfished ½ B_{MSY}		
Summer Flounder 	$F35\%_{MSP}$=0.422	60.87 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Scup 	$F40\%_{MSP}$=0.200	99.23 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Black Sea Bass 	$F40\%_{MSP}$=0.46	15.92 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Bluefish 	$F_{35\%SPR}$=0.181	222.37 million lbs	No overfishing Overfished	Most recent management track assessment was 2021. Dec 2022 research track review – stock status will be updated with 2023 management track assessment.
***Illex* Squid (short finned)** 	Unknown	Unknown	Unknown Unknown	2022 research track assessment failed, but peer review agreed likely "lightly fished in 2019," though with cautious caveats.
Longfin Squid 	Unknown	46.7 million lbs	Unknown Not overfished	Most recent assessment update was 2020; not able to determine current exploitation rates.
Atlantic Mackerel 	$F_{40\%}$=0.22	199.6 million pounds	Overfishing Overfished	Most recent management track assessment was 2021.
Butterfish 	F_{Proxy}=2/3M =0.81	43.5 million lbs	No overfishing Not overfished	Most recent management track assessment was 2022.

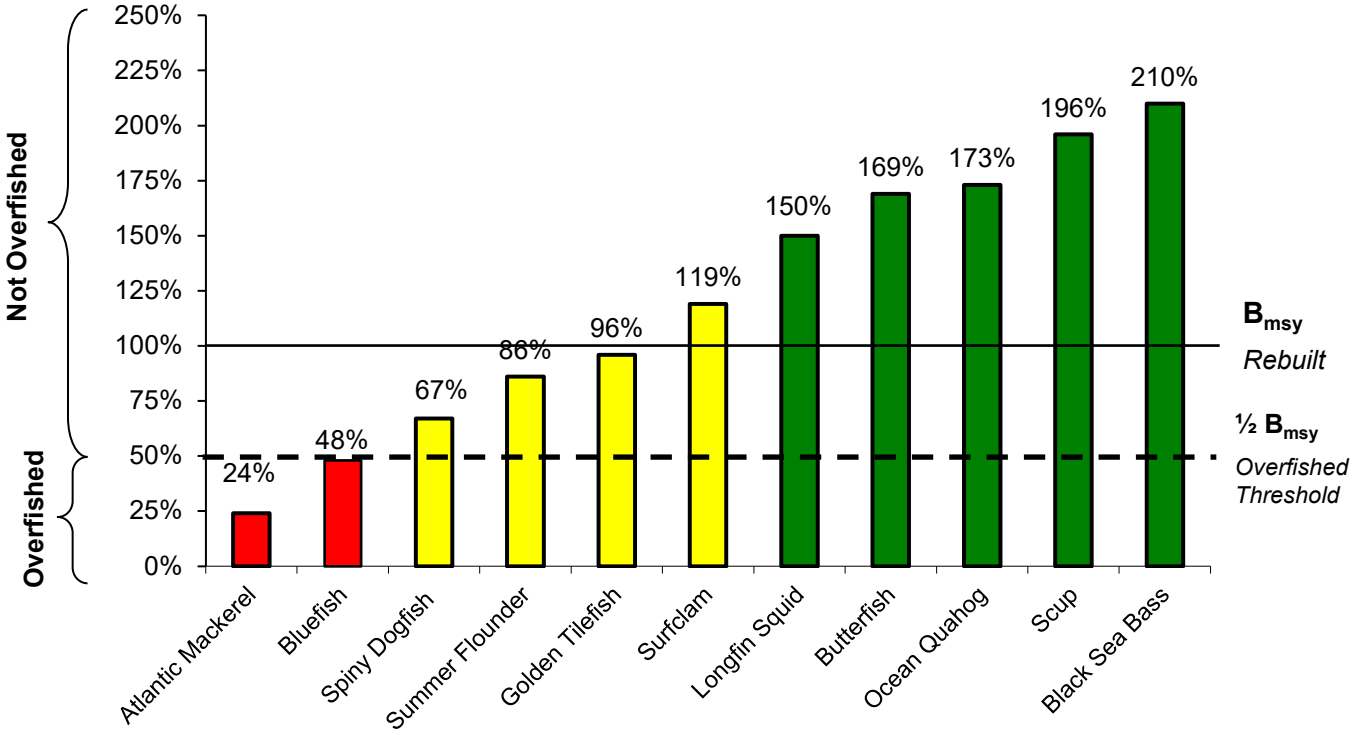
SPECIES	STATUS DETERMINATION CRITERIA		Stock Status	Most Recent Assessment
	Overfishing $F_{threshold}$	**Overfished** ½ B_{MSY}		
Chub Mackerel 	At least 3,026 MT of catch per year	At least 3,026 MT of catch three years in a row	No overfishing Not overfished	No stock assessment.
Surfclam 	$F/F_{threshold} = 1$ [a]	$SSB/SSB_{threshold} = 1$ [b]	No overfishing Not overfished	Most recent management track assessment was 2020.
Ocean Quahog 	$F/F_{threshold} = 1$ [c]	$SSB/SSB_{threshold} = 1$ [d]	No overfishing Not overfished	Most recent management track assessment was 2020.
Golden Tilefish 	$F_{40\%MSP}$=0.261	12.12 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Blueline Tilefish 	Unknown	Unknown	South of Cape Hatteras: No overfishing Not overfished North of Cape Hatteras: Unknown Unknown	Most recent benchmark assessment was 2017.
Spiny Dogfish (Joint mgmt with NEFMC) 	F_{MSY}=0.2439	175.6 million lbs Female SSB	No overfishing Not overfished	Most recent assessment was 2018. Dec 2022 research track review – stock status will be updated with 2023 management track assessment.
Monkfish (Joint mgmt with NEFMC) 	NFMA & SFMA F_{MAX}=0.2	NFMA - 1.25 kg/tow SFMA - 0.93 kg/tow (autumn trawl survey)	Unknown Unknown	Management track assessment is being peer reviewed in September 2022.

SOURCES: Office of Sustainable Fisheries - Status Report of U.S. Fisheries; SAW/SARC, SEDAR, and TRAC Assessment Reports.

[a] $F_{threshold}$ is calculated as 4.136 times the mean F during 1982 – 2015.
[b] $SSB_{threshold}$ is calculated as $SSB_0/4$.
[c] $F_{threshold}$ is 0.019.
[d] $SSB_{threshold}$ is calculated as $0.4*SSB_0$.

Stock Size Relative to Biological Reference Points

(as of 1/25/23)



Notes:

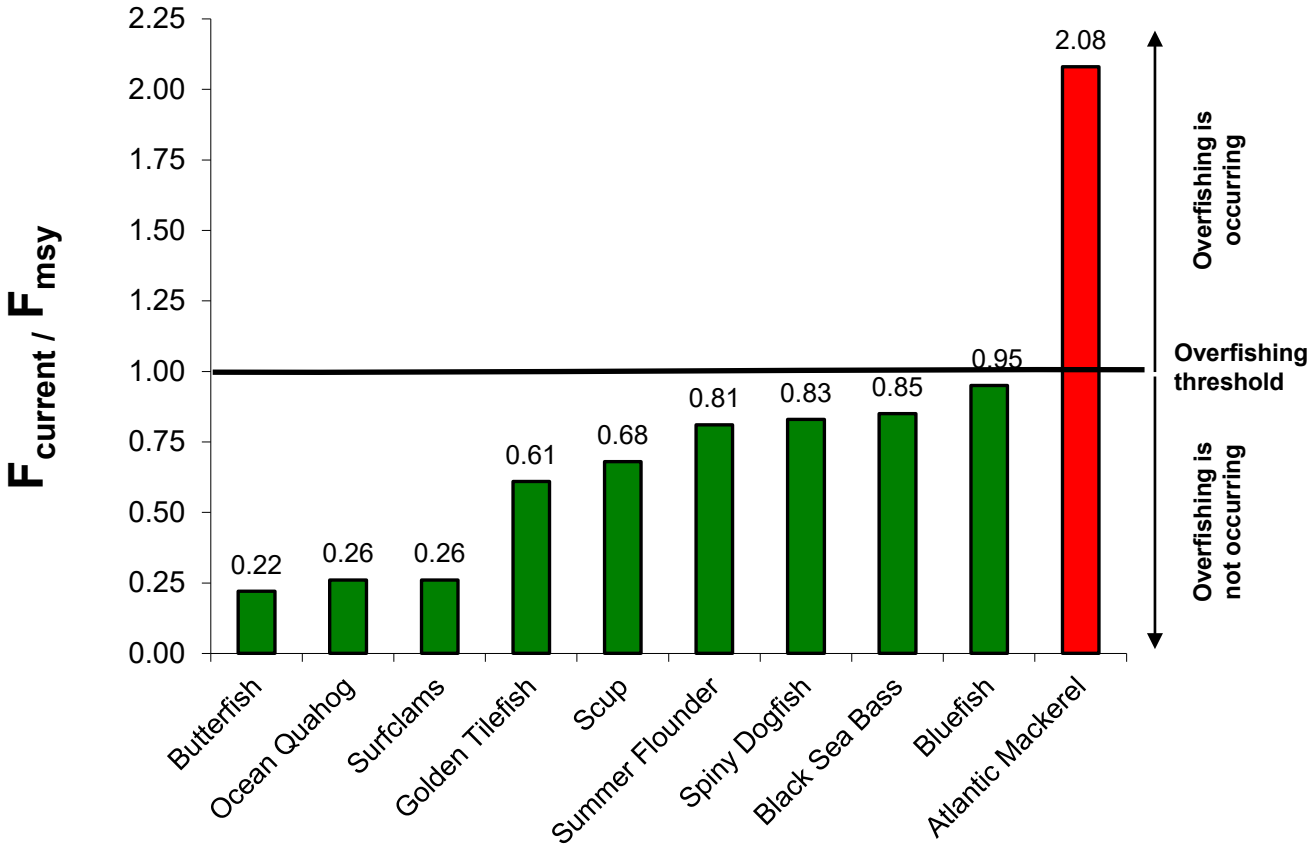
- Unknown B_{msy} - *Illex* squid, monkfish (NFMA & SFMA), blueline tilefish (North of Cape Hatteras), and chub mackerel.
- Of the 15 species managed by the Council, 5 are above B_{msy}, 6 are below B_{msy}, and 4 are unknown.

Year of data used to determine stock size	
Atlantic Mackerel	2019
Black Sea Bass	2019
Bluefish	2019
Butterfish	2021
Golden Tilefish	2020
Longfin Squid	2018-2019 (average)
Ocean Quahog	2019
Spiny Dogfish	2018
Surfclam	2019
Scup	2019
Summer Flounder	2019

MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

Fishing Mortality Ratios for MAFMC-Managed Species

(as of 1/25/23)



Year of data used to determine fishing mortality	
Atlantic Mackerel	2019
Black Sea Bass	2019
Bluefish	2019
Butterfish	2021
Golden Tilefish	2020
Ocean Quahog	2019
Spiny Dogfish	2017
Surfclam	2019
Scup	2019
Summer Flounder	2019

Notes:

- Unknown fishing mortality: *Illex* squid, Longfin squid, monkfish (NFMA and SFMA), blueline tilefish (North of Cape Hatteras), and chub mackerel.
- Of the 15 species managed by the Council, 9 are above F_{msy}, 1 is above, and 5 are unknown.

Status of Council Actions Under Development

AS OF 1/25/23

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass *and* Bluefish	Recreational Harvest Control Rule 2.0 Action	The Recreational Harvest Control Rule Framework (approved June 2022) modified the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish (once bluefish is no longer in a rebuilding plan). The new "Percent Change Approach" will sunset no later than the end of 2025. This action will consider a new process to be implemented in time for use in setting 2026 recreational measures. https://www.mafmc.org/actions/hcr-framework-addenda	An FMAT will be formed in spring 2023. The Council and ASMFC's Policy Board are tentatively scheduled to receive an update and discuss next steps at the August 2023 meeting.	Beaty
	Recreational Sector Separation and Catch Accounting Amendment	This amendment considers (1) options for managing for-hire recreational fisheries separately from other recreational fishing modes and (2) options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels. https://www.mafmc.org/actions/recreational-reform-initiative	An FMAT will be formed in mid-2023 to begin development of issues for consideration and a draft scoping document. The Council and ASMFC's Policy Board are tentatively scheduled to review a draft scoping document in December 2023.	Dancy/Hart
Surfclam and Ocean Quahog	Surfclam and Ocean Quahog Species Separation Requirements Amendment	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip or in the same tagged cage. The Council is developing and Amendment to modify species separation requirements in these fisheries in the short-term. In addition, staff/NEFSC will explore longer term solutions for monitoring (such as electronic monitoring testing on the clam survey). https://www.mafmc.org/actions/scoq-species-separation	In December 2022 the Council reviewed public comments and agreed to postpone final action to allow time for development of additional alternatives.	Coakley/ Montañez

FMP	Action	Description	Status	Staff Lead
Omnibus	Omnibus Essential Fish Habitat Amendment	This action is an opportunity to utilize the best available fish habitat science to improve EFH designations and support the Council's fish habitat conservation efforts while supporting the EFH consultation process. The consultation process plays an important role in addressing the impacts of non-fishing projects (such as wind energy projects) on fish habitat. This action will concurrently conduct the 5-year EFH review required under the Magnuson Stevens Act while amending fishery management plans for the Council, as needed.	This action was initiated in October 2022. FMAT formation is in progress.	Coakley
Monkfish	Framework for 2023-2025 Specifications and other Management Measures	Includes potential changes to mesh size, days at sea usage, and trip limits. Joint FMP with New England. Was focused on increasing flexibility, but final NE SSC ABC recommendation is around recent catches.	New England Council Lead. Final action is anticipated in February 2023.	Didden
Dogfish and Monkfish	Framework to Reduce the Bycatch of Atlantic Sturgeon	This action was initiated due to the 2021 Biological Opinion (BiOp) that considered the effects of ten FMPs on ESA listed species. The BiOp requires that sturgeon bycatch be reduced in federal large mesh gillnet fisheries, however it does not prescribe specific measures or a target percentage of bycatch reduction.	Initiated in December 2022. NEFMC and MAFMC staff will co-lead the FMAT/PDT.	Cisneros

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

As of 1/25/23

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

Title	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule	Approval/ Disapproval Letter	Final Rule	Regs Effective	Notes
Black Sea Bass Commercial State Allocation Amendment	SFSBSB Amd 23	8/4/21	11/19/21	9/14/22						
MSB Rebuilding 2.0 Amendment	MSB Amd 23	6/8/22	8/19/22	10/27/22	10/25/22	11/2/22	1/24/23			
Recreational Harvest Control Rule Framework	SFSBSB FW 17; BF FW 6	6/7/22	8/31/22	11/21/22		12/15/22				

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 1/25/23

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Golden Tilefish	2022-2024	8/11/21	10/7/21	4/22/22	9/14/22	11/10/22	11/9/22	Submitted under the Tilefish Multi-Year Specifications Framework 7
Blueline Tilefish	2022-2024	4/7/21	10/20/21	5/5/22	8/2/22	11/3/22	12/5/22	
Surfclam and Ocean Quahog	2021-2026	8/12/20	9/2/20	2/24/21	2/17/21	5/13/21	6/14/21	
Longfin Squid	2021-2023	8/10/20	10/14/20	7/2/21	5/26/21	7/22/21	7/22/21	
Butterfish	2023-2024	6/8/22	9/8/22					
Illex Squid	2023	8/10/22	11/10/22					SSC also reviewing in March 2023
Atlantic Mackerel (including RH/S cap)	2023	6/8/22	8/19/22	10/27/22	11/2/22			Submitted under the Mackerel Rebuilding 2.0 Amendment
Chub mackerel	2023-2025	6/8/22	9/8/22					
Bluefish	2023	8/8/22	9/22/22	10/26/22	11/15/22	12/21/22	1/1/23	
Summer Flounder, Scup, Black Sea Bass	2023	8/9/22	9/28/22	10/26/22	12/6/22	1/3/23	1/1/23	
Spiny Dogfish	2023	10/5/22	1/13/23					

Recreational Management Measures

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder rec measures	2023	12/13/22						
Black sea bass rec measures	2023	12/13/22						
Scup rec measures	2023	12/13/22						
Bluefish rec measures	2022-2023	12/13/21	1/23/20	3/19/20	5/25/20	6/29/20	6/29/20	Reviewed in 2022. No changes from prevous year's measures.

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2023

To: Executive Committee

From: Chris Moore, Executive Director

Subject: Ricks E Savage Award

The Executive Committee will meet in closed session on Tuesday, February 7, 2023 to consider nominations for the Ricks E Savage award. The award is presented annually to a person who has added value to the Mid-Atlantic Fishery Management Council process and management goals through significant scientific, legislative, enforcement, or management activities.

Selection Process

1. Written nominations will be solicited and received by the end of November each year by the Executive Committee.
2. Initially, nominations may only be made by Mid-Atlantic Council members.
3. The Executive Committee will select the recipient by consensus.
4. The recipient's identity will remain confidential, if possible, until announced during the award presentation.

Other Award Rules

1. Candidates must be nominated each year (nominations will not carry over)
2. Recipients can be reimbursed for travel expenses to receive the award.
3. The recipient will receive a plaque. A permanent plaque will be placed in the Headquarters office in Dover with a list of all the recipients.

Past Recipients

2006 – Jim Ruhle
2007 – Jim Gilford
2008 – Phil Ruhle
2009 – Laurie Nolan
2010 – Dennis Spitsbergen
2011 – John Boreman
2012 – Jack Travelstead
2013 – Red Munden
2014 – George Darcy
2015 – Pres Pate
2016 – Lee Anderson
2017 – Howard King
2018 – Rich Seagraves
2019 – Rob O'Reilly
2020 – Warren Elliott
2021 – Steve Heins

Guidelines for Award of Excellence

The Mid-Atlantic Fishery Management Council Award of Excellence recognizes an individual's outstanding contribution to fisheries management, legislation, science, or law enforcement in the mid-Atlantic region.

Award

The award will be made on a periodic basis subject to the identification and selection of outstanding individuals.

Selection process:

Council members will send written nominations to the Executive Director at any time during the year.

The Executive Director will present nominations to the Executive Committee as they become available.

The Executive Committee will meet to discuss the nominee's achievements and select the recipient by consensus.

The award presentation will occur at an award ceremony in association with a Mid-Atlantic Council meeting.

The recipient will receive an award trophy at the ceremony and a permanent plaque will be placed in the Council office in Dover, DE with a list of all the recipients.

Past Recipients:

August, 2016 - Richard B. Robins, Jr.

Janet Coit

Assistant Administrator for Fisheries

Janet Coit was named the new assistant administrator for NOAA Fisheries in June 2021. She has worked on environmental issues, natural resource management, and stewardship for more than 30 years. She directed the Rhode Island Department of Environmental Management (DEM) for more than 10 years, where she focused on improving natural resource conservation, promoting locally grown food, including seafood, and addressing the climate crisis. Coit also chaired Rhode Island's Seafood Marketing Collaborative and worked with stakeholders to promote supplying seafood locally and abroad.

At DEM, Coit streamlined the permitting process to support environmental and economic interests in the state. Additionally, she provided more opportunities for families and tourists to connect with nature while enhancing the Department's customer service for all clients, including businesses and the public. Among her top achievements were improving morale at the agency, championing the need for more funding in support of parks and open space, clean water, brownfields remediation, and addressing climate change.

Before joining Rhode Island DEM in 2011, Coit was the state director for The Nature Conservancy in Rhode Island for 10 years. Prior to that, she was counsel and environmental coordinator in the Providence office of the late Senator John Chafee and, subsequently, then-Senator Lincoln Chafee. Coit also served as counsel to the U.S. Senate Committee on the Environment and Public Works, where she advised on national environmental policy.

Coit is a magna cum laude graduate of Dartmouth College. She holds a law degree from Stanford Law School, where she was president of the Environmental Law Society and a member of the Environmental Law Journal.

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 26, 2023

To: Chris Moore

From: Jason Didden

Subject: Monkfish: FW 13 2023-2025 Specifications; Research Set Aside (RSA)

The Council will consider final action for Monkfish Framework (FW) 13 and consider endorsing revised monkfish RSA priorities. Dr. Rachel Feeney of New England Fishery Management Council (NEFMC) staff will present. The following primary documents support Council action (other supporting documents are linked at the bottom of the next page):

-NEFMC Press Release on Monkfish Specifications Final Action and RSA priorities

-Updated FW 13 Decision Document

-1/20/23 NEFMC Scientific and Statistical Committee (SSC) Summary (ABC Remand)

As referenced in the updated decision document as "December 2022 Request of Councils," the NEFMC SSC revised their 2023-2025 monkfish Acceptable Biological Catch (ABC) recommendations. The revised ABCs are similar to recent catches, and the measures adopted by the NEFMC should approximately maintain current regulatory constraints on the fishery. Staff continues to note that monkfish catches in each area have varied from about 4,000-8,000 metric tons annually over the last decade - this variability, and small management uncertainty buffers, create the potential for annual catch limit (ACL) overages in either or both areas. Per current regulations, ACL overages are "paid back" by reducing future specifications.

The motions (draft) passed by the NEFMC (all unanimous and aligned with motions from a January 23, 2023 joint Monkfish Committee/Advisory Panel meeting) are:

<u>Framework Adjustment 13</u>

1. Ms. Etrie moved on behalf of the Committee: that for Action 1 (Specifications), the Council recommends Alternative 3 (January 2023 Scientific and Statistical Committee (SSC) recommendation) as the preferred alternative for both areas.

2. Ms. Etrie moved on behalf of the Committee: that for Action 2, Alternative 2, the Council accepts the Plan Development Team (PDT) recommendation for a DAS use cap of 46 across both areas.

3. Ms. Etrie moved on behalf of the Committee: that for Action 2, the Council recommends adding an option to Alternative 2 for 37 Days-at-Sea (DAS) for the Southern Area and selecting it as the preferred alternative.

4. Ms. Etrie moved on behalf of the Committee: that for Action 2, the Council recommends Alternative 2, Option A (35 DAS) in the Northern Area and selecting it as the preferred alternative.

5. Ms. Etrie moved and Mr. Olszewski seconded: that the Council approves Monkfish Framework Adjustment 13 for submission to NOAA Fisheries.

6. Ms. Etrie moved on behalf of the Committee: that the Council asks the NEFSC that prior to the next monkfish management track assessment, the current Ismooth assumptions be investigated and to be sure that the survey is tracking more than survey noise and that recent catches and survey trends are linked. Also, a detailed research plan is needed as soon as possible to increase the likelihood of the next research track assessment being successful.

Monkfish Research Set-Aside (RSA) Priorities

7. Ms. Etrie moved on behalf of the Committee: that the Council's revised list of Monkfish RSA Priorities for 2023-2024 is:
Highest Priority
1. Development of alternative stock assessment models, and analyze existing survey indices (e.g., dredge survey) for potential use in the Ismooth model and/or alternative assessment;
2. Develop a standardized CPUE index for the commercial directed monkfish gillnet fishery for potential use in the assessment;
Other Priorities (not in priority order):
3. Research on monkfish life history focusing on: (a) age and growth, (b) longevity, (c) reproduction and (d) natural mortality;
4. Trawl and gillnet gear studies focusing on (a) bycatch reduction, including reducing interactions, and injury/mortality associated with these interactions, with sea turtles, Atlantic sturgeon, right and humpback whales, and other protected species and (b) size and/or species selectivity;
5. Research on the pingers used for monkfish gillnet gear to reduce porpoise interactions, so that interaction with seals is reduced;
6. Research to improve the monkfish market (e.g., increasing domestic demand, making new markets); and
7. Research on discard mortality rates for gillnet and trawl gear (scallop dredge discard mortality rate was adjusted down in the 2022 assessment based on research. Need research for other gears).

Other supporting background materials available online via hyperlinks include:

-Updated FW13 draft EA

-Monkfish Advisory Panel and Committee – January 23, 2023 Meeting (draft motions)

-PDT memo to Committee re RSA program priorities

-Link to 1/20/23 NEFMC SSC meeting materials (remand meeting)

-Link to December MAFMC meeting

New England Fishery Management Council

FOR IMMEDIATE RELEASE
January 26, 2023

PRESS CONTACT: Janice Plante
(607) 592-4817, jplante@nefmc.org

Monkfish: Council Takes Final Action on Fishing Year 2023-2025 Specifications/Measures; Revises Research Set-Aside Priorities

The New England Fishery Management Council voted on a package of measures during its January 2023 meeting that set the stage for how the monkfish fishery will operate during the 2023-2025 fishing years.

The measures were developed through Framework Adjustment 13 to the Monkfish Fishery Management Plan and include the following:

- Acceptable biological catches (ABCs) and other specifications for both the Northern and Southern Monkfish Fishery Management Areas (see map on page 2);
- Days-at-sea allocations and a days-at-sea usage cap for both the northern and southern areas; and
- A 12" minimum mesh size requirement for monkfish gillnets with implementation delayed until 2026.

The monkfish fishery is managed jointly between the New England and Mid-Atlantic Fishery Management Councils. The New England Council has the administrative lead, but joint management means both Councils must vote on new measures before an action can be submitted to NOAA Fisheries for review, approval, and implementation. The Mid-Atlantic Council will discuss and vote on Framework 13 on February 7, 2023.

The New England Council also revised its 2023-2024 priorities for the Monkfish Research Set-Aside (RSA) Program during the January meeting in Portsmouth, NH.

How We Got Here

The New England Council was scheduled to take final action on Framework 13 during its December 2022 meeting. However, the Council voiced concern during that meeting about the method used during the last three assessments to determine stock status.

The method, known as Ismooth, applies a federal trawl survey multiplier to the latest three-year average catch from the fishery

Monkfish captured during a Virginia Institute of Marine Science (VIMS) research trip in Closed Area II on Georges Bank in October 2022. – VIMS photo

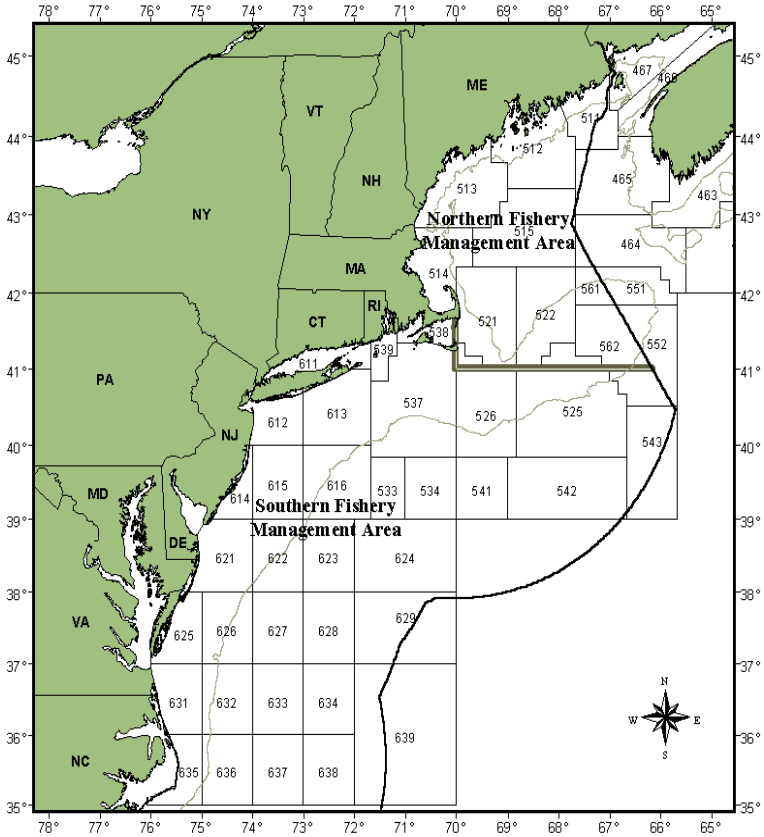
New England Fishery Management Council

to develop new catch advice. The Council's Scientific and Statistical Committee (SSC) used this peer reviewed method during an October 2022 meeting to develop acceptable biological catch (ABC) recommendations for fishing years 2023-2025 for monkfish.

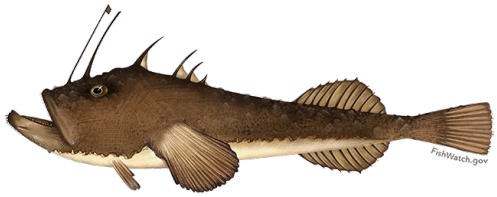
The Council uses the SSC's ABC recommendations as the starting point for setting total allowable landings for this fishery. Consistent with the assessment results, the SSC's October ABC recommendations would have led to a potential reduction in landings of 11% in the north and 27% in the south relative to fishing year 2021 landings.

Council members raised concerns about the Ismooth approach, noting that: (1) the trawl survey may not be catching monkfish consistently; and (2) monkfish landings have been low recently due to the COVID-19 pandemic, lack of markets, high trip costs, low fish prices, and other factors.

Northern and Southern Monkfish Fishery Management Areas



The Northern and Southern Monkfish Fishery Management Areas are managed separately. Each area has its own total allowable landings.



The Council voted in December to remand the ABC recommendations to the SSC for reconsideration "to facilitate a transition to the appropriate application of Ismooth for monkfish stocks." Instead of using the trawl survey multipliers applied to the recent 3-year catch, the Council asked the SSC to also consider the average of that approach with applying the trawl survey multiplier to the fishing year 2020-2022 ABCs, which is closer to how current ABCs were set.

The SSC met January 20, 2023 to consider the Council's request and decided to update its recommendation to accept the ABCs the Council requested. This resulted in 2023-2025 ABCs as follows for each of the three fishing years:

- **Northern Area: 6,224 metric tons**
- **Southern Area: 5,861 metric tons**

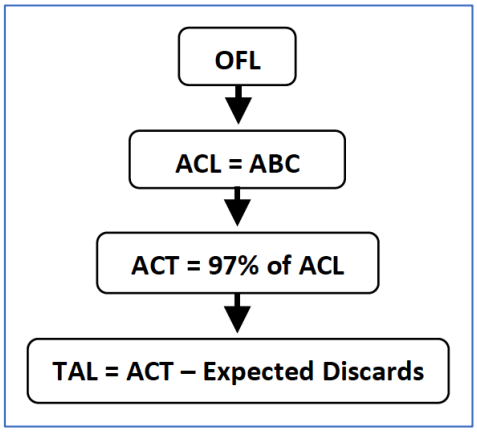
Next, the Council: (1) approved the revised ABCs at its January 24-26, 2023 meeting; (2) selected its preferred alternatives for

New England Fishery Management Council

days-at-sea effort controls (see next page); and (3) voted to submit the framework to NOAA Fisheries following action by the Mid-Atlantic on the same measures.

The formula for setting specifications and TALs by area are shown in the flowchart and table below.

Flowchart for Setting Monkfish Specifications



Fishery Impact: If approved by NOAA Fisheries, the proposed fishing year 2023-2025 total allowable landings represent the following changes from fishing year 2021 landings:

- **Northern Monkfish Fishery Management Area:** a potential 2% increase over 2021 landings, which totaled 5,215 metric tons;
- **Southern Monkfish Fishery Management Area:** a potential 76% increase over 2021 landings, which totaled 1,968 metric tons.

The New England Council selected the SSC's revised recommendations because, among other reasons, the ABCs and subsequent TALs resulted in the least economic harm to the fishing industry during a transition to using the intended application of Ismooth in the management process.

Proposed Fishing Year 2023-2025 Monkfish Specifications

Monkfish Specifications	Northern Fishery Management Area	Southern Fishery Management Area
Overfishing Limit (OFL)	Undetermined	Undetermined
Acceptable Biological Catch = Annual Catch Limit (ABC = ACL)	6,224 metric tons	5,861 metric tons
Management Uncertainty (deduct 3% of ACL)	187 metric tons	176 metric tons
Annual Catch Target (ACT) = 97% of ACL	6,038 metric tons	5,685 metric tons
Expected Discards (10-year median)	729 metric tons	2,205 metric tons
Federal Total Allowable Landings (TAL) = ACT minus discards	5,309 metric tons	3,481 metric tons

~ The next Monkfish Management Track Stock Assessment is scheduled for 2025. ~

Assessment Info

During its December 2022 meeting, the Council received a presentation on the new peer reviewed stock assessment for monkfish.

The stock's status continued to be "unknown" as a result of this assessment.

- The Draft Monkfish Management Track Assessment Report is posted here.
- The peer review panel's report is included in this document.

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Days-at-Sea Effort Controls: Through Framework Adjustment 13, the Council is recommending separate days-at-sea allocations for the northern and southern areas. Currently, limited access monkfish permit holders are allocated 46 days-at-sea, which are reduced to 45.2 days to support the Monkfish Research Set-Aside (RSA) Program. For the next three fishing years, the Council voted to make days-at-sea allocations distinct for each area as follows:

- **Northern Area** – 35 days; and
- **Southern Area** – 37 days.

While the total adds up to 72, the Council voted to cap the number of days-at-sea that could be fished by each permit holder at 46, which would prevent overall effort from increasing.

Gillnet Mesh Size: In December, both the New England and Mid-Atlantic Councils approved a 12" minimum mesh size for monkfish gillnets. The provision will be included in Framework 13 with implementation delayed until the 2026 fishing year.

RSA Priorities: Aside from Framework 13, the Council revised its 2023-2024 monkfish research priorities in anticipation of a 2023 RSA funding opportunity. NOAA Fisheries selects RSA projects that match the Council's research priorities.


– NEFSC photo

Revised 2023-2024 Priorities for the Monkfish Research Set-Aside Program

Highest Priorities

1. Develop alternative stock assessment models; analyze existing survey indices for potential use in the Ismooth model and/or alternative assessment models.
2. Develop a standardized Catch Per Unit Effort (CPUE) index for the commercial directed monkfish gillnet fishery for potential use in assessments.

Other Priorities (not ranked)

3. Research on monkfish life history focusing on: (a) age and growth; (b) longevity; (c) reproduction; and (d) natural mortality.
4. Trawl and gillnet gear studies focusing on: (a) bycatch reduction, including reducing interactions with and injury/mortality to sea turtles, Atlantic sturgeon, North Atlantic right whales, humpback whales, and other protected species; and (b) size and/or species selectivity.
5. Research on pingers currently used to reduce harbor porpoise interactions with monkfish gillnet gear; investigate effectiveness of pinger use to also reduce seal interactions with monkfish gillnets.
6. Research to improve the monkfish market, including increasing domestic demand and developing new markets.
7. Research on discard mortality rates for gillnet and trawl gear (scallop dredge research was conducted previously).

- ***Questions about Framework 13? Contact Monkfish Plan Coordinator Dr. Rachel Feeney at rfeeney@nefmc.org.***
- ***Questions about monkfish RSA priorities? Contact Jenny Couture at jcouture@nefmc.org.***

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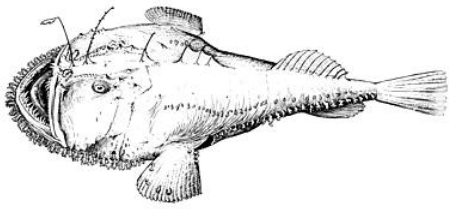
DECISION DOCUMENT

Monkfish Fishery Management Plan

Framework Adjustment 13



This document was developed to help the MAFMC select preferred alternatives for Framework Adjustment 13.

January 27, 2023

Version – MAFMC

Anticipated Council Action:

Prior to selecting final preferred alternatives, New England Fishery Management Council staff will present the measures under consideration in Framework Adjustment 13 and their draft analyzed impacts on target species, non-target species, protected resources, physical environment (EFH), and human communities (economic and social impacts). Staff will also answer questions, as needed, about the document.

1. Select *preferred alternatives* for Actions 1 and 2 in Framework Adjustment 13 (Action 3 was selected in December 2022)
    a. Action 1: Fishing Year (FY) 2023-2025 specifications
    b. Action 2: Effort controls (Days-at-Sea)
    c. Action 3: Monkfish gillnet mesh size
2. Motion to submit Framework Adjustment 13 to NOAA Fisheries.

Note: Monkfish is managed under a joint management plan with the NEFMC and MAFMC, the NEFMC having the administrative lead. The NEFMC selected preferred alternatives for Actions 1 and 2 during its meeting January 24-26, 2023.

Per the monkfish fishery regulations:

> "Management adjustments made to the Monkfish FMP require majority approval of each Council for submission to the Secretary"
>
> "If either the NEFMC or MAFMC has rejected all options, then the Regional Administrator may select any measure that has not been rejected by both Councils and that meets the Monkfish FMP's goals and objectives."
>
> "If the Councils fail to submit a recommendation to the Regional Administrator by February 1 that meets the goals and objectives of the Monkfish FMP, the Regional Administrator may implement through rulemaking in accordance with the Administrative Procedure Act one of the options reviewed and not rejected by either Council, provided the option meets the goals and objectives of the Monkfish FMP, and is consistent with other applicable law."

Action 1 – FY 2023-2025 Specifications

Section 4.1 – Action 1 – FY 2023-2025 Specifications *Choose one alternative*		**Preferred by**		
		AP	**Committee**	**NEFMC**
Alternative 1 (Sec. 4.1.1)	**No Action** OFL = 0 mt; ACL = 0 mt; TALs = 0 mt			
Alternative 2 (Sec. 4.1.2)	**October 2022 SSC Recommendation** North: OFL = undetermined; ACL = 5,526 mt; TAL = 4,632 mt South: OFL = undetermined; ACL = 3,766 mt; TAL = 1,449 mt Discard deduction = 10-year median discards			
Alternative 3 (Sec. 4.1.3)	**December 2022 Request of Councils*** North: OFL = undetermined; ACL = 6,226 mt; TAL = 5,309 mt South: OFL = undetermined; ACL = 5,861 mt; TAL = 3,481 mt Discard deduction = 10-year median discards	X	X	X

Decisions/Questions/Information to Consider

* The SSC adopted this as its recommendation on January 20, 2023. The ABC cannot exceed the level that the SSC recommends.

The PDT memo to the SSC regarding this request is provided under Tab 8.

The SSC memo to the NEFMC on recommendations for specifications is provided under Tab 12.

There are no default specifications for the monkfish fishery. Without specifications, the fishing year starts on May 1 with an ABC and Annual Catch Limit of 0 mt. The accountability measure would still be in place: a pound-for-pound deduction from the Annual Catch Target in the second year following the year that catch (landings and discards) exceeds the ACL. Alternatives 2 and 3 would create default specifications for the fishery.

Other important Considerations/Draft EA References

Document #2a is the draft environmental assessment:

- Target species impacts: Section 6.2.1 (p. 85)
- Non-target species impacts: Section 6.3.1 (p. 88)
- Protected resource impacts: Section 6.4.1 (p. 90)
- Impacts on physical environment and Essential Fish Habitat: Section 6.5.1 (p. 95)
- Human community impacts: Section 6.5.1 (p. 98)

Action 2 – Effort Controls

Section 4.2 – Action 2 – Effort Controls *If Alternative 2 is selected, choose one option for North and one option for South.*		**Preferred by**		
		AP	**Committee**	**NEFMC**
Alternative 1 (Sec. 4.2.1)	**No Action** 46 (45.2 after RSA deduction) monkfish DAS allocated for each limited access monkfish permit, 37 of which may be used in the South			
Alternative 2 (Sec. 4.2.2)	**Adjust Monkfish DAS Allocation** Limited access monkfish permits receive separate DAS allocations for north and south. Use capped at 46 DAS if total exceeds 46. North DAS options: • Option A = 35 DAS • Option B = 30 DAS • Option C = 20 DAS • Option D = 10 DAS South DAS options: • Option A = 35 DAS • Option B = 30 DAS • Option C = 20 DAS • Option D = 10 DAS	X Option A for North and South.	X Option A for North. Add Option for 37 DAS in South. Support 46 DAS cap.	X Option A for North. Add Option for 37 DAS in South. Support 46 DAS cap.

Decisions/Questions/Information to Consider

Document #2a is the draft environmental assessment. Section 6.1.1 includes analyses for how these effort control options would have reduced recent fishery landings and compares these reductions to the landings reduction that would be necessary to keep landings within the FY 2023-2025 TALs proposed under Action 1, Alternatives 2 and 3.

Other important Considerations/Draft EA References

Document #2a is the draft environmental assessment:

- Target species impacts: Section 6.2.2 (p. 86)
- Nontarget species impacts: Section 6.3.2 (p. 89)
- Protected resource impacts: Section 6.4.2 (p. 93)
- Impacts on physical environment and Essential Fish Habitat: Section 6.5.2 (p. 96)
- Human community impacts: Section 6.6.2 (p. 101)

Table 1 – Summary of potential impacts of the alternatives under consideration in Framework 13 across the valued ecosystem components.

Alternatives		Direct and Indirect Impacts				
		Target Species	**Non-target Species**	**Protected Resources**	**Physical Env. (EFH)**	**Human Communities**
Action 1: ABC, ACL, TAL						
Alt. 1: No Action		Uncertain or moderate +	Positive	Slight + to moderate +	Slight +	Economic: High - Social: High -
Alt. 2: Oct 2022 SSC Rec		Uncertain or moderate +	Moderate +	Slight – to moderate +	Slight -	Economic: Negative Social: Moderate -
Alt. 3: Dec 2022 Request		Uncertain or slight +	Moderate +	Slight – to moderate +	Slight -	Economic: Positive Social: Slight -
Action 2: Effort Controls						
Alt. 1: No Action		Negligible to slight -	Negligible	Slight – to slight +	Slight -	Economic: Negligible Social: Slight -
Alt. 2: Adjust Monkfish DAS Allocation	**Option 2A: 35 DAS**	Slight -	Negligible	Slight -	Slight -	Economic: Negative Social: Slight -
	Option 2B: 30 DAS	Slight -	Negligible	Slight –	Slight -	Economic: Negative Social: Slight -
	Option 2C: 20 DAS	Moderate +	Moderate +	Moderate +	Slight -	Economic: Negative Social: Slight -
	Option 2D: 10 DAS	Moderate +	Moderate +	Moderate +	Slight -	Economic: Negative Social: Slight -
Action 3: Monkfish Gillnet Mesh Size						
Alt. 1: No Action		Slight -	Slight -	Slight – to slight +	No impact	Economic: Negligible Social: Slight +
Alt. 2: Increase Mesh Size	**Option A: Increase to 11”**	Slight +	Slight +	Slight – to slight +	No impact	Economic: Slight - Social: Slight +
	Option B: Increase to 12”	Slight +	Slight +	Slight – to slight +	No impact	Economic: Slight - Social: Slight +
Note: Preferred alternatives selected so far are shaded.						

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

DATE: January 23, 2023

TO: Thomas A. Nies, Executive Director

FROM: Scientific and Statistical Committee (SSC)

SUBJECT: **Terms of Reference – Acceptable biological catches for monkfish, 2023 through 2025**

The SSC met via webinar on January 20, 2023 to address the following Terms of Reference (TORs):

Terms of Reference

A. Consider the remand of the New England Fishery Management Council to reconsider the October 2022 recommendation of the Scientific and Statistical Committee (SSC) for setting acceptable biological catches (ABCs) for monkfish in both the northern and southern management areas for fishing years (FY) 2023-2025.

B. Consider all relevant information about the status of monkfish provided by the 2022 Management Track Assessment, Peer Review Report, and the Monkfish Plan Development Team (PDT) focusing on this latest request of the Council.

C. Recommend monkfish ABCs that will prevent overfishing, meet the objectives of the fishery management plan, and consider the Council's Risk Policy Statement. Specifically, the Council requests the SSC consider an approach that uses an average of the approach taken for setting FY 2020-2022 ABCs and the October SSC recommendation.

To address these TORs, the SSC considered the following information:

Information

1. Presentation: Monkfish PDT report (NEFMC staff)
2. Memo from Monkfish PDT to SSC re ABCs for FY 2023 – 2025, January 12, 2023
3. Framework Adjustment 13 draft environmental assessment, January 13, 2023
4. Memo from SSC to NEFMC re monkfish OFLs and ABCs, November 21, 2022

Background Documents

1. The Council's Risk Policy Road Map (2016), that includes the Risk Policy Statement and Implementation Plan, see pp. 4-5 and 10-12.
2. State of the Ecosystem and Current Conditions. NOAA/NEFSC. Available at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/ecosystems/state-ecosystem-reports-northeast-us-shelf
3. Memo from Monkfish PDT to SSC re OFLs and ABCs for FY 2023 – 2025, October 19, 2022 (typos later corrected)

4. Monkfish stock assessment
    a. Draft 2022 monkfish stock assessment report
    b. 2022 monkfish stock assessment peer review report
    c. 2016 monkfish stock assessment and peer review report
    d. 2019 monkfish stock assessment and peer review report
5. Index-Based Methods Work Group
    a. Draft report and three individual peer review reports. Available at: https://www.noaa.gov/information-technology/index-based-methods-working-group-id437
    b. Legault et al manuscript
6. Risk Policy Matrix for Monkfish
7. 2022 Monkfish Fishery Performance Report
8. Monkfish AP meeting summary, November 28, 2022
9. Monkfish Committee meeting summary, November 29, 2022

SSC members in attendance: Mike Carroll, Jeremy Collie, Kevin Friedland, Adrian Jordaan, Lisa Kerr, J.-J. Maguire, Conor McManus, Jason McNamee, Cate O'Keefe, Fred Serchuk, Kevin St. Martin, Terry Stockwell, Sam Truesdell, Hiro Uchida, John Wiedenmann, Lindsey Williams

TERMS OF REFERENCE

A. Consider the remand of the New England Fishery Management Council to reconsider the October 2022 recommendation of the Scientific and Statistical Committee (SSC) for setting acceptable biological catches (ABCs) for monkfish in both the northern and southern management areas for fishing years (FY) 2023-2025.

During the January 20, 2023 meeting, the SSC considered the Council's remand of monkfish ABCs for FY 2023-2025 and supported the Council's request to reconsider the ABCs for northern and southern monkfish management areas. The SSC considered the motion passed by the NEFMC which stated:

Accept the SSC ABC recommendations for FY 2023-2025 (for both areas) and to remand the Monkfish ABCs for both areas back to the SSC to facilitate a transition to the appropriate application of Ismooth for monkfish stocks. Specifically, we request that the SSC consider setting ABCs for the FY 2023-2025 as the average of the Ismooth approach (multipliers applied to recent 3-year catch) and the recent ABC approach (Multipliers applied to the recent ABCs). Further, the Council notes that application of Ismooth multipliers should be revisited during the next monkfish assessment.

B. Consider all relevant information about the status of monkfish provided by the 2022 Management Track Assessment, Peer Review Report, and the Monkfish Plan Development Team (PDT) focusing on this latest request of the Council.

The SSC considered all available information provided for the January 20, 2023 meeting, as well as information previously provided to the SSC for the October 26-27, 2022 meeting, focusing on the Council's request.

C. Recommend monkfish ABCs that will prevent overfishing, meet the objectives of the fishery management plan, and consider the Council's Risk Policy Statement. Specifically, the Council requests the SSC consider an approach that uses an average of the approach taken for setting FY 2020-2022 ABCs and the October SSC recommendation.

The SSC previously provided catch advice for northern and southern monkfish management areas in a November 21, 2022 memo to Executive Director Nies. The SSC catch advice recommendations were based on applying the Ismooth multipliers to the most recent 3-year average catch to calculate the Annual Catch Targets (ACT) for the northern and southern management areas, the ACT was increased by the management uncertainty buffer (3% for monkfish) to calculate ABCs. This was a change in the application of Ismooth multipliers, which were previously applied to recent ABCs which is inconsistent with best practices for use of the Ismooth approach. The more appropriate application of the Ismooth approach is to apply the multipliers to recent catch as survey indices are assumed to be directly related to removals (i.e., catch) and ABCs are not necessarily related to catch. Transitioning from applying the multipliers to recent ABCs to recent average catch resulted in a substantial reduction in catch advice for monkfish stocks (i.e., a 34% and 69% reduction in the northern and southern management areas, respectively). The NEFMC asked the SSC to consider a transition to the appropriate application of the Ismooth approach for monkfish stocks setting ABCs for the FY 2023-2025 constant as the average of the Ismooth approach (multipliers applied to recent 3-year catch) and the recent ABC approach (multipliers applied to the recent ABCs).

The SSC recommends use of a transition approach as the basis for catch advice for monkfish in both the northern and southern management areas.

The SSC recommends OFL be unknown for the northern and southern management areas for FY 2023-2025 (as determined in advice provided in November 21, 2022 memo), and recommends revised ABCs of 6,224 mt for the northern management area and 5,861 mt for the southern management area to be held constant for FY 2023-2025.

RATIONALE INCLUDING SIGNIFICANT SOURCES OF UNCERTAINTY

The SSC was challenged in how to consider this remand but determined that consideration of a transition approach is reasonable and agreed with adoption of a transition approach to setting catch advice for FY 2023-2025. The transition approach recognizes that the application of Ismooth multipliers to catch is best practice but allows for a transition to alleviate fishery disruptions and adverse economic impacts that may result from substantial catch reductions in a single management action resulting from the correction to the Ismooth approach for setting catch advice. The SSC considered two transition approaches: 1) a constant ABC based on an average of the Ismooth multiplier applied to the most recent ABC (previously used approach for FY 2020-2022) and to 3-year average catch (approach proposed by the SSC in October 2022) and 2) a ramped ABC (phasing in the transition over FY 2023-2025). The SSC recognized that either approach transitions to the appropriate application of Ismooth multipliers to catch. During the SSC discussion a common concern raised with respect to both transition approaches was that the advice is based in part on recent ABCs that were derived from a previously rejected stock assessment.

The SSC recommended a transition approach that uses a constant ABC based on an average of the Ismooth multiplier applied to the most recent ABC (previously used approach for FY 2020-2022) and to 3-year average catch (approach proposed by the SSC in October 2022) as the basis for catch advice. This transition approach reduces catch advice by ~25% in the north and over 50% in the south from recent ABCs. This approach is consistent with the Council's request of the SSC.

Monkfish stock status is unknown as reference points are undetermined for this stock, which makes it challenging to determine whether ABCs will lead to overfishing. However, the proposed ABCs

represent large reductions from recent ABCs and the SSC believes the recommended ABCs are not likely to lead to overfishing. Neither management area has previously been declared overfished and while recent declines in the average survey indices in both the northern and southern areas resulted in Ismooth multipliers <1.0, the biomass indices are not at historically low levels, nor do they show any truncation of size classes in either management area. In addition, other surveys (i.e., ASMFC shrimp survey in the north and scallop survey in the south) show conflicting trends to the bottom trawl survey. The transition approach results in an ABC that is lower in the southern management area relative to the northern management area, an outcome consistent with results of the recent NEFMC surveys. Based on the chain sweep study, absolute biomass in the north is higher than in the south, which further supports a lower ABC in the south relative to the north. The SSC noted that adopting higher ABCs based on this transition approach would likely result in accepting additional risk, a fact that was acknowledged by the Council in deliberations over the motion to remand.

Information from members of the fishing industry was provided by the PDT and through public comment during the webinar indicating that recent monkfish catch is influenced by several factors. External drivers on monkfish fishing effort and landings include pandemic-related reductions, market dynamics with reduced prices in recent years, increased fishing costs (i.e. fuel costs), shifts in seasonal availability of monkfish to the fishery in relation to warming ocean temperatures (most notably in the southern management area), and fluctuations in targeting of monkfish and other species in response to price and abundance/availability differences (the skate fishery was noted to be an important interacting fishery for monkfish). It was noted that proposed increases in mesh size used for targeting monkfish have been supported by the fishing industry as a potential mechanism to increase product quality and size and reduce the likelihood of overfishing. The SSC highlighted the importance of these external factors in considering a transition plan for ABC advice. The public comments made during the meeting were consistent with the Monkfish AP input in the fishery performance report provided to the SSC.

ADDITIONAL COMMENTS

During the SSC discussion, general concerns were raised regarding the appropriateness of the underlying assumptions of the Ismooth approach for setting catch advice for monkfish. The approach adjusts catch advice based on recent catch and changes in relative abundance derived from the survey which implies that catch is a key driver of changes in resource biomass and that the resource will respond to changes in catch. The SSC recognized socioeconomic impacts and catch stability for the fishery as important factors in recommending revised catch advice based on a transition approach. This highlights challenges with the ABC control rules that do not directly articulate a path for the SSC to consider stability in catch advice setting.

SUMMARY OF RECOMMENDATIONS

1. **The SSC recommends use of a transition approach as the basis for catch advice for monkfish in both the northern and southern management areas.**

2. **The SSC recommends OFL be unknown for the northern and southern management areas for FY 2023-2025 (as determined in advice provided in November 21, 2022 memo), and recommends revised ABCs of 6,224 mt for the northern management area and 5,861 mt for the southern management area to be held constant for FY 2023-2025.**

Fishing Year	Management Area	OFL (mt)	ABC (mt)
2023-2025	Northern	Unknown	6,224
2023-2025	Southern	Unknown	5,861

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Christopher M. Moore, Ph.D., Executive Director

Squid Squad Update

February 2023 Council Meeting

Prepared By: Jason Didden, Council Staff

Overview

During and after the 2022 *Illex* squid Research Track Assessment, a group of fishery participants, scientists, and managers have been meeting to seek an ongoing collaborative approach to improving our knowledge of *Illex* squid. Kim Hyde, Anna Mercer, and Sarah Salois of NMFS' Northeast Fisheries Science Center will provide an overview of the approaches and results of this "Squid Squad," as well as the potential for future work.

The Squid Squad facilitated several working papers for the last *Illex* assessment, and two resulting papers are in the publication process. Two related presentations were also given at recent cooperative research workshops, and abstracts for those presentations are copied below as primers for this agenda item:

Using a collaborative framework to identify oceanographic indicators of *Illex* illecebrosus: Origination of the Squid Squad

Climate-driven variations in oceanic conditions can impact population dynamics of commercially important species, including *Illex* illecebrosus, a highly migratory species whose migration patterns are largely influenced by regional oceanography. The U.S. *Illex* fishery has high spatial and interannual variability, posing a particular set of challenges to the management and assessment of the species. Through interdisciplinary collaboration we developed conceptual and statistical models that identified important environmental variables to serve as oceanographic indicators of *Illex* availability. This team, affectionately referred to as the "Squid Squad" continues to work together sharing knowledge and developing lines of research. Our highly collaborative research team includes federal (NEFSC; GARFO), academic (Woods Hole Oceanographic Institute; University of Massachusetts), industry (fishing captains; processors), and management (MAFMC) partners. Together we are improving data collection and visualization, analyzing biological and oceanographic data, developing models, creating platforms for tracking oceanographic conditions, and coordinating field sampling efforts between commercial fishing and research vessels. Recent successes include development of a collaborative framework for the identification of fine-scale oceanographic indicators for *Illex*, which can also be applied to other commercially important species. The U.S. *Illex* fishery serves as an example of the insights and understanding of a data-limited stock that is achievable through open collaboration and cooperative research.

Deriving metrics from remote sensing and modeled data to relate oceanographic conditions to availability for the Northern shortfin squid fishery

Oceanographic satellite imagery is a powerful tool for assessing dynamic marine systems in a changing world. Remotely sensed data are well suited for environmental analyses and ecological forecasting as they provide long-term synoptic, near real-time coverage of oceanographic conditions at high spatial (1-4 km) and temporal (daily) resolutions. This study utilizes these long term time series, as well as global ocean reanalysis physical data to generate high resolution metrics which are then paired with high resolution fishery dependent catch data to serve as indicators for understanding the distribution of the commercially important Northern shortfin squid, *Illex* illecebrosus. *Illex* are a data poor species due to their sub annual lifespan and offshore migrations. Recent years have seen above average availability to the U.S. fishery, yet the drivers associated with the high abundance years are unknown. It is thought that the variable population dynamics exhibited by *Illex* in the U.S. Mid-Atlantic fishery are largely influenced by oceanographic conditions of the Northwest Atlantic, which have documented significant changes over the past decade. Using generalized additive models to examine the relationships between *Illex* catch and environmental covariates, we identified a suite of oceanographic indicators of habitat condition and primary productivity that may influence *Illex* availability throughout the fishery footprint. In particular, we found that cooler bottom temperatures, higher instances of warm core ring (WCR) occupancy in the winter and early spring months (ahead of the summer fishery), as well as physical processes that promote upwelling (e.g.: frontal dynamics and interactions between WCRs and subsurface features) are associated with greater CPUE. Understanding relationships between the spatiotemporal distribution of *Illex* catch and specific properties of oceanographic features (e.g.: mesoscale eddies, fronts) has important implications for understanding the mechanistic processes influencing the availability of this species.

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 25, 2023

To: Chris Moore

From: Jason Didden, staff

Subject: *Illex* follow-up

The 2023 deliverables approved by the Council include a possible follow-up action related to the disapproved sections of Amendment 22. Staff recommends proceeding with a Framework Action to consider requirements for volumetric vessel hold measurements and upgrade restrictions for all *Illex* moratorium permits. It is expected that NOAA Fisheries will provide more information on the Amendment 22 disapproval and preliminary input on the vessel hold issue at the April 2023 Council meeting (see letter and email below).

The vessel hold measures in Amendment 22 were tied to the disapproved permit modifications, so no hold measures were implemented. However, similar measures were previously implemented in the Atlantic mackerel fishery to limit additional overcapitalization. Like the *Illex* fleet, analyses indicated that the mackerel fishery was overcapitalized relative to its quota.

The general rationale for the vessel hold requirements and upgrade restrictions is the same as the other upgrade restrictions (length and horsepower) that exist in most limited access fisheries in the northeast – to limit capacity increases (e.g. see Sep 2, 2015 final rule eliminating tonnage baselines for northeast fisheries). Due to the high-volume nature of the mackerel and *Illex* fisheries, hold capacities are relevant for potential increases in fleet capacity for these fisheries. Some *Illex* vessels are already subject to a hold restriction due to their mackerel Tier 1/2 permits (https://www.ecfr.gov/current/title-50/chapter-VI/part-648#p-648.4(a)(5)(iii)(H)). Staff requested an updated overlap analysis from northeast permit office staff.

If the Council decides to proceed with a framework, there will continue to be tensions between the objectives in the fishery management plan that promote freedom, flexibility, and opportunity in the fishery versus those that promote balancing the social and economic needs of various sectors, including shoreside infrastructure. Development of the action, after any input is received from NOAA Fisheries at the April 2023 meeting, would focus on such evaluations.

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

January 18, 2023

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Pentony:

At the December 2022 Council meeting, the Council discussed NMFS' disapproval of most of the provisions in Amendment 22 to the Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) and passed the following motion:

> That the Council request a more detailed explanation of the Amendment 22 decision relative to all 10 National Standards and MSB Amendment 20's approval (longfin squid permits) and what NMFS recommends for future Amendment development on fish hold provisions and consideration of historic participants with limited flexibility to pursue other fisheries.

The Council continues to believe that Amendment 22 effectively addressed the FMP's goals/objectives and complied with the National Standards. We also note that the disapproved *Illex* squid permit measures are substantially similar to the longfin squid permit measures contained in Amendment 20, which was approved by NMFS and implemented several years ago. Per the Council motion above, please provide additional detail regarding the National Standards as they relate to your disapproval, including an explanation of how the disapproved *Illex* permit measures in Amendment 22 differ from the longfin squid measures in Amendment 20.

Also, given that the capacity estimates in Amendment 22 indicate that a "race to fish" is likely to occur in the future when *Illex* availability/abundance is high, please provide recommendations on suitable measures to address the needs of those historic participants in the *Illex* fishery who have limited flexibility to pursue other fisheries. These could include fish hold upgrade limitations and/or other measures that you consider approvable.

Please contact me with any questions.

Sincerely,

Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

CC: M. Luisi, J. Didden, P. Hughes

From: Moore, Christopher
To: Staff-MAF
Subject: FW: Illex Amendment 22
Date: Monday, January 23, 2023 11:36:58 AM

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fyi

From: Michael Pentony - NOAA Federal <michael.pentony@noaa.gov>
Date: Monday, January 23, 2023 at 11:28 AM
To: Moore, Christopher <cmoore@mafmc.org>, Luisi, Michael <michael.luisi@maryland.gov>
Cc: Gilbert, Emily <emily.gilbert@noaa.gov>
Subject: Illex Amendment 22

Mike and Chris,

We received the Council's letter last week requesting additional information regarding Amendment 22, and I noticed that your February agenda has a slot for the Council to review our response to the letter. I thought it prudent to let you know now that we won't be able to provide a response to you prior to the Council meeting. Between the New England Council meeting this week, ASMFC next week, prep for your meeting the following week, and our continuing work to finalize and implement the mackerel rebuilding amendment, our priorities are elsewhere for now. We will, however, plan to prepare a response in advance of the April meeting if you choose to postpone this discussion to that meeting.

Mike

--

Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930
Phone: 978-281-9283

COMMERCIAL FISHERIES
RESEARCH FOUNDATION
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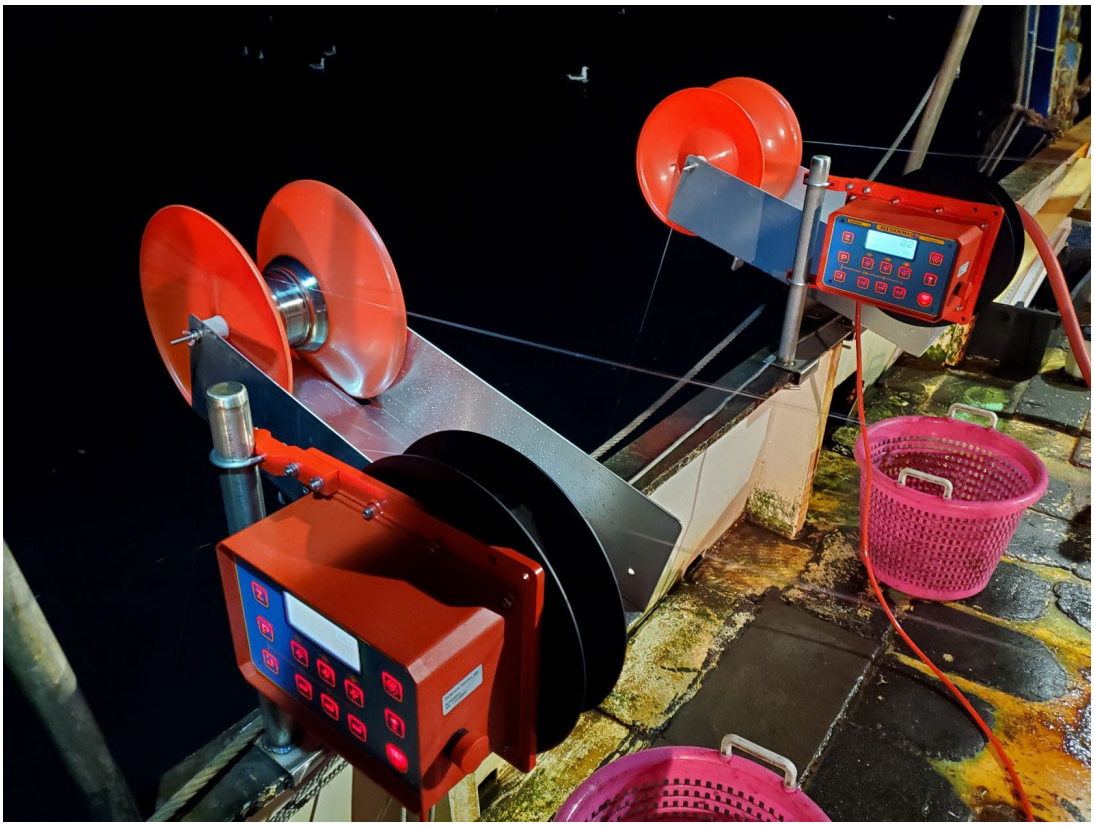
Piloting a Low-Bycatch Commercial Squid Jig Fishery in Southern New England

The Commercial Fisheries Research Foundation, in collaboration with the Town Dock and local fishermen, have been investigating the potential use of automatic squid jigging equipment in the commercial longfin squid fishery in southern New England. There has long been interest in attempting to use automatic jigging machines to allow vessels to fish through the night and in areas not open to trawl gear, its relatively low operational costs, and virtually zero bycatch.

The project team worked closely with trawlers home ported in Point Judith, Rhode Island; a smaller, inshore, day-trip based vessel and two larger, offshore, multi-day, vessel. Vessels were retrofitted to create a platform to operate the machines and run the jigging lines. At-sea gear trials were started in the spring of 2021 and the project team completed 20 at-sea gear trial days through the fall of 2022. Although squid catch from the jigging machines was very low, the project team successfully overcome a steep learning curve to setting up and operating the jigs that will hopefully aid others in future. Further, the project has been successful in fostering substantial local interest to further investigate the effectiveness of automatic jigging machinery.



Automatic squid jigging machines deployed on a Rhode Island-based trawl vessel.

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2023

To: Council

From: Hannah Hart, Staff

Subject: Atlantic Highly Migratory Species Update

The Council will receive a presentation from the Atlantic Highly Migratory Species (HMS) Management Division of the Office of Sustainable Fisheries on Wednesday, February 8, 2023. This presentation will include information related to recent and ongoing domestic HMS management initiatives and outcomes of the November 2022 International Commission for Conservation of Atlantic Tunas (ICCAT) meeting. A summary of recommendations from the ICCAT meeting is enclosed behind this memo.

Background

The Atlantic HMS Management Division of the Office of Sustainable Fisheries oversees the management of tunas, sharks, swordfish, and billfish in U.S. waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. This includes the development and implementation of fishery management plans in cooperation with the HMS Advisory Panel. The HMS Advisory Panel is made up of a variety of stakeholder groups including commercial and recreational fisherman, academia, non-governmental organizations, and state, Commission, and Council representatives. A single Council member from the Mid-Atlantic Fishery Management Council sits on the HMS Advisory Panel to act as a liaison between the Council and HMS. The HMS Advisory Panel generally meets twice a year (spring and fall) and the most recent meeting was held on September 7-8, 2022. Details about the meeting including the agenda and meeting materials can be found at this link.

HMS is also responsible for:

- Monitoring commercial and recreational catches to ensure compliance with domestic and international quotas and/or catch limits;
- Issuing permits for commercial and recreational HMS fishing and scientific research; and
- Implementing domestic requirements of ICCAT, as well as supporting international negotiations for ICCAT, the Convention on International Trade in Endangered Species of Wildlife and Flora (CITES), and the United Nations Food and Agriculture Organization (FAO). In November 2022, an annual ICCAT meeting was held in-person in Portugal (agenda available here).

INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

COMMISSION INTERNATIONALE POUR LA CONSERVATION DES THONIDES DE L'ATLANTIQUE

COMISION INTERNACIONAL PARA LA CONSERVACION DEL ATUN ATLANTICO

LIST OF RECOMMENDATIONS, RESOLUTIONS AND DOCUMENTS OF REFERENCE ADOPTED IN 2022

Number	*Group*	*Doc. #*	*Rec/Res/Ref Title*
Rec. 22-01	TRO	PA1_505D	*Recommendation by ICCAT replacing Recommendation 21-01 on a multi-annual conservation and management programme for tropical tunas*
Res. 22-02	TRO	PA1_503B	*Resolution by ICCAT on development of initial conceptual management objectives for western Atlantic skipjack*
Rec. 22-03	SWO	PA4_808A_REV	*Recommendation by ICCAT replacing supplemental Recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish*
Rec. 22-04	SWO	PA4_807B	*Recommendation by ICCAT replacing supplemental Recommendation 21-03 extending and amending Recommendation 17-03 for the conservation of South Atlantic swordfish*
Rec. 22-05	ALB	PA2_608A	*Recommendation by ICCAT amending the Recommendation 21-06 to establish a rebuilding plan for Mediterranean albacore*
Rec. 22-06	ALB	PA3_701C	*Recommendation by ICCAT on the southern Atlantic albacore catch limits for the period 2023 to 2026*
Res. 22-07	BFT	PA2_609A	*Resolution by ICCAT on a pilot project for the short-term live storage of bluefin tuna*
Rec. 22-08	BFT	PA2_611D	*Recommendation by ICCAT amending the Recommendation 21-08 establishing a multi-annual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean*
Rec. 22-09	BFT	PA2_613D	*Recommendation by ICCAT establishing a management procedure for Atlantic bluefin tuna to be used for both the western Atlantic and eastern Atlantic and Mediterranean management areas*
Rec. 22-10	BFT	PA2_615B	*Recommendation by ICCAT for a conservation and management plan for western Atlantic bluefin tuna*
Rec. 22-11	BYC	PA4_804B	*Recommendation by ICCAT on the conservation of the South Atlantic stock of shortfin mako caught in association with ICCAT fisheries*
Rec. 22-12	BYC	PA4_806B_REV	*Recommendation by ICCAT on the bycatch of sea turtles caught in association with ICCAT fisheries (combine, streamline, and amend Recommendations 10-09 and 13-11)*
Res. 22-13	GEN	PLE_107B_SPONS_1	*Resolution by ICCAT on climate change*
Rec. 22-14	GEN	PWG_413A	*Recommendation by ICCAT to replace Recommendation 06-14 to promote compliance by nationals of Contracting Parties, Cooperating non-Contracting Parties, Entities, or Fishing Entities with ICCAT conservation and management measures*
Res. 22-15	SDP	PWG_412B	*Resolution by ICCAT establishing a pilot project to test the use of stereoscopic cameras during first transfer and the automation of video footage analysis*
Rec. 22-16	SDP	PWG_416A	*Recommendation by ICCAT amending Recommendation 21-18 on the application of the eBCD System*
Res. 22-17	TOR	COC_319_REV_2	*Recommendation by ICCAT on the application of the integrated online management system*
Ref. 22-18	GEN	COC_307A_REV	*Schedule of compliance issues and corresponding actions*
Ref. 22-19	GEN	PWG_420	*Document number on transhipment declaration*

EXCERPTS

Research Track Assessment

Bluefish

Bluefish Research Track Working Group

2022

2022 BLUEFISH RESEARCH TRACK ASSESSMENT

PARTICIPANTS

Working Group

NAME	AFFILIATION
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Karson Cisneros	MAFMC
Katie Drew	ASMFC
Sam Truesdell	MADMF
Abigail Tyrell	NEFSC/Ocean Associates Inc.
Jessica Valenti	NOAA/Rutgers
Samantha Werner	NEFSC
Tony Wood	NEFSC

Chair-invited analytical participants

Sarah Gaichas	NEFSC
Jim Gartland	VIMS
Tim Miller	NEFSC
Joe Myers	ACCSP

Working Group meeting attendees

Alan Bianchi	NC-DEQ
Greg DiDomenico	Lund's Fisheries
Cynthia Ferrio	GARFO
James Fletcher	Unk
Jesse Hornstein	NYDEC
Nathan Jackson	Unk
Cynthia Jones	ODU
Mike Waine	American Sportfishing Association

ACKNOWLEDGEMENTS

The Working Group thanks: Sarah Gaichas and her collaborators on development of the forage fish index including Jim Gartland, Brian Smith, Elizabeth Ng, James Thorson. We thank Tim Miller for assistance with WHAM exploration, development, and support. We also thank Joe Myers, ASMFC's Bluefish Technical Committee and Fishery Management Plan Coordinator, Dustin Colson Leaning, for their data collection and analysis support as well as participating in the ASMFC State Data Review Workshop for bluefish. Michele Traver and Alexander Dunn provided helpful administrative support. Matt Seeley participated in the early WG meetings before moving on to the Western Pacific Fishery Management Council. Eric Robillard contributed important information on bluefish ageing and oversaw or conducted the majority of the bluefish ageing for this assessment.

EXECUTIVE SUMMARY

Term of Reference (TOR) #1: Identify relevant ecosystem and climate influences on the stock. Characterize the uncertainty in the relevant sources of data and their link to stock dynamics. Consider findings, as appropriate, in addressing other TORs. Report how the findings were considered under impacted TORs.

Temperature and photoperiod are the principal factors directing activity, migrations, and distribution of adult bluefish. Based on this mechanistic connection, quantitative indicators of optimal temperature were developed to better understand temperature trends during the bluefish spawning season. Sources of uncertainty are discussed. Analyses suggested that the spawning season may now extend later in the year compared to historical periods, though it is unclear how these changes in potential spawning season may affect bluefish recruitment. On the other hand, the amount of habitat in the optimal temperature range during the peak spawning month of July has not changed over time, indicating stability in spawning conditions and therefore possibly also in recruitment. A Vector Autoregressive Spatiotemporal (VAST) model was developed from the fall NEFSC bottom trawl survey to determine the fall centers of gravity of three bluefish size groups over time; analyses suggested systematic trends in large and medium bluefish, but not small bluefish. Temperature was tested as a covariate in the VAST model, but resulting poor model diagnostics were beyond the scope of the present working group to address.

Using a VAST framework, we also developed a forage fish index to evaluate changes in bluefish prey over time and space that could be used to inform survey and/or fishery availability in the bluefish stock assessment to inform annual deviations in catchability. Small pelagic forage species are difficult to survey directly, so we developed a novel method of assessing small pelagic fish aggregate abundance using predator diet data. The forage fish indices based on fall, spring, and annual datasets all show fluctuations in forage fish biomass, alternating between multiple years or decades with higher and lower levels.

Variability in bluefish life history processes was modeled by splitting life history data by semesters of the year, by decade, by geographic region, and by sex; results and sources of uncertainty are discussed. Natural mortality was updated for this assessment from one based on a "rule of thumb" estimate of 0.2 for all ages to Lorenzen weight-based age-varying estimates. Our findings were considered and/or incorporated into several subsequent TORs, including: spatial domain of the stock (TOR2), estimates of seasonal and regional catch weights (TOR2), development of survey indices of abundance with environmental covariates (TOR3), incorporation of the forage fish index into a companion assessment model (TOR4), updating natural mortality for use in the assessment model (TOR4), and informed several research recommendations (TOR7).

Term of Reference #2: Estimate catch from all sources including landings and discards. Describe the spatial and temporal distribution of landings, discards, and fishing effort. Characterize the uncertainty in these sources of data.

The majority of commercial landings over the time series (1950-present) have been taken in the Mid-Atlantic region (New York, New Jersey, and North Carolina). The majority of recreational activity occurred from May to October, with specific seasonal patterns varying by state.

Recreational offshore (3-miles, or 4.8-km, or more from shore) areas account for only about 7% of total catch.

Total bluefish removals (total dead catch) have declined since the beginning of the time series. There was a slow increase from 1996 to 2010, but the declining trend has continued to the lowest values in the time-series in recent years. On average, commercial landings account for 14% of the total removals with commercial discards averaging only 0.2%. Dead commercial discards have not contributed to total removals in previous assessments, but since they have been identified as a source of uncertainty, they were included in this assessment. Total removals are dominated by the recreational fishery with recreational landings accounting for 71% of total removals, and recreational dead releases averaging 15% of total removals. The recreational dead release mortality rate was updated for this assessment through reexamination of the methods used in the previous assessment, and an updated literature review; the value changed from 15% to 9.4%. The recreational dead discard component of the catch was calculated using the season/region length frequency distributions developed from all of the recreational biological sampling data for released fish; this is a change from previous assessments to account for regional differences in fish size.

> *Term of Reference #3: Present the survey data used in the assessment (e.g., indices of relative or absolute abundance, recruitment, state surveys, age-length data, application of catchability and calibration studies, etc.) and provide a rationale for which data are used. Describe the spatial and temporal distribution of the data. Characterize the uncertainty in these sources of data.*

The WG participated in an ASMFC Bluefish Technical Committee workshop to review available state datasets. The WG explored standardizing fishery independent indices of abundance using environmental covariates in a GLM framework. However, the standardization process did not notably affect index trends or reduce interannual variability or index coefficients of variation, so the WG did not use the standardized indices in the base run and instead used the stratified arithmetic mean for surveys with a stratified random design and the geometric mean for surveys with a fixed station design. Bayesian hierarchical modeling was used to combine YOY indices into a single composite index, using the method developed by Conn (2010) that represents the coast wide recruitment dynamics of bluefish. Surveys included in the composite index were from NH Juvenile Finfish Seine Survey, RI Narragansett Bay Juvenile Finfish Beach Seine Survey, NY Western Long Island Seine Survey, NJ Delaware River Seine Survey, MD Juvenile Striped Bass Seine Survey, and VIMS Juvenile Striped Bass Seine Survey. In addition, the bluefish working group decided on 8 additional representative indices of bluefish abundance for the assessment:

1. NEFSC Fall inshore strata: 1985-2008 (age-0 – age-6+)
2. NEFSC Fall outer inshore strata (FSV Bigelow): 2009-2021 (age-0 – age-6+)
3. NEAMAP Fall Inshore trawl survey: 2007-2021 (age-0 – age-6+)
4. ChesMMAP trawl survey: 2002-2018 (age-0-3)
5. Pamlico Sound Independent Gillnet Survey; 2001-2021 (age-0 – 6+)
6. Marine Recreational Information Program CPUE: 1985-2021 (age-0 – age-6+)
7. SEAMAP Spring Inshore trawl survey: 1989-2021 (age-1)
8. SEAMAP Fall Inshore trawl survey: 1989-2021 (age-0)

Calculation of the MRIP CPUE was updated for this assessment. Bluefish trips were defined using a guild approach where a trip was considered a bluefish trip if it caught either bluefish or a species that was significantly positively associated with bluefish. This was a change from the previous benchmark assessment where effort was described using "directed trips," which describe trips where bluefish were considered a target species.

Multinomial age length keys were also explored as part of this assessment. Seasonal multinomial age length keys (ALKs) reduced retrospective trends and improved convergence diagnostics in statistical catch at age models relative to alternative ALKs; additionally, the WG did not believe data were sufficient for higher resolution (e.g., regional) ALKs, and so seasonal multinomial ALKs were selected for use in the assessment.

> *Term of Reference #4: Use appropriate assessment approach to estimate annual fishing mortality, recruitment and stock biomass (both total and spawning stock) for the time series, and estimate their uncertainty. Compare the time series of these estimates with those from the previously accepted assessment(s). Evaluate a suite of model fit diagnostics (e.g., residual patterns, sensitivity analyses, retrospective patterns), and (a) comment on likely causes of problematic issues, and (b), if possible and appropriate, account for those issues when providing scientific advice and evaluate the consequences of any correction(s) applied.*

The Woods Hole Assessment Model (WHAM), a state-space, age structured stock assessment model, was used as the base model to estimate annual fishing mortality, recruitment, stock biomass, and associated estimates of uncertainty, with data updated through 2021. A suite of model fit diagnostic plots were examined for each model of interest and model fits were examined using conventional residual diagnostics, as well as one-step ahead residual diagnostics. Retrospective patterns in model results were evaluated using Mohn's rho values.

The final model configuration included a number of notable model and data changes since the previous peer reviewed model, including: a state-space model, updated natural mortality estimate, addition of new indices, including a newly estimated MRIP CPUE index, and addition of several selectivity blocks. Spawning stock biomass from the final base model starts in 1985 high and declines through the late 1990s, remains stable for several years before rising to a localized peak in 2008, declining through 2018, and rising in the years since. This pattern broadly reflects trends from the previously accepted model, albeit with differences in scale. Fishing mortality from the base model starts low in 1985 and rises quickly, then declines and varies without trend over much of the timeseries; fishing mortality reached a high in 2017, and has declined to timeseries lows since. The trend from the previously accepted model is broadly similar, albeit again, with some differences in scale, primarily in estimates of recruitment.

WHAM allows for incorporation of environmental covariates on the catchability of survey indices, and we explored a companion model that leveraged this capability. The companion model that used the forage fish index as a covariate on catchability of the MRIP index showed promise for continued development. The covariate led to an overall decreasing trend in catchability over time.

Term of Reference #5: Update or redefine status determination criteria (SDC; point estimates or proxies for B_{MSY}, $B_{THRESHOLD}$, F_{MSY} and MSY reference points) and provide estimates of those criteria and their uncertainty, along with a description of the sources of uncertainty. If analytic model-based estimates are unavailable, consider recommending alternative measurable proxies for reference points. Compare estimates of current stock size and fishing mortality to existing, and any redefined, SDCs.

Existing status determination criteria from the 2021 management track assessment (data through 2019) were F_{MSY} proxy = $F_{35\%}$ = 0.181 and SSB_{MSY} = 201,729 MT (1/2 SSB_{MSY} = $SSB_{THRESHOLD}$ = 100,865 MT). Updated reference points from the ASAP continuity run are F_{MSY} proxy = $F_{35\%}$ = 0.176 and SSB_{MSY} = 190,771 MT (1/2 SSB_{MSY} = $SSB_{THRESHOLD}$ = 93,386 MT).

Both $F_{35\%}$ and $SSB_{35\%}$ were calculated in WHAM using average recruitment over the time series (1985-2021), and 5-year averages for fishery selectivity, maturity and weights-at-age for SSB per recruit calculations. Reference points from the final model (BF28W_m7) were F_{MSY} proxy = $F_{35\%}$ = 0.248 (95% CI: 0.209 – 0.299) and SSB_{MSY} proxy = $SSB_{35\%}$ = 91,897 MT (95% CI: 66,219–127,534 MT); $SSB_{THRESHOLD}$ =1/2 SSB_{MSY} proxy = 45,949 MT (95% CI: 33,110–66,768 MT). The retrospectively adjusted values of terminal year F and SSB were within the 90% confidence bounds of the unadjusted values, indicating a retrospective adjustment was not necessary to determine stock status. The terminal year SSB was 55,344 MT (95% CI: 35,185 – 87,052 MT) which was above the $SSB_{THRESHOLD}$ and 60% of SSB_{MSY}. Full fishing mortality was 0.166 (95% CI: 0.103 – 0.268) in 2021, which was 67% of the $F_{35\%}$ reference point. Stock status determination based on the final model indicates that there is an 87% chance that the bluefish stock is currently not overfished and over-fishing is not occurring.

Status determination criteria	2021 Management track assessment	2022 research track assessment (continuity run)	2022 research track assessment (WHAM)
F_{MSY} proxy = $F_{35\%}$	0.181	0.176	0.248
SSB_{MSY}	201,729 MT	190,771 MT	91,987 MT
½ SSB_{MSY}	100,865 MT	93,386 MT	45,949 MT

Term of Reference #6: Define appropriate methods for producing projections; provide justification for assumptions of fishery selectivity, weights at age, maturity, and recruitment; and comment on the reliability of resulting projections considering the effects of uncertainty and sensitivity to projection assumptions.

Short-term projections were conducted in WHAM, and incorporated model uncertainty and auto-regressive processes in recruitment and numbers-at-age. The projections used 5-year averages for natural mortality, maturity, fishery selectivity and weights-at-age. Removals in 2022 were assumed to be equal to the 2022 ABC (11,460 MT), and projections were carried forward for years 2023-2025 with different fishing mortality and harvest assumptions: F = 0, $F_{status\ quo}$ = 0.166, $F_{35\%}$ = 0.248, and that harvest in each year is equal to the acceptable biological catch (ABC) in each year. The probability of SSB in 2025 being above the SSB threshold is > 80% for

all scenarios explored. Catch advice will be updated as part of the 2023 Management Track assessment, but catch advice from WHAM under the most likely scenario explored for this research track assessment (MAFMC risk policy assuming CV = 100%) is expected to be stable, but lower, relative to 2022.

> *Term of Reference #7: Review, evaluate, and report on the status of research recommendations from the last assessment peer review, including recommendations provided by the prior assessment working group, peer review panel, and SSC. Identify new recommendations for future research, data collection, and assessment methodology. If any ecosystem influences from TOR 1 could not be considered quantitatively under that or other TORs, describe next steps for development, testing, and review of quantitative relationships and how they could best inform assessments. Prioritize research recommendations.*

The SAW 60 WG reviewed the status of previous research recommendations and proposed new ones to address issues raised during WG meetings. Notable accomplishments relative to past research recommendations include: development of an MRIP index using a species-association method to identify bluefish trips, updating the estimate of natural mortality used in the assessment model, evaluating model results that aggregated all model input data at a seasonal and regional level of resolution, multiple fishery independent surveys were combined using VAST as part of this assessment, examination of differences in the calibrated and uncalibrated MRIP estimates of bluefish catch, spatial stratification of recreational release length frequencies when calculating the weight of dead recreational releases, and the migration to the WHAM framework will allow for continued exploration and testing of covariates influencing time-varying catchability and selectivity.

The WG proposed several new research recommendations to better understand bluefish dynamics and assessing the population through the current or future models. These include the following: expand collection of recreational release length frequency data, continue development and refinement of the forage fish / availability index as well as incorporation of this index in to a base model for bluefish management advice, initiate additional fisheries-independent surveys or fishery-dependent sampling programs to provide information on larger, older bluefish, continue coastwide collection of length and age samples from fishery-independent and -dependent sources, refinement and development of indices of abundance, and develop a recreational demand model.

> *Term of Reference #8: Develop a backup assessment approach to providing scientific advice to managers if the proposed assessment approach does not pass peer review or the approved approach is rejected in a future management track assessment.*

A backup assessment approach is required to be in place as a hedge against a scenario where the primary catch-at-age model is not suitable for providing management advice. The bluefish Working Group chose the index-based method Ismooth (previously known as PlanBSmooth) as the backup model due to its performance in the analyses performed by the Index Based Model Working Group (NEFSC 2020) and because it has a history of application at the NEFSC as an approach that has been used to develop ABCs (e.g., Georges Bank cod, Gulf of Maine / Northern

Georges Bank and Southern Georges Bank / Mid-Atlantic monkfish). Briefly, this approach applies recent trends in an index or indices to recent dead catch to generate ABC advice.

EXCERPTS

Research Track Assessment of Northwest Atlantic

Spiny Dogfish

Spiny Dogfish Research Track Working Group

November 23, 2022

PARTICIPANTS

Working Group

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Raul Rago	NEFSC (retired)
Ian Taylor	NWFSC
Michele Traver	NEFSC
John Whiteside	SFA

EXECUTIVE SUMMARY

A research track assessment for spiny dogfish was planned for peer review in 2022, with several terms of reference (TORs) established to be addressed. This is the Spiny Dogfish Working Group's report to fulfill the TORs.

Terms of Reference (TOR) 1: "*Identify relevant ecosystem and climate influences on the stock. Characterize the uncertainty in the relevant sources of data and their link to stock dynamics. Consider findings, as appropriate, in addressing other TORs. Report how the findings were considered under impacted TORs.*"

Ecosystem and climate influences on the Northwest Atlantic spiny dogfish stock (simply "spiny dogfish" hereafter) were assessed by the Working Group in the context of their distribution and life history processes. The literature on spiny dogfish distribution was reviewed to provide context on its historical range, migration patterns, and perceived stock structure. Spatial distribution of the species was described specifically for within the Northeast U.S. Continental Shelf, and the geographic, climate, and environmental variables that have been known to influence spiny dogfish. To assess how climate has influenced the stock's abundance and distribution, a Vector Autoregressive Spatiotemporal (VAST) model was developed from the Northeast Fisheries Science Center (NEFSC) spring bottom trawl survey to calculate the center of gravity and effective area occupied for male and female dogfish. Largely, these metrics suggested that the annual distribution of dogfish has not changed significantly over time. Temperature and depth were explored as covariates in the VAST model, as they were the most common variables associated with spiny dogfish abundance and distribution from the literature. Results indicated that depth was the only significant factor in predicting occurrence and abundance.

The Working Group also discussed the environment and potential effects on life history characteristics: recruitment, growth, maturity, and diet. The Working Group explored the correlation between environmental conditions (e.g., spring bottom temperature, the North Atlantic Oscillation) on recruitment and recruits per spawner indices from the NEFSC spring bottom trawl survey, with little correspondence. Temperature was also evaluated in the context of a stock-recruit relationship, which indicated no statistical improvement over a

non-environmentally explicit relationship. While environmental and climate influences on growth may be occurring, the lack of time series growth information prevented the Working Group from conducting related formal analyses. Updated maturity time-series data indicated a decline in maturity over time, but several causes are possible, including either harvest or environmental forcings. As such, better understanding the drivers in the declining maturity over time is considered a research recommendation.

TOR 2: Estimate catch from all sources including landings and discards. Describe the spatial and temporal distribution of landings, discards, and fishing effort. Characterize the uncertainty in these sources of data.

Commercial and recreational landings and discards are estimated over time, with methods for deriving them presented. Commercial landings increased rapidly from the late 1960s to 1974, with substantial spiny dogfish harvest by foreign trawling fleets beginning in 1966. After 1978, landings by foreign fleets were curtailed, and landings by U.S. and Canadian vessels increased. The U.S. commercial fishery intensified in 1990, and landings were reduced in the 2000s due to restrictions imposed by federal and interstate fisheries management plans. When the stock was declared rebuilt in 2009, the allowed biological catch, trip limits and landings increased. Otter trawl and gill nets have been the primary U.S. commercial gears used to harvest spiny dogfish. Estimation of discards was uncertain prior to establishment of the at-sea observer program in 1989, which informed the starting year of the assessment model. There is some uncertainty in landings and discards for each fleet's size and sex composition information based on the available data and thus associated assumptions made to produce catch information for the assessment model. Catch per unit effort indices were developed for the U.S. commercial otter trawl fleet to assess prospective correspondence to fisheries independent surveys.

TOR 3: Present the survey data used in the assessment (e.g., indices of relative or absolute abundance, recruitment, state surveys, age-length data, application of catchability and calibration studies, etc.) and provide a rationale for which data are used. Describe the spatial and temporal distribution of the data. Characterize the uncertainty in these sources of data.

The Working Group evaluated several fisheries-independent surveys within the stock boundaries to inform modeling efforts of TOR 4: NEFSC Bottom Trawl Surveys, NEFSC

Bottom Long Line Survey, Northeast Area Monitoring and Assessment Program (NEAMAP) Inshore Trawl Survey, Massachusetts Division of Marine Fisheries (MADMF) Bottom Trawl Survey, Atlantic States Marine Fisheries Commission (ASMFC) Shrimp Survey, Rhode Island Coastal Trawl Surveys, the Maine-New Hampshire (ME-NH) Inshore Groundfish Trawl Survey, and Canadian Bottom Trawl Surveys. Where available, indices were evaluated for both male and female spiny dogfish by season. Concerns as to whether surveys that only sampled a portion of the stock unit adequately track temporal population changes led the Working Group to only use the NEFSC spring bottom trawl survey for modeling purposes. Of the available data, this survey best samples the entirety of the stock. Fall indices are not optimal for assessing annual changes because substantial portions of the stock are outside the survey domain during that season.

VAST models were developed to integrate multiple surveys' information and produce a single index and associated length composition for each sex in a given season. VAST models for this exercise included the NEFSC Bottom Trawl Survey, NEAMAP Inshore Trawl Survey, MADMF Bottom Trawl Survey, and ME-NH Inshore Groundfish Trawl Survey. A comparison of NEFSC spring bottom trawl relative abundances indices and the VAST model spring indices indicated similar patterns over time. Abundance indices produced by VAST were developed for spiny dogfish by season and sex for use in the assessment model as a sensitivity run. However, VAST model fitting proved challenging for the length composition data and the Working Group was unable to get a converged model at the resolution of the length bins used by the assessment model. Model sensitivity analyses included testing the NEFSC fall bottom trawl survey indices, NEFSC spring and fall bottom long line survey indices, as well as the VAST spring index with interpolated length compositions.

TOR 4: Use appropriate assessment approach to estimate annual fishing mortality, recruitment and stock biomass (both total and spawning stock) for the time series, and estimate their uncertainty. Compare the time series of these estimates with those from the previously accepted assessment(s). Evaluate a suite of model fit diagnostics (e.g., residual patterns, sensitivity analyses, retrospective patterns), and (a) comment on likely causes of problematic issues, and (b), if possible and appropriate, account for those issues when providing scientific advice and evaluate the consequences of any correction(s) applied.

Stock Synthesis 3 (SS3) was chosen as the primary assessment tool, due to its ability to model sexes separately, and to accommodate length-based approaches. The SS3 base case model ran from 1989-2019 because the sea sampling data used to estimate discards was not available prior to 1989. Input data to the model included the NEFSC spring trawl survey, landings, discards, and length compositions for all of these data sources. Growth was modeled as von Bertalanffy, using the parameters estimated by Nammack et al. (1985), except that $L\infty$ for 2012-2019 was estimated within the model; the estimated female $L\infty$ for that period (89.24 cm) is considerably smaller than that used for 1989-2011 (100.50 cm). Natural mortality was taken to decline with age (Lorenzen 1996), and was assumed to average 0.102 over the 50 year potential lifespan of Atlantic spiny dogfish. The survival spawner-recruitment relationship was used, which was specifically designed for low fecundity species such as spiny dogfish (Taylor et al. 2013). Alternative stock-recruit models (Beverton-Holt and Ricker) were tested in SS3, but output from these runs appeared to be much less credible than that from the survival spawner-recruitment relationship.

The base case SS3 run showed declines in spawning output from 1989 to 1997; these quantities increased until 2012, then declined again. The estimated base case spawning output trends reasonably matched survey trends during 2000-2019 and exhibited almost no retrospective pattern (Mohn's $\rho = 0.06$). However, the base case estimated smaller declines in spawning output during 1989-1997 than those observed in the NEFSC spring trawl survey. Estimated female fishing mortality (numbers based, age 12+) peaked in 1992 at about 0.17, declined to less than 0.025 between 2002-2010, and averaged about 0.033 during the most recent period (2014-19).

The SS3 base case run was compared to the output from the Stochastic Estimator, the model used in previous spiny dogfish assessments. The Stochastic Estimator is based on swept area calculations under the assumption that the survey trawl efficiency is one, and uses bootstrapping to quantify the uncertainties. The SS3 model generally estimated somewhat higher biomass and spawning output and lower fishing mortality than the Stochastic Estimator because it estimated a slightly lower survey efficiency ($q = 0.83$). The Stochastic Estimator estimated much higher F and a larger decline in female biomass and spawning output in the early portion of the time series.

TOR 5: Update or redefine status determination criteria (SDC; point estimates or proxies for BMSY, BTHRESHOLD, FMSY and MSY reference points) and provide estimates of those criteria and their uncertainty, along with a description of the sources of uncertainty. If analytic model-based estimates are unavailable, consider recommending alternative measurable proxies for reference points. Compare estimates of current stock size and fishing mortality to existing, and any redefined, SDCs.

Per recruit calculations indicate that both yield-per-recruit (YPR) and pups-per-recruit (PPR) calculations are highly sensitive to growth assumptions. Maximum YPR occurred around $F = 0.15$, but using the estimates of L_∞ from the most recent period (89.24 cm for females), fishing above $F = 0.03$ produced less than two pups per recruit, and thus was unsustainable. The Working Group evaluated three SS3 estimated spawners-per-recruit (SPR) reference points: SPR50%, SPR60% and SPR70%. The fishing mortality associated with SPR50% (0.037) would produce less than two PPR. Furthermore, mean fishing mortality was below this value during 2013-2019, but nonetheless, female biomass and spawning output substantially declined during this period. By contrast, these quantities increased when fishing mortality was below $F = 0.025$, the fishing mortality associated with SPR60%, and decreased when F > 0.025 during the most recent period. For these reasons, the Working Group recommended adopting the SPR60% reference points: a spawning output target of 370.8 million pups and $F = 0.025$. This spawning output target corresponds to a considerably higher spawning biomass than previous reference points (SSB_{MAX} = 159,288 or 189,553 mt). However, reestimation of the previous reference points using updated data and parameters produced estimates similar to SPR60% (SSB_{MAX} = 445,349 mt and $F = 0.03$, McManus et al. 2022).

TOR 6: Define appropriate methods for producing projections; provide justification for assumptions of fishery selectivity, weights at age, maturity, and recruitment; and comment on the reliability of resulting projections considering the effects of uncertainty and sensitivity to projection assumptions.

The Working Group used the projection tool internal to SS3 for this assessment. The continuity of both the assessment model and projections being conducted with the same software allowed for effective and efficient application of the projection tool. Short-term projections were conducted (2020-2022) under four different fishing mortality rates: one

under zero harvest and at F = 0.017, 0.025, and 0.037, corresponding to the SPR reference points SPR70%, SPR60%, and SPR50% respectively. Projections indicated a decline in spawning output from 2019 to 2020, and then increases in spawning output under all four alternatives, likely due to maturation of many females in the large 2009-2012 year classes.

TOR 7: "*Review, evaluate, and report on the status of research recommendations from the last assessment peer review, including recommendations provided by the prior assessment working group, peer review panel, and SSC. Identify new recommendations for future research, data collection, and assessment methodology. If any ecosystem influences from TOR 2 could not be considered quantitatively under that or other TORs, describe next steps for development, testing, and review of quantitative relationships and how they could best inform assessments. Prioritize research recommendations."*

The Working Group reviewed the research recommendations presented in the last benchmark stock assessment for spiny dogfish (43rd SAW Stock Assessment Report, NEFSC 2006), and those most recent from the Mid-Atlantic Fisheries Management Council and its Scientific and Statistical Committee. Individual responses were provided to each recommendation on how the work conducted during this assessment addressed them. New research recommendations were also put forth by the Working Group; the highest priority recommendation is in regard for consistent ageing analyses. Movement from data-limited approaches to more sophisticated models often depends on available age or growth information. Aging programs should be established to allow for the continuous inclusion of such data and better inform growth in the assessment model, which can have significant impacts on model performance. Age samples should be collected across the spectrum of significant variables: by sex, across the size spectrum, by season, and over various areas of the stock bounds.

TOR 8: Develop a backup assessment approach to providing scientific advice to managers if the proposed assessment approach does not pass peer review or the approved approach is rejected in a future management track assessment. A backup assessment approach is required to be in place as a hedge against a scenario where the primary catch-at-age model is not suitable for providing management advice.

The Working Group evaluated several backup approaches, including the Stochastic Estimator, Depletion-Based Stock Reduction Analysis, Depletion-Corrected Average Catch, and the index-based method Ismooth. Each method uses various data streams (e.g., fisheries-independent indices, landings or catch information, life history parameters) to provide

inferences on population size and/or stock status. Of the methods reviewed, the Working Group recommended the Stochastic Estimator be used as the backup approach to providing scientific advice to managers if the preferred SS3 assessment model approach does not pass peer review or if SS3 is rejected in a future management track assessment.

Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 24, 2023

To: Council

From: Karson Cisneros, Staff

Subject: Atlantic Large Whale Take Reduction Team Updates

On Wednesday, February 8, the Council will receive an update from NMFS Protected Resources Division staff on the recent Atlantic Large Whale Take Reduction Team (team) meeting and other related issues. The meeting summary is not yet available, however team meeting presentations and other resources are available here. In addition, a letter sent to the team on January 18, 20203 from Janet Coit addressing the implications of the Consolidated Appropriations Act to the team is included behind this tab.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

ALWTRT Members and Alternates,

Thank you all for the constructive input you provided through the Atlantic Large Whale Take Reduction Team (ALWTRT) process that culminated last year. As you may know by now, the Consolidated Appropriations Act 2023 that was passed in December included a mandate that, with limited exceptions, the 2021 Atlantic Large Whale Take Reduction Plan (ALWTRP) amendments "shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance" with the Endangered Species Act and Marine Mammal Protection Act until December 31, 2028. The Act also prescribes and provides increased appropriations that support further development and implementation of innovative gear technologies, monitoring in the Gulf of Maine, and for other purposes.

Under these new provisions, we are required to "promulgate new regulations for the American lobster and Jonah crab fisheries consistent with the Marine Mammal Protection Act of 1972 (16 8 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that take effect by December 31, 2028." Though this is a different timeline than was discussed during the last ALWTRT meeting, I want to assure you that we will use input from your recent deliberations as a guide as we develop additional modifications to the Take Reduction Plan over the next several years. Further, we will consider new information as it becomes available and are considering how and when to re-engage with the ALWTRT in the future. In the short term, we anticipate moving forward with an extension of the emergency rule closing the "wedge" area surrounded by the Massachusetts Restricted Area. We also anticipate a proposed rule modifying the gillnet and other trap/pot fisheries.

We will continue working diligently to develop and expand use of on-demand fishing and other gear modifications. This requires that we work closely with the States, Councils and Commission, in consultation with fishing industry participants and others, on implementation challenges such as modifying surface marking requirements to include geolocation or other bottom gear marking techniques that can work as well as buoy lines to prevent gear conflicts. We will also explore solutions and challenges to implementing line caps and a dynamic approach for opening seasonal restricted areas or dynamic closures.

Funds appropriated for right whale research will be used to inform our understanding of right whale distribution, habitat use, health, threats, and other factors that will improve the models used to describe, predict, and analyze the changing risk landscape facing the North Atlantic right whale. The Decision Support Tool updates will go through peer review January 30 through February 1, which the Team is welcome to attend. We will share a webinar link and agenda next week.

While the new provisions of law have changed our trajectory and we are still considering the recent TRT input and recommendations, we plan to shift our energy into developing the next set of rules, as opposed to convening and managing the Team. Regardless, over the next year, we anticipate providing regular email and webinar updates on various topics of particular interest to

the Team, such as the Decision Support Tool peer review results, abundance and trends, status of the NARW UME, and news on other recovery actions (*e.g.*, vessel speed regulations) to keep you apprised of new information as it arises.

Thank you again for all of your hard work. As always, we are committed to using funds effectively and working with all of you to recover North Atlantic right whales and meet our goals under the MMPA.

Sincerely,

Janet Coit

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2023

To: Council

From: Chris Moore, Executive Director

Subject: Financial Disclosure and Recusal Requirements Briefing

On Wednesday, February 8, NOAA Office of General Counsel will provide a briefing on Magnuson-Stevens Act financial disclosure and recusal requirements. Information about these requirements is provided in the attached FAQs and at the links below.

- 50 CFR § 600.2335 – Financial Disclosure and Recusal Regulations
- Policy Directive 01-116-01 – Procedures for Review of Financial Disclosures and Recusal Determinations
- NOAA OLC Financial Disclosure and Recusal Presentation

https://www.fisheries.noaa.gov/partners/frequent-questions-financial-disclosure-and-financial-interests-form

Frequent Questions: Financial Disclosure and Financial Interests Form

Council nominees and members of the Science and Statistical Committees must file a Statement of Financial Interests to fulfill the requirements of the MSA. Learn more about these requirements below.

What fishing-related financial or ownership interests do I report on the Statement of Financial Interests form?

You are required to report any ownership or financial interest in a "harvesting, processing, lobbying, advocacy, or marketing activity." This includes charter boat related activities. You also must report fishing related ownership or financial interests held by your spouse, minor child, or partner.

List on the financial interest form any ownership or financial interest in a "harvesting, processing, lobbying, advocacy, or marketing activity" that is being or will be undertaken within any fishery over which your council has jurisdiction. Report all of the following:

- Stock, equity, and/or ownership interests in any company or business engaged in a harvesting, processing, lobbying, advocacy, or marketing activity.
- Stock, equity, and/or ownership interests in fishing vessel(s), including equity or ownership
  interest in the vessel(s), engaged in a harvesting, processing, or marketing activity.
- Stock, equity, and/or ownership interests in any company that provides equipment or other services essential to a harvesting, processing, lobbying, advocacy, or marketing activity.

What fishing-related employment interests do I report on the Statement of Financial Interests form?

You are required to report any employment interest in a "harvesting, processing, lobbying, advocacy, or marketing activity." This includes employment with any organization or association (other than the council). You must also report fishing related employment of your spouse, minor child, or partner. List on the form any employment interest in a "harvesting, processing, lobbying, advocacy, or marketing activity" that is being or will be undertaken within any fishery over which the council has jurisdiction.

Report employment with any:

- Company or business engaged in a harvesting, processing, or marketing activity.
- Fishing vessel engaged in a harvesting, processing, or marketing activity.

- Equipment company or company that provides other services essential to a harvesting, processing, or marketing activity.
- Firm providing consulting, legal, or representational services to an entity engaged in, or providing equipment or services essential to, a harvesting, processing, or marketing activity, including a firm engaging in lobbying or advocacy services in any fishery under the jurisdiction of your council.

Additionally, you must report employment with any association whose members include companies, vessels, or other entities engaged in harvesting, processing, lobbying, advocacy, or marketing activities. You must report employment with a company providing services to harvesting, processing, or marketing activities, or an organization engaged in lobbying or advocacy with regard to any fishery under the jurisdiction of your council.

Do I have to include membership or service with an association on my financial interest form?

You must report memberships or service with associations or organizations whose members include companies, vessels, or other entities engaged in harvesting, processing, lobbying, advocacy, or marketing activities. You must also report membership to an organization engaged in lobbying or advocacy with regard to any fishery under the jurisdiction of your council. This MUST include any service as an officer, director, or trustee of an association, including companies that provide services to harvesting, processing, or marketing activities. You must also report membership or service held by your spouse, minor child, or partner.

What happens if I do not file my form within the time stated on Page 1 of the form?

For currently appointed council members, if you do not file a timely, complete, accurate, and up-to-date form as required by regulations, you may be subject to criminal and/or civil penalties. And if you participate in matters affecting an undisclosed harvesting, processing, lobbying, advocacy, or marketing activity, you may be subject to criminal and/or civil penalties. The financial interest forms are an integral part of the system for exempting you from certain provisions of a criminal conflict of interest statute. If you are a voting member of a council, appointed by the Secretary, you must file a form with the executive director of your council within 45 days of taking office. You also must file an updated form with the executive director of your council within 30 days of the time any new financial interest is acquired or substantially changed by you or your spouse, partner or minor child. You also must file an updated form with the executive director of your council by February 1 of each year regardless of whether any information has changed on your form.

What if I knowingly withhold some information on my form?

Knowing and willful failure to disclose, or falsification of, information required to be reported may subject you to criminal prosecution or subject you to civil penalties. It is unlawful for an affected individual to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required by the MSA, or to knowingly vote on a council decision in violation of this Act. In addition to the criminal penalties applicable, a violation of this provision may result in removal from council membership.

What is considered a council decision?

A council decision primarily includes an approval of a fishery management plan (FMP) or FMP amendment (including any proposed regulations). Council decisions also include requests for an amendment to regulations implementing an FMP; finding that an emergency exists involving any fishery (including recommendations for responding to the emergency); and comments to the Secretary on FMPs or amendments developed by the Secretary. Council decisions do not include a vote by a committee of a council.

What if I have a financial interest with regard to a fishery under the jurisdiction of my council?

Public disclosure is the method for a member of a fishery management council to resolve a potential conflict with regard to most financial interests in fishery related harvesting, processing, lobbying, advocacy, or marketing activities. Restrictions on voting are not always required, except as identified in 50 CFR 600.235(c). Generally, you are only restricted from voting on a council decision that would have a significant and predictable effect on your disclosed financial interests, or on the disclosed financial interests of your spouse, minor children, or general partners.

If I believe I have a conflict of interest, can I voluntarily recuse myself?

Yes, if you believe that a council decision would have a significant and predictable effect on your financial interests, you may, at any time before a vote is taken, announce your intent not to vote on the decision. You may still participate in council deliberations.

When is recusal from voting on a council action mandatory?

You cannot participate fully as a council member on a matter that will affect your financial interests (or those interests of your spouse, partner, or minor child) when:

- A council decision will have an expected and substantially disproportionate benefit (see question 13 below) to your financial interests (or those interests of your spouse, partner, or minor child).
- A council action involves a matter primarily of individual concern (see question 14 below) to your financial interests (or those interests of your spouse, partner, or minor child).
- A council action affects a fishing related financial interest of yours that you have not reported on your financial interest form.

What is the scope of a recusal on voting? What am I not allowed to do if there is a conflict?

If you or the designated official determines that you cannot vote on a council decision, you can participate in deliberations but must first notify the council that you will not be voting on the matter and identify the financial interest that would be affected. You cannot vote or participate in deliberations regarding a matter primarily of individual concern that will affect your interests (or those whose interests that are attributable to you, such as spouse, partner or minor child). Your participation in an action by a council during any time in which you are not in compliance with the regulations may not be treated as cause for the invalidation of that council action.

Who determines whether my financial interests require my recusal from voting on a council decision?

You can independently conclude that a council decision would have a significant and predictable effect on your financial interests and as such you are recused from voting on the matter. You may also request a determination from the designated official as to whether a council decision would have a significant and predictable effect on your financial interests. The designated official for your council is an attorney from the regional NOAA General Counsel's office that works with your council. The designated official uses the member's form and other information to make a determination. The councils, NOAA General Counsel and the NOAA Fisheries Service Regional Offices regularly communicate to implement these regulations. If a council member would like to appeal a determination, the member may file a written request to the NOAA General Counsel for review of the designated official's determination within 10 days of the determination.

Does NOAA keep a record of council member recusals?

Yes, the councils and the NOAA Fisheries Regional Offices maintain records of financial disclosure statements. NOAA Fisheries submits a Report to Congress annually on actions taken by the Secretary and councils to implement the disclosure of financial interest and recusal requirements of the MSA. This includes identifying any conflict of interest problems and recommendations for addressing any such problems.

How is a "significant and predictable effect on a financial interest" determined?

A "significant and predictable effect on a financial interest" exists if an expected and substantially disproportionate benefit to the member's financial interest is closely linked to the council decision. A council action will have an "expected and substantially disproportionate benefit" to you if you (or those whose interests are attributed to you) have:

- A greater than 10 percent interest in the total harvest of the fishery (or the sector of the fishery) that is under consideration by the council.
- A greater than 10 percent interest in the marketing or processing of the total harvest of the fishery (or sector of the fishery) that is under consideration by the council.
- Full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery (or sector of the fishery) that is under consideration by the council.

Interests of your spouse, minor children, general partners, non-federal employers, and entities with which you are seeking employment and any organization in which you serve as an officer, director, or trustee are attributed to you.

The percentage of interest will be determined with reference to the most recent fishing year for which information is available, except that for fisheries in which Individual Fishing Quotas (IFQs) are assigned, the percentage of IFQs assigned will be determinative. If you believe that these provisions require your disqualification from a matter, you should announce your recusal from voting before council deliberations on the matter. If you have any questions regarding the application of the rules to your situation, you may seek advice from the NOAA Regional Attorney who advises your council (or an attorney in the Ethics Law and Programs Division of

the U.S. Department of Commerce). If you would like a determination as to whether an interest requires your recusal from voting, you may seek such a determination from the NOAA Regional Attorney who advises your council.

What are "matters primarily of individual concern"?

"Matters primarily of individual concern" are those matters that affect a small number of identified, or easily identifiable, parties, rather than broad policy matters affecting many entities. For example, a contract between your council and a company that employs you would be a matter primarily of individual concern for you. Thus, you would be disqualified from participating in any council action regarding the contract, even if the company was listed on your financial interest form. An FMP would usually be considered a broad policy matter, rather than a matter primarily of individual concern.

However, if a fishery had only a few active vessels and you owned one of those vessels, an FMP regarding that fishery would be a matter primarily of individual concern. You would be required to disqualify yourself from participating in matters concerning the plan. If you have any questions regarding the application of the rules to your situation, you should seek advice from the NOAA Regional Attorney who advises your council (or an attorney in the Ethics Law and Programs Division of the U.S. Department of Commerce).

Can I sign my form electronically and to whom do I submit my form?

If allowed by the requesting authority, nominees and members can submit their forms electronically via email, but you will need to print and sign the form for the official filing.

- For council nominees, your form must be initially filed with the state governor's office which nominated you to the council. Each nominee should ensure that a final complete form is filed with the Assistant Administrator by April 15 or, if nominated after March 15, 1 month after nomination by the governor. Nominees may contact NOAA Fisheries at (301) 427-8500 with questions.
- For seated members, the form must be filed with the executive director of the appropriate council within 45 days of taking office; and must file an update with the executive director of the appropriate council within 30 days of the time any such financial interest is acquired or substantially changed.
- All council members must file this form annually by February 1st regardless of whether any information on the form has changed.
- For SSC nominees and members, you must file this form with the Regional Administrator for the geographic area concerned within 45 prior to appointment. You must file an update with the Regional Administrator for the geographic area concerned within 30 days of the time any such financial interest is acquired or substantially changed. All SSC members must file this form with the Regional Administrator annually by February 1st regardless of whether any information on the form has changed.

If I have other questions not on this list, who can I talk to?

NOAA Fisheries encourages you to speak with your executive director, regional NOAA General Counsel, or NOAA Fisheries Regional Office with any questions. Please note that the requirements discussed in this FAQ are also included by NOAA Fisheries among the topics covered in its annual training of council members.

MAFMC Briefing book contribution, February 2023

Subject: Overlap of range of surfclams and ocean quahogs in the mid-Atlantic.

Short testimony by Roger Mann, Virginia Institute of Marine Science

Warming of the Mid-Atlantic continental shelf has resulted in a range shift of the Atlantic surfclam, *Spisula solidissima*, north and offshore into waters still occupied by ocean quahogs (*Arctica islandica*). As a consequence, a region of transition between two biological communities now exists over much of the offshore range of the surfclam in which surfclams and ocean quahogs co-occur. This is a region supporting fisheries for both species. Regulations prohibit fishers from landing both species in the same catch, limiting fishing to locations where the target species can be sorted on deck. Fishery access to the overlap region is vital as CPUEs have declined over the core of the surfclam's range. An at-sea survey sampling 50+ stations in the overlap region was conducted in September 2021 with the purpose of mapping fishable concentrations of surfclams and ocean quahogs. Size frequency and density data of both species were assessed along with environmental parameters. Species overlap between surfclams and ocean quahogs was most prominent in the 40-55-m depth range, where mean surfclam length declined by 40 mm compared to shallower waters. Density of surfclams shifted within this depth from surfclam dominant in <40 m to ocean quahog dominant in >60 m. Atlantic surfclam length increased with increasing summer bottom water temperature while densities remained stable, indicative of proportionately larger but fewer animals in warmer inshore waters. The importance of bottom water temperature in determining surfclam distribution revealed larger clams alongside high temperatures and shallow depths and small clams at deeper depths and lower temperature. Ocean quahog size metrics and densities, on the other hand, remain relatively unresponsive to both temperature and invading Atlantic surfclam populations. Ocean quahogs

increase in size with higher latitude. Large ocean quahogs, in particular, exhibit a distinct correlation with high latitude. The lack of response in ocean quahogs during the last decade to changing environmental variables may be due to their long lifespan in comparison to surfclams and the ability of ocean quahogs to avoid high fall temperatures through burrowing resulting in a much slower offshore movement of the species' range. All indications are that this overlap will persist for an extended period into the future, possibly decades, as will the associated fishing mixed catch problem. This analysis emphasizes the potential for long term economic disruption of fisheries as climate change pushes surfclams further into the range of the ocean quahog and highlights the need for discussions of regulatory changes related to mixed catches and on-board sorting of the clam species.

This synopsis will be accompanied by a short Powerpoint of data from the aforementioned 2021 survey and a video presentation including commentary from scientists implementing the survey, vessel captains, and processors.

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2023

To: Council

From: Jessica Coakley and José Montañez, Staff

Subject: Atlantic Surfclam and Ocean Quahog (SCOQ) Species Separation Requirements Amendment

At this meeting, the Council will receive an update on the outcomes from the recent meeting of the SCOQ Advisory Panel (AP) and Fishery Management Action Team (FMAT).

The following is included for Council consideration on this subject:

1) SCOQ AP and FMAT Meeting Summary (January 26, 2023)

2) FMAT Action Plan

3) Comments received on Species Separation Requirements approaches.

4) Comment received on Nantucket Shoals/Great South Channel Habitat Mgmt. Area

Atlantic Surfclam and Ocean Quahog (SCOQ) Species Separation Requirements Fishery Management Action Team (FMAT) and Advisory Panel (AP) Meeting Summary

January 26, 2023

The Mid-Atlantic Fishery Management Council's (Council) Species Separation requirements FMAP and the SCOQ AP met via webinar on January 26, 2023, to allow the AP to provide input on the FMAT's draft action plan for work on the Species Separation Requirement Amendment in 2023. In addition, the FMAT gathered input from the Advisory Panel on additional types of solutions/approaches that could be considered for the amendment.

FMAT members present: Jessica Coakley and José Montañez (Council Staff), Douglas Potts and Sharon Benjamin (GARFO), and Dan Hennen (NEFSC).

AP members present: Tom Dameron, Peter Himchak, Samuel Martin, Joe Myers, David O'Neill, Jeffrey Pike, Dave Wallace, and Monte Rome.

Others: Peter Hughes (SCOQ Committee Chair), Michelle Duval, Moriah Baybrick, Tom Alspach.

Summary of Discussion

- The meeting was opened with introductory remarks and a review of the agenda. Staff provided an overview of the draft action plan, including the proposed timeline for 2023/2024 which is the main revision to the document.

- An AP member asked if the FMAT chose to do a Management Strategy Evaluation (MSE) to address this issue how would this work? Will the FMAT do the MSE? Staff responded that MSE if a process, that often takes multiple years, and you need to have a very specific question to answer. The question was clarified that they are asking who would initiate work on an MSE. It was noted that a request from the Council may be needed to get an MSE initiated, but it was also noted that it is unlikely the Council would initiate one without the FMAT requesting it or stating that it is needed to address information or research needs to complete addressing this issue/Amendment development task.

- Two draft comments were submitted prior to this meeting – one from 3 processors, and another comment from 1. The AP members that were involved in those comments were asked if they wanted to speak to those directly.

- LaMonica Fine Foods only hand shuck surfclam and mostly only land surfclam. They do all of the sorting at the plant, and any ocean quahog are removed and disposed of. They would need to have ocean quahog tags to be able to send them to another company for processing. The complexity of this issue is not as great for them as for other companies. The proposal suggests a process to recoup the loss of landings from ocean quahog on a surfclam trip. The surfclam tag is more valuable than for ocean quahog.

- Atlantic Capes have allocations of both species, and the processing plant decides what to target (even if heavy mixing exits). There is mixing of both species and the crew discards unwanted species to stay economically viable. They discard as much as possible at sea, and the crew reports to the best of their abilities. View this issue as simple, with just one part of the regulation that needs to change. Right now, a single species trip is declared, but there is bycatch. But if we were able to land both species, that would not need to change. The change that is needed is that a tag represents 32 bushels – this is what is creating the issue. Need to move towards a bushel-based accounting. It was noted that a tagging system for traceability is needed (from the boat to the processor). The licensed dealer gets both species that are landed in the cages and can report what they purchased in terms of surfclam and ocean quahog in bushels. This reporting at the dealer will allow them to have the same species landed in the same trip.

- Other advisors agreed with the prior comments. It was stated by an advisor from Intershell, that the way they report landings on vessels is by hail weight. If any vessel cannot separate at sea, then it must be done at the plant. They should be issued mixed tags. NOAA would have to rely on accurate dealer reporting – there is a lot of history for how this is done in other fisheries. Hail and verification by dealer are a simple task.

- An advisor noted they question this long schedule of effort by the FMAT and the NEPA analysis to go along with this when this task is simple.

- Another advisor from Sea Watch Intl. noted that in addition to accurate reporting, we need to add precision of the data to this as well. The precision of the catch data depends on the technology we can sort with. One of the big takeaways is that everything that has been proposed by the advisor will result in a reduction in uncertainty above what is being done now – feel this will do a better job reducing uncertainty in the catch. The separation of clam catch must happen, but they do not believe this should include mandates. If electronic monitoring (EM) becomes feasible means, there could be accounting, but there wouldn't need to be separation. They are not support of sorting on the vessels and are advocating for accounting and separation of the plant. All the vessels separate at sea to some degree. In addition, they support of something that allows us to true-up the allocation, and to use the bushels that were used and not incur any burden. Right now, there is an overreporting of surfclam on trips and underreporting of ocean quahogs. At the plant is where they'd like to see the full accounting.

- An advisor suggested that for someone who has mixed clams, it would make sense to develop a pilot project for one company that can work with NOAA and figure out how to

make this work. It's challenging to make a rule and then have everyone modify their activities without any experience or troubleshooting. FMAT members noted that the Exempted Fishing Program (EFP) through NOAA can allow for exemptions from the current regulation if something can be designed, in terms of research/approaches to explore these issues.

- An FMAT member asked an advisor that only processes ocean quahog about their vessel operations and thoughts on separating catch. They noted that they don't own the boats or do the harvesting, so they didn't feel that could answer that question on vessel operations.

- An advisor noted that most fishermen have spoken about surfclams but not about the reverse. The quahog beds are the ones that were fished down years ago and those boats have moved offshore now, and the inshore surfclams are moving offshore into these old quahog beds. If you look at the bycatch data, it seems to indicate that the incidence of quahog in the surfclam catch are greater than the surfclam catches in quahog trips.

- An FMAT member asked if the industry had talked about how area base information would be captured in their proposal – linking the catch back to the area caught? It is currently tracked via tags using the eVTRS on the vessel. That information does not carry to the dealer reports. An advisor noted that they could change the dealer reporting matrix, but their discussions were higher level (did not get into granular issues), so they did not talk about this specifically.

- Another FMAT member asked if the advisors were confident that the sorting and reporting can be attached to a specific trip from a specific boat. What about when you get multiple boats offloading at the same time? Some advisors noted they run different vessels one a time with a time stamp, while others noted they may have product from multiple vessels in the cooler at the same time before processing. It was noted that this may require sorting/running product from one vessel at a time.

- An FMAT member asked when clams are being sorted and counted at the processing plant – how amicable would the dealers/processors be to having some sort of monitoring of that sorting – for example having observers, port agents, etc. An advisor noted that every federal dealer is required to let a port agent in and to allow them to observe.

- An advisor asked, do you want this process in place because you don't trust us, or to check the process? The FMAT member noted it may be for monitoring and accountability – to ensure any sorting protocols are being followed. The FMAT member noted that, for example, VTRs and dealer reports are reconciled in other fisheries – so if the dealer is the point of reporting it would be having a check on the process to follow the standardized procedure. The advisor noted that maybe that check should be part of the procedure – you will be inspected a few times a year by a port agent, for example like the public health officials do.

- There was a discussion among the advisors as to whether having a common protocol for sorting would make sense. Some noted that a common protocol for counting may not be good. If the accountability is by the bushel (volumetric fashion) then it would work. Advisors noted they though bushels should be the standard, and whether you put the product back in a cage or it goes into the hooper or a receptable to get those measures should not matter – you just need the volume in bushels.

- An advisor asked the question that if you wanted to send product from one plant to another, do you need to have tags. Another advisor noted there are shellfish transfer forms, so you may not need tags for that if the tag accounting was already done at the dealer.

- An FMAT member noted that tracking allocation with bushels versus tags is probably more involved and complicated in terms of what might be involved. There will be some changes to the back of the house for tracking allocation usage.

- An advisor noted that the big change to address this issue is the ability to land both species and possess them both on the same fishing trip.

- Another advisor asked, why don't we just allow for mixed trips right now? An FMAT member noted that it requires changing the regulations thought an Amendment action. Another advisor noted that they were told that we need to tie this to an action to change the rules. The rules can't just be changed. It was noted that no one wants to violate the rules, but the options are let's allow this or it could shut down the fishery. The advisor noted that the FMAT needs to step up and get this solved immediately. The advisor noted that a pilot project could help. Changing the regulation and putting those into place takes time. Maybe it's okay to parse out the parts that would be okay to immediately address now – the first phase is the allowance to have mixed clams and then must report what is taken out of the ocean.

- An advisor asked if there were any examples whether the regulations were change because of an issue like this. An FMAT member noted the development of the blueline tilefish fishery because of shifting distributions into the Mid-Atlantic as one example of where new regulation were developed. Another FMAT member noted that the bycatch of haddock in the herring fishery maybe another similar example – the action developed and implemented did allow some number of haddock in that fishery with the monitoring of it.

- Another advisor noted that regarding the legal jeopardy, that a pilot project could be done through an EFP to suspend the zero tolerance. This could be developed for vessels that fish in the heavily mixed areas.

- There was a question as to whether you would need an EFP for every vessel. An FMAT member responded that there have been cases for EFPs where they were issued for one dealer/processor with multiple vessels linked to that.

Action Plan to Develop an Amendment to address
Species Separation Requirements in the Atlantic Surfclam and Ocean Quahog FMP
(Updated as of 27 January 2023)

Council: Mid-Atlantic.

Type of Action: "Species Separation Requirement Amendment" to the Atlantic Surfclam and Ocean Quahog FMP.

Applicable Fisheries: Atlantic Surfclam and Ocean Quahog.

Purpose and Need: The purpose of this action is to modify the species separation requirements in the Atlantic surfclam and ocean quahog fisheries. Regulations will be modified to allow for mixed catches onboard vessels that presently are declared/targeting either surfclam or quahog. Regulations may be modified at various levels to address vessel trip declaration, onboard operations (e.g., sorting), cage tagging, and other regulations as needed. This action to update fishery regulations is needed because of the increased frequency of mixed catches in these fisheries, an issue raised to the Council by the clam fishing industry. In addition, these regulatory changes are needed to improve data collection and monitoring of the surfclam and ocean quahog catches given the current incorrect assumption at present that 100 percent of the catch on a targeted trip is the targeted clam species. This is also inconsistent with the ITQ system which requires tags and allocation for each species to be landed. No enforcement or monitoring of these mixed catches is occurring, but industry and survey data indicate that the overlap of these species distributions is increasing.

Additional Expertise Sought: The Fisheries Management Action Team (FMAT) for this action will be composed of staff from the Council, Greater Atlantic Regional Fisheries Office (GARFO), and the Northeast Fisheries Science Center (NEFSC). The FMAT will serve as the primary team for amendment development and analysis.

Fishery Management Action Team (FMAT)		
Agency	**Role**	**Person**
MAFMC	FMAT Chair	Jessica Coakley
MAFMC	Other Staff Technical Support	José Montañez
NMFS GARFO	Sustainable Fisheries - GARFO liaison	Douglas Potts
NMFS GARFO	GARFO - NEPA	Sharon Benjamin
NMFS GARFO	NEFSC - Population Dynamics Branch	Dan Hennen
NMFS NEFSC	NEFSC - Social Sciences Branch	John Walden

Types of Measures to be Considered:

The Council is considering measures to modify the species separation requirements in these fisheries.

Type of NEPA Analysis Expected: Document expected to be an EA.

Acronym	NEPA Analysis	Requirements
EA	**Environmental Assessment**	**NEPA applies, no scoping required, public hearings required under MSA***
EIS	Environmental Impact Statement	NEPA applies, scoping required, public hearings required

* If significant impacts are identified the action will be elevated to an EIS.

Applicable Laws/Issues:

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Unlikely, depends upon the actions taken
Coastal Zone Management Act	Unlikely; depends upon effects of the action on the resources of coastal states in the management unit
Endangered Species Act	Unlikely; level of consultation, if necessary, depends upon the actions taken
Marine Mammal Protection Act	Unlikely; level of consultation, if necessary, depends upon the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Unlikely; legal review will confirm
E.O. 13132 (Federalism)	Unlikely; legal review will confirm
Essential Fish Habitat	Unlikely; level of consultation, if necessary, depends upon the actions taken
Information Quality Act	Yes

Other Issues: No additional Amendment development issues have been identified.

Amendment Timeline (Development/Review/Implementation; as of 27 January 2023):

Note: *Italics/gray = complete.*

December 2021	*Council initiated work (FMAT, Advisory Panel (AP) and Committee meetings in 2021)*
February 2022	*FMAT reformed by Council*
April 2022	*FMAT meets, approves action plan, discusses potential range of alternatives, and begins document development*
October/November 2022	*Council meeting - Adopts public hearing draft and hold public hearings w/ advisors*
December 2022	*Committee meets to develop recommendations*
December 2022	*Council meeting – Remands work back to Committee and FMAT for further development*

January 2023	FMAT meets with AP. FMAT approves draft action plan, and receives additional input on solutions to explore from AP
February 2023	Council update on Action Plan and AP Input
March/April 2023	FMAT meeting to discuss possible solutions with additional experts on regulations, data, enforcement, etc. (e.g., APSD, OLE, SFD, etc.)
April 2023	AP meeting – discuss FMAT meeting outputs during AP Fishery Performance Report meeting
May – September 2023	FMAT develops possible alternatives; any additional FMAT, AP, or Committee meetings scheduled as needed
September 2023	Committee meets to develop recommendations on additional alternatives for inclusion in EA
October 2023	Council meeting – review and approve any additional alternatives
October 2023/January 2024	FMAT completes drafting public hearing document (may include an additional AP and Committee meeting to review document)
February 2024	Council approves public hearing draft
April/May 2024	Public hearings and comment period; Committee meeting to review public comment provided and develop recommendations to the Council
June 2024	Council Final Action

January 24, 2023

A Proposal to Develop an Accounting Program from Atlantic Capes Fisheries, LaMonica Fine Foods, and Surfside Foods to Address the Co-Mingling of Surfclams and Ocean Quahogs During Either a Surfclam or Ocean Quahog Clamming Trip

The objective of the clam industry's proposal is to ensure accurate reporting of mixed catches of surfclams (SC) and ocean quahogs (OQ) in support of accurate compliance with quotas and in continuing support of stock assessments for both species.

This is a two-part process:

1. Preliminary estimates of mix catch composition will be made at sea using acceptable subsampling for the total catch. The vessel may separate at sea to the extent possible and to the degree that the plant can handle the second level of separation. Separation at sea is not mandatory and any separation at sea is at the discretion of the individual clam company. Clams separated at sea, when landed, will be tagged with species specific tags.

2. Final accounting will be made at the processing plant. The plant further separates what could not be separated on the vessel to have the most accurate landings of both SCs and OQs.

Since both clam species must be completely separated and processed individually, the accounting of both clam species at the processing plant reduces uncertainty in the number of SCs and OQs that are being landed.

In order to implement this industry two-step process of accountability, the existing regulations governing the catch and landings of SCs and OQs must be changed in the following manner:

1. There must be an allowance for the presence of both SCs and OQ, separately in cages or mixed in cages, aboard a clam vessel as long as the vessel is fully permitted to do so.
2. There must be an allowance for the transport and possession of both SCs and OQs separately, or in mixed clam cages, at the plant.
3. The enforcement mandate that not a single clam of one species be present in a cage of the other species must be eliminated.

This accounting proposal using plant records will be records for both enforcement and data reporting to NMFS.

If a SC tagged cage is documented at the plant to include X number of bushels of OQs, which will then become identified by an OQ tag at the plant, the holder of the SC tag on that original cage desires to be able to recoup the X number of bushels of SCs under a separate SC tag number on a future trip. The same would apply for SCs present in an OQ tagged cage.

From:	Joe Myers
To:	Coakley, Jessica
Cc:	Luisi, Michael; Townsend, Wes; Moore, Christopher; Hughes, Peter B.; Montanez, Jose
Subject:	advance comments from SWI - SCOQ Advisory Panel Meeting with FMAT
Date:	Tuesday, January 24, 2023 4:27:46 PM

Dear Ms. Coakley,

On behalf of Sea Watch International, Ltd. and myself as an Advisory Panel member, we provide the following comments in advance of the Surfclam and Ocean Quahog Advisory Panel & FMAT Meeting on Thursday, January 26, 2023.

The objective that we share as a participant in the surf clam and ocean quahog fishery is to ensure accurate reporting of mixed catches of these two species of clams in support of accurate compliance with quotas and in continuing support of stock assessments for both species.

Sea Watch proposes accounting of mixed landings be made at the processing plant in the dealer report. The dealer report will be the record for both enforcement and data reporting to NMFS. Current market outlets for surf clams and ocean quahogs require that these species must be separated and processed as such. Accounting of both clam species at the processing plant aligns reporting to where adequate separation is most practically accommodated. Through implementation of this new accountability process, the existing regulations governing the catch and landings of surf clam and ocean quahog could then enable removal the prohibition and on mixed landings.

Sea Watch is also supportive of a process by which bushels recorded as landed commensurate with the declared trip that are subsequently reconciled at the plant to the commingled species, can be returned to the tagholder for use against future landings.

We believe that these proposed measures, as well as others that other industry participants will bring forth, provide greater catch certainty compared to the status quo, and are therefore a marked improvement in the management of the surf clam and ocean quahog fishery.

Sincerely:

Joseph J. Myers

Sr. Director, Innovation & Sustainability
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Surf Clam / Ocean Quahog Accounting Flow Chart

Owner or Lessee of Clam has received allocation approval to harvest SC/OQ
Allocation Holder has 10,000 bushels of SC and 5,000 bushels of OQ. (Example)
(Current Regulation- No Changes Needed)

Federally permitted vessel declares for a SC or OQ trip for target species.
Each vessel will have a target dependent on what the processors wants them to catch.
In the current way of operating vessels are told what to target by processor need.
(Current Regulation- No Changes Needed)

Due to resource shift with mixing occurring, there is bycatch while the target species operations.
Crews are discarding bycatch to the degree possible while maintaining economic viability.
The mixing of catch is increasing at a greater rate than the crews can handle. (Problem)
Non-target species are being landed in cages. (Legal Jeopardy)
(Current Operations)

Vessel fills out and estimate landing by catch composition on VTR.
Due to the legal jeopardy the VTR have omitted the bycatch "problem".
If both species were legal to possess at the same time: (ZERO Legal Jeopardy)
(Current Regulation- No Changes Needed by NMFS)
Vessel will just need to start recording bycatch estimates.

Vessel offloads and tags the cage.
(Change Needed)
If there is going to be limited mixing in cages, then the "Tag" can no longer can represent 32 bushels as it will not be a true representation. The true accounting will be done from the dealer.
The tag will now represent the offload container for shellfish traceability only.

The Licensed Dealer (First Buyer reporting entity) dumps cages onto their processing line. (No Change)
The workers on the lines separate the non-targeted (bycatch) clams. (No Change)
The bycatch is counted by the bushel and processed separately, sold, or discarded (No Change)

Example:
Vessel targeted Surf Clams, landed, and sold to the dealer. The dealer separated all clams. The true accounting of processed clams from that trip was 1000 bushels of SC and 150 bushels of OQ.

Dealer reports to NMFS purchased bushels from allocation holder is. The allocation holder is debited the number of bushels for each species against their allocation number. (No Change for Dealer or NMFS) The only difference is that each species would be reported on the same trip identifier.

In the example above the allocation holder will have the balance of bushels 9000 of SC and 4850 of OQ

NMFS will have the true landed volume for each species.

There is only one change needed in the management plan which is to allow the landing of SC and OQ on the same trip. It will be up top industry to how much, if any, get separated on the vessels.

Thanks
Sam Martin, Atlantic Capes Fisheries Inc.

From:	MONTE ROME
To:	Coakley, Jessica; Martin, Samuel; Hughes, Peter B.; RON SMOLOWITZ; Shaun Gehan
Subject:	Re: SCOQ Species Separation Requirements Amendment FMAT and Advisory Panel Meeting
Date:	Tuesday, January 24, 2023 10:39:40 AM
Attachments:	Untitled

Good Morning Jessica,

I do plan to attend the meeting by zoom this Thursday. In the meantime, I would like to know the progress you have made on the framework for Nantucket Shoals. You might know that NEFMC has slated 'no project' for dealing with this area for this year as their project outline has been published without mention about the needs of this area and surf clam fishery.

It is ever clear that they do not intend to manage this area so one would conclude that this part of the surfclam range is truly without management from either council. This is of course in stark contrast to Magnuson and is a sad epithet to the only well managed fishery in our country. How can MAFMC let this happen while watching the OY drops below 50%? Could the MAFMC's negligence on this area's management requirements be realized in more rock protection on other surfclam EFH and close the entire fishery down?

Please provide your thoughts on how this area can be properly managed, and the timing of when a draft of a proposed framework be initiated and presented for us and both councils to be considered.

Best regards, Monte

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 25, 2023

To: Council

From: Jose Montanez, Staff

Subject: 2023 Northeast Commercial Fishing Vessel Cost Survey Update

On Wednesday February the 8th, Samantha Werner, an economist at Social Science Branch of the Northeast Fisheries Science Center (NEFSC) will give the Council an overview of the 2023 Northeast Commercial Fishing Vessel Cost Survey. The voluntary cost surveys are routinely conducted by the NEFSC to collect commercial fishing business costs from vessel owners in the Greater Atlantic Region. Upcoming survey will be implemented in March/April of 2023 for costs incurred in 2022. Collected data is used for understanding trends, tracking economic performance of fleets, and generating analyses that inform management decisions. Cost Survey Project page found here.

Marine Resource Education Program

Overview of the MREP Program

The complex system of fisheries science and management is difficult for many fishermen and others to navigate. Fishermen attending fishery management council meetings, serving as advisors to the management processes, or partnering in collaborative research require baseline information to be effective in their roles. In 1996 the New England Fishery Management Council (NEFMC) convened a Professional Standards Committee to develop recommendations for responsible fishing practices to be incorporated in management planning. One of these recommendations was for training for career fishermen leading to professional certification.

Simultaneously, ongoing conversations ensued among fishing community leaders active in the fisheries management process who recognized fishermen struggling to navigate the complex regulations and management processes. At the end of the turbulent 30-year period post-passage of the Magnuson-Stevens Fisheries Management Act, the fishing industry was struggling with the imposition of regulations where there had been few before. It was a shock to the culture. By the mid-2000s that culture was experiencing rapid evolution, and those fishermen responsible for launching MREP were trying to encourage a more effective narrative. It was imperative that the program belong to the fishing community and be sensitive to cultural nuance.

The Marine Resource Education Program (MREP) was developed in the Northeast region in 2001 by two Maine fishing community leaders, Council member John Williamson, future Council member, Mary Beth Tooley, with input from fishermen around the region. Their goal was to elevate the regional dialog concerning fishery management at the NEFMC. Since then, MREP has become a nationally recognized training program for fishermen, managers, scientists, and environmentalists, offering a two-part 3-day workshop series in fisheries science and fisheries management for commercial and recreational fishermen.

In 2005, the Gulf of Maine Research Institute was brought on as the new administrative and convening partner for the MREP program, under John and Mary Beth's principal guidance and in collaboration with expert industry partners.

A 2006 Government Accountability Office report specifically cited MREP as a model for other fisheries management councils to consider for improving stakeholder participation in the fisheries management process. The program is pleased to have successfully implemented sister

MREPs serving fisheries of the Southeast, Caribbean, and West Coast regions in 2012, 2014, and 2016, respectively. The MREP program is expanding into the North Pacific, where the first MREP will be delivered in April 2023.

MREP Guiding Principles

Education First. The Marine Resource Education Program (MREP) is a 2-part workshop series that provides fishermen with the knowledge, tools, and connections to empower them to effectively play a role in the complex federal-water fisheries science and management processes:

- 3-day Fisheries Science Workshop
- 3-day Fisheries Management Workshop

From the beginning, MREP has embraced the **"by fishermen, for fishermen"** approach and addresses the questions: "What information and tools do fishermen need to engage effectively in fishery management and collaborative science? What valuable knowledge do fishermen bring to the table? How do fishermen, scientists and managers learn to work together to address fisheries issues? How are relationships important in the fisheries science and management processes, and who should fishermen build relationships with so they can most effectively get their voices heard?"

Who is MREP for? Any and all federal water fishermen and associated industry interested in effectively playing a role in the sustainability and management of the resource. We welcome and strategically aim to attract a diversity of gear type, vessel size, sector, fishery, region, etc. to each workshop, remaining steadfast to our foundational principles of neutral education for all, and thereby empowering the entire fishery.

Collaborative development. The workshop curricula are collaboratively developed by a diverse and comprehensive group of regional fishermen and industry members that represent the region to ensure the agendas are objective, comprehensive, and relevant to regional industry members. Fisheries scientists and managers contribute to this comprehensive collaborative development, but the program is foundationally led by industry.

Neutral. Workshops strategically happen outside of the regulatory process and are facilitated by the Gulf of Maine Research Institute to ensure neutrality and cohesiveness among all program leaders among the Steering Committee in the curriculum development, applicant selection process, and workshop delivery. Importantly, this neutrality fosters an effective environment for information exchange and uptake, and relationship building among fishermen and between fishermen and scientists and managers.

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MEMORANDUM

Date: January 27, 2023

To: Council

From: Hannah Hart, Staff

Subject: Northeast Trawl Advisory Panel

The Council will receive a presentation about the Northeast Trawl Advisory Panel (NTAP) on Wednesday, February 8, 2023. This presentation will provide an overview of NTAP, as well as an update on recent activities, including discussions held during the January 19, 2023, NTAP meeting.

Background

NTAP is a joint advisory panel of the Mid-Atlantic and New England Fishery Management Councils (MAFMC and NEFMC). It is comprised of Council members, as well as fishing industry, academic, and government and non-government fisheries experts who provide advice and direction on the conduct of trawl research. It is supported by the National Oceanic and Atmospheric Administration's Northeast Fishery Science Center (NEFSC). Additional information about NTAP is available at https://www.mafmc.org/ntap.

The NTAP has three primary areas of focus: (1) understanding the existing NOAA/NEFSC trawl survey gear performance and methodology, (2) evaluating the potential to complement or supplement this and other regional research surveys, and (3) improving understanding and acceptance of NOAA/NEFSC trawl survey data quality and results.

The NTAP recently held a hybrid meeting on January 19, 2023, in Narragansett, Rhode Island. At the meeting the panel received updates from the NEFSC, including updates on this year's trawl and bottom longline surveys. The panel also discussed several communication tools that are being developed to better communicate how survey data is being used in stock assessments. Preliminary results from the restrictor rope research were also presented at the meeting. This project was a cooperative effort between fishermen and researchers to evaluate the use of a restrictor rope on bottom trawl surveys and its impacts on catch. More information about the restrictor rope research can be found at this link. During the meeting the panel also discussed offshore wind construction updates and split off into breakout groups to discuss future priorities of NTAP. **A summary of the January NTAP meeting will be posted, once available, as a supplemental document on the February 2023 Council Meeting page.**

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Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2023

To: Council

From: Chris Moore, Executive Director

Subject: Executive Director's Report

The following materials are enclosed for review during the Executive Director's Report at the February 2023 Council Meeting:

1. 2023 Planned Council Meeting Topics
2. 2023 Council Meeting Schedule
3. 2023 Implementation Plan – Proposed Actions and Deliverables
4. MAFMC Letter to ONMS: Hudson Canyon Section 304(a)(5) Consultation
5. GARFO Letter to MAFMC: MSB Amendment 23 Approval
6. NEFMC Letter to MAFMC: Spiny Dogfish Specifications
7. NEFMC Letter to NRCC Partners: White Hake Assessment
8. NEFMC Press Release: Council Executive Director Tom Nies Announces Retirement
9. Reminder: Preventing Harassment and Discrimination Training
10. Staff Memo: Offshore Wind Updates
11. Staff Memo: SSC Membership Reappointments

2023 Planned Council Meeting Topics

Updated: 1/19/23

February 7-9, 2023 Council Meeting – Washington, DC

- Monkfish Framework 13: final action on 2023-2025 specifications and other measures
- Monkfish Research Set-Aside Program: review priorities
- *Illex* Permit Action Follow-Up: review NMFS response and consider initiating action
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: review FMAT action plan and additional Advisory Panel recommendations
- Executive Committee (Closed): review Ricks E Savage award nominees
- Squid Squad Update
- Lessons Learned – Piloting an Automatic Jigging Machine in Southern New England Squid Fisheries
- Highly Migratory Species: update on recent and ongoing management initiatives
- Bluefish and Spiny Dogfish Research Track Assessments: presentation
- Atlantic Large Whale Take Reduction Team: update
- Financial Disclosure and Recusals: review NOAA requirements
- SCEMFIS Survey of Surfclam and Ocean Quahog Species Composition: presentation
- NEFSC Cost Survey for Commercial Fishing Businesses: presentation
- Marine Resource Education Program: overview of program goals and accomplishments
- Northeast Trawl Advisory Panel: overview and update
- SSC membership: review and approve

April 4-6, 2023 Council Meeting – Durham, NC

- 2023 *Illex* Specifications: review
- 2024-2025 *Illex* Specifications: approve
- Habitat Activities (including aquaculture): update
- Offshore Wind: update
- East Coast Climate Change Scenario Planning: update
- 2023 Mid-Atlantic State of the Ecosystem Report: review
- Short-Term Forecasts of Species Distributions Project: review results and discuss next steps
- NTAP Restrictor Rope Research: review results
- Ocean City Video Project: review results

June 6-8, 2023 Council Meeting – Virginia Beach, VA

- 2024 Atlantic Surfclam and Ocean Quahog Specifications: review
- 2024 Blueline Tilefish Specifications: review
- 2024 Golden Tilefish Specifications: review
- Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon: review and approve range of alternatives
- Omnibus Essential Fish Habitat (EFH) Amendment: review draft EFH designation alternatives
- 2024 Atlantic Chub Mackerel Specifications: review
- 2024 Butterfish Specifications: review
- EAFM Risk Assessment Review: update
- Unmanaged Commercial Landings Report: review

August 8-10, 2023 Council Meeting – Annapolis, MD

- 2024-2025 Summer Flounder, Scup, and Black Sea Bass Specifications: approve (joint with ASMFC SFSBSB Board)
- Summer Flounder, Scup, and Black Sea Bass Commercial Measures: review (joint with ASMFC SFSBSB Board)
- Scup Commercial Discards and Gear Restricted Areas (GRA): review analysis and discuss next steps
- Recreational Harvest Control Rule 2.0 Action (to be implemented after sunset of percent change approach): discuss next steps (joint with ASMFC Policy Board)
- 2024-2025 Bluefish Specifications and Recreational Management Measures: approve (joint with ASMFC Bluefish Board)
- 2024-2025 Atlantic Mackerel Specifications: approve
- 2024-2025 Atlantic Mackerel River Herring and Shad Cap: approve
- Research Set-Aside Program Redevelopment: update

October 3-5, 2023 Council Meeting – New York City, NY

- 2024-2026 Spiny Dogfish Specifications: approve
- SCOQ Species Separation Requirements Amendment: review and approve any additional alternatives
- 2024-2026 Longfin Squid Specifications: approve
- Executive Committee: review progress on 2023 Implementation Plan and discuss draft 2024 deliverables
- Council Process for Reviewing EFP Applications: approve
- Private Recreational Tilefish Permitting and Reporting: review performance
- EAFM Risk Assessment Review: approve
- Biennial Review of 2020-2024 Research Priorities Document: review and approve
- Habitat Activities (including aquaculture): update
- Offshore Wind: update

December 11-14, 2023 Council Meeting – Philadelphia, PA

- 2024-2025 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass: approve (joint with ASMFC SFSBSB Board)
- Summer Flounder, Scup, Black Sea Bass Commercial Minimum Mesh Size Regulations and Exemptions: review and discuss next steps (joint with ASMFC SFSBSB Board)
- Summer Flounder, Scup, Black Sea Bass, and Bluefish Sector Separation and Recreational Catch Accounting Amendment: review and approve draft scoping document (joint with ASMFC Policy Board)
- Recreational Harvest Control Rule 2.0 Action (to be implemented after sunset of percent change approach): review and discuss next steps (joint with ASMFC Policy Board)
- Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon: final action
- 2024 Implementation Plan: approve
- Golden Tilefish IFQ Program Review: review final report

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2023 Council Meeting Topics At-a-Glance

	February	April	June	August	October	December
Mackerel, Squid, Butterfish *and* **River Herring and Shad (RH/S)**	• *Illex* Permit Action Follow-Up • Squid Squad Update • Lessons Learned: Automatic Jigging Machine	• 2023 *Illex* Specifications Review • 2024-2025 *Illex* Specs	• 2024 Chub Mackerel Specs Review • 2024 Butterfish Specs Review	• 2024-2025 Atlantic Mackerel Specs • 2024-2025 RH/S Cap	• 2024-2026 Longfin Squid Specs	
Recreational Reform				• Rec Harvest Control Rule 2.0 Action: Discuss		• Rec Sector Separation and Catch Accounting Amd: Approve Scoping Doc • Rec Harvest Control Rule 2.0 Action: Discuss
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)				• 2024-2025 SF/S/BSB Specs and Commercial Measures • Scup GRA Review		• 2024-2025 SF/S/BSB Rec Mgmt Measures • SF/S/BSB Commercial Min Mesh Size Review
Bluefish	• Research Track Assessment Presentation			• 2024-2025 Bluefish Specs and Rec Measures		
Golden and Blueline Tilefish			• 2024 Blueline Tilefish Specs Review • 2024 Golden Tilefish Specs Review		• Private Tilefish Permitting/ Reporting Update	• Golden Tilefish IFQ Program: Review Final Report
Atlantic Surfclam and Ocean Quahog (SC/OQ)	• SC/OQ Species Separation Amd: Review Action Plan • SC/OQ SCEMFIS Survey		• 2024 SC/OQ Specs Review		SC/OQ Species Separation Amd: Review/Approve Additional Alternatives	
Spiny Dogfish	• Research Track Assessment Presentation		*See protected resources*		• 2024-2026 Dogfish Specs	
Monkfish	• FW 13: Final Action • RSA Priorities		*See protected resources*			
Science Issues	• NEFSC Cost Survey Presentation • SSC Membership	• Short-Term Forecasts of Species Distributions • NTAP Restrictor Rope Research • Ocean City Video Project		• RSA Redevelopment Update	• 2020-2024 Research Priorities Document Review	

	February	April	June	August	October	December
EAFM		• 2023 State of the Ecosystem Report	• EAFM Risk Assessment Review		• EAFM Risk Assessment Review: Approve	• Council Process for Reviewing EFP Applications: Approve
Habitat/ Wind/ Aquaculture		• Habitat Update • Wind Update	• Omnibus EFH Amendment: Review Draft Alternatives		• Habitat Update • Wind Update	•
Protected Resources	• ALWTRP Update	•	• Dogfish/ Monkfish FW to Reduce Sturgeon Bycatch: Review Alternatives		•	• Dogfish/ Monkfish FW to Reduce Sturgeon Bycatch: Review Alternatives: Final Action
Other	• HMS Update • Recusal/ Disclosure Presentation • MREP Update • NTAP Update	• Scenario Planning Update	• Unmanaged Commercial Landings Report		• Executive Committee: Draft 2024 Deliverables	• 2024 Implementation Plan: Approve

Acronyms/Abbreviations

ALWTRP	Atlantic Large Whale Take Reduction Plan
Amd	Amendment
EAFM	Ecosystem Approach to Fisheries Management
EFH	Essential Fish Habitat
FMP	Fishery Management Plan
GRA	Gear Restricted Area
HMS	Highly Migratory Species
Mgmt	Management
MREP	Marine Resource Education Program
MSB	Mackerel, Squid, Butterfish
NEFSC	Northeast Fisheries Science Center
NTAP	Northeast Trawl Advisory Panel
Rec	Recreational
RH/S	River Herring and Shad
RSA	Research Set-Aside
SC/OQ	Atlantic Surfclam and Ocean Quahog
SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
Specs	Specifications
SSC	Scientific and Statistical Committee

2023 Council Meeting Schedule

(As of September 20, 2022)

February 7 – 9, 2023	Hotel Washington 515 15th Street NW Washington, DC 20004
April 4 – 6, 2023	Hyatt Place Durham Southpoint 7840 NC-751 Hwy Durham, NC 27713
June 6 – 8, 2023	Hilton Virginia Beach Oceanfront 3001 Atlantic Avenue Virginia Beach, VA 23451
August 8 – 11, 2023	Westin Annapolis 100 Westgate Circle Annapolis, MD 21401
October 3 – 5, 2023	Yotel NYC 570 Tenth Avenue New York, NY 10036
December 11 – 14, 2023	The Notary Hotel 21 North Juniper Street Philadelphia, PA 19107

2023 PROPOSED ACTIONS AND DELIVERABLES

This section provides an overview of the activities, amendments, frameworks, specifications, and other projects the Council expects to initiate, continue, or complete during the year. These activities are organized by Fishery Management Plan (FMP) and topic area. See the Appendix for additional details about the proposed deliverables.

SUMMER FLOUNDER, SCUP, BLACK SEA BASS

1. Develop 2024-2025 specifications for summer flounder, scup, and black sea bass
2. Develop 2024-2025 recreational management measures for summer flounder, scup, and black sea bass
3. Evaluate commercial scup discards and gear restricted areas
4. Review and potentially revise commercial minimum mesh size regulations and exemptions for summer flounder, scup, and black sea bass
5. Initiate development of action to replace Recreational Harvest Control Rule after sunset period, including enhanced use of the Recreational Demand Model and/or Recreational Fleet Dynamics Model
6. Continue development of amendment to consider recreational sector separation and recreational catch accounting for summer flounder, scup, black sea bass, and bluefish
7. Facilitate development of summer flounder, scup, black sea bass advisory panel fishery performance reports
8. Support black sea bass research track assessment
9. Support 2023 management track assessments for summer flounder, scup, and black sea bass

BLUEFISH

10. Develop 2024-2025 specifications for bluefish
11. Develop 2024-2025 recreational management measures for bluefish
12. Facilitate development of bluefish advisory panel fishery performance report
13. Support 2023 bluefish management track assessment

Note: Deliverables 5, 6, and 7 in the previous section will also address bluefish recreational management issues

GOLDEN AND BLUELINE TILEFISH

14. Review 2024 specifications for golden tilefish
15. Review 2024 specifications for blueline tilefish
16. Complete and review Golden Tilefish Individual Fishing Quota Program Review
17. Facilitate development of advisory panel fishery performance reports
18. Review performance of private recreational tilefish permitting and reporting
19. Work with the South Atlantic Fishery Management Council to support the upcoming 2024 blueline tilefish operational assessment
20. Coordinate the 2023 golden tilefish survey pending approval of funding/logistics
21. Support 2024 golden tilefish research track assessment

MACKEREL, SQUID, BUTTERFISH

22. Develop 2024-2025 Atlantic mackerel specifications
23. Develop 2024-2026 longfin squid specifications
24. Review 2023 specifications for *Illex*
25. Develop 2024-2025 specifications for *Illex*
26. Review 2024 specifications for butterfish
27. Review 2024 specifications for chub mackerel
28. Facilitate development of mackerel, squid, butterfish advisory panel fishery performance reports
29. Support 2023 management track assessments for Atlantic mackerel and longfin squid

RIVER HERRING AND SHAD

30. Develop 2024-2025 river herring and shad cap (paired with Atlantic mackerel specifications), including consideration of the river herring assessment

SPINY DOGFISH

31. Develop 2024-2026 specifications and/or a rebuilding plan (possibly including trip limit changes), as appropriate given outcome of research and management track assessments
32. Facilitate development of spiny dogfish advisory panel fishery performance report
33. Support 2023 spiny dogfish management track assessment

ATLANTIC SURFCLAM AND OCEAN QUAHOG

34. Review 2024 specifications for surfclam and ocean quahog
35. Facilitate development of surfclam and ocean quahog advisory panel fishery performance reports
36. Oversee SCOQ Electronic Monitoring Project
37. Develop alternatives for the Surfclam and Ocean Quahog Species Separation Requirements Amendment

SCIENCE AND RESEARCH

38. Conduct biennial review of the 2020-2024 research priorities document
39. Approve Scientific and Statistical Committee (SSC) membership
40. Review outcomes and recommendations from the SSC Ecosystem Work Group
41. Review past action and consider possible redevelopment of a revised Research Set-Aside program
42. Review results and determine potential application of the research project on short-term forecasts of species distributions
43. Support the 2023 Applying State Space Models Research Track Assessment
44. Coordinate and facilitate the Northeast Trawl Advisory Panel

ECOSYSTEM AND OCEAN PLANNING/HABITAT

45. Continue development of Essential Fish Habitat Amendment
46. Maintain and integrate Northeast Regional Habitat Assessment products
47. Oversee National Fishing Effects Database Project
48. Maintain joint MAFMC and New England Fishery Management Council offshore wind web page

49. Develop habitat- and fishery-related comments on offshore energy development
50. Complete comprehensive review and update to Ecosystem Approach to Fisheries Management risk assessment
51. Complete East Coast Climate Change Scenario Planning Initiative and identify priorities for resulting action
52. Continue to track thread herring Exempted Fishing Permit (EFP) application and develop comments, if needed
53. Develop a policy and/or process for reviewing EFP applications for new or expanding fisheries as it relates to the unmanaged forage amendment

GENERAL

54. Review commercial landings of unmanaged species
55. Participate on Council Coordination Committee Working Groups and Subcommittees (Habitat, Area-Based Management, Legislative, ESA/MSA Coordination, Equity and Environmental Justice)
56. Respond to requests for information associated with Marine Stewardship Council (MSC) certification or audits for MSC-certified fisheries (Atlantic surfclam, ocean quahog, Illex squid, longfin squid, spiny dogfish, scup)
57. Track relevant legislation and provide comments as requested
58. Continue to participate on marine mammal take reduction teams and protected resources working groups, and initiate necessary actions in response to protected resource issues
59. Initiate action in response to the action plan developed by the Atlantic Sturgeon Bycatch Working Group to reduce sturgeon bycatch in gillnet fisheries

COMMUNICATION AND OUTREACH

60. Continue to inform and engage stakeholders using a variety of communication tools and channels, including the Council website, email updates, press releases, YouTube, webinars, face-to-face meetings, and a variety of printed and digital communication materials
61. Conduct outreach to increase stakeholder awareness and understanding of Council actions under development
62. Further develop and refine the Council's website content and structure to increase usefulness and functionality
63. Develop fact sheets and outreach materials as needed
64. Continue additional outreach to improve awareness of, and compliance with, private recreational tilefish reporting requirements

STAFF WRAP-UP ON COMPLETED ACTIONS

The following actions have been, or are expected to be, approved by the Council by the end of 2022 but will require staff work in 2023 to finalize for submission to NMFS:

65. Finalize and submit any outstanding specifications packages for 2023

POSSIBLE ADDITIONS

To be considered for addition to the 2023 implementation plan if time and resources allow:

66. Develop framework to allow quota transfer between commercial and recreational sectors for summer flounder, scup, and black sea bass

67. Initiate amendment to address disapproved portions of *Illex* Permit Amendment
68. Initiate action to implement "did not fish" reports for commercial, for-hire, and private tilefish permit holders
69. Initiate action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic
70. Explore the use of unused ACL carryover for the Council's fisheries
71. Develop an action to authorize an experimental Atlantic surfclam fishery in the Great South Channel Habitat Management Area (HMA)
72. Develop spatial management options for Atlantic surfclam open water aquaculture in the New York Bight and central Atlantic.

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

January 24, 2023

Matt Brookhart, Regional Director
NOAA Office of National Marine Sanctuaries
1305 East-West Highway, SSMC4
Silver Spring, MD 20910

Dear Mr. Brookhart:

Thank you for consulting with the Mid-Atlantic Fishery Management Council (Council) on the proposed designation of the Hudson Canyon National Marine Sanctuary under National Marine Sanctuaries Act (NMSA) section 304(a)(5). This letter provides our determination on whether we deem it necessary to prepare draft regulations for fishing within the Exclusive Economic Zone to implement the proposed sanctuary designation.

The Council is one of eight regional councils authorized under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and tasked with conservation and management of our nation's Federal fisheries. The Council has management jurisdiction over 14 marine fisheries in Federal waters of the Mid-Atlantic region, plus more than 50 ecosystem component species managed across all fishery management plans. The Council develops fishery management plans to achieve its vision of "Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation."

The Council considered section 304(a)(5) during its December 2022 Council Meeting and determined that fishing regulations beyond those already in place in Federal waters are not necessary to implement the proposed Hudson Canyon National Marine Sanctuary.

As noted in our recent scoping comments,[1] the Hudson Canyon area includes very important commercial and recreational fishing grounds. The Council has an excellent record of managing its fisheries within and beyond Hudson Canyon. Members of the Council and its staff are experts in natural resource management and conservation in the highly dynamic, ocean ecosystem, and are thus best equipped to develop fishery management measures. In fact, many of the stated objectives of the proposed sanctuary are already in line with the Council's fishery management goals, including conservation of marine wildlife and habitats, sustainable economic uses of the Hudson Canyon, increased education and awareness of ocean environments, and promoting research and monitoring.

The MSA itself provides a strong framework for fisheries management that is applied through a science-based, transparent, and participatory process. The Council works hard to balance the MSA's 10 National Standards while adhering to the National Environmental Policy Act, Marine Mammal Protection Act, Endangered Species Act, and other applicable laws.

[1] The Council's August 2022 scoping comments can be found at: https://www.mafmc.org/s/MAFMC-Hudson-Canyon-Scoping-2022-08-08.pdf.

As required under the MSA, the Council sets science-based catch limits for all Council-managed species to prevent overfishing and rebuild overfished stocks.[2] The Council also utilizes a variety of other management tools to ensure sustainability of managed fisheries and protect parts of the ocean from the impacts of fishing activities. These include bycatch caps or quotas, fish size restrictions, trip limits, gear restrictions, and area closures. Recognizing the important role that forage species play in the marine ecosystem, the Council has designated more than 50 species as "ecosystem component species" and established a combined 1,700 pound incidental possession limit for those species. The Council also applies an Ecosystem Approach to Fisheries Management[3] and continues to adapt its fishery management plans to incorporate these foundational principles.

The Council has already taken significant steps to safeguard the unique biological and physical resources of the Hudson Canyon. In 2015, the Council approved the designation of the Frank R. Lautenberg Deep Sea Coral Protection Area, a roughly 100,000 km^2 area in the Mid-Atlantic region to protect deep sea corals from the impacts of fishing gear.[4] Within this area, which includes Hudson Canyon, all bottom tending commercial fishing gear is prohibited, with limited exceptions. Boundaries for the deep sea coral protected area were developed through a transparent and collaborative process involving fishing industry representatives, environmental groups, fishery managers, and scientists, and were approved nearly unanimously by the Council.

The Council's fishery management plans create system wide conservation benefits that apply throughout the Hudson Canyon and beyond and balance the economic use of fisheries resources with the needs of a healthy ecosystem. On this basis, we conclude no additional fishing measures are needed to implement the proposed sanctuary.

We appreciate the opportunity to consult with Office of National Marine Sanctuaries on this issue. Please do not hesitate to contact me if you have any questions.

Sincerely,

Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

cc: J. Coakley, K. Dancy, M. Duval, L. Hogan, M. Luisi, W. Townsend

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[2] See http://www.mafmc.org/s/MAFMC-ABC-Control-Rule-White-Paper.pdf, as well as species Fishery Management Plans for more information.
[3] https://www.mafmc.org/eafm.
[4] See https://www.mafmc.org/actions/msb-am16 for additional information.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

January 24, 2023

Michael Luisi, Chairman
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Mike:

On behalf of the Secretary of Commerce, I have approved Amendment 23 to the Mackerel, Squid, and Butterfish Fishery Management Plan (RIN 0648-BL75), including all the management measures recommended by the Council in this amendment. As you know, Amendment 23 revises the Atlantic mackerel rebuilding plan and establishes new 2023 Atlantic mackerel specifications, which include:

- An acceptable biological catch (ABC) of 8,094 mt;
- ABC deductions for expected Canadian catch (2,197 mt), recreational catch (2,143 mt), and estimated commercial discards (115 mt);
- A resulting commercial quota of 3,639 mt;
- A 20-fish per person recreational possession limit (including private anglers and for-hire crew);
- A status quo river herring and shad catch cap of 129 mt; and
- A modified commercial fishery closure approach.

We expect to publish a final rule implementing the measures in Amendment 23 imminently.

We appreciate the efforts of the Council and staff to develop this amendment and ongoing efforts to improve the management of the mackerel, squid, and butterfish fisheries. Please contact me if you have any questions.

Sincerely,

Michael Pentony
Regional Administrator

Cc: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

January 19, 2023

Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201,
Dover, DE 19901

Dear Chris:

At its Dec 5-8, 2022 meeting, the New England Fishery Management Council passed following motion for the 2023 Spiny Dogfish Specifications by consensus with one abstention.

> *That the management uncertainty buffer be set to 0% and with the other specification used by the Monitoring Committee to result in a 12-million-pound commercial quota.*

Please contact me if you have any questions about our Council's recommendation.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

January 13, 2023

Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Mr. Robert Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dr. Jonathan Hare
Science and Research Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543

Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
Suite 201, 800 N. State Street
Dover, DE 19901

Dear Mike, Jon, Bob and Chris:

The Council requests that a management track assessment for white hake be conducted in the fall of 2023. We believe a Level III assessment is warranted, but recognize the ultimate decision will be made by the Assessment Oversight Panel.

At its December 2022 meeting, the Council passed the following motion:

> *That the Council supports a modification in the stock assessment schedule to accommodate a white hake management track update in 2023. The white hake update should follow a Level 3 Enhanced Review to accommodate the recommendations under the 2022 Management Track Peer Review Panel Report and the Scientific and Statistical Committee report dated November 23, 2022.*

White Hake was assessed in the fall of 2022. While the assessment concluded the stock was not subject to overfishing and was not overfished, the Peer Review Panel and subsequent Scientific and Statistical Committee reports for white hake indicate a number of important uncertainties in the stock assessment. In particular the SSC wrote of white hake[1]:

> *The SSC noted several uncertainties including poor characterization of catch and numbers-at-age, low sampling levels, missing 2020 surveys, and a major retrospective pattern. The retrospective error was reduced in the 2022 Management Track assessment compared to the previous 2019 assessment, partially due to the addition of the shrimp survey index.*

[1] SSC Report available at: https://www.nefmc.org/library/nov-9-2022-ssc-report-re-groundfish

The SSC noted that the SSB_{MSY} reference point is based on a cumulative distribution function (CDF) of recruitment estimates from 1963-2019, whereas the projections are based on a CDF of recruitment estimates from 1995-2019. The SSC highlighted that the use of different recruitment time stanzas may not be appropriate for the stock and leads to uncertainty about the outcomes of catch advice.

The SSC highlighted the high utilization rate of white hake and the potential for the stock to become a choke species for the groundfish fishery. The SSC commented that the mixed signals for white hake presented challenges to set catch advice within the constraints of the current ABC control rule. The SSC recommended exploration of internal consistency between biological reference points and projections and consideration of change point analysis or recruit-per-spawner analysis to inform recruitment time stanzas. The SSC recommended exploration of the conflicting trends in biomass and recruitment and potential sources of uncertainty. The SSC reiterated recommendations from the 2022 Management Track Peer Review Panel to explore splitting the survey time series between the Albatross and Bigelow and continue explorations of the utility of the Bottom Longline Survey. The SSC commented that the importance of this stock and the uncertainty in the assessment may warrant an earlier than scheduled assessment update.

Furthermore, representatives from the commercial fishery indicate encountering a consistent level of availability and abundance of white hake while targeting other stocks. The catch of white hake is critical to the catch of other target stocks (e.g., pollock, redfish, monkfish).

Thank you for considering the Council's request. Please contact me if you have questions.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

New England Fishery Management Council

FOR IMMEDIATE RELEASE
January 24, 2023

PRESS CONTACT: Janice Plante
(607) 592-4817, jplante@nefmc.org

Council Executive Director Tom Nies Announces Retirement

The New England Fishery Management Council opened its January 24-26, 2023 meeting in Portsmouth, NH with the news that Executive Director Thomas A. Nies, a 25-year veteran of the Council staff, will be retiring this summer. The Council will immediately initiate a nationwide search for his replacement.

Tom joined the Council staff in 1997. He first worked on the Atlantic Herring Fishery Management Plan and then spent 13 years as the Council's lead analyst for groundfish. In that role, he led the Groundfish Plan Development Team (PDT), as he did the Herring PDT beforehand. Tom also helped develop a standardized bycatch reporting methodology for Northeast fisheries. He became Executive Director in 2013.

Council Chair Eric Reid said, "The New England Fishery Management Council has had the rare privilege to have Tom at the helm of what can be, at times, a rather unwieldy ship. On every voyage, Tom's tremendous work ethic and institutional knowledge have been unsurpassed assets not only to the Council members and staff but also to our stakeholders and the public."

"I'm fully committed to the Council process. I've thoroughly enjoyed my job." – Executive Director Tom Nies.

As Executive Director, Tom's many responsibilities have included participating in: (1) the Council Coordination Committee (CCC), which includes leadership from all eight of the nation's regional fishery management councils; and (2) the Northeast Region Coordinating Council (NRCC), which, among other tasks, determines the region's stock assessment schedule.

Chair Reid said, "Tom has earned the respect of all of us in New England and nationwide from Gloucester to Guam. He is a true professional, and we'll always be grateful for his strong leadership."

Prior to joining the Council, Tom completed a 21-year career with the U.S. Coast Guard. He logged over 10 years of at-sea duty and served as the Commanding Officer of the Boston, MA-based USCG Cutter Spencer. His land-based assignments included a stint at the fisheries law enforcement branch at Coast Guard Headquarters in Washington, D.C. He later served as the Admiral's representative for the First Coast Guard District Law Enforcement Division at New England Council meetings, which was his introduction to the Council.

The Council will issue a vacancy announcement to solicit a new Executive Director. Tom will overlap with his successor to ensure a smooth transition. Additional information will be forthcoming.

Spedden, Shelley

From: Moore, Christopher
Sent: Wednesday, November 16, 2022 1:32 PM
To: COUNCIL - Voting; CouncilNonVoting; Staff-MAF
Subject: FW: Preventing Harassment and Discrimination training launch for Regional Fishery Management Councils -- training due February 28, 2023

Everyone – see Morgan's email below. We will discuss the training and policies at our next Council meeting. Thanks! C

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 N. State St, Suite 201
Dover, DE 19901

302-526-5255
mafmc.org

From: Morgan Corey - NOAA Federal <morgan.corey@noaa.gov>
Date: Wednesday, November 16, 2022 at 11:54 AM
To:
Subject: Preventing Harassment and Discrimination training launch for Regional Fishery Management Councils -- training due February 28, 2023

Good morning,
The Council Coordination Committee recently finalized model policies on Addressing Allegations of Harassment in the Regional Fishery Management Council context. In conjunction with these new policies, NOAA Fisheries has secured Preventing Harassment and Discrimination training from a company called EVERFI FOUNDRY. You will all be assigned this training, which will launch this week (no later than Friday). We wanted to provide a few details here so you can easily access the training.

The email invite will come from an external sender and could be sent to spam. To find the email, search for: <automated-message@everfi-foundry.net>. We recommend adding this email to your trusted contacts list. Once you locate the training invite email, you may login to the system using your email. The system will first ask you to reset your password. You will use the same login info to return to and complete the course on your own time.

The deadline for completing the course is ***February 28, 2023***. You will receive reminders prompting you to complete the course on time and NMFS will check in on the status of trainings completed to follow up with any overdue assignments.

Thank you for your commitment to making the Council environment an atmosphere of respect, collaboration, and safety, free from harassment.

--
Morgan Corey (she/her/hers)
Fishery Management Specialist, Office of Sustainable Fisheries
NOAA Fisheries | U.S. Department of Commerce
Office: (301) 427-8535

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2023

To: Chris Moore, Executive Director

From: Julia Beaty, staff

Subject: Updates on Offshore Wind Energy Development

This memo summarizes select recent updates in offshore wind energy development. This is not intended to be an exhaustive list.

- **Submitted comment letters:** Since the December 2022 Council meeting, the Council submitted the following comment letters:
    - MAFMC and NEFMC Letter to BOEM: Central Atlantic Draft Wind Energy Areas (12/16/22)
    - MAFMC and NEFMC Letter to BOEM: Draft Environmental Impact Statement for Empire Wind Project off New York (1/17/23)
- **Comment letters in progress:** Council staff are working with New England Council staff to develop comment letters for the following open comment periods:
    - MAFMC and NEFMC Letter to BOEM: Coastal Virginia Offshore Wind Draft Environmental Impact Statement (in progress, comments due 2/14/2023)
    - MAFMC and NEFMC Letter to BOEM: Sunrise Wind (in progress, comments due 2/14/2023)
    - MAFMC and NEFMC Letter to BOEM: New England Wind (in progress, comments due 2/21/2023)
- **Updates to offshore wind energy regulations:** BOEM announced a proposed rule to update the regulations for renewable energy development on the Outer Continental Shelf. The proposed rule has not yet published in the Federal Register, but a preliminary version can be found here. A comment period will be open for 60 days after the proposed rule publishes. The rule proposes to eliminate requirements for deployment of meteorological buoys, increase survey flexibility, improve project design and installation verification, establish a renewable energy leasing schedule, reform the auction regulations, tailor financial assurance requirements and instruments, clarify safety management system regulations, and other revisions.
- **Regional fund administrator for compensatory mitigation:** During the December 2022 Council meeting, the Council received an update on an initiative led by nine states

to establish a regional fund administrator for fisheries compensatory mitigation. A request for information (RFI) was released in December. The comment period associated with this RFI has been extended to February 7, 2023. More information is available here.

- **Offshore wind and whales:** NOAA Fisheries released an FAQ page on offshore wind energy development and whales. Agency representatives also did a press call on January 18, 2023, which can be listened to here.
- **Research funding:** The New York State Energy Research and Development Authority (NYSERDA) is seeking proposals for independent research regarding fisheries and offshore wind. The deadline for proposal submission is March 13, 2023 by 3:00 pm. More information, including details on the specific topic areas, is available here.
- **Ongoing construction:** Construction is underway for the South Fork and Vineyard Wind 1 projects. The most recent information on construction activities for South Fork can be found here and for Vineyard Wind 1 can be found here.
- **Stay informed:**
    - To stay up to date on individual wind projects, including development of fishery communications plans, details on offshore survey operations, and other updates, see the project-specific links available at https://www.mafmc.org/offshore-wind-notices.
    - The Mid-Atlantic Ocean Data Portal maintains a list of current and recent government agency actions and public comment opportunities relevant for the Mid-Atlantic Region. This list can be viewed here.

Mid-Atlantic Fishery Management Council
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Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 5, 2023

To: Council

From: Brandon Muffley, Council Staff

Subject: SSC Membership Re-appointments

On Thursday, February 9, 2023, as part of the Executive Director's report, the Council will review and consider the re-appointment of existing SSC members. Council SOPPs specify that SSC members shall serve three-year terms and are subject to re-appointment at the discretion of the Council. There are 4 members (out of 20) whose three-year term expires in March 2023 and, therefore, are up for re-appointment. All 4 members (listed below) have expressed interest in remaining on the SSC for another three-year term.

As part of the review, Council members can find more information about each SSC member (e.g., education, background, areas of expertise) by reviewing the membership directory – found here **SSC Membership Directory and Bios**. Also included is a table showing SSC member attendance for all SSC meetings from 2020 – 2022.

Existing SSC members up for re-appointment include:

Dr. Geret DePiper

Dr. Gavin Fay

Dr. Jorge Holzer

Dr. Alexei Sharov

SSC Participation of current members eligible for re-appointment ✓

Name	Start of 3-year term	March 2020 (hybrid)	May 2020 (webinar)	July 2020 (webinar)	Sept 2020 (webinar)	March 2021 (webinar)	May 2021 (webinar)	July 2021 (webinar)	Sept 2021 (webinar)	March 2022 (webinar)	May 2022 (webinar)	July 2022 (hybrid)	Sept 2022 (hybrid)	*Total number of Meetings attended*	*% of Meetings attended*
Geret DePiper	**Mar-20**	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	**11**	0.92
Gavin Fay	**Mar-20**		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	**11**	0.92
Jorge Holzer	**Mar-20**	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	**12**	1.00
Alexei Sharov	**Mar-20**	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	**11**	0.92

New England Fishery Management Council Meeting Agenda
Tuesday – Thursday, January 24-26, 2023
The Venue at Portwalk Place, 22 Portwalk Place, Portsmouth, NH 03801
tel: (603) 422-6114 | Portwalk Place
Webinar Registration Option

Sending comments? Written comments must be received at the New England Fishery Management Council (NEFMC) office no later than 8:00 a.m., Thursday, January 19, 2023 to be considered at this meeting. Please address comments to Council Chair Eric Reid or Executive Director Tom Nies at: NEFMC, 50 Water Street, Mill 2, Newburyport, MA 01950. Email submissions should be sent to comments@nefmc.org. ** Written comments must address items listed on the agenda for this meeting or issues that will be brought up under the open period for public comment.

IMPORTANT: *The Council will hold its January 2023 meeting at The Venue at Portwalk Place in Portsmouth, NH. A webinar option will be available for individuals who cannot or prefer not to attend in person. The Council continues to follow all public safety measures related to **COVID-19** and intends to do so for this meeting. Please participate remotely if you are experiencing COVID symptoms or do not feel well. Updates will be posted on the **Council's January 2023 meeting webpage**.*

PUBLIC COMMENTS: *The Council's "Guidelines for Providing Public Comments" can be found **here**. Anyone interested in speaking during the open period for public comment on Wednesday, January 25, 2023 at 12:15 p.m. should fill out the sign-up sheet on the table at the entrance to the Council meeting room. To speak remotely, email Janice Plante at jplante@nefmc.org to get on the list.*

Tuesday, January 24, 2023

9:00 a.m. **Closed Session** (Council Chair Eric Reid)
Council discussion on Scientific and Statistical Committee appointments

9:30 **Introductions and Announcements** (Council Chair Eric Reid)

9:35 **Reports on Recent Activities**
Council Chair, Council Executive Director, Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator, National Oceanic and Atmospheric Administration (NOAA) General Counsel, Northeast Fisheries Science Center (NEFSC), Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), U.S. Coast Guard, NOAA Enforcement, Northeast Trawl Advisory Panel (NTAP)

10:45 **North Atlantic Right Whales** (Colleen Coogan, GARFO)
Update on development of Atlantic Large Whale Take Reduction Plan (ALWTRP) Phase 2 measures, including proposals to reduce entanglements of large whales in gillnet fisheries; overview of Take Reduction Team (TRT) recommendations; timeline for next steps; and opportunities for Council input

11:15 **Engaging Mobile Gear Fleet to Visualize Ropeless Gear Positions** (Brian Galvez, NEFSC Gear Research Team)
Presentation and engagement on viewing ropeless fishing gear and preventing gear conflicts

12:15 p.m. **Sink Gillnet Measures for Protected Resources** (Executive Director Tom Nies)
Update on coordination with the Mid-Atlantic Fishery Management Council to develop sink gillnet measures to protect large whales and Atlantic sturgeon

12:30 **Lunch Break**

1:45 **NEFSC Cost Survey for Commercial Fishing Businesses** (Greg Ardini, NEFSC Social Sciences Branch)
Presentation on Northeast Fisheries Science Center's Greater Atlantic Region Commercial Fishing Business Cost Survey for 2022, including: (1) survey background and the importance of collecting cost data; (2)

improvements and changes from previous surveys; and (3) upcoming survey implementation schedule and details

2:45 **Habitat Committee Report** (Council Chair Eric Reid)
Aquaculture: discuss draft management alternatives for framework adjustment to facilitate offshore Atlantic salmon aquaculture; Offshore Energy and Habitat-Related Work: update, including progress report on Bureau of Ocean Energy Management (BOEM) Gulf of Maine offshore wind development activities

4:00 **Scallop Committee Report** (Melanie Griffin)
Northern Gulf of Maine (NGOM) Control Date: Council discussion and decision on whether to recommend a control date to potentially limit movement of limited access general category (LAGC) permits in the NGOM fishery

Wednesday, January 25, 2023

9:00 a.m. **Addressing Uncertainty in Council Decision-Making** (Executive Director Tom Nies; Dr. Steve Cadrin, UMass Dartmouth School for Marine Science and Technology)
Presentation and Council discussion on quantifying, interpreting, and communicating sources of uncertainty in the Council decision-making process

10:30 **Monkfish Committee Report** (Libby Etrie, SSC Chair Dr. Lisa Kerr)
Framework Adjustment 13: final action on specifications for the 2023-2025 fishing years and other measures with consideration of additional Scientific and Statistical Committee (SSC) input on ABCs for all three years; Monkfish Research Set-Aside (RSA) Program: revisit 2023-2024 RSA priorities

12:15 p.m. **Open Period for Public Comment**
Opportunity for the public to provide brief comments on issues relevant to Council business but not listed on this agenda (please limit remarks to 3-5 minutes)

12:30 **Lunch Break**

1:45 **Groundfish Committee Report** (Rick Bellavance; SSC Chair Dr. Lisa Kerr)
Framework Adjustment 65: consider SSC recommendation and possibly revise ABCs for Atlantic halibut for fishing years 2023-2025 (this is the only issue to be discussed under Framework 65); Recreational Measures: provide recommendations to GARFO on fishing year 2023 recreational measures for Georges Bank cod, Gulf of Maine cod, and Gulf of Maine haddock; Metrics for Amendment 23 Monitoring System Review: progress report on developing metrics for review process to evaluate the groundfish monitoring system; Atlantic Cod: update on 2023 research track assessment and stock structure discussions

4:30 **International Commission for the Conservation of Atlantic Tunas** (Rick Bellavance; Sarah McLaughlin, NOAA Fisheries)
Report on: (1) results from the November 14-21, 2022 Annual Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT); and (2) recommendations from the Advisory Committee to the U.S. Section of ICCAT

Thursday, January 26, 2023

9:00 a.m. **Council Risk Policy** (Executive Director Tom Nies)
Brief overview of the Council's Risk Policy and discussion of the Risk Policy Working Group

9:30 **Hudson Canyon National Marine Sanctuary** (Executive Director Tom Nies)
Discuss and approve Council's response to the Office of National Marine Sanctuaries' request for information and input on draft regulations for fishing within the proposed Hudson Canyon National Marine Sanctuary

10:15 **Ecosystem-Based Fishery Management (EBFM) Committee** (John Pappalardo; Madeleine Guyant, UMass Dartmouth)

Prototype Management Strategy Evaluation (MSE): progress report on prototype MSE planning meetings for EBFM and the Georges Bank example Fishery Ecosystem Plan (eFEP); EBFM Public Information Workshops: committee advice on conducting deep-dive workshops

11:15 **Spiny Dogfish and Bluefish Research Track Stock Assessments** (Dr. Russ Brown, NEFSC)
Presentation on peer-reviewed Research Track Stock Assessments for spiny dogfish and bluefish

12:00 p.m. **Council Harassment Prevention Policies** (Executive Director Tom Nies)
Review and approve Council harassment prevention policies

12:30 **Other Business**

Times listed next to the agenda items are estimates and are subject to change.
This meeting is being held in person and by webinar. Council member financial disclosure forms are available for examination on the Council website.

Although other non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Documents pertaining to Council actions are available for review prior to a final vote by the Council.
Please check the Council's website, www.nefmc.org, or call (978) 465-0492 for copies.
This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.