



June 2023 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met June 6-8, 2023, in Virginia Beach, VA. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/june-2023>.

HIGHLIGHTS

During this meeting, the Council:

- Reviewed and recommended no changes to the 2024 specifications for blueline and golden tilefish but recommended modifying the recreational blueline tilefish season to align with the recreational black sea bass season.
- Reviewed and recommended no changes to the 2024 Atlantic surfclam and ocean quahog specifications.
- Reviewed a number of concerns raised by surfclam and ocean quahog AP members and agreed that (1) the SCOQ Committee will discuss the issue of surfclam fishing in the Great South Channel Habitat Management Area later this year, and (2) the Council will send a letter to the Food and Drug Administration regarding the shellfish biotoxin closures in the Georges Bank area.
- Reviewed and recommended no changes to the 2024 butterfish specifications
- Reviewed and recommended no changes to the 2024 chub mackerel specifications
- Discussed the range of alternatives for the Monkfish and Dogfish Joint Framework to Reduce Atlantic Sturgeon Bycatch and recommended that (1) dogfish should remain in the framework action, and (2) the dogfish and monkfish committee should discuss alternatives based on new information provided by enforcement.
- Received an update on commercial landings of unmanaged species.
- Adopted two new harassment prevention policies and approved several changes to the Council's Statement of Organization Practices and Procedures.
- Received several updates on offshore wind energy development.
- Discussed an Advance Notice of Proposed Rulemaking to potentially update the guidelines for National Standard 4, 8, and 9 and directed staff to develop a draft letter for review at the August meeting.
- Reviewed the Draft New England and Mid-Atlantic Geographic Strategic Plan for 2024-2028.
- Received a briefing on recent and ongoing highly migratory species (HMS) management initiatives.
- Discussed recent Ecosystem and Planning Committee activities, including ongoing work on the EAFM Risk Assessment and development of an exempted fishing permit review process.
- Reviewed a 2025 meeting schedule and endorsed a proposal to hold the February 2025 meeting virtually.
- Discussed NMFS's draft "Fisheries Climate Governance Policy" and endorsed a draft timeline and a proposed process for development of Council comments.

2024 Golden and Blueline Tilefish Specifications

In 2024, golden and blueline tilefish will be in year 3 of multi-year specifications previously adopted for the 2022-2024 fishing years. These specifications are described in detail in the final rules published [November 10, 2022](#) for golden tilefish and [November 3, 2022](#) for blueline tilefish. After reviewing updated fishery information and considering recommendations from its Scientific and Statistical Committee (SSC), Tilefish Monitoring Committee,

Advisory Panel, and staff, the Council recommended no changes to the 2024 specifications for either species. However, based on recommendations from the Monitoring Committee and input from the Advisory Panel and other stakeholders, the Council recommended modifying the recreational blueline tilefish season from May 1-October 31 to May 15-November 14 to better align the blueline tilefish season with the recreational black sea bass season in most states. Given the overlap of the fisheries, and co-occurrence of the two species in some areas, aligning the two recreational seasons will help reduce regulatory discards of black sea bass as well as help control temporal effort on both species. In 2024, the Council will use the results of the 2024 Research Track Assessment to develop specifications for the next golden tilefish specifications cycle.

The Council also received an update on the continuing efforts to encourage compliance with private recreational tilefish permitting and reporting requirements. More information about these requirements can be found at <https://www.mafmc.org/rec-tilefish-evtr>.

2024 Atlantic Surfclam and Ocean Quahog Specifications

The surfclam and ocean quahog (SCOQ) fisheries are approaching the fourth year of multi-year specifications previously set for the 2021-2026 fishing years. The Council reviewed updated catch and landings information for both stocks, as well as recommendations from staff, the SSC, and SCOQ Advisory Panel (AP), and determined that no changes to 2024 measures are warranted. To maintain the current measures, the Council also voted to recommend the Regional Administrator suspend the minimum shell length for surfclam in 2024. These specifications are described in detail in the [final rule](#) published May 13, 2021.

Atlantic Surfclam and Ocean Quahog Advisory Panel Presentation

Three members of the SCOQ AP presented to the Council several critical issues they identified in their 2023 Fishery Performance Report. Overall, these topics focused on issues related to fishing access. The first was related to surfclam fishing access in the Great South Channel Habitat Management Area, a gear restricted area developed by the New England Council for habitat protection and to protect areas seasonally when cod are spawning. The Council agreed the SCOQ Committee should discuss this issue later in the year and could consider developing an action item for consideration for inclusion in the Council's 2024 Implementation Plan. Another issue discussed was fishing access related to closures on Georges Bank caused by shellfish biotoxins (i.e., Paralytic Shellfish Poisoning Closed Areas). The Council agreed to send a letter to the Food and Drug Administration requesting feedback on both the status of this area and the process involved in returning the area to an "Open, Controlled Status/Access Area" for the SCOQ fisheries. Lastly, the Council was briefed on several research projects related to climate change, wind energy development, and SCOQ cooccurrence in catches issue, all of which are related to fishing access.

2024 Butterfish Specifications

The Council reviewed the previously-set 2024 butterfish specifications, which would reduce the butterfish commercial quota by 12.7% next year based on projections from the last assessment. After reviewing recent biological data, fishery performance, and recommendations from staff, an Advisory Panel, and the Scientific and Statistical Committee, the Council decided to maintain the previously-set 2024 specifications. Landings in recent years have been well below the planned 2024 quota, so fishery participants could still increase landings despite the somewhat lower quota.

2024 Chub Mackerel Specifications

After considering the recommendations of the SSC, Monitoring Committee, and Advisory Panel, the Council agreed that no changes are needed to the previously implemented 2024 specifications for chub mackerel. These specifications have remained unchanged since they were first implemented in 2020. The total allowable landings limit for 2024 will remain at 4.50 million pounds, which is well above recent landings.

Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon

The Council reviewed FMAT/PDT, Advisory Panel, and Committee feedback and recommendations on the range of alternatives to be considered for the Joint Framework to reduce the bycatch of Atlantic Sturgeon. This joint action with the New England Fishery Management Council (NEFMC) was initiated in response to recommendations made by the Atlantic Sturgeon Bycatch Working Group, as described in the Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries.

The NMFS Regional Administrator shared a previously unknown finding that the amount of sturgeon caught in the gillnet fishery in the most recent 5-year period had exceeded the allowed levels under the Endangered Species Act (ESA). This overage triggers a new Biological Opinion (BiOp) that will address sturgeon bycatch in gillnet fisheries. The new BiOp will be developed alongside this action; however, the outcomes and timeline are unknown, and the Council will still be held to the timeline of the previous BiOp (2024).

The Council discussed the range of alternatives and recommended that (1) dogfish remain in the framework action, and (2) the dogfish and monkfish committee should further discuss alternatives related to soak time restrictions and 10-minute square areas with new information provided by enforcement. The NEFMC will discuss the range of alternatives at their June 27-29 Council Meeting.

Unmanaged Commercial Landings Report

The Council reviewed a report on commercial landings from Maine through North Carolina of species that are not managed at the state or federal level, as well as commercial landings of the species designated as Ecosystem Components through the Council's Unmanaged Forage Omnibus Amendment. The goal of this report is to look for signs of developing fisheries for unmanaged species or Forage Amendment species. Striped mullet were highlighted as a species with increasing landings in recent years. Most of these landings occur in North Carolina. It was noted that North Carolina is in the process of implementing season restrictions for this species. Atlantic silversides were discussed as an example of a species with very low but increasing landings. The Council did not express concern about the levels of landings shown in the report for any species; however, they noted that they have not determined threshold levels of landings which would trigger further evaluation and potential consideration for management. They agreed that the Ecosystem and Ocean Planning Committee should further discuss this topic.

Council Statement of Organization Practices and Procedures and Harassment Prevention Policies

The Council adopted two new harassment prevention policies developed by NMFS. The Council staff policy addresses situations where the employee is the alleged victim, and the Council process participant policy provides guidance on addressing allegations of harassment experienced by participants in the Council process other than staff (e.g., Council members, AP members, SSC members, consultants, etc.). Both policies will be added as attachments to the Council's Statement of Organization Practices and Procedures (SOPP). The Council also approved several other revisions to the SOPP. In Section 2.4.2 (Nominations), the Council agreed to remove the requirement for the Nominating Committee to nominate at least two candidates for each office. In Section 2.4.3 (Elections), the Council approved new language which defines the procedure for addressing stalemates during Council elections of Chair and Vice-Chair. In Section 4.4.4 (Incentive/Special Act and Service Awards), the Council approved a proposal to change the limit on cash awards to 10 percent of the employee's base salary. The revised SOPP will be available on the Council's website in late June.

Offshore Wind Updates

The Council received updates on offshore wind energy development from the Bureau of Ocean Energy Management, NOAA Fisheries, and a state working group which is seeking to establish a regional third-party

administrator for fisheries compensation funds. The Council also received updates on the South Fork and Vineyard Wind projects, which are currently in construction, as well as the Coastal Virginia Offshore Wind Project, which is in the planning stages. Lastly, the Council received an update on coordination among six developers with projects off New Jersey and New York, which are in the early planning stages.

Advanced Notice of Proposed Rulemaking: National Standard 4, 8, and 9 Guidelines

Dr. Tara Scott (NOAA Office of Sustainable Fisheries) briefed the Council on an Advance Notice of Proposed Rulemaking (ANPR) to potentially update the guidelines for National Standard 4 (allocations), National Standard 8 (communities), and National Standard 9 (bycatch). NOAA Fisheries is considering whether revisions to these guidelines are needed in light of ongoing fishery management challenges, with a focus on changing environmental conditions and equity and environmental justice concerns. Dr. Scott reviewed these issues and highlighted specific questions and concerns that NOAA Fisheries is requesting input on relative to each National Standard. The Council provided some initial comments and directed staff to begin development of a draft comment letter for discussion at the August Council meeting. Executive Director Moore expressed concern about the September 12 comment deadline, noting that the Council Coordination Committee (CCC) had recently passed a motion requesting that the deadline be extended to allow for adequate deliberation and development of comments. Additional information and instructions for submitting comments are available in the [Federal Register notice](#).

2024-2028 Regional Strategic Plan

The Council received a presentation from Mike Pentony (Greater Atlantic Regional Administrator) on the Draft New England and Mid-Atlantic Geographic Strategic Plan for 2024-2028. The plan was developed by the Greater Atlantic Regional Fisheries Office (GARFO) and the Northeast Fisheries Science Center (NEFSC) and is based on the NMFS national strategic plan's vision, mission, and strategic goals. Council input on the plan is being sought by the end of July. The Council agreed to review the plan in detail and submit comments if appropriate. Mr. Pentony noted that they intend to publish the final strategic plan by October 1, 2023.

Highly Migratory Species (HMS) Update

Karyl Brewster-Geisz (NOAA Fisheries Atlantic HMS Management Division) presented an update on recent and ongoing HMS management initiatives including the proposed rule for Amendment 15 (spatial management and electronic monitoring), and Advance Notice of Proposed Rulemaking: Electronic Reporting Requirements for HMS, and scoping for Amendment 16 (shark management issues). Following the presentation, the Council agreed to schedule an HMS Committee meeting to develop comments on these recent management initiatives as they will likely impact the Mid-Atlantic region and Council stakeholders.

Ecosystem and Ocean Planning Committee

The Council received an update on recent activities of the Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel (AP):

EAFM Risk Assessment: The first update covered the EOP Committee and AP's comprehensive review of the Ecosystem Approach to Fisheries Management (EAFM) risk assessment. The Committee and AP met in April to review existing and potentially new risk elements. The Committee and AP provided feedback on nearly 50 different risk elements that are intended to track risks to meet the Council's management objectives. The EOP Committee and AP are scheduled to meet in July to continue the review with a focus on indicators and risk ranking criteria.

EFP Review Process for Forage Amendment Species: The second update described the EOP Committee and AP's recent progress on development of a policy/process for reviewing exempted fishing permit (EFP) applications for species designated as "ecosystem components" under the Council's Unmanaged Forage Omnibus Amendment.

Based on the recommendations and guidance provided, staff will develop a draft policy/process for the EOP AP and Committee to review in September. The Council will then consider adopting a policy/process in October.

Other Business

2025 Meetings

The Council reviewed a proposed meeting schedule for 2025, which includes a one-day virtual meeting in February instead of the usual in-person meeting. The Executive Director noted that the February meeting often has a lighter agenda due to the timing of specification-setting and other activities that occur later in the year. Council members endorsed the proposal and offered a number of comments and recommendations. Several members noted that the use of virtual Council meetings should be limited and that important Council decisions should only be made during in-person meetings.

NMFS Climate Governance Policy

The Council briefly discussed the draft “[Fisheries Climate Governance Policy](#)” recently released by NOAA Fisheries. This draft policy is intended to provide guidance on Council authority for stocks that may extend across the geographic area of more than one Council, pursuant to §304(f) of the Magnuson Stevens Act. As it is currently written, the policy could result in reassignment of management authority for a number of Council-managed fisheries. Council members and members of the public expressed serious concerns about the potential implications of the policy for Mid-Atlantic fisheries and stakeholders. The Executive Director reviewed a draft timeline and a proposed process for development of Council comments. The Council’s SSC will meet via webinar in July to discuss and provide feedback on the draft policy. A more in-depth discussion on this topic is planned for the August Council Meeting.

Black Sea Bass Commercial State Allocation Amendment

The Council discussed a [letter](#) submitted by the Council Chair to the Greater Atlantic Regional Fisheries Office regarding the agency’s potential partial disapproval of Amendment 23 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The [Notice of Availability \(NOA\)](#) and [Proposed Rule](#) for the amendment indicate the agency is considering disapproving the part of the amendment which would add the commercial black sea bass state allocations to the Council’s FMP. The Executive Director noted a number of concerns related to the possible disapproval and several Council members reiterated their support for the statements made in the letter. Comments on the Notice of Availability are due July 3, 2023.

SHIFT Act

The Executive Director noted that he had received a request for Council input on a draft bill, titled “Supporting Healthy Interstate Fisheries in Transition (SHIFT) Act,” which is being developed by Senator Richard Blumenthal’s office. This bill proposes a process for designating Council jurisdiction for cross-jurisdictional stocks and revises the procedures for authorization of a new fishery or gear type.

Next Meeting

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