



## April 2024 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met April 9-11, 2024, in Atlantic City, New Jersey. The following is a summary of actions taken and issues considered during the meeting. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/april-2024>.

### **HIGHLIGHTS**

During this meeting, the Council:

- Took final action on a joint framework action with the New England Fishery Management Council to reduce the bycatch of Atlantic sturgeon in the monkfish and spiny dogfish gillnet fisheries
- Approved a modified range of alternatives for the Summer Flounder Commercial Mesh Exemptions Framework, removing one alternative from the draft range for each issue (joint meeting with the ASMFFC Summer Flounder, Scup, and Black Sea Bass Board)
- Reviewed the 2023 Mid-Atlantic State of the Ecosystem Report
- Received an update on the development of the draft 2024 EAFM risk assessment report
- Voted to submit the Golden Tilefish IFQ Program Review package to NMFS
- Received a presentation on the golden tilefish research track assessment
- Discussed recent progress on development of an industry-based survey pilot project
- Received an update from the NOAA Fisheries regional office on habitat and offshore wind activities of interest in the Mid-Atlantic region
- Discussed fisheries compensatory mitigation programs for offshore wind energy development
- Reviewed findings from recent research on the impacts of offshore wind construction sounds on longfin squid and black sea bass
- Agreed to submit comments on proposed changes to the regulations governing confidential information under the Magnuson-Stevens Act.

### Framework to Reduce Atlantic Sturgeon Interactions in the Monkfish/Dogfish Gillnet Fisheries

The Council took final action on a joint framework action with the New England Fishery Management Council (NEFMC) to reduce the bycatch of Atlantic sturgeon in the monkfish and spiny dogfish gillnet fisheries. During this meeting, the Council reviewed the recommendations from the FMAT/PDT, Monkfish and Spiny Dogfish Advisory Panels, and the Joint Monkfish and Dogfish Committee. For federal vessels targeting spiny dogfish, the Council approved overnight soak prohibitions during months of high sturgeon interactions within bycatch hotspot polygons in the New Jersey and Delaware, Maryland, and Virginia regions. In addition, they approved an exemption from the overnight soak prohibition for vessels using a mesh size less than 5.25 inches in the Delaware, Maryland, and Virginia hotspot polygons. For federal vessels targeting monkfish in state and federal waters, the Council approved a year-round low-profile gear requirement in the New Jersey bycatch hotspot polygon. The Council also agreed to write a letter to the Northeast Fisheries Science Center (NEFSC) observer program to recommend the development of a sturgeon tagging program for both live discards and dead discards for all the fisheries and gear types where sturgeon interactions occur. The NEFMC approved the same alternatives during their meeting the following week. The Councils will submit the framework to the Secretary of Commerce for review and rulemaking. Visit <https://www.mafmc.org/actions/sturgeon-bycatch-framework> for additional information and updates.

## Summer Flounder Commercial Mesh Exemptions Framework Meeting #1

The Council met jointly with the Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Board (Board) to review draft alternatives for a joint framework action/addendum to modify two summer flounder commercial minimum mesh size exemptions. This action considers changes to the exempted area associated with the Small Mesh Exemption Program, as well as updates to the gear definition associated with the flynet exemption to the minimum mesh size requirements. The Council and Board approved a modified range of alternatives, removing one alternative from the draft range for each issue in order to simplify the options under consideration. A revised document with additional analysis will be reviewed by the Council and Board via a webinar meeting in late spring/early summer 2024. As part of this meeting, the Board will approve a draft addendum for public comment, as required under the Commission’s process to support a minimum 30-day public comment period with optional public hearings. This public comment period will take place this summer, with final action expected in August 2024.

## 2024 State of the Ecosystem Report

Dr. Sarah Gaichas (NEFSC) presented the key findings from the 2024 Mid-Atlantic State of the Ecosystem report. This report has been provided annually to the Council since 2017 and gives information on the status and trends of relevant ecological, environmental, economic, and social components of the Mid-Atlantic Bight ecosystem. The report evaluates the performance of different ecosystem indicators relative to management objectives and the potential climate and ecosystem risks to meeting those management objectives. Highlights from the 2024 report include:

- Commercial seafood landings and total revenue were near historic lows driven by declining landings and price of ocean quahog, Atlantic surfclam, and scallops.
- Recreational harvest remains below the long-term average, but recreational effort (in number of trips) is above the long-term average.
- Recreational catch diversity remains stable and above the long-term average and diversity is being driven by southern species.
- Many fish stocks and protected species distributions are changing in the Mid-Atlantic due to increasing temperature, changing oceanographic features, the spatial distribution of suitable habitat, and the availability of prey.
- 2023 sea surface temperatures in the North Atlantic were the warmest on record and were linked, along with low oxygen and acidification, to fish and shellfish die-offs off New Jersey and the Elephant Trunk region.

## 2024 Ecosystem Approach to Fisheries Management (EAFM) Risk Assessment Report

The Council received an update on the development of the draft 2024 EAFM risk assessment report. The risk assessment is intended to track ecosystem elements that may threaten the Council’s ability to achieve the management objectives desired for Council-managed fisheries. In 2023, the Council conducted a comprehensive review of the risk assessment and approved a number of changes, including the development of four new elements and revisions to many of the existing risk element components. Council and NEFSC staff will work with the Council’s Ecosystem and Ocean Planning Committee and Advisory Panel to complete the risk assessment and present a final report to the Council later this year for approval.

## Golden Tilefish Catch Share Program Review

Council staff presented a summary of public comments received on the Review of the Golden Tilefish Individual Fishing Quota (IFQ) Program Twelve-Year Review. This report was structured around the National Marine Fisheries Service (NMFS) guidance for conducting catch share program reviews; and constitutes the second program review

for this Limited Access Privilege Program. After reviewing public comments, the Council voted to submit the Golden Tilefish Individual Fishing Quota Program Twelve-Year Review package to NMFS. In addition, the Council passed a motion to write a letter to NOAA Fisheries encouraging them to evaluate the possibility of expanding the use of the Fish Online web portal to track golden tilefish IFQ allocation transfers and track current allocation to assist with quota and program management. The full report is available at <https://www.mafmc.org/tilefish>.

### Golden Tilefish Assessment Overview

The Council received a presentation on the golden tilefish research track assessment which was peer reviewed in March 2024. Several improvements were made to the assessment, including transitioning the assessment model from the Age Structured Assessment Program (ASAP) to the state-space Woods Hole Assessment Model framework (WHAM; using 2021 management track data). In addition, the research track assessment developed an ecosystem and socioeconomic profile (ESP), developed a new recreational catch time series, evaluated various data sources that may be used to better understand trends in abundance, and developed method to transition vessel trip report landings (VTR) per unit effort (LPUE) index to newly developed catch accounting and monitoring system (CAMS)-based LPUE index amongst others.

The next steps in the assessment process include a management track assessment in June 2024 (to include data streams up to 2023) to provide updated estimates of stock status and set catch limits for the 2025-2027 fishing years. Future management track assessments will address research recommendations identified by the peer review.

### Northeast Trawl Advisory Panel Industry-Based Survey Pilot Project Update

The Council received an update on development of an industry-based survey pilot project by the Northeast Trawl Advisory Panel. The goal of the project is to test the viability of an industry-based survey as described in the white paper titled "[Draft Proposed Plan for a Novel Industry Based Multispecies Bottom Trawl Survey on the Northeast U.S. Continental Shelf](#)." The Northeast Trawl Advisory Panel (NTAP) met on February 8, 2024, and the NTAP Bigelow Contingency Plan working group met on February 29, 2024, to continue their discussions of the pilot project and develop recommendations for Council consideration. Staff noted that although the NTAP and NTAP Working Group have made substantial progress, there are still a number of details that need to be further developed at future meetings. Staff also noted that the NTAP Working Group recommended meeting with regional scientific survey staff and vessel owners/operators that may be interested in participating in the pilot project to discuss the topic.

### Habitat Activities Update

Jessie Murray, from GARFO Habitat and Ecosystem Services Division (HESD), provided updates on recent habitat consultations related to coastal development, infrastructure, and upcoming federal navigation and civil work projects from the New York and Philadelphia Districts of the Army Corp of Engineers. She shared information on the Historic Area Remediation Site (HARS) and early Environmental Protection Agency (EPA) considerations for an offshore fishery enhancement beneficial use site in the New York Bight. It was noted that EPA will be reaching out for input on HARS in the future. She also updated the Council on the status of NOAA's activities related to the Bipartisan Infrastructure Law and Inflation Reduction Act habitat funding opportunities. Doug Cristel (also of HESD) provided an overview of recent offshore wind consultations and highlighted the socioeconomic impacts reports and other products being utilized to evaluate port specific fishery impacts from offshore wind development.

## Offshore Wind Fisheries Compensation Programs

The Council discussed fisheries compensatory mitigation programs for offshore wind energy development. The discussion focused on the Vineyard Wind 1 commercial fisheries compensatory mitigation fund, as it is currently accepting applications with a deadline of June 3, 2024. To qualify for payments from this program, applicants must demonstrate that they fished in the Vineyard Wind 1 lease area in at least three years during 2016-2022 and must provide documentation of total annual revenue from commercial fishing activities (not just from within the Vineyard Wind 1 lease area) for the associated years. Several types of data can be used as evidence of fishing activity within the lease area, including, but not limited to, vessel trip reports, vessel monitoring system data, automatic identification system information, observer information, and other trip-level reporting. Fishermen may need to request some of this information from NOAA Fisheries. Concerns have been raised about the ability of NOAA Fisheries to respond to these data requests in a timely manner to ensure fishermen can apply by the June 3 deadline. However, Vineyard Wind has indicated that applications that are otherwise complete and submitted by June 3 will not be rejected due to outstanding data requests to NOAA Fisheries. More information on the qualification criteria, how to apply, and guidance for data requests can be found at:

<https://vw1fisheriescomp.com/>.

Council members and members of the public expressed several concerns with this program, including that many fishermen who will be impacted by Vineyard Wind 1 are not eligible for compensation because they are not homeported in Massachusetts, Rhode Island, Connecticut, New York, or New Jersey. In addition, this program does not provide compensation for impacts to for-hire or private recreational fishing. The program also does not allow commercial fishing vessel crew to receive direct compensation. Only owner/operators are eligible. The funds do not account for impacts such as devaluation of permits and increased transit times once Vineyard Wind 1 is constructed. It was also noted that before receiving financial compensation, fishermen must sign a waiver stating they will not join future lawsuits against Vineyard Wind 1. The specific language in this waiver is only shared with fishermen after they have submitted applications for compensation. Stakeholders said this is problematic because some fishermen will not want to sign the waiver and they should be aware of that requirement before going through the time-consuming application process and submitting personal fishing and financial information. The Council recommended that Vineyard Wind or NOAA Fisheries do additional targeted outreach to ensure all potentially eligible fishermen are aware of the program, application process, and deadlines.

## Impacts of Offshore Wind Energy Construction Sounds on Behavior of Longfin Squid and Black Sea Bass

The Council received a presentation from Dr. Aran Mooney and Nathan Formel with the Woods Hole Oceanographic Institution on multiple studies of the impacts of offshore wind construction sounds on longfin squid and black sea bass. These studies examined the impacts of recorded pile driving sounds from construction of the Block Island Wind Farm replayed in a laboratory setting as well as on the water studies of pile driving in an experimental setting in Woods Hole. The sound levels used in all these studies are less intense than those that will be produced during installation of the larger foundations planned for other offshore wind energy projects off the East Coast. However, similar studies have not been done during construction of these projects. Key findings presented for squid include strong initial alarm responses of resting squid, increased energy usage during alarm responses, and distraction from feeding, but sustained mating behaviors and no significant change in school area during noise. The researchers concluded that longfin squid are generally resilient to pile driving noise. Key findings presented for black sea bass include increased sheltering behavior of adults and reduced juvenile counts during pile driving. The researchers suggested there could be potential displacement and impacts to foraging behavior.

## Proposed Rule to Update Regulations Associated with the Magnuson-Stevens Fishery Conservation and Management Act's Confidentiality Requirements

Laura Keeling, from NOAA Fisheries Office of Sustainable Fisheries, provided a briefing on a proposed rule that would modify the regulations governing the confidentiality of information submitted in compliance with requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Ms. Keeling noted that the proposed rule aims to streamline access for the fishing industry as well as Regional Fishery Management Councils, states, commissions, and other entities that need such information for fishery conservation and management purposes. It would bring implementing regulations into compliance with the Congressional amendments and address their application to some more recent issues. The rule would also prohibit unauthorized disclosure of confidential information, clarify exceptions to the MSA that allows for the release of confidential information, and provide a general framework for the handling of confidential information under the MSA. The final rule is expected to be published this summer, and internal control procedures will be developed to guide the implementation of the rule. Following the presentation, the Council agreed to submit comments on the proposed rule. Given the length and complexity of the rule, the Council also directed staff to develop a redline version showing the proposed changes to the existing regulatory text.

### Next Meeting

The next Council meeting will be held **June 4-6, 2024, in Riverhead, NY**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.