



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: December 3, 2021
To: Council
From: Mary Sabo, Council Staff
Subject: 2022 Implementation Plan

During the December 2021 meeting, the Council will meet on Thursday, December 16 to review and consider approving the 2022 Implementation Plan. The annual implementation plan is developed each year as a tool for planning and prioritizing activities for the upcoming year within the broader context of the Council's longer-term goals and objectives.

The following materials are enclosed for Council consideration.

1. MAFMC 2020 -2024 Strategic Plan Overview
2. End-of-Year Updates on 2021 Proposed Deliverables
3. Draft 2022 Implementation Plan
4. Comment letter in support of development of a policy and process to review exempted fishing permit applications for new or expanding forage fisheries (12/1/21)
 - Attachment: Pacific Fishery Management Council Operating Procedure: Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species
5. GARFO Letter to MAFMC: Request for Action to Restrict Commercial Fishing in the Northeast Canyons and Seamounts National Marine Monument (11/30/21)
6. MAFMC Letter to Department of Interior: Comments on the Commercial Fishing Prohibition in the Northeast Marine Monument (3/16/21)

The following supplemental materials are available online:

- [2020-2024 Strategic Plan](#)
- *Additional materials may be added to the [December 2021 Meeting Page](#) prior to the meeting*

MAFMC 2020 -2024 Strategic Plan Overview

This overview is intended to provide an abbreviated, “at-a-glance” view of the topics addressed in the Council’s 2020-2024 Strategic Plan. Please refer to the complete plan for additional details.

www.mafmc.org/strategic-plan

Mission

The Council manages fisheries in federal waters of the Mid-Atlantic region for their long-term sustainability and productivity consistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act. The Council is committed to the stewardship of these fisheries, and associated ecosystems and fishing communities, through the collaborative development of effective, science-based fishery management plans and policies.

Vision

Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation.

Core Values

- Stewardship
- Integrity
- Effectiveness
- Fairness
- Competence
- Transparency

Communication: Engage stakeholders and the public through education and outreach that foster sustained participation in, and awareness of, the Council process.

<p>1. Tools and methods</p> <ul style="list-style-type: none"> • Use a variety of traditional, web-based, and social media tools • Upgrade the website content and organization • Coordinate with management partners • Expand media coverage • Expand the use of “interested parties” lists • Maintain online calendar • Establish Communication/Outreach Advisory Panel 	<p>2. Stakeholder participation</p> <ul style="list-style-type: none"> • Hold workshops to develop innovative management approaches • Develop outreach materials to facilitate stakeholder participation • Schedule and conduct meetings/hearings in a manner that encourages participation • Expand use of online comment forms • Develop action-specific web pages • Use webinars and other technologies to enable remote participation 	<p>3. Education and awareness</p> <ul style="list-style-type: none"> • Develop outreach and education materials on Council fisheries and process • Promote partner organizations’ workshops and educational opportunities • Collaboratively develop outreach materials on fisheries science and data collection • Use plain language in Council documents
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Science: Ensure that the Council’s management decisions are based on timely and accurate scientific information and methods.

<p>4. Planning and addressing research needs</p> <ul style="list-style-type: none"> • Leverage opportunities to include Council research priorities in external funding programs • Engage in regional collaboration on research priorities and planning • Support the new NRCC stock assessment process • Develop a process for cross-communication between SSCs • Develop a comprehensive research plan 	<p>5. Collaborative research</p> <ul style="list-style-type: none"> • Expand/enhance existing Northeast Cooperative Research Program initiatives • Identify research needs suitable for collaborative research • Support the use of “vessels of opportunity” • Support priorities identified by NEAMAP operations committee • Support innovations in gear development to reduce bycatch • Evaluate future RSA options 	<p>6. Data collection, monitoring and reporting</p> <ul style="list-style-type: none"> • Support Fishery Dependent Data Initiative • Support development of a unique trip identifier • Work to eliminate duplicative/unnecessary reporting • Address inconsistencies in commercial and for-hire permitting/reporting/inspection requirements • Consider phone apps for recreational reporting
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<p>7. Social and economic data</p> <ul style="list-style-type: none"> • Identify existing social/economic data sources • Incorporate fishermen’s knowledge in the stock assessment process • Identify data/information gaps that can be addressed with on-the-water observations. • Support improvements to social/economic analyses 	<p>8. Priority setting</p> <ul style="list-style-type: none"> • Conduct periodic reviews of Five-Year Research Priorities • Review research needs identified in stock assessments • Track progress toward addressing the Council’s research priorities.
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Management: Develop effective management strategies that provide for sustainable fisheries and healthy marine ecosystems and consider the needs of fishing communities and other resource users.

<p>9. Coordinated management through partnerships</p> <ul style="list-style-type: none"> • Use the NRCC to enhance coordination and communication • Coordinate with partners to ensure efficient allocation of staff resources • Address inconsistencies across state/federal/regional boundaries 	<p>10. Adapt management approaches</p> <ul style="list-style-type: none"> • Monitor variability in species distribution, abundance, and availability • Use FPRs and SOE reports to develop management responses to changing conditions • Review the performance of existing measures 	<p>11. Consider social/economic impacts</p> <ul style="list-style-type: none"> • Expand the use of MSEs to determine social/economic impacts • Evaluate the impacts of current measures on recreational participation and satisfaction • Expand the use of multi-year management approaches • Evaluate the impacts of management on fishing businesses
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Ecosystem: Support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.

12. EAFM Implementation

- Track EAFM implementation progress
- Use the structured framework process as a tool to implement EAFM
- Collaborate with science partners to address ecosystem information needs

13. Climate change

- Identify climate-related data needs
- Consider management and governance responses to shifting species distributions
- Evaluate ability of current management approaches to respond to shifting species distributions
- Consider management strategies that are responsive to the impacts of climate change on fishery allocations

14. Habitat

- Identify the contributions of inshore habitats to offshore productivity
- Review EFH designations
- Participate in regional habitat partnerships
- Develop the linkages between habitat science/conservation and fishery outcomes
- Ensure that Council habitat policies reflect current scientific information and best management practices
- Examine the use of EFH/HAPCs to ensure ecosystem integrity

15. Offshore energy

- Collaborate with partners on offshore energy issues to identify information needs and evaluate impacts
- Comment on proposed offshore energy projects

16. Forage

- Consider the role of Council-managed species in the ecosystem
- Consider and account for the impacts of Council-managed species on the forage base
- Monitor unmanaged forage landings

17. Ecosystem impacts

- Incorporate information from the SOE reports to identify impacts of Council decisions on the ecosystem
- Consider measures that promote fewer regulatory discards and greater utilization of catch
- Avoid/reduce negative impacts on protected resources

Governance: Ensure that the Council's practices accurately represent and consider the interests of fisheries, fishing communities, and the public through a transparent and inclusive decision-making process.

18. Open, accessible process

- Develop/update policies for Council committees and advisory/technical bodies.
- Provide annual updates on Council activities
- Review/update SOPP on a regular basis
- Provide webinars whenever possible

19. Collaboration with management partners

- Review/update regional operating agreement
- Clarify roles, responsibilities, procedures with ASMFC for joint meetings/actions
- Develop agreements with NEFMC and SAFMC
- Review composition/operation of Council committees to address management partner concerns

20. Stakeholder interests

- Create new opportunities for general public comment during meetings
- Add opportunities for public comment on implementation plans
- Evaluate the composition of advisory bodies
- Improve communication regarding the use of public input in management decisions

21. Member and staff training and development

- Provide opportunities for Council member training
- Support staff development
- Promote staff-to-staff collaboration with management partners

Managed Fisheries

Summer Flounder, Scup, Black Sea Bass • Mackerel, Squid, Butterfish
 Surfclams and Ocean Quahogs • Golden and Blueline Tilefish
 Bluefish • Spiny Dogfish • Monkfish



2021 Actions and Deliverables

End-of-Year Updates

The table below provides an update on the status of proposed actions and deliverables from the Council’s 2021 Implementation Plan. This document reflects the expected status of each item by the end of 2021 (tasks may be marked as “Completed” if they will be addressed at the October or December meetings).

- **Completed:** The task is expected to be completed by the end of 2021. Amendments, frameworks, and specifications are considered “Completed” once the Council has taken final action.
- **In Progress:** The task is on track, and work will carry over into the following year.
- **Ongoing:** The task is part of the Council’s routine activities and does not have an expected end point.
- **Delayed or Postponed:** The original timeline has shifted.

(A) before an item signifies that it is an addition to the deliverables originally approved for 2020

Deliverable	Expected status by end of 2021	Notes
Summer Flounder, Scup, Black Sea Bass		
Develop 2022-2023 specifications for summer flounder, scup, and black sea bass	Completed	
Develop 2022 recreational management measures for summer flounder, scup, and black sea bass	Completed	
Review and potentially revise commercial minimum mesh size regulations and exemptions for summer flounder, scup, and black sea bass	In Progress	Further review needed. Council may hire a contractor to conduct an in-depth analysis of multiple commercial measures within the FMP including mesh size regulations
Develop advisory panel fishery performance reports	Completed	
Continue development of a framework action and technical guidance documents to address the prioritized Recreational Reform Initiative topics.	In Progress	Recreational Harvest Control Rule Framework/Addendum is in progress. Other framework and technical guidance document topics are delayed.
Begin development of an amendment to consider recreational sector separation and recreational catch accounting for summer flounder, scup, black sea bass, and bluefish.	Delayed	Delayed to allow more staff time to be dedicated to the Harvest Control Rule Framework/Addendum.
Evaluate commercial scup discards and gear restricted areas	Postponed	This evaluation focuses on previous year discards compared with overall trends. Commercial discards were not available for 2020 due to 6 month suspension of observer program.

Deliverable	Expected status by end of 2021	Notes
Complete the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment	Completed	Final action expected Dec 2021. Additional staff work related to rulemaking will occur in 2022.
Continue development of the Ecosystem Approach to Fisheries Management (EAFM) management strategy evaluation (MSE) for summer flounder	In Progress	Project is on track. Council and Board approved range of objectives and alternatives for evaluation in August. Expected completion – May/June 2022.
Support management track assessments for summer flounder, scup, and black sea bass	Completed	
(A) Support industry and MSC requests during Scup MSC certification process	In Progress	
(A) Consider ASMFC remand of Black Sea Bass Commercial Allocation Amendment	Completed	The remand resulted in modifications to final action. Rulemaking is expected in 2022 for the 2023 fishing year. The Commission will implement the state allocation changes for the 2022 fishing year.
(A) Support 2022 research track assessment for black sea bass	Ongoing	
Bluefish		
Develop 2022-2023 bluefish specifications	Completed	
Develop 2022 bluefish recreational management measures	Completed	
Develop advisory panel fishery performance report	Completed	
Complete the Bluefish Allocation and Rebuilding Amendment	Completed	
Initiate action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic	Delayed	No progress expected in 2021 due to other priorities. Note: This action was proposed for inclusion in the Bluefish FMP due to the high co-occurrence of bullet/frigate mackerel and bluefish catch.
Support management track assessment for bluefish	Completed	
(A) Support 2022 research track assessment for bluefish	Ongoing	
Golden and Blueline Tilefish		
Review 2022 specifications for golden tilefish and develop 2023-2024 specifications	Completed	
Develop 2022-2024 blueline tilefish specifications	Completed	

Deliverable	Expected status by end of 2021	Notes
Develop advisory panel fishery performance reports	Completed	
Review performance of private recreational tilefish permitting and reporting	Completed	
Support management track assessment for golden tilefish	Completed	
Initiate golden tilefish multi-year specifications framework (EO 13921 recommendation)	Completed	
Review 2020 tilefish survey report and consider funding/logistics for 2022 survey	Completed	
Mackerel, Squid, Butterfish (MSB)		
Review 2022 Atlantic mackerel, chub mackerel, longfin, and butterfish specifications	Completed	
Develop 2022 <i>Illex</i> specifications	Completed	
Consider modifications to the <i>Illex</i> incidental possession limit during closures (EO 13921 recommendation)	Completed	No changes recommended by Council.
Consider modifications to the butterfish minimum mesh size regulations (EO 13921 recommendation)	Completed	No changes recommended by Council.
Develop advisory panel fishery performance reports	Completed	
Review butterfish cap performance report	Completed	
Review HMS/chub mackerel diet study final report	Completed	
Support management track assessment for Atlantic mackerel	Completed	
Support research track assessments for butterfish and <i>Illex</i> squid (including possible additional <i>Illex</i> working group products)	Ongoing	Peer reviews are in 2022.
(A) Mackerel Rebuilding 2.0 FW	In Progress	
(A) Modification of 2021 <i>Illex</i> quota (implemented via MSB Specs final rule)	Completed	
River Herring and Shad (RH/S)		
Review RH/S cap performance and RH/S update	Completed	
(A) RH/S Run Count Story Map	Completed	Carried over from 2020
Spiny Dogfish		
Review 2022 spiny dogfish specifications	Completed	

Deliverable	Expected status by end of 2021	Notes
Develop advisory panel fishery performance report	Completed	
Develop spiny dogfish trip limit white paper (EO 13921 recommendation)	Completed	
(A) Support 2022 research track assessment for spiny dogfish	Ongoing	
Surfclam and Ocean Quahog		
Review 2022 specifications for surfclam and ocean quahog	Completed	
Develop advisory panel fishery performance reports	Completed	
Continue work on an action to address issues with surfclam and ocean quahog species separation requirements	In Progress	The Council will review a white paper and discuss next steps in December
Review surfclam genetic study final report	In Progress	To be reviewed in 2022
Science and Research		
Convene a workshop to review and consider redevelopment of the research set-aside (RSA) program	Delayed	Three webinar workshops (July, August, October) were held in 2021. The in-person workshop was delayed until February due to covid.
Conduct a biennial review and update of the 2020-2024 research priorities document	In Progress	Scheduled for the December 2021 Council meeting.
Convene a joint Council/SSC meeting	Completed	
Review outcomes and recommendations from SSC Economic Work Group	In Progress	Input part of RSA Workshops to date. Final Work Group products to be presented at December 2021 Council meeting.
Support the Fishery Dependent Data Initiative (GARFO lead)	Ongoing	Continue to work with GARFO on this initiative including electronic reporting
(A) Establish an SSC Ecosystem Work Group	Completed	
(A) Ocean City, MD Video project	In Progress	Covid, tech issues, and additional video capture may delay into early 2022 (not on 2021 deliverables as originally scheduled for completion in late 2020)
(A) SSC sub-group peer review of recreational fishing models	Completed	Peer review meeting was held on September 20, 2021. Peer review report and next steps are currently under development.
Ecosystem and Ocean Planning/Habitat		
Develop and review the 2021 EAFM risk assessment report	Completed	

Deliverable	Expected status by end of 2021	Notes
Coordinate the Northeast Regional Habitat Assessment (NRHA)	In Progress	To be completed July 2022
Continue work on the Essential Fish Habitat (EFH) Redo	Delayed	Work to advance upon completion of NRHA
Maintain joint MAFMC and New England Fishery Management Council (NEFMC) offshore wind web pages	Ongoing	
Develop habitat- and fishery-related comments on offshore energy development	Ongoing	
Continue development of East Coast climate change and distribution shift scenario planning initiative	In Progress	Project currently on schedule. Currently doing public scoping; focused workshops late 2021 and early 2022. Completion expected late 2022.
(A) SSC and EOP Committee review of thread herring exempted fishing permit application	Completed	
General		
Review commercial landings of unmanaged species	Completed	
Complete advisory panel reappointment for all APs	Completed	
Develop comment letters to various agencies regarding E.O. 13921 recommendations	Completed	
(A) Participate on CCC Working Groups and Subcommittees (Habitat, Area-Based Management, Legislative)	Ongoing	
(A) Transition to Webex for virtual meetings	Completed	
Communication and Outreach		
Continue to implement the Council communication and outreach plan	Ongoing	
Develop and maintain Council action web pages	Ongoing	
Develop fact sheets and outreach materials as needed	Ongoing	
Establish a Communication/Outreach Advisory Panel	Completed	
Conduct virtual or in-person workshops to support commercial eVTR implementation	Completed	
Maintain general and issue-specific email distribution lists	Ongoing	

Deliverable	Expected status by end of 2021	Notes
Staff Wrap-Up on Completed Council Actions		
<i>Illex</i> Permit and MSB Goals and Objectives Amendment	Completed	Working on incorporating NMFS EA edits
Possible Additions <i>The items below were included in the 2021 Implementation Plan to be considered if time and resources allowed.</i>		
Establish a working group to evaluate potential approaches for incorporating additional stakeholder knowledge and input in the stock assessment process		
Review red crab and lobster fishery exemptions for discrete deep sea coral protected zones		
Initiate action to address right whale issues		
Develop a white paper on collecting fixed/variable costs and employment information (for all Northeast fisheries)		
Modify list of ecosystem component species from Unmanaged Forage Amendment (e.g., addition of cancer crabs)		



2022 Implementation Plan

DRAFT – DECEMBER COUNCIL MEETING

This Implementation Plan is a companion document to the Council’s 2020-2024 Strategic Plan. The 2020-2024 Strategic Plan identifies five goals, 21 objectives, and 87 strategies. Implementation of the strategic plan will be a long-term process supported through the annual development of one-year implementation plans that identify specific tasks necessary for achieving the Council’s goals and objectives. Annual implementation plans are used as a planning tool by the Council and staff and as a way to update the public on progress toward achieving the goals and objectives of the strategic plan. Each year’s plan is designed to provide a comprehensive and realistic framework for merging the Council's ongoing projects with new initiatives.

The 2022 Implementation Plan identifies specific activities the Council expects to undertake in 2022 to make progress toward achieving the goals and objectives of the 2020-2024 Strategic Plan. The document is organized into two sections:

1. The **2022 Proposed Actions and Deliverables** section provides a high-level overview of the activities, amendments, frameworks, specifications, and other projects the Council expects to initiate, continue, or complete during the year. This section is organized by Fishery Management Plan (FMP) and topic areas.
2. The **Strategic Plan Framework and 2022 Priority Activities** section organizes the Council’s planned activities for the upcoming year under the five goal areas and 21 objectives defined in the 2020-2024 Strategic Plan. This section provides information about the anticipated timeframe for each item.

STRATEGIC PLAN OVERVIEW

Vision

Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation.

Mission

The Council manages fisheries in federal waters of the Mid-Atlantic region for their long-term sustainability and productivity consistent with the national standards of the Magnuson-Stevens Fishery Conservation and Management Act. The Council is committed to the stewardship of these fisheries, and associated ecosystems and fishing communities, through the collaborative development of effective, science-based fishery management plans and policies.

Core Values

The Council’s activities, operations, and decisions are guided by the following core values:

- Stewardship
- Integrity
- Effectiveness
- Fairness
- Competence
- Transparency

The complete 2020-2024 Strategic Plan and other related documents are available at www.mafmc.org/strategic-plan.

2022 Proposed Actions and Deliverables

SUMMER FLOUNDER, SCUP, BLACK SEA BASS

1. Review 2023 specifications for summer flounder, scup, and black sea bass
2. Develop 2023 recreational management measures for summer flounder, scup, and black sea bass
3. Develop advisory panel fishery performance reports
4. Evaluate commercial scup discards and gear restricted areas
5. Complete Recreational Harvest Control Rule Framework/Addendum for summer flounder, scup, black sea bass, and bluefish
6. Continue development of an amendment to consider recreational sector separation and recreational catch accounting for summer flounder, scup, black sea bass, and bluefish
7. Continue development of a framework action and technical guidance documents to address the remaining prioritized Recreational Reform Initiative topics for summer flounder, scup, black sea bass, and bluefish
8. Support 2022 research track assessment for black sea bass
9. Review and potentially revise commercial minimum mesh size regulations and exemptions for summer flounder, scup, and black sea bass
10. Complete the Ecosystem Approach to Fisheries Management (EAFM) management strategy evaluation (MSE) for summer flounder

BLUEFISH

11. Review 2023 specifications for bluefish
12. Review/Develop 2023 recreational management measures for bluefish
13. Develop advisory panel fishery performance reports
14. Support 2022 research track assessment for bluefish

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

GOLDEN AND BLUELINE TILEFISH

15. Review 2023 specifications for golden tilefish
16. Review 2023 specifications for blueline tilefish
17. Develop advisory panel fishery performance reports
18. Review performance of private recreational tilefish permitting and reporting
19. Conduct 2022 golden tilefish survey pending approval of funding/logistics
20. Initiate golden tilefish 5-year ITQ program review

MACKEREL, SQUID, BUTTERFISH (MSB)

21. Develop MSB advisory panel fishery performance reports
22. Develop 2023-2025 chub mackerel specifications
23. Complete Mackerel Rebuilding 2.0 Framework (including 2023-2024 specifications)
24. Develop 2023-2024 specifications for butterfish
25. Review 2023 specifications for longfin squid
26. Review 2022 specifications for *IIIex* and develop 2023 specifications for *IIIex*
27. Support 2022 research track assessments for butterfish and *IIIex*

RIVER HERRING AND SHAD (RH/S)

28. Develop 2023-2024 RH/S Cap via Mackerel Rebuilding 2.0 Framework

SPINY DOGFISH

29. Support 2022 research track assessment for spiny dogfish
30. Develop 2023-2026 specifications for spiny dogfish

SURFCLAM AND OCEAN QUAHOG

31. Review 2023 specifications for surfclam and ocean quahog
32. Develop advisory panel fishery performance reports
33. Continue work on an action to address surfclam and ocean quahog species separation requirements
34. Review surfclam genetic study final report

SCIENCE AND RESEARCH

35. Complete final Research Set-Aside (RSA) workshop report with a recommendation on whether to redevelop the Mid-Atlantic RSA program
36. Approve Scientific and Statistical Committee (SSC) membership
37. Convene a joint Council/SSC meeting
38. Review outcomes and recommendations from SSC Ecosystem Work Group
39. Review outcomes and recommendations from SSC Economic Work Group
40. Support 2023 applying state-spaced model research track assessment
41. Complete Maryland Recreational Ocean Effort Video Estimation project

ECOSYSTEM AND OCEAN PLANNING/HABITAT

42. Maintain joint MAFMC and New England Fishery Management Council (NEFMC) offshore wind web pages
43. Develop habitat- and fishery-related comments on offshore energy development
44. Coordinate the Northeast Regional Habitat Assessment (NRHA)
45. Continue work on the Essential Fish Habitat (EFH) Redo
46. Develop and review the 2022 EAFM risk assessment report
47. Initiate comprehensive review and update to EAFM risk assessment
48. Continue development of East Coast climate change and distribution shift scenario planning initiative

GENERAL

49. Review commercial landings of unmanaged species
50. Participate on Council Coordination Committee (CCC) Working Groups and Subcommittees (Habitat, Area-Based Management, Legislative)
51. Host 2022 CCC Meeting
52. Respond to requests for information associated with audits for MSC-certified fisheries (Atlantic surfclam, ocean quahog, Illex squid, longfin squid, spiny dogfish)

COMMUNICATION AND OUTREACH

53. Continue to implement the Council communication and outreach plan
54. Develop new and maintain existing Council action web pages
55. Develop fact sheets and outreach materials as needed
56. Enhance the use of email distribution tools to inform and engage stakeholders
57. Increase the use of website analytics to better understand site performance and visitor traffic
58. Continue to expand the reach and utility of the Council's YouTube channel.

STAFF WRAP-UP ON COMPLETED ACTIONS

The following actions have been, or are expected to be, approved by the Council by the end of 2021 but will require staff work in 2022 to finalize for submission to NMFS:

59. Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment
60. Black Sea Bass Commercial State Allocation Amendment

POSSIBLE ADDITIONS

To be considered for addition to the 2022 implementation plan if time and resources allow:

61. Initiate action to address sea turtle bycatch in MAFMC trawl fisheries
62. Initiate action to address right whale issues
63. Initiate action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic
64. Continue to track thread herring EFP application and develop comments, if needed
65. Expand Summer Flounder MSE economic and population dynamic simulation models and recreational fleet dynamics model to black sea bass, scup, and/or bluefish
66. Develop a policy and/or process for reviewing EFP applications for new or expanding fisheries as it relates to the unmanaged forage amendment
67. Initiate a framework to consider additional spiny dogfish trip limit changes (contingent on assessment results)
68. Conduct additional outreach to improve awareness of, and compliance with, private recreational tilefish reporting requirements
69. Consider spatial management options for river herring and shad (contingent on seasonal analysis)
70. Initiate action to reimplement "did not fish" reports for commercial and/or for-hire operators
71. (Initiate action to implement fishing restrictions in the Northeast Canyons and Seamounts National Marine Monument)

2022 Priority Activities

The purpose of this section is to link the Council’s annual activities to the goals and objectives contained in the 2020-2024 Strategic Plan to ensure that progress is being made in all five goal areas. The activities listed in this section include (1) the deliverables contained in the “Proposed Actions and Deliverables” section and (2) other ongoing/routine activities that address certain strategic plan objectives. The **Deliverable** column indicates whether the activity is in the list of proposed actions and deliverables from the previous section (Y=Yes; N=No). The **Timeframe** column describes the estimated timeframe for completion of the activity/deliverable (**2022**: Work is likely to be completed in 2022; **TBD**: Work is expected to extend beyond 2022; **Ongoing**: This item is part of the Council’s routine activities and does not have an expected end point; **Annually**: This activity occurs on an annual basis). Please note that these timeframes are subject to change.

COMMUNICATION

Goal: Engage stakeholders and the public through education and outreach that foster sustained participation in, and awareness of, the Council process.

Objective	Priority Activities for 2022	Deliverable	Timeframe
1. Use a wide range of communication tools and methods tailored to engage target audiences.	Continue to employ a variety of traditional, web-based, and social media tools to disseminate relevant information, updates, and communication materials (as outlined in the Council’s communication and outreach plan).	Y	Ongoing
	Increase the use of website analytics to better understand site performance and visitor traffic	Y	2022
	Enhance the use of email distribution tools to inform and engage stakeholders	Y	Ongoing
	Continue to expand the reach and utility of the Council’s YouTube channel through the increased use of live streams and creation of recorded presentations and other informational videos.	Y	2022
2. Increase stakeholder participation in the Council process.	Utilize webinars, conference lines, and other technology to expand remote access to and/or participation in Council and advisory body meetings.	N	Ongoing
	Develop outreach materials to facilitate constructive stakeholder input on proposed management actions (e.g., scoping guides, video presentations, fact sheets, etc.).	Y	Ongoing
3. Broaden the public’s understanding and awareness of the Council and its managed fisheries.	Develop fact sheets and outreach materials to provide information on current fisheries issues and topics of public interest.	Y	Ongoing
	Continue to promote relevant educational opportunities.	N	Ongoing
	Collaborate with science partners to develop outreach materials related to stock assessments for Council-managed species.	N	Ongoing
	Ensure that Council documents use plain language and minimize the use of acronyms to the extent possible.	N	Ongoing

SCIENCE

Goal: Ensure that the Council's management decisions are based on timely and accurate scientific information and methods.

Objective	Priority Activities for 2022	Deliverable	Timeframe
4. Collaborate with science partners and research institutions to ensure that the Council's science priorities are addressed.	Support stock assessments for Council-managed species.	Y	Ongoing
	Complete Maryland Recreational Ocean Effort Video Estimation project	Y	2022
	Review surfclam genetic study final report	Y	2022
	Conduct 2022 golden tilefish survey pending approval of funding/logistics	Y	2022
5. Support the use of collaborative research to meet the Council's science, data, and information needs.	Complete final RSA workshop report with a recommendation on whether to redevelop the Mid-Atlantic RSA program	Y	2022
	Identify research needs that can be addressed using collaborative approaches with commercial, for-hire, and recreational fishery participants.	N	Ongoing
	Continue to support development of cooperative research programs that use "vessels of opportunity" from all sectors to address science and research needs.	N	Ongoing
6. Promote efficient and accurate data collection, monitoring, and reporting systems.	Continue to support the Fishery Dependent Data Initiative (GARFO lead).	Y	Ongoing
	Review performance of private recreational tilefish permitting and reporting.	Y	2022
7. Promote the collection of relevant social and economic data and on-the-water observations.	Collaborate with the Northeast Regional Coordinating Council (NRCC) Stock Assessment Communications Group to facilitate increased stakeholder involvement in (and awareness of) the stock assessment process.	N	Ongoing
	Review outcomes and recommendations from SSC Economic Work group.	Y	2022
	Engage the Council's SSC to identify existing studies or other sources of social and economic information that could be used to inform management decisions.	N	Ongoing
8. Identify and prioritize the Council's research needs.	<i>No specific activities related to this objective are planned for 2022.</i>		

MANAGEMENT

Goal: Develop effective management strategies that provide for sustainable fisheries and healthy marine ecosystems while considering the needs of fishing communities and other resource users.

Objective	Priority Activities for 2022	Deliverable	Timeframe
9. Strengthen state, federal, and interstate partnerships to promote coordinated, efficient management of fishery resources.	Participate on the Northeast Regional Coordinating Council.	N	Ongoing
10. Adapt management approaches and priorities to address emerging issues and changing fishery conditions.	Review and potentially revise commercial minimum mesh size regulations and exemptions for summer flounder, scup, and black sea bass	Y	2022
	Recreational Harvest Control Rule Framework/Addendum for summer flounder, scup, black sea bass, and bluefish	Y	2022
	Amendment to consider recreational sector separation and recreational catch accounting for summer flounder, scup, black sea bass, and bluefish	Y	TBD
	Framework action and technical guidance documents to address the remaining prioritized Recreational Reform Initiative topics for summer flounder, scup, black sea bass, and bluefish	Y	TBD
	Evaluate commercial scup discards and gear restricted areas.	Y	2022
	Mackerel Rebuilding 2.0 Framework	Y	2022
	Action to address surfclam and ocean quahog species separation requirements	Y	TBD
11. Ensure that management decisions consider social, economic, and community impacts and opportunities.	Ecosystem Approach to Fisheries Management (EAFM) management strategy evaluation (MSE) for summer flounder	Y	2022
	Continue to utilize multi-year management approaches.	N	Ongoing

Continued on the following page

Specification-Setting Activities

<p>In addition to the activities associated with specific management objectives, the Council will also develop new or review existing specifications for each of its managed species. These activities are listed below.</p>	
<p>Develop and approve new specifications:</p>	<ul style="list-style-type: none"> • 2023 summer flounder, scup, and black sea bass recreational management measures • 2023-2025 chub mackerel specifications • 2023-2024 butterfish specifications • 2023 longfin squid specifications • 2023 <i>Illex</i> squid specifications • 2023-2024 Atlantic mackerel specifications (via Mackerel Rebuilding FW) • 2023-2026 spiny dogfish specifications
<p>Review specifications and recommend changes if needed:</p>	<ul style="list-style-type: none"> • 2023 summer flounder, scup, and black sea bass specifications • 2023 bluefish specifications • 2023 bluefish recreational management measures • 2023 golden tilefish specifications • 2023 blueline tilefish specifications • 2022 <i>Illex</i> squid specifications • 2023 surfclam and ocean quahog specifications

ECOSYSTEM

Goal: Support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.

Objective	Priority Activities for 2022	Deliverable	Timeframe
12. Implement the Council’s Ecosystem Approach to Fisheries Management (EAFM) as described in the EAFM Guidance Document.	Develop and review the 2022 EAFM risk assessment report.	Y	2022
	Comprehensive review and update to EAFM risk assessment	Y	TBD
	Review SSC Ecosystem Work Group recommendations regarding integration of ecosystem information into the management process	Y	2022
13. Collaborate with management partners to develop ecosystem approaches that are responsive to the impacts of climate change.	Continue development of the East Coast climate change and distribution shift scenario planning initiative.	Y	TBD
14. Identify, designate, and protect habitat using an ecosystem approach.	Coordinate the Northeast Regional Habitat Assessment (NRHA)	Y	2022
	Continue work on the Essential Fish Habitat (EFH) Redo	Y	Ongoing
15. Engage in the offshore energy development process to address impacts to Council-managed species and associated habitats.	Develop habitat- and fishery-related comments on offshore energy development.	Y	Ongoing
	Maintain joint MAFMC-NEFMC Offshore Wind web page and Offshore Wind Notices to Mariners web page.	Y	Ongoing
	Engage offshore wind developers to support effective communication and outreach with the fishing industry.	Y	Ongoing
16. Support the maintenance of an adequate forage base to ensure ecosystem productivity, structure, and function.	Consider and account for, to the extent practicable, the role of Council-managed species in the ecosystem, including roles as prey, predator, and food for humans.	N	Ongoing
	Consider and account for, to the extent practicable, the impact of Council-managed fisheries on the forage base.	N	Ongoing
	Review report on unmanaged species landings and respond to changes if necessary.	Y	Annually
17. Develop management approaches that minimize adverse ecosystem impacts.	Review State of the Ecosystem Report	N	Annually
	Develop management measures that consider ecological interactions to reduce regulatory discards, promote greater utilization of catch, and minimize impacts to habitat.	N	Ongoing

	Consider fishery management approaches that avoid or reduce negative impacts on protected resources.	N	Ongoing
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GOVERNANCE

Goal: Ensure that the Council's practices accurately represent and consider the interests of fisheries, fishing communities, and the public through a transparent and inclusive decision-making process.

Objective	Priority Activities for 2022	Deliverable	Timeframe
18. Maintain an open, accessible, and clearly defined process.	Convene joint Council-SSC meeting.	Y	2022
	Provide an update on Council activities and a summary of implementation Plan progress.	N	Annually
	Provide conference lines or Webinar access to Council and advisory body meetings whenever feasible.	N	Ongoing
19. Engage management partners to promote effective collaboration and coordination.	Participate on CCC Working Groups and Subcommittees (Habitat, Area-Based Management, Legislative)	Y	Ongoing
	Host the 2022 CCC Meeting	Y	2022
	Track relevant MSA/fisheries legislation and develop comments as requested.	N	Ongoing
	Review the composition and operation of Council committees.	N	Annually
	Respond to requests for information associated with audits for MSC-certified fisheries (Atlantic surfclam, ocean quahog, Illex squid, longfin squid, spiny dogfish)	Y	Ongoing
20. Ensure that stakeholder interests are understood and addressed.	Work with advisory panels to develop annual fishery performance reports	Y	Annually
21. Provide training and development opportunities for Council members and staff to enhance organizational performance.	Support the ongoing professional development of Council staff.	N	Ongoing
	Continue to participate in staff-to-staff meetings and collaborate with GARFO, NEFSC, and ASMFC on other initiatives.	N	Ongoing

- American Sportfishing Association •Audubon Connecticut
- Audubon New York •Conservation Law Foundation
- Great Egg Harbor Watershed Association
- International Game Fish Association •Menhaden Defenders
- National Audubon Society •The Pew Charitable Trusts
- Rhode Island Saltwater Anglers Association •Riverkeeper, Inc.
- Theodore Roosevelt Conservation Partnership
- Virginia Saltwater Sportfishing Association •Wild Oceans

December 1, 2021

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

RE: UNMANAGED FORAGE EFP POLICY IN 2022 IMPLEMENTATION PLAN

Dear Mr. Luisi and Dr. Moore,

The undersigned groups and organizations strongly support the Ecosystem and Ocean Planning (EOP) Committee recommendation, developed at its October 4th meeting, to develop a policy and process to review exempted fishing permit (EFP) applications for new or expanding forage fisheries.¹ We urge the Mid-Atlantic Fishery Management Council to act on this recommendation at its December meeting and include this initiative in the finalized list of Ecosystem and Ocean Planning/Habitat work priorities in the 2022 Implementation Plan. This policy should be in place before another unmanaged forage EFP application comes before the EOP Committee and the Council.

The Council’s annual Implementation Plan is an important tool for demonstrating commitment to and progress toward the Council’s 5-year strategic plan. The 2020-2024 Strategic Plan, developed with extensive stakeholder outreach,² included “Ecosystem” as one of five overarching themes with the goal to “support the ecologically sustainable utilization of living marine resources in a manner that maintains ecosystem productivity, structure, and function.” In support of this goal, Strategic Plan Objective 16, taken from the Forage Policy within the Council’s Ecosystem Approach to Fisheries Management Guidance Document,³ calls on the Council to “support the maintenance of an adequate forage base to ensure ecosystem productivity, structure, and function.”⁴

There is cause for serious concern for the current state of the forage base in the Northeast U.S. Shelf Large Marine Ecosystem. On November 22nd, NOAA Fisheries declared the Atlantic herring fishery a fishery disaster.⁵ In 2019, spawning stock biomass was just 29% of the SSB_{MSY}

¹ Ecosystem and Ocean Planning Committee. October 4, 2021 Webinar Meeting Summary. https://www.mafmc.org/s/Final_Oct-4_2021_EOP-Committee-Meeting-Summary.pdf.

² Over 3,800 comments from over 800 individuals were received through a stakeholder survey that informed the 2020-2024 Strategic Plan. [Stakeholder Input Report: 2020-2024 Strategic Plan](https://www.mafmc.org/s/Stakeholder-Input-Report-2020-2024-Strategic-Plan).

³ Mid-Atlantic Fishery Management Council. 2019. Ecosystem Approach to Fisheries Management Guidance Document, <https://www.mafmc.org/ea/m>.

⁴ Mid-Atlantic Fishery Management Council. MAFMC 2020-2024 Strategic Plan, <https://www.mafmc.org/strategic-plan>.

⁵ NOAA. (2021, November 22). *Secretary of Commerce Issues Fishery Disaster Determination for 2019 Atlantic herring fishery*. Secretary of Commerce issues fishery disaster determination for 2019 Atlantic herring fishery | National Oceanic and Atmospheric Administration. Retrieved

value, the lowest value since the late 1980s, and recruitment has reached record lows.⁶ Atlantic mackerel have followed a similar trajectory. Spawning stock biomass in 2019 was just 24% of the target, and the stock has experienced record-low recruitment in recent years, triggering a revised rebuilding plan.⁷

Consistent with the current Strategic Plan, regulations implemented through the Unmanaged Forage Omnibus Amendment (UFOA) “prevent the development of new, and the expansion of existing, commercial fisheries on certain forage species until the Council has adequate opportunity and information to evaluate the potential impacts of forage fish harvest on existing fisheries, fishing communities, and the marine ecosystem.”⁸ EFPs were chosen as the method by which the Council will consider allowing new fisheries or the expansion of existing fisheries. However, the UFOA stopped short of describing the process by which the Council would consider unmanaged forage EFP applications and outlining a policy that clarifies the standards to be used when evaluating applications for consistency with the purpose and need of the UFOA.

Absent a clear process and policy to refer to, objective evaluations of Unmanaged Forage EFP applications will pose a challenge and workload burden to the Council – evidenced by the EOP Committee’s recent review of the first application seeking exemption from the UFOA regulations. As noted in October 4th EOP Committee meeting report, “there was some hesitancy from the Committee to comment on the application. Some Committee members were unsure how to approach the review of this EFP since this is the first one under the Unmanaged Forage Amendment and is potentially precedent setting.”

To ensure a consistent approach to meeting the Mid-Atlantic Council’s Strategic Plan and UFOA objectives, a council policy and process document such as Council Operating Procedure 24 (COP 24) utilized by the Pacific Fishery Management Council (PFMC) is needed.⁹ COP 24, appended to this letter, describes the protocol for evaluating EFP proposals to target forage species designated as shared ecosystem component (EC) species in the PFMC’s fishery management plans. COP 24 lists factors that should be taken into account by the Council and its advisory bodies when reviewing a proposal. Priority is given to applications that “emphasize resource conservation and management with a focus on evaluating the effects of harvesting Shared EC Species on the larger California Current Ecosystem.”¹⁰

Climate change is impacting the distribution, abundance and productivity of many fish stocks along the Atlantic coast,¹¹ and this is certainly true for forage species that are significantly influenced by environmental factors. With Atlantic herring and Atlantic mackerel overfished and experiencing record-low recruitment, it is not surprising that fisheries for unmanaged forage species, like Atlantic thread herring, are emerging. The Council should anticipate that EFP applications to pursue new forage fisheries may become more regular as fishermen seek opportunities to shift to new target species. Resiliency of the ecosystem and the forage base on which many fisheries depend necessitates that we carefully consider “impacts of forage fish

November 24, 2021, <https://www.noaa.gov/news-release/secretary-of-commerce-issues-fishery-disaster-determination-for-2019-atlantic-herring-fishery>.

⁶ Wilberg, M., Houde, E., Serchuk, F., 2020 Management Track Peer Review Committee Report,

https://media.fisheries.noaa.gov/dam-migration/2020_management_track_assessment_report_revised_8-12-2020_508.pdf.

⁷ MAFMC August 2021 Meeting Briefing Materials, Tab 12: Mackerel Issues, https://www.mafmc.org/s/Tab12_Atlantic-Mackerel_2021-08.pdf.

⁸ 82 FR 4072, <https://www.federalregister.gov/d/2017-18034>.

⁹ Pacific Fishery Management Council. “Council Operating Procedures as Amended through April 2021. Council Operating Procedure 24: Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species,”

<https://www.pcouncil.org/documents/2020/09/current-operating-procedures.pdf/>.

¹⁰ Ibid

¹¹ Nye, J., Link, J., Hare, J., Overholtz, W. 2009. Changing spatial distribution of fish stocks in relation to climate and population size on the Northeast United States continental shelf. *Marine Ecology Progress Series*, 393, pp. 111-129.

harvest on existing fisheries, fishing communities, and the marine ecosystem.” A clear council process and policy document describing the how these impacts will be considered is an important step in this direction.

Sincerely,

Pam Lyons Gromen
Executive Director
Wild Oceans

Michael W. Waine
Atlantic Fisheries Policy Director
American Sportfishing Association

Robert LaFrance, Esq.
Director of Policy
Audubon Connecticut

Erin McGrath
Policy Manager
Audubon New York

Erica Fuller
Senior Attorney
Conservation Law Foundation

Fred Akers
Administrator
Great Egg Harbor Watershed Association

Jason Schratwieser
President
International Game Fish Association

Capt. Paul Eidman
President/Founder
Menhaden Defenders

Anna Weinstein
Director, Marine Conservation
National Audubon Society

Zack Greenberg
Officer, Conserving Marine Life in the U.S.
The Pew Charitable Trusts

Rich Hittinger
Acting President
Rhode Island Saltwater Anglers Association

George Jackman, PhD
Senior Habitat Restoration Manager
Riverkeeper, Inc.

Chris Macaluso
Center for Marine Fisheries Director
Theodore Roosevelt Conservation Partnership

John Bello
Chairman of Government Relations
Virginia Saltwater Sportfishing Association

CC:
Brandon Muffley, Fishery Management Specialist
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

COUNCIL OPERATING PROCEDURE

Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species

Approved by Council: 09/11/15

DEFINITION

An exempted fishing permit (EFP) is a one-year Federal permit, issued by the National Marine Fisheries Service (NMFS), which authorizes a party to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations, for the purpose of collecting limited experimental data. The Pacific Fishery Management Council's (Council's) four fishery management plans (FMPs) allow for EFPs for Shared Ecosystem Component (Shared EC) species, consistent with Federal regulations at 50 CFR§600.475. EFPs can be issued to Federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested. The NMFS Regional Administrator may require any level of industry-funded observer coverage for these permits.

PURPOSE

This Council Operating Procedure (COP) provides a standard process for the Council, its advisory bodies, and the public to consider EFP proposals for Shared EC Species. The specific objectives of a proposed exempted fishing activity may vary. EFPs can be used to explore ways to develop stock surveys and assessments, explore the potential for a new non-tribal commercial fishery on Shared EC Species, or to evaluate current and proposed management measures. The scope of this COP is limited to EFP proposals for exempted commercial fisheries intended to target species identified in all four of the Council's FMPs as Shared EC species for the purpose of developing scientific information useful to evaluating the potential for a future fishery on one or more Shared EC species.

PROTOCOL

A. Submission

1. The Council and its advisory bodies [Ecosystem Advisory Subpanel (EAS), Scientific and Statistical Committee (SSC), and any applicable FMP-specific advisory bodies] shall review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to science and management data needs and make recommendations to the Council accordingly. The public may also comment on EFP proposals.
2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review at least two weeks prior to the November Council meeting.
3. Applications for EFPs from Federal or state agencies must meet the briefing book deadline for the November Council meeting.

B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
 - a. There is adequate justification for an exemption to the regulations;
 - b. The potential impacts of the exempted activity have been adequately identified; and
 - c. The exempted activity would be expected to provide information useful to management and use of Shared EC Species, other Council-managed resources, and other federally-managed resources.
2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
 - a. Date of application;
 - b. Applicant's names, mailing addresses, and telephone numbers;
 - c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP;
 - d. Valid justification explaining why issuance of an EFP is warranted;
 - e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;
 - f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities);
 - g. Number of vessels covered under the EFP;
 - h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest and take estimates of overfished species and protected species;
 - i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for;
 - j. A description of the proposed data collection and analysis methodology;
 - k. A description of how vessels will be chosen to participate in the EFP;
 - l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and
 - m. The signature of the applicant.

The Council and/or its advisory bodies may request additional information necessary for their consideration.

C. Review and Approval

1. The EAS and any other applicable advisory bodies identified by the Council will review EFP proposals in November and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the March Council meeting. Only those EFP applications that were considered in November may be considered in March; EFP applications received after the November Council meeting for the following calendar year will not be considered.
2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data

collection and analysis methodology used to measure whether the EFP objectives will be met.

3. The Council will give priority consideration to those EFP applications that:
 - a. Emphasize resource conservation and management with a focus on evaluating the effects of harvesting Shared EC Species on the larger California Current Ecosystem;
 - b. Can assess the potential effects of a directed fishery for one or more Shared EC Species on:
 - i. Any Council-managed species;
 - ii. Species that are the prey of any: Council-managed species, marine mammal species, seabird species, sea turtle species, or ESA-listed species;
 - iii. Habitat that is identified as essential fish habitat or otherwise protected within one of the Council's FMPs, critical habitat identified or protected under the Endangered Species Act, or habitat managed or protected by state or tribal fishery or habitat management programs;
 - iv. Species that are subject to state or tribal management within 0-3 miles offshore of Washington, Oregon, or California; or
 - v. Species that migrate beyond the U.S. EEZ.
 - c. Encourage full retention of fishery mortalities;
 - d. Involve data collection on fisheries stocks and/or habitat; and
 - e. Encourage innovative gear modifications and fishing strategies to reduce bycatch.
4. Review by the EAS and any other applicable advisory bodies will consider the following questions:
 - a. Is the application complete?
 - b. Is the EFP proposal consistent with the goals and objectives of the Council's Fishery Ecosystem Plan and FMPs?
 - c. Does the EFP account for fishery mortalities by species?
 - d. Can the harvest estimates of overfished species and/or protected species be accommodated?
 - e. Does the EFP meet one or more of the Council's priorities listed above?
 - f. Is the EFP proposal compatible with the Federal observer program effort?
 - g. What infrastructure is in place to monitor, process data, report on results, and administer the EFP?
 - h. How will achievement of the EFP objectives be measured?
 - i. If this EFP is a re-issue of a previously issued EFP, what are the benefits to the fisheries management process to continue an EFP that began the previous year?
 - j. If integrating data into management is proposed, what is the appropriate process?
 - k. What is the funding source for at-sea monitoring?
 - l. Has there been coordination with appropriate state and Federal enforcement management and science staff?
5. SSC Review:
 - a. All EFP applications should first be evaluated by the EAS for consistency with the goals and objectives of the Fishery Ecosystem Plan and the Council's FMPs;
 - b. The SSC will evaluate the scientific merits of the application and will specifically evaluate the application's: (1) problem statement; (2) data collection methodology; (3) proposed analytical and statistical treatment of the data; (4) the generality of the

- inferences that could be drawn from the study; and (5) methodology for determination of potential ecological and economic impacts.
6. An EFP may be denied if it is determined that the application fails to include the required content or meet EFP requirements.

D. Other considerations

1. EFP candidates or participants may also be denied future EFP permits under the following circumstances:
 - a. If the applicant/participant (fisher/processor) has violated past EFP provisions, or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding \$1,000 within the last three years;
 - b. Within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than \$5,000; or
 - c. Has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of fisheries landings. Documented fish receiving tickets indicating mis-reporting or under-reporting of fisheries landings will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the EAS and any other applicable advisory bodies identified by the Council at the November Council meeting of the following year.
2. A final written report on the results of the EFP and the data collected must be presented to the EAS, appropriate advisory bodies, and the Council at the March Council meeting. Those EFPs containing data analysis that could benefit from a scientific review may be forwarded to the SSC for comment.
3. The final report should include:
 - a. A summary of the work completed;
 - b. An analysis of the data collected; and
 - c. Conclusions and/or recommendations.Timely presentation of results is required to determine whether future EFPs will be recommended.



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

November 30, 2021

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

Dear Mike,

Acting within the authority granted under the Antiquities Act of 1906, President Biden issued a Proclamation on October 8, 2021, reinstating a prohibition on commercial fishing within the boundaries of the Northeast Canyons and Seamounts Marine National Monument, except for red crab and American lobster commercial fishing, which may be permitted until September 15, 2023. This new Proclamation reinstates the original prohibited and regulated activities within monument boundaries, consistent with the 2016 monument designation. This 2021 Proclamation also directed the Secretary of Commerce, in consultation with the Secretary of Interior, to manage the activities and species within the Monument under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable statutes. Both agencies are directed to prepare and implement a joint management plan for the monument by September 15, 2023.

Therefore, by this letter, I request that the Mid-Atlantic Fishery Management Council consider undertaking an action to amend, as expeditiously as possible, all of its approved fishery management plans to reflect the action of the President and implement the appropriate fishing regulations for the Monument. This action should be conducted in partnership with the New England Fishery Management Council, to which we are sending a similar letter and request, and in consultation with the Atlantic States Marine Fisheries Commission. We will, of course, collaborate with and provide support to the Councils as necessary, to complete this action.

To support this effort, staff at the Greater Atlantic Regional Fisheries Office and the Northeast Fisheries Science Center have begun gathering the information and data necessary to implement the prohibitions and restrictions enumerated in the President's Proclamation. This process will culminate in Federal rulemaking consistent with the Magnuson-Stevens Act and the Administrative Procedure Act to issue new regulations amending the fishery management plans prepared by the Councils. Neither NOAA's National Marine Fisheries Service (NMFS) nor the Councils have discretion to develop alternatives for this action, so we have determined that the National Environmental Policy Act does not apply.

Should the Council(s) decline to take up this action, we would rely on the authority granted to the Secretary at section 304(c) of the Magnuson-Stevens Act to prepare such amendments, as are necessary. As provided at section 304(c)(1)(A) of the Magnuson-Stevens Act, the Secretary may prepare an amendment to a fishery management plan if "the appropriate Council fails to develop



and submit to the Secretary ... any necessary amendment to such a plan."¹ Pursuant to the procedures required under the Magnuson-Stevens Act for such Secretarial action, we would, at a minimum, conduct public hearings and submit the proposed amendments to the Councils for consideration and comment. We would also consult with the Atlantic States Marine Fisheries Commission under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act, in order to develop and implement necessary regulations for the American lobster and Jonah crab fisheries.

In either case—Council-led amendments or Secretarial amendments—our objective is to complete the action and implement the necessary regulations within two years. In striving to meet this objective, we would seek to address prohibited and permitted activities, and to provide clear guidance for affected fisheries on operations within, transiting, or occurring near the Monument within the Magnuson-Stevens Act regulatory framework by which such fishing activities can be most effectively regulated.

We look forward to your timely reply and hope that this issue will be given due consideration during the Council's upcoming discussions regarding priorities for 2022. Please contact Sarah Bland, Assistant Regional Administrator for Sustainable Fisheries, if you have any questions or would like to discuss further (Sarah.Bland@noaa.gov, 978-281-9257

Sincerely,



Michael Pentony
Regional Administrator

cc: C. Moore, Exec. Director

¹ The full text of section 304(c), with respect to the Secretarial preparation of fishery management plans or amendments to such plans reads as follows:

(c) Preparation and Review of Secretarial Plans.—(1) The Secretary may prepare a fishery management plan, with respect to any fishery, or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law, if—(A) the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time, a fishery management plan for such fishery, or any necessary amendment to such a plan, if such fishery requires conservation and management; (B) the Secretary disapproves or partially disapproves any such plan or amendment, or disapproves a revised plan or amendment, and the Council involved fails to submit a revised or further revised plan or amendment; or (C) the Secretary is given authority to prepare such plan or amendment under this section.



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

March 16, 2021

The Honorable Debra Haaland
Secretary of the Interior
Department of the Interior
1849 C. Street, N.W.
Washington, DC 20230

Dear Secretary Haaland:

Please accept these comments on behalf of the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) regarding your review of the commercial fishing prohibition in the Northeast Canyons and Seamounts Marine National Monument (Northeast Marine Monument). The Mid-Atlantic Council manages fifteen species of fish and shellfish under seven fishery management plans (FMPs), plus more than 50 forage species that are managed as ecosystem component species across all of our FMPs. Although our management area extends from New York through Virginia, a considerable portion of the catch from some of our managed fisheries comes from New England waters.

Section 3 of President Biden's "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis" requires you to recommend whether a commercial fishing prohibition within the Northeast Marine Monument should be restored. The Mid-Atlantic Council recommends that management of fisheries in marine monument areas should remain under the jurisdiction of the Regional Fishery Management Councils (RFMCs) and NOAA's National Marine Fisheries Service (NMFS). Any fishing restrictions within the Northeast Marine Monument should be developed through the science-based, participatory management process required by the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Mid-Atlantic Council joins the seven other RFMCs in unanimous opposition to the use of the Antiquities Act of 1906 to implement fishing restrictions in the U.S. Exclusive Economic Zone (EEZ).¹

Working in partnership with NMFS, the RFMCs have more than four decades of experience successfully managing our nation's fisheries and marine ecosystems. Through implementation of the MSA, the United States is the global leader in the successful conservation and management of fishery resources and associated ecosystems. The RFMCs are charged not only with preventing overfishing and rebuilding overfished stocks but also with achieving optimum yield – the amount of fish which will provide the greatest overall benefit to the Nation. The RFMCs are also required to protect essential fish habitat, minimize bycatch, and comply with protections for species listed under the Endangered Species Act and other Federal laws.

¹ See comment letters sent to President Obama (6/26/16), President Trump (3/1/17), Secretary Zinke and Secretary Ross (5/16/17), Secretary Ross (5/29/20), and Acting Secretary De la Vega (2/26/21), all available at <http://www.fisherycouncils.org/cc-c-correspondence>

Through our work as stewards of U.S. fishery resources, the RFMCs have become leaders in marine conservation. Each RFMC has developed, or is developing, some form of a fishery ecosystem plan or a fishery-based management plan. In the Mid-Atlantic, we use what is called an “Ecosystem Approach to Fisheries Management.” Within the Mid-Atlantic Council’s 71,000 square mile management area, about 58%, or 41,428 square miles, is covered by the Frank R. Lautenberg Deep Sea Coral Protection Area. In this area, all bottom-tending fishing gear is prohibited to protect sensitive deep sea habitats. The management measures and specific boundaries for the protection area were approved by the Council in 2015 following an extensive, science-based process in collaboration with the fishing industry. Similarly, the New England Fishery Management Council has approved restrictions on bottom-tending gear within 87% of the monument area through its Deep Sea Coral Amendment. In each region you will find examples of how the RFMCs have carefully crafted spatial management measures and fishing restrictions to protect sensitive habitats and achieve other conservation goals.

The RFMCs are required to make all fisheries management decisions through a transparent, public process. The open forum provided by the Council system allows everyone to have a say in the stewardship of our marine resources and how fisheries are managed. We are concerned that the top-down approach used to designate and implement fishing restrictions within the Northeast Marine Monument did not provide adequate opportunities for public input. While a number of public events and meetings were held, fishermen and other affected stakeholders were not given a formal opportunity to comment on the proposed boundaries or management measures.

Implementation of fishing restrictions under the authority of the Antiquities Act of 1906 subverts the effective and time-tested fisheries management process established by the MSA. The RFMCs have the knowledge, experience, and technical expertise needed to meet conservation objectives while ensuring productive and sustainable fisheries. We recommend that fisheries management responsibility for the Northeast Marine Monument area should be retained by the New England Fishery Management Council.

Thank you for the opportunity to provide comments on this issue. We look forward to working with this Administration to ensure the continued sustainability and conservation of our nation’s marine resources.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

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

CC: The Honorable Gina Raimondo, Acting Secretary of Commerce
Mr. Paul Doremus, Acting Assistant Administrator for Fisheries NOAA/NMFS
Mid-Atlantic Fishery Management Council Members
Mr. Tom Nies, New England Fishery Management Council, Executive Director