



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: May 27, 2022
To: Council
From: Chris Moore, Executive Director
Subject: Executive Director's Report

The following materials are enclosed for review during the Executive Director's Report at the June 2022 Council Meeting:

1. 2022 Planned Meeting Topics
2. May 2022 CCC Meeting Agenda
3. May 2022 CCC Meeting Motions
4. May 2022 CCC Meeting Report
5. Email to Paul Doremus (NMFS): USFWS Squid Export Issue
6. Spring 2022 NRCC Meeting Agenda
7. Staff Memo: Sea Turtle Bycatch in Trawl Fisheries
8. Comments from Seafreeze, Ltd: Sea Turtle Bycatch Reduction in Trawl Fisheries
9. Excerpt from NRCC Port Biological Sampling Presentation (full presentation available [here](#))
10. GARFO Habitat and Ecosystem Services Division Update
11. Fact Sheet: Revised Commercial and Recreational Allocations of Summer Flounder, Scup, and Black Sea Bass
12. Staff Memo: Offshore Wind Updates
13. NEFMC and MAFMC Letter to BOEM Re: Survey Mitigation Strategy (5/6/22)
14. NEFMC and MAFMC Letter to USFWS Re: Dogfish Proposed CITES Listing (5/9/22)
15. Staff Memo: NMFS Draft Climate Regional Action Plan

2022 Planned Council Meeting Topics

Updated: 5/24/22

June 7-9, 2022 Council Meeting - Riverhead, NY

- Recreational Harvest Control Rule Framework/Addenda: Final Action (with ASMFC Policy Board)
- 2023-2025 Chub Mackerel Specifications: Approve
- Mackerel Rebuilding 2.0 Amendment (includes RH/S cap and 2023-2025 Mackerel Specifications): Final Action
- 2023 Longfin Squid Specifications: Review
- 2023 Atlantic Surfclam and Ocean Quahog Specifications: Review
- Aquaculture Policy: Review and Approve
- Research Set-Aside Program Redevelopment: Review Committee Recommendations and Consider Council Action
- Habitat Activities Update (including aquaculture and a preview of Northeast Regional Habitat Assessment products)
- Unmanaged Commercial Landings Report
- Atlantic Large Whale Take Reduction Plan Phase II: Update and Feedback
- EAFM Summer Flounder Management Strategy Evaluation: Model Development and Outputs
- [Review spatial revenue analyses from NEFSC related to river herring and shad bycatch](#)
- [Atlantic Sturgeon Bycatch Draft Action Plan](#)
- [NOAA Fisheries Equity and Environmental Justice Strategy Presentation](#)
- [New Jersey Ocean Acidification Monitoring Network Presentation](#)

August 8-11, 2022 Council Meeting - Philadelphia, PA

- 2023 Summer Flounder, Scup, and Black Sea Bass Specifications and Commercial Measures: Review (Joint with ASMFC SFSBSB Board)
- 2023 Bluefish Specifications and Recreational Management Measures: Review (Joint with ASMFC Bluefish Board)
- EAFM Summer Flounder Management Strategy Evaluation: Final Results and Recommendations (Joint with ASMFC SFSBSB Board)
- Evaluation of Commercial Scup Discards and Gear Restricted Areas: Review
- Recreational Reform Initiative Technical Guidance Document: Discuss Next Steps (Joint with ASMFC Policy Board)
- Recreational Sector Separation and Catch Accounting Amendment: Discuss Next Steps (Joint with ASMFC Policy Board)
- 2023 Illex Specifications: Approve
- 2023-2024 Butterfish Specifications: Approve
- Offshore Wind Updates
- Climate Change Scenario Planning: Review Scenario Creation Workshop Outcomes and Draft Scenarios

October 4-6, 2022 Council Meeting - Dewey Beach, DE

- 2023 Implementation Plan: Review Draft (Executive Committee)
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: Approve Alternatives for Public Hearing Document
- Ocean City Video Project: Review Results
- Private Recreational Tilefish Permitting and Reporting: Review Performance
- Joint Council-SSC Meeting
- Essential Fish Habitat Redo: Initiate Amendment
- [Climate Change Scenario Planning: Review Final Scenarios and Discuss Applications Generate Recommendations](#)
- Robert's Rules of Order Training

December 12-15, 2022 Council Meeting - Annapolis, MD

- 2023 Implementation Plan: Approve
- 2023-~~2026~~ Spiny Dogfish Specifications: Approve
- 2023 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass: Approve (Joint with ASMFC SFSBSB Board)
- Recreational Reform Initiative Technical Guidance Document: Review Draft (Joint with ASMFC Policy Board)
- Recreational Sector Separation and Catch Accounting Amendment: Approve Scoping Document (Joint with ASMFC Policy Board)
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: Final Action
- EAFM Risk Assessment Comprehensive Review: Update
- Habitat Activities Update (Including Aquaculture)
- Offshore Wind Updates

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2022 Council Meeting Topics At-a-Glance

	June	August	October	December
Mackerel, Squid, Butterfish and River Herring and Shad (RH/S)	<ul style="list-style-type: none"> 2023-2025 Chub Mackerel Specs 2023 Longfin Squid Specs – Review RH/S Spatial/ Temporal Analyses Mackerel Rebuilding 2.0 Amd: Final Action 	<ul style="list-style-type: none"> 2023 Illex Specs Review 2023-2024 Butterfish Specs 		
Recreational Reform	<ul style="list-style-type: none"> Rec HCR FW/ Addenda: Final Action 	<ul style="list-style-type: none"> Rec Reform Technical Guidance Doc: Discuss Rec Sector Separation and Catch Accounting Amd: Discuss 		<ul style="list-style-type: none"> Rec Reform Technical Guidance Doc: Review Draft Rec Sector Separation and Catch Accounting Amd: Approve Scoping Doc
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)		<ul style="list-style-type: none"> SF/S/BSB 2023 Specs Review Commercial Scup Discards and GRAs: Review 		<ul style="list-style-type: none"> SF/S/BSB 2023 Rec Mgmt Measures
Bluefish		<ul style="list-style-type: none"> Bluefish 2023 Specs and Rec Mgmt Measures Review 		
Tilefish			<ul style="list-style-type: none"> Private Tilefish Permitting/ Reporting Update 	
Atlantic Surfclam and Ocean Quahog (SC/OQ)	<ul style="list-style-type: none"> SC/OQ 2023 Specs Review 		<ul style="list-style-type: none"> SC/OQ Species Separation Amd: Approve Public Hearing Doc 	<ul style="list-style-type: none"> SC/OQ Species Separation Amd: Final Action
Spiny Dogfish				<ul style="list-style-type: none"> 2023 Dogfish Specs
Science Issues	<ul style="list-style-type: none"> RSA Redevelopment: Final Action 		<ul style="list-style-type: none"> Joint Council-SSC Meeting Ocean City Video Project: Review Results 	
EAFM	EAFM Summer Flounder MSE: Model Development and Outputs	<ul style="list-style-type: none"> EAFM Summer Flounder MSE: Review Final Results 		<ul style="list-style-type: none"> EAFM Risk Assessment Comprehensive Review: Update
Habitat, Aquaculture, Wind	<ul style="list-style-type: none"> Habitat Update Aquaculture Policy: Approve 	<ul style="list-style-type: none"> Offshore Wind Update 	<ul style="list-style-type: none"> EFH Redo Amd: Initiate 	<ul style="list-style-type: none"> Habitat Update Offshore Wind Update
Protected Resources	<ul style="list-style-type: none"> Atlantic Large Whale Take Reduction Plan Phase II Atlantic Sturgeon Bycatch Draft Action Plan 			
Other	<ul style="list-style-type: none"> Unmanaged Commercial Landings Report NOAA Fisheries Equity and Environmental Justice Strategy Presentation 	<ul style="list-style-type: none"> Climate Change Scenario Planning: Review Draft Scenarios 	<ul style="list-style-type: none"> 2023 Implementation Plan: Draft Deliverables Climate Change Scenario Planning: Final Scenarios and Recommendations 	<ul style="list-style-type: none"> 2023 Implementation Plan: Approve

	June	August	October	December
	<ul style="list-style-type: none"> New Jersey Ocean Acidification Monitoring Network Presentation 			

Acronyms/Abbreviations

Amd	Amendment	MSE	Management Strategy Evaluation
EAFM	Ecosystem Approach to Fisheries Management	Rec	Recreational
FW	Framework	RH/S	River Herring and Shad
GRAs	Gear Restricted Areas	SC/OQ	Atlantic Surfclam and Ocean Quahog
HCR	Harvest Control Rule	SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
Mgmt	Management	Specs	Specifications
MSB	Mackerel, Squid, Butterfish	SSC	Scientific and Statistical Committee

Actions Referenced in this Document

- **Mackerel Rebuilding 2.0 Amd:** Atlantic Mackerel Rebuilding 2.0 Amendment
- **Rec HCR FW/ Addenda:** Recreational Harvest Control Rule Framework/Addenda
- **Rec Reform Technical Guidance Doc:** Recreational Reform Initiative Technical Guidance Document
- **Rec Sector Separation and Catch Accounting Amd:** Recreational Sector Separation and Catch Accounting Amendment
- **SC/OQ Species Separation Amendment:** Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment

Council Coordination Committee Meeting

May 17-19, 2022

The Annapolis Waterfront Hotel
80 Compromise Street, Annapolis, MD 21401

AGENDA

Tuesday, May 17, 2022	
<ul style="list-style-type: none"> • Webinar: Register for Day 1 	
1:00 – 1:30	Opening of Meeting <ul style="list-style-type: none"> • Welcome and Introduction (Mike Luisi/Janet Coit) • Approval of Agenda • Mid-Atlantic Fisheries Highlight (Mike Luisi)
1:30 – 2:45	NOAA Fisheries Update and FY 22/23 Priorities (Janet Coit/Kelly Denit) <ul style="list-style-type: none"> • Electronic Monitoring Information Law Procedural Directive • Update on National Standard 1 (NS1) Technical Guidance Workgroups • Follow up on Council EO 13921 Recommendations • BSIA Regional Framework Update • Status of Regional Recusal Determination Handbooks and Webpages • Other
2:45 – 3:00	Break
3:00 – 3:30	Budget and Council Funding Update (Paul Doremus)
3:30 – 4:30	NOAA Fisheries Science Updates (Jon Hare) <ul style="list-style-type: none"> • Next Generation Data Acquisition Plan • Other
4:30 – 5:00	Legislative Outlook <ul style="list-style-type: none"> • Legislative Update (Dave Whaley) • Legislative Work Group Report (Tom Nies)
5:00 – 5:15	Public Comment
5:15	Adjourn for the day

Wednesday, May 18, 2022	
<ul style="list-style-type: none"> • Webinar: Register for Day 2 	
9:00 – 10:45	Climate Change and Fisheries <ul style="list-style-type: none"> • East Coast Scenario Planning Initiative – Update (Kiley Dancy) • Pacific Council Scenario Planning – Lessons Learned (Merrick Burden) • North Pacific Council Climate Change Taskforce – Update (Bill Tweit) • NOAA Fisheries Climate Change Initiatives (Kelly Denit)
10:45 – 11:00	Break
11:00 – 12:00	America the Beautiful/Area-Based Management <ul style="list-style-type: none"> • CCC Area Based Management Subcommittee Update (Eric Reid) <ul style="list-style-type: none"> – Draft report and maps of existing fishery conservation areas • NOAA Fisheries Update (Samuel Rauch)

12:00 – 1:30	Lunch on your own
1:30 – 2:30	Recreational Fisheries Management <ul style="list-style-type: none"> • Report from 2022 National Saltwater Recreational Fisheries Summit (Russel Dunn) • Brief presentations on recreational-related Council actions and projects of interest <ul style="list-style-type: none"> – MAFMC Recreational Reform Initiative (Julia Beaty) – North Pacific Council halibut allocation update (Bill Tweit)
2:30 – 3:30	Management Strategy Evaluations <ul style="list-style-type: none"> • Use of MSEs by the Councils and NOAA Fisheries (Brandon Muffley, Jon Hare) • Discussion: How were the outcomes of MSEs used in management? What lessons were learned, from a process or fisheries management perspective?
3:30 – 3:45	Break
3:45 – 4:45	National Seafood Strategy (Paul Doremus) <ul style="list-style-type: none"> • Update on NOAA Fisheries National Seafood Strategy Other Issues (Kitty Simonds) <ul style="list-style-type: none"> • Responding to misinformation or mischaracterizations of U.S. fisheries by third-party certification programs or other organizations
4:45 – 5:00	Public Comment
5:00	Adjourn for the Day

Thursday, May 19, 2022	
<ul style="list-style-type: none"> • Webinar: Register for Day 3 	
9:00 – 10:00	Environmental Justice <ul style="list-style-type: none"> • CCC Environmental Justice Work Group Report (Jose Montanez/Maria Carnevale) • Update on NOAA Fisheries environmental justice initiatives (Samuel Rauch)
10:00 – 10:30	International Affairs (Alexa Cole) <ul style="list-style-type: none"> • Report on NOAA Fisheries involvement in international fisheries issues
10:30 – 10:45	Break
10:45 – 11:15	Integration of ESA Section 7 with MSA (Sam Rauch) <ul style="list-style-type: none"> • Follow up from January meeting regarding implementation of Policy Directive 01-117 and opportunities to improve coordination between Councils and NOAA Fisheries
11:15 – 11:45	CCC Committees/Work Group Reports <ul style="list-style-type: none"> • Council Member Ongoing Development Work Group (Tom Nies) • Scientific Coordination Subcommittee (David Witherell) • Habitat Work Group (Jessica Coakley) • Communications Work Group (Mary Sabo)
11:45 – 12:00	Public Comment
12:00 – 1:00	Wrap up and Other Business <ul style="list-style-type: none"> • CCC Outcomes and Recommendations • Future Meeting Planning
1:00	Adjourn Meeting

May 2022 CCC Meeting Motions

Legislative Work Group

The CCC approves the updated Forage Fish consensus statement prepared by the Legislative Work Group.

Reid/Tweit

Motion carries by consent

Climate Change

Move to recommend that NOAA Fisheries postpone further development of the Council Governance Policy until after completion of the East Coast Climate Change Scenario Planning Initiative.

Moore/Nies

Motion carries unanimously with no abstentions

America the Beautiful/Area-Based Management

I move that the CCC request that NOAA Fisheries provide special funding, as soon as possible, to contract GIS work needed to consolidate and complete the work of the ABM/ATB Subcommittee.

Tweit/Gorelnik

Motion carries by unanimous consent

I move that NOAA convene a meeting with CEQ and the CCC Subcommittee representatives (Eric Reid, David Witherell, Mike Luisi) to discuss the draft report in time to be used in development and deliberation of the definition of 'conservation'.

Reid/Hanke

Motion carries by unanimous consent

Environmental Justice

I move the CCC establish an EEJ workgroup to share information about different approaches to meet EEJ objectives, taking into account the draft EEJ strategy. The Workgroup should consider developing a terms of reference, holding an EEJ workshop, and publishing a peer reviewed journal article on their work.

Simonds/Nies

Motion carries by consent

ESA/MSA Coordination

Move to form a working group to consider potential changes to the ESA Policy Directive addressing issues identified by the CCC through the May 2021 and January 2022 meetings.

Simonds/Nies

Motion carries by unanimous consent

MEETING REPORT

COUNCIL COORDINATION COMMITTEE

May 17-19, 2022
Annapolis, Maryland

The Council Coordination Committee (CCC) met May 17-19, 2022, in Annapolis, Maryland. The following is a summary of presentations, discussions, and outcomes from the meeting. Briefing materials and presentations are available at <http://www.fisherycouncils.org/ccc-meetings/may-2022>.

DAY 1 – TUESDAY, MAY 17, 2022

Mid-Atlantic Highlight and Updates

The meeting began with an opening presentation by Mr. Mike Luisi, Chair of the Mid-Atlantic Fishery Management Council (MAFMC) and current Chair of the CCC. Mr. Luisi provided an overview of MAFMC-managed fisheries and highlighted several recent Council actions and initiatives.

NMFS Updates and FY 2022/2023 priorities

Ms. Janet Coit, Assistant Administrator for NOAA Fisheries, provided an overview of NMFS priorities for the upcoming year, which include climate change, seafood promotion and marketing, and equity and environmental justice, among others. She noted that fisheries are an important part of our economy, providing food security, jobs, recreation, and other benefits. Ms. Coit gave a brief overview of the recently released “Status of the Stocks” and “Fisheries of the United States” reports, highlighting that 90 percent of U.S. stocks are not subject to overfishing and 80 percent are not overfished. Ms. Coit commended the regional fishery management councils (RFMCs or Councils) for their hard work on tackling challenging issues. She emphasized the importance of continued collaboration and partnership between NMFS and the Councils.

Ms. Kelly Denit, Director of NOAA Office of Sustainable Fisheries, provided an overview of NMFS activities and gave updates on several topics as requested by the Council Executive Directors.

Applying Information Law to Electronic Monitoring Data & Supporting Guidance in U.S Fisheries: Ms. Denit gave an overview of key feedback on the draft directive for electronic monitoring and applying information law to electronic monitoring data and supporting guidance in U.S. Fisheries Final Procedural Directive. She stated there were a number of comments regarding concerns with personally identifiable information (PII), when a particular piece of information collected during EM becomes a Federal record. She stated this directive does not apply to scientific research and pilot projects. Ms. Denit provided a table of the three laws and when and how the laws apply. She stated that EM data are considered confidential, including for a contractor or another party that NOAA is using to process the files. Ms. Denit summarized when data become a federal record and anticipated requirements for access and use of the EM information. Any of the records that are obtained from EM can be used by the agency to

determine if there is a violation of any of the statues. Non-disclosure agreements would need to be signed in order to have any access to these data. Mr. Bill Tweit (Vice-Chair, North Pacific Fishery Management Council (NPFMC)) asked if the agency was planning to conduct a review of this procedure directive after a couple of years to evaluate costs to the fishery and buy-in of the program. Ms. Denit responded that the agency would be at the ready to make changes should they be needed to the program.

National Standard 1 Workgroups Update: Ms. Denit provided updates on the National Standard 1 Workgroup subgroups. Subgroup 1 is continuing to work on development of technical guidelines for estimation of MSY or its proxy. Subgroup 3 is expected to finish its work on data-limited ACLs this fall. Mr. Tom Nies (Executive Director, New England Fishery Management Council (NEFMC)) expressed concerns regarding the length of time that this procedural directive is taking, particularly as it relates to changing climate conditions and ongoing litigation in his region.

Best Scientific Information Available Regional Frameworks: NMFS Procedure 01-101-10 requires the development of regional frameworks for determination of the best scientific information available (BSIA) by May 7, 2022. Ms. Denit reported that four regional frameworks have been completed and two are currently under review. The CCC requested information about where the completed regional frameworks are (or will be) posted on the NMFS website.

E.O. 13921 – SEAFOOD Competitiveness and Marketing Strategies: Ms. Denit provided a brief overview of how the RFMC’s comments and priorities provided in May 2020 were processed and provided to supporting federal agencies and federal agencies outside the NMFS purview. Ms. Denit stated Dr. Paul Doremus will provide information about how the Council’s recommendations have been rolled into the draft National Seafood Strategy that will be discussed later in the agenda.

Regional Recusal Determination Procedure Handbooks: NMFS finalized updated Policy and Procedural Directives on Financial Disclosures and Recusal Determination in November 2021. Handbooks are being developed by NOAA GC with draft expected for Council review by November 2023. John Carmichael (Executive Director, South Atlantic Fishery Management Council (SAFMC)) requested that the regions work closely, early on to develop these handbooks instead of waiting to the end, which was what had occurred with the Southeast Regional Framework for BSIA.

Budget Updates

Dr. Paul Doremus, NMFS Deputy Assistant Administrator for Operations, briefed the CCC on the FY 2022 enacted budget and the administration’s FY 2023 budget proposal. The total NMFS budget (ORF) for FY 2022 is \$1.02 billion. The budget includes marginal support for two administration priorities, climate research and offshore wind, but did not include funds for Environmental Justice and Equity (EEJ) or Restoration and Resilience. The Council/Commissions PPA total is \$42.9 million, an increase of 3.3% from the FY 2021 enacted amount. The FY 2022 spend plan amount should be announced soon. It is unlikely the Councils will see an increase in the funding provided under other PPAs.

The FY 2023 request (ORF) is \$1.106 billion. It includes significant increases requested for the three priorities of climate research, economic development/offshore wind, and EEJ, as well as a significant investment for consolidation of the Northwest Fisheries Science Center. The proposed Council/Commission PPA is \$44.3 million, an increase of 3.2% from the FY 2022 enacted amount. CCC members noted that the proposed Council/Commission PPA does not include any amounts for new program activities in support of the administration's three priority areas. In response to a question, Dr. Doremus replied that the agency was not planning to provide additional funds to the Councils for these activities.

Dr. Doremus noted that the agency had not yet completed its planning for implementation of the American Fisheries Advisory Committee Act, which modifies administration of the Saltonstall-Kennedy program.

NMFS Science Updates

Dr. Jon Hare, NMFS Acting Director of Scientific Programs and Chief Science Advisor, provided an update on recent science activities. The presentation focused on three main issues: climate change, offshore wind, and adapting the survey and data collection enterprise.

Dr. Hare highlighted several recent initiatives and accomplishments related to climate change.

- NMFS recently released a five-year progress report on implementation of the Climate Science Strategy (2015). This report describes specific activities NMFS has undertaken, including efforts to track change, assess vulnerability, understand and project climate impacts, build capacity to use climate information, and identify climate-ready management strategies.
- Launched on April 19, the new Distribution Mapping and Analysis Portal (DisMAP) consolidates trawl survey data from around the country and allows a user to interact with the data to look at changes in species distributions.
- Researchers at the Southwest Fisheries Science Center have developed an approach for predicting marine heat waves and they are now producing global forecasts that can provide up to a year's advanced notice of marine heat waves.
- NMFS is currently seeking public comments on Draft 2022-2024 Climate Science Regional Action Plans (RAPs). The plans identify actions that each region intends to take over the next 3 years to address regional climate-science needs and the objectives of the NOAA Fisheries Climate Science Strategy. The deadline for comments on the RAPs has been extended until **July 29, 2022**. On Day 3 of the meeting, Ms. Carrie Simmons (Executive Director, Gulf of Mexico Fishery Management Council (GFMC)) requested a further extension until the end of August for the Southeast RAP to allow for review by the Council at their August meeting. Dr. Hare said he would look into it and follow up.

In addition, Dr. Hare noted that offshore wind energy development intersects with nearly everything that NMFS and the Councils are engaged in. Planning for the future is critical. NMFS recently released a draft Federal Survey Mitigation Strategy that identifies essential components of mitigating the impacts of offshore wind energy development on the surveys, as well as actions to accomplish the goals and objectives of mitigation. The goal is to address mitigation early in the process and not wait until areas have already been leased and construction and operation plans have been approved.

Dr. Hare acknowledged that NMFS fisheries surveys have faced significant challenges recently, including cancelled surveys and reduced days at sea. Specific challenges include increasing fuel prices, COVID issues, and staffing shortages. Declining days at sea by fishery independent surveys provided an illustration of the challenges to maintaining capabilities and the need to actually restore capabilities of some important science products. There was discussion from the CCC on how NMFS intends to address ongoing, basic science needs with the growing future demands for scientific products. The CCC is concerned with declining scientific capabilities as funding fails to keep pace with increasing expenses and new initiatives increase demands on the NMFS science enterprise. It was noted that under MSA provisions, reduced scientific information and analyses results in greater uncertainty that translates into lower catch levels. Put another way, the fisheries managed by the Councils ultimately pay the cost for scientific deficiencies. Dr. Hare provided an overview of ongoing and planned efforts to sustain core strengths while building additional capacity through modernization and implementation of new technologies and through better survey planning, prioritization, and management of survey resources. He also noted the agency is pursuing 3 approaches for meeting management's science demands: 1) making best use of available resources; 2) continuing to articulate the need for and benefits of new resources; and 3) building partnerships built on shared interests to expand scientific capabilities.

Legislative Outlook

The CCC recognized the passing of Congressman Don Young (1933-2022) and his contributions to sustainable fisheries. As one of the authors of the Magnuson-Steven Fishery Conservation and Management Act, Congressman Young was a lifelong supporter of the U.S. fishing industry and the Regional Fishery Management Councils.

Mr. Dave Whaley, a contractor to the Councils and ad hoc member of the Legislative Work Group, provided an update on current legislative activities and an estimate of the remaining days of legislative session for the 117th Congress. He noted that elections will be held this fall for all members of the U.S. House of Representatives, and roughly one-third of U.S. Senators. It is possible that control of the House and/or Senate could flip. If this occurs, it will affect control of committees, which may lead to changes in committee priorities.

Due to the passing of Congressman Young, Congressman Huffman (D-California) - Chair of the Water, Oceans, and Wildlife Subcommittee - announced that he would suspend work on MSA reauthorization until a new Alaska representative is seated in the House of Representatives. This will not happen before mid-September. With the approach of the elections in the fall and this pause, MSA reauthorization efforts may not make significant progress this year. While two bills to reauthorize the Act have been introduced in the House, no reauthorization bill has been filed in the Senate.

While the MSA reauthorization has slowed, other bills dealing with fisheries management and ocean governance are still moving. In particular, the "America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength Act of 2022" or the "America COMPETES Act of 2022" contains a number of fishery, ocean, coral reef, and marine mammal provisions and is currently in a House/Senate conference. The outcome of the conference and whether these provisions will remain in the final conference report are not known at this time.

Outcomes/Action Items:

1. The CCC approved revisions to the Forage Fish Consensus in the CCC’s MSA Reauthorization Working Paper, as recommended by the Legislative Work Group.

DAY 2 – Wednesday, May 18, 2022

Climate Change and Fisheries

Council Initiatives

The CCC received several presentations on recent and ongoing climate change initiatives.

Ms. Kiley Dancy (Council Staff, MAFMC) provided an update on the East Coast Scenario Planning Initiative. This project is being conducted by East Coast fishery management organizations and is exploring governance and management issues related to climate change and fishery stock distributions. Ms. Dancy provided an overview of the work completed so far, much of which has focused on gathering input from stakeholders which will inform an upcoming scenario creation workshop to be held in June 2022. Several CCC members were impressed by the turnout in the scoping and exploration webinars and felt it was clear that stakeholders are invested in this process. The expected outcomes from the initiative will include policy recommendations related to governance and management, a list of data gaps and monitoring needs, and near- and long-term priorities.

Mr. Merrick Burden (Executive Director, Pacific Fishery Management Council (PFMC)) presented on the Pacific Council’s Scenario Planning Initiative and shared several lessons learned. This project was an outgrowth of the PFMC’s Climate and Communities initiative. The resulting work product was the creation of four high-level scenarios describing the future of west coast fisheries under climate change. Mr. Burden noted that more work is needed to translate the outcomes of their scenario planning process into something that is “actionable” by the PFMC, as the scenarios were broad and relatively theoretical.

Mr. Bill Tweit (Vice-Chair, NPFMC) presented on the North Pacific Council’s Climate Change Taskforce (CCTF). The CCTF was formed to evaluate the vulnerability of key species and fisheries to climate change in the North Pacific and strengthen resilience in regional fisheries management. As a first step, the CCTF is currently preparing a Climate Readiness Synthesis, which will provide a snapshot of the NPFMC management program’s current climate readiness.

NMFS Climate Initiatives

Ms. Kelly Denit (Director of NOAA Office of Sustainable Fisheries) presented a NMFS proposal to develop a Council Governance Policy which would address when and how the Secretary will review and assign authority over Federally managed domestic stocks found across more than one jurisdiction (under MSA Section 304(f)). This initiative is intended to bring transparency to how this authority can be used. The Councils were encouraged to provide input on the scope of this initiative by July 2022 with NMFS targeting completion of a draft policy by spring 2023.

Several CCC members noted that the proposed timeline would not allow adequate time for the Councils or stakeholders to provide input on the scope of the policy. The CCC noted that, as a general rule, NMFS should take Council meeting schedules into account when soliciting Council input. CCC members expressed serious concerns about how this policy would incorporate the work that is already being done by the Councils, NMFS, and the ASMFC through scenario

planning and related initiatives. Specifically, the proposed timeline would not allow for the outcomes of the East Coast Climate Change Scenario Planning Initiative to be meaningfully incorporated into NMFS' Council Governance Policy. It was also noted that the lack of clear baselines for some data-poor species will make it difficult to identify or measure climate-related species shifts. At the end of this discussion, the CCC voted unanimously to recommend that NMFS postpone further development of the Council Governance Policy until after completion of the East Coast Climate Change Scenario Planning Initiative, planned for spring 2023.

Outcomes/Action Items:

1. The CCC approved a motion recommending that NOAA Fisheries postpone further development of the Council Governance Policy until after completion of the East Coast Climate Change Scenario Planning Initiative.

Area-Based Management/America the Beautiful

Area-Based Management Subcommittee Report

Mr. Eric Reid, Chair of the Area-based Management Subcommittee, provided a summary of the group's work to date, including a proposed definition of "conservation area" and a summary of the draft report that evaluates all conservation areas in the U.S. EEZ that can be used for the American Conservation and Stewardship Atlas (Atlas). The Subcommittee defined conservation area (with respect to fisheries) as: 1) an established, geographically defined area, with 2) planned management or regulation of environmentally adverse fishing activities, that 3) provides for the maintenance of biological productivity and biodiversity, ecosystem function and services (including providing recreational opportunities and healthy, sustainable seafood to a diverse range of consumers). There are 615 areas in the U.S. EEZ that meet this definition, including 491 areas classified as ecosystem conservation areas established to conserve habitat, biodiversity, special ecosystems, or vulnerable species. Over 54% of the EEZ is covered by these ecosystem conservation areas. The subcommittee intends to finalize the report once GIS information is fully available to create maps of the different areas for the Fall CCC Meeting.

CCC members appreciated the work of the Subcommittee and encouraged the group to complete a peer reviewed journal article. CCC members recommended that the MAFMC issue a news release on the report and its findings. Additionally, one CCC member requested that the Subcommittee include a discussion of the endurance of areas established by the Councils in the final report. In response to a question from Mr. Sam Rauch on how the group's definition of conservation area could be broadened to include areas on land, Mr. Reid noted that the word 'fishing' could be deleted from part 2 and the parenthetical phrase could be deleted from part 3. The CCC expressed special appreciation to Jessica Coakley for her extraordinary efforts to assemble the report.

NMFS Update on Area-Based Management

Mr. Sam Rauch (NMFS Deputy Assistant Administrator for Regulatory Programs) provided an update on NOAA activities relative to the 30 by 30 initiative. He noted that under the President's Executive Order 14008, the purpose of 30 by 30 initiative (i.e., conserve 30% of the land and sea by 2030) is to use this tool to address the disappearance of nature, climate change, and inequality. Mr. Rauch noted the thousands of written and oral comments on the Atlas. The agencies are still working through these comments, and the Atlas beta version is scheduled for completion in December. The Atlas group may also include a definition or elements of

conservation area and may provide examples of the types of conservation areas that would be included.

Mr. Rauch also alerted the CCC that NOAA is establishing a Marine and Coastal Area-based Management Federal Advisory Committee. An announcement for nominations is forthcoming. Mr. Rauch thought the CCC Subcommittee report will be influential to the work of this FAC. In response to a question on the inclusion of Council members on this committee, Mr. Rauch noted that there is a need for a diversity of viewpoints including perspectives from Councils and the fishing industry, and others.

Outcomes/Action Items:

1. The CCC recommended that the MAFMC issue a press release on the report and its findings.
2. The CCC approved a motion requesting that NOAA Fisheries provide special funding, as soon as possible, to contract GIS work needed to consolidate and complete the work of the Area-Based Management Subcommittee. Bill Tweit noted his rationale for the motion and detailed that the request was for \$50K to the NPFMC or PFMC to contract with Pacific States Marine Fisheries Commission.
3. The CCC approved a motion requesting that NOAA convene a meeting with CEQ and the CCC Subcommittee representatives to discuss the draft report in time to be used in development and deliberation of the definition of ‘conservation’. The subcommittee representatives at this meeting will be Eric Reid, David Witherell, and Mike Luisi.

Recreational Fisheries

NMFS Updates

Mr. Russ Dunn (NMFS Policy Advisor for Recreational Fisheries) presented an overview of the 2022 National Saltwater Recreational Fisheries Summit, highlighting discussion points and next steps. The summit report is expected to be available June 30, 2022. CCC members expressed appreciation to NMFS and the summit organizers for providing an opportunity for anglers from across the nation to meet and share their concerns and experiences. Summit presentations were informative, and the breakout groups proved to be a successful approach for gathering input from the many attendees. Russ Dunn also presented on efforts to engage the recreational community in habitat plans through conservation and restoration activities.

Council Presentations

Ms. Julia Beaty (Council Staff, MAFMC) presented on the MAFMC Recreational Harvest Control Rule framework action, which is being developed with the Atlantic States Marine Fisheries Commission. The CCC discussed tradeoffs of regulatory stability and the potential magnitude of change in recreational measures that could occur if a stock classification changed. The extent of regulatory change varies across the several options in the framework, and in some cases could be substantial. However, it was noted that annual changes can be significant under the current approach, and this framework is being prepared to improve stability by avoiding ‘chasing’ the recreational harvest limit from year to year. Mr. Bill Tweit (Vice-Chair, NPFMC) also presented an overview of the NPFMC Halibut Allocation review.

Management Strategy Evaluations

Mr. Brandon Muffley (Council Staff, MAFMC) gave a presentation titled “The use of MSE in the council process: lessons learned and future direction.” This talk included several topics that covered: a general overview of MSE, outcomes from SCS workshop 6, Mid-Atlantic experiences, regional examples, and NOAA perspectives and direction.

Mr. Tom Nies (Executive Director, NEFMC) summarized the use of MSE in the New England region and focused particularly on the Atlantic Herring ABC control rule that was established via a MSE process. He stressed the large time commitment involved in producing the MSE. After four years and use of two dedicated science center staff the MSE effort led to the development of the control rule. The New England region had several lessons learned from this experience that he summarized in his presentation. He summarized how a MSE is being developed for an EBFM approach, and how they intend to use it to compare EBFM vs single species management strategies.

Mr. David Witherell (Executive Director, NPFMC) summarized the history of MSE in the North Pacific, beginning with an early history of MSEs being developed by the science community but with very little awareness of these efforts by the Council and stakeholders, and other examples where difficulties arose in building the model which led to a lengthy multi-year process.

Dr. Jon Hare (NMFS Acting Director of Scientific Programs and Chief Science Advisor) summarized NOAA’s involvement with MSEs. He described two types of MSEs that include 1) those requested by Councils and 2) research based MSEs to start conversations. He described challenges with developing MSEs that ranged from resource constraints to planning difficulties and more. This was followed with a series of suggestions for strengthening collaborations among Councils, regional offices, and science centers.

The session concluded with the suggestion that each of the Councils be prepared to discuss MSEs at the October 2022 meeting.

National Seafood Strategy

Dr. Paul Doremus (NMFS Deputy Assistant Administrator for Operations) presented NMFS’ Draft National Seafood Strategy. The overall purpose of the strategy is to support resilience and competitiveness via four goals – optimize wild capture production, increase aquaculture (production, regulation, and global leadership), facilitate fair and reciprocal trade, and address infrastructure issues. Each goal has several supporting objectives. The draft strategy was informed by initial input from several industry roundtables and the Marine Fisheries Advisory Committee (MAFAC). Initial insights from industry roundtables highlighted the importance of making fisheries a more prominent part of, and better integrated into the vision for, the blue economy.

Other themes from the industry roundtables included climate change; climate and general science needs; the need for NOAA Fisheries to better understand supply chain and business operations (with weaknesses exposed by Covid); needs of rural and tribal communities; disappearance of working waterfronts; recreational/subsistence fishing, the need for marketing of U.S. sustainability; fishing labor shortages; and trade barriers. CCC members provided initial

feedback and recommendations on the draft strategy. Dr. Doremus invited additional input as the draft strategy is being developed. Comments can be sent to Sarah.Shoffler@noaa.gov.

Ms. Kitty Simonds (Executive Director, Western Pacific Fishery Management Council (WPFMC)) highlighted several issues related to third-party certifications and ratings. Third party certifications (e.g., Marine Stewardship Council (MSC)) impact marketing, consumer choice, and supply chains while being costly and redundant for most U.S. catch. Ratings are often based on outdated or incorrect information. Acknowledging that NMFS is prohibited from adopting, using, or promoting any third-party certification scheme, Ms. Simonds encouraged NMFS to highlight the efficacy of the Magnuson-Stevens Act and Council-managed fisheries. Ms. Simonds suggested that this could be incorporated into the seafood strategy, such as through development of a labeling alternative for U.S.-managed seafood. Ms. Simonds also expressed concern that U.S. fisheries are threatened by misinformation spread by third-party organizations, such as the Minderoo Foundation, and encouraged NMFS to consider ways to address these mischaracterizations of U.S. fisheries.

A number of other issues were raised during the discussion following the presentations. Dr. Chris Moore (Executive Director, MAFMC) noted that recently-proposed changes to the MSC standards could threaten the spiny dogfish fishery's certification which could have major impacts on the fishery's export markets in Europe. Mr. Tom Nies (Executive Director, NEFMC) raised concern about petitions to list winter and thorny skates under CITES and asked whether NMFS ever weighs in on such petitions. Mr. Rauch responded that the agency works closely with the U.S. Fish and Wildlife Service to develop positions on potential CITES listings but that he was not at liberty to say what the U.S. position will ultimately be.

DAY 3 – Thursday, May 19, 2022

Equity and Environmental Justice

Mr. Archie Soliai (Chair, WPFMC) provided a presentation on equity and environmental justice (EEJ) planning and activities recently undertaken by the Western Pacific Council. He listed some major issues that affect generational equity in the Western Pacific region. The WPFMC recently held an EEJ strategy workshop that brought together indigenous council members, advisory panel members, NOAA regional staff and leaders working on environmental justice issues. Workshop participants discussed how EEJ integrates with WP Council work and how to best use organizational tools for change. Soliai shared the graphic outputs from the workshop's live scribe that detailed the dialogue high points alongside imagery. CCC members commented that the Councils provide voice for communities within federal processes. They also said that the workshop scribe imagery is innovative and makes the workshop dialogue accessible. The next steps are to develop a draft strategy to incorporate EEJ values in decision making. The WPRMC looks forward to working with NOAA to develop and implement the strategies.

Ms. Maria Carnevale (Council Staff, WPFMC) provided a report on progress of the CCC Environmental Justice Working Group. The group met 8 times to develop a workshop plan and a draft report for CCC review. The report provides an overview of federal directives and policies relative to EEJ and discusses the linkages of EEJ features to objectives and requirements of the MSA. The report highlights the diversity of needs and initiatives across different regions, and it describes relevant efforts, activities and perspectives of each council. Numerous approaches and ideas were presented and discussed, and challenges were identified. The workgroup also

identified potential next steps to continue a sustained dialog and coordination with NMFS, continue to synthesize information and identifying a subset of related EEJ actions, and establish a formal workgroup. CCC members commented on how the report advances EEJ and how nicely the CCC report and NMFS EEJ efforts dovetail.

Mr. Sam Rauch provided an update on NMFS environmental justice initiatives. The agency has developed a draft equity and environmental justice strategy which is currently out for public comment. The report includes definitions for the terms *Equity* and *Environmental Justice*, which are very similar to the CCC working group definitions. This is a national strategy for NOAA and is broader than MSA issues (e.g., ESA issues). The strategy identifies several barriers to equity and environmental justice and provides a framework to incorporate EEJ into NOAA Fisheries' daily activities. NOAA intends to finalize the EEJ strategy in November, with development of regional implementation plans in the spring of 2023. A series of outreach webinars to receive public comment have been scheduled.

Following the presentations, members discussed engagement strategies, how to move the research needs identified in the CCC EEJ report forward, WP underserved and disadvantaged fisheries, how to identify underserved communities, Council representation, and the importance of National Standard 8 and funding territorial science. One member commented that EEJ is a through line for much of the CCC topics and dialogue over the last three days. The CCC views workgroups as a good way for staff to share information. They also allow Councils to each participate and contribute to the discussions relative to their interest and impacts on their region. An EEJ workshop would help to coordinate efforts and resources among the Councils and NOAA, promote and identify management approaches that support EEJ, and data collection and research aimed at advancing EEJ for U.S. fisheries management. The EEJ workshop could include Regional Fishery Management Council staff, leadership, and NOAA Fisheries staff. Ideally, this workshop would occur before the next CCC meeting (October) and prior to NOAA finalizing their EEJ strategy. Lastly, a peer reviewed publication will provide a snapshot in time as to the current situation with respect to EEJ, and discuss possible future approaches.

Outcomes/Action Items:

1. The CCC approved a motion to establish an EEJ workgroup to share information about different approaches to meet EEJ objectives, taking into account the draft EEJ strategy. The Workgroup should consider developing a terms of reference, holding an EEJ workshop, and publishing a peer reviewed journal article on their work.

Integration of ESA Section 7 with MSA

Ms. Kitty Simonds (Executive Director, WPFMC) presented an overview of the CCC's discussion to date to improve the ESA Policy Directive to integrate ESA Section 7 with MSA. The CCC reviewed the implementation status at the May 2021 meeting and recommended strengthening the relationship between NMFS and Councils on ESA consultations for fisheries by updating the policy directive to improve the process and timing for Council involvement. During the January 2022 CCC call, the Councils highlighted issues such as persistent delays in completing BiOps; lack of coordination with fishery management action timelines as well as with development of RPMs; Policy Directive not followed and Councils not provided the opportunity to develop RPMs or RPAs when consultation was triggered external to the Council process; Council staff not being included in working groups resulting from BiOp RPMs; FOIA

and FACA impeding Council involvement; coordination issues when NMFS develops RPMs external to the Council; and a general need to coordinate on deadlines. Successful examples stem from early coordination through the Council process.

Potential changes to the policy directive to address issues raised by the CCC include: adding language to encourage and incentivize early coordination with the Councils for RPMs in addition to RPAs; adding language for Council-NMFS to agree on coordinated schedule for Council involvement, input, development of RPMs/RPAs, and draft BiOp sharing; NOAA GC to facilitate sharing of draft BiOp with Council staff to facilitate early NMFS-Council coordination; and adding an overarching policy statement that NMFS will work in close coordination with the Councils through the MSA Council process. These potential changes point to the need to address fishery impacts to ESA-listed through the Council process. Simonds conveyed the CCC's interest to work with NMFS to refine these improvements to integrating ESA and MSA processes.

Mr. Sam Rauch presented on NMFS' initial review of the CCC comments on the Policy Directive. Rauch concurred with Simonds' characterization that the Policy Directive recognizes the Council's critical role in ESA consultations, and noted that it also allowed for variations in the coordination approach for each Council. Initial internal discussions indicate that there are clear regional and case-by-case variations, but with the Policy Directive's existing focus on early and frequent coordination, NMFS found that a major update was not needed at this time. One issue that NMFS has identified with the Policy Directive is that it has not worked as well for consultations that were initiated through external triggers. NMFS is struggling with how to handle situations in which consultations occur outside of the Council action process, specifically in terms of how to involve Councils in those situations and when NMFS may be on an accelerated timeline. Rauch reviewed existing policies that address frontloading and coordination, including the Operational Guideline, Regional Operating Agreements, ESA-MSA Integration Agreements, and NEPA Guidance. NMFS would like to continue working on these issues with the Council, and plans to work with each Region/Council pair to share best practices.

Outcomes/Action Items:

1. The CCC approved a motion to form a working group to consider potential changes to the ESA Policy Directive addressing issues identified by the CCC through the May 2021 and January 2022 meetings.

International Issues

Ms. Alexa Cole (Director of NMFS Office of International Affairs, Trade, and Commerce) provided a briefing on U.S. involvement in international fisheries issues. The office was recently renamed to incorporate a newly-established Trade and Commerce Division. This change aligns trade monitoring functions of NOAA Fisheries under one office and is intended to strengthen the office's ability to prioritize and manage resources to address seafood competitiveness, support the U.S. seafood industry, advance trade policy priorities, and combat IUU fishing.

Ms. Cole gave an overview of U.S. involvement in regional fishery management organizations (RFMOs). She noted that the Councils play a significant role in certain RFMOs, either through advisory councils or as commissioners. The Western Central Atlantic Fishery Commission (WECAFC) is a newly developed organization which will be focusing on fisheries in the wider

Caribbean area. NMFS staff are planning to attend at least one meeting of each Southeast Council this summer to discuss WECAFC working groups and management efforts. The CCC was asked to assist with distributing a forthcoming federal register notice soliciting nominations for U.S. Commissioners to fill non-federal and non-Council seats on certain RFMOs. This is part of an effort to engage a diverse pool of candidates representing a range of stakeholder perspectives.

The fourth session of the UN Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) was held in March 2022. There were four main thematic areas: (1) marine genetic resources, (2) area-based management tools, (3) environmental impact assessments, and (4) capacity-building and the transfer of marine technology. One area of continued negotiations relates to the use of area-based management tools on the high seas. Some delegations have supported a centralized global process, while the U.S. and a number of other delegations support a two-fold process that delegates final decision-making authority to RFMOs and other global and regional management bodies. The State Department will conduct outreach and hold stakeholder webinars and discussions before the fifth session of negotiations is held later this year.

NMFS is continuing to work on implementation of the Marine Mammal Protection Act (MMPA) import provisions, which prohibit importation of fish and fish products from nations with unsustainable levels of marine mammal bycatch. The deadline for nations to apply for Comparability Findings was November 30, 2021. The results of Comparability Finding application reviews will publish by November 30, 2022. All seafood entering the U.S. after January 1, 2023 must have a Comparability Finding for its harvesting fishery or there will be import prohibitions on fish and fish products from that fishery.

Finally, Ms. Cole gave an overview of the findings of the 2021 Biennial Report to Congress on Improving International Fisheries Management, which is issued every two years under the High Seas Driftnet Fishing Moratorium Protection Act.

Mr. Archie Soliai (Chair, WPFMC) asked about what progress the U.S. is making with respect to strengthening U.S. negotiations, particularly in the Pacific. Ms. Cole responded that it continues to be a priority but that the pandemic has been a setback. Mr. Soleil noted that the continuing decline in the number of fishing vessels in American Samoa is not sustainable for the cannery that supports the American Samoa economy.

Outcomes/Action Items:

1. NMFS requested Council assistance with publicizing an upcoming federal register notice soliciting nominations for U.S. Commissioners to fill non-federal and non-Council seats on certain RFMOs.

Committee and Working Group Updates

Council Member Ongoing Development (CMOD): Mr. Tom Nies (Executive Director, NEFMC) provided an overview of the upcoming CMOD meeting scheduled for November 15-16th, 2022 in Denver, Colorado. The Councils are requested identify participants by Friday, July 1, 2022. The meeting is scheduled for 50 participants across the nation. Each RMC should identify 3

Council members and 1 staff member to attend. Participants may be asked to provide presentations or regional overviews.

Scientific Coordination Subcommittee: Mr. David Witherell (Executive Director, NPFMC) provided an update on the plan for the upcoming Scientific Coordination Subcommittee. The North Pacific Fishery Management Council will host this meeting August 15-17, 2022, in Sitka Alaska, in the Harrigan Centennial Hall. The meeting is focused upon various aspects of addressing Ecosystem-Based Fishery Management (EBFM), including ecosystem indicators, multi-species modeling and addressing distributional shifts in managed stocks. The three primary themes of this meeting are: 1. How to incorporate ecosystem indicators into the stock assessment process. 2. Developing information to support management of interacting species in consideration of EBFM. 3. How to assess and develop fishing level recommendations for species exhibiting distributional changes. Each Council will send 2 official SSC delegates plus a staff member (or 3 SSC members).

Habitat: Jessica Coakley (Council Staff, MAFMC) provided an overview presentation of the Habitat Working Group. She discussed the past and present accomplishments of the working group. Presently, the working group is taking a “deeper dive” into regional habitat work through a series of presentations on habitat and EFH efforts from each of the Councils. The group is scheduled to hear presentations on fish and habitat climate vulnerability and would like to focus on the incorporation of climate resilience in Council EFH designations. The CCC voiced support of this shared area of common interest. The CCC also supported the working group meeting in-person in 2023 as they last met in-person in 2019.

Communications: Mary Sabo (Council Staff, MAFMC) provided an update on efforts by the Council Communications Group to develop a cross-Council calendar tool, as requested by the CCC during the October 2021 meeting. The group is aiming to have this project completed in time for review by the CCC during its October 2022 meeting. Mr. Witherell asked if it would be helpful for the communications group to have an in-person meeting. Mr. Nies recommended that the group first draft a proposal, including proposed meeting topics and objectives, for review and approval by the CCC. The CCC agreed that NMFS communications staff should also be included in a future in-person meeting.

Outcomes/Action Items:

1. The CCC endorsed the Habitat Work Group’s proposal to meet in person in 2023 or 2024 with a focus on incorporating climate and climate resilience in our EFH designations.
2. The Council Communications Group will consider developing a proposal for an in-person meeting for future review by the CCC.

From: Moore, Christopher <cmoore@mafmc.org>

Sent: Friday, May 20, 2022 2:24 PM

To: Paul Doremus - NOAA Federal <paul.n.doremus@noaa.gov>

Cc: Samuel Rauch (Samuel.Rauch@noaa.gov) <samuel.rauch@noaa.gov>; Burden, Merrick <merrick.j.burden@noaa.gov>; Mary Sabo <msabo@mafmc.org>

Subject: USFWS Squid Export Issue

Paul – It was good to see you this week! At the meeting, we briefly discussed the Mid-Atlantic Council's concerns regarding the inclusion of U.S. squid fishery products in the U.S. Fish and Wildlife Service (USFWS) inspection and user fee system for monitoring wildlife imports and exports. This was identified in both the MAFMC and PFMC responses to EO 13921 several years ago. The [attached letter](#) from the Council to Secretary Bernhardt (12/21/20) provides a detailed overview of the issue and suggested remedies.

Under the authority of the Endangered Species Act, USFWS is responsible for regulating the import and export of wildlife through the licensing of importers and exporters, inspection of shipments, and charging fees for processing applications and performing inspections. The ESA provides an exemption from these requirements for “shellfish and fishery products” if they are intended for human or animal consumption, not listed as injurious under the Lacey Act, and not listed under the ESA or CITES. This exemption currently applies to the vast majority of domestic fisheries, but it does not apply to the three commercially harvested U.S. squid fisheries. While squid meet all of the criteria described above, **the USFWS has concluded that squid are neither shellfish nor fishery products**. As noted in a [2008 letter](#) from Sam, the USFWS definition of shellfish is inconsistent with the NMFS definition, which includes all aquatic mollusks and crustaceans.

These licensing requirements are redundant, time-consuming, and costly for U.S. squid producers. Squid are generally considered to be a higher volume, lower value product so any fees associated with USFWS policies and regulations add layers of costs that make U.S. products more expensive to produce and thus less competitive in the international market.

We recommend that squid be reclassified as either “shellfish” or “fishery products” and therefore exempt from the USFWS inspection and user fee system. The attached letter describes several ways this could be accomplished. We appreciate any assistance you can offer to address this issue – talk to you soon. Thanks! C

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
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2022 SPRING NRCC MEETING AGENDA
Venue at Portwalk Place – 22 Portwalk Place, Portsmouth, NH
All times are approximate

Monday, May 9

9:00 a.m. – 9:15 a.m.

1. Welcome, Introductions, Announcements
(Reid, Sullivan)

9:15 a.m. – 3:00 p.m. (*Break as needed, lunch at noon*)

2. Stock Assessments
Discussion leader: Beal, Moore, Nies
 - Overarching assessment process reviewDiscussion leader: Simpkins
 - Discussion of recent research track assessments and process
 - NRCC Assessment Working Group update
 - Update on Research Track steering committee status
 - Discuss Research Track schedule and select topics for 2027

3:00 p.m. – 3:30 p.m.

3. Did Not Fish Reports
Discussion leader: Moore/Nies
 - Updates from MAFMC and NEFMC on discussions at recent Council meetings

3:30 p.m. – 4:00 p.m.

4. COVID data gaps
Discussion leader: Simpkins
 - Summary of progress made in developing standardized approaches to address data missing as a result of COVID

4:00 p.m. *Adjourn Day 1*

6:45 p.m. – *Dinner at Jumpin' Jays Fish Café* <https://www.jumpinjays.com/>

Tuesday, May 10

9:00 a.m. – 9:30 a.m.

5. Scenario Planning
Discussion leader: Core Team
 - Update regarding Climate Change Scenario Planning meeting

9:30 a.m. – 10 a.m.

6. Aquaculture
Discussion leader: Schillaci
 - Update regarding aquaculture, including the national strategic plan, recent guide on federal permitting, MAFMC development of an aquaculture policy

10:00 a.m. – 10:30 a.m.

7. Offshore Wind

Discussion leader: Pentony/Simpkins

- Update on offshore wind activities

10:30 a.m. – 10:45 a.m. Break

10:45 a.m. – 11:00 a.m.

8. SAFE Reports

Discussion leader: Fenton

- Update on Stock Assessment and Fishery Evaluation (SAFE) reports

11:00 a.m. – 11:30 p.m.

9. Port Sampling

Discussion leader: Simpkins

- Update on efforts to assess impacts of reduced sampling and/or approaches for sampling prioritization.

11:30 a.m. – 12:00 p.m.

10. Protected Resources – Sturgeon and Sea Turtle Bycatch

Discussion leader: Moore

- Discussion regarding the bycatch issues for sea turtles and sturgeon, which are being addressed through difference processes, but may result in intersecting mitigation measures.

12:00 p.m. – 1:00 p.m. Lunch

1:00 p.m. – 2:00 p.m.

11. FDDI and CAMS Updates

Discussion leader: Gouveia

2:00 p.m. – 2:30 p.m.

12. Future NRCC Meeting Procedures

Discussion leader: Nies

- Discuss format of future NRCC meetings (e.g., in-person meeting procedures, remote access, etc.).

2:30 p.m. – 3:00 p.m.

13. Meeting wrap-up and Other Business

- Complete any unfinished discussions or unresolved new business
- Review action items and assignments
- Identify Fall 2022 meeting date (NEFMC chair)
- Adjourn meeting

3:00 p.m. Meeting adjourns



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

MEMORANDUM

Date: May 24, 2022
To: Chris Moore, Executive Director
From: Karson Coutre, Staff
Subject: Sea Turtle Bycatch in Trawl Fisheries

At the April Meeting, the Council received an update from NOAA Fisheries staff on their public outreach efforts related to sea turtle bycatch, gear research, and potential mitigation measures in trawl fisheries in the Greater Atlantic Region. NOAA conducted virtual stakeholder webinars and call-in days throughout February and March to gather information from the fishing industry and other stakeholder groups to inform any future bycatch mitigation measures. NMFS had indicated that written comments may be submitted to nmfs.gar.turtletrawl@noaa.gov by May 31, 2022, however additional input will be accepted at the same email address as they move forward. Background information, descriptions of gear designs, research results, type of information needed, and recordings from informational webinars can be found on their [website](#).

Stakeholder feedback throughout the outreach consisted of clarifying questions and concerns about the sea turtle bycatch estimates, data used, and research results. Comments were also received on the geographical range of the measures, tow duration issues, fishery definitions, and economic impacts. Protected Resources staff indicated in April that there is more research to be done and they are approximately a year away from the proposed rule stage.

May 31, 2022

RE: Sea Turtle Bycatch Reduction in Trawl Fisheries

The 2021 Biological Opinion, page 1, opens with: “Section 7(a)(2) of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) requires that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species..” It is unclear why the agency is undertaking a targeted action against the squid trawl fishery while other fisheries and entities are responsible for significantly higher turtle takes than trawl fisheries. The highest sources of mortality of course should be addressed first, as those sources are the most likely to jeopardize the protected species in question.

One of the fisheries for example included in review in this BiOp is “Summer Flounder/Scup/Black Sea Bass”. The current allocation of black sea bass quota is 45% commercial, 55% recreational; therefore the recreational sector has the most activity in this fishery, as authorized by NMFS once that allocation is made final.¹ For fluke, one of the species highlighted by NMFS in its recent presentations to the Mid Atlantic Council regarding “Sea Turtle Bycatch in Trawl Fisheries”², 45% of the fishery is allocated to the recreational sector.³ Furthermore, HMS- which although not a part of this Biological Opinion holds tournaments in the Greater Atlantic region during the summer months and is managed directly by NMFS- authorizes vessels traveling at high speeds to harvest HMS species within the tournament frameworks. All harvest of these tournament species is recreational. Pages 13-14 of the BioOp acknowledge hook and line fisheries which would encompass recreational harvest. It is questionable why these sectors of the fisheries examined are not analyzed by the agency in detail.

One aspect of these recreational fisheries that is analyzed, however, is that of turtle interactions via vessel strike. The BiOp states, “Vessels participating in the fisheries listed in the Opinion pose a potential threat to sea turtles when transitioning to and from fishing areas and when moving during fishing activity....In fact, the most commonly recognized injuries are from propellers...Records from the

¹https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/61c332f896f5e31a8b79afb3/1640182520998/2021-12_MAFMC-Motions.pdf.

² See

https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/61c358c78fbd5708c771283a/1640192202042/15_sea+turtle_Upite+MAFMC+presentation+Dec+2021+public2.pdf and https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/624ef2a994e1fb046b245136/1649341099248/7_Sea+Turtles+MAFMC+April+ppt+2022.pdf.

³https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/61c332f896f5e31a8b79afb3/1640182520998/2021-12_MAFMC-Motions.pdf.

Sea Turtle Stranding and Salvage Network (STSSN) show that both juvenile and adult sea turtles are subject to vessel strikes (NMFS STSSN database, unpublished data)...Based on data from off the coast of Florida, there is good evidence that when vessel strike injuries are observed as the principle finding for a stranded turtle, the injuries were both ante-mortem and the cause of death...Foley et al. (2019) found that the cause of death was vessel strike in approximately 93 percent of stranded turtles with vessel strike injuries.”⁴

According to page 260 of the BioOp, “This results in an estimate of 476 sea turtles stranding due to vessel strikes from Maine through Virginia from May through November each year (2012 and 2013).” Compared with an annual average of 108 turtle mortalities estimated due to all trawl fisheries combined,⁵ it is questionable that targeted agency action only encompasses trawl fisheries. This also is in stark contrast to only 50 observed interactions with the longfin squid fishery for a 20-year period from 2000-2019, according to the documents relied upon for this proposed action.⁶ Using the numbers provided by the agency, of the total trawl interactions with turtles for a 20 year period, less than 20% can be attributed to the longfin squid fishery.⁷ There is a miniscule number of annual sea turtle interactions with longfin squid trawl gear compared to annual sea turtle mortalities due to the 476 annual vessel strikes in the Greater Atlantic Region.

As vessel strike mortality, which are primarily due to vessels traveling at high speeds, which occurs in recreational fisheries and not the trawl fisheries being targeted by the agency for regulatory action, it begs the question why the focus of agency action is not vessel speed restrictions in the Greater Atlantic Region from May through November, rather than proposals for requirements on squid trawl vessels. The numbers of turtle mortalities due to vessel strikes in the region dwarf those of all trawl fisheries combined. If the agency is to comply with Section 7(a)(2) of the Endangered Species Act to ensure protection for endangered species from all actions that it authorizes, recreational fishing must also be included. The agency routinely implements Right Whale Speed Restriction Zones for that species; there is no reason that it cannot do so for turtle species.

When it comes to commercial fisheries alone, combined trawl fisheries are not the primary source of mortality for the turtle species in question. On page 255 of the BiOp, rolling 5 year mortality percentages by gear type indicate that out of trawl, gillnet, and vertical line fisheries, trawl fisheries have the lowest turtle mortality percentage by gear type (43-48% versus 64-78% for gillnet and 53-64%

⁴ See 2021 Biological Opinion, p. 259.

⁵ See 2021 Biological Opinion, p. 256. , NMFS estimates on page 255 that trawl fishery interactions with turtles for a 5 year period will result in mortality for 477 loggerhead, 27 Kemp’s Ridley, 20 leatherback and 16 green sea turtles, a total of 540 turtles, which is an average of 108 total turtles per year. We do note that this number is contradicted by two Protected Species Division presentations to the Mid Atlantic Fishery Management Council, which were also in contradiction to themselves. The December presentation gave the numbers as a total trawl bycatch from 2014-2018 as 571 total turtles with 54 interactions in the longfin squid fishery; the April presentation changed this to 583 total trawl interactions, with 50 from the longfin squid fishery. The April presentation would result in an average of 116 turtle trawl interactions a year.

⁶ See

https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/624ef2a994e1fb046b245136/1649341099248/7_Sea+Turtles+MAFMC+April+ppt+2022.pdf.

⁷ See

https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/624ef2a994e1fb046b245136/1649341099248/7_Sea+Turtles+MAFMC+April+ppt+2022.pdf, slide 2. See also <https://www.fisheries.noaa.gov/sea-turtle-bycatch-reduction-trawl-fisheries>.

for vertical line). Furthermore, on page 256, NMFS estimates that gillnet fishery interactions with turtles for a 5 year period will result in mortality for 808 loggerhead, 187 Kemp's Ridley, and 41 leatherback sea turtles, a total of 1,036 turtles. In contrast, NMFS estimates on page 255 that all trawl fishery interactions with turtles for a 5-year period will result in mortality for 477 loggerhead, 27 Kemp's Ridley, 20 leatherback and 16 green sea turtles, a total of 540 turtles. This begs the question why NMFS has chosen to take action on trawl fishery interactions and presented to the Mid Atlantic Fishery Management Council twice- once in December 2021 and once in April 2022- about the need to enact trawl fishery restrictions to reduce turtle interactions without once mentioning gillnet fishery interactions which are almost double in number. This is nonsensical and misleading to Council members and the public.

The materials presented to the public at the Mid Atlantic Council's December 2021 meeting begins with: "Fisheries bycatch is the primary threat to sea turtles in the Greater Atlantic Region and occurs at high levels in several regional trawl fisheries."⁸ However, NOAA's own BiOp details that this is not the case; annual vessel strikes dwarf the annual interactions in all trawl fisheries combined, never mind those of the other fisheries in question.

NOAA's informational page on "Sea Turtle Bycatch Reduction in Trawl Fisheries", the subject of this comment letter, is equally as misleading. This webpage makes the statement: "Sea turtle interactions documented by the Northeast Fisheries Observer Program most commonly occur from Massachusetts south. Seventy-two percent of observed fishery interactions from 2000-2019 were on trips where croaker (36%), longfin squid (19%), or summer flounder (17%) was the top landed species by haul weight." The statement should be corrected to read that 72% of observed *trawl* fisheries interactions were by the listed fisheries. The listed trawl fisheries were not responsible for 72% of *all* "observed fishery interactions." As established by the BiOp itself, the most turtle interactions occur in gillnet fisheries, not trawl fisheries, with gillnet fisheries responsible for nearly double the annual interactions of all trawl fisheries combined.

Using purely the term "interactions" is also misleading and would lead the public and the Council to believe that an interaction is equivalent to mortality. While that may be largely the case with vessel strikes, it is not the case with trawl fishery interactions. According to raw observer data from 2010-2019 detailing trawl fishery interactions in the Greater Atlantic Region, out of 145 total turtle interactions with all trawl fisheries, only 16 of that 145 resulted in mortality. This is merely an 11% mortality rate for fisheries with low interaction numbers. For the longfin squid fishery, the raw observer data showed only 47 interactions with 8 turtle mortalities for this 20-year period. Statistically, that is less than a half a turtle per year for mortality. Omitting the difference between interaction vs mortality is inappropriate, as very low actual mortality is occurring from these fisheries. Proposed agency actions would result in enormous economic burdens on the fleet for very little impact of benefit on turtle populations. Yet this distinction is not made.

These claims by the agency regarding the urgency of reducing trawl interactions also omit the context of overall turtle mortality. For example, according to NOAA's own website, "In recent years, an average of 600 sea turtles have been found cold stunned along the Cape Cod Coast in Massachusetts from late October through December each year. In the winter of 2014-2015, 1243 sea turtles washed up

⁸ See

<https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/61aa78b94607ca266be901af/1638561977275/Tab15+Sea-turtle-bycatch+2021-12.pdf>.

on Cape beaches, of which 746 were alive.”⁹ That is one winter alone responsible for 497 dead turtles, and with an average of 600 cold stun interactions a year. These numbers far exceed any trawl interaction numbers. It is understood that NOAA does not control the weather; however, omitting the context does not present managers or the public with a clear understanding of turtle mortality through which to view trawl interaction and mortality numbers and the urgency of action on the fisheries in question. Another example, while outside of NOAA control but still useful for context, is the fact that over 10 years, 279 turtles were incidentally captured by one power plant in Florida, 65 in North Carolina, and 84 in New Jersey.¹⁰

Consider also this context. According to STSSN incidental capture records from 2008-2019, Virginia alone had 309 observed/reported hook and line incidental captures, with North Carolina at 260. That is 569 total hook and line interactions in just two states alone. This is considerably more than the 264 total observed trawl fishery interactions in the entire Greater Atlantic Region from 2000-2019.¹¹ In fact, for the 2008-2019 period, all trawl fisheries, excluding shrimp, in the Greater Atlantic Region were responsible for only 113 total incidental captures coastwide, with 111 of those attributed to North Carolina alone, as opposed to 569 for hook and line fisheries in just two states for the same time period!¹² As the BiOp estimates mortality per sector based on number of turtle interactions scaled up by number of trips per sector,¹³ and if the BiOp data estimates 13,082,108 annual recreational trips (which would be primarily using hook and line gear) versus 240,365 total commercial trips from all commercial gear types in the Greater Atlantic Region,¹⁴ what would be the scaled-up number for recreational hook and line interactions in the region? They would be far greater than the numbers for the squid or fluke trawl fisheries. Yet, no mention is made of this issue, despite the requirements of Section 7. Does the agency plan to address hook and line fishery restrictions in light of these facts?

We do not believe that the agency is fulfilling its Section 7 requirements by selectively enforcing policy against fisheries with low interaction while ignoring fisheries with much high interaction. This is particularly the case when considering the substantial reductions in catch and revenue that would occur from the measures being considered by the agency for the squid fishery. NOAA is asking for feedback on how fishermen subjected to these types of proposed measures would compensate for the associated economic impacts. There are no options other than economic loss. To knowingly target a fishery with low turtle interaction with awareness that doing so will cause economic harm to that fishery, while ignoring other fisheries with much higher interaction and mortality rates, whether hook and line, gillnet, or via vessel strike, is unethical and does not provide the best protection to turtles by addressing activities authorized by the agency.

Sincerely,
Meghan Lapp
Fisheries Liaison, Seafreeze Shoreside and Seafreeze Ltd.

⁹ See <https://www.fisheries.noaa.gov/feature-story/cold-snaps-and-stunned-sea-turtles>.

¹⁰ 2008-2019 Incidental Capture Records Reported to the STSSN.

¹¹ See

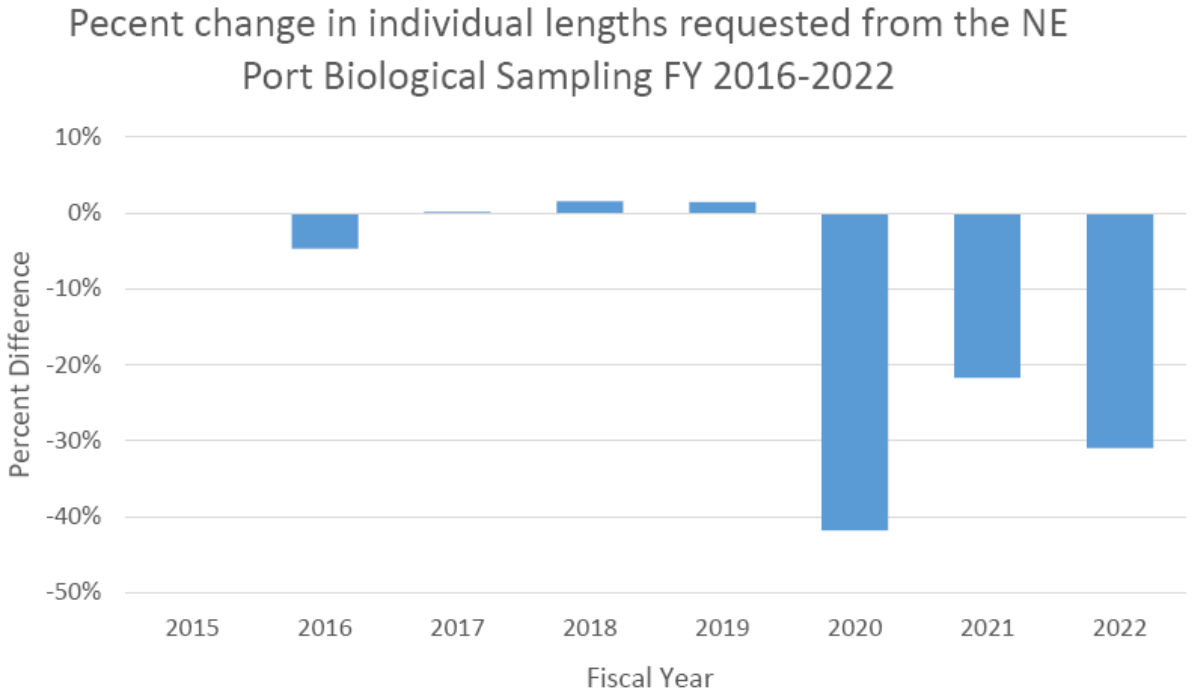
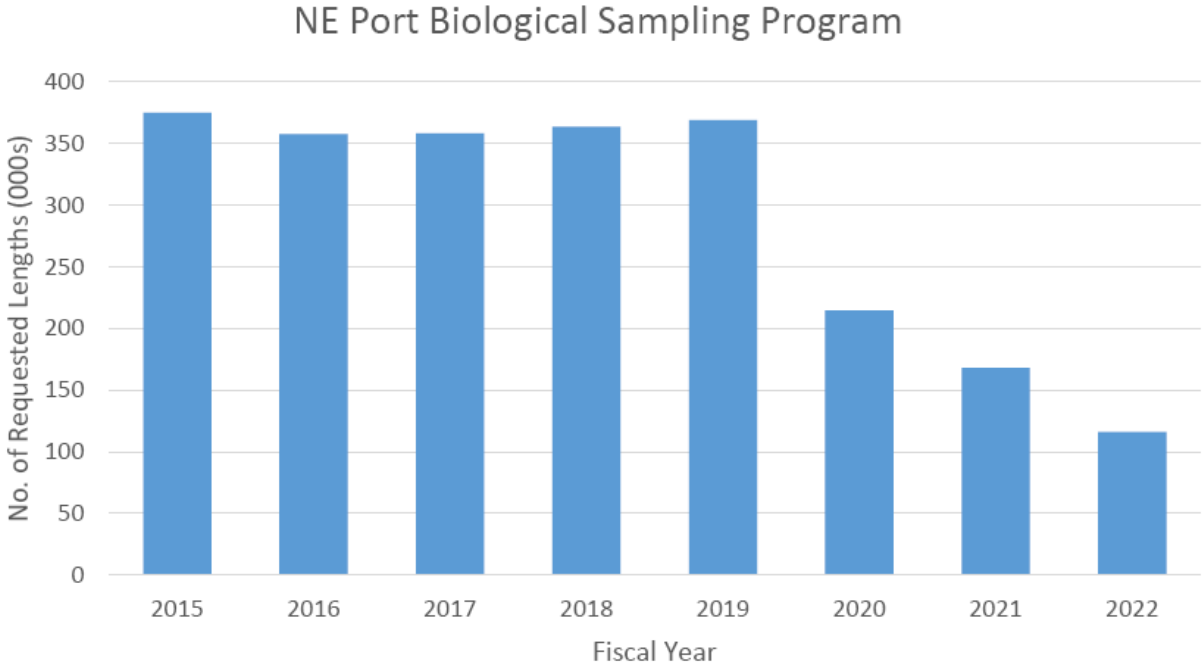
https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/623dfd9f48971c21e92d81a2/1648229792595/Tab07_Sea-Turtle-Bycatch_2022-04.pdf.

¹² 2008-2019 Incidental Capture Records Reported to the STSSN.

¹³ See for example, p. 255-256.

¹⁴ See p. 259.

Total number of Individual lengths requested FY 2015 - 2022



GARFO Habitat and Ecosystem Services Division Update MAFMC MEETING June 2022

AQUACULTURE

GARFO staff continue to coordinate with EPA, the US Army Corps of Engineers (USACE), the US Fish and Wildlife Service (USFWS), and other state and federal agencies related to NOAA Fisheries' role as lead federal agency under the National Environmental Policy Act (NEPA) for specific federal waters aquaculture projects per E.O. 13921. We were designated as lead federal agency for the development of an EIS for the Blue Water Fisheries net-pen aquaculture project proposed for federal waters off of MA/NH in 2021. We are in the process of working internally, and with partner federal agencies, to develop a framework that will allow us to move forward with the NEPA analysis for the project. Currently there is no expected timeframe for the publication of a Notice of Intent (NOI) in the *Federal Register* for the project.

Manna Fish Farms recently submitted applications to EPA and USACE to construct a commercial scale net-pen aquaculture operation in federal waters of the Gulf of Mexico. They also recently notified us that they plan to continue the development of application materials and survey work associated with their proposed net-pen aquaculture project in federal waters off Shinnecock Inlet in NY.

NOAA Fisheries' Office of Aquaculture is hosting a series of public listening sessions on their draft aquaculture strategic plan. During each listening session, NOAA staff will provide an overview of the contents of the draft strategic plan, discuss next steps, and answer related questions. These meetings are intended to ensure an inclusive and transparent process as NOAA works to expand sustainable aquaculture in the United States. The sessions will be recorded. A copy of the draft aquaculture strategic plan can be found [here](#).

Public Listening Session Registration Links:

- Session 1: [Wednesday, June 8, 11:00 a.m. ET](#)
- Session 2: [Wednesday, June 8, 6:30 p.m. ET](#)
- Session 3: [Thursday, June 9, 5:00 p.m. ET](#)

NOAA recently published Notices of Intent to prepare Programmatic Environmental Impact Statements for the proposed Southern California and Gulf of Mexico [Aquaculture Opportunity Areas](#). Additional information can be found on the [NOAA Fisheries West Coast Region AOA Public Scoping Meetings page](#) and [NOAA Fisheries Gulf of Mexico AOA Public Scoping Meetings page](#).

NOAA Fisheries recently published the [Guide to Permitting Marine Aquaculture in the United States \(2022\)](#). The primary purpose of this guide is to assist individuals with navigating the federal permitting process for marine aquaculture (finfish, shellfish, invertebrates, seaweed). The guide was prepared by NOAA in consultation with the Subcommittee on Aquaculture under the National Science and Technology Council. It outlines the key requirements necessary to obtain federal permits to conduct commercial aquaculture activities and provides an overview of the

federal statutes and regulations governing aquaculture in the United States. The permitting complements a series of outreach, education, science, and policy resources recently published by NOAA Fisheries and available on our [website](#).

OFFSHORE ENERGY - Wind

GARFO staff are busy with the environmental reviews and consultations for numerous offshore wind projects. With nine projects entering the NEPA process in 2021, we are expecting back-to-back and overlapping EIS reviews and consultations through the remainder of the calendar year. This is a challenge for us as we have limited resources to handle the workload. We expect this pace to continue into 2023, as BOEM is expected to publish more NOIs later this year, and continue with the process for wind development in the NY Bight and Central Atlantic. The next formal public comment opportunity is on the Ocean Wind DEIS, expected in late June.

GARFO, working with the Northeast Fisheries Science Center (NEFSC) and NOAA Fisheries Headquarters, are working closely with BOEM and other agencies to provide input on project alternatives for consideration in the EISs, including habitat minimization alternatives aimed at avoiding and minimizing impact to complex habitat during construction and operations. We are also working closely with BOEM to update timelines and milestones for projects, as required under [FAST-41](#), as project schedules often change. We also engage regularly with BOEM, the USACE, and other agencies and provide technical assistance at various stages of the environmental review process.

We have also been involved in BOEM's effort to develop guidance for offshore wind developers for fishery mitigation due to offshore wind development. GARFO and NEFSC staff participated in BOEM's Technical Working Group to provide guidance and recommendations to help improve BOEM's fishery compensation mitigation guidance.

We are continually working internally, with BOEM, and other partners to find ways to streamline the environmental review and consultation processes. We've developed information needs checklists for EFH assessments, biological assessments for ESA, and socioeconomic impact analyses to guide BOEM in the development of these documents.

In cooperation with the NEFSC and New England Fishery Management Council, we are developing benthic habitat monitoring recommendations guidance similar to our Benthic Habitat Mapping Guidance to provide BOEM and developers with recommendations on the preferred survey methodologies to help guide their survey plans. We are also working with BOEM to develop templates for the EFH assessments and biological assessments they provide and are working on programmatic consultations.

In addition, we are routinely engaging with developers, contractors, and BOEM staff to discuss the data and analysis necessary to evaluate fishing operations and community impacts as a way to improve industry outreach and the content of project Construction and Operation Plan's (COP) and EISs.

GARFO has also been participating in Task Force meetings and providing comments on several offshore wind planning and call areas. Andy Lipsky from the NEFSC represented NMFS and other NOAA line offices at the Gulf of ME task force meeting on May 19th, and provided our comments related to resources of concern and impacts to NOAA scientific surveys in the Gulf of Maine, and feedback on the State of Maine's proposed research array. The Task Force meeting focused on the commercial planning process for wind energy leasing in the GOM and a framework approach for the first step in the commercial lease planning process, which is a request for interest (RFI). We expect BOEM to publish requests for input soon on the commercial lease planning process and the proposed research array. To date, GARFO and NEFSC staff have participated in the ongoing fisheries and wildlife working groups.

NOAA participated in and presented our comments during the February 2022 Central Atlantic Task Force meeting regarding potential impacts on our trust resources due to offshore wind development in the Central Atlantic Planning areas. We suggested that BOEM consider the cumulative impacts of existing areas when determining future lease areas and recommended the removal of existing coral protection areas, canyons, and other areas important to fisheries and marine resources from further consideration. Some areas were removed from consideration, but the coral protection areas were still included in the recently published call for information on April 29th. Working with our Southeast Regional Office and NEFSC, we plan to provide comments on the Central Atlantic Call Areas by the June 28 deadline.

BOEM held an auction this past February for offshore wind leases in the NY Bight. The auction resulted in winning bids on six leases from six different companies, totaling \$4.37 billion in revenue. BOEM is considering the development of a programmatic environmental impact statement to assess the impacts across the lease areas with scoping expected as early as this summer.

Coastal Storm Risk Management

As has been reported to the Council in the past, there are a number of U.S Army Corps of Engineers (USACE) Coastal Storm Risk Management Feasibility Studies underway in the Mid-Atlantic. Two studies had been paused, but have received funding and are now active.

1. [New York and New Jersey Harbor and Tributaries Focus Area Feasibility Study](#). A new Notice of Intent is planned to be published in the *Federal Register* in the coming weeks. The Draft Integrated Feasibility Report and Tier 1 Environmental Impact Statement (EIS) is expected to be released in September 2022. The plan still considers five storm surge barriers across several major waterways (Throgs Neck, Verrazano, Arthur Kill, Jamaica Bay, and Kill Van Kull), as well as beach nourishment, levees, flood walls, elevation and flood proofing structures, and nature based features.
2. [New Jersey Back Bay Coastal Risk Management Study](#). GARFO provided the USACE with extensive comments on the Draft Integrated Feasibility Report and Tier 1 (EIS) in Nov 2021. The USACE is still reviewing and developing responses to all of the comments on the draft EIS. They have also made some minor modifications to the design of two of the proposed storm surge barriers although the plan continues to include barriers across Manasquan, Barentat and Great Egg inlets and cross bay barriers in Ocean City and Absecon. A supplemental EIS is anticipated to be released in June 2023.

NOAA Fisheries is a cooperating agency for both of these projects and we have expressed significant concerns about the effects of the barrier and gates on aquatic resources including fisheries, wetlands and submerged aquatic vegetation..

Port Activities:

As with our last update, there are a number of port development projects in various stages of development within the Mid-Atlantic. One such project is the Diamond State Port Corporation/Edgemoor container terminal project. Permits are expected this summer. Fish passage (full width rock ramp), habitat enhancement and eDNA are part of the mitigation package.

We are also beginning to see a number of offshore wind related port projects. We previously reported on the NJ Windport located on the Delaware River adjacent to the Salem Nuclear Generating Station, and the Port of Paulsboro farther upstream. Additional facilities have been proposed or are planned in Norfolk, VA, as well as South Brooklyn, Albany and Coeymans, NY. Other projects are likely in the future.

Other Activities:

Essential Fish Habitat Innovation and Enhancement Funding: Every year, NOAA Fisheries Office of Habitat Conservation has \$150,000 to \$200,000 available to the regions for research or other activities that advance or inform EFH designations and EFH consultations. The regions work with the Councils and NOAA Fisheries Science Centers to develop projects that compete for this funding. The regional EFH coordinators review all the proposed projects and make recommendations to the Habitat leadership on which ones to fund. It is a collaborative and consensus based process. Last year, GARFO and the Mid-Atlantic and New England Councils received \$88,000 to develop a matrix that synthesizes information about species and habitat vulnerability to climate change and identifies the dependence or occurrence of species on specific habitat types.

This year, GARFO and the Councils received \$66,000 to develop a National Fishing Effects Database that will include a detailed, searchable fishing effects library (with direct access to literature where available) for internal Council and NOAA Fisheries users, and a publicly accessible and searchable viewer that can be used by interested parties (Council stakeholders, academics, others) to understand the body of information used by the Councils for fishing gear effects analyses. The database will be available to all regions to support their own fishing effects literature reviews. This work will support the up-coming MAFMC EFH Review.

These two projects highlight the collaboration between the two Councils and GARFO HESD. Many thanks to the Council staff working with us on these and we look forward to working together on future EFH Innovation and Advancement funding opportunities.

NOAA Mitigation Policy: In our June 2021 update, we presented information on NOAA's [draft Mitigation Policy](#). Over the past year, NOAA staff have been working to address comments received on the draft document. It is hopefully undergoing the last round of review with the Council on Environmental Quality and the Office of Management and Budget. We are hopeful that it will be released this summer.

Fact Sheet: Revised Commercial and Recreational Allocations of Summer Flounder, Scup, and Black Sea Bass



Summary of Proposed Changes

In December 2021, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) approved a joint amendment to revise the allocations of summer flounder, scup, and black sea bass to the commercial and recreational sectors. These changes are intended to better reflect current information about the historic proportions of catch and landings from the commercial and recreational sectors. The revised allocations are summarized in the table below. For all three species, these changes shift allocation from the commercial to the recreational sector.

	Original Allocations	Revised Allocations
Summer Flounder*	60% Commercial; 40% Recreational Landings-based	55% Commercial; 45% Recreational Catch-based
Scup	78% Commercial; 22% Recreational Catch-based	65% Commercial; 35% Recreational Catch-based
Black Sea Bass*	49% Commercial; 51% Recreational Landings-based	45% Commercial; 55% Recreational Catch-based

* The current and revised allocations for summer flounder and black sea bass are not directly comparable due to the transition from landings-based to catch-based allocations (see Additional Information on p. 3 for details).

The amendment has been submitted to NOAA Fisheries for approval and rulemaking. If approved, the revised allocations are expected to take effect on January 1, 2023.

Rationale for Revised Allocations

Why are changes to the commercial and recreational allocations needed?

The original allocations were set in the mid-1990s and have not been revised since that time. These allocations were based on historical proportions of catch or landings from each sector. Recent changes in the methodology used to collect recreational fishing data have resulted in much higher recreational catch estimates throughout the time series compared to previous estimates. Some changes have also been made to commercial catch data since the allocations were established. As a result of these changes, the original allocation percentages no longer reflect the current understanding of the recent and historic proportions of catch and landings from the two sectors. In addition, the Council's allocation review policy requires that allocations be reviewed at least every 10 years.

How were the revised allocations determined?

The revised commercial and recreational allocations are based on updated data from the same base years used to set the original allocations (summer flounder: 1981-1989; scup: 1988-1992; black sea bass: 1983-1992). This approach uses the best scientific information currently available while accounting for fishery characteristics in years prior to influence by the commercial/recreational allocations. The allocations for all three species will now be catch-based. Previously, scup had a catch-based allocation and summer flounder and black sea bass had landings-based allocations (see p. 3 for details).

Why weren't the revised allocations based on more recent timeframes?

When the original allocations for these species were developed, the base years were selected because they represented periods of relatively unrestricted fishing effort and, therefore, could serve as a proxy for each sector's level of effort and interest in the fishery prior to implementation of management controls. The Council and Commission considered allocation options based on more recent timeframes, but these options raised concerns about fairness due to differences in how well the commercial and recreational sectors have been held to their respective limits in past years.

Potential Impacts

How will the revised allocations affect each sector's future limits?

For all three species, these changes result in a shift in allocation from the commercial to the recreational sector. The tables below show how each sector's recent landings compare to the actual limits for 2022 and examples of limits which may have been implemented if the revised allocations had been in place in 2022. These are provided for comparison purposes only. Revised allocations are not expected to be implemented until 2023. The commercial quota and recreational harvest limit (RHL) for 2023 will not be determined until later in 2022.

Table 1: Recent commercial landings compared to the actual 2022 commercial quotas and example commercial quotas under the revised allocations. All values are in millions of pounds.

Species	Avg. 2019-2021 Commercial Landings	Actual 2022 Commercial Quota (Original Allocations)	Example 2022 Quota (Revised Allocations)
Summer Flounder	9.51	15.53	15.14
Scup	13.43	20.38	15.18
Black Sea Bass	4.09	6.47	5.05

Table 2: Recent recreational landings compared to the actual 2022 RHLs and example RHLs under the revised allocations. All values are in millions of pounds.

Species	Avg. 2019-2021 Recreational Landings	Actual 2022 RHL (Original Allocations)	Example 2022 RHL (Revised Allocations)
Summer Flounder	8.93	10.36	11.12
Scup	14.44	6.08	9.86
Black Sea Bass	9.74	6.74	8.19

It is not possible to precisely predict future commercial quotas and RHLs, as these limits are derived from the overall Acceptable Biological Catch limit (ABC) for each species and will vary depending on stock size, expected dead discards from each sector, and other factors. The following questions provide an approximation of likely near-term impacts, assuming future ABCs remain similar to recent years.

Will the revised allocations require a reduction in commercial landings?

Not necessarily. Commercial landings of all three species have been below the commercial quotas in recent years. The commercial quota has not been fully harvested for scup since 2007, for summer flounder since 2018, or for black sea bass since 2019. While the revised allocations will result in lower commercial quotas than would have been set under the original allocations, recent landings suggest that, in the near term, commercial landings may not need to be reduced below recent levels.

Will these changes allow for increased recreational harvest or less restrictive management measures?

The revised allocations will result in higher RHLs than would have been set under the original allocations, but the impact of these increases on management measures will vary by species. Under the current management process, the Council and Commission compare recent recreational landings to the RHL for the upcoming year to determine whether changes to the recreational management measures (bag limit, size limit, season) are warranted. The goal is to set measures that will achieve, without exceeding, the RHL.

For **summer flounder**, recreational landings have been close to or below the RHL for three of the last four years. The RHL for 2022 is a 25% increase compared to 2021 and is the highest RHL in over a decade. This increase allowed for less restrictive management measures to be implemented for 2022. It is possible that higher RHLs resulting from the revised allocations could allow for management measures to remain similar to 2022 or be further relaxed.

For **scup** and **black sea bass**, the recreational sector has significantly exceeded the RHLs in recent years, meaning that recreational harvest of these species may not be allowed to increase in the near term, even with higher RHLs. This will depend, in part, on the effectiveness of the more restrictive management measures that were implemented in 2022 for scup and black sea bass.

Additional Information

Why are summer flounder and black sea bass changing from landings-based to catch-based allocations?

This change is intended to simplify the specifications process and decrease the influence of dead discards from one sector on the other sector's catch and landings limits. The main difference between catch- and landings-based allocations is the step in the process at which dead discards are accounted for. With a [landings-based allocation](#), projected dead discards from both sectors are combined and subtracted from the entire ABC before the allocation percentages are applied. With a [catch-based allocation](#), the ABC is divided between the sectors based on the allocation percentages, and then each sector's projected dead discards are subtracted to produce commercial quotas and RHLs. A catch-based allocation does not change the way the fisheries are managed aside from the process of setting annual catch and landings limits for each sector.

Why has recreational data changed so much in recent years?

Recreational catch and harvest data are estimated by NOAA Fisheries' [Marine Recreational Information Program \(MRIP\)](#). In July 2018, MRIP released revised time series of catch and harvest estimates based on adjustments for a revised angler intercept methodology and a new [effort estimation methodology](#), including a transition from a telephone-based effort survey to a mail-based effort survey. These changes affected the entire time series of recreational data going back to 1981. In general, the revised recreational fishing effort estimates are higher — and in some cases substantially higher — than the previous estimates because the new methodology is designed to more accurately measure fishing activity, not because there was a sudden rise in fishing effort.

For additional information, visit the Council's [Recreational Fishing Data web page](#).

What are the next steps for this action?

The Council has submitted the amendment for review by NOAA Fisheries. As part of the rulemaking process, NOAA Fisheries will publish a proposed rule with a public comment period. Once a final rule has published, NOAA Fisheries will issue a fishery bulletin alerting constituents to any regulatory changes being implemented.

Additional information and updates related to this action can be found on the Council's website at <https://www.mafmc.org/actions/sfsbsb-allocation-amendment>.



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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

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

MEMORANDUM

Date: May 27, 2022
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Updates on Offshore Wind Energy Development

The following major updates in offshore wind energy development occurred since the April 2022 Council meeting. This is not intended to be an exhaustive list.

- The Bureau of Ocean Energy Management (BOEM) published a [Call for Information and Nominations](#) to assess commercial interest in, and obtain public input on, potential wind energy leasing activities in the Central Atlantic. The Call Areas were not modified to remove the Frank R. Lautenberg Deep Sea Coral Protection Areas, [as requested by the Council](#). Staff plan to submit a letter through the associated comment period, which ends June 28, to again request that these areas be removed from further consideration for wind energy development.
- On May 6, 2022, the Mid-Atlantic and New England Councils submitted a [comment letter on the NOAA Fisheries and BOEM Federal Survey Mitigation Implementation Strategy for the Northeast U.S. Region](#).
- On May 11, 2022, BOEM held an offshore wind [auction for two lease areas two areas off North and South Carolina](#).
- BOEM held a [Gulf of Maine Task Force meeting](#) on May 19, 2022.
- On May 19, 2022, Sea Grant, the Department of Energy, and NOAA Fisheries announced [funding of six projects for the coexistence of offshore energy with northeast fishing and coastal communities](#).
- Council staff participated in a Department of Energy offshore wind strategy external stakeholder workshop on May 24–25, 2022.



New England
Fishery Management
Council



May 6, 2022

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Dear Dr. Hare and Dr. Blythe,

Please accept these comments from the New England Fishery Management Council (New England Council) and the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) regarding the NOAA Fisheries and BOEM Federal Survey Mitigation Implementation Strategy for the Northeast U.S. Region. The Councils rely heavily on NOAA's scientific surveys for development of key management measures, including measures required by law such as annual catch limits. We strongly support efforts to understand and mitigate the negative impacts of offshore wind development on these surveys.

The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Maine to Connecticut. The Mid-Atlantic Council manages more than 65 marine species¹ in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). In addition to managing these fisheries, both Councils have enacted measures to identify and conserve essential fish habitats (EFH), protect deep sea corals, and sustainably manage forage fisheries. The Councils support efforts to mitigate the effects of climate change, including the development of renewable energy projects, provided risks to the health of marine ecosystems, ecologically and economically sustainable fisheries, and ocean habitats are avoided.

While the Councils recognize the importance of domestic energy development to U.S. economic security, it is important to note that marine fisheries throughout New England and the Mid-Atlantic are profoundly important to the social and economic well-being of communities in the Northeast U.S. and provide numerous benefits to the nation, including domestic food security.

¹ Fifteen species are managed with specific Fishery Management Plans, and over 50 forage species are managed as "ecosystem components" within the Mid-Atlantic Council's FMPs.

Both Councils updated their [policy](#) on wind energy development in December 2021, working together on policy development and adopting the same language. Our comments in this letter build upon this policy.

Summary of Recommendations

- As time and resources allow, consider impacts to the Northeast Area Monitoring and Assessment Program (NEAMAP) and other partner surveys as part of the mitigation strategy.
- Provide additional detail on the intent and differences between certain objectives.
- Clarify the feasibility of implementing mitigation program and survey-specific plans given resource and funding constraints.
- Recommend data sharing strategies.
- Establish new, long-term monitoring surveys.
- Analyze cumulative effects on NOAA surveys from all wind projects.
- Streamline and facilitate process for obtaining the necessary incidental take authorizations for endangered and protected species for surveys completed by wind developers.
- Bring in the Northeastern Regional Association of Coastal Ocean Observing Systems (NERACOOS) and Mid-Atlantic Coastal Ocean Observing System (MARACOOS) as partners.
- Seek Council participation on work groups and consult with Councils on effectiveness of monitoring efforts.
- Develop a NOAA website to host updated implementation strategy materials, announcements of public meetings and comment opportunities, and a tracking dashboard measuring progress and effectiveness of mitigation measures.

Completeness of Strategy, Impacts, and Components

This strategy should more explicitly consider implications for other partner surveys such as the Northeast Area Monitoring and Assessment Program (NEAMAP). Such evaluations might be more limited than those completed for core NOAA Fisheries surveys, but it would be useful to estimate the extent to which these surveys may be impacted by development and what the effects might be on fisheries management.

The draft mitigation strategy states it is too late to avoid impacts to NOAA Fisheries surveys from offshore wind projects with approved Construction and Operations Plans (i.e., Vineyard Wind 1 and South Fork Wind). The magnitude of survey impacts from these projects is unclear and should be clarified. To avoid loss of data quantity, accuracy, and precision, with associated downstream impacts, the impacts of these projects will need to be mitigated through this implementation strategy. Clarity should be provided on the feasibility of redesigning surveys or deploying new types of surveys at sites where projects have already been permitted.

Goals, Objectives, and Actions

We agree that a “workflow for identifying federal survey mitigation needs in a timely manner as part of the permitting and leasing framework” (Action 1.1.2) is important. However, we would

appreciate more detail on what this means. Is this action envisioned as part of the EIS development process, where impacts of specific projects on surveys are identified? Action 3.1.1 under Goal 3 is to “Document and analyze impacts of offshore wind energy development on NOAA Fisheries surveys during the environmental review process for individual projects”, so we assume something different is envisioned here. Or is this action intended to be a broader effort, thinking across multiple projects and timelines? The reference to the leasing framework suggests that the idea is to begin considering survey mitigation needs early in the process, as lease areas are being developed. We would agree with this. This might be especially important in the Gulf of Maine or in other deep-water areas if vessel access for alternative surveys is challenging due to floating arrays (this relates to Action 3.2.3).

Given the complexity and importance of mitigating impacts to NOAA Fisheries surveys, it will be important to obtain all necessary resources, including funding, to achieve all the outlined goals and objectives (objectives 1.2 and 1.3 in the draft strategy). Section 8 in the draft strategy includes a list of potential funding sources, which are not guaranteed. Table 2 includes numerous actions with completion dates beginning this fall that are not yet funded. If all the outlined goals, objectives, and actions cannot be achieved using federal funds or other grants, we recommend any applicable survey mitigation measures be required as part of lease and permit conditions for wind projects (Action 1.3.2). Alternatively, NOAA and BOEM could prioritize and complete a focused subset of the actions versus partially addressing all actions.

As part of either Objective 2.2 or Goal 4, we suggest considering new, long-term monitoring surveys to be conducted by NOAA Fisheries. Long-term monitoring is important to adequately sample new habitats created by offshore wind energy development, species regime shifts because of climate change, etc.

Cumulative effects on NOAA Fisheries surveys from all offshore wind energy projects should be analyzed as part of Objective 3.1, Action 3.1.1. Documenting and analyzing impacts for individual projects is important; however, the aggregate effects are critical to understanding regional impacts.

Objectives 4.1 and 4.2 are similar. It would be helpful to outline specific review tasks to be completed quarterly (strategy review) vs. annually (program and survey-specific plan reviews). We assume that survey-specific plan reviews will be done after the survey is conducted each year, but in time to adapt the mitigation plan for the following year. Since surveys are done on different schedules, this could argue for a rolling review survey by survey, rather than a larger annual evaluation.

Consideration of new survey technologies will be important but issuing and evaluating responses to an annual request for information for survey technologies (Action 4.4.1) could be quite time-consuming. It would be useful to know more about what this process might entail, and how alternative survey technologies would be evaluated by NOAA Fisheries. This seems like an area of work where identifying partners who are also exploring or using these technologies would be worthwhile.

We are encouraged that Objective 4.5 includes monthly tracking and reporting on wind energy development in the U.S. This product will be useful beyond survey mitigation. As part of Action

4.5.1, we strongly urge BOEM to include downloadable GIS layers with proposed project layouts including cable routes as part of the dashboard for stakeholders to understand the regional cumulative effects of all proposed projects more easily.

Additional detail and specificity should be provided for Objective 4.6 as it is not clear if the intention is to adapt surveys to reflect ecosystem changes. If survey adaptation due to climate change is already planned for, this should be integrated with offshore wind survey mitigation work.

Goal 5 (coordinated execution and sharing knowledge) is essential. Ideally NOAA and BOEM staff and other partners from outside the region will be integrated into the process at the outset so knowledge sharing can occur on an ongoing basis.

Developer Monitoring Surveys

We strongly support evaluation and integration of developer monitoring surveys with NOAA Fisheries surveys (Goal 2), regional standards (Objective 2.1), and compatibility with NOAA surveys (Objective 2.2). Data sharing strategies, including plans for distributing developer-collected data, should be further elucidated. The strategy should clarify whether and how developer-collected monitoring data will be combined with or aligned with data from the NOAA Fisheries surveys. We recommend that all project-specific monitoring studies be shared with NOAA Fisheries, made publicly available, and integrated with the existing survey data where possible. When these studies cannot be integrated with NOAA Fisheries survey data to support fisheries management, an explanation for why should be provided for future data users.

We understand that surveys conducted by developers may require authorizations under the Marine Mammal Protection Act and the Endangered Species Act. Especially as these surveys can represent continuous time series, timely issuance of any required authorization is important to avoid temporal gaps in coverage. The mitigation strategy should consider ways to facilitate and streamline this process.

Working with Partners

We appreciate that the draft strategy identifies the Councils as partners in the survey mitigation process. We understand that the strategy was intentionally left open-ended as to how stakeholders including the Councils might be involved. Suggested paths for Council involvement include:

- Council member and/or staff participation in work groups addressing specific issues (e.g., the Scallop Survey Working Group), based on resource availability and expertise.
- Consultation on the effectiveness of long-term monitoring efforts to adequately measure impacts of offshore wind development on Council-managed species.

NERACOOS and MARACOOS (Northeast and Mid-Atlantic Regional Association Coastal Ocean Observing Systems) would also be useful partners in this work.

Communication and outreach recommendations

Survey mitigation is a complex, long-term issue that will involve multiple teams working across NOAA, BOEM, and partner organizations. Offshore wind development is complex and fast-moving. We suggest the following ways to improve communication on these issues:

- We agree that a NOAA website (Action 5.3.3) is essential. This site should host the final strategy, a routinely updated copy of the Goals, Objectives, and Actions table, announcements of public meetings and comment opportunities, and other related reports and information. The website should also include Objective 4.3's dashboard for tracking how the mitigation measures are being implemented and adapted, and whether the measures have been effective at achieving the stated goals and objectives.
- NOAA should identify a staff member to liaise with the Councils and serve as a point of contact on survey mitigation issues (perhaps the program coordinator noted in Action 5.1.2). This individual should provide periodic updates to the Councils during their meetings at appropriate intervals, perhaps twice per year.
- Communications and outreach should not focus just on scientific publications and scientific presentations. The strategy should more explicitly acknowledge that communications and outreach to non-technical audiences will be prioritized. For example, BOEM and NOAA should provide easily digestible information on the likely impacts survey changes will have on stock assessments and scientific uncertainty levels used in management, where possible. Impacts on assessments will be important for Councils (including their Scientific and Statistical Committees) to understand. The issue of survey mitigation is complex, and detailed materials will be important for scientific stakeholders; however, other users will appreciate higher-level summaries of changes made and their implications.

Minor errors noted in the draft strategy

The following errors in the document are not substantive to the overall conclusions drawn but should be corrected in the final strategy document.

- Councils should be referred to as Fishery (not Fisheries) Management Councils on page 18 and throughout the document.
- The document refers to the Management and Conservation Act on page 18; this should be corrected to Magnuson-Stevens Fishery Conservation and Management Act.
- Page 18 and page 25 refer to the Atlantic States Marine Fisheries Commission as "the Interstate Fisheries Commission" and the "Marine Fisheries Commission", respectively. The phrase Atlantic States Marine Fisheries Commission would be clearer.
- The role of states in fisheries management is downplayed on page 19. The Atlantic States Marine Fisheries Commission (ASMFC) is composed of "member states", not "representatives from coastal states." The states' role in ASMFC should also be noted under the state bullet on page 19 given that the states manage fisheries.

Conclusion

We look forward to working with NOAA and BOEM on these important issues. Please contact us if you have any questions.

Sincerely,

Handwritten signature of Thomas A. Nies in cursive.

Thomas A. Nies
Executive Director, New England Fishery Management Council

Handwritten signature of Dr. Christopher M. Moore in cursive.

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

cc: J. Beaty, M. Luisi, W. Townsend



New England
Fishery Management
Council



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

May 4, 2022

Rosemarie Gnam
Chief, Division of Scientific Authority
U.S. Fish and Wildlife Service

RE: Proposed Amendments to the CITES Appendices

Ms Gnam:

The Mid-Atlantic and New England Fishery Management Councils (Councils) support the tentative U.S. position that spiny dogfish should not be added to any CITES Appendices at this time. The Northwest Atlantic stock is managed jointly by the Mid-Atlantic and New England Councils under a federal fishery management plan, which meets all requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Although the stock was previously overfished in the decades prior to Council management, the stock was declared rebuilt in 2010 and has been maintained at sustainable levels ever since.

As required under the MSA, the Councils set science-based catch limits and other management measures intended to ensure the sustainability of the spiny dogfish stock. Annual quotas are set based on regular stock assessments. These stock assessments utilize comprehensive monitoring of U.S. catch, catch reports from Canada, and fishery independent indices. There is also a research track assessment underway in 2022 to evaluate additional data and/or models for assessing stock trends. Stock size is expected to vary over time, and management/quotas will be adjusted accordingly to ensure sustainability. Please contact the Mid-Atlantic Fishery Management Council (302-526-5255 or cmoore@mafmc.org) if you have any questions or need any additional information.

Sincerely,

Dr. Christopher M. Moore

Executive Director, Mid-Atlantic Fishery Management Council

Thomas A. Nies

Executive Director, New England Fishery Management Council



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: May 24, 2022
To: Council
From: Chris Moore, Executive Director
Subject: 2022-2024 Climate Regional Action Plans

NOAA Fisheries is soliciting public comments on Draft 2022-2024 Climate Science Regional Action Plans. The plans identify actions that each region intends to take over the next 3 years to address regional climate-science needs and the objectives of the NOAA Fisheries Climate Science Strategy. NOAA Fisheries is interested in input on the clarity of the goals and activities, ways to strengthen the plans, and what additional goals and activities need to be addressed. The deadline for comments has been extended **July 29, 2022**.

The Draft Northeast Regional Action Plan is linked below. The Council will briefly review the draft plan during the Executive Director's Report at the June 2022 Council Meeting. If the Council wishes to formally submit comments, staff will draft a letter for Council review following the meeting. Council members may send comments to Mary Sabo at msabo@mafmc.org.

- [NOAA Fisheries Draft Northeast Regional Action Plan 2022-2024](#)

Climate Regional Action Plans Overview

Climate Science Regional Action Plans (RAPs) guide the implementation of the NOAA Fisheries Climate Science Strategy in each region. Launched in 2016, these plans are designed to increase the production, delivery, and use of scientific information needed to fulfill NOAA Fisheries' mission in a changing climate. Specifically, the RAPs identify actions to address key information needs for climate-informed decision-making including what's changing, expected future conditions, and how to increase resilience and adaptation of living marine resources and the many people who depend on them. These actions will help track changes, assess risks, provide early warnings and forecasts, and evaluate the best management strategies for changing conditions in each region. Additional information is available on the [Climate Science Strategy Regional Action Plan](#) page.