



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, 2023
To: Chris Moore, Executive Director
From: Jessica Coakley, Staff
Subject: Background on Critical Issues noted in 2023 Fishery Performance Report

Members of the Surfclam and Ocean Quahog Advisory Panel requested addition time to present on some of the critical issues highlighted in their 2023 Fishery Performance Report (FPR; full report available under Tab 6). The following provides additional background and context on these topics.

Molluscan Shellfish Biotoxin Protocols in Federal Waters

In 2019, revisions were made to the National Shellfish Sanitation Program (NSSP) 2019 “Guide for the Control of Molluscan Shellfish (i.e., Model Ordinance and Supporting Documents).” The NSSP is the federal/state cooperative program recognized by the FDA and the Interstate Shellfish Sanitation Conference (ISSC), for the sanitary control of bivalve molluscan shellfish produced and sold for human consumption through interstate commerce. The NSSP Model Ordinance (MO) provides specific requirements for state shellfish programs and the shellfish industry and includes the roles and responsibilities for federal agencies including the Food and Drug Administration (FDA) and National Oceanic and Atmospheric Administration (NOAA), for bivalve molluscan shellfish grown and harvested in Federal waters. This includes biotoxin protocols for molluscan shellfish in Federal waters. Revisions to the guide have implications for our Federal water Atlantic surfclam and ocean quahog fisheries given that any implemented changes may impact protocols with respect to paralytic shellfish poisoning (PSP) closed areas in the Georges Bank fishing areas or other federal waters.

Council staff and Greater Atlantic Regional Fisheries Office Sustainable Fisheries Division (GARFO-SFD) staff have been meeting regularly with staff from the NOAA Office of International Affairs, Trade, and Commerce - Office of Seafood Inspection and Food and Drug Administration since Spring 2022 to track this issue and the implementation of any changes that may impact our fisheries. On September 15, 2022, the Council sent a letter to the Office of Seafood Inspection’s Director (and copied FDA staff) emphasizing that addressing this issue in a timely manner should be a high priority. The ISSC met this Spring 2023 to continue its work, and Council staff and GARFO-SFD staff plan to have a call with the NOAA Office of Seafood Inspection soon to receive an update on their progress.

History of the Great South Channel Habitat Management Area (HMA)

The New England Council began its work on its Omnibus Essential Fish Habitat Amendment 2 (OHA2) in 2004. In December 2014, as completion on OHA2 drew close, the Mid-Atlantic Council submitted comments to the New England Council specifically requesting that, “sub-areas comprised predominantly of sand substrate be identified as clam management areas within the broader proposed habitat closure areas encompassing Nantucket Shoals, Georges Shoals, and Cultivator Shoals.” These areas were intended for clam dredge fishing access.

At the April 2015 New England Council meeting, a large area east of Nantucket (the Great South Channel HMA) was approved for targeted habitat protection. The New England Council recommended the Northeast corner of the area be closed to all dredges and bottom trawls, and the remainder of the area be closed to bottom trawls and scallop dredges with a 1-year exemption for clam dredges. That year would allow for consideration of a different program for clam dredges to access portions of that HMA. The New England Council initiated action on a framework to address this issue in September 2015.

In January 2018, NOAA Fisheries approved most of the recommendations contained in OHA2. NOAA Fisheries approved the recommendation of the New England Council to establish the Great South Channel HMA, which would be closed to: (1) mobile bottom-tending gear throughout the area; and (2) clam dredge gear in the northeast section. Clam dredge gear would be allowed throughout other parts of the area for 1-year while the New England Council continued to consider refinements through the framework. The OHA2 was implemented April 9, 2018, and prohibited the use of mobile bottom-tending gear within the HMA. However, the surfclam fishery was granted a one-year exemption to continue operating in all but the northeast corner of the area.

In December 2018, the New England Council completed work on the Clam Dredge Framework and signed off on new measures to allow surfclam fishermen to continue fishing within three exemption areas inside the Great South Channel HMA (see Map below). Increased monitoring provisions including 5-minute VMS polling apply, and mussel fishermen are also able to fish in the new areas. The New England Council also recommended designation of two research areas in the Great South Channel HMA, with the following commitment: “The Council will develop a prioritized list of research needs concerning Rose and Crown and Davis Bank East. The intent is to work towards an exempted fishing permit program for these areas, which will support the potential development of additional exemptions in the future.”

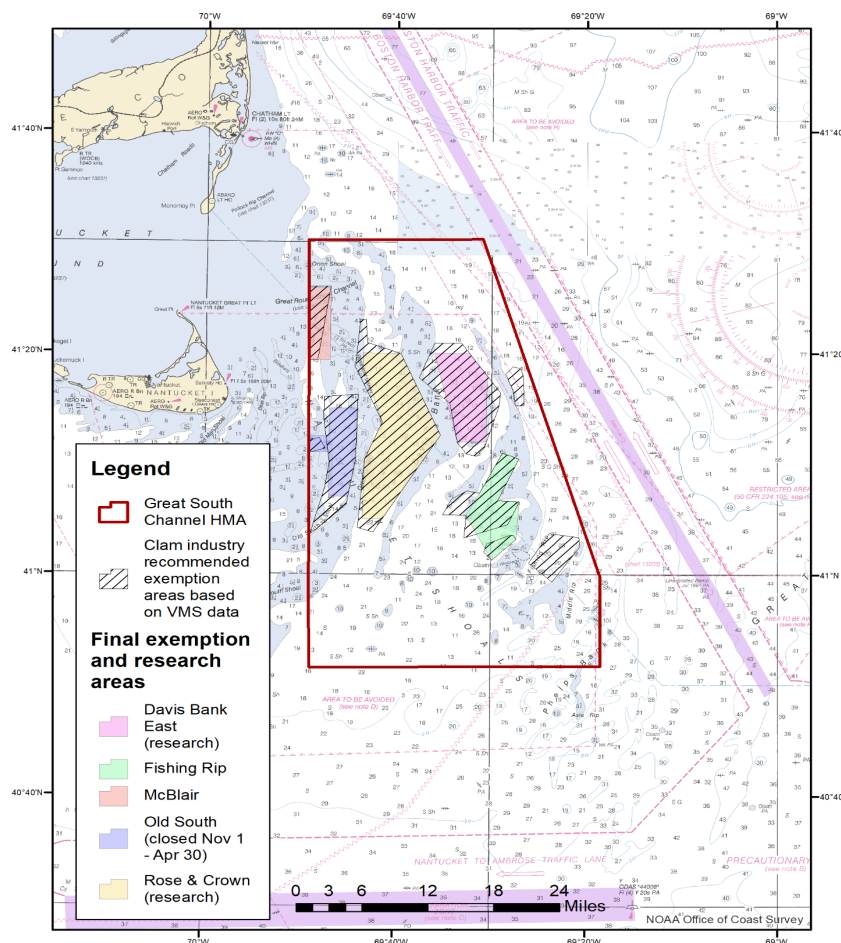
In April 2019, the clam dredge fishery exemption in the Great South Channel HMA expired. Clam dredges were unable to operate in the HMA until final rulemaking occurred on the Clam Dredge Framework in June 2020 ([Final-Rule-2020-10566.pdf](#)).

In June 2019, the New England Council followed up on its commitment to develop a research plan for the HMA ([190612-GSC-HMA-Research-Planning-Document.pdf](#)). In January 2020, NOAA Fisheries published a Federal Register notice about an Exempted Fishing Permit (EFP) requested by Coonamessett Farm Foundation (CFF) to fish with dredge mounted cameras in the Rose and Crown area of the HMA. The EFP was issued and in December 2020 CFF provided a progress report on their EFP research to the New England Council’s Habitat Plan development

Team (PDT). The Habitat PDT discussed this report on January 25, 2021 ([3a.-210125-Habitat-PDT-Summary-FINAL.pdf](#)).

In December 2021, the Mid-Atlantic Council recommended that Council leadership prioritize a leadership level discussion about the Great South Channel Habitat Management Area between both Councils. This was in response to a letter received by the Mid-Atlantic Council. In January 2022, the leadership of both the New England and Mid-Atlantic Councils met and discussed opportunities to further coordinate this issue within the scope of the Council process. They agreed to notify the MAFMC Advisors of upcoming NEFMC meetings related to their requested emergency action in this region, and meeting to discuss any reports for research under the EFP issues.

In February 2022, the New England Council requested that the Habitat Committee work with the PDT to review the final report for the project (see [Motion 5](#)). In June 2022, CFF submitted a final report on the project which was reviewed by the Habitat Committee and then the New England Council. The New England Council forwarded the Committee’s evaluation ([6.-220902-Habitat-CTE-to-Council-re-EFP-19066.pdf](#)) to NOAA Fisheries for their consideration when reviewing future EFP proposals. For summaries of past meetings or additional background on the OHA2 and the Clam Dredge Framework, see: <https://www.nefmc.org/management-plans/habitat>



Map: GSCHMA final exemption and research areas.

Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment

As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip or in the same tagged cage. The Council is developing an Amendment to consider modifications to the species separation requirements in these fisheries. In addition, the Council asked the staff and NEFSC to explore longer-term solutions for monitoring (such as electronic monitoring testing on the clam survey). NOAA has funded this work, and a project will begin collecting imagery to develop the technology this August 2023. See recent news here: <https://www.seafoodsource.com/news/environment-sustainability/noaa-to-test-ai-electronic-monitoring-in-new-england-clam-survey>

In December 2022, the Council reviewed public comments and agreed to postpone final action on this Amendment to allow time for development of additional alternatives. The Fishery Management Action Team met in January 2023 jointly with the Surfclam and Quahog Advisors to solicit input, and then again in April 2023 with Port Agents, enforcement experts, and data management experts (from the GARFO Analysis and Program Support Division) to gather input. The FMAT will continue to work on alternative development throughout 2023.