



Mid-Atlantic Fishery Management Council

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

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

MEMORANDUM

Date: March 29, 2024
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 April 2024 Council Meeting:

1. 2024 Council Meeting Topics
2. Status of Council Actions Under Development
3. Status of Completed Council Actions and Specifications
4. 2025 Council Meeting Schedule
5. Staff Memo: 2025-2029 Strategic Plan Process and Timeline
6. MAFMC Fishery Management Process Review: Focus Group Findings and Themes
7. Joint Council Letter to NMFS Regarding Funding Concerns (3/28/24)
8. Action Plan: Recreational Measures Setting Process Framework/Addenda
9. SSC Terms of Reference: Recreational Measures Setting Framework/Addenda
10. Advisory Panel Recruitment Notice (3/27/24)
11. Staff Memo: Offshore Wind Updates
12. Joint Offshore Wind Developers Notice of Survey Activities (3/21/24)
13. Staff Memo and Recent Correspondence Regarding USFWS Regulation of Squid Fishery Exports



2024 Planned Council Meeting Topics

April 9 – 11, 2024 Council Meeting – Atlantic City, NJ

- Joint MAFMC/NEFMC Framework to Reduce Atlantic Sturgeon Interactions in the Monkfish/Dogfish Gillnet Fisheries: final action
- Summer Flounder Commercial Mesh Exemptions Framework Meeting #1 (with ASMFC SFSBSB Board)
- 2024 Ecosystem Approach to Fisheries Management (EAFM) Risk Assessment Report
- 2024 State of the Ecosystem Report
- Golden Tilefish Research Track Assessment Overview
- Habitat Activities Update (GARFO-HESD)
- NTAP Proposal for Industry-Based Survey Pilot Program: review
- [Golden Tilefish Catch Share Program Review: review public comments and discuss next steps](#)
- [NMFS Proposed Rule to Update Regulations Associated with the Magnuson-Stevens Fishery Conservation and Management Act's Confidentiality Requirements](#)
- [Offshore Wind Fisheries Compensation Programs](#)
- [Impacts of Offshore Wind Energy Construction Sounds on Behavior of Longfin Squid and Black Sea Bass](#)

June 4 – 6, 2024 Council Meeting – Riverhead, NY

- Advisory Panel Reappointments (Executive Committee)
- 2025-2029 Strategic Plan: discuss vision, mission, goals (Executive Committee)
- ~~Recreational Measures Setting Process Framework/Addenda: update (with ASMFC Policy Board)~~
- [Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment – approve Public Hearing Document](#)
- ~~Summer Flounder Commercial Mesh Exemptions Framework Meeting #2 (with ASMFC SFSBSB Board)~~
- ~~2025 Atlantic Mackerel Specifications: review~~
- 2025 Chub Mackerel Specifications: review
- 2025 Longfin Squid Specifications: review
- 2025 *Illex* Squid Specifications: review
- Unmanaged Commercial Landings Report
- SSC's Overfishing Limit (OFL) Coefficient of Variation (CV) Guidance Document: review and approve updates

August 12 – 15, 2024 Council Meeting – Philadelphia, PA

- 2025 Atlantic Surfclam Specifications: review
- 2025 Ocean Quahog Specifications: review
- [MRIP Update from NMFS Office of Science and Technology](#)

- [Recreational Measures Setting Process Framework/Addenda: update \(with ASMFC Policy Board\)](#)
- ~~[Recreational Measures Setting Process Framework/Addenda: approve public hearing document \(with ASMFC Policy Board\)](#)~~
- [Summer Flounder Commercial Mesh Exemptions Framework Meeting #2 \(with ASMFC SFSBSB Board\)](#)
- 2025 Black Sea Bass Specifications: approve (with ASMFC SFSBSB Board)
- 2025 Summer Flounder Specifications: review (with ASMFC SFSBSB Board)
- 2025 Scup Specifications: review (with ASMFC SFSBSB Board)
- 2025 Bluefish Specifications and Recreational Management Measures: review (with ASMFC Bluefish Board)
- 2025-2026 Butterfish Specifications: approve
- 2025-2027 Golden Tilefish Specifications: approve
- 2025 Blueline Tilefish Specifications: approve
- Draft 2025-2029 Strategic Plan: review (~~Executive Committee~~)
- Council Program Review: review final report

October 8 – 10, 2024 Council Meeting – Dewey Beach, DE

- 2025 Implementation Plan: review draft deliverables (Executive Committee)
- 2025-2029 Strategic Plan: approve
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: final action
- Omnibus Essential Fish Habitat Amendment: approve public hearing document
- 2025 Spiny Dogfish Specifications: review
- [2025 Atlantic Mackerel Specifications: review](#)
- Recreational Tilefish Permitting and Reporting Update (GARFO)
- Tilefish Angler Outreach and Program Evaluation: review report and discuss next steps
- Habitat Activities Update (GARFO-HESD)
- Offshore Wind Update
- [Scientific Coordination Subcommittee 8th National Workshop Outcomes](#)
- [Council Awards Discussion](#)

[October \(TBD\), 2024 – Joint Meeting with ASMFC Policy Board](#)

[The Council will meet with the ASMFC Policy Board during the ASMFC's Annual Meeting, which will be held October 21-24, 2024, in Annapolis, MD. The exact date/time of the joint meeting is TBD.](#)

- [Recreational Measures Setting Process Framework/Addenda: approve public hearing document \(with ASMFC Policy Board\)](#)

December 9 – 12, 2024 Council Meeting – Annapolis, MD

- 2025 Black Sea Bass Recreational Management Measures: approve (with ASMFC SFSBSB Board)
- 2025 Summer Flounder Recreational Management Measures: review (with ASMFC SFSBSB Board)

- 2025 Scup Recreational Management Measures: review (with ASMFC SFSBSB Board)
- Recreational Sector Separation Amendment: approve scoping document (with ASMFC Policy Board)
- 2025-2029 Council Research Priorities: approve
- 2025 Implementation Plan: approve
- River Herring Data Portal Project: review
- Ricks E Savage Award Nominations (Executive Committee)
- Overview of National Fishing Effects Database
- 2024 EAFM Risk Assessment Report Updates: review

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 3/25/24

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Golden Tilefish	2022-2024	8/11/21	10/7/21	4/22/22	9/14/22	11/10/22	11/9/22	
Blueline Tilefish	2022-2024	4/7/21	10/20/21	5/5/22	8/2/22	11/3/22	12/5/22	
Surfclam and Ocean Quahog	2021-2026	8/12/20	9/2/20	2/24/21	2/17/21	5/13/21	6/14/21	
Longfin Squid	2024-2026	8/10/23	10/12/23					SIR submitted 10/12/23. NEPA edits received 3/27/24.
Butterfish	2023-2024	6/8/22	9/8/22	2/17/23	3/7/23	7/27/23	7/27/23	
Illex Squid	2024-2025	4/5/23	10/12/23					SIR submitted 10/12/23. NEPA edits received 3/27/24.
Atlantic Mackerel (including RH/S cap)	2024-2025	12/13/23	1/3/24	2/13/24	2/28/24			
Chub mackerel	2023-2025	6/8/22	9/8/22	2/17/23	3/7/23	7/27/23	7/27/23	
Bluefish	2024-2025	8/9/23	10/6/23	11/16/23	11/16/23	1/2/24	1/1/24	
Summer Flounder and Scup	2024-2025	8/8/23	10/6/23	11/30/23	11/17/23	12/21/23	1/1/24	
Black Sea Bass	2024	8/8/23	10/6/23	12/3/23	11/17/23	12/21/23	1/1/24	
Spiny Dogfish	2024	12/13/23	3/21/24					NEFMC Action Feb 1, 2024

Recreational

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder rec measures	2024	12/12/23	1/16/24	N/A	2/23/24			
Black sea bass rec measures	2024	12/13/23	1/16/24	N/A	2/23/24			
Scup rec measures	2024	12/12/23	N/A	N/A	N/A	N/A	N/A	No rulemaking needed because no changes to federal measures
Bluefish rec measures	2020-2024	12/13/19	1/23/20	3/19/20	5/25/20	6/29/20	6/29/20	
Blueline tilefish rec measures	2024 and beyond	6/6/23	9/1/23	9/18/23	11/14/23	3/20/24	4/19/24	

Timeline and Status of Recent MAFMC Actions and Amendments/Frameworks Under Review

As of 3/25/24

The table below summarizes the status of actions after they have been approved by the Council. For information about the status of Council actions under development, please see the document titled "Status of Council Actions Under Development."

Title	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule	Approval/Disapproval Letter	Final Rule	Regs Effective	Notes
Black Sea Bass Commercial State Allocation Amendment	SFSBSB Amd 23	8/4/21	11/19/21	9/14/22	5/4/23	5/15/23	8/2/23			
Illex Vessel Hold Capacity Framework		10/3/23	NA	NA						GARFO determined can use a NEPA "categorical exclusion." Staff is awaiting requests from GARFO RE: any supplemental documentation (no change from last 2 meetings)



Status of Council Actions Under Development

AS OF 3/25/24

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass and Bluefish	Recreational Measures Setting Process Framework/Addenda	<p>The Recreational Harvest Control Rule Framework modified the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish (once bluefish is no longer in a rebuilding plan). The new “Percent Change Approach” will sunset at the end of 2025. This action considers a new process to be implemented in time for use in setting 2026 recreational measures.</p> <p>https://www.mafmc.org/actions/rec-measures-framework-addenda</p>	<p>The FMAT/PDT and Council/Commissioner work group are continuing to develop and analyze alternatives and develop the draft framework/addenda document. An SSC sub-group has been formed to review several aspects of this action. The Council and Policy Board are tentatively scheduled to meet in August 2024 to receive an update and discuss next steps.</p>	Beaty
	Recreational Sector Separation and Catch Accounting Amendment	<p>This amendment considers (1) options for managing for-hire recreational fisheries separately from other recreational fishing modes and (2) options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels.</p>	<p>An FMAT is being formed to begin development of issues for consideration and a draft scoping document. The Council and ASMFC’s Policy Board are tentatively scheduled to review a draft scoping document in December 2024.</p>	Dancy/Hart
	Summer Flounder Commercial Mesh Exemptions Framework/Addendum	<p>This framework adjustment/addendum will consider changes to two summer flounder commercial minimum mesh size exemptions. Specifically, the action considers moving the western boundary of the Small Mesh Exemption Area and clarifying the regulatory definition of exempted flynet gear.</p>	<p>Framework meeting #1 is scheduled for April 2024. Final action is expected to occur in August 2024.</p>	Dancy/Hart

FMP	Action	Description	Status	Staff Lead
Surfclam and Ocean Quahog	Surfclam and Ocean Quahog Species Separation Requirements Amendment	<p>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 and Amendment to consider changes to species separation requirements in these fisheries. In addition, staff/NEFSC are exploring longer term solutions to catch monitoring through an electronic monitoring project on the clam survey.</p> <p>https://www.mafmc.org/actions/scoq-species-separation</p>	<p>At the February 2024 Council meeting, the Council agreed with to include a new, industry-member recommended alternative in the public hearing document. Once the FMAT completes analysis of this new alternative, the Council will schedule a public comment period and hold public hearings.</p>	Coakley/Montañez
Omnibus	Omnibus Essential Fish Habitat Amendment	<p>This action is an opportunity to utilize the best available fish habitat science to improve EFH designations and support the Council’s fish habitat conservation efforts while supporting the EFH consultation process. The consultation process plays an important role in addressing the impacts of non-fishing projects (such as wind energy projects) on fish habitat. This action will concurrently conduct the 5-year EFH review required under the Magnuson Stevens Act while amending fishery management plans for the Council, as needed.</p> <p>https://www.mafmc.org/actions/omnibus-efh-amendment</p>	<p>An FMAT was formed in January 2023. The FMAT will begin the EFH Review and development work for EFH and HAPC designations alternatives. The EOP Committee and Advisory Panel will meet to review technical approaches being considered in the first half of 2024. The Council is scheduled to review a draft public hearing document in October 2024.</p>	Coakley/Kentner
Dogfish and Monkfish	Framework to Reduce the Bycatch of Atlantic Sturgeon	<p>The Mid-Atlantic and New England Councils are jointly developing a framework action to reduce bycatch of Atlantic sturgeon (an endangered species) in the monkfish and spiny dogfish gillnet fisheries. This action was initiated in December 2022 in response to the 2021 Biological Opinion (BiOp) that considered the effects of ten FMPs on ESA listed species. The BiOp requires that sturgeon bycatch be reduced in federal large mesh gillnet fisheries, however it does not prescribe specific measures or a target percentage of bycatch reduction.</p> <p>https://www.mafmc.org/actions/sturgeon-bycatch-framework</p>	<p>The Councils endorsed several packages of alternatives for further technical analysis at their January/February meetings. Final action is scheduled for April 2024.</p>	Cisneros/Didden



2025 Council Meeting Schedule

(As of March 19, 2024)

February 11-12, 2025	<i>(Virtual Meeting)</i>
April 8 – 10, 2025	Seaview Dolce 401 South New York Road Galloway, NJ 08205
June 10 – 12, 2025* (Last meeting for outgoing members)	Hilton Virginia Beach Oceanfront 3001 Atlantic Avenue Virginia Beach, VA 23451
August 11 – 14, 2025* (New members sworn in on first day)	The Westin Annapolis 100 Westgate Circle Annapolis, MD 21401
October 7 – 9, 2025	The Notary Hotel Philadelphia 21 North Juniper Street Philadelphia, PA 19107
December 8 – 11, 2025	The Madison Hotel 1177 15 th Street NW Washington, DC 20005



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

MEMORANDUM

Date: March 27, 2024
To: Chris Moore, Executive Director
From: Mary Sabo, Council Staff
Subject: 2025-2029 Strategic Plan

The Mid-Atlantic Fishery Management Council is guided by a five-year strategic plan. The plan serves as a roadmap that is used to prioritize fishery management actions, focus resources, and ensure steady progress toward long-term goals. The current strategic plan will expire at the end of 2024. This memo outlines a proposed timeline for development of the Council's next strategic plan for 2025 through 2029.

Background

In August 2013, the Council adopted its first strategic plan. Development of the plan was informed by a "visioning" process which involved [extensive stakeholder outreach and engagement](#). The [2014-2018 Strategic Plan](#) established a vision, mission, core values, and strategic goals with associated objectives and strategies. The plan was organized around four themes: Communication, Science, Management, and Governance. In 2018 the Council decided to extend the plan for an additional year, through 2019, to align the timing of the next strategic plan with the Council's 5-year cooperative agreement and 5-year research priorities.

In late 2018, the Council began working with a contractor to evaluate progress on the first strategic plan and obtain input for the next plan from stakeholders, the public, the Council's advisory bodies and SSC, and the Council's science and management partners. These perspectives are summarized in the [Stakeholder Input Report](#) which was presented to the Council in June 2019. In general, the feedback received through this process indicated that the original vision, mission, and goal statements were still appropriate and did not require major changes. However, the Council received many constructive recommendations for tailoring the objectives and strategies within the goal areas. Guided by this input, the Council updated the vision and mission statements, revised the four original goal areas, and added a fifth "Ecosystem" goal area to the [2020-2024 Strategic Plan](#). The final plan was approved at the December 2019 Council Meeting.

Timeline and Proposed Process

The strategic plan update is an opportunity for the Council to review progress and accomplishments over the last five years, affirm which aspects of the plan are working well, and make revisions that support a continued trajectory of success. The table below identifies key steps in the proposed process for development of the 2025-2029 Strategic Plan.

April-May 2024	<ul style="list-style-type: none">• Request for initial public input, including at least one public webinar.
June 2024 Council Meeting	<ul style="list-style-type: none">• Executive Committee reviews public comments and discusses strategic plan framework (vision, mission, core values, goals)
August 2024 Council Meeting	<ul style="list-style-type: none">• Draft 2025-2029 Strategic Plan is presented for Council review and discussion.
August-September 2024	<ul style="list-style-type: none">• Staff incorporates Council feedback into revised document.• Draft strategic plan is posted for public comment.
October 2024 Council Meeting	<ul style="list-style-type: none">• Council reviews public comments and considers approval of 2025-2029 Strategic Plan.• Executive Committee reviews draft deliverables for the 2025 Implementation Plan.
December 2024 Council Meeting	<ul style="list-style-type: none">• Council reviews and approves 2025 Implementation Plan.

Executive Summary

Efficiencies Analysis of the Mid-Atlantic Fishery Management Process: Focus Group Findings and Themes

Overview

Over the past three months, the Parnin Team conducted seven focus group interviews as well as individual interviews as part of the “Discover” phase of the project, receiving feedback from 34 Mid-Atlantic Fishery Management Council (Council) members, staff, partners, and stakeholders. We have approached 22 individuals for additional focus group interviews.

This summary is a brief overview of recurring response themes and challenges that emerged from exchanges with interviewees. The broader focus groups conversations help to identify areas of inquiry for additional focus groups and individual interviews as we continue the “Discover” phase and begin our project's “Assess” phase (see timeline below). While some of these themes may not be novel, they underpin a need to consider innovative approaches to improving the fishery management process.

Themes that emerged include developing adequate regulatory responses amid constraints such as limited staff resources for the Council and key partners, balancing commercial and recreational management concerns, and prioritizing issues in consideration of short and long-term objectives. Discussions also revolved around refining or streamlining the process for action item development, maintaining a balance between efficiency and comprehensiveness in approach, and appropriately timing fishery performance reports and analyses to prevent bottlenecks and avoid delays in the fishery management process.

The complexity of the regulatory process emerged as a significant challenge, particularly with respect to the interplay of federal and state procedures. This dynamic was highlighted as confusing and, at times, it leaves partner organizations and stakeholders of the MAFMC inadequately prepared to provide efficient, meaningful, or fully informed input to the process.

Data collection poses another hurdle. Discussions centered on the need for sufficient economic data, overcoming jurisdictional barriers in the evaluation and determination of stock status, and ensuring the reliability of stock assessments in light of current and future impacts of climate change. Climate change presents unique challenges, primarily associated with predictable stock distribution, fishery stability for present and future fishery

participants, and developing intentional, long-term approaches to potential management changes without incurring operative disruptions in the short term.

Next Steps

The Parnin Team notes there are additional issues, topics, and themes to be analyzed that are not part of this report. These aspects may be included in the final evaluation after further investigation and discussion with additional focus groups and individual interviews that will be conducted in the next six to eight weeks. We received extensive feedback and some recommended improvements from interviewees, and we will continue to compile these suggestions for further evaluation and ground-truthing.

A short description of our project was provided to the Council in its [December 4, 2023, Briefing Book](#). This project is now in its second phase, “Assess,” in which we focus on analyzing the themes and challenges identified in the focus groups and linking key drivers to specific challenges. This allows us to depict the organizational structure and associated processes more accurately. Our next major milestone is the delivery of a draft report with preliminary recommendations identifying potential solutions and/or actions to improve the current system(s). The project remains on-schedule to deliver the final report by July 31, 2024. The Parnin Team and MAFMC Project Manager plan to present the final report to the Council for review and discussion at the August 2024 Council meeting.

Our timeline for completing the project is as follows:

1. Discover (Nov. 2023 - Feb. 2024)
 - i. Background research and process document reviews
 - ii. Focus group interviews with MAFMC stakeholders
 - iii. Individual interviews with MAFMC stakeholders
2. Assess (Feb. - Apr. 2024)
 - i. Process and gap analysis
 - ii. Interview themes and findings review
 - iii. Preliminary findings report and MAFMC Oversight Team feedback
 - iv. Preliminary Findings report for April 2024 Council meeting
3. Recommend (May -July 2024)
 - i. Draft report and recommendations
 - ii. MAFMC Oversight Team feedback
 - iii. Final report and recommendations (by July 31, 2024)
 - iv. Final report presentation at August 2024 Council meeting



March 28, 2024

Ms. Janet Coit
Assistant Administrator, NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910
Via email: janet.coit@noaa.gov

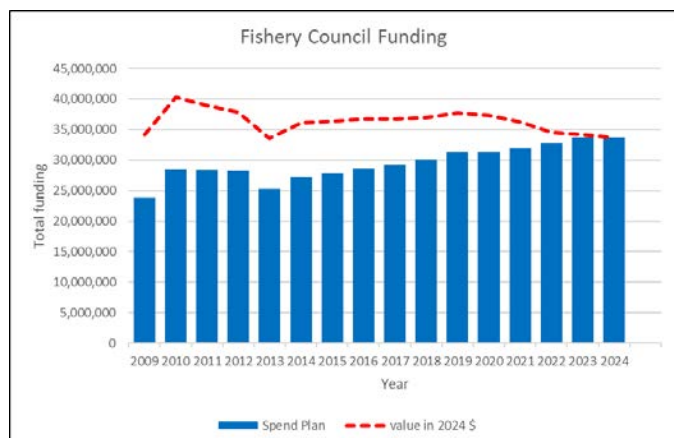
Dear Ms. Coit,

Thank you for your continued support of the Regional Fishery Management Councils and our work to manage the nation's marine fishery resources under the Magnuson-Stevens Fishery Conservation and Management Act.

On behalf of all eight regional fishery management councils, we want to make you aware of our financial situation, and concerns with the next grant period in CY2025-2028. Meeting our current obligations mandated under the Magnuson Stevens Fishery Conservation and Management Act, much less addressing new initiatives to improve our conservation and management programs to maintain sustainable fisheries in the face of unprecedented environmental change, will be extremely challenging without additional resources as the current long-term funding trajectory leaves us with ever-diminishing resources. Our assessment of the extent of this problem is informed by our experience to date with adapting to climate change; our universal experience is that it increases complexity and requires more resources in order to maintain healthy populations and sustainable fisheries. It is clear now that our resources will not be adequate. Already several Councils have regular annual costs that exceed annual income and have only been able to sustain activities in recent years as the result of a temporary budget pattern due to delays in spending that occurred during the COVID pandemic. Continuing this spending pattern into the future is not sustainable. Other Councils have initiated changes in operations and policies to restrain spending and may find it difficult to further adapt to future inflation.

The Councils acknowledge that recent annual awards have provided a modest 0-3% (1.5% average) increase in annual funding allocations. However, annual costs for the councils have increased substantially in recent years. We have experienced greater than 5% increases in Federal salary rates, greater than 10% annual increases in travel costs, hotel and meeting space, and insurance, and in some cases greater than 20% annual increases in health care costs. These overall cost increases sharply contrast with the modest increases in Council funding in recent years. It is highly unlikely that these recent cost increases will decrease in the future, even if inflation rates drop.

To examine the real impact of inflation, we can look at the history of funding for the Councils



since 2009 relative to the value of those funds compared to the current value of the current U.S. Dollar. In terms of current dollar value, for example, the 2010 funding was 19% higher, and the 2019 funding was 12% higher than in 2024. In other words, the Councils purchasing power has shrunk by 12% over the last 5 years.

Some of the Councils have already been required to take drastic actions to reduce spending, including scaling back on development of needed conservation and management measures, reducing the number of staff, reducing the number of council meetings, increasing use of virtual meetings, reducing the number of advisory body meetings, and reducing or eliminating any in-person committee meetings. Even with these savings, costs are projected to exceed grant revenue in the next grant period for most councils, assuming we continue to receive only modest increases in funding.

Clearly, we cannot continue with the status quo when costs are higher across the board, and inflation rates exceed our annual grant allocation increases, which have typically been less than 3%. The Councils are having to adapt by doing less with less at a time when there are an increasing number of conservation and management matters to address, requiring we do more not less.

Climate ready fisheries management and climate resilient fisheries require more timely and responsive fisheries management. It requires that we be able to respond to an influx of new species into Council jurisdictions while considering the loss of others; it requires that we set new and potentially dynamic management targets; it requires that we consider expanded ranges of some stocks and complex, multi-Council governance agreements; and it requires that we consider all of these things through a lens of equity, fairness, and environmental justice. Without additional funding, these goals are not achievable.

We request further discussions with you regarding our funding allocations at the May 2024 Council Coordination Committee meeting. We look forward to collaborating with you to identify specific approaches to alleviate our emerging fiscal issues.

Thank you for your consideration.

Signed,
Council Executive Directors:



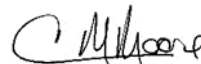
David Witherell, NPFMC



Cate O'Keefe, NEFMC



Miguel Rolon, CFMC



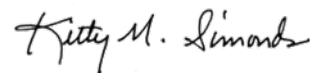
Chris Moore, MAFMC



Merrick Burden, PFMC



John Carmichael, SAFMC



Kitty Simonds, WPFMC



Carrie Simmons, GMFMC



Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda

Draft Action Plan

March 2024

<https://www.mafmc.org/actions/rec-measures-framework-addenda>

Framework/addenda goal: This management action is being developed by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). This is a follow-on action to the [Recreational Harvest Control Rule Framework/Addenda](#), which implemented the Percent Change Approach for setting recreational management measures. In adopting the Percent Change Approach, the Council and the Commission’s Interstate Fisheries Management Program Policy Board (Policy Board) agreed it should sunset by the end of 2025 with the goal of considering an improved measures setting process, as developed through this management action, starting with 2026 measures.

Alternatives to be considered: During their June 2022, August 2023, and December 2023 meetings, the Council and Policy Board agreed to further develop the following alternatives through this management action. The range of alternatives is expected to be further modified and refined prior to finalization for public hearings.

- **No Action Alternative** – Consideration of a no action alternative is required by the National Environmental Policy Act. If no action is taken by the Council and Policy Board to replace the Percent Change Approach before the sunset date, then the process for setting recreational measures, starting with 2026 measures, would revert back to the requirements of the Fishery Management Plans (FMPs) prior to implementation of the Harvest Control Rule Framework Addenda. Specifically, measures would be set with the primary goal of allowing harvest to meet but not exceed the recreational harvest limit (RHL). Unlike the other alternatives under consideration, measures would be set for one year at a time.
- **Percent Change Approach** – This approach was implemented starting with the 2023 recreational management measures for summer flounder, scup, and black sea bass. It will also be used for bluefish once that stock is no longer in a rebuilding plan. Under the Percent Change Approach, a determination is made to either liberalize, restrict, or leave measures unchanged based on two factors: 1) Comparison of a confidence interval around an estimate of expected harvest under status quo measures to the average RHL for the upcoming two years and 2) Biomass compared to the target level, as defined by the most recent stock assessment. These two factors are used to define a target harvest level for setting management measures. The Percent Change Approach is described in detail in the [reference guide](#) and [final framework document](#) for the previous action. The Council and Policy Board agreed that further development of this approach should, at a minimum, include greater consideration of fishing mortality. This could include development of approaches to assign fishing mortality rates and targets to the recreational fishery.
- **Biological Reference Point Approach and Biological Based Matrix Approach** - These alternatives use a combination of indicators to place the stock in one of multiple potential management measure “bins.” The indicators vary by alternative and include expected harvest

under status quo measures, biomass compared to the target level, fishing mortality, recruitment, and/or trends in biomass. The intent is that bins associated with poor indicators would have more restrictive management measures and bins with positive indicators would have more liberal measures. These alternatives are described in more detail in the [reference guide](#) and [final framework document](#) for the previous action. In December 2023, the Council and the Policy Board agreed to modify these alternatives such that measures will no longer be assigned to all bins the first time either approach is used through the specifications process. Further consideration will be given to the appropriate method for setting measures under these alternatives.

Other topics to be considered: During their June 2022, August 2023 meetings, and December 2023 meetings the Council and Policy Board agreed that the following additional topics should also be considered through this management action. These are not management alternatives; rather, they are topics that will be considered in the context of the management alternatives listed above.

- **Target metric for setting measures** – The previous framework/addenda considered if recreational measures in state and federal waters should collectively aim to achieve a target level of harvest (e.g., based on the RHL), recreational dead catch (e.g., based on the recreational annual catch limit), or fishing mortality. This will be further considered through this action.
- **Starting point for measures** – Many recreational stakeholders have expressed frustration that the current measures do not appear to be aligned with stock status. The Council and Policy Board agreed that further consideration should be given to the starting point for measures under all alternatives.
- **Management uncertainty** – The Council and Policy Board agreed that further consideration should be given to the implications of the alternatives for management uncertainty buffers as currently defined in the Fishery Management Plan.
- **Use of the Summer Flounder Management Strategy Evaluation (MSE) model** – The previously developed Summer Flounder MSE model will be used to analyze several aspects of this management action. For example, it may be used to evaluate the performance of potential indicator thresholds which define the boundaries between management measure bins, the management response to crossing those thresholds, and measures assigned to each management response. Given time constraints, simplifying assumptions will need to be made and realistic example measures are not expected to be generated for every bin under all alternatives.
- **Impacts on the commercial sector** – Although this action will only consider the process for setting recreational measures, the Council and Policy Board agreed to further evaluate potential indirect impacts to the commercial sector. This action will not consider any changes to commercial management and it will not consider transferring quota between the commercial and recreational sectors.
- **Other topics** – This action may consider other topics, as appropriate. For example, this could include potential revisions to the accountability measures and considerations related to conservation equivalency.

Fishery Management Action Team (FMAT) / Plan Development Team (PDT)

An FMAT/PDT has been formed to assist with development and analysis of potential alternatives. FMAT/PDT members are listed in the table below. Other Council, Commission, and NOAA Fisheries staff, as well as other experts, will be consulted as needed.

FMAT/PDT Member Name	Agency	Role/Expertise
Tracey Bauer	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Julia Beaty	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
Chelsea Tuohy	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Mike Celestino	New Jersey Department of Environmental Protection	Technical analysis and state management
Alexa Galvan	Virginia Marine Resources Commission	Technical analysis and state management
Emily Keiley	NMFS Greater Atlantic Regional Fisheries Office	Fisheries policy and legal requirements
Marianne Randall	NMFS Greater Atlantic Regional Fisheries Office	National Environmental Policy Act requirements
Scott Steinback	Northeast Fisheries Science Center	Recreational fisheries economist
Rachel Sysak	New York Department of Environmental Conservation	Technical analysis and state management
Corinne Truesdale	Rhode Island Department of Fish and Wildlife	Technical analysis and state management
Sam Truesdell	Northeast Fisheries Science Center	Stock assessments
Sara Turner	NMFS Greater Atlantic Regional Fisheries Office	Scientific and technical analysis of federal fisheries management

Commissioner/Council Member Work Group

The Council and Policy Board established a small group of Commissioners and Council members to act as a liaison between the PDT/FMAT and the Policy Board. The purpose of the Work Group is to guide the FMAT/PDT on the intent of the Council and Policy Board, not to develop new options/alternatives. This group will periodically meet with the PDT/FMAT. Work Group members are listed below.

Work Group Member Name	Council Member or Commissioner
Skip Feller	Council member
Jason McNamee	Commissioner
Nichola Meserve	Commissioner
Adam Nowalsky	Both
Paul Risi	Council member

Draft Timeline – Subject to change

May 2023	<ul style="list-style-type: none"> • FMAT/PDT formed.
June - July 2023	<ul style="list-style-type: none"> • FMAT/PDT meetings.
August 2023	<ul style="list-style-type: none"> • Council and Policy Board meeting to review progress and discuss next steps. • Council member/Commissioner work group formed.
September - November 2023	<ul style="list-style-type: none"> • FMAT/PDT and Council member/Commissioner work group meeting. • AP meeting to review progress and provide input. • Scientific and Statistical Committee (SSC) meeting to review progress. • MSE team begins work.
December 2023	<ul style="list-style-type: none"> • Council and Policy Board meeting to review progress and discuss next steps.
January - July 2024	<ul style="list-style-type: none"> • FMAT/PDT and Council/Commissioner work group meetings to continue development and analysis of alternatives and develop draft document for public hearings. • Continued MSE work. • Formation and meetings of SSC sub-group to review several aspects of the framework/addenda.
July 2024	<ul style="list-style-type: none"> • Final report on MSE work provided to FMAT/PDT and SSC. • SSC meeting to review draft sub-group report and finalize report from full SSC.
August 2024	<ul style="list-style-type: none"> • Council and Policy Board meeting to review progress and discuss next steps.
August-September 2024	<ul style="list-style-type: none"> • FMAT/PDT meeting(s) to develop recommendations for the final range of alternatives. • AP meeting to review draft range of alternatives and provide input to Council and Policy Board.
October 2024	<ul style="list-style-type: none"> • Council and Policy Board meeting to approve final range of alternatives and approve draft document for public hearings through Commission process.
December 2024 – February 2025	<ul style="list-style-type: none"> • Public hearings through Commission process.
March 2025	<ul style="list-style-type: none"> • FMAT/PDT and AP meetings to review public comments and provide input to Council and Policy Board prior to final action.
April 2025	<ul style="list-style-type: none"> • Council and Policy Board meeting for final action.
April-December 2025	<ul style="list-style-type: none"> • Development, review, and revisions of framework/addenda documents. • Federal rulemaking. • Monitoring and Technical Committees use new process to set 2026 recreational measures.
Late 2025 or early 2026	<ul style="list-style-type: none"> • Effective date of implemented changes.



Mid-Atlantic Fishery Management Council

Scientific and Statistical Committee

Background

The Mid-Atlantic Fishery Management Council (Council) requests that the Scientific and Statistical Committee (SSC) review several aspects of the [Recreational Measures Setting Process Framework/Addenda](#), as summarized in the terms of reference (TORs) below. This management action is being developed by the Council and the Atlantic States Marine Fisheries Commission (Commission). Commission leadership provided input into these TORs. The SSC must complete their review during their July 23-25, 2024 meeting. Starting in March 2024 or as soon as possible, a subgroup of the SSC will work with the Fishery Management Action Team/Plan Development Team (FMAT/PDT) to review the ongoing and planned work to develop and analyze the management alternatives in this action. To ensure timely review and opportunities to revise the analyses and alternatives, as appropriate, the SSC sub-group may provide a preliminary response to some TORs prior to a full SSC review in July 2024.

Terms of Reference:

- 1) Provide feedback on the potential effects the management alternatives (including the no action alternative) might have on future ABC recommendations and scientific uncertainty considerations.
 - a) Provide an evaluation of the potential biological impacts on the stocks and potential quota impacts to the commercial sector.
- 2) Compare and provide a relative ranking of all alternatives in terms of their potential to: 1) provide stability in recreational management measures, 2) appropriately respond to changes in stock status, and 3) prevent overfishing. Comment on other socioeconomic considerations (e.g., angler welfare) if possible based on available information. Describe tradeoffs in these considerations inherent in each alternative. These considerations can be ranked separately; they need not be combined into one ranking system. The SSC should not select an overall preferred alternative.
- 3) Are the fishery and stock status indicators and associated threshold values (e.g., the categories of biomass and fishing mortality) under each alternative reasonably defined for determining when a change in recreational management measures is needed?
- 4) Review the approaches for defining fishing mortality (F) targets for recreational measures and use of fishing mortality indicators for determining when measures should change.

- a) Review and provide feedback on the analyses to support these approaches. Are the methods sound and applied appropriately for potential application in management?
 - b) Evaluate the scientific and biological appropriateness and identify any uncertainties of partitioning stock-wide F reference points and F projections into sector-specific reference points and projections for use in management.
 - c) Comment on whether the potential recreational F-based approaches could allow recreational measures to more appropriately respond to changes in stock status compared to setting measures based on a harvest target (e.g., the Recreational Harvest Limit or a harvest target set based on the current implementation of the Percent Change Approach).
- 5) Address the following for the Management Strategy Evaluation (MSE) conclusions, if applicable:
- a) Given the limited scope of this analysis, what are the most important results, conclusions, and caveats in the MSE report for the Council and the Commission's Policy Board to consider when selecting a preferred alternative?
 - b) Given the MSE is specific to summer flounder, are there other factors and/or areas of uncertainty to consider for scup, black sea bass, and bluefish?
- 6) If appropriate, provide recommendations for additional work that could be completed by the FMAT/PDT or the MSE team prior to public hearings. Any additional analysis should help the public understand the alternatives and their impacts and should help the Council and Policy Board select their preferred alternative(s). It must not result in the identification of new alternatives outside the range of alternatives approved for public hearings.



MID-ATLANTIC

FISHERY MANAGEMENT COUNCIL

PRESS RELEASE

FOR IMMEDIATE RELEASE
March 27, 2024

PRESS CONTACT: Mary Sabo
(302) 526-5261

Mid-Atlantic Council Seeks Applicants for Advisory Panels

The Mid-Atlantic Fishery Management Council is accepting applications from qualified individuals to serve on its advisory panels for the next three years. The application deadline is **April 26, 2024**.

Advisory panels provide information and recommendations to the Council during the development of fishery management plans, amendments, specifications, and management measures. One of the chief responsibilities of advisory panels is the development of annual Fishery Performance Reports. These reports provide the Council and its Scientific and Statistical Committee (SSC) with information about the factors that influenced fishing effort and catch within each fishery during the previous year.

Advisory panels are composed of individuals with diverse experience and interest in Mid-Atlantic fisheries, including commercial fishermen, recreational anglers, for-hire operators, commercial dealers, scientists, environmentalists, and other members of the interested public. Most advisory panels meet 1-2 times per year. Members are compensated for travel and per diem expenses for any in-person meetings. Individuals who are appointed to advisory panels serve for three-year terms. **All current advisory panel members must reapply in order to be considered for reappointment.**

The Council is accepting applications for the following advisory panels:

- Summer Flounder, Scup, and Black Sea Bass
- Mackerel, Squid, and Butterfish
- Surfclam and Ocean Quahog
- Tilefish
- Bluefish
- Ecosystem and Ocean Planning
- River Herring and Shad
- Spiny Dogfish (jointly managed with New England Council)
- Communication and Outreach

How to Apply

Anyone interested in serving on an advisory panel may apply online or download an application at www.mafmc.org/advisory-panel-application. Applications can also be obtained by calling the Council office at (302) 674-2331 or emailing msabo@mafmc.org.

Completed applications must be received by **Friday, April 26, 2024**.

If you have questions or need additional information, please contact Mary Sabo at (302) 526-5261, msabo@mafmc.org.



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901

Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

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

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

MEMORANDUM

Date: March 28, 2024
To: Council
From: Julia Beaty, staff
Subject: Updates on Offshore Wind Energy Development

This memo summarizes recent updates on offshore wind energy development, with an emphasis on updates since the February 2024 Mid-Atlantic Fishery Management Council (Council) meeting. This list is not intended to be exhaustive and focuses on updates of greatest relevance to the Council.

- **Submitted comment letters.** The following comment letters were submitted:
 - [MAFMC and NEFMC Letter to BOEM: Programmatic Environmental Impact Statement \(PEIS\) for Six Lease Areas in the New York Bight \(2/23/24\)](#)
 - [MAFMC and NEFMC Letter to BOEM: Proposed Sale Notice for Lease Area A-2, OCS-A 0557, off Delaware and Maryland and Lease Area C-1, OCS-A 0558, off Virginia \(2/12/24\)](#)
- **Sunrise Wind approved.** The Department of Interior announced the approval of the Sunrise Wind project, located about 30 miles east of Montauk, NY. The [Record of Decision](#) (ROD) includes requirements for the locations of turbines, fisheries compensatory mitigation, and other requirements. More information is available [here](#).
- **Atlantic Shores North EIS.** The Bureau of Ocean Energy Management (BOEM) released a notice of intent to prepare an environmental impact statement (EIS) for the Atlantic Shores North project, off New Jersey. A public scoping process, including a comment period through May 2, 2024 and five public comment meetings, is underway to identify issues and potential alternatives for consideration in the EIS. More information is available [here](#).
- **Vineyard Northeast EIS.** BOEM published a notice of intent to prepare an EIS for the Vineyard Northeast Wind project, located about 29 miles south of Nantucket, MA. A public scoping process, including a comment period through May 9, 2024 and four public comment meetings, is underway to identify issues and potential alternatives for consideration in the EIS. More information is available [here](#).
- **New England Wind Final EIS.** BOEM announced the availability of the final EIS for the proposed New England Wind project, located about 20 nautical miles south of Martha's Vineyard, MA. The final EIS will inform BOEM's decision to approve, approve with modifications, or disapprove the Construction and Operations Plan for this

project. This decision will be announced in a Record of Decision in the coming months. More information is available [here](#).

- **Beacon Wind draft Environmental Assessment.** BOEM announced the availability of a Draft Environmental Assessment for additional site assessment activities within the Beacon Wind lease area. More information is available [here](#).
- **State Initiative on Fisheries Compensatory Mitigation.** Requests for proposals were solicited through March 20, 2024 for an entity to serve as an administrator for a regional fisheries compensation fund. More information is available [here](#).
- **Vineyard Wind 1 and South Fork Wind fisheries compensatory mitigation programs.** Compensation programs are currently open for fishermen who can demonstrate fishing activities within the Vineyard Wind 1 and South Fork Wind project areas. More information is available [here](#). The Vineyard Wind 1 compensation program for commercial vessel owners/operators has a strict deadline of June 3, 2024 to submit an application for eligibility for compensation. These compensation programs are separate from gear loss compensation programs.
- **Atlantic Offshore Wind Transmission Study and Action Plan.** The Department of Energy (DOE) released the final [Atlantic Offshore Wind Transmission Study](#). This study concluded that although most east coast offshore wind projects being built in the near future will need to connect individually to the onshore grid, linking some future projects via offshore transmission networks can have cost, reliability, and environmental benefits. This study informs the final [Atlantic Offshore Wind Transmission Action Plan](#), which outlines several actions to support offshore wind energy transmission.
- **Offshore Wind Transmission State Collaborative.** Ten east coast states have formed a collaborative to discuss offshore wind transmission planning. Recommendation 1 in the [Atlantic Offshore Wind Transmission Action Plan](#) provides a summary of the potential role for this group. This group is in the early stages of forming and defining their work plan.
- **SSC review of survey mitigation plans.** A review panel consisting of three Mid-Atlantic Council Scientific and Statistical Committee (SSC) members, three New England Council SSC members, and two assessment scientists representing the Atlantic States Marine Fisheries Commission will meet on May 22-24, 2024 in Narragansett, RI to review mitigation plans for 11 fishery independent surveys. These mitigation plans are intended to address the impacts from offshore wind energy development in order for NOAA Fisheries to continue to deliver precise, accurate, and timely surveys, assessments, data, and advice. This effort is part of the [Federal Survey Mitigation Strategy](#). More information will be posted on the Council's website once it is available.
- **New England Fishery Management Council meeting.** The New England Council will receive updates on several offshore wind energy projects during their meeting on April 17, 2024. More information is available [here](#).
- **South Atlantic Council Habitat and Ecosystems Advisory Panel meeting.** The South Atlantic Council's Habitat and Ecosystems Advisory Panel will discuss offshore wind energy development during their meeting on April 22 – 24, 2024. More information will be posted [here](#) once it is available.

- **Gulf of Maine Wind Energy Areas.** On March 15, 2024, BOEM announced the designation of a final Wind Energy Area in the Gulf of Maine. More information is available [here](#).
- **Gulf of Mexico Proposed Sale Notice.** BOEM released a proposed sale notice for a second round of offshore wind energy lease auctions in the Gulf of Mexico. More information is available [here](#).
- **Recreational fishing and offshore wind webinar.** On February 7, 2024, Rhode Island Sea Grant and the University of Rhode Island hosted a public webinar on recreational fishing and offshore wind energy. A summary and recording are available [here](#).
- **Construction activities.** The following projects have been approved by BOEM. Construction and pre-construction activities are underway or may take place in the near future.
 - **South Fork Wind.** Construction is complete on all 12 turbines and the project is sending electricity to the grid. There may be continued vessel activity in the area to support final stages of construction. For the most recent updates on offshore activities, see the mariners briefings posted [here](#).
 - **Vineyard Wind 1.** The 62 turbine Vineyard Wind 1 project, located 15 miles south of Martha's Vineyard and Nantucket, is currently under construction. The most recent notices to mariners are available [here](#).
 - **Revolution Wind.** The up to 65 turbine Revolution Wind Projected, located about 15 nautical miles southeast of Point Judith, Rhode Island, is currently in construction. For the most recent updates on offshore activities, see the mariners briefings posted [here](#).
 - **Coastal Virginia Offshore Wind (CVOW).** The up to 176 turbine CVOW project, located about 24 nautical miles off Virginia Beach, has been approved but offshore construction activities have not yet begun. The most recent notices to mariners are available [here](#).
 - **Empire Wind.** The up to 147 turbine Empire Wind project, located about 12 nautical miles south of Long Island, has been approved but offshore construction activities have not yet begun. The most recent notices to mariners are available [here](#).
 - **Sunrise Wind.** The up to 84 turbine Sunrise Wind project, located about 30 miles east of Montauk, NY, was approved by BOEM in late March 2024. Offshore construction activities have not yet begun. For the most recent updates on offshore activities, see the mariners briefings posted [here](#).
- **Ongoing survey activities (geotechnical, geophysical, fisheries, etc.).** Several offshore wind projects are undertaking geophysical, geotechnical, fisheries, and other types of survey work throughout the region. These surveys use a variety of gear types, including some equipment that is left in place for extended periods of time (e.g., buoys, acoustic receivers). The best way to stay informed of these survey activities is to sign up for email updates from individual wind developers (see the project specific links available [here](#)).
- **Fisheries liaison outreach.** Fisheries liaisons for most offshore wind projects periodically host port hours, dock visits, and other outreach events. The best way to stay

informed of these events is to sign up for email updates from individual wind developers (see the project specific links available [here](#)).

- **Stay informed.** To stay up to date on individual wind projects, including development of fishery communications plans, details on offshore survey operations, outreach events, and other updates, see the project-specific links available at <https://www.mafmc.org/offshore-wind-notice>.

**BLUEPOINT WIND · ATTENTIVE ENERGY · COMMUNITY OFFSHORE WIND · LEADING LIGHT WIND
JOINT NOTICE OF SURVEY ACTIVITIES**

March 21, 2024

[Bluepoint Wind](#) (Lease 0537), [Attentive Energy](#) (Lease 0538), [Community Offshore Wind](#) (Lease 0539), and [Leading Light Wind](#) (Lease 0542) are issuing this joint notice of ongoing and planned survey activities to inform the scallop industry and other interested parties of the scope and timing of survey operations that may be occurring after April 1, 2024. All four of the lease areas overlap different portions of the New York Bight Scallop Rotational Area as shown in the map below. The rotational area has been closed to scallop fishing for two years and is scheduled to reopen under controlled fishing effort levels April 1, 2024.

Ongoing and anticipated site investigation activities for each project, as well as fisheries liaison contact information, are described on the following page. Our goal is to promote safe coordination of fishing and survey activities and encourage sharing of this notice. Additional information can be found on each project’s website.

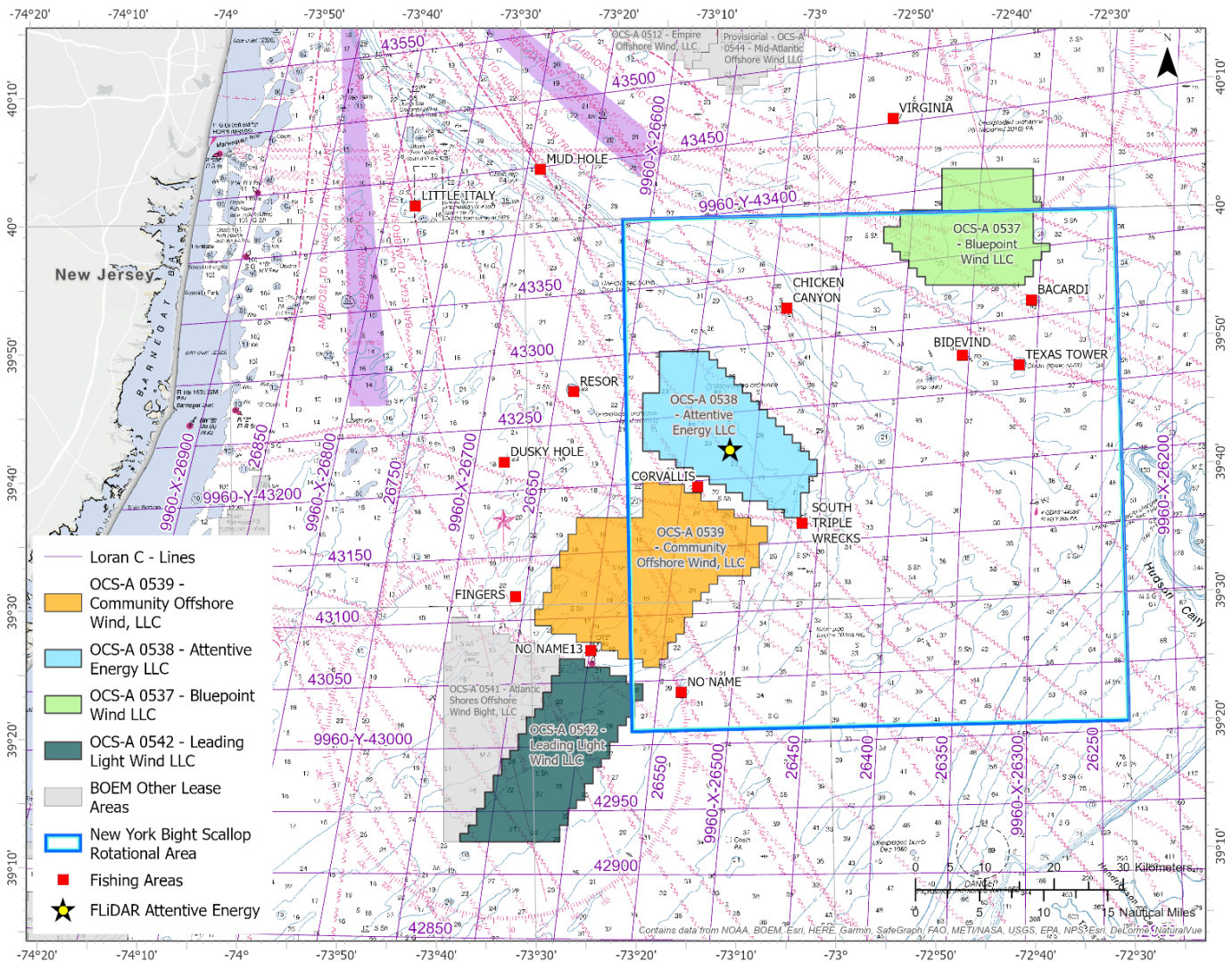


Figure 1. Bluepoint Wind (Lease 0537), Attentive Energy (Lease 0538), Community Offshore Wind (Lease 0539), and Leading Light Wind (Lease 0542) locations relative to the New York Bight Scallop Rotational Area.



BLUEPOINT WIND (Lease 0537)

During 2023 and early 2024, Bluepoint Wind conducted geophysical, geotechnical, and benthic surveys in our Lease Area and along potential Export Cable Corridors (ECCs). As a result of our progress, **Bluepoint Wind does not have any active survey vessels or campaigns at this time. Current projections show our next survey activity, geotechnical work in the Lease Area, will likely occur in late 2024 or early 2025.** The Project will communicate with the fishing industry and regulatory bodies in advance of any future survey campaigns. Mariners interested in viewing information on past survey activities can view archived Survey Awareness Flyers and Mariner's Updates on [The Project](#) page of the Bluepoint Wind website.

As the Project continues moving forward, Bluepoint Wind's planned priorities include gathering feedback specific to project design and navigation safety, attending commercial and recreational fishing industry events, and soliciting input from fisheries stakeholders. Interested stakeholders are welcome to contact the Bluepoint Wind team through our Fisheries Liaisons, Calvin Alexander at fisheries@bluepointwind.com and Diana Glinos at diana.glinos@bluepointwind.com, or Fisheries Representative Jim Kendall at nbsc@comcast.net regarding project activities and fisheries concerns.

ATTENTIVE ENERGY (Lease 0538)

In February 2024, Attentive Energy completed high resolution geophysical and geotechnical surveys in support of Attentive Energy One and Attentive Energy Two. Currently, no further surveys are planned for 2024. Additionally, a meteorological buoy was deployed in position 39° 41.876' N 73° 09.584' W (LORAN X 26,519.0 and Y 43,223.4), located 47 nautical miles east of Surf City, New Jersey. Deployment occurred the second week of January 2024. The buoy was deployed from the M/V Go Adventurer (Radio Call Sign: WDM7780). M/V Go Adventurer will monitor VHF-radio channel 16 throughout operations. The buoy is a Fugro Seawatch Wind LiDAR Buoy (SWLB092). The buoy is colored yellow, 10 feet (3 meters) in diameter, and lit from sunset to sunrise with a quick flashing yellow light (4 nautical mile range). The light flashes yellow for 5 one second flashes every 20 seconds. The buoy will transmit an AIS signal as Type: ATON/Physical, Name: SWLB092 with MMSI No. 993663043. The buoy extends 16 feet (5 meters) above and 10 feet (3 meters) below the waterline. The buoy is anchored to the seabed with a 6,000-pound (3 ton) seabed anchor. The swing radius is approximately 236 feet (72 meters) from the anchored position. The buoy and mooring are designed to withstand 10-year storm conditions without the anchor moving location or the mooring parting. In addition to the meteorological buoy, an aluminum seabed frame was anchored to the seafloor using a steel anchor incorporated into the seabed frame's structure located at 39° 41.766' N 73° 09.586' W (LORAN X 26,519.0 and Y 43,222.3). When anchored the seabed frame height is approximately 2 feet (0.6 meters) above the seafloor. It is not attached to the meteorological buoy but is anchored in the vicinity of the buoy. The seabed frame collects marine acoustic monitoring, current velocity, turbidity, and marine growth data. Photos of the buoy and seabed frame are available [here](#).

For questions, concerns, or inquiries, our Fisheries Liaison, Sebastian Velez, or Marine Affairs Manager, Brian LeFebvre, can be reached at sebastian.velez@totalenergies.com and brian.lefebvre@totalenergies.com.



COMMUNITY OFFSHORE WIND (Lease 0539)

The lease area is located 32 nautical miles east of Barnegat Inlet, NJ and 56 nautical miles south of Long Beach, NY. Within the lease area, the M/V SANCO SWIFT is collecting bathymetric and ultra-high resolution seismic data using a towed array of acoustic sources and receivers, and is expected to complete data collection by mid-June 2024. An onboard fisheries liaison will be on the vessel to communicate and coordinate with the fishing fleet. Deep geotechnical survey activities are anticipated to begin within the lease area in June 2024 and continue into early January 2025, using a seabed frame lowered to the seafloor. All survey vessels monitor VHF 16 for bridge-to-bridge communications. A local commercial fishing vessel, F/V ANNICE MARIE, will scout for fishing gear as needed in advance of survey operations and will monitor VHF 16 during scouting operations.

Fishermen planning to fish fixed gear in the survey areas are encouraged to contact Fisheries Liaisons Sean Lucey (SeanL@communityoffshorewind.com OR sean.lucey@rwe.com, 508-524-9444) or Michelle Duval (MichelleD@communityoffshorewind.com OR michelle.duval.extern@rwe.com, 919-601-3798) to coordinate activities in advance. For additional information regarding survey activities occurring along potential export cable routes and for the latest Fisheries Notice, please see <https://communityoffshorewind.com/fisheries>.

LEADING LIGHT WIND (Lease 0542)

Leading Light Wind is located approximately 35 nautical miles east of Atlantic City, NJ and 69 nautical miles south of Long Beach, NY. The NYB Scallop Rotational Area overlaps with <2 square miles of the northeastern corner of the offshore lease area. For the *offshore lease*, the following activities are anticipated:

- Geotechnical survey ongoing through May 2024, R/V FUGRO EXPLORER
- Geophysical surveys ongoing through April 2024, M/V GO PURSUIT
- Benthic survey operations, April 2024, M/V GO PURSUIT
- Geophysical surveys, June 2024 through August 2024, M/V GO PURSUIT
- eDNA summer survey, July 2024, M/V GO PURSUIT
- eDNA fall survey, October 2024, M/V GO PURSUIT
- Avian surveys, 3x per season through December 2024; ATLANTIC PEARL

Leading Light Wind provides periodic Mariner Updates to local ocean users ahead of survey work in the project area at <http://www.leadinglightwind.com/mariners>. Protected Species Observers (PSOs) will be deployed onboard all survey vessels. The Fisheries Team will provide fisheries briefings as appropriate to survey vessel crew and continue communications with the fishing community to help avoid and/or minimize the potential for interactions with fishing operations and/or gear. Scout vessels and offshore Fisheries Liaisons will be deployed as necessary. Vessels can be hailed directly via VHF (CH 16) or by contacting the fisheries team below.

- ➡ Sarah Hudak, Fisheries Liaison, 919-302-8559, sarahhudak@leadinglightwind.com
- ➡ Ron Larsen, Fisheries Liaison Support, 570-242-5023, ronlarsen@searisksolutions.com

FOR ADDITIONAL INFORMATION, PLEASE VISIT INDIVIDUAL PROJECT WEBSITES:

[Bluepoint Wind](#)
[Attentive Energy](#)
[Leading Light Wind](#)
[Community Offshore Wind](#)



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901

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

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

MEMORANDUM

Date: March 28, 2024
To: Chris Moore, Executive Director
From: Mary Sabo, Council Staff
Subject: USFWS Regulation of Squid Fishery Exports

Over the last several years, the Council has been involved with an issue concerning 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 memo provides background on the issue and an update on recent correspondence with USFWS.

Background

Under the authority of the Endangered Species Act (ESA), the USFWS regulates 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.

Participants in the commercial squid fisheries [have reported](#) that 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. Council staff have reviewed current regulations and supporting documents from USFWS and have not found a rationale for excluding squid from the exemption for shellfish and fishery products. We are not aware of any evidence that squid fisheries are any more vulnerable to illegal trade than other fisheries that are covered by the exemption.

In 2020, the Council identified this issue as a top priority in its response to Executive Order 13921.¹ Specifically, the Council recommended that squid be reclassified as either “shellfish” or “fishery products” and therefore exempt from the USFWS inspection and user fee system. The Council reiterated this recommendation in [a December 2020 letter](#) sent to Secretary of Interior

¹ [Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth](#) required the regional Councils to submit prioritized lists of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries.

David Bernhardt (we did not receive a response). The industry continues to report that these requirements create a costly and unnecessary regulatory burden.

Recent Correspondence (Attached)

- Email from Chris Moore to Edward Grace, Assistant Director, USFWS Office of Law Enforcement (3/12/24)
- Response from Eva Lara, Wildlife Inspector in Charge, USFWS Office of Law Enforcement (3/15/24)

From: Moore, Christopher <cmoore@mafmc.org>
Sent: Tuesday, March 12, 2024 1:18 PM
To: edward_grace@fws.gov
Cc: Mary Sabo <msabo@mafmc.org>; Spedden, Shelley <sspedden@mafmc.org>
Subject: USFWS Regulation of Squid Fishery Exports

Mr. Grace – My name is Chris Moore, and I am the Executive Director of the Mid-Atlantic Fishery Management Council. The Mid-Atlantic Council manages more than 65 marine species in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). I am writing to you because Rick Jacobson, USFWS Assistant Regional Director for the Northeast Region, suggested that you would be the appropriate person to contact about a regulatory issue affecting two of the Mid-Atlantic Council's managed fisheries. This issue concerns the inclusion of squid fishery products in the USFWS inspection and user fee system for monitoring the import/export of certain types of wildlife products.

As you are aware, the Endangered Species Act authorizes the USFWS to regulate 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 (50 CFR 14). 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 (Atlantic longfin squid, Atlantic *Illex* squid, and California market squid). While these fisheries meet all of the criteria described above, the USFWS has concluded that squid are neither shellfish nor fishery products. This interpretation is inconsistent with the definitions of "shellfish" used by the National Marine Fisheries Service and the United Nations Food and Agriculture Organization.

These licensing and inspection 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 regulations add layers of costs that make U.S. products more expensive to produce and thus less competitive in the international market. We have reviewed current regulations and supporting documents and have not found a rationale for excluding squid from the exemption for shellfish and fishery products. We are not aware of any evidence that squid fisheries are any more vulnerable to illegal trade than other fisheries that are covered by the exemption. As such, we believe squid should be reclassified as either "shellfish" or "fishery products" and therefore exempt from the USFWS inspection and user fee system. More detailed recommendations and rationale can be found in our [December 2020 letter](#) to the Secretary of Interior.

This is an issue of importance to the Mid-Atlantic Council and many of its stakeholders, and I would greatly appreciate any assistance you can provide. Please feel free to contact me if you have any questions or if you would like to schedule a time to discuss the matter further. I look forward to hearing from you. Thanks! C

Christopher M. Moore, Ph.D.
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From: Lara, Eva <eva_lara@fws.gov>
Sent: Friday, March 15, 2024 2:30 PM
To: Moore, Christopher <cmoore@mafmc.org>
Cc: Mary Sabo <msabo@mafmc.org>; Spedden, Shelley <sspedden@mafmc.org>; Grace, Edward <Edward_Grace@fws.gov>; Toomey, Keith <keith_toomey@fws.gov>
Subject: [EXTERNAL] USFWS Regulation of Squid Fishery Exports

Dear Christopher M. Moore:

Thank you for your email regarding the application of U.S. Fish and Wildlife Service (Service) import/export regulations to the importation and exportation of squid.

The Endangered Species Act (ESA) provides the Service authority to regulate the import and export of all fish and wildlife through licensing of importers and exporters, inspecting shipments, and charging and retaining reasonable fees for processing applications and conducting inspections. This authority is not limited to endangered or threatened species or those protected under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and covers many wildlife species, including those used for food. This comprehensive system is designed to protect foreign and domestic wildlife from illegal trafficking, to guard against the introduction of injurious species, and to monitor the legal international wildlife trade. Inspection and regulation of all fish and wildlife provided by this system is also critical for conservation.

The ESA exempts the import and export of shellfish and fishery products that are intended for human or animal consumption and that are not listed as endangered or threatened from the law's trade regulations found in Title 50 Code of Federal Regulations (CFR) Part 14. These regulations waive the import/export license, declaration, and inspection requirements for these commodities, as defined in 50 CFR Part 10.12. 50 CFR Part 10.12 defines "shellfish" as:
an aquatic invertebrate animal having a shell, including, but not limited to,
(a) an oyster, clam, or other mollusk; and
(b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

By this definition, squid do not qualify as shellfish because, though they are mollusks, they do not have a shell.

Service policy defines "fishery product" as a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii, and Pisces. Since squid are not part of any of these classes, they do not qualify as fishery products.

Imports of squid are therefore not covered by the exemption for shellfish and fishery products intended for human or animal consumption in the ESA and 50 CFR Part 14. Service import/export regulations, including licensing requirements, thus apply to these importations and exportations.

Other Federal laws and regulations, including those administered by the National Marine Fisheries Service (NMFS) (whose jurisdiction includes such marine species as squid, octopus, cuttlefish, and sea urchins), provide different definitions of "shellfish and fishery product." NMFS regulations (50 CFR 222.205), however, specifically refer those engaged in international

trade of commodities subject to its jurisdiction to Service regulations (50 CFR Part 14) for import/export requirements.

The Service is the agency responsible for regulating all international wildlife trade. The Service finds no duplication of effort between NMFS and the Service as the agencies are responsible for monitoring different aspects of trade. The Service is the only agency responsible for collecting, maintaining, and analyzing detailed species information of wildlife trade, including wildlife used for human consumption. This data is used both in the U.S. and globally to inform conservation decisions with respect to international trade in these species, as well as maintaining and protecting a sustainable resource for U.S. stakeholders.

The Service's user fee system has been in place since the mid-1980's and was most recently updated in 2008 under guidance of the Office of Management and Budget. The Service has calculated that between 2018-2022, the approximate fees collected annually for imports and exports of shipments containing squid averaged 0.09% of the declared value of those squid shipments. These calculations accounted for both license application and user fees. It should be noted that these numbers include shipments that also contain other regulated fish and wildlife commodities which would require importers and exporters to obtain the license and pay user fees, regardless of the exemption status of squid.

I hope this information proves useful to the Council and its stakeholders. If you have additional questions on this matter, please feel free to contact me.



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