



Mid-Atlantic Fishery Management Council

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

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

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

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

MEMORANDUM

Date: September 22, 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 October 2022 Council Meeting:

1. 2022 Planned Meeting Topics
2. 2023 Council Meeting Schedule
3. Draft 2024 Council Meeting Schedule
4. Status of Council Actions Under Development
5. Status of Completed Council Actions and Specifications
6. Letter to NMFS Office of International Affairs: National Shellfish Sanitation Program
7. Staff Memo: Monkfish Update
8. Staff Memo: Updates on Offshore Wind Energy Development
9. Press Release: New England and Mid-Atlantic Councils and Partners Launch Habitat Data Explorer
10. Update on House Natural Resources Committee Markup of H.R. 4690
11. Atlantic Highly Migratory Species Advisory Panel Meeting Agenda
12. GARFO Letter to MAFMC: Amendment 22 Decision Letter (9/6/22)

2022 Planned Council Meeting Topics

Updated: 9/19/22

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
- Private Recreational Tilefish Permitting and Reporting: Review Performance
- Joint Council-SSC Meeting
- Essential Fish Habitat Redo: Initiate Amendment
- Robert's Rules of Order Training
- NEFSC Fishery Monitoring and Research Division Update
- 2023 Spiny Dogfish Specifications: Approve
- [Review of NOAA's Saltwater Recreational Fisheries Policy \(Russell Dunn\)](#)
- [Climate Change Scenario Planning: Update](#)

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

- 2023 Implementation Plan: 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: Discuss Next Steps
- Recreational Sector Separation and Catch Accounting Amendment: Discuss Next Steps
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: Final Action
- Climate Change Scenario Planning: Review Final Scenarios and Discuss Applications
- EAFM Risk Assessment Comprehensive Review: Update
- Habitat Activities Update (Including Aquaculture)
- Offshore Wind Updates
- Ocean City Video Project: Review Results
- [2023-2025 Monkfish Specifications and Management Measures FW: Approve](#)
- [Proposed Hudson Canyon National Marine Sanctuary: Discuss Council Consultation on Fishing Regulations](#)



2023 Council Meeting Schedule

(As of September 20, 2022)

February 7 – 9, 2023	Hotel Washington 515 15 th Street NW Washington, DC 20004
April 4 – 6, 2023	Hyatt Place Durham Southpoint 7840 NC-751 Hwy Durham, NC 27713
June 6 – 8, 2023	Hilton Virginia Beach Oceanfront 3001 Atlantic Avenue Virginia Beach, VA 23451
August 8 – 11, 2023	Westin Annapolis 100 Westgate Circle Annapolis, MD 21401
October 3 – 5, 2023	Yotel NYC 570 Tenth Avenue New York, NY 10036
December 11 – 14, 2023	The Notary Hotel 21 North Juniper Street Philadelphia, PA 19107



2024 Council Meeting Schedule

(As of September 20, 2022)

February 6 – 8, 2024	
April 9 – 11, 2024	
June 4 – 6, 2024	
August 12 – 15, 2024	
October 8 – 10, 2024	
December 9 – 12, 2024	

LOCATIONS TBD



Status of Council Actions Under Development

AS OF 9/19/22

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass and Bluefish	Recreational Reform Initiative Technical Guidance Document	The Council and Policy Board agreed to develop a technical guidance document to address the following topics: (1) identifying and smoothing MRIP outlier estimates, (2) use of preliminary current year MRIP data, and (3) maintaining status quo recreational measures. Some of these topics have been partially developed through the Harvest Control Rule Framework/Addenda. No additional progress has been made on a technical guidance document due to prioritization of the Harvest Control Rule. https://www.mafmc.org/actions/recreational-reform-initiative	The Council and Commission will discuss next steps for this document in December 2022.	Beaty
	Recreational Sector Separation and Catch Accounting Amendment	This joint MAFMC/ASMFC 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. https://www.mafmc.org/actions/recreational-reform-initiative	The Council and Commission will discuss next steps for this amendment in December 2022.	Dancy
Surfclam and Ocean Quahog	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 and Amendment to modify species separation requirements in these fisheries in the short-term. In addition, staff/NEFSC will explore longer term solutions for monitoring (such as electronic monitoring testing on the clam survey). https://www.mafmc.org/actions/scoq-species-separation	In development; the Council is scheduled to review the public hearing document in October.	Coakley/ Montañez

FMP	Action	Description	Status	Staff Lead
Omnibus	Omnibus Action for Data Modernization	This action will address any regulatory changes needed to fully implement the Agency's Fishery-Dependent Data Initiative (FDDI).	The Council last received an update at the October 2018 meeting. In 2019 the Council took final action on the Commercial eVTR Omnibus Framework jointly with the NEFMC in support of FDDI.	GARFO/NEFSC
Monkfish	Framework for 2023-2025 Specifications and other Management Measures	Includes potential changes to mesh size, days at sea usage, and trip limits. Joint FMP with New England. Was focused on increasing flexibility, but pending NE SSC ABC decision, may have to deal with reducing catch from recent years' catches.	NE Council Lead, Development ongoing, anticipated final action in December.	Feeney (NE), and Didden

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

As of 9/19/22

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 Published	Approval/Disapproval Letter	Final Rule Published	Regs Effective	Notes
Excessive Shares Amendment	SCOQ Amd 20	12/9/19	4/24/20	9/25/20		8/24/22				Deeming regs approved 2/10/22
MSB FMP Goals/Objectives and Illex Permits Amendment	MSB Amd 22	7/16/20	3/15/21	4/12/22	6/7/22		9/6/22 (see note)			Majority of provisions disapproved
Black Sea Bass Commercial State Allocation Amendment	SFSBSB Amd 23	8/4/21	11/19/21	9/14/22						
Tilefish Multi-Year Specifications Framework	Tilefish FW 7	8/11/21	7/10/21	4/22/22		9/14/22				
Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment	SFSBSB Amd 22	12/14/21	5/1/22	6/24/22	8/12/22	8/11/22				
MSB Rebuilding 2.0 Amendment	TBD	6/8/22	8/19/22							Needs to be in place January 2023
Recreational Harvest Control Rule Framework	SFSBSB FW 17; BF FW 6	6/7/22	8/31/22							

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 9/22/22

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			Submitted under the Tilefish Multi-Year Specifications Framework 7
Blueline Tilefish	2022-2024	4/7/21	10/20/21	5/5/22				SIR complete, proposed rule expected soon.(status quo measures).
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	2021-2023	8/10/20	10/14/20	7/2/21	5/26/21	7/22/21	7/22/21	
Butterfish	2023-2024	6/8/22	9/8/22					SIR paired with chub
Illex Squid	2022	4/6/22	5/18/22	6/30/22	na			SIR for 2022 ABC Increase to 40,000 MT, rule expected soon
Atlantic Mackerel (including RH/S cap)								See Amendments page for 2023 - with rebuilding 2.0
Chub mackerel	2023-2025	6/8/22	9/8/22					SIR paired with butterfish
Bluefish	2023	8/8/22	9/22/22					Adjusted 2023 RHL is the only change from previously implemented 2022-2023 limits
Summer Flounder, Scup, Black Sea Bass	2023	8/9/22						
Spiny Dogfish	2021-2022	10/6/20	12/7/20	2/3/21	3/4/21	5/1/21	5/1/21	
Spiny Dogfish	2022 trip limit adjustment	10/6/21	12/30/21		2/25/22	4/7/22	5/1/22	Includes federal trip limit increase to 7,500 pounds (states may still be evaluating whether to match increase)

Recreational Management Measures

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder rec measures	2022	12/14/21	2/11/22	2/24/22	4/18/22	6/9/22	6/9/22	
Black sea bass rec measures	2022	12/14/21	2/11/22	2/24/22	4/18/22	6/9/22	6/9/22	
Scup rec measures	2022	12/14/21	2/11/22	2/24/22	4/18/22	6/9/22	6/9/22	
Bluefish rec measures	2022-2023	12/13/21	1/23/20	3/19/20	5/25/20	6/29/20	6/29/20	Reviewed in 2022. No changes from previous year's measures.



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

September 15, 2022

Alexa Cole, Director
NOAA IATC Seafood Inspection Program
Office of International Affairs, Trade, and Commerce
1315 East-West Highway
Silver Spring, MD 20910

Dear Alexa:

We recently had discussions with staff from the National Oceanic and Atmospheric Administration (NOAA) - Office of International Affairs, Trade, and Commerce (IATC) - Office of Seafood Inspection (Laurice Churchill) and the Food and Drug Administration (FDA; Quentin Forrest) to gather information about the National Shellfish Sanitation Program (NSSP) 2019 revisions to the "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 (FDA and 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. We believe addressing this issue in a timely manner should be a high priority for the NOAA IATC, Seafood Inspection Program and we look forward to having our staff continue to track and stay engaged with your staff, as well as your FDA partners. We look forward to working closely with your staff as the 2019 guide revisions are developed.

Please call me or Jessica Coakley of my staff if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "C. Moore".

Christopher M. Moore, Ph.D.
Executive Director

cc: L. Churchill, J.Q. Forrest, M. Luisi, J. Montañez, M. Pentony, D. Potts, W. Townsend, S. Wilson



Mid-Atlantic Fishery Management Council

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

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

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

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

MEMORANDUM

Date: September 22, 2022
To: Chris Moore, Executive Director
From: Jason Didden
Subject: Monkfish Update

The New England Fishery Management Council and its Monkfish Committee continue development of a framework to set 2023-2025 Monkfish specifications and potentially modify related management measures. The Monkfish Committee includes four Mid-Atlantic Fishery Management Council members for this jointly-managed species. The Committee also includes six New England members and a NOAA Fisheries representative from their Greater Atlantic Regional Fisheries Office (GARFO).

Framework development was originally more focused on measures to increase flexibility, increase landings, and reduce discards in the Southern Management Area. However, preliminary indications from assessment work indicate that **catch reductions** may be needed in 2023 for both the northern and southern areas. Accordingly, the Monkfish Committee has requested development of alternatives that would lower catch (via days at sea (DAS) or trip limit restrictions) if needed. The fishery does not have in-season quota monitoring and management, so effort controls are the primary limit on catch (and catch overages must be paid back in subsequent years).

The management track assessment was peer reviewed on September 20, 2022. Lacking a standard quantitative assessment, a backup approach has been to base catch limits on the recent trawl survey trends, which appear to be declining. The Plan Development Team (PDT) is developing Acceptable Biological Catch (ABC) recommendations for New England's Scientific and Statistical Committee (SSC) to consider. We won't know whether more, or less, restrictive management measures may be warranted until after the October 26/27 New England SSC meeting, when ABCs are finalized.

Upcoming Monkfish meetings and recent meeting summaries may be tracked at <https://www.nefmc.org/management-plans/monkfish>. A recently-initiated Monkfish Fishery Performance Report developed with the Monkfish Advisory Panel is also posted there.

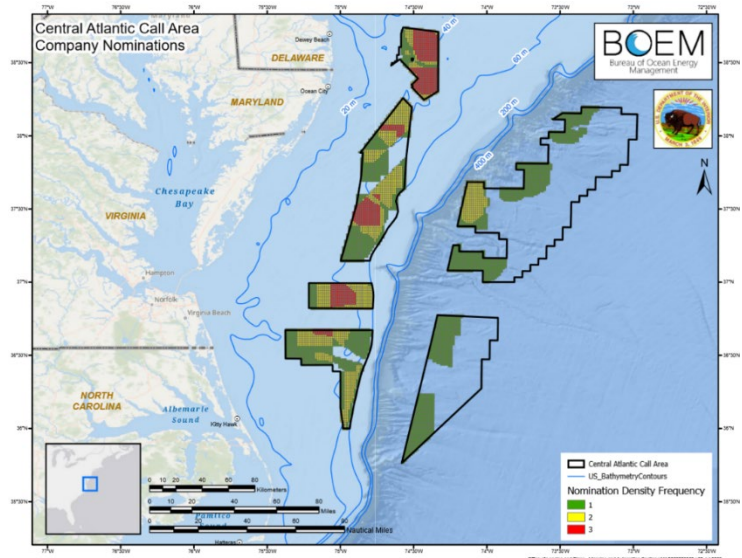
The current timeline has final action for monkfish specifications and associated management measures occurring at the December 2022 New England and Mid-Atlantic Fishery Management Council meetings.

MEMORANDUM

Date: September 21, 2022
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Updates on Offshore Wind Energy Development

This memo summarizes select recent updates in offshore wind energy development. This is not intended to be an exhaustive list.

- The Council submitted the following comment letters:
 - [MAFMC, NEFMC, and SAFMC Letter to BOEM: Draft Fisheries Mitigation Guidance](#) (8/22/22)
 - [MAFMC and NEFMC Letter to BOEM: Programmatic EIS for New York Bight Wind Leases](#) (8/23/22)
 - [MAFMC and NEFMC Letter to BOEM: Ocean Wind 1 Draft EIS](#) (8/24/22)
- [Central Atlantic Call Areas](#)
 - The Bureau of Ocean Energy Management (BOEM) may release draft Central Atlantic Wind Energy Areas (WEAs) for public comment later this year. The WEAs will be delineated from within the Central Atlantic Call Areas (see map). The WEAs may be further refined into lease areas.
 - [BOEM announced](#) a collaboration with NOAA's National Centers for Coastal Ocean Science (NCCOS) to utilize a marine spatial planning tool to assist in identification of WEAs for the Central Atlantic and other regions.
 - BOEM published a map of areas nominated by three developers for portions of the Central Atlantic Call Areas for which they are interested in obtaining commercial wind energy leases (see map).



- [BOEM announced](#) it will follow a similar practice for the Central Atlantic as used in the [development of draft WEAs in the Gulf of Mexico](#) to increase transparency regarding the analysis and rationale used to develop draft WEAs.
- The New York State Energy Research and Development Authority (NYSERDA) is accepting public comments through October 14 on a [draft Offshore Wind Cable Corridor Constraints Assessment](#) to better understand potential constraints to siting offshore wind energy cables in New York State waters, at landfall, and along overland areas, as well as minimization and mitigation options.
- BOEM announced availability of the Draft Environmental Impact Statement for the proposed [Revolution Wind](#) Farm project off Rhode Island. Mid-Atlantic and New England Council staff plan to work together to develop a joint comment letter by the October 17, 2022 deadline.
- BOEM announced [Karen Baker as the new Chief for the Office of Renewable Energy Programs](#).
- To stay up to date on individual wind projects, including development of fishery communications plans, details on offshore survey operations, and other updates, see the project-specific links available at <https://www.mafmc.org/offshore-wind-notice>.



FOR IMMEDIATE RELEASE
August 26, 2022

PRESS CONTACT: Janice Plante, jplante@nefmc.org
PRESS CONTACT: Mary Sabo, msabo@mafmc.org

New England and Mid-Atlantic Councils and Partners Launch Habitat Data Explorer; One-Stop Tool Ready for Use

What began five years ago as a commitment to improve fish habitat science has resulted in the creation of a revolutionary tool that allows users to explore information on fish distribution and survey abundance, species life history, essential fish habitat (EFH), fish vulnerability to climate change, and much more – all on one website. Welcome to the [Northeast Regional Habitat Assessment Data Explorer](#).

The Data Explorer was developed as part of the Northeast Regional Marine Fish Habitat Assessment (NRHA), a collaborative, multi-disciplinary effort to describe and characterize estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast. Based on a plan approved by [NRHA’s Steering Committee](#), a work team spent three years collecting and analyzing data and populating the Data Explorer with information for more than 65 finfish and shellfish species through 2019. New data will be added over time.

Who Should Use the Data Explorer? Everyone!

While stock assessment scientists, researchers, and fishery managers will be the primary users of this comprehensive collection of information, commercial and recreational fishermen will be able to call up maps showing key information about the species they catch. Other stakeholder groups interested in habitat issues, seasonal ocean conditions such as salinity, and fish survey information also should find the site helpful. For example, offshore wind and aquaculture developers can use the tool to identify habitat types and fish distribution within areas being considered for development.

Welcome to the Northeast Regional Habitat Assessment Data Explorer

Survey View

Northeast regional and inshore bay/estuary view of fishery independent survey data including top 20 species abundance and biomass, similarity clusters, and survey temperature and salinity data.

Species View

Species view of fishery independent survey data, including distributions, relative abundance, and reports on habitat use and vulnerability to climate change.

Model View

Outputs from spatiotemporal models that describe species distributions as a function of dynamic environmental factors, species interactions and predicted change in habitat use under various climate scenarios.

Habitat Crosswalk

Habitat species vulnerability matrix and species narratives for 66 managed and forage species in the region.

The data-heavy portal takes 15 to 20 seconds to load on the first launch. Subsequent data searches go quickly. Use a desktop computer, laptop, or tablet. The Data Explorer tool, which runs on a [R-Shiny](#) application, is not intended for cell phone use. Visit the NRHA Data Explorer [website](#) to learn more about the available products and reports.



Survey, Species, and Model Views Plus a Habitat Crosswalk

Below is a quick rundown of the four major categories of products available on the Data Explorer and a few tips for how to navigate the pages to access the information you want. Specific examples of NRHA's products are shown in the winter flounder map below and in two other data runs on the following page.

Survey View: This tab summarizes fishery independent survey data at both a Northeast regionwide scale and in inshore waters at a bay/estuary scale. Specific surveys and year ranges can be selected to display: (1) species abundance and biomass; (2) species that are caught together, which is called a cluster analysis; and (3) salinity and temperature data from selected surveys.

Species View: This view provides a deeper dive into species-specific fishery independent survey data.

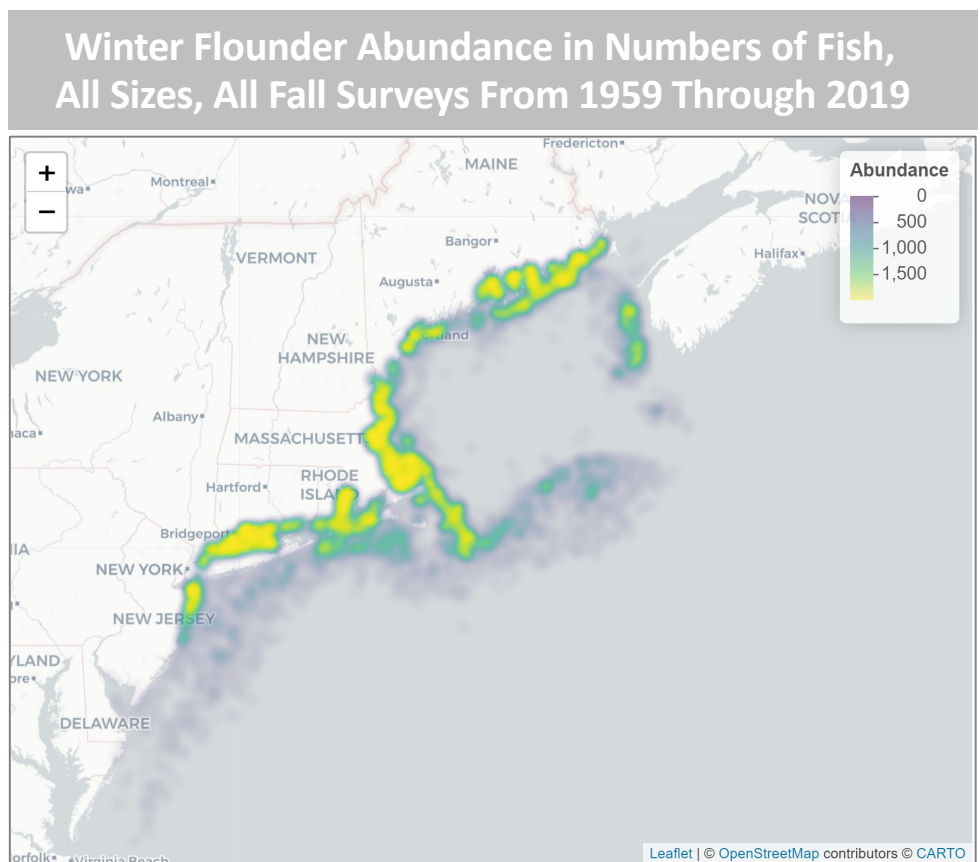
Click on the tabs to view a species distribution map, abundance and biomass by year, relative abundance by month and salinity zone, and species reports with life history info, vulnerability to climate change, and EFH designations.

Select your desired location, surveys, and species, and then hit "Run Analysis." Your results will pop up.

Model View: This tab is under development but will include habitat distribution model results when completed.

Habitat Crosswalk: This work integrates the outputs from the Northeast Habitat Climate Vulnerability Assessment (HCVA), the Northeast Fish and Shellfish Climate Vulnerability Assessment (FSCVA), and the Atlantic Coastal Fish Habitat Partnership (ACFHP) habitat-species matrix for use in fisheries management. The major objectives were to create a habitat-species vulnerability matrix and develop species narratives for 66 managed and forage species in the region.

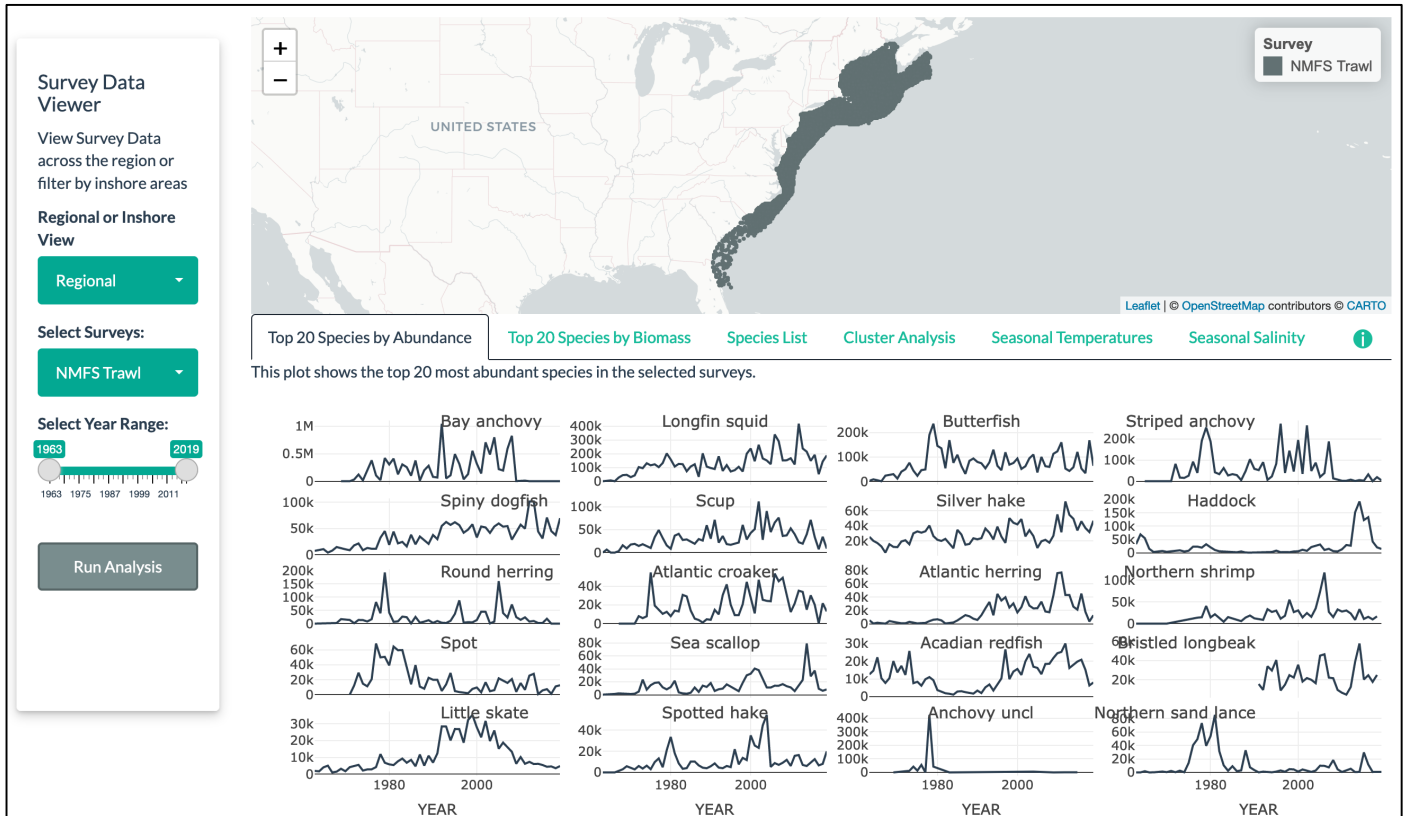
Reports: Be sure to check out the Reports tab, which gives users the ability to download survey metadata. The Reports tab is located on the toolbar at the top of [NRHA homepage](#).



An example of winter flounder information retrieved under "Species View" on the NRHA Data Explorer.

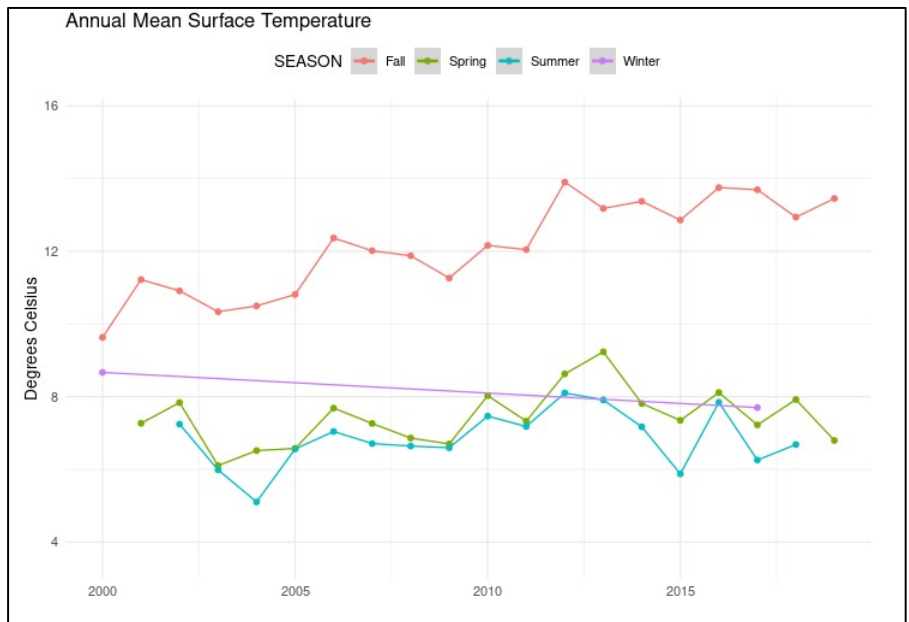


NRHA Data Explorer Survey View of National Marine Fisheries Service (NMFS) Trawl Survey Data From 1963-2019 for Top 20 Species of Abundance



Maine/New Hampshire Trawl Survey 2000-2019 Seasonal Temperatures

The information at right was generated by clicking on the Survey View tab on the NHRA Data Explorer homepage and then selecting: (1) Inshore View in the left column; (2) Maine-New Hampshire Coast under location; (3) ME/NH Inshore Trawl under "Select Surveys"; and (4) 2000-2019 for the year range. After that, click on "Run Analysis."





New England Fishery Management Council



One Stop Shopping for Trawl Surveys: The NRHA Data Explorer hosts information from many Northeast Region trawl and seine surveys, making it an easy launching point for data searches. Here’s a list of surveys included in the Data Explorer. Data can be displayed for one or more surveys by species or resource wide.

What is NRHA: The Northeast Regional Marine Fish Habitat Assessment is a collaborative, multi-disciplinary effort to describe and characterize estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast. The project aims to align habitat science goals and priorities with human and financial resources to develop habitat science products that support an assessment. The NRHA Steering Committee is composed of leadership from the major habitat conservation, restoration, and science organizations in the region.

Stay Tuned! The NRHA team, in conjunction with the New England and Mid-Atlantic Councils, will be developing outreach and communications materials over the fall and winter to help everyone learn how to navigate the Data Explorer and make the most of its extensive repository of information.

Select All	Deselect All	Select All	Deselect All
NMFS Bottom Trawl	✓	New Jersey Delaware Bay Juvenile Trawl	✓
Maine-New Hampshire Inshore Trawl	✓	Delaware River Seine	✓
New Hampshire Juv. Estuarine Seine	✓	Delaware Bay Juv. Finfish Trawl	✓
Massachusetts Bottom Trawl	✓	Delaware 30ft Bottom Trawl	✓
Rhode Island Narragansett Bay Trawl	✓	Maryland Bottom Trawl	✓
Connecticut Long Island Sound Trawl	✓	Maryland Beach Seines	✓
NEAMAP Bottom Trawl	✓	Maryland Juv. Striped Bass Survey	✓
New York Western Long Island Seine	✓	North Carolina Pamlico Sound Survey (N195)	✓
New Jersey Ocean Stock Assessment	✓	North Carolina Nursery Area Juv. Survey (NC120)	✓
		North Carolina Juvenile Anadromous (N100)	✓

NRHA Contacts

Anyone with specific questions about the Northeast Regional Habitat Assessment Data Explorer and its various products should feel free to contact one of the following team members:

- **Jessica Coakley**, Mid-Atlantic Fishery Management Council
jcoakley@mafmc.org
- **Michelle Bachman**, New England Fishery Management Council
mbachman@nefmc.org
- **Christopher Haak**, Monmouth University/NOAA Fisheries
chrishaak@monmouth.edu
- **Tori Kentner**, Mid-Atlantic Fishery Management Council
tkentner@mafmc.org
- **Laurel Smith**, Northeast Fisheries Science Center
laurel.smith@noaa.gov

A Note From the NRHA Team

~ ~ ~ ~

“NRHA did not create the data and cannot guarantee its accuracy or its suitability for use for other applications. NRHA encourages proper use and attribution of any datasets summarized on this site. The portal is a data viewer for trawl surveys. The datasets are not available for download.”

~ Visit the Mid-Atlantic Council’s Northeast Regional Marine Fish Habitat Assessment [informational webpage](#). ~

From: David Whaley <dswhaley@hotmail.com>

Date: Wednesday, September 21, 2022 at 6:07 PM

Subject: House Natural Resources Committee actions on H.R. 4690 today

The House Natural Resources Committee met today to consider H.R. 4690, the Sustaining America's Fisheries for the Future Act of 2021.

Attached is a paper describing the 31 amendments that were considered (not including the Grijalva Amendment in the Nature of a Substitute).

Roll call votes were requested for a number of amendments and those votes have been rolled until next Thursday (September 29th at 10:00 a.m.). A final vote on the amended bill will also be taken at that time.

Please let me know if you have any questions.

Attachment: [House Natural Resources Committee actions on H.R. 4690](#)

Additional Resources:

- Hearing Video: <https://naturalresources.house.gov/hearings/hybrid-fc-markup-9212022>
- H.R. 4690 ANS (Grijalva) – Full Text: <https://docs.house.gov/meetings/II/II00/20220921/115149/BILLS-117-HR4690-G000551-Amdt-1.pdf>
- Copies of all the amendments can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115149>

September 2022 HMS Advisory Panel Meeting



September 7, 2022

Time	Subject	Presenters
9:00 am	Welcome/Introductions	Bennett Brooks/ Randy Blankinship
9:15 am	Overview Presentation	Randy Blankinship
10:00 am	Break	
10:15 am	Economic Situation Report Presentation	HMS Staff
11:00 am	Proposed Hudson Canyon National Marine Sanctuary Designation Presentation	LeAnn Hogan Matt Brookhart
12:00 pm	Lunch	
1:30 pm	Recreational Roundtable Part 1: National Saltwater Recreational Fisheries Policy Update Policy Presentation Summit Presentation	Russ Dunn
3:00 pm	Break	
3:15 pm	Recreational Roundtable Part 2: Brief MRIP Update Presentation Open Mic Topics	HMS Staff
4:45 pm	Public Comment	
5:00 pm	Daily Wrap-up	Bennett Brooks
5:15 pm	Adjourn	

September 8, 2022

Time	Subject	Presenters
8:30 am	Set-up	Bennett Brooks
9:00 am	Welcome/Recap	Bennett Brooks/Kelly Denit
9:15 am	Leadership Update	Sam Rauch
9:45 am	HMS Climate Vulnerability Assessment Presentation	HMS Staff
10:45 am	Break	
11:00 am	International Affairs, Trade and Commerce Updates Presentation	Chris Rogers
12:00 pm	Lunch	
1:30 pm	Enforcement Update Presentation	Kevin Swiechowicz Miles Dover
2:30 pm	Public Comment	
2:45 pm	Daily Wrap-up	Bennett Brooks
3:00 pm	Adjourn	



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

September 6, 2022

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

Dear Mike:

By this letter, I am disapproving the majority of the provisions in Amendment 22 to the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). As you know, Amendment 22 intended to revise the number and types of *Illex* squid permits to reduce the negative effects from a race to fish in recent years. This amendment also intended to align the fishery goals and objectives with current Mid-Atlantic Fishery Management Council vision and priorities. I am disapproving the *Illex* permit measures in the amendment, but will be approving the adjusted FMP goals and objectives in a future *Federal Register* notice. Additionally, we intend to make the Council's recommended clarification that *Illex* squid moratorium permits must report daily catch via the vessel monitoring system on *Illex* squid trips in a future action pursuant to our rulemaking authority under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act.

The Council adopted Amendment 22 for Secretarial review and implementation at its July 2020 meeting. In undertaking this review, section 304(a)(1) of the Magnuson-Stevens Act requires the Secretary of Commerce to make a determination as to whether Amendment 22 is consistent with the Magnuson-Stevens Act and other applicable laws and publish a notice of availability for the amendment in the *Federal Register*. Section 304(a)(2) of the Magnuson-Stevens Act requires the Secretary to take into account the information, views, and comments received on the amendment from interested parties when making a decision to approve, disapprove, or partially approve a Council amendment.

We published a Notice of Availability for Amendment 22 on June 7, 2022 (87 FR 34629), and accepted public comments on the amendment through August 8, 2022. We received 54 comments from commercial fishermen and fishing organizations. Of these comments, 22 were in support of the amendment, 31 comments were in opposition to the action, and 1 comment was not applicable. The *Illex* squid fishing industry participants continue to be split in their support of this action because only some of the industry participants would have benefitted from this action, while other industry participants would have borne the costs.

Our review of Amendment 22 determined the amendment and supporting analyses do not demonstrate how the Council's proposed action (1) meets the purpose and need of the Amendment and the goals and objectives of the FMP; (2) is consistent with National Standard 4 of the Magnuson-Stevens Act, which requires fishery conservation and management measures



allocate fishing privileges fairly and equitably; (3) is consistent with National Standard 5 of the Magnuson-Stevens Act, which requires fishery conservation and management measures consider efficiency in the utilization of fishery resources; (4) is consistent with National Standard 6 of the Magnuson-Stevens Act, which requires fishery conservation and management measures take into account variations and contingencies in a fishery; or (5) is consistent with National Standard 7 of the Magnuson-Stevens Act, which requires fishery conservation and management measures minimizes costs to the extent practicable.

Allocations

National Standard 4 of the Magnuson-Stevens Act requires Councils to assess the effects of allocating or assigning fishing privileges among various United States fishermen to ensure such allocation is: (A) Fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

As stated above, allocations should be reasonably calculated to promote conservation; however, there is no known conservation issue with the *Illex* squid stock (for which the Council's Scientific and Statistical Committee (SSC) has provided evidence concluding that the stock is lightly exploited and the current fishery footprint is small relative to the fishery potential). Because the stock is lightly exploited, the SSC has recommended increases in the *Illex* squid acceptable biological catch (ABC) in each of the past three years and the quota has increased by 67 percent since Amendment 22 was initiated. When development of this action began in 2018, the *Illex* squid ABC was 24,000 mt, and the 2022 *Illex* squid ABC was recently increased to 40,000 mt (87 FR 48447).

The Council has previously expressed concerns with quota overages; however, we have existing controls in place to address these concerns. The *Illex* squid quota was exceeded in 2018 and 2019, but since then we have been tracking landings closely and using more sophisticated projection models that enable us to close the fishery at Council-prescribed closure thresholds at the appropriate time. These were the only 2 years that the quota was exceeded in the past 11 years, and we have avoided quota overages in 2020 and 2021, despite significant increases in landings to take advantage of increasing quotas.

Efficiency

National Standard 5 requires Councils to consider efficiency in the utilization of fishery resources, as long as no such measure has economic allocation as its sole purpose.

According to the National Standard Guidelines at 50 CFR 600.330(c), a system used for limiting access may be considered to combat overfishing, overcrowding, or overcapitalization in the fishery to achieve OY, or may be appropriate for an underutilized fishery to reduce the chance that these conditions will adversely affect the fishery in the future, or to provide adequate economic return to pioneers in a new fishery. None of these conditions apply to the *Illex* squid fishery as the fishery has not encountered issues in achieving OY in recent years, we have sufficient controls in place, as well as 25 years of experience under the existing limited access program that has functioned well. In fact, it has only been in the last six years (after the proposed cutoff of 2013) that the fishery has consistently approached and achieved full yield.

Additionally, the Guidelines at § 600.330(e), state that National Standard 5 prohibits those measures that distribute fishery resources among fishermen on the basis of economic factors alone, and that have economic allocation as their only purpose. While the Council contends that the measures included in Amendment 22 are proposed as a way to combat a race to fish, as discussed above, this action does not reduce fishing capacity in a manner that removes potential for a race to fish, and throughout the development of this action public testimony from proponents of the action focused almost entirely on economic allocation, an infringement of National Standard 5.

Variations and Contingencies

National Standard 6 requires Councils to take into account and allow for variation among, and contingencies in, fisheries, fishery resources, and catches.

The *Illex* squid fishery currently operates with 75 limited access vessels that have an unlimited possession limit (all of which qualified under the original limited access program based on fishing history prior to 1997). The proposed action would reduce that to 39 vessels with unlimited possession limits, reducing fishing opportunity for the remaining 36 vessels by imposing fishing limits that could lead to substantial inefficiencies in their fishing operations. Absent any conservation need or other rationale supported by the evidence, to further reduce opportunities for permitted vessels to participate in the *Illex* squid fishery would be contrary to the intent of National Standard 6. Given the unknown and uncertain impacts of climate change on fish stocks in the region, the potential impacts of wind energy development on the squid fishery to conduct operations, and shifting and evolving markets, any reduction in flexibility in the *Illex* squid fishery could have detrimental effects. By consolidating the majority of harvest opportunities into fewer vessels and fishing companies, we would potentially be increasing the risk that the fishery could fail to effectively adapt to changing conditions and continue to achieve OY.

Minimizing Costs

National Standard 7 requires Councils to minimize costs and avoid unnecessary duplication in the development of management measures where practicable.

The economic analysis for Amendment 22 asserts that the proposed action would have resulted in negligible impacts for those vessels that would be reduced to a Tier 3 permit because those vessels do not regularly derive a substantial portion of their revenues from *Illex* squid, with the exception of one vessel in 2019. The vessels that would be reduced to Tier 2 permits would have experienced greater negative economic impacts because they would have been constrained by trip limits and face greater operational and competitive inefficiencies. The vessels that would have retained their unlimited (Tier 1) permits would have been expected to benefit from positive economic impacts because they would have access to a greater amount of the quota with unconstrained fishing opportunity. Therefore, the Council's analysis reached a conclusion that the overall economic impacts for this action would be slightly positive because the increased fishing and revenue opportunities provided to the Tier 1 vessels would cancel out the decreased fishing and revenue opportunities placed on the Tier 2 (and to some extent Tier 3) vessels. However, in terms of costs and benefits, 36 of the 75 permit holders would have face reduced

opportunities and therefore would have borne the costs of the action, but the benefit to the overall community was lacking because the proposed action would have still allowed for a race to fish to persist.

The National Standard 7 Guidelines at § 600.340(c)(1) also direct that “management measures should be designed to give fishermen the greatest possible freedom of action in conducting business ... that are consistent with ensuring wise use of the resources and reducing conflict in the fishery.” Reducing fishing opportunities for almost half of the *Illex* squid fleet when not necessary for conservation, not solving the perceived race to fish, and reducing flexibility through restrictive possession limits was determined to be directly contrary to the intent of National Standard 7.

Conclusion

If a Council FMP or amendment is disapproved based on inconsistencies with the Magnuson-Stevens Act or other applicable laws, section 304(a)(3) of the Magnuson-Stevens Act requires the Secretary to recommend actions the Council could take to conform the amendment to the relevant legal requirements. Section 304(a)(4) provides Councils the opportunity to revise and resubmit amendments for Secretarial review after addressing the relevant legal requirements. As discussed above, to conform Amendment 22 to the requirements of applicable law, the Council must either substantially revise the amendment to clearly articulate how the actions proposed by the Council are consistent with the National Standards and the goals and objectives of the FMP, or reconsider the proposed action and revise the amendment to adopt different measures that address a management need without violating the National Standards. However, given the fundamental flaws and inconsistencies we identified, we suggest the latter approach would be more likely to be successful.

We recognize this action represents a difficult decision for the Council. Since development, there have been proponents and opponents of this action and they have presented compelling arguments for and against the final measures. Council staff, in particular, did an admirable job in presenting the facts and supporting the Council through its deliberations on this challenging action. It is unfortunate that we find ourselves with this outcome, but my staff and I remain able and willing to work with the Council should it wish to reconsider this action.

Sincerely,



Michael Pentony
Regional Administrator

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