



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: July 27, 2023
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 August 2023 Council Meeting:

1. 2023 Council Meeting Topics
2. 2023-2024 NRCC Stock Assessment Schedule
3. Council Letter to FDA: Molluscan Shellfish Federal Waters Biotoxin Protocols (7/24/23)
4. Council Letter to GARFO and NEFSC: Comments on Geographic Strategic Plan for New England and Mid-Atlantic (7/25/23)
5. Recreational Sector Separation and Catch Accounting Amendment – Revised Action Plan and Timeline
6. Press Release: U.S. Fishery Management Council Report Finds More than 72% of Federal Waters Classified as “Conservation Areas” (6/23/23)
7. Staff Memo: Updates on Offshore Wind Energy Development

2023 Planned Council Meeting Topics

Updated: 7/26/23

August 8-11, 2023 Council Meeting – Annapolis, MD

- 2024-2025 Summer Flounder and Scup Specifications and Commercial Measures: approve (joint with ASMFC SFSBSB Board)
- 2024 Black Sea Bass Specifications and Commercial Measures: approve (joint with ASMFC SFSBSB Board)
- Scup Commercial Discards and Gear Restricted Areas (GRA): review analysis and discuss next steps
- Recreational Harvest Control Rule 2.0 Framework/Addenda: discuss next steps (with ASMFC Policy Board)
- 2024-2025 Bluefish Specifications and Recreational Management Measures: approve (joint with ASMFC Bluefish Board)
- 2024-2025 Atlantic Mackerel Specifications: approve
- 2024-2025 Atlantic Mackerel River Herring and Shad Cap: approve
- Research Set-Aside Program Redevelopment: update
- *Illex* Hold FW Meeting #1: approve range of alternatives
- East Coast Scenario Planning Initiative: review outcomes and identify MAFMC next steps
- NMFS Climate Governance Policy: develop Council comments
- [2024-2026 Longfin Squid Specifications: approve](#)
- [Council Comments on ANPR to Revise National Standards 4, 8, and 9 Guidelines](#)

October 3-5, 2023 Council Meeting – New York City, NY

- ~~SCOQ Species Separation Requirements Amendment: review and approve any additional alternatives~~
- ~~2024-2026 Longfin Squid Specifications: approve~~
- *Illex* Hold FW Meeting #2: final action
- Executive Committee: review progress on 2023 Implementation Plan and discuss draft 2024 deliverables
- Policy/Process for Reviewing Exempted Fishing Permit Applications for Unmanaged Forage Amendment Ecosystem Component Species: approve
- Private Recreational Tilefish Permitting and Reporting: review performance
- EAFM Risk Assessment Review: approve
- ~~Biennial Review of 2020-2024 Research Priorities Document: review and approve~~
- Habitat Activities (including aquaculture): update
- Offshore Wind: update
- ~~NTAP Restrictor Rope Research: review results~~
- [Spiny Dogfish Assessment and Peer Review Overview](#)
- [Atlantic Mackerel Assessment Peer Review Overview](#)
- [NEFSC Cooperative Research Update](#)
- [NEFSC Presentation on Science of “Big Old Fecund Fish”](#)

~~— [Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon: review and approve range of alternatives](#)~~

December 11-14, 2023 Council Meeting – Philadelphia, PA

- 2024-2025 Recreational Management Measures for Summer Flounder and Scup: approve (joint with ASMFC SFSBSB Board)
- 2024 Recreational Management Measures for Black Sea Bass: approve (joint with ASMFC SFSBSB Board)
- Summer Flounder Commercial Minimum Mesh Size Regulations and Exemptions: review and discuss next steps (joint with ASMFC SFSBSB Board)
- ~~— [Summer Flounder, Scup, Black Sea Bass, and Bluefish Sector Separation and Recreational Catch Accounting Amendment: review and approve draft scoping document \(joint with ASMFC Policy Board\)](#)~~
- Recreational Harvest Control Rule 2.0 Framework/Addenda: review and discuss next steps (with ASMFC Policy Board)
- ~~— [Monkfish and Dogfish Joint Framework to Reduce the Bycatch of Atlantic Sturgeon: final action](#)~~
- 2024 Implementation Plan: approve
- Golden Tilefish IFQ Program Review: review final report
- 2024-2026 Spiny Dogfish Specifications: approve
- [Biennial Review of 2020-2024 Research Priorities Document: review and approve](#)

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2023 Council Meeting Topics At-a-Glance

	August	October	December
Mackerel, Squid, Butterfish and River Herring and Shad (RH/S)	<ul style="list-style-type: none"> • 2024-2025 Atlantic Mackerel Specs • 2024-2025 RH/S Cap • <i>Illex</i> Hold FWM #1* • 2024-2026 Longfin Squid Specs 	<ul style="list-style-type: none"> • <i>Illex</i> Hold FWM #2* 	
Recreational Reform	<ul style="list-style-type: none"> • Rec Harvest Control Rule 2.0 FW: Discuss 		<ul style="list-style-type: none"> • Rec Sector Separation and Catch Accounting Amd: Approve Scoping Doc • Rec Harvest Control Rule 2.0 FW: Discuss
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)	<ul style="list-style-type: none"> • 2024-2025 Summer Flounder and Scup Specs and Commercial Measures • 2024 Black Sea Bass Specs and Commercial Measures • Scup GRA Review 		<ul style="list-style-type: none"> • 2024-2025 Summer Flounder and Scup Rec Mgmt Measures • 2024-2025 Black Sea Bass Rec Mgmt Measures • SF Commercial Min Mesh Size Review
Bluefish	<ul style="list-style-type: none"> • 2024-2025 Bluefish Specs and Rec Measures 		
Golden and Blueline Tilefish		<ul style="list-style-type: none"> • Private Tilefish Permitting/ Reporting Update 	<ul style="list-style-type: none"> • Golden Tilefish IFQ Program: Review Final Report
Atlantic Surfclam and Ocean Quahog (SC/OQ)			
Spiny Dogfish			2024-2026 Dogfish Specs
Monkfish			
Science Issues	<ul style="list-style-type: none"> • RSA Redevelopment Update 	<ul style="list-style-type: none"> • 2020-2024 Research Priorities Document Review • NTAP Restrictor Rope Results 	
EAFM		<ul style="list-style-type: none"> • EAFM Risk Assessment Review: Approve • Council Process for Reviewing EFP Applications: Approve 	
Habitat/ Wind/ Aquaculture		<ul style="list-style-type: none"> • Habitat Update • Wind Update 	
Protected Resources		<ul style="list-style-type: none"> • Dogfish/ Monkfish FW to Reduce Sturgeon Bycatch: Approve Alternatives 	
Other	<ul style="list-style-type: none"> • Scenario Planning: Next Steps • NMFS Climate Governance Policy • ANPR: National Standard 4-8-9 	<ul style="list-style-type: none"> • Executive Committee: Draft 2024 Deliverables 	<ul style="list-style-type: none"> • 2024 Implementation Plan: Approve

Acronyms/Abbreviations

ALWTRP	Atlantic Large Whale Take Reduction Plan	NEFSC	Northeast Fisheries Science Center
EAFM	Ecosystem Approach to Fisheries Management	NTAP	Northeast Trawl Advisory Panel
EFH	Essential Fish Habitat	Rec	Recreational
FMP	Fishery Management Plan	RH/S	River Herring and Shad
GRA	Gear Restricted Area	RSA	Research Set-Aside
HMS	Highly Migratory Species	SC/OQ	Atlantic Surfclam and Ocean Quahog
Mgmt	Management	SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
MREP	Marine Resource Education Program	Specs	Specifications
MSB	Mackerel, Squid, Butterfish	SSC	Scientific and Statistical Committee

2023-2024 NRCC Stock Assessment Schedule

For additional information about management track assessments and research track assessments, please see the Appendix.

2023

	Species/Topic	Stock Area	Management Organization(s)
June Management Track	Bluefish		MAFMC, ASMFC
	Deep-sea red crab		NEFMC
	Jonah crab*		ASMFC
	Longfin inshore squid		MAFMC
	River herring*		ASMFC
	Scup		MAFMC, ASMFC
	Summer flounder		MAFMC, ASMFC
July Joint US/Canada Assessments Transboundary Resources Assessment Committee (TRAC)	Atlantic cod	Eastern Georges Bank	NEFMC
	Haddock	Eastern Georges Bank	NEFMC
	Yellowtail flounder	Georges Bank	NEFMC
July/August Research Track	Atlantic cod	Eastern Gulf of Maine	NEFMC
		Georges Bank	NEFMC
		Southern New England	NEFMC
		Western Gulf of Maine	NEFMC
September Management Track	Acadian redfish		NEFMC
	Atlantic mackerel		MAFMC
	Red hake	Northern	NEFMC
	Red hake	Southern	NEFMC
	Silver & Offshore hake	Southern	NEFMC
	Silver hake	Northern	NEFMC
	Skate Complex (barndoor, clearnose, little, rosette, smooth, thorny, winter)		NEFMC
	Spiny Dogfish		NEFMC, ASMFC, MAFMC
	Windowpane flounder	Northern	NEFMC
	Windowpane flounder	Southern	NEFMC
October Research Track	Black sea bass		MAFMC, ASMFC
November Research Track	Applying State Space Models		

* Stock assessments denoted with an asterisk are conducted by the Atlantic States Marine Fisheries Commission. All other assessments are conducted by the Northeast Fisheries Science Center.

2024

	Species/Topic	Stock Area	Management Organization(s)
March Research Track	Golden tilefish		MAFMC
June Management Track	Atlantic cod	Eastern Gulf of Maine	NEFMC
	Atlantic cod	Georges Bank	NEFMC
	Atlantic cod	Southern New England	NEFMC
	Atlantic cod	Western Gulf of Maine	NEFMC
	Atlantic herring		NEFMC, ASMFC
	Atlantic surfclam		MAFMC
	Black sea bass		MAFMC
	Butterfish		MAFMC, ASMFC
	Golden Tilefish		MAFMC
	Northern shrimp*		ASMFC
	Shad*		ASMFC
	Striped bass*		ASMFC
	Sturgeon*		ASMFC
July Joint US/Canada Assessments Transboundary Resources Assessment Committee (TRAC)	Atlantic cod	Eastern Georges Bank	NEFMC
	Haddock	Eastern Georges Bank	NEFMC
	Yellowtail flounder	Georges Bank	NEFMC
September Management Track	American plaice		NEFMC
	Atlantic halibut		NEFMC
	Haddock	Georges Bank	NEFMC
	Haddock	Gulf of Maine	NEFMC
	Pollock		NEFMC
	Witch flounder		NEFMC
November Research Track	Yellowtail flounder	Cape Cod / Gulf of Maine	NEFMC
		Southern New England / Mid-Atlantic	NEFMC
		Georges Bank [TRAC]	NEFMC

* Stock assessments denoted with an asterisk are conducted by the Atlantic States Marine Fisheries Commission. All other assessments are conducted by the Northeast Fisheries Science Center.

Appendix: Stock Assessment Type Definitions

Management Track Assessments

Management track assessments provide routine, scheduled, and updated advice to directly inform management actions. These assessments are designed to be:

- Simple, quick, efficient, and flexible: and
- Able to incorporate new information on a regular cycle.

Management track assessments ensure that stock status is updated on a regular and predictable basis.

Research Track Assessments

Research track assessments are complex scientific efforts that are designed to be carried out over several years. They can:

- Focus on research topics or on one or more individual stocks:
- Evaluate an issue or new model that could apply to many stocks: and/or
- Consider extensive changes in data, model, or stock structure.

Research assessments can provide the basis for future management assessments.



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July 24, 2023

Steven W. Bloodgood
Director, Division of Seafood Safety
Center for Food Safety & Applied Nutrition
U.S. Food and Drug Administration
5001 Campus Drive, RM 3C103
College Park, Maryland 20740

Dear Steven:

The Mid-Atlantic Fishery Management 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). Our Council, along with National Oceanic and Atmospheric Administration (NOAA) Fisheries, is responsible for the management of the Atlantic surfclam and ocean quahog fisheries that are prosecuted in the Federal waters off the Northeast US. Because any changes to molluscan shellfish Federal waters biotoxin protocols under the National Shellfish Sanitation Program (NSSP) Model Ordinance may impact these fisheries, my staff have been tracking this issue with support from your staff at the Food and Drug Administration (Quentin Forrest) and with the NOAA Office of International Affairs, Trade, and Commerce - Office of Seafood Inspection (Laurice Churchill).

At our recent June 2023 Council Meeting, fishing industry members raised specific questions regarding what would be required to change the current paralytic shellfish poisoning (PSP) closed area on Georges Bank to an open, controlled status access area. As such, please provide an update on the steps and associated timing involved with the implementation of any changes to molluscan shellfish Federal waters biotoxin protocols that may impact our Atlantic surfclam and ocean quahog fisheries and allow for an opening of this closed area.

We look forward to your response. 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. Coakley, J.Q. Forrest, M. Luisi, J. Montañez, M. Pentony, D. Potts, W. Townsend



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July 25, 2023

Dr. Jon Hare
Science and Research Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Dr. Hare and Mr. Pentony:

The Mid-Atlantic Fishery Management Council appreciates the opportunity to submit comments on the draft NOAA Fisheries New England and Mid-Atlantic Geographic Strategic Plan for 2024-2028. In general, the Council supports this effort to update the regional strategic plan and hopes that it will promote greater coordination and collaboration among the region's fishery management partners. Council members and staff have reviewed the draft plan and developed the following comments and recommendations.

Top Geographic Priorities (page 7): There is extra, duplicative language at the end of the sixth bullet that should be deleted ("Facilitate and increase the accessibility of information in support of regional priorities, for both our staff and our constituents., **for both our staff and our constituents.**") Also, the meaning of "regional priorities" in this context is unclear. Is it referring to the strategic plan priorities, or does it also encompass the priorities of the Council and other regional partners? While the Council strongly supports efforts to facilitate and increase the accessibility of information, we note that none of the strategic goal sections appear to directly address this priority. We believe there is a continued need to strengthen the connection between management and research to ensure that research is conducted and communicated in a manner that is useful to resource managers. We suggest incorporating additional language to address this priority under Strategy 1.1.

Strategic Goal #1, Key Performance Indicators (page 8): The second bullet refers to core data collection efforts, but there is no mention of fishery dependent data collection efforts such as dockside monitoring or the study fleet. These are critical data elements that need to continue and be completed each year. We recommend modifying the beginning of the sentence to read "Complete core fisheries-independent **and -dependent surveys...**". We recommend making the same change to the last sentence of Strategy 1.1 (page 9).

Strategic Goal #1, Strategy 1.5 (page 10): There is a need to define and identify the underserved communities in the Mid-Atlantic region. Having a specific definition and identification of our underserved communities is a critical first step in order to be effective at engaging and supporting these communities. We suggest modifying the second sentence of Strategy 1.5 to read "**Identify and engage with underserved communities...**".

Strategic Goal #2, Key Performance Indicators (page 11): The meaning of the second bullet is unclear (“Increase the number and percentage of recovery actions ongoing or completed.”) This could be interpreted to mean that we are striving for more protected species recovery actions. However, wouldn’t we want this indicator to go down as we have less need for recovery actions over time? Providing some clarity here would be helpful.

Minor/editorial comments:

- Strategy 1.6 (page 10) – “IUU” acronym should be spelled out/defined.
- Strategy 2.1 (page 11) – “North Atlantic right whales” should be “the North Atlantic right whale.”
- Strategy 3.2 (page 13) – Add “(DEIA)” at the end of the first sentence.

Thank you for this opportunity to review and comment on the draft Greater Atlantic Region Geographic Strategic Plan. We hope you will find our comments helpful. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "C. Moore". The signature is written in a cursive style with a large initial "C" and a stylized "Moore".

Christopher M. Moore, Ph.D.
Executive Director

cc: M. Luisi, W. Townsend



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

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

MEMORANDUM

Date: July 26, 2023

To: Chris Moore, Executive Director

From: Kiley Dancy and Hannah Hart, Staff

Subject: Proposed Timeline Revisions for Recreational Sector Separation and Catch Accounting Amendment

Given our internal discussions regarding staff workload and the planned timeline for the Recreational Sector Separation and Catch Accounting Amendment, we have tentatively revised the amendment action plan for discussion with the Council. These revisions are provided below. We propose shifting the approval of a scoping document from December 2023 to Spring 2024 and shifting scoping hearings from January/February 2024 to Spring/Summer 2024. Depending on the anticipated joint meeting schedule over the next few years, this would shift the timeline back by a few months for each subsequent step. Commission staff are planning to share a similar update with the Policy Board.



Recreational Sector Separation and Catch Accounting Amendment to the Summer Flounder, Scup, and Black Sea Bass and Bluefish Fishery Management Plans

Draft Action Plan

April/2023 Revised July 24, 2023

Amendment Goal: The purpose of this amendment is to review and consider options for managing for-hire recreational fisheries separately from other recreational modes (referred to as sector separation) as well as options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip reporting (VTR) requirements for the summer flounder, scup, black sea bass, and bluefish fisheries. This action aims to address expressed interest in sector separation to make better use of for-hire VTR data, which some anglers perceive as being more accurate than the Marine Recreational Information Program (MRIP) data. In addition, this action considers options to improve recreational catch accounting with the intent to reduce uncertainty in the recreational data. This amendment is being developed by the Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission (Commission).

Types of Measures Expected to be Considered: The Council and the Commission's Interstate Fishery Management Program Policy Board (Policy Board) will review and consider options for managing for-hire recreational fisheries separately from other recreational modes (referred to as sector separation) as well as options related to recreational catch accounting for summer flounder, scup, black sea bass, and bluefish. In previous conversations on these issues, the types of measures for potential consideration included:

Sector separation

- No action/status quo
- Managing the recreational for-hire and private/rental fisheries with separate allocations of catch or harvest, including possible options for:
 - Separate Annual Catch Limits (ACLs) for each recreational sector
 - Separate Recreational Sub-ACLs for each recreational sector
 - Separate Recreational Harvest Limits (RHLs)
- Managing the recreational for-hire and private/rental fisheries with separate management measures (bag limits, size limit, seasons, or other measures). Although this is already done for some species/state/mode combinations, this amendment may consider a more uniform approach to separate measures. If the Council and Policy Board choose to prioritize separate measures over other types of sector separation, an amendment may not be necessary depending on the options considered.

Recreational catch accounting

- No action/status quo
- Mandatory private angler reporting
- Tagging programs (i.e., anglers or groups of anglers are issued tags for specific number of fish each year)
- Mandatory tournament reporting

- Enhanced VTR requirements
- Voluntary angler reporting programs to supplement or enhance recreational survey programs

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

An FMAT/PDT has been partially formed to assist with development and analysis of potential alternatives. Additional state representatives are expected to be identified by the Board. 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.

Name	Agency	Role/Expertise
Tracey Bauer	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Kiley Dancy	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
Hannah Hart	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
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
Sara Turner	NMFS Greater Atlantic Regional Fisheries Office	Scientific and technical analysis of federal fisheries management
Scott Steinback	NOAA Fisheries Northeast Fisheries Science Center	Recreational fisheries economist
<u>TBD</u>	<u>TBD</u>	<u>Additional state/Technical Committee representatives to be identified by the Policy Board</u>

Expected Amendment Timeline:

This amendment was initiated in October 2020 along with several other [Recreational Reform Initiative Topics](#). However, in February 2021, work on this amendment was put on hold to prioritize development of the Recreational Harvest Control Rule Framework/Addenda. In December 2022 the Council and Policy Board agreed to continue to develop the Recreational Sector Separation and Catch Accounting Amendment.

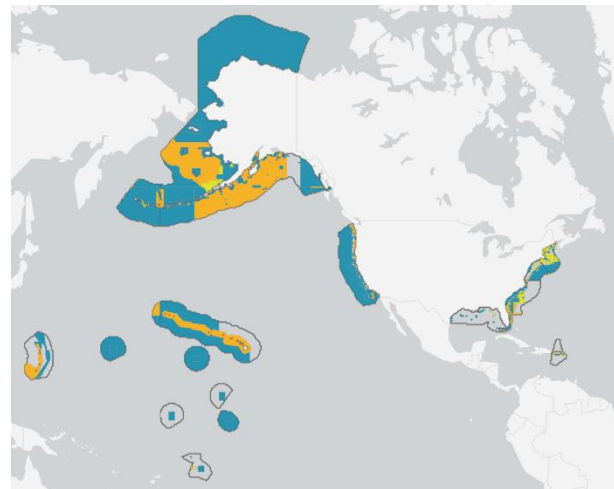
The expected amendment timeline (as of [January-July 2023](#); assuming an environmental assessment; subject to change) is as follows:

Summer/Fall 2023 <u>Spring/Summer 2023</u>	Form Fishery Management Action Team (FMAT)/ Plan Development Team (PDT)
Summer-Fall 2023 <u>Early 2024</u>	FMAT/PDT develops issues for consideration and draft scoping document. Possible Advisory Panel (AP) and Monitoring Committee discussion.
December 2023 <u>Spring 2024</u>	Council and Policy Board approve a scoping and public information document for public comment
January-February 2024 <u>Spring/Summer 2024</u>	Scoping hearings and comment period
Spring 2024 <u>Summer 2024</u>	APs review scoping comments and provide input to Council and Policy Board on scope of amendment and possible approaches
Spring 2024 <u>Summer 2024</u>	FMAT/PDT reviews scoping comments and AP input and provides recommendations to Council and Policy Board on scope of amendment and possible approaches
Spring 2024 <u>August 2024</u>	Council and Policy Board review scoping comments and FMAT and AP recommendations; define scope of action
Summer 2024 <u>Fall 2024</u>	FMAT/PDT begins to develop draft alternatives
August 2024 <u>December 2024</u>	Council and Policy Board review preliminary alternatives
Fall 2024 <u>Winter/Spring 2025</u>	Continued FMAT/PDT development and analysis of alternatives; AP input on draft alternatives
December 2024 <u>Spring/Summer 2025</u>	Council and Policy Board approve final range of alternatives for inclusion in a public hearing document/Commission draft amendment document
Winter 2025 <u>Fall 2025</u>	FMAT/PDT develops public hearing document/Commission draft amendment document
Spring-December 2025	Council and Policy Board approve public hearing document; Policy Board approves draft amendment document for public comment
Spring/Summer 2025 <u>Winter 2026</u>	Public hearings and comment period
Spring/Summer 2025 <u>Winter/Spring 2026</u>	AP meeting to provide input on preferred alternatives; FMAT/PDT meeting to provide recommendations to Council/Board
August 2025 <u>Spring 2026</u>	Final action
Summer 2026 <u>Fall 2025</u>	Staff develop and submit draft environmental assessment (EA)
Winter-Fall 2026	NMFS and other agencies review EA; final edits completed; Rulemaking and comment periods (4-7 months after EA finalized)
TBD	Target effective date (may or may not need to line up with start of fishing year depending on measures approved)



U.S. Fishery Management Council Report Finds More than 72% of Federal Waters Classified as “Conservation Areas”

The nation’s eight regional fishery management councils (Councils) have released a first-ever synthesis of conservation areas in federal waters of the United States. The [report](https://www.fisherycouncils.org/area-based-management), located on <https://www.fisherycouncils.org/area-based-management>, identifies hundreds of conservation areas covering nearly three quarters of federal waters. These findings demonstrate that a large portion of federal waters are protected from fishing activities that could negatively impact the environment.



Conservation areas in the U.S. federal waters

The report was developed with the goal of identifying conservation areas that should be included in the American Conservation and Stewardship Atlas (Atlas). Development of the Atlas is one component of the Biden Administration’s America the Beautiful initiative, which aims to conserve 30% of U.S. lands and waters by 2030. According to the Biden Administration, the Atlas will be a “tool through which to measure the progress of conservation, stewardship, and restoration efforts across the United States.” The Council Coordination Committee (CCC), consisting of leadership from the eight fishery management councils, formed an Area-Based Management Subcommittee in May 2021 to identify conservation areas in federal waters.

“Our subcommittee produced a first-of-its-kind, groundbreaking, and highly detailed analysis of the conservation areas developed by all eight regional fisheries management councils under our authority mandated by the Magnuson-Stevens Act,” said Eric Reid, Chair of the CCC Area-Based Management Subcommittee. “These conservation areas are designed to maintain the productivity and biodiversity of marine ecosystems and balance fishery access to a wide variety of user groups.”

Areas under consideration were subject to a newly developed, rigorous review process that included defining a “conservation area” and then screening each area relative to qualifying criteria based on a combination of international standards for conservation and the America the Beautiful principles.

Based on those criteria, the subcommittee identified a total of 648 conservation areas covering more than 72%, or nearly 3.4 million square miles, of federal waters. The report includes an in-depth examination of fishing gear restrictions, with a focus on various configurations of “bottom tending” gear which contact the sea floor. According to the report, bottom trawling is prohibited in over half of U.S. federal waters, and over a third of the U.S. federal waters include prohibitions on all bottom tending gears.

Appendix A of the report includes summaries and maps of each Council’s conservation areas. Appendix B provides additional details and links, an evaluation relative to the eight America the Beautiful principles, and an effectiveness checklist. For those interested in exploring the maps more closely, the subcommittee also developed an [interactive "dashboard" tool](#) to serve as a companion to the report. The dashboard is a work in progress and will continue to be refined in the months to come.

“The CCC strongly encourages NOAA and other agencies involved in Atlas development to incorporate the conservation areas identified in the report,” said Dr. Greg Stunz, CCC Chair. “By including these areas in the Atlas, the U.S. effectively demonstrates how the Councils’ fishery management measures directly result in improved conservation outcomes that benefit sustainable fisheries, other marine species, and habitats.”

For more information visit the [Area-Based Management webpage](#).

Contact [Michelle Bachman](#) or [Eric Reid](#) with technical questions about CCC Area-Based Management efforts and products.

Use this list of regional [contacts](#) for media inquiries or general questions.



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MEMORANDUM

Date: July 27, 2023
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Updates on Offshore Wind Energy Development

This memo summarizes recent updates on offshore wind energy development. This list is not intended to be exhaustive and focuses on updates of greatest relevance to the Mid-Atlantic Fishery Management Council.

- **EFH consultations for offshore wind projects:** Concerns about the essential fish habitat (EFH) consultation process, including concerns articulated in a [June 27, 2023 letter from the National Marine Fisheries Service](#) (NMFS), prompted the executive directors of the Mid-Atlantic and New England Councils to submit a letter to the Bureau of Ocean Energy Management (BOEM) supporting the NMFS EFH conservation recommendations for the Revolution Wind project offshore of Massachusetts. This Council letter is appended to this memo. NMFS provided the following summary of the offshore wind EFH consultation process to provide context for this letter.

In accordance with the Magnuson-Stevens Act, federal agencies, including BOEM are required to consult with NMFS for all activities they authorize, fund, or undertake that may adversely affect EFH. This consultation process involves preparation of an EFH assessment that describes the proposed action, analyzes the potential adverse effects of the action on EFH and the managed species, and includes the federal agency's conclusions regarding the effects of the action on EFH. Consultations for offshore wind projects are challenging both for NMFS and the federal action agencies due to their large scale, the complex nature of the work proposed and the habitats affected, the number of projects proceeding through the National Environmental Policy Act (NEPA) process and EFH consultation process simultaneously, and the two-year time frame mandated by [the FAST-41 process](#). In addition, the site assessment process for offshore wind projects has been proceeding concurrently with the development and review of the Construction and Operations Plans, rather than in sequence. This has led to changes in some projects late in the consultation process. All these factors combined have resulted in EFH assessments that may not include a complete description of the activities proposed or fail to fully evaluate all the potential effects. While BOEM works hard to ensure NMFS has a complete EFH assessment, it can take time to obtain, compile and analyze information provided to address the NMFS comments on draft assessments. This can push the

conclusion of the EFH consultations closer to the end of the NEPA process than both NMFS and BOEM would prefer.

NMFS is working closely with BOEM and the US Army Corps of Engineers (USACE) to improve coordination, encourage the preparation of complete EFH assessments, and allow the EFH consultation process to be completed sooner. NMFS has worked closely with BOEM and the Volpe Institute to develop an EFH assessment template which should provide BOEM's contractors and developers with a better understanding of the information and analysis needed for a complete EFH assessment. NMFS has developed Habitat Mapping Guidance and Offshore Wind Information Needs available on the [Offshore Wind Technical Assistance](#) website, and is working to improve coordination with BOEM and the USACE both before and after NMFS provides EFH conservation recommendations to the agencies. NMFS is also altering the format of their letters to provide more clarity in their EFH conservation recommendations.

- **Submitted comment letters:** Since the June 2023 Council meeting, the Council submitted the following comment letters:
 - [Joint MAFMC and NEFMC Letter to BOEM: NOI for the Beacon Wind Project \(7/26/2023\)](#)
 - [Joint MAFMC and NEFMC Letter to BOEM: EFH Conservation Recommendations for the Revolution Wind project \(7/19/2023\)](#)
 - [Joint MAFMC and NEFMC Letter to BOEM: Atlantic Shores South Wind DEIS \(6/30/2023\)](#)
- **Ongoing construction:** Construction is underway for the South Fork and Vineyard Wind 1 projects.
 - **South Fork Wind:** Turbine foundations are currently being installed. For the most recent updates on construction activities, see the Northeast mariners briefings posted [here](#).
 - **Vineyard Wind 1:** Turbine foundations are currently being installed and preparation work, including pre-lay grapnel runs, is underway for the inter-array cables. The most recent updates on construction activities are available [here](#).
- **Ongoing survey activities:** Geophysical, geotechnical, fisheries, and other types of survey work are underway for many wind projects throughout the region. These surveys use a variety of gear types, including some equipment that is installed in a location 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](#)).
- **Recently published studies:** Three Northeast Fisheries Science Center (NEFSC) staff authored a review article in the journal *Frontiers* (volume 10 -2023) titled “Offshore wind project-level monitoring in the Northeast U.S. continental shelf ecosystem: evaluating the potential to mitigate impacts to long-term scientific surveys” (available [here](#)).

- **NEFSC/URI partnership:** The NEFSC and the University of Rhode Island (URI) have signed a 5-year formal partnership agreement to research how offshore wind energy development will affect marine ecosystems and the people who live near, or work on, the ocean. More information is available [here](#).
- **Fisheries compensation bidding credits in the Gulf of Mexico:** BOEM published a final sale notice for wind leases in the Gulf of Mexico. This lease auction will allow bidding credits of up to 10% of a cash bid in exchange for a commitment to establish and contribute the bidding credit amount to a Fisheries Compensatory Mitigation Fund for commercial and for-hire recreational fisheries. More information is 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-notices>.



July 19, 2023

Jessica Stromberg, Chief
Environmental Branch for Renewable Energy
Bureau of Ocean Energy Management
45600 Woodland Road (VAM-OREP)
Sterling, Virginia 20166

Re: EFH Conservation Recommendations for the Revolution Wind project

Dear Ms. Stromberg,

Please accept these comments from the New England Fishery Management Council (New England Council) and Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) urging BOEM to adopt NOAA Fisheries' essential fish habitat conservation recommendations (EFH CRs) for the Revolution Wind project off Rhode Island and Massachusetts. These recommendations were communicated by NOAA Fisheries to BOEM in a June 16, 2023 letter and are consistent with recommendations and concerns identified in the Councils' scoping and DEIS comments¹.

There is no public comment period associated with these EFH CRs and the Councils do not typically comment on EFH CRs separately from commenting on the DEIS. However, we are especially concerned about the potential for population-level impacts to Atlantic cod from construction of Revolution Wind. We were disappointed by BOEM's recent response to NOAA Fisheries' EFH CRs for the Ocean Wind 1 project off New Jersey and hope this letter will encourage BOEM to more seriously consider the EFH CRs for the Revolution Wind project.

As you know, the Councils are responsible for designating EFH and Habitat Areas of Particular Concern (HAPC) for the species under our fishery management plans, and partner with NOAA Fisheries on EFH consultations. NOAA Fisheries' June 16 letter describes their EFH consultation roles and responsibilities.

We especially wish to highlight NOAA Fisheries' Atlantic cod spawning EFH CRs. A recently completed stock identification study (McBride and Smedbol, 2022)² concluded that Southern New England cod are a distinct sub-population (i.e., distinct from the Georges Bank and Gulf of Maine sub-populations). This refinement to the stock structure was incorporated into stock assessments that will be peer reviewed in early August 2023. This new understanding of the stock structure means offshore wind project construction could have **population-level impacts** on the Southern New England sub-population of Atlantic cod.

¹ [210601-NEFMC-MAFMC-to-BOEM-re-Revolution-Wind-NOI](#); [221017-NEFMC-MAFMC-to-BOEM-Revolution-Wind-DEIS](#)

² McBride, Richard S. (editor) and Smedbol, R. Kent (editor) (2022). An Interdisciplinary Review of Atlantic Cod (*Gadus morhua*) Stock Structure in the Western North Atlantic Ocean. <https://doi.org/10.25923/sk1x-z919>



Based on current assessment information, all Atlantic cod stocks in this region are overfished and experiencing overfishing. The New England Council and NOAA Fisheries are managing these stocks under a rebuilding plan and the fisheries are subject to restrictive, scientifically-based management measures. As described in more detail below, we are very concerned that these rebuilding efforts will be severely compromised by construction of the Revolution Wind project if the NOAA Fisheries cod spawning EFH CRs are not fully implemented.

As described in the EFH CRs, avoiding construction in areas and seasons where spawning is known or likely to occur is the best way to minimize impacts of the project on fish behavior and spawning success. Cod rely on acoustic communication during spawning, and physical or acoustic disturbances to the seabed or water column during the spawning season could negatively impact spawning success. A multi-year BOEM-funded acoustic study conducted by NOAA Fisheries (Van Hoeck et al., 2023³) has clearly documented the importance of Cox Ledge and surrounding waters as a spawning ground. These grounds overlap the central portion of the Revolution Wind project area, and NMFS has recommended removal of turbine positions that have a high degree of overlap with these well-documented spawning sites, specifically positions 36, 37, 38, 39, 44, 45, 46, 49, and 50. These positions represent a subset of those recommended for removal under Alternatives C1 and C2 in the DEIS. Even if these positions are removed, impacts to this habitat will be unavoidable if the substation-link cable passes directly through this area as proposed. We urge BOEM to adopt NMFS' recommendation to reroute this cable around these important areas.

Time of year restrictions on construction activity during specific months of the year in which cod are known to spawn (i.e., November 1 through March 31) are key to minimize impacts. Some acoustic impacts will be minimized due to prohibitions on pile driving between January 1 and April 30 as proposed to protect North Atlantic Right Whales, however the months of November and December fall outside this window. As we read the mitigation measures for marine mammals, daytime pile driving is the default to facilitate the work of mammal observers, unless specific nighttime plans are approved. Daytime construction work will not minimize impacts to Southern New England cod as their spawning vocalization is most active during the day, as demonstrated by the acoustic study referenced above. This is distinct from other cod stocks where peaks in grunt vocalizations occur at night (Grabowski et al., 2015; Zemeckis et al., 2019).

In addition to measures to mitigate the effects of development, scientific surveys capable of identifying spawning aggregations (EFH CR4) are an essential component of NOAA Fisheries' recommendations. BOEM must rely on the best available science, i.e., the ongoing BOEM-funded acoustic research, to identify an alternative for the project that will minimize impacts to Atlantic cod.

As noted by NOAA Fisheries, the Revolution Wind project area includes large areas of extremely complex habitat and there are numerous locations that should be avoided in addition to

³ Van Hoeck, R. V., et al. (2023). "Comparing Atlantic Cod Temporal Spawning Dynamics across a Biogeographic Boundary: Insights from Passive Acoustic Monitoring." Marine and Coastal Fisheries 15(2).



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those NOAA Fisheries recommends removal for cod spawning. More specifically, for both turbines and associated inter-array cabling, we recommend removing positions B48, B52, B53, B61, and B62. There is a close correspondence between the turbine positions recommended for avoidance due to cod spawning protection and complex habitats. Other portions of the lease area where cod spawning activity has not been documented are also highly complex with high backscatter and dense boulder fields.

Given the habitat conditions at the project site, substantial boulder clearance activities will be required to construct the project. It is essential that such relocation be completed in a way that does not create obstructions to fishing operations in the vicinity. We agree with NOAA Fisheries' recommendations regarding relocated boulders, including that a detailed boulder relocation plan must be developed and approved before work begins. Boulders should be relocated to areas adjacent to similar natural habitats. Eliminating turbine positions and avoiding routing cables through the densest boulder fields would reduce the need for such extensive planning.

As previously noted, the Councils are responsible for identification of EFH and HAPC and are partners with NOAA Fisheries in EFH consultation. It is challenging for Council staff to fully engage in this process when we desire to do so given a lack of access to data and information that is shared with NOAA Fisheries as they develop EFH CRs. We request access to data viewers that show information such as backscatter, bedforms, boulder fields, etc., as well as numbered turbine positions, so that we may be a more effective partner with NOAA Fisheries' Habitat and Ecosystems Services Division on EFH consultations for this and future projects.

Please contact us if you have any questions.

Sincerely,

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

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

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