



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: March 25, 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 April 2022 Council Meeting:

1. 2022 Planned Meeting Topics
2. 2023 Council Meeting Dates
3. GARFO Letter: Proposed Rule to Revise Surfclam and Ocean Quahog Recordkeeping and Reporting Regulations (3/3/22)
4. Monte Rome Petition: Nantucket Shoals Essential Fish Habitat Surfclam Closure (1/13/22)
5. NMFS Letter: Response to Monte Rome Petition (3/10/22)
6. Staff Memo: Update on 2022 Monkfish Work Priorities (3/24/22)
7. Press Release: Recreational Harvest Control Rule Framework/Addenda Public Hearings (3/4/22)
8. GARFO Email: Update on Atlantic Sturgeon Bycatch Working Group (3/18/22)
9. CCC Letter: Response to Department of Interior Request for Information to Inform Interagency Efforts to Develop the American Conservation and Stewardship Atlas (2/25/22)
10. Rep. Huffman Statement On Status Of Magnuson-Stevens Act Reauthorization (3/24/22)
11. Public Comment: Opposition to COMPETES Act (3/14/22)
12. Mid-Atlantic Marine Heavy Mineral Sands Forum (3/31/22)

2022 Planned Council Meeting Topics

Updated: 3/21/22

April 5-7, 2022 Council Meeting - Galloway, NJ

- 2023 Golden Tilefish Specifications: Review
- 2023 Blueline Tilefish Specifications: Review
- 2022 Illex Specifications: Review
- Atlantic Mackerel Rebuilding 2.0 Amendment: Approve Alternatives for Public Hearing Document
- ~~Review River Herring and Shad Spatial/Temporal Analyses~~
- Climate Change Scenario Planning: Update
- 2022 Mid-Atlantic State of the Ecosystem Report
- 2022 EAFM Risk Assessment Update
- Research Set-Aside Redevelopment Workshop: Update
- Atlantic Surfclam Genetics Project: Presentation
- Offshore Wind Updates
- Sea Turtle Bycatch in MAFMC Trawl Fisheries: Update and Feedback

May 5, 2022 - Arlington, VA

- [Recreational Harvest Control Rule Framework/Addenda: Update \(with ASMFC Policy Board\)](#)

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

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

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

- 2023 Summer Flounder, Scup, and Black Sea Bass Specifications and Commercial Measures: Review (Joint with ASMFC SFSBSB Board)

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

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

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

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

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

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2022 Council Meeting Topics At-a-Glance

	April	May (ASMFC Spring Mtg)	June	August	October	December
Mackerel, Squid, Butterfish <i>and</i> River Herring and Shad (RH/S)	<ul style="list-style-type: none"> • 2022 Illex Specs Review • Mackerel Rebuilding 2.0 Amd: Approve Alternatives 		<ul style="list-style-type: none"> • 2023-2025 Chub Mackerel Specs • 2023 Longfin Squid Specs – Review • RH/S Spatial/ Temporal Analyses • Mackerel Rebuilding 2.0 Amd: Final Action 	<ul style="list-style-type: none"> • 2023 Illex Specs Review • 2023-2024 Butterfish Specs 		
Recreational Reform		<ul style="list-style-type: none"> • Recreational HCR FW/ Addenda: Update 	<ul style="list-style-type: none"> • Rec HCR FW/ Addenda: Final Action 	<ul style="list-style-type: none"> • Rec Reform Technical Guidance Doc: Discuss • Rec Sector Separation and Catch Accounting Amd: Discuss 		<ul style="list-style-type: none"> • Rec Reform Technical Guidance Doc: Review Draft • Rec Sector Separation and Catch Accounting Amd: Approve Scoping Doc
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)				<ul style="list-style-type: none"> • SF/S/BSB 2023 Specs Review • Commercial Scup Discards and GRAs: Review 		<ul style="list-style-type: none"> • SF/S/BSB 2023 Rec Mgmt Measures
Bluefish				<ul style="list-style-type: none"> • Bluefish 2023 Specs and Rec Mgmt Measures Review 		
Tilefish	<ul style="list-style-type: none"> • 2023 Golden Tilefish Specs Review • 2023 Blueline Tilefish Specs Review 				<ul style="list-style-type: none"> • Private Tilefish Permitting/ Reporting Update 	
Atlantic Surfclam and Ocean Quahog (SC/OQ)	<ul style="list-style-type: none"> • Surfclam Genetics Project Presentation 		<ul style="list-style-type: none"> • SC/OQ 2023 Specs Review 		<ul style="list-style-type: none"> • SC/OQ Species Separation Amd: Approve Public Hearing Doc 	<ul style="list-style-type: none"> • SC/OQ Species Separation Amd: Final Action
Spiny Dogfish						<ul style="list-style-type: none"> • 2023-2026 Dogfish Specs
Science Issues	<ul style="list-style-type: none"> • RSA Workshop: Update 		<ul style="list-style-type: none"> • RSA Redevelopment: Final Action 		<ul style="list-style-type: none"> • Joint Council-SSC Meeting • Ocean City Video Project: Review Results 	

	April	May (ASMFC Spring Mtg)	June	August	October	December
EAFM	<ul style="list-style-type: none"> 2022 State of the Ecosystem Report 2022 EAFM Risk Assessment 		EAFM Summer Flounder MSE: Model Development and Outputs	<ul style="list-style-type: none"> EAFM Summer Flounder MSE: Review Final Results 		<ul style="list-style-type: none"> EAFM Risk Assessment Comprehensive Review: Update
Habitat, Aquaculture, Wind	<ul style="list-style-type: none"> Offshore Wind Update 		<ul style="list-style-type: none"> Habitat Update Aquaculture Policy: Approve 	<ul style="list-style-type: none"> Offshore Wind Update 	<ul style="list-style-type: none"> EFH Redo Amd: Initiate 	<ul style="list-style-type: none"> Habitat Update Offshore Wind Update
Protected Resources	<ul style="list-style-type: none"> Sea Turtle Bycatch: Update 		<ul style="list-style-type: none"> Atlantic Large Whale Take Reduction Plan Phase II 			
Other	<ul style="list-style-type: none"> Climate Change Scenario Planning Update 		<ul style="list-style-type: none"> Unmanaged Commercial Landings Report 	<ul style="list-style-type: none"> Climate Change Scenario Planning: Review Draft Scenarios 	<ul style="list-style-type: none"> 2023 Implementation Plan: Draft Deliverables Climate Change Scenario Planning: Final Scenarios and Recommendations 	<ul style="list-style-type: none"> 2023 Implementation Plan: Approve

Acronyms/Abbreviations

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

Actions Referenced in this Document

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



2023 Council Meeting Schedule

(As of March 16, 2022)

February 7 – 9, 2023	Hotel Washington 515 15 th Street NW Washington, DC 20004
April 4 – 6, 2023	TBD
June 6 – 8, 2023	Hilton Virginia Beach Oceanfront 3001 Atlantic Avenue Virginia Beach, VA 23451
August 7 – 10, 2023	Westin Annapolis 100 Westgate Circle Annapolis, MD 21401
October 3 – 5, 2023	TBD
December 11 – 14, 2023	The Notary Hotel 21 North Juniper Street Philadelphia, PA 19107



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

March 3, 2022

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

Dear Mike:

This letter is to notify the Mid-Atlantic Fishery Management Council of a proposed rule we are preparing that would revise the recordkeeping and reporting regulations for vessels that harvest Atlantic surfclam or ocean quahog. The proposed regulatory changes would be made under the Secretary's rulemaking authority specified in section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act and would not require Council action to change the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP).

As you know, the surfclam and ocean quahog individual transferable quota (ITQ) fishery has always reported fishing trips using a separate logbook from the standard vessel trip report (VTR) used by other fisheries in our region. When all other commercial fisheries in our region transitioned to all-electronic trip reporting in November 2021, the ITQ clam fleet was advised to temporarily continue using paper logbooks because there was not a suitable electronic reporting option available that fulfilled the unique ITQ fishery requirements. We are currently working on changes to our Fish-Online eVTR reporting application to accommodate the surfclam and ocean quahog ITQ fisheries. Previous efforts to include clam reporting as part of the Northeast Fisheries Science Center's Fisheries Logbook Data Recording Software (FLDRS) version 5 will be discontinued so that the FLDRS program can focus on meeting the needs of the Study Fleet.

We plan to take this opportunity to update, clarify, and reconcile some of the reporting idiosyncrasies that have developed over the long history of this FMP. For example, the current regulations are not explicit about how a surfclam or ocean quahog vessel should report other species they catch incidentally. Our view has been that the vessel operator must report the surfclam or ocean quahog catch on a clam logbook, but also complete a standard VTR to report any other catch. The proposed change to the regulations would eliminate the separate clam logbook, and instead require vessels fishing in the surfclam and ocean quahog ITQ fishery to meet the same trip reporting requirements as our other commercial fisheries, with the addition of a few ITQ-specific questions. This will make it easier to integrate clam reporting into the Fish-Online eVTR app, and allow clam vessels to report their target species as well as any species caught incidentally with a single report.

The proposed action would require all vessel operators to complete the standard eVTR with a few additional fields for surfclam or ocean quahog trips. In practice, a vessel operator would initiate a trip in the Fish-Online app just as they do for any commercial fishing trip. If it's a



surfclam or ocean quahog ITQ trip, a few additional fields from the current clam logbook would automatically appear on the trip offload section of the report. Specifically, vessel operators would be asked to report the ITQ allocation number they are fishing under, all of the cage tag numbers associated with those landings, and the price received per bushel. These changes will also make it easier for other eVTR app developers to include surfclam and ocean quahog reporting if they choose, but inclusion of clam-specific fields will not be required for eVTR apps to be certified.

By completing a standard eVTR, clam vessel operators would need to report some information they do not currently report, report other information in a different format, and some information in current reporting regulations would no longer be required. The new data fields include “quantity and size of gear,” “average depth,” and “operator’s permit number.” The “date/time sailed” and “date/time landed” fields would replace the current “time at sea” field, and “total hauls” and “average tow duration” would replace “duration of fishing time.” The regulations currently include “crew share by percentage” as a required field for the clam logbook. However, that field has not been included on paper logbooks for at least 20 years, possibly longer. Because it has not been collected, we would propose removing this requirement from the regulations, and not trying to start collecting it now. Additional details of all the proposed changes will be described in the proposed rule document.

We welcome Council input on this process and will notify you of the public comment period when a proposed rule publishes. If you have any questions about these potential changes, or would like to provide comment before a proposed rule is published, please contact Doug Potts (Douglas.Potts@noaa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Michael Pentony". The signature is written in a cursive, flowing style.

Michael Pentony
Regional Administrator

cc: Dr. Chris Moore, Dr. Jon Hare

Intershell International Corp

9 Blackburn Drive

Gloucester, MA 01930

01/13/2022

Memo To: Michael Pentony

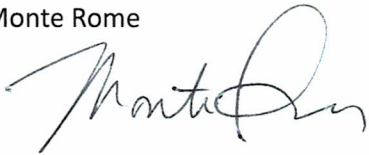
Memo From: Monte Rome

Re: Emergency Action Request

Please review the enclosed request for Emergency Action forwarded to the Secretary of Commerce today.

Thanks for your attention to this very pressing issue.

Monte Rome

A handwritten signature in black ink, appearing to read "Monte Rome", written in a cursive style.

Intershell International Corp.

9 Blackburn Drive

Gloucester, MA 01930

01/13/2022

Gina M. Raimondo - Secretary of Commerce

1401 Constitution Avenue NW

Washington, D.C. 20230

RE: Nantucket Shoals Essential Fish Habitat Surf Clam Closure

Emergency Action Requested Per Magnuson 305 (C)

Dear Ms. Raimondo,

My name is Monte Rome and I write you as a N. E. Surf Clam Harvesting Fleet Owner, a Surf Clam Processor and on behalf of the other participants in the American Surf Clam Industry of New England who are all integral parts of the American Surf Clam Industry.

With this letter, I am writing to express to you the dire situation in the Community of Surf Clam Harvesters and Processors who harvest and process the American Surf Clam in the New England area with surf clams from the Nantucket Shoals fishing grounds. Together this Industry has supported hundreds of jobs, many of which have disappeared and more that will continue to disappear because of the lack of raw materials due to the closure of the Nantucket Shoals harvest area for this specie.

The clams from this area have been an important and regenerative (sustainable) food supply for our Country for the past 40 plus years and add greatly to the food security we must maintain with our growing population. It is also the only commercially productive grounds that exist for this area of the Country but represents a negligible part of the ocean covered by the Omnibus Habitat Amendment and OHA2 work. These clams are part of the Essential Fish Habitat (EFH) and occupy this area as Essential Surf Clam Habitat which has been coded by many studies and publications over decades of concern for the impacts of surf clam dredging and habitat effect from the process of harvesting surf clams. As stated, EFH (Essential Fish Habitat) relates to all species and this area is the EFH which supports the spawning, reproduction, and growth to maturity of the American Surf Clam.

The NEFMC and GARFO closed almost all this productive EFH Surf Clam Habitat under OHA2 without an applicable science basis in April of 2019. To date and for many reasons, there has been no scientific evidence of sensitive fish habitat to protect – only speculation upon which the closure is based. The enclosed Habitat PDT Meeting agenda of March 7, 2019 will reveal this lack of information which predicated the closure. While the 'RULE' purporting to allow our businesses to continue with equitable openings of the area, instead the RULE has created an exceptional expense for vessels and a declining supply of this raw material which has affected all

However, one processor with 3 vessels who was extended an Exempted Fisheries Permit (EFP) for research of less than 1% of the area containing clams, has excelled in food production, maintaining his business, and harvesting with great efficiency. This demonstrates the inequity and difference between the designated areas which 'others' were permitted to fish and the EFP holder. The EFP holder is catching more than 4 times the average rate than those who have been relegated to areas dictated by the Regional Administrator at the NEFMC meeting of December 4, 2018. All other vessels, processors, workers, haulers and distributors conducting business as the New England Surf Clam Industry are struggling to maintain their businesses while one participant has excelled. We 'others' are failing in our businesses and failing the American people because of deleterious rule making.

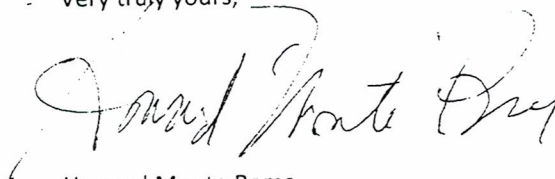
Many of us in the Surf Clam Community spent lengthy days traveling to and attending the several NEFMC PDT (Planning and Development Team) meetings to discuss the issues in 2018 and 2019. However, at the December 2018 NEFMC meeting and without notice the Regional Administrator dictated that we must accept the non-vetted, non-preferred alternative rather than the PDT and Industry vetted and recommended alternative for open areas for fishing.

While our Community has tried every day to make the designated areas provide for our Industry, we are now at the expected precipice and need an immediate **Emergency Action to Open This Area for the next 5 years** while we collect and provide accurate data about the habitat to the NEFMC and GARFO so a suitable rule might be enacted at a later date. Data collection of this type takes many years, and we need all the time requested to collect this data if required.

We need your immediate support for this requested measure which must be undertaken if the NE Surf Clam Industry is to survive. The decline of this Industry is a direct result from the discriminatory and meritless closure of the area which has decimated our staffs and made the future of our Industry and jobs questionable. Please give this issue your immediate and serious attention.

The undersigned will appreciate your swift action in approving this request for Emergency Action. Thank you.

Very truly yours,



Howard Monte Rome

Cc: Janet Coit, NOAA Deputy Administrator

Eric Reed, NEFMC Council Chair

Michael Pentony, Regional Administrator NOAA

Michelle Bachman, NEFMC Fishery Habitat Analyst

Tom Nies, NEFMC Executive Director

Robbie Gosselin, Gosselin & Sons Trucking

Alan Renquiritel, Nantucket Sound Seafood

David Costa, Costa Trucking

Sam Martin, Galilean Seafoods

Congressman Seth Moulton

Dan McKiernan, MA. Division of Marine Fisheries



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

March 10, 2022

Mr. Monte Rome
Intershell International Corporation
9 Blackburn Drive
Gloucester, MA 01930

Dear Mr. Rome,

I have received your January 13, 2022, letter to Secretary of Commerce Gina Raimondo regarding surfclam fishing in the Great South Channel Habitat Management Area (HMA). Your letter requests the Secretary to take emergency action to open the HMA to surfclam fishing for the next five years.

Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) allows the Secretary of Commerce to promulgate emergency regulations when the Secretary finds that an emergency exists involving any fishery. NOAA's National Marine Fisheries Service (NMFS) policy guidance defines an emergency as a situation that: 1) Results from recent, unforeseen events or recently discovered circumstances; 2) presents serious conservation or management problems in the fishery; and 3) can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process. The Magnuson-Stevens Act stipulates that any emergency regulations shall remain in effect for not more than 180 days after the date of publication in the *Federal Register*, and may be extended for one additional period of not more than 186 days.

As you know, the New England Fishery Management Council's Habitat Committee discussed the status of the surfclam fishery within the HMA at its January 18, 2022, meeting, and the full Council discussed the issue at its February 1, 2022, meeting. The Council voted to have the Habitat Committee review a progress report from a project that had an exempted fishing permit (EFP) to fish in the HMA, but took no action with regard to requesting that the Secretary take emergency action.

We have evaluated your request for Secretarial emergency action consistent with the requirements of the Magnuson-Stevens Act. However, your request for an emergency rule for a period of five years far exceeds the time limitations of Magnuson-Stevens Act section 305(c) described above. Moreover, the situation you describe in your January 13, 2022, letter does not qualify as an emergency as it does not result from recent, unforeseen events or recently discovered circumstances. The potential for adverse economic impacts from fishing restrictions in the HMA that you have described experiencing were discussed and analyzed in the Environmental Impact Statement prepared for the Council's Omnibus Habitat Amendment 2, which created the HMA. They were also discussed in the Environmental Assessment for the

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



follow-on Clam Dredge Framework Adjustment that established three exemption areas within the HMA that allow fishing for surfclams and blue mussels. To the extent that the New England Fishery Management Council revisits its decisions through the Council process, I urge you to participate and express your views. If you have additional questions about the management of the HMA or the Atlantic surfclam fishery more broadly, please contact Douglas Potts from the Greater Atlantic Regional Fisheries Office Sustainable Fisheries Division (Douglas.Potts@noaa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit". The signature is written in a cursive style with a large initial "J" and "C".

Janet L. Coit
Assistant Administrator for Fisheries



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: March 24, 2022
To: Chris Moore, Executive Director
From: Jason Didden
Subject: Update on 2022 Monkfish Work Priorities

Dr. Rachel Feeney, New England Council Staff and Monkfish Plan Coordinator, led development of this update. Monkfish is a joint Fishery Management Plan (FMP) with New England as lead.

In December 2021, the New England Fishery Management Council (NEFMC) set the following as work priorities for 2022 related to the Monkfish FMP:

- Develop and submit action to adjust monkfish specifications for 2023-2025, including potential modifications to the discard estimation methods based on the recent work done by the Plan Development Team (PDT); consider a 12-inch minimum mesh size for monkfish gillnets; consider requiring VMS for the federal fishery, including evaluation of costs; consider measures to reduce discards in the southern monkfish management area.
- Advisory Panel (AP) and PDT develop a fishery performance report to help the Council/Committee better understand present conditions of the fishery
- Monkfish management track assessment.

This memo contains a progress update on these priorities, including expected timelines. The Monkfish FMP webpage contains more information about this work and the meetings that are being held this year: <https://www.nefmc.org/management-plans/monkfish>.

MONKFISH MANAGEMENT TRACK ASSESSMENT

The Northeast Fisheries Science Center will conduct a management track assessment for monkfish over the summer, the scope of which will be set by the Assessment Oversight Panel in May 2022. Monkfish was last assessed in 2019. That assessment (and the one in 2016) used a trawl survey index to determine stock status, because the difficulty in aging monkfish precluded use of growth models. Since 2010, both the northern and southern stocks of monkfish are considered not overfished and overfishing is not occurring, but substantial uncertainty in this determination is recognized. The status of the stocks will be revisited with updated data during the 2022 assessment, which will be peer reviewed in September.

FRAMEWORK ADJUSTMENT 13 TO THE MONKFISH FMP

The specifications for fishing years 2023-2025 will be developed through Framework Adjustment 13 to the Monkfish FMP. This action will also include consideration of the potential measures identified in the first bullet above. On February 28, the Monkfish PDT met to begin work on this action, particularly to develop background information on the specifications setting process and to inform the development of the alternatives for the types of management measures identified by the Council.

The NEFMC is expected to formally initiate Framework 13 at its April 2022, meeting. The Monkfish Advisory Panel will meet on May 4 to discuss this action and make recommendations. Work on this action will continue through the remainder of 2022. The PDT will develop recommendations for setting the Acceptable Biological Catch (ABC) following the 2022 assessment. The NEFMC's Scientific and Statistical Committee will meet mid-October to recommend an ABC for each stock. The NEFMC is expected to take final action at its December 2022 meeting, with the MAFMC taking final action the following week.

MONKFISH FISHERY PERFORMANCE REPORT

The PDT and Advisory Panel will collaboratively develop the first monkfish fishery performance report. The PDT has developed a draft outline of this report.

The NEFMC will be briefed on the progress of this work priority at its April 2022 meeting. The PDT is preparing background fishery information for the report. On May 4, 2022, the Advisory Panel is expected to review the draft report and provide their input on: the current state of the fishery; factors influencing fishing effort and markets; impacts of fishing regulations; ideas for improvement; and more. The PDT will then develop a draft of the full report to be reviewed by the Monkfish Committee in May 2022. A social sciences sub-panel of the SSC is expected to review the draft over the summer and the report will be finalized prior to the fall 2022 NEFMC and MAFMC meetings. The report can then be provided to the SSC when they discuss ABCs/ specifications in October 2022.

The Monkfish Committee met on March 24, 2022 to discuss several of the topics in this update, and outcomes of the meeting will be provided in a later update.



MID-ATLANTIC

FISHERY MANAGEMENT COUNCIL

PRESS RELEASE

FOR IMMEDIATE RELEASE
March 4, 2022

PRESS CONTACT: Mary Sabo
(302) 526-5261

Public Hearings Scheduled for Recreational Harvest Control Rule Framework/Addenda

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) are considering changes to the process for setting recreational management measures (bag, size, and season limits) for summer flounder, scup, black sea bass, and bluefish. The Council is considering these changes through a framework action. The Commission is considering an identical set of options through draft addenda. Collectively, these management actions are referred to as the *Recreational Harvest Control Rule Framework/ Draft Addenda*.

The Framework/Draft Addenda is intended to provide greater stability and predictability in recreational management measures from year to year and allow for more explicit consideration of stock status. The Framework/Draft Addenda proposes five possible approaches for setting recreational measures. Key differences between the options include the information considered when setting measures (e.g., stock size, recent harvest levels, whether overfishing is occurring) and the circumstances under which measures would change (e.g., a change in stock size, an expected harvest limit overage or underage).

The Commission has scheduled a series of public hearings to gather input on its Draft Addenda. Although the Council's framework development process does not include public hearings, all public comments provided during the Commission's comment period will be considered by both groups before taking final action.

All those interested in the management of the recreational summer flounder, scup, black sea bass, and bluefish fisheries are encouraged to provide input during any of eight virtual public hearings to be held between **March 16** and **April 13, 2022**. Written comments may be submitted through **April 22, 2022**. Please see the Commission's [press release](#) for a hearing schedule and instructions for submitting comments.

The Commission's [Draft Document for Public Comment](#) provides detailed information about each option under consideration in the Framework/Draft Addenda. Additionally, an [Options Reference Guide](#) has been developed to help stakeholders understanding and compare the proposed management options.

Contact: If you have questions or need additional information, please contact Julia Beaty at jbeaty@mafmc.org or (302) 526-5250.

From: Michael Pentony - NOAA Federal <michael.pentony@noaa.gov>
Sent: Friday, March 18, 2022 4:10 PM
To: Moore, Christopher <cmoore@mafmc.org>; Luisi, Michael <michael.luisi@maryland.gov>
Subject: Update on Atlantic Sturgeon Bycatch Working Group

Dear Chris and Mike,

Thank you for your and the Council's comments during the February Council meeting on the Atlantic Sturgeon Bycatch Working Group (ASBWG) and our plans for developing an action plan. The May 27, 2021, Biological Opinion specifically required us to convene a working group to comply with the Incidental Take Statement. As we presented at the February Council meeting, the Federal Advisory Committee Act (FACA) prevents us from accommodating direct participation in the working group from the Councils and Commission, unless we go through the lengthy process of establishing a FACA-compliant working group. This is not possible given the May 27, 2022, deadline for publication of an Action Plan. However, our plan is to release the May document as a draft Action Plan, and provide specific time for the Councils, Commission, and public to provide feedback before we finalize the Plan.

There was some discussion at the Council meeting that the Councils/Commission could contribute additional information or technical advice to the ASBWG. This remains true, though the ASBWG has not identified a specific need at this point in time. If Council members or staff have anything specific for the ASBWG to consider, I encourage you to contact Spencer Talmage (spencer.talmage@noaa.gov, 978-281-9232) to determine if it is additional/new information and how and when to submit it.

The draft Action Plan currently under development by the ASBWG will provide a set of recommendations to the Councils as guidance for the reduction of Atlantic sturgeon bycatch in the Federal large-mesh gillnet fisheries. We will distribute the draft Action Plan as soon as possible after completion, so that it may be subject to review by the Councils, Commission, and general public preferably during the June Council meetings. We will likely request feedback by later in the summer so that we may finalize the Action Plan and provide the final document to the Councils in advance of the September and October meetings. This would allow the Councils to consider which actions may be incorporated into the priority-setting process for 2023. We envision that the Councils may make decisions as to how they will proceed during this priority-setting process for 2023. We will be available to present the draft Action Plan at the June Council meetings and at the ASMFC's August meeting and, if requested, we can present the final Action Plan in the fall.

We appreciate your feedback and hope that the action plan is an effective tool to help us work together to reduce bycatch of Atlantic sturgeon. Please let me know if you have any questions.

Mike

--

Michael Pentony
Regional Administrator
[Greater Atlantic Regional Fisheries Office](#)
55 Great Republic Drive
Gloucester, MA 01930
Phone: 978-281-9283



February 25, 2022

The Honorable Debra Haaland
Secretary of the Interior
Department of the Interior
1849 C. Street, N.W.
Washington, DC 20230

Dear Secretary Haaland:

Please accept these comments from the Council Coordination Committee (CCC) regarding the Request for Information (RFI) to inform how the American Conservation and Stewardship Atlas (Atlas) can best serve as a useful tool for the public and how it should reflect a continuum of conservation actions in the America the Beautiful (ATB) initiative.

The CCC represents the shared interests of the U.S. Regional Fishery Management Councils (Councils). Established through Federal statute in 1976, the Councils manage the most broadly distributed activity in U.S. Federal waters -- fishing. The Councils use sound science in applying scale-appropriate, adaptive, stakeholder-driven approaches to fisheries management, including developing special use and restricted zones in U.S. Federal waters that occur along the conservation continuum contemplated under ATB.

The Councils already apply a process that adheres closely to the eight ATB key principles for conserving and restoring land and waters. All Council conservation areas are established using a collaborative and inclusive approach, where people have worked together to conserve the health and productivity of marine resources (Principle 1). These areas provide conservation of relatively undisturbed natural places in the U.S., and yield meaningful benefits to all Americans, including providing healthy sustainable protein that is available and affordable to a broad range of U.S. consumers (Principle 2). While the Exclusive Economic Zone (EEZ) is owned by the nation (not private landowners as on land), the Councils work closely with fishermen and stakeholders in each region to ensure effective stewardship of these areas, fisheries, and the ecosystem (Principle 6). Conservation areas are established to create jobs, support productive fisheries, and support vibrant coastal communities (Principle 5). All conservation areas are established using the best scientific information available (Principle 7) and are developed to be flexible and adaptive to adjust to a changing climate and availability of new scientific information (Principle 8). Further, because the Councils operate through a stakeholder driven process, some conservation areas are developed using locally led or locally designed conservation efforts (Principle 3) and other areas have been developed to support priorities of tribal nations and communities (Principle 4).

The first step in establishing a database of conservation areas is to define the term ‘conservation area.’ From the CCC’s perspective, a conservation area is an established, geographically defined area, with

Caribbean

Executive Director: Miguel Rolon
Chair: Marcos Hanke

Gulf of Mexico

Executive Director: Dr. Carrie Simmons
Chair: Dale Diaz

South Atlantic

Executive Director: John Carmichael
Chair: Melvin Bell

Mid Atlantic

Executive Director: Dr. Christopher Moore
Chair: Mike Luisi

New England

Executive Director: Thomas Nies
Chair: Eric Reid

North Pacific

Executive Director: David Witherell
Chair: Simon Kinneen

Pacific

Executive Director: Merrick Burden
Chair: Marc Gorelnik

Western Pacific

Executive Director: Kitty Simonds
Chair: Archie Taotas Soliai

planned management or regulation of activities that provides for the maintenance of biological productivity and biodiversity, and ecosystem function and services (including providing recreational opportunities and healthy, sustainable seafood to a diverse range of consumers). The CCC also emphasizes that many conservation areas can achieve conservation goals without prohibiting all fishing activity as the overall health of fish stocks and ecosystems are also managed through science-based annual catch limits, gear restrictions, and other tools to support and conserve marine habitat.

The Atlas should include the best available data to support the ATB initiative. The Councils are experts in the data that is available to support decision making in the U.S. Federal waters, particularly data on fisheries and habitat. Councils have noted that the Protected Seas database developed in coordination with the National Ocean Service does not accurately reflect all conservation areas established to regulate fisheries in the EEZ. That database should not be used as the sole, authoritative source in development of the Atlas for Council managed areas.

The Atlas preparers should utilize the expertise of the Councils and the CCC report being prepared on conservation areas. A preliminary report to the CCC in October 2021 showed that there are at least 663 Council-implemented conservation areas in the U.S. EEZ, and all bottom tending fishing gears have been prohibited in more than 54% of the EEZ. Details on these areas are being compiled. The Council's comprehensive evaluation of these conservation areas relative to the goals of ATB will be complete and ready to incorporate into the Atlas in June 2022, after being presented at the [May 2022 CCC Meeting](#).

The report will review the area-based management in the Councils and NOAA Fisheries purview, inform the five questions posed in the RFI notice, address the eight principles in the Executive Order, and provide the data needed for the Atlas.

At this time the CCC offers the following recommendations. The Atlas needs to be more than just a database. It should describe the conservation activities in different regions of the U.S., reflect the continuum along which those activities are applied, and assess the risks to biodiversity given the current conservation and management programs in place. The Atlas should be more than an accounting of whether we have reached 30% conservation target by 2030. It should tell the story of how different types of conservation measures in the U.S. benefit the environment, the economy, and provide access and opportunity to our communities, including those that are underserved. The Atlas also needs to be more than just a baseline, it should be a living document. Like the Council process, it should have the flexibility to be nimble and adapt to a changing environment.

The CCC should be an active partner in this effort. Toward that end, we request you put a placeholder for input on the Fishery Management Councils' conservation actions in U.S. Federal waters, with the intention of using the CCC report when it is available in June 2022. Our CCC Area-Based Management Subcommittee will be available to answer questions and engage with you to support incorporating this information into the American Conservation and Stewardship Atlas.

Please feel free to reach out to the current CCC Chair, Michael Luisi at michael.luisi@maryland.gov if you have any questions about this request.

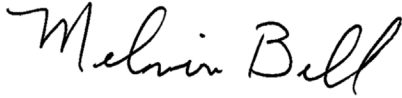
Sincerely,



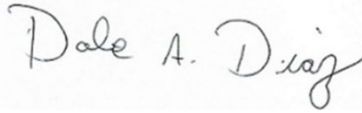
Mike Luisi, Chair
Mid-Atlantic Fishery Management Council



Eric Reid, Chair
New England Fishery Management Council



Melvin Bell, Chair
South Atlantic Fishery Management Council




Dale Diaz, Chair
Gulf of Mexico Fishery Management Council



Marcos Hanke, Chair
Caribbean Fishery Management Council



Simon Kinneen, Chair
North Pacific Fishery Management Council



Marc Gorelnik, Chair
Pacific Fishery Management Council



Archie Taotasi Soliai, Chair
Western Pacific Fishery Management Council

Cc: C. Moore, T. Nies, J. Carmichael, M. Rolón, C. Simmons, M. Burden, D. Witherell, K. Simonds,
E. Werwa, J. Coit, H. Sagar

REP. HUFFMAN STATEMENT ON STATUS OF MAGNUSON-STEVEN'S ACT REAUTHORIZATION

MARCH 24, 2022

Washington, D.C. – Today, Congressman Jared Huffman (D-San Rafael) released the following statement regarding the status of his Magnuson-Stevens Act (MSA) reauthorization legislation, the *Sustaining America's Fisheries for the Future Act*, in light of Congressman Don Young's passing:

"Over the past three years, I have worked to update and reauthorize the Magnuson-Stevens Act – traveling coast to coast to hear from stakeholders, releasing discussion drafts for public review, and partnering with lawmakers from across the country in what has been a uniquely inclusive and comprehensive process. As part of this effort, I have had the privilege to work closely with the MSA's original author, Congressman Don Young," **said Rep.**

Huffman. "Although we often differed politically, we were always able to have productive conversations when it came to fisheries management, and he was a brilliant negotiator for this landmark bill. His death is a tremendous loss for Alaska, the country, and all of us who had the honor of working with him. I've always said it's important all voices be heard in this MSA reauthorization process – and so, we will be pausing further committee consideration of the legislation until his replacement is elected and we can ensure the voices of the Alaskan people are represented before the bill advances further through the House. I am grateful for the progress Rep. Young and I accomplished together as we neared the finish line with this bill, and I look forward to finalizing it with whomever takes the torch from the venerable Don Young."

More information on the *Sustaining America's Fisheries for the Future Act* and the reauthorization process [can be found here](#).

From: John Whiteside <john@jwhiteside.com>

Sent: Monday, March 14, 2022 4:24 PM

To: Luisi, Michael <michael.luisi@maryland.gov>; Moore, Christopher <cmoore@mafmc.org>

Subject: opposition to the COMPETES Act

Importance: High

Good afternoon gentlemen.

I'm hearing that [the COMPETES Act](#) is gaining traction in Congress. It's being pitched as the 'China Bill'. If enacted, Section 71103 (Shark Fin Sales Elimination) will usurp the Federal Fishery Management Plans for spiny dogfish, skate and all other shark fisheries in the US.

It is vital that the Mid-Atlantic Council take a stand opposing Section 71103.

Please let me know if I can be of assistance.

Regards,

John

John F. Whiteside, Jr.

Law Office of John F. Whiteside, Jr., P.C.

678 State Road

Dartmouth, MA 02747

Phone: (508)991-3333

www.JWhiteside.com

**Mid-Atlantic Marine Heavy Mineral Sands Forum
Virginia Department of Energy and the U.S. Bureau of Ocean Energy
Management**

**March 31, 2022 – 9am – 4:30pm (EST)
Virtual format – *Cisco Webex***

The Virginia Department of Energy (Virginia Energy), in collaboration with the U.S. Bureau of Ocean Energy Management (BOEM), is developing a feasibility study for the recovery of economic minerals from marine sand deposits, ideally as an integral part of coastal resilience projects. Economic minerals include critical minerals¹ containing titanium, zirconium, and rare earth elements, as well as other valuable commodities such as garnet, sillimanite minerals, and precious metals. Among the key factors we are considering as part of the study are alternative methodologies for mining and economic mineral separation, potential environmental impacts at mining and processing locations, current Federal, State, and local regulatory requirements that apply to mining and mineral recovery operations in coastal and offshore areas, and impacts on stakeholders with interests in coastal and marine policymaking.

Purpose:

The goals of the Forum are to convene scientists and stakeholders from Federal, State, and local government and industry to gather information pertaining to: 1) the Federal, State, and local permitting and regulatory framework that impacts mining and mineral extraction operations in coastal and offshore areas; 2) environmental standards and best practices for management of marine seafloor mineral resources on the Continental Shelf; and 3) logistical criteria and economic feasibility for mining of critical commodities as part of ongoing coastal resilience projects. From this Forum, we will cultivate a list of questions and data needs to help inform our feasibility study, potentially leading to future cooperative studies.

The Forum will be held on March 31, 2022 from 9:00 am to 4:30 pm Eastern Standard Time (EST) and will be conducted in a virtual format, moderated by Virginia Energy, using the Cisco Webex video conferencing platform. The draft agenda includes speakers whom have been involved with offshore marine minerals and/or critical mineral assessments, particularly in the Mid-Atlantic region. Invited speakers will share experiences related to the mapping, assessment, and recovery of mineral sand resources, including sands for beach replenishment and economic heavy minerals.

1 – Nassar, N.T., and Fortier, S.M., 2021, Methodology and technical input for the 2021 review and revision of the U.S. Critical Minerals List: U.S. Geological Survey Open-File Report 2021–1045, 31 p., <https://doi.org/10.3133/ofr20211045>.

Objectives and Outcomes:

Utilizing a virtual format, we have grouped presentations into five (5) session themes:

- 1) An overview of critical mineral commodities associated with marine mineral sands and the feasibility of extracting mineral resources;
- 2) Current offshore sand mining operations for beach replenishment;
- 3) Federal and State regulatory framework and permitting requirements;
- 4) Environmental standards and best practices; and
- 5) Current technologies for heavy minerals assessment.

We will cover each of these topics at a relatively high level to allow for a comprehensive scoping of additional informational needs. There will be multiple discussion and information sharing opportunities throughout the day. We will emphasize applications and scenarios focused on economic mineral extraction from a sand replenishment source area under the currently known permitting and regulatory framework.