



## December 2021 Council Meeting Summary

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's December 13-16, 2021 meeting in Annapolis, Maryland. This was conducted as a hybrid meeting, with virtual and in-person participation options. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2021>.

During this meeting, the Council:

- Selected preferred alternatives and approved the Summer Flounder, Scup, and Black Sea Bass Commercial/ Recreational Allocation Amendment\*
- Approved the use of regional conservation equivalency for the recreational summer flounder fishery in 2022\*
- Approved a one inch increase in the scup recreational minimum size for 2022, resulting in a 10 inch minimum size in federal waters and variable minimum size limits in state waters\*
- Approved the use of conservation equivalency for black sea bass collectively reduce harvest by 28% in 2022\*
- Adopted status quo recreational bluefish measures for 2022-2023\*
- Received an update on the EAFM Recreational Summer Flounder Management Strategy Evaluation\*
- Reviewed a draft white paper on the issue of mixing of surfclam and ocean quahog catch and agreed to initiate an amendment to explore short-term solutions
- Approved revisions to the Council's policy on offshore wind energy development and received updates from wind developers and the Bureau of Ocean Energy Management
- Approved several modifications to the Council's Five-Year Research Priorities, as recommended during the first ever biennial review of research priorities
- Approved the 2022 Implementation Plan, with several revisions identified during the meeting
- Agreed to complete the Atlantic mackerel rebuilding plan revisions through an amendment instead of a framework adjustment
- Received updates on:
  - East Coast Climate Change Scenario Planning
  - the Ocean City Video Project
  - habitat activities of interest in the region
  - sea turtle bycatch and ongoing research on mitigation measures in the greater Atlantic region
  - a proposed rule to codify the Omega gauge as an acceptable method for measuring net mesh size
- Presented the 2019 and 2020 Ricks E Savage Awards to Mr. Rob O'Reilly and Mr. Warren Elliott

*\* Items denoted with an asterisk (\*) were undertaken during joint meetings with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board and Bluefish Management Board.*

## Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment

The Council met jointly with the Atlantic States Marine Fisheries Commission’s (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to take final action on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. The Council and Board voted to modify the commercial and recreational allocations of summer flounder, scup, and black sea bass. These changes are intended to better reflect the current understanding of the historic proportions of catch and landings from the commercial and recreational sectors. The modified allocations are provided in the table below.

	<b>Current Allocations</b>	<b>Revised Allocations</b>
Summer Flounder	<b>60% Commercial; 40% Recreational</b> Landings-based	<b>55% Commercial; 45% Recreational</b> Catch-based
Scup	<b>78% Commercial; 22% Recreational</b> Catch-based	<b>65% Commercial; 35% Recreational</b> Catch-based
Black Sea Bass	<b>49% Commercial; 51% Recreational</b> Landings-based	<b>45% Commercial; 55% Recreational</b> Catch-based

Note: Landings-based allocations are based on each sector’s harvest only. Catch-based allocations are based on each sector’s harvest plus dead discards.

The current commercial and recreational allocations for all three species were set in the mid-1990s based on historical proportions of landings (for summer flounder and black sea bass) or catch (for scup) from each sector. The Council and Board developed this amendment partly in response to recent changes in how recreational catch is estimated by the Marine Recreational Information Program (MRIP), which resulted in a revised time series of recreational data going back to the 1980s. This created a mismatch between the data that were used to set the allocations and the data currently used in management for setting catch limits. In addition, some changes have been made to commercial catch data since the allocations were established.

The amendment contained a range of allocation alternatives, with options that would maintain the current allocations and a variety of options to revise the allocations based on updated data using the same or modified “base years” (the time periods used to set the current allocations). The Council and Board ultimately voted to revise the allocations using the original base years updated with new data. This approach allows for consideration of fishery characteristics in years prior to influence by the commercial/recreational allocations, while also using the best scientific information available to understand the fisheries in those base years.

For all three species, these changes result in a shift in allocation from the commercial to the recreational sector. However, because the summer flounder and black sea bass fisheries will be transitioning from landings-based to catch-based allocations, the current and revised allocations for those species are not directly comparable.

The Council and Board also approved an option to allow future changes to commercial/recreational allocations, annual quota transfers, and other measures addressed in the amendment to be made through framework actions/addenda. The Council and Board considered but did not recommend an option to “phase in” the allocation changes over a period of time. A phase in period was deemed unnecessary given the relatively small magnitude of allocation changes. They also considered, but did not recommend, an option to allow transfers of annual quota between the commercial and recreational sectors at this time.

The Council will forward the amendment to the National Marine Fisheries Service for review and rulemaking. The Commission’s Business Session, which represents its 15 state members, will consider final approval of the amendment, based on the Board’s recommendations, at its Winter 2022 Meeting in late January. These changes are expected to take effect on January 1, 2023. Visit the [action page](#) for additional information and updates.

## Summer Flounder, Scup, and Black Sea Bass 2022 Recreational Management Measures

The Council and Board also developed recreational management measures for summer flounder, scup, and black sea bass for 2022.

### ***Summer Flounder***

The Council and Board agreed to continue the use of regional conservation equivalency for summer flounder in 2022 to achieve, but not exceed, the 2022 recreational harvest limit (RHL) of 10.36 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve but not exceed the coastwide RHL. Due to the increase in the RHL between 2021 and 2022, from 8.32 to 10.36 million pounds, and because recent harvest estimates have been well below the 2022 RHL, the Council and Board recommended allowing for up to a 16.5% liberalization of state or regional measures under conservation equivalency. The Council and Board agreed with the Monitoring Committee's conclusion that liberalizations beyond this amount may pose too much of a risk of exceeding the RHL, as harvest has varied considerably under the same management measures over the past four years. Any proposed state or regional adjustments to measures will be considered by the Commission's Technical Committee and Summer Flounder, Scup, and Black Sea Bass Board in early 2022.

The Council and Board also approved non-preferred coastwide measures consisting of a 4-fish possession limit, an 18.5-inch total length minimum size, and an open season of May 15 – September 15. These measures will be waived in favor of state regulations if conservation equivalency is approved by the National Marine Fisheries Service (NMFS). The Council and Board made no changes to the current precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which would be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

### ***Scup***

The Council and Board agreed to increase the scup recreational minimum size by one inch in state and federal waters for 2022. In federal waters, this results in a 10 inch total length minimum size. In state waters, this one-inch increase would be applied to each state's measures, which varies by state and mode. Collectively, this change in state and federal waters is expected to achieve an approximate 33% reduction in harvest compared to the 2019-2021 average. The Council and Board acknowledged that this is less than the estimated 56% reduction in harvest needed to fully constrain recreational harvest to the 2022 RHL of 6.08 million pounds; however, they agreed that 33% was an appropriate level of reduction given the negative socioeconomic impacts of the full 56% reduction and the current high biomass level. In 2020 and 2021 the Council and Board maintained status quo recreational measures despite predicted overages as a short-term approach to allow more time to consider how management should adapt to the revised recreational harvest estimates from MRIP. During this meeting, the Council and Board considered continuing status quo measures for a third year, but they concluded that this had been intended as a temporary solution and that some reduction in recreational harvest in 2022 is necessary to meet the Council's statutory requirement to prevent overfishing. They also noted that it would not be appropriate to leave measures unchanged in 2022 given the magnitude of the expected RHL overage and concerns about low recruitment in recent years, including the lowest for the time series in 2019.

### ***Black Sea Bass***

The Council and Board approved measures to achieve a 28% reduction in coastwide harvest of black sea bass in 2022, compared to the 2018-2021 average. This reduction is needed to avoid exceeding the 6.74 million pound RHL for 2022. Given the current healthy stock status of black sea bass, the Council and Board considered requiring a 14% reduction rather than the full 28% reduction; however, this would be expected to result in an RHL overage and is therefore not consistent with the FMP or the federal regulations. After a lengthy discussion, the Council and Board agreed to use the conservation equivalency process to waive federal waters measures and allow states

to work together as regions to develop measures to collectively reduce harvest by 28% compared to the 2018-2021 average. The regional measures will be determined through the Commission process in early 2022.

This will be the first time conservation equivalency has been used for the recreational black sea bass fishery. The Council and Board approved the use of conservation equivalency for black sea bass through a framework action and addenda completed in 2019. As a result, the Council and Board must now make an annual decision between implementing one set of coastwide measures which apply uniformly in federal waters and all states or using the conservation equivalency process to waive the federal waters measures and allow individual states or multi-state regions to develop customized measures that, in combination, will achieve but not exceed the coastwide RHL.

As part of approving conservation equivalency for 2022, the Council and Board also approved non-preferred coastwide measures consisting of a 14-inch minimum size limit, a 5 fish possession limit, and an open season of May 15-September 21. These measures are intended to be waived in favor of regional measures which would collectively prevent an RHL overage. The Council and Board also agreed to precautionary default measures consisting of a 16-inch minimum size, a 3 fish possession limit, and an open season of June 24-December 31. These measures are intended to be implemented in any state or region that does not put forward a proposal that can be approved by the Board through the conservation equivalency process.

### Bluefish 2022-2023 Recreational Management Measures

The Council met jointly with the Commission's Bluefish Management Board (Bluefish Board) to develop bluefish recreational management measures for 2022 and 2023. The Council and Bluefish Board agreed to maintain status quo recreational management measures for bluefish in state and federal waters for both years. These measures include a coastwide 3-fish and 5-fish bag limit for private and for-hire anglers, respectively. The Council and Bluefish Board discussed uncertainty associated with bluefish discard estimates and MRIP inputted 2020 harvest estimates. The Council and Bluefish Board also acknowledged that bluefish is entering a 7-year rebuilding plan (starting in 2022) and is scheduled for a research track assessment in June 2022. In addition, the current recreational management measures were not implemented by all states until mid-late 2020; therefore, the full impact of these measures is currently difficult to assess. Given these uncertainties and future bluefish developments, the Council and Bluefish Board agreed with the Monitoring Committee recommendation to maintain status quo measures for 2022-2023.

The Council and Board recommended that the Monitoring Committee consider assessing the impact of a 7-fish bag limit for the for-hire sector when the 2023 specifications are reviewed next year. However, it was indicated that given the research track assessment work and other uncertainties, conducting this analysis will be challenging.

### EAFM Recreational Summer Flounder Management Strategy Evaluation

The Council and the Summer Flounder, Scup, and Black Sea Bass Management Board received an update on recent activities regarding the recreational summer flounder management strategy evaluation (MSE) project. Development of this MSE is part of the continued implementation of the Council's Ecosystem Approach to Fisheries Management (EAFM) structured framework process. The objectives of this MSE are to (1) evaluate the biological and economic benefits of minimizing discards and converting discards into landings in the recreational summer flounder fishery, and (2) identify management strategies to effectively realize these benefits. In August the Council and Board approved a range of management objectives and alternatives for further refinement and evaluation by the technical work group and core stakeholder group. During this meeting, staff provided an update on the project activities that have occurred since the August meeting with a focus on the outcomes of workshop #2 with the core stakeholder group and on the development of biological and economic models to be used to evaluate different management objectives and strategies. It is anticipated that final results of the project will be presented to the Council and Board in mid-2022.

## Surfclam and Ocean Quahog Species Separation Requirements

Council staff presented a draft white paper developed by the Fishery Management Action Team (FMAT) on the issue of mixing of surfclam and ocean quahog catch in the fishery and presented some possible solutions to this problem. Current regulations do not allow for both surfclam and ocean quahog to be landed on the same trip or placed in the same cages. This draft paper described the extent of the mixing, how this relates to the current regulations and their enforcement, data collection issues, and aspects of industry operations and practices. During the meeting, the Council was presented with the FMAT, Advisory Panel, and Committee recommendations for next steps developed at meetings this fall. Ultimately, the Council decided to initiate an Amendment that considers short-term solutions to species separation including white paper option 3 (i.e., modifies regulations to require onboard sorting and allows for mixed trips). The Council also requested that the staff/NEFSC explore the feasibility of longer-term solutions for monitoring (such as electronic monitoring testing on the clam survey).

On a separate issue taken up during these discussions, the Council recommended that Council leadership prioritize a leadership level discussion about the Great South Channel Habitat Management Area between NEFMC and MAFMC. This was in response to a letter received by the Council.

## Offshore Wind

The Council approved revisions to its policy on offshore wind energy development. The revisions build upon the previous version of the policy and reflect positions the Council has taken in recent comment letters. The Council also received updates on the Kitty Hawk Wind Project off North Carolina and the Ocean Wind project off Maryland. The Bureau of Ocean Energy Management (BOEM) provided updates on the development of offshore wind fisheries mitigation guidance, plans to identify additional wind energy lease areas in the Mid-Atlantic, a schedule of environmental review of several wind projects in 2022, and other topics. The Council noted that BOEM's current draft Central Atlantic Planning Areas overlap with the Frank R. Lautenberg deep sea coral protection broad zone. These planning areas are intended to be reduced in size before becoming lease areas. The Council agreed to provide BOEM with information on the coral protection areas with the intent of excluding those areas from future wind energy development. The Council also passed motions with two requests to NMFS regarding their involvement in BOEM's development of guidelines for fisheries mitigation and offshore wind, including evaluation of the relationship between that effort and existing policies and best practices, as well as evaluation of ways to improve the fisheries mitigation analysis by involving fisheries experts and stakeholders.

## Biennial Review of Research Priorities

The Council received a report detailing the findings and recommendations identified during the first ever biennial review of the Council's Five-Year (2020-2024) Research Priorities document. The Council agreed to conduct these reviews to ensure the document is reflective of the Council's current science and management needs and to help ensure its successful implementation. A variety of possible research priority modifications were recommended for consideration by the Council, including the addition/removal of priorities, edits to the existing priority language, and changes in the priority order. In addition to the recommended changes, the review also found that nearly 41% of all existing research priorities have been completed, are currently being reviewed, or are in the process of being addressed. The Council supported continuing with the biennial review process and approved all recommended modifications to the research priorities list.

## 2022 Implementation Plan

The Council reviewed and approved its 2022 Implementation Plan. An implementation plan is developed each year as a tool for planning and prioritizing activities for the upcoming year within the broader context of the Council's longer-term goals and objectives. The 2022 Implementation Plan identifies the specific activities, amendments, frameworks, specifications, and other projects the Council expects to initiate, continue, or complete during the year.

After some discussion, the Council approved the following revisions to the plan:

- Change **Framework** to **Amendment** on Deliverables #23 and 28 (Mackerel Rebuilding 2.0) – see section below for additional details
- Change **action** to **Amendment** on Deliverable #33 (Surfclam/Quahog Species Separation Requirements)
- Remove #71 from the list of possible additions (Northeast Canyons and Seamounts National Marine Monument fishing restrictions)
- Add the following to the list of Possible Additions: “Explore the use of unused ACL carryover for the Council’s fisheries”

The final revised plan will be available by the end of the year at <https://www.mafmc.org/strategic-plan>.

## Atlantic Mackerel Rebuilding

The Council discussed ongoing development of a revised rebuilding plan for Atlantic mackerel. After reviewing a comment letter from the states of Maine, New Hampshire, and Connecticut, the Council decided to complete the revised rebuilding plan through an FMP amendment instead of a framework action, as had been previously planned. This decision will allow for additional public comment opportunities and more thorough engagement of stakeholders who may be affected by rebuilding measures. The Council will hold two public information webinars on [January 11](#) and [January 12](#), 2022.

## Updates and Presentations

### ***East Coast Climate Change Scenario Planning***

The Council received an update on the East Coast Climate Change Scenario Planning process currently being conducted by the Northeast Region Coordinating Council and the South Atlantic Fishery Management Council. This update summarized the activities and outcomes from a scoping process conducted in Fall 2021, for which a more detailed report will be available on the [website](#) for the initiative later this month. Staff also outlined next steps for this project, including a series of “Exploration Webinars” planned for February/March 2022. These webinars will review key drivers of change that could shape East Coast fisheries over the next 20 years, in preparation for a scenario creation workshop in Spring 2022.

### ***Ocean City Video Project***

Council staff presented an update on the Ocean City Video Project. The objective of this project is to use video recordings to examine recreational fishing effort originating from Ocean City, Maryland. Data collection has been ongoing since early July 2020, with a pause between March and mid-July 2021 due to camera failure. Recording is planned to continue until March 1, 2022, at which point staff will download the recordings and then create a draft vessel counting scheme in consultation with the Research Steering Committee and constituents familiar with the area. Staff anticipates that the workshop to finalize the vessel count scheme could be held in late April 2022 if the Covid situation allows. Staff would schedule another workshop to review results before completing a final project report.

### ***Habitat Activities in the Greater Atlantic Region***

The Council received an update from NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) - Habitat and Ecosystem Services Division on activities of interest in the region. The update included a description of port development activities, an overview of GARFOs watershed and river herring work, highlights from the infrastructure bill, and an update on aquaculture. In addition, the Council heard about research being conducted by the Northeast Fisheries Science Center (NEFSC) - Milford Laboratory on oyster aquaculture and fish habitat, with both scup and black sea bass highlighted in this research.

### ***Sea Turtle Bycatch in Trawl Fisheries***

The Council received a report from NMFS Protected Resources staff summarizing sea turtle bycatch issues and the ongoing research on mitigation measures in the greater Atlantic region. Fisheries bycatch is the primary threat to endangered sea turtles and occurs at high levels in trawl fisheries such as croaker, longfin squid, and summer

flounder. NMFS and other partners have been investigating mitigation measures such as gear modifications called Turtle Excluder Devices (TEDs) or limited tow durations to reduce mortality of incidentally bycaught sea turtles. Council members and members of the public asked questions and provided feedback on the presentation. More information and opportunities for providing feedback, including stakeholder webinars in February and March, can be found [here](#).

### ***Omega Net Mesh Measurement Gauge***

The Council received an update on a proposed rule which would revise regulations for the Atlantic Sea Scallop, Northeast Multispecies, and Summer Flounder, Scup, and Black Sea Bass FMPs to codify the Omega gauge as an acceptable method for measuring net mesh size. This would not eliminate the wedge gauge as a method of measuring net mesh size.

### **2019 and 2020 Ricks E Savage Awards**

Two former Council members were announced as the recipients of the Ricks E Savage award for 2019 and 2020. The award is given each year to a person who has added value to the MAFMC process and management goals through significant scientific, legislative, enforcement, or management activities.

Mr. Rob O'Reilly was named the 2019 recipient of the Ricks E Savage award. Mr. O'Reilly joined the Council in 2012 as the Virginia state official's designee. From 2016 until his retirement in 2019, Mr. O'Reilly played an important role in the Council process as Chair of the Demersal Coastal Migratory Committee (which previously encompassed what are now the Summer Flounder, Scup, and Black Sea Bass Committee and Bluefish Committee). In this role, he provided leadership and thoughtful guidance during the development of several major fishery management actions, including the Summer Flounder Commercial Issues Amendment and three framework adjustments which addressed various management issues in the summer flounder, scup, and black sea bass fisheries.



Mr. Warren Elliott was named the 2020 recipient of the Ricks E Savage award. Mr. Elliott was appointed to the Council in 2011 and served for three consecutive terms as the obligatory member from Pennsylvania. From 2016 until his departure from the Council in 2020, Mr. Elliott served as the Council's Vice Chair. He also served as Chair of the Ecosystem and Ocean Planning Committee from 2012 to 2020. In this position, he played a vital role in the development of the Deep Sea Corals Amendment which established protection for deep sea corals across more than 41,000 square miles of federal waters off the Mid-Atlantic coast.



### **Next Meeting**

The next Council meeting will be held **February 8-10, 2021**. This will be a hybrid meeting with options to participate virtually or in person in Durham, North Carolina. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.