



December 2022 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met December 12-15, 2022, in Annapolis, Maryland. This was 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-2022>.

HIGHLIGHTS

During this meeting, the Council:

- Postponed final action on the Surfclam and Ocean Quahog Species Separation Amendment to allow for development of additional alternatives in 2023
- Set 2023 recreational management measures for summer flounder, scup, and black sea bass (joint with ASMFC)
- Discussed priorities and next steps for several Recreational Reform Initiative topics (joint with ASMFC)
- Reviewed scenarios developed as part of the East Coast Climate Change Scenario Planning Initiative and discussed challenges and opportunities that east coast fisheries governance and management might face over the next 20 years
- Delayed final action on 2023-2025 monkfish specifications pending New England's request for its Scientific and Statistical Committee (SSC) to reconsider their reduced monkfish acceptable biological catch (ABC) recommendations
- Approved the 2023 Implementation Plan, with several revisions identified during the meeting
- Received updates on habitat activities of interest in the region
- Discussed the proposed Hudson Canyon National Marine Sanctuary and recommended that additional fishing regulations are not necessary to implement the proposed sanctuary designation
- Discussed follow up and next steps for the disapproved *Illex* Permit Amendment
- Received updates on several offshore wind energy projects, plans to define additional lease areas, and updates on the development of guidelines to mitigate impacts to fisheries
- Received updates on several protected resources issues

Surfclam and Ocean Quahog Species Separation Amendment

The Council reviewed public input and considered final action on a draft amendment which considered modifications to the regulations to allow for mixed catches onboard vessels fishing for surfclam or ocean quahog. After considering Committee and staff recommendations, the Council decided to delay final action and to remand the amendment back to the Committee and Fishery Management Action Team (FMAT) to continue to develop additional alternatives for a possible 2023 Council meeting. This delay will allow additional time to develop other types of alternatives to address the mixed catch issue through ongoing discussions with the fishing industry, law enforcement, and other ITQ and catch data monitoring experts. Updates will be posted on the [amendment page](#).

Summer Flounder, Scup, and Black Sea Bass 2023 Recreational Management Measures

The Council met jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to set recreational bag, size, and season limits (i.e., management measures) for all three species for 2023. This was the first time setting recreational management measures using the new "Percent Change Approach," which was approved by the Council and Commission in June 2022. Under the new process, measures for the upcoming year(s) will aim to achieve a specified percent change in harvest compared

to expected harvest under the current measures. Although this process intends for recreational measures to be set for two-year cycles, 2023 will be set for a single year to align with the timing of management track stock assessments.

During their deliberations for each species, the Council and Board reviewed the results of two statistical models: the Recreational Demand Model and the Recreational Fleet Dynamics Model. These models predict the impacts of bag, size, and season limits on recreational harvest and discards of summer flounder, scup, and black sea bass. Prior to the Council meeting, the Monitoring Committee reviewed both models and recommended using the Recreational Demand Model for summer flounder and the Recreational Fleet Dynamics Model for scup and black sea bass. However, on December 8, 2022, the Council received a letter from the Greater Atlantic Regional Fisheries Office (GARFO) indicating they believe the Recreational Demand Model to be the best scientific information available for estimating coastwide harvest and determining the appropriate percent change in harvest for all three species for 2023. The letter indicated that GARFO would not approve measures set based on the Recreational Fleet Dynamics Model. Although Council and Board members expressed serious concern about the timing and rationale for this determination from GARFO, they ultimately concluded that they had no choice but to use the Recreational Demand Model for all three species.

Scup

The Percent Change Approach requires a 10% reduction in recreational harvest of scup in 2023. The Council and Board agreed to reduce the federal possession limit to 40 fish and shorten the season to May 1 – December 31 but decided to maintain the current 10 inch minimum size in federal waters. These measures do not achieve the full 10% reduction in harvest required; therefore, the Council and Board also agreed that the states would further modify state measures through the Commission process to achieve the full 10% coastwide harvest reduction. State waters measures will be determined through the Commission process in early 2023.

Black Sea Bass

The Percent Change Approach also requires a 10% reduction in recreational black sea bass harvest in 2023, which will be achieved through the conservation equivalency process. The Council and Board adopted non-preferred coastwide measures, including a 15-inch minimum size limit, a 5 fish possession limit, and an open season of May 15 – September 8. These measures are intended to achieve a 10% reduction if implemented in all states and federal waters. If approved through the federal rulemaking process, these measures would be written into the federal regulations but waived in favor of state waters measures. The Council and Board also adopted precautionary default measures of a 16-inch minimum size limit, a 2 fish possession limit, and an open season of June 1 – August 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. State waters measures will be determined through the Commission process in early 2023. The Board also approved a proposal to open the recreational black sea bass fishery in Virginia state waters during February 2023 following the same process Virginia has used in prior years to monitor February harvest and modify the length of the open season later in the year as necessary to account for February harvest.

Summer Flounder

There was extensive discussion regarding the percent change in recreational harvest of summer flounder needed for 2023. Although the model results that were originally provided to the Council indicated that a 10% liberalization of recreational summer flounder harvest would be appropriate for 2023, Council staff received an updated harvest estimate the week before the meeting which indicated that a 10% reduction was needed instead. The model revisions were based on a different range of years of catch per trip data and were not reviewed by the Monitoring Committee or other technical advisory group prior to the meeting. Given varying opinions on the appropriate configurations of the model inputs and the conflicting Percent Change Approach outcomes under the two model configurations, the Council and Board determined that status quo regional measures would be appropriate for 2023 and agreed to continue the use of regional conservation equivalency in 2023. Although the

Council and Board’s intent was for regional measures to remain status quo in 2023, they agreed that the non-preferred coastwide measures should be modified given that the non-preferred coastwide measures should be modified given that the current non-preferred coastwide measures are too constraining under both configurations of the model. The revised non-preferred coastwide measures include an 18-inch minimum size, 3 fish possession limit, and open season from May 15-September 22. Precautionary default measures will remain unchanged, including a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31.

Recreational Reform Actions and Priorities

The Council met jointly with the ASMFC’s Interstate Fishery Management Program Policy Board (Policy Board) to discuss priorities and next steps for several Recreational Reform Initiative topics. These actions would address all four jointly managed recreational species (i.e., summer flounder, scup, black sea bass, and bluefish).

Percent Change Approach Replacement Action: The Percent Change Approach approved through the Recreational Harvest Control Rule Framework/Addendum will sunset at the end of 2025, and a separate action will need to be developed to consider the appropriate replacement. The Council and Policy Board agreed that this action is a higher priority than the other recreational reform actions described below.

Recreational Sector Separation and Catch Accounting Amendment: The Council and Policy Board agreed to move forward with scoping for an amendment to consider options for managing for-hire recreational fisheries separately from other recreational fishing modes (referred to as sector separation) and options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements. They agreed that the development of sector separation through separate recreational management measures would be a higher priority to consider than separate recreational for-hire and private/shore allocations.

Recreational Reform Technical Guidance Document: The Council and Policy Board previously agreed to develop a technical guidance document to address several recreational reform topics, including best practices for identifying and smoothing Marine Recreational Information Program (MRIP) outlier estimates, use of preliminary current year MRIP data, and guidelines for maintaining status quo recreational measures. However, the Council and Policy Board noted that many of the topics proposed to be considered through the technical guidance document have already been at least partially addressed and agreed that the technical guidance document is no longer a priority.

Commercial/Recreational Sector Transfer Framework/Addendum: The Council and Policy Board also discussed whether the Recreational Sector Separation Amendment should include consideration of options to allow transfer of quota between the commercial and recreational sectors. They agreed that this issue would be more appropriately addressed through a separate framework/addendum if desired. During a subsequent discussion the next day, the Council agreed to add a framework action to consider commercial/recreational quota transfers for summer flounder, scup, and black sea bass to the list of “Possible Additions” in the Council’s 2023 Implementation Plan.

Climate Change Scenario Planning

The Council participated in a workshop led by the facilitator of the East Coast Climate Change Scenario Planning Initiative, Jonathan Star. This was the last in a series of workshops held for each of the three East Coast Fishery Management Councils as well as the Atlantic States Marine Fisheries Commission in November and December 2022. The purpose of this discussion was to review the scenarios developed this past summer and use them as a tool for discussion of the challenges and opportunities that east coast fisheries governance and management might face over the next 20 years. These workshops built on a series of small group “manager brainstorming sessions” held in September/October 2022. Council members discussed how well current governance and management arrangements would be able to handle different possible future conditions, as well as what may need to change now to ensure effective future governance and management. Feedback and ideas suggested at

this meeting will feed into an East Coast Climate Change Scenario Planning Summit meeting, to be held in Arlington, VA on February 15-16, 2023. Additional information will be made available on the [Climate Change Scenario Planning page](#).

Monkfish Framework 13: 2023-2025 Specifications and Management Measures

The Council reviewed the monkfish backup approach (“ismooth”) for setting upcoming years’ acceptable biological catches (ABCs). ABCs would be based on 2019-2021 catches, adjusted down by recent downward NMFS survey trends - as approved via an expedited peer review in the management track assessment process. Due to concerns about the resulting ABCs identified by the New England Fishery Management Council (NEFMC), the Council supported the NEFMC’s remand request for its Scientific and Statistical Committee (SSC) to reconsider their 2023-2025 ABCs. This will delay final action, but the fishery should be able to operate when the new fishing year starts (May 1) as long as the regulatory process has begun by then (any days-at-sea used will count against final days-at-sea allocations). Like the NEFMC, the Council also adopted increasing the minimum gillnet mesh to 12 inches beginning May 1, 2026. Most gillnet participants use at least 12-inch mesh already and implementing this requirement in 2026 allows affected vessels to change gear via typical net replacements.

2023 Implementation Plan

The Council reviewed and approved its 2023 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 2023 Implementation Plan identifies the specific activities the Council expects to initiate, continue, or complete during the year. The approved plan can be found here: <https://www.mafmc.org/strategic-plan>.

Proposed Hudson Canyon National Marine Sanctuary

The Council received a presentation from LeAnn Hogan and Matt Brookhart, both from the NOAA Office of National Marine Sanctuaries (ONMS), on the Proposed Hudson Canyon National Marine Sanctuary. The Council discussed the sanctuary consultation process and its role under National Marine Sanctuaries Act section 304(a)(5) and recommended that additional fishing regulations are not necessary to implement the proposed sanctuary designation. These recommendations will be conveyed to ONMS in a letter.

MSB Committee Report – *Illex* Permit Amendment Follow-Up

The Council reviewed input from the Mackerel, Squid, and Butterfish (MSB) Committee and Advisory Panel regarding follow-up to the disapproved Amendment to mitigate overcapitalization in the *Illex* squid fishery. The Council will send a letter to NMFS requesting a more detailed explanation of the Amendment decision relative to the 10 National Standards of the Magnuson-Stevens Act, as well as why MSB Amendment 20 (similar longfin squid issues) was approved while the *Illex* permit Amendment was not approved. The Council will also request input on what NMFS recommends for future additional consideration of historic participants with limited flexibility to pursue other fisheries and on the potential development of fish hold upgrade restrictions provisions (similar to the Atlantic mackerel fishery).

Habitat Update

The Council received a presentation from Doug Christel, Karen Greene, and Kevin Madley from the Greater Atlantic Regional Fisheries Office Habitat and Ecosystem Services Division. Their presentation highlighted aquaculture projects, offshore wind activities including some of port development projects associated with offshore wind, as well as some of the US Army Corps of Engineers Coastal Storm Risk Management Studies underway in the Greater Atlantic Region.

Offshore Wind Updates

Staff from the Bureau of Ocean Energy Management (BOEM) presented updates on several offshore wind energy projects, plans to define additional lease areas, and updates on the development of guidelines to mitigate impacts to fisheries. A Council member also provided an update on an effort by nine Atlantic coast states to establish a regional fisheries compensatory mitigation fund administrator.

Protected Resources Updates

The Council received an update on issues discussed at the November 14, 2022 Protected Resources Committee meeting and recent Atlantic Large Whale Take Reduction Team (team) meetings on November 14-18 and December 1-2. They reviewed the management measures developed by the team that are intended to mitigate risk to right whales in the Mid-Atlantic region. A more thorough update on team meeting outcomes is anticipated at the February 2023 Council meeting. The Council also reviewed the final Sturgeon Bycatch Action Plan recommendations and discussed the potential for a joint action with the New England Fishery Management Council to reduce sturgeon bycatch in large mesh gillnet fisheries, including jointly managed dogfish and monkfish

Next Meeting

The next Council meeting will be held **February 7-9, 2023 in Washington, DC**. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.