



## October 2021 Council Meeting Webinar

Tuesday, October 5 – Wednesday, October 6, 2021

Meeting by Webinar

<https://mafmc.org/briefing/october-2021>

### Agenda

#### Tuesday, October 5<sup>th</sup>

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- 9:00 a.m. – 9:30 a.m.      **Executive Committee (Closed Session)**
- Recommend Spiny Dogfish Advisory Panel Vacancy Appointments
- 9:30 a.m. – 12:00 p.m.      **Executive Committee – 2022 Implementation Plan (Open Session)**
- Review progress on 2021 Implementation Plan
  - Review staff recommendations for 2022 actions and deliverables
  - Public comment opportunity
  - Approve draft actions and deliverables for further development in 2022 Implementation Plan
- Lunch 12:00 p.m. – 1:00 p.m. -----
- 1:00 p.m.                      **Council Convenes**
- 1:00 p.m. – 2:00 p.m.      **HMS Diet Study Report**
- Walt Golet, University of Maine / Gulf of Maine Research Institute
- 2:00 p.m. – 3:00 p.m.      **Chub Mackerel Specifications**
- Review recommendations from the Advisory Panel, SSC, and Monitoring Committee
  - Review previously set 2022 chub mackerel specifications and recommend any changes if necessary
- 3:00 p.m. – 4:00 p.m.      **Atlantic Mackerel Rebuilding**
- Review SSC's September 2021 meeting results regarding rebuilding
  - Provide additional guidance regarding rebuilding plan modifications, if appropriate

**Wednesday, October 6<sup>th</sup>**

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- 9:00 a.m. – 11:00 a.m. Spiny Dogfish Specifications**
- Review SSC, Advisory Panel, Monitoring Committee, staff, and Committee recommendations for 2022 fishing year specifications
  - Review staff trip limit analysis
  - Review previously implemented 2022 specifications (including trip limit) and recommend changes if necessary

- 11:00 a.m. – 12:00 p.m. Private Tilefish Reporting**
- Report from GARFO on Tilefish permitting and reporting numbers

----- Lunch 12:00 p.m. – 1:00 p.m. -----

- 1:00 p.m. – 2:00 p.m. North Atlantic Right Whales**  
(Colleen Coogan, Marisa Trego; Greater Atlantic Regional Fisheries Office, Protected Resources Division)
- Atlantic Large Whale Take Reduction Team scoping for risk reduction measures for Atlantic trap/pot and gillnet fisheries

- 2:00 p.m. – 2:30 p.m. Overview of June 2021 Scallop FMP Biological Opinion** (Bill Barnhill; Greater Atlantic Regional Fisheries Office, Protected Resources Division)
- New Incidental Take Statement, RPMs and Terms and Conditions, and Sea Turtle Monitoring Plan

- 2:30 p.m. – 5:00 p.m. Business Session**
- Committee Reports** – SSC, Executive Committee
- Executive Director's Report** (Dr. Chris Moore)
- Organization Reports** – NMFS Greater Atlantic Regional Office, NMFS Northeast Fisheries Science Center, NOAA Office of General Counsel, NOAA Office of Law Enforcement, US Coast Guard
- Liaison Reports** – New England Council, South Atlantic Council
- Other Business and General Public Comment**

*This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.*

The above agenda items may not be taken in the order in which they appear and are subject to change, as necessary. Other items may be added, but the Council cannot take action on such items even if the item requires emergency action without additional public notice. Non-emergency matters not contained in this agenda may come before the Council and / or its Committees for discussion, but these matters may not be the subject of formal Council or Committee action during this meeting. Council and Committee actions will be restricted to the issues specifically listed in this agenda. Any issues requiring emergency action under section 305(c) of the Magnuson-Stevens Act that arise after publication of the Federal Register Notice for this meeting may be acted upon provided that the public has been notified of the Council's intent to take final action to address the emergency. The meeting may be closed to discuss employment or other internal administrative matters.



## October 2021 Council Meeting Summary

**October 5-6, 2021**

*Webinar*

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's October 2021 meeting. This meeting was conducted by webinar due to the ongoing COVID-19 pandemic. Presentations, briefing materials, and webinar recordings are available at:

<http://www.mafmc.org/briefing/october-2021>.

During this meeting, the Council:

- Provided guidance on Atlantic mackerel rebuilding approaches
- Recommended no changes to the previously approved chub mackerel specifications for 2022
- Recommended no changes to the previously approved spiny dogfish specifications for 2022 and recommended a 25% increase in the federal trip limit from 6,000 pounds to 7,500 pounds
- Received an update on private tilefish reporting
- Received a briefing on the development of risk reduction measures to reduce North Atlantic right whale mortality and injury in the Atlantic trap/pot and gillnet fisheries
- Reviewed a draft list of actions and deliverables for the 2022 Implementation Plan (Executive Committee)
- Received a presentation from Dr. Walt Golet on a study on the diets of yellowfin and bigeye tunas, white and blue marlins, and roundscale spearfish in the Mid-Atlantic
- Reviewed the results of a new biological opinion on the Atlantic sea scallop fishery

### Atlantic Mackerel Rebuilding

The Council reviewed recommendations from the Scientific and Statistical Committee (SSC) and discussed rebuilding options for Atlantic mackerel. Although a rebuilding plan was implemented in November 2019, the 2021 management track assessment indicated that the stock was only at 22% of the biomass target and fishing mortality was at 180% of the overfishing threshold proxy. Those findings suggested that stock rebuilding was very unlikely by the original target of 2023. As a result, the Council agreed during the August 2021 meeting to modify the rebuilding plan and request emergency action from the National Marine Fisheries Service (NMFS) to reduce potential mackerel harvest in 2021 and early 2022. During this meeting, the Council directed staff to further develop five options that would all rebuild mackerel in ten years or less. The five options vary in their probability of rebuilding in 10 years. The Council also indicated that the most updated data should be used for projections before final action, which is anticipated in April 2022. The Council set aside developing recreational size limit options, given the uncertainty of release survival for mackerel, but directed staff to develop supporting management measures for the five rebuilding options such as commercial closures, trip limits, river herring and shad caps, and annual/seasonal recreational closures in federal waters. The Council will send a letter to the relevant states requesting that states consider measures to reduce state waters' recreational mackerel catch by 50% (most catch has been occurring in state waters) and will also reach out to NMFS Highly Migratory Species (HMS) Division to provide an update given the use of Atlantic mackerel as bait in HMS fisheries. There will be additional Committee and Advisory Panel meetings as the action is developed.

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## Chub Mackerel

The Council reviewed the previously implemented 2022 catch and landings limits for Atlantic chub mackerel. After considering the recommendations of the SSC, Monitoring Committee, and Advisory Panel, the Council agreed that no changes to the previously implemented measures are necessary. Additional details about 2022 specifications are available [here](#).

## Spiny Dogfish

The Council reviewed spiny dogfish specifications for 2022, which were set last year for 2021-2022. After considering input from the Scientific and Statistical Committee, Monitoring Committee, and Advisory Panel, the Council endorsed maintaining the existing spiny dogfish specifications, including a commercial quota of 29.6 million pounds for the 2022 (May 1) fishing year. The Council also recommended a 25% increase in the federal trip limit from 6,000 pounds to 7,500 pounds. This increase would be designed to stabilize spiny dogfish fishery participation and landings, both of which have decreased in recent years. The New England Fishery Management Council will address spiny dogfish in December 2021, and then NMFS will proceed with rulemaking, with a target for any changes being effective May 1, 2022. A research track assessment is also underway, and if successfully reviewed will be used for setting quotas and considering other management measures for the 2023 and future fishing years.

## Private Tilefish Reporting Update

In August 2020, new recreational permitting and reporting requirements were implemented for private tilefish anglers. During this meeting the Council received a presentation from the Greater Atlantic Regional Fisheries Office (GARFO) on the status of private recreational tilefish (golden and blue) permitting and reporting. The update included information related to the number of issued permits, landings by state, reporting systems, and lessons learned. Overall, GARFO staff acknowledged this initiative is the first of its kind for a Mid-Atlantic Council-managed species and indicated compliance and awareness of the requirements will be improved through additional outreach. For example, port agents continue to help private anglers set up Fish Online accounts, apply for permits, and understand the reporting requirements. As a result of the presentation and subsequent discussion, the Council recommended additional outreach be conducted in early 2022 during the beginning of the golden and blue tilefish recreational fishing seasons. The goal of this outreach is to increase awareness of the tilefish permitting and reporting requirements, as well as to educate anglers on the reporting systems available to submit electronic vessel trip reports. Current outreach materials and other resources are available on the Council's Tilefish Permitting and Reporting Webpage.

## North Atlantic Right Whales

The Atlantic Large Whale Take Reduction Team (ALWTRT) is in the scoping process to recommend risk reduction measures for Atlantic trap/pot and gillnet fisheries along the entire east coast. Depending on the proposed measures, this could impact Council managed fisheries for monkfish, spiny dogfish, black sea bass, bluefish, and scup, due to their use of pot/trap or gillnet gear. The Council was briefed on the scoping materials and asked to provide feedback on the types of measures proposed to be analyzed for risk reduction. The Council noted concerns with measures that would further reduce fishing effort in fisheries already experiencing declining participation. Council members discussed that there used to be a gear liaison in the region who would help conduct gear modification testing and education with fishermen at the docks and noted that this role would be important as these measures develop. NMFS indicated that they are in the process of advertising this Mid-Atlantic gear liaison role as a contractor position. The Council also agreed with the Protected Resources Committee's recommendations to 1) meet as needed throughout the ALWTRT process, 2) communicate to stakeholders to maximize participation from impacted fishermen, and 3) issues such as limited access fisheries, changes to permitting, or trap caps in a fishery should be addressed through the Council process.

## 2022 Implementation Plan

The Executive Committee met to discuss the 2022 Implementation Plan. The Council develops Implementation Plans each year to ensure progress toward achieving the goals and objectives of its 5-year strategic plan. First, the Committee received a progress update on the 2021 Implementation Plan. The Committee then reviewed and provided feedback on a draft list of deliverables that had been developed by staff for 2022. The Executive Committee had a lengthy discussion about whether to move item #63 (“Initiate action to implement a possession limit for frigate and bullet mackerel in the Mid-Atlantic”) from the “Possible Additions” section to the proposed deliverables for 2022. A motion to make this change ultimately failed. This action remains on the draft list of “Possible Additions” for consideration by the Council in December.

## HMS Diet Study

Dr. Walt Golet (University of Maine and Gulf of Maine Research Institute) presented the results of a study on the diets of yellowfin and bigeye tunas, white and blue marlins, and roundscale spearfish in the Mid-Atlantic. The Council provided funding for this research with the goal of better understanding the role of chub mackerel in the diets of these predators of stakeholder interest. Chub mackerel were determined to be an exceptionally small component of the diets of tunas and marlins. *Illex* squid were one of the most important prey items for yellowfin and bigeye tunas. Bullet mackerel were the most commonly occurring prey item in the marlin stomachs.

## June 2021 Scallop FMP Biological Opinion

Bill Barnhill (GARFO Protected Resources Division) presented the results of a new biological opinion on the Atlantic sea scallop fishery. The previous BiOp, completed in 2012, used fishing effort as a surrogate to monitor the incidental take of sea turtles. A formal consultation process was reinitiated in 2020 after it was determined that the incidental take statement (ITS) had been exceeded during the 2016 and 2017 fishing years due to heightened effort in the dredge fishery in the Mid-Atlantic. The new BiOp was completed in June 2021 and contains revised reasonable and prudent measures and terms and conditions (RPMs/T&Cs) designed to reduce the fishery’s incidental take of sea turtle. The BiOp also includes a new take monitoring plan.

## Next Council Meeting

The next Council meetings will be held on October 21 (ASMFC-hosted) and December 13-16, 2021. We are monitoring the situation with COVID-19 and will make an announcement in the coming weeks about whether the meeting will be conducted virtually or with a hybrid virtual/in-person format. Please check the website for updates.

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**Mid-Atlantic Fishery Management Council**  
October 5-6, 2021  
Webinar Meeting

**MOTIONS**

**Tuesday, October 5**

**Executive Committee – 2022 Proposed Actions and Deliverables**

Move to move item #63 (bullet and frigate mackerel) from possible additions to bluefish and include additional items discussed today under possible additions.

Duval/Wilke (6/7/0)

Motion fails for lack of majority

*(Note: There were two votes on this motion. After the first vote, a Committee member raised a concern that a non-Committee member may have voted. As a result, a second vote was conducted. The vote tallies listed above reflect the outcome of the second vote.)*

**Atlantic Mackerel**

I move that an option 4a be added that applies a P\*-like deduction to option 4.

Duval/Hughes

Motion carries by consent.

*Note: There was no opposition to providing the following guidance to Council staff: use the most updated data when the final rebuilding projections are run; no longer consider recreational size limits; request states reduce catch in state waters by 50%; reach out to HMS to highlight mackerel issues; schedule additional Committee and/or Advisory Panel meetings as needed.*

**Wednesday, October 6**

**Spiny Dogfish**

*Note: No desire to change ABC/Quota*

I move to adopt a trip limit increase to 7,500 pounds via the most expedient process possible (Likely via specifications with an expedited NEPA document if possible).

Gwin for Committee

I move to amend to strike all words after pounds.

Nowalsky/Hemilright

Motion to amend carries by consent

Amended motion becomes the main motion:

I move to adopt a trip limit increase to 7,500 pounds.

18/2/0

Motion carries

6/8

I move that the Council prioritize a framework to consider additional trip limit changes, with work beginning after the completion of the research track assessment.  
Gwin for Committee

I move to substitute:

I move that the Council consider the addition of a Framework to consider additional spiny dogfish trip limit changes to the 2022 implementation plan in December.

Nowalsky/Hughes (14/4/1)

Motion to substitute carries

Substitute motion becomes main motion:

I move that the Council consider the addition of a Framework to consider additional spiny dogfish trip limit changes to the 2022 implementation plan in December.

18/0/1

Motion carries

### **North Atlantic Right Whales**

Move to approve the Protected Resources Committee recommendations to NMFS and the ALWTRT.

Davidson/Winslow

Motion carries by consent with one abstention by NMFS



## Joint Meeting of the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission ISFMP Policy Board

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**October 21, 2021**

The Mid-Atlantic Fishery Management Council (Council) met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fisheries Management Program Policy Board (Policy Board) on October 21, 2021. The purpose of this meeting was to receive an update on the development of the Recreational Harvest Control Rule Framework/Addendum. Presentations, briefing materials, and webinar recordings are available on the [meeting page](#).

A joint Council Fishery Management Action Team (FMAT) and Commission Plan Development Team (PDT) have been working on the Harvest Control Rule Addendum/Framework as part of the Recreational Reform Initiative. Staff presented updates to the proposed options, including refinements to the metrics used in each option and accountability measures, as well as a summary of the peer review of two recreational fishery models which could be used to inform the setting of management measures under the options. Staff also reviewed recommendations from the PDT/FMAT for next steps for the Policy Board and Council to consider.

Given the scope of work required on the document's full range of options, the Policy Board and Council deferred approving the Draft Addendum/Framework for public comment, and instead will revisit the draft in either December 2021 or early 2022 to provide the FMAT/PDT more time to complete the document. In addition, the FMAT/PDT will continue to assess how the recreational fishery models should be used for developing measures for each of the harvest control rule options. Once approved, the Draft Framework/Addendum will be released for public comment and presented through public hearings. As a result of the revised timeline, the harvest control rule will not be ready for use in developing 2022 recreational measures for bluefish, summer flounder, black sea bass, and scup. Recreational specifications for all four species will be discussed at the December meeting of the Council and relevant Commission species management boards.

For more information the harvest control rule, please contact:

- Julia Beaty, MAFMC Fishery Management Specialist, [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org)
- Dustin Colson Leaning, ASMFC Fishery Management Plan Coordinator, [dleaning@asmfc.org](mailto:dleaning@asmfc.org)
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