



National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
Sustainable Fisheries Division
www.greateratlantic.fisheries.noaa.gov



Status Report of Greater Atlantic Region Actions

Prepared for the December 10-12, 2019
Meeting of the
Mid-Atlantic Fishery Management Council

December 5, 2019

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New England Council Actions

Small-Mesh Multispecies

None at this time.

Groundfish

None at this time.

Scallops

Individual Fishing Quota Fleet

On October 2, 2019, NMFS closed the Mid-Atlantic Scallop Access Area to Limited Access General Category Individual Fishing Quota vessels for the remainder of the 2019 fishing year. The closure ensures that the fleet will not exceed its 2019 allocation of 1,713 trips into the area. For additional information, please contact Travis Ford at (978) 281-9233, or email at Travis.Ford@noaa.gov.

Herring

In-Season Adjustment to Herring Specifications for 2019

On October 28, 2019, NMFS filed a temporary rule adjusting the herring annual catch limit (ACL) and Area 1 sub-ACL for 2019. Because landings in the New Brunswick weir fishery were less than 4,000 mt through October 1, NMFS subtracted 1,000 mt from the management uncertainty buffer and re-allocated it to the herring Area 1A sub-ACL and ACL. This action increased the Area 1A herring sub-ACL from 4,354 mt to 5,354 mt and the herring ACL from 15,065 mt to 16,065 mt for the remainder of 2019. For additional information, please contact Carrie Nordeen at 978-281-9272 or Carrie.Nordeen@noaa.gov.

Closure of Management Area 1A to Directed Herring Fishing

On November 26, 2019, NMFS filed a temporary rule closing the directed herring fishery in Management Area 1A effective November 27, 2019, because catch was projected to meet 92 percent of the sub-annual catch limit for this area by this date. Vessels are prohibited from possessing more than 2,000 lb of herring from Area 1A per trip or calendar day through December 31, 2019. For additional information, please contact Spencer Talmage at (978) 281-

9232 or email at Spencer.Talmage@noaa.gov.

Amendment 8

On November 19, 2019, NMFS approved Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP). This amendment establishes a herring acceptable biological catch (ABC) control rule and prohibits the use of midwater trawl gear inshore of the 12-nautical mile territorial sea boundary from the Canadian border to Connecticut and inshore of 20 nautical miles off the east coast of Cape Cod.

The proposed rule for Amendment 8 published on October 9, 2019, with a comment period ending November 25, 2019. NMFS expects to publish a final rule implementing these measures at the end of 2019 or in early 2020. For additional information, please contact Carrie Nordeen at 978-281-9272 or Carrie.Nordeen@noaa.gov.

Monkfish

None at this time

Atlantic Deep-Sea Red Crab

None at this time.

Skate

Framework Adjustment 8

A proposed rule is under development to implement framework adjustment 8 to the Northeast Skate Complex Fishery Management Plan, which includes skate fishery specifications for fishing years 2020 and 2021, and increased seasonal trip limits for both the wing and bait fisheries. This action would increase the annual catch limit to 32,715 mt (up from 31,327 mt in 2019) and overall total allowable landings of 17,864 mt (an increase from 15,788 mt in 2019). This would result in about a 13-percent increase each in both the bait and wing fisheries' total allowable landings. Framework 8 would also increase the bait fishery Season 3 (November 1 - April 30) trip limit from 12,000 lb to 25,000 lb to be consistent with the rest of the fishing year. In the wing fishery, the Season 1 (May 1 - August 31) trip limit would be raised from 2,600 lb to 3,000 lb, and the Season 2 trip (September 1 - April 30) limit would increase from 4,100 lb to 5,000 lb. The provisional barndoor skate possession limit would also increase proportionally from 650 lb to 750 lb in Season 1, and from 1,025 lb to 1,250 lb in Season 2. This rule is expected to publish early 2020. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

Mid-Atlantic Council Actions

Summer Flounder, Scup, and Black Sea Bass

Interim 2020 Specifications for Summer Flounder, Scup, Black Sea Bass, and Atlantic Bluefish Fisheries

On October 9, 2019, NMFS published a final rule in the *Federal Register* (84 FR 54041) to set status quo interim 2020 specifications for scup, black sea bass, and bluefish so that measures will be in place at the beginning of the fishing year, as these fisheries have no rollover provisions. NMFS will develop rulemaking to revise these specifications based on Council recommendations made during its October 2019 meeting, but updates will not be implemented in time for the beginning of the fishing year. This action also sets 2020 and projects 2021 specifications for summer flounder. This final rule is effective January 1, 2020. For additional information, please contact Emily Gilbert at (978) 281-9244 or email at Emily.Gilbert@noaa.gov.

Framework Adjustment 14

On November 29, 2019, NMFS published a final rule in the *Federal Register* (84 FR 65699) implementing Framework Adjustment 14. This action makes several changes to the summer flounder, scup, and black sea bass FMP to provide more flexibility in the recreational fisheries for these species. Measures include an annual conversation equivalency consideration for black sea bass, a Federal waters transit zone around Block Island Sound, and a maximum recreational size limit for summer flounder and black sea bass, which would allow for the use of slot limits. This final rule is effective December 30, 2019. For additional information, please contact Emily Gilbert at (978) 281-9244 or email at Emily.Gilbert@noaa.gov.

Scup Winter II Period Quota and Possession Limit Increase

On September 30, 2019, NMFS published a temporary rule to roll over unused quota from the Winter I period to the Winter II period for the scup fishery. The full amount of unused 2019 Winter I quota was transferred to Winter II, resulting in a revised 2019 Winter II quota of 9,090,487 lb. Because the amount transferred was between 5.0 and 5.5 million lb, the Federal per trip possession limit increased from 12,000 lb to 27,000 lb. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Summer Flounder Quota Transfers

On September 23, 2019 and October 3, 2019 we received requests to transfer quota from North Carolina to Rhode Island and North Carolina to Virginia, respectively. These transfers will allow North Carolina to transfer 23,481 pounds of summer flounder commercial quota to Rhode Island and 7,706 pounds to Virginia. The temporary rule was published in the *Federal Register* on November 5, 2019 (84 FR 59588). We receive three additional transfer requests to transfer 40,000 lb of summer flounder quota from North Carolina to Connecticut, 15,200 lb from Maryland to New Jersey and 7,500 lb from North Carolina to Virginia. The temporary rules for the transfers from North Carolina to Connecticut and Maryland to New Jersey were published in

the *Federal Register* on November 6, 2019 (84 FR 59735) and on November 19, 2019 (84 FR 63814). The transfer from North Carolina to Virginia will publish in the *Federal Register* in the next few weeks. The revised 2019 summer flounder quotas are: North Carolina, 2,879,055 lb; Connecticut, 293,119 lb; Maryland, 208,734 lb; New Jersey, 1,855,396 lb; Rhode Island, 1,745,943 lb; and, Virginia, 2,405,916 lb. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Surfclam and Ocean Quahog

Habitat Clam Dredge Exemption Framework

On September 17, 2019, NMFS published a proposed rule (84 FR 48899) to establish three exemption areas within the Great South Channel Habitat Management Area (HMA) where vessels could fish for Atlantic surfclams or mussels using dredge gear. Comments were accepted through October 17, 2019. At the request of the NEFMC, NMFS reopened the comment period for an additional 14 days, from November 4, 2019, through November 18, 2019. A final rule is under development. The HMA was created by the New England Fishery Management Council's Omnibus Habitat Amendment 2, which prohibited the use of all mobile bottom-tending fishing gear in the HMA. The HMA contains complex benthic habitat that is important for juvenile cod and other fish species, and it is susceptible to the adverse impacts of fishing gear. There was a 1-year delay of the HMA closure that allowed the surfclam fishery to continue fishing with hydraulic clam dredges in the HMA. The 1-year delay ended on April 9, 2019, and the HMA is currently closed to all mobile bottom-tending fishing gear. For additional information contact Doug Potts at 978-281-9341 or Douglas.Potts@noaa.gov.

Atlantic Bluefish

Bluefish Commercial Quota Transfer – North Carolina to Rhode Island

On November 6, 2019, NMFS received requests from both states to transfer 150,000 lb of commercial bluefish quota from North Carolina to Rhode Island. This transfer was requested under a mutual agreement of the states in an effort to allow Rhode Island to remain open for the remainder of the year without exceeding the state commercial bluefish quota. The *Federal Register* notice published on December 5, 2019 (84 FR 66630). The revised bluefish quotas for 2019 are: North Carolina, 2,321,746 lb; and Rhode Island, 674,874 lb. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

Spiny Dogfish

None at this time

Atlantic Mackerel, Squid, and Butterfish

Final Rule for Framework Adjustment 13 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

On October 30, 2019, NMFS published a final rule in the *Federal Register* (84 FR 58053) to implement Framework 13. This final rule adopts a 5-year rebuilding plan for Atlantic mackerel to rebuild the stock by 2023, sets Atlantic mackerel specifications for 2019-2021 based on the rebuilding program, modifies in-season management measures to slow the directed fishery to allow for Atlantic mackerel bycatch in other fisheries, and updates the river herring and shad catch caps in the Atlantic mackerel fishery. Approved measures became effective on November 29, 2019. For additional information, please contact Aly Pitts at: (978) 281-9352, or email at alyson.pitts@noaa.gov.

Tilefish

None at this time

Other Actions

Paperwork Reduction Act

Comment Period for Tilefish Individual Fishing Quota Forms

NMFS published a notice in the *Federal Register* on October 4, 2019 (84 FR 53111), requesting comments on a renewal collection of information requirement under the Paperwork Reduction Act. This collection of information involves the Tilefish Individual Fishing Quota (IFQ) fishery and covers a range of reporting requirements including IFQ Allocation Permits, Transfer of quota share and annual allocation, and annual cost recovery.

NMFS is seeking comment on whether the collection is necessary, if NMFS's estimate of costs and burden is accurate, and ways to reduce costs and burden and improve data collection. The comment period ends on December 3, 2019.

Direct all written comments to Adrienne Thomas, PRA Officer, NOAA, Room 159, 151 Patton Avenue, Asheville, NC 28801 (or via email at PRAComments@doc.gov).

Requests for additional information or copies of the information collection instrument and instructions please contact Doug Potts at at 978-281-9341 or Douglas.Potts@noaa.gov.

Comment Period for American Lobster Trap Transfer Program Form

NMFS published a notice in the *Federal Register* (84 FR 47495) on September 10, 2019, requesting comments for the Paperwork Reduction Act in effort to reduce paperwork and respondent burden for the American lobster Trap Transfer Program form. Comments were invited on the necessity of the collections, the accuracy of the agency's estimate of burden, ways to enhance the collection, and ways to minimize the burden on respondents. The comment period

for the information collection was open through November 12, 2019. No comments were received. For additional information please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Jonah Crab

Jonah Crab Final Rule

On November 13, 2019, NMFS published a final rule in the *Federal Register* (84 FR 161569) implementing measures that complement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Jonah Crab. Approved measures include limiting Jonah crab harvest to those who already have a limited-access American lobster permit, a minimum size, protection for egg-bearing females, incidental catch limits, and dealer permitting and reporting requirements. Federal measures become effective on December 12, 2019. Federal measures become effective on December 12, 2019. For additional information, please contact Allison Murphy at (978) 281-9122 or email at Allison.Murphy@NOAA.gov.

Industry Funded Monitoring Omnibus Amendment

None at the time

Lobster

None at this time.

Habitat Actions

Omnibus Deep-Sea Coral Amendment

On November 20, 2019, NMFS approved the Omnibus Deep-Sea Coral Amendment. This action will implement measures that reduce impacts of fishing gear on deep-sea corals in the Gulf of Maine and on the outer continental shelf. In doing so, this action will prohibit the use of mobile bottom-tending gear in two areas in the Gulf of Maine (Mount Desert Rock and Outer Schoodic Ridge), and it will prohibit the use of all gear (with an exception for red crab pots) along the outer continental shelf in waters no shallower than 600 meters. NMFS will publish a proposed rule for this action in the near future that will solicit further public comment. A final rule that will implement this action will follow shortly after the close of the public comment period. For additional information, please contact Travis Ford at (978) 281-9233, or email at Travis.Ford@noaa.gov.

Protected Resources Actions

None at this time.

Research Permits and Acknowledgments - Applications Under Review

October 1, 2019, NMFS received an application for an Exempted Fishing Permit (EFP) from the Commercial Fisheries Research Foundation to continue an ongoing lobster and Jonah crab recruitment and juvenile abundance survey. This survey will take place during the regular fishing activity of the 20 participating federally permitted commercial fishing vessels: 6 “inshore” vessels in lobster management areas 1 and 2; and 14 “offshore” vessels in lobster management areas 3, 4, and 5. Each vessel would have up to 3 modified traps attached to a standard trap trawl for no more than 60 total modified traps in the water at any time. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

On October 28, 2019, NMFS received an application for an EFP from Coonamessett Farm Foundation to continue to test the selectivity of alternative gillnet configurations for targeting haddock. The research trips would be conducted on Georges Bank and in Southern New England. For additional information, please contact Kyle Molton at (978) 281-9236 or email at kyle.molton@noaa.gov.

On April 15, 2019, the Cape Cod Commercial Fishermen’s Alliance submitted an application to revise the audit-model electronic monitoring (EM) EFP to include an exemption allowing benthic longline vessels to fish in portions of the Cashes Ledge Closure Area. Under the existing EFP, vessel fishing with jig gear (jigging machines, handgear) are permitted to fish in the Cashes Ledge Closure Area, excluding the Ammen Rock Habitat Management Area. Given the proximity to the start of the new fishing year (May 1, 2019), NMFS was unable to incorporate that request for consideration into the reissuance of the EFP. However, project partners have subsequently reiterated their interest in this modification to the EFP. Under the revised EFP, 2 benthic longline vessels would take up to 20 fishing trips in the Cashes Ledge Closure Area during the remainder of fishing year 2019. Both would continue to adhere to all of the catch handling protocols specified in the audit-model EM EFP, and they would be fully accountable for their catch. For additional information, please contact Maria Vasta at (978) 281-9196, or email at Maria.Vasta@noaa.gov.

Research Permits and Acknowledgments - Application Review Completed

On October 21, 2019, NMFS issued a scientific research permit renewal to the Northeast Fisheries Science Center for a continuing study evaluating the target catch retention of trawls equipped with cable turtle excluder devices (TEDs) compared to standard trawls (without the TEDs) in the summer flounder fishery. This SRP allows one commercial trawl vessel (F/V *Karen Elizabeth*, Permit #410326) with NEFSC scientific personnel onboard to conduct gear testing using a twin trawl and paired comparative experimental design in October and November 2019. The participating vessel is allowed to sell normal/legal catch consistent with its permits during the study as compensation, and all undersized or non-permitted will be returned to the water after being recorded. For additional information, please contact Cynthia Ferrio at (978) 281-9180, or email at Cynthia.ferrio@noaa.gov.

On October 31, 2019, NMFS issued an Exempted Fishing Permit (EFP) to the Massachusetts Division of Marine Fisheries and the University of Massachusetts, Dartmouth, School for Marine Science and Technology (SMAST). This EFP authorizes four party/charter vessels to retain sub-legal size Atlantic cod for biological sampling purposes only. The data collected through this EFP will help scientists better characterize spawning seasons, sex ratios, demographics, genetics, and growth rate of cod around the Deepwater Wind Lease Area For additional information, please contact Maria Vasta at (978) 281-9196, or email at Maria.Vasta@noaa.gov.

On November 14, 2019, NMFS issued a Letter of Acknowledgement (LOA) to SMAST in support of a video trawl survey project. Under this LOA, one commercial fishing vessel will conduct three week-long video trawl survey cruises in the Gulf of Maine. The objective of the study is to investigate the use of video technology to improve estimates of the abundance, spatial distribution, size structure, and length-weight relationships of Gulf of Maine cod For additional information, please contact Maria Vasta at (978) 281-9196, or email at Maria.Vasta@noaa.gov.

On December 5, 2019, NMFS issued an EFP to the Commercial Fisheries Research Foundation to continue a lobster and Jonah crab study in Lobster Management Areas 1, 2, 3, 4, and 5. This survey will take place during the regular fishing activity of the 20 participating federally permitted commercial fishing vessels: 6 “inshore” vessels in lobster management areas 1 and 2; and 14 “offshore” vessels in lobster management areas 3, 4, and 5. Each vessel would have up to 3 modified traps attached to a standard trap trawl for no more than 60 total modified traps in the water at any time. The objective of this study is to examine abundance and distribution of juvenile American lobster and Jonah. For more information, please contact Laura Hansen at (978) 281-9225, or email at Laura.Hansen@noaa.gov.