



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 February 11-13, 2020
Meeting of the
Mid-Atlantic Fishery Management Council

February 10, 2020

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New England Council Actions

Small-Mesh Multispecies

2019 Southern Red Hake Possession Limit Reduction

On February 5, 2020, NOAA's National Marine Fisheries Service (NMFS) published a temporary rule to reduce the commercial per-trip possession limit for Southern red hake from 5,000 lb to the incidental limit of 400 lb for the remainder of the 2019 fishing year (April 30, 2020). The regulations require the Regional Administrator to reduce the commercial possession limit when landings are projected to reach 90 percent of the total allowable landings. Based on commercial landings data reported through January 14, 2020, the southern red hake fishery was projected to reach 90 percent of the TAL on or around February 2, 2020. The reduced possession limit is effective from February 3, 2020 through April 30, 2020. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Groundfish

Revisions to Framework Adjustment 58

On January 27, 2020, NMFS published a final rule to correct minor errors published in the final rule approving and implementing Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan (FMP). This rule also distributed sector allocation carried over from fishing year 2018 to fishing year 2019 as authorized by the sector regulations. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at Claire.Fitz-Gerald@noaa.gov.

Scallops

Great South Channel and Southern New England Scallop Dredge Exemption Areas

On January 14, 2020, NMFS published a final rule (85 FR 2320) expanding the boundaries of the current Great South Channel and Southern New England Scallop Dredge Exemption Areas for the Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) fishery creating a single area south of 42° 20' N latitude and east of the Mid-Atlantic Exemption Area. All other LAGC IFQ regulatory requirements such as the requirement to use dredge gear 10.5 ft or less and possession limits for both scallops and monkfish remain unchanged.

In addition, the rule also implements new prelanding reporting requirements for limited access vessels sailing on open area trips. Limited access vessels are now required to send in a prelanding report on all scallop trips through the vessel monitoring system. The rule is effective February 14, 2020. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

Herring

Framework Adjustment 6

On January 28, 2020, NMFS published a proposed rule in the *Federal Register* (85 FR 4932) for Framework Adjustment 6 to the Atlantic Herring FMP. This action would set specifications and river herring/shad catch caps for 2020-2021, update the overfished and overfishing definitions, and suspend the carryover of unharvested catch for 2020-2021. This rule also proposes regulation clarifications under the authority of section 305(d) to the Magnuson-Stevens Fishery Conservation and Management Act for optimum yield, herring vessel permit names, the prohibitions associated with transiting and pre-landing requirements, and the titles of the Atlantic States Marine Fisheries Commission's herring advisory bodies. The 15-day comment period closes on February 12, 2020. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Monkfish

None at this time

Atlantic Deep-Sea Red Crab

None at this time.

Skate

Framework Adjustment 8

On February 5, 2020, NMFS published a proposed rule in the *Federal Register* (85 FR 6494) for 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 from 31,327 mt (2019) to 32,715 mt, and overall total allowable landings from 15,788 mt (2019) of 17,864 mt. This would be a 13-percent increase 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. The final rule for this action is expected to publish in late March or early April 2020, prior to the beginning of the new fishing year on May 1. 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

Summer Flounder Quota Transfer

On December 12, 2019, NMFS received a request to transfer quota from Virginia to New York. Due to the timing of the request, NMFS was unable to process the transfer before the end of the 2019 fishing year on December 31, 2019. The transfer allowed Virginia to retroactively transfer 8,787 pounds of 2019 summer flounder commercial quota to New York. The temporary rule was published in the *Federal Register* on January 23, 2020 (85 FR 3855). The revised 2019 summer flounder quotas are: Virginia, 2,397,129 lb; and, New York, 848,656 lb. The retroactively adjusted quotas will be used to calculate overages for the 2019 fishing year and adjust, as needed, 2020 summer flounder quota transfers. 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. The comment period for the proposed measures was open through October 17, 2019. At the request of the New England Council, NMFS reopened the comment period for an additional 14 days, from November 4, 2019, through November 18, 2019. NMFS received 70 comments, and 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

None at this time.

Spiny Dogfish

None at this time

Atlantic Mackerel, Squid, and Butterfish

Atlantic Mackerel, Squid, and Butterfish 2020 Specifications

The proposed rule to implement 2020 specifications for Atlantic mackerel, squid, and butterfish published on December 17, 2019. This action would maintain the 2019 Atlantic mackerel quota for 2020, continue existing squid and butterfish quotas, and remove the trigger to close the Atlantic mackerel fishery if 89 mt of river herring/shad are caught before catching 10,000 mt of Atlantic mackerel. The comment period closed on January 16, 2020. NMFS will publish a final rule soon. For additional information, please contact Aly Pitts at: (978) 281-9352, or alyson.pitts@noaa.gov.

Amendment 21 to the Atlantic Mackerel, Squid, and Butterfish FMP (Chub Amendment)

NMFS is preparing a proposed rule to implement Amendment 21 to the Atlantic Mackerel, Squid, and Butterfish FMP. This action would integrate Atlantic chub mackerel into the FMP and implement long-term measures to replace temporary measures implemented under Amendment 18 in 2017. The Mid-Atlantic Council has deemed proposed regulations to be consistent with this action. The proposed rule and notice of availability is under review and would likely publish in late February. For additional information, please contact Douglas Christel at (978) 281-9141, or Douglas.Christel@noaa.gov.

Tilefish

Proposed Rule to Implement Permitting and Reporting for Private Recreational Tilefish Vessels

On January 28, 2020, NMFS published a proposed rule to implement permitting and reporting for private recreational tilefish vessels (85 FR 5186). These measures were approved in Amendment 6 to the Tilefish Fishery Management Plan. Proposed measures include requiring private recreational vessels that intend to target golden or blueline tilefish to obtain a federal private recreational tilefish vessel permit through an online application on the Greater Atlantic Regional Office website. Proposed measures also include a requirement for private recreational tilefish vessels to fill out and submit a vessel trip report within 24 hours of returning to port for trips where tilefish were targeted and/or retained. The comment period is open through February 28, 2020. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Other Actions

Paperwork Reduction Act

Comment Period for Atlantic Mackerel, Squid, and Butterfish Renewal of Forms Associated with Amendment 14

NMFS published a notice in the *Federal Register* on December 19, 2019 (84 FR 69723), requesting comments on a renewal collection of information requirement under the Paperwork

Reduction Act. This collection of information involves the documentation of slippage events and observer Program Call-In Requirements.

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 February 17, 2020.

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). For additional information, please contact Alyson Pitts at (978) 281-9352, or email at Alyson.Pitts@noaa.gov.

Proposed Rule to Implement Permitting and Reporting for Private Recreational Tilefish Vessels

As noted previously, on January 29, 2020, NMFS published a proposed rule to implement permitting and reporting for private recreational tilefish vessels (85 FR 5186). This action would require private recreational vessels that intend to fish for and or retain golden or blue line tilefish to obtain a Federal private recreational tilefish vessel permit and submit an electronic vessel trip report within 24 hours of returning to port on trips where tilefish were targeted. This action affects burden estimates and costs for the initial vessel permit application and logbook. The comment period is open through February 28, 2020.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Greater Atlantic Regional Fisheries Office and by email to OIRA_Submission@omb.eop.gov, or fax to (202) 395-7285.

Requests for additional information or copies of the information collection instrument and instructions please contact Laura Hansen at (978) 281-9225, or Laura.Hansen@noaa.gov.

Amendment 21 to the Atlantic Mackerel, Squid, and Butterfish FMP (Chub Amendment)

NMFS will soon publish a notice in the *Federal Register* requesting public comments on an information collection requirement under the Paperwork Reduction Act. This action would update the initial permit applications for Federal vessels, dealers, and operators and the vessel trip report (logbook) instructions to reflect potential integration of Atlantic chub mackerel into the Atlantic Mackerel, Squid, and Butterfish FMP. Neither the time, nor cost burdens of these collections would be revised by this action.

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 will be specified in the proposed rule. 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 Christel at 978-281-9141 or Douglas.Christel@noaa.gov.

Jonah Crab

None at this time.

Industry Funded Monitoring Omnibus Amendment

New England Industry-Funded Monitoring Omnibus Amendment

On February 7, 2020, NMFS published a final rule in the *Federal Register* (85 FR 7414) for the New England Industry-Funded Monitoring Omnibus Amendment. This amendment implements a process to standardize future industry-funded monitoring programs in New England Council fishery management plans and industry-funded monitoring in the Atlantic herring fishery. The 50-percent industry-funded monitoring coverage target for vessels with Category A or B herring permits is expected to help reduce uncertainty around catch estimates. For additional information, please contact Carrie Nordeen at (978) 281-9272 or email at Carrie.Nordeen@noaa.gov.

Lobster

None at this time.

Habitat Actions

Omnibus Deep-Sea Coral Amendment

On August 26, 2019, NMFS published a Notice of Availability for the Omnibus Deep-Sea Coral Amendment (84 FR 44596) to solicit public on the approval of the Amendment. On November 20, 2019, NMFS approved this action. The Omnibus Deep-Sea Coral Amendment 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. On January 3, 2020, NMFS published a proposed rule for the Omnibus Deep-Sea Coral Amendment (85 FR 285) to solicit further public comment. NMFS is accepting comments through February 18, 2020. 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

On October 28, 2019, NMFS received an application for an Exempted Fishing Permit (EFP) from the Coonamessett Farm Foundation (CFF) 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 December 9, 2019, the Northeast Fisheries Science Center submitted Scientific Research Permit (SRP) applications for activities to be conducted on board Center-controlled research vessels during 2020. Planned research cruises include general ecosystem monitoring surveys and surveys to evaluate and monitor particular species. Fishing gear, when used, will include various types of trawl and dredge gear. For additional information, please contact Maria Vasta at (978) 281-9196 or email at Maria.Vasta@noaa.gov.

On January 6, 2020, NMFS received an application for a Scientific Letter of Acknowledgement (LOA) from the Gulf of Maine Research Institute (GMRI). The proposed scientific research would be a comparative gear study to evaluate the catching performance and selectivity of a modified ultra-low opening trawl net. One chartered vessel would conduct the gear study from May through July 2020 in the Gulf of Maine within 30 minute squares 124, 132, and 133. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

NMFS is developing an EFP to further evaluate how to best administer an electronic monitoring (EM) and portside sampling program that would fulfill the requirements of the New England Industry-Funded Monitoring (IFM) Omnibus Amendment for some Atlantic herring vessels. Participating vessels would be required to use EM systems on 100 percent of directed herring trips. The EFP would also require participating vessels to use portside sampling in lieu of at-sea monitoring when selected for IFM coverage. For additional information, please contact Maria Vasta at (978) 281-9196 or email at Maria.Vasta@noaa.gov.

On January 16, 2020, NMFS received an application from the Cape Cod Commercial Fishermen's Alliance for an EFP in support of an ongoing project to develop an audit-model electronic monitoring program for catch accounting in the Northeast multispecies fishery. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On January 16, 2020, NMFS received an application from the Gulf of Maine Research Institute for an EFP in support of an ongoing project to develop a maximized retention electronic monitoring program to meet monitoring requirements for the Northeast multispecies fishery. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On January 28, 2020, NMFS published a solicitation for public comment in the *Federal Register* for an EFP application from CFF to allow research in support of the New England Fishery Management Council's research objective of, "Characterizing substrate types where surfclam and mussel fishing occurs within the Great South Channel HMA." Under this EFP, five vessels targeting surfclams and mussels would fish with dredge-mounted, forward-facing cameras to characterize substrate types where surfclam and mussel fishing occurs within the Great South Channel HMA. This project would not characterize substrate types within the Great South Channel HMA where surfclam and mussel fishing does not occur. Vessel crew would document retained catch of clams, estimate the volume of total bycatch by bushel for mussels and other species such as crab, weight for individual fish species, and bushel counts for cobble and rocks. CFF would provide crew members reference materials prior to the start of the project. A camera would be set up to record video and time lapse frames of the deck pile as it is picked for every tow. CFF stated that crew would take estimates of the deck pile on every tow through a visual estimate, and a more thorough sampling of the deck pile would occur when CFF staff are on board. Vessel crew would document retained catch of clams, estimate the volume of total bycatch by bushel for mussels and other species such as crab, weight for individual fish species, and bushel counts for cobble and rocks. CFF would provide crew members reference materials prior to the start of the project. A camera would be set up to record video and time lapse frames of the deck pile as it is picked for every tow. CFF stated that crew would take estimates of the deck pile on every tow through a visual estimate, and a more thorough sampling of the deck pile would occur when CFF staff are on board. The 15-day comment period is open through February 11, 2020. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Research Permits and Acknowledgments - Application Review Completed

On December 13, 2019, NMFS issued an EFP to the Cape Cod Commercial Fisherman's Alliance in support of an exploratory fishing project to facilitate catch of haddock in the Southern New England Regulated Mesh Area without increasing discards of sublegal flounder species. From December 15, 2019 through April 30, 2020, two trawl vessels participating in the Alliance's Audit Model Electronic Monitoring EFP would be allowed to use 6-inch diamond mesh codends in the Southern New England Regulated Mesh Area. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.