



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 13-16, 2021
Meeting of the
Mid-Atlantic Fishery Management Council

December 10, 2021

Table of Contents

NEW ENGLAND COUNCIL ACTIONS.....2
SMALL-MESH MULTISPECIES 2
GROUND FISH 2
SCALLOPS 2
HERRING 2
MONKFISH 3
ATLANTIC DEEP-SEA RED CRAB 3
SKATE 4
SPINY DOGFISH..... 4
MID-ATLANTIC COUNCIL ACTIONS.....4
SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS 4
SURFLAM AND OCEAN QUAHOG..... 5
ATLANTIC BLUEFISH..... 5
QUOTA TRANSFERS..... 5
ATLANTIC MACKEREL, SQUID, AND BUTTERFISH 6
TILEFISH..... 6
OTHER ACTIONS6
PAPERWORK REDUCTION ACT 6
JONAH CRAB..... 6
INDUSTRY FUNDED MONITORING OMNIBUS AMENDMENT..... 6
LOBSTER 6
HABITAT ACTIONS6
PROTECTED RESOURCES ACTIONS.....7
RESEARCH PERMITS AND ACKNOWLEDGMENTS - APPLICATIONS
UNDER REVIEW.....7
RESEARCH PERMITS AND ACKNOWLEDGMENTS - APPLICATION
REVIEW COMPLETED7

New England Council Actions

Small-Mesh Multispecies

None at this time.

Groundfish

None at this time.

Scallops

Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan

On December 3, 2021, NOAA's National Marine Fisheries Service (NMFS) approved Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan. Amendment 21 promotes conservation of the scallop resource in the Northern Gulf of Maine Management Area and to manage total removals from the area by all fishery components. Amendment 21 also expands flexibility in the limited access general category individual fishing quota fishery to reduce impacts of potential decreases in ex-vessel price and increases in operating costs. NMFS will publish a final rule for this action shortly. For additional information, please contact Travis Ford at (978) 281-9233 or email at Travis.Ford@noaa.gov.

Herring

2021 Specifications Adjustment

On October 29, 2021, NMFS published a temporary rule in the *Federal Register* (86 FR 59872) adjusting the 2021 Atlantic herring specifications. This rule increased the 2021 herring annual catch limit (ACL) and Area 1A sub-ACL by 1,000 mt. Herring regulations require NMFS to implement this action when, based on data through October 1, the New Brunswick weir fishery lands less than 3,012 mt of herring. This temporary rule expires on December 31, 2021. For additional information, please contact Maria Fenton at 978-281-9196 or Maria.Fenton@noaa.gov.

2022-2023 Industry-Funded Monitoring Service Providers for Herring Vessels

On November 15, 2021, NMFS published a bulletin announcing the application deadline for companies that would like to be approved to provide industry-funded monitoring (IFM) services to herring vessels in IFM years 2022-2023 (April 1, 2022 - March 31, 2024). IFM services include observing, at-sea monitoring, and portside sampling. Applications are due by December

17, 2021. If NMFS receives any applications under this announcement, final decisions will be communicated to service providers and published in the *Federal Register*. For additional information, please contact Maria Fenton at 978-281-9196 or Maria.Fenton@noaa.gov.

2021 Herring Management Area 1A Possession Limit Adjustment

On November 15, 2021, NMFS published a temporary rule in the *Federal Register* (86 FR 62958) implementing a 2,000-lb possession limit in Herring Management Area 1A. Herring regulations require NMFS to implement this possession limit adjustment beginning on the date the catch is projected to reach 92 percent of the Area 1A sub-ACL. If final fishery data indicate that total catch exceeded the Area 1A sub-ACL, the amount of the overage will be deducted from the Area 1A sub-ACL and ACL in a subsequent fishing year. This temporary rule expires on December 31, 2021. For additional information, please contact Maria Fenton at 978-281-9196 or Maria.Fenton@noaa.gov.

2021 Herring Fishery Closure

On November 30, 2021, NMFS published a temporary rule in the *Federal Register* (86 FR 67877) closing the herring fishery and implementing a 2,000-lb possession limit in all Herring Management Areas. Herring regulations require NMFS to implement this fishery closure beginning on the date that catch is projected to reach 95 percent of the herring ACL. If final fishery data indicate that total catch exceeded the ACL, the amount of the overage will be deducted from the ACL in a subsequent fishing year. This temporary rule expires on December 31, 2021. For additional information, please contact Maria Fenton at 978-281-9196 or Maria.Fenton@noaa.gov.

2019 Herring Fishery Disaster Determination

On November 22, 2021, the Secretary of Commerce issued a fishery disaster determination for the 2019 herring fishery at the request of the states of Maine (July 2020), Massachusetts (August 2020), New Hampshire (September 2020), Rhode Island (October 2020), and New Jersey (March 2021). This determination was based on commercial landings and revenue data provided by states. A fishery disaster determination makes the fishery eligible to receive disaster assistance funding from NMFS if appropriations are made available. For additional information, please contact Maria Fenton at 978-281-9196 or Maria.Fenton@noaa.gov.

Monkfish

None at this time.

Atlantic Deep-Sea Red Crab

None at this time.

Skate

Withdrawal of Amendment 5 and Notice of Intent to Develop an Environmental Impact Statement

On November 17, 2021, NMFS published a notice in the *Federal Register* (86 FR 64186) to withdraw notice of intent (NOI) to develop an environmental impact statement for Amendment 5 to the Northeast Skate FMP. After thorough examination and discussion since its initiation in 2016, the New England Fishery Management Council voted to discontinue work on Amendment 5 at its September 2021 meeting, and pursue the remaining alternatives (which are largely administrative) through Framework Adjustment 9. This notice withdraws the NOI, and announces this change to the public. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

2022-2023 Specifications

A proposed rule is under development to implement catch specifications for the 2022 and 2023 skate fishery, based on updated survey data and recommendations from the Council's Scientific and Statistical Committee and the Skate Plan Development Team. The proposed specifications would increase the skate acceptable biological catch by about 14 percent in 2022, and increase both wing and bait fishery quotas by about 18 percent. Catch specifications for fishing year 2023 are projected to be the same as the proposed 2022 limits. The current catch limits were implemented through framework adjustment 8 to the FMP (85 FR 33579; June 2, 2020), and expire on April 30, 2022; but will roll over beyond that date until new specifications are implemented. The Council did not recommend changes to any other skate management measures in this action. Therefore, per-trip possession limits would remain unchanged under this action. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

Spiny Dogfish

None at this time.

Mid-Atlantic Council Actions

Summer Flounder, Scup, and Black Sea Bass

2022 and 2023 Specifications for Summer Flounder, Scup, and Black Sea Bass

On November 24, 2021, NMFS published a proposed rule (86 FR 67014) for the 2022 and projected 2023 specifications for summer flounder, scup, and black sea bass. This action proposes 2022 and 2023 acceptable biological catches, as well as the recreational and commercial annual catch limits, annual catch targets, commercial quotas, and recreational harvest limits, for all three species, consistent with the recommendations made by the Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) and Council at their joint August 2021

meeting. The comment period closed on December 9, 2021. For additional information, please contact Emily Keiley at (918)281-9116 or email at Emily.Keiley@noaa.gov.

Surfclam and Ocean Quahog

2022 Surfclam and Ocean Quahog Specifications

On November 8, 2021, NMFS published a rule (86 FR 61714) to finalize the 2022 Atlantic surfclam and ocean quahog specifications. Harvest quotas for both species remain status quo, and the surfclam minimum size limit is suspended for the 2022 fishing year. For additional information, please contact Douglas Potts at (978) 281-9341 or email at Douglas.Potts@noaa.gov.

Atlantic Bluefish

Decision and Final Rule for Amendment 7 to Bluefish Fishery Management Plan

On November 24, 2021, NMFS published a final rule in the *Federal Register* (86 FR 66977) Implementing Amendment 7 to the Atlantic Bluefish Fishery Management Plan. Amendment 7 was approved in its entirety on November 12, 2021. This Amendment revises the goals and objectives of the fishery management plan, reallocates quota between the commercial and recreational fisheries, reallocates commercial quota among the states, implements a rebuilding plan using a constant fishing mortality strategy, revises the sector quota transfer, and revises how management uncertainty is applied during the specifications process. This rule will be effective on January 1, 2022. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

2022-2023 Specifications

On December 2, 2021, NMFS published proposed catch specifications in the *Federal Register* (86 FR 68456) for the 2022 and 2023 bluefish fishery, based on the most recent scientific information and the changes made in Amendment 7. The resulting specifications increase the commercial quota by about 28 percent and the recreational harvest limit by approximately 67 percent, with no changes are proposed to any current recreational or commercial management measures. This action is expected to publish in time for the January 1, 2022 start of the fishing year. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

Quota Transfers

Summer Flounder and Bluefish

From June 22, 2021 to December 10, 2021, there were 3 state-to-state transfers of 2021 commercial summer flounder quota. From September 24, 2021 to December 10, 2021, there were 7 state-to-state transfers of 2021 commercial bluefish quota. NMFS published notifications of these transfers in the *Federal Register*. Please refer to the Greater Atlantic Regional Fisheries

Office Quota Monitoring webpages for [summer flounder](#) and [bluefish](#) for complete details. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish

In-season Action to Reduce the Catch Limit for the 2021 Fishing Year

On October 15, 2021, NMFS published a rule implementing a catch limit of 5,000 lb for all Atlantic mackerel permit holders for the remainder of the 2021 fishing year through December 31, 2021 (86 FR 57376). This action is intended to reduce potential Atlantic mackerel overfishing based on new 2021 assessment findings. The Mid-Atlantic Fishery Management Council requested that NOAA Fisheries take action to reduce potential mackerel harvest in 2021 at its August 2021 meeting. These revised possession limits will reduce potential mackerel harvest in 2021 in order to minimize fishing impacts on the stock while the Council develops a revised rebuilding plan. For additional information, please contact Emily Gilbert at (978) 281-9244 or email at Emily.Gilbert@noaa.gov.

Tilefish

None at this time.

Other Actions

Paperwork Reduction Act

None at this time.

Jonah Crab

None at this time.

Industry Funded Monitoring Omnibus Amendment

None at this time.

Lobster

None at this time.

Habitat Actions

On November 10, 2021, NMFS published a final rule to reopen the Nantucket Lightship and Closed Area I groundfish closure areas to gillnet fishing. NOAA Fisheries completed

requirements under the Endangered Species Act for consultation on the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment. A 2019 Court Order enjoined NOAA Fisheries from allowing gillnet fishing in the Nantucket Lightship and Closed Area I Groundfish Closure Areas until it fully complied with the requirements of the Endangered Species Act and the Magnuson Stevens Act.

Among other analyses, the May 2021 Biological Opinion considered the impacts of the approved portions of the Omnibus Habitat Amendment and found that the Amendment, including opening these areas to gillnet fishing would not jeopardize the continued existence of protected species, including the North Atlantic right whale. For additional information, please contact Moira Kelly at (978)-281-9218 or email at Moira.Kelly@noaa.gov.

Protected Resources Actions

None at this time.

Research Permits and Acknowledgments - Applications Under Review

On November 4, 2021, the Northeast Fisheries Science Center submitted a request to modify the previously issued 2021 Study Fleet Exempted Fishing Permit (EFP). The modification would add a new exemption from the possession prohibition for Atlantic wolffish, to allow six vessels participating in the Study Fleet program to collect biological samples. This would support new research on the osteology and ontogeny of wolffishes. No more than 10 fish total would be authorized to be collected under this EFP. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On November 29, 2021, SeaWatch Inc. submitted a revised application for an EFP to conduct paralytic shellfish poisoning (PSP) testing in the Closed Area II Scallop Access Area. Two at-sea testing certified vessels would take up to 60 trips to determine the existence or non-existence of PSP in the area. Observers would be on board for a minimum of 6 of the trips and vessels would adhere to the seasonal habitat closure from August 15, 2022, through November 30, 2022. 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 Thursday, October 28, 2021, NMFS issued a Scientific Letter of Acknowledgement (LOA) to the University of Massachusetts, School for Marine Science and Technology (SMAST) in support of research to improve estimates of abundance, spatial distribution, size structure, and length-weight relationships of Atlantic cod, yellowtail flounder, and windowpane flounder using video observations of trawl gear and benthic imagery. One vessel will conduct a total of four trips between November 2021 and April 2022 on Georges Bank and in the Gulf of Maine. For

additional information, please contact Samantha Tolken at 978-675-2176 or email at Samantha.Tolken@noaa.gov.

On Wednesday, November 17, 2021, NMFS issued an LOA to SMAST in support of research into fish and invertebrate abundance and demographics within the Revolution Wind Development Area, Sunrise Wind Development Area, and control areas in Southern New England using trawl gear. One vessel will conduct two trips each season (i.e. spring, summer, fall, winter), beginning in the winter of 2021 and ending in the fall of 2022, for a total of eight research trips. For additional information, please contact Samantha Tolken at 978-675-2176 or email at Samantha.Tolken@noaa.gov.