



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 October 4-6, 2016
Meeting of the
Mid-Atlantic Fishery Management Council

October 3, 2016

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New England Council Actions

Small-Mesh Multispecies

Northern Red Hake Possession Limit Reduction

NMFS published a temporary rule in the Federal Register on August 8, 2016, (81 FR 52366) reducing the northern red hake possession limit from 3,000 lb to 1,500 lb per trip and a second rule on August, 16, 2016, (81 FR 54518) reducing the limit to 400 lb per trip. Regulations require NMFS to reduce the red hake possession limits from 3,000 lb to 1,500 lb per trip when landings are projected to reach or exceed 45 percent of the total allowable landings (TAL), and are required to reduced again from 1,500 lb to 400 lb per trip when landings are projected to reach or exceed 62.5 percent of the TAL. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

Groundfish

Reimbursement of Sector At-Sea Monitoring Costs

On June 23, 2016, NMFS announced that this year we are able to fully fund our SBRM monitoring program and, therefore, would use remaining funds to offset some of industry's costs for the groundfish at-sea monitoring program through a cooperative agreement with the Atlantic States Marine Fisheries Commission. This month the ASMFC began reimbursing sectors for 85 percent of their ASM costs for sector trips beginning on or after July 1. To date, ten sectors have submitted invoices and been reimbursed for 27 ASM trips, totaling 80 days, that occurred in the month of July. For additional information, please contact Mark Grant at (978) 281-9145 or email at Mark.Grant@noaa.gov.

Scallops

Notice of Availability and Proposed Rule for Amendment 19

NMFS published a notice of availability and a proposed rule for Amendment 19 in the Federal Register on July 20, 2016, (81 FR 47152) and August 16, 2016, (81 FR 54533) respectively. The comment periods on these actions have now closed. The proposed measures would incorporate a specifications process into the Scallop FMP and change the start of the fishing year from March 1 to April 1. The ability to develop specifications to set annual or biennial allocations would allow for a more timely process for setting annual allocations than currently possible with framework adjustments. By adjusting the start of the scallop fishing year from March 1 to April 1, NMFS would be able to implement simple specification actions at the start of the fishing year on a more consistent basis. For additional information, please contact Travis Ford at (978) 281-9233 or email at Travis.Ford@noaa.gov.

Monkfish

Monkfish Framework 9 Final Rule

NMFS published a final rule in the Federal Register partially approving Framework 9 on August 26, 2016, (81 FR 58859).

NMFS disapproved a measure that would have allowed a monkfish Category C and D permitted vessel that is enrolled in a Northeast (NE) multispecies sector fishing on a NE multispecies sector non-DAS trip or under a monkfish-only DAS in the NFMA to declare a NE multispecies Category A DAS while at sea. Our disapproval was based on enforcement concerns as well as limited benefits and high costs.

NMFS approved several measures to increase operational flexibility. As approved, Framework 9:

- Eliminates the monkfish trip limit for Category C and D vessels fishing on both a NE multispecies DAS and monkfish DAS in the NFMA, and
- Modifies the minimum mesh requirements for stand-up gillnets on a monkfish DAS in the SFMA to allow a vessel to target both monkfish and dogfish on the same trip.

For additional information, please contact William Whitmore at (978) 281-9182 or email at William.whitmore@noaa.gov

Herring

None at this time

Skate

Final Rule and Correction Notice for Skate Framework Adjustment 3

NMFS published a final rule for Framework 3 in the Federal Register on August 17, 2016, (81 FR 54744). The approved measures include new quotas for the skate wing and bait fisheries for fishing years 2016 and 2017. All skate trip limits remained the same. Framework 3 also split the skate wing fishery quota into two seasons (May through August and September through April) to allow the directed fishery to be temporarily closed in-season if the seasonal quota is reached.

NMFS published a correction notice for Framework Adjustment 3 in the Federal Register on September 2, 2016, (81 FR 60635). The correction notice clarified two typographical errors in the final rule. All outreach materials announcing the approval of the Framework 3 final rule included the **correct** values, the only errors were within the Federal Register notice.

For additional information, please contact William Whitmore at (978) 281-9182 or email at William.whitmore@noaa.gov.

Atlantic Deep-Sea Red Crab

None at this time

Mid-Atlantic Council Actions

Summer Flounder, Scup, and Black Sea Bass

Proposed Rule for Scup Gear Restricted Area Modifications Framework

NMFS published a proposed rule in the Federal Register on August 18, 2016, (81 FR 55166) that would modify the Southern Scup Gear Restricted Area. The purpose of this action is to increase access to traditional squid fishing areas, while maintaining protection for juvenile scup. The proposed changes would adjust the southern and eastern boundaries of the current area, which will remain in effect from January 1 through March 15 of each year. The comment period closed on September 19, 2016. For additional information, please contact Emily Gilbert at (978) 281-9244 or email at emily.gilbert@noaa.gov.

2016 Massachusetts Commercial Summer Flounder Fishery Closure

NMFS published a temporary rule in the Federal Register on August 22, 2016, (81 FR 56535) to close the commercial summer flounder fishery for the Commonwealth of Massachusetts. This federal closure coincides with the closure of the Massachusetts state summer flounder fishery. If additional quota is made available as the result of a transfer of quota to Massachusetts from another state, the fishery may be reopened. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

Atlantic Bluefish

Bluefish Quota Transfer – Florida to New York

NMFS published a temporary rule in the Federal Register on August 16, 2016, (81 FR 54519) that transferred 50,000 lb of commercial bluefish quota from Florida to New York. The revised bluefish quotas for calendar year 2015 are: Florida, 391,394 lb; and New York, 587,289 lb. This transfer was prompted by the diligent efforts of state officials in New York not to exceed the commercial bluefish quota. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@NOAA.gov.

Bluefish Quota Transfer – Delaware, Virginia and Florida to Massachusetts

NMFS published a temporary rule in the Federal Register on August 22, 2016, (81 FR 56536) allowing Delaware, Virginia and Florida to each transfer 50,000 lb of bluefish commercial quota to Massachusetts. The revised bluefish quotas for calendar year 2016 are: Delaware, 41,746 lb; Virginia, 450,287 lb; Florida, 341,394 lb; and Massachusetts, 478,096 lb. This transfer was prompted by the diligent efforts of state officials in Massachusetts not to exceed the commercial bluefish quota. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@NOAA.gov.

Bluefish Quota Transfer – North Carolina to New York

NMFS published a temporary rule in the Federal Register on September 2, 2016, (81 FR 60635) that transferred 100,000 lb of commercial bluefish quota from North Carolina to New York. The revised bluefish quotas for calendar year 2015 are: North Carolina, 1,466,100 lb; and New York, 687,289 lb. This transfer was prompted by the diligent efforts of state officials in New York not to exceed the commercial bluefish quota. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@NOAA.gov.

Bluefish Quota Transfer – North Carolina to Massachusetts

NMFS published a temporary rule in the Federal Register on September 29, 2016, (81 FR 66865) allowing North Carolina to transfer 75,000 lb of bluefish commercial quota to Massachusetts. The revised bluefish quotas for calendar year 2016 are: North Carolina, 1,391,100; and Massachusetts, 553,096 lb. This transfer was prompted by the diligent efforts of state officials in Massachusetts not to exceed the commercial bluefish quota. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@NOAA.gov.

Spiny Dogfish

Spiny Dogfish Specifications for Fishing Years 2016-2018

NMFS published a final rule in the Federal Register on August 12, 2016, implementing spiny dogfish specifications for the next three years. The specifications included a 20 to 25 percent quota reduction. However, following public comments, in an effort to increase landings of this underutilized stock, we increased the spiny dogfish trip limit from 5,000 lb/trip to 6,000 lb/trip. For additional information, please contact William Whitmore at (978) 281-9182 or email at William.whitmore@noaa.gov.

Surfclam and Ocean Quahog

None at this time

Atlantic Mackerel, Squid, and Butterfish

Notice of Availability and Proposed Rule for Amendment 16 (Coral Amendment)

NMFS published a notice of availability for Amendment 16 in the Federal Register on September 2, 2016, (81 FR 60675). The comment period on this notice closes on November 1, 2016. NMFS will publish a proposed rule for this amendment shortly. Amendment 16 would establish a deep-sea coral protection area in Mid-Atlantic waters where fishing vessels would be prohibited from using most fishing gear that contacts the ocean bottom. The Council developed Amendment 16 to protect deep-sea corals under the Magnuson-Stevens Fishery Conservation and Management Act's discretionary provision for deep-sea coral protection. The coral protection measures would prevent expansion of fisheries using ocean bottom-tending fishing gear in areas where there is a high likelihood of deep-sea coral presence and would prevent damage to deep-sea corals in areas where they been observed. For additional information, please contact Travis Ford at (978) 281-9233 or email at Travis.Ford@noaa.gov.

Tilefish

None at this time

Other Actions

Lobster

None at this time

Jonah Crab

None at this time

Blueline Tilefish

None at this time

Industry Funded Monitoring Omnibus Amendment

Public Hearings and Public Comment Period

NMFS published a notice in the Federal Register on September 20, 2016, announcing public hearings and public comment period for the Industry Funded Monitoring Omnibus Amendment. This amendment includes omnibus alternatives that would modify all the fishery management plans (FMP) managed by the Mid-Atlantic and New England Fishery Management Councils to allow for standardized and streamlined development of future industry-funded monitoring programs. Additionally, this amendment includes alternatives for new industry-funded monitoring programs for the Atlantic Herring FMP and the Atlantic Mackerel, Squid, and Butterfish FMP. Public hearings will be held on October 4, 2016, in Gloucester, MA; October 17, 2016, as an online webinar; October 20, 2016, in Portland, ME; October 27, 2016, in Cape May, NJ; and November 1, 2016, in Narragansett, RI. The public comment period will be open from September 23, 2016, through November 7, 2016. For additional information, please contact Dan Luers at (978) 282-8457 or email at Daniel.luers@noaa.gov.

Protected Resources Actions

Revised Listing Status of the Humpback Whale under the Endangered Species Act (ESA)

NMFS published a final determination to revise the listing status of the humpback whale (*Megaptera novaeangliae*) under the Endangered Species Act (ESA) on September 8, 2016, (81 FR 62259). We divide the globally listed endangered species into 14 distinct population segments (DPS), remove the current species-level listing including the West Indies DPS that includes the Gulf of Maine stock, and in its place list four DPSs as endangered and one DPS as threatened. Based on their current statuses, the remaining nine DPSs do not warrant listing. At this time, we find that critical habitat is not determinable for the three listed DPSs that occur in U.S. waters (Western North Pacific, Mexico, and Central America); we will consider designating critical habitat for these three DPSs in a separate rulemaking. For additional information, please contact Mark Minton at (978) 282-8484 or email at mark.minton@noaa.gov.

Reopening of Public Comment Period for Atlantic Sturgeon Critical Habitat

NMFS published a notice in the Federal Register on **September 29, 2016**, reopening the public comment for the proposed rules to designate critical habitat for the Atlantic sturgeon distinct population segments published on **June 3, 2016**. In response to multiple requests to extend the comment period, NMFS will accept an additional 15 days of public comment which closes on **October 14, 2016**. We are required to publish the final determinations in the Federal Register by **June 3, 2017**. It is unlikely that we would meet the deadline if we extended the comment period by either 30 or 60 days. Reopening the comment period for 15 days provides some relief to those parties that requested an extension of the comment period, and is unlikely to delay completion of the final rulemakings. For additional information, please contact Lynn Lankshear at (978) 282 8473 or email at lynn.lankshear@noaa.gov.

Research Document Applications Under Review

On September 8, 2016, NMFS received a completed application for an Exempted Fishing Permit (EFP) from the Commercial Fisheries Research Foundation and the Rhode Island Department of Environmental Management to sample black sea bass in support of a stock assessment study. Black sea bass will be sampled by vessels utilizing different gear types, including trawlers, lobster pots, gillnet, and hooks and line gear. This EFP would authorize approximately eight vessels to retain black sea bass with exemptions from the minimum size requirements and the possession limit requirements while catch is measured before discarding. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

Research Document Application Review Completed

On July 27, 2016, NMFS issued a Letter of Acknowledgement (LOA) to CoastalVision, LLC to conduct trawl surveys at the Block Island wind farm to determine effects on fishery resources from installation of wind turbines in the study area. The survey is conducted in waters southeast of Block Island, RI, in three research areas: The area of the wind farm and two surrounding reference areas. One day each month, two 20-minute tows will be made in each area, and a team of biologists will sample the species caught. No species caught during the surveys will be retained for commercial purposes, and no take of marine mammals is expected. For additional information, please contact Cynthia Hanson at (978) 281-9180, or email at Cynthia.hanson@noaa.gov.

On August 4, 2016, NMFS issued a Letter of Acknowledgement (LOA) to the Virginia Polytechnic Institute and State University (Virginia Tech) to conduct a horseshoe crab abundance monitoring trawl survey in state and Federal waters at randomly selected stratified sites in the Mid-Atlantic. This survey would be part of an annual trawl survey series in support of the Atlantic States Marine Fisheries Commission's Horseshoe Crab Fishery Management Plan. A commercial fishing vessel will use a standard flounder trawl to conduct 70 tows over 15 designated survey days between September 1, 2016, and December 30, 2016. Each tow will last 15 minutes each, and the horseshoe crabs from each tow will be counted, measured, and identified to sex and maturity stage before being released back into the area of capture. All other caught species will be immediately released. Virginia Tech's chief scientist will be present during all field activities and survey operations. For additional information, please contact Cynthia Hanson at (978) 281-9180, or email at Cynthia.hanson@noaa.gov.

Status Report of Greater Atlantic Region Regulatory Actions

On August 8, 2016, NMFS issued an Exempted Fishing Permit (EFP) to Massachusetts Division of Marine Fisheries (MA DMF) to collect American lobster specimens for a study investigating decline and recruitment failure of Southern New England lobster stock, by examining the effects of thermal stress on reproductive output of lobsters. To conduct this research, MA DMF will use one commercial fishing vessel to collect sublegal-sized male, and egg-bearing, v-notched, and sublegal-sized female lobsters during normal fishing operations in LMA 2 during a total of no more than four collection days during the EFP period. No additional gear or effort would be used for these collections. A MA DMF staff member would meet the vessel at the dock after each collection trip to take possession of the EFP-caught lobsters for experimental study. For additional information, please contact Cynthia Hanson at (978) 281-9180, or email at Cynthia.hanson@noaa.gov.

On August 26, 2016, NMFS issued revision to the Massachusetts Division of Marine Fisheries (MA DMF) "Ventless Lobster Trap Study" EFP issued on June 24, 2015, that allows the survey vessel F/V Andrea C to conduct up to four additional hauls of two six-trap trawls in Lobster Management Area 3. Area 3 was not previously covered in the survey, but with reports of the Southern New England lobster stock in a state of recruitment failure, information on juvenile and overall population abundance gained from this study and its expansion into the offshore waters of Area 3 is important for future management of the fishery. For additional information, please contact Cynthia Hanson at (978) 281-9180, or email at Cynthia.hanson@noaa.gov.

On September 12, 2016, NMFS issued a revision to the Commercial Fisheries Research Foundation (CFRF) "American Lobster Ventless Trap Study" EFP issued on August 24, 2015, to add an additional vessel to survey Lobster Management Area 3, and to change the status of an alternate vessel to a full survey participant. Increased survey coverage in Area 3 is in response to reports of recruitment failure in the Southern New England lobster stock, and the need for more information on population abundance in offshore regions (such as Area 3). For additional information, please contact Cynthia Hanson at (978) 281-9180, or email at Cynthia.hanson@noaa.gov.

On August 11, 2016, NMFS issued a Scientific Research Permit (SRP) to the Northeast Fisheries Science Center for a study that will estimate the efficiency of the rockhopper sweep currently used on NEFSC bottom trawl surveys for flatfish and skates. This study is expected to increase knowledge of the NEFSC bottom trawl survey system, and improve the stock assessments for flatfish and skates. For additional information, please contact Liz Sullivan at (978) 282-8493 or email at Liz.Sullivan@noaa.gov.

On September 12 2016, NMFS issued a Letter of Acknowledgment (LOA) to the Maine Department of Marine Resources to conduct an inshore bottom trawl survey of the Gulf of Maine. For additional information, please contact Liz Sullivan at (978) 282-8493 or email at Liz.Sullivan@noaa.gov.