



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 7-10, 2019
Meeting of the
Mid-Atlantic Fishery Management Council

October 7, 2019

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New England Council Actions

Small-Mesh Multispecies

Possession Limit Reduction for Northern Red Hake

On September 12, 2019, NOAA's National Marine Fisheries Service (NMFS) published a temporary rule in the *Federal Register* (84 FR 48081) to reduce the Northern red hake possession limit from 3,000 lb to the incidental limit of 400 lb for the 2019 fishing year, effective upon filing, on September 9, 2019. This reduction was necessary because landings were projected to reach the 37.9 percent trigger on or around September 5, 2019. The 400 lb possession limit will be in effect for the remainder of the fishing year (i.e., through April 30, 2020). For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Groundfish

None at this time.

Scallops

Closure of the Mid-Atlantic Scallop Access Area to the Limited Access General Category 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

Amendment 8

On August 21, 2019, NMFS published a notice of availability in the *Federal Register* (84 FR 43573) for Amendment 8 to the Atlantic Herring FMP. This amendment would implement a control rule generating an acceptable biological catch (ABC) intended to account for herring's role in the ecosystem and meet specific criteria identified by the Council, including low variability in yield, low probability of the stock becoming overfished, low probability of a fishery shutdown, and catch limits set at a relatively high proportion of maximum sustainable yield. This amendment would set ABC for three years, but would allow ABC to vary year-to-year in response to projected estimates of biomass. In order to minimize localized depletion and user group conflict, when effort in the herring fishery overlaps with effort in fisheries targeting

predators of herring (e.g., tuna, groundfish) or ecotourism industries, this action would also prohibit the use of midwater trawl gear within 12 miles of the shoreline from Canada to the Rhode Island/Connecticut border and within 20 miles of the shoreline off Cape Cod. The comment period closes on October 21, 2019. Comments received by October 21, 2019, will be considered in the approval or disapproval decision on the amendment. For additional information, please contact Carrie Nordeen at (978) 281-9272 or email at Carrie.Nordeen@noaa.gov.

Monkfish

None at this time

Atlantic Deep-Sea Red Crab

None at this time.

Skate

None at this time.

Mid-Atlantic Council Actions

Summer Flounder, Scup, and Black Sea Bass

Framework Adjustment 14

On August 8, 2019, NMFS published a proposed rule in the *Federal Register* (84 FR 38919) for Framework Adjustment 14. This action proposes several changes to the summer flounder, scup, and black sea bass FMP to provide more flexibility in the recreational fisheries for these species. Proposed 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. The comment period was open through September 9, 2019. NMFS anticipates publishing a final rule for this action as soon as possible. For additional information, please contact Emily Gilbert at (978) 281-9244 or email at Emily.Gilbert@noaa.gov.

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

On July 26, 2019, NMFS published a proposed rule in the *Federal Register* (84 FR 36046) 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. Some changes and revised specifications are expected following the results of the August operational stock assessments for these fisheries, but updates will not be able to be implemented in time for the beginning of the fishing year. This action also proposes 2020 and projects 2021 specifications for summer flounder. The comment period was open through August 26, 2019.

The final rule for this action is expected to publish as soon as possible to ensure specifications are in place for the beginning of the 2020 fishing year. 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.

Summer Flounder Quota Transfers

On September 3, 2019, NMFS received two requests for quota transfers from North Carolina to Virginia and Maine to Connecticut. These transfers will allow North Carolina to transfer 12,500 pounds of summer flounder commercial quota to Virginia and Maine to transfer 5,224 pounds to Connecticut. After the temporary rule is published in the *Federal Register*, the revised summer flounder quotas for calendar year 2019 will be: North Carolina, 2,957,742 lb; Virginia, 2,390,710 lb; Maine, 0 lb; and Connecticut, 253,119 lb. The temporary rule was published in the *Federal Register* on October 1, 2019 (84 FR 52039). 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. We are working on the requests and expect to publish a notice in the *Federal Register* in the next few weeks. For additional information, please contact [Laura Hansen](mailto:Laura.Hansen@noaa.gov) at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Surfclam and Ocean Quahog

Surfclam and Ocean Quahog ITQ Cost Recovery

The 2019 cost recovery tag fees were announced on September 3, 2019, as \$0.92 per surfclam tag and \$0.55 per ocean quahog tag. Cost recovery bills based on these cage tag fees will be sent in early 2020 based on the number of cage tags used during the 2019 fishing year. For additional information, please contact [Doug Potts](mailto:douglas.potts@noaa.gov) at (978) 281-9341 or email at douglas.potts@noaa.gov.

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 on the proposed measures must be received by October 17, 2019. 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](mailto:Douglas.Potts@noaa.gov) 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

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

On June 7, 2019, NMFS published a proposed rule in the *Federal Register* (84 FR 26634) for Framework 13. This proposed rule includes measures that would adopt a 5-year rebuilding plan for Atlantic mackerel to rebuild the stock by 2023, set Atlantic mackerel specifications for 2019-2021 based on the rebuilding program, modify in-season management measures to slow the directed fishery to allow for Atlantic mackerel bycatch in other fisheries, and update the river herring and shad catch caps in the Atlantic mackerel fishery. The comment period was open through July 8, 2019, and we expect to publish a final rule in early fall. 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 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 are 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 is open through November 12, 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 Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Comment Period for the Tilefish Individual Fishing Quota (IFQ) Forms

NMFS published a notice in the *Federal Register* (84 FR 53111) on October 3, 2019, requesting comments for the Paperwork Reduction Act in effort to reduce paperwork and respondent burden for the IFQ Allocation permit application, IFQ holder cap form, and the IFQ transfer form. Comments are 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 is open through **December 3, 2019**. For additional details, please see the Greater Atlantic Region Status of Actions report.

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 978-281-9341 or Douglas.Potts@noaa.gov.

Jonah Crab

None at this time.

Industry Funded Monitoring Omnibus Amendment

None at the time.

Lobster

Advance Notice of Proposed Rulemaking to Establish a Control Date

On August 22, 2019, NMFS published an Advance Notice of Proposed Rulemaking in the *Federal Register* announcing a control date of April 29, 2019 for the lobster fishery. The intent of the control date is to inform American lobster permit holders and any potential new entrants that future participation and eligibility may be affected by past participation, documentation of landings, effort, and/or gear configuration prior to the control date. The Atlantic Large Whale Take Reduction Team (TRT) met in early April 2019. At the meeting, the New England states and the offshore lobster industry committed to reducing the risk of serious injury and mortality from lobster gear to North Atlantic right whales by 60 percent in all lobster management areas. The specific measures to achieve this goal are not yet finalized, but will focus on reducing the number, and lowering the breaking strength of, vertical lines used in the lobster trap fishery. Following the outcome of the TRT meeting, the Commission met and voted to establish a control date of April 29, 2019. NMFS will use April 29, 2019, as a control date for the same reasons outlined by the Commission. In the coming months, NMFS will be working with the states and the industry to develop more specific management measures to achieve the goals recommended by the TRT. Should the Commission take future action related to this control date, NMFS will consider complimentary regulations in Federal waters. For more information, please contact Laura Hansen at (978) 281-9225, or email at Laura.Hansen@noaa.gov.

Habitat Actions

Omnibus Deep-Sea Coral Amendment

On August 26, 2019, NMFS published a Notice of Availability (NOA) (84 FR 44596) in the Federal Register for the Omnibus Deep-Sea Coral Amendment. This action would 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 would 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 would 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. The comment period for the NOA is open through October 25, 2019. NMFS will publish a proposed rule for this action in the near future. The decision date for this action is November 22, 2019. 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

Cornell University Cooperative Extension (CCE) submitted an application for a Letter of Acknowledgement (LOA) on June 14, 2019. This LOA would allow one federally permitted monkfish vessel to conduct approximately 30 research trips to test modified gillnet gear. The goal of the study is to examine the effect of increased mesh size and twine thickness on skate bycatch. The research trips will occur in statistical areas 539,537, and 613. Research trips will be accompanied by at least one CCE researcher. For additional information, please contact [Laura Hansen](mailto:Laura.Hansen@noaa.gov) at (978-) 281-9225, or email at Laura.Hansen@noaa.gov.

The Coonamessett Farm Foundadtion (CFF) submitted an Exempted Fishing Permit (EFP) application to conduct habitat research in the GSC HMA on June 10, 2019. CFF is proposing to use dredge-mounted cameras in sections of Rose and Crown and Davis Bank to conduct compensation fishing and to examine the interaction of the dredge with habitat. Compensation fishing would fund work using drift and stationary baited cameras to study the presence of juvenile cod in these areas. NMFS sent a response letter on August 7, 2019, outlining our concerns with the project as proposed. The main concerns were the scope and scale of the project, relating to the amount of on-bottom contact and the potential impact on sensitive habitat. The potential effort as proposed is significantly higher than historical levels before the HMA was established. NEPA staff noted that as proposed, the project would probably not qualify for a Categorical Exclusion and would likely require an Environmental Assessment or EIS. It was also unclear how the project objectives relate to and address the Council's objectives for the Great South Channel HMA. CFF sent a response letter on August 23, 2019, with some modifications to their swept area calculations, but otherwise argued for keeping the proposal as submitted. NMFS sent a follow up email to CFF on September 16, 2019, and suggested limiting the initial scope of

the research, thereby reducing its potential adverse impacts. Regional Office staff had a call with CFF staff and potential EFP participants on October 3, 2019. NMFS and CFF came to a potential workable solution to reduce the scope and scale of the project by limiting the proposed dredging areas to smaller identified areas spread out within Rose and Crown. CFF will be refining their proposal after having a discussion with vessel captains. NMFS asked that CFF continue to have an open discussion regarding their new proposal before submission. For additional information, please contact Laura Hansen at (978) 281-9225, or email at Laura.Hansen@noaa.gov.

On August 29, 2019, NMFS received an application for an Exempted Fishing Permit (EFP) from DMF and SMAST. This EFP would authorize four party/charter vessels to retain sub-legal size Atlantic cod for biological sampling purposes only. The data collected through this EFP would 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.

Research Permits and Acknowledgments - Application Review Completed

On September 24, 2019, NMFS issued an Exempted Fishing Permit to the Commercial Fisheries Research Foundation in support of a project titled, “Piloting a Novel Dredge Type to Reduce Bycatch and Improve Fuel Efficiency in the Southern New England Scallop Fishery.” Participating vessels will conduct scallop dredging from September 24, 2019 to September 24, 2020. The study will test a relatively new gear type in the scallop fishery that could maintain target catch while reducing bycatch, minimizing habitat impacts by minimizing dredge penetration into and resistance along the seafloor, and improving fuel efficiency by towing at lower speeds. For addition information, please contact Travis Ford at (978) 281-9233 or email at Travis.Ford@noaa.gov.