

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 June 16-18, 2020 Meeting of the Mid-Atlantic Fishery Management Council

June 15, 2020

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New England Council Actions

Small-Mesh Multispecies

None at this time.

Groundfish

Amendment 23 to the Northeast Multispecies Fishery Management Plan

At the request of the New England Fishery Management Council, the comment period for the draft Northeast Multispecies Fishery Management Plan Amendment 23 has been extended through June 30, 2020. The New England Fishery Management Council will discuss a timeline for final action on Amendment 23 at its June meeting.

Framework Adjustment 59

On May 29, 2020, NOAA's National Marine Fisheries Service (NMFS) published a proposed rule in the *Federal Register* (85 FR 32347) to solicit comments on Framework Adjustment 59 to the Northeast Multispecies Fishery Management Plan. This rule would set or adjust 2020-2022 catch limits for the groundfish stocks, and make minor changes to groundfish management measures. The comment period closed on June 15, 2020. For additional information, please contact Liz Sullivan at (978) 282-8493 or email at liz.sullivan@noaa.gov.

2020 Sector Rule

On April 27, 2020, NMFS published an interim final rule in the *Federal Register* (85 FR 23229) to allocate 2020 annual catch entitlement to approved groundfish sectors. The allocations allow sectors to operate in fishing year 2020 under annual catch limits established by Framework 57 and 58, and under default allocations for Eastern Georges Bank cod and haddock until Framework 59 is finalized. The Sector rule also changed the Redfish Exemption Area and gear stowage requirements for vessels using the redfish exemption. The comment period closed on May 27, 2020. NMFS is currently reviewing comments to determine if any changes from the interim final rule are warranted. For additional information, please contact Kyle Molton at (978) 281-9236 or email at Kyle. Molton@noaa.gov.

<u>Removal of Regulations Implementing the Closed Area I Hook Gear Haddock Special</u> <u>Access Program</u>

On April 6, 2020, NMFS published a proposed rule in the *Federal Register* (85 FR 19129) to solicit comments on removing regulations that implement the Closed Area I Hook Gear Haddock Special Access Program. The public comment period closed on May 6, 2020. The Omnibus Essential Fish Habitat Amendment 2 eliminated the year-round Closed Area I, rendering the Closed Area I Hook Gear Haddock Special Access Program unnecessary. Eliminating the Closed Area I Hook Gear Haddock Special Access Program would reduce confusion and inconsistency with other regulations. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

Inseason Action: Northeast Multispecies Measures for Fishing Year 2020

On April 22, 2020, NMFS published a temporary rule in the *Federal Register* (85 FR 22374) that implemented several measures for the Northeast multispecies fishery for the 2020 fishing year. These include possession and trip limits for the common pool fishery, the allocation of zero trips into the Closed Area II Yellowtail Flounder/Haddock Special Access Program for common pool vessels to target yellowtail flounder, and the closure of the Regular B Days-at-Sea Program. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

Scallops

Temporary Rule to Extend Portions of the Fishing Year 2019 Scallop Carryover Provisions

On June 1, 2020, NMFS published a temporary rule to extend portions of the fishing year 2019 scallop carryover provisions (85 FR 33027). This temporary rule implements emergency measures under the authority of the Magnuson-Stevens Fishery Conservation and Management Act to extend portions of the 2019 fishing year carryover provisions in the Atlantic Sea Scallop Fishery Management Plan into the 2020 fishing year. This temporary rule is effective June 1, 2020, through November 28, 2020. Comments must be received by July 1, 2020. The rule may be extended up to 186 days. For additional information, please contact Travis Ford at (978) 281-9233 or email at Travis.Ford@noaa.gov.

Herring

Framework Adjustment 6

On May 6, 2020, NMFS published a final rule (85 FR 26874) for Framework Adjustment 6 to the Atlantic Herring Fishery Management Plan that sets specifications and river herring/shad catch caps for 2020-2021, updates the overfished and overfishing definitions, and suspends the carryover of unharvested catch for 2020-2021. This rule also clarifications the regulations 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

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and pre-landing requirements, and the titles of the Atlantic States Marine Fisheries Commission's herring advisory bodies. <u>For additional information please contact Allison</u> <u>Murphy at (978) 281-9122 or email at Allison.Murphy@noaa.gov.</u>

Closure of Directed Atlantic Herring Fishery in Management Area 3

On June 9, 2020, NMFS published a temporary rule for the closure of the directed Atlantic herring fishery in Management Area 3 (85 FR 35209). The directed fishery is closed for the remainder of the calendar year when 92 percent of the Herring Management Area 3 catch limit is projected to be harvested. The rule became effective June 6, 2020. For additional information, please contact Aly Pitts at (978) 281-9352 or email at Alyson.Pitts@noaa.gov.

Monkfish

None at this time

Atlantic Deep-Sea Red Crab

2020-2023 Red Crab Specifications Final Rule

On April 14, 2020, NMFS published a rule in the *Federal Register* approving the 2020 Atlantic deep-sea red crab quota and projecting same quota for 2021-2023. Based on the recommendation from the New England Fishery Management Council, NMFS is increasing the quota by 12.7 percent from past fishing years to 2,000 mt. For additional information, please contact Allison Murphy at (978) 281-9122 or email at Allison.Murphy@noaa.gov.

Skate

Framework Adjustment 8

On April 27, 2020, NMFS published a final rule 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 increased the annual catch limit to 32,715 mt, and overall total allowable landings to 17,864 mt; resulting in a 13-percent increase each in both the bait and wing fisheries' total allowable landings. Framework 8 also increased the bait fishery Season 3 (November 1 - April 30) trip limit 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 was increased from to 3,000 lb, and the Season 2 trip (September 1 - April 30) limit was increased to 5,000 lb. The provisional barndoor skate possession limit also increased proportionally from 650 lb to 750 lb in Season 1, and from 1,025 lb to 1,250 lb in Season 2. The proposed rule for this action published on February 5, 2020 (85 FR 6494). Public comments were accepted through March 6, 2020. No changes were made to this action as a result of the comments received. The final rule was effective on May 1, 2020. NMFS published a correction notice for this action on June 2, 2020 (85 FR 33579) to correct a

minor error in the barndoor skate possession limit for Season 2. This correction was effective upon publication. 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

2020 Scup and Black Sea Bass Specifications, and Projected 2021 Specifications

On May 15, 2020, NMFS published a final rule to implement revised 2020 and projected 2021 specifications for the scup and black sea bass fisheries (85 FR 29345). The revised specifications replace the interim 2020 catch and landings limits for scup and black sea bass approved in late 2019 (84 FR 54041). The interim limits were identical to 2019 limits and intended to be replaced as soon as possible following operational stock assessments for both species. Interim 2020 specifications were necessary because there was not sufficient time to complete the specification development and rulemaking between the stock assessment peer review and January 1, 2020. This action implements the updated 2020 specifications replacing the interim measures and announces projected 2021 specifications for scup and black sea bass. For additional information, please contact Emily Keiley at (978)281-9116 or email at Emily.Keiley@noaa.gov.

Surfclam and Ocean Quahog

Habitat Clam Dredge Exemption Framework

On May 19, 2020, NMFS published a final rule (85 FR 29870) to create three exemption areas within the Great South Channel Habitat Management Area (HMA) where vessels can fish for Atlantic surfclams or mussels using dredge gear. The rule will be effective June 18, 2020. A proposed rule was published on September 17, 2019, with a comment period 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 68 comments, and the final rule responded to issues raised in those comments. 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. Vessel owners can apply for the new Letter of Authorization required to fish in these exemption areas using a form available from the Greater Atlantic Regional Fisheries Permits Office. For additional information please contact Doug Potts at (978) 281-9314 or email at Douglas.Potts@noaa.gov.

Atlantic Bluefish

Revised 2020-2021 Specifications and Recreational Management Measures

On May 11, 2020, NMFS published a proposed rule for revised 2020 and projected 2021 specifications for the bluefish fishery (85 FR 27703). These specifications include reductions in catch limits and finalized recreational management measures that reflect the results of the 2019 operational stock assessment. The Mid-Atlantic Fishery Management Council and its Board made recommendations to revise the catch limits at the joint October meeting, and the recreational management measures at the joint December meeting. The Council is recommending an acceptable biological catch (ABC) of 16.28 million pounds, a commercial quota of 2.77 million pounds, and a recreational harvest limit (RHL) of 9.48 million pounds after accounting for expected discards. This is a 64% decrease in the commercial quota and an 18% decrease in the RHL. The recreational fishery is projected to fully harvest the RHL, so sector transfer is not possible. The Council recommends a decrease in the recreational bag limit from 15 to 3 fish for private anglers, and to 5 fish for for-hire (party/charter) vessels to constrain catch to the reduced RHL. These measures were already implemented temporarily through emergency interim measures on February 28, 2020 (85 FR 11863), and this action would implement them beyond the interim period. Interim 2020 bluefish specifications were published on October 9, 2019 (84 FR 54041) and effective on January 1, 2020. The interim specifications were not based on the most recent assessment data and are inappropriate for the 2020 fishery. The comment period for this action ended on May 26, 2020, and the final rule is expected to publish soon. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish

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

NMFS published a Notice of Availability on February 14, 2020 (85 FR 8534) and a proposed rule on (85 FR 13603) to approve and implement Amendment 21 to the Atlantic Mackerel, Squid, and Butterfish FMP. NMFS accepted comments on the Notice of Availability through April 14, 2020, and proposed rule comments through April 8, 2020. NMFS approved Amendment 21 and all associated measures on May 4, 2020. This action integrates Atlantic chub mackerel into the FMP and implements long-term measures to replace temporary measures implemented under Amendment 18 in 2017. The Mid-Atlantic Council deemed proposed regulations to be consistent with this action. For additional information, please contact Douglas Christel at (978) 281-9141,

or Douglas.Christel@noaa.gov.

Tilefish

None at this time.

Other Actions

Paperwork Reduction Act

Greater Atlantic Gear Identification Requirements

On March 11, 2020, NMFS published a 60-day notice (85 FR 14186) for the extension of Paperwork Reduction Act requirements regarding Greater Atlantic Region fishing gear marking requirements. Comments were accepted through May 11, 2020. NMFS received one comment submitted by the Center for Biological Diversity, Conservation Law Foundation, Defenders of Wildlife, the Humane Society of the United States, the Humane Society Legislative Fund, and the Whale and Dolphin Conservation. The commenters were in support of the requirements, but noted that NMFS should expand the requirements to enhance efforts to reduce threats to endangered species and marine mammals. They did not comment on cost and hour burden.

NMFS will soon publish a 30-day notice to take additional comments on the collection. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website: www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0351. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

Jonah Crab

None at this time.

Industry Funded Monitoring Omnibus Amendment

None at this time.

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. The public comment period closed on February 18, 2020. NMFS is developing a final rule that will implement this action. 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 March 17, 2020, NMFS received an application for a Scientific Research Permit (SRP) from the Northeast Fishery Science Center to support their annual spring and fall Gulf of Maine bottom longine survey. Research would be conducted using bottom longline in the Gulf of Maine. For additional information, please contact Kyle Molton at (978) 281-9236 or email at Kyle.Molton@noaa.gov.

On January 16, 2020, NMFS received an application from the Gulf of Maine Research Institute for an Exempted Fishing Permit (EFP) in support of an ongoing project to develop a maximized retention electronic monitoring program to meet monitoring requirements for the Northeast multispecies fishery. Under the EFP, participating vessels would be required to retain all catch of allocated groundfish. Vessels would be required to use electronic monitoring on 100 percent of sector trips and the video footage would be used to confirm that vessels complied with retention requirements. Catch would be assessed via a dockside monitoring program. The EFP would also exempt participating vessels from the following regulations: portions of Northeast multispecies closed areas; minimum fish sizes, minimum mesh sizes, and sector third-party monitoring requirements. A notice of the proposed EFP was published in the *Federal Register* on April 9, 2020 (85 FR 19931) and the comment period closed on April 24, 2020. For additional

information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On March 4, 2020, NMFS received an application from the Northeast Sector Service Network for an EFP in support of an ongoing project to develop a maximized retention electronic monitoring (MREM) program to meet monitoring requirements for the Northeast multispecies fishery. This EFP would allow one MREM participant to conduct exploratory fishing for haddock and pollock while using a 5.1-inch square mesh codend without gear modifiers in the Redfish Exemption Area. The vessel would use electronic monitoring on 100 percent of sector trips and the video footage would be used to confirm that the vessel complied with retention requirements. Catch would be assessed via a dockside monitoring program. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On April 28, 2020, NMFS received an application from the University of Connecticut for an EFP to conduct an endocrine disruption study. This project would collect egg bearing female lobsters to examine the impact of endocrine disrupting chemicals on lobster larva development. The study would take place from June to September 2020. The EFP would authorize participating vessels to collect up to 18 undersized and 20 female egg-bearing lobsters from Lobster Conservation Management Areas 2 and 3. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

On May 5, 2020, NMFS received an application from the Massachusetts Division of Marine Fisheries to continue its ventless lobster trap survey for the 2020 season. The purpose of this study is to provide fishery-independent data on lobster growth and abundance in Massachusetts state waters of statistical areas 514 and 538. The EFP would authorize the six participating vessels to deploy three standard and three ventless traps per six-pot trawl. Stations would be sampled twice per month from June to October 2020. Sampling trips would occur after a soak time of 3 to 5 days and at least one MA DMF scientist would be on board for the sampling trips. 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 April 30, 2020, NMFS issued an EFP to the Northeast Fisheries Science Center in support of the 2020 Study Fleet Program. The Center established the Study Fleet Program in 2002 to more fully characterize commercial fishing operations and provide sampling opportunities to augment NMFS' data collection programs. As part of the program, the Center contracts commercial fishing vessels to collect biological data and fish specimens to use in research relevant to stock assessments and fish biology. The EFP allows participating vessels to possess and land fish that the regulations would otherwise prohibit, for research purposes. For additional information, please contact Maria Fenton at (968) 281-9196 or email at Maria.Fenton@noaa.gov.

On May 1, 2020, NMFS issued an EFP to the Cape Cod Commercial Fishermen's Alliance in support of an ongoing project to develop an audit-model electronic monitoring program for catch

accounting in the Northeast multispecies fishery. The EFP authorizes commercial fishing vessels to use electronic monitoring systems on 100 percent of sector trips. The EFP also exempts participating vessels from the following regulations: portions of Northeast multispecies closed areas; sector third-party monitoring requirements; minimum fish sizes for Northeast multispecies, for sampling purposes only; and ocean pout, windowpane flounder, and Atlantic wolffish possession prohibitions, for sampling purposes only. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On May 1, 2020, NMFS issued an EFP to The Nature Conservancy in support of an ongoing project to develop an audit-model electronic monitoring program for catch accounting in the Northeast multispecies fishery. The EFP authorizes commercial fishing vessels to use electronic monitoring systems in lieu of human at-sea monitors to satisfy their at-sea monitoring (ASM) requirements. Participating vessels will be assigned observer coverage at the fishing year 2020 ASM target coverage level of 40 percent. The EFP also exempts participating vessels from the following regulations: sector third-party monitoring requirements; minimum fish sizes for Northeast multispecies, for sampling purposes only; and ocean pout, windowpane flounder, and Atlantic wolffish possession prohibitions, for sampling purposes only. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On May 1, 2020, NMFS issued an EFP extension to the Gulf of Maine Research Institute in support of an ongoing project to develop a maximized retention electronic monitoring program to meet monitoring requirements for the Northeast multispecies fishery. Under the EFP, participating vessels are required to retain all catch of allocated groundfish. Vessels are required to use electronic monitoring on 100 percent of sector trips and the video footage is used to confirm that vessels complied with retention requirements. Catch is assessed via a dockside monitoring program. The EFP also exempts participating vessels from the following regulations: portions of Northeast multispecies closed areas; minimum fish sizes, minimum mesh sizes, and sector third-party monitoring requirements. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at claire.fitz-gerald@noaa.gov.

On June 5, 2020, NMFS issued an EFP to the Coonamessett Farm Foundation in support of a research project testing alternative gillnet configurations in the Georges Bank haddock fishery. The EFP allows two participating vessels to test the selectivity of gillnets with 6.0-inch mesh on Georges Bank and in southern New England. Coonamessett Farm technicians would be on board for all trips. For additional information, please contact Kyle Molton at (978) 281-9236 or email at Kyle.Molton@noaa.gov.

On April 21, 2020, NMFS issued a Scientific Letter of Acknowledgement (LOA) to the University of Maine for an LOA in support of the 2020 Eastern Gulf of Maine Sentinel Survey. Chartered vessels are conducting a random stratified survey with hook and gillnet gear to better understand the groundfish stock in the region, gather fine-scale groundfish catch data, identify predator/prey relationships as they inform fishery management, and to verify local ecological knowledge pertaining to cod spawning in the Eastern Gulf of Maine. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On April 27, 2020, NMFS issued an LOA to the Gulf of Maine Research Institute to conduct research activities to test the performance of an experimental modified Ultra Low Opening Trawl designed to reduce incidental catch of Atlantic cod while fishing for flounder. From May 1, 2020, through July 31, 2020, a single vessel will conduct comparative paired tows in the Western Gulf of Maine. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On May 18, 2020, NMFS issued an LOA to the University of Massachusetts Dartmouth, School for Marine Science and Technology to conduct a trawl survey to assess the fish community in the Vineyard Wind development area. A single vessel will conduct research fishing during four 16-day research seasons ending in July 31, 2021. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On May 28, 2020, NMFS issued an LOA to Enviroscience, Inc. in support of the 2020 National Coastal Condition Assessment, funded by the United States Environmental Protection Agency. From June 1, 2020, through September 30, 2020, a research vessel will be conducting gillnet and rod and reel sampling at a total of 45 research sites in Southern New England. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On May 26, 2020, NMFS issued an EFP to the Coonamessett Farm Foundation to conduct a clam and mussel dredge habitat characterization study in the Great South Channel Habitat Management Area. The EFP authorizes five commercially-permitted vessels to conduct clam and mussel dredge activity within a defined 24 km² area within Rose and Crown Bank. The EFP is valid until May 27, 2021. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

On June 11, 2020, NMFS issues an LOA to the University of Massachusetts Dartmouth with support from the Massachusetts Division of Marine Fisheries (MADMF) and the Massachusetts Lobstermen's Association, to conduct an American lobster and black sea bass study on the Vineyard Wind lease site, located within Lobster Conservation Management Area 2. The objective of the study is to examine the abundance, spatial distribution, size structure, and relative larval abundance of lobster and black sea bass. There will be two study sites sampled twice per month from June through October. For additional information, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.