



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 8-9, 2022
Meeting of the
Mid-Atlantic Fishery Management Council

February 4, 2022

Table of Contents

NEW ENGLAND COUNCIL ACTIONS.....2
SMALL-MESH MULTISPECIES.....2
GROUNDFISH.....2
SCALLOPS3
HERRING.....3
MONKFISH3
ATLANTIC DEEP-SEA RED CRAB3
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
ATLANTIC MACKEREL, SQUID, AND BUTTERFISH6
TILEFISH6
OTHER ACTIONS6
PAPERWORK REDUCTION ACT6
JONAH CRAB.....7
INDUSTRY FUNDED MONITORING OMNIBUS AMENDMENT7
LOBSTER.....7
HABITAT ACTIONS.....7
PROTECTED RESOURCES ACTIONS.....7
**RESEARCH PERMITS AND ACKNOWLEDGMENTS - APPLICATIONS
UNDER REVIEW.....7**
**RESEARCH PERMITS AND ACKNOWLEDGMENTS – APPLICATION
REVIEW COMPLETED8**

New England Council Actions

Small-Mesh Multispecies

2021-2023 Specifications

On February 2, 2022, NOAA's National Marine Fisheries Service (NMFS) published a final rule in the *Federal Register* (87 FR 5405) to implement specifications and management measures for the 2021-2023 small-mesh multispecies (whiting) fishery, based on the recent management-track assessment in September 2020. The catch limits will increase annual quotas for southern whiting and both red hakes, and decrease the quota for northern silver hake. This action also revises some management measures to reduce regulatory discards within the small-mesh multispecies fishery. The possession limit for whiting (silver hake and offshore hake) on trips using gear with less than 3-inch mesh increases to 15,000 lb, and the in-season adjustment trigger for northern red hake is being restored to 90 percent of the annual quota. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

Groundfish

Amendment 23 Comment Periods

On Friday, January 14, 2022, NMFS published a Notice of Availability for Amendment 23 to the Northeast Multispecies Fishery Management Plan (FMP). This is a requirement under the Magnuson-Stevens Act to solicit comments on the Amendment. The Magnuson-Stevens Act Notice of Availability comment period ends March 15, 2022.

On January 21, 2022, the Environmental Protection Agency published a Notice of Availability for the Amendment 23 Environmental Impact Statement. This is a requirement of the National Environmental Policy Act to solicit comments on the Environmental Impact Statement. The National Environmental Policy Act comment period ends on February 20, 2022.

NMFS will also publish a proposed rule to solicit comments on how we propose to implement Amendment 23 if the amendment is approved. The goal is to publish the proposed rule so that its comment period overlaps with the comment period for the Magnuson-Stevens Act Notice of availability. All comments received by the end of the comment period on the Notice of Availability, whether specifically directed to the notice or the proposed rule, will be considered in the approval/disapproval decision. Comments received after the end of the comment period for the notice will not be considered in the decision to approve or disapprove Amendment 23.

For additional information, please contact Mark Grant at (978) 281-9145 or email at Mark.Grant@noaa.gov.

Approval of Additional Groundfish Electronic Monitoring Service Providers

On Wednesday, January 19, 2022, NMFS announced approval of two additional electronic monitoring companies for fishing year 2022 in the *Federal Register*. Archipelago Marine Research, Ltd. and Satlink US, LLC are approved to provide electronic monitoring services for fishing year 2022. Sectors may contract with any approved providers to meet their monitoring requirements. For additional information, please contact Samantha Tolken at (978) 675-2176 or email at Samantha.Tolken@noaa.gov.

Scallops

Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan

On December 3, 2021, NMFS approved Amendment 21 to the Atlantic Sea Scallop FMP. On January 12, 2022, NMFS published a final rule for Amendment 21 that will become effective on March 31, 2022, prior to the implementation of Framework Adjustment 34. 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. For additional information, please contact Travis Ford at (978) 281-9233 or email at Travis.Ford@noaa.gov.

Herring

2022 Specifications Adjustment

On January 7, 2022, NMFS published a temporary rule in the *Federal Register* (87 FR 887) adjusting the 2022 Atlantic herring specifications. This rule was effective upon filing on January 4, 2022. This action increased the 2022 Area 2 and Area 3 herring sub-annual catch limits (ACL) to account for catch underages in those areas during 2020, and reduced the Area 1A and 1B herring sub-ACLs to account for catch overages in those areas during 2020. Framework Adjustment 8 to the Herring FMP established a 2022 sub-ACL of 176 mt in Area 1B. However, because of the magnitude of the 2020 overage in Area 1B (348 mt), we set the sub-ACL equal to zero for the remainder of fishing year 2022. Therefore, none of the Area 1B sub-ACL is available for harvest in 2022 and a vessel may not fish for, possess, or retain herring from that area for the remainder of the 2022 fishing year. For additional information, please contact Carrie Nordeen at 978-281-9272 or Carrie.Nordeen@noaa.gov.

Monkfish

None at this time.

Atlantic Deep-Sea Red Crab

None at this time.

Skate

2022-2023 Specifications

On January 18, 2022, NMFS published proposed catch specifications in the *Federal Register* (87 FR 2587) for the 2022 and 2023 skate fishery, based on updated survey data and recommendations from the Council's Scientific and Statistical Committee (SSC) 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. Public comments will be accepted through February 17, 2022, and the final specifications are expected to be implemented for the start of the fishing year on May 1, 2022. For additional information, please contact Cynthia Ferrio at (978) 281-9180 or email at Cynthia.Ferrio@noaa.gov.

Spiny Dogfish

2022 Specifications and Trip Limit Adjustment

A proposed rule is under development to implement status quo catch specifications for the 2022 Atlantic spiny dogfish fishery, and increase the commercial trip limit by 25 percent from 6,000 lb to 7,500 lb, as recommended by both the New England and Mid Atlantic Fishery Management Councils. The spiny dogfish fishery is currently operating under multi-year specifications for fishing years 2021 and 2022 based on a 2020 assessment update and the Mid-Atlantic Council's updated risk policy. The 2021 trawl survey conducted by the Northeast Fisheries Science Center showed little change from recent years in the spiny dogfish stock, so the Councils have decided that no changes are necessary to the previously-projected specifications for fishing year 2022. The adjustment to the commercial trip limit was recommended to better enable industry to achieve the coastwide quota, while minimizing risk of negative impacts to the resource or markets. 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

None at this time.

Surfclam and Ocean Quahog

None at this time.

Atlantic Bluefish

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 proposed specifications would set bluefish catch limits following recommendations from the Council's SSC, the Bluefish Monitoring Committee, and the Council and Atlantic States Marine Fisheries Commission's Bluefish Board. These proposed catch limits would implement the quota reallocations and the first year of the 7-year rebuilding plan for the stock described 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. The public comment period for this proposed rule was open through December 17, 2021, and two comments were received. No changes are expected as a result of those comments, and the final rule is expected to publish in early February. 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 December 17, 2021 to January 12, 2022, there were 3 state-to-state and 1 safe-harbor transfers of 2021 commercial summer flounder quota. From November 30, 2021 to December 17, 2021, there were 4 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.

Summer Flounder

On January 18, 2022, NMFS published a notice (87 FR 2557) of a retroactive summer flounder quota transfer from the Commonwealth of Massachusetts to the State of Connecticut. Massachusetts transferred 40,000 lb of summer flounder commercial quota to Connecticut through mutual agreement of the states. This transfer was requested to ensure that Connecticut would not exceed its 2021 state quota. For additional information, please contact Laura Deighan at (978) 281-9184 or email at Laura.Deighan@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish

Interim Action to Reduce the Domestic Annual Harvest of Atlantic Mackerel for the 2022 Fishing Year

On January 12, 2022, NMFS published a rule that reduced the domestic annual harvest of Atlantic mackerel from 17,312 mt to 4,963 mt (87 FR 1700). In July 2021, the Mid-Atlantic Fishery Management Council's SSC determined that Atlantic mackerel remains overfished and overfishing is occurring. At its August 2021 meeting, the Council requested that NOAA Fisheries take action to reduce mackerel harvest. This action is intended to limit the U.S. commercial catch to approximately the levels realized during 2021 while the Council works to develop a revised rebuilding plan. For additional information, please contact Carly Bari at (978) 281-9150 or email at Carly.Bari@noaa.gov.

Tilefish

None at this time.

Other Actions

Paperwork Reduction Act

Comment Period for Information Collection for Amendment 16 to the Northeast Multispecies Fishery Management Plan

NMFS published a notice in the *Federal Register* on December 17, 2021, requesting comments under the Paperwork Reduction Act on the continued collection of information associated with Amendment 16 to the Northeast (NE) Multispecies FMP in the Greater Atlantic Region (86 FR 71624). 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. Groundfish sectors and participating members are required to comply with reporting and monitoring requirements, as established by the Amendment and revised by subsequent framework adjustments to the FMP, in return for increased operational flexibility. The comment period is currently open, and ends on February 15, 2022. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255, or email at Claire.Fitz-Gerald@noaa.gov.

Comment Period for Renewal of Forms Associated with Atlantic Surfclam and Ocean Quahog Fishery

NMFS published a notice in the *Federal Register* on January 20, 2022 (87 FR 3088), requesting comments on a renewal collection of information requirement under the Paperwork Reduction Act. This collection of information involves the forms associated with the Atlantic Surfclam and Ocean Quahog Individual Transferable Quota (ITQ) fishery.

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 March 21, 2022.

Direct all written comments to Adrienne Thomas, PRA Officer, at NOAA.PRA@noaa.gov.
Please reference OMB Control Number 0648-0240 in the subject line of your comments.

Jonah Crab

None at this time.

Industry Funded Monitoring Omnibus Amendment

None at this time.

Lobster

None at this time.

Habitat Actions

None at this time.

Protected Resources Actions

None at this time.

Research Permits and Acknowledgments - Applications Under Review

On December 20, 2021, Pioneers for a Thoughtful Co-Existence Inc. submitted an application for an Exempted Fishing Permit (EFP). The EFP would allow three Federally-permitted vessels to test on-demand ropeless lobster gear in the Massachusetts Bay Restricted Area during the closure period which runs from February 1-April 30. Each vessel would fish 10 trawls consisting of 20 commercial lobster traps. Ground lines and on-demand vertical lines will contain unique markings beyond the regional requirements, with at a minimum, a yellow/black striped mark. Vessels will fly a unique flag for enforcement recognition and will report weekly on any gear loss. Stored vertical lines will be enhanced with the South Shore Sleeve every 40 feet to introduce controlled break intervals, breaking at less than 1700 lbs. Project vessels will operate at a 10 knot speed limit and any vessel finding itself within the 500 yard (1500 ft.) buffer zone created by a surfacing right whale must depart immediately at a safe and slow speed, in accordance with current regulations. For additional information please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

On December 27, 2021, NMFS received an application for an EFP from the Commercial Fisheries Research Foundation to allow for the use of modified, ventless traps to collect abundance and distribution data on juvenile American lobster and Jonah crab in areas with low coverage from traditional surveys. This project would allow for 20 vessels to deploy three modified traps each year round during the course of regular fishing activity in Lobster Management Areas 1 through 5. Participants would collect data on abundance, size, sex, shell hardness, presence of eggs, and shell hardness for both crabs and lobsters and v-notch and shell disease for lobsters. Three inshore and three offshore vessels would retain up to 50 legal and undersized Jonah crabs per month for a molting study. All other specimens would be promptly returned to the sea after sampling. For additional information, please contact Laura Deighan at (978) 281-9184 or email at Laura.Deighan@noaa.gov.

On January 12, 2022, NMFS received an application for a Scientific Letter of Acknowledgement (LOA) from UMASS Dartmouth's School for Marine Science and Technology (SMAST) to continue pre-construction, baseline data collection data on American lobster, Jonah crab, and black sea bass in an area leased for wind development. The project would use two commercial vessels to conduct bi-monthly sampling from May to October at 15 lease area sites and 15 control area sites. Each site would consist of a trawl of three standard and three ventless lobster traps and an adjacent unbaited fish trap. Researchers would collect biological data on lobster and Jonah crab. On each trip, 30 black sea bass would be collected from the lease area and 30 from the control area to collect biological data. During each trip, the researchers would collect environmental data, including temperature, dissolved oxygen, pH, and salinity and conduct one 10-minute tow with a neuston net to collect pre-settlement data on larval lobsters. For additional information, please contact Laura Deighan at (978) 281-9184 or email at Laura.Deighan@noaa.gov.

NMFS is planning to renew 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 Atlantic herring vessels. This EFP would require up to 21 vessels holding Category A or B herring permits to use EM systems on 100 percent of directed herring trips. The EFP would also allow participating vessels to secure portside sampling coverage in lieu of at-sea monitoring coverage on trips selected for IFM coverage. For additional information, please contact Maria Fenton at (978) 281-9196 or email at Maria.Fenton@noaa.gov.

Research Permits and Acknowledgments – Application Review Completed

On December 20, 2021, NMFS issued an extension of an LOA to Cornell University Cooperative Extension in support of conducting a continuation of a gear efficiency study to reduce bycatch of skate in monkfish gillnets. One vessel will conduct a total of 15 trips between December 2021 and March 2022 in Southern New England. For additional information, please contact Samantha Tolken at (978) 675-2176 or email at Samantha.Tolken@noaa.gov.

Status Report of Greater Atlantic Region Regulatory Actions

On December 21, 2021, NMFS issued an EFP to the Northeast Sector Services Network in support of an exploratory fishing project with 6-inch mesh gillnets in the Gulf of Maine (GOM). The EFP exempts a single vessel from the minimum mesh size restriction for day gillnet vessels in the GOM from January 1, 2022 to April 30, 2022. The EFP is intended to determine whether this exemption would provide greater opportunity to harvest GOM haddock. All trips taken under the EFP are required to be observed. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On January 14, 2022, NMFS issued an LOA to the Virginia Institute of Marine Science (VIMS) in support of its 2022 Northeast Area Monitoring and Assessment Program (NEAMAP) nearshore trawl survey for Southern New England and the Mid-Atlantic. The letter acknowledges VIMS' data collection in support of single and multispecies stock assessments. The survey will sample fish and select invertebrates from Cape Hatteras, NC to Montauk, NY, in Block Island Sound, and in Rhode Island Sound during one spring and one fall research cruise. For additional information, please contact Laura Deighan at (978) 281-9184 or email at Laura.Deighan@noaa.gov.

On January 19, 2022, NMFS issued an EFP to the Northeast Fisheries Science Center. The EFP is a modification the previously issued 2021 Study Fleet EFP which adds 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 supports new research on the osteology and ontogeny of wolffishes. No more than 10 fish total are 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.