



National Marine Fisheries Service
Northeast Regional Office
Sustainable Fisheries Division
<http://www.nero.nmfs.gov>



Status Report of Northeast Region Actions

Prepared for the September 20, 2013
Meeting of the
New England Fishery Management Council

September 20, 2013

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New England Council Actions

Groundfish

Fishing Year (FY) 2014 Sector Operation Plans

A total of 19 sectors submitted a proposed operations plan for FY 2014. The operations plans include the sectors' operating rules, proposed monitoring programs, and proposed regulatory exemptions. NMFS will develop an environmental assessment analyzing the proposed operations plans and will publish a proposed rule seeking comment. Final Sector rosters will be submitted to NMFS sometime in late-January 2014.

Extension of Emergency Measures for FY 2013

NMFS used interim authority to implement measures at the beginning of this fishing year concurrently with Framework 50 (78 FR 26172). These measures were to create emergency catch limits for Georges Bank yellowtail flounder and white hake, and to reduce the amount of Gulf of Maine cod carryover available to sectors. On October 30, 2013, NMFS published a final rule (78 FR 64889) to extend all three measures through the end of FY 2013 (April 30, 2014). For additional information, please contact Melissa Hooper at (978) 281-9166.

Proposed Rule Considering the Opening of Several Groundfish Closed Areas

On July 11, 2013, NMFS published a proposed rule in the Federal Register (78 FR 41772) that considered opening up several year-round groundfish closed areas, under certain conditions. This was in response to several sector exemption requests following the partial approval of Framework 48. The comment period ended on July 26, 2013; we received approximately 81,000 comments on the proposed rule. We are currently working on a final rule. For additional information, please contact William Whitmore at [\(978\) 281-9182](tel:978-281-9182).

Inseason Action to Increase Possession Limits of Five Groundfish Stocks

On November 4, 2013, NMFS published an announcement in the Federal Register (78 FR 65888) to increase the possession limits of Gulf of Maine cod, Cape Cod/Gulf of Maine yellowtail flounder, Gulf of Maine winter flounder, white hake, and pollock for all Common Pool vessels. This action was taken to provide additional harvest opportunities for Common Pool quotas that are currently underharvested and will be in place until the end of the 2013 FY (April 30, 2014). For additional information, please contact Liz Sullivan at (978) 282-8493.

Scallops

Joint Scallop Framework 24 and Multispecies Framework 49 –Final Rule

The final rule for Framework 24/Framework 49 published in the Federal Register on May 9, 2013, and became effective May 20, 2013.

Framework 24 sets specifications for the scallop fishery for the 2013 fishing year, including days-at-sea allocations, individual fishing quotas, and sea scallop access area trip allocations. This action also sets precautionary default 2014 specifications, in case transitional measures are needed if the New England Fishery Management Council delays the development of the next framework, resulting in implementation after the March 1, 2014, start of FY 2014. In addition, Framework 24 adjusts the Georges Bank scallop access area seasonal closure schedules, and because that changes exemptions to areas closed to fishing specified in the Northeast Multispecies FMP, Framework 24 must be a joint action with that plan (i.e., Framework 49). Framework 24 also refines the management of yellowtail flounder accountability measures in the scallop fishery, makes adjustments to the industry-funded observer program, and provides more flexibility in the management of the limited access general category individual fishing quota program.

Monkfish

Suspension of Monkfish Possession Limits in the Northern Fishery Management Area

On October 28, 2013, NOAA published an interim final rule that suspended monkfish landing limits for vessels issued a limited access monkfish Category C or D permit fishing under a monkfish or multispecies day-at-sea in the Northern Fishery Management Area. These limits will remain suspended through April 30, 2014, or until further notice. This rule modified the April 30, 2013, interim final rule to also suspend monkfish limits for Category C or D vessels fishing on a multispecies day-at-sea based on updated data regarding the performance of the monkfish fishery to date. This action is in response to an emergency action request by the New England Fishery Management Council, and is intended to help mitigate adverse economic and social impacts of substantially reduced Northeast multispecies annual catch limits during 2013.

Herring

Framework Adjustment 2/2013-15 Specifications

NMFS published a proposed rule in the Federal Register on **August 2, 2013** that proposes regulations to implement Framework Adjustment 2 to the Atlantic Herring FMP (Herring FMP) and the 2013–15 fishery specifications for the Atlantic herring fishery (Framework 2). The comment period closed **September 3, 2013**.

Framework 2 would allow the New England Council to (1) split annual catch limits (ACL) seasonally for the four Atlantic herring management areas, and (2) carryover unharvested catch, up to 10 percent, for each area's sub-ACL. The specifications would set catch specifications for the herring fishery for the 2013–15 fishing years, adjust accountability measures, revise the acceptable biological catch control rule, and establish seasonal splits for management areas 1A and 1B, as recommended to NMFS by the New England Council.

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Amendment 5

On **July 18, 2013**, NMFS, on behalf of the Secretary of Commerce, partially approved Amendment 5 to the New England Council's Herring FMP.

Amendment 5 will improve the catch monitoring program for the herring fishery and address bycatch issues through responsible management. It contains many measures that will improve herring management and that can be administered by NMFS. We supported improvements to fishery dependent data collections, be it through increasing reporting requirements or expanding the at-sea monitoring of the herring fishery. We also shared the New England Council's concern for reducing bycatch.

However, a few measures in Amendment 5 lacked adequate rationale or development by the Council, and we had utility and legal concerns about the implementation of these measures. These measures are: A dealer reporting requirement; a cap that, if achieved, would require vessels discarding catch before it had been sampled by observers (known as slippage) to return to port; and a requirement for 100-percent observer coverage on Category A and B vessels, coupled with a limited industry contribution of \$325 per day toward observer costs.

We expressed our concerns about the implementation of these measures throughout the development of this amendment and, most recently, articulated them in our comments on the draft EIS. The proposed rule for Amendment 5 also described our concerns about these measures' consistency with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

Skate

None at this time

Atlantic Deep-Sea Red Crab

None at this time

Mid-Atlantic Council Actions

Summer Flounder, Scup and Black Sea Bass

Closure of the 2013 New York Summer Flounder Fishery

The 2013 commercial summer flounder quota allocated to New York has been harvest. As of October 1, 2013, fishing vessels issued a federal moratorium permit for the summer flounder fishery may no longer land summer flounder in New York for the remainder of the 2013 calendar year. The State of New York also closed its commercial summer flounder fishery to state permitted vessels and dealers on the same day.

Summer Flounder Quota Transfer

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NMFS published a temporary rule in the Federal Register on November 7, 2013, that transferred 5,400 lb of commercial summer flounder quota from Maine to Connecticut. The revised summer flounder quotas for calendar year 2013 are: Maine, 41 lb; and Connecticut, 263,605 lb. This transfer was prompted by the diligent efforts of state officials in Connecticut not to exceed the commercial summer flounder quota.

Atlantic Bluefish

Bluefish Quota Transfer

NMFS published a temporary rule in the Federal Register on October 28, 2013, that transferred 300,000 lb of commercial bluefish quota from New Jersey to New York. The revised bluefish quotas for calendar year 2013 are: New Jersey, 1,044,713 lb; and New York, 1,242,548 lb. This transfer was prompted by the diligent efforts of state officials in New York not to exceed the commercial bluefish quota.

Spiny Dogfish

2013-2015 Spiny Dogfish Specifications

The final 2013-2015 spiny dogfish specifications published in the Federal Register on May 3, 2013, and became effective on May 1, 2013. NMFS implemented the measures jointly-recommended by the Council and the New England Council as follows:

2013: ACL = 54.295 million lb; commercial quota = 40.842 million lb
2014: ACL = 55.277 million lb; commercial quota = 41.784 million lb
2015: ACL = 55.063 million lb; commercial quota = 41.578 million lb

These quotas represent 14-17-percent increases from 2012 levels. NMFS also increased the spiny dogfish possession limit from 3,000 lb to 4,000 lb per trip for the 2013-2015 fishing years. For additional information, please contact Tobey Curtis at (978) 281-9273, or Tobey.Curtis@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish (MSB)

Amendment 14 Notice of Availability and Proposed Rule

A Notice of Availability (NOA) for Amendment 14 to the Atlantic Mackerel, Squids, and Butterfish FMP published in the Federal Register on August 12, 2013. The comment period on the NOA closes on October 11, 2013. A proposed rule for Amendment 14 published in the Federal Register on August 29, 2013. The comment period on the proposed rule also closes on October 11, 2013.

The goals of Amendment 14 are to: Implement an effective program for monitoring river herring and shad incidental catch and bycatch in the MSB fisheries; and reduce the incidental catch and

bycatch of river herring and shad in the mackerel fishery.

The proposed Amendment 14 management measures will include: Revising fishery management program provisions (dealer and vessel reporting requirements, requirements for vessel monitoring systems, and trip notifications); increasing observer coverage and requiring industry to contribute funds towards the cost of increased observer coverage; expanding vessel requirements to maximize observer's ability to sample catch at-sea; minimizing the discarding of unsampled catch; and a cap on the incidental catch and bycatch of river herring and shad in the mackerel fishery.

Comments submitted on the NOA and/or the proposed rule prior to October 11, 2013, will be considered in NMFS's decision to approve, partially approve, or disapprove Amendment 14. For more information, please contact Aja Szumylo at [978-281-9195](tel:978-281-9195), or aja.szumylo@noaa.gov.

Tilefish

None at this time.

Surfclam and Ocean Quahog

2014-2016 Atlantic Surfclam and Ocean Quahog Specifications

On November 7, 2013, NMFS published a proposed rule soliciting comment on the 2014-2016 quota specifications for the Atlantic surfclam and ocean quahog fisheries. The proposed quotas are unchanged from the current quotas. NMFS intends to have the quotas in place by the start of the surfclam and ocean quahog fishing year on January 1, 2014. The specifications action would also continue to suspend the minimum size limit for surfclams pending the results of the annual review. For additional information, contact Jason Berthiaume at (978) 281-9177, or Jason.Berthiaume@noaa.gov.

Other Actions

Paperwork Reduction Act Requestw for Comments

On November 15, 2013, NMFS published a notice in the Federal Register soliciting comment on the renewal of collection of information requirements regarding fishing gear marking requirements. Federal regulations require Federal fishery permit holders using certain types of fishing gear mark the gear with specified information. The gear marking requirements provide vessel and gear identification information (e.g., hull identification number, Federal fishing permit number, etc.). The regulations also specify how the gear is to be marked for the purposes of visibility (e.g., buoys, radar reflectors, etc.). These gear marking requirements aid in fishery law enforcement, make the gear more visible to other vessels to aid in navigation, and provide other fisherman with information regarding the gear type being used to help prevent gear conflicts. For additional information contact Jason Berthiaume at (978) 281-9177 or at Jason.Berthiaume@noaa.gov. The full Federal Register notice is also available online at:

www.federalregister.gov/articles/2013/11/15/2013-27340/proposed-information-collection-comment-request-northeast-region-gear-identification

River Herring: Proactive Conservation Effort

In early August, when NOAA Fisheries published our ESA listing decision for river herring, we indicated that we were partnering with ASMFC to form a technical expert working group. The work group will be focused on developing a single, dynamic conservation plan to help restore river herring throughout their entire range from Canada to Florida, identifying and implementing important conservation efforts, and conducting research to fill in some of the critical data gaps for these species. NOAA Fisheries has provided funds to ASMFC, and we have been working together on plans for this process. Planning was slightly delayed by the government shutdown, but now that staff are back, NOAA Fisheries and ASMFC intend to contact potential working group members within the next couple of weeks and schedule the group's first meeting hopefully before the end of the year. Ideally, this effort will include technical experts from the following categories: Federal government agencies (NOAA, U.S. Fish and Wildlife Service, Environmental Protection Agency, Federal Energy Regulatory Commission, U.S. Geological Survey, U.S. Army Corps of Engineers, etc.), ASMFC, the Fishery Management Councils, state fish/wildlife agencies, East Coast Native American Tribes and First Nations, environmental/conservation groups, scientific/academic representatives, industry (e.g., hydroelectric and fishing), and recreational interests.

Recently, the Mid-Atlantic Fishery Management Council met and announced plans to form an Interagency Working Group to address threats to river herring and shad. This complements the NOAA Fisheries/ASMFC efforts to further proactive river herring conservation, and we have been coordinating on how best to approach it. The coordination occurring now among NOAA Fisheries, AMSFC, MAFMC and the NEFMC is intended to maximize limited resources and identify ways to complement ongoing efforts without duplication. The details of this collaborative effort are still being worked out; however, it is clear that the NOAA Fisheries, ASMFC, MAFMC and NEFMC share a desire to work together to conserve river herring. We are also reaching out to the Atlantic Coastal Fish Habitat Partnership, which received a grant from the National Fish and Wildlife Foundation (NFWF), to conduct a multi-region webinar to gather river-system specific information related to river herring habitat.

Recreational Omnibus Accountability Measures Amendment

NMFS published a Notice of Availability on September 4, 2013, and a Proposed Rule on September 18, 2013, that would revise the accountability measures (AMs) for the recreational summer flounder, scup, black sea bass, bluefish, and mackerel fisheries. These AMs would replace the AMs that were established in 2011 in the Council's Omnibus Annual Catch Limit ACL and AM Amendment. The Council is proposing to remove the in-season closure authority granted to the Regional Administrator; modify the pound-for-pound payback such that it would not apply in all circumstances; and better incorporate statistical theory in the determination of recreational catch estimates, relative to an ACL.

The NOAA public comment period is open until November 4, 2013. The proposed rule comment period is open until October 18, 2013.

Lobster

NOAA Fisheries published a proposed rule in the Federal Register on June 12, 2013. At the request of the Atlantic States Marine Fisheries Commission, this action proposes measures to control lobster trap fishing effort in Area 2 (Federal inshore waters – Southern New England) and the Outer Cape Area (Federal inshore waters east of Cape Cod, Massachusetts) and to provide a way for lobster fishermen to scale their businesses to optimum efficiency through the purchase and sale of lobster trap allocations. Proposed measures include capping the number of Federal lobster trap permits in these two areas based on a permit's lobster trap fishing history and implementing a transferable trap program for Area 2, the Outer Cape Area, and Area 3 (offshore fishery from Maine to Virginia). The implementation of these measures would ensure consistency in management between state and Federal waters as similar measures have already been approved for state waters. The deadline for public comments on this proposed rule was July 29, 2013; seven comments were received. NMFS is working on a Final Environmental Impact Statement and final rule to be published this fall. The proposed rule may be obtained at the Northeast Region's Lobster Web Page at www.nero.noaa.gov/sfd/lobster. For questions, contact Peter Burns, Fishery Policy Analyst at (978) 281-9144, peter.burns@noaa.gov.

NOAA Fisheries published an Advanced Notice of Proposed Rulemaking (ANPR) on August 20, 2013 (78 FR 51131) requesting comment on upcoming measures to address low abundance of the SNE American lobster stock and persistent recruitment failure caused by a combination of environmental factors and continued fishing mortality. Measures, as approved by the Atlantic States Marine Fisheries Commission (Commission) in Addenda XVII and XVIII to Amendment 3 to the Commission's Interstate Fishery Management Plan for American Lobster, include: American lobster minimum size increases, mandatory v-notching of egg-bearing female American lobsters, seasonal closures, and trap allocation reductions. The comment period closed September 19, 2013; so far we have received 4 comments. A proposed rule is expected to publish this fall. The ANPR may be obtained at www.nero.noaa.gov/sfd/lobster. For questions, contact Allison Murphy, Fishery Policy Analyst at (978) 978-281-9122, allison.murphy@noaa.gov

Experimental Fishery Actions

Research Document Applications under Review

No new research applications at this time.

Research Document Application Review Completed

On October 21, 2013, NMFS issued an EFP to the University of Massachusetts, Dartmouth, School for Marine Science and Technology to facilitate compensation fishing in support of a project that seeks to validate monkfish age. This study was awarded 129 DAS under the 2012 Monkfish Research Set-Aside (RSA) Program. The project focuses on validating the age of monkfish by incorporating a chemical marker into the age structures in a laboratory study and examining the influence of temperature. Twenty-five vessels have been identified by the applicant to conduct compensation fishing under the requested EFP. For additional information contact Jason Berthiaume at (978) 281-9177, or Jason.Berthiaume@noaa.gov.

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The North Carolina Division of Marine Fisheries was issued a Letter of Acknowledgment on September 20, 2013, in support of a striped bass tagging program that they conduct in collaboration with several state fishery management agencies, academic institutions, the Atlantic States Marine Fisheries Commission, US Fish and Wildlife Service, and NOAA's National Marine Fisheries Service. The primary objective of this tagging program is to tag coastal migratory striped bass on their wintering grounds off the coasts of Virginia and North Carolina to assess the annual mortality of striped bass due to fishing, as well as derive information on movement and migration, age and growth, and habitat use. Fish will be sampled using hook and line gear. For additional information, contact Ryan Silva at [\(978\) 281-9326](tel:9782819326), or at Ryan.Silva@noaa.gov.

On September 4, 2013, the Commercial Fisheries Research Foundation (CFRF) submitted an application for an EFP, to conduct a juvenile lobster abundance study at the Massachusetts and Rhode Island Wind Farm Area. The development of offshore wind farms within Block Island Sound and Rhode Island Sound has increased the need to conduct lobster abundance studies to determine the status of the lobster population within these wind energy areas. This lobster study will utilize three active vessels and one alternate commercial fishing vessel to conduct research on the abundance and distribution of juvenile American lobster in LMA 2. The CFRF is exempt from the following Federal lobster regulations: (1) the use of escape vents to allow for closed escape vents, (2) maximum trap limits to allow for exceeding trap limits by 80 traps per vessel for a total of 240 additional traps, and (3) exemptions from the trap tag requirement. For additional information, contact Maria Jacob at (978) 281-9180, or at Maria.Jacob@noaa.gov.

On October 24, 2013, SMAST was issued an LOA to conduct a study to improve estimates of the abundance, spatial distribution, size structure, and length-weight relationship of Georges Bank yellowtail flounder through the application of video technology. This 10-day project will build on a pilot video survey that was conducted in April 2013. Researchers will continuously tow a 2-seam flatfish survey trawl that has a video camera in the codend in an attempt to count and identify groundfish, particularly yellowtail flounder. The codend will remain open with the exception of a 30-minute tow with a closed codend in the morning and in the afternoon. Fish collected during the closed codend tows will be used to groundtruth open codend fish counts, and to sample for species identification and length/weight measurements. No fish will be landed for sale. For additional information, contact Ryan Silva at [\(978\) 281-9326](tel:9782819326), or at Ryan.Silva@noaa.gov.

On September 30, 2013, the Massachusetts Division of Marine Fisheries was issued an LOA to conduct a two-year research program to improve our understanding of the GOM cod inshore winter spawning stock by documenting, in time and space, where spawning is occurring in Massachusetts Bay and adjacent waters. Work started on November 1, 2013 and will run until January 31, 2014, and then restart again in 2014. Four commercial fishing vessels will participate. Thirty acoustic receivers will be deployed in the spawning area. Fifty male and fifty female code will be caught and tagged during five tagging trips. For additional information, contact Liz Sullivan at [\(978\) 282-8493](tel:9782828493), or liz.sullivan@noaa.gov.

On September 1, 2013, Boston University, in collaboration with the Stellwagen Bank National Marine Sanctuary, were issued an LOA to conduct research on the biology of forage (primary consumer) species in the Stellwagen Bank National Marine Sanctuary and adjacent areas.

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The sampling will be conducted using plankton nets, gillnets, hook and line, a sand lance rake, and a sand lance beam trawl. There will be sixty 15-minute surface and midwater tows with the plankton net. The focus of this study will be sampling and collection of the two sand lances. For additional information contact Carly Bari at (978) 281-9224, or Carly.Bari@noaa.gov.

On September 23, 2013, the state of Maine's Department of Marine Resources was issued an LOA to conduct a trawl survey. A modified shrimp net will be used, with a 57-ft head rope, 70-ft footrope, with 6-in rubber discs, 2.0-in wing mesh, and 1.0-in mesh in the codend. The study will consist of two surveys, one conducted in the fall of 2012 (tentatively from September into November), and one in the spring of 2013 (tentatively from late April into June). Each survey will last 25 days and will consist of 120, 20-minute tows at 2.5 kts. Sampling sites are to be identified through a combination of initial random selection and consultation with local fisherman. For additional information, contact Liz Sullivan at (978) 282-8493, or liz.sullivan@noaa.gov.