

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



# Status Report of Greater Atlantic Region Actions

---

Prepared for the June 10-12, 2014  
Meeting of the  
Mid-Atlantic Fishery Management Council

June 6, 2014

## Table of Contents

<b>NEW ENGLAND COUNCIL ACTIONS</b>	2
Groundfish	2
Scallops	2
Monkfish	3
Herring	3
Skate	3
Atlantic Deep-Sea Red Crab	3
<b>MID ATLANTIC COUNCIL ACTIONS</b>	4
Summer Flounder, Scup and Black Sea Bass	4
Atlantic Bluefish	4
Spiny Dogfish	4
Atlantic Mackerel, Squid, and Butterfish	5
Tilefish	5
Surfclam and Ocean Quahog	5
<b>OTHER ACTIONS</b>	5
Lobster	5
Gear Stowage Measures	6
Paperwork Reduction Act Request for Comments	7
<b>EXPERIMENTAL FISHERY ACTIONS</b>	7
Pending Research Document Applications	7
Complete Research Document Applications	8

## New England Council Actions

### Groundfish

#### Final Rule for Vessel Monitoring System (VMS) Catch Reporting Requirements and ACE Carryover

On May 30, 2014, NMFS published a final rule in the Federal Register (79 FR 31050) to require daily VMS catch reporting for sector vessels declared to fish in the Eastern U.S./Canada Area. This is necessary to better ensure accurate and timely Eastern U.S./Canada Area quota monitoring. This rule also announced the *de minimis* amount of unused sector annual catch entitlement (ACE) that may be carried over without being subject to potential accountability measures. For more information on the VMS reporting requirements, please contact Liz Sullivan at (978) 282-8493 or Liz.Sullivan@noaa.gov. For information on ACE carryover, please contact Mike Ruccio at (978) 281-9104 or Michael.Ruccio@noaa.gov.

#### Final Rule for Fishing Year (FY) 2014 Sector Operation Plans

On April 28, 2014, NMFS published a final rule in the Federal Register (79 FR 23278) that approved sector operations plans for 2014, allocated quota for 15 groundfish stocks to each sector, and granted the sector vessels a number of exemptions. Seventeen sectors will operate, 16 of which will have active fishing vessels, and one sector that is a private permit bank. In addition to the universal sector exemptions, we granted 20 exemptions, including 3 new exemptions for 2014 as described below.

- Exemption from portions of the Nantucket Lightship Closed Area for groundfish vessels on a sector trip;
- Prohibition on combining a small-mesh exempted fishery and a sector trip on the same trip; and
- 6.5-inch minimum mesh size requirement for trawl nets to target redfish.

For more information, please contact Brett Alger at (978) 675-2153 or email at Brett.alger@noaa.gov.

#### Interim Final Rule for Fishing Year 2014 Recreational Management Measures

On April 22, 2014, NMFS published an interim final rule in the Federal Register (79 FR 22419) that changes the Gulf of Maine Atlantic cod and haddock recreational fishery minimum fish size requirements, per-angler possession limits, and fishing seasons for FY 2014 (May 1, 2014-April 30, 2015). This action is necessary to ensure that recreational catch does not exceed recreational catch limits for these two stocks, consistent with the fisheries accountability measures. For information, please contact Mike Ruccio at (978) 281-9104 or email at Michael.Ruccio@noaa.gov.

### Scallops

#### Proposed Rule for Framework Adjustment 25 to the Atlantic Sea Scallop Fishery Management Plan

NMFS published a proposed rule in the Federal Register on May 9, 2014 (79 FR 26690). This rulemaking would set specifications for the scallop fishery for fishing year (FY) 2014, including days-at-sea (DAS) allocations, individual fishing quotas, and sea scallop access area trip allocations. This action would also set precautionary default FY 2015 specifications in case the

next framework is implemented after March 1, 2015, which is the start of FY 2015, and transitional measures are needed. In addition, Framework 25 considers allowing pounds that went unharvested in the Closed Area I Access Area in 2012 and 2013 to be landed in a future year; develops Southern New England/Mid-Atlantic windowpane flounder accountability measures; and provides full-time scallop vessels the option to exchange their allocated Delmarva Access Area trip for 5 DAS. The comment period for this rule closed on May 27, 2014. A final rule is under development. For more information, please contact Travis Ford at (978) 281-9233 or email at [travis.ford@noaa.gov](mailto:travis.ford@noaa.gov).

## **Monkfish**

### Proposed Rule for Monkfish Framework Adjustment 8

NMFS published a proposed rule in the Federal Register on **May 27, 2014** to implement measures adopted under Framework Adjustment 8 (79 FR 30065). The comment period closes **June 11, 2014**. This action would increase monkfish DAS allocations and landing limits, allow monkfish-only DAS to be used at any time, and allow Category H vessels to fish throughout the Southern Fishery Management Area. A final rule is under development. For more information, please contact Douglas Christel at (978) 281-91413 or email at [douglas.christel@noaa.gov](mailto:douglas.christel@noaa.gov).

## **Herring**

### Possession limit implemented for Atlantic Herring Management Area 1B

On May 22, 2014, NMFS established a 2,000-lb herring possession limit for Herring Management Area 1B (79 FR 30483, May 28, 2014) because it projected that 92 percent of the 2014 catch limit for that area was harvested. Vessels issued Federal herring permits may not fish for, catch, possess or land more than 2,000 lb of herring in or from Area 1B per trip or calendar day, beginning May 24, 2014, through December 31, 2014. This action is necessary to comply with the Herring Fishery Management Plan and is intended to prevent over harvest in Area 1B. For more information, please contact Carrie Nordeen at [\(978\) 281-9272](tel:978-281-9272) or email at [carrie.nordeen@noaa.gov](mailto:carrie.nordeen@noaa.gov).

## **Skate**

### Proposed Rule for Northeast Skate Framework 2

A proposed rule for Framework 2 to the Northeast Skate Complex FMP published in the Federal Register on May 21, 2014 (79 FR 29154). The comment period on the framework closes on June 20, 2014. Framework 2 would implement skate fishery specifications for the 2014-2015 fishing years, including reduced annual catch limits and total allowable landings. It also proposes changes to skate reporting requirements for vessels and dealers. For additional information contact Toby Curtis at [978-281-9273](tel:978-281-9273) or by email at [tobey.curtis@noaa.gov](mailto:tobey.curtis@noaa.gov).

## **Atlantic Deep-Sea Red Crab**

### Final Rule for the 2014-2016 Atlantic Deep Sea Red Crab Specifications

NMFS published a final rule in the Federal Register on April 30, 2014 (79 FR 24356). The final rule maintains the same annual catch limit and total allowable landings level as was set for the 2011-2013 fishing years at 3.91 million lb. There has not been an update to the red crab stock assessment since 2009. Therefore, there was no need to change the measures that had been in

place. For additional information, please contact Carly Bari at (978) 281-9224 or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

## **Mid-Atlantic Council Actions**

### **Summer Flounder, Scup, and Black Sea Bass**

#### Summer Flounder Commercial Quota Transfer - Virginia to New Jersey

NMFS published a temporary rule in the Federal Register on May 20, 2014 (79 FR 28850), that transferred 2,634 lb of commercial summer flounder quota from Virginia to New Jersey. The revised summer flounder quotas for calendar year 2014 were: Virginia, 2,572,766 lb; and New Jersey, 1,912,290 lb. This transfer was prompted by safe harbor landings in New Jersey by a Virginia vessel. For additional information, please contact Carly Bari at (978) 281-9224 or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

#### Summer Flounder Commercial Quota Transfer – North Carolina to Virginia, and New Jersey Quota Correction

NMFS published a temporary rule in the Federal Register on June 4, 2014 (79 FR 32170), that transferred 2,758 lb of commercial summer flounder quota from North Carolina to Virginia. The revised summer flounder quotas for calendar year 2014 are: North Carolina, 2,729,195 lb; and Virginia, 2,388,012 lb. This transfer was prompted by safe harbor landings in Virginia by a North Carolina vessel. Additionally, this rule corrects the New Jersey 2014 summer flounder commercial quota to account for quota transfers to date that were not included in the final rule for the 2014 summer flounder specifications. The 2014 New Jersey summer flounder quota is 1,765,195 lb. For additional information, please contact Carly Bari at (978) 281-9224 or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

### **Atlantic Bluefish**

#### Proposed Rule for 2014 Specifications for the Atlantic Bluefish Fishery

NMFS published a proposed rule in the Federal Register on April 11, 2014 (79 FR 20161), proposing 2014 specifications for bluefish. The comment period closes on April 28, 2014. The bluefish stock was updated in 2013 and resulted in a revision of the previously recommended acceptable biological catch (ABC) for 2014. The proposed action would decrease the ABC to 24.432 million lb from 27.472 million lb in 2013, as well as set a commercial quota of 7.269 million lb, a recreational harvest limit of 13.179 million lb, and a 15-fish recreational possession limit. For additional information, please contact Carly Bari at (978) 281-9224 or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

### **Spiny Dogfish**

#### Proposed Rule for Amendment 3 to the Spiny Dogfish FMP

NMFS published a proposed rule in the Federal Register for Amendment 3 to the Spiny Dogfish Fishery Management Plan FMP on April 10, 2014 (79 FR 19861). The comment period on the amendment closed on May 27, 2014. The Decision Date for Amendment 3 is June 26, 2014. If approved, Amendment 3 would include the creation of a research set-aside quota for spiny dogfish, update Essential Fish Habitat definitions, allow the rollover of specifications from one

year to the next, and remove the seasonal allocation of the commercial quota. For additional information contact Toby Curtis at [978-281-9273](tel:978-281-9273) or by email at [tobey.curtis@noaa.gov](mailto:tobey.curtis@noaa.gov).

#### Proposed Rule for Spiny Dogfish 2014-2015 Specifications

NMFS published a proposed rule in the Federal Register for 2014-2015 specifications for the spiny dogfish fishery on May 13, 2014 (79 FR 27274). The comment period closes on June 12, 2014. The proposed specifications include increased annual catch limits and commercial quotas for the 2014-2015 fishing years. Based upon the New England Council's recommendation, NMFS proposed an unlimited trip limit for spiny dogfish, but will consider public comments before making a final decision. For additional information contact Toby Curtis at [978-281-9273](tel:978-281-9273) or email at [tobey.curtis@noaa.gov](mailto:tobey.curtis@noaa.gov).

## **Atlantic Mackerel, Squid, and Butterfish**

None at this time

## **Tilefish**

None at this time

## **Surfclam and Ocean Quahog**

#### Northern Temporary Paralytic Shellfish Poisoning Closed Area

NMFS is developing a proposed rule to lift the area referred to as the Northern Temporary Paralytic Shellfish Poisoning (PSP) Closed Area for bivalve harvesting. NMFS is developing this action at the request of the United States Food and Drug Administration (FDA) and is based on the premise that the area has not been subject to a toxic algal bloom for several years and testing of bivalve shellfish has demonstrated toxin levels well below those known to cause human illness. In addition, the FDA has developed an agreement with the Commonwealth of Massachusetts to conduct PSP monitoring of bivalves from the area in accordance with currently accepted PSP testing procedures. NMFS is expecting a proposed rule early this summer. For additional information please contact Jason Berthiaume at (978) 281-9177 or email at [Jason.Berthiaume@noaa.gov](mailto:Jason.Berthiaume@noaa.gov).

#### Information Collection Program for Surfclam and Ocean Quahog

NMFS is developing a proposed rule to implement an information collection program requested by the Council. This program is intended to better identify allocation holders in the surfclam and ocean quahog fisheries. This information will be used by the Council in the development of an excessive shares cap as part of a future FMP amendment. For additional information contact Douglas Potts at [978-281-9341](tel:978-281-9341) or email at [douglas.potts@noaa.gov](mailto:douglas.potts@noaa.gov).

## **Other Actions**

### **Lobster**

Final Rule for a Limited Access Program for the Lobster Trap Fishery in Lobster Management Area 2 and the Outer Cape Lobster Management Area

## *Status Report of Greater Atlantic Region Regulatory Actions*

NMFS published a final rule in the Federal Register on April 7, 2014 (79 FR 19015). This action establishes new regulations for a limited access program for the lobster trap fishery in Lobster Management Area 2 (southern New England) and the Outer Cape Lobster Management Area (east of Cape Cod, Massachusetts). The measures are intended to control lobster trap fishing effort in southern New England waters by limiting access and allocating lobster traps based on proven lobster fishing history. Federal lobster permit holders may apply for future access to the trap fishery in these areas from May 7, 2014, until November 3, 2014. We will send application forms and instructions to all Federal lobster permit holders in late April, 2014, that specify the types of documents needed to qualify and allocate traps to eligible Federal lobster permits.

The final rule also sets forth a Trap Transfer Program to allow all Federal lobster permit holders with qualified trap allocations for Area 2, the Outer Cape Area, and Offshore Area 3, to transfer traps to other Federal lobster permit holders. The Trap Transfer Program is intended to allow lobster fishers to optimize the size of their fishing operations through the purchase and sale of partial trap allocations subject to certain restrictions. We expect to publish a notice soon specifying the dates when eligible lobster fishers can buy and sell traps, pending the completion of a joint state/Federal trap transfer database for tracking the trap transfers. Any transfers conducted during 2014 would not take effect until May 1, 2015.

The limited access and trap transfer programs are consistent with the recommendations for Federal action in the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster. A copy of the final rule is available on the Greater Atlantic Regional Fisheries Office web site at [www.nero.noaa.gov/sfd/lobster](http://www.nero.noaa.gov/sfd/lobster). For additional information please contact Peter Burns, Fishery Policy Analyst at (978) 281-9144 or email at [peter.burns@noaa.gov](mailto:peter.burns@noaa.gov).

### **Gear Stowage Measures**

#### Proposed Rule for Gear Stowage Requirements

NMFS published a proposed rule in the Federal Register on May 29, 2014 (79 FR 30799), requesting comments on a new method for on-reel trawl gear stowage when fishing vessels are transiting closed areas or fishing in areas with mesh size restrictions. The comment period closes June 30, 2014. Specifically, this action proposes to allow the use of a highly visible orange mesh material, in addition to the current requirement to use a tarp or similar canvas material. Also, this action would remove the requirement to detach the towing wires from the doors for all on-reel gear stowage. This action would be implemented under authority delegated to the NMFS Regional Administrator, at the request of the Council, and is intended to improve safety of fishing operations while at sea. For additional information please contact Jason Berthiaume at (978) 281-9177 or by email at [jason.berthiaume@noaa.gov](mailto:jason.berthiaume@noaa.gov).

### **Paper Reduction Act Request for Comments**

#### Scallop Fishery Data Collection

NMFS published a notice in the Federal Register on April 15, 2014 (79 FR 21211), requesting comments on a renewal for collection of information requirements under the Paperwork Reduction Act. This collection of information involves the scallop fishery and covers wide range of reporting requirements related to the scallop observer program. NMFS is seeking comments 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 June 16, 2014. For additional information please contact Emily Gilbert, Fishery Policy Analyst at (978) 281-9244 or e-mail at [emily.gilbert@noaa.gov](mailto:emily.gilbert@noaa.gov).

Federally Permitted Dealers Data Collection

NMFS published a notice in the Federal Register on April 23, 2014 (79 FR 22628), requesting comments on an extension for collection of information under the Paperwork Reduction Act. This collection of information involves federally permitted dealers purchases from fishing vessels and covers a wide range of federally managed fisheries and regulatory requirements. NMFS is seeking comments on whether the collection is necessary, if NMFS's estimate of costs and burden is accurate, on ways to improve the accuracy and clarity of the data collected, and on ways to minimize the burden of data collection through current submission processes. The comment period ends on June 23, 2014. For additional information please contact David Ulmer, Fishery Reporting Specialist at (757) 723-0303 or email at [david.ulmer@noaa.gov](mailto:david.ulmer@noaa.gov).

Vessel Name and Number Data Collection

NMFS published a notice in the Federal Register on May 5, 2014 (79 FR 25581) requesting comments on a renewal for collection of information requirements under the Paperwork Reduction Act. This collection of information involves the requirement for Federal permit holders to display their vessel name and official number on the vessel. The comment period closes **July 7, 2014**. For additional information please contact Jason Berthiaume at (978) 281-9177 or email at [Jason.Berthiaume@noaa.gov](mailto:Jason.Berthiaume@noaa.gov).

## **Experimental Fishery Actions**

### **Research Document Applications Under Review**

On April 11, 2014, the Cape Cod Commercial Fishermen's Alliance submitted an application for an Exempted Fishing Permit (EFP) that would authorize 14 federally permitted commercial fishing vessels exemptions from the prohibition of possessing barndoor skate for the purpose of collecting scientific data and development of market for barndoor skate seafood products. The study proposed the capture of barndoor skate during regular multispecies and monkfish trips, in which the vessels will collect data on where, when, and with which gear the barndoor skate were captured, as well as length, weight, and sex the barndoor skate. Each vessel will be limited to 500 lb of barndoor skate wings per trip, these wings will be stored and sold separately to monitor the market value for this project. A maximum of 168,000 lb of barndoor skate will be landed to support the data collection. For additional information, contact Carly Bari at (978) 281-9224, or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

On April 16, 2014, the Gulf of Maine Research Institute submitted an application for an EFP to conduct research in the whiting fishery. The applicants would conduct exploratory whiting fishing to determine if catch rates are commercially viable in a specified portion of the Gulf of Maine Raised Footrope Trawl Exempted Fishing area utilizing a more traditional small mesh trawl in place of the raised footrope trawl. The gear will be outfitted with a grate to reduce bycatch and all species caught will be sampled and weighed. Whiting will be landed and sold along with any legal sized groundfish in accordance with current regulations and will be accounted for under the participating vessels sector ACE. For additional information please contact Jason Berthiaume at (978) 281-9177 or by email at [Jason.Berthiaume@noaa.gov](mailto:Jason.Berthiaume@noaa.gov).

The Massachusetts Division of Marine Fisheries (MA DMF) submitted a complete application for



## Status Report of Greater Atlantic Region Regulatory Actions

an EFP on April 18, 2014, to a lobster abundance study with experimental lobster gear that the Federal lobster regulations would otherwise restrict. The EFP would authorize seven commercial lobster vessels to deploy 144 ventless and 144 standard lobster traps from May through October 2014 in Area 1 (statistical area 514), and 126 ventless lobster traps and 126 standard lobster traps in Area 2 (statistical areas 537 and 538). These traps would be hauled twice per month after a soak time ranging from 3 to 5 days, with at least one scientist from MA DMF on-board during sampling activity. A Federal Register Notice to solicit public comment was published on May 16, 2014 (79 FR 28486), and the comment period ended on June 2, 2014. Two comments were received, both supporting the lobster study effort by MA DMF. For more information contact Maria Jacob at (978) 281-9180 or by email at [Maria.Jacob@noaa.gov](mailto:Maria.Jacob@noaa.gov).

### Research Document Application Review Completed

On April 16, 2014, the University of Rhode Island was issued EFPs to conduct research trips and research set-aside (RSA) compensation fishing in support of a project entitled “Industry Based Survey on Black Sea Bass Utilizing Ventless Traps.” This project addressed funding priorities identified by the Mid-Atlantic RSA Program and this will be the third year of this project. Research will occur at 20 hard-bottom sites – 4 each in Massachusetts, Rhode Island, New Jersey, New York, and Virginia – that are not sampled by state or Federal finfish bottom trawl surveys. For additional information contact Carly Bari at (978) 281-9224, or email at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

On April 16, 2014, the Virginia Institute of Marine Science was issued an EFP that authorized federally permitted vessels to conduct Research Set-Aside (RSA) compensation fishing in support of the Mid-Atlantic RSA North East Area Monitoring and Assessment Program Project. Of the 83 vessels submitted in the application, 74 are federally permitted and will be participating on the EFP, 9 are state-only vessels that will participate in state waters only. These vessels will be harvesting summer flounder, scup, black sea bass, bluefish, longfin squid, and butterfish RSA quota. For additional information, contact Carly Bari at (978)281-9224, or [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

On April 2, 2014, the Virginia Institute of Marine Science was issued a Letter of Acknowledgement (LOA) to conduct the fishery-independent Northeast Area Monitoring and Assessment Program (NEAMAP) Nearshore Trawl Survey. This survey will be conducted by VIMS using the F/V *Darana R* as a research platform. The NEAMAP survey has been conducted every year since 2006 and allows data to be collected from shallower, near-shore areas that other stock surveys may miss. This survey is one of the Mid-Atlantic RSA projects for 2014. For additional information, contact Carly Bari at (978) 281-9224, or e-mail at [carly.bari@noaa.gov](mailto:carly.bari@noaa.gov).

On May 23, 2014, Atlantic Trawlers Fishing Inc. was issued an EFP authorizing three vessels to conduct exploratory fishing and comparative data collection in portions of the Georges Bank year-round groundfish closed areas (Closed Areas I and II). The EFP exempts the vessels from the prohibition from commercially fishing in Closed Areas I and II, the minimum mesh size requirement in the Georges Bank Regulated Mesh Area, and minimum fish sizes and possession limits (for sampling purposes only). For additional information please contact Brett Alger at (978) 675-2153 or by email at [Brett.Alger@noaa.gov](mailto:Brett.Alger@noaa.gov).

On May 21, 2014, the University of Maine was issued a Letter of Acknowledgement to conduct a longline and jig survey of the groundfish resource in the Eastern Gulf of Maine to better understand the groundfish resources in a region with widely recognized persistent depletion and virtually no directed fishery for the past 10 to 15 years. Four vessels will conduct the survey over

## *Status Report of Greater Atlantic Region Regulatory Actions*

approximately 60 sea days, spread out 1 day at a time, beginning in June and ending in October. The surveys will include an average of either three jig stations or one longline station per day. A University of Maine technician will accompany the vessels on all survey trips. Technicians will collect physiological, age-and-growth, distribution, abundance, and stock structure data. Fish of legal size that are caught during this survey will be sold. For additional information please contact Liz Sullivan at (978) 281-9493 or email at [Liz.Sullivan@noaa.gov](mailto:Liz.Sullivan@noaa.gov).

On May 22, 2014, the Northeast Fisheries Science Center was issued an EFP for the 2014 Study Fleet Program. The EFP exempts federally permitted commercial fishing vessels from the following regulations while participating in the Study Fleet Program: Minimum fish size restrictions; fish possession limits; prohibited fish species, not including species protected under the Endangered Species Act; gear-specific fish possession restrictions for the purpose of at-sea sampling and, in limited situations for research purposes only, to retain and land fish that would otherwise be prohibited; and the prohibition from fishing in groundfish year-round closed areas. For additional information please contact Brett Alger at (978) 675-2153 or email at [Brett.Alger@noaa.gov](mailto:Brett.Alger@noaa.gov).