

Mid-Atlantic Fishery Management Council Meeting
April 14-16, 2015, Long Branch, NJ

Regional Administrator's Report

ANNOUNCEMENTS

(1) Standardized Bycatch Reporting Methodology

Omnibus Amendment

The Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment was formally approved on **March 13, 2015**. A final rule is pending, which will address and respond to the 11 comments submitted on the Notice of Availability (NOA) and the proposed rule. As you know, parts of this action address the concerns raised by the U.S. Court of Appeals about the level of funding discretion available to the Agency. The action would require observer funds from specific budget lines to be used first to meet the requirements of the SBRM for the purposes of monitoring bycatch before allocating such resources for additional observer needs.

At this time, we do not believe there are sufficient funds for the next fishing year to fully meet the performance standard of the SBRM. As explained in our presentations at the April 2014 Council meeting, when this amendment is finalized we will no longer be able to use these general observer funds to support: Groundfish At-Sea Monitors (ASM); continued development of Electronic Monitoring; or supplemental observer coverage to the herring fishery for access to the groundfish closed areas. We realize that the implications of this action will be particularly difficult for the groundfish fishery. We continue to work to identify ways to continue to support the groundfish and other fisheries, and we estimate that funds available on existing contracts should be able to cover ASM through August, depending on fishing activity.

For reference, the NOA was published on **December 15, 2014** (79 FR 74056). The NOA's comment period closes **February 13, 2015**. The proposed rule published on **January 21, 2015** (80 FR 2898). Its comment period closes **February 20, 2015**.

(2) Tilefish

Tilefish IFQ Cost Recovery Bills

Section 304(d) of the Magnuson-Stevens Act requires us to collect fees to recover the actual costs directly related to the management, data collection, and enforcement of limited access privilege programs, not to exceed 3 percent of the ex-vessel value of fish harvested under the program. We issued the 2014 tilefish Individual Fishing Quota (IFQ) cost recovery bills on **April 6, 2015**. The 2014 fee percentage was 0.2665 percent based on total recoverable costs of \$14,662 and total value of IFQ landings of

\$5,501,343. Bills must be paid online through our Fish Online website, and all payments are due by **May 21, 2015**.

The annual report of the tilefish IFQ cost recovery program has been sent to the Council and is available on the Greater Atlantic Region website. Please note: We anticipate next year's cost recovery fee will be higher than in any of the previous years because of the work currently being done on the 5-year review of the Tilefish IFQ Program as required by the Magnuson-Stevens Act. We will update the Council and IFQ shareholders with an estimate of the 2015 fee percentage as soon as possible, and before the 2015 bills are sent out.

(3) Atlantic Mackerel, Squid, and Butterfish

We published a final rule in the Federal Register on **March 20, 2015**, implementing the 2015-2017 specifications and management measures for the Atlantic mackerel, squid, and butterfish fisheries, which become effective on **April 20, 2015**.

This action implements catch levels and associated management measures for the 2015-2017 fishing years for species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) including:

- Renew status quo quotas on longfin and Illex squids for an additional three years;
- Lower the cap on river herring and shad catch in the mackerel fishery from 236 mt to 89 mt;
- Increase the cap on river herring and shad catch in the mackerel fishery to 155 mt once the mackerel fishery catches more than 10,000 mt;
- Lower the Atlantic mackerel quota by 38 percent to 20,872 mt;
- Increase the butterfish quota by 700 percent from 3,200 mt to 22,530 mt in 2015, 21,042 mt in 2016, and 20,652 mt in 2017; and
- Simplify the controls on butterfish daily trip limits.

(4) Surfclam/Ocean Quahog

Surfclam/Ocean Quahog Information Collection

Other priorities have delayed final implementation of this action. A final rule is under development.

(5) Multispecies

Sector Rule

A total of 17 sectors have submitted operations plans and contracts for fishing years 2015 and 2016. The operations plans include all previously granted exemptions and a number of new exemption requests. Sector rosters were received **February 18, 2015**. A proposed rule published March 9, the comment period ended March 24, and a final rule is expected to publish soon.

Framework Adjustment 53

The New England Council submitted Framework 53 to us on **February 23, 2015**. A proposed rule published in the Federal Register on **March 9, 2015**, that proposed to set fishing years 2015–2017 catch limits for several groundfish stocks, modify management measures for Gulf of Maine cod, and adopt other measures to improve the management of the groundfish fishery. The comment period ended March 24 and a final rule is expected to publish soon.

2015-2017 Specifications for the Small-Mesh Multispecies Fishery

We published a proposed rule in the Federal Register on **April 8, 2015**, proposing the 2015-2017 specifications for the small-mesh multispecies fishery and adjustments to the northern red hake accountability measures. The comment period closes on **April 23, 2015**.

Gulf of Maine Cod Interim Rule Correction—Exemption for Small-Mesh Multispecies Vessels

We inadvertently left the Small Mesh Area 1 and 2 Exemption Areas out of the list of areas exempted from the Gulf of Maine Cod Seasonal Interim Closure Areas. Specifically, vessels fishing with raised footrope trawls can fish in the Small Mesh Area 1 and 2 Exemption Areas when these exemption areas overlap with the Gulf of Maine Cod seasonal interim closure areas. We published a correction rule on **March 3, 2015**, and this exemption is effective until **May 12, 2015**, or until the Interim Rule is superseded by subsequent rulemaking.

(7) Protected Resources

Porbeagle Sharks

NMFS is initiating a review of the status of porbeagle sharks and will make a determination under the Endangered Species Act (ESA) as to whether listing it under the ESA is or is not warranted on or before **December 12, 2015**.

In January 2010, NMFS received two petitions to list porbeagle shark under the ESA. In response to these petitions, a “negative” 90-finding was published in **July 2010**, in which NMFS concluded that, due to increasing numbers and stability in some stocks, coupled with new and continuing national and international management efforts, the petitions to list this species under the ESA were not warranted. The 2010 finding was challenged by the Petitioners, and on **December 12, 2014**, the Court ordered NMFS to prepare a new 90-day finding. The new 90-day finding was published on **March 27, 2015**, and is based primarily on new information that has become available since 2010, including a new Canadian assessment of the Northwest Atlantic stock and new information in recent proceedings from the International Convention for the Conservation of Atlantic Tunas, regulatory documents, published literature, and Federal Register notices as well as the information contained in the original petitions.

Sea Turtles in Virginia Pound Nets Data Collection

NMFS published a notice in the Federal Register on **March 4, 2015**, requesting comments on a renewal for collection of information requirements under the Paperwork Reduction Act. The comment period closes **May 4, 2015**.

This collection of information involves the requirement for Virginia pound net fishermen to report interactions with endangered and threatened sea turtles in their pound net operations to NMFS, and, if necessary, the appropriate stranding network. Details on the notice are also in our handout Status Report of Greater Atlantic Region Actions.

Shortnose Sturgeon 90-day Finding

NMFS has completed review of a petition to identify the Saint John River population of shortnose sturgeon (*Acipenser brevirostrum*) as a distinct population segment (DPS) and delist this DPS from the ESA. We concluded that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Therefore, a positive 90-day finding was published in the Federal Register on **April 6, 2015**, and we are currently soliciting scientific and commercial information pertaining to this petition from any interested party.

Status of Pending Actions - Not Necessarily for Public Announcement, and Other Informational Items

1. Proposed Rule to Identify and List Humpback Whale Distinct Population Segments Under the ESA (We expect this may publish next week during the Council meeting. If it does, PRD/SFD staff will notify you of it).

Based on a thorough scientific status review, NOAA Fisheries identified 14 distinct population segments of humpback whale worldwide and determined that 10 of them were not threatened by any of the factors listed under section 4(a)(1) of the ESA to the point where they warrant listing as endangered or threatened. Thus, in the proposed rule, we are proposing to revise the ESA listing for the humpback whale by removing the current species-wide endangered listing and in its place listing two distinct population segments as threatened and two as endangered. We followed a rigorous, science-based process to develop these findings and recommendations. This is a public process, and we are seeking more information to assist with the final decision. The Marine Mammal Protection Act (MMPA) continues to protect all humpback whales in the United States. NOAA Fisheries will continue our efforts under the MMPA to restore humpback whale populations to their Optimum Sustainable Population level and monitor their abundance through annual Stock Assessment Reports. If conditions change, we will reevaluate their status as necessary.

2. Final Rule to Implement Management Measures for the American Lobster Fishery

NMFS published a final rule in the Federal Register on January 15, 2015 (80 FR 2028), consistent with the Atlantic States Marine Fisheries Commission's action in Addenda XVII and XVIII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The rule implements several management measures to: Address a recruitment failure in the Southern New England American lobster stock, reduce exploitation of the stock by 10 percent, reduce

latent effort, and scale the size of the Southern New England American lobster fishery to the stock. The following conservation measures, by Lobster Conservation Management Area, are approved for the start of fishing year 2015 (May 1, 2015):

- Area 2: Mandatory v-notching of egg-bearing female lobsters;
- Area 3: Minimum carapace size increase to 3 17/32 inches;
- Area 4: Mandatory v-notching of egg-bearing female lobsters, and an annual seasonal closure from February 1 through March 31; and
- Area 5: Mandatory v-notching of egg-bearing female lobsters, and
- annual trap allocations for Areas 2 and 3 will also approved for the start of fishing year 2016.

Area 2 trap allocations will be reduced by 25 percent starting in fishing year 2016, and by 5 percent each following year over a 5-year period. Similarly, Area 3 trap allocations will be reduced by 5 percent each year starting in fishing year 2016 for a 5-year period. Revised allocations based on the first year of trap reductions and participation in the trap transfer program subsequent transfers during 2015 will take effect on May 1, 2016.