



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



Status Report of Northeast Region Actions

Prepared for the April 22-24, 2014
Meeting of the
New England Fishery Management Council

April 21, 2014

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New England Council Actions

Groundfish

Final Rule Allowing Sector Vessels into the Nantucket Lightship Year-Round Closed Area

On December 16, 2013, we published an interim final rule in the Federal Register (78 FR 76077) that allowed sector vessels to fish in portions of the Nantucket Lightship Year-Round Closed Area with selective gear for the duration of fishing year 2013. Because we originally proposed 100% industry-funded at-sea monitoring in the Nantucket Lightship Closed Area, we solicited public comment on our modified coverage level until January 15, 2014.

We have received comments, and published a final rule on April 21, 2014 that addresses those comments, but the final rule does not modify any measures from the interim final rule. For additional information, please contact William Whitmore at (978) 281-9182 or email at William.Whitmore@noaa.gov

Trimester Closure and Trip Limit Adjustments for Common Pool Vessels

On April 9, 2014, NMFS published a temporary rule in the Federal Register (79 FR 19497) announcing a closure to the Georges Bank cod Trimester Total Allowable Catch Area for common pool vessels using trawl, sink gillnet, and longline/hook gear. This was done to prevent an overage of the Trimester 3 quota. NMFS also adjusted the trip limit of Georges Bank cod to zero, in order to prevent an overage of the annual quota. Lastly, NMFS adjusted the trip limit for Southern New England/Mid-Atlantic winter flounder to allow vessels to catch more of that stock. The action was effective April 9, and remains in effect until April 30, 2014. For more information, please contact Liz Sullivan at (978) 282-8493 or email at Liz.Sullivan@noaa.gov

Vessel Monitoring System (VMS) Catch Reporting Requirements and Unused Catch Carryover

On March 17, 2014, NMFS published a proposed rule in the Federal Register to modify the VMS catch reporting for vessels declared to fish in the Eastern U.S./Canada Area. The revision to the reporting requirement is necessary to better ensure accurate and timely Eastern U.S./Canada Area catch reporting for quota monitoring purposes. This rule also announced and the *de minimis* amount of unused FY 2013 sector annual catch entitlement (ACE) that may be carried over, beginning in FY 2014, without being subject to potential accountability measures. The comment period ended April 16, 2014, and a final rule is expected to publish in May. For more information on the VMS reporting requirements, please contact Liz Sullivan at (978) 282-8493 or email at Liz.Sullivan@noaa.gov. For information on the unused ACE carryover amount, please contact Mike Ruccio at (978) 281-9104 or email at Michael.Ruccio@noaa.gov

Framework Adjustment 51 (FW 51)

On April 22, 2014, NMFS published a final rule in the Federal Register that partially approved FW 51, and implements the approved measures. This action sets catch limits for groundfish stocks, revises the rebuilding programs for Gulf of Maine cod and American plaice, modifies management measures for yellowtail flounder, and revises management measures for the U.S./Canada Management Area. This final rule also sets fishing year 2014 trip limits for the common pool fishery and announces 2014 accountability measures for windowpane flounder. For more information, please contact Sarah Heil at (978) 281-9257 or email at Sarah.Heil@noaa.gov.

Fishing Year (FY) 2014 Sector Operation Plans

A total of 19 sectors submitted a proposed operations plan and contracts for FY 2014. The operations plans include the sectors' operating rules and proposed regulatory exemptions. Sectors rosters were received March 6, 2014. A proposed rule published March 17, 2014, the comment period ended April 1, 2014, and a final rule is expected to publish in soon. For more information, please contact Brett Alger at (978) 675-2153 or email at Brett.alger@noaa.gov

Fishing Year 2014 Recreational Management Measures

On April 22, 2014, NMFS published an interim final rule in the Federal Register 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

None at this time

Monkfish

Monkfish Emergency Measures Expire

The 2013 monkfish emergency measures expire **April 30**. The 2012 monkfish landing limits will be reinstated until any increased limits approved under Framework Adjustment 8 can be implemented sometime early this summer. We will be sending a bulletin summarizing these limits to permit holders. For additional information, please contact Douglas Christel at (978) 281-9141 or email at douglas.christel@noaa.gov.

Herring

Final Rule for the Adjusted 2014 Herring Specifications

NMFS published a final rule in the Federal Register on March 19, 2014 (79 FR 15253). This rulemaking adjusts the 2014 specifications to account for catch overages and underages in 2012. In 2012, catch exceeded the sub-ACLs (annual catch limits) in Herring Management Areas 1B (overage of 1,584 mt), 2 (overage of 336 mt), and 3 (overage of 1,325 mt), but was less than the sub-ACL for Area 1A (underage of 3,366 mt) and the stockwide ACL. Therefore, in 2014, the sub-ACL for Area 1A is 33,967 mt (increased from 31,200 mt); the sub-ACL for Area 1B is 3,016 mt (reduced from 4,600 mt); the sub-ACL for Area 2 is 29,664 mt (reduced from 30,000 mt); and the sub-ACL for Area 3 is 40,675 mt (reduced from 42,000 mt). For more information, please contact Carrie Nordeen at (978) 281-9272 or email at carrie.nordeen@noaa.gov.

Final Rule for Atlantic Herring Fishery: Amendment 5

NMFS published a final rule in the Federal Register on February 13, 2014 (79 FR 8785). This rule implements approved measures in Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP). to: Improve the collection of real-time, accurate catch information; enhance the monitoring and sampling of catch at-sea; and address bycatch issues through responsible management. The approved measures include: Revising fishery management program provisions (permitting provisions, vessel notification requirements, measures to address herring carrier vessels, regulatory definitions, and requirements for

vessel monitoring systems); expanding vessel requirements to maximize observers' ability to sample catch at-sea; minimizing the discarding of unsampled catch (commonly known as slippage); addressing the incidental catch and bycatch of river herring; and revising the criteria for midwater trawl vessels' access to Northeast multispecies (groundfish) closed areas. NMFS disapproved three measures in Amendment 5. These measures included: 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 an industry contribution of \$325 per day toward observer costs. NMFS disapproved these three measures because it believes they are inconsistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other applicable law. Therefore, these three measures were not implemented in this action. For more information, please contact Carrie Nordeen at (978) 281-9272 or email at carrie.nordeen@noaa.gov.

Skate

Advance Notice of Proposed Rulemaking

NMFS published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register on March 31, 2014 (79 FR 18002), at the request of the New England Fishery Management Council. This action announces a control date of March 31, 2014, which may be used in limiting the number of participants in the skate fishery for uses other than bait. The number of skate permits has fluctuated over time, and the Council is concerned that conditions in other fisheries may shift effort onto skates before a limited entry program can be established. The ANPR may be obtained at <http://www.nero.noaa.gov/sustainable/species/skate/>. For additional information, please contact Carly Bari at (978) 281-9224 or email at carly.bari@noaa.gov.

Atlantic Deep-Sea Red Crab

Proposed Rule for 2014-2016 Specifications for the Atlantic Deep-Sea Red Crab Fishery

NMFS published a proposed rule in the Federal Register on March 11, 2014 (79 FR 13607), proposing the 2014-2016 specifications for red crab. The comment period closed on March 26, 2014. The proposed action would maintain an annual catch limit and total allowable landings level that is the same as those set for the 2011-2013 fishing years. There has not been an update to the red crab stock assessment since 2009 and therefore there are no changes to the specifications that are currently in place. We expect to publish a final rule soon. For additional information, please contact Carly Bari at (978) 281-9224 or email at carly.bari@noaa.gov.

Mid-Atlantic Council Actions

Summer Flounder, Scup and Black Sea Bass

Summer Flounder Quota Transfers

NMFS published a temporary rule in the Federal Register on March 7, 2014 (79 FR 12958), that transferred 132,788 lb of commercial summer flounder quota from North Carolina to Virginia. The revised summer flounder quotas for calendar 2014 were: North Carolina, 2,993,041 lb; and Virginia, 2,560,571 lb. This transfer was prompted by safe harbor landings in Virginia by North Carolina vessels.

NMFS published a temporary rule in the Federal Register on March 19, 2014 (79 FR 15252), that transferred 14,820 lb of commercial summer flounder quota from North Carolina to Virginia, and 4,833 lb of commercial summer flounder quota from North Carolina to New Jersey. The revised summer flounder quotas for calendar year are: North Carolina, 2,973,379 lb; Virginia, 2,575,400 lb; and New Jersey, 1,909,656 lb. These transfers were prompted by safe harbor landings in Virginia and New Jersey by North Carolina vessels.

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.

Spiny Dogfish

Spiny Dogfish Notice of Availability and Proposed Rule for Amendment 3

A Notice of Availability (NOA) for Amendment 3 to the Spiny Dogfish FMP published in the Federal Register on March 26, 2014 (79 FR 16752). The comment period on the amendment closes May 27, 2014. The Decision Date for Amendment 3 will be June 26, 2014. The proposed rule for Amendment 3 published April 10, 2014 (79 FR 19861). The comment period on the proposed rule closes May 12, 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, please contact Tobey Curtis at (978) 281- 9273 or e-mail at toby.cutis@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish (MSB)

Final Rule for Amendment 14 to the Mackerel, Squid, and Butterfish (MSB) Fishery Management (FMP)

NMFS published the final rule for Amendment 14 to the MSB FMP in the Federal Register on February 24, 2014 (79 FR 10029). Amendment 14 was developed by the Mid-Atlantic Council to improve the catch monitoring program for the MSB fisheries, with a focus on better evaluation of the incidental catch of river herring and shad, and to address river herring and shad bycatch issues in the mackerel fishery. The approved measures include: Revising vessel reporting requirements (vessel trip reporting frequency, pre-trip and pre-landing vessel notification requirements, and requirements for vessel monitoring systems); expanding vessel requirements to maximize observer's ability to sample catch at-sea; minimizing the discarding of unsampled catch; and a measure to allow the Mid-Atlantic Council to set a cap on river herring and shad catch in the mackerel fishery.

On November 7, 2013, NMFS disapproved three measures in Amendment 14: 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 increased observer coverage on limited access midwater trawl and small-mesh bottom trawl mackerel trips, coupled with an industry contribution of \$325 per day toward observer costs. NMFS disapproved these measures because it determined that they are inconsistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law. For additional information, please contact Aja Szumylo at (978) 281-9195 or e-mail aja.szumylo@noaa.gov.

Final Rule for 2014 Specification Mackerel, Squid, and Butterfish Fisheries

NMFS published a final rule in the Federal Register on April 4, 2014 (79 FR 18834), for specifications in the 2014 MSB Fisheries. Specifications for longfin squid and *Illex* squid were set for 3 years in 2012 (2012-2014). Similarly, specifications for Atlantic mackerel were set for 3 years in 2013 (2013-2015). Therefore, specifications for these species were not included in this year's specification rulemaking. This year's action: (1) Increased the 2014 butterfish allowable biological catch by 8 percent (from 8,400 mt to 9,100 mt) and the 2014 butterfish landings limit by 24 percent (from 2,570 mt to 3,200 mt) compared to 2013; (2) set a 236-mt cap on river herring and shad catch in the mackerel fishery, which was effective immediately and applied retroactively to cover river herring and shad catch in the mackerel fishery since January 1, 2014; (3) raised the post-closure possession limit for longfin squid to 10,000 lb for vessels targeting *Illex* squid after a Trimester II longfin squid closure; and (4) changed the butterfish Phase 3 trip limit to 600 lb (from 500 lb) for longfin squid/butterfish moratorium permit holders to make it consistent with the incidental butterfish trip limit. For additional information, please contact Aja Szumylo at (978) 281-9195 or e-mail aja.szumylo@noaa.gov.

Final Rule for Framework Adjustment 8 to the Mackerel, Squid, and Butterfish FMP

NMFS published a final rule in the Federal Register on April 2, 2014 (79 FR 18478). Framework 8 allocates the butterfish discard cap among the trimesters in the same percentages used for the trimester allocations for longfin squid: 43 percent to Trimester I (January to April); 17 percent to Trimester II (May to August), and 40 percent to Trimester III (September to December). Each trimester will close when it is estimated that 95 percent of the butterfish discard cap has been taken. In addition, Framework 8 allows NMFS to transfer, in either direction, a certain amount of unused quota between the butterfish landing allocation and the discard cap on the longfin squid fishery. This would occur near the end of the year in order to optimally utilize the butterfish that is available for fishing each year. For additional information, please contact Aja Szumylo at (978) 281-9195 or e-mail aja.szumylo@noaa.gov.

Tilefish

The 2013 Tilefish Individual Fishing Quota (IFQ) Cost Recovery bills have been issued. 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 annual tilefish IFQ cost recovery bills on March 27, 2014. The 2013 fee percentage was 0.6214 percent based on total recoverable costs of \$35,966 and total value of tilefish IFQ landings of \$5,787,335. This is an increase in recoverable costs from the previous year, which were \$14,242 (0.2650 percent). Bills must be paid online through our Fish-OnLine website, and all payments are due by May 10, 2014. The annual report of the Tilefish IFQ Cost Recovery Program will be available at the next Council meeting in June. For additional information please contact Douglas Potts at 978-281-9341

Surfclam and Ocean Quahog

None at this time.

Other Actions

Lobster

NMFS published a final rule in the Federal Register (79 FR 19015) on April 7, 2014. 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. For additional information please contact Peter Burns, Fishery Policy Analyst at (978) 281-9144.

Paperwork Reduction Act Request for Comments

Atlantic Sea Scallops

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.

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 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

Research Document Application Review Completed

On April 16, 2014, the University of Rhode Island was issued EFPs to conduct research trips and 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 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 RSA compensation fishing in support of the Mid-Atlantic RSA NEAMAP 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.

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 carly.bari@noaa.gov.

On March 11, 2014, Normandeau Associates (NAI) was issued a letter of acknowledgement (LOA) to conduct winter flounder research. This study will build on previous work and continue to obtain data on the number of adult winter flounder in the local spawning area near the Pilgrim Nuclear Power Station in Western Cape Cod Bay. The data will be used to generate a population model for this area. Research tows will be carried out on the F/V Shearwater using a Yankee trawl net with modified top wing, 70-foot sweep, 50-foot headrope, 190-mesh fishing circle, 6-inch stretch mesh, 6.5-inch square mesh cod-end, and a 2-inch stretch mesh codend liner.

Approximately 10 research days are planned to be used consecutively, weather permitting, between April 10, 2013, and May 20, 2013. Each research day will be approximately 10 hours and consist of 8 to 10 tows. The chief scientist will supervise sampling operations on board the vessel and process the catch (i.e., record quantity, length, sex and maturity of all winter flounder, and recaptures of tagged fish). NAI will generate a report from this study and will send it to NOAA Fisheries Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center. The vessel will not retain any regulated finfish or lobster. However, a portion of the longhorn sculpin catch will be retained and landed for sale. For additional information please contact Liz Sullivan at (978) 281-9493 or email Liz.Sullivan@noaa.gov.