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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 June 28-30, 2022
Meeting of the
New England Fishery Management Council

June 24, 2022

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New England Council Actions

Small-Mesh Multispecies

None at this time.

Groundfish

Amendment 23

On April 12, 2022, NOAA's National Marine Fisheries Service (NMFS) approved Amendment 23 to the Northeast Multispecies Fishery Management Plan (FMP), including all the management measures recommended by the New England Fishery Management Council. NMFS is developing a final rule to implement Amendment 23 and address the comments received, and anticipates implementing the measures this summer. For additional information, please contact Mark Grant at (978) 281-9145 or email at Mark.Grant@noaa.gov.

Framework 63

On April 20, 2022, NMFS published a proposed rule in the *Federal Register* (87 FR 23482) to solicit comments on Framework Adjustment 63 to the Northeast Multispecies FMP. This action would set catch limits for 5 of the 20 multispecies (groundfish) stocks, adjust recreational measures for Georges Bank cod, and revise the default specifications process. The comment period closed on May 5, 2022. For additional information, please contact Liz Sullivan at (978) 282-8493 or email at Liz.Sullivan@noaa.gov.

2022 Sector Rule

On April 27, 2022, NMFS published a final rule that allocated 2022 quota to groundfish sectors under the Northeast Multispecies FMP. The rule also announced default specifications for Eastern Georges Bank (GB) cod and haddock. Because a final rule for Framework 63 was not yet in place, allocations to sectors in the rule were based on existing 2022 specifications and the announced defaults for Eastern GB stocks. The rule also disapproved four novel sector exemptions and made minor administrative changes to previously approved sector operations plans. For additional information, please contact Kyle Molton at (978) 281-9236 or email at Kyle.Molton@noaa.gov.

2022 Audit Model Electronic Monitoring (EM) Program Video Footage Review Rate

On June 15, 2022, NMFS announced that, for fishing year 2022, the EM video footage review rate for the audit model program will be 35 percent of sector trips for vessels experienced with EM and 50 percent for vessels that are new to EM. Experienced vessels are defined as those that participated in the audit model EM program while it operated under an exempted fishing permit and took a minimum of one sector trip in the operational audit model program in fishing year 2021. Experienced vessels have multiple years of experience with EM and the associated catch

handling and reporting requirements. Vessels that are new to the audit model will remain at a 50 percent video footage review rate in 2022 to allow more opportunities for feedback on their catch handling and reporting performance. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at Claire.Fitz-gerald@noaa.gov.

Scallops

Northern Gulf of Maine Scallop Management Area Closure

A temporary rule closing the Limited Access General Category (LAGC) scallop fishery in the Northern Gulf of Maine filed on May 24, 2022. The fishery closure was required because NMFS projected that 100 percent of the LAGC total allowable catch would be landed by May 26, 2022, based on the landings and catch data that were available. This temporary rule was effective on May 26, 2022 and expires on March 31, 2023. For additional information, please contact Louis Forristall at (978) 281-9321 or email at Louis.Forristall@noaa.gov.

Herring

None at this time.

Monkfish

2022 Specifications

On April 21, 2022, NMFS published a final rule in the *Federal Register* (87 FR 23767) to implement specifications for the 2022 monkfish fishery, effective May 1, 2022, through April 30, 2023. NMFS reviewed available 2020 and 2021 fishery information and determined that there were no annual catch limit overages or new biological information that would require altering the projected 2022 specifications first published in the final rule for Framework Adjustment 12 to the Monkfish FMP (85 FR 57986). For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

Atlantic Deep-Sea Red Crab

None at this time.

Skate

Approval Decision for Amendment 8

On June 22, 2022, NMFS made a final decision to approve Amendment 8 in its entirety to the Northeast Skate Complex FMP. This amendment revises two of the seven management objectives of the Skate FMP, as recommended by the Council, to update guidance for regulatory decisions and ensure that skate management continues to reflect and address the current needs and condition of the fishery. The public comment period was open through May 31, 2022, and one

comment was received. A final rule will be published in late June or early July. 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

On April 7, 2022, NMFS published a final catch specifications action in the *Federal Register* (87 FR 20348) implementing status quo catch specifications for the 2022 Atlantic spiny dogfish fishery, and increasing 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 adjustment to the commercial trip limit is intended to better enable industry to achieve the coastwide quota, while minimizing risk of negative impacts to the resource or markets. The public comment period for this proposed rule was open through March 14, 2022, and five comments were received. No changes were made as a result of those comments, and this action was effective on May 1, 2022 for the start of the 2022 fishing year. 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

2022 Recreational Management Measures

On June 9, 2022, NMFS published a final rule for the 2022 summer flounder, scup, and black sea bass recreational management measures. The rule adopts conservation equivalency, for 2022, for summer flounder and black sea bass. State, or regional measures can be liberalized to achieve up to a 16.5 percent increase in summer flounder harvest, and a harvest reduction of at least 20.7 percent is required for black sea bass. We proposed a closure of the Federal scup fishery, but we are not implementing the closure. We have decided to adopt a 1-inch minimum size increase for scup, given a number of factors including the social and economic impacts, stock status, and anticipated Council and Board action on recreational reform. For additional information, please contact Emily Keiley at 978-281-9116, or email at Emily.Keiley@noaa.gov.

Surfclam and Ocean Quahog

None at this time.

Atlantic Bluefish

None at this time.

Quota Transfers

Summer Flounder

On May 31, 2022, NMFS published a notice (87 FR 32327) of a summer flounder quota transfer from the Commonwealth of Virginia to the State of Rhode Island. Virginia transferred 6,111 lb of summer flounder commercial quota to Rhode Island through mutual agreement of the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. For additional information please contact Laura Deighan at (978) 281-9184 or Laura.Deighan@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish

On May 10, 2022, NMFS published a rule reaffirming the 2022 specifications in the *Federal Register* (87 FR 27952) for the chub mackerel, butterfish, longfin squid, and *Illex* squid fisheries, based on the most recent scientific information. The proposed rule for the 2021-2023 specifications, published on May 26, 2021, provided the public with the opportunity to comment on the specifications, including the projected 2022 through 2023 specifications. This rule contains no changes from the projected 2022 specifications that were included in both the May 26, 2021 (86 FR 28323), proposed rule and the July 22, 2021 (86 FR 38586), final rule. No changes were made as a result of those comments. For additional information, please contact Aly Pitts at (978) 281-9352 or email at Alyson.Pitts@noaa.gov.

Tilefish

None at this time.

Other Actions

Paperwork Reduction Act

None at this time.

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

The Northeast Fisheries Science Center submitted a complete application for an Exempted Fishing Permit (EFP) in support of its Study Fleet program on February 7, 2022. The proposed research would allow Study Fleet participants to possess catch that is below minimum size restrictions and above possession limits for the purpose of biological sampling. A notice (87 FR 27133) soliciting public comment on the application published on May 6, 2022, and the comment period ended on May 23, 2022. For additional information, please contact Louis Forristall at (978) 281-9321 or email at Louis.Forristall@noaa.gov.

On April 8, 2022, NMFS received a complete application for an EFP from the NOAA Northeast Fisheries Science Center to continue trials of on-demand fishing gear aimed at reducing the entanglement risk to protected species, mainly the North Atlantic right whale, in the American lobster and Jonah crab fishery. This project would allow up to 100 vessels to replace up to 10 of their existing trawls (up to 1,000 trawls total) with modified trawls that replace one or both vertical lines with acoustic on-demand systems and other alternatives to static buoy lines (including, but not limited to, spooled systems, buoy and stowed rope systems, lift bag systems, and grappling). This project would include the opportunity for up to 30 of the participating vessels at a time to trial gear (up to 300 trawls total) without static vertical lines in Atlantic Large Whale Take Reduction Plan (ALWTRP) Restricted Areas. This project would also allow up to 25 vessels to retrieve buoyless gear via grappling (up to 250 trawls total) to enable the Center to collect data on the viability of grappling at a commercial scale. To allow for testing gear in a variety of oceanographic conditions, fishing locations would be determined based on where fishermen are willing to participate and data collection will be useful as the project progresses. The project would also trial gear marking systems to determine the ability to consistently relocate fishing gear and improve the ability to notify other fishermen that the gear is present. This EFP does not exempt the vessels from any requirements imposed by any state, the Endangered Species Act, the Marine Mammal Protection Act, or any other applicable laws. Other than gear markings, all trap trawls would be consistent with the regulations of the management area where the vessel is fishing and would include no more than 50 traps per trawl. For additional information, please contact Laura Deighan at (978) 281-9184 or Laura.Deighan@noaa.gov.

On April 29, 2022, the Gulf of Maine Research Institute (GMRI) requested the issuance of an EFP to pilot a third-party dockside monitoring (DSM) program in support of maximized retention electronic monitoring (MREM) for the Northeast multispecies fishery. The third-party DSM pilot

would operate through the remainder of the 2022 fishing year (i.e., April 30, 2023). The EFP would authorize GMRI to operate a third-party pilot for a subset of MREM vessels while the MREM program operates under an EFP, and would exempt MREM vessels from the DSM requirement proposed in Amendment 23 to the Northeast Multispecies FMP to participate in either an independent third-party DSM program approved by NMFS, or the DSM program operated by NMFS at 50 CFR 648.11(l)(10)(i)(D). NMFS intends to publish a notice in the *Federal Register* soliciting public comments on this proposal in the near future. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at Claire.Fitz-Gerald@noaa.gov.

Research Permits and Acknowledgments – Application Review Completed

On April 11, 2022, NMFS issued an EFP to Arizona State University in order to facilitate use of Research Set-Aside (RSA) Days-At-Sea (DAS) awarded for fishing year 2021, which ends on April 30, 2022. The EFP allows vessels to be exempt from monkfish landing limits at 50 CFR 648.94(b)(1) and (2) while on monkfish RSA DAS. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On April 26, 2022, NMFS issued a Scientific Letter of Acknowledgement (LOA) to the Maine Department of Marine Resources to support ongoing halibut tagging research. Vessels will target halibut using longline gear in inshore waters of the Gulf of Maine and tag halibut with data storage and acoustic tags before release. Activities will occur during the summer and early fall. For additional information, please contact Kyle Molton at (978) 281-9236 or email at Kyle.Molton@noaa.gov.

On April 26, 2022, NMFS issued an EFP to Pioneers for a Thoughtful Co-existence Incorporated to allow three federally permitted vessels to conduct on-demand testing of ropeless lobster gear in discrete areas in Federal waters of the Massachusetts Bay Restricted Area. The EFP was valid through April 30, 2022. For additional information, please contact Laura Hansen at (978) 281-9225, or email at Laura.Hansen@noaa.gov.

On April 28, 2022, NMFS issued an EFP to the Atlantic Offshore Lobstermen's Association to continue research on the spatial and temporal distribution and abundance of early and late stage American lobster larvae and their likely zooplankton prey. The project will use one federally permitted commercial vessel to conduct three 15-minute tows with a neuston net at a single offshore site on up to 10 sampling days during regular commercial fishing trips. Lobster larvae and any zooplankton will be collected in 500mL bottles, landed, and transferred to the researchers. The project team expects one bottle per tow, for a total of up to 30 sample bottles. For additional information, please contact Laura Deighan at (978) 281-9184 or Laura.Deighan@noaa.gov.

On April 28, 2022, NMFS issued an EFP to the Atlantic Offshore Lobstermen's Association to pilot test a lobster trap designed to target juvenile lobsters with a carapace length between 15 and 50 millimeters. The trap is based on the design of a modified crawfish trap. This study will place one modified trap on an existing trawl in statistical area 561, 562, or 525. The participants will

haul the trap every 7-14 days during the vessel's regular fishing activity with a maximum of 26 experimental hauls between May 1 and Nov 1, 2022. The goal of this study is to determine the feasibility of broader use of the early benthic phase trap. If successful, the traps would offer an alternative to ventless traps that often catch eels and crabs and would provide information about lobster's larval settlement patterns and juvenile nursery grounds. For additional information, please contact Laura Deighan at (978) 281-9184 or Laura.Deighan@noaa.gov.

On April 29, 2022, NMFS issued an EFP extension to the Gulf of Maine Research Institute (GMRI) in support of their ongoing project to develop a maximized retention electronic monitoring program to meet monitoring requirements for the Northeast multispecies fishery. Under the EFP, participating vessels are required to retain all catch of allocated groundfish. Vessels are required to use electronic monitoring on 100 percent of sector trips and the video footage is used to confirm that vessels complied with retention requirements. Catch is assessed via a dockside monitoring program. The EFP also exempts participating vessels from the following regulations: Portions of Northeast multispecies closed areas; minimum fish sizes, minimum mesh sizes, and sector third-party monitoring requirements. The EFP is extended through September 1, 2022. For additional information, please contact Claire Fitz-Gerald at (978) 281-9255 or email at Claire.Fitz-Gerald@noaa.gov.

On May 5, 2022 NMFS issued a Scientific LOA to the Cornell Cooperative Extension (CCE) in support of trawl surveys in the South Fork Wind Farm area. The surveys will operate for five days each season (spring, summer, fall, winter). For additional information, please contact Samantha Tolken at (978) 675-2176 or email at Samantha.Tolken@noaa.gov.

On May 16, 2022, NMFS issued a Scientific LOA to the University of Massachusetts, Dartmouth, School for Marine Science and Technology (SMAST) in support of a survey in and around the Vineyard Wind development area. The goal of this project is to collect baseline data on benthic habitats and species that can be used in future assessments evaluating the environmental impacts of wind farm development in the Vineyard Wind development area. Two survey trips will be conducted between May and December 2022. During each of these trips, SMAST will partner with a commercial fishing vessel to deploy a drop camera pyramid at a series of survey stations in the Vineyard Wind lease area and in an adjacent control area. For more information, please contact Maria Fenton at 978-281-9196 or email at Maria.Fenton@noaa.gov.

On May 19, 2022, NMFS issued a Scientific LOA to the University of Maine in support of the annual Sentinel Survey Fishery. Vessels will conduct sampling of the groundfish resource in the Eastern Gulf of Maine from June 1, 2022 through April 30, 2023. For additional information, please contact Spencer Talmage at (978) 281-9232 or email at Spencer.Talmage@noaa.gov.

On May 31, 2022, NMFS issued a Scientific LOA to Rutgers University to conduct research on the impacts of multiple environmental stressors on surfclam aquaculture. This project will plant surfclams of approximately 12 millimeters in size in eight cages off the coast of New Jersey. The cages will remain in the water year round from September 1, 2022, to October 31, 2023. The cages will be placed on the seafloor at depths of approximately 10 to 15 meters and marked with two 18-inch polyform orange buoys for retrieval. A bridle on each cage will attach it to a 40-foot long (minimum), 1-inch Polysteel braided-rope sinking retrieval line with weak-links designed to

break when exposed to 1,700 pounds of tension. Rutgers personnel will accompany vessels to collect data and samples approximately every 4 months. For additional information, please contact Laura Deighan at (978) 281-9184 or Laura.Deighan@noaa.gov.