

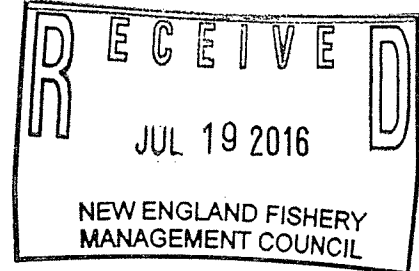
CORRESPONDENCE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

JUL 14 2016



Dear Tom:

Thank you for your April 22, 2016, letter with comments on the electronic monitoring (EM) exempted fishing permit (EFP) application submitted by The Nature Conservancy (TNC). We have been collaborating for several years with TNC, the Gulf of Maine Research Institute (GMRI), and several groundfish sectors to design and implement an EM program in the groundfish fishery as an alternative to the at-sea monitoring (ASM) program. The goal of this collaboration has been to develop an EM program that uses data from video to verify and validate the accuracy of discards reported on electronic vessel trip reports (eVTRs) (i.e., the audit model). In a fully implemented generic program of this type, video would be running on every sector trip, for the entire trip, and a third-party would review a portion of the video from these trips to audit the operator-reported discards. We initially targeted the 2016 fishing year for implementation of an audit model suitable for the groundfish fishery. However, due to unresolved program requirements that have significant cost implications, this was not feasible. Additionally, the funding and coverage uncertainties for the ASM program last fall made it difficult for the fishing industry to commit to a fully implemented EM program.

I issued an EFP to 12 vessels on May 25, 2016, allowing those vessels to use EM instead of an at-sea monitor beginning June 1, 2016. The EFP helps advance EM towards full implementation, encourages vessel participation in the 2016 fishing year, and allows us and our partners to further explore and develop solutions to unresolved issues with the audit model, such as the amount of video that needs to be reviewed, pass/fail audit thresholds, and best practices for catch handling. Under the EFP, 100 percent of the video from these trips will be reviewed and used to identify and enumerate discards of groundfish species. The fundamental differences between the EFP and the audit model are: 1) EM video will be used to identify discards instead of validating the vessel's eVTR; and 2) EM systems will only be required to operate for trips that are selected for Northeast Fisheries Observer Program (NEFOP) or ASM coverage instead of being on for all sector trips. The approach approved under the EFP is limited in scope and scale; however, it is not an EM approach that we would pursue for full implementation in the fishery. We would like to respond to the technical issues raised by the Council and your staff related to this EFP:



JC ~ 7/15/16

1. *Vessel Selection - The EFP proposes that participating vessels would turn on EM units only when a vessel is selected for ASM or NEFOP coverage. Doing so will prevent any determination of whether EM can help to reduce observer effects. The purpose of the project is to demonstrate that EM is a replacement for ASM. It is unclear why EM would not be on for the duration of all trips – rather than for select trips.*

The EFP was designed to help resolve remaining operational issues; it was not designed to investigate observer effects. It does not contend that EM will be used as a one-for-one replacement of a human monitor within the ASM program in the future. Instead, this project is intended to provide an opportunity to further evaluate the use of EM as an alternative monitoring tool to ASMs, and improve the functionality of EM systems, such as refining fish handling protocols, investigating EM data integration, and improving the timeliness of EM data submission. Further, there are unresolved issues for the audit model that data collected under this EFP may help address, such as the amount of video that needs to be reviewed to effectively audit an eVTR, specifying thresholds for passing/failing an eVTR audit, and developing best practices for species that are consistently difficult to identify using EM. These program requirements have significant cost implications and, more importantly, will ultimately ensure that an approved EM program meets necessary monitoring objectives.

We recognize that reducing observer effects is of interest to the Council and is one potential benefit of an EM program that the Council's Electronic Monitoring Working Group identified. We agree this is an issue to be considered and addressed, and as EM develops towards implementation, we will consider the potential benefit of reducing observer effects while increasing accountability and monitoring in the fishery.

2. *Sample Size - The project appears to argue that EM already meets the standards of ASM since EM is proposed to be a replacement when a vessel is selected for ASM. How can the accuracy and cost efficiency of EM be evaluated without a comparison to onboard ASM? About 900 exempted trips would form the selection pool. Perhaps some proportion of the trips selected for ASM could be a combination of ASM and EM trips to collect additional data for the purposes of comparison between the two systems.*

We have not yet approved EM, including the audit model, as a suitable alternative to the ASM program for the groundfish fishery. To allow for a comparison between observer information and EM information, the EFP requires participating vessels to turn on their EM system when selected for NEFOP coverage. Because we know that NEFOP will always exist alongside a fully implemented EM program, this EFP requirement will provide an appropriate balance between comparing data systems (i.e., EM and NEFOP), while also allowing EM data to be collected without ASMs on board. Effective data collection with two monitoring sources on the same trip is complex and can result in poor data. The EM system, observer, and captain must work together in order to collect the required data by monitoring type. We have developed vessel-specific protocols for NEFOP observers to work in tandem with crew catch handling practices, in an effort to maximize the data collection and comparison for the project.

3. *ASM Coverage Rates - How does exempting 900 trips from the pool of trips eligible for ASM affect ASM coverage rates? Sample size estimators usually generate the number of samples (trips) that are needed to meet the targeted CV standard, which is then converted to an ASM coverage rate by assuming something about the number of trips that may occur in the coming fishing year. If the total number of trips declines by 10%, does the ASM coverage rate need to increase by the equivalent 10%? Or is NMFS assuming that EM is equivalent to ASM, which appears to be what this EFP is designed to explore?*

This EFP does not exempt trips from the pool of eligible ASM trip, EM vessels are still required to notify through the Pre-Trip Notification System (PTNS), and EM trips taken under the EFP will have no impact on the overall ASM coverage rate for the 2016 fishing year. The combination of EM- and ASM-monitored trips within a sector will contribute to the overall ASM coverage target for the sector, and are treated as equivalent for that purpose. We will consider an EM trip “unobserved” if the EM provider is not able to review enough hauls and discards. EM trips deemed to be unobserved would reflect upon a sector’s achievement of its coverage target and future selection in PTNS, and we are monitoring the success of EM trips to ensure that coverage in the sector is fair and equitable.

4. *Monitoring - The project would include approximately 20 sector vessels across multiple sectors and gear types. How does NMFS intend to use this information for monitoring purposes (i.e., how to stratify EM vessels when calculating discards)? Additionally, does the project have the potential to introduce bias into the monitoring system?*

The data and derived discard rates will not be shared across the EM and ASM vessels. Within each sector, the non-EFP vessels will be monitored as they have been in previous years, using discard strata sourced from ASM and NEFOP data, with discards on unobserved trips estimated using the discard rates from the observed trips. The EFP vessels will be monitored using EM-specific discard strata sourced from EM and NEFOP data. Because the EM monitoring is a new activity, the initial discard rates will be based on the rates from the 2015 fishing year (derived from ASM and NEFOP data). As the number of trips made by EM vessels increases over the year, the cumulative discard rates for EM strata will be used for unobserved EM vessel trips, including EM trips with unusable information.

For several years now, concerns about the potential for bias have been raised in nearly all discussions about at-sea monitoring programs, whether NEFOP, ASM, or EM. The number of factors that can alter the catch on a fishing trip complicates any analyses of bias. Catch may vary from trip to trip because of changes in fishing area, target species, vessel operator, or fish availability, and it is difficult to separate such factors from the effects of sampling bias. In the case of this EFP, bias could result from the use of a new data collection method (EM) or from the segregation of EM vessels from the rest of the sector. If the concern is about a bias in the EM discard rates as compared to the ASM discard rates, the NEFOP information from trips using EM should help support some comparisons. We remain supportive of the Council’s Groundfish Plan Development Team exploration of possible observer effects and bias its review of current groundfish monitoring program.

5. *Data Integration - One potential risk of the project as described is that it creates another complexity in the catch stream that may be difficult to evaluate. Although it is not explicitly stated in the Federal Register notice, we assume that the project is testing the audit model. How will testing the audit model and the data generated through the project be integrated with other monitoring data streams? This is not just an issue for quota monitoring; it is an issue for future stock assessments. The TNC request does not identify clarifying these data handling and processing issues as an objective of the experiment, but presumably NMFS will take this opportunity to do so.*

We expect that data collected under the EFP may support analysis necessary to further develop and implement the audit model. EFP participants are required to report haul-by-haul data via eVTR, including groundfish discards by pounds and count, so that future analyses can compare eVTRs with haul-by-haul EM data. While we won't use the eVTR reported discards inseason for monitoring, the haul-level information collected from trips under the EFP will help develop audit program requirements, such as how much video to review and the pass/fail criteria.

The intent of the EFP is to improve the functionality of EM. ASM was established to supplement NEFOP coverage for discard estimation for sectors, and we do not see the limited amount of EM data collected in lieu of ASMs under the EFP affecting a sector's discard estimation or future stock assessments. However, should an audit model be implemented in the groundfish fishery in the future, it is possible that eVTR reported discards may be incorporated into a stock assessment, in addition to the other data already being used from VTRs (e.g., area fished, gear)


6. *Back-up Plan - The total number of FY 2014 groundfish trips was 9,850. What safeguards are in place, in case EM does not work as proposed, to secure reliable discard estimates for what could be approximately 10% of groundfish trips – some 900 exempted trips?*

Under the current ASM program, the majority of groundfish trips are unobserved, and discards are estimated using discard rates derived from the NEFOP and ASM trips. As noted above, under this EFP, the same approach will be used for the EM trips. The discards on EM trips with “unobserved” EM information will be estimated using the discard rates from the applicable EM stratum that includes NEFOP and EM data.

Amendment 16 to the Northeast Multispecies Fishery Management Plan approved the use of EM as a monitoring tool in the fishery. Once it is deemed sufficient, EM will be an optional program in lieu of the ASM program. The programs will have different requirements and costs. We remain supportive of efforts to implement EM in the fishery, we will continue to work with our partners to address the remaining challenges and we are hopeful that this project encourages groundfish vessels and sectors to participate in EM and its development. We remain supportive of the Council's initiative to review the current groundfish monitoring program and to consider a new dockside program and/or EM program as part of a future action to address accountability.

If you have questions about any ongoing EM program development for sectors, including this EFP, please contact Brett Alger at (978) 675-2153.

Sincerely,



John K. Bullard
Regional Administrator

cc: Bill Karp, Director, Northeast Fisheries Science Center



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NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

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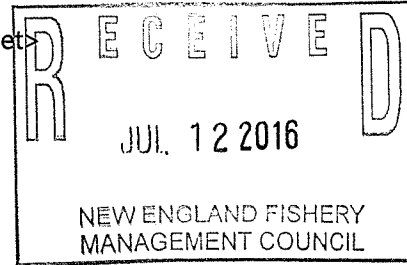
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Joan O'Leary

From: SALVATORE NOVELLO <snovello@verizon.net>
Sent: Tuesday, July 12, 2016 2:57 PM
To: sheenasteiner@noaa.gov
Cc: John Bullard; Joan O'Leary
Subject: witch flounders ESTIMATES by N.O.A.A.



TO ALL THIS CONCERNS,

This is just more POOR SCIENCE BY N.O.A.A. AGAIN ?

I have fished for witch flounder for most of my life and if N.O.A.A. CHECKS THEIR LANDING RECORDS ,my boat in 70s to 80s, was a high-liner in catching witch flounders in MA., Then in the 90s ,all new fishing regulation where put in place .

REASONS FOR LOW LANDINGS OF WITCH FLOUNDERS;

1. THE FISHING FLEET IN G.OM.HAS BEEN REDUCED FROM 2500 FISHING PERMITS TO 250 PERMITS AND STILL GOING LOWER !
NO BOATS LEFT TO FISH !!
2. MOST OF THE PRODUCTIVE WITCH FLOUNDERS AREAS HAVE BEE CLOSED SINCE THE 1990S !
- 3.N.O.A.A. RESEARCH VESSELS DO CATCH WITCH FLOUNDERS OR OTHERS FLOUNDERS BECAUSE THEY TOW TO FAST AND THEIR NET DOES NOT TEND THE OCEAN BOTTOM THAT GOOD .
- 4.ALSO WITCH FLOUNDER FOLLOWS CONTOURS OF OCEANS BOTTOMS, WHERE AS N.O.A.A. RESEARCH VESSELS TOW TO FAST IN STRAIGHT LINES !!

N.O.A.A. 'S SCIENCE MUST BE FIXED ,COMMERCIAL FISHING IS NOT A JOB , IT;S A LIFE .!

ONCE AGAIN I OFFER TO HELP N.O.A.A. FISHERIES ANY WAY I CAN

SAM NOVELLO----GLOUCESTER FISHERMAN

jc, 7/12/16



Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

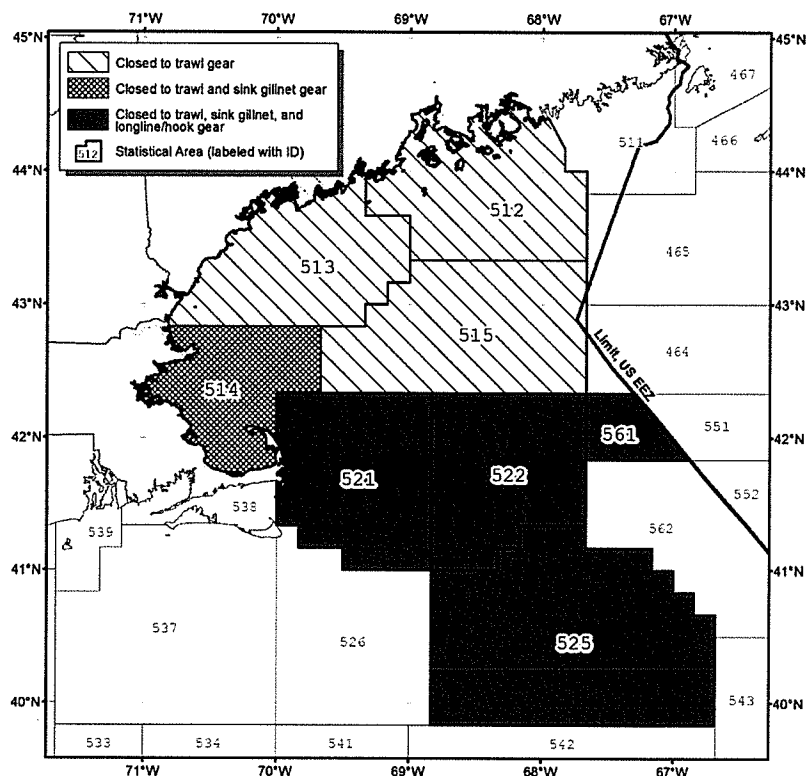
www.greateratlantic.fisheries.noaa.gov
Date Issued: 7/13/2016

Northeast Multispecies Common Pool Vessels Closure of the Trimester Total Allowable Catch Area for Georges Bank Cod *Effective Date: July 13, 2016, through August 31, 2016*

Effective at 1615 hours on July 13, 2016, statistical areas 521, 522, 525, and 561 are closed for the remainder of Trimester 1 through August 31, 2016, to all common pool vessels on a groundfish trip fishing with trawl, sink gillnet, or longline/hook gear, including handgear vessels. This closure is required because 90 percent of the Trimester 1 Total Allowable Catch (TAC) for Georges Bank cod was projected to be caught. This area will reopen at the beginning of Trimester 2, at 0001 hours, September 1, 2016.

If you have crossed the vessel monitoring system demarcation line and are currently at sea on a groundfish trip, you may complete your trip in all or part of the newly closed areas.

Please see the map for current common pool closures, by gear type. All areas reopen September 1, 2016.



Frequently Asked Questions

Why is this action being taken?	To avoid quota overages, we are required to close the Trimester TAC Area to gear capable of catching a stock when we project that 90 percent of the Trimester TAC is caught.
How much of the quota has been caught?	Based on recent data, we project 90 percent of the Trimester 1 quota for Georges Bank cod will be harvested the week of July 11, 2016. Quota monitoring reports are updated on the internet at: http://www.greateratlantic.fisheries.noaa.gov/ .
What happens if the Trimester TAC is exceeded? Underharvested?	If the Trimester 1 or Trimester 2 TAC for a stock is exceeded, the overage is deducted from the Trimester 3 TAC. Any unused portion of the Trimester 1 or Trimester 2 TAC for the stock is carried forward to the following Trimester. No unused portion of the Total TAC is carried over to the following fishing year.
What happens if the annual quota is exceeded?	If the 2016 fishing year quota is exceeded, the amount of the overage will be deducted from the common pool's quota next year (i.e., fishing year 2017).

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

June 30, 2016

Mr. James F. Bennett
Chief of Office of Renewable Energy Programs
Bureau of Ocean Energy Management
45600 Woodland Rd.
Sterling, VA 20166.

Dear Mr. Bennett:

The New England Fishery Management Council (Council, NEFMC) is responsible for developing management plans that regulate the harvest of marine finfish and shellfish in federal waters, in collaboration with NOAA's National Marine Fisheries Service. At our June 21, 2016 meeting we received an informative briefing from BOEM staff and discussed our concerns regarding the New York Wind Energy Area (NY WEA). We appreciate the willingness of renewable energy staff to participate in our meetings and address the Council's questions. While Council-managed fisheries tend to be concentrated in waters offshore the New England states (Maine to Connecticut), we have primary or shared responsibility for management of resources that are harvested from the New York Bight including within the WEA. These fisheries target a variety of resources including scallops, monkfish, and groundfish, with the scallop fishery having the most significant overlap with the NY WEA of those resources managed by NEFMC. Given the importance of the NY WEA to fisheries we manage, we developed the following comments related to leasing, site assessment, and future development of the NY WEA. The comments below include concerns about process as well as specific comments on the contents of the environmental assessment.

As an overarching observation about the wind energy development process, Council membership and fishery stakeholders in general have struggled with how to respond to the narrow scope of the alternatives analyzed in the environmental assessment (EA) and associated leasing announcement, versus reacting to the impacts that might result from a full scale wind farm operation. We appreciate that the EA is intended to evaluate the impacts associated with leasing and site assessment only, and we agree that substantial amounts of direct displacement of fishing activities are unlikely to result from site assessment activities alone. However, a primary concern of the fishing industry is exclusion from built out wind energy areas. There is no information in this EA and little information in the programmatic EIS (MMS 2007) to help the industry understand whether exclusion would happen under a range of scenarios (see MMS 2007 Volume 2, Chapter 5, page 5-136). Concerns about exclusion are of particular importance in this WEA because it lies between two traffic separation lanes which also constrain fishing vessel operations.

The EA notes in the cumulative effects analysis that it would be premature to speculate on construction and operations impacts as specific projects have not been proposed, and technology is changing rapidly. As a result, the development of a commercial wind farm is not considered a reasonably foreseeable future action in this EA. This conclusion is difficult to understand, since

the whole purpose of the proposed action is the belief that it will lead to development of a commercial project. Indeed, even Secretary of the Interior Jewell recognized this probability with her statement during announcement of the lease: "This is another major step in broadening our nation's energy portfolio, harnessing power near population centers on the East Coast. Offshore wind power marks a new frontier in renewable energy development, creating the path for sustainable electricity generation; job creation, and strengthening our nation's economic competitiveness. I am optimistic about New York's renewable energy future, as we work toward harnessing the enormous resource potential of wind energy offshore the Empire State." The Department of the Interior's own NEPA guidance indicates that reasonably foreseeable future actions should not be limited to projects that are funded or proposed. While we agree that the scope of the direct and indirect impacts analysis in the EA is reasonable given the alternatives considered, the cumulative effects discussion should acknowledge that a wind project in the area is a reasonably foreseeable future action. This section of the EA should highlight the potential scope of the build out, based on the original project proposal for this WEA and given currently available turbine technology.

The amount of commercial and recreational activity occurring in the area, as well as the potential for displacement of that activity, is relevant to the assessment of impacts associated with leasing. This is because the scope of fishing activity and the potential for displacement of that activity influences the scope of consultation during development of the site assessment plan. The EA would benefit from additional details regarding fishing activities in the wind energy area. A more complete understanding of these activities will inform potential lease holders regarding the extent to which they would need to consult with the fishing industry throughout the process of development, beginning with development of the site characterization plan and continuing through construction, operations, and eventual decommissioning.

Specifically, revenue and effort data from 2013 and 2014 are available and the analysis should be expanded to include these recent years. Based on our own examination of 2011-2014 data for New England-managed fisheries, we would add the skate and small mesh multispecies fisheries to the list of fisheries deriving revenue from the WEA. The EA would be more complete if it included data and maps for all fisheries with a reasonable degree of overlap, not just the scallop and squid fisheries. In addition, where possible given confidentiality requirements, it would be helpful to identify the number of vessels, size of vessels, and port of landing, rather than just providing total revenue in the WEA by fishery. This is because the impacts on individual fishing communities may be significant even when impacts on the overall fishery do not seem large. Related to this, some type of effort metric such as number of trips overlapping the WEA or days fished in the area would also be helpful. As indicated in the EA, the vast majority of revenue for New England-managed fisheries is generated by the scallop fishery. Scallops are an unusually high value species and it is difficult to compare activity in the scallop fishery vs. the squid fishery based on revenue alone. Understanding the number of trips or days fished in the WEA will be important as developers consult with the fishing industry. Finally, the EA should consider trends over time and develop a short discussion as to whether the WEA is likely to increase or decrease in importance to various fisheries during the site assessment period and beyond. In addition, it is important to consider variation in fishing activity between years. Some fishery resources are naturally variable in their distribution, and patterns of effort in the scallop fishery are strongly influenced by the rotational management system.

We were pleased to learn from our colleagues at the National Marine Fisheries Service that they are working with BOEM on an essential fish habitat consultation, and we encourage you to adopt any and all conservation measures recommended by NMFS Habitat Conservation Division. The Council and NMFS are finalizing an update to our EFH designations which will be published later this year. The NY WEA overlaps with designated EFH for the following species:

Table 1 – Species and lifestages with updated (2016) EFH designations that overlap the NY WEA. Note that these designations are not yet in effect but will be later this year, and generally represent a more refined spatial footprint as compared to the current designations. Only overfished/overfishing occurring status is noted. No data in the stock status column indicates that the stock is not experiencing overfishing and is not overfished.

Species	Fishery management plan	Lifestages overlapping WEA	Stock status
Atlantic cod	Northeast multispecies large mesh	Egg, larvae, adult	Georges Bank stock: overfished, overfishing occurring
Ocean pout	Northeast multispecies large mesh	Egg, larvae, juvenile, adult	Overfished, no overfishing occurring
Windowpane flounder	Northeast multispecies large mesh	Egg, larvae, juvenile, adult	Overfished, no overfishing occurring
Winter flounder	Northeast multispecies large mesh	Larvae, juvenile, adult	Southern New England stock: Overfished, no overfishing occurring
Witch flounder	Northeast multispecies large mesh	Egg, larvae	Overfished, overfishing occurring
Yellowtail flounder	Northeast multispecies large mesh	Egg, larvae, juvenile, adult	Southern New England/Mid-Atlantic: overfished/overfishing occurring
Red hake	Northeast multispecies small mesh	Egg, larvae, juvenile, adult	
Silver hake (whiting)	Northeast multispecies small mesh	Egg, larvae	
Monkfish	Monkfish	Egg, larvae	
Little skate	Skate complex	Juvenile	
Winter skate	Skate complex	Juvenile, adult	
Atlantic sea scallop	Atlantic sea scallop	Egg, larvae, juvenile, adult	
Atlantic herring	Atlantic herring	Juvenile, adult	

While there is limited northeast multispecies revenue within the WEA, many of the northeast multispecies species on this list are overfished or are experiencing overfishing. These are primarily New England-region species such that the area off New York does not represent a center of their current distributions, but any habitats used by these species are important to their recovery.

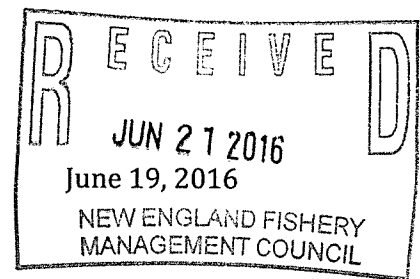
Thank you for considering our comments as you finalize the EA and prepare for leasing later this year. We would like to note that there is a growing sense that the review and approval process of this WEA is not responsive to the concerns of the fishing industry. During our discussions at a recent Council meeting, many industry representatives expressed the opinion that BOEM is not interested in taking the needs of the industry into account during the siting of wind projects. We encourage you to engage in a meaningful way with commercial and recreational fishermen. This should include a frank dialog about the potential impacts of future activities that follow directly from leasing and site assessment, including development of a construction and operations plan and buildout and operation of the windfarm. The Council is not against offshore wind development, but we do want to see a thorough and open dialog about near-term and future issues of concern to the fishing industry. The analysis in the EA should inform and support these conversations. Please contact me if you have questions.

Sincerely,



Thomas A. Nies
Executive Director

To John Bullard and NEFMC members,



On May 24th I left New Bedford on a groundfish trip carrying a NEFOP observer. I don't care one way or the other whether I have an observer or not, but I do expect them to do their job and do it correctly. I feel they should be held to the same or higher standard as NOAA and OLE holds me and other fishermen too.

If I made the same mistakes as this observer did I would be getting a verbal warning at the very least or a monetary fine from OLE at worst. For example, this winter I went into Cape May and was boarded by OLE. I thought I had everything filled out correctly, but I didn't - I had missed 1 John Dory and the officers told me, "We can write you a violation for not putting that 1 fish on the VTR."

This observer that I took recorded 254 pounds of kept pollock on tow 3, when I only landed 13 pounds for the whole trip. There is absolutely no reason to throw kept and gutted pollock overboard when they cost virtually nothing to buy. This is falsifying data and OLE would hang me for the same error.

On tows 3-25 and tow 32, the observer sampled 4 baskets of haddock with exactly the same weights FOR EVERY TOW: 59lbs +57lbs+68lbs+70lbs for a total of 254 pounds. For every tow, the observer recorded exactly the same weights for each of the four baskets he supposedly sampled. How is this possible when I used 3 different gear types, 2 different bags 6" diamond and 6.5" square, 2 different statistical areas, and 4 different fishing areas? Also, in some of these tows, how did he sample those 4 baskets of 254 pounds when some of those tows had less than 4 baskets?

On tow 32, the observer sampled 254 pounds of kept haddock when only 94.5 pounds were caught that tow. How is that possible? The observer sampled once and used the same sample weights for every tow throughout the trip; this is falsifying data. I can understand not doing the samples every tow, but once for the whole trip when they are supposed to be doing it every tow?

The observer's extrapolations were completely off also. When only 2-7 percent of a tow is sampled and you take from the top of the pile where the bag is shaken down, 1 pound of flat fish (1 fish) becomes 33-40 pounds. We caught one ocean pout that trip. The one 2 lb ocean pout that was tangled in the chafer and fell on top of the pile was extrapolated by the observer to 77 pounds. I don't believe you could catch 77 pounds of ocean pout in a 6.5 inch bag, because the ones you catch are in the chafer. I don't know of a single boat on Georges Bank that has caught 77 pounds of ocean pout in a 6.5" bag. The only way to catch that many ocean pout is with a small mesh bag!

This observer was making his 7th trip overall and probably his first multi day offshore trip. I have been fishing for 52 years and running my own boat for 36 years. This observer doesn't have 52 days experience, yet his word is gospel and he has the power to shut someone like me down with bad data. There is no arbitration board to go to, only hope that you are in the good graces of NOAA, or your complaints fall on deaf ears.

jc - 6/29/16

When I finally got my discards from the observer I called Amy Martins and complained. She met me and the observer at the dock, and we discussed the trip. My biggest concern was the extrapolation of 1 or 2 fish into large numbers. Then I received the observer's trip log in the mail and was really upset. I called a former observer to look at it, and he tore it apart.

Below is a list of issues I raised with Amy for trip ID N80007.
To really understand the issues you do need the trip log which Amy has.

This was his 7th trip, probably first multi day offshore trip.

Did not update basket weights on kept haddock tows 3-25 and 32. 3 different gear types 2 different bags and 2 different statistical areas and 4 different areas in those 2 statistical areas.

Sampled 2-7 percent of a tow.

Tow 3; False Reporting No pollack caught but 254 lbs on observers log. 13 lbs total landed.

Tow 3; 254 haddock reported 200 on my log.

Tow 22; Unobserved tow didn't code haddock correctly coded as 03 on haddock and 04 on winter fld and yt

Tow 23; Basket sample number of baskets missing

Tow 26: sampled 4 baskets out of 3 impossible

Tow 26; kept data totally wrong 100 lbs winter fld missing, 100 lbs yts not caught actual 8 lbs yts

Tow 32; More fish then possible in pen almost 9000 on a 6000 lb tow. 4 basket sample on a 1.5 baskets of kept haddock impossible. 3 basket total sample on whole pile

I have a lot of issues with the extrapolations because of the very low sample percentages, and I understand that is a very hard issue to confront. But with as many mistakes and false data that is in this observer's log, I think his extrapolation should be very suspect. Again, if I did the same job that this observer did, I would definitely be getting a visit from OLE. The data for this trip should be thrown out, and the observer should be reprimanded for falsifying data.

Thank you;

Mark S Phillips

F/V Illusion

210 Atlantic Ave.

Greenport, NY 11944

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JUN 21 2016

AT THE NEW ENGLAND FISHERY
MANAGEMENT COUNCIL MEETING



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGION
55 Great Republic Drive
Gloucester, MA 01930-2298

Groundfish Summary Report

May 1, 2016 – June 17, 2016

DAS Leasing Program

	Common Pool	Sectors
Total Leases Processed:	5	11
Total Leases Approved:	5	11
Number of Distinct Permits:	6	14
Total DAS Leased:	43.07	296.83
Average Cost per DAS Leased*:	\$109.41	\$179.99
Highest Cost per DAS Leased:	\$199.95	\$200.00
Lowest Cost per DAS Leased:	\$9.62	\$0.00

* For leases greater than \$ 0.00

Sector ACE Transfers

STOCK	Number of Transfers	Total Pounds Transferred
CC/GOM Yellowtail Flounder	10	19399
GB Cod East	14	23495
GB Cod West	12	40119
GB Haddock East	6	813960
GB Haddock West	6	1958282
GB Winter Flounder	8	86345
GB Yellowtail Flounder	5	9016
GOM Cod	9	12081
GOM Haddock	11	134302
GOM Winter Flounder	4	3612
Plaice	18	96055
Pollock	7	255111
Redfish	9	381503
SNE/MA Yellowtail Flounder	6	13222
White Hake	8	68485
Witch Flounder	10	19889
SNE/MA Winter Flounder	14	51268
Total	157	3,986,144



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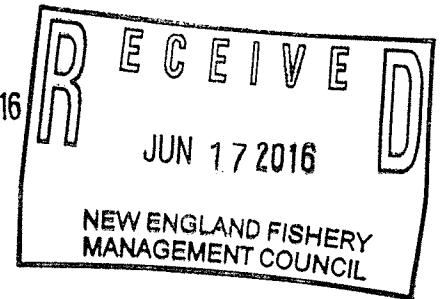
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

JUN 17 2016





RE: Comments on Amendment 18 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

We have completed our review of the preliminary draft of Amendment 18 that the Council submitted on October 30, 2015. Our review was delayed after balancing our workload with other groundfish priorities, including at-sea monitoring issues, Framework Adjustment 55, and setting fishing year 2016 recreational management measures.

Attached are substantive comments concerning consistency with applicable law, as well as suggestions that may clarify text in the document. If you or your staff have additional questions on the comments provided, or on our review of Amendment 18, please contact William Whitmore at (978) 281-9182.

Sincerely,


 John K. Bullard
Regional Administrator

Attachment

rf - 6/20/16



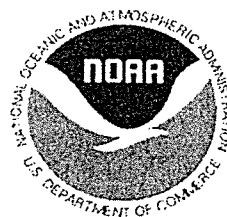
Amendment 18 Review Comments

Section		Page	Comment
	Throughout		<ul style="list-style-type: none"> The cumulative effects/impacts of the 5 percent and potential sector contribution (PSC) cap, when combined, should be discussed earlier and more often in the document, rather than only in the cumulative effects section. Describe how the accumulation limits and Handgear A measures meet the goals and objectives of the amendment. There is no formal definition of an <i>excessive share</i>, but the economic analyses conclude that entities will be unable to acquire excessive shares or market power with both permit caps. Explain more how this conclusion can be made.
4.4	Inshore/Offshore Gulf of Maine Measures	54	<ul style="list-style-type: none"> NEPA requires the identification of a preferred alternative. Because no preferred alternatives were selected by the Council and all of the proposed measures can be implemented in a future framework, no action needs to be taken now. Therefore, the preferred alternative is the no action alternative.
6.4.1	Table 17	108	<ul style="list-style-type: none"> Update Table 17 to include two new candidate species: Thorny skate and dusky shark (place under the fish category). Also, the paragraph under this table will need to be changed to reflect these two new candidate species.
6.5.6.1.1	ACE Trading	171	<ul style="list-style-type: none"> Clarify whether “53% of total catch” is the percentage relative to all species or just groundfish.
6.5.6.7	Table 80	195	<ul style="list-style-type: none"> The three columns included under the “% of total trips in fishing year” appear to have a percent of total at the bottom. The table should be adjusted so this is apparent.
6.5.6.7	Catch Per Unit Effort	195	<ul style="list-style-type: none"> The subsection that begins on the bottom of 195, “Catch Per Unit Effort” appears to be written to reflect “landings” per unit effort. We recommend re-naming the subsection to “Landings Per Unit Effort”
6.5.6.7	Mean Cod Landings Relative to Trends in SSB	196	<ul style="list-style-type: none"> We recommend adding that the decline in landings could also be due to regulations that have reduced groundfish allocations or changes in market prices and input costs.
7.6	Human Communities	258	<ul style="list-style-type: none"> Impacts to primary and secondary communities should be more readily identified. Only once, with respect to Handgear A permits, are specific communities mentioned. Any additional connections between data and regulations, especially connections to specific communities that are made in section 6.5 should be referenced again in this section.
7.6.2	Compass Lexecon Report	261	<ul style="list-style-type: none"> The example is given with a monopolist holding 80 percent of one stock. If there is more than one

Section		Page	Comment
			firm in the industry, it is not a monopoly. The firm with 80 percent should be referred to as a "dominant" firm.
7.6.2.2.1	Alternative 1: No Action	265	<ul style="list-style-type: none"> The term "severely damaging" is very loaded, and we recommend replacing it with "potentially negative."
7.6.2.2.2	Economic (last paragraph on page)	267	<ul style="list-style-type: none"> "The ability of individuals to exert market power, which would restrict fishery output below a profit-maximizing level" is not necessarily true. A firm with market power restricts output to increase its own profits. If a dominant firm is able to increase their profits more than any losses associated with the other firms, overall industry profits would not be lowered.
9.1.1	Consistency with National Standards	331	<ul style="list-style-type: none"> In the last sentence for National Standard 2, explain how the preferred alternative prevents the fishery from becoming a Limited Access Privilege Program.
9.11.1.4	Table 109	350	<ul style="list-style-type: none"> Add National Standard 8 to Accumulation Limits



National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
Sustainable Fisheries Division
www.greateratlantic.fisheries.noaa.gov



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JUN 21 2016

AT THE NEW ENGLAND FISHERY
MANAGEMENT COUNCIL MEETING

Status Report of Greater Atlantic Region Actions

Prepared for the June 21-23, 2016
Meeting of the
New England Fishery Management Council

June 20, 2016

Table of Contents

NEW ENGLAND COUNCIL ACTIONS	2
SMALL-MESH MULTISPECIES.....	2
GROUNDFISH.....	2
SCALLOPS	3
MONKFISH	3
HERRING.....	3
SKATE.....	3
ATLANTIC DEEP-SEA RED CRAB	3
MID-ATLANTIC COUNCIL ACTIONS	4
SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS.....	4
ATLANTIC BLUEFISH.....	4
SPINY DOGFISH.....	4
SURFCLAM AND OCEAN QUAHOG.....	5
ATLANTIC MACKEREL, SQUID, AND BUTTERFISH	5
TILEFISH	5
OTHER ACTIONS	6
LOBSTER	6
JONAH CRAB.....	6
BLUELINE TILEFISH	6
PAPERWORK REDUCTION ACT	6
PROTECTED RESOURCES ACTIONS	7
RESEARCH DOCUMENT APPLICATIONS UNDER REVIEW	8
RESEARCH DOCUMENT APPLICATION REVIEW COMPLETED	8

New England Council Actions

Small-Mesh Multispecies

None at the time.

Groundfish

Final Rule to Implement Recreational Measures for Gulf of Maine Cod and Haddock.

NMFS published a final rule in the Federal Register on May 2, 2016 (81 FR 26452), implementing 2016 recreational management measures for Gulf of Maine cod and haddock. Anglers may retain 1 cod per day during August and September, and may keep up to 15 haddock per day for most of the fishing year. Recreational measures for cod and haddock outside the GOM Regulated Mesh Area remain unchanged. For additional information, please contact Mark Grant at (978) 281-9145 or email at Mark.Grant@noaa.gov.

Framework Adjustment 55

NMFS published a final rule in the Federal Register on May 2, 2016 (81 FR 26412), approving and implementing Framework Adjustment 55 to the Northeast Multispecies Fishery Management Plan. Framework 55 set specifications for the 2016-2018 fishing years for all 20 groundfish stocks, including shared U.S./Canada quotas. Framework 55 also adjusted the groundfish at-sea monitoring program; approved a new sector (Sustainable Harvest Sector 2); streamlined the sector approval process; required contrasting color mesh panels in haddock separator trawls; removed the Gulf of Maine cod prohibition for recreational anglers; and created a mechanism for sectors to transfer Georges Bank cod quota from the Eastern U.S./Canada Area to the Western Area. Although not part of Framework 55, NMFS set initial trip limits for common pool vessels based on the proposed 2016 specifications in this action. For additional information, please contact Aja Szumylo at (978) 281-9195 or email at Aja.Szumylo@noaa.gov.

Inseason Actions to Close Trimester Total Allowable Catch Areas for Witch Flounder and Cape Cod/Gulf of Maine Yellowtail Flounder

On June 8, 2016, NMFS filed a temporary rule closing the Total Allowable Catch (TAC) Area for witch flounder to all common pool vessels on a groundfish trip fishing with trawl gear, through August 31, 2016. On June 15, 2016, NMFS filed a temporary rule closing the TAC Area for Cape Cod/Gulf of Maine yellowtail flounder to all common pool vessels on a groundfish trip fishing with gillnet or trawl gear, through August 31, 2016. NMFS took these actions because over 90 percent of the Trimester 1 TACs for these stocks is projected to be caught. For more information, please contact Liz Sullivan at (978) 282-8493 or Liz.Sullivan@noaa.gov.

Scallops

Nantucket Lightship North Scallop Access Area Closure to Limited Access General Category Individual Fishing Quota Vessels

NMFS published a notice in the Federal Register on **June 16, 2016** (81 FR 39590), closing the Nantucket Lightship North Access Area for Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) vessels for the remainder of the 2016 fishing year. The closure ensures that the fleet will not exceed its 2016 allocation of 485 trips into the area. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

Monkfish

None at this time

Herring

Atlantic Herring 2016-2018 Specifications and Management Measures

NMFS published a proposed rule in the Federal Register on June 21, 2016, proposing the 2016-2018 specifications and management measures for the Atlantic herring fishery. This action proposes catch levels for Atlantic herring, which includes a 3,000 mt decrease in the ACL, for the 2016-2018 fishing years. This action also proposes to increase the area and gear specific river herring/shad catch caps for trips landing more than 6,600 lb of herring. The public comment period closes July 21, 2016. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov or Carrie Nordeen at (978) 281-9272 or email at Carrie.Nordeen@noaa.gov.

Skate

Proposed Rule for Framework Adjustment 3 to the Northeast Skate Complex FMP

NMFS published a proposed rule for Framework 3 in the Federal Register on June 6, 2016, (81 FR 36521). The comment period closes on June 21, 2016. The proposed measures include new quotas for the skate wing (8,372 mt) and bait (4,218 mt) fisheries for the 2016 and 2017. All skate trip limits are proposed to remain unchanged from current levels. Framework 3 also proposes splitting the skate wing fishery quota into two seasons (May through August and September through April) to allow the directed fishery to be temporarily closed in-season if the seasonal quota is reached. For additional information, please contact William Whitmore at (978) 281-9182 or email at William.Whitmore@noaa.gov.

Atlantic Deep-Sea Red Crab

None at this time

Mid-Atlantic Council Actions

Summer Flounder, Scup, and Black Sea Bass

Proposed Rule for Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries for Fishing year 2016

NMFS published a proposed rule in the Federal Register on May 23, 2016, for the 2016 recreational management measures. The comment period closed on June 7, 2016. There are no significant changes to the Federal management measures from 2015. NMFS is again proposing conservation equivalency for summer flounder, as well as, proposing a change to the commercial scup incidental possession limit, and two minor corrections to the summer flounder minimum mesh size regulations. The intent of the commercial scup regulatory change is to reduce unnecessary discards by allowing more incidentally caught scup to be retained by vessels. The regulatory corrections are intended to clarify the original purpose of the regulation. For additional information, please contact Liz Scheimer at (978) 281-9236 or email at elizabeth.scheimer@noaa.gov.

Atlantic Bluefish

2016-2018 Atlantic Bluefish Specifications and Management Measures

NMFS published a proposed rule on March 31, 2016 (81 FR 18559), and comments were accepted through April 15, 2016. In the interim between the proposed rule and now, the final 2015 Marine Recreational Information Program (MRIP) estimates were released. The final bluefish catch estimate is 20 percent higher than the preliminary value used to calculate the proposed measures. Using the final 2015 recreational landings to project 2016 catch, the recreational fishery projected catch is slightly higher than the TAL, so quota cannot be transferred to the commercial fishery and the RHL must be reduced per the process established in the FMP. The final 2016 commercial quota is 17-percent of the ACL and the RHL is 83-percent of the ACL, equal to the respective TALs. The commercial quota for 2016 would be a 37-percent reduction from 2015, and the RHL would be a 1-percent increase from 2015. Existing management measures are expected to effectively constrain recreational and commercial catch despite the lack of a sector transfer. A state quota transfer between Virginia and Rhode Island is also being implemented in the final rule at the request of the participating states. For additional information, please contact Liz Scheimer at (978) 281-9236 or email at elizabeth.scheimer@noaa.gov.

Spiny Dogfish

None at this time

Surfclam and Ocean Quahog

Surfclam/Ocean Quahog Cost Recovery Amendment (Amendment 17)

This action implements a cost recovery program for the individual transferable quota (ITQ) fishery, revises the process for incorporating new biological reference points into the FMP, and removes the optimum yield range from the FMP. A final rule to implement this action will publish shortly. On June 15, 2016, we published a final rule (81 FR 38969) to implement Amendment 17. In March 2017, we will announce a new per-tag fee, which will apply for the 2017 fishing year. The fee will apply to any cage tag used to land surfclams or ocean quahogs in 2017. The initial quota shareholder who first received the allocation of cage tags will be responsible for the fee even if the tag is leased, sold, or otherwise used by someone else. The first bills will be issued in March 2018. For additional information, please contact Doug Potts at 978-281-9341 or email at Douglass.Potts@noaa.gov.

Atlantic Mackerel, Squid, and Butterfish

2016-2018 Atlantic Mackerel, Squid, and Butterfish Specifications and Management Measures

NMFS published a final rule in the Federal Register on April 26, 2016, (81 FR 24504) finalizing the 2016-2018 specifications and management measures for the Atlantic mackerel, squid, and butterfish fisheries. This action implements the 2016-2018 catch levels for Atlantic mackerel, including the river herring and shad catch cap, as well as management measures for the squid and butterfish fisheries, including:

- Atlantic mackerel quota of 9,177 mt for the next three years;
- River herring and shad catch cap of 82 mt for the next three years;
- Increase in the trigger for when 3-inch mesh is required for longfin squid and butterfish moratorium permit holders from 2,500 lb to 5,000 lb of butterfish per trip;
- Clarifies that 5-inch (square or diamond) or greater mesh (or net) strengtheners may be used outside the 3-inch mesh to avoid breaking nets during large hauls; and
- Suspends indefinitely the pre-trip notification system (PTNS) requirement for longfin squid and butterfish moratorium permit holders.

The suspension of the PTNS requirement became effective immediately on April 26, 2016, and the remaining changes became effective on May 26, 2016.

For additional information, please contact Carly Bari at (978) 281-9224 or email at Carly.Bari@noaa.gov.

Tilefish

None at this time

Other Actions

Lobster

None at this time

Jonah Crab

None at this time

Blueline Tilefish

Blueline Tilefish Interim Measures

On June 16, 2016, NMFS published interim management measures in the Federal Register (81 FR 39591), effective immediately, for the blueline tilefish fishery north of the Virginia/North Carolina line. The measures are the same as those initially set by an emergency rule last year:

- A commercial possession limit of 300 lb whole weight (275 lb gutted weight);
- A recreational possession limit of seven blueline tilefish per person, per trip; and,
- A requirement for commercial and charter/party vessels to hold a valid Greater Atlantic Region golden tilefish vessel permit to ensure adequate monitoring and reporting.

The interim measures are necessary to prevent the Mid-Atlantic blueline tilefish fishery from returning to an unregulated fishery, which could result in overfishing. The interim measures will temporarily constrain fishing effort while the Council completes the pending blueline tilefish amendment to the Golden Tilefish FMP, and we implement the amendment through the normal rulemaking process. We are soliciting comment on the interim measures until July 17, 2016. For additional information, please contact Doug Potts at 978-281-9341 or email at Douglass.Potts@noaa.gov.

Paperwork Reduction Act

NMFS published a notice in the Federal Register on April 1, 2016 (81 FR 18838), requesting comments on a renewal for collection of information requirements under the Paperwork Reduction Act. This collection of information involves the Greater Atlantic permit family of forms and VMS 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 these costs and improve data collection. The comment period for the information collection ended on May 31, 2016, but NMFS will accept comments until January 30, 2017.

Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via email at JJessup@doc.gov).

Requests for additional information or copies of the information collection instrument and instructions should be directed to Elizabeth Scheimer, Fishery Management Specialist, at (978) 281-9236 or email at elizabeth.scheimer@noaa.gov.

Protected Resources Actions

Proposed Rule to Designate Critical Habitat for Atlantic sturgeon

NMFS published two proposed rules to designate critical habitat for five distinct population segments of federally listed Atlantic sturgeon on June 3, 2016. Both are available at www.regulations.gov. There is a 90-day public comment period; comments must be received by September 1, 2016. Public information meetings will be held in Annapolis, MD on July 13 and Portland, ME on July 18. Public hearings will be held at the GARFO office in Gloucester MA on July 21. All of the proposed critical habitat areas occur in tidally-affected riverine waters of a coastal estuary; no marine waters are proposed for designation. The proposed critical habitat includes waters of the: Penobscot, Kennebec, Androscoggin, Piscataqua, and Merrimack Rivers; Connecticut, Housatonic, Hudson, and Delaware Rivers; and Susquehanna, Potomac, Rappahannock, York/Pamunkey/Mattaponi, and James Rivers. Prior to publication of the proposed rule, the supporting documents underwent peer review by members of the ASMFC sturgeon technical committee. Critical habitat does not create preserves or refuges and is not a blanket prohibition on in-water activities. Instead, when a federal agency is carrying out funding or authorizing an activity that may affect the critical habitat, the federal agency works with NOAA Fisheries to avoid or minimize potential impacts to the species' habitat. The activity of the federal agency may need to be modified to avoid destroying or adversely modifying the critical habitat. The proposed designation of critical habitat does not include any new restrictions or management measures for recreational or commercial fishing operations. More information can be found on our webpage: <http://www.greateratlantic.fisheries.noaa.gov/protected/atlsturgeon/> or by calling Julie Crocker at (978-282-8480) or Julie.Crocker@noaa.gov.

Response to Petition to List Thorny Skates under the ESA

NMFS received a petition from the Animal Welfare Institute and Defenders of Wildlife on May 28, 2015, to list the "Northwest Atlantic" or "United States" population of thorny skate as threatened or endangered under the Endangered Species Act (ESA). On October 26, 2015, we published a "positive" 90 day finding in the Federal Register (80 FR 65175) noting our determination that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted and that we are initiating a status review. 90-day findings are only a preliminary step in the listing process and afford thorny skate no additional protections under the ESA. The FR notice requested scientific and commercial information pertaining to this species to be submitted to us by December 28, 2015. We received information from NEFMC, Maine DMR, Fisheries Survival Fund, Massachusetts Lobstermen's Association, Sustainable Fisheries Association, and the Associated Fisheries of Maine. GARFO is working on preparing a status review report which will undergo external peer review. An extinction risk workshop, with invited experts (including representatives from the NEFSC and NEFMC) was held in May 2016. We anticipate completing the status review report this summer and publishing a listing determination in the Federal Register in the early Fall. For additional information, please contact Julie Crocker at (978) 281-9328 or email at Julie.Crocker@noaa.gov

Research Document Applications Under Review

NMFS submitted a notice in the Federal Register that will publish soon to solicit public comment on Exempted Fishing Permits (EFP) that would allow a private fisherman to conduct a pilot study jigging for pollock in the Western Gulf of Maine Closed Area. Plans for observer coverage and data collection are currently under review. For additional information, please contact Liz Scheimer at (978) 281-9236 or email at elizabeth.scheimer@noaa.gov.

The Shoals Marine Laboratory (SML) submitted an application for an EEAA on May 13, 2016 for a re-authorization of educational fishing activity to be conducted on board four vessels. Fishing activity will include a 16-ft otter trawl, bottom dredge, long lines, handlines, hagfish traps, and rod-and-reel gear. SML expects to make up to 15 tows that are 15-30 minutes across all trips. Some living animals will be retained to support further educational activities (i.e., dissection and species ID). For additional information, please contact Liz Scheimer at (978) 281-9236 or email at elizabeth.scheimer@noaa.gov.

On May 6, 2016, NMFS received a request for an Exempted Fishing Permit (EFP) from the Massachusetts Division of Marine Fisheries (MADMF) to test the use of standard raised-footrope trawl to target whiting before the current start date of the exempted fishery seasons within sub-areas of Small Mesh Area I (SMA1) in Ipswich Bay and the Western Raised Footrope Exemption Area (Western RFEA) off the tip of Cape Cod. This EFP would allow five vessels to conduct research fishing within SMA1 during July 1-14, 2016, and four vessels within the Western RFEA area during August 18-31, 2016. The participating vessel would be exempt from minimum mesh size gear requirements found at 50 CFR 648.80(a)(3) while conducting research under this EFP. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

Research Document Application Review Completed

On April 19, 2016, NMFS issued Letter of Acknowledgement (LOA) to the University of Maryland Eastern Shore to collect Alcyonaceans (gorgonian corals) in the DelMarva region of the Mid-Atlantic. The objective of this research is to determine the degree and nature of interactions between fishing gears and corals, sponges, and other structure forming invertebrates. For additional information, please contact Liz Scheimer at (978) 281-9236, or email at Elizabeth.scheimer@noaa.gov.

On June 3, 2016, NMFS issued an LOA to CoastalVision, LLC in collaboration with SeaPlan, LLC to conduct an American lobster abundance study at the construction site of the Block Island Wind Farm (BIWF), located within Lobster Conservation Management Area 2. Four study sites will be sampled twice monthly from June through October. No lobster or fish will be landed for sale. All lobsters caught during the sampling activity will be promptly returned to the water after sampling data are collected and all bycatch species will be immediately returned to sea. For additional information, please contact Cynthia Hanson at (978) 281-9180, or email at Cynthia.hanson@noaa.gov.

Status Report of Greater Atlantic Region Regulatory Actions

On June 2, 2016, NMFS issued Exempted Fishing Permits (EFPs) to Rutgers University and the University of Massachusetts to conduct compensation fishing under the 2016/2017 Monkfish Research Set-Aside Program. There has been 500 monkfish days-at-sea (DAS) allocated for the 2016 fishing year to be divided between the award recipients and sold to fishermen to fund approved research projects. Rutgers University and the University of Massachusetts have each received 250 monkfish DAS for the 2016 fishing year. Vessels authorized to fish under these EFPs are exempt from DAS landing limit restrictions within the Monkfish Northern and Southern Fishery Management Areas found at 50 CFR 648.94(b)(1) and (2). For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

On April 29, 2016, NMFS issued an EFP to the University of New England to assess injuries and mortality of Atlantic cod captured in lobster traps while fishing for lobster. This EFP allows commercial fishing vessel to retain cod captured in lobster traps to assess injuries and to tag cod with acoustic transmitters to assess mortality after their capture. This EFP exempts the vessel from the prohibition on landing NE multispecies established under 50 CFR 648.14(k)(1)(i)(B). Vessels will be allowed to retain a total of 60 cod for sampling and all legal lobsters will be retained and sold. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

On April 29, 2016, NMFS issued an LOA to Rutgers University to collect surfclams in support of a laboratory spawning study. The participating vessel will utilize a hydraulic clam dredge to harvest approximately 700 surfclams to be transported to a laboratory at Rutgers University for use in a spawning study. For additional information, please contact Reid Lichwell at (978) 281-9112 or email at Reid.Lichwell@noaa.gov.

On May 27, 2016, NMFS issued an EFP to the Coonamessett Farm Foundation (CFF) in support of research associated with a 2016 Scallop RSA project. The project will test a modified flounder cookie sweep on the outer bale bars of the scallop dredge and film fish-dredge interactions to monitor the effectiveness of the gear modification in reducing flatfish bycatch. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

On May 27, 2016, NMFS issued an EFP to CFF in support of research that will test gear modifications in an attempt to reduce finfish bycatch in the dredge fishery. The gear modifications that will be tested adhere to current scallop gear regulations and include: A no-chaffing gear dredge bag; a five-row apron without chaffing gear and a 1.5:1 twine top hanging ratio; and a "daylight skirt," which would replace the rings in the skirt with three rows of 12-inch square mesh and chain. All trips will take place in scallop fishing areas open to the entire Atlantic sea scallop fishery. The EFP must be used in conjunction with Letters of Authorization issued to CFF for 2016 Scallop RSA compensation fishing trips. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

On May 27, 2016, NMFS issued Letters of Authorization to the Virginia Institute of Marine Science (VIMS), Arnie's Fisheries, Woods Hole Oceanographic Institute (WHOI), and CFF for vessels to participate in compensation fishing trips under the sea scallop RSA program to generate the revenue to fund their associated research project awarded under the 2016 RSA program. The letters of authorization allow the vessels to fish outside of the sea scallop days-at-sea program and access area possession limits while on a declared RSA trip. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

Status Report of Greater Atlantic Region Regulatory Actions

On May 27, 2016, NMFS issued an EFP to National Fisheries Institute (NFI) to add 20 additional tows over the course of two limited access days-at-sea (DAS) to an EFP issued on April 30, 2015, for a 2014 scallop RSA project titled, "Determining Incidental Discard Mortality of Atlantic Sea Scallops, *Placopecten magellanicus*, in the Scallop Dredge Fishery in the Mid-Atlantic Bight." The additional days will support research for a study assessing the incidental mortality of scallops passing through the 4-inch rings of a 12-foot Turtle Deflector Dredge (TDD) on sandy and hard (gravel) substrates off the coast of New Jersey. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

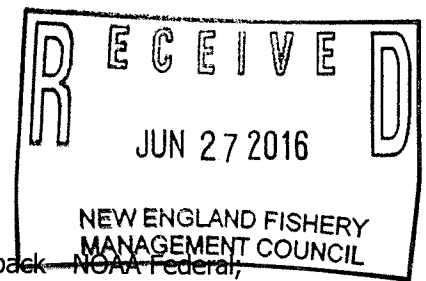
On April 18, 2016, NMFS issued an LOA to VIMS for a 2016 Scallop RSA project to study natural mortality, growth, and movement of scallops by conducting a mark-recapture study on the exceptionally large cohort of two year old scallops that settled in the Elephant Trunk Closed Area. The project will consist of two research cruises. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

On April 18, 2016, NMFS issued an LOA to VIMS for a 2016 Scallop RSA project that supports scallop management by conducting a fine scale, high resolution stratified dredge survey that will provide a timely and detailed assessment of the abundance, distribution, and biomass of scallops in the Mid-Atlantic Bight area ranging from the Virginia/North Carolina border to Block Island. This study will build upon information collected during the 2015 survey in the same area. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

On April 18, 2016, NMFS issued an LOA to VIMS for a 2016 Scallop RSA project that supports scallop management by conducting a fine scale, high resolution stratified dredge survey that will provide a timely and detailed assessment of the abundance, distribution, and biomass of scallops in the Nantucket Lightship Closed Area and surrounding region. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

On June 7, 2016, NMFS issued an LOA to VIMS for a 2016 Scallop RSA project that supports scallop management by conducting a fine scale, high resolution stratified dredge survey that will provide a timely and detailed assessment of the abundance, distribution, and biomass of scallops in the Georges Bank Closed Area II and surrounding region. For additional information, please contact Shannah Jaburek at (978) 282-8456 or email at Shannah.Jaburek@noaa.gov.

On May 25, 2016, The Nature Conservancy (TNC) was issued an EFP authorizing up to 20 vessels to use electronic monitoring (cameras and gear sensors) in lieu of at-sea monitors for the 2016 fishing year. TNC is working with the Gulf of Maine Research Institute and several groundfish sectors to design and implement an electronic monitoring program in the Northeast groundfish fishery that uses data from video to verify and validate the accuracy of discards reported on electronic vessel trip reports (eVTRs). For additional information, please contact Brett Alger at (978) 675-2153 or by email at Brett.Alger@noaa.gov



Sent: Monday, June 27, 2016 8:48 AM

To: Ayer Matt (FWE)

Cc: David Pierce; McKiernan Dan (FWE); Moira Kelly; Brad McHale; Scott Steinback; Margo Schulze-Haugen - NOAA Federal; Barry Gibson; Dave Waldrip; stephanie.cunningham@noaa.gov; Tom Nies

Subject: For-Hire Electronic VTR Pilot Project

Matt:

I recently met with Dave Pierce and Dan McKiernan, and they made me aware of the grant award for next year associated with the Pilot Test for electronic VTRs for the For-Hire Sector. The Stellwagen Bank Charter Boat Association as well as others would be interested in participating in the electronic VTR pilot. Our understand is that electronic VTRs will report no more than what is presently required to manage the fishery by NOAA. We are concerned with the misuse of additional transiting/fishing data that is not required to manage the fishery as set forth in the email below.

I look forward to hearing from you.

Thanks

Capt. Mike Pierdinock

CPF Charters "Perseverance" - New Bedford

Recreational Fishing Alliance - Massachusetts Chairman

Stellwagen Bank Charter Boat Association - Board of Directors

Massachusetts Marine Fisheries Advisory Commission

NMFS - Atlantic Highly Migratory Species Advisory Panel

New England Fishery Management Council - Recreational Advisory Panel

(617) 291-8914

Depart from New Bedford, MA and enjoy your day of fishing aboard the "Perseverance" on a fully equipped Pursuit 3000 Offshore with a Marlin Tower and Outriggers. Go to www.cpfcharters.com for details.

----- Forwarded Message -----

From: Michael Pierdinock <cpfcharters@yahoo.com>

To: "betsy.nicholson@noaa.gov" <betsy.nicholson@noaa.gov>; "comment@neoceanplanning.org" <comment@neoceanplanning.org>

Cc: Rruais <rruais@aol.com>; Ralph Pratt <ralph.pratt@verizon.net>; Raymond Bogan <rbogan@boganlawoffice.com>; Dave Waldrip <captdave@relentlesscharters.com>; Barry Gibson <barrygibson6@aol.com>; Charlie Wade <cwade440@yahoo.com>; John Depersenaire <jdepersenaire@joinrfa.org>; David Schalit <dschalit@gmail.com>; Beth Casoni <beth.casoni@lobstermen.com>; Pierce David (FWE) <david.pierce@state.ma.us>; John Bullard <john.bullard@noaa.gov>; Tom Nies <tnies@nefmc.org>; Moira Kelly - NOAA Federal <moira.kelly@noaa.gov>; Mark Grant <mark.grant@noaa.gov>; Brad McHale <brad.mchale@noaa.gov>

Sent: Tuesday, June 7, 2016 8:42 AM

Subject: Comments to Northeast ("NE") Ocean Plan

Betsy:

Thank you for your recent presentation at the SBNMS SAC meeting concerning the Northeast Ocean Plan and use of the Northeast Data Portal. Consistent with your email, the Northeast Data Portal and Northeast Ocean Plan focus primarily on recreational boating but the plan utilized data provided by the pilot project conducted by a select few charter boat captains from CT/RI/NY (<http://neoceanplanning.org/wp-content/uploads/2015/04/FactsheetPartyCharter.pdf>). My comments to the NE Ocean Plan is set forth below.

The level of detail found within the plan provided by the pilot project conducted by a select few charter boat captains transiting from home port to sea and back is concerning. NOAA and specifically GARFO understand that such detail is confidential and is not necessary to manage the fishery. For example, Northeast Federally Permitted charter boat or for hire vessels complete VTRs that provide the center point where fish were landed for the day (that does not include the latitude/longitude minutes and seconds) and the associated "chart area" designated by NOAA. NOAA only requires that level of detail to manage the fishery any more additional location data is confidential information that is not necessary to manage the fishery. GARFO has specifically indicated that proposed electronic VTR monitoring and reporting if required from their office in the future will only require that level of detail presently found on VTRs since they understand the confidential nature of such data.

Additional data could result in denying anglers access to the fishery that is inconsistent with the basic foundation of the laws of the United States that we are not to be denied access to the fishery. For example, it was not until recently that haddock was found at significant levels in the Stellwagen Bank waters. Haddock were rare to land 20 to 50 plus years ago in the Stellwagen area. If one was to conclude that we don't fish for haddock on Stellwagen Bank because none were present based on the last 40 to 50 years of data one could theoretically shut that area down to haddock fishing for some other use since it is assumed we don't fish within these waters. Today haddock are found throughout Stellwagen Bank and elsewhere. Fish have tails, they move to different areas over time, to use historical fishing data to conclude that we