

Science, Service, Stewardship



Proposed Rule to Modify the Retention of Incidentally-Caught Highly Migratory Species in Atlantic Trawl Fisheries

Atlantic Highly Migratory Species (HMS)
Management Division

Public Hearings: March – April 2011

**NOAA
FISHERIES
SERVICE**



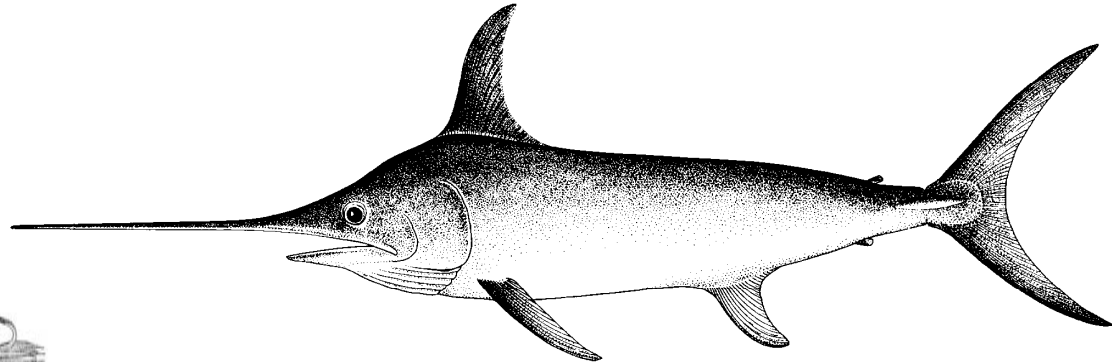
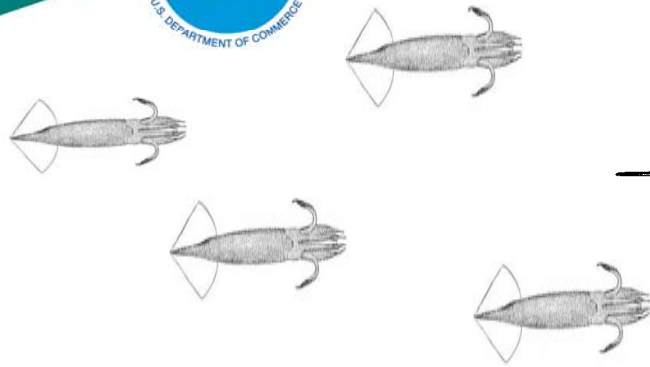
Purpose

This proposed rule considers modifications to the permitting requirements and allowance for incidentally-caught HMS in trawl gears to:

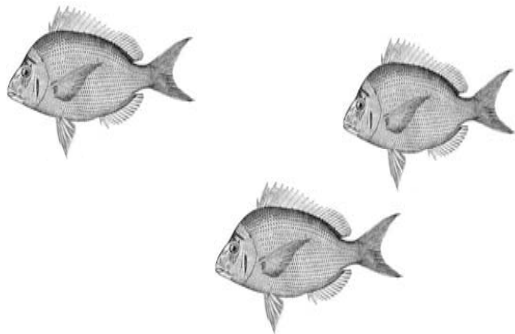
- 1) Reduce regulatory dead discards of HMS in trawl gears;
- 2) Improve fishery data collection;
- 3) Provide additional opportunities for U.S. swordfish (SWO) quota to be attained; and,
- 4) Accommodate traditional gears that occasionally capture North Atlantic SWO and smoothhound sharks (*i.e.*, trawls), while maintaining landings at incidental levels.



Two Issues:



Issue A – Incidental Catch of SWO in Squid Trawl Fisheries



Issue B – Incidental Catch of Smoothhound Sharks in All Atlantic Trawl Fisheries



Issue A: Incidental Catch of SWO in Squid Trawl Fisheries

- Since 2000, vessels must be issued three HMS limited access permits (LAPs) to land SWO commercially.*
 - (1) SWO directed or incidental LAP
 - (2) Shark directed or incidental LAP
 - (3) Atlantic Tunas Longline LAP
 - Referred to as the “HMS Permit Triple-Pack”
- Trawl gear is not authorized for any HMS fisheries. However, current regulations provide for the incidental retention of up to 15 swordfish per trip in the squid trawl fishery, provided the vessel has been issued an “HMS Permit Triple-Pack.”

* Except for vessels issued a SWO Handgear permit.



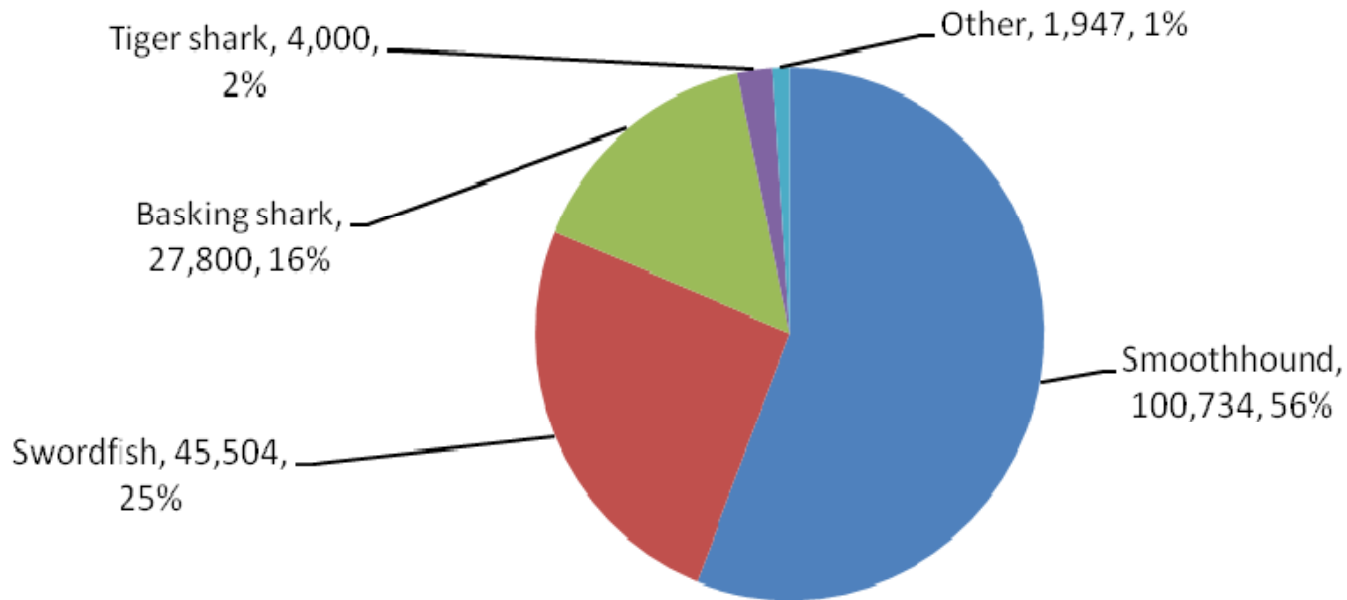
Issue A: Incidental Catch of SWO in Squid Trawl Fisheries

- Under HMS regulations, a vessel is considered to be in the squid trawl fishery when it has no commercial fishing gear other than trawls on board and when squid constitutes not less than 75% by weight of the total retained catch.
 - Approximately five squid trawl vessels have been issued the requisite “HMS Permit Triple-Pack.”
 - All other squid trawl vessels may not retain SWO captured incidentally while trawling for squid.



Issue A: Incidental Catch of SWO in Squid Trawl Fisheries*

HMS Discarded (lbs) on Squid Trawl Trips

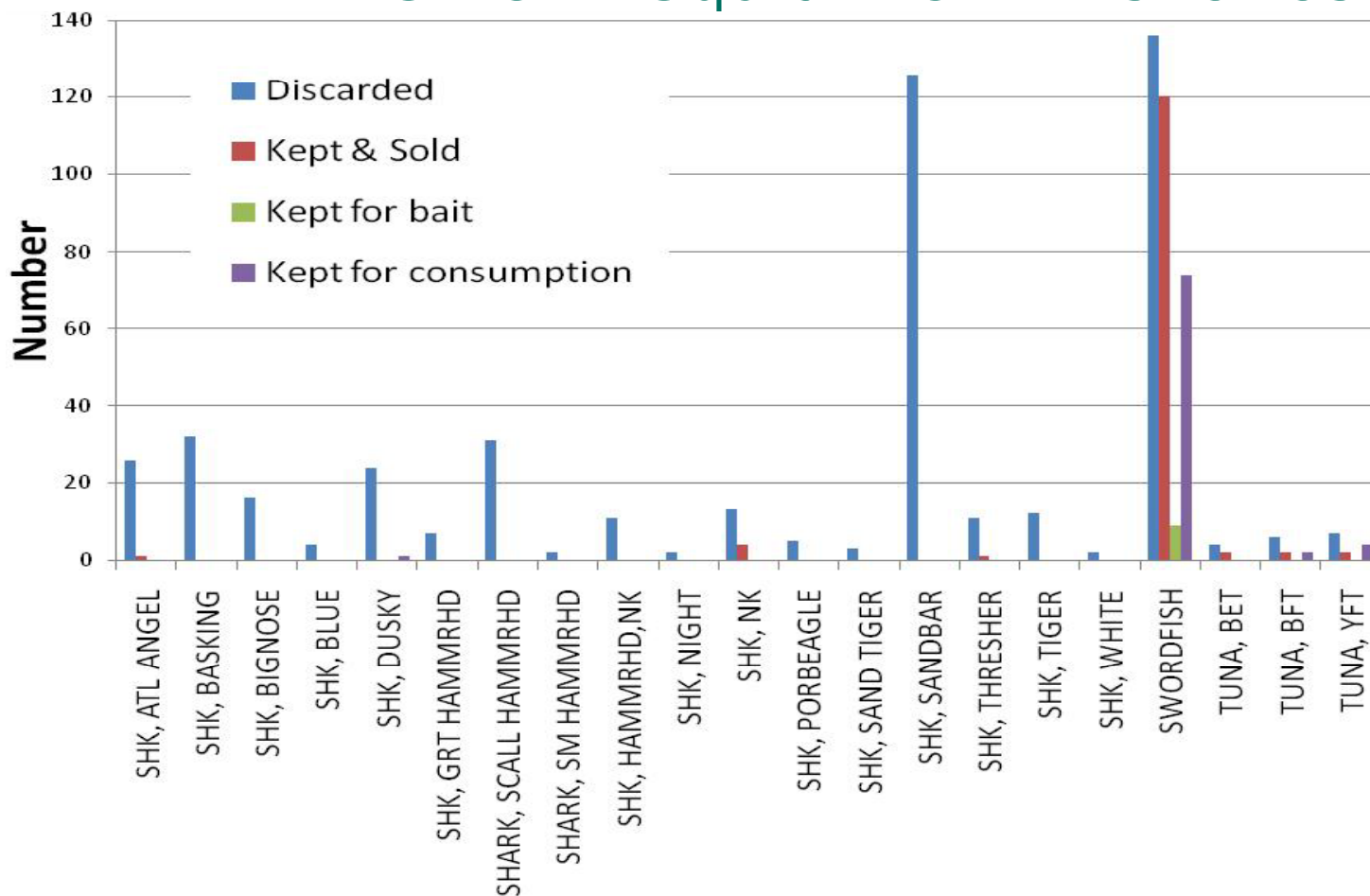


Source: VTR database 2000-2009

* Total Discards for 10-year period



Issue A: Incidental Catch of SWO in Squid Trawl Fisheries



Top 21 HMS Caught in Squid Trawls by Number (smoothhound removed)

Source: NEFSC Observer Program data (2000-2009).



Issue A – Need for Action

- The SWO stock is fully rebuilt.
- SWO are captured incidentally while trawling for squid.
- The current HMS permit structure (*i.e.*, the “HMS permit triple pack”) is not a “good fit” for squid trawl vessels.
- There is an allowance in the HMS regulations to retain 15 SWO caught incidentally while squid trawling, but few squid trawl vessels have been issued the requisite permits.
- SWO are frequently discarded dead by squid trawl vessels.
- NMFS seeks to improve data collection and outreach.
 - Landings, discards, and communication



Issue A - Alternatives

- Alternative A1 – No Action
- Alternative A2 - Establish a new permit for *Illex* squid moratorium permit holders to retain up to 15 swordfish (*Preferred Alternative*)
- Alternative A3 - Exempt *Illex* squid moratorium permit holders from current HMS permitting requirements to retain swordfish
- Alternative A4 - Establish either a new permit *or* an exemption, as applicable, for *Loligo* squid moratorium permit holders to retain swordfish



Issue A – Ecological Impacts

- Squid trawl fishing effort is not anticipated to change due to the implementation of any of the alternatives. Therefore impacts on protected species, essential fish habitat, target species, and non-target species are anticipated to be the same under all of the alternatives.
- Squid trawl vessels target squid and other small pelagic species. An incidental allowance for SWO is not expected to alter fishery practices.
- SWO mortality is not expected to change due to the implementation of any of the alternatives due to high SWO discard mortality rate.



Issue A – Social/Economic Impacts

Background Data

- In 2009, 76 vessels were issued *Illex* squid moratorium permits. 18 of those vessels reported squid landings (*i.e.*, were “active”).
- In 2009, 365 vessels were issued *Loligo* squid moratorium permits. 180 of those vessels reported squid landings (*i.e.*, were “active”) .
- 75 vessels out of the 76 vessels issued *Illex* squid moratorium permits were also issued a *Loligo* squid moratorium permit (NMFS Permits Database).
- 26 different squid trawl vessels reported catching SWO from 2000 to 2009 (VTR database, NEFSC). Of those, only five vessels had been issued the requisite “HMS permit triple-pack” needed to retain SWO.



Issue A – Social/Economic Impacts

Background Data (cont.)

- The average number of swordfish discards per tow in the *Illex* squid fishery is 0.11 (NEFSC observer data, 1997 – 2006).
 - **3.3 swordfish discards per trip for large *Illex* freezer vessels***
 - **1.2 swordfish discards per trip for smaller *Illex* vessels***
- The average number of swordfish discards per tow in the *Loligo* squid fishery is 0.01 (NEFSC observer data, 1997 – 2006).
 - **0.30 swordfish discards per trip for large *Loligo* freezer vessels***
 - **0.13 swordfish discards per trip for smaller *Loligo* vessels***
- Swordfish catch by squid trawl vessels annually peaks during July and August.

* Assumes that large freezer vessels average 30 tows per trip, and smaller vessels average 11.5 tows per trip



Issue A – Social/Economic Impacts

Alternative A1 – No Action

- No new or additional economic impacts
- Contributes to a loss of potential income by squid trawl vessels not issued an “HMS permit triple pack” that must discard incidentally-caught swordfish
 - \$3,849 - \$4,144 annually in unrealized income for 13 “active” *Illex/Loligo* squid trawl vessels not issued HMS permits*
 - \$355 - \$473 annually in unrealized income for 162 “active” *Loligo* squid trawl vessels not issued HMS permits*
- May contribute to incomplete reporting, data collection, and quota monitoring

* Each swordfish trawl discard estimated at \$296 or \$3.29 / lb (dw)



Issue A – Social/Economic Impacts

Alternative A2 – New permit for *Illex* Squid Moratorium Permit holders to retain swordfish (*Preferred Alternative*)

- Could provide minor economic benefits to *Illex* squid moratorium permitted vessels
 - \$3,849 - \$4,144 annually in additional income for 13 “active” *Illex/Loligo* squid trawl vessels not issued HMS permits
 - No change in economic impacts for *Loligo* permitted vessels
- Potential minor burden associated with permit application and fees
- Could improve reporting, data collection, quota monitoring, and outreach



Issue A – Social/Economic Impacts

Alternative A3 – Exempt *Illex* Squid Moratorium Permit holders from HMS permitting requirements to retain swordfish

- Could provide minor economic benefits to *Illex* squid moratorium permitted vessels
 - \$3,849 - \$4,144 annually in additional income for 13 “active” *Illex/Loligo* squid trawl vessels not issued HMS permits
 - No change in economic impacts for *Loligo* permitted vessels
- Would not improve reporting, data collection, quota monitoring, and outreach



Issue A – Social/Economic Impacts

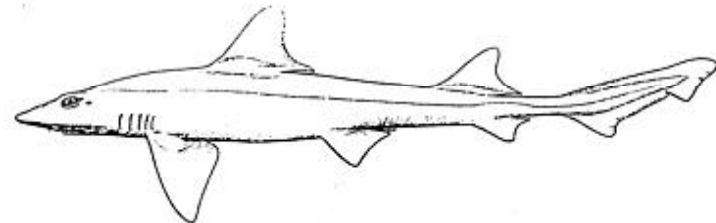
Alternative A4 – New permit or exemption for *Loligo* Squid Moratorium Permit holders to retain swordfish

- Could provide minor economic benefits to *Loligo* squid moratorium permitted vessels
 - \$355 - \$473 annually in additional income for 162 “active” *Loligo* squid trawl vessels not issued HMS permits
- Would/would not improve reporting, data collection, quota monitoring, and outreach (depending upon permit/exemption)



Incidental Catch of Smoothhound Sharks in Trawl Fisheries

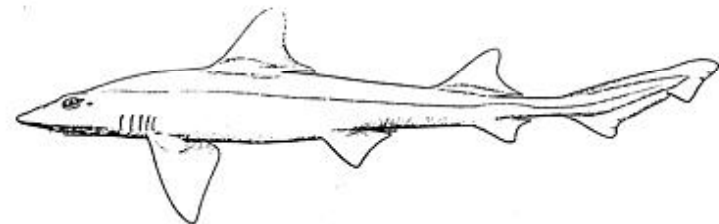
NMFS is considering a retention limit for smoothhound sharks caught incidentally in trawl gear





Incidental Catch of Smoothhound Sharks in Trawl Fisheries

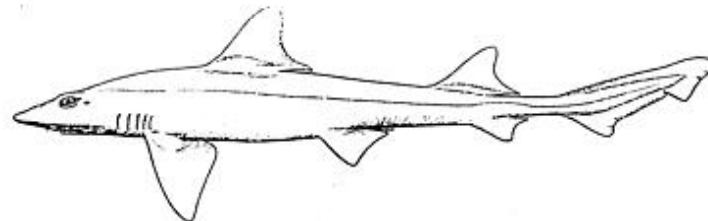
- Pursuant to the Magnuson-Stevens Act, NMFS has defined smoothhound sharks as HMS and subject to the jurisdiction of the Secretary of Commerce, delegated to NMFS
- The smoothhound shark complex:
 - Consists of smooth dogfish and the Florida smoothhound (genus Mustelus)
 - Was brought under federal management through Amendment 3 to the 2006 Consolidated HMS FMP (June 2010)





Incidental Catch of Smoothhound Sharks in Trawl Fisheries

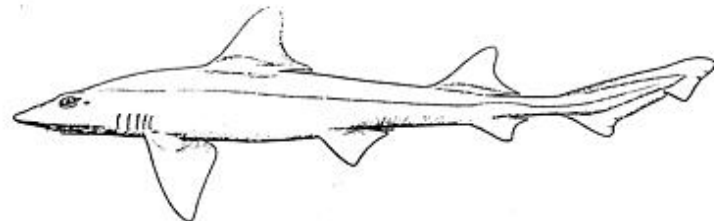
- When NMFS brought smoothhound sharks under federal management in Amendment 3, the intent was to minimize changes to the fishery, to the extent practicable
- Consistent with the intention to minimize fishery changes, NMFS:
 - Authorized the use of the major gear type used in the directed fishery (*i.e.*, gillnets)
 - Did not authorize trawl gear, but considered an allowance for the retention of smoothhound sharks incidentally-caught in trawl gear
 - Delayed implementation of management measures until the 2012 fishing season

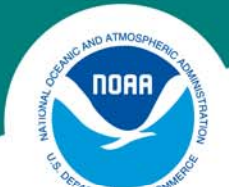




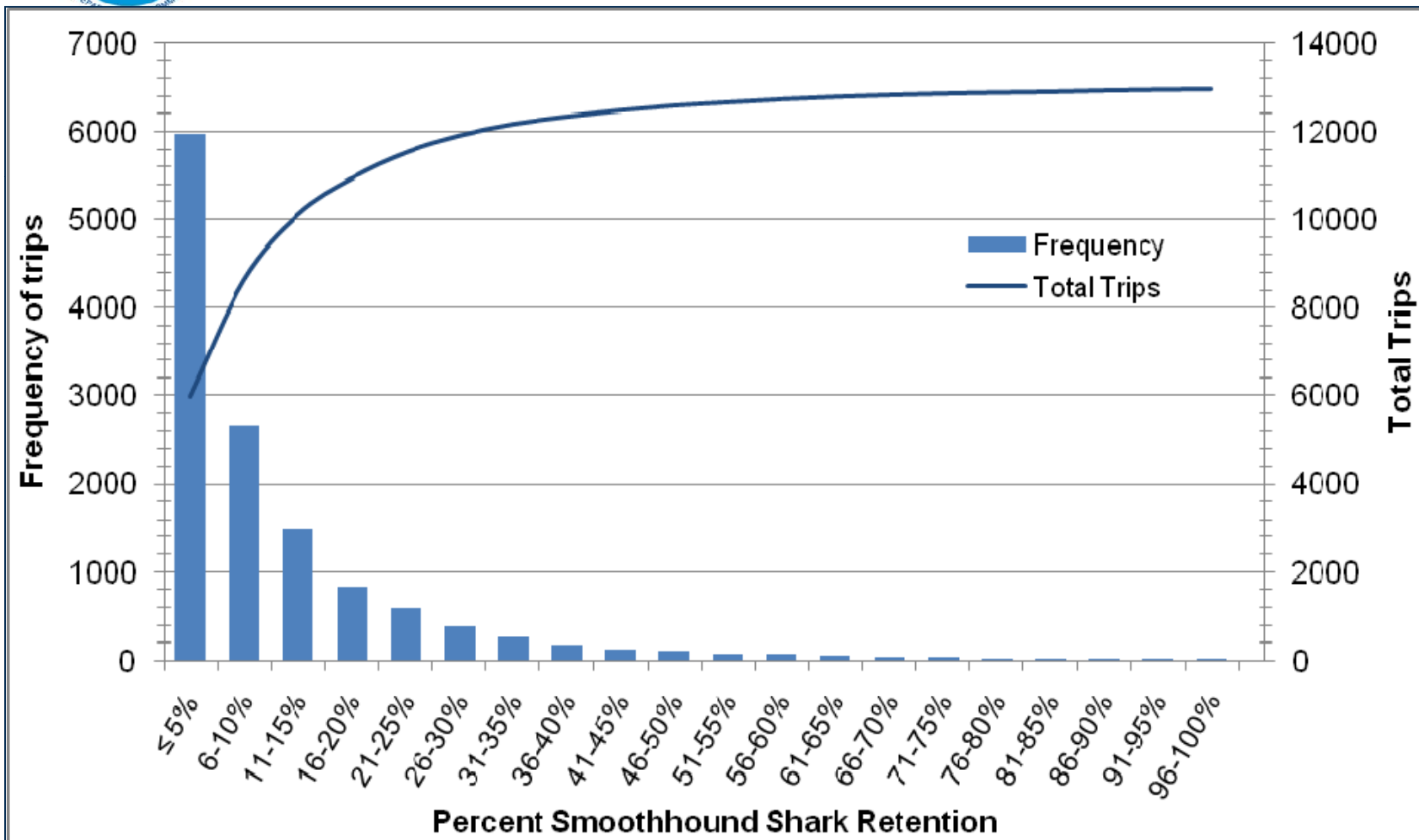
Issue B - Alternatives

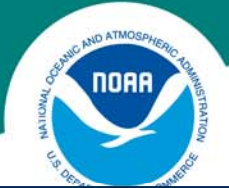
- Alternative B1 - No Action. Do not allow for the retention of smoothhound sharks caught in trawl gear
- Alternative B2 - Allow for the retention of smoothhound sharks caught incidentally in trawl gear, in an amount not to exceed **25%** of the total catch, by weight , on board or offloaded from the vessel (*Preferred Alternative*)
- Alternative B3 - Allow for the retention of smoothhound sharks caught incidentally in trawl gear, in an amount not to exceed **50%** of the total catch, by weight, on board or offloaded from the vessel



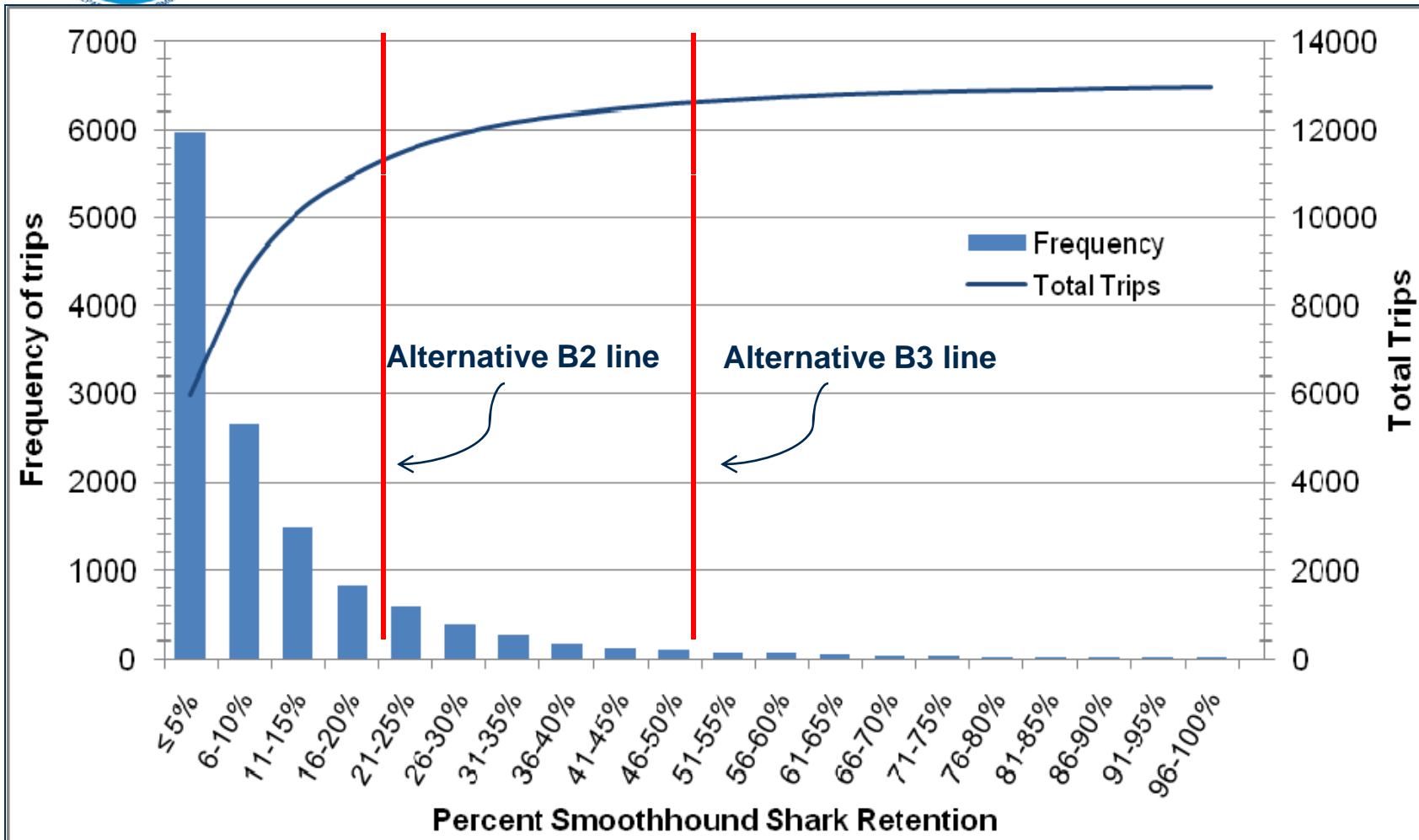


Incidental Catch of Smoothhound Sharks in Trawl Fisheries





Incidental Catch of Smoothhound Sharks in Trawl Fisheries





Issue B – Impacts

- Impact Analysis

- Smoothhound management measures will be implemented in 2012
- “No Action” vs. “Status Quo”
 - No Action - Without rulemaking, there would be no retention of smoothhound sharks in trawl gears beginning in the 2012 fishing season
 - Status Quo – There is currently no restrictions on trawl fishing for smoothhound sharks
- All impacts will be discussed as compared to “No Action”
- Primary trawl fisheries that incidentally capture smoothhound sharks
 - Loligo squid, Summer flounder, Croaker, Silver hake (whiting), Skate, Scup, Other



Issue B – Ecological Impacts

- Under the No Action alternative, smoothhound sharks caught in trawl gear cannot be retained starting in the 2012 fishing season
 - Live discards result in reduced fishing morality and minor beneficial ecological impacts
 - 100% of the historical retention would be precluded
- Alternatives B2 and B3 would allow increased retention of smoothhound sharks, compared to the “no action” alternative
 - Reduced live discards result in minor negative ecological impacts
 - 11% and 3% (respectively) of the historical retention would be precluded
- Since smoothhound sharks are rarely targeted, incidental catch allowances are not expected to alter trawl effort levels or rates
 - Neutral indirect and cumulative ecological impacts
 - Neutral impacts on protected resources



Issue B – Social/Economic Impacts

Background Data

- Average annual total revenue from smoothhound sharks caught in trawl gear is \$56,729 per year
 - Annual total average of 145,088 lbs dw of smoothhound shark sold per year (VTR Data 2000-2009)
 - Average ex-vessel price of \$0.29/lb for smoothhound shark meat and \$2.02/lb for smoothhound shark fins with a 5% fin-to-carcass ratio



Issue B – Social/Economic Impacts

- Under the No Action alternative, trawl fishermen could experience moderate negative social and economic impacts
 - Although trawl fishermen rarely target smoothhound sharks, the inability to retain and sell them could reduce trawl revenues
- Alternatives B2 and B3 would allow up to 89% and 97%, respectively, of historical trawl trips to occur
 - Would result in minor positive social and economic impacts relative to “no action” alternative
- All indirect impacts to supporting businesses (bait, ice, etc), end-use consumers, and fish processors are expected to be neutral
 - Trawl effort is unlikely to change
 - Consumers and fish processors could obtain product from the directed and trawl fisheries



Timeline for Rulemaking

- Proposed rule published March 18, 2011
- Public comment period ends April 17, 2011
- Public hearings:

Gloucester, MA	March 21
Barnegat, NJ	March 22
Manteo, NC	March 28
Silver Spring, MD	April 6
Annapolis, MD	April 13



Public Comments

- Please identify comments with **"0648-BA45"**
- Federal eRulemaking Portal - <http://www.regulations.gov>
- Fax: 301-713-1917
- Mail: Margo Schulze-Haugen
Highly Migratory Species Management Division
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910