

Status Report of Northeast Region Actions

March 12, 2001

Prepared for the March 14-15, 2001 Meeting of
the New England Fishery Management Council



National Marine Fisheries Service
Northeast Region
Sustainable Fisheries Division
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New England Council Actions

Scallop Regulations

Atlantic Sea Scallop Interim Rule - On February 9, 2001, NMFS published an interim rule to extend the closure of the Hudson Canyon South and Virginia Beach Sea Scallop Closed Areas. This action, which is necessary to reduce overfishing, will help ensure that fishing mortality rates do not exceed the target thresholds established in the Atlantic Sea Scallop Fishery Management Plan (FMP). The Hudson Canyon South and Virginia Beach Sea Scallop Closed Areas will remain closed until August 8, 2001, or until such time that a controlled area access program for these two areas can be implemented through Framework 14 to the FMP, whichever is sooner (Pete Christopher, 978-281-9288).

Framework Adjustment 14 - NMFS has received Framework Adjustment 14 to the Atlantic Sea Scallop FMP. Framework 14, which is the annual adjustment action proposed for a 2-year period, includes a days-at-sea (DAS) adjustment, an area access program for the Mid-Atlantic scallop closed areas, and a restriction on the possession of in-shell scallops inside the vessel monitoring system (VMS) demarcation line. Framework 14 is intended to address improved conditions in the scallop resource through an increase in fishing effort and controlled exploitation of the resource in the Mid-Atlantic scallop closed areas. This action is currently under review (Pete Christopher, 978-281-9288).

Herring Regulations

Vessel Monitoring System (VMS) Requirements Delayed - On February 27, 2001, NMFS published a notice to announce the delay of the VMS requirements implemented through the Atlantic Herring FMP. The VMS requirements for the Atlantic herring fishery were originally scheduled to take effect on March 12, 2001. However, the VMS requirements have been temporarily delay for 60 days by Presidential directive. Therefore, the VMS requirements will become effective on May 11, 2001(Marty Jaffe, 978-281-9272).

Specifications for Fishing Year 2001 - On March 5, 2001, NMFS published the proposed 2001 specifications for the Atlantic herring fishery, which includes a 5,000 mt allocation for TALFF. The intent of the specifications is to conserve and manage the herring resource and provide for sustainable fisheries, and to comply with the provisions in the Fishery Management Plan for Atlantic Herring (FMP). Comments on the proposed specifications must be received no later than **5:00 PM on April 4, 2001**. A final rule is pending (Myles Raizin, 978-281-9104).

Red Crab Request for Regulatory Action

On January 30, 2001, the New England Fishery Management Council requested that the Secretary of Commerce, through Secretarial Emergency Action, address the imminent rapid increase in harvest and to halt or prevent overfishing, while providing immediate protection of the red crab resource as the Council develops the Red Crab Fishery Management Plan. This request is currently under review (Marty Jaffe, 978-281-9272).

Barndoor Skate Request for Regulatory Action

On January 30, 2001, the New England Fishery Management Council requested that the Secretary of Commerce, through Secretarial Interim Action, prohibit the possession of barndoor skate by all vessels fishing in federal waters. This request is currently under review (Tom Warren, 978-281-9347).

Mid-Atlantic Council Actions

Summer Flounder, Scup and Black Sea Bass Regulations

Scup & Black Sea Bass Specifications for Fishing Year 2001/ Commercial Quota Adjustment / Scup & Black Sea Bass Closures - On March 1, 2001, NMFS published final specifications for the 2001 scup and black sea bass fisheries and announced preliminary adjustments to the 2001 commercial quotas for these fisheries. NMFS also announced that the scup commercial quota available in the Winter I period and the black sea bass commercial quota available in the Quarter 1 period to the coastal states from Maine through North Carolina has been harvested. Federally permitted commercial vessels may not land scup in these states for the remainder of the 2001 Winter I quota period through April 30, 2001. Federally permitted commercial vessels may not land black sea bass in these states for the remainder of the 2001 Quarter I quota period through March 31, 2001. (Rick Pearson, 978-281-9279).

Summer Flounder Specifications for Fishing Year 2001 - On November 28, 2000, NMFS published proposed specifications for the 2001 summer flounder fishery. The comment for the proposed specifications ended on December 19, 2000. A final rule is pending (Rick Pearson, 978-281-9279).

Recreational Specifications for Fishing Year 2001 - NMFS has received the recreational specifications for the 2001 summer flounder, scup and black sea bass recreational fisheries. This action is under review and a proposed rule is pending (Allison Ferreira, 978-281-9103).

Framework Adjustment 2 - NMFS has received Framework Adjustment 2 to the Summer Flounder, Scup and Black Sea Bass FMP. Framework 2 proposes to modify the mechanism for specifying the annual management measures for the summer flounder recreational fishery by implementing a management system that will constrain the recreational summer flounder fishery to either a coastwide recreational harvest limit or allow states to customize summer flounder recreational management measures. This action is currently under review (Dave Gouveia, 978-281-9280).

Atlantic Mackerel, Squid, and Butterfish Regulations

Specifications for Fishing Year 2001 - On March 1, 2001, NMFS published final specifications for the 2001 Atlantic mackerel, squid and butterfish fisheries. In addition, the directed fishery will be closed in Quarters I-III when 80 percent of the period's allocation is harvested, with vessels restricted to a 2,500-lb Loligo trip limit until the end of the respective quarter. Additionally, when 95 percent of the total annual DAH has been harvested, the trip limit will be reduced to 2,500-lb of Loligo for the remainder of

the year. In both cases where the 2,500-lb trip limit has been triggered, vessels will be prohibited from possessing or landing more than 2,500-lb in a single day. Any quota overage in Quarter I will be deducted from the allocation in Quarter III, and any overage in Quarter II will be deducted from Quarter IV (Paul Jones, 978-281-9273).

Bluefish Regulations

On February 21, 2001, NMFS published the proposed 2001 specifications for the Atlantic bluefish fishery, including a total allowable harvest level (TAL), state-by-state commercial quotas, and recreational harvest limits and possession limits for Atlantic bluefish off the east coast of the United States. The intent of the specifications is to conserve and manage the bluefish resource and provide for sustainable fisheries. NMFS also proposes to amend the regulations implementing the Fishery Management Plan for Atlantic Bluefish (FMP) to specify the procedures for setting the annual TAL.

Comments on the proposed specifications must be received no later than **5:00 PM on March 23, 2001**. A final rule is pending (Myles Raizin, 978-281-9104).

Spiny Dogfish Regulations

NMFS has received the proposed specifications for fishing year 2001. This action is currently under review and a proposed rule is expected in the near future (Rick Pearson, 978-281-9279).

Tilefish Regulations

On February 12, 2001, NMFS published a Notice of Availability for the Tilefish Fishery Management Plan (FMP). Comments on the Tilefish FMP, including its regulatory impact review, initial regulatory flexibility analysis, and final environmental impact statement, must be received no later than **5:00 PM on April 13, 2001**. A proposed rule will be published in the near future (Myles Raizin, 978-281-9104).

Other Regulations

American Lobster Regulations - On March 13, 2001, NMFS published a final rule to exempt black sea bass fishers who concurrently hold limited access lobster and limited access black sea bass permits from the more restrictive gear requirements in the lobster regulations when fishing in Lobster Conservation Management Area 5 (LCMA 5) if they elect to be restricted to the non-trap lobster allowance (no more than 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer) while targeting black sea bass in LCMA 5. LCMA 5 is the nearshore lobster conservation management area extending from Barnegat Light, New Jersey to Cape Hatteras, North Carolina. This rule also clarifies that Federal lobster trap regulations do not affect trap gear requirements for fishermen who do not possess a limited access American lobster permit. This rule becomes effective on April 12, 2001 (Bob Ross, 978-281-9234).

Omnibus Framework Adjustment 1 - NMFS has received Omnibus Framework Adjustment 1 to the Atlantic Mackerel, Squid, and Butterfish; Summer Flounder, Scup, and Black Sea Bass; Bluefish; and Tilefish Fishery Management Plans. Framework 1 proposes to implement a research set-aside allocation process to allow the Mid-Atlantic Council (Council) to set aside up to 3 percent of total allowable landings to be used for research purposes for each of the respective fisheries. The Council will solicit proposals

from industry, based on research priorities identified by the Council. Proposals will be reviewed and approved through the Federal grant review and award procedures based on recommendations by the Council. Vessels conducting research would in many cases be requesting exemptions from some management restrictions. The analysis of the exemptions will be included as part of the annual quota specification package submitted by the Council as proposed by NMFS. This action is currently under review (Dave Gouveia, 978-281-9280).

Experimental Fishery Actions

Requests Under Review

Proposals submitted for funding through the Northeast Consortium - NMFS has received 10 out of 11 research proposals for review submitted to the Northeast Consortium for funding. Here is a status of the review process on the 10 proposal that have been received for review: 1) Three projects will follow normal fishing operations (no exemptions required), 2) Two requests have received EFPs to conduct exempted fishing activities, 3) Four requests have either already received Letters of Acknowledgment (LOA) to conduct scientific research activities, or are under review to receive a LOA and, 4) One request is currently under review for an EFP.

Jonah Crab Experiment in Federal Lobster Management Area 1 - The Maine Department of Marine Resources (MEDMR) submitted a request for EFPs to use modified lobster traps (modified side entry trap) to target Jonah crab in Nearshore Lobster Management Area 1. The intent of the fishery is to determine if modified side entry lobster traps can exclude American lobster in anticipation that this information would support a future gear exemption request. The initial application for EFPs required revisions. A revised request is expected shortly. For more information, contact Bonnie Van Pelt, 978-281-9244.

Blackfin Monkfish Experiment off North Carolina - North Carolina Department of Environment and Natural Resources submitted a request for an EFP to conduct a blackfin monkfish gillnet experiment off North Carolina. The purpose of the study is to characterize the distribution and abundance of the blackfin monkfish component of the monkfish fishery off NC and VA. A notice soliciting public comment on this experiment will be published in the *Federal Register* in the near future. For more information, contact Bonnie Van Pelt, 978-281-9244.

Whiting Experiment in the Gulf of Maine - The Maine Department of Marine Resources submitted a proposal to develop a whiting fishery in the Gulf of Maine that meets whiting conservation goals for size selectivity and regulated multispecies bycatch targets. The project will test 2-1/2 inch diamond mesh and 2-1/4 inch square mesh with a 50 mm bar space grate in combination with a raised footrope net configuration to determine whether bycatch reduction targets can be met. It will also produce video footage of the interaction between the gear and fish and the gear and the ocean bottom. The initial application for EFPs required revisions. A revised request is expected shortly. For more information, contact Bonnie Van Pelt, 978-281-9244.

Cod Tagging, Release, and Hydrophone Tracking in the Western Gulf Of Maine Year

Round Closed Area - The Stellwagen Bank Marine Sanctuary will conduct a two-part study entitled, "Fish Movement and the Design of Marine Protected Areas", from April 1, 2001 to December 31, 2001. The first part of the study will deploy a four-node hydrophone array just inside the southern boundary of the Western GOM Closed Area. The second part of the study will collect, tag and release up to 30 Atlantic cod (*Gadus morhua*) for tracking by the hydrophone array. This study follows a pilot study conducted in 1998 and then again in 2000. This is intended to be the first year of a multi-year study that examines the movement rates of fishes with different life history strategies. Data on fish movement rates will be input to a computer model to explore the design of marine protected areas for the conservation of fishes. For more information, contact Walt Gardiner, 978-281-9326.

Sea Trials to Test Flexible Trawling Devices - NMFS has received a request from the Massachusetts Institute of Technology/Sea Grant to conduct sea trials to test flexible trawling devices using commercial vessels beginning in year two of a two part study which is also designed to test electronic data loggers. This action is currently under review. For more information, contact Bonnie Van Pelt, 978-281-9244.

Bait Testing for Longline Gear - NMFS has received a request from the Massachusetts Division of Marine Fisheries to test baits, including artificially fabricated baits, for longlines in an area east of Chatham, MA. This action is currently under review. For more information, contact Walt Gardiner, 978-281-9326.

Maine Department of Marine Resources (MEDMR) Cooperative Atlantic Halibut Survey NMFS has received a request from MEDMR to conduct an experimental Atlantic halibut fishery in the eastern portion of the Gulf of Maine. This experimental fishery is an extension of the Atlantic halibut experiment conducted by MEDMR in 2000. EFPs would be issued to a total of six vessels. Vessel will utilize traditional longline or tub trawl gear and would be authorized to fish for and possess Atlantic halibut within the proposed experimental boundary. The fishery would take place April 1 through May 31, 2001. The intent of this project is to continue the collection of data on the distribution, relative abundance, migration, stock definition, mortality rates, stock size, yield, and other significant biological reference points. A notice soliciting public comment on this experiment will be published in the *Federal Register* in the near future. For more information or a copy of the proposed experiment, contact Allison Ferreira, 978-281-9103.

Maine Department of Marine Resources (MEDMR) and Gulf of Maine Aquarium Development Corporation Northern Shrimp Bycatch Study - NMFS has received a request from MEDMR and the Gulf of Maine Aquarium Development Corporation to conduct multispecies bycatch research in the northern shrimp fishery. This request is currently under review. A notification of this proposal and request for comments was published in the *Federal Register* on February 27, 2001. Comments must be received by **March 14, 2001**. For more information or a copy of the proposed experiment, contact Tom Warren, 978-281-9347.

Massachusetts Division of Marine Fisheries Flatfish Trawl Net Study to Reduce Cod Bycatch -NMFS has received a request from MDMF to conduct a study to evaluate the effectiveness of two flatfish trawl net designs in the Gulf of Maine. This request is currently under review. For more information or a copy of the proposed experiment, contact Tom Warren, 978-281-9347.

Program to conduct side-by-side tows with the R/V Albatross - NMFS has received an experimental fishery proposal from Haskin Shellfish Research Laboratory. The EFP would allow one federally permitted vessel to conduct side-by-side tows with the *R/V Albatross* using 6-cm codend mesh. No species will be targeted by the study, but the nets will be fished to maximize the catch of summer flounder, scup and black sea bass on Leg I of the survey, and silver hake on Leg II. The purpose of the study is to provide information on the relative catchability of the two platforms and gears fished during the NMFS Spring Trawl Survey. A notice was published in the *Federal Register* on February 27, 2001, requesting public comment on this proposal. Comments must be received no later than **5 p.m., March 14, 2001**. For more information, contact Allison Ferreira, 978-281-9103.

Excluder (EX-it) Device Gear Trials in the GOM/GB Regulated Mesh Area - The Manomet Center for Conservation Sciences (Manomet) submitted a proposal to conduct gear selectivity studies to address bycatch and discard of incidental catch and sub-legal sized fish, cod in particular, in the mixed-groundfish fisheries of the Northeast. This collaborative study involves Manomet, the Massachusetts Division of Marine Fisheries, and the Maine Department of Marine Resources as co-principal investigators. In addition, project tasks will be coordinated with the Canadian Department of Fisheries and Oceans to ensure compatibility with existing methodology and data format. A bycatch reduction device called EX-it was developed by the Icelandic fishing industry, with scientific and Governmental collaboration. The main objective of the experiment is to field test two modifications of the EX-it device for selectivity in the mixed-groundfish fisheries. A notice soliciting public comment on this experiment will be published in the *Federal Register* in the near future. For more information, contact Bonnie Van Pelt, 978-281-9244.

Bycatch Reduction in the Atlantic Sea Scallop Fishery - NMFS has received an experimental fishery proposal from Coonamessett Farm to conduct research addressing scallop bycatch reduction. The proposal supplements two previous experiments conducted by Coonamessett Farm and would continue to investigate the possible reduction of yellowtail flounder and skate bycatch by Atlantic sea scallop dredges using an experimental dredge equipped with a roller sweep and an excluder panel. The experimental dredge would also be lightened in order to test the protection of habitat. A notice soliciting public comment on this experiment will be published in the *Federal Register* in the near future. For more information, contact Jennifer Anderson, 978-281-9226.

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<http://www.nero.nmfs.gov/ro/doc/nero.htm>