



August 29, 2006

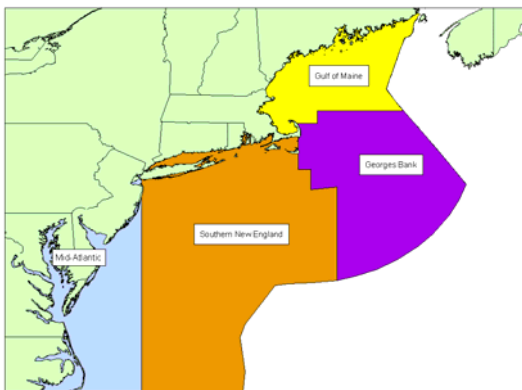
Dear Northeast multispecies permit holder,

This letter is being sent to clarify the silver hake (whiting) small mesh fishery exemption programs. Within this letter you will find information on the various whiting exemption programs in the Northeast Region. To assist you in navigating the information, this letter is arranged by topic as follows:

<u>Topic/Exemption Area</u>	<u>Page(s)</u>
• General information on the small mesh exemption programs.....	1-3
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Small Mesh Exemption Programs

Exempted fisheries allow vessels to fish for specific species, such as whiting, in designated areas using mesh sizes smaller than the minimum mesh size allowed under the Regulated Mesh Area (RMA) regulations. The following figure illustrates the four Northeast Region RMAs.



The following minimum mesh sizes apply to trawl net codends:

Regulated Mesh Area	Codend mesh size requirement
Gulf of Maine (GOM)	6.5-inch square or diamond
Georges Bank (GB)	
Southern New England (SNE)	6.5-inch square or 7.0-inch diamond
Mid-Atlantic (MA)	6.5-inch square or diamond

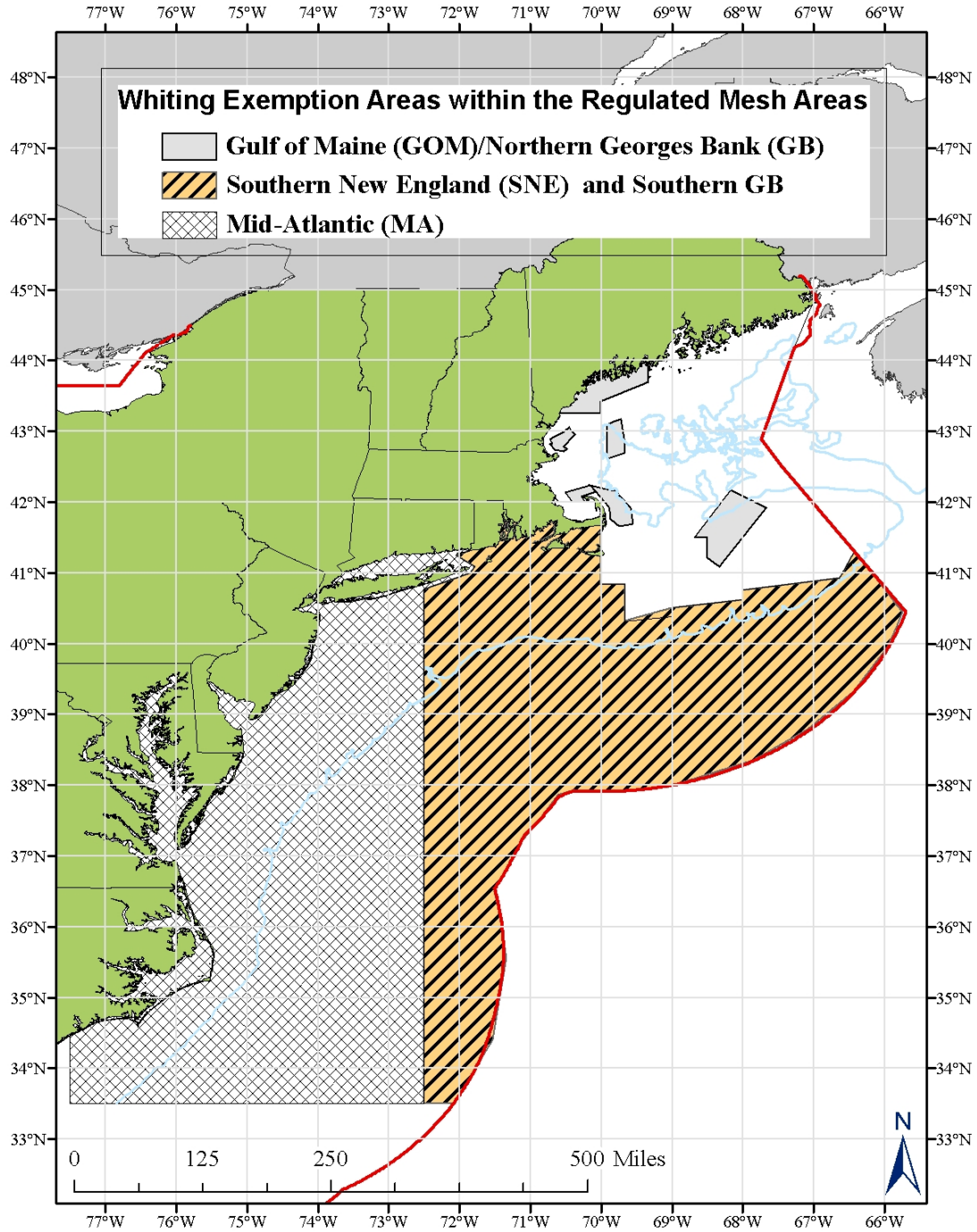
No one may fish using a mesh smaller than those identified above unless they are eligible to participate in, and comply with all of the requirements of, a specific exempted fishery.

To be approved and implemented, exemption programs must have demonstrated that incidental catch of regulated species¹ is less than 5% of the total catch, by weight, and that the exemption will not jeopardize fishing mortality objectives.

¹ Regulated species: Atlantic Cod, Witch Flounder, American Plaice, Yellowtail Flounder, Haddock, Pollock, Winter Flounder, Windowpane Flounder, Acadian Redfish, and White Hake



Several specific areas within the GOM and GB RMAs have established fishery exemptions for whiting. Whiting may be fished for in the entire SNE and MA RMAs, under specific requirements. **Vessels may fish for whiting with small mesh trawls only within the designated exempted fishery areas and provided they comply with the additional requirements and conditions specified in the regulations and summarized in this letter for each area/fishery.**



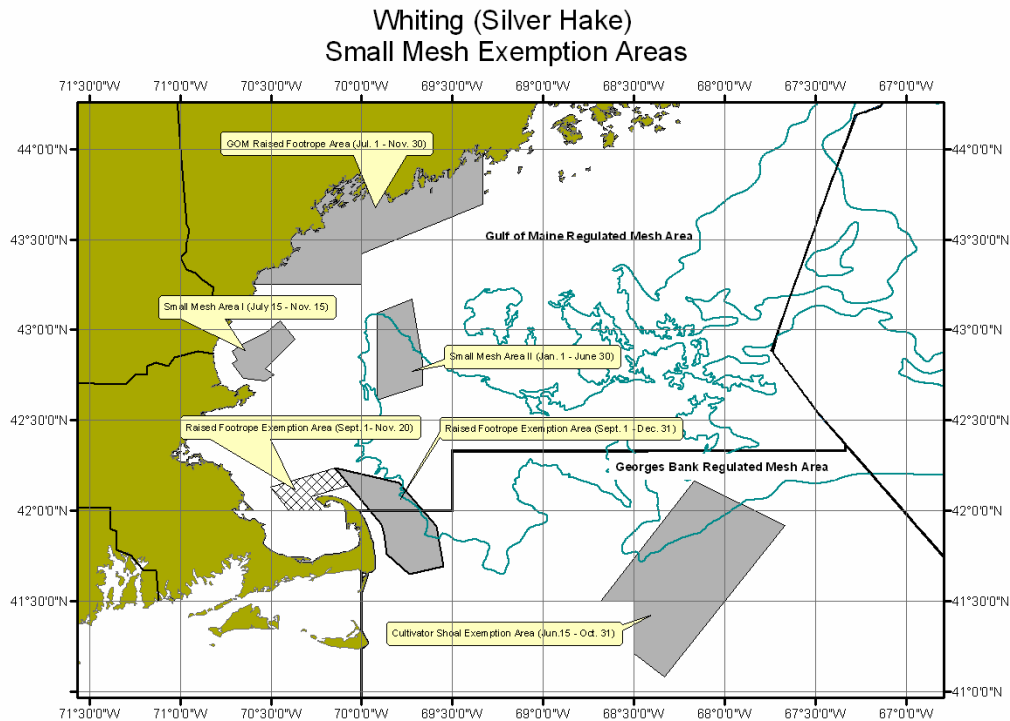
General Small-Mesh Whiting Fishery Exemption Program Information:

Vessels fishing for whiting in an exemption program must possess either an open access (Category K) or limited access (Categories A-F) Northeast (NE) Multispecies permit. If the vessel has a limited access NE Multispecies permit, fishing for whiting may be done while not under a Day-At-Sea (DAS) and declared out of the fishery (DOF), if required to operate a Vessel Monitoring System (VMS).

Some species permitted for possession and landing in the small-mesh exemption areas are governed by other separate Federal Fishery Management Plans (FMPs). To assist you in compliance, species that fall under a separate FMP are listed in *italics* in the remainder of this letter. Unless fishing occurs exclusively in state waters, to possess and land such species, vessels must possess the specific Federal fishery permit for the FMP in question. In addition, separate regulations may apply. For example, if the fishery for *Loligo* squid were closed, triggering a restriction on possession of *Loligo*, the more restrictive possession limit of the *Loligo* FMP would apply. For information on Federal fishery permits and what regulations may be applicable to species governed by a separate FMP, please call the Sustainable Fisheries Division at (978) 281-9315.

Exemptions within the Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area:

Vessels may fish in the following GOM/GB exempted fisheries in the area specified, provided they comply with requirements and conditions listed for each fishery, as follows:



GOM Grate Raised Footrope Trawl Whiting Fishery Exemption:

Area:

<u>N. Latitude</u>	<u>W. Longitude</u>
43°15'	70°35.4'
43°15'	70°00'
43°25.2'	70°00'
43°41.8'	69°20'
43°58.8'	69°20'

Small-Mesh Multispecies Possession Limits:

- Combined silver hake (whiting) and offshore hake; up to 7,500 lb
- Red hake; none

Additional Species Permitted for Retention:

- *Butterfish*
- *Atlantic herring*
- *Squid*
- Alewife

Season: July 1 – November 30.

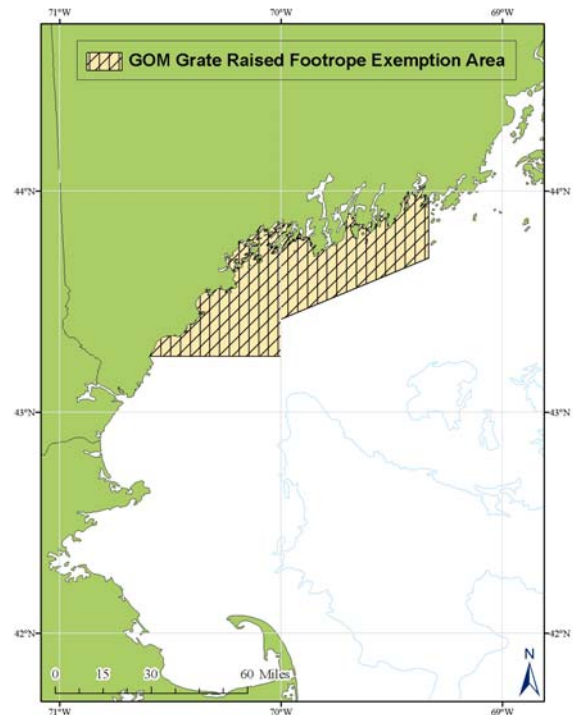
Gear: Vessels must comply with a **minimum mesh size of 2.5-inch** (6.35 cm) square or diamond mesh applied to the first 100 meshes (200 bars in case of square mesh) for vessels greater than 60 feet in length, and 50 meshes (100 bars in case of square mesh) for vessels less than or equal to 60 feet in length, counted from the terminus of the net.

Trawl vessels are required to use raised footrope trawl gear equipped with a grate in this exemption area.

Vessels are considered to be fishing with a raised footrope if their trawl gear is designed according to the specifications outlined on page 10 of this letter.

The excluder grate must be:

- secured forward of the codend;
- constructed of rigid or semi-rigid parallel bars spaced not more than 1.97 inches (50 mm) apart;
- capable of effectively excluding all fish and other objects too large to fit between the bars from entering the codend; and
- paired with an outlet hole forward of the grate towards the mouth of the net whose aftermost edge is at least as wide as the grate at the point of the attachment.



Cultivator Shoal Whiting Fishery Exemption Area:

Area:

<u>N. Latitude</u>	<u>W. Longitude</u>
42°10'	68°10'
41°30'	68°41'
41°30'	68°30'
41°12.8'	68°30'
41°05'	68°20'
41°55'	67°40'
42°10'	68°10'

Small-Mesh Multispecies Possession Limits:

- Silver hake (whiting) and offshore hake; up to 30,000 lb combined
- Red Hake; none

Additional Species Permitted for Retention:

- *Atlantic herring*
- Longhorn sculpin
- *Squid*
- *Butterfish*
- *Atlantic mackerel*
- *Dogfish*
- *Monkfish* and monkfish parts up to 10% by weight of all other species onboard or 50 lb tail weight (166 lb whole weight), whichever is less
- *American lobster* up to 10 percent by weight of all other species on board up to 200 lobsters, whichever is less, unless otherwise restricted

Season: June 15 – October 31, unless otherwise specified by notification in the **Federal Register**.

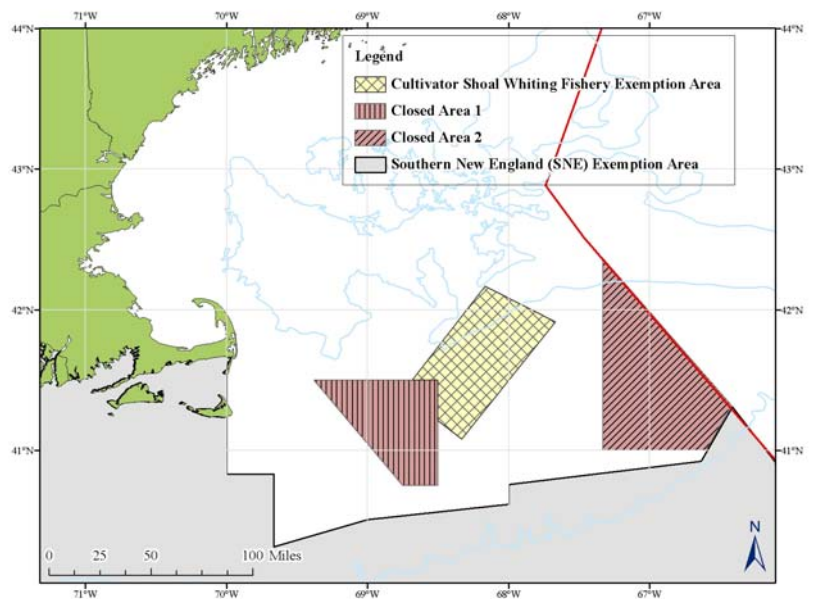
Gear: Vessels must comply with a **minimum mesh size of 3-inch** square or diamond mesh, applied to the first 100 meshes (200 bars in case of square mesh) for vessels greater than

60 feet in length, and 50 meshes (100 bars in case of square mesh) for vessels less than or equal to 60 feet in length, counted from the terminus of the net.

Additional Requirements and Conditions:

Participating vessels must carry a Letter of Authorization issued by the Regional Administrator, valid for a minimum of 7 days. Participating vessels may withdraw from the program no earlier than 7 days from the date of enrollment. Letters of authorization, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370 extension 6438.

When transiting through the GOM/GB Regulated Mesh Area, nets of mesh size smaller than the regulated mesh size must be stowed properly.



Note: Small mesh may not be used outside the Cultivator Shoal Exemption Area (*shown above*) in either the Western or Eastern US/Canada Areas or elsewhere on GB except in the SNE Exemption Area (*See page 8*).

Small Mesh Area 1 and 2 Exemption

Areas:

Area: Small Mesh Area 1

<u>N. Latitude</u>	<u>W. Longitude</u>
43°03'	70°27'
42°57'	70°22'
42°47'	70°32'
42°45'	70°29'
42°43'	70°32'
42°44'	70°39'
42°49'	70°43'
42°50'	70°41'
42°53'	70°43'
42°55'	70°40'
42°59'	70°32'

Small Mesh Area 1 Season: July 15 – November 15.

Area: Small Mesh Area 2

<u>N. Latitude</u>	<u>W. Longitude</u>
43°05.6'	69°55'
43°10.1'	69°43.3'
42°49.5'	69°40'
42°41.5'	69°40'
42°36.6'	69°55'
43°05.6'	69°55'

Small Mesh Area 2 Season: January 1 – June 30.

Small-Mesh Multispecies Possession Limits:

- Silver hake (whiting) and offshore hake combined; mesh size dependent:

<u>Codend Mesh Size</u>	<u>Possession Limit</u>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal or greater than 3.0 inches	30,000 lb

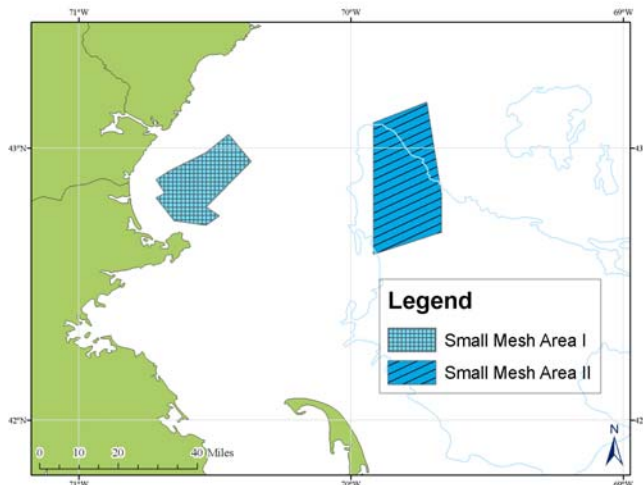
- Red hake; none

Additional Species Permitted for Retention:

- *Butterfish*
- *Dogfish*
- *Atlantic herring*
- *Atlantic mackerel*
- *Scup*
- *Squid*

Note: Vessels are reminded that portions of Small Mesh Area 1 fall within the state jurisdictions of Massachusetts and New Hampshire. When fishing in state waters, Federally permitted vessels are subject to the more restrictive of Federal or State regulations. Also, be aware that portions of Small Mesh Area 2 are affected by Inshore Closure Areas and are thus closed during these time periods.

Gear: Trawl vessels are required to use a raised footrope trawl when fishing in Small Mesh Areas 1 and 2, depending on the species of fish targeted. Vessels are considered to be fishing with a raised footrope if their trawl gear is designed according to the specifications outlined on page 10 of this letter.



Raised Footrope Trawl Exempted Whiting Fishery Areas

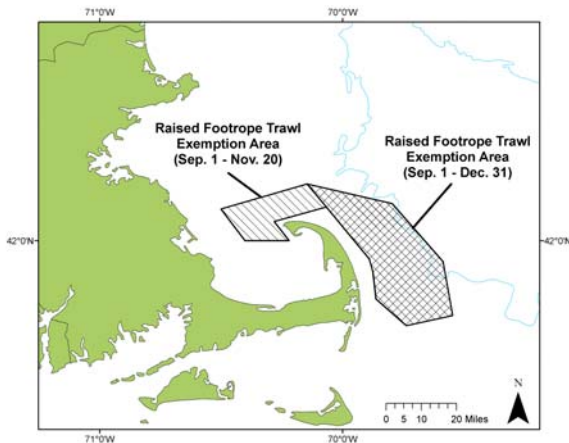
Areas and Seasons:

Raised Footrope Trawl Exempted Whiting Fishery Area (*September 1 – November 20*)

<u>N. Latitude</u>	<u>W. Longitude</u>
42°14.05'	70°08.8'
42°09.2'	69°47.8'
41°54.85'	69°35.2'
41°41.5'	69°32.85'
41°39'	69°44.3'
41°45.6'	69°51.8'
41°52.3'	69°52.55'
41°55.5'	69°53.45'
42°08.35'	70°04.05'
42°04.75'	70°16.95'
42°00'	70°13.2'
42°00'	70°24.1'
42°07.85'	70°30.1'
42°14.05'	70°08.8'

Raised Footrope Trawl Exempted Whiting Fishery Area (*September 1 - December 31*)

<u>N. Latitude</u>	<u>W. Longitude</u>
42°14.05'	70°08.8'
42°09.2'	69°47.8'
41°54.85'	69°35.2'
41°41.5'	69°32.85'
41°39'	69°44.3'
41°45.6'	69°51.8'
41°52.3'	69°52.55'
41°55.5'	69°53.45'
42°08.35'	70°04.05'
42°14.05'	70°08.8'



Small-Mesh Multispecies Possession Limits:

- Silver hake (whiting) and offshore hake combined; mesh size dependent:

<u>Codend Mesh Size</u>	<u>Possession Limit</u>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal or greater than 3.0 inches	30,000 lb

- Red hake; none

Additional Species Permitted for Retention:

- *Butterfish*
- *Dogfish*
- *Atlantic herring*
- *Atlantic mackerel*
- *Squid*
- *Scup*

Gear: All nets must be no smaller than the **minimum mesh size of 2.5-inch** square or diamond mesh. Participating vessels must use a raised footrope trawl. A description of the raised footrope trawl can be found on page 10 of this letter.

Vessels participating in the Raised Footrope Trawl Exempted Whiting Fishery may not use liners, codend covers, and/or outside net strengtheners.

Additional Requirements and Conditions:

Participating vessels must carry a Letter of Authorization issued by the Regional Administrator, valid for a minimum of 7 days. Participating vessels may withdraw from the program no earlier than 7 days from the date of enrollment. Letters of authorization, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370 extension 6438.

Note: Vessels participating in the Raised Footrope Trawl Whiting Fishery may participate in other small-mesh exemption areas provided they adhere to the more restrictive gear, possession, and other requirements for the entire participation period specified in the letter of authorization.

Exemptions within the SNE Regulated Mesh Area:

Vessels may fish in the following SNE exempted fisheries in the area specified, provided they comply with requirements and conditions listed for each fishery, as follows:

SNE Exemption Area:

Area:

N. Latitude W. Longitude

Bounded on the east by:

41°18.6'	66°24.8'
40°55.5'	66°38'
40°45.5'	68°00'
40°37'	68°00'
40°30.5'	69°00'
40°22.7'	69°00'
40°18.7'	69°40'
40°50'	69°40'
40°50'	70°00'

Bounded on the west by:

A line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI) southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY, southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30' W. long., and south along that line to the intersection of the outer boundary of the EEZ.

Gear: Any vessel participating in the SNE exempted species fisheries (including whiting) and not under a NE multispecies DAS may use gear with minimum mesh sizes smaller than the minimum regulated mesh size (*see page 1*).

Season: Open continually (year round).

Small-Mesh Multispecies Possession

Limits:

Silver hake (whiting) and offshore hake combined; mesh size dependent:

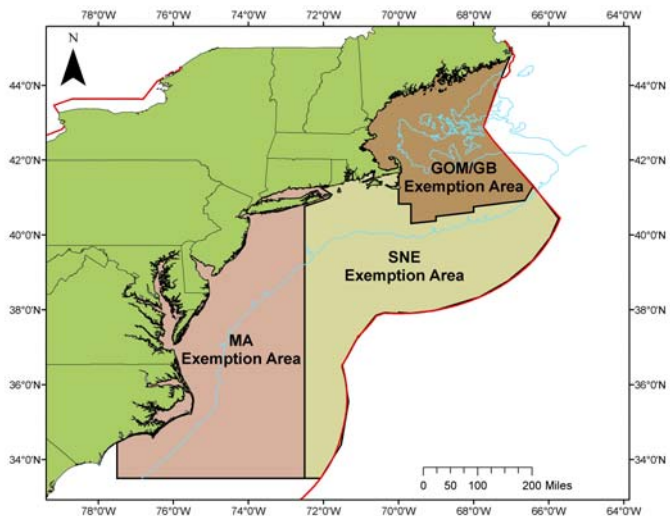
<i>Codend Mesh Size</i>	<i>Possession Limit</i>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal or greater than 3.0 inches	30,000 lb

- Red hake; none

Additional Species Permitted for Retention:

- *Butterfish, dogfish (trawl), Atlantic herring, Atlantic mackerel, ocean pout, scup, shrimp, squid, summer flounder, weakfish, Conger eels, searobins, black sea bass, tautog (blackfish), blowfish, cunner, John Dory, mullet, bluefish, tilefish, longhorn sculpin, fourspot flounder, alewife, hickory shad, American shad, blueback herring, sea ravens, Atlantic croaker, spot, swordfish*
- *Monkfish* and monkfish parts up to 10 percent by weight of all other species on board, or 50 lb tail-weight (166 lb whole-weight), whichever is less
- *American lobster* up to 10 percent by weight of all other species on board, up to 100 lobsters for trips of 24 hours or less, or 200 lobsters for trips longer than 24 hours, whichever is less
- *Skate* and skate parts up to 10 percent, by weight, of all other species on board.

Note: Several species within this list are regulated by individual states and/or the Atlantic States Marine Fisheries Commission (ASMFC). For information regarding the applicable rules, please contact ASMFC (202) 289-6400.



Exemptions within the MA Regulated Mesh Area:

Vessels may fish in the following MA exempted fisheries in the area specified provided they comply with requirements and conditions listed for each fishery, as follows:

MA Exemption Area:

Area:

The MA Exemption is the area that lies west of the SNE Exemption Area described on the previous page.

Small-Mesh Multispecies Possession Limits:

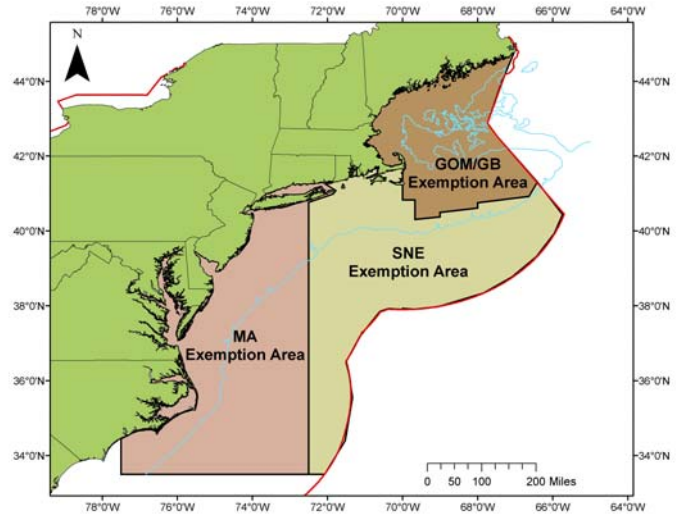
Silver hake (whiting) and offshore hake combined; mesh size dependent:

<i>Codend Mesh Size</i>	<i>Possession Limit</i>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal or greater than 3.0 inches	30,000 lb

- Red hake; none

Season: Open continually (year round).

Gear: Vessels participating in the MA Exemption Area may use mesh smaller than the required 6.5 inches if not under a multispecies DAS and not retaining regulated groundfish and subject to the regulations of the FMPs that apply to the fisheries in which they are participating.



Raised Footrope Trawl Gear Specifications:

Vessels fishing in the Raised Footrope Trawl Exempted Whiting Fishery (GOM or adjacent to Cape Cod), Small Mesh Area 1, or Small Mesh Area 2 must configure the trawl gear in such a way that, when towed, the footrope is not in contact with the ocean bottom. Vessels are presumed to be fishing in such a manner if their trawl gear is designed as specified below:

Headrope:

- Floats with a minimum diameter of 8 inches must be attached along the entire length of the headrope with a maximum spacing of 4 feet between each float.

Ground Gear:

- Ground gear must be all bare wire, not larger than 1/2-inch in diameter, for the top leg, not larger than 5/8-inch in diameter for the bottom leg, and not larger than 3/4-inch in diameter for the ground cables.
- The top legs must be equal with bottom legs, with no extensions.
- The total length of the ground cables must not be greater than 40 fathoms from the doors to the wing ends.

Footrope:

- The footrope must be longer than the headrope, but not more than 20 feet longer than the headrope, and must be rigged so that it does not contact the bottom while fishing.

Drop Chains:

- Drop chains must be used with or without a chain sweep (see below).
- Drop chains must be 42 inches in length or greater.
- The maximum size drop chain stock when used with a sweep is 5/16-inch. Drop chains may be a maximum of 3/8-inch stock when no sweep is used.
- Only bare chain may be used; cookies or additional weights on the drop chains are prohibited.

- Drop chains must be hung from the center of the footrope and each corner (the quarter, or the junction of the bottom wing to the belly at the footrope).
- Drop chains must be hung at 8-foot intervals along the footrope from the corners to the wing ends.

Sweep Specifications and Optional Sweepless Trawl:

- The raised footrope trawl may be used with or without a chain sweep. The sweep, if used, must be rigged in the following manner:
- The sweep must be bare chain, the same length as the footrope. (Note: The required drop chains at the wing ends of the footrope effectively makes the sweep 7 feet longer than the footrope.)
- The maximum size of the sweep is 5/16-inch stock chain.
- The sweep must be attached to the ends of the drop chains.
- The center of the sweep must be attached to the drop chain from the center of the footrope.
- The attachment points of each drop chain on the sweep and the footrope must be the same distance from the center drop chain attachments.
- The ends of the sweep must be attached to the drop chains at the end of the footrope.

This letter is only a summary of the regulations pertaining to small mesh whiting fishery exemption areas and should not be considered as a substitute for the actual regulations. To read these regulations in their entirety, you are encouraged to obtain a complete copy by calling the Sustainable Fisheries Division, or by accessing the Northeast Regional Office's web page at: <http://www.nero.noaa.gov>. You may receive permit holder letters by e-mail by clicking on "Permit Holder Letters" on our website at <http://www.nero.noaa.gov>; or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135. If you have any questions regarding the above information, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized with a large, looped initial "P" and a cursive "K".

Patricia A. Kurkul
Regional Administrator