

Status Report of Northeast Region Actions

Prepared for the August 6 - 8, 2002
Meeting of the
Mid-Atlantic Fishery Management Council

August 6, 2002



National Marine Fisheries Service
Northeast Regional Office
Sustainable Fisheries Division
<http://www.nero.nmfs.gov>



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New England Council Actions

Multispecies Regulations

Final Interim Rule - On August 1, 2002, NMFS published a final interim rule in the Federal Register that implemented a suite of new management measures for the multispecies fishery. These measures are interim measures intended to reduce overfishing on species managed under the Northeast Multispecies FMP. The rule contains restrictions specified in the Settlement Agreement Among Certain Parties, which was ordered to be implemented by the U.S. District Court for the District of Columbia in a Remedial Order issued on May 23, 2002. The measures include the following: A freeze on days-at-sea (DAS) at the highest annual level used from fishing years 1996-200 (beginning May 1, 1996 through April 30, 2001) and a 20-percent cut from that level; a freeze on the issuance of new open access Hand-gear permits, and a decreased cod, haddock, and yellowtail flounder possession limit for that category; increased gear restrictions for certain gear types, including gillnets, hook-gear and trawl nets; and restrictions on yellowtail flounder catch. The Gulf of Maine cod trip limit is increased to 500 lb per DAS. The new measures will be in effect as of August 1, with the exception of most of the mesh size increases. For additional details please consult the letter sent to all multispecies permit holders or call NMFS for assistance (Thomas Warren, 978-281-9347).

Haddock Landing Limit - On July 9, 2002, NMFS published a notice in the Federal Register that suspended the haddock daily landing limit for the groundfish fishery in order to allow fishermen to catch more of the haddock TAC without exceeding it. Through September 30, 2002, the per trip possession limit will be 30,000 lb. From October 1, 2002 through April 30, 2003, the per trip possession limit will be 50,000 lb.

Herring Regulations

Specifications for Fishing Year 2002 - On January 22, 2002, NMFS announced the final annual specifications for the Atlantic herring fishery for fishing year 2002. This action also corrects and clarifies the final rule implementing the Atlantic Herring FMP by clarifying the vessel owners' or operators' reporting requirements. The fishing year 2002 specifications became effective on January 24, 2002. (Myles Raizin, 978-281-9104)

Red Crab Regulations

Proposed Rule for Red Crab FMP - A proposed rule to implement the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) was published on June 20, 2002. The public comment period on the proposed rule ended on July 23, 2002. This rule proposes to initiate management of red crab (*Chaceon quinque-dens*) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended. The preferred alternative would manage red crab via a target TAC, a DAS allocation based on such TAC, and trip limits. This alternative would also implement some form of pot/trap limit, an incidental catch limit for all vessels not authorized to participate in the directed fishery, require that male crabs only be retained and landed, and prohibit the mutilation (claw-snapping) and/or full processing of crabs at sea. These measures would be implemented in conjunction with a controlled access program and are necessary to address and control overfishing in the Atlantic red crab fishery. The Red Crab FMP was approved on July 31, 2002. (Marty Jaffe, 978-281-9272).

Sea Scallops

Hudson Canyon and Virginia Beach Sea Scallop Area Access Program - On March 1, 2002, the Hudson Canyon and Virginia Beach Sea Scallop Area Access Program (Area Access Program) began. As scheduled in Framework 14, the possession limit for vessels that are participating in the area access program is 18,000 lbs per trip. In addition, the amount of scallops that may be possessed per day for vessels carrying an observer, in excess of the 18,000 lb possession limit, has been increased to 300 lb per day due to the reduced ex-vessel prices of scallops. All other provisions and restrictions of the Area Access Program will remain unchanged from the 2001 Area Access Program unless otherwise informed by the Regional Administrator. (Peter Christopher, 978-281-9288).

2002 Area Access Program Total Allowable Catch (TAC) Set-aside to Fund Research - The Virginia Institute of Marine Science (VIMS) has been awarded research TAC set-aside to allow for scallop gear research in the Hudson Canyon Access Area. The Regional Office is currently working with VIMS to coordinate a revised start date for the research. (Peter Christopher, 978-281-9288).

Monkfish Regulations

Disapproval of Framework Adjustment 1 to the Monkfish FMP and approval of an Emergency Rule - On May 17, 2002, NMFS disapproved Framework 1 because it was inconsistent with FMP since the fishing mortality (F) criteria in the FMP had not been formally amended to reflect the best available information on the monkfish stock. Simultaneously, NMFS approved an emergency rule that temporarily amended the F criteria in the FMP to be consistent with the F criteria recommended by the most recent stock assessment, SAW 34. This temporary revision to the F criteria in the FMP provided a basis for implementing the management measures proposed for Framework 1. The emergency rule is effective through November 18, 2002, but may be extended for an additional 180 days. (Allison Ferreira, 978-281-9103).

Mid-Atlantic Council Actions

Summer Flounder, Scup and Black Sea Bass Regulations

Recreational Specifications for Fishing Year 2002 - The final rule for the 2002 recreational fishing specifications for summer flounder, scup and black sea bass published on August 2, 2002. The specifications include "conservation equivalency" for summer flounder, and coastwide measures for scup and black sea bass including seasons, possession limits and minimum fish sizes. (Rick Pearson, 978-281-9279).

Black Sea Bass Quarter 3 Quota Harvested - The black sea bass commercial quota available in the Quarter 3 period to the coastal states from Maine through North Carolina has been harvested as of August 6, 2002. Federally permitted vessels and dealers will no longer be able to land or sell black sea bass as of August 6, 2002. (Rick Pearson, 978-281-9279).

2002 Scup Winter II Quota Adjustment - Due to overages of the 2001 scup Winter II quota, the 2002 quota has been reduced by 69,321 lb. The adjusted 2002 scup winter II quota is now 1,179,502 lb. (Rick Pearson, 978-281-9279)

Squid, Mackerel, and Butterfish Regulations

Framework Adjustment 2 - The final rule for Framework Adjustment 2 to the Atlantic Mackerel, Squid, and Butterfish FMP published on July 2, 2002. Framework 2: (1) Extends the *Illex* squid moratorium for 1 year; (2) modifies the *Loligo* overfishing definition and control rule; and (3) rolls-over the annual specifications for the squid, mackerel, and butterfish fisheries in the event the annual specifications are not published prior to the start of the fishing year. A proposed overfishing definition revision and a measure to create a *Loligo* squid exemption in the *Illex* squid fishery during a closure of the directed *Loligo* squid fishery from August-September were disapproved as part of Framework 2. The measures contained in Framework 2 will become effective on August 1, 2002. (Paul H. Jones, 978-281-9273).

Notice of Control Date for the Purposes of Controlling Entry in the Atlantic Mackerel Fishery - On July 5, 2002, NMFS published a notice establishing July 5, 2002, as the control date for Atlantic mackerel. This announcement is intended, in part, to promote awareness of potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the Mid-Atlantic Fishery Management Council and NMFS consider whether and how access to the Atlantic mackerel fishery should be controlled. The control date may be used for establishing eligibility criteria for determining levels of future access to the Atlantic mackerel fishery subject to Federal authority. (Paul H. Jones, 978-281-9273).

Atlantic Surf Clam and Ocean Quahog Regulations

No actions to report.

Atlantic Bluefish Regulations

Specifications for Year 2002 - Bluefish 2002 final specifications published on June 6, 2002. For the 2002 fishery, the coastwide annual TAL of 26.866 million lb; 10.5 million lb allocated to the commercial fishery and 16.365 million lb allocated to the recreational fishery. The 15-fish/person recreational possession limit remains unchanged from 2001. (Myles Raizin, 978-281-9104)

Spiny Dogfish Regulations

Closure of Spiny Dogfish Fishery - On July 3, 2002, NMFS announced that the period 1 spiny dogfish commercial quota available to the coastal states from Maine through Florida has been harvested. Federally permitted commercial vessels may no longer land spiny dogfish for the duration of period 1 (through October 31, 2002). (Hannah Goodale, 978-281-9101).

Tilefish Regulations

No actions to report.

Other Mid-Atlantic Actions

Mid-Atlantic Request for Proposals (RFP) - On July 25, 2001, NMFS published a RFP from the Mid-Atlantic Fishery Management Council to solicit research proposals for the summer flounder, scup, black sea bass, *Loligo* squid, *Illex* squid, Atlantic mackerel, butterfish, bluefish, and tilefish fisheries. The RFP describes

how a researcher may be selected to perform research projects funded by the research set-aside of up to 3% of a species annual quota under Framework Adjustment 1 to the Atlantic Mackerel, Squid, and Butterfish; Summer Flounder, Scup, and Black Sea Bass; Bluefish; and Tilefish Fishery Management Plans and how NOAA and the Council will select proposals to be funded under the research set-aside. For more information contact Paul H. Jones at the NMFS Northeast Regional Office at 978-281-9273.

Other Regulations

Gear Modifications for Protection of North Atlantic Right Whales - On January 10, 2002, NMFS published a final rule to amend the regulations that implement the Atlantic Large Whale Take Reduction Plan to provide further protection for large whales, with an emphasis on protective measures to benefit North Atlantic right whales. The gear modifications effect the Northern inshore State Lobster Waters Area, Southern Nearshore Lobster Waters Area, Offshore Lobster Waters Area, and Gillnet Mid-Atlantic Coastal Waters Area. This rule was identified as a measure under the reasonable and prudent alternative contained in the Biological Opinions prepared for the Federal Northeast multispecies (multispecies), monkfish, spiny dogfish, and American lobster (lobster) fisheries under the Endangered Species Act. The comment period for the proposed rule ended October 31, 2001. Measures contained in this rule become effective February 11, 2002, except for the removal of the 7/16 inch buoy line from the Lobster Trap Take Reduction Technology List, which becomes effective January 1, 2003 (Diane Borggaard, 978-281-9145).

Dynamic Area Management for Protection of North Atlantic Right Whales - On January 9, 2002, NMFS published a final rule to amend the regulations that implement the Atlantic Large Whale Take Reduction Plan by establishing a Dynamic Area Management (DAM) program. DAM will temporarily restrict the use of lobster and gillnet fishing gear within defined areas to protect North Atlantic right whales, and establish criteria and procedures for implementing such restrictions north of 40° N. latitude, in order to further reduce risk of entanglement of right whales by such gear. DAM was identified as a measure under the reasonable and prudent alternative contained in the Biological Opinions prepared for the Federal Northeast multispecies (multispecies), monkfish, spiny dogfish, and American lobster (lobster) fisheries under the Endangered Species Act. This rule became effective February 8, 2002. (Diane Borggaard, 978-281-9145).

Seasonal Area Management for Protection of North Atlantic Right Whales - On January 9, 2002, NMFS published an interim final rule and request for comment to amend the regulations that implement the Atlantic Large Whale Take Reduction Plan by establishing a Seasonal Area Management (SAM) program. SAM will seasonally limit fishing operations in certain areas, which was identified as a measure under the reasonable and prudent alternative contained in the Biological Opinions prepared for the Federal Northeast multispecies (multispecies), monkfish, spiny dogfish, and American lobster (lobster) fisheries under the Endangered Species Act. The SAM program is intended to provide endangered western North Atlantic right whales protection from entanglement with fishing gear used in those fisheries. The measures that have been identified for proposed rulemaking will require the reduction, elimination, and/or modification of certain types of fixed gear (i.e., gillnets and lobster traps) in specific areas off the Atlantic coast of the U.S. during times of the year when right whales are known to be present in significant concentrations. The interim final rule became effective on March 1, 2002 (Diane Borggaard, 978-281-9145).

Large Mesh Restrictions for Pound Nets to Protect Sea Turtles in the Chesapeake Bay - On June 12, 2002, a final rule became effective prohibiting the use of all pound net leaders measuring 12 inches and greater

stretched mesh and all pound net leaders with stringers in mainstream waters of the Chesapeake Bay and portions of the Virginia tributaries from May 8 to June 30 each year (though NMFS may extend the prohibition for as much as 30 days, if necessary). The rule also requires Virginia pound net fishermen to report any interactions with sea turtles and to allow observers to monitor fishing operations, if requested by NOAA fisheries. These measures were implemented to reduce the risk of sea turtle entanglements in large-mesh pound net leaders. The interim final rule was published on June 17, 2002, and the comment period closed on July 17, 2002. (Carrie McDaniel, 978-281-9388).

American Lobster Proposed Rule - On January 3, 2002, NMFS published a proposed rule that will consider revisions to Federal Lobster regulations associated with Addendum I to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster. Addendum I to Amendment 3 provides for the management of lobster trap fishing effort on the basis of historical participation in the lobster trap fisheries in Lobster Conservation Management Area 3, the offshore waters of the Exclusive Economic Zone (EEZ), and Areas 4 and 5 of the EEZ closer to shore between New York and North Carolina. There are a total of seven Lobster Management Areas throughout the U.S. range of the resource in state and Federal waters from Maine to North Carolina. Lobsters harvested from Areas 3, 4, and 5 accounted for approximately 26% (21.6 million pounds) of total U.S. landings of American lobster in 2000. The proposed rule also clarifies Lobster Management Area boundaries in Massachusetts waters and proposes the implementation of conservation equivalent trap limits in New Hampshire state waters. This provision would allow full-time NH commercial lobstermen who also hold a Federal permit to fish a greater number of traps in NH state waters than Federally permitted lobstermen in other state waters. (Bob Ross, 978-281-9234).

Experimental Fishery Actions

Requests Under Review

2001 Funding through the Cooperative Research Partners Program - 2002 Funding through the Cooperative Research Partners Initiative - NMFS received twenty four submission in response to a request for cooperative research proposals published in a Broad Agency Announcement on May 24, 2002 (see NOAA Fisheries web page: <http://www.nero.nmfs.gov/ro/doc/baa02a.pdf>). Evaluation of the proposals by a technical review panel is underway. The design committee for the Cooperative Research Fleets have completed their work and submitted their recommendations for implementation of an industry based survey fleet. The design committee report (April 2002) has been posted on NMFS website http://www.nero.nmfs.gov/ro/doc/ibs_report_april2002.pdf . Pilot study fleets and industry based survey programs are in final stages of planning. A cod tagging RFP is currently in NOAA Fisheries Headquarters under review and should be published shortly. For more information on the Cooperative Research Partners Initiative, contact Earl Meredith at 978-281-9276.

Jonah Crab Experiment in Federal Lobster Management Area 1 - The Maine Department of Marine Resources (MEDMR) submitted a request for EFPs to allow up to 100 commercial lobster vessels 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 was received on December 5, 2001. A notice soliciting public comment on this action published in the Federal Register on March 26, 2002. The comment period for the experiment ended on April 10, 2002. A decision on the action is pending. For more

information, contact Bonnie Van Pelt, 978-281-9244.

Georges Bank yellowtail flounder (GB YTF) survey in Closed Area II (CA II) - Manomet Center for Conservation Sciences in collaboration with the Associated Fisheries of Maine submitted a proposal for an experimental fishery on October 19, 2001, to conduct a survey on GB YTF bycatch landing (potentially) 220 mt tons of GB YTF, and up to the applicable trips limits for haddock and cod, within CA II. The proposal requests that 12 vessels fish a total of 12, 7-day trips, while exempt from a DAS. This request is currently under review and a *Federal Register* notice should be published shortly to solicit public comments. For more information, contact Allison Ferreira, 978-281-9103.

Tuna Purse Seine Experimental Fishery - NMFS has received an experimental fishery proposal from the East Coast Tuna Association that would allow 5 purse seine vessels to conduct fishing operations in Northeast Multispecies Closed Area I. This proposal is a continuation of experimental fisheries conducted in 2000 and 2001. The EFPs would allow 5 tuna vessels to fish for giant bluefin tuna in Closed Area I, where purse seine gear is normally prohibited. The purpose of this experiment is to prove that this type of gear does not result in a bycatch of multispecies, thus enabling it to be considered by the New England Fishery Management Council and NMFS as a fishing gear that is exempt from closed area regulations. A notice soliciting public comment published in the *Federal Register* on July 9, 2002. The public comment period ended July 24, 2002. A final decision on the issuance of EFPs is pending. For more information or a copy of the proposed experiment, contact Allison Ferreira, 978-281-9103.

University of Rhode Island (URI) Mesh selectivity study (large mesh) in Georges Bank Regulated Mesh Area - URI in coordination with a member of the industry proposes to conduct a mesh selectivity study in an alternate tow sequence with six "experimental" codends (i.e., 6.5-, 7.0- and 8.0-inch square and diamond shaped mesh codends) and three small mesh control codends. The objective of the 15 day study is to develop selectivity curves for four species of regulated groundfish, including Atlantic cod, haddock, and winter flounder, and yellowtail flounder. The mesh selectivity data would be used to determine whether incremental increases in mesh size could reduce growth overfishing and improve percent spawning stock biomass. The study also proposes to conduct an outreach program to educate fisheries managers and fishermen on the benefits and costs associated with increasing mesh size based on the results of industry-cooperative mesh selectivity studies in the region. A notice soliciting public comment is pending publication in the *Federal Register*. For more information, contact Bonnie Van Pelt or Mike Pentony, 978-281-9244 or 978-281-9128, respectively.

Whiting Experiment with Separator Trawl and Raised Footrope in Portion of GOM/GB RMA - The Maine Division of Marine Resources submitted a request for EFPs for two vessels to compare two experimental trawl net configurations (2½-inch (6.35-cm) diamond and 3-inch (7.62-cm) diamond codend with a finfish excluder device and raised footrope with no sweep) to compare various dropper chain lengths and locations on the footrope and to fish this gear in a variety of bottom types and depths to selectively fish for whiting, while maintaining low levels of regulated Northeast multispecies bycatch. Field testing would take place from August through October for approximately 6 days per month. The initial application for EFPs required revisions, which were finalized on June 27, 2002. A notice soliciting comment on this action was published in the *Federal Register* on July 19, 2002. Comments on this experiment must be received on or before August 5, 2002. For information pertaining to this request, contact Martin Jaffe at 978-281-9272.

UNH Cooperative Extension Codend Experiments - NMFS published on July 10, 2002, a Federal Register notice advising the public of a request for an EFP by University of New Hampshire (UNH) Cooperative Extension. The EFP would exempt one commercial vessel from the multispecies minimum mesh size, GOM

rolling closures and multispecies DAS notification requirements for 5 days of at-sea gear tests. The gear testing will involve the development, design and implementation of a codend cover to evaluate the effectiveness of different codend configurations. The comment period on the EFP closes on July 25, 2002. For information pertaining to this request, contact Rick Pearson (978-281-9279).

Approved Requests

Cod Bycatch Reduction Trawl Gear Testing study - UNH Cooperative Extension in coordination with a member of the industry is conducting gear trials on a double grid system to separate cod from flatfish, as well as to reduce bycatch of undersized flatfish. Phase I of the study tested the codend selectivity device in a flume tank to verify design specifications. Phase 2 tested a prototype net and selectivity device under commercial conditions against an industry standard flatfish trawl net. Phase 3 is underway for the period of March 1 through October 1, 2002. For more information, contact Walter Gardiner, 978-281-9326.

Bycatch Reduction in the Atlantic Sea Scallop Fishery - On July 16, 2002, NMFS approved 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 continues 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 will also be lightened in order to test the protection of habitat. For more information, contact Peter Christopher, 978-281-9288.

VIMS Black Sea Bass Escape Vent Experimental Fishing Permit - On July 19, 2002, NMFS approved an exempted fishing permit issued to Virginia Institute of Marine Science. The EFP allows a commercial vessel to fish for, but not land, black sea bass during periods when the commercial fishery may be closed due to the harvest of the quarterly quota. The vessel will be testing different escape vent configurations on black sea bass pots. For more information, contact Rick Pearson at (978) 281-9279.

Requests Withdrawn or Disapproved

2002 Blackfin Monkfish Experimental Fishery - The North Carolina Division of Marine Fisheries submitted an application to conduct an exempted experimental fishery for blackfin monkfish in a portion of the Mid-Atlantic Regulated Mesh Area, extending from Chincoteague, VA to Avon, NC. The North Carolina Division of Marine Fisheries has withdrawn this request. For more information, contact Allison Ferreira, 978-281-9103.

Scientific Research

Developing Stock Assessment Methods for the New England Deep-Sea Red Crab Fishery - The Regional Administrator has issued Letters of Acknowledgment of scientific research activity conducted by scientific research vessels. This project is a harvester-scientist collaboration in which the fishing vessels Hannah Boden and Krystle James will be employed as scientific research vessels to collect, sample and tag red crabs. Dr. Richard A. Wahle of the Bigelow Laboratory for Ocean Sciences, in collaboration with the New England Red Crab Harvesters Association and Dr. Yong Chen, University of Maine School of Marine

Status Report of Northeast Region Regulatory Actions

Sciences, subsidized and supported by the National Science Foundation, NOAA/Sea Grant, NOAA/NURP, and approved as a S-K funded project by NMFS, will conduct activities from April 24, 2002, through August 1, 2003, in the area from 38°N 74°W to 41°N 66°W, between the 200-1,000 m isobaths. For more information, contact Martin Jaffe, 978-281-9272.

Northern Shrimp Survey - The Regional Administrator has issued a Scientific Research Permit for the Gloria Michelle to conduct the northern shrimp survey in the Gulf of Maine July 12 through August 17, and has issues Letters of Acknowledgment for scientific research activity to F/V Bad Penny and the F/V Arron & Sarah to conduct a joint northern shrimp survey in the western Gulf of Maine with the R/V Gloria Michelle July 15 through August 15. The objective of the survey to conduct shrimp trawl mensuration to characterize net geometry to determine the distribution and relative abundance of northern shrimp, to collect biological data on northern shrimp and other Gulf of Maine species, and to utilize the Maine vessels to provide an oversampling of survey results to estimate the best survey sampling density. For further information contact Paul Perra, 978-281-9153.