

Status Report of Northeast Region Actions

Prepared for the February 26 - 27, 2002
Meeting of the
New England Fishery Management Council

February 25, 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

Haddock Landing Limit Adjusted - As of November 6, 2001, the daily haddock landings limit for vessels fishing under a multispecies days-at-sea (DAS) permit is adjusted. The daily landing limit of 5,000 lb/DAS is suspended from 0001 hours on November 6 through 001 hours on March 1, 2002. The maximum landing allowed per trip remains unchanged at 50,000 lb. (Rick Pearson, 978-281-9279)

Fishing Capacity Reduction Program - The Military Construction Appropriations Act for FY 2001 included an emergency supplemental appropriation \$10.0 million to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery (FCRP) that permanently removes multispecies limited access fishing permits. In December, permit holders were notified of the final program and provided an estimate of their fishing capacity (EFC). Over 400 permit holders have submitted bids in the amount of compensation they seek for voluntarily surrendering their permits. The offers will be ranked by dividing the bid by the EFC associated with the permit. NMFS hopes to make all payments by the end of March. (Jack Terrill, 978-281-9136).

Change to the Year-4 Default Management Measures for Small-Mesh Multispecies - The Year-4 default management measures for small-mesh multispecies (whiting, red hake and offshore hake), which were scheduled to take effect on May 1, 2002, have been delayed until May 1, 2003. These measures have been delayed in order to provide at least 2 full years of data on the fishery so that the Whiting Monitoring Committee can fully assess the effectiveness of the current management measures. This action conforms with the intent of the Multispecies Fishery Management Plan. Therefore, the current management measures for small-mesh multispecies will remain in effect through April 30, 2003. (Marty Jaffe, 978-281-9272).

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)

Framework Adjustment 1 to Herring FMP - On January 22, 2002, NMFS announced the approval and implementation of Framework Adjustment 1 to the Atlantic Herring FMP. Framework 1 divides the Area 1A total allowable catch (TAC) into two seasonal TACs as follows: January - May and June - December. This framework would also include a provision for setting seasonal TACs through the annual specification process. For the 2002 fishing year, the Area 1A TAC of is 6,000 mt for the first period, and 54,000 mt for the second period. Framework Adjustment 1 became effective on January 24, 2002. (Allison Ferreira, 978-281-9103)

Red Crab Regulations

Extension of Emergency Rule - On November 7, 2001, NMFS notified red crab vessel owners and red crab dealers that the Secretary of Commerce, at the request of the New England Fishery Management Council, extended for 180 days the expiration date of the emergency rule that established management measures in the Atlantic Deep-Sea Red Crab Fishery. The additional 180-day period of the emergency rule is effective from 0001 hours, November 15, 2001 through 2400 hours, May 14, 2002. This action established a TAC of 2.16 million lb. The TAC was reduced from 2.5 million lb for the extended period by 340,000 lb (the amount

of the overage caught during the initial period of the emergency action) to ensure that the annual TAC of 5 million lb is not exceeded. If during this 180-day extended period the Regional Administrator projects that the 2.16 million lb TAC will be harvested, the directed red crab fishery will be closed, and fishing for and landings of red crab, in amounts greater than the incidental catch limit (100 lb per fishing trip), will be prohibited. (Marty Jaffe, 978-281-9272)

Red Crab Commercial Quota Harvested. The commercial quota for the red crab fishery established by extension of the red crab emergency interim action on November 15, 2001, is projected to be harvested prior to the completion of the 180-day extension of the emergency action (through May 14, 2002). **Therefore, effective 0001 hours, January 18, 2002, through May 14, 2002, vessels may not fish for, possess, or land red crab in or from the EEZ in excess of 100 lb per trip.** (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) will begin. 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).

Monkfish Regulations

Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) - The New England Fishery Management Council, on December 10, 2001, announced its intention to prepare an SEIS in accordance with the National Environmental Policy Act for Amendment 2 to the Monkfish Fishery Management Plan (FMP). This notice of intent also initiated the public scoping process. The intent of this action is to: (1) consider updated scientific information in revising overfishing definitions, rebuilding targets, and management measures as appropriate to rebuild stocks to a maximum sustainable level by 2009; (2) reduce overall FMP complexity; (3) update environmental impact documents; (3) consider modifications to the limited entry program for vessels fishing south of the North Carolina/Virginia border; and (4) update Essential Fish Habitat components of the FMP. The comment period on the intent to prepare the SEIS ended on February 11, 2002. (Allison Ferreira, 978-281-9103)

Framework Adjustment 1 to the Monkfish FMP - The New England Fishery Management Council submitted Framework 1 to NMFS on February 7, 2002. This framework would delay default Year-4 monkfish management measures for one year, maintain current effort levels, and recalculate trip limits for the Southern Fishery Management Area so that trawl and gillnet sectors would operate under the same trip limits when fishing under a monkfish DAS. This action is currently under review. (Allison Ferreira, 978-281-9103)

Mid-Atlantic Council Actions

Summer Flounder, Scup and Black Sea Bass Regulations

Regulatory Amendment to the Summer Flounder, Scup, and Black Sea Bass FMP - On February 14, 2002, a final rule implemented a regulatory amendment to the Summer Flounder, Scup, and Black Sea Bass FMP. The regulatory amendment establishes cut-off dates for commercial summer flounder, scup, and black sea bass landings to be used in developing final adjusted quotas for these fisheries. The action provides state marine fisheries agencies with the ability to appropriately manage these fishery resources by establishing final quota allocations prior to the start of the fishing year. In addition, this action enables fishermen targeting these resources to prepare for the upcoming fishing year. This regulatory amendment also removes the regulatory language found at 50 CFR 648.100(d), 648.120(c), and 648.140(c) that specifies publication dates for annual summer flounder, scup, and black sea bass fishing measures. The action was effective upon publication on February 14, 2002. (Allison Ferreira, 978-281-9103).

Specifications for Fishing Year 2002 - On December 26, 2001, NMFS published the final rule for the summer flounder, scup and black sea bass specifications for the fishing year 2002. Total allowable landings and other specifications were effective on January 1, 2002. Also, beginning on **February 24, 2002**, the following are effective: New minimum mesh size requirements for the scup and black sea bass fisheries, minimum size restrictions for black sea bass, and escape vent restrictions for black sea bass pot gear. In addition, because the states of Maine and Delaware have no 2002 commercial quota due to overages in previous years, no summer flounder may be landed by federally permitted summer flounder vessels in these states in 2002. Federally permitted dealers in Maine and Delaware may not purchase summer flounder from federally permitted vessels. (Rick Pearson, 978-281-9279).

Squid, Mackerel, and Butterfish Regulations

Specifications for Year 2002 - On January 25, 2002, NMFS announced the final annual specifications for the 2002 fishing year for the squid, mackerel, and butterfish fisheries. In addition, the action implemented an inseason adjustment procedure for the 2002 mackerel joint venture processing annual specifications. Finally, the action revised the regulations to add a provision that specifies a method for carrying over Loligo squid Quarter I underages into Quarter III. (Paul H. Jones, 978-281-9273).

Framework Adjustment 2 - NMFS has received Framework Adjustment 2 to the Atlantic Mackerel, Squid, and Butterfish FMP. Framework 2 proposes to: (1) Extend the Illex squid moratorium for 1 year; (2) modify the Loligo overfishing definition and control rule; and (3) roll-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. The framework action also includes 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. This action was forwarded to NMFS Headquarters on September 4, 2001 as a final rule. Due to the court action between the Department of Commerce and the National Resources Defense Council, Inc. NMFS HQ determined that Framework 2 should publish as proposed rule with public comment. This action is currently under review. (Paul H. Jones, 978-281-9273).

Atlantic Surf Clam and Ocean Quahog Regulations

Notice of Vendor for 2002 Tags - On October 11, 2001, NMFS published a notice identifying that National Band and Tag Company of Newport, KY, is the authorized vendor of cage tags required for the fishing year 2002 Federal surf clam and ocean quahog fisheries. A letter providing detailed instructions on purchasing tags has been sent to allocation holders. (Walter Gardiner, 978-281-9326)

Specifications for Year 2002 - On January 18, 2002, NMFS announced the final annual specifications for surf clam and ocean quahogs for the 2002 fishing year. Effective January 16, 2002, the 2002 quotas are as

follows: Surf clams, 3,135,000 bushels; ocean quahogs, 4,500,000 bushels; and Maine mahogany quahogs, 100,000 bushels. (Walter Gardiner, 978-281-9326)

Atlantic Bluefish Regulations

Specifications for Year 2002 - Annual specifications for the 2002 Atlantic bluefish fishery have been submitted by the Mid-Atlantic Fishery Management Council. The Council's preferred alternative would establish an coastwide annual TAL of 26.865 million lb; 10.5 million lb allocated to the commercial fishery and 16.365 million lb allocated to the recreational fishery. A proposed rule is pending. (Myles Raizin, 978-281-9104)

Tilefish Regulations

Tilefish Fishery Management Plan (FMP) - On September 26, 2001, NMFS published the final rule to implement the Tilefish FMP. The final rule is designed to eliminate overfishing, as defined in that FMP, and to rebuild the tilefish stock in the northwest Atlantic Ocean by implementing: A stock rebuilding strategy; a limited entry program; a tiered commercial quota; permit and reporting requirements for commercial vessels, operators, and dealers; a prohibition on the use of gear other than longline gear by limited-access tilefish vessels; and an annual specification and framework adjustment process. This final rule became effective on November 1, 2001. (Bonnie VanPelt 978-281-9244)

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, butterfly, 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 Butterfly; 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. A decision on the research set-aside (RSA) proposals is pending. For more information contact either the Mid-Atlantic Fishery Management Council at 302-674-2331, or Paul H. Jones at the NMFS Northeast Regional Office at 978-281-9273.

Other Regulations

Scoping Comment Deadline and Meeting for Measures to Protect EFH under Monkfish, Atlantic Salmon, and Atlantic Herring FMPs - The period for scoping comments for EISs to be prepared for monkfish, Atlantic salmon, and Atlantic herring closed on November 21, 2001. (Dianne Stephan, 978-281-9397)

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. The comment period for the proposed rule ended October 31, 2001. This rule becomes 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 comment period for the proposed rule ended December 13, 2001. Written comments on the interim final rule must be received on or before 5 p.m., **February 8, 2002**. The interim final rule becomes effective on March 1, 2002 (Diane Borggaard, 978-281-9145).

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. Written comments on the proposed rule must be received on or before 5 p.m., February 28, 2002 (Bob Ross, 978-281-9234).

Experimental Fishery Actions

Requests Under Review

2001 Funding through the Cooperative Research Partners Program - NMFS received sixty-four preliminary proposals in response to a request for cooperative research proposals published in the Federal Register on May 9, 2001. Evaluation of the proposals was completed by a technical review panel. Fifteen selected preproposal authors were requested to develop and submit full proposals by August 22, 2001. Seven final proposals were selected for funding. They are currently being processed in the NOAA Grants Office in Washington, D.C. The design teams for the Cooperative Research Fleets are nearing completion of their work. The Industry-based Survey and Study Fleets may be operational by late Spring or early Summer. For more information on the proposals submitted for funding, contact Earl Meredith at 978-281-9276.

2002 Gulf of Maine Experimental Halibut Fishery. The Maine Department of Marine Resources has submitted an application to conduct an exempted experimental Atlantic halibut fishery in a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area using commercial longline and tub trawl gear during April and May of 2002. This study is a continuation of experimental fisheries conducted in 2000 and 2001. The purpose of the proposed and prior studies is to collect data on the distribution, relative abundance, migration, stock definition, mortality rates, stock size, yield, and other significant biological reference points for Atlantic halibut in the eastern Gulf of Maine to be used in the long-term management of this fishery resource. Exempted Fishing Permits (EFPs) would be issued to up to six vessels exempting them from the landing and possession limit for Atlantic halibut established under the Multispecies FMP. The EFPs would also authorize the six vessels to temporarily possess Atlantic halibut smaller than the established minimum size of 36 in. total length for purposes of scientific data collection. A notice soliciting public comment on this action published in the *Federal Register* on February 19, 2002. The comment period for the experiment ends on March 6, 2002. For more information, contact Allison Ferreira, (978) 281-9103.

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 was received on December 5, 2001, and is currently under review. An Endangered Species Act Section 7 consultation is on-going for this fishery due to the potential for impacts to threatened and endangered species. A notice will be published in the *Federal Register* providing an opportunity for public comment. 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. NMFS is currently reviewing additional information submitted by the applicant, and expects to publish a notice soliciting public comment on this experiment in the *Federal Register* upon completion of reviews. For more information, contact Peter Christopher, 978-281-9288.

Cod Bycatch Reduction Trawl Gear Testing study - UNH Cooperative Extension in coordination with a member of the industry proposes to conduct 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. A notice soliciting public comment was published in the *Federal Register* on July 27, 2001. The comment period for the proposal ended on August 13, 2001. A final decision was to grant an Exempted Fishing Permit for the period of October 10 through November 1, 2001. A review for a Phase 3 is currently being conducted. Phase 3 requests a permit for the period of March 1 through October 1, 2002. For more information, contact Walter Gardiner, 978-281-9326.

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 Regina Spallone, 978-281-9221.

2002 Blackfin Monkfish Experimental Fishery - The North Carolina Division of Marine Fisheries has 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 purpose of this experimental fishery is to collect biological and environmental data that may be used to characterize the blackfin monkfish component of the monkfish fishery off North Carolina and Virginia. The study would take place from March 16 - June 30, 2002. Participating vessels would use only gill nets having a mesh size no less than 8-inches. This study is a continuation of an experimental fishery conducted during May and June 2001. Experimental fishing permits would be issued to up to four vessels exempting them from possession and landing limits, minimum mesh size requirements, and the minimum limit established under the Monkfish FMP. This application is currently under review. For more information, contact Allison Ferreira, 978-281-9103.

2002 Flounder Trawl Cod Bycatch Experiment in the Gulf of Maine - On January 16, 2002, the Massachusetts Division of Marine Fisheries (MADMF) has submitted a request to conduct a continuation of an experimental fishery to study cod bycatch in modified flounder otter trawls. The experiment is expected to occur in March and April in the Gulf of Maine. The MADMF anticipates that bycatch reductions of Gulf of Maine cod of 75 to 90 percent, compared to standard flounder trawls, will continue (as found in previous experiments). A notice soliciting public comment on this action published in the *Federal Register* on February 19, 2002. The comment period for the experiment ends on March 6, 2002. For more information, contact Peter Christopher, 978-281-9288.

Approved Requests

Cod Bycatch Reduction Gillnet Study - An experimental fishery application submitted by the Massachusetts Division of Marine Fisheries has been approved for an Exempted Fishing Permit (EFP) in order to allow a single vessel to conduct gear research in the Gulf of Maine groundfish fishery. The research will target flatfish and cod in block 124 during February and March, with the objective of comparing two designs of modified sink gillnets to a traditional sink gillnet design. For more information, contact Thomas Warren, 978-281-9347.

Life History of Thorny and Smooth Skate Scientific Research - The Regional Administrator has issued a Letter of Acknowledgment that acknowledges scientific research conducted by scientific research vessels. This project conducted by James Sulikowski and Dr. Paul Tsang of the University of New Hampshire, and

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subsidized by the Northeast Consortium, includes collection activities to quantify the life history parameters to aid in the development of a fisheries management plan for skates that includes thorny skate (*Amblyraja radiata*) and smooth skate (*Malacoraja senta*). Scientific research activities will be conducted between April 1, 2002, and August 31, 2002, in the Gulf of Maine. For more information, contact Marty Jaffe, 978-281-9272.