

Status Report of Northeast Region Actions

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Meeting of the
New England Fishery Management Council

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National Marine Fisheries Service
Northeast Regional Office
Sustainable Fisheries Division
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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 - From October 1, 2002 through April 30, 2003, the per trip possession limit will be 50,000 lb with no daily limit.

Herring Regulations

No actions to report.

Red Crab Regulations

Red Crab Fishery Management Plan (FMP) - New Regulations implementing the Atlantic Deep-Sea Red Crab FMP took effect on October 21, 2002. The new regulations are designed to manage the red crab fishery and prevent overfishing of the red crab resource. The regulations include management measures that manage red crab via a target TAC, a days-at-sea (DAS) allocation based on such TAC, and trap/pot and trip limits. The regulations also implement 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 are implemented in conjunction with a limited access program. You may request a copy of the regulations by calling 978-281-9344. You may also access the regulations through our Internet home page at <http://www.nero.nmfs.gov/ro/doc/nero.html> (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).

Additional Trips for 2002 Fishing Year in the Mid-Atlantic Area Access Program - The Regional Administrator is reviewing the status of this year's Mid-Atlantic Area Access Program in order to determine if additional trips are warranted. A final decision is pending. (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. In addition, the University of Massachusetts, Dartmouth, School for Marine Science and Technology (SMAST) was awarded TAC set-aside in the Hudson Canyon Access Area for video and tagging work on the Georges Bank scallop resource. Video and tagging cruises, as well as compensation fishing trips in the Hudson Canyon Access Area, have been made by SMAST and its participating vessels. (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

Scup Summer Period Commercial Quota Harvested - The scup commercial quota available for the 2002 summer quota period has been projected to be harvested on October 5, 2002. Therefore, federally permitted vessels and dealers will no longer be able to land or sell scup from October 5, 2002, through October 31, 2002. (Rick Pearson, 978-281-9279).

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 4 Quota Adjustment - Due to the disapproval of a research set aside project, the 2002 black sea bass TAL has been increased by 10,000 lb. As a result, 4,900 lb has been added to the Quarter 4 black sea bass commercial quota. The resulting Quarter 4 quota is 656,274 lb. Recreational measures remain unchanged. (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).

2003 Summer Flounder, Scup and Black Sea Bass Specifications - The EA/RIR/IRFA for this action was received by the Regional Office on October 16, 2002. A proposed rule is currently under review. (Rick Pearson, 978-281-9279).

Squid, Mackerel, and Butterfish Regulations

Specifications for the Fishing Year 2003 - The proposed rule for the 2003 specifications for Atlantic Mackerel, Squid, and Butterfish was published on October 29, 2002 (67 FR 65934). This action also proposes an inseason adjustment procedure for the 2003 mackerel joint venture processing annual specifications. Finally, NMFS proposes a revision to the method for carrying over Loligo squid Quarter I underages into Quarter III. (Paul H. Jones 978-281-9273).

Loligo Squid Quarter 4 Closure - The directed fishery for Loligo squid in the EEZ will close on November 2, 2002. Vessels issued a Federal permit to harvest Loligo squid may not retain or land more than 2,500 lb of Loligo squid per trip for the remainder of 2002. Notice of this closure was published in the Federal Register at 67 FR 66072 on October 29, 2002. (Paul H. Jones 978-281-9273)

Atlantic Surf Clam and Ocean Quahog Regulations

Maine Mahogany Quahog Quota Harvested - The Maine mahogany quahog quota for the 2002 fishing year was projected to be harvested on October 24, 2002. Commercial vessels operating under a Maine mahogany quahog permit may not harvest Maine mahogany quahogs from the Maine mahogany quahog zone for the remainder of the fishing year (through December 31, 2002). Notice of this closure was published in the Federal Register at 67 FR 64825 on October 22, 2002. (Douglas W. Christel, 978-281-9141).

Specifications for the Fishing Year 2003 - The proposed rule for the 2003 specifications for Atlantic surfclams, ocean quahogs, and Maine mahogany quahogs was published on October 29, 2002. The status quo levels of 2002 for both the regular ocean quahog and the Maine mahogany ocean quahog are proposed to be maintained for 2003, and the surfclam quota is proposed to be increased by 4 percent from the 2002 level (Susan Murphy 978-281-9252).

Atlantic Bluefish Regulations

Readjustment to 2002 Atlantic Bluefish Commercial Quotas - NMFS announces adjustments to the 2002 commercial Atlantic bluefish quota for the States of Maryland and the Commonwealth of Virginia. Notice of this action was published in the Federal Register at 67 FR 62650 on October 8 2002. (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

Category C (Part-time) Permit Quota Harvested - The tilefish quota available for the 2002 Part-time limited access permit category has been projected to be harvested on September 5, 2002. Therefore, limited access Part-time tilefish vessels and tilefish dealers will no longer be able to land or sell tilefish from September 5, 2002, through October 31, 2002. (Susan A. Murphy, 978-281-9252).

Tilefish Specifications for the 2003 Fishing Year - Notice that the tilefish quota specifications for the 2002 fishing year will remain in effect for the 2003 fishing year was published in the Federal Register at 67 FR 64825 on October 22, 2002. Therefore, beginning November 1, 2002, and running through the end of the fishing year on October 31, 2003, the total allowable landings for the tilefish fishery will remain at 1.995 million lb. (Douglas W. Christel, 978-281-9141).

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. (Paul H. Jones, 978-281-9273).

Other Regulations

Seasonal Area Management (SAM) and Dynamic Area Management (DAM) programs. A Technical Amendment was published in the Federal Register on October 28, 2002 (67 FR 65722). The purpose of this action is to correct errors in and make minor clarifications to the SAM interim final rule and to the DAM final rule. Specifically, some aspects of the SAM and DAM program were inadvertently omitted from the associated regulatory text when they were published in the Federal Register on January 9, 2002. This technical amendment makes the regulatory text reflect information provided in the rules' preambles (Diane Borggaard, 978-281-9145).

Experimental Fishery Actions

Requests Under Review

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 was published in the *Federal Register* on August 14, 2002. The comment period ended on August 29, 2002. A final decision on

the experiment is pending. For more information, contact Mike Pentony, 978-281-9244 or 978-281-9128, respectively.

Application for Exempted Fishing Permit to conduct Mesh Selectivity Study - The Manomet Center for Conservation Sciences submitted an application on August 16, 2002 for exempted fishing permits in order to investigate the selectivity of various trawl mesh sizes and types in order to reduce bycatch in the Gulf of Maine groundfish fishery. The cod-ends to be tested will be 6.5" diamond mesh, 7" square mesh, a composite cod-end constructed with 7" square mesh on the top and 6.5" diamond mesh on the bottom, and a composite cod-end constructed with 7" square mesh on the top and 7" diamond mesh on the bottom. Three vessels will be conducting the fisheries research in October 2002, February 2003, and June 2003 in the Gulf of Maine. The applicant requested exemption from the following regulatory requirements: DAS use, mesh restrictions, and rolling closures (October and June). For information pertaining to this request contact Tom Warren at (978) 281-9347.

Application for Exempted Fishing Permit to conduct Mesh Selectivity Study - The Manomet Center for Conservation Sciences submitted an application on August 20, 2002 for an exempted fishing permit in order to investigate the selectivity of a trawl with rigid mesh panel installed between the net extension and cod-end in order to reduce bycatch in the Gulf of Maine groundfish fishery. The rigid mesh panel will be 2 meters long, with elongate meshes 60 mm wide and 200 mm long. The cod-end will be a conventional 6.5" diamond mesh cod-end. One vessel will be conducting the fisheries research in October 2002 in the Gulf of Maine. The applicant requested exemption from the following regulatory requirements: DAS use, mesh restrictions, and rolling closures. A notice soliciting public comment was published in the Federal Register on October 4, 2002. The comment period ended on October 21, 2002. A final decision on the experiment is pending. For information pertaining to this request contact Tom Warren at (978) 281-9347.

Application for Exempted Fishing Permit to conduct Mesh Selectivity Study - The Manomet Center for Conservation Sciences submitted an application on August 20, 2002 for an exempted fishing permit in order to investigate the selectivity of a trawl with an inclined separation panel installed in the net extension and cod-end in order to reduce bycatch in the Gulf of Maine groundfish fishery. The inclined separation panel will be 4" diamond mesh sewn into a net with a 6.5" diamond mesh cod-end. One vessel will be conducting the fisheries research in October 2002 in the Gulf of Maine. The applicant requested exemption from the following regulatory requirements: DAS use, and mesh restrictions. A notice soliciting public comment was published in the Federal Register on October 29, 2002. The comment period will end on November 13, 2002. For information pertaining to this request contact Tom Warren at (978) 281-9347.

Application for Exempted Fishing Permit to conduct Mesh Selectivity Study - Mr. Philip Averill, coordinator for a Northeast Consortium-funded project, submitted an application on September 23, 2002 for an exempted fishing permit in order to investigate the selectivity of a trawl with 8-inch square mesh throughout the net in order to reduce bycatch in the Gulf of Maine groundfish fishery. This experimental net will be compared to a conventional trawl net with a 6.5-inch diamond mesh codend to determine the selectivity of the experimental net design. Two vessels will be conducting this fisheries research during two periods: November through December 2002 and from May through July 2003. This study will be conducted in the Gulf of Maine. The applicant requested exemption from the following regulatory requirements: DAS use, and rolling closures. For information pertaining to this request contact Douglas W. Christel at (978) 281-9141.

Application for Exempted Fishing Permit to Conduct a Monitoring and Maturity Study of the offshore American Lobster Fishery - University of New Hampshire (UNH) in a collaborative effort with the Atlantic Offshore Lobstermen's Association (AOLA) proposes to conduct a project to both monitor the offshore lobster fishery and to determine the size at which offshore lobster reach reproductive maturity. Each of six commercial fishing vessels involved in this monitoring and data collection program would

collect detailed abundance and size frequency data on the composition of all lobsters collected from one research string of approximately forty traps, for the period from the fall of 2002 to the fall of 2003. The inclusion of a maximum of one trap per vessel, designated as a juvenile lobster collector trap, in the research string of traps will be used to determine the size at which offshore lobster reach reproductive maturity. This modified lobster trap would have a smaller entrance head, no escape vents, and would be made of a smaller mesh than the traditional offshore trap to catch and retain juvenile lobsters in the 30-65 mm carapace length range. The smaller entrance head would exclude large lobsters from this trap and decrease the probability of cannibalism within the trap. In total, 200 sublegal lobsters would be collected and dissected as part of the size at maturity study. With the exception of the one modified juvenile lobster collector trap, all traps fished by the six participating vessels would comply with all applicable lobster regulations. The applicant requested exemption from the following regulatory requirements: lobster trap escape vent requirements and retention of up to 200 sub-legal lobsters. A notice soliciting public comment in the Federal Register is pending. For more information on this request, contact Bob Ross, 978-281-9234.

Approved Requests

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. A notice soliciting public comment published in the *Federal Register* on August 21, 2002. The public comment period ended on September 5, 2002, and EFPs were issued on September 12, 2002. For more information, contact Allison Ferreira, 978-281-9103.

Whiting Experiment with Separator Trawl and Raised Footrope in Portion of GOM/GB RMA - The Regional Administrator recently approved a request for EFPs from the Maine Division of Marine Resources for two vessels to compare two experimental trawl net configurations (22-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 is taking place through October for approximately 6 days per month. The initial application for EFPs required revisions, which were finalized on June 27, 2002. For information pertaining to this request, contact Martin Jaffe at 978-281-9272.

2002 Funding through the Cooperative Research Partners Initiative - NOAA Fisheries, NER-CRPI has funded seven (7) projects to investigate conservation engineering/bycatch reduction as a result of 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>). Funding for this fishing gear research equals approximately \$700,000. Under long term cooperative research programs, 3 pilot study fleets are currently being formed. The first is in the Cape Cod area. In the near future two additional pilot fleets will be developed, one in the SNE ports of New Bedford Massachusetts and Narragansett Rhode Island, and another pilot with a broader distribution of vessels ranging from Gloucester, MA to mid coast Maine. The CRPI coordinator announced that a pilot industry based survey (IBS) program has been implemented by partnering with 4 New England States' marine fisheries agencies. The states of Rhode Island, Massachusetts, New Hampshire and Maine are being funded to implement the IBS. Initial funding equals approximately \$1.5 million. Finally, a regional cod tagging program will be underway this Fall. Five (5) contracts are envisaged to implement tagging in specific locations in the Gulf of Maine and on Georges Banks. 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 Regional Administrator has approved a request by the Maine Department of Marine Resources (MEDMR) 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. For more information, contact Michael Pentony, 978-281-9283.

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, and 5 EFPs were issued effective August 15, 2002. For more information, contact Allison Ferreira, 978-281-9103.

UNH Cooperative Extension Codend Experiments - On August 19, 2002, NMFS issued EFPs to the University of New Hampshire (UNH) Cooperative Extension. The EFP exempts 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 involves the development, design and implementation of a codend cover to evaluate the effectiveness of different codend configurations. For information pertaining to this request, contact Rick Pearson (978-281-9279).

University of New Hampshire Trawl Gear Experiment - On September 9, 2002, the Regional Administrator approved an experimental fishery proposed by the University of New Hampshire. The study was proposed to develop, design, and to test a device to separate flatfish from roundfish in trawl gear. The EFP authorized one vessel to fish for 20 days outside of DAS and within the Gulf of Maine Rolling Closure Areas. For more information pertaining to this request, contact Rick Pearson at 978-281-9279.

Requests Withdrawn or Disapproved

No actions reported.

Scientific Research

Northeast Fisheries Science Center Gear Catchability Study - The Northeast Fisheries Science Center submitted a research proposal on October 23, 2002. The primary goal of the study is to examine how changes to bottom trawl gear affect the catchability of the gear. One fishing vessel, using standard commercial bottom trawl gear, will perform a series of side-by-side tows with the R/V ALBATROSS IV to determine how changes in trawl warp lengths affect the catches of the nets. Further examination of the effect of different doors and net configurations may be conducted as well. The study will commence on October 28, 2002, and run through November 8, 2002. The study will take place within 5 areas within the Gulf of Maine and Georges Bank, including Closed Area I. A Letter of Acknowledgment of this activity was issued on October 28, 2002. (Douglas W. Christel, 978-281-9141).

U.S. Army Corps of Engineers Surfclam Sampling - The U.S. Army Corps of Engineers submitted a research proposal dated October 16, 2002. The objective of this study is to collect data on surfclam

population assemblages and on concentrations of bioaccumulated contaminants in surfclam tissue at four dredge material disposal sites. The study will take place in Rhode Island Sound at and in the vicinity of four sites that were identified as potential dredge disposal sites in the Providence River Environmental Impact Statement. This study will take place between October 21, 2002, and November 30, 2002. This project will involve one commercial fishing vessel that will fish with a hydraulic dredge to sample surfclams within the designated sites. A Letter of Acknowledgment of this activity was issued on October 23, 2002. (Douglas W. Christel, 978-281-9141).

University of New Hampshire Aquaculture Project - Dr. David Berlinsky of the University of New Hampshire submitted a research proposal for the collection and retention of 50 live cod and 50 live haddock on October 3, 2002. This request for an LOA was pursuant to an approved grant from the Cooperative Institute for New England Mariculture and Fisheries (CINEMar). The primary goal of the study is to collect live cod and haddock to be used as broodstock in an aquaculture program. This collection effort will be conducted in conjunction with another study involving the collection and tagging of several species of finfish, which was previously issued an LOA on June 17, 2002. This activity will take place in the Western Gulf of Maine Area Closure. A Letter of Acknowledgment of this activity was issued on October 16, 2002. (Douglas W. Christel, 978-281-9141).

Application for a Scientific Research Letter of Acknowledgment for shrimp research to be conducted by the Maine Department of Marine Resources - The Maine Department of Marine Resources (DMR) is requesting a Scientific Research Letter of Acknowledgment for shrimp research to be conducted from the fall of 2002 to mid-April, 2003. Three commercial fishing vessels, with observers on board each trip, will conduct biweekly surveys along two transects off Pemaquid Point, Maine to Kettle Ground, and from Casco Bay, Maine to the Fingers area of Jeffrey's Ledge. Each vessel transect will consist of six to twelve stations along a depth gradient, with 15 minute tows, using regulation shrimp nets with Nordmore grates. The intent of the study is to collect information on environmental parameters affecting the timing and extent of the inshore migration of female shrimp, timing of egg release, and information on larval survival. The catch at each station will be sorted and measured by species, and a sample of shrimp from each station will be saved for laboratory analysis by DMR. On transects conducted outside of the shrimp season, nothing will be landed except for a limited quantity of shrimp saved for DMR laboratory analysis. On transects conducted during the shrimp season, shrimp caught could be landed. For more information on this request, contact Bob Ross, 978-281-9234.