

Status Report of Northeast Region Actions

Prepared for the October 9-11, 2001
Meeting of the
Mid-Atlantic Fishery Management Council

October 5, 2001



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



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New England Council Actions

Scallop Regulations

Request for Proposals (RFP) - On May 29, 2001, NMFS published a RFP on behalf of the New England Fishery Management Council to solicit Atlantic sea scallop research proposals. The RFP describes how a researcher may be selected to perform sea scallop research projects funded by the 1% set-aside of the scallop total allowable catch (TAC) under Framework Adjustment 14 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and how NOAA and the Council will select proposals to be funded under the research TAC set-aside. Proposals for research utilizing the 2001 research set-aside must have been received by June 19, 2001. A decision on the 2001 proposals is pending. Proposals for research utilizing the 2002 research set-aside must be received by **November 1, 2001**. Interested parties may contact either Patricia Fiorelli of the New England Fishery Management Council at 978-465-0492, or Peter Christopher at the NMFS Northeast Regional Office at 978-281-9288.

Framework Adjustment 14 Correction - On August 30, 2001, NMFS published a correction to the final rule implementing Framework Adjustment 14 to the Atlantic Sea Scallop Fishery Management Plan (FMP). As originally implemented, Framework 14 authorized the Regional Administrator to increase the number of trips to be taken in Hudson Canyon and Virginia Beach Closed Areas after October 1 of each year if the level of harvest of the TAC and the number of allocated trips supported additional trips. However, in order to take any additional trips into the areas after October 1 of each year, vessels must have declared into the Area Access Program and started an area access program trip prior to September 1 of each year. The requirement to start a trip prior to September 1 was omitted from the distribution of trips in 2002. In addition, the framework and the final rule intended that in order to take any trips after September 1 of each year, a vessel must have also started at least one trip prior to September 1. Although the final rule implementing Framework 14 discussed this provision in the supplementary information section, the provision was inadvertently omitted from the regulatory text. Finally, the reference to the provision allowing additional trips is wrong in the final rule as it currently references the section pertaining to research set-asides rather than additional trips after October 1 (Peter Christopher, 978-281-9288).

Multispecies Regulations

Fishing Capacity Reduction Program - On April 3, 2001, NMFS published a notice announcing a proposed fishing capacity reduction program for the Northeast multispecies fishery. The Military Construction Appropriations Act for FY 2001 included an emergency supplemental appropriation for the Northeast multispecies fishery of \$10.0 million. The emergency appropriation is intended to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery (FCRP) that permanently removes multispecies limited access fishing permits. NMFS is considering a plan for distributing funds to permit holders in exchange for their permit forfeiture. NMFS suggests two methods for ranking bids (math programming or correlation with fishing capacity). NMFS requested comments on the most appropriate and cost-effective means to accomplish the FCRP's intended goal. The public comment period for this notice ended on May 25, 2001. NMFS held nine public meetings between May 8, 2001 and May 17, 2001. NMFS is developing the final program and supporting documents with the goal of having the program implemented this fall (Jack Terrill, 978-281-9136).

Implementation of Conditional Closures in the Gulf of Maine (GOM) - On September 17, 2001, NMFS published a notice that it had determined that at least 759 metric tons (mt) of GOM cod had been landed as of July 31, 2001. Pursuant to the GOM conditional area closures provision implemented under Framework Adjustment 33, NMFS implements the continuation of the Cashes Ledge Closure from November 1 through November 30, 2001, and the area identified as Rolling Closure Area VI from January 1, through January 31,

2002 (Rick Pearson, 978-281-9279).

Change to the Year-4 Default Management Measures for Small-Mesh Multispecies - On September 17, 2001, NMFS published a proposed rule to amend the regulations implementing Amendment 12 to the Northeast Multispecies Fishery Management Plan (FMP) by changing the date of the Year-4 default management measures for small-mesh multispecies (silver hake (whiting), red hake and offshore hake), from May 1, 2002, to May 1, 2003. Delaying the implementation date for an additional year would be in conformance with the original intent of Amendment 12 to the FMP. Comments on the proposed rule must be received no later than 5:00 p.m., **October 17, 2001** (Rick Pearson, 978-281-9279).

Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) - On behalf of the New England Fishery Management Council, on October 5, 2001, NMFS, announced its intention to prepare an SEIS in accordance with the National Environmental Policy Act for Framework Adjustment 36 to the Northeast Multispecies Fishery Management Plan (FMP). The intent of this action is to reduce regulatory discards in the Gulf of Maine (GOM) cod fishery; address reductions in fishing mortality needed to ensure that the mortality objectives for Georges Bank (GB) cod, GB haddock, GB yellowtail flounder, GOM cod, and Southern New England (SNE) yellowtail flounder are achieved; allow tuna purse seine vessels access to the current closed areas; and expand the current Small Mesh Northern Shrimp Fishery Exemption Area. Written comments on the intent to prepare the SEIS must be received on or before 5 p.m., **November 5, 2001** (Dave Gouveia, 978-281-9280).

Herring Regulations

Specifications for Fishing Year 2002 - NMFS has received the Atlantic herring specifications for the fishing year 2002. This action is under review and a proposed rule is pending (Dave Gouveia, 978-281-9280).

Framework Adjustment 1 to Herring FMP - NMFS has received Framework Adjustment 1 to the Atlantic Herring FMP. Framework 1 proposes to divide 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, this framework would specify a TAC of 6,000 mt for the first period, and 54,000 mt for the second period. This action is currently under review (Allison Ferreira, 978-281-9103).

Red Crab Regulations

Commercial Quota Harvested for the Red Crab Fishery - On August 3, 2001, NMFS notified red crab vessel owners and red crab dealers that the red crab commercial quota available for red crab emergency interim rule (May 18, 2001 through November 14, 2001) has been projected to be harvested. Effective 0001 hours, August 17, 2001, vessels may not fish for, or possess, red crab harvested from the EEZ in excess of 100 pounds per trip (Marty Jaffe, 978-281-9272).

Mid-Atlantic Council Actions

Summer Flounder, Scup and Black Sea Bass Regulations

Summer Flounder Commercial Quota Harvested for the State of Connecticut - On August 15, 2001, NMFS published a notice announcing that the summer flounder commercial quota available to the State of Connecticut has been harvested. Effective 0001 hours, August 17, 2001, fishing vessel issued a Federal moratorium permit for the summer flounder fishery may no longer land summer flounder in the State of

Connecticut for the remainder of the 2001 calendar year (Paul Jones 978-281-9273).

Summer Flounder Commercial Quota Harvested for the Commonwealth of Massachusetts - On August 27, 2001, NMFS published a notice announcing that the summer flounder commercial quota available to the Commonwealth of Massachusetts has been harvested. Effective 0001 hours, August 31, 2001, fishing vessel issued a Federal moratorium permit for the summer flounder fishery may no longer land summer flounder in the Commonwealth of Massachusetts for the remainder of the 2001 calendar year (Paul Jones 978-281-9273).

Commercial Quota Adjustment Correction - On September 12, 2001, NMFS published a commercial quota adjustment correction for the 2001 summer flounder, scup, and black sea bass commercial quotas. The adjustment resulted in an increase for the MA, NY, NJ, MD and VA 2001 quotas, and a decrease for the RI and CT 2001 quotas. While the State of NC reported additional landings in 2000 (38,737 lb), this action makes no quota adjustments to the state's 2001 quota because it is forbidden by a Court Order (North Carolina Fisheries Association v. Evans, July 30, 2001). For scup, this adjustment resulted in decreases to the 2001 Winter I and Summer quotas by 346,999 lb and 602,340 lb, respectively. Similarly, for black sea bass, this adjustment resulted in decreases to the 2001 Quarter 2, 3, and 4 quotas (Paul Jones 978-281-9273).

Squid, Mackerel, and Butterfish Regulations

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 is currently under review (Jennifer Anderson, 978-281-9226).

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 is effective **November 1, 2001** (Bonnie VanPelt 978-281-9244).

Other Regulations

Omnibus Framework Adjustment 1 - On August 10, 2001, NMFS approved Omnibus Framework Adjustment 1 to the Atlantic Mackerel, Squid, and Butterfish; Summer Flounder, Scup, and Black Sea Bass; Bluefish; and Tilefish Fishery Management Plans. Framework 1 implements a research set-aside allocation process to allow the Mid-Atlantic Council (Council) to set aside up to 3 percent of total allowable landings to be used for research purposes for each of the respective fisheries. The Council will solicit proposals from industry, based on research priorities identified by the Council. Proposals will be reviewed and approved through the Federal grant review and award procedures based on recommendations by the Council. Vessels conducting research would in many cases be requesting exemptions from some management restrictions. The analysis of the exemptions will be included as part of the annual quota specification package submitted by the Council as proposed by NMFS (Dave Gouveia, 978-281-9280).

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. Originally, research proposals had to be received by August 24, 2001. However, NMFS extended the deadline through September 14, 2001. A decision on the proposals is pending. For more information contact either the Mid-Atlantic Fishery Management Council at 302-674-2331, or Dave Gouveia at the NMFS Northeast Regional Office at 978-281-9280.

American Lobster - On September 24, 2001, NMFS published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) on Federal lobster management in the Exclusive Economic Zone (EEZ) associated with Addendum II to the Interstate Fishery Management Plan for American Lobster (ISFMP). The EIS will evaluate the implementation of American lobster management measures recommended by the Atlantic States Marine Fisheries Commission, as well as alternative measures. Addendum II revises the ISFMP egg production schedule in each of seven lobster conservation management areas (LCMAs) to end overfishing of American lobster stocks by extending it to the end of 2008. The management measures defined in Addendum II to meet the egg production targets include a series of minimum gauge size increases (increases in the minimum allowable harvest size of American lobster) in five of the seven LCMAs (excluding LCMA 1 encompassing the Nearshore waters of the Gulf of Maine and LCMA 6 encompassing Long Island Sound), trap gear modifications to increase the minimum size of the escape vent opening, and a revised 4-year trap reduction schedule for LCMA 3. Written comments on the intent to prepare the EIS must be received on or before 5 p.m., **October 24, 2001** (Bob Ross, 978-281-9234).

Gear Modifications for Protection of Large Whales - On October 1, 2001, NMFS published a proposed 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 proposed gear modifications would effect the Northern inshore State Lobster Waters Area, Southern Nearshore Lobster Waters Area, Offshore Lobster Waters Area, Gillnet Mid-Atlantic Coastal Waters Area, and the Southeast U.S. Restricted Area. Written comments on the proposed rule must be received on or before 5 p.m., **October 31, 2001** (Gregg LaMontagne, 978-281-9291).

Dynamic Area Management for Protection of Large Whales - On October 2, 2001, NMFS published a proposed rule to amend the regulations that implement the Atlantic Large Whale Take Reduction Plan by establishing a Dynamic Area Management (DAM) program. DAM would 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. Written comments on the proposed rule must be received on or before 5 p.m., **November 1, 2001** (Gregg LaMontagne, 978-281-9291).

Seasonal Area Management for Protection of Large Whales - On October 3, 2001, NMFS published an advance notice of proposed rulemaking and notice of intent to prepare an Environmental Impact Statement (EIS) for its preparation of regulations to implement a Seasonal Area Management (SAM) program. SAM would 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 would 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. NMFS also announces its intention to prepare an EIS for the SAM regulations, in accordance with the National Environmental Policy Act, to analyze impacts to the environment of the management alternatives under consideration. Written comments must be received on or before 5 p.m., **November 2, 2001** (Gregg LaMontagne, 978-281-9291).

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 the New England Fishery Management Council's Research Steering Committee. Authors were requested to develop and submit full proposals by August 22, 2001. NMFS received 15 final proposals. A decision on the proposals is pending. For more information on the proposals submitted for funding, 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 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. The revised request was received on July 9, 2001, and is currently under review. A notice soliciting public comment will be published in the *Federal Register* in the near future. For more information, or a copy of the proposed experiment 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 has requested additional information from the applicant. Upon receipt of the information, a notice soliciting public comment on this experiment will be published in the *Federal Register*. For more information, contact Jennifer Anderson, 978-281-9226.

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 will test the codend selectivity device in a flume tank to verify design specifications. Phase 2 will test 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 is pending. For more information or a copy of the

proposed experiment, contact Walter Gardiner, 978-281-9326.

Approved Requests

Purse Seine Experimental Fishery - NMFS approved an experimental fishery proposal submitted by the East Coast Tuna Association to allow five tuna purse seine vessels to fish for giant bluefin tuna in Northeast Multispecies Closed Area I, where purse seine gear is normally prohibited. The experiment is a continuation of an experiment conducted in 2000. The exempted experimental fishery will take place from August 16 to December 31, 2001, or until the bluefin tuna quotas for each of the five purse seine vessels are achieved. For more information, contact Allison Ferreira, 978-281- 9103.

Raised Footrope Trawl Gear East of Cape Cod - NMFS approved an experimental fishery submitted by the Massachusetts Division of Marine Fisheries (MADMF) to conduct an experimental fishery in an area east of Cape Cod using the MADMF-developed raised footrope trawl gear. The purpose of the study is to continue the collection of information from the area east of Cape Cod regarding the effectiveness of the raised footrope trawl in reducing bycatch of regulated multispecies. Information collected through this experimental fishery would be used to help NMFS and/or the New England Fishery Management Council in considering whether or not an exemption for the raised footrope trawl within the area is warranted under the FMP. Exempted Fishing Permits (EFPs) have been issued to 20 commercial vessels to fish with raised footrope trawl gear for silver hake (whiting) in a limited area within the Gulf of Maine/Georges Bank Regulated Mesh Area. The experiment will end on December 31, 2001, or if the MADMF determines that the fishery should be shut down due to excessive bycatch. For further information, contact Peter Christopher, 978-281-9288.

Extension of Experimental Fishery to Conduct Side-by-Side Tows with the R/V Albatross - NMFS approved an extension to a previously approved exempted experimental fishery proposal submitted by the Haskin Shellfish Research Laboratory. The purpose of the initial experiment, authorized on March 26, 2001, was to compare the catchability of the gear used by the R/V ALBATROSS to the gear used by the commercial F/V JASON & DANIELLE. The purpose of this extension is to conduct a series of side-by-side tows with the R/V ALBATROSS during Leg II of the NMFS Fall Trawl Survey within selected NMFS survey strata located in the region extending from Hudson Canyon to west of Nantucket Island, and then increase the survey coverage within these strata through a series of non-paired tows conducted at randomly selected locations. The objective is to examine the significance of increasing the number of random survey tows per stratum in stabilizing the mean catch rate calculated for that stratum. The experiment will be conducted from September 20 to October 15, 2001. For further information, contact Allison Ferreira, 978-281-9103.