

Gear Stowage Information Sheet

On February 2nd, 2012 the NEFMC passed the following motion during the Enforcement Committee report (14/0/1):

To recommend that the Groundfish Committee:

- *Review Section 648.23 (b), definition of “not available for immediate use”, and determine if the regulations under that section are still necessary;*
- *To remove from Section 648.23(b)(1)(iv), part (B) that requires the towing wires be detached from the doors;*
- *To change completely the wording of Sections 648.23(b)(1)(iii), part (A) and 648.23(b)(1)(iv), part (A) to say “the net is on the reel and its surface is covered with an approved material”.*

This motion was the result of the discussions of the Gear Stowage Workshop held November 29th, 2011 in Woods Hole, MA (summary attached).

Rules for gear stowage were originally reviewed by the Council in Amendment 2 to the Northeast Multispecies FMP. That action explicitly removed a reference to nets stowed on reels because enforcement concluded that it was unenforceable, and it also removed language about towing wires being detached from fishing gear. Amendment 2 granted the Regional Administrator the authority to issue guidance on appropriate methods for net storage.

Amendment 4 to the Northeast Multispecies FMP reiterated the rules promulgated in Amendment 2 and added “nets that are on reels and are covered and secured with the codend removed” to the list of properly stored gears. However, in the guidance provided in the amendment for storing nets, it stated that towing wires must be detached from the net while in the large mesh areas. It maintained the Regional Administrator’s authority to specify alternative manners of securing nets by placing a notice in the Federal Register.

Current Regulations:

(b) Definition of “not available for immediate use.” Gear that is shown not to have been in recent use and that is stowed in conformance with one of the following methods is considered to be not available for immediate use:

(1) Nets —

(i) Below-deck stowage.

(A) The net is stored below the main working deck from which it is deployed and retrieved;

(B) The towing wires, including the leg wires, are detached from the net; and

(C) It is fan-folded (flaked) and bound around its circumference.

(ii) On-deck stowage.

(A) The net is fan-folded (flaked) and bound around its circumference;

(B) It is securely fastened to the deck or rail of the vessel; and

(C) The towing wires, including the leg wires, are detached from the net.

(iii) On-reel stowage.

(A) The net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;

(B) The towing wires are detached from the net; and

(C) The codend is removed and stored below deck.
(iv) On-reel stowage for vessels transiting the Gulf of Maine Rolling Closure Areas, the Georges Bank Seasonal Area Closure, and the Conditional Gulf of Maine Rolling Closure Area.

(A) The net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;

(B) The towing wires are detached from the doors; and

(C) No containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend

...

(5) Other methods of stowage. Any other method of stowage authorized in writing by the Regional Administrator and subsequently published in the Federal Register.

Amendment 2 to the Northeast Multispecies FMP (NEFMC 1989, p. 8):

“Proposal 3: Modify the regulatory language at 50 CFR 651.20(f) that defines nets "not available for immediate use" to include only 1) nets that are stored below deck, 2) nets that are stowed and lashed down on deck, and 3) nets that are secured in a manner that significantly limits the chances of small mesh being used in the RMA, as approved by the NMFS Regional Director.

Rationale: Currently, the definition of nets "not available for immediate use" includes (a) nets that are on net reels and are covered or secured, and (b) nets that are on vessels which have their towing wires detached from their fishing gear, in addition to (c) nets stored below deck and (d) nets stowed and lashed down on deck. This definition was developed to provide flexibility for vessels that either had to fish in two separate areas with differing mesh regulations on the same trip, or had to traverse the Regulated Mesh Area on the way to or from fishing grounds where regulated mesh is not required. Because it contains points (a) and (b) noted above, the current definition does not and cannot provide reasonable assurance to an enforcement officer that a small-mesh net found aboard a vessel in the Regulated Mesh Area was not used in that area. The two remaining options (c & d) provide the necessary flexibility for fishermen while promoting compliance and maintaining reasonable enforceability. Other methods that assure that small-mesh nets are secured in a manner which significantly limits their chances of being used in the RMA may be subsequently approved by the Regional Director. Therefore, the definition is proposed to be modified accordingly.”

Amendment 4 to the Northeast Multispecies FMP (NEFMC 1990, p. 34-35):

“Restrictions on small mesh while fishing in the regulated mesh area

No vessel issued a valid Multispecies permit, except vessels employing midwater trawl gear and vessels not having any fish aboard, may have available for immediate use any net, or any piece of a net, not meeting the mesh size requirements, or mesh that is choked off while in the large mesh areas.

A net that conforms to one of the following specifications and that cannot be shown to have been in recent use is considered to be “not available for immediate use”:

- 1.Nets stowed below deck;
- 2.Nets stowed and lashed down on deck;
- 3.Nets that are secured in a manner approved by the Regional Director. After review and approval, the Regional Director may specify alternative manner(s) of securing nets by notice in the Federal Register;
- 4.Nets that are on reels and are covered and secured with the codend removed.

Guidance on securing nets

A net is considered to be stored below deck if it is located below the main working deck from which the net is deployed and retrieved. Towing wires (any wires including the “leg” wires) must be detached from the net.

A net is considered to be stowed and lashed down on deck if it is fan folded (flaked) and bound around its circumference and securely fastened to the deck or the rail of the vessel. The towing wires (any wires including the “leg” wires) also must be detached from the net.

A net on a reel is considered to be “stowed and lashed down on deck” only if the entire surface of the net on the reel is covered with canvas or similar material that is securely bound, the towing wires (any wires including the “leg” wires) are detached from the net, and the codend is removed from the net and stored below deck.”