

Fishery Management Plan
Environmental Impact Statement
Regulatory Impact Review
and
Initial Regulatory Flexibility Analysis
for the
Northeast Multi-Species Fishery

Prepared by
New England Fishery Management Council
in consultation with
Mid-Atlantic Fishery Management Council

August, 1985

COVER SHEET

RESPONSIBLE AGENCIES:

Assistant Administrator for Fisheries
National Oceanic and Atmospheric Adm.
U.S. Department of Commerce
Washington, DC 20235

New England Fishery Management Council
Suntaug Office Park
5 Broadway (Route 1)
Saugus, MA 01906

PROPOSED ACTIONS:

Adoption, approval, and implementation of the Fishery Management Plan for the Northeast Multi-Species Fishery.

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TYPE OF STATEMENT:

() Draft (X) Final

ABSTRACT:

The New England Fishery Management Council and the Assistant Administrator for Fisheries (NOAA) propose to adopt, approve and implement pursuant to the Magnuson Fishery Conservation and Management Act a Fishery Management Plan for the Northeast Mutli-Species Fishery.

The major species included in the Northeast Multi-Species FMP and for which fishing will be subject to specific regulations are cod, haddock, pollock, redfish, yellowtail flounder, winter flounder (blackback), American plaice (dab), witch flounder (gray sole), windowpane flounder, and white hake. The list is not exclusive, and if necessary, other species may be directly regulated under this plan in the future.

Major management measures include, but are not limited to, commercial minimum size regulations for cod, haddock, pollock, yellowtail, witch flounder, Am. plaice and winter flounder; minimum recreational sizes for cod and haddock; minimum mesh size regulations for the trawl and gillnet fisheries in the Gulf of Maine and on Georges Bank; major changes in regulations regarding the use of small mesh trawl gear in New England waters; extended closed areas for haddock spawning on Georges Bank; a closed area for yellowtail flounder in the Southern New England/Mid-Atlantic area; and gear marking requirements for longline and gillnet gear.

This Environmental Impact Statement has been prepared largely because of the FMP's significance as a new management program for fishery resources not heretofore regulated under the authority of the Magnuson Act. The proposed management program will not have a negative impact on fishery resources, habitat, public health or safety, or endangered or threatened species.

DATE BY WHICH COMMENTS MUST BE RECEIVED: _____

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MANAGEMENT POLICY & OBJECTIVES

The policy contains two basic goals for management:

- 1) to allow the multi-species fishery to operate with minimum regulatory intervention, and
- 2) to adopt initial measures to prevent stocks from reaching minimum abundance levels, defined as those levels below which there is an unacceptably high risk of recruitment failure.

The management objective is to control fishing mortality on juveniles (primarily) and on adults (secondarily) of selected finfish stocks in order to maintain sufficient spawning potential so that year classes replace themselves on a long-term average basis, to similarly reduce fishing mortality for the purpose of rebuilding those stocks which have insufficient spawning potential to maintain a viable fishery resource (currently Georges Bank haddock and redfish) and to promote the collection of information about the multi-species fishery and the effectiveness of the management program.

PROPOSED MANAGEMENT PROGRAM

The management program consists of three parts: (1) operative measures to achieve the management objectives, (2) administrative measures to promote both monitoring/enforcement of the FMP and provide for continued industry access to the resources, and (3) procedures to provide an effective basis for continuing management. Any fisherman holding a federal multi-species fishery permit must operate in accordance with federal regulations implementing this FMP even when fishing in state waters. However, where more stringent measures than those proposed in this FMP exist to regulate state landings, the more stringent measures shall prevail.

Operative Measures

1. Minimum Fish Size:

	<u>Year 1</u>	<u>Year 2+</u>
<u>Commercial :</u>		
(total length)		
cod, haddock, pollock . . .	17 inches	19 inches
witch flounder	14 inches	14 inches
yellowtail, Am. plaice . . .	12 inches	12 inches
winter flounder	11 inches	11 inches

All sizes are effective upon implementation of the FMP and will be enforced on the basis of possession in or from the FCZ. In addition, no fish taken subject to this FMP that are smaller than the prevailing commercial size limit may be sold, and minimum sizes will apply to imported fish.

Recreational: cod, haddock: 15 inches (year 1); 17 inches (year 2 & 3)
(total length) 19 inches (year 4 +)

Recreational fishermen are not subject to minimum size in possession requirements for pollock, American plaice, or yellowtail, winter and witch flounders. Each recreational fisherman may have in his possession a total of two undersized fish (cod and/or haddock).

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2. Minimum Mesh Size: (mesh may be in either a diamond or a square configuration)

Gulf of Maine (see Figure 1)

- Regulated minimum mesh in cod end 5-1/2 inches
- Regulated minimum mesh in bottom-tending gillnets . . 5-1/2 inches
- Exemption - within the regulated mesh area illustrated in Figure 1, the conditional use of cod end mesh smaller than the regulated mesh size is allowed as described under #3 below.
- Exception - within the area designated as the "redfish area" (Figure 1), the minimum cod end mesh requirement will not apply during the months of March through July or until the point in that time interval when 3500 mt of redfish have been landed within the calendar year.

Georges Bank (see Figure 1)

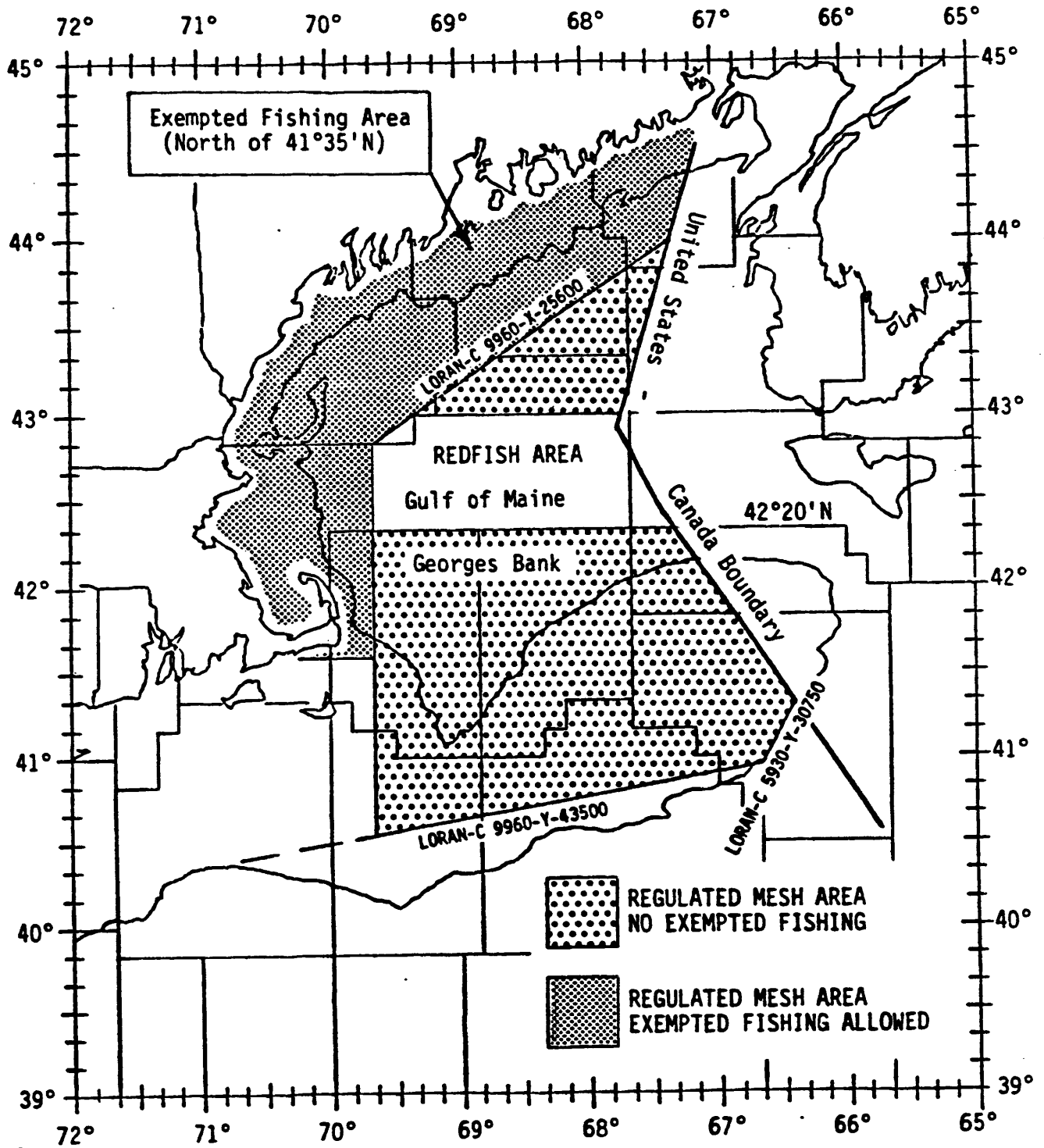
- Regulated minimum mesh in trawl cod ends, and in bottom-tending gillnets shall be 5-1/2 inches in years 1 and 2 and shall increase to 6 inches within the third year.
- Exemption - within the regulated mesh area north of 43°35'N and west of 69°40'W, illustrated in Figure 1, the conditional use of cod end mesh smaller than the regulated mesh size is allowed as described under #3 below.
- Exception - in those parts of the New England area not otherwise regulated for mesh, the mesh in bottom-tending gillnets must be at least the Georges Bank area regulated mesh size during the months of November through February.

3. Exempted Fishery Regulations

- Contain opportunities to fish with small mesh cod ends are provided in the the regulated mesh area shown in Figure 1.
- Exempted fishery for commercially valuable species (exempt species) that require the use of mesh smaller than the regulated mesh size will be allowed as specified below. Exempted fisheries must be applied for independently and may not be granted for more than one exemption at a time.
- Regulated species include cod, haddock, pollock, redfish, Am. plaice, and yellowtail, winter and witch flounders.

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Figure 1



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Seasonal restrictions on the Exempted Fisheries:

<u>Period</u>	<u>Exempt Species</u>	<u>Comment</u>
June-November	open	Regulated species may not exceed 10% of the total landings of all species over the reporting period.
January-April or as specified by ASMFC	shrimp	Regulated species may not exceed 10% of the amount of shrimp landed over the reporting period.
December-January	whiting	Regulated species may not exceed 10% of the amount of whiting landed over the reporting period; fishery will be subject to monitoring by sea sampling.
December-May	herring mackerel	Regulated species may not exceed 10% of the amount of herring plus mackerel landed over the reporting period.

- Area exception - a fishery for herring, mackerel and/or squid may be conducted in the non-exempted regulated mesh area of Georges Bank throughout the year using cod end mesh less than the regulated minimum, subject to the stipulation that mid-water trawl gear be used and the by-catch of regulated species be held to 1%.
- Reporting period - a continuous period of exempted fishing of 30 days or until withdrawal of a vessel from an exempted fishery, whichever is the shorter period.
- Report form - existing federal reporting form submitted by each participating fisherman to the Regional Director. In addition, each participant must be prepared to submit corroborating records of individual trip landings.

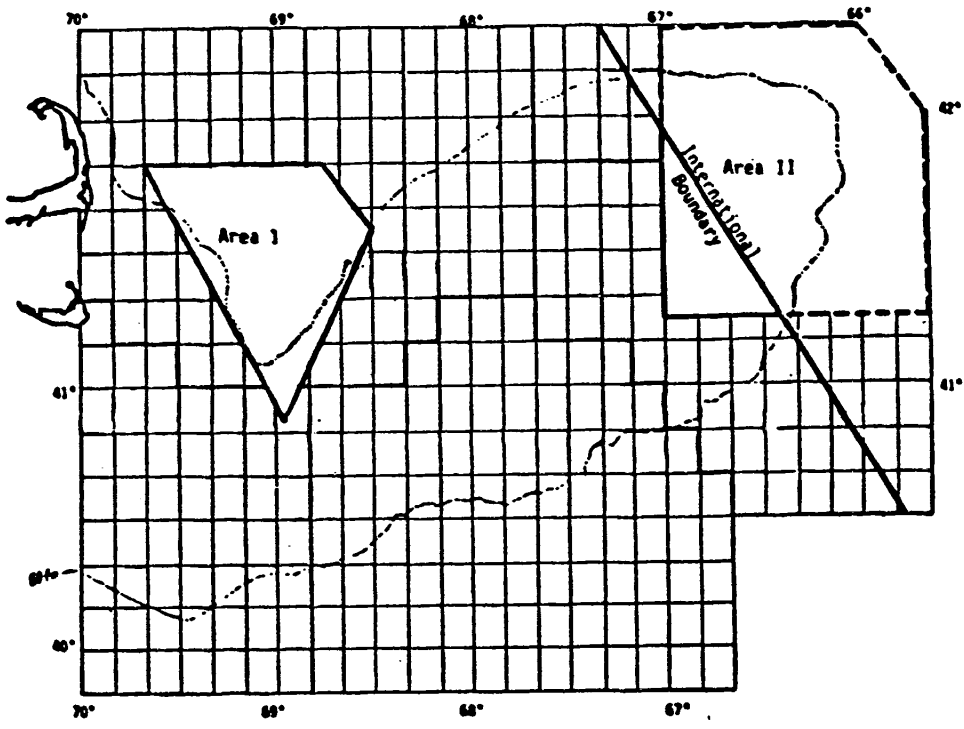
4. Area Closures

Georges Bank - Spawning areas, principally designed for haddock, will be seasonally closed to fishing with all mobile or fixed gear except with scallop dredge gear and hooks having a gape not less than 1.18 inches (30 mm.).

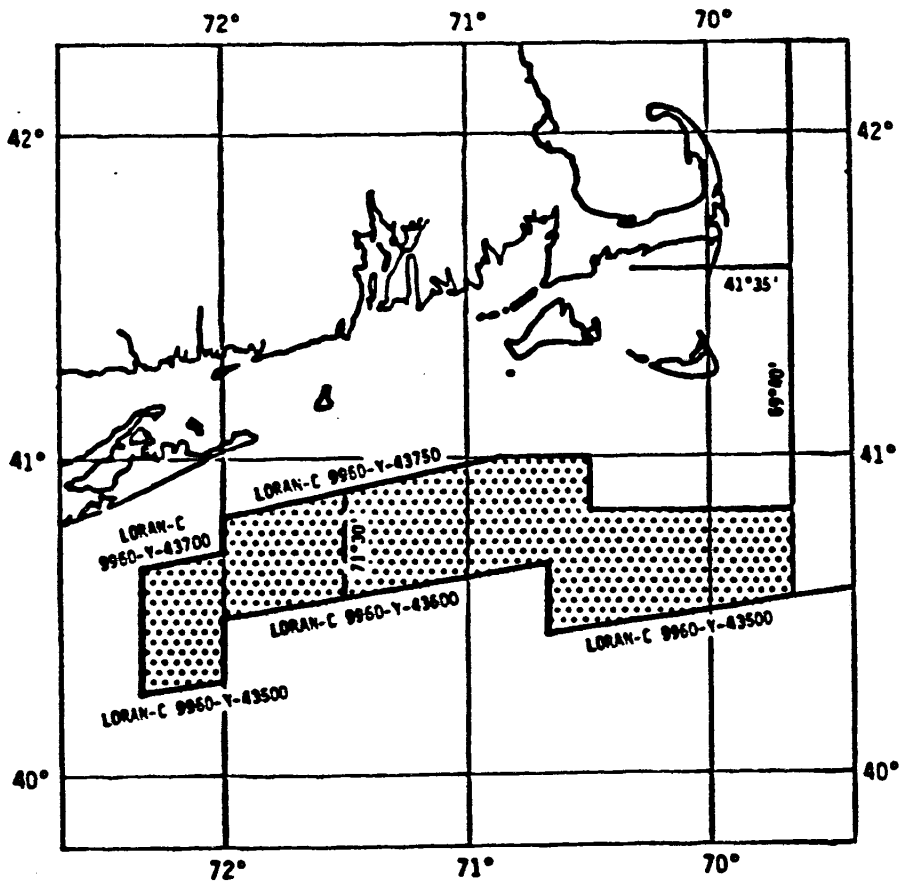
- Spawning areas to be closed include traditional areas I and II shown in Figure 2. It is recognized that only a small part of Area II is under U.S. control.
- The closure period in Area I will be from February 1 through May 31, except that each area (or relevant portion thereof) may be opened after April 30, upon the authority of the NMFS Regional Director. The closure period in Area II will be determined in consideration of Canadian management regulations.

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Figure 2: Options for Closed Spawning Areas I and II



Southern New England Closed Spawning Area Option



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Southern New England/Mid-Atlantic - A portion of the New England/Mid-Atlantic area west of 69°40', illustrated in Figure 2, is defined as an area to be seasonally closed to provide reduced mortality and enhanced spawning opportunity for yellowtail flounder. This closure is compatible with management efforts for yellowtail stocks in other resource areas.

The portion of this area east of 71°30'W longitude will close on March 1; whereas the portion west of 71°30'W will close on April 1. The total area will remain closed as far into May as the Council determines appropriate to achieve the objective of the FMP.

This area will be closed to all mobile gear fishing with the following exceptions: a) mid-water gear operating with a permit issued by the Regional Director and subject to the restriction of a zero by-catch of regulated species, and b) sea scallop or surf clam/ocean quahog dredges subject to the Regional Director's specification of by-catch reporting requirements. The Council may specify by-catch limits to sea scallops or surf clam/ocean quahog operations in the closed area after a careful review of by-catch information.

5. Additional Measures^{1/}

Regulated Mesh Area - If fishing mortality for key species is determined to jeopardize achievement of the management objectives, or if a new year class of haddock is jeopardized by overfishing, then four options to further control fishing mortality will be considered for Council action using the regulatory amendment process (public hearings will be held):

- Make regulatory modifications promoting the effectiveness of existing measures.
- Establish other time/area restrictions on the fishery.
- Increase minimum fish size.
- Increase mesh size.

Non-regulated Mesh Area - If fishing mortality for key stocks not adequately protected by the regulated mesh area remains too high to achieve the plan objectives, then three additional options to further control fishing mortality will be considered for Council action using the regulatory amendment process (public hearings will be held):

- Close key grounds for limited periods of time until conditions change.
- Increase minimum fish size.
- Establish a minimum mesh size for all or part of the area during some or all of the year.

^{1/} The decision to proceed with additional measures that will impose area or gear restrictions in the Mid-Atlantic area will require joint Council concurrence before a regulatory change process can be utilized.

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Other - The Council may, in addition, take action as warranted to ease or remove regulations, authorize experimental fishing, or modify regulations to accommodate advanced gear technology.

Administrative Measures

1. Gear Marking Requirements

Throughout the New England area, bottom-tending fixed gear must have the name of the owner or vessel, or the official number of that vessel permanently affixed to any buoys, gillnets or longlines. In addition:

- Bottom-tending gillnet or longline gear must be marked as follows: the westernmost end (meaning the half compass circle from magnetic south through west to and including north) of the gear must display a standard 12 inch tetrahedral corner radar reflector and a pennant positioned on a staff at least 6 feet above the buoy. The easternmost end (meaning the half compass circle from magnetic north through east to and including south) of the gear must display only the standard 12 inch radar reflector positioned in the same way.
- The maximum length of continuous gillnet sets shall not exceed 6,600 feet between end buoys.
- In the Gulf of Maine, sets of gillnet gear which are of an irregular pattern or which deviate more than 30° from the original course of the set shall be marked at the extremity of the deviation with an additional marker which must display a number of highly visible streamers and may either be attached or independent of the gear.

2. Data Reporting Requirements

This FMP establishes no new data reporting requirements other than those required under the exempted fishery regulations. Reports for the exempted fisheries are expected to use forms and procedures used in the Interim Groundfish FMP and already approved by OMB.

3. Permit Requirement

Any vessel wishing to participate in the Northeast multi-species finfish fishery, regardless of species sought, must obtain an annual permit. This permit does not supercede the permitting requirements of any other FMP.

4. FMP Technical Monitoring Group

A Technical Monitoring Group attached to the New England Council (Council) is established by the FMP to monitor the fishery and report at least annually on the status of the resources and the operation of the multi-species fishery in relation to the achievement of the FMP's objectives. The Technical Monitoring Group will be composed of 6 scientists and fishery analysts from the New England and Mid-Atlantic Fishery Management Councils and the National Marine Fisheries Service. The Monitoring Group will make its recommendations on continuing management to the New England Council's Multi-Species FMP Oversight Committee, which will in turn consult extensively with industry advisors and other interested parties and formulate a recommendation for action to the Council. The Council will take action on the recommendation as it deems appropriate. The Technical Monitoring Group will also inform the Mid-Atlantic Council of its findings.

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