

*Atlantic States Marine Fisheries Commission*

**DRAFT ADDENDUM III TO AMENDMENT 2 TO THE  
INTERSTATE FISHERY MANAGEMENT PLAN FOR  
ATLANTIC HERRING**



*ASMFC Vision Statement:*

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

**March 2010**

## Public Comment Process and Proposed Timeline

In August 2009, the Atlantic Herring Section (Section) approved a motion to initiate the development of an addendum to Amendment 2 to the Interstate Fishery Management Plan (FMP) for Atlantic Sea Herring to address the reduction in landings that small mesh bottom trawl vessels have had under the Area 1A ‘days out’ agreements in 2008 and 2009.

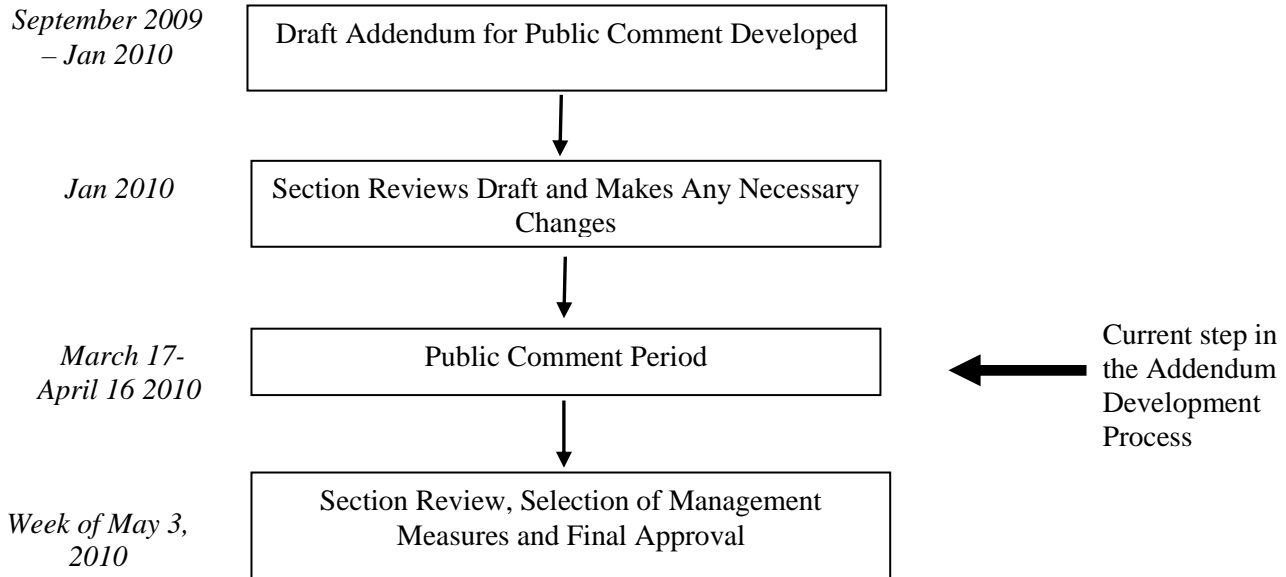
This draft addendum presents background on the Atlantic States Marine Fisheries Commission’s (ASMFC) management of Atlantic herring, the addendum process and timeline, and a statement of the problem. This document also provides options of Atlantic herring management for public consideration and comment.

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 PM (EST) on April 16, 2010**. The Section will be considering final action on this addendum during the first week of May 2010, at the ASMFC Spring Meeting.

Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

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## **PUBLIC COMMENT INPUT**

This Commission is seeking public comment on all sections of the draft Addendum, but specifically is interested in public comment on the following regulatory programs.

### **PROPOSED SMALL MESH BOTTOM TRAWL (SMBT) POSSESSION LIMITS (Page 30)**

Options considered for regulation include the following:

Option 1 – Status quo.

Option 2 – SMBT vessels with a C or D permit may land 6,667 pounds (3mt) on a ‘day out’

Option 3 – SMBT vessels with a C or D permit may land 10,000 and 6,667 pounds respectively, on a ‘day out’

### **PROPOSED SMBT ‘DAYS OUT’ (Page 31)**

Options considered for regulation include the following:

Option 1 – Status quo.

Option 2 – SMBT vessels with a C or D permit may land on different days than rest of fishery.

Option 3 – SMBT vessels with a C or D permit may land on different days than rest of fishery and are allowed one extra landing day.

Option 4 – SMBT vessels with a C or D permit may land on different days than rest of fishery and are allowed two extra landing days.

Option 5 – SMBT vessels with a C or D permit may land on different days than rest of fishery and are allowed three extra landing days.

### **PROPOSED SEASONAL EXEMPTION FOR SMBT VESSELS (Page 32)**

Options considered for regulation include the following:

Option 1 – Status quo.

Option 2 – SMBT vessels with a C or D permit are granted exemptions from July 15 – September 21 only.

Option 3 – SMBT vessels with a C or D permit are granted seasonal exemptions that differ from the Option 2 start and end dates.

### **PROPOSED SMBT AREA RESTRICTIONS (Page 33)**

Options considered for regulation include the following:

Option 1 – Status quo.

Option 2 – SMBT vessels with a C or D permit are granted exemptions in Small Mesh Area I only.

Option 3 – SMBT vessels with a C or D permit are granted exemptions in an area other than Small Mesh Area I.

### **PROPOSED SMBT TOTAL ALLOWABLE CATCH ALLOCATION (Page 34)**

Options considered for regulation include one or more of the following:

Option 1 – Status Quo.

Option 2 – Amount determined as part of specification process.

Option 3 – SMBT vessels with a C or D permit are allocated 0.66% (2005-2008 average) of the Area 1A TAC.

- Option 4 – SMBT vessels with a C or D permit are allocated 0.84% (2006-2008 average) of the Area 1A TAC.
- Option 5 – SMBT vessels with a C or D permit are allocated 1.59% (2007 landings) of the Area 1A TAC.
- Option 6 – Different amount than options 2 – 5.
- Option 7 – SMBT vessels holding a C or D permit are only granted exemptions until their TAC allocation has been harvested.
- Option 8 – SMBT vessels with a C or D permit can land a maximum of 2,000 pounds once their TAC allocation has been harvested.
- Option 9 – SMBT vessels with a C or D permit are prohibited from landing any amount of herring once their TAC allocation has been harvested.

## **1.0 Introduction**

This draft addendum proposes modifications to Amendment 2 to allow small mesh bottom trawl (SMBT) vessels to land herring on ‘days out’ of the fishery in Area 1A.

## **2.0 Management Program**

### **2.1 Statement of the Problem**

‘Days out’ restrictions in 2008 and 2009 may have disproportionately reduced landings for SMBT vessels fishing in Area 1A because these vessels have small holds and can only fish for one day per landing event while purse seine and mid-water trawl vessels with large holds and refrigeration can fish for several days prior to a landing day. Some participants who land herring using SMBT vessels have fished this way for decades and their fishery is an important source of lobster bait to local communities.

### **2.2 Background**

#### ***2.2.1 Days Out***

Fishing effort in Area 1A is controlled under *Section 4.3.1 Effort Control Measures: Days Out* of Amendment 2. If the total allowable catch (TAC) in an area is projected to get harvested early, states can implement ‘days out’ of the fishery to control effort. Fishermen are prohibited from landing herring during a ‘day out’<sup>1</sup> but may still fish and catch them. ‘Days out’ were designed to prolong the TAC in an area in order to ensure a steady supply of herring, giving fishermen and industry the ability to set long-term business strategies. The reduced access to an area was also expected to shift fishing pressure from an over-utilized area such as Area 1A to an underutilized one such as Area 3.

The Area 1A TAC was reduced by 15,000 metric tons (25%) from 2006 to 2008 (Table 1). The compounding effects of a lower TAC and higher catch rates required managers to implement more ‘days out’ to ensure a steady supply of herring throughout the fishing season.

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<sup>1</sup> With the exception of a 2,000 lb incidental catch allowance.

**Table 1. Area 1A TAC and ‘days out’ by year 2005 - 2009**

<b>Year</b>	<b>Area 1A TAC</b>	<b>Days Out</b>
2005	60,000	2 days out
2006	60,000	2 days out
2007	50,000	2 days beginning June 1; 3 days Sept. 7;
2008	45,000	Close until June 1; 4 days out June 1 - August 31; 5 days out Sept. 1 - 16; 7 days out Sept. 17 - 30; 6 days out Oct. 1 - 15; 5 days out Oct 16 - close
2009	45,000	Close until June 1; 5 days out June 1 – Sept. 2; 4 days out Sept. 3 – 17; 3 days out Sept. 18 – 30; 5 days out Oct. 1 - close

***2.2.2 Concerns of Small Mesh Bottom Trawl Fishermen***

Concerns have been raised that ‘days out’ reductions may have impacted SMBTs more than mid-water trawls and purse seines because the number of fishing days is equal to the number of landings days for SMBT’s while mid-water trawls and purse seines can fish on the day(s) prior to a landing day. Mid-water trawls and purse seines employ refrigeration systems and use large holds to keep the catch fresh, which allows them to fish on the day(s) leading up to the first landing day. The absence of a large hold and refrigeration on SMBT vessels requires them to sell their herring on the day they catch it which precludes them from fishing prior to a landing day.

SMBT fishermen have also raised concern that ‘days out’ concentrates all landings to 2 days of the week, saturating the market with herring and resulting in a lower price than if they are allowed to sell their catch over the course of the week. These fishermen have stated that the reduced price has created greater economic hardship for SMBT vessels because their operating costs are higher per weight of herring landed (less efficient) than larger purse seine and mid-water trawl vessels. There has been no economic analysis to support or refute this concern. The economic impacts relate to the options under Issue 2: Small Mesh Bottom Trawl ‘Days Out’.

***2.2.3 Federal Permits Necessary to Land Herring from Federal Waters***

Fishermen must hold a federal herring permit to land any amount of herring from federal waters, including those within Area 1A. There are three categories of federal permits that allow a vessel to land Atlantic herring from Area 1A: Category A (limited access all areas, no possession limit), C (limited access incidental permit, 25 mt limit), or D (open access incidental catch permit, 3 mt limit). A vessel must have landed at least 500 mt of herring in any one year between 1993 and 2003 to qualify for a Category A permit and 15 mt in any one year between 1988 and 2003 to qualify for a category C permit. Category A, C, and D permit holders must report monthly

through vessel trip reports (VTR) and weekly though interactive voice reporting<sup>2</sup> (IVR). Limited access permits (A & C) require vessels to have a vessel monitoring system (VMS). D permit holders are not required to have VMS unless required under another federal permit. Current permit categories were implemented in spring 2007 under the New England Fishery Management Council's (NEFMC) Amendment 1.

While over 2,000 (combined) A, C, & D permits were issued in 2009<sup>3</sup>, fewer than 100 vessels landed herring with bottom trawl gear in 2007 & 2008 (Table 2). The number of bottom trawl permits in 2009 were unavailable.

**Table 2. Number of bottom trawl vessels by herring permit category 2007 and 2008 (VTR data). Source Draft 2010 - 2012 Herring Specifications.**

	A	C	D	No Permit	Total
<b>2007</b>	5	11	56	14	86
<b>2008</b>	3	12	46	6	67

### *2.2.3 Northeast Multispecies Small Mesh Exempt Areas*

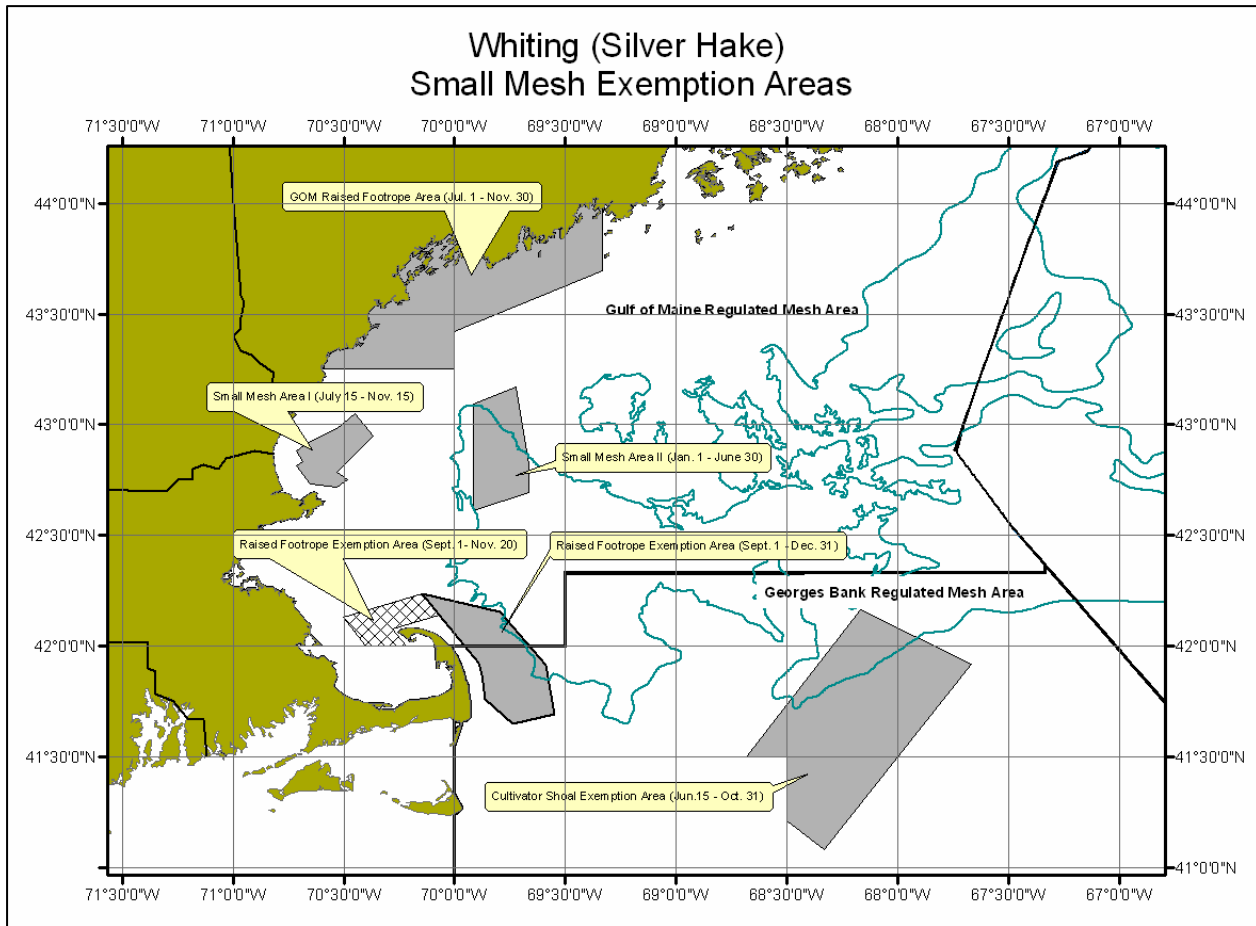
Vessels who fish using SMBT (less than 6.5") gear may only fish in designated Northeast (NE) Multispecies Exempt Areas. Exempted areas are restricted seasonally. Even if a vessel wishes to land only herring and discard all other species of fish, they cannot use SMBT gear anywhere other than a NE Multispecies Exempt Area following the specific gear restrictions for the specific open dates of that area. If fishermen wish to retain other species such as whiting or northern shrimp they can obtain either a Category K (open access) or A – F (limited access) NE multispecies permit.

Figure 1 shows small mesh exempt areas and seasons in the Gulf of Maine (GOM). There are four small mesh exempt areas that lie completely or partially in Area 1A: GOM Raised Footrope Area (July 1 – November 30), Small Mesh Area I (July 15 – November 15), Small Mesh Area II (January 1 – June 30), and the Raised Footrope Exemption Area (September 1 – December 31). See Appendix A for a full description of all NE multispecies small mesh fisheries exemptions.

Note: NEFMC Amendment 1 established a purse seine/fixed gear only provision which prohibits mid-water trawl vessels from fishing for Atlantic herring in Area 1A from June 1 – September of each year. There are no restrictions on the use of midwater trawl gear in Area 1A from October 1 – May 31.

<sup>2</sup> Category D permit holders only have to report through IVR if they land more than 2,000 lbs.

<sup>3</sup> 41-A, 54-C, and 2,272-D as of April 2009. Source. Draft 2010 – 2012 Herring Specifications.

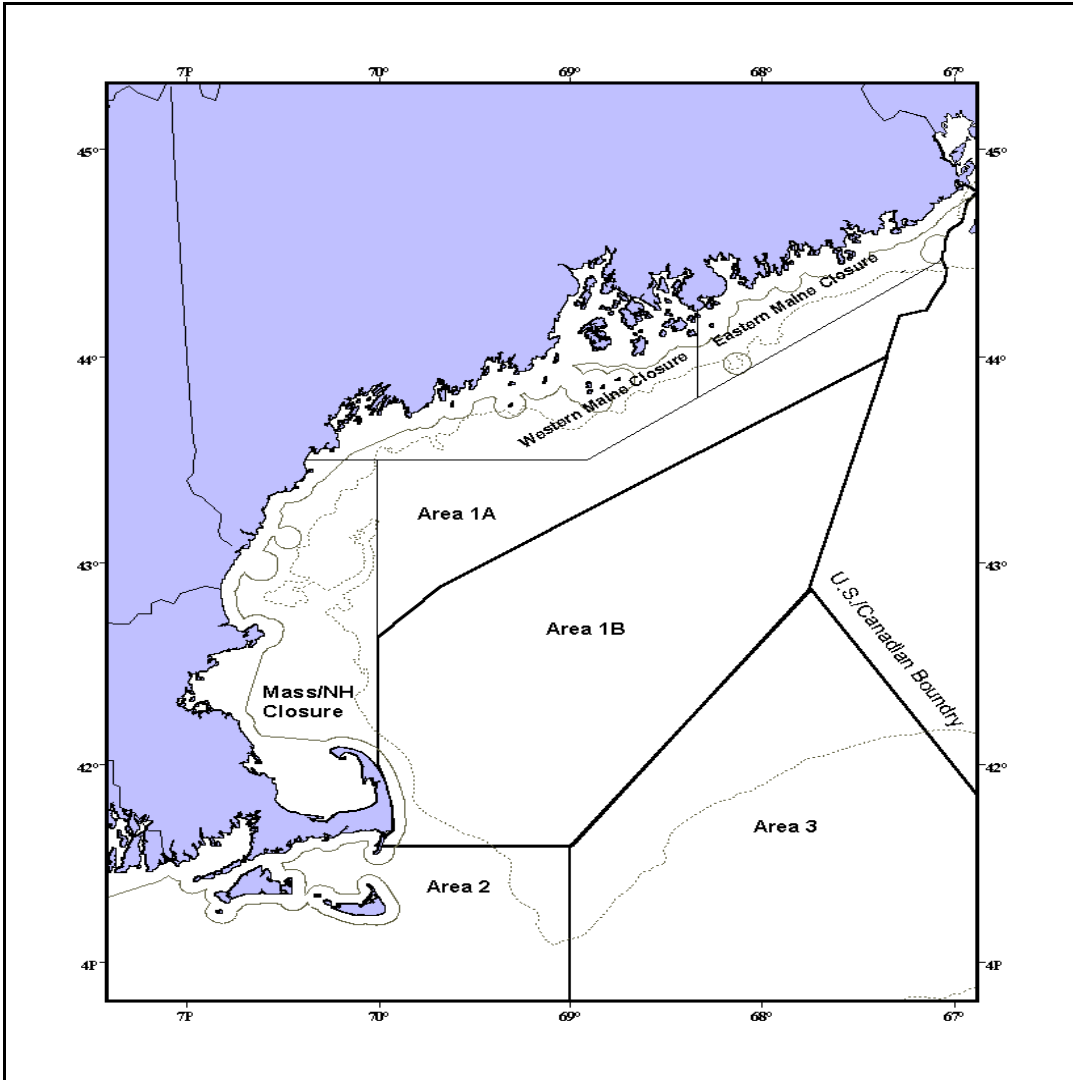


**Figure 1. Small mesh exemption areas in the Gulf of Maine.**

#### ***2.2.4 ASMFC Spawning Closures***

Fishermen in Area 1A who wish to land more than 2,000 pounds of herring are also restricted by ASMFC spawning closures. By default, spawning closures last four weeks unless catch sampling indicates significant amounts of spawn herring are still in the catch in which case the closures will last an additional two weeks. Fishermen are prohibited from landing more than a 2,000 pound incidental catch allowance in a spawning area during a closure. Default start dates are August 15 for Eastern GOM, September 1 for Western Maine, and September 21 for Massachusetts/New Hampshire. Spawning area boundaries are shown in Figure 2.





**Figure 2. ASMFC spawning closure areas. Vessels are prohibited from landing more than 2,000 lbs of herring in a spawning area during a closure. Please note that the Area boundaries do not accurately represent current management Area 1B, 2, and 3 boundaries. See Appendix B for up to date 1B, 2, & 3 boundaries.**

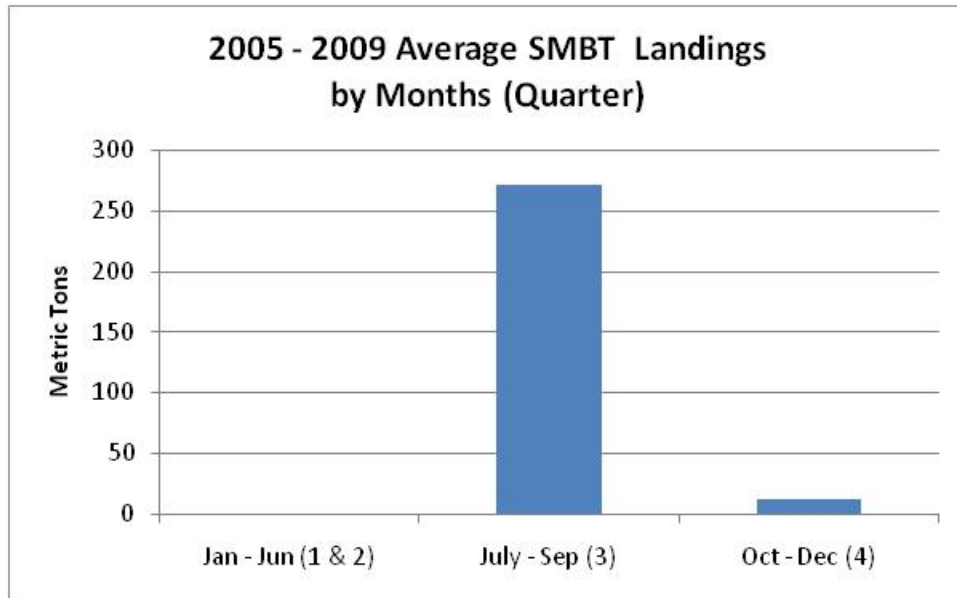
### **2.2.5 Landings**

Vessels that use SMBTs to catch sea herring have harvested less than 2% of the Area 1A TAC since 2005 (Table 3).

**Table 3. SMBT (< 6.5”) and total Area 1A landings (MT) 2005 – 2008. 2009 landings unavailable. Source: VTR data courtesy of Maine DMR.**

<b>Year</b>	<b>SMBT</b>	<b>Total Landings</b>	<b>% SMBT</b>
<b>2005</b>	65	59,161	0.11%
<b>2006</b>	247	60,413	0.41%
<b>2007</b>	715	44,862	1.59%
<b>2008</b>	219	41,640	0.53%

Over 95% of SMBT landings from 2005 – 2009 were landed in July, August, and September. These landing dates coincide with the July 15 opening of Small Mesh Exempt Area 1 and the September 21 start date of the Massachusetts/New Hampshire spawning closure. Some of the SMBT trips in certain months or quarters were precluded due to confidentiality issues. Months were combined, sometimes across years, to preserve confidentiality. Figure 3 and Table 4 show average landings for 2005 – 2009.

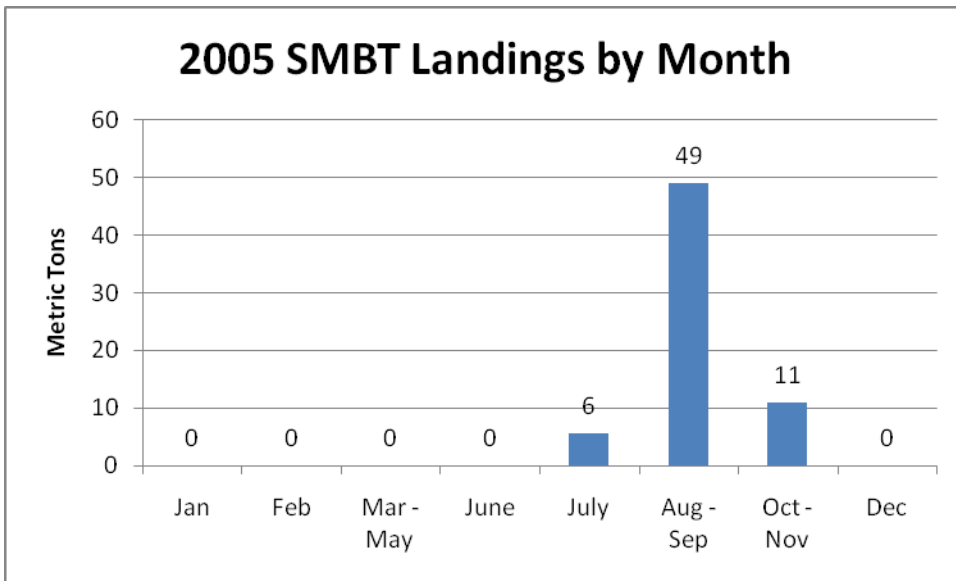


**Figure 3. Average SMBT (< 6.5'') from 2005 – 2009 by months (quarters). Note: 2009 data incomplete. Source: VTR courtesy of Maine DMR.**

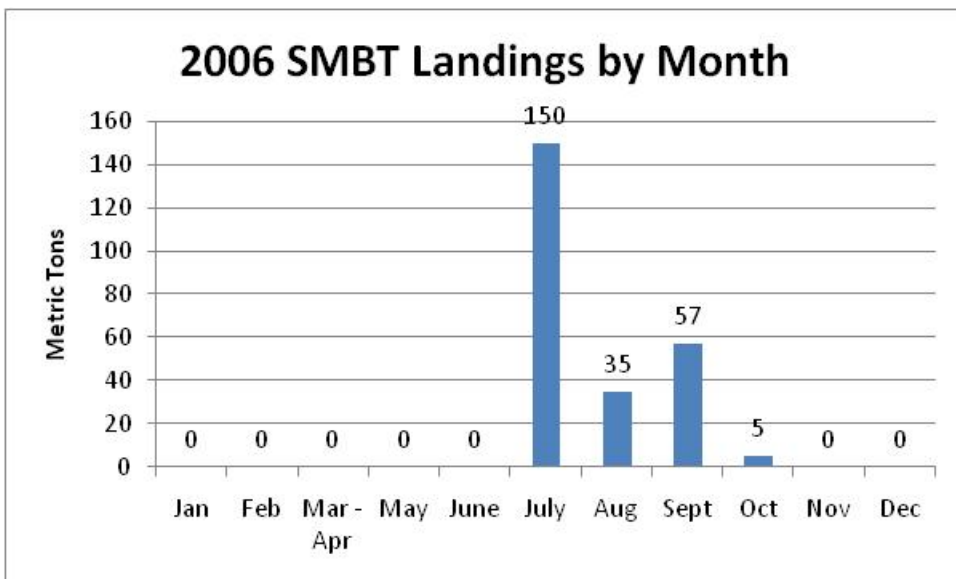
**Table 4. Average SMBT (<6.5'') landings and percent by months (quarter) from 2005 – 2009. Note: 2009 date incomplete. Source: VTR courtesy of Maine DMR.**

Months (Quarter)	MT	% of SMBT Landings
Jan - Jun (1 & 2)	0.18	0.06%
July - Sep (3)	270.98	95.48%
Oct - Dec (4)	12.65	4.46%
<b>Total</b>	<b>283.81</b>	

Figures 4 - 8 show landings by year for 2005 – 2009. Months were combined as necessary to preserve confidentiality. Box plots and summary statistics for these landings are included in the appendix.



**Figure 4. 2005 SMBT (<6.5") landings by month(s). Source VTR data courtesy of Maine DMR.**



**Figure 5. 2006 SMBT (<6.5") landings by month(s). Source VTR data courtesy of Maine DMR.**

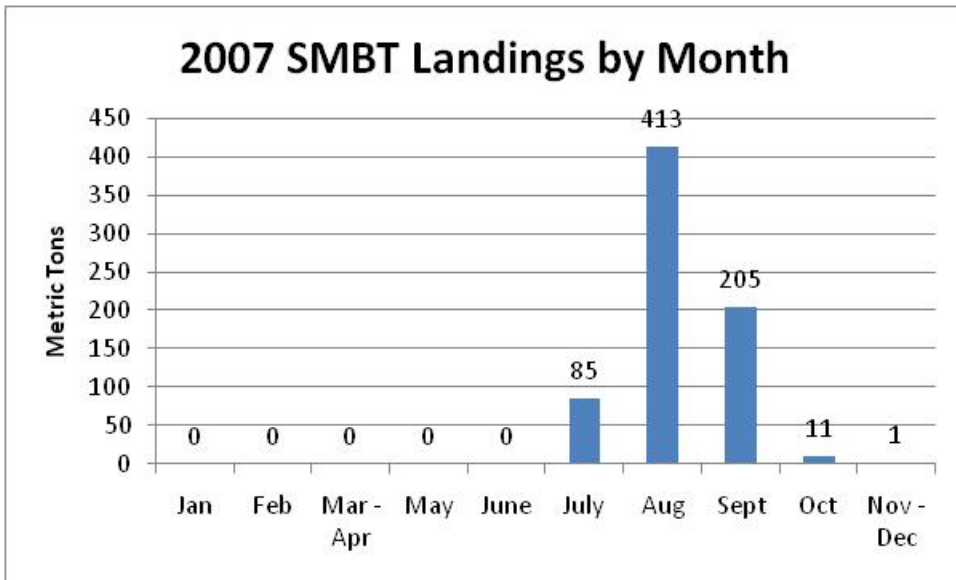


Figure 6. 2007 SMBT (<6.5") landings by month(s). Source VTR data courtesy of Maine DMR.

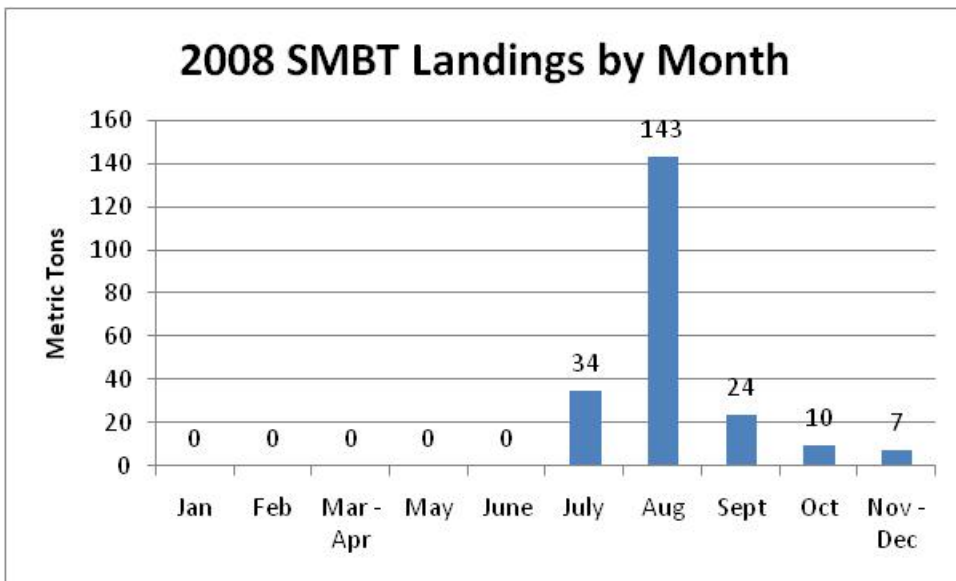
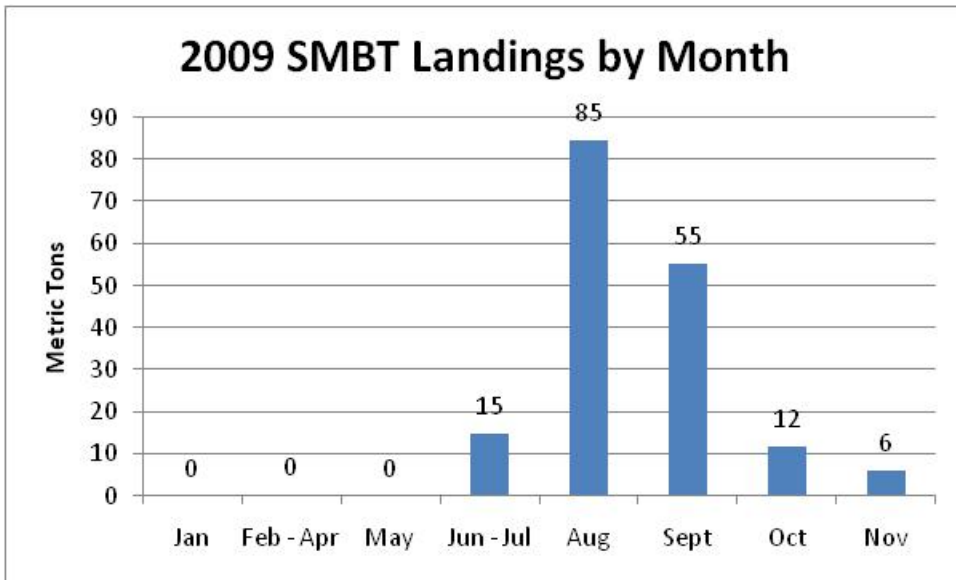
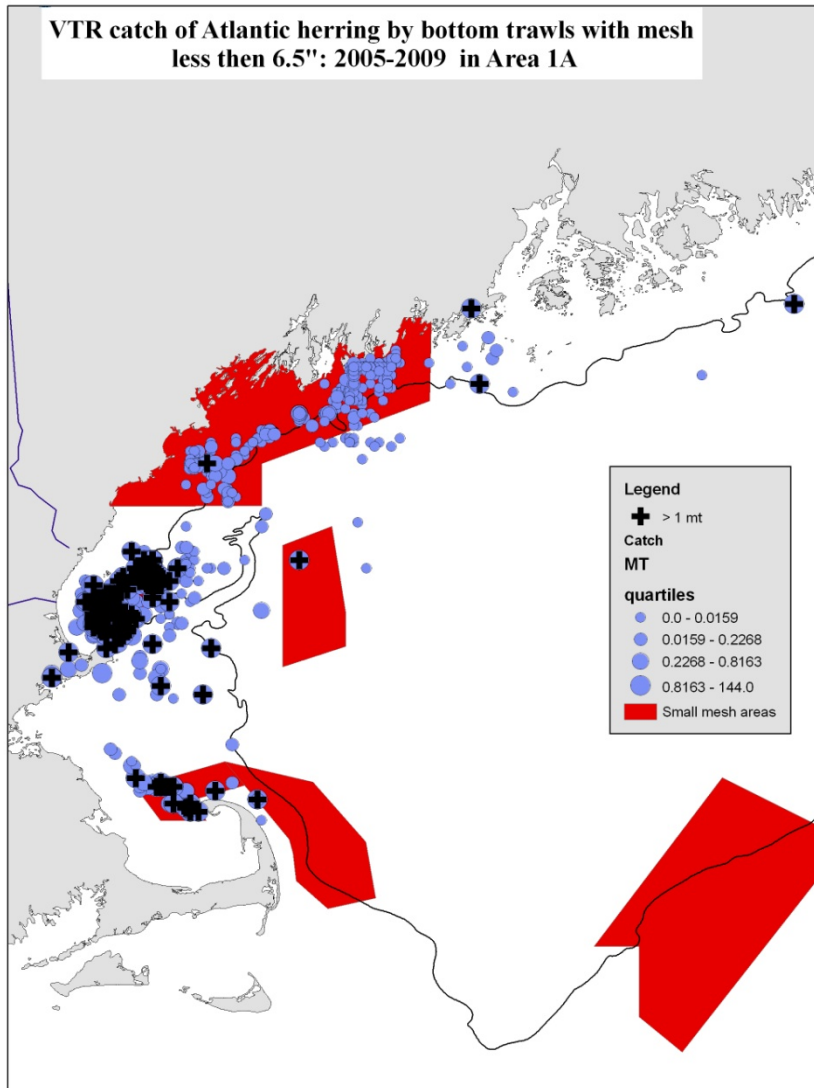


Figure 7. 2008 SMBT (<6.5") landings by month(s). Source VTR data courtesy of Maine DMR.



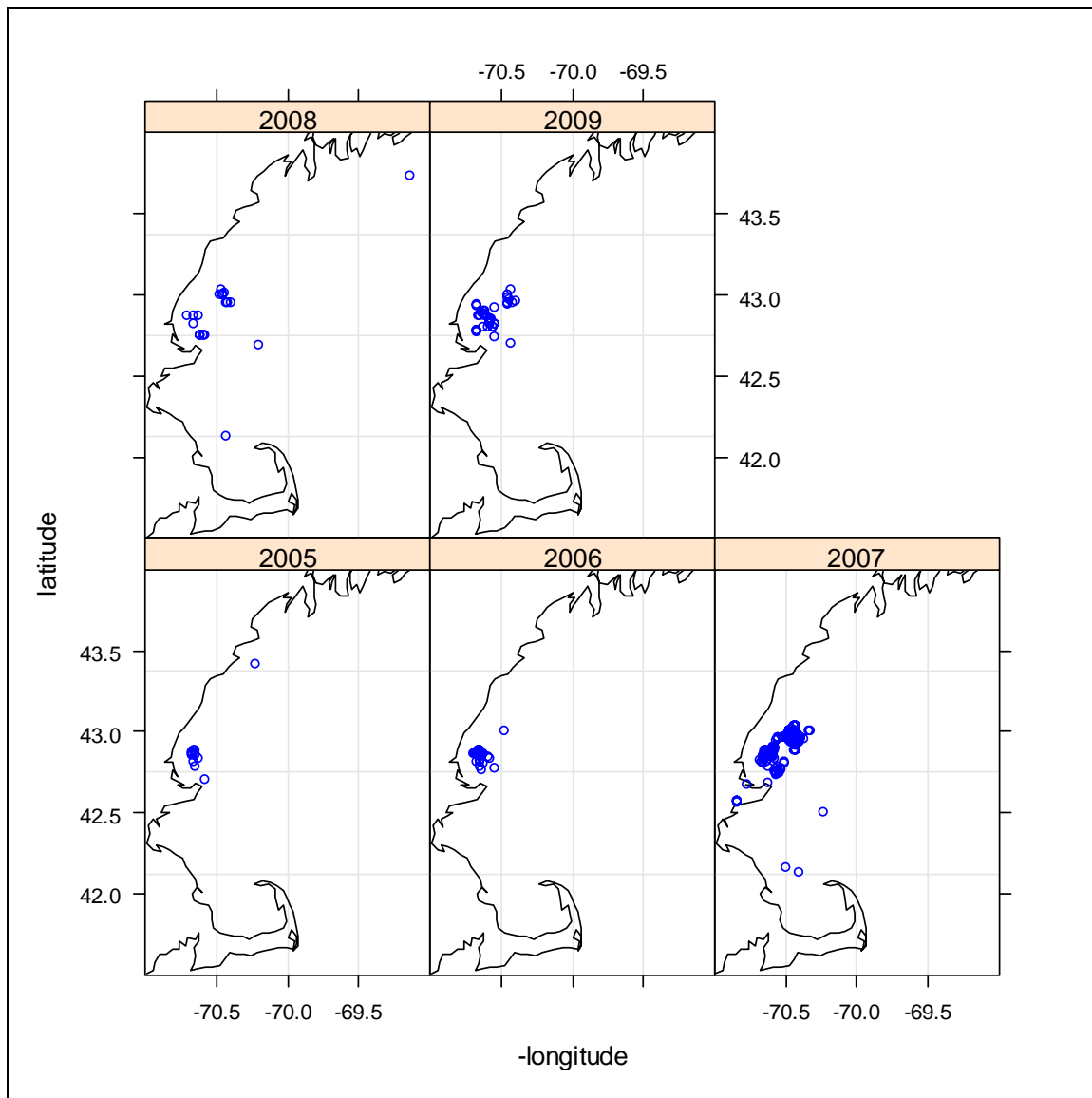
**Figure 8. 2009 SMBT (<6.5”) landings by month(s). Note: December data unavailable. Source VTR data courtesy of Maine DMR.**

The spatial distribution of landings shows that the directed SMBT fishery (greater than 1 mt<sup>4</sup> or 2,000 pounds) was concentrated in Small Mesh Exempt Area I from 2005 - 2009. Figure 9 shows all landings for all trips from 2005 – 2009. Figure 10 shows trips that landed more than 2,000 pounds by year, and Figure 11 shows 2005 – 2009 combined landings greater than 2,000 pounds for quarters 3 and 4.

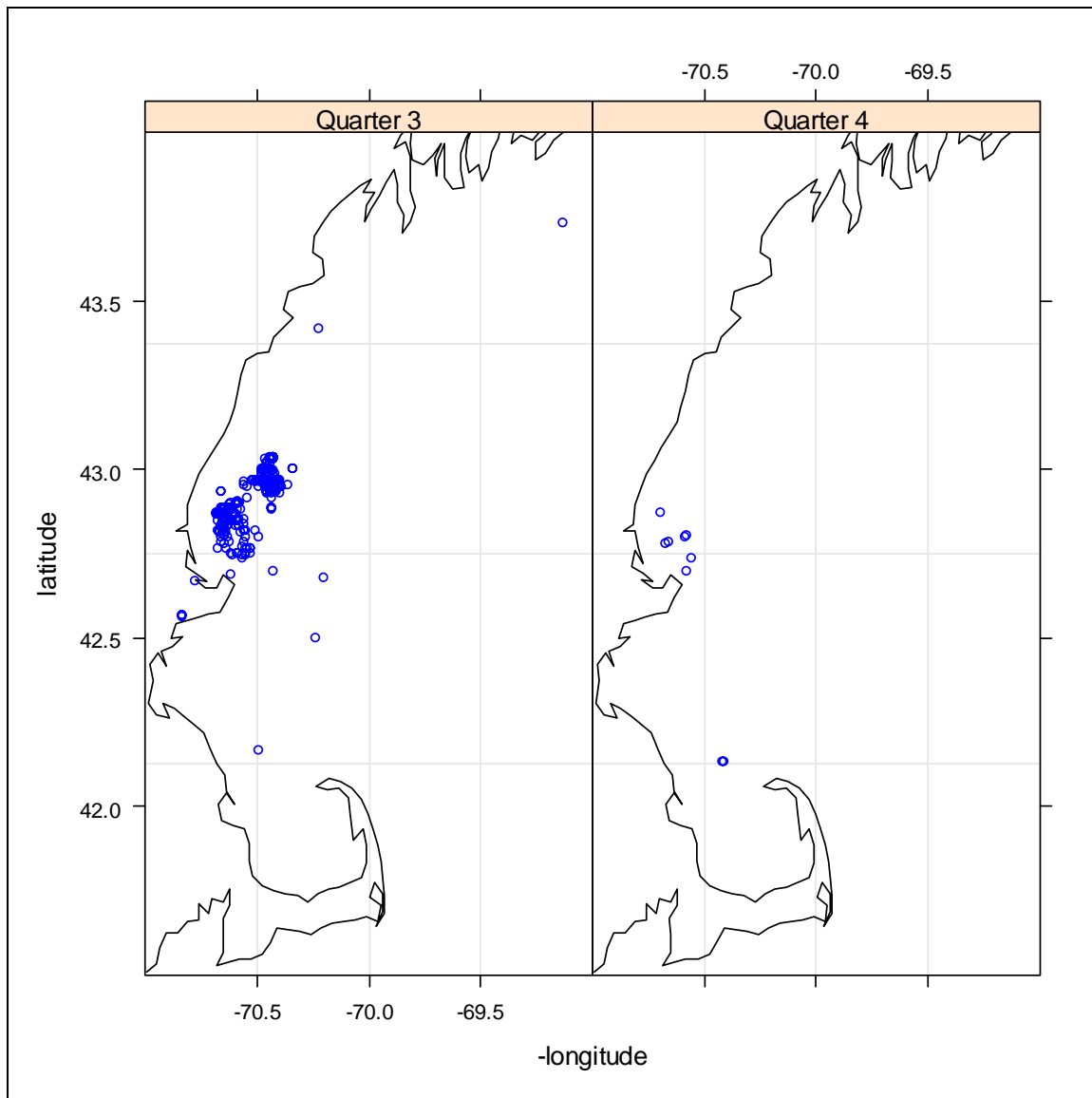


**Figure 9. Location of Atlantic herring landings by trip for SMBT (< 6.5”) vessels from 2005 – 2009. Vessels landing more than 1 mt of Atlantic herring are indicated with a plus sign. Note: 2009 data is incomplete. Source: VTR courtesy of Maine DMR.**

<sup>4</sup> Both the ASMFC and NEFMC herring regulations allow for an incidental catch allowance of 2,000 pounds at all times of the year regardless of spawning closures, days out, or the directed fishery being closed. 1 metric ton was used in Figure 9 because the data was provided in these units.



**Figure 10. Location of Atlantic herring landings by trip for SMBT (< 6.5”) vessels landing more than 2,000 lbs of Atlantic herring from 2005 – 2009. Note: 2009 data is incomplete. Source: VTR courtesy of Maine DMR.**



**Figure 11. Location of Atlantic herring landings by trip for SMBT (< 6.5’) vessels landing more than 2,000 lbs of Atlantic herring from 2005 – 2009 combined, in quarter 3 & 4. Note: 2009 data is incomplete. Source: VTR courtesy of Maine DMR.**

The seasonal (July – September) and spatial distribution (concentrated around Small Mesh Area I) of SMBT landings coincides with accounts of SMBT fishermen who have said that the directed SMBT directed herring fishery is only in Small Mesh Area I from July 15 – September 21.



Table 5 shows number of trips, total days absent, and average trip length for different gear types used to catch herring. Bottom trawl landings are not separated into mesh size smaller than 6.5". The average trip length for C and D permit holders using bottom trawl gear is 1 day.

**Table 5. 2008 Area 1A number of trips landing herring and total days absent by herring permit category for purse seine, midwater trawl, pair trawl, and bottom trawl gear.**  
**Source: Draft 2010 - 2012 Herring Specifications.**

		Permit Category				Total
		A	C	D	#N/A	
PURSE SEINE	<i>Number of trips</i>	193		7	15	215
	<i>Total days absent</i>	460		14	24	498
	<i>Average trip length</i>	2.4		2.0	1.6	2.3
MIDWATER TRAWL	<i>Number of trips</i>	4				4
	<i>Total days absent</i>	17				17
	<i>Average trip length</i>	4.3				4.3
PAIR TRAWL	<i>Number of trips</i>	67				67
	<i>Total days absent</i>	226				226
	<i>Average trip length</i>	3.4				3.4
BOTTOM TRAWL	<i>Number of trips</i>	1	117	228	14	360
	<i>Total days absent</i>	2	119	232	14	367
	<i>Average trip length</i>	2.0	1.0	1.0	1.0	1.0

Tables 6 and 7 show the number of trips and landings by port for A, C, and D herring permit holders in 2008. These landings are not separated by management area, gear type, or mesh size and were included because members of the Section specifically asked for landings by port.

**Table 6. Number of trips landing herring in 2008 by port and herring permit category. Includes all gear types and management areas. Source: Draft 2010 – 2012 Herring Specifications.**

<b>NUMBER OF TRIPS</b>	<b>2008 PERMIT CATEGORY</b>			
<b>STATE</b>	<b>PORT</b>	<b>A</b>	<b>C</b>	<b>D</b>
	Fall River	5		
	Gloucester	120	3	39
	New Bedford	107		
	Other MA		2	41
<b>MA Total</b>		232	5	80
	Port Clyde	25		10
	Portland	80		1
	Stonington	56		
	Rockland	103		
	Vinalhaven	18		
	Other ME	2		101
<b>ME Total</b>		284		112
	Portsmouth		6	18
	Seabrook		102	60
	Other NH	2	7	
<b>NH Total</b>		2	115	78
	Belford			30
	Cape May	30	1	
	Long Beach			17
	Point Pleasant			76
	Other NJ			34
<b>NJ Total</b>		30	1	157
<b>NY Total</b>			30	95
<b>RI/CT Total</b>		43	20	6

**Table 7. 2008 herring landings (mt) by port and permit category. Includes all gear types and management areas. Source: Draft 2010 – 2012 Herring Specifications.**

<b>MT HERRING LANDED</b>	<b>2008 PERMIT CATEGORY</b>			
<b>STATE</b>	<b>PORT</b>	<b>A</b>	<b>C</b>	<b>D</b>
	<b>Fall River</b>	344		
	<b>Gloucester</b>	26,756	1	8
	<b>New Bedford</b>	18,426		
	<b>Other MA</b>		1	19
<b>MA Total</b>		45,527	1	26
	<b>Port Clyde</b>	1,837		361
	<b>Portland</b>	9,109		0
	<b>Stonington</b>	6,297		
	<b>Rockland</b>	13,142		
	<b>Vinalhaven</b>	1,275		
	<b>Other ME</b>	0	0	18
<b>ME Total</b>		31,660		379
<b>NH Total</b>		353	57	31
<b>NJ Total</b>		2,835		6
<b>NY Total</b>			4	8
<b>RI/CT Total</b>		1,336	16	14

Maine and New Hampshire state regulations currently prohibit the use of SMBTs in state waters (Appendix E).

Vessels that fish within Massachusetts waters must have a Coastal Access permit (CAP) which is a limited access permit under moratoria. Vessels may only obtain the Coastal Access permit endorsement through transfer. Vessels with CAPS that land herring must have a sea herring endorsement, and any vessel with a CAP may get Sea Herring Endorsement. A total of 239 CAPS were issued in 2009 (Table 1), and 30 vessels applied for Sea herring endorsement. SAFIS Dealer reports had no landings of herring from 2005-2008. Dealer reports had three trips landed small amount of sea herring in 2009, although it is unknown whether this vessel also had a Federal permit.

Use of small mesh is prohibited in area north and east of Cape Cod. A small mesh exemption exists for vessels using a raised footrope trawl for whiting in two areas: a) Cape Ann Whiting Area during September and (b) Upper Cape Cod Bay Whiting Area during September - November 20. This limits the opportunity to fish for herring in Massachusetts waters, and most herring tows would extend into Federal waters, requiring the need for a Federal permit. Given these constraints, an increase effort on sea herring in Massachusetts State waters by bottom trawl vessels with state permits only is extremely unlikely.

### ***2.2.5 River Herring Bycatch***

The Atlantic Herring Section asked the Plan Development Team and Technical Committee (TC) to incorporate river herring (alewife and blueback herring) bycatch analysis into Draft Addendum III. Since this Addendum proposes exemptions specific to SMBT vessels, understanding the level of bycatch associated with SMBT compared to other gear types is helpful when selecting final management options.

The best available river herring bycatch data is from the Northeast Fisheries Science Center (NEFSC) observer program database. Tables 8 – 20<sup>5</sup> show observed trips that landed more than 2,000 pounds of Atlantic herring and are presented in the same order as they appeared in the Draft 2010 – 2012 NEFMC Herring Specifications document. The tables are not management area specific. They have been sorted by ‘catch rate’ and pounds were rounded to the nearest whole integer. The NEFSC observer program collected data on six bottom trawl trips with vessels holding C and D permits from 2007 – 2009 (Table 9).

The TC reviewed this data and unanimously agreed that six observed bottom trawl trips over three years is insufficient for a quantitative analysis. It cautioned that these six trips have not been shown to be representative of the entire fleet and should not be extrapolated to make annual, seasonal, spatial or any other kind of inferences. The observed trips in Tables 8 – 20 are simply snapshots of what was caught and discarded for each gear type holding a certain category of permit on a small number of observed trips.

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<sup>5</sup> Years represent calendar years January 1 – December 31; Data are reported for all observed trips with 2,000 pounds or more of Atlantic Herring and/or Unk Herring; 2009 data are reported through April 2009 Permit Categories reflect Amendment 1 – A/B Limited Access All Areas, C Limited Access Incidental Catch, D Open Access Incidental Catch; Data is not specific to management areas.

**Table 8. Catch and discards of all species on 18 observed bottom trawl trips, 2007-2009, permit categories A & B. Source: Draft 2010 – 2012 Herring Specifications.**

Species	Lbs Discarded	Lbs Kept	Total Lbs	Total Catch Rate (per 1000 lbs Atl Herring Kept)	Discard Rate (per 1000 lbs Atl Herring Kept)
<b>GRAND TOTAL</b>	47,302	<b>563,213</b>	<b>610,515</b>	1468.14	113.75
HERRING, ATLANTIC	2,584	415,842	418,426	1006.21	6.21
HERRING, NK		84,612	84,612	203.47	
DOGFISH, SPINY	42,184	87	42,271	101.65	101.44
MACKEREL, ATLANTIC	282	38,935	39,217	94.31	0.68
ALEWIFE	416	9,917	10,333	24.85	1
HAKE, SILVER (WHITING)		7,547	7,547	18.15	
HERRING, BLUEBACK	1	3,659	3,660	8.8	0
SHAD, AMERICAN	0	1,522	1,522	3.66	0
SQUID, SHORT-FIN	43	851	894	2.15	0.1
SKATE, WINTER (BIG)	527		527	1.27	1.27
DEBRIS, FISHING GEAR	440		440	1.06	1.06
SKATE, LITTLE	308		308	0.74	0.74
COD, ATLANTIC	203		203	0.49	0.49
SCULPIN, LONGHORN	200		200	0.48	0.48
MENHADEN, ATLANTIC	2	119	121	0.29	0.01
FISH, NK		70	70	0.17	
FLOUNDER, WINTER (BLACKBACK)	63		63	0.15	0.15
SQUID, ATL LONG-FIN	2	51	53	0.13	0
OCEAN POUT	15		15	0.03	0.03
RAVEN, SEA	6		6	0.02	0.02
SHAD, HICKORY	0	2	2	0.01	0
CRAB, SPIDER, NK	4		4	0.01	0.01
FLOUNDER, SAND DAB (WINDOWPANE)	4		4	0.01	0.01
HAKE, RED (LING)	2		2	0.01	0.01
POLLOCK	5		5	0.01	0.01
SKATE, NK	5		5	0.01	0.01
LAMPREY, NK	0		0	0	0
LOBSTER, AMERICAN	2		2	0	0
SCUP	1		1	0	0
SPOT	0		0	0	0
TAUTOG (BLACKFISH)	1		1	0	0

**Table 9. Catch and discard of all species on 6 observed bottom trawl trips, 2007 – 2009 herring permit categories C & D. Source: Draft 2010 – 2012 Herring Specifications.**

Species	Lbs Discarded	Lbs Kept	Total Lbs	Total Catch Rate (per 1000 lbs Atl Herring Kept)	Discard Rate (per 1000 lbs Atl Herring Kept)
<b>GRAND TOTAL</b>	33,021	94,903	127,924	1770.05	456.9
<b>HERRING, ATLANTIC</b>		72,271	72,271	1000	
<b>HERRING, NK</b>	28,000		28,000	387.43	387.43
<b>HAKE, SILVER (WHITING)</b>	422	9,394	9,816	135.82	5.84
<b>DOGFISH, SPINY</b>	2,764	3,017	5,781	79.98	38.24
<b>HAKE, RED (LING)</b>	1,033	3,899	4,932	68.24	14.29
<b>ALEWIFE</b>	53	4,158	4,211	58.27	0.73
<b>HERRING, BLUEBACK</b>		2,048	2,048	28.34	
<b>FLOUNDER, AMERICAN PLAICE</b>	228		228	3.15	3.15
<b>SQUID, ATL LONG-FIN</b>		94	94	1.3	
<b>COD, ATLANTIC</b>	85		85	1.17	1.17
<b>RAVEN, SEA</b>	77		77	1.07	1.07
<b>LOBSTER, AMERICAN</b>	67	6	73	1	0.92
<b>DEBRIS, FISHING GEAR</b>	60		60	0.83	0.83
<b>LUMPFISH</b>	57		57	0.79	0.79
<b>FLOUNDER, YELLOWTAIL</b>	49		49	0.68	0.68
<b>HADDOCK</b>	37		37	0.51	0.51
<b>SCULPIN, LONGHORN</b>	25		25	0.34	0.34
<b>FLOUNDER, WITCH (GREY SOLE)</b>	19		19	0.26	0.26
<b>HAKE, WHITE</b>	17		17	0.24	0.24
<b>SQUID, SHORT-FIN</b>		17	17	0.24	
<b>SPONGE, NK</b>	8		8	0.11	0.11
<b>REDFISH, NK (OCEAN PERCH)</b>	6		6	0.08	0.08
<b>WRYMOUTH</b>	6		6	0.08	0.08
<b>OCEAN POUT</b>	3		3	0.04	0.04
<b>FLOUNDER, FOURSPOT</b>	2		2	0.03	0.03
<b>POLLOCK</b>	2		2	0.03	0.03
<b>SKATE, THORNY</b>	2		2	0.03	0.03

**Table 10. Catch and discards of all species on 13 observed mid-water trawl trips, 2007-2009, quarter 1 (January – March), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

<b>Species</b>	<b>Lbs Discarded</b>	<b>Lbs Kept</b>	<b>Total Lbs</b>	<b>Total Catch Rate (per 1000 lbs Atl Herring Kept)</b>	<b>Discard Rate (per 1000 lbs Atl Herring Kept)</b>
<b>GRAND TOTAL</b>	303,271	4,934,783	5,238,054	3603.45	208.63
<b>MACKEREL, ATLANTIC</b>	2,224	3,247,030	3,249,254	2235.28	1.53
<b>HERRING, ATLANTIC</b>	33,881	1,453,622	1,487,503	1023.31	23.31
<b>FISH, NK</b>	225,000		225,000	154.79	154.79
<b>HERRING, NK</b>		103,452	103,452	71.17	
<b>ALEWIFE</b>	170	69,787	69,957	48.13	0.12
<b>HERRING, BLUEBACK</b>	615	57,231	57,846	39.79	0.42
<b>DOGFISH, SPINY</b>	38,253		38,253	26.32	26.32
<b>DOGFISH, NK</b>	2,500		2,500	1.72	1.72
<b>SHAD, AMERICAN</b>	49	1,543	1,592	1.1	0.03
<b>BUTTERFISH</b>		1,231	1,231	0.85	
<b>MENHADEN, ATLANTIC</b>		556	556	0.38	
<b>BASS, STRIPED</b>	280		280	0.19	0.19
<b>SQUID, SHORT-FIN</b>		234	234	0.16	
<b>DEBRIS, FISHING GEAR</b>	180		180	0.12	0.12
<b>HAKE, SILVER (WHITING)</b>		92	92	0.06	
<b>DEBRIS, METAL</b>	50		50	0.03	0.03
<b>FLOUNDER, NK</b>	29		29	0.02	0.02
<b>SQUID, ATL LONG-FIN</b>	22		22	0.02	0.02
<b>LUMPFISH</b>	10		10	0.01	0.01
<b>LAMPREY, NK</b>	5		5	0	0
<b>SCULPIN, LONGHORN</b>	3		3	0	0
<b>SHRIMP, NK</b>		5	5	0	

**Table 11. Catch and discards of all species on 7 observed mid-water trawl trips, 2007-2009, quarter 2 (April – June), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

Species	Lbs Discarded	Lbs Kept	Total Lbs	Total Catch Rate (per 1000 lbs Atl Herring Kept)	Discard Rate (per 1000 lbs Atl Herring Kept)
<b>GRAND TOTAL</b>	32,551	2,755,490	2,788,041	1691.68	19.75
<b>HERRING, ATLANTIC</b>	31,006	1,648,087	1,679,093	1018.81	18.81
<b>MACKEREL, ATLANTIC</b>		1,097,003	1,097,003	665.62	
<b>HADDOCK</b>	5	5,693	5,698	3.46	0
<b>HAKE, SILVER (WHITING)</b>	45	2,921	2,966	1.8	0.03
<b>DOGFISH, SPINY</b>	1,209		1,209	0.73	0.73
<b>BUTTERFISH</b>	1	740	741	0.45	0
<b>HAKE, NK</b>	7	432	439	0.27	0
<b>SQUID, ATL LONG-FIN</b>		298	298	0.18	
<b>ALEWIFE</b>	21	134	155	0.09	0.01
<b>SEAWEED, NK</b>	150		150	0.09	0.09
<b>FLOUNDER, FOURSPOT</b>		98	98	0.06	
<b>LUMPFISH</b>	26		26	0.02	0.02
<b>REDFISH, NK (OCEAN PERCH)</b>	36		36	0.02	0.02
<b>SHAD, AMERICAN</b>		33	33	0.02	
<b>FLOUNDER, NK</b>		18	18	0.01	
<b>POLLOCK</b>	21		21	0.01	0.01
<b>SCULPIN, LONGHORN</b>		9	9	0.01	
<b>SEA ROBIN, NORTHERN</b>	2	18	20	0.01	0
<b>SKATE, WINTER (BIG)</b>	13		13	0.01	0.01
<b>EEL, SAND LANCE, NK</b>		6	6	0	
<b>HERRING, BLUEBACK</b>	7		7	0	0
<b>SKATE, LITTLE</b>	2		2	0	0



**Table 12. Catch and discards of all species on 10 observed mid-water trawl trips, 2007-2009, quarter 4 (October – December), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

Species	Lbs Discarded	Lbs Kept	Total Lbs	Total Catch Rate (per 1000 lbs Atl Herring Kept)	Discard Rate (per 1000 lbs Atl Herring Kept)
<b>GRAND TOTAL</b>	11,002	2,373,372	2,384,374	1039.16	4.79
HERRING, ATLANTIC	251	2,294,510	2,294,761	1000.11	0.11
ALEWIFE	1	50,935	50,936	22.2	0
HERRING, BLUEBACK		11,419	11,419	4.98	
DOGFISH, SPINY	10,100		10,100	4.4	4.4
MACKEREL, ATLANTIC		8,312	8,312	3.62	
SHAD, AMERICAN		2,494	2,494	1.09	
HADDOCK		1,871	1,871	0.82	
HAKE, SILVER (WHITING)	117	1,491	1,608	0.7	0.05
HERRING, NK	0	952	952	0.41	0
SQUID, SHORT-FIN	175	378	553	0.24	0.08
HAKE, RED (LING)	319	203	522	0.23	0.14
BUTTERFISH	0	324	324	0.14	0
SHAD, HICKORY		280	280	0.12	
SCULPIN, LONGHORN	2	97	99	0.04	0
HAKE, WHITE	0	71	71	0.03	0
FLOUNDER, YELLOWTAIL		35	35	0.02	
COD, ATLANTIC	16		16	0.01	0.01
JELLYFISH, NK	1		1	0	0
LUMPFISH	5		5	0	0
MONKFISH (ANGLER, GOOSEFISH)	7		7	0	0
POLLOCK	10		10	0	0
SKATE, LITTLE	0		0	0	0

**Table 13. Catch and discards of all species on 41 observed pair trawl trips, 2007-2009, quarter 1 (January – March), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

Species	Lbs Discarded	Lbs Kept	Total Lbs	Total Catch Rate (per 1000 lbs Atl Herring Kept)	Discard Rate (per 1000 lbs Atl Herring Kept)
<b>GRAND TOTAL</b>	207,849	23,203,740	23,411,589	1532.4	13.6
<b>HERRING, ATLANTIC</b>	76,252	15,277,771	15,354,023	1004.99	4.99
<b>MACKEREL, ATLANTIC</b>	74,860	6,828,307	6,903,167	451.84	4.9
<b>FISH, NK</b>	8,985	768,647	777,632	50.9	0.59
<b>HERRING, NK</b>	3	145,455	145,458	9.52	0
<b>HERRING, BLUEBACK</b>	103	115,438	115,541	7.56	0.01
<b>ALEWIFE</b>	213	52,548	52,761	3.45	0.01
<b>DOGFISH, SPINY</b>	43,148	2,566	45,714	2.99	2.82
<b>SHAD, AMERICAN</b>	18	8,519	8,537	0.56	0
<b>SEA BASS, BLACK</b>	129	1,404	1,533	0.1	0.01
<b>DEBRIS, FISHING GEAR</b>	1,230		1,230	0.08	0.08
<b>HAKE, SILVER (WHITING)</b>	160	1,131	1,291	0.08	0.01
<b>MENHADEN, ATLANTIC</b>	307	699	1,006	0.07	0.02
<b>SCUP</b>	691		691	0.05	0.05
<b>SQUID, ATL LONG-FIN</b>	15	744	759	0.05	0
<b>BASS, STRIPED</b>	541		541	0.04	0.04
<b>DEBRIS, NK</b>	500		500	0.03	0.03
<b>BUTTERFISH</b>	14	275	289	0.02	0
<b>HADDOCK</b>	346	12	358	0.02	0.02
<b>DEBRIS, METAL</b>	200		200	0.01	0.01
<b>SQUID, SHORT-FIN</b>	14	213	227	0.01	0
<b>COD, ATLANTIC</b>	43		43	0	0
<b>DEBRIS, WOOD</b>	5		5	0	0
<b>MONKFISH (ANGLER, GOOSEFISH)</b>		11	11	0	
<b>SHRIMP, NK</b>	64		64	0	0
<b>SKATE, WINTER (BIG)</b>	6		6	0	0
<b>WHITING, BLACK (HAKE, OFFSHORE)</b>	1		1	0	0

**Table 14. Catch and discards of all species on 16 observed pair trawl trips, 2007-2009, quarter 2 (April – June), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

<b>Species</b>	<b>Lbs Discarded</b>	<b>Lbs Kept</b>	<b>Total Lbs</b>	<b>Total Catch Rate (per 1000 lbs Atl Herring Kept)</b>	<b>Discard Rate (per 1000 lbs Atl Herring Kept)</b>
<b>GRAND TOTAL</b>	32,882	11,895,315	11,928,196	1219.64	3.36
<b>HERRING, ATLANTIC</b>	20,401	9,780,083	9,800,484	1002.09	2.09
<b>MACKEREL, ATLANTIC</b>	3	1,827,011	1,827,014	186.81	0
<b>HERRING, NK</b>		260,000	260,000	26.58	
<b>DOGFISH, SPINY</b>	11,714	7,852	19,566	2	1.2
<b>HADDOCK</b>	100	10,722	10,822	1.11	0.01
<b>CUNNER (YELLOW PERCH)</b>		4,864	4,864	0.5	
<b>ALEWIFE</b>	1	3,076	3,077	0.31	0
<b>HAKE, SILVER (WHITING)</b>		1,218	1,218	0.12	
<b>BUTTERFISH</b>	0	474	474	0.05	0
<b>EEL, SAND LANCE, NK</b>	350		350	0.04	0.04
<b>FISH, NK</b>	300		300	0.03	0.03
<b>COD, ATLANTIC</b>		8	8	0	
<b>SEA BASS, BLACK</b>		7	7	0	
<b>SEA ROBIN, NORTHERN</b>	10		10	0	0
<b>SKATE, WINTER (BIG)</b>	3		3	0	0

**Table 15. Catch and discards of all species on 4 observed pair trawl trips, 2007-2008, quarter 3 (July - September), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

<b>Species</b>	<b>Lbs Discarded</b>	<b>Lbs Kept</b>	<b>Total Lbs</b>	<b>Total Catch Rate (per 1000 lbs Atl Herring Kept)</b>	<b>Discard Rate (per 1000 lbs Atl Herring Kept)</b>
<b>GRAND TOTAL</b>	100,459	1,790,377	1,890,836	1060.88	56.36
<b>HERRING, ATLANTIC</b>	28,460	1,782,320	1,810,780	1015.97	15.97
<b>HAKE, SILVER (WHITING)</b>	61,380	5,208	66,588	37.36	34.44
<b>REDFISH, NK (OCEAN PERCH)</b>	9,328	528	9,856	5.53	5.23
<b>HAKE, RED/WHITE MIX</b>		1,204	1,204	0.68	
<b>HADDOCK</b>	677	380	1,057	0.59	0.38
<b>SQUID, SHORT-FIN</b>	410	593	1,003	0.56	0.23
<b>HERRING, NK</b>	200		200	0.11	0.11
<b>SQUID, NK</b>		144	144	0.08	
<b>COD, ATLANTIC</b>	3		3	0	0

**Table 16. Catch and discards of all species on 21 observed pair trawl trips, 2007-2008, quarter 4 (October - December), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

<b>Species</b>	<b>Lbs Discarded</b>	<b>Lbs Kept</b>	<b>Total Lbs</b>	<b>Total Catch Rate (per 1000 lbs Atl Herring Kept)</b>	<b>Discard Rate (per 1000 lbs Atl Herring Kept)</b>
<b>GRAND TOTAL</b>	71,206	20,509,603	20,580,809	1040.48	3.6
<b>HERRING, ATLANTIC</b>	1,531	19,780,100	19,781,631	1000.08	0.08
<b>MACKEREL, ATLANTIC</b>	1	677,595	677,596	34.26	0
<b>HADDOCK</b>	25,356	3,472	28,828	1.46	1.28
<b>ALEWIFE</b>		26,810	26,810	1.36	
<b>FISH, NK</b>	24,000		24,000	1.21	1.21
<b>DOGFISH, SPINY</b>	17,812		17,812	0.9	0.9
<b>HERRING, BLUEBACK</b>		17,381	17,381	0.88	
<b>SQUID, SHORT-FIN</b>	1,141	1,723	2,864	0.14	0.06
<b>SHAD, AMERICAN</b>	221	1,552	1,773	0.09	0.01
<b>SHAD, HICKORY</b>	1,128	132	1,260	0.06	0.06
<b>HAKE, SILVER (WHITING)</b>	2	379	381	0.02	0
<b>BUTTERFISH</b>		180	180	0.01	
<b>REDFISH, NK (OCEAN PERCH)</b>		213	213	0.01	
<b>COD, ATLANTIC</b>		50	50	0	
<b>EEL, NK</b>	3		3	0	0
<b>LOBSTER, AMERICAN</b>		10	10	0	
<b>LUMPFISH</b>	11		11	0	0
<b>POLLOCK</b>		7	7	0	

**Table 17. Catch and discards of all species on 9 observed purse seine trips, 2007-2009, quarter 2 (April - June), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

				Total Catch Rate (per 1000 lbs Atl Herring	Discard Rate (per 1000 lbs Atl Herring
Species	Lbs Discarded	Lbs Kept	Total Lbs	Kept)	Kept)
<b>GRAND TOTAL</b>	723	1,310,004	1,310,727	1002.05	0.55
HERRING, ATLANTIC	586	1,308,041	1,308,627	1000.45	0.45
DOGFISH, SPINY	99	1,598	1,697	1.3	0.08
MACKEREL, ATLANTIC	34	365	399	0.31	0.03
LUMPFISH	4		4	0	0

**Table 18. Catch and discards of all species on 22 observed purse seine trips, 2007-2009, quarter 3 (July - September), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

				Total Catch Rate (per 1000 lbs Atl Herring	Discard Rate (per 1000 lbs Atl Herring
Species	Lbs Discarded	Lbs Kept	Total Lbs	Kept)	Kept)
<b>GRAND TOTAL</b>	295,881	6,697,512	6,993,393	1046.85	44.29
HERRING, ATLANTIC	287,028	6,680,430	6,967,458	1042.97	42.97
DOGFISH, SPINY	8,783	11,249	20,032	3	1.31
HAKE, SILVER (WHITING)	20	4,241	4,261	0.64	0
SQUID, SHORT-FIN	50	758	808	0.12	0.01
HERRING, BLUEBACK		358	358	0.05	
SQUID, ATL LONG-FIN		272	272	0.04	
SEAWEED, NK		101	101	0.02	
MACKEREL, ATLANTIC		88	88	0.01	
SQUID, NK		15	15	0	

**Table 19. Catch and discards of all species on 3 observed purse seine trips, 2007-2009, quarter 4 (October - December), permit category A. Source: Draft 2010 – 2012 Herring Specifications.**

Species	Lbs Discarded	Lbs Kept	Total Lbs	Total Catch Rate (per 1000 lbs Atl Herring Kept)	Discard Rate (per 1000 lbs Atl Herring Kept)
<b>GRAND TOTAL</b>	700	480,000	480,700	1001.6	1.46
<b>HERRING, ATLANTIC</b>	700	479,930	480,630	1001.46	1.46
<b>SQUID, SHORT-FIN</b>		70	70	0.15	

### 2.3 Management Measures

The following proposed exemptions apply only to Area 1A and only to SMBT vessels that hold a category C or D herring permit. Small mesh is defined as smaller than 6.5” square or diamond mesh in the cod end of the net.

*The Section may select one or more of the following options.*

#### **ISSUE 1: SMALL MESH BOTTOM TRAWL POSSESSION LIMITS**

**Option 1.** Status Quo. SMBT vessels issued a C or D permit may land a maximum of 2,000 pounds per trip on no landing days (‘days out’).

**Option 2.** SMBT vessels issued a C or D permit may land a maximum of 6,667 pounds (3 mt) per trip, on no landing days (‘days out’). These vessels are still limited to a maximum of 2,000 pounds per trip during spawning closures as specified in *Section 4.3.2.3 Tolerance Provision – Zero Tolerance of Amendment 2*.

**Option 3.** SMBT vessels issued a C permit may land a maximum of 10,000 pounds per trip and SMBT vessels issued a D permit may land a maximum of 6,667 pounds (3 mt) per trip on no landing days (‘days out’). These vessels are still limited to a maximum of 2,000 lbs during spawning closures as specified in *Section 4.3.2.3 Tolerance Provision – Zero Tolerance of Amendment 2*.

## **ISSUE 2: SMALL MESH BOTTOM TRAWL ‘DAYS OUT’**

This option is intended to allow SMBT vessels to land herring on days that are closed to landing for mid-water trawl and purse seine vessels. This measure is designed to decrease competition between SMBT and mid-water trawl and purse seine vessels and also provide fresh bait throughout the week for lobster fishermen.

**Option 1.** Status Quo. SMBT vessels issued a C or D permit will follow the same ‘days out’ as the rest of the fishery.

**Option 2.** SMBT vessels issued a C or D permit may land herring on different days of the week than are set for the rest of the fishery. *The number of days that are open to landing for SMBT vessels will be the same as those set for the rest of the fishery.* States adjacent to Area 1A will specify which days are open to landing for SMBT vessels during ‘days out’ meetings. A SMBT vessel may not land during days that are open to the rest of the fishery (unless these days are also designated as landing days for SMBT vessels) and can only land during days that are specifically open to SMBT vessels.

**Option 3.** SMBT vessels issued a C or D permit may land herring on different days of the week than are set for the rest of the fishery. *The number of days that are open to landing for SMBT vessels will be the number set for the rest of the fishery plus 1.* This additional landing day is intended to allow SMBT vessels to fish for the same number of days as larger vessels with refrigeration and large hold capacities. States adjacent to Area 1A will specify which days are open to landing for SMBT vessels during ‘days out’ meetings. A SMBT vessel may not land during days that are open to the rest of the fishery (unless these days are also designated as landing days for SMBT vessels) and can only land during days that are specifically open to SMBT vessels.

**Option 4.** SMBT vessels issued a C or D permit may land herring on different days of the week than are set for the rest of the fishery. *The number of days that are open to landing for SMBT vessels will be the number set for the rest of the fishery plus 2.* These additional landing days are intended to allow SMBT vessels to fish for the same number of days as larger vessels with refrigeration and large hold capacities. States adjacent to Area 1A will specify which days are open to landing for SMBT vessels during ‘days out’ meetings. A SMBT vessel may not land during days that are open to the rest of the fishery (unless these days are also designated as landing days for SMBT vessels) and can only land during days that are specifically open to SMBT vessels.

**Option 5.** SMBT vessels issued a C or D permit may land herring on different days of the week than are set for the rest of the fishery. *The number of days that are open to landing for SMBT vessels will be the number set for the rest of the fishery plus 3.* These additional landing days are intended to allow SMBT vessels to fish for the same number of days as larger vessels with refrigeration and large hold capacities. States adjacent to Area 1A will specify which days are open to landing for SMBT vessels during ‘days out’ meetings. A SMBT vessel may not land during days that are open to the rest of the fishery (unless these days are also designated as landing days for SMBT vessels) and can only land during days that are specifically open to SMBT vessels.



### **ISSUE 3: SEASONAL EXEMPTION FOR SMBT VESSELS**

Concern was raised, during the development of this Addendum, that any fishermen could use a latent category C limited access incidental herring permit, or obtain a category D open access herring permit and begin to fish under the exemptions proposed above. Such a scenario could create an increase in landings by SMBT vessels from current and historical amounts. Recent reductions in the Area 1A TAC (45,000 mt in 2009, 26,546 mt in 2010) and the creation of groundfish sectors may make the exemptions in this addendum attractive to fishermen whose fish allowance has been reduced. Proponents of these exemptions have stated that the 10 week SMBT fishing season and the labor intensive nature of the fishery are sufficient to deter new participation.

The SMBT fishermen who may have been disadvantaged by ‘days out’ reductions historically land their herring in Small Mesh Area I, but there are two other exempt areas (Figure 1, page 5) that fall completely or partially within Area 1A. New participants could potentially fish under exemptions contained in this addendum and land herring using SMBT gear in any of the exempt areas. One way to discourage new participants from targeting herring in the other exempt areas is to restrict the fishery seasonally. Vessels can use SMBT gear in Small Mesh Area 1 from July 15 – November 15, but the Massachusetts/New Hampshire spawning closures begin<sup>6</sup> on September 21. The combined seasons prevent SMBT vessels from landing more than 2,000 pounds of herring except from July 15 – September 21 in Small Mesh Area I.

A July 15 – September 21 seasonal exemption for SMBT would limit SMBT’s ‘days out’ exemptions in the Raised Footrope Exemption Area to 21 days. Vessels could still qualify for ‘days out’ exemptions in the GOM Raised Footrope Area.

**Option 1.** Status quo.

**Option 2.** SMBT vessels holding a C or D permit are only granted exemptions as specified in Issues 1 and 2 from July 15 – September 21 annually. For example, the Section could allow SMBT vessels to land 6,667 pounds on ‘days out’ (Issue 2, Option 2) or allow SMBTs to land on different days than the rest of the fishery (Issue 3) from July 15 – September 21 only. These dates coincide with the beginning of the whiting exempted fishing start date and default start date for the Massachusetts/New Hampshire spawning closures.

**Option 3.** SMBT vessels holding a C or D permit are granted exemptions seasonally with different start and end dates than listed above.

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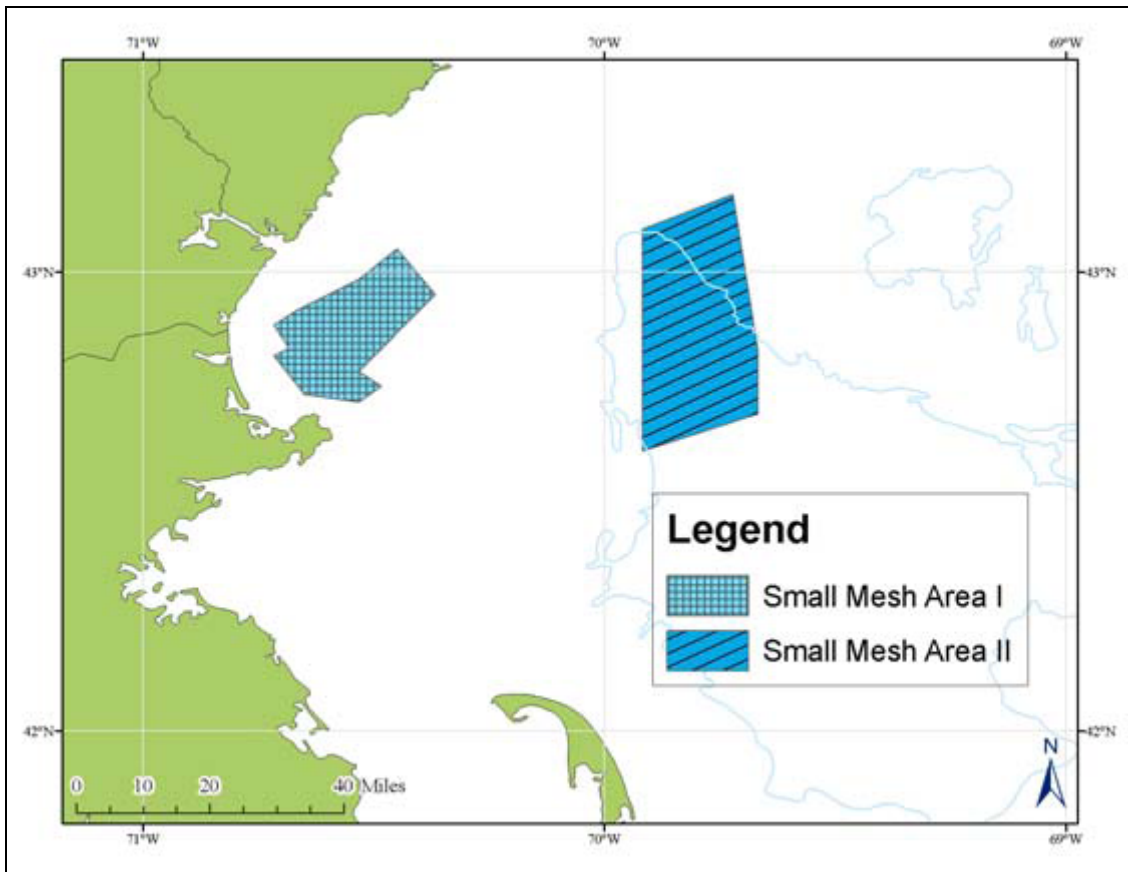
<sup>6</sup> Default start date.

**ISSUE 4: SMALL MESH BOTTOM TRAWL AREA RESTRICTIONS**

Area restrictions are another tool that could be used to allow the historical SMBT herring fishery to continue to operate but discourage new participation. Spatial analysis, seasonal landings, and verbal accounts of fishermen show that the SMBT fishery operates in July, August, and September in Small Mesh Area I (Figure 1 page 5).

**Option 1.** Status quo.

**Option 2.** SMBT vessels holding a C or D permit are only granted exemptions as specified in Issues 1 and 2 in **Small Mesh Area I**.



**Figure 12. Small Mesh Areas 1 & 2.**

**Option 3.** SMBT vessels holding a C or D permit are granted exemptions as specified in Issues 1 and 2 in an area other than listed above.

## **ISSUE 5: SMALL MESH BOTTOM TRAWL TAC ALLOCATION**

Options 2 – 6 of this measure would allocate a percent of the Area 1A TAC to fishermen using SMBT gear. This provision could be used in conjunction with other proposed management measures such as higher trip limits on a ‘day out’ (Issue 1) or different landing days for SMBT vessels (Issue 2) to ensure that the exemptions do not allow for a significant increase in SMBT landings.

Weekly reporting would be necessary to effectively monitor a SMBT TAC allocation. Federal IVR is an existing reporting system that could be used to monitor SMBT landings weekly—but IVR reports do not include gear type. In order to successfully manage a SMBT TAC allocation, the National Marine Fisheries Service would need to adjust IVR reporting requirements to include gear type including mesh size.

*The Section may select one or more of the following options:*

**Option 1.** Status Quo.

**Option 2.** The Section may allocate an amount of the Area 1A TAC to SMBT fishermen issued a C or D permit. The SMBT allocation will be considered during the overall specification setting process.

**Option 3.** SMBT vessels issued a C or D permit are allocated 0.66 % (2005 – 2008 average) of the Area 1A quota.

**Option 4.** SMBT vessels issued a C or D permit are allocated 0.84 % (2006 – 2008 average) of the Area 1A quota.

**Option 5.** SMBT vessels issued a C or D permit are allocated 1.59 % (2007 landings) of the Area 1A quota.

**Option 6.** SMBT vessels issued a C or D permit are allocated a different percent of the Area 1A TAC than the amounts listed under options 2 – 5 above.

**Option 7.** SMBT vessels issued a C or D permit are only granted exemptions as specified in Issues 1 and 2 until the SMBT TAC allocation has been harvested.

**Option 8.** SMBT vessels with a C or D permit may harvest a maximum of 2,000 pounds per trip once their TAC allocation has been harvested.

**Option 9.** SMBT vessels with a C or D permit are prohibited from landing any amount of herring once their TAC allocation has been harvested.

### **3.0 Compliance Schedule**

States must implement Addendum III according to the following schedule to be in compliance with the Atlantic Herring FMP:

XXXXXX: States submit proposals to meet Addendum III provisions.

XXXXXX: Section reviews and takes action on state proposals.

XXXXXX: States implement regulations to meet Addendum III provisions.

**Appendix A. Northeast Multispecies Small Mesh Fisheries Exemptions.**



# Northeast (NE) Multispecies Small Mesh Fishery Exemptions

Last Updated: February 1, 2008

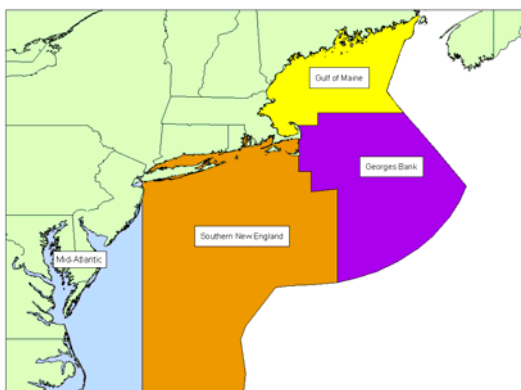
*Unless otherwise noted, the regulations described below apply to fishing vessels issued valid Federal fishing permits or any vessel fishing in Federal waters. (See 50 CFR 648.4 for Federal fishing permit requirements.) This information sheet is only a summary of applicable fishing regulations and is not a substitute for the actual regulations which can be found at 50 CFR part 648.*

This summary includes information on the various small mesh exemption programs in the Northeast Region. To assist you in navigating the information, this sheet is arranged by topic as follows:

<u>Topic/Exemption Area</u>	<u>Page(s)</u>
• Small Mesh Exemption Programs.....	1
• General Small Mesh Whiting Fishery Exemption Program Information.....	2
• Exemptions within the Gulf of Maine/George's Bank Regulated Mesh Area.....	3
• Gulf of Maine Grate Raised Footrope Trawl Whiting Fishery Exemption.....	4
• Cultivator Shoal Whiting Fishery Exemption Area.....	5
• Small Mesh Area 1 and 2 Exemption Areas.....	6
• Raised Footrope Trawl Exempted Whiting Fishery Areas.....	7
• Raised Footrope Trawl Gear Specifications.....	8
• Small Mesh Exemptions within the Southern New England Regulated Mesh Area.....	9
• Little Tunny Gillnet Exemption Area.....	10
• Mussel and Sea Urchin Dredge Exemption.....	10
• Small Mesh Exemptions within the Mid-Atlantic Regulated Mesh Area.....	11
• Northern Shrimp Fishery.....	11
• Scallop Dredge Exemption Areas.....	See separate information sheet.

## Small Mesh Exemption Programs

Exempted fisheries allow vessels to fish for specific species, such as whiting or northern shrimp, in designated areas using mesh sizes smaller than the minimum mesh size allowed under the Regulated Mesh Area (RMA) regulations. The following figure illustrates the four Northeast Region RMAs.



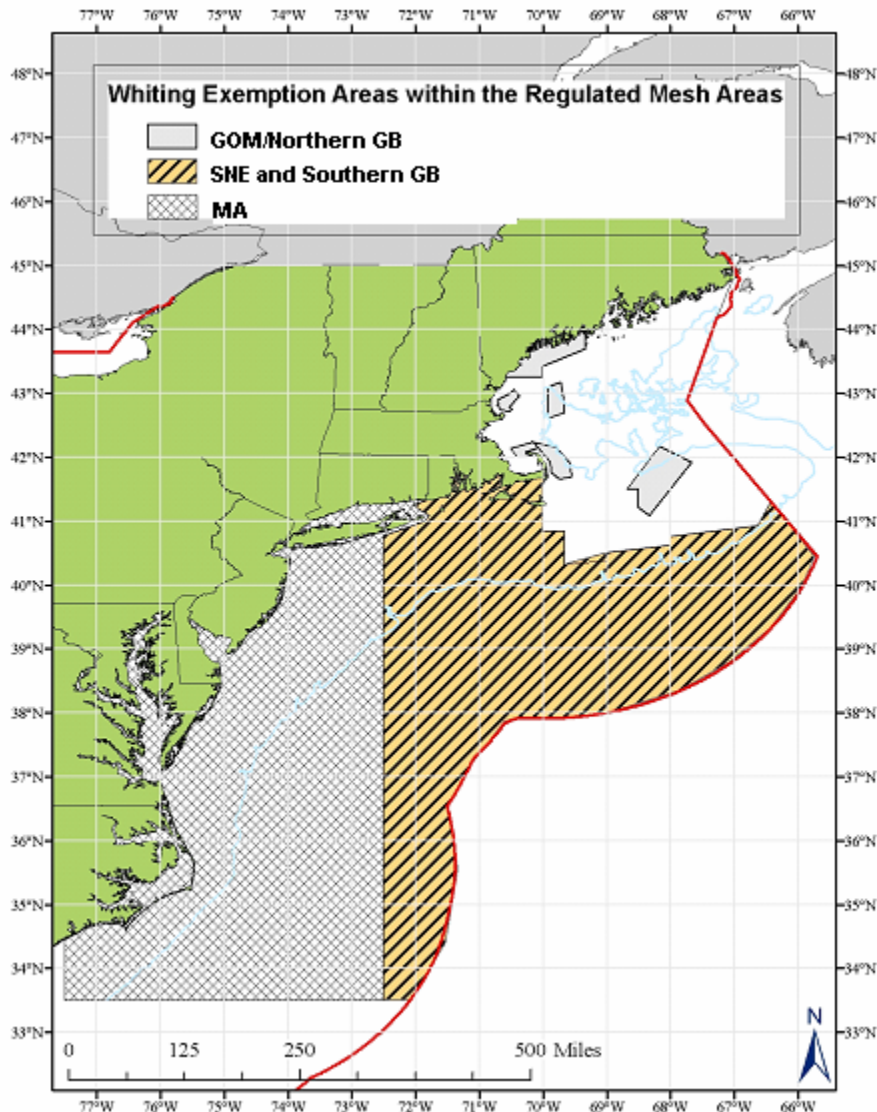
The following minimum mesh sizes apply to trawl net codends:

<b>Regulated Mesh Area</b>	<b>Codend mesh size requirement</b>
Gulf of Maine (GOM)	6.5-inch square or diamond
Georges Bank (GB)	
Southern New England (SNE)	6.5-inch square or diamond
Mid-Atlantic (MA)	6.5-inch square or diamond

No one may fish using a mesh smaller than those identified above unless they are eligible to participate in, and comply with all of the requirements of, a specific exempted fishery. To be approved and implemented, exemption programs must have demonstrated that incidental catch of regulated species is less than 5 percent of the total catch, by weight, and that the exemption will not jeopardize fishing mortality objectives.

## General Small-Mesh Whiting\* Fishery Exemption Program Information:

Several specific areas within the GOM and GB RMAs have established fishery exemptions for whiting. Whiting may be fished for in the entire SNE and MA RMAs, under specific requirements. Vessels may fish for whiting with small mesh trawls only within the designated exempted fishery areas and provided they comply with the additional requirements and conditions specified in the regulations and summarized in this information sheet for each area/fishery.



Vessels fishing for whiting in an exemption program must possess either an open access (Category K) or limited access (Categories A-F) Northeast (NE) Multispecies permit. If the vessel has a limited access NE Multispecies permit, fishing for whiting may be done while the vessel is not fishing under a Day-At-Sea (DAS) and while declared out of the fishery (DOF), if the vessel is required to operate a Vessel Monitoring System (VMS).

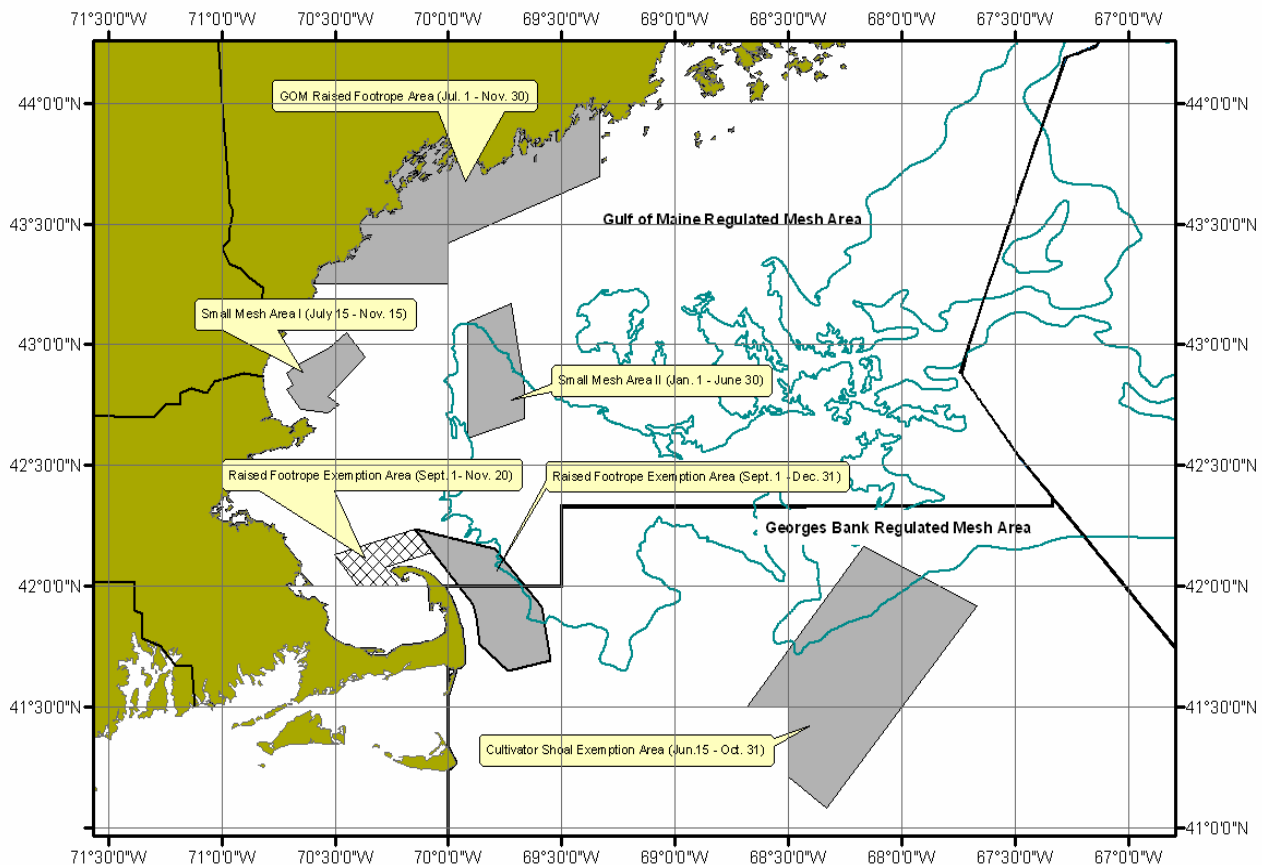
\* Throughout this information sheet, the term "whiting fishery" or "whiting" is intended to include the harvest of silver hake (whiting), red hake, and offshore hake. These three species comprise the small mesh multispecies complex within the Northeastern (NE) Multispecies Fishery Management Plan (FMP).

Some species permitted for possession and landing in the small-mesh exemption areas are governed by other separate Federal FMPs. To assist you in compliance, species that fall under a separate FMP are listed in *italics* in the remainder of this information sheet. Unless fishing occurs exclusively in state waters, to possess and land such species, vessels must possess the appropriate Federal fishery permit for the FMP in question. In addition, separate regulations may apply. For example, if the fishery for *Loligo* squid were closed, triggering a restriction on possession of *Loligo*, the more restrictive possession limit of the *Loligo* FMP would apply. For information on Federal fishery permits and what regulations may be applicable to species governed by a separate FMP, please call the Sustainable Fisheries Division at (978) 281-9315.

**Exemptions within the GOM/GB Regulated Mesh Area: (§ 648.80(a))**

Vessels may fish in the following GOM/GB exempted fisheries in the area specified, provided they comply with requirements and conditions listed for each fishery, as follows:

**Whiting (Silver Hake)  
Small Mesh Exemption Areas**





**GOM Grate Raised Footrope Trawl Whiting Fishery Exemption (§ 648.80(a)(16))**

Area

<u>N. Latitude</u>	<u>W. Longitude</u>
43°15'	70°35.4'
43°15'	70°00'
43°25.2'	70°00'
43°41.8'	69°20'
43°58.8'	69°20'

Small-Mesh Multispecies Possession Limits

- Combined silver hake (whiting) and offshore hake, up to 7,500 lb; and
- Red hake, no possession limit.

Additional Species Permitted for Retention

- *Butterfish*
- *Atlantic herring*
- *Squid*
- *Alewife*

Season

July 1 – November 30.

Gear

Vessels must comply with a **minimum mesh size of 2.5-inch** square or diamond mesh applied to the first 100 meshes (200 bars in case of square mesh) for vessels greater than 60 feet in length, and 50 meshes (100 bars in case of square mesh) for vessels less than or equal to 60 feet in length, counted from the terminus of the net.

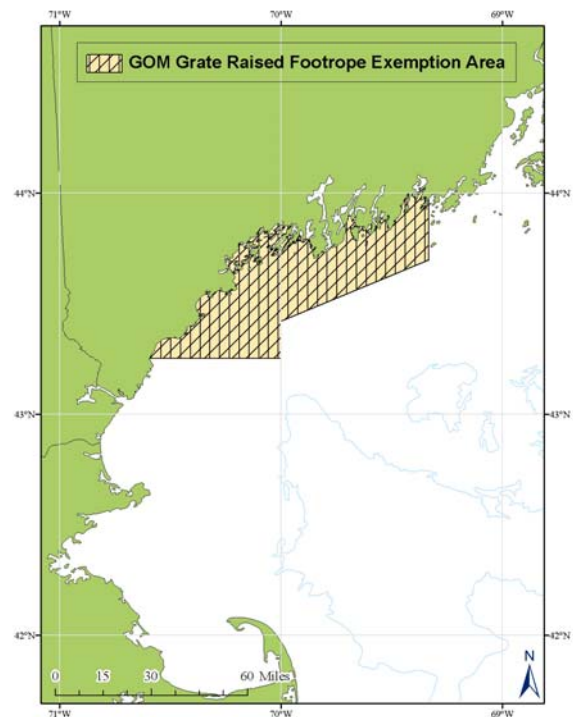
Trawl vessels are required to use raised footrope trawl gear equipped with an excluder grate (see below) in this exemption area.

Vessels are considered to be fishing with a raised footrope if their trawl gear is designed according

to the specifications outlined on page 8 of this information sheet.

The excluder grate must be:

- secured forward of the codend;
- constructed of rigid or semi-rigid parallel bars spaced not more than 1.97 inches apart;
- capable of effectively excluding all fish and other objects too large to fit between the bars from entering the codend; and
- paired with an outlet hole forward of the grate towards the mouth of the net whose aftermost edge is at least as wide as the grate at the point of the attachment.



**Cultivator Shoal Whiting Fishery Exemption Area (§ 648.80(a)(6))**

Area

N. Latitude	W. Longitude
42°10'	68°10'
41°30'	68°41'
41°30'	68°30'
41°12.8'	68°30'
41°05'	68°20'
41°55'	67°40'
42°10'	68°10'

Small-Mesh Multispecies Possession Limits

- Silver hake (whiting) and offshore hake, up to 30,000 lb combined; and
- Red hake, no possession limit.

Additional Species Permitted for Retention

- *Atlantic herring*
- Longhorn sculpin
- *Squid*
- *Butterfish*
- *Atlantic mackerel*
- *Spiny dogfish*
- *Monkfish* and monkfish parts up to 10 percent by weight of all other species onboard or 50 lb tail weight (166 lb whole weight), whichever is less.
- *American lobster* up to 10 percent by weight of all other species on board up to 200 lobsters, whichever is less, unless otherwise restricted.

Season

June 15 – October 31, unless otherwise specified by notification in the Federal Register.

Gear

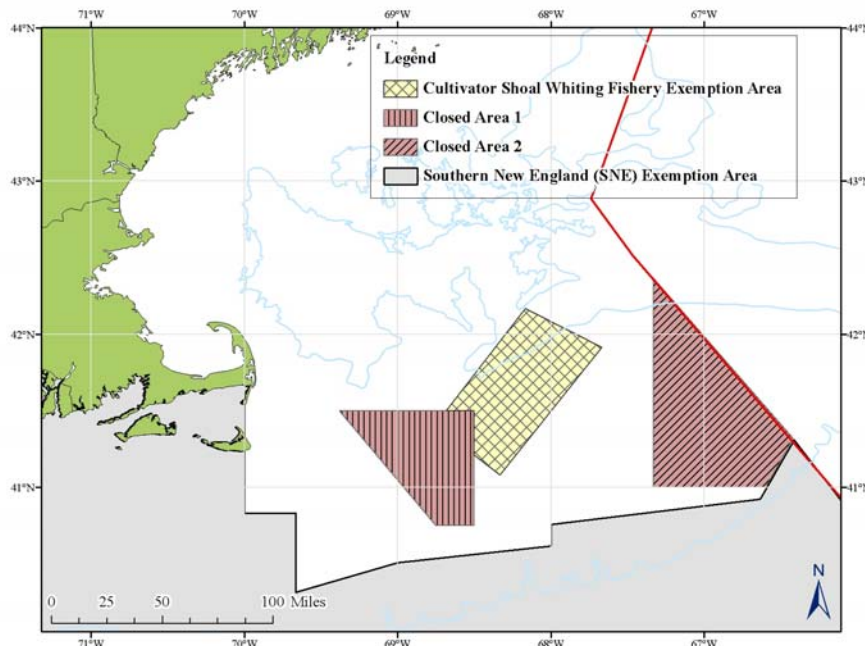
Vessels must comply with a minimum mesh size of 3-inch square or diamond mesh, applied to the first 100 meshes (200 bars in case of square mesh) for vessels greater than 60 feet in length, and 50 meshes (100 bars in case of square mesh) for vessels less than or equal to 60 feet in length, counted from the terminus of the net.

Additional Requirements and Conditions

Participating vessels must carry a Letter of Authorization issued by the Regional Administrator, valid for a minimum of 7 days. Participating vessels may withdraw from the program no earlier than 7 days from the date of enrollment. Letters of authorization, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370.

When transiting through the GOM/GB Regulated Mesh Area, nets of mesh size smaller than the regulated mesh size must be stowed properly.

**Note:** Small mesh may not be used outside the Cultivator Shoal Exemption Area (see below) in either the Western or Eastern US/Canada Areas or elsewhere on GB except in the SNE Exemption Area (See page 9).



**Small Mesh Area 1 and 2 Exemption Areas  
(§ 648.80(a)(9))**

Area

**Small Mesh Area 1**

N. Latitude	W. Longitude
43°03'	70°27'
42°57'	70°22'
42°47'	70°32'
42°45'	70°29'
42°43'	70°32'
42°44'	70°39'
42°49'	70°43'
42°50'	70°41'
42°53'	70°43'
42°55'	70°40'
42°59'	70°32'

Small Mesh Area 1 Season

July 15 – November 15.

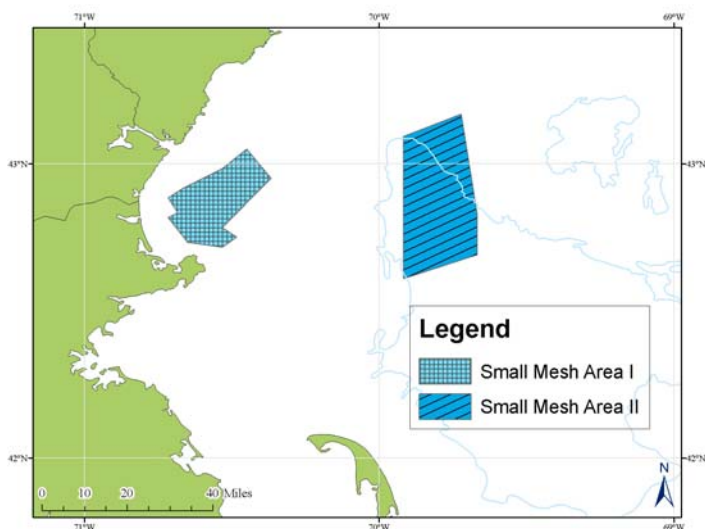
Area

**Small Mesh Area 2**

N. Latitude	W. Longitude
43°05.6'	69°55'
43°10.1'	69°43.3'
42°49.5'	69°40'
42°41.5'	69°40'
42°36.6'	69°55'
43°05.6'	69°55'

Small Mesh Area 2 Season

January 1 – June 30.



Small-Mesh Multispecies Possession Limits

- Silver hake (whiting) and offshore hake combined, mesh size dependent:

<u>Codend Mesh Size</u>	<u>Possession Limit</u>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal to or greater than 3.0 inches	30,000 lb

- Red hake, no possession limit.

Additional Species Permitted for Retention

- *Butterfish*
- *Spiny dogfish*
- *Atlantic herring*
- *Atlantic mackerel*
- *Scup*
- *Squid*

**Note:** Vessels are reminded that portions of Small Mesh Area 1 fall within the state jurisdictions of Massachusetts and New Hampshire. When fishing in state waters, federally permitted vessels are subject to the more restrictive of Federal or state regulations. Also, be aware that portions of Small Mesh Area 2 are affected by Inshore Closure Areas and are thus closed during these time periods.

Gear

Trawl vessels are required to use a raised footrope trawl when fishing in Small Mesh Areas 1 and 2, depending on the species of fish targeted. Vessels are considered to be fishing with a raised footrope if their trawl gear is designed according to the specifications outlined on page 8 of this information sheet.

**Raised Footrope Trawl Exempted Whiting Fishery Areas (§ 648.80(a)(15))**

Areas and Seasons

Raised Footrope Trawl Exempted Whiting Fishery Area (September 1 – November 20)

N. Latitude	W. Longitude
42°14.05'	70°08.8'
42°09.2'	69°47.8'
41°54.85'	69°35.2'
41°41.5'	69°32.85'
41°39'	69°44.3'
41°45.6'	69°51.8'
41°52.3'	69°52.55'
41°55.5'	69°53.45'
42°08.35'	70°04.05'
42°04.75'	70°16.95'
42°00'	70°13.2'
42°00'	70°24.1'
42°07.85'	70°30.1'
42°14.05'	70°08.8'

Raised Footrope Trawl Exempted Whiting Fishery Area (September 1 - December 31)

N. Latitude	W. Longitude
42°14.05'	70°08.8'
42°09.2'	69°47.8'
41°54.85'	69°35.2'
41°41.5'	69°32.85'
41°39'	69°44.3'
41°45.6'	69°51.8'
41°52.3'	69°52.55'
41°55.5'	69°53.45'
42°08.35'	70°04.05'
42°14.05'	70°08.8'

Small-Mesh Multispecies Possession Limits

- Silver hake (whiting) and offshore hake combined, mesh size dependent:

Codend Mesh Size	Possession Limit
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal to or greater than 3.0 inches	30,000 lb

- Red hake, no possession limit.

Additional Species Permitted for Retention

- *Butterfish*
- *Spiny dogfish*
- *Atlantic herring*
- *Atlantic mackerel*
- *Squid*
- *Scup*

Gear

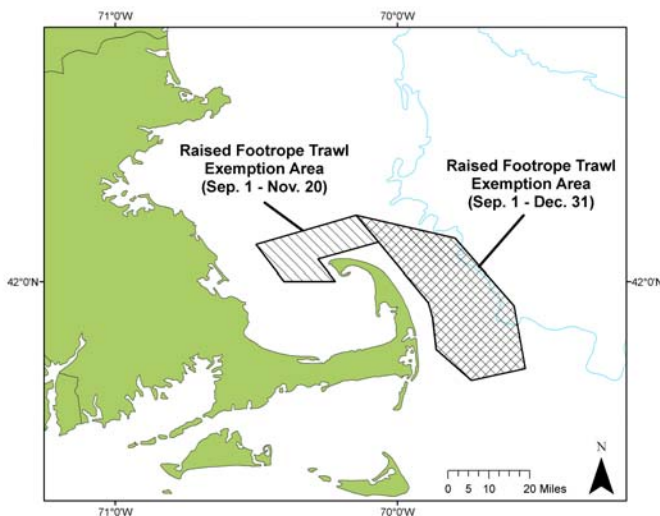
All nets must be no smaller than the minimum mesh size of 2.5-inch square or diamond mesh. Participating vessels must use a raised footrope trawl. A description of the raised footrope trawl can be found on page 8 of this information sheet.

Vessels participating in the Raised Footrope Trawl Exempted Whiting Fishery may not use liners, codend covers, and/or outside net strengtheners.

Additional Requirements and Conditions

Participating vessels must carry a Letter of Authorization issued by the Regional Administrator, valid for a minimum of 7 days. Participating vessels may withdraw from the program no earlier than 7 days from the date of enrollment. Letters of authorization, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370.

**Note:** Vessels participating in the Raised Footrope Trawl Whiting Fishery may participate in other small-mesh exemption areas provided they adhere to the more restrictive gear, possession, and other requirements for the entire participation period specified in the letter of authorization.



## **Raised Footrope Trawl Gear Specifications** **(§ 648.80(a)(9)(ii))**

Vessels fishing in the Raised Footrope Trawl Exempted Whiting Fishery (GOM or adjacent to Cape Cod), Small Mesh Area 1, or Small Mesh Area 2 must configure the trawl gear in such a way that, when towed, the footrope is not in contact with the ocean bottom. Vessels are presumed to be fishing in such a manner if their trawl gear is designed as specified below.

### Headrope

- Floats with a minimum diameter of 8 inches must be attached along the entire length of the headrope with a maximum spacing of 4 feet between each float.

### Ground Gear

- Ground gear must be all bare wire, not larger than 1/2 inch in diameter, for the top leg, not larger than 5/8 inch in diameter for the bottom leg, and not larger than 3/4 inch in diameter for the ground cables.
- The top legs must be equal with bottom legs, with no extensions.
- The total length of the ground cables must not be greater than 40 fathoms from the doors to the wing ends.

### Footrope

- The footrope must be longer than the headrope, but not more than 20 feet longer than the headrope, and must be rigged so that it does not contact the bottom while fishing.

### Drop Chains

- Drop chains must be used with or without a chain sweep.
- Drop chains must be 42 inches in length or greater.

- The maximum size drop chain stock when used with a sweep is 5/16 inch. Drop chains may be a maximum of 3/8-inch stock when no sweep is used.
- Only bare chain may be used; cookies or additional weights on the drop chains are prohibited.
- Drop chains must be hung from the center of the footrope and each corner (the quarter, or the junction of the bottom wing to the belly at the footrope).
- Drop chains must be hung at 8-foot intervals along the footrope from the corners to the wing ends.

### Sweep Specifications and Optional Sweepless Trawl

- The raised footrope trawl may be used with or without a chain sweep. The sweep, if used, must be rigged in the following manner:
- The sweep must be bare chain, the same length as the footrope. (Note: The required drop chains at the wing ends of the footrope effectively make the sweep 7 feet longer than the footrope.)
- The maximum size of the sweep is 5/16-inch stock chain.
- The sweep must be attached to the ends of the drop chains.
- The center of the sweep must be attached to the drop chain from the center of the footrope.
- The attachment points of each drop chain on the sweep and the footrope must be the same distance from the center drop chain attachments.
- The ends of the sweep must be attached to the drop chains at the end of the footrope.

**Small Mesh Exemptions within the SNE Regulated Mesh Area: (§ 648.80(b))**

Vessels may fish in the following SNE exempted fisheries in the area specified, provided they comply with requirements and conditions listed for each fishery, as follows:

**SNE Exemption Area (§ 648.80(b)(10))**

Area

N. Latitude      W. Longitude

*Bounded on the east by:*

41°18.6'	66°24.8'
40°55.5'	66°38'
40°45.5'	68°00'
40°37'	68°00'
40°30.5'	69°00'
40°22.7'	69°00'
40°18.7'	69°40'
40°50'	69°40'
40°50'	70°00'

*Bounded on the west by:*

A line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI) southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY, southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30' W. long., and south along that line to the intersection of the outer boundary of the Exclusive Economic Zone.

Gear

Any vessel participating in the SNE exempted species fisheries (including whiting) and not under a NE multispecies DAS may use gear with minimum mesh sizes smaller than the minimum regulated mesh size (see page 1).

Season

Open continually (year round).

Small-Mesh Multispecies Possession Limits

Silver hake (whiting) and offshore hake combined, mesh size dependent:

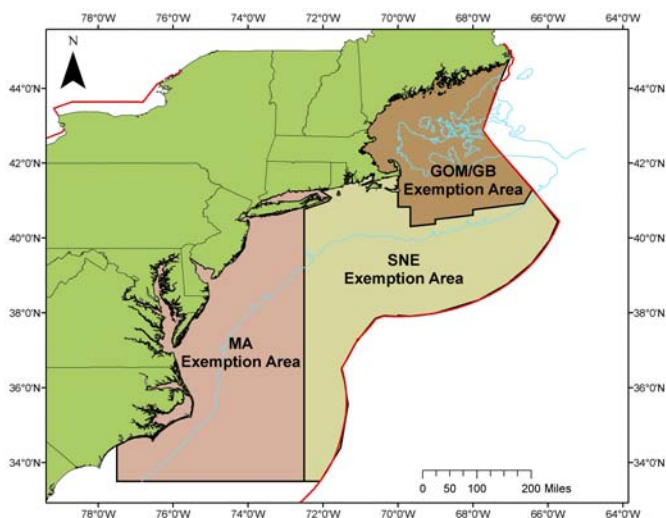
<u>Codend Mesh Size</u>	<u>Possession Limit</u>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal to or greater than 3.0 inches	30,000 lb

- Red hake, no possession limit

Additional Species Permitted for Retention

- *Butterfish, spiny dogfish (trawl), Atlantic herring, Atlantic mackerel, ocean pout, scup, shrimp, squid, summer flounder, weakfish, Conger eels, searobins, black sea bass, tautog (blackfish), blowfish, cunner, John Dory, mullet, bluefish, tilefish, longhorn sculpin, fourspot flounder, alewife, hickory shad, American shad, blueback herring, sea ravens, Atlantic croaker, spot, swordfish*
- *Monkfish* and monkfish parts up to 10 percent by weight of all other species on board, or 50 lb tail-weight (166 lb whole-weight), whichever is less
- *American lobster* up to 10 percent by weight of all other species on board, up to 100 lobsters for trips of 24 hours or less, or 200 lobsters for trips longer than 24 hours, whichever is less
- *Skate* and skate parts up to 10 percent, by weight, of all other species on board.

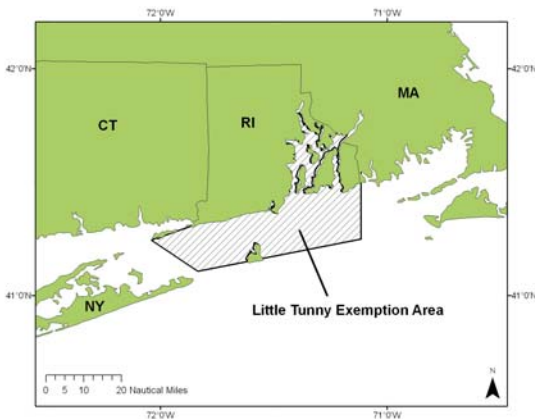
**Note:** Several species on this list are regulated by individual states and/or the Atlantic States Marine Fisheries Commission (ASMFC). For information regarding the applicable rules, please contact ASMFC (202) 289-6400.



### **SNE Little Tunny Gillnet Exemption Area** **(§ 648.80(b)(9))**

#### Area

The SNE Little Tunny Gillnet Exemption Area is defined by a line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI), southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY, southeasterly to 41°06.5' N. lat. and 71°50.2' W. long.; east-northeasterly through Block Island, RI, to 41°15' N. lat. and 71°07' W. long.; then due north to the intersection of the RI-MA shoreline.



#### Season

September 1 through October 31.

#### Gear

All gillnets must have a minimum mesh size of 5.5-inch diamond mesh throughout the net.

#### Possession Restrictions

Vessels fishing under this exemption **may not** possess regulated species, but may possess bonito as an allowable incidental species.

#### Additional Species Permitted for Retention

- *Butterfish, spiny dogfish (trawl), Atlantic herring, Atlantic mackerel, ocean pout,*

*scup, shrimp, squid, summer flounder, weakfish, Conger eels, searobins, black sea bass, tautog (blackfish), blowfish, cunner, John Dory, mullet, bluefish, tilefish, longhorn sculpin, fourspot flounder, alewife, hickory shad, American shad, blueback herring, sea ravens, Atlantic croaker, spot, swordfish.*

- *Monkfish* and monkfish parts up to 10 percent by weight of all other species on board, or 50 lb tail-weight (166 lb whole-weight), whichever is less.
- *American lobster* up to 10 percent by weight of all other species on board, up to 100 lobsters for trips of 24 hours or less, or 200 lobsters for trips longer than 24 hours, whichever is less.
- *Skate* and skate parts up to 10 percent, by weight, of all other species on board.

**Note:** Several species on this list are regulated by individual states and/or the ASFMC. For information regarding the applicable rules, please contact ASMFC (202) 289-6400.

#### Additional Requirements and Conditions

Participating vessels must carry a Letter of Authorization issued by the Regional Administrator. Letters of authorization may be obtained from the Northeast Region Permit Office at (978) 281-9370.

### **SNE Mussel and Sea Urchin Dredge Exemption** **(§ 648.80(b)(8))**

A vessel may fish with a dredge in the SNE Exemption Area (see description on previous page), provided that any dredge on board the vessel does not exceed 8 ft in width and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins.

### Exemptions within the MA Regulated Mesh

#### Area: (§ 648.80(c))

Vessels may fish in the following MA exempted fisheries in the area specified, provided they comply with requirements and conditions listed for each fishery, as follows:

#### MA Exemption Area (§ 648.80(c)(5))

##### Area

The MA Exemption is the area that lies west of the SNE Exemption Area described on page 9.

##### Small-Mesh Multispecies Possession Limits

Silver hake (whiting) and offshore hake combined, mesh size dependent:

<u>Codend Mesh Size</u>	<u>Possession Limit</u>
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal to or greater than 3.0 inches	30,000 lb

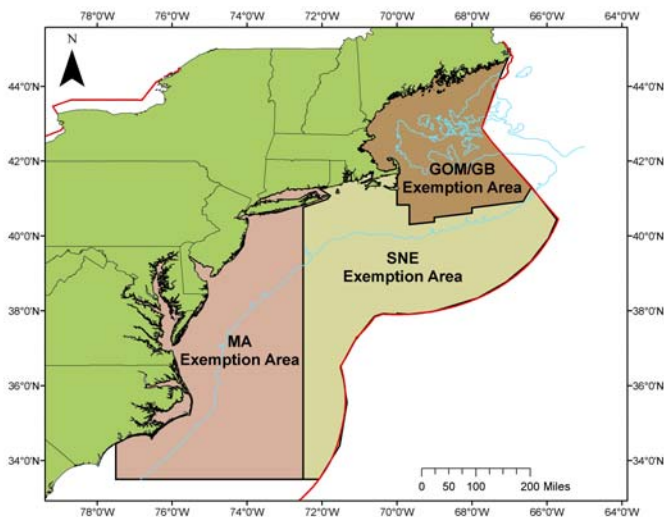
- Red hake, no possession limit

##### Season

Open continually (year round).

##### Gear

Vessels participating in the MA Exemption Area may use mesh smaller than the required 6.5 inches if not fishing under a multispecies DAS and not retaining regulated groundfish and subject to the regulations of the FMPs that apply to the fisheries in which they are participating.



### Northern Shrimp Fishery

#### (§ 648.80(a)(5))

##### Area

Northern shrimp vessels may fish in the GOM, GB, SNE, and MA Regulated Mesh Areas (map pg. 1), provided they comply with the requirements and conditions below.

##### Season

Vessels may only fish under this exemption during the northern shrimp season, as established by the ASFMC.

##### Gear

Vessels must have a properly configured and installed finfish excluder device (FED) in any net with mesh smaller than the minimum specified size. The FED (e.g., Nordmore grate) must have a rigid or semi-rigid grate consisting of parallel bars of not more than 1-inch spacing secured in the trawl, forward of the codend. The net must have an outlet or hole, at least as wide as the grate, to allow fish or other objects that are too large to pass between the bars of the grate to exit the net.

##### Possession limits

In addition to shrimp, the following species may be retained, with the restrictions noted, as allowable bycatch species in the northern shrimp fishery:

- Longhorn sculpin;
- Combined *silver hake* (whiting) and *offshore hake* up to an amount equal to the weight of shrimp on board, not to exceed 3,500 pounds; Whiting and offshore hake on board a vessel subject to this possession limit must be separated from other species of fish and stored so as to be readily available for inspection.
- *American lobster* up to 10 percent by weight of all other species on board, up to 200 lobsters, whichever is less.

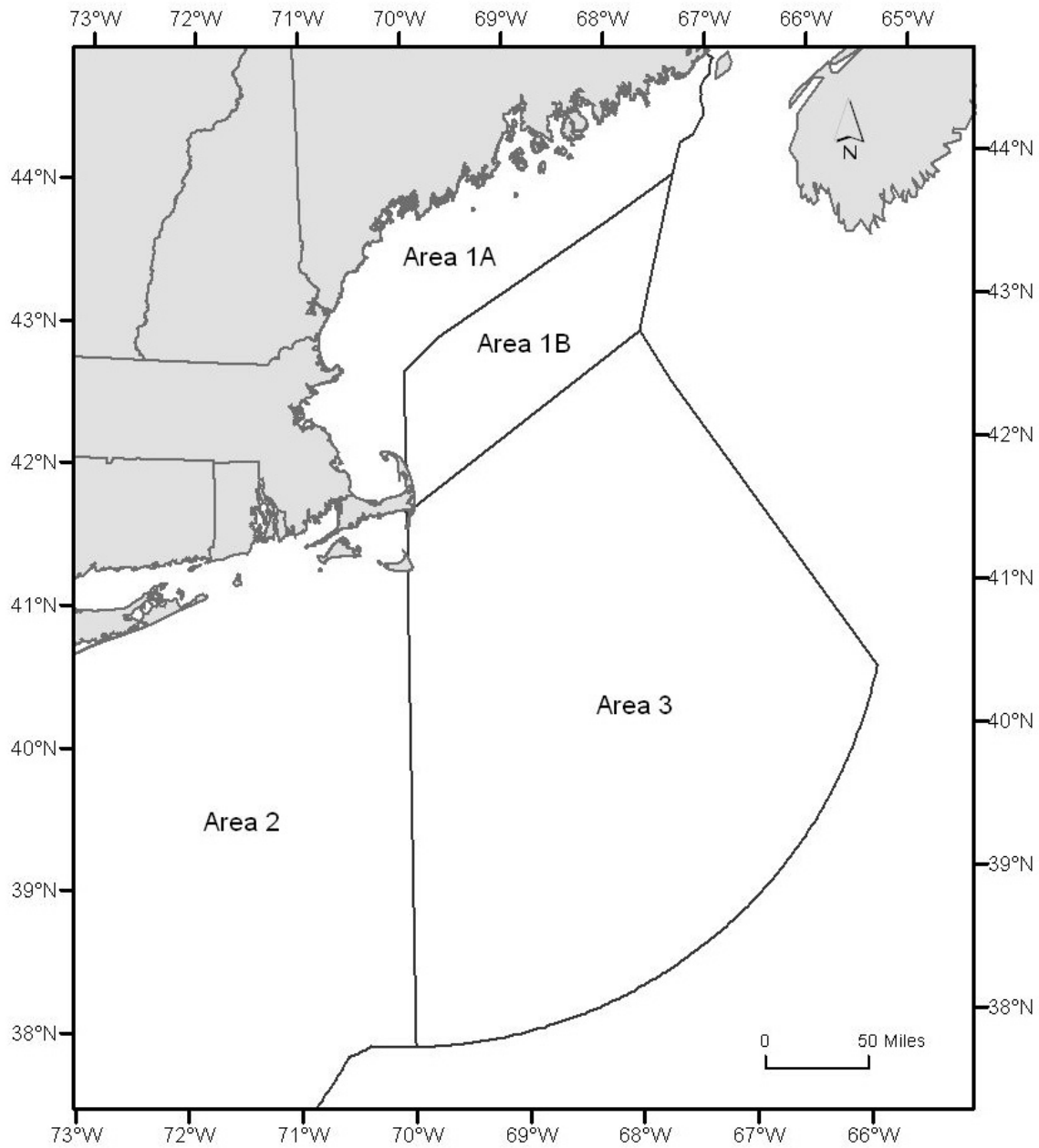
**Note:** Unless fishing exclusively in state waters, to land and possess whiting and lobsters, vessels are required to obtain a Federal permit and adhere to any applicable regulations.

Additional information on the northern shrimp fishery may be obtained by contacting the ASMFC at (202) 289-6400 or at the website:

[www.asmf.org](http://www.asmf.org).

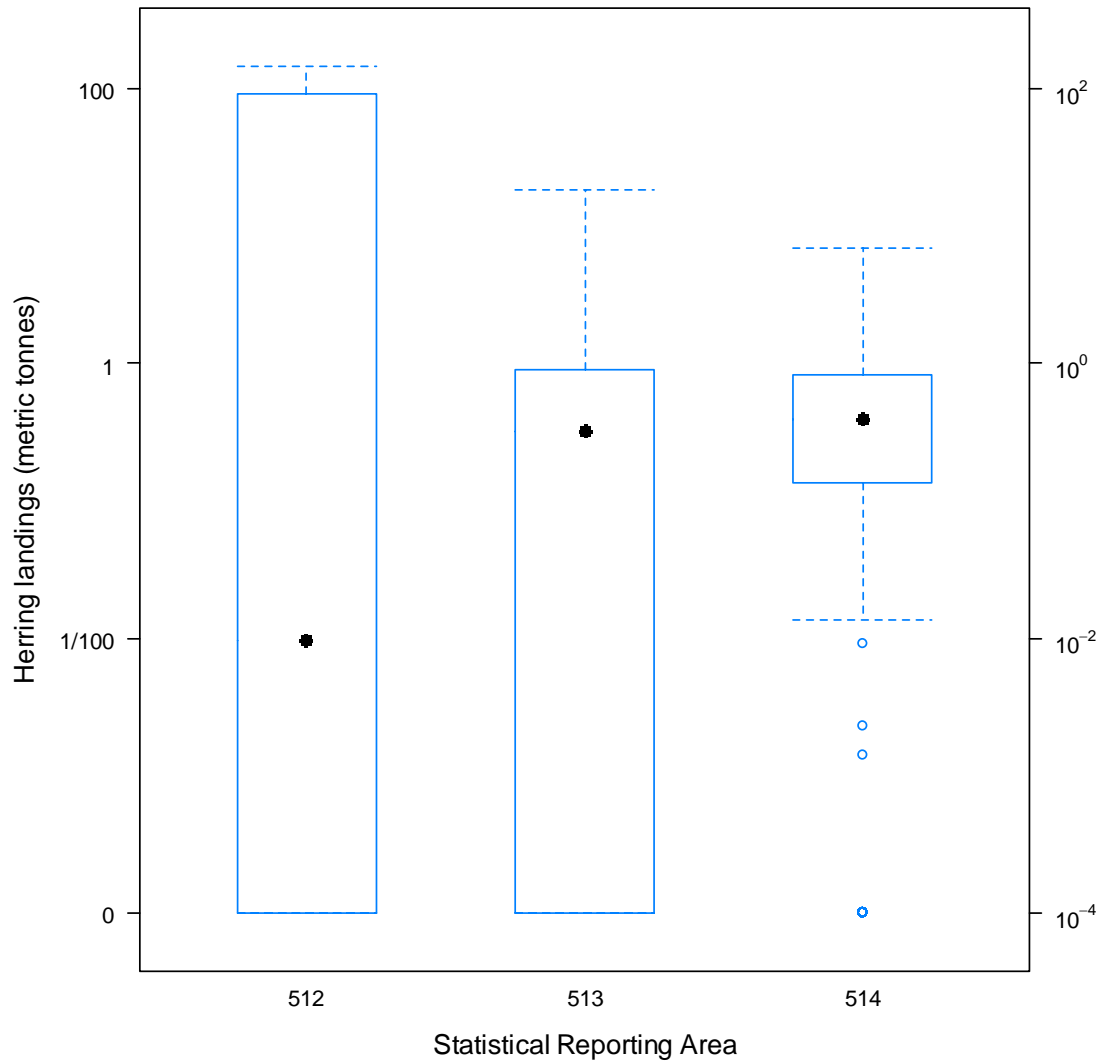


## Appendix B: Herring Management Areas.



## Appendix C. Small Mesh Bottom Trawl Landings Summary Figures and Tables for All Trips Landing Atlantic Herring.

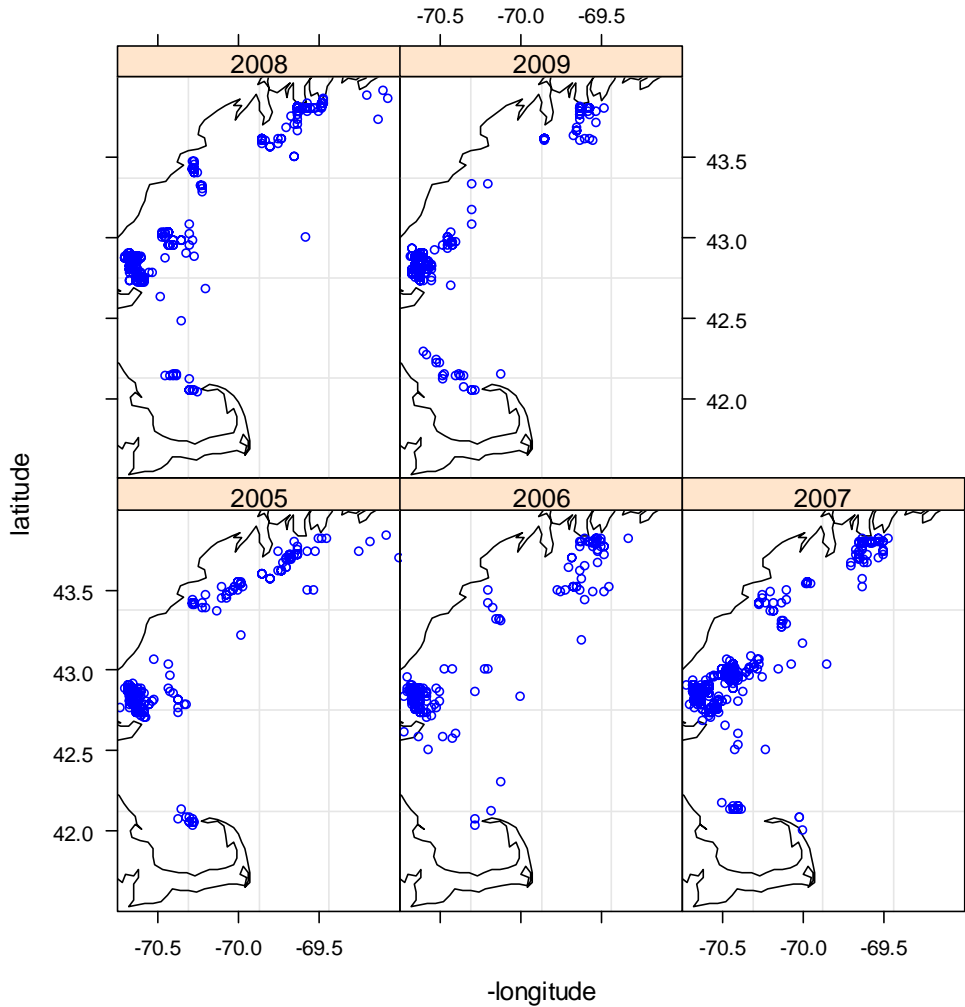
- 1) Data are from VTR
- 2) Small mesh is defined as less than 6.5"



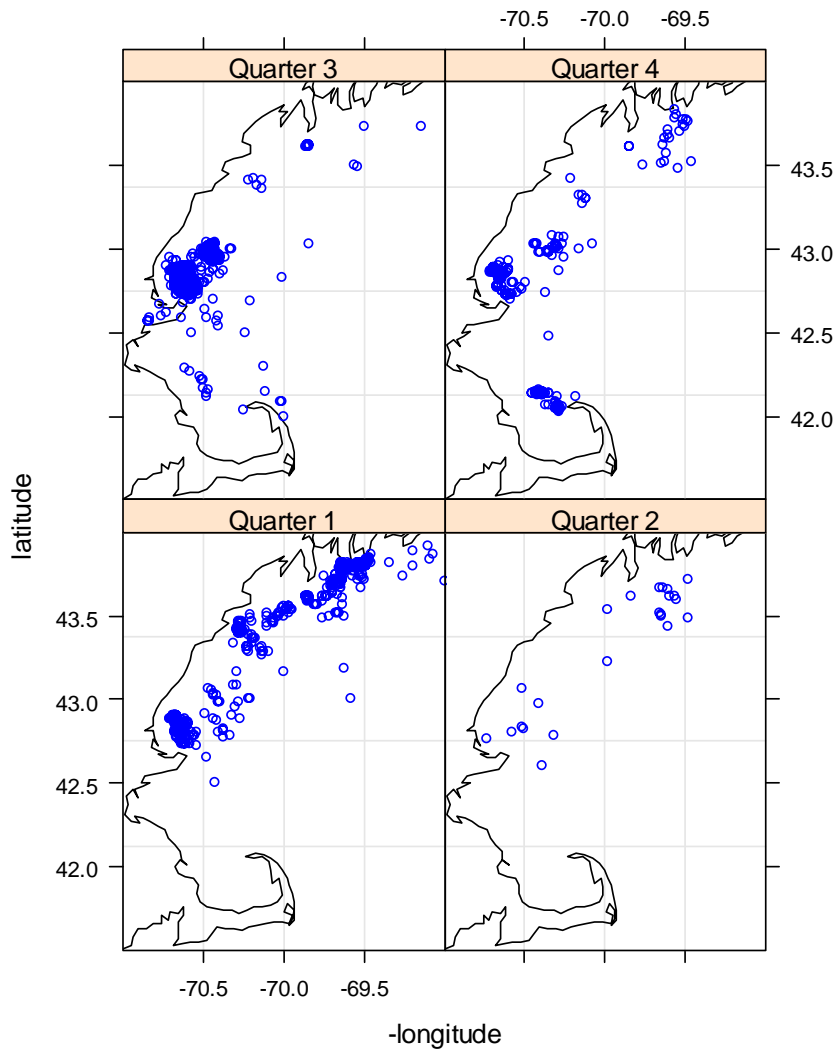
**Figure 1. Box plots of Atlantic herring landings (mt) by Statistical Reporting Areas for vessels using small mesh (<6.5'') for 2005-2009 combined. Landings are from vessel trip reports. Note that Y axis scale is semi-log with landings .**

Statistical Reporting Area	# permits	# trips	Min.	1st Quartile.	Median	Mean	3rd Quartile.	Max.	Total
512	4	6	0.0001	0.0001	0.4536	39.5800	69.61	144.00	237.46
513	40	919	0.0001	0.0001	0.3175	0.9665	0.907	18.14	892.09
514	33	497	0.0001	0.1361	0.3911	0.5806	0.8106	6.803	289.12

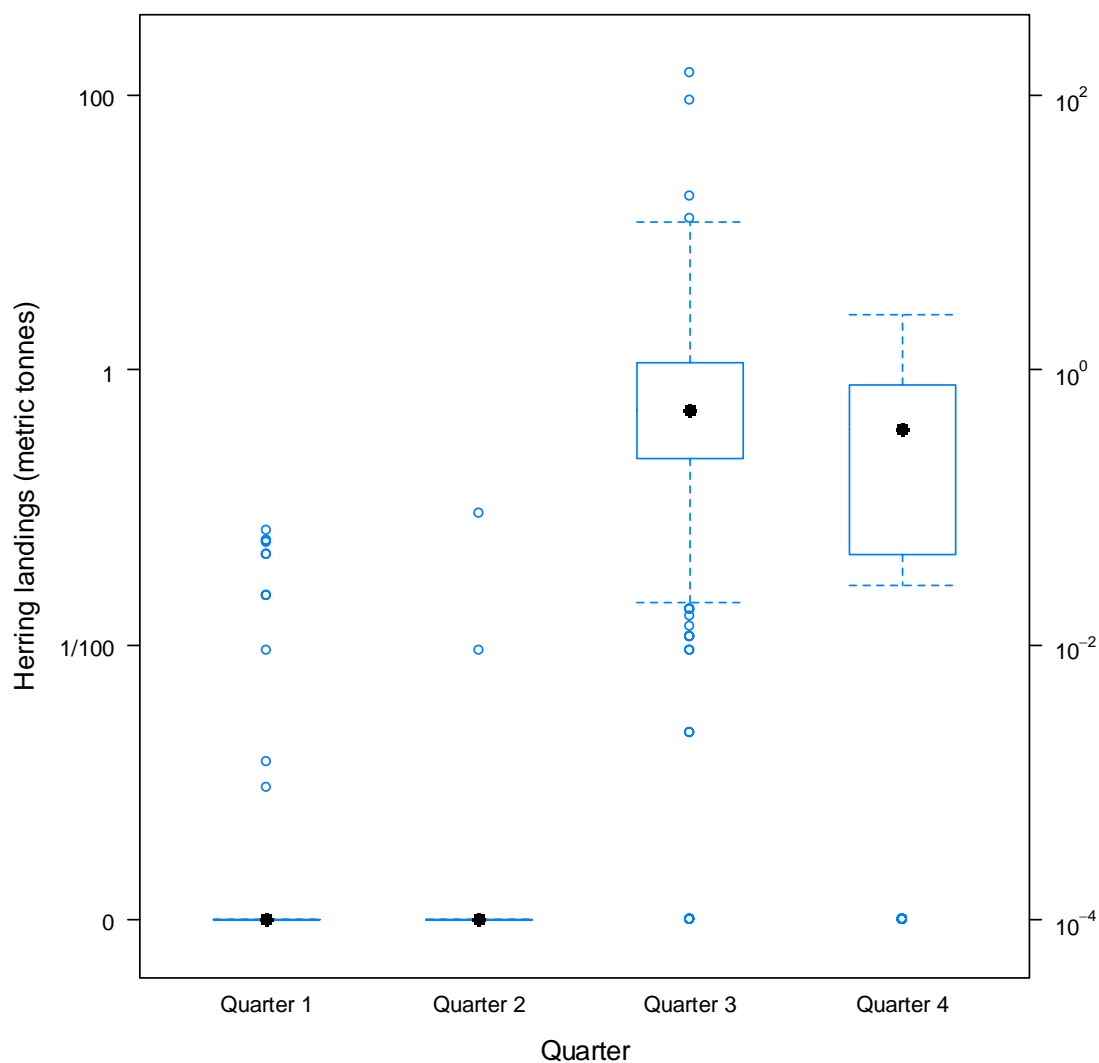
**Table 1. Summary statistics for Atlantic herring landings (mt) by statistical reporting area for 2005-2009 combined.**



**Figure 2 Locations of trips with Atlantic herring catches by small mesh bottom trawls (< 6.5" mesh) by year. Data are VTR.**



**Figure 3. Location of trips reporting catches of Atlantic herring using small mesh (<6.5 “ mesh) by quarter for 2005-2009 pooled. Data are from VTR.**



**Figure 4** Boxplot of distribution of Atlantic herring landings reported in vessel trip reports for small mesh trips (mesh < 6.5'') by quarter for 2005-2009 combined. Note Y axis scale is semi-log.

Quarter	# permits	# trips	Selected summary statistics for landings (mt)						Total landings
			Min.	1st Quartile.	Median	Mean	3rd Quartile.	Max.	
1	18	251	0.0001	0.0001	0.0001	0.0016	0.0001	0.0680	0.41
2	4	15	0.0001	0.0001	0.0001	0.0067	0.0001	0.0907	0.10
3	33	1016	0.0001	0.2268	0.4989	1.3320	1.1340	144.0000	1354.88
4	23	140	0.0001	0.0454	0.3628	0.4520	0.7710	2.5400	63.27

**Table 2.** Summary statistics for reported landings (mt) of Atlantic herring by small mesh bottom trawl (< 6.5'' mesh) by quarter for years 2005-2009 pooled.

## Appendix D. Small Mesh Bottom Trawl Landings Summary Figures and Tables for Trips Landing more than 2,000 pounds of Atlantic Herring

- 1) Data are from VTR
- 2) small mesh is defined as less than 6.5" and trips > 0.907 mt (2000 lb)

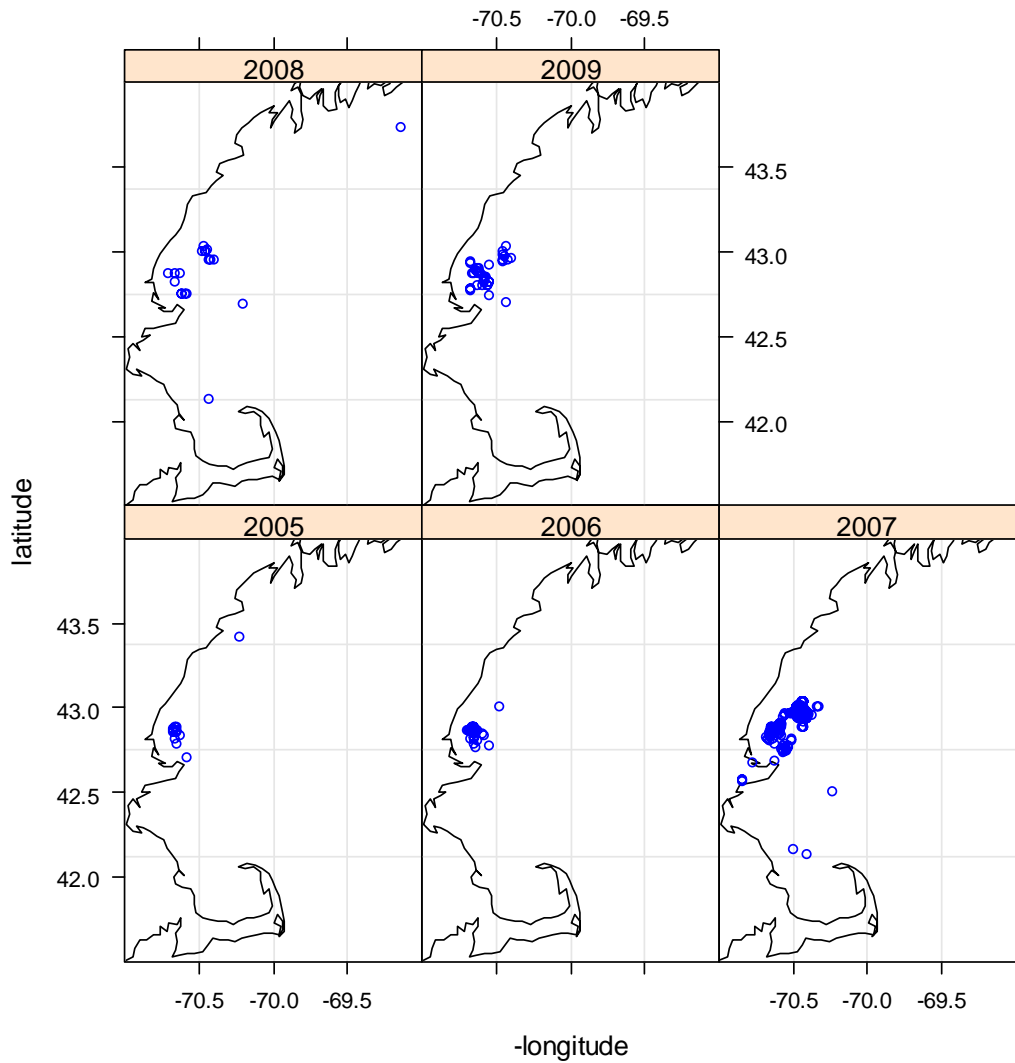
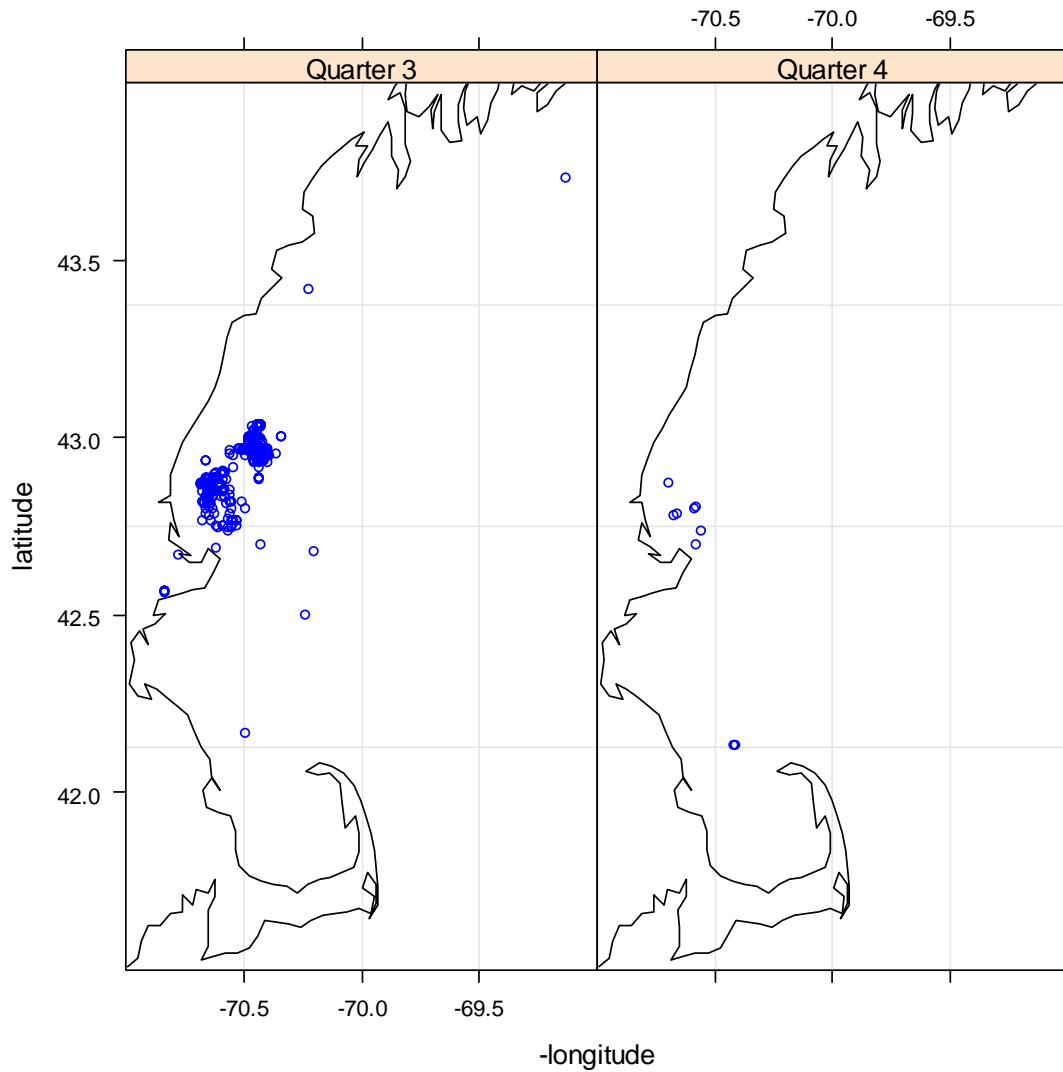
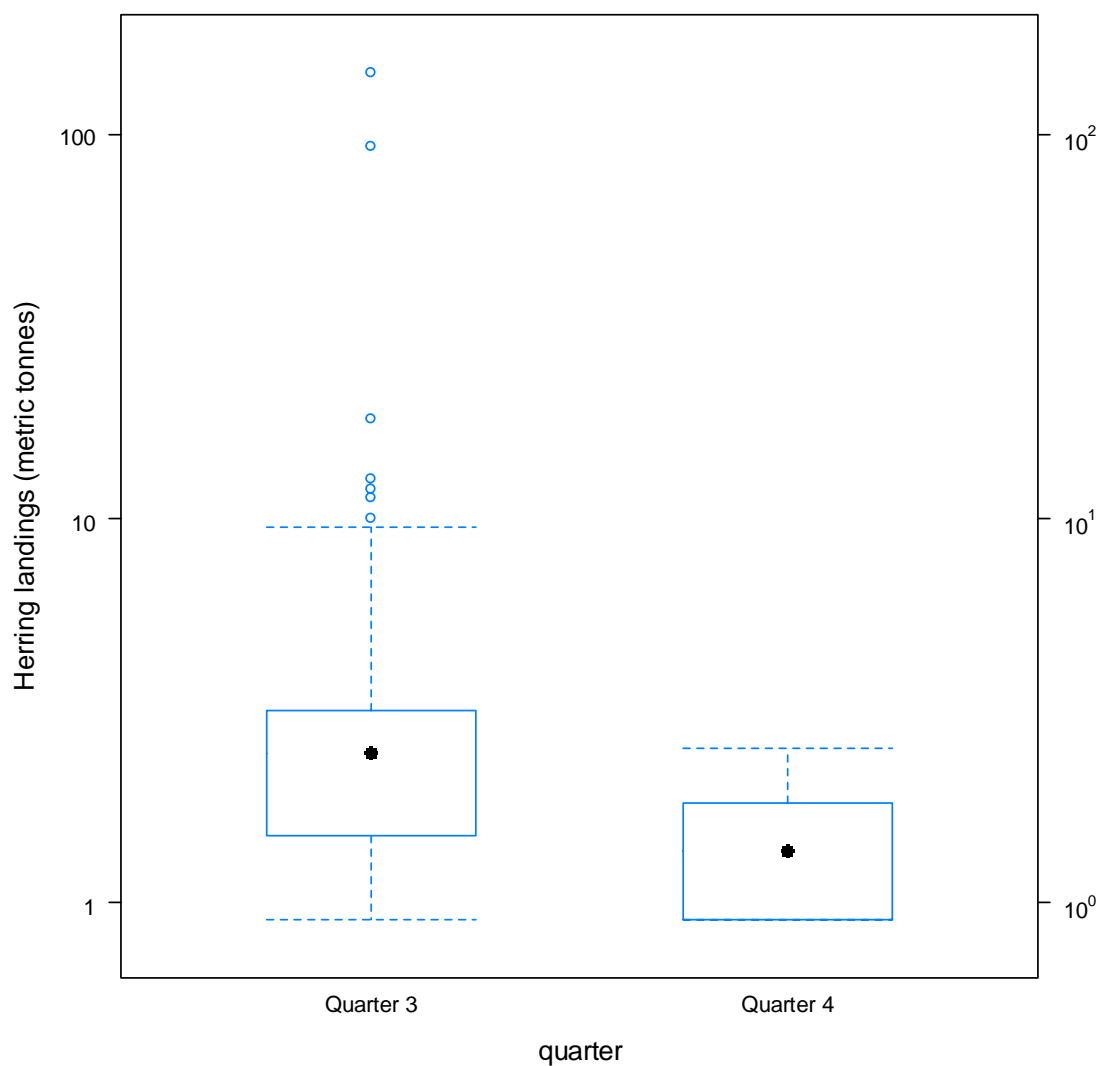


Figure 1. Locations of Atlantic herring landings by trip for small mesh bottom trawls for trips landing more than 0.907 mt (2000 lb).



**Figure 2. Locations of trips with Atlantic herring landings greater than 0.907 mt (2000 lb) by quarter for small mesh (<6.5'') for 2005-2009 combined.**

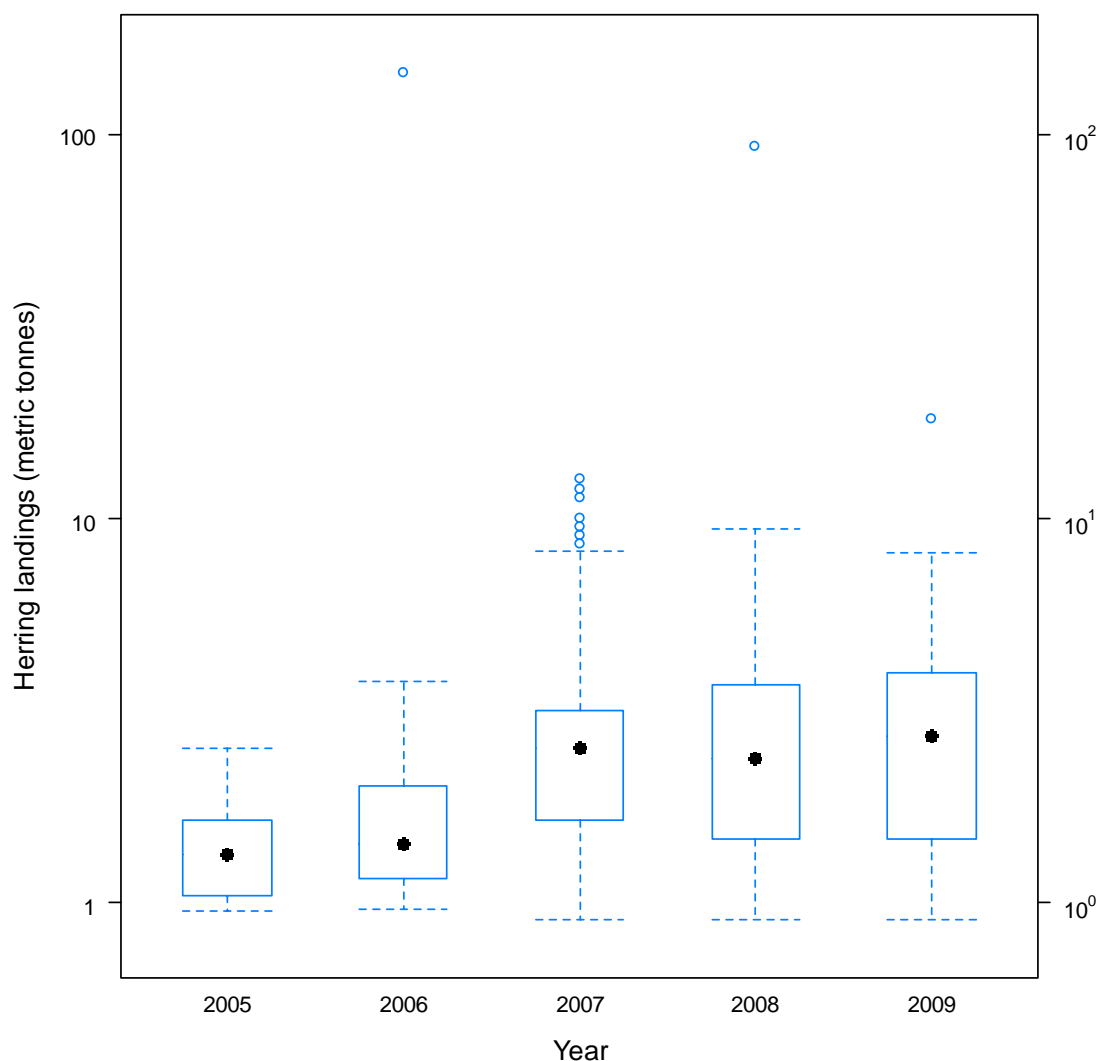


**Figure 3** Boxplot of distribution of Atlantic herring landings by trip reported in vessel trip reports for small mesh trips (mesh < 6.5") by quarter for trips > 0.907 mt (2000 lb) and 2005-2009 combined. Note Y axis scale is semi-log.

Quarter	# permits	# trips	Min.	Selected summary statistics for landings (mt)				Total landings	
				1st Quartile	Median	Mean	3rd Quartile		
3	22	281	0.907	1.497	2.449	3.788	3.175	144.00	1064.39
4	4	9	0.907	0.907	1.361	1.441	1.814	2.54	12.97

**Table 3.** Selected statistics for trips landing greater than 0.907 mt of Atlantic herring using small mesh (<6.5" mesh) by quarter for 2005-2009 combined.





**Figure 4. Boxplot of distribution of Atlantic herring landings by trip reported in vessel trip reports for small mesh trips (mesh < 6.5") by year for trips > 0.907 mt (2000 lb). Note Y axis scale is semi-log.**

Year	Selected summary statistics for landings (mt)								
	# permits	# trips	Min.	1st Quartile	Median	Mean	3rd Quartile	Max.	Total landings
2005	3	12	0.9524	1.052	1.344	1.470	1.644	2.54	17.64
2006	5	28	0.9637	1.168	1.429	6.785	1.998	144.00	189.97
2007	16	194	0.9071	1.664	2.540	3.081	3.175	12.70	597.69
2008	10	20	0.9071	1.531	2.381	7.408	3.379	92.52	148.15
2009	7	36	0.9071	1.531	2.721	3.442	3.912	18.14	123.91

**Table 4. Selected statistics for trips landing greater than 0.907 mt (2000 lb) of Atlantic herring using small mesh (<6.5" mesh) by year.**

## **Appendix E. Maine and New Hampshire State Regulations Prohibiting SMBT Herring Landings in State Waters.**

### Maine:

#### **C. Gear and vessel restrictions**

##### **(1) Gear Type Prohibition**

It shall be unlawful to use otter trawls, beam trawls, pair trawls, or midwater trawls to fish for herring within the territorial waters of Maine.

### New Hampshire:

Vessels that fish with mobile gear are prohibited from taking finfish or crustaceans in New Hampshire waters under the New Hampshire Revised Statute Annotated (RSA) 211:49, I. Use of small mesh bottom trawls is restricted under this statute. Atlantic herring may only be taken in state waters by fixed gear.

### **TITLE XVIII FISH AND GAME**

#### **CHAPTER 211 FISH, SHELLFISH, LOBSTERS AND CRABS Salt Water Fish, Clams, Etc. Section 211:49**

##### **211:49 Cod, etc. –**

I. No person shall use mobile gear, including but not limited to, otter trawls, mid-water trawls, beam trawls, pair trawls, purse seines, Scottish seines or drag seines in any form for the taking of any finfish or crustaceans in the waters under the jurisdiction of the state. The taking of all species of salmon (*Salmonidae*) and striped bass (*Morone Saxatilis*) is prohibited at any time by netting in any form. Nothing in this paragraph shall prohibit the setting of lobster traps or trawls for the taking of lobsters and crabs.