



A Joint Message Regarding Gulf of Maine Cod

In January 2012, a comprehensive, peer-reviewed stock assessment of Gulf of Maine cod concluded that the stock cannot rebuild by the 2014 deadline, is subject to overfishing, and is overfished. As a result, an overall annual catch limit of around 1,313 metric tons (mt) would be required to end overfishing in 2012.

We knew that this news would have serious ramifications for fishermen since the current annual catch level is approximately 8,454 mt. That's why we moved quickly to share the preliminary stock assessment findings last fall. We wanted fishermen to be involved as early as possible in helping us identify management alternatives for the 2012 fishing year and beyond.

In response to the news, NOAA Fisheries Service and the New England Fishery Management Council convened a working group to explore options. While the report results were still preliminary, working group members met with fishing industry representatives, environmentalists, scientists, and others during an open meeting on Dec. 9, 2011 in Portsmouth, NH.

Some great suggestions came out of that meeting, and they are guiding our efforts to identify management measures to protect the cod stock while minimizing economic impacts on the fishing industry in the coming fishing year.

Together, we have identified some flexibility in the Magnuson-Stevens Fishery Conservation and Management Act that allows us to consider a transitional catch limit for 2012 that is higher than the limit that would have been necessary to immediately end overfishing.

So, while catch limits in 2012 will be lower than 2011 levels, they will be substantially higher than the 1,313-mt limit that otherwise would apply.

At its January meeting, the council recommended that NOAA Fisheries adopt interim management measures for 2012, including recreational measures and a total catch limit somewhere in the range of 6,700 mt to 7,500 mt.

The 6,700-mt catch limit we have approved provides the industry with needed, albeit temporary, relief from especially low quotas. This will allow all of us the opportunity to more fully deliberate on longer-term solutions, including those that will end overfishing in the 2013 fishing year.

NOAA Fisheries and the council gathered further input on these recommended management measures during a second meeting with the fishing industry on Feb. 10, 2012.

To read more about this meeting and for other information on efforts to date, please visit our Gulf of Maine Cod News webpage at <www.nero.noaa.gov/nero/hotnews/gomcod>.

The feedback from all of these efforts has informed the management measures we were able to put in place for the 2012 fishing year. Over the next several months, the council and the agency will collaborate to identify management measures for 2013.

This news about Gulf of Maine cod comes at a critical juncture when many fishermen are just beginning to adjust to a new management system that is showing some promise for improving overall profitability for the groundfish fishery.

We want to thank all of you in the industry and others who have worked with us tirelessly over the past several months. We appreciate the perspectives and concerns you have shared and the many thoughtful suggestions you have made for moving forward.

This has been a difficult year. Clearly, the 2012 management measures that have been announced to help us reduce fishing mortality and the measures being developed for 2013 that are required to end overfishing will have serious economic impacts on fishermen, their families, and fishing communities.

However, we are committed to continuing to work together to explore every possible option to achieve the highest catch levels permissible, while not jeopardizing cod stock health and minimizing economic impacts on the fishing industry and related businesses.

Samuel Rauch
C.M. "Rip" Cunningham

Samuel Rauch is the acting director of NOAA Fisheries Service, and Rip Cunningham is the chairman of the New England Fishery Management Council.

We want to thank all of you in the industry and others who have worked with us tirelessly over the past several months.

Mail Call: Taking Steps to Reduce Duplicate Notices

NOAA Fisheries Service has received requests from vessel owners to eliminate duplicate letters. In response, we are redesigning our address database so that vessel owners will receive a single copy of our letters that announce news of general interest as well as regulatory changes. Vessel owners still will receive all information specific to their vessels such as permit applications, fishing quotas, and landings information.

This change should decrease the amount of duplicate mail that permit holders receive and reduce the amount of paper we use. We are working to implement other features to improve our customer service and communications with the fishing industry. If you would like further information about this program, please call the Northeast Permit Office at (978) 282-8438.

Groundfish FW 47 Proposed Rule Offers New Fishing Opportunities

NOAA Fisheries Service recently proposed new measures to implement Framework 47 to the Northeast Multispecies Fishery Management Plan. If approved, Framework 47 would:

- Set catch limits for 2012-2014 for nine groundfish stocks;
- Set total allowable catches for three stocks that are managed in cooperation with Canada;
- Extend the Georges Bank yellowtail flounder stock rebuilding schedule;
- Revise the accountability measures for six groundfish stocks; and
- Modify yellowtail flounder management measures for the Atlantic sea scallop fishery.

Last year, NOAA Fisheries supported efforts to pass

new federal legislation that provides more flexibility in setting annual catch limits for groundfish stocks shared with Canada. We then implemented emergency measures in 2011 for Georges Bank yellowtail flounder so fishermen could immediately benefit from the legislation.

As a result of the new legislation, Framework 47 would extend the rebuilding timeframe for Georges Bank yellowtail flounder to 2032. This new rebuilding strategy would provide additional opportunities for fishermen to catch yellowtail flounder while still preventing overfishing.

Framework 47 also would give fishermen more opportunities to catch Georges Bank yellowtail flounder.

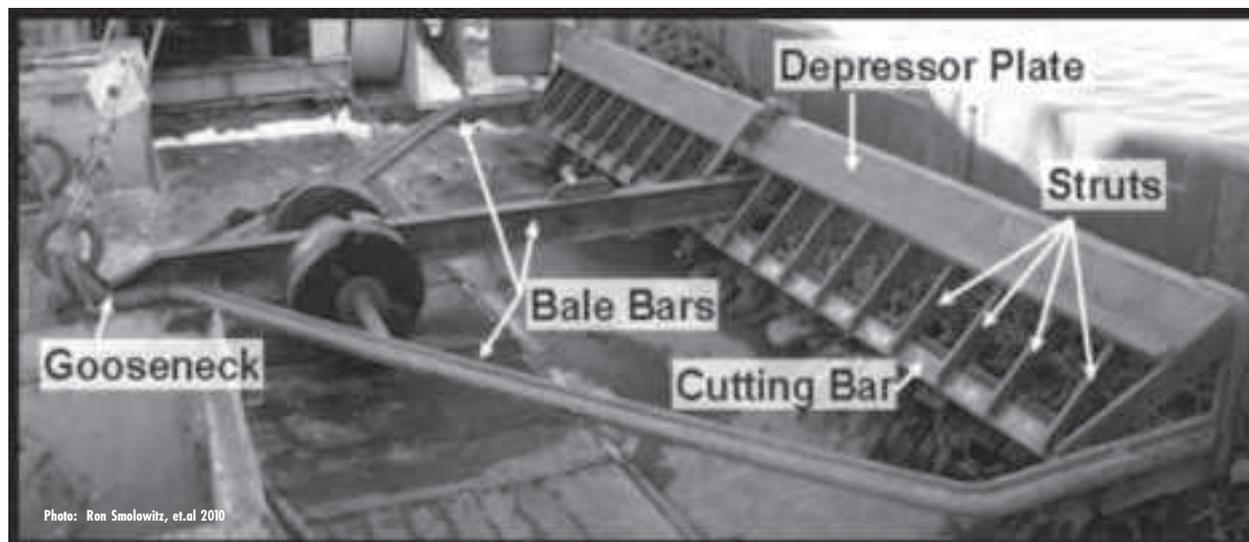
See GROUND FISH FW 47, next page

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Olivia Rugo • Managing Editor • 978-675-2167 • olivia.rugo@noaa.gov



Modified Dredge Design Deflects Turtles From Scallop Operations



Example of a turtle excluder dredge frame

On April 5, NOAA Fisheries Service announced approval of Framework 23 to the Atlantic Sea Scallop Fishery Management Plan, which includes regulations that will require most scallop vessels to use modified scallop dredges in Mid-Atlantic waters beginning May 1, 2013.

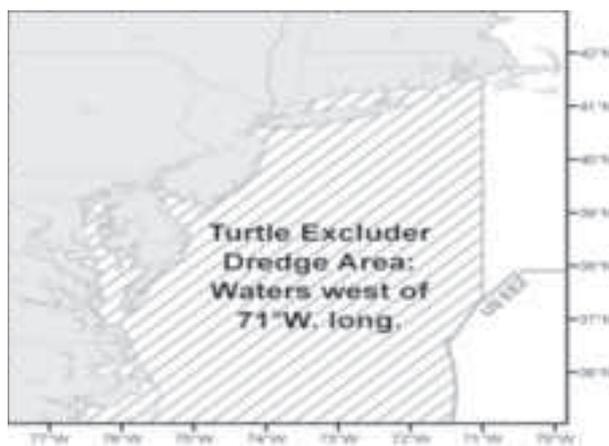
The new dredge is designed to reduce the scallop fishery's impact on endangered and threatened sea turtle populations. From May 1 through October 31 each year in the Mid-Atlantic area west of 71 degrees west longitude, scallop vessels would have to use a turtle deflector dredge – a modified scallop dredge that redirects sea turtles over the dredge.

The turtle deflector dredge design modifies a standard New Bedford scallop dredge in these five ways.

- The cutting bar must be located in front of the depressor plate.
 - The angle between the front edge of the cutting bar and the top of the dredge frame, meaning the posterior point of the depressor plate, must be less than or equal to 45 degrees.
 - All bale bars must be removed, except for the outer bale bars (single or double) and the center support beam, leaving an otherwise unobstructed space between the cutting bar and forward bale wheels, if present. The center support beam must be less than 6" (15.24 cm) wide. And,
 - Struts must be spaced no more than 12" apart from each other.
- For all dredges that are more than 10' 6" wide, the

dredge must include a straight extension, or "bump out," connecting the outer bale bars to the dredge frame. This "bump out" must exceed 12" in length.

Scientists worked closely with the scallop industry to design this new dredge and tested it for several years on scallop fishing vessels, and industry, scientists, New England Fishery Management Council, and NOAA Fisheries Service worked together to incorporate this new gear into Framework 23.



Framework 23 also aims to improve three other measures in the scallop plan by: tailoring yellowtail flounder accountability measures to times when yellowtail flounder bycatch is highest; making a scallop vessel's trip declarations through its vessel monitoring system more flexible; and improving catch accounting for scallops caught within state waters in the Northern Gulf of Maine management area.

All but the new turtle deflector dredge requirement are effective as of May 7, 2012.

The New England Fishery Management Council and NOAA Fisheries Service continue to work closely with the scallop industry and environmental organizations to develop effective management measures for the Atlantic sea scallop fishery.

The Atlantic sea scallop fishery continues to be one of the most productive and valuable fisheries in the United States while avoiding overfishing and maintaining sustainable resource levels.

For more information, call Christopher Biegel, Sustainable Fisheries Division, at (978) 281-9112 or e-mail him at <christopher.biegel@noaa.gov>.

Groundfish FW 47

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If the scallop fishery does not catch its entire quota of Georges Bank yellowtail flounder, any remaining quota would be transferred to the commercial groundfish fishery. The additional quota would be divided between sectors and the common pool fishery. This measure would provide a better opportunity to achieve optimum yield of Georges Bank yellowtail flounder.

In addition, Framework 47 would remove some gear-restricted areas for common pool vessels that are no longer needed. Since 2010, common pool vessels have been required to use selective gear in certain areas in Southern New England and on Western Georges Bank. Removing these areas would give common pool vessels more flexibility and could result in more landings of some groundfish stocks that are currently underutilized by the common pool fishery.

Several groundfish stocks are not currently allocated to sectors due to low abundance. Still, the Magnuson-Stevens Fishery Conservation and Management Act requires the New England Fishery Management Council to establish accountability measures for these stocks.

So, Framework 47 would establish gear-restricted areas for sector and common pool vessels if the total catch limit is exceeded for windowpane flounder or ocean pout. In addition, if the total catch limit for Atlantic halibut is exceeded, possession of this stock would be prohibited for sector and common pool vessels.

These accountability measures would restrict fishing activity for all commercial groundfish vessels in the year following any overage. Sectors would not be able to request exemptions from these measures.

A number of measures proposed in Framework 47 would increase fishing opportunities for the Atlantic sea scallop fishery. Framework 47 would remove the cap on the amount of yellowtail flounder that can be caught in the scallop access areas. This measure is no longer needed because the overall scallop fishery has a yellowtail flounder annual catch limit.

Framework 47 also would increase the amount of yellowtail flounder that could be caught before an accountability measure is triggered for the scallop fishery. This measure would still prevent overfishing of yellowtail flounder but would help the scallop fishery achieve optimum yield.

The public comment period for Framework 47 ended on April 11. More information on the proposed rule is available online at <www.nero.noaa.gov/sfd/sfdmulti.html>. You also may call Sarah Heil, NOAA Fisheries Service's Sustainable Fisheries Division, at (978) 281-9257 or e-mail her at <Sarah.Heil@noaa.gov>.

S-K Funds Supporting Crucial Whelk Research

Under the Saltonstall-Kennedy (S-K) Grant Program, NOAA Fisheries Service provides financial assistance for research and development projects to benefit the US fishing industry. One project funded by the S-K program is enabling scientists and fishermen to research the biology of whelks to inform management practices that will be needed to support the sustainability of this growing fishery.

The New England whelk fishery has expanded rapidly from a small amount of bycatch to a directed fishery. Additionally, lobstermen, who routinely find whelks in their pots, also have been targeting them. Though still relatively small, the fishery represents an increasing source of revenue for coastal communities, as demand in Asian and Italian markets for New England whelks has increased in the last several years.

While the expansion of the whelk fishery brings new economic opportunities, more information on whelk biology is needed to protect the fishery's long-term sustainability.

Whelks grow slowly, mature late, and have a low reproductive rate. These factors, plus the high proportion of females to males found among larger whelks, indicate that this species may be vulnerable to overharvesting.

This fishery also could be threatened if inactive permits – roughly 75% of Massachusetts permits –



are fished in the future without adequate regulatory protections.

Dr. Bradley Stevens of the University of Maryland

Eastern Shore is collecting data on whelk life history, including growth rate, age distribution, and size and age of sexual maturity.

The goal is to use this information to generate minimum size limits that will prevent bycatch of juveniles and overfishing of the mature reproductive stock.

Additionally, whelks have been dissected to determine the size and age of sexually maturity. And, researchers will be investigating whelks' response to different bait types in the lab to find ways to alleviate the amount of horseshoe crab currently being used as bait in the fishery.

Whelk fishermen around New Bedford have participated in the study's cooperative sampling effort. Whelks collected in commercial traps throughout Buzzards Bay were etched with an identification number, measured, photographed, and returned to the sea for eventual recapture to determine growth rates. Local fishermen are encouraged to return marked whelks to the water for later recovery by the investigators. For more information on this project, call Bradley Stevens at (410) 651-8342 or e-mail him at <bgstevens@umes.edu>.

More information on the Saltonstall-Kennedy Grant Program is available online at <www.nmfs.noaa.gov/mb/financial_services/skhome.htm>.

19 Sectors Proposed for Fishing Year 2012

On Feb. 15, NOAA Fisheries Service published a rule that proposes approving 19 Northeast multispecies sector operations plans and contracts for fishing year (FY) 2012.

Under current groundfish rules, we are required to approve a sector operations plan and contract in order to allocate fish to each sector and to exempt sector members from certain regulations. If a sector operations plan and contract is not approved, the members of that sector must fish in the common pool and comply with all existing regulations.

The proposed rule also notifies the public that we are extending the deadline to join a sector for 2012 until April 30.

The following 19 sectors have submitted operations plans for FY 2012:

- Georges Bank Cod Fixed Gear Sector;
- Maine Permit Bank Sector;
- Northeast Coastal Communities Sector;
- Northeast Fishery Sectors II-XIII;
- Port Clyde Community Groundfish Sector;
- Sustainable Harvest Sector I and III; and the
- Tri-State Sector.

Amendment 16 to the federal groundfish plan granted several "universal exemptions" for sectors, including exemptions from:

- Trip limits on allocated stocks;
- The Georges Bank Seasonal Closed Area;
- Groundfish days-at-sea restrictions;
- The requirement to use a 6-1/2" mesh codend when fishing with selective gear on Georges Bank; and
- Portions of the Gulf of Maine Rolling Closure Areas.

A total of 49 additional exemptions from the groundfish regulations have been requested by sectors through their 2012 operations plans. In FY 2011, we granted sectors 16 exemptions from regulations, including effort controls, days-at-sea leasing restrictions, gillnet gear requirements, and dockside monitoring provisions. Sectors have requested those exemptions again for 2012.

In addition, sectors have requested new exemptions from: seasonal restrictions of special access programs; seasonal closures; ACE (annual catch entitlement) carryover regulations; gear requirements; and minimum fish sizes.

Several of the exemptions requested cannot be granted because they are prohibited, including access to year-round closed areas and exemptions from at-sea monitoring. Sectors also requested several exemptions that were previously denied, but provided no new information to justify reconsideration of the requests.

The public comment period on the proposed sector operation plans and contracts closed on March 1, 2012. We are considering all of the comments received and expect to publish a final rule before May 1 announcing approved exemptions and preliminary ACE allocations for each approved sector.

Each sector vessel will receive a letter of authorization listing approved exemptions. A separate notice will be published in the *Federal Register* after May 1 to announce final sector ACE allocations based on the final rosters.

For more information, call Mark Grant, Sustainable Fisheries Division, at (978) 281-9145 or e-mail him at <mark.grant@noaa.gov>.

NOAA Proposes 78% Spiny Dogfish Quota Hike

Based on recommendations made by the Mid-Atlantic and New England Fishery Management Councils, NOAA Fisheries Service recently proposed establishing the spiny dogfish quota at 35.7 million pounds for the 2012 fishing year, which begins on May 1.

The quota would be a 78% increase from 2011 levels. However, the amount of spiny dogfish that can be landed per trip would remain at 3,000 pounds to help extend the fishing season in 2012 and to increase revenues for spiny dogfish fishermen. In 2010, spiny dogfish landings were worth an estimated \$2.7 million.

Spiny dogfish were determined to be overfished during the late 1990s after years of heavy commercial fishing. A federal rebuilding plan was implemented in 2000, requiring that harvest levels be dramatically reduced.

After several years of sacrifices by spiny dogfish fishermen, the population has been rebuilt and can now support higher commercial harvests. The abundance of spiny dogfish is currently estimated to be 6% above target levels.

The fishery in federal waters is managed by the Mid-Atlantic and New England councils along with NOAA Fisheries. The Atlantic States Marine Fisheries Commission (ASMFC) manages spiny dogfish in state waters.

In most years, commercial fishery quotas and trip limits are complementary between federal and state waters. However, for 2012, ASMFC has recommended a more conservative increase in the quota to 30 million pounds, with a 3,000-pound trip limit.

This means that state waters may be closed to spiny dogfish fishing earlier than federal waters. However, the lower ASMFC quota is expected to help sustain the spiny dogfish population in future years and help stabilize the market.

The spiny dogfish fishery extends from Maine to North Carolina, but most landings occur in Massachusetts, where more than 300 vessels participate in this fishery. Most of the meat is exported to Europe, while fins are exported to Asia.

For more information, call Tobey Curtis, Sustainable Resources Division, at (978) 281-9273 or e-mail him at <tobey.curtis@noaa.gov>.

Atlantic Sturgeon Populations Listed Under ESA

On Jan. 31, 2012, NOAA Fisheries Service announced that five populations of Atlantic sturgeon along our East Coast will be protected under the Endangered Species Act (ESA). The listings became effective on April 6, 2012.

The ESA provides two main levels of protection. An endangered listing offers protections to prevent extinction, while a threatened listing focuses on preventing the species from becoming endangered.

Atlantic sturgeon spawn in the freshwater of large rivers along the East Coast of North America but spend most of their adult life in marine waters. They grow slowly, and it takes many years, 10 or more, before they are ready to reproduce. They are most recognizable by the five rows of bony scutes (scales) that run the length of their bodies.

Atlantic sturgeon were heavily fished for their eggs for the caviar trade and for their meat in the 19th and 20th centuries.

The Atlantic States Marine Fisheries Commission implemented its interstate fishery management plan for Atlantic sturgeon in 1990 and, in 1998, the remaining state-water fisheries for Atlantic sturgeon were closed. In 1999, NOAA Fisheries Service prohibited possession and landing of Atlantic sturgeon from marine waters.

The decision to list the five populations of Atlantic sturgeon occurred after a lengthy process that included a thorough review of the species status, the publication of proposed listing rules, a 120-day public comment period, and six public hearings.

The ESA requires us to base listing determinations solely on the best scientific and commercial information available and prohibits the consideration of economic impacts in making these determinations.

As a result of this extensive review and public process, the Gulf of Maine population of Atlantic sturgeon was listed as threatened, and the New York Bight, Chesapeake Bay, Carolina, and South Atlantic populations were listed as endangered. Atlantic sturgeon from the five populations mix in coastal waters, which means that threatened and endangered Atlantic sturgeon populations co-exist.

Bycatch in fisheries

There are numerous threats to Atlantic sturgeon. Three separate analyses indicated that large numbers of Atlantic sturgeon are incidentally caught and killed in fishing gear.

In particular, incidental bycatch of Atlantic sturgeon and associated mortality is relatively high in fisheries that use sink gillnet gear and, to a lesser degree, otter trawl gear.

Although effort in many fisheries was reduced in the 1990s, a new analysis indicates that bycatch in sink gillnet and otter trawl fisheries is still occurring in the Northeast at a rate that

is unsustainable for Atlantic sturgeon survival and recovery.

We do not expect federally managed fisheries to be closed as a result of the listing these five populations of Atlantic sturgeon. NOAA Fisheries already has been working with the industry to develop methods to reduce Atlantic sturgeon bycatch and bycatch mortality.

We will continue to work with fishery management councils, interstate commissions, state agencies, and stakeholders under several provisions of the ESA to evaluate the best options for minimizing impacts to Atlantic sturgeon without unduly hampering fishing activities.

Addressing bycatch is one step toward the recovery of Atlantic sturgeon. We continue to support research that provides vital information for their recovery and are working closely with Canadian authorities to understand the impacts of activities in those waters for Atlantic sturgeon that are spawned in US rivers.

NOAA Fisheries also is working to address other threats to Atlantic sturgeon, including water quality, vessel strikes, and impacts to habitat. More information on these topics is available on the Northeast Regional Office Atlantic sturgeon webpage at <www.nero.noaa.gov/prot_res/atlsturgeon>.

On June 10, 2011, NOAA Fisheries proposed protections specifically for the threatened Gulf of Maine population and accepted public comment. We are currently reviewing the comments received and expect to publish a final rule in 2012.

For more information, call Lynn Lankshear, Protected Resources Division, at (978) 281-9473 or email her at <lynn.lankshear@noaa.gov>.

We do not expect federally managed fisheries to be closed as a result of the listing these five populations of Atlantic sturgeon.

NOAA Fisheries Funds State Permit Banks

On March 8, 2012, NOAA Fisheries Service approved Amendment 17 to the Northeast Multispecies Fishery Management Plan. This amendment enables the effective operation of state-operated permit banks in the Northeast Region.

A permit bank is a collection of fishing permits held by an organization for the purpose of leasing out the fishing opportunities associated with those permits. The primary goal of this permit bank program is to preserve affordable fishing opportunities for small-scale fishing operations in the Northeast groundfish fishery.

The states of Maine and New Hampshire have established permit banks, while the state of Rhode Island is in the process of creating its permit bank. The Commonwealth of Massachusetts has established a revolving loan fund with \$1 million in federal funding.

Fishing opportunities held by the banks in the form of days-at-sea and annual catch entitlement (ACE) will be used to provide assistance to small-scale fishing operations and small or rural communities.

The permit banks will provide assistance by:

- Purchasing commercial fishing vessels and permits;
- Providing groundfish ACE to sectors and sector members who meet certain criteria;
- Contributing additional days-at-sea to fishing vessels in both the common pool (for cooperative research) and sectors (for monkfish and skates); and

- Enabling owners of fishing vessels with limited or no groundfish fishing history to obtain additional fishing days or allocation.

These permit banks are supported by \$5 million in grant funding and will be the first NOAA-funded, state-operated permit banks in the region.

Contact the representative from your state as noted below for information on selling your vessel or permit to a permit bank, acquiring ACE from a permit bank, or, in Massachusetts, receiving loan assistance.

State of Maine
Trisha Cheney De Graaf
(207) 624-6554
<trisha.degraaf@maine.gov>

State of New Hampshire
Cheri Patterson
(603) 868-1095
<cheri.patterson@wildlife.nh.gov>

State of Rhode Island
Mark Gibson
(401) 423-1935
<mark.gibson@dem.ri.gov>

Commonwealth of Massachusetts
Melanie Griffin
(617) 626-1528
<melanie.griffin@state.ma.us>



The NOAA FISHERIES NAVIGATOR

