

VII. LIST OF AGENCIES AND PERSON CONSULTED IN DEVELOPING THE PROPOSED ACTION

A. Federal Agencies

U.S. Environmental Protection Agency (Regions I, II, III)
Department of State
U.S. Coast Guard
Department of Interior - Fish and Wildlife Service
U.S. Army Corps of Engineers
Marine Mammal Commission
Mid-Atlantic Fishery Management Council
South Atlantic Fishery Management Council
Atlantic States Marine Fisheries Commission

B. State Agencies

Maine Department of Marine Resources
Maine State Planning Office
New Hampshire Dept. of Fish and Game
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management
Rhode Island Dept. of Environmental Management
Rhode Island Statewide Planning Program
Connecticut Dept. of Environmental Protection
New York Division of Marine and Coastal Resources

C. Individuals

Marshall Alexander
Joseph Brancalone
Tommy Jordan
Ken Macara
Mark Phillips
Howard Nickerson
Lucy Sloan

Barbara Stevenson
Robert Contrino
Ellie Dorsey
Joseph Testaverde
James McCauley
Tom Morse
Frank Grice

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VIII. LIST OF PREPARERS FOR ENVIRONMENTAL ASSESSMENT AND PLAN AMENDMENT

This Amendment to the Northeast Multispecies Fishery Management Plan (FMP) was prepared by a team of fishery managers and scientists with knowledge about the multispecies resource.

Groundfish Committee

**Barry Gibson
Herbert Drake
Philip Coates
Anthony Verga**

**Warren Hader
Arthur Odlin
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Assisting the Committee

Council Staff

**Douglas Marshall
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National Marine Fisheries Service

**John Terrill
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**Gene Martin
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Technical Monitoring Group

**David Pierce, Mass. DMF, Chairman
Frederick Serchuk, NMFS/NEFC
Thomas Hoff, MAFMC Staff
Christopher Kellogg, NEFMC Staff**

**Peter Colosi, NMFS/NERO
John Mason, NY DEM
Ralph Mayo, NMFS/NEFC**

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IX. RESPONSE TO PUBLIC COMMENTS

A. Modifications to the Exempted Fisheries Program

Most comments about the proposed modifications to the exempted fisheries program concerned the proposal to replace the program with an experimental fishery and to permit small-mesh fishing only where permitted by the Regional Director. This proposal was deleted because the National Marine Fisheries Service indicated that it would not be able to administer the program. No substantial negative comments were received on the other aspects of the proposed measure.

B. Gear modifications to reduce bycatch in the northern shrimp fishery

The original measures proposed to reduce the bycatch in the northern shrimp fishery also have been substantially modified in response to public comments. The Council decided not to propose shrimp gear regulations because the results of its recent conservation engineering projects did not have adequate peer review. The public will have adequate opportunity to comment on future shrimp gear modifications when they are proposed.

C. Include silver hake (whiting), red hake (ling) and ocean pout in the multispecies management unit

New Jersey fishermen opposed inclusion whiting in the Multispecies FMP because they opposed 2-1/2" minimum mesh size for whiting. The need for managing whiting and the rationale for the 2-1/2" minimum mesh size is discussed in the measure below.

D. Establish a 2-1/2" minimum codend mesh size in the mixed-species trawl fishery

Comments: New Jersey and some New York fishermen strongly opposed this proposed measure because of it would reduce impact whiting landings in the short-run. A letter received from the Belfast Seafood Coop stated that the change in mesh regulations would require vessel owners to purchase new codends costing about \$600 each and eventually new nets costing about \$3,000 each. It also suggested that an informal quota system was already established and effective in provided needed controls on overfishing for whiting caught by New Jersey vessels, and therefore, it was unnecessary to increase the mesh size.

Response: Where and when small mesh fishing is allowed is important in controlling the small mesh bycatch of regulated groundfish species. To date, the absence of mesh-size controls in small mesh fisheries has allowed both too small a mesh size in the directed fishery for silver hake and a high mortality rate of juvenile fish of large mesh species. Fishermen have informed the Council that very small mesh, ranging from 1-1/2" to 2", which is normally used to catch squid or shrimp, is also used for a variety of other species including red hake and silver hake.

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The Council is proposing the 2-1/2" minimum mesh size, in part, because of the declining condition of silver hake stocks. According to the most recently available scientific information, it appears that both stocks of silver hake were being overfished in 1988. Although fishing mortality rates seem to be declining, particularly for the southern stock, the Stock Assessment Review Committee warned that this trend should be interpreted with caution. It is likely that current (1990) fishing mortality rates are at least as high as they were in 1988. Thus, management actions such as a regulated minimum allowable mesh size are needed to alleviate the overfishing problem.

Vessels fishing primarily for loligo and illex squid would be exempt from the measure. The New England Council, however, believes that it is necessary to restrict the small mesh catch of silver hake and other species included in the multispecies management unit in order reduce juvenile mortality.

The fisheries for northern shrimp and herring are exempt from this measure because they are subject to exempted fisheries restrictions and not directly managed under the Multispecies FMP. The Council, however, is further restricting the bycatch of regulated species on each trip to 1% of herring landings to reduce small mesh mortality of regulated species.

The two-year phase-in period for the 2-1/2" mesh size in the body of the net allows fishermen enough time to use up existing supplies of smaller mesh. The purpose of a uniform mesh size is to make enforcement easier. Mesh selectivity studies have shown that relatively large mesh in the body of nets has little or no impact on the selectivity of trawl nets for most species.

The costs of administering a quota system for only silver hake probably would exceed the benefits. The use of a large mesh size is an effective way to reduce mortality on small fish and saves dockside culling. Fishermen who land high-quality whiting in northern ports claim that they already use a 2-1/2" codend mesh size.

E. Establish the Cultivator Shoals Whiting Fishery on a permanent basis

Comment: Vessels should be allowed to fish for regulated species in the large mesh area with large mesh nets while they are in the Cultivator Shoals whiting fishery:

Response: 1) Fishing mortality rates for stocks of regulated species on Georges Bank, other than whiting, are above levels that allow management objectives to be reached. Additional incentives to land these species are not appropriate. 2) The FMP already has been criticized for allowing too much small mesh fishing in large mesh areas and subsequent small mesh mortality on regulated species. 3) Allowing boats to use both large and small mesh on the the same fishing trip to the large mesh area would increase the burden on enforcement agencies and take resources away from the enforcement of other measures.

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F. Measures to Protect Short-lived Concentrations Small Fish

F1. Southern New England yellowtail flounder

Comment: Closures are inappropriate for yellowtail nursery grounds because concentrations of small fish are almost always mixed with concentrations of larger fish, and the closures therefore prevent fishermen from fishing efficiently. A trip-limit or another type of quota system would be a better alternative.

Response: The proposed measure would enable the Regional Director of the National Marine Fisheries Service to close relatively small areas as concentrations of small fish move, and therefore lessen the impacts caused by large area closures. A trip-limit to protect short-lived concentrations of small fish is impractical because of the administrative and enforcement burden it would cause.

F2. Stellwagen Bank and Jeffreys Ledge

Comment: There should be a quota on landings of scrod (small cod) from Stellwagen Bank rather than the proposed 6" square mesh size.

Response: A quota on landings from only one particular area would be unenforceable because some fishermen would have too great an incentive to land fish from the area of concern and to claim that the fish were caught in other areas. In the late 1970's NMFS found it impossible to enforce separate area quotas on yellowtail flounder for this reason.

G. Restrictions on Small Mesh while Fishing in the Regulated Mesh Area

Comment: Fishermen should be allowed to keep the legs attached to the [large mesh] nets, however, it should be illegal to have the towing wires from the winch attached to nets stowed on deck (Offshore Mariner's Association).

Response: This measure would not place any restrictions on the way nets that meet regulated mesh area requirements (large mesh nets) are carried aboard a vessel.

H. Additional measures for the Southern New England yellowtail flounder closure area

Comment: The 5-1/2" mesh regulation should extend shoreward of the Southern New England Closed Area.

Response: The number of small mesh fisheries, including those for scup, butterfish and loligo squid would make a 5-1/2" mesh regulation impractical shoreward of the closed area at this time.

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