

Because the effects of fishing on benthic habitats are caused primarily by mobile bottom-tending gears (bottom trawls and dredges), much less so by static bottom-tending gear (*e.g.*, pots, bottom longlines and gill nets), and not at all by pelagic gears (*e.g.*, mid-water trawls), the habitat metric analyses performed in this amendment/DEIS would apply equally well to Level 1 and Level 2 closures and nearly as well to Level 3 closures. Analysis of Level 4 closures would have to be tailored to the effects of specific “reduced impact” gears on specific habitat types. Economic and social impact assessments that were performed as part of the Practicability Analysis (Section 5.6), as well as assessments of enforcement feasibility and cumulative impacts were conducted for Level 1 and Level 3 closures in order to better distinguish between the impacts of these two closure levels.

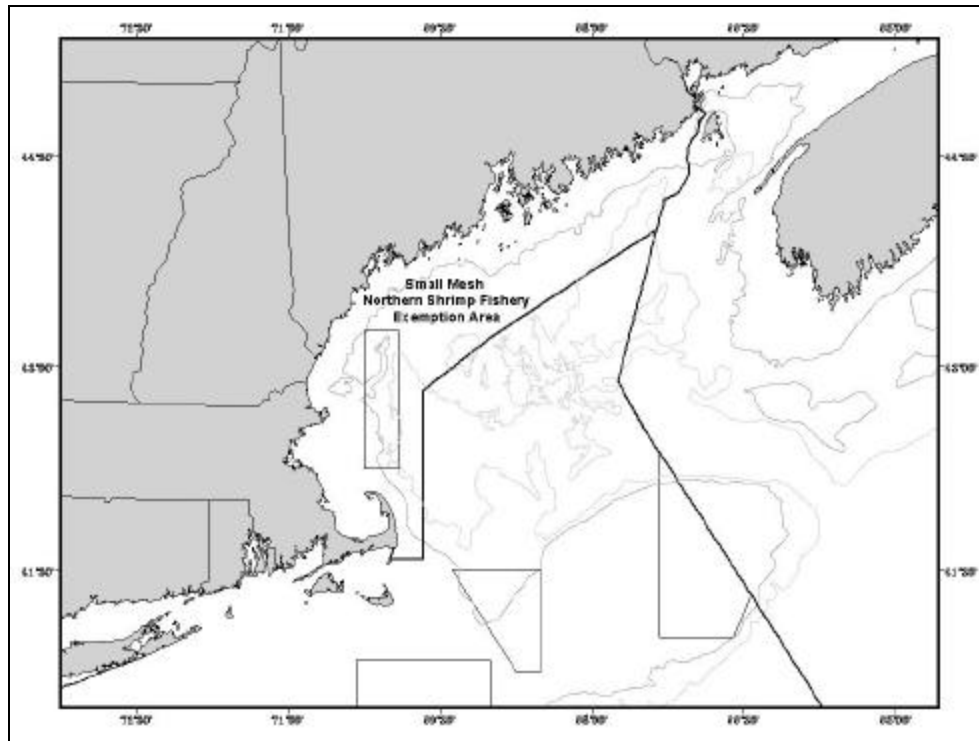
None of the proposed habitat closures in this amendment specify which gear types would be prohibited. The Council will make those determinations when it decides whether an area closure is needed in order to minimize the adverse impacts of groundfish fishing on EFH. In implementing a habitat closed area alternative, the Council could prohibit the use of mobile, bottom-tending gear types while allowing the use of pelagic gears (Level 2) or pelagic and fixed bottom-tending gear (Level 3) based on practicability issues. If future closure alternatives are proposed for reasons other than the minimization of fishing impacts identified in this document (*e.g.* research areas, coral protection, etc.), other closure levels may be appropriate.

### 3.8 Other Issues

#### 3.8.1 Elimination of the Area Restriction for the Northern Shrimp Fishery

The northern shrimp fishery will no longer be restricted to the area shoreward of the small mesh fishery exemption line by the Northeast Multispecies FMP. All other restrictions (for example, the requirement to use a Nordmore grate, restrictions on incidental catch, prohibition on fishing in some year round closed areas, etc.) remain in effect. The small mesh fishery exemption line will be retained in the regulations because it is used for other reasons, but it will no longer apply to the northern shrimp fishery.

Small Mesh Northern Shrimp Fishery Exemption Area		
Point	N. Lat.	W. Long.
SM1	41° 35'	70° 00'
SM2	41° 35'	69° 40'
SM3	42° 49.5'	69° 40'
SM4	43° 12'	69° 00'
SM5	43° 41'	68° 00'
G2	43° 58'	67° 22'; (the U.S.-Canada maritime Boundary).
G1	Northward along the irregular U.S.-Canada maritime boundary to the shoreline.	



**Figure 12 – Northern shrimp fishery exemption area. The proposed action will allow the northern shrimp fishery to take place in all areas.**

**Discussion:** Based on the results of an experimental fishery conducted by the Maine Department of Marine Resources, this option expands the area authorized for the northern shrimp fishery. It provides increased opportunities for shrimp fishermen, while reflecting the results of the experiment that demonstrate that the fishery will not increase the bycatch of regulated groundfish to an unacceptable level. This option removes area restrictions for this fishery that are imposed because of concerns over regulated groundfish bycatch.

### **3.8.2 Tuna Purse Seine Vessel Access to Groundfish Closed Areas**

Tuna purse seine gear is defined as an exempted gear for the purposes of the Northeast Multispecies FMP. Tuna purse seine vessels will be allowed into all groundfish closed areas, subject only to the normal restrictions for using an exempted gear in the area.

- Fishing for, landing or retaining all multispecies (including non-regulated and small mesh multispecies) is prohibited.
- Vessels may not have on board gear capable of catching multispecies.
- Vessels may not fish in the Closed Area II Habitat Area of Particular Concern (HAPC).
- If the Regional Administrator determines that tuna purse seine vessels are adversely affecting habitat or groundfish stocks, individual vessels, or all vessels, may be prohibited from a closed area or areas.

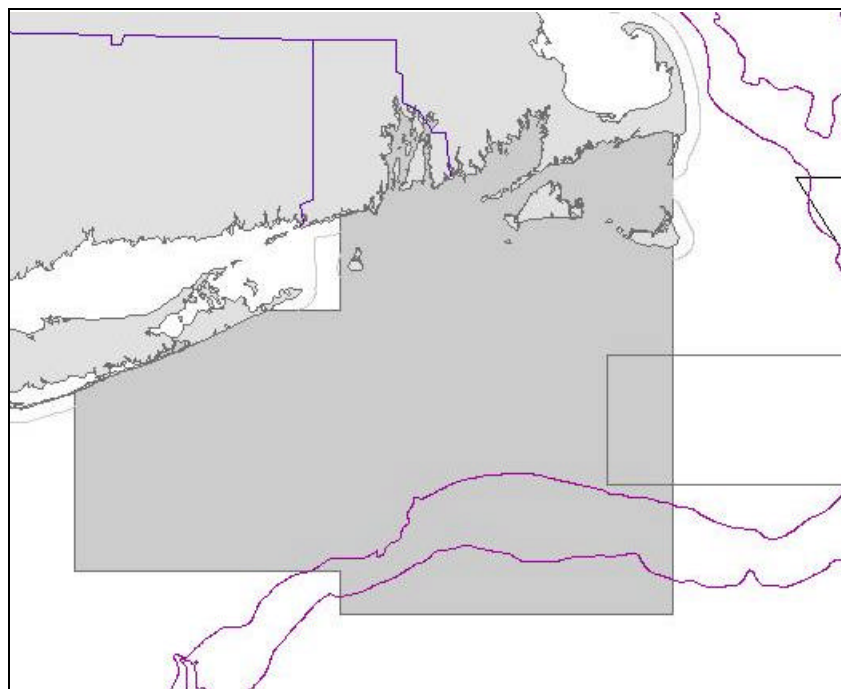
**Rationale:** This action provides the greatest flexibility to tuna purse seine vessels with minimal restrictions. The Council recognizes that part of a purse seine net uses mesh smaller than the current groundfish regulated mesh size and presumably could retain groundfish, creating an apparent conflict with the prohibition of having gear on board capable of catching multispecies. Purse seine gear, however, is defined as exempted gear under the multispecies regulations and therefore this part of the net is not to be construed as a reason for prohibiting the use of purse seine gear in the closed areas.

### 3.8.3 SNE General Category Scallop Vessel Exemption Program

Unless otherwise prohibited in §50 CFR 648.81, vessels with a limited access scallop permit that have declared out of the DAS program as specified in §50 CFR 648.10, or that have used up their DAS allocations, and vessels issued a general scallop permit, may fish in the statistical areas 537, 538, 539, and 613 – defined as the Southern New England General Category Scallop Exemption Area - when not under a NE multispecies DAS, providing the vessel complies with the requirements specified below.

- A vessel fishing in the area (defined above) may not fish for, possess on board, or land any species of fish other than Atlantic sea scallops.
- The combined dredge width in use by or in possession on board vessels fishing in the SNE General Category Scallop Vessel Exemption Area shall not exceed 10.5 ft (3.2 m), measured at the widest point in the bail of the dredge.
- Dredges must use a minimum of an eight-inch twine top to minimize groundfish bycatch.
- The exemption does not apply to the Nantucket Lightship Closed Area unless specifically authorized access through the Groundfish FMP.

Rationale: This proposal removes a groundfish plan restriction that prevented general category scallop vessels from fishing in this area because of concerns over groundfish bycatch. This proposed action does not affect any measures adopted in the Scallop FMP to manage this fishery, with the exception of limiting dredge size and twine tops.



**Figure 13 – Proposed Southern New England General Category Scallop Exemption Area**