

# Northeast (NE) Multispecies Small Mesh Fishery Exemptions



*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.*

## **Exempted Fisheries:**

*Exempted fisheries allow fishing vessels to fish for specific species in certain areas using small mesh gear otherwise prohibited provided the bycatch of regulated species is minimized and certain conditions are met. Under Amendment 13, the incidental catch standard of regulated species (5 percent of the total catch, by weight) used to develop and approve exempted fisheries may be modified by the New England Fishery Management Council (Council) or Regional Administrator, for those groundfish stocks that are not in an overfished condition, or if overfishing is not occurring, provided that the modification would not cause a delay in a rebuilding program, would not result in overfishing of a stock, and would not result in a stock becoming overfished. Additional factors may also be considered. The incidental catch standard may be modified either through a Council action (framework adjustment) that would change the standard for all exempted fisheries, or on a case-by-case basis for specific exempted fisheries. For directions on how to request an exempted fishery, see page 7.*

## **Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area:**

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.

**Northern Shrimp Fishery within Gulf of Maine/Georges Bank Southern/Southern New England/Mid Atlantic (GOM/GB/SNE/MA) Regulated Mesh Areas:** Northern Shrimp vessels may fish in the Regulated Mesh Area provided they comply with requirements and conditions below.

### **Northern Shrimp Fishery Requirements and Conditions :**

- a) Vessels must have a properly configured and installed finfish excluder device in any net with mesh smaller than the minimum specified size. The finfish excluder device must be configured and installed consistent with the proper specifications.
- b) Vessels may only fish under this exemption during the northern shrimp season, as established by the Atlantic States Marine Fisheries Commission (ASMFC).
- c) 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; and 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 silver hake and lobsters, vessels are required to obtain a Federal permit and **adhere to any applicable regulations.**

**GOM Scallop Dredge Fishery Exemption Area:** Scallop dredge vessels may fish in the area defined by the following coordinates provided they comply with requirements and conditions below.

**Scallop Dredge Exemption Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
41/35'	70/00'
41/35'	69/40'
42/49.5'	69/40'
43/12'	69/00'
43/41'	68/00'
43/58'	67/22'
(1)	(1)

(1) Northward along irregular U.S.- Canada maritime boundary to the shoreline

GOM Scallop Dredge Requirements and Conditions :

- a) Must have declared out of the days-at-sea (DAS) program or have used up their DAS allocation, and vessels issued a General Category scallop permit must not be fishing under a multispecies DAS.
- b) Scallop dredge must not exceed 10.5 feet in width, or in combined width if two dredges are used.
- c) Exemption does not apply to the Cashes Ledge Closure Area or the Western GOM Closure Area.
- d) No species other than Atlantic sea scallops may be retained when fishing in this exempted fishery.

**GOM Grate Raised Footrope Trawl Whiting Fishery Exemption Area:** Whiting vessels may fish in the area defined by the following coordinates provided they comply with requirements and conditions below.

**GOM Grate Raised Footrope Trawl Exemption Area (July 1- November 30)**

<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'

GOM Grate Raised Footrope Exemption Requirements and Conditions:

- a) Vessels must comply with a minimum mesh size of 3 inches 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.
- b) Vessels fishing in the GOM Grate Raised Footrope Trawl Exemption Area Fishery may possess up to 7,500 pounds of whiting and offshore hake combined.
- c) In addition to whiting, the following species may be retained, with the restrictions noted, as allowable bycatch species in the GOM Grate Raised Footrope Trawl Exemption Area: herring; alewife, squid, butterfish, Atlantic mackerel, and red hake.
- d) Trawl vessels are required to use a grate in their trawl gear when fishing in GOM Grate Raised Footrope Trawl. Vessels are considered to be fishing with a raised footrope if their trawl gear is designed according to the specifications outlined on page 7 of this Information Sheet.

**Cultivator Shoal Whiting (silver hake) Fishery Exemption Area:** Whiting vessels may fish in the area defined by the following coordinates provided they comply with requirements and conditions below.

**Cultivator Shoal Whiting Fishery Exemption Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
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'

Cultivator Shoal Whiting Requirements and Conditions:

- a) Vessels fishing in this fishery must have on board an authorizing letter issued by the Regional Administrator. To obtain an authorization, call (978) 281-9278.
- b) Participating vessels must be issued either a valid limited access Northeast multispecies permit (Categories A through G) or an open access non-regulated multispecies permit (Category K).
- c) Vessels must comply with a minimum mesh size of 3 inches 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.
- d) Authorized vessels may fish under this exemption during the season of June 15 through October 31, unless otherwise specified by publication of a notification in the Federal Register.
- e) When transiting through the GOM/GB Regulated Mesh Area, nets of mesh size smaller than the regulated mesh size must be stowed properly.
- f) Vessels enrolled in the Cultivator Shoal Whiting Exemption Area Fishery may possess up to 30,000 pounds of whiting and offshore hake combined.
- g) In addition to whiting, the following species may be retained, with the restrictions noted, as allowable bycatch species in the Cultivator Shoal Whiting Fishery Exemption Area: herring; longhorn sculpin; squid, butterfish and Atlantic mackerel; red hake; dogfish; 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; and 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 some of the species listed above, vessels may be required to obtain Federal permits and **adhere to any applicable regulation**. For information on which species require Federal permits, please call the Fisheries Information line at (978) 281-9278.

**Small Mesh Area 1/Small Mesh Area 2 Exemption Areas:** Small mesh vessels may fish in the area defined by the following coordinates provided they comply with requirements and conditions below.

**Small Mesh Area 1**

<u>N. Latitude</u>	<u>W. Longitude</u>
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'
43°03'	70°27'

**Small Mesh Area 2**

<u>N. Latitude</u>	<u>W. Longitude</u>
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 1\*/Small Mesh Area 2 Requirements and Conditions:**

- a) For Small Mesh Area I, the fishing season is July 15 through November 15. For Small Mesh Area 2, the fishing season is January 1 through June 30.

\* Vessels are reminded that portions of Small Mesh Area I 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.

- b) Vessels may fish for, possess on board, or land the following species of fish: Butterfish, dogfish, herring, mackerel, scup, squid, silver hake (whiting), offshore hake and red hake.

**Note:** Unless fishing exclusively in state waters, to land and possess some of the species listed above, vessels may be required to obtain Federal permits and **adhere to any applicable regulations**. For information on which species require Federal permits, please call the Fisheries Information line at (978) 281-9278.

- c) Trawl vessels are required to use either a raised footrope or an excluder device in their trawl gear when fishing in Small Mesh Areas I and II, 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 7 of this Information Sheet.

**Nantucket Shoals Dogfish Fishery Exemption Area:** Dogfish vessels may fish in the area defined by the following coordinates provided they comply with requirements and conditions below.

**Nantucket Shoals Dogfish Exemption Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
41°45'	70°00'
41°45'	69°20'
41°30'	69°20'
41°30'	69°23'
41°26.5'	69°20'
40°50'	69°20'
40°50'	70°00'
41°45'	70°00'

**Nantucket Shoals Dogfish Fishery Exemption Area Requirements and Conditions:**

- a) Vessels fishing in this fishery must have on board an authorizing letter issued by the Regional Administrator. To obtain an authorization, call (978) 281-9278.
- b) Authorized vessels may fish under this exemption during the season of June 1 through October 15.
- c) When transiting the GOM/GB Regulated Mesh Area, nets of mesh size smaller than the regulated mesh size must be stowed properly.
- d) In addition to dogfish, the following species may be retained, with the restrictions noted, as allowable bycatch species in the Nantucket Shoals Dogfish Fishery Exemption Area: Longhorn sculpin, up to two standard totes of silver hake (whiting); 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; and 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 some of the species listed above, vessels may be required to obtain Federal permits and **adhere to any applicable regulation**. For information on which species required Federal permits, please call the Fisheries Information line at (978) 281-9278.

- e) Authorized vessels must comply with any additional gear restrictions specified in the authorization letter issued by the Regional Administrator.

**Raised Footrope Trawl Exempted Whiting Fishery Area:** Whiting vessels may fish in the area defined by the following coordinates provided they comply with requirements and conditions below.

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

<u>N. Latitude</u>	<u>W. Longitude</u>
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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 (November 21 through December 31)**

<u>N. Latitude</u>	<u>W. Longitude</u>
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'

Raised Footrope Trawl Exempted Whiting Fishery Area Requirements and Conditions:

- a) Participating vessels must be issued either a valid limited access Northeast multispecies permit (Categories A through G) or an open access non-regulated multispecies permit (Category K).
- b) 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.
- c) Participating vessels must use a raised footrope trawl. A description of the raised footrope trawl can be found on page 7 of this Information Sheet.
- d) Vessels participating in this Raised Footrope Trawl Exempted Whiting Fishery are subject to a minimum mesh size of 2.5 inches square or diamond mesh. However, if a vessel is fishing in both the Raised Footrope Trawl Whiting Fishery and the Cultivator Shoal Whiting Fishery, vessels must abide by the more restrictive minimum mesh size (3 inches).

**Note:** For a vessel less than or equal to 60 feet in length overall, the minimum mesh size to retain small mesh multispecies (i.e., 3 inches) must be applied to a minimum of the first 50 meshes (100 bars in the case of square mesh) from the terminus of the net. For a vessel greater than 60 feet in length overall, the minimum mesh size to retain small mesh multispecies (i.e., 3 inches) must be applied to a minimum of the first 100 meshes (200 bars in the case of square mesh) from the terminus of the net.

- e) The use of liners, codend covers, and/or outside net strengtheners is prohibited when participating in the Raised Footrope Trawl Exempted Whiting Fishery.
- f) Participating vessels may possess, retain and land whiting and offshore hake subject to possession restrictions based on mesh size used. Participating vessels may also possess, retain and land red hake, butterfish, dogfish, herring, mackerel, scup, and squid provided the vessel has been issued necessary

Federal permits for such species. In addition, participating vessels may only possess up to the allowed possession limit for any allowed species, and must comply with all other existing rules and regulations. Vessels are prohibited to possess or land species of fish that are not included above are prohibited from being possessed or landed.

**Note:** Unless fishing exclusively in state waters, to land and possess some of the species listed above, vessels may be required to obtain Federal permits and **adhere to any applicable regulations**. For information on which species require Federal permits, please call the Fisheries Information line at (978) 281-9278.

**Mid-Water Trawl & Purse Seine Exemption:** Vessels using purse seine gear in the GOM/GB Regulated Mesh Area may use mesh smaller than regulated mesh size provided that the vessel:

- a) Uses purse seine gear exclusively;
- b) The vessel fishes for, possesses, or lands only Atlantic herring, blueback herring, mackerel, or menhaden;
- c) The vessel has on board a purse seine gear authorization letter issued by the Regional Administrator. To obtain an authorization, call (978) 281-9278.

Vessels using mid-water trawl gear in the GOM/GB regulated mesh area may use mesh smaller than regulated mesh size provided that the vessel:

- a) Uses mid-water trawl gear exclusively;
- b) The vessel fishes for, possesses, or lands only Atlantic herring, blueback herring, or mackerel in areas north of 42°20' N. latitude and Atlantic herring, blueback herring, mackerel, or squid in all other areas south of 42°20' N. latitude; and
- c) The vessel is issued a mid-water trawl gear authorization letter issued by the Regional Administrator. To obtain an authorization, call (978) 281-9278.

In addition, vessels using mid-water trawl gear may engage in mid-water trawling for herring and mackerel in the multispecies closed areas provided that they comply with the conditions and requirements described above.

**Southern New England (SNE) Exemption Area:** Vessels may fish in the following SNE exempted fisheries in the area specified provided they comply with requirements and conditions listed for each fishery.

The following fisheries have been determined to be consistent with the exemption criteria: Vessels may fish with, use, or possess nets of mesh smaller than the minimum size specified in the SNE or GB Regulated Mesh Areas and when fishing in SNE Exemption Area for the following exempted species: Butterfish, dogfish (trawl), herring, mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake, offshore hake, and weakfish. Or SNE bycatch species: Conger eels, searobins, black sea bass, red hake, 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; and skate and skate parts— up to 10 percent, by weight, of all other species on board.

**SNE Mussel & Sea Urchin Dredge Exemption:** A vessel may fish year-round for mussels and sea urchins in the SNE Regulated Mesh Area and Nantucket Shoals Dogfish Fishery Exemption Area (defined on page 4), provided the vessel does not possess any dredge gear on board greater than 8 feet in width, and does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins.

**SNE Little Tunny Gillnet Exemption:** Little tunny gillnet vessels may fish in the SNE Exemption Area provided they comply with the requirements and conditions below.

#### **SNE Little Tunny Gillnet Exemption Area**

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-northeast 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.

**SNE Little Tunny Gillnet Exempted Fishery Requirements and Conditions:**

- a) From September 1 through October 31, an exempted fishery for little tunny may be conducted by vessels using gillnet gear only.
- b) Vessels fishing under this exemption are required to obtain and have on board a little tunny Letter of Authorization issued by the Regional Administrator. To obtain an authorization, please call (978) 281-9278.
- c) Vessels fishing under this exemption are restricted to a minimum mesh size of 5.5 inches diamond mesh throughout the net.
- d) Vessels fishing under this exemption may not fish for, harvest, possess, or land any species of fish other than little tunny and the current small mesh exempted and bycatch species listed above in #1 of the SNE Regulated Mesh Area section

**SNE Scallop Dredge Exemption:** Scallop dredge vessels may fish in the SNE Exemption Area provided they comply with the requirements and conditions below.

Unless prohibited under the scallop regulations, vessels with a limited access scallop permit that have declared out of the scallop DAS program, or that have used up their scallop DAS allocations, and vessels issued a General Category scallop permit, are allowed to fish in statistical areas 537, 538, 539, and 613, when not fishing under a groundfish DAS, with the following restrictions:

- a) A vessel meeting the above requirements and fishing in the SNE Scallop Dredge Exemption Area may not fish for, possess on board, or land any species of fish, other than Atlantic sea scallops.
- b) The combined dredge width used by such vessels may not exceed 10.5 ft (3.2 m), measured at the widest point in the bail of the dredge. Dredges are required to have at least an 8-inch (20.3-cm) twine top, to minimize bycatch of groundfish.
- c) This exemption does not provide access to the Nantucket Lightship Closed Area.

**Mid-Atlantic (MA) Exemption Area:**

Vessels fishing in the MA Exemption Area are exempt from the 5 percent bycatch criteria specifications and may, therefore, fish in a fishery outside of a DAS, provided that the vessel does not possess or land regulated multispecies finfish.

**Raised Footrope Trawl Gear Specifications:**

Vessels fishing in the Raised Footrope Trawl Exempted Whiting Fishery or in Small Mesh Area 1 or Small Mesh Area 2 must configure the trawl gear in such a way that, when towed, the gear 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 eight 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 (see below).

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 a chain sweep 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 makes 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.

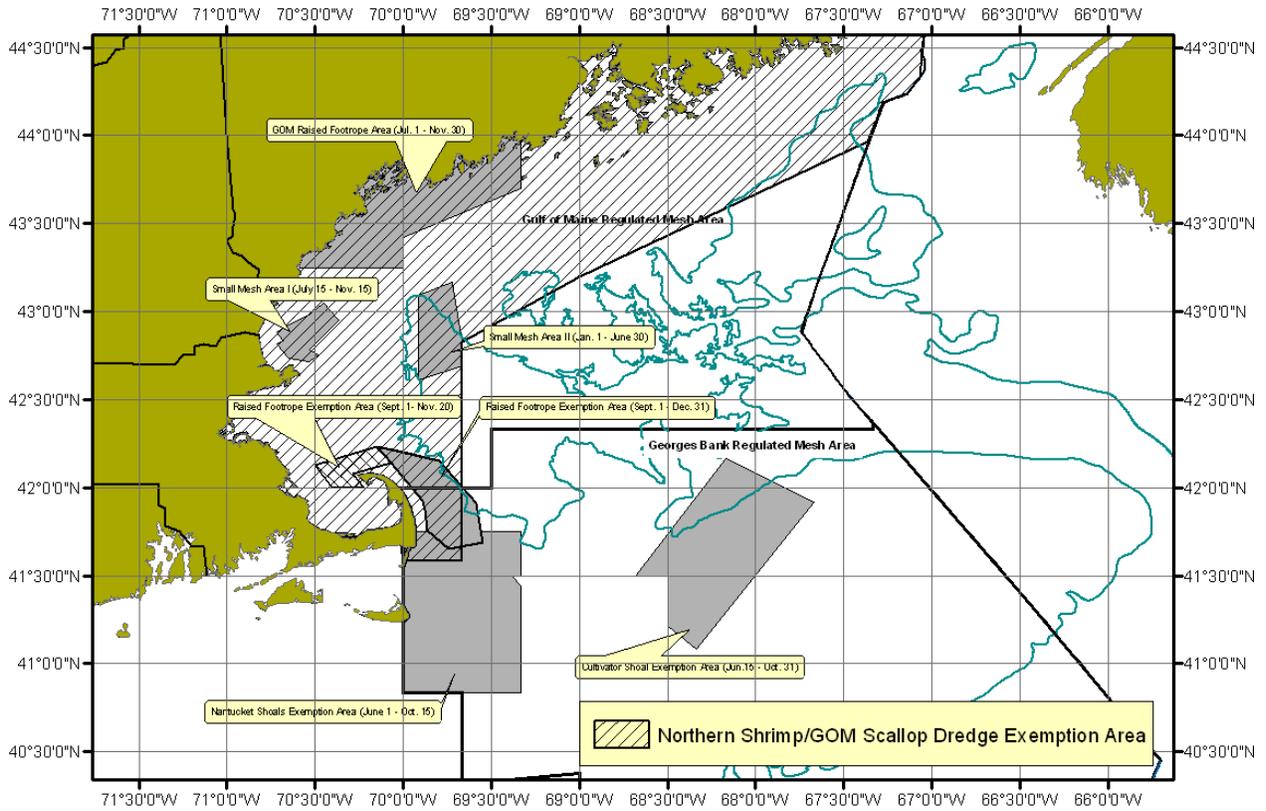
The ends of the sweep must be attached to the drop chains at the end of the footrope.

#### How to Request Fishery Exemptions

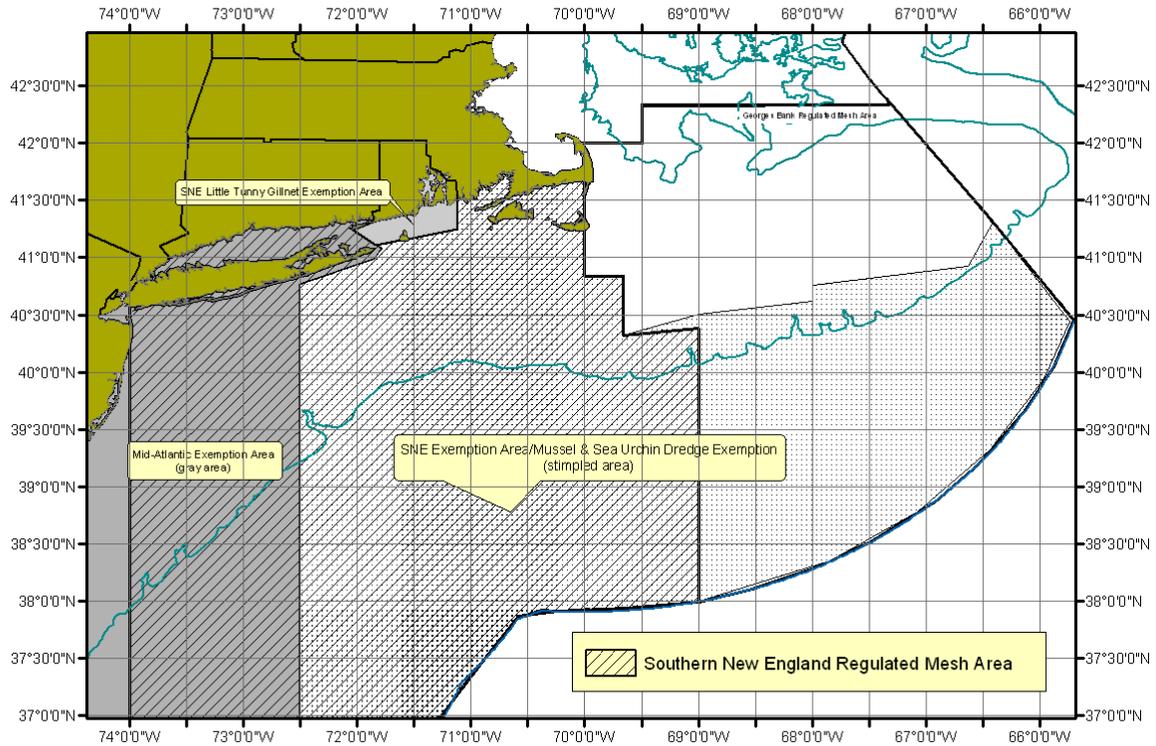
An exempted fishery may be added, deleted or modified pursuant to the procedure described below:

1. Applicants must submit a written request to the Regional Administrator, NOAA Fisheries, One Blackburn Drive, Gloucester, MA 01930-2298. The request should describe the area in which the fishery would operate, the period in which it would operate, the gear it would use, the approximate number of vessels likely to participate, and the species it would target, retain and land.
2. Those proposing that a fishery should be exempt should describe the fishery and present all information possible that helps determine that the fishery meets the bycatch standard. The Regional Administrator will investigate NOAA Fisheries data sources, but proposals for exemptions should be complete and clear to facilitate the process. State agencies and universities, for example, may have additional data available and proposers may contact them for assistance.
3. When a request for an exempted fishery is submitted, the request and any accompanying data are reviewed by the Regional Administrator to determine whether such a fishery would meet the exemption qualifying criteria, which are described in the first paragraph of this information sheet. The Regional Administrator will also consult with the New England Fishery Management Council on any exemption requested. This process may take several months to complete.

## GOM/GB Regulated Mesh Areas Small Mesh Exemption Areas



### Southern New England Regulated Mesh Area Small Mesh Exemption Areas



This is a simplified summary of the measures in effect under the NE Multispecies Fishery Management Plan. You should also get a copy of the official rules as published in the Federal Register.