

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 940232-4032; I.D. 031594E]

Northeast Multispecies Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of Flexible Area Action System.

SUMMARY: NMFS issues this notification to inform the public and the fishing industry that the New England Fishery Management Council (Council) is considering Flexible Area Action System #8 (FAAS) implementing regulations for the Northeast Multispecies Fishery Management Plan (FMP). The purpose of the action would be to address the discard problems associated with a substantial concentration of spawning and sub-legal sized haddock. This action is initiated in part based on the data and information generated in support of FAAS #7, which was not implemented by NMFS due, in part, to insufficient supporting data. The area affected is located offshore of Cape Cod, MA and is in and around the area known as Closed Area I.

DATES: Comments on this proposed action must be received by April 7, 1994. The Council's Multispecies Committee (Committee) will hold a public hearing on April 7, 1994, at 1:30 p.m., at the King's Grant Inn, Danvers, MA.

ADDRESSES: Copies of the NMFS Northeast Regional Director's fact-finding report and the Council's impact analysis will be available on April 1, 1994, upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01960; telephone 617/231-0422.

Send comments on the proposed action, the fact-finding report, and the Council's impact analysis to Richard B. Roe, Regional Director, NMFS, One Blackburn Drive, Gloucester, MA 01930.

The Committee will hold a public hearing on April 7, 1994, at 1:30 p.m. at the King's Grant Inn, Danvers, MA, in conjunction with a meeting of the Committee, to solicit comments on the proposed action.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, telephone 508-281-9272.

SUPPLEMENTARY INFORMATION: This action is taken under 50 CFR 651.26 of the regulation implementing the Northeast Multispecies Fishery Management Plan. Section 651.26 specifies a FAAS whereby protection can be provided to concentrations of juvenile, sub-legal or spawning fish. As part of this process, the Director, Northeast Region, NMFS (Regional Director), will initiate a fact-finding investigation of the alleged problem. The Council will also provide an impact analysis of alternative measures that might be implemented under this action.

The problem that may require measures to be taken under the FAAS is the possible discarding of large quantities of haddock, including spawning females. This situation may present an impediment to haddock spawning success, result in significant waste of haddock, and would be detrimental to the Council's haddock stock-rebuilding efforts. Fishermen are required to discard haddock due to either the implementation of emergency rules to protect haddock, which include a 500-pound (226.8 kg) haddock possession limit, or the setting of a 19-inch (14.26 cm) minimum legal size for haddock.

The Council was alerted to this possible discard problem in early February, 1994 and initiated FAAS #7. The Regional Director conducted a fact-finding mission. The Committee formulated a recommendation to close an area on the basis of the fact-finding report, an additional sea-sampling report, and information presented at a public hearing. The Regional Director did not implement the Committee's recommendation to close the area because the information available was inconclusive, particularly with respect to the large area under consideration.

The Council learned from a sea-sampling report in conjunction with FAAS #7 that 95 percent by weight of the haddock caught on that trip was discarded. On that trip, a sampling of discarded fish indicated that 80 percent of the discarded haddock was sub-legal size. The Council has requested the Regional Director to gather additional information under FASS #8 to determine whether a problem exists that requires management action.

Potential Area Affected

(1) The potential area of the proposed action that could be affected includes the area in and around the area known as Closed Area 1, defined at 50 CFR 651.21(a)(2) and encompassed by lines connecting the following points: (a) 40°53' N. Latitude, 68°53' W. Longitude;

(b) 41°35' N. Latitude, 68°30' W. Longitude; (c) 41°50' N. Latitude, 68°45' W. Longitude; (d) 41°50' N. Latitude, 69°00' W. Longitude; (e) 41°30' N. Latitude, 69°00' W. Longitude; (f) 41°30' N. Latitude, 69°23' W. Longitude, and (a) 40°53' N. Latitude, 68°53' W. Longitude. Also included is the area defined by the Committee's recommendation in connection with FAAS #7 bounded by lines connecting the following coordinates: (a) 41°30' N. Latitude, 69°23' W. Longitude; (b) 40°45' N. Latitude, 68°45' W. Longitude; (c) 40°45' N. Latitude, 68°30' W. Longitude; (d) 41°30' N. Latitude, 68°30' W. Longitude; (a) 41°30' N. Latitude, 69°23' W. Longitude;

(2) The species that could be affected by any action would be haddock and Atlantic cod, primarily, and any other species for which fisheries are forced to move to other areas for the period of a closure.

(3) The types of gear that could be affected by this action are all types of gear capable of catching groundfish, including, but not limited to, otter trawls, sink gillnets, hook gear, scallop dredge gear, traps, and any other gear types directed at haddock or that catch haddock in the area defined as a result of the fact-finding.

(4) The fisheries that would be impacted are the commercial and recreational groundfish and scallop fisheries that operate in the area of the proposed action and use the gear types listed above.

(5) The principal ports that would be affected are Portland, ME; Gloucester, MA; Boston, MA; New Bedford/Fairhaven, MA; and Galilee, RI. Some smaller ports near these larger ports could also be impacted.

(6) The expected duration of the action is between 3 weeks and 6 months. If implemented as early as April 12, 1994, the action could last until October 9, 1994.

(7) The Committee expects to recommend that those areas that are determined to have significant concentrations of spawning haddock be closed to fishing with the types of gear described in (3) above.

Other actions which might be considered are implementation of any measures currently listed in the FMP and its implementing regulations, such as a minimum mesh size, etc.

(8) The Council will begin analyzing the potential impacts from possible action upon publication of this notice.

(9) The Council's impact analysis will be available on April 1, 1994.

This meeting is accessible to people with physical disabilities. Requests for sign language interpretation or other

