

Exempted Fishing Permit Request

Title: Life History Data Collection of Blueline Tilefish in North Carolina (North of Cape Hatteras)

Date of Application: May 27, 2011

Applicant:

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Requested Start Date: July 1, 2011

The EFP will end one year after the actual beginning date of the approved permit, if not ended earlier for any of the reasons described below. This permit is renewable contingent upon approval of NMFS.

EFP Expiration:

The EFP will expire when one of the following criteria is met

- 100 trips are taken
- 350,000 pounds of blueline tilefish are caught
- 50 fish total of speckled hind or warsaw grouper are caught in any combination
- 30 of any one of the following species are caught - queen snapper, silk snapper, yellowedge grouper or misty grouper
- One year from the start date of the EFP
- The SAFMC puts into place actions that will permanently open the fishery

Area Covered by this EFP request:

This EFP is requested to cover the area off of the state of North Carolina from a depth of 40 fathoms seaward to the end of the EEZ between Cape Hatteras (35° 15.03' N. Latitude) north to the North Carolina/Virginia state line (36° 33.02' N. Latitude).

Purpose:

The purpose of this EFP is to provide basic life history information for blueline tilefish. The second purpose of this permit request is to determine bycatch of the fishery, with particular emphasis on the presence or absence of speckled hind or warsaw grouper.

The primary concern of this EFP is to establish the absence of speckled hind and warsaw grouper in the blueline tilefish fishery. Once the 100 trips being proposed are completed and assuming there are no interactions with either species, we will consider the goals of the EFP to be met.

Goals:

- Collect data to determine age, length, weight, sex of species caught off North Carolina in the blueline tilefish fishery north of Cape Hatteras (35° 15.03' N. Latitude).
- Describe how the blueline tilefish fishery north of Cape Hatteras is prosecuted.
- Determine bycatch for the fishery.

Background:

The SAFMC received a presentation at their March 2011 meeting that indicates that closing bottom fishing from a depth of 40 fathoms seaward to the end of the EEZ from North of Cape Hatteras will not provide protection for speckled hind and warsaw grouper as was originally thought. State trip tickets, federal log books, and anecdotal information from fishermen indicate this is the case. However, current fishery regulations make having a conclusive answer regarding the presence/absence of these fish in the blueline tilefish fishery difficult.

The Council is currently developing Snapper Grouper Regulatory Amendment 11 to address these closures for the long term, however it will not be approved until prior to the beginning of the 2012 fishing year. This EFP seeks to allow the fishery to be prosecuted north of Cape Hatteras on a limited basis and to provide scientific data that will be helpful for future SEDAR assessments.

A SEDAR assessment for blueline tilefish is scheduled to begin in 2013. Currently, there is a dearth of data to support basic analysis for this assessment. We request this EFP to be in effect for one year or until the South Atlantic Fishery Management Council puts into place actions that would permanently open the fishery.

The State of North Carolina is proposing that 20% of all trips be covered with an observer on board. The reason 20% was selected was because this is the highest percentage that is consistent for observed trips in other fisheries required for the protection of endangered species. Neither speckled hind nor warsaw grouper have threatened, let alone endangered species status. The NMFS approved North Carolina Sea Turtle Conservation Measures Agreement for the Atlantic Ocean gill net fishery for monkfish has a 20% observer coverage agreement. The Division of Marine Fisheries and the fishermen involved in the fishery would agree to a higher level of observer coverage if NMFS would provide the necessary additional funds to achieve greater coverage. Unless these funds are forthcoming, it is unreasonable to expect the fishermen or the state to provide that level of coverage when it is not required for other small ocean fisheries in the same area.

Methods:

Participants – A maximum of 11 vessels will be allowed to participate. To be eligible, a vessel had to land more than 500 pounds of blueline tilefish from north of Cape Hatteras as verified by the North Carolina trip ticket program in 2009. Should an eligible vessel owner wish to participate, he would be required to register his intent to participate with the NC Division of Marine Fisheries. The list of 11 vessel IDs will be provided to NMFS prior to the execution of this EFP so that the vessels can be vetted through NMFS Law Enforcement for violations. The information to be provided to NMFS LE will include vessel numbers, owners and operators including phone numbers and address. Vessel owners will be required to provide a copy of their US Coast Guard documentation. Any vessel that receives a violation, whether or not they are fishing under this EFP, or is caught cheating on quotas, will no longer be allowed to fish under this EFP. Fishermen will be required to possess a valid Federal Commercial Snapper-Grouper permit.

Observers – A target of 20% of all trips will be observed by an observer whose qualifications are vetted by NC DMF. A refusal to take an observer on any trip will disqualify a fisherman from fishing in the future under this EFP.

Trips – This EFP will cover a maximum of 100 trips total to be taken. It is anticipated these trips will take place during the months of July through December 2011. There is no limit to the maximum number of trips taken by a single vessel; however, estimated trips taken are based on one 3 day trip per week per vessel for approximately 10 weeks participation in the fishery. Once 100 trips have been completed, the EFP will expire. No individual trip will last longer than 72 hours from the time the vessel leaves the dock until it is tied up back at the dock. Currently, NC DMF has the ability to fund observers for half of the potential 100 trips. Additional funding will continue be sought to allow additional trips up to the maximum of 100 trips. However, safeguards will be in place to insure that there will be 20% observer coverage regardless the trips taken. Before any trip is taken, fishermen will be required to hail out with 24 hours notice prior to the beginning of the trip by contacting NC DMF who will contact law enforcement. At the time of notifying NC DMF of the intent to make a trip, the following information will be provided: the approximate times and places fishing will take place, and the type, size, and amount of gear to be used.

Trip Requirements – All fish brought aboard permitted vessels from all trips will be brought to shore. No discards are allowed. Sampling of the catch will made for all observed trips. If a trip is unobserved, sampling may still be made of the catch. Once sampling has occurred, all fish that are legal to sell can be sold and will be reported on a trip ticket. Specifically, all speckled hind and warsaw grouper landed on any trip will be turned over for analysis regardless of whether it is an observed trip or not.

Trip Limits – There will be no trip limits for blueline tilefish. However, there will be an annual quota of 350,000 pounds of blueline tilefish while fishing under the EFP. Once 350,000 pounds have been caught, the fishery will close. There will be a 100 pound limit that can be sold of snowy groupers landed from any given trip. If more than 100 pounds of snowy grouper are landed, only 100 pounds may be sold. This is to discourage fishermen from targeting snowy groupers under this EFP. The maximum amount of snowy grouper that can be sold under this EFP will be 10,000 pounds (100 pounds for a maximum of 100 trips). All landings of blueline tilefish and snowy grouper will be subtracted from the commercial ACLs established by the South Atlantic Fishery Management Council.

All regulated species harvested under this EFP and not allowed to be sold, will be offered for scientific study regardless of whether the trip is observed or not. Remaining edible fish that are landed, but not legal for sale or used for scientific study will be turned over to a charitable organization for free distribution to persons in need.

No more than 50 fish in combination of speckled hind or warsaw grouper will be allowed under this EFP. The fish could all be speckled hind or warsaw grouper or any combination thereof. However, as soon as 50 of these fish are caught or projected to be caught, this fishery will close under this EFP.

The other species protected under the Snapper Grouper Amendment 17B deepwater closure will be limited to 30 fish each. This includes yellowedge grouper, misty grouper, queen snapper and silk snapper. As soon as 30 of any of these fish are caught or projected to be caught, this fishery will close under this EFP.

Occasionally, sharks are caught as bycatch in this fishery. If sharks of any species are encountered and they are brought to the vessel alive, they will be released. Only those sharks which are dead when they reach the vessel shall be retained with the rest of the catch.

Anticipated Impacts on Environment:

This fishery occurs primarily on mud bottom in areas deeper than 40 fathoms. Mud bottom areas are not considered EFH. There is little likelihood of encountering endangered species except perhaps while deploying or retrieving gear and a baited hook could be taken by a sea turtle or seabird. However, previous experiences reported by fishermen who participate in the fishery indicate this is highly unlikely to occur. There is minimal likelihood of contact with marine mammals. None of the fish encountered in this fishery, caught either as directed or as bycatch, are threatened or endangered.

Regulatory Exemptions Requested:

This EFP is requesting that permitted vessels be exempted from the following fisheries regulations while fishing under this EFP –

- Closure to bottom fishing from a depth of 40 fathoms seaward to the end of the EEZ off of North Carolina, north of Cape Hatteras (35° 15.0321' N. Latitude)
- Possession and retention of undersized fish
- Possession and retention of prohibited species such as speckled hind, warsaw grouper, yellowedge grouper, misty grouper, queen snapper, and silk snapper
- Possession of greater than 100 lbs. of snowy grouper

Data to be collected on all trips

Trip ticket information – The NC Ticket Program will collect data on all fish landed and sold. These data include

- Date(s) of the trip
- Identification of species
- Gears fished
- Waterbodies fished
- Pounds sold by species

Additional data on a separate trip record (see Appendix 1) include,

For every set:

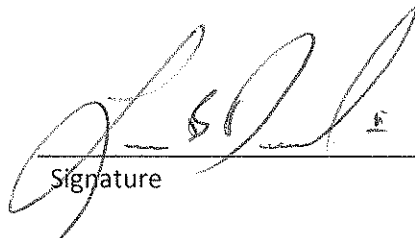
- GPS location of set
- Set time
- Soak time (first hook in, last hook out)
- Number of hooks
- Hook type
- Bait type
- Number of fish by species for each set

The federal port agent for the Outer Banks area has agreed to continue to extract otoliths (through the gills, if necessary) from blueline tilefish, snowy grouper, speckled hind, and warsaw grouper he observes that are brought to the dock. Once otoliths have been extracted, the fish will be returned to the fisherman in a condition appropriate for sale. The otoliths will be available for aging prior to the beginning of the planned stock assessment. In addition to otolith extraction for the species mentioned

above, the following life history data will be collected on fish brought onboard and to the dock of an observed trip:

- Species
- Length
- Weight

Dr. Louis B. Daniel, III
Applicant


Signature

May 27, 2011
Date

