

TABLE 3.—2004 PROPOSED INITIAL TOTAL ALLOWABLE CATCH, COMMERCIAL SCUP QUOTA, AND POSSESSION LIMITS, IN LB (KG)—Continued

| Period                  | Percent | TAC                       | Discards               | Commercial quota          | Commercial quotas less RSA | Possession limits |
|-------------------------|---------|---------------------------|------------------------|---------------------------|----------------------------|-------------------|
| Winter II .....         | 15.94   | 2,319,270<br>(1,052,014)  | 331,522<br>(150,391)   | 1,987,718<br>(901,623)    | 1,967,825<br>(892,600)     | 1,500<br>(680)    |
| Total <sup>2</sup> .... | 100.00  | 14,550,000<br>(6,599,837) | 2,080,000<br>(943,482) | 12,470,000<br>(5,656,355) | 12,345,200<br>(5,599,745)  | .....<br>.....    |

<sup>1</sup> The Winter I landing limit would drop to 1,000 lb (454 kg) upon attainment of 80 percent of the seasonal allocation.

<sup>2</sup> Totals subject to rounding error.

<sup>3</sup> Not applicable.

The Council and Board did not recommend any other changes to the existing commercial minimum mesh size, minimum mesh threshold possession limit, or the commercial minimum fish size. Therefore, these management measures are proposed to remain unchanged.

#### Scup Gear Restricted Areas (GRAs)—Request for Comments

In 2000, the 31st Stock Assessment Review Committee (SARC 31) emphasized the need to reduce scup mortality resulting from discards in the scup fishery and in other fisheries. In response to that recommendation, GRAs were established during the 2000 fishing year (65 FR 33486, May 24, 2000, and 65 FR 81761, Dec. 27, 2000) and modified for the 2001 fishing year (66 FR 12902, March 1, 2001). The GRAs prohibit trawl vessels from fishing for, or possessing, certain non-exempt species (*Loligo* squid, black sea bass, and silver hake (whiting)) when fishing with mesh smaller than that required to fish for scup during the effective periods (January 1 through March 15 for the Southern GRA, and November 1 through December 31 for the Northern GRA).

For 2003, the Council recommended allowing vessels to fish for non-exempt species with small mesh in the GRAs, provided they use specially modified trawl nets, and carry observers, consistent with Atlantic Coastal Cooperative Statistics Program observer standards. Instead, NMFS implemented an alternative program (the GRA Exemption Program), requiring 100-percent observer coverage for all vessels fishing with small mesh for non-exempt species in the GRAs, using the modified gear. This alternative imposed significantly fewer administrative and enforcement complexities, and was intended to provide more data to evaluate the effectiveness of the gear modifications (68 FR 60, January 2, 2003).

Since the final rule for the 2003 fishing year, the Council has reviewed a number of analyses conducted by

Council staff and others and noted that in some years the distribution of *Loligo* squid and scup overlapped, increasing the potential for scup discards. However, they were concerned that *Loligo* squid fishermen would be restricted from areas and during times when *Loligo* squid and scup did not co-occur. As such, the Council recommended a GRA Access Program, patterned after the program used to provide access to sea scallops in the groundfish closed areas in 1999 through 2001, that would allow small mesh fisheries to occur in the GRAs until a pre-determined level of scup discards was reached to trigger a closure to small mesh gear. The triggers for the Northern and Southern GRA would be 50,000 lb (22.68 mt) and 70,000 lb (31.75 mt) of scup discards, respectively. These were chosen by the Council as appropriate levels to indicate that discards had become significant and that the areas should be closed to small mesh fisheries. The Council recommended that the NMFS Northeast Fisheries Science Center determine the level of observer coverage necessary to provide an accurate estimate of scup discards with a high confidence level.

The Council recommended the following requirements of the GRA Access Program:

(1) All qualified vessels that wish to participate in the GRA Exemption Program must enroll in the program and obtain a Letter of Authorization from the Regional Administrator;

(2) All participating vessels must have installed on board an operational vessel monitoring system (VMS) unit;

(3) A vessel planning to fish in the GRAs must submit a report through the VMS e-mail messaging system of its intention to fish in the GRA prior to the 25th of the month before the month in which the anticipated trip(s) are to be taken. The report must include the following information: Vessel name and permit number; owner and operator's names; owner and operator's phone numbers; and number of trips

anticipated in the GRA during the month;

(4) In addition to the above advance notice for accessing the GRA, for the purpose of randomly selecting vessels to carry a NMFS-certified observer, a vessel must notify NMFS of its intention to fish in the GRA at least 5 working days prior to the date it intends to depart on each trip into a GRA. For each of these reports, vessels must submit the following information: Vessel name and permit number; owner and operator's names; owner and operator's phone numbers; date and time of departure; port of departure; and the specific GRA to be fished;

(5) A vessel which does not have a valid Coast Guard Inspection Sticker is deemed inadequate or unsafe for purposes of carrying a NMFS-certified observer and will be prohibited from participating in the Area Access Program until the vessel is inspected by the Coast Guard and receives its inspection sticker;

(6) On the day that the vessel leaves port to fish under the GRA Access Program, the vessel owner or operator must declare the vessel into the GRA Access Program through the VMS prior to leaving port;

(7) The vessel owner will be responsible for paying the cost of the observer; and

(8) The GRA Access Program for each area would end when the discard of scup was projected to be 50,000 lb (22.68 mt) for the Northern GRA and 70,000 lb (31.75 mt) for the Southern GRA. Termination of the GRA Access Program for each area will be made through notification in the **Federal Register**.

The Council recommended that once the triggers are reached and the GRAs are closed to small mesh fishermen, the existing GRA Exemption Program (described at 68 FR 60) resume.

NMFS proposes to implement the Council's recommendations regarding access to the GRAs as described above, with the exception of the resumption of the GRA Exemption program once a