

## Mid-Atlantic Gillnet Fishery

**Fishing gear type:** Gillnet

**Current category:** Category I\*

**Basis for current classification on the LOF:** The 2010 LOF included a superscript “1” following bottlenose dolphin (WNA coastal stock) because the annual mortality and serious injury of that stock in this fishery was greater than 50% of the stock’s Potential Biological Removal (PBR) level. When the stocks of bottlenose dolphins killed/injured in this fishery were updated on the 2011 LOF, the superscript “1” was retained after each of these stocks because NMFS cannot yet differentiate to which stock a killed/injured animal belongs. Until NMFS is able to do so, each stock of bottlenose dolphin is considered to be driving the classification of the fishery.

**Current list of marine mammal species/stocks injured/killed (a <sup>(1)</sup> indicates those stocks driving the fishery’s classification):** Bottlenose dolphin, Northern Migratory coastal <sup>(1)</sup>; Bottlenose dolphin, Southern Migratory coastal <sup>(1)</sup>; Bottlenose dolphin, Northern North Carolina (NC) estuarine system <sup>(1)</sup>; Bottlenose dolphin, Southern NC estuarine system <sup>(1)</sup>; Bottlenose dolphin, WNA offshore; Common dolphin, WNA; Gray seal, WNA; Harbor porpoise, Gulf of Maine/Bay of Fundy; Harbor seal, WNA; Harp seal, WNA; Humpback whale, Gulf of Maine; Long-finned pilot whale, WNA; Minke whale, Canadian East Coast; Short-finned pilot whale, WNA; White-sided dolphin, WNA.

**Estimated number of current participants:** 5,495

**Take Reduction Teams/ Plans that affect this fishery:** Atlantic Large Whale Take Reduction Plan (ALWTRP), 50 CFR 229.32; Bottlenose Dolphin Take Reduction Plan (BDTRP), 50 CFR 229.35; Harbor Porpoise Take Reduction Plan (HPTRP), 50 CFR 229.34.

**Year added to the LOF:** 1996

**Category when originally listed:** Category II

**Basis for original classification on the LOF:** This fishery was categorized as a Category II based on stranding information for bottlenose dolphins, harbor porpoises, and humpback whales. Observer effort from 1993-1995 did not document interactions; however, stranding network data revealed that half of harbor porpoises stranding in the Northeast region showed the presence of net marks. Net marks were also found on stranded bottlenose dolphins and humpback whales. Records suggested the level of humpback whale entanglement was more than 1% of the stock’s PBR, but entanglements could not be definitively linked to this fishery due to the inability to identify from which specific fishery the gear originated.

**Estimated number of participants when originally listed:** >655

**Past names, if any:** “U.S. mid-Atlantic coastal gillnet fishery” until 2003; “Mid-Atlantic coastal gillnet fishery” until 2005.

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**Gear description/method for fishing:** This fishery uses drift and sink gillnets, including nets set in a sink, stab, set, strike, or drift fashion, with some unanchored drift or sink nets used to target specific species. The dominant material is monofilament twine with stretched mesh sizes from 2.5-12 in (6.4-30.5 cm), and string lengths from 150-8,400 ft (46-2,560 m).

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\* The fishery is classified based on mortalities and serious injuries of a marine mammal stock greater than 50% (Category I) of the stock’s Potential Biological Removal (PBR) level.

**Target species:** Includes, but is not limited to, monkfish, spiny dogfish, smooth dogfish, bluefish, weakfish, menhaden, spot, croaker, striped bass, large and small coastal sharks, Spanish mackerel, king mackerel, American shad, black drum, skate spp., yellow perch, white perch, herring, scup, kingfish, spotted seatrout, and butterfish.

**Spatial/temporal distribution of effort:** The fishery uses drift and sink gillnets, including nets set in a sink, stab, set, strike, or drift fashion, with some unanchored drift or sink nets used to target specific species. This fishery operates year-round west of a line drawn at 72° 30' W. long. south to 36° 33.03' N. lat. (VA/NC border) and east to the eastern edge of the EEZ and north of the NC/SC border, not including waters where Category II and Category III inshore gillnet fisheries operate in bays, estuaries, and rivers. This fishery includes any residual large pelagic driftnet effort in the mid-Atlantic, shark and dogfish gillnet effort in the mid-Atlantic, and those North Carolina small and large mesh beach-anchored gillnets formerly placed in the Category II Mid-Atlantic haul/ beach seine fishery in the mid-Atlantic zone described. Fishing effort for the NC component is prosecuted right off the beach (6 ft [1.8 m]) or in nearshore coastal waters to offshore waters (250 ft [76 m]).

**Levels of observer coverage each year<sup>†</sup>:** During the period 1995-2005, the estimated observer coverage (number of trips observed/total commercial trips reported) was 5%, 4%, 3%, 5%, 2%, 2%, 2%, 1%, 1%, 2%, 3%, 4%, and 4%, respectively.

**Management and regulations:** Gear in this fishery is managed by several federal and interstate Fishery Management Plans by the Atlantic States Marine Fisheries Commission, ALWTRP, HPTRP, and BDTRP. Fisheries are primarily managed by total allowable catch limits; individual trip limits (quotas); effort caps (limited number of days at sea per vessel); time and area closures; and gear restrictions and modifications

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**History of Changes on the LOF**

2011 LOF:

- Updated the stock name for bottlenose dolphins killed/injured in this fishery, based on the revised stock structure presented in the final 2008 and 2009 SARs. Replaced bottlenose dolphin (WNA coastal) with the following stocks: bottlenose dolphin (Northern Migratory coastal); bottlenose dolphin (Southern Migratory coastal); bottlenose dolphin (Northern NC estuarine system); bottlenose dolphin (Southern NC estuarine system).
- Retained a superscript "1" after each of these stocks because the 2010 LOF includes a superscript "1" following bottlenose dolphin (WNA coastal) and NMFS cannot yet differentiate to which stock a killed/injured animal belongs. Until NMFS is able to do so, each stock of bottlenose dolphin is considered to be driving the classification of the fishery.
- Estimated number of participants updated from >670 to 5,495. This estimation may be an inflation of actual effort; however, it represents the potential effort for the fishery, given the multiple gear types several state permits may allow for.

2010 LOF:

- Removed superscript "1" after humpback whale (Gulf of Maine) and harbor porpoise (Gulf of Maine/Bay of Fundy). Annual mortality and serious injury of harbor porpoises is 299 (PBR=610), or 49% of the stock's PBR; humpback whales is 0.2 (PBR=1.1), or 18% of PBR. The level of take in this fishery is unknown, but is likely less than 50% of the stock's PBR.
- Updated the fishery description to reflect multiple amendments and changes in state regulations.

2009 LOF: NMFS clarified that small and large mesh nets used in North Carolina and constructed of monofilament and multifilament material are considered part of the Category I "Mid-Atlantic gillnet fishery."

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<sup>†</sup> Observer coverage levels include the latest information reported in the most current final Stock Assessment Report (SAR).

2008 LOF: Added language to this fishery's description to clarify the areas fished and excluded fisheries: "... NC/SC border, but not including waters where gillnet fisheries are listed as Category II and Category III. At this time, these Category II and Category III fisheries include: the Chesapeake Bay inshore gillnet and NC inshore gillnet; DE River inshore gillnet; Long Island Sound inshore gillnet; and RI, southern MA (to Monomy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet."

2007 LOF:

- Removed superscript "1" from bottlenose dolphin (WNA offshore) and minke whale (Canadian East Coast) on the list of species/stocks killed/injured in this fishery. A 2002 tier analysis showed that these stocks are no longer driving the classification of the fishery.
- Expanded target species to include yellow perch, white perch, herring, scup, spot, and skate spp.
- Clarified that gillnets set in a sink, stab, set, strike, or drift fashion are included in this fishery.
- Clarified the defining language for this fishery to be more consistent with management boundaries in the ALWTRP by removing "...west of 72° 30'W. and north of a line extending due east from the NC/SC border..." and including "...west of a line drawn at 72° 30'W. long south to 36° 33.03'N. lat and east to the eastern edge of the EEZ and north of the NC/SC border..."
- Estimated number of participants updated from >655 to >670.

2006 LOF:

- Added a superscript "1" in Table 2 after bottlenose dolphin (WNA coastal), bottlenose dolphin (WNA offshore), harbor porpoise (Gulf of Maine/Bay of Fundy), humpback whale (Gulf of Maine), and minke whale (Canadian East Coast), indicating that these stocks are driving the categorization of the fishery.
- Fin whale (WNA) deleted from the list of species/stocks incidentally killed/injured because NMFS confirmed that no observer documented interactions exist.

2005 LOF:

- Renamed from the "Mid-Atlantic coastal gillnet fishery" to the "Mid-Atlantic gillnet fishery" because this fishery includes all fisheries using any type of gillnet gear in the area, including nearshore and offshore waters (except for inshore gillnet fisheries currently in Category III).
- All Delaware Bay gillnet fisheries from the previously defined Category III "Delaware river inshore gillnet" operating in waters not subject to the ALWTRP are placed in this fishery. In this way, all gillnet effort in Delaware Bay outside of the line between the southern point of Nantuxent Cove, New Jersey, to the southern end of Kelley Island, Port Mahon, Delaware, would be regulated under the ALWTRP (and considered part of the "Mid-Atlantic coastal gillnet fishery"). Moreover, gillnet fisheries operating inland of the 72 COLREGS lines at the entrance of Delaware Bay would become part of the Delaware river inshore gillnet fishery rather than the Mid-Atlantic gillnet fishery which would be exempt from the ALWTRP.
- Added to list of species/stocks killed/injured in this fishery: Fin whale (WNA) based on observer documented interactions, and gray seal (WNA) based on documented interactions reported in the SARs.

2003 LOF:

- Elevated from a Category II to a Category I based on observer documented interactions of bottlenose dolphins. The estimated incidental mortality and serious injury of bottlenose dolphins (WNA coastal) was 233 animals/year, which exceeded the stock's PBR (PBR=171).
- Renamed from the "U.S. mid-Atlantic coastal gillnet fishery" to "Mid-Atlantic coastal gillnet fishery" to be consistent with the naming conventions used for other mid-Atlantic fisheries.
- Changed the name of the humpback whale stock on the list of species incidentally killed/injured from "WNA" to "Gulf of Maine," to match the stock name change in the SAR.

2001 LOF:

- Added to list of species/stocks killed/injured in this fishery: Common dolphin (WNA), harbor seal (WNA), harp seal (WNA), long-finned pilot whale (WNA), short-finned pilot whale (WNA), and white-sided dolphin (WNA) based on observer documented mortalities from 1995-1998, reported in the 2000 SAR.
- NMFS proposed to elevate the fishery to Category I because of interactions with coastal bottlenose dolphins (WNA). The draft 2000 SAR reported that from 1994-1998, the estimated serious injury and

mortality was 45.8 animals/year, which exceeded the stock's PBR (PBR=25). NMFS did not elevate the fishery on the 2001 LOF because of new information regarding the coastal bottlenose dolphin stock that was not available at the time of the proposed LOF. NMFS stated that it would evaluate the categorization once the new stock information had been reviewed through the SAR process.

1998 LOF:

- Stranding and observer data suggested that incidental mortality and serious injury of bottlenose dolphins (stock not specified) justified placement of the fishery into Category I. Necropsies performed on bottlenose dolphins stranded from North Carolina from 1993-1997 reported an average of 17.9 animals/year stranded annually with identifiable evidence of fishing interactions. Net marks were found on an average of 10.5 stranded bottlenose dolphins/year, of which an average of 4 had evidence of monofilament gillnet. The majority of strandings were from the coastal stock of bottlenose dolphins. However, since the take level places this fishery on the border between Category II and I and the interaction levels are based exclusively on stranding data, NMFS determined that recategorization at this time was not appropriate.
- Incidental mortality and serious injury of harbor porpoises was 192 animals/year, or 39.8% of PBR (PBR=483), justifying a Category II categorization.
- NMFS was not able to use the data described above to evaluate the entire fishery, so NMFS solicited comments for general information on gillnet interactions and whether or not to split the fishery into separate components.

1997 LOF:

- Absorbed the "Offshore monkfish bottom gillnet fishery" into this fishery for monkfish targeted in the Southeast. Those targeted in the Northeast are absorbed into the Category I "New England multispecies sink gillnet fishery." The monkfish fishery should not have been listed separately due to the location of fishing effort and the type of gear used.
- Northernmost boundary modified N 30' W. long. to be consistent with the Multispecies FMP and to eliminate boundary overlap with North Atlantic coastal gillnet fisheries.