



Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan Approved

The general category scallop fishery has been an open access fishery since its inception in 1994. Under the Atlantic Sea Scallop Fishery Management Plan (FMP), any vessel can be issued a general category scallop permit and fish for up to 400 pounds of scallops, provided the vessel operates a vessel monitoring system (VMS). As an open access fishery, there were no management limits to prevent the dramatic increase both in active general category permits and landings that occurred over the past 13 years, particularly since 2000. The New England Fishery Management Council (NEFMC) and NOAA Fisheries Service thus initiated Amendment 11 to control capacity and fishing mortality. During Amendment 11 development, the Council made a concerted effort to maintain the character of the general category scallop fishery, which consists mainly of small owner-operated vessels with small crews, typically taking day trips to land high value, fresh scallops.

On June 20, 2007, the Council agreed that the best option for improving management of the general category fishery was to develop a limited access permit program, with an allocation of scallop catch to the general category sector, individual fishing

quotas (IFQ) and other management measures. The Council had entertained the idea of IFQs in the scallop and other fisheries in the past, but IFQ management was not supported until Amendment 11.

In early August, the Council submitted Amendment 11 to NOAA Fisheries Service for review. After coordinating necessary revisions to the document with the Council, on November 30, 2007, NOAA Fisheries Service initiated the formal review of Amendment 11 and requested public comment. After considering public comments on the action, the agency on behalf of the Secretary of Commerce, on February 27, 2008 approved Amendment 11 as adopted by the Council. The Final Rule published on April 14, 2008.

Under Amendment 11 three categories of Limited Access General Category (LAGC) permits will be issued. These include an IFQ scallop permit, a Northern Gulf of Maine (NGOM) scallop permit and an Incidental Catch scallop permit. A vessel qualifies for an IFQ permit if it had a general category scallop permit and landings of 1,000 pounds in any scallop fishing year during the 5-year

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New Jersey Tautog Fishery Remains Open

Just the day before the fishery was scheduled to close, NOAA Fisheries Service acted quickly to respond to information provided by the Atlantic States Marine Fisheries Commission (ASMFC) and withdraw the Declaration of Moratorium on fishing by recreational and commercial fishermen within New Jersey waters. The moratorium was to take effect on April 1, 2008.

The responsibility for managing Atlantic coastal fisheries like tautog rests with the states, which carry out a cooperative program of fishery oversight and management through the ASMFC. It is the responsibility of the federal government to support cooperative interstate management of coastal fishery resources.

NOAA Fisheries Service, on behalf of the Secretary of Commerce, and in cooperation with the Secretary of the Interior

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Saltonstall-Kennedy Grant Program Update

The Saltonstall-Kennedy Grant Program (S-K) is a competitive grant administered by the NOAA Fisheries Service. The grant was initially intended to stimulate and support commercial and recreational fishing industry efforts to develop fisheries in situations where the industry is unable to underwrite these expenses itself. The objective of the grant has evolved to also address the needs of the fishing community in optimizing the economic benefits of building and maintaining sustainable fisheries, and in dealing with the impacts of resource conservation and management measures. NOAA Fisheries Service solicits proposals through a notice published in the Federal Register once during each year when grant funds have been allocated or proposed.

Twenty-eight proposals were received nationwide in response to the fiscal year 2008 solicitation for applications under the S-K Program. Thirteen proposals were recommended for funding with approximately \$2.6 million in federal support. The four proposals recommended for funding in the Northeast Region (see adjacent table) total approximately \$650,000. For more information on the S-K Program, or to see a list of funded projects nationwide, check out the S-K homepage at http://www.nmfs.noaa.gov/mb/financial_services/skhome.htm.



New fish passages to be installed at Bar Mills Dam on Saco River in Maine (credit: Lary Miller, USFWS)

45 Miles of River Habitat to Reopen to Diadromous Fish

Roughly 45 miles of mainstream river habitat in Maine are to be reopened to alewife, blueback herring, American shad, Atlantic salmon and American eel at seven dams on the Saco River.

NOAA Fisheries Service's Habitat Conservation and Protected Resources Divisions and its Office of

General Counsel in the Northeast Region collaborated with federal and state agencies, FPL Energy Maine Hydro (FPLE) and several environmental organizations in settlement discussions.

The Saco River Fisheries Assessment Agreement culminates 13 years of efforts to restore fisheries

that are important to the communities along the river and their economies.

Every 30 to 50 years hydro-power licenses issued by the Federal Energy Regulatory Commission (FERC) must be

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FY 2008 S-K Applications Recommended for Funding (Northeast Region)

Project Title	Recipient	Funding
Time tension line cutter evaluation	University of New Hampshire	\$ 97,744
New grids to reduce small shrimp & finfish bycatch in Gulf of Maine shrimp fishery	University of New Hampshire	\$195,938
Immediate & short-term post-release mortality of species in the NW Atl. skate complex captured by gillnet & otter trawl	New England Aquarium	\$222,618
Disease diagnostics & treatment of hematopoietic neoplasia in soft shell clam, <i>Mya arenaria</i>	University of New Hampshire	\$133,334

River Habitat cont'd from page 2

renewed. This provides a rare opportunity for NOAA Fisheries Service to provide the FERC with resource management conditions as part of the relicensing process to help protect diadromous fish populations.

For the Saco River, NOAA developed a comprehensive plan to implement upstream and downstream fish passage for each species including monitoring, adaptive management and various ecological and biological studies.

Community Commitment

The actual construction of the fish passages is being funded by FPLE which plans to spend \$30 million over the next 20 years as part of a long-range plan to improve stream flow and water quality in the river.

Specifically under the terms

of the Saco River Agreement, FPLE has agreed to install fish passages at its four remaining dams, starting with the Bar Mills Dam in 2016 and ending

with the Hiram Dam in 2005. This part of the project is expected to benefit, anadromous species such as salmon, which are now trapped and trucked upriver. They will be able to swim more than 40 miles upstream to historic spawning

grounds, such as in the Osipee River and other tributaries. Shad, alewife and blueback herring also are expected to return in greater numbers



*Bar Mills Dam
(credit: FPLE)*

as habitat access expands.

In future work, plans are to install separate passage facilities to accommodate juvenile eels, called elvers, which have different migrating behavior than these other species. A catadromous species, elvers swim upriver each spring and remain in ponds and lakes

for up to 30 years until they return to the ocean to spawn as adults.

Project Honored

The Northeast was recognized during the Department of Commerce's Gold Medal Ceremony in Silver Spring, MD, for their activities under this Hydropower Program. The Gold Medal is the Department's highest award.

Bluefin Tuna in the News

Atlantic bluefin tuna, a highly migratory species fished by many nations, has recently been at the forefront of media attention. Much of the coverage of the past few months has focused on how valuable these fish have become, where just a single fish commands upwards of \$170,000 on the Japanese market; or on the health risks associated with eating too much bluefin tuna sushi and sashimi because it contains mercury. A few stories have highlighted new scientific research documenting long-distance travels of tagged fish.

There also has been some coverage of bluefin tuna management. The fishery is managed domestically by NOAA Fisheries Service's Highly Migratory Species Management Division and internationally by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Two stocks are assumed: 1) western Atlantic and 2) eastern Atlantic and Mediterranean.

NOAA Fisheries Service called for a temporary suspension of fishing in the eastern Atlantic and Mediterranean to allow this stock a chance to recover from severe overfishing and allow for adequate monitoring programs to

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*NOAA Gold Medal Award Recipients (left to right): Charles Lynch, David Bean, Pete Colosi, Sean McDermott and Lou Chiarella.
(credit: FPLE)*

Bluefin tuna cont'd from previous page

be established.

From 2002-2006, fishing levels exceeded established quotas by 50 percent, yet in 2007 the quota was nearly double what was recommended by scientific advice. There is growing scientific evidence that some mixing occurs between western and eastern Atlantic/Mediterranean stocks, so mismanagement in the eastern Atlantic and Mediterranean may have a direct effect on the recovery of U.S. fisheries.

Despite this, NOAA Fisheries Service's eastern Atlantic and Mediterranean fishing suspension proposal was rejected by the ICCAT. ICCAT sets the total allowable catch for bluefin tuna on the high seas, which is then allocated to participating fishing nations which establish corresponding domestic regulatory measures.

Call for Action

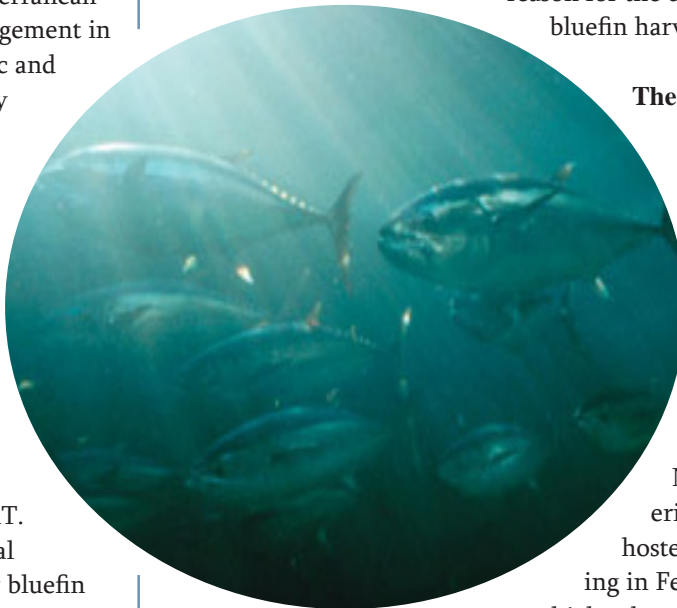
A number of environmental groups have stated that current regulations do not go far enough to protect bluefin tuna and have criticized ICCAT for its inaction. These groups may seek to get bluefin tuna listed as endangered under the Convention on International Trade in Endangered Species (CITES). If this happens trade could be halted not just on European and African catch, but also on the catches by North Ameri-

can commercial fishermen who sell to the international sushi market.

Some environmentalists also have called for NOAA Fisheries Service to shut down longline fishing in the Gulf of Mexico between April and June while bluefin tuna are

takes a small number of bluefin tuna as bycatch which is already factored into the rebuilding program, stock assessments and management measures.

The continued disregard for science-based management in the eastern Atlantic and Mediterranean is the main reason for the decline of U.S. bluefin harvest.



Bluefin tuna
(credit: NOAA)

spawning there. Earthjustice has filed a lawsuit in federal district court on behalf of the advocacy group Blue Ocean Institute, citing the need to protect mature fish that may be found in these waters. NOAA Fisheries Service does not believe that a shutdown of the U.S. longline fishery throughout the entire Gulf of Mexico is warranted. Vessels are already prohibited from using longline gear, from directly targeting bluefin tuna regardless of where the vessel operates and from targeting bluefin in the Gulf of Mexico. The longline fishery only

The Road Ahead

This year is shaping up to be quite busy. In advance of the 2008 bluefin stock assessment, NOAA Fisheries Service hosted a meeting in February in which relevant bluefin tuna research efforts were reviewed and submission of scientific papers to ICCAT by U.S. researchers were discussed. In March, Canada hosted a workshop to begin developing a precautionary approach for western bluefin and Japan hosted a meeting of stakeholders and managers on bluefin tuna fishing, farming and international trade. Spain is slated to hold a world symposium to study the decline of northern bluefin tuna in historic periods this month. Lastly, ICCAT will conduct its annual meeting in November to discuss the results and management implications of this year's stock assessment.

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support the ASMFC by helping with collection, management, and analysis of fishery data; law enforcement; habitat conservation; fishery research; and fishery management planning.

The rebuilding effort for tautog required that each of the Northeastern states reduce fishing effort by about 26 percent over 2006 levels. On February 7, the ASMFC determined that New Jersey had not enacted necessary measures to reduce effort on the stock.

Under the Atlantic Coastal Act, NOAA Fisheries Service was obliged to conduct a review and make a decision within 30 days as to whether it concurred with the ASMFC's findings.

On March 11, NOAA Fisheries Service found that New Jersey failed to implement measures necessary to fulfill its responsibilities under the tautog Interstate Fishery Management Plan, crucial for conservation of this salt water fish. The decision was made to close the fishery in accordance with Coastal Act requirements.

The New Jersey Marine Fisheries Council subsequently voted to adopt new regulations and then the governor of New Jersey notified the ASMFC. The ASMFC determined that the regulations were adequate, the Secretary of Commerce agreed, and the moratorium was lifted.

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qualification period of March 1, 2000, through November 1, 2004. However, to qualify for an NGOM or Incidental Catch scallop permit a vessel merely has to have been issued a general category scallop permit by November 1, 2004.

Once the IFQ program is up and running, 5 percent of the total annual projected catch will be allocated to IFQ vessels. In addition, each limited access scallop permit holder who has an IFQ permit is allocated a 0.5 percent share of the total annual projected scallop catch. Each year a target total allowable catch (TAC) also will be established for

vessels with Incidental Catch scallop permits. Some other measures that will be required under the new Amendment include: 1) a requirement for all IFQ and NGOM vessels to report landings through VMS on all scallop trips; 2) no restrictions on upgrading vessels with LAGC permits unless the vessel has been issued other fishery permits that have upgrading restrictions; 3) a mechanism to establish fishing industry cooperatives and sectors in the general category fleet; and 4) a change of the issuance date for general category permits from May 1 to March 1 to integrate the entire scallop fishery

into one fishing year. Prior to implementing an IFQ program, NOAA Fisheries Service must determine both whether a vessel qualifies to participate in the fishery and the level of historical landings for all qualified vessels. So, Amendment 11 includes transition measures that are in place until the proposed IFQ program is implemented. In the interim, a fleetwide quarterly hard TAC is in place for general category vessels which is equal to 10 percent of the overall scallop catch (excluding incidental catch and the NGOM TAC). Vessels that qualify for the IFQ permit and vessels under appeal for an IFQ permit

can fish for scallops under this TAC. Once all participating vessels are determined, then IFQs will be established.

For additional information on Amendment 11, including a detailed description of the Amendment 11 management measures, and for other information on the scallop fishery, please visit NOAA Fisheries Service's Northeast Regional Office website at <http://www.nero.noaa.gov/nero/hotnews/scallamend11/>.



Key Requirements for IFQ Fishery

Allocation in pounds of scallop meats

400-lb trip possession limit

IFQ based on vessel's best year during qualification period (Mar 1, 2000- Nov 1, 2004) indexed by number of years vessel was active in fishery in qualification period & allocated as a percentage of overall GC TAC

No individual can own >5% of total GC allocation

A vessel not allowed >2% of total GC allocation

A vessel's full IFQ can be transferred to another IFQ vessel, consistent with 2% & 5% allocation caps

A cost recovery program to cover management, data collection & enforcement

Key Requirements in NGOM Scallop Management Area

Designated as area north of 42° 20' N. Lat and within the Gulf of Maine Scallop Dredge Exemption Area

200-lb trip possession limit

10.5-ft maximum dredge width

Separate TAC based on Federal waters portion of stock

All landings by LAGC scallop vessels, including from state waters, counted against the NGOM Scallop Management Area TAC

NGOM fishery closes to all scallop fishing after TAC reached

Dann Blackwood

Update on the Atlantic Large Whale Take Reduction Plan Final Rule

In the August, 2007 issue of *Changing Tides*, an update was provided on proposed changes to the Atlantic Large Whale Take Reduction Plan (ALWTRP). On April 5, 2008, revised management measures for the ALWTRP were implemented for a final rule published on October 5, 2007. It has several components and incorporates changes based on public comment received on the Draft Environmental Impact Statement as well as the proposed rule.

The final rule implements broad-based gear modifications (e.g. expanded weak link and sinking and/or neutrally buoyant groundline requirements) in specific times and areas that replace the Seasonal Area Management (SAM) and Dynamic Area Management (DAM) programs; brings more trap/pot and gillnet fisheries under the ALWTRP regulations including: Northeast anchored float gillnet, Northeast drift gillnet, Atlantic blue crab and Atlantic mixed species trap/pot fisheries which includes but is not limited to crab [red, Jonah and rock], hagfish, finfish [black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch) and white hake], conch/whelk and

shrimp; expands exempted waters; and requires additional gear marking.

After the publication of the final rule, a guide was sent to affected fishermen summarizing the revised regula-



tions. The guide is intended to aid in understanding the modifications to the ALWTRP. Fishermen were also sent a brochure that describes gear modification techniques that comply with the ALWTRP.

Effective Dates

Final rule requirements were effective **April 5, 2008**, except for the following:

Effective November 5, 2007

- The allowance of two net panel weak link configurations in SAM and DAM areas
- Vessel Monitoring System (VMS) to be used in lieu of 100% observer coverage in the Southeast U.S. Monitoring Area

Effective October 5, 2008

- Broad-based sinking and/or neutrally buoyant groundline required for all ALWTRP-regulated trap/pot and gillnet fisheries (except in SAM areas and the Cape Cod Bay Restricted Area where required sooner)

For more information pertaining to the ALWTRP final rule, contact:

Diane Borggaard, large whale coordinator, 978-281-9300 x6503 or Diane.Borggaard@noaa.gov

Glenn Salvador, mid-Atlantic fisheries liaison, 757-414-0128 or Glenn.Salvador@noaa.gov

John Higgins, New England fisheries liaison 207-677-2316, John.Higgins@noaa.gov

or visit the ALWTRP website:
<http://www.nero.noaa.gov/whaletrp/>

Under the Marine Mammal Protection Act (MMPA), NOAA Fisheries Service is required to develop and implement take reduction plans to assist in the recovery or prevent the depletion of "strategic" marine mammal stocks that interact with fisheries known to cause frequent or occasional mortality and serious injury to marine mammals. The Atlantic Large Whale Take Reduction Plan (ALWTRP) was implemented in 1997 and routinely has been modified to address the continued serious injury and mortality of large whales (North Atlantic right, humpback, and fin whales) due to entanglement in commercial fishing gear.

To obtain a complete copy of the final rule or the current regulations, please contact **Marcia Hobbs** (Marcia.Hobbs@noaa.gov, 978-281-9300 ext. 6505) or visit the ALWTRP website.



Breaching northern right whale (top photo) and diving humpback whale (credit: NOAA)

Federal-State Partnership to Restore Salt Marsh in New Jersey

Salt marshes are some of the world's most productive ecosystems serving as nurseries for juvenile fish, sanctuaries for foraging and nesting birds and a haven for shellfish. Salt marshes filter contaminants, reduce flood risks and provide high quality open space. The most common problem facing salt marshes today is filling and elevating the marsh or restricting the flow of seawater - both processes encourage the spread of an invasive plant species known as common reed grass (*Phragmites australis*).

The NOAA Fisheries Service Restoration Center recently completed a successful preservation and restoration project in New Jersey that reintroduced native salt marsh plant species, eradicated common reed and protected wetland areas abutting Woodbridge Creek, part of the much larger Hudson-Raritan Estuary that surrounds the Port of New York and New Jersey.

Balancing the needs of the Port of New York and New Jersey, the third busiest port in the nation, and the Hudson-Raritan Estuary, one of the largest estuaries on the East Coast, takes

planning, partnership, good science and engineering. Beginning in 2005, NOAA Fisheries Service collaborated with the U.S. Army Corps of Engineers, the Port of New York and New Jersey, the New Jersey Department of Environmental Protection (NJDEP), the U.S. Fish and Wildlife Service, Woodbridge, New Jersey and other local partners on the Woodbridge Creek Ecosystem Restoration Project.

Project Achieves Results

The \$7.2 million project transformed a damaged wetland along one and a half miles of Woodbridge Creek, Cove Creek and Wedgwood Brook into a well-functioning salt marsh. It was recognized with a Coastal America Spirit Award. The award is given to projects which, among other things, facilitate cost-cutting partnerships and public education.

The project entailed a couple of phases. NOAA Fisheries Service's Restoration Center and the NJDEP restored a 17 acre section of the site to help compensate for injuries to natural



Planting salt marsh (credit: NOAA)

resources that resulted from the 1991 Exxon Byway oil spill. The Corps and the Port Authority restored approximately 23 acres of tidal wetlands and set aside an additional 27 acres for state preservation. The combined sites are now part of a wetland conservation easement for the state of New Jersey and the Township of Woodbridge.

Historically, the creek's wetlands consisted of salt marshes with freshwater influence and a variety of native species including smooth cord grass, saltmeadow hay, spike grass

and marsh elder. In recent years, common reed spread throughout the area and causing a decline in plant and animal diversity.

In order to restore the site, a dike was removed, some 26 acres of common reed and 72,000 cubic yards of fill were removed, and

the area was regraded. Approximately 360,000 marsh plants and native vegetation were planted to provide habitat, soil stabilization and erosion control.

The area is now inundated regularly with tidal water, creating important habitat for blue crab, American eel, bluefish, striped bass, white perch, river herring, and many birds and other animals.

Two observation platforms are being constructed to provide public viewing of the expanse of marshlands and wildlife.



Carl Anderson gives tour of site during dedication event (credit: NOAA)



(L to R) Tim Keeney, NOAA OAR deputy assistant secretary, presents Coastal America Spirit Award to Carl Alderson, NOAA Restoration Center Project Manager, David Bean, NJDEP Project Manager, Rena Weichenberg, ACOE Assistant Chief - Regulatory Branch and Project Biologist (credit: NOAA)