



NOAA FISHERIES SERVICE

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NOAA

Winthrop Beach Renourishment Permit Denied Cod Habitat Protected

One of NOAA Fisheries Service's key missions is to protect fish habitat. In April, a monumental decision was made by the U.S. Army Corps of Engineers which allowed the agency to make some headway in this effort. Largely based on input and recommendations from NOAA Fisheries Service, the Corps decided to deny a dredging permit to the Massachusetts Department of Conservation and Recreation to remove one-half million cubic yards of sand, gravel and cobble material from an 103 acre offshore site in Massachusetts Bay.

NOAA Fisheries Service was concerned that removal of the material, which would be used to bolster Winthrop Beach against future flood damage, would significantly degrade habitat essential to juvenile cod, lobster and other species. In particular, given the depressed state of cod stocks, any loss of habitat, temporary or permanent, could adversely affect recovery efforts. The Corps also noted that there were less environmentally damaging alternatives available to the state.

Integration Across NOAA Programs

The project also required the combined expertise of two NOAA divisions, Habitat and Conservation and Protected Resources.

Magnuson-Stevens Fishery Conservation and Management Act coordination and consultation requirements and Essential Fish Habitat (EFH) regulations specify that NOAA Fisheries Service's Habitat Division provide input on potential habitat impacts that could result from Corps permitted projects. Specifically, the statute includes a mandate that each federal agency must consult with the Secretary of Commerce on all activities, or proposed activities that may adversely affect EFH.

The agency's Protected Resources Division also was involved in the review of this proposed project under authority of Section 7 of the Endangered Species Act. In this case, the Corps is required to consult with NOAA Fisheries Service about potential affects on endangered species. NOAA Fisheries Service determined that listed sea turtles could be present in the area to be dredged and could be vulnerable to impacts from the dredge gear. The Division issued a Biological Opinion which contained recommendations for minimizing and monitoring effects of the project on listed species.

Together these two programs were able to respond in a timely fashion and provide a comprehensive assessment of the potential threats to both habitat and endangered species and help the Corps make an informed decision about the most appropriate course of action.



New Trawl Gear Reduces Bycatch and Improves Haddock Landings Approved for Use off the Northeastern U.S.

NOAA Fisheries Service has approved the use of new trawl gear that is expected to reduce the catch of non-target fish species in the Northeast groundfish fishery by more than 50 percent. The use of this newly designed haddock rope trawl, known to the New England groundfish industry as the eliminator trawl, should help conserve depleted groundfish resources, such as cod and flounders, while allowing vessels to target haddock and other healthier stocks that live in the same area.

Collaborative Effort Leads to Development of New Gear

The haddock rope trawl was developed by the University of Rhode Island Sea Grant College Program in conjunction with commercial fishermen, in a project funded by the NOAA Fisheries Service Northeast Cooperative Research Partners Program. The project was intended to develop a gear that would capture fish from stocks that are not overfished, while avoiding or releasing others.

“This was a truly collaborative effort among industry, University of Rhode Island, and NOAA’s Northeast Fisheries Science Center,” said John Hoey, cooperative research program director. “We are looking forward to working with industry to increase experimentation and adoption of this gear as well as other more selective trawls.”

Researchers conducted nearly two years of gear testing, deploying it from commercial fishing vessels. Experiments comparing traditional and new trawl gear showed the new gear reduced bycatch of groundfish stocks of cod and flounders, while retaining the catch



Trail test of new haddock rope trawl. Photo credit: Laura Skrobe (URI/RI Sea Grant)

of healthier stocks, primarily haddock. Large eight foot mesh in the forward end of the new trawl net allows cod and other fish to escape because of their body shapes and unique behavior around the netting.

The team of collaborators on this effort included Rhode Island fishermen, former New England Fishery Management Council Member and NOAA Environmental Hero Award recipient, Phil Ruhle, who brought the idea to URI Sea Grant scientists David Beutel and Laura Skrobe. Together, they developed a proposal which ultimately was funded by NOAA.

International Recognition for Gear Developers

In 2007, the developers of the haddock rope trawl were recognized for their achievement in the international “smart gear” competition sponsored by the

World Wildlife Fund.

The NOAA Northeast Cooperative Research Partners Program has since provided additional funds for testing of smaller haddock rope trawls suitable for lower horsepower nearshore vessels.

Grant Resources Website Launched

The State, Federal and Constituent Programs Office has launched an informative website highlighting the Northeast Region’s grant activities. Aimed at delivering a detailed overview to state constituents, partners and the public, the website provides grant program descriptions, statements of work and final reports available for download.

The website can be accessed at: <http://www.nero.noaa.gov/StateFedOff/grantfactsheets/>



NOAA Awards Fishery Economic Assistance Grant to Commonwealth of Massachusetts

NOAA's Fisheries Service awarded a \$13 million grant to the Commonwealth of Massachusetts to implement a state-run program that will provide economic assistance to the state's groundfish industry.

Funds for the program were made available through Congressional appropriations and required that the state submit a proposal for distributing the funds to NOAA Fisheries Service. NOAA in turn was required to ensure that the program scope addressed the objectives identified by Congress before dispersing the funds.

The Massachusetts Division of Marine Fisheries plans to disburse direct subsidies to qualified industry members based on allocation criteria developed in part through comments received at public hearings held in several Massachusetts fishing communities.

Funds also will be made available to eligible fishing families for health insurance coverage through an insurance premium subsidy program administered through the Fishing Partnership Health Plan. For further details on the program visit the state's website

http://www.mass.gov/dfwele/dmf/spotlight/groundfish_assistance.htm

Largest Salt Marsh Restoration in Massachusetts' History Is Complete

First Project to be Funded Under NOAA's Open River Initiative

NOAA and its local and national partners have successfully completed a \$1.5 million multi-year project to restore a salt marsh and fish passage for migrating herring on Cape Cod. This is the largest proactive saltwater marsh restoration project in Commonwealth history.

The Sesuit Creek Salt Marsh and Fish Passage Restoration Project in Dennis, Massachusetts, entailed replacing an undersized culvert with a larger bridge-like structure to restore unrestricted tidal flow to the degraded salt marsh. Sometime in the 1930s or 40s, a 140 foot long bridge over Sesuit Creek was removed and the 25 to 30 foot wide creek was diverted through a two foot metal culvert. The result was a dramatic



Newly installed culverts. Photo credit: NOAA

drop in tidal flow and loss of the surrounding salt marsh. Complicating matters, rain and freshwater lowered the salinity of the restricted creek allowing the invasion of shrubs and non-native plant species.

In late May 2008, the metal culvert was replaced with two new 12 foot wide by 10 foot high culverts to restore tidal waters into the marsh. Already small animals, shellfish and crabs are re-establishing themselves

and small schooling fish are returning to the area. For the first time in 70 years, river herring will be able to return to historic spawning grounds in Scargo Lake.

In the process, the project also addressed a public safety problem. Bridge Street had a recurring sink hole in the road because of the failed culvert, causing the town to close the bridge over Sesuit Creek to traffic for several months in 2007. The new culverts will allow vehicles to safely travel over the creek; a new sidewalk promotes pedestrian safety for a once-dangerous crossing.

This project also is the first in Massachusetts to be funded by NOAA's Open Rivers Initiative, which provides funding and technical expertise for community-driven, small dam and river barrier removals. Under the initiative, NOAA works with communities to remove up to 50 obsolete dams and rundown culverts across the nation each year. These projects will begin to repair river systems while also eliminating dangerous conditions that are prevalent at these outdated structures.



Northeast Region Marine Mammal and Sea Turtle Stranding Network

NOAA Fisheries Northeast Region 24-hour hotline 978-281-9351

NOAA Fisheries Service coordinates the Northeast Region Marine Mammal and Sea Turtle Stranding Network, which responds to stranded marine animals from Maine to Virginia. The Northeast Stranding Network is made up of 19 federally authorized organizations which rescue, rehabilitate, and release stranded seals, sea turtles, dolphins, porpoises and whales throughout the year.

Definition of "A Stranding"

"Stranding" can be defined as an event in the wild where a marine mammal or sea turtle is found dead on the shore, or floating in US waters; when a marine mammal or sea turtle is alive on the beach or shore, but unable to return to the water due to sickness or injury or some other obstacle; or when a marine mammal or sea turtle is in the water, but is unable to return to its natural habitat without assistance. Strandings can occur for many different reasons including disease, predation, environmental factors, vessel strikes or fishing interactions.

Tips if you Encounter A Marine Mammal or Sea Turtle

During the summer, sea turtles and marine mammals are commonly found in northeast waters. When out on the water, please be aware that marine animals may be present and use caution when boating and fishing.

If you encounter a marine mammal or sea turtle in the marine environment, please do not approach the animal, rather place your engine in neutral and allow the animal to pass. If you are fishing, never cast your line, set your gear, or troll your gear over marine mammals or sea turtles. Another tip is to wear polarized sunglasses which can help you to better see marine mammals and sea turtles in the water.

What should you do if you encounter a stranded or entangled marine mammal or sea turtle?

- Do not touch the animal!! This includes any dogs or other pets that you may have with you. Do not attempt to cover the animal, push it back to sea or splash water on it.
- Observe it from a safe distance of 100 yards (safe for you and the animal).
- Immediately Call the NOAA Fisheries Service Northeast Region 24-hour hotline 978-281-9351, or your local stranding network organization.
- Provide the stranding responder with the following information: Type of animal (seal, turtle, dolphin or whale), condition of the animal (live, dead or injured) and stranding location. If possible, stand by and wait for the responder to arrive so that you can direct them to the animal.

For More Information on the Northeast Region Stranding Program or For A List of Stranding Network Responders

Please contact Mendy Garron (mendy.garron@noaa.gov or 978-281-9300 x6528) or Sara McNulty (sara.mculty@noaa.gov or 978-281-9300 x6520) or visit the Stranding Program Website at http://www.nero.noaa.gov/prot_res/stranding/

For More Information on Safe Boating and Viewing Marine Animals

Please visit the Marine Mammal Viewing in the Northeast website at http://www.nero.noaa.gov/prot_res/mmv/

Enormous Response to Scallop IFQ Program

NOAA Fisheries Service has been working hard to respond to the tremendous number of applications for the new Scallop Limited Access General Category (LAGC) Program. The Program, which includes Individual Fishing Quotas (IFQs) for qualified vessels, was established through Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan. In order to fish as a general category vessel on or after July 1, 2008, a vessel owner must be issued a LAGC permit.



Harbor seals. Photo credit: NOAA

NOAA received 500 applications by the end of May, and since then received another 420. A number of NOAA staff worked full time to review LAGC applications, reviewing nearly all single-vessel applications within the standard processing time of 30 days. Many submissions that also involved a vessel replacement application, take an additional 30 days because it is necessary to review data and ownership documents for multiple vessels. Over a period of several weeks, agency staff involved in the LAGC reviews made an extraordinary effort (by working nights and weekends) to process permits within those review times.



Inter-Agency Consultation Under the Endangered Species Act

The U.S. Congress passed the Endangered Species Act (ESA or Act) in 1973 in order to prevent the extinction of plants and animals, promote the recovery of those at risk of extinction, and conserve the ecosystems upon which they depend. One of the mechanisms Congress created to ensure the survival and recovery of species at risk of extinction and to ensure the conservation of important habitat areas appears in Section 7(a)(2) of the Act. In Section 7, federal agencies must consult with the Department of the Interior's Fish and Wildlife Service (FWS) and/or NOAA Fisheries Service prior to funding, authorizing or carrying out an activity to make sure the activity is not likely to jeopardize listed species or destroy or adversely modify critical habitat.

Protected Species in the Northeast

There are approximately 1,350 species listed under the ESA that are found partly or entirely in the U.S. and its waters. NOAA Fisheries Service has jurisdiction over approximately 65 listed species. Although there are some exceptions, NOAA Fisheries Service is responsible for consulting on proposed activities that may affect protected plants or animals in the marine environment—like whales and sea turtles— or species that spend time in both the ocean and rivers—like salmon. The species in the Northeast that are protected under the ESA include: six whale species (right, humpback, fin, sei, blue and sperm whales), two fish species (shortnose sturgeon and a distinct population of Atlantic salmon in Maine), and five sea turtle species (leatherback, green, Kemp's ridley, loggerhead, and (rarely) hawksbill sea turtles).

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Update on Atlantic Large Whale Take Reduction Plan Management Actions

Proposed Rule

On June 6, 2008, NOAA Fisheries Service issued a proposed rule to amend the Atlantic Large Whale Take Reduction Plan which would provide additional time for trap/pot fishermen along the Atlantic east coast to comply with the broad-based sinking groundline requirement. Additionally, this proposed rule would delete the "neutrally buoyant line" term and definition from the ALWTRP regulations, so that only the "sinking line" term and definition would remain to facilitate both industry understanding of the regulations as well as enforcement efforts.

NOAA Fisheries Service built into the recent final rule a one year phase-in period for the broad-based, sinking groundline provision (see the April 2008 newsletter for more information). Since the passage of the rule, the agency has monitored both the availability of sinking groundline and progress of commercial trap/pot fisheries in converting their gear, and determined that additional time is needed for fishermen to make this transition.



Two North Atlantic right whales. Photo credit: NOAA

The proposed rule would provide an additional six months (through April 5, 2009) for trap/pot fishermen along the Atlantic East Coast to comply with this major requirement. The comment period for the proposed rule closed on July 7, 2008. NOAA Fisheries Service will be reviewing comments received and anticipates publication of the final rule in late August/early September. To obtain a copy of the proposed rule, or for further information about the Atlantic Large Whale Take Reduction Plan and its requirements, please contact:

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Breaching Humpback whale Photo credit: NOAA

Anadromous Grant Program Update

The Anadromous Fish Conservation Act Grant Program was established as part of the Anadromous Fish Conservation Act of 1965 and reauthorized in 1970. It established a semi-competitive grant program which is administered by both the NOAA Fisheries Service and the U.S. Fish and Wildlife Service. The objective of this program is to cooperate with the states and non-federal interests in the conservation, development and enhancement of the nation's anadromous fish stocks and the fish in the Great Lakes. Many projects funded through this program are critical elements of larger multi-funded programs. Upon receiving notification of available funding, NOAA Fisheries Service solicited pre-proposals from state directors within the Northeast Region. A total of 14 pre-proposals were received in response to the Fiscal Year 2008 request. Six proposals were recommended for funding by the Northeast Region (see Table below), totaling \$313,090 in federal support.

Interagency Coordination under ESA cont'd from page 5

Types of Activities That Are Subject to the Consultation Requirement

Funding an activity might include a federal agency issuing a grant to a university researcher for a particular project, or providing money for a state program. Authorizing an activity might include issuing a permit, license or regulation that allows an activity to occur or sets rules for how it may occur. These activities vary in scope—ranging from construction of a small seaside dock, to a factory's discharge of pollutants into a river, to the construction of a hydroelectric dam or nuclear power plant, to the operation of a commercial fishery under a federal fishery management plan. Federal agencies also carry out their own activities which are subject to the consultation process, such as the U.S. Army Corps of Engineers' dredging projects to keep navigation channels passable, NOAA's fishery research, and the Navy's at-sea training exercises.

Need for Interagency Consultation

The need for interagency consultation occurs when an activity is likely to "reduce appreciably" the likelihood of both survival and recovery of an endangered or threatened species in the wild by reducing the numbers, reproduction or distribution of that species.

Types of Consultations

Informal consultations occur when the federal agency authorizes, funds, or carries out the activity (the "action agency") and NOAA Fisheries Service (the "consulting agency") agree that an activity is not likely to adversely affect listed species or their critical habitat because the effects of the activity are extremely unlikely to occur, insignificant or entirely beneficial.

Formal consultation occurs when the activity is likely to adversely affect listed species and/or critical habitat, and results in NOAA Fisheries Service issuing a "Biological Opinion." Biological Opinions include recommendations or "reasonable and prudent alternatives" to reduce the negative effects of the project.

FY 2008 Anadromous Proposals Recommended for Funding

Project Title	Recipient Organization	Federal Funding
A Study of the striped bass in the marine district of NY State	NY Dept of Env Conservation	\$67,000
Restoration of American shad & river herring to the Androscoggin River	ME Dept of Marine Resources	\$65,000
Characterizing contemporary & historic age structure of alewives in MA spawning runs	MA Div of Marine Fisheries	\$47,977
On trail of 2002 year class: natural markers aid in age determination of American shad	VA Institute of Marine Science	\$26,851
Atlantic sturgeon in the NY Bight DPS: Identification of critical habitat & rates of interbasin exchange	DE Dept of Nat Res/DE State Univ	\$51,027
CT anadromous fish investigation	CT Dept of Env Protection	\$55,235