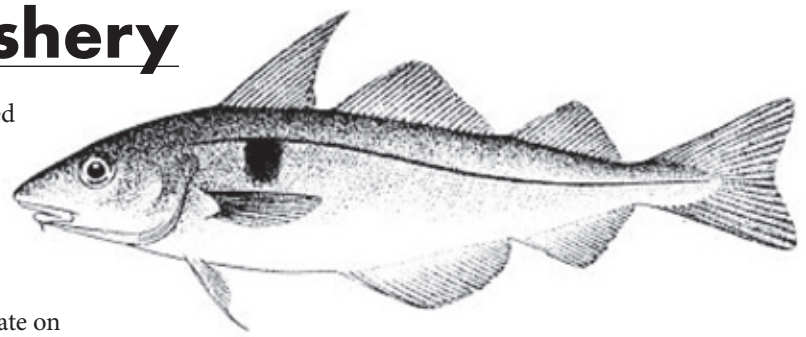
The NOAA FISHERIES NAVIGATOR

New Regulations For Herring Fishery

NOAA Fisheries Service recently approved new measures developed by the New England Fishery Management Council to revise the haddock bycatch cap for the Atlantic herring fishery. These new measures provide additional opportunities for herring fishermen to catch their herring quota while minimizing the bycatch of groundfish.

Since 2006, haddock catches by herring vessels have been limited by an incidental catch, or bycatch, cap. This limit is set annually and equals 0.2% of the combined allowable catches of Gulf of Maine and Georges Bank haddock. The cap was established so that the herring fishery could continue to operate on Georges Bank despite some catch of haddock.

In 2010, the herring fishery caught 81% of the cap and, to avoid the closure of their fishing grounds that would occur if the cap were reached, herring vessels voluntarily moved away from Georges Bank. As a result, the herring fishery did not catch some of its 2010 Georges Bank herring quota.



Under the new regulations, the haddock catch cap is now divided into two separate caps – one for Gulf of Maine haddock and one for Georges Bank haddock. Both are increased to 1% of the combined allowable catches for each of these stocks.

The caps also have been revised to apply only to midwater trawl vessels, which are primarily responsible for catches of haddock in the herring fishery. If these vessels catch one stock's cap, herring possession limits for midwater trawl vessels in that haddock stock area will be reduced to 2,000 pounds per trip. The possession limit will not be reduced for vessels using purse seine or otter trawl gear, and the other haddock stock area will remain open to herring fishing.

To further encourage midwater trawlers not to exceed the haddock bycatch cap, the new measures also include an overage payback provision. If herring midwater trawl vessels exceed a cap in a given fishing year, the amount of that overage will be deducted directly from the appropriate stock's cap in the following fishing year.

We also are changing our method for estimating haddock catch levels in the herring fishery. We will estimate total haddock catches for the entire Gulf of Maine and Georges Bank midwater trawl fleets from haddock catches recorded by NOAA Fisheries Service observers. This is the same method we use to monitor total butterfish catch in the *Loligo* squid fishery and discards by sector vessels in the groundfish fishery. We expect this method to more accurately account for total haddock catches in the herring fishery. Previously in the midwater trawl herring fishery, we counted only haddock catches directly observed by NOAA observers, dealers, and enforcement officials.

We believe this combination of measures will provide a better opportunity for the herring fishery to achieve optimum yield, while minimizing haddock bycatch and ensuring that haddock catch is adequately monitored.

More information is available online at <www.nero.noaa.gov/nero/hotnews/NR1128>. You also may call Melissa Vasquez, NOAA Fisheries Service's Sustainable Fisheries Division, at (978) 281-9166 or e-mail her at <Melissa.vasquez@noaa.gov>.

Comment Now On Vessel Upgrade Restrictions

NOAA Fisheries Service, in consultation with the Atlantic States Marine Fisheries Commission and the New England and Mid-Atlantic Fishery Management Councils, is seeking public comment on potential changes to the regulations that restrict vessel upgrades.

Vessel upgrades are changes in length, tonnage, and horsepower that increase a vessel's fishing power. Currently, vessels may only be upgraded once – by 10% in length, registered tonnage, and net tonnage, and by 20% in horsepower.

As part of our efforts with the councils to reduce regulations without adversely affecting any fisheries, we are considering options that would alleviate upgrade restrictions.

A Federal Register document explaining this proposed action in more detail can be found on the "Hot News" section of the NOAA Fisheries Service website at <www.nero.noaa.gov>. Or, go to <www.regulations.gov> and type "NOAA-NMFS-2011-0213" in the keyword search box.

We want to know what the public thinks about the following five potential changes:

- Eliminating gross and/or net tonnages from vessel baseline regulations;
- Eliminating the provision that limits a vessel to just one upgrade and allowing full use of the 10% and 20% upgrades over multiple replacements;
- Changing from a system of fixed upgrades to a system of size classes that allow a permit to move to any vessel that fits within its size class;
- Removing baseline upgrade restrictions for vessels under 30'; and/or
- Completely removing all upgrade restrictions.

In addition to this list, we welcome further ideas and suggestions for other changes, such as how to treat vessels that have multiple baselines and/or already have upgraded under the current system.

To ensure that your comments are received, documented, and considered, please use one of the methods below.

- Electronic – Submit comments electronically via the Federal e-Rulemaking Portal at <www.regulations.gov>. Please be sure to identify your comment with "NOAA-NMFS-2011-0213."
- Mail and hand delivery – Submit written comments to Patricia A. Kurkul, Regional Administrator, NOAA Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. On the outside of the envelope, write "Comments on Vessel Upgrade ANPR." Or,
- Fax – Fax written comments to (978) 281-9135.

All comments received become a part of the public record and generally will be posted for public viewing on <www.regulations.gov> without change. Anonymous comments will be accepted. Enter "N/A" in the required fields on the electronic submission forms if you wish to remain anonymous.

For more information, call Douglas Potts, NOAA Fisheries Service's Sustainable Fisheries Division, at (978) 281-9341 or e-mail him at <douglas.potts@noaa.gov>.

THIS SUPPLEMENT PROVIDED BY NOAA FISHERIES SERVICE'S NORTHEAST REGIONAL OFFICE

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Gregory Named Special Agent in Charge for Northeast Law Enforcement

NOAA OLE

Logan Gregory

Logan Gregory, an 18-year veteran of the NOAA Office of Law Enforcement, is the new Special Agent in Charge of the agency's Northeast Division. Gregory started his new job on Oct. 9.

"Logan will focus on aiding compliance assistance, ensuring that there are clear, effective, and consistent enforcement practices, and promoting the recent process reforms to increase transparency and build trust," said Enforcement Director Bruce Buckson.

A native of St. Petersburg, FL, Gregory joined the Office of Law Enforcement as an intern while pursuing his criminology degree at the University of South Florida. After his graduation in 1992, Gregory completed additional training at the Federal Law Enforcement Training Center and was commissioned in 1993 as an enforcement officer with the agency, working out of the Southeast Division in St. Petersburg.

Gregory was promoted to Special Agent in 1995, working first in the Florida Keys and later in Newport News, VA. In 2008, he was promoted to Assistant Special Agent in Charge and began supervising all enforcement operations in the Northeast Division's District 4, which runs from Delaware to the Virginia/North Carolina border.

For the past year, Gregory has served in acting management roles at Office of Law Enforcement's headquarters in Silver Spring, MD, including overseeing the agency's vessel monitoring system program.

In addition to fisheries, the Office of Law Enforcement also handles issues related to marine mammals, endangered species, and sanctuaries.

In his new role, Gregory will focus on improving working relationships with fishermen and local leaders. He will be working closely with the fishery management councils to set clear compliance and enforcement priorities that will be shared with industry as they are developed.

As a first step, Gregory will meet with industry leaders and stakeholders in an effort to learn and understand the most pressing issues and needs of constituents and discuss priorities within the Northeast Region. He also will attend council meetings and seek to hold one-on-one meetings with committees, fishing groups, NGOs, and other interested parties.

"I am honored to be selected as the Special Agent in Charge," Gregory said. "I look forward to leading the Northeast enforcement program and working closely with industry leaders, the councils, and our enforcement partners to make sure we meet the needs of the commercial and recreational fishermen and the region's coastal communities. Keeping our fish resources healthy and sustainable for future generations of fishermen will require everyone's support and cooperation."

For more information, call the NOAA Office of Law Enforcement at (978) 281-9213.

Federal Funding Through ACCSP Aimed at Improving Cooperative Fisheries Data Collection

The Atlantic Coastal Cooperative Statistics Program (ACCSP) was formed in 1995 when 23 coastal resource agencies agreed to work together to produce accurate and timely marine fishery statistics for Atlantic coast fisheries according to common standards. Today, this group is the principal source of fisheries-dependent information on the Atlantic coast.

Each year, ACCSP works with NOAA Fisheries Service to provide federal grant funding for its partners, including Atlantic coastal states, to improve and enhance fisheries data. These projects often complement federal data collection activities to produce more complete fisheries information.

ACCSP-funded projects are diverse and depend on the needs and capabilities of the partners, as well as the priorities determined by ACCSP. They can focus on improving understanding of basic fish biology, finding better ways to gather information, ensuring more accurate reporting, and more. Here are a few examples.

Biological sampling projects collect information such as age, length, and weight from commercially harvested fish. Sampling also provides information used to update the conversion factors used to calculate the whole weight of commercial landings from reporting units, such as meat weights or bushels. Accurate and standardized conversion factors provide reliable fisheries-dependent data for fisheries management purposes.

Other projects focus on harvester, dealer, and recreational reporting. They include development of new reporting methods, data entry and auditing practices, and outreach and training programs that enable state fisheries agencies to work with fishermen and dealers to improve reporting compliance and accuracy.

Many recently funded projects in this area have focused on helping to make the transition to electronic reporting. Electronic reporting offers many benefits, including cost savings from reduced printing and mailing, decreased staff time for data entry, easier access to data for partners, more secure data storage, and more timely data submission.

Projects that investigate data collection methods help ensure that the most accurate and representative information is used in fisheries management decisions.

Some of the work funded by ACCSP in 2011 in the Northeast include: a project by the state of Maine to research and improve data on bycatch assessments in the Atlantic herring and Atlantic mackerel fisheries; projects in Maine, Massachusetts, Rhode Island, New York, New Jersey, and Maryland that focus on improving reporting methods and compliance; and projects to collect data for updating conversion factors for white hake in Maine and shellfish in Rhode Island.

More information on ACCSP and the projects funded under this program is available online at <www.accsp.org>. To learn more past ACCSP projects in your state, go to <www.nero.noaa.gov/StateFedOff/grantfactsheets>.

High Harbor Porpoise Bycatch Rates Could Trigger Closures

Since 1999, the Harbor Porpoise Take Reduction Plan has required the use of pingers on gillnets in New England waters to reduce the bycatch of harbor porpoise.

When submerged underwater, properly operating pingers broadcast short, high-pitched sounds or "pings" every four seconds. Research has shown that if the correct number of working pingers is installed, the technology is about 90% effective in keeping harbor porpoises away from the nets.

Because of an increase in harbor porpoise captures above the level allowed by the Marine Mammal Protection Act, in 2007 NOAA Fisheries Service consulted with the Harbor Porpoise Take Reduction Team to develop measures to reduce porpoise captures.

The team is an advisory group that includes New England gillnetters. With the team's input, we developed and implemented "consequence closure" measures in 2010.

Consequence closure areas (see Figure 1) are specific areas of historically high levels of harbor porpoise bycatch that will seasonally close if the average porpoise bycatch rates over two consecutive management seasons exceed a specified rate (see Table 1).

Once a consequence closure is triggered, it remains in effect until harbor porpoise bycatch levels are significantly reduced or until new management measures are developed.

Our preliminary analyses of harbor porpoise catch rates during the first full management season – Sept. 15, 2010 through May 31, 2011 –suggest that, for this first of two management seasons, harbor porpoise bycatch rates in areas of the Gulf of Maine and Southern New England may be above the target rates established for these areas.

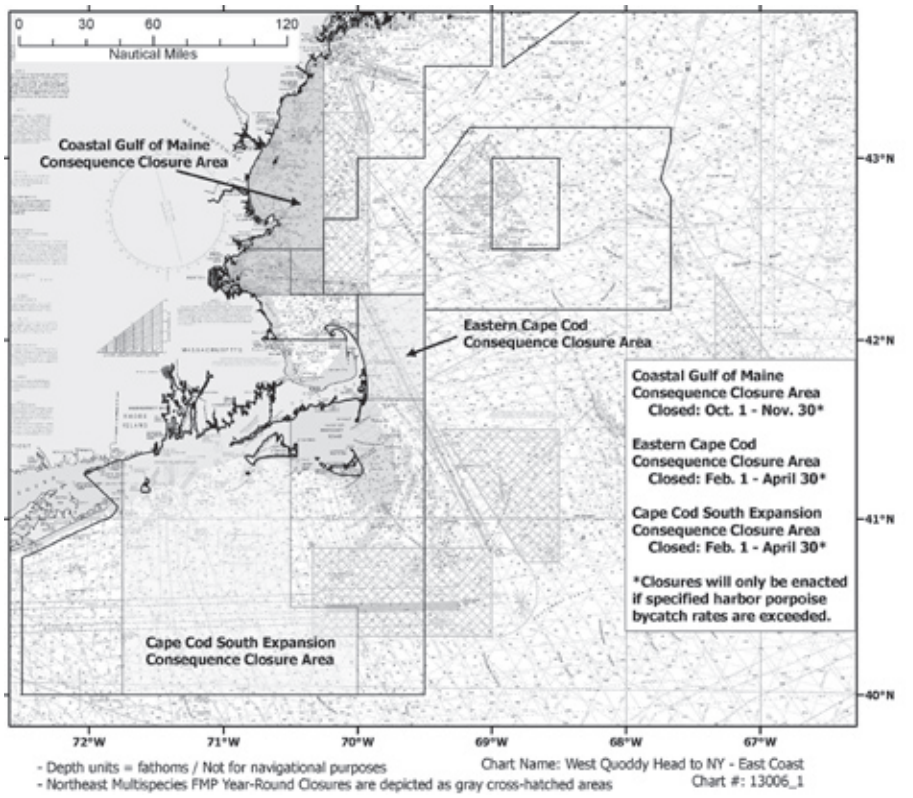
If captures are not reduced to the bycatch rates identified in Table 1, the seasonal area closures will be required. Fishermen are strongly urged to be aware of the times and areas in which the Harbor Porpoise Take Reduction Plan's management measures are in effect and to comply with pinger requirements during this management season. That means having the proper number of working pingers spaced properly on all net strings.

Bycatch rates from Sept. 15, 2011 through May 31, 2012 will determine whether any of the consequence areas will be closed during the Sept. 15, 2012 through May 31, 2013 management season.

As soon as our analyses are finalized, we will notify fishermen of any bycatch overages and potential closures.

For further information on the Harbor Porpoise Take Reduction Plan, existing management measures, management area coordinates, and consequence closure areas and triggers, please visit the website at <www.nero.noaa.gov/hptrp> or call our staff in the Northeast Regional Office's Protected Resources Division at (978) 281-9328.

Figure 1. HPTRP Consequence Management Areas*



Please Note: This figure depicts the locations of the three consequence closure areas should they become implemented in the future. Consequence closure areas will be implemented only if the harbor porpoise bycatch rate averaged over two management seasons exceeds the specified harbor porpoise bycatch rate. ***These closure areas are currently not in effect****.*

Table 1

Management Areas	Allowed annual bycatch rate, averaged over two years	Consequence if the bycatch rate averaged over two seasons exceeds the allowed rate	
		Closure Area	Closure Period
Mid-Coast, Massachusetts Bay, and Stellwagen Bank	< one harbor porpoise per 71,117 lbs of landed fish	Gulf of Maine Consequence Closure Area	October and November
Southern New England	< one harbor porpoise per 95,853 lbs of landed fish	Cape Cod South Expansion, and Eastern Cape Cod Consequence Closure Areas	February, March and April

Developing Sustainable Offshore Energy

Interest in the conversion of winds and tides into energy has increased recently along the US eastern seaboard. Since 2001, many offshore renewable energy (ORE) projects have been proposed in areas from Downeast Maine to the Mid-Atlantic. Although the challenges of working in the ocean can be complex and costly, several projects show promise for developing successful commercial-scale ORE facilities.

While ORE has tremendous potential for providing a clean source of electricity, there are risks to the environment associated with the deployment and operation of ORE technology. For NOAA Fisheries Service, a primary concern is to ensure that ORE development occurs in ways that minimize overall impacts to living marine resources such as fish, marine mammals, sea turtles, and sea birds. Additionally, there is a need for careful planning to reduce potential conflicts with other ocean uses.

Possible impacts associated with ORE development may include changes to the offshore physical oceanography, which, in turn, could alter tides, currents, waves, and sedimentation patterns.

Collisions between fish, marine mammals, and sea turtles with structures and turbines, as well as chemical discharges from machinery, are other potential issues. Furthermore, excessive noise and electromagnetic fields could impact various marine species, possibly disrupting movements and migrations of living marine resources and interfering with interactions between commercially and recreationally important fish and their prey. The level of risk and extent of impacts for all of these concerns remain largely unknown.

The leading energy conversion technologies proposed along the East Coast are wind and tidal current turbines. Offshore wind turbines are significantly larger than land-based turbines, ranging anywhere from 3 megawatts (MW) to 7 MW per unit as compared to 1.5 MW to 2.0 MW per unit for land-based applications.

These larger capacity turbines have been developed to maximize the natural wind resources found offshore, to reduce the number of units needed for an economically feasible project, and to offset initial construction costs. These units may be fixed to the ocean floor using a gravity base or pilings or they may be floating structures with extensive anchoring systems.

Tidal current turbines convert the energy of ocean currents to electricity. Several tidal current technologies are being tested, including axial wind turbine and cross flow helical designs. This technology may be fixed to

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pilings, suspended in the water with anchor lines, or bottom-mounted on frames. All ORE projects require an array of cables and infrastructure to bring the electricity to shore.

How to comment

To help develop environmentally sound ORE projects, NOAA Fisheries Service provides science-based information, participates in the regulatory licensing processes, and solicits stakeholder input.

There are a variety of ways for fishermen and others to provide information that will help to inform the decision-making process, including the following.

All Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) and state task force meetings are open to the public and include public comment sessions.

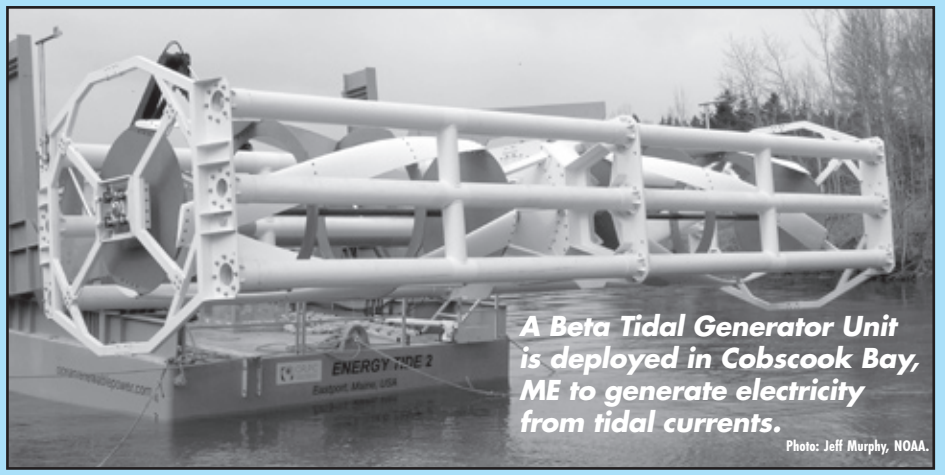
The states of Massachusetts and Rhode Island have established commercial fishing workgroups to solicit expertise on fishing activities and issues to help inform the task force process.

The New England and Mid-Atlantic Fisheries Management Councils have discussed offshore wind issues at recent council meetings and have provided comments and recommendations to BOEMRE regarding fisheries issues. Council meetings are open to the public.

Public comments can be submitted to federal licensing agencies through the formal National Environmental Policy Act (NEPA). For more information, contact our NEPA program at (978) 281-9226 or visit the program website at <www.nero.noaa.gov/nepa>.

Regardless of the specific venue for providing comments, it is important for fishing industry members to express their views to help ensure an appropriate balance of ocean energy development with the needs of the fishing industry.

For more information, call Lou Chiarella, NOAA Fisheries Service Habitat and Restoration Division, at (978) 281-9277 or e-mail him at <Lou.Chiarella@noaa.gov>.



A Beta Tidal Generator Unit is deployed in Cobscook Bay, ME to generate electricity from tidal currents. Photo: Jeff Murphy, NOAA.

Marine Protected Areas Defined

With the unanimous support of the Mid-Atlantic Fishery Management Council, NOAA Fisheries Service recently nominated the Tilefish Gear Restricted Areas in Oceanographer, Lydonia, Veatch, and Norfolk canyons for inclusion in the National System of Marine Protected Areas (MPAs). These are the first federal fishery management areas to be proposed to become part of the national MPA system.

So what exactly does that mean? Here are some frequently asked questions and answers about marine protected areas that should help explain the definition and purpose of MPAs.

Q: What is an MPA?

A: An MPA is any marine area that is regulated to provide protection of the natural and/or cultural resources within a defined area.

Q: Are there different kinds of MPAs?

A: Yes. MPAs span a range of habitats, including the ocean, coastal areas, intertidal zones, and estuaries. They also vary widely in terms of purpose, legal and agency authorities, management approaches, level of protection, and human use restrictions. MPAs can include marine sanctuaries, fishery management zones, national parks, and many other areas.

Q: Are MPAs a new management tool?

A: MPAs are not new, but they are gaining a new emphasis as a resource management tool.

Q: Are all MPAs no fishing zones?

A: No. In fact, fishing is banned in less than 8% of the area within US MPAs. Some people confuse "marine reserves," which are no-take areas, with MPAs as being the only type of MPA.

Many MPAs are multiple-use areas, where a variety of uses are allowed. However, some MPAs have specific gear, habitat, or seasonal restrictions with which fishermen need to comply. For example, under the Tilefish Fishery Management Plan, all four of the nominated canyons are closed to bottom trawling gear to protect clay outcroppings that provide shelter to tilefish.

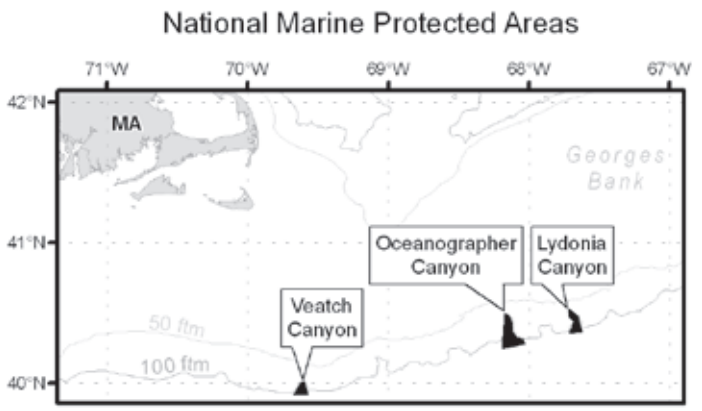
Q: Is there a federal mandate to set aside a percentage of US waters as MPAs?

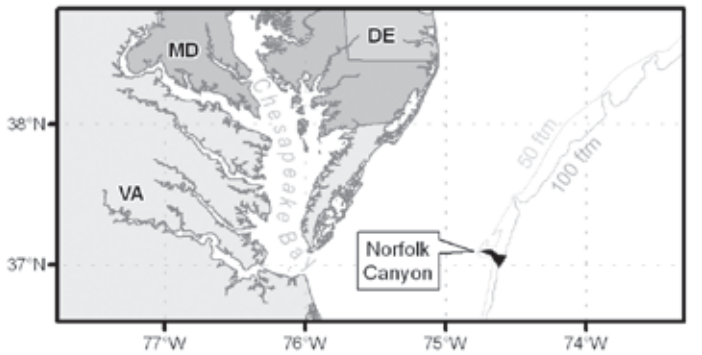
A: No. The federal mandate on MPAs (Executive Order 13158) does not require or recommend that certain percentages of US waters be closed off for fishery management or other conservation purposes. It does not establish any new MPAs, nor does it provide alternate means to create new MPAs.

Q: Will fishermen have to comply with any new regulations when an MPA becomes part of the national system?

A: Including an existing MPA in the national system does not establish any new regulations or interfere with existing ones. The national system helps agencies coordinate planning and management.

Q: What are benefits of MPAs?





A: MPAs support the sustainable production of harvested marine resources. MPAs may lead to enhanced fishing opportunities for both commercial and recreational fishermen through species recovery, spillover and seeding effects, habitat protection, and conservation of genetic diversity. Since MPAs are typically applied to specific habitats or locations, they can be used to protect spawning aggregations or nursery areas that are particularly vulnerable to certain fishing gear types.

More information about MPAs is available online at <www.mpa.gov>.

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