



February 26, 2014

MEMORANDUM FOR: MRAG Americas,
Northeast Fisheries Observer Program (NEFOP) Observers

FROM: Amy Martins 
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SUBJECT: 2014 Atlantic herring and Mackerel, Squid, Butterfish Fishing
Year: Fisheries updates regarding Amendment 5 and Amendment
14 Management Measures

This memo is intended to inform observers of several management measures that will be implemented in the 2014 Fishing Year in the Atlantic herring and Mackerel, Squid, Butterfish (MSB) fisheries based on language in Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP) and on language in Amendment 14 to the MSB FMP. Broadly, the goals of Amendment 5 and 14 are to: 1) Improve the collection of real-time, accurate catch information; 2) Enhance the monitoring and sampling of catch at-sea; and 3) Address bycatch issues through responsible management.

Specifically, Amendment 5 approves management measures including:

- Modify the herring transfer at-sea and offload definitions to better document the transfer of fish;
- Expand possession limit restrictions to all vessels working cooperatively, consistent with pair trawl requirements;
- Eliminate the vessel monitoring system (VMS) power-down provision for limited access herring vessels, consistent with VMS provisions for other fisheries;
- Establish an "At-Sea Herring Dealer" permit to better document the at-sea transfer and sale of herring;
- Establish an "Areas 2/3 Open Access Permit" to reduce the potential for the regulatory discarding of herring in the mackerel fishery;
- Allow vessels to enroll as herring carriers with either a VMS declaration or letter of authorization to increase operational flexibility;
- Expand pre-trip and pre-landing notification requirements, as well as adding a VMS gear declaration, to all limited access herring vessels and vessels issued an Areas 2/3 Open Access Permit to help facilitate monitoring;
- Establish an advance notice requirement for the observer pre-trip notification at 48 hr;
- Expand vessel requirements related to at-sea observer sampling to help ensure safe sampling and improve data quality;

- Establish measures to minimize the discarding of catch before it has been made available to observers for sampling (known as slippage);
- Establish a framework provision for a river herring catch cap, such that a river herring catch cap may be implemented in a future framework;
- Allow the existing river herring bycatch avoidance program to investigate providing real-time, cost-effective information on river herring distribution and fishery encounters in River Herring Monitoring/Avoidance Areas; and
- Expand at-sea sampling of midwater trawl vessels fishing in groundfish closed areas.

Amendment 5 to the Atlantic herring FMP

Amendment 5 includes a provision requiring all limited access herring permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. This provision also states that any vessel targeting herring and carrying an observer must provide (1) A safe sampling station adjacent to the fish deck, and a safe method to obtain and store samples; (2) Reasonable assistance to allow observers to complete their duties; (3) Advance notice when pumping will start and end and when sampling of the catch may begin; and (4) Visual access to net/codend or purse seine and any of its contents after pumping has ended, including bringing the codend and its contents aboard if possible. Additionally, this action requires vessels issued limited access permits working cooperatively in the herring fishery to provide NMFS-approved observers with the estimated weight of each species brought on board or released on each tow.

If catch is discarded before it has been made available to the observer, that catch is defined as slippage. Fish that cannot be pumped and remain in the net at the end of pumping operations are considered operational discards and not slippage. Discards that occur after catch has been brought on board and sorted and sampled by an observer are also not considered slippage. Vessels may make test tows without pumping catch on board, provided that all catch from test tows is available to the observer when the following tow is brought aboard. Amendment 5 allows catch to be slipped only if: 1) Bringing catch aboard compromises the safety of the vessel; 2) Mechanical failure prevents the catch from being brought aboard; or 3) Spiny dogfish prevents the catch from being pumped aboard.

Amendment 5 expands the existing monitoring requirements for midwater trawl vessels fishing in Groundfish Closed Area I to all herring vessels fishing with midwater trawl gear in the Groundfish Closed Areas (Closed Area I, Closed Area II, Nantucket Lightship Closed Area, Cashes Ledge Closure Area, and Western Gulf of Maine Closure Area). This action requires vessels with a herring permit fishing with midwater trawl gear in the Closed Areas to carry a NMFS-approved observer and bring all catch aboard the vessel and make it available for sampling by an observer. Herring vessels not carrying a NMFS-approved observer may not fish for, possess, or land fish in or from the Closed Areas.

Amendment 14 to the MSB FMP

The geographic range and vessel participation in the mackerel fishery overlap with the Atlantic herring fishery to a large extent. Some of the management measures in the New England Fishery Management Council's (NEFMC) Amendment 5 to the Atlantic herring FMP are the same or similar to the measures included in the Mid-Atlantic Fishery Management Council's (MAFMC) Amendment 14 to the MSB FMP. Amendment 14 requires all limited access mackerel and

longfin squid moratorium vessels to bring all catch aboard the vessel and make it available for sampling by an observer. If catch is discarded before it has been made available to the observer, that catch is defined as slippage. Fish that cannot be pumped and that remain in the net at the end of pumping operations are considered operational discards and not slippage. Amendment 14 allows catch to be slipped if: 1) Bringing catch aboard compromises the safety of the vessel or crew; 2) Mechanical failure prevents the catch from being brought aboard; or 3) Spiny dogfish prevents the catch from being pumped aboard.

Specifically, Amendment 14 approves management measures including:

- Weekly vessel trip reports (VTRs) for all MSB permits;
- Require 48-hr pre-trip notification to retain more than 20,000 lb of mackerel so NMFS has sufficient notice to assign observers to fishing vessels;
- Require VMS and daily catch reporting via VMS for limited access mackerel vessels;
- Require VMS and daily catch reporting via VMS for longfin squid/butterfish moratorium vessels;
- Require 6-hr pre-landing notification via VMS to land over 20,000 lb of mackerel;
- Expand vessel requirements related to at-sea observer sampling to help ensure safe sampling and improve data quality;
- Prohibit slippage on limited access mackerel and longfin squid trips, with exceptions for safety concerns, mechanical failure, and when spiny dogfish prevents catch from being pumped aboard the vessel, and require a released catch affidavit for each slippage event;
- Evaluate the existing river herring bycatch avoidance program to investigate real-time, cost-effective information on river herring distribution and fishery encounters;
- Implement a mortality cap for river herring and shad in the mackerel fishery; and
- Establish a mechanism within the fishery management plan whereby a river herring and shad catch cap can be developed through future framework actions.

If you have additional questions, please contact Sara Weeks at (508) 495-2227 or email sara.weeks@noaa.gov.

Thank you.

The regulatory information contained in this memo was summarized from Am. 5 regulations and should not be used as a substitute for the actual regulations.