



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

Sent September 14, 2011

Atlantic Herring Fishery
Changes to Haddock Incidental Catch Measures
Effective September 14, 2011

Framework Adjustment 46 (Framework 46) to the Northeast (NE) Multispecies Fishery Management Plan (FMP) has revised the haddock incidental catch cap for the herring fishery, including accountability measures and reporting requirements. To explain what the new Framework 46 measures mean to you, we have divided this letter into two sections:

- **Section 1:** Measures that apply to all herring vessels (Page 2)
 - Haddock Incidental Catch Cap
 - Accountability Measures
 - Groundfish Possession Restrictions
 - Reporting Requirements
 - Closed Area I
- **Section 2:** Measures that apply to limited access herring vessels (Page 6)
 - Reporting Requirements

Questions You May Have

When are the measures in this letter effective?

All measures are effective on September 14, 2011, **except for** the requirement for limited access herring vessels to report all species kept by haddock stock area via their VMS catch reports, which will be effective September 28, 2011.

Are there other details that you have not described in this letter?

We have summarized only the measures that are essential to your day-to-day fishing operations for the remainder of fishing year (FY) 2011. If you want to learn more about other measures and details in Framework 46, we have posted additional information on our website at: <http://www.nero.noaa.gov/sfd/sfdher.html>

Whom can I call if I have a question about any of the measures?

Please call the Sustainable Fisheries Division staff at (978) 281-9315. They can answer your questions or direct you to other Northeast Regional Office staff who can.

Sincerely,

Patricia A. Kurkul
Regional Administrator

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.



SECTION 1: MEASURES THAT APPLY TO ALL HERRING VESSELS

Haddock Incidental Catch Caps

- How has the haddock incidental catch cap changed? The haddock incidental catch cap has increased to 1% of GOM haddock Acceptable Biological Catch (ABC) and 1% of the GB haddock ABC (up from 0.2% of the ABCs combined). There are now two separate caps, one for GOM haddock and one for GB haddock. These caps will still be set according to the Northeast multispecies fishing year (May 1-April 30).
- What vessels do the caps apply to? The caps apply to all herring vessels (of any permit category) fishing in Herring Management Areas 1A, 1B, and/or 3 with midwater trawl gear. Haddock catches by any limited access or open access herring vessel fishing with midwater trawl gear in Areas 1A, 1B, and/or 3 will be counted towards either the GOM or GB haddock cap, depending on where the vessel was fishing.
- How will haddock catches be counted towards the cap? Haddock catches recorded by observers on midwater trawl vessels fishing in Areas 1A, 1B, and 3 will be used to calculate a haddock “catch rate.” We will multiply this catch rate by the total catch to date of all species by midwater trawl vessels in Areas 1A, 1B, and 3. This will give us an estimate of total haddock catch by all midwater trawl vessels in these areas to count against the caps. We will no longer be using dealer and enforcement reports to monitor the caps.
- When will the new caps take effect? The new caps will be effective September 14, 2011. However, all haddock caught by midwater trawl vessels since the start of the 2011 NE multispecies fishing year (May 1, 2011) will count toward the new caps.

Groundfish Possession Restrictions

- Have groundfish possession limits changed for herring vessels? Yes, Category C and D vessels, when fishing with midwater trawl gear in Areas 1A, 1B, and/or 3, must now land all haddock that is brought on deck or pumped into the hold. Category C and D vessels may also land up to 100 lb of NE multispecies other than haddock, but must not sell this haddock or other NE multispecies for human consumption.

Category A and B vessels must land all haddock that is brought on deck or pumped into the hold. Category A and B vessels can land up to 100 lb of other NE multispecies, but must not sell any groundfish for human consumption.

Accountability Measures

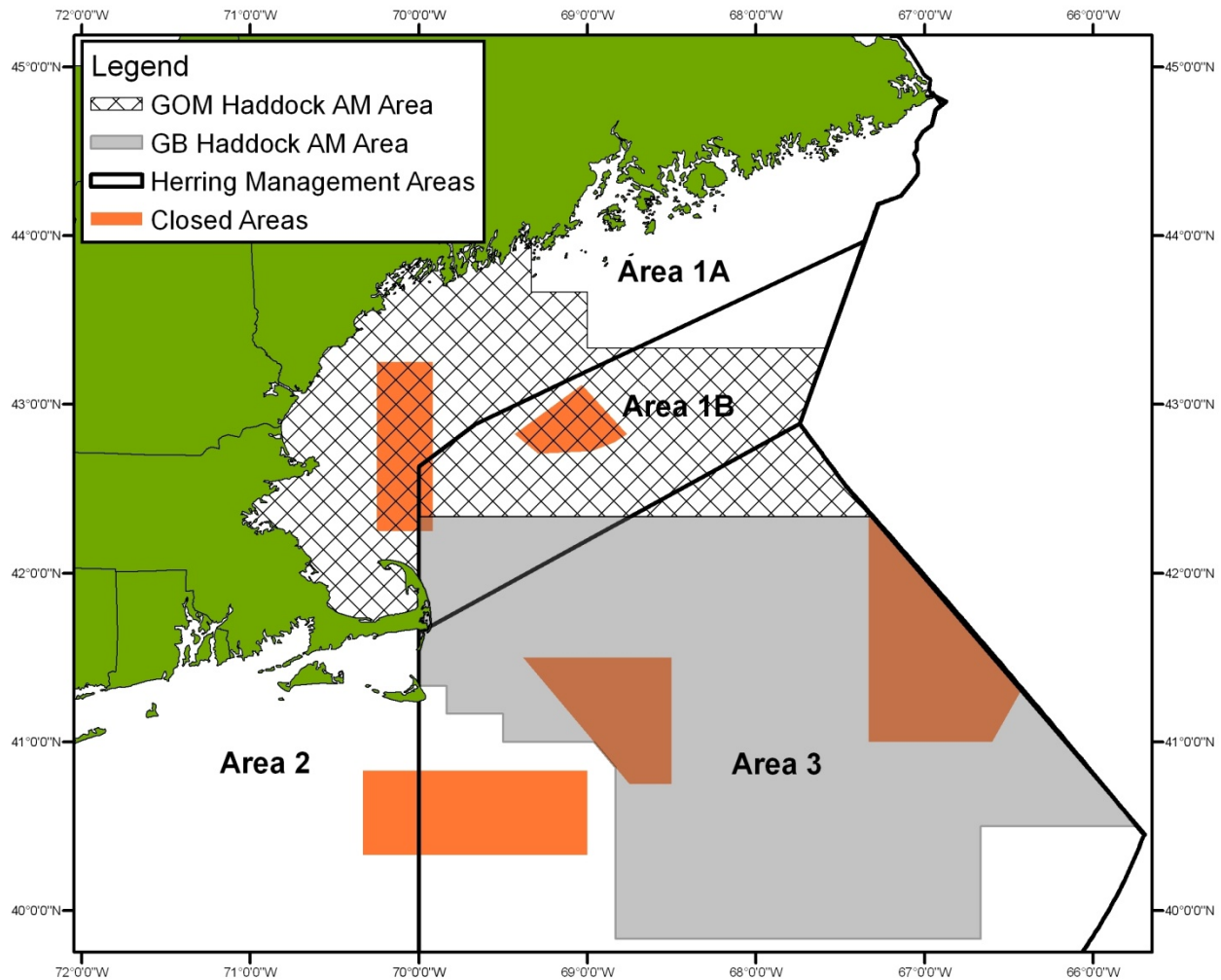
- What happens when a cap is reached? When a cap is reached, the herring and haddock possession rules change in the appropriate accountability measure (AM) area (see Figure 1), as explained further below.

- All vessels (any permit category) fishing with midwater trawl gear in the applicable AM area will be prohibited from fishing for, possessing, or landing more than 2,000 lb of herring per trip in or from that area.
- A midwater trawl vessel may transit the AM area with more than 2,000 lb of herring, provided its gear is properly stowed.
- Herring vessels fishing with gear other than midwater trawl (e.g., purse seine, otter trawl) will not be subject to the decreased herring limit.
- Category A and B vessels (any gear type) and Category C and D vessels (when fishing with midwater trawl gear), will be prohibited from possessing any haddock from that area.

Example 1: If a Category B vessel is fishing with midwater trawl gear in the Herring GOM Haddock AM Area after the GOM haddock cap has been reached, this vessel would be restricted to a 2,000-lb herring trip limit and 0-lb haddock limit. This is because the AM has been triggered that applies to all midwater trawl vessels fishing in the area.

Example 2: If a Category C vessel is fishing with purse seine gear in the Herring GOM haddock AM Area after the GOM haddock cap has been reached, this vessel would be able to possess more than 2,000 lb of herring (up to the amount allowed by the herring regulations). This is because, although the AM has been triggered, it only applies to vessels using midwater trawl gear.

This figure below shows the new Herring Haddock AM Areas (cross-hashed and shaded). The lines represent the herring management areas.



- What happens if a cap is exceeded? If the amount of haddock catch exceeds the catch cap in one fishing year, the appropriate catch cap would be reduced by the amount of the overage in the following fishing year. We would announce any overage reductions in the Federal Register prior to the start of the NE multispecies fishing year in which the overage would apply.

Example: If the GOM haddock incidental catch cap is exceeded in NE multispecies FY 2011 (May 1, 2011 - April 30, 2012) by 20,000 lb, the FY 2012 GOM haddock incidental catch cap (effective May 1, 2012 – April 30, 2013) would be reduced by 20,000 lb to account for the overage. We would announce the overage reduction in the Federal Register prior to May 1, 2012).

Reporting Requirements

- Do herring vessels have new reporting requirements? Yes. As of September 14, 2011, herring vessels with a Category A, B, C, or D permit intending to fish with midwater trawl gear in Herring Management Areas 1A, 1B, and/or 3, must notify the Northeast Fisheries Observer Program (NEFOP) at least 72 hr prior to starting the trip (e.g., contact name and phone number; vessel name; date, time, and port of departure). Midwater trawl vessels must also notify NEFOP whether or not they intend to fish any part of the trip in Closed Area I.

NEFOP may be notified by calling 508-990-9057. You will be asked to provide your contact name and phone number, vessel name, date, time, and port of departure, etc. Additional instructions are available at <http://www.nefsc.noaa.gov/fsb/>.

Additional reporting will also be required of limited access midwater trawl vessels (see page 6). A comprehensive reporting guide for all herring vessels has been enclosed with this letter. This guide is intended to be a quick reference for you to keep in your vessel's wheelhouse.

- Do Category A and B vessels intending to use purse seine gear still have to notify NEFOP? Yes, Category A and B vessels using midwater trawl or purse seine gear are still required to notify NEFOP of their intent to take a trip.
- Whom can I call if I have questions about the NEFOP notifications? Please call Sara Weeks at the Northeast Fisheries Observer Program at (508) 495-2227. She can answer your questions or direct you to other NEFOP staff that can.

Closed Area I

- Will I have to do anything differently when fishing in Closed Area I? Yes. Framework 46 expanded the special Closed Area I requirements for Category A and B vessels to apply to all herring vessels using midwater trawl gear, regardless of permit category. Any category herring vessel intending to fish or fishing with midwater trawl gear:
 - Must not fish in Closed Area I without an observer;
 - Must not release fish from the codend of the net, transfer fish to another vessel that is not carrying an observer, or otherwise discard fish at sea, without first bringing the fish on board for sampling and inspection by an observer. Fish that have not been pumped aboard the vessel may be released from the codend without being sample, if the vessel operator finds that:
 - Pumping the catch could compromise safety;
 - Mechanical failure precludes bringing some or all of the catch aboard the vessel;
 - Spiny dogfish have clogged the pump, preventing pumping of the rest of the catch.

If the net is released for any of these three reasons, the vessel operator must complete and sign a Closed Area I Midwater Trawl Released Codend Affidavit

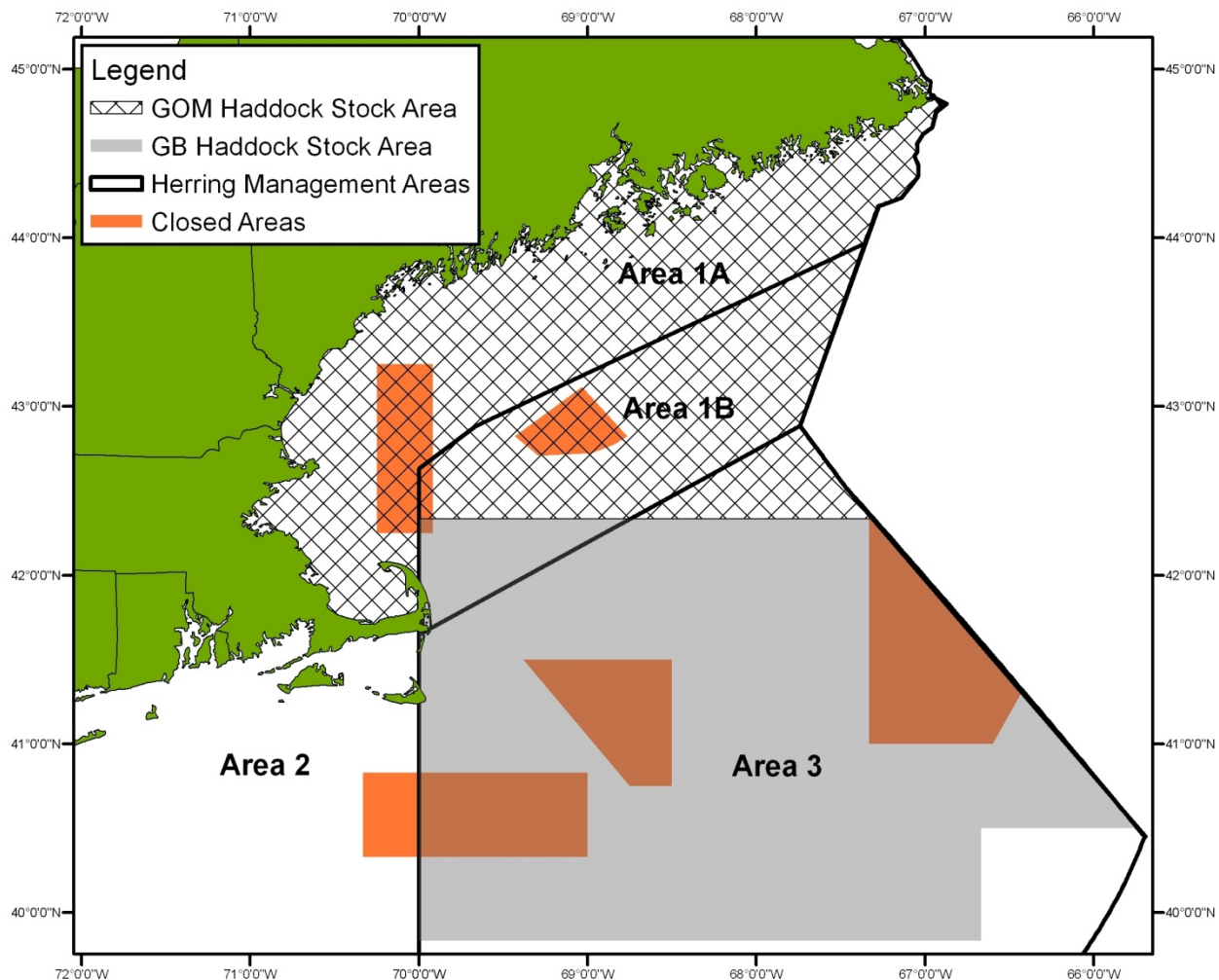
detailing where, when, and why the net was released, and a good-faith estimate of both the total weight of fish caught in that tow and the weight of fish released (if the tow was partially pumped). The affidavit must be submitted to us within 48 hr of landing, and the vessel must exit Closed Area I for the remainder of the trip.

SECTION 2: MEASURES THAT APPLY TO LIMITED ACCESS HERRING VESSELS

Reporting Requirements

- Do limited access vessels have new reporting requirements? Yes, some reporting requirements have changed for all limited access herring vessels.
 - **Catch Reports:** As of September 28, 2011, all limited access vessels fishing with midwater trawl gear in Herring Management Areas 1A, 1B, and/or 3, must report all species kept (including herring, haddock, mackerel, etc.) by modified haddock stock area on their daily VMS herring catch report form. An example of this screen, and the new reporting areas, are shown below.

The figure below shows the modified haddock stock areas by which you must report total kept catch.



- **Pre-landing Hail to Enforcement:** As of September 14, 2011, all limited access herring vessels must notify enforcement before landing on some trips.
 - Category A and B Vessels: Must notify enforcement before landing via the VMS form shown below, when completing a trip fishing with midwater trawl or purse seine gear on a declared herring trip.
 - Category C Vessels: Must notify enforcement before landing via the VMS form down below, when completing a trip fishing with midwater trawl gear in Areas 1A, 1B, and/or 3.

This is the layout of the revised herring VMS pre-landing form. It may appear differently on your VMS unit depending on your VMS vendor. All fields on this form must be completed before sending the report.

HERRING PRE-LANDING NOTIFICATION

This report is to be sent by limited access herring vessels on a declared herring trip as described below:

a. Category A & B vessels: Fishing with mid-water trawl or purse seine gear in any area.

b. Category C vessels: Fishing with mid-water trawl gear in areas 1A, 1B, and/or 3.

Note: Send report at least 6 hours prior to crossing the VMS demarcation line on the return trip to port, or 6 hours prior to landing if no fishing occurred seaward of the VMS demarcation line.

Estimated Landing Month (01 - 12): _____

Estimated Landing Day (01 - 31): _____

Estimated Landing Hour (00 - 23): _____

Estimated Landing Minute (00 - 59): _____

Landing Port State: _____

Landing Port City: _____

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons falling under the requirements of 50 CFR 648.7(b) and 648.10(l). All data submitted will be handled as confidential material in accordance with NOAA regulations and Administrative Orders. Public reporting burden for catch reporting (including all fish kept by haddock stock area) is estimated to average 7 min per individual per VMS response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, 55 Great Republic Drive, Gloucester, MA 01930.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Number: 0648-0202

Expiration: 4-30-2013