



# The NOAA FISHERIES NAVIGATOR

THIS SUPPLEMENT PROVIDED BY NOAA FISHERIES SERVICE'S GREATER ATLANTIC REGIONAL OFFICE

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## How to Participate in the Fishery Management Process

**F**ederal fisheries management involves the regulation of commercial and recreational fisheries in US waters. Fisheries managers gather information, develop analyses, consult with interested parties, and make decisions regarding fish populations and resources based on the best scientific information available. Using that information, and guided by applicable laws, managers develop and implement regulations to govern fishing activities to ensure the long-term sustainability of fishery resources.

This guide focuses on U.S. federal fisheries management under the Magnuson-Stevens Fishery Conservation and Management Act, also known as the Magnuson-Stevens Act (MSA). The MSA is the main law that governs fishing in federal waters of the United States. Federal waters are defined from the outer boundary of state waters (usually 3 nautical miles (nm) from shore) to the outer boundary of the Exclusive Economic Zone (200 nm offshore).

The MSA established eight regional fishery management councils which, together with our agency, NOAA Fisheries, manage fisheries in our waters. In addition to the MSA, fisheries management includes consideration of the National Environmental Policy Act (NEPA), Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), Atlantic Coastal Fisheries Cooperative Management Act, Coastal Zone Management Act (CZMA), and other federal laws.

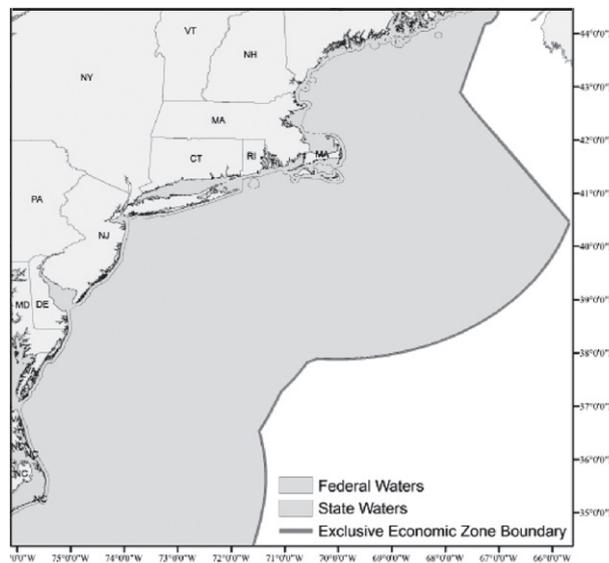
### Why Should I Get Involved?

The Magnuson-Stevens Act was designed to ensure public participation in fisheries management. All members of the community, whether fishermen, business persons, environmentalists, or general public, can have an impact by becoming involved and speaking up. Your actions today help ensure commercial and recreational fisheries remain healthy and that fish remain abundant this year, next year, and in the future. Your input also helps ensure that fishery resources are fairly distributed. Your knowledge and experience helps managers make decisions regarding fisheries management.

### Components of the Fishery Management System

Many entities contribute to federal fisheries management. Congress writes the laws. The fishery management councils develop new fishery management plans (FMPs or plans), amend existing plans, and recommend policies such as annual quotas, which are the total number of pounds allowed to be harvested in a given year. These plans must follow the ten “national standards” and other required provisions of the MSA, as well as other management measures necessary to successfully manage the fishery. NOAA Fisheries ensures that each plan meets the National Standards (especially regarding overfishing and overfished stocks) as well as other federal laws and mandates. NOAA Fisheries also implements and enforces the fishery management plans developed by the Councils, and provides the majority of the scientific information upon which the management plans are built.

Marine Jurisdictions



### The 10 MSA National Standards (abridged)

Under the Magnuson-Stevens Act, conservation and management measures shall:

- Prevent overfishing while achieving optimum yield (maximum overall benefit).
- Be based upon the best scientific information available.
- Manage individual stocks as a unit throughout their ranges, to the extent practicable; interrelated stocks managed as a unit or in close coordination.
- Not discriminate between residents of different states; any allocation of privileges must be fair and equitable.
- Where practicable, promote efficiency, except that no measure shall have economic allocation as its sole purpose.
- Consider and allow for variations and contingencies in fisheries, fishery resources, and catches.
- Minimize cost and avoid duplication, where practicable.
- Consider the importance of fishery resources to communities to provide for the sustained participation

of, and minimize adverse impacts to, such communities (consistent with conservation requirements).

- Minimize bycatch and bycatch mortality.
- Promote human safety at sea.

### Who's Who in the Council Process

Many people are involved in developing and implementing fishery management plans. Typically, development begins with the council and ends with approval and implementation by NOAA Fisheries. There are eight regional fishery management councils, each of which has a scientific and statistical committee (SSC), advisory panels, an Executive Director, and staff. The Greater Atlantic Regional Fishery Office works with the New England and Mid-Atlantic Councils.

**The Regional Fishery Management Council:** The Council includes voting and non-voting members, and is responsible for initiating fishery management actions and developing management plans. The Executive Director and Council staff support the Council and its committees.

**Oversight Committees:** Oversight committees, made up of a subset of Council members, meet regularly to review and discuss specific measures which form the basis of a plan amendment or framework. Committee recommendations are forwarded to the full Council for approval. Typically, there is an oversight committee for each plan and, sometimes, additional ones for specific issues.

**Advisory Panels:** When reviewing potential management options, the Council and its committees draw upon knowledgeable people from the community who serve on an advisory panel. Advisory panels consist of commercial and recreational fishermen, dealers, processors, environmentalists, scientists, sociologists, and other professionals. Typically, there is an advisory panel for each fishery management plan. Sometimes, special advisory panels are created to address specific issues. For example, the Councils created a joint Northeast Trawl Advisory Panel to identify concerns about regional research survey performance and data.

**Scientific and Statistical Committee (SSC):** The SSC includes academic experts and researchers who provide scientific advice for fishery management decisions, including recommendations on catch limits and reports on stock structure.

**Plan Development/Fishery Management Action Team (PDT/FMAT):** PDTs (New England) and FMATs (Mid-Atlantic) include Council staff, NOAA Fisheries staff, scientists, state agency staff, and other experts. The teams meet regularly to respond to questions raised by the committee or Council, to provide analysis of the action, and to develop issue papers and other documents.

Voting Members Include
Regional Director of NOAA Fisheries
State Marine Fisheries Agency Representatives
Qualified citizens nominated by their state governors and appointed by the Secretary of Commerce. The citizens must be familiar with the fishing industry (recreational and/or commercial) and/or marine conservation.
Non-Voting Members Represent
The U.S. Fish and Wildlife Service
The U.S. Coast Guard
The U.S. Department of State
Regional Marine Fisheries Commissions

See *MANAGEMENT*, next page



# The NOAA FISHERIES NAVIGATOR

## MANAGEMENT

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**Executive Director:** The Executive Director oversees all operations of the Council, including managing the Council staff and implementing Council policies and operating procedures.

### Development of a Management Action

Management actions include new management plans, amendments to existing plans, framework adjustments, or specifications. Framework adjustments are generally minor modifications to existing management programs, and specifications are overarching management measures such as annual or multi-year quotas, trip or bag limits, gear requirements and fishing seasons. Specifications and framework adjustments are more streamlined than FMPs and amendments. Specifications can take 6 months to 1 year to develop; framework adjustments 6 months to 2 years, and plans/amendments 2+ years. Although the details vary somewhat, the steps for these various actions are generally similar including action development, final Council action, rulemaking, and implementation. The first steps occur at the Council and the final ones at NOAA Fisheries.

#### When Commenting Consider:

- Introducing yourself by explaining your interest in the issue.
- Focusing on your key points and why you hold that opinion.
- Suggesting an alternative that you think can help better meet the fishery issue or need.
- Sharing how your opinion relates to the law and to the National Standards.

#### At the Council

**Scoping:** During the scoping process, the Council gathers suggestions and ideas from stakeholders and the public about solving a fishery problem or addressing a fishery need. The goal is to identify issues, potential impacts, and reasonable alternatives (options to address the issue/need) so that management actions can be developed. **Your input can be given orally at a meeting or in writing to the Council. Becoming involved at this stage is the best way to get your input included in the action!**

**Action development:** The appropriate oversight committee develops alternatives based upon input received during scoping and on any advice from the applicable advisory panel. The corresponding PDT or FMAT then conducts technical analyses of the alternatives and Council staff draft supporting documents. Oversight committee meetings are open to the public and your input at this stage can help refine alternatives as they are being developed.

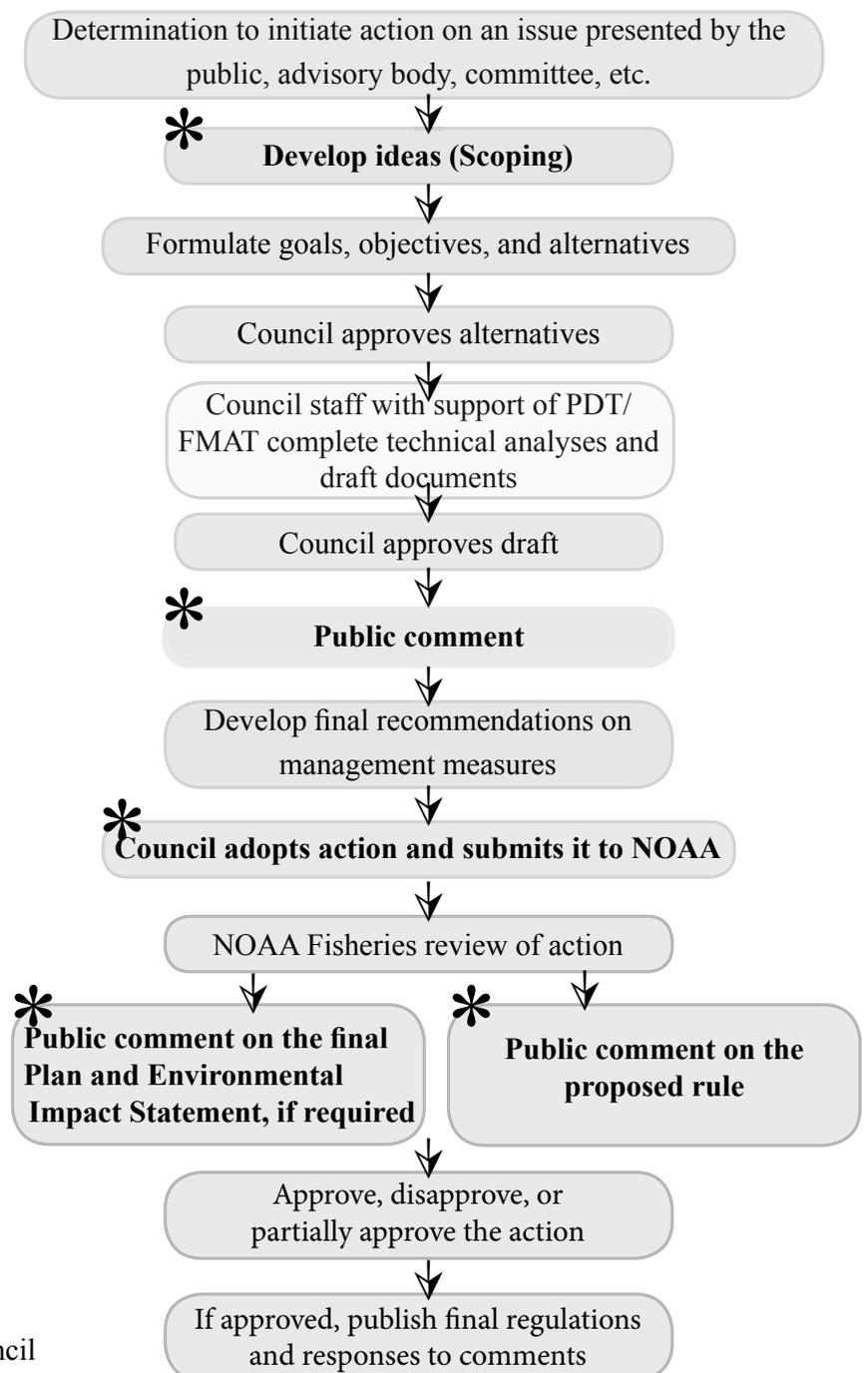
**Public hearings:** Public hearings are held after alternatives are developed for plans and amendments. The purpose of these hearings is to gather feedback, including potential impacts, on the proposed alternatives and to suggest other possible alternatives.

**Final Council Action:** After considering public input, the committee makes a recommendation on final action to the Council. **There is an opportunity for public input at the Council meeting before a management action is chosen and a vote is taken to adopt the action.** Once a decision is made, the management action is sent to NOAA Fisheries for review, approval and implementation.

#### At NOAA Fisheries

**Rulemaking:** Once the Council approves an action, it is forwarded to NOAA Fisheries. NOAA Fisheries reviews the action for compliance with the MSA and other federal laws, and publishes a proposed rule in the *Federal Register*. The proposed rule describes the Council's proposals and any potential concerns and draft regulations necessary to implement the proposed measures. Once the proposed rule is published, there is a period (generally 15-60 days) for the public to comment. If the action is the development of a new plan or an amendment, there is usually an additional comment period (generally 45 days) on the Environmental Impact Statement (EIS), which is a separate document

## Development of a Management Action



- Council
- Oversight Committee
- Council Staff
- NOAA Fisheries
- \* Opportunities for Public Comment

### Be Involved with the Council

- Learn more by signing up for mailing lists, visiting Council websites, and reading meeting reports posted on the web.
- Attend Council, committee, or advisory panel meetings.
- Submit informed comments.
- Join a group. Groups are organized around different issues and interests. Join a group that represents your interests.
- Ask! Call with questions (see page 11).

that analyzes alternatives considered in developing the action. In many cases, these two comment periods (the proposed rule and the EIS), occur at approximately the same time. This is the **last chance for input** before a final decision is made. At this stage, NOAA Fisheries **only considers comments that support or oppose** the proposed action. Once the comment period has closed, NOAA Fisheries, on behalf of the Secretary of Commerce, decides whether to approve, partially approve, or disapprove the proposed action.

**Implementation:** After an action is approved or partially approved by the Secretary of Commerce, a final rule implementing the action is published in the *Federal Register*. Generally, there is a 30-day delay, known as the "cooling off period," between when the final rule publishes and when it goes into effect to allow fishermen time to prepare for the new measures. The final rule will include responses to any public comments received on the proposed rule and the final regulations describing how the fishing public needs to comply with the new measures.

### State Fisheries

Coastal fisheries are managed under individual state requirements or through an Interstate Fishery Management Plan (ISFMP) adopted by the Atlantic States Marine Fisheries Commission (ASMFC or Commission), a partnership of Atlantic states that manages species that migrate across state boundaries. Each state is represented by three Commissioners. These Commissioners participate in deliberations to ensure the sound conservation and management of their shared coastal fishery resources, and the resulting benefits to the fishing and non-fishing public.

The Commission also works collaboratively with NOAA Fisheries and the U.S. Fish and Wildlife Service, and may establish boards and committees, including advisory committees, as needed. Under the Atlantic Coastal Cooperative Management Act of 1993, the Commission is responsible for creating ISFMPs. All Atlantic states included in these plans must comply with the conservation provisions. Public input plays an important role in the Commission's management plans and amendments. Visit the Commission's website at [www.asmfc.org](http://www.asmfc.org) to learn more, and for information on upcoming meetings and actions.

If there is no federal plan for a species, state regulations apply in federal waters. If a council decides to create a management plan for that species, federal regulations replace the state regulations in federal waters. For fisheries that have both types of management plans, federally permitted commercial and for-hire vessels are required to comply with the more restrictive management measures to ensure conservation goals are achieved.

### Staying Informed and Commenting

The best time to become involved is **early** when management actions are being developed. See page 9 to identify which agency manages which species. By contacting the agency that manages the species you are interested in and becoming involved at the earliest stages, you can affect fishery management decisions. There are several ways to stay informed, including:

#### Joining an email list

Visiting fishery management websites (NEFMC, MAFMC, ASMFC, and NOAA Fisheries), and Reading Council and Commission newsletters.

#### Commenting at Meetings

You can comment orally at any Council meeting or public hearing. **Not all comments need to be formal. Comments made at advisory panel or committee meetings will be considered in the process.** Meeting times and locations are found on the councils' websites at:

*New England Council*

[www.nefmc.org](http://www.nefmc.org)

Subscribe to the mailing list at <http://nefmc.org/subscribe>

*Mid-Atlantic Council*

[www.mafmc.org](http://www.mafmc.org)

Subscribe to the mailing list at <http://www.mafmc.org/email-list>

#### Commenting on Proposed Regulation

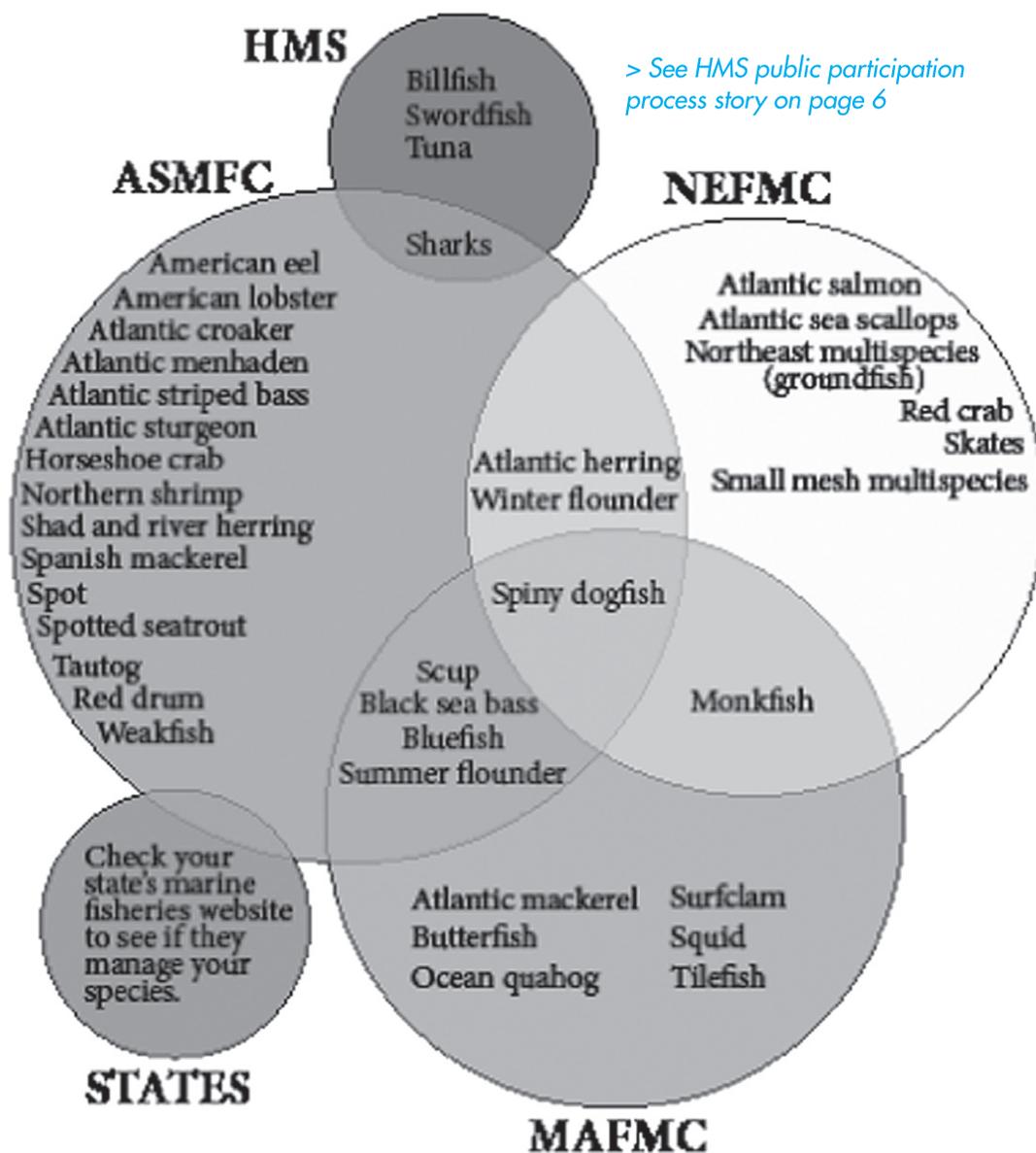
There are several ways to comment on proposed regulations, including:

**Electronically:** At [www.regulations.gov](http://www.regulations.gov), search by the final eight digits of the regulatory identification number (e.g., 0648-XJ00).

**Note:** The action may be listed under NOAA or the Environmental Protection Agency (EPA). Follow the instructions provided.

**Mail:** Send comments to the NOAA Fisheries address listed in the *Federal Register* notice.

## Who Manages Which Fishery?



### Contact Information

New England Fisheries Management Council (ME, NH, MA, RI, CT)

[www.nefmc.org](http://www.nefmc.org)

50 Water Street, Mill 2, Newburyport, MA 01950

Phone: (978) 465-0492, Fax: (978) 465-3116, [info@nefmc.org](mailto:info@nefmc.org)

Mid-Atlantic Fisheries Management Council (NY, NJ, PA, DE, MD, VA, NC)

[www.mafmc.org](http://www.mafmc.org)

Suite 201, 800 North State Street, Dover, DE 19901

Phone: (302) 674-2331; (877) 44-MAFMC, Fax: (302) 674-5399, [contact@mafmc.org](mailto:contact@mafmc.org)

NOAA Fisheries - Greater Atlantic Regional Fisheries Office

[www.greateratlantic.fisheries.noaa.gov](http://www.greateratlantic.fisheries.noaa.gov)

55 Great Republic Dr., Gloucester, MA 01930-2276

Phone: (978) 281-9300; (978) 281-9315, Fax: (978) 281-9333

Atlantic States Marine Fisheries Commission

[www.asmfc.org](http://www.asmfc.org)

1050 N. Highland St., Arlington, VA 22201

Phone (703) 842-0740, Fax (703) 842-0741, [info@asmfc.org](mailto:info@asmfc.org)



## NOAA Habitat Blueprint and the Penobscot Habitat Focus Area – Going Big for Fisheries Restoration

In 2011, NOAA launched a new initiative called the NOAA Habitat Blueprint (<http://www.habitat.noaa.gov/habitatblueprint>). The Habitat Blueprint is a framework designed to increase the effectiveness and efficiency of the Agency's habitat protection and restoration efforts by facilitating strategic planning and action across our line offices and with partner organizations. Key to this framework is identifying habitat focus areas, or priority areas where we work with partner organizations and agencies to restore and protect regionally important habitats. To date, we have designated ten habitat focus areas across the country. We selected the Penobscot River as one of these areas in May 2014.

The Penobscot is Maine's largest river and the second largest in New England. The Penobscot watershed covers approximately 22,254 square kilometers -- about a third of the state of Maine. Twelve diadromous fish species can be found in the Penobscot watershed including three species listed under the Endangered Species Act (Atlantic salmon, Atlantic sturgeon, and shortnose sturgeon) and two (alewife and blueback herring) recognized by NOAA as Species of Concern under the ESA. All twelve species serve unique and important ecological functions by connecting the marine environment to freshwater and land ecosystems, and all twelve have been heavily impacted by a variety of human uses over the past 250 years, most notably by dam construction and resulting habitat loss.

We have worked with many partner organizations on several restoration projects throughout the Penobscot watershed. This work has already resulted in major improvements in habitat quality and fish abundances. The potential to build on previous work and to leverage existing partnerships to restore and protect ecologically important fish habitats and threatened and endangered species made the Penobscot River an ideal Habitat Focus Area under NOAA's Habitat Blueprint Framework.

We have five broad goals for the Penobscot River Habitat Focus Area (HFA):

Restore multiple diadromous species including river herring, rainbow smelt and endangered and threatened species (i.e., Atlantic salmon, Atlantic sturgeon and shortnose sturgeon)

Improve the prey base for multiple offshore species including Gulf of Maine groundfish (i.e., cod and haddock) to support recreational, commercial, and sustenance fishing



Increase the quantity and quality of accessible habitat in the watershed

Promote habitat restoration that results in indirect benefits to water quality, watershed-based recreation and the resiliency of coastal communities

Increase collaboration across NOAA to meet the needs of constituents for products and information

We will address the Penobscot HFA goals through several targeted objectives. In order to effectively address the goals, the implementation of the Penobscot HFA is divided into three collaborative initiatives: Habitat Protection and Restoration, Research and Science, and Communications and Outreach.

Habitat Protection and Restoration includes activities that will improve access for diadromous fish to their historic habitat, such as dam removals, the construction of fishways, and culvert replacements. Building upon the successful removal of the two lowermost dams on the Penobscot River, at Great Works and Veazie, the initiative hopes to work in three habitat types: headwaters, alewife lakes and the lower river.

Headwaters habitat refers to streams that provide clean, cold water for species such as brook trout and Atlantic salmon. Atlantic salmon are critically endangered and were recently designated by NOAA as a "Species in the Spotlight." This initiative focuses on the eight most critically endangered species under NOAA's jurisdiction, and is designed to move these species from declining trajectories toward recovery. The Species

in the Spotlight initiative ties in well with the goals and objectives of the Penobscot HFA because the Penobscot Atlantic salmon stock within the Penobscot River is the largest and most genetically diverse in the Gulf of Maine population. Additionally, the watershed contains the largest abundance of freshwater spawning and nursery habitats that are currently accessible to Atlantic salmon.

Alewife lakes were historically numerous in the Penobscot River watershed. With an area of more than 75,000 acres, these lakes supported up to 20 million alewife fish returning to the river. The Penobscot HFA intends to restore access for alewives to 56 lakes and ponds identified in the State of Maine's plan for diadromous fish restoration in the Penobscot River watershed, as well as some estuary and bay tributaries.

Lower river restoration projects have the potential to restore access to habitat for estuarine species, such as rainbow smelt and shortnose sturgeon, as well as popular sportfish such as striped bass. Working with partners such as The Nature Conservancy (TNC), we will use an online barrier mapping tool to identify and prioritize fish passage projects in the best quality habitat, with a special focus on municipal and tribal projects that might be vulnerable to the potential effects of climate change, such as increased flooding, storm surges, and sea level rise.

Research and Science refers to activities that help assess the restoration of ecosystems in response to barrier removal projects. Initially, the intention is to continue environmental and fisheries monitoring related to the Penobscot River Restoration Project that included the Greats Works and Veazie dam removals. Other research being discussed relates to the interconnectedness of freshwater and marine environments, such as the value of sea run fish (i.e., alewife and blueback herring) to groundfish.

Communications and Outreach will include education about fisheries, ecosystems and coastal resiliency, as well as project-specific information. The effort will rely on the extensive communications expertise of Maine Sea Grant, who has been a trusted partner in community relations related to the state's

*See HABITAT, page 6*



## Let us know how we can communicate with you better!

**W**e are conducting a survey of our commercial and recreational fishing industry stakeholders to gain a better understanding of their communications needs, whether our existing products and services are effective and/or can be improved, and if there are any additional communications products and services that would assist with increasing regulatory compliance.

As of March 1st, you will be able to access this survey from the homepage of our website at <http://www.greateratlantic.fisheries.noaa.gov/>. The survey will be available until March 31st and should take you only 5-10 minutes to complete. Our goal is to ensure that our fishing industry stakeholders are well informed about the regulations that affect them and their businesses. We want to make sure that you get the timely and accurate information that you need to go fishing.

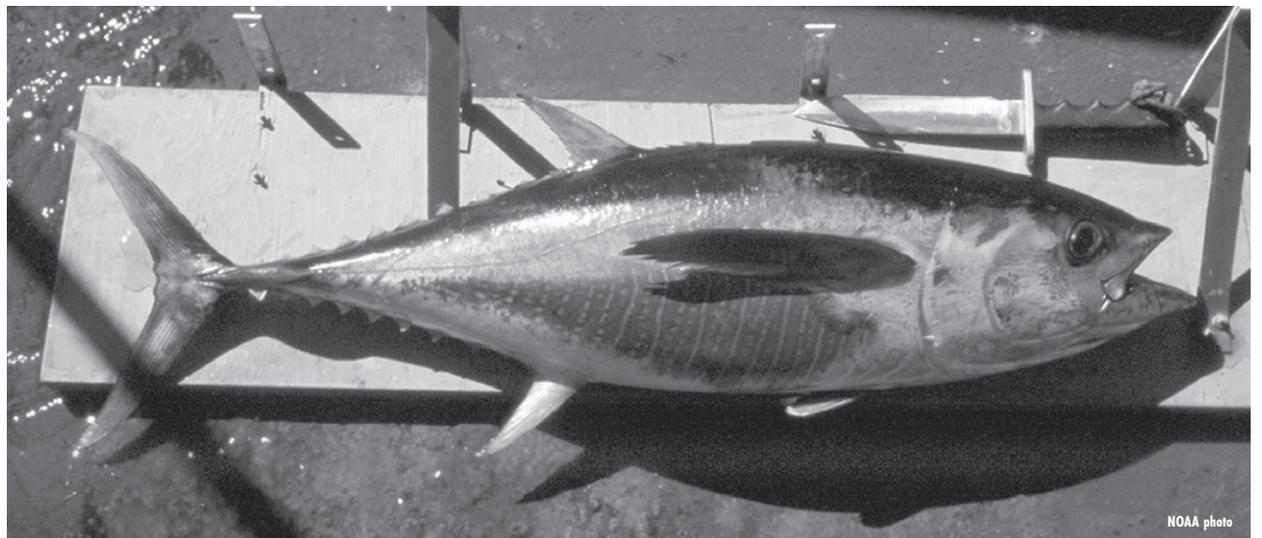
The information from this survey will help us to identify how we can improve existing communication products and services, eliminate ones that are no longer useful, and provide insight into new products and services that will help the fishing industry be more informed about our regulations. If you have any questions, contact Allison Ferreira, Stakeholder Engagement Division, at 978-281-9103 or email her at [Allison.Ferreira@noaa.gov](mailto:Allison.Ferreira@noaa.gov).

## Atlantic Pelagic Longline Fishery Completes First Year under New Rules

**T**he end of 2015 brought relief to both NOAA Fisheries and the Atlantic highly migratory species (HMS) pelagic longline fishery who spent most of the year working under sweeping new regulations put in place to reduce Atlantic bluefin tuna bycatch, increase individual vessel accountability for bluefin bycatch, and enhance reporting and monitoring. Although it is too early to fully evaluate the success of the new management program in relation to its objectives, we believe the implementation was an overall success for a variety of reasons. NOAA Fisheries, our contractors, and the industry met the logistical challenges we faced throughout 2015. Vessels were able to account for the bluefin they caught, and only one vessel had a minor quota debt remaining at the end of the year.

We successfully implemented new administrative programs to support the new regulations, and we (and our contractors) worked closely with the pelagic longline fleet and dealers to help them collectively learn the various new rules, procedures, and systems. Additionally, most of the fishery participants met the logistical requirements, were actively engaged in the entire process, and provided constructive feedback.

The Atlantic pelagic longline fishery operates in the Atlantic and Gulf of Mexico and targets mainly swordfish, yellowfin tuna, and bigeye tuna. However, bycatch of bluefin tuna in this fishery is a concern requiring new measures to improve monitoring and accountability in an effort to prevent overfishing and continue rebuilding bluefin tuna. As of Jan. 1, 2015, vessels fishing with pelagic longline gear were required to account for bluefin bycatch (landed and discarded dead) using an individual bluefin quota (IBQ) allocation through an online accounting and tracking system, as well as report bluefin catch through their vessel monitoring system (VMS) while at sea. On Jun. 1, 2015, such vessels were required to have an operable electronic



monitoring system (video cameras and associated equipment) in order to fish with pelagic longline gear.

During the initial year of implementation, more than 130 permit holders qualified for IBQ shares based on permit and landings criteria. The number of vessels and trips that landed bluefin in 2015 was less than 2014, and there were substantial reductions in the amount of bluefin dead discards in the fishery compared with previous years. It is not yet known how much of the reduced effort may have been effected by participation in other fisheries, market demand, imports, or other factors. Permit holders leased IBQ from one another (49 transactions among different 'shareholders'), with the amount of leasing increasing over the year, and the most active leasing occurring at the end of the year. The average price of leased IBQ was \$3.12 per pound, which is less than half the ex-vessel price for bluefin.

As part of this new action, we also implemented the first mandatory Electronic Monitoring systems

agency wide. Video cameras, etc. were installed on 112 pelagic longline vessels, over a six month period at 28 ports ranging from Maine to the Caribbean to reduce disruptions in fishing and travel for the fleet. A total of 87 vessels mailed 783 electronic monitoring hard drives to the contractor, which is analyzing portions of selected videos. The Southeast Fisheries Science Center developed a sampling protocol to sub-sample longline sets in order to verify the accuracy of counts and identification of bluefin reported by the vessel operator.

The 2016 brings new challenges for the fishery and the agency because vessels are now required to have a minimum amount of IBQ in order to fish with pelagic longline gear. We will continue to work with the pelagic longline fishery to help ensure their operations run smoothly while adapting to the new regulations. For more information on this program or other Atlantic HMS Fisheries go to: <http://www.nmfs.noaa.gov/sfa/hms/index.htm>



## Public Participation in the Atlantic Highly Migratory Species Fishery Management Process

**F**ederally managed Atlantic highly migratory species include five Atlantic tunas, five billfish, 42 sharks, and one swordfish. Management of these species must adhere to the National Standards of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and its fishery management plan requirements. However, the highly migratory nature of these species also requires extensive international cooperation in their management.

Just one year before signing the original Magnuson-Stevens Act that established the council management process, President Gerald Ford signed the Atlantic Tunas Convention Act of 1975 (ATCA). ATCA codified the United States' participation in international management of Atlantic highly migratory species by authorizing the enforcement of recommendations from the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT is the regional fishery management organization that oversees the conservation of tunas and tuna-like species in the Atlantic Ocean and its adjacent seas. Through ICCAT, scientists and fishery managers from 50 countries (called "contracting parties") come together to analyze the status of these stocks, and develop effective international management strategies. NOAA Fisheries implements ICCAT's recommendations domestically, under ATCA, applicable provisions of the Magnuson-Stevens Act, and other environmental laws including the National Environmental Policy Act (NEPA), Marine Mammal Protection Act, and Endangered Species Act

We manage Atlantic highly migratory species, including ICCAT management measures, domestically through the 2006 Consolidated Highly Migratory Species Fishery Management Plan and its amendments. Unlike the council process, Highly Migratory Species fisheries management plans are both developed and implemented by NOAA Fisheries. The Secretary of Commerce transferred this authority to us after the Fishery Conservation Amendments of 1990 (to the Magnuson-Stevens Act) transferred the authority for managing Atlantic highly migratory species from the councils to the Secretary. In 1992, we created the Atlantic Highly Migratory Species Management Division to take on this task.

The Sustainable Fisheries Act of 1996 amended the Magnuson-Stevens Act to further address the unique circumstances of managing Atlantic species, and included new provisions that applied only to the development of the Atlantic Highly Migratory Species Fishery Management Plan. In summary, these new provisions required the Secretary to:

- Consult with and consider the views of affected Councils, Commissions, and advisory groups;
- Evaluate the likely effects of conservation and management measures on participants and minimize, to the extent practicable, any disadvantage to US fishermen in relation to foreign competitors;
- Provide fishing vessels with a reasonable opportunity to harvest any allocation or quota authorized under an international fishery agreement;
- Diligently pursue comparable international fisheries management measures; and,
- Ensure that conservation and management measures:

HMS ADVISORY PANEL	FISHERY MANAGEMENT COUNCILS
Panel recommendations are advisory in nature	Council members vote to submit actions to NOAA Fisheries
NOAA Fisheries decides what actions to consider and implement	NOAA Fisheries approves, disapproves, or partially approves action
HMS staff seek input of science center staff and other experts	Scientific and Statistical Committees provide expert advice to council
Panel meets about twice per year	Councils meet about five times per year

promote international conservation of the affected fishery, take into consideration traditional fishing patterns, are fair and equitable in allocating fishing privileges among US fishermen and do not have economic allocation as the sole purpose, and promote, to the extent practicable, implementation of scientific research programs that include the tagging and release of Atlantic species

### Public Participation

Public participation is an important part of the highly migratory species fishery management process. Both fishery management councils and the Management Division conduct public meetings for scoping and review of proposed actions. The Sustainable Fisheries Act of 1996 also strengthened public participation for Atlantic highly migratory species management by authorizing the Secretary to establish advisory panels to assist with collection and evaluation of information. Two panels were initially established in 1997 because there were separate management plans for billfish and other species; the two panels were combined when those plans were combined to form the 2006 Consolidated plan.

Advisory Panel members serve three-year terms, with approximately one-third of the total panel members' terms expiring on December 31 of each year. Current representation on the panel consists of 12 members representing commercial interests, 12 members representing recreational interests, four members representing environmental interests, and four academic representatives. Additional members on the panel include the ICCAT Advisory Committee Chairperson, one member representing each of the following Councils: New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management

Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The panel also includes 22 ex-officio participants: 20 representatives of the coastal states and two representatives of the interstate commissions (the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission).

A key difference between the role of the panel and that of a fishery management council is that the recommendations of the panel are advisory in nature, and there are no formal votes. NOAA Fisheries brings issues to the panel for discussion and deliberation at biannual meetings, and integrates the advice of the panel into the decision-making process. In contrast, council members develop fishery management actions and submit them to NOAA Fisheries. NOAA Fisheries is then limited to approving, disapproving, or partially approving portions of the council action.

The general public may attend panel meetings. Meeting notifications are published in the Federal Register, and public comment is usually limited to a specific period during the meetings. Individuals may also contact panel members to discuss relevant issues between meetings. The list of panel members is available online at: [http://www.nmfs.noaa.gov/sfa/hms/advisory\\_panels/hms\\_ap/index.html](http://www.nmfs.noaa.gov/sfa/hms/advisory_panels/hms_ap/index.html).

NOAA Fisheries encourages interested individuals to sign up for Atlantic HMS News, an email service that provides information about the latest actions. Sign up on the Atlantic HMS Management Division's homepage (<http://www.nmfs.noaa.gov/sfa/hms/>). For further information about the HMS Advisory Panel or the Atlantic HMS Management Process, visit the Atlantic HMS Management Division homepage or contact Dianne Stephan at (978) 281-9397 or e-mail <Dianne.Stephan@noaa.gov>.

## HABITAT *Continued from page 4*

coastal environment for decades. For example, NOAA, TNC and Maine Sea Grant are working with the Town of Orland on outreach related to a NOAA-funded feasibility study for the head-of-tide Orland Village dam, which if removed would restore tidal flow to nearly two miles of Narramissic River and restore habitat for numerous estuarine and sea run fish species. Outreach will consist of fact sheets, public presentations, maps, web pages and other materials related to subjects such as the town's fisheries history, ecosystem science, water levels, water quality, recreation, and visual changes.

We will be announcing NOAA's Implementation Plan for the Penobscot HFA at the Maine Fishermen's Forum on Mar. 3-5, 2016 in Rockport, Maine. Please join our presentation on Friday Mar. 4 from 1-2:30 or stop by our NOAA Fisheries booth. For more information about the Penobscot HFA you can visit <http://www.habitat.noaa.gov/habitatblueprint/penobscot.html> or contact Matt Bernier, coordinator for the HFA at <Matthew.Bernier@noaa.gov> or (207) 866-7409.

# Federal Funding Helps States Build, Monitor and Manage Fisheries

**T**he Greater Atlantic Regional Fisheries Office administers financial assistance programs (grants and cooperative agreements) to states and other non-federal organizations (such as universities, fishery management commissions, fishery development associations, and fishermen) for projects that relate to the conservation, management, and use of fishery resources from the Northwest Atlantic. Currently, there are 20 active and ongoing awards in the State of Maine administered through the Greater Atlantic Region by five different grant programs.

Saltonstall-Kennedy (SK) grants fund several diverse research activities within the state. At the University of Maine, studies focus on the lobster industry, including the improvement of survivability of cusk and Atlantic cod bycatch discarded in the Gulf of Maine lobster trap fishery, and a study on the effects of regional temperature cycles on the development and disease susceptibility of the American lobster. The University is also participating in an assessment of the post-release mortality of yellowfin tuna captured in the rod and reel fishery off the east coast.

Studies that support aquaculture development in the State include a project from the Downeast Institute for Marine Research that will test shellfish aquaculture technology to create new opportunities for Maine's coastal communities. The project aims to increase soft-shell clam harvests locally in the face of increasing threats due to invasive green crab predation, warming seawater temperatures, and ocean acidification, and to create a model shellfish management program for coastal Maine Communities. Another project conducted by the Bigelow Laboratory for Ocean Sciences in East Boothbay studies the pathogens that cause disease in oysters. These pathogens represent a serious threat to oyster aquaculture in lost production. Researchers will investigate these oyster pathogens and determine their location, widespread presence, and abundance in the oyster population throughout Maine.

Acoustic surveys are also supported with SK funds. The Gulf of Maine Research Institute (GMRI) is continuing an acoustic Atlantic herring survey in Maine coastal waters that has been ongoing for several years. Data for the survey is collected by 10 lobstermen, whose vessels are equipped with echo-sounders that emit sound



*A researcher tagging a cod to be recompressed in a trap. Photo credit: Robert Boenish, University of Maine*

practices to the New England fresh fish markets; and a GMRI project that seeks to establish high-end and sashimi grade markets for seafood from the Northeast.

Maine's Department of Marine Resources (DMR) manages grant awards under the Atlantic Coastal Cooperative Management Act, the Atlantic Coastal Cooperative Statistics Program and the Interjurisdictional Fisheries Act. Award activities involve portside commercial catch sampling and bycatch sampling for the Atlantic herring, Atlantic mackerel and Atlantic menhaden fisheries. Another study allows the DMR to collect data to estimate the impact of marine recreational fishing on marine resources in the state. They survey the charterboat/headboat fleet for catch and effort information, and maintain a volunteer angler survey logbook to establish a reporting system to further document catch and effort by anglers in the shore. In addition, NOAA funding supports DMR fisheries research and resource monitoring on American lobster, northern shrimp, sea urchin and ocean quahog.

The final active award to the State of Maine is an Unallied Science Program grant to study adult and juvenile Atlantic salmon populations. These activities document the status of Atlantic salmon at various life stages for the benefit of Atlantic salmon management, regulation, and restoration.

Federal financial assistance in the form of grants and cooperative agreements allows states in the Greater Atlantic Region to monitor and manage important commercial and recreational species, and better utilize and conserve fishery resources within the state. Visit <http://www.greateratlantic.fisheries.noaa.gov/ob/grants/> to learn more about grant activity in the region. Our competitive grant opportunities are posted on [www.grants.gov](http://www.grants.gov). This website keeps the grants community current on procedures and requirements related to federal grants. Grants.Gov is designed to be a simple, one stop shopping to allow all customers (applicants) of Federal grants to electronically find and apply for grant opportunities. There are more than 26 Federal grant-making agencies that use Grants.Gov to post programs (over 1,000) that address a variety of topics including research and development, food and nutrition, science and technology, small business development, and more.

For more information, contact Susan Olsen, Office of Budget and Management, at (978) 281-9330 or email her at <[Susan.Olsen@noaa.gov](mailto:Susan.Olsen@noaa.gov)>.

waves towards the seabed and record the echoes that are reflected back. The recorded echoes enable scientists to determine the depth, size, and identity of the object encountered. To date, the lobstermen have accumulated nearly 9,000 miles of acoustic survey data along the Maine coast.

GMRI also collects data from an inshore acoustic survey for Northern shrimp. Partnering with fishermen, GMRI will collect critical information that may reveal patterns in the fishery. Each of the boats will conduct

three surveys during three months in the winter to test the hypothesis that shrimp have shifted into colder water in Maine.

Other SK projects in Maine include a University of New England study on the use and marketing of spiny dogfish; a GMRI study on the ecological diversity of Atlantic cod; a pilot project from the F/V Theresa Marie IV to introduce state of the art fish handling



*Clams grown from a bivalve nursery upweller. Photo credit: Brian Beal, Downeast Institute for Applied Marine Research & Education*



## Improved Global Tracking of Seafood Helps Protect U.S. Consumers from Seafood Fraud

In coordination with US Customs and Border Protection, NOAA Fisheries issued a proposed rule that will transition three of the agency's trade monitoring programs to a fully electronic process in 2016. This proposed rule addresses a 2014 Presidential Executive Order calling for the creation and implementation of a single electronic system, the International Trade Data System (ITDS), to process transactions for the import and export of products regulated by any US federal agency. The new electronic system will make it easier for industry and seafood suppliers to import/export seafood products and enhance our ability to ensure only legally caught seafood enters the US market.

As part of its mission to sustainably manage fishery resources, we implement international trade monitoring programs initiated by international fishery management organizations such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), or as required by domestic law. With seafood imports currently representing

approximately 90% of US seafood supplies, these trade monitoring programs are a crucial tool for us to stop illegal, unreported, and unregulated (IUU) fishery products from entering the United States.

Through this proposed rule, we seek to establish a single international trade permit with electronic entry filing for three of our trade monitoring programs: the Tuna Tracking and Verification Program (TTVP), the Highly Migratory Species International Trade Program (HMS ITP), and the Antarctic Marine Living Resources Trade Program (AMLR). The consolidation of the permits required by the HMS ITP and AMLR programs would reduce the costs of documenting shipments for both the private sector and government agencies. Under this integration, we would require annually renewable International Fisheries Trade Permits for the import, export, and re-export of certain regulated seafood commodities that are subject to trade monitoring programs of regional fisheries management organizations and/or subject to trade documentation requirements under domestic law. Public comments on the proposed rule are accepted through Feb. 29, 2016.

We have initiated two other rulemakings that will affect seafood trade. A proposed rule that would implement the electronic version of the ICCAT bluefin tuna catch document was published last October and discussed in a previous issue of NOAA Fisheries Navigator (November 2015, <http://fish-news.com/cfn/category/noaa-navigator/#sthash.R7f73QiH.dpbs>) A second proposed rule to address seafood traceability published on Feb. 4. This proposed seafood traceability system will collect data about harvest, landing, and chain of custody of specific fish and fish products imported into the United States that have been identified as particularly vulnerable to IUU fishing and seafood fraud. Public comments on the proposed traceability system are accepted through Apr. 5, 2016.

For further information on the ICCAT bluefin tuna catch document rule, please see the following website: [http://www.nmfs.noaa.gov/sfa/hms/news/news\\_list/2015/10/100815\\_ebcd\\_proposed\\_rule.html](http://www.nmfs.noaa.gov/sfa/hms/news/news_list/2015/10/100815_ebcd_proposed_rule.html); or contact Carrie Soltanoff of the NOAA Fisheries Atlantic Highly Migratory Species Management Division at (301) 427-8503 or e-mail <Carrie.Soltanoff@noaa.gov>. For more information on the ITDS and traceability rulemakings, please see the following website <http://www.nmfs.noaa.gov/ia/index.htm>; or contact Mark Wildman of the NOAA Fisheries Office of International Affairs at (301) 427-8386 or e-mail him at <Mark.Wildman@noaa.gov>.

## Maine Lobster Scheme Ends in Fines, Prison Time

In 2012, our Office of Law Enforcement (OLE) began a two year investigation that revealed a highly organized scheme to land and sell lobster without reporting the catch. By the time the investigation ended in 2015, two individuals were imprisoned and fined for tax evasion and Lacey Act violations. The Lacey Act is a federal law that bans trade in wildlife that was illegally taken, possessed, transported, or sold.

The case started with a search warrant issued for suspicion of felony theft. Seized documents, along with cooperating witness testimonies, exposed more than 400,000 pounds of lobster landings and approximately \$1.8 million in cash transactions that had gone unreported to NOAA, Maine's Department of Marine Resources, and the Internal Revenue Service (IRS).

"This scheme to transact enormous amounts of American lobster on the black market undermines the ability of NOAA and the State of Maine to sustainably manage the fishery, which is so critical to Maine's overall economy," said OLE Deputy Director Logan Gregory.

The conspiracy ring was led by Robert Thompson, a dock manager for the Spruce Head Fishermen's Cooperative in Rockwood, Maine, and John Price, the owner of J.P.'s Shellfish, a seafood distributor in Kittery, Maine. During his time as dock manager, Thompson made arrangements to purchase catch directly from

lobstermen, bypassing the Co-op and paying the lobstermen in cash. Thompson would then resell the lobster to Price in more cash-only transactions. As Thompson was not a licensed seafood dealer, the sales to Price were illegal under Maine State Law, and therefore, a federal violation of the Lacey Act.

The illegal activity, however, did not end with the illegal landing and selling of lobster.

The investigation revealed that Price structured the cash transactions to evade federal cash transaction reporting requirements. He also instructed his employees, who withdrew cash from the J.P.'s Shellfish business bank account to pay for lobsters, to conduct business in a similar manner furthering the evasion efforts. Under federal tax law, financial institutions that distribute a single sum of \$10,000 or more to a customer are required to report the transaction to the IRS. Structuring occurs when a customer breaks up cash withdrawals into multiple increments of less than \$10,000 to avoid the single sum transaction reporting requirement. Thompson also failed to report his profit from the lobster cash sales on his federal taxes, thus evading more than \$49,000 in income taxes.

Thompson pleaded guilty in federal district court to federal income tax evasion and Lacey Act charges. Price pleaded guilty in federal district court to one

misdeemeanor count of Lacey Act trafficking and structuring more than \$1.15 million in cash transactions to evade federal reporting requirements.

"Tax evasion is not a victimless crime," said IRS Special Agent in Charge William Offord. "We all pay when others swindle the government."

Thompson was sentenced to 8 months imprisonment for evading federal income tax and the illegal sale of lobsters. Other penalties include supervised probation for 3 years and an IRS restitution fine of \$65,172. As part of his plea agreement, Thompson will also pay \$71,500 in cash that was seized during search warrants as substitute assets under the Lacey Act.

Price was sentenced to 45 days in prison and 2 years of supervised probation for structuring currency transactions and for illegally purchasing lobsters. He was also fined \$100,000 in criminal penalties.

These charges are the result of a collaborative investigation conducted by the OLE, IRS, and Maine-based Knox County Sheriff's Office. "(T)his sentence should serve as a reminder that proper reporting is vital to the sustainability of our Nation's living marine resources," said Eileen Sobek, the Assistant Administrator of NOAA-Fisheries. "Violations like this are high priority for our agency."