



# Greater Atlantic Region Bulletin

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## **ATLANTIC HERRING FISHERY**

Amendment 5 to the Atlantic Herring Fishery Management Plan  
New Notification, Sampling, and Permit Requirements

*Effective Date: March 17, 2014*

Amendment 5 revises management of the herring fishery to improve the monitoring and sampling of catch at-sea and address bycatch issues. Below is a summary of measures established in Amendment 5.

Additionally, we will be sending you a comprehensive guide to reporting requirements and management measures for the herring fishery, including the new and revised measures established in Amendment 5.

### **New At-Sea Herring Dealer Permit**

This permit is required for herring carriers that sell herring, rather than deliver those fish on behalf of a harvesting vessel to a dealer for purchase. This permit requires compliance with Federal dealer reporting requirements.

If you would like to apply for this permit, please phone the Greater Atlantic Permit Office at (978) 282-8438 or contact them via email at [permits.ne@noaa.gov](mailto:permits.ne@noaa.gov).

### **New Areas 2/3 Open Access Herring Permit (Category E)**

If your vessel was issued a limited access mackerel permit but not a limited access herring permit, your vessel is eligible for the Category E permit.

The Category E permit allows a vessel to possess up to 20,000 lb of herring per trip, limited to one landing per calendar day, in or from Herring Management Areas 2 and 3. A vessel may hold both the All Areas Open Access Herring Permit (Category D) and the new Category E permit at the same time.

If your vessel is eligible for a Category E permit, you will receive a permit application package in the mail. If you do not receive an application package but would like to apply for this permit, please contact the Greater Atlantic Permit Office.

If your vessel is issued a Category E permit, you are required to install and operate a VMS and submit daily VMS catch reports and weekly VTRs. Additionally, you must comply with the revised pre-trip observer notification and VMS requirements described on pages 2 and 3 of this bulletin.

Reimbursement for VMS units is available on a first come, first serve basis. More information on the VMS reimbursement program is available on the Greater Atlantic VMS web page ([www.nero.noaa.gov/vms](http://www.nero.noaa.gov/vms)) and from the NMFS VMS Support Center by calling (888) 219-9228.

*For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.*

Approved VMS vendors and units are: Boatracs (FMCT/G), CLS America (TST-100), GMPCS (Thrane TT-3026D), and SkyMate (ST-2500G). More information is available on the VMS web page or by calling the VMS Team at (978) 281-9213.

## **New and Revised Definitions**

*Herring transfer at-sea:* A transfer of fish from one herring vessel (including fish from the hold, deck, codend, or purse seine) to another vessel, with the exception of fish moved between vessels engaged in pair trawling.

*Herring offload:* Removing fish from a herring vessel to be sold to a dealer.

*Slippage:* Catch discarded prior to it being brought aboard a herring vessel and/or prior to making it available for sampling by an observer. Fish that cannot be pumped and remain in the codend or seine at the end of pumping operations are not considered slippage. Discards that occur after the catch is brought on board and sorted are also not considered slippage.

## **Revised Protocols for Herring Carrier Vessels**

Herring vessels may operate as a herring carrier by declaring a herring carrier trip via VMS or by obtaining an LOA from the Greater Atlantic Permit Office.

By declaring a herring carrier trip via VMS, you would not be bound by the 7-day enrollment period of the LOA. Once you declare a herring carrier trip via VMS, however, you must continue to declare your herring carrier trips via VMS (rather than obtaining an LOA) and comply with all other VMS operating requirements for the remainder of the fishing year.

Herring carriers may not have fishing gear aboard or engage in any fishing activity. Herring carriers may only transport herring and up to 100 lb of groundfish.

Herring carrier vessels are exempt from herring possession limits and catch reporting requirements associated with the vessel's herring permit, including daily VMS or weekly IVR catch reports and weekly VTRs. However, herring carriers must comply with the revised pre-trip observer notification and VMS requirements described in following sections.

## **Revised Pre-Trip Observer Notification Requirements**

If your vessel was issued a Herring Category C or E permit or is a herring carrier, you must call the Northeast Fisheries Observer Program at (774) 392-2735 at least 48 hr in advance of a fishing trip to request an observer.

If your vessel was issued a Herring Category A or B permit, or if your vessel was issued any herring permit and will be fishing with midwater trawl gear in Herring Management Areas 1A, 1B, and/or 3; you must call the Observer Program at least 72 hr in advance of a fishing trip to request an observer.

When calling the Observer Program, you must provide the following information: Vessel name, permit category, and permit number; contact name for coordination of observer deployment; telephone number for contact; the date, time, and port of departure; gear type; target species; and intended area of fishing, including groundfish closed areas.

If you are required to call the Observer Program before beginning a fishing trip but do not call before your trip, you are prohibited from possessing, harvesting, or landing herring on that trip.

If you cancel your fishing trip, you must notify the Observer Program of the cancelled trip, even if the vessel is not selected to carry an observer.

The Observer Program will issue waivers or selection notices for observer coverage via VMS so you will have an on-board verification of either the observer selection or waiver.

### **Revised VMS Requirements**

If your vessel was issued a limited access herring permit or Category E permit or if you declared a herring carrier trip via VMS, you must notify NMFS Office of Law Enforcement via VMS of the following:

- 1) Your intent to participate in the herring fishery by entering the appropriate activity and gear type on the herring declaration screen prior to leaving port in order to harvest, possess, or land herring on that trip; and
- 2) The time and place of offloading at least 6 hr prior to landing or, if fishing ends less than 6 hr before landing, as soon as the vessel stops catching fish.

You are prohibited from powering down your VMS when in port, unless specifically authorized by NMFS.

- 1) If your herring vessel will remain at the dock for more than 30 days or will be out of the water for more than 72 hr, you may request an LOE (letter of exemption) from NMFS to power down the VMS. The application for a “VMS Power Down Exemption Request” is available on the VMS webpage or from the VMS Team.
- 2) You are prohibited from powering down your VMS until you have received an LOE from NMFS.
- 3) When a VMS unit is powered down, you are prohibited from leaving the dock until the VMS unit is powered back up and a VMS activity declaration is sent.

Please call the VMS Team if you have any questions.

### **Revised Possession Limits**

All vessels working cooperatively in the herring fishery; including vessels pair trawling, purse seining, and transferring herring at-sea; must be issued a herring permit and are subject to the most restrictive possession limit associated with the permits issued to those vessels working cooperatively.

### **Revised At-Sea Sampling Requirements for Vessels with Limited Access Herring Permits**

If your vessel was issued a limited access herring permit, you must provide observers with the following:

- 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.

If your vessel works cooperatively with other vessels in the herring fishery, you must provide observers with the estimated weight of each species brought on board or released on each tow.

If your vessel is carrying an observer, you must bring all catch aboard the vessel and make it available to the observer for sampling.

- 1) If catch is discarded before it has been made available to the observer, that catch is defined as slippage. With limited exceptions, slippage is prohibited when a limited access vessel is carrying a NMFS observer.
- 2) Fish that cannot be pumped and remain in the net at the end of pumping operations are considered operational discards and not slippage.
- 3) Discards that occur after catch has been brought on board and sorted are also not considered slippage.
- 4) Vessels may make test tows without pumping catch on board, provided that all catch from test tows is available to the observer when the next tow is brought aboard.

If your vessel is carrying an observer, you may slip catch if: (1) You determine there is a compelling safety reason preventing the catch from being brought aboard, (2) mechanical failure prevents the catch from being brought aboard, or (3) spiny dogfish clog the pump and prevent the catch from being pumped aboard.

If you slip catch, even for one of the reasons described above, you are required to complete a released catch affidavit form. The released catch affidavit form is available on the Greater Atlantic Region website. The completed form must be mailed to the Sustainable Fisheries Division at the Greater Atlantic Regional Fisheries Office within 48 hr of the end of the fishing trip.

The released catch affidavit must detail: (1) Why catch was slipped, (2) an estimate of the quantity and species composition of the slipped catch, and (3) the time and location of the slipped catch.

### **New River Herring Monitoring/Avoidance Areas**

River Herring Monitoring/Avoidance Areas are areas established for 2-month intervals to monitor river herring catch and encourage river herring avoidance. The coordinates for the River Herring Monitoring/Avoidance Areas are available on the Greater Atlantic Region website.

Currently, there are no specific requirements for vessels fishing in the River Herring Monitoring/Avoidance Areas. In the future, vessels fishing in the River Herring Monitoring/Avoidance Areas may be subject to additional regulations to further reduce river herring catch in the herring fishery.

### **Revised Access to Groundfish Closed Areas for Midwater Trawl Vessels**

The groundfish closed areas include: Closed Area I, Closed Area II, Nantucket Lightship Closed Area, Cashes Ledge Closure Area, and Western Gulf of Maine Closure Area. The coordinates for these areas

are available on the Greater Atlantic Region website.

If your vessel was issued a herring permit and you want to fish with midwater trawl gear in the groundfish closed areas, you must carry an observer and bring all catch aboard the vessel and make it available for sampling by an observer.

You may not fish for, possess, or land fish in or from the groundfish closed areas using midwater trawl gear without an observer aboard.

You may release catch when fishing in the groundfish closed areas before it has been brought aboard if: (1) You determined there is a compelling safety reason preventing the catch from being brought aboard, (2) mechanical failure prevents the catch from being pumped aboard, or (3) spiny dogfish have clogged the pump and prevent the catch from being pumped aboard.

If you release catch, even for any of the reasons described above, you are required to immediately exit the groundfish closed areas for the remainder of that trip, and you must complete a released catch affidavit form and mail it within 48 hr of the end of the fishing trip.

The released catch affidavit must detail: (1) Why catch was released, (2) an estimate of the weight of fish caught and released, and (3) the time and location of the released catch.

You may make test tows in the groundfish closed areas without pumping catch on board, provided that all catch from test tows is available to the observer when the next tow is brought aboard.

You may transit the groundfish closed areas without an observer, provided that gear is stowed in accordance with the provisions at §648.23(b).

**For more information, please visit the NOAA Fisheries Greater Atlantic Region herring webpage at: <http://www.nero.noaa.gov/sfd/sfdher.html>**