

Northeast Fisheries Observer Program (NEFOP)



**NOAA
FISHERIES**

Protected
Resources



Under the Marine Mammal Protection Act, all Category I or II fishery participants (those that have a moderate to high likelihood of seriously injuring or killing marine mammals during the course of fishing) must carry an observer on fishing trips when requested. The NOAA Fisheries Service (NMFS) may also request that Category III fishing participants (those with rare or undocumented takes of marine mammals) carry an observer on a voluntary basis.

Observer programs are a vital component of the fishery management process because they are one of the best ways to gather information on the status of marine resources.

Observer Data Are Used To:

- Track the effectiveness of gear modifications.
- Determine whether appropriate conservation measures are in place for commercial fisheries to reduce bycatch of marine mammals.
- Identify fishing patterns.
- Identify ways for fishermen to efficiently reduce unwanted bycatch.

Categorization of Observed Fisheries In The Northeast (2012 List of Fisheries):

Category I Fisheries

- Mid-Atlantic gillnet
- Northeast/Mid-Atlantic American lobster
- Northeast sink gillnet

Category II Fisheries

- Atlantic mixed species trap/pot
- Chesapeake Bay inshore gillnet
- Mid-Atlantic bottom trawl
- Mid-Atlantic haul/beach seine
- Mid-Atlantic menhaden purse seine
- Mid-Atlantic mid-water trawl including pair trawl & flynet)
- North Carolina inshore gillnet
- North Carolina long haul seine
- North Carolina roe mullet stop net
- Northeast anchored float gillnet
- Northeast bottom trawl
- Northeast drift gillnet
- Northeast mid-water trawl (including pair trawl)
- Virginia pound net

Category III Fisheries*

- Atlantic shellfish bottom trawl
- Gulf of Maine Atlantic herring purse seine
- Gulf of Maine menhaden purse seine
- Northeast/mid-Atlantic bottom longline/hook-and-line
- Gulf of Maine mussel
- Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge
- U.S. mid-Atlantic offshore surfclam and quahog dredge

For information on the Northeast Marine Mammal Authorization Program visit www.nero.noaa.gov/mmap/ or call NOAA Fisheries Northeast Regional Office 978-281-9328

For a complete list of ALL Category I, II, and III fisheries, visit: www.nmfs.noaa.gov/pr/interactions/lof/



For more information or questions regarding observer coverage requirements, visit www.nefsc.noaa.gov/femad/fsb/ or contact: Amy Van Atten, phone: (508) 495-2266 or e-mail: Amy.Van.Atten@noaa.gov



As a fishery participant, your cooperation is important to help NMFS collect the most complete, unbiased, and relevant data possible. Good data prevent over-regulation and ensure the sustainability of our fisheries and the conservation of protected species populations.

How Will I Be Notified to Carry an Observer?

Fishermen and fishing industry representatives will be notified in advance, whenever possible, that observer coverage will be required. Fishermen may be notified that they have been selected for observer coverage either by letter, phone, or in person by NMFS personnel or a designated certified observer service provider.

If selected to carry an observer, a vessel may not engage in any Category I or II fishing operations unless the observer is aboard.

What are My Responsibilities When Carrying an Observer?

- Allowing the observer access to all areas of the vessel.
- Allowing the observer access to communications equipment & navigation equipment.
- Allowing the observer to sample, retain, & store marine mammal specimens and other protected species specimens, or target and non-target catch specimens.
- Notifying the observer when all commercial fishing operations are to begin & end.
- Providing accommodations & food to the observer equivalent to those provided to the crew.
- Allowing for the safe embarking & disembarking of the observer.



What are the Safety Requirements for Carrying an Observer?

Complying with all United States Coast Guard (USCG) requirements while at sea. Obtaining a Commercial Fishery Vessel Safety Examination Decal by successfully completing a USCG safety examination. Safety examinations are completed dockside at no cost by calling the USCG Marine Safety Office Dockside Examiners. Allowing an observer, NMFS personnel, or designated observer service provider to visually inspect any safety or accommodation requirement if requested.

Note: Vessels that do not have a current and valid safety decal are considered unsafe for purposes of carrying an observer. Vessels that are required and selected to carry an observer, but do not have the safety decal, are prohibited from fishing without observer coverage.

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Northeast Marine Mammal Authorization Program (MMAP)

What is the Marine Mammal Authorization Program (MMAP)?

The MMAP is a fishermen's registration program. Its purpose is to provide an exemption for commercial fishermen from the Marine Mammal Protection Act's prohibition on the taking of marine mammals. The MMAP is also used to provide information to you regarding specific federal marine mammal regulations that may apply to your fisheries.

Why do I have to be registered?

Commercial fishermen in Category I and Category II fisheries must be registered in the MMAP. If they are not registered and they incidentally "take" a non-endangered/threatened marine mammal while fishing, they can be prosecuted for that take under the federal Marine Mammal Protection Act (MMPA).

What does it mean to "take" a marine mammal?

The MMPA defines "take" as to harass, hunt, capture, or kill or attempt to harass, hunt, capture or kill any marine mammal. Even accidental take is prohibited, except for certain exemptions, like the one for commercial fisheries under the MMAP.

What are Category I and Category II fisheries?

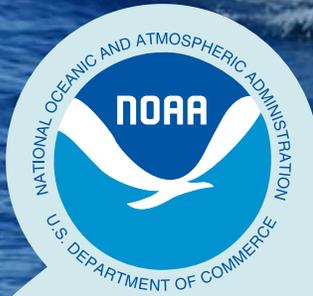
The NOAA Fisheries is required to categorize every state and federal commercial fishery, based on the likelihood of causing serious injury or mortality to a marine mammal: Category I fisheries have frequent incidental mortality and serious injury of marine mammals; Category II fisheries have occasional incidental mortality and serious injury of marine mammals. There is also a third category: Category III fisheries have little or no chance of, or are not known to cause, incidental mortality and serious injury of marine mammals.

How does NOAA Fisheries Service categorize each fishery?

NOAA Fisheries considers all the available information on marine mammal interactions with each fishery, mostly from observer data but also from other sources, such as stranding data. NOAA Fisheries also considers the population status of the marine mammal species or stock that may be affected. For example, a small number of fishery takes of a very abundant stock may translate to a Category III fishery; the same number of takes of an endangered species may result in a Category I.

Where are categorizations of fisheries published?

NOAA Fisheries must publish a List of Fisheries (LOF) each year with an updated categorization of each commercial fishery. The LOF includes a full description of the categorization process and any changes from the previous year. NOAA Fisheries requests and responds to public comments on the LOF before finalizing each year's list. For further information regarding the 2010 LOF please visit NOAA Fisheries website: www.nmfs.noaa.gov/pr/interactions/lof/.



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Marine Mammal Authorization Program (MMAP) Requirements

REGISTRATION & CERTIFICATION

In the Northeast Region, NOAA Fisheries Service automatically registers those fishermen who hold current state and/or federal permits. Certificates are mailed directly to all applicable permit holders with valid 2012 state/federal fishing permits. Copies may be obtained by downloading from www.nero.noaa.gov/mmap/ or by contacting NOAA Fisheries Northeast Regional Office's Protected Species Division at (978) 281-9328. Those fishermen who engage in a fishery for which no state or federal permit is required, or those fishermen obtaining Category I or II fishing permits after January 1, 2013, must register in the MMAP by calling the Northeast Regional Office's Protected Species Division at (978) 281-9328. In the Northeast Region, there is no fee for registering.

OBSERVERS

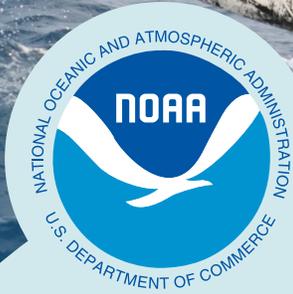
Fishermen in Category I or Category II fisheries must accommodate observers upon request (see Northeast Fisheries Observer Program Fact Sheet). This requires vessels to possess a current Commercial Fishing Vessel Safety Examination decal issued by the U.S. Coast Guard. Safety examinations are completed dockside at no cost. For more information contact the USCG Marine Safety Office Dockside Examiners.

SUBMITTING REPORTS

All fishermen participating in Category I, II or III fisheries must report all incidental injuries or mortalities of marine mammals that occur during commercial fishing operations within 48 hours of returning from the trip on which the injury/mortality occurred. This can be done by completing and submitting the form found online at www.nero.noaa.gov/mmap/ or by requesting forms from NOAA Fisheries Northeast Regional Office's Protected Species Division at (978) 281-9328.

TAKE REDUCTION PLANS & EMERGENCY REGULATIONS

Fishermen participating in Category I or II fisheries must comply with applicable Take Reduction Plans and emergency regulations (see Atlantic Take Reduction Teams & Plans Fact Sheet to see what Take Reduction Plans are applicable to your fishery).



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What Category is my fishery in?

The back of the Authorization Certificate has a summary of the Category I and II fisheries in the Atlantic, Gulf of Mexico, and Caribbean listed in the 2012 LOF. The 2012 LOF, listing fisheries of all categorizations, is available at the website listed above.

I participate in a Category III fishery, why did I get automatically registered?

NOAA Fisheries uses information from existing state and federal licensing or permitting systems to automatically register Category I and II fishermen. However, at times, the information in the permitting systems does not match with the way fisheries are defined in the LOF. When we are unable to determine, with confidence that a commercial fisherman only participates in a Category III fishery, we automatically register the fisherman. This ensures that we do not accidentally miss fishermen who, even occasionally, fish in a Category I or II fishery and are required to be registered.



Do I have any responsibilities as a Category III fishery participant?

If you only participate in a Category III fishery, you do not have to be registered in the MMAP. However, you are still required, as all fishermen are required, to report the incidental take of a marine mammal that results in a serious injury or mortality to NOAA Fisheries within 48 hours of the end of the fishing trip.

How do I get copies of the Mortality/Injury reporting form?

You may obtain additional copies of the Mortality/Injury reporting forms by contacting the Protected Resources Division of NOAA Fisheries Northeast Regional office at (978)281-9328, or by downloading the reporting form at the following web address: www.nero.noaa.gov/mmap/.

Where do I send my completed Mortality/Injury reporting form?

Mail form to: NOAA Fisheries Service
Office of Protected Resources (F/PR2)
1315 East-West Highway
Silver Spring, MD 20910-3326

Or fax the form to: (301) 427-2522

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What consequences will I face if I report that I have incidentally injured or killed a non-endangered/threatened marine mammal?

As long as you are registered in the program there are no consequences for reporting an injured or dead non-endangered/threatened marine mammal. All fishermen, regardless of the category of fishery they participate in or whether an observer is aboard, are required to report incidental takes of marine mammals. The information you provide is extremely important, as it helps NOAA Fisheries & fishery representatives collect the most accurate, unbiased, and relevant information to develop appropriate management strategies that reduce take levels and at the same time, have the least impact on fishing practices.

What action, if any, do I have to take regarding the MMAP?

If you are the holder of a valid state or federal permit for a fishery that falls under one or more of the Category I or II fisheries, you are automatically registered in the MMAP. While fishing in a Category I or II fishery, you must comply with the terms and conditions of the Authorization Certificate that was mailed to you at the beginning of the year. These conditions include:

1. Keeping the certificate, or a copy, aboard the vessel. This certificate, in combination with a valid state or federal fishing permit, will serve as your authorization under the MMPA to incidentally take marine mammals during commercial fishing operations. In the case of non-vessel fisheries, the certificate, or a copy, must be in the possession of the person in charge of the operation.
2. Reporting all injuries and mortalities of marine mammals within 48 hours of returning from the trip during which the takes occurred using the MMAP Mortality/Injury reporting form, even if the incident is observed.
3. Taking an observer aboard your vessel, if requested by NOAA Fisheries or our designate. See Northeast Fisheries Observer Coverage Fact Sheet for more information.
4. Complying with any take reduction plans or emergency regulations that may apply to your specific fishery.

What are take reduction plans?

Take Reduction Plans (TRPs) are plans developed by teams of stakeholders, including commercial fishermen, to assist in the recovery or to prevent the depletion of marine mammals that are incidentally seriously injured or killed in Category I or II fisheries. They may include regulations, and they are often accompanied by non-regulatory conservation measures. See the Take Reduction Plan Team Fact Sheet for Atlantic Fisheries for information on what take reduction plan your fishery must comply with. For more information on the TRPs, and applicable regulations please visit the NOAA Fisheries TRP website at www.nmfs.noaa.gov/pr/interactions/trt/ or call the NOAA Fisheries Northeast Regional Office at (978) 281-9328.

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**Reporting forms and additional information is
available for Northeast and Mid-Atlantic fisheries
online at www.nero.noaa.gov/mmap**