

***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE POLICY
DIRECTIVE 01-107
JANUARY 25, 2008***

Fisheries Management

BYCATCH REDUCTION ENGINEERING PROGRAM

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SUMMARY OF REVISIONS:

Section 316 of the Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007 (MSRA), requires the Secretary of Commerce (Secretary), in cooperation with the Councils and other affected interests, and based upon the best scientific information available, to establish a Bycatch Reduction Engineering Program (BREP), including grants, by mid-January 2008 to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. According to the MSRA, the BREP will:

1. be regionally based;
2. be coordinated with projects conducted under the cooperative research and management program established under MSRA;
3. provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the BREP; and
4. provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the BREP in fishery management plans (FMPs) developed by the Councils.

Section 316 also:

- authorizes FMPs prepared by a Council or the Secretary to establish a system of incentives to reduce total bycatch and seabird interactions;
- authorizes the Secretary, in coordination with the Secretary of the Interior, to undertake projects in cooperation with industry to improve information and technology to reduce seabird interactions; and
- requires the Secretary to submit an annual report to Congress that describes funding provided to implement Section 316, developments in gear technology achieved under Section 316, and improvements and reduction in bycatch and seabird interactions associated with implementing Section 316.

This policy directive implements the BREP to carry out the objectives of Section 316 of the MSRA, and national bycatch reduction coordination activities that have been carried out by the Office of Sustainable Fisheries over the past several years, including long-term planning and outreach and funding of bycatch research critical to management objectives.

This policy directive establishes the following authorities and responsibilities for the BREP:

Provide National Coordination

- Provide guidance to ensure that the results of bycatch reduction engineering and post-release injury and mortality projects supported by NOAA are responsive to management needs and can be used to support management decisions.
- Solicit and review annual updates of action items and progress for Regional Bycatch Implementation Plans. The Regional Bycatch Implementation Plan updates have included, and will continue to include, action items related to not only bycatch reduction engineering and other research but also to monitoring, management (including international efforts), and education and outreach.
- Track results of projects funded by the BREP.
- Advocate, coordinate, and support, to the extent practicable, incentives to reduce bycatch of fish and protected species as well as bycatch mortality, including providing guidance on best practices for incentive programs as necessary.
- Ensure that appropriate bycatch reduction policies are incorporated into the NOAA Policy Directives System.
- Serve as a liaison to the National Observer Program for purposes of its National Bycatch Report.
- Collaborate with the Office of Habitat Conservation to implement the Deep Sea Coral Research and Technology Program required by Section 408 of the MSRA.
- Provide a forum, as appropriate, to help develop solutions to regional and national bycatch issues.
- Serve as a point of contact among NOAA managers, the NOAA Fisheries Service National Seabird Program, and regionally based bycatch reduction engineering programs.
- Ensure that BREP annual performance milestones are tracked and met consistently.

Allocate Funding

- Develop funding allocations for annual BREP spending plan, based on review of proposals submitted and the approved BREP spending plan process.
- Facilitate the timely distribution of national funds to enhance implementation of bycatch reduction engineering efforts.
- Coordinate long-term budgeting processes to ensure full funding for the BREP.
- Help ensure that programs affected by technologies developed through the BREP have sufficient resources to facilitate or accommodate their application.

Coordinate Planning and Policy Development

- As appropriate, conduct long-term strategic planning to identify regional and national bycatch reduction engineering priorities, develop incentive programs to reduce post-release mortality and injury, and provide assistance to the Regions in identifying fisheries for which gear technology may provide solutions and fisheries for which gear technology solutions may not be feasible.
- Ensure that fisheries of bycatch concern identified through the National Observer Program's National Bycatch Report receive bycatch reduction engineering resources as appropriate.

- Coordinate with Regional Administrators and Science Center Directors to brief Regional Fishery Management Councils on BREP work at least once a year and receive feedback from Councils on bycatch reduction concerns and priorities.
- Represent bycatch reduction efforts in NOAA and NOAA Fisheries Service strategic planning activities.

Enhance Communication

- Compile, coordinate review of, and manage clearance of the annual BREP Report to Congress.
- Regularly brief NOAA leadership groups and stakeholder groups such as the Council Coordinating Committee, the Marine Fisheries Advisory Committee, and the Marine Fish Conservation Network on the successes of and challenges for the BREP and solicit feedback on bycatch reduction concerns.
- Respond to requests as appropriate from NOAA, the Department of Commerce, Congress, and other members of the public regarding bycatch reduction engineering, incentives to reduce post-release injury and mortality, and other bycatch reduction issues.
- Compile and distribute information on BREP activities to constituent groups, fishery managers and scientists, and other organizations with an interest in bycatch reduction through presentations at professional meetings and publication of articles in journals and NOAA Fisheries Service publications such as the annual business report.

Conduct Outreach Activities

- Develop and enhance collaborative partnerships with other NOAA programs including the National Observer Program, National Cooperative Research Program, the National Sea Grant College Program (especially its fisheries extension agents), Regional Bycatch Committees and Action Teams¹, and the Offices of Protected Resources (including the National Seabird Program), International Affairs, Habitat Conservation, and Science and Technology, to leverage bycatch reduction engineering resources.
- Manage and regularly update the NOAA Fisheries Service Bycatch Feature website.
- Collaborate with the National Observer Program, the National Sea Grant College Program, and other NOAA bycatch stakeholders to ensure a consistent and effective message is provided to the public regarding NOAA's bycatch reduction engineering efforts and to encourage adoption and use of technologies developed through the BREP.
- Support and track, to the extent necessary, international technology transfer and capacity building efforts based on successful technologies developed through the BREP for Federally managed fisheries.

The mission of the BREP is to develop technological solutions and investigate changes in fishing practices designed to minimize bycatch of fish (including sponges and deep sea and shallow, tropical corals) and protected species (including marine mammals, seabirds, and sea turtles) as well as minimize bycatch injury and mortality (including post-release injury and mortality).

¹ When NOAA Fisheries Service published its National Bycatch Strategy in the Federal Register on March 11, 2003, some Regions, including the Northeast Region, responded by creating Regional Bycatch Committees and Action Teams. Some of these teams and committees may still exist, even though they have been relatively inactive in recent years.

Organization and Reporting:

The BREP will be administered by a National Coordinator in the NOAA Fisheries Service Office of Sustainable Fisheries, in conjunction with a Science Lead and Management Lead. The Office of Sustainable Fisheries, in consultation with the Offices of Protected Resources, Science and Technology, and International Affairs, will provide policy oversight and overall coordination of activities through the National Coordinator. Coordination activities include providing staff support to the BREP, documenting BREP activities, managing the annual spending plan process, serving as primary point of contact for the annual BREP Report to Congress, and any other activity deemed necessary by the BREP or NOAA Fisheries Service leadership.

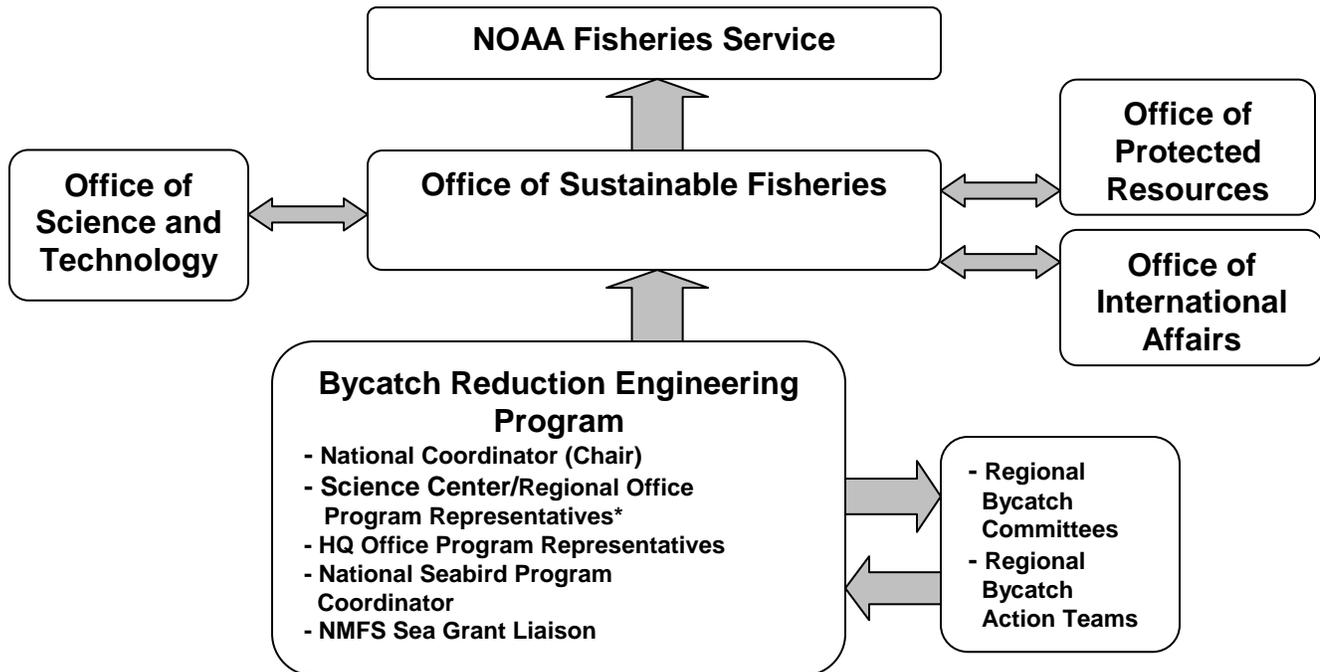
The Science Lead and Management Lead will be identified by the BREP National Coordinator from among the six Regional representatives described below. The Leads will rotate on a regular basis. The Science Lead and Management Lead will work with the National Coordinator to help coordinate BREP activities and develop final BREP recommendations on spending plans, policy issues, and other topics. These Leads also will help ensure that the BREP focuses on Regional issues as it carries out its work. If all primary Regional representatives come from Science Centers, then the Management Lead may be selected from among alternate Regional representatives (see below).

The BREP will include, along with the National Coordinator, the following program representatives:

- One representative with hands-on bycatch reduction engineering and post-release injury and mortality experience from each Regional Fisheries Science Center/Regional Office (i.e., six total Regional representatives);
- The NOAA Fisheries Service Sea Grant Liaison (or other Sea Grant designee);
- The NOAA Fisheries Service National Seabird Program Coordinator;
- One representative each from the headquarters Offices of Protected Resources, Science and Technology, Habitat Conservation, and International Affairs; and
- One representative from the Highly Migratory Species Management Division in the Office of Sustainable Fisheries.

Regional representatives will be responsible for representing their entire Region, rather than a Regional Office or Science Center perspective. The Regional Administrator and Science Center Director should not only nominate a primary Regional representative, but also an alternate representative. If the primary representative comes from a Science Center, then the alternate representative should come from a Regional Office. In addition, if the primary representative is someone who focuses mostly or exclusively on protected species or fisheries bycatch, then the alternate representative should be, to the extent practicable, someone who focuses on the other area (either protected species or fisheries). The Regional representatives should serve as liaisons between the BREP and already existing Regional Bycatch Committees and Action Teams, to the extent such Committees and Teams are active (see Figure 1).

Figure 1. BREP organization and Line Office/Group oversight



*Two of these Program Representatives will be designated the BREP Science and Management Leads.

The Office of Sustainable Fisheries, in consultation with the Offices of Protected Resources, Science and Technology, and International Affairs, will designate a Science Lead and a Management Lead from among the Science Center/Regional Office Program Representatives.

The BREP should attempt to develop consensus recommendations whenever possible. The standard for reaching consensus is that all BREP members can accept the proposed recommendation. If the BREP cannot reach consensus, it may be necessary to vote in order to determine where differences of opinion exist. In the event voting is necessary, each member of the BREP shall have only one vote. The vote will be considered by the National Coordinator, Science Lead, and Management Lead, who will attempt to reach a consensus. If consensus cannot be reached, all perspectives will be forwarded to the Directors of the Offices of Sustainable Fisheries, Protected Resources, and Science and Technology for their advice.

The BREP shall periodically meet or have conference calls. When a member of the BREP cannot attend a meeting or conference call, it is his or her responsibility to either appoint an alternative to attend, or to communicate his or her views to other members of the BREP prior to the meeting. Minutes of all meetings and conference calls will be developed by the National Coordinator in coordination with Science and Management Leads.

No quorum is needed for the BREP to conduct business; however, every effort will be made to schedule meetings so that most members can attend. The BREP will meet via conference call whenever possible. Beginning in FY09, regular face-to-face meetings will be scheduled, possibly in conjunction with a National Observer Program Advisory Team (NOPAT) meeting or

the National Cooperative Research Program's annual meeting. Agendas for all meetings will be developed by the National Coordinator in coordination with the BREP Science and Management Leads. Agendas will be distributed to BREP members for review and input prior to all meetings. Materials will be distributed prior to all meetings via the BREP intranet site whenever possible. Meetings of the BREP may include presentations of projects funded by the BREP, with feedback on the projects provided and discussions of how the results of these projects can meet management needs.

Funding Processes:

Currently the non-observer portion of the Reducing Bycatch line in the NOAA budget (i.e., ~\$800K) will fund basic BREP operations in FY08. In the absence of additional BREP funding, the BREP will strive to leverage other sources of bycatch reduction engineering funding in NOAA to help achieve the mission of the BREP.

BREP funds are allocated on an annual basis based on technical review and recommendations from the BREP. The annual fund allocation process will include the following characteristics:

- The request for proposals will be sent by the BREP National Coordinator to the Regional Administrators, Science Center Directors, and HQ Office Directors in mid-September. Members of the BREP will be cc'ed on the request.
- The request for proposals will include several criteria, which may change from year to year, upon which the proposals will be evaluated, for example, the relation of the proposed project to current action items in a Regional Bycatch Implementation Plan, or whether the proposed project builds on results from a successful pilot project previously funded by the BREP or Reducing Bycatch budget line.
- Prioritized Regional proposals will be sent by Regional Administrators and Science Center Directors jointly, as well by as the Director, Office of Sustainable Fisheries (for Atlantic highly migratory species), to the BREP National Coordinator by the end of October.
- The BREP National Coordinator will preview proposals by mid-November to ensure no major required components are missing.
- The BREP will review proposals and finalize a draft spending plan by mid-January.
- The final spending plan will be approved by the Director, Office of Sustainable Fisheries.

The preceding schedule will be compressed if a NOAA budget was available soon after the beginning of the fiscal year. The request for proposals will require that:

- Proposals be no longer than five pages in length;
- Proposals address scalability and specify whether the proposal is for a multi-year project;
- Investigators for proposals that receive funding submit progress reports six months after receiving funding as well as final reports within a specified period of time after projects are completed; and
- Proposals primarily related to electronic monitoring or observer data analysis be submitted to NOPAT.

When the BREP becomes fully funded, a portion of BREP funding will be allocated as grants through existing national and regional NOAA grant programs, which could include Sea Grant, the Marine Fisheries Initiative, and the Cooperative Research Partners Program. The BREP will require prospective grantees to submit proposals, and the BREP will evaluate proposals based on conformance with the BREP mission and other criteria. The BREP will publicize grant opportunities through the Federal Register, the NOAA Fisheries Service Bycatch Feature website, and other means. When fully funded, the BREP will distribute a significant portion of available BREP funding, including grant funding, among the Regions, which will develop Regional spending plans. However, spending plans will be subject to comment and/or approval by the BREP.

The duration of the BREP will be indefinite because the MSRA does not indicate a limit to the BREP's duration.

This policy directive's objective will be attained when the above-listed responsibilities are carried out effectively on a routine basis. Additional performance measures will include number of bycatch reduction projects developed and number of new bycatch reduction technologies adopted by industry.

Procedural directives will be issued to implement this policy as needed.



John Oliver
Acting Assistant Administrator for Fisheries

January 11, 2008

Date

Draft BREP Membership List

<i>Employee Name</i>	<i>NMFS Center or Program Affiliation</i>
Chair:	
Lee Benaka	BREP National Coordinator
Members:	
	Northeast Region/Fisheries Science Center
(alternate)	Northeast Region/Fisheries Science Center
	Southeast Region/Fisheries Science Center
(alternate)	Southeast Region/Fisheries Science Center
	Northwest Region/Fisheries Science Center
(alternate)	Northwest Region/Fisheries Science Center
	Southwest Region/Fisheries Science Center
(alternate)	Southwest Region/Fisheries Science Center
	Alaska Region/Fisheries Science Center
(alternate)	Alaska Region/Fisheries Science Center
	Pacific Islands Region/Fisheries Science Center
(alternate)	Pacific Islands Region/Fisheries Science Center
Terry Smith	NOAA Fisheries Service Sea Grant Liaison
	Office of Science and Technology
	Office of Protected Resources
	Office of International Affairs
Tom Hourigan	Office of Habitat Conservation
	Office of Sustainable Fisheries (HMS)
Kim Rivera	NOAA Fisheries Service National Seabird Program