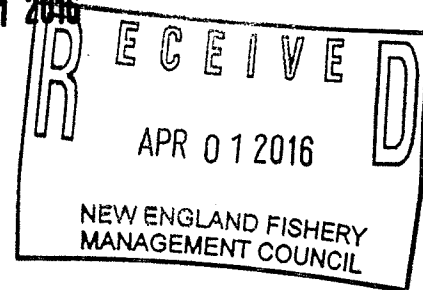


CORRESPONDENCE



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

MAR 31 2016



E.F. "Terry" Stockwell, III, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Terry:

On behalf of the Secretary of Commerce, I partially approved Framework Adjustment 4 to the Atlantic Herring Fishery Management Plan. The final rule will publish on April 4, 2016, and I have attached the as-filed version for your convenience. Approved measures will be effective on May 4, 2016. I approved the following measures in Framework 4 to further enhance catch monitoring and address discarding in the herring fishery:

- Requiring vessels with limited access herring permits to report slippage (i.e., catch discarded prior to sampling by an observer) via the vessel monitoring system daily herring catch report;
- Requiring vessels with an All Areas or Areas 2/3 Limited Access Herring Permit to move 15 nautical miles following an allowable slippage event (i.e., slippage due to safety, mechanical failure, or excess catch of spiny dogfish);
- Requiring vessels with an All Areas or Areas 2/3 Limited Access Herring Permit to terminate a fishing trip and return to port following a non-allowable slippage event (i.e., slippage for any other reason); and
- Clarifications to existing slippage measures and definitions.

Two of the measures recommended by the Council could not be approved. Please see the attachment for the full explanation for this disapproval. The disapproved measures would have required:

- Fish holds to be certified and observers to collect volumetric catch estimates as a cross-check of vessel and dealer data; and
- Fish holds to be empty of fish before leaving port, unless a waiver is issued by an authorized law enforcement officer when fish have been reported but cannot be sold.

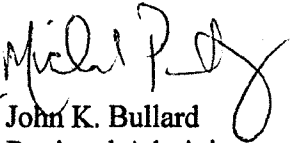
As you know, we had expressed concern with these measures during the development of Framework 4 and in the proposed rule. Although we try to defer to the Council, we could not approve these measures. If you would like, we would be happy to talk through the disapprovals with you in more detail.

rf, pmf - 4/5/16



I appreciate the hard work that you and your staff put into developing Framework 4 and I look forward to working with you and your staff on other ongoing improvements to management of the herring fishery. Please contact me if you have any questions.

Sincerely,

for 
John K. Bullard
Regional Administrator

Attachments

**Cc: Thomas A. Nies, Executive Director, New England Fishery Management Council
Richard B. Robins, Chairman, Mid-Atlantic Fishery Management Council
Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council
Robert E. Beal, Executive Director, Atlantic States Marine Fisheries Commission**

Attachment: Disapproved Measures in Herring Framework 4

The following details our concerns with the two measures I disapproved in Framework 4. Framework 4 does not provide evidence of specific problems with catch monitoring or discarding that need to be addressed, nor does it demonstrate how these measures would have rectified problems with monitoring or discarding. Some public comments on the proposed rule expressed support for the approval and implementation of both of the measures, but the commenters did not provide information that the utility of these measures would outweigh costs.

Volumetric Catch Estimates

Framework 4 would have required vessels with limited access herring permits to have their fish holds certified and Northeast Fisheries Observer Program (NEFOP) observers to collect volumetric estimates of total catch by measuring the volume of the fish in hold prior to offloading. Observers would have converted the volumetric estimate to a weight and submitted the estimated weight to the Greater Atlantic Region Fisheries Office (GARFO) for a cross-check of vessel trip reports (VTRs) and dealer reports.

The requirement for observers to estimate the amount of catch in the fish hold was intended to enhance catch monitoring in the herring fishery by providing an independent estimate of total catch. This measure was developed to address stakeholder concerns with NMFS's reliance on industry-reported catch data to monitor the herring fishery. Specifically, some stakeholders, including environmental organizations, the groundfish industry, and recreational fishing groups, believe that herring catch is not accurately reported by the industry and that large discrepancies exist between vessel and dealer reports. The herring industry, in general, does not believe that herring catch is being misreported but, in an effort to address stakeholder concerns, supports the requirement for observers to collect an estimate of total catch.

Framework 4 does not provide evidence of misreporting by the herring industry, but it does highlight past differences between the amount of herring reported by vessels and dealers. In past years, discrepancies between VTRs and dealer data have been as large as 54 percent. But recently, GARFO staff has improved the process for cross-checking and resolving differences between VTRs and dealer data. Now discrepancies between VTRs and dealer data are minimal, with VTRs averaging 1 percent higher than dealer reports. Because discrepancies between VTRs and dealer data are now minimal, we do not believe the proposed measure requiring volumetric estimates of total catch is necessary to help resolve discrepancies between VTR and dealer data.

Vessels and dealers report catch by species. VTRs, in combination with observer data, are used in herring stock assessments and to track catch against catch caps in the herring fishery, while dealer data are used to track catch against herring annual catch limits. The measure would have provided an estimate of total catch, but not catch by species. Therefore, the volumetric estimate could not have been used to replace VTRs or dealer data and it could not have been used for catch monitoring or stock assessments.

Additionally, Framework 4 cautions whether the proposed measure would be more accurate than methods currently used by vessel operators or dealers to estimate catch. The volumetric conversion proposed in Framework 4 is based on herring harvested in other parts of the world. Using a volumetric conversion assumes consistency in the size, weight, and density of the catch, but there can be substantial variability in the catch composition of the herring fishery, depending on the area and season. The proposed 5 percent deduction from total weight to account for water in the tanks is based on best known practices among the industry, but the Council did not rigorously evaluate the amount of the deduction. For these reasons, Framework 4 explains that converting a volume of total fish to pounds based on the proposed conversion could produce less accurate catch estimates than current vessel or dealer estimates.

The measure is unlikely to improve catch monitoring in the herring fishery because the volumetric catch estimate cannot be used to replace VTR or dealer report to monitor catch and it is not necessary to resolve discrepancies between VTR and dealer data. In contrast, the compliance costs associated with the measure may be high. If a vessel's fish holds are not already certified, the vessel owner would need to pay to have the fish holds certified. NMFS would need to significantly develop the measure prior to implementation, including generating a sampling protocol, approving volume to weight conversions and deductions to account for water in the fish hold, training observers, and evaluating how to use the data. Additionally, requiring observers to sample vessels in port would require modifications to the description of observer duties and contracts with observer service providers.

We concluded the measure requiring fish holds to be certified and observers to collect volumetric catch estimates is inconsistent with the requirements of the Magnuson-Stevens Act, APA, and PRA. The measure is inconsistent with the APA because there is insufficient support in Framework 4 documenting the need for this measure and how this measure would address the purported need. The measure is inconsistent with the requirements of Magnuson-Stevens Act National Standard 7 and the PRA because the benefit of the volumetric catch estimate is dubious and does not outweigh the additional burden on vessel owners of certifying their fish holds and making available a measuring stick for observers. The measure is inconsistent with Magnuson-Stevens Act National Standard 2 because the quality of the volumetric catch estimate is not sufficient for monitoring the fishery, facilitating inseason management, or judging the performance of the management regime. Lastly, the measure is inconsistent with Magnuson-Stevens Act National Standard 5 because it does not allow the fishery to operate at the lowest possible administrative costs relative to any additional monitoring benefit provided by the measure.

Empty Fish Holds

Framework 4 would have required fish holds of vessels with All Areas or Areas 2/3 Limited Access Herring Permits to be empty of fish before leaving the dock on a herring trip. A waiver may have been issued by an authorized law enforcement officer when fish have been reported as caught but cannot be sold due to the condition of fish.

The Council recommended this measure to enhance catch monitoring and discourage wasteful fishing practices in the herring fishery. Some stakeholders are concerned that fish not purchased by a dealer, and discarded on a subsequent trip, may not be reported on the VTR. The Council intended this measure to discourage the discarding of unreported fish, provide a mechanism to document when harvested fish become unmarketable, and prevent vessel operators from mixing fish from multiple trips in the hold, potentially biasing catch data.

Initially, this measure consisted of just the requirement that fish holds be empty of fish at the beginning of a herring trip. But recognizing that there may be unforeseen events making it difficult to sell fish (e.g., refrigeration failure, poor condition, lack of market), the Council recommended the waiver provision to mitigate the potential costs associated with disposing of unmarketable catch on land. The Council intended the waiver to provide a mechanism to verify that fish had been reported and document the nature and extent to which vessels are departing on trips with fish in their fish holds. Additionally, some vessels in the herring fishery land their catch in multiple ports, and the Council intended that the waiver provision would allow that practice to continue.

While prohibiting the disposal of unmarketable catch at sea, unless a waiver is issued, may discourage wasteful fishing practices, there is insufficient support in the record to conclude that herring vessels are harvesting excess fish and discarding unsold fish at sea. The costs associated with a herring trip, including fuel, crew wages, and insurance, are substantial, so it is unlikely that vessel operators are making herring trips to harvest fish that will ultimately be discarded.

Framework 4 explains that it is unclear whether unmarketable catch disposed of at sea on a subsequent trip is reported. Part of the justification for the waiver provision is to provide a way to verify that fish have been reported and document the extent to which vessels are departing on trips with fish in their fish holds. However, Framework 4's proposed waiver provides no way of verifying the amount of fish reported relative to the amount of fish left in the hold. Therefore, we do not believe this measure contains a viable mechanism to verify whether harvested fish that are left in the hold were reported by the vessel.

Because the measure lacks a mechanism to verify or correct the amount of fish reported on the VTR, the measure is unlikely to improve catch monitoring in the herring fishery. In contrast, the compliance and enforcement costs associated with the measure may be high. For example, vessel operators needing to dispose of fish at sea may lose time and money waiting for an authorized law enforcement officer to travel to their vessel, inspect the fish in the fish hold, and issue a waiver. Additionally, it would likely be time consuming for authorized officers to issue waivers and would divert resources from other law enforcement duties.

This measure is also intended to prevent vessel operators from mixing catch from multiple trips in the hold and biasing catch data. NEFOP observers sample the catch while it is on the deck, before it is placed in the fish hold, so there would be no chance that observers would be sampling fish from multiple trips that were mixed in the hold. The herring fishery is also sampled portside by the Massachusetts' Department of Marine Fisheries (MA DMF) and Maine's Department of Marine Resources. Mixing of catch from multiple fishing trips, although unlikely, may have the

potential to bias landings data used to inform herring stock assessments, state management spawning closures, and the river herring avoidance program operated by the University of Massachusetts' School of Marine Fisheries and MA DMF.

The Atlantic States Marine Fisheries Commission recently adopted a requirement that vessel fish holds be empty of fish before vessels depart on a herring trip, contingent on adoption in Federal waters, in Amendment 3 to the Interstate FMP for Atlantic Herring. Establishing a similar provision in this action would have promoted coordination between Federal and state management, but, for the reasons described above, it is unlikely to improve catch monitoring in the herring fishery.

We concluded the measure requiring fish holds to be empty of fish before leaving port, unless a waiver is issued by an authorized officer, is inconsistent with the requirements of the Magnuson-Stevens Act, APA, and PRA. The measure is inconsistent with the APA because there is insufficient support in Framework 4 documenting the need for this measure and how this measure would address the purported need. The measure is inconsistent with Magnuson-Stevens Act National Standard 7 and the PRA because the benefit of empty fish holds does not outweigh the additional burden on vessel operators to obtain a waiver from an authorized officer. The measure is inconsistent with Magnuson-Stevens Act National Standard 7 because it does not provide fishermen with the greatest possible freedom of action in conducting business and imposes an unnecessary enforcement burden. Lastly, the measure is inconsistent with Magnuson-Stevens Act National Standard 5 because it does not allow the fishery to operate at the lowest possible administrative and enforcement costs relative to any additional monitoring benefit provided by the measure.



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

March 1, 2016

Mr. John Bullard
Northeast Regional Administrator
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

Today, my staff electronically sent the formal submission of the Environmental Assessment for the 2016-2018 Atlantic Herring Specifications to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fishery Office.

After reviewing your cover letter received February 11, 2016 and an annotated copy of the EA provided by your staff on February 12, 2016, the EA has been updated as noted in the table below. In the future, it would be helpful if substantive comments could be clearly identified and differentiated from minor or editorial suggestions. However, our staffs have conversed and agreed upon which revisions should be considered substantial, and the document has been updated accordingly.

I would also like to thank you for your letter of February 25, 2016, which revised the implied criticism of my staff in your earlier letter. We should work to avoid such misunderstandings in the future.

Upon review of the EA, please communicate any comments and/or need for further document revision directly to me. Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

Response to GARFO Comments

Note: Numbering of sections, tables, and figures is consistent with final submission document.

Section	Comment	Response
Throughout	A few missing references noted.	All references now listed.
	Revise some impact conclusions to be more consistent/comply with NEPA.	Done.
1.0	Clarify that the preferred alternative for the NB weir payback provision is October 1.	Done.
	Replace the map in Figure 1.	This was not done, because all maps should be readable in black and white. Also, the focus of the related text is on the RH/S catch cap areas rather than the AM areas.
3.2	Clarify purpose and need.	Done.
3.3	Add description of the stockwide ACL accountability measure.	Done.
4.1.1	Clarify the SSC input that the current high biomass of herring likely meets ecosystem goals, "including forage considerations."	Done.
4.1.1	Delete October 15 NB weir payback option.	Since the Council considered October 15, the option should remain in the document. Options are clarified.
4.2	Insert sentence clarifying that some of the specifications remain the same from 2013-2015 (e.g., FGSA).	Done.
4.2.1	Include the Council's rationale for its OFL and ABC recommendations.	Added Section 4.2.1
4.2.3	Note that the specification of DAH, DAP, BT, and USAP are considered status quo.	Done.
4.3.3	Within RH/S Alternative 3, insert more explanation of how the data was revised/updated and how the Council's primary intent in selecting a preferred alternative was which approach would best estimate recent RH/S catches.	Done.
6.0	Update catch data with latest totals.	Done.
6.3.1	Delete Munro (2002) reference.	Done.
6.5.4	Clarify units in revenue tables.	Done.
6.5.7	Check that all data in Table 59 meets data confidentiality standard.	Checked. Table is fine.
6.5.7	Clarify differences in data years between Table 58 and 59.	Limited human resources constrained updating all tables.
7.0	Clarify impact qualifier in Table 60.	Done.
7.1.1	Insert sentence clarifying that some of the specifications remain the same from 2013-2015 (e.g., FGSA).	A clarification sentence has been added.

7.2.2.3	Clarify that the increase in the RH/S catch under the preferred alternative represents the most technically sound estimate of past RH/S catch available.	Done.
7.6.1	Because the Council did not consider different options for DAH, DAP, BT, USAP, RSA, and FGSA, these specifications should not have impact conclusions.	Related impact analysis has been removed from Section 7.0.
7.6.7	Note that impacts of the preferred alternative are not “significant.”	Done.
8.1.1	Clarify discussion of National Standard 9.	Done.

Additional revisions to the EA

Section	Comment
Throughout	Minor edits to document format and writing style. The Executive Summary and Contents sections have been numbered, shifting all other numbering. Index added.
4.2.1.1	Canadian weir catch data for 2015 has been updated.
4.3.2	Clarify that the revised data, as described in Appendix I, was the basis for the values of the RH/S catch caps in RH/S Catch Cap Alternative 2.
6.5.4	Data in Table 54 corrected.
7.6.4.5	The Council recently explored issues related to adding RH/S as stocks in the Atlantic herring fishery, but this topic is not a current Council priority. Thus, this topic was deleted from the description of reasonably foreseeable future actions.



New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

February 29, 2016

Mr. John Bullard
GARFO Regional Administrator
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

On January 27, 2016, the Council selected preliminary preferred alternatives for the IFM Amendment. The Council adopted the following guiding principles related to the IFM Amendment:

Motion 1: That the Council adopts the following guiding principles for Industry Funded Monitoring (IFM) programs implemented by GARFO. Data collection programs for the estimation of fishery catch should: (1) Be fit for purpose-the reason, or clear need, for data collection should be identified to ensure objective design criteria; (2) Be affordable-the cost of data collection programs should not diminish net benefits to the nation, nor threaten the continued existence of our fisheries. However, essential data collection is needed to assure conservation and sustainability, and is reason to seek less data intensive ways to assess and manage fisheries on the economic margins; (3) Should apply modern technology-data collection should prioritize the utilization of modern technology to the extent possible to meet our data collections needs, while recognizing an affordable robust program is likely to need a mix of data collection by people and technology; and Incentivize reliable self-reporting.

The motion carried on a show of hands (15/1/1).

Motion 2: That the Council recommends the removal of the IFM service provider requirement to not deploy the same observer on the same vessel for more than two consecutive multi-day trips or for more than twice in a given month.

The motion carried on a show of hands (12/2/3).

The Council selected Alternative 2 (Standardized cost responsibilities and standardized administrative requirements for industry-funded monitoring service providers) and Alternative 2.6 (allow FMPs to establish a monitoring set aside via a framework) as their preliminary preferred alternative in the IFM Amendment. The Council also selected Alternative 2.1 (Council-led Prioritization Process) as their preliminary preferred alternative in the IFM Amendment. The Council also passed a motion making it clear that the prioritization process could be modified via a framework adjustment, which should be reflected in the IFM Draft EA/Amendment. The Council did not identify a specific approach to prioritize the Herring and Mackerel IFM Programs proposed under the IFM Amendment. Therefore, we encourage Council and GARFO

staff coordination to identify an approach to address this issue.

Motion 3: That the Council select Alternative 2 (Standardized cost responsibilities and standardized administrative requirements for industry-funded monitoring service providers) as the preliminary preferred alternative for the IFM amendment.

The motion carried on a show of hands (10/5/2).

Motion 4: That the Council select Alternative 2.6 (allow FMPs to establish a monitoring set aside via a framework) as the preliminary preferred alternative for the Industry-Funded Monitoring Amendment.

The motion carried on a show of hands (16/1/0).

Motion 5: That the prioritization process in the IFM Amendment could be modified via a Framework Adjustment.

The motion carried on a show of hands (16/1/0).

Motion 6: That the Council select Alternative 2.2 (Council-led Prioritization Process) as the preliminary preferred alternative for the IFM Amendment.

The motion carried on a show of hands (14/1/2).

Please contact me if you have questions.

Sincerely,



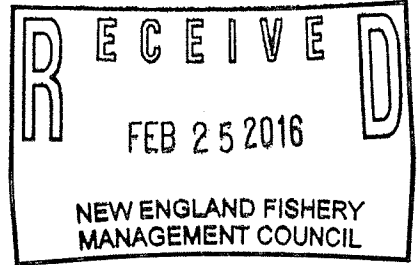
Thomas A. Nies
Executive Director

c.c.: Dr. Christopher Moore (MAFMC, Executive Director)



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

February 25, 2016



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom:

Through conversations over the last few days, I realize that we made some careless mistakes in our February 11, 2016, letter on the 2016-2018 Atlantic Herring Specifications. We did not intend to single out any staff or imply that there was a deliberate refusal to accept our advice. I apologize for having sent a letter with wording that implied that. With our ongoing and future actions, we will be more mindful to support our shared goal of a collaborative process.

Our staffs have already begun to take positive steps toward effective collaboration. My staff talked through our edits and comments on the specifications with your staff. I understand that they are resolving specific issues with the document and have paved the way for moving forward with the action. They have also set a goal of meeting face-to-face in the near future to strengthen their working relationship.

While I cannot take back the words in the letter, I would like to clarify our intent, specifically with the following paragraph:

"My staff worked with yours in the development of impact designations. Through discussions prior to the submission of the EA during PDT meetings, phone calls, and in staff-to-staff email exchanges, we highlighted the need to assess the impact of maintaining status quo measures relative to the baseline conditions described in the Affected Environment. Many of our recommendations were not accepted, but we believe that our recommended impact descriptions would better inform the public and are more consistent with the intent of NEPA."

We inadvertently changed the message that my staff was trying to convey in this paragraph when we revised a draft of the letter. The initial draft of this paragraph highlighted the successful discussions between our staffs, including an October 2015 email exchange, regarding how to describe the impact of the no action alternative for the herring specifications on protected species. We did not intend to convey that your staff ignored our specific comments to revise impact conclusions for the no action alternative for the specifications from negligible to low positive. Rather, in this paragraph, my staff

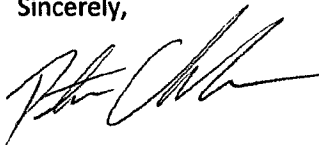
cbk, rf



wanted to convey that the same NEPA rationale that applied to the protected species revisions should also apply to the impacts of the no action alternative for the specifications across all valued ecosystem components (VECs). Ultimately, we removed references to the protected resources impacts discussion and did not consider how that changed the message in the paragraph. Finally, saying "Many of our recommendations were not accepted..." was not necessary, and we should have omitted that part of the sentence. Again, we do not believe that your staff deliberately ignored our suggestions.

We value a strong and effective relationship, and we truly look forward to building that with you and your staff.

Sincerely,



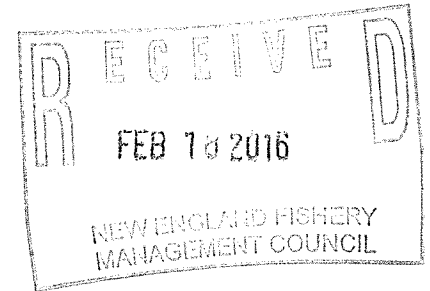
for John K. Bullard
Regional Administrator



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

FEB 11 2016

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Dear Tom:

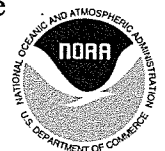
Please see our comments in the attached Environmental Assessment (EA) regarding the Atlantic herring 2016-2018 Specifications you submitted to us on November 4, 2015. In it, we identify some important issues that need to be addressed before we can accept the EA and complete the regulatory process for the action. Many of the issues we have noted reflect concerns that my staff raised and communicated through the Herring Plan Development Team as part of the development of the EA.

We based many of our comments on the EA's assessment of impacts of proposed measures as positive, negative, or negligible. Given the successful management of this fishery, it is more appropriate to characterize the continued management of this fishery (i.e., status quo) as having a low positive impact on the herring resource, rather than indicating the impacts are negligible. We should be viewing management decisions that maintain catch and bycatch at healthy levels as positive management strategies, not as strategies that have negligible impacts. We have attached an updated Table 63 that summarizes changes that we request your staff make.

My staff worked with yours in the development of impact designations. Through discussions prior to the submission of the EA during PDT meetings, phone calls, and in staff-to-staff email exchanges, we highlighted the need to assess the impact of maintaining status quo measures relative to the baseline conditions described in the Affected Environment. Many of our recommendations were not accepted, but we believe that our recommended impact descriptions would better inform the public and are more consistent with the intent of NEPA.

We also need you to clarify in the EA that the proposed herring specification alternatives only differ with regard to ABC and ACL (driven by the choice of management uncertainty buffer), and that all other specifications (DAH, DAP, BT, USAP, RSA, and FGSA) are status quo. These other specifications are status quo because the Council did not consider a range of alternatives for these specifications. Additional comments deal largely with revisions/updates of catch data that are not accurate, description of how decisions were made on management matters, and clarification of text in the EA.


Rather than outline our changes in an attachment to this letter, our staff has collectively added comments and edits to the previously submitted EA Word document. Please resubmit the document (in Word, in Track Changes mode, is our strong preference) when you have made



revisions. It is important that we are able to identify where changes were made, and how our comments were addressed, as that will speed up the remainder of the review process. If we need you to make additional revisions, we will inform you in writing.

Please let us know if you have any concerns or questions.

Sincerely,



John Bullard
Regional Administrator

Table 63

	Atlantic Herring	Non-Target Species	Fishery-Related Businesses and Communities
2016-2018 Atlantic Herring Fishery Specifications			
Alt 1 (No Action)	Low Positive*	Negligible	Low Positive*
Alt 2	Low Positive*	Negligible	Low Positive*
Alt 3 (Preferred)	Low Positive*	Negligible	Low Positive*
2016-2018 RH/S Catch Caps			
RHS Alt 1 (No Action)	Negligible	Low Positive**	Negligible
RHS Alt 2	Negligible	Low Positive**	Negligible (Possibly Negative for SNE/MA SMBT)
RHS Alt 3 (Preferred)	Negligible	Low Positive**	Negligible (Possibly Negative for SNE/MA SMBT)

*Differences between impacts of Alt 1, Alt 2, and Alt 3 are negligible

** Differences between impacts of RHS Alt 1, RHS Alt 2, and RHS Alt3 are negligible



New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

February 5, 2016

Mr. John Bullard
Greater Atlantic Regional Administrator
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

At the January 2016 meeting of the New England Fishery Management Council, the Council passed a motion in support of using state portside data in monitoring the bycatch caps of the Atlantic herring fishery:

"The Council supports the motion postponed from the September 2015 Council meeting regarding use of portside data to monitor river herring/shad catch caps, with the inclusion of using portside data to monitor the haddock catch caps."

Postponed motion from September 2015:

"Because river herring/shad bycatch in the sea herring fishery is monitored by NMFS solely from observer data, the Council requests NMFS include state portside monitoring of river herring/shad catch to determine that catch relative to the bycatch caps."

Portside sampling of herring and mackerel trips has been conducted by Maine and Massachusetts since 1999 and 2008, respectively. The portside data have proven to be an important tool in setting river herring/shad bycatch caps. Analyses by the Herring Plan Development Team (Amendment 5, Framework 3) and Maine Department of Marine Resources indicate that there is no significant difference between river herring/shad catch estimates derived from at-sea observers versus portside samplers on trips sampled by both.

The Council understands that additional technical work is required prior to using the data for in-season monitoring and encourages continued collaboration with state partners to this end. Thank you for considering this request of the Council. Please contact me if you have any questions.

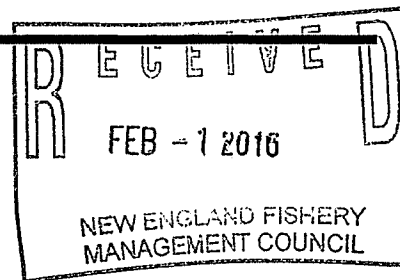
Sincerely,

Thomas A. Nies
Executive Director

51

Sherie Goutier

From: Doug Morrison <dougmorrison@doverps.com>
Sent: Sunday, January 31, 2016 9:10 AM
To: info info
Subject: Herring bycatch limits
Expires: Friday, July 29, 2016 12:00 AM



Please do not weaken the limits on river herring bycatch. The fish are vital to our ecosystem!

Thank you.

Doug

Douglas Morrison CPA
Dover Professional Search
Accounting | Finance | Tax
(508) 242-3099 work
(617) 834-0639 cell
dougmorrison@doverps.com