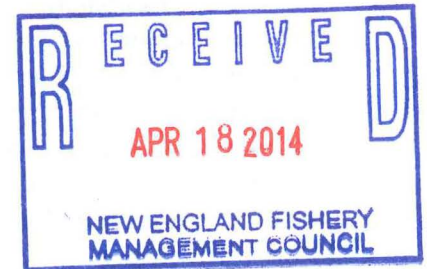




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 17 2014



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

Dear Tom:

At the Council's Herring Oversight Committee meeting on April 3, 2014, some of the Committee members requested that I send a letter clarifying the Greater Atlantic Regional Fisheries Office's position on one of the dealer alternatives in Framework 4 to the Herring Fishery Management Plan. Specifically, some Committee members asked why we initially advised that the Council could consider a measure that would require vessel operators to verify dealer-reported landings, and then we subsequently advised that the additional crosscheck on dealer landings is not necessary.

In the time that has passed since we disapproved the Amendment 5 dealer provision, we have evaluated the Council's need to improve herring fishery data and have put a system in place that we believe addresses the Council's concern and may make some additional measures unnecessary. In September 2013 we advised the Council that it could consider a measure in Framework 4, based on one of the alternatives in Amendment 5, that would require vessel operator crosschecks of dealer landings. Since then, we have taken additional steps to improve our quality control program for crosschecking herring landings information. My Analysis and Program Support Division uses advanced programming to identify and sort out landings information that do not match. They then investigate each unmatched landing record to determine the cause of the discrepancy and make the correction to the appropriate information source stream. The issue investigation process includes interviews with dealers, vessel operators, and owners to obtain supporting documentation for the correction and to ensure industry concurs with the source stream correction. Currently, the 2013 fishing year landings information is almost 100-percent matched, with only three records outstanding, while for 2014, there remain a handful of unmatched landings, which my staff is actively investigating.

As we explained to the Committee, we believe that having vessel operators verify the dealer's reported landings in "Fish-On-Line," duplicates our efforts to crosscheck landings information. Requiring vessels to submit a vessel trip report within 24 hours of the end of each trip also duplicates current daily catch submissions through vessel monitoring systems. The requirement would not provide any additional information, but it would add a burden to the vessel operator, dealer, and agency. Our new process achieves the improvements sought by the proposed measures while saving fishermen and dealers the additional time and expense. In the absence of information showing that the proposed measures improve reporting accuracy and timeliness more than the methods we currently use, the proposed measures would add reporting burdens on vessel owners and operators that do not appear to use fishery resources efficiently or minimize



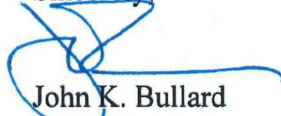
and avoid unnecessary duplication. Following the Committee meeting, we believe that additional justification would be necessary for us to support these measures. Without that further justification we question the approvability of these measures.

The Northeast Fisheries Observer Program has noted some concerns about whether we can add new requirements to the observer program contract that would enable observers to measure the volume of fish in fish holds, as recommended by the Committee. While the additional information we might receive from the observer's measurement may have some utility in monitoring landings, it is not likely that this measure, as proposed, could be supported by our observer program without development of additional implementation details pertaining to the observer program and strong justification for the need for the measure.

We are not opposed to the provision requiring vessels to leave port with empty fish holds, but urge the Council to carefully consider industry's concerns about poor markets or lack of buyers that make offloading difficult or impossible sometimes. I also support the Council's development of the slippage consequences, although we have expressed an interest in aligning the New England Council's recommendation with the Mid-Atlantic Council's.

I hope this clears up any confusion that Committee members had during the meeting and helps guide the Council in its decisions on Tuesday.

Sincerely,



John K. Bullard
Regional Administrator

General Comments on Framework 4 to the Atlantic Herring Fishery Management Plan

Alternative 2.1.2.1 in Framework 4 to the Atlantic herring fishery management plan would require vessel confirmation and validation of dealer reports by various means (e.g., SAFIS; Fish on Line). This alternative was first developed through the PDT process several years ago, and since that time NMFS has gone through programmatic changes to address the issues presented in this alternative. The NMFS Analysis and Program Support Division (APSD) Quality Assurance team was established to formalize the data QA/QC processes and identify data issues within and between datasets that are used for monitoring and analysis. A primary function of the QA team is the trip matching of vessel (VTR) and dealer (SAFIS) reports, and subsequent outreach to industry partners to resolve reporting issues. Therefore, Alternative 2.1.2.1 would merely duplicate efforts that NMFS already has in place for addressing data quality issues.

Alternative 2.1.2.2 in Framework 4 to the Atlantic herring fishery management plan would require VTR and dealer reports to be submitted within 24 hours of trip end or purchase, respectively. Herring limited access permit holders are currently required to submit daily VMS catch reports, which include herring kept by herring area and kept of all species by haddock area (Gulf of Maine and/or Georges Bank). For daily monitoring purposes, VMS catch reports are used as a place holder until weekly VTR and Dealer reports are received, entered into the databases, and QCed. NMFS VTR and dealer QC systems cycle on a weekly basis, so increasing the reporting frequency to daily for VTR and dealer would not necessarily result in potential data issues being identified by the QC process on a daily basis. In addition, VTR reports are submitted on a monthly or weekly basis, depending on the fishery. Therefore, adding a 24 hour rule to the VTR reporting mix may increase confusion among vessels that hold permits for multiple fisheries. Thus, this alternative would not improve the timeliness of data quality or availability for these reporting methods.

Alternative 2.1.2.3 in Framework 4 to the Atlantic herring fishery management plan “would require that fish holds on limited access herring vessels are empty before leaving the dock on any trip when declared into the Atlantic herring fishery.” The question we have is, who would verify that the holds are empty? In other words, who would monitor this activity? What regulatory implications would there be? We understood there were industry concerns about injury liability for hold inspectors when a similar concept was proposed for the groundfish sector program and note that as well.

In an attempt to better ensure the accuracy of catch information, Alternative 2.1.3 in Framework 4 to the Atlantic herring fishery management plan would require “...third-party catch verification at the first point of landings on trips by limited access herring vessels carrying a NMFS-approved observer.” Having an observer/sampler measure catch in certified holds may provide NMFS with additional information to compare to VTR/dealer information, but it is not entirely clear how it improves the information. Dealers would still be the best source of landings.

Atlantic Herring Monitoring Methodology

I. Landings Calculations

Atlantic herring landings by area are calculated weekly using VMS catch reports to verify and determine catch when VTR and/or dealer records are unavailable, but VTR and dealer reports inclusive of state-reported landings (from DMIS), once received, are used to determine final catch by area. Data are reconciled where necessary by the APSD QA team prior to compiling weekly and annual reports.

VTR kept amounts are reported as hail weight, with an estimated 10% margin of error, and dealer landings are considered more accurate. Therefore, dealer-reported pounds are used as the default for each trip. However, when the VTR weight is greater than dealer weight by >10%, it is assumed that dealer reports are missing from the database and VTR kept is used in these instances. Finally, total kept reported in the State of Maine VTR log books are added to the data set as Area 1A landings. Vessel-reported kept is assigned to herring management area using VMS catch reports or latitude and longitude coordinates from VTR reports if VMS area is not available. Total kept is then summed by area.

II. Discard Calculations

Discards of Atlantic herring by area are determined using the following formula, where NK = herring unknown:

$$\frac{\text{Observed Atlantic Herring Discards} + \text{Atlantic Herring NK}}{\text{Observed Kept All Species}} \times \text{Vessel Kept All}$$

Only discard and kept all data from observed hauls are used in calculating the discard ratio using data from the Northeast Fisheries Science Center Observer Program databases. Discard ratios

are determined for each area and gear type, and then multiplied by vessel kept all by area and gear type. Where VTR data provide a gear type in an area that is not reported on observed trips, vessel kept all are multiplied by the weighted average of the discard ratios for all observed gear types by corresponding area. Estimated discards for all gear types are then summed by area, resulting in a fleet-wide estimate of discards for Atlantic herring.

The same processes described above for landing and discard calculations are used for both in- season monitoring and year-end reports.