



Coalition for the Atlantic Herring Fishery's Orderly, Informed and Responsible Long-Term Development

January 26, 2009

Frank Blount, Chairman
Herring Oversight Committee
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 4 Catch Monitoring Program

Dear Frank,

I am writing on behalf of the CHOIR Coalition to request that the Committee include our monitoring proposal, in its original form, as a catch monitoring alternative. There needs to be a full range of alternatives considered as the amendment moves forward and we believe that our proposal deserves inclusion as an alternative in that light.

We worked hard to draft a reasonable, comprehensive proposal which included a diverse and carefully constructed suite of mix and match options designed to be easily inserted into the Amendment 4 document. At the core of our proposal is the goal of maximized retention, verified by Electronic Monitoring, and the use shore side monitoring; we believe that this system would be very effective in building an effective monitoring program in this fishery. Our ideas are best understood at this stage in the framework we built; although they are highly portable in many ways, at this time they deserve consideration in the context of our full proposal. The inclusion in monitoring Alternative 1 (the "Staff Alternative", assembled and passed at the December Committee meeting) of certain CHOIR proposal elements, while a positive development, creates the risk that the rest of our ideas, as well as the comprehensive nature of our proposed program, will not receive the consideration they merit. We ask the Committee to give this proposal a chance and therefore include it as a management alternative moving forward.

We would also like to raise some concerns we have in regard to developments since the last Committee meeting and also to make some general comments regarding the overall direction of the amendment process as it stand now from our perspective.

First, we are troubled by the direction the amendment has taken since the December meeting, largely driven by outside policy advocacy at the PDT level and by a pre-ordained conclusion drawn by Council staff that many of the new solutions needed in this monitoring program are "infeasible." As a result, the amendment is shying away from the real change requested by the public and mandated by the Council.

For example, industry lobbyists and even Council members recently used the PDT as a venue to undermine one of the stronger elements of Alternative 1, an element on which most stakeholders had previously found an unusually high level of consensus: the list of protocol changes requested by the Northeast Observer Program. CHOIR had previously expressed reservations that the list would still leave far too much reliance on self-reported data and would allow the practice of dumping on observed trips to continue, but supported the concept of providing regulatory relief to the observer program, which had indicated such relief was needed to close catch sampling loopholes. It now appears that the concept of a non-regulatory (voluntary) "Code of Conduct," first raised at the January PDT meeting, has been included as a possible option for addressing the elements requested by the Observer program. Voluntary pledges to fill out new, self-reported "dumping log sheets" are a very good example of the kind of inadequacies in the current system that Amendment 4 is attempting to correct. But at the very least, we believe that it is up to the Committee and the Council to develop policy decisions such as this and that is where such a discussion needs to take place.

We also believe that recent additions to the Discussion Document- flowing mostly from discussions at the PDT- try to make important decisions that we believe should be made by the Council and the Committee, not the PDT. An example of this can be seen in relation to the aforementioned list of Observer protocol changed. The Observer program has requested these changes and believes that they require regulatory relief. Yet the Discussion Document states that "Some of these measures are likely to be eliminated from further consideration due to enforcement and compliance problems, costs versus benefits, and/or general impracticability in the Atlantic herring fishery." Such a conclusion is highly premature and fails to take into account that such "elimination" will undercut the goals and objectives of Amendment 4 and entrench the status quo.

While these are just two examples, they speak to what we believe is a problematic path for this amendment process to be taking. We would like to see these important issues being discussed and voted upon by the bodies truly responsible for such decisions. While we value the PDT's role in this process we also believe there are certain limitations to its role that have recently been overlooked.

Lastly, there appears to be some degree of confusion over the structure of the Amendment, in that the Goals and Objectives adopted by the Committee on 12/16/08 are inserted in the Draft Discussion Document in two different ways: as overall goals and objectives for the catch monitoring program and as a specific part of Alternative 1. We believe that the goals and objectives need more work, since they also contain mutually exclusive elements and do not contain strong enough assurances that unsampled dumping on observed trips will end. We also believe that the insertion of additional alternatives with different goals and objectives may help clarify and correct this confusion and these oversights. Finally, we believe that inclusion of the CHOIR proposal as an alternative will address this in an efficient manner, since the CHOIR proposal contains its own comprehensive set of goals and objectives.

In short, we ask the Committee to give the CHOIR proposal a chance and include it in its full form as a management alternative. We believe that this proposal fits well as its own alternative in the desired 'full range' of alternatives and that full analyses will show that this proposal can address many of the issues raised by the PDT and help ensure we have this 'full range' as we move forward. We also hope to see important policy decisions being made at the proper levels of decision-making so that decisions can be made by the people chosen to make them. And lastly, we believe that the apparent confusion surrounding the issue of Goals and Objectives could be

addressed by the inclusion of different Goals and Objectives in additional alternatives that the Committee decides to develop.

Sincerely,

A handwritten signature in blue ink that reads "Stephen B. Weiner". The signature is written in a cursive style with a blue ink color.

Steve Weiner, Chair

