



New England Fishery Management Council

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MEETING SUMMARY

Herring Committee Meeting

Crowne Plaza, Warwick, RI

September 17, 2009

The Herring Committee met on September 17, 2009 to continue development of catch monitoring alternatives for inclusion in Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP) and discuss issues related to the Amendment 5 document structure, monitoring and reporting requirements for herring vessels and processors, observer coverage and at-sea monitoring, shoreside/dockside monitoring and sampling, electronic reporting, video-based monitoring, maximized retention, catch monitoring and control plans, and vessel monitoring system (VMS) requirements.

Meeting Attendance: Frank Blount, Mark Gibson, Rodney Avila, Doug Grout, Sally McGee, David Pierce, Mary Beth Tooley, Terry Stockwell, Mike Leary, Rick Robins (MAFMC), Herring Committee Members (10 of 11 Committee members –Jim Odlin not present); Dave Ellenton (Herring Advisory Panel Chairman); Lori Steele, NEFMC Staff; Amy Van Atten, (NEFMC Observer Program); Carrie Nordeen, Hannah Goodale, Aja Peters-Mason (NOAA NERO); Jeff Kaelin, Vito Calomo, Chris Weiner, Peter Moore, Herring Advisory Panel Members; Shaun Gehan (Kelly, Drye, Warren), Ben Martens (CCCFHA), Gary Libby (Port Clyde), Patrick Paquette (Mass. Striped Bass Association), Raymond Kane, Hank Soule, Jud Crawford, Sean Mahoney, Roger Fleming, Mike Flaherty, and other interested parties.

The meeting began with a review and discussion of the agenda so that the Herring Committee could agree on how to proceed through the proposed new structure of the Amendment 5 catch monitoring alternatives during the course of the day. Ms. Tooley provided some background about the proposed restructuring of the Amendment 5 Discussion Document, specifically the catch monitoring alternatives, based on the August 24 Committee meeting for those Committee members who were not present at that meeting. She suggested that the Committee begin by reviewing the general structure of the catch monitoring alternatives to ensure that all elements from the previous alternatives are still included in the document and to confirm that the major headings/categories proposed for further development are appropriate and include all issues to be addressed through the catch monitoring program. Mr. Stockwell emphasized that the proposed restructure is a work in progress and that the Committee needs to ensure that nothing has been omitted at this time; he suggested the Committee then move forward with streamlining the alternatives under each section heading in the restructured document.

General Structure of Catch Monitoring Alternatives

Ms. Steele informed the Committee that the Amendment 5 catch monitoring alternatives had been restructured based on recommendations from the August 24, 2009 Committee meeting such that major headings/categories now appeared in green in the Table of Contents and sub-categories or alternatives under the major headings appeared in yellow. Ms. Tooley asked the Committee to review the major headings and confirm whether or not they were appropriate and comprehensive. Mr. Stockwell suggested that another major category be added to include measures to ensure maximized sampling. Dr. Pierce asked for clarification regarding this suggestion. Ms. Steele noted that measures to maximize the sampling of slipped catch could be moved into this new section and that as the Committee moves forward, other measures currently in other categories may be more appropriate in a section addressing maximized sampling.

- Dr. Pierce expressed support for this approach in general and noted that the Committee's biggest challenges will be associated with sorting through the subcategories and details of the measures (in yellow).
- Ms. Steele suggested that the Committee consider a separate category (green) for measures to address net slippage.
- Mr. Rudolph supported the suggestion for a section including measures to address net slippage and provided some further clarification regarding measures to maximize sampling. He suggested that measures to identify/eliminate pre-sorting could be included in measures to maximize sampling. He also emphasized that maximized retention measures relate to whether or not catch is brought to the dock for sampling but that measures to address slippage and options for slippage caps could be considered independent of a maximized retention program.

The Herring Committee agreed by consensus to include a new category (green) for Measures to Ensure Maximized Sampling and Address Net Slippage (after the section re. Measures to Ensure Maximized Retention).

Discussion of Catch Monitoring Alternatives/Measures

Following general agreement regarding the proposed structure of the catch monitoring alternatives, the Herring Committee began to discuss various elements of the major sections and how to restructure the measures proposed for consideration under each of the categories. Ms. Tooley noted that the Committee has already spent a great deal of time discussing elements of Section 2.3 (Measures to Improve Quota Monitoring and Reporting) and suggested that the Committee focus more time on other elements of the document. Mr. Blount suggested that the NMFS Regional Office first present the *NERO Staff Comments on At-Sea Transfer Provisions* (attached). Ms. Goodale noted that NMFS' major concerns with the current catch monitoring program relate to difficulties reconciling the activities of dealers and fishing vessels when carrier vessels land in the fishery with fish from multiple trips and multiple vessels. She suggested that the Committee consider developing more effective ways of documenting and monitoring transfers at sea and activities of carrier vessels so that databases can be more easily reconciled and so that a more accurate history of catch for each fishing vessel can be documented in future years. Aja Peters-Mason from NERO walked the Committee through the comments and addressed questions.

- Mr. Stockwell suggested that it may be simpler to require herring carriers to declare when they are acting as carriers (versus submitting negative IVR reports). Ms. Tooley agreed.
- Mr. Grout expressed concern about adding significant reporting burdens to small Category C and D vessels, which represent less than 1% of the fishery landings and felt that the current system is fairly adequate with respect to generating comprehensive landings information.
- Mr. Blount expressed concern about increasing requirements for vessels that receive herring as bait and wondered if registered recreational vessels can even obtain commercial permits (for example, the Open Access Category D herring permit).
- Ms. Tooley expressed general support for establishing a better linkage between VTR data, IVR data, and dealer data. She reiterated that some of the suggestions relative to Letter of Authorization (LOA) requirements are complicated and may be overly burdensome.
- Mr. Kaelin agreed that this amendment should streamline and clarify LOA requirements for all herring vessels. He also expressed support for the possibility that daily reporting could be adopted through the amendment. He suggested that the Committee consider eliminating the current requirement that herring carriers be authorized for a minimum of seven days once they receive an LOA because the vessels are then restricted to carrying only Atlantic herring during that time.
- Ms. Goodale noted that one of the problems the agency is having with the current system is that the Herring FMP does not clearly describe the activities of herring carriers and transfers at sea and suggested that this amendment provide more detail on these activities and help clarify some of the confusion regarding what activities vessels are authorized to participate in and what reporting requirements may apply.
- Mr. Paquette notes that the shoreside bait and tackle industry is currently stressed economically and suggested that at-sea bait sales be minimized to help support the shoreside infrastructure that depends on bait sales.
- Dr. Pierce asked for clarification as to which reporting questions had been resolved by NMFS' detailed letter to permit holders in 2008 and wondered how many of these issues needed to still be addressed in the amendment. Ms. Goodale stated that many of the clarifications were made in the letter to permit holders but that they would be more effective if they were implemented as part of the regulations. Dr. Pierce suggested that some of these issues be forwarded to the Herring Advisory Panel for further discussion.

The Committee was unsure whether or not to incorporate all of the Agency's suggestions into the Amendment 5 Discussion Document. Ms. Steele suggested that Council staff work with the NERO staff to incorporate as many of them as possible and allow the Committee to revisit them as part of the Discussion Document once the measures are actually fleshed out. The Committee agreed, although Ms. Tooley suggested that the proposal that only carrier vessels receive transfers at sea be eliminated. The Committee supported this suggestion, and Ms. Goodale indicated that the NERO would also investigate the feasibility of eliminating the seven day restriction on carrying only Atlantic herring.

The Herring Committee moved through Section 2.4 of the restructured catch monitoring alternatives – **Measures to Standardize/Certify Volumetric Measurements of Catch**. Ms. Tooley mentioned that the State of Maine already requires fish hold measurements (expressed as hog’s heads) and suggested that this information be incorporated into the document for background. She also expressed opposition to measures that would require flow scales to be utilized in the herring fishery and wondered if the technology for flow scales is readily available or affordable at this time. Mr. Rudolph expressed concern about separating the catch monitoring alternatives to the point where some measures, like those that require flow scales, are considered out of context and possibly eliminated before they are fully developed. He suggested that the measures to standardize and certify catch could be incorporated into a catch monitoring and control plan (CMCP) and urged the Committee to consider a broader category in the document for CMCP requirements.

Ms. Steele suggested that the Herring Committee provide her with some flexibility to re-write the options under each of the broad categories to capture the intent of the measures that are in the document, while eliminating redundancies and text that may no longer apply to some of the measures since they have been moved and the alternatives restructured. She recommended that the Committee focus on identifying the kinds of measures they would like included in each of the sections, including conceptual approaches and specific types of options. Then, she can develop the corresponding text and bring back a re-written document for the Committee to begin working through.

1. MOTION: DAVID PIERCE/NO SECOND

That Section 2.4.1 be subdivided into two options, the first option being the first paragraph and the second option being the second paragraph, with the understanding that this document is a work in progress

Additional Discussion on the Motion: The motion did not receive a second.

Ms. Steele reiterated that the Committee should focus on identifying the kinds of options to be developed and felt that Section 2.4 should include more than two options in order to capture the intent of the measures proposed in the section. She suggested that the Committee provide general guidance – for example, that Section 2.4 include one option for requiring calibration on vessels, one option for requiring calibration on dealer trucks, one option for flow scales, and one option to require these measures to be specified in a CMCP. Sub-options could then be developed to indicate which permit categories the measures would apply to and how landings will be independently verified. The Herring Committee supported this approach and agreed to let staff rewrite the document and develop the details of the management measures to be considered further at the next meeting.

After some discussion, the Herring Committee also agreed that the determination of which permit holders the catch monitoring measures will apply to will be made at a later stage during the development of the amendment. The Committee previously passed a motion that the proposed catch monitoring program would apply to Category A, B, and C vessels, but there may be a reason to treat C vessels differently than A and B vessels, and the Committee agreed to make this decision once the measures are more fully developed. The Committee also agreed that there is no need to include sub-options in each of the categories to indicate to which permit

holders the measures may apply, as the Committee will revisit this issue in its entirety once the document has been rewritten.

Following a lunch break, the Herring Committee explored the measures proposed for maximized retention in the herring fishery. **Ms. Steele suggested that this section be sub-divided into categories for (1) species for maximizing retention; (2) options for non-permitted landings; (3) phase-in options; and (4) options for verifying compliance. The Committee agreed and also decided to change the proposed list of species for maximized retention by: striking dogfish, adding squid, adding highly migratory species, and adding monkfish.**

- Mr. Robbins noted the potential difficulties associated with requiring retention and landings of species above mortality possession limits and/or species in fisheries that are closed because quotas have been reached.
- Mr. Rudolph suggested a fifth category to include measures to address disposition of landings (i.e. what to do with unwanted catch once it is landed, Sub-options 2A, 2B, and 2C on p. 26).
- Mr. Gehan wondered why the Committee is still considering maximized retention provisions and noted problems associated with requiring feedy and unmarketable herring to be landed, in addition to non-permitted species.
- Mr. Libby suggested that some of the previously unmarketable fish could be sold as lobster bait, especially since it appears that herring quotas are going to decrease considerably in 2010.
- Ms. Steele reminded the Committee that there are some options in the document that address feedy and unmarketable fish and that max retention provisions could be coupled with slippage caps so that not all fish that is caught would have to be landed.
- **Dr. Pierce expressed opposition to Options 2A, 2B, and 2C on p. 26 of the document and suggested that the Herring Committee rethink approaches for handling unmarketable or unwanted fish. He suggested that Sub-options 1A and 1B remain in the document without a preference for either one at this time. After some further discussion, the Herring Committee supported these suggestions.**

Ms. Steele expressed confusion about the proposed incidental catch caps that are currently described under the maximized retention provisions and wondered why caps would exist if measures required maximized retention. She suggested that this section of the document be revisited and discussed further. Ms. Tooley wondered if a target less than 99.5% be considered for maximized retention. Ms. Steele noted that the species-specific maximized retention provisions addressed this and suggested that reference to any specific percentages be eliminated from the description of the measures. The Herring Committee agreed.

Ms. Steele asked for clarification on the management measures to address at-sea monitoring, specifically what levels of observer coverage the Committee wanted to consider under this category. The Herring Committee agreed that the at-sea monitoring alternatives would include observer coverage levels for further consideration that are: (1) consistent with the approach in the standardized bycatch reporting methodology (SBRM); (2) identified based on Council priorities

in Amendment 5 (30% CV for herring and haddock, 20% CV for river herring); and (3) 100% observer coverage in the herring fishery.

Ms. Tooley expressed concern about the measure proposed in the document that would declare the fishery “unobservable” and close it if bycatch could not be accurately monitored. Mr. Martin noted that it would be a very difficult burden to justify not allowing a fishery to occur whatsoever based on the possibility of slippage or some level of undocumented bycatch. Dr. Pierce agreed that this measure does not seem reasonable and supported the fact that the Council has a legal obligation to monitor and minimize bycatch in the context of achieving optimum yield for all fisheries.

2. MOTION: DAVID PIERCE/RODNEY AVILA

To delete Option 3 “Unobservable Fishery” from Section 2.5.6.3 on p. 28 of the restructured document

Discussion on the Motion: Mr. Rudolph expressed opposition to the motion and felt that the concept should be developed further before any determinations are made. Mr. Fleming agreed.

3. MOTION TO TABLE MOTION 2: TERRY STOCKWELL/MIKE LEARY

To table Motion 2

MOTION #3 TO TABLE FAILED 3-4.

MAIN MOTION #2 REPEATED:

To delete Option 3 “Unobservable Fishery” from Section 2.5.6.3 on p. 28 of the restructured document

Additional Discussion on the Motion: Dr. Pierce stated that the document includes measures to address net slippage and should not include a measure to address the consequence of not being able to address slippage.

MOTION #2 CARRIED 5-2-1.

Discussion of Issues for the Herring Advisory Panel to Address

The Herring Committee briefly discussed issues for the Herring Advisory Panel to address relative to the catch monitoring measures under development in Amendment 5. Mr. Blount suggested that the Advisory Panel consider ways to streamline the current LOAs for herring activities. Ms. Tooley agreed and suggested that the NERO comments on carrier vessels and transfers at sea be forwarded to the Advisory Panel for further discussion.

4. MOTION: TERRY STOCKWELL/DOUG GROUT

Recommend that the Council adopt the restructured catch monitoring alternatives for further development in Amendment 5 (other issues will remain in the Amendment 5 Discussion Document dated July 31, to be addressed after the development of the catch monitoring alternatives)

Discussion on the Motion: Dr. Pierce emphasized that the document will continue to be a work in progress, subject to further refinement by the Committee once the specifications are completed. He also noted that the Council should be aware that staff will work with the NERO

staff to address the comments related to carrier vessels, transfers at sea, and LOAs, and that the Committee will revisit this issue once the Amendment 5 Discussion Document has been further revised.

MOTION #4 CARRIED 6-1-1.

Open Period for Public Comment

- Mr. Gehan provided some general comments regarding the Proposed Rule for herring vessels accessing Closed Area I. He stated that the proposed provisions are problematic from the industry's perspective and expressed concern that the proposed regulations appear to put the observers into an enforcement role on the vessels. He urged Committee members to review the Proposed Rule before the end of the comment period and consider submitting comments to NMFS.
- Mr. Robins raised the issue of un-used quota from the Area 2 fishery. The directed herring fishery in Area 2 was closed by NMFS early, and it appears that there is 1,500 mt of herring still available under the quota. He suggested that the Committee forward a request to the Council to ask NMFS to consider re-opening the Area 2 fishery so the rest of the quota could be utilized by mackerel vessels fishing in Area 2 late in the year (December). While the Committee took no specific action, there was no objection expressed.

Other Business

The Herring Committee convened in a closed session to review Herring Advisory Panel applications and recommend an applicant for Executive Committee consideration for one open seat on the Advisory Panel.

Amendment 5 to the Atlantic Herring Fishery Management Plan
NERO staff comments on at-sea transfer provisions
September 14, 2009

1. *Reporting requirements for vessels issued Carrier Letters of Authorization (LOAs).*

The regulations at 50 CFR §§ 648.4(a)(10)(ii) and 648.7(b)(2)C) state that vessels issued Carrier LOAs must be Atlantic herring permit holders, but exempts vessels operating under a Carrier LOA from VMS and IVR reporting requirements. It is unclear which set of requirements—the reporting requirements associated with the herring permit or the reporting requirements associated with the LOA—take precedence. NERO staff has interpreted this disconnect to mean that the permit requirements take precedence, but the Council needs to clarify reporting requirements in the regulations.

It would be helpful to our monitoring and enforcement efforts to require vessels operating under Carrier LOAs to submit negative IVR reports for the trips during which they function as carriers. For vessels acting as carriers that are subject to VMS reporting requirements through the herring or other fisheries, it may be practical to require that vessel declare out of the herring fishery in VMS. As the situation currently stands, we receive no IVR reports from vessels acting as carriers. This means that when we run checks for IVR compliance, we have to review the list of vessels that come up as non-compliant to make sure that none of them are actually fishing under a Carrier LOA.

As a final addition, observer program call-in requirement should be clearly expanded in the regulations to cover vessels operating under Carrier LOAs.

2. *Reporting requirements for at-sea transfers.*

There is confusion about reporting at all stages of at-sea transfers. It is clear from the regulations (§ 648.7(2)(i)(D)(2)) that a trip is defined as “each time the [catcher] vessel offloads to the carrier vessel...for the purposes of reporting requirements and possession allowances.” However, the reporting mechanisms for tracing an offload from a catcher, to a carrier, to its final offload with a dealer are not clear in the regulations. To maintain the trail of information through all stages of transfer, the regulations need to clearly state reporting requirements.

Suggested clarifications:

- Carrier vessels receiving offloads from catcher vessels – Though the regulations at § 648.7(b)(2)(i)(D)(2) clearly state that catcher vessel must report transfers to carriers via IVR and on VTR reports, they should be expanded to clearly state that the catcher vessel is required to pass the serial number from the first page of their monthly VTR report along to the carrier vessel.

- Carrier vessels offloading catch to dealers/dealers accepting catch from carriers – We have had questions from dealers who don't understand whether to report the carrier or catcher vessel when purchasing landings from a carrier. The carrier vessel should be required to report the VTR serial number from the catcher vessel when offloading to the dealer, and should be required to report the VTR serial number from the catcher vessel on their own VTR report to document the carrying activity. The regulations should be expanded to explain that the dealer accepting herring is responsible for reporting the VTR serial number from the catcher vessel NOT the carrier vessel.
- Vessels offloading catch for personal use as bait – As stated in the AM5 discussion document, it is likely that a number of vessels are not reporting offloads of herring to vessels for personal use as bait. These transactions can be better documented with a few key limitations to at-sea transfers by permit category.

The current regulations regarding transfer at sea (§ 648.13 (f)) are referenced at the end of this document. As a summary of the current situation, most vessels are allowed to receive herring for personal use as bait, all herring permit holders may transfer herring at sea as bait provided that they don't exceed their possession limit and have a Transfer-at-sea LOA, and all herring permit holders can transfer herring to a carrier, provided that both vessels have the appropriate LOAs.

To maintain integrity of possession limits, we recommend a scheme that prohibits vessels that hold herring permits associated with possession limits (i.e., Category C and D permits) from offloading herring at sea. Only herring vessels participating in the directed fishery (Category A or B permits) should be able to offload herring landings to a carrier vessel or to a vessel that needs herring for personal use as bait. This is consistent with Option 1 (2.3.3.1) in the restructured Draft Discussion Document. As in Option 1, Category C and D vessels would be able to obtain an LOA to act as a carrier at sea.

We also recommend the following alternatives to provide for a greater understanding of transfers at-sea for personal use as bait. All options below can be combined with other options currently presented in 2.3.3 of the restructured Draft Discussion Document, in order to accommodate transfers to/from Category D vessels.

Option A: Status Quo—all vessels can receive herring for personal use as bait without further regulatory requirements. See current Transfer at Sea regulations at the end of this document.

Option B: The element of Option 2 under “Measures to Address Transfers at Sea” (2.3.3.2 in the restructured Draft Discussion Document) that prohibits non-permitted herring vessels from receiving at-sea transfers is appealing. To allow vessels to continue to receive herring for use as bait in other fisheries, but provide some control for monitoring, vessels desiring to use herring as bait should be required to obtain a Federal Open Access herring permit (Category D) and a “Bait Transfer LOA” to receive bait for personal use.

This new “Bait Transfer LOA” could facilitate monitoring of the universe of vessels by providing a two-ticket reporting system—NMFS would receive information about herring transfers at sea for bait from both the transferring and receiving vessels. The LOA and

regulations associated with the Bait Transfer LOA could be similar to those for the Carrier LOA, such that they would clearly define a minimum participation period for this LOA, prohibit participants from fishing for herring or carrying gear that can land herring while receiving bait, a would lay out specific reporting requirements that may override the reporting provisions of the Category D permit.

Option C: Model at-sea bait transfer regulations like those for small mesh-multispecies at § 648.13 (c) and skate at § 648.13 (h). As with herring, both of these fisheries require the transferring vessel to carry an LOA, but also require the receiving vessel carry documentation of the transfer, in the form of a written receipt, to justify possession of the transferred fish.

Finally, many vessels currently carry all four of the available LOAs (purse seine, mid-water trawl, carrier and transfer at sea). It would help our understanding of the types of at-sea transfers that are occurring to limit the combinations of LOAs certain vessels can have, and allow the LOA to further define each vessel as a receiving or transferring vessel. We recommend that the LOA scheme be limited as follows:

- a) Purse seine and mid-water trawl LOAs – Only Category A and B herring vessels are allowed to have these LOAs (see § 648.80 (d)); this provision would continue as written. Vessels with these LOAs could choose EITHER the Carrier LOA OR the Transfer At Sea LOA, but not both.
 - b) Carrier LOA – All permit categories could qualify for this LOA. Choosing this LOA would limit the vessel to acting only as a carrier during the participation period (or as a catcher vessel if choosing to fish), meaning that the vessel would be disqualified from receiving a Transfer at Sea LOA. This will help to remedy issues with dockside monitoring (referenced below).
 - c) Transfer At Sea LOA – The ability to obtain this LOA would depend on permit category, i.e. vessels with possession limits should be prohibited from transferring at sea (Option 1 in the restructured document). Choosing this LOA would limit the vessel to transfers at sea during the participation period, meaning that the vessel could offload to carrier vessels or sell to bait vessels, but would not be able to receive herring from other vessels.
3. *Dockside sampling of fish from carrier vessels.* At-sea transfers of herring sometimes come from multiple catcher vessels to a single carrier vessel, where the catch is mixed in the vessel hold. This makes biological sampling of catch impossible because there is no way to tell what area/vessel the catch came from, confounding some of the elements of the proposed dockside sampling schemes presented in AM5. How do current dockside sampling programs at the state level address this issue?

To remedy this issue, it may be effective only allow carrier vessels to receive transfers at sea. To accomplish this, the transfer at-sea LOA could be reduced in scope to allow only vessels operating under the LOA to offload to carrier vessels or vessels buying bait at sea. This would mean that vessels operating under a carrier LOA would be the only vessels that would have landings from multiple vessels in their holds. Dockside samplers could then collect information from all non-carrier vessels with the knowledge that the fish in their holds only came from that individual vessel's fishing activities.

Transfers at sea.

§ 648.13 (f) Atlantic herring . With the exception of transfers made to an at-sea processing vessel issued the required permit under §648.6(a)(2)(ii), any person or vessel, including any vessel issued an Atlantic herring permit, is prohibited from transferring, receiving, or attempting to transfer or receive any Atlantic herring taken from the EEZ, except as authorized in this paragraph (f), and in compliance with reporting requirements at §648.7 (b)(2)(i)(D).

(1) Personal use as bait. (i) The operator of a vessel that is not issued an Atlantic herring permit may purchase and/or receive Atlantic herring at sea for personal use as bait, provided the vessel receiving the transfer does not have purse seine, midwater trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board;

(ii) A vessel issued an Atlantic herring permit may transfer herring at sea to another vessel for personal use as bait:

(A) Provided the transferring vessel is issued a letter of authorization to transfer fish. The operator of the transferring vessel must show the letter of authorization to a representative of the vessel receiving fish or any authorized officer upon request; and

(B) Provided that the transfer of herring at sea to another vessel for personal use as bait does not exceed the possession limit specified for the transferring vessel in §648.204, except that no more than 2,000 lb (907.2 kg) of herring may be caught or transferred per trip or per calendar day if the vessel is in, or the fish were harvested from, a management area closed to fishing as specified in §648.201.

(2) Atlantic herring carrier vessels. (i) A vessel issued an Atlantic herring permit may operate as a herring carrier vessel and receive herring provided it is issued a carrier vessel letter of authorization and complies with the terms of that authorization, as specified in §648.4(a)(10)(ii).

(ii) A vessel issued an Atlantic herring permit may transfer herring at sea to an Atlantic herring carrier up to the applicable possession limits specified in §648.204, provided it is issued a letter of authorization for the transfer of herring and that no more than 2,000 lb (907.2 kg) of herring may be caught or transferred at sea per trip or per calendar day if the vessel is in, or the fish were harvested from, an area closed to directed fishing as specified in §648.201.