

9. Promote and support research, including cooperative research, to improve the collection of information in order to better understand herring population dynamics, biology and ecology, and to improve assessment procedures.
10. Promote compatible U.S. and Canadian management of the shared stocks of herring.
11. Continue to implement management measures in close coordination with other Federal and State FMPs and the ASMFC management plan for Atlantic herring, and promote real-time management of the fishery.

The management measures in the Herring FMP and contained in this amendment are intended to address the goal of managing this fishery consistent with the Magnuson-Stevens Act and/or one or more of the objectives identified above.

4.0 PROPOSED MANAGEMENT ACTION

This section describes all of the management measures proposed to be implemented in Amendment 1 to the Atlantic Herring FMP. Unless otherwise noted in the following subsections, any current management measures and provisions that pertain to the herring fishery and its participants are assumed to remain effective (status quo) upon the implementation of Amendment 1.

4.1 LIMITED ACCESS PROGRAM

This amendment will implement a limited access program for the herring fishery in all management areas. Separate limited access programs are proposed for Area 1 and Areas 2/3. In addition, an open access permit with a small possession limit are proposed for vessels that do not qualify for any of the limited access herring permits. The open access permit is described in Section 4.2 of this document. The details of the proposed limited access program are described in the following subsections.

Consistent with current regulations as well as the provisions specified in the following subsections and the Atlantic Herring FMP, the following vessels will **not** be required to obtain a permit (limited access or open access) to fish for, catch, possess, transport, land, or process Atlantic herring in or from the EEZ:

- A vessel that possesses herring solely for its own use as bait, providing the vessel does not have purse seine, midwater trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board; and
- A skiff or other similar craft used exclusively to deploy the net in a purse seine operation during a fishing trip of a vessel that is permitted to fish for Atlantic herring under the proposed program.

4.1.1 Limited Access Directed Fishery Permit (All Areas and Areas 2/3 Only)

This amendment will implement two different limited access “directed fishery” programs for Area 1 (1A+1B) and Areas 2/3. The limited access directed fishery permits are intended to qualify vessels with the most significant history and participation in the herring fishery. Most of these vessels are currently Category 1 herring permit holders and land the vast majority of Atlantic herring during the fishing year. Vessels that qualify for the limited access directed fishery permits will not be restricted by a possession or trip limit for herring; they will fish according to the regulations established through this amendment, the Herring FMP, and the fishery specification process (area-based TACs).

Once the TAC is reached in a management area and the directed fishery for herring closes, limited access directed fishery permit holders will be limited to 2,000 pounds of herring per trip in that management area.

The qualification criteria for the limited access directed fishery program are structured such that vessels qualifying to fish in Area 1 automatically qualify to fish in Areas 2/3 (All Areas). Vessels that do not qualify to fish in Area 1 may qualify for limited access directed fishery permits to fish in Areas 2/3 only.

All limited access directed fishery permit holders will be required to report herring catches weekly through the IVR call-in system.

Area 1 Limited Access Directed Fishery Permit (Access to All Areas)

To qualify for a Limited Access Directed Fishery Permit for Area 1 (1A+1B), a vessel must *currently possess a herring permit (see below)* and have landed at least **500 mt of herring in any one calendar year** between **January 1, 1993 and December 31, 2003**.

Areas 2/3 Limited Access Directed Fishery Permit (Access to Areas 2 and 3 Only)

To qualify for a Limited Access Directed Fishery Permit for Areas 2/3, a vessel must *currently possess a herring permit (see below)* and have landed at least **250 mt of herring in any one calendar year** between **January 1, 1993 and December 31, 2003**.

- ***Currently possess a herring permit:*** possession of any Federal herring permit (Category 1 or 2) during the 2005 fishing year as of November 10, 2005.
- **Confirmation of permit history (CPH) for initial limited access directed fishery qualification (two-year window):** A vessel that sank or was destroyed can meet the “*current permit*” eligibility requirement for a limited access permit if it possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005. Similarly, an individual who sold a vessel that possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005, but who retained the herring history through a written agreement signed by both parties in the vessel sale or transfer, can meet the “*current permit*” eligibility requirement for a limited access permit. See Section 4.1.4.8 for more discussion of CPH provisions.
- **Carriers and/or at-sea processors that do not harvest fish** will not be required to qualify for a limited access permit to possess/transport herring.
- **“Wing boats” in pair trawl operations:** Both vessels engaged in a pair trawl operation must have limited access herring permits. During the initial qualification, pair trawl vessels may divide the catch history between the two vessels in the pair through third party verification and supplemental information such as VTR or dealer reporting. The two wing boats that want to divide their catch history must apply for a limited access permit jointly and must agree to the division of landings, as supported by the submitted data.

4.1.2 Limited Access Incidental Catch Permit and Possession Limit

The limited access incidental catch permit is intended to qualify vessels with lower levels of history and participation in the herring fishery. Some of these vessels are currently engaged in other fisheries that catch herring incidentally, while others target herring seasonally in smaller quantities for bait and other niche markets. This permit was developed primarily to address the incidental catch of herring by mackerel vessels that do not qualify for a limited access directed fishery permit.

A vessel may qualify for a limited access incidental catch permit if it does not qualify for a limited access directed fishery permit in Area 1 and/or Areas 2/3. For example, a vessel could possess a limited access directed fishery permit for Areas 2/3 only and a limited access incidental catch permit, which would apply to Area 1. In this case, the vessel will be limited to the limited access incidental catch possession limit if it fishes any part of a trip in Area 1. In addition, the vessel will be required to stow its gear if it is transiting the Area 1A or 1B with more than 25 mt on board.

If a vessel does not qualify for either of the limited access directed fishery permits described in the previous subsection, the limited access incidental catch permit would allow the vessel to fish up to the proposed possession limit of 25 mt in any of the management areas.

All limited access incidental catch permit holders will be required to report herring catches weekly through the IVR call-in system.

4.1.2.1 Limited Access Incidental Catch Qualification Criteria

Vessels can qualify for a limited access incidental catch permit to fish for herring in any management area if they *currently possess a permit* to fish for Atlantic herring, squid, mackerel, butterfish, and/or whiting and have landed **at least 15 mt of herring in any calendar year between January 1, 1988 and December 31, 2003.**

- ***Currently possess a permit:*** possession of any Federal permit for squid, mackerel, butterfish, whiting, or Atlantic herring during the 2005 fishing year as of November 10, 2005 (a limited access multispecies permit also serves as a whiting permit).
- **Confirmation of permit history (CPH) for initial limited access incidental catch qualification (two-year window):** A vessel that sank or was destroyed can meet the “*current permit*” eligibility requirement for a limited access permit if it possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005. Similarly, an individual who sold a vessel that possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005, but who retained the herring history through a written agreement signed by both parties in the vessel sale or transfer, can meet the “*current permit*” eligibility requirement for a limited access permit. See Section 4.1.4.8 for more discussion of CPH provisions.

4.1.2.2 Limited Access Incidental Catch Possession Limit

Vessels with limited access incidental catch permits will be restricted by a **possession limit of 25 mt** of herring and limited to **one landing per calendar day** up to the 25 mt possession limit.

Once the TAC is reached in a management area and the directed fishery for herring closes, limited access incidental catch permit holders will be limited to 2,000 pounds of herring per trip, similar to all other herring permit holders.

4.1.3 Summary of Amendment 1 Limited Access Program

Table 3 summarizes the elements of the two-tier limited access program proposed in Amendment 1.

Table 3 Summary of Proposed Limited Access Program

Primary Measure Category	Measure
Limited Access	Limited Access in All Management Areas
(Area 1 Qualification Criteria)	<i>Current permit</i> requirement plus 500 mt in one year between 1/1/93-12/31/03
(Areas 2/3 Qualification Criteria)	<i>Current permit</i> requirement plus 250 mt in one year between 1/1/93-12/31/03
Limited Access Incidental Catch Permit	<i>Current permit</i> requirement plus 15 mt in one year between 1/1/88-12/31/03 25 mt possession limit, one landing per calendar day

4.1.4 Limited Access Permit Provisions

This amendment will establish measures to govern activities such as vessel sales, limited access permit transfers, permit splitting, changes to vessel size, and establishment of vessel baselines to evaluate changes to vessel size. These measures apply to all limited access permit holders (directed and incidental catch permits). The provisions proposed in this amendment are consistent with those in other limited access fisheries.

4.1.4.1 Fishing History and Permit Transfers

Initial Eligibility. Consistent with other limited access programs established by the Councils, initial eligibility for a herring limited access permit must be established during the first year after the implementation of Amendment 1. In other words, the herring limited access permits may not be applied for more than twelve months following the effective date of the final regulations.

The owner of a qualifying vessel that has sunk, been destroyed, or been transferred to another person without the Atlantic herring fishing history but not yet replaced, would be required to apply for a Confirmation of Permit History (CPH) within the first year after the implementation of Amendment 1.

To prove that a vessel is eligible for the limited access program under any landings criteria established through Amendment 1, applicants would have to submit third-party verification of landings history, such as dealer receipts.

- **Confirmation of permit history (CPH) for initial limited access directed fishery qualification (two-year window):** A vessel that sank or was destroyed can meet the “*current permit*” eligibility requirement for a limited access permit if it possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005. Similarly, an individual who sold a vessel that possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005, but who retained the herring history through a written agreement signed by both parties in the vessel sale or transfer, can meet the “*current permit*” eligibility requirement for a limited access permit. See Section 4.1.4.8 for more discussion of CPH provisions.
- **Confirmation of permit history (CPH) for initial limited access incidental catch qualification (two-year window):** A vessel that sank or was destroyed can meet the “*current permit*” eligibility requirement for a limited access permit if it possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005. Similarly, an individual who sold a vessel that possessed a Federal herring permit (Category 1 or 2) any time between November 10, 2003 and November 9, 2005, but who retained the herring history through a written agreement signed by both parties in the vessel sale or transfer, can meet the “*current permit*” eligibility requirement for a limited access permit. See Section 4.1.4.8 for more discussion of CPH provisions.

The Atlantic herring limited access program would maintain the restriction in the Consistency Amendment that any fishing and permit history is presumed to transfer with a vessel at the time it is bought, sold or otherwise transferred from one owner to another, unless it is retained through a written agreement signed by both parties in the vessel sale or transfer.

Unless the Regional Administrator determines otherwise, no more than one vessel may qualify, at any one time, for a limited access permit or CPH based on that or another vessel’s fishing and permit history. If more than one vessel owner claims eligibility for a limited access permit or CPH, based on one vessel’s fishing and permit history, the Regional Administrator will determine who is entitled to qualify for the permit or CPH.

Any vessel that can show proof that it was under construction, reconstruction, or was under written contract for purchase as of December 31, 2003 and landed the amount of fish required by the implemented limited access program as of December 31, 2004 can apply for a limited access permit as long as it has a “current permit.” This measure provides such vessels with a one year extension of the qualification period for the limited access permit.

Appeals of denial of permit. An appeals procedure will be developed similar to that established for previous limited access programs. An applicant who has been denied a limited access Atlantic herring permit may appeal in writing to the Regional Administrator within 30 days of the denial. Any such appeal must be based on the grounds that the information used by the Regional Administrator was based on incorrect data, must be in writing, and must state the grounds for the appeal.

Appeal review. The Regional Administrator will appoint a designee who will make the initial decision on the appeal. The appellant may request a review of the initial decision by the Regional Administrator by so requesting in writing within 30 days of the notice of the initial decision. If the appellant does not request a review of the initial decision within 30 days, the initial decision is the final administrative action of the Department of Commerce. Such review will be conducted by a hearing officer appointed by the Regional Administrator. The hearing officer shall make findings and a recommendation to the Regional

Administrator, which shall be advisory only. Upon receiving the findings and the recommendation, the Regional Administrator will issue a final decision on the appeal. The Regional Administrator's decision is the final administrative action of the Department of Commerce.

Status of vessels pending appeal. A vessel denied a limited access herring permit may fish for herring, provided that the denial has been appealed, the appeal is pending, and the vessel has on board a letter from the Regional Administrator authorizing the vessel to fish under the limited access category. The Regional Administrator will issue such a letter for the pendency of any appeal. Any such decision is the final administrative action of the Department of Commerce on allowable fishing activity, pending a final decision on the appeal. The letter of authorization must be carried on board the vessel. If the appeal is finally denied, the Regional Administrator shall send a notice of final denial to the vessel owner; the authorizing letter becomes invalid 5 days after receipt of the notice of denial.

4.1.4.2 Vessel Upgrades

A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain or renew a limited access permit, only if the upgrade complies with the following:

- (1) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed **20 percent** of the horsepower of the vessel's baseline specifications, as applicable.
- (2) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed **10 percent** of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.

Currently, the Herring FMP includes restrictions on maximum length, size, and horsepower for vessels engaged in the Atlantic herring fishery (165 feet, 750 GRT, and 3,000 HP). These restrictions will remain effective with the implementation of Amendment 1. In addition, existing regulations that exempt USAP vessels from these maximums also will be maintained.

4.1.4.3 Vessel Monitoring System (VMS) Requirements

Vessel Monitoring Systems (VMS) are currently required for all herring vessels that intend to catch 500 mt of herring or more during the fishing year (Category 1 permits). With the implementation of Amendment 1 to the Herring FMP, VMS requirements will apply to all vessels that qualify for a limited access directed fishery permits and limited access incidental catch permits (with the exception of fixed gear fishermen).

4.1.4.4 Vessel Replacements

The term *vessel replacement*, in general, refers to replacing an existing limited access vessel with another vessel. In addition to addressing increases in vessel size and horsepower, the consistency amendment also established a restriction that requires that the same entity must own both the limited access vessel (or fishing history) that is being replaced, and the replacement vessel. In order to maintain consistency with the other regional limited access programs, this provision will be adopted for the Atlantic herring limited access program.

4.1.4.5 Establishing Vessel Baselines

A vessel's baseline refers to those specifications (Length Overall, Gross Registered Tons, Net Tons, and Horsepower) from which any future vessel size change is measured. Consistent with the other limited access programs that established baselines at the time they were initially implemented, the vessel baseline specifications for Atlantic herring will be the specifications of the vessel that was initially issued a limited access permit as of the date that the initial vessel applied for such permit.

4.1.4.6 Voluntary Relinquishment of Eligibility

The consistency amendment (NMFS) included a provision to provide a mechanism for a vessel owner to voluntarily exit a limited access fishery. In some circumstances, it could allow vessel owners to choose between different permits with different restrictions without being bound by the more restrictive requirement (e.g., lobster permit holders may choose to relinquish their other northeast region limited access permits to avoid being subject to the reporting requirements associated with those other permits). If a vessel's limited access permit history for the herring fishery is voluntarily relinquished to the Regional Administrator, no limited access permit for that fishery may be reissued or renewed based on that vessel's history or to any other vessel relying on that vessel's history.

4.1.4.7 Permit Splitting

The consistency amendment (NMFS) established a measure that requires limited access permits issued to a vessel to stay together with the vessel as a "package." They may not be split apart and distributed among other vessels by making a vessel replacement because that would increase overall fleet capacity. Therefore, all limited access permits must be treated as a "package" for the purposes of vessel replacement, or for the purposes of limited access permit retention when a vessel is sold or transferred. The Atlantic herring limited access program will adopt this restriction upon implementation of Amendment 1.

The Council intends for these provisions to apply to the transfer/sale of herring fishing history prior to the implementation of Amendment 1. This is consistent with the Council's interpretation of the Consistency Amendment. That is, owners of vessels that currently possess limited access permits for other fisheries should be subject to the permit splitting provisions in the Consistency Amendment and should be prohibited from splitting their herring fishing history from other permits/history during sale/transfer of ownership prior to the implementation of Amendment 1. Vessel owners who sell vessels with limited access permits and retain herring history to qualify a different vessel for the herring limited access program should not be allowed to do so. At its April 4-5, 2006 meeting, the Council passed the following motion to re-affirm this intent:

That the Council oppose permit splitting in Amendment 1 (*motion reaffirms intent of Council as it relates to the transfer of fishing history prior to the implementation of Amendment 1*).

4.1.4.8 Permit Renewals and Confirmation of Permit History (CPH)

Continued Eligibility. A vessel owner must maintain the limited access permit status for an eligible vessel by renewing the permits on an annual basis or applying for issuance of a CPH. A CPH is issued to a person who does not currently own a fishing vessel, but who has legally retained the fishing and permit history of the vessel for the purpose of transferring it to a replacement vessel at a future date. Annual renewal is considered important in establishing participants who have an active interest in maintaining their ability to participate in a limited access fishery, and conversely allowing permits to lapse and be

cancelled for those who do not. The CPH is important in this regard because it provides a benefit to a vessel owner by securing a vessel history through a registration system.

Therefore, to be eligible to receive a limited access herring permit, a vessel must have been issued a limited access herring permit in the preceding year, be replacing a vessel that was issued a herring limited access permit for the preceding year, or be replacing a vessel that was issued a confirmation of permit history (CPH – see below). If a vessel's limited access permit history is cancelled through failure to renew or otherwise, no limited access permit for that fishery may be reissued or renewed based on that vessel's history or to any other vessel relying on that vessel's history.

All limited access permits would be issued on an annual basis by the last day of the fishing year for which the permit is required, unless a CPH has been issued (see below). Application for such permits must be received no later than 30 days before the last day of the fishing year.

Confirmation of permit history (CPH). A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person, must apply for and receive a CPH if the fishing and permit history of such vessel has been retained lawfully by the applicant. To be eligible to obtain a CPH, the applicant must show that the qualifying vessel meets the eligibility requirements for the limited access herring permit in question. Issuance of a valid CPH preserves the eligibility of the applicant to apply for a limited access permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time. If fishing privileges have been assigned or allocated previously under this part, based on the qualifying vessel's fishing and permit history, the CPH also preserves such fishing privileges. A CPH must be applied for in order for the applicant to preserve the fishing rights and limited access eligibility of the qualifying vessel.

An application for a CPH must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel permit cannot be issued. Failure to do so is considered abandonment of the permit. A CPH will remain valid until the fishing and permit history preserved by the CPH is used to qualify a replacement vessel for a limited access permit. Any decision regarding the issuance of a CPH for a qualifying vessel that has applied for or been issued previously a limited access permit is a final agency action subject to judicial review. Information requirements for the CPH application are the same as those for a limited access permit. Vessel permit applicants who have been issued a CPH and who wish to obtain a vessel permit for a replacement vessel based upon the previous vessel history may do so pursuant the relevant upgrade restrictions.

4.2 OPEN ACCESS INCIDENTAL CATCH PERMIT AND POSSESSION LIMIT

Vessels that do not qualify for either a limited access directed fishery permit or limited access incidental catch permit may obtain an open access incidental catch permit to possess smaller quantities of Atlantic herring. **Vessels that obtain the open access incidental catch permit will be restricted by a possession limit of 3 mt of herring per trip (6,600 pounds) and will be limited to one landing per calendar day up to the 3 mt possession limit.**

When the TAC in a management area is projected to be reached and the directed fishery closes, incidental catch in the area will be limited to 2,000 pounds per trip, as it is currently.

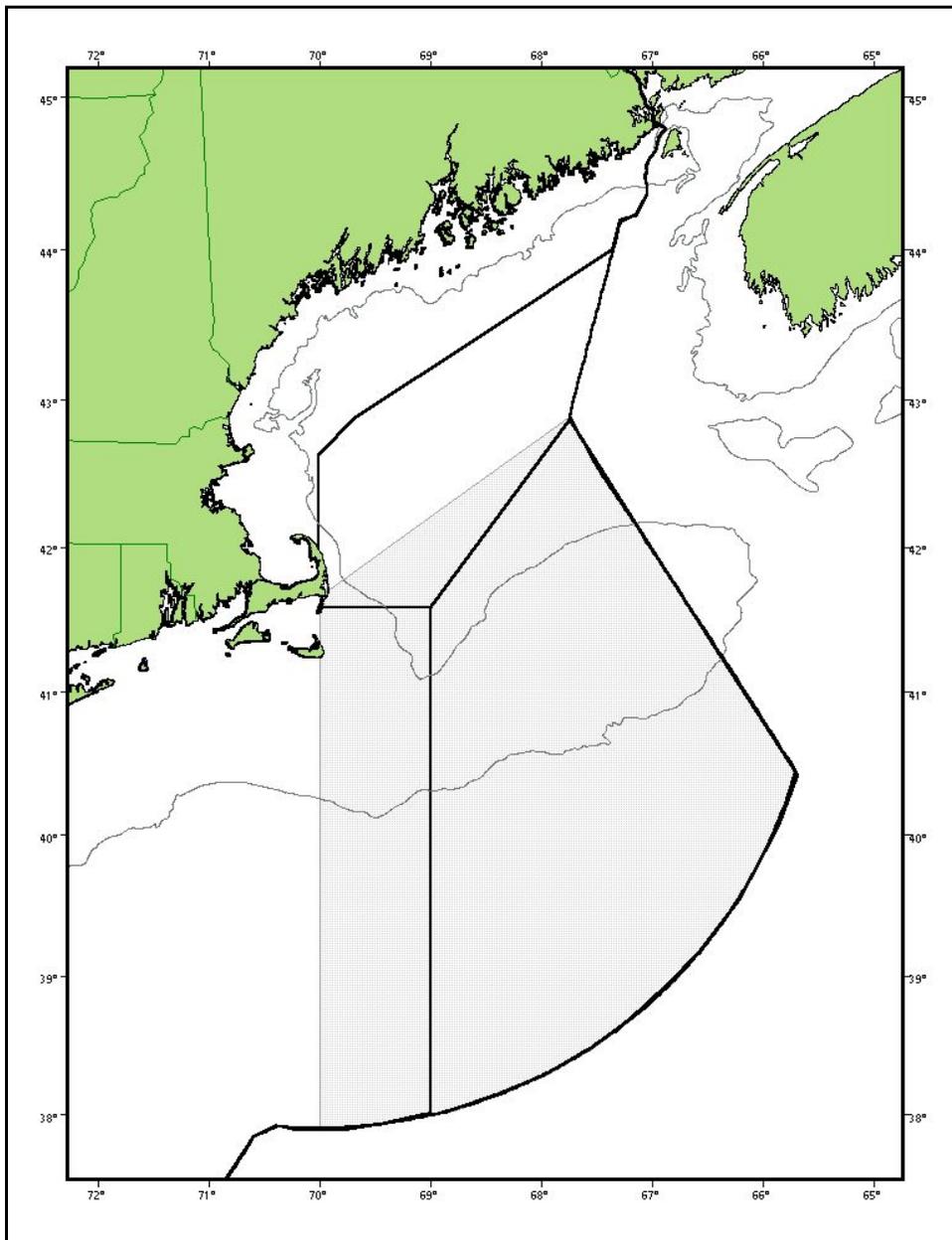
Open access permit holders catching more than 2,000 pounds of herring per week will continue to be required to report their catches on a weekly basis through the IVR reporting program.

4.3 ADJUSTMENTS TO MANAGEMENT AREA BOUNDARIES

Amendment 1 will re-define Area 3 (and Area 1B and 2) based on two of the recommendations from the TRAC Meeting: (1) moving the boundary between Areas 1B and 3 to better reflect spawning distributions and minimize reporting errors, and (2) moving the Area 2/3 boundary from its current position (69°) west to 70° to better reflect the distribution and movement of spawning concentrations (Figure 2).

New Area 3 – originating south of Cape Cod at 4139.00 and 7000.00, northeast to a point on the EEZ at 4253.14 and 6744.35. Continuing south along the EEZ to a point at 3754.00 and 7000.00, then north along 7000.00 longitude to the Cape Cod shoreline.

Figure 2 Proposed Revision to Area 3 (Shaded)



4.4 PURSE SEINE/FIXED GEAR-ONLY AREA

Although referred to as a purse seine/ fixed gear-only area, this measure is essentially a midwater trawl restricted gear area. Vessels using single and paired midwater trawls will be prohibited from fishing for Atlantic herring in Area 1A from June 1 – September 30 of each fishing year (see Figure 2 in the previous section for a chart depicting Area 1A (inshore Gulf of Maine)).

Vessels using all other gear types and fishing for herring consistent with regulations in the Herring FMP and other applicable FMPs will be allowed to fish for Atlantic herring in the restricted gear area (examples include vessels using a raised footrope trawl in Small Mesh Areas 1 and 2 and vessels participating in the northern shrimp fishery).

All gear types will be allowed to harvest herring in Area 1A from October 1 – May 31 under the TACs established by the fishery specifications.

4.5 MAXIMUM SUSTAINABLE YIELD (MSY)

This amendment will establish an MSY proxy value of **220,000 mt** for the Atlantic herring complex. Establishing a proxy for MSY recognizes the scientific uncertainty associated with the most recent stock assessment for Atlantic herring.

The Council proposes a proxy for MSY because there is no scientifically-accepted estimate of MSY available at this time. No consensus was reached at the Transboundary Resource Assessment Committee (TRAC) Meeting in February 2003, and the Council's Scientific and Statistical Committee (SSC) did not fully endorse the reference points from the U.S. assessment that was presented at the TRAC Meeting. The Canadian assessment did not provide reference points at the TRAC Meeting, but the SSC did not accept this assessment either.

This proxy is intended to be a temporary and precautionary placeholder for MSY until the next stock assessment for the Atlantic herring complex is completed.

The reference points in the overfishing definition for Atlantic herring will be revised as follows:

MSY = 220,000 mt

B_{MSY} (B_{Target}) = 1, 100,000 mt

F_{MSY} ($F_{Threshold}$ when stock is at B_{MSY}) = 0.2 – 0.25, based on TRAC assessment results and SSC recommendations

$B_{Threshold}$ = 550,000 mt

F_{Target} = F that produces OY, $\leq F_{MSY}$

$F_{Threshold}$ when stock is below B_{MSY} = F with 50% probability of rebuilding in 5 years (currently equal to F_{MSY})

Rebuilding Period = five years

In the future, the reference points contained in the overfishing definition may be re-specified or updated through a peer-reviewed process and/or as stock assessments are completed. If the next stock assessment for Atlantic herring produces one scientifically-accepted estimate of MSY, then the MSY value specified in the Atlantic Herring FMP (and its associated reference points) would automatically change to be consistent with the newly-accepted MSY value.

4.6 DETERMINING THE DISTRIBUTION OF AREA-SPECIFIC TOTAL ALLOWABLE CATCHES (TACS)

Amendment 1 will authorize the Herring PDT, in consultation with the Herring Committee, Advisory Panel, and other interested parties, to utilize the most appropriate analytical approach for determining the distribution of area-specific TACs during the fishery specification process, provided the PDT justifies its approach.

In addition, it is the Council's intent to allow the seasonal split of the Area 1A TAC to be reviewed and adjusted, if necessary, through the specification process. Current language (Framework 1) already allows the Council to change the amount of the TAC split in Area 1A (from 6,000/54,000 mt), but this amendment also will authorize the Council to change the timing of the TAC split in Area 1A (from Jan-May/June-December) if it chooses to do so during the specification process.

Depending on stock/fishery conditions as well as the quality and resolution of available scientific information, the most appropriate approach for calculating the distribution of area-specific TACs may be the approach currently outlined in the Herring FMP, a "catch scenario analysis" approach, an approach that utilizes assessment information specific to individual stock components (currently not available, but may be in the future), or another analytical approach. This measure will provide the PDT with more flexibility to utilize all available information to determine the most appropriate analytical approach as part of the fishery specification process.

Adopting this measure may extend the specification process and require additional meetings of the Herring PDT, Herring Committee/Advisory Panel, and/or Council to address the herring fishery specifications. Instead of addressing the specifications over the course of about two months (June/July), the process may begin earlier and occur over the course of about four months (April – July). Herring fishery specifications are usually recommended by the Herring Committee in conjunction with the ASMFC Herring Section, and it is assumed that this cooperative process will continue. If this measure is selected, the fishery specification process would **generally** occur as follows (see changes to the timing of the fishery specification process in the following section):

1. Herring PDT meets to update and evaluate available stock and fishery information, prepare SAFE Report or similar informational document, select analytical approach for calculating area-specific TACs, and develop supporting rationale (likely to occur during April/May);
2. Herring Committee/Advisory Panel meet (as well as ASMFC Herring Section) to review information provided by the Herring PDT and recommend a range of TAC options for PDT analysis (likely to occur during May);
3. Herring PDT conducts analysis of proposed TAC options relative to no action/status quo (likely to occur during June);
4. Herring Committee/Advisory Panel meet (as well as ASMFC Herring Section) to review PDT analysis and recommend a preferred TAC option (likely to occur during June/July);
5. Council meets to consider Committee/Advisory Panel recommendations and select final area-specific TACs for upcoming fishing year(s) (likely to occur by July).

4.7 TIMING OF THE HERRING FISHERY SPECIFICATION PROCESS – THREE YEARS

Under this measure, the specification process for the Atlantic herring fishery will change to a three-year process. This measure is summarized below:

- The Herring PDT will meet with the Commission’s Technical Committee to review the status of the stock and the fishery and **prepare a SAFE Report every three years**. While a SAFE Report will only be prepared every three years, the Herring PDT will meet at least once during interim years to review the status of the stock relative to the overfishing definition if information is available to do so.
- When conducting a three-year review and preparing a triennial SAFE Report, the PDT/TC will report to the Council/Commission with any necessary adjustments to the specifications for the upcoming three years.
- Specifications and TACs will be implemented by the Regional Administrator once approved by the Council. Specifications will be set for three fishing years. **Council action will not be required on an annual basis to maintain the same specifications for all three fishing years.**
- **This measure maintains flexibility to adjust the fishery specifications in the interim years.** If the Council determines that the specifications should be adjusted during the three-year time period, it can do so through the same process during one or both of the interim years. No action is required by the Council to maintain the same specifications for all three fishing years; **Council action is only required if adjustments to the specifications during the interim years are to be made.**

Current regulations that allow the Regional Administrator to make in-season adjustments to the TACs will be maintained upon implementation of this amendment (CFR 648.200 (e)).

4.8 TAC SET-ASIDES TO SUPPORT HERRING-RELATED RESEARCH

Amendment 1 will authorize the Council, in consultation with the ASMFC, to set-aside 0-3% of the TAC from any management area(s) to support herring-related research. The Council would determine the specific percentages for the research set-asides and the management area(s) to which they apply during the fishery specification process.

Currently, the herring fishery closes in a particular management area when it is projected that 95% of the area TAC has been/will be caught. The remaining 5% of the TAC is set-aside for incidental catch in other fisheries (under a 2,000-pound trip limit) after the directed fishery is closed. The research set-aside (RSA) is intended to be in addition to the current 5% set-aside for incidental catch once the directed fishery in a management area closes. For example, if the Council sets aside 3% of the Area 1A TAC to support research, then the Area 1A TAC would close when 92% is projected to be reached.

The Council intends for the research set-aside to be administered through a mechanism similar to the process used by the Mid-Atlantic Council for its Squid, Mackerel, and Butterfish, Summer Flounder, Scup, and Black Sea Bass, Bluefish, and Tilefish FMPs. The details are specified in the following subsections.

4.8.1 Set-Aside Amounts and Related Provisions

The annual research set-aside (RSA) amount may vary between 0% and 3% of the TAC from any management area(s). Set-aside amounts will be specified by area and tracked/monitored separately, but they may be used to support herring-related research in any management area(s) consistent with the research priorities identified by the Council. Projects funded under an RSA allocation must enhance understanding of the fishery resource and/or contribute to the body of information which management decisions are made.

Individual research projects may apply for the use of more than one herring research set-aside allocation. Proposals may request that the set-aside be collected separately from the research trip or as part of the research trip. The research compensation trips do not necessarily have to be conducted by the same vessel but must be conducted in the management area from which the set-aside was derived.

Multi-year projects can be funded since the RSA process is intended to be consistent with the Council's proposed three-year specification process. The RSA must be utilized in the same fishing year in which it was distributed (i.e., RSA and compensation trips cannot be rolled over into future years). However, the money generated from the RSA may be rolled over into, or used to fund research in future years, consistent with the multi-year proposal.

No more than 50 percent of the allocated set-aside should be taken before the research begins. If a research project is terminated for any reason prior to completion, any funds collected from the catch sold to pay for research expenses must be refunded to U.S. Treasury.

4.8.2 Set-Aside Process and Schedule

Specification of research set-aside amounts (percentages) for the upcoming fishing years will be incorporated into the Council's fishery specification package (every three years) and submitted to NMFS with additional analysis required as part of the specification package.

For each proposal cycle, NMFS will publish a Request for Proposals (RFP) that specifies research priorities identified by the Council and application procedures for funding through the RSA. Since specifications will be set for three fishing years (see Section 4.7), the proposal cycle will also cover three fishing years unless the Council identifies new/different research priorities during the interim years and decides to publish a second RFP. Each RFP will include:

- Date of Submission;
- Program Objectives;
- Program Priorities;
- Funding Availability;
- Project/Award Period;
- Eligibility Information;
- Application and Submission Information;
- Application Review Information;
- Evaluation Criteria;
- Review Selection Procedures;
- Award Administration Information; and
- Reporting Requirements.

It is the Council's intention that, whenever possible, research proposals be reviewed and approved prior to the publication of final quota specifications for the upcoming fishing years. In the event that the approved proposals do not make use of any or all of the set-asides, NMFS would be authorized to release the unutilized portion of the set-aside back to its respective management area(s) when the final specifications are published. If there is unutilized set-aside available, NMFS, at the request of the Council, could publish another RFP for either the second or third years of the three-year specifications. In this case, NMFS would release the unutilized portion of the set-aside back to its respective management area(s) for the first year of the specifications and any other year that yields unutilized set-aside after an additional RFP is published. The Council also may decide not to publish another RFP, in which case NMFS would be authorized to release the unutilized portion of the set-aside back to its respective management area(s) for all three fishing years covered by the specifications.

4.8.2.1 Sample Process and Schedule

The process for utilizing research set-asides will be a three-year process, consistent with the three-year specification process.

General Example

The following schedule provides *a general example* of the anticipated review and approval process for projects requesting set-asides. The timing may vary depending on the timing of decisions related to fishery specifications and pending workloads of the involved agencies.

- Month 1* At Council Meeting: Council establishes research priorities for upcoming three fishing years based on advice and comment from its various committees and ASMFC (*ex., January 2009 or sooner for 2010-2012 specifications*).
- Month 3* NMFS publishes RFP for upcoming three fishing years. RFP specifies:
- 30 days to submit proposals to NMFS Northeast Regional Grants Office.
 - Detailed description of proposal (as specified in this document).
 - Applicant must provide a list of the regulations he/she expects to be waived.
- Month 4* Proposal submission deadline.
- Month 5* NMFS Grants Office completes initial review for completeness and sends proposals out for a technical review.
- Reviewers will follow standard Saltonstall-Kennedy (SK) review procedures where they are instructed to score and rank the proposals.
 - Following the technical review, NMFS Grants Office will send the proposals to appropriate Council Committees and other designated reviewers from ASMFC, Center staff, academia, and the fishing industry, as appropriate, to serve as an Evaluation Team for the Council.
- Month 6* Following completion of the technical evaluation, NMFS will convene a review panel, including appropriate Council Committees and other designated reviewers from ASMFC, Center staff, academia, and the fishing industry, as appropriate, to review and individually critique the scored proposals, and to make final recommendations to enhance NMFS's understanding of the proposals. No consensus recommendations will be made by the Committee members, technical experts, or by the review panel.

- Month 7* **Council Meeting for Three-Year Specifications** (*ex., July/August 2009 for 2010-2012 specifications*) - Council establishes TACs and research set-asides for each management area. To the extent possible, the specification package can address issues and impacts associated with any waivers or exemptions to regulations requested by the researchers.
- Month 9/10* NMFS publishes proposed specifications and request for comments. NMFS renders decision on proposals.
- Regional Administrator (RA) reviews recommendations forwarded by the Review Panel, ASMFC, and other reviewers. If RA concurs, proposals are forwarded to NOAA Grants Office for final approval.
 - NOAA Grants Office renders decision on proposals.
 - If NOAA Grants Office disapproves a grant (proposal) during comment period, Council may submit request to NMFS to re-allocate disapproved research set-aside back to the management area TAC(s).
- Month 11* NMFS publishes final specifications announcing:
- Specifications for the fishery and the percentage allocated to research set-aside.
 - Regulations that may be waived by vessels conducting approved research or compensation trips for research endeavors.
- Month 12/13* NMFS issues Letter of Authorizations (LOA) to research vessels and research begins.

First Round Following Amendment 1 (2007-2009 Fishery Specifications)

The Council will develop specifications for the Atlantic herring fishery during the summer/fall 2006, after Amendment 1 is finalized and submitted to NMFS (anticipated May 2006). In anticipation of Amendment 1 implementation, the specifications will likely be multi-year specifications for the 2007-2009 fishing years. The timing of both the completion of this amendment and the fishery specification process precludes the Council from making a research set-aside available for the 2007 fishing year. However, when the Council determines the fishery specifications for 2007-2009, it may establish research set-asides for the 2008 and 2009 fishing years. If this is the case, the Council would identify research priorities, NMFS would publish the RFP, and proposals would be reviewed and approved during the 2007 fishing year so that funds could be made available for projects at the start of the 2008 fishing year.

4.8.2.2 Additional Project Considerations

On behalf of the Council, the designated Review Panel will have the primary responsibility for evaluation of research proposals. The evaluation will be based on criteria specified in the Request For Proposals (RFP).

NMFS will have three additional review responsibilities: 1) determine that the proposed research is in compliance with the intent and design of the governing fishery management plan; 2) approve (or disapprove) the experimental design of each proposal as being scientifically valid; and 3) certify that the data generated will be of a quality and format that are acceptable for inclusion in NMFS' and ACCSP's databases.

4.8.3 Waiving of Regulations

Vessels conducting research and data collection activities under the auspices of this program may require an exemption from selected regulations. In order for any regulation to be waived, an analysis must first be prepared that evaluates the impacts of that waiver. Council staff will work closely with NMFS and researchers seeking grants to coordinate the preparation of the necessary analysis. At the Council meeting to determine the specifications for the upcoming three fishing years, the Council will be informed about which regulations may be waived for each research proposal under consideration for the RSA. To the extent possible, the impacts of waiving the specified regulations could be analyzed as part of the Council's specification package. Including analysis in the specifications may help to "streamline" the Experimental Fisheries Permit (EFP) process. If this is not possible or if additional proposals come forward following the specification meeting, then Council staff will coordinate with NMFS and the researchers to facilitate the development of these documents as expeditiously as possible.

Researchers would be responsible for obtaining waivers for State regulations, if necessary, in addition to the Federal regulations that may be exempted through the EFP process. Specific regulations that may not be waived include reporting requirements.

4.8.4 Project Funding

No Federal funds are provided for research under this program, but rather the opportunity to fish, with the catch sold to generate income. The Federal Government may issue an Experimental Fishing Permit (EFP) or Letter of Authorization (LOA), as applicable, which may provide special fishing privileges in response to research proposals selected under the RSA Program. The Federal Government shall not be liable for any costs incurred during a project. Any funds generated from the landings authorized in the Letter of Authorization shall be used to cover the cost of the research, including vessel costs, and to compensate vessel owners for expenses incurred. Any additional funds above the cost of the research activities (or excess program income) shall be retained by the vessel owner as compensation for the use of his/her vessel.

The researcher's proposal must state the amount of funds required to support the research project, as well as the amount required to compensate the vessel owner either for the collection of information or for participation in the research project, or both. The proposal must also include the agreement between the vessel owner and researcher that shows exactly how the research activity is to be paid for.

4.8.5 Reports and Data Submission

Research and data collection projects may vary substantially in their objectives and the ultimate "products" they seek to deliver. However, there are certain requirements that all approved projects will be expected to fulfill. In general, these requirements will be specified in the published RFP, and respond to the needs of the governing administrative process. Currently, set-aside awards are processed through NOAA's Grants Management Division, and treated as a federal grant. All approved projects will be required to submit interim and final reports. Additionally, those projects designed to collect new data will be required to submit that data in electronic format with appropriate documentation.

4.8.5.1 Final Reports

NMFS and the Council will require project researchers to submit an interim and final report describing their research project results, or other acceptable deliverable(s), in a time frame that is specific to the type of research conducted.

The format of the final report may vary, but must contain:

1. A brief summary of the research project;
2. A description of the issue/problem that was addressed;
3. A detailed description of methods of data collection and analyses;
4. A discussion of results and any relevant conclusions presented in a format that is understandable to a non-technical audience; this should include benefits and/or contributions to management decision-making;
5. A list of entities, firms, or organizations that actually performed the work and a description of how that was accomplished; and
6. A detailed final accounting of all fish landed, sold, and the disbursement of program income to include a detailed accounting of all funds used to conduct fish research, including those provided through the research quota set-aside.

A potentially-critical element in the management process, the RSC will ensure that an appropriate review of new research results is undertaken before results and associated conclusions are used in a management action. This review is accomplished once final reports are submitted and approved by NMFS.

Recognizing that researchers have a proprietary interest in protecting data until publication, at some point yet to be established, all principal investigators will be asked to provide the raw data on which their research conclusions are based. If these data are intended to be used in a publication, data access should be provided following the publication of research papers. Agreements can be reached to ensure data will be used only in the development of a fishery management plan and not by Council staff or its PDT members for publication purposes.

In all cases, if research is to be used by the Council for management purposes, raw data must be accessible to the Council staff and its Plan Development Teams in a readily usable format and accompanied by the relevant analyses and results prior to use in the development of a management action.

4.8.5.2 Data Submission

Projects designed to collect new data for inclusion in NMFS' or ACCSP's databases must submit the data in electronic format with appropriate documentation. Certain databases will have highly-specific requirements as to required fields and content. Researchers must agree to provide newly-collected data in a format acceptable to the administrators of the receiving database. Documentation, or "metadata" describing the data's format, content, and idiosyncrasies must accompany any data submission.

4.9 MEASURES TO ADDRESS FIXED GEAR FISHERIES

Amendment 1 proposes two measures to address fixed gear fisheries in Area 1A. The first measure will apply to the fixed gear fisheries occurring east of Cutler (Downeast Maine Fixed Gear Fishery, see Figure 3 and Figure 4). The second measure will apply to fixed gear fisheries occurring west of Cutler in Area 1A. Both of these measures rely on IVR reporting by fixed gear fishermen, a requirement that ASMFC recently implemented in Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring.

4.9.1 Include Downeast Maine Fixed Gear Fishery Catch in New Brunswick Weir Fishery Catch

Catch from the Downeast Maine fixed gear fishery (weirs, stop seines east of Cutler) will be included as part of the assumed catch from the New Brunswick (NB) weir fishery when determining area-specific TACs and herring fishery specifications (currently 20,000 mt). During the fishing season, catch from the Downeast Maine fixed gear fishery will not be counted against the TAC for Area 1A, and the fixed gear fishery will be allowed to continue to operate once the Area 1A TAC has been reached. This measure authorizes an exemption for the Downeast Maine fixed gear fishery from the Area 1A TAC.

The **definition of the Downeast Maine fixed gear fishery** to which this measure applies is based on the definition used by the State of Maine in 1999 to establish an exemption for the Downeast Maine fixed gear fishery to spawning area restrictions:

This measure applies to fixed gear (stop seine and weir) catches in waters north of a line drawn from Spruce Point (44° 36.2' and 67° 16.8'), Cross Island, Cutler, due east magnetic to the international boundary with Canada (see Figure 3 and Figure 4).

The Council recognizes that fixed gear fishing occurs primarily in inshore waters, but extending the exemption line throughout the EEZ simplifies the administration and enforcement of this measure.

Figure 3 Fixed Gear Measure 2: Area to Which Downeast ME Fixed Gear Exemption Would Apply (Shaded)

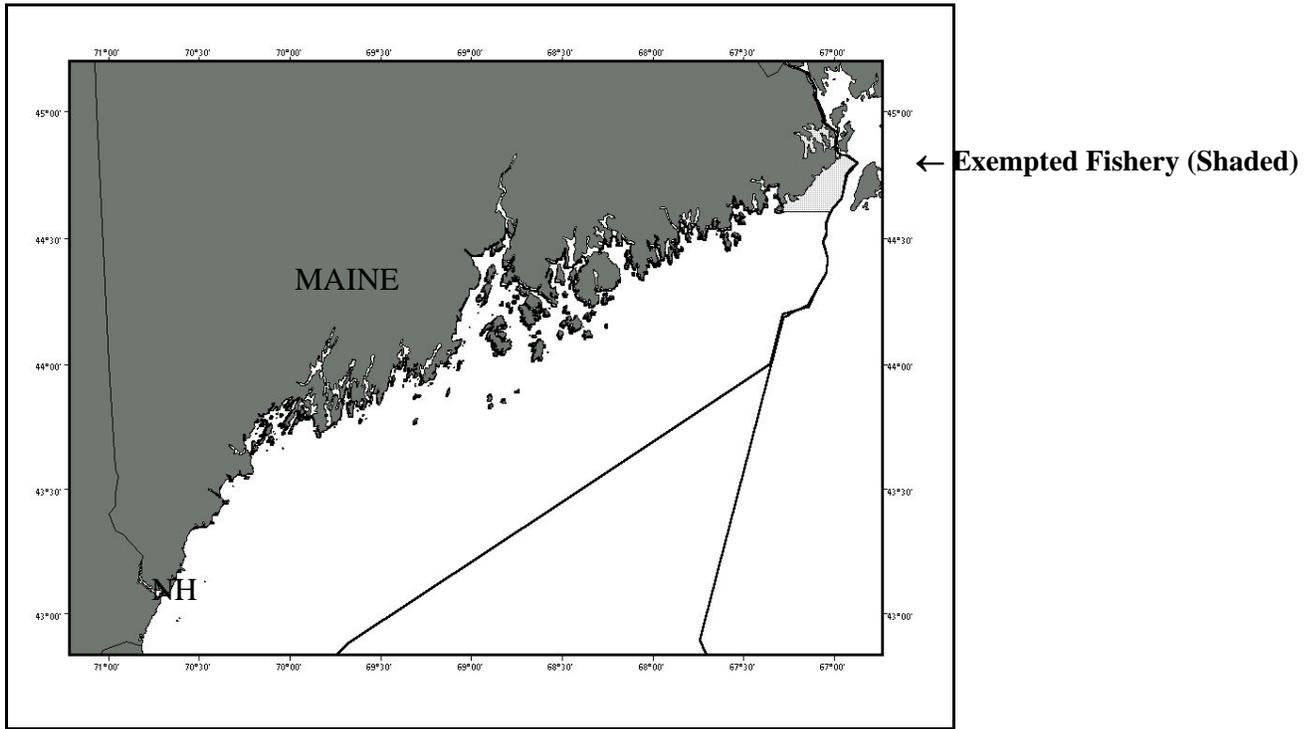
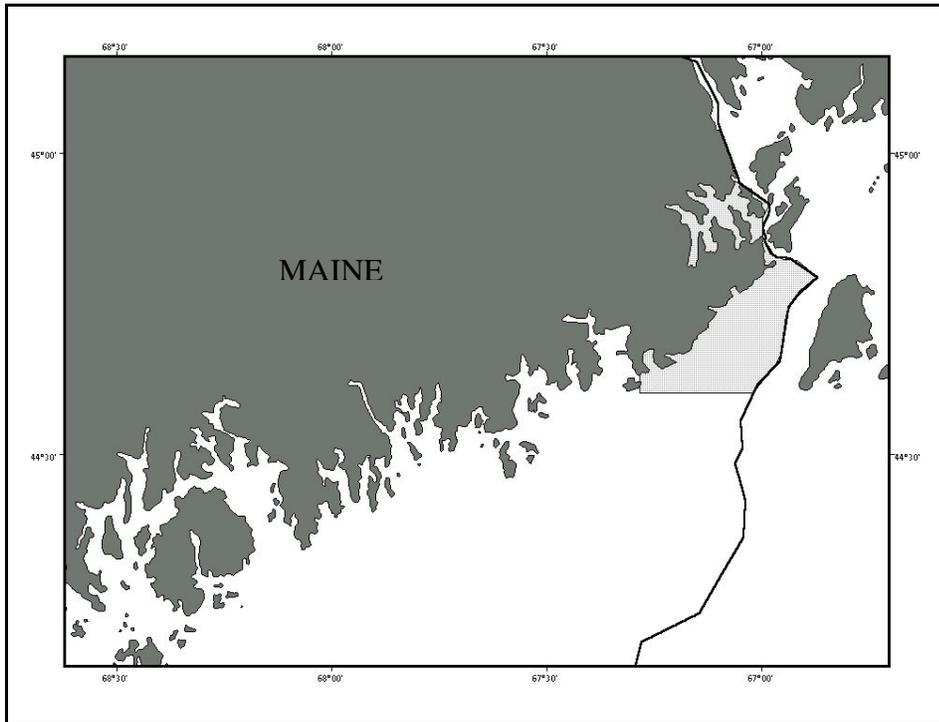


Figure 4 Fixed Gear Measure 2: Closer Look at Area to Which Downeast ME Fixed Gear Exemption Would Apply (Shaded)



4.9.2 TAC Set-Aside for Other Fixed Gear Fisheries in Area 1A

Under this measure, **500 mt of the Area 1A TAC** would be set aside for the fixed gear fisheries in Area 1A (weirs and stop seines) that occur **west of Cutler (i.e., west of the shaded area identified for exemption in the previous subsection)**.

This set-aside will be available to fixed gear fishermen west of Cutler in Area 1A until **November 1**. Fixed gear fishermen east of Cutler will fish under the provisions specified in Section 4.9.1 (include the Downeast ME fixed gear catch in the assumption about the NB weir fishery catch). If the set-aside has not been utilized by the fixed gear fisheries west of Cutler in Area 1A by November 1, then it will be made available to the remainder of the herring fleet fishing in Area 1A until the directed fishery in 1A closes. If 95% of the Area 1A TAC has already been reached by November 1 (and the directed fishery in 1A is therefore closed), the set-aside would be released as part of the 5% set-aside for incidental catch in 1A (at a 2,000-pound trip limit).

This measure relies on real-time monitoring of fixed gear catches in Area 1A, so IVR reporting will be necessary. To ensure that this set-aside is effectively monitored and enforced, fixed gear fishermen in Area 1A will be required to report their herring catches through the Interactive Voice Response (IVR) reporting system. Because fixed gear fishermen fish exclusively in State waters and may not obtain a Federal limited access permit, this VMS reporting requirement has been implemented in State waters by ASMFC in Amendment 2 to the Interstate FMP for Atlantic Herring (see ASMFC Amendment 2 document).

4.10 MEASURES TO ADDRESS BYCATCH

Measures to address bycatch were separated from Amendment 1 and implemented in a more expeditious manner through Framework 43 to the Northeast Multispecies FMP. These measures include a catch cap for haddock caught incidentally in the directed herring fishery and a catch cap monitoring program.

The current Standardized Bycatch Reporting Methodology (SBRM) for the herring fishery is described in Section 7.4.1.5.2 of this document. NMFS will further address the SBRM for this fishery in its omnibus amendment for SBRM, currently under development.

Establishing and modifying catch/bycatch caps are identified in this amendment as measures that can be implemented through a framework adjustment to the Herring FMP or through the fishery specification process, whichever is most expeditious (see discussion of framework adjustment measures to address bycatch in Section 4.12 of this document). Measures that could be implemented through a framework adjustment or the herring fishery specification process to address bycatch in the herring fishery also include seasonal and temporal closures in high bycatch areas and catch/bycatch caps. The framework adjustment or fishery specification process could therefore be utilized in the future to adjust the haddock catch cap implemented in Framework 43 as necessary, or to establish similar caps for other species. In addition, gear restrictions, closed fishing seasons, and other measures to reduce or eliminate bycatch could be implemented through a framework adjustment to the Herring FMP or through the specification process in the future, as necessary, and as determined by the Council in consultation with the Herring and other species-specific PDTs or technical sectors.

4.11 REGULATORY DEFINITION OF MIDWATER TRAWL GEAR

In Amendment 1, the regulatory definition of midwater trawl gear will be modified to reflect the recommendations of the Enforcement Committee. At its November 15, 1999 meeting, the Enforcement Committee unanimously passed a motion to recommend that the regulatory definition be modified to state that the gear may have no discs, bobbins, or rollers on the footrope of the gear and no chaffing gear as part of the net. Under this measure, the regulatory definition of midwater trawl gear will be revised as follows:

Midwater trawl gear means trawl gear that is designed to fish for, is capable of fishing for, or is being used to fish for pelagic species, no portion of which is designed to be or is operated in contact with the bottom at any time. The gear may not include discs, bobbins, or rollers on its footrope or chaffing gear as part of the net.

4.12 ADDITIONAL MEASURES THAT CAN BE IMPLEMENTED THROUGH A FRAMEWORK ADJUSTMENT TO THE HERRING FMP

In Amendment 1, the Council proposes that the following measures be added to the list of measures that can be implemented through a framework adjustment to the Herring FMP in the future, as necessary.

- 1. In-Season Adjustments to TACs:** While the current language in the Herring FMP authorizes adjustments to fishery specifications through the framework process, the Council intends to clarify in Amendment 1 that in-season adjustments to management area TACs could be authorized in the future through a framework adjustment to the Herring FMP. The Council considered specific measures for allowing in-season adjustments to TACs in Amendment 1, but it rejected these measures at this time based on biological concerns expressed by the Herring PDT and uncertainties associated with both stock component mixing ratios and the availability of real-time data for the New Brunswick weir fishery. As better information becomes available, the Council may want to re-consider allowing for in-season adjustments to the management area TACs and may authorize this action through a framework adjustment to the Herring FMP.
- 2. Measures to Address Bycatch and Bycatch Monitoring:** Current language in the Herring FMP authorizes the implementation of closed areas, closed seasons, and gear restrictions, to address, among other issues, bycatch of finfish and marine mammals in the herring fishery, as necessary. The Council intends that **any** management measures to address bycatch and bycatch monitoring in the herring fishery could be implemented through a framework adjustment to the Herring FMP, or through the herring fishery specification process, whichever is most expeditious depending on the issues that arise as more information becomes available.

The Council acknowledges the importance of collecting better information on bycatch in the herring fishery and minimizing bycatch and bycatch mortality to the extent practicable and consistent with the Magnuson-Stevens Act. As better information becomes available, the Council intends to continue to address bycatch in the herring fishery as necessary, possibly through a combination of management measures using either the framework adjustment or fishery specification process. Allowing measures to address bycatch to be implemented through a framework adjustment or the specification process establishes a mechanism to address bycatch in the most expeditious manner possible.

Measures that could be implemented through a framework adjustment or the herring fishery specification process to address bycatch in the herring fishery include seasonal and temporal closures in high bycatch areas and catch/bycatch caps. The framework adjustment or fishery specification

process could be utilized in the future to adjust catch caps as necessary (species and cap amounts). In addition, gear restrictions, closed fishing seasons, and other measures to reduce or eliminate bycatch could be implemented through a framework adjustment to the Herring FMP or through the specification process in the future, as necessary, and as determined by the Council in consultation with the Herring and other species-specific PDTs or technical sectors.

Framework 43 to the Multispecies FMP established a haddock catch cap for the Atlantic herring fishery and included a haddock bycatch monitoring program. The measures implemented in Framework 43 fall within the scope of measures to address bycatch in the herring fishery and could therefore be adjusted in the future through the herring fishery specification process or framework adjustment process, whichever is most expeditious.

- 3. Requirements for a Herring Processor Survey:** The Council considered developing options to improve herring processor reporting in this amendment. The intent of a processor survey would be to obtain better and real-time information that can be used to more accurately assess DAP during the specification process. Unfortunately, due to timing and the need to address other priority issues, this measure was never fully developed for analysis in the Amendment 1 DSEIS. The Council agreed to add this measure to the list of measures that could be implemented through a framework adjustment to the Herring FMP in the future so that the survey could be implemented in a timely fashion if the details can be more clearly specified in the future.
- 4. TAC Set-Aside Amounts, Provisions, Adjustments:** The Council may adjust the details of any TAC set-asides established in this amendment through the framework adjustment process in the future, as necessary. This includes the amounts and provisions related to the set-asides for research and the 500 mt set-aside for fixed gear fisheries occurring west of Cutler in Area 1A.

5.0 ALTERNATIVES TO THE PROPOSED ACTION

During the development of Amendment 1, the Council considered seven management alternatives in addition to the no action alternative; the management alternatives included measures to establish a limited access program for the herring fishery and a purse seine/fixed gear-only area in the inshore Gulf of Maine. The management alternatives were considered fully-specified, multi-featured management pathways, i.e., “stand alone” packages.

In June 2005, the Council identified Alternative 7 (described in the following subsections) as its “preferred alternative” for the purposes of public hearings on Amendment 1. Following public hearings and an opportunity for the public to review the Draft Amendment 1 document and provide input to the Council, the Council revised its choice of preferred measures and recommended a different suite of measures that fall within the bounds of the range of alternatives/measures presented in the DSEIS and public hearing document. Ultimately, the Council selected a combination of limited access criteria, permit provisions, and a purse seine/fixed gear only area that are very similar to those included in Alternative 7, with the exception of some adjustments to the limited access program, which were reviewed and analyzed prior to final decision-making for Amendment 1. Alternative 7 is therefore identified in this document as a non-preferred alternative and is described below.

In addition to the management alternatives (specific combinations of limited access and purse seine/fixed gear-only areas), the Council considered alternatives for several independent management measures, which compose the remaining elements of the action proposed in this amendment (MSY, management area boundaries, timing of the specification process, etc.). Independent management measures are viewed