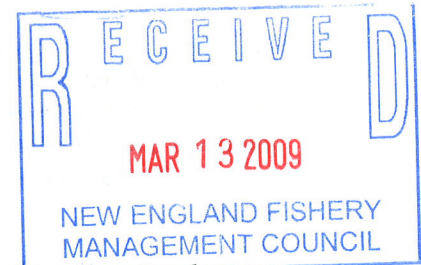


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Coalition for the Atlantic Herring Fishery's Orderly, Informed and Responsible Long-Term Development

March 13, 2009

Frank Blount, Chairman
NEFMC Herring Committee
PO Box 3724
33 State Street
Narragansett, RI 02883

RE: Herring ACLs/AMs

Dear Chairman Blount,

I am writing on behalf of the CHOIR Coalition to comment on the development of Annual Catch Limits (ACLs) and Accountability Measures (AMs) in herring Amendment 4. We believe that there are some important issues that must be addressed in this part of the amendment that seem to have been overlooked so far and that additional alternatives should be considered.

First, we feel that it is important that when developing these measures (ACLs/AMs) that you need to officially account for forage considerations for predators species. While a buffer has been used when setting the specifications, we believe there needs to be an official consideration that is laid out in the regulations to ensure that these considerations are taken into account in the future on a consistent basis.

In addition to formally including forage considerations into the specification process, we feel that the levels of herring being consumed by predators, and the actual natural mortality rate (currently at .2), need to be considered as frequently as possible. Currently the development of the natural mortality rate is static and is not reconsidered as often as is needed. One example of this is that since the last time the naturally mortality rate was revisited, there were far less dogfish inshore than there are today. Another example is the ever-growing seal population. These are just two of the many examples of why the level of predation needs to be addressed on a consistent basis and not left static as it has been over the past decade. The demands of predators on herring is constantly in flux and so it is important that the science be reviewed regularly.

Second, we believe that the Council needs to specify through the ACL provisions of the FMP that an actual "Hard" Total Allowable Catch (TAC) will be enforced in the herring fishery. As we have repeatedly pointed out, the fishery currently has what could be called a 'soft' TAC: area quotas can be exceeded without any type of payback system. Even more troubling is that NMFS sets a TAC, but only enforces a Total Allowable Landings limit (TAL). At-sea discards as estimated from independent monitoring data are not factored into quota tracking as they are in other Northeast region hard TAC fisheries. Until a system is in place that ensures that the quotas are complied with than we do not believe you will have a hard TAC.

In addition to these specific issues, we feel that it is important to ensure that the monitoring aspect of the amendment is done properly. Only with an adequate monitoring system will managers be able to ensure that the ACLs and AMs are done effectively. Both aspects of the amendment are important and it is not acceptable for monitoring to be overlooked during its development. In order for you to have actual ACLS and AMs, you need to know what is being caught, not just what is landed.

In short, we do not believe that simply rolling what we have now into the amendment will be sufficient in terms of meeting the standards for ACLs and AMs as outline by Magnuson. There are some important changes that we feel are necessary in order for the amendment to achieve the goals that Magnuson outlines in reference to ACLs and AMs.

Thanks for your time,

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

Steve Weiner, Chair