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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276
APR 15 2010



Christopher Vonderweidt, Atlantic Herring Plan Coordinator
Atlantic States Marine Fisheries Commission
1444 Eye Street, NW, Sixth Floor
Washington, DC 20005

RE: Comments on Atlantic Sea Herring Addenda II and III

Dear Mr. Vonderweidt:

This letter responds to the Atlantic States Marine Fisheries Commission's (Commission) request for comments on Addenda II and III to Amendment 2 of the Interstate Fishery Management Plan for Atlantic Sea Herring (Plan). After review by staff in the Northeast Regional Office (NERO), I offer the following comments.

Addendum II to Amendment 2

The intent of Addendum II is to align the Commission's Atlantic Sea Herring Plan with Amendment 4 of the New England Fishery Management Council's (Council) Atlantic Herring Fishery Management Plan (FMP). Addendum II would define terms to be consistent with those proposed in Amendment 4 to the Council's FMP, and propose a process for setting the annual fishery specifications similar to that proposed in Amendment 4. However, some discrepancies still exist between Addendum II and Amendment 4. The Council submitted Amendment 4 to NOAA Fisheries for an informal review in March 2010, with final submission expected later this month. As such, the effective alignment of the two actions may be best achieved if the Commission is able to utilize the final Amendment 4 document as the basis of Addendum II.

Additionally, there are options being considered by the Commission related to fishery specifications that would be inconsistent with those proposed in Amendment 4. If Option 3 is selected, joint venture processing and internal waters processing would be eliminated from the list of possible allocations under the Commission Plan. It appears to us that the Commission's Atlantic Herring Section would be unable to establish allocations for joint ventures or internal waters processing in the future without taking action through an addendum. Under Amendment 4, the Council has proposed that it would not be required to evaluate such allocations in every specifications process, but it would still retain the option of considering such specifications.



CC: 15, 16, covered

Addendum III to Amendment 2

If Addendum III is approved by the Commission, the states would establish a TAC for the small-mesh bottom trawl (SMBT) fleet in Area 1A. SMBT vessels would be exempted from state-imposed "days out of the fishery" until catch made by SMBT vessels attained the TAC. After the TAC is attained, the SMBT vessels would once again be subject to the days out provisions. This management provision is more restrictive than the federal management measures, and would not be established as part of the federal Atlantic Herring Fishery Management Plan or management program.

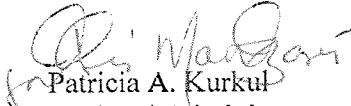
Atlantic herring catch is monitored through weekly vessel reports submitted via the Interactive Voice Response (IVR) system in the NERO. We can provide IVR access to Commission and/or state staff for their use in monitoring the reports of SMBT catch. However, the IVR system does not provide information about gear type used. The simplest way to use this information for your purpose may be for the Commission or states agencies to identify the eligible vessels, and then extract the relevant data from the weekly IVR reports. It also appears that a minor modification to the IVR area declarations may be sufficient to facilitate your monitoring activity, by relying on self-declaration by participating vessels. There would need to be further discussion with NERO's staff in the Fisheries Statistics Office after the reporting measure is more clearly defined.

We do have some concern that the Addendum appears to expand the reporting requirement for vessels issued the open access Category D permit. Such vessels are currently required to report through the IVR only if they harvest more than 2,000 lb of herring on a given trip. If the Commission establishes a TAC for SMBT vessels, we presume that all catch made by such vessels would be attributed toward the TAC. It is not clear to what extent this would increase the number of IVR calls; if the IVR system is outsourced in the future, we expect that the costs of IVR reporting that relate solely to the Commission plan would have to be borne by the states.

One other minor detail was identified in the review of draft Addendum III. Addendum III states that the possession limit for vessels issued the Federal Category D herring vessel permit is 6,667 lb, however, the Federal possession limit is 6,600 lb. This should be corrected.

Thank you for the opportunity to comment on these important Addenda to the Commission's ISFMP for Atlantic Sea Herring.

Sincerely,


Patricia A. Kurkul
Regional Administrator