NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Pelagics Committee (Herring)

I. STATUS

A. Meetings:

- The Pelagics Committee has not met to discuss issues related to Atlantic herring management since the last Council meeting.
- The ASMFC Atlantic Herring Section met on August 13, 2007 to revisit the 2006 FMP Review and discuss state compliance with the 'zero tolerance' provision of Technical Addendum 1 to Amendment II to the Interstate Fishery Management Plan for Atlantic Herring.

B. Management Actions:

- **Amendment 1**: The revised boundaries of the herring management areas, provision to establish management measures for 3-year specifications, and the measure that established the Research Set-Aside Program (RSA) became effective on April 11, 2007. The additional measures approved as part of Amendment 1 (purse seine/fixed gear area, limited access program, etc.) went into effect on June 1, 2007.
- **Framework 43 Haddock Catch Cap:** Framework 43 established the cap for the period May 1, 2006 - April 30, 2007, at 161,377 lb. Reported haddock catch through April 28, 2007, was 17,709 lb. The cap for the period May 1, 2007 - April 30, 2008 is 404,991 lb, and no haddock catch has yet been reported a the time of this writing.
- **2008 and 2009 Herring Specifications:** The herring fishery specifications for the 2008 and 2009 fishing years were already recommended by the Council as part of the 2007-2009 specifications package. For 2008, NMFS proposes to implement the 2007 specifications with an additional 5,000 mt reduction in the Area 1A TAC and 5,000 mt increase in the Area 3 TAC (see p. 2 of Stock Update Memo).

II. COUNCIL ACTION

A. Review and discuss updated herring stock/fishery information

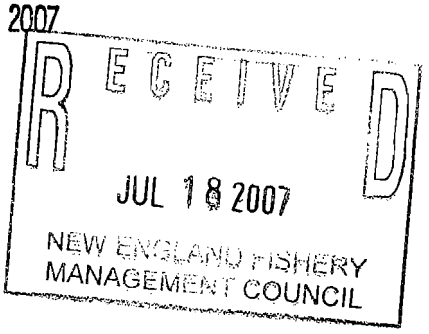
III. INFORMATION

1. Memorandum from Lori Steele re. Updated Stock and Fishery Information
2. Correspondence re. Observer Coverage in the Atlantic Herring Fishery
3. Other Correspondence

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

#1

JUL 16 2007



Paul Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Paul:

At the June 2007 meeting, the New England Fishery Management Council (Council) discussed issues related to requirements for observer coverage on at-sea processing vessels engaged in the Atlantic herring fishery. Your June 28, 2007, letter requests clarification of these requirements and poses several questions.

Before providing specific questions and responses, I would like to note that the proposed regulations for Amendment 1 to the Atlantic Herring Fishery Management Plan (Amendment 1) were drafted as specified in Amendment 1. Amendment 1 stated that, unless explicitly revised by the amendment, the herring management program was maintained without modification. The Council commented on the proposed rule on November 13, 2006, and noted several instances where it believed the proposed rule was inconsistent with Amendment 1; however, none of those comments addressed observer requirements.

I also note that the existing regulations governing observer deployment specify, in §648.11(e), that the owner or operator of a vessel on which a NMFS approved observer is deployed must notify the observer of any specimens, including fish, sea turtles and marine mammals, that are taken by the vessel, and must provide them to the observer. This point was not clear during the discussion at the Council meeting.

Your questions and our responses are outlined below. All of your questions are included, though some have been aggregated because they are related.

Q: What are the specific regulatory requirements related to observer coverage for limited access herring vessels following implementation of Amendment 1? Do the requirements for limited access directed vessels (All Areas and Area 2/3 permits) differ from those for the limited access incidental catch permits?

A: The Northeast (NE) multispecies regulations at § 648.80(d)(5) and (e)(5) require all limited access directed herring vessels (All Areas and Area 2/3 permits) fishing under the midwater trawl exempted fishery provisions or the purse seine exempted fishery provisions to provide notification to NMFS at least 72 hours prior to the start of any trip in order to facilitate observer deployment. These requirements do not apply to vessels

cc: LS (7/24)

issued limited access incidental catch permits or to vessels that are not fishing under the exempted fishery provisions.

Q: What are the requirements related to observer coverage and reporting for U.S. at-sea processing (USAP) vessels in the herring fishery?

A: As noted in my May 30, 2007, letter, USAP vessels are required to carry an observer if requested. There is no requirement for observers to be deployed on all USAP trips. The reporting requirements for USAP vessels are the same as those for shoreside dealers. This includes reporting all fish purchased or received, as well as reporting the disposition of such fish. Fish that is not sold for food must be reported, with disposition noted (discarded, bait, pet food, etc.). All dealer operations must report by midnight Tuesday for the previous week. Also similar to shoreside dealers, USAP operations are required to report all haddock culled from any sorted catch. Such haddock must be retained, with the source vessel identified. Shoreside dealers must retain such haddock for inspection for 12 hours; USAP vessels must retain such haddock for inspection for 12 hours after they land.

Q: Multispecies Framework 40B (Fwk 40B) required Category 1 herring vessels to notify the Observer Program 72 hours before starting a trip in the Gulf of Maine (GOM) or Georges Bank (GB) Regulated Mesh Area (RMA). It also required vessels issued an observer waiver to provide 12 hours advance notice of landing. Framework 43 required herring vessels to provide 6 hours notice of landing. To which vessels does this requirement now apply? Does it apply to USAP?

A: The measure in Fwk 40B was established to address concerns about multispecies bycatch in the herring fishery as a whole, and it applied to all Category 1 vessels. In Framework 43, which established a haddock catch cap and catch cap monitoring program, it was revised to require 6 hours advance notice by Category 1 vessels participating in the midwater trawl or purse seine exempted fishery. The measure in Fwk 43 was established to monitor the catch cap for haddock, which is 0.2% of the target TACs for GB and GOM haddock. As noted in the Council's comment on the proposed rule for Amendment 1, the measure now applies to vessels fishing under the exempted fishery for midwater trawl gear and purse seine gear that are issued permits to fish in the limited access directed herring fishery (All Areas and Area 2/3 permits). None of these actions established an observer notification requirement for USAP vessels.

However, the regulations governing observer coverage at § 648.11(b) require that the owner of a vessel requested by the Regional Administrator to carry an observer must comply with any specified notification requirements before commencing a fishing trip. The notification procedures are specified in a selection letter sent to the vessel. This provision has been used successfully in the summer flounder fishery to notify a subset of permitted vessels that they are required to provide advance notification to the Observer Program in order to facilitate observer deployment. My staff will work with the Northeast Fisheries Observer Program staff to draft such a letter for USAP vessels.

Q: Framework 43 measures to address bycatch of multispecies in the herring fishery were intended to apply only to vessels issued directed limited access permits (All Areas and Areas 2/3). Does the final rule for Amendment 1 reflect this?

A: Yes (see above).

I hope this information is helpful to the Council as it moves forward with its discussion of this issue.

Sincerely,

for Patricia A. Kurkul
Regional Administrator

Cc: Nancy Thompson
David Potter
Amy VanAtten

(5)

New England Fishery Management Council
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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

June 28, 2007

Patricia Kurkul, Regional Administrator
NOAA/NMFS Northeast Region
One Blackburn Drive
Gloucester, Massachusetts 01930

RE: Clarification of Regulations Pertaining to Observer Coverage and Reporting for Herring Harvesting and Processing Vessels

Dear Pat:

At its June 19-21, 2007 meeting, the New England Fishery Management Council discussed issues related to requirements for observer coverage on at-sea processing vessels, specifically the vessel currently engaged in the Atlantic herring fishery. In a letter dated May 30, 2007, NMFS confirmed that under the current regulations, U.S. at-sea processing (USAP) vessels are subject to the same requirements for observer coverage as harvesting vessels engaged in the fishery. This includes the requirement for USAP vessels to carry an observer on board, if requested (50 CFR 648.11).

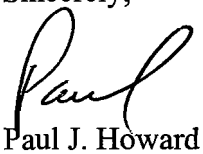
However, with the recent implementation of Amendment 1, the specific requirements for observer coverage on both harvesting and processing vessels remain unclear. At the June 2007 Council meeting, NOAA General Counsel indicated that the regulatory language does provide flexibility when interpreting the requirements. As a result, the Council agreed to seek formal clarification from your agency regarding the requirements for observer coverage and related regulations that apply to both herring harvesting and processing vessels following the implementation of Amendment 1. Regulations related to reporting and call-in requirements for USAP vessels are were identified as somewhat unclear and require clarification.

What are the specific regulatory requirements related to observer coverage for limited access herring vessels following the implementation of Amendment 1? Do the requirements for limited access directed fishery permit holders differ from those for limited access incidental catch permit holders? What are the specific requirements related to observer coverage and reporting for U.S. at-sea processing vessels participating in the Atlantic herring fishery? More specifically:

- Regulations consistent with Framework 40B to the Multispecies (Groundfish) FMP require vessels with a Category 1 herring permit that intend to fish in the Gulf of Maine or Georges Bank Regulated Mesh Areas to notify the NMFS Observer Program at least 72 hours before beginning a trip. In addition, if an observer is not provided for the trip, the vessel must notify NMFS Office of Law Enforcement via vessel monitoring system (VMS) of the time and place of landing prior to crossing the VMS demarcation line upon returning to port. With the implementation of Amendment 1, to which vessels do these regulations apply (limited access directed fishery permit holders and/or limited access incidental catch permit holders)? Do these regulations apply to USAP vessels, and if so, how?
- The Framework 43 provisions (haddock catch cap and multispecies possession limit, sorting and reporting requirements, etc.) were intended by the Council to apply only to limited access directed fishery permit holders. Were the Framework 43 regulations adjusted to apply only to limited access directed fishery permit holders following Amendment 1?
- The Framework 43 regulations also require herring vessels to provide notification to NMFS of their intent to land at least six hours prior to landing. To which vessels does this requirement now apply? Does this requirement apply to USAP vessels as well?

I am requesting that you provide clarification to the Council regarding the interpretation of the relevant regulations for both herring harvesting and processing vessels. It is important for managers and participants in the fishery to fully understand these regulations to ensure maximum compliance and effectiveness. I look forward to your response.

Sincerely,



Paul J. Howard
Executive Director

cc: Council members
Gene Martin, NOAA General Counsel
David Potter, NEFSC Sea Sampling Branch

#2

New England Fishery Management Council
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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: September 7, 2007
TO: Council Members
FROM: Lori Steele, Herring Plan Development Team Chairman
SUBJECT: **Atlantic Herring Stock/Fishery Update**

This memo provides general herring stock and fishery information through the 2006 fishing year and updates the Council on the implementation of the Amendment 1 management measures.

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1.0 BACKGROUND

Amendment 1 to the Herring FMP established a process for setting herring fishery specifications for three years (Section 4.7 of the Amendment 1 FSEIS). While the Amendment 1 measures require that a complete Stock Assessment and Fishery Evaluation (SAFE) Report be prepared every three years, the status of the stock relative to the overfishing definition and updated general fishery information will be provided to the Council on an annual basis.

The multi-year specifications process maintains flexibility to adjust the fishery specifications in the interim years should the Council choose to do so, based on the updated stock/fishery conditions or for other reasons. However, adjusting the specifications during the interim years would likely necessitate the development of an Environmental Assessment (EA); this should be considered by the Council relative to management priorities and available staff resources during 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.

Table 1 summarizes the Atlantic herring fishery specifications for the 2007-2009 fishing years. When the Council developed the three-year specifications, it recommended that the same specifications be set for all three fishing years and analyzed the impacts of maintaining the proposed specifications for three fishing years in the EA for the 2007-2009 specifications. However, NMFS determined that the 2008 and 2009 specifications should include an additional reduction in the Area 1A TAC with a corresponding increase in the Area 3 TAC. NMFS published the specifications for 2007-2009 as a Final Rule in the Federal Register on April 10, 2007, including the adjustments for 2008 and 2009 that are shown in the shaded column on the right-hand side of Table 1. NMFS' cited three primary reasons for further reducing the Area 1A TAC during the 2008 and 2009 fishing years:

1. The Council's Scientific and Statistical Committee (SSC) reviewed the Atlantic herring stock assessment in 2003 and found that the "current concentration of harvest in the inshore Gulf of Maine is of concern and may be excessive." NMFS concluded that additional caution relative to the inshore component of the stock may be warranted.
2. NMFS determined that the retrospective pattern in the 2006 herring stock assessment, which overestimates biomass and underestimates fishing mortality in the terminal year, argues for additional caution.
3. The Herring PDT's risk assessment in the specifications package submitted by the Council suggests that a TAC of 45,000 mt in Area 1A slightly improve the chance of producing exploitation rates on this stock component that are more consistent with the F_{MSY} proxy for the inshore component within a range of realistic stock mixing ratios.

NMFS proposes to increase the Area 3 TAC by 5,000 mt in 2008 and 2009 to encourage further development of the offshore fishery in an area where none of the inshore component is expected to be harvested.

Table 1 Current (2007) Herring Fishery Specifications and Proposed Specifications for 2008-2009 Fishing Years

SPECIFICATION	2007 (NMFS and Council)	2008 and 2009 (Council Recommendation)	2008 and 2009 (NMFS Final Rule)
Allowable Biological Catch (ABC)	194,000	194,000	194,000
U.S. Optimum Yield (OY)	145,000	145,000	145,000
Domestic Annual Harvesting (DAH)	145,000	145,000	145,000
Domestic Annual Processing (DAP)	141,000	141,000	141,000
Total Joint Venture Processing (JVPt)	0	0	0
Joint Venture Processing (JVP)	0	0	0
Internal Waters Processing (IWP)	0	0	0
U.S. At-Sea Processing (USAP)	20,000 (Areas 2 and 3 only)	20,000 (Areas 2 and 3 only)	20,000 (Areas 2 and 3 only)
Border Transfer (BT)	4,000	4,000	4,000
Total Allowable Level of Foreign Fishing (TALFF)	0	0	0
RESERVE	0	0	0
TAC Area 1A	50,000 (5,000 Jan-May)	50,000 (48,500 fishery, 5,000 max Jan-May)	45,000 (43,650 fishery, 5,000 max Jan-May)
TAC Area 1B	10,000	10,000 (9,700 fishery)	10,000 (9,700 fishery)
TAC Area 2	30,000	30,000 (29,100 fishery)	30,000 (29,100 fishery)
TAC Area 3	55,000	55,000 (53,350 fishery)	60,000 (58,200 fishery)
Research Set-Aside	N/A for 2007	Area 1A RSA 1,500 Area 1B RSA 300 Area 2 RSA 900 Area 3 RSA 1,650	Area 1A RSA 1,350 Area 1B RSA 300 Area 2 RSA 900 Area 3 RSA 1,800

**All values are expressed in metric tons.*

2.0 UPDATED STOCK INFORMATION FOR ATLANTIC HERRING

A complete description of the Atlantic herring resource can be found in Section 7.1 of the FSEIS for Amendment 1 to the Herring FMP. The following subsections update trawl survey data through 2006.

2.1 NMFS TRAWL SURVEY – ALL STRATA

Table 2 summarizes data (mean weight per tow in kilograms and mean number per tow) from the NMFS spring and autumn bottom trawl surveys from 1990 – 2007 (autumn survey through 2006). Table 3 summarizes data from the NMFS winter bottom trawl survey from 1992 – 2007. Survey data through 2006 are also depicted in Figure 1.

The NEFSC trawl survey samples the range of the Atlantic herring resource in the U.S. Exclusive Economic Zone (EEZ). The 2006 fall survey numbers were similar to those seen in 2005. The 2007 spring survey numbers dropped from 2006 levels but also are similar to those in 2005. The winter survey increased slightly from 2006 to 2007. Overall, no trend is apparent in any of the surveys in recent years, although the trend over the survey time series has been upwards.

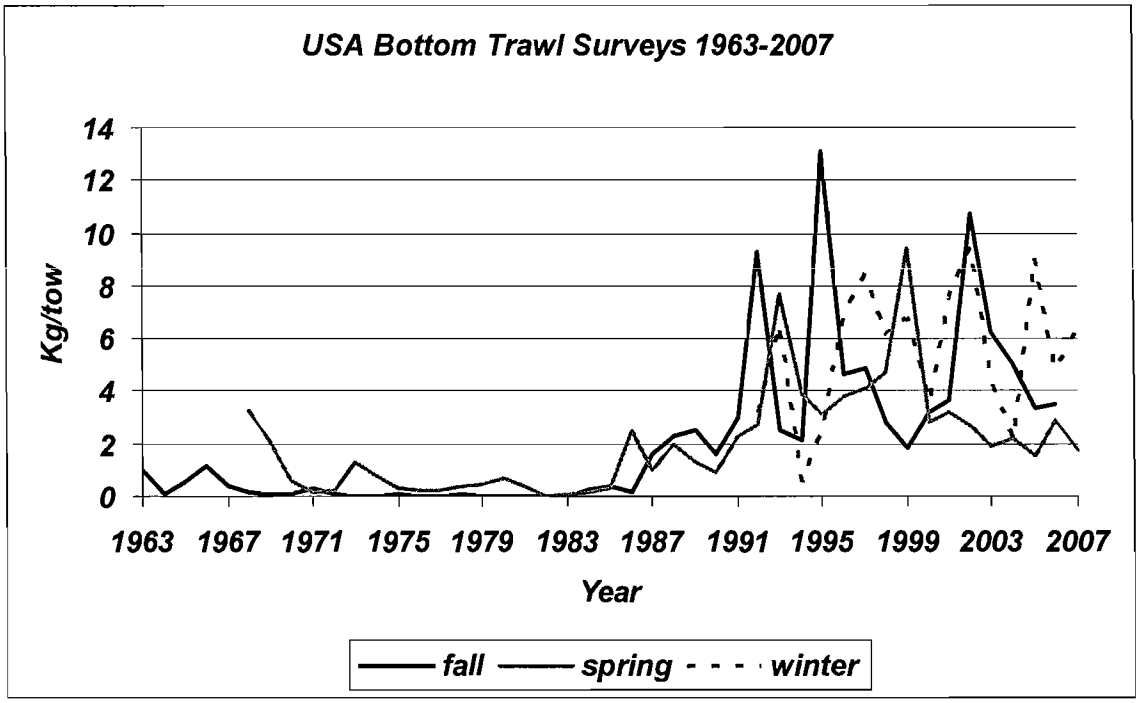
Table 2 NMFS Trawl Survey – Herring Catch Per Tow (Mean Number and Weight in kg), 1990-2007

YEAR	SPRING SURVEY		AUTUMN SURVEY	
	number/tow	kg/tow	number/tow	kg/tow
1990	8.98	0.92	13.98	1.64
1991	25.40	2.29	20.75	2.95
1992	39.30	2.76	56.61	9.25
1993	68.52	7.68	16.81	2.51
1994	35.40	3.88	13.71	2.15
1995	27.57	3.14	125.75	13.12
1996	58.58	3.81	37.65	4.64
1997	64.66	4.08	37.06	4.87
1998	50.62	4.73	20.63	2.84
1999	84.52	9.45	13.52	1.84
2000	32.02	2.80	20.65	3.18
2001	33.72	3.22	25.33	3.69
2002	40.92	2.63	77.99	10.74
2003	19.71	1.87	94.76	6.23
2004	48.00	2.22	40.70	5.04
2005	19.87	1.49	25.70	3.37
2006	27.72	2.89	28.16	3.48
2007	17.34	1.72	N/A	N/A

Table 3 NMFS Winter Trawl Survey – Herring Catch Per Tow (Mean Number and Weight in kg), 1992-2007

YEAR	WINTER Number/Tow	WINTER KG/Tow
1992	35.42	3.19
1993	49.77	6.56
1994	4.39	0.51
1995	17.60	2.60
1996	112.25	6.86
1997	54.53	8.47
1998	57.29	6.05
1999	56.01	6.77
2000	66.20	3.54
2001	77.09	7.56
2002	74.66	9.45
2003	42.78	4.49
2004	34.26	2.16
2005	98.06	9.08
2006	50.87	4.80
2007	55.26	6.37

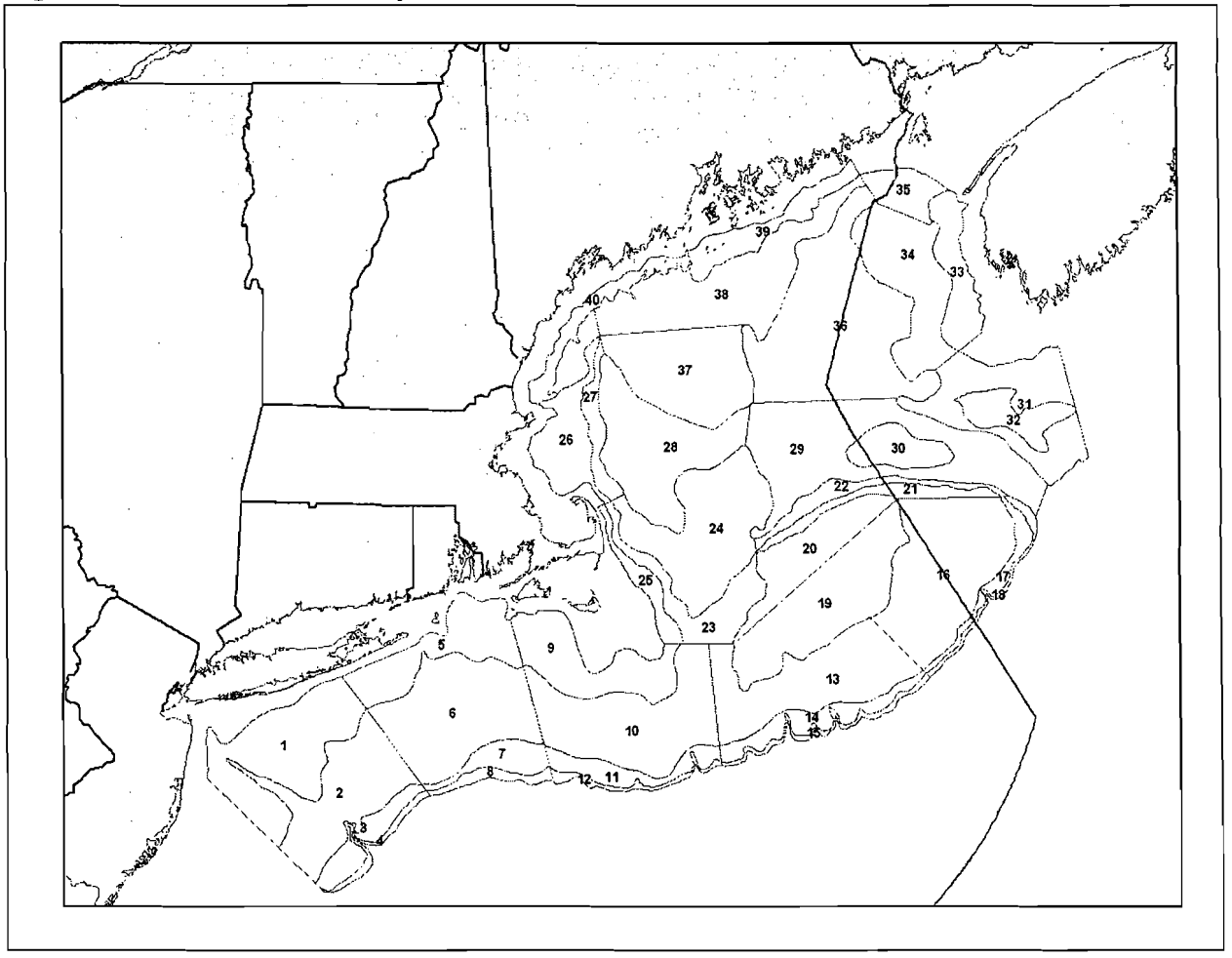
Figure 1 Herring Catch (kg/tow) from the NMFS Autumn (Fall), Spring, and Winter Trawl Surveys Through 2007 (Autumn through 2006)



2.2 NMFS TRAWL SURVEY – INSHORE ONLY

A selected subset of NMFS trawl survey strata were chosen to represent trends in the inshore herring component (inshore Gulf of Maine) during 1963-2007 (autumn survey through 2006). NMFS strata 26-27,38-40 were used during spring and autumn (Figure 2).

Figure 2 NMFS Trawl Survey Strata



NMFS Inshore Strata – Catch Per Tow

When examining the inshore Gulf of Maine survey strata separately, the NMFS fall survey and the spring survey were relatively flat, averaging very few fish per tow during the late 1960s through the early 1980s (Figure 3 – Figure 6). In the late 1980s, the indices increased significantly, and although variable, have remained relatively high, averaging since that time.

The number of fish per tow from the survey in the inshore Gulf of Maine increased to a record high in the 2004 spring survey but declined slightly in the autumn survey during the same year. A similar peak was observed in the fall survey. Another relatively significant increase in numbers and weight per tow occurred during the fall of 2006; the following 2007 spring survey increased slightly. Overall, the surveys in the inshore Gulf of Maine have been quite variable, and no trend is apparent.

Figure 3 Herring Catch/Tow (Number) Indices from the NMFS Autumn Bottom Trawl Survey Strata 26-27,38-40 (Inshore), 1963-2006

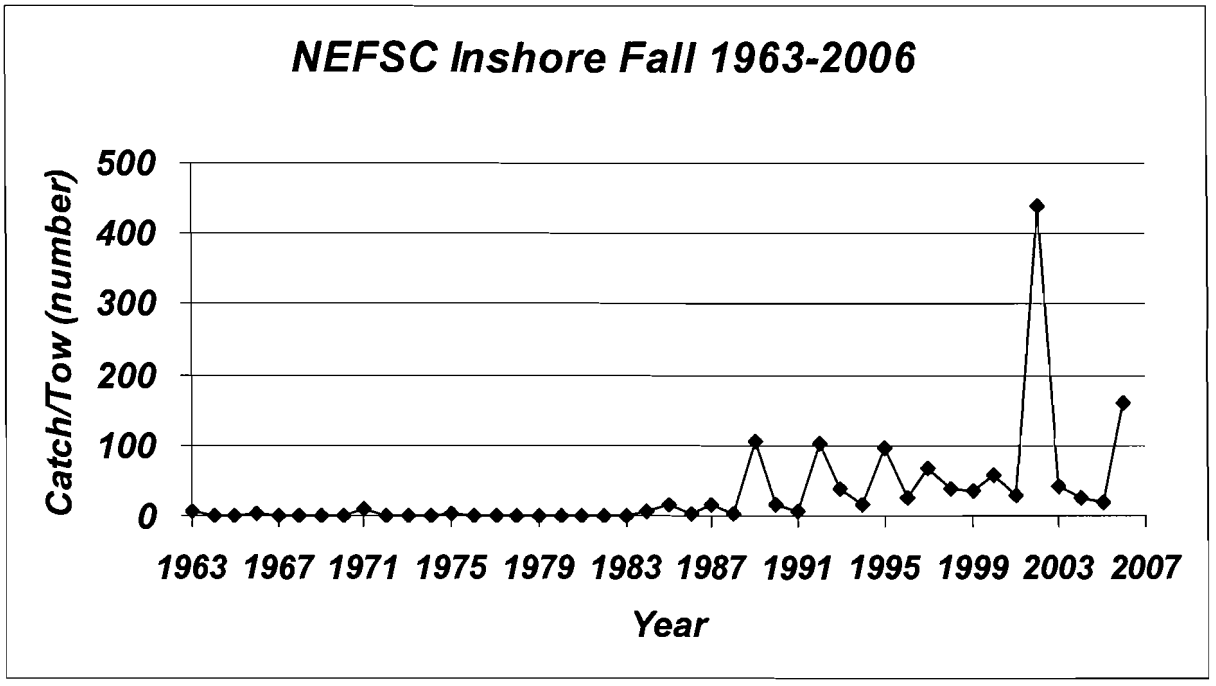


Figure 4 Herring Catch/Tow (Kilograms) Indices from the NMFS Autumn Bottom Trawl Survey Strata 26-27,38-40 (Inshore), 1963-2006

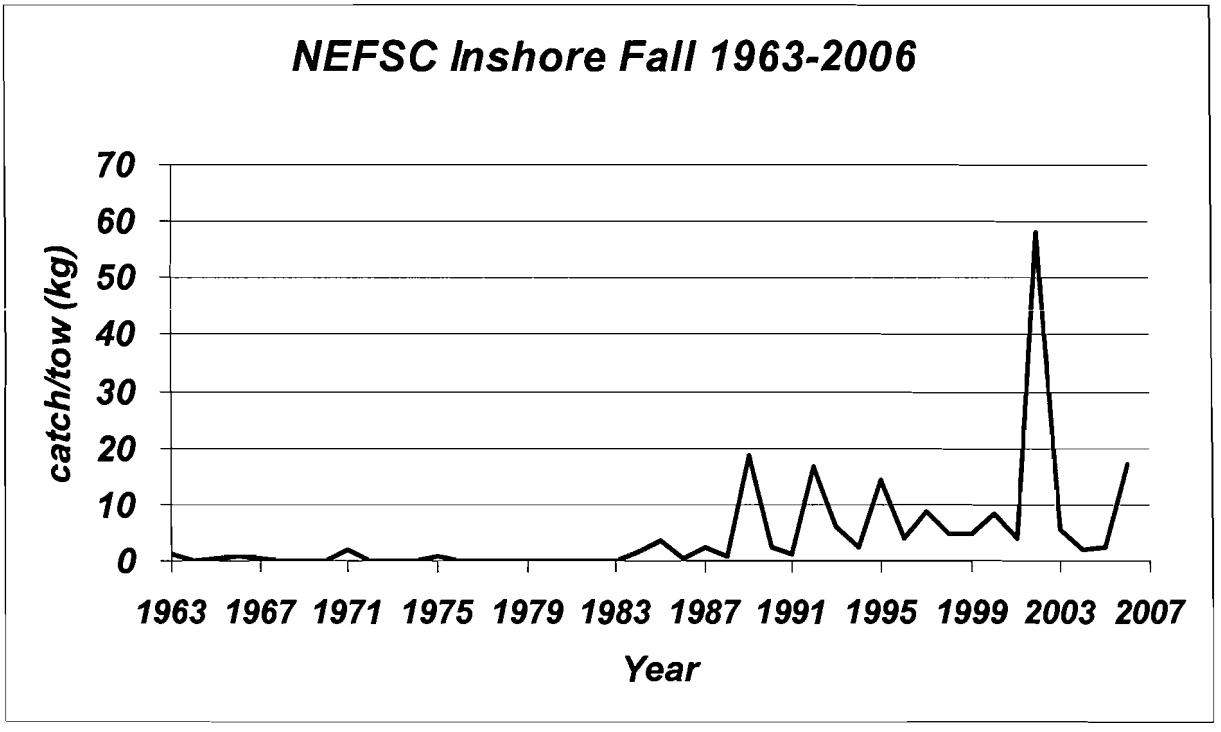


Figure 5 Herring Catch/Tow (Number) Indices from the NMFS Spring Bottom Trawl Survey Strata 26-27,38-40 (Inshore), 1968-2007

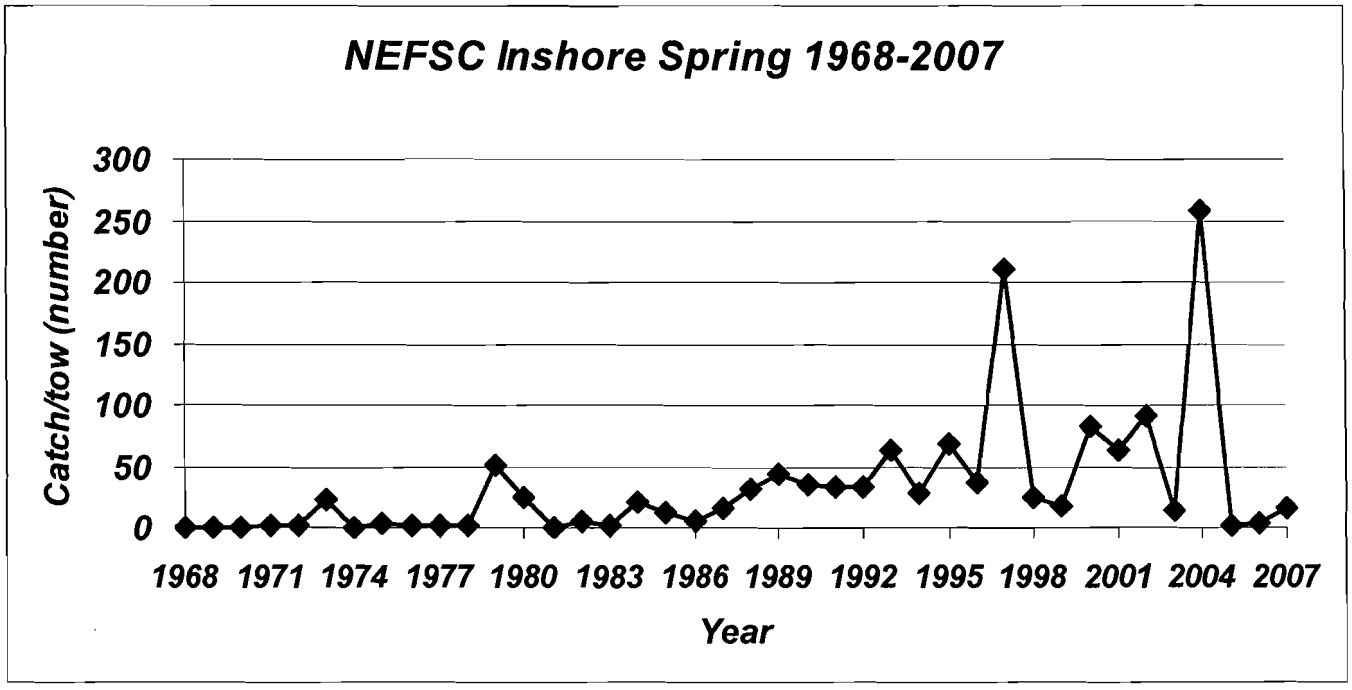
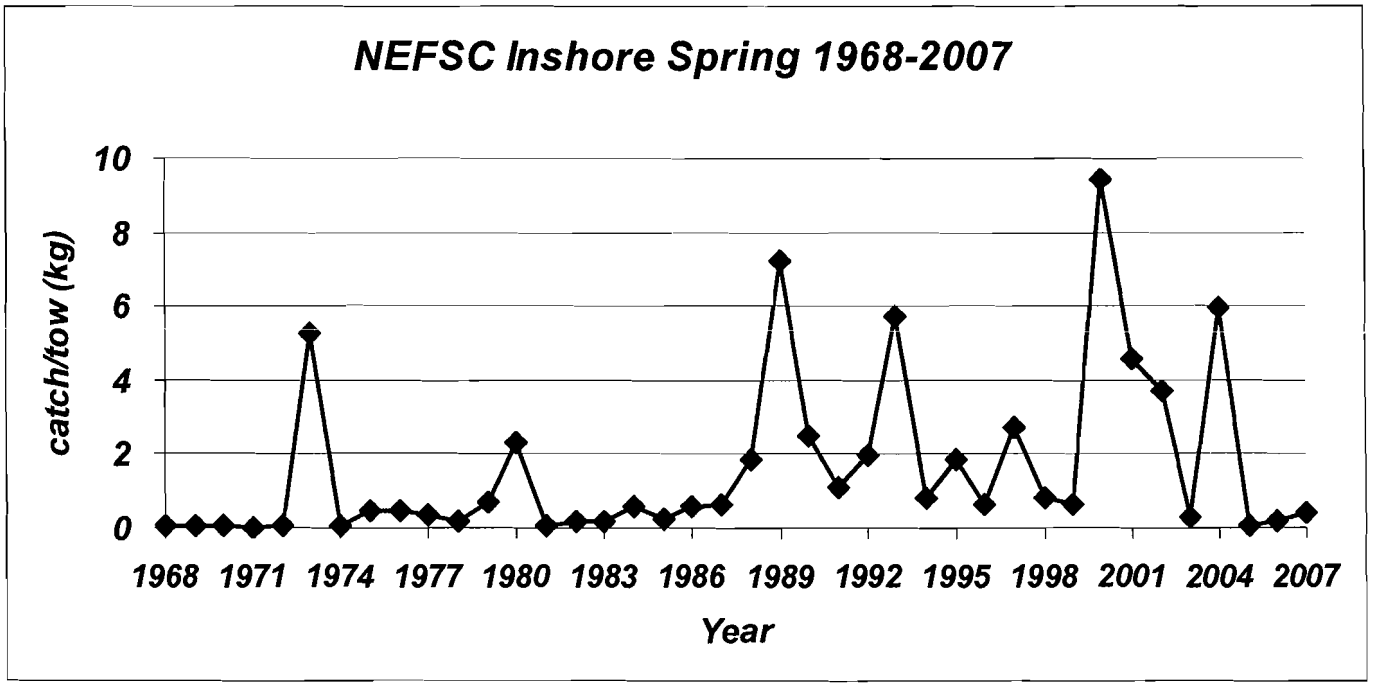


Figure 6 Herring Catch/Tow (Kilograms) Indices from the NMFS Spring Bottom Trawl Survey Strata 26-27,38-40 (Inshore), 1968-2007

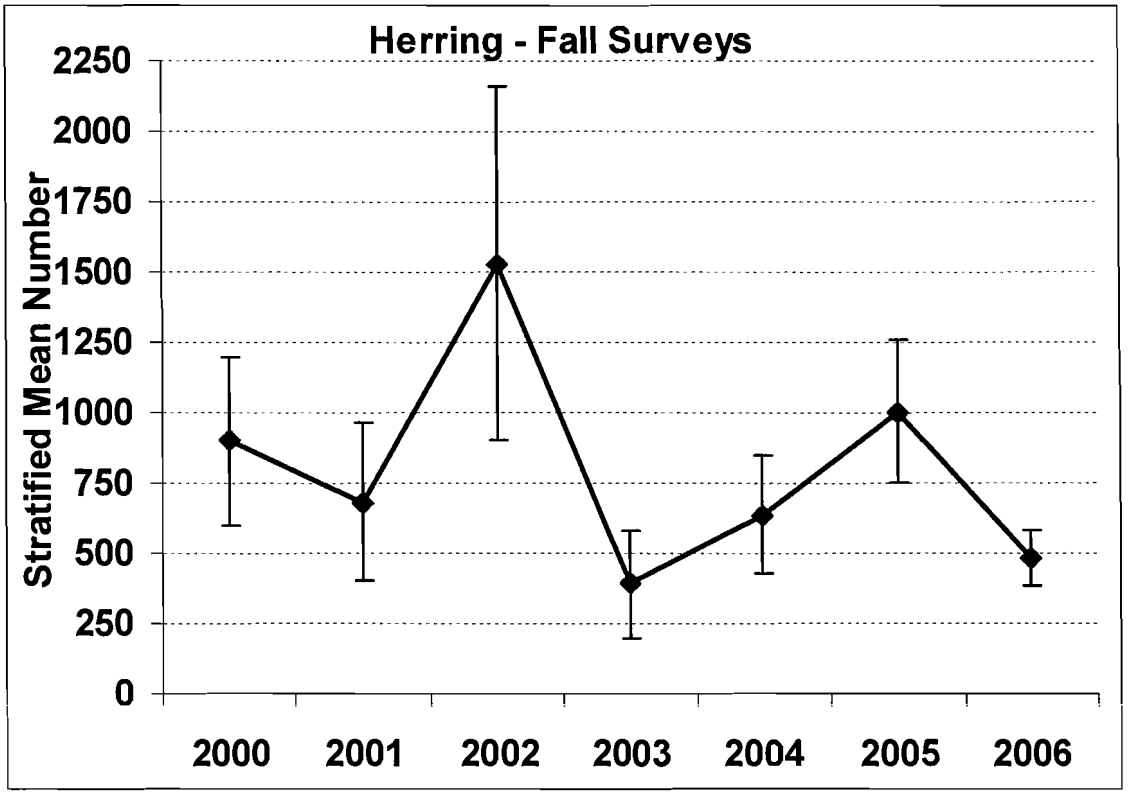


2.3 ME DMR/NH FG INSHORE TRAWL SURVEY

Since Fall 2000, Maine DMR, in conjunction with the Gulf of Maine Research Institute and the State of New Hampshire (NH FG), have been conducting an inshore bottom trawl survey. While this survey targets principal groundfish species from the NH/MA boarder to Canada, it regularly samples herring in many of its strata. Results from the fall and spring survey (Figure 7, Figure 8) have been variable over the last six years. No trend is apparent from either survey, given the short time series available.

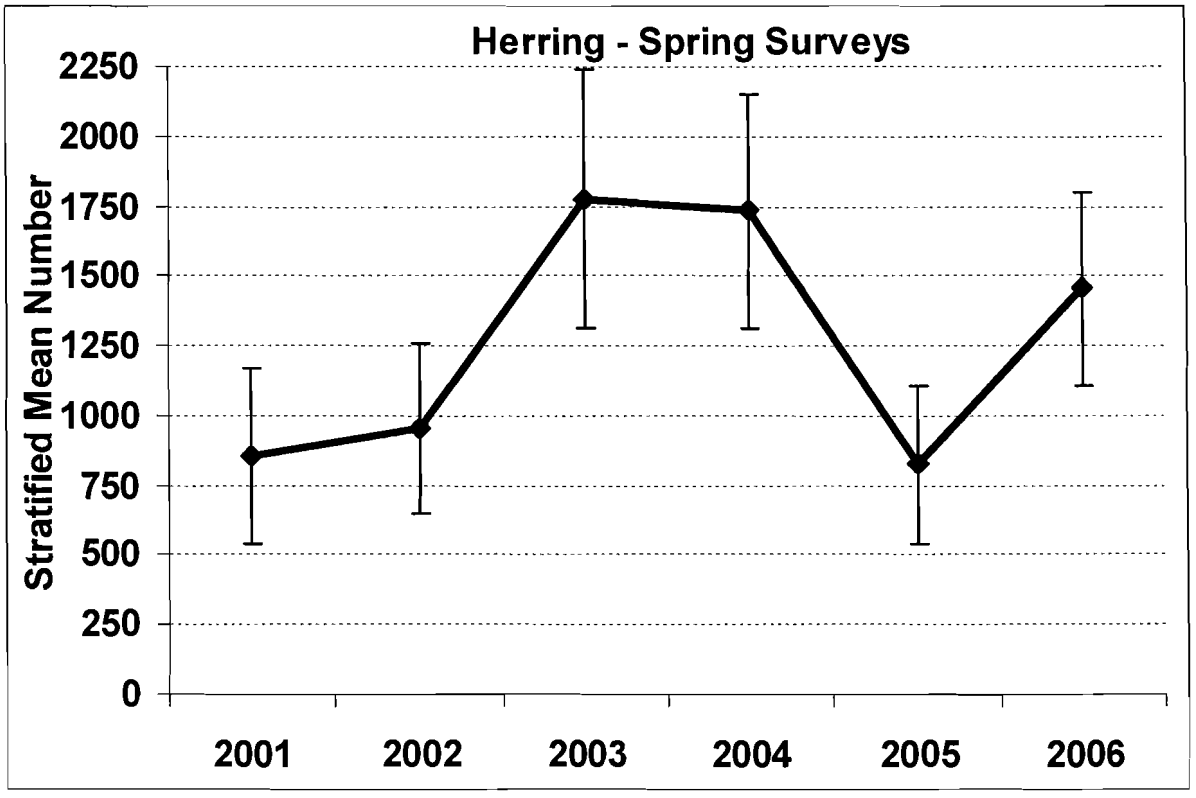
This is a ME/NH coast-wide bottom trawl survey, the results of which should not be viewed as an index of spawning stock biomass (SSB) for the inshore component of the herring resource. In fact, most of the fish sampled by this survey are age 1 fish. This bottom trawl survey may provide an indication of pre-recruitment year class strength.

Figure 7 ME DMR/NH FG Fall Inshore Bottom Trawl Survey Catch (# Fish) Per Tow 2000-2006



Note: Error is +/- one standard error of the stratified mean.

Figure 8 ME DMR/NH FG Spring Inshore Bottom Trawl Survey Catch (# Fish) Per Tow, 2001-2006



Note: Error is +/- one standard error of the stratified mean.

3.0 UPDATED HERRING FISHERY INFORMATION

3.1 HERRING LANDINGS

3.1.1 IVR Landings

The main reason for utilizing the interactive voice response (IVR) system in the Atlantic herring fishery is to monitor the Total Allowable Catch (TAC) limits set for the four Federal management areas. As part of the herring FMP, each management area is annually assigned a TAC (in metric tons). Although harvesters are required to also report catches with VTR forms, near real-time data is obtained through the IVR system allowing the TACs to be monitored. When the catch in a management area is projected to reach 95% of its specified TAC (or 92% in years/areas with a research set-aside), the Regional Administrator enacts a closure for all directed herring fishing. The 2006 fishing year was the sixth year of mandatory IVR reporting for the Atlantic herring fleet.

Table 4 Total Allowable Catches (TACs) for 2006 Fishing Year

Management Area	TAC (mt)	95% of TAC (mt)
Area 1A (Jan 1st – May 31st)	6,000	5,700
Area 1A (June 1st – Dec 31st)	54,000	51,300
Area 1A TOTAL	60,000	57,000
Area 1B	10,000	9,500
Area 2	30,000	28,500
Area 3	50,000	47,500

Table 5 Total IVR Landings of Atlantic Herring, 2000-2005

Year	Total IVR Landings (MT)
2000	107,387
2001	121,569
2002	91,831
2003	100,544
2004	93,722
2005	96,895

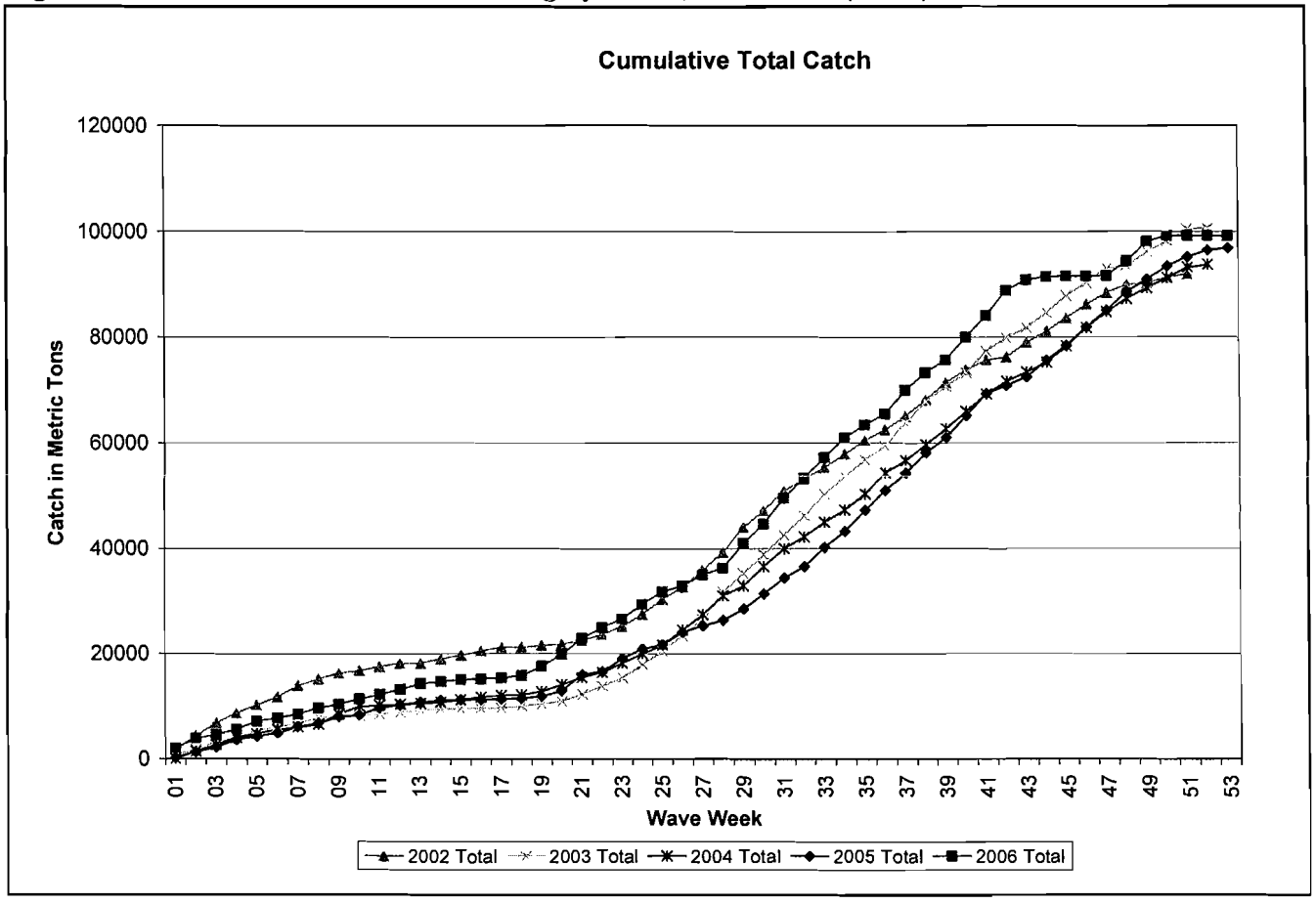
Table 6 provides IVR catches for the 2006 fishing year. Overall, the IVR reports totaled 99,185 mt of herring across all management areas, up slightly from 2004 and 2005. Overall, the timing of the fishery in 2006 appears to have been consistent with recent years (Figure 9), but the spatial distribution of the landings, particularly those from offshore areas and southern New England, were somewhat different. Although never very high, Area 3 landings declined significantly in 2006 to less than 10% of the TAC. In recent years, Area 3 landings ranged between 10,000-20,000 mt. Landings from the Area 2 fishery increased during 2006, totaling almost 75% of the available quota for that area. It appears that more than 5,000 mt was taken from Area 1A prior to June 1. However, the weekly IVR reports suggest that fishing in Area 1A did not begin until the month of May, and the majority of the catch prior to June 1 was reported during the final week of the month.

Note that IVR reports do not include trip-level information and precise fishing locations, so some discrepancies in catch and area must be resolved by cross-checking the IVR data with VTR data. This may explain some of the overage seen for Area 1B. In past years, landings from fishing areas close to the Area 1B/3 boundary have been attributed to 1B through the IVRs but actually came from Area 3 when cross-checked with latitude/longitude from the VTRs. Changes to the management area boundaries implemented in Amendment 1 should help to resolve this issue in the future.

Table 6 IVR Herring Catch for 2006 Fishing Year

Management Area	IVR Catch (mt)	% of TAC
Area 1A (Jan 1st – May 31st)	5,612	---
Area 1A (June 1st – Dec 31st)	54,368	---
Area 1A TOTAL	59,980	99.9% of 60,000
Area 1B	13,008	130% of 10,000
Area 2	21,753	72.5% of 30,000
Area 3	4,444	8.9% of 50,000
Total	**99,185**	**66.1% of 150,000**

Figure 9 Total Catch of Atlantic Herring by Week, 2001-2006 (IVRs)



3.1.2 VTR Landings

The information provided in this section is based on VTR data through the 2006 fishing year. In 2006, the overall VTR-reported herring landings of **101,985.7 mt** were up 9.2% from 2005 (and 2004) landings and were more consistent with total landings during the 2003 fishing year. As always, the Area 1A quota was fully utilized, and Area 1A landings represented the majority of the fishery. Table 7 shows landings from the various gears used in 2003 through 2006 and the activities of each in the herring management areas.

The distribution of landings by management area changed somewhat during the 2006 fishing year when compared to recent years. The increase in total landings during 2006 came primarily from Areas 1B and 2, but there was also a significant decrease in landings from Area 3 (Georges Bank). The quota in Area 1B does appear to have been exceeded in 2006 by about 45%. Fishing activity by individual gear types in 2006 was generally consistent with previous years. Pair trawl activity increased quite a bit and accounted for most of the increase in total landings, although purse seine activity also increased from 2005 levels.

Table 7 Metric Tons of Herring Sold by Gear and Management Area in 2003 – 2006

Gear Type	Year	Area 1A	Area 1B	Area 2	Area 3	Unknown	Total
Bottom Trawl	**2003**	100.8	1.2	861.0	85.3	1.0	1,049.2
	2004	1,526.2	4.8	1,549.6	1.9		3,082.6
	2005	104.0	2.3	1,261.0			1,367.3
	2006	247.8	85.8	1,649.9	2.4	2.6	1,988.5
Pair Trawl	**2003**	33,800.5	4,230.6	11,376.4	17,603.7	549.6	67,560.7
	2004	30,825.2	11,790.9	7,343.7	7,177.2	49.0	57,186.0
	2005	32,639.6	2,717.4	1,1008.1	10,074.2	131.5	56,570.9
	2006	32,944.0	10,328.8	16,683.8	4,099.7	681.2	64,737.5
Midwater Trawl	**2003**	7,816.6	1,000.9	4,237.9	3,645.2	43.1	16,743.6
	2004	8,362.6	1,486.7	2,764.5	1,479.7		14,093.4
	2005	10,315.3	3,181.1	2,311.2	3,322.4		19,129.9
	2006	8,404.0	3,805.5	2,789.2	829.0	202.7	16,030.4
Purse Seine	**2003**	18,157.8	132.4			121.1	18,411.3
	2004	19,352.9				143.6	19,496.5
	2005	16,098.6	207.7				16,306.3
	2006	18,277.8	297.1			108.8	18,683.7
Weir	**2003**			0.5			0.5
	2004			4.4			4.4
	2005						
	2006	444.1					444.1
Other	**2003**	14.5	0.8	13.3			28.7
	2004	3.8	0.0	26.9		0.8	31.5
	2005	7.3		8.5			15.8
	2006	75.2		11.0	8.2	7.1	101.5
All Gear Types	**2003**	59,890.2	5,365.9	16,489.0	21,334.1	714.8	103,794.0
	2004	60,070.7	13,282.4	11,689.1	8,658.7	193.4	93,894.3
	2005	59,164.8	6,108.5	14,588.8	13,396.5	131.5	93,390.1
	2006	60,392.9	14,517.2	21,133.9	4,939.3	1,002.4	101,985.7

3.1.3 Landings from State Waters

The majority of Atlantic herring landings from State waters occurs in the State of Maine. A review of the ASMFC's State Compliance Reports for 2006 indicates that about 31,000 pounds (14 mt) of Atlantic herring were landed in CT from state waters only permit holders. With the exception of Maine, no other states reported landings of herring from state waters fisheries.

Table 8 reports Atlantic herring landings in Maine from state waters only permit holders, provided by ME DMR. State only herring harvesters are required to report their landings to ME DMR on a monthly basis through a paper form. In total, about 532 mt of herring were landed in the State of Maine by state waters permit holders. The majority of these landings came from fixed gear fisheries – primarily weirs and stop seines. This represents an increase in fixed gear fishing activity from previous recent years.

Table 8 2006 Atlantic Herring Landings from Maine State Waters

Gear	Pounds	Metric Tons
Gillnet, anchored-floating	379	0.17
Gillnet, fixed or anchored, sink	25	0.01
Gillnet, other	9,034	4.1
Hooks	35	0.01
Pound Net	5,209	2.36
Stop Seine	180,453	81.85
Weir	979,150	444.14
Grand Total	1,174,285	532.65

3.2 BYCATCH – OBSERVER DATA FOR 2006 AND 2007 YEAR TO DATE (YTD)

Bycatch is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program." Consistent with the Magnuson-Stevens Act, this document defines ***bycatch*** as any fish which are **discarded**.

A decline in funding for the NMFS Sea Sampling (Observer) Program limited coverage in the herring fishery during the 2006 fishing year. A total of 18 midwater trawl trips and 28 pair trawl trips were observed in the herring fishery during 2006 (46 trips total, no trips observed for purse seine gear). Available catch/bycatch data collected on the 2006 observed trips are summarized in the following tables.

Table 9 summarizes catch and bycatch observed on the 18 midwater trawl trips that were observed by NMFS sea samplers during 2006. Spiny dogfish, haddock, Atlantic herring, redfish, and Atlantic mackerel were the species with the highest amounts of bycatch observed (98.3% of total observed bycatch). Other than haddock, regulated multispecies bycatch that was observed on these trips totaled less than 100 pounds. All haddock bycatch that was observed on these trips was counted against the bycatch cap established in Framework 43 to the Multispecies FMP. Note that a significant amount of blueback herring and shad was reported as "kept" on these trips (and therefore not considered bycatch).

Table 10 summarizes catch and bycatch observed on the 28 pair trawl trips that were observed by NMFS sea samplers during 2006. Atlantic herring, spiny dogfish, scup, and haddock were the species with the highest amounts of bycatch observed (99.7% of total observed bycatch). Other than haddock, regulated multispecies bycatch that was observed on these trips was minimal and totaled less than 50 pounds. All haddock bycatch that was observed on these trips was counted against the bycatch cap established in Framework 43 to the Multispecies FMP. Note that blueback herring and a significant amount of shad was reported as "kept" on these trips (and therefore not considered bycatch).

Table 9 Catch and Discards (Lbs.) of All Species on 18 Observed Midwater Trawl Trips in 2006

SPECIES	DISCARD	KEPT	TOTAL
DOGFISH, SPINY	31,585	5,000	36,585
HADDOCK	17,686		17,686
HERRING, ATLANTIC	7,586	2,435,616	2,443,202
REDFISH, NK (OCEAN PERCH)	6,922		6,922
MACKEREL, ATLANTIC	1,266	4,105,453	4,106,719
BASS, STRIPED	584	12	596
LUMPFISH	293		293
HAKE, SILVER (WHITING)	100	99	199
BUTTERFISH	56	392	448
MONKFISH	24	5	29
SHRIMP, NK	16		16
POLLOCK	15	10	25
BLUEFISH	14		14
SQUID, SHORT-FIN	13	992	1,005
COD, ATLANTIC	9		9
MENHADEN, ATLANTIC	5		5
SCULPIN, LONGHORN	3		3
CRAB, HORSESHOE	2		2
AMERICAN PLAICE	1		1
LAMPREY, NK			
SQUID, ATL LONG-FIN		435	435
ALEWIFE		4,027	4,027
HAKE, RED (LING)		16	16
HERRING, BLUEBACK		43,832	43,832
HERRING, NK (SHAD)		15,000	15,000
SHAD, AMERICAN		1,075	1,075
SHAD, HICKORY		22	22
GRAND TOTAL	**66,180**	**6,611,986**	**6,678,166**

Table 10 Catch and Discards (Lbs.) of All Species on 28 Observed Pair Trawl Trips in 2006

SPECIES	DISCARD	KEPT	TOTAL
HERRING, ATLANTIC	51,703	11,395,652	11,447,355
DOGFISH, SPINY	43,505	500	44,005
SCUP	40,000		40,000
HADDOCK	404		404
SQUID, SHORT-FIN	187	140	327
BUTTERFISH	98	5,485	5,583
POLLOCK	25		25
MACKEREL, ATLANTIC	24	2,956,669	2,956,693
DOGFISH, NK	18		18
REDFISH, NK (OCEAN PERCH)	16		16
SHAD, AMERICAN	15	25	40
COD, ATLANTIC	8		8
BLUEFISH	6		6
HAKE, SILVER (WHITING)	5	367	372
SQUID, NK	3	93	96
DEBRIS, FISHING GEAR	2		2
FLOUNDER, NK	2		2
SHRIMP, NK	2		2
DEBRIS, PLASTIC	1		1
FLOUNDER, AMERICAN PLAICE	1		1
ALEWIFE		592	592
HERRING, BLUEBACK		2,230	2,230
HERRING, NK (SHAD)		408,000	408,000
GRAND TOTAL	**136,023**	**14,769,753**	**14,905,776**

2007 Year to Date (YTD)

According to the Northeast Fisheries Observer Program Sea Day Schedule, 198 sea days have been allocated to the NMFS Sea Sampling Program for the Atlantic herring fishery for 2007. An additional 50 "discovery days" are available to observe U.S. at-sea processing (USAP) operations in the fishery if they occur during 2007. Table 11 and Table 12 summarize available observer data for 2007 YTD, including catch/bycatch on 5 midwater trawl trips and 9 pair trawl trips. At this time, no trips have been observed on purse seine vessels during the 2007 fishing year.

Only some observer data for 2007 are available at this time, as observed trips occurring in the more recent months (May, June, July) may not have been entered into the database yet. As a result, the available observer data for 2007, summarized below, primarily characterize the Area 2 winter fishery (southern New England), as very little fishing activity occurred in other areas during the early part of the 2007 fishing year. The data provided in Table 11 and Table 12 are generally consistent with observer reports

from previous years in that spiny dogfish, Atlantic mackerel, and Atlantic herring are the primary bycatch species observed. Some scup bycatch was observed on the midwater trawl trips, which occurred in the southern New England region. A significant amount of debris was observed on the pair trawl trips. Regulated species bycatch was very low, probably due to the area where the fishing activity occurred. No regulated species bycatch was observed on the midwater trawl trips, and a small amount of cod was reported on the pair trawl trips. No haddock bycatch was observed on these trips.

Table 11 Catch and Discards (Lbs.) of All Species on 5 Observed Midwater Trawl Trips in 2007 YTD

SPECIES	DISCARD	KEPT	TOTAL
DOGFISH, SPINY	7,413		7,413
MACKEREL, ATLANTIC	4,048	136,044	140,092
SCUP	3,369		3,369
HERRING, ATLANTIC	1,413	296,011	297,424
BUTTERFISH	180		180
ALEWIFE	115	60,227	60,342
DEBRIS, FISHING GEAR	100		100
SEA BASS, BLACK	97		97
WHITING, BLACK (HAKE, OFFSHORE)	90		90
SQUID, ATL LONG-FIN	78		78
HAKE, SILVER (WHITING)	45	3	48
LUMPFISH	10		10
MONKFISH (ANGLER, GOOSEFISH)	10		10
DOGFISH, SMOOTH	7		7
FLOUNDER, FOURSPOT	5		5
SKATE, LITTLE	5		5
SCULPIN, LONGHORN	3		3
WEAKFISH (SQUETEAGUE SEA TROUT)	3		3
LOBSTER, AMERICAN	2		2
FLOUNDER, SUMMER (FLUKE)	1		1
HAKE, SPOTTED	1		1
SCALLOP, SEA	1		1
SEA ROBIN, NORTHERN	1		1
SHAD, AMERICAN	1		1
HERRING, BLUEBACK		44,790	44,790
GRAND TOTAL	**16,998**	**537,075**	**554,073**

Table 12 Catch and Discards (Lbs.) of All Species on 9 Observed Pair Trawl Trips in 2007 YTD

SPECIES	DISCARD	KEPT	TOTAL
HERRING, ATLANTIC	2,060	1,612,290	1,614,350
DOGFISH, SPINY	1,804	168	1,972
DEBRIS, FISHING GEAR	1,000		1,000
HADDOCK	331	12	343
DEBRIS, METAL	200		200
SHRIMP, NK	64		64
COD, ATLANTIC	43		43
BASS, STRIPED	41		41
FISH, NK	15		15
DEBRIS, WOOD	5		5
HERRING, NK (SHAD)	3		3
WHITING, BLACK (HAKE, OFFSHORE)	1		1
SQUID, SHORT-FIN	0		0
ALEWIFE		11,282	11,282
HERRING, BLUEBACK		4,832	4,832
MACKEREL, ATLANTIC		455,336	455,336
SHAD, AMERICAN		900	900
SQUID, ATL LONG-FIN		220	220
GRAND TOTAL	**5,567**	**2,085,040**	**2,090,607**

3.3 CANADA – NEW BRUNSWICK WEIR FISHERY LANDINGS

Catch of the Atlantic herring stock complex in Canadian waters consists primarily of fish caught in the New Brunswick (NB) weir fishery. Currently, the Herring FMP assumes that 20,000 mt of fish from the inshore component of the Atlantic herring resource will be taken annually in the NB weir fishery. This assumed catch is subtracted from the available yield from the inshore component of the resource before TACs are determined for management areas in the U.S. EEZ.

Table 13 summarizes landings from the New Brunswick (NB) weir fishery by month from 1978-2006. Landings for 2005 have been updated, and 2006 data are preliminary. Landings from the NB weir fishery during 2006 appear to have been similar to those during 2005. A total of 11,641 mt of herring were landed from this fishery during 2005, the majority of which occurred from July – October. The most recent five-year average of landings from this fishery (2002-2006) is 13, 142 mt.

Table 13 Herring Landings from the New Brunswick Weir Fishery by Month, 1978-2006

YEAR	NB WEIR LANDINGS BY MONTH (METRIC TONS)												GRAND TOTAL
	1	2	3	4	5	6	7	8	9	10	11	12	
1978	3				512	802	5,499	10,275	10,877	4,972	528	132	**33,599**
1979	535	96			25	1,120	7,321	9,846	4,939	5,985	2,638	74	**32,579**
1980					36	119	1,755	5,572	2,352	1,016	216		**11,066**
1981					70	199	4,431	3,911	2,044	2,435	1,686	192	**14,968**
1982		17			132	30	2,871	7,311	7,681	3,204	849	87	**22,181**
1983					65	29	299	2,474	5,382	3,945	375		**12,568**
1984					6	3	230	2,344	2,581	3,045	145		**8,353**
1985					22	89	4,217	8,450	6,910	4,814	2,078	138	**26,718**
1986	43				17		2,480	10,114	5,997	6,233	2,564	67	**27,516**
1987	39	21	6	12	10	168	2,575	10,893	6,711	5,362	703	122	**26,621**
1988		12	1	90	657	287	5,993	11,975	8,375	8,457	2,343	43	**38,235**
1989		24		95	37	385	8,315	15,093	10,156	7,258	2,158		**43,520**
1990					93	20	4,915	14,664	12,207	7,741	168		**39,808**
1991					57	180	4,649	10,319	6,392	2,028	93		**23,717**
1992				15	50	774	5,477	10,989	9,597	4,395	684		**31,981**
1993					14	168	5,561	14,085	8,614	2,406	470	10	**31,328**
1994				18		55	4,529	10,592	3,805	1,589	30		**20,618**
1995					15	244	4,517	8,590	3,956	896	10		**18,228**
1996					19	676	4,819	7,767	1,917	518	65		**15,781**
1997				8	153	1,017	6,506	7,396	5,316				**20,396**
1998					560	713	3,832	8,295	5,604	525			**19,529**
1999					690	805	5,155	9,895	2,469	48			**19,063**
2000					10	7	2,105	7,533	4,940	1,713	69		**16,376**
2001					35	478	3,931	8,627	5,514	1,479			**20,064**
2002					84	20	1,099	6,446	2,878	1,260	20		**11,807**
2003					257	250	1,423	3,554	3,166	344	10		**9,003**
2004					21	336	2,694	8,354	8,298	913	3		**20,620**
2005						213	802	7,145	3,729	740	11		**12,639**
2006					8	43	1,112	3,731	3,832	2,328	125	462	**11,641**

Source: Canadian Department of Fisheries and Oceans.

2005 data have been updated, and 2006 data are preliminary.

4.0 STATUS OF RECENT MANAGEMENT ACTIONS

4.1 AMENDMENT 1 IMPLEMENTATION

Amendment 1 was partially approved by NMFS on behalf of the Secretary of Commerce on December 6, 2006. One measure, that would have allowed the harvest of herring by fixed gear fishermen in Downeast Maine to be exempt from the TACs that govern the fishery, was disapproved.

The revised boundaries of the herring management areas, provision to establish management measures for 3-year periods, and the measure that established the Research Set-Aside Program (RSA) became effective on April 11, 2007.

The following measures became effective on June 1, 2007:

- Requirement for an All Areas Limited Access herring permit to fish without being subject to possession limits in any herring management area that is open to directed fishing;
- Requirement for an Areas 2 and 3 Limited Access herring permit to fish without being subject to possession limits in Area 2 or Area 3 when they are open to directed fishing;
- Requirement for a Limited Access Incidental Catch herring permit to possess and land up to 55,000 lb (25 mt) of herring from any herring management area when it is open to directed fishing, with a limit of one landing per calendar day;
- Additional measures that govern the limited access program, including a requirement to have an operational Vessel Monitoring System (VMS) and to comply with notification requirements;
- Requirement for an Open Access Herring Permit to possess up to 6,600 lb (3 mt) of herring per trip, with a limit of one landing per calendar day;
- Provisions that require NMFS to close each herring management area when 95 percent of the TAC allocated to the area has been landed, with all vessels restricted to a landing and possession limit of 2,000 lb, with a limit of one landing per calendar day;
- A revised definition of midwater trawl gear, and a measure that prohibits vessels using single or midwater trawl gear from fishing in Area 1A from June 1 through September 30 of each year;
- A measure that allows up to 500 mt of the Area 1A TAC to be set aside for harvest by weirs and stop seines west of Cutler, Maine, until November 1 each year, at which time it reverts to the overall Area 1A TAC;
- Clarification that the Framework 43 measures to address bycatch in the herring fishery require vessels issued the All Areas Limited Access Herring Permit or the Areas 2 or 3 Limited Access herring permit to comply with specific requirements enacted to address Northeast (NE) multispecies (particularly haddock) in the Gulf of Maine; and
- Prohibition of the retention of NE multispecies by vessels issued a Limited Access Incidental Catch herring permit or Open Access herring permit.

4.1.1 Implementation of Limited Access Program

In order to fish after June 1, vessels were required to be issued one of the new herring vessel permits. Applications for the limited access permits may be submitted until May 31, 2008, so it is likely that additional permits will be issued. As of August 29, 2007, the following information is available about vessel permitting:

Permits Issued (LA = limited access)				
Category A (LA All Areas)	Category B (LA Areas 2/3)	Category B/C	Category C (LA Incidental)	Category D (Open Access)
34	2	0	33	2213

Applications Denied or Pending				
Applied for any Limited Access Category	1st round denial- no response by 30 day deadline	2nd / 3rd round denials - still may appeal	Applications withdrawn	Request for hearing
79	47	27	3	2

Permit Status of Prequalified Vessels							
Prequalified Category A	Permitted Category A	Prequalified Category B	Permitted Category B	Prequalified Category B/C	Permitted Category B/C	Prequalified Category C	Permitted Category C
30	24	7	2	--	0	44	27

4.1.2 Implementation of Herring RSA Program

Herring Research Set-Aside (RSA) was allocated for both for 2008 and 2009 as part of the specifications for the 2008 and 2009 fishing years, with the allocations below available for use each of the two years:

Area 1A	1,350 mt
Area 1B	300
Area 2	900
Area 3	1,800

The Request for Proposals for research projects that would be funded with 2008/2009 RSA was published in July 2007, with proposals due in August. As outlined in Amendment 1, over the next several months, proposals will receive a technical review, and then NMFS will convene a review panel to make final recommendations to NOAA Grants Office of projects for funding. If the Council recommends changes to the currently-specified 2008-2009 measures, the final rule published as part of the specifications process would announce the award of RSA. If the Council does not recommend adjustments to the 2008/2009 management measures, NMFS will publish a notice in the *Federal Register* to announce the award of RSA.

4.2 FRAMEWORK 43 MEASURES – HADDOCK CATCH CAP

As noted above, Amendment 1 clarified that the measures enacted through Framework 43 now apply to vessels issued limited access directed fishing permits--the All Areas Limited Access herring permit, and the Areas 2 and 3 Limited Access herring permit. This means that vessels issued the Limited Access Incidental Catch permit or Open Access herring permit are now prohibited from possessing any NE multispecies. The provisions are briefly summarized below, in the context of the limited access provision:

- Vessels issued an All Areas or Areas 2 and 3 Limited Access herring permit may possess and land haddock and other regulated species smaller than the minimum sizes established by the NE multispecies regulations. Such vessels may not use a multispecies Day at Sea (DAS) or sell any NE multispecies for human consumption.
- Vessels issued an All Areas or Areas 2 and 3 Limited Access herring permit are prohibited from discarding haddock that has been brought on the deck or pumped into the hold.
- Vessels issued an All Areas or Areas 2 and 3 Limited Access herring permit may possess and land up to 100 lb, combined, of other regulated NE multispecies on all trips that do not use a multispecies DAS. Such fish may not be sold for human consumption.
- Vessels issued an All Areas or Areas 2 and 3 Limited Access herring permit must notify NMFS of their intent to land at least 6 hours prior to landing.
- An incidental haddock catch allowance is specified for the herring fishery. When the catch allowance has been attained, all vessels issued a herring permit or fishing in the Federal portion of the GOM/GB Herring Exemption Area are prohibited from fishing for, possessing, or landing herring in excess of 2,000 lb per trip in or from the GOM/GB Herring Exemption Area, unless all herring possessed and landed by the vessel were caught outside the GOM/GB Herring Exemption Area and the vessel complies with the gear stowage provisions while transiting the Exemption Area.
- When the incidental haddock catch allowance has been attained, the haddock possession limit is reduced to 0 lb for all vessels issued a herring permit, including those issued an All Areas or Areas 2 and 3 Limited Access herring permit.
- Herring dealers and processors that sort herring as part of their operations are required to separate out, report, retain and make available for inspection all haddock offloaded from vessels that have an All Areas or Areas 2 and 3 Limited Access herring permit. This requirement applies to vessels issued an at-sea processing permit. Such haddock may not be sold and must be retained for 12 hours. At-sea processing vessels must retain such haddock for 12 hours following landing.

The haddock catch cap is established in conjunction with the other NE multispecies TACs, which are specified for a fishing year that covers the period May 1 – April 30. In addition, the initial haddock catch cap of 270,000 lb was established through emergency regulations for the period June 13, 2005 – April 30, 2006. The final report for the period was 32,649 lb of haddock caught.

Framework 43 established the cap for the period May 1, 2006 – April 30, 2007, at 161,377 lb. Reported haddock catch through April 28, 2007, was 17,709 lb.

The cap for the period May 1, 2007 – April 30, 2008 is 404,991 lb, and no haddock catch has yet been reported.

#3

July 25, 2007

Rip Cunningham, Chair
Multispecies Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Paul J. Howard, Executive Director
New England Fisheries Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Herring Midwater Trawling in Groundfish Closed Areas

Dear Chairman Cunningham and Captain Howard,

As a groundfish fisherman I am writing to encourage the New England Fisheries Management Council to take action to eliminate herring midwater trawlers from operating in Groundfish Closed Areas, including rolling closures. Midwater trawlers have a bycatch of groundfish, as evidenced by the haddock bycatch cap that was created in Framework 43 to the Multispecies plan.

Midwater trawl ships pose a threat to the rebuilding of groundfish stocks and to the future of the rebuilt haddock stock. It is inappropriate for these huge vessels to be allowed to operate in areas that are closed to groundfish fishermen. Groundfish fishermen have sacrificed long and hard to conserve the groundfish resource and it is not fair to allow a few huge midwater ships to jeopardize our future and our livelihood.

It's time for the NEFMC to get midwater trawl ships out of Groundfish Closed Areas. Please take action immediately; for our families, for our future.

Sincerely,

Stuart Colby
F/V DAWN T
F/V SEA DANCER

This is an example of 101 received to date which have been forwarded to the Multispecies (GF) Committee.

Atlantic Herring:

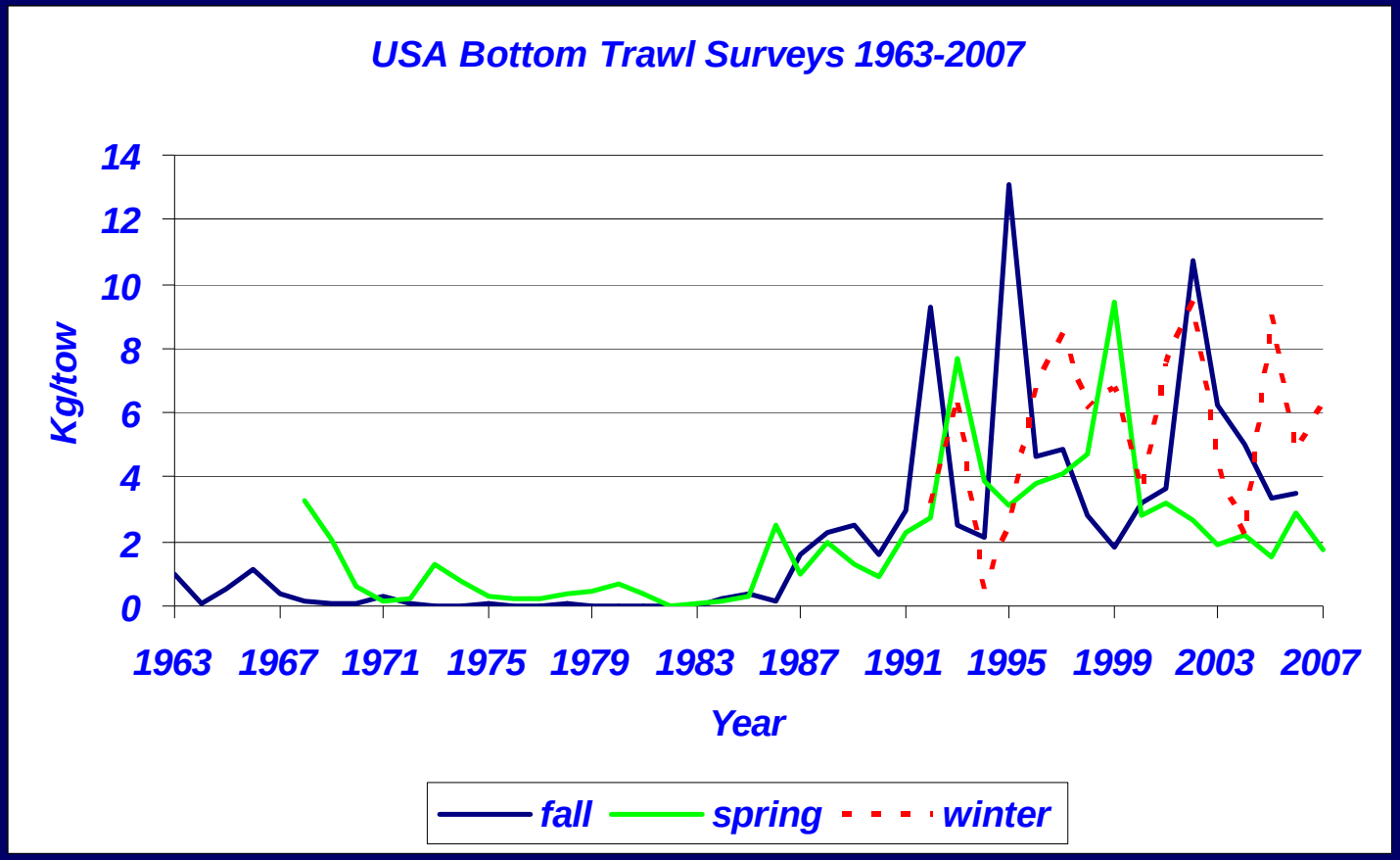
Updated Stock and Fishery Information

Lori Steele, NEFMC Staff, Herring PDT Chair

NEFMC Meeting, September 18-19, 2007

Updated Stock Information

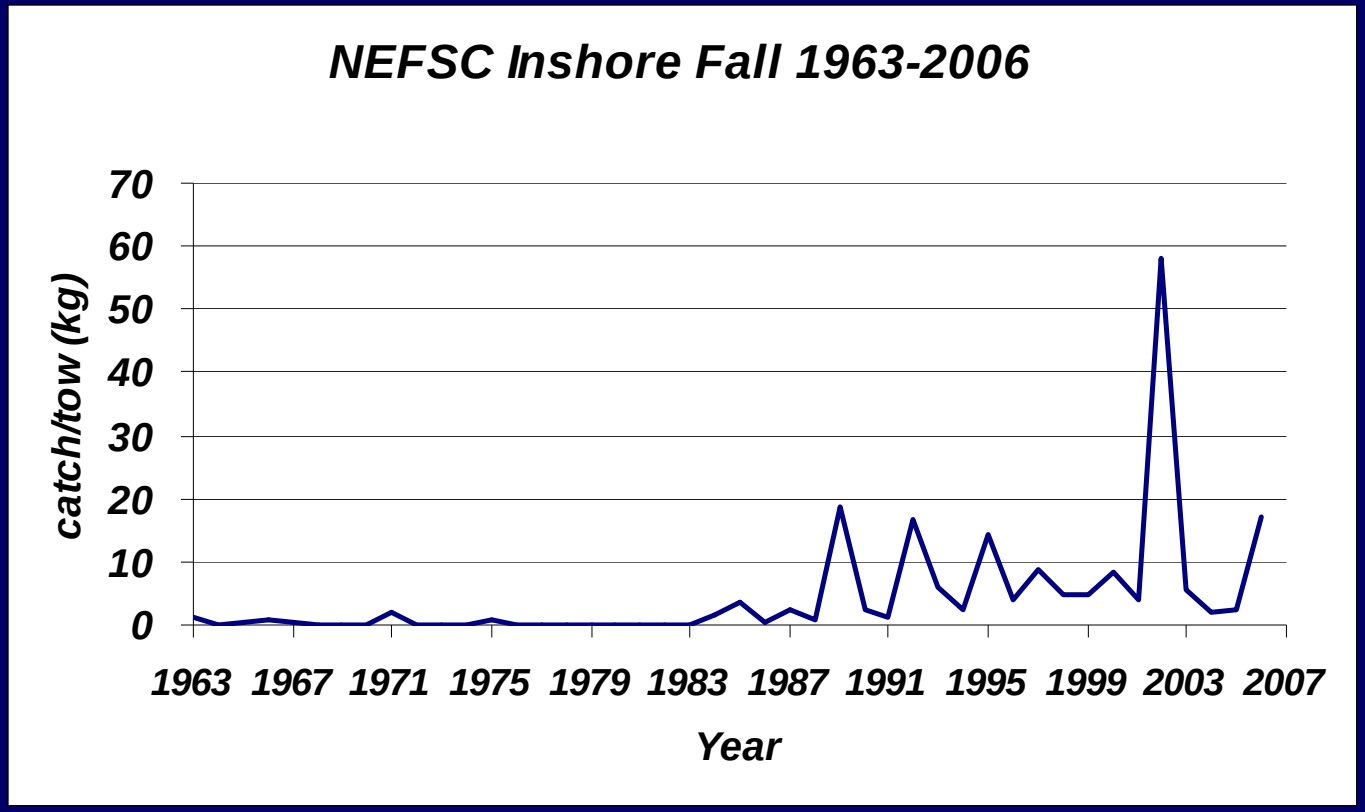
NMFS Trawl Survey – All Strata



- Fall 2006 and Spring 2007 similar to 2005
- No trends apparent in recent years; long-term trends upward

Updated Stock Information

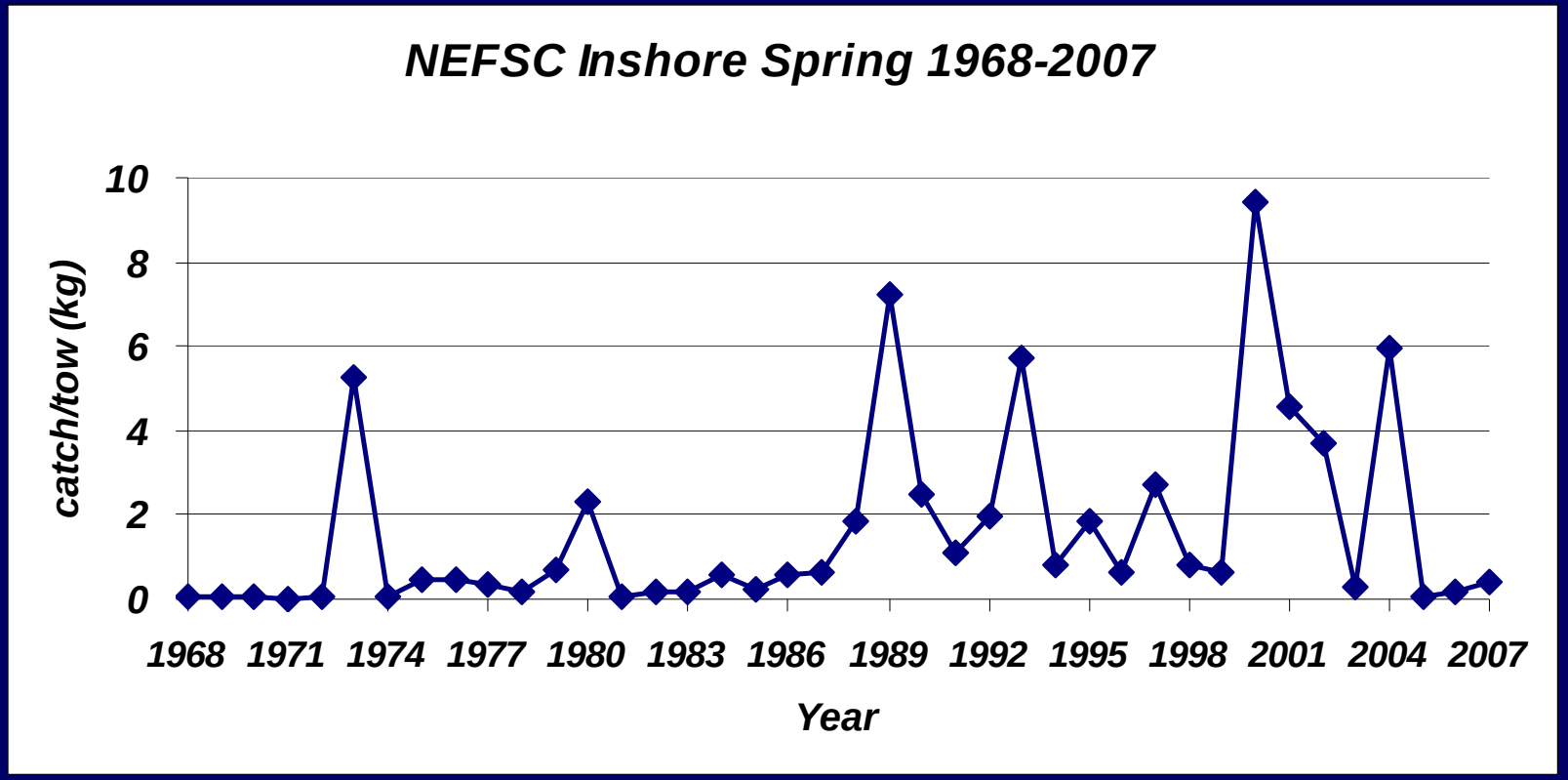
NMFS Trawl Survey – Inshore GOM Strata Only



- Fall 2006 survey increased to second-highest level of the time series

Updated Stock Information

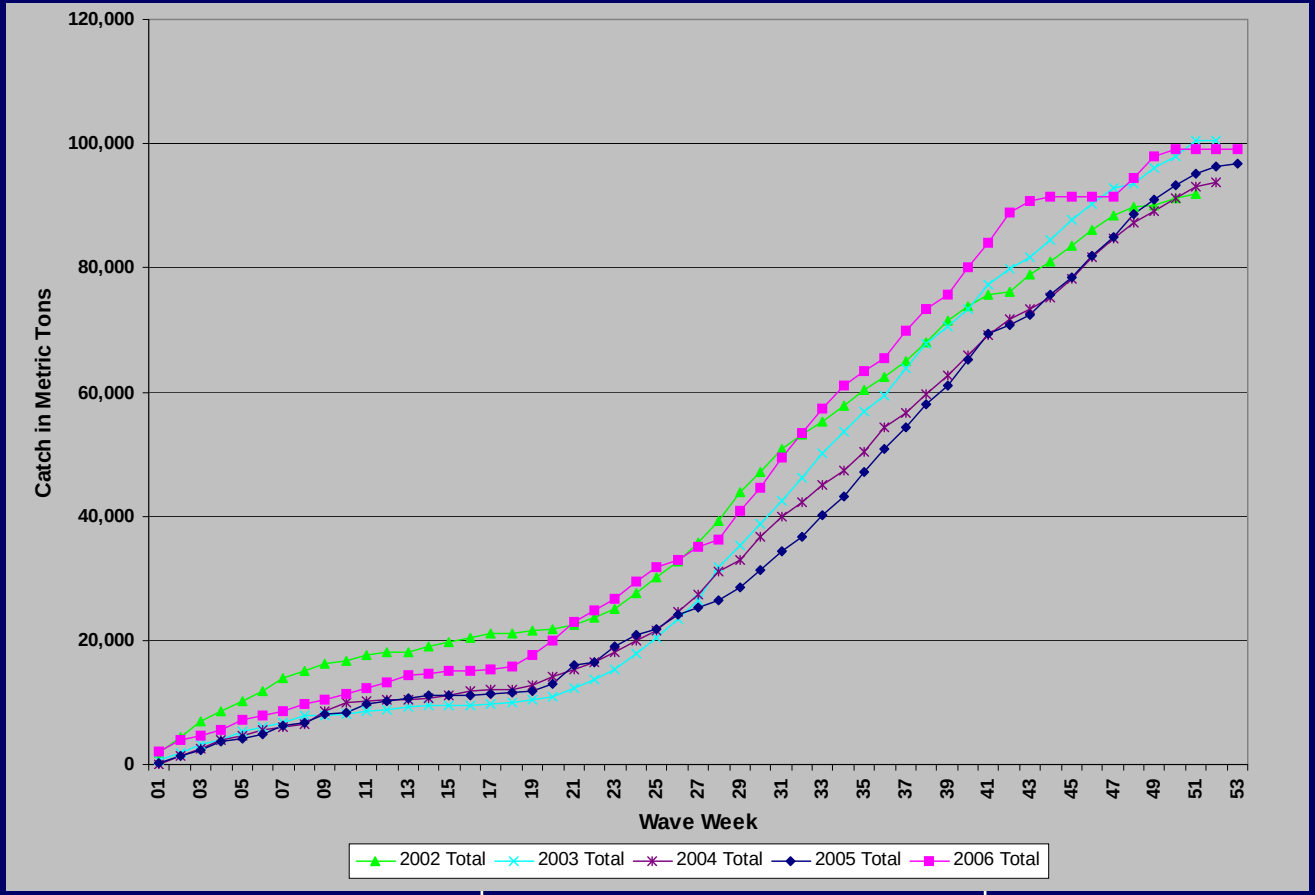
NMFS Trawl Survey – Inshore GOM Strata Only



- Spring 2007 increased slightly from low values during 2005 and 2006

Updated Fishery Information

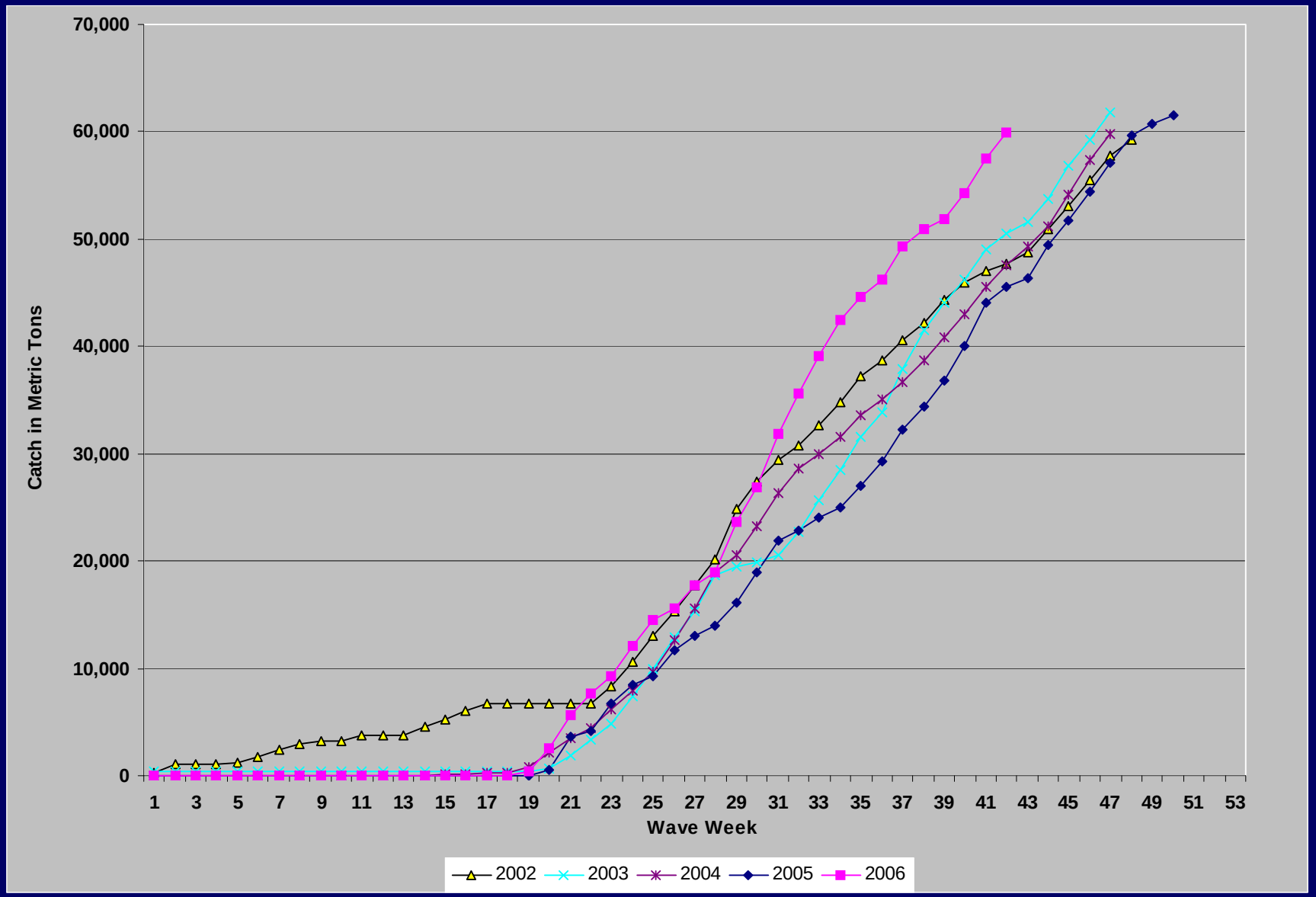
Total Catch from IVR



Management Area	IVR Catch (mt)	% of TAC
Area 1A (Jan 1st – May 31st)	5,612	---
Area 1A (June 1st – Dec 31st)	54,368	---
Area 1A TOTAL	59,980	99.9% of 60,000
Area 1B	13,008	130% of 10,000
Area 2	21,753	72.5% of 30,000
Area 3	4,444	8.9% of 50,000
Total	**99,185**	**66.1% of 150,000**

Updated Fishery Information

Area 1A Cumulative Catch from IVR



Updated Fishery Information

VTR Landings

Gear Type	Year	Area 1A	Area 1B	Area 2	Area 3	Unknown	Total
Bottom Trawl	**2005**	104.0	2.3	1,261.0			1,367.3
	2006	247.8	85.8	1,649.9	2.4	2.6	1,988.5
Pair Trawl	**2005**	32,639.6	2,717.4	1,1008.1	10,074.2	131.5	56,570.9
	2006	32,944.0	10,328.8	16,683.8	4,099.7	681.2	64,737.5
Midwater Trawl	**2005**	10,315.3	3,181.1	2,311.2	3,322.4		19,129.9
	2006	8,404.0	3,805.5	2,789.2	829.0	202.7	16,030.4
Purse Seine	**2005**	16,098.6	207.7				16,306.3
	2006	18,277.8	297.1			108.8	18,683.7
Weir	**2005**						
	2006	444.1					444.1
Other	**2005**	7.3		8.5			15.8
	2006	75.2		11.0	8.2	7.1	101.5
All Gear Types	**2005**	59,164.8	6,108.5	14,588.8	13,396.5	131.5	93,390.1
	2006	60,392.9	14,517.2	21,133.9	4,939.3	1,002.4	101,985.7

- 2006 landings up 9.2% from 2005; Area 1A fully utilized, Area 1B over
- Significant increase in Area 2 fishery and decrease in Area 3 fishery

Updated Fishery Information

- State Waters landings in 2006 totaled about 532 mt from Maine and 14 mt from CT
- Bycatch data for 2006 and 2007 YTD similar to previous years
  - 46 trips observed in 2006 (18 MWT and 28 PT)
  - 198 sea days allocated for 2007, 50 additional “discovery days” for USAP operations (14 trips available in database at time of writing)
  - Spiny dogfish, herring, mackerel, scup, and haddock observed as majority of bycatch; % of total catch small
  - No purse seine trips observed in 2006 or 2007 YTD
- New Brunswick weir fishery landings 11,641 mt in 2006, similar to 2005

Status of Management Actions

- Am. 1 became effective April 11/June 1, 2007
  - 36 Limited Access Directed Fishery Permits, 33 limited access incidental catch, and 2,213 open access permits issued at time of this writing (some still pending)
  - Herring RSA proposals currently under review
- Framework 43 haddock catch cap May 1, 2007– April 30, 2008 is 404,991 pounds
  - 2006/2007 catch cap was 161,377 pounds; 17,709 pounds reported
  - No haddock catch reported for 2007 at time of this writing

2008-2009 Specifications

	2007	NEFMC Recommendation	NMFS Final Rule
ABC	194,000	194,000	194,000
U.S. OY	145,000	145,000	145,000
DAH	145,000	145,000	145,000
DAP	141,000	141,000	141,000
JVPt	0	0	0
JVP	0	0	0
IWP	0	0	0
USAP	20,000 (Areas 2 and 3 only)	20,000 (Areas 2 and 3 only)	20,000 (Areas 2 and 3 only)
BT	4,000	4,000	4,000
TALFF	0	0	0
RESERVE	0	0	0
TAC Area 1A	50,000 (5,000 Jan-May)	50,000 (48,500 fishery;5,000 Jan-May)	45,000 (43,650 fishery;5,000 Jan-May)
TAC Area 1B	10,000	10,000 (9,700 fishery)	10,000 (9,700 fishery)
TAC Area 2	30,000	30,000 (29,100 fishery)	30,000 (29,100 fishery)
TAC Area 3	55,000	55,000 (53,350 fishery)	60,000 (58,200 fishery)
Research Set-Aside	N/A	Area 1A RSA 1,500 Area 1B RSA 300 Area 2 RSA 900 Area 3 RSA 1,650	Area 1A RSA 1,350 Area 1B RSA 300 Area 2 RSA 900 Area 3 RSA 1,800

#5

SMALL PELAGIC GROUP
415 Turnpike Drive
Camden, Maine 04843

September 12, 2007

Paul J. Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Atlantic Herring Fishery/Stock Update

Dear Paul:

On behalf of the Small Pelagic Group I am writing to provide comments on the Council's September 18, 2007, agenda discussion of updated herring stock and fishery information. The Small Pelagic Group is comprised of vessels from Maine and Massachusetts that participate in the herring fishery with both purse seines and midwater trawls.

During the Council's herring specification process for 2007-2009, our members did not support the Council recommendation to lower the Area 1A total allowable catch (TAC) to 50,000 MT. And we were extremely dissatisfied when the National Marine Fisheries Service (NMFS) further reduced the 1A TAC an additional 5,000 MT for 2008-2009.

In 2006, our members did support the Council action to under take a one-year review of the stock and fishery information that you will be considering at your pending meeting. We had hoped that this would provide an opportunity to look at additional data and discuss amending the 2008-2009 specifications to levels that are justified by the risk analysis that indicates that all of the TAC alternatives considered in the specification package, including status quo, were projected to result in removals of the inshore component that are less than historical (1995-2005) removals within the reasonable range of mixing.[1]

We also hope that on September 18, 2007, the Council will have a full discussion regarding the partially approved specifications implemented by the NMFS. The reduction in the Area 1A TAC, and increase in the Area 3 TAC, does not reflect the Council's recommendations or the specifications approved by the Atlantic States Marine Fishery Commission for the herring fishery.

[1] Final 2007-2009 Herring Specifications, Section 5.2.2.1

NMFS justification for the further reduction in the 1A TAC is: (1) concern expressed by the SSC in 2003 regarding removal rates, (2) a retrospective pattern in the stock assessment, and (3) the risk analysis of relative exploitation rates for the inshore resource. We did not find this justification sound given the available information at that time and we find in less sound today.

SSC – Removal Rates

The stock assessment reviewed by the SSC in 2003 is not the best available science. The latest information on the status of the resource is the 2006 TRAC assessment. The catch for Area 1A in the previous assessment contained catch statistics that pre- and post-dated implementation of a hard cap in the area. We agree that catch in the area prior to implementation of the plan was of concern. Since 2000, the fishery has been stable and recent data from the NEFSC bottom trawl survey is positive. We are not aware of the SSC reviewing the current assessment or data on the status of the fishery in 4 years.

Retrospective Pattern

Transference of a retrospective pattern from a complex-wide assessment to a sub-component of the resource for which biomass abundance cannot be estimated is not a scientifically sound application of the available data. The retrospective pattern applies to the stock as a whole and the 29,000 MT buffer between ABC and OY is designed to mitigate these uncertainties. It is inappropriate to reduce the Area1A TAC to account for the retrospective pattern that applies to the whole biomass.

Exploitation Rates

There is no peer reviewed stock assessment for the inshore component of the resource and the PDT concluded that without an assessment for the inshore component, the appropriate target and threshold fishing mortality rates remain uncertain.[2] The exploitation rate analysis utilizes a point estimate of the terminal year biomass from a VPA model that was not accepted at the 2006 TRAC. The VPA produced biomass estimates that would not have allowed for the harvest taken in the last 15 years without a drastic reduction in biomass. The model did not pass the straight face test and was rejected. This calls into question the terminal year biomass estimate and the entire basis of the analysis.

Additionally, it is our understanding that this risk analysis was done at the last minute and was not fully vetted by the PDT. The "informal peer review" noted by the Agency in the final specification rule did not happen as there was not sufficient time for a full debate of the analysis by the PDT.

NMFS Trawl Survey

Much of the concern for the inshore component during the specification process resulted from an updated look at the trends in the NMFS trawl survey that indicated a 2-year decline in inshore abundance in 2004 and 2005. The inclusion of the 2004 and 2005 survey data for the inshore strata suggested that there may have been a 50% decline in the 10-year average of the NMFS bottom trawl survey.

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[2] NEFMC 2007-2009 Herring Specifications, 5.2,

Recent personal communication with the NEFSC indicates that updated survey information, that includes 2006 data, reverses this trend for the inshore component. Though specific numbers and extensive analysis are not available in the Atlantic Herring Fishery/Stock Update prepared by Council staff, the report does indicate a significant increase in numbers and weight per tow occurred during the fall of 2006 and the following 2007 spring survey increased as well.

In Summary
Given our significant concerns about the current specifications for the Atlantic herring, we request the Council consider reviewing a full specification package for the herring fishery prior to the current 3-year 2009 schedule.

In the short term, we also ask the Council to review the new information for the resource and recommend that the NMFS implement the original specification package as submitted by the Council as soon as possible.

Our members have long-term investments in the fishery and support the sustainable harvest of Atlantic herring in the region. We are not benefited from overfishing this resource and need a stable environment for our businesses and the fishing families that we support.

Sincerely yours,

Mary Beth Tooley