



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

JAN 23 2013

C.M. "Rip" Cunningham, Jr., Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Rip:

The New England Fishery Management Council (Council) is scheduled to take final action on the 2013-2015 Herring Specifications/Framework 2 on January 29, 2013. As part of the Atlantic herring (herring) specifications, the Council is considering a range of alternatives for current accountability measures (AMs) in the herring fishery. My staff planned to comment on the proposed AMs during the Herring Oversight Committee meeting, but since that meeting was cancelled, we thought it best to provide these comments to you prior to the Council meeting.

As you know, annual catch limits (ACLs) and AMs were implemented in the Herring Fishery Management Plan (FMP) in 2011. The Herring FMP currently contains two AMs for the herring fishery:

- The management area closure measure helps prevent sub-ACL overages by implementing a 2,000-lb possession limit in a herring management area when 95% of that area's sub-ACL is projected to be harvested; and
- The ACL overage deduction measure accounts for catch in excess of a management area sub-ACL or the stockwide ACL by deducting overages from that area's sub-ACL or the stock-wide ACL in a future year.

Herring catch has exceeded one or more management area sub-ACLs in 2010 and 2011, and preliminary data indicate that 2012 catch exceeded three management area sub-ACLs, as well as the stock-wide ACL. If catch exceeds the stock-wide ACL more than once in 4 years, the National Standard Guidelines suggest a re-evaluation, and modification if necessary, of ACLs and AMs to improve performance and effectiveness. While we believe current reporting and monitoring methods are sufficient to adequately monitor the herring fishery, it is difficult to make catch projections in high volume fisheries, such as herring, and data errors in catch reports, late reporting, and missing reports further complicate catch monitoring. We are planning outreach meetings with the herring industry in 2013 to discuss ways to improve the accuracy of catch reporting in order to improve the timing of management area closures. However, given the recent challenges monitoring the herring fishery, I encourage the Council to select AMs that may better ensure herring catch does not exceed management area sub-ACLs or the stock-wide ACL, and that if overages do occur, that they are deducted from a future year.

Of the AM alternatives under consideration, we support a modified AM Alternative 2, Option B. Revising the trigger at which to implement the 2,000-lb possession limit in a management area



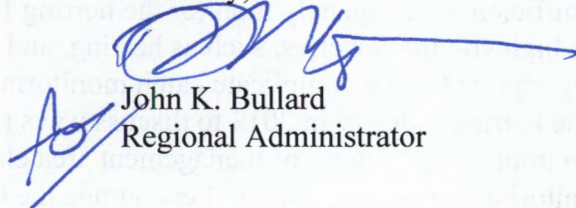
from 95% of the area's sub-ACL to 92% of the area's sub-ACL may help increase the likelihood that catch will not exceed management area sub-ACLs. Additionally, relying on a trigger of 92% of the stock-wide ACL, rather than 95%, to implement the 2,000-lb possession limit in all management areas may better help prevent future stock-wide ACL overages. AM Alternative 2 specifies lb-for-lb ACL/sub-ACL overage deductions effective the following fishing year. We believe it is important to account for overages with lb-for-lb overage deductions, especially since the Council is also considering allowing the carryover of unharvested herring. But, we cannot support overage deductions that would be based on catch as of December 31 and that would take effect the following year.

The current ACL overage deduction measure allows for an interim year to verify and finalize herring catch data before enacting overage deductions. That interim year is necessary because the herring fishery can be active during the entire fishing year (January to December), and herring catch data are not finalized until halfway through the interim year. Typically, quality control checks on herring catch data are completed in February, observer data are finalized in May, and dealer data are finalized in June. Depending on when or if possession limits are implemented in the management areas, relying on data as of December 31 may exclude late vessel trip reports or dealer reports (most late reports are submitted within 2 weeks). If data through mid-January were considered in the final accounting, any overage deductions would not be effective until at least March because of the time needed for proposed and final rulemaking on overage determinations. Implementing overage deductions in March would not be appropriate for management areas that can be intensely fished in January and February, like Area 1B and Area 2. For these reasons, we recommend that AM Alternative 2 be revised to require lb-for-lb overage deductions in the year following the interim year. This overage deduction measure is equivalent to status quo.

Framework 2 proposes that the methodology used to determine carryover and the timing of carryover be the same as the methodology and timing of overage deductions. We agree. Therefore, we also recommend that carryover be effective in the year following the interim year.

I appreciate the time and effort that the Council has put into the 2013-2015 Herring Specifications/Framework 2, and I look forward to working with the Council on these important issues in the herring fishery.

Sincerely,



John K. Bullard
Regional Administrator