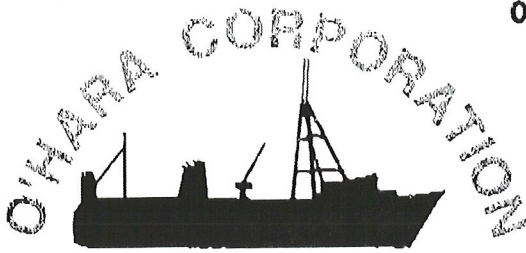


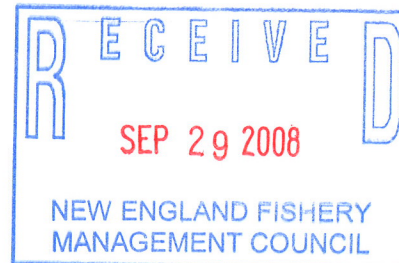
#10



Owners and Managers of Factory Trawlers & Fishing Vessels

Producers & Distributors of
Frozen at Sea Products

120 Tillson Avenue, Rockland, ME 04841
Telephone 207-594-4444 Fax 207-594-0407



September 28, 2008

John Pappalardo, Chairman
Frank Blount, Herring Committee Chairman
New England Fishery Management Council
50 Water Street Mill 2
Newburyport, MA 01950

RE: Alternatives to be considered in Herring Amendment 4

Dear John and Frank,

On behalf of the O'Hara Corporation, I am writing to urge inclusion of alternatives in the development of Amendment 4 to the Atlantic Herring fishery management plan (FMP) that would provide for a limited access privilege program (LAPP) and/or sectors in the herring fishery.

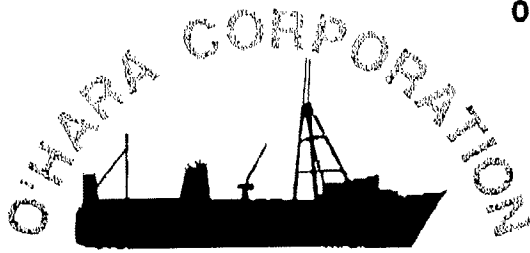
The O'Hara Corporation is a family owned company that has interest in 2 category 1 limited access herring vessels, F/V Starlight and F/V Sunlight, which have long-term historical participation in this fishery. In addition, a subset of our operations is the O'Hara Bait company in Rockland, Maine, a significant supplier of bait to the region's lobster fishery.

In 2000, the Council recommended a management plan that implemented hard quotas and encouraged new participation in the herring fishery. In 2006, the Council recommended a limited access program for the fishery that qualified 3 to 4 times the number of participants than the fishery has historically supported in the Gulf of Maine (GOM) area. In addition, the National Marine Fisheries Service (NMFS) has significantly reduced the amount of herring available to the fishery in the inshore GOM for 2007 through 2009. The race for herring began with the implementation of the FMP and has been further heightened by these recent actions which have resulted in the most intensive race in the GOM in 2008 that the fishery has ever seen.

Effort controls for the fishery are currently implemented by the states under the Atlantic States Marine Fishery Commission's (ASMFC) management plan for Atlantic herring through a "days out of the fishery" program. In recent years this program, which restricts landings to specific days of the week, has proven to be highly controversial and ineffective at managing effort. This management program for the fishery in 2008 has resulted in chaos with contentious monthly meetings, numerous closures of the fishery,

CC: LS, CBK-9/29

He is bringing copies to the 9/30 Herring mtg



Owners and Managers of Factory Trawlers & Fishing Vessels

**Producers & Distributors of
Frozen at Sea Products**

**120 Tillson Avenue, Rockland, ME 04841
Telephone 207-594-4444 Fax 207-594-0407**

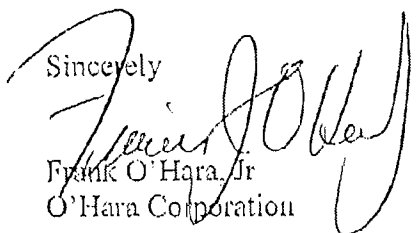
disruption to our markets and constant uncertainty for herring fishermen and those who depend on a steady supply of fresh fish.

Our vessels were restricted to 3 landing days for the entire month of September in 2008 as compared to 20 landing days in most recent years. While we understand that the TAC has gone down, taking this drastic reduction in allowable days during the height of demand by our lobster community for bait indicates a broken management plan for this fishery. Our crews, employees, customers and their families have all been negatively impacted by this process. The states lack the tools needed to manage at this level and the Council needs to step up and advance a new system – we are in need of a different way of doing business.

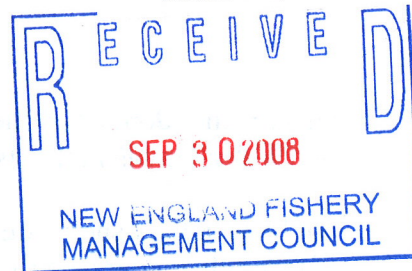
We support the development of a monitoring program for the fishery in Amendment 4 if it is grounded in science with sensible measures that do not add unnecessary costs to our operations. However, we also feel that development of this program must go hand in hand with the development of a rationalized system for managing herring. As a single species fishery that has little interaction with other species, the development of a rights based management program for this fishery is greatly simplified.

The O'Hara Corporation is an integral part of the working waterfront in the State of Maine. Our company needs to be able to remain solvent in our operations, to provide jobs and opportunities that support our families and local fisheries. We request that the Council support a new management plan for the Atlantic herring fishery that will stabilize what is now a flawed process that does not benefit our fishing communities.

Thank you for your consideration of our concerns.

Sincerely

 Frank O'Hara, Jr.
 O'Hara Corporation

He's bringing Cepus to 9/29 Herring nets



September 28, 2008

Paul Howard, Executive Director
Frank Blount, Herring Committee Chairman
New England Fishery Management Council
50 Water Street Mill 2
Newburyport, MA 01950

RE: Alternatives to be considered in Herring Amendment 4

Dear Paul and Frank,

As Category 1 Atlantic Herring Limited Access permit holders, we are writing today to urge you to retain the provision for further development of Limited Access Privilege Program (LAPP) in Amendment 4 to the Herring FMP.

We suggest any consideration of LAPP be limited at this time to Management Area 1A where the fleet is capable of catching the entire TAC. Management Areas 2 and 3 have never reached their catch quota and have significant issues that need to be resolved concerning interaction in the mackerel fishery. Because of these issues we feel the consideration of LAPP in Amendment 4 should be strictly limited to Area 1 only.

As Atlantic Herring permit holders with significant historical landings in Area 1A, we believe that inclusion of LAPP in Amendment 4, specific to Management Area 1A, is needed to allow the fleet to rationalize the existing fishery and so reduce operating costs, improve product quality and reduce conflicts. Please remember our vessels are specially equipped to produce a human food grade product (canned and frozen), in addition to high quality lobster bait.

The current management process for Area 1A has placed the ASMFC State Directors from Maine, NH, and MA in the difficult position of managing the fishery landings through a "days out" process that restricts landings to specific days. This is an awkward attempt to extend the quota well into the fall in order to feed the lobster fishery bait demand in Maine and Massachusetts. The result has been increased closures of the herring fishery, disruption of the markets, lost revenues resulting from inefficient harvesting practices and tremendous conflict between user groups.

In order to comply with the National Standards, we believe there must be a range of qualifying dates included for analysis in the Amendment 4. Our preferred dates for qualifying landings history are January 1, 1993, the starting date for the criteria to qualify for limited access in Area 1, through December 31, 2006, when the Purse Seine only gear restriction in Area 1A was implemented. This range would encompass "historical" as well as "current" participation through and beyond the dates used to determine eligibility for Atlantic Herring Limited Access permits. It also treats both Purse Seine and Midwater Trawl gear type catch histories equitably, as it covers the range of years when

Purse Seines dominated the fishery through the advent and more widespread adoption of MidWater Trawls in the fishery.

We believe the fishery could benefit from Cooperatives, sectors, IFQs or some other form of federally recognized Limited Access Privilege Program. Some Council members and members of the public have been opposed to retaining LAPP options in Amendment 4, purportedly because of the additional work involved to implement such a program. In truth, we have identified functioning LAPP programs in Alaska and the Pacific Northwest fisheries that can serve as "off-the-shelf" models for our herring fishery.

As Category 1 permit holders who consider this a serious issue, we ask you to allow the development of a LAPP to proceed in Amendment 4.

Thank you for your consideration.

Sincerely,

NEW HAMPSHIRE
F/V Jean McCausland
F/V Isabelle Taylor

MASSACHUSETTS
F/V Endeavor
F/V Challenger
F/V Voyager
F/V Dona Martita
F/V Nordic Explorer
F/V Western Hunter
F/V Eastern Hunter

NEW JERSEY
F/V Gulf Stream
F/V Enterprise
F/V Amy Marie
F/V Retriever
F/V Dyrsten
F/V Flicka
F/V White Dove II