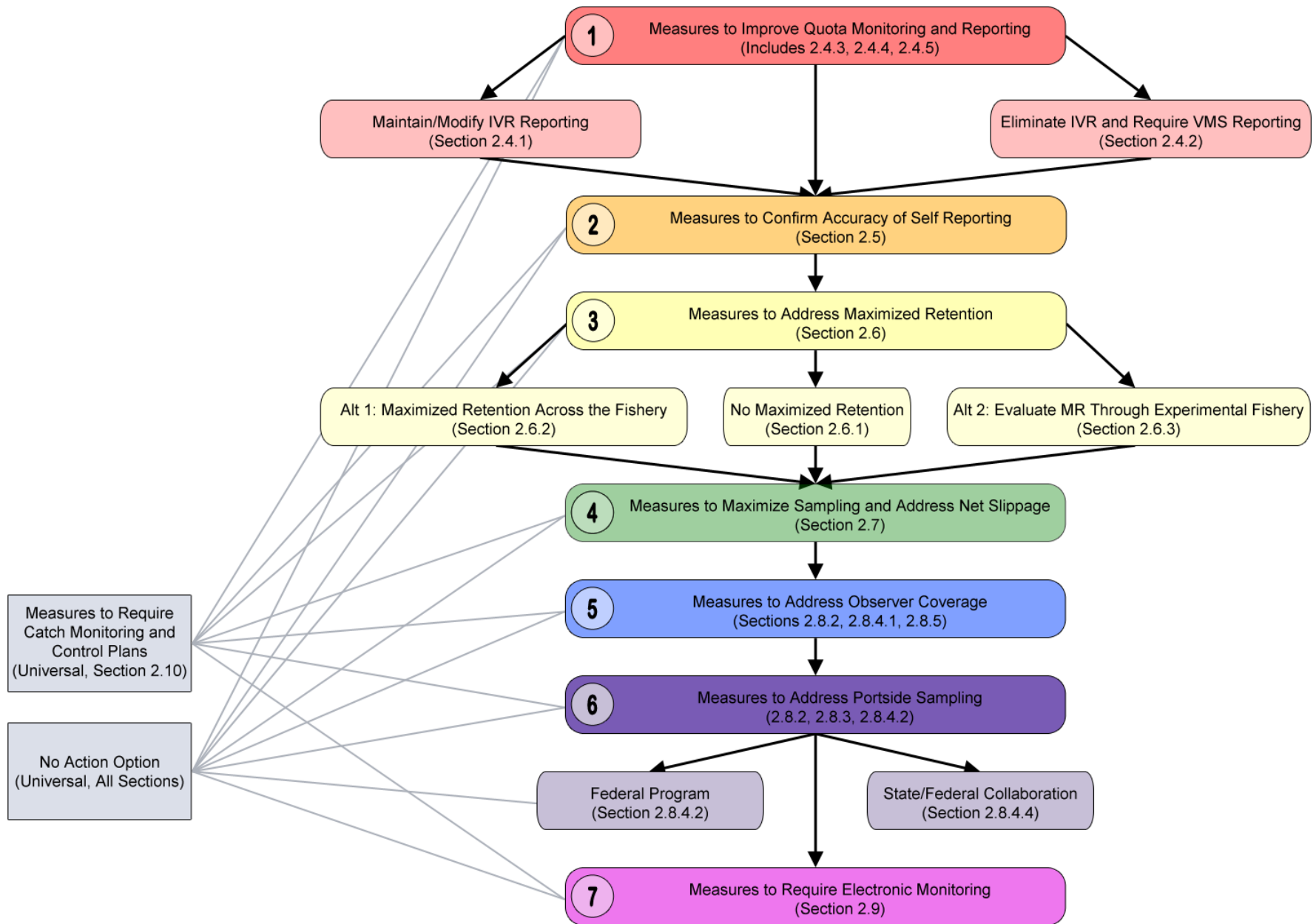


Amendment 5 to the Herring FMP – Catch Monitoring Program



1 Measures to Improve Quota Monitoring and Reporting (Section 2.4)			
Maintain/Modify IVR Reporting Requirements (Section 2.4.1)			
Measures/Options	Section	Ready for Draft EIS	Comments
Option - Require Trip-by-Trip IVR Reporting	2.4.1.3	YES	Option to maintain IVR reporting but change requirement from weekly to trip-by-trip
Sub-Options for Open Access Permit Holders (Category D)	2.4.1.3.1	YES	
Sub-Options for Trip-by-Trip Reporting Deadlines	2.4.1.3.2	YES	
Option - Maintain Weekly IVR Reporting Requirement with New Reporting Deadline	2.4.1.4	YES	Option could apply if IVR reporting is maintained (versus VMS) and 2.4.1.3 is not selected
Option: Eliminate IVR Reporting and Implement VMS Reporting for Quota Monitoring	2.4.1.5	YES	This option reflects the selection of a VMS-based reporting alternative (see flow chart)
Measures to Address VTR/VMS Reporting and Related Provisions (Section 2.4.2)			
Measures/Options	Section	Ready for Draft EIS	Comments
Option: Require Vessel Trip Reports (VTRs) to be Submitted on a Weekly Basis	2.4.2.2	YES	Can apply across all alternatives
Option: Eliminate the VMS "Power Down" Provision for Limited Access Herring Vessels	2.4.2.3	YES	Can apply across all alternatives
Option: Require Daily VMS Reporting of Atlantic Herring Catch and Discards	2.4.2.4	YES	This option reflects the selection of a VMS-based reporting alternative (versus IVR - see flow chart) - options for daily versus trip-by-trip VMS reporting under consideration in this section
Option: Require Trip-by-Trip VMS Reporting of Atlantic Herring Catch and Discards	2.4.2.5	YES	This option reflects the selection of a VMS-based reporting alternative (versus IVR - see flow chart) - options for daily versus trip-by-trip VMS reporting under consideration in this section
Option: Modify the Regulatory Definition of "Offload" for the Atlantic Herring Fishery	2.4.2.6	YES	Can apply across all alternatives

Measures to Address Carrier Vessels and Letters of Authorization (LOAs) (Section 2.4.3)

Measures/Options	Section	Ready for Draft EIS	Comments
Option: Establish a New At-Sea Herring Dealer Permit	2.4.3.3	YES	Can apply across all alternatives
Option: Require VMS on All Carrier Vessels for Declaration Purposes	2.4.3.4	YES	Can apply across all alternatives
Option: Eliminate Minimum 7-Day Enrollment Period + Allow Carriers to Engage in Other Activities During LOA Enrollment	2.4.3.5.1	YES	Can apply across all alternatives
Dual Option for Carriers: Eliminate Min. Enroll Period + Allow Carriers to Engage in Other Activities OR Status Quo Carrier LOA	2.4.3.5.2	YES	Can apply across all alternatives

Measures to Address Vessel-to-Vessel Transfers of Atlantic Herring (Section 2.4.4)

Measures/Options	Section	Ready for Draft EIS	Comments
Option: Establish a Regulatory Definition of Transfer at Sea for the Atlantic Herring Fishery	2.4.4.2	YES	Details regarding definition and sub-options to be addressed during Draft EIS development; can apply across all alternatives
Option: Expand Possession Restrictions to All Vessels Working Cooperatively in the Atlantic Herring Fishery	2.4.4.3	YES	Can apply across all alternatives
Option: Restrict Transfers At-Sea to Only Vessels with Category A or B Limited Access Permits	2.4.4.4	YES	Can apply across all alternatives
Option: Prohibit Transfers At-Sea to Non-Permitted Vessels	2.4.4.5	YES	Can apply across all alternatives
Option: Improve Reporting of Herring Transferred At-Sea to Carriers	2.4.4.6	YES	Can apply across all alternatives

Measures to Address Trip Declaration and Notification Requirements (Section 2.4.5)

Measures/Options	Section	Ready for Draft EIS	Comments
Option: Modify and Extend the Pre-Trip Call-in Requirement to All Limited Access Herring Vessels	2.4.5.2	YES	Details regarding mechanisms for notification to be addressed during Draft EIS development; can apply across all alternatives
Option: Modify and Extend the Pre-Trip Call-in Requirement and Extend Pre-Landing Notification Requirement to All Limited Access Vessels	2.4.5.3	YES	Details regarding mechanisms for notification to be addressed during Draft EIS development; can apply across all alternatives

② Measures to Confirm the Accuracy of Self Reporting (Section 2.5)			
Measures/Options	Section	Ready for Draft EIS	Comments
Option: Require Sealing and Certification of Vessel Fish Holds or Storage Containers	2.5.2	YES BUT NEEDS WORK IN DEIS	Concept is well-developed but many administrative/logistical details still to be developed by/with NMFS; measures to require certification of storage containers are new and require more work/discussion; can apply across all alternatives
Option: Require Weighing or Certification of Dealer Trucks/Transport Vehicles	2.5.3	YES BUT NEEDS SIGNIFICANT WORK IN DEIS	Conceptual only; both options (weighing/certification) are complicated and will require significant work in DEIS; can apply across all alternatives
Option: Require Flow Scales on Herring Vessels	2.5.4	YES BUT NEEDS WORK IN DEIS	Concept is developed but many administrative/logistical details need to be developed by/with NMFS; can apply across all alternatives
Option: CMCP	2.5.5	NOT SURE	Applicability of CMCPs in Amendment 5 remains unclear

3

Measures to Address Maximized Retention

Alternative 1: Apply Maximized Retention Across the Herring Fishery (Sections 2.6.2)

Measures/Options	Section	Ready for Draft EIS	Comments
Option: Species to Which Maximized Retention Applies			
Option: Maximized Retention of All Species	2.6.2.1.1	YES BUT NEEDS WORK IN DEIS	There may be issues associated with requiring retention of several species
Option: Species-Based Maximized Retention	2.6.2.1.2	YES BUT NEEDS WORK IN DEIS	Need to consider ASMFC actions related to retention of river herring, shad, and other managed species; may be some complications re. restrictions on other Council-managed species
Options for Addressing Non-Permitted and Unmarketable Landings			
Option: Amend Other FMPs and Regulations to Allow Landings	2.6.2.2.1	NOT SURE	Feasibility of this option remains unclear; also not clear how MR can apply across the herring fishery if this option is not feasible
Option: Haddock Catch Cap Provisions	2.6.2.2.2	YES (BUT...)	Does not address regulatory issues associated with landing species above trip limits/quotas and/or species for which the vessel is not permitted
Option: Disposal of Non-Permitted Catch	2.6.2.2.3	YES (BUT...)	Does not address regulatory issues associated with landing species above trip limits/quotas and/or species for which the vessel is not permitted
Options for Verifying Compliance with Maximized Retention Provisions			
Option: Video-Based Electronic Monitoring (VBEM)	2.6.2.3.1	NO	Needs more discussion/development; VBEM applicability has not been fully tested in the fishery; feasibility remains unclear; procedures for collection and analysis of data are not specified
Option: Hybrid Option	2.6.2.3.2	NO	Needs more discussion/development; VBEM applicability has not been fully tested in the fishery; feasibility remains unclear; procedures for collection and analysis of data are not specified; includes CMCP provisions, the feasibility of which remain unclear
Option: <100% Verification Coverage	2.6.2.3.3	YES	
Option: Maximized Retention Techniques Addressed Through CMCP	2.6.2.3.4	NOT SURE	Applicability of CMCPs in Amendment 5 remains unclear

Maximized Retention: Phase-In Options

Option: Temporal Phase-In	2.6.2.4.1	NO (BUT...)	Phase-in details should be clearly described and hardwired into amendment; may be possible to discuss and develop further as part of the DEIS
Option: Spatial Phase-In	2.6.2.4.2	NO (BUT...)	Phase-in details should be clearly described and hardwired into amendment; may be possible to discuss and develop further as part of the DEIS
Option: VBEM Phase-In	2.6.2.4.3	NO (BUT...)	Phase-in details should be clearly described and hardwired into amendment; may be possible to discuss and develop further as part of the DEIS

Alternative 2: Evaluate MR through Annual Issuance of Exempted Fishing Permits (Section 2.6.3)

Measures/Options	Section	Ready for Draft EIS	Comments
Option: Four-year EFP described in document	2.6.3	YES BUT NEEDS WORK IN DEIS	Concept is developed but many details need to be developed by/with NMFS

④ Measures to Maximize Sampling and Address Net Slippage (Section 2.7)			
Measures/Options	Section	Ready for Draft EIS	Comments
Options to Maximize Sampling	2.7.2	YES	Can apply across all alternatives
Option: Require Released Catch Affidavit for Slippage Events	2.7.3.1	YES	This is the only option listed in the document under the section for net slippage; should be combined with the options to maximize sampling since many of those options also address net slippage; can apply across all alternatives
Option: CMCP	2.7.3.2	NOT SURE	Applicability of CMCPs in Amendment 5 remains unclear

5 Measures to Address Observer Coverage (Sections 2.8.2, 2.8.4.1, 2.8.5)			
Measures/Options	Section	Ready for Draft EIS	Comments
Proposed Requirements for Observer and Portside Sampling Program Service Providers	2.8.2	YES	Additional details/requirements may be discussed during development of DEIS
At-Sea Monitoring Coverage			
Option: 100% Observer Coverage	2.8.4.1.2	YES	
Option: Require SBRM Observer Coverage Levels	2.8.4.1.3	YES	
Option: Observer Coverage Levels Based on Council Targets	2.8.4.1.4	YES BUT NEEDS WORK IN DEIS	Analysis likely to be expanded/updated in DEIS; also need to describe annual process for determining coverage levels under this option
Option: Observer Coverage Levels Based on Seasonal Stratification (River Herring)	2.8.4.1.5	YES BUT NEEDS WORK IN DEIS	Analysis to illustrate potential coverage levels under this option has not been developed; also need to describe annual process for determining coverage levels under this option
Options to Improve At-Sea Monitoring			
Option: Requirements for a Safe Sampling Station	2.8.5.2	YES	Can apply across all alternatives
Option: Requirements for "Reasonable Assistance"	2.8.5.3	YES	Can apply across all alternatives

6 Measures to Address Portside Sampling (Sections 2.8.2, 2.8.3)			
Measures/Options	Section	Ready for Draft EIS	Comments
Proposed Requirements for Observer and Portside Sampling Program Service Providers	2.8.2	YES	Additional discussion may occur during development of Draft EIS
Portside Sampling Program - Sampling Protocols	2.8.3	YES BUT NEEDS WORK IN DRAFT EIS	PDT ongoing analysis may produce additional recommendations for modifying sampling protocols
Federal Program (Section 2.8.4.2)			
Measures/Options	Section	Ready for Draft EIS	Comments
Option: 100% Portside Sampling	2.8.4.2.2	YES BUT NEEDS WORK IN DRAFT EIS	Challenges associated with 100% portside sampling in this fishery need to be discussed/addressed
Option: <100% Portside Sampling Coverage with Extrapolation	2.8.4.2.3	YES	Appropriateness of expanding portside sampling data to generate (landed) bycatch estimates across the fishery needs to be explored further
Coordination with ASMFC	2.8.4.2.4	YES (CONCEPTUALLY) BUT NEEDS MORE DISCUSSION	Details TBD

⑦ Measures to Require Electronic Monitoring (Section 2.9)			
Measures/Options	Section	Ready for Draft EIS	Comments
Option: Explore (and Possibly Implement) Net Sensor Technology Through "Study Fleet"	2.9.2	YES	Can apply across all alternatives
Option: Explore (and Possibly Implement) Video Monitoring Through a Pilot Program	2.9.3	YES	Can apply across all alternatives
Option: Electronic Monitoring - Require a Height or Bottom Contact Sensor	2.9.4	NOT SURE	Details TBD; process for collecting and analyzing data needs to be described; technical and logistical issues associated with sensor requirements need to be explored further; can apply across all alternatives

Measures to Require Catch Monitoring and Control Plans (Section 2.10)			
Measures/Options	Section	Ready for Draft EIS	Comments
Sectors of the Fishery to which CMCP Requirements Apply	2.10.2	NOT SURE	Applicability of CMCPs in Amendment 5 remains unclear
Required Elements of CMCPs	2.10.3	NOT SURE	Applicability of CMCPs in Amendment 5 remains unclear

Catch Monitoring - Funding Options			
Measures/Options	Section	Ready for Draft EIS	Comments
Options for a Catch Monitoring Set-Aside	2.11.1	NOT SURE	NERO has expressed significant concerns about establishing an RSA-type process for funding catch monitoring (see July 27-28 OS Summary); unclear if the process would be efficient for funding catch monitoring
Option: Fund Catch Monitoring from Federal Funds	2.11.2	YES	
Option: Fund Catch Monitoring from Federally-Permitted Dealers	2.11.3	NO	Unclear/not developed

Measures to Address River Herring Bycatch (Section 3.0)

Alternatives to Identify River Herring "Hotspots" (Section 3.2)

Measures/Options	Section	Ready for Draft EIS	Comments
Hotspot Alternative 1	3.2.1	YES	
Hotspot Alternative 2	3.2.2	YES	
Hotspot Alternative 3	3.2.3	YES	

Management Alternatives to Apply to River Herring Hotspots (Section 3.3)			
Measures/Options	Section	Ready for Draft EIS	Comments
RH Alt 1: Catch Monitoring (No Action)	3.3.1	YES	
RH Alt 2: Apply Closed Area I Final Rule Provisions	3.3.2	YES (BUT...)	Applicability to purse seine vessels needs to be addressed; option to include Category D vessels would require D vessels to use pre-trip call-in notification system (significant expansion of the notification system)
RH Alt 3: Apply Closed Area I Final Rule Provisions with less than 100% Observer Coverage	3.3.3	YES (BUT...)	Applicability to purse seine vessels needs to be addressed; option to include Category D vessels would require D vessels to use pre-trip call-in notification system (significant expansion of the notification system)
RH Alt 4: Move Along Rule with 100% Observer Coverage	3.3.4	YES (BUT...)	Consideration should be given to including the shads (American and hickory); option to include Category D vessels would require D vessels to use pre-trip call-in notification system (significant expansion of the notification system); notification process for move alongs not clear for D vessels that may not have VMS and are not currently included in the pre-trip call-in notification system
RH Alt 5: Move Along Rule with less than 100% Observer Coverage	3.3.5	YES (BUT...)	Consideration should be given to including the shads (American and hickory); would require Category D vessels to use pre-trip call-in notification system (significant expansion of the notification system); notification process for move alongs not clear for D vessels that may not have VMS and are not currently included in the pre-trip call-in notification system
RH Alt 6: Implement SFC-Based Program Through a Framework Adjustment	3.3.6	YES	
RH Alt 7: River Herring Bycatch Avoidance through CMCP	3.3.7	NOT SURE	Applicability of CMCPs in Amendment 5 remains unclear
RH Alt 8: River Herring Closed Areas	3.3.8	YES	

**Measures To Establish Criteria for Midwater Trawl Vessel Access
to Groundfish Closed Areas (Section 4.0)**

Measures/Options	Section	Ready for Draft EIS	Comments
GF Alt 1: Status Quo	4.1	YES	
GF Alt 2: Pre-Closed Area I Provisions	4.2	YES	
GF Alt 3: 100% Observer Coverage	4.3	YES	
GF Alt 4: Apply Closed Area I Provisions to All Year-Round Groundfish Closed Areas	4.4	YES	
GF Alternative 5	4.5	NOT SURE	Elements of this option are unclear and may present legal challenges
GF Alternative 6	4.6	YES	Alternative 6 and Alternative 7 very similar - both close the areas and support experimental fisheries that include certain provisions
GF Alternative 7	4.7	YES	Alternative 6 and Alternative 7 very similar - both close the areas and support experimental fisheries that include certain provisions

Measures To Address Interactions with the Atlantic Mackerel Fishery (Section 5.0)			
Measures/Options	Section	Ready for Draft EIS	Comments
Increase the Open Access Possession Limit to 25 mt in Areas 2/3 Only	5.1.2	YES	
Increase the Open Access Possession Limit to 20,000 Pounds in Areas 2/3 for Vessels with Federal Limited Access Mackerel Permit	5.1.3	YES	
Increase the Open Access Possession Limit to 10,000 Pounds in Areas 2/3 only	5.1.4	YES	