



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
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ATLANTIC HERRING AMENDMENT 1 IMPLEMENTATION SMALL ENTITY COMPLIANCE GUIDE

The National Marine Fisheries Service (NMFS) announces that regulations to implement the Atlantic herring (herring) management program established by Amendment 1 to the fishery management plan were published in the Federal Register on March 12, 2007. This guide consists of three sections. The first section briefly discusses the management measures and their effective dates. The second section outlines the new limited access program established by Amendment 1. The third section outlines the remaining measures. These include existing Atlantic herring management measures that remain in effect, some of which were modified to reflect actions taken in the Amendment. This guide is not a substitute for the regulatory text, which may be obtained at <http://www.nero.noaa.gov> or by calling 978-281-9315.

The limited access program is discussed fully on pages 4-9. NMFS cautions that an application for either a limited access vessel permit or a Confirmation of Permit History (CPH) must be submitted by May 31, 2008, to be eligible for issuance of a limited access permit. Applications will be mailed to all current permit/CPH holders on or about March 19, 2007. Those applications will contain additional information about the limited access permits that are available, and tell the applicants what materials must be submitted for them to prove their eligibility for the various permits. Please wait until you receive the application, before calling NMFS to ask questions about the application process.

This notice is authorized by the Administrator of the National Marine Fisheries Service, Northeast Region.



SECTION 1: AMENDMENT 1 MEASURES AND THEIR EFFECTIVE DATES

Three measures are effective on April 11, 2007:

- Revised boundaries for the four herring management areas (Area 1A, Area 1B, Area 2, and Area 3);
- Measures to authorize a Research Set-Aside (RSA) Program, to allocate a portion of the Total Allowable Catch (TAC) for herring to support research projects; and
- A provision to establish harvest specifications including TAC and other management measures for 3-year periods, with the possibility of annual review and modification.

The following measures are 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.

SECTION 2: LIMITED ACCESS PROGRAM

Rules for Fishing Until May 31, 2007

Vessels issued valid Category 1 or Category 2 herring permits may continue to fish for, possess, and land herring until May 31, 2007. As of June 1, 2007, a vessel must be issued one of the herring permits outlined below, and may only fish for herring as authorized by the permit. Vessels that have Category 1 or Category 2 permits as of May 31, 2007, will automatically be reissued the Open Access Herring Permit on June 1, 2007. Limited access permits could subsequently be issued to such vessels if the owner proves that the vessel is eligible. The requirement to obtain the new permits is being delayed until June 1 to give vessel owners time to gather documents and apply for limited access permits, and to give NMFS sufficient time to review those applications and issue permits. There are four permit types:

- (1) All Areas Limited Access Herring Permit – Authorizes a vessel to harvest herring in any management area without being subject to possession limits when the directed fishery is open.
- (2) Areas 2 and 3 Limited Access Herring Permit – Authorizes a vessel to harvest herring only in Areas 2 or 3 without being subject to possession limits when the directed fishery is open. Such a vessel would have to be issued another permit (Limited Access Incidental Catch or Open Access) to harvest any herring in Area 1A or 1B.
- (3) Limited Access Incidental Catch Herring Permit – Authorizes a vessel to harvest up to 55,000 lb of herring in any management area when the directed fishery is open, with a limit of one landing per calendar day.
- (4) Open Access Herring Permit – Authorizes a vessel to harvest up to 6,600 lb of herring in any management area when the directed fishery is open, with a limit of one landing per calendar day.

Note that in many circumstances a vessel must be issued a Letter of Authorization (LOA) by the Northeast Region Permit Office in addition to a vessel permit. Requirements for LOA's are discussed on pages 11-14.

As discussed below, there is a permit appeals process, which enables the owner of a vessel denied a limited access herring permit to fish for herring, provided that the denial has been appealed, the appeal is pending, and the vessel has on board a letter from the Regional Administrator authorizing the vessel to fish under the limited access category while the appeal is pending.

LIMITED ACCESS ELIGIBILITY CRITERIA

There are two components to the eligibility criteria for the limited access vessel permits: The permit history criteria and the landings criteria (see specific criteria below). A vessel must meet both to qualify for issuance of a limited access permit.

The permit history criteria may be met by a replacement vessel. To qualify as a replacement vessel, the replacement vessel and the vessel being replaced must both be owned by the same vessel owner; or, if the vessel being replaced was sunk or destroyed, the vessel owner must have owned the vessel at the time it sank or was destroyed; or, if the vessel being replaced was sold to another person, the vessel owner must provide a copy of a written agreement between the buyer and the owner/seller documenting that the vessel owner/seller retained the herring permit history and all herring fishing and landings history. This written agreement must be consistent with the permit-splitting provisions outlined below.

A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has not been replaced, should see the section below, which details the process of obtaining a CPH.

Vessel owners may request landings data from NMFS for any period of time during which they owned the vessel, or for any period of time that they can prove with legal documentation (such as a purchase and sales agreement) that the prior owner has authorized them to receive such landings data. Such requests must be made in writing to NMFS/NERO, Fisheries Statistics Office, One Blackburn Drive, Gloucester, MA 01930.

All Areas Limited Access Herring Permit

The vessel must meet one of the two following permit history criteria and the landings criteria:

PERMIT CRITERIA 1 OR 2	LANDINGS CRITERIA
1. The vessel was issued a Federal herring permit (Category 1 or 2) that was valid as of November 10, 2005.	The vessel and/or any vessel it replaced landed at least 500 mt of herring in any one calendar year between January 1, 1993, and December 31, 2003, as verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS (dealers of Atlantic herring were required to obtain a dealer permit and to comply with reporting requirements as of January 10, 2001); OR An owner who can prove that a vessel that was under construction, reconstruction, or under written contract for purchase as of December 31, 2003, may meet the landings criteria if landings were made by December 31, 2004.
2. The vessel is replacing a vessel that was issued a Federal herring permit (Category 1 or 2) between November 10, 2003, and November 9, 2005.	

Areas 2 and 3 Limited Access Herring Permit

The vessel must meet one of the two following permit history criteria and the landings criteria:

PERMIT CRITERIA 1 OR 2	LANDINGS CRITERIA
1. The vessel was issued a Federal herring permit (Category 1 or 2) that was valid as of November 10, 2005.	The vessel and/or any vessel it replaced landed at least 250 mt of herring in any one calendar year between January 1, 1993, and December 31, 2003, as verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS; OR An owner who can prove that a vessel that was under construction, reconstruction, or under written contract for purchase as of December 31, 2003, may meet the landings criteria if landings were made by December 31, 2004.
2. The vessel is replacing a vessel that was issued a Federal herring permit (Category 1 or 2) between November 10, 2003, and November 9, 2005.	

Limited Access Incidental Catch Herring Permit

The vessel must meet one of the two following permit history criteria and the landings criteria:

PERMIT CRITERIA 1 OR 2	LANDINGS CRITERIA
1. The vessel was issued a Federal permit to fish for Herring (Category 1 or 2), <i>Loligo</i> or <i>Illex</i> squid, mackerel, butterfish, and/or whiting (a Northeast multispecies permit serves as a whiting permit), that was valid as of November 10, 2005.	The vessel and/or any vessel it replaced landed at least 33,000 lb (15 mt) of herring in any calendar year between January 1, 1988, and December 31, 2003, as verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS; OR An owner who can prove that a vessel that was under construction, reconstruction, or under written contract for purchase as of December 31, 2003, may meet the landings criteria if landings were made by December 31, 2004.
2. The vessel is replacing a vessel that was issued a Federal permit to fish for Herring (Category 1 or 2), <i>Loligo</i> or <i>Illex</i> squid, mackerel, butterfish, and/or whiting between November 10, 2003, and November 9, 2005.	

APPLICATION PROCESS, ELIGIBILITY DETERMINATIONS, AND APPEALS

Initial eligibility for a herring limited access permit must be established during the first year after the permit is required. To establish eligibility, a vessel owner is required to submit an application for a herring limited access permit or CPH by **May 31, 2008**.

On or about March 19, 2007, NMFS will send vessel permit applications to the owners of all vessels issued a current Northeast Region fishing permit, and to owners who have been issued a CPH for one of the other limited access fisheries in the Northeast Region. In addition, NMFS is conducting a review of herring landings data and will notify the owners of vessels that prequalify for any of the limited access permits. All vessel owners must submit a permit application to formally request the issuance of a limited access

vessel permit. If a vessel is not prequalified, the vessel owner must submit proof, as described above and below, that the vessel made the required herring landings along with the permit application. The owners of prequalified vessels have the option of applying for a more advantageous permit category if they submit additional landings information to demonstrate that the vessel qualifies.

Applicants must clearly identify on the application materials which permits they wish to be considered for, because NMFS will only evaluate the application for those categories. This is important because there are circumstances in which vessels are likely to be eligible for more than one permit type. For example, an owner could have a vessel that meets the eligibility requirements for the Areas 2 and 3 Limited Access Herring Permit, and also meets the eligibility requirements for the Incidental Catch Herring Permit. Such a vessel could be issued both permits, but only if the vessel owner has requested to be considered for both permit types. When the directed fishery is open, a vessel issued these two permits would be authorized to harvest herring from Areas 2 and 3 without being subject to a possession limit, but would be limited to a possession limit of 55,000 lb of herring if it fished any part of a trip in Area 1.

Additional instructions will be provided along with the herring permit applications when they are mailed around the middle of March 2007.

Landings History: To satisfy the landings eligibility criteria for a limited access permit, those landings must be verified by dealer reports submitted to NMFS or documented through valid dealer receipts, if dealer reports were not required by NMFS (dealers of Atlantic herring were required to obtain a dealer permit and to comply with reporting requirements as of January 10, 2001). In those cases where a vessel has sold herring but there are no dealer receipts, and dealer reports are not required by NMFS (e.g., transfers of bait at sea) a vessel owner can submit additional documentation that captures such transactions and proves that the herring thus transferred should be added to the vessel's landings history. The owners of pair trawl vessels may divide the catch history between the two vessels in the pair through third party verification and supplemental information, such as Vessel Trip Reports (VTR) or dealer reporting. The two owners must apply for a limited access permit jointly and must submit proof that they have agreed to the division of their landings.

Qualification Restriction: Consistent with previous limited access programs, no more than one vessel may qualify, at any one time, for a limited access permit or CPH based on that or another vessel's fishing and permit history. If more than one vessel owner claims eligibility for a limited access permit or CPH, based on one vessel's fishing and permit history, the Regional Administrator will determine who is entitled to qualify for the permit or CPH.

Vessel owners who sold a vessel with limited access permits and retained the herring history from that vessel with the intention of qualifying a different vessel for the herring limited access program will not be found eligible for a limited access permit unless the limited access permits on the sold vessel are permanently relinquished by the owner.

Appeal of Permit Denial: There is an appeals process for applicants who are initially denied a limited access herring permit. The applicant must submit an appeal in writing to the Regional Administrator within 30 days of the denial. The only basis for an appeal is to demonstrate that the information used by the Regional Administrator to evaluate the application was incorrect. The owner of a vessel denied a limited access herring permit may fish for herring, provided that the denial has been appealed, the appeal is pending, and the vessel has on board a letter from the Regional Administrator authorizing the vessel to fish under the limited access category while the appeal is pending.

Measures to Govern Future Transactions

The limited access program for Atlantic herring includes the same provisions that have been enacted for previous Northeast Region limited access vessel permit programs to govern future transactions related to limited access vessels, such as purchases, sales, or reconstruction. These are:

CPH: A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person, can apply for and receive a CPH if the herring fishing and permit history of such vessel has been retained lawfully by the applicant. To be eligible to obtain a CPH, the applicant has to show that the qualifying vessel meets the eligibility requirements for the limited access herring permit in question, and that all other permit restrictions are satisfied (e.g., permit splitting). Issuance of a valid CPH preserves the eligibility of the applicant to apply for a limited access permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time. Vessel owners who are issued a CPH can obtain a vessel permit for a replacement vessel based upon the previous vessel's history utilizing the CPH, consistent with the vessel size upgrade restrictions.

Permit Transfers: A herring limited access permit and fishing history is presumed to transfer with a vessel at the time it is bought, sold, or otherwise transferred from one owner to another, unless it is retained through a valid written agreement signed by both parties to the vessel sale/transfer.

Permit Splitting: A limited access permit may not be issued to a vessel if the vessel's permit or fishing history has been used to qualify another vessel for a limited access permit. This means that all limited access permits, including herring limited access permits, must be transferred as a package when a vessel is replaced or sold, or retained as a package through a written agreement signed by both parties to the vessel sale/transfer. An exception to this provision applies when the two separate owners could each qualify their vessels for limited access permits based on fishing conducted using the same hull by each of the owners at different points in the eligibility periods. This would require the original owner to have retained the fishing history and any limited access permits, and to own a vessel that meets the herring permit eligibility criteria. It would also require the purchaser of the vessel to have independently accumulated sufficient herring landings to

meet the eligibility criteria using the vessel, and for the vessel to meet the herring permit eligibility criteria.

Vessel Upgrades: A vessel can be upgraded in size, whether through refitting or replacement, and be eligible to retain or renew a limited access herring permit, only if the upgrade complies with the following limitations. Horsepower (HP) can be increased only once, whether through refitting or replacement, and cannot exceed 20 percent of the vessel's baseline HP. Vessel length, gross registered tonnage (GRT), and net tonnage (NT) can be increased only once, whether through refitting or replacement, and cannot exceed 10 percent of the vessel's baseline specifications for any of these size attributes. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade can be done separately from an engine HP upgrade.

Establishing Vessel Baselines: A limited access vessel's baseline refers to those specifications (length, GRT, NT, and HP) from which any future vessel size change is measured. The vessel baseline specifications for a vessel issued a limited access herring permit are the specifications of the vessel that is initially issued a limited access permit, as of the date that the vessel owner initially applied for such a permit for that vessel. If a vessel owner is initially issued a CPH instead of a permit, the vessel that provided the CPH eligibility establishes the size baseline against which future vessel size limitations will be evaluated.

Vessel Replacements: The term, vessel replacement, refers to replacing an existing limited access vessel with another vessel. In addition to limiting the size of a replacement vessel, this action requires that the same entity must own both the limited access vessel (or fishing history) that is being replaced, and the replacement vessel.

Voluntary Relinquishment: A provision that allows a vessel owner to voluntarily exit a limited access fishery by permanently relinquishing a vessel's limited access fishing eligibility. In some circumstances, this may allow vessel owners to choose between different permits with different restrictions.

Renewal Requirement: A requirement for owners of vessels issued a limited access permit to maintain the limited access permit status by renewing the permits each year by April 30th or applying for issuance of a CPH.

There are certain requirements applicable to vessels issued permits under the limited access program that are discussed in Section 3.

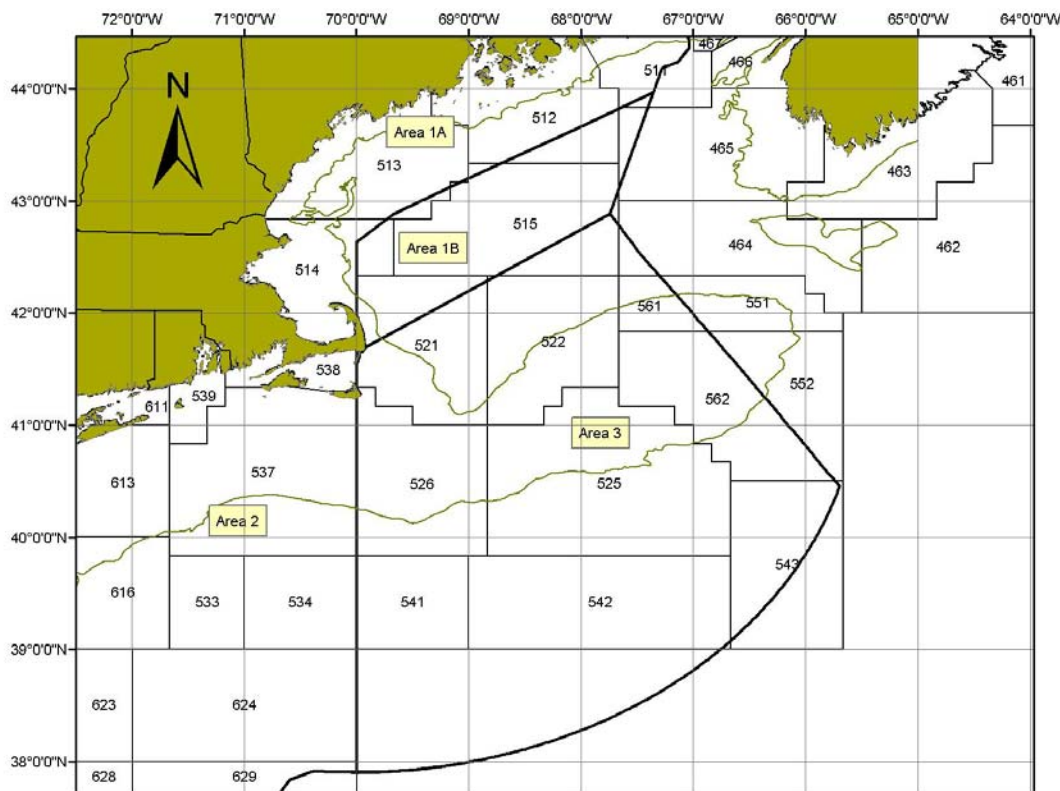
SECTION 3: OTHER MEASURES

Revised Management Area Boundaries

Herring management measures, including TACs, are specified for four management areas (Areas 1A, 1B, 2, and 3). This action revises the area boundaries specified below. To the extent possible, NMFS will use available fishery data to reallocate the 2007 landings that took place prior to the implementation of Amendment 1 to the areas as implemented by this action.

Management Area 2 (South Coastal Area): All waters west of 70° 00' W. long., south of 41°39' N. lat., to include state and Federal waters adjacent to the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.

Management Area 3 (Georges Bank): All U.S. waters east of 70°00' W. long. and southeast of the line that runs from a point at 70°00' W. long. and 41°39' N. lat., northeasterly to the Hague Line at 42°53'14" N. lat., 67°44'35" W. long.



RSA Program

The New England Fishery Management Council (Council) made recommendations for annual fishery specifications that were submitted to NMFS in November 2006. The

Council included RSA recommendations for 2008 and 2009 that would go into effect if Amendment 1 was approved and implemented. This final rule allows the RSA process to begin, and a Request for Proposals (RFP) will be published in spring 2007.

Purse Seine/Fixed Gear Only Area

This action prohibits vessels using single or paired midwater trawls from fishing for herring in Area 1A from June 1 – September 30 of each year. There are no restrictions on the use of midwater trawl gear in Area 1A from October 1 – May 31.

Revised Midwater Trawl Gear Definition

Midwater trawl gear is defined as trawl gear that is designed to fish for, is capable of fishing for, or is being used to fish for pelagic species, no portion of which is designed to be or is operated in contact with the bottom at any time. The gear may not include discs, bobbins, or rollers on its footrope, or chafing gear as part of the net.

Measures to Address Fixed Gear Fisheries

Up to 500 mt of the Area 1A TAC may be allocated for the fixed gear fisheries in Area 1A (weirs and stop seines) that occur west of Cutler, Maine. This set-aside is available for harvest using fixed gear west of Cutler in Area 1A until November 1 each year. If the set-aside is not utilized by the fixed gear fisheries west of Cutler in Area 1A by November 1, then it becomes part of the overall allocation for Area 1A. If 95 percent of the Area 1A TAC has already been reached by November 1 (and the directed fishery in Area 1A is therefore closed), the reallocation of the set-aside would not result in re-opening the directed fishery, but would be available for landings under the 2,000-lb possession limit.

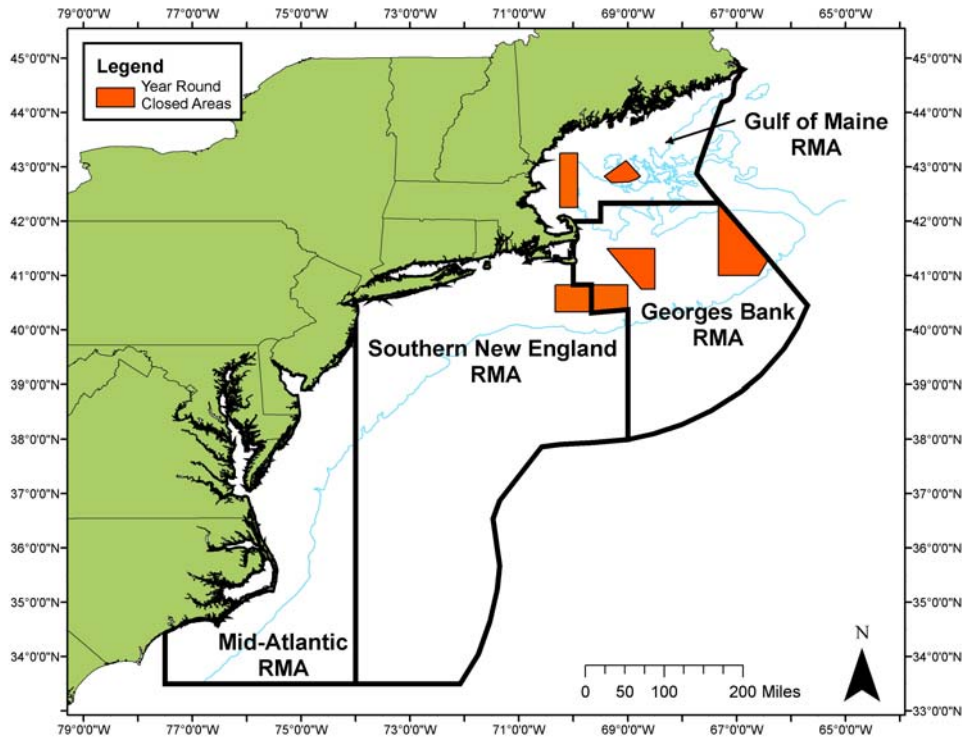
Activities that Require Letters of Authorization (LOAs)

In order to conduct activities described below, a vessel must be issued an LOA in addition to a herring vessel permit. LOAs must be requested in writing from the Northeast Regional Permit Office, and must be issued for a minimum of 7 calendar days. A vessel issued an LOA must comply with the requirements detailed in the LOA.

Midwater Trawl and Purse Seine LOAs

The NE multispecies regulations require this LOA to be issued to any vessel that fishes with midwater trawl gear or purse seine gear in the Gulf of Maine (GOM) or Georges Bank (GB) Regulated Mesh Areas, including Closed Area I, Closed Area II, the Nantucket Lightship Closed Area, and other areas closed for NE multispecies conservation. A chart of the area is provided below.

Regulated Mesh Areas



A vessel may be issued LOAs for midwater trawl and purse seine gear at the same time. A vessel issued either of these LOAs may not fish for, possess or land any species other than Atlantic herring, blueback herring, or Atlantic mackerel when fishing north of 42°20'N. Latitude. Such a vessel may not fish for, possess, or land any species other than Atlantic herring, blueback herring, Atlantic mackerel, *Loligo* squid, or *Illex* squid when fishing south of 42°20'N. Latitude. To possess Atlantic mackerel, *Loligo* squid, or *Illex* squid, a vessel must be issued a valid Federal permit for the species. A vessel issued either of these LOAs is not allowed to fish for, possess or land NE multispecies, except that vessels that have an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit may possess and land haddock or other regulated NE multispecies (cod, witch flounder, plaice, yellowtail flounder, pollock, winter flounder, windowpane flounder, redfish, and white hake) consistent with the bycatch caps and catch allowances discussed on pages 15-16, and specified in §648.86(a)(3)).

Herring Carrier Vessel LOA

In order to operate as a herring carrier vessel, a vessel must be issued a Herring Carrier Vessel LOA in addition to a herring vessel permit. This authorization permits the vessel to transport herring caught by another permitted fishing vessel. The LOA exempts such a vessel from the VMS and IVR vessel reporting requirements; however, all herring carried from each vessel on a given trip must be reported in the vessel's VTR. A vessel issued this LOA must operate exclusively as a carrier vessel, may not conduct fishing activities,

and may not have any fishing gear on board. A herring carrier vessel may not possess, transfer, or land any species other than herring, except NE multispecies transferred from vessels issued either an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit, consistent with the applicable possession limits for such vessels. Herring carrier vessels are exempt from herring possession limits.

LOAs to Transfer Herring at Sea

If a vessel is issued the required LOA in addition to a valid herring permit, it may transfer herring to another vessel. Each time a vessel transfers herring to another vessel is defined as a trip for the purposes of reporting requirements and possession allowances. The following transfers may be authorized by issuance of the appropriate LOA:

Transfers for personal use as bait: The vessel may transfer herring to another vessel at sea that is not issued an herring permit provided the receiving vessel uses the herring solely for personal use as bait, and does not have purse seine, midwater trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board. The transfer may not exceed the possession limit specified in the transferring vessel's herring permit, except that no more than 2,000 lb of herring may be caught or transferred per trip or per calendar day if the management area is closed to directed fishing. The operator of the transferring vessel must report all transferred herring and must show the LOA to a representative of the vessel receiving fish or any authorized officer upon request.

Transfers between permitted herring vessels: Provided both vessels are issued valid herring permits and LOAs, herring may be transferred at sea. At no time may the transferring vessel possess herring in excess of the possession limit specified in its herring permit. In addition, the receiving vessel may not possess herring in excess of the possession limit specified in its herring permit. When the directed fishery is closed in any management area, no more than 2,000 lb of herring may be caught, transferred, or received per trip or per calendar day.

Transfer to permitted at-sea processing vessels: A vessel issued a herring permit may transfer herring to a vessel issued an at-sea processing permit, up to the possession limit specified in the transferring vessel's herring permit, except that no more than 2,000 lb of herring may be caught or transferred per trip or per calendar day if the vessel is in, or the fish were harvested from, a management area closed to directed fishing.

Transfers to herring carrier vessels: The vessel may transfer herring to an authorized herring carrier vessel up to the possession limit specified in the transferring vessel's herring permit, except that no more than 2,000 lb of herring may be caught or transferred per trip or per calendar day if the vessel is in, or the fish were harvested from, a management area closed to fishing as specified.

Transfers to Internal Waters Processing (IWP) or Joint Venture (JVP) Vessels: The vessel may transfer herring to a foreign vessel authorized to receive herring allocated for IWP or JVP activity. There are currently no IWP or JVP allocations.

Transfers for Canadian transshipment: The vessel may transfer herring to an authorized Canadian transshipment vessel, provided the BT specified in the herring specifications has not been attained.

Reporting Requirements

Amendment 1 maintains the current reporting requirements for vessel operators and dealers. These are briefly summarized below.

Vessel Reporting

The operator of any vessel issued a herring permit is required to complete a VTR for every fishing trip. A vessel that transfers herring at sea to another vessel must report all transfers in the VTR. In the case of a transfer of herring between two permitted vessels, each vessel operator must report the amount of herring his/her vessel lands in the respective VTR. Each time the vessel offloads to another vessel is defined as a trip for the purposes of reporting. Herring carrier vessels are exempt from this requirement.

Interactive Voice Response (IVR) System

The operator of any vessel issued a limited access herring permit is required to report herring catches weekly through the IVR call-in system, and to file a negative report if there are no catches in a specific week. IVR reports must be submitted for all herring transferred at sea to an authorized herring carrier vessel or at-sea processing vessel. The operator of any open access herring vessel that land more than 2,000 lb of herring in any week must also report the landings through the IVR. Reports are required even if herring caught during the week has not yet been landed. Herring carrier vessels are exempt from this requirement.

VMS

All vessels issued a limited access herring permit (with the exception of fixed gear fishermen) must have installed an operable VMS unit. The operator must comply with trip notification requirements. The VMS unit may be turned off when the vessel is in port, but the operator must re-power the VMS unit and enter an appropriate trip designation prior to leaving port.

Dealer Reporting

All herring dealers, including at-sea processing vessels, must submit weekly a detailed report of all fish purchased or received for each fishing trip. Each time a vessel offloads herring to an at-sea processing vessel is defined as a trip for the purposes of this reporting requirement.

Measures to Address Bycatch

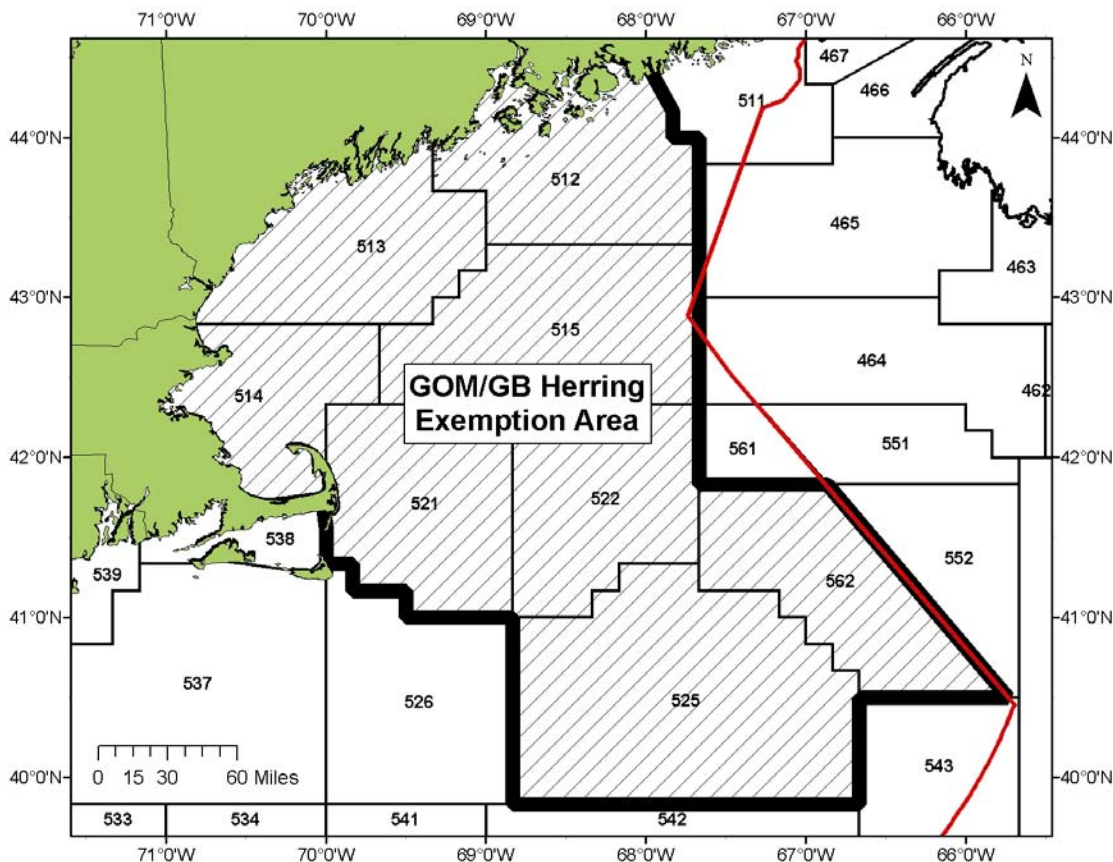
Framework 43 to the Northeast (NE) Multispecies FMP was developed in conjunction with Amendment 1 to address bycatch concerns. Framework 43 was approved, with management measures going into effect on August 15, 2006. Amendment 1 specifies that the measures enacted through Framework 43 now apply to vessels 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 Limited Access Incidental Catch permits or Open Access herring permits are prohibited from possessing any NE multispecies after June 1, 2007.

The bycatch provisions, established by Framework 43, are briefly summarized below, in the context of the limited access program.

- 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 (see map below) 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.

GOM/GB Herring Exemption Area (shaded)



Management Measures Not Revised by Amendment 1, Which Continue to be in Effect

Major measures include:

- Continuation of the existing limit on the maximum size of a vessel that may be issued a permit to fish for herring, of 165 feet length overall, 750 gross registered tons, and 3,000 horsepower. Vessels issued at-sea processing permits are exempt from these size limits;
- Continuation of the measure that allows three types of vessels to fish for, catch, possess, transport, or land herring in or from the Exclusive Economic Zone

without a Federal herring permit: (1) A skiff or other similar craft used exclusively to deploy the net in a purse seine operation conducted by a vessel that is permitted to fish for Herring; (2) A vessel that possesses herring solely for its own use as bait, providing the vessel does not use or have on board purse seine, midwater trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on any trip on which herring is fished for, possessed, or landed, and does not transfer, sell, trade, or barter such herring; and (3) At-sea processors that do not harvest fish, provided that at-sea processor vessels are issued the at-sea processor permit.

- Dealer and operator permit requirements; mandatory reporting requirements for vessel operators and dealers.