



Coalition for the Atlantic Herring Fishery's Orderly, Informed and Responsible Long Term Development

March 17, 2010

Doug Grout, Chairman, Herring Oversight Committee
New England Fishery Management Council
50 Water St, Mill 2 Newburyport, MA 01950

Dear Doug,

I am submitting the following comments regarding Amendment 5 on behalf of CHOIR to request inclusion of a monitoring alternative or alternatives that meet **certain minimum standards** as outlined below, and that provides **actionable data** to inform solutions to the other priorities of the Amendment. CHOIR is an industry coalition made up of over 275 commercial and recreational fishing organizations, fishing and shore-side businesses, researchers and eco-tourism companies.

Monitoring Standards

CHOIR stands by the concept of Maximized Retention, in both the complete package originally contained in the former Alternative 3 or as a modular component of a new alternative. We believe it is the best, and most financially efficient, long-term solution for monitoring within the herring industry. However, we recognize that implementation of Maximized Retention may require more time and short-term investment than other options.

If the Council chooses to develop a more traditional alternative in addition to one with maximized retention it should meet the following minimum standards. These standards are based on sensible practices from other large-boat, high-volume U.S. fisheries, as well as other New England hard TAC fisheries. CHOIR recommends this program apply only to Category A and Category B vessels at this time, ensuring coverage of over 95% of the catch in the fishery.

- **Coverage:** An alternative based on the existing system would utilize NMFS At-Sea Observers as the functional core. 100% coverage is needed considering the size and fishing power of this fleet and its preponderance of rare but significant bycatch events. However, lower coverage rates could be considered provided there is a binding minimum level. CHOIR recommends that this be set at or above 50%. In addition, observers should be required on both vessels during pair trawling if the trip is targeted for observation.
- **Transparent Extrapolation:** A minimum coverage less than 100% should only be included if there will be fully transparent, near real-time fleetwide extrapolation of all catch. This would be no more restrictive than what NMFS currently provides to the public for hard TAC programs in the groundfish fishery (i.e. U.S./Canada Resource Sharing Area or Special Access Programs) and is set to provide for all groundfish sectors in fishing year 2010.

- **Maximized Sampling:** At-sea discarding of unobserved catch on otherwise observed trips (dumping, slippage) should be explicitly minimized through regulation in order to allow for accurate data to be gathered by this monitoring system. CHOIR requests that an alternative be crafted that attaches accountability measures (trip termination, dumping caps, etc) to all dumping events. Safety is important but should not be used as an excuse to frustrate the development of new ideas that will help quantify true catch and discard rates.
- **Eliminate Reliance on Self-Reporting:** Third party observation and monitoring should be the backbone of this monitoring system in order to obtain the best data possible. Tools like the “Code of Conduct” will not work and should be removed from the Amendment. All catch (discard and landing) totals should be verifiable through actual weights or volumetric proxies and not based on captain’s estimates alone.

Actionable Data

The new monitoring program should provide high quality, near real time data to inform the other priorities within Amendment 5: new measures to address river herring bycatch, herring vessel access to groundfish closed areas, and protection of spawning aggregations. Properly designed and paired with triggered time and area closures, the monitoring program can eliminate the need for predetermined and ineffective closures, benefitting the ecosystem and the herring industry at the same time. It will require coordinated development of all aspects of the Amendment.

Conclusion

CHOIR seeks a monitoring program our stakeholders can have faith in, and one that will ultimately protect both the resource and the herring industry. While there was more to the recent cuts than scientific uncertainty, the bottom line is that better monitoring can lead to larger quotas and other benefits for the industry and the region. A recent enforcement memo revealed that 18 herring dealers and vessels of all gear types are entangled in reporting infractions and errors totaling approximately 36,000,000 pounds of herring. A new monitoring system based on third-party observer reports would not only meet the Amendment 5 objective of eliminating reliance on self-reporting, it would reduce scientific uncertainty and would also mean nearly every one of these expensive and divisive enforcement actions would never have been necessary.

We continue to believe that Maximized Retention represents the best option for building a comprehensive monitoring program in the herring fishery; however the ongoing process of restructuring the monitoring portion of Amendment 5 has fragmented the comprehensive program we designed. In light of this, and the resumption of work with new mandates from the Council, we present these additional ideas for potential inclusion in the range of alternatives.

Thanks for your time,



Steve Weiner, Chair