



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

December 8, 2000

Dear Permit Holder:

New regulations for the Atlantic herring fishery have been approved. The total allowable catches (TACs), TAC controls, and specifications take effect on December 11, 2000, and most of the remainder of the measures take effect on January 10, 2001, except for the vessel monitoring system (VMS) requirements, which take effect on March 12, 2001. The new regulations are designed to manage the Atlantic herring fishery and prevent overfishing of the Atlantic herring resource.

The regulations include the following measures: Permitting and reporting requirements; VMS requirements; management areas and sub-areas; initial and annual specifications; TACs; incidental catch allowances; transfer-at-sea restrictions; vessel size limits; an annual review and framework adjustment process; joint venture restrictions; and other measures for administration and enforcement purposes.

Please read this letter carefully to determine specifically when the new requirements that may affect you become effective.

FISHING YEAR

Fishing years begin January 1 and end December 31 of each calendar year. (*Fishing year 2000 began January 1, 2000, and ends December 31, 2000.*)

VESSEL PERMITS - Effective January 10, 2001

All commercial U.S. vessels fishing for, catching, possessing, or landing herring in or from the exclusive economic zone (EEZ) are required to obtain a Federal Atlantic herring permit. U.S. vessels equal to or greater than 165 ft length overall (LOA), or greater than 750 gross registered tons (GRT), or greater than 3,000 horsepower are **not** eligible for a permit to fish for, or catch, herring. However, U.S. vessels greater than 165 ft LOA or greater than 750 GRT, regardless of horsepower, may obtain a processing permit to process or receive herring in the EEZ (limited to the amount allocated for U.S. at-sea processing (USAP) pursuant to the specification process).

L There are two types of Federal Atlantic herring vessel permits:

Category 1 (VMS required) Permit

Any eligible vessel that caught more than 500 metric tons (mt) of Atlantic herring during calendar year 2000, or intends to catch more than 500 mt of Atlantic herring during calendar year 2001, must include a statement to that effect when submitting the Category 1 permit application to



NMFS. For the permit to remain effective beyond March 11, 2001, the applicant must install a NMFS-approved VMS and submit a VMS vendor installation receipt to the Permits Office, One Blackburn Drive, Gloucester, MA 01930-2298, no later than March 12, 2001. *Failure to submit such proof of installation by this date will automatically void the Category 1 Atlantic herring vessel permit.*

Category 2 (non-VMS) Permit

Any eligible vessel that did not catch more than 500 mt of Atlantic herring during calendar year 2000, and that does not intend to catch more than 500 mt of Atlantic herring during calendar year 2001, does not require a VMS and may apply for a Category 2 Atlantic herring vessel permit.

***Note** - *A charter/party vessel operating as a charter/party vessel does not require a commercial Atlantic herring vessel permit.*

OPERATOR PERMITS - Effective January 10, 2001

An operator is defined as the master, captain, or any other individual on board a fishing vessel who is in charge of that vessel's operations. Any operator of a vessel issued a Federal Atlantic herring permit must obtain an operator permit in order to land Atlantic herring. The operator permit must be carried on board. Vessel operators who previously received an operator permit for another Federal fishery need **not** reapply.

***DEALER PERMITS - Effective January 10, 2001**

Any person who purchases or receives Atlantic herring for a commercial purpose other than solely for transport, or for pumping operations, or for the purchaser's own use as bait, from a vessel issued a Federal Atlantic herring permit must obtain a Federal Atlantic herring dealer permit. *(For instance, anyone lawfully purchasing Atlantic herring from a vessel to sell, including a pump operator if he or she purchases from the vessel directly, must obtain a Federal Atlantic herring dealer permit.)*

Any person owning or operating a processing vessel that receives any Atlantic herring from a vessel issued a Federal Atlantic herring permit, whether at sea or in port, must also obtain a Federal Atlantic herring dealer permit.

Any owner of a vessel issued a Federal Atlantic herring permit may sell only to dealers with a valid Federal Atlantic herring dealer permit.

***PROCESSOR PERMITS - Effective January 10, 2001**

Any person who receives unprocessed Atlantic herring either from a

fishing vessel issued a Federal Atlantic herring permit or from an Atlantic herring dealer **for the purposes of processing** must obtain a Federal Atlantic herring processor permit.

Any person owning or operating a fishing vessel that processes Atlantic herring in or from the EEZ must obtain a Federal Atlantic herring processor permit.

Any Atlantic herring dealer who purchases Atlantic herring from a fishing vessel with a Federal Atlantic herring permit **for resale as bait** must obtain a Federal Atlantic herring processor permit.

***Note - A person who meets the requirements of both the dealer and the processor permits will need to obtain both.** (For example, a person who purchases herring directly from a vessel and then sells it as bait will need both permits.)

LETTER OF AUTHORIZATION (LOA) - Effective January 10, 2001

An Atlantic herring carrier is defined as a fishing vessel with an Atlantic herring permit that does not have any gear on board capable of catching or processing herring and that has on board a letter of authorization from the Regional Administrator to transport herring caught by another fishing vessel. An Atlantic herring carrier vessel permitted under the regulations must have been issued and have on board an LOA to transport Atlantic herring caught by another permitted fishing vessel. The LOA exempts such vessel from the VMS and Interactive Voice Response (IVR) reporting requirements, except as otherwise required by the regulations.

MANDATORY REPORTING - Effective January 10, 2001

Vessel Monthly Fishing Log Reports

If you have a Federal Atlantic herring permit, you must submit reports for all fishing trips, regardless of species fished for or taken. These reports must be submitted monthly (no later than the 15th day of the following month after a fishing trip(s)) and, if no fish are landed or no fishing trip is taken during a month, a report so stating must be submitted. You will be sent forms and instructions, including the address to which to submit reports, shortly after you receive your Federal Atlantic herring permit.

Vessel Weekly Fishing Log Reports

Owner/operators of vessels issued a Federal Atlantic herring Category 1 permit (requires a VMS unit) must also call in a report (to an IVR system) for each week of the year, even if still at sea, including weeks in which herring is not caught. Reports must be submitted by Tuesday of the following week for the reporting

week in question.

Owners/operators of vessels issued a Federal Atlantic herring Category 2 permit (**not** required to have a VMS unit on board) that catches more than 2,000 lb of Atlantic herring on any trip in a week, must submit an Atlantic herring catch report via the IVR system by Tuesday of the following week for the reporting week in question, even if the herring has not yet been landed.

Dealer Weekly Reports

All dealers holding a Federal Atlantic herring dealer permit are required to report detailed information by mail on any species purchased directly from vessels each week. Reports must be received by Tuesday of the following week for the reporting week in question. If no fish is purchased during the week, a report so stating must be submitted. Each dealer will be sent forms and instructions, including the address to which to submit reports, shortly after receipt of a Federal dealer permit.

Although dealers for other Northeast Region quota-managed species are also required to submit a weekly summary report to an IVR system, dealers holding only an Atlantic herring dealer permit and no other Federal dealer permit are excused from the IVR summary report requirement (*unless the Regional Administrator determines at some later date that there is a need for IVR reports*).

Processor Annual Reports

Atlantic herring processors are required to submit annually the Fishery Products Report, U.S. Processors, Annual Survey, (NOAA Form 88-13). Each processor will be sent NOAA Form 88-13, with instructions, including the address to which to submit it, shortly before the Report is due.

VMS REQUIREMENTS - Effective March 12, 2001

The owner of a vessel fishing with an Atlantic herring vessel Category 1 permit must purchase and install a VMS unit no later than March 12, 2001. The VMS unit must be operational anytime a vessel is underway, but does not have to be operating when a vessel is moored or maneuvering in a harbor and not fishing.

MANAGEMENT AREAS - Effective December 11, 2000

Three management areas, which may have different management measures, are established for the Atlantic herring fishery. Management Area 1 is subdivided into inshore and offshore Sub-areas 1A and 1B.

Note - See Attachment for the coordinates and a chart of the herring

management areas.

SPECIFICATIONS (Adjusted) - Effective December 11, 2000

"Specifications" for herring specify by category different amounts of herring used to determine how much herring is available to different fishing sectors. The adjusted annual specifications (metric tons) for the Atlantic herring fishery for January 1 through December 31, 2000 are as follows:

Specification	Atlantic Herring
Allowable Biological Catch (ABC)	300,000
Optimum Yield (OY)	224,000
Domestic Annual Harvest (DAH)	224,000
Domestic Annual Processing (DAP)	180,000
USAP	20,000
Boat Transfer (BT)	4,000
Joint Venture Processing (JVP) Total (JVPT)	20,000
JVP - Management Areas 2 and 3	10,000
Internal Waters Processing (IWP)	10,000
Total Allowable Level of Foreign Fishing (TALFF)	0
Reserve	0

TOTAL ALLOWABLE CATCH (TAC) (Adjusted) - Eff. December 11, 2000

Adjusted Area TACs for Fishing Year January 1, 2000, through December 31, 2000

Management Area	TAC (mt)
Area 1A	60,000
Area 1B	10,000
Area 2	50,000
Area 3	50,000
TAC Reserve - Area 2	<u>54,000</u>
TAC Total	224,000

IMPORTANT

AREA 1A CLOSURE - Effective December 14, 2000

The directed fishery for herring will be closed in a management area after the date on which 95 percent of the area TAC would be caught, as

projected by NMFS. **THIS INFORMS YOU THAT THE DIRECTED FISHERY FOR ATLANTIC HERRING IN MANAGEMENT AREA 1A IN THE EEZ IS CLOSED, EFFECTIVE DECEMBER 14, 2000.**

Based on landings data and other available information NMFS has determined that 95 percent of the Area 1A TAC of 60,000 mt has been harvested. After 0001 hours, December 14, 2000, vessels may not fish for, possess, catch, transfer, or land more than 2,000 lb of Atlantic herring per trip and/or more than 2,000 lb of Atlantic herring per calendar day. **This closure will cease at 0001 hours, January 1, 2001.** Vessels may continue to transit Area 1A with more than 2,000 lb of herring on board, providing all fishing gear is stowed and not available for immediate use.

A chart depicting Management Area 1A and its coordinates are attached to this letter.

INCIDENTAL CATCH ALLOWANCE - Effective December 11, 2000

After an area is closed to directed fishing, vessels are allowed to possess, transfer, or land equal to or less than 2,000 lb of herring in or from the closed area. Vessels that harvest greater than 2,000 lb of herring in an open area are allowed to transit the closed area, provided all gear is stowed during transit.

TRANSFER AT SEA - Effective December 11, 2000

There are no specific restrictions on transfers of herring at sea, unless a management area is closed to directed fishing for Atlantic herring (i.e., closed to vessels harvesting more than 2,000 lb of Atlantic herring per trip) and/or other restrictions in the regulations apply. When a management area is closed to directed fishing for Atlantic herring, vessels may not possess or harvest more than 2,000 lb of herring per trip, nor transfer more than 2,000 lb of herring per day in or from an area subject to the closure. A vessel may not transfer or sell any herring taken from a closed area to a joint venture vessel.

U.S. catcher vessels may not transfer herring to the Canadian herring carriers (up to 14) authorized by the Secretary of Commerce to transship U.S.-caught herring to Canada after the amount of herring transshipped equals the amount of the boat transfer specification. Moreover, such transshipments must occur east of 69°30'W. longitude and within the boundaries of the State of Maine.

ROE FISHERY - Effective January 10, 2001

The harvest of Atlantic herring for roe is allowed, provided the carcasses are not discarded. The Council will monitor the development

of a roe fishery and may, in the future, recommend a limit on the amount of herring that may be harvested for roe.

Because these regulations implement a Fishery Management Plan for Atlantic herring I encourage you to keep this letter handy for future reference. However, this letter is only a summary of the major regulatory measures in the Federal regulations and is not considered a substitute of the actual regulations. There are other requirements that may not be summarized. To read the requirements in their entirety, I strongly suggest that you request a complete copy of the regulations by calling the Sustainable Fisheries Division at 978-281-9315, or by accessing the Federal Register Online through our Internet home page at <http://www.nero.nmfs.gov/ro/doc/nero.html>.

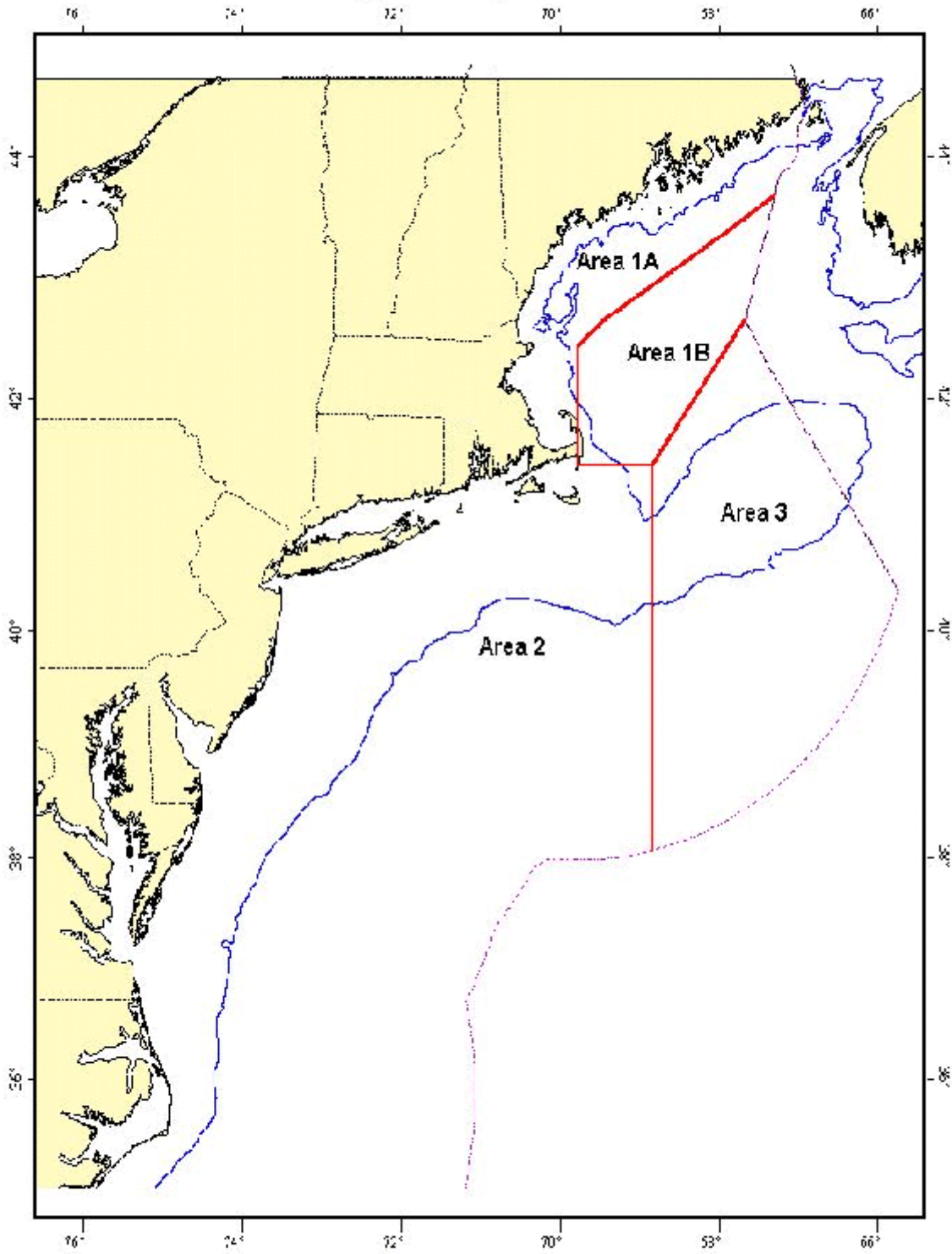
If you have any questions relating to permits or want to request a permit application, please call the Permits Office at 978-281-9370. For further information concerning vessel logbook reporting and recordkeeping, please contact the Fisheries Statistics Office at 978-281-9246. For further information concerning vessel reporting on the NMFS IVR system, contact the Fishery Statistics Office at 978-281-9296.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized and cursive.

Patricia A. Kurkul
Regional Administrator

Herring Management Areas



Management Area 1 (Gulf of Maine)

All U.S. waters of the Gulf of Maine (GOM) north of a line extending from the eastern shore of Monomoy Island at 41° 35' N. lat., eastward to a point at 41° 35' N. lat., 69° 00' W. long., thence northeasterly to a point along the Hague Line at 42° 53' 14" N. lat., 67° 44' 35" W. long., thence northerly along the Hague Line to the U.S.-Canadian border, to include state and Federal waters adjacent to the States of Maine, New Hampshire, and Massachusetts.

Management Area 1 is divided into Area 1A (inshore) and Area 1B (offshore). The line dividing these areas is described by the following coordinates:

N. Latitude	W. Longitude
41° 58'	70° 00' (at Cape Cod shoreline)
42° 38.4'	70° 00'
42° 53'	69° 40'
43° 12'	69° 00'
43° 40'	68° 00'
43° 58'	67° 22' (the U.S.-Canada maritime Boundary)
(1)	(1)

⁽¹⁾Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

Management Area 2 (South Coastal Area)

All waters west of 69° 00' W. long. and south of 41° 35' 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 69° 00' W. long. and southeast of the line that runs from a point at 69° 00' W. long. and 41° 35' N. lat., northeasterly to the Hague Line at 67° 44' 35" W. long. and 42° 53' 14" N. lat.