

Amendment 5 to the Atlantic Herring Fishery Management Plan
NERO staff comments on at-sea transfer provisions
September 14, 2009

1. *Reporting requirements for vessels issued Carrier Letters of Authorization (LOAs).*

The regulations at 50 CFR §§ 648.4(a)(10)(ii) and 648.7(b)(2)C state that vessels issued Carrier LOAs must be Atlantic herring permit holders, but exempts vessels operating under a Carrier LOA from VMS and IVR reporting requirements. It is unclear which set of requirements—the reporting requirements associated with the herring permit or the reporting requirements associated with the LOA—take precedence. NERO staff has interpreted this disconnect to mean that the permit requirements take precedence, but the Council needs to clarify reporting requirements in the regulations.

It would be helpful to our monitoring and enforcement efforts to require vessels operating under Carrier LOAs to submit negative IVR reports for the trips during which they function as carriers. For vessels acting as carriers that are subject to VMS reporting requirements through the herring or other fisheries, it may be practical to require that vessel declare out of the herring fishery in VMS. As the situation currently stands, we receive no IVR reports from vessels acting as carriers. This means that when we run checks for IVR compliance, we have to review the list of vessels that come up as non-compliant to make sure that none of them are actually fishing under a Carrier LOA.

As a final addition, observer program call-in requirement should be clearly expanded in the regulations to cover vessels operating under Carrier LOAs.

2. *Reporting requirements for at-sea transfers.*

There is confusion about reporting at all stages of at-sea transfers. It is clear from the regulations (§ 648.7(2)(i)(D)(2)) that a trip is defined as “each time the [catcher] vessel offloads to the carrier vessel... for the purposes of reporting requirements and possession allowances.” However, the reporting mechanisms for tracing an offload from a catcher, to a carrier, to its final offload with a dealer are not clear in the regulations. To maintain the trail of information through all stages of transfer, the regulations need to clearly state reporting requirements.

Suggested clarifications:

- Carrier vessels receiving offloads from catcher vessels – Though the regulations at § 648.7(b)(2)(i)(D)(2) clearly state that catcher vessel must report transfers to carriers via IVR and on VTR reports, they should be expanded to clearly state that the catcher vessel is required to pass the serial number from the first page of their monthly VTR report along to the carrier vessel.
- Carrier vessels offloading catch to dealers/dealers accepting catch from carriers – We have had questions from dealers who don’t understand whether to report the carrier or catcher vessel when purchasing landings from a carrier. The carrier vessel should be required to

report the VTR serial number from the catcher vessel when offloading to the dealer, and should be required to report the VTR serial number from the catcher vessel on their own VTR report to document the carrying activity. The regulations should be expanded to explain that the dealer accepting herring is responsible for reporting the VTR serial number from the catcher vessel NOT the carrier vessel.

- Vessels offloading catch for personal use as bait – As stated in the AM5 discussion document, it is likely that a number of vessels are not reporting offloads of herring to vessels for personal use as bait. These transactions can be better documented with a few key limitations to at-sea transfers by permit category.

The current regulations regarding transfer at sea (§ 648.13 (f)) are referenced at the end of this document. As a summary of the current situation, most vessels are allowed to receive herring for personal use as bait, all herring permit holders may transfer herring at sea as bait provided that they don't exceed their possession limit and have a Transfer-at-sea LOA, and all herring permit holders can transfer herring to a carrier, provided that both vessels have the appropriate LOAs.

To maintain integrity of possession limits, we recommend a scheme that prohibits vessels that hold herring permits associated with possession limits (i.e., Category C and D permits) from offloading herring at sea. Only herring vessels participating in the directed fishery (Category A or B permits) should be able to offload herring landings to a carrier vessel or to a vessel that needs herring for personal use as bait. This is consistent with Option 1 (2.3.3.1) in the restructured Draft Discussion Document. As in Option 1, Category C and D vessels would be able to obtain an LOA to act as a carrier at sea.

We also recommend the following alternatives to provide for a greater understanding of transfers at-sea for personal use as bait. All options below can be combined with other options currently presented in 2.3.3 of the restructured Draft Discussion Document, in order to accommodate transfers to/from Category D vessels.

Option A: Status Quo—all vessels can receive herring for personal use as bait without further regulatory requirements. See current Transfer at Sea regulations at the end of this document.

Option B: The element of Option 2 under “Measures to Address Transfers at Sea” (2.3.3.2 in the restructured Draft Discussion Document) that prohibits non-permitted herring vessels from receiving at-sea transfers is appealing. To allow vessels to continue to receive herring for use as bait in other fisheries, but provide some control for monitoring, vessels desiring to use herring as bait should be required to obtain a Federal Open Access herring permit (Category D) and a “Bait Transfer LOA” to receive bait for personal use.

This new “Bait Transfer LOA” could facilitate monitoring of the universe of vessels by providing a two-ticket reporting system—NMFS would receive information about herring transfers at sea for bait from both the transferring and receiving vessels. The LOA and regulations associated with the Bait Transfer LOA could be similar to those for the Carrier LOA, such that they would clearly define a minimum participation period for this LOA, prohibit participants from fishing for herring or carrying gear that can land herring while receiving bait, and would lay out specific reporting requirements that may override the reporting provisions of the Category D permit.

Option C: Model at-sea bait transfer regulations like those for small mesh-multispecies at § 648.13 (c) and skate at § 648.13 (h). As with herring, both of these fisheries require the transferring vessel to carry an LOA, but also require the receiving vessel carry documentation of the transfer, in the form of a written receipt, to justify possession of the transferred fish.

Finally, many vessels currently carry all four of the available LOAs (purse seine, mid-water trawl, carrier and transfer at sea). It would help our understanding of the types of at-sea transfers that are occurring to limit the combinations of LOAs certain vessels can have, and allow the LOA to further define each vessel as a receiving or transferring vessel. We recommend that the LOA scheme be limited as follows:

- a) Purse seine and mid-water trawl LOAs – Only Category A and B herring vessels are allowed to have these LOAs (see § 648.80 (d)); this provision would continue as written. Vessels with these LOAs could choose EITHER the Carrier LOA OR the Transfer At Sea LOA, but not both.
 - b) Carrier LOA – All permit categories could qualify for this LOA. Choosing this LOA would limit the vessel to acting only as a carrier during the participation period (or as a catcher vessel if choosing to fish), meaning that the vessel would be disqualified from receiving a Transfer at Sea LOA. This will help to remedy issues with dockside monitoring (referenced below).
 - c) Transfer At Sea LOA – The ability to obtain this LOA would depend on permit category, i.e. vessels with possession limits should be prohibited from transferring at sea (Option 1 in the restructured document). Choosing this LOA would limit the vessel to transfers at sea during the participation period, meaning that the vessel could offload to carrier vessels or sell to bait vessels, but would not be able to receive herring from other vessels.
3. *Dockside sampling of fish from carrier vessels.* At-sea transfers of herring sometimes come from multiple catcher vessels to a single carrier vessel, where the catch is mixed in the vessel hold. This makes biological sampling of catch impossible because there is no way to tell what area/vessel the catch came from, confounding some of the elements of the proposed dockside sampling schemes presented in AM5. How do current dockside sampling programs at the state level address this issue?

To remedy this issue, it may be effective only allow carrier vessels to receive transfers at sea. To accomplish this, the transfer at-sea LOA could be reduced in scope to allow only vessels operating under the LOA to offload to carrier vessels or vessels buying bait at sea. This would mean that vessels operating under a carrier LOA would be the only vessels that would have landings from multiple vessels in their holds. Dockside samplers could then collect information from all non-carrier vessels with the knowledge that the fish in their holds only came from that individual vessel's fishing activities.

Transfers at sea.

§ 648.13 (f) Atlantic herring . With the exception of transfers made to an at-sea processing vessel issued the required permit under §648.6(a)(2)(ii), any person or vessel, including any vessel issued an Atlantic herring permit, is prohibited from transferring, receiving, or attempting to transfer or receive any Atlantic

herring taken from the EEZ, except as authorized in this paragraph (f), and in compliance with reporting requirements at §648.7 (b)(2)(i)(D).

(1) Personal use as bait. (i) The operator of a vessel that is not issued an Atlantic herring permit may purchase and/or receive Atlantic herring at sea for personal use as bait, provided the vessel receiving the transfer does not have purse seine, midwater trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board;

(ii) A vessel issued an Atlantic herring permit may transfer herring at sea to another vessel for personal use as bait:

(A) Provided the transferring vessel is issued a letter of authorization to transfer fish. The operator of the transferring vessel must show the letter of authorization to a representative of the vessel receiving fish or any authorized officer upon request; and

(B) Provided that the transfer of herring at sea to another vessel for personal use as bait does not exceed the possession limit specified for the transferring vessel in §648.204, except that no more than 2,000 lb (907.2 kg) 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 in §648.201.

(2) Atlantic herring carrier vessels. (i) A vessel issued an Atlantic herring permit may operate as a herring carrier vessel and receive herring provided it is issued a carrier vessel letter of authorization and complies with the terms of that authorization, as specified in §648.4(a)(10)(ii).

(ii) A vessel issued an Atlantic herring permit may transfer herring at sea to an Atlantic herring carrier up to the applicable possession limits specified in §648.204, provided it is issued a letter of authorization for the transfer of herring and that no more than 2,000 lb (907.2 kg) of herring may be caught or transferred at sea per trip or per calendar day if the vessel is in, or the fish were harvested from, an area closed to directed fishing as specified in §648.201.



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**GULF OF MAINE (GOM)/GEORGES BANK (GB) HERRING MIDWATER TRAWL GEAR
AUTHORIZATION LETTER**

The above named vessel is authorized to fish with midwater trawl gear in the Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area, including Closed Area I, Closed Area II, the Nantucket Lightship Closed Area, and other areas closed for Northeast (NE) multispecies conservation under 50 CFR 648.81, with nets of less than the minimum mesh size specified in 50 CFR 648.80(a)(3)(ii), provided that it complies with the following conditions and requirements, and all other applicable regulations:

1. This authorization letter must be carried on board the above named vessel.
2. Midwater trawl gear must be used exclusively when fishing under this authorization during the participation period specified above. 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. No other gear capable of catching multispecies may be on board the above named vessel.
3. When fishing north of 42°20' N. latitude, the above named vessel may not fish for, possess, or land any other species of fish except for Atlantic herring, blueback herring or Atlantic mackerel, provided the above named vessel has a valid Federal Atlantic mackerel and/or Atlantic herring permit and abides by the regulations found at 50 CFR 648 Subpart B and Subpart K, respectively. NE multispecies may only be possessed as specified below in item 5.
4. When fishing south of 42°20' N. latitude, the above named vessel may not fish for, possess, or land any other species of fish except for Atlantic herring, blueback herring, Atlantic mackerel or squid, provided the above named vessel has a valid Federal Atlantic mackerel, *Loligo* squid, *Illex* squid and/or Atlantic herring permit and abides by the regulations found at 50 CFR 648 Subpart B and Subpart K, respectively. NE multispecies may only be possessed as specified below in item 5.
5. The above named vessel is not allowed to fish for, possess or land NE multispecies, unless it has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, in which case it 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 following bycatch caps and catch allowances (which are specified in §648.86(a)(3)). The haddock bycatch cap is equal to 0.2 percent of the total combined target total allowable catch (TAC) for GOM and GB haddock. When the Regional Administrator has determined that the incidental haddock catch allowance has been caught, all vessels issued a herring permit or fishing in the Federal portion of the GOM/GB Herring Exemption Area (specified in § 648.86 (a)(3)(ii)(A)(1)) 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 specified in §648.23(b) while transiting the Exemption Area. Upon this determination, the haddock possession limit is reduced to 0 lb for all vessels that have an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit regardless of where they were fishing. If the above named vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, it may also possess and land up to 100 lb of other regulated multispecies (combined) on a trip that does not use a NE multispecies day-at-sea (DAS). Such haddock or other regulated NE multispecies may not be sold, purchased, received, traded, bartered, or transferred, or attempted to be sold, purchased, received, traded, bartered, or transferred for, or intended for, human consumption. If the above named vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring permit, it may not discard haddock that has been brought on the deck or pumped into the hold.
6. The above named vessel must carry observers if required by the National Marine Fisheries Service (NMFS), or in

Both pages of this certificate must be on board the vessel named above during the participation period specified above.

order to fish in Closed Area I as specified below in item 12.

7. If the above named vessel has an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, it must provide notice to NMFS of the vessel name; contact name for coordination of observer deployment; telephone number for contact; whether the operator will or intends to fish in Closed Area I; and the date, time, and port of departure, at least 72 hr prior to beginning any trip into these areas for the purposes of observer deployment.
8. If the above named vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, and is on a declared herring trip, it must notify NMFS Office of Law Enforcement through VMS of the time and place of offloading at least 6 hr prior to crossing the VMS demarcation line on its return trip to port, or, if it has not fished seaward of the VMS demarcation line, at least 6 hr prior to landing.
9. There is a minimum enrollment period of 7 calendar days. If the above named vessel has been issued this exemption authorization for a period longer than 7 calendar days, it may withdraw from the exemption authorization no earlier than 7 days after the first day of the participation period noted above. The above named vessel's owner may request a withdrawal by calling the NMFS, Northeast Region Permit Office at (978) 281-9370. The vessel will not be officially withdrawn until it returns the valid Letter of Authorization to the Permit Office at the address above and receives a Withdrawal Notice issued by NMFS.
10. The vessel may be issued GOM/GB authorizations for midwater trawl and purse seine gear at the same time.
11. The vessel may not use, or have available for use, midwater trawl gear in Atlantic herring management Area 1A between June 1 and September 30.
12. If the above vessel has an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, and any part of a midwater trawl tow occurs inside Closed Area I:
 - a. The vessel must have an observer onboard. A vessel may transit Closed Area I without an observer, provided that all fishing gear is stowed and not available for immediate use.
 - b. All fish that can be pumped must be pumped aboard the vessel, and fish may not be released from the codend of the net before they can be sampled by the observer, unless otherwise specified in 12.c. below.
 - c. Catch may be released unsampled if the vessel operator finds: That pumping the catch could compromise the safety of the vessel; that mechanical failure precludes bringing some or all of a catch aboard the vessel; or that spiny dogfish have clogged the pump and consequently prevent pumping of the rest of the catch. All reasonable efforts (including strapping and splitting the net) to pump as much of the catch as possible should be made before releasing the codend. Small amounts of fish that remain in the net at the end of normal pumping operations, because they are too large for the pump grate or are floating and cannot be pumped, may be released without sampling or triggering either of the requirements detailed in 12.d. below.
 - d. Following a release of fish, the vessel must stop fishing and exit Closed Area I, but may continue to fish outside of Closed Area I on that trip. In addition, the vessel operator must complete and sign the Closed Area I Midwater Trawl Released Codend Affidavit, which includes the following information: Vessel name and permit number; the VTR serial number; where, when, and for what reason the catch was released; the total weight of fish caught on that tow; and the weight of fish released and submit it to NMFS at the end of that trip. Copies of the Closed Area I Midwater Trawl Released Codend Affidavit form are available online at www.nero.noaa.gov or by calling 978-281-9315.

Failure to comply with any of the above provisions, or the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, automatically and immediately voids this authorization and subjects the violator to fines and/or permit sanctions.

PRIVACY ACT STATEMENT: Under the provision of the Privacy Act of 1974 (Public Law 93-579), no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

BURDEN STATEMENT: The GOM/GB Midwater Trawl Gear Authorization is approved under OMB Control #0648-0202, and is approved for use through 11/30/09. Public reporting burden for this collection of information is estimated to average 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to National Marine Fisheries Service, Fishery Management Operation Division, 55 Great Republic Drive, Gloucester, MA 01930. OMB # 0648-0202 EXP 11/30/09. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. This authorization certificate supersedes and replaces any valid Federal Northeast authorization certificate previously issued to the vessel named above in the same fishery.

Both pages of this certificate must be on board the vessel named above during the participation period specified above.



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**GULF OF MAINE (GOM)/GEORGES BANK (GB) HERRING PURSE SEINE GEAR
AUTHORIZATION LETTER**

The above named vessel is authorized to fish with purse seine gear in the Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area with nets of less than the minimum size specified at 50 CFR 648.80(a)(3)(ii) provided that it complies with the following conditions and requirements specified at 50 CFR 648.80(e), and all other applicable regulations:

1. This authorization letter must be carried on board the above named vessel.
2. Purse seine gear must be used exclusively when fishing under this authorization during the participation period specified above. A purse seine is defined as an encircling net with floats on the top edge, weights and a purse line on the bottom edge, and associated gear, or any net designed to be, or capable of being used in such fashion. No other gear capable of catching multispecies may be on board the vessel.
3. The above named vessel may not fish for, possess, or land any other species of fish except for Atlantic mackerel, Atlantic herring, blueback herring, or menhaden, provided the vessel has a valid Federal Atlantic mackerel and/or Atlantic herring permit and abides by the regulations found at 50 CFR 648 Subpart B and Subpart K, respectively. Northeast (NE) multispecies may only be possessed as specified below in item 4.
4. The above named vessel is not allowed to fish for, possess or land Northeast (NE) multispecies, unless it has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, in which case it 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 following bycatch caps and catch allowances (which are specified in §648.86(a)(3)). The haddock bycatch cap is equal to 0.2 percent of the total combined target total allowable catch (TAC) for GOM and GB haddock. When the Regional Administrator has determined that the incidental haddock catch allowance has been caught, all vessels issued a herring permit or fishing in the Federal portion of the GOM/GB Herring Exemption Area (specified in § 648.86 (a)(3)(ii)(A)(1)) 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 specified in §648.23(b) while transiting the Exemption Area. Upon this determination, the haddock possession limit is reduced to 0 lb for all vessels that have an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit regardless of where they were fishing. If the above named vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, it may possess and land up to 100 lb of other regulated multispecies (combined) on a trip that does not use a NE multispecies DAS. Such haddock or other regulated NE multispecies may not be sold, purchased, received, traded, bartered, or transferred, or attempted to be sold, purchased, received, traded, bartered, or transferred for, or intended for, human consumption. If the above named vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring permit, it may not discard haddock that has been brought on the deck or pumped into the hold.

This authorization certificate supersedes and replaces any valid Federal Northeast authorization certificate previously issued to the vessel named above in the same fishery. Both pages of this certificate must be on board the vessel named above during the participation period specified above.



5. The above named vessel must carry observers if required by the National Marine Fisheries Service.
6. If the above named vessel has an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, it must provide notice to NMFS of the vessel name; contact name for coordination of observer deployment; telephone number for contact; and the date, time, and port of departure, at least 72 hr prior to beginning any trip into these areas for the purposes of observer deployment.
7. If the above named vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit, and is on a declared herring trip, it must notify NMFS Office of Law Enforcement through VMS of the time and place of offloading at least 6 hr prior to crossing the VMS demarcation line on its return trip to port, or, if it has not fished seaward of the VMS demarcation line, at least 6 hr prior to landing.
8. There is a minimum enrollment period of 7 calendar days. If the above named vessel has been issued this exemption authorization for a period longer than 7 calendar days, it may withdraw from the exemption authorization no earlier than 7 days after the first day of the participation period noted above. The above named vessel's owner may request a withdrawal by calling the NMFS, Northeast Region Permit Office at (978) 281-9370. The vessel will not be officially withdrawn until it returns the valid Letter of Authorization to the Permit Office at the address above and receives a Withdrawal Notice issued by NMFS.
9. The vessel may be issued GOM/GB authorizations for midwater trawl and purse seine gear at the same time.

Failure to comply with any of the above provisions, or the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, automatically and immediately voids this authorization and subjects the violator to fines and/or permit sanctions.

PRIVACY ACT STATEMENT: Under the provision of the Privacy Act of 1974 (Public Law 93-579), no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

BURDEN STATEMENT: The Gulf of Maine/Georges Bank Purse Seine Gear Authorization is approved under OMB Control #0648-0202, and is approved for use through 11/30/09. Public reporting burden for this collection of information is estimated to average 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to National Marine Fisheries Service, Fishery Management Operation Division, 55 Great Republic Drive, Gloucester, MA 01930-2298.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

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ATLANTIC HERRING CARRIER VESSEL AUTHORIZATION LETTER

The above named vessel is authorized to receive, transport, and transfer Atlantic herring caught by another vessel during the above specified participation period, provided the above named vessel complies with the conditions and requirements specified below, and all other applicable regulations:

1. This Authorization Letter (including the attached July 29, 2008, Atlantic Herring Permit Holder Letter) and a valid Federal Atlantic herring permit must be carried on board the above named vessel.

2. The above named vessel may only serve as an Atlantic Herring Carrier Vessel during the participation period specified above.

3. The above named vessel is exempt from Vessel Monitoring System (VMS) and Interactive Voice Reporting (IVR) vessel reporting requirements; these exemptions are specified in §§ 648.4(a)(10)(ii) and 648.7(b)(2)C, respectively.

4. The owner/operator of the above named vessel must report all herring carried from each harvesting (catcher) vessel on a given trip on its Fishing Vessel Trip Report (VTR) consistent with the guidance provided on pages 18-19 in the attached July 29, 2008, Atlantic Herring Permit Holder Letter.

5. When operating under this Authorization Letter during the participation period, the above named vessel:

May not possess, transfer, or land any species except for Atlantic herring, except that they may possess Northeast multispecies transferred by 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. Those possession limits are unlimited for haddock and 100 lb, combined, of other regulated Northeast multispecies (cod, witch flounder, plaice, yellowtail flounder, pollock, winter flounder, windowpane flounder, redfish, and white hake);

May not conduct fishing activities or possess any fishing gear on board the vessel; and,

Must be used exclusively as an Atlantic herring carrier vessel for the duration of the participation period specified in this Authorization Letter.

6. The above named vessel must carry observers if required by the National Marine Fisheries Service (NMFS).

7. While operating under Authorization Letter, the above named vessel is exempt from any herring possession limits associated with the Federal Atlantic Herring Permit categories.

*All pages of this certificate must be on board the vessel named above during the participation period specified above.

8. There is a minimum enrollment period of 7 calendar days. The above named vessel may withdraw from the Atlantic Herring Carrier Vessel status provided by this Authorization Letter no earlier than 7 days after the first day of the participation period noted above. The above named vessel's owner may request a withdrawal by calling the NMFS, Northeast Region Permit Office at (978) 281-9370. The vessel will not be officially withdrawn until it returns the valid Atlantic Herring Carrier Authorization Letter to the Permit Office at the address above and receives a Withdrawal Notice issued by NMFS.

Failure to comply with any of the above provisions, or the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, automatically and immediately voids this authorization and subjects the violator to fines and/or permit sanctions.

PRIVACY ACT STATEMENT: Under the provision of the Privacy Act of 1974 (Public Law 93-579), no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

BURDEN STATEMENT: The Atlantic Herring Carrier Vessel Authorization Letter is approved under OMB Control #0648-0202, and is approved for use through 11/30/09. Public reporting burden for this collection of information is estimated to average 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to National Marine Fisheries Service, Fishery Management Operation Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.

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AUTHORIZATION TO TRANSFER AND RECEIVE ATLANTIC HERRING AT SEA

In accordance with the regulations found at 50 CFR 648.13(f), the above named vessel is authorized to transfer or receive Atlantic herring at sea, provided it complies with the conditions and requirements specified below and all other applicable regulations. The above named vessel is not authorized to transfer or receive any species managed under Federal regulations that are not specifically listed in this authorization. A separate authorization must be obtained to transfer or receive *Illex* squid, *Loligo* squid, butterfish, silver hake, or red hake at sea.

1. This authorization (including the attached July 29, 2008, Atlantic Herring Permit Holder Letter) and a valid Federal Atlantic herring permit must be carried on board the above named vessel.
2. The vessel to which Atlantic herring is transferred must have been issued, and carry on board the vessel, a valid Federal Atlantic herring permit and this authorization; or a valid at-sea processor permit; or an Atlantic Herring Carrier Vessel Authorization Letter and a valid Federal Atlantic herring permit. The above named vessel may transfer Atlantic herring to a vessel that is not issued a Federal Atlantic herring permit or this authorization, provided the receiving vessel uses the herring received solely for its own use as bait and does not have purse seine, mid-water trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board.
3. When transferring Atlantic herring at sea, the owner/operator of the above named vessel must report on its Fishing Vessel Trip Report (VTR) and via the Interactive Voice Response (IVR) system consistent with the guidance provided on pages 10-17 in the attached July 29, 2008, Atlantic Herring Permit Holder Letter.
4. When receiving Atlantic herring at sea, the owner/operator of the above named vessel must report on its VTR and via the IVR system consistent with the guidance provided on pages 20-21 in the attached July 29, 2008, Atlantic Herring Permit Holder Letter.
5. The above named vessel may not transfer to, or receive from, any vessel a quantity of Atlantic herring in excess of the possession limits specified in § 648.204. Additionally, the vessel may not transfer or receive more than 2,000 lb of Atlantic herring per day in or from a management area closed to directed fishing for Atlantic herring.
6. The above named vessel, if authorized to transfer Atlantic herring to Internal Waters Processing or Joint Venture vessels, may not transfer Atlantic herring to such vessels in or from a management area closed to directed fishing for Atlantic herring.
7. The above named vessel may not transfer Atlantic herring to a Canadian transshipment vessel that is permitted in accordance with Pub. L. 104-297, if the amount of Atlantic herring transshipped would cause the amount of the Border Transfer, specified pursuant to § 648.200, to be exceeded.
8. The above named vessel must show this authorization to any representative of the vessel receiving fish and/or any authorized officer upon request.
9. Each at sea transfer from the above named vessel to another vessel constitutes a trip for purposes of vessel possession restrictions.

Failure to comply with any of the above provisions, or the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, automatically and immediately voids this authorization and subjects the violator to fines and/or penalties.

*All pages of this certificate must be on board the vessel named above during the participation period specified above.



PRIVACY ACT STATEMENT: Under the provision of the Privacy Act of 1974 (Public Law 93-579), no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

BURDEN STATEMENT: The authorization to transfer fish at sea is approved under OMB Control #0648-0202, and is approved for use through 11/30/09. *Public reporting burden for the requirement for a receipt for transferred fish is estimated to average 1 minute per response*, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Paperwork Reduction Act requires that potential respondents for a receipt for transferred fish be notified of certain information regarding their rights and the burden associated with writing and retaining a receipt. The purpose of writing and retaining a receipt for fish transferred at sea is to ensure that the management measures designed to protect whiting and red hake remain effective. Send comments regarding this burden estimate or suggestions for reducing this burden to National Marine Fisheries Service, Fishery Management Operation Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control # 0648-0202 EXP 11/30/09

*All pages of this certificate must be on board the vessel named above during the participation period specified above.