

Atlantic States Marine Fisheries Commission

TECHNICAL ADDENDUM I

to

**Amendment 2 to the Interstate Fishery Management Plan for
Atlantic Herring**



Approved August 14, 2006

Purpose

Technical Addendum I to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring (Amendment) was drafted in order to clarify the language contained in the Executive Summary and the Zero Tolerance (*Section 4.3.2.3*) provision of the Amendment.

Background

The Atlantic Herring Section (Section) approved Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring in January 2006. One of the major issues addressed by Amendment 2 regards spawning restrictions in the Atlantic herring fishery. The Zero Tolerance spawning provision (*Section 4.3.2.3*) contained in Amendment 2 reads:

Any vessel is prohibited to fish for, take, land, or possess “spawn” herring, as identified below, from or within a restricted spawning area. “Spawn” herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

Any vessel may fish for, take, land, or possess “spawn” herring from a management area outside of those identified in the Delineation of Spawning Areas. Any herring vessel having onboard spawn herring, which were caught outside of a management area that is under a herring spawning closure, may transit the closed area only if all of its fishing gear has been stowed.

An incidental bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures. This bycatch allowance will not be subject to the tolerance provision, i.e. vessels may land “spawn” herring as long as said vessel lands no more than 2,000 pounds. The amount of herring landed by one vessel in a day, as a bycatch allowance, shall not exceed 2,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). A trip shall be based on a calendar day basis.

Statement of Problem

Based on discussions between affected states, it became evident that the original language did not clearly reflect the decision made by the Section in January 2006. Contention focused on use of the word ‘spawn’ in the provision as described above; some states interpreted this language to mean vessels could be in closure areas during restricted times as long as they were directing their fishing efforts on herring not in ICNAF gonadal stages V and VI. The Section met in May 2006 and agreed that the language in the Amendment needed to be corrected through a Technical Addendum.

Technical Addendum Corrections

This Technical Addendum modifies the following sections to read:

Executive Summary – 4.3.2.3 Tolerance Provision -- Zero Tolerance

Any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area except for the incidental bycatch and transiting provisions of Section 4.3.2.3.

Any vessel may fish for, take, land, or possess “spawn” herring from a management area outside of those identified in the Delineation of Spawning Areas. Any herring vessel having onboard spawn herring, which were caught outside of a management area that is under a herring spawning closure, may transit the closed area only if all of its fishing gear has been stowed. “Spawn” herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

4.3.2.3 Tolerance Provision – Zero Tolerance

Any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area. Vessels are permitted to transit the restricted spawning areas with herring on board provided they comply with the provisions listed in the following two paragraphs.

Any vessel may fish for, take, land, or possess “spawn” herring from a management area outside of those identified in the Delineation of Spawning Areas. Any herring vessel having onboard spawn herring, which were caught outside of a management area that is under a herring spawning closure, may transit the closed area only if all of its fishing gear has been stowed. “Spawn” herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

An incidental bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures. This bycatch allowance will not be subject to the tolerance provision, i.e. vessels may land “spawn” herring as long as said vessel lands no more than 2,000 pounds. The amount of herring landed by one vessel in a day, as a bycatch allowance, shall not exceed 2,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). A trip shall be based on a calendar day basis.