



New England Fishery Management Council

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## SUMMARY OF DISCUSSION

### Herring Advisory Panel

#### (No Quorum)

Doubletree Hotel, Danvers, MA  
February 13, 2014

#### *Meeting Attendance:*

Herring Advisory Panel Members: Jennie Bichrest, Peter Mullen, Don Swanson, Adam Holbrook, Dave Ellenton, Gerry O'Neill Jr. (6 of 15 advisors present), Lori Steele, Rachel Feeney NEFMC staff; Ryan Raber, JJ Bilodeau, Paul Davidson (F/V Providian); Brad Schondelmeier (MA DMF).

**Due to inclement weather, low attendance resulted in a lack of a quorum at this meeting. Therefore, no formal Herring Advisory Panel recommendations were developed at this meeting. The statements provided in this report represent the perspective(s) of individual Herring AP members and do not reflect a consensus or majority opinion of the Herring Advisory Panel.**

The Herring Advisory Panel (AP) members who were present at the meeting discussed the two primary elements of Framework 4 to the Atlantic Herring Fishery Management Plan (FMP): dealer weighing provisions and measures to address net slippage.

#### *Framework 4 – Dealer Weighing Alternatives*

The Herring AP members at this meeting discussed the development of alternatives in Framework 4 to address the disapproved dealer weighing provisions in Amendment 5, with revisions to include additional weighing and handling standards to address NMFS' concerns.

- Several AP members expressed concern with alternatives that would require all processors to use scales to weigh all herring catch because of the cost this may impose, especially on smaller operations. Larger processors already use scales to weigh fish in the plants, but current regulations define *processing* broadly to include salting for bait purposes, thereby including a very large number of small bait dealers throughout the region. Moreover, Advisory Panel members noted that some docks/landing facilities may not even be able to accommodate scales. Several AP members favored alternatives that would standardize how the weight of herring catch determined (see below).

- The AP members at this meeting generally supported further development/consideration of alternatives to provide a mechanism for third-party verification of catch through volumetric certification, which were considered at one point during the development of Amendment 5. These alternatives could require observers, portside samplers, and/or port/enforcement agents to “dip” vessel fish holds at the first point of landing, to certify or provide a third-party estimate of total catch on board. The estimate would be based on a standardized conversion to pounds of herring from a volumetric measurement in the fish hold. Alternatives that require volumetric certification of dealer trucks and storage containers, although more complicated, could be considered as well.
- The advisors at this meeting agreed that much of the information needed to develop alternatives for third-party catch verification and standardization of volumetric estimates is already available in the Council staff discussion paper prepared during the development of Amendment 5 (Appendix I *Potential Applicability of Flow Scales, Hopper Scales, Truck Scales, and Volumetric Measurement in the Atlantic Herring Fishery*). The AP members also noted that many herring vessel fish holds have already been sealed, calibrated, and measured by a marine surveyor. Vessels are required to survey and mark their fish holds in the state of Maine, and vessels in the mackerel fishery were already required to certify the capacity of their fish holds.
- Ms. Bichrest and Mr. Holbrook agreed that the conversions provided in the Amendment 5 staff discussion paper (cubic ft. to pounds of herring) are consistent with their volumetric conversions. Other industry members at the meeting agreed that there are a very limited number of storage containers commonly utilized in the bait fishery. Most dealers load bait in either herring boxes or tanker trucks. The most common “herring box” (information from [www.fishtotes.com](http://www.fishtotes.com)) is 35 cubic feet in capacity. The manufacturer website lists the box as weighing 2,200 pounds, which the industry generally assumes to hold 2,000 pounds of herring. Based on the conversion of 1 cubic ft./56.2 pounds of herring (see Amendment 5 Appendix I Discussion Paper), this tub/tote could be standardized to hold 1,967 pounds of herring. If a 5% “buffer” is applied to account for water, which was noted by Ms. Bichrest to be a common practice, this converts to a total weight of 1,869 pounds of herring per tote.
- Mr. Holbrook confirmed that he has purchased herring based on a weight of 1,800 pounds/tote for many years. He also noted that the industry standard is generally 22 tubs (herring boxes) per flatbed, which he equates to 39,600 pounds (22 x 1,800). He said that as part of his operation, he weighs and freezes the herring that he purchases, with the addition of a small amount of water during the freezing process. The average frozen weight of the 39,600 pounds of herring is 42,000 pounds; these numbers are consistent with the conversion factor identified in the Amendment 5 discussion paper, plus a 5% buffer to account for water/ice.
- Ms. Bichrest suggested that the same approach could be applied to certify/mark tanker trucks using the conversions from gallons to pounds of herring provided in the Amendment 5 discussion paper. She expressed support for this approach primarily because it would improve consistency of prices for bait dealers. She believes that current dealer reporting provides accurate information and felt that these measures would not likely enhance catch reporting but could reduce price fluctuations by providing a standard conversion for volumetric conversion to weight.

- The Herring AP members who were present at this meeting felt that provisions for requiring third-party verification of herring catch should be applied across all limited access permit holders in the herring fishery (Categories A, B, and C). Third-party verification would not necessarily be required for every landing event, but the Advisory Panel members expressed support for including Category C vessels in this alternative, with requirements for third-party verification required on trips that are sampled by either an observer or portside sampler.
- Regarding the reconsideration of Alternative 2C from Amendment 5, several AP members present at the meeting expressed concern about requiring dealer reports to be submitted within 24 hours. The dealers and processors who were present at this meeting noted that in the herring fishery, offloads can sometimes take more than 24 hours.
- Some AP members suggested that additional reporting and collection-of-information requirements for the fishery not be permanently adopted without assessment of whether correct/accurate data are being collected and consideration of how data collection can be streamlined for the industry.

### *Measures to Address Net Slippage*

The Herring AP members discussed alternatives to address the disapproved net slippage provisions in Amendment 5.

- Many of the AP members at this meeting expressed concern about measures that would prohibit operational discards on midwater trawl vessels in the directed herring fishery. They noted that operational discards are a normal part of fishing operations and represent very small amounts of fish, and that observers have no trouble documenting them. Some industry members noted that it is not possible to safely bring these fish on board in many instances and urged the Council to clarify that the measures to address net slippage in Framework 4 should not apply to operational discards.
- The Advisory Panel members present at the meeting discussed the proposed exemptions for safety, mechanical failure, and spiny dogfish. Mr. O'Neill stated that there is very little "grey area" with these exemptions because the observers see everything that happens on the fishing vessel. He felt that the observers are experienced enough and knowledgeable enough to confirm slippage events based on mechanical failure and spiny dogfish. The AP members at the meeting also agreed that between the observer records and a Released Catch Affidavit, there should be sufficient information to confirm a slippage event due to a safety concern.
- With respect to the options under consideration in Framework 4, several advisors noted that if a vessel slips catch because of vessel capacity, the vessel is going to end the trip anyway; in addition, if a vessel slips catch because of spiny dogfish, it will most likely move to another area.
- Mr. Ellenton and Mr. O'Neill expressed support for the no action alternative. Mr. Ellenton pointed out the Mackerel Advisory Panel's support for the no action alternative during the Mid-Atlantic Council's discussion of Framework 9 alternatives (measures to address net slippage in the mackerel fishery). He and Mr. O'Neill felt that the measures are overly complicated and burdensome to address an issue that is not significant in terms of monitoring catch in the herring fishery. Mr. O'Neill noted that the full sampling provisions implemented in Closed Area I (and soon throughout the fishery in Amendment 5) will reduce slippage to

the extent possible, and other measures implemented through Amendment 5 will further enhance the observer's ability to full sample the catch.

- Several Advisory Panel members who were present at this meeting expressed support for the Mid-Atlantic Council's Alternative 2 in Framework 9. This alternative would not implement additional accountability measures for slippage events due to safety, mechanical failure, or spiny dogfish, but it would require trip termination for slippage events that occur for any other reason.

### *Other Issues*

- The Advisory Panel members briefly discussed the development of the omnibus amendment to establish provisions for industry-funded monitoring. Ms. Steele noted that the FMAT is scheduled to meet at the Regional Office on March 7, 2014, and she encouraged Advisory Panel members to attend this meeting. The Advisory Panel members agreed to revisit this issue at a later date.
- Several Advisory Panel members who attended this meeting expressed concern about monitoring the haddock catch cap and significant concern about monitoring the upcoming RH/S catch cap, given the current methodology for catch cap accounting, recent troubles with real-time haddock cap monitoring, and staffing/resource shortfalls at the NMFS Regional Office.
- Mr. Mullen expressed concern about the number of unsubstantiated rumors that have been circulating concerning bycatch on herring fishing operations. He urged the Council to not take further management action without data to support claims that are being made about the fishery.

Ms. Steele agreed to further develop the range of alternatives for Framework 4 based on the Advisory Panel members' feedback and to schedule a Herring Advisory Panel conference call during March to solicit more feedback from the members who were not able to attend this meeting. The Herring Advisory Panel will meet again in early April to review the range of alternatives and develop recommendations for the Herring Committee and Council regarding the final selection of measures for Framework 4 to the Herring FMP.